

**MARYLAND TRANSPORTATION AUTHORITY
MONTHLY CAPITAL COMMITTEE MEETING
THURSDAY, JULY 10, 2014
PT. BREEZE HEADQUARTERS BUILDING
BALTIMORE, MD**

OPEN SESSION

MEMBERS ATTENDING: Rev. Dr. William C. Calhoun, Sr.
William K. Hellmann, P.E.
Bradley Mims
Michael J. Whitson – via telephone

STAFF ATTENDING: Bruce Gartner
Deb Sharpless
Doug Hutcheson
Dan Williams
Dennis Simpson
James Harkness
John Sales
Suhair Alkhatib
Timothy Cooke
Donna DiCerbo
Meshelle Howard
Dave LaBella
Robert Michael
Kimberly Millender, Esquire

OTHERS ATTENDING: Elizabeth Sogard, Consultant, Transtech

At 9:05 a.m. the meeting of the Maryland Transportation Authority (MDTA) Capital Committee was called to order by Chairman Calhoun. Upon motion by Mr. Mims and seconded by Mr. Hellmann, the agenda was unanimously reviewed and approved.

APPROVAL- OPEN SESSION MINUTES OF JUNE 5, 2014

Upon motion by Mr. Mims and seconded by Mr. Whitson, the Open Session meeting minutes of the Capital Committee's Meeting held on June 5, 2014 were unanimously approved.

APPROVAL CONTRACTS**Contract No. MA 2695-000-006 – Upgrade and Replacement Existing Weigh Stations**

Mr. David LaBella presented this request to seek a recommended approval from the Capital Committee to present Sole Source Contract No. MA 2695-000-006, Upgrade and Replace Existing Weigh Stations to the full MDTA Board at its next scheduled meeting.

The work to be performed under this contract is located at the John F Kennedy Toll Plaza, Thomas J. Hatem Memorial Bridge Toll Plaza, and the Bay Bridge Toll Plaza located in Anne Arundel and Cecil Counties.

The scope of work includes replacement of the static scales at the Maryland Transportation Authority's weigh stations at John F. Kennedy Memorial Highway (Northbound and Southbound I-95), Thomas J. Hatem Memorial Bridge (Eastbound and Westbound US 40), and William Preston Lane Jr., Memorial Bridge (Eastbound and Westbound US 50/301).

Contractor	Total Cost
Mettler-Toledo, LLC Columbus, OH	\$12,473,535.93

The Office of Engineering and Construction requested approval of this Sole Source contract. The MDTA reviewed the Sole Source justification and deemed the justification to be in accordance with Code of Maryland Regulations (COMAR) 21.05.05.02 A, which states a Sole Source procurement is not permissible unless a requirement is available from a single vendor. The following are some examples of circumstances which could necessitate a Sole Source procurement: when only one source exists which meets the requirements; or when the compatibility of equipment, accessories, or replacement parts is the paramount consideration.

The Maryland Transportation Authority Police (MDTAP) Motor Carrier Division (MCD), the Maryland State Police (MSP) Commercial Vehicle Enforcement Division (CVED), and the Commercial Vehicle Safety Unit (CVSU) are responsible for the safe movement of commercial motor vehicles (CMV) along Maryland highways. As part of that enforcement, the MDTAP are responsible for checking CMV for compliance with state and federal safety laws including size and weight requirements. Overweight vehicles, in addition to being a potential safety hazard to highway traffic, put a strain on existing pavement and the design life expectancy of roads and bridges.

The Maryland State Police (MSP) and State Highway Administration (SHA) currently use the Mettler-Toledo (MT) systems at their truck weigh stations, statewide.

Purchasing the MT system allows for standardized CMV weighing at all truck weighing stations statewide and ensures consistency for CMV drivers. The compatibility of MDTA's vehicle enforcement with other State enforcement agencies is paramount for the safe and efficient travel for Maryland's motorists. In addition, MT's system is one that allows the user to weigh vehicles quickly and accurately, while exceeding the required American Society for Testing and Materials (ASTM) specifications. Each truck weigh station vendor has unique load cells, predictive diagnostic signaling, weigh-in-motion scales, and parts; however, to achieve the compatibility and complete "interchangeableness" among State enforcement agencies, it was recommended that MDTA procure the same specific weigh station system as other State agencies.

The MT system has been very successful in reducing the maintenance costs to the truck scale systems operated by the MSP and SHA. Load cells are the devices in a scale system that convert the force imposed on the scale from the weight of the truck into an electric signal, and it is the component of the scale system which is most likely to fail over time. After purchasing several MT systems over the past 10 years, a total of only two (2) load cells have required replacement by MSP and SHA. At the same time, at least one (1) load cell required monthly replacement on the existing MDTA scale systems. Currently, the MDTA is spending approximately \$120,000 each year on scale maintenance at each facility, and a majority of the cost is attributed to replacing the load cells.

The MT load cells contain integral digital signal processors that transmit digital signals at a magnitude of six (6) volts, which makes the signals extremely resistant to interference in comparison to the analog signals of competing load cells which are more susceptible to interference from electromagnetic noise. There are manufacturers that transmit digital signals through the use of exterior modules, but the exterior module adds another point of potential failure to the system. This inevitably can cause traffic and safety issues on Maryland's highways, and can cost the state of Maryland a minimum of \$10,000 each month in maintenance expenses.

Currently, MT is the only firm whose load cells automatically transmit diagnostic signals. The diagnostic signals provide error codes so the technician knows the problem before arriving at the site. The load cells transmit predictive diagnostics, as well. Predictive diagnostic signals warn of potential problems before they occur. This feature is essential as it prevents and/or shortens the down time of the truck scales, allowing for continued compliance with State and federal safety requirements and diminishes the maintenance cost by eliminating the need for field diagnostics.

Some of the truck scale systems use Weigh-In-Motion (WIM) type scales to provide preliminary truck information to determine the need to weigh individual trucks on the static scales as they pass through the facility alleviating the truck traffic over the static scales and expediting the process. MT is not the only WIM manufacturer, but the

technology of the WIM from MT is unique. MT manufactures and provides all of the equipment from the static scales to the WIM which allows the static scale and WIM to communicate and constantly calibrate. Vehicles are tracked from the WIM to the static scale with roadway detection loops. This technology is called Dynamic Auto-Calibration for which MT has registered a patent. MT is currently the only manufacturer that can legally provide this feature. This technology provides accuracy and durability that the other manufacturers are unable to provide, limits the need for MDTA staffing at the weigh stations, and reduces maintenance and replacement costs.

MDTA has worked collaboratively with MT to identify and quantify project requirements and considerations. Unique factors impacting the ultimate cost include but are not limited to:

- Significant amount of work to be subcontracted
- Longer contract duration than originally anticipated
- Numerous mobilizations required throughout the term of the contract.
- Administrative costs, such as contract risk, project management oversight, comprehensive software development and testing, overall administration, and contract bonding requirements
- Construction requirements and sequencing for the scale systems including temporary shoring, demolition, and construction of a dynamic message sign (DMS).

After numerous discussions with MT, the final Engineer's Estimate was determined to be \$11,639,796.00, which is within 7% of the contractor's bid.

The Chief Procurement Officer has deemed Mettler-Toledo, LLC, to be a responsive and responsible offeror.

The Minority Business Enterprise (MBE) participation goal for this contract is Twenty Percent (20%) with Seven Percent (7%) African American and Four Percent (4%) for Asian American subgoals. Mettler-Toledo, LLC has submitted a MBE plan that meets the goals.

As this contract exceeds delegated authority of the MDTA Resolution 14-01 dated March 27, 2014, it requires approval of the Maryland Board of Public Works.

Notice-to-Proceed (NTP) for this Contract is anticipated in August, 2014. The contract term is 730 calendar days for the construction element and five (5) years for the maintenance and warranty from Notice-to-Proceed.

After reviewing and discussing the differences between the Engineer's Estimate and the bid submitted by the recommended Contractor, upon a motion by Mr. Whitson and seconded by Mr. Mims, the Members unanimously recommended approval of this contract by the MDTA Board at its next scheduled meeting.

Contract No. HB 2687-000-006 – HVAC Replacement at Hatem Bridge Administration Building

Mr. Robert Michael presented this item to seek recommended approval from the Capital Committee to present Contract No. HB 2687-000-006, HVAC Replacement at Hatem Bridge Administration Building to the full MDTA Board at its next scheduled meeting.

The scope of work for this project includes but is not limited to:

The replacement of the aged HVAC systems at the Thomas J. Hatem Memorial Bridge Administration Building as shown on the Contract Drawings, including but not limited to: Replace air conditioning unit for the computer room, replace electric unit heaters, replace fan coil units, replace air handler unit 1, replace air handler motors for units 2 and 3, and replace existing boilers 1 and 2 with gas-fired boilers.

Remove the existing underground fuel storage tank per the Contract Drawings. BGE will design and install new gas line extension.

This project was advertised on April 4, 2014. Five (5) bids were received May 13, 2014. The responsive bid results were as follows:

Contractor	Bid Amount	% Variance To Eng. Est.
Fresh Air Concepts, LLC	\$521,698.00	2.01%
M & E Sales, Inc.	\$651,903.00	27.47%
Control Sources, LLC	\$673,514.00	31.69%
Protec Construction, Inc.	\$743,310.00	45.34%
Temp Air Company	\$746,417.00	45.95%

The Engineers Estimate for this project is \$511,431.56. An allowance of \$46,900.00 was included in the IFB for Miscellaneous Construction which will only be used if necessary and will not be used without prior approval of the Construction Manager.

Fresh Air Concepts, LLC is the lowest responsive and responsible bidder and is therefore recommended for award to the full MDTA Board. As its bid was two point zero one percent (2.01%) higher than the Engineer's Estimate, no bid justification was conducted. Fresh Air Concepts, LLC's bid was determined to be fair and reasonable. This company has performed work on prior MDTA projects.

This was advertised as a Small Business Reserve Only contract with no Minority Business Enterprise (MBE) goal requirements. Fresh Air Concepts, LLC is a certified Small Business.

Notice-to-Proceed (NTP) for this Contract is anticipated in Fall 2014. The contract term is for three hundred thirty (330) calendar days from Notice-to-Proceed.

After reviewing and discussing the differences between the Engineer's Estimate and the bid submitted by the recommended Contractor, upon a motion by Mr. Hellmann and seconded by Mr. Mims, the Members unanimously recommended approval of this contract by the MDTA Board at its next scheduled meeting.

Update – Contract No. FT 2425-000-006 – DECK REHABILITATION AND JOINT MODIFICATIONS ON BRIDGES ON I-95 SOUTH OF FORT MCHENRY TUNNEL

Mr. David LaBella presented this to update the Capital Committee on the status of the Maryland Transportation Authority's (MDTA's) project to rehabilitate several bridge decks and roadway joints on I-95 south of the Fort McHenry Tunnel.

The MDTA began construction on a 28 month project in March, 2014 to rehabilitate the bridge decks and roadway joints on 28 bridges on I-95 south of the Fort McHenry Tunnel. The project limits extend from Caton Avenue to the south tunnel portal entrance.

The bridge resurfacing work includes the removal of approximately two (2) inches of the existing wearing surface by mechanical and hydromilling means, and placement of a new surface.

Maintenance of traffic is being performed in several phases which include traffic shifts, "splitting" traffic on either side of the work zone, long-term closures of one lane on I-395 southbound, and usage of alternate routes. Reduced speed limits (50 mph) are in place as well as automated speed enforcement (ASE).

Extensive public outreach is being performed on the project, including but not limited to: radio and television spots, billboards, advisories, extensive signage, social media, toll plaza and EZPass handouts, fliers to local businesses, and the MDTA's website.

I-95 EXPRESS TOLL LANES OPENING STATUS

Mr. Dennis Simpson presented this to update on the issues and activities underway to support the opening of the I-95 Express Toll Lanes.

Mr. Simpson reviewed an attachment, which provided details of the status of activities associated with opening the I-95 Express Toll Lanes.

Member Hellmann inquired if there is any chance of opening before Thanksgiving. Mr. Simpson said there were concerns with being able to time the opening and the free period prior to Thanksgiving. Mr. Doug Hutcheson said that based on construction, it is

possible, but he will not be able to make a commitment until closer to that time. Mr. Bruce Gartner stated that he will gather staff to discuss opening prior to the holiday.

MDTA OUTREACH EFFORTS FOR MBE/SBR AND VSB FIRMS

Mrs. Meshelle Howard presented this update to the Capital Committee on the MDTA Outreach Program.

The Maryland Transportation Authority (MDTA) Division of Civil Rights and Fair Practices (CRFP) is responsible for the oversight and direction of the Outreach Program as it relates to Business Programs Compliance under the Minority Business Enterprise (MBE), the Small Business Reserve (SBR), and the Veteran Small Business Enterprise (VSBE) Programs.(COMAR Title 21.11).

Since 2010, the Division of CRFP has put on ten outreach programs entitled “Getting Your Foot in the Door”. The program series has been successful by increasing the awareness and knowledge of minority business firms on MDTA Procurement Opportunities, Procurement Processes, Procurement Types, and the MBE Certification Process as well as marketing their business, understanding and establishing administrative processes and matching their Scopes of Work. Program attendance has ranged from 30 participants to a little over 100 participants. The feedback cards submitted have read favorably such as: knowledgeable speakers, committed and passionate MDTA staff to dedicate Saturday mornings and very informative.

The Outreach Program topics have varied based on the need of the MDTA contracts and efforts put forth to meet our Business Programs Goals (MBE/SBR and VSB). We have had outreach programs for all of the procurement types (Construction, A&E, Service, Maintenance and Commodities), specialized areas (QP1 and QP2) as well as any special trade areas. These all fall under the category of Race Neutral Outreach.

This year for the first time we have Race Conscious outreach programs planned. On June 21, 2014, the MDTA partnered with the Maryland Department of Transportation (MDOT) for an outreach that targeted Asian specific firms and match-making sessions with Brawner and RK&K. On October 18, 2014, we will again partner with MDOT to have an outreach that targets Hispanic specific firms.

VIDEO TOLL AND CITATIONS PROJECT

Ms. Sharpless presented this update to the Capital Committee on the issues and activities underway to support the implementation of the video toll and citation process approved in HB420.

Ms. Sharpless discussed an attachment, which provided details on the status of associated activities and major issues for the video toll and citations process.

Ms. Deb Sharpless made comments about our experiences with the courts to date and indicated that so far all of the judges have consistently held people liable for paying the tolls due. However, liability for the civil penalty has varied by judge and jurisdiction. Ms. Sharpless also noted on-going issues with preparing the evidentiary packages for court, but she noted that Xerox has a fix that will be tested in September and will be implemented for the October cases. Finally, Ms. Sharpless discussed the progress of moving towards MVA and CCU referrals and indicated that we intend to send out a fifteen day notice before placing a flag on registrations.

Bruce Gartner made an announcement about Suhair Alkhatib leaving the Maryland Transportation Authority. Mr. Alkhatib has been offered a position with the Maryland Transit Administration. Chairman Calhoun praised Mr. Alkhatib for his outstanding service to the MDTA and complimented his presentation at the IBTTA Conference in Canada. The Members expressed appreciation to Mr. Suhair Alkhatib and wished him well.

There being no further business, the meeting of the MDTA Capital Committee was adjourned by general consensus at 10:35 a.m. following a motion by Mr. Whitson and seconded by Mr. Hellmann.

The next meeting of the MDTA Capital Committee is scheduled for Thursday, August 7, 2014 at 9:00 a.m., at Point Breeze Headquarters, 2310 Broening Highway, Baltimore, Maryland.