

**MARYLAND TRANSPORTATION AUTHORITY  
MONTHLY CAPITAL COMMITTEE MEETING  
THURSDAY, DECEMBER 5, 2013  
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  
Scott Pomento  
Dave Ferrara  
Dave LaBella  
Dennis Simpson  
Paul Truntich  
John O'Neill  
Jessica Mettle  
Canjor Reed  
Meshelle Howard  
Cheryl Sparks  
Patrick Fleming  
Kimberly Millender, Esquire  
Chris Thompson  
Elizabeth Sogard

At 9:10 am the meeting of the Maryland Transportation Authority (MDTA) Capital Committee was called to order by the Chairman.

**APPROVAL - OPEN SESSION MEETING MINUTES – NOVEMBER 7, 2013**

Upon motion by Member Brad Mims and seconded by Member William Hellmann, the minutes of the Capital Committee's November 7, 2013 Open Session Meeting were unanimously approved.

**APPROVAL CONTRACT**

**Contract No. FT-2425-000-006 – Deck Rehabilitation and Joint Modifications of Bridges on I-95 South of Fort McHenry Tunnel**

Mr. Dave LaBella presented this request to seek a recommended approval from the Capital Committee to present Contract No. FT-2425-000-006, Deck Rehabilitation and Joint Modifications of Bridges on I-95 South of Fort McHenry Tunnel to the full MDTA Board at its next scheduled meeting.

The work to be performed under this contract includes rehabilitation of twenty-eight (28) bridges located on I-95 south of the Fort McHenry Tunnel in Baltimore City.

An allowance of \$2,750,000.00 was included in the IFB for Marketing and Structural work which will only be used if necessary and will not be used without prior approval of the Engineer.

The scope of work includes but is not limited to the following:

- Bridge Deck Overlay with Latex Modified Concrete (LMC)
- Expansion joint replacement
- Bridge Deck Expansion joint seal replacement
- Installation, maintenance, resetting, and removal of all maintenance of traffic measures
- Other miscellaneous work, as directed by the Engineer

This project was advertised on August 20, 2013. Bids were received on October 10, 2013, and the bid results were as follows:

<b>Contractor</b>	<b>Bid Amount</b>	<b>% Variance To Eng. Est.</b>
G.A. F.C. Wagman, Inc.	\$51,106,123.39	(31.36%)
Corman Construction	\$54,971,307.95	(26.17%)
Cherry Hill Construction	\$57,150,000.00	(23.24%)
Ft. Myers Construction	\$60,561,777.94	(18.66%)

The Engineer's Estimate is \$74,456,150.00. It was noted that the low bid was 31.36% lower than the Engineer's Estimate. An analysis of the bid compared to the Engineer's Estimate was performed by the Division of Engineering and the low bid submitted by G.A. F.C. Wagman, Inc., was determined to be acceptable. A bid justification was also conducted and the bid was determined to be fair and reasonable. This project was advertised with a Minority Business Enterprise (MBE) participation goal of twenty six percent (26%) with sub-goals of seven percent (7%) for African-American owned companies, and four percent (4%) for Asian-American owned companies. In addition, the project includes a two percent (2%) participation goal for Veteran-Owned Small

Business Enterprises (VSBE). G.A. & F.C. Wagman, Inc., has submitted an MBE plan and VSBE plan that meet the goals. The Notice-to-Proceed (NTP) for this Contract is anticipated in March, 2014. The contract term is for Eight Hundred Fifty (850) 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, Mr. Hellmann asked that the Project Team evaluate lessons learned with respect to the contract duration and associated contractor production rates. Ms. Sharpless and Mr. LaBella agreed to do so. Subsequently, 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.

**CONTRACT NO. MA-549-000-006 - ELECTRONIC TOLL SYSTEM REPLACEMENT AND OPERATION**

Mr. John O'Neill presented this request to seek a recommendation from the Capital Committee to exercise both two (2) year renewal options and for a Contract Modification for Contract No. MA-549-000-006, Electronic Toll System Replacement and Operation to the full MDTA Board for approval at its next scheduled meeting. Approval of the extensions and modification is contingent upon the approval of the Board of Public Works.

This request seeks authority to exercise both two (2) year Renewal Options in the amount of \$126,490,016.08, and to revise the scope of work to allow for construction, marketing services, and implementation of a new disaster recovery solution to be performed in the Renewal Option years.

Contract MA 549-000-006 was competitively solicited and awarded to Xerox State and Local Solutions, Inc., on October 19, 2005, for the provision of Design and Consultant Services Related to Electronic Toll Collection Systems. The Contract includes development, testing, installation, maintenance and operation of an Electronic Toll Collection System at MDTA Toll Facilities to replace the legacy system and to develop the Open Road Toll system for the ICC and I95 Express Toll Lanes (ETLs).

The Contract also includes lane-based fare collection equipment that processes cash, , and electronic transactions, design, development, testing, installation, operation, and maintenance of a complete and fully functionally violation image capture system, furnishing, installing, staffing, maintaining, and operating a customer service/violation processing center (CSC) with telephone, mail and Internet based customer service, and E-ZPass marketing services.

Currently, the MDTA is in the process of developing new specifications for the replacement (ETC 3G) contract; however, the new contract will not be completed prior to the current March 6, 2014, expiration date. Therefore, we are seeking approval to

exercise both Renewal Options, extending the Contract until March 6, 2018, to allow for the development and award of a new Contract.

Additionally, at the time this Contract was originally procured, it was intended that construction and marketing services would be completed within the base term of the Contract. However, due to construction delays, a revision to the scope of work to allow construction and marketing services through the Renewal Option years is necessary. The scope of work modification will allow for; remobilization, project management, installation of gantries and schedules for the ICC and I-95-ETL, disaster recovery, completion of the FMT toll booth replacement, and marketing.

To date, twenty (20) modifications have been approved on this project totaling \$160,462,145.72. The proposed options total \$126,490,016.08. If approved, the new total Contract value will be \$286,952,161.80 and the new Contract expiration date will be March 6, 2018.

A 25.61% Minority Business Enterprise (MBE) overall participation goal was established for this contract and the Contractor is currently achieving 14.9% and staff indicated that there is a plan in place to achieve the established goal.

Members and staff discussed the plan to reach the established MBE participation goal. Members requested to be updated on the progress of the goal and the MBE plan.

Upon motion by Mr. Mims and seconded by Mr. Hellmann, the Members unanimously recommended approval of the Contract Modification and exercising the options, pending receipt of additional information regarding the MBE plan, to the MDTA Board at its next scheduled meeting.

### **I-95 EXPRESS TOLL LANES PROJECT DEPARTMENT OF NATURAL RESOURCES (DNR) FOREST CONSERVATION EASEMENT**

Mr. Dave LaBella presented this request to seek a recommendation from the Capital Committee to approve the execution of a perpetual easement between the Maryland Department of Natural Resources (DNR) and the Maryland Transportation Authority (MDTA).

As part of the I-95 Express Toll Lane Project, the MDTA is performing several enhancements and developments to a property including White Marsh Run, located off U.S. 40 in Baltimore County, Maryland. The work includes but is not limited to stream restoration, wetland creation, improved fish passage, and reforestation. This work is to be included in the White Marsh Mitigation Project (Contract No.: KH-1405-000-006R). As a result, the MDTA is required by Natural Resources Article, Section 5-1601 to reforest (or retain existing forest) approximately 60 acres of land (known as the "Easement Area").

The MDTA and DNR have agreed to place this Easement Area in permanent protection as required by the DNR Forest Conservation Plan (FCP). The execution of a conservation easement is required for the Maryland Department of the Environment (MDE) to issue final approval of an erosion and sediment control plan/permit.

It is recommended that this Easement be recommended for approval by the Authority Board. MDTA's Legal Staff has reviewed and approves the content of this document. The conservation easement document requires signatures from the MDTA and DNR, as well approval from the Board of Public Works (BPW). These signatures and subsequent recordation are needed prior to contract notice-to-proceed

Upon motion by Mr. Mims and seconded by Mr. Whitson, the Members unanimously recommended approval of the execution of a perpetual easement between the Maryland Department of Natural Resources (DNR) and the Maryland Transportation Authority (MDTA), and to propose to the MDTA Board at its next scheduled meeting.

**CONTRACT NO. BB-2512-000-006 – CLEANING AND PAINTING AT THE WESTBOUND BAY BRIDGE US 50 OVER THE CHESAPEAKE BAY**

Mr. Dave Ferrara presented this request to seek a recommended approval from the Capital Committee to increase the Executive Secretary's delegated authority and to propose to the full Authority for approval at the next scheduled meeting.

The original construction budget reflected the low bid amount of \$16,557,800.00 plus \$1,655,780.00 or 10% for extra work. The current authorized construction budget is \$18,213,580.00.

We are requesting approval to increase the delegated authority for extra work from \$1,655,780.00 or 10% to \$2,774,293.43 or 16.76%. The revised authorized budget will be \$19,332,093.43

The increase is needed to perform extra work as a result of night time only lane closures, interference with other contractors on the same portion of the bridge, and additional structural steels repairs identified on the suspension span portion of the bridge.

The Contractor will be submitting a request for reimbursement for costs associated with other unresolved issues.

**EWA No.1 – Partnering Reimbursement, F/I Additional Scaffolding & Platform for Upper Eastern Tower at Pier 33 & Scaffolding Rental for Upper Eastern Scaffolding at Pier 33.**

The MDTA authorized the purchase and rental of an additional upper tower scaffolding system in an effort to mitigate potential delays imposed as the result of the contra-flow restriction and the initial direction to erect the upper scaffolding solely during full westbound closure (nighttime only). The Contractor intended to only utilize one (1) set of

scaffolding and relocate the upper tower scaffolding from Pier 32 to Pier 33; however the delay in relocating the first scaffolding system to Pier 33 potentially could have delayed further progress on other sections of the suspension span.

EWA No. 2 – Additional Maintenance of Traffic, Westbound Full Bridge Closures and Single and Double Lane Closures.

The Contractor's initial means and methods were to install the upper tower scaffolding over live traffic as there were provisions in the contract to construct a twenty-five foot platform both on the east and west face of the upper towers. The MDTA implemented additional precautions and directed the Contractor to install the upper tower scaffolding at night over closed lanes. There were no provisions in the original contract to perform these lane closures.

EWA No. 3 – Extra Cost Associated with Night Time Only Restriction of Installation of Upper Tower Scaffolding at Pier 32 – Negotiated Settlement.

This extra work is necessary to compensate the Contractor for additional costs associated with the erection of the upper tower scaffolding at Pier 32. The additional cost is attributed in part by the direction from the MDTA to erect the upper tower scaffolding solely at night during full, double and single lane bridge closures. The Contractor's initial means and methods were to install the upper tower scaffolding during the day without the benefit of any lane closures on the bridge other than those limited closures required to stock materials on the tower platforms.

EWA No. 4 (Pending) – Delay and Containment Modification Costs due to Main Cable Platform Obstructions – Not executed at this time.

The Contractor's initial means and methods to install the containment plan for the cleaning and painting operation was reviewed and approved by the MDTA early in the project. The cable re-wrapping and dehumidification system contract (Kiewit) subsequently arrived on site and arrived and installed its main cable temporary work platform which prevented the Contractor from installing its containment. The Contractor was required to redesign its containment system in the main span that would be structurally compatible with and while being incorporated into Kiewit's temporary work platform.

Significant Project Overruns – Associated with Miscellaneous Structural Repairs, Fabricated Structural Steel and Caulking Seams identified after the abrasive blasting was completed.

Original Contract Amount	\$16,557,800.00
Delegated Authority Limit at 10%	<u>\$ 1,655,780.00</u>
Authorized Construction Budget	\$18,213,580.00
 EWA No. 1 – (Paid)	 \$ 216,939.30 or 1.31%

EWA No. 2 – (Paid)	\$ 359,070.00 or 2.17%
EWA No. 3 (Pending)	\$ 337,364.09 or 2.04%
EWA No. 4 (Pending)	\$ 284,982.24 or 1.72%
Total EWA's	\$ 1,198,355.63 or 7.24%
Original Contract Amount	\$16,557,800.00
Total EWA's	\$ 1,198,355.63 or 7.24%
Item Overruns to Date	\$ 1,275,937.80 or 7.71%
Anticipated Overruns	\$ 300,000.00 or 1.81%
Revised Construction Budget	\$19,332,093.43 or 16.76%

Upon motion by Mr. Hellmann and seconded by Mr. Mims, the Members unanimously recommended approval to increase the Executive Secretary's delegated authority, and to propose to the MDTA Board at its next scheduled meeting.

**DEDICATION OF A PORTION OF I-95 FOR TROOPER GARY L. WADE, TROOPER FIRST CLASS JON E. SAWA, AND TROOPER LARRY E. SMALL**

Mr. Patrick Fleming presented this request to seek a recommended approval from the Capital Committee to the full MDTA Board at their next scheduled meeting for the dedication of a portion of I-95 to Trooper Gary L. Wade, Trooper First Class Jon E. Sawa, and Trooper Larry E. Small.

On October 31, 2013 Det. Sgt. Shawn J. Ward requested that a portion of I-95 near the Havre de Grace exit (mile marker 89) be dedicated to three officers who were killed in the line of duty while patrolling I-95.

On January 30, 1982, Trooper Gary L. Wade had stopped a motorist on I-95 approximately one-quarter mile south of the Havre de Grace exit. While taking enforcement action for the observed traffic violation, another motorist drove off the roadway striking both Trooper Wade's vehicle and the vehicle of the motorist he had stopped. As a result of the collision, Trooper Wade was pronounced dead on the scene. Trooper Wade had served with the MSP for two years.

On March 10, 1987, Trooper First Class Jon E. Sawa and Trooper Larry E. Small were parked in the median of I-95 at the Havre de Grace interchange. While in the median, a tractor-trailer ran off the highway and struck the patrol vehicle occupied by Trooper First Class Sawa and Trooper Small. Trooper First Class Sawa and Trooper Small were killed as a result of the collision. It was later determined that the driver of the tractor-trailer was driving while under the influence. Trooper First Class Sawa had served with the MSP for five years and left behind his spouse and two children. Trooper Small had served with the MSP for eight months and was being trained by Trooper First Class Sawa.

Upon motion by Mr. Mims and seconded by Mr. Hellmann, the Members unanimously recommended approval for the dedication of a portion of I-95 to Trooper Gary L. Wade, Trooper First Class Jon E. Sawa, and Trooper Larry E. Small, and to propose to the MDTA Board at its next scheduled meeting.

### **VIDEO TOLL AND CITATIONS PROJECT**

Mrs. Deb 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.

Mrs. Sharpless detailed the current status of the associated activities and major issues for the video toll and citations process including a discussion of certain mailhouse issues.

### **RENEWABLE ENERGY ASSESSMENTS**

Mr. Paul Truntich updated the Capital Committee on the status of the MDTA's Renewable Energy Assessments.

Over the past several years, the MDTA has been actively involved with projects and initiatives at our facilities to make them more energy efficient by reducing overall energy consumption. Examples of these initiatives include installation of new lighting fixtures in office settings, installation of an Energy Management Control System, installation of energy efficient roofing systems and the use of LED lighting, to name just a few. However, to truly be sustainable, the MDTA also needs to focus its efforts on incorporating renewable energy options into our operations as well.

Beginning in May 2013, the Office of Environment, Safety & Risk Management (OESRM) contracted with Maryland Environmental Service (MES) to conduct renewable energy assessments at each of the MDTA's main facilities. Primary renewable energy options that were evaluated at each MDTA facility include:

- Wind
- Solar Photovoltaics
- Solar Ventilation Panels
- Solar Hot Water Collectors
- Exterior Solar Lighting
- Ground Source Heat Pumps

Although the final assessment report from MES has yet to be received, one initial recommendation offered for further assessment is the potential of installing a wind turbine at the Francis Scott Key (FSK) campus. However, a detailed survey of wind patterns and sustained wind speed is necessary before any decision on installing a turbine can reasonably be made. Therefore, OESRM has prepared a budget request for the FY 2015 budget for performing a wind survey at the FSK campus.

While all of the renewable energy options identified above have potential applications at MDTA facilities, extensive study and evaluation is necessary to ensure the energy option is providing a viable renewable energy source rather than just a 'feel good' project. Once the final assessment report is received from MES, a list of other renewable energy options will be prepared and strategies for further investigation will be developed.

Another option available for the MDTA to investigate is the purchase of Renewable Energy Certificates (REC). Basically, a REC is a tradable environmental commodity that represents proof that a quantity of electricity to be purchased was generated by an "eligible" renewable energy resource. Eligible renewable energy sources are solar, wind, geothermal, tidal and hydroelectric. Through purchasing REC, the MDTA is making a statement about its commitment to reduce greenhouse gases as well as further demonstrating its overall commitment towards sustainability.

Before adjourning the meeting, the Members asked for an update on the All Electronic Tolling (AET) presentation with Cecil County. Ms. Sharpless indicated that staff met with Cecil County and the main issue is maintaining a cash lane option. Ms. Sharpless indicated that Delegate Rudolph intends to introduce legislation to require MDTA to keep a cash only lane.

There being no further business, the meeting of the MDTA Capital Committee was adjourned by general consensus at 10:40 am following a motion by Mr. Mims and seconded by Mr. Hellmann.

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