

MARYLAND TRANSPORTATION AUTHORITY
BOARD MEETING
THURSDAY, FEBRUARY 26, 2015
2310 BROENING HIGHWAY, BALTIMORE, MD 21224

OPEN SESSION

Jim F. Ports, Jr., Acting Chairman Designate

MEMBERS ATTENDING:

P. Jack Basso
Rev. Dr. William C. Calhoun, Sr.
Katrina J. Dennis, Esq. – via Telephone
Mary Beyer Halsey
William K. Hellmann
Arthur Hock – via Telephone
Michael Whitson – via Telephone

STAFF ATTENDING:

Percy Dangerfield
Trudy Edwards
Patrick Fleming
Bruce Gartner
Jim Harkness
Jaclyn Hartman
Derek Jones
Colonel Mike Kundrat
Jessica Mettle
Kimberly Millender, Esq.
Will Pines
Michael Rice
Deborah Sharpless
Dennis Simpson
Cheryl Sparks
Dan Williams

OTHERS ATTENDING:

At 9:03 a.m. Acting Chairman Designate Jim F. Ports, Jr., called the meeting of the Maryland Transportation Authority (“MDTA”) Board to order.

APPROVAL – OPEN SESSION MINUTES OF JANUARY 22, 2015

Upon motion by Member P. Jack Basso and seconded by Member Mary Beyer Halsey, the Open Session meeting minutes of the MDTA Board Meeting held on January 22, 2015 were unanimously approved.

RESOLUTION – YEARS OF SERVICE RECOGNITION

Ms. Deb Sharpless recognized the retirement of Lt. Col. Eric Garrison and thanked him for his distinguished career of exemplary service. The Acting Chairman Designate and Members of the MDTA expressed their most sincere appreciation for his excellence and commitment. A Resolution was entered into the minutes of the MDTA Board Meeting and a copy, appropriately framed, will be presented to Lieutenant Colonel Garrison as an expression of the MDTA Board’s appreciation and esteem.

APPROVAL – INNOVATIVE PROJECT DELIVERY (IPD) ADVISORS

Ms. Jaclyn Hartman requested approval from the Board to execute an Intergovernmental Agreement with the Maryland Economic Development Corporation (MEDCO). The Agreement will allow MDTA to use MEDCO’s expertise in innovative project delivery (IPD) and obtain other related expert services including an IPD advisor to assist with identifying and analyzing alternative delivery and financing options for the replacement of the Nice Bridge. This item was reviewed by the Finance Committee and recommended for approval.

Through discussions with MDTA and Maryland Department of Transportation (MDOT) staff, it is recommended that MDTA enter into an agreement with MEDCO to use its expertise in these matters and obtain other related expert services including an IPD advisor to assist with identifying and analyzing alternative delivery and financing options for the replacement of the Nice Bridge. This agreement requires approval from the MDTA Board and MEDCO. On January 26, 2015, MEDCO’s Board adopted a resolution authorizing MEDCO to provide IPD advice and related consulting services to MDTA.

Upon motion by Member Basso and seconded by Member William Hellmann, the Members unanimously approved execution of an Intergovernmental Agreement with Maryland Economic Development Corporation to assist with identifying and analyzing alternative delivery and financing options for the replacement of the Nice Bridge.

APPROVAL CONTRACT – AWARD

• **CONTRACT NO. MR 2858-000-001/6 ON-CALL STRUCTURAL REPAIRS AND MISCELLANEOUS MODIFICATIONS**

Ms. Jessica Mettle requested approval for Contract No. MR 2858-000-001/6 Structural Repairs and Miscellaneous Modifications. This item was reviewed by the Capital Committee and recommended for approval.

The work to be performed under this contract may be required on any portion (bridge, tunnel, highway, building, and all appurtenances) of any of the Authority's facilities. The scope of work includes providing labor, equipment, materials, etc., necessary to perform miscellaneous structural, concrete, and other types of repairs, upgrades, replacements, and new construction as directed by the Engineer. The work may include but is not limited to the following: Concrete repairs and replacement to Authority structures, piers, pier caps, abutments, bridge decks, sidewalks, and other concrete components, of bridges, roadway features, vent buildings and tunnels; Jacking bridge steel beams under traffic load and repairing concrete pedestals and restoring bearings on piers and abutments; Repair damaged concrete toll islands, and other concrete components of toll plaza structures; Provide Maintenance of Traffic; Concrete and steel repair of signs and high mast light poles; Crack repairs in concrete by pressure injecting epoxy; Repair and replacement of Authority structures, bridge piers, pier caps, pedestals, abutments, and barriers; Repair or replace bridge beams, girders, and other structural members; Repair or replace damaged bridge fender systems and/or dolphins; Repair or replace concrete or other types of slope projections at bridge piers and abutments; Repair or replace damaged structures, including but not limited to toll booths, canopies, and concrete toll islands; Miscellaneous repairs, enhancements and modifications, which may be security related or potentially emergency related; Construction repair, or replacement of retaining and noise walls; Repair piers in water and install pile protective devices; Placement of riprap, grout filled bag, and other methods of scour protection; Providing access for repairs to Authority structures components, including but not limited to suspension cables, suspender ropes, truss members, other superstructure and substructure elements, etc.; Repair and replacement of suspension cables, cable wrappings, suspender ropes, and other cable components; Repair, replace, or install various drainage systems, including joint seals, troughs, pipes, under drains, downspouts, etc.; Cleaning and painting of various structures components, including lead abatement; Installation, repair, and maintenance of various electronic systems that are part and parcel to structures preservation; Construction, repair, or upgrade to various highway components that are part and parcel to structures repairs or replacement, including but not limited to roadway, signs, sign structures, lights, light poles, guardrails, impact attenuators, travel plaza, etc.; Trouble shooting and repairing structural, mechanical and electrical components in movable span bridges and tunnel ventilation buildings; Trouble shooting and repairing electrical control systems for movable span bridges, weigh scales, and tunnel ventilation buildings; Working in conjunction with engineering consultants, fabricators, and suppliers to design and construct major and complex upgrades to electrical, mechanical, and structural drawbridge, tunnel ventilation and pump room components, toll plaza and weigh station scales; Construction, fabrication, repair, replacement, or installation of toll gantry structural components; Perform preservation activities for Authority structures that are part and parcel to repairs; Perform repairs or replacements of storm water management and drainage structures; Performing roadside slope stabilization and repair,

including the installation of support structures; Installation of foundation items, such as piles, test piles, drilled systems, etc.; Installing various instrumentation and measuring devices, including performing load tests on structures elements.

This Contract includes \$3,910,000 in allowance items which consists of \$230,000 for Reimbursable Railroad Permit Expenses, \$1,610,000 for Materials for Structural Repairs, \$920,000 for Specialized Equipment for Structural Repairs, and \$1,150,000 for Specialized Subcontractors. These allowance items will only be used if necessary and will not be used without prior approval of the Construction Manager.

Four (4) bids were received ranging from 21.61% above to 9.52% below the Engineer's Estimate of \$12,895,275. M.D. Miller t/a Marksmen was the lowest responsive and responsible bidder. As its bid was nine point fifty-two percent (9.52%) below the Engineer's Estimate. no formal bid justification was conducted.

This solicitation was advertised with a Minority Business Enterprise (MBE) participation goal of Nineteen Percent (19%) with no sub-goals.

Upon motion by Member Hellmann and seconded by Member Basso the Members unanimously approved Contract No. MR 2858-000-001/6 On-Call Structural Repairs and Miscellaneous Modifications to M.D. Miller t/a Marksmen in the amount of \$11,667,427.45.

Member Rev. Dr. William C. Calhoun, Sr. joined the meeting at approximately 9:12 a.m.

UPDATE – HUMAN RESOURCES (HR) COMMITTEE

Member Katrina J. Dennis reported the HR Committee met on February 19, 2015 and the following items were discussed: An overview of MDTA's Equal Employment Opportunity (EEO) and diversity training and recruitment responsibilities from Ms. Sara Cabrera, who serves as the EEO Chief; Applicant testing overview by Ms. Renee Becker, who serves as the Manager of the Recruitment & Examination Unit; and a briefing on the State's new wellness initiative that took effect on January 1, 2015 from Mrs. Yvette Romero, who serves as the Manager of Employee Services Program.

UPDATE – LEGISLATIVE SESSION

Mr. Patrick Fleming provided an overview of legislation introduced so far this session. HB 15, which would have required the MDTA to convert the Bay Bridge to All-Electronic Tolling by 2024 was withdrawn by the sponsor, Del. McConkey. The following bills that have a direct effect on the MDTA have been scheduled for hearings in the House on March 12, 2015: HB 215 – creates a \$20 discount plan for the Key Bridge; HB 408 – prohibits the MDTA from collecting an E-ZPass account maintenance fee; HB 639 – modifies the membership of the MDTA Board; and HB 747 – reduces the 3+axle toll cash/base rate by 50. The following bills having a direct impact on the MDTA have been scheduled for hearings on March 19, 2015: SB 275 – creates a variable toll rate - depending on time of day for the Hatem Bridge; SB 377 – modifies the members hip of the MDTA Board; and HB 379 – removes the Key Bridge from the MDTA and creates a separate Key Bridge Authority.

Ms. Jaelyn Hartman reported on the status of MDTA's legislative budget hearings. Although funds are not appropriated through the State budget process, MDTA annually participates in the legislative budget hearing process. As part of that process, the Department of Legislative Services (DLS) provides an analysis of MDTA's budget, financial forecast, attainment of performance measures, and policy goals and initiatives. Ms. Hartman reviewed the DLS analysis and MDTA's response to issues raised in the analysis.

At 9:49 a.m. upon motion by Member Rev. Dr. William Calhoun and seconded by Member Basso, the Members unanimously voted to move into Closed Session pursuant to Section 3-305(b)(8) of the General Provisions Article of the Annotated Code of Maryland to consult with staff, consultants, or other individuals about pending or potential litigation. The following persons were present during the Closed Session: Jim F. Ports, Jr., Chairman Designate, P. Jack Basso, Rev. Dr. William Calhoun, Katrina Dennis, Esq. (by telephone), Mary Beyer-Halsey, William K. Hellmann, Arthur Hock (by telephone), Michael Whitson (by telephone), Percy Dangerfield, Trudy Edwards, Bruce Gartner, Colonel Mike Kundrat, Kimberly Millender, Esquire, Deborah Sharpless and Cheryl Sparks.

At 9:59 a.m. Member Michael Whitson left the meeting.

At 10:00 a.m., upon motion by Member Calhoun and seconded by Member Basso, with the unanimous approval of the Members, the Members adjourned the Closed Session and returned to Open Session. No actions were taken during the closed session.

There being no further business, the meeting of the MDTA Board was adjourned by general consensus at 10:05 a.m.

The next MDTA Board Meeting will be held on March 26, 2015 at 9:00 a.m. at the Point Breeze Headquarters, 2310 Broening Highway, Baltimore, Maryland 21224.

APPROVED AND CONCURRED IN:

Pete K. Rahn



MARYLAND TRANSPORTATION AUTHORITY

STATEMENT FOR CLOSING A MEETING

LOCATION: Maryland Transportation Authority
Point Breeze Headquarters Building
2310 Broening Highway.
Baltimore, Maryland 21224

DATE: February 26, 2015

TIME: 9:00 a.m. 9:49 - 10:05

MOTION BY: REV CALHOUN

SECONDED BY: JACK BASSO

VOTE TO CLOSE SESSION:

Table with 5 columns: Name, AYE, NAY, ABSTAIN, ABSENT. Rows include Rev. Dr. William C. Calhoun, Sr., Michael J. Whitson, Peter J. Basso, Mary Beyer Halsey, Arthur Hock, William K. Hellmann, P.E., Katrina J. Dennis, Esq., Chairperson.

STATUTORY AUTHORITY TO CLOSE SESSION
GENERAL PROVISIONS ARTICLE, §3-305(b)

- (1) [] To discuss:
(i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or
(ii) any other personnel matter that affects 1 or more specific individuals.
(2) [] To protect the privacy or reputation of individuals with respect to a matter that is not related to public business.
(3) [] To consider the acquisition of real property for a public purpose and matters directly related thereto.
(4) [] To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.
(5) [] To consider the investment of public funds.

STATEMENT FOR CLOSING A MEETING

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- (6) [] To consider the marketing of public securities.
- (7) [] To consult with counsel to obtain legal advice.
- (8) [X] To consult with staff, consultants, or other individuals about pending or potential litigation.
- (9) [] To conduct collective bargaining negotiations or consider matters that relate to the negotiations.
- (10) [] To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including:
 - (i) the deployment of fire and police services and staff; and
 - (ii) the development and implementation of emergency plans.
- (11) [] To prepare, administer, or grade a scholastic, licensing, or qualifying examination.
- (12) [] To conduct or discuss an investigative proceeding on actual or possible criminal conduct.
- (13) [] To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.
- (14) [] Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

TOPICS TO BE DISCUSSED:

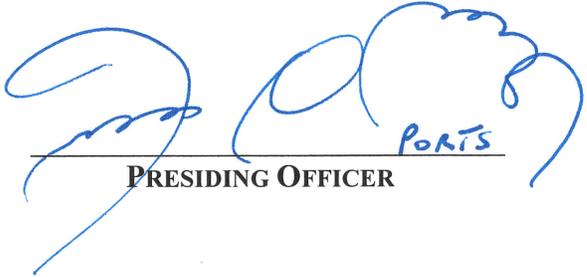
The Meeting will be closed under § 3-305(b)(8) of the General Provisions Article of the Annotated Code of Maryland, to discuss pending litigation in federal court in the matter filed by Renee Basil;

STATEMENT FOR CLOSING A MEETING

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REASON FOR CLOSING:

To discuss matters that are permitted by statute to be discussed during a closed session of a meeting of a public body.



PORTS

PRESIDING OFFICER