

MARYLAND TRANSPORTATION AUTHORITY
BOARD MEETING
THURSDAY, MARCH 30, 2017
2310 BROENING HIGHWAY, BALTIMORE, MD 21224

OPEN SESSION

Pete K. Rahn, Chairman

MEMBERS ATTENDING:

P. Jack Basso (via telephone)
Katherine B. Armstrong
William H. Cox, Jr.
William Ensor
W. Lee Gaines, Jr.
William K. Hellmann
John Von Paris

STAFF ATTENDING:

Percy Dangerfield	Tom O'Donnell
Donna DiCerbo	Will Pines
Trudy Edwards	Kevin C. Reigrut
Clay Fischer	Mike Rice
Lynn Fry	Karen Riecke
David Goldsborough	Kataw Say
Michele Gross	Deb Sharpless
Jim Harkness	Lillian Sidrik
Jaelyn Hartman	Darol Smith
Col. Jerry Jones	Cheryl Sparks
Jessica Mettle	Dan Williams
Kimberly Millender, Esquire	Melissa Williams
Tonya Morant	

OTHERS ATTENDING:

Emily Crickshall, Senator Manno's office
Ed McDonald, MDOT
Ruthie Hermann, Senator Manno's office
Amir Kendrick, SWA
Thomas Krueger, Conduent
Senator Roger Manno
Reverend Kenneth Nelson
Matt Storck,
George Youngbar, Retired MDTA

At 9:04 a.m. Chairman Pete Rahn called the meeting of the Maryland Transportation Authority (“MDTA”) Board to order.

APPROVAL – OPEN SESSION MINUTES OF FEBRUARY 23, 2017

Upon motion by Member W. Lee Gaines, Jr., and seconded by Member William Ensor, the open meeting minutes of the MDTA Board meeting held on February 23, 2017 were unanimously approved.

NEW BUSINESS – TOLL COLLECTION AND CIVIL PENALTIES

Senator Roger Manno and Reverend Kenneth Nelson spoke regarding toll collection and civil penalties and expressed appreciation to the Board and MDTA staff for working with them to resolve issues.

RESOLUTIONS – YEARS OF SERVICE RECOGNITION

Ms. Deborah Sharpless read the resolutions for the following employees who have retired from State service: Cleveland J. Knight, Captain Richard Thorne, Jr., Michael A. Williams and George Youngbar. On the occasion of their retirement from their distinguished careers of exemplary service, the Chairman and Members of the MDTA expressed their most sincere appreciation for their excellence and commitment.

APPROVAL – DONATION OF WORKSTATIONS TO THE MARYLAND STATE POLICE

Ms. Lynn Fry requested approval to donate three (3) Telecommunication Workstations (dispatch consoles) worth \$20,000 fair market value to the Maryland State Police (MSP) to assist with their dispatch operations.

In 2010, the Authority Operations Center (AOC) purchased three Telecommunications Workstations for \$25,324, which have been used daily in operations dispatch. Renovations are underway at the Fort McHenry Tunnel East Vent Building and these consoles need to be disposed following proper disposal procedures. We have received written correspondence from the Maryland State Police expressing interest in these consoles/workstations. Proper disposal/donation paperwork has been submitted to The Secretary’s Office (TSO) and the Department of General Services (DGS).

The donation of these items must be approved by the MDTA Board since the fair market value of these workstations exceeds the delegated authority of \$10,000 given to the Executive Director as stated in Board Resolution 15-01. This donation would be very beneficial to MDTA as MSP helps to patrol our roadways and promote safety for MDTA as well as keeping the roadways safe for the citizens of the State of Maryland.

Upon motion by Member William Cox, and seconded by Member Kathy Bays Armstrong, the Members unanimously approved the donation of the three telecommunications workstations (dispatch consoles) worth \$20,000 to the Maryland State Police.

APPROVAL – CONTRACT AWARDS

- **CONTRACT NO. FT 2826-000-006R INSTALL LIGHTING IN SUPPLY AIR DUCTS AT FORT MCHENRY TUNNEL**

Ms. Donna DiCerbo requested approval for Contract No. FT 2826-000-006R, Install lighting in supply air ducts at Fort McHenry Tunnel. This item was reviewed by the Capital Committee and recommended for approval.

This project consists of removing and replacing existing lights, lamps, wires, conduits, panel boards, and related controls such as switches and contactors. The Contractor shall provide all work and materials necessary to provide complete and functioning systems.

There are allowances of \$50,000 for Electrical Demolition and \$50,000 for Miscellaneous Electrical Repairs and Construction included in the Invitation for Bids. These allowances will only be used if necessary and with prior approval of the Engineer.

Eight (8) bids were received, ranging from 29% above to 14% below the Engineer's Estimate of \$2,411,637.

Enterprise Electric Co. (Enterprise) was the lowest responsive and responsible bidder. As its bid was fourteen percent (14%) lower than the Engineer's Estimate, a bid justification was not performed. This company has performed work on prior MDTA projects. A protest was received and denied with the concurrence of Legal Counsel. An appeal was filed and denied at the Maryland State Board of Contract Appeals.

This project was advertised with an overall Minority Business Enterprise (MBE) participation goal of Twenty Percent (20%) with no sub-goals; and a One Percent (1%) Veteran-owned Small Business Enterprise (VSBE) participation goal. Enterprise has submitted a MBE and VSBE plan that meets those goals.

Upon motion by Member Armstrong, and seconded by Member P. Jack Basso, the Members unanimously approved Contract No. FT 2826-000-006R Install Lighting in Supply Air Ducts at Fort McHenry Tunnel to Enterprise Electric Co. in the amount of \$2,061,287.50.

Member John Von Paris recused himself and left the meeting.

- **CONTRACT NO. MR 3006-0000A ON-CALL ELECTRICAL AND ITS REPAIRS AND SERVICES CONTRACT**

Ms. DiCerbo requested approval for Contract No. MR 3006-0000A On-Call Electrical and ITS Repairs and Services Contract. This item was reviewed by the Capital Committee and recommended for approval.

This project is a multi-award contract to provide the labor, equipment, and materials necessary in performing miscellaneous electrical, ITS, and other types of repairs, upgrades, replacements, and new construction directed by the Engineer in an on-call or task-based manner. This work may be required on any MDTA assets (bridges, tunnels, highways, buildings and all appurtenances) of any of the MDTA's facilities.

There were allowances of \$333,333.33 for Miscellaneous Materials, \$333,333.33 for Specialty Subcontractors, and \$2,000.00 for Utility Services included in the Invitation for Bids. These allowances will only be used if necessary and with prior approval of the Engineer.

This project was advertised as a multi-award contract and the MDTA determined to award two (2) contracts, with a total Not-To-Exceed amount of \$9,000,000.

Four (4) bids were received, ranging from 70% above to 2% below the Engineer's Estimate of \$2,999,750. Brawner Builders, Inc. was the lowest responsive and responsible Bidder for Contract A. As its bid was two percent (2%) lower than the Engineer's Estimate, a bid justification was not performed. This company has performed work on prior MDTA projects.

This project was advertised with an Overall Minority Business Enterprise (MBE) participation goal of 19% with no sub-goals; and a 1% Veteran Small Business Enterprise (VSBE) participation goal. Brawner Builders, Inc. submitted MBE and VSBE plans that meet the goals.

Upon motion by Member Gaines, and seconded by Member Ensor, the Members unanimously approved Contract No. MR 3006-0000A On-Call Electrical and ITS Repairs and Services Contract in the amount of \$4,750,000 to Brawner Builders, Inc. The Contract shall be for a period of three (3) years from Notice to Proceed. At the sole discretion of the MDTA, the Contract may be renewed for two separate one year periods at the expiration of the initial 3 year term.

- **CONTRACT NO. MR 3006-0000B ON-CALL ELECTRICAL AND ITS REPAIRS AND SERVICES CONTRACT**

Ms. DiCerbo requested approval for Contract No. MR 3006-0000B On-Call Electrical and ITS Repairs and Services Contract. This item was reviewed by the Capital Committee and recommended for approval.

This project is a multi-award contract to provide the labor, equipment, and materials necessary in performing miscellaneous electrical, ITS, and other types of repairs, upgrades, replacements, and new construction directed by the Engineer in an on-call or task-based manner. This work may be required on any MDTA assets (bridges, tunnels, highways, buildings and all appurtenances) of any of the MDTA's facilities.

There were allowances of \$333,333.33 for Miscellaneous Materials, \$333,333.33 for Specialty Subcontractors, and \$2,000.00 for Utility Services included in the Invitation for Bids. These allowances will only be used if necessary and with prior approval of the Engineer.

This project was advertised as a multi-award contract and the MDTA determined to award two (2) contracts, with a total Not-To-Exceed amount of \$9,000,000.

Four (4) bids were received, ranging from 70% above to 2% below the Engineer's Estimate of \$2,999,750. Dvorak, LLC (Dvorak) was the 2nd lowest responsive and responsible Bidder for Contract B. As its bid was one percent (1%) lower than the Engineer's Estimate, a bid justification was not performed. This company has performed work on prior MDTA projects.

This project was advertised with an Overall Minority Business Enterprise (MBE) participation goal of 19% with no sub-goals; and a 1% Veteran Small Business Enterprise (VSBE) participation goal. Dvorak, LLC submitted MBE and VSBE plans that meet the goals.

Upon motion by Member Gaines, and seconded by Member Ensor, the Members unanimously approved Contract No. MR 3006-0000B On-Call Electrical and ITS Repairs and Services Contract in the amount of \$4,250,000 to Dvorak, LLC. The Contract shall be for a period of three (3) years from Notice to Proceed. At the sole discretion of the MDTA, the Contract may be renewed for two separate one year periods at the expiration of the initial 3 year term.

Member Von Paris rejoined the meeting.

- **CONTRACT NO. MA 2864-000-001 FACILITY WIDE CULVERT AND PIPE REHABILITATION**

Ms. DiCerbo requested approval for Contract No. MA 2864-000-001 Facility Wide Culvert and Pipe Rehabilitation. This item was reviewed by the Capital Committee and recommended for approval.

The work under this Contract includes the structural and environmental rehabilitation of 21 pipe culverts, which exist beneath the roadways along MDTA facilities located in Anne Arundel County, Baltimore County, Baltimore City, Cecil County, Harford County, and Howard County. This work shall include but is not limited to all labor, equipment, materials, etc. necessary to perform invert paving of the pipes, joint repairs, cracks and spall repairs, steel repairs, headwall repairs, landscaping, and placement of rip rap at the upstream and downstream ends of the pipe to allow for the proper dissipation of stream water. Enhancement of these pipe culverts will be performed in accordance with the latest standards set forth by the Maryland Department of the Environment.

There is an allowance of \$200,000 for Miscellaneous Structural Repairs included in the Invitation for Bids. This allowance will only be used if necessary and with prior approval of the Engineer.

Two (2) bids were received, ranging from 48% above and 23% below the Engineer's Estimate of \$2,455,362.10. Because only two bids were received, "No Bid" forms were requested and six (6) responses depicting various reasons for not bidding were received.

Proshot Concrete, Inc. (Proshot) was the lowest responsive and responsible Bidder. As its bid was twenty-three percent (23%) lower than the Engineer's Estimate, a bid justification was conducted, and the bid was determined to be fair and reasonable. This company has performed work on prior MDTA projects successfully.

This Contract was designated as a Small Business Reserve (SBR), with no Minority Business Enterprise or Veteran Owned Small Business goals established.

Upon motion by Member Cox, and seconded by Member Gaines, the Members unanimously approved Contract No. MA 2564-000-001 Facility Wide Culvert and Pipe Rehabilitation to Proshot Concrete, Inc. in the amount of \$1,878,750.

APPROVAL – MDTA BOARD RESOLUTION 17-02

Mr. Kevin Reigrut requested approval for MDTA Board Resolution 17-02 Directing the Establishment of Video Toll Enforcement Related Issues Workshops.

This Resolution authorizes MDTA staff to gather, research, analyze, and present information regarding video toll enforcement related issues, specifically focused on the current \$50 civil penalty as established in Code of Maryland Regulations (COMAR) 11.07.07.09, to inform future Board action relative to potential changes to enforcement policies and procedures.

MDTA's current enforcement policies relative to video tolls unpaid within a 45-day time frame include the issuance of a \$50 civil citation for each transaction. In addition to the civil penalty, flagging/suspension of vehicle registrations and referrals to the State Central Collections Unit are utilized.

With all phases of video tolling now fully implemented and more than a year of actual experience and data collected on the cost of video toll enforcement and collection activities, a review of the toll collection framework as developed is warranted to ensure that it is meeting MDTA and customer expectations.

Upon motion by Member Cox, and seconded by Member Armstrong, the Members unanimously approved MDTA Board Resolution No. 17-02 Directing the Establishment of Video Toll Enforcement Related Issues and Workshops.

APPROVAL – I-95 ACCESS STUDY PREFERRED ALTERNATIVE

Ms. Melissa Williams requested approval for the proposed I-95 Access Study Referral Alternative as identified by the project team. The Chair and Members reviewed materials that included several options for each Element proposed. Upon approval of the preferred alternatives, the National Environmental Policy Act (NEPA) work will continue through 2017. Ongoing coordination will continue between MDTA and Baltimore City, each of whom have jurisdiction over segments of the project, and Port Covington Master Developer, LLC (PCMD).

The elements in the preferred alternative were refined as part of the NEPA process. The Phase 1 improvements proposed for the preferred alternative are as follows:

- I-95 Southbound exit movements: I-95 southbound off ramp to McComas Street. Construct a new single lane off ramp that will connect I-95 southbound to McComas street west of the intersection of Key Highway - \$32,594 million (Fastlane Grant & MDTA funded)
- I-95 Southbound entrance movements: McComas Street on ramp to I-95 southbound. Reconstruct the existing on ramp to accommodate the proposed I-95 south bound off ramp to McComas Street - \$39.163 million (Fastlane Grant & MDTA funded)

- McComas Street on ramp to I-95 southbound. No-Build.
- CSX Track Relocation. Relocate the existing CSX sidetrack that services the Maryland Port Administration over top of the I-95 Fort McHenry Tunnel - \$19.465 (Fastlane Grant & Local/TIF funded)
- National Environmental Policy Act and Interstate Access Point Approval Study. Costs for consultant to develop alternatives and traffic and environmental analysis to support National Environmental Policy Act and Interstate Access Point Approval requirements - \$5.074 million (Privately funded)
- McComas Street: McComas street from Hanover Street to Key Highway. Relocate McComas Street between Hanover Street and Key Highway to the south side of I-95, modify the Key Highway intersection, and widen the northbound Key Highway by one lane between McComas Street and McHenry Row - \$58.041 (Fastlane Grant & Local/TIF funded)

The total cost in current dollars for Phase 1 of the preferred alternative is \$154.337 million.

Potential Phase 2 improvements include the following elements (note that the costs listed for these elements do not include right-of-way costs)

- I-95 northbound exit movements:
 - I-95 northbound off ramp at Russell Street to McComas Street. Construct a single lane off ramp from Russell Street exit to McComas Street on the west side of Port Covington, including spur ramp from I-395 southbound ramp to west side of Port Covington - \$132.632 million (Fastlane Grant & MDTA funded)
 - I-95 northbound off ramp to Hanover Street. Remove the existing I-95 northbound ramp to Hanover Street - \$6.699 million (Fastlane Grant & MDTA funded)
 - I-95 northbound off ramp to McComas Street. Reconstruct the existing single lane off ramp from I-95 NB to McComas Street to the east side of Port Covington - \$81.316 million (Fastlane Grant & MDTA funded)
- Hanover Street/McComas Street on ramp to I-95 northbound. Construct a new single lane on ramp from McComas Street east of Hanover Street to I-95 NB - \$31.126 million (Fastlane Grant & MDTA funded)
- McComas Street west of Hanover Street. Relocate McComas Street between the I-95 ramps and Hanover Street. Relocate McComas Street to align with the proposed I-95 ramps and the Hanover Street intersection - \$8.145 million (Fastlane Grant & TIF funded)
- Pedestrian and Bicycle Enhancements. Provide additional pedestrian and bicycle access to the Port Covington development between Hanover Street and Key Highway - \$13.073 million (Transportation Alternatives Program (TAP) Federal Grant Funded)

The total cost of Phase 2 improvements, not including the right-of-way, is estimated at \$272.961 million.

Funding for Phase 2 was not sought under the FASTLANE II Grant Application nor is a funding commitment being sought from MDTA for the I-95 improvements included in Phase 2 at this time.

Upon motion by Member William Hellmann, and seconded by Member Gaines, the Members unanimously approved the preferred alternative as outlined above.

Member Basso ended his participation in the meeting.

UPDATE – HUMAN RESOURCES (HR) COMMITTEE

Member Gaines reported the Committee received an update on the purpose of the Personnel Action Committee (“PAC”) which is to review personnel matters for compliance with Federal and State laws as well as applicable policies and regulations. The Committee was provided a demonstration by MDTA Department of Instructional Technology on a new automated system to improve the efficiency and effectiveness of MDTA Office of Human Resources and Workforce Development. The Committee was given an update on the results of the new employee awards program.

UPDATE – LEGISLATIVE UPDATE

Ms. Michele Gross stated there are only 11 days left until the end of session and provided updates on a few pending bills in the Senate and House that MDTA is still watching.

UPDATE – EXECUTIVE DIRECTOR’S REPORT

Mr. Reigrut reported the Department of Legislative Services was recommending to increase certain financial restrictions related to MDTA in the Budget Reconciliation and Financing Act (BRFA); however, CFO Jaclyn Hartman was able to clarify and address issues with key legislators and the amendments were not included in BRFA.

There being no further business, the meeting of the MDTA Board was adjourned by general consensus at 10:43 a.m.

The next MDTA Board Meeting will be held on April 27, 2017 at 9:00 a.m. at 2310 Broening Highway, Baltimore, MD 21224

APPROVED AND CONCURRED IN:



Pete K. Rahn, Chairman