

MARYLAND TRANSPORTATION AUTHORITY
BOARD MEETING
THURSDAY, APRIL 23, 2015
2310 BROENING HIGHWAY, BALTIMORE, MD 21224

OPEN SESSION

Pete K. Rahn, Chairman

MEMBERS ATTENDING:

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

STAFF ATTENDING:

Percy Dangerfield
Trudy Edwards
Patrick Fleming
Aarion Franklin
Bruce Gartner
Jim Harkness
Jaclyn Hartman
Meshelle Howard
Colonel Mike Kundrat
Dave LaBella
Jessica Mettle
Kimberly Millender, Esq.
Cathy Beasley Pope
Mike Rice
Ramona Pierre-Saunders
Deborah Sharpless
Dennis Simpson
Cheryl Sparks
Dan Williams

OTHERS ATTENDING:

Jason L. Allison, Esq. – Cecil County Gov't
Carlos DeJesus – Areas
Chris Frunheiser - AECOM
Robert Hodge – Cecil County Council
Ed McDonald – Chief of Staff, MDOT
Tari Moore – Cecil County Gov't
Carl Roberts – Cecil County, Chamber of Commerce
Eric Sennstrom – Cecil County Gov't
Lisa Webb - Cecil County Gov't
Alfred C. Wein, Jr. – Cecil County Gov't

At 9:00 a.m. Chairman Pete K. Rahn, called the meeting of the Maryland Transportation Authority (“MDTA”) Board to order.

Chairman Rahn recommended that the Board consider allowing public comment at its meetings on non-personnel issues for up to two minutes per person if the comments are related to topics on the published agenda. After discussion, the Members concurred and asked staff to prepare a draft Board Statement for review.

Chairman Rahn welcomed and introduced new MDTA Board Member W. Lee Gaines, Jr.

APPROVAL – OPEN SESSION MINUTES OF MARCH 26, 2015

Upon motion by Member Mary Beyer Halsey and seconded by Member Katrina Dennis, Esq., the Open and Closed Session meeting minutes of the MDTA Board Meeting held on March 26, 2015 were unanimously approved.

PRESENTATION – CECIL COUNTY GOVERNMENT

Cecil Council President, Robert Hodge and Tari Moore, Cecil County Executive, presented the MDTA Board the County’s study of The Ongoing Economic Impact of Highway Tolls in Cecil County that was prepared by Sage Policy Group at the County’s request. The presentation included a discussion regarding the County’s goals for economic development and a request for consideration for a change in toll rates.

APPROVAL – RESOLUTION 15-03 – USE OF QUICK-TAKE AUTHORITY ON MDTA HIGHWAY PROJECTS

Mr. Dennis Simpson requested approval for the use of “Quick-Take” authority on MDTA highway projects and the delegation of authority to the Executive Director to take the necessary actions to exercise Quick-Take authority, where appropriate in order to meet project schedules. This item was presented to the Capital Committee on September 4, 2014 and the Finance Committee on September 9, 2014 meetings and both committees recommended for approval.

The MDTA used State Roads Commission’s (SRC) Quick Take authority for the property acquisitions for the I-95 Improvements for the Express Toll Lanes project through a resolution adopted by the MDTA Board. In that case the Quick Take authority was exercised by the State Highway Administration (SHA) through the SRC without MDTA involvement. The reason for this different approach is two-fold. First, we now have the resources at our disposal to perform the work previously delegated to SHA; and second, the SHA does not have the resources to assist us because they are assisting the Maryland Transit Administration with acquisitions for the Red and Purple Lines. In order to make sure that acquisitions needed for MDTA highway projects are conducted in an efficient and timely manner, staff requested approval for the use of “Quick Take” authority on MDTA highway projects and to delegate authority to the Executive Director to take the necessary actions to exercise Quick Take authority, where appropriate in order to meet project schedules. The Executive Director will notify the MDTA Board before exercising the action to use “Quick Take”

authority, Member Hellmann stated that the MDTA needs to use this authority as a last resort and not set schedules that don't allow for the normal condemnation process.

Upon motion by Member William Hellmann and seconded by Member Dennis the Members unanimously approved Resolution 15-03 Use of Quick-Take Authority on MDTA Highway Projects.

Member Hellmann recused himself and left the meeting.

APPROVAL CONTRACT – AWARD

- **CONTRACT NO. AE 3001 – NICE BRIDGE REPLACEMENT AND AUTHORITY WIDE COMPREHENSIVE GENERAL ENGINEERING CONSULTANT (GEC) AND PRELIMINARY ENGINEERING AND FINAL DESIGN AND CONSTRUCTION MANAGEMENT INSPECTION (CMI) SERVICES**

Ms. Jessica Mettle requested approval for Contract No. AE 3001, for the Nice Bridge Replacement and Authority Wide Comprehensive GEC and Preliminary Engineering and Final Design and Construction Management Inspection Services for the MDTA. This item was reviewed by the Capital Committee and recommended for approval.

The services to be performed under this Contract are preliminary and final comprehensive engineering design associated with the preparation of construction plans and documents and construction management inspection services. The Consultant will be required to perform Program Management as a GEC for the Maryland Transportation Authority for the Nice Bridge replacement.

The work encompasses all the MDTA facilities including: I-95 (John F. Kennedy Memorial Highway) in Baltimore, Harford and Cecil Counties; I-895 (Baltimore Harbor Tunnel Thruway) in Baltimore City and Baltimore, Howard and Anne Arundel Counties; I-95 and I-395 (Fort McHenry Tunnel) in Baltimore City; I-695 (Francis Scott Key Bridge) in Baltimore City and Baltimore and Anne Arundel Counties; Harry W. Nice Memorial Bridge in Charles County; William Preston Lane, Jr. Memorial, (Bay Bridge) in Anne Arundel and Queen Annes Counties; Thomas J. Hatem Memorial Bridge in Harford and Cecil Counties; InterCounty Connector (ICC) in Montgomery and Prince Georges Counties. This work shall include but not be limited to: structural analysis, design and rehabilitation of complex and routine bridge structures, small structures, sign structures, noise walls, retaining walls, tunnels and buildings; highway design, including major highway and interchange widening and reconstruction (including elevates structures); development of maintenance of traffic for projects, performing traffic studies and revenue studies; toll plaza and truck inspection station design and reconstruction; design of signing and lighting and signalization; utility design; landscape design; noise analysis and mitigation; survey services; geotechnical engineering and drilling services; various mechanical and electrical engineering services related to bridge, highway and facility (building) projects; condition and construction management and inspection, and "Phase V" services; value engineering; public relations support and supplemental staffing as required.

This one (1) task-based contact will be a cost plus fixed fee Contract, valued at a Not-to-Exceed cost of Fifteen Million Dollars (\$15,000,000). The project was initially approved by Secretary of Transportation, James T. Smith, on May 21, 2014.

The Minority Business (MBE) participation goal is 29% with sub-goals of 6% African American, 2% Hispanic American, and 9% Women-Owned. In addition, the contract contains a 1% Veteran-Owned Small Business Enterprise (VSBE) participation goal. The prime contractor has submitted an MBE plan and a VSBE plan that meet the goals.

The firm selected for award of Contract No. AE 3001 in the amount of \$15,000,000 is Johnson, Mirmiran & Thompson/Parsons Brinckerhoff, Inc., a Joint Venture. Its sub-consultants are: Athavale, Lystad & Associates, Inc., MBE; Findling, Inc., MBE; Navarro & Wright Consulting Engineers, Inc., MBE; NXL Construction Services, Inc., MBE; Coastal Resources, Inc., MBE; Constellation Design Group, Inc., MBE; Remline Corp., MBE; Transtech Engineering Consultants, Inc., MBE; E2CR, Inc., MBE; Alvi Associates, Inc., MBE; RJM Engineering, Inc., MBE; AB Consultants, Inc., MBE; EA Engineering, Science, and Technology, Inc.; Northeast Engineering, Inc., VSBE;

Upon motion by Member Michael Whitson and seconded by Member Arthur Hock the Members unanimously approved the award of Contract No. AE 3001 Nice Bridge Replacement and Authority Wide Comprehensive General Engineering Consultant and Preliminary Engineering, Final Design and Construction Management Inspection Services to Johnson, Mirmiran & Thompson/Parsons Brinckerhoff, Inc., a Joint Venture in the amount of \$15,000,000.

Member Hellmann returned and joined the meeting.

APPROVAL CONTRACT – MODIFICATION

- **CONTRACT NO. KH 1402-000-006R I-95 EXPRESS TOLL LANES MD 43 INTERCHANGE TO NORTH OF JOPPA ROAD**

Mr. Dan Williams requested approval to modify the design of the supporting roadway base for Contract No. KH 1402-000-006R I-95 Express Toll Lanes MD 43 Interchange. This item was reviewed by the Capital Committee and recommended for approval.

The original construction budget of the contract reflected the low bid amount of \$142,588,000 plus \$14,258,800 or a 10% contingency for additional work. The current authorized construction budget is \$156,846,800. This is a request for Contract modification in the amount of \$2,696,500 Capital Expenditure that exceeds \$500,000. This modification is within the original construction budget and the delegated authority.

The additional increase is needed to perform additional work as a result of unforeseen site conditions consisting of unsuitable base foundation material under the existing lanes of I-95 northbound and southbound, north of Campbell Boulevard to the MD 43 Interchange.

Upon motion by Member Dr. Rev. William Calhoun, Sr and seconded by Member Hellmann the Members unanimously approved the Contract Modification in the amount of \$2,696,500 for Contract No. KH 1402-000-006R I-95 Express Toll Lanes and MD 43 Interchange to North of Joppa Road.

APPROVAL CONTRACT – DELEGATED AUTHORITY

- **CONTRACT NO. KH 1403-000-006 I-95 EXPRESS TOLL LANES PROJECT – I-95 FROM NORTH OF MD 43 TO NORTH OF JOPPA ROAD**

Mr. Dan Williams requested approval to increase the Delegated Authority for the Executive Director for Contract No. KH 1403-000-006 I-95 Express Toll Lanes Project – I-95 from North of MD 43 to North of Joppa Road.

The original construction budget reflected the low bid of \$28,136,777 plus 2,813,677, or 10% for extra work, for an authorized budget of \$30,650,454. The authorized construction budget was previously increased on October 24, 2013 by \$8,205,264. The current authorized construction budget is \$39,155,718.

The additional increase of \$3,893,000 is needed to perform extra work as a result of unforeseen site conditions and the owner initiated changes which resulted in red line revisions, and field modifications on northbound and southbound I-95, north of MD 43.

Upon motion by Member Hellman and seconded by Member Arthur Hock the Members unanimously approved to Delegate the Authority to the Executive Director for Contract No. KH 1403-000-006 I-95 Express Toll Lanes Project, I-95 from North of MD 43 to North of Joppa Road in the amount of \$3,893,000 for extra work as a result of unforeseen site conditions and owner initiated changes which resulted in red line revisions, and field modifications.

Member Calhoun ended his participation in the meeting.

UPDATE – LEGISLATIVE SESSION

Mr. Patrick Fleming provided an overview of the 2015 Legislative Session. HB 1241, introduced by the MDTA, passed unanimously. All other legislation that directly affected the MDTA did not pass. Mr. Fleming is currently completing an end of session report. He is working with staff to implement legislation that impacts the MDTA such as procurement, Public Information Act (PIA), and policing changes that will become effective later this year. Member Halsey asked what changes have been made to the PIA statute. Mr. Fleming explained that there were numerous bills introduced during the legislative session. Two major changes that were made include agencies listing the point of contact for PIA inquires on their website, and that a new PIA Board and an ombudsman have been created within the Attorney's Generals Office that will review denials of PIA requests, requests for fee waivers, and will help narrow overly broad information requests.

UPDATE – I-95 TRAVEL PLAZAS

Mr. Percy Dangerfield introduced Mr. Carlos DeJesus from AREAS USA, who jointly presented the Members with an update on the partnership between MDTA and AREAS USA including lessons learned to date, prevailing wage and MBE utilization for the Maryland House and Chesapeake House Travel Plazas Redevelopment Project, and an overall status of both plazas now at full operation.

There being no further business, the meeting of the MDTA Board was adjourned by general consensus at 10:42 a.m.

The next MDTA Board Meeting will be held on May 28, 2015 at 9:00 a.m. at the Point Breeze Headquarters, 2310 Broening Highway, Baltimore, Maryland 21224.

APPROVED AND CONCURRED IN:

Jim Ports, Jr., Acting Chair