

MARYLAND TRANSPORTATION AUTHORITY
BOARD MEETING
THURSDAY, MAY 26, 2016
2310 BROENING HIGHWAY, BALTIMORE, MD 21224

OPEN SESSION

Jim F. Ports, Acting Chairman

MEMBERS ATTENDING:

P. Jack Basso
Rev. Dr. William C. Calhoun, Sr.
William Ensor
W. Lee Gaines, Jr.
William K. Hellmann
Michael Leahy, Esquire
Randall Nixon, Esquire
Michael Whitson (via Telephone)

STAFF ATTENDING:

Milt Chaffee
Percy Dangerfield
Donna DiCerbo
Trudy Edwards
Bob Farley
David Greene
Michele Gross
Jim Harkness
Jaclyn Hartman
Meshelle Howard
Larry Hughes
Joe Jachelski
Kelly Melhem
Kimberly Millender, Esquire
Tonya Morant
John O'Neill
William Pines
Lt. Col. J. Ruff
Shawn Schmelzer
Deb Sharpless
Dennis Simpson
Abey Tamrat
Dan Williams

OTHERS ATTENDING:

Shane Beabes, AECOM
David Duke, AECOM
Phil Waldvogel, Ammann & Whitney

At 9:00 a.m. Acting Chair, Jim Ports called the meeting of the Maryland Transportation Authority (“MDTA”) Board to order.

APPROVAL – OPEN SESSION MINUTES OF MAY 26, 2016

Upon motion by Member William Ensor, and seconded by Member P. Jack Basso the closed and open meeting minutes of the MDTA Board meeting held on April 28, 2016 were unanimously approved.

PRESENTATION – AWARDS

Mr. Dan Williams presented three awards received by the Office of Engineering and Construction: one from the National Asphalt Pavement Association for our work on the I-95 Express Toll Lane project; and two for the Bay Bridge Cable Dehumidification Project, one from Engineering News Record and a National Award from the American Council of Engineering Companies (ACEC).

APPROVAL – HIMMELRICH AIR SPACE LEASE

Mr. Dennis Simpson requested approval for two air space leases of property under I-395 at 1300 S. Sharp Street and 215 Stockholm Street to Himmelrich Associates for vehicle parking for a period of ten years with one optional 10 year renewal. This item will require Board of Public Works (BPW) approval.

Himmelrich Associates has leased these two properties from the City of Baltimore since 1986. The MDTA took over the leases when I-95 was transferred to MDTA from the City in 1995. The leases expired in 2013 when Himmelrich Associates did not execute their renewal of these leases. Himmelrich has remained as tenants on a month to month basis for both properties since that time.

1300 S. Sharp Street Property (I-395-007) – The 1300 S. Sharp Street Property is 0.94 acres and has been appraised for an annual rent value of \$25,944. This is a significant increase from the existing annual rent of \$9,450. The rent will be incrementally increased over a five year period to the new rental amount in year five. A new appraisal will be completed in year five to establish the new annual rent for the remaining five years of the first ten-year term. If the renewal option is taken and approved, it will be based on a new appraisal that will also be updated at year five of the second 10-year term.

215 Stockholm Street Property (I-395-008) – The 215 Stockholm Street property is 1.94 acres and has been appraised for an annual rental value of \$44,232. This is a significant increase from the existing rental amount of \$10,630.80. The rent will be incrementally increased over a five year period to the new rental amount in year five. A new appraisal will be complete in year five to establish the new annual rent for the remaining five years of the first ten-year term. If the renewal option is taken and approved, it will be based on a new appraisal that will be updated at year five of the second ten-year term.

Upon motion by Member P. Jack Basso and seconded by Member Michael Leahy, the Members unanimously approved the Himmelrich Air Space Leases as presented: 1300 S. Sharp Street Property (I-395-007) incrementally increased to year five for the new appraised value of \$25,944; 215 Stockholm Street Property (I-395-008) incrementally increased to year five for the new appraised value of \$44,232; and upon completion of the year five appraisals establish the new annual rent for the remaining five years of the first ten-year term for both properties.

APPROVAL – CONTRACT AWARD

- **CONTRACT NO. J01B6400003 – DYNAMIC TRAFFIC CONTROL SYSTEM SOFTWARE MAINTENANCE AND SERVICE PLAN**

Ms. Donna DiCerbo requested approval for Contract No. J01B6400003 Dynamic Traffic Control System Software Maintenance and Service Plan. This item was reviewed by the Finance Committee and requires Board of Public Works (BPW) approval.

The primary purpose of the DYNAC[®] Traffic Control System is to manage the lighting, ventilation, and traffic control signs/signals for the Fort McHenry Tunnel (FMT), the Baltimore Harbor Tunnel (BHT), and the Intercounty Connector (ICC) Deckover Supervisory Control and Data Acquisition (SCADA) system. Due to the proprietary software, only certified technicians from Kapsch can provide the maintenance and upkeep of the current system.

This Contract will provide preventative and corrective software maintenance support for a term of five (5) years. This Contract will also include a fixed price \$483,716 DYNAC software/hardware upgrade to convert the MDTA's existing configuration and graphics to DYNAC ES Version 14 and a not-to-exceed amount of approximately \$3.9 Million for corrective maintenance, such as troubleshooting and replacement of failed hardware, and additional tasks that are required to support integration of new DYNAC controlled tunnel devices, such as fans, sensors, monitors, programmable logic controllers (PLC), luminance meters, etc. that will be driven by future Capital projects. \$500,000 of the approximate \$3.9 Million is an allowance of parts, specifically subcontractors, and specialty equipment for the tasks issued through this Contract. The remainder is for labor that will be set a fixed hourly labor rates. This allowance will only be used if necessary and will not be used without prior approval of the Project Manager.

The existing Sole Source Contract #2102008 expires on July 30, 2016. This new Contract has a term of five (5) years and the total value of this contract shall not exceed \$5,182,510. Kapsch TrafficCom USA, the original equipment manufacturer (OEM) and developer of the proprietary software, is the only firm able to maintain the current DYNAC Traffic Control System. Purchase of an alternate product could result in compatibility issues or a failure of the existing DYNAC Traffic Control System. Without maintenance the existing systems will deteriorate and negatively affect MDTA operations.

This Contract fits the Sole Source criteria as stated in COMAR 21.05.05.02 (1) and (2), (1) when only one source exists which meets the requirements; (2) when the compatibility of equipment, accessories, or replacement parts is the paramount consideration. There are no other providers of a similar product in the industry.

Upon motion by Member Basso and seconded by Member Michael Reverend William C. Calhoun, Sr., the Members unanimously approved Sole Source Contract No. J01B6400003 DYNAC® Traffic Control System Software Maintenance and Service Plan with a term of five (5) years and a total value not-to-exceed of \$5,182,510.

- **CONTRACT NO. SV 3007-0000 MDTA THIRD-PARTY ENVIRONMENTAL COMPLIANCE AUDITS**

Ms. DiCerbo requested approval for Contract No. SV 3007-0000 MDTA Third-Party Environmental Compliance Audits. This item was reviewed by the Finance Committee and requires Board of Public Works (BPW) approval.

The Contract will provide Third-Party Environmental Compliance Audits in support of the agency's Environmental Management System which includes conducting three (3) environmental compliance audits per year and each audit will evaluate up to three media areas/topics. Examples of media areas/topics include: drinking water, hazardous waste, underground storage tanks, air emissions, etc.

This Contract has a term of three (3) years valued at \$203,265, with one (1) 3-year renewal option valued at \$210,960 for a total contract term of six (6) years in the amount of \$414,225. Pursuant to Code of Maryland Regulations (COMAR) 21.05.01.02, MDTA solicited Competitive Sealed Proposals for these professional services. This is an Indefinite Quantity Contract with firm fixed unit prices (labor rates for labor hours), as defined in COMAR 21.06.03.06. A (2) (indefinite quantity) and 21.06.03.02.A(1)&(2) (fixed price and firm fixed price).

Three (3) proposals were received by:

<u>OFFEROR</u>	<u>TECHNICAL RANKING</u>	<u>FINANCIAL RANKING</u>	<u>OVERALL RANKING</u>
SEMCAS	1	\$414,225.00 (1)	1
Aria	3	\$430,024.50 (2)	2
SaLUT	2	\$434,494.08 (3)	3

The Evaluation Committee reviewed the Technical Proposals wherein all Offerors were determined to be reasonably susceptible of being selected for award. There were no discussions held with Offerors, and upon completion of the Technical Proposal evaluation, the Price Proposals were opened and evaluated, and a Price Proposal BAFO was requested and received.

SEMCAS was ranked first Technically and first Financially for an overall ranking of first, therefore, the Evaluation Committee recommended SEMCAS for award, as they provided the most advantageous offer to the State. Debriefings were conducted with all non-selected Offerors, and the protest period has passed.

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

Upon motion by Member Leahy, and seconded by Member Randall Nixon, the Members unanimously approved Contract No. SV 3007-0000 MDTA Third-Party Environmental Compliance Audits was awarded to SEMCAS in the amount of \$414,225.

- **CONTRACT NO. SV 3013-0000 BLOOMBERG INVESTMENT SERVICES**

Ms. DiCerbo requested approval to execute Sole Source Contract No. SV 3013-0000 with Bloomberg Financial Services, L.P. (Bloomberg). This item was reviewed by the Finance Committee and requires Board of Public Works approval.

Bloomberg's Investment services support the buying and selling of investment securities through the MDTA's approved brokers. Bloomberg is the industry standard for securities trading, analytics, and market/economic data. The existing Sole Source Contract #20140023 expires on July 10, 2016. The new Contract will provide for two (2) (licenses plus terminals) and the required T1 dedicated telecommunications lines. This Contract has a term of two (2) years valued at \$106,920 with two (2) 2-year renewal options valued at \$235,483.76 for a total contract term of six (6) years, with a Not-to-Exceed contract value of \$342,403.76.

Access to the Bloomberg service has improved the MDTA's investment management process by facilitating greater access to bond market information, analytics and electronic trading through the dealer network. The critical duties of initial credit reviews and surveillance are difficult and time consuming without access to Bloomberg. There are no other providers of a similar comprehensive product in the industry.

This Contract fits the Sole Source criteria as stated in COMAR 21.05.05.02 (1) and (2), (1) when only one source exists which meets the requirements; (2) when the compatibility of equipment, accessories, or replacement parts is the paramount consideration. There are no other providers of a similar product in the industry.

Upon motion by Member William Ensor, and seconded by Member Nixon, the Members unanimously approved the Sole Source Contract No. SV 3013-0000 with Bloomberg Financial Services, L.P. for two (2) (licenses plus terminals) and the required T1 dedicated telecommunications lines; this Contract has a term of two (2) years valued at \$106,920 with two (2) 2-year renewal options valued at \$235,483.76 for a total contract term of six (6) years, with a Not-to-Exceed contract value of \$342,403.76.

Member Michael Whitson exited the meeting as approximately 9:30 a.m.

UPDATE – TRAVEL PLAZA MURAL (Item should have been labeled as an Approval)

Mr. David Greene updated the request for Board of Public Works (BPW) approval to transfer the Former Maryland House Travel Plaza Mural scene panel depicting Andrew Ellicott and Benjamin Banneker in front of a map of DC to the Banneker Douglas Museum. This item was reviewed by the Finance Committee, and requires BPW approval.

The Ellicott/Banneker panel is part of one of two sections of mural vignettes that were formerly on the second floor of the old Maryland House. The murals were appraised by a painting conservator in December 2013. The values of the murals are greater when cut into individual panels and have a higher probability of being located to an appropriate owner. A procurement will be developed to carefully separate the remaining panels and staff will continue to work to find proper homes for the balance of the mural panels, preferably in their current condition. The mural panel of Francis Scott Key in front of the U.S flag will be cleaned and displayed in the MDTA's headquarters lobby.

While MDTA is the owner of all facets of the work including copyright, in recognition of the Visual Artists Rights Act (VARA) of 1990 (the first federal copyright legislation to grant protection to moral rights), MDTA has also been coordinating with the artist's family on the disposition of the mural panels.

This panel of Andrew Ellicott and Benjamin Banneker in front of map of D.C. is in good condition. The Banneker-Douglass Museum in its role as the State of Maryland's official museum of African American heritage has identified and requested this mural panel "as is" with the intent to include it as part of a new permanent exhibition on Benjamin Banneker and Frederick Douglass.

Upon motion by Member Calhoun, and seconded by Member Nixon, the Members unanimously approved the request to seek Board of Public Works approval to transfer the Former Maryland House Travel Plaza Mural scene panel depicting Andrew Ellicott and Benjamin Banneker in front of map of DC to the Banneker Douglas Museum.

UPDATE – LEGISLATIVE SESSION

Ms. Michele Gross updated the Members on Senate Bill 907: Transportation – Harry W. Nice Memorial Potomac River Bridge – Replacement.

UPDATE – BAY BRIDGE SUMMER TRAVEL SAFETY CAMPAIGN

Ms. Kelly Melhem presented the Bay Bridge Summer Travel Safety Campaign, which represent our efforts to promote safety and trip planning for the summer-travel season at the Bay Bridge.

The 2016 Bay Bridge Summer Travel Safety Campaign kicks off this weekend and emphasizes no texting/tailgating, planning ahead, and using E-ZPass. Our MDTA "spokesbirds" Spike and Otis are leveraging their brand equity once again to promote safety tips, 1-877-BAYSPAN (229-7726), baybridge.com, @TheMDTA on social media and best times to travel the Bay Bridge. Since 1-877-BAYSPAN went live in 2005 and baybridge.com launched in 2007, the MDTA's customers consistently rely on these information sources not just during the summer, but throughout the year.

The Division of Communications (DOC) is utilizing McAndrew Company (Contract #20120002) to develop and produce the 2016 campaign. McAndrew also produced the 2014 and 2015 campaigns and consistently secures additional media value opportunities with each campaign at no cost to the MDTA. The DOC has proactively decreased summer-travel media spending in the last several years to arrive at an effective budget and incorporates PR and grassroots efforts, traditional marketing and heavy use of far-reaching and inexpensive digital marketing. This year's media budget of \$385,516 is consistent with and just under the 2015 budget of \$399,660.

UPDATE – PORT COVINGTON

Mr. Dennis Simpson provided an update on the progress of the NEPA efforts associated with the Port Covington I-95 and City street improvements. Existing traffic has been finalized; future traffic projections have not been initiated. The future traffic is critical to the purpose and need for the project. We are developing a whitepaper on our approach to NEPA to obtain buy-in from FHWA. The plan is to proceed with a project-level Environmental Assessment for all of the improvements except the light rail spur. The MOU with Sagamore has been finalized; we are awaiting the signed originals to execute the MOU.

UPDATE – EXECUTIVE DIRECTOR'S REPORT

Mr. Milt Chaffee touched on a few topics on the upcoming Memorial Day weekend: Expected traffic volume of 1.6 million travelers. MDTA Police have two initiatives they will be conducting: night time seat belt checks and impaired driver enforcement. FOP 34 former President was suspended without pay, pending investigation and charges. The MDTA Police Graduation is at Goucher College, Towson, MD on June 9, 2016, at 7:00 pm. Point Breeze Awards Ceremony and Appreciation Day is June 15 at 11:00 am.

The Board briefly discussed whether there was a need to go into closed session to discuss the next item and the Board decided not to go into Closed Session.

APPROVAL – ORGANIZATIONAL REALIGNMENT

Mr. Chaffee presented an Organizational Realignment for approval. The current structure reflects one Deputy Executive Director with the following direct reports: Chief Engineer: Special Projects/Intercounty Connector Coordinator; Director, Division of Project Planning and Program Development; Chief Financial Officer; and Director, Office of Environmental, Safety & Risk Management; and Chief Administrative Officer.

The proposed reorganization will remove the Director, Office of Environment, Safety & Risk Management and the Chief Administrative Officer from reporting to the Deputy Executive Director and will place these positions as direct reports to the Executive Director. The Manager, ETC 3G Program and IAG staff support will directly report to the Deputy Executive Director.

The Executive Director will continue to have the following direct reports: Chief of Operations; Chief of Police; Principal Counsel; Director, Office of Audits; Director, Division of Communications; and, Chief, Equal Employment Opportunity.

The Chief Administrative Officer will have one new direct report: Director, Office of Minority Business Enterprise Compliance. Otherwise, the Chief Administrative Officer will continue to have the following direct reports: Director, Division of Information Technology; Director, Division of Business Planning, Policy & Performance; Director, Division of Procurement; Manager, Asset Control and Damage Recovery; and, Director, Office of Human Resources & Workforce Development, as prior to the reorganization.

This change in reporting relationship does not materially affect the functions of the Chief Administrative Officer and the position will remain in the current pay scale.

Upon motion by Member Basso and seconded by Member Nixon, the Members unanimously approved the Organizational Realignment as outlined.

There being no further business, the meeting of the MDTA Board was adjourned by general consensus at 10:14 a.m.

The next MDTA Board Meeting will be held on June 30, 2016 at 9:00 a.m. at 4330 Broening Highway, Baltimore, Maryland 21222 in the first floor Multi-Purpose Room.

APPROVED AND CONCURRED IN:

R. Earl Lewis, Jr., Acting Chair