

MARYLAND TRANSPORTATION AUTHORITY
BOARD MEETING
THURSDAY, MAY 28, 2015
2310 BROENING HIGHWAY, BALTIMORE, MD 21224

OPEN SESSION

Jim Ports, Jr., Acting Chairman

MEMBERS ATTENDING:

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

STAFF ATTENDING:

Percy Dangerfield
Donna DiCerbo
Trudy Edwards
Patrick Fleming
Gordon Garrettson
Bruce Gartner
David Greene
James Harkness
Jaclyn Hartman
Meshelle Howard
Derek Jones
Colonel Mike Kundrat
Kimberly Millender, Esq.
Cathy Beasley Pope
Mike Rice
Deborah Sharpless
Cheryl Sparks
Alison Williams
Dan Williams

OTHERS ATTENDING:

Shane Beabes, AECOM, Consultant
Ed McDonald – Chief of Staff, MDOT

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

APPROVAL – OPEN SESSION MINUTES OF APRIL 23, 2015 AND MAY 7, 2015

Upon motion by Member P. Jack Basso and seconded by Member Michael Whitson, the Open meeting minutes of the MDTA Board Meeting held on April 23 were unanimously approved. Upon motion by Member William Hellmann and seconded by Member W. Lee Gaines, Jr., the Special meeting minutes of the MDTA Board Meeting held on May 7, 2015 were unanimously approved.

APPROVAL – MDTA POLICY FOR PUBLIC COMMENTS AT MONTHLY BOARD MEETINGS

Mr. Bruce Gartner presented the draft MDTA Policy for Public Comments at Monthly Board Meetings, which was drafted at the request of the Chairman and Members.

Upon motion by Member Whitson and seconded by Member Mary Halsey, the Policy for Public Comments at Monthly Board Meetings was unanimously approved.

APPROVAL – RESOLUTION 15-02 – AUTHORIZES THE REFUNDING OF THE PARKING LEASE REVENUE BONDS, CALVERT STREET PARKING GARAGE PROJECT, SERIES 2005, SUBJECT TO CERTAIN REQUIREMENTS (CONDUIT DEBT)

Ms. Alison Williams and Ms. Jaclyn Hartman requested approval for MDTA Resolution 15-02 to authorize the refunding of the outstanding Parking Lease Revenue Bonds, Calvert Street Parking Garage Project, Series 2005 (the “Series 2005 Bonds”), through the issuance of Limited Obligation Parking Lease Revenue Refunding Bonds, Calvert Street Parking Garage Project, Series 2015 (the “2015 Refunding Bonds”) in an aggregate principal amount not to exceed Twenty Million Dollars (\$20,000,000), subject to certain other limitations and requirements as set forth in the Resolution. This item was reviewed by the Finance Committee and recommended for approval.

Upon motion by Member Basso and seconded by Member Arthur Hock, the Members unanimously approved Resolution 15-02 to authorize the refunding of the outstanding Parking Lease Revenue Bonds, Calvert Street parking Garage Project, Series 2005, through the issuance of Limited Obligation Parking Lease Revenue Refunding Bonds, Calvert Street Parking Garage Project, Series 2015 in an aggregate principal amount not to exceed Twenty Million Dollars (\$20,000,000), subject to certain other limitations and requirements as set forth in the Resolution.

Member Reverend Doctor William C. Calhoun, Sr. joined the meeting.

APPROVAL – Public Private Partnership (P3) Regulations

Mr. Patrick Fleming requested approval for the Public Private Partnership (P3) Regulations subject to any need to resolve non-substantive changes as the result of pre-publication review.

During the 2013 legislative session, the General Assembly passed legislation that changes the way that P3's are conducted in the State of Maryland. The proposed regulations will provide the framework for MDTA's future solicited and unsolicited P3's and are consistent with MDOT's regulations. Publication in the Maryland Register is anticipated for July 10, 2015.

Upon motion by Member Hellman and seconded by Member Calhoun, the Members unanimously approved the Public Private Partnership (P3) Regulations.

APPROVAL – REGULATION CHANGES AS A RESULT OF HOUSE BILL 1241

Mr. Fleming requested approval and sought delegated authority for the Executive Director to approve amendments to the Electronic Toll Collection and Toll Violation Enforcement Regulations. The amendments are needed as a result of House Bill (HB) 1241 that was passed during the 2015 legislative session.

During the 2015 legislative session, the General Assembly passed legislation that modified the way MDTA collects video tolls, including giving the MDTA the ability to waive video tolls and civil penalties before they are referred to the Central Collections Unit (CCU) for collection. These regulations will provide the framework for MDTA's waiver of video tolls due and civil penalties and other changes to reflect the amendments to the process enacted under HB 1241. Upon review of the proposed draft regulations, the Board raised several questions regarding certain provisions including the regulations related to speeding.

Upon motion by Member Basso and seconded by Member Calhoun, the Members unanimously approved the draft regulations in concept, and requested that additional changes be made based on the discussions of the Board at the meeting, which additional changes will require approval by the Board, which approval may be taken by a telephone poll for a conference vote when all changes are finalized.

APPROVAL – I-95 TRAVEL PLAZAS – CHESAPEAKE HOUSE REPAIR CREDIT

Mr. Percy Dangerfield and Mr. David Greene requested retroactive approval for a credit for repairs related to the Chesapeake House Sunoco during the initial transition of the Travel Plazas. During the initial transition from the previous operator to Areas, the Maryland Department of Environment (MDE) required repairs that were not anticipated. The Executive Director approved the request for compensation, but it was later determined that the item had not been brought to the Board for approval. This item was presented to the Capital Committee and recommended for approval.

A review of all credits issued to Areas to verify they were properly supported by the matter of contract or approved by the appropriate personnel at MDTA disclosed that one credit totaling \$109,556.40 was not approved by the MDTA Board. The credit given to Sunoco for repairs that were required by the Maryland Department of Environment due to the condition of the existing facilities and for work to repair damages discovered in transition from the previous fueling vendor at the Chesapeake House. MDE would not allow the stations to reopen until the remediation was completed to bring the facilities into compliance with regulations.

Upon motion by Member Calhoun and seconded by Member Halsey, the Members unanimously approved a retroactive credit paid to Areas for repairs that Sunoco made that were required by the Maryland Department of Environment in the amount of \$109,556.40.

APPROVAL CONTRACT – AWARD

• **CONTRACT NO. 20140022 ARC FLASH HAZARD STUDY AT VARIOUS LOCATIONS**

Ms. Donna DiCerbo requested approval for Contract 20140022 Arc Flash Hazard Study at Various Locations. This item was reviewed by the Finance Committee and recommended for approval.

This project is for the purpose of securing a Contractor to provide short circuit, coordination and arc flash hazard study analysis for the electrical distribution systems at the MDTA facilities/buildings. The Contractor shall include all labor, materials, specialized equipment, service and transportation necessary to perform the required services under the terms of the Contract.

The MDTA solicited Competitive Sealed Bids for these services, pursuant to the Code of Maryland Regulation (COMAR) 21.06.03.02 B(1)5.01.02.

This Contract is for three hundred and sixty (360) days and valued at \$373,560.

Seven (7) bids were received. Shah & Associates, Inc. is the lowest responsive and responsible bid. As the Contractor is new to the Authority, references were verified by the Procurement Officer, and experience was verified by the Project Manager. This Contract was designated as a Small Business Preference, with an overall seven (7%) percent Minority Business Enterprise (MBE) participation goal.

As the total value of this Contract exceeds the authority delegated to the MDTA, the MDTA will seek approval by the Board of Public Works.

Upon motion by Member P. Jack Basso and seconded by Member Mary Halsey, the Members unanimously approved the award of Contract No. 20140022 Arc Flash Hazard Study at Various Locations to Shah & Associates, Inc. in the amount of \$373,560.

Member Dennis joined the meeting.

Prior to presenting the next item, Ms. Donna DiCerbo clarified that the agenda reflected Contract No. 20150002 Uninterrupted Power Supply Maintenance for All Locations as a renewal, and it is an award.

- **CONTRACT NO. 2015002 UNINTERRUPTED POWER SUPPLY (UPS) MAINTENANCE FOR ALL LOCATIONS**

Ms. DiCerbo requested approval for Contract No. 2015002 Uninterrupted Power Supply Maintenance for all locations. This item was reviewed by the Finance Committee and recommended for approval.

This is a Fixed-Price Contract to provide all labor, materials, specialized equipment, service and transportation necessary to perform full maintenance on an as needed basis for all UPS at all MDTA locations.

The MDTA solicited Competitive Sealed Bids for these services, pursuant to the Code of Maryland Regulation (COMAR) 21.06.03.02 B(1)5.01.02.

This Contract has a base term of three (3) years valued at \$126,020, with one (1) two-year renewal option valued at \$72,068, for a total Contract term of five (5) years with a total Contract value of \$198,088.

This Contract included \$70,000 in Lump Sum items which consists of \$50,000 for repair parts and \$20,000 for non-maintenance repairs. These lump sum items will only be used if necessary and will not be used without prior approval of the Project Manager.

Three (3) bids were received. Critical Power, USA is the lowest responsive and responsible bid. As the Contractor is new to the Authority, references were verified by the Procurement Officer, and experience was verified by the Project Manager.

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

Upon motion by Member Basso and seconded by Member W. Lee Gaines, Jr., the Members unanimously approved the Contract No. 20150002 Uninterrupted Power Supply Maintenance for All Locations to Critical Power, USA in the amount of \$198,088.

UPDATE – BAY BRIDGE SUMMER TRAVEL PUBLIC SAFETY CAMPAIGN

Ms. Cheryl Sparks, Mr. Gordon Garrettson and Chief Michael Kundrat presented the efforts to promote safety and planning for the summer-travel season at the Bay Bridge.

UPDATE – EXECUTIVE DIRECTOR REPORT

Mr. Gartner reported on several ongoing topics giving a brief overview on their progress, including the on-going construction south of the Fort McHenry Tunnel, the implementation of the toll reductions, and an update on certain pending recruitments.

There being no further business, the meeting of the MDTA Board was adjourned by general consensus at 10:21 a.m.

The next MDTA Board Meeting will be held on June 25, 2015 at 9:00 a.m. at the Point Breeze Headquarters, 2310 Broening Highway, Baltimore, Maryland 21224.

APPROVED AND CONCURRED IN:

Jim F. Ports, Jr., Acting Chair