

MARYLAND TRANSPORTATION AUTHORITY
BOARD MEETING
THURSDAY, JULY 28, 2016
2310 BROENING HIGHWAY, BALTIMORE, MD 21224

OPEN SESSION

Jim Ports, Acting Chairman

MEMBERS ATTENDING:

William H. Cox, Jr.
William Ensor (via telephone)
W. Lee Gaines, Jr.
William K. Hellmann
Randall Nixon, Esquire
John Von Paris

STAFF ATTENDING:

Milt Chaffee
Percy Dangerfield
Donna DiCerbo
Vicki Dobbins
Luther Dolcar
Trudy Edwards
Lynn Fry
David Goldsborough
David Greene
Michele Gross
Jim Harkness
Robert Harrison
Jaclyn Hartman
Michael Himmer
Meshelle Howard
Mary King
Kelly Melhem
Kimberly Millender, Esquire
Tonya Morant
John O'Neill
Will Pines
Mike Rice
Dennis Simpson
Stacie Stegnia
Paul Trentalance
Dan Williams

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 JUNE 30, 2016

Upon motion by Member Nixon, and seconded by Member Gaines, the open meeting minutes of the MDTA Board meeting held on June 30, 2016 were unanimously approved.

RESOLUTIONS – YEARS OF SERVICE RECOGNITION

Mr. Milt Chaffee presented recognition for six retired employees, Charlene Fortune, Gordon Garrettson, Beverly A. Orr, Charles Raycob, Kathrynann “Kitty” Sarvinas, Helene Smoot-Spencer. The Acting Chair and Members recognized them for their distinguished career of exemplary service, and hereby expressed their most sincere appreciation for their excellence and commitment.

APPROVAL – COMMITTEE ASSIGNMENTS AND LIAISON POSITIONS

Mr. Chaffee presented the Committee Assignments for approval. The noted changes are Member William H, Cox, Jr. will sit on the following Committees, Capital and the Human Resources Committee; and Member John Von Paris will sit on the following Committees, Finance and Audit.

Upon motion by Member William Hellmann and seconded by Member Nixon, the Members unanimously approved the proposed changes to the Committee Assignment as outlined above.

APPROVAL – CONTRACT AWARD

- **CONTRACT NO. KH 2739-000-006R2 – NAVIGATIONAL LIGHTING RENOVATIONS AT THE MILLARD E. TYDINGS MEMORIAL BRIDGE**

Ms. Donna DiCerbo requested approval for Contract No. KH 2739-000-006R2 – Navigational Lighting Renovations at the Millard E. Tydings Memorial Bridge. This item was reviewed by the Capital Committee and recommended for approval.

The scope of this project is to safely renovate the navigational lighting system at the Millard E. Tydings Memorial Bridge making it compliant with the latest U.S. Coast Guard (USCG) standards and reducing maintenance and operating costs. The project shall install power supply assemblies consisting of solar powered batteries with a charge controller and LED navigational lights. The proposed lights will utilize the existing pivot arm assemblies. Proposed conduit and junction boxes will be installed as required between the power supply assemblies and navigational lights. The work is from the North bridge abutment to the last navigational lights on Pier 9.

Two bids were received ranging from 1% to 89% above the Engineer's Estimate of \$410,275. APTUS Group, USA, LLC (formerly Conduit Constructors, Inc.) was the lowest responsive and responsible Bidder. As its bid was One Percent (1%) higher than the Engineer's Estimate, a bid justification was not conducted, and the bid was determined to be fair and reasonable. This company has performed work on prior MDTA projects.

This project was advertised with an overall Minority Business Enterprise (MBE) participation goal of ten percent (10%) with no sub-goals and no Veteran Small Business Enterprise (VSBE) goal. APTUS Group USA, LLC submitted a plan that meets the goal.

Upon motion by Member Cox and seconded by Member Gaines, the Members unanimously approved Contract No. KH 2739-000-006R2 – Navigational Lighting Renovation at the Millard E. Tydings Memorial Bridge to APTUS Group USA, LLC in the amount of \$412,481.

- **CONTRACT NO. MR 3002R – ON-CALL FACILITY REPAIRS**

Ms. DiCerbo requested approval for Contract No. MR 3002R On-Call Facility Repairs. This item was reviewed by the Capital Committee and was recommended for approval.

The scope of work shall include providing labor, equipment, materials, etc. necessary in performing miscellaneous facility and other types of repairs, upgrades, replacements and new construction as directed by the MDTA Project Manager. This work may be required on any portion (Facility and all appurtenances) of any of the MDTA facilities.

This is a \$4,000,000 Not-To-Exceed On-Call Contract.

There are allowances of \$125,000 for Specialized Subcontractors, \$50,000 for Specialized Equipment for Facility Repairs, \$20,000 for Premium Overtime Rates, \$1,500,000 for Facility Materials and Incidentals, and \$40,000 for Miscellaneous Repairs and Modifications included in the Invitation for Bids (IFB). These allowances will only be used if necessary and with prior approval of the Engineer.

Four Bids were received ranging from 3% below to 55% above the Engineer's Estimate of \$3,993,039.84.

JLN Construction, LLC (JLN) was the lowest responsive and responsible Bidder. As its bid was Three Percent (3%) lower than the Engineer's Estimate, a bid justification was not conducted, and the bid was determined to be fair and reasonable. The company has performed work on prior MDTA projects. A protest was received and denied with the concurrence of Legal Counsel.

This project was advertised with an overall Minority Business (MBE) participation goal of 21% with no sub-goals, and a 1% Veteran Small Business Enterprise (VSBE) participation goal. JLN submitted a MBE and VSBE plan that meets the goals.

Upon motion by Member Gaines, and seconded by Member Von Paris, the Members unanimously approved Contract No. MR 3002R On-Call Facility Repairs to JLN Construction Services, LLC in the amount of \$3,854,304.

- **CONTRACT NO. MR 3004 ON-CALL STRUCTURAL REPAIRS AND MISCELLANEOUS MODIFICATIONS**

Ms. DiCerbo requested approval for Contract No. MR 3004 On-Call Structural Repairs and Miscellaneous Modifications. This item was reviewed by the Capital Committee and recommended for approval.

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. This work may be required on any portion (bridge, tunnel, highway, building, and all appurtenances) of any of the Authority's facilities.

This is a \$15,000,000 Not-To-Exceed (NTE) On-Call Contract.

There are allowances 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 included in the Invitation for Bids (IFB). These allowances will only be used if necessary and with prior approval of the Engineer.

Six (6) Bids were received ranging from 14% below to 12% above the Engineer's Estimate of \$13,645,400.

M.D. Miller C., T/A The Marksmen Co. was the lowest responsive and responsible Bidder and was therefore recommended for award to the full Authority. As its bid was Fourteen Percent (14%) lower than the Engineer's Estimate, a bid justification was not conducted and the bid was determined to be fair and reasonable. The company has performed work on prior MDTA projects.

This project was advertised with an overall Minority Business Enterprise (MBE) participation goal of 20% with no sub-goals and no Veteran Small Business Enterprise (VSBE) goal. M.D. Miller C., T/A The Marksmen Co. submitted a MBE plan that meets the goal.

Upon motion by Member Hellmann, and seconded by Member Gaines, the Members unanimously approved Contract No. MR 3004 On-Call Structural Repairs and Miscellaneous Modifications to M.D. Miller C., T/A The Marksmen Co. in the amount of \$11,775,475.25.

Member Hellman recused himself from the next contract approval and left the meeting.

- **CONTRACT NO. 20150005 A AND B – TRANSPORTATION CONSULTANT SERVICES**

Ms. DiCerbo requested approval for Contract No. 20150005 A and B – Transportation Consultant Services. This item was reviewed by the Finance Committee and recommended for approval. As the total value of this Contract exceeds the delegated authority of Resolution 15-01 dated January 23, 2015, the contract will need Board of Public Works approval.

The Contract will provide Transportation Consultant Services for the MDTA, which includes additional consultant service resources as needed for some of the programs that the MDTA is responsible for evaluating, selecting, and implementing in the areas of Transportation System Analysis and Needs Forecasting; Performance Evaluation and Reporting; and Project/Task Management Service and Staff Support.

This Contract has a base term of three (3) years valued at \$3,000,000, with one (1), two-year Renewal Option valued at \$2,000,000 for a total contract term of five (5) years in the Not-To-Exceed amount of \$5,000,000.

The MDTA solicited Competitive Sealed Proposals for the consultant services, pursuant to the Code of Maryland Regulations (COMAR) 21.05.01.02. This is an Indefinite Quantity Contract with firm fixed unit prices (labor rates for labor hours), as defined in COMAR 21.06.03.06A(2) (indefinite quantity) and 21.06.03.02A(1) and (2) (fixed price and firm fixed price). The MDTA reserved the right to award up to two (2) contracts for the required services.

Four proposals were received by:

<u>OFFEROR</u>	<u>TECHNICAL RANKING</u>	<u>FINANCIAL RANKING</u>	<u>OVERALL RANKING</u>
WSP Parsons Brinckerhoff, Inc.	2	\$5,354,310.00 (2)	1
Momentum	4	\$3,976,175.00 (1)	2
Jacobs	1	\$5,622,149.00 (3)	3
CDM Smith	3	\$6,415,869.90 (4)	4

The Evaluation Committee reviewed the Technical Proposals wherein all Offerors were determined to be reasonably susceptible of being selected for award.

Upon completion and ranking of all Technical Proposals, Price Proposals were opened and ranked and it was determined to be in the best interest of the State to request a Financial Best and Final Offers (BAFO) from all four (4) Offerors as authorized by COMAR 21.05.03.03.D. All four (4) firms submitted Price Proposal BAFOs; and three (3) firms amended its price by reducing it. The remaining firm did not adjust its price.

Therefore, the Committee unanimously recommended that the first award be made to WSP Parsons Brinckerhoff, Inc., and the second award be made to Momentum, Inc., as they represent the best values to the State.

This Contract has a twenty percent (20%) Minority Business Enterprise (MBE) participation goal and a Zero Point Five Percent (0.5%) Veteran Owned Small Business Enterprise (VSBE) participation goal and both firms have met the goals.

Upon motion by Member Nixon, and seconded by Member Cox, the Members unanimously approved Contract No. 20150005 A and B to WSP Parsons Brinckerhoff, Inc. and Momentum for a base term of three (3) years valued at \$3,000,000, with one (1), two-year renewal option valued at \$2,000,000 for a total contract term of five (5) years in the Not-To-Exceed amount of \$5,000,000.

Member Hellmann rejoined the meeting.

APPROVAL – CONTRACT MODIFICATION

- **CONTRACT NO. 20140012B – HVAC MAINTENANCE AND REPAIRS MDTA FACILITIES – NORTHERN AND CENTRAL REGION**

Ms. DiCerbo requested approval to execute the modification for Contract No. 20140012B – HVAC Maintenance and Repairs MDTA Facilities, Northern and Central Region. This Modification was reviewed by the Finance Committee and recommended for approval, and requires Board of Public Works (BPW) approval.

The work for this contract is for all labor, materials, equipment, supervision and incidental materials necessary to ensure the satisfactory performance and efficient operation of the heating, air conditioning equipment, associated controls and ancillary equipment located at the various MDTA facilities was awarded to M&E Sales, Inc. by the Board of Public Works (BPW) as Item #11-M of the 11/13/14 BPW meeting. The Contract Term and amount is reflected below:

Term:	11/17/2014 – 11/6/2017 (w/1 two-year renewal option)
Amount:	\$876,203 Not-To-Exceed (NTE) (3 Years; Base Term) <u>\$566,163</u> NTE (2 Years; Renewal Option) \$1,442,366 NTE Total (5 Years)

During the course of this Contract, the MDTA has experienced a significant amount of unexpected emergencies and repairs. The MDTA is requesting to allow for an increase for repair services at a cost of \$100,000 to the base Contract term. The revised Contract value including this modification is \$976,203.

As of June 27, 2016, there were \$751,157 expended funds on this \$876,203 contract. The MDTA does not intend to renew this Contract upon base term expiration, but rather will re-compete for these services in the hope of obtaining better pricing given on the increased utilization of these services.

This Contract has no overall Minority Business Enterprise (MBE) or Veteran-Owned Small Business Enterprise (VSBE) participation goals.

Upon motion by Member Nixon, and seconded by Member Gaines, the Members unanimously approved the contract modification for an increase for repair services at a cost of \$100,000 to the base Contract term. The revised Contract value including this modification is \$976,203 to M&E Sales, Inc.

UPDATE – AUDIT COMMITTEE

Member Whitson stated the Audit Committee met on July 21, 2016. The Office of Audits has completed 10 of 16 audits in the Fiscal Year (FY) 2016 Audit Plan. Due to several unscheduled assignments that were assigned to the Office of Audits during recent months, the start of five audits was delayed. The Office of Audits submitted a plan to complete these audits during the first quarter of FY 2017 and will present at the September 2016 Audit Committee meeting its FY 2017 audit plan for the full year. Mr. Whitson reported updates were presented by Management on the progress it has made in implementing corrective actions for the audit findings from two prior audits: Audit of Real Estate Leases and Audit of IT Project Management Methodology. The Audit Committee is satisfied with Management's progress.

UPDATE – PORT COVINGTON

Mr. Chaffee updated the new Members on how we are involved with the Port Covington Project. Mr. Dennis Simpson met with Sagamore to discuss the No-Build development levels where they developed a draft overview for a no-build alternative. The target is to finalize the no-build development level by the end of the month.

Mr. Simpson met with the Baltimore Metropolitan Council on the development of traffic forecasts. He also met with the Federal Highway Administration on June 30th, going forward they will be meeting monthly for regular project coordination. The light rail and CSX swing bridge will not be part of the NEPA scope.

We are developing a project website or webpage to the MDTA website for Public Involvement/Outreach.

UPDATE - WILLIAM PRESTON LANE MEMORIAL BRIDGE (BAY BRIDGE)

Mr. Chaffee stated that this item will be deferred to a later meeting as there is no update at this time.

UPDATE – EXECUTIVE DIRECTOR’S REPORT

Mr. Milt Chaffee introduced the Management Learning Program Team Members as they observed an open meeting with the Board. He reported the PCI Compliance completion with Xerox. Mr. Chaffee stated that the Fort McHenry Tunnel Run is on September 18, 2016 and this is a great event and supports the Special Olympics.

There being no further business, the meeting of the MDTA Board was adjourned by general consensus at 9:33 a.m.

The next MDTA Board Meeting will be held on August 25, 2016 at 9:00 a.m. at 2310 Broening Highway, Baltimore, Maryland 21224 in the Louise Hoblitzell Board Room.

APPROVED AND CONCURRED IN:

Pete K. Rahn, Chairman