

MARYLAND TRANSPORTATION AUTHORITY
BOARD MEETING
THURSDAY, OCTOBER 29, 2015
2310 BROENING HIGHWAY, BALTIMORE, MD 21224

OPEN SESSION

Jim Ports, Acting Chairman

MEMBERS ATTENDING:

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

STAFF ATTENDING:

Milt Chaffee
Percy Dangerfield
Donna DiCerbo
Trudy Edwards
Jim Harkness
Meshelle Howard
Colonel Mike Kundrat
Kelly Melhem
Kimberly Millender, Esquire
Tonya Morant
William Pines
Cathy Beasley-Pope
Mike Rice
Sheila Rivers
Dennis Simpson
Dan Williams

OTHERS ATTENDING:

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

APPROVAL – CLOSED AND OPEN SESSION MINUTES OF SEPTEMBER 24, 2015

Upon motion by Member W. Lee Gaines, Jr. and seconded by Member Michael Leahy, the closed and open meeting minutes of the MDTA Board meeting held on September 24, 2015 were unanimously approved.

APPROVAL – DECLARATIONS OF EXCESS LAND

Mr. Dennis Simpson requested approval to declare the Kane Street Property, Point Breeze Rail Road Track Property, and Point Breeze Power Plant Building excess to the needs of MDTA. Mr. Simpson also requested approval for delegated approval of these Declarations of Excess land to the Executive Director. This item was reviewed by the Capital Committee and recommended for approval.

Kane Street Property

In January 2004, the President of Canton Railroad presented a proposal to the MDTA Board for the purchase of the Kane Street Property to enable the expansion of the Canton’s car storage and freight handling capacity. The property is located between Kane Street and I-95, just north of Eastern Avenue. At the May 18, 2004 meeting, the MDTA Board expressed consensus regarding the proposal for the MDTA to pursue the purchase of the Property from the City for use by Canton Railroad as a rail yard. The original plan was to purchase the 9.385 acre parcel of land owned by Baltimore City (the City) for a price of \$8,400. After extended discussions with the City and environmental due diligence activities, the Property transaction was presented at the November 24, 2010 MDTA Board meeting. At that meeting, the MDTA Board approved the purchase of the property from the City for the sum of \$8,400.

In September 2011, MDOT was awarded a Rail Line Relocation and Improvement (RLR) grant from the Federal Railroad Administration (FRA) for \$1,742,240 for the Canton Railroad Canton Area Rail Improvement Project. The total project cost is estimated to be \$3.879 million with MDOT contributing \$1.0 million and the Canton Railroad contributing \$986,760 to the project. The remaining \$150,000 is covered by the due diligence work already completed by MDTA for the property.

Baltimore City has requested permission to continue to have access to the site to reach utilities. MDTA staff has recommended that this be accomplished through a right of entry agreement until an easement for those areas can be finalized.

Upon motion by Member William Hellmann and seconded by Member Reverend Doctor William C. Calhoun, Sr., the Members unanimously approved the Kane Street Property as Excess Land and delegated approval to the Executive Director to declare this land as Excess Property.

Point Breeze Rail Road Track Property

The MDTA staff is proposing to dispose of a portion of land owned in fee by MDTA which will include the Point Breeze Rail Line located in the Point Breeze Industrial Park at the rear of Parcel C (Lot 3) in Baltimore, Maryland. The rail road tracks traverse the MDTA and the Maryland Port Administration (MPA) parcels. The MDTA's core business of tunnels, bridges and turnpikes are financially supported through tolls, while railroad operations is not a part of MDTA's core business. The MDTA does not use the rail service and intends to transfer the tracks to MPA.

Upon motion by Member Leahy and seconded by Member P. Jack Basso, the Members unanimously approved the Point Breeze Rail Road Track Property as Excess Land and delegated approval to the Executive Director to declare this land as Excess Property.

Member Randall Nixon joined the meeting.

Point Breeze Power Plant Building

The MDTA intends to demolish the Power Plant building and retain the land, within the Point Breeze Industrial Park, located at 2320 Broening Highway, Baltimore, Maryland 21224. The Power Plant building is vacant and is of no real use to the MDTA. The building was constructed in or around 1929.

An environmental assessment was performed and based on the results; remediation of some materials has been recommended for removal and disposal prior to the demolition. It is the intent of Engineering to advertise, award and provide an NTP to begin in 2016.

The purpose for pursuing the building demolition at this time is to avoid disruption to the planned operations of the Point Breeze campus. MDTA plans to renovate the 2330 building for conversion to the new Authority Operations/Dispatch Center. Due to the close proximity and limits of disturbance required for the Power Plant demolition it is more practical to perform both projects concurrently.

Once the demolition is completed, the MDTA will redevelop the site into a parking lot for its staff. The demolition and site improvements for the new parking lot are scheduled for completion by the end of 2017.

Upon motion by Member Leahy and seconded by Member Basso, the Members unanimously approved the Point Breeze Power Point Building as Excess Land and delegated approval to the Executive Director to declare this land as Excess Property.

APPROVAL – FINAL CODE OF MARYLAND REGULATIONS (COMAR) AMENDMENTS

Mr. Dennis Simpson requested approval for the final amendments to the subject COMAR regulations. These proposed amendments were approved by the MDTA Board at the May 2015 meeting. The legislative process is complete and comments were received for 11.07.06 and addressed and 11.07.07 no comments were received.

11.07.06 – Public-Private Partnership Program

The amendments repeal existing regulations and adopt new regulations to clarify the process of public-private partnerships pursuant to House Bill 560, Chapter 5, Acts of 2013.

11.07.07 – Public Notice of Toll Schedule Revisions

The amendments make the definitions consistent with statute, correct a reference error, and detail business practices in compliance with House Bill 1241, Chapter 122, Acts of 2015.

Upon motion by Member Basso and seconded by Member Gaines, the Members unanimously approved the final amendments to the Code of Maryland Regulations (COMAR) as outlined above for **11.07.06 – Public-Private Partnership Program** and **11.07.07 – Electronic Toll Collection and Toll Violation Enforcement**.

APPROVAL CONTRACT – AWARDS

• **CONTRACT NO. 20150015 NETA ELECTRICAL TESTING AT VARIOUS FACILITIES**

Ms. Donna DiCerbo requested approval to execute Contract No. 20150015, NETA Electrical Testing at Various Facilities. This item was reviewed by the Finance Committee and recommended for approval.

This is a Fixed-Price Contract to provide testing and inspection services as required and repairs of electrical equipment at the Fort McHenry Tunnel Administration Building, Fort McHenry Tunnel East Ventilation Building, Fort McHenry Tunnel West Ventilation Building, Baltimore Harbor Tunnel Canton Ventilation Building, Baltimore Harbor Tunnel Fairfield Ventilation Building, Point Breeze Headquarters Building, Point Breeze IT Building, Francis Scott Key Bridge Administration Building, Harry W. Nice Memorial Bridge Administration Building, John F. Kennedy Memorial Highway Administration Building, Thomas J. Hatem Memorial Bridge Administration Building, and William Preston Lane Jr. Memorial Bridge Administration Building.

Three (3) bids were received. This Contract was designated as a Small Business Preference.

Harford Electrical Testing Co., Inc. is the lowest responsive and responsible Bidder. This company has satisfactorily performed work on prior MDTA projects.

This Contract has a term of two (2) years valued at \$367,000.00 with no Renewal options. As the total value of this Contract exceeds the delegated authority of Resolution 15-01 dated 1/23/15, the MDTA will seek approval by the Board of Public Works.

Upon motion by Member Basso and seconded by Member Randall Nixon, the Members unanimously approved the award of Contract No. 20150015 NETA Electrical Testing at Various Facilities to Harford Electrical Testing Co., Inc. in the amount of \$367,000.

- **CONTRACT NO. BB 2741-000-006 WILLIAM PRESTON LANE (WPL) TRAFFIC SYSTEMS MODIFICATIONS**

Ms. DiCerbo requested approval for Contract No. BB 2741-000-006 William Preston Lane Traffic Systems Modifications; this item was presented to the Capital Committee and recommended for approval.

The project shall modify the existing signal hardware and software at the William Preston Lane Bridge (WPL) in order to support reversing the travel lanes. Specifically, the modification will support reversible lane signals to make it easier to control flow of traffic creating safer driving conditions at WPL. Control Technologies, Inc. (CTI) is the firm that installed the current lane use system in 2001 and was selected by competitive procurement. CTI has maintained, improved, and modified the system. The existing software system is owned by CTI and is considered proprietary and CTI is the only firm able to perform the required modifications to the system. A Sole Source procurement was performed for this contract.

There is an allowance of \$80,000 for Miscellaneous Electrical/Communication Repairs and/or Construction included in the Scope of Services (SOS) that will only be used if necessary and with prior approval of the Engineer. The Engineer's Estimate for this project is \$886,700.

This Contract has a Minority Business Enterprise (MBE) goal of Nine percent (9%) with no sub goals. Control Technologies, Inc. has submitted an MBE plan that meets the goal.

Upon motion by Member Calhoun and seconded by Member Nixon, the Members unanimously approved the Contract No. BB 2741-000-006 William Preston Lane Traffic Systems Modifications to Control Technologies, Inc. in the amount of \$881,480.

- **CONTRACT NO. MA 2716-000-006R BRIDGE DECK SEALING AND MISCELLANEOUS REPAIR FOR VARIOUS BRIDGES ON I-95 AND I-695**

Ms. Donna DiCerbo and Dan Williams requested approval for Contract No. MA 2716-000-006R Bridge Deck Sealing and Miscellaneous Repair for Various Bridges on I-95 and I-695. This item was reviewed by the Capital Committee and recommended for approval.

The work to be performed under this contract is located at bridges on the Fort McHenry Tunnel (I-95) and the Francis Scott Key Bridge (I-695) Facilities located in Baltimore City, Anne Arundel County and Baltimore County, Maryland. The scope of work includes installing a protective sealant on bridge decks, cleaning and replacing bridge deck joint seals, patching deteriorated concrete in bridge decks and parapets, replacing pavement markings, miscellaneous other bridge and roadway repairs and providing for all necessary maintenance of traffic.

There are allowances of \$25,000 for Railroad Expenses and \$250,000 for Miscellaneous Repairs and Work included in the Invitation for Bids (IFB) that will only be used if necessary and with prior approval of the Engineer.

Six (6) bids were received ranging from 32.24% below to 8.29% above the Engineer's Estimate of \$4,285,440.

Eastern Highway Specialists, Inc. is the lowest responsive and responsible Bidder. The Company has performed work on prior MDTA projects. This was advertised with an overall Minority Business Enterprise (MBE) participation goal of Thirty-Three Percent (33%) with sub-goals of Seven Percent (7%) for African American-owned firms, Four Percent (4%) for Asian American-owned firms; and a One Percent (1%) participation goal for Veteran Small Business Enterprise (VSBE). Eastern Highway Specialists, Inc. has submitted an MBE plan that exceeds the goal and a VSBE plan that meets the goal.

Upon motion by Member William Hellmann and seconded by Member William Ensor, the Members unanimously approved Contract No. MA 2716-000-006R Bridge Deck Sealing and Miscellaneous Repairs for Various Bridges on I-95 and I-695 to Eastern Highway Specialists, Inc. in the amount of \$2,903,639.40.

- **CONTRACT NO. MT 3037-0000 JANITORIAL SERVICES – WILLIAM PRESTON LANE, JR. MEMORIAL BRIDGE (BAY BRIDGE) ADMINISTRATION AND POLICE BUILDINGS**

Ms. DiCerbo requested approval for Contract No. MT 3037-0000 Janitorial Services – William Preston Lane, Jr. Memorial Bridge (Bay Bridge) Administration and Police Buildings; this item was reviewed by the Finance Committee and recommended for approval.

This is a fixed-price Contract to provide all labor, materials, equipment, supervision and incidental materials necessary to ensure the satisfactory performance and efficient janitorial services to the MDTA's Bay Bridge Administration and Police Buildings. MDTA solicited pricing from the Maryland Works Program for these services, pursuant to the Code of Maryland Regulations (COMAR), Title 21.11.05.

Pricing for this Contract was approved by the Pricing and Selection Committee as Fair Market Value on September 23, 2015. The National Center on Institutions & Alternatives, Inc. (NCIA), is the incumbent for the current services, and the MDTA is satisfied with the janitorial service NCIA has provided.

This Contract has a Base term of three (3) years valued at \$330,576.54, with one (1) 2-year Renewal option valued at \$220,384.36, for a Total Contract value of \$550,960.90. As the total value of this Contract exceeds the delegated authority of Resolution 15-01 dated 1/23/15, the MDTA will seek approval by the Board of Public Works.

Upon motion by Member Basso and seconded by Member Calhoun, the Members unanimously approved Contract No. MT 3037-0000 Janitorial Services – William Preston Lane, Jr. Memorial Bridge Administration and Police Buildings to National Center on Institutions & Alternatives, Inc. (NCIA) for the Contract base term of three (3) years valued at \$330,576.54, with one (1) 2-year Renewal option valued at \$220,384.36, for a Total Contract value of \$550,960.90.

- **CONTRACT NO. PB 3001 ROOFTOP HVAC REPLACEMENT AT MDTA HEADQUARTERS BUILDING**

Ms. DiCerbo requested approval for Contract No. PB 3001 Rooftop HVAC Replacement at MDTA Headquarters Building; this item was reviewed at the Capital Committee and recommended for approval.

The work to be performed under this Contract is located at the Point Breeze Headquarters facility located in Baltimore City. The scope of work includes but is not limited to: Replacement of the existing packaged roof top air conditioning equipment and associated mechanical, electrical, and automatic temperature control specialties as indicated in the Contract documents. Existing roof curb and associated ductwork to remain; Rebalance of all variable air volume units served by the replacement packaged rooftop air conditioning equipment per the contract documents; and Addition of sound attenuation of three variable air volume units per the Contract documents.

As allowance of \$40,000 for miscellaneous repairs has been included and will only be used if necessary and with prior approval of the Engineer.

Three (3) bids were received ranging from .51% above to 17.39% below the Engineer's Estimate of \$550,768.27.

Fresh Air Concepts, LLC is the lowest responsive and responsible Bidder. As their Bid was Seventeen point Thirty-Nine Percent (17.39%) lower than the Engineer's Estimate, a Bid justification was conducted and determined to be fair and reasonable. This company has performed work on prior MDTA projects.

This Contract was designated as a Small Business Reserve (SBR), with a Five Percent (5%) Veteran-owned Small Business Enterprise (VSBE) participation goal and no Minority Business Enterprise (MBE) goal. Fresh Air Concepts, LLC is a certified SBR firm and has submitted a VSBE plan that meets the goal.

This item will require Board of Public Works approval.

Upon motion by Member Michael Leahy and seconded by Member Nixon, the Members unanimously approved Contract No. PB 3001 Rooftop HVAC Replacement at MDTA Headquarters to Fresh Air Concepts, LLC in the amount of \$455,000.

UPDATE – EXECUTIVE DIRECTOR'S REPORT

Mr. Chaffee reported on several ongoing topics giving a brief overview on their progress, including the Fiscal Year (FY) 2015 Financial Statements Audits, SSAE16 Audits, FY 2016 Toll Reduction update, Citation Waiver Program update, Winter Storm Preparation, Bay Bridge 10K Run and the Consolidated Transportation Program (CTP) tours.

At 9:37 a.m. upon motion by Member Calhoun and seconded by Member Nixon, the Members unanimously voted to move into Closed Session pursuant to Section 3-305(b)(9) of the General

Provisions Article of the Annotated Code of Maryland to discuss the status and details of proposals presented in pending collective bargaining negotiations between the State and FOP. The following persons were present during the closed session: Jim Ports, Reverend Dr. William C. Calhoun, Sr., P. Jack Basso, William Ensor III, W. Lee Gaines, Jr., William Hellmann, Michael Leahy, Randall Nixon, Michael Whitson (via telephone), Milton Chaffee, Percy Dangerfield, Trudy Edwards, Michael Kundrat, Kimberly Millender, Esquire and Tonya Morant.

At 9:43 a.m., upon a motion by Member Whitson and seconded by Member Gaines, Jr., the Members unanimously voted to return to Open Session.

NO ACTIONS WERE TAKEN DURING CLOSED SESSION

There being no further business, the meeting of the MDTA Board was adjourned by general consensus at 9:44 a.m.

The next MDTA Board Meeting will be held on November 19, 2015 at 9:00 a.m. at the Point Breeze Headquarters, 2310 Broening Highway, Baltimore, Maryland 21224.

APPROVED AND CONCURRED IN:

Dennis Schrader, Acting Chairman



MARYLAND TRANSPORTATION AUTHORITY

STATEMENT FOR CLOSING A MEETING

LOCATION: Maryland Transportation Authority
Point Breeze Headquarters Building
2310 Broening Highway.
Baltimore, Maryland 21224

DATE: October 29, 2015

TIME: 9:30am

MOTION BY: Member Calhoun

SECONDED BY: Member Nixon

VOTE TO CLOSE SESSION:

	AYE	NAY	ABSTAIN	ABSENT
Rev. Dr. William C. Calhoun, Sr.	[✓]	[]	[]	[]
Michael J. Whitson <i>phone</i>	[✓]	[]	[]	[]
Peter J. Basso	[✓]	[]	[]	[]
William K. Hellmann, P.E.	[✓]	[]	[]	[]
W. Lee Gaines, Jr.	[✓]	[]	[]	[]
William E. Ensor, III	[✓]	[]	[]	[]
Michael G. Leahy	[✓]	[]	[]	[]
Randall Nixon	[✓]	[]	[]	[]
Chair	[✓]	[]	[]	[]

**STATUTORY AUTHORITY TO CLOSE SESSION
GENERAL PROVISIONS ARTICLE, §3-305(b)**

- (1) [] To discuss:
 - (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or
 - (ii) any other personnel matter that affects 1 or more specific individuals.
- (2) [] To protect the privacy or reputation of individuals with respect to a matter that is not related to public business.
- (3) [] To consider the acquisition of real property for a public purpose and matters directly related thereto.
- (4) [] To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.

STATEMENT FOR CLOSING A MEETING

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- (5) [] To consider the investment of public funds.
- (6) [] To consider the marketing of public securities.
- (7) [] To consult with counsel to obtain legal advice.
- (8) [] To consult with staff, consultants, or other individuals about pending or potential litigation.
- (9) [X] To conduct collective bargaining negotiations or consider matters that relate to the negotiations.
- (10) [] To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including:
 - (i) the deployment of fire and police services and staff; and
 - (ii) the development and implementation of emergency plans.
- (11) [] To prepare, administer, or grade a scholastic, licensing, or qualifying examination.
- (12) [] To conduct or discuss an investigative proceeding on actual or possible criminal conduct.
- (13) [] To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.
- (14) [] Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

TOPICS TO BE DISCUSSED:

The Meeting will be closed under § 3-305(b)(9) of the General Provisions Article of the Annotated Code of Maryland, to discuss the current status and details of counter-proposals presented in pending collective bargaining negotiations between the State and FOP 34.

REASON FOR CLOSING:

To discuss matters permitted by statute to be discussed during a closed session of a meeting of a public body.



PRESIDING OFFICER