

MARYLAND TRANSPORTATION AUTHORITY  
BOARD MEETING  
THURSDAY, JUNE 25, 2015  
2310 BROENING HIGHWAY, BALTIMORE, MD 21224

OPEN SESSION

Pete K. Rahn, 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 (via Telephone)

STAFF ATTENDING:

David Chapin  
Doug Coleman  
Percy Dangerfield  
Donna DiCerbo  
Patrick Fleming  
Bruce Gartner  
James Harkness  
Robert Harrison  
Jaclyn Hartman  
Meshelle Howard  
Colonel Mike Kundrat  
Jeanne Marriott  
Jody McCurley  
Kimberly Millender, Esq.  
Cathy Beasley Pope  
Mike Rice  
Cheryl Sparks  
Chris Thompson  
Dan Williams  
Sheila Williams

OTHERS ATTENDING:

Ed McDonald – Chief of Staff, TSO  
Michael J. Blair – JMT/PBJV  
James T. Ruddell – JMT/PBJV

At 9:02 a.m. Chairman Pete K. Rahn, called the meeting of the Maryland Transportation Authority (“MDTA”) Board to order.

### **APPROVAL – OPEN SESSION MINUTES OF MAY 28, 2015**

Upon motion by Member Rev. Dr. William Calhoun and seconded by Member Katrina Dennis, the open meeting minutes of the MDTA Board Meeting held on May 28, 2015 were unanimously approved.

### **RATIFICATION – CODE OF MARYLAND REGULATIONS (COMAR) CHANGES**

Mr. Bruce Gartner requested ratification of the telephone poll of the Members for the vote for the approval of the amendments to the Electronic Toll Collection and Toll Violation Enforcement Regulations. At the May 28, 2015 Board Meeting, Members requested additional changes to these regulations and a telephone poll be conducted after review of the final regulations. These amendments are needed as a result of House Bill (HB) 1241 that was passed during the 2015 legislative session. The final version of the amendments for Electronic Toll Collection and Toll Violation Enforcement Regulations were unanimously approved by Members Mary Halsey, Hock and Katrina Dennis at the Finance Committee Meeting held on June 11, 2015. The same amendments were emailed on June 15, 2015 to Members P. Jack Basso, Rev. Dr. William Calhoun, Michael Whitson, William Hellmann, and W. Lee Gaines. On June 16, 2015, Member Basso emailed his approval, and on June 17, 2015, Trudy Edwards contacted the remaining Members by telephone and documented that Members Calhoun, Whitson, Hellmann, and Gaines all unanimously approved the Electronic Toll Collection and Toll Violation Enforcement Regulations.

Upon motion by Member Basso and seconded by Member Arthur Hock, the Members ratified their telephone poll approval for the Electronic Toll Collection and Toll Violation Enforcement Regulations.

### **APPROVAL – AUDIT CHARTER**

Mr. Gartner requested approval for the Audit Charter of the MDTA Office of Audits. In coordination with the Transportation Secretary’s Office (TSO) Office of Audits and the other modes, the MDTA Office of Audits is in the process of implementing procedures to conduct audits in accordance with the Institute of Internal Auditors (IIA) audit standards. Previously, the MDTA Office of Audits followed the Generally Accepted Government Audit Standards. The main reason for transitioning to the IIA standards is these standards are more relevant to conducting internal audit activities. The internal audit charter establishes the internal audit activity’s position within the organization, including the nature of the chief audit executive’s functional reporting relationship with the Board; authorizes access to records, personnel, and physical properties relevant to the performance of engagements; and defines the scope of internal audit activities.

Upon motion by Member Halsey and seconded by Member Hock, the Audit Charter was unanimously approved.

**APPROVAL – DRAFT FISCAL YEAR 2016-2021 CONSOLIDATED TRANSPORTATION PROGRAM (CTP)**

Ms. Jeanne Marriott requested approval for the Draft Fiscal Year (FY) 2016-2021 CTP. The draft CTP was reviewed by the Capital and Finance Committees who recommended for approval.

The Comparison of the Draft FY 2016-2021 CTP to the Final FY 2015-2020 CTP includes two sets of changes. The six-year FY 2016-2021 budget in the proposed CTP is \$1.8 billion. The proposed CTP reflects a decrease in the six-year FY 2016-2021 budget of \$32.7 million. The net FY 2016-2021 budget decrease is the result of the following changes: Increase in the six-year CTP budget by \$83.5 million for all projects except InterCounty Connector (ICC), Electronic Toll Collection (ETL) and reserves; Decrease in the system preservation allocated and unallocated reserves by \$153.7 million; Shift of ICC budget by \$35.7 million and ETL budget of \$1.7 million from FY 2015 to the FY 2016-2021 time period; In response to the MDTA Board's direction, the Nice Bridge Replacement Project funding level has remained the same as in the Final FY 2015-2020 CTP.

The proposed CTP reflects a decrease in the six-year FY 2015-2020 budget of \$43.3 million over the same six-year period in the Final FY 2015-2020 CTP. The net FY 2015-2020 budget decrease is the result of the following changes: Increase in the six-year CTP budget by \$21.0 million for all projects except ICC, ETL and reserves; Decrease in the system preservation allocated and unallocated reserves by \$63.9 million; Shift of ICC budget by \$359 thousand from FY 2015-2020 to the FY 2016-2021 time period and no change to the ETL budget.

The proposed Draft FY 2016-2021 CTP reflects a decrease of \$43.3 million in the six-year FY 2015-2020 budget and a decrease of \$32.7 million in the six-year FY 2016-2021 budget both of which include the rollover of FY 2015 unspent funds (\$48.6 million).

Upon motion by Member Hellmann and seconded by Member Whitson, the Members unanimously approved the Draft Fiscal Year 2016-2021 Consolidated Transportation Program.

**APPROVAL – FISCAL YEAR 2016 FINAL OPERATING BUDGET**

Ms. Chris Thompson requested approval for the Fiscal Year (FY) 2016 Final Operating Budget. This item was reviewed by the Finance Committee and recommended for approval. The Trust Agreement requires the approval of the final budget on or before July 1.

The FY 2016 Operating Budget request: Summary of Major Changes (\$ millions): FY 2016 Operating Budget Request \$276.4; FY 2015 Operating Budget \$285.1; \$ Change FY 2016 vs FY 2015 Budget (8.7); % Change FY 2016 vs FY 2015 (3.0%).

The FY 2016 Final Operating Budget totals \$276,389,143. This represents a decline of \$8,665,344 or 3.0%, compared to MDTA's FY 2015 budget of \$285,054,487. Reimbursable expenses for law enforcement services provided at the Port of Baltimore and the Baltimore/Washington International Thurgood Marshall Airport total \$284,821,376 (9.0%) of the

budget. These costs are paid by the Maryland Port Administration and the Maryland Aviation Administration.

Upon motion by Member Gaines and seconded by Member Basso, the Members unanimously approved the Fiscal Year 2016 Final Operating Budget.

### **APPROVAL – FINANCIAL FORECAST**

Mr. David Chapin requested approval of a Financial Forecast reflecting the Draft Fiscal Year (FY) 2016-2021 Consolidated Transportation Program (CTP), the Final FY 2016 operating budget, and the reduction in toll rates and fees which were approved on May 7, 2015. Once approved, this Financial Forecast will be submitted to the Legislature in July 2015.

The fiscal benefits of reducing operating and capital program expenditures, combined with reductions in anticipated toll revenues, will leave MDTA in a sound financial position. Throughout the six year period, the Authority will remain above its financial goals ( $\geq$ \$350 million unencumbered cash and  $\geq$ 2.0 debt service coverage) and its trust agreement rate covenant (net revenues  $\geq$ 1.0 times the sum of 120% debt service and deposits to Maintenance and Operating (M&O) account). The forecast also adheres to the provisions of the Budget Reconciliation and Financing Act (BRFA) of 2015. BRFA provisions require that, *through FY 2020*, MDTA debt outstanding not exceed \$2.325 billion, operating and capital expenditures be no less than \$275 million per year, unrestricted cash be no less than \$350 million per year, debt service coverage be no less than 2.5, and that there be no transfers from the Transportation Trust Fund or other funds to the MDTA.

The forecast projects the need to issue \$60 million in bonds in the six year period. Maximum outstanding indebtedness within the six year period - \$2.300 billion – is below the \$2.325 billion BRFA cap (effective through FY 2020), and pre-existing statutory cap of the \$3 billion (applicable FY 2021). Debt service to be paid over the six year period will be approximately \$827 million.

Upon motion by Member Calhoun and seconded by Member Halsey, the Members unanimously approved Financial Forecast.

### **APPROVAL CONTRACT – AWARD**

- **CONTRACT NO. 20150014 SECURITY SYSTEMS MAINTENANCE – AUTHORITY WIDE**

Ms. Donna DiCerbo requested approval for Contract 20150014 Security Systems Maintenance – Authority Wide Locations. This item was reviewed by the Finance Committee and recommended for approval.

This project is for security systems maintenance at all MDTA locations. The Contractor shall provide all labor, specialized equipment, service, transportation, supervision and incidental materials necessary to ensure the satisfactory and efficient performance of all MDTA security systems. This includes providing periodic maintenance, general and emergency repairs for the existing Access Control Systems (ACS), the Intrusion Detection Systems (IDS), the Closed-Circuit Television

(CCTV), and all related security systems. The scope may also include repairing/replacing doors, door closures, and door frames. This Contract contains fixed unit cost pricing.

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

Three (3) bids were received. ARK Systems, Inc. is the lowest responsive and responsible bid. ARK Systems is the incumbent on the current Contract. References were verified by the Procurement Officer, and experience was verified by the Project Manager.

The Contract has a base term of three (3) years valued at \$525,906.26, with one (1) 2-year Renewal option valued at \$350,558.78, for a total Contract term of five (5) years, and Total Contract value of \$876,465.04

This Contract was advertised with a Minority Business Enterprise (MBE) participation goal of nine-percent (9%), with no Veteran-Owned Small Business Enterprise (VSBE) goal or Small Business Reserve designation. ARK Systems has submitted a plan that meets the established goal.

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 Dennis and seconded by Member Basso, the Members unanimously approved the award of Contract No. 20150014 Security Systems Maintenance – Authority Wide Locations to Ark Systems, Inc. for the base term of three (3) years valued at \$525,906.26, with one (1) 2-year Renewal option valued at \$350,558.78, for a total Contract term of five (5) years, and Total Contract value of \$876,465.04.

- **CONTRACT NO. 20150009 JANITORIAL SERVICES – FORT MCHENRY TUNNEL EAST VENT BUILDING AND POST 3 & 4**

Ms. DiCerbo requested approval for Contract No. 20150009 Janitorial Services – Fort McHenry Tunnel (FMT) East Vent Building and Posts 3 & 4. 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 for MDTA's FMT East Vent Building and Posts 3 & 4.

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.

Thirteen (13) bids were received. Shine Brite Finishings, LLC 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 has a base term of three (3) years valued at \$82,800 with one (1) 2-year Renewal option valued at \$55,200, for a Total Contract value of \$138,000.

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

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 Calhoun and seconded by Member Hock, the Members unanimously approved the Contract No. 20150009 Janitorial Services – Fort McHenry Tunnel East Vent Building and Posts 3 & 4 to Shine Brite Finishings, LLC with a contract base term of three (3) years valued at \$82,800, with one (1) 2-year renewal option valued at \$55,200, for a Total Contract Value of \$138,000.

- **CONTRACT NO. J01B5400013 CITILOG INCIDENT SYSTEM (IDS) SOFTWARE MAINTENANCE AND SERVICE PLAN**

Ms. DiCerbo requested approval for a Sole Source Contract No. J01B5400013 Citilog Incident System (IDS) Software Maintenance and Service Plan with Citilog, Inc. This item was reviewed by the Finance Committee and recommended for approval.

The primary purpose of the IDS is to detect stopped vehicles in the tunnels, using video images from closed-circuit television. Due to the proprietary software, only certified technicians from Citilog, Inc. can provide the maintenance and upkeep of the current system. The new Contract will provide preventative and corrective software maintenance support for the IDS located at the Fort McHenry Tunnel (FMT) and the Baltimore Harbor Tunnel (BHT) for the term of three (3) years with one (1) 2-year renewal option.

This Contract also includes a fixed hourly rate and a \$5,000 maximum allowance for corrective maintenance. This allowance will only be used if necessary and will not be used without prior approval of the Project Manager.

This Contract has a base term of three (3) years at a Contract value of \$131,000, with one (1) 2-year Renewal option valued at \$84,000, for a Total Contract Not-To-Exceed value of \$215,000.

Citilog, Inc., the Original Equipment Manufacturer (OEM) and developer of the proprietary software, is the only firm able to maintain the current IDS. Purchase of an alternate product could result in compatibility issues or a failure of the existing Citilog IDS. Without maintenance, the existing systems will deteriorate and negatively affect the MDTA's 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.

No Minority Business Enterprise (MBE) or Veteran-Owned Business Enterprise (VSBE) goals or Small Business Reserve designation was established for this Sole Source Contract.

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 Halsey and seconded by Member Gaines, the Members unanimously approved the Sole Source Contract No. J01B5400013 Citilog Incident Detection System (IDS) Software Maintenance and Service Plan to Citilog, Inc. for a base term of three (3) years at a Contract value of \$131,000, with a one (1) 2-year Renewal option valued at \$84,000, for a Total Contract Not-To-Exceed value of \$215,000.

- **CONTRACT NO. J01B5400019 ON-TIME LANE CONTROL SYSTEM SOFTWARE MAINTENANCE AND SERVICE PLAN**

Ms. DiCerbo requested approval for a Sole Source Contract No. J01B5400019 On-time Lane Control System (LCS) Software Maintenance and Service Plan with Control Technologies, Inc. (CTI). This item was reviewed by the Finance Committee and recommended for approval.

The primary purpose of the LCS is for the control of lane use signals which are used to open and close travel lanes on the William Preston Lane, Jr. Bridge (Bay Bridge) as well as contra-traffic flow. MDTA requires stable and usable lane use signal to ensure traffic control and to alleviate traffic delays during peak hours at the Bay Bridge. Due to the proprietary software, only technicians from CTI can provide the maintenance and upkeep of the current system.

This new Contract will provide software maintenance services, technical support, quarterly preventative maintenance and corrective maintenance support for the On-Time LCS custom software currently installed on the computer system at the Bay Bridge for a term of four (4) years.

This Contract also included a fixed hourly rate and a \$30,000 maximum allowance for corrective maintenance. This allowance will only be used if necessary and will not be used without prior approval of the Project Manager. The total amount of this contract shall not exceed Eighty-Eight Thousand, Two Hundred Fifty Dollars (\$88,250).

CTI is the Original Equipment Manufacturer (OEM) and developer of the custom proprietary software, only programmers from CTI can provide the maintenance and upkeep of the system currently installed at the Bay Bridge. Purchase of an alternate product could result in compatibility issues or a failure of the existing CRI On-Time LCS. 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.

No Minority Business Enterprise (MBE) or Veteran-Owned Business Enterprise (VSBE) goal, or Small Business Reserve (SBR) designation was established for this Sole Source Contract.

As the total value of this Contract exceeds the delegated authority of Resolution 15-01 dated 1/23/15, the MDTA will seek the approval of the Department of Information Technology.

Upon motion by Member Basso and seconded by Member Calhoun, the Members unanimously approved the Sole Source Contract No. J01B5400019 On-Time Lane Control System Software Maintenance and Service Plan to Control Technologies, Inc. for a term of four (4) years at a Not-To-Exceed Contract value of \$88,250.

- **CONTRACT NO. J01B5400018 RADIO REBROADCAST SYSTEM SOFTWARE MAINTENANCE AND SERVICE PLAN**

Ms. DiCerbo requested approval for a Sole Source Contract No. J01B5400018 Radio Rebroadcast System Software Maintenance (RBBS) and Service Plan with Systems Consulting Group, LLC (SCG). This item was reviewed by the Finance Committee and recommended for approval.

The primary purpose of the RRBS is to allow emergency operations staff to broadcast messages and emergency instructions to drivers on select FM radio stations in the event of an emergency within the tunnels. Due to the proprietary software, only technicians from SCG can provide the maintenance and upkeep of the current system.

This new Contract will provide preventive and corrective maintenance support for the RRBS located at the Fort McHenry Tunnel (FMT) and the Baltimore Harbor Tunnel (BHT) for a term of four (4) years.

This Contract also includes a fixed hourly labor rate and a \$10,000 maximum allowance for corrective maintenance. This allowance will only be used if necessary and will not be used without prior approval of the Project Manager.

The total amount of this contract shall not exceed Eighty-One Thousand, Six Hundred Eighty Dollars (\$81,680).

SCG, a certified Small Business, is the Original Equipment Manufacturer (OEM) and developer of the proprietary software, and the only firm able to maintain the RRBS currently installed at each of the tunnels. Purchase of an alternate product could result in compatibility issues or a failure of the existing SCG RRBS. 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.

No Minority Business Enterprise (MBE) or Veteran-Owned Business Enterprise (VSBE) goal, or no Small Business Reserve (SBR) designation was established for this Sole Source Contract.

As the total value of this Contract exceeds the delegated authority of Resolution 15-01 dated 1/23/15, MDTA will seek the approval of the Department of Information Technology.

Upon motion by Member Basso and seconded by Member Dennis, the Members unanimously approved the Sole Source Contract No. J01B5400018 Radio Re-Broadcast System Software Maintenance and Service Plan to Systems Consulting Group, LLC for a term of four (4) years at a Not-To-Exceed Contract value of \$81,680.

- **CONTRACT NO. KB 2715-000-006 BRIDGE DECK OVERLAY AND MISCELLANEOUS REPAIRS FOR MD 695 INNER AND OUTER LOOP OVER DOCK ROAD AND MD 695 INNER AND OUTER LOOP OVER CSXT RAILROAD**

Ms. DiCerbo requested approval for Contract No. KB-2715-000-006, Bridge Deck Overlay and Miscellaneous Repairs for MD 695 Inner and Outer Loop over Dock Road and MD 695 Inner and Outer Loop over CSXT Railroad. This item was reviewed by the Capital Committee and recommended for approval.

The work to be performed under this contract is located at Structure Nos. BCZ492051 and BCZ492061 carrying the MD 695 Inner and Outer Loops over Dock Road and Structure Nos. BCZ496051 and BCZ496061 carrying the MD 695 Inner and Outer Loops over CSXT Railroad. Full depth shoulder reconstruction is required within the project limits along both the right shoulder and left shoulder of the MD 695 Inner Loop and Outer Loop. This will allow two lanes of MD 695 traffic to remain open in each direction during peak hours. A bio-swale will be constructed within the project limits. Milling of the existing deck and placement of latex modified concrete overlay will be required on all bridges. Miscellaneous repairs to the bridge parapets, substructure, and slope protection shall be completed. Asphalt mill and overlay shall be completed within the entire project limits at the completion of the bridge overlays.

An allowance of \$20,000.00 for Railroad Expenses and an allowance of \$250,000 for Miscellaneous Repairs were included in the Invitation for Bids (IFB) and will only be used if necessary and with prior approval of the Engineer.

Six (6) bids were received ranging from 8.04% to 30.52% above the Engineers Estimate of \$4,372,842.29 and G.A. & F.C. Wagman, Inc. is the lowest responsive and responsible bidder. This Company has performed work on prior MDTA projects.

This was advertised with a Minority Business Enterprise (MBE) participation goal of Thirty-Five Percent (35%) with sub-goals of 7% for African American-owned and 4% for Asian American-owned companies; and a One Percent (1%) Veteran-owned Small Business Enterprise (VSBE) participation goal. G.A. & F.C. Wagman, Inc. requested and was granted a partial waiver of 5.9% of the overall MBE participation goal; however, it met the subgoals. G.A. & F.C. Wagman, Inc. has submitted a VSBE plan that meets the goal.

Upon motion by Member Calhoun and seconded by Member Gaines, the Members unanimously approved the award of Contract No. KB 2715-000-006 Bridge Deck Overlay and Miscellaneous Repairs for MD 695 Inner and Outer Loop over Dock Road and MD 695 Inner and Outer Loop over CSXT Railroad to G.A. & F.C. Wagman, Inc. in the amount of \$4,724,386.78.

- **CONTRACT NO. KH 2782-000-006R REHABILITATION OF CORRUGATED PIPE CULVERTS**

Ms. DiCerbo requested approval for Contract No. KH 2782-000-006R Rehabilitation of Corrugated Pipe Culverts, this item was reviewed by the Capital Committee and recommended for approval.

The work to be performed under this contract is located on the JFK Memorial Highway in Harford and Cecil Counties. The scope of work will consist of the following, which may not be required for all structures: A. Pave the inverts of the structures, B. Fill undermined or eroded areas of structure with flowable fill, grout bags and/or riprap, C. Repair existing headwalls, wingwalls with cast-in-place concrete, D. Restore deteriorated area of pipe with galvanized structural steel plate, and E. Remove and dispose of debris, coatings, and existing paving at the inlet, outlet, and inside the pipe at the approved site. The items specified above are not a complete list of work to be performed, nor are all being performed at each structure. The appropriate items and any additional work are shown in the Contract Documents for each specific structure.

There is an allowance of \$100,000 for Miscellaneous Repairs that was included in the Invitation for Bids (IFB) and will only be used if necessary and with prior approval of the Construction Manager.

Six (6) bids were received ranging from 16% below to 157% above the Engineer's Estimate of \$804,365. Proshot Concrete, Inc. is the lowest responsive and responsible bidder. As its bid was Sixteen Percent (16%) lower than the Engineer's Estimate, a bid justification was conducted and the bid was determined to be fair and reasonable. This Company has performed similar projects with State Highway Administration and other counties in Maryland.

This was advertised with a Minority Business Enterprise (MBE) participation goal of Nineteen Percent (19%) with no sub-goals. Proshot Concrete, Inc. submitted a MBE plan that exceeds the goal.

Upon motion by Member Gaines and seconded by Member Calhoun, the Members unanimously approved the award of Contract No. KH 2872-000-006R Rehabilitation of Corrugated Pipe Culverts to Proshot Concrete in the amount of \$679,440.

- **CONTRACT NO. NB 2849-000-006 GOVERNOR HARRY W. NICE MEMORIAL BRIDGE – SUBSURFACE EXPLORATION AND LABORATORY TESTING PROGRAM**

Ms. DiCerbo requested approval for Contract No. NB 2849-000-006 Governor Harry W. Nice Memorial Bridge – Subsurface Exploration and Laboratory Testing Program, this item was reviewed by the Capital Committee and recommended for approval.

The work to be performed under this contract is located at Governor Harry W. Nice Memorial Bridge. The scope of work includes exploring the subsurface conditions within Maryland, Virginia, and in the Potomac River in the vicinity of the existing Governor Harry W. Nice Memorial Bridge. All work shall be performed by means of earth borings with augers, mud rotary, casing, split barrel soil samples, undisturbed samples, rock core borings, in place testing, installation of groundwater monitoring wells, Munitions and Explosives of Concern (MEC) support services, and conducting laboratory testing.

There is an allowance of \$500,000 for Miscellaneous Subsurface Investigation and Testing in the Invitation for Bids (IFB), which will only be used if necessary and with prior approval of the Construction Manager.

Two (2) bids were received ranging from 38.52% to 102.58% above the Engineer's Estimate of \$5,306,026. Froehling & Robertson, Inc. (F&R) is the lowest responsive and responsible bidder. As its bid was Thirty-Eight Point Fifty-Two Percent (38.52%) higher than the Engineer's Estimate, a bid justification was conducted and the bid was determined to be fair and reasonable. This Company has performed work on prior MDTA projects as a subcontractor.

This was advertised with a Minority Business Enterprise (MBE) participation goal of Eighteen Percent (18%) with no MBE sub-goals; and a Two Percent (2%) Veteran-owned Small Business Enterprise (VSBE) participation goal. F&R has submitted a MBE and VSBE plans that meet the goals.

This is a Construction-related services contract that exceeds the delegated authority of the MDTA Resolution 15-01 dated January 23, 2015; therefore, it requires approval from the Maryland Board of Public Works.

Upon motion by Member Calhoun and seconded by Member Hellmann, the Members unanimously approved the award of Contract No. NB 2849-000-006 Governor Harry W. Nice Bridge – Subsurface Exploration and Laboratory Testing Program to Froehling & Robertson, Inc. in the amount of \$7,351,255.

- **CONTRACT NO. PB 2804-000-007 REHABILITATE POINT BREEZE PARKING LOTS**

Ms. DiCerbo requested approval for Contract No. PB 2804-000-007 Rehabilitate Point Breeze Parking Lots. This item was reviewed by the Capital Committee and recommended for approval.

The work to be performed under this contract is for the rehabilitation of two parking facilities and the asphalt roadway approach to MDTA's parking facility located in the rear of the MDTA's Point Breeze Warehouse/Office Complex in Baltimore, MD. The parking facilities are comprised of one lot utilized by MDTA for vehicle and miscellaneous storage and a second larger lot leased to private

companies for truck trailers storage, building material storage and hauling staging areas. Additional work will be performed to provide full depth asphalt pavement for the expansion of available storage areas at two separate locations on MDTA property between the existing railroad tracks and the access roadway that are immediately south of the parking facilities that are being rehabilitated. These two areas will also be leased to a private company for additional storage related to trucking operations.

This project includes, but is not limited to: Carbide Grinding and Resurfacing; Full Depth Asphalt Patching (Approx. 3" Depth); Full Depth Asphalt Paving; Concrete Curb and Gutter; Storm Drain Repairs; Storm Drain Cleaning.

An allowance of \$10,000.00 for Hazardous Materials Disposal and an allowance of \$5,000.00 for Erosion and Sediment Control Measures were included in the Invitation for Bids (IFB) and will only be used if necessary and with prior approval of the Construction Manager.

Five (5) bids were received ranging from 24.06% below and 9.33% above the Engineer's Estimate of \$499,402.

P. Flanigan & Sons, Inc. is the lowest responsive and responsible bidder. As its bid was Twenty-Four Point Zero-Six Percent (24.06%) lower the Engineer's Estimate, a bid justification was conducted and the bid was determined to be fair and reasonable. This company has performed work on prior MDTA projects.

This was advertised as a Small Business Preference (SBP) with no Minority Business Enterprise (MBE) goals and no Veteran-owned Small Business Enterprise (VSBE) goal.

This contract exceeds the delegated authority of the MDTA Resolution 15-01 dated January 23, 2015, and therefore requires approval of the Maryland Board of Public Works.

Upon motion by Member Calhoun and seconded by Member Basso, the Members unanimously approved the award of Contract No. PB 2804-000-007 Rehabilitate Point Breeze Parking Lots to P. Flanigan & Sons, Inc. in the amount of \$379,241.25.

### **APPROVAL CONTRACT – MODIFICATION**

- **CONTRACT NO. 20140002 HAZMAT REMOVAL – AUTHORITY WIDE**

Ms. DiCerbo requested approval to retroactively modify Contract No. 20140002 Hazmat Removal – Authority Wide. This item was reviewed by the Finance Committee and recommended for approval.

This Contract for the clean-up/removal of spills of hazardous and non-hazardous materials generated by MDTA facilities, or abandoned on MDTA property was awarded to Clean Venture, Inc. by the Board of Public Works (BPW) as Item #1-S of the 4/2/14 BPW meeting. The Contract Term is 4/12/2014 – 4/11/2017 with 1 two-year renewal option. The Contract amount is:

Amount: \$126,258 NTE (3 Years; Base Term)  
\$ 87,731 NTE (2 Years; Renewal Option)  
\$213,989 NTE Total (5 Years)

The original Contract included waste management services throughout the MDTA's facilities. The Contract also included in its scope of work the performance of emergency response HAZMAT removal, and environmental maintenance services. After award, the MDTA decided to allow an existing Contract for oil-water separator maintenance and holding tank pump-out services to expire, and utilize this Contract for the fulfillment of this work.

Shortly after Contract award, the MDTA experienced a significant amount of unanticipated emergency response and clean up requests on various facilities, and also disposed of significant amounts of used E-ZPass transponders that had exceeded their useful life and been returned by customers, which was also unanticipated.

The MDTA is requesting to allow for an increase in the emergency response and environmental maintenance services, as well as routine waste management services at a cost of \$147,500 to the base Contract term. The revised Contract value including this Modification is \$273,758.

With a total Contract Modification value of \$147,500 the Authority will exceed the originally approved Contract award amount of \$126,258.00. As of this date, the Contract has been overspent by approximately \$12,500, which renders this Modification as a retroactive approval. The MDTA does not intend to renew this Contract upon base term expiration, but rather will re-complete for these services in the hope of obtaining better pricing given the increased utilization of these services.

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

As the total value of the Contract Modification exceeds the delegated authority of Resolution 15-01 dated 1/23/15, Board of Public Works approval is required for this Contract.

Upon motion by Member Hock and seconded by Member Halsey, the Members unanimously approved the retroactive modification to Contract No. 20140002 Hazmat Removal – Authority Wide for the approved Contract award of \$126,258 and a Contract Modification amount of \$147,500 making the total revised Contract amount of \$273,758.

#### **UPDATE - HUMAN RESOURCES COMMITTEE**

Member Dennis presented an overview of items that were discussed at the Human Resources Meeting. Topics discussed included an Overview of Police Training; the Introduction of the new Class & Compensation Manager; an Update on 2015 Training Expenditures; an Overview of three new IT efficiency projects; an Overview of the Wellness Program; an Overview of staffing impacts from the toll decrease; and an Update on senior staff vacancies.

**UPDATE – AUDIT COMMITTEE**

Member Halsey presented an overview of items that were discussed at the June 16, 2015 Audit Committee Meeting. Topics discussed included a review of the Office Audits Audit Charter; a status of the FY 2015 Audit Plan including the plan for next year; and the Review of three (3) audit reports.

**UPDATE – EXECUTIVE DIRECTOR REPORT**

Mr. Gartner reported on several ongoing topics giving a brief overview on their progress, including an update on traffic volumes for the Express Toll Lanes; an update on the on-going project on I-95 South of the Fort McHenry Tunnel; an update on on-going implementation of the toll reductions; an update on Police activities; and a report on the Bay Bridge 10K Run and possible similar activities at the Hatem Bridge.

At 10:15 a.m. Member Whitson ended his participation with the meeting.

There being no further business, the meeting of the MDTA Board was adjourned by general consensus at 10:36 a.m.

The next MDTA Board Meeting will be held on July 30, 2015 at 11:30 a.m. at the Point Breeze Headquarters, 2310 Broening Highway, Baltimore, Maryland 21224.

APPROVED AND CONCURRED IN:

---

Pete K. Rahn, Chairman