

MARYLAND TRANSPORTATION AUTHORITY
BOARD MEETING
THURSDAY, APRIL 28, 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 (via Telephone)
Randall Nixon, Esquire
Michael Whitson

STAFF ATTENDING:

Koudjo Amouzou
Milt Chaffee
Percy Dangerfield
Donna DiCerbo
Tina Dorn
Trudy Edwards
David Goldsborough
Michele Gross
Jim Harkness
Jaclyn Hartman
Meshelle Howard
Colonel Jerry Jones
Kimberly Millender, Esquire
Tonya Morant
John O'Neill
William Pines
Deb Sharpless
Dennis Simpson
Cheryl Sparks
Paul Truntich
Jim Wesselhoff
Dan Williams

OTHERS ATTENDING:

R. Earl Lewis, TSO
Christine Brooks
William P. Brooks
Diane Winiarski
Ina Winiarski

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

APPROVAL – CLOSED AND OPEN SESSION MINUTES OF MARCH 31, 2016

Upon motion by Member Reverend Doctor William C. Calhoun, Sr., and seconded by Member Michael Whitson the closed and open meeting minutes of the MDTA Board meeting held on March 31, 2016 were unanimously approved.

Acting Chairman Ports introduced R. Earl Lewis, Deputy Secretary, Maryland Department of Transportation.

RESOLUTIONS – YEARS OF SERVICE RECOGNITION FOR RETIRED EMPLOYEES

Ms. Deborah Sharpless read the resolutions for the following employees who have retired from their State service: Patricia A. Jackson, Corporal Richard S. Meyers, Corporal Lorraine Meyett, Alan W. Rutherford and Christine A. Thomas. Patricia Jackson’s family, Christine Brooks, William P. Brooks, Diane Winiarski, and Ina Winiarski were present to accept the resolution on her behalf. On the occasion of their retirement from their distinguished careers of exemplary service, the Chairman and Members of the Maryland Transportation Authority expressed their most sincere appreciation for their excellence and commitment.

APPROVAL – DECLARATION OF EXCESS LAND

Mr. Dennis Simpson requested approval to dispose of an MDTA owned property containing 22,204 square feet (0.506± acres) located along I-95 in Cecil County, Maryland. This item was presented to the Capital Committee at its April 7, 2016 meeting and recommended for approval. If approved for disposal by the MDTA Board, this property will proceed through the Modal Clearance process and the Board of Public Works.

The property is located along I-95 North East Expressway in the Town of Elkton, Cecil County, Maryland. As part of the I-95 construction, an acquisition was required from the Immaculate Conception Church of Elkton, Maryland that was conveyed to the State of Maryland in October 1964. The town of Elkton requested the use of 0.506± acres from the MDTA to construct and maintain a water tower. The MDTA and the Town of Elkton entered into a Deed of Perpetual Easement on November 19, 1986 for such land use. The Deed is recorded in Cecil County’s land records under Liber 186 at folio 673 for the amount of \$1.00.

The Town of Elkton has expressed an interest for the property where the water tower is located to be conveyed by the MDTA in fee simple. This conveyance would allow for the integration of their water distribution system for the next 100 years. MDTA obtained an independent appraisal, which has been reviewed for validity. The appraiser valued the property at \$49,000.

A request was made to the other divisions within MDTA to determine if there were any current or future needs for the property. It was determined that there were no needs for this property.

Upon motion by Member Reverend Doctor William C. Calhoun, Sr. and seconded by Member Michael Whitson, the Members unanimously approved the MDTA's declaration of excess land and the sale of MDTA owned property containing 22,204 square feet located along I-95 in Cecil County, Maryland to the Town of Elkton for the Belle Hill Water Tower in the amount of \$49,000.

APPROVAL – DECLARATION OF EXCESS LAND

Mr. Simpson requested approval for the lease of property under the Thomas J. Hatem Bridge for parking to the Town of Perryville and for the lease of property located at the Point Breeze Industrial Park for truck parking to the Terminal Corporation. These items were presented to the Capital Committee and recommended for approval. If approved for lease by the MDTA Board, these properties will proceed through the Modal Clearance process and the Board of Public Works.

Town of Perryville

The MDTA temporarily terminated the Town of Perryville's lease as a result of a MDTA construction project on the Thomas J. Hatem Bridge. The properties to be leased consist of two parcels totaling 2.89± acres located beneath the Hatem Bridge in Cecil County, Maryland. The Town of Perryville intends to use the parcels to provide overflow parking to the public for their boat ramp facility.

Upon completion of the construction project the MDTA provided written notice that it would reinstate the lease. The lease is for a term of five years with a monthly rental amount of \$958.33 at the annual rental amount of \$11,500.00.

Terminal Corporation

The MDTA intends to implement a new five year lease with Terminal Corporation, whom has been a tenant of the MDTA since 1989. The MDTA owns Parcel 3, Lot 2 within the Point Breeze Industrial Park. Terminal is using 3.1944 ± acres of the property for storing commercial trailers, equipment and employee parking.

The tenant's business operation services the Seagirt Marine Terminal and the Intermodal Transfer Facility (ICTF), which is located adjacent to the leased property.

The five year lease includes a monthly rental amount of \$6,416.60 at the annual rental amount of \$77,000.00.

Upon motion by Member William Hellmann and seconded by Member P. Jack Basso, the Members unanimously approved the MDTA's declaration of excess land beneath the Thomas J. Hatem Bridge is to be leased to Town of Perryville for overflow parking in the monthly rental amount of \$958.33, \$11,500.00 annually; and the implementation of a new five year lease with Terminal Corporation for Parcel 3, Lot 2 for the monthly rental amount of \$6,416.60, \$77,000.00 annually.

Member Michael Leahy joined the meeting by telephone.

APPROVAL – BOARD POLICY ON SPONSORSHIPS

Ms. Jaclyn Hartman requested approval for a new Board Policy on Sponsorships. This Policy was reviewed by the Finance Committee and recommended for approval.

In 2011, the State Highway Administration and State Farm entered into a sponsorship agreement to expand SHA's emergency roadside operations. In exchange for fully funding the program for three years, State Farm's logo was placed on certain SHA vehicles. Similar sponsorship opportunities may be available for MDTA.

Over the last year, MDTA has explored the possibility of sponsorship programs to help fund activities, programs, and services that benefit the traveling public along MDTA facilities. One possible opportunity may be a sponsorship of MDTA's Vehicle Recovery Unit, which is similar to SHA's emergency roadside operations. While exploring potential opportunities, MDTA staff determined that a Board policy authorizing the establishment of a sponsorship program should be in place prior to solicitation. Under the MDTA Board's Operating Policy, all powers not expressly delegated in writing are "reserved" to the MDTA Board. Since the authority to seek or execute a sponsorship program is not expressly delegated to the Executive Director or other staff for review and approval, it therefore requires MDTA Board approval.

The drafted policy is to be permissive and as broad as possible so as not to exclude any potential opportunities. The Policy allows staff to consider and recommend approval of sponsorship requests but requires MDTA Board approval of a sponsorship agreement.

Upon motion by Member Basso and seconded by Member Calhoun, Sr., the Members unanimously approved the new MDTA Board Policy on Sponsorships that would allow MDTA to enter into sponsorship agreements to help fund certain MDTA activities, programs and services with Board approval, was unanimously approved.

APPROVAL – CONTRACT AWARD

- **CONTRACT NO. MA 2767-000-001 ON-CALL CLEANING AND PAINTING OF SIGNATURE BRIDGES**

Ms. Donna DiCerbo requested approval for Contract No. MA 2767-000-001 On-Call Cleaning and Painting of Signature Bridges. This item was reviewed by the Finance Committee and recommended for approval.

The work to be performed under this contract is located at the Thomas J. Hatem Memorial Bridge, Millard E. Tydings Memorial Bridge, Baltimore Harbor Tunnel, Francis Scott Key Bridge, William Preston Lane, Jr. Memorial Bridge, and the Governor Harry W. Nice Memorial Bridge facilities. The scope of work includes on-call cleaning and painting of all steel surfaces as directed by the Engineer. The work will consist of surface cleaning with pressurized water, solvent cleaning, and surface preparation by hand and power tool cleaning including all steel members in the substructure and superstructure of the signature bridges. Application will consist of spot touch-up maintenance painting, and touch-up with over-coating selected surfaces. When necessary, as

determined by the Contract Manager, maintenance of traffic and equipment shall be provided by the Contractor to support the cleaning and painting.

This is a \$3,500,000 Not-to-Exceed (NTE) On-Call Contract.

There are allowances of \$75,000 for the Engineer's Boat, \$50,000 for Reimbursable Railroad Expenses, \$200,000 for Materials for Cleaning and Painting, \$100,000 for Specialized Contractors, \$100,000 for Specialized Equipment for Cleaning and Painting, and \$150,000 for Miscellaneous Repairs included in the Invitation For Bids (IFB) that will only be used if necessary and with prior approval of the Construction Manager.

Three (3) bids were received ranging from 73% to 11% above the Engineer's Estimate of \$2,856,250.

Titan Industrial Services, Inc. is the lowest responsive and responsible Bidder. As their bid was Eleven Percent (11%) higher than the Engineer's Estimate, a bid justification was conducted and the bid was determined to be fair and reasonable.

The Contract has an overall Minority Business Enterprise (MBE) participation goal established at Fifteen Percent (15%) with no sub-goals, and a Veteran Small Business Enterprise (VSBE) participation goal of Zero Point Five Percent (0.5%); Titan Industrial Services, Inc. has submitted an MBE and VSBE plan that meets these goals.

Upon motion by Member William Ensor and seconded by Member Michael Leahy, the Members unanimously approved Contract No. MA 2767-000-001, On-Call Cleaning and Painting of Signature Bridges to Titan Industrial Services, Inc. in the amount of \$3,500,000.

- **CONTRACT NO. MR 2847-000-001 ON-CALL UPGRADE AND REPLACE METAL TRAFFIC BARRIERS & ATTENUATORS**

Ms. DiCerbo requested approval for Contract No. MR 2847-000-001 On-Call Upgrade and Replace Metal Traffic Barriers and Attenuators. This item was reviewed by the Finance Committee and recommended for approval.

The work to be performed under this contract is located at the facilities of Baltimore Harbor Tunnel Thruway, Fort McHenry Tunnel, Francis Scott Key Bridge, Harry W. Nice Memorial Bridge, John F. Kennedy Memorial Bridge, Intercounty Connector and the William Preston Lane, Jr. Memorial Bridge and related approach roadways located in Anne Arundel County, Baltimore City, Baltimore County, Cecil County, Charles County, Harford County, Howard County, Montgomery County, Prince George's County, Queen Anne's County, New Castle County (DE), and King George County (VA). This contract will cover three (3) years of replacement in the Invitation for Bids (IFB).

There is an allowance of \$300,000 for Contingent Miscellaneous Repairs included in the IFB that will only be used if necessary and with prior approval of the Construction Manager.

Three bids were received ranging from 14% above and 18% below the Engineer's Estimate of \$4,230,850.

L.S. Lee, Inc. is the lowest responsive and responsible Bidder. As their bid was Eighteen Percent (18%) below 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.

The overall Minority Business Enterprise (MBE) participation goal established for this Contract is Five Percent (5%) with no sub-goals. L.S. Lee, Inc. has submitted a plan that meets the goal. Two (2) prior bids for similar services contained MBE goals of Twenty-five Percent (25%); however, both of those solicitations resulted in failed procurements, with only one (1) bid (from L.S. Lee) received on each. As a result, the MDTA Procurement Review Group established a lower goal for this contract, and greater competition was achieved.

Upon motion by Member W. Lee Gaines Jr., and seconded by Member Randall Nixon, the Members unanimously approved Contract No. MR 2847-000-001 On-Call Upgrade and Replace Metal Traffic Barriers & Attenuators to L.S. Lee, Inc. in the amount of \$3,471,775.

- **CONTRACT NO. MT 3039-0000 FIRE ALARM/SUPPRESSION SYSTEMS MAINTENANCE, MDTA AUTHORITY WIDE**

Ms. DiCerbo requested approval for Contract No. MT 3039-0000 Fire Alarm/Suppression Systems Maintenance, MDTA Authority Wide. This item was reviewed by the Finance Committee and recommended for approval and requires the Board of Public Works approval.

The is an Indefinite Quantity Contract with Fixed Unit Prices to provide all labor, materials, supplies, equipment, tools, supervision, transportation, insurance and permits necessary to provide full service preventative, routine and repair maintenance service and emergency repair service, inspection and testing for the fire alarm/suppression systems Authority-Wide locations.

This project was advertised as a single-award contract; four bids were received, and this was designated as a Small Business Preference contract.

Advanced Fire Protection Systems, LLC (AFPS) is the lowest responsive and responsible Bidder. This Contract has a term of three (3) years valued at \$1,335,000 with one (1) 2-year renewal option valued at \$655,000, for a total contract term of five (5) years, with a Not-to-Exceed contract value of \$1,990,000.

Upon motion by Member Basso, and seconded by Member Leahy, the Members unanimously approved Contract No. MT 3039-0000 Fire Alarm/Suppression Systems Maintenance, Authority Wide Contract term of three years valued at \$1,335,000 with one 2-year renewal option valued at \$655,000, for a total contract term of five years, with a Not-to-Exceed value of \$1,990,000 to Advanced Fire Protection Systems, LLC.

- **CONTRACT NO. SV 3009-0000 HAZMAT REMOVAL SERVICES AUTHORITY WIDE**

Ms. DiCerbo requested approval for Contract No. SV 3009-0000 Hazmat Removal Services Authority Wide. This item was reviewed by the Finance Committee and recommended for approval. The total value of this Contract exceeds the delegated authority of Resolution 15-01 dated 1/23/15; therefore, this item will need approval from the Board of Public Works.

The work to be performed is hazardous and non-hazardous material disposal and emergency response services and environmental maintenance services requested by the MDTA at locations and schedules designated by MDTA. Such services may include, but are not necessarily limited to: responses to spills/releases at MDTA facilities; characterization of waste streams; collection, containerization, transportation and proper disposal of hazardous and non-hazardous materials abandoned on MDTA property; routine collection, containerization, transportation and proper disposal (or recycling where applicable) hazardous and non-hazardous wastes generated by MDTA facilities; container over of packing; service of oil/water separators and floor drains, pumping out holding tanks, performing abatement and/or decontamination activities for the management of asbestos, lead and/or microbial hazards; and proper documentation and manifesting of activities carried out under this Contract.

This is a \$900,000 Not-To-Exceed On-Call Contract.

Five bids were received, Clean Harbors Environmental Services, Inc., is the lowest responsive and responsible Bidder. They have performed work on prior projects, but it has been some time; therefore, references were verified and included Northrop Grumman and W.R. Grace in Curtis Bay. The Contract has a base term of three (3) years valued at \$540,000, with one (1) 2-year Renewal option valued at \$360,000, for a total Contract term of five (5) years, and Total Not-To-Exceed value of \$900,000.

Upon motion by Member Nixon, and seconded by Member Leahy, the Members unanimously approved Contract No. SV 3009-0000 HAZMAT Removal Services Authority Wide to Clean Harbors Environmental Services, Inc. for a Contract base term of three(3) years valued at \$540,000, with one (1) 2-year Renewal option valued at \$360,000, for a total Contract term of five (5)years, and Total Not-To-Exceed value of \$900,000.

- **CONTRACT NO. BB 2754-000-006 WESTBOUND BRIDGE SUSPENSION SPAN REHABILITATION**

Ms. DiCerbo requested approval for Contract No. BB 2754-000-006 Westbound Bridge Suspension Span Rehabilitation. This item was reviewed by the Capital Committee and recommended for approval.

The work to be performed under this Contract is located at the William Preston Lane Jr., Memorial Bridge (WPL). The Scope of Work includes but is not limited to the following work: performing structural surveying; providing access to main cables and anchorage structures; removing, storing and re-setting existing anti-climb fences; and furnishing and installing supplemental

suspension strands, new suspender ropes, truss brackets for suspender ropes, anchors at towers for strands, new platforms inside anchorages, wind tongue rehabilitation; rocker link replacement, anchor pier bearing retrofit, priority steel repair work, drainage trough monitoring and dehumidification components.

There are allowances of \$500,000 for Contingent Miscellaneous Repairs and Modifications, \$100,000 for Wind Tunnel Testing, \$3,000 for Contractor Partnering and \$100,000 for Structural Steel Repairs, Repair Type PR-1 in the Request for Proposal (RFP) that will only be used if necessary and with prior approval of the Engineer.

A Competitive Sealed Proposals (CSP) procurement method was used for this project per the Code of Maryland Regulations (COMAR) 21.05.01.03. Included in the process were two (2) Technical Best and Final Offers (BAFO) requested and received from all four (4) firms, Price Proposals were opened and ranked, and Price BAFOs were requested and received from all four (4) firms. As stated in the Request for Proposals, the Evaluation Committee was required to give equal weight to Technical and Financial factors.

Ranked first technically, Kiewit Infrastructure Co. (Kiewit), demonstrated superiority in each of the technical evaluation components. Ranked first financially, Kiewit offered the lowest price and best value; therefore, the Evaluation Committee recommended Kiewit as they provide the most advantageous offer to the State. As their bid was Thirty-One Percent (31%) lower than the Engineer's Estimate of \$42,994,353.39, a bid justification was conducted and the bid was determined to be fair and reasonable. As Kiewit is currently closing out a major project at the bridge, they have recent intimate knowledge of the facility, and they utilized their recent experience and schemes, which resulted in lower pricing. This company has performed work on prior MDTA projects at the Bay Bridge Facility.

The overall Minority Business Enterprise (MBE) participation goal established for this Contract is Seventeen Percent (17%) with no sub-goals; and the Contract included a Zero Point Five Percent (0.5%) Veteran-Owned Small Business Enterprise (VSBE) participation goal. At Eighteen Point Zero Three Percent (18.03%), Kiewit Infrastructure Co., has submitted an MBE plan that exceeds this goal and VSBE plan that meets the goal.

Upon motion by Member Calhoun, Sr., and seconded by Member Basso, the Members unanimously approved Contract No. BB 2754-000-006 Westbound Bridge Suspension Span Rehabilitation to Kiewit Infrastructure Co. in the amount of \$29,625,000.

- **CONTRACT NO. HT 2658-000-006 I-895 OVER PATAPSCO RIVER FLATS SUPERSTRUCTURE REPLACEMENT**

Ms. DiCerbo requested approval for Contract No. HT 2658-000-006 I-895 Over Patapsco River Flats Superstructure Replacement. This item was reviewed by the Capital Committee.

The work to be performed under this Contract is located at Bridge No. B-Y059001 located on I-895 over the Patapsco River Flats in Baltimore and Anne Arundel Counties and Baltimore City. The superstructure of this bridge will be replaced in its entirety. The scope of work includes but is not

limited to superstructure replacement, structural concrete repairs including selective concrete removal and repairs, crack repairs by pressure epoxy injection and pier overhang reconstruction, grinding and resurfacing, full depth shoulder replacement, replacement of existing pavement markings, maintenance of traffic, removal of reconstruction of concrete traffic barriers, signage, grass swale grading; and lighting.

There are allowances in the Contract of \$70,000 for Diesel Fuel Price Adjustment, \$125,000 for Public Relations Support, \$1,000,000 for Miscellaneous Structural Repairs, \$112,275 for a Price Adjustment for Asphalt Binder, \$42,100 for Payment Adjustment for Pavement Density and \$42,100 for Payment Adjustments for Asphalt Mixture included in the Invitation for Bids (IFB) that will only be used if necessary and with prior approval of the Engineer.

Ten (10) bids were received ranging from 52% above to 15% below the Engineer's Estimate of \$57,294,397.

McLean Contracting Company is the lowest responsive and reasonable Bidder. As their bid was Fifteen Percent (15%) lower than the Engineer's Estimate, a bid justification was conducted and the bid has been determined to be fair and reasonable. This company has performed work on prior MDTA projects.

The Overall Minority Business Enterprise (MBE) participation goal established for this Contract was Twenty-five Percent (25%), with sub-goals of Seven Percent (7%) African American, Four Percent (4%) Asian American; and the Contract included a One Percent (1%) Veteran Small Business Enterprise (VSBE) participation goal. At Thirty-one Point Sixty-four Percent (31.64%) for MBE and One Point Forty-four Percent (1.44%) for VSBE, McLean Contracting Company has submitted MBE and VSBE plans that exceed the goals.

Upon motion by Member William Hellmann, and seconded by Member Gaines, the Members unanimously approved Contract No. HT 2658-000-006 I-895 over Patapsco River Flats Superstructure Replacement in the amount of \$48,513,563.78.

- **CONTRACT NO. KB 2521-000-006R2 FRANCIS SCOTT KEY BRIDGE FACILITY FUEL TANKS REPLACEMENTS**

Ms. DiCerbo requested approval for Contract No. KB 2521-000-006R2 Francis Scott Key Bridge Facility Fuel Tank Replacement, this item was reviewed by the Capital Committee.

The work to be performed under this Contract is located at the Francis Scott Key Memorial Bridge (FSK) Maintenance Facility. The revised project scope includes the removal of three underground storage tanks (UST): a 6,000 gallon gasoline UST, a 6,000 gallon bio-diesel UST and the 600 gallon heating oil UST. The new fuel storage USTs will consist of the following: (1) 6,000 gallon bio diesel fuel and (1) compartmentalized tank containing 4,000 gallon gasoline fuel and 2,000 gallon E-85 fuel. Due to site space constraints and vehicular traffic circulation, the new fuel tanks will be located in the same area as the existing tank field. This project includes a temporary split 6,000 (4,000 gasoline and 2,000 bio diesel) fuel dispensing system and associated temporary lighting. A new Diesel Exhaust Fluid (DEF) system is included. The 500 gallon DEF Above Ground Storage

Tank (AST) is located at the FSK Garage removed Grease Room; requiring a new heating system, new doorway and masonry; eliminating single pane windows and the previous AST.

There is an allowance of \$70,000 for Removal and Disposal of Contaminated Soil, \$60,000 for Removal and Disposal of Contaminated Groundwater, and \$15,000 for a Stage II Vapor Recovery System included in the Invitation for Bid (IFB). These allowances will only be used if necessary and with prior approval of the Engineer.

Three (3) bids were received ranging from 110% to 34% above the Engineer's Estimate of \$1,067,493.

Kalyani Environmental Solutions, LLC (KES) is the lowest responsive and responsible Bidder. As their bid was Thirty-Four Percent (34%) 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.

There were no Minority Business Enterprise (MBE) goal or sub-goals and no Veteran Small Business Enterprise (VSBE) goals established for this Contract.

Upon motion by Member Hellmann, and seconded by Member Calhoun, Sr., the Members unanimously approved Contract No. KB 2521-000-006R2 Francis Scott Key Bridge Facility Fuel Tank Replacement to Kalyani Environmental in the amount of \$1,437,000.

APPROVAL – CONTRACT RENEWALS

- **CONTRACT NO. 20120002 COMMUNICATIONS AND RELATED SERVICES FOR THE MARYLAND TRANSPORTATION AUTHORITY**

Ms. DiCerbo requested approval to renew Contract No. 20120002 with McAndrew Company, for Communications and Related Services for the Maryland Transportation Authority (MDTA). This item was reviewed by the Finance Committee.

The scope of work includes providing full-service communications services to aid in public education, promote public safety on its roadways and improve the level of customer service given to toll customers. The Contractor is responsible for assisting the MDTA to meet the goals of improving customer service and enhancing the customer experience, as set forth in the MDTA's Strategic Plan. These services may include, but are not limited to, development, production and implementation of public safety and traffic management campaigns/messages utilizing traditional media, social media, public relations, community outreach, and research; crisis communications services; website management; as well as other related activities necessary to carry out of the work as set forth in the contract.

The original Contract term was from September 5, 2013 through September 4, 2016, with a base value of \$3,600,000; and one (1) 2-Year Renewal Option valued at \$2,400,000, for a total Contract value of \$6,000,000. The original Contract was approved by the Board of Public Works on September 4, 2013.

This request seeks recommended approval to exercise the sole Contract renewal for a term of September 5, 2016 through September 4, 2018, at a Not-To-Exceed cost of \$2,400,000.

The overall Minority Business Enterprise (MBE) participation goal established for this Contract was Twenty-Five Percent (25%) and the Contract also contained a Zero Point Five Percent (0.5%) Veteran Small Business Enterprise (VSBE) participation goal. The Contract has achieved 21.19% MBE compliance to date and 1.11% VSBE compliance to date. The Contractor is on track to exceed the goal by the contract end date of September, 2016.

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 Nixon, the Members unanimously approved Contract No. 20120002 Communications and Related Services for the Maryland Transportation Authority to exercise the sole Contract renewal for a term of September 5, 2016 through September 4, 2018, at a Not-To-Exceed at a cost of \$2,400,000 and a Not-To-Exceed Total Contract Value of \$6,000,000.

- **CONTRACT NO. 20130006 ARMORED CAR TRANSPORT SERVICES – ALL LOCATIONS**

Ms. DiCerbo requested approval for the Renewal of Contract No. 20130006 with Dunbar Armored, Inc., for Armored Car Transport Services – All Locations for the Maryland Transportation Authority (MDTA), this item was reviewed by the Finance Committee.

The purpose of this solicitation is to provide Armored Transport Services for all MDTA Locations. The contract includes all labor, transportation and services necessary for adequate performance in accordance with the specifications, and shall be provided on a daily basis excluding weekends, and scheduled state holidays, unless otherwise specifically requested.

The original Contract term was from December 1, 2013 through November 30, 2016, with a base value of \$702,740.08; and one (1) 2-Year Renewal Option valued at \$504,252.69, for a total Contract value of \$1,206,992.77. The original Contract was approved by the Board of Public Works (BPW) on October 2, 2013.

This request seeks approval to exercise the sole Contract renewal for a term of December 1, 2016 through November 30, 2018, at a Not-To-Exceed cost of \$504,252.69.

The overall Minority Business Enterprise goal established for this Contract was Zero Percent (0%) and a Zero Percent (0%) Veteran Small Business Enterprise goal because no MBEs or VSBEs were found in the directory that could perform the work in the original base Contract term.

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, Sr., and seconded by Member Gaines, the Members unanimously approved Contract No. 20130006 Armored Car Transport Services – All Locations to exercise the sole Contract renewal for a term of December 1, 2016 through November 30, 2018, at a Not-To-Exceed at a cost of \$504,252.63 and a Not-To-Exceed Total Contract Value of \$1,206,992.77.

UPDATE – LEGISLATIVE SESSION

Ms. Michele Gross reviewed legislation that impacts MDTA: Senate Bill (SB) 56: Transportation – Chesapeake Bay Bridge Crossing – Environmental Impact Study-Cost Estimate and Payment; SB 416: Transportation – Toll Transportation Facilities Project – Annual Pass – Study; SB 907: Transportation – Harry W. Nice Memorial Potomac River Bridge – Replacement; House Bill (HB) 296: Maryland Transportation Authority – Vehicle Not Using Bridge – Toll Prohibited; HB 523: *E-ZPass* Accounts – Transponder Theft – Reporting and Unauthorized Charges; and HB 1013: Maryland Open Transportation Investment Decision Act of 2016. The Members requested another update on SB 907: Transportation – Harry W. Nice Memorial Potomac River Bridge – Replacement at the next Board Meeting.

UPDATE – EXECUTIVE DIRECTOR’S REPORT

Mr. Milt Chaffee presented an update on MDTA’s Earth Day Event and Recycled Art Contest, including the Clean-up on the Francis Scott Key shore line behind MDTA Police Headquarters. Mr. Chaffee also presented the Members with the 2015 Annual Report.

At 9:52 a.m. upon motion by Member Whitson. and seconded by Member Calhoun, Sr., the Board unanimously voted to move into Closed Session pursuant to § 3-305(b)(8) and (12) of the General Provisions Article of the Annotated Code of Maryland, to discuss pending environmental litigation filed by the Department of Justice on behalf of the Environmental Protection Agency related to the 68th Street Dump Site including details of a proposed Consent Decree and settlement; and to discuss a pending criminal investigation into incidents related to transponders.

The following persons were present during the closed session: Jim Ports, Acting Chairman, P. Jack Basso, Reverend Dr. William C. Calhoun, Sr., William Ensor III, W. Lee Gaines, Jr., William Hellmann, Michael Leahy (via telephone), Randall Nixon, Michael Whitson, Milton Chaffee, Percy Dangerfield, Trudy Edwards, Jaclyn Hartman, Kimberly Millender, Esquire, Dennis Simpson, Deb Sharpless, Cheryl Sparks and R. Earl Lewis.

At 10:08 a.m., upon a motion by Member Whitson and seconded by Member Calhoun, Sr., the Members unanimously voted to return to Open Session.

RATIFICATION OF ACTION TAKEN DURING CLOSED SESSION

Upon motion by Member Whitson and seconded by Member Calhoun, Sr., the Members unanimously ratified the vote from Closed Session to approve the proposed settlement in the estimated amount of \$177,728 and authorize the Executive Director to approve any fluctuations in the

final settlement amount and sign any necessary documents to finalize such settlement including a Consent Decree for the pending litigation at the 68th Street Dump Site.

Member Hellman requested that Mr. Simpson provide an update each month on the Port Covington Project.

There being no further business, the meeting of the MDTA Board was adjourned by general consensus at 10:13 a.m.

The next MDTA Board Meeting will be held on May 26, 2016 at 9:00 a.m. at the Point Breeze Headquarters, 2310 Broening Highway, Baltimore, Maryland 21224.

APPROVED AND CONCURRED IN:

Jim F. Ports, Acting Chair



MARYLAND TRANSPORTATION AUTHORITY

STATEMENT FOR CLOSING A MEETING

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

DATE: April 28, 2016

TIME: 9:52 AM

MOTION BY: M. Whitson

SECONDED BY: M. Calhoun

VOTE TO CLOSE SESSION:

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

**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.

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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) [X] To consult with staff, consultants, or other individuals about pending or potential litigation.
- (9) [] 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) [X] 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)(8) and (12) of the General Provisions Article of the Annotated Code of Maryland, to discuss pending environmental litigation filed by the Department of Justice on behalf of the Environmental Protection Agency related to the 68th Street Dump Site including details of a proposed Consent Decree and settlement; and to discuss a pending criminal investigation into incidents related to transponders.

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REASON FOR CLOSING:

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

A handwritten signature in blue ink, consisting of several large, fluid loops and curves, positioned above a horizontal line.

PRESIDING OFFICER