

MARYLAND TRANSPORTATION AUTHORITY  
BOARD MEETING  
THURSDAY, SEPTEMBER 24, 2015  
2310 BROENING HIGHWAY, BALTIMORE, MD 21224

OPEN SESSION

Jim Ports, Acting Chairman

MEMBERS ATTENDING:

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

STAFF ATTENDING:

Milt Chaffee  
Percy Dangerfield  
Donna DiCerbo  
Trudy Edwards  
Jaclyn Hartman  
Meshelle Howard  
Colonel Mike Kundrat  
Jody McCurley  
Kimberly Millender, Esquire  
Tonya Morant  
Cindy Parker  
William Pines  
Mike Rice  
Deborah Sharpless  
Dennis Simpson  
Cheryl Sparks  
Dan Williams

OTHERS ATTENDING:

W. M. Carter -SFAA  
Michael McGeady – Cianbro  
Timothy L. Parker

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 AUGUST 27, 2015 AND THE CLOSED AND OPEN SESSION MEETING MINUTES OF THE SPECIAL BOARD MEETING OF SEPTEMBER 8, 2015**

Note, that the name of Michael Ensor was corrected to William Ensor in the August 27, 2015 meeting minutes.

Upon motion by Member Michael Whitson and seconded by Member William Hellmann, the closed and open meeting minutes of the MDTA Board meeting held on August 27, 2015 and the closed and open meeting minutes of the Special Board meeting of September 8, 2015 were unanimously approved.

**RESOLUTIONS – YEARS OF SERVICE RECOGNITION**

Ms. Deb Sharpless recognized the retirement of four employees: Catherine Noone, Timothy L. Parker, Hedy H. Peak and Gary W. Ray. Mr. Timothy L. Parker was in attendance. On the occasion of the employees’ retirements from their distinguished careers of exemplary service, the Chairman and Members of the Maryland Transportation Authority hereby express their most sincere appreciation for their excellence and commitment.

**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 full MDTA Board at the November 2014 meeting. The legislative process is complete and no comments were received.

**11.07.02 – Vehicle Size and Width Restrictions**

Amendments are to make the regulations consistent with current business practices.

**11.07.05 – Public Notice of Toll Schedule Revisions**

Amendments are to make the regulations’ definitions consistent with statute and to clean up redundant language

**11.07.10 – Parking on Maryland Transportation Authority Property**

Amendments are to make the regulations’ definitions consistent with statute and eliminate the regulations related to Violations and Penalties. In order to issue citations for violations, a process for appeal to the District Court needs to be established. It has been determined that the value of the civil parking violations penalty received is not worth the expense of establishing and maintaining such an appeal process.

**11.07.11 – Public Use of Interstate 95 Service Plazas**

Amendments are to allow the MDTA as an agency to enforce parking restrictions, not just to a singular person; change language to update an obsolete term and to remove the civil citation for

infractions on the service plazas. In order to issue civil citations, a process for appeal to the District Court needs to be established. It has been determined that the value of the civil penalty received is not worth the expense of establishing and maintaining such an appeal process.

Upon motion by Member Whitson and seconded by Member W. Lee Gaines, Jr., the Members unanimously approved the final amendments to the Code of Maryland Regulations (COMAR) as outlined above for **11.07.02** – Vehicle Size and Width Restrictions; **11.07.05** – Public Notice of Toll Schedule Revisions; **11.07.10** – Parking on Maryland Transportation Authority Property; **11.07.11** – Public Use of Interstate 95 Service Plazas.

Member Hellman recused himself from the next item and left the meeting.

### **APPROVAL CONTRACT – AWARDS**

- **CONTRACT NO. MDTA2014-01: AE 3011-0000 & AE 3012-0000 COMPREHENSIVE BUILDING AND FACILITY ENGINEERING AND ARCHITECTURAL DESIGN CONSULTING SERVICES FOR THE MDTA**

Ms. Donna DiCerbo requested approval to execute Contract Numbers, AE 3011-0000 and AE 3012-0000, for Comprehensive Building and Facility Engineering and Architectural Design Consulting Services for the MDTA. The proposed contracts were reviewed by the Capital Committee and recommended for approval. Approval of the contracts is contingent upon the approval of the Transportation Professional Services Selection Board (TPSSB) and the Board of Public Works (BPW).

The services to be performed under these Contracts are Comprehensive Building and Facility Engineering and Architectural Design Consulting Services for the MDTA. The MDTA proposes to utilize consultant services to perform design, investigation, miscellaneous studies, and other consultation services listed in this scope of services for an undetermined number of projects at any of the various facilities maintained by the MDTA, which include but are not limited to: John F. Kennedy Highway (JFK); Thomas J. Hatem Bridge (TJH); Baltimore Harbor Tunnel (BHT); Fort McHenry Tunnel (FMT); Francis Scott Key Memorial Bridge (FSK); Governor Harry W. Nice Bridge (HWN); William Preston Lane, Jr. Memorial Bridge (WPL, Bay Bridge); Point Breeze (PB) and the Intercounty Connector (ICC), on an as needed basis.

The Consultant shall provide the resources and expertise needed to perform architectural and engineering design and analysis for buildings and facilities, development of complete contract bid documents, facility conditions inspections, asset management, and miscellaneous consulting services including but not limited to, space planning, facility master plan studies, emergency inspections, building envelope evaluations, specialized building, systems analysis and design including security, life safety, data, communications, audio/video, electrical, mechanical and plumbing engineering design services.

These two (2) of four (4) task-based contracts will be cost plus fixed fee Contracts, valued at Three Million Dollars (\$3,000,000) with a total Not-to-Exceed cost of Twelve Million Dollars

(\$12,000,000). The project was approved by Secretary of Transportation, James T. Smith, on November 7, 2013.

The Minority Business Enterprise (MBE) participation goal for each contract is 35% with sub goals of 6% for African American-owned firms, 2% Hispanic American-owned firms, and 9% Women-owned firms. The Veteran-owned Small Business Enterprise (VSBE) participation goal is 1%. The prime contractors have submitted MBE and VSBE plans that meet the goal.

The firm selected for award of Contract No. AE 3011-0000 in the amount of \$3,000,000 is Whitman, Requardt & Associates, LLP (the highest rated firm). Its sub-consultants are: Unlimited Systems Support, Inc. – MBE; BizSolutions 360, Inc. – MBE; Athavale, Lystad & Associates, Inc. – MBE; Coleman Consulting, LLC – MBE; Carroll Engineering, Inc. – MBE; Streetscape, Inc. – MBE; Navarro & Wright Consulting Engineers, Inc. – MBE; MIN Engineering – MBE; E2CR, Inc. – MBE and; Veterans Engineering, Inc. – VSBE.

The firm selected for award of Contract No. AE 3012-0000 in the amount of \$3,000,000 is Johnson, Mirmiran & Thompson, Inc. (the second highest rated firm). Its sub-consultants are: Carroll Engineering, Inc. – MBE; Findling, Inc. – MBE; Min Engineering, Inc. – MBE; Maxximus Environmental, Inc. – MBE; A.S. Architects, Inc. – MBE; Forella Group, LLC – MBE and; Olson Surveying, LLC – VSBE and Garner Engineering, Inc.

The Contracts will be valid for a five (5) year period and include a provision authorizing an extension of one-third of the original base term in accordance with BPW Advisory 1995-1.

Upon motion by Member Michael Leahy and seconded by Member Reverend Doctor William C. Calhoun, Sr., the Members unanimously approved the award of Contract No. MDTA 2014-01: AE 3011-0000 and AE 3012-0000 Comprehensive Building and Facility Engineering and Architectural Design and Consulting Services for the MDTA.

Member Hellmann returned to the meeting.

- **CONTRACT NO. MA 2753-000-006 STREAMLINED STORM WATER MANAGEEMNT RETROFITS – CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD SYSTEM (TMDLs) – PHASE 3**

Ms. DiCerbo requested approval for Contract No. MA 2753-000-006, Streamlined Stormwater Management Retrofits – Chesapeake Bay TMDLs – Phase 3. This item was reviewed by the Capital Committee and recommended for approval.

This project, located in Baltimore and Harford Counties, is for the construction of Storm Water Management (SWM) retrofit facilities. The SWM retrofit facilities will be constructed in grass medians and along roadway shoulders along I-95 corridors. The scope of work includes providing labor, equipment, materials, etc., necessary to perform SWM retrofits as directed by the Engineer.

There is an allowance of \$180,000 for Miscellaneous Drainage Work and Repairs included in the Invitation for Bids (IFB) that will only be used if necessary and with the prior approval of the Engineer.

Two (2) Bids were received ranging from 5.11% to 11.02% above the Engineer's Estimate of \$1,839,170. Concrete General, Inc. is the lowest responsive and responsible Bidder. Concrete General, Inc.'s bid was determined to be fair and reasonable.

The Contract has a Minority Business Enterprise (MBE) participation goal of Twenty-Five Percent (25%) with no sub-goals. Concrete General, Inc. submitted an MBE plan that meets the goal.

Upon motion by Member W. Lee Gaines, Jr. and seconded by Member William Ensor, the Members unanimously approved the Contract No. MA 2753-000-006 Streamlined Stormwater Management Retrofits – Chesapeake Bay Total Maximum Daily Load System – Phase 3 to Concrete General, Inc. in the amount of \$1,933,226.50.

### **APPROVAL CONTRACT – MODIFICATIONS**

- **KAPSCH CONTRACT MODIFICATIONS**

Ms. Deborah Sharpless requested conditional approval to approve a modification to the existing Kapsch Traffic Con IVHS (Kapsch) contract provided acceptable contract documents are agreed upon. This Contract modification requires Board of Public Works (BPW) approval.

The MDTA has the opportunity to reduce the cost of purchasing transponders by \$1.10 per transponder on January 1, 2016 and an additional \$.40 on January 1, 2017. In exchange for the reduced contract prices, the MDTA would need to agree to extend the existing exclusivity clause by two years. Extending the exclusivity clause would have no impact to the MDTA because the Interagency *E-ZPass*<sup>®</sup> Group (IAG) will be unable to re-procure these products prior to the exclusivity clause expiring. Additionally, the lower cost creates an opportunity for MDTA to pass on the savings to its customers. Annually, MDTA purchases approximately 160,000 transponders, resulting in approximately \$240,000 in savings per year for our customers.

Since 2009, MDTA customers have purchased their transponders. MDTA has always sold the transponders at cost (rounded to the nearest dollar). Today, MDTA sells the transponders for \$9.00. Effective July 2016, staff recommends lowering the cost to \$7.50. This price would be \$.30 below MDTA's cost for a portion of fiscal year 2016 and \$.10 above MDTA's cost beginning in January 2017.

Kapsch has indicated that the re-negotiated offer is an all or nothing offer. Specifically, Kapsch will honor the offer if all of the IAG Agencies agree to the terms.

Upon motion by Member Michael Leahy and seconded by Member Calhoun, the Members unanimously approved conditionally to extend the exclusivity clause an additional two years for the Kapsch Traffic Con IVHS Contract; and, upon motion by Member Gaines, Jr. and seconded by

Member Leahy, the Members unanimously approved lowering the price of transponders beginning January 1, 2016 to \$7.80 and then to \$7.40 on January 1, 2017 from the current price of \$9.00 contingent on the unanimous approval from all IAG Agencies on extending the exclusivity clause and additional two years,

#### **UPDATE - AUDIT COMMITTEE MEETING**

Member Whitson reported the Audit Committee met on September 15, 2015. The Office of Audits is moving along with regard to the progress of the audits in the audit plan. Two of the fourteen audits included in the FY2016 Plan were completed and four are in process. The remaining eight audits have expected commence dates ranging from September 21, 2015 to April 6, 2016. The Concession audit pointed out some reporting issues with the subcontractor, but the issues are being addressed by Areas, USA.

#### **UPDATE - HUMAN RESOURCES (HR) COMMITTEE MEETING**

Member Calhoun reported the HR Committee met on September 17, 2015. The topics of discussion were as follows: Non-Bias Policing Program; Workforce Development Budget Update; College Fair; and Vacancy Update.

#### **UPDATE – EXECUTIVE DIRECTOR’S REPORT**

Mr. Chaffee reported on several ongoing topics giving a brief overview on their progress, including the Consolidated Transportation Program Tours, Financial Statement Audit, ICC East Operations Center, Civil Penalty Process, Fort McHenry Tunnel Run, and the Bay Bridge 10K.

At 9:37 a.m. upon motion by Member Leahy and seconded by Member Calhoun, 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. (by telephone), William Ensor III, W. Lee Gaines, Jr., William Hellmann, Michael Leahy, Randall Nixon, Michael Whitson, Milton Chaffee, Percy Dangerfield, Trudy Edwards, Jaclyn Hartman, Michael Kundrat, Kimberly Millender, Esquire, Tonya Morant, Deborah Sharpless and Cheryl Sparks.

At 9:48 a.m. Member Calhoun ended his participation in the meeting.

At 10:14 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 10:14 a.m.

The next MDTA Board Meeting will be held on October 29, 2015 at 9:00 a.m. at the Point Breeze Headquarters, 2310 Broening Highway, Baltimore, Maryland 21224.

APPROVED AND CONCURRED IN:

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Jim Ports, 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: September 24, 2015

TIME:

MOTION BY: M. Leahy

SECONDED BY: M. Calhoun

VOTE TO CLOSE SESSION:

Table with 5 columns: Name, AYE, NAY, ABSTAIN, ABSENT. Rows include Rev. Dr. William C. Calhoun, Sr. (marked 'Phone'), Michael J. Whitson, Peter J. Basso, William K. Hellmann, P.E., W. Lee Gaines, Jr., William E. Ensor, III, Michael G. Leahy, Randall Nixon, and 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 status and details of 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.



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**PRESIDING OFFICER**