

MARYLAND TRANSPORTATION AUTHORITY
BOARD MEETING
THURSDAY, SEPTEMBER 25, 2014
2310 BROENING HWY, BALTIMORE, MD 21224

OPEN SESSION

James T. Smith, Jr., Chairman

MEMBERS ATTENDING:

P. Jack Basso
Rev. Dr. William Calhoun
Katrina J. Dennis, Esq.
Mary Beyer Halsey
William K. Hellmann
Arthur Hock
A. Bradley Mims
Michael Whitson

STAFF ATTENDING:

Percy Dangerfield
Donna DiCerbo
Trudy Edwards
Patrick Fleming
Rebecca Freeberger
Bruce Gartner
Valencia Hainesworth
Jaclyn Hartman
Carroll Hicks
Doug Hutcheson
Col. Mike Kundrat
Kelly Melhem
Kimberly Millender, Esquire
Dennis Simpson
Cheryl Sparks
Alison Williams
Dan Williams
Eric Willison

OTHERS ATTENDING:

Chris Fronheiser - AECOM
Joseph Jennings – Morgan State University
Eamonn McGeady - Kiewit
Sam Sidh – MDOT

At 9:02 a.m. Chairman James T. Smith, Jr. called the meeting of the Maryland Transportation Authority (“MDTA”) Board to order.

APPROVAL – CLOSED AND OPEN SESSION MINUTES OF AUGUST 28, 2014

Upon motion by Member Michael Whitson and seconded by Member P. Jack Basso, the Closed and Open Session meeting minutes of the MDTA Board Meeting held on August 28, 2014 were unanimously approved.

RESOLUTION – YEARS OF SERVICE RECOGNITION

Mr. Bruce Gartner read Senior Officer Derek Brown’s resolution. During his career, Senior Officer Brown carried out his duties in the most professional and competent manner and his extraordinary commitment will be missed by all MDTA employees who worked with him.

The Chairman and Members of the MDTA hereby express their most sincere appreciation for her excellence and commitment.

APPROVAL – MDTA BOARD COMMITTEE ASSIGNMENTS

Mr. Bruce Gartner requested approval from the Board to adopt the committee membership assignments and keep the current committee chairs.

Capital Committee – Member Calhoun (Chair), Member Mims, Member Whitson, Member Hellman
Finance Committee – Member Basso (Chair), Member Halsey, Member Hock, Member Dennis

Upon motion by Member P. Jack Basso and seconded by Member Michael Whitson, the Members unanimously approved the committee memberships and committee chairs.

APPROVAL – SALE OF RETIRED VEHICLE RECOVERY UNIT TRUCK

Mr. Gartner and Mr. Patrick Fleming requested approval for the sale of a retired Vehicle Recovery Unit to the Community Fire Company of Perryville. This item was reviewed by the Finance Committee and recommended for approval.

In April 2014 Delegate David Rudolph asked the MDTA to donate a Vehicle Recovery Unit truck, including lights, sirens, and arrow board, to the Community Fire Company of Perryville. In the fall of 2013, the Company lost a member while serving the community. He was hit by a vehicle while directing traffic at the scene of a crash. The Fire Company station and hall are located on MDTA property at the interchange of I-95 and MD 222. The strategic location allows the Company to provide a high level of service to the MDTA at the Hatem Bridge, Tydings Bridge, and along the I-95 corridor.

In 2009, the Board stopped the practice of donating vehicles at no cost. Given the strategic location of the Fire Company and high level of service provided to the John F. Kennedy Highway, a

sale price of \$2000 has been determined. The vehicle to be sold is a 2008 Chevy Silverado Crew Cab and has over 180,000 miles. The replacement vehicle has been received and is expected to be in service at the end of September.

Upon motion by Member Basso and seconded by Member Mary Beyer Halsey, the Members unanimously approved the sale of the 2008 Chevy Silverado Crew Cab Truck including lights, sirens, and arrow board for the amount of \$2,000.00.

APPROVAL – DELCARATION OF EXTRA LAND

Mr. Dennis Simpson requested approval for the Declaration of Excess Land for the former ESSO Standard Oil Property – MMC #144-7026. Per the Maryland Department of Transportation (MDOT) Policy DOT 654.1, the MDTA shall determine the real property which is extra to its needs by a memorandum from the Executive Director (or designee). The Declaration of Extra Land Memorandum (DELM) designates the end of the MDTA Internal Clearance. The DELM is required for all proposed MDTA dispositions, and the property must be deemed “excess to the needs of the MDTA” before MDTA owned real estate may proceed through the Modal Clearance process. This item was reviewed by the Capital Committee and recommended for approval.

The property is located in the southeast quadrant of Boston and Ponca Streets along I-895 in Baltimore City, Maryland. The subject property is also known as Block 6840 on the Baltimore City plat. The 8,915 square foot parcel is surplus from the original acquisition of the Harbor Tunnel that took place in the early 1950’s. No federal funds were associated with the construction; therefore the disposal does not require Federal Highway Administration approval for surplus or disposal. While the current deed language for the right-of-way line through highway is restrictive, the language may be modified. MDTA will establish new restrictive language for the right-of-way line through highway by virtue of a new deed prior to the disposal. This item also requires approval from the Board of Public Works.

Upon motion by Member Reverend William C. Calhoun, Sr. and seconded by Member William Hellmann, the Members unanimously approved the 8,915 square foot parcel of land described above as excess to the needs of the MDTA.

APPROVAL – BOARD RESOLUTION 14-08

Mr. Simpson requested approval for the use of “Quick Take” authority on MDTA highway projects and to delegate authority to the Executive Director to take the necessary actions to exercise Quick Take authority, where appropriate in order to meet project schedules. This item was presented to both the Capital and Finance Committees and recommended for approval.

The MDTA used State Roads Commission’s (SRC) Quick Take authority for the property acquisitions for the I-95 Improvements for the Express Toll Lanes project through a resolution adopted by the MDTA Board. In that case the Quick Take authority was exercised by State Highway (SHA) through the SRC without SHA involvement. The reason for this different approach is two-fold. First, we now have the resources at our disposal to perform the work previously delegated to SHA; and second, the SHA does not have the resources to assist us because they are assisting the Maryland

Transit Administration with acquisitions for the Red and Purple Lines. In order to make sure that acquisitions needed for MDTA highway projects are conducted in an efficient and timely manner, we are requesting approval for the use of “Quick Take” authority on MDTA highway projects and to delegate authority to the Executive Director to take the necessary actions to exercise Quick Take authority, where appropriate in order to meet project schedules.

Upon motion by Member Calhoun and seconded by Member Basso, the Members unanimously approved Resolution 14-08 for the usage of “Quick Take” authority on MDTA highway projects and to delegate authority to the Executive Director to take the necessary actions to exercise Quick Take authority, where appropriate in order to meet project schedules.

APPROVAL CONTRACT – AWARD

- **CONTRACT NO. 20140003 – ELEVATOR PREVENTATIVE MAINTENANCE REPAIR SERVICES**

Ms. Donna DiCerbo requested approval for Contract No. 20140003 Elevator Preventative Maintenance Repair Services, which is a Small Business Reserve (SBR) contract. This item was reviewed by the Finance Committee and recommended for approval and is contingent upon the approval of the Board of Public Works (BPW).

This is a Fixed-Price Contract to provide all labor, materials, equipment and supervision necessary and incidental for preventive, repair, and emergency maintenance and inspection services on elevators and chair lifts at various locations for the MDTA.

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.

This contract has a base term of three (3) years valued at \$529,150.00, with one (1) 2-year renewal option valued at \$324,900.00, for a total contract term of five (5) years with a total contract value of \$854,050.00. This contract was designated SBR, with no Minority Business Enterprise (MBE) or Veteran Owned Small Business Enterprise (VSBE) participation goals established.

Three (3) bids were received, of the three bids received, two (2) were determined to be non-responsive, and with concurrence of legal counsel, were rejected. The Engineer’s Estimate was \$900,000.

G. C. Jones Elevator Co. Inc., is the lowest responsive and responsible bidder, and is therefore recommended for award. The firm has successfully performed similar work on prior MDTA contracts.

Upon motion by Member Calhoun and seconded by Member Basso, the Members unanimously approved Contract No. 20140003 Elevator Preventative Maintenance and Repair Services to G. C. Jones Elevator Co., Inc. in the amount of \$854,050.00.

- **CONTRACT NO. 20140018 SCRAP TIRE & RUBBER REMOVAL**

Ms. DiCerbo requested approval for Contract No. 20140018 Scrap Tire & Rubber Removal services. This item was reviewed by the Finance Committee and recommended for approval.

The purpose of this Contract is to obtain tire and rubber recycling services where possible and/or feasible in order for the MDTA to realize recycling credits. The work to be performed shall include but not be limited to the removal and disposal of all scrap tires, with or without rims, and scrap rubber. All tires and rubber are to be removed regardless of their condition. The work shall also include providing acceptable scrap tire/rubber collection containers in terms of size, physical condition and configuration to the MDTA, and the containers shall be placed at locations determined by each MDTA facility representative.

The MDTA solicited Competitive Sealed Bids for these services, pursuant to the Code of Maryland Regulation (COMAR) 21.05.01.02. This is a fixed price Contract.

Three (3) bids were received ranging from 85.25% above to 7.17% below the Engineer's Estimate of \$73,680.00.

Auston Contracting Inc., is the lowest responsive and responsible bidder. As their bid was seven point seventeen percent (7.17%) below the Engineer's Estimate, their Bid was determined to be fair and reasonable. Auston Contracting Inc. has successfully performed prior work for the MDTA.

Due to the limited scope of work, there were no Minority Business Enterprise or Veteran-owned Small Business Enterprise participation goals, or Small Business Reserve designation for this contract. The contract term is for three (3) years with one (1), two (2) year renewal option.

Upon motion by Member Basso and seconded by Member Arthur Hock, the Members unanimously approved Contract No. 20140018 Scrap Tire & Rubber Removal to Auston Contracting, Inc. in the amount of \$68,400.00.

- **CONTRACT NO. KB 2737-000-006R CLEANING AND PAINTING OF BRIDGES ON I-695 OVER CURTIS CREEK**

Ms. DiCerbo requested approval for Contract No. KB 2737-000-006R Cleaning and Painting of Bridges on I-695 over Curtis Creek. This item was reviewed by the Capital Committee and recommended for approval.

The work to be performed under this contract is for the cleaning and painting of structural steel at the approach spans including the walkway of two (2) bridges and cleaning and painting the steel parapets at the bascule spans along I-695 over Curtis Creek.

An allowance of \$275,000.00 was included in the Invitation for Bids (IFB) for Miscellaneous Structure Repairs and Railroad Expenses, which will only be used if necessary and will not be used without prior approval of the Construction Manager.

Nine (9) bids were received ranging from 71.97% above to 5.23% below the Engineer's Estimate of \$4,325,200.00.

Reglas Painting Co. Inc., is the lowest responsive and responsible bidder. This company has performed work on prior MDTA projects. A protest was received and denied with the concurrence of Legal Counsel, and the appeal period has passed.

This was advertised with a Minority Business Enterprise (MBE) participation goal of Twenty-Three Percent (23%) with sub-goals of Seven Percent (7%) for African American-owned companies and Four Percent (4%) for Asian American-owned companies; and a One Percent (1%) Veteran-owned Small Business Enterprise (VSBE) participation goal. Reglas Painting Co. Inc., has submitted MBE and VSBE plans that meet the goals.

Upon motion by Member Calhoun and seconded by Member Brad Mims, the Members unanimously approved Contract No. KB 2737-000-006R Cleaning and Painting of Bridges on I-695 over Curtis Creek to Reglas Painting Co. Inc., in the amount of \$4,098,980.00.

- **CONTRACT NO. NB 2646-000-006R REPLACEMENT OF UNDERGROUND FUEL STORAGE TANK WITH ABOVE GROUND STORAGE TANK**

Ms. DiCerbo requested approval for Contract No. NB 2646-000-006R Replacement of Underground Fuel Storage Tank with Above Ground Storage Tank. This item was reviewed by the Capital Committee and recommended for approval.

The work to be performed under this contract is located at the Governor Harry W. Nice Memorial Bridge Facility. The Facility is on the southbound side of US Rte. 301, north of the Governor Harry W. Nice Memorial Bridge in Charles County, Maryland.

The Contract includes the removal of one (1) 8,000 gallon heating oil underground storage tank (UST) and one (1) 2,000 gallon emergency generator diesel UST, and all associated piping, valves and appurtenances. The design and construction for removal of the existing USTs will be in accordance with Code of Maryland Regulations (COMAR) 26.10 UST Systems.

The contract also includes the installation of a new 8,000 gallon aboveground storage tank (AST). The project will include a concrete foundation, all necessary mechanical piping, fittings, lighting, leak detection equipment, electrical work, erosion and sediment control, fencing, site stabilization/tree removal, and other appurtenances needed to complete connections to the boiler and the emergency generator.

An allowance of \$39,400.00 was included in the IFB for Removal and Disposal of Contaminated Soil and Contaminated Groundwater, which will only be used if necessary and will not be used without prior approval of the Construction Manager.

Three (3) responsive bids were received ranging from 43.79% above to 1.88% below the Engineer's Estimate of \$336,295.00.

Total Environment Concepts, Inc. is the lowest responsive and responsible bidder and is therefore recommended for award to the full Authority. This company has successfully performed work on prior MDTA projects.

This was advertised as a Small Business Preference (SBP) contract with a Minority Business Enterprise (MBE) participation goal of Twenty Percent (20%) with no subgoals and no Veteran-owned Small Business Enterprise (VSBE) participation goal. Total Environmental Concepts, Inc. submitted a MBE plan that meets the goal.

Upon motion by Member Calhoun and seconded by Member Katrina Dennis, the Members unanimously approved Contract No. NB 2646-000-006R Replacement of Underground Fuel Storage Tank with Above Ground Storage Tank, in the amount of \$329,989.00.

APPROVAL – CONTRACT MODIFICATION

• **CONTRACT NO. 2645-000-002 ON-CALL STRUCTURAL REPAIRS AND MISCELLANEOUS MODIFICATIONS**

Mr. Doug Hutcheson requested approval to increase the Executive Director’s delegated authority for Contract No. 2645-000-002 On-Call Structural Repairs and Miscellaneous Modifications. This item was reviewed by the Capital Committee and recommended for approval.

The low bid award was \$11,746,665.10. Delegated authority used to date totals \$875,000.00 or 7.45%. This was needed for various tasks generated from annual inspection reports. The current authorized construction budget is \$12,621,665.10.

The requested approval is to increase the delegated authority an additional \$3,000,000.00 or 25.54% for completion of current tasks and anticipated new tasks. This money will facilitate the continuation of system preservation repairs until replacement on-call contracts are available. The revised delegated authority is \$3,875,000 or 32.99%. The revised authorized budget is \$15,621,665.

The additional delegated authority represents a fixed not-to-exceed amount.

Original Contract Amount	\$11,746,665.10
Delegated Authority Utilized	\$ 875,000.00 or 7.45%
Revised Contract Budget	\$12,621,665.10
Requested Delegated Authority	\$ 3,000,000.00 or 25.54%
New Contract Budget	\$15,621,665.00 or 32.99%

Upon motion by Member Basso and seconded by Member Hellmann, the Members unanimously approved the modification to Contract No. MA 2645-000-002 On-Call Structural Repairs and Miscellaneous Modifications to increase the delegated authority to the Executive Director for an additional \$3,000,000.00 or 25.54% for completion of current tasks and anticipated new tasks.

UPDATE – I-95 IMPROVEMENT PROJECT WITH EXPRESS TOLL LANE (ETL)

Ms. Cheryl Sparks and Ms. Rebecca Freeberger updated the Members on communications efforts for the opening event/ribbon cutting of the I-95 Express Toll Lanes (ETL) later this year.

UPDATE – INTERCOUNTY CONNECTOR/MD200 CONTRACT D/E

Ms. Sparks and Ms. Kelly Melhem updated the Members on communications efforts for the opening of the last segment of the Intercounty Connector to US 1.

UPDATE – REFUNDING OF THE 2004 WASHINGTON-METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) BONDS

Ms. Jaclyn Hartman provided a report on the significant events leading up to the competitive bond sale which was scheduled on September 24, 2014 at 11:00AM.

The Lease Revenue Refunding Bonds, Metrorail Parking Projects, Series 2014 (Series 2014 Refunding Bonds) were successfully sold to Janney Montgomery Scott LLC using an internet based competitive bidding platform (Parity) that resulted in MDTA receiving bids from eleven (11) investment banking firms. The large number of bidders and the tight interest rate spreads evidenced that there was a very high level of interest in the sale. The competitive sale resulted in a substantial savings.

UPDATE – AUDIT COMMITTEE

Member Halsey gave an update on the September 23, 2014 Audit Committee Meeting and indicated that the following topics were discussed:

- Two internal audit reports were presented. The Committee was satisfied with the results of both audits.
- Management presented an update on the status of the procedures in place and the steps taken to ensure the MDTA is in compliance with the Department of General Services inventory control regulations. The Committee was satisfied with Management's Inventory Control Assessment Plan and the progress on implementing the plan.
- Management presented an update on the status of implementing corrective actions for the findings disclosed in a prior audit of the MDTA's Information Technology General Controls. The Committee was satisfied with Management's progress.
- Management presented an update on the status of implementing corrective actions for the findings disclosed in a prior audit of the MDTA's Fleet Maintenance, Assignments, and Utilization. The Committee was satisfied with Management's progress.

At 10:06 a.m. upon motion by Member Hock and seconded by Member Calhoun, the Members unanimously voted to move into Closed Session pursuant to Section 10-508(a)(8) of the State Government Article of the Annotated Code of Maryland to discuss pending litigation in the Court of

Special Appeals in the matter of *Roshchin v. State of Maryland* and to discuss potential litigation related to the 68th Street Dump Site.

The following persons were present during the Closed Session: James T. Smith, Jr., Chairman, P. Jack Basso, Rev. Dr. William Calhoun, Katrina Dennis, Mary Beyer-Halsey, William K. Hellmann, Arthur Hock, A. Bradley Mims, Michael Whitson, Percy Dangerfield, Trudy Edwards, Bruce Gartner, Doug Hutcheson, Colonel Michael Kundrat, Kimberly Millender, Esquire, Deborah Sharpless, Sam Sidh and Cheryl Sparks.

At 10:35 a.m. a motion was made by Member Basso and seconded by Member Calhoun, with the unanimous approval of the Members, to adjourn the Closed Session and 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 10:42 a.m.

The next MDTA Board Meeting will be held on October 23, 2014 at 9:00 a.m. at MDTA's Point Breeze Headquarters, 2310 Broening Highway, Baltimore, Maryland 21224.

APPROVED AND CONCURRED IN:

Leif Dormsjo, 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 25, 2014

TIME: 9:00 a.m.

MOTION BY: Member Hock

SECONDED BY: Member Calhoun

VOTE TO CLOSE SESSION:

Table with 5 columns: Name, AYE, NAY, ABSTAIN, ABSENT. Rows include Rev. Dr. William C. Calhoun, Sr., Michael J. Whitson, Peter J. Basso, Mary Beyer Halsey, A. Bradley Mims, Arthur Hock, William K. Hellmann, P.E., Katrina J. Dennis, Esq., and Chairperson.

STATUTORY AUTHORITY TO CLOSE SESSION
STATE GOVERNMENT ARTICLE, §10-508(a)

- (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

Page 2

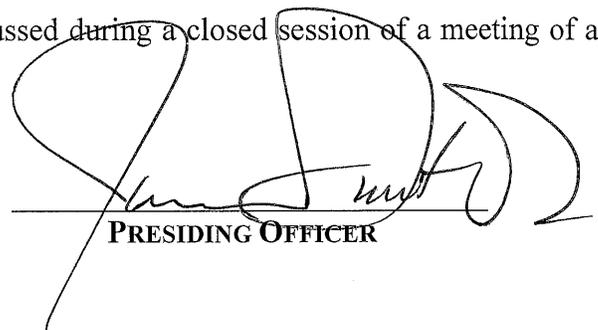
- (5) [] To consider the investment of public funds.
- (6) [] To consider the marketing of public securities.
- (7) [] To consult with counsel to obtain legal advice.
- (8) [X] To consult with staff, consultants, or other individuals about pending or potential litigation.
- (9) [] To conduct collective 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) [] 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 Section 10-508(a)(8) of the State Government Article of the Annotated Code of Maryland to discuss pending litigation in the Court of Special Appeals in the matter of *Roshchin v. State*; and to discuss potential litigation related to the 68th Street Dump Site.

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