

MARYLAND TRANSPORTATION AUTHORITY
AUTHORITY MEETING
THURSDAY, OCTOBER 24, 2013
2310 BROENING HWY, BALTIMORE, MD

OPEN SESSION

James T. Smith, Jr., Chairman

MEMBERS ATTENDING:

Peter J. Basso
Rev. Dr. William C. Calhoun, Sr.
Mary Beyer Halsey
William K. Hellmann
Arthur Hock
A. Bradley Mims
Michael Whitson

STAFF ATTENDING:

Sara Cabrera
Percy Dangerfield
Donna DiCerbo
Trudy Edwards
Patrick Fleming
Rebecca Freeberger
Bruce Gartner
Jaclyn Hartman
Shirley Hill
Meshelle Howard
Doug Hutcheson
Derek Jones
Chief M. Kundrat
Kelly Melhem
Kimberly Millender, Esquire
Jody McCurley
Marjorie Nesbitt
Scott Pomento
Deb Sharpless
Dennis Simpson
Dan Williams

OTHERS ATTENDING:

Leif Dormsjo, Maryland Department of Transportation
Wilson Parran, Maryland Department of Transportation
Sam Sidh, Maryland Department of Transportation
James Walsh, Maryland Aviation Administration
Merrilyn Williams, Maryland Aviation Administration

At 9:07 a.m. Chairman, James T. Smith, Jr., called the meeting of the Maryland Transportation Authority Board (“MDTA”) to order.

Member William K. Hellmann and Douglas Hutcheson recused themselves from the participation and discussion of the first four (4) agenda items.

APPROVAL –OPEN SESSION MINUTES OF SEPTEMBER 5, 2013 AND CLOSED AND OPEN SESSION MINUTES OF SEPTEMBER 19, 2013

Upon motion by Member Michael Whitson and seconded by Member A. Bradley Mims, the Open Session meeting minutes of the MDTA Board Meeting held on September 5, 2013 and the Closed and Open Session meeting minutes of the September 19, 2013 were unanimously approved.

APPROVAL – CONTRACT AWARDS AND MODIFICATIONS:

• **PROJECTS FUNDED BY CONDUIT DEBT**

Ms. Jaclyn Hartman requested approval for ten (10) contracts by the Maryland Aviation Administration (MAA) relating to design/construction work at Baltimore/Washington International (BWI) Thurgood Marshall Airport. The Finance Committee reviewed this request and recommended approval of one (1) new contract and the retroactive approval of nine (9) existing contracts. Prior to submission to the Board of Public Works (BPW), MAA requests approval of one new Contract No. MAA-CO-14-004, relating to Runway 15R-33L NAVAID Improvements, in the amount of \$5,494,835.50. The selected bidder is Bruce-Merilees Electric Company. Additionally, staff has determined that Authority approval of nine (9) existing contracts for design/construction work at BWI Thurgood Marshall Airport was not obtained by MAA prior to obtaining BPW approval. MAA is requesting the Authority’s retroactive approval at this time in order to comply with the Passenger Facility Charge (PFC) Financing Agreements. The nine retroactive contracts are:

1. Contract No. MAA-CO-12-006, relating to the construction of a security checkpoint and Concourse B/C connector, was awarded to Hensel Phelps under an expedited procurement in the original amount of \$43,937,000. BPW approval of the expedited procurement process was obtained on December 7, 2011, and the contract award was on May 1, 2012. BPW approval of a Contract increase of \$6,250,000 was obtained on October 2, 2013. The total contract amount is \$50,187,000;
2. Contract No. MAA-CO-12-007, relating to the widening of Concourse C, in the amount of \$28,799,513 was awarded to Hunt Construction via an expedited procurement process with BPW approval in December 2011;
3. Contract No. MAA-AE-10-002, relating to the B/C Connector Project, in the amount of \$7,000,000 was awarded to Parsons Transportation with BPW approval in April, 2012;
4. Contract No. MAA-CO-12-004, relating to Taxiway C, in the amount of \$2,286,778 was awarded to P. Flanagan with BPW approval in May, 2012;
5. Contract No. MAA-CO-12-008, relating to Runway 10-28, in the amount of \$43,339,104 was awarded to P. Flanagan with BPW approval in May, 2012;

6. Contract No. MAA-CO-13-003, relating to Runway 15R-33L, in the amount of \$4,058,980 was awarded to Concrete General with BPW approval in September, 2012;
7. Contract No. MAA-AE-12-006, relating to Runways 10-28 and 15R-33L, in the amount of \$10,282 was awarded to TranSystem with BPW approval in September, 2011;
8. Contract No. MAA-AE-10-006, relating to the Runway Safety Project, in the amount of \$13,000 was awarded to Parsons Transportation with BPW approval in March, 2011; and
9. Contract No. MAA-AE-10-009, relating to the Runway Safety Project, in the amount of \$7,000 was awarded to Michael Baker with BPW approval in March, 2011.

Upon Motion by Member Peter J. Basso, and seconded by Member Mary Beyer Halsey, the Members unanimously approved the nine Contracts requiring retroactive approval that have already received BPW approval and the one Contract that still requires BPW approval as presented.

Secretary James T. Smith, Jr. introduced Wilson Parran, Deputy Secretary of Administration and Operations, and indicated that Leif Dormsjo, Deputy Secretary, is now overseeing Planning and Project Management.

APPROVAL – CONTRACT AWARDS:

- **20130003 FINANCIAL MANAGEMENT & CONSULTANT SERVICES**

Ms. Donna DiCerbo requested approval for Contract No. 20130003, Financial Management & Consultant Services. This contract was reviewed by the Finance Committee and recommended to the full Authority for approval. The contract will provide Financial Management and Consultant Services to assist the Authority's Finance Committee, Executive Secretary and the Division of Finance in its oversight responsibilities for the system of internal control, financial reporting and analysis, governance, and the organization's process for monitoring compliance with laws and regulations. The Contract term is three (3) years, with one (1), 2-year Renewal option. MDTA solicited Competitive Sealed Proposals for these professional services, pursuant to the Code of Maryland Regulations (COMAR) 21.05.01.02. This is a Not-To-Exceed, Fixed Price, Indefinite Quantity Contract (IQC). The Contract has a budget allocation of \$2,500,000 (in aggregate) for five (5) years. The Request for Proposals (RFP) gave equal weight to technical and financial criteria.

One (1) bid was received by SC&H Group, LLC. The Minority Business Enterprise (MBE) participation goal is thirty percent (30%) with subgoals of seven percent (7%) for African-American, four percent (4%) for Asian-American, and twelve percent (12%) Woman-Owned. In addition, the Contract had a zero point five percent (0.5%) goal for Veteran-Owned Small Business Enterprises (VBSE). SC&H Group LLC submitted a MBE and VSBE plans that meet these goals. As this is single bid procurement, the MDTA will seek approval by the Board of Public Works (BPW).

Upon Motion by Member Basso, and seconded by Member Arthur Hock, the Members unanimously approved the award of this Contract No. 20130003 Financial Management & Consultant Services to SC&H Group, LLC in the amount of \$2,500,000 for five (5) years. This contract requires the approval of the Maryland Board of Public Works.

Member Basso recused himself and left the meeting for the discussion and vote on the next two items.

• **MDTA 2013-02; AE 2758-000-001, AE 2759-000-001, AE 2761-000-001, AE 2762-000-001 ANNUAL FACILITIES INSPECTION SERVICES**

Ms. Donna DiCerbo requested approval for MDTA 2013-02 Contracts Nos. MDTA 2013-02; AE 2758-000-001, AE 2759-000-001, AE 2761-000-001 AND AE 2762-000-001 for Annual Facilities Inspection Services. These proposed contracts were reviewed by the Capital Committee and recommended to the full Authority for approval. The scope of services to be provided under these contracts includes but is not limited to: The annual condition inspection of all facilities under the jurisdiction of the MDTA. The inspections shall consist of a walk/climb through physical inspection resulting in a through hands-on or visual inspection of all structures, roadways, tunnels, it may also include buildings (this encompasses all buildings under the jurisdiction of MDTA such as the office buildings, maintenance buildings/garages, police buildings and tunnel ventilation buildings including the mechanical and electrical systems, plumbing, HVAC and roofs of said buildings), drainage structures, toll plazas, Dynamic Message Signs (DMS) and incident detection equipment housings and structures, truck weigh scales, retaining walls and noise barriers, traffic and safety equipment, cameras, and all other related appurtenances under the jurisdiction of the Maryland Transportation Authority including but not limited to the following facilities: I-95 (John F. Kennedy Memorial Highway); I-895 (Baltimore Harbor Tunnel Thruway); I-395 and I-95 in Baltimore City (Fort McHenry Tunnel); I-695 (Francis Scott Key Bridge); Harry W. Nice Memorial Bridge; Thomas J. Hatem Memorial Bridge; William Preston Lane, Jr. Memorial Bridge (twin structures); and the Intercounty Connector (ICC) in Prince Georges County and Montgomery Counties. Hands-on inspections, including non-destructive testing (NDT) will be required every two (2) years with interim inspections being performed in the off years. Underwater inspections will be performed on a four (4) year cycle. All inspections shall be completed in accordance with the Authority inspection manual.

These four (4) task based contracts will be cost plus fixed fee Contracts, valued at Fifteen Million Dollars (\$15,000,000) each, with a total Not-to-Exceed cost of Sixty Million Dollars (\$60,000,000). The project was approved by Acting Secretary of Transportation, Darrell Mobley, on November 9, 2012. The Minority Business (MBE) participation goal for each contract is Thirty percent (30%) with sub-goals of African-American (6%), Hispanic, Two percent (2%), and Women-owned, Nine percent (9%).

The firms selected for award of these contracts are as follows:

1. Contract AE 2758-000-001 is Rummel, Klepper & Kahl, LLP (RK&K)/Modjeski and Masters, Inc., A Joint Venture (the highest rated firm). Its' sub-consultants are: Athavale, Lystad & Associates, Inc. – MBE; Mercado Consultants, Inc. – MBE; M&N Engineering and Diving Services, Inc. – MBE; Sunrise Safety Services, Inc. – MBE; Prime AE Group, Inc. – MBE; Johnson, Mirmiran & Thompson, Inc.; Jenkins Engineering Company; The Atlas Center, Lehigh University Infrastructure Mentoring Program; and Dr. Dennis Merts. The recommended firm has committed to the established MBE goal and sub-goals.
2. Contract No. AE 2759-000-001 is Stantec Consulting Services, Inc./Ammann & Whitney Consulting Engineers, P.C./Pennoni Associates, Inc., A Tri-Venture, (the second highest rated firm). Its sub-consultants are: Athavale, Lystad and Associated, Inc. – MBE; BVF Engineering, Inc. – MBE; Mercado Consultants, Inc. – MBE; Northeast Work & Safety Boats, LLC – MBE; Phoenix Engineering – MBE; Prime AE Group, Inc. – MBE; Road Safety, LLC – MBE; Sabra, Wang & Associates – MBE; Stafford Bandkow Engineering, Inc.; Sunrise Safety Services, Inc. – MBE; Transtech Engineering Consultants, Inc. – MBE; and Tuhin Basu & Associates, Inc. – MBE. The recommended firm has committed to the established MBE goal and sub-goals.
3. Contract No. AE 2761-000-001 is Hardesty & Hanover, LLC/AECOM Technical Services, Inc./Whitman, Requardt & Associates, LLP, A Tri-Venture, (the third highest rated firm). Its sub-consultants are: Tuhin Basu & Associates, Inc., - MBE; RJM Engineering, Inc., - MBE; Athavale, Lystadt & Associates, Inc., - MBE; J.K. Datta Consultants, Inc., - MBE; Northeast Work & Safety Boats, LLC – MBE; Road Safety, LLC – MBE; Sunrise Safety Services, Inc., - MBE; Precision Measurements, Inc., - MBE; A Halcon Contractors, Inc., - MBE; and Collins Engineers, Inc. The recommended firm has committed to the established MBE goal and sub-goals.
4. Contract No. AE 2762-000-001 is URS Corporation/Parsons Brickerhoff/Wallace Montgomery, A Tri-Venture, (the fourth highest rated firm). Its sub-consultants are: Athavale, Lystad and Associates, Inc. – MBE; M&N Engineering and Diving Services, Inc. – MBE; Mercado Consultants, Inc. – MBE; Prime AE Group, Inc. – MBE; Transtech Engineering Consultants, Inc. – MBE; Sunrise Safety Services, Inc. – MBE; Jenkins Engineering Company; Mason Consultants, Inc.; W.J. Castle PE & Associates, PC; and Weidlinger Associates, Inc. The recommended firm has committed to the established MBE goal and sub-goals.

These Contracts also require approval of the Transportation Professional Services Selection Board and the Maryland Board of Public Works. The Contracts will be valid for a four (4) 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 Calhoun, and seconded by Member Mims, the Members unanimously approved Contract No. AE 2758-000-001 Annual Facilities Inspection Services to Rummel, Klepper & Kahl, LLP (RK&K)/Modjwski and Masters, Inc., A Joint Venture in the amount of \$15,000,000; AE 2758-000-001 Annual Facilities Inspection Services to Stantec Consulting Services, Inc./Ammann & Whitney Consulting Engineers, P.C./Pennoni Associates., A Tri-Venture

in the amount of \$15,000,000; AE 2761-000-001 Annual Facilities Inspection Services to Hardesty & Hanover, LLC/AECOM Technical Services, Inc./Whitman, Requardt & Associates, LLC, A Tri-Venture in the amount of \$15,000,000; and AE 2762-000-001 Annual Facilities Inspections Services to URS Corporation/Parsons Brinckerhoff/Wallace Montgomery, A Tri-Venture in the amount of \$15,000,000, all with a total Not-to-Exceed cost of \$60,000,000.

APPROVAL – CONTRACTS ARCHITECTURAL & ENGINEERING MODIFICATIONS

- **ARCHITECTURAL, ELECTRICAL AND MECHANICAL ENGINEERING SERVICES: AE 2320, AE 2321, AE 2322, AE 2323;**
- **COMPREHENSIVE PROJECT PLANNING AND CONSULTING SERVICES: AE 2362, AE 2363, AE 2364, AE 2365;**
- **COMPREHENSIVE TRAFFIC ENGINEERING AND CONSULTING SERVICES: AE 2216;**
- **COMPREHENSIVE PRELIMINARY AND FINAL ENGINEERING SERVICES (GEC): AE 2343, AE 2544, AE 2545, AE 2546, AE 2547;**
- **CONSTRUCTION MANAGEMENT AND INSPECTION ENGINEERING SERVICES (CMI): AE 2621, AE 2622, AE 2623, AE 2624, AE 2625, AE 2626**
- **CONTRACT NO. AE 2412-000-002/6/7 DESIGN AND CONSULTANT SERVICES RELATED TO ELECTRONIC TOLL COLLECTION SYSTEMS**

Ms. Donna DiCerbo requested approval for the following Contracts: Architectural, Electrical and Mechanical Engineering Services, Nos. AE 2320, AE 2321, AE 2322, AE 2323; Comprehensive Project Planning and Consulting Services AE 2362, AE 2363, AE 2364, AE 2365; Comprehensive Traffic Engineering and Consulting Services AE 2216; Comprehensive Preliminary and Final Engineering Services (GEC) AE 2343, AE 2544, AE 2545, AE 2546, AR 2547 and Construction Management and Inspection Engineering Services AE 2621, AE 2622, AE 2623, AE 2624, AE 2625, AE 2626. These proposed modifications were reviewed by the Capital Committee and recommended to the full Authority for approval. These modifications require approval of the Maryland Board of Public Works.

This request is to modify twenty (20) contracts: five (5) modifications are for additional time only; eleven (11) modifications are for additional money only; and four (4) modifications are for additional time and money. Sixteen (16) different consultant firms currently perform the services under the twenty (20) contracts. While new procurements have been initiated, there is concern that a gap in time and/or funds may occur, which would negatively impact critical services, these requests have been limited to only what is reasonably needed in time and/or funding to provide continuity of critical services while new procurements are pending.

Miscellaneous Architectural, Electrical and Mechanical Engineering Services - (Four (4) contracts)

Contracts AE 2320-000-002, AE 2321-000-002, AE 2322-000-002, and AE 2323-000-002 were awarded in April and May of 2009, for the provision of Miscellaneous Architectural, Electrical and Mechanical Engineering Services. These contracts are for four (4) years with original expiration dates of April and May 2013. These contracts were previously modified in accordance with BPW Advisory 1995-1 to allow for a time only extension for sixteen months, which extended the expiration until August and September 2014.

At the time that these four (4) contracts were extended, only \$4.2M had been invoiced of the original \$16M contract value, and the Office of Engineering and Construction then implemented a strategy to identify and assign tasks to use as much of the balance of these contracts as possible before beginning a new procurement process. Because of the on-going need for critical work/tasks to be performed under these contracts, it is now necessary to request a modification to: add time only for Contract No. AE 2321-000-002; and add time and money to Contracts AE 2320-000-002, AE 2322-000-002, and AE 2323-000-002. These contracts are being extended for 13 to 14 months for a total increase of 10% and have \$7.1M (45% of total) of available funding committed.

Comprehensive Project Planning and Miscellaneous Consulting Services - (Four (4) contracts)

Contracts AE 2362-000-002, AE 2363-000-002, AE 2364-000-002 and AE 2365-000-002 were awarded in July 2009, for the provision of Comprehensive Project Planning and Miscellaneous Consulting Services. These contracts are for four (4) years with original expiration dates of July 2013. These contracts were previously modified in accordance with BPW Advisory 1995-1 to allow for a time only extension for eleven months, which extended the expiration until June 2014.

At the time that these contracts were extended, only \$6.6M had been invoiced of the original \$26M contract value, and the Division of Capital Planning then implemented a strategy to identify and assign tasks to use as much of the balance of these contracts as possible before beginning the new procurement process.

Because of the on-going need for critical work/tasks to be performed under these contracts, it is necessary to request a modification to add time only to each of these four (4) contracts. These contracts are being extended for 12 months and have \$10.6M (45% of total) of available funding committed.

Comprehensive Traffic Engineering and Miscellaneous Consulting Services - (One (1) contract)

Contract AE 2216-000-002 was awarded on November 12, 2008, for the provision of Comprehensive Traffic Engineering and Miscellaneous Consulting Services. This contract is for four (4) years with an original expiration date of November 12, 2012. This contract was previously modified in accordance with BPW Advisory 1995-1 to allow for a time only extension for sixteen months, which extended the expiration until March 12, 2014.

This contract needs to be modified to add additional time and money because existing on-going tasks are not yet complete and staff desires to complete these tasks with the existing assigned consultant resources. Staff believes it would be inefficient and impractical to change the consultants assigned to these partially completed tasks.

Because of the on-going need for critical work/tasks to be performed under this contract, it is necessary to request a modification to add time and money to this contract. This contract is being extended for 9 months for a total increase of 34.3% and has \$1.9M (63% of total) of available funding committed.

Comprehensive Preliminary and Final Engineering Services - (Five (5) contracts)

Contracts AE 2343-000-002, AE 2544-000-002, AE 2545-000-002, AE 2546-000-002, and AE 2547-000-002 were awarded in May 2009, July 2011 and August 2011, for the provision of Comprehensive Preliminary and Final Engineering Services. These contracts are for six (6) years with expiration dates of May 2015, July 2017, and August 2017.

These contracts need to be modified for various reasons related to the need to complete existing assigned tasks with current consultant resources; the need to continue funding for the GEC; and the need to continue funding for other critical existing on-going tasks. The Office of Engineering and Construction estimates that funding for these contracts will run out in June 2014.

Out of an abundance of caution, MDTA is requesting a modification to add money in case any “gap” would occur in available funds between the existing contracts and award of new contracts. These contracts are being increased by 26.2% and have \$29.2M (67% of total) of available funding committed.

Construction Management and Inspection Engineering Services – (Six (6) contracts)

Contracts AE 2621-000-002, AE 2622-000-002, AE 2623-000-002, AE 2624-000-002, AE 2625-000-002, and AE 2626-000-002 were awarded on May 3, 2012, for the provision of Construction Management and Inspection Engineering Services. These contracts are for six (6) years with an expiration date of May 2, 2018.

These contracts need to be modified to make sure funding continues for critical existing on-going tasks. The Office of Engineering and Construction estimates that funding for these contracts will run out in October 2014.

Out of an abundance of caution, MDTA is requesting a modification to add money in case any “gap” would occur in available funds between the existing contracts and award of new contracts. These contracts are being increased by 26.3% and have \$45.3M (75% of total) of available funding committed.

Contract No. AE 2412-000-002/6/7 – Design and Consultant Services Related to Electronic Toll Collection Systems

Ms. Donna DiCerbo requested approval from the full Authority for a Contract Modification on Contract No. AE 2412-000-002/6/7, Design and Consultant Services Related to Electronic Toll Collection Systems. Approval of this modification is contingent upon the approval of the BPW.

This modification seeks additional contract authority in the amount of \$5,000,000 and to extend this Contract for five (5) additional years.

Contract AE 2412-000-002/6/7 was competitively solicited and awarded to Rummel, Klepper & Kahl, LLP/AECOM USA, Inc., A Joint Venture for the provision of Design and Consultant Services Related to Electronic Toll Collection Systems. The contract includes planning studies, preliminary design, and design and construction administration of the Electronic Toll Collection systems within Maryland. These systems are based on the *E-ZPass*® system, which is a regional toll system in the northeastern US. The work includes existing toll facilities within Maryland, studies and/or design for facilities in construction such as the Inter County Connector (ICC) and I-95 Section 100, as well as studies, planning and/or design for other future facilities. The work may also include tasks related to ancillary systems related to the toll collection systems and *E-ZPass* including but not limited to parking applications, airport commercial vehicle applications, commercial vehicle applications such as CVISN, and any other systems that may be integrated with or impacted by *E-ZPass*. The BPW approved Contract No. AE 2412-000-002/6/7 at its February 24, 2010 meeting to RKK/AECOM in the amount of \$5,000,000 for a six year term.

At the time this Contract was originally procured, the schedule, development period, scope, and nature of the ETC 3G project had not been fully determined and therefore, the original term and dollar value could not be justified for a term of more than six years and value of more than \$5,000,000. Currently, one of the major tasks under this Contract is the development of the new specifications for the ETC 3G contract, which are at 60% completion. Because of the timing of this task, the solicitation, selection and build phases for the ETC 3G contract will not be completed prior to the current March 1, 2016, expiration date. Staff continuity through the entire design process for this major task is critical because the project is highly complex. To ensure continuity of services and the critical path for the entire task, this modification is necessary. All other conditions and requirements pertaining to the contract shall remain the same.

As of July 18, 2013, there were \$1,128,107.79 expended funds on this \$5,000,000.00 contract. The total committed funds are \$2,323,650.580, leaving the balance of uncommitted funds at \$2,676,349.42. A 28% Minority Business Enterprise (MBE) overall participation goal was established for this contract and the Contractor is currently achieving 18.81% in MBE participation based on the expenditures to date.

Upon motion by Mr. Rev. Dr. William C. Calhoun and seconded by Mr. Mims, the Members unanimously recommended approval of the modifications for Contract Architectural, Electrical and Mechanical Engineering Services: No's AE 2320, AE 2321, AE 2322, AE 2323; Comprehensive Project Planning and Consulting Services: No's AE 2362, AE 2363, AE 2364, AE 2365;

Comprehensive Traffic Engineering and Consulting Services: No. AE 2216; Comprehensive Preliminary and Final Engineering Services (GEC): AE 2343, AE 2544, AE 2545, AE 2546, AE 2547; Construction Management and Inspection Engineering Services (CMI): AE 2621, AE 2622, AE 2623, AE 2624, AE 2625, AE 2626; and Electronic toll Collection Systems: No. AE 2412.

At 9:29 a.m. Member Hellmann and Doug Hutcheson joined the meeting. Also, Member Basso rejoined the meeting.

APPROVAL – CONTRACTS – CONSTRUCTION MODIFICATIONS

- **CONTRACT NO. KH 1403-000-006 I-95 FROM NORTH OF MD 43 TO NORTH OF JOPPA ROAD**

Mr. Doug Hutcheson requested approval to modify the defined scope, to expand the limits of the contract, and to increase the Executive Secretary's delegated authority on Contract No. KH 1403-000-006 I-95 from north of MD 43 to north of Joppa Rd. This item was presented to the Capital Committee and recommended to full Authority approval. The original construction budget of the contract reflected the low bid amount of \$28,136,777 plus \$2,813,677 or a 10% contingency for additional work. The current authorized construction budget is \$30,950,454. This item is to request approval to increase the contract delegated authority to \$11,018,941 or 39%. The revised construction budget will be \$39,155,718. The additional increase is needed to perform additional work as a result of unforeseen site conditions such as large stones (boulders) and a slope failure located at the proposed Mechanically Stabilized Walls (MSE) located on I-95 northbound and southbound, north of the MD 43 interchange. The unforeseen site conditions resulted in additional work which expanded the scope of the project and required an extension of the project limits to create a temporary ramp.

Upon motion by Member Calhoun, and seconded by Member Whitson, the Members unanimously approved to modify the scope, expand the limits of the contract work, and to increase the Executive Secretary's delegated authority to \$11,018,941 (39% above bid amount) needed to perform additional work as a result of unforeseen site conditions.

APPROVAL – CHANGES TO REGULATIONS

- **COMAR 11.07.01 TRANSPORTATION OF HAZARDOUS MATERIAL**
- **COMAR 11.07.03 PERMITS OF TOWING, ROAD SERVICE AND STORAGE OF VEHICLES**
- **COMAR 11.07.08 TOWING OF VEHICLES ON MDTA PROPERTY**

Mr. Patrick Fleming requested conditional approval for the Transportation of Hazardous Material, Towing of Vehicles on MDTA Property, and Permits for Towing, Road Service, and Storage of Vehicles Regulations subject to any needed non-substantive changes as a result of pre-publication review. This item was presented to the Finance and Capital Committees and was recommended for approval from the full Authority. During the 2010 Legislative session the

General Assembly passed legislation that changed the definition of “Authority Highways”, which change precipitated these amendments. Publication of the changes in the Maryland Register is anticipated for December 13, 2013.

In 2010 the MDTA proposed House Bill 975. Throughout Subtitle 14, the toll facilities were generally referred to as “vehicular crossings.” However, the previous definition of “vehicular crossing” in § 21-1401(e) expressly included any bridge or tunnel within the jurisdiction of the MDTA, together with its approaches, but it did not expressly or clearly encompass all highways or portions of highways under the Authority’s jurisdiction that are not also approaches to a toll bridge or tunnel. Several statutes within Subtitle 14 added the words “or highway under its [MDTA’s] jurisdiction” in order to compensate for the definition of vehicular crossing not clearly including all highways under the jurisdiction of the MDTA. This modification, which changed the term “vehicular crossing” to “Authority highway” throughout the Code, cleared up confusion. There is also a change to 11.07.03 requiring that before a towing company can be issued a towing permit all outstanding tolls must be paid.

Upon motion by Member Basso, and seconded by Member Calhoun, the Members unanimously provided conditional approval of the recommended modifications to COMAR 11.07.01 Transportation of Hazardous Materials; COMAR 11.07.03 Permits for Towing, Road Service and Storage of Vehicles; and COMAR 11.07.08 Towing of Vehicles on MDTA Property, as described above.

UPDATE – MINORITY BUSINESS ENTERPRISE (MBE) PROGRAM

Ms. Meshelle Howard reported on the MDTA’s achievement of the Minority Business Enterprise (MBE) Program Goal for Fiscal Year 2013. The MDTA through the guidance of the Procurement Review Group and the Division of Civil Rights and Fair Practice has exceeded the State’s over-all MBE goal of 25% by achieving an MBE goal of 28.37%. In Fiscal Year 2014 the State’s over-all MBE Program Goal will be 29%. This goal will be in place for Fiscal Years 2014 and 2015.

UPDATE – HUMAN RESOURCES COMMITTEE

Member Mims, Chair of the Human Resources Committee, welcomed the new Equal Employment Opportunity & Diversity Chief, Ms. Sara Cabrera. Member Mims briefed the Members on topics there were discussed at the October 1, 2013 meeting, including the Workforce Utilization Initiative, water testing at MDTA facilities, and the tuition reimbursement program.

Secretary Smith commented on the Maryland Department of Transportation Training and Leadership Program, and recommended that it is a good program that MDTA should get in touch with MDOT for more information.

UPDATE – AUDIT COMMITTEE

Member Halsey, Chair of the Audit Committee, briefed the Members on the meeting held on October 8, 2013. The Office of Audits presented an updated Fiscal Year 2014 Audit Plan as requested by the Audit Committee at the previous meeting on September 17, 2014. The Office of Audits reported that a staff auditor resigned and staff is determining options for filling the vacancy.

UPDATE – I-95 ETL TOLL HEARING PUBLIC COMMENT PERIOD

Mr. Dennis Simpson reported that the public hearings have been held and stated that they were not well attended: Baltimore City – 1 person; Baltimore County – 7 persons; and Harford County 9 people. The comment period remains open until November 4th until 5:00 p.m. MDTA staff will provide a complete summary of the public comments received by November 14, 2013.

UPDATE – CONSOLIDATED TRANSPORTATION TOURS (CTP)

Mr. Dennis Simpson reported that fifteen (15) out of the twenty-three (23) CTP tours have been completed. Currently there have not been any comments on MDTA's portion of the CTP. There are eight (8) more meetings left, in which MDTA will attend two (2) in Cecil County on November 1st and Prince Georges County on November 6th.

UPDATE – E-ZPASS® ON THE GO HOLIDAY CAMPAIGN

Ms. Rebecca Freeberger presented the *E-ZPass* On The Go (OTG) Holiday Sales Campaign for the 2013 holiday season. The purpose of the campaign is to encourage citizens to consider an *E-ZPass* as a holiday gift. This 2013 campaign takes advantage of some of the successful media opportunities used last season, as we did during the 2013 Bay Bridge Summer Travel Public Safety Campaign. The MDTA will expand its use of social media through Facebook and Twitter during the holiday season and will have a larger interactive media presence (smartphone, tablet, web banners) this year. The Maryland Motor Vehicle Administration (MVA) and Mars and Giant Supermarkets sell OTG and are the primary drivers of the campaign. While we were unable to get sales numbers from Giant, OTG sales combined from MVA and Mars increased over 25% from November to December during the 2012 *E-ZPass* OTG Holiday Sales Campaign.

Member Halsey suggested that we look into selling the *E-ZPass* OTG at the I-95 Travel Plazas.

At 10:09 a.m. upon motion by Member Whitson and seconded by Member Hock the Members unanimously voted to move into Closed Session pursuant to section 10-508(a)(1) of the State Government Article of the Annotated Code of Maryland to discuss a personnel matter that affects a specific individual related to the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or any other personnel matter that affects one (1) or more specific individuals; more specifically to discuss a disciplinary action related to an individual employee. The following persons were present during part of the Closed Session: James T. Smith, Jr., Peter J. Basso, Rev. Dr. William C. Calhoun, Sr., Mary Beyer Halsey, William K.

Hellmann, Arthur Hock, A. Bradley Mims, Michael J. Whitson, Kimberly Millender, Esq., Deborah Sharpless, Marjorie Nesbitt, Sameer Sidh, Percy Dangerfield, Chief Michael Kundrat, and Trudy Edwards. At 10:18 p.m., the following persons left the Closed Session: Percy Dangerfield, Trudy Edwards, Bruce Gartner, Chief M. Kundrat, Marjorie Nesbitt, Deb Sharpless and Sam Sidh.

At 10:35 a.m. a motion was made by Member Calhoun and seconded by Member Whitson, 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 Maryland Transportation Authority was adjourned by general consensus at 10:37 a.m.

The next Authority Meeting will be held on November 24, 2013 at 9:00 a.m. at the MDTA Point Breeze Complex, 2310 Broening Highway, Baltimore, Maryland 21224.

APPROVED AND CONCURRED IN:

James T. Smith, Jr. Chair



MARYLAND TRANSPORTATION AUTHORITY

STATEMENT FOR CLOSING A MEETING

LOCATION: Maryland Transportation Authority
2310 Broening Highway
Baltimore, Maryland

DATE: October 24, 2013

TIME: 9:00 a.m.

MOTION BY: M. Whitson

SECONDED BY: A. Hock

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., and Chairman.

STATUTORY AUTHORITY TO CLOSE SESSION

STATE GOVERNMENT ARTICLE, §10-508(a)

- (1) [X] 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.
(5) [] To consider the investment of public funds.

STATEMENT FOR CLOSING A MEETING

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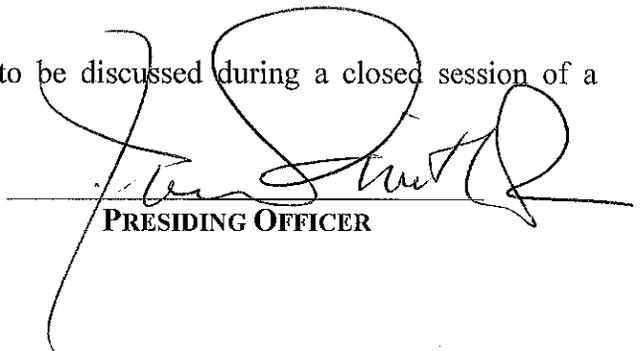
- (6) [] To consider the marketing of public securities.
- (7) [] To consult with counsel to obtain legal advice.
- (8) [] To consult with staff, consultants, or other individuals about pending or potential litigation.
- (9) [] To conduct collective bargaining negotiations or consider matters that relate 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)(1) of the State Government Article of the Annotated Code of Maryland to discuss a disciplinary action related to a specific individual.

REASON FOR CLOSING:

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


PRESIDING OFFICER