**MARYLAND TRANSPORTATION AUTHORITY**

**MONTHLY CAPITAL COMMITTEE MEETING**

**THURSDAY, JANUARY 3, 2019**

**PT. BREEZE HEADQUARTERS BUILDING**

**BALTIMORE, MD**

**OPEN SESSION**

**MEMBERS ATTENDING:** William C. Ensor, III – Chairman

 William H. Cox, Jr. – (via telephone)

Mario J. Gangemi

W. Lee Gaines – (via telephone)

**STAFF ATTENDING:** Kevin Reigrut

 John O’Neill

 James Harkness

 Will Pines

 John Wedemeyer

 Chris Morris

 Jeff Robson

 Sushmita Mitra

 Serena Liu

 Cheryl Sparks

 Bob Jordan

 Kim Millender, Esquire

 Meshelle Howard

Gina King

 Jeffrey Davis

 Deb Sharpless

 Ganine Steffe

 Chris Thompson

At 9:00 a.m. the meeting of the Maryland Transportation Authority (MDTA) Capital Committee was called to order by Chairman Ensor.

**APPROVAL – OPEN SESSION MINUTES OF DECEMBER 6, 2018**

Upon motion by Member Gangemi and seconded by Member Gaines, the Open Session meeting minutes of the Capital Committee’s Meeting held on December 6, 2018 were unanimously approved.

**APPROVAL - CONTRACT NO. HT 3004 – REPLACEMENT OF CONCRETE MEDIAN BARRIER ALONG I-895**

Ms. Serena Liu presented this request for a recommended approval from the Capital Committee to present this Contract No. HT-3004-0000, Replacement of Concrete Median Barrier along I-895 to the MDTA Executive Director for contract execution.

The work to be performed under this contract is located along I-895 Baltimore Harbor Tunnel (BHT) Thruway in Baltimore City and Anne Arundel County.  The project will include removal of existing concrete median barrier, construction of new reinforced concrete median barrier, pavement grinding and overlay, pavement markings, conduit and hand box installation for future operations of Swiftgates and Dynamic Messaging Sign (DMS), and installation of concrete foundation for future DMS.

The scope of work includes:

1. Removal of the existing 32” concrete median barrier along Baltimore Harbor Tunnel (BHT)
2. Construction of new 42” reinforced median barrier
3. Construction of new barrier at existing bridge piers
4. Connection of proposed barrier with sections of the barrier recently replaced by others.
5. Pavement grinding
6. Paving using Asphalt Superpave
7. Pavement markings
8. Conduit and hand box installation for future installation and operation of Swiftgates and DMS
9. Maintenance of Traffic
10. Concrete barrier modifications at pier footings and utility vaults for Structure No. BCY 133031, BCY 133041, & BCY 135001
11. Installation of one foundation for DMS on Northbound I-895

There are allowances of $50,000.00 for Repair Miscellaneous Drainage and $250,000.00 for Miscellaneous Repairs included in the Invitation for Bids (IFB) that will only be used if necessary and with prior approval of the Engineer. This project was advertised on August 30, 2018.

Three (3) Bids were received on October 26, 2018. The responsive and responsible Bid results were as follows:

 **Variance**

**Contractor Bid Amount To Eng. Est.**

P. Flanigan & Sons, Incorporated $ 9,426,666.42 29%

Concrete General, Inc. $ 9,563,902.40 31%

Civil Construction, LLC. $12,065,575.00 66%

The Engineer’s Estimate for this project is $7,277,039.00. It was noted that the low bid was 29% percent above the Engineer’s Estimate. P. Flanigan & Sons, Incorporated was the lowest responsive and responsible Bidder and was therefore recommended for award. An analysis of the bid compared to the Engineer’s Estimate was performed by the Division of Engineering, along with a bid justification, and the low bid submitted by P. Flanigan & Sons, Incorporated was determined to be fair and reasonable. This company has successfully performed similar work locally on prior MDTA projects.

This project was advertised with an Overall Minority Business Enterprise (MBE) goal of 21% with sub-goals of 7% for African American-owned firms and 4% for Asian American-owned firms; and a 1% Veteran Small Business Enterprise (VSBE) goal. Flanigan has submitted MBE and VSBE plans that exceed the goals and both have been approved by the Division of Civil Rights and Fair Practices. Notice-to-Proceed (NTP) for this Contract is anticipated in March 2019. The Contract term is 730 Calendar Days from Notice-To-Proceed.

After reviewing and discussing the differences between the Engineer’s Estimate and the bid submitted by the recommended Contractor, upon motion by Member Gangemi and seconded by Member Gaines, the Members unanimously recommended approval of this contract to the MDTA Executive Director for contract execution.

Member Gaines recused himself from participating and voting on the next approval item.

**APPROVAL – JAMES RUN DEVELOPMENT**

Mr. Wedemeyer presented this request to seek a recommended approval from the Capital Committee for the modification of a Conservation Easement on MDTA owned property located in Harford County, Maryland. This conservation easement is for the benefit of Maryland Environmental Trust (MET).

The property is located south of the MD 543 interchange and west of the I-95 corridor (SB lanes) between MP 79.6 to 79.8 in Harford County.

According to the Findings of Facts and Conclusion of the Board of Trustees of the Maryland Environmental Trust dated October 1, 2007:

In 1988, the MDTA Board agreed to donate a conservation easement to the Maryland Environmental Trust (MET) on an 18.3 acre forested parcel of land. MDTA was approached earlier in that year by an individual interested in buying the property just south of a new interchange on I-95. Under the surplusing procedures of the State Clearinghouse, the MET Director at the time saw an opportunity instead to obtain a conservation easement. The easement was granted. It is recorded in Liber 1533 Folio 1038 of the Harford County Land Records.

At the time of granting the conservation easement, the property lay within the Agricultural Zone. Since the construction of the MD 543 interchange, Harford County’s 2004 Master Plan and Land

Use Element Plan up-zoned the area to Mixed Office (MO). At the time, the owner of the adjacent

parcels north of the conservation easement requested MET to approve installation of public water and sewer lines across the conservation easement. MDTA provided written support for the owner’s request. At the July 1, 2009 Board of Public Works meeting, MET received approval without discussion for amending the conservation easement to allow a 40-foot corridor for the public sewer/water line to be constructed through the conservation easement by 95-543, LLC and Bren Mar I, LLC (Developers) for the benefit of Harford County Department of Public Works.

Unfortunately, while the Amendment of Deed of Conservation Easement was executed by both MDTA and MET in the summer of 2009, it was never executed by the BPW. In addition, the developer of the adjoining site has changed. MET is requiring a new Amendment reflecting this change.

It is recommended that a new letter of support be executed by MDTA Executive Director for the project. If approved, the MET will precede with the BPW process for the execution of an Amendment of Deed of Conservation Easement. NOTE: In order for MDTA to issue a permit for the crossing of the conservation and I-95 corridor, Harford County DPW needs to approve the final plan sheets.

Upon a motion by Member Gangemi and seconded by Member Cox, the Members unanimously recommended approval of this modification of a Conservation Easement to the MDTA Executive Director for the Amendment of Deed of Conservation Easement.

**UPDATE – SNOW OPERATIONS**

Mr. Morris provided the Members with an update on operations during Winter Storm Emergencies.

**UPDATE – TOLL FACILITIES MODERNIZATION**

Mr. O’Neill and Mr. Jordan provided the Members with an update on Toll Facilities Modernization, including the status of the 3G implementation and all-electronic tolling.

**VERBAL – DISCUSSION: TOPICS FOR CAPITAL COMMITTEE**

Mr. Kevin C. Reigrut asked the Members for feedback on elements that they would want to know about for upcoming Capital Committee meetings.

Some of the topics reported from the Members included an overview of Human Resources processes for hiring, the Procurement process review, Contractor performance reviews and the Construction Inspection Program.

There being no further business, the meeting of the MDTA Capital Committee was adjourned by general consensus at 10:20 a.m. following a motion by Member Gangemi and seconded by Member Cox.

The next meeting of the MDTA Capital Committee is scheduled for Thursday,

February 7, 2019 at 9:00 a.m. at Point Breeze Headquarters, 2310 Broening Highway, Baltimore, Maryland.