

**MARYLAND TRANSPORTATION AUTHORITY  
CAPITAL COMMITTEE MEETING  
THURSDAY, JUNE 2, 2022  
OPEN MEETING VIA LIVESTREAMING**

**OPEN SESSION**

**MEMBERS ATTENDING:** Mario J. Gangemi – Chairman  
William C. Ensor, III  
William H. Cox, Jr.  
W. Lee Gaines

**STAFF ATTENDING:** Will Pines  
James Harkness  
Kim Millender, Esq.  
Sushmita Mitra  
Jennifer Stump  
Melissa Williams  
Natalie Henson  
Donna DiCerbo  
John Wedemeyer  
Timothy Sheets  
Jeff Davis  
Chris Thompson  
Ganine Steffe

At 9:00 a.m. Member Gangemi called the meeting of the Maryland Transportation Authority (MDTA) Capital Committee to order. The meeting was held via video conference and livestreamed on the MDTA Board Meeting web page.

**APPROVAL – OPEN SESSION MEETING MINUTES OF MAY 5, 2022**

Upon motion by Member Cox and seconded by Member Gaines, the Open Session meeting minutes of the Capital Committee’s meeting held on May 5, 2022, were unanimously approved.

**APPROVAL – LAND SURPLUS/DISPOSITION FORMER RICHARD RUTKOWSKI, ET AL (MC#22-7045)**

Mr. Wedemeyer presented this request to seek a recommended contingent approval from the Capital Committee for the surplus and disposition of an MDTA owned parcel containing 66.07 acres known as - “Former Rutkowski, et al Property” (located at 11211 Raphel Road, Upper Falls, MD 21156). Ultimately MDTA Real Estate Services (RES) will seek the approval of the MDTA Board at its next scheduled meeting.

In 2009, MDTA voluntarily purchased the “Former Rutkowski, et al” property containing 66.07 acres for a proposed MDTA Maintenance Facility site to serve the I-95 corridor. The property was for sale on the open market and MDTA purchased the property for \$1,085,500 as a willing buyer based on an approved appraisal obtained by MDTA.

Approvals of the MDTA Board and the Maryland Board of Public Works (BPW) are required since the Former Rutkowski Property was purchased under Section 10-305 of the State Finance and Procurement Article of the Annotated Code of Maryland, and not as part of a transportation project. Section 10-305 of the State Finance and Procurement Article requires MDTA to seek the approval of the BPW to “surplus” the property before MDTA can dispose of the property. MDTA would be required to attend two separate BPW meetings – one for the approval to surplus the land and then a second time at a future BPW meeting to approve the disposition. For MDTA to get on the BPW Agenda to surplus the land, the property would need to go through the MDOT’s Modal Clearance Process beforehand. Currently, RES foresees no issues with BPW approving the surplus. Staff will update the Capital Committee and MDTA Board of the decision of the BPW after the property is presented to the BPW.

The recommended course of action would be to seek the approval of the BPW to surplus and dispose of the property. At a later date, RES will present to the Capital Committee and the MDTA Board the final negotiated transaction for its disposition, recommendation and approval.

Should the MDTA Board approve the surplus and disposition, RES will proceed through MDOT’s Modal Clearance process for approval and recommendation to the BPW.

Upon motion by Member Cox and seconded by Member Gaines, the Members unanimously recommended contingent approval of Land Surplus/Disposition of the former Richard Rutkowski, et al (MC#22-7045) property, to the full MDTA Board for review at its next scheduled meeting.

### **APPROVAL – MA-2257-0000 – KAPSCH TOLL SYSTEMS**

Mr. Pines presented this request to seek a recommended approval from the Capital Committee to present Modification No. 1 for Contract No. MA 2257-0000 with Kapsch TrafficCom USA Inc., for the 3G Electronic Toll System Operation to the full MDTA Board for award at its next scheduled meeting. Approval of this Modification is contingent upon the Board of Public Works (BPW) approval.

Contract MA 2257-000 was competitively solicited and awarded to Kapsch TrafficCom USA Inc., in the amount of \$71,911,342.78 on February 21, 2018, to furnish and provide Operator Electronic Toll Collection Technology and Associated Subsystem Components and Services for the operation of the Electronic Toll Collection System.

In March 2020, during the COVID-19 pandemic, the MDTA implemented statewide cashless tolling (i.e., all-electronic tolling or AET) to protect customers and employees from face-to-face

cash transactions. Between March and October 2020, to help provide some financial relief, the MDTA also paused mailing Notices of Tolls Due (NOTDs) and assessing civil penalties on unpaid NOTDs for drivers who used MDTA toll facilities without *E-ZPass*. The image review associated with NOTDs and civil penalty processing has resumed under MA-2257-0000. Therefore, this retroactive modification is necessary for the Contractor to process the current (i.e., real-time) AET image review along with recovering the backlog from during the pandemic. This modification will increase the contract by \$8,764,758.28, and the new contract total will be \$80,676,101.06.

Additional funds are necessary for the continuing purchasing and installation of equipment required for AET zone installation (except for the Baltimore Harbor Tunnel), audit compliance, fund costs associated with pandemic transaction backlog processing, allow for task orders to improve functionality for customer service, and fund Operations and Maintenance for years 1&2

Additionally, to modify the scope of work to allow for work to occur on phases concurrently and provide a non-compensable time extension for Phases I, II, and III.

- Increase the number of days of Phases I and II from 730 to 1,383, changing retroactively the substantial completion date for Phases I and II from February 22, 2020, to February 27, 2022.
- Increase the number of days of Phase III from 90 to 305 days, changing retroactively the start and completion dates from February 23, 2020, to April 29, 2021 and from May 23, 2020, to February 27, 2022, respectively.
- Phase IV began on February 28, 2022.
- The new contract expiration date will be February 28, 2028.

A 13.20% Minority Business Enterprise (MBE) overall goal was established for this contract, and the Contractor is currently achieving 25.89% in MBE participation based on the expenditures to date.

Upon motion by Member Gaines and seconded by Member Cox, the Members unanimously recommended contingent approval of Contract No. MA-2257-0000 – Kapsch Toll Systems to the full MDTA Board for approval at its next scheduled meeting.

### **APPROVAL – MA-2868-0000 – TRANSORE CUSTOMER SERVICE CENTER SERVICES**

Mr. Pines presented this request to seek a recommended approval from the Capital Committee to present Modification No. 1 for Contract No. MA 2868-0000 with Transcore LP, for the 3G Electronic Toll Collection Customer Service Center Services and Systems to the full MDTA Board for award at its next scheduled meeting. Approval of this Modification is contingent upon the Board of Public Works (BPW) approval.

Contract MA 2868-000 was competitively solicited and awarded to Transcore Limited Partnership (aka Transcore, LP) in the amount of \$200,428,772.81 on February 21, 2018, to furnish and provide Customer Service Center Services and Systems for the operation of the Electronic Toll Collection System.

In March 2020, during the COVID-19 pandemic, the MDTA implemented statewide cashless tolling (i.e., all electronic tolling or AET) to protect customers and employees from face-to-face cash transactions. Between March and October 2020, to help provide some financial relief, the MDTA also paused mailing Notices of Tolls Due (NOTDs) and assessing civil penalties on unpaid NOTDs for drivers who used our toll facilities without *E-ZPass*. NOTDs and civil penalty processing have resumed under MA-2868-0000. Additionally, on February 24, 2022, the MDTA Board approved the Customer Assistance Plan (CAP). The Contractor is providing additional staffing and services to complete the CAP. Senate Bill 59 also became law codifying the CAP. Therefore, a modification is necessary for the Contractor to process current (i.e., real-time) AET transactions, along with recovering the backlog during the pandemic, and for the services for the CAP. This modification will increase the contract by \$63,106,810.98, and the new contract total will be \$263,535,583.79.

Additional funds are necessary to fund Operations and Maintenance years 1&2 in the AET environment and to provide a necessary miscellaneous allowance line item for miscellaneous work, such as providing for payment installment plans, additional digital payment options, call center enhancements, and features to recall debt. Additionally, funds are included to provide staffing and services to enhance performance for the CAP. A Task Order is in place for the staffing and services to enhance performance, including but not limited to for calls, chats, correspondence, emails, cases, and all incidentals, which will be compensated under this Modification.

Additionally, to modify the scope of work to allow for work to occur on phases concurrently and provide a non-compensable time extension for phases I, II, and III.

- Increase the number of days of Phases I and II from 730 to 1,499, changing retroactively the substantial completion date for Phases I and II from February 22, 2020, to March 31, 2022.
- Increase the number of days of Phase III from 90 to 407 days, changing retroactively the start and completion dates from February 23, 2020, to April 29, 2021 and from May 24, 2020, to June 10, 2022, respectively.
- Phase IV began on July 29, 2021.
- The contract Expiration date is July 29, 2027

A 15.00% Minority Business Enterprise (MBE) overall goal was established for this contract, and the Contractor is currently achieving 28.09% in MBE participation based on the expenditures to date.

Upon motion by Member Cox and seconded by Member Gaines, the Members unanimously recommended contingent approval of Modification No. 1 for Contract No. MA 2868-0000 with Transcore LP, for the 3G Electronic Toll Collection Customer Service Center Services and Systems to the full MDTA Board for approval at its next scheduled meeting.

### **APPROVAL – FY 2023-2028 DRAFT CONSOLIDATED TRANSPORTATION PROGRAM (CTP) – APPROVAL OF THE SIX – YEAR CAPITAL PROGRAM**

Ms. Jennifer Stump presented this request to seek recommendation for approval of the proposed Draft FY 2023-2028 CTP. The Draft CTP will be presented to the Finance Committee for recommendation for approval on June 7, 2022 and will be presented to the full MDTA Board for final approval on June 23, 2022.

The six-year FY 2023-2028 budget in the proposed CTP is \$2.6 billion. The proposed CTP reflects a net increase in the six-year FY 2023-2028 budget of \$24.6 million (Attachment #1 – Line 6). The net FY 2023-2028 increase is the result of the following:

- Increase in the six-year CTP budget by \$17.0 million for the Nice/Middleton Bridge
- Increase in the six-year CTP budget by \$24.4 million for the I-95 ETL Northern Extension
- Increase in the six-year CTP budget by \$55.1 million for all projects except Nice/Middleton Bridge, I-95 ETL Northern Extension, and reserves
- Decrease in the Allocated and Unallocated Reserves by \$71.9 million

FY 2022 expenditures are projected to be \$548.6 million vs. \$573.2 million in the Final FY 2022-2027 CTP. FY 2022 underspending is projected to be \$24.6 million and has been rolled over into the Draft FY 2023-2028 CTP.

Highlights of project and reserve changes incorporated in the proposed Draft FY 2023-2028 CTP were shown in an Attachment.

#### **Added New Projects**

Added three system preservation projects and one enhancement project for an increase of \$374 thousand in the FY 2023-2028 period.

#### **Modified Budgets to Reflect Bids Received**

Adjusted two projects to reflect bids received that were lower than Engineer's Estimates for a net decrease of \$745 thousand.

#### **Added Construction Phase**

The construction phase of two projects was funded for a total of \$19.4 million transferred from the reserves as design reached 60% level and cost estimates were developed on fully developed scopes.

**Modified Budgets to Reflect Completed Projects**

Four projects were completed with no budget change in the FY 2023-2028 period.

**Modified Active Projects Due to Cost Changes and Cash Flow Adjustments**

Adjusted cash flows and funded changes in engineering and/or construction budgets for fifty-one projects for a net budget increase of \$72.9 million.

**Reserve Changes**

The allocated reserves decreased by \$71.9 million, and the unallocated reserves remained the same at \$25.0 million.

Upon motion by Member Gaines and seconded by Member Coxs, the Members unanimously recommended contingent approval of the proposed Draft FY 2023-2028 Consolidated Transportation Program (CTP) to the full MDTA Board for approval at its next scheduled meeting.

There being no further business, the meeting of the MDTA Capital Committee was adjourned by consensus at 9:30 a.m. following a motion by Member Cox seconded by Member Ensor.

The next meeting of the MDTA Capital Committee is scheduled for Thursday, July 7, 2022 at 9:00 a.m. at Point Breeze Headquarters, 2310 Broening Highway, Baltimore, Maryland.

APPROVED AND CONCURRED IN:

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Mario J. Gangemi, Chairman