MARYLAND TRANSPORTATION AUTHORITY
BOARD MEETING
THURSDAY, SEPTEMBER 7, 2017
13201 KONTERRA DRIVE, LAUREL MD 20707

OPEN SESSION

Pete K. Rahn, Chairman

MEMBERS ATTENDING: Katherine B. Armstrong (via telephone)
P. Jack Basso
Dontae Carroll
William H. Cox, Jr.
William Ensor
W. Lee Gaines
John von Paris

STAFF ATTENDING: Donna DiCerbo
Trudy Edwards
Clay Fischer
Michele Gross
Valencia Hainesworth (via telephone)
James Harkness
Jaclyn Hartman
Natalie Henson
Colonel Jerry Jones
Robert Michaels
Kimberly Millender, Esquire
John O’Neill
Will Pines
Kevin C. Reigrut
Mike Rice
John Sales
Deborah Sharpless
John Wedemeyer
Dan Williams
Melissa Williams

OTHERS ATTENDING: Ed McDonald, Maryland Department of Transportation
Jim Ports, Maryland Department of Transportation
Greg Slater, State Highway Administration
Catherine Provost, Office of Senator Chris Van Hollen
At 9:05 a.m. Chairman Pete Rahn called the meeting of the Maryland Transportation Authority (MDTA) Board to order.

**APPROVAL – OPEN SESSION MINUTES OF JULY 27, 2017**

Upon motion by Member William Cox and seconded by Member John von Paris, the Open meeting minutes of the MDTA Board meeting held on June 27, 2017 were unanimously approved.

**APPROVAL – OPEN MEETINGS ACT TRAINING REQUIREMENT**

Ms. Kimberly Millender requested approval to designate at least one Member to receive training as required under the Open Meetings Act (OMA).

In 2013, the OMA was revised to require each public body to designate at least one person, either a Member of the body or a staff person, to receive certain required training and to provide the Open Meetings Compliance Board (OCMB) with the name of the designee. MDTA has four public bodies subject to the requirements of the OMA: the MDTA Board, the Capital Committee, the Finance Committee, and the Bay Bridge Reconstruction Advisory Group (BBRAG). In accordance with the law, each MDTA public body designated a staff person to receive the training, and provided the names of the designees to the OCMB.

During the 2017 legislative session, the General Assembly amended the OMA modifying the training requirements and the procedures to close a meeting. Effective October 1, 2017, a public body may not hold a closed session unless it has designated at least one member to receive the required OMA training and that designated member has taken the training. The MDTA Board no longer has the option to designate a staff person to receive the required training.

The law anticipates that the designated member(s) will be present during future open and closed sessions. If the designated member(s) is not able to be present, then the MDTA Board must complete a new Compliance Checklist in addition to the required Closing Statement and attach both documents to its open session minutes.

In addition to the new training requirement, public bodies are no longer required to report their designees to the OMCB, but instead each body must now keep records of its designees and their completion of the training.

Upon motion by Member P. Jack Basso and seconded by Member William Ensor, the Members unanimously designated the following Members to receive the required Open Meetings Act Training Requirement: Member von Paris, Member Armstrong and Member Caroll.
APPROVAL – CANTON BOARD

Ms. Deborah Sharpless requested approval for the proposed Canton Board of Directors and designation of the Executive Director and/or the Deputy Executive Director as proxy to attend the Annual Meeting of stockholders of the Canton Development Company, Inc. on September 27, 2017 to vote to approve the election of the Canton Board of Directors.

MDTA is the sole stockholder of the Canton Development Company, Inc. (“Canton”). The day-to-day operations of Canton are managed by Mr. John Magness, the President and CEO, with the oversight of a Board of Directors. Per the By-Laws of Canton, the stockholders are to gather annually and elect the members of the Board of Directors.

Mr. Magness has provided MDTA with proper notice of the upcoming Annual Meeting of stockholders to be held on September 27, 2017. Per the By-Laws, the only matter in which the stockholders have authority to vote on is the election of the members of Canton’s Board of Directors. Additionally, the By-Laws of Canton permit the stockholders to be represented by a proxy.

Upon motion by Member Ensor and seconded by Member Basso, the Members unanimously approved the proposed Canton Board of Directors and designated the Executive Director and/or the Deputy Executive Director as proxy to attend the Annual Meeting of stockholders of the Canton Development Company, Inc. on September 27, 2017.

APPROVAL – MDTA FACILITY DEDICATION REQUEST

Mr. Kevin Reigrut provided background information and a recommendation, pursuant to MDTA Board Policy A-MDT-STD-R-0101, regarding the request by Governor Larry Hogan to dedicate Maryland Route 200, commonly known as the Intercounty Connector (ICC), to former Governor Robert L. Ehrlich, Jr. (2003-2007). This item was presented to the Capital and Finance Committees and recommended for approval.

MDTA took ownership of the ICC from the Maryland State Highway Administration (SHA) in 2011, creating the first all-electronic toll road in the state of Maryland and providing a vital 18-mile east-west link between US 1 in Prince George’s County and Interstate-270 in Montgomery County.

The ICC was included in transportation planning efforts tracing back to the 1950’s. Despite significant financial investment, planning and engineering work, the ICC project had stalled before Governor Ehrlich directed SHA to begin construction. To accomplish this goal, Governor Ehrlich garnered bi-partisan support between federal and local governments to gain key endorsements from the U.S. Department of Transportation and Montgomery County, despite prior opposition to the project.
Governor Ehrlich’s leadership in making the ICC a reality directly benefits MDTA customers with a shorter, safer, less congested, and more reliable driving option, while generating a five percent net reduction in traffic and related congestion on sections of I-95, I-495, and I-270. Since the opening of the ICC’s final phase, utilization has grown by more than 20%.

Celebrating Governor Ehrlich’s foresight and accomplishments by dedicating the ICC in his honor showcases the importance of providing our customers with superior roadway, bridge, and tunnel facilities by delivering major projects in spite of seemingly insurmountable obstacles.

Upon motion by Member William Cox and seconded by Member Dontae Carroll, the Members unanimously approved the request of Governor Larry Hogan to dedicate the Maryland Route 200 known as the Intercounty Connector to former Maryland Governor Robert L. Ehrlich, Jr.

**APPROVAL – DEBT POLICY**

Ms. Jaclyn Hartman completed the required annual review of the Debt Management Policy and requested approval.

The Finance Committee reviewed the Policy and concurred with certain recommended changes at its meeting on August 15, 2017. The Debt Management Policies have been updated to reflect changes to Policy Statements 14 and 15, as recommended by First Southwest/Hilltop Securities, Co-Financial Advisor to MDTA. Finance staff concur with these changes and recommends them for approval. These changes clarify the intent of the policies but do not alter the original purpose. Davenport & Company LLC, the other Co-Financial Advisor to MDTA, also reviewed the policies and did not suggest any other changes.

Upon motion by Member Basso and seconded by Member John von Paris, the Members unanimously approved the recommended changes to Policy Statements 14 and 15.

**ICC DEDICATION**

At approximately 9:22 a.m., the Members travelled to the ICC dedication site where they were joined by various members of the public, media and staff including Governor Larry Hogan and former Governor Robert Ehrlich for the dedication of the ICC. Upon competition of the dedication, the Members travelled back to the 13201 Konterra Drive to complete the remaining Agenda items. At approximately, 11:15 a.m. the Members began review of the remaining Agenda Items.

At 11:15 a.m. Member Kathy Armstrong joined the meeting via telephone.
APPROVAL – CONTRACT AWARDS

- CONTRACT: MDTA 2016-2 MDTA CONTRACT NO’s.: AE 3019-0000, AE 3020-0000, AE 3024-0000, AE 3026-0000, AE 3027-0000, AE 3028-0000, and AE 3029-0000

COMPREHENSIVE CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES

Ms. Donna DiCerbo requested approval to execute Contract Numbers: AE 3019-0000, AE 3020-0000, AE 3024-0000, AE 3026-0000, AE 3027-0000 AE 3028-0000 and AE 30290000 for Comprehensive Construction Management and Inspection (CMI) Services. The item was reviewed by the Capital Committee and recommended for approval. These Contracts also require the approval of the Transportation Professional Selection Board (TPSSB) and the Board of Public Works (BPW).

The services to be performed under these Contracts are Comprehensive Construction Management and Inspection (CMI) Services for the Maryland Transportation Authority (MDTA).

The Consultants shall provide professional Construction Management and Inspection (CMI) services related to supplementing and supporting the construction Phase of the MDTA Consolidated Transportation Program (CTP). The Consultants shall perform services in the following general areas; to include, but not limited to; constructability reviews, conduct pre-construction conferences, monitor and document contractor performance, conduct detailed inspections of all construction work including erosion and sediment control contract compliance, environmental project program monitoring as required, maintenance of traffic, schedule and conduct progress meetings, conduct detailed materials inspections and testing (this may include providing the laboratory to conduct said testing), contract utility coordination and locating of existing facility utilities as needed, monitor project critical path method (CPM) and cash flow schedules, review and process progress and final payment utilizing Maryland Construction Management System (MCMS), provide construction phase review services such as reviewing shop drawings and responding to Request for Information (RFI), and assist the MDTA’s compliance officers with monitoring and enforcement of the Minority Business Enterprise (MBE) goals.

The Minority Business Enterprise (MBE) participation goal for each contract is 25% with sub-goals of 6% for African American-owned firms, 2% Hispanic American-owned firms, and 9% Women-owned firms. The contracts also include a 1% Veteran-Owned Small Business Enterprise (VSB-E) participation goal. The prime contractors submitted MBE and VSB-E plans that meet these goals.

The firm selected for award of Contract No. AE 3019-0000 in the amount of $14,000,000 is Whitman, Requardt & Associates, LLP (the highest rated firm). Its sub-consultants are:

Constellation Design Group, LLC. – MBE;
Puerte Consultants, LLC – MBE;
Infrastructure Technologies, LLC – MBE;
Navarro & Wright Consulting Engineers, Inc. – MBE;
Khafra Engineering Consultants, Inc. – MBE;
Eborn Enterprises, Inc. – MBE;
AB Consultants, Inc.;
Northeast Engineering, Inc. – VSBE;
Specialized Engineering;
C2HM Hill, Inc.; and
Ammann & Whitney Consulting Engineers, PC

The recommended firm has committed to the established MBE goal and sub-goals and the VSBE goal.

The firm selected for award of Contract No. AE 3020-0000 in the amount of $14,000,000 is Johnson, Mirmiran & Thompson, Inc. (the second highest rated firm). Its sub-consultants are:

Athavale, Lystad & Associates, Inc. – MBE;
Eborn Enterprises, Inc. – MBE;
Navarro & Wright Consulting Engineers, Inc. – MBE;
Rossi Transportation Group – MBE;
Infrastructure Technologies, LLC – MBE;
Phoenix Engineering, Inc. – MBE;
E2CR, Inc.;
NMP Engineering Consultants, Inc.
Olson Surveying, LLC – VSBE; and
Specialized Engineering

The recommended firm has committed to the established MBE goal and sub-goals and the VSBE goal.

The firm selected for award of Contract No. AE 3024-0000 in the amount of $10,000,000 is EBA Engineering, Inc./Stantec Consulting Services, Inc./Michael Baker International, Inc. a Joint Venture (the sixth highest rated firm). Its sub-consultants are:

Phoenix Engineering, Inc. – MBE;
Chesapeake Environmental Management – MBE;
Eborn Enterprises, Inc. – MBE;
Findling, Inc. – MBE;
Mercado Consultants, Inc. – MBE; and
Anthony Management Group, LLC – VSBE

The recommended firm has committed to the established MBE goal and sub-goals with the VSBE goal.

The firm selected for award of Contract No. AE 3026-0000 in the amount of $9,000,000 is WSP, USA, Inc./Wallace, Montgomery & Associates, LLP a Joint Venture (the eighth highest rated firm). Its sub-consultants are:
Specialized Engineering;
Findling, Inc. – MBE;
Navarro & Wright Consulting Engineers, Inc. – MBE;
Puente Consulting, LLC – MBE;
Phoenix Engineering, Inc. – MBE;
Maryland Technical Services, LLC – MBE; and
Eborn Enterprises, Inc. – VSBE

The recommended firm has committed to the established MBE goal and sub-goals and the VSBE goal.

The firm selected for award of Contract No. AE 3027-0000 in the amount of $9,000,000 is AECOM Technical Services, Inc. (the ninth highest rated firm). Its sub-consultants are:

Phoenix Engineering, Inc. – MBE;
Eborn Enterprises, Inc. – MBE;
Navarro & Wright Consulting Engineers, Inc. – MBE;
NMP Engineering Consultants, Inc. – MBE;
CS Consulting Engineers, Inc. – VSBE; and
Specialized Engineering

The recommended firm has committed to the established MBE goal and sub-goals and the VSBE goal.

The firm selected for award for Contract No. AE 3028-0000 in the amount of $9,000,000 is Greenman-Pederson, Inc./Gannett Fleming, Inc. a Joint Venture (the tenth highest rated firm). Its sub-consultants are:

Puente Consultants, LLC, - MBE;
Infrastructure Technologies, LLC – MBE;
Phoenix Engineering, Inc. – MBE;
Specialized Engineering;
Maryland Technical Services, LLC – MBE;
Athavale, Lystad & Associated, Inc. – MBE;
Eborn Enterprises, Inc. – MBE;
Somat Engineering, Inc. – MBE;
NMP Engineering Consultants, Inc. – MBE; and
BH Miller Group, LLC – VSBE

The recommended firm has committed to the established MBE goal and sub-goals and the VSBE goal.

The firm selected for award of Contract No. AE 3029-0000 in the amount of $9,000,000 is Development Facilitators, Inc./CES Consulting, LLC a Joint Venture (the eleventh highest rated firm). Its sub-consultants are:
Eborn Enterprises, Inc. – MBE & VSBE;  
Mercado Consultants, Inc. – MBE;  
Quality Engineering Solutions, Inc. – MBE;  
Raudenbush Engineering, Inc. – MBE;  
Jacobs Engineering Group, Inc.; and  
Specialized Engineering

The recommended firm has committed to the established MBE goal and sub-goals and the VSBE goal.

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

Upon motion by Member Basso and seconded by Member Ensor, the Members unanimously approved Contract Nos.: AE-3019-0000 and AE-3020-0000, in the amount of $14,000,000 each, AE 3024-0000, in the amount of $10,000,000, AE-3026-0000, AE 3027-0000, AE 3028-0000 and AE 3029-0000 in the amount of $9,000,000 each for a total Not-to Exceed total amount of $74,000,000 to the Firms and Sub-Consultants as outlined above.

- **CONTRACT NO. HT 2843-0000R VARIOUS SLOPE AND DRAINAGE REPAIRS ALONG BALTIMORE HARBOR TUNNEL THRUWAY**

Ms. DiCerbo requested approval for Contract No. HT 2843-0000 Various Slope and Drainage Repairs Along Baltimore Harbor Tunnel Thruway. This contract was reviewed by the Capital Committee and recommended for approval.

The work under this Contract includes: Excavating at existing gullies and the designated areas to firm ground; Backfilling with common borrow with compaction; Placing furnished topsoil on existing bare areas and on top of the common borrow; Establishing vegetative cover on the topsoil as placed; Repairing and trimming existing ditches as designated; Replacing existing concrete ditches with riprap ditches as designated on the plans; Replacing traffic barrier w-beam at locations denoted in the Contract Documents; and Full and partial depth repairs and replacement of existing asphalt shoulders.

There is an Allowance of $550,000 for Miscellaneous Repairs included in the Invitation for Bids (IFB). This allowance will only be used if necessary and with prior approval of the Engineer.

Three (3) Bids were received, ranging from 51% to 16% above the Engineer’s Estimate of $5,084,452.

American Siteworks, LLC, (American Siteworks is the lowest responsive and responsible Bidder. As its bid was Sixteen Percent (16%) higher than the Engineer’s Estimate, a bid justification was performed and the bid was determined to be fair and reasonable. The company has successfully performed work on prior MDOT MAA, National Security Agency (NSA), and General Services Administration (GSA) projects.
This project was advertised with an overall Minority Business Enterprise (MBE) participation goal of 32% with sub-goals of 7% African American-owned firms and 4% for Asian American-owned firms and 2% Veteran Small Business Enterprise (VSBE) participation goal. American Siteworks submitted MBE and VSBE plans that meet those goals.

Upon motion by Member William Cox and seconded by Member von Paris the Members unanimously approved the Contract No. HIT 2843-0000 Various Slope and Drainage Repairs Along Baltimore Harbor Tunnel Thruway to American Siteworks, LLC in the amount of $5,896,394.

**UPDATE – RESOLUTION 17-02 DIRECTING THE ESTABLISHMENT OF TOLL VIDEO ENFORCEMENT RELATED ISSUES WORKSHOPS – PART 5 – VIDEO TOLLING GOALS**

Mr. Kevin Reigrut provided an update on the progress of the Working Group authorized under Resolution 17-02 to gather, research, analyze and present information regarding video toll enforcement related issues that are specifically focused on the $50 civil penalty as established in Code of Maryland Regulations (COMAR) 11.07.07.09. Additionally, MDTA requested the Board’s concurrence on the recommended goals that will drive the video tolling options to be presented to the Board next month.

Over the past four months, staff have presented a comprehensive view of Maryland and other tolling agencies’ video tolling processes with the intent of providing a framework of the approval of options to improve Maryland’s current video toll program. This month’s discussion focuses on goals intended to drive the decision on the options to be presented to the Board.

The proposed aspirational goals intertwine values such as service, innovation, responsibility, transparency, fairness and accountability. When these goals are achieved to their fullest, they will allow the MDTA to exemplify its daily efforts to deliver exceptional customer service.

The Chairman and Members concurred with the goals presented.

At 11:27 a.m. upon motion by Member Dontae Carroll and seconded by Member Basso, the Board unanimously voted to move into Closed Session pursuant to § 3-305(b)(3) of the General Provisions Article of the Annotated Code of Maryland, to negotiations related to the acquisition of real property for a MDTA project and matters directly related thereto.

The following persons were present during the closed session: Pete K. Rahn, Chairman, Members: P. Jack Basso, William E. Ensor, III, William H. Cox, Jr., John von Paris, Katherine Bays Armstrong (via telephone) and Dontae Carroll. Staff in attendance: Kevin C. Reigrut, Deborah Sharpless, Kimberly Millender, Trudy Edwards, Jim F. Ports, Ed McDonald and Greg Slater.
At 11:58 a.m., upon motion by Member Cox and seconded by Member von Paris, the Members unanimously voted to return to Open Session.

**NO ACTIONS WERE TAKEN IN CLOSED SESSION**

There being no further business, the meeting of the MDTA Board was adjourned by general consensus at 11:59 a.m.

The next MDTA Board Meeting will be held on September 28, 2017, at 9:00 a.m. at the Maryland Transportation Authority Headquarters, 2310 Broening Highway, Baltimore, Maryland 21224.

**APPROVED AND CONCURRED IN:**

[Signature]

Tim F. Ports, Acting Chairman