

MARYLAND TRANSPORTATION AUTHORITY BOARD MEETING

MDTA POLICE HEADQUARTERS
4330 BROENING HIGHWAY
BALTIMORE MD 21222

THURSDAY, OCTOBER 29, 2020
9:00 A.M.

OPEN SESSION

Sean Powell, Acting Chairman

MEMBERS ATTENDING:

Dontae Carroll
William H. Cox, Jr.
William C. Ensor, III - via Phone
W. Lee Gaines, Jr.
Mario J. Gangemi
Cynthia D. Penny-Ardinger, Esq.
Jeffrey S. Rosen
John F. von Paris

STAFF ATTENDING:

Tekeste Amare	Kelly Melhem
Col. Kevin Anderson	Kimberly Millender, Esq.
Donna DiCerbo	Ebony Moore
Tonya Dorsey	Mary O'Keeffe
Chantelle Green	John O'Neill
James Harkness	James F. Ports, Jr.
Natalie Henson	Deb Sharpless
Chris Imms	Tim Sheets
Heather Lowe	Christina Thompson
Jeanne Marriott	Eric Willison

OTHER ATTENDEES:

William Seymour, SB & Company, LLC
Rick Williams, SB & Company, LLC

At 9:05 a.m. Acting Chairman Sean Powell called the meeting of the Maryland Transportation Authority (MDTA) Board to order. The meeting was held in-person at MDTA Police Headquarters, 4330 Broening Highway, Baltimore MD 21222 and livestreamed on the MDTA Board Meeting web page.

APPROVAL – OPEN SESSION MEETING MINUTES OF SEPTEMBER 24, 2020 AND OPEN AND CLOSED SESSION MEETING MINUTES OF OCTOBER 7, 2020

Upon motion by Member William H. Cox, Jr. and seconded by Member Mario J. Gangemi, the open session meeting minutes of the MDTA Board meeting held on September 24, 2020 and the open and closed session meeting minutes of the MDTA Board meeting held on October 7, 2020 were unanimously approved.

APPROVAL – CONTRACT AWARDS

• **FT-3010-0000 – Repair to Concrete Wall and Replacement of 15kV Cable and Conduit**

Ms. Donna DiCerbo requested contingent approval from the MDTA Board to execute Contract No. FT-3010-0000 – Repair to Concrete Wall and Replacement of 15kV Cable and Conduit with Freyssinet, Inc. in the bid amount of \$29,292,760.00.

The work to be performed under this contract is located at the Fort McHenry Tunnel on I-95 in Baltimore City. The scope of work includes performing concrete repairs to the underside of the roadway slab, side walls supporting the roadway slab, and replacing the existing four (4) 15kV tie feeders between the East and West Ventilation Buildings and inside the fresh air ducts below the tunnel roadway.

Upon motion by Member Jeffrey S. Rosen and seconded by Member W. Lee Gaines, Jr., the Members unanimously gave contingent approval to execute Contract No. FT-3010-0000 – Repair to Concrete Wall and Replacement of 15kV Cable and Conduit.

• **HT-3007-0000 – Bridge Deck Overlay and Miscellaneous Repairs for HOY014001 and HOY013001**

Ms. Donna DiCerbo requested contingent approval from the MDTA Board to execute Contract No. HT-3007-0000 – Bridge Deck Overlay and Miscellaneous Repairs for HOY014001 and HOY013001 with Concrete General, Inc. in the bid amount of \$6,976,277.37.00.

The scope of this project is to overlay bridge numbers HOY014001 and HOY013001. The work includes the removal of existing deck joint assemblies, including portions of the concrete deck and concrete parapets, placing new concrete in removal areas, furnishing and installation of deck joint assemblies, milling deck surface, placing latex modified concrete, and other deck repairs.

NOTE: Ms. DiCerbo initially presented this item for award to M.D. Miller Company and then she later in the meeting corrected her presentation and asked the Board to amend its action to award to Concrete General, Inc.

Upon the amended motion by Member Mario J. Gangemi and seconded by Member John F. von Paris, the Members unanimously gave contingent approval to execute Contract No. HT-3007-0000 – Bridge Deck Overlay and Miscellaneous Repairs for HOY014001 and HOY013001.

- **MT-3135-0000 – Security Systems Maintenance and Service**

Ms. Donna DiCerbo requested approval to execute Contract No. MT-3135-0000 – Security Systems Maintenance and Service with ARK Systems, Inc. in the bid amount of \$934,369.00

This contract provides for Security Systems Maintenance and Service for all MDTA locations. The contract contains fixed unit cost pricing and includes all labor, materials, specialized equipment, service, transportation, supervision, and incidental materials necessary to ensure the satisfactory and efficient performance of all MDTA security systems.

Upon motion by Member William H. Cox, Jr. and seconded by Member Jeffrey S. Rosen, the Members unanimously gave approval to execute Contract No. MT-3135-0000 – Security Systems Maintenance and Service.

UPDATE – CONTRACT AWARD

- **J01B0600010 – Interactive Voice Recognition (IVR) System Upgrade at the Bay Bridge**

Ms. Donna DiCerbo, in accordance with the Board Operating Policy, gave an update on Contract No. J01B0600010 – Interactive Voice Recognition (IVR) System Upgrade at the Bay Bridge that was awarded to NEC Corporation of America in the bid amount of \$1,029,469.10

The contractor will be responsible to provide a turn-key solution to upgrade 1-877-BAYSPAN IVR servers and associated applications, and upgrade traffic management applications associated with the IVR. This procurement was conducted as a Purchase Order Request for Proposals under the Maryland Department of Information Technology Master Contract No. 060B1400048 for PBX III Telecommunications Equipment and Services. As the MDTA uses the NEC SV9500 as part *of the IVR system, there are only two Master Contractors that can perform the specified IVR integrations and NEC component upgrade. NEC Corporation was the only proposal that was received.

APPROVAL – AMENDMENT TO BOARD OPERATING POLICY

Ms. Kimberly Millender, Esq. requested approval from the MDTA Board for amendments to the MDTA Board Operating Policy, Resolution No. 19-06, to clarify certain reports requiring presentation to the MDTA Board.

Ms. Millender explained that there is a defined list of reports that must be presented to the MDTA Board for review. Draft Resolution No. 20-05 presents two amendments to that required list. The first amendment would modify the presentation of a monthly report on major projects with a value over \$10 million to a value of over \$40 million. The second amendment would eliminate the requirement to report quarterly on MDTA Initiatives, Projects, and Goals since these items are covered under other existing reports that are presented to the MDTA Board.

Upon motion by Member Mario J. Gangemi and seconded by Member Cynthia D. Penny-Ardinger, the amendments to the Board Operating Policy were unanimously approved.

Separate from these amendments, Member Cynthia D. Penny-Ardinger requested that staff review amending the Board Operating Policy to include work sessions for items such as financial matters like the budget or revenue forecasts in order for the MDTA Board Members to have a more in depth understanding of the items that they are to vote on at Board meetings. The Members discussed the pros and cons and Ms. Millender agreed to review and provide options at a future Board meeting.

APPROVAL – COLLECTIVE BARGAINING AGREEMENT AMENDMENT WITH FRATERNAL ORDER OF POLICE (FOP) LODGE #34

Ms. Tonya Dorsey requested approval from the MDTA Board for an amendment to the existing Collective Bargaining Agreement (Memorandum of Understanding) negotiated between the Department of Budget and Management (DBM), on behalf of the MDTA, and the Fraternal Order of Police (FOP) Lodge #34.

Ms. Dorsey explained that the State and the FOP reached an agreement to reinstate the 5 percent cost-of-living adjustment (COLA) in fiscal year 2021. The COLA would be effective as of July 1, 2020 resulting in bargaining unit members receiving retroactive payments. In addition, an agreement was reached to reinstate the \$1,500 uniform allowance for the fiscal year 2021. When these amendments are fully implemented, they will result in a cost of \$2.7 million.

Upon motion by Member John F. von Paris and seconded by Member Mario J. Gangemi, the Members approved the Collective Bargaining Agreement Amendment with the Fraternal Order of Police Lodge #34. Member Dontae Carroll voted 'nay' to this item.

UPDATE – FISCAL YEAR 2020 INDEPENDENT AUDITOR'S SERVICE ORGANIZATION CONTROL 1 REPORT

Ms. Deborah Sharpless, along with Mr. William Seymour and Mr. Rick Williams from SB & Company, LLC, presented an overview of the results of the Fiscal Year 2020 Service Organization Control Report for the Maryland *E-ZPass* System. The audit period was from July 1, 2019 through June 30, 2020. There were no qualifications within the report.

UPDATE – FINANCIAL PLAN

Ms. Deborah Sharpless provided a high-level verbal financial update to inform the MDTA Board that the proposed MDTA financial plan ensures continued compliance with the Board's Trust Agreement and internal Board financial policies and standards through the challenges that COVID-19 and other decisions has created for the agency. The MDTA's financial plan will be officially presented to the Board at the November Board meeting for approval.

UPDATE – LEGISLATIVE REPORTS SUBMITTED TO THE LEGISLATURE

- **Bay Crossing Construction Local Aid**

Ms. Heather Lowe presented the results and findings of the Bay Crossing Construction Local Aid Joint Chairman's Report to the MDTA Board.

Ms. Lowe explained that the report requested an outline of the anticipated financial support by the State, MDTA, and MDOT to counties to handle increased traffic due to the third Chesapeake Bay Bridge Span to include identifying the level of funding, the responsible State agency, the rubric that will be used to determine how funding would be split between the counties, and a timeline for providing the funding. It also requested that if no current plans for this type of State aid exists that MDTA was to provide an explanation for why this is the case and how counties are expected to fund the increased costs associated with the higher levels of traffic.

The submitted report summarizes the status of the current Chesapeake Bay Crossing Tier 1 National Environmental Policy Act (NEPA) and notes that the core of the purpose and need of the study is to address traffic congestion at the existing Bay Bridge and that it is anticipated that reduced congestion at the existing Bay Bridge would additionally improve local traffic conditions near the Bay Bridge due to a reduction in traffic backups or diversions onto those local roadways. In addition, the report explains the differences in the current Tier 1 NEPA study and a potential future Tier 2 NEPA study, noting that the selection of a build alternative could be the conclusion of a Tier 2 NEPA Study. As such, a financial plan has not been developed for this Tier 1 NEPA Study but would be included in a potential future Tier 2 Study

- **I-495 and I-270 Public-Private Partnership Maryland Transportation Authority Bonds**

Ms. Deb Sharpless presented the results and findings of the I-495 and I-270 Public-Private Partnership (P3) Maryland Transportation Authority Bonds Joint Chairmen's Report to the MDTA Board.

Ms. Sharpless explained that as a partner in the P3 Program, the MDTA anticipates issuing bonds totaling approximately \$100 million through a private placement. She explained that the bonds will have a senior lien on the toll revenue generated from the P3 Program facilities, after payment of applicable toll processing and back office costs to MDTA, to repay principal and interest on the MDTA bonds, with no recourse to MDTA, Maryland Department of Transportation, or the State. This approach meets the State's no net cost goal as toll revenue from the P3 Program is the only source of funding for these bonds. She stated that a separate trust agreement will be implemented to govern the use of the P3 Program toll revenue and that the new trust separates toll revenue and financing for the P3 Program facilities from that of the MDTA's existing facilities.

UPDATE – CONSOLIDATED TRANSPORTATION PROGRAM (CTP) PROCESS AND ADDITIONS

Ms. Jeanne Marriott updated the MDTA Board on the CTP Process and additions to the capital program. She explained that the MDTA CTP is a six-year plan for the capital program and includes the current year, upcoming year, and the four succeeding planning years. The CTP is updated twice a year and brought to the Board for approval in June as a draft and in November as a final.

She explained that the CTP includes funding for ongoing projects and new capital projects. The new capital projects originate from five sources: long-range capital needs, inspection findings, regulatory compliance, increased capacity needs, and/or local priority letters/legislative requests.

Ms. Marriott further explained that the funding availability is based on the MDTA's six-year financial forecast which considers traffic and revenue estimates, the operating and capital budgets, debt service payments, the potential need for future bond sales and toll increases, and compliance with financial standards including the Trust Agreement rate covenant, debt service coverage, and unrestricted cash balance.

The Fiscal Year 2021-2026 Final CTP will be presented to the Board for approval in November and includes seven new projects. They are: Emergency Procurement for Partial Superstructure Replacement Bridge BCW595001 Moravia Road Ramp to Southbound I-95; Southbound I-95 Part-Time Shoulder Usage from the Maryland House to MD 24; Tydings Bridge Interim High-Speed AET Conversion; MD 24 Northbound Auxiliary Lane from MD 924 through Singer Road Intersection; Holding Tank Replacement at the South FMT Vent Building; Rehabilitate Fort McHenry Tunnel Area-Wide Lighting; and FSK Deck Replacement.

UPDATE – 2019 UPDATES FROM STRUCTURES INSPECTION PROGRAM

Mr. Tekeste Amare gave an update on the Fiscal Year 2020 Annual Facilities Inspections. He gave a brief overview of the types of inspections that have been completed as well as the Inspection Findings for all structures that were inspected.

UPDATE – THIRD GENERATION (3G) ELECTRONIC COLLECTION SYSTEM

Ms. Deborah Sharpless gave an overview of the 3G project by briefly reviewing the status of the transition between vendors and challenges faced to date. Member John F. von Paris requested a more detailed briefing at a later date.

UPDATE – EXECUTIVE DIRECTOR

Mr. James F. Ports, Jr. gave updates on: Governor Hogan visiting the I-895 Bridge Project to see its progress and thank the workers; the 2021 Calendar Year holiday schedule for the I-95 Express Toll Lanes; the resuming of the processing and mailing of Notices of Tolls Due (NOTDs); and a reminder to the Members that the November and December Board meetings will be held earlier than normal due to the holidays.

VOTE TO GO INTO CLOSED SESSION

At 11:06 a.m., upon motion by Member Mario J. Gangemi and seconded by Member W. Lee Gaines, Jr., the Members voted unanimously to move into Closed Session under General Provisions Article, §§ 3-305(b)(1) to discuss compensation and benefits to be provided to specific individuals of the MDTA Police Command Staff (Agenda Item 13); §§ 3-305(b)(10) and (12) to receive a report on certain pending criminal investigations and an update on deployment of police staff and resources (Agenda Item 14); §§ 3-305(b)(8) to receive a status update on all litigation currently pending against the MDTA (Agenda Item 15); and §§ 3-305(b)(1) to discuss the performance of one or more specific employees and to discuss a specific personnel matter impacting specific employees (Agenda Item 16).

In attendance for all four agenda items were Acting Chair Sean Powell, Members Carroll, Cox, Ensor (via Phone), Gaines, Gangemi, Penny-Ardinger, Rosen, and von Paris; and Jim Ports and Kim Millender. Natalie Henson was in attendance for Agenda items 13, 14, and 15. Tonya Dorsey and Christina Thompson were in attendance for Agenda Item 13. Col Kevin Anderson was in attendance for Agenda Item 14.

VOTE TO ADJOURN CLOSED SESSION

At 12:40 p.m., a motion was made by Member William H. Cox, Jr. and seconded by Member W. Lee Gaines, Jr., which was unanimously approved, to adjourn the Closed Session and return to Open Session.

RATIFICATION TAKEN IN CLOSED SESSION


Upon motion by Member Mario J. Gangemi and seconded by Member W. Lee Gaines, Jr., the Members ratified their vote to approve for MDTA Police Command Staff the same benefits that were approved for FOP members during open session which includes a 5 percent cost-of-living adjustment effective July 1, 2020 and a \$1,500 uniform allowance. Member Dontae Carroll voted 'nay' to this item.

VOTE TO ADJOURN MEETING

There being no further business, upon motion by Member Mario J. Gangemi and seconded by Member W. Lee Gaines, Jr., the Members unanimously voted to adjourn the meeting at 12:42 p.m.

The next MDTA Board Meeting will be held on November 19, 2020 at 9:00 a.m. via livestream.

APPROVED AND CONCURRED IN:



Gregory Slater, Chairman