



MARYLAND TRANSPORTATION AUTHORITY

STATEMENT FOR CLOSING A MEETING

LOCATION: Maryland Transportation Authority
2310 Broening Highway
Baltimore, Maryland 21224

DATE: January 25, 2018

TIME: 9:00 a.m.

MOTION BY: Cox

SECONDED BY: Gaines

VOTE TO CLOSE SESSION:

Table with 5 columns: Name, AYE, NAY, ABSTAIN, ABSENT. Rows include Peter J. Basso, W. Lee Gaines, Jr., William E. Ensor, III, William H. Cox, Jr., John von Paris, Katherine Bays Armstrong, Dontae Carroll, Mario Gangemi, and Chair.

STATUTORY AUTHORITY TO CLOSE SESSION
GENERAL PROVISIONS ARTICLE, §3-305(b)

- (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.

STATEMENT FOR CLOSING A MEETING

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- (5) To consider the investment of public funds.
- (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 § 3-305(b (1)(i) and (ii) of the General Provisions Article of the Annotated Code of Maryland, to discuss matters related to the compensation and benefits packages for certain individual MDTA Police command staff.

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



MARYLAND TRANSPORTATION AUTHORITY

STATEMENT FOR CLOSING A MEETING

LOCATION: Maryland Transportation Authority
Point Breeze Headquarters Building
2310 Broening Highway.
Baltimore, Maryland 21224

DATE: January 25, 2018

TIME: 9:00am

MOTION BY: Cox

SECONDED BY: Gaines

VOTE TO CLOSE SESSION:

Table with 5 columns: Name, AYE, NAY, ABSTAIN, ABSENT. Rows include Peter J. Basso, W. Lee Gaines, Jr., William E. Ensor, III, William H. Cox, Jr., John von Paris, Katherine Bays Armstrong, Dontae Carroll, Mario J. Gangemi, P.E., and Chair. AYE column has checkmarks for all names.

STATUTORY AUTHORITY TO CLOSE SESSION
GENERAL PROVISIONS ARTICLE, §3-305(b)

- (1) [] 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) [X] 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.

STATEMENT FOR CLOSING A MEETING

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- (5) [] To consider the investment of public funds.
- (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 § 3-305(b) 3 of the General Provisions Article of the Annotated Code of Maryland, to discuss *the acquisition of real property for a new transportation facilities project including a discussion of proposed strategy to accomplish the acquisition from the federal government.*

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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.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke at the end.

PRESIDING OFFICER

MARYLAND TRANSPORTATION AUTHORITY
BOARD MEETING
THURSDAY, JANUARY 25, 2018
2310 BROENING HWY, BALTIMORE, MD 21224

OPEN SESSION

Pete K. Rahn, Chairman

MEMBERS ATTENDING:

Katherine B. Armstrong
P. Jack Basso
Dontae Carroll
William H. Cox, Jr.
William Ensor
W. Lee Gaines
Mario J. Gangemi
John von Paris

STAFF ATTENDING:

Percy Dangerfield
Donna DiCerbo
Meryle Dunlap
Trudy Edwards
Clay Fischer
Michele Gross
James Harkness
Jaclyn Hartman
Meshelle Howard
Greg Jones
Colonel Jerry Jones
Kimberly Millender, Esquire
Sushmita Mitra
Tonya Morant
John O'Neill
Will Pines
Kevin C. Reigrut
Mike Rice
Deborah Sharpless
Cheryl Sparks
Dan Williams
Melissa Williams

OTHERS ATTENDING:

Chris Body, Kapsch
Chris Burns, Saul Ewing, Development & Construction
Thomas Krueger, Conduent
Stephanie Melchor
Ed McDonald, MDOT, Chief of Staff
Michael McGeady, Century Engineering

At 9:05 a.m. Chairman Pete K. Rahn called the meeting of the Maryland Transportation Authority (MDTA) Board to order.

APPROVAL – OPEN SESSION MINUTES OF DECEMBER 21, 2017

Upon motion by Member W. Lee Gaines, Jr. and seconded by Member Katherine Bays Armstrong, the Open meeting minutes of the MDTA Board meeting held on December 21, 2017 were unanimously approved.

RESOLUTION – YEARS OF SERVICE RECOGNITION FOR RETIRED EMPLOYEES

Ms. Deborah Sharpless read the following resolutions for employees who have retired Deana DeJarnette, Corporal Scott C. McArdle, Stephanie A. Melchor, Joann M. Smith and Margaret A. Wyatt. Therefore it further be resolved, on the occasion of their retirement from their distinguished careers of exemplary service, the Chairman and Members of the Maryland Transportation Authority hereby express to Ms. DeJarnett, Corporal McArdle, Ms. Melchor, Ms. Smith and Ms. Wyatt their most sincere appreciation for their excellence and commitment, and be it further resolved that these resolutions be entered into the minutes of the MDTA Board meeting of January 25, 2018, and a copy, appropriately framed, be presented as an expression of the MDTA Board's appreciation and esteem.

APPROVAL – MODIFICATION OF THE COLLECTIVE BARGAINING AGREEMENT WITH FOP 34

Ms. Jaclyn Hartman requested approval to provide additional benefits to MDTA Police as a result of the agreement reached between the State and the MDTA Police Lodge #34, Fraternal Order of Police (FOP). The Finance Committee has reviewed and recommended for approval.

On December 31, 2015, the State and the FOP reached agreement on a collective bargaining agreement for the term of July 1, 2017 through June 30, 2019. When fully implemented, the agreement provides an annual \$4.4 million in additional salary benefits to FOP members. Benefits provided throughout the three-year agreement include a 2% cost-of-living increase, a one-step increase for all FOP members, a two-step "restorative" increase for members employed at certain points in time, certain health insurance related benefits, and the inclusion of certain sick leave and on-call issues under the jurisdiction of the Labor/Management Committee. On January 28, 2016, the MDTA Board approved the agreement.

In September 2017, the State and the FOP negotiated an amendment to that agreement to provide additional benefits to the FOP. The additional benefits include a fiscal year (FY) 2018 and 2019 step to all FOP members. The FY 2018 step will be granted July 1, 2018, and applied retroactively to January 1, 2018, and the FY 2019 step will be applied on January 1, 2019. The additional fiscal impact of this agreement is \$2.2 million in FY 2019. The additional fiscal impact of this agreement is \$2.2 million in FY 2019 for FOP members. On October 26, 2017, the MDTA approved the amendment.

In December 2017, the State negotiated additional benefits for the FOP for FY 2019 and beyond. The additional benefits include a cost-of-living allowance (COLA) of 2% effective January 1, 2019, and two health insurance premium holidays. In addition, if actual revenue attainment for the State's General Fund meets an established minimum and legislative approval of a budget modification is obtained, then an additional COLA of 0.5% and a one-time bonus of \$500 will be provided on April 1, 2019. Although the MDTA does not receive funding from the State's General Fund and legislative approval of the MDTA's budget is not required, the granting of the additional benefits are contingent on these actions because the same benefits are being provided to the members of the Maryland State Police, which does receive General Funds and is required to have legislative approval of budget amendments. In recent years, the State has been actively pursuing parity in additional benefits granted to all State law enforcement agencies and this contingency language ensures that MDTA officers do not receive benefits that the Maryland State Police do not.

Assuming the contingency is met and all additional benefits are provided, the additional fiscal impact of the agreement is \$893,745 in FY 2019 for FOP members. Of this amount, \$345,035 will be passed on to the Maryland Aviation Administration and Maryland Port Administration through memorandums of understanding with those agencies for the provision of law enforcement services at the airport and port, respectively. The fiscal impact will increase in FY 2020 to \$1,254,960 for FOP members due to the annualization of the actions, less the one-time bonus granted in FY 2019. Of this amount, \$486,180 will be passed on to the Maryland Aviation Administration and Maryland Port Administration through memorandums of understanding with those agencies for the provision of law enforcement services at the airport and port, respectively. These additional amounts are affordable in the short-term; however, the cumulative long-term impact of these personnel actions should be noted.

Upon motion by Member William H. Cox and seconded by Member Armstrong, the Members unanimously approved the agreement with the Fraternal Order of Police, Lodge #34 to provide a 2% COLA on January 1, 2019 and certain health insurance premium holidays; and 0.5% COLA and \$500 one-time bonus on April 1, 2019, if certain conditions are met in accordance with the terms negotiated by the State.

APPROVAL – CONTRACT AWARD

- **CONTRACT NO. CC 3352-0000 CERTIFIED LAW ENFORCEMENT MOTORCYCLE HARLEY-DAVIDSON® FLHTP ELECTRA GLIDE® POLICE**

Ms. Donna DiCerbo requested approval to execute this Small Procurement Contract No. CC 3352-0000, Certified Law Enforcement Motorcycle, Harley-Davidson FLHTP 1746cc Electra Glide Police with ducted fairing and windshield (No Substitute). This unit will be utilized by the MDTA Police for law enforcement activities on major state highways and roadways.

Three (3) Bids were received. The responsive and responsible bid results were as follows: Harley-Davidson of Baltimore, Inc., \$27,000; Rockville Harley-Davidson, Inc., \$27,695; and Sheehy Fairfax LLC DBA Patriot Harley-Davidson, \$28,067.50.

Harley-Davidson of Baltimore, Inc. is the lowest responsive and responsible Bidder and is recommended for approval.

This is a one (1) time purchase.

Upon motion by Member Mario Gangemi and seconded by Member W. Lee Gaines, Jr, the Members unanimously approved Contract No. CC 3352-0000 Certified Law Enforcement Motorcycle Harley-Davidson FLHTP Electra Glide Police to Harley-Davidson of Baltimore, Inc. in the amount of \$27,000.

- **CONTRACT NO. KH 3004-0000 DECK REPLACEMENT AND MISCELLANEOUS REHABILITATION OF BRIDGE ON I-95 OVER LITTLE NORTHEAST CREEK (CEXA15001)**

Ms. DiCerbo requested approval for Contract No. KH 3004-0000 Deck Replacement and Miscellaneous Rehabilitation of Bridge on I-95 over Little Northeast Creek (CEXA15001). This item was reviewed by the Capital Committee and recommended for approval.

The work to be performed under this contract is located at Bridge No. CEXA15001 located on the John F. Kennedy Memorial (JFK) Highway (I-95) over Little Northeast Creek in Cecil County. MDTA maintains and operates the JFK Memorial Highway. The bridge deck will be replaced to the limits shown on the contract plans. Beyond the limits of the bridge, portions of the existing shoulders and medial will be reconstructed for maintenance of traffic purposes, and other miscellaneous items of work as prescribed in the Contract Documents.

There are allowances of \$5,000 for Price Adjustment for Diesel Fuel, \$750,000, for Miscellaneous Repairs, \$15,000 for Price Adjustment for Asphalt Binder, \$10,000 for Payment Adjustment for Pavement Density, and \$5,000 for Payment Adjustment for Asphalt Mix in the Invitation for Bids (IFB) that will only be used if necessary and with prior approval of the Engineer.

Seven (7) bids were received ranging from 24% above to 14% below the Engineer's Estimate of \$10,293,483.16. Allen Myers MD, Inc. was the lowest responsive and responsible Bidder. This company has performed work on prior MDTA projects successfully.

This project was advertised with an overall Minority Business Enterprise (MBE) participation goal of 29% with sub-goals of 7% for African American-owned firms and 4% for Asian American-owned firms; and a 2% Veteran Small Business Enterprise (VSBE) participation goal. Allan Myers submitted an MBE plan that exceeds the MBE goal and a VSBE plan that exceeds the goal.

Upon motion by Member Armstrong and seconded by Member Dontae Carroll, the Members unanimously approved Contract No. KH 3004-0000 Deck Replacement and Miscellaneous Rehabilitation of Bridge on I-95 over Little Northeast Creek (CEXA15001) to Allen Myers MD, Inc. in the amount of \$8,877,777.

• **CONTRACT NO. MA 2257-0000 ELECTRONIC TOLL COLLECTION THIRD GENERATION (ETC 3G) TOLL SYSTEM AND SERVICES**

Ms. DiCerbo requested approval for Contract No. MA 2257-0000 Electronic Toll Collection Third Generation (ETC 3G) Toll System and Services. This procurement requires Department of Information Technology (DOIT) and Board of Public Works (BPW) approval.

This is the first of two contracts for the replacement of the MDTA's existing Next Generation Toll Collection Contract. This contract is the Third Generation Electronic Toll Collection for the Tolling System and Services, an Indefinite Quantity Contract with fixed unit prices and fixed prices for certain lump sum deliverables in accordance with Code of Maryland Regulations (COMAR) 21.06.03.02A(2) and 21.06.03.06.

This contract includes all systems and operational activities related to building accurate transactions, either manual, Automatic Vehicle Identification (AVI), or video toll lane transactions. The ETC 3G Toll System will support manual toll collection operations; however, the Toll System Contractor is not responsible for staffing manual toll lanes, toll plazas, or audit of cash handling and deposits.

Specifically, the work includes but will not be limited to:

- a) Design, develop, test, install, operate, and maintain a complete and fully functional roadside Toll Collection System that shall include lane-based toll collection equipment that will create and process electronic, manual, and credit card lane transactions and forward them to the Toll System Host for further processing to complete the transactions and forward electronic transactions on to the Customer Service Center Systems for posting;
- b) Design, develop, test, install, operate, and maintain a complete and fully functional video toll image capture system;
- c) Lane equipment and software;
- d) Plaza/facility computers and an over Toll System host;
- e) Work stations and software for toll supervisors, toll collectors, including ID recognition equipment;
- f) Software for reporting of lane-level (unaudited) traffic data;
- g) Image review and processing;
- h) Trip building;
- i) Training for MDTA staff;
- j) Disaster Recovery;
- k) Various categories of security;
- l) Interface/transfer data to the MDTA accounting system;
- m) 24/7 System Maintenance and operation;
- n) Project Management, System administration, and documentation;
- o) Any and all necessary services, equipment and software that require to render the Toll System complete and fully operational as described herein; and
- p) Any and all necessary work to transition the existing Toll System with minimal impact on customer service and operational continuity.

A Competitive Sealed Proposal (CSP) procurement method pursuant to the COMAR 21.05.01.02 was used for this project. In efforts to increase competition on this procurement, the MDTA conducted both a Request for Information (RFI), and Request for Comment (RFQ), in advance of the Request for Proposals (RFP).

The Procurement Process:

- The RFP was issued on August 1, 2016.
- A Pre-Proposal Conference was held on August 15, 2016; Site visits were held August 16-20, 2016;
- Five (5) Proposals were received on December 1, 2016.
- Oral Presentations were held on March 17, 20, 21, 22 & 23, 2017.
- One (1) Offeror (Sice) was rejected on July 14, 2017.
- Three (3) Amendments were made to the RFP, and Three (3) Technical Best and Final Offers (BAFO) were requested and received from all four (4) remaining firms.
- Price Proposals were opened and ranked, and Price BAFOS were requested and received from all four (4) remaining firms.
- Debriefings were held on January 4 and 5, 2018.

As stated in the RFP, technical factors were more important than financial factors. The Evaluation Committee provided the following ranking for each Offeror:

Offeror	Technical <u>Rank</u>	Financial <u>Rank</u>	Overall <u>Rank</u>
Kapsch TrafficCom USA, Inc.	1	1 (\$ 86,639,029.21)	1
Transcore, LP	2	3 (\$ 97,260,499.26)	2
Conduent State & Local Solutions	3	2 (\$119,755,254.01)	3
Electronic Transaction Consultants, (ETC)	4	4 (\$137,308,059.16)	4

Kapsch TrafficCom USA, Inc. (Kapsch) offered the lowest price and best value; therefore, the Evaluation Committee recommended Kapsch for award, as Kapsch provided the most advantageous offer to the State. A protest was received and denied with the concurrence of legal counsel.

This project was advertised with an overall Minority Business Enterprise (MBE) participation goal of 12% with no subgoals; and a 1% Veteran Small Business Enterprise (VSBE) participation goal. Kapsch submitted a MBE plan that exceeds the goal and a VSBE plan that meets the goal.

The Contract term is for approximately 13 years and includes two (2) years for Transition; six (6) year Base; two 2-year Renewal Options; and One (1) Phase Out.

Upon motion by Member P. Jack Basso and seconded by Member Gaines, the Members unanimously approved Contract No. MA 2257-0000 Electronic Toll Collection Third Generation (ETC 3G) Toll System and Services to Kapsch TrafficCom USA, Inc. for 13 years that includes two (2) years for Transition; six (6) year Base; two 2-year Renewal Options; and one (1) year Phase Out in the amount of \$86,639,029.21.

• **CONTRACT NO. MA 2868-0000 ELECTRONIC TOLL COLLECTION THIRD GENERATION (ETC 3G) CUSTOMER SERVICE CENTER SERVICES**

Ms. DiCerbo requested approval for Contract No. MA 2868-0000 Electronic Collection Third Generation (ETC 3G) Customer Service Center Services (CSC). This item requires Department of Information Technology (DOIT) and Board of Public Works (BPW) approval.

This is the second of two contracts for the replacement of the MDTA's existing Next Generation Toll Collection Contract. This contract is the Third Generation Electronic Toll Collection for the Customer Service Center Services, an Indefinite Quantity Contract with fixed unit prices and fixed prices for certain lump sum deliverables in accordance with Code of Maryland Regulations (COMAR) 21.06.03.02A(2) and 21.06.03.06.

This Scope of Work for the CSC System will include developing, designing, procuring, installing, operating, and maintaining a fully functional CSC System. The system shall include but not limited to:

- a. Equipment that will process toll transactions from the Toll System;
- b. CSC computers and software;
- c. Software for reporting, reconciliation, and other audit functions on MDTA-owned desktop computers within MDTA Finance, MDTA Operations, and other MDTA divisions accessible from the MDOT network;
- d. Training for MDTA staff;
- e. CSC site selection, and furnishing, installing, staffing, maintaining, and operating a CSC telephone, mail, email, SMS text, and internet based customer service;
- f. Providing hardware, software and training for Stop-in Centers (renamed "Customer Service Centers" (CSCs) since issuance of the RFP), as directed by MDTA. CSCs consist of Operations staff, *E-ZPass*[®], commercial accounts and infrequent customers;
- g. Customer account set-up and maintenance;
- h. Acceptance of payment through multiple channels;
- i. Customer mailings including statements and applications, toll notices, and citations (Notice of Tolls Due, Citations, Notification of Registration flagging for non-renewal or suspension, etc.);
- j. Video processing, preparation and processing citation documents for court cases, referral to MDOT Motor Vehicle Administration (MVA), and the State of Maryland Central Collection Unit, (CCU);
- k. Interagency reciprocity and reconciliation; Toll enforcement actions with non E-ZPass agencies (transfer of information to non-Maryland states of its residents that owe tolls in Maryland, and the acceptance of information from agencies for Maryland residents who owe tolls to those agencies);
- l. Records retention;
- m. Plan and manage for disaster recovery;
- n. Security;
- o. Operate and maintain the system 24 hours a day/7 days a week;
- p. Project management, system administration, and documentation;
- q. Ad-hoc and on-demand reporting;

- r. Any and all necessary services, equipment, and software that are required to render the CSC System complete and fully operational as described herein;
- s. Any and all necessary work to transition the existing system with minimal impact on customer service or operational continuity; and
- t. Interactive Voice Response (IVR), phone switch, and website.

A Competitive Sealed Proposal (CSP) procurement method pursuant to COMAR 21.005.01.02 was used for this project. In efforts to increase competition on this procurement, the MDTA conducted both a Request for Information (RFI), and Request for Comment (RFC), in advance of the Request for Proposals (RFP).

The Procurement Process:

- The RFP was issued on August 1, 2016.
- A Pre-Proposal Conference was held on August 15, 2016; Site visits were held August 16-20, 2016.
- Five (5) Proposals were received on December 5, 2016.
- Oral Presentations were held on May 10, 11, 12, 15 & 17, 2017.
- Two (2) Amendments were made on the RFP, and Two (2) Technical Best and Final Offers (BAFO) were requested and received from all five (5) firms.
- Price Proposals were opened and ranked, and Price BAFOS were requested and received from all five (5) firms.
- Debriefings were held on January 4 and 5, 2018.

As stated the RFP, technical factors were more important than financial factors. The Evaluation Committee provided the following ranking from each Offeror:

<u>Offeror</u>	<u>Technical Rank</u>	<u>Financial Rank</u>	<u>Overall Rank</u>
TransCore, LP	1	2 (\$272,818,441.56)	1
Emovis	2	3 (\$294,021,145.05)	2
Egis	3	1 (\$255,412,006.79)	3
Kapsch TrafficCom USA, Inc.	4	4 (\$329,986,726.44)	4
Conduent State & Local Solutions	5	5 (\$344,538,178.59)	5

TransCore ranked first technically and second financially. The Management Selection Committee (MSC) unanimously determined that the proposal submitted by TransCore was the most advantageous offer to the State. The MSC reached this conclusion on the basis of the strengths and weaknesses of the proposals in the context of the RFP Evaluation Factors. A protest was received and denied with the concurrence of legal counsel.

This project was advertised with an overall Minority Business Enterprise (MBE) participation goal of 15% with no subgoals; and a 1% Veteran Small Business Enterprise (VSBE) participation goal. TransCore submitted MBE and VSBE plans that meet the goals.

The Contract term is for approximately 13 years and includes two (2) years for transition; six (6) years Base; two (2) 2-year Renewal Options; and one (1) year Phase Out.

Upon motion by Member Carroll and seconded by Member John von Paris, the Members unanimously approved Contract No. MA 2868-0000 Electronic Toll Collection Third Generation (ET,C 3G) Customer Service Center Services to TransCore, LP in the amount of \$272,818,441.56 for a term of approximately 13 years including two (2) years for Transition; six (6) years Base; two (2) 2-year Renewal Options; and one (1) year Phase Out.

- **CONTRACT NO. MA 3005-0000 UPS REMOVAL AND REPLACEMENT OR REMOVAL AT VARIOUS FACILITIES**

Ms. DiCerbo requested approval for Contract No. MA 3005-0000 Uninterruptible Power Supply (UPS) Removal and Replacement or Removal at Various Facilities. This item was reviewed by the Capital Committee.

The work to be performed under this contract is the removal and replacement or removal of existing UPS Units at various facilities. The work includes UPSs, removal and disposal, conduit, wires, cables, circuit breakers, panels, enclosed circuit breakers, and all associated and miscellaneous work required to complete the project as shown on the plans and required in Information for Bids (IFB) specifications.

There is an allowance of \$40,000 for Miscellaneous Electrical Repairs and/or Construction included in the IFB that will only be used if necessary and with prior approval of the Engineer.

Six (6) bids were received ranging from 1% to 12% below the Engineer's Estimate of \$472,279.77. Three (3) bids were determined non-responsive and were rejected with the concurrence of Legal Counsel.

Glenelg Construction, Inc. (Glenelg) is the lowest responsive and responsible Bidder. As its bid was 12% lower than the Engineer's Estimate, a bid justification was not necessary. This Company has successfully performed work on previous MDTA Contracts. Two (2) protests were received and denied with the concurrence of Legal Counsel, and the appeal period has passed.

This project was advertised with an overall Minority Business Enterprise (MBE) participation goal of 8% and Glenelg submitted an MBE plan that meets the goal.

Upon motion by Member Mario Gangemi and seconded by Member Carroll, the Members unanimously approved Contract No. MA 3005-0000 UPS Removal and Replacement or Removal at Various Facilities to Glenelg Construction, Inc. in the amount of \$415,450.

- **CONTRACT NO. MT 3088-0000 MAINTENANCE OF PLANTING BEDS**

Ms. DiCerbo requested approval to execute Small Business Reserve (SBR) Contract No. MT 3088-0000 Maintenance of Planting Beds. This contract was reviewed by the Finance Committee and recommended for approval.

The scope of services to be provided includes all labor, materials, supplies, equipment, tools, supervision, transportation, insurance and permits necessary to provide maintenance of planting beds in selected landscape areas within the project Right-of-Way of the Intercounty Connector (ICC) roadway.

Four (4) bids were received ranging from 14% to 631% above the Engineer's Estimate of \$362,910.48. Landscape Services, Inc. is the lowest responsive and responsible Bidder. As its bid was 14% higher than the Engineer's Estimate, a bid justification was conducted and the bid was determined to be fair and reasonable. This company has successfully performed similar work locally and on the City of Frederick projects.

This project was advertised as a Small Business Reserve (SBR) procurement and Landscape Services, Inc., is a certified SBR in the State of Maryland.

Upon motion by Member William Ensor and seconded by Member Cox, the Members unanimously approved Contract No. MA 3088-0000 Maintenance of Planting Beds to Landscape Services, Inc., for a base term of three (3) years valued at \$265,714, with one (1), 2-year Renewal Option valued at \$146,383 for a total Contract term of five (5) years in the amount of \$412,097.

- **CONTRACT NO. MT 3093-0000 ADDITIONAL REPLACEMENT TREE PLANTING AT THE INTERCOUNTY CONNECTOR (ICC)**

Ms. DiCerbo requested approval to execute Small Business Reserve (SBR) Contract No. MT 3093-0000, Additional Replacement Tree Planting at the Intercounty Connector. This item was reviewed by the Finance Committee and recommended for approval.

The scope of services to be provided under this contract includes all labor, materials, supplies, equipment, tools, supervision, transportation, insurance and permits necessary to provide additional tree planting within the project Right-of-Way of the Intercounty Connector Facility.

Four (4) bids were received ranging from 15% to 273% above the Engineer's Estimate of \$355,937.50. Landscape Services, Inc. is the lowest responsive and responsible Bidder. As its bid was 15% higher than the Engineer's Estimate, a bid justification was conducted and the bid was determined to be fair and reasonable. This company has successfully performed similar work locally and on the City of Frederick projects.

This project was advertised as a Small Business Reserve (SBR) procurement and Landscape Services, Inc., is a certified SBR in the State of Maryland.

Upon motion by Member Gaines and seconded by Member Basso, the Members unanimously approved Contract No. MA 3093-0000 Additional Replacement Tree Planting at the Intercounty Connector Facility to Landscape Services, Inc., for a base term of three (3) years valued at \$263,630, with one (1), 2-year Renewal Option valued at \$145,910 for a total Contract term of five (5) years in the amount of \$409,540.

APPROVAL – RESOLUTION 18-01 – OPERATING POLICY AMENDMENTS

Mr. Kevin C. Reigrut requested approval for amendments of the Maryland Transportation Authority (MDTA) Operating Policy through the adoption of proposed Resolution No. 18-01.

The MDTA Board has adopted an official Operating Policy that sets forth procedures for the performance of the Board’s duties and obligations and expresses the intent of the Board in regards to how basic functions of the Board should be carried out to accomplish the goals and mission of the MDTA on a day-to-day basis. Periodically, the MDTA Board has amended this Policy by official resolution in accordance with the terms of the Policy. The Operating Policy was last amended in 2011.

In a continued effort to identify potential efficiencies for how MDTA conducts business, staff proposed amendments to the existing Operating Policy. The amendments update terms for consistency; update outdated references; and specify the functions that the Board expressly reserves to itself while delegating all other functions and duties to the Executive Director to conduct the day-to-day operations of the agency. The substance of the amendments is found in Section B of the Policy entitled the “Powers, Duties, and Obligations” of the MDTA Board. The amendments to this Section specifically list those items and functions which must be presented to the Board for review and approval. Previously, the Operating Policy expressly reserved all functions to the Board unless expressly delegated in writing to staff. By making these amendments, staff believes we can save time, clarify duties and functions, and make our processes more efficient.

Per the terms of the Operating Policy, the Board may amend the Policy at any time in the future to adjust the functions and duties that have been delegated or make any other changes the Board deems necessary.

Upon motion by Member Basso and seconded by Member Cox, the Members unanimously approved Resolution No. 18-01 Maryland Transportation Authority Board Operating Policy Amendment with three additional amendments: at any time the Chairman or Board may request for an update from the Executive Director on any topic/issue; include an IT Cyber Security Report, quarterly; and remove any reference to the position title of Deputy Executive Director.

APPROVAL – ORGANIZATIONAL CHANGE

Mr. Reigrut requested approval for a high level organizational change. As the current organization structure of the Deputy Executive Director, Chief Administrative Officer, Chief of Operations and Chief of Police is not conducive to MDTA’s Operating practices, Mr. Reigrut proposed the following changes: elimination of the Deputy Executive Director title; there will be four (4) Chiefs, a Chief Financial Officer, Chief Administrative Officer, Chief Operations Officer, Chief Law Enforcement Officer; and create a Chief of Staff position.

Upon motion by Member Cox and seconded by Member Carroll, the Members unanimously approved the new high level organizational change of Chief Financial Officer, Chief Administrative Officer, Chief Operation Officer, Chief Law Enforcement Officer, and creation of a Chief of Staff position.

UPDATE – LEGISLATIVE

Ms. Michele Gross reported on several House and Senate Bills and MDTA's position on each.

UPDATE – EXECUTIVE DIRECTORS REPORT

Mr. Reigrut reported on several topics to include the strategic planning session where a vision statement was created, an interview with news station NBC4 regarding the civil citation program scheduled to air on February 5, 2018, a meeting with the Virginia Department of Transportation regarding the Nice Bridge, and the Executive Director Survey that was provided to all MDTA employees including an overview of preliminary results.

At 10:06 a.m. upon motion by Member William Cox and seconded by Member Lee Gaines, the Board unanimously voted to go into Closed Session pursuant to § 3-305(b)(1)(i) and (ii) of the General Provisions Article of the Annotated Code of Maryland Regulations to discuss matters related to the compensation and benefits for certain individual MDTA Police command staff; and § 3-305(b)(3) to discuss the acquisition of real property for a new transportation facilities project including a discussion of proposed strategy to accomplish the acquisition from the federal government.

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, W. Lee Gaines, Jr., Dontae Carroll, and Mario Gangemi. Staff in attendance: Kevin C. Reigrut, Percy Dangerfield, Deborah Sharpless, Jaclyn Hartman, Kimberly Millender, Esq., Tonya Morant, Trudy Edwards, Natalie Henson, and Ed McDonald.

At 10:39 a.m., upon motion by Member Basso and seconded by Member Gaines, the Members unanimously voted to return to Open Session.

RATIFICATION OF ACTION TAKEN DURING CLOSED SESSION

Upon motion by Member Basso and seconded by Member Gaines, the Members ratified the vote from Closed Session to approve the additional benefits to MDTA Police command staff as a result of the agreement reached between the State and the MDTA Police Lodge #34, Fraternal Order of Police (FOP).

There being no further business, the meeting of the MDTA Board was adjourned by general consensus at 10:40 a.m.

The next MDTA Board Meeting will be held on February 22, 2018, at 9:00 a.m. at 2310 Broening Hwy, Baltimore, Maryland 21224.

APPROVED AND CONCURRED IN:



R. Earl Lewis, Acting Chair