

Martin O'Malley Governor

**Anthony G. Brown** Lt. Governor

**Darrell B. Mobley** Acting Secretary

**Leif A. Dormsjo** Acting Deputy Secretary

### **BOARD OF PUBLIC WORKS (BPW)**

### **ACTION AGENDA**

### May 15, 2013

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BPW - 05/15/13

## DEPARTMENT OF TRANSPORTATION ACTION AGENDA

#### CONSTRUCTION CONTRACT

ITEM: 1-C

#### MARYLAND TRANSIT ADMINISTRATION:

**CONTRACT ID**: T-1035-0140

Dunkirk Park and Ride Facility ADPICS NO. T10350140

**CONTRACT DESCRIPTION**: This contract is for the construction of the Dunkirk Park & Ride Facility, which will provide parking for 486 vehicles and a platform that will accommodate at least three commuter buses. A two-lane access road will be constructed between the facility and Town Center Boulevard.

**AWARD**: Rainbow Construction Corp of Waldorf

Waldorf, Maryland

**TERM**: 365 Calendar Days from NTP

**AMOUNT**: \$4,593,363

**PROCUREMENT METHOD**: Competitive Sealed Bidding

BIDS:

Rainbow Construction Corp \$4,593,363

Waldorf, MD

Sargent Corporation \$4,872,279

Stillwater, ME

Peak Incorporated \$4,951,768

Columbia, MD

SACO Construction, Inc. \$5,151,127

Crofton, MD

**DBE PARTICIPATION**: 30%

**PERFORMANCE SECURITY:** Performance Bond at 100% of Contract

Amount

ITEM: 1-C (Continued) BPW – 05/15/13

**REMARKS**: The Engineer's Estimate for this contract was \$6,443,567.

This Solicitation was advertised in eMaryland Marketplace and on MTA's Web Site. One hundred eighty-eight (188) firms received bid packages; One hundred thirty-three (133) were Maryland firms. Eleven (11) bids were received.

This Contract is for the construction of the Dunkirk Park & Ride Facility, which will be constructed on a 14.86 acre parcel of land. The access road will cross an unnamed tributary, requiring construction of a reinforced concrete box culvert. The facility will have patron shelters, fencing on three sides and low mast lighting within the parking area.

As part of this project, improvements are also proposed at the intersection of MD 4 and Town Center Boulevard. These minor upgrades are intended to enhance pedestrian connectivity at this location and include median/ island pass through points. Pedestrian actuated signals, curve radius modifications and ADA compliance upgrade.

**FUND SOURCE**: 80% Federal Funds Budgeted to MTA

20% Special Funds Budgeted to MTA

APPROPRIATION CODE: J05H0105

**RESIDENT BUSINESS**: Yes

MD TAX CLEARANCE: 13-0823-1111

BOARD OF PUBLIC WORKS ACTION - THE ABOVE-REFERENCED ITEM WAS:

APPROVED DISAPPROVED DEFERRED WITHDRAWN

# DEPARTMENT OF TRANSPORTATION ACTION AGENDA

#### **CONSTRUCTION CONTRACT**

ITEM: 2-C

#### MARYLAND TRANSIT ADMINISTRATION:

**CONTRACT ID**: T-1164-0140

Langley Park Transit Center ADPICS NO. T11640140

**CONTRACT DESCRIPTION**: This contract is for the construction of the new Langley Park Transit Center at the northwest corner of MD 650/ MD 193 intersection.

**AWARD**: Costello Construction of MD, Inc.

Columbia, MD

**TERM**: 780 Calendar Days from NTP

**AMOUNT**: \$12,480,710

**PROCUREMENT METHOD**: Competitive Sealed Bidding

**BIDS**:

Costello Construction of MD, Inc \$12,480,710

Columbia, MD

SIGAL Construction Corporation \$12,604,544

Arlington, VA

W.M. Schlosser Company, Inc. \$13,466,000

Hyattsville, MD

**DBE PARTICIPATION**: 13%

**PERFORMANCE SECURITY**: Performance Bond at 100% of Contract

Amount

**REMARKS**: The Engineer's Estimate for this contract was \$9,392,319.

This Solicitation was advertised in eMaryland Marketplace and on MTA's Web Site. One Hundred Ninety Five (195) firms received bid packages; One Hundred Seventy Six (176) were Maryland firms. Three (3) bids were received.

ITEM: 2-C (Continued) BPW – 05/15/13

The Langley Transit Center will be a new facility building and a canopy roof over 4 platforms that will accommodate 11 bus stops. The work will include roadway improvements to MD 650 and MD 193, entrance improvements to the shopping center, a new signalized intersection and modifications to three (3) existing traffic signals. This work will also include demolition of an existing Taco Bell restaurant.

The contract includes a miscellaneous/unanticipated work allowance of \$625,400 (5% of the total contract value).

**FUND SOURCE**: 80% Federal Funds Budgeted to MTA

20% Special Funds Budgeted to MTA

**APPROPRIATION CODE**: J05H0105

**RESIDENT BUSINESS**: Yes

**MD TAX CLEARANCE**: 13-1303-1111

BOARD OF PUBLIC WORKS ACTION - THE ABOVE-REFERENCED ITEM WAS:

APPROVED DISAPPROVED DEFERRED WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

Nancy Noonan (410) 767-3796 Nnoonan@mta.maryland.gov

## DEPARTMENT OF TRANSPORTATION ACTION AGENDA

#### CONSTRUCTION CONTRACT

ITEM: 3-C

#### MARYLAND TRANSIT ADMINISTRATION:

**CONTRACT ID**: T-1207-0240

Howard Street Landscaping ADPICS NO.T12070240

**CONTRACT DESCRIPTION**: This contract is for landscaping improvements on Howard Street between Baltimore and Franklin Streets. This involves removing old unhealthy plants, planting new plants including trees, bushes and ground covers, and adding brick curbing around the tree and plant areas.

**AWARD**: Brawner Builders, Inc.

Hunt Valley, MD

**TERM**: 180 Calendar Days from NTP

**AMOUNT**: \$432.709

**PROCUREMENT METHOD**: Competitive Sealed Bidding

BIDS:

Brawner Builders Inc. \$432,709

Hunt Valley, MD

McDonnell Landscaping, Inc. \$530,101

Brookville, MD

**DBE PARTICIPATION**: 29.50%

**PERFORMANCE SECURITY:** Performance Bond at 100% of Contract

Amount

**REMARKS**: The Engineer's Estimate for this contract was \$291,177.

This Solicitation was advertised in eMaryland Marketplace and on MTA's Web Site. Seventy-three (73) firms received bid packages; Forty-two (42) were Maryland firms. Two (2) bids were received.

ITEM: 3-C (Continued) BPW – 05/15/13

This contract includes Landscaping work on both the eastern as well as the western sides of Howard Street from Baltimore Street through Franklin Street. This work includes the following items: opening up planter pits in the sidewalk, excavating and replacing soil with appropriate planting soil; planting and establishing trees and plants as per the plans or as directed by the Engineer; constructing brick curbing as edging for the tree and planting areas; and providing a one year care and Replacement Period to insure new plantings.

The DBE goal established for this contract was 28%; however the Contractor is exceeding the goal by 1.5%.

**FUND SOURCE**: 80% Federal Funds Budgeted to MTA

20% Special Funds Budgeted to MTA

APPROPRIATION CODE: J05H0105

**RESIDENT BUSINESS**: Yes

**MD TAX CLEARANCE**: 13-1302-1111

BOARD OF PUBLIC WORKS ACTION - THE ABOVE-REFERENCED ITEM WAS:

APPROVED DISAPPROVED

**DEFERRED** WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

# Norie Calvert 410-545-0433 ncalvert@sha.state.md.us

# DEPARTMENT OF TRANSPORTATION ACTION AGENDA

#### **CONSTRUCTION CONTRACT**

ITEM: 4-C

STATE HIGHWAY ADMINISTRATION

CONTRACT ID: MO1405129

Construction of a Salt Storage Facility at the Administration's Clarksburg Facility in

**Montgomery County** 

ADPICS NO.: MO1405129

**CONTRACT DESCRIPTION:** This Contract consists of the construction of a salt storage facility at the Administration's Clarksburg facility in Montgomery County.

**AWARD:** Tech Contracting Co., Inc.

Baltimore, MD

**AMOUNT:** \$1,698,000 NTE

**TERM OF CONTRACT**: 05/28/2013 - 04/30/2015

**PROCUREMENT METHOD:** Competitive Sealed Bidding

**BIDS**:

Tech Contracting Co., Inc. \$1,698,000

Baltimore, MD

H & H Contractors, Inc. \$1,750,500

Halethorpe, MD

JCS Communications, Inc. \$1,848,021

Frederick, MD

JLN Construction Services, LLC \$1,982,948

Baltimore, MD

Hawkeye Construction, LLC \$2,072,176

Baltimore, MD

MBE PARTICIPATION: 14.29%

**PERFORMANCE SECURITY:** Payment & Performance Bonds for 100% of the

award amount exist on this contract

ITEM: 4-C (Continued) BPW – 05/15/13

**REMARKS:** The Solicitation was advertised on eMaryland Marketplace and SHA's Internet Web Page. One-Hundred Sixty Seven (167) contractors were notified for this project on eMaryland Marketplace; Forty-Eight (48) of which were MDOT Certified MBE's.

100% of the work will be performed by a Certified Small Business Enterprise.

The MBE Goal established for this contract was 14.00%, however the Contractor is exceeding the goal by 0.29%.

This is a one hundred sixty work day performance based contract to construct a salt storage facility at the Administration's Clarksburg facility. The contract estimated completion date is April 30, 2014 which will be used to assess Liquidated Damages. An additional twelve (12) months has been added for internal closeout procedures; therefore, this contract's expiration date is April 30, 2015.

This contract includes a pre-established amount of \$3,000 (.18% of the total contract value) for Payment of Quarterly Erosion & Sediment Control Incentive and Final Erosion & Sediment Control Incentive.

**FUND SOURCE:** 100% Special Funds Budgeted to SHA

APPROPRIATION CODE: J02B0101

**RESIDENT BUSINESS:** Yes

MD TAX CLEARANCE: 13-1000-0111

BOARD OF PUBLIC WORKS ACTION - THE ABOVE REFERENCED ITEM WAS:

#### DEPARTMENT OF TRANSPORTATION ACTION AGENDA

#### CONSTRUCTION CONTRACT

ITEM: 5-C

STATE HIGHWAY ADMINISTRATION

CONTRACT ID: CO2895129

Renovations and Life Safety / Fire Code Upgrades to the Administration's Denton Facility in Caroline

County

ADPICS NO.: CO2895129

**CONTRACT DESCRIPTION:** This Contract consists of renovations and life safety/fire code upgrades to the Administration's Denton Facility in Caroline County.

AWARD: Harper & Sons, Inc.

Easton, MD

**AMOUNT:** \$329,670 NTE

**TERM OF CONTRACT**: 05/28/2013 - 02/21/2015

**PROCUREMENT METHOD:** Competitive Sealed Bidding

**BIDS:** 

Harper & Sons, Inc. \$329,670

Easton, MD

Gillis Gilkerson, Inc. \$407,839

Salisbury, MD

Rich Moe Enterprises, LLC \$412,550

Upper Marlboro, MD

**MBE PARTICIPATION:** 9.05%

**PERFORMANCE SECURITY:** Payment & Performance Bonds for 100% of the

award amount exist on this contract

**REMARKS:** The Solicitation was advertised on eMaryland Marketplace and SHA's Internet Web Page. One-Hundred Twenty Nine (129) contractors were notified for this project on eMaryland Marketplace; Forty-Two (42) of which were MDOT Certified MBE's.

100% of the work will be performed by a Certified Small Business Enterprise.

ITEM: 5-M (Continued) BPW - 5/15/13

The MBE Goal established for this contract was 8.00%, however the Contractor is exceeding the goal by 1.05%.

This is a two hundred seventy calendar day performance based contract to remove and upgrade life safety/fire codes to the Administration's Denton Facility. The contract estimated completion date is February 21, 2014 which will be used to assess Liquidated Damages. An additional twelve (12) months has been added for internal closeout procedures; therefore, this contract's expiration date is February 21, 2015.

This contract includes a pre-established amount of \$3,000 (.91% of the total contract value) for Operation & Maintenance Manuals and Record Documents.

**FUND SOURCE:** 100% Special Funds Budgeted to SHA

**APPROPRIATION CODE:** J02B0101

**RESIDENT BUSINESS:** Yes

MD TAX CLEARANCE: 13-0754-1111

BOARD OF PUBLIC WORKS ACTION - THE ABOVE REFERENCED ITEM WAS:

#### DEPARTMENT OF TRANSPORTATION ACTION AGENDA

**CONTRACT MODIFICATION:** (Construction)

ITEM: 6-C-MOD

MARYLAND STATE HIGHWAY ADMINISTRATION:

CONTRACT ID: AA1185129

Replacement of Vehicle Service Lift at the Glen Burnie Maintenance Facility, Anne

**Arundel County** 

ADPICS No.: CO295865

**ORIGINAL CONTRACT APPROVED:** Item 9-M, DOT Agenda 06/06/2012

**ORIGINAL PROCUREMENT METHOD:** Competitive Seal Bidding

**CONTRACTOR:** Lawrence C. Bathon Builders, Inc.

Elkton, MD

**MODIFICATION:** Pursuant to § 11-204(c) of the State Finance and Procurement Article of the Annotated Code of Maryland, retroactive approval is requested for Modification No. 1. This modification is to provide non-compensatory additional time on a performance based contract to compensate the contractor for time delays beyond their control.

AMOUNT: \$0

ORIGINAL CONTRACT AMOUNT: \$215,500

**REVISED CONTRACT AMOUNT:** \$215,500

PERCENTAGE INCREASE: 0 %

**TERM:** 6/18/12 – 12/31/12 (Original)

1/1/13 - 07/31/13 (Modification No. 1)

**MBE PARTICIPATION:** 3% (MBE Compliance 8.22%)

**REMARKS:** This Contract consists of the replacement of the vehicle service lift at the Glen Burnie Facility located in Anne Arundel County.

Time extension was requested due to shipping of lift and U. S. Customs not releasing cargo. The contractor notified SHA of the delay on 11/03/2012. The materials were received on-site on 1/08/2013. An additional 103 non-compensatory days were added to original 150 calendar days. SHA should have sought BPW approval for this six-month extension.

**ITEM:** 6-C-MOD (Continued) **BPW** – 05/15/13

**FUND SOURCE:** 100% Special Funds Budgeted to SHA

**APPROPRIATION CODE:** J02B0101

**RESIDENT BUSINESS:** Yes

BOARD OF PUBLIC WORKS ACTION-THE ABOVE REFERENCED ITEM WAS:

APPROVED DISAPPROVED DEFERRED WITHDRAWN
WITH DISCUSSION WITHOUT DISCUSSION

### ATTACHMENT I

	Amount	Term	BPW/DCAR Date	Reason
Original Contract	\$215,500	12/31/2012	06/06/2012, Item 9-M	
Modification No. 1	0.00	07/31/2013		Add additional time
Revised Amount	\$215,500			

Norie Calvert (410) 545-0433 ncalvert@sha.state.md.us

#### DEPARTMENT OF TRANSPORTATION ACTION AGENDA

**CONTRACT MODIFICATION:** (Construction)

ITEM: 7-C-MOD

MARYLAND STATE HIGHWAY ADMINISTRATION:

CONTRACT ID: GA2165129

Replacement of Vehicle Lifts at Oakland and Keyser's Ridge Facilities in Garrett County

ADPICS No.: CO296199

**ORIGINAL CONTRACT APPROVED:** Item 11-M, DOT Agenda 06/06/2012

**ORIGINAL PROCUREMENT METHOD:** Competitive Seal Bidding

**CONTRACTOR:** Ruby's Industrial Contracting, Inc.

Frostburg, MD

**MODIFICATION:** Pursuant to § 11-204(c) of the State Finance and Procurement Article of the Annotated Code of Maryland, retroactive approval is requested for Modification No. 1. This modification is to extend the contract and increase the contract authority to pay for unforeseen site conditions at the Keyers's Ridge and Oakland SHA Facilities.

**AMOUNT:** \$117,110

ORIGINAL CONTRACT AMOUNT: \$420,535

**REVISED CONTRACT AMOUNT:** \$537,645

**PERCENTAGE INCREASE:** 27.85 % (Mod #1)

**TERM:** 06/18/2012 – 12/31/2012 (Original)

01/01/2013 - 07/31/2013 (Mod #1)

**MBE PARTICIPATION:** 6.92% (MBE Compliance 0%)

**REMARKS:** The work has already been completed for this contract. The Prime Contractor is unable to pay the MBE until this modification is approved, therefore the MBE compliance is 0%. The MBE contractor has exceeded the 6.92% MBE goal by 10.47%. Payment will be made once the extension is approved.

This Contract consists of the replacement of vehicle service lifts at the Administration's Oakland & Keyser's Ridge Facilities in Garrett County.

**ITEM:** (Continued) **BPW** – 05/15/13

While investigating to find the "existing unknown conduit" behind the lift at the Keyser's Ridge Maintenance facility (as noted on the electrical demolition plan), five additional conduits were discovered that had not been identified at the front side of the lift during the original survey of the shop building. While relocating the five unforeseen electrical conduits at the front side of the new vehicle lift at the Keyser's Ridge facility eight additional electrical conduits were uncovered that were not shown on the plans. Four of these conduits fed receptacles, one fed a welding outlet, one fed a heater in the stairwell, one fed the pressure washer and one fed the exit and canopy lights. All under-slab electrical feeds must be relocated overhead and out of the way of current and future construction. An additional seventy-one days were added to the time on this contract as a result of these unforeseen site conditions.

The contract plans for the vehicle lift at Keyser's Ridge did not specify that the conduits carrying hydraulic, air, and electrical lines from the lift pit to the vehicle lift control panel be sealed. However, this work was performed to meet current fire codes and to keep water and debris from entering the conduits.

Additionally, a decision was made to relocate the Keyser Ridge Lift two feet further into the shop to allow additional circulation space between any vehicles located on the lift and the overhead door. This involved relocating the lift pits and associated floor drains in the pit. Also it was noted that the disconnect switch located adjacent to the existing transformer mounted on the shop bay wall was beyond reach without the use of a ladder. As the transformer needed to re-fed from Panel SL-1, the SHA Office of Facilities Management requested that a new disconnect switch be located in an accessible area from the shop floor.

A design change was necessary to revise the plumbing in the center of the new vehicle lift pit at the Keyser's Ridge facility to achieve proper drainage, as the existing outflow pipe form the pit was found to be lower in elevation then the inlet pipe carrying water from the pit.

Finally, SHA required the contractor to grind 1" of concrete from the bearing pad locations in the pit, thereby lowering the lift and eliminating a tripping concern.

**FUND SOURCE:** 100% Special Funds Budgeted to SHA

**APPROPRIATION CODE:** J02B0101

**RESIDENT BUSINESS:** Yes

BOARD OF PUBLIC WORKS ACTION-THE ABOVE REFERENCED ITEM WAS:

APPROVED DISAPPROVED DEFERRED WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

### ATTACHMENT I

	Amount	Term	BPW/DCAR Date	Reason
Original Contract	\$420,535	06/18/2012 – 12/31/2012	06/06/12, Item 11-M, MDOT	
Modification No. 1	\$117,110	01/01/2013 - 07/31/2013		Adding additional funds and time to the contract for unforeseen site conditions
<b>Revised Amount</b>	\$537,645			0010101010

Suzette Moore - (410) 859-7792 smoore2@bwiairport.com

BPW -- 05/15/13

# DEPARTMENT OF TRANSPORTATION ACTION AGENDA

CONTRACT MODIFICATION: (A/E Service)

ITEM: 8-AE-MOD

MARYLAND AVIATION ADMINISTRATION:

CONTRACT ID: MAA-AE-10-004

Comprehensive Design Services Associated with Runway Safety Area Improvements and Airfield Standards Program at BWI Marshall Airport, Anne

Arundel County ADPICS No. CO295877

**ORIGINAL CONTRACT APPROVED:** Item 2-AE, DOT Agenda 07/28/10

**ORIGINAL PROCUREMENT METHOD:** Maryland Architectural and Engineering Services

Selection Act

**MODIFICATION:** Modification No. 1 increases the contract to provide additional design and construction phase services for the RSA Program. These improvements, collectively known as the BWI Runway Safety Area (RSA), Pavement Management & Standards Compliance Program seeks to address RSA standards as mandated by Congress, and dictated by the Federal Aviation Administration, to be completed by December 31, 2015.

**CONTRACTOR:** Michael Baker, Jr., Inc.

Linthicum, MD

**TERM:** 08/06/10 - 07/31/17 (Original)

05/15/13 - 07/31/17 (Modification No. 1)

**AMOUNT:** \$2,100,000

ORIGINAL CONTRACT AMOUNT: \$9,500,000 (NTE)

**REVISED CONTRACT AMOUNT:** \$11,600,000

**PERCENTAGE INCREASE:** 30% (Modification No. 1)

**DBE PARTICIPATION:** 26% (MBE Compliance 21.67%)

#### ITEM: 8-AE-MOD (Continued)

BPW - 05/15/13

**REMARKS:** This supplement provides funds to complete design and construction administration services for the RSA program, related to new FAA requirements; inclusion of the stream restoration design; changes in MDE Erosion and Sediment Control Manual; additional scope for the conversion of Runway 4-22 to a taxiway; changes in operations of the runway; and additional construction administration services. This supplement will allow the consultant to make the necessary modifications to their design, continue to provide coordination for programming project phasing, and continue coordination with stakeholders. The additional cost is necessary to further address the Federal and State program definition and regulatory changes.

The following elements have now been included:

#### 1. New FAA Requirements (\$860,000):

Includes new construction to accommodate the Federal requirements including removal of existing Taxiways R and D and new construction of Taxiways R, D1, D2. This work also includes taxiway/runway fillet modifications and Runway 15R-33L profile corrections associated with new FAA AC 150/5300-13A.

#### 2. Inclusion of Stream Restoration Design (\$300,000)

As part of the Runway 15R-33L Program, 1,000 feet of Kitten Branch Stream was placed in a box culvert. MAA was required by Corps of Engineers and Maryland Department of Environment Permits to perform stream restoration on the portion of Kitten Branch further downstream and off of the secure airfield area.

#### 3. Changes in MDE Erosion and Sediment Control Manual (\$200,000)

In 2011, Maryland Department of the Environment (MDE) issued revisions to their erosion and sediment control manual. The changes were significant and have impacted the design of erosion and sediment control measures. In addition, they have added requirements that only 20-30 acres can be impacted by construction at one time. Incorporation of this limitation has considerable effects on both the erosion and sediment control design and the construction phasing.

#### 4. Conversion of Runway 4-22 to a Taxiway (\$100,000)

Runway 4-22 is being decommissioned as a runway to satisfy the RSA requirements that are federally mandated. In converting the runway to a taxiway, the issue of compliance with Runway Safety Area criteria becomes not applicable. The existing pavement will be remarked, signed and the edges delineated with reflectors to allow for its use as a taxiway.

#### 5. Additional Construction Administration Services (\$600,000)

A number of factors lead to the need for additional construction administration services including: additional construction packages (5 vs. 3 original packages); additional CA services related to the additional scope items for the program; extended construction schedule (2014 vs. 2015).

#### 6. Changes in Runway Operations (\$40,000)

The original intent of the program was to provide Runway 33L as a CAT I runway as it exists today. Through discussions with MAA and FAA, it was decided that Runway 33L should be a CAT II runway. Based on the current demand at the airport, the CAT II Runway will allow for more aircraft approaches during inclement weather conditions.

ITEM: 8-AE-MOD (Continued) BPW - 05/15/13

**FUND SOURCE:** Passenger Facility Charge (PFC) Revenue and

Special Funds Budgeted to MAA plus Future

Federal Funds

**APPROPRIATION CODE:** J06I0003

**RESIDENT BUSINESS:** Yes

BOARD OF PUBLIC WORKS ACTION - THE ABOVE REFERENCED ITEM WAS:

APPROVED DISAPPROVED

**DEFERRED** 

**WITHDRAWN** 

WITH DISCUSSION

WITHOUT DISCUSSION

### ATTACHMENT I

Original Contract	<b>Amount</b> \$9,500,000	<b>Term</b> 08/06/10 – 07/31/17	<b>BPW/DCAR Date</b> 07/28/10, Item 2-AE	Reason
Modification No. 1	\$2,100,000	05/15/13 – 07/31/17	05/15/13	Regulatory changes
Revised Amount	\$11,600,000			

#### DEPARTMENT OF TRANSPORTATION ACTION AGENDA

#### MAINTENANCE CONTRACT

ITEM: 9-M

STATE HIGHWAY ADMINISTRATION

CONTRACT ID: AX0557514

Miscellaneous Roadway Structure Repairs at Various Locations in Anne Arundel, Calvert, Charles & St. Mary's Counties (District 5)

ADPICS NO.: AX0557514

**CONTRACT DESCRIPTION:** This Contract consists of the miscellaneous roadway structure repairs

at various locations in District 5.

**AWARD:** Allied Contractors, Inc.

Baltimore, MD

**AMOUNT:** \$1,415,749 NTE

**TERM OF CONTRACT**: 05/28/2013 – 12/31/2015

**PROCUREMENT METHOD:** Competitive Sealed Bidding

**BIDS**:

Allied Contractors, Inc. \$1,415,749

Baltimore, MD

PDI-Sheetz Construction Corporation \$1,424,080

Linthicum, MD

Covington Machine & Welding, Inc. \$1,567,894

Annapolis, MD

Brawner Builders, Inc. \$1,572,559

Hunt Valley, MD

Concrete General, Inc. \$1,806,550

Gaithersburg, MD

**MBE PARTICIPATION:** 0% (single element of work)

**PERFORMANCE SECURITY:** Payment & Performance Bonds for 100% of the

award amount exist on this contract

ITEM: 9-M (Continued) BPW – 05/15/13

**REMARKS:** The Solicitation was advertised on eMaryland Marketplace and SHA's Internet Web Page. One-Hundred Eleven (111) contractors were notified for this project on eMaryland Marketplace; Thirty-two (32) of which were MDOT Certified MBE's.

The work to be performed under this contract consists of the following: furnishing of all supervision, labor, materials, equipment, tools and all associated work necessary, but not limited to: curb removal and replacement; removal and replace concrete deck or portions thereof; repair concrete of block slope protection; repair of damaged reinforcing or or structural steel; repair of miscellaneous painted areas; remove, repair, and replace damaged railing or balustrade, contractor may be directed to remove balustrade and replace with steel beam traffic barrier; remove, replace bridge sidewalk, etc; repair of scupper and drain systems; repair piers, pier caps, abutments or incidental structures; Hot Mix Asphalt and/or concrete patching and respond to and assist in the clean-up operations following natural disasters.

This contract includes a pre-established amount of \$95,000 (6.71% of the total contract value) for Payment of Materials for Structures.

**FUND SOURCE:** 100% Special Funds Budgeted to SHA

**APPROPRIATION CODE:** J02B0102

**RESIDENT BUSINESS:** Yes

**MD TAX CLEARANCE:** 13-0997-1111

BOARD OF PUBLIC WORKS ACTION - THE ABOVE REFERENCED ITEM WAS:

APPROVED DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

Nancy Noonan (410) 767-3796 nnoonan@mta.maryland.gov

#### DEPARTMENT OF TRANSPORTATION ACTION AGENDA

**CONTRACT RENEWAL OPTION:** (Maintenance)

ITEM: 10-M-OPT

MARYLAND TRANSIT ADMINISTRATION:

**CONTRACT ID:** MTA-1248

MD DEL Operating Agreement

ADPICS NO. CO295625

**ORIGINAL CONTRACT APPROVED:** Item 21-GM, DOT Agenda 06/25/08

**ORIGINAL PROCUREMENT METHOD:** Sole Source

**CONTRACTOR:** Maryland Delaware Railroad

Federalsburg, MD

**RENEWAL OPTION:** Approval is requested to exercise Renewal Option No. 1. This is the first of two renewal options which ensure that the three (3) State-owned active rail lines on the Maryland Eastern Shore continue in service and are maintained to the appropriate Federal Railroad Administration ("FRA") standard. The rail lines are: Seaford, DE – Cambridge, MD Line; Townsend, DE – Massey – Centreville, MD Line; and Townsend, DE - Massey – Chestertown, MD Line.

**AMOUNT:** \$2,250,000

ORIGINAL CONTRACT AMOUNT: \$2,500,000

**REVISED CONTRACT AMOUNT:** \$4,750,000

**PERCENTAGE INCREASE:** 90% (Renewal Option No. 1)

**ORIGINAL TERM:** 07/01/08 – 06/30/13 (Original)

09/21/12 – 06/30/13 (Modification No. 1) 07/01/13 – 06/30/18 (Renewal Option No. 1)

**MBE PARTICIPATION:** 0% (MBE Compliance)

**REMARKS**: The Maryland & Delaware Railroad (MDDE) operates rail freight service over various State-owned lines on the Maryland Eastern Shore, serving primarily shippers of agricultural products and supporting a significant number of jobs in the region. MDDE is required to maintain active tracks to minimum standards established by the FRA.

ITEM: 10-M-MOD (Continued) BPW – 05/15/13

The state-owned short lines, through the agreements MDOT has made with the MDDE, support the State's economy in significant ways. According to the latest study, provided by the Maryland Department of Business and Economic Development in 2011, the economic impact analysis shows that these lines support over 2,587 direct and indirect jobs. With induced jobs factored in, the number of jobs is over 5,000. Per year, the estimated direct and indirect salaries supported by MDDE total \$79 million with \$3.7 million per year in generated State taxes. Additional economic analysis shows a net present value of businesses supported by these lines at over \$9 billion over 20 years. Companies supported by these lines include Perdue Agribusiness, Solo Cup, Southern States and many others. One commercial product produced by Solo Cup on the Eastern Shore is Starbuck's coffee cups.

**FUND SOURCE:** 100% Special Funds Budgeted to MTA

**APPROPRIATION CODE:** J05H0105

**RESIDENT BUSINESS:** Yes

\_\_\_\_\_

BOARD OF PUBLIC WORKS ACTION - THE ABOVE REFERENCED ITEM WAS:

APPROVED DISAPPROVED DEFERRED WITHDRAWN

### ATTACHMENT I

	Amount	Term	BPW/DCAR Date	Reason
Original Contract	\$2,000,000	07/01/08- 06/30/13	06/30/2008	
Modification No. 1	\$ 500,000	09/21/12- 06/30/13	09/19/2012	Increase the contract to ensure replacement ties project in FY13
Renewal Option No. 1	\$2,250,000	07/01/13 – 06/30/18	05-15-2013	Renewal Option No.
<b>Revised Amount</b>	\$4,750,000			

## DEPARTMENT OF TRANSPORTATION ACTION AGENDA

**CONTRACT RENEWAL OPTION:** (Maintenance)

**ITEM**: 11-M-OPT

MARYLAND TRANSIT ADMINISTRATION:

**CONTRACT ID:** T 8000-0324

Maintenance and Inspection of Onboard CCTV

Security Camera Systems ADPICS NO. CO294616

**ORIGINAL CONTRACT APPROVED:** Item 13-M, DOT Agenda 07/06/11

**ORIGINAL PROCUREMENT METHOD:** Sole Source

**CONTRACTOR:** Intelect Corporation

Baltimore, Maryland

**RENEWAL OPTION:** Approval is requested to exercise Renewal Option No. 1. This contract provides for continued maintenance and inspection services for the On Board Video Surveillance System (OBVSS) for the bus units equipped with the Safety Vision CCTV Surveillance system.

**AMOUNT:** \$808.285

ORIGINAL CONTRACT AMOUNT: \$1,585,485

**REVISED CONTRACT AMOUNT:** \$2,393,770

**PERCENTAGE INCREASE:** 33% (Renewal Option No. 1)

**ORIGINAL TERM:** 07/11/11 – 07/10/13 (Original)

07/11/13 - 07/10/14 (Renewal Option)

MBE PARTICPATION: 100%

**REMARKS**: The work consists of providing preventative and remedial maintenance on the equipment and software for the on board Bus CCTV surveillance system installed on approximately 497 MTA buses. The contract provides for the cost of labor and parts required to maintain system functionality until such time as the migration to a revised surveillance platform is completed (estimated to be within the next year.)

ITEM: 11-M-OPT (Continued) BPW – 05/15/13

A MBE goal established for this contract was 0% based on the inability to provide viable segmentation of the contract work processes. Intelect Corporation is a Certified MBE firm, therefore the MBE participation is 100%. Intelect Corporation is the only firm that can provide maintenance and replacement parts due to the inability of competing firms, including the original manufacturer, to provide system repair parts and proprietary software protocols components.

FUND SOURCE: 100% Special Funds Budgeted to MTA

**APPROPRIATION CODE:** J05H0102

**RESIDENT BUSINESS:** Yes

BOARD OF PUBLIC WORKS ACTION - THE ABOVE REFERENCED ITEM WAS:

APPROVED DISAPPROVED DEFERRED WITHDRAWN

### ATTACHMENT I

	Amount	Term	BPW/DCAR Date	Reason
Original Contract	\$1,585,485	07/11/11- 07/10/13	07/06/2011	
Modification #1	\$ 808,285	07/11/13- 07/10/14	05/15/13	One Year Option Renewal. Provides maintenance and
Revised Amount	\$2,393,770			inspection services for the On Board Video Surveillance System

**Suzette Moore – 410-859-7792** 

Smoore2@bwiairport.com

### BPW - 05/15/13

#### DEPARTMENT OF TRANSPORTATION ACTION AGENDA

**EQUIPMENT CONTRACT** 

**ITEM: 12-E** 

MARYLAND AVIATION ADMINISTRATION

CONTRACT ID: MAP6304047

Sweeper Broom at BWI Thurgood Marshall Airport

(BWI Marshall) Anne Arundel County

ADPICS NO.: MAP6304047

**CONTRACT DESCRIPTION:** This contract provides for the manufacture and delivery of a TYMCO Model DST 6 sweeper vehicle from Houston Galveston Area Council (H-GAC) Buy contract.

**AWARDS:** TYMCO, Inc.

Waco, TX

**TERM:** 05/15/13-05/14/2014

(One (1) year from Notice to Proceed)

**AMOUNT:** \$299,360

**PROCUREMENT METHOD:** Intergovernmental Cooperative Purchase

**REMARKS:** MAA will replace one (1) 2003 TYMCO/Isuzu sweeper vehicle with one (1) TYMCO Inc. Model DST6 sweeper vehicle. The current generation of sweepers used by MAA Field Maintenance has a useful life of seven (7) years. This vehicle that will be ten (10) years old when replaced has exceeded its useful life and it is no longer cost effective to repair.

The sweeper vehicle is utilized seven (7) days a week removing debris from roadways, runways/taxiways and aircraft parking areas. This sweeper is essential in eliminating material which may cause extensive damage to aircraft and jet engines.

Through market research the MAA compared the base price for the DST6 sweeper vehicle off of the (H-GAC) Buy contract with a base price of \$272,580 to a public bid by the State of Michigan at a cost of \$280,844. By comparing the base price to a similar vehicle, the price from TYMCO, Inc. is considered fair and reasonable.

The Contract with TYMCO, Inc. has been negotiated pursuant to COMAR 21.05.09, Intergovernmental Cooperative Purchasing. Utilizing this procurement method will allow the MAA to realize savings in time and money in obtaining the vehicle.

ITEM: 12-E (Continued) BPW – 05/15/13

**FUND SOURCE:** 100% Special Funds Budgeted to MAA

**APPROPRIATION CODE:** J06I0003

**RESIDENT BUSINESS:** No

**MD TAX CLEARANCE:** 13-1295-0000

BOARD OF PUBLIC WORKS ACTION - THE ABOVE-REFERENCED ITEM WAS:

APPROVED DISAPPROVED DEFERRED WITHDRAWN

Suzette Moore – 410-859-7792 Smoore2@bwiairport.com BPW - 05/15/13

# DEPARTMENT OF TRANSPORTATION ACTION AGENDA

**EQUIPMENT CONTRACT** 

**ITEM: 13-E** 

MARYLAND AVIATION ADMINISTRATION

CONTRACT ID: MAP6304117

Pierce Arrow Fire Engine at BWI Thurgood Marshall

Airport (BWI Marshall) Anne Arundel County

ADPICS NO.: MAP6304117

**CONTRACT DESCRIPTION:** This contract provides for the manufacture and delivery of a Pierce Arrow Fire Engine from Houston Galveston Area Council (H-GAC) Buy contract.

**AWARD:** Atlantic Emergency Solutions

Dover, DE

**TERM:** 05/15/13-05/14/2014

(One (1) year from Notice to Proceed)

**AMOUNT:** \$519,007

**PROCUREMENT METHOD:** Intergovernmental Cooperative Purchase

**REMARKS:** MAA will replace one (1) 2001 American LaFrance/Freightliner with one (1) Pierce Arrow Fire Engine. This existing fire engine has exceeded its useful life of twelve (12) years and has proven a challenge to maintain due to the unavailability of parts and obsolete technology. One of the most important capital assets of the Baltimore/Washington International Thurgood Marshall Airport (BWI Marshall) and BWI Marshall Fire and Rescue Department (FRD) is a fleet of reliable automotive fire apparatus. Firefighters depend heavily on the performance capabilities of these vehicles when delivering emergency services to protect life, property and the environment. In order to maximize the firefighter capabilities and minimize their risk of injuries it is imperative that the fire apparatus be equipped with the latest safety features and operating capabilities.

Through market research the MAA compared the base price for the Pierce Arrow Fire Engine off of the (H-GAC) Buy contract with a base price of \$399,318 to a public bid by the State of Louisiana at a cost of \$484,456.12. By comparing the base price to a similar vehicle, the price from Atlantic Emergency Solutions is considered fair and reasonable.

The Contract with Atlantic Emergency Solutions has been negotiated per COMAR 21.05.09, Intergovernmental Cooperative Purchasing. Utilizing this procurement method will allow MAA to realize savings in time and money in obtaining the fire engine.

ITEM: 13-E (Continued) BPW – 05/15/13

**FUND SOURCE:** 100% Special Funds Budgeted to MAA

**APPROPRIATION CODE:** J06I0003

**RESIDENT BUSINESS:** No

**MD TAX CLEARANCE:** 13-1420-1111

BOARD OF PUBLIC WORKS ACTION - THE ABOVE-REFERENCED ITEM WAS:

APPROVED DISAPPROVED DEFERRED WITHDRAWN

ncalvert@sha.state.md.us

## DEPARTMENT OF TRANSPORTATION ACTION AGENDA

#### REAL PROPERTY CONVEYANCE

**ITEM:** 14-RP MMC# 12-2356

**STATE HIGHWAY ADMINISTRATION:** Located at the intersection of MD 178 and Herald

Harbor Road, Crownsville, Anne Arundel County,

MD

**EXPLANATION:** In accordance with COMAR 14.24.05, approval is requested to dispose of a parcel of land, as described, which is excess to the needs of SHA.

The property to be conveyed consists of  $\pm$  0.12 acres and is being conveyed at the appraised value to the sole adjoining owner.

SPECIAL CONDITIONS: None

**GRANTOR:** State Highway Administration

**GRANTEE:** George M Read and Mary E Read as

tenants by the entireties

CONSIDERATION: \$15,900

**APPRAISED VALUE:** \$15,900, Tom Weigand, fee appraiser.

Reviewed and approved by Neil Mengel,

Review Appraiser

**REMARKS:** Approval of conveyance is requested in accordance with the Section 8-309 (F) 1(ii) of the Transportation Article of the Annotated Code of Maryland.

The property is not capable of an independent use because of its size and because it is partially encumbered by easements previously granted to C & P Telephone.

SHA is concurrently requesting permission to dispose and execution of the Deed.

BOARD OF PUBLIC WORKS ACTION - THE ABOVE-REFERENCED ITEM WAS:

APPROVED DISAPPROVED DEFERRED WITHDRAWN

## DEPARTMENT OF TRANSPORTATION ACTION AGENDA

#### REAL PROPERTY CONVEYANCE

**ITEM:** 15-RP MMC# 12-2358

**STATE HIGHWAY ADMINISTRATION:** Located at the ramp from east bound I-68/U.S 40 to

MD.144, Flintstone, Allegany County MD.

**EXPLANATION:** In accordance with COMAR 14.24.05, approval is requested to dispose of a parcel of land, as described, which is excess to the needs of SHA.

The property to be conveyed consists of  $\pm$  0.30 acres and is being conveyed at the appraised value to the sole adjoining owner.

SPECIAL CONDITIONS: None

**GRANTOR:** State Highway Administration

**GRANTEE:** Timothy I Reikie and Justin L Mallow as

tenants in common

CONSIDERATION: \$6.000

**APPRAISED VALUE:** \$6,000, Bob Moore, staff appraiser.

Reviewed and approved by Harry Bowman, Review Appraiser

**REMARKS:** Approval of conveyance is requested in accordance with the Section 8-309 (F) 1(ii) of the Transportation Article of the Annotated Code of Maryland.

The property is not capable of an independent use because it is landlocked.

SHA is concurrently requesting permission to dispose and execution of the Deed.

BOARD OF PUBLIC WORKS ACTION - THE ABOVE-REFERENCED ITEM WAS:

APPROVED DISAPPROVED DEFERRED WITHDRAWN

Ncalvert@sha.state.md.us

## DEPARTMENT OF TRANSPORTATION ACTION AGENDA

#### REAL PROPERTY CONVEYANCE

**ITEM:** 16-RP MMC# 12-2370

**STATE HIGHWAY ADMINISTRATION:** Parcel Located South side of Randolph Road, West

side of Maple Avenue, Montgomery County

**EXPLANATION:** In accordance with COMAR 14.24.05, approval is requested to dispose of a parcel of land, as described, which is excess to the needs of SHA.

The property to be conveyed consists of  $\pm$  0.3767 acres and is being conveyed to Montgomery County, for expansion of Maple Avenue.

**SPECIAL CONDITIONS:** Reverter Clause

**GRANTOR:** State of Maryland, State Highway

Administration

**GRANTEE:** Montgomery County

**CONSIDERATION:** \$65,455 (acquisition cost plus simple interest)

**APPRAISED VALUE:** \$1,876,500 Melville Peters, fee appraiser

Reviewed and approved by Ron Hammond, Review Appraiser of Appraisal Review Division.

**REMARKS:** Approval of conveyance is requested in accordance with the Section 8-309 (F)1(ii) of the Transportation Article, Annotated Code of Maryland. This parcel is not capable of an independent use because of its size and configuration.

SHA is concurrently requesting permission to dispose and execution of the Deed.

The property was acquired in 1965 for the construction of Randolph Road.

In accordance with State Finance and Procurement, Section 10-305, Legislative Notice was given on 9/4/12 and the 45-day notice period expired on 10/18/12.

This property is being conveyed to Montgomery County, for public use as described above. The property is being sold for acquisition cost plus simple interest.

BOARD OF PUBLIC WORKS ACTION - THE ABOVE-REFERENCED ITEM WAS:

APPROVED DISAPPROVED DEFERRED WITHDRAWN

## DEPARTMENT OF TRANSPORTATION ACTION AGENDA

REAL PROPERTY CONVI	$\mathbf{E}\mathbf{Y}$	AN	ICE
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**ITEM:** 17-RP MMC# 13-2375

**STATE HIGHWAY ADMINISTRATION:** Road Conveyance to City of Frederick, MD:

Monocacy Boulevard: from MD 355 (South Market Street) to the west side of the East Street (MD 475-UL) intersection for the total distance of 1,680.81  $\pm$ 

feet or  $0.31818 \pm \text{miles}$ .

**EXPLANATION**: Legal Authority for Road Transfers is found in the

Transportation Article, Section 8-304 and Road Conveyances in Section 10-305 of the State Procurement Articles of the Annotated Code of

Maryland.

SPECIAL CONDITIONS: None

**GRANTOR:** State of Maryland, State Highway Administration

**GRANTEE:** City of Frederick, Maryland

**CONSIDERATION:** \$1.00

APPRAISED VALUE: N/A

**REMARKS:** SHA has agreed to transfer the above referenced road to the City of Frederick, Maryland. The City of Frederick, Maryland has agreed to accept the said road as an integral part of their Road System.

Conveyance is being made to comply with conditions of a Road Transfer Agreement dated February 4, 2010 between the SHA and the City of Frederick, Maryland.

BOARD OF PUBLIC WORKS ACTION - THE ABOVE-REFERENCED ITEM WAS:

APPROVED DISAPPROVED DEFERRED WITHDRAWN

smoore2@bwiairport.com

## DEPARTMENT OF TRANSPORTATION ACTION AGENDA

#### REAL PROPERTY DISPOSITION

**ITEM:** 18-RP MMC# 12-3021

MARYLAND AVIATION ADMINISTRATION: Located at Bay Drive (Lots 42 &43)

Bowleys Quarters, Maryland 21220

**Baltimore County** 

**EXPLANATION:** In accordance with Section 10-305, State Finance and Procurement Article, Annotated Code of Maryland, Board of Public Works approval is requested to declare  $\pm$  0.67 acres of land as surplus, as described, which is excess to the needs of MAA.

SPECIAL CONDITIONS: None

**LEGISLATIVE NOTICE:**Notice was sent to the Senate Budget and

Taxation Committee and the House Appropriations Committee of the General Assembly on September 25, 2012. The forty-five (45) day review period expired on

November 9, 2012.

**OWNERSHIP:** State of Maryland, Maryland Aviation

Administration

CONSIDERATION: None

**ESTIMATED FAIR MARKET VALUE:** \$53,600, based on MDOT's estimated value

of \$80,000 per acre for residential zoned land. Two appraisals will be obtained prior

to the public auction.

**REMARKS:** MAA is requesting Board of Public Works approval to surplus the subject properties in accordance with Section 10-305 of the State Finance and Procurement Article of the Annotated Code of Maryland. The properties will be sold at auction as one parcel.

This property was the site of a Non-Directional Beacon (NDB), a radio transmitter used as a navigation aid by pilots to assist them in aircraft navigation and finding the airport during inclement weather and periods of low visibility. That technology is antiquated and no longer supported by the Federal Aviation Administration. The equipment is no longer needed or in use by Martin State Airport. Neighbors in the area have expressed interest in purchasing the property.

The property will be sold subject to an avigation easement, reserved to the MAA, for right of flight in the airspace above the surface of the premises and in accordance with Title 14 of the Code of Federal Regulations, Part 77, which restricts the maximum height of any improvements.

ITEM: 18-RP (Continued) BPW -- 05/15/13

The Clearinghouse conducted an intergovernmental review of the project under MD20120918-0672 and has recommended to declare the property located at Bay Drive (lots 42 & 43), consisting of  $\pm$  0.67 acres, surplus to the State of Maryland, and to offer the property for public sale at the fair market value.

A request to dispose the +/- 0.67 acres will be sent to the Board of Public Works in the near future.

BOARD OF PUBLIC WORKS ACTION - THE ABOVE-REFERENCED ITEM WAS:

**APPROVED DISAPPROVED**  **DEFERRED** 

**WITHDRAWN** 

WITH DISCUSSION

WITHOUT DISCUSSION

Suzette Moore - (410) 859-7792

smoore2@bwiairport.com

BPW - 05/15/13

## DEPARTMENT OF TRANSPORTATION ACTION AGENDA

**CONTRACT MODIFICATION** (General/Miscellaneous)

ITEM: 19-GM-MOD

MARYLAND AVIATION ADMINISTRATION:

**CONTRACT ID:** MAA-LC-12-032 Supplement No. 1

**ORIGINAL CONTRACT APPROVED:** Item 17-GM, DOT Agenda March 7, 2012

**NATURE OF REQUEST**: Approval of Supplement No. 1 to the lease and concession contract to sell "duty paid" merchandise to Airport patrons and Airport employees; in addition to Concessionaire's right to sell duty free merchandise at BWI Marshall Airport. This supplement also provides for the assignment of space for Concessionaire to locate a duty free sales cart in Concourse B. The duty paid sales, however, shall be limited only to Concessionaire's two (2) duty free retail store locations. In addition, Supplement No. 1 adjusts the Minimum Monthly Guarantee (MMG), which is based upon the rental rates for the two (2) fixed retail stores and storage space, to reflect the adjusted square footages for the actual space assigned.

**CONCESSIONAIRE:** Duty Free Americas (Baltimore/Washington), Inc.

**REVENUE:** As of the effective date of this Supplemental

Contract, Concessionaire shall pay either Fifteen Percent (15%) of gross revenues derived from Concessionaire's duty free and duty paid sales activities at the Airport on a monthly basis, or a Minimum Monthly Guarantee (MMG) of

\$18,385.25, whichever is greater.

**DURATION:** The commencement of duty paid sales in the

existing duty free store located on International Concourse E will be July 1, 2013 and continue through the remainder of the Contract term. For Contractor's new duty free store to be located on the B/C Connector, Supplement shall be effective from the date that the store is substantially complete and open for business, anticipated to be on or about July 1, 2013, through the duration of the Contract

term.

ITEM: 19-GM-MOD (continued) BPW – 05/15/13

**REMARKS:** Through the Lease and Concession Agreement No. MAA-LC-12-032 (Contract approved as Item 17-GM, BPW 03/07/2012), MAA leases property to the Concessionaire and Concessionaire uses the property to operate and manage BWI Marshall's duty free merchandise concession. This type of revenue-producing contract at a transportation facility is outside the scope of the State Procurement Law. See State Finance and Procurement Article, Section 11-202(3); COMAR 21.01.03.03.B(1)(d). However, the agreement must be approved by the Board of Public Works because the agreement constitutes a use and lease of State property under State Finance and Procurement Article, Section 10-305.

Supplement No. 1 to the Contract permits the sale of duty paid merchandise to Airport patrons and Airport employees in addition to the duty free sales to departing international travelers only. In several other airports throughout the country, duty free concessionaires also offer duty paid items. U. S. Customs and Border Protection has granted written permission for Concessionaire to conduct such duty paid sales from its duty free stores at BWI Marshall with the provision that all non-tax paid merchandise must be segregated and clearly marked in the stores. Concessionaire has agreed to assure that the duty free merchandise will be separated from the duty paid merchandise, and that the sale of the duty free merchandise shall only be to international departing passengers providing proper evidence of same. Supplement No. 1 also adjusts the MMG from \$16,176.42 to \$18,385.25, which is based upon the standard rental rates for Retail Shop Space – Unfinished, and Office with Restricted Access, to reflect the actual square footages of the space assigned to Concessionaire.

**MD TAX CLEARANCE:** 13-0949-1001

**RESIDENT BUSINESS:** Yes

BOARD OF PUBLIC WORKS ACTION - THE ABOVE REFERENCED ITEM WAS:

APPROVED DISAPPROVED DEFERRED WITHDRAWN

### ATTACHMENT I

	Amount	Term	BPW/DCAR Date	Reason
Original Contract	Greater of 15% Of monthly gross, or MMG of \$16,176.42	10 years commencing 4/1/2012	Item 17-GM, 3/7/2012	Duty Free Sales Concession
Modification #1	Greater of 15% of monthly gross, or \$18,385.25	July 1, 2013 through end of Contract term	5/15/2013 (scheduled)	Expands service to include "duty paid" sales, allows for duty free sales carts, adjusts for actual space assigned to Concessionaire

smoore2@bwiairport.com

## DEPARTMENT OF TRANSPORTATION ACTION AGENDA

**EXPEDITED PROCUREMENT REQUEST:** (COMAR 21.02.01.05A(3)(b))

**ITEM: 20-EX** 

MARYLAND AVIATION ADMINISTRATION:

**CONTRACT ID:** MAA-CO-14-003

Runway 15R-33L Runway Safety Area, Pavement

Management & Standards Compliance

Improvement Project

ADPICS NO: MAACO14003

**DESCRIPTION:** This contract provides for improvements to Runway 15R-33L to address deficient RSA areas, pavement rehabilitation needs and compliance with FAA Standards. This contract is the fourth construction package in support of the overall program for Runway Safety Area (RSA) and Standards Compliance for Runway 15R-33L at BWI Marshall.

**REASON FOR REQUEST**: The Maryland Aviation Administration is currently in the final design phase for a series of airfield improvements at BWI Marshall Airport. These improvements, collectively known as the BWI Runway Safety Area (RSA), Pavement Management & Standards Compliance Program seeks to address RSA standards as mandated by Congress, and dictated by the Federal Aviation Administration, to be completed by December 31, 2015.

As part of this program, Runway 15R-33L will be improved to meet not only RSA Standards, but also all current FAA Design Standards that can be practicably met. Additionally, the project will rehabilitate the existing asphalt pavement concurrent with the other required improvements in order to mitigate impacts to the travelling public. Overall, the runway improvements have been structured into five (5) proposed packages that will encompass all of the required improvements to Runway 15R-33L:

- 1) Runway 15R-33L Kitten Branch Diversion Project
- 2) Runway 15R-33L Standards Compliance Earthwork Project (est. 2013)
- 3) Runway 15R-33L Taxiway P and Runway 15R Deicing Pad Pavement Rehabilitation and Standards Compliance Project (est. 2013)
- 4) Runway 15R-33L RSA, Pavement Rehabilitation and Standards Compliance Project (est. 2014)
- 5) Runway 15R-33L NAVAIDs Relocation Project (est. 2014)

Initial program planning envisioned this project being completed in calendar year 2014. However, several design requirements changed during the course of the design, including the publication of new Airport Design Criteria by FAA. During the course of the project design, the FAA established new design standards that introduced significant new criteria affecting taxiway geometry. This change has greatly increased the limits of pavement to be addressed under this project. Additionally, the FAA issued guidance for revised airfield geometry principals to enhance safety by reducing the potential for runway incursions. The resultant changes significantly added several new taxiway improvements to the original scope of the project. The result has been a marked increase in the scope of the project and the

ITEM: 20-EX (Continued) BPW – 05/15/13

construction required to be completed within existing program timelines to ensure that all required work at BWI is completed prior to December 31, 2015.

In order to maintain the schedule of the overall program, MAA is seeking to expedite this procurement to allow the contractor to order long lead items and perform preparatory work in advance of the full closure. Taking this action will minimize the closure of the runway during 2014. Specifically, early procurement of lead items in the project critical path including runway and taxiway light cans, airfield lighting cable, airfield sign structures and light fixtures is critical to meeting the expanded project requirements within the time frame available.

Providing additional construction duration past early spring of 2015 is not feasible. Follow on improvements to Runway 10-28 cannot be undertaken without full utility of Runway 15R-33L being available. Completion of the improvements is a condition for all funding eligibility for the program as the FAA has required that all proposed runway improvements be complete by the 2015 mandate. Continued eligibility will ensure that a combination of Passenger Facility Charge (PFC) revenue, PFC revenue backed bond proceeds and Airport Improvement Program grant funds remains available for the program construction. Therefore, expedited procurement will provide the best opportunity for MAA to provide additional construction time and mitigate the increase in scope realized under this project.

**AMOUNT:** \$92,500,000 (Estimated)

**PROCUREMENT METHOD:** Competitive Sealed Bidding

(Direct Solicitation)

**REMARKS:** Proceeding with this contract as an expedited procurement best serves the public interest and ensures the MAA's obligations to the tenants and traveling public can be met. This contract will be fully designed by the middle of May 2013. At that time MAA will publicly advertise the required services anticipating a Notice to Proceed by September 2013. As a result of the above, MAA recommends approval to proceed with an Expedited Procurement in accordance with COMAR 21.05.06.03.

**FUND SOURCE:** 100% Passenger Facility Charge (PFC) Revenue

Funds Budgeted to MAA and Future Federal Funds

**APPROPRIATION CODE:** J06I0003

BOARD OF PUBLIC WORKS ACTION - THE ABOVE REFERENCED ITEM WAS:

APPROVED DISAPPROVED DEFERRED WITHDRAWN