

MINUTES**REGULAR MEETING**

Honorable Brandon M. Scott, President
Honorable Bernard C. "Jack" Young, Mayor
Honorable Joan M. Pratt, Comptroller and Secretary
Matthew W. Garbark, Acting Director of Public Works
Dana P. Moore, Acting City Solicitor

President: "Good morning. Ah -- the April 22, 2020 meeting of the Board of Estimates is now called to order. In the interest of promoting and maintaining health and safety as we continue to deal with the COVID 19 pandemic, the Board of Estimates continues to be streamed virtually. Ah -- we hope that all of Baltimore is safe and that you're all practicing social distancing and keeping your prayers and your thoughts with all our families and friends who have lost loved ones to COVID 19 and continue to lose them also unfortunately to the ongoing pandemic of gun violence in Baltimore City. Madam Comptroller, are there any corrections, additions or deferrals on the Agenda. I will direct the Board members attention to the memorandum from my office dated April 20, 2020 identifying matters to be considered as routine agenda items, together with any corrections, additions that have been noted by the Comptroller. I will entertain a motion to approve all of the items contained on the routine agenda."

MINUTES

Acting City Solicitor: "Mr. President, I move approval of all of the items in the routine agenda."

Comptroller: "I second. Mr. President, you know, I um -- I am voting -- I need to make reference that I am voting NO on pages 56 and 57. But I will approve the routine agenda, then I will comment."

President: "Yes Ma'am. Ah -- all those in favor approving all of the items on the routine agenda say Aye. All opposed Nay. The motion carries. The routine agenda items have been adopted. Ah -- before we move any further, we have no business on the non-routine agenda, I will now turn the floor over to Comptroller Pratt for comment."

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MINUTES**BOARDS AND COMMISSIONS**1. Prequalification of Contractors

In accordance with the Rules for Prequalification of Contractors, as amended by the Board on November 21, 2016, the following contractors are recommended:

3C Drilling, LLC	\$ 8,000,000.00
Arundel Masonry, LLC	\$ 1,500,000.00
CPP Construction Company	\$605,410,000.00
Priceless Industries, Inc.	\$ 8,000,000.00
Richard Goettle, Inc.	\$ 8,000,000.00
Savin Engineers, P.C.	\$ 8,000,000.00
Ulliman Schutte Construction, LLC	\$543,100,000.00

2. Prequalification of Architects and Engineers

In accordance with the Resolution Relating to Architectural and Engineering Services, as amended by the Board on June 29, 1994, the Office of Boards and Commissions recommends the approval of the prequalification for the following firms:

Accumark, Inc.	Land Survey
Alta Planning & Design	Engineer
CWD Consulting LLC	Architect Landscape Architecture Engineer

MINUTES

BOARDS AND COMMISSIONS - cont'd

STV Incorporated

Engineer

Volkert, Inc.

Landscape Architecture

Engineer

There being no objection, the Board, UPON MOTION duly made and seconded, approved the Prequalification of Contractors and the Prequalification of Architects and Engineers for the foregoing firms.

MINUTES

Department of Law - Settlement Agreement and Release

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Settlement Agreement and Release of a litigation action brought by Garreth Parks against 17 police officers: Blane Vucci, Gordon Carew, Joseph Mueller, Kimberly Parks, Todd Tugya, Paul Dean, Barry Grant, Joseph Jefferson, Brian Horton, Tom Pfeiler, Brian Ford, Kevin Buie, John Riddick, Joseph Phelps, Ray Laslett, Donald Watson, Victor Hagee (collectively, "Defendant Officers"), Unknown Employees of the Baltimore Police Department, and the Baltimore Police Department (BPD). The Defendant Officers were involved in the investigation of a 1999 murder and non-fatal shooting wherein Plaintiff was accused and subsequently convicted of multiple offenses. Plaintiff alleges federal and state law claims against the Defendant Officers and Monell liability against BPD.

AMOUNT OF MONEY AND SOURCE:

\$125,000.00 - 1001-000000-2041-716700-603070

BACKGROUND/EXPLANATION:

The Plaintiff alleges he was wrongfully convicted of the 1999 murder of Charles Hill ("Hill") and the non-fatal shooting of Anthony Burgess ("Burgess"). On July 16, 1999, Burgess took a gun from a teenager named Joseph Smith ("Smith"). Plaintiff knew both Burgess and Smith, so he went, unarmed, to Burgess' house to resolve any disputes. Upon Plaintiff's arrival, Burgess and a group of his friends, including the murder victim, Hill, pointed a loaded gun at Plaintiff and attempted to rob him. Plaintiff alleges that at some point, while Burgess and Hill were trying to rob him, Burgess and Hill were both shot; Hill died from his wounds. Plaintiff was stopped near the crime scene and searched by the some of the Defendant Officers and reported that he had been robbed. Plaintiff was charged with Hill's murder, the assault and attempted murder of Burgess, and handgun violations, after multiple witnesses identified him as the murderer. On February 9, 2000, Plaintiff was convicted by a jury.

MINUTESDepartment of Law - cont'd

On August 25, 2014, Plaintiff filed a Petition for Writ of Actual Innocence based on a report that he claimed contained exculpatory evidence that was not disclosed during his prosecution. The state court eventually vacated Plaintiff's convictions on March 3, 2015, based on this exculpatory report. Although the State re-arraigned Plaintiff on the charges, a nolle prosequi subsequently was entered on or about October 9, 2015. Plaintiff filed the current lawsuit on October 8, 2018, alleging the Defendant Officers withheld exculpatory evidence and fabricated evidence to inculcate him for the murder of Hill. In order to economically resolve this complex, multi-defendant case, which will involve numerous experts, costly attorney's fees and expenses, and voluminous discovery, and to avoid the expense, time, and uncertainties of further protracted litigation, the parties have agreed to offer Plaintiff payment of \$125,000.00, for complete settlement of the case, including attorney's fees and costs. In return, Plaintiff has agreed to dismiss all claims against the Defendant Officers, Unknown Employees of BPD, BPD, and their employees, agents and representatives. Based on a review by the Settlement Committee of the Law Department, a recommendation to settle is made to the Board of Estimates to approve the settlement of this case to avoid a potential adverse jury verdict.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Settlement Agreement and Release of the litigation action brought by Garreth Parks against 17 police officers: Blane Vucci, Gordon Carew, Joseph Mueller, Kimberly Parks, Todd Tugya, Paul Dean, Barry Grant, Joseph Jefferson, Brian Horton, Tom Pfeiler, Brian Ford, Kevin Buie, John Riddick, Joseph

MINUTES

Department of Law - cont'd

Phelps, Ray Laslett, Donald Watson, Victor Hagee (collectively, "Defendant Officers"), Unknown Employees of the Baltimore Police Department, and the Baltimore Police Department.

MINUTES

Department of Real Estate - Expenditure Authorization

ACTION REQUESTED OF B/E:

The Board is requested to approve an Expenditure Authorization for the Department of Health to continue to pay rent, phone and copier rental charges. The period of the Expenditure Authorization is January 1, 2020 through June 30, 2020.

AMOUNT OF MONEY AND SOURCE:

<u>Monthly Installments</u>	<u>Total for 6 Months</u>
\$461.74 Rent	\$2,770.44
\$200.00 Use of 2 Phone Lines	\$1,200.00
\$29.63 Shared copier and paper	\$ 177.78
	TOTAL: \$4,148.22

Account: 4000-423220-3080-294100-603013

BACKGROUND/EXPLANATION:

The Lease Agreement by and between Unity Properties, Inc., Landlord and the Department of Health's Women, Infant and Children Program (WIC), Tenant, for the property at 26 N. Fulton Avenue expired on December 31, 2019. The Landlord and Tenant have been negotiating a one-year renewal for WIC to remain at the site. The Landlord has put the negotiations on hold while making improvements to the site. At this time, Landlord is not sure if the WIC program can remain at the site. The Landlord is exploring other leasing options for WIC and does not expect a decision to be made until the end of June 2020. Since the Health Department has not been able make rental payments without any approved documents, the Department is requesting the Board to approve payments from January 1, 2020 to June 30, 2020.

MINUTES

Department of Real Estate - cont'd

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved the Expenditure Authorization for the Department of Health to continue to pay rent, phone, and copier rental charges.

MINUTES

Department of Real Estate - 5th Amendment to Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the 5th Amendment to Lease Agreement (5th Amendment) with Edmondson Village, LLC, Landlord, for the rental of a part of the property known as 4400 Edmondson Avenue, consisting of approximately 2,537 square feet. The 5th Amendment will extend the period of the lease agreement through October 31, 2021.

AMOUNT OF MONEY AND SOURCE:

<u>Annually</u>	<u>Monthly Installments</u>
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\$38,055.00	\$3,171.25
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Account: 4000-423220-3080-294100-603013

BACKGROUND/EXPLANATION:

The Leased Premises will be used for offices by the Baltimore City Health Department's Women, Infants and Children's Program (WIC).

On April 22, 2009, the Board approved the Original Lease Agreement for three years commencing November 30, 2008 to October 31, 2011, with the option to renew for an additional two-year period. On October 26, 2011, the Board approved the renewal option.

On December 21, 2011, the Board approved an Amendment to Lease Agreement to reflect a reduction in rental from January 1, 2012 through October 31, 2013. On October 30, 2013, the Board approved a 2nd Amendment to Lease Agreement to extend the lease for an additional two-year period, from November 1, 2013 through October 21, 2015. On October 21, 2015, the Board approved the 3rd Amendment to Lease Agreement to extend the lease for an additional two-year period from November 1, 2015 through October 31, 2017.

MINUTES

Department of Real Estate - cont'd

On December 6, 2017, the Board approved a 4th Amendment to Lease Agreement will extend the lease for an additional two-year period from November 1, 2017 through October 31, 2019.

This 5th Amendment will extend the lease for an additional two-year term from November 1, 2019 through October 31, 2021. All other terms and conditions of the lease will remain in full force and effect.

The Space Utilization Committee approved the 5th Amendment at its meeting on March 24, 2020.

The 5th Amendment is late because the tenant misplaced the document and a new document had to be prepared for signature.

APPROVED FOR FUNDS BY FINANCE.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the 5th Amendment to Lease Agreement with Edmondson Village, LLC, Landlord, for the rental of a part of the property known as 4400 Edmondson Avenue, consisting of approximately 2,537 square feet.

MINUTES

Department of General Services - Partial Release of
Retainage Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Partial Release of Retainage Agreement in the amount of \$3,397.10 to Trionfo Builders, Inc., under GS 18801, Fire Department Training Academy Repairs.

AMOUNT OF MONEY AND SOURCE:

\$3,397.10 - 1001-000000-0000-000000-240230

BACKGROUND/EXPLANATION:

As of November 26, 2019, the Contractor has completed 100% of all work for GS 18801, Fire Department Training Academy Repairs. The Contractor has requested a partial release of retainage for \$3,397.10. Currently, the City is holding \$4,397.10 in retainage for the reference project and the Contractor is requesting to reduce the amount of Retainage to \$1,000.00. The remaining amount of \$1,000.00 is sufficient to protect the interest of the City.

MWBOO APPROVED THE RELEASE ON APRIL 13, 2020.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Partial Release of Retainage Agreement in the amount of \$3,397.10 to Trionfo Builders, Inc., under GS 18801, Fire Department Training Academy Repairs.

MINUTES

Mayor's Office of Employment - Provider Agreements
Development (MOED)

The Board is requested to approve and authorize execution of the Provider Agreements.

- 1. **BON SECOURS OF MARYLAND FOUNDATION, INC.** **\$196,373.97**

Account: 4000-806419-6313-781005-603051
 4000-806420-6313-781005-603051

The Provider will design and deliver innovative programming and comprehensive services resulting in academic achievement and employment success for 30 Baltimore City out-of-school youth ages 16 - 24. The Provider's program will increase employment and education prospects for participants through skills training, leadership development, and the provision of life and workplace readiness skills. The period of the agreement is October 1, 2019 through September 30, 2020.

- 2. **BALTIMORE CITY COMMUNITY COLLEGE** **\$123,105.00**

Account: 4000-420118-6312-497405-603051 \$ 24,000.00
 4000-420118-6312-497405-603051 \$ 99,105.00

This agreement authorizes BCCC to develop an innovative curriculum and provide occupational training designed for careers in the Emergency Medical Technician field to ensure Title II adult education students have access to a wide range of supportive services with the goal of improving overall job readiness. The period of the agreement is June 1, 2018 through May 31, 2020.

MINUTES

MOED - cont'd

This request includes ratification of \$24,000.00 already paid to the Provider under a Purchase Order. MOED used the Purchase Order because there was not sufficient time for the parties to conclude an agreement before beginning the training. MOED did not want students to lose the opportunity for training or the City not to meet grant requirements.

The agreements are late because of additional time necessary to reach a comprehensive understanding between parties.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND RECOMMENDED THAT IN THE FUTURE THE AGENCY REQUEST A TWO-MONTH ADVANCE FROM THE BOARD IF FUNDS ARE NEEDED PRIOR TO SUBMISSION OF THE AGREEMENT TO RECEIVE BOARD APPROVAL.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Provider Agreements. The Acting City Solicitor **ABSTAINED** on item no. 1.

MINUTES

Department of Transportation - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 11 to Rummel, Klepper & Kahl, LLP under Project 1191, On-Call Consultant Services for Federal Aid Resurfacing and Reconstruction Projects. The Task Assignment is approximately 18 months.

AMOUNT OF MONEY AND SOURCE:

\$738,474.38 - 9950-911048-9508-900010-703032

BACKGROUND/EXPLANATION:

This authorization provides preliminary engineering services for Park Heights Avenue Reconstruction from West Rogers Avenue to Strathmore Avenue TR 19303 Project. The scope of services includes, but is not limited to roadway rehabilitation, new upgrades of existing sidewalks, curb and gutter repair, pedestrian ramp upgrades, traffic barrier upgrades, storm water drainage, storm water management, signing, signalization, pedestrian lighting, roadway markings and landscape.

DBE PARTICIPATION:

The Consultant will comply with Title 49 of the Federal Regulations Part 26 (49CFR26) and the DBE goal established in the original agreement.

The Consultant has achieved 6.7% of the DBE goal at this time. However, they have the capacity to meet the remaining goal.

DBE: 25.00%

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND FOUND THE BASIS FOR COMPENSATION CONSISTENT WITH CITY POLICY.

MINUTES

Department of Transportation - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT</u>	<u>TO ACCOUNT</u>
\$631,877.24 FED	9950-904048-9509 Constr. Res. Park Heights - Rogers/Strathmore	
157,969.31 <u>GF (HUR)</u>	" "	
\$789,846.55	-----	9950-911048-9508 Park Heights Avenue Reconstr. Rogers - Strathmore

This transfer will fund the costs associated with Task No. 11 on Project 1191, On-Call Consultant Services for Federal Aid Resurfacing and Reconstruction.

UPON MOTION duly made and seconded, the Board approved assignment of Task No. 11 to Rummel, Klepper & Kahl, LLP under Project 1191, On-Call Consultant Services for Federal Aid Resurfacing and Reconstruction Projects. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter.

MINUTES

Department of Transportation - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 12 to Rummel, Klepper & Kahl, LLP under Project 1191, On-Call Consultant Services for Federal Aid Resurfacing and Reconstruction Projects. The Task Assignment is approximately 18 months.

AMOUNT OF MONEY AND SOURCE:

\$601,149.90 - 9950-912047-9508-900010-703032

BACKGROUND/EXPLANATION:

This authorization provides preliminary engineering services for Rehabilitation of 25th Street from Greenmount Avenue to Kirk Avenue for TR 19302 Project. The scope of services includes, but is not limited to roadway rehabilitation, new upgrades of existing sidewalks, curb and gutter repair, pedestrian ramp upgrades, traffic barrier upgrades, storm water drainage, storm water management, signing, signalization, pedestrian lighting, roadway markings and landscape.

DBE PARTICIPATION:

The Consultant will comply with Title 49 of the Federal Regulations Part 26 (49CFR26) and the DBE goal established in the original agreement.

The Consultant has achieved 15.25% of the DBE goal at this time. However, they have the capacity to meet the remaining goal.

DBE: 25.00%

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND FOUND THE BASIS FOR COMPENSATION CONSISTENT WITH CITY POLICY.

MINUTES

Department of Transportation - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT</u>	<u>TO ACCOUNT</u>
\$532,325.60 FED	9950-904047-9509 Constr. Res. 25 th Street - Greenmount to Kirk	
133,081.40 GF (HUR)	" "	
<u>\$665,407.00</u>	-----	9950-912047-9508 Rehab. of 25 th Street Greenmount to Kirk

This transfer will fund the costs associated with Task No. 12 on Project 1191, On-Call Consultant Services for Federal Aid Resurfacing and Reconstruction.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 12 to Rummel, Klepper & Kahl, LLP under Project 1191, On-Call Consultant Services for Federal Aid Resurfacing and Reconstruction Projects. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter.

MINUTES

Department of Public Works/Office - Amendment No. 1 to Agreement
of Engineering and Construction

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Amendment No. 1 to Agreement (Amendment No. 1) with Whitman, Requardt & Associates, LLP/Hazen JV under Project 1252 (SC 938) Headworks Facilities Improvements at the Patapsco Wastewater Treatment Plant. Amendment No. 1 will extend the period of the agreement through August 13, 2021.

AMOUNT OF MONEY AND SOURCE:

\$ 63,638.14 (32%)
135,231.05 (68%)
\$198,869.19 - 9956-903345-9551-900020-703032

BACKGROUND/EXPLANATION:

The Office of Engineering & Construction is requesting an upset limit increase of \$198,869.19 in order to assess the structural steel integrity of the Grit Facility Building.

This assessment will accommodate a design change creating a canopy-style Grit Facility to aid in the dispersion of hydrogen sulfide, a dangerous gas which accelerates the corrosion and decreases the life expectancy of a variety of building materials including, brick, concrete, and metals.

The existing Grit Facility has been subjected to hydrogen sulfide since being placed in service, which has corroded numerous portions of the building and rendered the building non-habitable. An open-

MINUTES

Department of Public Works/Office - cont'd
of Engineering and Construction

air canopy-style building will allow for the dissension of hydrogen sulfide into the air and eliminate the condensed pockets, which can cause damage to an enclosed project.

MBE/WBE PARTICIPATION:

The Consultant will comply with Article 5, Subtitle 28 of the Baltimore City Code and the MBE and WBE goals assigned to the original agreement.

MBE: 27%

WBE: 10%

THE EAR WAS APPROVED BY MWBOO ON MARCH 12, 2020.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND FOUND THE BASIS FOR COMPENSATION CONSISTENT WITH THE CITY POLICY.

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 1 to Agreement with Whitman, Requardt & Associates, LLP/Hazen JV under Project 1252 (SC 938) Headworks Facilities Improvements at the Patapsco Wastewater Treatment Plant.

MINUTES

Department of Public Works/Office - Amendment No. 2 to Agreement
of Engineering and Construction for Post Award Services

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Amendment No. 2 to Agreement for Post Award Services (Amendment No. 2 to Agreement) with Whitman, Requardt & Associates, LLP.

AMOUNT OF MONEY AND SOURCE:

\$39,257.53 - 9956-907603-9551-900020-703032

BACKGROUND/EXPLANATION:

The Department is requesting the Consultant to continue to complete the Post Award Services for SC 903, Improvements of the Patapsco Sewershed Collection System. The construction contractor has multiple claims on construction and is working under liquidated damages and the Consultant will be helping the City to resolve the claims. The Consultant will also prepare the as-built and work on final project close out. The request is made to complete the original scope of this project.

THE EAR WAS APPROVED BY MWBOO ON MARCH 3, 2020.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 2 to Agreement for Post Award Services with Whitman, Requardt & Associates, LLP.

MINUTES

Department of Housing and - Community Development
Community Development Block Grant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Community Development Block Grant Agreement with Legal Aid Bureau, Inc. The period of the agreement is July 1, 2019 through June 30, 2020.

AMOUNT OF MONEY AND SOURCE:

\$75,000.00 - 2089-208920-5930-242029-603051

BACKGROUND/EXPLANATION:

The Subgrantee will provide legal services and representation to low-income persons. Services will be provided at various public community spaces, including Enoch Pratt Free Libraries in Baltimore City.

FOR FY 2020, MBE AND WBE PARTICIPATION GOALS FOR THE ORGANIZATION WERE SET ON THE AMOUNT OF \$0.00.

MWBOO GRANTED A WAIVER ON OCTOBER 22, 2019.

On July 17, 2019, the Board approved the Resolution authorizing the Commissioner of the Department of Housing and Community Development (DHCD), on behalf of the Mayor and City Council, to file a Federal FY 2019 Annual Action Plan for the Following formula programs:

1. Community Development Block Grant (CDBG)
2. HOME
3. Emergency Solutions Grant (ESG)
4. Housing Opportunities for Persons with AIDS (HOPWA)

MINUTES

Department of Housing and - cont'd
Community Development

Upon approval of the Resolution, the DHCD's Contracts Section began negotiating and processing the CDBG Agreements as outlined in the plan effective July 1, 2019 and beyond. Consequently, these agreements were delayed due to final negotiations and processing.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Community Development Block Grant Agreement with Legal Aid Bureau, Inc.

MINUTES

Department of Housing and Community Development - Ratification of the Amendatory Agreement No. 1 to the Memorandum of Understanding

ACTION REQUESTED OF B/E:

The Board is requested to ratify the Amendatory Agreement No. 1 to the Memorandum of Understanding with Baltimore Metropolitan Council. The Amendatory Agreement will extend the period of the Memorandum of Understanding through June 30, 2020.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On June 27, 2018, the Board approved the Memorandum of Understanding between the Department of Housing and Community Development and the City of Annapolis, Baltimore County, Harford County, Howard County, Arundel County Development Services, Inc., Housing Authority of Baltimore City, Housing Authority of Annapolis, Housing Commission of Anne Arundel County, Havre de Grace Housing Authority the Howard County Commission, and the Baltimore Metropolitan Council to develop a 2019 Regional Analysis of Impediments to Fair Housing Choice.

The Amendatory Agreement will allow additional time to complete the Regional Analysis.

AUDITS NOTED THE NO-COST TIME EXTENSION.

UPON MOTION duly made and seconded, the Board ratified the Amendatory Agreement No. 1 to the Memorandum of Understanding with Baltimore Metropolitan Council.

MINUTESHealth Department - Agreements

The Board is requested to approve and authorize execution of the various Agreements.

1. **THE JOHNS HOPKINS UNIVERSITY** **\$400,682.00**

Account: 5000-569720-3023-273394-603051

The Johns Hopkins University's Center for Child and Community Health will provide the services of staff to assist the Department with its HIV Prevention efforts. The organization will oversee surveillance, data management, and program evaluation for the City-wide PrEP collaborative and other applicable projects. The period of the agreement is July 1, 2019 through June 30, 2020.

The agreement is late because the State of Maryland Department of Health and Mental Hygiene's (DHMH) Prevention and Health Promotion Administration (PHPA) programmatically manages Ryan White Part B HIV/AIDS State Special services. The providers are asked to submit a budget, budget narrative, and scope of services. The Department thoroughly reviews the entire package before preparing contract and submitting it to the Board of Estimates. These budgets are many times revised because of inadequate information from the providers. This review process is required to comply with the grant requirements.

MWBOO GRANTED A WAIVER ON JANUARY 28, 2020.

MINUTES

Health Department - cont'd

2. **MEALS ON WHEELS OF CENTRAL MARYLAND, INC. \$302,500.00**

Account: 1001-000000-3150-811500-604014

The organization will provide emergency meals for COVID-19 homebound residents of the City. The Department's Maryland Access Point (MAP) Program will conduct the initial screening. The organization will prioritize referrals who are 70 years of age or older and those who live in senior building or multi-dwelling with a density of seniors.

The organization will serve two meals per day, 7 days per week to approximately 2,000 additional people above its current client load. The period of the agreement is April 1 through April 30, 2020, with an option to renew for four additional one-month periods.

MBE/WBE PARTICIPATION:

On April 7, 2020 MWBOO determined that an emergency exists that requires goods or services to be provided with such immediacy, that no advantage will result in seeking, nor would it be practicable to obtain competitive bids. The organization will make every effort to subcontract to minority and women's business enterprises if subcontracting is utilized.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing agreements. The Mayor

ABSTAINED on item no. 1. The President **ABSTAINED** on item no. 1.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Procurement

- | | | |
|----------------------------------------------------------------------|---------|----------------------------|
| 1. MILTON S. HERSHEY | \$ 0.00 | Non-Competitive/ |
| <u>MEDICAL CENTER</u> | | <u>Procurement/Renewal</u> |
| <u>Contract No. 06000 - Non-Emergent Air Transportation Services</u> | | |
| <u>- Department of Health - P.O. No.: P547682</u> | | |

This request meets the condition that there is no advantage in seeking competitive responses.

STATEMENT OF PURPOSE AND RATIONALE FOR NON-COMPETITIVE PROCUREMENT:

On April 24, 2019, the Board approved the initial award in the amount of \$50,000.00. The award contained two 1-year renewal options. This first renewal in the amount of \$0.00 is for the period April 25, 2020 through April 24, 2021, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

It is hereby certified that the above procurement is of such a nature that no advantage will result in seeking, nor would it be practicable to obtain competitive bids. Therefore, pursuant to Article VI, §11 (e) (i) of the City Charter, the procurement of the equipment and/or service is recommended.

MBE/WBE PARTICIPATION:

On April 3, 2019, it was determined that no goals would be set because of no opportunity to segment the contract.

MWBOO GRANTED A WAIVER ON APRIL 3, 2019.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Procurement - cont'd

2. NESTLE WATERS

NORTH AMERICA, INC.	\$210,200.00	Renewal
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Contract No. B50004467 - Supply and Deliver Water Dispensers and Bottled Water to Various City Agencies - Department of Finance, various agencies - P.O. Nos.: P535401 and P535583

On April 27, 2016, the Board approved the initial award in the amount of \$210,194.59. The award contained two renewal options. On March 14, 2018, the Board approved the first renewal in the amount of \$210,194.59. This final renewal in the amount of \$210,200.00 is for the period May 1, 2020 through April 30, 2022. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On December 15, 2015, it was determined that no goals would be set because of no opportunity to segment the contract.

MWBOO GRANTED A WAIVER ON DECEMBER 15, 2015.

3. CITIZENS PHARMACY

SERVICES, INC. BOUND TREE MEDICAL, LLC	\$ 0.00	Renewal
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Contract No. B50004394 - Pharmaceuticals for the Baltimore City Fire Department - Baltimore Fire Department - P.O. Nos.: P535140 and P535141

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Procurement - cont'd

On March 30, 2016, the Board approved the initial award in the amount of \$4,821,118.00. The award contained three renewal options. Two renewal options have been exercised. This final renewal in the amount of \$0.00 is for the period May 1, 2020 through April 30, 2021. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On October 28, 2015, MWBOO determined that no goals would be set because of no opportunity to segment the contract.

MWBOO GRANTED A WAIVER ON OCTOBER 28, 2015.

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|----|-------------------------------------------------------------------------------------------------------------|---------------------|----------------|
| 4. | <u>CORPORATE COST CONTROL</u> | <u>\$ 24,000.00</u> | <u>Renewal</u> |
| | Contract No. B50004504 - Unemployment Insurance Program - Department of Human Resources - P.O. No.: P535404 | | |

On May 4, 2016, the City Purchasing Agent approved the initial award in the amount of \$24,000.00. The award contained five renewal options. Three renewal options have been exercised. This final renewal in the amount of \$24,000.00 is for the period May 11, 2020 through May 10, 2021 with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On January 26, 2016, MWBOO determined that no goals would be set because there was no opportunity to segment the contract. Additionally, the initial award was below the MBE/WBE threshold of \$50,000.00.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Procurement - cont'd

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| 5. LORENZ LAWN AND
LANDSCAPE INC. d/b/a
LORENZ, INC. | \$1,200,000.00 | Renewal |
| Contract No. B50004509 - Supply and Deliver Spring and Fall Tree Planting and Maintenance - Department of Recreation and Parks - P.O. No.: P535434 | | |

On May 4, 2016, the Board approved the initial award in the amount of \$275,810.00. The award contained four renewal options. Subsequent actions have been approved. This final renewal in the amount of \$1,200,000.00 is for the City's estimated requirement. period May 4, 2020 through May 3, 2021. The above amount is

MBE/WBE PARTICIPATION:

On March 15, 2016, it was determined that no goals would be set because of no opportunity to segment the contract.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Procurement - cont'd

President: "I would also like to inform and tell the rest of the Board that this is Danielle's, from my office, last day with us."

Mayor: "Mr. President."

President: "Ah -- oh Mr. Mayor."

Mayor: "Yes I wanted to say something before you go any further."

President: "Yes. Mr. Mayor."

Mayor: "I don't know whether people know when I was President of City Council, I had a big problem with the mowing contracts. And Mr. President, if you rode throughout your district you saw how badly our median strips were taken care of with clippings all over the street. Ah -- mowing with trash on it. I pulled it last week and I pulled it again this week. Because I believe we can do a better job. I asked Finance to look at ah -- what it would cost for us to bring it in-house where we would have more control over it. As opposed to spending all this millions of dollars on this one company to do the shoddy work that they have been doing for

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Procurement - cont'd

the City of Baltimore. I have been following this contract and been watching it, and I have told them many times before, that when it came back before the Board of Estimates when I was President that I was going to do everything that I could to stop it. So, ah -- I just wanted to make sure that that was on the record that I pulled those two contracts, one was with ah -- Transportation and one was with ah -- the Department of Public Works. And anywhere else that they have that contract, I will be pulling it. Thank you, Mr. President."

President: "Thank you."

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MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Procurement - cont'd

6. SITE ONE LANDSCAPE SUPPLY, LLC CLEAR RIDGE NURSERY, INC.	\$ 378,000.00	Renewal
Contract No. B50004506 - Provide and Deliver Various Trees for Tree Baltimore Initiative - Department of Recreation and Parks - P.O. Nos.: P535464 and P535465		

On May 4, 2016, the Board approved the initial award in the amount of \$378,000.00. The award contained four renewal options. Three renewal options have been exercised. This final renewal in the amount of \$378,000.00 is for the period May 4, 2020 through May 3, 2021. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On January 28, 2016, it was determined that no goals would be set because of no opportunity to segment the contract.

MWBOO GRANTED A WAIVER ON JANUARY 28, 2016.

7. NATIONAL CAPITAL INDUSTRIES	\$ 50,000.00	Increase
Contract No. B50005578 - Revolution Traffic Cones - Department of Transportation, Department of Public Works - P.O. No.: P547146		

On March 13, 2019, the Board approved the initial award in the amount of \$124,400.00. This increase in the amount of \$50,000.00 is necessary for revolution traffic cones that will be used to complete various jobs as requested. This increase will make the award amount \$174,400.00. The contract expires on March 12, 2022. The above amount is the City's estimated requirement.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Procurement - cont'd

MBE/WBE PARTICIPATION:

On August 8, 2018, MWBOO approved a waiver due to no opportunity to segment these commodities for subcontracting goals.

MWBOO GRANTED A WAIVER ON AUGUST 8, 2018.

8. GARDEN STATE HIGHWAY
 PRODUCTS, INC. \$ 40,000.00 Increase
 Contract No. B50005049 - Aluminum Sheets - Department of
 Transportation - P.O. No.: P541919

On August 9, 2017, the Board approved the initial award in the amount of \$59,878.00. On July 31, 2019, the Board approved a ratification and second renewal in the amount of \$0.00. This increase in the amount of \$40,000.00 will be used to complete various jobs performed by the Signs and Markings section within the Department of Transportation. This increase will make the award amount \$99,878.00. The contract expires on August 8, 2020. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On May 31, 2017, MWBOO approved a waiver due to no opportunity to segment these commodities for subcontracting goals.

MWBOO GRANTED A WAIVER ON MAY 31, 2017.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Procurement - cont'd

9. FISHER SCIENTIFIC COMPANY, LLC VWR INTERNATIONAL, LLC	\$ 500,000.00	Increase
Contract No. B50004256 - Laboratory Gases and Supplies - Department of Public Works, etc. - P.O. Nos.: P532977 and P532978		

On October 7, 2015, the Board approved the initial award in the amount of \$1,000,000.00. The award contained two renewal options. Subsequent actions have been approved. Due to the increased usage of the contract by various agencies caused by the COVID-19 emergencies an increase in the amount of \$500,000.00 is necessary. This increase will make the award amount \$2,800,000.00. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On August 17, 2015, MWBOO determined that no goals would be set because of no opportunity to segment the contract.

MWBOO GRANTED A WAIVER ON AUGUST 17, 2015.

10. VISIONATIONS, LLC	\$ 73,340.00	Non-Competitive/ Procurement/ Sole Source
Contract No. 08000 - Crimepad Software - Police Department - Req. No.: R849404		

This meets the condition that there is no advantage in seeking competitive responses.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Procurement - cont'd

STATEMENT OF PURPOSE AND RATIONALE FOR NON-COMPETITIVE PROCUREMENT.

The Vendor is the manufacturer's sole authorized source of software consisting of currently installed licenses at the Police Department. The period of the award is March 17, 2020 through March 16, 2023. The above amount is the City's estimated requirement.

It is hereby certified that the above procurement is of such a nature that no advantage will result in seeking, nor would it be practicable to obtain competitive bids. Therefore, pursuant to Article VI, §11 (e) (i) of the City Charter, the procurement of the equipment and/or service is recommended.

MBE/WBE PARTICIPATION:

Not applicable. This meets the requirement for certification as a sole source procurement as these commodities are only available from subcontractors.

- | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------|
| 11. <u>HILLS, INC.</u> | <u>\$ 31,724.61</u> | <u>Award</u> |
| Solicitation No. B50006018 - Flow Tech ACS800 UHL Product - Department of Public Works - Water and Wastewater Back River - Req. No.: R847200 | | |

Vendors were solicited by posting on CitiBuy. The sole bid received was opened on March 26, 2020, and the price was found to be fair and reasonable. Award is recommended to be made to the responsible bidder. The above amount is the City's estimated requirement.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Procurement - cont'd

MBE/WBE PARTICIPATION:

Not applicable. Award is below MBE/WBE subcontracting threshold of \$50,000.00.

- | | | |
|---------------------------------------------------------------------------------------------------------------------------|--------------|-------------------------------------------|
| 12. KCI TECHNOLOGIES,
INC. | \$ 46,242.00 | Non-Competitive/
Procurement/Agreement |
| Contract No. 06000 - Cityworks Application Upgrade - Department of Public Works - Water and Wastewater - Req. No.: 846366 | | |

This meets the condition that there is no advantage in seeking competitive responses.

STATEMENT OF PURPOSE AND RATIONALE FOR NON-COMPETITIVE PROCUREMENT.

The Board is requested to approve and authorize execution of the Non-Construction Consultant Agreement with KCI Technologies, Inc. The period of the agreement is effective upon Board approval for one year.

The Consultant will upgrade the Cityworks Asset Management System application to the latest version. The current Cityworks application is four versions old and no longer supported by the software manufacturer, Azteca Systems, LLC.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Procurement - cont'd

Additionally, the related infrastructure will be upgraded to conform with the Baltimore City Office of Information and Technology requirements for secure and current server/database infrastructure. The Cityworks AMS Application has custom configurations and integrations that were originally designed by the Consultant. The above amount is the City's estimated requirement.

It is hereby certified that the above procurement is of such a nature that no advantage will result in seeking, nor would it be practicable to obtain competitive bids. Therefore, pursuant to Article VI, §11 (e) (i) of the City Charter, the procurement of the equipment and/or service is recommended.

MBE/WBE PARTICIPATION:

Not applicable. Initial award is below MBE/WBE subcontracting threshold of \$50,000.00. Additionally, this one-time software upgrade can only be secured through the Consultant due to software customizations designed by the Consultant that interface with the Cityworks AMS platform.

13. WESTERN MICROSYSTEMS, <u>INC. d/b/a DesertMicro</u>	0.00	Non-Competitive/ Procurement/Extension
Contract No. B50003687 - ScaleHouse Software - Department of Public Works, Bureau of Solid Waste - P.O. No.: P529202		

This meets the condition that there is no advantage in seeking competitive responses.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Procurement - cont'd

STATEMENT OF PURPOSE AND RATIONALE FOR NON-COMPETITIVE PROCUREMENT.

On October 22, 2014, the Board approved the initial award in the amount of \$112,719.17. The award contained two renewal options. Subsequent actions have been approved and two renewals have been exercised. An extension is necessary to continue acquiring software services with the Vendor while a new contract is awarded. The contract expires on April 22, 2020. The period of the extension is April 23, 2020 through April 22, 2021. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On August 1, 2014, MWBOO determined that no goals would be set due to no opportunity to segment the contract.

MWBOO GRANTED A WAIVER ON AUGUST 1, 2014.

14. RENOLD		Non-Competitive/
INC.	\$ 0.00	Procurement/Extension
<u>Contract No. 08000 - Carter Drive Parts - Department of Public Works, Bureau of Water and Wastewater - P.O. No.: P539326</u>		

This meets the condition that there is no advantage in seeking competitive responses.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Procurement - cont'd

STATEMENT OF PURPOSE AND RATIONALE FOR NON-COMPETITIVE PROCUREMENT.

On April 26, 2017, the Board approved the initial award in the amount of \$700,000.00. An extension is necessary to continue acquiring parts from the Vendor who is the manufacturer's sole authorized source of these products, which must be compatible with currently installed equipment at the water treatment plants. The contract expires on April 26, 2020. The period of the extension is April 27, 2020 through April 26, 2021. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

Not applicable. This meets the requirement for certification as sole source procurement as these commodities are only available from the distributor and are not available from subcontractors.

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------------------------------|
| 15. ADP,
LLC | \$4,800,000.00 | Non-Competitive/
Procurement/Extension |
| Contract No. 08000 - Human Resource Information, Automatic Processing, E-Time, and Enterprise Payroll Systems Licensing - Department of Finance - P.O. Nos.: P529369 and P529808 | | |

This meets the condition that there is no advantage in seeking competitive responses.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Procurement - cont'd

STATEMENT OF PURPOSE AND RATIONALE FOR NON-COMPETITIVE PROCUREMENT.

On July 25, 2007, the Board approved the initial award in the amount of \$1,600,000.00. The award contained three renewal options. Subsequent actions have been approved and three renewal options have been exercised. The Vendor is the sole provider of licensing, maintenance, and support of proprietary software for the Human Resource Information System and Enterprise Payroll System utilized by the Department of Finance, the Bureau of Accounting and Payroll Services, and the Department of Human Resources.

The First Amendment instituted the module Time and Labor Management Services, amending several other sections to accurately reflect the needs and services provided. The Second Amendment extended the contract term with an additional two 1-year renewal options. The Third Amendment instituted the module ADP Wage Payments and ALINE Pay Electronic Services, disbursing payment in support of the City's Youth Works Program. The Fourth Amendment instituted a module Employment Verification Services, providing the City employment and income information of its current and former employees to commercial, private, and public entities. The City will be seeking another sole source agreement. The period of the extension is July 1, 2020 through June 30, 2021. The above amount is the City's estimated requirement.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Procurement - cont'd

It is hereby certified that the above procurement is of such a nature that no advantage will result in seeking, nor would it be practicable to obtain competitive bids. Therefore, pursuant to Article VI, §11 (e) (i) of the City Charter, the procurement of the equipment and/or service is recommended.

MBE/WBE PARTICIPATION:

Not applicable. Contract meets the certification as a sole source procurement.

16. UNIVAR SOLUTIONS USA, INC.	\$ 0.00	Extension
Contract No. B50003722, Hydrofluorosilicic Acid for Water Treatment Plants - DPW, Bureau of Water & Wastewater - P.O. No. 550265		

On October 15, 2014, the Board approved the initial award of Contract Number B50003722 - Hydrofluorosilicic Acid for Water Treatment Plants to Mosaic Crop Nutrition, LLC. for the amount of \$662,000.00. On February 25, 2015, the Board approved an assignment of the contract from Mosaic Crop Nutrition, LLC to Mosaic Global Sales, LLC. at no additional cost. On September 23, 2015, the Board approved the first renewal for the amount of \$700,000.00. On October 19, 2016, the Board approved the second renewal for the amount of \$300,000.00. On September 20, 2017, the Board approved the third renewal at no additional cost. On October 24, 2018, the Board approved the final renewal for the amount of \$300,000.00. On October 30, 2019, the Board

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Procurement - cont'd

approved an extension at no additional cost. On October 30, 2019, the Board approved an assignment of the contract from Mosaic Global Sales, LLC to Univar Solutions USA Inc.

The Board is requested to approve an extension to provide the continuation of sourcing hydrofluorosilicic acid while a new contract is established through competitive bids.

MBE/WBE PARTICIPATION:

On August 14, 2014, MWBOO determined that no goals would be set because there is no opportunity to segment the contract.

MWBOO GRANTED A WAIVER ON OCTOBER 14, 2019.

17. <u>ARC ENVIRONMENTAL, LLC</u>	<u>\$ 0.00</u>	<u>Extension</u>
Contract No. B50003742, Lead Risk Assessment Services - Dept. of Housing & Community Development - P.O. No. 529394		

On November 12, 2014, the Board approved the initial award for the amount of \$200,000.00. On April 5, 2017, the City Purchasing Agent approved an increase for the amount of \$50,000.00. On November 1, 2017, the Board approved the first renewal for the amount of \$100,000.00. On October 17, 2018, the Board approved the second renewal for the amount of \$130,000.00. On October 23, 2019, the Board approved an extension at no additional cost.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Purchases - cont'd

The Board is requested to approve an extension for the amount of \$130,000.00. The period of the extension is May 12, 2020 through May 11, 2021.

MBE/WBE PARTICIPATION:

On September 4, 2014, MWBOO determined that no goals would be set because there is no opportunity to segment the contract.

MWBOO GRANTED A WAIVER ON SEPTEMBER 04, 2014.

18. DEPENDABLE SERVICES,
GROUP, LLC

TRUSTWORTHY STAFFING SOLUTIONS, LLC	\$ 55,000.00	Extension
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Contract No. B50002394 - Personal Care and Homemaker Services - Health Department-CARE - P.O. Nos.: P522162, P522164, P522027 and P522028

On October 17, 2012, the Board approved the initial award in the amount of \$432,525.00. On May 3, 2013, the City Purchasing Agent approved an increase for the amount of \$26,000.00.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Purchases - cont'd

On July 3, 2013, the Board approved an increase for the amount of \$353,029.00. On October 9, 2013, the City Purchasing Agent approved an increase for the amount of \$30,000.00. On October 10, 2013, the City Purchasing Agent approved an increase for the amount of \$22,000.00. On January 29, 2014, the Board approved an increase for the amount of \$891,200.00. On July 30, 2014, the Board approved an increase for the amount of \$351,416.00. On October 15, 2014, the Board approved the first renewal for the amount of \$245,000.00. On September 14, 2016, the Board approved the second renewal for the amount of \$450,000.00. On July 18, 2018, the Board approved an assignment and increase for the amount of \$96,000.00. On September 12, 2018, the Board approved an increase and extension for the amount of \$182,356.00. On February 13, 2019, the Board approved an extension for the amount of \$90,000.00. On June 26, 2019, the Board approved an extension for the amount of \$222,000.00. On December 18, 2019, the Board approved an extension for the amount of \$55,000.00.

The Board is requested to approve an extension for the amount of \$55,000.00. The period of the extension is April 1, 2020 through June 30, 2020. The contract expired on Mach 31, 2020. This extension will make the total contract amount \$3,501,526.00.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Purchases - cont'd

MBE/WBE PARTICIPATION:

On October 14, 2019, MWBOO waived the goals after determining there are no feasible subcontracting opportunities.

MWBOO GRANTED A WAIVER ON OCTOBER 14, 2019.

UPON MOTION duly made and seconded, the Board approved the foregoing Informal Awards, Renewals, Increases to Contracts, and Extensions. The Board further approved and authorized execution of the Non-Competitive Procurement Agreement with KCI Technologies, Inc. (item no. 12). Item no. 5 was **WITHDRAWN**.

MINUTES

Mayor's Office of Homeless Services - Provider Agreements

The Board is requested to approve and authorize execution of the various Provider Agreements. The period of the agreement is February 1, 2020 through January 31, 2021, unless otherwise indicated.

1. **MARIAN HOUSE, INC.** **\$ 91,476.00**

Account: 4000-407019-3573-758341-603051

The City has received a U.S. Department of Housing and Urban Development grant to undertake the Continuum of Care Program. Under the terms of this Provider Agreement, Marian House, Inc. will provide supportive services to 24 clients experiencing homelessness in the City of Baltimore. The Provider will offer services under their TAMAR 2 Permanent Housing Program. The period of the agreement is from March 1, 2020 through February 28, 2021.

MWBOO GRANTED A WAIVER ON FEBRUARY 12, 2020.

2. **ST. AMBROSE HOUSING AID CENTER, INC.** **\$414,449.00**

Account: 4000-407019-3571-759101-603051

The City has received a U.S. Department of Housing and Urban Development grant to undertake the Continuum of Care Program. Under the terms of this Provider Agreement, St. Ambrose Housing Aid Center, Inc. will provide rental assistance and supportive services to 19 individuals and/or families experiencing homelessness in the City of Baltimore. The Provider will offer services under their Permanent Housing Program.

MWBOO GRANTED A WAIVER ON FEBRUARY 12, 2020.

MINUTES

Mayor's Office of Homeless Services - cont'd

3. **ST. VINCENT DE PAUL OF BALTIMORE, INC.** **\$113,719.50**

Account: 4000-407019-3571-757301-603051

The City has received a U.S. Department of Housing and Urban Development grant to undertake the Continuum of Care Program. Under the terms of this Provider Agreement, St. Vincent de Paul of Baltimore, Inc. will provide supportive services to 68 individuals and/or families experiencing homelessness in the City of Baltimore. The Provider will offer service(s) under their Home Connections Plus program.

MWBOO GRANTED A WAIVER ON FEBRUARY 12, 2020.

The agreements are late because of a delay at the administrative level.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Provider Agreements. The Acting City Solicitor **ABSTAINED** on item nos. 1 and 2.

MINUTES

Mayor's Office of Homeless Services - Continuum of Care Grant
Renewal Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Continuum of Care Grant Renewal Agreement with the U. S. Department of Housing and Urban Development. The grant awards have different start dates, the earliest start date being February 1, 2020, and the latest start date being January 1, 2021. Each grant has a period of performance lasting 12 months beginning from its start date.

AMOUNT OF MONEY AND SOURCE:

\$19,164,473.00 - 4000-407019-3573-760000-404001

BACKGROUND/EXPLANATION:

The Mayor's Office of Homeless Services has submitted renewal applications for existing Continuum of Care Grants in response to the 2019 Notice of Funding Availability. On January 15, 2020, the U.S. Department of Housing and Urban Development announced the renewal applications for programs. Under the terms of the grant renewals, the related sub-contracts will be renewed with various organizations throughout Baltimore City that carry out Homeless Service activities, which include rental assistance and supportive services.

MBE/WBE PARTICIPATION:

MBE/WBE requirements will be included in the agreements between the City and service providers.

APPROVED FOR FUNDS BY FINANCE

MINUTES

Mayor's Office of Homeless Services - cont'd

AUDITS HAS REVIEWED THE SUBMITTED DOCUMENTATION AND FOUND THAT IT CONFIRMED THE GRANT AWARDS.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Continuum of Care Grant Renewal Agreement with the U. S. Department of Housing and Urban Development.

MINUTESDepartment of Recreation and Parks - Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an Agreement with JRS Architects, Inc. under Project No. 1314, On-Call Architectural Design Services. The period of the agreement is effective upon Board approval for three years, or until the upset limit is reached, whichever occurs first.

AMOUNT OF MONEY AND SOURCE:

\$4,000,000.00 - Upset limit

BACKGROUND/EXPLANATION:

The Consultant will provide architectural design services for renovation and improvement of various Park and Recreation facilities. The cost of each project will be determined individually.

MBE/WBE PARTICIPATION:

MBE: Min Engineering, Inc.	\$0-1,120,000.00	0-28%
Findling, Inc.	\$0-1,120,000.00	0-28%
Total:	\$0-1,120,000.00	0-28%
WBE: Albrecht Engineering, Inc.	\$0-800,000.00	0-20%
Carroll Engineering, Inc.	\$0-800,000.00	0-20%
JRS Architects, Inc.*	\$0-400,000.00	0-10%
Total:	\$0-800,000.00	0-20%

*Indicates Self Performance

MWBOO FOUND VENDOR IN COMPLIANCE ON MARCH 8, 2020.

MINUTES

Department of Recreation and Parks - cont'd

AUDITS NOTED THIS ON-CALL AGREEMENT AND WILL REVIEW TASK ASSIGNMENTS.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Agreement with JRS Architects, Inc. under Project No. 1314, On-Call Architectural Design Services.

MINUTESDepartment of Recreation and Parks - Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an Agreement with Johnson, Mirmiran and Thompson, Inc. under Project No. 1315, Civil Engineering Design Services. The period of the agreement is effective upon Board approval for three years, or until the upset limit is reached, whichever occurs first.

AMOUNT OF MONEY AND SOURCE:

\$1,750,000.00 - Upset limit

BACKGROUND/EXPLANATION:

The Consultant will provide civil engineering design services for renovation and improvement of various Park and Recreation facilities.

MBE/WBE PARTICIPATION:

MBE: AB Consultants, Inc.	\$0-490,000.00	0-28%
Findling, Inc.	\$0-490,000.00	0-28%
KOBA & Associates, LLC	\$0-490,000.00	0-28%
Min Engineering, Inc.	\$0-490,000.00	0-28%
PELA Design, Inc.	\$0-490,000.00	0-28%
Total:	\$0-490,000.00	0-28%
WBE: Albrecht Engineering, Inc.	\$0-245,000.00	0-14%
Cityscape Engineering, LLC	\$0-245,000.00	0-14%
Hanover Land Services, Inc.	\$0-245,000.00	0-14%
Rossi Transportation Group, Inc.	\$0-245,000.00	0-14%
Assedo Consulting, LLC	\$0-245,000.00	0-14%
Total:	\$0-245,000.00	0-14%

MWBOO FOUND VENDOR IN COMPLIANCE ON FEBRUARY 24, 2020.

MINUTES

Department of Recreation and Parks - cont'd

AUDITS NOTED THIS ON-CALL AGREEMENT AND WILL REVIEW TASK ASSIGNMENTS.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Agreement with Johnson, Mirmiran and Thompson, Inc. under Project No. 1315, Civil Engineering Design Services.

MINUTESDepartment of Recreation and Parks - Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an Agreement with JRS Architects, Inc. under Project No. 1316, On-Call Architectural Design Services. The period of the agreement is effective upon Board approval for three years, or until the upset limit is reached, whichever occurs first.

AMOUNT OF MONEY AND SOURCE:

\$4,000,000.00 - Upset limit

BACKGROUND/EXPLANATION:

The Consultant will provide architectural design services for renovation and improvement of various Park and Recreation facilities.

MBE/WBE PARTICIPATION:

MBE: Min Engineering, Inc.	\$0-1,040,000.00	0-26%
Findling, Inc.	\$0-1,040,000.00	0-26%
Total:	\$0-1,040,000.00	0-26%
WBE: Albrecht Engineering, Inc.	\$0-760,000.00	0-19%
Carroll Engineering, Inc.	\$0-760,000.00	0-19%
JRS Architects, Inc.	\$0-380,000.00	0-9.5%
EAR/Archaeology, Inc.	\$0-760,000.00	0-19%
Total:	\$0-760,000.00	0-19%

MWBOO FOUND VENDOR IN COMPLIANCE ON MARCH 8, 2020.

MINUTES

Department of Recreation and Parks - cont'd

AUDITS NOTED THIS ON-CALL AGREEMENT AND WILL REVIEW TASK ASSIGNMENTS.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Agreement with JRS Architects, Inc. under Project No. 1316, On-Call Architectural Design Services.

MINUTES

Department of Recreation & Parks - On-Call Landscape Architectural Design Services Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an On-Call Landscape Architectural Design Services Agreement with Mahan Rykiel Associates, Inc., under Project No. 1317, Landscape Architectural Design Services. The period of the agreement is effective upon Board approval for three years, or until the upset limit is reached, whichever occurs first.

AMOUNT OF MONEY AND SOURCE:

\$1,500,000.00 - Upset limit

BACKGROUND/EXPLANATION:

The Consultant will provide landscape architectural design services for renovation and improvement of various Park and Recreation facilities.

MBE/WBE PARTICIPATION:

MBE: C.C. Johnson & Malhotra, P.C.	\$0-285,000.00	0-19%
Assedo Consulting, LLC	\$0-285,000.00	0-19%
AB Consultants, Inc.	\$0-285,000.00	0-19%
Total:	\$0-285,000.00	0-19%
WBE: Albrecht Engineering, Inc.	\$0-210,000.00	0-14%
Cityscape Engineering, LLC	\$0-210,000.00	0-14%
MK Consulting Engineers, LLC	\$0-210,000.00	0-14%
Total:	\$0-210,000.00	0-14%

MWBOO FOUND VENDOR IN COMPLIANCE ON FEBRUARY 24, 2020.

MINUTES

Department of Recreation and Parks - cont'd

AUDITS NOTED THIS ON-CALL AGREEMENT AND WILL REVIEW TASK ASSIGNMENTS.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the On-Call Landscape Architectural Design Services Agreement with Mahan Rykiel Associates, Inc., under Project No. 1317, Landscape Architectural Design Services.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

* * * * *

On the recommendations of the City agencies
hereinafter named, the Board,

UPON MOTION duly made and seconded,

awarded the formally advertised contracts

listed on the following pages:

1665 - 1668

to the low bidders meeting the specifications,

or rejected bids on those as indicated

for the reasons stated.

The Transfer of Funds was approved

SUBJECT to receipt of a favorable report

from the Planning Commission,

the Director of Finance having reported favorably

thereon, as required by the provisions

of the City Charter.

The protest received for item nos. 4 and 5 was **WITHDRAWN**.

Item no. 6 was **DEFERRED** until May 6, 2020.

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**Bureau of Procurement

- | | | | |
|----|--------------------------------------------------------------------------------------|-------------------------------------|----------------|
| 1. | B50005878, Food Service for the Eating Together in Baltimore Program for Areas 2 & 4 | St. Vincent De Paul Enterprise, LLC | \$1,500,000.00 |
|----|--------------------------------------------------------------------------------------|-------------------------------------|----------------|

(Health Department -
Main Office)

MBE/WBE PARTICIPATION:

On August 13, 2018, MWBOO set goals of 25% MBE and 18% WBE.

MBE: Food Service Contracting, LLC 25% of total contract

WBE: MIK Industries. Inc. 18% of total contract

MWBOO FOUND THE VENDOR IN COMPLIANCE ON FEBRUARY 10, 2020.

Department of Public Works/Office
of Engineering and Construction

- | | | | |
|----|-------------------------------------------------------------------------------|--------------------------------------|----------------|
| 2. | WC 1406, On-Call Carbon Fiber Reinforced Polymer Large Water Main Replacement | Structural Preservation Systems, LLC | \$3,483,474.00 |
|----|-------------------------------------------------------------------------------|--------------------------------------|----------------|

MBE/WBE PARTICIPATION:

MWBOO has set goals of 0% MBE and 0% WBE and recommends approval of the Contractor as being in compliance with Article 5, Section 28 of the Baltimore City Code.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Public Works/Office - cont'd
of Engineering and Construction

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
3. \$1,570,000.00	9960-906161-9558	
Revenue Bonds	WC 1302, Large	
	Water Mains	
311,075.96	9960-909100-9558	
Water Utility	Water Infrastructure	
Funds	Rehab	
1,881,075.96	9960-909100-9558	
<u>County Grant</u>	Water Infrastructure	
	Rehab	
\$3,762,151.92	-----	9960-904976-9557-6
		Construction

This transfer will fund the costs of construction for WC 1406, On-Call Carbon Fiber Reinforced Polymer Large Water Main Repairs with Structural Preservation Systems, LLC.

(In accordance with charter requirements, a report has been requested from the Planning Commission, the Director of Finance having reported favorably thereon.)

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Public Works/Office - cont'd
of Engineering and Construction

- | | | | |
|----|----------------------------------------------------------------------------------------------------|---------------------|----------------|
| 4. | SC 997, On-Call
Assessment and
Repairs of
Sanitary Sewer
Mains and Lateral
Citywide | Spiniello Companies | \$7,330,000.00 |
|----|----------------------------------------------------------------------------------------------------|---------------------|----------------|

MBE/WBE PARTICIPATION:

The Chief of MWBOO recommends Spiniello Companies as being in full compliance with Article 5 Section 28 of the Baltimore City Code. As part of their bid, Spiniello Companies has committed to utilize the following:

MBE:	Economic International Construction Co., Inc.	\$850,000.00	11.59%
WBE:	R & R Contracting Utilities, Inc. Empire Landscape, LLC	\$250,000.00 <u>\$ 47,453.60</u>	3.41% <u>0.64%</u>
	Total	<u>\$297,453.60</u>	<u>4.05%</u>

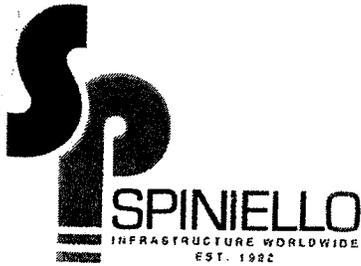
TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
5. \$7,916,400.000 Wastewater Revenue Bond	9956-911102-9549 Replacement of SC 973	9956-904948-9551-6 Construction

The transfer will cover the costs for SC 997 - On Call Assessment and Repairs of Sanitary Sewers Mains and Lateral Citywide.

A PROTEST WAS RECEIVED FROM SPINIELLO FOR ITEM NOS. 4 AND 5.

THE PROTEST FROM SPINIELLO WAS WITHDRAWN.



Pride in Performance

MARY ELLEN SCALERA
GENERAL COUNSEL
MESCALERA@SPINIELLOCO.COM
DIRECT DIAL: 973.251.9669

January 17, 2020

VIA HAND DELIVERY

Board of Estimates
c/o Clerk to the Board
204 City Hall
100 N. Holliday Street
Baltimore, MD 21202

BID PROTEST

Protector: Spiniello Companies ("Spiniello")
3500 East Biddle Street
Baltimore, MD 21213

Solicitation: City of Baltimore Department of Public Works ("City" or "DPW")
Sanitary Contract No. 997 On-Call Assessment & Repairs of Sanitary Sewer
Mains & Laterals Citywide ("SC 997" or "Project")

Low Monetary Bidder: Midas Utilities LLC ("Midas")

Honorable President and Members of the Board of Estimates:

Spiniello submits this Bid Protest regarding the award of SC 997 to the apparent low monetary bidder, Midas, or any other bidder as Spiniello is the lowest price responsive and responsible bidder. Further, Spiniello intends to challenge the award of SC 997 to Midas or any bidder other than Spiniello before the Board of Estimates.

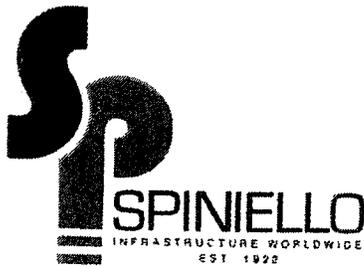
354 Eisenhower Pkwy, Suite 1300, Livingston, NJ 07039

P: 973.808.8383 | F: 973.808.9591

Livingston, NJ

Baltimore, MD

Pomona, CA



Board of Estimates
c/o Clerk to the Board
January 17, 2020
Page 2 of 3

Aggrieved Party

Spiniello submitted a timely, responsive bid and is a responsible bidder for SC 997, and thus has standing to protest as an aggrieved party an award of SC 997 to Midas or any bidder other than Spiniello.

Timely Protest

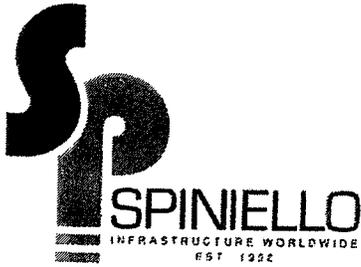
Spiniello's Bid Protest is timely filed with the Board of Estimates prior to contract award.

Grounds of Protest

It is Spiniello's position, which will be presented to the Board of Estimates, that it is contrary to the best interests of the City, the taxpayers, Spiniello and the other bidders on this Project, if SC 997 is awarded to Midas for the following reasons:

1. It is Spiniello's understanding that Midas has advised the City in writing that it is not ready or capable of completing the Project as bid.
2. Spiniello knows from attendance at the bid opening that Midas was unable to have issued a Performance Bond, and instead tendered a cashier's check as part of its Bid package.
3. It is Spiniello's understanding that Midas will not be able to have issued the requisite Performance Bond per the Baltimore Green Book within 10 days after an award of this Project.
4. In light of the above, Midas is neither a responsive nor responsible bidder, and cannot be considered for, or actually awarded, the Project.

A key element of a sealed bidding procurement is that non-responsive bids may not be considered for award. Nash & Cibinic, *FORMATION OF GOVT. CONTRACTS*, Third Ed., at 537 ("The purpose of [the responsiveness] requirement is to promote fairness and objectivity, and to encourage wide competition by requiring all bidders to bid on exactly the same work and to the same terms and conditions"); *see also Nat'l Elevator Co.*, No. 1291, Oct. 1, 1986, 1 MSBCA ¶135.



Pride in Performance

Board of Estimates
c/o Clerk to the Board
January 17, 2020
Page 3 of 3

Ruling and Relief Requested

Spiniello requests that the apparent lowest price Bid of Midas be found non-responsive, that Midas be found to be a non-responsible bidder, and that Midas not be recommended for, or awarded, SC 997. Spiniello further requests that the Board of Estimates award SC 997 to Spiniello as the lowest price, responsive, and responsible Bidder.

Respectfully submitted,

Mary Ellen Scalera

cc **VIA ELECTRONIC MAIL:**

W. Michael Mullen, Esq. - Chief Solicitor, Contracts/Baltimore Dept. of Law
Paul DeSantis, Esq. - Chief of Legal & Regulatory Affairs/DPW
E.J. Solimine - President, Spiniello Companies
Todd Galletti - Vice President of Operations, Spiniello Companies

MEMBER
MARYLAND BAR
VIRGINIA BAR
AND DISTRICT OF COLUMBIA BAR

GENERAL COUNSEL
MICHAEL J. COHEN
W.M. SCHLOSSER COMPANY, INC.
2400 51ST PLACE
HYATTSVILLE, MD 20781-1396

TELEPHONE
301-773-1300
FACSIMILE
301-773-9263
MCOHEN@WMSCHLOSSER.COM

February 28, 2020

The Baltimore City Board of Estimates
c/o Clerk to the Board of Estimates
100 N. Holliday Street
Room 204, City Hall
Baltimore, MD 21202

Via UPS Overnight

Re: **Bid Protest of W.M. Schlosser Co., Inc.**
Police HQ and Annex Elevator Upgrade and Modernization

Dear Sir or Madam:

W.M. Schlosser Co., Inc. ("Schlosser") protests award of the referenced contract to the apparent first and second low bidders on the project, Nichols Contracting ("Nichols") and Chilmar Group ("Chilmar"). Schlosser was third low bidder on the Police HQ and Annex Elevator Upgrade and Modernization project ("the Contract"). However, both Nichols' and Chilmar's bids failed to satisfy the WBE participation requirements of the Contract. Therefore, Nichols' and Chilmar's bids are non-responsive and award should be made to Schlosser as the low responsive bidder.

Bid Breakdown

A breakdown of the 3 bids is as follows:

Nichols Contracting	Base	3,026,995
	ALT	<u>1,419,250</u>
	Total:	4,446,245
Chilmar Corp	Base	3,288,000
	Alt	<u>1,081,000</u>
	Total:	4,369,000
W M Schlosser Co Inc	Base	3,488,000
	Alt	<u>1,055,000</u>
	Total	4,543,000

Failure to satisfy WBE Requirements

The contract set forth a WBE participation goal of 3 percent. Only 25% of this amount, however, could be met by non-manufacturing WBE suppliers. See Contract Section G, Subsection 3(f) Minority and Women's Business Opportunity Requirements. This limitation is a matter of law as set forth in Article 5, Subtitle 28, Section (c)(2) of the Baltimore City Code. In all capital letters, the Contract further states that "THE FAILURE OF ANY BIDDER, CONTRACTOR OR SUBCONTRACTOR TO COMPLY WITH ARTICLE 5, SUBTITLES 28 SHALL BE A BREACH OF CONTRACT." Both Nichols and Chilmar violated the Baltimore City Code and the Contract by using non-manufacturer suppliers to meet 100% of the WBE participation goals. Only 25% is permitted.

Specifically,

---Nichols Contracting ("Nichols") listed Absolute Solutions, a non-manufacturer supplier for "Construction Supplies and Equipment" for the entire 3%. Nichols did not request a waiver.

----Chilmar Corp. ("Chilmar") also used a non-manufacturer supplier, Tegeler Construction and Supply to meet the entire 3% goal. (Chilmar's bid specified that Tegeler's would furnish electrical and mechanical equipment, and elevator components.) Like Nichols, Chilmar did not request a waiver.

Unlike Nichols and Chilmar who relied upon suppliers, Schlosser met the goal using 2 subcontractors, Design Plus Sprinkler Systems (.5%) and Letke Security Contractors (2.5%) to perform actual contract work to meet the 3% goal.

Finally, it has come to Schlosser's attention that its bid might be rejected because changes were made to Letke Security Contractors' ("Letke") MBE/WBE and Prime Contractor's Statement of Intent because those changes were only initialed by Schlosser. However, Letke was aware of and agreed to the changes made to the form. As confirmed by the letter of Kim Letke attached hereto as Exhibit 1, both Letke and Schlosser were and considered themselves bound by the terms of the Statement of Intent as submitted. Accordingly, the lack of Letkes' initials on the Statement of Intent is a waivable minor informality and Schlosser's bid should not be rejected.

Conclusion

As explained above, Nichols' and Chilmar's bids do not meet the WBE participation goals of the Solicitation and are therefore non-responsive and must be rejected. Accordingly, award of the Contract should be made to Schlosser as the responsive low bidder.

If you require additional information or have any questions, feel free to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Michael J. Cohen', with a long horizontal flourish extending to the right.

Michael J. Cohen

cc: Andrew Schlosser
Tamara Brown



Letke Security Contractors Inc

Kimletke65@gmail.com

443-463-2111

1607 Bridewells Ct
Woman Owned small business
MBE DBE MDOT 94-092
Duns 363959255

Joppa Md 21085
FEIN 52 1570782
WBE B 1237 Baltimore City

2-18-2020

Baltimore City Board of Estimate:
Contract 19801

Letke respectfully request to be heard before the Board of estimates regarding contract 19801 . Elevator repairs - .

1. I, Kim Letke signed the WBE form and am aware the dollar value numbers are written in at bid time – My verbal confirmation to agreeing to the change was provided to WM Schlosser at bid time.

The change was acceptable to Letke Security Contractors Inc- Kim Letke..

Verbal agreements happen all the time and are part of contracts.

Since I already signed the form and agreed to the changes . I find that WM Schlosser and Letke had a binding agreement.

2 WM Schlosser is the 3rd bidder . The 1, and 2nd have issues with their paper work where they did not included any woman or minorities.

Since the other 2 contractors had no WBE – MBE .

WM Schlosser does have WBE and MBE .

In addition WM Schlosser hires woman and minorities.

I would respectfully:

Request to be heard before the Board of Estimates as well as request

WM Schlosser be awarded the contract since they have all their paper work in order.

Respectfully
Kim Letke

MEMBER
MARYLAND BAR
VIRGINIA BAR
AND DISTRICT OF COLUMBIA BAR

GENERAL COUNSEL
MICHAEL J. COHEN
W.M. SCHLOSSER COMPANY, INC.
2400 51ST PLACE
HYATTSVILLE, MD 20781-1396

TELEPHONE
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MCOHEN@WMSCHLOSSER.COM

January 21, 2020

The Baltimore City Board of Estimates
c/o Clerk to the Board of Estimates
100 N. Holliday Street
Room 204, City Hall
Baltimore, MD 21202

Via UPS Overnight

Re: **Bid Protest of W.M. Schlosser Co., Inc.**
Police HQ and Annex Elevator Upgrade and Modernization
Contract No. GS 19801

Dear Sir or Madam:

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Conclusion

As explained above, Nichols' and Chilmar's bids do not meet the WBE participation goals of the Solicitation and are therefore non-responsive and must be rejected. Accordingly, award of the Contract should be made to Schlosser as the responsive low bidder.

If you require additional information or have any questions, feel free to contact me.

Very truly yours,



Michael J. Cohen

cc: Andrew Schlosser
Tamara Brown



Letke Security Contractors Inc

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443-463-2111

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WBE B 1237 Baltimore City

2-18-2020

Baltimore City Board of Estimate:

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In addition WM Schlosser hires woman and minorities.

I would respectfully:

Request to be heard before the Board of Estimates as well as request

WM Schlosser be awarded the contract since they have all their paper work in order.

Respectfully

Kim Letke

PART B: MBE/WBE AND PRIME CONTRACTOR'S STATEMENT OF INTENT

COMPLETE A SEPARATE FORM FOR EACH MBE AND WBE NAMED IN THIS BID.
(Make additional copies of this form as needed)

PART A: INSTRUCTIONS MUST BE REVIEWED BEFORE COMPLETING THIS FORM, WITH PARTICULAR ATTENTION PAID TO SECTIONS 2, 3a and 3f

Name of Prime Contractor: W.M. Schlosser Company, Inc.

Name of MBE or **(WBE)** (circle one): Letke Security Contractors Inc WBE B 1237

Brief Narrative Description of the Work/Service to be performed by MBE or **(WBE)**:

Painting, Carpentry, Const. management

Materials/Supplies to be furnished by MBE or WBE:

Subcontract Dollar Amount: \$ 124,500 ~~145,000~~ (If this is a requirements contract, the subcontract dollar amount may be omitted; however, the subcontract percentage must be included.)

Subcontract percentage of total contract: 2.6 ~~3.0~~ % (This is not considered material information for lump sum contracts.)

(If MBE sub-goals apply, please indicate the sub-goal covered by this Statement of Intent.)

African American: _____ %

Asian American: _____ %

Hispanic American: _____ %

Native American: _____ %

The undersigned Prime Contractor and Subcontractor agree to enter into a contract for work/service indicated above for the dollar amount or percentage indicated to meet MBE/WBE participation goals, subject to the Prime Contractor's execution of a contract with the City of Baltimore. The Subcontractor is currently certified as an MBE or WBE with the City of Baltimore Minority and Women's Business Opportunity Office to perform the work described above.

Andrew Schlosser, President

1/3/20

Signature of Prime Contractor (REQUIRED)

Date

Kim Dotke

1-3-2020

MINUTES

Office of the City Council - Governmental/Charitable
Solicitation Application

ACTION REQUESTED OF B/E:

The Board is requested to endorse a Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City to allow Councilman Bill Henry, Nia Govans, Michael Williams, and Kathleen Kelleher to solicit donations to benefit the GEDCO CARES Food Pantry. The period of the campaign will be effective upon Board approval from April 22, 2020 to December 30, 2020.

AMOUNT OF MONEY AND SOURCE:

No general funds are involved in this transaction.

BACKGROUND/EXPLANATION:

Councilman Henry's Office plans to participate in the solicitation of food donations and funds in support of the GEDCO CARES Food Pantry. During this unprecedented pandemic, food pantries and community kitchens are experiencing strain trying to meet the needs of residents. Currently, the Baltimore region is experiencing the largest unemployment crisis in the state. As residents lose their jobs or run through their savings, GEDCO CARES is supporting those who are experiencing food insecurity.

A potential donor list will be comprised of individuals that follow the "Councilman Bill Henry" account on social media or subscribe to his weekly newsletters. Most of the individual and corporate entities fitting this description are not controlled donors. However, those potential donors who are controlled donors with respect to the City Council and Board of Estimates will not be targeted or singled out in any way and will be solicited, if at all, in the same manner as other perspective donors.

MINUTESOffice of the City Council - cont'd

Baltimore City Code, Article 8, §6-26 prohibits solicitation or facilitating the solicitation of a gift. An exception was enacted in 2005 to permit certain solicitations that are for the benefit of an official governmental program or activity, or a City-endorsed charitable function or activity. Ethics regulation 96.26B sets out the standards for approval, which includes the requirement that the program, function or activity to benefit from the proposed solicitation must be endorsed by the BOE or its designee.

UPON MOTION duly made and seconded, the Board endorsed the Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City to allow Councilman Bill Henry, Nia Govans, Michael Williams, and Kathleen Kelleher to solicit donations to benefit the GEDCO CARES Food Pantry. The Mayor **ABSTAINED**. The President **ABSTAINED**.

MINUTES

Office of the City Council - Governmental/Charitable
Solicitation Application

ACTION REQUESTED OF B/E:

The Board is requested to endorse a Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City to allow Councilman Eric Costello to provide meals to nurses at hospitals in the 11th Council District, specifically Mercy Hospital and University of Maryland Medical Center (UMMC) Downtown and Midtown campuses during the COVID-19 pandemic. The period of the campaign is effective upon Board approval through June 15, 2020.

AMOUNT OF MONEY AND SOURCE:

No general funds are involved in this transaction.

BACKGROUND/EXPLANATION:

Councilman Costello's Office plans to solicit funds to purchase meals for nurses working at Mercy Hospital and UMMC's Downtown and Midtown campuses, and to cover the cost of transporting the meals from local restaurants to the hospitals.

On March 19, 2020, Mayor Bernard C. "Jack" Young declared a State of Emergency in Baltimore City due to the public health threat posed by the novel corona virus, also known as COVID-19. Since then, nurses and other health care professionals have worked, often for extended hours and under challenging conditions, to treat City residents and other patients for COVID and to provide other essential medical services. Mr. Costello seeks to recognize the daily sacrifices made by hospital staff in the 11th District and simply to thank these dedicated workers for their service to the community during an unprecedented public health emergency.

MINUTES

Office of the City Council - cont'd

Donations will be solicited through social medial (Facebook, Twitter, Instagram, LinkedIn, and Nextdoor), through an email distribution list of community and business leaders, and through postings on the Councilman's website. Potential donors will consist of businesses and residents located in the 11th Council District. Most of the individual and corporate entities fitting this description who will be solicited are not controlled donors. However, those potential donors who are controlled donors with respect to the City Council and Board of Estimates will not be targeted or singled out in any way and will be solicited, if at all, in the same manner as other prospective donors.

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MINUTES

Office of the City Council - Governmental/Charitable
Solicitation Application

ACTION REQUESTED OF B/E:

The Board is requested to endorse a Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City to allow Councilman Zeke Cohen and staff to raise \$120,000.00 to create a fund that will support and improve food access for the Southeast immigrant-owned food providers who are currently dealing with hardships as a result of COVID-19. Councilman Cohen wishes to solicit donations from local individuals, businesses and the general population. The period of the campaign is effective upon Board approval through April 30, 2021.

AMOUNT OF MONEY AND SOURCE:

No general funds are involved in this transaction.

BACKGROUND/EXPLANATION:

Donations will be solicited from Baltimore businesses, civic leaders, the foundation community and the general population. A potential donor list will be comprised of individuals and corporate entities that contribute to the economic, social, and cultural vitality of Baltimore City. Most of the individuals and corporate entities fitting that description are not controlled donors. However, potential donors who are controlled donors with respect to the City Council or the Board will not be targeted or singled out in any way and will be solicited, if at all, in the same manner as the other potential donors.

MINUTES

Office of the City Council - cont'd

Despite governmental assistance programs and current food distribution efforts in Baltimore, members of our immigrant communities in Southeast Baltimore are struggling to maintain reliable food access to support their families during the COVID-19 crisis.

Many members of these communities have been laid off from work, which presents them with a significant financial burden. Additionally, local immigrant-owned businesses have either been forced to close or to continue to operate, but under challenging circumstances that contribute to stress, anxiety, and financial hardship. In this time, there is an opportunity to leverage the assets that are our local immigrant-owned food providers to help meet the food needs of our immigrant community members. Councilmember Cohen would like to establish a fund of up to \$120, 000.00 that would be held and managed by the Southeast Community Development Corporation to support and improve food access for immigrant communities in Southeast Baltimore and support local immigrant-owned food providers during the COVID-19 crisis.

Baltimore City Code, Article 8, § 6-26 prohibits solicitation or facilitating the solicitation of a gift. An exception was enacted in 2005 to permit certain solicitations that are for the benefit of an official governmental program or activity, or a City-endorsed charitable function or activity. Ethics regulation 96.26B sets out the standards for approval, which includes the requirement that the program, function or activity to benefit from the proposed solicitation must be endorsed by the BOE or its designee.

MINUTES

Office of the City Council - cont'd

UPON MOTION duly made and seconded, the Board endorsed the Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City to allow Councilman Zeke Cohen and staff to raise \$120,000.00 to create a fund that will support and improve food access for the Southeast immigrant-owned food providers who are currently dealing with hardships as a result of COVID-19. The Mayor **ABSTAINED**. The President **ABSTAINED**.

MINUTES

Baltimore Police Department - Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Lease Agreement with ATAPCO BALTIMORE I LLC, Lessor, for the rental of the property known as the Sun Building at 401/501 N. Calvert Street, consisting of approximately 121,833 square feet. The period of the lease is three years from substantial completion of tenant improvements or the date the Department takes beneficial occupancy (whichever is earlier), with up to 12 months from the date of termination to vacate the premises.

AMOUNT OF MONEY AND SOURCE:

<u>Term</u>	<u>Annual Rent</u>	<u>Monthly Rent</u>	<u>Monthly Additional Rent</u>
Year 1:	\$1,783,200.00	\$148,600.00	\$ N/A
Year 2:	\$2,211,696.00	\$153,058.00	\$62,500.00
Year 3:	\$2,641,769.88	\$157,649.00	\$62,500.00
12 months to vacate	\$2,661,443.00	\$162,349.00	\$62,500.00

Accounts: 6000-613720-2041-776600-603013
 1001-000000-2041-776600-603013
 1001-000000-2142-229600-603013

BACKGROUND/EXPLANATION:

The leased premises known as the Sun Building will be used for the Baltimore Police Department, Fire Department and Emergency Management Services, and for other City purposes and agencies as deemed appropriate by the City. The Sun Building will primarily be used to provide space for the Baltimore Police Department Central District, as well as for medic units for the Fire Department-EMT.

MINUTES

Baltimore Police Department - cont'd

The Lessor will be responsible for the common area and building systems maintenance, interior and exterior structure, lighting fixtures and ballasts, property taxes, Lessor's insurance for the property, water, sewer, steam, and base building electric charges, snow removal, tenant improvements, and 50 unreserved parking spaces in the garage. Lessee will be responsible for all janitorial and security service, trash removal, utilities at the sub-meter, any parking spaces beyond the 50 provided by the Lessor, as well as be responsible for all equipment and furnishings not included in the tenant improvements.

In addition to the monthly rent, the Lessee will be responsible for reimbursing the Lessor for the tenant improvements, plus a management fee of 5%, not to exceed \$61,750.00. Upon final agreement between Lessor and Lessee on the scope of the garage improvements and garage budget, Lessor will be responsible for the garage improvements, and Lessee will be responsible for reimbursing the Lessor for the cost of the improvements plus a management fee.

Beginning on the date which is 18 months following the commencement date and in addition to the Base Rent, and provided that the parties have not signed a new lease (or an amendment to this Lease, as the case may be) for the Lessee to lease the entire building, the Lessee will pay the additional monthly rent of \$62,500.00

The Space Utilization Committee approved this Lease Agreement on April 14, 2020.

APPROVED FOR FUNDS BY FINANCE

MINUTES

Baltimore Police Department - cont'd

Comptroller: "Right. I would like to address the Lease Agreement on Pages 56 and 57 of this week's Agenda. I support the efforts of the Baltimore Police Department to find a new location for its Central District headquarters. But at a time when the City of Baltimore is facing a \$42 million dollar deficit for Fiscal 2020 and revenue loss of up to approximately \$100 million in Fiscal 2021, I am concerned this lease is not a good value for the taxpayers. Over the three years, the City will pay \$8.29 million dollars in rent. The City will also have to reimburse the landlord for improvements and pay a management fee based on the cost of the improvements. Finally, if the City does not enter into a lease for the entire building within 18 months of the start of the lease we are considering today, then we will be charged an additional monthly rent of \$62,500.00. Currently, and going forward into the next fiscal year, City government will have to address an unprecedented loss in revenue. To me this is not the time for us

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to be entering into a lease that imposes fees and additional charges on the City in the way that this agreement does. For all these reasons, I am voting **NO** on the lease with ATAPCO Baltimore I, LLC. Thank you."

President: "Thank you. Thank you, Madam Comptroller."

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UPON MOTION duly made and seconded, the Board approved and authorized execution of the Lease Agreement with ATAPCO Baltimore I, LLC for the rental of the property known as the Sun Building at 401/501 N. Calvert Street, consisting of approximately 121,833 square feet. The Comptroller voted **NO**.

MINUTES**ACKNOWLEDGEMENT**

President: "I just want to inform the rest of the Board that this is Danielle from my office's last day with us. After nearly ten years of service in the Council President's office, she will be moving over to ah -- Information Technology. I want to say publicly thank you Danielle for all your hard work and service to the office both under now Mayor Young, then Council President Young and myself. You know that you will be missed here and your work here did not go un-noticed. Thank you for helping bring the Board of Estimates into the 21st Century by putting together these WebEx meetings for us and not only us but more importantly for the public and for everyday giving your all to the citizens of Baltimore. We know that you are not totally leaving us, but you will be missed here in City Hall each and every day. I wanted to say thank you for your service. Mr. Mayor, I didn't know if you wanted to comment as well because I know Danielle worked for you as well. I guess not. I will thank you."

MINUTES

Comptroller: "I'd like to say um --."

President: "Yes Madam Comptroller."

Comptroller: "I'd like to congratulate Danielle. Danielle, I just want to thank you for your effort and hard work for working with me and my staff --."

Mayor: "I wasn't even finished."

Comptroller: "Oh I didn't hear you."

Mayor: "I was speaking but I guess someone muted me okay. But I want to thank Danielle for ---."

President: "Danielle must have muted you. Mr. Mayor."

Mayor: "Huh."

President: "Danielle must have muted you."

Mayor: "Okay. I want to thank Danielle for the years of service she performed while I was President. Ah -- Danielle during that whole time ah -- after work was going to college, got her degrees and came into my office and said I deserve a raise. I like somebody like that. Danielle I wish you the best. Where you going at?"

MINUTES

Comptroller: "BCIT."

Mayor: "Danielle I wish you the best of luck at BCIT. I know you were trying to get out of there when I was President. You finally got out. But doing that kind of work is can be very hard. Danielle went to school for a lot of things that she wants to do and I know I begged her not to leave. Gave her a couple of raises to keep her there. So Mr. President, you should have given her all those raises she would still be there."

President: "I tried, I tried over the last couple of weeks it didn't work Mr. Mayor."

Mayor: "Thank you Danielle. I know Danielle probably left ah -- ah -- a standard operating procedure for whom ever is going to fill in for her. She has some big shoes to fill. Danielle was looking at everything. And was pointing out everything that she thought I should have been aware of. I know she did the same thing for you Mr. President. Danielle good luck with your new job and I wish you the best. Thank you."

MINUTES

President: "Madam Comptroller."

Comptroller: "Again, I just want to congratulate Danielle for all of the hard work and working with me and my staff and making sure that everything ran smoothly at the Board of Estimates. I wish you the best and if there is anything that this office or I can ever do for you, please don't hesitate to call upon us."

President: "Thank you. Anyone else from the Board want to comment?"

Acting City Solicitor: "Sure. I would like to say something."

President: "Madam City Solicitor."

Acting City Solicitor: "Well Danielle um -- Danielle sent me a text just a few minutes before we went live saying this would be her last BOE. And I responded, how could you break up with me by text. I had no idea. But I will tell you publicly what I said to you privately Danielle. You have been an excellent, excellent addition to the President's office and for the City of Baltimore. I was relieved when you told me that you would still be with us because you are going to BCIT you are not going away

MINUTES

from the City. You are one of the people that has made my transition from private law practice to public law practice so much smoother. I have followed your lead and guidance in really just simply how to talk and socialize things with elected officials. You have been tremendous. BCIT is getting an excellent, excellent leader in you. Um - I'm going to miss you. I'm going to miss how you got us all connected with technology. And just good luck. Good luck. Stay close, stay in touch and stay well."

President: "Thank you. Yes. Mr. Director."

Acting Director of Public Works: "I just want to echo everything that has been said. Um -- I have been in various roles over the past few years. And I have been able to work with Danielle and it has always been with professionalism, class and just a respect for the process as well as the positions of all of the Board members, and the importance of the work that we do in the City. So, I just want to echo everyone and really thank Danielle and I'm so happy to hear that she will remain employed by the City of Baltimore."

MINUTES

President: "Thank you. Thank you. Yes, we all know that Danielle will be missed. Danielle and I actually -- we started as staffers together and now we both have ascended to different roles. So Danielle, thank you for all your years of service and just know that if anything is wrong with anything in IT, I'm calling you directly."

Danielle Laurenceau: "Thank you everyone. No problem Mr. President, I got you."

President: "So before we end, I just want to remind everyone, the citizens of Baltimore that we are still going through this COVID - 19 process. And we have to continue to take it very seriously. We know that we seeing some good signs. We know that everyone is working hard. But please be mindful. Make sure that you're looking out for your neighbors. Make sure that you're practicing social distancing. Make sure that you're adhering to the advice of public health professionals in everything that you do so that we can make it through this together. As there is no more business before the Board, we will recess until bid opening at twelve noon."

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MINUTES

Comptroller: "Good afternoon, the Board of Estimates is now in session for the receiving and opening of bids. In accordance with the directives of the Mayor and Governor prohibiting gatherings of more than 10 people and as part of the overall effort to limit transmission of COVID-19 virus, the Board of Estimates is conducting bid openings remotely. Members of the public can call in to listen to bid openings live by calling (443) 984-1696 and entering Access Code 0817325. Board of Estimates meetings are also broadcast live on CHARM-TV, Channel 25 on Comcast cable in Baltimore City. Meetings are also streamed on the Internet at www.charmtvbaltimore.com/watch-live. The Board of Estimates will continue to conduct bid openings remotely while the state of emergency declared by the Mayor of Baltimore and the Governor of Maryland remains in effect."

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MINUTES

BIDS, PROPOSALS AND CONTRACT AWARDS

Prior to the reading of bids received today and the opening of bids scheduled for today, the Secretary announced that **THERE WERE NO ADDENDA RECEIVED** extending the dates for receipt and opening of bids. There were no objections.

MINUTES

Thereafter, UPON MOTION duly made and seconded, the Board received, opened and referred the following bids to the respective departments for tabulation and report:

Bureau of Procurement - B50005715, Vehicle Leasing

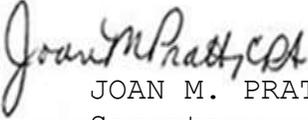
ACME Auto Leasing, LLC*

*Solicitation B50005715, Vehicle Leasing, is being recalled to accept the bid received from ACME Auto Leasing, LLC. This bid was received timely by the City of Baltimore during the COVID quarantine protocols on April 15, 2020 at 10:14 AM. However, the package was not identified as a bid or forwarded to the Board of Estimates until after the April 15, 2020 bid opening. Therefore, it is requested that the Board accept and opening the Bid of ACME Auto Leasing, LLC.

MINUTES

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There being no objections, the Board, UPON MOTION duly made and seconded, adjourned until its next regularly scheduled meeting on Wednesday, May 6, 2020.



JOAN M. PRATT
Secretary