

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. The September 30, 2020 meeting of the Board of Estimates is now called to order. In the interest of promoting and maintaining health and safety, we continue to meet virtually. I will direct the Board members' attention to the memorandum from my office dated September 28, 2020 identifying matters to be considered as routine agenda items, together with any corrections and additions that have been noted by the Comptroller. I will entertain a Motion to approve all of the items on the routine agenda."

Acting City Solicitor: "Uh -- good morning, Mr. President and this Honorable Board. I move approval of all of the items on the routine agenda."

Comptroller: "I second."

MINUTES

President: "All those in favor say AYE. All opposed say NAY. The Motion carries. The routine agenda items have been adopted. Ah -- Madam Comptroller, Mr. Mayor, Honorable Board Members, anyone have any remarks they would like to make?"

Mayor: "No."

Comptroller: "No."

President: "Alright. Well, thank you."
* * * * *

MINUTES**BOARDS AND COMMISSIONS**1. 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:

Comprehensive Structural Solutions, LLC	Engineer
Frederick Ward Associates Inc.	Architect Landscape Architect Engineer Land Survey
Infrastructure Technologies LLC	Engineer
Itenology Corporation	Engineer
K. Dixon Architecture, PLLC	Architect
Living Design Lab, L.L.C	Architect

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

MINUTES

Fire and Police Employees' - Subscription Agreement
Retirement System (F&P)

ACTION REQUESTED OF B/E:

The Board is requested by the Board of Trustees of the Fire and Police Employees' Retirement System (F&P) to approve and authorize execution of its Subscription Agreement for its investment in Greenspring Global Partners X, L.P.

AMOUNT OF MONEY AND SOURCE:

No General Fund monies are involved in this transaction. The F&P will pay Greenspring Associates, LLC, a private equity manager, an average \$93,750.00 annual fee (0.75%) to manage its initial investment of approximately \$12,500,000.00. The investment fee, along with all other management fees and expenses, will be netted out of investment proceeds.

BACKGROUND/EXPLANATION:

The F&P Board of Trustees conducted a search for a private equity manager and, as a result of that search, selected Greenspring Associates, LLC to accept an initial investment of \$12,500,000.00 to be placed with Greenspring Global Partners X, L.P.

The search and selection process was conducted with the assistance and advice of F&P's investment advisor, New England Pension Consulting.

MWBOO GRANTED A WAIVER ON SEPTEMBER 21, 2020.

MINUTES

F&P - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Subscription Agreement, as requested by the Board of Trustees of the Fire and Police Employees' Retirement System, for its investment in Greenspring Global Partners X, L.P. The Comptroller **ABSTAINED**.

MINUTES

TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

3756 - 3758

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

MINUTES**TRANSFERS OF FUNDS**Department of Recreation and Parks

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
1.	\$ 31,000.00	9938-904126-9475	9938-907126-9474
	3 rd Parks & Public Facilities	(Reserve) Park Trail Improvements	(Active) Park Trail Improvements

This transfer will provide funds to cover the costs associated with construction fees from MD State Highway Administration for Jones Falls Trail - Phase V TR11319.

Department of Housing and Community Development

2.	\$250,000.00	9910-921052-9587	9910-904363-9588
	3 rd Community & Economic Development Bonds	Housing Upgrades to Seniors (HUBS)	Housing Upgrade/ Benefit Senior

This transfer will move appropriations to provide loans and grants for housing repairs for older adults over 65 who own and live in their homes as their primary residence.

3.	\$500,000.0	9910-903273-9587	9910-903364-9588
	3 rd Community & Economic Development Bonds	Lead Hazard Reduction Program (Reserve)	Lead Hazard Reduction Program

This transfer will provide bond funds for the Lead Hazard Reduction Program for FY21. This program addresses hazards from lead paint in the homes of low/moderate-income owner-occupied households.

MINUTES

TRANSFERS OF FUNDS

Department of Public Works

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
4.	\$80,711.00	9960-902070-9558	9960-914996-9557-2
	Revenue	Watershed Bridge	Extra Work
	Bond	Maintenance	

This transfer will cover two change orders for TR-12311 Replacement of Three Bridges over MD-295.

5.	\$16,000.00	9956-905680-9549	
	Wastewater	Patapsco Return	
	Revenue Bonds	Sludge No. 2	
	34,000.00	9956-905680-9549	
	Baltimore	Patapsco Return	
	County	Sludge No. 2	
	<u>Grant</u>		
	\$50,000.00	-----	9956-913932-9551-3
			Design

This transfer will cover costs and miscellaneous expenses for SC-987 RSPS 2 Renovations at PWWTP.

6.	\$50,000.00	9960-909100-9558	9960-903969-9557
	Revenue Bond	Water Infrastructure Design	
		Rehabilitation	

This transfer will cover advertising cost for WC 1349 Madison Street WM.

MINUTES**OPTIONS/CONDEMNATIONS/QUICK-TAKES:**

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Department of Housing and Community Development - Option</u>			
1. Turf, LLC	3109 Woodland Avenue	G/R \$60.00	\$ 550.00

Funds are available in account 9910-903183-9588-900000-704040, Park Heights Major Redevelopment, Park Heights Project.

In the event that the option agreement fails and settlement cannot be achieved, the Department requests the Board's approval to purchase the interest in the above property by condemnation proceedings for an amount equal to or lesser than the option amounts.

Department of Housing and Community Development - Condemnation

2. Zenovia McLaurin	1204 Brentwood Avenue	L/H	\$11,600.00
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Funds are available in account 9910-910715-9588-900000-704040, Johnston Square Housing, Johnston Square.

UPON MOTION duly made and seconded, the Board approved the above Option Agreement and the Condemnation.

MINUTES

Mayor's Office of Homeless Services - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Agreement with Manna House, Incorporated. The period of the agreement is July 1, 2020 through June 30, 2022.

AMOUNT OF MONEY AND SOURCE:

\$43,300.00 - 4000-407121-5940-760300-603051

BACKGROUND/EXPLANATION:

The City has received a U.S. Department of Housing and Urban Development Grant to undertake the Emergency Solutions Grant Program. As a sub-recipient, Manna House, Incorporated will utilize the funds to operate a day center and provide supportive services to 200 individuals and/or families in Baltimore City experiencing homelessness. Services will be provided under the Day Resource Center/Meal Program.

The agreement is late because of a delay at the administrative level.

MBE/WBE PARTICIPATION:

Not applicable.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTES

Mayor's Office of Homeless Services - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Agreement with Manna House, Incorporated.

MINUTES

Mayor's Office of - First Amendment to Agreement
Homeless Services

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the First Amendment to Agreement with Associated Catholic Charities, Inc. The First Amendment to Agreement will extend the period of the agreement through June 30, 2021.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On August 26, 2020, the Board approved the original agreement with Associated Catholic Charities, Inc. for the period July 1, 2020 through September 30, 2020 in the amount of \$1,034,035.25. The funds were utilized to operate an emergency homeless overflow shelter for 275 individuals experiencing homelessness in the City of Baltimore.

This First Amendment to Agreement will allow for the closeout and spend down of contract funds in accordance with continued project needs.

AUDITS NOTED THE NO COST TIME EXTENSION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the First Amendment to Agreement with Associated Catholic Charities, Inc.

MINUTES

Department of Recreation and Parks - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the Assignment of Task No. 3 to GWWO, Inc., under Project No. 1314, On-Call Architectural Design Services. The period of the Task Assignment is approximately 12 months.

AMOUNT OF MONEY AND SOURCE:

\$112,519.19 - 9938-915052-9474-9000000-703032

BACKGROUND/EXPLANATION:

The task will include design services for the Druid Hill Reptile House.

MBE/WBE PARTICIPATION:

The Consultant will comply with Article 5, Subtitle 26 of the Baltimore City Code and the MBE and WBE goals established in the original agreement.

MBE: 28%

WBE: 20%

The Consultant has achieved 25.11% of the WBE goal and 28.58% of the MBE goal at this time.

MINUTES

Department of Recreation and Parks - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT</u>	<u>TO ACCOUNT</u>
\$113,000.00	9938-914052-9475	9938-915052-9474
General Funds	(Reserve)	(Active)
	Druid Park	Druid Park
	Community Center	Community Center
\$113,000.00	9938-914052-9475	9938-915052-9474
General Funds	(Reserve)	(Active)
	Druid Park	Druid Park
	Community Center	Community Center

This transfer will provide funds to cover the costs associated with design services under On-Call Contract No. 1314, Task No. 3 to GWWO, Inc.

UPON MOTION duly made and seconded, the Board approved the Assignment of Task No. 3 to GWWO, Inc., under Project No. 1314, On-Call Architectural Design Services. 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 Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Land Disposition Agreement with Jorge Rumbedakis, Developer, for the sale of the City-owned property at 517 N. Port Street (Block 1694, Lot 020) located in the McElderry Park neighborhood.

AMOUNT OF MONEY AND SOURCE:

\$5,000.00 - Private funds

BACKGROUND/EXPLANATION:

The Developer proposes to purchase and rehab the property at 517 N. Port Street as a single-family home, to be rented at market rate.

The authority to sell the property is given under the Baltimore City Code, Article 13, § 2-7 (h).

STATEMENT OF PURPOSE AND RATIONALE FOR SALE BELOW THE PRICE DETERMINED BY THE WAIVER VALUATION PROCESS:

In accordance with the Appraisal Policy of Baltimore City, a Waiver Valuation done by the DHCD has determined the vacant building at 517 N. Port Street to be valued at \$10,000.00 and will be sold for \$5,000.00.

MINUTES

Department of Housing and - cont'd
Community Development

The property is being sold below the value for the following reasons: the sale will serve a specific benefit to the immediate community, eliminate blight, and return the property to the tax rolls.

MBE/WBE PARTICIPATION:

The property is valued at less than \$50,000.00 and will receive no City funds or incentive for the purchase or rehabilitation: therefore, MBE/WBE is not applicable.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Land Disposition Agreement with Jorge Roubedakis, Developer, for the sale of the City-owned property at 517 N. Port Street (Block 1694, Lot 020) located in the McElderry Park neighborhood.

MINUTES

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Land Disposition Agreement with Susinn Tosato, Developer, for the City-owned property at 2803 Orleans Street (Block 1694, Lot 020) located in the McElderry Park neighborhood.

AMOUNT OF MONEY AND SOURCE:

\$5,000.00 - Private funds

BACKGROUND/EXPLANATION:

The Developer proposes to purchase and rehab the property at 2803 Orleans Street as a single-family home, to be rented at market rate.

The authority to sell the property is given under Baltimore City Code, Article 13, § 2-7 (h).

STATEMENT OF PURPOSE AND RATIONALE FOR SALE BELOW THE PRICE DETERMINED BY THE WAIVER VALUATION PROCESS:

In accordance with the Appraisal Policy of Baltimore City, a Waiver Valuation done by DHCD has determined the vacant building at 2803 Orleans Street to be valued at \$10,000.00 and will be sold for \$5,000.00.

MINUTES

Department of Housing and - cont'd
Community Development

The property is being sold below the below the value for the following reasons: the sale will serve a specific benefit to the immediate community, eliminate blight, and return the property to the tax rolls.

MBE/WBE PARTICIPATION:

The property is valued at less than \$50,000.00; therefore, MBE/WBE is not applicable.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Land Disposition Agreement with Susinn Tosato, Developer, for the City-owned property at 2803 Orleans Street (Block 1694, Lot 020) located in the McElderry Park neighborhood.

MINUTES

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Land Disposition Agreement with KCE, Inc., Developer, for the sale of the City-owned property located at 2106 Whittier Avenue.

AMOUNT OF MONEY AND SOURCE:

\$15,000.00 - Purchase Price

BACKGROUND/EXPLANATION:

The Developer will purchase the vacant building located at 2106 Whittier Avenue. The Developer will completely renovate and resell to a homeowner. The purchase price and improvements to the site will be financed through private sources at time of settlement.

STATEMENT OF PURPOSE AND RATIONALE FOR SALE BELOW THE VALUE DETERMINED BY THE WAIVER VALUATION PROCESS:

The property was valued pursuant to the Appraisal Policy of Baltimore City through the Waiver Valuation Process. The Waiver Valuation Value for 2106 Whittier Avenue was \$17,000.00 and the purchase price is \$15,000.00. The property is being sold to KCE, Inc. for below the price determined by the waiver valuation value as follows:

- the renovation will be to the specific benefit to the immediate community;
- will eliminate blight from the block and neighborhood;

MINUTES

DHCD - cont'd

- the sale and rehabilitation; will return the vacant building to the tax rolls; and
- the condition of the properties will require extensive and immediate remediation.

MBE/WBE PARTICIPATION:

The Developer will purchase the properties for a price that is less than \$50,000.00 and will receive no City funds or incentives for the purchase or rehabilitation; therefore, MBE/WBE is not applicable.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Land Disposition Agreement with KCE, Inc., Developer, for the sale of the City-owned property located at 2106 Whittier Avenue.

MINUTES

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Land Disposition Agreement with Felix Ogala, Developer, for the sale of the City-owned property located at 329 E. North Avenue.

AMOUNT OF MONEY AND SOURCE:

\$2,000.00 - Purchase price

BACKGROUND/EXPLANATION:

The Developer will purchase the unimproved vacant lot located at 329 E. North Avenue. The Developer will use the property as a greenspace and a produce garden with a possible parking pad in its rear for the Developer's tenants of the adjacent property. The purchase price and improvements to the site will be financed through private sources at time of settlement.

STATEMENT OF PURPOSE AND RATIONALE FOR SALE BELOW THE VALUE DETERMINED BY THE WAIVER VALUATION PROCESS:

The property was valued pursuant to the Appraisal Policy of Baltimore City through the Waiver Valuation Process. Per the policy, unimproved properties assessed under \$2,500.00 do not require an appraisal. The vacant lot at 329 E. North Avenue is assessed at \$1,000.00. The purchase price is \$2,000.00. The property is being sold below the price determined by the waiver valuation value as follows:

- the renovation will be to the specific benefit to the immediate community;
- will eliminate blight from the block and neighborhood;

MINUTES

DHCD - cont'd

- the sale and rehabilitation will return the vacant lot to the tax rolls; and
- the condition of the properties will require extensive and immediate remediation.

MBE/WBE PARTICIPATION:

The Developer will purchase the properties for a price that is less than \$50,000.00 and will receive no City funds or incentives for the purchase or rehabilitation; therefore, MBE/WBE is not applicable.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Land Disposition Agreement with Felix Ogala, Developer, for the sale of the City-owned property located at 329 E. North Avenue.

MINUTES

EXTRA WORK ORDERS

* * * * *

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders

listed on the following pages:

3773 - 3775

The EWOs were reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

MINUTES**EXTRA WORK ORDERS**

<u>Contract</u>	<u>Prev. Apprvd.</u>	<u>Time</u>	<u>%</u>
<u>Awd. Amt.</u>	<u>Extra Work</u>	<u>Contractor</u>	<u>Ext. Compl.</u>

Department of Transportation/DOT
Engineering and Construction

1. EWO #005, \$98,794.32 - TR 12311R, Replacement of Three Bridges Over MD 295; Waterview Avenue Annapolis Road Bridge and Maisel Street

\$35,374,063.60	\$ 174,889.75	Wagman Heavy Civil, Inc.	- 30.60%
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This change order will authorize the de-watering weir tank system that was required to handle storm water conditions that overwhelmed the specified E&S controls in the contract.

The de-watering weir tank system was employed for seven months at the Annapolis Road Bridge location. The new Pier 3 bridge construction and Abutment B construction were constrained by the MD 295 roadway, the level of development, and the steep embankment. Adequate provisions proved necessary to collect major sheet flow of heavy clay particulate and laden runoff from spilling across MD 295 and into the City's drainage system in an untreated state.

The de-watering Weir Tank System was able to provide containment and media filtering that produced acceptable clear water discharge in compliance with the permit, along with safeguarding MD 295 travel lanes.

DBE PARTICIPATION:

DBE participation is 21%.

MINUTES**EXTRA WORK ORDERS**

<u>Contract</u>	<u>Prev. Apprvd.</u>		<u>Time</u>	<u>%</u>
<u>Awd. Amt.</u>	<u>Extra Work</u>	<u>Contractor</u>	<u>Ext.</u>	<u>Compl.</u>

Department of Public Works/Office
of Engineering and Construction

2.	<u>EWO #003, \$</u>	<u>0.00</u>	<u>- WC 1301R, Large Water Main Repairs</u>	
	<u>\$11,376,185.24</u>	<u>\$</u>	<u>0.00</u>	<u>Anchor Construc-</u>
				<u>tion, Corp.</u>
			<u>12</u>	<u>37</u>
			<u>Mo.</u>	

This change order will authorize a time extension with Anchor Construction Corp. under WC 1301R. This is the second time extension and will increase the duration time of the contract by twelve months for a total contract duration time of 1,825 days. The current construction completion date is September 25, 2020, and the new construction is September 25, 2021. This Extra Work Order is within the original scope of work and was requested by the agency.

The Office of Engineering and Construction is requesting a 365-day non-compensable time extension in order to complete various assigned work to replace and repair Water Main lines at various locations of the City to improve the system's condition, in order to prevent premature disruptions in the City & Baltimore County water distribution. The vast majority of the work assigned to the Contractor is generated by inspection results by WC 1201 performed by PURE Technologies, Inc., managed by the Office of Asset Management (OAM). The services provided under this contract are an integral part of the OAM operations. These services are also critical to the OAM to deal with any unexpected emergency in the water distribution system. The Certificate of Completion form will not be completed until a scheduled time after payment and final completion has been given by the agency.

MINUTES**EXTRA WORK ORDERS**

<u>Contract</u>	<u>Prev. Apprvd.</u>	<u>Time</u>	<u>%</u>
<u>Awd. Amt.</u>	<u>Extra Work</u>	<u>Ext.</u>	<u>Compl.</u>

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

MBE/WBE PARTICIPATION:

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

MBE: 6%

WBE: 1%

THE EAR WAS APPROVED BY MWBOO ON APRIL 9, 2020.

MINUTES

Mayor's Office of Criminal Justice - Grant Adjustment Notice

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of nine Grant Adjustment Notices (GAN) with the Governor's Office of Crime Control and Prevention (GOCCP). The grant project period is June 30, 2019 through June 30, 2021.

AMOUNT OF MONEY AND SOURCE:

\$2,554,421.00 - 5000-511019-2255-702300-405001 Awarded Grant Funds
 - 414,186.00 - de-obligated (GAN #3)
 + 413,642.10 - re-obligated (GAN #5)
\$2,553,887.10 - New Awarded Total Grant Funds Awarded

BACKGROUND/EXPLANATION:

On December 12, 2018, the Board approved and authorized acceptance of a grant award from the Governor's Office of Crime Control and Prevention (GOCCP) in the amount of \$2,554,421.00, with a cash match of \$1,342,412.00, to fund one year of the Safe Streets Baltimore Program expansion from four communities to ten. The period was October 1, 2018 through June 30, 2019.

On November 27, 2018, the first GAN was approved by GOCCP to change the Fiscal Officer Point of Contact.

On June 25, 2019, the second NCE GAN was approved by GOCCP to extend the project end date to December 31, 2019.

On July 12, 2019, the third Budget Adjustment GAN was approved by GOCCP to de-obligate funds in the amount to \$414,186.00 due to delay in contract execution and site implementation, which did not fully expend funds by the project period end date.

MINUTESMayor's Office of Criminal Justice - cont'd

On August 16, 2019, the fourth Administrative GAN was approved by GOCCP to change the Project Director Point of Contact.

On October 9, 2019, the fifth Budget Administrative GAN was approved by GOCCP to re-obligate funds in the amount of \$413,642.10 to expend funds until June 30, 2020.

On October 15, 2019, the sixth NCE GAN was approved by GOCCP to extend the project end date to June 30, 2020.

On January 17, 2020, the seventh administrative GAN was approved by GOCCP to change the Project Director Point of Contact.

On March 10, 2020, the eighth Budget Adjustment GAN was approved by GOCCP to internally modify the contractual services budget line item; however, no changes were made to the overall approved grant budget amount.

On August 17, 2020, the ninth NCE GAN was approved to extend the project end date to June 30, 2021.

The GAN is late because of the administrative process.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

MINUTES

Mayor's Office of Criminal Justice - cont'd

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

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of nine Grant Adjustment Notices with the Governor's Office of Crime Control and Prevention.

MINUTESDepartment of Transportation - Minor Privilege Permit Applications

The Board is requested to approve the following applications for a Minor Privilege Permit. The applications are in order as to the Minor Privilege Regulations of the Board and the Building Regulations of Baltimore City.

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
1. 3030 Elliott Street	Jeff Vornadore	Steps & landing 4' x 5' 6"
Flat Charge - \$35.20		
2. 2047 E. Monument Street	H & A Holdings, LLC	ADA ramp 15' x 3'
Flat Charge - \$70.30		
3. 420 Aisquith Street	420 Aisquith, LLC	One wrap around awning 30.7' x 5' 9", one double face electric sign 15' x 3' 6"
Flat Charge - \$4,597.17		

Since no protests were received, there are no objections to approval.

There being no objection, the Board, UPON MOTION duly made and seconded, approved the Minor Privilege Permit Applications.

MINUTES

Department of Transportation - Developer's Agreement No. 1668

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Developer's Agreement No. 1668 with Hamburg Street Apartments, LLC. The period of the agreement is effective upon Board approval.

AMOUNT OF MONEY AND SOURCE:

\$73,402.00 - Performance bond

BACKGROUND/EXPLANATION:

Hamburg Street Apartments, LLC, would like to install new water services, conduit, road, and streetscape improvements to its proposed new building located at 115 West Hamburg Street. This agreement will allow the organization to do its own installation, in accordance with the City standards.

A Performance Bond in the amount of \$73,402.00 has been issued to Hamburg Street Apartments, LLC, which assumes 100% of the financial responsibility.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of Developer's Agreement No. 1668 with Hamburg Street Apartments, LLC.

MINUTES

Department of Transportation - Right-of-Entry Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Right-of-Entry Agreement between the Maryland Transportation Authority (MDTA) and Honeywell International, Inc. The period of the agreement is effective upon Board approval and will terminate in five years.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The City is the owner of certain property known as Ward 23, Section 10 Block 1040, Lot 2, also known as 2000 Race Street. The site is subject to Controlled Hazardous Substances (CHS). The MDTA owns and operates portions of the Interstate Highway I-95 and I-395 and controls certain portions of the site for the pier footings.

Allied Signal, Inc. a predecessor of Honeywell, owned and operated an agricultural chemical production and repackaging facility in the site until approximately 1976. The MDTA wishes to enter onto the property to perform inspections, monitoring, and non-intrusive routine maintenance work of I-95 and I-395. The MDTA may also want to enter onto the property to perform operations that involve penetration, damage, or disturbance of the asphalt pavement that covers the property, including installation of monitoring devices, rehabilitation of substructural bridge elements, and bridge replacements of I-95 and I-395. The MDTA agrees to conduct the Routine Work and Intrusive Work solely at its own expense.

MINUTES

DOT - cont'd

Either party may terminate this Agreement at any time prior to the termination date upon thirty days written notice to the other party. If the City deems that any of the activities undertaken by the MDTA pose or may pose a threat to the safety or health of a person or the environment, the City expressly reserves the right to terminate or revoke immediately, in whole or in part, this Agreement upon written notice to the MDTA. The MDTA shall manage and prosecute the Work or Intrusive Work so as not to interfere unreasonably with the City's or Honeywell's current use of the property, or the MDE operations on the property, or the operations of other duly authorized parties who may be involved with the property, or the operations of other duly authorized parties who may be involved with the property. Upon completion of the Work or Intrusive Work, the MDTA shall restore the property to its condition immediately prior to the start of the Work or Intrusive Work.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Right-of-Entry Agreement between Maryland Transportation Authority and Honeywell International, Inc.

MINUTES

Department of Transportation - Right-of-Entry Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Right-of-Entry Agreement with Melvin Kabik Revocable Trust, for property located at 2775 Wilkens Avenue, Ward 20, Section 8, Block 2107-A, Lot 4-A, in connection with Sanitary Contract (SC)-963. The period of the agreement is effective upon Board approval.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The City has awarded Sanitary Contract (SC)-963, and during construction, it was determined that access would be needed over the property known as 2775 Wilkens Avenue. This right-of-entry will allow the Contractors access through the site to perform the necessary repairs and complete the project.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Right-of-Entry Agreement with Melvin Kabik Revocable Trust, for property located at 2775 Wilkens Avenue, Ward 20, Section 8, Block 2107-A, Lot 4-A, in connection with Sanitary Contract (SC)-963.

MINUTES

Department of Transportation - Traffic Mitigation Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Traffic Mitigation Agreement with Landmark Restoration Partners, LLC. The period of the Traffic Mitigation Agreement is effective upon Board approval until termination is deemed in writing by the Department of Transportation.

AMOUNT OF MONEY AND SOURCE:

\$53,935.06 - 9950-906082-9512-000000-490375

BACKGROUND/EXPLANATION:

Baltimore City Ordinance 11-529 was approved on May 9, 2012. It was determined that a Traffic Mitigation Fee was required for the Development. Landmark Restoration Partners, LLC proposes to perform the scope of work for Guardian House at 23 South Gay Street, constructing an apartment building with 66 units and commercial space of 10,324 square feet with a total development of 79,435 square feet. The Developer agrees to make a one-time contribution in the amount of \$53,935.06 to fund the City's multimodal transportation improvements in the Development's vicinity to the extent practicable.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Traffic Mitigation Agreement with Landmark Restoration Partners, LLC.

MINUTES

Department of Transportation - Amendment No. 3, On-Call
Traffic Engineering Services

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Amendment No. 3 to the Agreement with Rummel, Klepper & Kahl, LLP under Project No. 1209, On-Call Traffic Engineering Services. The Amendment No. 3 will extend the period of the agreement for one year.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On August 26, 2015, the Board approved an Agreement in the amount of \$1,500,000.00 with Rummel, Klepper & Kahl, LLP, for a period of three years to assist the Department's Planning Division in managing various planning and engineering services. The scope of services includes, but not limited to: traffic impact studies for economic development projects including a recommendation for traffic mitigation under adverse conditions, designing traffic control devices including signals, vehicle detection equipment, signs, pavement markings, and traffic calming installations, technical reports, cost estimates and contract documents.

On June 13, 2018, the City approved Amendment No. 1 to allow for a one-year time extension and an increase to the upset limit by \$1,000,000.00 to continue design services for various projects.

On September 11, 2019, the City approved Amendment No. 2 to allow for a one-year time extension and an increase to the upset limit by \$1,000,000.00 to continue design services for various projects.

MINUTES

DOT - cont'd

The Department is now requesting a one-year time extension to provide support for the Traffic Impact Study requirements for economic development as prescribed in Ordinance 11-529. This contract is also needed to support the dockless vehicle program administered by DOT under Amendment No. 3. The Board approval will result in an expiration of August 25, 2021, and an upset limit of \$3,500,000.00.

MBE/WBE PARTICIPATION:

The Contractor 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%

AUDITS NOTED THE TIME EXTENSION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 3 to the Agreement with Rummel, Klepper & Kahl, LLP under Project No. 1209, On-Call Traffic Engineering Services.

MINUTES

Department of Planning - Grant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Grant Agreement with the Druid Heights Community Development Corporation. The period of the agreement is July 1, 2020 - June 30, 2021.

AMOUNT OF MONEY AND SOURCE:

\$50,000.00 - 1001-000000-1877-187400-603026

BACKGROUND/EXPLANATION:

The purpose of this agreement is to create a nurturing climate for the arts in the City and to ensure that the arts are an effective revitalization tool for communities designated as Arts and Entertainment Districts by the Maryland State Arts Council, a unit of the Maryland Department of Commerce.

This agreement is late due to a delay in both parties agreeing to the final terms.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAS NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Grant Agreement with the Druid Heights Community Development Corporation.

MINUTES

Department of Public Works/Office - Task Assignment
of Engineering and Construction

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 011 to Whitman, Requardt & Associates, LLP under Project No. 1805, On-Call Project and Construction Management Assistance. The original contract expires on September 22, 2022.

AMOUNT OF MONEY AND SOURCE:

(\$297,857.37) - 9956-908340-9551-900020-705032

BACKGROUND/EXPLANATION:

The Department was in need of inspection services work on SC 930R-Clinton Street Sewage System Improvements under Task 005. However, this task was unused due to a Notice to Proceed delay on the project. It has been requested that a credit of the unused amount be applied to the contract so that it can be used for future projects.

Under the scope of the original agreement, Whitman, Requardt & Associates, LLP will assist the Construction Management Section with construction monitoring and inspection, preparation of daily reports, maintenance of project records and documentation, review of contractor's application for payment, attendance at progress meetings, preparation of record drawings, review of contract claims and supports, estimating, scheduling, project engineering, constructability reviews, submittal reviews and responses, request for information (RFI) reviews and responses and construction contract administrative support on an as needed basis.

MINUTES

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

MBE/WBE PARTICIPATION:

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

MBE: 29%

WBE: 10%

This On-Call Agreement is in compliance with the goals set by MWBOO. Current goal status is:

MBE: 42%

WBE: 19%

THE EAR WAS APPROVED BY MWBOO ON JULY 23, 2020.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 011 to Whitman, Requardt & Associates, LLP under Project No. 1805, On-Call Project and Construction Management Assistance.

MINUTES

Department of Public Works/Office - Task Assignment
of Engineering and Construction

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 012 to Whitman, Requardt & Associates, LLP under Project No. 1805, On-Call Project and Construction Management Assistance. The duration for this task is 17 months; the original contract expires on September 22, 2022.

AMOUNT OF MONEY AND SOURCE:

\$220,763.78 - 9960-905592-9557-900020-703032

BACKGROUND/EXPLANATION:

Whitman, Requardt & Associates, LLP will provide Construction Management Assistance and Inspection Services on W.C. 1373-Water Main Replacement at Various Locations.

Under the scope of the original agreement, Whitman, Requardt & Associates, LLP will assist the Construction Management Section with construction monitoring and inspection, preparation of daily reports, maintenance of project records and documentation, review of contractor's application for payment, attendance at progress meetings, preparation of record drawings, review of contract claims and supports, estimating, scheduling, project engineering, constructability reviews and construction contract administrative support on an as needed basis.

MINUTES**MBE/WBE PARTICIPATION:**

This On-Call Agreement is in compliance with the goals set by MWBOO: MBE: 29% WBE 10%. Current goal status is:

MBE: 42%

WBE: 19%

THE EAR WAS APPROVED BY MWBOO ON AUGUST 5, 2020.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 012 to Whitman, Requardt & Associates, LLP under Project No. 1805, On-Call Project and Construction Management Assistance.

MINUTES

Department of Public Works/Office - Task Assignment
of Engineering and Construction

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 013 to Whitman, Requardt & Associates, LLP under Project No. 1805, On-Call Project and Construction Management Assistance. The original contract expires on September 22, 2022.

AMOUNT OF MONEY AND SOURCE:

(\$440,394.76) - 9960-905668-9557-900020-703032

BACKGROUND/EXPLANATION:

The Department was in need of inspection services work on WC 1241-Water Main Replacement at Various Locations under Task 008. However, this task was unused. It has been requested that a credit of the unused amount be applied to the contract so that it can be used for future projects.

Under the scope of the original agreement, Whitman, Requardt & Associates, LLP will assist the Construction Management Section with construction monitoring and inspection, preparation of daily reports, maintenance of project records and documentation, review of contractor's application for payment, attendance at progress meetings, preparation of record drawings, review of contract claims and supports, estimating, scheduling, project engineering, constructability reviews and construction contract administrative support on an as needed basis.

Under the scope of the construction project, Whitman, Requardt & Associates, LLP will replace approximately 13,914 linear feet of small diameter water main and replace various sized valves, fire hydrants, and water services.

MINUTES

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

MBE/WBE PARTICIPATION:

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

MBE: 29%

WBE: 10%

This On-Call Agreement is in compliance with the goals set by MWBOO. Current goal status is:

MBE: 42%

WBE: 19%

THE EAR WAS APPROVED BY MWBOO ON AUGUST 5, 2020.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the assignment of Task No. 013 to Whitman, Requardt & Associates, LLP under Project No. 1805, On-Call Project and Construction Management Assistance.

MINUTES

Department of Public Works/Office - Task Assignment
of Engineering and Construction

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 014 to Whitman, Requardt & Associates, LLP under Project No. 1805, On-Call Project and Construction Management Assistance. The duration of this task is 24 months; the contract will expire on September 22, 2022.

AMOUNT OF MONEY AND SOURCE:

\$ 29,500.17	-	9956-908940-9551-900020-703032
30,000.00	-	9956-904951-9551-900020-703032
60,000.00	-	9956-904941-9551-900020-703032
100,000.00	-	9956-905653-9551-900020-703032
200,000.00	-	9956-906647-9551-900020-703032
\$419,500.17	-	Total

BACKGROUND/EXPLANATION:

The Office of Engineering & Construction is requesting Whitman, Requardt & Associates, LLP to provide a Construction Project Manager scheduler to schedule reviews on SC 978, SC 866, SC 985, SC 910, SC 940, and other Office of Engineering & Construction projects as needed. The work requested is within the original scope of the agreement.

Under the scope of the original agreement, Whitman, Requardt & Associates, LLP will assist the Construction Management Section with construction monitoring and inspection, preparation of daily reports, maintenance of project records and documentation, review of contractor's application for payment, attendance at progress

MINUTES

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

meetings, preparation of record drawings, review of contract claims and supports, estimating, scheduling, project engineering, constructability reviews, and construction contract administrative support on an as needed basis.

MBE/WBE PARTICIPATION:

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

MBE: 29%

WBE: 10%

This On-Call Agreement is in compliance with the goals set by MWBOO. Current goal status is:

MBE: 42%

WBE: 19%

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the assignment of Task No. 014 to Whitman, Requardt & Associates, LLP under Project No. 1805, On-Call Project and Construction Management Assistance.

MINUTES

Department of Public Works/Office - Amendment No. 3
Engineering and Construction (OEC)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Amendment No. 3 with Whitman, Requardt & Associates, LLC for Project 1227W, On-Call Stormwater Study and Engineering Design Services. The current expiration date is September 8, 2020, and the new expiration date is March 8, 2022.

AMOUNT OF MONEY AND SOURCE:

\$0.00

BACKGROUND/EXPLANATION:

On September 9, 2015, the Board approved an agreement with Whitman, Requardt & Associates, LLP for On-Call Stormwater Study and Engineering Design Services for three years and an upset limit of \$1,000,000.00.

On September 26, 2018, the Board approved the first time extension and on October 23, 2019, the second time extension option under the original agreement with no change of the upset fees.

The Office of Engineering and Construction of the Department of Public Works requests extending Project 1227W for 18 months to continue providing urgent/on-call stormwater engineering services to address storm water emergencies. The OEC has been working on the replacement of this project with the Office of Boards and Commissions (OBC). The OBC advertised Project 1326 on February 27, 2020 with the submittal due on March 27, 2020. Due to COVID 19, the deadline of the submittal was extended to May 8, 2020. The OBC received submittals on May 8, 2020, for review and approval.

MINUTES

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

The OBC reviewed and submitted the approved submittals to the OEC on July 30, 2020, for further processing. Under the current circumstance and threat of COVID 19, it is unlikely that the procurement of Project 1326 will be fully executed in time before the current Project 1227W expires.

Therefore, the OEC is requesting a time extension of 18 months for this project to continue providing stormwater engineering services to address storm water emergencies. This agreement will continue to provide the services as stated under the original terms such as provide design, hydrology studies, hydraulic analysis, inspections and investigations related to repair, maintenance and new construction of storm drain facilities.

MBE/WBE PARTICIPATION:

The Consultant will continue to comply with Article 5, Subtitle 28 of the Baltimore City Code. The MBE and WBE goals assigned to the original agreement are MBE: 27% and WBE 10%.

AUDITS NOTED THE TIME EXTENSION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 3 with Whitman, Requardt & Associates, LLC for Project 1227W, On-Call Stormwater Study and Engineering Design Services.

MINUTES

Baltimore City Office of - Non-Disclosure Agreement
Information & Technology

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Non-Disclosure Agreement with Baltimore Gas and Electric Company (BGE).

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

Under contract agreement 08000-GIS Maintenance for Next Generation 9-1-1 project, Vendor, Michael Baker, DATAMARK, will provide data clean up on the City's Site Structure/Address Point and Road/Street Centerline data, as well as reconciling data with Automatic Location Information and Master Street Address Guide data provided by City telecommunications vendors. The BGE is one of the telecommunications vendors providing data. The Non-Disclosure Agreement is a requirement of the BGE before they can provide services and contains a provision requiring the City to indemnify BGE.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board **DEFERRED** the Non-Disclosure Agreement with Baltimore Gas and Electric Company until October 7, 2020.

MINUTES

Circuit Court for Baltimore City - Non-Construction Consultant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Non-Construction Consultant Agreement with Andre Cherry. The period of the agreement is July 1, 2020 through December 31, 2020.

AMOUNT OF MONEY AND SOURCE:

\$42,250.00 - 1001-000000-1100-109500-603026

BACKGROUND/EXPLANATION:

The Acting Fiscal Administrator, Andre Cherry will manage the fiscal activities of the Court for the general fund and grant-funded appropriations. He will also assist court management and staff with any fiscal matters as they arise.

The Non-Construction Consultant Agreement is late because of delays in both parties agreeing to final terms.

APPROVED FOR FUNDS BY FINANCE**AUDITS REVIEWED AND HAS NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Non-Construction Consultant Agreement with Andre Cherry.

MINUTES

Circuit Court Juvenile Division - Grant Award Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of the Grant Award Agreement between the Juvenile Court Services (JCS) Office and Behavioral Health Systems Baltimore. The period of the agreement is July 1, 2020 through June 30, 2021.

AMOUNT OF MONEY AND SOURCE:

\$23,624.00 - 5000-540221-1100-109400-405001

BACKGROUND/EXPLANATION:

The LINKS Program is a part of the Circuit Court for Baltimore City-Juvenile Court Services Office. The JCS LINKS Program was established in 2004 to address the immediate needs of youth and families involved in the child welfare and delinquency system. The goal of the program is to divert youth and families from the Juvenile Court. The LINKS Program serves more than 250 youth and families each year. The funds will be utilized to expand services by offering specialized groups to youth and parents.

The Grant Award Agreement is late because of administrative delays.

APPROVED FOR FUNDS BY FINANCE**AUDITS REVIEWED AND HAS NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the Grant Award Agreement between the Juvenile Court Services Office and Behavioral Health Systems Baltimore.

MINUTES

Baltimore City Fire Department - Assistance to Fire Fighters
Grant Program

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of the Federal Emergency Management Agency (FEMA) Assistance to Firefighter Grant Agreement No. EMW -2020-FG-01444. The period of the grant agreement is August 19, 2020 through August 18, 2021.

AMOUNT OF MONEY AND SOURCE:

\$904,545.45	-	4000-444421-3191-308700-404001	-	Federal
<u>90,454.55</u>	-	1001-000000-3191-308700-604009	-	State
\$995,000.00		Total		

BACKGROUND/EXPLANATION:

The purpose of the FEMA Assistance to Firefighters Grant Program -COVID-19 Supplemental (AFG-S) is to provide funds for the purchase of PPE and related supplies, including reimbursements, to prevent, prepare for, and respond to coronavirus.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the Federal Emergency Management Agency Assistance to Firefighter Grant Agreement No. EMW -2020-FG-01444.

MINUTES

Health Department - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Agreement with Baltimore City Board of School Commissioners, Baltimore City Public School System (BCPSS). The period of the agreement was July 1, 2019 through September 30, 2020.

AMOUNT OF MONEY AND SOURCE:

\$ 94,000.00	-	4000-427120-3080-292300-603051
143,558.00	-	4000-427120-3080-292301-603051
9,000.00	-	4000-427120-3080-292302-603051
<u>\$246,558.00</u>	-	TOTAL

BACKGROUND/EXPLANATION:

BCPSS will provide services to children in the Baltimore Infants and Toddlers Program who are determined to be eligible for preschool special education and related services.

The agreement is late because of administrative delays.

MBE/WBE PARTICIPATION:

N/A

MWBOO GRANTED A WAIVER ON SEPTEMBER 1, 2020.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTESHealth Department - Agreement

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Agreement with Baltimore City Board of School Commissioners, Baltimore City Public School System.

MINUTES

Health Department - Ratification of Agreement

ACTION REQUESTED OF B/E:

The Board is requested to ratify the Agreement with The Johns Hopkins University. The period of the agreement was May 1, 2019 through September 29, 2020.

AMOUNT OF MONEY AND SOURCE:

\$185,192.00 - 4000-484719-3023-718000-603051

BACKGROUND/EXPLANATION:

The Johns Hopkins University's Center for Child & Community Health Research will design, implement, and evaluate comprehensive models of HIV prevention and care services for men who have sex with men of color. Johns Hopkins University will be responsible for managing the day-to-day evaluation.

The agreement is late because of administrative delays.

MBE/WBE PARTICIPATION:

N/A

MWBOO GRANTED A WAIVER ON JUNE 11, 2020.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTES

Health Department - cont'd

UPON MOTION duly made and seconded, the Board ratified the Agreement with The Johns Hopkins University. The Mayor **ABSTAINED**.
The President **ABSTAINED**.

MINUTESHealth Department - Ratification of Amendments to Agreement

The Board is requested to ratify amendments to the various agreements.

1. **BALTIMORE MEDICAL SYSTEM, INC.** **\$32,732.84**

Account No. 5000-520120-3080-288900-603051

On February 5, 2020, the Board approved the original agreement in the amount of \$64,999.86, for the period of July 1, 2019 through June 30, 2020. The Department increased the agreement by \$32,732.84, for additional services. This makes the total agreement amount \$97,732.70. The period of the agreement was July 1, 2019 through December 31, 2019.

The amendment is late because budget revisions delayed its processing.

2. **BALTIMORE HEALTHY START, INC.** **\$ 0.00**

On October 16, 2019, the Board approved the grant agreement in the amount of \$750,000.00 for the period of July 1, 2019 through June 30, 2020. Due to delays, the organization was unable to complete program services. The Department amended the agreement to extend the period of performance through June 30, 2021.

The amendment is late because of administrative delays.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTES

Health Department - cont'd

UPON MOTION duly made and seconded, the Board ratified the amendments to the foregoing agreements.

MINUTES

Health Department - Notice of Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of the Notice of Grant Award (NGA) from the Maryland State Department of Education (MSDE), School-Based Health Center (SBHC) Program. The period of the award is July 1, 2020 - June 30, 2021.

AMOUNT OF MONEY AND SOURCE:

\$505,021.00 - 5000-525721-3100-295900-405001

BACKGROUND/EXPLANATION:

This NGA provides funding for the Department's School-Based Health Centers, which offers preventive, primary, and chronic health services to students with a broad range of medical needs.

The Notice of Grant Award is late because of administrative delays.

MBE/WBE PARTICIPATION

N/A

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the Notice of Grant Award from the Maryland State Department of Education, School-Based Health Center Program.

MINUTES

Health Department - Notice of Award

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of the Notice of Award from the Department of Health and Human Services, Centers for Disease Control and Prevention for the Project titled "Baltimore City Teen Dating Violence (TDV) and Youth Prevention Addressing Shared Risk Factors." The period of the agreement is September 1, 2020 through August 31, 2021.

AMOUNT OF MONEY AND SOURCE:

\$400,000.00 - 4000-483321-3160-780000-404001

BACKGROUND/EXPLANATION:

The Notice of Award will provide funding for the Baltimore City Teen Dating Violence and Youth Prevention Addressing Shared Risk Factors Project. The project will provide services to reduce teen dating violence and other forms of youth-violence in Baltimore City.

The Notice of Award is late because of administrative delays.

MBE/WBE PARTICIPATION

N/A

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

Health Department - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the Notice of Award from the Department of Health and Human Services, Centers for Disease Control and Prevention for the Project titled "Baltimore City Teen Dating Violence and Youth Prevention Addressing Shared Risk Factors."

MINUTES

Baltimore Police Department - Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of a Grant Award from the Governor's Office of Crime Control and Prevention (GOCCP) for the Maryland Criminal Intelligence Network Program (MCIN), Award #MCIN-2021-0011. The period of the grant award is July 1, 2020 through June 30, 2021.

AMOUNT OF MONEY AND SOURCE:

\$505,458.00 - 5000-510621-2023-733200-607004

BACKGROUND/EXPLANATION:

The Baltimore City Police Department's Maryland Criminal Intelligence Network Program will help to reduce existing gaps in services and foster collaboration and cooperation among partner agencies and stakeholders. The program focuses on maximizing all available information and intelligence in order to identify, disrupt and dismantle gangs and violent criminal networks responsible for the distribution of illegal drugs, opioid overdoses, firearm related violence, juvenile crime, human trafficking, and other forms of inherently violent criminal enterprises. Program funds provide personnel, contractual services and other expenses.

The submission is late because of administrative delays.

MBE/WBE PARTICIPATION:

N/A

MINUTES

Baltimore Police Department - cont'd

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

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the Grant Award from the Governor's Office of Crime Control and Prevention for the Maryland Criminal Intelligence Network Program, Award #MCIN-2021-0011.

MINUTES

Baltimore Police Department - Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of a Grant Award from the Governor's Office of Crime Control and Prevention for the Sexual Assault Kit Testing Program, Award #SAKT-2020-0005. The period of the grant award is July 1, 2020 through June 30, 2021.

AMOUNT OF MONEY AND SOURCE:

\$314,698.00 - 5000-517621-2024-212600-607004

BACKGROUND/EXPLANATION:

The Governor's Office of Crime Control and Prevention awarded the Baltimore Police Department grant funds in the amount of \$314,698.00. The Baltimore Police Department's Sexual Assault Kit Testing Program will eliminate the backlog of untested sexual assault kits received since May 1, 2018. In addition, the SAKT Program will prevent the backlog from reforming and reduce the turnaround time of sexual assault kit testing for victims in Baltimore City. The key to success in providing closure to the cases and to the victims of sexual assault is the timely production of the testing results. Specifically, the Forensic Laboratory Section of the Crime Laboratory Department will achieve these three goals by implementing two capacity enhancement objectives. Grant funds support the hiring of laboratory personnel and key equipment in the DNA sample processing.

The submission is late because of late award notification.

MBE/WBE PARTICIPATION:

N/A

MINUTES

Police Department - cont'd

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the Grant Award from the Governor's Office of Crime Control and Prevention for the Sexual Assault Kit Testing Program, Award #SAKT- 2020-0005.

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

2. GRAPHIC COMPUTER SOLUTIONS, INC. t/a		Non-competitive/ Procurement/
JUDICIAL DIALOG SYSTEMS	\$25,000.00	Renewal
Contract No. 08000 - Judicial Dialog Software - Baltimore City State's Attorney - P.O. No.: P550531		

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

STATEMENT OF PURPOSE AND RATIONALE FOR NON-COMPETITIVE PROCUREMENT:

On February 27, 2020, the City Purchasing Agent approved the initial award in the amount of \$22,000.00. The award contained three 1-year renewal options. This first renewal, in the amount of \$25,000.00, is for the period January 1, 2021 through December 31, 2021, with two 1-year renewal options 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, Section 11 (e) (i) of the City Charter, the procurement of the equipment and/or service is recommended.

MBE/WBE PARTICIPATION:

Not applicable. The initial was below the MWBOO threshold of \$50,000.00.

MINUTES**INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS**

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

3. FORTE PAYMENT		Non-competitive/
SYSTEMS, INC.	\$24,000.00	Procurement/Renewal
Contract No. 06000 - Credit and Debit Card Software Transaction System - Department of Recreation and Parks - P.O. No.: P531809		

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

STATEMENT OF PURPOSE AND RATIONALE FOR NON-COMPETITIVE PROCUREMENT:

On July 17, 2013, the Board approved the initial award in the amount of \$49,000.00. The award contained annual renewals subject to agreement by the parties. Subsequent actions have been approved. This sixth renewal, in the amount of \$24,000.00, is for the period July 17, 2020 through July 16, 2021, with additional annual renewals subject to agreement by both parties. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

Not applicable. The initial award was below the MWBOO 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

but none was located. Since there are more renewal option years, MWBOO will still allow that addition of a MBE in the future if a business becomes certified with EAP experience.

MWBOO FOUND VENDOR IN COMPLIANCE ON SEPTEMBER 11, 2020.

5. INTERPERSONAL

<u>FREQUENCY, LLC</u>	<u>\$130,000.00</u>	<u>Renewal</u>
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Contract No. B50003075 - City of Baltimore Web Site Redesign and Hosting - Baltimore City Office of Information and Technology - P.O. No.: P526271

On January 15, 2014, the Board approved the initial award in the amount of \$286,367.00. The award contained four 1-year renewal options. Subsequent actions have been approved. This fourth renewal, in the amount of \$130,000.00, is necessary to allow for the continuation of hosting services, Drupal support and additional time for the transition period into the new Contract B50005562 for the end user agency, Baltimore City Office of Information and Technology. The contract expires on June 15, 2021, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On August 9, 2013, it was determined that no goals would be set because of no opportunity to segment the contract.

MWBOO GRANTED A WAIVER ON AUGUST 9, 2013.

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. MIDDLETON & MEADS

COMPANY

BELTWAY KENWOOD,

LLC

\$ 0.00

Ratification
and Renewal

Contract No. B50004936 - Suspension and Spring Repairs -
Department of General Services - Fleet Management - P.O. Nos.:
P540087 and P540084

On June 28, 2017, the Board approved the initial award in the amount of \$5,000,000.00. The award contained two 1-year renewal options. As a result of the agency's continuous use of contracts while Vendors were under MWBOO compliance review a ratification is necessary. This renewal is for the continuation of receiving services. The period of the ratification is July 1, 2020 through September 30, 2020. The period of the renewal is October 1, 2020 through June 30, 2021, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On February 2, 2017, MWBOO set goals of 4% MBE and 2% WBE. On September 14, 2020, MWBOO found the Prime Contractor Middleton & Meads in compliance and Beltway Kenwood, LLC in non-compliance. As a result of the finding, Beltway Kenwood, LLC has an approved plan and Agreement with impacted MBE/WBE(s).

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

MWBOO FOUND VENDOR IN COMPLIANCE ON SEPTEMBER 14, 2020 BASED ON A GOOD FAITH EFFORT.

BELTWAY KENWOOD LLC

	<u>Commitment</u>	<u>Performed</u>	
MBE: Millennium Auto Parts*	4%	\$1,700.00	0.23%
WBE: Robnet**	2%	\$6,367.94	0.86%

During the evaluation of this compliance review, Millennium Auto Parts* encountered challenges with meeting the commodity deliverables required for this contract. The company also serves as a subcontractor for both awardees on the contract and each prime contractor encountered insufficiency with deliveries and services for auto parts, which imposed unanticipated delays for repair deadlines that were needed for the City agencies. MWBOO investigated these deficiencies, conducted two site visits, and has determined the subcontractor is incapable of fulfilling the deliverables associated with the scope of work. Therefore, a new MBE will serve as a replacement for Millennium Auto Parts* for the duration of the contract. The conciliation plan does outline the prime contractor's efforts to improve and ensure increased utilization of Robnet**.

MWBOO FOUND VENDOR IN NON-COMPLIANCE WITH AN APPROVED PLAN AND AGREEMENT WITH IMPACTED M/WBE(s) ON SEPTEMBER 14, 2020.

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

- | | | |
|---|--------------|-------------------------|
| 7. FARO TECHNOLOGIES,
INC. | \$181,427.27 | Cooperative
Contract |
| GSA Contract No. GS-07F-197GA-Crime Sketch Scanners/Software
- Police Department - Req. No.: R858451 | | |

Crime Sketch Scanners and Software will be purchased from a competitively bid, cooperative federal Contract Agreement GS-07F-197GA. This purchase is fully grant funded. The contract expires on September 28, 2022.

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, Section 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 the distributor and are not available from subcontractors.

- | | | |
|---|----------------|-------------------------|
| 8. SEAGRAVE FIRE APPRATUS,
LLC, A WHOLLY OWNED
SUBSIDIARY OF FWD SEAGRAVE
HOLDING, LP | \$1,974,279.00 | Cooperative
Contract |
| Houston-Galveston Area Council Contract Number FS12-19 - Fire
Service Apparatus (All types) - Department of General Services
- Fleet Division - Req. No.: R856809 | | |

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

Three pumper trucks will be purchased from a competitively bid, cooperative inter-local contract agreement between the Baltimore Regional Cooperative Purchasing Committee and Houston-Galveston Area Council. The pumper trucks will replace older pumper trucks in the City's fleet as part of Fleet Management's planned replacement program. The contract expires on November 30, 2021.

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, Section 11 (e)(i) of the City Charter, the procurement of the equipment and/or service is recommended.

MBE/WBE PARTICIPATION:

On May 20, 2020, MWBOO determined no goals would be set because of no opportunity to segment the contract. This is for the purchase of commodities from an authorized heavy equipment dealer who is required to provide associated pre-delivery inspection and warranty parts.

MWBOO GRANTED A WAIVER ON MAY 20, 2020.

- | | | | |
|--|--------------------|---------|---------------------------------------|
| 9. | WAGeworks,
INC. | \$ 0.00 | Correction to Award/
and Agreement |
| <hr/> | | | |
| Contract No. 06000 - COBRA Benefit Services - Human Resources
- P.O. No.: P552392 | | | |

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 Board is requested to approve and authorize execution of an Agreement with WageWorks, Inc. and approve a correction to Award. The period of the agreement is September 1, 2020 through June 30, 2021, with two 1-year renewal options.

On September 2, 2020, the Board approved an award with WageWorks, Inc. for the period January 1, 2020 through December 31, 2020. The Board is requested to approve a correction of the previously awarded contract period. The correct period of the agreement is September 1, 2020 through June 30, 2021, with two 1-year renewal options.

MBE/WBE PARTICIPATION:

Not applicable. Proprietary software.

10. TOTAL ENVIRONMENTAL		Ratification and
CONCEPTS, INC.	\$1,000,000.00	Extension
<u>Contract No. B50003879 - Major Repairs, Upgrades and Replacement of Fuel Tanks - Department of General Services - Fleet Management - P.O. No.: P530424</u>		

On March 11, 2015, the Board approved the initial award in the amount of \$1,000,000.00. Subsequent actions have been approved. As a result of the agency's continuous use of contracts while Vendors were under MWBOO compliance review a ratification is necessary. An extension is necessary to work on processing competitive bidding to have a new contract in place. The period of the ratification is March 11, 2020 through

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 Prime Contractor far exceeded the MBE goal and demonstrated some effort to meet the WBE aggregate goal. MWBOO forwarded a post-compliance letter advising continued utilization of all WBEs in order to show fair distribution of work opportunities. It was also recommended for the Prime Contractor to contact the MWBOO Office if there is the possibility substitution is needed for WBE's due to limitations within the Scope of Work for those that are existing WBEs.

MWBOO FOUND VENDOR IN COMPLIANCE BASED ON A GOOD FAITH EFFORT ON SEPTEMBER 16, 2020.

11. FERGUSON ENTERPRISES,
INC.

D-S PIPE & STEEL SUPPLY

LLC	\$ 50,000.00	Extension
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Contract No. B00004276 - Steel Pipes, Valves and Fittings - Department of Public Works - Wastewater Facilities - P.O. Nos.: P549082 and P533360

On October 28, 2015, the Board approved the initial award in the amount of \$100,000.00. The award contained two renewal options. Subsequent actions have been approved and two renewals have been exercised. An extension is necessary to maintain the continuity of services while a new Solicitation is being prepared, advertised and awarded. The contract expires on October 27, 2020. The period of the extension is October 28, 2020 through April 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

MBE/WBE PARTICIPATION:

On August 16, 2015, MWBOO determined that no goals would be set because of no opportunity to segment the contract.

MWBOO GRANTED A WAIVER ON AUGUST 16, 2015.

12. ACME AUTO LEASING,

LLC

\$ 35,000.00

Extension

Contract No. B50001886 - Vehicle Leasing - Baltimore Police Department - P.O. No.: P519341

On January 18, 2012, the Board approved the initial award in the amount of \$372,018.00. The award contained two renewal options. Subsequent actions have been approved and two renewals have been exercised. An extension is necessary to continue vehicle leasing services for various City agencies while a new Solicitation B50005715 is awarded. The period of the extension is June 30, 2020 through December 31, 2020.

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, Section 11 (e) (i) of the City Charter, the procurement of the equipment and/or service is recommended.

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 March 25, 2011, it was determined that no goals would be set because of no opportunity to segment the contract. This contract requires that vehicles are serviced under current Fleet maintenance/repair contracts.

MWBOO GRANTED A WAIVER ON MARCH 25, 2011.

13. ATLANTIC EMERGENCY SOLUTIONS, INC.	\$547,482.00	Non-competitive/ Procurement/Cooperative Cooperative Agreement
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Contract No. Houston-Galveston Area Council Contract No. AM10-18-Ambulances, EMS & Other Special Service Vehicles - Department of General Services - Fleet Division - Req. No.: R860777

The amount of \$547,482.00 will be financed through the City's Master Lease program administered by the Bureau of Treasury Management.

This request 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 a Cooperative Agreement with Atlantic Emergency Solutions, Inc. The contract expires on September 30, 2020.

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

One road medic unit will be purchased from a competitively bid, cooperative contract agreement between Houston-Galveston Area Council and Atlantic Emergency Solutions, Inc. This medic unit will replace an older medic unit in the City's fleet, as part of Fleet Management's planned replacement program. This contract is used by several government agencies including the Baltimore Regional Cooperative Purchasing Committee.

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, Section 11 (e)(i) of the City Charter, the procurement of the equipment and/or service is recommended.

MBE/WBE PARTICIPATION:

On May 20, 2020, MWBOO determined that no goals would be set because of no opportunity to segment the contract. This is for the purchase of commodities from an authorized heavy equipment dealer who is required to provide associated pre-delivery inspection and warranty repairs.

MWBOO GRANTED A WAIVER ON MAY 20, 2020.

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

UPON MOTION duly made and seconded, the Board approved the Informal Awards, Renewals, Increases to Contracts and Extensions. The Board further approved and authorized execution of the Correction to Award and Agreement with WageWorks, Inc. (item no. 9) and the Non-competitive/Procurement/Cooperative Agreement with Atlantic Emergency Solutions, Inc. (item no. 13). The Comptroller **ABSTAINED** on item no. 13. The Board **DEFERRED** item no. 12 until October 14, 2020.

MINUTES

Baltimore Development Corporation - Capital Projects
Grant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Capital Projects Grant Agreement with the Board of Directors of Lexington Market, Inc. to support the construction of the new Lexington Market Building.

AMOUNT OF MONEY AND SOURCE:

\$2,000.000.00 - State of Maryland via MD Dept. of General Services

BACKGROUND/EXPLANATION:

The transformation of Lexington Market is the movement to renew and improve Baltimore's iconic Lexington Market, which for 238 years has been a staple of Baltimore life and is the longest continuously operating public market in the country. The City-owned Market sits in the heart of Baltimore and is one of six public markets managed by Lexington Market, Inc. and Baltimore Public Markets Corporation on behalf of the City.

This \$2,000.000.00 grant represents the penultimate payment of a \$7,000,000.00 commitment to Lexington Market from the State of Maryland as part of the Governor's Capital Budget. The final grant will be approved in the FY 2022 Maryland Capital Budget.

Funds from this grant will be used for construction of the new South Market at Lexington Market currently underway with an anticipated completion date of January 2022. The project's budget is \$40,000,000.00. The State of Maryland requires Board approval because the properties are owned by the City.

MINUTES

Baltimore Development Corporation - cont'd

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Capital Projects Grant Agreement with the Board of Directors of Lexington Market, Inc. to support the construction of the new Lexington Market Building.

MINUTES

Baltimore Development Corporation - Memorandum of Agreement,
Third Amendment to Lease
and Management Agreement
and Transfer of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Memorandum of Agreement with the United States Coast Guard Yard and the Third Amendment to Lease and Management Agreement. The Memorandum of Agreement is effective upon Board approval and will remain in effect until it is cancelled by either party in writing or the USCGC Taney repair project is complete, whichever comes first.

AMOUNT OF MONEY AND SOURCE:

\$167,000.00 - Fund revenue

BACKGROUND/EXPLANATION:

The City is the owner of USCGC WHEC-37, formerly known as the USCGC Taney, a former Coast Guard Warship and the last remaining ship to have fought in the attack on Pearl Harbor. On January 29, 1997, the City entered into a Lease and Management Agreement, pursuant to which the Living Classrooms Foundation has the responsibility to manage the USCGC WHEC-37 and is responsible for its maintenance and repair.

After 20 consecutive years in the water, the USCGC WHEC-37 is in need of routine maintenance and repairs. The U.S. Coast Guard will oversee the repairs, which will take place at the U.S. Coast Guard Yard in Curtis Bay. By law, the Coast Guard will only contract with other government entities and because the USCGC WHEC-37 is owned by the City of Baltimore, the Coast Guard has agreed to the proposed docking, maintenance and repairs, subject to a Memorandum of Agreement with the City.

MINUTESBaltimore Development Corporation - cont'd

The Lease and Management Agreement with Living Classrooms Foundation will be amended to allow the City to enter into the required memorandum of agreement with the Coast Guard and to obligate Living Classrooms Foundation to provide all funding from their identified sources. This structure allows the City to operate as a pass-through entity for funds provided by Living Classrooms Foundation and to meet the Coast Guard's requirement to only contract with other governments.

APPROVED FOR FUNDS BY FINANCE**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT</u>	<u>TO ACCOUNT</u>
\$167,000.00	9910-994001-9600	9910-905130-9601
Other Fund	Construction Reserve	USCGC WHEC-37
Revenue	Unallocated Reserve	Taney Repairs

The City is the owner of USCGC WHEC-37, formerly known as the USCGC Taney. After 20 consecutive years in the water, the USCGC WHEC-37 is in need of routine maintenance and repairs. The U.S. Coast Guard will oversee the repairs which will take place at the U.S. Coast Guard Yard in Curtis Bay. By law, the Coast Guard will only contract with other government entities and because the USCGC WHEC-37 is owned by the City of Baltimore, the Coast Guard has agreed to the proposed docking, maintenance and repairs.

MINUTES

Baltimore Development Corporation - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Memorandum of Agreement with the United States Coast Guard Yard and the Third Amendment to Lease and Management Agreement. 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. The Mayor **ABSTAINED.**

MINUTES

BBMR - cont'd

The requested amount of \$2,000,000.00, is the anticipated spending during Fiscal 2021. Additional spending will be included in the Fiscal 2022 Budget.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board **DEFERRED** Appropriation Adjustment Order No. 008 for a State grant funds transfer within the Mayor's Office from Service 798: Youth Works Summer Jobs Program to Service 741: Community Action Partnership.

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 contract

listed on the following pages:

3840 - 3841

to the low bidder 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.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:

Department of Public Works/Office
of Engineering & Construction

1.	WC 1291, Wilkens Avenue/ Frederick Avenue and Vicinity Water Main Replacements	J. Fletcher Creamer & Son, Inc.	\$8,366,300.00	
	MBE: Machado Construction Co., Inc.		\$1,050,000.00	12.55%
	WBE: Fallsway Construction Co., Inc.		155,475.00	1.86%
	Priceless Industries, Inc.		9,800.00	0.71%
	R&R Contracting Utilities, Inc.		<u>219,300.00</u>	<u>2.62%</u>
	TOTAL		\$ 434,575.00	5.19%

MWBOO FOUND VENDOR IN COMPLIANCE.

2. **TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$6,424,000.00 (Revenue Bonds)	9960-903198-9558 (Water Infrastruc- ture Rehabilitation)	
\$2,611,604.00 <u>(Revenue Bonds)</u>	9960-936001-9558 (Construc. Res.)	
\$9,035,604.00	-----	9960-907744-9557-6 (Construction)

This transfer will cover the deficit for Project WC 1291, Water Main Replacement, Wilkens Avenue, Frederick Avenue, and Vicinity.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:

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

A PROTEST WAS RECEIVED FROM MONUMENTAL PAVING & EXCAVATING, INC.

A RESPONSE TO THE PROTEST WAS RECEIVED FROM J. FLETCHER CREAMER & SON, INC.

THE PROTEST FROM MONUMENTAL PAVING & EXCAVATING, INC. WAS WITHDRAWN.

Robert Fulton Dashiell, ESQ. P.A.

Robert Fulton Dashiell
Principal
robertdashiell@dashiell-lawoffice.com

Senchal Dashiell Barrolle
Associate Principal
sbarrolle@dashiell-lawoffice.com

1726 Whitehead Road
Woodlawn, Maryland 21207
Telephone: (410) 547-8820
Facsimile: (443) 637-3718

Baltimore City Office
2423 Maryland Avenue, Suite 100
Baltimore, Maryland 21218

July 20, 2020

VIA ELECTRONIC DELIVERY

Matthew W. Garbark
Acting Director
Baltimore City Department of Public Works
200 Holliday Street, Suite 600
Baltimore, Maryland 21202

RE: Department of Public Works ("DPW") Contract No. WC 1291

Dear Director Garbark:

We submit this letter on behalf of our client, Monumental Paving & Excavating, Inc. ("Monumental")¹, the lowest responsive and responsible bidder for the above referenced contract (the "Contract"). The purpose of this letter is to notify DPW that the bid submitted by the apparent low bidder, J. Fletcher Creamer ("Creamer") is non-responsive because it is materially unbalanced. Creamer's bid presents an unacceptable risk to the City and is an affront to the integrity of the competitive bidding process.

The unacceptable risk and unfair advantage are:

1. **Prepayment.** Creamer's bid requires the City to advance payment for work not yet completed. In its certified business participation affidavit (the "Affidavit") Creamer represents that it intends to award a contract to Machado, an MBE firm, for "highway, bridge and street construction" for \$1,050,000, and another for "asphalt, milling, paving & trucking" to Fallsway Construction, a WBE, for \$155,475.00. Attached hereto as Exhibit 1, is a spreadsheet that shows the prices bid by Monumental, Creamer and the other two bidders for the contract. There is no bridge or highway work in the contract, so the amount to be paid to Machado appears to be for street construction, exclusive of the asphalt, milling and paving allocated to Fallsway. Street reconstruction is the last component of the work to be performed under the Contract and, therefore, the last work for which the City is to advance payment. However, Creamer's bid has imbedded the bulk of the actual cost for street construction work in items billed and paid for

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DIRECTOR
DEPARTMENT OF
PUBLIC WORKS

before completion of street construction. That “prepayment” amounts to an untended and improper interest free loan.²

2. **Unfair Advantage.** The City is not supposed to pay a contractor beyond the amount of mobilization except as a progress payment which City of Baltimore Standard Specification 00 23 00.01 defines as “Partial payment made during the progress of the Project, based on Work completed and/or materials received and suitable stored at any given time period.” Not only would the requested prepayment for street construction work violate the terms of the Green Book, it would be tantamount to an interest free loan from the City, which could be reflected in the amount of its bid, and, thereby, would be manifestly unfair to other bidders who rightly assumed that they would not be paid until the work for which payment is sought was actually completed.

Creamer’s bid is front loaded and, for the reasons shown above, is materially unbalanced.

An unbalanced bid is one which offers “unreasonably low prices on some items and compensates for them by unreasonably high prices on other items.” *Brawner Builders, Inc.*, MSBCA No. 2950 at 4-5 (Md. B.C.A., Apr. 5, 2016) (citing P. Schnitzer, *Government Contracting Bidding* at 11-19 & 11-20 (3rd ed. 1992)). A bid is “materially unbalanced” if “there is substantial doubt that the bid represents the lowest price.” *Id.* (quoting *Pile Foundation Const. Co., Inc.*, MSBCA No. 2238 at 5 (Md B.C.A., Dec. 7, 2001).)

This is particularly the case where a bid is “front-loaded” by unbalancing prices towards those items that will be paid early in contract performance. *See L.W. Matteson, Inc.*, B-290224, 2002 CPD ¶89 (Comp. Gen., May 28, 2002) (bid was materially unbalanced where bidder “could recover a disproportionate share of the overall contract price early in the performance period” due to unreasonably high lump sum line item); *Industrial Bldrs., Inc.*, B-283749, 99-2 CPD ¶114 (Comp. Gen., Dec. 29, 1999); *see also Hardy & Son Trucking, Inc.*, CAB No. P-453, 44 DCR 6483 (D.C.B.C.A., Jul. 26, 1996) (holding frontloading of equipment costs into the first 18 months of a 36-month contract rendered the bid materially unbalanced).

Moreover, as the the Comptroller General held in the analogous federal case of *F&E Erection Co.*, B-234927, 89 CPD ¶573 (Comp. Gen. June 19, 1989), a bid which requires that the agency pay 28% of the total contract price in the first monthly progress payment was non-responsive because, *inter alia*, such an award would be “detrimental to the competitive bidding system [because] it would allow the bidder to enjoy an advantage not enjoyed by its competitors for the award—the use of interest-free money for contract start-up purposes.” Undoubtedly, Ulliman Schutte’s bid would have been lower than Whiting-Turner’s had Ulliman Schutte known that it could obtain an interest free loan rather than rely on its own capital to finance a significant portion of the work.

In *ACC Constr. Co.*, B-250688, 93-1 CPD ¶142 (Comp. Gen., Feb. 16, 1993), a federal agency properly rejected the apparent low bid as materially unbalanced where a lump sum item to be completed early in contract performance was approximately twice that of other bidders. As a result, the Comptroller General found that the contractor would have a “reduced incentive to properly complete the work” by “receiving early payments which exceed the value of work performed.” *See also Barnard-Shurry Walls, J.V.*, B-274973 & B-274973.2, 97-1 Comp. Gen. Proc. Dec. ¶23 (Comp. Gen., Jan. 15, 1997).

² The items in the bid tabulation that appear to relate to Machado’s work are items 506, 508; 509- 510; and 511-513 which total \$193,700.00. There is a difference of \$856,300 between the \$1,050,000 to be paid to Machado for street construction and the amount shown in the bid tabulation as allocated for that work.

City of Baltimore Standard Specification 00 51 00.05, "Unresponsive and Unbalanced Bids," sets forth (emphasis added):

To better ensure fair competition and to permit a determination of the lowest Bid, unresponsive Bids or unbalanced and/or conditional Bids may be rejected by the Board of Estimates at its sole discretion.

For the foregoing reasons we respectfully submit that Creamer's bid is non-responsive and that the lowest responsive bid was submitted by Monumental Paving and Contracting Company.

Very truly yours



Robert Fulton Dashell



August 10, 2020

2020 AUG 10 10:01

SENT VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED
and EMAIL (matt.garbark@baltimorecity.gov)

Matthew W. Garbark
Acting Director
Baltimore City Department of Public Works
200 Holliday Street, Suite 600
Baltimore, Maryland 21202

RE: Department of Public Works ("DPW") WC 1291
Wilkins Avenue/Frederick Avenue and Vicinity Water Main Replacements

Dear Mr. Garbark,

Miles & Stockbridge P.C. and the undersigned represent J. Fletcher Creamer & Son, Inc. ("**Creamer**") in regards to the above referenced project (the "**Project**" or "**WC 1291**"). We are in receipt of a letter dated July 20, 2020, sent to you by Robert Dashiell of Fulton Dashiell, ESQ. P.A. on behalf of his client, Monumental Paving & Excavating, Inc. ("**Monumental**") (the "**Letter**"). Contrary to Monumental's position in the Letter, Creamer's bid was responsive and is materially balanced. Creamer did not front-load any pricing to line items that will be paid early in contract performance, did not shift or manipulate pricing from one line to another at all, and certainly did not submit a bid that in any respect seeks early payments exceeding the value of work performed. Rather, all of the line items met the requirements as set forth in the IFB and Creamer simply underbid Monumental.

General Background.

On or about May 13, 2020, Baltimore City opened timely submitted bids for the Project. The lowest responsive and responsible bidder was Creamer. Creamer's bid totaled \$8,366,300.00 (the "**Bid**"). The second lowest bidder was Monumental with a total bid of \$8,998,601.50.

On or about July 20, 2020, Monumental submitted its Letter to your office, in which Monumental alleged that Creamer's Bid requires the City to advance payment for work not yet completed. Monumental claimed that Creamer included certain street construction work in Bid Items Nos. for which Creamer will invoice the City, and for which the City will pay, before completion of street construction. However, Monumental is simply wrong in its factual assertions and wrong in its conclusions.

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30 WEST PATRICK STREET | FREDERICK, MD 21701-6903 | 301.662.5155 | milesstockbridge.com

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IFB Requirements and Creamer Bid.

The Invitation for Bids (the “**IFB**”) required that all bidders meet a certain percentage of Minority Business Enterprise (“**MBE**”) participation, that being 12%. **IFB**, p. 12, 185; **Bid**, p. 29. Creamer submitted all required documents in its Bid package to establish that it would use Machado Construction Company, Inc. (“**Machado**”) as a MBE subcontractor.

As approved by the City on October 4, 2019, Machado was certified as an approved MBE to perform work in the following relevant categories as a MBE contractor:

- (1) 237110 (Water and Sewer Line and Related Structures);
- (2) 237310 (Highway, Bridge and Street Construction);
- (3) 327320 (Ready Mix Concrete Manufacturing).

Bid, p. 36.

Creamer identified Machado’s certified work category in its Part B (MBE/WBE and Prime Contractor’s Statement of Intent) and in particular signified that Machado would be used for “Highway, Bridge and Street Construction.” **Bid**, p. 35.

The NAICS Code identified on Machado’s MBE Certifications describes a variety of construction work related to highway, street, and bridge construction. This is the type of work that Machado will perform as Creamer’s subcontractor on the Project. Notably, NAICS 237310 is defined and described, as including precisely the type of work included in Bid Item Nos. 501-504, 506-513, and 803-811. See NAICS Association website, NAICS Code Description for 237310 - Highway, Street, and Bridge Construction, <https://www.naics.com/naics-code-description/?code=237310> (last visited Aug. 1, 2020).

Based on Machado’s MBE certification and the IFB requirements, Creamer submitted its Bid with a commitment to use Machado as a subcontractor for not less than \$1,050,000.00 of work (~12.5% of the total Bid value). **Bid**, p. 35. Based on Machado’s certification for NAICS 237310, Machado could perform work, at minimum, in some or all of the following twenty-one (21) Item Nos: 501-504; 506-513; and 803-811.

Creamer’s bid for Bid Item Nos 501-504, 506-513, and 803-811 totals \$5,690,450.00. Creamer has certified and committed to Machado performing not less than \$1,050,000.00 of approved and designated work within the requirements of these Bid Items. Nothing further is required for the Bid.

The claim that Creamer has “frontloaded” the Bid is also without merit. In fact it is hard to understand how the claim can be made. Creamer’s “Mobilization” cost is lower than the other Bidders. Creamer will be paid for work completed by Creamer or Machado according to the actual construction completed and approved by Baltimore and according to the pay items identified in the IFB. Monumental does not supply any evidence, nor in fact does any evidence exist, that

Matthew W. Garbark
August 10, 2020
Page 2



Creamer shifted pricing from one line to another in order to secure guaranteed payment, early payment, or unearned payment.

Accordingly, as Creamer's Bid was balanced and responsive, Creamer is responsible, and Creamer's Bid is the lowest, DPW should proceed with a recommendation to award WC 1291 to Creamer.

Should you have any questions about this letter or want to further discuss anything concerning Monumental's allegations, please do not hesitate to contact the undersigned at jscholtes@msslaw.com or (301) 698-2318.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jeremy S. Scholtes', is written over a light blue horizontal line.

Jeremy S. Scholtes, Esq.

cc: Michael Mullen, Esq. (Michael.mullen@baltimorecity.gov)

James Valenti (james.valenti@ifcson.us)

MINUTES

PERSONNEL MATTERS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

all of the Personnel matters

listed on the following pages:

3843 - 3845

All of the Personnel matters have been approved

by the EXPENDITURE CONTROL COMMITTEE.

All of the contracts have been approved

by the Law Department

as to form and legal sufficiency.

MINUTES**PERSONNEL**Department of Public Works1. Reclassify the following vacant position:Position No.: 51548

From: Agency IT Specialist II
Job Code: 33148
Grade: 927 (\$67,771.00 - \$108,433.00)

To: Operations Assistant III
Job Code: 00081
Grade: 904 (\$50,280.00 - \$80,449.00)

Cost Savings: (\$2,507.00) - 1001-000000-1901-190400-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 200-4.

2. Reclassify the following vacant position:Position No.: 53753

From: Program Analyst
Job Code: 31511
Grade: 927 (\$67,771.00 - \$108,433.00)

To: Operations Assistant III
Job Code: 00081
Grade: 904 (\$50,280.00 - \$80,449.00)

Cost Savings: (\$2,507.00) - 2071-000000-5531-398600-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 200-4.

MINUTES**PERSONNEL**

Department of Public Works - cont'd

3. a. Abolish the following position:

Classification: Office Support Specialist II
Job Code: 33212
Grade: 075 (\$31,138.00 - \$35,394.00)
Position No.: 23172

b. Reclassify the following vacant position:

From:

Classification: Agency IT Specialist II
Job Code: 33148
Grade: 927 (\$67,771.00 - \$108,433.00)
Position No.: 50026

To: Operations Officer IV
Job Code: 00088
Grade: 931 (\$77,608.00 - \$124,063.00)

Cost Savings: (\$5,984.00) - 2070-000000-5531-398600-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 200-4.

4. a. Abolish the following vacant position:

Classification: Utility Meter Reader Superintendent II
Job Code: 34317
Grade: 923 (\$63,725.00 - \$102,202.00)
Position No.: 23938

MINUTES

PERSONNEL

Department of Public Works - cont'd

Classify the following position:

From:

Classification: New Position
Job Code: 90000
Grade: 900 (\$1.00 - \$204,000.00)
Position No.: 50015

To: Operations Officer IV
Job Code: 00088
Grade: 931 (\$77,608.00 - \$124,063.00)

Cost Savings: (\$2,938.00) - 2071-000000-5531-398600-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 200-4.

Mayor's Office of Employment Development

5. Reclassify the following vacant position:

Position No.: 16366

From: Manager Level
Job Code: 01226
Grade: 927 (\$67,771.00 - \$108,433.00)

To: Operations Manager I
Job Code: 00090
Grade: 939 (\$89,741.00 - \$147,892.00)

Costs \$133,244.00 - 4000-807521-6312-817005-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 200-4.

MINUTES

President: "As there is no more business before the Board, we will recess until bid opening at 12 noon. We will reconvene October 07, 2020. Thank you, everyone."

* * * * *

MINUTES

Comptroller: "Good afternoon, the Board of Estimates is now in session for the receiving and opening of bids. As part of the overall effort to limit transmission of the COVID-19 virus, the Board of Estimates is conducting bid openings virtually. 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 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 openings virtually while the State of Emergency declared by the Mayor of Baltimore and the Governor of Maryland remains in effect."

* * * * *

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 the following agency had issued addendum cancelling the following contract. There were no objections.

Bureau of Procurement - B50006111, Gasoline and Diesel Fuel

BIDS TO BE RECV'D: CANCELLED

BIDS TO BE OPENED: CANCELLED

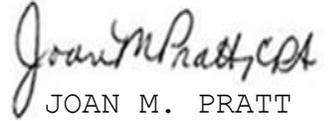
Thereafter, the Secretary announced that **NO BIDS WERE SCHEDULED TO BE RECEIVED, AND OPENED.**

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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, October 7, 2020.



JOAN M. PRATT
Secretary