

MINUTES

REGULAR MEETING

Honorable Bernard C. "Jack" Young, President
Honorable Stephanie Rawlings-Blake, Mayor
Honorable Joan M. Pratt, Comptroller and Secretary
George A. Nilson, City Solicitor
Rudolph S. Chow, Director of Public Works - **ABSENT**
David E. Ralph, Deputy City Solicitor
S. Dale Thompson, Deputy Director of Public Works
Bernice H. Taylor, Deputy Comptroller and Clerk

President: "Good Morning, the February 24, 2016, meeting of the Board of Estimates is now called to order. In the interest of promoting the order and efficiency of these hearings, persons who are disruptive to the hearings will be asked to leave the hearing room immediately. Meetings of the Board of Estimates are open to the public for the duration of the meeting. The hearing room must be vacated at the conclusion of the meeting. Failure to comply may result in the charge of trespassing. I will direct the Board members attention to the memorandum from my office dated February 22, 2016, identifying matters to be considered as routine agenda items together with any corrections and additions that have been noted by the Deputy Comptroller.

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I will entertain a Motion to approve all of the items contained on the routine agenda."

City Solicitor: "MOVE approval of all items on the routine agenda."

Comptroller: "Second."

President: "All those in favor say AYE. All those opposed, NAY."

The Motion carries, the routine agenda has been adopted."

* * * * *

MINUTES

Department of Real Estate - Tax Sale Certificate

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of the Tax Sale Certificate to For God We Live Ministries, Inc. for an amount that is less than the lien amount for the property located at 1711 Gorsuch Avenue.

AMOUNT OF MONEY AND SOURCE:

<u>Property Address</u>	<u>Assessed Value</u>	<u>Flat Taxes & Water</u>	<u>Total Liens</u>	<u>Assignment Amount</u>
1711 Gorsuch Ave.	\$1,000.00	\$245.89	\$5,655.92	\$1,000.00

BACKGROUND/EXPLANATION:

The City acquired the Tax Sale Certificate for the property located at 1711 Gorsuch Avenue on May 18, 2015 in the total amount of \$5,655.92.

For God We Live Ministries, Inc. has offered to purchase the Tax Sale Certificate for the property located at 1711 Gorsuch Avenue for the total amount of \$1,000.00, file a petition to foreclose, acquire title to the property, and return it to productive use. The total assignment amount of \$1,000.00 for the property for the Tax Sale Certificate will cover the total assessed value of the property of \$1,000.00. The assignment amount will cover the flat taxes and the water bills.

UPON MOTION duly made and seconded, the Board approved the assignment of the Tax Sale Certificate to For God We Live Ministries, Inc. for an amount that is less than the lien amount for the property located at 1711 Gorsuch Avenue.

MINUTES

Department of Planning - Report on Previously
Approved Transfers of Funds

At previous meetings, the Board of Estimates approved Transfers of Funds 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. Today, the Board is requested to **NOTE 7** favorable reports by the Planning Commission on February 11, 2016 on Transfers of Funds approved by the Board of Estimates at its meetings on January 27 and February 10, 2016.

The Board **NOTED 7** favorable reports by the Planning Commission on February 11, 2016 on Transfers of Funds approved by the Board of Estimates at its meetings on January 27 and February 10, 2016.

MINUTESSheriff's Office - Cooperative Reimbursement Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the Cooperative Reimbursement Agreement with the State of Maryland Department of Human Resources' Child Support Enforcement Administration. The period of the agreement is October 1, 2015 through September 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$1,169,059.00 - Federal Operating Cost
602,242.00 - Local Share Operating Cost
\$1,771,301.00

Account: 1001-000000-1180-502800-401660

BACKGROUND/EXPLANATION:

The Child Support Enforcement Administration Cooperative Reimbursement Agreement is a federally funded program that affords the State of Maryland to enter into an agreement with the Sheriff's Office to provide child support enforcement services. This program operates in accordance with the Federal Department of Health and Human Services under Title IV-D of the Social Security Act. Services provided under this agreement are services of process, execution of writs, warrants and body attachments, participation in departmental initiatives, location services, transportation of prisoners and courthouse security.

The agreement is late because it was recently received on January 29, 2016, from the State of Maryland Department of Human Resources.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Cooperative Reimbursement Agreement with the State of Maryland Department of Human Resources' Child Support Enforcement Administration.

MINUTES

Fire & Police Employees' - Subscription Agreement
Retirement System

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Subscription Agreement with MKP Opportunity Offshore, Ltd. managed by MKP Capital Management, LLC.

AMOUNT OF MONEY AND SOURCE:

\$36,000,000.00 - F & P Funds

No General Fund monies are involved in this transaction.

BACKGROUND/EXPLANATION:

The F&P Board of Trustees conducted a search for a tactical trading hedge fund manager and, as a result of that search, selected MKP Capital Management, LLC to initially receive and invest \$36,000,000.00 of F&P funds in its MKP Opportunity Offshore, Ltd. The search and selection process was conducted with the assistance and advice of the F&P System's investment advisor, Summit Strategies Group.

MWBOO GRANTED A WAIVER.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Subscription Agreement with MKP Opportunity Offshore, Ltd. managed by MKP Capital Management, LLC. The Comptroller **ABSTAINED**.

MINUTES

Baltimore Police Department - Memoranda of Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Memorandum of Agreement and approve and authorize execution of a Maryland Network Live System Agency Agreement with the Maryland Department of Public Safety, Information Technology, and Communications Division. The period of the Memoranda of Agreement are effective upon Board approval and will remain in effect until either party terminates the agreements.

AMOUNT OF MONEY AND SOURCE:

\$58,525.00 - 4000-481316-2041-212700-600000

BACKGROUND/EXPLANATION:

The Memorandum of Agreement reimburses the Baltimore Police Department for certain sex offender registration costs and equipment. The Maryland Network Live System Agency Agreement permits for installation of a Network Livescan that will be utilized for sex offender registration.

These agreements support the Baltimore Police Department's goal to increase their capacity to better acquire, manage, transfer, and store sex offender data by procuring certain necessary equipment in order to move towards more timely, accurate, and 100% electronic records.

The Memorandum of Agreement and the Maryland Network Live System Agency Agreement are late because of late receipt of award.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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Baltimore Police Department - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Memorandum of Agreement and approved and authorized execution of the Maryland Network Live System Agency Agreement with the Maryland Department of Public Safety, Information Technology and Communications Division.

MINUTES

Law Department - Consent Agreement and Final Order

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Consent Agreement and Final Order (CAFO) with the U.S. Environmental Protection Agency (EPA), Region III.

AMOUNT OF MONEY AND SOURCE:

\$95,000.00 - 2044-000000-1450-703800-603070

BACKGROUND/EXPLANATION:

The City's alleged failure to comply with the Toxic Substances Control Act (TSCA) when an act of vandalism caused the presence of Polychlorinated Biphenyl (hereinafter "PCBs"), 40 C.F.R. Part 761, at the A. Hoen Building, 2101 E. Biddle Street, which was owned by the City.

The EPA reviewed the PCB clean-up process at a City-owned building after vandals damaged a transformer causing the release of PCBs. The EPA alleged that the environmental remediation contractor hired by the City to perform the clean-up had not complied with TSCA PCB regulations. The EPA proposed a civil penalty of \$176,360.00 in a "Notice of Non-Compliance" dated March 5, 2013, and an "Opportunity to Confer and Discuss Potential Administrative Settlement," dated May 5, 2015. These penalties were proposed pursuant to TSCA PCB Regulations at 15 U.S.C. 2601 et seq. and 40 C.F.R. Part 761. The applicable regulations require the transporter, disposer, or owner of PCB waste to use transporters and disposal facilities that have EPA identification numbers authorizing them to handle such waste and there must be a properly signed manifest prior to their removal from the building. The City's arguments that: (1) the PCB spill was caused by an act of

MINUTES

Law Department - cont'd

vandalism, (2) the contractor held itself out to be an experienced environmental remediation expert, (3) the lack of earlier communication by the EPA to the City that there were concerns with the contractor's clean-up efforts, and others resulted in a reduction in the proposed penalty amount to \$95,000.00 (i.e., a savings of \$81,360.00).

The Department of Housing and Community Development has agreed to the Consent Agreement and Final Order.

The Settlement Committee of the Law Department recommends approval of the settlement of this matter to the Board of Estimates as outlined herein.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Consent Agreement and Final Order with the U.S. Environmental Protection Agency (EPA), Region III.

MINUTES

Department of Law - Settlement Agreement and Release

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Settlement Agreement and Release to resolve a 2000 statement of charges filed against the Baltimore City Department of Recreation and Parks ("BCDRP") by the State Commission on Civil Rights (the "Commission") on behalf of Robert Reuter claiming discrimination on the basis of a failure to provide accessibility to the services and attractions at the Cylburn Arboretum ("Cylburn") to those who use wheelchairs for mobility.

AMOUNT OF MONEY AND SOURCE:

\$50,000.00 - 5000-577716-4781-363900-603026

BACKGROUND/EXPLANATION:

In order to reach a resolution in this matter, the parties to this dispute retained the services of an independent trail builder to assess the feasibility of constructing an ADA trail loop. On the basis of the trail builder's recommendations and the most recent estimates, we anticipate that the required trail modifications will cost the City approximately \$50,000.00. The funds will come from the budget of the BCDRP. The BCDRP anticipate the cost of the ADA-related trail signage to be \$25,000.00 or less, which amount may come from BCDRP's existing budget for signage. The Settlement provides that the cost for the trail construction and signage may not exceed \$75,000.00 without further BOE action.

In exchange for a dismissal with prejudice of the statement of charges and a release of the City from any further claims arising from the subject matter of the complaint, the City would provide an ADA-accessible trail loop (the "ADA trail loop") of 3/4 mile in length by modifying a part of the existing woodland trails of Cylburn.

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Law Dept. - cont'd

In addition, the City would be responsible to install signage consistent with ADA guidelines so as to provide users with relevant information such as trail grade, cross-slope, difficulty level, and weather-related conditions. In order to preserve the natural environment of the park, the ADA trail loop to be constructed will not be a paved trail. Instead, it will be a natural surface trail and the modifications are designed to avoid the use of heavy equipment as well as the removal of trees.

Cylburn is a historic site dating to the 1860's when the mansion at Cylburn was constructed just after the Civil War. The City purchased the property for use as a park in 1942. In 1954, the Arboretum Association (the "Association"), a non-profit organization made up of conscientious volunteers dedicated to the upkeep of the park, first began designing and caring for the numerous flower gardens and what is now approximately 3.5 miles of woodland natural trails. Most recently, between 2008 and 2010, the City was able to construct the new Vollmer and Visitor Education Center (the "Vollmer Center"), a fully ADA-accessible 250-seat meeting hall, and theatre designed with green building techniques, and a new greenhouse classroom for education and workshops.

Mr. Reuter, an individual who uses a wheelchair for mobility, initially filed a complaint with the Commission in 1997, alleging that BCDRP was denying accessible accommodations to an annual flower show held at the park. After the Commission's investigation, it filed a statement of charges under state law with the State Office of Administrative Hearings ("OAH") in May of 2000, claiming that Cylburn was required to make accessible multiple aspects of the park, including the Mansion, the parking, the gardens, and the woodland trails. The case was litigated for years, during which time the City made various improvements making the facility accessible. However, the parties continued to litigate the issue of making changes to the woodland trails.

MINUTES

Law Dept. - cont'd

Due to the volunteer mediation efforts of the Honorable Carol E. Smith, the parties more recently agreed to retain a neutral trail consultant, Trails Conservancy, Inc., which has performed trail maintenance at Cylburn for years, to evaluate the feasibility of making the woodland trails accessible without destroying the natural character of them. The consultant prepared a detailed plan to create a 3/4 mile ADA-accessible natural surface trail and has provided bid-accurate costs to build the new trail of slightly less than \$50,000.00.

The settlement would fully resolve this litigation and authorize the City to expend the monies for the construction of the new ADA-accessible trail and ancillary ADA signage. The consultant's detailed report and plan is made a part of the Settlement Agreement. The City will have 14 months from the execution of a contract with a trail builder to build the new trail. Assuming this Settlement is approved, the Law Department will thereafter present the approval of the contract with a trail builder to the BOE. After completion of the new trail, the City will then have 6 months to install the necessary signage. BCDRP will be responsible for ongoing maintenance which will be made part of the maintenance of the entire trail system and park.

This proposal has already been brought to the attention of both the Association as well as the City's Commission for Historic and Architectural Preservation ("CHAP"). CHAP has reviewed the new ADA trail plan and is supportive of it. The Association, while concerned about the preservation of the natural setting of the trails, is not opposed. Mr. Reuter has signed the Settlement Agreement and Release, as has the Director of BCDRP.

The Law Department's Settlement Committee has reviewed and recommends approval of the Settlement. The Law Department, therefore, respectfully requests the Board's approval of the Settlement.

APPROVED FOR FUNDS BY FINANCE

MINUTES

Law Dept. - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Settlement Agreement and Release to resolve a 2000 statement of charges filed against the Baltimore City Department of Recreation and Parks by the State Commission on Civil Rights (the "Commission") on behalf of Robert Reuter claiming discrimination on the basis of a failure to provide accessibility to the services and attractions at the Cylburn Arboretum to those who use wheelchairs for mobility.

MINUTESHealth Department - Notification of Grant Award**ACTION REQUESTED OF B/E:**

The Board is requested to approve the FY'16 Senior Center Operating Funds (SCOF) Notification of Grant Award (NGA) from the Maryland Department of Aging (MDoA). The period of the agreement is July 1, 2015 through June 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$ 10,000.00	-	5000-535716-3024-768905-603051
		Action-in-Maturity, Inc.
3,000.00	-	5000-535716-3024-768901-603051
		Allen Center Board, Inc.
1,000.00	-	5000-535716-3024-768900-603051
		Dept. of Recreation & Parks (Cherry Hill)
3,000.00	-	5000-535716-3024-768914-603051
		Edward A. Myerberg Senior Center, Inc.
3,000.00	-	5000-535716-3024-768903-603051
		Forest Park Senior Center, Inc.
15,000.00	-	5000-535716-3024-768906-603051
		Govans Ecumenical Development Corp.
		(Harford Senior Center)
3,000.00	-	5000-535716-3024-768904-603051
		(Senior Network Center)
1,000.00	-	5000-535716-3024-768918-603051
		Grace Outreach Center, Inc.
500.00	-	5000-535716-3024-768210-603051
		Hatton Senior Center, Inc.
500.00	-	5000-535716-3024-768407-603051
		John Booth Senior Center, Inc.
1,000.00	-	5000-535716-3024-768508-603051
		Oliver Senior Center, Inc.
1,000.00	-	5000-535716-3024-766411-603051
		Sandtown-Winchester Senior Center, Inc.
<u>3,000.00</u>	-	5000-533716-3024-768919-603051
		Wayland Village Center, Inc.
\$45,000.00	Total	

MINUTES

Health Department - cont'd

BACKGROUND/EXPLANATION:

The purpose of this Notice of Grant Award is to provide funding to the above listed Senior Centers for program activities and services for senior center participants.

The NGA is late because the Health Department just received it from the MDoA.

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 the FY'16 Senior Center Operating Funds Notification of Grant Award from the Maryland Department of Aging.

MINUTESHealth Department - Notification of Grant Award**ACTION REQUESTED OF B/E:**

The Board is requested to approve the Notification of Grant Award Agreement (NGA) from the Maryland Department of Aging (MDoA). The period of the agreement is October 1, 2015 through September 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$ 199,850.00	-	4000-433516-3024-761400-404001	Title III B/Access to Senior Services
256,508.00	-	4000-432916-3255-761200-404001	Title III C1/Congregate Meals
131,298.00	-	4000-434316-3255-761600-404001	Title III C2/Home Delivered Meals
8,598.00	-	4000-436216-3255-761800-404001	Title III D/Health Promotion & Education
85,415.00	-	4000-436116-3255-761700-404001	Title III E/National Family Caregivers
8,751.00	-	4000-433916-3044-761500-404001	Title VII Ombudsman
<u>2,513.00</u>	-	4000-433916-3044-761500-404001	Elder Abuse
\$ 692,933.00		Total	

BACKGROUND/EXPLANATION:

The total NGA amount is for \$3,588,315.00. Since this is an interim NGA for approximately 19% of the FY16 Title III's allocation, the Department is only receiving \$692,933.00. This grant is contingent upon approval of the FY16 Federal Appropriation of funds for the Administration of the Older Americans Act.

Approval of this NGA will allow the BCHD to provide coordinated and accessible services for seniors in the City.

MINUTES

Health Department - cont'd

The NGA is late because the BCHD received it late in November 2015 from the MDoA and adjustments had to be made to the totals.

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 the Notification of Grant Award Agreement from the Maryland Department of Aging.

MINUTES

Health Department - Agreements

The Board is requested to approve and authorize execution of the various Agreements. The period of the agreement is July 1, 2015 through June 30, 2016, unless otherwise indicated.

AGREEMENTS

1. **FAMILY LEAGUE OF BALTIMORE CITY, INC.** **\$ 82,500.00**

Account: 4000-426616-3030-294001-603051

The Family League of Baltimore City, Inc. will be implementing the "Making a Difference!" curriculum, an abstinence based approach to prevention of Sexually Transmitted Diseases (STDs), HIV and Teen Pregnancy. The curriculum includes eight one-hour modules to be implemented with youth. The program will be offered to Family League's Out of School Time (OST) partners, Community Schools, and Baltimore City Recreation and Parks centers to target the 500 students and 100 families. The "Making a Difference!" curriculum teaches participants to make responsible decisions regarding their sexual behavior, respect themselves and others, and appreciate the importance of developing a positive image. The goal is to empower young adolescents to change their behavior in ways that will reduce their risk of becoming infected with HIV and other STDs and their risk for pregnancy.

The agreement is late because budget concerns delayed processing.

MINUTES

Health Department - cont'd

2. **GOVANS ECUMENICAL DEVELOPMENT CORPORATION (GEDCO)** **\$ 62,748.00**

Account: 4000-533516-3024-761418-603051

The GEDCO operates a senior program which serves as the community focal point for seniors and their caregivers. The services to be provided include, but are not limited to, social, recreational, and educational programs, information and assistance, outreach, wellness and transportation. The period of the agreement is October 1, 2015 through September 30, 2016.

The agreement is late because the Department was waiting on finalization of the budget and signatures from the provider.

3. **FUSION PARTNERSHIPS, INC.** **\$ 65,000.00**

Account: 5000-530316-3041-605800-603051

The Fusion Partnerships, Inc., will work with the Baltimore City Health Department to provide cessation services to mental health clients, and to conduct school-based services that focus on youth in Baltimore City. The period of the agreement is October 1, 2015 through June 30, 2016.

The agreement is late because the Department of Health and Mental Hygiene did not approve the grant application until September 2015. The tobacco sub-grants went out to bid in mid-October. Sub-grantees were selected in November 2015.

4. **BEHAVIORAL HEALTH SYSTEM BALTIMORE, INC. (BHSB)** **\$ 58,887.00**

Account: 1001-000000-3023-274002-603051

The BHSB is responsible for implementing, administering, and monitoring substance abuse treatment services for Baltimore City residents who want treatment from the Needle Exchange Program. The BHSB will subcontract with providers to develop specialized and effective treatment as needed.

MINUTES

Health Department - cont'd

The sub-grantees will provide a wide range of treatment services, including out-patient detoxification, physical examination, and medical care, focusing on the following diseases: HIV, STDs and tuberculosis, counseling and other supportive services, and continuum of care ranging from intensive out-patient treatment to admission for standard treatment for opiate dependence.

The agreement is late because of a delay in receiving required documentation.

MWBOO GRANTED A WAIVER.**5. HEALTHCARE ACCESS MARYLAND, INC. (HCAM) \$ 17,216.00**

Account: 1001-000000-3023-274001-603051

The HCAM will collaborate with the Department's Needle Exchange program on a special project called "The Block Project." These services will take place from 7:00 pm to 11:00 pm each Thursday of the month during the agreement period. The HCAM will provide an outreach worker on the van during "The Block Project" to assist clients with applying for health insurance benefits: this includes screening clients for eligible services including completing a health insurance questionnaire.

The agreement is late because the budget revisions delayed processing.

6. THE JOHNS HOPKINS UNIVERSITY (JHU) \$ 48,063.00

Account: 1001-000000-3100-295901-603051

The JHU, School of Medicine will provide physician services for the School Health Program. These services will include on-site consultation at a minimum of ten hours per week in addition to patient evaluation at the School-Based Health Centers located at the Augusta Fells Savage Institute No. 430, Reach School Middle/High No. 341, and Digital Harbor High School No. 416.

MINUTES

Health Dept. - cont'd

The agreement is late because of a delay during the administrative review process.

7. **THE JOHNS HOPKINS UNIVERSITY (JHU) \$291,346.00**

Account: 4000-427715-3023-599610-603051

The JHU, School of Medicine will provide easily accessible outpatient medical HIV/STD/TB treatment within the Sexually Transmitted Disease (STD) Clinic Infrastructure.

The agreement is late because of the delay in the allocation of funds to the providers.

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Agreements.

MINUTES

Health Department - Employee Expense Statement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize the reimbursement to Virginia Walker for expenses incurred to renew her Social Work license that is required as a condition of her employment.

AMOUNT OF MONEY AND SOURCE:

\$100.00 - 4000-499616-3080-294213-603022

BACKGROUND/EXPLANATION:

Ms. Walker renewed her license in October and submitted her expense statement in November 2015 per Department policy and it was processed accordingly. However, upon Ms. Walker's reporting that she had not yet received reimbursement for this expense, the Department is resubmitting the paperwork again for consideration.

The Administrative Manual, Section 240-11, states the Employee Expense Reports that are submitted more than 40 work days after the calendar day of the month in which the expenses were incurred require the Board's approval.

The Department apologizes for the lateness.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized the reimbursement to Virginia Walker for expenses incurred to renew her Social Work license that is required as a condition of her employment.

MINUTES

TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

457 - 458

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**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Transportation</u>		
1. \$60,000.00	9950-916059-9509	9950-918050-9527
Pimlico Local	Constr. Reserve	Northwest DOT
Impact Aid	FY15 NW Trans	Improvement
	Improvements	

This transfer will partially fund the costs of the Street Lighting Upgrade for 3500-3600 Dolfield Ave. on Project "Northwest DOT Improvement" with Calmi Electrical in the amount of \$105,885.00.

Baltimore Development Corporation

2. \$ 2,800.00	9910-902873-9600	9910-911103-9601
22 nd EDF	Constr. Reserve	Brownfield
	Brownfield	Incentive Fund
	Incentive Fund	
375.00	9910-903354-9600	9910-907104-9601
22 nd EDF	Constr. Reserve	W. Balto. Ind. &
	W. Balto. Ind. &	Coml.
	Coml.	
20,000.00	9910-908066-9600	9910-921101-9601
1 st Comm.	Constr. Reserve	Commercial
	Greenmount -	Revitalization
	Eager to 28 th	
595.00	9910-913990-9600	9910-921101-9601
23 rd EDF	Constr. Reserve	Commercial
	Commercial	Revitalization
	Revitalization	
8,601.00	9910-917016-9600	9910-907104-9601
<u>24th EDF</u>	Constr. Reserve	W. Balto. Ind. &
	Holabird	Coml. Dev.
	Industrial Park	
\$32,371.00		

MINUTES

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Baltimore Development Corporation - cont'd</u>		
This transfer will provide funds to reimburse the Baltimore Development Corporation for eligible capital expenses for the month ending October 31, 2015.		
<u>Department of Housing and Community Development</u>		
3. \$ 29,035.01	9910-995001-9587	
15 th Econ. Dev.	Unallocated Reserve HCD	
65,395.35	" "	
25 th Comm. Dev.		
55,569.64	" "	
<u>28th Comm. Dev.</u>		
\$150,000.00	-----	9910-909120-9588 Hoen Building

This transfer will provide appropriation for the completion of hazardous waste removal from 2101 East Biddle Street, also known as the Hoen Building. Soil under the building was contaminated by a PCB spill and must be remediated in accordance with Environmental Protection Agency standards. The Board has previously approved funding for renovation work and removal of environmentally hazardous material at this site managed by the HABCo, the construction division within the Housing Authority of Baltimore City. The Board's approval is needed for the HABCo to continue work at the Hoen Building.

MINUTES

BOARDS AND COMMISSIONS1. Prequalification of Contractors

In accordance with the Rules for Prequalification of Contractors, as amended by the Board on October 30, 1991, the following contractors are recommended:

Absolute Underground, Inc.	\$ 1,500,000.00
Asbestos Specialists, Inc.	\$ 8,000,000.00
Calmi Electrical Company, Inc.	\$ 5,724,000.00
Casper Colosimo & Son, Inc.	\$ 83,790,000.00
DRM Associates, Inc.	\$ 1,500,000.00
E & R Services, Inc.	\$ 8,000,000.00
L.E. Blue & Associates, Inc.	\$ 1,500,000.00
Patuxent Roofing & Contracting, Inc.	\$ 8,000,000.00
PEER Consultants P.C.	\$ 28,350,000.00
Progressive Services, Inc. dba Progressive Roofing	\$ 196,920,000.00
Richard E. Pierson Construction Co., Inc.	\$ 8,000,000.00
Robinson Pipe Cleaning Company	\$ 42,975,000.00

2. Prequalification of Architects and Engineers

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

A. Morton Thomas and Associates, Inc.	Engineer Land Survey Landscape Architect
Alvi Associates, Inc.	Engineer
HAKS Engineers, Inc.	Engineer Architect

MINUTES

Boards and Commissions - cont'd

Kittelson & Associates, Inc.	Engineer
MA Engineering Consultants, Inc.	Property Line Survey
Sanders Design, P.A.	Architect
Sidhu Associates, Inc.	Engineer

There being no objection, the Board, UPON MOTION duly made and seconded, approved the Prequalification of Contractors and the Prequalification of Architects and Engineers for the listed firms. The Comptroller **ABSTAINED** on item no. 1 for L.E. Blue & Associates, Inc. only.

MINUTES

Department of General Services - Correction to Dollar Amount of
Informal Award GS 15833

ACTION REQUESTED OF B/E:

The Board is requested to approve the correction to the dollar amount of Informal Award GS 15833, Abel Wolman Municipal Building - Holliday Street Entrance Repairs, to Roy Kirby & Sons, Inc.

AMOUNT OF MONEY AND SOURCE:

Previously Approved Amount

\$28,233.00

Correct Amount for Approval

\$28,223.00 - 1001-000000-1982-192500-609036

BACKGROUND/EXPLANATION:

On December 23, 2015, the Board approved the Informal Award of GS 15833, Abel Wolman Municipal Building - Holliday Street Entrance Repairs, to Roy Kirby & Sons, Inc. in the amount of \$28,233.00. The submitted amount of the Informal Award was incorrect.

The Department requests approval to correct the amount of Informal Award GS 15833 from \$28,233.00 to \$28,223.00.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved the correction to the dollar amount of Informal Award GS 15833, Abel Wolman Municipal Building - Holliday Street Entrance Repairs, to Roy Kirby & Sons, Inc.

MINUTES

Department of Recreation and Parks - On-Call Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an On-Call Landscape Architectural Design Services Agreement with Mahan Rykiel Associates, Inc. for Project 1233. The period of the agreement is effective upon Board approval for three years or until the upset limit is reached, whichever occurs first.

AMOUNT OF MONEY AND SOURCE:

\$1,200,000.00 - Upset Limit

BACKGROUND/EXPLANATION:

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

MBE/WBE PARTICIPATION:

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

MBE: AB Consultants, Inc.	\$0-132,000.00	0-11%
Sabra Wang & Associates, Inc.	0-132,000.00	0-11%
NMP Engineering Consultants, Inc.	0-132,000.00	0-11%
Sidhu Associates, Inc.	0-132,000.00	0-11%
Total MBE:	\$0-132,000.00	0-11%

WBE: Carroll Engineering, Inc.	\$0-120,000.00	0-10%
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MWBOO FOUND VENDOR IN COMPLIANCE.

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

MINUTES

Department of Recreation and Parks - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the On-Call Landscape Architectural Design Services Agreement with Mahan Rykiel Associates, Inc. for Project 1233. The President Voted **NO**.

MINUTES

Department of Recreation and Parks - Memorandum of Understanding

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Memorandum of Understanding (MOU) with the City Board of School Commissioners (the School Board). The period of the MOU is effective upon Board approval and will continue for the useful lives of the School Buildings constructed pursuant the 21st Century Building Plan unless terminated sooner.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

All payments to the School Board and costs pursuant to this MOU will be dedicated from the Community Recreation Services General Fund account for each respective facility.

The Baltimore City Public Schools Construction and Revitalization Act of 2013 (Chapter 647 of the Laws of Maryland of 2013) required the School Board, the City, the Maryland Stadium Authority, and the Interagency Committee on School Construction to enter into a MOU for the Construction and Revitalization of the Baltimore City Public Schools on September 25, 2013 (the 21st Century Schools MOU). The 21st Century Schools MOU requires cooperative use of space between the Department and the Baltimore City Board of School Commissioners. It also requires the City and the School Board to enter into this agreement which outlines the term for use of space, guidelines for maintenance and responsibility for utility costs and other matters relating to the cooperative use of the 21st Century Schools.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Memorandum of Understanding with the City Board of School Commissioners.

MINUTES

EXTRA WORK ORDERS

* * * * *

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders

listed on the following pages:

466 - 467

All of the EWOs had been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

MINUTES**EXTRA WORK ORDERS**

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

Department of Public Works/Department of Recreation and Parks

- | | | | | | |
|----|---|---------------------|------------------------|----------|------------|
| 1. | <u>EWO # 003, (\$0.03) - TR 06306, Jones Falls Trail Phase IV</u> | | | | |
| | <u>\$2,970,898.00</u> | <u>\$127,551.00</u> | <u>Allied Contrac-</u> | <u>0</u> | <u>100</u> |
| | | | <u>tors, Inc.</u> | | |

This authorization provides for payment of overrun items, deduction of amounts not needed due to underrun or not used items, and to balance out the contract.

Department of Transportation/Engineering & Construction

- | | | | | | |
|----|--|---------------|--------------------------|-----------|-----------|
| 2. | <u>EWO # 001, \$0.00 - TR 15015, Brine Facility and Building</u> | | | | |
| | <u>Improvements</u> | | | | |
| | <u>\$ 654,000.00</u> | <u>\$0.00</u> | <u>Spears Mechanical</u> | <u>60</u> | <u>75</u> |
| | | | <u>Contractors, Inc.</u> | | |

This authorization is requested on behalf of the Department for a 60-day non-compensable time extension. This time will be used to review, negotiate, and finalize the contract. The original construction duration of 120 days was very aggressive for the scope of work and several unforeseen issues discovered during construction. The Notice to Proceed was issued on October 5, 2015 with a completion date of February 2, 2016, the additional 60 days will result in a new completion date of April 2, 2016.

- | | | | | | |
|----|--|---------------|-------------------------|----------|----------|
| 3. | <u>EWO # 002, (\$6,398.28) - TR 09028, Replacement of Two Howard</u> | | | | |
| | <u>Street Arch Bridge Bearings</u> | | | | |
| | <u>\$ 628,680.00</u> | <u>\$0.00</u> | <u>Freyssinet, Inc.</u> | <u>0</u> | <u>0</u> |

This authorization is necessary for payment of overrun items, deduction of amounts not paid to underrun or not used items, and to balance out the contract.

MINUTES

EXTRA WORK ORDERS

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

Department of Public Works/Off. of Engineering & Constr.

4. EWO # 059, \$55,329.33 - WC 1164, Towson Finished Water
Reservoir Cover and Miscellaneous Repairs

\$18,393,000.00	\$1,231,296.33	The Whiting- Turner Contracting Company, Inc.	0	0
-----------------	----------------	---	---	---

Contract documents require a new water tight covered finished water reservoir. Construction Management noted numerous cracks in the west basin reservoir walls and floor slab. In order to minimize the east basin walls and floor slab cracks, Construction Management Consultant Engineers provided concrete modifications to construct the east basin reservoir. One phase of the concrete modifications was the redesign of the slab joints, which resulted in a significant increase in the number of concrete pours in the slab, resulting in an increase in the number of mobilizations, pour and finishing and pump truck rental beyond what was anticipated at the time of the bid.

MINUTES

Bureau of the Budget and - Supplemental Federal Fund
Management Research Appropriation

ACTION REQUESTED OF B/E:

The Board is requested to approve a supplemental federal fund appropriation for the Baltimore City Health Department - Service 720, HIV Treatment Services for the Uninsured.

AMOUNT OF MONEY AND SOURCE:

\$6,833,333.00 - Centers for Disease Control and Prevention

BACKGROUND/EXPLANATION:

This new funding that was unanticipated by the Health Department during the budget planning process will support two projects: \$4,500,000.00 in Year 1 will support a project entitled "Baltimore: Projects to Reduce HIV Infections and Improve Engagement in HIV Medical Care Among Men Who Have Sex with Men."

\$2,333,333.00 in Year 1 will support a project entitled "Health Department Demonstration Projects for Comprehensive Prevention, Care, Behavioral Health, and Social Services for Men Who Have Sex with Men of Color at Risk for and Living with HIV Infection."

The funding level of these two Grant Awards in Fiscal 2016 is \$6,833,333.00 of federal funds from the Centers for Disease Control and Prevention. Both awards are multi-year awards and the out-year funding will be included in the Fiscal 2017 budget.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved the supplemental federal fund appropriation for the Baltimore City Health Department - Service 720, HIV Treatment Services for the Uninsured.

MINUTES

Parking Authority of Baltimore - Memorandum of Understanding
Baltimore City (PABC)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Memorandum of Understanding (MOU) between the PABC and the Mayor and City Council of Baltimore acting through the Department of Finance, Bureau of Purchases.

AMOUNT OF MONEY AND SOURCE:

\$16,147.67 - 2076-000000-2321-253300-607001 (prorated - FY 2016)
55,360.00 - 2076-000000-2321-253300-607001 (FY2017 and beyond)
\$71,507.67 ½ of the salary + personnel costs of a Procurement
Specialist II)

BACKGROUND/EXPLANATION:

This MOU will allow the PABC to partially fund the salary of a Procurement Specialist II (PSII) to assist the PABC in procurement matters.

The PABC has become increasingly dependent on the Bureau of Purchases for procurement of large contracts. The complex laws, rules, and regulations governing procurement require knowledge and expertise that only Procurement Specialists can provide. The Bureau of Purchases has the required expertise and has graciously offered its services to the PABC.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Memorandum of Understanding between the PABC and the Mayor and City Council of Baltimore acting through the Department of Finance, Bureau of Purchases.

MINUTES

Parking Authority of - Expenditure of Funds
Baltimore City

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize the Expenditure of Funds to pay Desman Associates.

AMOUNT OF MONEY AND SOURCE:

\$39,300.00 - 2075-000000-5800-408500-603016

BACKGROUND/EXPLANATION:

The Penn Station Garage (Garage), constructed in 1995 and located at 1511 North Charles Street, can accommodate parking for up to 525 vehicles. Situated under the Plaza Area, including the AMTRAK passenger loading and taxi queue areas, the Penn Station Garage provides 24/7/365 parking for daily commuters and travelers utilizing AMTRAK rail services to and from Baltimore.

In 2015, the Parking Authority observed delaminated and falling concrete, and exposed and deteriorated post-tensioning steel reinforcing rods and anchors, in the upper Garage deck (i.e., the ceiling of the Garage) at an expansion joint that runs the full length of the Garage (approximately 190 linear feet). The damage occurred at various locations along the expansion joint, with the worst occurring at the north and south ends of the Garage. On the north side, the failed expansion joint is running under the taxi queue lane adjacent to the Station. On the south side, the failed expansion joint is running under the drive lanes from the Charles Street entrance and the circular Plaza drive that provides access to and from the Station and Garage. The failed expansion joint has the potential, if not corrected, to not only negatively impact the structural integrity of Penn Station Garage, but to significantly impact the arrival and departure of all AMTRAK customers by taxi or vehicles.

MINUTES

Parking Authority of - cont'd
Baltimore City

As a first step, the PABC engaged Desman Associates to conduct an assessment and testing of the failed expansion joint, and to design a temporary repair that would allow the continuing functioning of the Garage and Plaza Area. Desman Associates has been under contract to PABC since 2008-2009, when it performed an initial structural assessment of the Penn Station Garage.

As the temporary repair was not intended to be a long-term fix, PABC must now proceed to the design and engineering of the permanent replacement of the failed expansion joint. The appropriation for the Desman Associates proposal of \$39,300.00 for which we seek approval from this Honorable Board covers all design and engineering activities from the preparation of construction documents, plans, and specifications, through bidding of the work to contractors; and oversight and reviews during the construction phases. The construction documents are expected to take Desman Associates four weeks to complete after a notice to proceed is given. PABC will work with the Purchasing Department and the Department of General Services to bid out the construction and repair work to qualified contractors.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized the Expenditure of Funds to pay Desman Associates.

MINUTES

Parking Authority of - Parking Facility Rate Adjustment
Baltimore City (PABC)

ACTION REQUESTED OF B/E:

The Board is requested to approve an adjustment to the monthly rate at the City-owned Franklin Street Garage that is managed by the PABC. The Parking Facility Rate Adjustment is effective upon Board approval.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The PABC is charged with managing the City of Baltimore's parking assets. Proper stewardship of those assets requires that the PABC realize the best possible return on the City's parking investments.

Pursuant to Article 31, §13(f)(2) of the Baltimore City Code, subject to the approval of the Board of Estimates, the PABC may set the rates for any parking project. The PABC believes that rate adjustments at this parking facility are warranted at this time.

To bring the monthly rate charged at Franklin Street Garage in line with its surrounding facilities, the PABC staff developed the rate adjustment recommendation submitted hereto. This rate adjustment was unanimously approved by the PABC Board of Directors.

MINUTES

PABC - cont'd

Location	Proposed Transient Rate Changes	Proposed Monthly Rate Changes		
Franklin Street Garage	No proposed rate adjustments	Regular Monthly Rate		
		Current Rate	Proposed Rate	Last Rate Change
		Regular Rate	\$130.00	\$135.00 May 2011

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved the adjustment to the monthly rate at the City-owned Franklin Street Garage that is managed by the PABC.

MINUTES

PERSONNEL MATTERS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

all of the Personnel matters

listed on the following pages:

475 - 494

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.

The Comptroller **ABSTAINED** on item no. 14.

MINUTES

PERSONNEL

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Baltimore City Police Department</u>		
1. LORETTA S. BOLLING	\$14.42	\$30,000.00

Account: 1001-000000-2042-198100-601009

Ms. Bolling, retiree, will continue to work as a Contract Services Specialist I (Human Resources Section). She will be responsible for conducting final processing and hiring for applicants, conducting fingerprinting, scheduling appointments for applicants, and reviewing case folders to determine validity of required documents. In addition, Ms. Bolling will conduct all aspects of the hiring process, including review of the benefits package and assist out-of-state applicants with information regarding relocation to Maryland and acquiring housing. This is the same salary as in the previous contract period. The period of the agreement is March 27, 2016 through March 26, 2017.

2. HARRY G. HARCUM	\$14.42	\$30,000.00
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Account: 1001-000000-2042-198100-601009

Mr. Harcum, retiree, will continue to work as a Contract Services Specialist I (Evidence Control Unit). He will be responsible for entry and accurate retention of all property retained by the Department and several surrounding agencies, receiving property/evidence submissions from police officers and lab personnel and ensuring the accuracy/completeness of paperwork and all information entered into the evidence tracking system.

In addition, Mr. Harcum will release property for further examination/evidence for court and update the tracking system for chain of custody and documenting the location. The period of the agreement is March 28, 2016 through March 27, 2017.

MINUTES**PERSONNEL**Baltimore City Police Department - cont'd

On January 3, 1996, the Board of Estimates approved a waiver to the Administrative Manual Policy 212-1, Part I. This waiver allowed the Baltimore Police Department to hire retired police officers on a contractual basis.

Mayor's Office of Criminal Justice (MOCJ)

	<u>Hourly Rate</u>	<u>Amount</u>
3. ANN TINDALL	\$25.00 for a maximum of 162 hours (not to exceed \$4,050.00)	\$ 4,050.00
4. ELISEBA OSORE	\$25.00 for a maximum of 162 hours (not to exceed \$4,050.00)	\$ 4,050.00
5. ERIN CUNNINGHAM	\$26.00 for a maximum of 572 hours (not to exceed \$14,872.00)	\$14,872.00

Account: 4000-476515-2252-690500-603018

MINUTES**PERSONNEL**MOCJ - cont'd

The above-listed contract employees will continue to work as a Contract Services Specialist II (Visitation Center Supervisor). Their duties will include, but are not limited to overseeing the coordination of operations while at the Visitation Center, including the supervision of the Visitation and Exchange Monitors. They will be responsible for knowing the daily schedule of families served and pertinent information regarding visitation and exchange circumstances for each day and will facilitate the arrivals and departures of all clients.

In addition, they will ensure proper coverage at entrances, waiting areas, and visitation areas, provide staff guidance to assist them in properly and effectively providing services. They will also be responsible for maintaining any records or documents pertaining to work covered under the agreement and store them at the Visitation Center. The period of the agreement is effective upon Board approval through September 30, 2016.

	<u>Hourly Rate</u>	<u>Amount</u>
6. WANDA ASHLEY	\$15.00	\$ 2,250.00
	for a maximum of 150 hours	
7. WANDA CARTER	\$15.00	\$ 2,550.00
	for a maximum of 170 hours	
8. CHERYLE FRALING	\$15.00	\$ 1,500.00
	for a maximum of 100 hours	

MINUTES

PERSONNELMOCJ - cont'd

	<u>Hourly Rate</u>	<u>Amount</u>
9. AMANDA MUMFORD	\$15.00 for a maximum of 170 hours	\$ 2,550.00
10. ANN MYERS	\$15.00 for a maximum of 170 hours	\$ 2,550.00
11. DARNELL PENN	\$15.00 for a maximum of \$170 hours	\$ 2,550.00
12. NATASHA PETERSON	\$15.00 for a maximum of \$150 hours	\$ 2,250.00
13. CHRISTINA TERRANOVA	\$15.00 for a maximum of 170 hours	\$ 2,550.00

Account: 4000-476515-2252-690500-603018

The above-listed contractual employees (item no. 6 - 13) will each serve as a Contract Service Specialist II (Visitation Center Monitor). Their duties will include, but are not limited to observing visitation between visiting parents and children, and intervening as necessary during visits or exchanges to address any concerns that arise with parents and/or children. They will also coordinate safety of visits, keep accurate, and complete records of any safety concerns or potential problems that come up during a visitation session.

MINUTES**PERSONNEL**MOCJ - cont'd

They will also be responsible for maintaining clear and consistent communication with the on-site supervisor, on-site police, other monitors, and volunteers whether by phone, email, or in person. Duties will also include maintaining client files, maintaining personal timesheets and invoices, discussing case progress and concerns with supervisors, as well as attending occasional meetings about case status and other center operational issues. The period of the agreement is effective upon Board approval through September 30, 2016.

Department of Public Works

	<u>Hourly Rate</u>	<u>Amount</u>
14. LISA JOI STANCIL	\$100.00/hour per conference session (not to exceed six hours per day)	\$26,000.00

Account: 2071-000000-5471-400504-603021

Ms. Stancil will work as a Contract Service Specialist II (Conference Chairman) to hear Water Revenue billing disputes. She will be responsible for conducting informal conferences and rendering written recommendations for the DPW, Bureau of Water and Wastewater, Customer Care Division. In addition, Ms. Stancil will conduct the formal hearings, take testimony from complainants, witnesses, and the DPW personnel. The period of the agreement is effective upon Board approval for one year.

MINUTES

PERSONNELDepartment of Public Works

	<u>Hourly Rate</u>	<u>Amount</u>
15. LINDA ALLEN	\$31.57/hour for a maximum of 1200 hours (not to exceed \$37,887.04)	\$37,887.04

Account: 2051-000000-1981-718200-601009

Ms. Allen, retiree, will continue to work as a Contract Services Specialist I (Fiscal Technician). This is a 4% increase in the hourly rate from the previous contract. She will be responsible for assisting the Office of Sustainable Energy's annual budget proposals, allocating and appropriating accounts, tracking revenues and expenses, preparing monthly invoices and profit and loss statements.

In addition, Ms. Allen will interact with the Bureau of Budget and Management Research, Bureau of Accounting and Payroll Services, Audits, and Treasury Management, to carry out these duties. She will also assist the Energy Office staff and any outside consultants in preparing financial analyses of potential energy performance contracts and power generation plants. The period of the agreement is effective upon Board approval for one year.

This salary is in compliance with AM 212-1, Part I.

MINUTES

PERSONNELDepartment of General Services (DGS)

	<u>Hourly Rate</u>	<u>Amount</u>
16. JASON MATHIAS	\$35.78	\$67,982.00

Account: 2029-000000-1982-192500-601009

Mr. Mathias will work as a Contract Services Specialist II (Research Analyst II). He will collect and organize quantitative data in order to evaluate the effectiveness of operations in meeting established goals and objectives, research and investigate new or improved business and management practices for application to bureau programs or operations. In addition, Mr. Mathias will analyze data required for use in management and direction of department operations, provide assistance in resolving operational and administration issues, and identify issues and conduct research to find alternative solutions. Mr. Mathias will also make and assist in the implementation of recommendations and assist in the coordination of interdepartmental activities with other City departments and divisions and with outside agencies. The period of the agreement is effective upon Board approval for one year.

17. COLEMAN DeVRIES	\$20.26	\$38,494.00
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Account: 1001-000000-1981-194700-601009

Mr. DeVries will work as a Contract Services Specialist II (Research Analyst). He will be responsible for performing data analysis, conducting studies of operating statistics, problems and procedures, information flow, inventory control, and cost analysis to devise the most effective methods of accomplishing work and identifying and implementing solutions that contribute to a reduction in resource levels required to provide the current service level.

MINUTES**PERSONNEL**DGS - cont'dHourly RateAmount

In addition, Mr. DeVries will collaborate with relevant program staff in the divisions of Fleet, Facilities Maintenance, and Capital Projects to coordinate, review and help draft budget proposal submission, service descriptions, narratives about status on performance metrics and how those outputs impact and result in meaningful outcomes for citizens and City agencies as part of the annual budget process. The period of the agreement is effective upon Board approval for one year.

18. Reclassify the following position:Position No. 1890-22327

From: Laborer
 Job Code: 52931
 Grade: 482 (\$29,453.00 - \$30,430.00)

To: Storekeeper I
 Job Code: 33561
 Grade: 077 (\$29,019.00 - \$33,262.00)

Costs: \$3,779.00 - 2030-000000-1890-189300-601001

19. Reclassify the following position:Position No. 1982-20035

From: Plats & Records Technician
 Job Code: 72621
 Grade: 086 (\$38,152.00 - \$44,199.00)

MINUTES

PERSONNELDGS - cont'd

To: Operations Assistant II
Job Code: 31105
Grade: 903 (\$42,500.00 - \$68,000.00)

Costs: \$6,511.00 - 1001-000000-1982-192500-601001

These positions are to be considered Positions of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

Department of Law

20. **ALEXA CURLEY** \$15.00 **\$7,800.00**

Account: 2036-000000-1751-175200-601009

Ms. Curley will work as a Contract Services Specialist II (Legal Assistant I). She will be responsible for providing litigation support and research assistance for attorneys in the Office of Legal Affairs, assist in the preparation and filing of dispositive motions in federal court cases (motions that, if granted will end the entire case or will determine the court's ruling on one or more issues in controversy), and assist in the drafting of discovery requests and responses.

MINUTES

PERSONNELLaw Department - cont'd

In addition, Ms. Curley will assist in the drafting of an appellate brief, assist attorneys in the preparation of witnesses for their testimony at hearings and performing a wide variety of legal research and documentation work. The period of the agreement is effective upon Board approval for one year.

21. Reclassify the following position:Position No. 1763-44869

From: Secretary III
Job Code: 33233
Grade: 084 (\$35,564.00 - \$42,446.00)

To: Legal Assistant II
Job Code: 32933
Grade: 087 (\$39,701.00 - \$47,990.00)

Costs: \$7,502.00 - 1001-000000-1763-175200-601001

22. Reclassify the following position:Position No. 1751-33485

From: Legal Assistant I
Job Code: 32932
Grade: 084 (\$35,564.00 - \$42,446.00)

To: Legal Assistant II
Job Code: 32933
Grade: 087 (\$39,701.00 - \$47,990.00)

MINUTES

PERSONNELLaw Dept. - cont'd

Costs: \$6,359.00 - 2036-000000-1751-175200-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

23. Reclassify the following position:

Position No. 1751-15550

From: Legal Assistant I
Job Code: 32932
Grade: 084 (\$35,564.00 - \$42,446.00)

To: Legal Assistant II
Job Code: 32933
Grade: 087 (\$39,701.00 - \$47,990.00)

Costs: \$6,359.00 - 2036-000000-1751-175200-601001

24. Reclassify the following position:

Position No. 1752-15503

From: Legal Assistant I
Job Code: 32932
Grade: 084 (\$35,564.00 - \$42,446.00)

To: Legal Assistant II
Job Code: 32933
Grade: 087 (\$39,701.00 - \$47,990.00)

Costs: \$7,155.00 - 1001-000000-1752-175200-601001

These positions are to be considered Positions of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

MINUTES

PERSONNELThe Board of Elections25. Upgrade the following Classifications:

Classification: Election Judges, Chief
Job Code: 01814
From Grade: 878 (\$200.00) Daily
To Grade: 878 (\$225.00) Daily

Classification: Election Judges
Job Code: 01815
From Grade: 877 (\$150.00) Daily
To Grade: 877 (\$165.00) Daily

Costs: \$51,440.00 - 1001-000000-1801-184300-601002 (FY 16)
\$60,380.00 - 1001-000000-1801-184300-601002 (FY 17)

The upgrade is warranted to bring the City salaries in line with the surrounding jurisdictions' classifications, and these classifications have not been upgraded within the last ten years.

Fire Department26. Reclassify the following position:

From: Fire Prevention Inspector I
Job Code: 41224
Grade: 337 (\$41,315.00 - \$63,213.00)
Position: 2132-47928

To: Fire Prevention Inspector I, ALS
Job Code: 41225
Grade: 365 (\$48,895.00 - \$64,794.00)

There are no costs associated with these actions.

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

MINUTES

PERSONNELFire Department - cont'dHourly RateAmount27. Reclassify the following position:

From: Fire Operations Aide Suppression
 Job Code: 41217
 Grade: 336 (\$42,033.00 - \$67,602.00)
 Position: 2121-13107

To: Fire Operations Aide Suppression, ALS
 Job Code: 41232
 Grade: 362 (\$43,613.00 - \$69,182.00)

There are no costs associated with these actions.

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

Fire and Police Retirement (F&P)28. Classify the following position:

From: New Position
 Job Code: 9000
 Grade: 900 (\$1.00 - \$204,000.00)
 Position: 1540-50387

To: Associate General Counsel
 Job Code: 10076
 Grade: 936 (\$76,000.00 - \$121,700.00)

Costs: \$103,192.00 - 6000-604116-1540-171400-601001

MINUTES

PERSONNELF&P - cont'd

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

29. Reclassify the following position:

From: New Position
Job Code: 9000
Grade: 900 (\$1.00 - \$204,000.00)
Position: 1540-50386

To: Accounting Assistant III
Job Code: 34133
Grade: 084 (\$35,564.00 - \$42,446.00)

Costs: \$61,453.00 - 6000-604116-1540-171400-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

Enoch Pratt Free Library30. a. Create the following New Non-Civil Service Classifications:

Classification: Information Technology Specialist
Job Code: 00727
Grade: 902 (\$40,100.00 - \$64,100.00)

MINUTES

PERSONNELEnoch Pratt Free Library - cont'db. Reclassify the following Three Positions:

From: PC Support Tech
Job Code: 07103
Grade: 87 (\$39,701.00 - \$47,990.00)
Position: 4501-15889

To: Information Technology Specialist
Job Code: 00727
Grade: 902 (\$40,100.00 - \$64,100.00)

From: EDP Communication Coordinator
Information Technology Specialist
Job Code: 00690
Grade: 85 (\$36,681.00 - \$44,199.00)
Position: 4501-45414

To: Information Technology Specialist
Job Code: 00727
Grade: 902 (\$40,100.00 - \$64,100.00)

From: PC Coordinator Library
Job Code: 00675
Grade: 87 (\$39,701.00 - \$47,990.00)
Position: 4501-15889

To: Information Technology Specialist
Job Code: 00727
Grade: 902 (\$40,100.00 - \$64,100.00)

Cost: \$13,700.00 - 1001-000000-4501-339600-601001

MINUTES

PERSONNELEnoch Pratt Free Library - cont'd

These positions are to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

Department of Recreation and Parks31. Reclassify the following Position:

From: Laborer (Hourly)
Job Code: 52931
Grade: 482 (\$29,453.00 - \$30,430.00)
Position: 4781-44640

To: Horticultural Assistant
Job Code: 53661
Grade: 427 (\$30,781.00 - \$33,231.00)

Cost: \$1,680.00 - 1001-000000-4782-583800-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

32. Create the following Position:

Classification: Park Administrator
Job Code: 71430
Grade: 904 (\$45,100.00 - \$72,200.00)
Position No.: To be assigned by BBMR

Cost: \$68,033.00 - 6000-680814-4782-583800-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

MINUTES**PERSONNEL**Mayor's Office of Cable and Communications33. Downgrade the following Position:

From: Executive Assistant
Job Code: 10083
Grade: 904 (\$45,100.00 - \$72,200.00)
Position: 5721-50748

To: Operations Assistant II
Job Code: 31105
Grade: 903 (\$42,500.00 - \$68,000.00)

Cost: (\$4,200.00) - 1001-000000-5721-407300-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

Health Department34. Reclassify the following Position:

From: Health Program Administrator I
Job Code: 61111
Grade: 923 (\$57,200.00 - \$91,700.00)
Position: 3080-14391

To: Health Program Administrator II
Job Code: 61113
Grade: 927 (\$60,800.00 - \$97,300.00)

Cost: \$4,804.92 - 4000-427116-3080-294300-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

MINUTES**PERSONNEL**Health Department35. Create the following Position:

Classification: Program Coordinator
Job Code: 31192
Grade: 923 (\$57,200.00 - \$91,700.00)
Position No: To be assigned by BBMR

Cost: \$86,106.00 - 5000-570416-3041-605800-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

36. Reclassify the following Position:

From: Health Program Administrator I
Job Code: 61111
Grade: 923 (\$57,200.00 - \$91,700.00)

To: Health Program Administrator II
Job Code: 61113
Position: 927 (\$60,800.00 - \$97,300.00)

Cost: \$4,804.92 - 4000-499616-3080-294213-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

37. Create the following position:

Classification: Community Health Educator II
Job Code: 61252
Grade: 085 (\$36,681.00 - \$44,199.00)
Position No: To be assigned by BBMR

Cost: \$117,440.26 - 4000-480616-3100-268600-601001

MINUTES

PERSONNELHealth Department - cont'd

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

38. Create the following Position:

Classification: Program Coordinator
Job Code: 31192
Grade: 923 (\$57,200.00 - \$91,700.00)
Position No.: To be assigned by BBMR

Cost: \$86,106.84 - 5000-570416-3041-605800-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

Baltimore Sheriff's Office39. a. Create the following two Non-Civil Service Classifications:

Classification: Court Security Assistant
Job Code: 00071
Grade: 071 (\$26,221.00 - \$29,311.00)
(Seven Positions)

Classification: Court Security Assistant
Supervisor
Job Code: 00072
Grade: 075 (\$27,929.00 - \$31,746.00)
(One Position)

MINUTES

PERSONNELSheriff's Department - cont'db. Create the following eight Positions:

Classification: Court Security Assistant
 Job Code: 00071
 Grade: 071 (\$26,221.00 - \$29,311.00)
 Positions: To be assigned by BBMR
 (Seven Positions)

Classification: Court Security Assistant Supervisor
 Job Code: 00072
 Grade: 075 (\$27,929.00 - \$31,746.00)
 (One Position)

Cost: \$363,996.00 - 1001-000000-1182-138800-601001

These positions are to be considered a Positions of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

Health Department

	<u>Hourly Rate</u>	<u>Amount</u>
40. GINA ROBINSON SHAW	\$25.00	\$11,000.00

Account: 5000-533116-3044-273300-601009

Ms. Shaw will work as a Contract Services Specialist II (Guardianship Specialist). Her duties will include but are not limited to performing initial assessment/investigation of alleged disabled adults to find if they are actually disabled or incompetent, attend guardianship court hearings, provide short term and ongoing case management to clients in a variety of settings and monitoring via field visits and telephone contacts to clients in nursing homes, assisted living facilities, private homes and day care centers. The period of the agreement is effective upon Board approval through June 30, 2016.

MINUTES

PROPOSAL AND SPECIFICATIONS

1. Department of Public Works/
Office of Engineering and
Construction - SC 890, Quad Avenue Waste-
water Pumping Station Force
Main Replacement
BIDS TO BE RECV'D: 03/30/2016
BIDS TO BE OPENED: 03/30/2016

There being no objections, the Board, UPON MOTION duly made and seconded, approved the above-listed Proposal and Specifications to be advertised for receipt and opening of bids on the date indicated.

MINUTESOffice of the Council President - Employee Expense Statement**ACTION REQUESTED OF B/E:**

The Board is requested to approve the expense statement for Mr. Robert Curran for the months of September, October, and November 2015.

AMOUNT OF MONEY AND SOURCE:

\$113.37 - 1001-000000-1000-106500-603025

BACKGROUND/EXPLANATION:

Mr. Curran is requesting reimbursement for payments made for business use of his personal cellular phone. The invoices/receipts were presented beyond the 40 day rule due to payment delays. The account is shared with his wife who is also the account holder. It is estimated that Mr. Curran's phone line is used 75% of the time for City-related business calls, as follows:

Month	Sept. 2015	Oct. 2015	Nov. 2015
50% (Shared Usage)	\$42.29	\$42.28	\$42.28
Plan Line			
Taxes, fees & Charges	8.10	8.10	8.10
Sub-Total	\$50.39	\$50.39	\$50.39
75% Business Usage Total	\$37.79	\$37.79	\$37.79

The Administrative Manual, in Section 240-11, states that Employee Expense Reports that are submitted more than 40 work days after the last calendar day of the month in which the expenses were incurred require Board of Estimates approval.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved the expense statement for Mr. Robert Curran for the months of September, October, and November 2015. The President **ABSTAINED**.

MINUTES

Department of Transportation - Minor Privilege Permit Applications

The Board is requested to approve the following applications for a Minor Privilege Permit. The application is 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.	1855 W. Pratt Street k/a 201 N. Monroe Street	Sandron, LLC	One flat sign 21' x 2.5'
	Annual Charge: \$ 73.50		
2.	1414 Key Highway	1414 Key Highway Holdings, LLC	One double face electric sign 12' x 3' each
	Annual Charge: \$381.60		
3.	809 Aliceanna Street	Help II, LLC	Two banner signs 24 sq. ft. each, one single face electric sign 3 sq. ft., one flat sign 1 sq. ft.
	Annual Charge: \$188.70		
4.	5509 Harford Road	Howard Fine	One awning 21' x 4'6", six fluorescent tubes
	Annual Charge: \$414.06		

MINUTES

Department of Transportation - cont'd

	<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
5.	211 W. Mulberry Street	Mulberry at Park Limited Partnership	Service Connection four ducts @ 68 lf. each, two ducts @ 18 lf. each

Annual Charge: \$2,156.00

6.	4717 Harford Road	J.B.R. Holding, LLC	Retain two single face electric signs, one @ 39.5 sq. ft., one @ 30.5 sq. ft.
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Annual Charge: \$ 281.20

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 foregoing Minor Privileges.

MINUTES

Department of Transportation - Developers' Agreements

The Board is requested to approve and authorize execution of the various developers' agreements.

	<u>DEVELOPER</u>	<u>NO.</u>	<u>AMOUNT</u>
1.	FIRST CHURCH OF OUR LORD JESUS CHRIST	1379	\$ 21,740.00

First Church of our Lord Jesus Christ would like to install new water service to its proposed new building located in the vicinity of 1443 Gorsuch Avenue. This agreement will allow the organization to perform its own installation in accordance with Baltimore City Standards.

A Performance Bond in the amount of \$ 21,740.00 has been issued to the First Church of our Lord Jesus Christ, which assumes 100% of the financial responsibility.

2.	BROWN CAPITAL MANAGEMENT, LLC	1375	\$102,417.00
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Broadway Acquisition and Development Series would like to install streetscape improvements to its proposed construction located in the vicinity of 1201-1203 North Calvert Street. This agreement will allow the organization to perform its own installation in accordance with Baltimore City Standards.

A Performance Bond in the amount of \$102,417.00 has been issued to Brown Capital Management, LLC, which assumes 100% of the financial responsibility.

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

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 414 Light Street Owner, LLC. The period of the agreement will commence upon Board approval and termination will be deemed in writing by the Department of Transportation.

AMOUNT OF MONEY AND SOURCE:

\$66,754.98 - 9950-906082-9512-000000-490375

BACKGROUND/EXPLANATION:

Baltimore City Ordinance 11-529, approved on May 9, 2012, determined that a Traffic Impact Study was required for the development. The Developer proposes to perform the Scope of Work for 414 Light Street at 414 Light Street constructing a new development with 334,425 sq. ft. of residential apartments with 394 units and 12,297 sq. ft. of retail. The Developer agrees to make a one-time contribution in the amount of \$66,754.98 to fund the City's multimodal transportation improvements in the project's vicinity.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Traffic Mitigation Agreement with 414 Light Street Owner, LLC.

MINUTES

Department of Transportation - Traffic Impact Study Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Traffic Impact Study Agreement with Gibbons Commons, LLC. The period of the agreement will commence upon Board approval and termination will be deemed in writing by the Department of Transportation.

AMOUNT OF MONEY AND SOURCE:

\$22,343.06 - The anticipated cost will be covered under Project No. 1209 On-Call Traffic Engineering Services, Task No. 2, approved by the Department of Audits on February 5, 2016, with Parsons Brinckerhoff, Inc.

BACKGROUND/EXPLANATION:

Baltimore City Ordinance 11-529, approved on May 9, 2012, determined that a Traffic Impact Study was required for the Development. This agreement is necessary to perform a traffic impact analysis for St. Agnes Hospital Gibbons Commons located at 901 S. Caton Avenue where the applicant has applied or intends to apply for a Building Permit in Baltimore City to perform the Scope of Work including 75,000 sq. ft. Royal Farms Convenience Store & Gas Station, 83,000 sq. ft. of Bon Secours Housing, 53,200 sq. ft. YMCA, 104,000 sq. ft. Office and Restaurant, 66,500 sq. ft. of Office, 113,100 sq. ft. of housing, 76,800 sq. ft. of retail development. The Traffic Impact Study assesses the development and its relative traffic impacts.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Traffic Impact Study Agreement with Gibbons Commons, LLC.

MINUTES

Department of Transportation - Google Transit Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Transit Agreement with Google, Inc. The Department also requests the Board to authorize the Director of the Department of Transportation to electronically execute the subject agreement as is necessary to implement the services of Google Inc. The period of the agreement is effective upon execution and either party may terminate the agreement upon 30 day written notice.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The Department of Transportation currently operates the Charm City Circulator in and around the Central Business District. Since its inception in January 2010, the Circulator has served over 14 million passengers, and ridership continues to grow. The Department desires to enter into a Transit Agreement with Google, Inc. to provide an array of information about the Charm City Circulator to those researching through Google.

In order to formally enter into the Transit Agreement with the Mayor and City Council, Google requires that the Transit Agreement be accepted by means of a "click through" on its web site and the Department seeks approval for Director Johnson to do so.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Transit Agreement with Google, Inc. The Board also authorized the Director of the Department of Transportation to electronically execute the subject agreement as is necessary to implement the services of Google Inc.

MINUTES

Department of Transportation - Partial Release of Retainage

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Partial Release of Retainage Agreement with Manuel Luis Construction Company, Inc., for Contract No. TR 13003, Reconstruction of Footways Citywide.

AMOUNT OF MONEY AND SOURCE:

\$59,045.00 - 9950-909446-9504-000000-200001

BACKGROUND/EXPLANATION:

Manuel Luis Construction Company, Inc., is requesting a release of retainage for TR 13003. The City holds \$61,045.00 in retainage. All work on TR 13003 is substantially completed and all punch list items are completed. The contractor is requesting a partial release of retainage for \$59,045.00. The remaining \$2,000.00 is sufficient to protect the interest of the City.

MWBOO HAS APPROVED THE RELEASE.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Partial Release of Retainage Agreement with Manuel Luis Construction Company, Inc., for Contract No. TR 13003, Reconstruction of Footways Citywide.

MINUTES

Department of Transportation/Planning - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 007 to HAKS Engineers, Inc. under Project No. 1162, On-Call Consultant Services for Reconstruction and Resurfacing Department of Transportation Projects.

AMOUNT OF MONEY AND SOURCE:

\$108,688.16 - 2024-000000-5480-395800-603026

BACKGROUND/EXPLANATION:

This authorization provides for continued on-site technical support for conduit needs and utility engineering for a six-month period.

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.

MWBOO SET GOALS OF 27% MBE AND 9% WBE.

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. 007 to HAKS Engineers, Inc. under Project No. 1162, On-Call Consultant Services for Reconstruction and Resurfacing Department of Transportation Projects. The President Voted **NO**.

MINUTES

Department of Transportation - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 022 to Whitman, Requardt & Associates, under Project No. 1134, On-Call Traffic Engineering Studies.

AMOUNT OF MONEY AND SOURCE:

\$497,201.95 - 4000-406115-5011-383901-603050

BACKGROUND/EXPLANATION:

This authorization provides for the continuation of engineering support in connection with the Baltimore and Potomac Tunnel Federal High Speed Intercity Passenger Rail Study. Services provided will include engineering and environmental documents review during preliminary engineering, public outreach and coordination services, gathering and proving mapping and utility infrastructure information and other project related tasks.

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.

MWBOO SET GOALS OF 27% MBE AND 9% WBE.

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. 022 to Whitman, Requardt & Associates, under Project No. 1134, On-Call Traffic Engineering Studies. The President Voted **NO**.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

- | | | |
|---|--------------|---------|
| 1. KOLS CONTAINERS, INC. | \$ 20,000.00 | Renewal |
| Contract No. B50003380 - Sample Containers - Department of Public Works - Water and Wastewater - P.O. No. P526541 | | |

On March 12, 2014, the Board approved the initial award in the amount of \$23,812.88. The award contained two 1-year renewal options. On March 4, 2015, the Board approved the first renewal in the amount of \$23,812.88. This final renewal in the amount of \$20,000.00 is for the period March 13, 2016 through March 12, 2017. The above amount is the City's estimated requirement.

- | | | |
|---|--------------|---------|
| 2. ALS GROUP USA, CORP. d/b/a | | |
| ALS ENVIRONMENTAL | \$500,000.00 | Renewal |
| Contract No. B50003289 - Laboratory Analytical Service - Department of Public Works - Bureau of Water and Wastewater - P.O. No. P526464 | | |

On March 5, 2014, the Board approved the initial award in the amount of \$400,000.00. The award contained two 2-year renewal options. On October 7, 2015, the Board approved an increase in the amount of \$200,000.00. This renewal in the amount of \$500,000.00 is for the period March 15, 2016 through March 14, 2018, with one 2-year renewal option remaining. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

- | | | |
|---|--------------|---------|
| 3. TOWN & COUNTRY PET | | |
| SUPPLY, INC. | \$ 18,100.00 | Renewal |
| Contract No. B50002332 - Dog Food & Supplies for the Police Department - Police Department - Req. No. R590381 | | |

On April 11, 2012, the Board approved the initial award in the amount of \$54,056.38. The award contained two 1-year renewal options.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

On February 11, 2015, the Board approved the first renewal in the amount of \$18,100.00. This final renewal in the amount of \$18,100.00 is for the period April 11, 2016 through April 10, 2017. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

- | | | |
|---|-------------|---------|
| 4. HUSKY ENVELOPE PRODUCTS, INC. | \$66,090.00 | Renewal |
| Contract No. B50003259 - Water Bill Envelopes - Department of Public Works, Bureau of Water and Wastewater - Req. No. R649065 | | |

On April 2, 2014, the Board approved the initial award in the amount of \$50,045.00. The award contained four 1-year renewal options. Subsequent actions have been approved. This second renewal in the amount of \$66,090.00 is for the period May 1, 2016 through April 30, 2017, with two 1-year renewal options remaining. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

- | | | |
|--|---------|---------|
| 5. AMERICAN TEST CENTER, INC. | \$ 0.00 | Renewal |
| Contract No. B50002778 - Annual Five Year Certification and Inspection Tests for Ladder Trucks - Department of General Services, Fleet Management - P.O. No. P522625 | | |

On February 6, 2013, the Board approved the initial award in the amount of \$48,000.00. The award contained two 1-year renewal options. On February 25, 2015, the Board approved an increase in the amount of \$24,000.00. This renewal in the amount of \$0.00 is for the period April 11, 2016 through April 10, 2017, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

6. ADSYSTECH, INC.	\$ 35,628.33	Ratification
	49,879.67	and Renewal
	\$ 85,508.00	

Contract No. B50001513 - Provide Integrator Software and Services for Community Action Partnership - Mayor's Office of Human Services - Community Action Partnership - Req. Nos. R721459 and P530741

On August 25, 2010, the Board approved the initial award in the amount of \$165,306.00. The award contained three renewal options. Two ratifications and two renewals were approved. This ratification and renewal are necessary to continue to provide maintenance service on software currently in use at the agency. The period of the ratification is September 8, 2015 through February 23, 2016. This final renewal in the amount of \$49,879.67 is for the period February 24, 2016 through September 7, 2016. The above amount is the City's estimated requirement.

7. HWC ENTERPRISES, LLC		
d/b/a HYDRATEC	\$ 45,000.00	Increase
Contract No. B50003823 - Parts and Repair Service for Muncie Pumps, Power Take Offs and Valves - Department of General Services - P.O. No. P529186		

On October 23, 2014, the City Purchasing Agent approved the initial award in the amount of \$22,500.00. The award contained two 1-year renewal options. On April 18, 2015, the Board approved an increase in the amount of \$22,500.00. The initial projected expenditure was based on usage of the previous contract that was primarily used to purchase parts due to the vendor's location. The current contract is awarded to a vendor located within a reasonable distance to perform repair services with adequate turn-around time and has resulted in an increase in use of this contract. This increase in the amount of \$45,000.00 will make the award amount \$90,000.00.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

The contract expires on October 22, 2017, with two 1-year renewal options remaining. The above amount is the City's estimated requirement.

8. TENNANT SALES AND

SERVICE COMPANY	\$ 30,000.00	Increase
Contract No. B50004062 - Preventative Maintenance Contract for Tennant Machines - Baltimore Convention Center - P.O. No. P531763		

On June 17, 2015, the Board approved the initial award in the amount of \$34,970.00. The award contained three 1-year renewal options. Because of the unanticipated demand for these services an increase in the amount of \$30,000.00 is necessary. This increase will make the award amount \$64,970.00. The contract expires June 16, 2016, with three 1-year renewal options remaining. The above amount is the City's estimated requirement.

9. CORRELLI INCORPORATED	\$100,000.00	Increase and
ALBAN TRACTOR CO.,	400,000.00	Renewal
INC.		

\$500,000.00

Contract No. B50002267 - Parts and Maintenance & Repair Services for Caterpillar Construction Equipment - Department of Public Works, Bureau of Solid Waste and General Services - P.O. Nos. P520013 and P520012

On February 22, 2012, the Board approved the initial award in the amount of \$700,000.00. The award contained two 1-year renewal options. On March 18, 2015, the Board approved the first renewal in the amount of \$0.00. This increase is necessary to fund parts and service until renewal begins. This increase will make the award amount \$1,200,000.00. This final renewal is for the period April 1, 2016 through March 31, 2017. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

- | | | |
|---|------------------|-----------|
| 10. WM RECYCLE AMERICA,
L.L.C. | Revenue Contract | Extension |
| Contract No. B50002210 - Single Stream Recycling -
Department of Public Works, Bureau of Solid Waste - P.O.
No. P520049 | | |

On February 15, 2012, the Board approved the initial award in the amount of \$0.00. On January 14, 2015, the Board approved the sole renewal in the amount of \$0.00. B50004447 was solicited and opened on January 27, 2016 resulting with the sole bidder being rejected. This extension is necessary while a new solicitation (B50004514) can be solicited and awarded. The extension is for the period February 22, 2016 through May 31, 2016.

MWBOO GRANTED A WAIVER.

- | | | |
|---|---------|-----------|
| 11. VANGUARD UTILITY
SERVICE, INC. | \$ 0.00 | Extension |
| Contract No. B50001595 - Provide Large Water Meter Testing,
Repair and Replacement - Department of Public Works,
Revenue Measuring and Billing - P.O. No. P514854 | | |

On September 15, 2010, the Board approved the initial award in the amount of \$382,789.35. The award contained four renewal options. Subsequent actions have been approved. Due to the new advanced metering infrastructure, the revisions to the current specifications are taking longer than anticipated. This extension is necessary to allow time to complete a request for bids and award a contract. This extension is for the period March 31, 2016 through August 31, 2016. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

- | | | |
|---|--------------|-------------|
| 12. HACH COMPANY | \$100,000.00 | Sole Source |
| Contract No. 08000 - DPD Powder, Reagents and Parts for Online Analyzers - Department of Public Works Wastewater Facilities - Req. No. 712953 | | |

The vendor is the sole manufacturer and distributor of these products compatible with currently installed equipment and required for Federal and State water sampling standards. The period of the award is February 24, 2016 through February 23, 2017. 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 practical 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.

- | | | |
|--|--------------|-------------|
| 13. CHESAPEAKE FIRE AND RESCUE EQUIPMENT, INC. | \$916,125.00 | Sole Source |
| Contract No. 08000 - OEM Holmatro Rescue Tools - Fire Department - Req. Nos. R710969, R710971, and R710974 | | |

An intent to waive competition was posted (B50004463) with only one response. The responding vendor failed to submit the requested manufacturer's detailed specifications of the product being offered for review. Chesapeake Fire and Rescue Equipment, Inc. is the only authorized Holmatro dealer in Maryland and provide sales and preventative maintenance on Holmatro rescue equipment and required replacement parts. This brand of rescue tool is already in use by the Fire Department and is not interchangeable with other brands. The period of the award is February 25, 2016 through February 24, 2017. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
--------	-----------------	-------------

Bureau of Purchases

- | | | |
|--|--------------|----------------|
| 14. NEOPOST dba
MAILFINANCE, INC. | \$196,013.64 | Lease Transfer |
| Solicitation No. 06000 - Postage Meter System Lease -
Department of Communication Services, Municipal Post Office
- Req. No. R720944 | | |

On January 25, 2012, the Board approved the initial award for three mail meters on a 60-month lease through a solicitation from the State of Maryland. One of the mail meters has suffered over \$10,000.00 worth of rodent damage. There are 22-months still remaining on a 60-month lease. Using a contract with Neopost and the State of Maryland, the City is able to start a new lease with three new mail meters, which are both more ergonomic and provide faster and more up-to-date mail handling and pricing. The period covered is 60-months from when the machines are installed (approximately March 15).

It is hereby certified that the above procurement is of such a nature that no advantage will result in seeking nor would it be practical 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 City will make the purchase under the Maryland State Contract #ADSP011-00000411-7.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
--------	-----------------	-------------

Bureau of Purchases

- | | | |
|---|--------------|-----------|
| 15. POWERDMS, INC. | \$ 57,112.00 | Agreement |
| Contract No. 08000 - PowerDMS Software as a Solution (SaaS) | | |
| Agreement - Baltimore City Police Department - Req. No. R712874 | | |

The Board is requested to approve and authorize execution of an Agreement with PowerDMS, Inc. The period of the agreement is February 24, 2016 through February 23, 2017, with four 1-year renewal options remaining.

Under this agreement, Software as a Solution will improve the dissemination, accountability, and training for the Police Department's general orders. The vendor is the sole provider of the software solution for electronic accreditation file building and paperless assessments by the Commission on Accreditation for Law Enforcement Agencies (CALEA). By adhering to the stringent requirements of CALEA, the Baltimore Police Department will be able to demonstrate to the Department of Justice that the agency is committed to mitigating any issues uncovered as part of the Civil Rights investigation. 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 practical 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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<u>Bureau of Purchases</u>		
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UPON MOTION duly made and seconded, the Board approved the informal awards, renewals, increases to contracts and extensions, and the lease transfer. The Board also approved and authorized execution of the Agreement with PowerDMS, Inc. (item no. 15).

MINUTES

Mayor's Office of Human Services - Agreement and Memorandum of Understanding (MOU)

The Board is requested to approve and authorize execution of the Agreement and Memorandum of Understanding (MOU).

1. **THE BALTIMORE STATION, INC.** **\$800,000.00**

Account: 1001-000000-3572-781800-603051

The Baltimore Station, Inc., will provide 100 to 125 emergency shelter beds per night in their overflow shelter facilities, as well as shuttle services to and from the main City shelter to its overflow facilities and other service provider sites. The Baltimore Station, Inc. will also provide additional transport and shelter during City designated "Code Blue" days. The period of the agreement is October 1, 2015 through June 30, 2016.

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

MWBOO GRANTED A WAIVER.

AUDITS REVIEWED AND HAD NO OBJECTION.

MEMORANDUM OF UNDERSTANDING

2. **ANNE ARUNDEL COUNTY, MARYLAND** **\$467,711.00**

Account: 4000-490816-3571-763201-603051

Anne Arundel County will use the funds to provide housing assistance and supportive services to 34 individuals or to families who have a family member with AIDS. The period of the MOU is July 1, 2015 through June 30, 2018.

MINUTES

MOHS - cont'd

The Agreement and Memorandum of Understanding are late because of a delay at the administrative level.

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Agreement and Memorandum of Understanding.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 042 to Rummel, Klepper & Kahl, LLP (RKKL), under Project No. 1301, (WC 1261, SC 917, WC 1131, SC 899, WC 1237, SC 829, SC 8526, SC 894, SC 900, SC 888, SC 905), On-Call Project and Construction Management Assistance Services.

AMOUNT OF MONEY AND SOURCE:

(\$ 4,783.86) - 9960-910720-9557-900020-705032 (WC 1261 Task
 No. 3)
 (126,698.94) - (WC 1261 Task No. 23)
 (312.60) - (WC 1261 Task No. 26)
 (14,217.50) - 9956-910859-9551-900020-705032 (SC 917 Task
 No. 5)
 (14,248.66) - 9960-902731-9557-900020-705032 (WC 1131 Task
 No. 8)
 (4,976.13) - 9956-903645-9551-900020-705032 (SC 899 Task
 No. 13)
 (201.26) - 9960-906653-9557-900020-705032 (WC 1237 Task
 No. 15)
 (638.46) - 9956-904561-9551-900020-705032 (SC 829 Task
 No. 16)
 (568.70) - 9956-907526-9551-900020-705032 (SC 8526 Task
 No. 17)
 (543.72) - 9956-906694-9551-900020-705032 (SC 894 Task
 No. 20)
 (52,201.49) - 9956-905644-9551-900020-705032 (SC 900 Task
 No. 22)
 (14,272.64) - 9956-905644-9551-900020-705032 (SC 900 Task
 No. 39)
 (126.63) - 9956-905752-9551-900020-705032 (SC 888 Task
 No. 24)
 (2,843.50) - 9956-905620-9551-900020-705032 (SC 905 Task
 No. 33)

(\$236,634.09)

MINUTES

DPW - cont'd

BACKGROUND/EXPLANATION:

The Office of Engineering & Construction is requesting RKKL to provide a credit of unused funds from various tasks including: WC 1261 (Task Nos. 3, 23, & 26), SC 917 (Task No. 5), WC 1131 (Task No. 8), SC 899 (Task No. 13), WC 1237 (Task No. 15), SC 829 (Task No. 16), SC 8526 (Task No. 17), SC 894 (Task No. 20), and SC 900 (Task Nos. 22 & 39). All of the listed tasks have expired. This credit will increase the agreement upset limit and allow other tasks to be developed.

MWBOO GRANTED APPROVAL.

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. 042 to Rummel, Klepper & Kahl, LLP, under Project No. 1301, (WC 1261, SC 917, WC 1131, SC 899, WC 1237, SC 829, SC 8526, SC 894, SC 900, SC 888, SC 905), On-Call Project and Construction Management Assistance Services. The President Voted **NO**.

MINUTES

Department of Public Works/Office - On-Call Agreement
of Engineering and Construction

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the On-Call Agreement with Whitman, Requardt & Associates, LLP under Project 1505, On-Call Project and Construction Management Assistance Services. The period of the agreement is effective upon Board approval for four years, or until the upset limit is reached, whichever occurs first.

AMOUNT OF MONEY AND SOURCE:

\$4,000,000.00 - Upset Limit

BACKGROUND/EXPLANATION:

The Department is in need of assistance from Whitman, Requardt & Associates, LLP to provide 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, and review of contract claims and supports estimating, scheduling, project engineering, constructability reviews, submittal reviews and responses, RFI reviews and responses, and construction contract administrative support under this agreement.

This On-Call contract is necessary to provide services related to Consent Decree projects and other infrastructure related projects and will allow great latitude in staffing and funding availability to ensure that the requirements and deadlines for those projects are met.

The Consultant has been approved by the Architectural and Engineering Awards Commission (AEAC) procedures, under AEAC Project No. 1230.

MINUTES

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

MBE/WBE PARTICIPATION:

The Consultant will continue to comply with all terms and conditions of the M/WBE Programs in accordance with Baltimore City Code, Article 5, Subtitle 28.

MBE: Bryant Associates, Inc.	\$0-1,080,000.00	0-27%
Daniel Consultants, Inc.	\$0-1,080,000.00	0-27%
Kumi Construction Management Corporation	\$0-1,080,000.00	0-27%
Sidhu Associates, Inc.	\$0-1,080,000.00	0-27%
WBE: Albrecht Engineering, Inc.	\$0- 400,000.00	0-10%
The Robert B. Balter Company	\$0- 400,000.00	0-10%

MWBOO SET GOALS OF 27% MBE AND 10% WBE.

MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the On-Call Agreement with Whitman, Requardt & Associates, LLP under Project 1505, On-Call Project and Construction Management Assistance Services. The President Voted **NO**.

MINUTES

Department of Public Works - Deed

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Deed with 500 Park Avenue, LLC.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

500 Park Avenue, LLC, a Maryland limited liability corporation, is requesting the City to release a 20 foot wide Right-of-Way known as the former bed of Tyson Street, in accordance with Ordinance No. 15-431, approved by the Mayor on December 14, 2015.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Deed with 500 Park Avenue, LLC.

MINUTES

Department of Public Works (DPW) - Amendment No. 3 to Energy
Performance Contract

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Amendment No. 3 to the Energy Performance Contract, Phase II with Johnson Controls, Inc. (JCI). The period of the Energy Performance Contract, Phase II is effective upon Board approval through September 15, 2016.

AMOUNT OF MONEY AND SOURCE:

\$240,000.00 - 5000-594014-1981-718302-603051

BACKGROUND/EXPLANATION:

On August 30, 2006, the Board approved the original agreement with the JCI for the Energy Performance Contract, Phase II. Amendment No. 3 to the Energy Performance Contract, Phase II will add to the scope of work for a Heat Exchanger Efficiency Project at Back River Waste Water Treatment Plant, which will include the design, installation, and measurement and verification of a heat exchanger system through September 15, 2016.

The Back River Waste Water Treatment Plant has a cogeneration, combined heat and power facility, in which heat and power are generated using methane produced by the waste water treatment process and supplemented with natural gas. This is operated under the Energy Performance Contract - Phase II by the JCI. The efficiency of the cogeneration is partially measured by the ability to use all of the generated heat. With the JCI, the City will be testing the use of the excess heat to pre-treat (heat) sludge, by removing two 20-foot pipe sections and replacing them with 20-foot heat exchangers in the High Rate Digester Gallery of the treatment plant. The heat exchangers will be installed, managed, and analyzed by Johnson Controls, Inc. All other terms and conditions of the original agreement remain unchanged.

MINUTES

DPW - cont'd

MBE/WBE PARTICIPATION:

Johnson Controls, Inc. will adhere to the Minority and Women's Business Enterprise goals set in the original agreement.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 3 to the Energy Performance Contract, Phase II with Johnson Controls, Inc.

MINUTES

Department of Public Works/Office - Agreement
of Engineering and Construction

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the agreement with Pure Engineering Services under Project 1201, Large Diameter Transmission Main Condition Assessment, Analysis, and Long-Term Monitoring. The period of the agreement is effective upon Board approval for five years with five 1-year renewals or until the upset limit is reached, whichever occurs first.

AMOUNT OF MONEY AND SOURCE:

\$ 9,999,242.56 - Baltimore City
9,999,242.56 - Baltimore County
\$19,998,485.12

BACKGROUND/EXPLANATION:

Pure Engineering Services will provide services for large diameter pipeline condition assessment, remaining service life analysis and long-term monitoring for mains greater than or equal to 16-inch diameter located in the Baltimore Metropolitan Water System. The scope is focused primarily on inspection of the full inventory of Pre-stressed Concrete Cylinder Pipe (PCCP) in the system, with some scope for inspection of large ferrous mains as needed. The Consultant will perform visual, sounding, and electromagnetic inspections, acoustic leak detection, wall thickness testing, structural stiffness testing, finite element analysis, remaining useful life analysis, design, and coordination of PCCP repair projects, and install long-term monitoring systems, as warranted. This work will reduce the risk of catastrophic failure of PCCP in the system.

The consultant was approved by the Office of Boards and Commissions and Architectural and Engineering Awards Commission.

MINUTES

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

MBE/WBE PARTICIPATION:

MBE: DM Enterprises of Baltimore	\$ 650,000.00	3.25%
Soil and Land Use Technology, Inc.	<u>357,081.89</u>	<u>1.79%</u>
Total MBE:	\$1,007,081.89	5.04%
 WBE: Phoenix Engineering, Inc.	 \$ 140,000.00	 0.70%
Aria Environmental, Inc.	<u>264,809.10</u>	<u>1.32%</u>
	\$ 404,809.10	2.02%

MWBOO SET GOALS OF 5% MBE AND 2% WBE.

1. **TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$10,500,000.00	9960-909100-9558	
Water Revenue	Constr. Res.	
Bonds	Water Infrastructure	
	Rehab	
10,500,000.00	9960-909100-9558	
Baltimore	Constr. Res.	
County	Water Infrastructure	
<u>\$21,000,000.00</u>	Rehab	
 \$19,998,710.12		9960-907132-9557-3
		Engineering
 1,001,289.88		9960-907132-9557-9
<u>\$21,000,000.00</u>		Administration

MINUTES

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

The funds are required to cover the cost of the award for Project 1201, Large Diameter Transmission Main Condition Assessment, Analysis & Long Term Monitoring.

(In accordance with Charter provisions reports have been requested from the Planning Commission, the Director of Finance having reported favorably thereon).

APPROVED FOR FUNDS BY FINANCE

AUDITS HAS 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 agreement with Pure Engineering Services under Project 1201, Large Diameter Transmission Main Condition Assessment, Analysis, and Long-Term Monitoring. 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**RESCISSION OF CONDEMNATIONS:**

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Department of Housing and Community Development</u>			
1. Ronald & Marilyn Carr	1808 E. Chase St.	G/R \$40.00	\$ 133.33
2. Ronald & Marilyn Carr	1810 E. Chase St.	G/R \$40.00	\$ 133.33

Funds are available in account no. 9910-906416-9588-900000-704040, EBDI Phase II Project.

On July 23, 2014, the Board approved the purchase of the ground rent interest in the above-listed properties in the amount of \$266.67 each. The owners have agreed to a settlement of \$133.00 for each property. The increased amount will make the total \$400.00 for each property.

It is necessary that the City, with the prior approval of the Board of Estimates, deposit with the Clerk of the Court of the appropriate jurisdiction in Baltimore City the sum covering the estimated fair market value of the properties interest and comply with the requirements of the Uniform Relocation Act for replacement housing payment. These properties will be redeveloped.

The fair market values are determined by a waiver valuation made by the Department in accordance with the City of Baltimore's Appraisal Policy approved on November 3, 2010. This will permit the City to have title to, and if necessary immediate possession of, the subject properties interest in conformity with the requirements of the applicable law.

UPON MOTION duly made and seconded, the Board approved the above rescission of condemnations

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 Necktie SF Joint Venture, Developer, for the sale of the City-owned properties located at 1424 Druid Hill Avenue and 503 Mosher Street, in the Upton Marble Neighborhood.

AMOUNT OF MONEY AND SOURCE:

\$ 1,000.00 - 1424 Druid Hill Avenue
1,000.00 - 503 Mosher Street
\$ 2,000.00 - Purchase price payable at the time of settlement

BACKGROUND/EXPLANATION:

The project will consist of converting and using the vacant lots for parking and green space. The Developer plans to invest approximately \$51,889.00 into this project. The project will be privately funded.

The authority to sell this property is Article 11, Section 15 of the Baltimore City Charter and Article 28 of the Baltimore City Code (2010 Edition).

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

Not Applicable. 1424 Druid Hill Avenue and 503 Mosher Street are valued at \$1,000.00 each. Pursuant to the Baltimore City Appraisal Policy, properties assessed below \$2,500.00 by the State Assessment and Taxation do not have to be appraised for value, as such, appraisals are not necessary for these properties.

MINUTES

DHCD - cont'd

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.

A PROTEST WAS RECEIVED FROM THE UPTON HISTORIC MARBLE HILL PRESERVATION COMPLIANCE BOARD.

UPON MOTION duly made and seconded, the Board **DEFERRED** the Land Disposition Agreement with Necktie SF Joint Venture for one week.



**UPTON HISTORIC MARBLE HILL
PRESERVATION COMPLIANCE BOARD**

421 Mosher Street
Baltimore, MD 21217

February 29, 2016

Board of Estimates
c/o Clerk to the Board of Estimates
Room 204
City Hall
100 North Holiday Street
Baltimore, MD 21202

Dear Clerk to the BOE:

Re: **Letter of Protest**

This letter is a follow-up to the letter dated February 21, 2016 regarding the properties 1424 Druid Hill and 503 W. Mosher Street. A request has been made by a developer (Necktie SF Joint Venture, LLC) for those lots with the intent for them to be used for parking.

The community wishes to raise several other issues for consideration and clarity:

1. **Developer Concerns.** The developer in question, Necktie SF Joint Venture, LLC, has outstanding violations on property in the community including 1423 Druid Hill Avenue. This developer has had numerous citations and violations since 2011 on other properties as well. This developer is not a model developer for Upton or any other community.
2. **Zoning.** The community is concerned that giving lots to a developer for parking prior to the zoning process being followed is not setting a good precedent for future development in our community. Furthermore, it potentially circumvents current City zoning statutes.
3. **CHAP.** These ^{lots}lost are within a CHAP local district, which requires the following of preservation guidelines. It is our understanding that no request has been made to CHAP regarding these properties and the community Architectural Review Representative has not been contacted.
4. **Community Concerns.** Contrary to the Marble Hill Community Association claims, no full assessment of the community's property distribution process has been discussed with homeowners and community residents in an open community forum. This is evidenced by the signatures of over 20 homeowners and stakeholders attached protesting this land distribution.

The Marble Hill community and the architectural review person are requesting that this matter be tabled until there can be an open community forum regarding this request.

Sincerely,

Marion Blackwell

Marion Blackwell

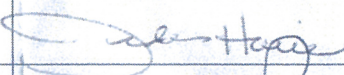
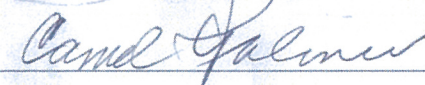
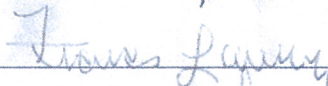
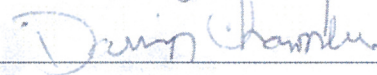
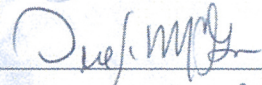
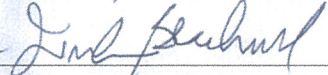

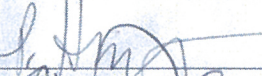
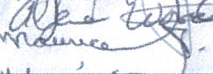
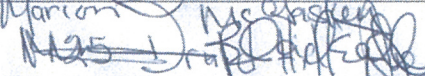
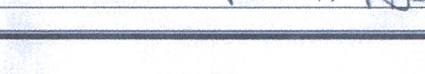
Chair, Upton Historic Marble Hill Preservation Compliance Board

cc Councilman Bernard C. Jack Young
Councilman Eric T. Costello

MARBLE HILL COMMUNITY PARKING LOT PETITION

Marble Hill Community Constituents, who have signed below

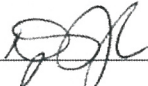
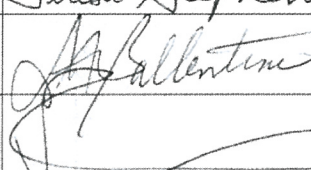
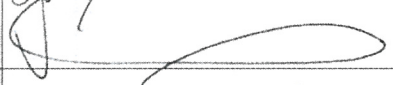
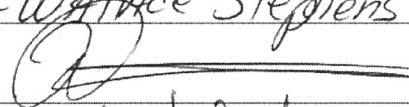
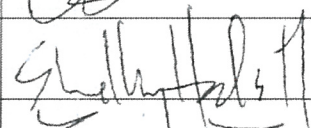

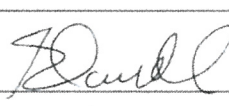
DO NOT support developer Necktie SF Joint Venture, LLC receiving 1424 Druid Hill and 503 W. Mosher Street lots to be used for parking

PRINTED NAME	SIGNATURE	ADDRESS
1. Jules Howie		1514 McCuller Street
2. CAMEL PRIMER		1516 McCuller St
3. Frances Lancy		1741 Druid Hill Ave
4. Darin Chambers		1102 Druid Hill Ave
5. Derek McGowan		1512 Madison Avenue
6. WILLIAM BLACKWELL		1510 McCulloch St 21217
7. Girard Hardy		1711 Druid Hill Ave
8. P. HARDY		1711 DRUID Hill ave
9. ^{Spouse} Gilbert Mosher ^{Spouse} Maurice Wooden	 	422 Mohr Street 422 W. Mosher St.
10. Marion Blackwell		1425 Druid Hill Ave

MARBLE HILL COMMUNITY PARKING LOT PETITION

Marble Hill Community Constituents, who have signed below

DO NOT support developer Necktie SF Joint Venture, LLC receiving 1424 Druid Hill and 503 W. Mosher Street lots to be used for parking

PRINTED NAME	SIGNATURE	ADDRESS
1. Dina Rodriguez		420 W. Mosher St. Bmore 21217
2. T. STEPHENS	Leresa Stephens	418 W. Mosher St. 21217
3. L.A. Ballentine		423 Mosher St., 21217
4. Eric Brown		419 Mosher St. 21217
5. Wallace Stephens	Wallace Stephens	418 W. Mosher st 21217
6. Fred Tillman		420 W. Mosher St. 21217
7. Shelley Halstead		425 W. Mosher St. 21217
8. LATIA LEE		419 W. Mosher St. 21217
9. Marion Duckwall		421 Mosher St.
10. Brenda K. Allison	Brenda K. Allison	1421 Druid Hill Ave. 21217

MARBLE HILL COMMUNITY PARKING LOT PETITION

Marble Hill Community Constituents, who have signed below

DO NOT support developer Necktie SF Joint Venture, LLC receiving 1424 Druid Hill and 503 W. Mosher Street lots to be used for parking

PRINTED NAME	SIGNATURE	ADDRESS
1. Myron D. Howie		1514 Mc Carthy St. 2107
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

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

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Community Development Block Grant Agreement with Park Heights Renaissance, Inc. (PHR). The period of the agreement is July 1, 2015 through June 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$90,650.00 - 2089-208916-5930-682126-603051
2089-208916-5930-682191-603051

BACKGROUND/EXPLANATION:

This agreement will provide CDBG funding to subsidize PHR's operating expenses. The PHR will administer a rehabilitation deferred loan program for low and moderate-income owner occupant households that reside in the Park Heights Stabilization Area as defined by the Park Heights Master Plan. The PHR will also provide housing counseling workshops and individual counseling. The period of the agreement is July 1, 2015 through June 30, 2016.

FOR FY 2016, MBE AND WBE PARTICIPATION GOALS FOR THE ORGANIZATION WERE SET ON THE AMOUNT OF \$57,800.00, AS FOLLOWS:

MBE: \$ 15,606.00

WBE: \$ 5,780.00

On June 17, 2015, the Board approved the Resolution authorizing the Commissioner of the Department of Housing and Community Development (DHCD), on behalf of the Mayor and City Council, to file a Federal FY 2015 Annual Action Plan for the following formula programs:

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

MINUTES

DHCD - cont'd

Upon approval of the resolution, the DHCD's Contracts Section began negotiating and processing the CDBG Agreements as outlined in the Plan to be effective July 1, 2015 and beyond. Consequently, these agreements were delayed due to final negotiations and processing.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Community Development Block Grant Agreement with Park Heights Renaissance, Inc.

MINUTES

Department of Housing and - Declaration of Dedication
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Declaration of Dedication with FCNEBP Management, LLC (Declarant/Manager) regarding the maintenance and use of Eager Park upon development and conveyance. The period of the Declaration of Dedication is effective upon Board approval for 99 years.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

East Baltimore Development, Inc. (EBDI) has been awarded Federal Community Development Block Grant (CDBG) funds to support the construction of real property owned by EBDI and other real property owned by the City which will be conveyed to EBDI to be developed as a public community park to be known as Eager Park. A condition of the Federal grant is that the Park must be used for no less than 99 years only as a park for the use and enjoyment by the general public during normal park hours.

Once completed, EBDI is to convey the Park to the community association known as New East Baltimore Community Association, Inc. A Declaration of Covenants between Forest City-New East Baltimore Partnership, LLC, EBDI and others imposed certain covenants and impositions upon that portion of the real property to be developed as Eager Park. The Manager has the exclusive right to manage and control the Park, is responsible for maintaining the Park, and has the right to levy impositions on certain property owners within the Development to defray the costs of managing and maintaining the Park. Because the Declaration of Covenants does not specify that the Park may additionally be open to the general public, such restriction will disqualify the Park construction from eligibility for the use of Federal funds for the grant requested by EBDI.

MINUTES

DHCD - cont'd

The Manager, as the Declarant, is authorized and desires to dedicate all or a portion of the Park to a governmental body provided that it will promote the interests of the development area, and not interfere with the Park's primary intended purpose. The Declaration of Covenants further provides that nothing in the Declaration of Covenants shall be deemed to limit or restrict in any way the Master Developer (as the Declarant under the Declaration of Covenants), from dedicating any Open Space Area or portion thereof to public use.

The Declarant, in order to be in compliance with the use of the federal grant funds and in exercise of its authority under the Declaration of Covenants, wishes to dedicate the Park for use by the general public upon conveyance of the Park by EBDI to the Association. EBDI has joined in the Declaration of Dedication in order to acknowledge and confirm that, upon EBDI's conveyance of the Park to the Association, the Park will be subject to the terms and conditions of the Declaration of Dedication. The Master Developer has joined in the Declaration of Dedication in order to confirm the dedication of the Park to public use in accordance with the terms of the Declaration of Covenants.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Declaration of Dedication with FCNEBP Management, LLC regarding the maintenance and use of Eager Park upon development and conveyance.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

* * * * *

On the recommendations of the City agencies

hereinafter named, the Board,

UPON MOTION duly made and seconded,

awarded the formally advertised contracts

listed on the following pages:

535 - 586

to the low bidders meeting the specifications,

or rejected bids on those as indicated

for the reasons stated.

The Transfers of Funds were approved

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.

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

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

Department of Public Works/Office
of Engineering and Construction (DPW)

1. W.C. 1190, Montebello The Whiting-Turner \$12,083,000.00
Filtration Plant I Contracting Co.,
Improvements - Inc.
Electrical Distribution

MWBOO SET MBE GOALS OF 27%, SUB-GOALS OF 23% FOR AFRICAN AMERICANS (AA), 4% FOR HISPANIC AMERICANS (HA), AND 8% FOR WBE.

AA: Horton Mechanical \$2,780,000.00 23.00%
Contractors, Inc.

HA: Plexus Installations, Inc. 484,000.00 4.00%
Total **\$3,264,000.00** **27.00%**

WBE: Roane's Riggings & Transfer \$ 967,000.00 8.00%
Company, Inc.

MWBOO FOUND VENDOR IN COMPLIANCE.

2. **TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 9,493,659.37	9960-909312-9558	
Water Revenue	Constr. Res.	
Bonds	Montebello Waste-	
	water Treatment	
	Plant Filter	
	Renovation	
6,445,595.63	" "	
Baltimore Co.		
\$15,939,255.00		

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSDPW - cont'dTRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 1,208,300.00	-----	9960-905622-9557-2 Extra Work
1,208,300.00	-----	9960-905622-9557-3 Engineering
714,675.00	-----	9960-905622-9557-5 Inspection
12,083,000.00	-----	9960-905622-9557-6 Construction
<u>724,980.00</u>	-----	9960-905622-9557-9 Administration
\$15,939,255.00		

The funds are required to cover the cost of the award for WC 1190, Montebello Filtration Plant I Electrical Distribution Improvements.

3. W.C. 1342, AMI/R Urgent Spiniello Companies \$5,853,375.00
Need Metering Infrac-
structure Repair & Replace-
ment, Various Locations

MBE: Machado Construction Co., Inc.	\$439,907.00	7.52%
Shekinah Group, LLC	438,100.00	7.48%
	\$878,007.00	15.00%

WBE: R&R Contracting Utilities, Inc.	\$293,000.00	5.00%
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MWBOO FOUND VENDOR IN COMPLIANCE.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - cont'd

A PROTEST WAS RECEIVED FROM METRA INDUSTRIES. A PROTEST WAS RECEIVED FROM R.E. HARRINGTON PLUMBING AND HEATING CO., INC. A RESPONSE TO THE PROTESTS FROM METRA INDUSTRIES AND R.E. HARRINGTON PLUMBING AND HEATING CO., INC. WAS RECEIVED FROM SPINIELLO COMPANIES.

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 4,175,126.50	9960-909100-9558	
Water Revenue	Constr. Res.	
Bonds	Water Infrastruc-	
	ture Rehab.	
900,000.00	" "	
Baltimore Co.		
3,275,126.50	9960-906133-9558	
Baltimore Co.	Meter Replacement	
\$ 8,350,253.00		
\$ 585,338.00	-----	9960-908604-9557-2
		Extra Work
585,338.00	-----	9960-908604-9557-3
		Engineering
975,000.00	-----	9960-908604-9557-3
		Engineering
5,853,375.00	-----	9960-908604-9557-6
		Construction
351,202.00	-----	9960-908604-9557-9
		Administration
\$ 8,350,253.00		

The funds are required to cover the cost of the award for WC 1342, AMI/R Urgent Need Metering Infrastructure Repair & Replacement at Various Locations.

METRA INDUSTRIES

50 Muller Place
Little Falls, New Jersey 07424
(973) 812-0333
FAX (973) 812-0330

January 7, 2016

Baltimore City
City Hall, Room 204
100 Holliday Street
Baltimore MD 21202

Re. Water Contract WC 1342 for AMI/R Urgent Metering Infrastructure Repair and Replacement, Various Locations
Bid Date / Time: December 23, 2015, 11:00 AM

Attention: Honorable Joan M. Pratt, CPA, Comptroller

Dear Ms. Pratt,

We are writing to protest the bid of Spiniello Companies for the above referenced project on the basis that there exists a conflict of interest. The work covered by this bid is work generated from a larger Contract that the City has with Itron for installation of an automated metering system throughout the City. Itron's contract with the City requires that certain criteria be met within the meter pits, in order for Itron's installation contractor to proceed with their work.

Itron relies on subcontractors to install their equipment in the existing meter pits throughout the City, as well as the County of Baltimore. If the subcontractor discovers that the existing meter pit does not meet their criteria or the equipment is damaged or non-operational, he reports this to the City and it is placed on a list for repairs, replacement, or upgrades to be performed under the project in question, WC 1342, recently bid.

Itron's contract with the City also provides that the work covered under Contract WC1342 be performed within a specific time frame. Itron and their subcontractors are entitled to compensation under the Itron Contract should the WC1342 work be delayed.

Spiniello is the installation subcontractor to Itron under their contract with the City. As such, they have intimate, specific and exclusive knowledge of the nature of the work to be performed under the WC1342 contract. The bid documents did not include plans to indicate the locations of the meters to be replaced or modified. That left all bidders, **with the exception of Spiniello**, to guess and speculate as the location and nature of the work. Meters in the inner City would require thousands of dollars for traffic control, concrete saw cutting, utility location and support as well as, extensive restoration. Meters in the urban areas of the County would require very minimal costs for these items. Spiniello, having full knowledge of the nature of the work and being the sole bidder with this knowledge, had a significant, unfair advantage over all other bidders.

The specific work required at each meter location was not defined in the bid documents for this project. Instead, a "cafeteria" style set of Line items were included in the bid for perspective contractors to price. All bidders, **with the exception of Spiniello**, were given no indication of the actual quantity, nature nor combinations of these items to be used. Spiniello, being the sole bidder with this knowledge, could anticipate difficulties as well as efficiencies in the combinations and quantities of these line items.

To make matters worse, Spiniello is the only bidder that also has the potential benefit of being compensated for slow or inefficient performance under contract WC 1342. Work sufficiently delayed under this contract would trigger payments to Itron and their subcontractor, Spiniello, under the Itron contract. This presents a serious conflict of interest and an unfair bidding advantage over all other bidders.

To summarize:

1. Spiniello controls and generates the work to be performed under contract WC 1342.
2. Spiniello has specific, exclusive knowledge of the work to be performed, that is not available to all other bidders on this project.
3. Spiniello is the sole bidder that has the potential to be compensated for slow or inefficient work under contract WC 1342.

Spiniello's bid, along with all other bids on this project should be rejected, as the bid process was tainted by significant conflicts of interest, and by unfair advantages. For these same reasons, Spiniello should not be allowed to participate on the rebid of this project or any similar projects.

Kindly confirm this bid protest so we may plan and proceed accordingly.

Very truly yours

Stephan P. Dioslaki

Encl.

/spd.

Joan Pruitt 1 Bid Protest WC 1342



Plumbing and Heating Co., Inc.
300 W 23rd Street, Baltimore, Maryland 21211
410-466-4800 · 24 Hour Service · Fax: 410-466-0700

VIA HAND DELIVERY

January 12, 2016

Honorable Joan Pratt, CPA Baltimore City Comptroller
Ms. Harriet Taylor, Deputy Comptroller/Secretary
Baltimore City Board of Estimates - City Hall
100 N. Holliday Street, Suite 204
Baltimore, Maryland 21202

Clerk to the Board of Estimates
Board of Estimates
Room 204, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Director Rudolph S. Chow
City of Baltimore
Department of Public Works
Abel Wolman Municipal Building, 6th Floor
200 N. Holliday Street
Baltimore, Maryland 21202

Solicitation No.: Water Contract No. WC1342
Project: Urgent Metering Infrastructure Repairs and
Replacement at Various Locations,
BID PROTEST --

To the Honorable Members:

At this time, I am writing in referenced to the above contract (the "Contract") as my company submitted a bid as, R.E. Harrington Plumbing and Heating Co., Inc. ("Harrington"). My bid was submitted in the amount of \$7,094,950. On the same date, a bid was submitted in the amount of **\$5,853,375.00** by Spiniello Companies. We are writing to protest Spiniello Companies bid for the above referenced contract on the basis that there exists a conflict of interest. Based on the scope of work covered by this bid, which was created from a current contract that the City of Baltimore has with a firm named Itron. Itron installs automated metering system throughout the city and connecting counties. Itron's contract with the City requires that certain requirements be met within the meter pits. This to allow for Itron's installation contractor to proceed with their work. Bearing this in mind and the additional

information below, R.E. Harrington Plumbing is the low bidder, the contract should be awarded to us to meet the contractual terms and conditions.

Also, please note that Itron's contract with Baltimore City provides that the work covered under Contract WC1342 be performed within a specific time frame. Itron and their subcontractors are entitled to compensation under the Itron Contract; should the WC1342 work fall of schedule due to delay.

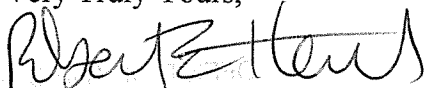
Spiniello is the installation subcontractor for Itron under their contract with the Baltimore City. Due to this, they have intimate, specific and exclusive knowledge of the nature of the work to be performed under the WC1342 contract. The bid documents did not include plans to indicate the locations of the meters to be replaced or modified. That left the additional bidders, except Spiniello, to assume and/or guess as the location and scope of the work required. This process will cause Baltimore City to incur additional expenses.

I would like to share that Spiniello is the only bidder that has the potential benefit of being compensated for delays or inefficient scopes of services under the above referenced contract. Thus reflecting a serious conflict of interest and an unfair bidding advantage over all other bidding contractors.

In closing, we are requesting that Spiniello's bid be rejected due to "Conflict of Interest" due to the above information. We are also requesting that, based on the above information, Spiniello should be excluded from participating if there is a Re-Bid on the above referenced contract or any similar projects in like.

With respect, I am requesting that R.E. Harrington Plumbing and Heating Co., Inc. be award this contract because we are a responsible bidder and we submitted the next lowest responsive bid.

Very Truly Yours,



Respectfully Yours,

Robert E. Harrington, President

R. E. Harrington Plumbing and Heating Co., Inc

February 2, 2016

City of Baltimore
City Hall, Room 204
100 Holliday Street
Baltimore, MD 21202
Attn: Honorable Joan M. Pratt, CPA, Comptroller

Re: Water Contract 1342
Protest Response

Ms. Pratt,

We are writing in response to the WC1342 Bid Protests received by Metra Industries and RE Harrington Plumbing and Heating.

Essentially, the bid protests contend that the City should not have permitted Spiniello to bid on WC1342 due to a "conflict of interest" or "unfair advantage". The alleged conflict of interest stems from the hypothesis that Spiniello could deliberately, without violating terms of the contract, slow down its performance on WC1342 in order to allow Itron, under WC1223 with the Bureau of Purchasing, to assert a claim for compensable delay and then pass through to Spiniello the money received from the delay claim. Additional compensation is not allowed under WC1223 until a period of six (6) months passes without completing repairs to a specific returned task order. The contract terms under WC1342 only allows one (1) week to begin work on assigned tasks. Logically, there is no work under WC1342 that would take longer than 6 months (more realistically, 1 week) to complete.

The protestors also contend that the City should not have permitted Spiniello to bid because, as a result of its work as a subcontractor under the Itron contract, Spiniello has knowledge and experience not available to other bidders. With over sixteen thousand (16,000) locations returned to the City under WC1223, there is no way for Spiniello to know which of the returned locations will be assigned under WC1342, or the other existing Urgent Need Metering Contracts, WC1306R, WC1307R and WC1308R. All locations within the City and County are unique and, reasonably, our assumptions for this Contract were no different than Metra's or RE Harrington's - both companies have extensive experience with Baltimore City's metering and service infrastructure. If any one company in particular were to have an advantage, it would have been Metra since they have been awarded and started work on the three (3) previously let Urgent Need Metering Contracts mentioned above of similar scope to WC1342.

Finally, neither of the protesters (to the best of our knowledge) issued a written objection with their concerns prior to the bid opening. These documented concerns only arose after the results of the bids were made public.

There is no merit, legal or factual basis for Spiniello's bid to be rejected. The City is not "incurring additional expenses" as a result of Spiniello being awarded the project. They are saving \$1,241,575 - being the difference between Spiniello's low bid and the 2nd bidder's price. Spiniello provided the lowest responsible and responsive bid and it is in the best interest of the City and their taxpayers to award the Contract to Spiniello.

Respectfully,



Todd K. Galletti
Division Manager

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

President: "The first item on the non-routine agenda can be found on pages 97-98, items 3 and 4, Recommendation for Contract Awards and Rejection, WC 1342, Urgent Need Metering Infrastructure Repair & Replacement, Various Locations. Will the parties please come forward? Okay."

Mr. Art Shapiro: "Good morning Madam Mayor, good morning Council President, members of the Board. My name is Art Shapiro, I'm representing the Department of Public Works, the Chief of Office of Engineering and Construction. I'm presenting contract WC 1342, which is an Urgent Need, On-Call contract for repairs to water meter vaults and services. These repairs are required in order to support the ongoing BaltiMeter Project. The bids uh -- were received from three firms. Low bid -- the lowest responsive responsible bid was from Spiniello Construction at \$5,853,375.00. The second low bid was from Harrington at \$7,094,950.00 and Metra was the third low bid at \$7,632,225.00. The bids -- uh -- the low bid was 42% below the engineer's estimate. We recommend that the award be made to Spiniello."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

President: "Okay. Good Morning."

Mr. Neil Duke: "Good Morning--"

President: "--you got to talk in the mic."

Mr. Duke: "My apologies. Good morning um -- members of the Board, President Young, Madam Comptroller, uh -- I'm here on behalf of Metra--"

Comptroller: "State your name first."

Mr. Duke: "Neil Duke, for the record, on behalf of Metra Industries. Also with me is um -- the Vice President of Metra Industries, Mr. Robert uh -- DePonte."

President: "Okay."

Mr. Duke: "Do we want to go--"

President: "--either or, it's up to you all."

Mr. Edward Smith, Jr.: "That's fine, I'll -- I'll be happy to go. Mr. President, Good Morning members of uh -- the Board of Estimates."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

Good morning, my name is Edward Smith, Jr. uh -- I am qualified as a person to represent R.E. Harrington. Mr. Harrington, President of R.E. Harrington is here today. Um -- we have uh -- filed our written protest, of course pursuant to your rules and we're going to ask, um -- and I know this may be somewhat controversial, however, we're going to ask upfront, Mr. President, that um -- the member, uh -- specifically the member who is on this side of the uh -- table, the City Solicitor, as well as the Deputy Director of DPW be um -- excused from participation in this um -- matter. As you know, we raised a conflict of interest as to Spiniello and Itron in our papers. We believe and we have requested under the Freedom of Information Act that any information given to DPW, Mr. Chow um -- who asked, in our belief, the City Solicitor's office, to give him an opinion as to whether or not there was in fact a conflict of interest as we have set it forth in our papers. Uh -- we believe that we have not received that information. First of all, when we made the request um -- just the other day um -- and that is we believe that there was in fact a document which shows there was a direct conflict of interest between Itron and Spiniello in this particular contract.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

Um -- moreover, we believe that under your edict and under the um -- the way that you conduct your business dated -- dated in your Memorandum of Understanding of February 15th I believe, of 19 - of 2015, uh -- 14 that you would be permitted to move that uh -- both of these individuals who have a conflict be excused from determining any aspect of this case. Um -- we think that the DPW Director has direct knowledge of a conflict and we think that because they received the information from the City Solicitor's office that he should be barred as well from making any determination as to this particular bid. Now, the reason that we say that uh -- is its historical and obviously there been many tricks that have gone on before this Board as it relates to contractors who both, one, come from out of town and, two, uh -- who have decided that they should um -- have the benefit of the money that uh -- our taxpayers pay uh -- in order to bring these projects.

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

DPW - W.C. 1342 - cont'd

We would ask you, Mr. President to consider this very carefully um -- because we have an opportunity here to stop this -- this historical bleeding of our community and it needs to stop here and now as a sign post to others who come here in the future who will try the same tricks that have been played on this community for years. Mr. Harrington is a minority member of this community and a contractor of some note who has put his interests into this community. There are people who have families in this community that Mr. Harrington employs and to allow the monies of taxpayers to continuously be sent out of this State and out of this City, is the same thing that happened to us as a result of Freddie Gray. People who are sick and tired of being sick and tired, that can't get jobs as a result of what is going on here before this Board. And I do believe that somebody has to stand up and somebody has to look these people in the eye and has to say what is wrong. The next political people who come in here after the next election should understand that this will no longer be tolerated.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

We believe that under the circumstances it would be derelict of duty for this contract to be let as it is right now. And we do believe that Mr. Harrington as the next lowest bidder will not waste the assets of this City, will not allow this thing to go on as it has gone on for years. And I know that everybody in here knows what I'm talking about. I've been around for a long time as many people in this room, and I stand, I believe, on the principle that we should not have disinformation. We should have what is right and what is proper and what is going on here and what has gone on here is not right, nor is it proper, nor is it moral, nor can it ever be. Thank you very much Mr. President."

President: "Thank you. Any -- any -- you have a question?"

Comptroller: "Yeah--"

President: "--use the mic."

Comptroller: "Mr. Nilson, could you state simply why it is not a conflict?"

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

City Solicitor: "Well I -- I which conflict, which alleged conflict are you asking about Madam Comptroller? If you're asking about the con -- the conflict that has been alleged with regard to the City Solicitor and the Law Department, I gather it is based on the fact that we have been asked by DPW for our advice. It may also be based on the fact that Mr. Smith has filed a Public Information Act request and is seeking documents and that's being handled by somebody in the Law Department. Uh -- if -- if the City Solicitor could never sit in a Board of Estimates hearing or a matter, where somebody in his office had rendered advice to the agency or in some fashion in a lead up, the City Solicitor could never vote. So, I mean I think it's -- it's absurd to say that there's a conflict as far as I'm concerned because the Law Department has been rendering advice as it always does. Now if the question is, uh-- Madam Comptroller, if your question pertains to is there a conflict with regard to Spiniello--"

Comptroller: "Yes--"

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

City Solicitor: "--then that--"

Comptroller: "--yes, that's the question--"

City Solicitor: "-I think that should be answered by DPW because it -- it involves an assessment of the facts on the ground, the circumstances in nature of the contract and I think that question is best direct -- directed to Mr. Shapiro and Mr. Mullen maybe with him."

Comptroller: "Yes, that's the conflict that I was talking about."

Mr. Shapiro: "Madam Comptroller, if I may, the uh -- I'm sorry -- the claims in the protest uh -- refer to several issues um -- primarily a claim of conflict of interest. Um -- that claim um -- refer to the -- the claim that Spiniello by virtue of its involvement with the Itron contract as a sub. That they had some sort of knowledge that would have given them um -- some sort of advantage in the bidding process. Our evaluation of the current process is clear, that there is no such conflict. Um -- another detail in the claim was that um -- Spiniello would, if awarded, be in position to refer work from its involvement in Itron, as a sub to itself as the on-call contractor."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

That's not true. The City has a very robust uh -- process uh -- between the Itron contract and the on-call contract by virtue of uh -- another agency. Another entity that reviews all work referred by the Itron sub and makes a determination before any of that work is referred directly to the on-call contractor, not by Itron, not by Spiniello but by the City's third party to its on-call contractor. The bid documents that were provided uh -- do not - do not have any prohibition for any contractor who may be working for Itron to prohibit them from bidding on other contracts. The same goes for this -- the contract itself, 1342 does not have any prohibition preventing a con -- a sub-contractor working for the Itron contract from bidding on the on-call contract, because of the in place Quality Assurance program. There is another claim that was made that Itron, pardon me, Spiniello could uh -- have some incentive to delay the work in some way in order to create a cost for the City by virtue of a delay claim from Itron, but we find that there is no incentive for that to happen.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

The contract, 1342 has a requirement that work that's dispatched to the on-call contract be executed very promptly within a week of it - of it being assigned out. The Itron contract does not incur delays unless a delay extends for six months. So, by definition the on-call contract has a much shorter time constraint on it for execution and there's no incentive that we can see for any contractor to delay its work in a short period in order to gain advantage or give some sort of advantage to Itron by virtue of a delay claim. There would be -- they would be in breach much sooner than any kind of a delay that would be incurred by Itron."

President: "Okay, Mr. -- you finished?"

Mr. Shapiro: "Yes."

Mr. Duke: "If I could again, Neil Duke on behalf of Metra Industries. I'll keep things brief. Uh -- the testimony by Mr. Shapiro, Mullen, I think points out one of the challenges that this Board should consider.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

Namely, that the bid from the successful bid -- bidder, Spiniello came in at 42% below estimate. Now, that may be a bright shiny object that one may think you're getting the benefit of the bargain. But if look at the spread of the actual bids that came in, it should cause any reasonable person to really question what's going on. You have from 5.8 million to 7 million, to 7.6 million and then there were two other bidders, it's my understanding, both of them came in around 10 million dollars. So the question is what accounts for this spread and we would suggest based on those five bids -- we have two contracts, water contracts at issue 1342 which is the larger contract that deals with the Smart Meter installation here in Baltimore City and certain parts of the County and then you have 1223 which is this particular contract, water contract in which the bid protest is related to. We think, and I think that the facts would bear out that there's two certain issues.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

One, the conflict of interest that Spiniello has by virtue of their relationship and association with Itron in the 1342 contract and also with respect to the invitation for bid that they had a distinct uh -- unfair advantage in putting together their invitation for bid. So, ultimately there are three things I think we're going to ask. One would be that uh -- as a result of these two factors that uh - the bid should be rejected, all bids should be reopened. Um - so that there could be fair competition and also that the uh -- award should be delayed uh - - for some time that this Board can feel reasonably confident that it's actually getting the benefit of the bargain and that this 5.8 doesn't turn into potentially 10 somewhere down the road. I guess, potentially a third option would be that in addition to rebidding that Spiniello be disallowed from rebidding due to the conflict of interest that we have cited in our um -- bid letter to you. One thing that I don't think has been mentioned that probably is worthy of being mentioned, in the invitation for bid, it's my understanding that there is a conflict of interest provision and I don't think that's been taken into account.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

Here's again -- very briefly larger contract with Itron, its further installation of smart meters uh -- throughout Baltimore City and certain parts of the County. Spiniello is the sub-contractor to Itron in this larger contract and they do the installation work. So, if the contractor goes out to a particular site, sees that a smart meter can't be installed, then what's created is basically a repair list. The repair list comes back to the City, the City is then obligated to go out and make these meters um -- in such fashion, repair these um -- meters in such fashion that then these meters could be worked on. So, what Spiniello has is this - basically what they're doing or what they're being permitted to do under the old contract now by virtue under this wat -- water contract 1223 there's repair list that's being created based on they're going out and assessing whether or not these meters can be um -- installed with the proper smart devices. So, they have a distinct advantage knowing which repairs are needed.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

Where the prevalence of these repairs are, whether they're City versus County, of course if they are here in the City, that's going to increase certain costs associated with traffic control and re-pavement and what have you. As opposed to the County which may not bear some of those costs as well, and those are the sort of things that couldn't be anticipated in responding to the invitation for bid by any of the other contractors. That's in part why you have this huge disparity as far as the amounts of money that are being bid on the project. So, those are a couple of um -- distinct issues I think the Board should really be concerned with. And again, this is really an issue of public confidence. We all know that this is a very important contract. The City is hurriedly trying to bring itself into -- we mind as well say the -- the 20th century and then we'll jump into the 21st century once um -- we're capable of doing that. But the same time, while it may be tempting to look at the numbers and say, we're getting a really great bargain for this, the truth of the matter is there's more to the story than actually meets the eye and um -- let's level the playing field.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

Let's give open and honest information to all of the contractors so that maybe the City might benefit from an even better proposal, better thought out proposal and save itself money, not just in the short term, but months and years down the road. Thank you."

President: "Um -- Mr. Shapiro, um -- normally um -- any bid that come in um -- below the engineer's estimate, you guys normally have a problem with, right?"

Mr. Shapiro: "We evaluated these bid results--"

President: "Okay, well all three of them came in below the engineer estimates. So my question is why are we allowing them to come in below the engineer's estimates, when we know that they bid low and then come back with the extra work orders to make up for the rest of the money? I have history -- historically voted for the low bidder all the time because I believe that we get the best bang for our buck but I've also questioned the um -- cost over-runs on these projects.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

Um -- 42% below the estimates for Spiniello, 29% below with R.E. Harrington and 23.6 with Metra. Can you explain?"

Mr. Shapiro: "Yes. The -- these bids -- these on-call contracts, these are repetitive. Um -- we bid these out multiple times. In the case of Metra, they've been working on -- as an on-call contractor on these previous contracts so--"

President: "--on these meters?"

Mr. Shapiro: "--on these exact meters. The key point is that all these bidders have prior knowledge of our system. All three bidders have been working for the City either on these particular on-call contracts, or on other on-call contracts working on the same exact systems. Repairing meters, putting vaults in, repairing services. The bids -- the bid format is a line item format. It's not a lump sum for a fixed amount of work. So, the -- the review of the bids included us looking at the lump sum or the -- pardon me, the line item cost for the various items so that we could determine if there was reasonableness.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

When you compare the results and the fact that the firms all have prior knowledge with previous work with the City and that they um -- are not in control of the work itself, directly. Meaning the on-call getting referred work from the Itron sub; that gave us confidence that these bids were reasonable given the fact that the bids were repetitive over the last year. We -- we made almost -- this is the fifth bid."

President: "So -- so--"

Mr. Shapiro: "--same scope."

President: "So, um -- in other words, is there a conflict with all three?"

Mr. Shapiro: "--it's -- it's not a conflict it's -- it's -- we don't believe it's a conflict of--"

President: "--well, they're saying it's a conflict so -- and you're saying that they know - they have knowledge as well--"

Mr. Shapiro: "--yes."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

President: "--so--"

Mr. Shapiro: "Yes, for example, the -- there are 150,000 -- excuse me -- locations which have not yet been scouted. None of the bidders know what work is going to be required on those 150,000."

President: "Okay."

Mr. Shapiro: "There is -- the conflict could be turned around in the case of Metra, for example. They have knowledge of the fact of what they worked on up to now, based on what has been referred. Spiniello having made those referrals has no knowledge of what has been repaired and what hasn't been repaired. We have examples where work was referred for repair by Spiniello but when it went through the quality control process, with our third party, we turned that work down, because it was determined it didn't require any repair work and that work was returned back to Itron for installation. An example, the one particular service call was turned over as needing work but the code for it was actually that a car was parked on top of the meter vault."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

That didn't require any repair work but yet it was referred back as a location. That was caught in the normal process. There are numerous examples similar to that where work was referred back but it was determined by our third party that it really didn't require work. That -- those two examples both for Metra or Harrington and or for Spiniello lead us to believe that there is a balance here. That is not a conflict of interest rather they all have generic knowledge of our system."

President: "Okay."

Mr. Robert Harrington: "Uh -- Good morning uh -- members of the Board, my name is Robert Harrington, R.E. Harrington Plumbing, President. Uh -- under uh -- Itron's contract, uh -- Spiniello has uh -- a list that's given to him, a route sheet that has 2000 plus meters every week so he knows exactly where he's going. Prior to bidding this contract, the other four bidders didn't have any information on where the meters were, how many locations we were supposed to go to.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

Spiniello had this information in advance cause he's Itron's uh -- contractor. So, any given day, Spiniello and the other sub-contractor, REI Drayco breaks up to 20-30 services a day, and when the services are broke, and people don't have water, they got to be fixed. So, that's not delayed, you have to go and fix it. So either DPW, Metra, myself or Spiniello has to fix the service. But under this new contract, Metra's out, I'm out, and now Spiniello is the only guy that's fixing it, so if he breaks it and he has 30 people, homeowners out of water, that won't be delayed. He has to fix that. It might be delayed a couple of hours but somebody has to put these residents back in water. He has knowledge of this, I don't. So if he -- I'd had this list prior to bidding, then, yeah, I could've lowered my numbers a little bit, I know where I'm going. Metra know where he's going. Spiniello, he has this knowledge. He know exactly what locations to do, City and County."

Comptroller: "Mr. Shapiro, does that give him an unfair--"

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

Mr. Shapiro: "--no I--"

Comptroller: "--advantage?"

Mr. Shapiro: "No, it doesn't, I refer back to my previous comment, that there are 150,000 locations that have yet to be scouted and those 150,000 locations far exceed a daily list of a few dozen locations that may be determined that need repairs."

Mr. Smith Jr.: "I'm sorry--"

President: "You have to speak into the mic."

Mr. Smith Jr.: "I'm sorry, there is also a situation that exist where any -- anything that is a default by um -- Spiniello is covered by the Itron contract. In other words, you can bid lower if you know you not going have any kind of down side to what you do. Um -- that's a contract that DPW has not taken into consideration in determining whether or not there is a conflict. In other words, if the timelines are not met by Spiniello, then they obviously have a deal with Itron that they are paid for those defaults under the contract. A clear disadvantage to any other bidder in this process."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

President: "Madam Mayor."

Mayor: "So, I -- I have a general question about um -- the way the contract is set up. Is it uh -- true that the contract allowed for multiple contractors to um -- respond to broken um - broken water meters and now it is -- it is just one company, Spiniello and if so why was -- why was it changed?"

Mr. Shapiro: "It's not set up to limit the -- the number of contracts. We -- we have multiple contracts enforce. Where we are right now is that the rate at which the work was being done on 1307 and 1308, these are two separate on-call contracts that were bid simultaneously. We awarded them, in this case, Metra was successful on both of those contracts, and both contracts were being serviced by one contractor, only because they were the low bid and they were awarded, but they provided sufficient crews so that between the two contracts, they were able to provide services."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

We're in the process now of putting out an additional pair or contracts because we know that we need, based on the percentage of returned locations, the agency needs more on-call contracts in order to continue and get to the point where we can go live as planned later this year. These on-call contracts are set up for open competition. There aren't that many contractors who are experienced and interested in this type of work. In this case, we have all three of the primary contractors who pursue this type of work."

President: "Well, my only um -- problem is that they all are below the engineer's estimate, I have a real problem with that."

Mr. Shapiro: "Uh -- the experience and familiarity with our system that matched up with the fact that we've gone through these bid cycles multiple times has allowed, I believe and on behalf of the agency that the contractors have demonstrated what we expect. It's that they have sharpened their pencils--"

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

President: "Let me ask you -- let me ask you this question then. Um -- when other contracts are below the engineer estimates, what do you do?"

Mr. Shapiro: "We review -- in the case of a line item type bid, we look at each of the line items and reference it to the engineer's estimate. In this case, the line items are relatively straightforward. We have a lot of history on these and we don't see where the numbers are too low. In fact, what we saw originally was the bids were very high on the first cycle of bids and that was one of the things that made us change how we formatted the bid. Instead of putting all the large and small meters in one contract, we changed the documents to have small meters in one contract and large meters in the others, the nature of the work is different."

President: "Madam Mayor."

Mayor: "So, I just want to sort of summarize what I hear from you to make sure that we're all on the same page. First, when the - when this type of on-call contract went out the first time, uh -- the bidders came in higher, if not significantly higher than the engineer's uh -- estimation?"

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

Mr. Shapiro: "Yes, Madam Mayor."

Mayor: "Uh -- after the -- that first round when the engineer's estimate was made public to the Board, the contractors, uh -- the next time the bid went out the um -- the contractors responded and it was much more in line with what previously published as the -- uh -- at the engineer's estimate, correct?"

Mr. Shapiro: "Yes."

Mayor: "Now what we're seeing is now that we -- now that there has been the um -- bids coming in uh -- at or near the engineer's estimate in order to try to win the work, now they're even going further and all of them are bidding under what the published, uh -- the engineer's estimate has been in the past?"

Mr. Shapiro: "Yes."

Mayor: "--and there all -- it's following the same trend, they are all - they were all above, they were all even, now they're all under?"

Mr. Shapiro: "Yes ma'am."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

Mr. Harrington: "Uh -- one of the problems we've got now even when DPW puts the next set of contracts out, Spiniello's going to go lower. I mean, what's to stop them from going 60% under the engineer's estimate? And normally in the past, DPW had that threshold. Normally, it was 25-30% so normally when it gets below that, they kick it out. He's 42 so when the next round come out -- what's acceptable? That's what I want you to tell us today, tell me what's acceptable."

President: "You're asking the Board--"

Mr. Harrington: "--yes."

President: "--and we have to ask that. Can you - can you respond to that?"

Mr. Shapiro: "The -- the most appropriate response is that it's a free bid process and the bidders have in their hands the decision of how to pitch their bid based on what they know to be the work. This type of work is in most cases on small meters, its relatively straightforward work. It's something that's been -- it's been since the beginning of the system."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

Mr. Harrington: "So -- so my question is again, what is DPW uh -- floor limit on low bids? Does it exist in writing?"

Mayor: "I think that -- if I may Mr. President? The -- the challenge is, I don't think that there's is a significant amount of space between the bid um -- the bid amounts, correct?"

Mr. Shapiro: "Yes."

Mayor: "So, what you're, I understand your question, you know, how low is too low but basically all of y'all are going low together. So the -- the question then is, you know, how low -- yes, it's a question of how low will we accept, but if low is relative and all of y'all are saying you can do it for less you all are answering that question."

Mr. Harrington: "No. What -- what I'm asking is normally in the past, it was normally 25-30%. If you was below that, they threw the bid out and went to the next bidder."

Comptroller: "What you're saying is how low can you go?"

Mr. Harrington: "Right."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

Mayor: "What I'm -- what I'm saying is that happens, that -- that is a potential trigger, it doesn't necessarily mean that the bid is unacceptable. The estimate -- the estimate could be off and the way to determine that is by what the contractors are willing to uh -- to do the work for and it is different if there is an outlier. If there's someone who bids 60% under engineer's estimate and everybody else maybe did 20% or even to the estimate, but if everybody is bidding uh -- 60% under the engineer's estimate, the question then becomes is the engineer's -- you know should we accept that as the true value or the true cost for doing the work if the people who were in the business together say uh -- that um -- that they can do it cheaper--"

Mr. Harrington: "I think if we would have had the same information that Spiniello had from Itron, it would've been a different outcome today. If we would have knew exactly where he was going, he's the installer, he knows where's he's going every week. Whether it's 2,000 or 4,000 locations, he has the list, the rest of the bidders don't. So, if I know where I'm going and I can position my crews, I can go low too. The problem ain't low, I just need to be efficient in what I'm doing."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

So, if he has the list, he know where he's going. He can position his crews anyway he wants, but the rest of the bidders didn't have that information prior to bid time."

Comptroller: "So, why is that irrelevant? You're saying that having the list is irrelevant due to the fact that there, in the future, there's a 150,000 more, so why is that--"

Mr. Shapiro: "--that -- that is exactly the point."

Comptroller: "Why?"

Mr. Shapiro: "None -- none of the bidders knows where the 150,000 are and--"

Comptroller: "But -- what he's saying is if he had the list--"

Mr. Shapiro: "He has -- he has a partial list based on a weekly rollup of work that's been scouted--"

Comptroller: "--so why wouldn't--"

Mr. Shapiro: "--to be scouted. It's not given out en masse."

Comptroller: "Right, so, why wouldn't that daily list help the other bidders, or why--?"

Mr. Shapiro: "--it's the order of magnitude of -- of 2,000 locations does not mean 2,000 repairs--"

Comptroller: "Right--"

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

Mr. Shapiro: "The recycle rate is abruptly -- it was estimated to be about 1½ percent of the locations may require some sort of repair work. So, if you look at the percentage of the 150,000 the universe of repairs is roughly 1½ to 2%. I mean, that's the experience we've had. None of the bidders have access to location. Spiniello as well, they don't know where the majority, the vast majority of locations which have yet to be scouted. They don't know what they're going to find when they get there."

Mr. Harrington: "Spiniello has been working with Itron for over a year. He's done over 100,000 meters. All of the meters that he couldn't fix, that he couldn't locate, that Metra didn't fix which is in Itron system. You can go in the system and pull up the system and it tells you exactly what's open in Itron system. I don't have knowledge to that, Metra maybe has a little knowledge to that but he's not the installer and the other two contractors uh -- don't have knowledge to that. So, prior to bid time, Spiniello is averaging 2,000 to 4,000 locations a week. So, if I had that knowledge on where I was going, then yeah it would definitely affect my bid. I don't have that knowledge."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

Mayor: "Can I ask a question?"

President: "Yeah, go ahead."

Mayor: "So -- it seems to me, um -- Mr. Chair that -- that we have a number of issues that have been presented here today that we need to review um -- and I'll say um -- my recommendation - my request is uh -- for us to be able to take a look at this information in a more in-depth way over the next week. Um -- I just want uh -- make it abundantly clear that my request to uh - to you to defer it has nothing to do with the request that have been by the protestants, uh -- because I do not support the basis for their uh -- deferment. I would ask that we uh -- be able to address some of these issues that um -- have been raised in a more in-depth way."

City Solicitor: "If we're going to defer consideration on the merits of the protest and the award, I would ask that the elected members of the Board resolve the conflict issues directed against the Director of Public Works and the City Solicitor so that we could put that behind us and not have to return to that next week and Director Chow and I could both know whether we are or are not a participant in the ongoing conversation."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

Either -- either um -- decide it or ask Harrington to withdraw that part of its position and request today."

Mr. Smith: "Harrington will not withdraw that--"

City Solicitor: "--then I ask that the Board decide--"

Mr. Harrington: "--part of its position and it's certainly is fodder for any judicial review as well. Thank you."

City Solicitor: "Of course everything that you say is fodder for judicial review but I would ask then that the Board decide that issue today."

President: "Alright, Um -- I'll take a vote on the uh -- Motion to defer for one week. Is there a Second?"

Comptroller: "I Move that we defer the Motion - that we defer um -- contract 1342 for one week."

President: "Okay, so you Second--?"

Comptroller: "Oh, did he -- who--"

President: "--I asked for a Motion, you -- you just--"

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

City Solicitor: "--I can't Move because I been -- the protestant has Moved that I be recused and the protestant has moved that the Director of Public Works and -- and his designee be recused. That's why I asked the Board to decide those demanded recusal motions now so that we can participate in the deferral motion and can participate next week when it's coming back."

President: "Okay, so who -- who -- you made this--?"

Comptroller: "--I made the Motion--"

President: "--you -- you--"

Mayor: "I'll Second."

President: "All those in favor say AYE. All those opposed, NAY. The AYE's have it. Deferred for one week. Okay, the second item on the--"

Mayor: "I would -- I would ask that um -- we consider the recusal request because that will impact the way that we're able to answer these questions."

President: "We going to do that now?"

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

Mayor: "Yes, because if -- if the Board votes that there is a conflict of interest that will impact how we're able to proceed in getting the issues resolved over this next week, unless I'm missing something."

City Solicitor: "Yeah, and I -- and I would point out that the basis for the recusal motion at least as far as the City Solicitor was concerned was that we rendering legal advice to the Department and others uh -- before we came to the Board of Estimates. So, we're now in a situation where if this issue is not resolved today, we are, I guess, precluded from rendering legal advice to DPW or the members of the Board between now and next week for fear that's its going to cause a renewal or a continuation of the recusal request, and the same is true for Director Thompson -- if Director -- well it wouldn't be Director Thompson, probably be Director Chow. So, can Director Chow participate in on-going discussions over the next week without fear of being, of having that participation be grounds for his recusal next week?"

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

Mr. Smith: "Mr. President--"

City Solicitor: "--no"

Mr. Smith: "--and Mr. City Solicitor, with all due respect, um
- Harrington will waive and hold harmless any participation by
any member of this Board pending your last resolution. In other
words, we believe that the participation will benefit the issue
and will not press it until we return here one week from today."

Mayor: "That's why he asked if you would withdraw your -- your
Motion."

Mr. Smith: "--its conditionally withdrawn but it is not - it is
not withdrawn for purposes of any subsequent action that we may
take."

Mayor: "Why don't you just withdraw it with -- and --and ask
that you have the ability to raise it in the future because this
is really getting complicated--"

President: "--it is--"

Mayor: "--and unnecessarily so--"

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - W.C. 1342 - cont'd

Mr. Harrington: "Madam Mayor I take your decision, um -- your suggestion and do adopt it, thank you."

Mayor: "Thanks."

President: "All those in favor say AYE. All those opposed, NAY.
The Motion carries."

President: "The second item--"

Mr. Smith: "May we be excused Mr. President?"

President: "Yes, you're finished."

Mr. Smith: "Thank you."

4. S.C. 914, Improvements AM-Liner East, \$16,125,534.00
to Sanitary Sewers in Inc.
Low Level Sewershed

DBE/MBE: Daco Construction Corp.	\$1,935,064.12	12.00%
S&J Service, Inc.	806,276.70	5.00%
Total DBE/MBE:	\$2,741,340.82	17.00%

DBE/WBE: Pipeline Inspection	\$ 322,510.68	2.00%
Site Work & Utilities	483,766.02	3.00%
Asphalt Paving & Co	1,773,808.71	11.00%
Total DBE/WBE:	\$2,580,085.41	16.00%

THE BOARD RECEIVED A NOTICE OF WITHDRAWAL OF BID FROM
AM-LINER EAST, INC.

A RESTATED NOTICE OF WITHDRAWAL OF BID WAS RECEIVED FROM
HIRSCHLER FLEISCHER ON BEHALF OF AM-LINER EAST, INC.



601 Jack Enders Boulevard
Berryville, VA 22611
540-955-9671
540-955-2872 (fax)
amlinereast.com

February 2, 2016

VIA HAND DELIVERY, FEDEX, AND ELECTRONIC TRANSMISSION

Board of Estimates, City of Baltimore
c/o Office of the Comptroller
City Hall Room 204
100 Holliday Street
Baltimore, MD 21202

**Re: SC 914: Improvements to Sanitary Sewers
in Low Level Sewershed
NOTICE OF WITHDRAWAL OF BID**

Honorable President and Members of the Board of Estimates:

AM-Liner East, Inc. ("AM-Liner") hereby withdraws its bid (the "Bid") on the project formally advertised as SC 914 Improvements to Sanitary Sewers in Low Level Sewershed (the "Project").

AM-Liner's Bid was submitted, and bids were opened, on July 29, 2015. One hundred ninety (190) days have passed since that date without a contract award. This delay has prejudiced AM-Liner.

The Invitation to Bid incorporated Maryland State Procurement Regulations. Section 21.05.02.19 of the Code of Maryland Regulations states that bid prices are irrevocable for a period of only ninety days following bid opening unless the procurement officer has asked bidders to extend the time during which the bids may be accepted. That ninety-day irrevocable period expired on October 27, 2015 and no such requests were made.

Accordingly, AM-Liner hereby provides the Board of Estimates with notice of its withdrawal of its Bid on the foregoing Project. Please let me know at your earliest convenience if you have any questions or concern with this withdrawal of our Bid.

Sincerely,

A handwritten signature in black ink, appearing to read "Mel M. Willett", is written over a horizontal line.

Mel M. Willett
Vice President
AM-Liner East, Inc.

Keep your city moving.

February 23, 2016

VIA HAND DELIVERY, FEDEX, AND ELECTRONIC TRANSMISSION

Clerk,
Board of Estimates
Room 204, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

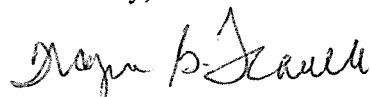
**Re: SC 914: Improvements to Sanitary Sewers
in Low Level Sewershed
NOTICE OF PROTEST RELATING TO
RESTATED NOTICE OF WITHDRAWAL OF BID
AND OBJECTION TO CONTRACT AWARD**

Honorable Clerk:

This firm and the undersigned represent AM-Liner East, Inc. ("AM-Liner") with respect to the enclosed Restated Notice of Withdrawal of Bid and Objection to Contract Award dated February 23, 2016 and Notice of Withdrawal of Bid dated February 2, 2016.

I write to inform you that AM-Liner has authorized me to protest in person any decision of the Board of Estimates to award the foregoing contract notwithstanding the Notice of Withdrawal. The general issues and facts supporting AM-Liner's position are set forth in the attached letters. To the extent the Board of Estimates is intending to award a contract, AM-Liner will be harmed because a contract award after the Bid has been lawfully withdrawn violates AM-Liner's constitutional, statutory, and common law rights, and the delay arising from any attempt to award a contract well after a period of ninety days from the July 29, 2015 bid opening has expired prejudices AM-Liner. Accordingly, I wish to be heard at the Board of Estimates meeting scheduled February 24, 2016.

Sincerely,



Wayne G. Travell

cc: AM-Liner East, Inc.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSDPW - S.C. 914 - cont'd5. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$21,002,267.56	9956-907611-9549	
(Wastewater	(Constr. Res.	
Revenue Bonds)	Sewer Rehab-Low	
	Level)	
268,005.44	9956-906626-9549	
(Counties)	(Constr. Res.	
<u>\$21,270,273.00</u>	Rehab. Program-	
	Jones Falls)	
<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 1,612,553.00	-----	9956-918616-9551-2
		Extra Work
1,612,553.00	-----	9956-918616-9551-3
		Design
952,100.00	-----	9956-918616-9551-5
		Inspection
16,125,534.00	-----	9956-918616-9551-6
		Construction
967,533.00	-----	9956-918616-9551-9
<u>\$21,270,273.00</u>		Administration

The transfer of funds will cover the cost of SC 914, Improvements to the Sanitary Sewers in the Low Level Sewershed.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - S.C. 914 - cont'd

President: "The second item -- the second item on the non-routine agenda can be found on pages 98-99, items 5 and 6, Recommendation for Contract Awards and Rejection, SC 914, Improvements to Sanitary Sewers in Low Level Sewer -- Sewersheds. Will the parties please come forward?"

Mr. Michael Wadding: "Good Morning."

President: "Good Morning. Alright."

Mr. Michael Mullen: "Good Morning, Michael Mullen of the Law Department. There's been a request to withdraw the bid of AM Liner. Uh, we've looked at that and we believe that the bid cannot be withdrawn. The complaint that was filed by AM Liner says that COMAR applies and has a 90-day rule. COMAR does not apply, we've talked to the State. We have um -- correspondence from the State that says the 90-day rule is not applicable here. Um -- and our Charter provides at Article 6 Section 11 (h) (1) (iv), that all bids, once they're filed are irrevocable. The green book doesn't change that in any way nor could it in fact because the irrevocable nature is in the Charter itself."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - S.C. 914 - cont'd

So, from -- with that in mind, we do not believe that this bid can be withdrawn."

President: "Okay."

Mr. Michael Wadding: "Um -- we asked that--"

President: "--you have to say -- state your name."

Mr. Wadding: "I'm sorry, Michael Wadding with AM Liner East. So, we asked for a correspondence back from the City in regards to our withdrawal of our bid. We did not receive that through the Department of Public Works. To be honest, at this point in time, I would like to review that statute that's within that--"

City Solicitor: "It's actually in the Charter and there is -- did you -- are you saying you asked that the Department of Public Works--"

Mr. Wadding: "Yes, in the two letters that we submitted, yes. We asked for correspondence back regarding this withdrawal and we received nothing."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - S.C. 914 - cont'd

President: "So, let me ask a question. Um -- how many um -- contractors bidded on this contract?"

Mr. Art Shapiro: "There were three bids received--"

President: "--three?"

Mr. Shapiro: "--pardon me -- I'm sorry, Art Shapiro, DPW. Um -- we received bids from SAK and from Spiniello as well as AM Liner."

President: "Okay, and um -- AM Liner won the bid?"

Mr. Shapiro: "Yes, they were -- they were 83.39% of the engineer's estimate. Uh -- the uh -- next bid was from SAK at \$18,717,000.00 at 96% of the estimate and AM Liner, uh -- pardon me, Spiniello was the high bid of the three and they were just about 1% over the engineer's estimate."

President: "So, um -- my question is why you -- why you want out of the bid?"

Mr. Wadding: "During that period of time--"

President: "--a bid that you won."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - S.C. 914 - cont'd

Mr. Wadding: "Simply put, during that period of time the reason the 90-day award limit exists under the State's statute is that we are actively bidding work up and down the Northeast Corridor along I-95. We've secured a lot of work during that period of time that we must now execute and that is why we asked to be withdrawn from this."

President: "Is it that because you just don't have the necessary resources to complete the work?"

Comptroller: "--capacity--"

President: "--capacity--"

Mr. Wadding: "Yes, we have the capacity within the City but our capacity statement when it was submitted to the City, as you are aware, we have to fulfill a capacity statement."

City Solicitor: "Are you saying you no longer have the capacity or you're saying --"

Mr. Wadding: "The 90-days Sir, no --"

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - S.C. 914 - cont'd

President: "Madam Mayor."

Mayor: "The concern that I have is that the bid process is a serious process."

Mr. Wadding: "Yes ma'am."

Mayor: "And um -- when respondents treat it like a crap shoot, it makes it less serious."

Mr. Wadding: "Right."

Mayor: "You know what you're doing. You bid a whole lot of work."

Mr. Wadding: "Yes we did."

Mayor: "You either bid a lot of work that you can do, or you bid a lot of work that you can't do. Either of which is not our problem. This is a serious process, you made a commitment and I've heard no other -- no reason not to hold you to that commitment. I think if you want to withdraw this bid, I think we should consider it but in doing so, you should also agree not to bid in Baltimore anymore."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - S.C. 914 - cont'd

Mr. Wadding: "I can't do that at this time, ma'am. The reason, again, it's not a matter -- when we filled out our capacity statement, which we were less -- which was required in the 90-day period and submitted it to the City, we were able, but -- after that 91st day, we didn't know what was going happen. We did not know if we were going to the--"

Mayor: "--neither does anyone else who bids."

Mr. Wadding: "No, I mean, typically, as these matters are handled, there's correspondence and communication on that 91st day say, can you please extend this award period?"

City Solicitor: "Well -- but as it has been explained to you, um -- we are not under City rules and City Charter, governed by the 90-day rule. We have a Charter, which has been in existence longer than you or I have been in existence."

Mr. Wadding: "Understood."

City Solicitor: "Um -- which gets amended every now and then, sometimes well and sometimes not so well. But this one has been

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - S.C. 914 - cont'd

around for a long time, for as long as you've been doing business and its says bids are irrevocable and that's something that your company should as a sophisticated contractor in -- up and down the east coast should be aware of."

Mr. Wadding: "Understood."

City Solicitor: "--and um--"

President: "I'm calling for a Motion because I don't see any reason why we should um -- not hold um -- AM Liner to this contract. They bid it, won it fair and square and I'll - I'll entertain a Motion."

City Solicitor: "I Move--"

Mayor: "I'm sorry, and I'll renew I mean--"

Mr. Wadding: "I understand."

Mayor: "--if you want to say that you will no longer bid in Baltimore, I -- I would entertain that."

Mr. Wadding: "I can't say that at this time."

Mayor: "Okay."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW - S.C. 914 - cont'd

City Solicitor: "Well, I--"

President: "I'll entertain a Motion."

City Solicitor: "--I Move that we deny the protest and proceed with the award as recommended to the low bidder recommended by the Department of Public Works."

Comptroller: "Second."

President: "All those in favor say AYE. AYE's have it. So ordered. Thank you."

Mr. Wadding: "Thank you for your time."

Department of Transportation

6.	TR 12310, Reconnecting West Baltimore/Fulton Avenue Bridge Over US 40	M. Luis Construc- tion Co., Inc.	\$ 4,189,653.09
	DBE: General Concrete Co., Inc.	\$ 35,000.00	.84%
	Pioneer Contract- ing Co., Inc.	15,200.00	.36%
	Traffic Systems, Inc.	<u>1,085,539.12</u>	<u>25.91%</u>
		\$1,135,739.12	27.11%

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**Department of Transportation7. **TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$3,217,769.76	9950-935003-9509	
FED	Constr. Res.	
	Fulton Street	
	Streetscape	
735,000.00	" "	
HUR		
804,297.21	9950-944002-9507	
FED	Constr. Res.	
	Reserve for Closeouts	
270,516.74	9950-904523-9507	
<u>MVR</u>	Constr. Res.	
	Fulton Avenue	
	Streetscape	
\$5,027,583.71		
\$4,189,653.09	-----	9950-901547-9506-6
		Structure & Improv.
418,965.31	-----	9950-901547-9506-5
		Inspection
<u>418,965.31</u>	-----	9950-901547-9506-2
		Contingencies
		Fulton Ave. Bridge
\$5,027,583.71		

This transfer will fund the costs associated with award of Project TR 12310, Fulton Avenue Bridge, to M. Luis Construction Co., Inc.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

- | | | | |
|----|--|----------------------------------|--------------|
| 8. | B50004275, Video
Cameras for Police
Transport Vans | Point Blank
Enterprises, Inc. | \$186,977.00 |
|----|--|----------------------------------|--------------|

(Police Dept.)

Vendors were solicited by posting on Citibuy, eMaryland Marketplace, and in local newspapers. The six bids received were opened on November 25, 2015. The award is recommended to be made to the responsive and responsible offeror following a technical review. The Point Blank proposal received a top tier technical score and provided the lowest price of the two technically responsive bidders.

MWBOO GRANTED A WAIVER.

- | | | | |
|----|---|---|--|
| 9. | B50004414, Hand and
Power Tools and
Related Hardware
Items | Suburban Sales and
Rental Center, Inc.

Fastenal Company

Snap-on Industrial
Division of IDSC
Holdings, LLC

Hilti, Inc. | \$190,000.00

190,000.00

60,000.00

<u>60,000.00</u>
\$500,000.00 |
|----|---|---|--|

(Various Departments)

MWBOO GRANTED A WAIVER.

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

10. B50004447, Single
Stream Recycling

REJECTION - Vendors were solicited by posting on CitiBuy, Maryland Marketplace, and in local newspapers. The one bid received was opened on January 27, 2016 and determined to be non-responsive.

(DPW, Bureau of Solid Waste)

MINUTES

Mayor's Office of Information - First Amendment to Agreement
Technology (MOIT)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the First Amendment to Agreement with Metrix Technology Engineering, LLC.

AMOUNT OF MONEY AND SOURCE:

\$52,400.00 - 1001-000000-1512-167700-601001 Increase

BACKGROUND/EXPLANATION:

The original agreement was approved by the Board on December 9, 2015 in the amount of \$48,000.00 for a period of one year. This First Amendment will increase the original agreement by \$52,000.00 and make the total amount \$100,000.00.

Metrix Technology Engineering, LLC and its principal consultant are presently under contract (Purchase Order No. P534085) with the MOIT to provide information technology and business process consulting services primarily related to the 3-1-1 Customer Resource Management (CRM) project currently underway. The current limited agreement only supports about 10 hours per week, or 40 hours per month, of the 3-1-1 subject matter expert's engagement.

Recently, the City of Baltimore has received proposals to its comprehensive 3-1-1 CRM Technology Request for Proposal (RFP) containing 700 functional and technical requirements. The solicitation also included a multitude of other requests such as customer references, an oral presentation, a technology demonstration, site visit, a vendor interrogatory narrative, etc.

MINUTES

MOIT - cont'd

The City received a remarkable 12 proposals from leading and reputable suppliers of the CRM technology and integration services. Given the relatively short time frame in which to evaluate the collection of voluminous proposals in order to support a contract award date around July 1, 2016 and an overall project timeline that concludes by the end of Fiscal Year 2017, the MOIT is requesting further assistance of the Metrix Technology Engineering, LLC principal consultant. The consultant will take on tasks described below to assure that the project maintain its schedule integrity:

- Assist with Kickoff Meeting
- Attend status meetings
- Read proposals
- Facilitate discussions/scoring
- Prepare demonstrations and presentations
- Providing final scores and write-ups
- Reference compliance checking
- Identifying areas for clarification
- Reporting and record keeping

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the First Amendment to Agreement with Metrix Technology Engineering, LLC.

MINUTES**TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Health Department</u>			
1. Alan McLain	Just Food Conference New York, NY March 12 - 13, 2016 (Reg. Fee \$69.17)	State CHRC	\$ 557.15
<p>The registration costs of \$69.17 and transportation of \$53.00 were prepaid using a City-issued credit card assigned to Ms. Lori Partin. Therefore, the disbursement to Mr. McLain is \$434.95.</p>			
2. Cynthia Mobley	Practical Pediatrics Course - 2016 Orlando, FL March 17 - 25, 2016 (Reg. Fee \$730.00)	MD State, DHMH, HIV	\$1,969.48

The subsistence rate for this location is \$186.00 per night. The cost of the hotel is \$212.00 per night plus taxes of \$26.50 per night. The Department is requesting additional subsistence of \$26.00 per day to cover the cost of the hotel and \$40.00 per day for meals and incidentals.

Ms. Mobley will attend the conference on March 17 - 20. She will incur all costs after March 20, 2016. Pursuant to AM 240-3 Policy, Board of Estimates approval is required, if the City representative's absence will exceed five days or involves one or both weekend days.

MINUTES**TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Health Department - cont'd</u>			
3. Brittani Steward	1422 State/Local Technical Assis- tance for Meeting for Grantees and Sub-Awardees Atlanta, GA May 23 - 26, 2016	State	\$ 950.56

The subsistence rate for this location is \$207.00 per night. The airfare in the amount of \$192.46 was pre-paid on a City-issued credit card assigned to Ms. Lori Partin. Ms. Steward will be disbursed \$758.10.

Department of Public Works - Office
of Engineering and Construction (DPW - Eng. & Constr.)

4. Brandon Fobeteh	2016 APWA 58 Annual Conference Roanoke, VA May 3 - 7, 2016 (Reg. Fee \$322.00)	Water Utility	\$1,412.20
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The airfare in the amount of \$378.20 and registration fee in the amount of \$322.00 were prepaid on a City-issued procurement card assigned to Ms. Tianna Haines. The amount to be disbursed to the attendee is \$712.00.

5. Carmen Cabezas	2016 APWA 58th Annual Conference Roanoke, VA May 3 - 7, 2016 (Reg. Fee \$322.00)	Water Utility	\$1,412.20
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MINUTES**TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>DPW - Eng. & Constr. - cont'd</u>			

The airfare in the amount of \$378.20 and registration fee in the amount of \$322.00 were prepaid on a City-issued procurement card assigned to Ms. Tianna Haines. The amount to be disbursed to the attendee is \$712.00.

Department of Public Works - Office - Human Resources

6. Terri Ayers	SHRM - 2016 Employment Law Legislative Conference Washington, DC March 13 - 16, 2016 (Reg. Fee \$1,530.00)	General Fund	\$2,812.78
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The subsistence rate for this location is \$295.00 per day. The hotel cost is \$309.00 per night plus hotel taxes of \$44.80 per night. The Department is requesting additional subsistence of \$14.00 per night for hotel balance and \$40.00 per day for meals and incidentals. The registration was prepaid by a City-issued procurement card assigned to Ms. Tianna Haines. The amount to be disbursed to Ms. Ayers is \$1,282.78.

Police Department

7. Steve Holman	32 nd International Symposium on Child Abuse Huntsville, AL April 4 - 7, 2016	MD-Sex Offender Registry Reimburse- ment Fund	\$1,177.88
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The subsistence rate for this location is \$140.00 per day. The hotel cost is \$109.00 per night plus hotel taxes of \$15.17 per night. The Department is requesting additional subsistence of \$9.00 per day for meals and incidentals.

MINUTES**TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Employees Retirement System</u>			
8. Joan M. Pratt	GFOA 110th Conference Toronto, Ontario Canada May 19 - 26, 2016 (Reg. Fee \$860.00)	Special Funds	\$3,552.18

The Department is proposing a daily subsistence of \$309.78 per day.

Pursuant to AM 240-5, for travel outside the continental United States, each City representative must include a proposed amount for a daily subsistence allowance on the travel request which the representative believes to be both reasonable and economical. The Board of Estimates will determine the final monetary amount of the daily subsistence allowance and stipulate the rate in its approval.

Fire and Police Employees' Retirement System

9. Joe Wade	Trustee Educational Seminar San Diego, CA May 13 - 19, 2016 (Reg. Fee \$1,200.00)	Special Funds - F&P	\$3,349.96
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The subsistence for this location is \$217.00 per day. The hotel cost is \$265.00 per night plus hotel taxes of \$33.32 per night. The Department is requesting additional subsistence of \$48.00 per day for the hotel balance.

MINUTES**TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Fire and Police Employees' Retirement System</u>			
10. Anthony Calhoun	Tenth Annual Investors' Forum Monterey, CA Feb. 27 - Mar. 5 2016 (Reg. Fee \$199.00)	Special Funds F & P	\$1,930.93

The conference will end on March 01, 2016. Mr. Calhoun will pay for the additional three days at his own expense.

Department of Housing and Community Development

11. Carol Amanze Romilla David Joyce Nance- Frierson	2016 Annual Training Program Arlington, VA Mar. 28 - 31, 2016 (Reg. Fee \$785.00) ea.	Grants CDBG Funds	\$5,595.03
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The registration fees were prepaid under expenditure authorization 000176699. Therefore, the disbursement amounts will be \$1,082.17 to Ms. Amanze, and \$1,078.93 each to Ms. David and Ms. Nance-Frierson.

City Council President's Office

12. Bernard C. "Jack" Young	National League of Cities 2016 Congressional City Conference Washington, DC Mar. 5 - 8, 2016 (Reg. Fee \$575.00)	General Funds	\$1,619.02
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The subsistence rate for this location is \$295.00 per night. The cost of the hotel is \$269.00 per night plus hotel taxes of \$39.005 per night.

MINUTES**TRAVEL REIMBURSEMENT**City Council President's Office - cont'd

The registration fee in the amount of \$575.00 was pre-paid on a City-issued credit card assigned to Hosea Chew.

The Department is requesting additional subsistence of \$14.00 per day for meals and incidentals. Mr. Young will be disbursed \$1,044.02.

13.	James Kraft	Greenbuild	Elected	\$1,049.95
		International	Official	
		Conf. and Expo.	Expense	
		Washington, DC	Account	
		Nov. 18-20, 2015		
		(Reg. Fee \$800.00)		

On September 9, 2015, the Board approved the advanced travel request, in the amount of \$1,049.95, for Mr. Kraft to attend the Greenbuild International Conference and Expo in Washington, DC on November 18 - 20, 2015. Mr. Kraft drove each day originally requesting mileage in the amount of \$129.95, registration in the amount of \$800.00, and \$40.00 per day for meals and incidentals. However, Mr. Kraft was disbursed \$800.00 for registration and \$120.00 for incidentals for a total of \$920.00. The mileage was not disbursed in advance. He is now requesting reimbursement of the difference between the total expenditures of \$997.42 and the \$920.00 advance of funds, in the amount of \$77.42, which will cover the additional expenses Mr. Kraft personally incurred for food, parking, and mileage. The request is late because of delays in the administrative process.

MINUTES**TRAVEL REIMBURSEMENT**

City Council President's Office - cont'd

ACTUAL TRAVEL EXPENSES

\$800.00 - Registration
18.52 - Food (Nov. 18 @ \$10.59, Nov. 19 @ \$7.93)
34.00 - Parking (Nov. 18 @ \$15.00, Nov. 19 @ \$19.00)
144.90 - Mileage (84 mi. x .575 = \$48.30 x 3 = \$144.90)
\$997.42

REIMBURSEMENT

\$997.42 - Total Expenses
920.00 - (Advance - \$800.00 - Registration, \$120.00 -
\$ 77.42 Incidentals used towards mileage)

UPON MOTION duly made and seconded, the Board approved the travel requests and the travel reimbursement. The President **ABSTAINED** on item nos. 12 and 13. The Comptroller **ABSTAINED** on item nos. 8, 9, and 10.

MINUTES

Department of Housing and Community Development - Report of the FY 2013 Single Audit Findings for the Low Income Home Energy Assistance Program

ACTION REQUESTED OF B/E:

The Board requested a report from the Department of Housing and Community Development's (DHCD), detailing corrective actions taken and to be taken to address the FY 2013 Single Audit findings concerning the Low Income Home Energy Assistance Program (LIHEAP).

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

Previously, DHCD presented the Board with an update on progress made in addressing the LIHEAP audit findings. DHCD, with the assistance of Clifton, Larson, Allen, LLP (CLA), a certified public accounting firm, has come to certain conclusions regarding the resolution of finding numbers 2013-005, 2013-017 and 2013-018. Finding number 2013-011 concerning duplicate payments and payments to clients with addresses outside of Baltimore City is not repeated on this progress report since the State has confirmed that it has no concerns regarding this finding after researching the cases cited.

Listed below are the progress made on Audit Findings 2013-005, 2013-017 and 2013-018.

Finding # 2013-005

There were Missing Folders, Various Errors and Omissions Noted During Review of Audit Documentation

MINUTES

DHCD - cont'd

The Department of Audits' Recommendation:

It was recommended that DHCD resolve the foregoing total questioned costs of \$44,609.00 to the satisfaction of the grantor, the U.S. Department of Health and Human Services (HHS).

It was also recommended that the projected questioned costs of \$6,201,821.00 be resolved in accordance with the determination of HHS. It was further recommended that DHCD institute internal control procedures such that future energy assistance applications are properly processed and completed, benefits awarded are accurately calculated, and awards are made to only qualified individuals.

Actions Taken by DHCD:

LIHEAP has been under the management of the Office of Home Energy Programs (OHEP) since FY 2014. DHCD no longer has ready access to the client files and other records. DHCD engaged CLA to assist in addressing this finding. The goal was to locate missing documentation within the 27 files that were reviewed by the Department of Audits and to reconstruct the 24 files that were determined to be missing due to flooding in the storage area.

CLA encountered a number of challenges in collecting the significantly dated information. They noted that a number of people had disconnected phone numbers and some who appear to have moved in the past several years. Several people stated they did not have income information from 2-3 years ago or could not obtain it. As the applicant initially provided the information for the application date in question, the OHEP office could not compel the applicant to comply with our request.

MINUTES

DHCD - cont'd

The results of CLA's work are as follows:

Missing Documentation:

CLA obtained sufficient information for 5 out of 27 files in Group 1, which we believe can remove the associated questioned costs of \$2,991.00 (18.4%), reducing questioned cost from \$16,227.00 to \$13,236.00. Although it is DHCD's understanding that the Department of Audits agrees with only two cases that can be cleared within the finding, it is DHCD's position that all five meet the documentation requirement. Also, no additional information was obtained for the remaining missing documentation, it is important to note that existing information did **not** indicate that any payments were made to ineligible clients. DHCD has not been contacted by the State regarding any ineligible payments. We strongly believe that all payments made to these 27 clients were appropriate.

Missing Folders:

CLA obtained sufficient information for 2 out of 24 files in Group 2, which we believe can remove the associated questioned costs of \$3,150.00 (11.1%), reducing questioned cost from \$28,382.00 to \$25,232.00 based on the collection of required documents. Of the remaining 22 files, CLA obtained partial information for 15 applicants. The partial information includes social security cards, photo ID's, proof of residence, proof of income and proof of annual energy usage. All partial information located strengthens our belief that all payments made to these 24 clients were appropriate.

Summary:

Based on the additional information, CLA believes the cited questioned costs of \$44,609.00 reported in the audit finding, at the minimum, should be reduced to \$38,468.00 resulting in a 13.7% reduction in questioned costs.

MINUTES

DHCD - cont'd

DHCD strongly disagrees with the extrapolation methodology utilized in this audit. It would be inaccurate to extrapolate the questioned cost to the magnitude of \$6.2 million without a thorough review of each and every applicant in the program.

Furthermore, the partial information located for the missing folders strengthens our belief that applicants were eligible to receive the LIHEAP benefits. It is also important to note that there have been **no explicit indications in the existing records to prove that payments were made to clients, who were ineligible to receive benefits from LIHEAP.** In conclusion, because of the additional information obtained for the samples, together with previous documentation, DHCD believes that all recipients of program benefits were eligible to receive those benefits.

Finding #2013-017

There were Weaknesses in Several Internal Control Areas

The Department of Audits' Recommendation

It was recommended that DHCD improve the internal controls over the LIHEAP program. Specifically,

- Organization and storage procedures should be improved to protect the client files and the personal information contained in them.
- A check log should be maintained that accounts for every check number and payee. Bank reconciliations should be prepared monthly. A running book balance should be maintained for the bank account. The check signers should review the checks and supporting documentation prior to the printing of their electronic signatures.
- Client applications should be completed in accordance with the program's regulations, including reviews and signatures by separate intake and certifier personnel.

MINUTES

DHCD - cont'd

Corrective Actions Taken by DHCD as Recommended by CLA

Since OHEP is no longer managed by DHCD, it is not feasible that DHCD provide recommendations in the areas of staff re-assignments, segregation of duties, etc. However, CLA did provide recommendations on the application process and file storage system as follows.

1. OHEP should review the application process on the applicant side and the staff side to determine whether any efficiency measures exist or other process changes that may positively impact the control of applicant files.

During several visits to the OHEP office, CLA noted a line of applicants waiting at the door where staff appeared to perform a preliminary review of information. The applicants then waited to sit with an applicant specialist for a full review. OHEP might consider altering the application process to have applicants provide residency, income and energy usage via mail. OHEP staff could perform a preliminary eligibility check and provide notification to applicants who do not meet the residency, income, or energy responsibility criteria. Those applicants meeting the criteria could be scheduled for a meeting with staff where they would provide a photo ID, social security cards for all household members and sign any necessary documents. This would eliminate the waiting time for applicants, especially those who are not eligible for benefits and would allow applicant specialists to better schedule their time.

2. OHEP should consider purchasing or implementing a file storage system.

A variety of systems exist which handle both simple storage of documents with file searching capabilities or workflow processing which allow users to document the status and approval of files.

MINUTES

DHCD - cont'd

One approach to this method would be assigning 1-2 people with the responsibility to scan a paper application when it is complete and issued. All documents in the paper file could be scanned as one electronic file and labeled with the applicant name and application date. This method would provide basic file backup in case of lost or damaged paper files. Another approach combines a document storage system with workflow capabilities. In this scenario users would place completed application documents in the electronic file and route the completed application to a supervisor for review. The supervisor would electronically approve the application and the system would maintain documentation of this approval. This method would allow a supervisor in one office to review an application initiated in other offices possibly providing efficiencies in the review process. This approach would provide OHEP with a process to track the ongoing progress of applications and a way to document internal controls over the application process.

3. OHEP should establish a quality control reviewer for the benefit application process.

A quality control review (QC) position would bear responsibility for reviewing completed applications before benefits are issued to ensure the applications contain all required documentation and meet all federal grant standards. The QC position should track the application's review date, the staff responsible for preparing the application, any errors noted, and the resolution of any errors. An effective quality control plan would continue this review process on a regular basis (weekly, biweekly, monthly) depending on the timing of open application periods during the year.

DHCD would provide the above recommendations to OHEP for implementation. The above corrective actions would clear this audit finding, and provide procedures for future compliance with proper documentation and record-keeping issues.

MINUTES

DHCD - cont'd

Finding #2013-018

Widespread Discrepancies in the Client Application Process

The Department of Audits' Recommendation

It was recommended that the program institute internal control procedures such that future energy assistance applications are properly processed, completed and maintained, benefits are awarded only to qualified individuals, and benefits awarded are accurately calculated.

Action Taken by DHCD

Please refer to Response to Finding 2013-17 above relating to recommendations for strengthening the LIHEAP Internal Control structure.

MINUTES

Department of Audits - Department of Audits' Response to the Report of the Department of Housing and Community Development to the Board of Estimates Related to the Fiscal Year 2013 Single Audit Low Income Home Energy Assistance Program (LIHEAP) Findings

As requested by the Board of Estimates, the Department of Housing and Community Development (DHCD) has provided an update, dated February 16, 2016, on the corrective actions taken on the audit findings identified in the Single Audit of the City of Baltimore for fiscal year 2013 for the Low Income Home Energy Assistance Program (CFDA Number 93.568) presented to the Board of Estimates on April 29, 2015. The Department of Audits has reviewed the corrective actions taken by DHCD and the results of our review are as follows:

Finding Number 2013-005: Missing Folders, Various Errors and Omissions Were Noted During Our Review of Program Documentation

The Department of Audits recommended that DHCD resolve the known questioned costs of \$44,609.00 to the satisfaction of the grantor, the U.S. Department of Health and Human Services (HHS). We also recommended that the likely questioned costs of \$6,201,821.00 be resolved in accordance with the determination of HHS. This finding included questioned costs for 24 missing folders and 27 folders that were either incomplete or inaccurate. DHCD engaged an accounting firm, CliftonLarsonAllen LLP (CLA), to assist in resolving the findings. CLA prepared their own files for each of the fifty-one folders for which costs were questioned. In each of those files, CLA prepared a summary of their steps taken, a conclusion and the additional support they obtained. DHCD's conclusion in their response states that they believe all payments made to the 51 clients were appropriate. We disagree as follows:

MINUTES

Department of Audits - cont'd

- (A) For the 24 missing folders, CLA indicated that they found enough information to resolve two of the folders, thereby reducing questioned costs by \$3,150.00 from \$28,382.00 to \$25,232.00. However, we noted that neither of the two files included information on the number of persons living in the household, and accordingly, additional identification and income data for the household may not be complete. Each of these factors are key components in determining program eligibility and the size of any energy award. Accordingly, we do not agree with DHCD's assertion that these two folders have been resolved.

For each of the remaining 22 missing folders, CLA's conclusions were, "... eligibility and reasonableness of benefits paid cannot be determined." (20 folders), "Correct benefits cannot be determined." (1 folder), and "... a complete determination of eligibility cannot be made." (1 folder). Accordingly, we conclude that these 22 missing folders have not been resolved.

Therefore, we do not agree with DHCD's assertion that questioned costs for any of the 24 missing folders have been resolved.

- (B) For the 27 folders with various discrepancies, CLA indicated that they found enough information to resolve five of them, thereby reducing questioned costs by \$2,991.00 from \$16,227.00 to \$13,236.00. However, based on our review, we conclude that only two of the five files have been resolved by the additional information obtained by CLA. For the other three files, items such as photo identification, number residing in the household, and agency signatures were not provided in the CLA information. These missing data items are program requirements according to the State's Procedures Manual. Therefore, only two of these five questioned cost items has been resolved in the amount of \$726.00.

MINUTES

Department of Audits - cont'd

For each of the other remaining 22 folders with discrepancies, CLA's conclusions were, "... eligibility and reasonableness of benefits paid cannot be determined." Accordingly, we do not agree with DHCD's assertion that these 22 folders with discrepancies have been resolved.

Therefore, we do not agree with DHCD's assertion that questioned costs for five of the 27 folders with discrepancies have been resolved. Rather, we conclude that only two of the 27 folders totaling \$726.00 have been resolved.

Supporting documentation for the assertions made in the application process is a requirement to determine eligibility and award amount; i.e., the information is not the sole determinant, **but rather, support for the information is also required.**

DHCD, in providing additional support to resolve two folders with discrepancies totaling \$726.00, has reduced questioned costs from \$44,609.00 to \$43,883.00 and projected questioned costs from \$6,201,821.00 to \$5,845,146.00. However, all questioned costs will need to be resolved to the satisfaction of the grantor, the U.S. Department of Health and Human Services.

Finding Number 2013-017: Weaknesses Were Noted in Several Internal Control Areas

This finding noted weaknesses in internal control related to recordkeeping, cash management, and segregation of duties. DHCD responded with recommendations from CLA on several corrective measures that could be taken to improve the OHEP office operations. These recommendations would increase internal control, but do not address all of the findings, such as maintaining a check log, maintaining a running book balance, performing bank reconciliations, the lack of check signer review of payments, and the lack of two agency signers during the application process.

Therefore, this finding has not been resolved.

MINUTES

Department of Audits - cont'd

Finding Number 2013-018: Widespread Discrepancies Were Noted in the Client Application Process

This finding noted discrepancies in the client application process. We noted in this finding that there were widespread and pervasive errors and omissions that caused the questioned costs. DHCD's response stated that this finding was covered by their response to Finding 2013-017.

Therefore, this finding has not been resolved.

President: "The third and fourth item on the non-routine agenda can be found on pages 112-121, Department of Housing and Community Development, Report on the FY 2013 Single Audit Findings for the Low Income Home Energy Assistance Program, and Department of Audits. Okay -- okay"

Mayor: "I think you're presenting the Audit, right?"

Mr. Bob McCarty: "No, we're responding to their report to the Board."

Mayor: "Okay."

MINUTES

Mr. Paul Graziano: "Um -- well, I think to keep it simple, that um -- we understand that there were some deficiencies in some of the files, that we had hired an outside contractor to review and try to get additional information. They did in fact gather a certain amount of information on various files. Some information was not -- they were not able to track down because of the age -- they were talking about three years back and um -- some of these families have actually moved to other places and so forth. Um -- I don't want to get into a detailed, you know, discussion about individual cases and -- and what our contractor found versus the review. Um, I will stipulate to the fact that there was some deficiencies in some of the files, but what I do want to point out is that none of the information that was originally uh -- in the files and none of the information that was collected subsequently by uh -- the outside contractor um -- would indicate that somebody was ineligible. There may be files that are incomplete but there's no indication that there was -- that people were ineligible.

MINUTES

Department of Audits - cont'd

Um -- and so um -- what I think we need to do is to move toward the recommendation which are how to tighten up the process going forward, and so um -- our outside contractor has made a series of recommendations and I would say that those recommendations together, with -- to the extent that they are not fully covering the recommendations of -- of the Audit Department, uh-- that the Audit Department's additional recommendations be integrated, added to those, I should say and that we um -- work with the um the Energy Office which is not -- is no longer under the Housing Department but still obviously within the City Government, to ensure that those protocols are put in place moving forward. Um -- so I don't think there is a big debate about what we need to do going forward. Um -- my only um -- other point that I would like to make is that um we did mention that 24 of the files were missing related to a flood in the building. To me, that's an act of God and we um and-- and-- about two thirds of the value of the awards that were given -- there's a mention of about \$44,000.00 worth questioned uh -- payments to clients, \$28,000.00 plus of that is for those files that were destroyed through the flooding.

MINUTES

Department of Audits - cont'd

That is close to two thirds, so um -- again an act of God does not constitute that somebody is ineligible to receive. Um -- so um --, we are ready to accept and to work with the um -- Mayor's Office of Human Services which now runs this program in the implementation of all the recommendations again made by Audit Department and made by our outside contractor. Um -- we do firmly believe that um -- that extrapolating from this number of cases, again two thirds due to an act of God. There's no evidence that they are not eligible um -- to a figure \$6,200,000.00 of questioned costs is something that is um -- not a realistic extrapolation. Again, that does not mean that we don't accept the recommendations, we just uh -- feel it we should not be characterized as \$6,200,000.00 of questioned costs or questioned eligibility. Um -- so - um -- not to protract this any further, we are fully prepared to work with um -- the Department that now runs this program to implement all of the recommendations."

MINUTES

Department of Audits - cont'd

President: "Okay."

Mr. McCarty: "Bob McCarty, City Auditor, Department of Audits.
Good Morning--"

President: "Good Morning."

Mr. McCarty: "Um -- the Director did say - the Housing Commissioner did say that -- I'm sorry -- okay -- the Housing Commissioner did say that no others were found that they were ineligible but the requirement under the grant is that adequate supporting documentation be maintained. That's what we based our finding on."

Mr. Graziano: "And I agree on that. I'm saying that there deficiencies in some of the files and I agree that we have to have adequate documentation, and then that's why we need to implement the protocols that you've recommended and that the outside contractor has."

City Solicitor: "Did I understand you to say that there is a significant number of deficiencies were attributable to the act of God causing the flood and--"

MINUTES

Department of Audits - cont'd

Mr. Graziano: "The dollar value as I calculated \$28,000.00 plus out of \$44,000.00 of questioned costs uh -- which is close to two thirds--"

City Solicitor: "Right."

Mr. Graziano: "--are due to an act of God."

Mr. McCarty: "--we were aware."

City Solicitor: "Unfortunately, it happens a lot these days."

Mr. McCarty: "We were -- we were told of the flood. We have procedures we have to go with and extrapolating uh -- we did recommend in our Audit report that HHS be contacted, the grant - the granting agency, to resolve this."

Mr. Graziano: "And we're prepared to do that. Whatever steps need to be taken."

Comptroller: "I have a couple of questions. I have a couple questions. On um -- October 28, 2015, you stated that DHCD had engaged CliftonLarsenAllen to assist in addressing the findings and that your Department would report back to the Board in about 30 days. How long did it take the outside Auditors to perform their review and what did it cost?"

MINUTES

Department of Audits - cont'd

Mr. Graziano: "--you want--"

Ms. Rainbow Lin: "Hi, this is Rainbow Lin, Chief Financial Officer for the Housing Department. Um -- yes, the uh -- contractor did take a little bit longer and for the compilation of because the applicants are more than three years old and many phone lines were disconnected and the addresses could not be traced and therefore it did take longer than 30 days. Um -- the contract was procured by the City of Baltimore and the value is less than 10 -- was less than \$20,000.00 and they have not billed us for the entire amount and we actually believe that uh -- the value of the work is going to be less than the uh -- contract award."

Comptroller: "So -- so, what funds are going to be used?"

Ms. Lin: "It will be used by the uh -- DHCD uh -- general fund."

Comptroller: "So, if it's -- if it's above \$25,000.00--"

Ms. Lin: "--no it's less than--"

Comptroller: "No, I said -- but has it been completed, the -- the review?"

MINUTES

Department of Audits - cont'd

Ms. Lin: "The work is completed now."

Comptroller: "And it's under \$25,000.00?"

Ms. Lin: "Under 20."

Comptroller: "Under 20. And when will these um -- recommendations be implemented?"

Mr. Graziano: "Well, as I indicated, um -- the program is no longer operated--"

Comptroller: "--right--"

Mr. Graziano: "--by the Housing Department, we'll have to work with the current operator, the administrator of the program and um I'd have to defer to them."

Ms. Lori Cunningham: "Good Morning, Lori Cunningham, Director of the Community Action Partnership. Um -- most of the things that were noted by the outside Auditor were those things that were already observed once the program was transferred to us, and we've already begun doing some of those changes. We're working with the State doing an electronic content management system, so that every piece of documentation that is brought in by the applicants would be scanned and maintained electronically so therefore, we would no longer have to worry about the storage issue."

MINUTES

Department of Audits - cont'd

Uh -- we also done a separation of duties as far as the accounting is concerned. All of the accounting is done at the administrative office so that part is separated as well. So, I believe most of the things will be addressed going forward."

Mr. McCarty: "Okay, when did the scanning start?"

Ms. Cunningham: "Uh -- we're working with the State now so it's an on-going process. Uh -- the State launched a Maximus program about a year ago. It was not widely used throughout the State. It was used by DSS so that should be implemented within the next, I say three months."

Comptroller: "Also, I had requested in April -- April 29, 2015 that uh -- it be reported back to this Board, the progress and the communication that was made with HHS. You said you were going to do that just now so back in April, you -- it was requested that you report back to the Board and--"

Mr. Graziano: "I think we been reporting back periodically over time on a range of issues here."

MINUTES

Department of Audits - cont'd

Comptroller: "No, I'm talking about with communication with HA -- HHS that was my request."

Ms. Lin: "So, that's the State, right?"

Mr. Graziano: "No, that would be the Federal."

Comptroller: "--the Federal."

Mr. Graziano: "I think that they -- I think it would have been premature to reach out to them until the Audit was completed. And so now I assume the Audit is -- will now be closed out and we can working with um the folks who now run the program. We can reach out to the HH - the State of Maryland and then HHS. I think the protocol is to work through the State. Uh, they receive their funding from the Federal Government, HHS. Um -- so, if I gave any indication, otherwise I apologize. The proper protocol will be to go through the State to HHS."

Comptroller: "So, I would like you to report back to the Board um -- your prog -- your communication with HH--"

Mr. Graziano: "--I -- I respectfully would say that that would be um - um -- the Department that now runs--"

MINUTES

Department of Audits - cont'd

Comptroller: "Okay."

Mr. Graziano: "--the program because we won't be in that process at this point, but yeah."

Ms. Cunningham: So, we've been working with the State the entire process. All the applications that are under question had already been reviewed and approved by the State as being acceptable but we will continue to work with them and bring back a response within the 30-day period."

Comptroller: "From the State or from the Federal?"

Ms. Cunningham: "Which one are you requesting?"

Comptroller: "I want the Federal."

Ms. Cunningham: "Okay, we'll work with the State now and have the response from the Feds within 30-days."

Mr. McCarty: "Just -- just to clarify, what was approved by the State? I'm sorry."

Ms. Cunningham: "Just the review of the applications. The applications were already deemed acceptable by the State."

Mr. McCarty: "The ones we are talking about here?"

MINUTES

Department of Audits - cont'd

Ms. Cunningham: "Right, prior to the Audit finding, during the normal application process when they're reviewed by the State, they've already looked at them and determined that all application -- all applicants did qualify for the program. However, once the Audit began, we've been working with them and making sure that they're knowledgeable and abreast of everything going on during the auditing process and they provided you some supporting documentation as well."

Mr. McCarty: "--they provided? I don't think we've gotten anything."

Ms. Cunningham: "This has been quite some time ago in the original response to the Audit."

Ms. Gail Jones: "From the State?"

Mr. McCarty: "No."

Ms. Cunningham: "We'll send it again today, yes."

Mr. Graziano: "I know there was some documentation from the State regarding the eligibility of applicants who came from outside the City because--"

MINUTES

Department of Audits - cont'd

Mr. McCarty: "--yes, we do recall that, yeah."

Mr. Graziano: "--it's a statewide program, not a City program and they did indicate that was not a problem um -- and they also indicated that there were no duplicate payments. They were not concerned about that and I'm not sure about that other piece--"

Mr. McCarty: "Yeah--"

Mr. Graziano: "But I'm sure that this all can be clarified."

Mr. McCarty: "Okay, was it provided to--"

Ms. Cunningham: "--this is what I'm talking about, the piece we just mentioned."

Mr. McCarty: "Oh, okay, not -- not the 51--"

Ms. Cunningham: "--right."

Mr. McCarty: "--folders, okay."

Mr. Graziano: "So, again, I defer to--"

Mr. McCarty: "Sure."

President: "Okay--"

Mr. McCarty: "Okay."

President: "--um -- any more, any others?"

MINUTES

Department of Audits - cont'd

Mr. McCarty: "No."

President: "The Findings and Reponses have been Noted--"

Mr. McCarty: "Thank you."

President: "--and um -- in 30-days you will come back to the Board with those um -- Reponses. Thank you."

Mr. Graziano: "Thank you."

* * * * *

MINUTES

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART FOR ALL ITEMS ON THE AGENDA.

The Board of Estimates received and reviewed Ms. Trueheart's protest. As Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board will not hear her protest.

Kim A. Trueheart

February 23, 2016

Board of Estimates
Attn: Clerk
City Hall, Room 204
100 N. Holliday Street,
Baltimore, Maryland 21202

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of questionable management and administration within the various boards, commissions, agencies and departments of the Baltimore City municipal government.

The following details are provided to initiate this action as required by the Board of Estimates:

1. Whom you represent: Self
2. What the issues are:
 - a. Pages 1 - 127, City Council President and members of the Board of Estimates, BOE Agenda dated February 24, 2016, if acted upon:
 - i. The proceedings of this board often renew business agreements without benefit of clear measures of effectiveness to validate the board's decision to continue funding the provider of the city service being procured;
 - ii. The Baltimore City School Board of Commissioners routinely requires submissions for board consideration to include details of the provider's success in meeting the objectives and/or desired outcomes delineated in the previously awarded agreement;
 - iii. The members of this board continue to fail to provide good stewardship of taxpayers' funds as noted by the lack of concrete justification to substantiate approval of actions presented in each weekly agenda;
 - iv. This board should immediately adjust the board's policy to ensure submissions to the board include measures of effectiveness in each instance where taxpayer funds have already been expended for city services;
 - v. In the interest of promoting greater transparency with the public this board should willing begin to include in the weekly agenda more details which it discusses in closed sessions without benefit of public participation.
 - vi. Lastly this board should explain to the public how, without violating the open meeting act, a consent agenda is published outlining the protocols for each week's meeting prior to the board opening its public meeting.

Email: kimtrueheart@gmail.com

5519 Belleville Ave
Baltimore, MD 21207

3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed what appears to be a significant dearth in responsible and accountable leadership, management and cogent decision making within the various agencies and departments of the Baltimore City municipal government which potentially cost myself and my fellow citizens excessive amounts of money in cost over-runs and wasteful spending.

4. Remedy I desire: The Board of Estimates should immediately direct each agency to include measures of effectiveness in any future submissions for the board's consideration.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on February 24, 2016.

If you have any questions regarding this request, please telephone me at (410) 205-5114.

Sincerely,
Kim Trueheart, Citizen & Resident

5519 Belleville Ave
Baltimore, MD 21207

MINUTES

President: "Okay, there being no more business before the Board, the Board will recess until bid opening at 12 noon. Thank you."

* * * * *

MINUTES

Clerk: "The Board is now in session for the receiving and opening of bids."

BIDS, PROPOSALS, AND CONTRACT AWARDS

Prior to the reading of bids received today and the opening of bids scheduled for today, the Clerk announced that the following agencies had issued Addenda extending the dates for receipt and opening of bids on the following contracts. There were no objections.

Department of Public Works

- W.C. 1242, Brown Pond Dam
Breach
BIDS TO BE RECV'D: 03/09/2016
BIDS TO BE OPENED: 03/09/2016

Department of General Services

- GS 15813RR, MECU Building
Envelop Improvements
BIDS TO BE RECV'D: 03/02/2016
BIDS TO BE OPENED: 03/02/2016

MINUTES

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

Department of Public Works - W.C. 1183, Replacement of Loch
Raven Dam Environmental Operation
Facility

W.M. Schlosser Company, Inc.
James W. Ancel, Inc.*
J. Vinton Schafer & Sons
American Contracting & Environmental Services, Inc.

Bureau of Purchases - B50004467, Supply and Deliver
Water Dispensers & Bottled Water
to Various City Agencies

DS Services of America, Inc.
Holder Enterprises, Inc.
Nestle Water North America

Bureau of Purchases - B50004483, Remove and Replace
Concrete Pavement at Baltimore
Convention Center

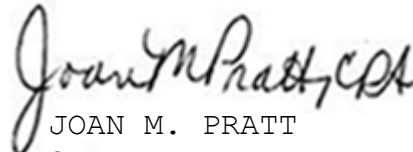
Santos Construction Company, Inc.
M & F Contractor Company
C & N Associates, LLC
Allied Contractors, Inc.
Boulevard Contractors Corp.
E&R Services, Inc.

*Referred to the Law Department for review. UPON FURTHER MOTION, the Board found the bid of James W. Ancel, Inc. NON-RESPONSIVE due to the companies' failure to submit a legible complete original bid as required by the bid submission instructions.

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, March 2, 2016.



JOAN M. PRATT
Secretary