

## MINUTES

REGULAR MEETING

Bernard C. "Jack" Young, President  
Stephanie Rawlings-Blake, Mayor  
Joan M. Pratt, Comptroller and Secretary  
George A. Nilson, City Solicitor - **ABSENT**  
Alfred H. Foxx, Director of Public Works - **ABSENT**  
David E. Ralph, Deputy City Solicitor  
Ben Meli, Deputy Director of Public Works  
Bernice H. Taylor, Deputy Comptroller and Clerk

The meeting was called to order by the President.

President: "I would direct the Board members attention to the memorandum from my office dated February 25, 2013, identifying matters to be considered as routine agenda items together with any corrections and additions that have been noted by the Deputy Comptroller. I will entertain a Motion to approve all of the items contained on the routine agenda."

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

Comptroller: "Second."

President: "All those in favor say AYE. All opposed NAY. The Motion carries. The routine agenda has been adopted."

## MINUTES

BOARDS AND COMMISSIONS1. Pregualification of Contractors

In accordance with the Rules for Pregualification of Contractors, as amended by the Board on October 31, 1991, the following contractors are recommended:

AJO Concrete Construction, Inc.	\$ 1,500,000.00
American Contracting & Environmental Services, Inc.	\$ 26,748,000.00
BMW Construction Specialist, Inc.	\$ 8,000,000.00
Best Fence, LLC	\$ 1,500,000.00
Civil Construction, LLC	\$ 61,281,000.00
F J Industrial, LLC	\$ 1,500,000.00
Gerard Chimney Company	\$ 8,000,000.00
Global Substation Services, Inc.	\$ 1,500,000.00
Manolis Painting, Inc.	\$ 6,561,000.00
Mar-Allen Concrete Products, Inc.	\$ 1,500,000.00
Metra Industries, Inc.	\$ 53,028,000.00
Railroad Construction Company, Inc.	\$135,405,000.00
W.M. Schlosser Co., Inc. and Affiliates	\$131,076,000.00
Young's Floor Service and Remodeling Co., Inc.	\$ 216,000.00

## MINUTES

BOARDS AND COMMISSIONS - cont'd2. 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:

The Robert B. Balter Company	Engineer
Design Story, Inc.	Architect
E2CR, Inc.	Engineer
Gaudreau, Inc.	Architect
HSA, Inc. of DC	Engineer
Michael J. Walkley, P.A.	Engineer
Nolan Associates, Inc.	Engineer
Rummel, Klepper & Kahl, LLP	Landscape Architect Engineer Land Survey
Schamu Machowski Greco Architects, Inc.	Architect
Skarda and Associates, Inc.	Engineer
Slater Associates, Inc.	Landscape Architect
Spyder Engineers, LLC	Engineer

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

**MINUTES**Department of Audits - Expenditure of Funds**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize an expenditure of funds for the registration of 36 staff members to attend a two-day seminar, sponsored by the Maryland Chapter of the Association of Certified Fraud Examiners (MD-ACFE) on April 29, and April 30, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$9,900.00 - 1001-000000-1310-157800-603020

**BACKGROUND/EXPLANATION:**

Government Auditing Standards require that each auditor obtain 80 hours of continuing professional education (CPE) every two years. The foregoing program is part of the Department's scheduled training for calendar year 2013. The average cost per staff training hour will be about \$17.19, which is well below industry average in relation to other training of this nature.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized the expenditure of funds for the registration of 36 staff members to attend a two-day seminar, sponsored by the Maryland Chapter of the Association of Certified Fraud Examiners (MD-ACFE) on April 29, and April 30, 2013.



## 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 11** favorable reports on Transfers of Funds approved by the Board of Estimates at its meetings on January 23 and 30 and February 6, 2013.

The Board **NOTED 11** favorable reports on Transfers of Funds approved by the Board of Estimates at its meetings on January 23 and 30 and February 6, 2013.

**MINUTES**Fire Department - 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 Johns Hopkins Bloomberg School of Public Health/Johns Hopkins Center for Injury Research and Policy (JHCIRP). The period of the MOU is July 20, 2012 through June 19, 2013.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The MOU authorizes the release of \$272,928.00 to JHCIRP as a subgrantee of the Fire Department in order to perform services authorized under the Federal Emergency Management Agency (FEMA) Fire Prevention and Safety Grant.

The JHCIRP and the Department jointly responded to a request for proposals for FEMA Fire Prevention and Safety grants in May of 2012. The Department, the lead agency, received notice on July 30, 2012 that the proposal was accepted. Using the FEMA grant and under the MOU, the JHCIRP will operate a safety center that provides services to educate citizens about a variety of fire and life safety issues and will conduct a review of the Department's fire investigation data from the last five years. The JHCIRP will determine the extent to which the safety center curriculum aligns with the most common causes of house fires in Baltimore City. The JHCIRP will also create educational exhibits and materials that address the unique fire and life safety education needs of older adults in Baltimore City.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

## MINUTES

Fire Department - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the memorandum of understanding with the Johns Hopkins Bloomberg School of Public Health/Johns Hopkins Center for Injury Research and Policy. The President **ABSTAINED**.

MINUTES

TRANSFERS OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

520 - 521

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.

On behalf of Mr. Alfred Foxx,

Mr. Meli **ABSTAINED** on item nos. 1 - 3.

## MINUTES

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Recreation and Parks</u>		
1. <b>\$19,000.00</b> Rec. & Parks 24 <sup>th</sup> Series	9938-901721-9474 Recreation Facili- ty Renovation Active	9938-901759-9474 Park & Recreation Facilities Reno- vation FY09 Active

This transfer will provide funds to cover the costs associated with Change Order No. 2 for Morrell Park Recreation Center, Contract No. RP 09816.

2. <b>\$ 6,189.05</b> MVR	9938-902651-9475 Druid Hill Park Pedestrian Entrance Reserve	9938-901624-9474 Gateway Landscape Improvements Active
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This transfer will provide funds to reconcile the account's deficit.

3. <b>\$ 20,000.00</b> State	9938-908808-9475 Community Park and Playgrounds FY11 Reserve	9938-907808-9474 Community Park and Playgrounds FY11 Active
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This transfer will provide funds to cover the costs associated with purchasing litter receptacles for Federal Hill Park and to reconcile the account's deficit.

## MINUTES

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Housing and Community Development</u>		
4. <b>\$441,000.00</b>	9910-903975-9587	9910-904096-9588
30 <sup>th</sup> CDB FY 2013	Capital Administra- tion - Reserve	Capital Administra- tion

This transfer will provide funds for the Department's Capital Administrative account for fiscal year 2013.

**MINUTES**

Mayor's Office of Human Services - Charitable Solicitation

**ACTION REQUESTED OF B/E:**

The Board is requested to endorse a governmental/charitable solicitation application to be submitted to the Board of Ethics of Baltimore City for donations to Journey Home, Baltimore's Ten Year Plan to End Homelessness. The period of the solicitation will be effective upon Board approval through December 31, 2013.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The Journey Home is an initiative of the Mayor's Office working in conjunction with the United Way of Central Maryland to eradicate homelessness by making it rare and brief. The Journey Home Plan was designed to help address policy and the practical realities facing the City, ensuring that the citizens of Baltimore have a safe, stable place to live. While many strides have been made since the plan was released, there is much more work to be done.

The Mayor's Office of Human Services has been working with partners and stakeholders to create a continuum of care for those experiencing homelessness or who are at risk of experiencing homelessness.

Solicitations related to The Journey Home will be "directed at a broad range of potential donors" and will not "specially target controlled donors" as required by Baltimore City Ethics Regulations 96.26B.

## MINUTES

Mayor's Office of Human Services - cont'd

The Baltimore City Ethics Board requires that the submitted application be reviewed and approved by the Board of Estimates. This is the first time that it is being requested in compliance with this directive. The Baltimore City Ethics Board has approved this application, subject to the following conditions:

1. Before any "controlled donor" may be solicited (i.e., any person who does or seeks to do business with any agency of the City, or whose activities are regulated or controlled by any agency of the City, or who otherwise falls within the scope of the City Code Article 8, Section 6-26(a)(1) through (5), the proposed campaign must be endorsed by the Board of Estimates (or its designee).
2. The Campaign must be conducted in accordance with the standards, terms, and conditions set forth in Board Regulation 06.26 and the submitted application.
3. Solicitation will be directed to a wide range of businesses, individuals, and organizations that are interested in the mission of ending homelessness. Public servants are not to be involved in the process of selecting potential donors to be solicited, though they may, at their discretion, decline to solicit any potential donor identified by the outside promotion team.
4. Periodic Reports (once every two months) and a Final Report (within 30 days after all solicitations and anticipated donations have been made) must be filed with the Baltimore City Board of Ethics Form 627.
5. This approval is for the period February 13, 2013 through December 31, 2013. After that date, a new application will be required for any additional solicitation efforts.



**MINUTES**Mayor's Office of Human Services - cont'd

UPON MOTION duly made and seconded, the Board endorsed the governmental/charitable solicitation application to be submitted to the Board of Ethics of Baltimore City for donations to Journey Home, Baltimore's Ten Year Plan to End Homelessness.

**MINUTES**

The Board of Trustees/Employee's - Subscription Agreement  
Retirement System (ERS)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a subscription agreement with Lazard Emerging Markets Small Cap Trust (the Fund).

**AMOUNT OF MONEY AND SOURCE:**

\$ 20,000,000.00 - approximately of ERS assets  
\$ 190,000.00 - approximately for management fee each year

No General Fund monies are involved in this transaction.

**BACKGROUND/EXPLANATION:**

ERS assets of approximately \$20,000,000.00 will be invested in beneficial ownership units of the Fund, with a management fee to the Fund's investment manager of approximately \$190,000.00 per year. Pursuant to the subscription agreement, Lazard Asset Management LLC serves as the Fund's investment manager.

The ERS Board, with the assistance of its investment consultant, conducted a nationwide search for small capitalization emerging market equity investments funds and managers. The Board narrowed the eligible firms to three finalists and conducted interviews. With the recommendation of the ERS investment consultant, the Board selected the Fund.

**MWBOO GRANTED A WAIVER.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the subscription agreement with Lazard Emerging Markets Small Cap Trust. The Comptroller **ABSTAINED**.

## MINUTES

EXTRA WORK ORDERS AND TRANSFER OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders and Transfer of Funds

listed on the following pages:

527 - 528

All of the EWOs had been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

The Transfer of Funds was approved

SUBJECT to receipt of a favorable report

from the Planning Commission,

the Director of Finance having reported favorably

thereon, as required by the provisions

of the City Charter.

The President **ABSTAINED** on item nos. 1 - 4.

## MINUTES

EXTRA WORK ORDERS

<u>Contract</u>	<u>Prev. Apprvd.</u>	<u>Time</u>	<u>%</u>
<u>Awd. Amt.</u>	<u>Extra Work</u>	<u>Contractor</u>	<u>Ext. Compl.</u>
<u>Bureau of Water and Wastewater</u>			
1. EWO #057, \$73,438.40 - SC 852R, Denitrification Filters and Related Work for the Enhanced Nutrient Removal Facilities at Patapsco Wastewater Treatment Plant			
\$115,688,000.00	\$ 2,266,313.96	Fru-Con Construc- tion, LLC	30 70 CCD
2. EWO #014, (\$29,907.00) - SC 8526, Sludge Digester Facilities at the Back River Wastewater Treatment Plant			
\$ 38,667,000.00	\$ 249,762.74	Ulliman Schutte Construction, LLC	0 19.73
3. EWO #020, (\$27,952.00) - WC 1168, Deer Creek Pumping Station Improvements			
\$ 23,320,000.00	\$ 567,237.47	Ulliman Schutte Construction, LLC	0 73
4. EWO #061, \$ 0.00 - SC 852R, Denitrification Filters & Related Work for the Enhanced Nutrient Removal Facilities at Patapsco Wastewater Treatment Plant			
\$115,688,000.00	\$ 2,309,408.05	Fru-Con Construc- tion, LLC	60 - CCD
<u>Department of Transportation</u>			
5. EWO #025, \$ 0.00 - TR 03313, Reconstruction of Washington Blvd: I-95 to Monroe Street			
\$ 4,568,865.30	\$ 307,284.55	Civil Construction LLC	90 -
6. EWO #006, \$34,225.97 - Project 889, Edmondson Avenue Bridge Over Gwynns Falls and CSXT Railroad			
\$ 1,068,231.15	\$ 260,659.98	Greenhorne & O'Mara, Inc.	- -

**MINUTES****EXTRA WORK ORDERS**

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

Department of Transportation

7. EWO #002, \$ 202,608.55 - TR 12318, I-83 Street Repairs at 29 <sup>th</sup> Street				
\$ 1,997,975.00	\$ 4,728.65	John Brawner	-	-

**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
8. \$101,304.27	9950-903550-9509	9950-907455-9508-2
HUR	Constr. Reserve	JFX Emergency Work
	Neighborhood St.	
	Reconstruction	

This transfer will partially fund the costs associated with Change Order #2 under TR 12318, I-83 Street Repair at 29<sup>th</sup> Street, for work assigned to John Brawner.

9. EWO #003, \$10,801.59 - Project 1000, Reconstruction of Central Avenue				
\$ 1,816,034.65	\$ 344,801.32	Whitman, Requardt & Associates	-	-
10. EWO #008, \$26,490.71 - Project 1055, Rehabilitate Roadways Around East Baltimore Life Science Park 1c				
\$ 584,894.71	\$ 768,220.95	Whitman, Requardt & Associates	-	-
11. EWO #002, \$151,574.73 - Project 1107, Reconstruction East North Avenue from Asquith Street to Wolfe Street				
\$ 410,847.47	\$ 131,099.38	Gannett Fleming, Inc.	-	-

**MINUTES**Health Department - Expenditure of Funds**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize an expenditure of funds to pay an outstanding invoice to the Fireline Corporation.

**AMOUNT OF MONEY AND SOURCE:**

\$360.00 - 1001-000000-3024-268500-603016

**BACKGROUND/EXPLANATION:**

The Fireline Corporation provided security monitoring for the Eleanor Hooper Adult Day Care Center (Center) building. The Center was closed last year. Because of the closing and transferring of clients and staff, the invoice was misplaced. The invoice is for services provided from May 1, 2012 through April 30, 2013.

**MBE/WBE PARTICIPATION:**

N/A

**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 the outstanding invoice to the Fireline Corporation.

**MINUTES**

Health Department - Interim Notification of Grant Award

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an interim notification of grant award from Maryland Department of Aging. The NGA is for the period October 1, 2012 through September 30, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$ 858,668.00	-	4000-433513-3024-268400-404001	Title III B/Access to Senior Services
1,052,340.00	-	4000-432913-3024-295900-404001	Title III C-1/Congregate Meals
528,722.00	-	4000-434313-3254-316200-404001	Title III C-2/Home Delivered Meals
32,856.00	-	4000-436213-3255-271200-404001	Title III D/Health Promotion & Education
359,392.00	-	4000-436113-3255-271200-404001	Title III E/National Family Caregivers
43,164.00	-	4000-433913-3023-295900-404001	
<u>\$2,875,142.00</u>			Title VII/Ombudsman/Elder Abuse

**BACKGROUND/EXPLANATION:**

The total NGA amount is for \$3,833,523.00, however, this is an interim NGA for approximately three-fourths of the FY 13 Title III's allocation, the Department is only receiving \$2,875,142.00. This grant is contingent upon approval of the FY13 Federal Appropriation of funds for the Administration of the Older Americans Act.

**MINUTES**Health Department - cont'd

The approval of this NGA will allow the Department to provide coordinated and accessible services for seniors in Baltimore City.

The NGA is being presented at this time due to delayed completion of required documentation.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized the interim notification of grant award from Maryland Department of Aging.



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

The Board is requested to approve an interim notification of grant award agreement from the Maryland Department of Aging. The NGA is for the period October 1, 2012 through September 30, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$ 48,110.00	-	4000-433513-3023-273300-404001	Older Americans Act Title IIIB
52,484.00	-	4000-432913-3252-514300-404001	Older Americans Act Title IIIC1
27,700.00	-	4000-434313-3254-316200-404001	Older Americans Act Title IIIC2
17,494.00	-	4000-436113-3255-316200-404001	Older Americans Act Title IIIE
<u>\$145,788.00</u>			

**BACKGROUND/EXPLANATION:**

These funds are to be used with the FY13 OAA Federal grants for Title IIIB, Title IIIC1, Title IIIC2, and Title IIIE Programs only. This NGA also provides funds for coordinated and accessible services for seniors in Baltimore City.

The NGA is late because it was recently received from the grantor.

**APPROVED FOR FUNDS BY FINANCE**

## MINUTES

Health Department - cont'd

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the interim notification of grant award agreement from the Maryland Department of Aging.

**MINUTES**

Health Department - Notice of Award

**ACTION REQUESTED OF B/E:**

The Board is requested to approve acceptance of the notice of award (NoA) from the Department of Health and Human Services for the Project entitled "Baltimore City Adult District Court Drug Court Expansion and Expansion." The period of the award is September 30, 2012 through September 29, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$325,000.00 - 4000-497813-3070-287500-404001

**BACKGROUND/EXPLANATION:**

The NoA provides funds to support drug and alcohol treatment services for non-violent offenders in Baltimore City.

The Department will subcontract with Baltimore Substance Abuse Systems, Inc. to manage treatment services.

The NoA is late because it was overlooked during the Department's transition in accounting staff.

**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 acceptance of the notice of award from the Department of Health and Human Services for the Project entitled "Baltimore City Adult District Court Drug Court Expansion and Expansion." The Mayor **ABSTAINED.**

**MINUTES**

Health Department - Revised Notice of Grant Award

**ACTION REQUESTED OF B/E:**

The Board is requested to approve a revised notice of grant award (NGA) from the Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for HIV, Viral Hepatitis, STDs and TB Prevention.

**AMOUNT OF MONEY AND SOURCE:**

\$84,494.00 - 4000-422613-3030-271500-404001

**BACKGROUND/EXPLANATION:**

On October 12, 2012, the Board approved the original NGA in the amount of \$149,417.00 for the budget period of September 30, 2012 through August 31, 2013.

The revised notice of grant award provides the carryover of unobligated funds in the amount of \$84,494.00 instead of \$87,756.00 from the 2004 year to be used in the 2005 year to meet the needs of the Sexually Transmitted Disease Surveillance Project. All other terms and conditions of the original award and any subsequently amended NGA remain the same.

The NGA is late because the Department recently received it from the grantor.

**APPROVED FOR FUNDS BY FINANCE**

## MINUTES

Health Department - cont'd

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

UPON MOTION duly made and seconded, the Board approved the revised notice of grant award from the Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for HIV, Viral Hepatitis, STDs and TB Prevention.

**MINUTES**

Health Department - Employee Expense Statement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the expense report from Ms. Elaine Ray for expenses incurred during the month of September 2012.

**AMOUNT OF MONEY AND SOURCE:**

\$127.97 - 5000-533113-3044-273300-603002

**BACKGROUND/EXPLANATION:**

Ms. Ray neglected to submit her expense statement for mileage on time due to overwhelming unit responsibilities.

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 report from Ms. Elaine Ray for expenses incurred during the month of September 2012.

## 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, 2012 through June 30, 2013, unless otherwise indicated.

1. **THE BAR ASSOCIATION OF BALTIMORE CITY** **\$ 77,600.00**

Account: 4000-433513-3024-295912-603051

The organization will provide free legal assistance in general civil matters to Baltimore City residents age 60 and above. In addition, to legal representation services, the program will also provide outreach and education services regarding matters typically of concern and interest to seniors. The period of the agreement is October 1, 2012 through September 30, 2013.

**MWBOO GRANTED A WAIVER.**

2. **GOVANS ECUMENICAL DEVELOPMENT CORPORATION** **\$ 67,471.00**  
**(GEDCO)**

Account: 4000-433513-3024-295918-603051

GEDCO operates a senior program which serves as the community focal point for seniors and their caregivers. Services will 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, 2012 through September 30, 2013.

**MWBOO GRANTED A WAIVER.**

The agreements are late because the Health Department was waiting on finalization of budget and signatures from the providers.

## MINUTES

Health Dept. - cont'd

3. **ST. AMBROSE HOUSING AID CENTER, INC.** **\$ 8,500.00**

Account: 4000-433512-3024-268416-603051

The organization will assist elderly adults with housing needs through the Home-Sharing Program. It will promote program services, screen and interview applicants, complete home assessments, recruit appropriate housemates to refer to the applicants and provide counseling, as appropriate. The program is designed to be an alternative to the institutionalization of frail and elderly residents of Baltimore City. The program will also identify and match elderly residents with senior homeowners living alone in single family dwellings in Baltimore City. The period of the agreement is October 1, 2012 through September 30, 2013.

The agreement is late because the Health Department was waiting on grant approval and signatures from the provider.

4. **BALTIMORE MEDICAL SYSTEM, INC.** **\$ 40,000.00**  
**(BMS)**

Account: 5000-530313-3041-605800-63051

The BMS will work with the Health Department to provide information and education services on tobacco use prevention and cessation to African American, Hispanic, Native American adults, women and Gay adults in community settings and reduce secondhand smoke exposure.

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



## MINUTES

Health Dept. - cont'd

5. **BALTIMORE SUBSTANCE ABUSE SYSTEMS, INC.** **\$1,269,327.00**  
**(BSAS)**

Account: 1001-000000-3070-286400-603051

BSAS, Inc. administers public funding for substance abuse services for uninsured and underinsured Baltimore City residents, monitors and improves service delivery, collects and analyzes prevention and treatment data, and plans new services to ensure accessible, high quality care that improves the lives of individuals, families, and communities.

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

**MWBOO GRANTED A WAIVER.**

6. **BALTIMORE SUBSTANCE ABUSE SYSTEMS, INC.** **\$ 590,000.00**  
**(BSAS)**

Account: 5000-531113-3070-518500-603051

BSAS, Inc. will administer treatment services to certain offenders in the criminal justice system referred by the Maryland Department of Public Safety and Correctional Services, Community Supervision (DPSCS/CS).

The agreement is late because the Department was waiting for approval of the memorandum of understanding from the DPSCS/CS that provides funding to the Health Department for BSAS.

**MWBOO GRANTED A WAIVER.**

## MINUTES

Health Dept. - cont'd

7. **THE FAMILY LEAGUE OF BALTIMORE CITY,  
INC. (FLBC)** **\$ 850,000.00**

Account: 6000-626313-3080-513200-603051

The FLBC will provide project implementation, including supervision and training of project staff, coordination of project activities and committees. The organization will perform outreach with all partner agencies and committees, completing programmatic and budget reports and systems change work.

**MWBOO GRANTED A WAIVER.**

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

8. **HUMAN IMPACT PARTNERS, LLC (HIP)** **\$ 26,000.00**

Account: 4000-480113-3001-268400-603051

The purpose of this agreement is to increase Baltimore City's expertise and capacity to write and use Health Impact Assessments. This is integral to the City of Baltimore's effort as manifested through its Cross-Agency Health Taskforce, to understand and consider the health implications of all proposed policies and to increase and improve the information available to Baltimore City's policy and decision makers.

HIP will train between 30 and 45 persons in the writing and use of Health Impact Assessments. Trainees will include Health Department staff, staff from other Baltimore City agencies and City government offices, and community stakeholders. HIP will conduct training through a series of pre-training telephone meetings and a two-day session which will be conducted once. The period of the agreement is September 1, 2012 through August 31, 2013.

## MINUTES

Health Dept. - cont'd

The agreement is late because budget revisions delayed processing.

9. **CHASE BREXTON HEALTH SERVICES, INC. (CBHS)** **\$320,585.00**

Account: 4000-424513-3023-599603-603051

The CBHS will provide 517 unique patients, including 75 new patients, with ambulatory care services which will include medical care and management through its physicians or nurse practitioners, all whom are certified by the American Academy of HIV Medicine as HIV specialists. The CBHS medication adherence program is a multidisciplinary program which functions to improve adherence to HIV treatments, including antiretroviral therapy by incorporating input from the clinician, the patient, the nurse, and the pharmacy. The agreement is for the period July 1, 2012 through June 30, 2013.

10. **TOTAL HEALTH CARE, INC.** **\$ 89,064.00**

Account: 4000-424513-3023-599632-603051

The organization will provide initial assessments, service care plans and monitor/update service care plans every 90 days. It will also monitor quarterly patient maintenance/linkage with HIV medical services, housing referrals, food assistance referrals, utility assistance, consumer credit counseling referrals, and referrals for substance abuse treatment, prevention for positive services, and for primary care Ryan White services. The agreement is for the period July 1, 2012 through June 30, 2013.

The agreements are late because the Infectious Disease and Environmental Health Administration (IDEHA) programmatically manages Ryan White Part B services. The IDEHA selects the

## MINUTES

Health Dept. - cont'd

providers through a competitive Request for Proposal process. The providers submit a budget, budget narrative, and scope of services. The Health Department thoroughly reviews the entire package before preparing a contract and submitting it to the Board of Estimates. These budgets are often times revised because of inadequate information from the providers. This review process is required to comply with the grant requirements.

11. **G.S. HOUSING, INC.**

**\$ 80,080.00**

Account: 4000-432913-3024-268400-604014

The organization will provide Title III C-1 Congregate Housing Meal Services program. The organization will also serve weekday and weekend dinner meals to 55 elderly clients at the Belvedere Green Apartments located at 1651 E. Belvedere Avenue. The meals are being provided at \$4.00 per meal. The agreement is for the period October 1, 2012 through September 30, 2013.

This agreement is late because the Department was waiting for the final budget approval and signatures.

**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. The Mayor **ABSTAINED** on item nos. 5 - 6. The President **ABSTAINED** on item nos. 5 - 6.

## MINUTES

Department of Housing and - Local Government Resolution  
Community Development

The Board is requested to approve and authorize execution of a local government resolution.

The following organization is applying to the State of Maryland's Department of Housing and Community Development Community Development Administration/Tax Exempt Bonds (CDA/Tax Exempt Bonds), CDA/Rental Housing Works, and the Low Income Housing Tax Credit (LIHTC) Equity. A local government resolution of support is required by the State for all applications to these programs.

1. ORCHARD RIDGE PHASE IV APARTMENTS	\$ 5,119,530.00 CDA/Tax Exempt Bonds
	\$ 2,000,000.00 CDA/Rental Housing Works
	\$ 4,446,359.00 LIHTC Equity

The Orchard Ridge Phase IV Apartments is a 64-unit development that will be located on the vacant parcels within the Orchard Ridge site. The Orchard Ridge Phase IV development project is part of the overall master plan for the former Freedom/Claremont Homes property. The development will provide one, two and three bedroom townhouse and stacked units affordable to individuals and families at or below 60 percentage of the Area Median Income.

## MINUTES

DHCD - cont'd

The project will provide 14 non-elderly disabled units and six long-term affordable Uniform Federal Accessibility Units.

The proposed project is located at 4300 Maple Shade Drive, 4400-4412 Grape Vine Way, 4401-4413 Grape Vine Way, 4205, 4300-4310, 4301-4319 Saint Clair Court, 4204 Maple Shade Drive, and 4333-4331 Orchard Ridge Boulevard.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing local government resolution.

**MINUTES**

Department of Housing and - Land Disposition Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a land disposition agreement with 1110 Wicklow Road LLC, Developer, for the sale of the property located at 925 N. Stricker Street.

**AMOUNT OF MONEY AND SOURCE:**

\$7,500.00 - Purchase Price

**BACKGROUND/EXPLANATION:**

The developer paid a good faith deposit in the amount of \$750.00 and the remaining balance of \$6,750.00 will be paid in full at closing. The project will be privately funded by 1110 Wicklow Road LLC.

The Developer plans to make moderate to major repairs to the subject property and once work is completed, the dwelling will be used as affordable rental housing.

The property was priced pursuant to the appraisal policy of Baltimore City and the Valuation Waiver was used in determining the proposed price of \$7,044.33. The developer's offer of \$7,500.00 was accepted by the City.

Comparables used to substantiate the sale price for 925 N. Stricker Street are 934 N. Stricker Street; 1542 Argyle Avenue, and 1505 Mosher Street.

**MINUTES**

DHCD - cont'd

The authority to sell the property is Article 1, 2-7 (h) (2) (ii) (c) of the City Code. The property was journalized and approved for sale on June 16, 2008.

**MBE/WBE PARTICIPATION:**

It should be noted that 925 N. Stricker Street (Block 0076, Lot 013) is not subject to Article 5, Subtitle 28, of the Baltimore City Code because the property will be sold for less than \$49,999.99.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with 1110 Wicklow Road LLC, Developer, for the sale of the property located at 925 N. Stricker Street.



**MINUTES**

Department of Housing and                    - Acquisition by Gift  
Community Development (DHCD)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the acquisition of the property located at 920 N. Calhoun Street by gift from Mr. James Schneider, owner, **SUBJECT** to any outstanding municipal liens other than current water bills.

**AMOUNT OF MONEY AND SOURCE:**

Mr. Schneider agrees to pay for any title work and all associated settlement costs, not to exceed \$600.00 total.

**BACKGROUND/EXPLANATION:**

The DHCD, Land Resources Division, strategically acquires and manages vacant or abandoned properties, which enables these properties to be returned to productive use and improve neighborhoods in Baltimore City.

Mr. Schneider has offered to donate title to his property located at 920 N. Calhoun Street. The City will receive clear and marketable title to the property, subject only to certain City liens. The City's acceptance of this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain. The liens for 920 N. Calhoun Street are itemized as follows:

**Cumulative Real Property Taxes 2009-2012**

Total Tax	\$	71.40
Interest/Penalties		20.24
Other		0.00
Tax Sale Interest		0.00
Miscellaneous Bills		647.78
Metered Water (Tax Sale)		0.00
Environmental Citation		0.00
Alley Paving Bill		0.00
Rental Registration		182.60
<b>Total Municipal Liens</b>		<b>\$922.02</b>

**MINUTES**

DHCD - cont'd

The listed municipal liens, other than the current water bills, will be administratively abated after settlement.

UPON MOTION duly made and seconded, the Board approved the acquisition of the property located at 920 N. Calhoun Street by gift from Mr. James Schneider, owner, **SUBJECT** to any outstanding municipal liens other than current water bills.

**MINUTES**

Department of Housing and                    - Acquisition by Gift  
Community Development (DHCD)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the acquisition of the property located at 2037 E. Oliver Street by gift from Mr. Mauro J. Alves, owner, **SUBJECT** to any outstanding municipal liens other than current water bills.

**AMOUNT OF MONEY AND SOURCE:**

Mr. Alves agrees to pay for any title work and all associated settlement costs, not to exceed \$600.00 total.

**BACKGROUND/EXPLANATION:**

The DHCD, Land Resources Division, strategically acquires and manages vacant or abandoned properties, which enables these properties to be returned to productive use and improve neighborhoods in Baltimore City.

Mr. Alves has offered to donate title to his property located at 2037 E. Oliver Street. The City will receive clear and marketable title to the property, subject only to certain City liens. The City's acceptance of this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain. The liens for 2037 E. Oliver Street are itemized as follows:

Cumulative Real Property Taxes 2009-2012

Total Tax	\$71.40
Interest/Penalties	0.00
Other	0.00
Tax Sale Interest	0.00
Miscellaneous Bills	0.00
Metered Water (Tax Sale)	0.00
Environmental Citation	0.00
Alley Paving Bill	0.00
Rental Registration	0.00
<b>Total Municipal Liens</b>	<b>\$71.40</b>

**MINUTES**

DHCD - cont'd

The listed municipal liens, other than the current water bills, will be administratively abated after settlement.

UPON MOTION duly made and seconded, the Board approved the acquisition of the property located at 2037 E. Oliver Street by gift from Mr. Mauro J. Alves, owner, **SUBJECT** to any outstanding municipal liens other than current water bills.

**MINUTES**

Department of Housing and                    - Acquisition by Gift  
Community Development (DHCD)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the acquisition of the property located at 1800 N. Dallas Street by gift from Mr. Raymond H. Hetchen, owner, **SUBJECT** to any outstanding municipal liens other than current water bills.

**AMOUNT OF MONEY AND SOURCE:**

Mr. Hetchen agrees to pay for any title work and all associated settlement costs, not to exceed \$600.00 total.

**BACKGROUND/EXPLANATION:**

The DHCD, Land Resources Division, strategically acquires and manages vacant or abandoned properties, which enables these properties to be returned to productive use and improve neighborhoods in Baltimore City.

Mr. Hetchen has offered to donate title to his property located at 1800 N. Dallas Street. The City will receive clear and marketable title to the property, subject only to certain City liens. The City's acceptance of this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain. The liens for 1800 N. Dallas Street are itemized as follows:

Cumulative Real Property Taxes 2009-2012

Total Tax	\$ 793.30
Interest/Penalties	354.48
Other	51.71
Tax Sale Interest	0.00
Miscellaneous Bills	0.00
Metered Water (Tax Sale)	664.49
Environmental Citation	330.00
Alley Paving Bill	0.00
Rental Registration	171.60
<b>Total Municipal Liens</b>	<b>\$2,365.58</b>

**MINUTES**

DHCD - cont'd

The listed municipal liens, other than the current water bills, will be administratively abated after settlement.

UPON MOTION duly made and seconded, the Board approved the acquisition of the property located at 1800 N. Dallas Street by gift from Mr. Raymond H. Hetchen, owner, **SUBJECT** to any outstanding municipal liens other than current water bills.

## MINUTES

Department of Housing and                    - Acquisition by Gift  
Community Development (DHCD)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the acquisition of the property located at 310 N. Fulton Avenue by gift from Mr. Corey Kauffman, owner, **SUBJECT** to any outstanding municipal liens other than current water bills.

**AMOUNT OF MONEY AND SOURCE:**

Mr. Kauffman agrees to pay for any title work and all associated settlement costs, not to exceed \$600.00 total.

**BACKGROUND/EXPLANATION:**

The DHCD, Land Resources Division, strategically acquires and manages vacant or abandoned properties, which enables these properties to be returned to productive use and improve neighborhoods in Baltimore City.

Mr. Kauffman has offered to donate title to his property located at 310 N. Fulton Avenue. The City will receive clear and marketable title to the property, subject only to certain City liens. The City's acceptance of this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain. The liens for 310 N. Fulton Avenue are itemized as follows:

Cumulative Real Property Taxes 2009-2012

Total Tax	\$ 714.00
Interest/Penalties	111.52
Other	51.26
Tax Sale Interest	0.00
Miscellaneous Bills	455.36
Metered Water (Tax Sale)	2,923.13
Environmental Citation	3,015.00
Alley Paving Bill	0.00
Rental Registration	576.00
<b>Total Municipal Liens</b>	<b>\$7,846.27</b>

**MINUTES**

DHCD - cont'd

The listed municipal liens, other than the current water bills, will be administratively abated after settlement.

UPON MOTION duly made and seconded, the Board approved the acquisition of the property located at 310 N. Fulton Avenue by gift from Mr. Corey Kauffman, owner, **SUBJECT** to any outstanding municipal liens other than current water bills.



**MINUTES**

Department of Housing and                    - Acquisition by Gift  
Community Development (DHCD)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the acquisition of the property located at 629 S. Pulaski Street by gift from Ms. Gladys Onojobi, owner, **SUBJECT** to any outstanding municipal liens other than current water bills.

**AMOUNT OF MONEY AND SOURCE:**

Ms. Onojobi agrees to pay for any title work and all associated settlement costs, not to exceed \$600.00 total.

**BACKGROUND/EXPLANATION:**

The DHCD, Land Resources Division, strategically acquires and manages vacant or abandoned properties, which enables these properties to be returned to productive use and improve neighborhoods in Baltimore City.

Ms. Onojobi has offered to donate title to her property located at 629 S. Pulaski Street. The City will receive clear and marketable title to the property, subject only to certain City liens. The City's acceptance of this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain. The liens for 629 S. Pulaski Street are itemized as follows:

Cumulative Real Property Taxes 2009-2012

Total Tax	\$166.60
Interest/Penalties	3.41
Other	0.00
Tax Sale Interest	0.00
Miscellaneous Bills	539.72
Metered Water (Tax Sale)	0.00
Environmental Citation	200.00
Alley Paving Bill	0.00
Rental Registration	0.00
<b>Total Municipal Liens</b>	<b>\$909.73</b>

**MINUTES**

DHCD - cont'd

The listed municipal liens, other than the current water bills, will be administratively abated after settlement.

UPON MOTION duly made and seconded, the Board approved the acquisition of the property located at 629 S. Pulaski Street by gift from Ms. Gladys Onojobi, owner, **SUBJECT** to any outstanding municipal liens other than current water bills.

**MINUTES**

Department of Housing and                    - Acquisition by Gift  
Community Development (DHCD)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the acquisition of the property located at 2262 Linden Avenue by gift from Victory Temple Community Church, owner, **SUBJECT** to any outstanding municipal liens other than current water bills.

**AMOUNT OF MONEY AND SOURCE:**

Victory Temple Community Church agrees to pay for any title work and all associated settlement costs, not to exceed \$600.00 total.

**BACKGROUND/EXPLANATION:**

The DHCD, Land Resources Division, strategically acquires and manages vacant or abandoned properties, which enables these properties to be returned to productive use and improve neighborhoods in Baltimore City.

Victory Temple Community Church has offered to donate title to its property located at 2262 Linden Avenue. The City will receive clear and marketable title to the property, subject only to certain City liens. The City's acceptance of this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain. The liens for 2262 Linden Avenue are itemized as follows:

**Cumulative Real Property Taxes 2009-2012**

Total Tax	\$61.88
Interest/Penalties	2.42
Other	0.00
Tax Sale Interest	0.00
Miscellaneous Bills	0.00
Metered Water (Tax Sale)	0.00
Environmental Citation	0.00
Alley Paving Bill	0.00
Rental Registration	0.00
<b>Total Municipal Liens</b>	<b>\$64.30</b>

**MINUTES**

DHCD - cont'd

The listed municipal liens, other than the current water bills, will be administratively abated after settlement.

UPON MOTION duly made and seconded, the Board approved the acquisition of the property located at 2262 Linden Avenue by gift from Victory Temple Community Church, owner, **SUBJECT** to any outstanding municipal liens other than current water bills.



**MINUTES**

Department of Housing and                    - Acquisition by Gift  
Community Development (DHCD)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the acquisition of the property located at 1805 Lemmon Street by gift from Baltimore City Investors, LLC, owner, **SUBJECT** to any outstanding municipal liens other than current water bills.

**AMOUNT OF MONEY AND SOURCE:**

Baltimore City Investors, LLC agrees to pay for any title work and all associated settlement costs, not to exceed \$600.00 total.

**BACKGROUND/EXPLANATION:**

The DHCD, Land Resources Division, strategically acquires and manages vacant or abandoned properties, which enables these properties to be returned to productive use and improve neighborhoods in Baltimore City.

Baltimore City Investors, LLC has offered to donate its title to its property located at 1805 Lemmon Street. The City will receive clear and marketable title to the property, subject only to certain City liens. The City's acceptance of this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain. The liens for 1805 Lemmon Street are itemized as follows:

## MINUTES

DHCD - cont'd

Cumulative Real Property Taxes 2009-2012

Total Tax	\$ 0.00
Interest/Penalties	0.00
Other	0.00
Tax Sale Interest	0.00
Miscellaneous Bills	125.68
Metered Water (Tax Sale)	0.00
Environmental Citation	0.00
Alley Paving Bill	0.00
Rental Registration	0.00
<b>Total Municipal Liens</b>	<b>\$ 125.68</b>

The listed municipal liens, other than the current water bills, will be administratively abated after settlement.

UPON MOTION duly made and seconded, the Board approved the acquisition of the property located at 1805 Lemmon Street by gift from Baltimore City Investors, LLC, owner, **SUBJECT** to any outstanding municipal liens other than current water bills.

## MINUTES

Department of Housing and                    - Acquisition by Gift  
Community Development (DHCD)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the acquisition of the property located at 2623 E. Biddle Street by gift from JBAP, LLC owner, **SUBJECT** to any outstanding municipal liens other than current water bills.

**AMOUNT OF MONEY AND SOURCE:**

JBAP, LLC agrees to pay for any title work and all associated settlement costs, not to exceed \$600.00 total.

**BACKGROUND/EXPLANATION:**

The DHCD, Land Resources Division, strategically acquires and manages vacant or abandoned properties, which enables these properties to be returned to productive use and improve neighborhoods in Baltimore City.

JBAP, LLC has offered to donate title to its property located at 2623 E. Biddle Street. The City will receive clear and marketable title to the property, subject only to certain City liens. The City's acceptance of this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain. The liens for 2623 E. Biddle Street are itemized as follows:

Cumulative Real Property Taxes 2009-2012

Total Tax	\$335.58
Interest/Penalties	26.24
Other	0.00
Tax Sale Interest	0.00
Miscellaneous Bills	519.97
Metered Water (Tax Sale)	0.00
Environmental Citation	0.00
Alley Paving Bill	0.00
Rental Registration	0.00
<b>Total Municipal Liens</b>	<b>\$881.79</b>



## MINUTES

DHCD - cont'd

The listed municipal liens, other than the current water bills, will be administratively abated after settlement.

UPON MOTION duly made and seconded, the Board approved the acquisition of the property located at 2623 E. Biddle Street by gift from JBAP, LLC owner, **SUBJECT** to any outstanding municipal liens other than current water bills.

**MINUTES**

Department of Housing and                    - Acquisition by Gift  
Community Development (DHCD)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the acquisition of the property located at 1105 N. Montford Avenue by gift from Mr. Herbert C. Lee, owner, **SUBJECT** to any outstanding municipal liens other than current water bills.

**AMOUNT OF MONEY AND SOURCE:**

Mr. Lee agrees to pay for any title work and all associated settlement costs, not to exceed \$600.00 total.

**BACKGROUND/EXPLANATION:**

The DHCD, Land Resources Division, strategically acquires and manages vacant or abandoned properties, which enables these properties to be returned to productive use and improve neighborhoods in Baltimore City.

Mr. Lee has offered to donate title to his property located at 1105 N. Montford Avenue. The City will receive clear and marketable title to the property, subject only to certain City liens. The City's acceptance of this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain. The liens for 1105 N. Montford Avenue are itemized as follows:

Cumulative Real Property Taxes 2009-2012

Total Tax	\$ 906.78
Interest/Penalties	141.60
Other	51.71
Tax Sale Interest	0.00
Miscellaneous Bills	1,462.96
Metered Water (Tax Sale)	84.84
Environmental Citation	1,500.00
Alley Paving Bill	0.00
Rental Registration	<u>512.20</u>
<b>Total Municipal Liens</b>	<b>\$ 4,660.09</b>

**MINUTES**

DHCD - cont'd

The listed municipal liens, other than the current water bills, will be administratively abated after settlement.

UPON MOTION duly made and seconded, the Board approved the acquisition of the property located at 1105 N. Montford Avenue by gift from Mr. Herbert C. Lee, owner, **SUBJECT** to any outstanding municipal liens other than current water bills.

**MINUTES**

Department of Housing and                    - Acquisition by Gift  
Community Development (DHCD)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the acquisition of the property located at 1222 N. Bradford Street by gift from Mr. Ned Carter, et al, owners, **SUBJECT** to any outstanding municipal liens other than current water bills.

**AMOUNT OF MONEY AND SOURCE:**

Mr. Carter, et al, agrees to pay for any title work and all associated settlement costs, not to exceed \$600.00 total.

**BACKGROUND/EXPLANATION:**

The DHCD, Land Resources Division, strategically acquires and manages vacant or abandoned properties, which enables these properties to be returned to productive use and improve neighborhoods in Baltimore City.

Ned Carter, et al, has offered to donate title to its property located at 1222 N. Bradford Street. The City will receive clear and marketable title to the property, subject only to certain City liens. The City's acceptance of this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain. The liens for 1222 N. Bradford Street are itemized as follows:

Cumulative Real Property Taxes 2009-2012

Total Tax	\$ 1,239.67
Interest/Penalties	603.08
Other	320.05
Tax Sale Interest	41,867.30
Miscellaneous Bills	8,562.29
Metered Water (Tax Sale)	718.47
Environmental Citation	0.00
Alley Paving Bill	0.00
Rental Registration	<u>27.00</u>
<b>Total Municipal Liens</b>	<b>\$53,337.86</b>

**MINUTES**

DHCD - cont'd

The listed municipal liens, other than the current water bills, will be administratively abated after settlement.

UPON MOTION duly made and seconded, the Board approved the acquisition of the property located at 1222 N. Bradford Street by gift from Mr. Ned Carter, et al, owners, **SUBJECT** to any outstanding municipal liens other than current water bills.

**MINUTES**

Department of Housing and                      - Land Disposition Agreement  
Community Development (DHCD)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a land disposition agreement with D & E Development Corporation, developer, for the sale of the City-owned property located at 5233 Saint Charles Avenue.

**AMOUNT OF MONEY AND SOURCE:**

\$5,000.00 - Purchase Price

**BACKGROUND/EXPLANATION:**

The developer has paid a good faith deposit of \$500.00.

The developer will purchase the vacant building known as 5233 Saint Charles Avenue from the City of Baltimore and rehabilitate the property for market rate rental or sale. The property is in the Arlington neighborhood and the Park Heights Urban Renewal Area. The purchase price and the improvements to the site will be financed through private sources.

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

In accordance with the City's appraisal policy, the waiver valuation process was used in lieu of an appraisal. The DHCD has determined the proposed price using available real estate data. The proposed price is \$8,444.00. The sale of this vacant property at a price below the waiver valuation proposed price will create jobs during construction, benefit the community and the property will be occupied, and returned to the tax rolls.

**MINUTES**

DHCD - cont'd

**MBE/WBE PARTICIPATION:**

The developer will purchase the property 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 participation is not applicable.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with D & E Development Corporation, developer, for the sale of the City-owned property located at 5233 Saint Charles Avenue.

**MINUTES**

Department of Housing and Community Development (DHCD)	- Agreement and Memorandum of Understanding
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**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement and memorandum of understanding (MOU) with the Housing Authority of Baltimore City (HABC).

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The HABC and DHCD entered into a Cooperation Agreement on March 29, 1950, acting pursuant to Ordinance No. 1077 as approved on March 20, 1950, that allowed the agencies to cooperate in connection with the development and operation of the public housing program of the HABC. The Cooperation Agreement has been extended and amended from time to time and on June 5, 1985, the HABC entered into an agreement with the City for services being in furtherance of the Cooperation Agreement, for the purpose of achieving the efficient and economical operation of the HABC and DHCD.

The 2013 agreement before the Board will replace the former 1985 agreement for the purpose of achieving the efficient and economical operation of the HABC and DHCD by providing for certain services and functions to be performed concurrently and cooperatively. The 2013 agreement and the related MOU will allow continuation of the efficient and economical cooperation of HABC and City in projects devoted to their mutual benefit.

The replacement of the 1985 agreement will provide clarity to the scope of services and shared ordinary operating services allowed under the agreement, and will provide more checks and balances regarding the approval of services to be rendered. The



## MINUTES

DHCD - cont'd

2013 agreement and MOU will allow continuation of the cooperation between the HABC and the City in projects devoted to their mutual benefit.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement and memorandum of understanding (MOU) with the Housing Authority of Baltimore City. The President **ABSTAINED**.

**MINUTES**

Department of Housing and - Subordination and Intercreditor  
Community Development Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve a subordination and intercreditor agreement with Burdol Limited Partnership, for the Burleith Ridge Apartments and the Dolfield Village Apartments. The Board is further requested to authorize the Commissioner of the Department of Housing and Community Development to execute all documents necessary to effectuate this transaction subject to review and approval for form and legal sufficiency by the Law Department.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On June 28, 1996, the Board approved two HOME Investment Partnership Program Loans to the Burdol Limited Partnership (the Borrower) for two project sites.

The first site, the Burleigh Ridge Apartment loan contained the original Burleigh loan in the amount of \$215,054.00 and a second HOME loan (the additional loan) in the amount of \$258,065.00. The original loan and the additional loan were consolidated and known as the HOME Loan for the rehabilitation of the Burleith Ridge Apartments located at 2613 Fairview Avenue.

The second site, the Dolfield Village Apartments Loan contained the original Dolfield Loan in the amount of \$284,946.00 and a second HOME loan (the additional Dolfield Loan) in the amount of \$341,935.00. The original loan and the additional loan were consolidated and known as the HOME Loan for the rehabilitation of Dolfield Village Apartments located at 3902 and 3903 Penhurst Avenue and 3909 Dolfield Avenue. The combined loans for the Burleith and Dolfield Apartments totaled \$1,100,000.00. The proceeds of the HOME Loans were used to assist with a portion of the rehabilitation costs of each of the properties.

## MINUTES

DHCD - cont'd

The Burleith Apartments contain 24 market rate and 16 HOME assisted units and the Dolfield Apartments contain 32 market rate units and 21 HOME assisted units. All of the HOME units are occupied by persons with incomes at or below 30%, 50% or 60% of the area median income.

The City's HOME Loans for the Burleith and Dolfield Apartments each has an interest rate of 1% per annum on sums advanced with repayment being accrued and deferred.

Each of the City's loans is secured by a second Deed of Trust and is long-term subordinated debt. The original project financing also included construction and permanent financing from Fannie Mae and Low Income Housing Tax Credits.

The Fannie Mae loan for the Burleith Ridge property has a 30 year term, an interest rate of 9.09% and an outstanding principal balance of \$699,046.54. The borrower is obligated to make monthly interest payments of \$5,295.28. There is a prepayment penalty of 1% of the outstanding balance. The combined payoff of this debt is \$711,332.29.

The Fannie Mae loan for the Dolfield Village property has a 30 year term, an interest rate of 9.09% and an outstanding principal balance of \$905,085.56. The borrower is obligated to make monthly interest payments of \$6,856.02. There is a prepayment penalty of 1% of the outstanding balance. The combined payoff of this debt is \$902,992.44.

The borrower has received a commitment from The BlueRidge Bank to refinance the existing first mortgage in the amount of \$1,650,000.00. The BlueRidge loan will bear interest at the per annum rate equal to the prime rate plus 1.25%, adjusted daily, with a floor rate of 4.50%. The prime rate is the rate published in The Wall Street Journal, or similar publication, quoting service, or commonly available source used by BlueRidge Bank for determining the prime rate of interest. The maturity date (term)

## MINUTES

DHCD - cont'd

of the loan is 15 years, interest only for the first two years of the loan. The borrower will make interest only payments on the first day of the month immediately following closing and on the first day of each succeeding month. The proceeds of this financing will be used to pay off the existing two first mortgages including accrued interest of 1% prepayment penalty for a total of \$1,632,325.00. The remaining balance of the loan will be used to pay for the legal fees and settlement costs associated with the transaction.

The owner has been attempting to refinance the project and earlier had attracted a prospective buyer who was willing to pay \$3,200,000.00. The buyer was going to use LIHTC to refinance the rehabilitation of the project but decided to pull out of the deal. The owner has received numerous offers for the purchase of the project and recent auctions have shown the market between \$35,000.00-\$40,000.00 per unit for similar properties. Allowing for fluctuation in market pricing the value of the project will equal, for the two properties, approximately \$3,255,000.00. An appraisal completed in August 9, 2012 places the market valuation of the properties at \$2,900,000.00. The owner will continue to market the property over the next 24 months in the hopes of selling the property prior to the due date of the BlueRidge debt. The owner will be personally guaranteeing full repayment of the BlueRidge loan.

The combined loan payments of each of the Fannie Mae loans are approximately \$16,109.39. With the refinancing at a lower interest rate, the new monthly payment will be \$6,200.00 which will result in a net savings of approximately \$10,000.00 per month, which will allow the owner to immediately begin paying the accrued interest owed to the City. In order for the owner to refinance the new loan the City will be required to execute a subordination and intercreditor agreement to permit the new loan to be secured in a first lien position. As a condition of the

**MINUTES**

DHCD - cont'd

Board's approval, the Department will charge the borrower a \$5,000.00 subordination fee.

**MBE/WBE PARTICIPATION:**

Article 5, Subtitle 28 of the Baltimore City Code for Minority and Women's Business Opportunity is not applicable.

**THE DEPARTMENT OF FINANCE RECOMMENDED APPROVAL.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the subordination and intercreditor agreement with Burdol Limited Partnership, for the Burleith Ridge Apartments and the Dolfield Village Apartments. The Board Further authorized the Commissioner of the Department of Housing and Community Development to execute all documents necessary to effectuate this transaction subject to review and approval for form and legal sufficiency by the Law Department.

## MINUTES

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

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

1. **SECOND CHANCE, INC.** **\$ 44,150.00**

Accounts: 4000-807513-6312-465905-603051  
4000-806713-6312-465905-603051  
4000-809413-6331-653505-603051  
1001-000000-6331-472715-603051

Second Chance, Inc. will provide Deconstruction Worker training for ten eligible participants enrolled in an on-the-job employer based customized training program. Second Chance, Inc. will provide a customized training plan for each participant prior to the start of training. Deconstruction Worker training will include learning steps to deconstruct a building and to salvage materials. Participants will develop job search skills that will enable them to obtain employment in the deconstruction tool usages, health hazard recognition and prevention, and management of salvaged materials. The period of the agreement is January 14, 2013 through June 30, 2013.

2. **SW DESIGN & COMMUNICATIONS, LLC** **\$ 3,000.00**

Accounts: 4000-807513-6312-467253-603051  
4000-806713-6312-467253-603051

SW Design & Communications, LLC will provide on-line training on those areas specified on the Maryland Higher Education Commission list. The training will consist of the program(s) described in the course or certificate curriculum outline and will include any participant attendance policies, academic benchmarks and the means of measuring achievements, completion of standards and the total hours of each course in a certificate program. The maximum time a participant can remain in training is one year. The period of the agreement is November 1, 2012 through June 30, 2013.

## MINUTES

MOED - cont'd

3. **BALTIMORE CITY COMMUNITY COLLEGE** **\$196,619.00**  
**(BCCC)**

Accounts: 4000-807513-6312-467253-603051  
          4000-806713-6312-467253-603051  
          4000-803112-6312-467253-603051

The BCCC will provide training on those areas specified on the Maryland Higher Education Commission list. The training will consist of the program(s) described in the course or certificate curriculum outline and will include any participant attendance policies, academic benchmarks and the means of measuring achievements, completion standards and the total hours of each course in a certificate program. The maximum length of time a participant can remain in training is one year. The period of the agreement is July 1, 2012 through June 30, 2013.

The agreements are late because additional time was necessary to reach a comprehensive understanding that was agreeable by both parties.

**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

Mayor's Office of Employment Development - Grant Awards

The Board is requested to approve and authorize acceptance of the various grant awards from the State of Maryland Department of Labor Licensing and Regulation. The period of the grant award is July 1, 2012 through June 30, 2013, unless otherwise indicated.

1. **EASTSIDE CAREER CENTER** **\$193,184.00**

Account: 4000-805613-6312-456000-404001

The grant will provide funds to be used to fund two Early Intervention Facilitator (Facilitator) positions. The Facilitators will be responsible for delivering an established Early Intervention curriculum to unemployment insurance claimants and other job seekers. The Facilitators will deliver the established Early Intervention curriculum and perform duties such as conducting workshops and providing guidance to jobseekers in career development, resume preparation, job seeking, and retention skills. They will also provide labor market information and software instruction.

2. **PRISON TO ONE-STOP PROJECT** **\$250,000.00**

Account: 4000-804713-6396-456000-404001

The funds will be used to provide pre and post-release services to eligible offenders who are returning to Baltimore communities. These individuals will receive life management and job readiness training.

The grant awards are late because the notification of award was not received timely.

**APPROVED FOR FUNDS BY FINANCE**

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



**MINUTES**

MOED - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the foregoing grant awards from the State of Maryland Department of Labor Licensing and Regulation.

**MINUTES**

Mayor's Office of Employment - Grant Award Agreement  
Development (MOED)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a grant award agreement with the State of Maryland Department of Labor, Licensing and Regulation (DLLR). The period of the grant agreement is July 1, 2012 through June 30, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$350,191.00 - 4000-805013-6312-456000-404001

**BACKGROUND/EXPLANATION:**

The MOED received a National Emergency Grant from the DLLR to provide professional services to laid-off workers from RG Steel. At least 250 of these laid-off workers are Baltimore City residents. The MOED will provide employment readiness and job placement services to these dislocated workers. These services will include skills assessments, career pathway exploration, job readiness training, employment options, and on-the-job training.

The grant award agreement is late because the notification of award was not received in a timely manner to prevent late submission to the Board.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the grant award agreement with the State of Maryland Department of Labor, Licensing and Regulation.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

- |  |             |             |
|--|-------------|-------------|
| 1. THERMO ELECTRON<br>NORTH AMERICA  | \$26,982.00 | Sole Source |
| Solicitation No. 08000 - Nicolet Avatar Spectrometer<br>Maintenance - Police Department - Req. No. R623735 |             |             |

The vendor is the manufacturer and sole provider of the service and maintenance of this product. The period of the award is February 27, 2013 through February 26, 2016.

- |  |             |                 |
|--|-------------|-----------------|
| 2. MARYLAND FOOD BANK  | \$26,800.00 | Selected Source |
| Solicitation No. 06000 - Food for Low Income Families -<br>Mayor's Office of Human Services - Req. No. R622900 |             |                 |

Mayor's Office of Human Services, Community Action Partnership (CAP) is a member of the Maryland Food Bank that supplies boxes of nutritional food to CAP's Fresh Beginnings Project 100 Program below retail price to programs that work with low income families in Baltimore City. The program consists of a four-week workshop that teaches nutritional education and food resources to help participants sustain a healthy lifestyle. Upon program completion, CAP distributes two boxes of food to program participants.

- |   |             |         |
|---|-------------|---------|
| 3. PROFORCE MARKETING, INC.   | \$29,787.20 | Low Bid |
| Solicitation No. B50002797 - Colt LE6946 CQB Rifles - Police<br>Department - Req. No. R621743 |             |         |
| 4. ATLANTIC EMERGENCY<br>SOLUTIONS  | \$45,140.00 | Low Bid |
| Solicitation No. 07000 - Bauer Compressor - Police Department<br>- Req. No. R621955           |             |         |

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

## 5. LAKESHORE EQUIPMENT

COMPANY d/b/a LAKESHORE

LEARNING MATERIALS	\$31,751.50	Low Bid
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Solicitation No. B50002785 - Supply and Deliver Backpacks

Filled with School Supplies - Mayor's Office of Human Services

- Req. No. R621446

## 6. ACRES AUTOMOTIVE

\$30,000.00

Only Bid

Solicitation No. B50002789 - Spray in Bedliners as Required -

Department of General Services - Req. No. R621321

The period of the award is March 1, 2013 through February 29, 2016, with two 1-year renewal options.

## 7. DISASTER RECOVERY

INSTITUTE INTERNATIONAL,

INC. (DRI)

\$60,000.00

Sole Source

Solicitation No. 08000 - Continuity of Operations Training -

Fire Department - Req. No. R624938

DRI International, Inc. is the only company accredited to certify individuals as Certified Public Sector Continuity Professionals. This certification will enhance the credibility and capability of the City's emergency response personnel.

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

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

- |  |             |         |
|--|-------------|---------|
| 8. ELLIOT & FRANTZ,<br>INC.  | \$50,000.00 | Renewal |
| Solicitation No. B50001892 - Milling Machine Teeth - Department of Transportation - P.O. No. P516810 |             |         |

On April 13, 2011, the Board approved the initial award in the amount of \$37,400.00. The award contained two 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$50,000.00 is for the period April 13, 2013 through April 12, 2014.

**MWBOO GRANTED A WAIVER.**

- |   |             |         |
|---|-------------|---------|
| 9. DOUBLE ENVELOPE  | \$86,000.00 | Renewal |
| Solicitation No. B50000770 - Water Bill Envelopes - Department of Public Works - P.O. No. P508003 |             |         |

On May 6, 2009, the Board approved the initial award to Oles Envelope Corporation in the amount of \$115,312.00. The award contained three 1-year renewal options. Subsequent actions have been approved. On April 11, 2012, Double Envelope acquired the rights, title, obligation, conditions, assets and interests of contracts from Oles Envelope Corporation. This final renewal in the amount of \$86,000.00 is for the period April 29, 2013 through April 28, 2014.

**MWBOO GRANTED A WAIVER.**

- |   |             |         |
|---|-------------|---------|
| 10. THE GARRISON COMPANY<br>LANDSCAPE DIVISION  | \$17,079.00 | Renewal |
| Solicitation No. B50001317 - Mowing & Landscaping Service for Enoch Pratt Free Library Branches - Enoch Pratt Free Library - P.O. No. P513194 |             |         |

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

On March 17, 2010, the City Purchasing Agent approved the initial award in the amount of \$17,079.00. The award contained three 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$17,079.00 is for the period April 5, 2013 through April 4, 2014.

## 11. FOLCOMER EQUIPMENT

CORPORATION	\$ 0.00	Renewal
Solicitation No. 06000 - OEM Parts and Service for Case Construction Equipment - Department of General Services, Fleet Management - P.O. No. P512373		

On April 21, 2010, the Board approved the initial award in the amount of \$200,000.00. The award contained two 1-year renewal options. This renewal is for the period May 1, 2013 through April 30, 2014, with one 1-year renewal option remaining.

**MWBOO GRANTED A WAIVER.**

## 12. HIGHER GROUND TRANSPORTATION

SERVICES, INC.	\$102,817.58	Renewal
Solicitation No. B50000924 - Transportation Service for the Sandtown-Winchester & Oliver Senior Centers - Baltimore City Health Department - P.O. No. P507574		

On April 1, 2009, the Board approved the initial award in the amount of \$167,655.00. The award contained two 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$102,817.58 is for the period April 2, 2013 through April 1, 2015.

**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

- |   |              |          |
|---|--------------|----------|
| 13. KONE INC.   | \$800,000.00 | Increase |
| Solicitation No. B50000469 - Provide Maintenance Services for Elevators for City of Baltimore - Agencies - Various - P.O. No. P502698 |              |          |

On July 2, 2008, the Board approved the initial award in the amount of \$4,053,105.00. On May 5, 2011, the Board approved a renewal. Due to increase usage of maintenance and parts, additional funds are required. This increase in the amount of \$800,000.00 will make the total award amount \$4,853,105.00. The contract expires on June 30, 2013.

**MWBOO SET GOALS OF 27% MBE AND 0% WBE.**

**MBE:** Admiral Elevators 24%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

- |   |              |         |
|---|--------------|---------|
| 14. R & S NORTHEAST, LLC  | \$ 48,698.00 | Renewal |
| Solicitation No. 06000 - Nuvaring Contraceptives - Health Department - P.O. No. P519462 |              |         |

On February 22, 2012, the Board approved the initial award in the amount of \$24,128.00. The award contained three 1-year renewal options. On August 8, 2012, the Board approved an increase in the amount of \$24,570.00. This renewal in the amount of \$48,698.00 is for the period March 1, 2013 through February 28, 2014, with two 1-year renewal options remaining.

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

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

15. JANI-KING OF BALTIMORE	\$ 73,546.00	Increase
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Solicitation No. B50001751 - Janitorial Services for the Department of General Services Area D - Department of General Services - P.O. No. P518313

On September 21, 2011, the Board approved the initial award in the amount of \$464,880.00. The award contained two 2-year renewal options. Subsequent actions have been approved. This increase in the amount of \$73,546.00 is necessary to provide funds to extend the vendor's responsibilities by adding a new location to the existing contract. This increase will make the total award amount \$1,038,001.72. The contract expires on October 15, 2014 with one 2-year renewal option remaining.

This is a requirements contract, therefore dollar amounts will vary.

**MBE:** Baltimore Janitorial Services                      20%

**WBE:** Prime Star Industries, Inc.                      10%

**MWBOO GRANTED A WAIVER.**

16. ENVIRONMENTAL SYSTEMS		
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RESEARCH INSTITUTE, INC.	\$450,000.00	Increase
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Solicitation No. 08000 - Master License Agreement - Agencies - Various - Req. Nos. Various

On February 16, 2011, the Board approved the initial award in the amount of \$400,000.00. On January 28, 2013, the City Purchasing Agent approved an increase in the amount of \$50,000.00. Due to increased usage of the contract an increase in the amount of \$450,000.00 is necessary. This increase in the amount of \$450,000.00 will make the award amount \$900,000.00. The coverage ends on February 15, 2016.



## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

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.

## 17. ASSOCIATED BUILDING

MAINTENANCE, CO. INC.	\$461,578.00	Increase
Solicitation No. B50001547 - Provide Janitorial Services for Area B - Police Department and Department of General Services - P.O. No. P515603		

On November 24, 2010, the Board approved the initial award in the amount of \$388,032.00. The award contained two 2-year renewal options. Subsequent actions have been approved. This increase in the amount of \$461,578.00 is necessary to provide funding for services and expanded services at the Police and Fire Academy through November 2, 2013. The increase makes the total award amount \$1,350,645.00.

This is a requirements contract, therefore dollar amounts will vary.

**MBE:** CJ Maintenance 17%

**WBE:** My Cleaning Service 9%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

18. FIRST CALL

THE WATERS COMPANY	\$ 20,000.00	
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SECOND CALL

CRW PARTS	0.00	
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	<u>\$ 20,000.00</u>	
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Renewal

Solicitation No. B50001371 - Tire Repair and Maintenance  
Supplies - Department of General Services - P.O. Nos. P513787  
& P513788

On April 14, 2010, the Board approved the initial award to The Waters Company and CRW Parts in the amount of \$100,000.00. The award contained two 1-year renewal options. This renewal is for the period May 1, 2013 through April 30, 2014, with one 1-year renewal option remaining.

**MWBOO GRANTED A WAIVER.**

19. TEAM SERVICE CORPORATION	\$1,500,000.00	
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OF NY		
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ELECTRIC MOTOR REPAIR	<u>500,000.00</u>	
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COMPANY		
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	<u>\$2,000,000.00</u>	
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Increase

Solicitation No. B50001986 - Repair and Maintenance Services  
for Electrical Motors up to 300 H.P. - Agencies - Various -  
P.O. Nos. P517872 and P517873

On August 10, 2011, the Board approved the initial award in the amount of \$1,424,000.00. The award contained one 2-year renewal option. On December 7, 2012, the City Purchasing Agent approved an increase in the amount of \$50,000.00. Due to the increase usage of maintenance and parts, additional funds are required. This increase in the amount of \$2,000,000.00 will make the total award amount \$3,474,000.00. The contract expires on August 9, 2014 with one 2-year renewal option remaining.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

**MWBOO SET GOALS OF 4% MBE AND 2% WBE.**

Team Services

<b>MBE:</b> Universal Electric Service	4.00%
<b>WBE:</b> Electric Master Services, Inc.	1.75%
Baltimore Electric Service, Inc.	0.25%
	<b>2.00%</b>

**MWBOO FOUND VENDOR IN COMPLIANCE.**

Electric Motor Repair Company

<b>MBE:</b>	0.00%
<b>WBE:</b>	0.00%

**MWBOO FOUND VENDOR IN NON-COMPLIANCE.**

On January 2, 2013, the vendor was found non-compliant but has committed to meeting the MBE/WBE goals per MWBOO.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

20. UNIVAR USA INC. ITEM #1	\$ 700,000.00	
KUEHNE COMPANY ITEM #2	2,500,000.00	
KLEEN RITE CORPORATION	120,000.00	
ITEM #3	<b>\$3,320,000.00</b>	Renewal

Solicitation No. B50002309 - 15% Sodium Hypochlorite -  
Department of Public Works, Bureau of Water and Wastewater -  
P.O. Nos. P520017, P520018 and P520019

On April 4, 2012, the Board approved the initial award in the amount of \$3,270,000.00. The award contained four 1-year renewal options. This renewal in the amount of \$3,320,000.00 is for the period May 1, 2013 through April 30, 2014, with three 1-year renewal options remaining.

**MWBOO GRANTED A WAIVER.**Dept. of General Services

21. ALL STATE FLOORS AND CONSTRUCTION, INC.	\$ 36,397.92	Low Bid
IC556 - Carpet Replacement for the Department of Finance located at 200 N. Holliday Street, 1 <sup>st</sup> Floor		

UPON MOTION duly made and seconded, the Board approved and authorized execution of the informal awards, renewals, increases to contracts, and extensions. The Mayor **ABSTAINED** on item no. 13. The President **ABSTAINED** on item nos. 9 and 20. The Comptroller **ABSTAINED** on item no. 17.

## MINUTES

Police Department - Grant Award Agreements and Memorandum of Agreement

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The Board is requested to approve and authorize execution of the following grant award agreements and memorandum of agreement:

GRANT AWARD AGREEMENTS

1. **MARYLAND EMERGENCY MANAGEMENT AGENCY** **\$194,000.00**

Account: 4000-473013-2023-212600-600000

The Maryland Emergency Management Agency will utilize the funds for the 2010 Buffer Zone Protection Program (BZPP). The BZPP provides funding to purchase equipment and conduct planning activities to protect, secure and reduce vulnerabilities of identified Critical Infrastructure and Key Resource (CI/KR) sites. The period of this agreement is from July 16, 2010 through May 31, 2013.

The grant award agreement is late because of the environmental and historic preservation review of the intended project.

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

2. **MAYOR'S OFFICE ON CRIMINAL JUSTICE (MOCJ)** **\$ 2,000.00**  
**AND DRUID HEIGHTS COMMUNITY DEVELOPMENT**  
**CORPORATION**

Account: 4000-497411-2252-692900-607001

On October 17, 2012, the Board approved and authorized a modification to extend the Intergovernmental Agreement with the Maryland Department of Juvenile Services. The grant partially funds awards to community groups for various

## MINUTES

Police Department - cont'd

projects throughout the City. Druid Heights Community Development Corporation is being awarded \$2,000.00 to fund an initiative designed to help youth realize the issue of animal abuse while serving the community. The funds will be used to purchase materials to build dog houses for dog owners in the Druid Heights Community. The period of the agreement is from March 26 through March 28, 2013.

Memorandum of Agreement (MOA)**3. FAMILY LEAGUE OF BALTIMORE, INC. \$20,000.00**

Account: 4000-409111-2252-690500-600000

This MOA is a sub-award of the Juvenile Screening and Diversion Grant Award. The Family League's "Parent and Youth Empowerment Program" is intended to reunify youth with their parent or legal guardian who would otherwise be detained in the Juvenile Justice System. Sixty youth will be served by this program. The Baltimore City Juvenile Screening and Diversion Program Grant extension through March 31, 2013, was approved by the Board on August 22, 2012. The period of this MOA is January 1, 2013 through March 31, 2013.

**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 grant award agreements and the memorandum of agreement.

**MINUTES**

State's Attorney Office - Grant Award Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a grant award agreement from the Governor's Office of Crime Control and Prevention (GOCCP) entitled Post-Conviction DNA Testing Assistance. The period of grant award agreement is January 1, 2013 through December 31, 2014.

**AMOUNT AND SOURCE OF FUNDS:**

\$117,000.00 - 4000-405313-1150-118200-601001

**BACKGROUND/EXPLANATION:**

The GOCCP has awarded the grant to State's Attorney's Office to fund a Post-Conviction DNA Testing Assistance Program. The program will provide expeditious identification and review of cases in which innocent persons may have been convicted of a violent crime they did not commit and in which post-conviction DNA testing could resolve the claim. The grant funds provide for the salary of a full-time paralegal position for two years.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the grant award agreement from the Governor's Office of Crime Control and Prevention entitled Post-Conviction DNA Testing Assistance.

**MINUTES**

Department of Finance - Capital Projects Grant Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a capital projects grant agreement with the State of Maryland.

**AMOUNT OF MONEY AND SOURCE:**

\$2,500,000.00 - 9910-903419-9588-900000-704045

**BACKGROUND/EXPLANATION:**

The State of Maryland has provided capital funds to the City as part of its long-standing commitment to the revitalization of East Baltimore. The 2011 Maryland General Assembly approved \$2,500,000.00 in State Capital Funds to be used for demolition in the East Baltimore Biotechnology Project area. The funds required a 1:1 match, which is being met with Community Development Block Grant Funds that the City will be providing to East Baltimore Development, Inc. (EBDI). The State Funds are appropriated in the Department of Housing and Community Development's Fiscal Year 2012 Capital Budget.

The State of Maryland requires that the City execute a grant agreement before funds can be made available. Once the grant agreement is executed by the City and approved by the State's Board of Public Works, the City will execute a separate grant agreement with East Baltimore Development Inc. regarding specific usage and conditions for the State Funds.

**MBE/WBE PARTICIPATION:**

Minority and Women's Business participation requirements are established as part of an approved Land Disposition and Development Agreement with EBDI.



## MINUTES

Department of Finance - cont'd

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the capital projects grant agreement with the State of Maryland.

**MINUTES**

Department of Finance - Supplementary Special Fund  
Operating Appropriation

**ACTION REQUESTED OF B/E:**

The Board is requested to approve a supplementary special fund operating appropriation to the Mayor's Office of Employment Development, Service 793 (Employment Enhancement Services for Baltimore City Residents).

**AMOUNT OF MONEY AND SOURCE:**

\$128,889.00 - The source of funds for this appropriation is a grant from the Association of Baltimore Area Grant Makers.

**BACKGROUND/EXPLANATION:**

This supplementary special fund operating appropriation is necessary to provide workforce services that enhance job readiness and employment outcomes to Baltimore's low-income communities.

**MBE/WBE PARTICIPATION:**

N/A

UPON MOTION duly made and seconded, the Board approved supplementary special fund operating appropriation to the Mayor's Office of Employment Development, Service 793 (Employment Enhancement Services for Baltimore City Residents).

The President **ABSTAINED**.

**MINUTES**

Department of Finance - Supplementary Special Fund  
Operating Appropriation

**ACTION REQUESTED OF B/E:**

The Board is requested to approve a supplementary special fund operating appropriation to the Mayor's Office of Employment Development, Service 797 (Career Center Services).

**AMOUNT OF MONEY AND SOURCE:**

\$69,617.00 - The source of funds for this appropriation is a grant from the East Baltimore Development Incorporated.

**BACKGROUND/EXPLANATION:**

This supplementary special fund operating appropriation is necessary to provide job readiness, remedial education, and occupational outcomes for targeted populations within the East Baltimore Development Pipeline.

**MBE/WBE PARTICIPATION:**

N/A

UPON MOTION duly made and seconded, the Board approved supplementary special fund operating appropriation to the Mayor's Office of Employment Development, Service 797 (Career Center Services). The President **ABSTAINED**.

**MINUTES**

Department of Finance - Supplementary State Fund  
Operating Appropriation

**ACTION REQUESTED OF B/E:**

The Board is requested to approve a supplementary State fund operating appropriation to the Police Department, Service 623 (Crime Investigation).

**AMOUNT OF MONEY AND SOURCE:**

\$32,400.00 - The source of funds for this appropriation will come from a reimbursement from the State of Maryland, Department of Public Safety and Correctional Services.

**BACKGROUND/EXPLANATION:**

The State of Maryland, through the Department of Public Safety and Correctional Services, reimbursed the amount of \$32,400.00 to the Police Department for processing registrations, statements, fingerprints, photographs, and performing community notification requirements. This supplemental request will give the Department the budget authority to spend these funds for sex offender registry and compliance services.

**MBE/WBE PARTICIPATION:**

N/A

UPON MOTION duly made and seconded, the Board approved supplementary State fund operating appropriation to the Police Department, Service 623 (Crime Investigation). The President

**ABSTAINED.**

**MINUTES**

Department of Finance - Supplementary Federal Fund  
Operating Appropriation

**ACTION REQUESTED OF B/E:**

The Board is requested to approve a supplementary Federal fund operating appropriation to the Mayor's Office of Criminal Justice (MOCJ), Service 758 (Coordination of Public Safety Strategy).

**AMOUNT OF MONEY AND SOURCE:**

\$938,773.00 - The source of funds for this appropriation will come from a grant from the United States Department of Justice.

**BACKGROUND/EXPLANATION:**

The United States, through its Department of Justice, has approved an award of \$938,773.00 to the MOCJ for the McElderry Park Revitalization Coalition Project. The Project aims to improve community safety by designing and implementing effective, comprehensive approaches to addressing crime within the neighborhood, as a part of a broader strategy to enhance neighborhood revitalization through cross-sector community-based partnerships.

The goals of this project are to reduce the incidences of juvenile crime, violent crime, and to find alternatives to criminal activity for the residents of McElderry Park.

**MBE/WBE PARTICIPATION:**

N/A

UPON MOTION duly made and seconded, the Board approved the supplementary Federal fund operating appropriation to the Mayor's Office of Criminal Justice, Service 758 (Coordination of Public Safety Strategy). The President **ABSTAINED**.

**MINUTES**

Department of Finance - Supplementary Federal and State  
Operating Appropriations

**ACTION REQUESTED OF B/E:**

The Board is requested to approve a supplementary Federal fund operating appropriation to the State's Attorney's Office for Service 115 (Prosecution of Criminals) and a supplementary State fund operating appropriation to the State's Attorney's Office for Service 781 (Administration - State's Attorney).

**AMOUNT OF MONEY AND SOURCE:**

\$117,000.00 - The source of funds for this appropriation will come from a grant - Post-Conviction DNA Testing Assistance from State of Maryland, Governor's Office of Crime Control and Prevention.

500,000.00 - The source of funds for this appropriation will

**\$617,000.00** come from a grant - Post-Conviction DNA Testing Assistance from the State of Maryland, Governor's Office of Crime Control and Prevention  
Control and Prevention Grant entitled Office Consolidation

**BACKGROUND/EXPLANATION:**

The State of Maryland, through its Governors Office of Crime Control and Prevention has approved two awards totaling \$617,000.00 to the State's Attorney's Office.

The Post-Conviction DNA Testing Assistance award will fund 2 paralegal positions that will process requests for post-conviction DNA testing by defendants who have been convicted of violent crimes and assert that such testing will demonstrate that they did not commit the crimes. The Office Consolidation award will fund rent for the new office space. This supplemental request will give the Office of the State's Attorney the budget authority to spend these funds.

## MINUTES

Department of Finance - cont'd

**MBE/WBE PARTICIPATION:**

N/A

UPON MOTION duly made and seconded, the Board approved the supplementary Federal fund operating appropriation to the State's Attorney's Office for Service 115 (Prosecution of Criminals) and a supplementary State fund operating appropriation to the State's Attorney's Office for Service 781 (Administration - State's Attorney). The President **ABSTAINED**.

**MINUTES**

Department of Finance - Supplementary Federal Fund  
Operating Appropriation

**ACTION REQUESTED OF B/E:**

The Board is requested to approve a supplementary Federal fund operating appropriation to the Mayor's Office of Employment Development (MOED), Service 799 (Operation Safe Kids).

**AMOUNT OF MONEY AND SOURCE:**

\$177,792.00 - The source of funds for this appropriation are the Federal Second Chance Act grant and the Maryland Department of Juvenile Service grant awarded to Baltimore City Health Department Office of Youth Violence Prevention.

**BACKGROUND/EXPLANATION:**

This supplementary Federal fund operating appropriation is necessary to fund a contract between the Baltimore City Health Department and the MOED. This contract involves the hiring of 1) a Career Navigator (1.0 FTE) who will provide employment services to youth enrolled in Operation Safe Kids and 2) a Program Monitor (0.5 FTE) who will oversee the internship program for 50 Operation Safe Kids participants.

**MBE/WBE PARTICIPATION:**

N/A

UPON MOTION duly made and seconded, the Board approved the supplementary Federal fund operating appropriation to the Mayor's Office of Employment Development (MOED), Service 799 (Operation Safe Kids). The President **ABSTAINED**.



**MINUTES**

Department of Finance - Supplementary Federal Fund  
Operating Appropriation

**ACTION REQUESTED OF B/E:**

The Board is requested to approve a supplementary Federal fund operating appropriation to the Mayor's Office of Employment Development (MOED), Service 797 (Workforce Services for Out-of-School Youth - Youth Opportunity).

**AMOUNT OF MONEY AND SOURCE:**

\$1,426,226.00 - The source of funds for this appropriation is a grant from the United States Department of Labor, Employment and Training Administration

**BACKGROUND/EXPLANATION:**

This supplementary Federal fund operating appropriation is necessary to provide juvenile offenders ages 18 - 24 years with a menu of services such as community service learning opportunities, educational interventions, career development, and post-program support and follow-up.

**MBE/WBE PARTICIPATION:**

N/A

UPON MOTION duly made and seconded, the Board approved the supplementary Federal fund operating appropriation to the Mayor's Office of Employment Development (MOED), Service 797 (Workforce Services for Out-of-School Youth - Youth Opportunity). The President **ABSTAINED**.

**MINUTES**Department of Finance - Extensions to Master Custody Agreements**ACTION REQUESTED OF B/E:**

The Board is requested to approve extensions to four Master Custody Agreements with the Bank of New York Mellon (Mellon):

- a. Employees' Retirement System (ERS),
- b. Elected Officials' Retirement System (EOR),
- c. Fire and Police Employees' Retirement Systems (F&P), and
- d. Retiree Benefits Trust of the City of Baltimore (RBT).

The period of the extension for the ERS, EOS and the RBT agreement is for six months through August 31, 2013. The period of the extension for the F&P is for four months through June 30, 2013.

**AMOUNT OF MONEY AND SOURCE:**

No General Funds are involved in this transaction.

\$53,000.00 - approximate custodial fee for ERS and EOS extension period

\$50,000.00 - approximate custody fee for F&P services during extension period.

Mellon does not charge additional fees for custodial services for the RBT and no fees will be payable during the RBT extension period.

**BACKGROUND/EXPLANATION:**

On March 1, 2006, the Board approved the current Retirement Systems' Custody Agreements with Mellon. On June 27, 2007, the Board approved the current Custody Agreement for the Retiree Benefits Trust. The Director of Finance is the proper signatory for these agreements in his capacity as custodian of all moneys and securities of the Retirement Systems and Retiree Benefits Trust under Article VII, Section 18(a) of the Baltimore City Charter, which authorizes the Director of Finance to contract with banks to perform his custodial responsibilities.

**MINUTES**Department of Finance - cont'd

Over the last several months, the ERS and F&P Boards of Trustees, with the assistance of their investment consultants, have, respectively, conducted national searches for custodial services for the Retirement Systems and the Retiree Benefits Trust. The ERS Board has narrowed the search to two finalists who were interviewed at the Board's February 21, 2013 meeting. A custody agreement will be negotiated with the bank once the ERS Board makes its final recommendation to Finance. At its December 12, 2012 meeting, the F&P Board recommended that F&P custody be awarded to Mellon. A custody agreement is in the process of being negotiated with the bank. The existing custody agreements with Mellon expire on February 28, 2013. The extension assure the continuation of custodial services under the existing agreements while new agreements are finalized and any necessary transition of custodian services occurs.

**MBE/WBE PARTICIPATION:**

The Minority and Women's Business Opportunity Office waived MBE/WBE utilization requirements for the original contracts and has advised that the original waivers apply to the extensions.

UPON MOTION duly made and seconded, the Board approved the extensions to four Master Custody Agreements with the Bank of New York Mellon: the Employees' Retirement System, the Elected Officials' Retirement System, the Fire and Police Employees' Retirement Systems, and the Retiree Benefits Trust of the City of Baltimore. The Comptroller **ABSTAINED**.

**MINUTES**

Department of Transportation - Rescission of Extra Work Order

**ACTION REQUESTED OF B/E:**

The Board is requested to rescind the previously approved Extra Work Order No. 1 under TR 12318, I-83 & 29<sup>th</sup> Street Repairs.

**AMOUNT OF MONEY AND SOURCE:**

\$4,728.65 - 9950-907455-9508-900010-702064

**BACKGROUND/EXPLANATION:**

On December 12, 2012, the Board approved the final extra work order no. 1 under project TR 12318, I-83 & 29<sup>th</sup> Street Repairs for the amount of \$4,728.65. However, the extra work order did not include the increased cost for the quantities needed to complete the construction. The final extra work order No. 1 will be resubmitted as the final extra work order No. 2, under Project 12318 in the near future.

UPON MOTION duly made and seconded, the Board rescinded the previously approved Extra Work Order No. 1 under TR 12318, I-83 & 29<sup>th</sup> Street Repairs.

**MINUTES**Department of Transportation - Task Assignment**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 5 to URS Corporation, under On Call Transportation Project No. 1123, Planning/Policy/Feasibility Studies.

**AMOUNT OF MONEY AND SOURCE:**

\$278,071.85 - 1001-000000-6971-659100-603050

**BACKGROUND/EXPLANATION:**

The URS Corporation will provide specialized monitoring services for the Baltimore City Automated Traffic Violation Enforcement System (ATVES) ensure confidentiality of proprietary information and that ATVES protocols and policies are properly implemented. The URS Corporation will also attend meetings and prepare monthly progress reports.

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**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. 5 to URS Corporation, under On Call Transportation Project No. 1123, Planning/Policy/Feasibility Studies.

**MINUTES**Department of Transportation - Task Assignment**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 9 to STV, Inc. under On Call Design Consultant Service for Federal Aid Resurfacing and Reconstruction Project 1113.

**AMOUNT OF MONEY AND SOURCE:**

\$333,402.74 - 9950-903057-9512-900010-703032

**BACKGROUND/EXPLANATION:**

The STV, Inc will provide design services for intersection improvements and prepare contract advertisement documents for five locations within Baltimore City, which include: Frankford Avenue & Corse Avenue, Frankford Avenue & Hamilton Avenue, Falls Road & Northern Parkway, Liberty Heights Avenue & Rogers Avenue, and 33<sup>rd</sup> Street & Loch Raven Boulevard.

**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. 9 to STV, Inc. under On Call Design Consultant Service for Federal Aid Resurfacing and Reconstruction Project 1113.

**MINUTES**Department of Transportation - Task Assignment**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of task no. 012, to McCormick Taylor, Inc., under Project 1123, On-Call Transportation Planning/Policy/Feasibility Studies.

**AMOUNT OF MONEY AND SOURCE:**

\$77,322.58 - 9950-904175-9527-900020-703032

**BACKGROUND/EXPLANATION:**

This authorization provides for updating the 2006 Bicycle Master Plan to reflect accomplishments and plan for the next ten years in bicycle infrastructure, programming, and policy changes. The scope of work includes, but is not limited to project management, assistance with public meetings, preparation of meeting display materials, preparation of a hearing presentation, assistance with the online survey, and drafting a master plan.

**MBE/WBE PARTICIPATION:**

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

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**APPROVED FOR FUNDS BY FINANCE**

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

**MINUTES**Department of Transportation - cont'd

UPON MOTION duly made and seconded, the Board approved the assignment of task no. 012, to McCormick Taylor, Inc., under Project 1123, On-Call Transportation Planning/Policy/Feasibility Studies.



**MINUTES**

Department of Transportation - Amendment No. 1 to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 1 to agreement with McCormick Taylor, Inc. under Project No. 1123, On-Call Transportation Planning/Policy/Feasibility Studies. The amendment no. 1 will extend the period of the agreement through February 22, 2014.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On February 23, 2011, the Board approved the original agreement in the amount of \$1,500,000.00 with McCormick Taylor, Inc. to perform feasibility analysis and alternative development for highway, bridge, bicycle, and transit project services for a two-year period. The Department is now requesting an additional one-year time extension under amendment no. 1 to permit the completion of various ongoing design tasks.

**MBE/WBE PARTICIPATION:**

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

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS NOTED THE TIME EXTENSION AND WILL REVIEW TASK ASSIGNMENTS.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment no. 1 to agreement with McCormick Taylor, Inc. under Project No. 1123, On-Call Transportation Planning/Policy/Feasibility Studies.

**MINUTES**

Department of Transportation - On-Call Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an on-call agreement with Rummel, Klepper & Kahl, LLP/Johnson, Mirmiran & Thompson, Inc. (Joint Venture), under Project No. 1175, On-Call Bridge Design Services. The period of the agreement is effective upon Board approval for three years, or until the upset limit is reached, whichever comes first.

**AMOUNT OF MONEY AND SOURCE:**

\$2,000,000.00 - Upset limit (To be determined with each individual project - No funds are required at this time)

**BACKGROUND/EXPLANATION:**

The Department of Transportation has negotiated and procured the consulting agreement approved by the Office of Board and Commissions and the Architectural and Engineering and Awards Commission and now desires to utilize the services of the Joint Venture.

The cost of services rendered will be on actual payroll rates not including overhead and burdens, times a set multiplier. The payroll rates and multiplier have been reviewed by the Department of Audits.

The consultant will assist the Transportation Engineering & Construction Division by providing bridge design services including, but not limited to bridge inspections, attending meetings, plans, specifications, and cost estimates.

**MBE/WBE PARTICIPATION:**

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

## MINUTES

Transportation - cont'd

<b>MBE:</b> EBA Engineering, Inc.	\$100,000.00	5.00%
Alvi Associates, Inc	160,000.00	8.00%
Mercado Consultants,, Inc.	120,000.00	6.00%
RJM Engineering, Inc.	160,000.00	8.00%
<b>Total</b>	<b>\$540,000.00</b>	<b>27.00%</b>
 <b>WBE:</b> M&N Engineering and	\$ 60,000.00	3.00%
Diving Services, Inc.		
Constellation Design Group,	80,000.00	4.00%
Inc.		
The Robert B. Balter Co.	60,000.00	3.00%
<b>Total</b>	<b>\$200,000.00</b>	<b>10.00%</b>

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the on-call agreement with Rummel, Klepper & Kahl, LLP/Johnson, Mirmiran & Thompson, Inc. (Joint Venture), under Project No. 1175, On-Call Bridge Design Services.

**MINUTES**

Department of Transportation - Consultant Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a consultant agreement with Steven Winter Design a Division of Steven Winter Associates, Inc. The period of the agreement is effective upon Board approval for 1-year.

**AMOUNT OF MONEY AND SOURCE:**

\$11,228.00 - 9950-915033-9527-900020-705032

**BACKGROUND/EXPLANATION:**

On June 30, 2010, the Board approved a consultant agreement with Steven Winter Associates, Inc. to perform a quality assurance review of engineering plans in order to comply with Federal ADA design guidelines at the Claremont/Freedom Village (Orchard Ridge) project.

Under this agreement Steven Winter Design a Division of Steven Winter Associates, Inc., will ensure that the construction of sidewalks, parking space and handicap ramps comply with Federal ADA guidelines.

**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 consultant agreement with Steven Winter Design a Division of Steven Winter Associates, Inc.

**MINUTES**

Department of Transportation - Lease Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a conduit lease agreement with Bluestar Technologies, Inc., lessee.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

Bluestar Technologies, Inc., a new user, is requesting to lease conduit space in the City's Conduit System. This is their first request and the initial linear footage installation is unknown. Any and all linear footage installed will be billed semi-annually at a rate of \$0.95 per linear foot.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the conduit lease agreement with Bluestar Technologies, Inc., lessee.

**MINUTES**Bureau of Water & Wastewater - Task Assignment**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 005 to Johnson, Mirmiran & Thompson, Inc. (JMT) Inc., under Project No. 1138J, On-Call Environmental Engineering Services. The duration of the task is 34 weeks.

**AMOUNT OF MONEY AND SOURCE:**

\$399,302.11 - 9960-905136-9557-900020-703032

**BACKGROUND/EXPLANATION:**

Under Task No. 005, JMT, Inc. will provide engineering design services related to replacement of existing water mains identified by the City at Falls Road and vicinity. The scope of work includes, preparation of contract documents, including plans, specifications, cost estimates, permit applications, community meetings and right-of-ways, etc.

**APPROVED FOR FUNDS BY FINANCE**

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

**MINUTES**BW&WW - cont'd**TRANSFER OF FUNDS**

<b><u>AMOUNT</u></b>	<b><u>FROM ACCOUNT</u></b>	<b><u>TO ACCOUNT</u></b>
<b>\$450,000.00</b>	9960-909100-9558	9960-905136-9557-900020-3
Water Rev.	Constr. Res.	Engineering
Bonds	Water Infra- structure	

The funds are required to cover the cost of Project 1138J, On-call Environmental Engineering Services.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 005 to Johnson, Mirmiran & Thompson, Inc. under Project No. 1138J, On-Call Environmental Engineering Services. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter. The President **ABSTAINED.**

**MINUTES**Bureau of Water and Wastewater - Task Assignment**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 011, to Rummel, Klepper & Kahl, LLP, under Project 1143, On-Call Construction, Inspection, Engineering, and Scheduling Services. The duration of this task is 12 months.

**AMOUNT OF MONEY AND SOURCE:**

\$ 26,070.50 - 9956-905611-9551-900020-705032 (S.C. 866)  
26,070.50 - 9956-905641-9551-900020-705032 (S.C. 875)  
26,070.50 - 9956-904564-9551-900020-705032 (S.C. 877)  
26,070.50 - 9956-905565-9551-900020-705032 (S.C. 882)  
26,070.50 - 9960-905696-9557-900020-705032 (W.C. 1150)  
26,070.50 - 9960-902731-9557-900020-705032 (W.C. 1131)  
**\$156,423.00**

**BACKGROUND/EXPLANATION:**

The consultant will provide constructability reviews on S.C. 866, Improvements to the SW Pressure Sewer Pipe-Phase I, S.C. 875, Rehabilitation/Replacement SW Diversion Pressure/Gravity Sewer Phase III, S.C. 877, ENR Process at Back River Wastewater Treatment Plant, S.C. 882, ENR at Back River Wastewater Treatment Plant, Phase II, W.C. 1131, Water Recycling Facilities at Montebello Filtration Plants, and W.C. 1150, Chlorine Handling Safety Improvements.

**MWBOO FOUND VENDOR IN COMPLIANCE.**

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



## MINUTES

Bureau of Water & Wastewater - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 76,900.00	9956-905609-9549	
Wastewater	Construction Reserve	
Revenue Bonds	SW Diversion Pressure	
	Sewer	
123,100.00	" "	
<u>Baltimore Co.</u>		
<b>\$200,000.00</b>	-----	9956-905641-9551-5
		Inspection

The funds are needed to cover the cost for Project 1143, On-Call Inspection Services.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 011, to Rummel, Klepper & Kahl, LLP, under Project 1143, On-Call Construction, Inspection, Engineering, and Scheduling Services. The duration of this task is 12 months. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter. The President **ABSTAINED**.

**MINUTES**Bureau of Water and Wastewater - Task Assignment**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 013, to Rummel, Klepper & Kahl, LLP, under Project 1143 (S.C. 829, S.C. 8526, S.C. 870, and S.C. 863), Inspection Services. The duration of this task is nine months.

**AMOUNT OF MONEY AND SOURCE:**

\$ 10,325.00 - 9956-904561-9551-900020-703032 (S.C. 829)  
20,650.00 - 9956-907526-9551-900020-703032 (S.C. 8526)  
61,650.00 - 9956-902685-9551-900020-703032 (S.C. 870)  
10,325.00 - 9956-904532-9551-900020-703032 (S.C. 863)  
**\$103,250.00**

**BACKGROUND/EXPLANATION:**

The consultant will provide inspection staff for S.C. 829, Primary Settling Tanks at Back River Wastewater Treatment Plant, S.C. 8526, Sludge Digester Facilities at the Back River Wastewater Treatment Plant, S.C. 870, Scum/Grease System Improvements at Back River Wastewater Treatment Plant, and S.C. 863, Parking Lots and Other Outdoor Improvements to the Administration Building at the Back River Wastewater Treatment Plant.

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**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. 013, to Rummel, Klepper & Kahl, LLP, under Project 1143 (S.C. 829, S.C. 8526, S.C. 870, and S.C. 863), Inspection Services. The President **ABSTAINED**.

**MINUTES**Bureau of Water and Wastewater - Task Assignment**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 014, to Rummel, Klepper & Kahl, LLP, under Project 1143 (S.C. 852R, W.C. 1160R, W.C. 1168, and S.C. 863), On-Call Data Acquisition, Categorization, and Input and Scheduling Services. The duration of this task is nine months.

**AMOUNT OF MONEY AND SOURCE:**

\$	5,862.95	-	9956-901533-9551-900020-705032	(S.C. 852R)
	5,862.95	-	9960-904694-9557-900010-705032	(W.C. 1160R)
	5,862.96	-	9960-904727-9557-900020-705032	(W.C. 1168)
	9,185.62	-	9956-904532-9551-900020-705032	(S.C. 863)
	26,408.69	-	2070-000000-5601-399200-705032	(Waste Water Utility)
	26,408.69	-	2070-000000-5601-400200-705032	(Waste Water Utility)
	26,408.69	-	2071-000000-5601-398500-705032	(Water Utility)
	26,408.69	-	2071-000000-5601-400200-705032	(Water Utility)
	<u>\$132,409.24</u>			

**BACKGROUND/EXPLANATION:**

The consultant will provide data acquisition, categorization, and input for the Bureau's Capital Projects, and scheduling services for S.C. 852R, Denitrification Filters and Related Work for the Enhanced Nutrient Removal Facilities at the Patapsco Wastewater Treat Plant, W.C. 1160R, Montebello Finished Water Cover, W.C. 1168, Deer Creek Pump Station Improvements, and S.C. 863, Emergency Environmental Engineering Services, in

**MINUTES**

BW&WW - cont'd

accordance with its proposal dated November 14, 2012.

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**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. 014, to Rummel, Klepper & Kahl, LLP, under Project 1143 (S.C. 852R, W.C. 1160R, W.C. 1168, and S.C. 863), On-Call Data Acquisition, Categorization, and Input and Scheduling Services. The President **ABSTAINED.**

**MINUTES**Bureau of Water and Wastewater - Task Assignment**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 015, to Rummel, Klepper & Kahl, LLP, under Project 1143 (W.C. 1203, W.C. 1236, and W.C. 1237), On-Call Inspection Services. The duration of this task is eight months.

**AMOUNT OF MONEY AND SOURCE:**

\$ 50,153.40	-	9960-910703-9557-900020-705032	(W.C. 1203)
16,717.80	-	9960-906653-9557-900020-705032	(W.C. 1236)
16,717.80	-	9960-906653-9557-900020-705032	(W.C. 1237)
<u>\$ 83,589.00</u>			

**BACKGROUND/EXPLANATION:**

The consultant will provide inspection services for W.C. 1203, Infrastructure Rehabilitation at Various Locations, W.C. 1236, Meter Installation and Replacement North Baltimore, and W.C. 1237, Meter Installation and Replacement NE Baltimore, in accordance with its proposal dated November 27, 2012.

**MWBOO FOUND VENDOR IN COMPLIANCE.****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. 015, to Rummel, Klepper & Kahl, LLP, under Project 1143 (W.C. 1203, W.C. 1236, and W.C. 1237), On-Call Inspection Services. The President **ABSTAINED**.

**MINUTES**Bureau of Water and Wastewater - Task Assignment**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 020, to Rummel, Klepper & Kahl, LLP, under Project 1120R (S.C. 829 and S.C. 8526), Inspection Services. The duration of this task is 12 months.

**AMOUNT OF MONEY AND SOURCE:**

\$ 73,662.78 - 9956-904561-9551-900020-703032  
73,662.77 - 9956-907526-9551-900020-703032  
\$147,325.55

**BACKGROUND/EXPLANATION:**

The consultant will provide inspection services for S.C. 829, Primary Settling Tanks at Back River Wastewater Treatment Plant and S.C. 8526, Sludge Digester Facilities at the Back River Wastewater Treatment Plant, in accordance with their proposal dated August 1, 2012.

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the assignment of Task No. 020, to Rummel, Klepper & Kahl, LLP, under Project 1120R (S.C. 829 and S.C. 8526), Inspection Services. The President **ABSTAINED.**

**MINUTES**

Bureau of Water and Wastewater - Amendment No. 1 to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 1 to agreement with Dewberry & Davis LLC., for Project No. 1155, Replacement and Rehabilitation of Distribution Mains and Appurtenances in Identified Areas. The amendment no. 1 extends the agreement through March 21, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$300,000.00 - 9960-905659-9557-900020-703032

138,084.46 - 9960-906653-9557-900020-703032

**\$438,084.46**

**BACKGROUND/EXPLANATION:**

On December 21, 2011, the Board approved the original agreement for two years with the Consultant. The original agreement currently expires on December 21, 2013.

Under amendment no. 1 to agreement, the Consultant will provide the construction phase services for 1) four meter setting installation contracts, 2) small water main replacements at Carver Vo-Tech High School area, under W.C. 1224, 3) small water main replacements at W. Forest Park Avenue/Mohawk Avenue, and Keswick Road area, under W.C. 1225R, and 4) other cleaning and lining and small water main replacement contracts. In order to fulfill these additional tasks, the Bureau is requesting an extension of the agreement through March 21, 2014. All other terms and conditions of the agreement will remain unchanged.

**MBE/WBE PARTICIPATION:**

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

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

## MINUTES

Bureau of Water and Wastewater - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<b>\$400,000.00</b>	9960-909100-9558	9960-905659-9557-
Water Rev.	Constr. Reserve	900020-3
Bonds	Water Infrastructure	Engineering

The funds are required to cover the costs of Project No. 1155, Amendment No. 1, Replacement/Rehabilitation of Distribution Mains and Appurtenances.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment no. 1 to agreement with Dewberry & Davis LLC., for Project No. 1155, Replacement and Rehabilitation of Distribution Mains and Appurtenances in Identified Areas. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter. The President **ABSTAINED**.



<b>MBE:</b>	Peer Consultants, P.C.	\$6,165.08	9.07%
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**MINUTES**

Bureau of Water and Wastewater - cont'd

**WBE:** Phoenix Engineering, Inc.      \$2,364.99      3.48%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with EBA Engineering, Inc., for S.C. 863, Post Award Services Parking Lot and Other Outdoor Improvements to the Administration Building at The Back River Wastewater Treatment Plant. The President **ABSTAINED.**

**MINUTES**Bureau of Water and Wastewater - Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with CC Johnson & Maholtra, P.C., for S.C. 888, Post Award Services for McComas Street Pumping Station and Force Main Upgrade. The period of the agreement is effective upon Board approval for two years or until the upset limit is reached, whichever occurs first.

**AMOUNT OF MONEY AND SOURCE:**

\$188,369.30 - 9956-905752-9551-900020-703032

**BACKGROUND/EXPLANATION:**

The Consultant designed McComas Street Pumping Station and Force Main Upgrade under S.C. 888. The Bureau wishes to retain the Consultant for post award services. The services will include coordination, submittal reviews, maintaining a status log, monitoring testing requirements and results, conducting site visits, responding to requests for information, evaluating change orders, attending progress meetings, finalizing record drawings and prepare operation and maintenance manuals. The Consultant will provide conditional and final inspections. The Consultant was approved by the Office of Boards and Architectural and Engineering Award Commission.

**MBE/WBE PARTICIPATION:**

<b>MBE:</b>	Shah & Associates, Inc.	\$35,000.04	18.58%
	Environ-Civil Engineering, Ltd.	<u>15,729.86</u>	<u>8.35%</u>
		\$50,729.90	26.93%

## MINUTES

Bureau of Water and Wastewater - cont'd

<b>WBE:</b> Carroll Engineering, Inc.	\$18,599.90	9.87%
Russell Corrosion	<u>1,948.00</u>	<u>1.03%</u>
Consultants, Inc.	\$20,547.90	10.90%

**MWBO FOUND VENDOR IN COMPLIANCE.**

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with CC Johnson & Maholtra, P.C., for S.C. 888, Post Award Services for McComas Street Pumping Station and Force Main Upgrade. The President

**ABSTAINED.**

**MINUTES**

Bureau of Water and Wastewater - Task Assignment

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 020, to EMA, Inc. under Project 1082, On-Call Process Control & Scada Engineering. The duration of this task is January 2013 to July 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$127,663.36 - 9960-904640-9557-900020-703032

**BACKGROUND/EXPLANATION:**

The consultant will complete Phase I of Customer Information System - Utility Billing System. Phase I will create written business rules, review and evaluates vendor technologies and draft a request for qualifications to advertise and receive bids for a new Customer Information System - Utility Billing System.

**MWBOO FOUND VENDOR IN COMPLIANCE.**

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

**MINUTES**BW&WW - cont'd**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$250,000.00	9960-9558-906133	
Water Utility	Constr. Res. Meter	
Funds	Replacement	
250,000.00	" "	
<u>Counties</u>		
<b>\$500,000.00</b>	-----	9960-904640-9557-3 Engineering

The funds are required to cover the cost of services for the review and validation of the Customer Information System - Utility Billing.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 020, to EMA, Inc. under Project 1082, On-Call Process Control & Scada Engineering. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter. The President **ABSTAINED**.

**MINUTES**

Bureau of Water and Wastewater - On-Call Task Assignment

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 017 to Rummel, Klepper & Kahl, LLP. under Project No. 1143, On-Call Project Management Services on SC 898, SC 899, SC 900, WC 1236 and WC 1237.

**AMOUNT OF MONEY AND SOURCE:**

\$ 68,154.60	-	9956-907646-9551-900020-705032	SC 898
68,154.60	-	9956-903645-9551-900020-705032	SC 899
68,154.60	-	9956-905644-9551-900020-705032	SC 900
11,359.10	-	9956-906653-9557-900020-705032	WC 1236
11,359.10	-	9956-906653-9557-900020-705032	WC 1237
<u>\$227,182.00</u>			

**BACKGROUND/EXPLANATION:**

Under Task No. 017, the Consultant will provide Project Management services for SC 898, Improvements to Sanitary Sewer in Stony Run Area in the Jones Falls Sewershed, SC 899, Improvements to Sanitary Sewers in Western Run Areas in the Jones Falls Sewershed, SC 900, Design of Improvements to the Jones Falls Sewershed Collection System, WC 1236, Meter Setting Installation and Replacement, Northwest Baltimore, and WC 1237 Meter Setting Installation and Replacement, Northeast Baltimore in accordance with their proposal dated December 30, 2012.

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**APPROVED FOR FUNDS BY FINANCE**

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

**MINUTES**

BW&WW - cont'd

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 017 to Rummel, Klepper & Kahl, LLP. under Project No. 1143, On-Call Project Management Services on SC 898, SC 899, SC 900, WC 1236 and WC 1237. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter. The President **ABSTAINED.**



**MINUTES**Bureau of Water and Wastewater - Ratification of Services**ACTION REQUESTED OF B/E:**

The Board is requested to ratify services provided and approve an expenditure of funds to pay Alpha Construction and Engineering Corporation (T/A Alpha Corporation) for services rendered.

**AMOUNT OF MONEY AND SOURCE:**

\$ 5,561.46 - 9960-913631-9557-900020-705032  
13,093.81 - 9960-904694-9557-900020-705033  
13,145.27 - 9960-904727-9557-900020-705034  
11,122.92 - 9960-903683-9557-900020-705035  
7,583.81 - 9960-904684-9557-900020-705036  
**\$50,507.27**

**BACKGROUND/EXPLANATION:**

On March 31, 2010, the Board approved the on-call consultant agreement with Alpha Corporation for W.C. No. 1101, Construction Claims and Review Services. The period of the agreement was effective upon the date of Board approval for three years or until the upset limit of \$1,500,000.00 was reached, whichever occurred first.

On November 10, 2010, the Board approved Task No. 1 for Alpha Corporation under Project No. 1101A. Alpha Corporation was inadvertently directed to perform inspection services for various projects, although such services were not included in the scope of the contract. This contract expires on March 31, 2013.

All of the submitted invoices are fully supported by timesheets and progress reports for the work performed and are otherwise compliant with the terms of the contract for overhead and profit rates. The total expenditures under the contract, including this request for payment, total \$134,877.83. No other work has been requested under this contract.

**MINUTES**

BW&WW - cont'd

**MBE/WBE PARTICIPATION:**

All expenditures under the contract have been for work performed by the MBE sub-contractor, Glyndon Engineering and Technology Company.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board ratified the services provided and approved an expenditure of funds to pay Alpha Construction and Engineering Corporation (T/A Alpha Corporation) for services rendered. The President **ABSTAINED.**

**MINUTES**

Department of General Services - Developer's Agreement No. 1284

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of developer's agreement no. 1284 with Two Farms, Inc., developer.

**AMOUNT OF MONEY AND SOURCE:**

\$138,958.65

**BACKGROUND/EXPLANATION:**

The developer would like to install a modified median to their new Royal Farm Store located in the vicinity of 6201 Pulaski Highway. This developer's agreement will allow the organization to do its own installation, in accordance with Baltimore City standards.

A performance bond in the amount of \$138,958.65 has been issued to Two Farms, Inc. which assumes 100% of the financial responsibility.

**MBE/WBE PARTICIPATION:**

City funds will not be utilized for this project, therefore, MBE/WBE participation is not applicable.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the developer's agreement no. 1284 with Two Farms, Inc., developer.

**MINUTES**Dept. of General Services - Minor Privilege Permit Applications

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

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
1. 806 N. Charles St.	800 North Charles Limited Partnership	Retain awning w/signage 7' x 3'7"
\$140.60 Annual Charge		
2. 649 S. Decker Ave.	George H. Bell	Garage extension 16' x 4'
\$224.00 Annual Charge		
3. 1841 Pennsylvania Ave.	Abduls @ Pennsylvania Ave., LLC	One awning w/signage 40' X 3'4", four fluorescent tubes
\$490.82 Annual Charge		
4. 2700 Pennsylvania Ave.	Terrance Fenwick	Three bow/show windows 7' x 2'
\$329.70 Annual Charge		
5. 1600 S. Haven St.	Petroleum Fuel & Terminal Company	One monitoring well
\$ 70.30 Annual Charge		

## MINUTES

Dept. of General Services - cont'd

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
6. 1622 S. Clinton St.	Petroleum Fuel & Terminal Company	Four monitoring wells
\$281.20 Annual Charge		
7. 1036 Light St.	1036 Light Street, LLC	Retain bracket sign 2½' x 2½', two spot reflectors
\$ 87.90 Annual Charge		
8. 1125-27 Light St.	Light Street, LLC	Retain cornice sign 34.78 sq. ft.
\$ 70.30 Annual Charge		
9. 411 S. Highland Ave.	Misty Meadows Management Company, Inc.	Retain single face electric sign 24'2" x 2'
\$140.60 Annual Charge		
10. 1123 N. Eutaw St.	Omega Development 1 LLC	Vinyl banner sign 12' x 3'
\$ 75.60 Annual Charge		

There are no objections, since no protests were received.

There being no objection, the Board, UPON MOTION duly made and seconded, approved the foregoing minor privilege applications.

**MINUTES**

Department of General Services (DGS) - Termination of Contract

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the termination of Contract No. PB 10866, Canton Branch Library No. 4, Interior Renovation with The Michael Group, Inc. (TMG).

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On March 21, 2012, the Board awarded Contract PB 10866 to the TMG in the amount of \$1,371,000.00. Subsequently, extensive termite damage was discovered in the Canton Library and the DGS notified the TMG that the construction work would be delayed, as a substantial re-design of the project was required.

On September 8, 2012, the re-design was completed and the DGS issued new drawings to the TMG and requested a proposal to perform the required additional work.

On September 28, 2012, the TMG submitted a proposal to perform the additional work without the detailed supporting documentation as required by the contract. Without the required details, neither the DGS nor its design consultant, Whitney, Bailey, Cox and Magnani could properly review the proposal to ensure that it covered all of the required changes and was equitable.

The DGS made numerous requests of and directives to the TMG to provide the documentation in support of the TMG's cost proposal. Those requests/directives included electronic mail correspondence and written letters extending from September 2012 through January 2013. The TMG has still not complied with the DGS's requests and directives. The TMG's lack of compliance has prevented the DGS from issuing the construction Notice-to-Proceed.

## MINUTES

DGS - cont'd

Finally, in accordance with a provision in the contract, the DGS issued a letter on February 5, 2013 directing the TMG to provide, in writing by the close of business on February 8, 2013, the information the DGS had requested in prior correspondence or face termination of the contract. The TMG did not comply and its inaction, in accordance with Section 00-73-79 of the Standard Specifications, constitutes a default of the contract, allowing the City the authority to terminate the contract.

The Law Department has reviewed and concurred with the termination of Contract PB 10866.

**A PROTEST WAS RECEIVED FROM THE MICHEAL GROUP.**

**AS THIS ITEM WAS WITHDRAWN BY THE DEPARTMENT, THE PROTEST WAS NOT HEARD.**

UPON MOTION duly made and seconded, the Board approved the WITHDRAWAL of this item.



Wright, Constable & Skeen, L.L.P. | Attorneys at Law

One Charles Center, 16<sup>th</sup> Floor • 100 North Charles Street • Baltimore, Maryland 21201-3812 • Phone: 410-659-1300 • Toll Free: 1-888-894-7602 • Fax: 410-659-1350

**LOUIS J. KOZLAKOWSKI, JR.**

Writer's Direct Dial / Email:

(410) 659-1314 / LKozlakowski@wcsllaw.com

February 26, 2013

**VIA HAND-DELIVERY**

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

**Re: Protest of proposed default termination of The Michael Group, Inc.  
General Services Contract No.: PB 10866  
Project: Canton Branch Library No. 4, Interior Renovation**

Dear President and Members of the Board of Estimates:

This office represents The Michael Group, Inc. with respect to the above-captioned Project. It has recently come to TMG's attention that the Department of General Services has requested the Board to approve a default termination of TMG. We request to be heard prior to any vote by the Board.

Bids for the Canton Library project were opened on January 5, 2012. TMG was the low bidder with a price of \$1,371,000. TMG received Notice of Award on March 21, 2012. The Notice of Award stated that Notice to Proceed would be issued within 30 days. TMG provided certificates of insurance, payment and performance bonds, and entered into subcontracts with MBE's as required by the Notice of Award. A pre-construction meeting was held April 18, 2012. At that point, a NTP was not issued.

After bid opening, the City performed lead paint abatement. Sometime after Notice of Award, it was determined that the 2011 drawings in the IFB did not adequately address the existing termite damage. So in August 2012, TMG was advised that new construction drawings would be issued to address the additional termite damage. It is unclear whether the additional damage was caused by the City's failure to properly treat the building for termites or simply not discovered by the design Architect. At that point, a NTP had still not been issued.

On September 8, 2012, DGS requested TMG to forward price the revised drawings. The revised drawings substantially changed the nature of the work as well as the means and methods. The structural work was significantly increased. By way of example, structural steel was now required instead of wood framing; exterior walls now have to be shored. TMG would now have the added risk



of a building collapse as TMG was required to provide sealed drawings for the shoring system. At that point, a NTP was still not issued.

Forward pricing a substantial change was difficult as many of the MBE subcontractors were reluctant to spend time pricing work without any assurances that the redesigned project could move forward. Some had doubts because the issuance of a significant change order prior to issuance of a Notice to Proceed could violate the City's competitive bid process as other bidders did not have the ability to compete on the revised project the City now needed. *Hanna v. Board*, 200 Md. 49 (1952). Others doubted the City's ability to fund TMG's \$570,000 change proposal. At that time, NTP had still not been issued.

During the fall of 2012, TMG continued to supplement its cost proposal for additional work. The City, however, always requested more information. At the same time, the City demanded TMG's costs to mutually terminate the contract. Those costs were rejected by the City, even though some of the requested costs were for insurance, performance and payment bonds etc. In a catch 22, the City advised TMG that no progress payment could be made until it issued a NTP and that a NTP would not be issued until the pricing for the change order was resolved.

On December 5, 2012 the City held a second construction meeting and instructed TMG only to proceed on pricing the change order. The City also started to rely upon an employee from the design Architect's office. The Architect's employee required multiple schedules, more detail on the cost proposal for the changed work, even requesting information not required under the contract. TMG was still not paid for its performance and payment bonds or insurance.

On Tuesday, February 8, 2013, the City advised TMG it would be terminated if additional pricing data was not supplied within 3 days despite TMG's last cost submission of 200 plus pages. TMG responded to the City's questions on Monday, February 12, 2013. See attached. To date, the City has never advised TMG what number they believe is reasonable nor has paid TMG any money.

Essentially, the City is using a default termination to escape the dilemma it created. It can't terminate TMG without its consent as there is no termination for convenience clause in the contract. On the other hand, the City faces violating its competitive bid process if TMG is issued a \$700,000 +/- change order on a \$1,371,000 project. DGS' default termination, then, is nothing more than a ruse to avoid the consequences of its faulty procurement and deficient contract documents.

Very truly yours,

  
Louis J. Kozlakowski, Jr.

c: Michael Shacklette

{00282724v. (10663.00001)}

Tuesday, February 12, 2013

Mr. George Sandruck  
Construction Management Section  
Design and Construction Division  
Department of General Services

**RE: Enoch Pratt Free Library Canton Branch – Contract No. PB 10866**

In further response to your letter of February 5, 2013 we submit our responses:

The Michael Group Inc continues to be cooperative and is willing to fulfill all of its obligations under the Contract.

The City is attempting to create a cardinal change to the contract prior to issuance of a NTP.

The City has defaulted on their requirement to issue a full NTP within 30 days and pay in a timely manner.

The City has made numerous attempts to enforce nonexistent contract requirements.

While the design scope of Change Order 1 has not increased since September of 2012, labor and material prices have increased and will continue to do so. Additionally, the building continues to deteriorate and the cost will continue to increase.

Regarding your January 18, 2013 statement directing us to remove delays or general conditions cost. Those costs were separated from the estimate and subtotaled individually, the amounts are clear. TMG however will not agree to a change order without these items being addressed. Furthermore your direction is a contradiction of the contract terms which require that the *“Contractor submit a statement proposing the extent to which the authorized contract time shall be increased”* and unless *“specifically stated”* no time extension will be granted. The time extension must remain for us to be in compliance with the requirement and claim the extension.

We estimated additional time of four months for the added work; the city cannot direct me to prepare a revised schedule for the change order work without:

- 1.) Issuing a full notice to proceed- The city has delayed the project a year, who is to say it doesn't get delayed another year? How do we know when the project will start? Some of the work is weather sensitive and the scope of work will increase as the building decays. When the City provides a start date for both the base work and change order work we will have enough information for a final determination of cost.
- 2.) The city issuing a change order for the cost of a revised schedule.



Regarding the plumbing changes: Are you directing me to remove an MBE subcontractor due to the City delaying the project and their failure to issue a NTP? I will pass your recommendation on to the MBE office.

Regarding the bead board: It is 4 inches in width and there is significant waste, however we can adjust the estimate down to show 80 lf plus additional waste. I have revised this portion of the estimate.

Regarding the steel price: TMG submitted the back up as requested, which documents the cost of the work and exceeds any requirement in the contract to provide back up.

Regarding the drywall: this estimate allows 25% to material cost for waste and stocking.

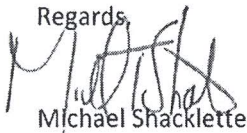
Regarding the plaster repair: Not only has the scope increased but also the intensity of the work per SF. The estimate reflects only the added work the original work remains in the original cost.

Regarding the phone and data lines: It's not part of the change this change order and no response is required.

Regarding the demolition: We provided a revised price and the original price, nothing else is required the vendors' information is very detailed.

It is not reasonable to expect the contractor to leave a proposal open ended. The proposal was good for 45 days. The contractor can't predict the continued cost increases in labor and materials or the continued deterioration of the building, particularly in light of the substantial delay and suspension of work that has taken place to date..

Regards,



Michael Shacklette  
President

**MINUTES**

Department of Public Works (DPW) - Reimbursement of Temporary  
Housing for Employee  
Recruited From Out-of-State

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an expenditure of funds to reimburse Mr. Rudolph Boone.

**AMOUNT OF MONEY AND SOURCE:**

\$4,495.40 - Residence Inn Marriott  
195.00 - Parking  
\$4,690.40 - 1001-000000-1901-190400-603001

**BACKGROUND/EXPLANATION:**

This expenditure of funds will reimburse Mr. Boone for temporary housing and parking charges at the Central Garage.

In September 2011, Mr. Boone was offered the position of Chief of Human Resources in the DPW. He was to relocate from Lees Summit, Missouri to Baltimore Maryland. To secure his services, Mr. Boone was offered temporary housing and was put up in the Residence Inn Marriott where he stayed until he moved to a new accommodation.

These bills were not submitted earlier, as Mr. Boone was planning to move his personal belongings from Missouri and submit all the bills together. For personal reasons, Mr. Boone could not shift from Missouri to Baltimore and he had to leave City service in October 2012.

## MINUTES

DPW - cont'd

Therefore, authority is requested to reimburse Mr. Boone. The DPW apologizes for not requesting approval in advance of incurring costs for temporary housing.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

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. Her correspondence has been sent to the appropriate agency and/or committee which will respond directly to Ms. Trueheart.

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to reimburse Mr. Rudolph Boone for temporary housing and parking charges at the Central Garage.

## Kim A. Trueheart

February 26, 2013

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 the poor outcomes associated with an untenable and dysfunctional workplace in the front Office of the Baltimore City Mayor.

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. Page 118; Department of Public Works (DPW) Reimbursement of Temporary Housing for Employee Recruited From Out-of-State, if approved:
    - i. Mr. Rudolph Boone was hired in September 2012 and provided little to NO benefit to the citizens of Baltimore during his brief employment which ended in October 2012;
    - ii. Please provide access to the document(s) which disclose the policy/procedural guidelines which preclude this wasteful business practice from being repeated;
    - iii. Was Mr. Rudolph Boone bound by a mobility agreement dictating a minimum number of months he must continue to work in the Baltimore City government to assure a reasonable pay-back of this investment expense by the tax-payers.
    - iv. Was Mr. Rudolph Boone bound by a repayment agreement?
    - v. Please provide access to inspect the signed mobility and pay-back agreements.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed what appears to be wasteful spending by this administration in many critical initiatives. These funds would be more beneficial to all the citizens of Baltimore if they were used to keep one neighborhood recreation center open.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on February 27, 2013.

If you have any questions regarding this request, please telephone me at (410) 205-5114.

Sincerely,  
Kim Trueheart, Citizen & Resident

Email: [ktrueheart@whatfits.net](mailto:ktrueheart@whatfits.net)

5519 Belleville Ave  
Baltimore, MD 21207

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTION

\* \* \* \* \*

On the recommendations of the City agency  
hereinafter named, the Board,  
UPON MOTION duly made and seconded,  
awarded the formally advertised contracts  
listed on the following page:

647 - 658

to the low bidders meeting the specifications,  
and rejected the bid as indicated  
for the reasons stated.

The President **ABSTAINED** on item nos. 1 and 3.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Water & Wastewater

1. SC 897, Improvements to Sanitary Sewers in Greenmount, Hampden, and Bolton Hill Areas in the Jones Falls Sewershed

**REJECTION:** It is recommended that the Board reject all bids for SC 897. On November 07, 2012, the Board opened five bids for Project SC 897. Inconsistencies in the bids submitted caused the Bureau to conclude that it is in the best interest of the City to reject all bids. Permission to re-advertise will be requested at a later date.

PROTESTS WERE RECEIVED FROM SPINIELLO COMPANIES, AND INSITUFORM TECHNOLOGIES, LLC.

ALL BIDS WERE REJECTED, THEREFORE PROTESTS WERE NOT HEARD BY THE BOARD.

Bureau of Purchases

2. B50002786, Qualify Dealers for Cars & Light Trucks \$22,000,000.00

(Dept. of General Services)

Chapman Chevrolet  
d/b/a Chapman Auto Group  
Qualified for items:  
#1a-#1h Chevrolet/GM;  
#2a-#2e, #2g, #2h Ford;  
#3a-#3d, #3g, #3h  
Chrysler Jeep/Dodge

Criswell Chevrolet  
Qualified for items:  
#1a-#1h Chevrolet/GM



**ROYSTON, MUELLER, McLEAN & REID, LLP**

ATTORNEYS AT LAW

SUITE 600

THE ROYSTON BUILDING  
102 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800

FACSIMILE 410-828-7859

[www.rmmlr.com](http://www.rmmlr.com)

R. TAYLOR McLEAN  
WILLIAM F. BLUE  
THOMAS F. McDONOUGH  
LAUREL PARETTA REESE\*  
KEITH R. TRUFFER\*  
ROBERT S. HANDZO\*  
EDWARD J. GILLISS  
TIMOTHY J. OURSLER  
ROBERT G. BLUE  
CRAIG P. WARD  
LEANNE M. SCHRECENGOST

JONATHAN M. HERBST  
JAMES L. SHEA, JR.  
MARTHA K. WHITE  
ROBERT F. MILLER  
SARAH M. GRABENSTEIN

OF COUNSEL  
E. HARRISON STONE  
EUGENE W. CUNNINGHAM, JR., P.A.  
BRADFORD G.Y. CARNEY  
STEPHEN C. WINTER  
LISA J. McGRATH

CARROLL W. ROYSTON  
1913-1991

H. ANTHONY MUELLER  
1913-2000

RICHARD A. REID  
1931-2008

\* ALSO ADMITTED IN D.C.

January 22, 2013

Honorable President & Members of the Board of Estimates  
c/o Clerk to the Board of Estimates  
City Hall, Room 204  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: Bid Protest  
Contract No.: SC 897

Mr. President & Members of the Board:

Enclosed for your review and consideration is the Bid Protest of Spiniello Companies for the bid submitted by Am-Liner East, Inc., Inland Waters Pollution Control, Inc., SAK Construction, LLC and Insituform Technologies, LLC, Contract No. SC 897. This Bid Protest and the materials in support of it are filed in advance of the Contract being placed on the Board's Agenda so as to allow each of you the opportunity to review the information submitted at your pleasure.

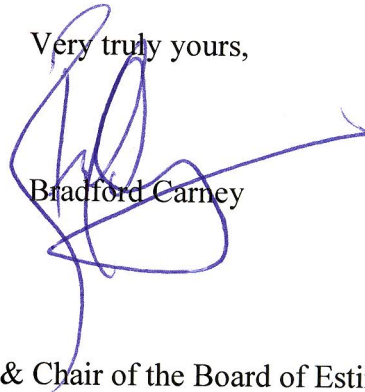
In addition to the enclosed submission, please acknowledge this letter as a formal request to have this Protest heard at the Meeting during which the Contract is scheduled to be awarded or at such time prior to that date which the Board deems appropriate.

From my discussions with your office, it is my understanding that each company that submitted a bid for this Contract will be notified when the Contract award is placed on the Board's Agenda. Please instruct the Clerk to the Board of Estimates to notify my office of the date and time that the Contract is scheduled to appear on the Agenda as counsel for Spiniello Companies, a bidder for this Contract.

Honorable President & Members of the Board of Estimates  
January 22, 2013  
Page 2

If you have any questions regarding this Protest at any time, feel free to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Bradford Carney', is written over the typed name. The signature is stylized with loops and a long horizontal stroke extending to the right.

Bradford Carney

Enclosure

cc: Bernard C. "Jack" Young, City Council President & Chair of the Board of Estimates  
The Hon. Stephanie Rawlings-Blake  
Joan M. Pratt, Comptroller and Secretary to the Board of Estimates  
George Nilson, City Solicitor  
Alfred H. Foxx, Director of Public Works  
Mr. William Black, Spiniello Companies

# **BID PROTEST**

**CONTRACT NUMBER:** SC 897

**CONTRACT TITLE:** Improvements to Sanitary Sewers in Greenmount, Hampden, and Bolton Hill Areas in the Jones Falls Sewershed

**BID OPENING DATE:** November 7, 2012

**BID PROTESTANT:** Spiniello Companies

**DATE:** January 22, 2013

---

## **Procedural History:**

On November 7, 2012, the Baltimore City Board of Estimates (the “Board”) opened the bids for Contract Number SC 897 –Improvements to Sanitary Sewers in Greenmount, Hampden, and Bolton Hill Areas in the Jones Falls Sewershed (the “Contract”). The bidders on this Contract were (1) Am-Liner East, Inc.; (2) Inland Waters Pollution Control, Inc.; (3) SAK Construction, LLC; (4) Insituform Technologies, LLC; and (5) Spiniello Companies.

As of the date of filing this Bid Protest, the Contract has not been placed on the Board’s Agenda to be awarded.

## **Statement of Law:**

Pursuant to Article VI § 11(g)(1)(ii) of the Baltimore City Charter (the “Charter”), “[a]fter opening the bids, the Board of Estimates shall award the contract, as an entirety to the lowest **responsive and responsible bidder** or by items to the respective lowest **responsive and responsible bidders**, or shall reject all bids...” (emphasis added).

**Overview of Protest:**

Each of the four bid submissions that were lower than Spiniello's Companies' bid, contain material defects with respect to the MBE/WBE requirements and should be deemed non-responsive.

**AM-LINER EAST, INC.**

AM-LINER EAST, Inc. (hereinafter referred to as "AM-LINER") submitted the lowest bid for Contract No. 897. However, the Baltimore City Code at Article 5 § 28-48 requires that bidders must include a commitment to utilize MBEs and WBEs at a percentage that equals or exceeds the applicable contract goals. If the bidder is unable to meet the participation goals, a MBE/WBE Participation Waiver must be submitted. The term "must" as applied in the Baltimore City Code is a mandatory term used to express a requirement.<sup>1</sup> The original bid documents provided that the MBE goal was 7% and the WBE goal was 2%. However, Addendum 3 to Contract 897 modified the WBE and MBE participation goals such that they were increased to 11% each. The Statements of Intent and Participation Affidavit submitted by AM-LINER show that their MBE percentage was 7% and their WBE percentage was 2%.<sup>2</sup> Despite failing to meet or exceed the required WBE/MBE participation goals, AM-LINER failed to submit a MBE/WBE Participation Waiver Request Form. As such, AM-LINER's bid submission contains material errors and omissions by failing to meet the MBW/WBE participation goals and by failing to submit a MBE/WBE Participation Waiver Request Form and should be deemed non-responsive.

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<sup>1</sup> See Baltimore City Code Art. 5§28-5(b)

<sup>2</sup> See Exhibit 1 – AM-LINER's Statements of Intent and Participation Affidavit



**Inland Waters Pollution Control, Inc.**

The Baltimore City Code at Article 5 § 28-48(c)(1)(ii) requires that bidders must specify in their Statement of Intent(s) whether their subcontractors are a MBE or WBE. Inland Waters Pollution Control, Inc. (hereinafter referred to as “Inland”) failed to specify in their bid submission whether their subcontractors are MBEs or WBEs.<sup>3</sup>

Inland listed Peer Consultants as a subcontractor who will clean and provide CCTV sewer inspection.<sup>4</sup> The Statement of Intent requires that the subcontractor be certified to perform the work described therein. Peer Consultants is not certified to clean or provide CCTV sewer inspection services.<sup>5</sup> Despite Inland’s affirmation to the contrary, Peer Consultants is only certified to provide environmental and civil engineering services and traffic maintenance services.<sup>6</sup> Accordingly, Peer Consultants’ subcontract should not be counted towards Inland’s WBE/MBE participation goal. As such, Inland did not meet the WBE/MBE participation goals and Inland’s bid submission should be deemed non-responsive and rejected.

Inland’s bid submission with respect to the WBE/MBE requirements, contains material errors and omissions by failing to specify if subcontractors are WBEs or MBEs, and by listing services which their subcontractors are not certified to provide.

**SAK Construction, LLC**

The Baltimore City Code at Article 5 § 28-48(b) provides that any bid that does not include a Participation Affidavit is considered to be non-responsive. SAK Construction, LLC (hereinafter referred to as “SAK”) did not include a Participation Affidavit in their bid

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<sup>3</sup> See Exhibit 2 – Statements of Intent submitted by Inland

<sup>4</sup> See Exhibit 3 – Inland’s Statement of Intent for PEER Consultants

<sup>5</sup> See Exhibit 4 - MWBOO result for PEER Consultants

<sup>6</sup> See Exhibit 4 - MWBOO result for PEER Consultants

submission. Accordingly, SAK's bid submission contains a material defect and should be deemed non-responsive.

SAK's bid submission should also be deemed non-responsive because SAK did not specify in their Statement(s) of Intent whether their subcontractors are MBEs or WBEs, as required by the Baltimore City Code at Article 5 § 28-48(c)(1)(ii).<sup>7</sup>

Additionally, as stated above, the Baltimore City Code at Article 5 § 28-48 requires that bidders must include a commitment to utilize MBEs and WBEs at a percentage that equals or exceeds the applicable contract goals. If the bidder is unable to meet the participation goals, a MBE/WBE Participation Waiver must be submitted. The term "must" as applied in the Baltimore City Code is a mandatory term used to express a requirement.<sup>8</sup> Addendum 3 to Contract 897 modified the original WBE and MBE participation goals such that they were increased to 11% each. SAK, failed to meet or exceed the required WBE/MBE participation goals and they failed to submit a MBE/WBE Participation Waiver Request Form. The Sub-Contract Amounts and percentages listed on the Statements of Intent submitted by SAK are shown below along with the actual subcontract percentage based on SAK's bid amount of \$19,963,000:<sup>9</sup>

<u>Subcontractor</u>	<u>Sub-Contract Amount</u>	<u>Listed Percentage</u>	<u>Actual Percentage</u>
1. Manuel Luis	\$1,392,000	7%	6.97%
2. TFE Resources	\$562,874	3%	2.81%
3. Sunrise Safety	\$238,000	1%	1.19%
4. Daco Construction	\$2,198,570	11%	11%

<sup>7</sup> See Exhibit 5 – Statements of Intent submitted by SAK

<sup>8</sup> See Baltimore City Code Art. 5§28-5(b)

<sup>9</sup> See Exhibit 5 – Statements of Intent submitted by SAK

Although SAK failed to specify if their subcontractors are MBEs or WBEs, it is presumed that Daco Construction is the only MBE subcontractor SAK intends to utilize and all the other subcontractors are WBEs. As such, SAK failed to meet the WBE participation goal of 11% by .03% or approximately \$600,000. Even though SAK failed to meet the WBE participation goal, SAK did not submit a MBE/WBE Participation Waiver Request Form. Accordingly, SAK's bid submission should be deemed non-responsive and rejected.

In the Statement(s) of Intent, SAK also listed some of their subcontractors as providing services for which they are not qualified. Manuel Luis Construction Company, Inc., (hereinafter "Manuel Luis") is listed as providing rehabilitation services and traffic control.<sup>10</sup> Manuel Luis is not certified to provide these services.<sup>11</sup> TFE Resources, Ltd., (hereinafter "TFE Resources") is listed as providing CCTV and cleaning services.<sup>12</sup> TFE Resources is not certified to provide cleaning services.<sup>13</sup> Despite SAK's affirmation to the contrary, these subcontractors are not certified providers of these services and, as such, these portions of the subcontracts cannot be counted towards SAK's WBE goal. However, as stated above, SAK already failed to meet their WBE participation goal even without excluding the portions of work that these subcontractors are not certified to provide.

SAK's bid submission with respect to the WBE/MBE requirements contains material errors and omissions by failing to submit a Participation Affidavit, failing to meet the WBE participation goal, failing to submit a MBE/WBE Participation Waiver Request Form, failing to specify if subcontractors are WBEs or MBEs, and by listing services which their subcontractors are not certified to provide.

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<sup>10</sup> See Exhibit 6 – SAK's Statement of Intent for Manuel Luis

<sup>11</sup> See Exhibit 7 – MWBOO results for Manuel Luis

<sup>12</sup> See Exhibit 8 – SAK's Statement of Intent for TFE Resources

<sup>13</sup> See Exhibit 9 – MWBOO results for TFE Resources



**Insituform Technologies, LLC**

Statements of Intent require that the WBE/MBE subcontractor be certified to perform the work described therein. Insituform Technologies, LLC (hereinafter referred to as “Insituform”) listed multiple MBE/WBE subcontractors as providing services for which they are not certified.

TFE Resources, Ltd., (hereinafter “TFE Resources”) is listed as providing CCTV and cleaning services on the Statement of Intent Form.<sup>14</sup> TFE Resources is not certified to provide cleaning services.<sup>15</sup> Additionally, the contract item numbers listed on the DBE Subcontractor Performance Form state that TFE Resources is also Cured-In-Place Lining (Contract Item Nos.: 801-808).<sup>16</sup> TFE Resources is not certified to provide Cured-In-Place Lining services.<sup>17</sup>

Additionally, the contract item numbers listed on the DBE Subcontractor Performance Form submitted by Insituform state that Manuel Luis is completing manhole rehabilitation work (Contract Item Nos.: 867-875).<sup>18</sup> Manuel Luis is not certified to provide manhole rehabilitation services.<sup>19</sup>

It is impossible to discern and segregate from the subcontract amounts the portions of work that these subcontractors are either certified or not certified to provide. Therefore, the entirety of these WBE/MBE submissions should not be counted towards the WBE/MBE participation goals and Insituform’s bid submission should be deemed non-responsive.

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<sup>14</sup> See Exhibit 12 - Insituform’s Statement of Intent for TFE Resources

<sup>15</sup> See Exhibit 9 – MWBOO results for TFE Resources

<sup>16</sup> See Exhibit 13 – Insituform’s DBE Subcontractor Performance form for TFE Resources

<sup>17</sup> See Exhibit 9 – MWBOO results for TFE Resources

<sup>18</sup> See Exhibit 11 – Insituform’s DBE Subcontractor Performance form for Manuel Luis

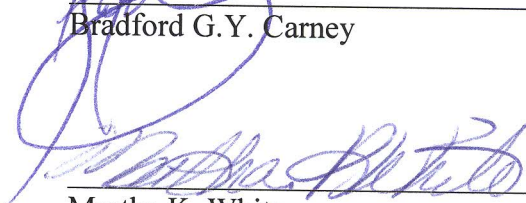
<sup>19</sup> See Exhibit 7 – MWBOO results for Manuel Luis



**Conclusion:**

For the above stated reasons, the bids submitted for Contract SC 897 by Am-Liner East, Inc., Inland Waters Pollution Control, Inc., SAK Construction, LLC, and Insituform Technologies, LLC should be found to be non-responsive, and the Contract should be awarded to Spiniello Companies.

Respectfully Submitted,

  
\_\_\_\_\_  
Bradford G.Y. Carney  
\_\_\_\_\_  
Martha K. White  
Royston, Mueller, McLean & Reid, LLP  
The Royston Building  
102 W. Pennsylvania Ave., Suite 600  
Towson, Maryland 21204  
(410) 823-1800  
Attorneys for Spiniello Companies

ROYSTON, MUELLER,  
CLEAN & REID, LLP  
SUITE 600  
102 W PENN. AVE.  
TOWSON, MARYLAND  
21204-4575  
410-823-1800

# SECTION 1

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

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

PART A: INSTRUCTIONS MUST BE REVIEWED BEFORE COMPLETING THIS FORM, WITH PARTICULAR ATTENTION PAID TO SECTIONS 2, 6a, AND 6e.

Name of Prime Contractor: AM-LINER EAST INC  
Name of MBE or WBE: A&A Construction and Utilities, Inc.

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

excavation

Materials/Supplies to be furnished by MBE or WBE:

Subcontract Amount: \$ 375,500.00 (If this is a requirements contract, the subcontract amount may be omitted; however, the subcontract percentage must be included.)

Subcontract percentage of total contract: 2 %

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

African American ..... % Asian American ... %

Hispanic American .... % Native American.. %

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

Signature of Prime Contractor (REQUIRED) Mei M. Willett

Date 10/23/12

Signature of MBE or WBE (REQUIRED) Roni Stahm

Date 10/22/2012

ANY CHANGES TO THE INFORMATION ON THIS FORM MUST BE INITIALED BY BOTH PARTIES.

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

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

PART A: INSTRUCTIONS MUST BE REVIEWED BEFORE COMPLETING THIS FORM, WITH PARTICULAR ATTENTION PAID TO SECTIONS 2, 6a, AND 6e.

Name of Prime Contractor: AM-LINER EAST, INC  
Name of MBE or WBE: Daco Construction Corp

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

excavation

**Materials/Supplies to be furnished by MBE or WBE:**

NA

**Subcontract Amount:** \$ 562,700.00 (If this is a requirements contract, the subcontract amount may be omitted; however, the subcontract percentage must be included.)

**Subcontract percentage of total contract:** 3 %

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

African American ..... %      Asian American ... %

Hispanic American .... %      Native American.. %

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

Signature of Prime Contractor (REQUIRED)  
MEL M. WILLEN, Vice President

Date

10/23/12

Signature of MBE or WBE (REQUIRED)

Date

10/22/12

**ANY CHANGES TO THE INFORMATION ON THIS FORM MUST BE INITIALED BY BOTH PARTIES.**



SANITARY CONTRACT NO. 897

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

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

PART A: INSTRUCTIONS MUST BE REVIEWED BEFORE COMPLETING THIS FORM, WITH  
PARTICULAR ATTENTION PAID TO SECTIONS 2, 6a, AND 6c.

Name of Prime Contractor: AM-LINER EAST, INCName of MBE or WBE: TFE Resources

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

CCTV & Cleaning

Materials/Supplies to be furnished by MBE or WBE:

N/A

Subcontract Amount: \$ 375,000.00 (If this is a requirements contract, the  
subcontract amount may be omitted; however, the subcontract percentage must be included.)

Subcontract percentage of total contract: 29.0 % 2 %

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

African American ..... % Asian American ... %

Hispanic American .... % Native American.. %

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

Signature of Prime Contractor (REQUIRED)

Mer M. Willett - Vice Pres

Date

10/23/12

Signature of MBE or WBE (REQUIRED)

Date

10/17/12

ANY CHANGES TO THE INFORMATION ON THIS FORM MUST BE INITIALED BY BOTH PARTIES.

SANITARY CONTRACT NO. 897

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

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

PART A: INSTRUCTIONS MUST BE REVIEWED BEFORE COMPLETING THIS FORM, WITH  
PARTICULAR ATTENTION PAID TO SECTIONS 2, 6a, AND 6e.

Name of Prime Contractor: AM-LINER EAST, INCName of MBE or WBE: M. LUIS CONSTRUCTION CO., INC

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

③ ~~Est Control~~ & paving & traffic control

Materials/Supplies to be furnished by MBE or WBE:

Subcontract Amount: \$ 375,500.00 (If this is a requirements contract, the  
subcontract amount may be omitted; however, the subcontract percentage must be included.)

Subcontract percentage of total contract: 2 %(If MBE sub-goals apply, please indicate the sub-goal covered by this Statement of Intent.)

African American ..... % Asian American ... %

Hispanic American .... % Native American.. %

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

Signature of Prime Contractor (REQUIRED)

Mel M. Willett - Vice President

Date

10/23/12

Signature of MBE or WBE (REQUIRED)

Date

10/12/12

ANY CHANGES TO THE INFORMATION ON THIS FORM MUST BE INITIALED BY BOTH PARTIES.



# MBE/WBE PARTICIPATION AFFIDAVIT

The Undersigned authorized representative of Contractor does hereby make the following Affidavit: Contractor has read the Bidder Information and Instructions regarding the MBE/WBE Program. Contractor acknowledges the MBE goal of 7% and the WBE goal of 2% for the contract shown at the top of this page. Contractor has achieved the following participation:

MBE-\$ 1,313,700.00 or 7% and WBE-\$ 375,000.00 or 2% of the total contract amount which is \$ 1,688,700.00.

My firm has made good faith efforts to achieve the MBE and WBE participation goals for this contract. I understand that, if awarded the contract, my firm must submit to the Minority and Women's Business Opportunity Office (MWBOO) copies of all executed agreements with the MBE and WBE firms being utilized to achieve the participation goals and other requirements of Article 5, Subtitle 28 of the Baltimore City Code (2007 Edition). I understand that these documents must be submitted prior to the issuance of a notice to proceed.

I understand that, if awarded the contract, my firm must submit to the MWBOO canceled checks and any other documentation and reports required by MWBOO on a quarterly basis, verifying payments to the MBE and WBE firms utilized on the contract.

I understand that, if I am awarded this contract and I find that I am unable to utilize the MBEs or WBEs identified in my Statements of Intent, I must substitute other certified MBE and WBE firms to meet the participation goals. I understand that I may not make a substitution until I have obtained the written approval of MWBOO.

I understand that, if awarded this contract, authorized representatives of the City of Baltimore may examine, from time to time, the books, records and files of my firm to the extent that such material is relevant to a determination of whether my firm is complying with the MBE and WBE participation requirements of this contract.

I do solemnly declare and affirm under the penalty of perjury that the contents of the foregoing Affidavit are true and correct to the best of my knowledge, information and belief.

AM-LINER EAST, INC

Contractor Company Name

601 Jack Enders Blvd.  
Berryville, VA 22611

Address

Mel M. Willett  
Signature

Mel M. Willett - Vice President  
Print Name and Title

Sworn and subscribed before me this 23 day of Oct, in the year 2012.



Jill Lutz Fries  
Notary Public

# SECTION 2



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

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

PART A: INSTRUCTIONS MUST BE REVIEWED BEFORE COMPLETING THIS FORM, WITH PARTICULAR ATTENTION PAID TO SECTIONS 2, 6a, AND 6e.

Name of Prime Contractor: Inland Waters Pollution Controle, Inc.  
Name of MBE or WBE: Daco Construction Corp

**Brief Narrative Description of the Work/Service to be performed by MBE or WBE:**  
Open cut paint repairs and other misc. work

**Materials/Supplies to be furnished by MBE or WBE:**

N/A

**Subcontract Amount:** \$ 2,061,424.20 (If this is a requirements contract, the subcontract amount may be omitted; however, the subcontract percentage must be included.)

**Subcontract percentage of total contract:** 11 %

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

African American ..... % Asian American ... %

Hispanic American .... % Native American . %

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

[Signature]  
Signature of Prime Contractor (REQUIRED)

11/11/12  
Date

[Signature]  
Signature of MBE or WBE (REQUIRED)

11/01/12  
Date

ANY CHANGES TO THE INFORMATION ON THIS FORM MUST BE INITIALED BY BOTH PARTIES.

MWBE-5

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

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

PART A: INSTRUCTIONS MUST BE REVIEWED BEFORE COMPLETING THIS FORM, WITH PARTICULAR ATTENTION PAID TO SECTIONS 2, 6a, AND 6e.

Name of Prime Contractor: Inland Waters Pollution Controle, INC  
Name of MBE or WBE: PEER Consultants, P.C.

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

Cleaning and CCTV inspection of sewers, and related services as needed.

**Materials/Supplies to be furnished by MBE or WBE:**

N/A

Subcontract Amount: \$ 2,061,424.20 (If this is a requirements contract, the subcontract amount may be omitted; however, the subcontract percentage must be included.)

Subcontract percentage of total contract: 11 %

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

African American ..... %      Asian American... %

Hispanic American .... %      Native American . %

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

*Paul T. My...*  
Signature of Prime Contractor (REQUIRED)

11/6/12  
Date

*[Signature]*  
Signature of MBE or WBE (REQUIRED)

11/6/2012  
Date

**ANY CHANGES TO THE INFORMATION ON THIS FORM MUST BE INITIALED BY BOTH PARTIES.**

MWBE-5

# SECTION 3

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

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

PART A: INSTRUCTIONS MUST BE REVIEWED BEFORE COMPLETING THIS FORM, WITH PARTICULAR ATTENTION PAID TO SECTIONS 2, 6a, AND 6e.

Name of Prime Contractor: Inland Waters Pollution Controle, INC  
Name of MBE or WBE: PEER Consultants, P.C.

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

Cleaning and CCTV inspection of sewers, and related services as needed.

**Materials/Supplies to be furnished by MBE or WBE:**

N/A

**Subcontract Amount:** \$ 2,061,424.20 (If this is a requirements contract, the subcontract amount may be omitted; however, the subcontract percentage must be included.)

**Subcontract percentage of total contract:** 11 %

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

African American ..... % Asian American... %

Hispanic American .... % Native American . %

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

Paul T. My...  
Signature of Prime Contractor (REQUIRED)

11/6/12  
Date

[Signature]  
Signature of MBE or WBE (REQUIRED)

11/6/2012  
Date

**ANY CHANGES TO THE INFORMATION ON THIS FORM MUST BE INITIALED BY BOTH PARTIES.**

MWBE-5

# SECTION 4



CITY OF BALTIMORE  
DEPARTMENT OF LAW  
MINORITY AND WOMEN'S  
BUSINESS OPPORTUNITY OFFICE

**Printed Results from Search**

Company	Cert No	Type
<i>Peer Consultants, P C--(M/WBE)--African American</i>		
Address: 10 N. Calvert Street, Suite 153 Baltimore, Md 21202-	04-004509	
Title: Ms. Lilia A. Abron E-Mail: tuckerj@peerpc.com		
Phone: Phone: (410)332-0798 Fax: (410)332-0799 Fax: (410)332-0799		
Certified Date: Jun 28 2011		
Expiration Date: Jun 27 2013		
Extension Date:		
Services: ENVIRONMENTAL AND CIVIL ENGINEERING, TRAFFIC MAINTENANCE		

# SECTION 5

SANITARY CONTRACT NO. 897

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

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

PART A: INSTRUCTIONS MUST BE REVIEWED BEFORE COMPLETING THIS FORM, WITH  
PARTICULAR ATTENTION PAID TO SECTIONS 2, 6a, AND 6e.

Name of Prime Contractor: SAK Construction, LLC

Name of MBE or WBE: M. Luis Construction Co., INC

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

Paving concrete work, other rehabilitation items  
related to this work such as traffic control

Materials/Supplies to be furnished by MBE or WBE:

N/A - All construction related services

Subcontract Amount: \$ 1,392,000.00 (If this is a requirements contract, the  
subcontract amount may be omitted; however, the subcontract percentage must be included.)

Subcontract percentage of total contract: 7.0 %

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

African American ..... % Asian American ... %

Hispanic American .... % Native American.. %

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

[Signature]  
Signature of Prime Contractor (REQUIRED)

11-6-2012  
Date

[Signature]  
Signature of MBE or WBE (REQUIRED)

10/12/12  
Date

ANY CHANGES TO THE INFORMATION ON THIS FORM MUST BE INITIALED BY BOTH PARTIES.



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

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

PART A: INSTRUCTIONS MUST BE REVIEWED BEFORE COMPLETING THIS FORM, WITH  
PARTICULAR ATTENTION PAID TO SECTIONS 2, 6a, AND 6c.

Name of Prime Contractor: SAK Construction, LLC  
Name of MBE or WBE: TFE

Brief Narrative Description of the Work/Service to be performed by MBE or WBE:  
CCTV + Cleaning

Materials/Supplies to be furnished by MBE or WBE:

NA

Subcontract Amount: \$ 562,874.00 (If this is a requirements contract, the  
subcontract amount may be omitted; however, the subcontract percentage must be included.)

Subcontract percentage of total contract: 3.0 %

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

African American ..... % Asian American ... %

Hispanic American .... % Native American .. %

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

[Signature]  
Signature of Prime Contractor (REQUIRED)

11-6-2012  
Date

[Signature]  
Signature of MBE or WBE (REQUIRED)

11-6-2012  
Date

ANY CHANGES TO THE INFORMATION ON THIS FORM MUST BE INITIALED BY BOTH PARTIES.

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

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

PART A: INSTRUCTIONS MUST BE REVIEWED BEFORE COMPLETING THIS FORM, WITH PARTICULAR ATTENTION PAID TO SECTIONS 2, 6a, AND 6e.

Name of Prime Contractor: SAK Construction, LLC  
Name of MBE or WBE: Sumrise Safety Services

Brief Narrative Description of the Work/Service to be performed by MBE or WBE:  
Traffic control and related services

Materials/Supplies to be furnished by MBE or WBE:

N/A - Construction work (traffic set-up)

Subcontract Amount: \$ 238,000.00 (If this is a requirements contract, the subcontract amount may be omitted; however, the subcontract percentage must be included.)

Subcontract percentage of total contract: 1.0 %

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

African American ..... % Asian American ... %

Hispanic American ... % Native American.. %

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

[Signature]  
Signature of Prime Contractor (REQUIRED)

11-06-2012  
Date

[Signature]  
Signature of MBE or WBE (REQUIRED)

10/19/12  
Date

ANY CHANGES TO THE INFORMATION ON THIS FORM MUST BE INITIALED BY BOTH PARTIES.



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

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

PART A: INSTRUCTIONS MUST BE REVIEWED BEFORE COMPLETING THIS FORM, WITH PARTICULAR ATTENTION PAID TO SECTIONS 2, 6a, AND 6e.

Name of Prime Contractor: \_\_\_\_\_  
Name of MBE or WBE: Daco Construction Corp

Brief Narrative Description of the Work/Service to be performed by MBE or WBE:  
Open cut And related items

Materials/Supplies to be furnished by MBE or WBE:  
N/A All construction related items

Subcontract Amount: \$ 2,198,570.00 (If this is a requirements contract, the subcontract amount may be omitted; however, the subcontract percentage must be included.)

Subcontract percentage of total contract: 11.0 %

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

African American ..... % Asian American ... %

Hispanic American .... % Native American.. %

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

Signature of Prime Contractor (REQUIRED)

Date

Signature of MBE or WBE (REQUIRED)

Date

**ANY CHANGES TO THE INFORMATION ON THIS FORM MUST BE INITIALED BY BOTH PARTIES.**

# SECTION 6

SANITARY CONTRACT NO. 897

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

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

PART A: INSTRUCTIONS MUST BE REVIEWED BEFORE COMPLETING THIS FORM, WITH  
PARTICULAR ATTENTION PAID TO SECTIONS 2, 6a, AND 6e.

Name of Prime Contractor: SAK Construction, LLC

Name of MBE or WBE: M. Luis Construction Co., INC

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

Paving concrete work, other rehabilitation items  
related to this work such as traffic control

**Materials/Supplies to be furnished by MBE or WBE:**

N/A - All construction related services

**Subcontract Amount:** \$ 1,392,000.00 (If this is a requirements contract, the  
subcontract amount may be omitted; however, the subcontract percentage must be included.)

**Subcontract percentage of total contract:** 7.0 %

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

African American ..... % Asian American ... %

Hispanic American .... % Native American.. %

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

[Signature]  
Signature of Prime Contractor (REQUIRED)

11-6-2012  
Date

[Signature]  
Signature of MBE or WBE (REQUIRED)

10/12/12  
Date

ANY CHANGES TO THE INFORMATION ON THIS FORM MUST BE INITIALED BY BOTH PARTIES.

# SECTION 7

CITY OF BALTIMORE  
DEPARTMENT OF LAW  
MINORITY AND WOMEN'S  
BUSINESS OPPORTUNITY OFFICE

Printed Results from Search

Company

Cert No

Type

*Manuel Luis Construction Company, Inc.--(M/WBE)--Hispanic American*

Address: 326 St. Paul Place, Suite 200 Baltimore, Md 21202-

04-004495

Title: Ms. Cidalia Luis-Akbar E-Mail: Cidalia@mluisconstruction.com

Phone: Phone: (410)545-0641 Fax: (410)545-0643 Fax: (410)545-0643

Certified Date: Oct 31 2011

Expiration Date: Oct 30 2013

Extension Date:

Services: ASPHALT MILLING AND PAVING, CONCRETE AND  
ASPHALT CONSTRUCTION, HAULING, MOT, STRIPPING, MASONRY,  
STONEMAN, LANDSCAPING, CONSTRUCTION MANAGEMENT,  
SNOW REMOVAL, BRIDGE WORK, DEMOLITION, FENCING, SITE  
PREPARATION

# SECTION 8



SANITARY CONTRACT NO. 897

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

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

PART A: INSTRUCTIONS MUST BE REVIEWED BEFORE COMPLETING THIS FORM, WITH PARTICULAR ATTENTION PAID TO SECTIONS 2, 6a, AND 6c.

Name of Prime Contractor: SAK Construction, LLC

Name of MBE or WBE: TFE

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

CCTV + Cleaning

Materials/Supplies to be furnished by MBE or WBE:

NA

Subcontract Amount: \$ 562,874.00 (If this is a requirements contract, the subcontract amount may be omitted; however, the subcontract percentage must be included.)

Subcontract percentage of total contract: 3.0 %

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

African American ..... % Asian American ... %

Hispanic American .... % Native American .. %

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

[Signature]  
Signature of Prime Contractor (REQUIRED)

11-6-2012  
Date

[Signature]  
Signature of MBE or WBE (REQUIRED)

11/1/12  
Date

ANY CHANGES TO THE INFORMATION ON THIS FORM MUST BE INITIALED BY BOTH PARTIES.

# SECTION 9

CITY OF BALTIMORE  
DEPARTMENT OF LAW  
MINORITY AND WOMEN'S  
BUSINESS OPPORTUNITY OFFICE

**Printed Results from Search**

Company	Cert No	Type
<i>T F E Resources, Ltd.--(WBE)--White</i>		
Address: 3636 Fox Meadow Court Jarrettsville, Md 21084-	10-358039	
Title: Ms. Gail Cotten E-Mail: Gcohen@TFEResources.com		
Phone: Phone: (443)822-2762 Fax: (410)630-5335 Fax: (410)630-5335		
Certified Date: Dec 13 2010		
Expiration Date: Dec 12 2012		
Extension Date: Mar 12 2013		
Services: DATA ANALYSIS FOR FLOW/SEWER MONITORING; SMOKE AND DYE TESTING; SEWER SYSTEM EVALUATION SURVEYS; CCTV INSPECTION		

# SECTION 10

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

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

PART A: INSTRUCTIONS MUST BE REVIEWED BEFORE COMPLETING THIS FORM, WITH PARTICULAR ATTENTION PAID TO SECTIONS 2, 6a, AND 6e.

Name of Prime Contractor: Insituform Technologies, LLC

Name of MBE or WBE: M. Luis Construction Co., Inc.

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

Concrete and Asphalt Construction, MOT

**Materials/Supplies to be furnished by MBE or WBE:**

Subcontract Amount: \$ 1,630,000.00 (If this is a requirements contract, the subcontract amount may be omitted; however, the subcontract percentage must be included.)

Subcontract percentage of total contract: 8.16 %

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

African American ..... % Asian American ... %

Hispanic American .... % Native American . %

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

Debra Jasey  
Signature of Prime Contractor (REQUIRED)  
Debra Jasey, Contracting & Attesting Officer

11/7/12  
Date

[Signature]  
Signature of MBE or WBE (REQUIRED)

11/5/12  
Date

**ANY CHANGES TO THE INFORMATION ON THIS FORM MUST BE INITIALED BY BOTH PARTIES.**

# SECTION 11



SANITARY CONTRACT NO. 897

AUGUST 2011



Environmental  
Protection Agency

OMB Control No. \_\_\_\_\_  
Approved: \_\_\_\_\_  
Approval Expires: \_\_\_\_\_

Disadvantaged Business Enterprise Program  
DBE Subcontractor Performance Form

NAME OF SUBCONTRACTOR M. LUIS CONSTRUCTION CO., INC.		PROJECT NAME IMPROVEMENTS TO SANITARY SEWER IN GREENWICH HAMPSHIRE & BOLTON HILL AREA
ADDRESS 326 ST. PAUL PLACE BALTIMORE, MD 21202		BID/PROPOSAL NO. SC 897
TELEPHONE NO. 410/545-0641	E-MAIL ADDRESS natalia@mluisconstruction.com	
PRIME CONTRACTOR NAME Insituform Technologies LLC		
CONTRACT ITEM NO.	ITEM OF WORK OR DESCRIPTION OF SERVICES MO TO PRIME	PRICE OF WORK SUBMITTED TO PRIME CONTRACTOR
310-605 867-875 103,104 107,108 110,111 101	Concrete and Asphalt Construction	\$1,630,000.00
Currently certified as an MBE or WBE under EPA's DBE Program? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Signature of Prime Contractor H. Douglas Thomas		Date 11/7/12 VP-Global Procurement/Operations Support
Print Name		Title
Signature of Subcontractor NATALIA LUIS		Date 10/12/12 VICE-PRESIDENT
Print Name		Title

\*Subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.

EPA FORM 6100-3 (DBE Subcontractor Performance Form)

# SECTION 12



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

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

PART A: INSTRUCTIONS MUST BE REVIEWED BEFORE COMPLETING THIS FORM, WITH PARTICULAR ATTENTION PAID TO SECTIONS 2, 6a, AND 6e.

Name of Prime Contractor: Insituform Technologies, LLC

Name of MBE or WBE: TFE Resources

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

CCTV and Cleaning, CCTV Inspection

Materials/Supplies to be furnished by MBE or WBE:

Subcontract Amount: \$ 450,000.00 (If this is a requirements contract, the subcontract amount may be omitted; however, the subcontract percentage must be included.)

Subcontract percentage of total contract: 2.25 %

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

African American ..... % Asian American ... %

Hispanic American .... % Native American . %

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

Debra Jax  
Signature of Prime Contractor (REQUIRED)  
Debra Jax, Contracting & Attesting Officer

11/7/12  
Date

[Signature]  
Signature of MBE or WBE (REQUIRED)

11/7/12  
Date

ANY CHANGES TO THE INFORMATION ON THIS FORM MUST BE INITIALED BY BOTH PARTIES.

MWBE-5

# SECTION 13



Greensfelder, Hemker & Gale, P.C.  
10 South Broadway, Ste. 2000  
St. Louis, MO 63102

T: 314-241-9090  
F: 314-241-8624  
www.greensfelder.com

Chicago Office:  
200 West Madison St., Ste. 2700  
Chicago, IL 60606  
T: 312-419-9090

Belleville Office:  
12 Wolf Creek Dr., Ste. 100  
Belleville, IL 62226  
T: 618-257-7308

Mark A. Menghini  
Direct Dial: 314-516-2677  
Facsimile: 314-345-5467  
E-mail: mam@greensfelder.com

January 18, 2013

**Via Fed-Ex & Facsimile**

Board of Estimates  
c/o Clerk to the Board of Estimates  
Room 204, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202  
Fax: (410) 685-4416

**Re: City of Baltimore, Dept. of Public Works, Bureau of Water and Wastewater  
Sanitary Contract No. 897 (the "RFP")  
Bid Date: November 7, 2012**

To Whom It May Concern:

This Firm represents Insituform Technologies, LLC ("Insituform") in connection with the City of Baltimore's (the "City") above-referenced RFP. Insituform has engaged this Firm as counsel to assist it in protesting the bids of Inland Waters, Inc. ("Inland") and SAK Construction, LLC ("SAK"), on the grounds that said bids are non-responsive and not responsible. Please accept this letter as Insituform's formal protest of Inland's bid and SAK's bid.

In particular, Inland's bid should be rejected on the basis that Inland failed to provide the necessary forms required by the RFP, and Inland's MBE/WBE subcontractors are not properly certified by the Minority and Women's Business Opportunity Office ("MWBOO") to perform their specified scopes of work. Similarly, SAK's bid should be rejected on the basis that SAK failed to provide the necessary forms required by the RFP, and SAK's MBE/WBE subcontractors are not properly certified by the MWBOO to perform their specified scopes of work. As lowest, responsible bidder, Insituform should be awarded the Project.

**I. Inland's Bid is Non-Responsive and Not Responsible.**

**A. Inland Failed to Submit Requisite Forms With Its Bid.**

Pursuant to Appendix A, EPA Disadvantaged Business Enterprise Program, bidders are required to complete EPA Form 6100-4 – *DBE Program Subcontractor Utilization Form* and





Board of Estimates

January 18, 2013

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submit the completed form to the EPA loan recipient (the City) with its bid package. This requirement is also mandated by the Code of Federal Regulations. Pursuant to Title 40, Part 33, Subpart C, "A recipient must require its prime contractor to complete and submit EPA Form 6100-4 - DBE Program Subcontractor Utilization Form *as part of the prime contractor's bid or proposal package.*" 40 CFR 33.302(g) (emphasis added).

Notwithstanding the RFP's express requirement that all bidders submit Form 6100-4, Inland failed to submit said form as part of its bid package. Insituform was granted access to view Inland's bid, whereby Insituform discovered Inland's failure to comply with this requirement. Accordingly, because Inland failed to provide all documents required by the RFP, Inland's bid is not responsive, and therefore not responsible and should be rejected.

*B. Inland's MBE/WBE Subcontractors Are Not Certified to Perform Their Specified Scopes of Work.*

Pursuant to Addendum 3, each bidder is responsible for verifying that each MBE and WBE subcontractor is certified by MWBOO at bid opening. Addendum 3 further requires that "the MBEs and WBEs named *must be certified to provide the services that they are listed to perform*, and the services must be required as part of the work on this contract." ADDENDUM NO. 3, p. 5 (emphasis added).

Inland identified Peer Consultants, PC ("Peer") as its MBE subcontractor to perform "Cleaning and CCTV inspection of sewers and related services as needed". However, Peer's certification by MWBOO is limited to following services: "Environmental and Civil Engineering, Traffic Maintenance." (See **Exhibit A**, attached hereto).<sup>1</sup> Inland also identified DACO Construction Corporation ("DACO") as its MBE subcontractor to perform "Open cut repairs and other miscellaneous work." However, DACO's certification by MWBOO is limited to the following services: "Concrete; Utility." (See **Exhibit B**, attached hereto). Thus, any services that are outside the scope of work the MBE/DBEs are certified to perform should not be calculated when determining whether Inland achieved the City's MBE/DBE goals. Moreover, Inland's attempt to utilize overly broad and ambiguous descriptions of the services performed by Peer and DACO (*i.e.* "...and related services as needed"; "...and other miscellaneous work") does not render its bid responsive. Rather, Inland's failure to specify that Peer and DACO are performing those services for which they are each certified results in Inland's failure to comply with the RFP's certification requirements and the City Code's specification requirements. See BALTIMORE CITY CODE § 28-48(c) (Bidders must specify the name of each MBE/WBE subcontractor, the dollar value of each subcontract and the scope of work to be performed).

Thus, because neither Peer nor DACO are certified by MWBOO to perform the services for which they are listed on Inland's bid, Inland has failed to meet the requisite MBE and WBE requirements, thereby rendering Inland's bid unresponsive and not responsible.

<sup>1</sup> Insituform also notes that the subcontract amount associated with Peer's scope of work is \$2,000,000.00, notwithstanding Peer's limited scope of "cleaning and CCTV inspection of sewers and related services as needed". Based on Insituform's experience, Insituform believes this amount to be excessive and in error.





# GREENSFELDER

ATTORNEYS AT LAW

Board of Estimates

January 18, 2013

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## II. SAK's Bid is Non-Responsive and Not Responsible.

### A. *SAK Failed to Submit Requisite Forms With Its Bid.*

SAK failed to provide the following necessary MBE/WBE Commitment Forms as revised in Addendum 3, rendering its bids non-responsive and not responsible: (1) MBE and WBE Participation Commitment Forms (MWBE-1), (2) MBE/WBE and Prime Contractor's Statements of Intent (MWBE-5) and (3) MBE/WBE Participation Affidavit (MWBE-6). In the event SAK was unable to meet the MBE/WBE participation goals, SAK also failed to submit the necessary MBE/WBE Participation Waiver Request Form (MWBE-7), as revised in Addendum 3.

Addendum 3 clearly and unambiguously requires all bidders to submit certain documents certifying compliance with the City's MBE/WBE program. Addendum 3 states, in part, "THIS PACKAGE OF MBE AND WBE PARTICIPATION COMMITMENT FORMS IS DUE WITH THE BID." ADDENDUM NO. 3, p. 4. Addendum 3 further states:

Bidder must submit the following documents WITH THE BID:

Part B: Statement of Intent Form(s) – to be signed by Bidder and MBE or WBE

Part C: MBE/WBE Participation Affidavit – to be completed by Bidder

Part D: MBE/WBE Participation Waiver – to be completed and submitted by Bidder if unable to meet the participation goals.

ADDENDUM NO. 3, p. 5. Addendum 3 also clarifies that any bid that fails to include the Statement of Intent Form(s) and the MBE/WBE Participation Affidavit ***"is non-responsive and will be rejected"***. ADDENDUM NO. 3, p. 5 (emphasis added). The Notice to Bidders provides the same warning:

- ❖ MINORITY AND WOMEN'S BUSINESS PROGRAM FORMS MUST BE COMPLETED AND SUBMITTED WITH YOUR BID PROPOSAL.
- ❖ FAILURE TO SUBMIT THIS INFORMATION AT THE TIME REQUESTED WILL BE CAUSE TO HAVE YOUR BID REJECTED.

NOTICE TO BIDDERS p. 1. The requirement that bidders submit the requisite MBE/WBE documents is also mandated by the City's Code. Pursuant to Section 28-48, for contracts exceeding \$50,000, "[p]rior to bid opening, bidders must submit to the City the certified business enterprise participation statement, including executed statements of intent . . ." BALTIMORE CITY CODE § 28-48(c). Moreover, any bid that does not include the certified business participation affidavit is deemed non-responsive. BALTIMORE CITY CODE § 28-48(b).

Notwithstanding the RFP's express requirement that all bidders submit these MBE/WBE documents, SAK failed to submit the MBE/WBE Commitment Forms provided in Addendum 3 as part of its bid package. Rather, SAK provided the MBE/WBE Commitment Forms provided





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in the original bid package. These original MBE/WBE Commitment Forms were expressly deleted and replaced by Addendum 3. ADDENDUM NO. 3, p. 2. Insituform was granted access to view SAK's bid, whereby Insituform discovered SAK's failure to comply with said requirement. SAK failed to submit MWBE-1, MWBE-5 (Statement of Intent), MWBE-6 (Participation Affidavit) and MWBE-7 (Participation Waiver Request), as revised by Addendum 3, with its bid. Accordingly, because SAK failed to provide the correct documents required by the RFP, as amended and revised, SAK's bid is neither responsive nor responsible and must be rejected.

*B. SAK's MBE/WBE Subcontractors Are Not Certified to Perform Their Specified Scopes of Work.*

As stated above, pursuant to Addendum 3, each bidder is responsible for verifying that each MBE and WBE subcontractor is certified by MWBOO at bid opening. Addendum 3 further requires that "the MBEs and WBEs named *must be certified to provide the services that they are listed to perform*, and the services must be required as part of the work on this contract." ADDENDUM NO. 3, p. 5 (emphasis added).

SAK identified DACO Construction Corporation ("DACO") as its MBE subcontractor to perform "Open cut and related items". However, DACO's certification by MWBOO is limited to the following services: "Concrete; Utility." (See Exhibit B, attached hereto). SAK also identified TFE Resources, Ltd. ("TFE") as its WBE subcontractor to perform "CCTV, and cleaning and related items". However, TFE's certification by MWBOO is limited to following services: "Data Analysis for Flow/Sewer Monitoring; Smoke and Dye Testing; Sewer System Evaluation Surveys; CCTV Inspection." (See Exhibit C, attached hereto). Thus, any services that are outside the scope of work the MBE/DBEs are certified to perform should not be calculated when determining whether SAK achieved the City's MBE/DBE goals. Moreover, SAK's attempt to utilize overly broad and ambiguous descriptions of the services performed by TFE and DACO (*i.e.* "...and related items") renders its bid non-responsive. SAK's failure to specify that TFE and DACO are performing those services for which they are respectively certified fails to comply with the RFP's certification requirements and the City Code's specification requirements. See BALTIMORE CITY CODE § 28-48(c) (Bidders must specify the name of each MBE/WBE subcontractor, the dollar value of each subcontract and the scope of work to be performed).

Thus, because neither TFE nor DACO are certified by MWBOO to perform the services for which they are listed on SAK's bid, SAK has failed to meet the requisite MBE and WBE requirements, thereby rendering SAK's bid unresponsive and not responsible.

In the event that the City determines that Insituform is correct with respect to one or more of the foregoing issues, Insituform requests that the City reject Inland's bid and SAK's bid as non-responsive and not responsible, and award this project to the next lowest, responsive and responsible bidder, Insituform. These issues are not mere informalities that can or should be waived by the City; rather, they exhibit a clear failure and inability by Inland and SAK to fulfill the City's stated minimum qualifications for submitting a responsive and responsible bid.



Board of Estimates  
January 18, 2013  
Page 5 of 5

For the foregoing reasons, Insituform respectfully requests that the City perform the proper investigation and reject Inland and SAK from further consideration of this Project.

Insituform reserves all rights.

Very truly yours,

**GREENSFELDER, HEMKER & GALE, P.C.**

By 

Mark A. Menghini

Enclosures

cc: Tod O'Donoghue, Insituform General Counsel  
M Luis Construction Co., Inc.

CITY OF BALTIMORE  
DEPARTMENT OF LAW  
MINORITY AND WOMEN'S  
BUSINESS OPPORTUNITY OFFICE

Printed Results from Search

Company

Cert No

Type

**Peer Consultants P.C.-WMBE-African American**

Address: 10 N. Calvert Street, Suite 153 Baltimore, Md 21202-

04-004509

Title: Ms. Lillia A. Abron E-Mail: tuckerj@peeropc.com

Phone: Phone: (410)332-0798 Fax: (410)332-0799 Fax: (410)332-0799

Certified Date: Jun 28 2011

Expiration Date: Jun 27 2013

Extension Date:

Services: ENVIRONMENTAL AND CIVIL ENGINEERING, TRAFFIC  
MAINTENANCE

Exhibit A



CITY OF BALTIMORE  
DEPARTMENT OF LAW  
MINORITY AND WOMEN'S  
BUSINESS OPPORTUNITY OFFICE

Printed Results from Search

Company	Cert No	Type
<b>Daco Construction Company - MBE - Hispanic American</b>		
Address: P.O. Box 425 Hanover, Md 21076-	06-004746	
Title: Mr. Olvio Lopes E-Mail: Daco@Dacoconstruction.com		
Phone: Phone: (410)760-9363 Fax: (410)760-9383 Fax: (410)760-9383		
Certified Date: Sep 26 2011		
Expiration Date: Sep 25 2013		
Extension Date:		
Services: CONCRETE; UTILITY		

Exhibit B

CITY OF BALTIMORE  
DEPARTMENT OF LAW  
MINORITY AND WOMEN'S  
BUSINESS OPPORTUNITY OFFICE

Printed Results from Search

Company

Cert No

Type

**TFE Resources, Ltd. (NBE) (WBE)**

Address: 3636 Fox Meadow Court Jarrettsville, Md 21084-

10-358039

Title: Ms. Gail Cotten E-Mail: Gcotten@TFEResources.com

Phone: Phone: (443)822-2762 Fax: (410)630-5335 Fax: (410)630-5335

Certified Date: Dec 13 2010

Expiration Date: Dec 12 2012

Extension Date: Mar 12 2013

Services: DATA ANALYSIS FOR FLOW/SEWER MONITORING; SMOKE  
AND DYE TESTING; SEWER SYSTEM EVALUATION SURVEYS; CCTV  
INSPECTION

Exhibit C

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases - cont'd

Al Packer's White  
Marsh Ford  
Qualified for items:  
#2a-#2h Ford

Apple Ford Inc.  
Qualified for items:  
#2a-#2h Ford

King Buick GMC, LLC  
Qualified for items:  
#1a-#1h Chevrolet/GM

Hertrich Fleet Services  
Qualified for items:  
#1a-#1h Chevrolet/GM;  
#2a-#2h Ford;  
#3a-#3h Chrysler/Jeep/Dodge

Criswell Performance Cars  
d/b/a Criswell Chrysler  
Jeep Dodge  
Qualified for items:  
#3a-#3h Chrysler/Jeep/Dodge

The total amount for vehicles purchased under this contract will be financed through the City's master lease program administered by the Bureau of Treasury Management.

**MWBOO GRANTED A WAIVER.**

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases - cont'd

3. B50002694, Providing Xylem Dewatering \$ 247,178.00  
Temporary Bypass Pumping Solutions, Inc.  
System

(DPW, Bureau of Water & Wastewater)

**MWBOO SET GOALS OF 14% MBE AND 0% WBE.**

**MBE:** R.E. Harrington Pumping & Heating 27.00%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**A PROTEST WAS RECEIVED FROM SUNBELT RENTALS, INC.**

President: "The first item on the non-routine agenda can be found on Page 122 item no. 3, Bureau of Purchases, Providing Temporary Bypass Pumping Systems. Will the parties please come forward?"

Deputy Comptroller: "Excuse me Mr. President, Madam Mayor. I need to also announce that Mr. Ralph will be sitting and acting on behalf of -um- Mr. Nilson today."

President: "Okay. Thank you. Good morning."

Mr. Krus: "Good morning."

Mr. Dashiell: "May I slide this down?"

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002694 - cont'd

Mr. Krus: "Tim Krus City Purchasing Agent. This is the award of Temporary Bypass Pumping Systems to Xylem Dewatering Solutions for \$247,178.00."

Mr. Dashiell: "Good morning Mr. President, madam Mayor, other members of the Board. I don't have time to show you my granddaughter's two-year old birthday pictures, so I'm going to get right to it; Non important stuff. My name is Robert Dashiell and I represent Sunbelt Rentals. Ah, my client's here with me ah. We are -- my client is, I believe, the lowest responsive and responsible bidder for the reasons indicated in my -- in the letter of protest that we submitted. The bid document here clearly required that each bidder to -ah- include in its bid um -- evidence of the required insurance. Ah, the bid submitted by the apparent low bidder does not -ah- comply with the requirements in a number of respects. Number one, the bidder is required to provide evidence of coverage for crime, that's totally missing. Number two, the bidder is required to provide that the -ah- that is required to complete the four months certificate included in the bid document, that was not

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002694 - cont'd

completed. The bidder was required to provide evidence that the insurance coverage that was provided would not be cancelled or modified except upon a certain time period of notice, prior notice to the City. That was not provided. There was a requirement that the bidder execute the Employ Baltimore Form which I think in this economy is very important, that was not executed. That was not signed. Now, either one of these things standing alone maybe minor certainly -- certainly ah -- given the difference in price I -- I understand the desire, the information, even though, to over look them, or to say to that they are minor. They weren't minor five years ago when Godwin the predecessor to the current low bidder was thrown out for the same reasons, maybe they'd be minor today. But I would submit to you that that if the difference in price and as I said I do acknowledge it, it's viewed as significant even though the service is not for a fixed sum. Even though the service may not ever be necessary, but probably it will; it may not be. But if price is a factor, it's better to do it over and do it right

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases - B50002694 - cont'd

than to -- than to, do damage to the process. Do damage to the integrity of the process. When bidder's bid or come to Baltimore they bid on these contracts thinking there's going to be a level playing field that everybody is going to play by the same rules and -- and you can't, you can't for any reason not do that. Because the cost to -- to you ultimately is immeasurable. It's an immeasurable in the sense that we don't know how many potential vendors will avoid coming here because of the reputation it -- that the City may acquire for not playing by the rules. So, again, Sunbelt Rentals was the bidder that did comply. If you think that the price is beyond the budget then do -- I think the appropriate thing which is to rebid it but -- do not ignore the requirements of your own bid documents for the sake of saving today a little bit of money that tomorrow may cost you untold sums. Thank you."

President: "Thank you."

Comptroller: "Mr. Dashiell, could you state what the price is for Sunbelt?"

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002694 - cont'd

Mr. Dashiell: "Um."

Mr. Krus: "I have it right here Madam Comptroller. Sunbelt's price was \$465,886.00. Xylem's price was \$247,178.00."

Comptroller: "Thank you."

Mr. Krus: "As you're Honorable Board knows --."

Comptroller: "State your name?"

Mr. Krus: "Tim Krus City Purchasing Agent. As your Honorable Board knows we do not lightly come to the Board asking you to reject bids for lack of responsiveness. These two items on the signature on the Employ Baltimore Form and the final resolution of insurance are items that we typically allow the vendor to cure prior to their starting work and we will not issue a purchase order until they begin work. But, they do not speak directly to responsiveness. In this case there was an insurance package that could have included insurance that covered crime under a large umbrella liability policy for example. But because the vendors have not been awarded the bid, we wait until the award to get really serious about exactly what coverage they have and we require that they produce it."



## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002694 - cont'd

President: "Okay."

Mr. Dashiell: "And that's fine Mr. --."

Mayor: "I just think you misspoke, you said that you wouldn't issue the PO until the work is done, but it's until the documents are provided."

Mr. Krus: "Yes, until the documents are provided right. They will not start work until they provide these documents. Yes."

Deputy City Solicitor: "So, if they don't provide the documents they won't get the PO?"

Mr. Krus: "Correct."

Deputy City Solicitor: "Okay."

Mr. Dashiell: "Again Mr. President, I can't -- the problem is, that's not the bid documents say and - and -- Mr. Krus knows this and -- and -- I know it and you know it. Again, the appropriate course I think is either correct your bid documents so that the accurate statement procedure that Mr. Krus just

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002694 - cont'd

identified which it doesn't say or just -- or just rebid it again. But you just shouldn't from time to time whenever it's convenient for whatever reason and now don't get me wrong I -- the difference in price here is substantial. I mean Mr. Krus reminded me its 85 what you say?"

Mr. Krus: "88.5%."

Mr. Dashiell: "88.5%. That's a substantial amount of money and its, and in these times its money that nobody would want to pay unnecessarily. I don't fault you for that. But just do it the right way. Let's not banish the process for the sake of saving money when there's no need to. It could be rebid. Change the documents to say what you want them to say or enforce them according to the way that they are actually issued. But don't wait until after the fact to change them because there's -- you haven't got a good reason for doing it."

President: "Mr. Ralph."

Deputy City Solicitor: "You want a Motion?"

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002694 - cont'd

President: "No."

Deputy City Solicitor: "No, no, no."

President: "Okay. Ms. Sher."

Ms. Sher: "Good morning honorable members of the Board, Erin Sher for the Law Department. The solicitation does allow the vendor to submit two different documents either of which would be acceptable. They signed the certificate but they also included fully filled out certificate of insurance that's provided by the insurance company, this has always been acceptable. So, the document is on its face acceptable and then the small amount of crime coverage which was \$100,000.00 I believe is covered by the \$10,000,000.00 umbrella liability which is excess of what we asked for which is \$1,000,000.00 and \$3,000,000.00. Therefore, it's generally considered acceptable. If they feel in consultation with Risk Management that ah -- we would like to specific claim coverage of \$100,000.00, we always ask for a second copy of the insurance certificate before they begin work anyway and they can update at this point. But, they

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002694 - cont'd

did fill out other documents required by this solicitation. We asked them to fill out either one. So, I consider it a very minor irregularity, if any."

Mr. Dashiell: "My client wants to add something."

President: "Sure."

Mr. Kavanaugh: "My name is Randy Kavanaugh from Sunbelt Rentals and on page B16 of the bid which Xylem DeWatering submitted, it says if they don't fill out this page in the bid spec, they're non-compliant."

Ms. Sher: "It says, they may be found non compliant, it's not required."

Mr. Kavanaugh: "If you put something in the spec and laws --."

Ms. Dashiell: "Okay. I got it. Mr. President I you know I'm not one to I'm not one to repeat myself unnecessarily. My point is I've just been around too long. I just remember these things and I remember what you did five years ago. I remember what you did when my client won the bid ten years before that, and again

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002694 - cont'd

I -- the money significant I'm not going to quarrel with you about it. I do quarrel with the brute force manner in which you reach the conclusion that's all. Thank you. That's all I have to say."

President: "Thank you. Is there a Motion?"

Deputy City Solicitor: "Yes. I MOVE that we reject the bid and approve the item as submitted by -um- the Bureau of Purchases."

Deputy Comptroller: "Excuse me, you said reject the bid."

Deputy City Solicitor: "Excuse me reject the protest. I'm sorry. Reject the protest and Mr. Dashiell is smiling over there."

Mayor: "He was close."

Deputy City Solicitor: "This close. I'm sorry."

Mr. Dashiell: "There wasn't a second to that so I'm going on the slip test--."

President: "Is there a second?"

Director of Public Works: "Second."

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

Please note that I **ABSTAIN**. The motion carries."

\* \* \* \* \*

*Robert Fulton Dashiell, Esq. P.A.*

1498 Reisterstown Road, Suite 334 · Baltimore, Maryland 21208

Robert Fulton Dashiell  
robertdashiell@dashiell-lawoffice.com

Tel.: (410) 547-8820

Fax: (443) 637-3718

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Senchal Dashiell Barrolle

Associate\*

sbarrolle@dashiell-lawoffice.com

\*Not admitted to practice in MD.

Licensed to practice in DC and NY only.

Honorable Members of Baltimore City Board of Estimates  
100 Holliday, Suite 204  
Baltimore, Maryland 21202

Stephanie Rawlings-Blake, Mayor  
Joan Pratt, Comptroller  
Bernard "Jack" Young, President City Council  
George Nilson, City Solicitor  
Alfred Foxx, Director, Public Works

C/o Harriett Taylor, Secretary/Deputy Comptroller (Hand –Delivery)

January 22, 2013

Re: Bid Protest- B50002694 (Temporary Pumping Systems)

Dear Honorable Board:

Please be advised that we represent Sunbelt Rentals, Inc. ("Sunbelt"), the responsible bidder that submitted the lowest, responsive bid for the above referenced solicitation (the "Solicitation). On behalf of our client we hereby protest award of the contract resulting from the Solicitation (the "Contract") to any bidder other than Sunbelt.

Contrasted with the bid submitted by Sunbelt, the bid submitted by the apparent low bidder, Xylem Dewatering Solutions, Inc. ("Xylem"), deviates from the Solicitation requirements in a number of material respects: (i) the certificates of insurance submitted, copies of which are attached hereto as Exhibits 1 and 2, do not include coverage for crime and do not contain the clauses required on page B-12 , number 2 b, c and d (Exh.3);<sup>1</sup> (ii) notwithstanding the

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<sup>1</sup> The Certificate of Insurance form included in the bid documents was included in Xylem's bid, but it was not filled out with the name of the bidder and, more importantly, it was not completed with the required insurance policy

requirement on page B-15, as shown in Exhibit 4, Xylem failed to execute the Employ Baltimore Certification Statement( Exh. 5); and (iv) the responsible management person identified in the bid, the branch manager, had not held that position for three continuous years as of the bid date, as required by SW4, A, pg. 5 of the Solicitation (Exh. 6).

SW3, pg.4, provides that award will be made to the "qualified, *responsive*, and responsible bidder that offers the lowest price". When contracting for public works, Article VI, § 11(c) requires the City to obtain bids through a competitive bidding process, and § 11(h)(1)(ii) of that same article mandates that the BOE accept the lowest *responsive* bid submitted by a responsible bidder in response to the City's request for bids. The purpose of competitive bidding is "to prevent favoritism and collusion and thereby procure public improvements at the lowest cost to the taxpayers." Bd. of Ed. v. Allender, 206 Md. 466, 475, 112 A.2d 455, 459 (1955); Bennett v. Baltimore, 106 Md. 484, 68 A. 14 (1907) (interpreting Baltimore Charter competitive bidding requirements). Thus, pursuant to the terms of the Solicitation and the City Charter, as well as every principle of public procurement law, a non responsive bid may not be accepted. None of Xylem's deficiencies may be excused as a minor irregularity as each demonstrates non compliance with a material term or provision of the Solicitation. Accordingly, Xylem's bid must be rejected.<sup>2</sup>

For the foregoing reasons we respectfully urge you to award the Contract to Sunbelt.

Very truly yours



Robert Fulton Dashiell

---

information (Exh.7). That information is shown only on the bidder's insurance certificates which, as stated, do not include coverage for crime or three of the four mandatory coverage clauses.

<sup>2</sup> Five years ago Xylem's bid, then Godwin's, to the solicitation for these services was rejected, in part, because of the similar errors in the insurance certificates submitted.

# Exhibit 1

---





# CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY)  
11/01/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Aon Risk Services Northeast, Inc. New York NY Office 199 Water Street New York NY 10038-3551 USA		<b>CONTACT NAME:</b> <b>PHONE (A/C. No. Ext):</b> (866) 283-7122 <b>FAX (A/C. No.):</b> (847) 953-5390 <b>E-MAIL ADDRESS:</b>	
<b>INSURED</b> Xylem Dewatering Solutions, Inc. d/b/a Godwin Pumps of America, a wholly owned subsidiary of Xylem Inc. 84 Floodgate Road Bridgeport NJ 08014 USA		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> ACE American Insurance Company <b>INSURER B:</b> <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	
		<b>NAIC #</b> 22667	

## COVERAGES

CERTIFICATE NUMBER: 570048086145

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

Limits shown are as requested

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC			XSLG27014628 SIR applies per policy terms & conditions	10/31/2012	10/31/2013	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000 MED EXP (Any one person) Excluded PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$1,000,000 SIR \$1,000,000
A	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			ISA H08712025	10/31/2012	10/31/2013	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION						EACH OCCURRENCE AGGREGATE
A	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	WLRC47127191 WC All Other States SCFC47127208 WC WI Only	10/31/2012	10/31/2013	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE-EA EMPLOYEE \$1,000,000 E.L. DISEASE-POLICY LIMIT \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

The City of Baltimore, the Mayor and City Counsel of Baltimore are recognized as additional insured to the extent of loss caused by operations performed under written contract by named insured.

## CERTIFICATE HOLDER

## CANCELLATION

City of Baltimore  
231 E. Baltimore street  
Suite 300  
Baltimore MD 21202 USA

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*Aon Risk Services Northeast, Inc.*

Holder Identifier :

Certificate No : 570048086145

# Exhibit 2





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
11/02/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Marsh USA, Inc. 1166 Avenue of the Americas New York, NY 10036 Attn: NewYork.certs@Marsh.com Fax: 212-948-0500	<b>CONTACT</b> NAME: PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL: ADDRESS:
506636-XS-12-13	<b>INSURER(S) AFFORDING COVERAGE</b> INSURER A : Allianz Global Risks US Insurance Co INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :
<b>INSURED</b> Xylem Dewatering Solutions, Inc. d/b/a Godwin Pumps of America, a wholly owned subsidiary of Xylem Inc. 84 Floodgate Road Bridgeport, NJ 08014	NAIC #

**COVERAGES**      **CERTIFICATE NUMBER:** NYC-006298650-12      **REVISION NUMBER:** 0

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>GENERAL LIABILITY</b> <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> <b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			ULA 2003984	10/31/2012	10/31/2013	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

## CERTIFICATE HOLDER

City of Baltimore  
231 E. Baltimore street  
Suite 300  
Baltimore, MD 21202

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE  
of Marsh USA Inc.

Ryan O'Connor

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# Exhibit 3

**B50002694 – Temporary Bypass Pumping Systems**  
**Due: 12/19 /2012**

**INSURANCE**

The successful Offeror/Contractor will be required to provide insurance coverage as indicated in the General Conditions of Solicitation prior to beginning any work. This insurance coverage must be maintained throughout the life of the contract. Proof that coverage is either currently in place or will be provided must be submitted with the offer. This can be done by one of the two following methods.

1. Complete form "Certification of Insurance Coverage" below, or
2. Submit a Certificate of Insurance on a form provided by your Insurance Agent. This form must include the following clauses:
  - a. The Mayor and City Council of Baltimore are hereby named as Additional Insured.
  - b. The policy(s) cannot be reduced or canceled without at least forty-five (45) days' prior written notice to the City.
  - c. The insurance company is prohibited from pleading government function in the absence of any specified written authority from the City.
  - d. The policy(s) will automatically include and cover all phases of work, equipment, persons, et cetera which are normally covered while performing work under the above contract, whether specifically written therein or not.

Regardless of the method used, the form must be complete, must show that all limits of insurance are or will be met, and must be signed by the Agent.

Failure to provide the required insurance coverage by either of the two methods described above when the offer is submitted may result in rejection of your offer as being non-responsive.

  
Authorized Agent's Signature

12-18-12  
Date

# Exhibit 4



**B50002694 – Temporary Bypass Pumping Systems**

**Due: 12/19 /2012**

**Employ Baltimore**

**Requirements**

1. Complete the *Employ Baltimore* "Certification Statement" contained in the bid document and submit it with your bid package.
2. Contact the Mayor's Office of Employment Development (MOED) within two (2) weeks of receiving the contract award to schedule a meeting. At this meeting MOED will review your workforce/employment plan; explain the employment report requirements and discuss other workforce services available. You will not receive your first payment from the contract until MOED verifies with the contracting city agency that the meeting has been scheduled.
3. Should the workforce plan indicate a need to fill new jobs, the company will agree to post these positions through MOED and its One Stop Career Center network for a period of seven (7) days prior to publicly advertising the openings. This will enable MOED to identify and refer qualified city residents as candidates for these job opportunities.
4. Complete the "Employment Reports" as required on June 30<sup>th</sup> and December 31<sup>st</sup> during each year of the contract and at contract completion. Submit "Employment Reports" to:

Employ Baltimore  
Mayor's Office of Employment  
Development  
3001 E. Madison Street  
Baltimore, Maryland 21205  
- or -  
[employbaltimore@oedworks.com](mailto:employbaltimore@oedworks.com)

The City will not release a final payment or any retainage held by the City until MOED verifies that the Employment Reports have been submitted.

5. Businesses awarded construction contracts for \$300,000.00 or more that fully participate in the Employ Baltimore program and comply with the conditions listed in the certification statement may receive an early release or reduction in the retainage fee assigned to the contract.

To Schedule Your Meeting with MOED Please Contact:

Rosalind Howard or Susan Tagliaferro  
Employ Baltimore  
Mayor's Office of Employment Development  
3001 East Madison Street  
Baltimore, Maryland 21205  
Phone 443-984-3014 • Fax 410- 361-9648  
[rhoward@oedworks.com](mailto:rhoward@oedworks.com) [stagliaferro@oedworks.com](mailto:stagliaferro@oedworks.com)  
-or-  
[employbaltimore@oedworks.com](mailto:employbaltimore@oedworks.com)

# Exhibit 5



**B50002694 – Temporary Bypass Pumping Systems**  
**Due: 12/19 /2012**

***Employ Baltimore***  
**CERTIFICATION STATEMENT**

Contracting City Agency	Bid Number	Bid Due Date

To promote the commitment to utilize ***Employ Baltimore*** to meet employment needs, all businesses awarded contracts, franchises and development opportunities with the City of Baltimore, shall comply with the terms of the Executive Order as described in the bid specification. Under this agreement, contract awardees will **complete and submit this certification statement with the bid package.**

Excluded from this Executive Order are professional service contracts, emergency contracts, and contracts for \$49,999.00 or less.

Additionally, companies awarded construction contracts of \$ 300,000 or more that fully participate in the ***Employ Baltimore*** program and submit and comply with the certification statement, may receive an early release of or reduction in the retainage fee assigned to the contract.

**CERTIFICATION STATEMENT**

As a representative of \_\_\_\_\_, I \_\_\_\_\_  
(NAME OF COMPANY) (PRINT NAME and TITLE)

Certify that a company representative will schedule a meeting with the Mayor's Office of Employment Development within two weeks of contract award to review the workforce plan required for this contract.

If there is a need for additional employees, I agree to post the new job openings with MOED's One Stop Career Center Network for seven (7) days prior to publicly advertising these openings. I agree to interview qualified Baltimore City residents referred from MOED. I agree to submit an Employment Report on June 30<sup>th</sup> and December 31<sup>st</sup> identifying the total number of workers on this project and total number of Baltimore City residents on payroll during each year of the contract and at the contract completion as a condition of release of the final payment or any retainage due.

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Company Address \_\_\_\_\_ Email: \_\_\_\_\_

# Exhibit 6

**B50002694 – Temporary Bypass Pumping Systems**

**Due: 12/19 /2012**

**Statement of Work**

(NOTE: Where this section differs from the General Conditions this section shall prevail.)

**SW1. SCOPE OF WORK**

A. The City of Baltimore desires to procure services to provide on turnkey basis Temporary Bypass Pumping Systems as further described in the Detailed Specifications section of this solicitation.

**SW2. TERM OF AGREEMENT**

A. Effective Date. This contract will begin on the date awarded by the City Board of Estimates.

B. Expiration Date. The initial term of this Contract shall expire three years from the above effective date.

C. Renewals. The Contract shall contain an option to renew on the same terms and conditions for one additional two years term at the sole discretion of the City.

**SW3. METHOD OF AWARD**

A. This Award will be made to the qualified, responsive, and responsible bidders offering the lowest total bid price.

(1) In order to be considered eligible for award, a bidder must submit information that clearly demonstrates that the bidder either has on-hand adequate labor and equipment resources to perform the required services or has immediate committed access to such resources. Bidders must submit prices for all items requested.

(2) Bidders must submit prices for all items requested.

(3) A bidder who omits any requested price will be considered non-responsive; however, indicating "zero" or "no charge" for any item or unit price is not an omission, but rather a bid of zero dollars.

(4) Following award, the awardee shall execute other contract closing documents such as an 'Agreement', 'Performance Bond', 'Payment Bond', 'Certificate of Insurance', etc., as required, and in accordance with Section GC2.C.

**B. Responsiveness and Responsibility**

(1) An Offeror is considered Responsive if he or she has conformed and complied in all material ways with all instructions herein, including form and substance, and has properly prepared, signed, assembled, and submitted the documents, forms, and other information required herein.

(2) An Offeror is considered Responsible if he or she has documented and demonstrated the technical experience and the capability and commitment to provide all resources, including financial and technical, necessary for the complete and proper performance of the work specified herein.

**SW4. WORK EXPERIENCE & QUALIFICATIONS OF CONTRACTOR:**



**B50002694 – Temporary Bypass Pumping Systems**  
**Due: 12/19 /2012**

A. Bids will be considered only from bidders that have been actively engaged in services for this requirement and such experience shall be for a continuous period, under the same management as that in effect at the time of making the bid, but no less than the last preceding three (3) years. The successful bidder will be required to have in his possession the necessary license to perform above type of work.

B. To qualify for award, contractor must have successfully completed similar type of work and possess minimum three (3) years' experience in the City of Baltimore and/or at neighboring County(s), Maryland State, Federal agencies or large organizations.

C. The bidders will submit with offers in sufficient detail to demonstrate that the contractor possesses the qualifications, ability, capacity, facilities and resources to accomplish the work as set forth in the specification, all to the satisfaction of the City Purchasing Agent. The adequacy of the contractor to perform the work will be decided by the City Purchasing Agent. The City Purchasing Agent's decision shall be final.

D. The contractor shall submit with its offer evidence of having Service Organization in the Baltimore/Washington area for at least the last three years, performing services similar in size and scope of these specifications. In lieu of the above, the contractor must be able to demonstrate having equivalent experience of administrative, technical, supervisor, and field personnel in handling contracts in similar size and scope.

E. The contractor shall submit with offer a list of five (5) customers' reference locations in the Baltimore/Washington area where he has provided such services on contracts similar in size and scope of the specifications herein. Customer references shall include customer's name, address, and contact person and phone numbers.

F. The Contractor shall employ only competent, skilled, qualified and must have the appropriate Certification and directly employed and supervised by the contractor.

(1) The contractor shall be accountable and responsible for and ensure that any individual or entity working for or under the contractor who will perform work under this contract shall be licensed with valid and current certificate of training for the similar type work performed in accordance with these specifications and applicable codes.

(2) Whenever the agency supervisor shall notify the Contractor that, in his opinion, any man employed on the work is incompetent, disobedient, unfaithful, disorderly, profane or otherwise unsatisfactory, such man shall be immediately discharged from the work site and shall not again be employed on it except with the consent of the Contract Field Supervisor.

**SW5. PRICING**

A. Refer also to the Bid/Proposal Price Sheet(s) in Section 'B'

B. All prices shall remain firm and fixed for the full term of the contract, including renewals thereto, unless an escalation or adjustment clause is included herein.

C. These unit and/or lump sum prices shall cover any/all cost associated with the product/service specified throughout this solicitation, to include, but shall not be limited to, providing and delivering all products and services as specified herein plus any related additional necessary supplies, materials or services needed to properly deliver and/or perform the products and/or services as specified herein.

# Exhibit 7

**B50002694 – Temporary Bypass Pumping Systems**

**Due: 12/19 /2012**

**CERTIFICATE OF INSURANCE COVERAGE**

Offer submitted by (name of firm): \_\_\_\_\_

Name of Surety Company \_\_\_\_\_

Name of Surety Agent \_\_\_\_\_

Surety Agent's Phone \_\_\_\_\_

The below signed hereby certifies the following information to be true and correct.

Type of Coverage/ Minimum Required Limits	Policy or Binder #	Actual Limits	Expiration Date
Commercial General Liability/ \$1,000,000 Occurrence; \$3,000,000 Aggregate			
Business Automobile Liability/ \$1,000,000 Occurrence			
Workman's Compensation/ Minimum Statutory Requirement			
Crime Coverage - \$100,000		where is coverage if attached	

Check the appropriate box(es) below.

- ☐ Limits on above policy will be increased
- ☐ Above policy now in effect
- ☐ Policy will be obtained before contract signed

The following additional clauses shall be considered a part of the above policy(s), the same as if specifically written therein, as pertains to the above stated contract.

1. The Mayor and City Council of Baltimore are hereby named as Additional Insured.
2. The policy(s) shall not be reduced or cancelled without at least forty-five (45) days prior written notice to the City.
3. The insurance company is prohibited from pleading government function in the absence of any specific written authority by the City.
4. The policy(s) will be automatically included and cover all phases of work, equipment, persons, *et cetera* which are normally covered while performing work under the above contract, whether specifically written therein or not.

The City is hereby granted authority to contact the agency directly to confirm information or obtain copies of certificates of insurance. The City bears no responsibility for premiums or other cost of insurance. If policy(s) is not currently in effect, it will be written immediately upon notice of award, and a copy of binder or certificate will be sent directly to the City. A properly executed copy of this document shall be legally binding as a Carrier Certificate of Insurance Form.


12-18-12  
 Authorized Agent's Signature Date

**MINUTES**

Department of Real Estate - Deed

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a deed with Menlo Industrial Park, Inc., for the closing and conveyance of (i) a 10 foot alley located in the rear of 3120 Menlo Drive; and (ii) Pinkney Road between Block 4281, Lots 13 and 14, which has been legally closed.

**AMOUNT OF MONEY AND SOURCE:**

\$2,600.00

**BACKGROUND/EXPLANATION:**

Menlo Industrial Park, Inc., owns the adjacent property, which is an industrial park. Menlo Industrial Park, Inc. will ultimately be consolidating with their adjacent property to expand their facilities located at this site.

The sale of the public right-of-way was authorized by means of Sales Ordinance No. 12-36, approved on June 21, 2012. The street closing process is intricate and involves public notice and other procedures before the deed can be prepared for submission to the Board for approval. This deed was recently submitted by the Department of General Services to the Law Department for approval.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the deed with Menlo Industrial Park, Inc., for the closing and conveyance of (i) a 10 foot alley located in the rear of 3120 Menlo Drive; and (ii) Pinkney Road between Block 4281, Lots 13 and 14, which has been legally closed.

**MINUTES**

Department of Real Estate - Lease Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the lease agreement with the Maryland Art Place, Inc. landlord for a portion of the property known 216-218 W. Saratoga Street being on the 2<sup>nd</sup> and 3<sup>rd</sup> floors, consisting of 5,870 square feet. The period of the renewal is January 1, 2013 through March 31, 2013.

**AMOUNT OF MONEY AND SOURCE:**

The monthly rent of \$7,371.11 is payable in one quarterly installment or \$22,113.33.

Account: 4000-497210-3160-308600-603013

**BACKGROUND/EXPLANATION:**

On January 25, 2012, the Board approved the initial agreement for the period January 1, 2012 through December 31, 2012.

This short term lease will allow the Operation Safe Kids Program of the Baltimore City Health Department to remain at this location until they are ready to move to the Baltimore City Health Department offices at 1001 E. Fayette Street.

The Baltimore City Health Department will use the leased premises for the administrative and counseling services for Operation Safe Kids.

The landlord will be responsible for maintaining the exterior of the building, reasonable janitorial services and pay all permits and licensing associated with operating the building.

The tenant will be responsible for telephone and computer services, electricity, water usage, security system to the leased premises and accepting the leased premises in its current built out condition.



**MINUTES**

Department of Real Estate - cont'd

The lease agreement is late because of the scheduling of the lessor's Board of Directors.

The Space Utilization Committee approved this lease on February 12, 2013.

**APPROVED FOR FUNDS BY FINANCE.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the lease agreement with the Maryland Art Place, Inc. landlord for a portion of the property known 216-218 W. Saratoga Street being on the 2<sup>nd</sup> and 3<sup>rd</sup> floors, consisting of 5,870 square feet.

**MINUTES**Space Utilization Committee - Lease Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a lease agreement with Chesapeake and Alleghany Steam Preservation Society, Inc., tenant, for rental of a portion of the property known as 1941 Sloman Drive, consisting of approximately 10.7 acres. The period of the lease agreement is October 26, 2012 through October 25, 2022, with an option to renew for 1 ten-year term.

**AMOUNT OF MONEY AND SOURCE:**

\$1.00 - Annual Rent, if demanded

**BACKGROUND/EXPLANATION:**

The leased premise will continue to be used for the operation and exhibition of a small scale, live steam equipment railroad that will be open for general public entertainment at no charge. The original term of the lease was for one 10-year term, commencing on October 26, 1982 and terminating on October 25, 1992, with an option to renew for one 10-year term.

The City will be responsible for maintaining all utilities in good condition, maintaining all building improvements, maintaining all parking areas, maintaining grass, and providing trash cans and trash pickup. The tenant will be responsible for the condition of the railroad tracks, conducting inspections of the Live Steam Equipment, direct payment of the utilities, security of the trains and their components, and obtaining all licenses and permits to operate the Live Steam Equipment.

The Space Utilization Committee approved this lease at its meeting of February 12, 2013.

## MINUTES

Space Utilization - cont'd

This lease was delayed during the administrative review process.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the lease agreement with Chesapeake and Alleghany Steam Preservation Society, Inc., tenant, for rental of a portion of the property known as 1941 Sloman Drive, consisting of approximately 10.7 acres.

## MINUTES

Department of Real Estate - Tax Sale CertificatesACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Tax Sale Certificates to Southern Baptist Church for amounts that are less than the lien amount for the properties listed below:

<u>Property Address</u>	<u>Assessed Value</u>	<u>Flat Taxes &amp; Water</u>	<u>Total Liens</u>	<u>Assignment Amount</u>
1749 N. Chester St.	\$3,000.00	\$1,739.00	\$ 26,994.93	\$3,000.00
1700 N. Collington Ave.	\$3,000.00	\$4,963.27	\$ 30,598.46	\$4,963.27
1701 N. Collington Ave.	\$1,000.00	\$2,036.42	\$ 5,941.10	\$2,036.42
1703 N. Collington Ave.	\$1,000.00	\$2,487.48	\$ 6,352.34	\$2,487.48
1707 N. Collington Ave.	\$1,000.00	\$6,653.43	\$ 61,075.34	\$6,653.43
1710 N. Collington Ave.	\$3,000.00	\$2,530.43	\$ 5,416.12	\$3,000.00
1711 N. Collington Ave.	\$3,000.00	\$3,777.87	\$ 27,855.84	\$3,777.87
1712 N. Collington Ave.	\$3,000.00	\$ 357.00	\$ 3,216.66	\$3,000.00
1715 N. Collington Ave.	\$3,000.00	\$1,112.13	\$ 8,699.21	\$3,000.00
1720 N. Collington Ave.	\$3,000.00	\$ 285.60	\$ 3,774.08	\$3,000.00
1726 N. Collington Ave.	\$1,000.00	\$2,716.39	\$107,404.20	\$2,716.39
1733 N. Duncan St.	\$1,000.00	\$2,077.24	\$ 38,132.32	\$2,077.24
1734 N. Duncan St.	\$1,000.00	\$ 976.12	\$ 21,467.87	\$1,000.00
1737 N. Duncan St.	\$1,000.00	\$1,814.93	\$ 33,930.72	\$1,814.93
1739 N. Duncan St.	\$1,000.00	\$2,149.55	\$ 34,357.82	\$2,149.55
1741 N. Duncan St.	\$1,000.00	\$2,387.66	\$159,383.57	\$2,387.66
2111 E. Fayette St.	\$1,000.00	\$ 684.21	\$ 4,316.58	\$1,000.00

**MINUTES**

Department of Real Estate - cont'd

**BACKGROUND/EXPLANATION:**

The City acquired the Tax Sale Certificates for the indicated properties on the October 2012 bulk sale, for the lien amounts. Southern Baptist Church has offered to purchase the Tax Sale Certificates for the assignment amounts, totaling \$48,064.24, file petitions to foreclose, acquire title to the properties, and return them to productive use. The assignment amounts for these properties for the Tax Sale Certificates will cover the flat taxes and water bills on the properties.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the assignment of Tax Sale Certificates to Southern Baptist Church for amounts that are less than the lien amount for the foregoing properties.

MINUTES

PERSONNEL MATTERS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

the Personnel matters

listed on the following pages:

668 - 676

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.

On behalf of DPW, Mr. Meli **ABSTAINED** on item no. 7.

**MINUTES****PERSONNEL**

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Department of Public Works</u>		
1. <b>BARBARA MATTHEWS</b>	\$15.74	<b>\$30,000.00</b>
2. <b>MOUHAMADOU BA</b>	\$15.74	<b>\$30,000.00</b>
3. <b>LONNIE WILLIAMS</b>	\$15.74	<b>\$30,000.00</b>

Account: 2071-000000-5471-400504-601009

The above listed individuals will each work as a Customer Care Correspondent. Their duties will include, but will not be limited to investigating and resolving a variety of difficult customer complaints, pursuant to Baltimore City law and procedures. They will work with account specialists to determine the final action to be taken regarding accounts and communicate these findings to the customers. In addition, the Customer Care Correspondents will investigate and resolve billing inquiries and communicate the results to the Chief of Staff and the Revenue Measurement and Billing Division, investigate account information, prepare case histories, and draft written reports on complex issues for other Billing Service Groups. The period of the agreement is effective upon Board approval for one-year.

4. <b>MICHAEL G. THOMPSON</b>	\$21.05	<b>\$40,000.00</b>
5. <b>TIRELL A.M. CLIFTON</b>	\$21.05	<b>\$40,000.00</b>

Account: 2070-000000-5541-398400-601009

Messrs. Thompson and Clifton will each work as a PC Support Technician II. Their duties will include, but will not be limited to installing, testing and replacing memory, disk storage, network, video, adapters, circuit boards, and other internal components and peripheral devices in IBM-compatible

## MINUTES

PERSONNELHourly RateAmountDepartment of Public Works - cont'd

microcomputers and workstations. Messrs. Thompson and Clifton will install and configure software on computers, including new and previously unused software, install PCs, perform quality control and quality assurance on new installs, properly inventory and dispose of the PCs. They will also answer questions by computers users in the use of common software. The period of the agreement is effective upon Board approval for one-year.

Department of Transportation

6. **JEANNE ROBINSON** \$38.89 **\$46,670.00**

Account: 1001-000000-2391-251900-601009

Ms. Robinson, retiree, will continue to work as a Special Transportation Engineer Analyst. She will be responsible for accurate and timely intelligence recommendations for rapid deployment of resources, effective tactics and strategies, and relentless follow-up and assessment to advance the goals of the City's Department of Transportation. Ms. Robinson will develop performance metrics, data collection systems, data reporting requirements, and perform quality assurance/quality control checks of data accuracy. She will also analyze aggregate and individualized data sets and prepare written reports. The period of the agreement is effective upon Board approval for one year.



**MINUTES****PERSONNEL**

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Department of Recreation and Parks</u>		
7. <b>LAURIE BOSWELL</b>	\$16.00	<b>\$33,280.00</b>

Account: 2096-796643-7960-864300-601009

Ms. Boswell will work as an Event Coordinator. Her duties will include, but will not be limited to working with potential customers, selling event space, and ensuring that promotion materials and the website have up-to-date information. Ms. Boswell will prepare proposals for prospective clients, direct, coordinate, and arrange for meetings and special events, and maintain a weekly and monthly facility activities calendar. In addition, she will ensure adequate staffing for events, negotiate and draw up contracts, assist in the logistics planning for events, work events, and supervise crews, weekend housekeeping staff, and front desk staff during events. The period of the agreement is effective upon Board approval for one year.

Department of General Services

8. <b>LISA R. LITTLE</b>	\$34.84	<b>\$41,813.34</b>
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Account: 2030-000000-1890-189900-601009

Ms. Little, retiree, will work as an Information Systems and Network Specialist. Her duties will include, but not be limited to providing sole system administration and overseeing the implementations and technical support of the Fleet License Plate Recognition System. This is a video camera-based system that will be programmed to recognize all vehicles registered to the Mayor and City Council of Baltimore, Baltimore City Public School Systems, and the

## MINUTES

PERSONNELDept. of General Services - cont'd

Housing Authority of Baltimore City by reading tag numbers of City vehicles when fueling transactions are initiated. Ms. Little will also perform as Project Manager and Technical Support Specialist for the modification of Fleet Management's EJ Ward Fuel System, in order to import commercial credit card fuel transactions. She will make recommendations regarding IT and Network upgrades with emphasis on improvements that would benefit the Department and City as a whole. The period of the agreement is effective upon Board approval for one year.

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

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. Her correspondence has been sent to the appropriate agency and/or committee which will respond directly to Ms. Trueheart.

9. **JANICE BROWN-HYATT** \$20.76 **\$38,061.00**

Account: 1001-000000-1981-194600-601009

Ms. Brown-Hyatt, retiree, will continue to work as a Special Communications Coordinator. She will be responsible for conducting site surveys, reviewing blueprints and floor plans pertaining to the installations of communication equipment and services, serving as liaison with the Department of Communication Services regarding relocations, new installations, disconnections and other routine agency transactions involving the Municipal Telephone system. The period of the agreement is effective upon Board approval for one year.

## MINUTES

PERSONNEL

	<u>Hourly Rate</u>	<u>Amount</u>
<u>State's Attorney's Office</u>		
10. DWIGHT P. THOMAS	\$26.40	\$49,842.00

Account: 1001-000000-1150-118200-601009

Mr. Thomas will continue to work as an Investigator for the Felony Family Violence Division. He will be responsible for researching the whereabouts of, and locating parties relevant to prosecution of cases. He will provide location information to the Warrant Apprehension Task Force so that arrests can be made. In addition, he will communicate with witnesses and victims to provide case status and trial date information as well as prepare subpoenas, ascertain and verify the respondents' legal identity through fingerprint identification documents and investigative findings, and researching the prosecution database and the daily newspapers to gain information about persons being sought in prosecution cases. The period of the agreement is March 26, 2013 through March 25, 2014.

In March 1999, the Board approved a Waiver of AM 212-1 to hire retired Police Officers as investigators for the Office of the State's Attorney.

Finance Department

11. PRINCE GREEN	\$16.73	\$20,078.00
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Account: 1001-000000-1480-166400-601009

Mr. Green, retiree, will continue to work as a License Inspector for the Licensing/Business Taxes Unit. His duties will include, but are not limited to conducting citywide on-site inspections. He will inspect gas stations, pawnbrokers, open-air garages, massage parlors, theaters, skating rinks, bars, clubs, restaurants, movie houses, amusement arcades and other establishments required by Article 15 of the Baltimore City Code. The period of the agreement is effective upon Board approval for one year.

## MINUTES

PERSONNEL

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Police Department</u>		
12. <b>MICHELLE GREEN</b>	\$25.00	<b>\$19,500.00</b>

Account: 4000-497411-2252-692902-601009

On December 5, 2012, the Board approved a Memorandum of Understanding with the Mayor's Office of Criminal Justice for the Continuum of Opportunity Reentry Program and Services (CORPS). Under the CORPS agreement, services and support will be provided to youth returning to Baltimore City from the Department of Juvenile Justice Services out-of-home placement or who are on probation with the DJS. Ms. Green will work as a Project Coordinator. She will be responsible for managing and coordinating day-to-day operations of the CORPS Initiative. The agreement is for the period January 7, 2013 through June 30, 2013.

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

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. Her correspondence has been sent to the appropriate agency and/or committee which will respond directly to Ms. Trueheart.

Fire Department

13. a. Create the following two classes:

41255 - Fire Lieutenant, Urban Search and Rescue  
Grade 338 (\$51,289.00 - \$62,582.00)

41256 - Fire Captain, Urban Search and Rescue  
Grade 341 (\$57,490.00 - \$70,911.00)

**MINUTES****PERSONNEL**Hourly RateAmountb. Create the following two Positions:

41255 - Fire Lieutenant, Urban Search and Rescue  
 Grade 338 (\$51,289.00 - \$62,582.00)  
 1 Position  
 Job number to be assigned by BBMR

41256 - Fire Captain, Urban Search and Research  
 Grade 341 (\$57,490.00 - \$70,911.00)  
 1 Position  
 Job number to be assigned by BBMR

Costs: \$176,211.00 - 4000-478911-2015-21071-601061

Enoch Pratt Free Library14. Reclassify the following two vacant positions:a. Job No. 4501-15615

From: Job Code: 00634  
 Class: Library Carpenter  
 Grade: 082 (\$31,225.00 - \$36,934.00)

To: Job Code: 07378  
 Class: Asst. Director of Building Service  
 Grade: 113 (\$46,700.00 - \$56,500.00)

b. Job No. 4501-34080

From: Job Code: 00674  
 Class: Library Security Officer Supervisor  
 Grade: 086 (\$35,947.00 - \$43,361.00)

To: Job Code: 07362  
 Class: Assistant Director of Public Safety  
 Grade: 113 (\$46,700.00 - \$56,500.00)

**MINUTES****PERSONNEL**

Costs: \$16,750.00 - 1001-000000-4501-339100-601001  
      11,750.00 - 1001-000000-4501-350000-601001  
      **\$28,500.00**

Circuit Court for Baltimore City15. a. Create the following new class:

00816 - Research Analyst II  
      Grade 111 (\$41,700.00 - \$60,500.00)

b. Reclassify the following position:

From: 00813 - Court Secretary II  
      Grade 089 (\$40,540.00 - \$49,222.00)  
      Job No. 1100-10338

To: 00816 - Research Analyst II  
      Grade 111 (\$41,700.00 - \$60,500.00)

Cost: \$9,603.45 - 1001-000000-1100-109400-601001

Department of Public Works16. Reclassify the following vacant positions:a. Job Nos: 5161-47919 and 5161-47920

From: 54411 - Motor Vehicle Driver I  
      Grade 487 (\$29,432.00 - \$30,742.00)

To: 54432 - Heavy Equipment Operator II  
      Grade 433 (\$34,044.00 - \$38,261.00)

b. Job No. 5161-36158

From: 52931 - Laborer  
      Grade 482 (\$27,747.00 - \$28,662.00)

To: 54432 - Heavy Equipment Operator II  
      Grade: 433 (\$34,044.00 - \$38,261.00)

**MINUTES****PERSONNEL**Department of Public Works - cont'dAbolish the following position:c. Job No. 5161-36160

52931 - Laborer

Grade: 482 (\$27,747.00 - \$28,662.00)

Costs Savings: (\$27,560.00) - 1001-000000-5161-389800-601001

Department of Human Resources

	<u>Hourly Rate</u>	<u>Amount</u>
17. <b>LISA M. EVANS</b>	\$33.65	<b>\$70,000.00</b>

Account: 1001-000000-1601-172500-601009

Ms. Evans will work as a Lead Wellness Coordinator. Her duties will include but are not limited to designing and coordinating a Baltimore City employee wellness program that is inclusive of health education and physical fitness programs, conferring and consulting with Human Resources manager on education program goals, objectives, effectiveness and strategies. The period of the agreement is effective upon Board approval for one year.

Department of Public Works

1. Rudolph S. Chow	The Utility Mgmt.	Water	\$ 5,717.20
Blake Bornkessel*	Conf.	Utility	
	Glendale, AZ		
	March 09 - 14, 2013		
	(Reg. Fee \$705.00)		
	(Reg. Fee \$605.00*)		

The subsistence rate for this location is \$199.00 per day. The hotel cost is \$249.00 per night plus a tax of \$40.26 per night. The Department is requesting additional subsistence of \$50.00 per day for the cost of the hotel and an additional \$40.00 per day for the cost of food for each representative.

## Kim A. Trueheart

February 26, 2013

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 Baltimore City, of which I am a member, in good standing.

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: Page 132 Item #8, Personnel - Department of General Services - if approved:
  - a. Please provide access to details about Fleet License Plate Recognition System for inspection.
  - b. Please provide access the document(s) which show this investment of \$41,813.34 will result in savings beyond this investment.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I am experiencing a significant financial burden with annual tax increases, sewer and water service increases, user fee increases, parking meter rate increases and significantly reduce services as a resident. This onerous burden can only be relieved when the cost saving business practices are consistently applied to all procurement actions. This award fails to accomplish that end and will be most costly to the citizens of Baltimore and myself.
4. The Remedy I Seek: This award should NOT be approved until details of the benefit to citizens are disclosed in the interest of transparency.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on February 27, 2013.

If you have any questions regarding this request, please telephone me at (410) 205-5114.

Sincerely,

Kim Trueheart  
Citizen

Email: [ktrueheart@whatfits.net](mailto:ktrueheart@whatfits.net)

5519 Belleville Ave  
Baltimore, MD 21207



## Kim A. Trueheart

February 26, 2013

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, especially the women of Baltimore City who appear to be victims of sexist policing practices which appears to have been inculcated within the ranks of the Baltimore City Police Department for generations from the top down.

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 135, Personnel - Police Department
    - i. Please provide access to the Memorandum of Understanding approved by the board on December 5, 2012 with the Mayor's Office of Criminal Justice for the Continuum of Opportunity Reentry Program and Services (CORPS) for inspection.
    - ii. Please provide access the document(s) which show the individual responsible for managing and coordinating day-to-day operations of the CORPS Initiative for the period July 1, 2012 through January 6, 2013.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I am experiencing a significant financial burden with annual tax increases, sewer and water service increases, user fee increases, parking meter rate increases and significantly reduce services as a resident. This onerous burden can only be relieved when the cost saving business practices are consistently applied to all procurement actions and outcomes that produce great outcomes for citizens are achieved. This award fails to accomplish that end and will be most costly to the citizens of Baltimore and myself.
4. The Remedy I Seek: This award should NOT be approved until the details, program plan and program schedule is disclosed in the public interest to expand awareness.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on February 27, 2013.

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

Police Department

12. **MICHELLE GREEN** \$25.00 **\$19,500.00**

Account: 4000-497411-2252-692902-601009

On December 5, 2012, the Board approved a Memorandum of Understanding with the Mayor's Office of Criminal Justice for the Continuum of Opportunity Reentry Program and Services (CORPS). Under the CORPS agreement, services and support will be provided to youth returning to Baltimore City from the Department of Juvenile Justice Services out-of-home placement or who are on probation with the DJS. Ms. Green will work as a Project Coordinator. She will be responsible for managing and coordinating day-to-day operations of the CORPS Initiative. The agreement is for the period January 7, 2013 through June 30, 2013.

5519 Belleville Ave  
Baltimore, MD 21207

## MINUTES

The Department has paid the cost of registration for Mr. Chow in the amount of \$705.00 under Expenditure Authorization 0000111695 and the registration fee for Mr. Bornkessel in the amount of \$650.00 with a City issued credit card assigned to Mr. Blake Bornkessel. Therefore, the disbursement amount to Mr. Chow and Mr. Bornkessel will be in the amount of \$2,127.10 and \$2,235.10, respectively.

Police Department

- |                       |   |                             |             |
|-----------------------|---|-----------------------------|-------------|
| 2. Martin A. Bartness | 29 <sup>th</sup> Nat'l. Symposium<br>on Child Abuse<br>Huntsville, AL<br>March 18 - 21, 2013                              | SORU<br>Grant               | \$ 930.60   |
| 3. Darryl D. De Sousa | Senior Executives in<br>State and Local<br>Government Course<br>Boston, MA<br>June 3 - 21, 2013<br>(Reg. Fee \$11,800.00) | Asset<br>Forfeiture<br>Fund | \$12,120.80 |

## MINUTES

TRAVEL REQUESTSPolice Department - cont'd

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
4. Dean M. Palmere	Senior Executives in State and Local Government Course Boston, MA July 7 - 28, 2013 (Reg. Fee \$11,800.00)	Asset Forfeiture Fund	\$12,120.80

Health Department

5. William Wasson	Boston College HIV/AIDS Conf. Chicago, IL May 23 - 26, 2013 (Reg. Fee \$200.00)	Ryan White Part B Medical Case Mgmt.	\$ 1,404.14
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The airfare and registration in the amount \$549.80 were paid with a City issued credit care assigned to Ms. Jacquelyn Duval-Harvey. The disbursement to Mr. Wasson will be in the amount of \$854.34.

6. Jennifer Martin	Public Health Preparedness Summit Atlanta, GA March 11 - 15, 2013 (Reg. Fee \$525.00)	Public Health Preparedness Grant	\$ 1,732.92
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The airfare and registration in the amount \$831.80 were paid with a City issued credit care assigned to Ms. Meghan Butasek. The disbursement to Ms. Martin will be in the amount of \$901.12.

## MINUTES

TRAVEL APPROVAL AND REIMBURSEMENTBaltimore City Health Department (BCHD)

7. Arielle Juberg	\$2,487.83
8. Jayne Blumenthal	<u>2,667.40</u>
	<b>\$5,155.23</b>

On November 26, 2012 - December 06, 2012, Ms. Juberg and Ms. Blumenthal traveled to Boston, MA to attend the Introduction to Sexually Transmitted Disease Intervention Course training. The Centers for Disease Control (CDC) has assigned two Public Health Associates to the BCHD Prevention Program for two years to function as Disease Intervention Specialist. Ms. Juberg and Ms. Blumenthal serve at no cost to the BCHD. However, the BCHD is responsible for all associated cost and training of the employees to perform their assigned duties. A required component of this training is the CDC course Introduction to Sexually Transmitted Disease Intervention. This course is only offered through the New York State STD/HIV Prevention Training Center. This travel request was not submitted in time for prior approval because the employees were unfamiliar with the process.

The allowed subsistence rate for this location is \$229.00 per day for a total of \$2,519.00 for each representative. The Department is requesting approval of this travel request retroactively, and approval for reimbursement of the costs of transportation, lodging, and meals totaling \$2,487.83 for Ms. Juberg and \$2,667.40 for Ms. Blumenthal.

The Department has paid both the cost of the Amtrak fare for Ms. Juberg in the amount of \$353.00, and the cost of the airfare for Ms. Blumenthal in the amount of \$450.60 using a City issued credit card assigned to Ms. Jacquelyn Duval-Harvey. Therefore, the disbursement will be in the amount of \$2,134.83 and \$2,216.80 to Ms. Juberg and Ms. Blumenthal, respectively.

UPON MOTION duly made and seconded, the Board approved the travel requests, travel approvals, and the travel reimbursements.

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

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Dept. of Housing and Community Development (DHCD) - Option</u>			
1. Nancy Oring and Ira Oring	904 N. Chester St.	G/R \$54.00	\$ 450.00

Funds are available in account 9910-906416-9588-900000-704040, EBDI Project, Phase II Project.

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

**DHCD - Rescission and Approval of Condemnation**

2. Tivoly Realty, LLC	2711 Tivoly Ave.	L/H	\$10,300.00
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On October 10, 2012, the Board approved the acquisition of the leasehold interest, by condemnation, in 2711 Tivoly Avenue for \$7,350.00. Since the original Board approval, the property has been reappraised at a higher price. Therefore, the Board is requested to rescind the prior approval and approve the acquisition of the leasehold interest, by condemnation, in 2711 Tivoly Avenue for \$10,300.00.

Funds are available in account 9910-904326-9588-900000-704040, Coldstream Homestead Montebello Project.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the option, the rescission, and the condemnation.

## MINUTES

PROPOSALS AND SPECIFICATIONS

1. Bureau of Water and  
Waste Water
    - WC 1255, Meter Setting  
Installations and Water  
Main Replacements at Various  
Locations, East Baltimore &  
Locust Point  
**BIDS TO BE RECV'D: 03/27/2013**  
**BIDS TO BE OPENED: 03/27/2013**
  2. Bureau of Water and  
Waste Water
    - WC 1256, Meter Setting  
Installations and Water  
Main Replacements at Various  
locations, Patterson Park  
Vicinity  
**BIDS TO BE RECV'D: 03/27/2013**  
**BIDS TO BE OPENED: 03/27/2013**
  3. Bureau of Water & Wastewater
    - WC 1240, Meter Settling  
Installations and Water Main  
Replacements at Various  
Locations, West Baltimore  
**BIDS TO BE RECV'D: 03/27/2013**  
**BIDS TO BE OPENED: 03/27/2013**
- A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS' ASSOCIATION. AS IT WAS RECEIVED AFTER THE DEADLINE, THE BOARD DID NOT HEAR THE PROTESTS.**
4. Department of Recreation  
and Parks
    - RP 12815, Skate Park of  
Baltimore  
**BIDS TO BE RECV'D: 04/03/2013**  
**BIDS TO BE OPENED: 04/03/2013**

**MMCA- Maryland Minority Contractors Association, Inc.**

A Chapter of the American Minority Contractors and Businesses Association, Inc.-AMCBA

Baltimore, Maryland 21210

443-413-3011 Phone

410-323-0932 Fax

February 26, 2013

Via Facsimile 410-685-4416

Honorable Bernard "Jack" Young

President, Baltimore City Board of Estimates

City Hall-Room 204

Baltimore, MD 21202

**ATTN:** Ms. Bernice Taylor, Esquire, Clerk to the Board

Dear Mr. President:

I represent the Maryland Minority Contractors Association ("MMCA").

The purpose of this communication is to protest Your Honorable Board's approval of the City's Bureau of Water and Waste Water's proposal to advertise the following described water contracts as set forth on page 143 of Your Honorable Board's 02/27/2013 public meeting agenda: (1) WC-1255-EastBaltimore and Locust Point; (2) WC-1256-Patterson Park Vicinity; and (3) WC-1240-West Baltimore City.

Our protest is based on the fact that the proposed MBE-WBE utilization goals for each contract have not been established in accordance with the MBE-WBE goal setting process specifically provided for in applicable provisions of the City's M-WBE Ordinance, codified at Article 5, Subtitle 28-22 ©, which provides:

(c) "Construction contracts of \$1,000,000 or more."

"On construction contracts for which the estimated cost is \$1,000, or more, the office may in consultation with the contracting agency, set goals for MBEs divided into subgoals for African America, Hispanic American, Asian American, or Native American-owned firms."

While the operative term of the ordinance is "may" . . . set goals for MBEs divided into subgoals . . .," which suggests that this is not a requirement, the broad beneficial and remedial intent and purpose underlying the M-WBE ordinance, nonetheless would strongly support the City's MWBOO setting



goals for MBEs, divided into subgoals for African American and other subgroups, on each identified contract, which is the subject of a protest herein.

Further, Protestant wishes to protest Your Honorable Board's decision to hear the two (2) protests filed by two unsuccessful bidders on SC-897-Improvements to Sanitary Sewers In Greenmount, Hampden and Bolton Hill areas in the Jones Falls Sewershed." The Board's decision to hear such protests related to an agency's recommendation to "reject all bids," violates the Board's long-standing policy and rule against hearing such protests.

MCA and its members would suffer cognizable injury if the Board were to approve the above proposed items.

Respectfully Submitted,

*Arnold M. Jolivet*

Arnold M. Jolivet  
Managing Director

**MINUTES****PROPOSALS AND SPECIFICATIONS**

There being no objections, the Board, UPON MOTION duly made and seconded, approved the above-listed Proposals and Specifications to be advertised for receipt and opening of bids on the date indicated. The President **ABSTAINED** on item nos. 1 - 3. On behalf of DPW, Mr. Meli **ABSTAINED** on item no. 4.

**MINUTES****PERSONNEL**Department of Public Works1. Abolish the following three vacant positions:Job Nos. 5152-35919, 5152-35943, and 5152-35978

- a. Job Code: 52931  
Class: Laborer  
Grade: 482 (\$27,747.00 - \$28,662.00)

Create the following position:

- b. Job Code: 00142  
Class: Executive Level I  
Grade: 948 (\$55,200.00 - \$99,200.00)  
Job number to be assigned by BBMR

Cost Savings (\$59,795.00) - 1001-000000-5152-386500-601001

The Executive Level I will function as the Assistant Deputy Chief for Operations whose duties and responsibilities will include acting as the primary liaison between the Mayor's Office and the Departments of Transportation, General Services, Public Works, and operating agencies/organizations as assigned.

Department of Transportation

	<u>Hourly Rate</u>	<u>Amount</u>
2. <b>RICHARD CHEN</b>	\$48.00	<b>\$ 31,709.00</b>

Account: 1001-000000-5033-382300-601009

Mr. Chen, retiree, will continue to work as a Special Bridge Engineer. He will be responsible for reviewing, commenting, and approving the Developer's Agreements distributed by the Department of Public Works and reviewing, commenting, and approving contracts from the Department of Transportation and the Department of Public Works. In addition, Mr. Chen will work with the Law

## MINUTES

PERSONNELDept. of Transportation - cont'd

Department on issues pertaining to ownership of City bridges and other contested matters. He will review, comment, and approve the consultant's cost proposals and invoices. The Department of Transportation is requesting a waiver of the maximum hourly rate for a retiree pursuant to AM 212-1, Part I. The period of the agreement is effective upon Board approval for one year.

Department of Finance

3. ANNIE BOYD	\$20.05	\$24,065.00
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Account: 1001-000000-1500-166800-601009

Ms. Boyd, retiree, will work as a Special Assistant. Ms. Boyd will be responsible for training the newly appointed Treasury Assistant on the daily duties of the position which include, but are not limited to, the collection and compilation of quotes from investment dealers and banks; analyzing actual and estimated daily receipts and disbursements to determine amount of unencumbered cash available for investment. She is also responsible for maintaining accounting records, transaction sheets, daily receipts and disbursement reports, computerized earnings, cash and maturity files of the City's investment portfolio, and preparing reports for the Chief, Bureau of Treasury Management. The period of the agreement is effective upon Board approval for one year.

**A WAIVER TO THE ADMINISTRATIVE MANUAL, AS STIPULATED IN AM 212-1, PART I, WHICH STATES THAT A RETIREE MUST WAIT 90 CALENDAR DAYS BEFORE BEGINNING SUCH SERVICES, IS REQUESTED.**

UPON MOTION duly made and seconded, the Board approved the foregoing personnel matters. All of the personnel matters have been approved by the Expenditure Control Committee.

## MINUTES

ACKNOWLEDGEMENT

President: "Okay, Madam Comptroller."

Comptroller: "Oh yeah. Good morning Mayor Rawlings-Blake, Council President Young, Board members, employees and guests. Today, we have students joining us from my alma mater um -- the University of Baltimore. Would you please stand? These brilliant students are from the Accounting Honors Program at University of Baltimore, let's give them a round of applause."

(Applause)

Joining them is Professor Dalton Dong, Director of the Accounting Honors Program and Dr. Jan Williams, Associate Professor -- Professor from the Merrick School of Business of the University of Baltimore. As part of this program at UB, these outstanding students over the past two years have visited the American Institute of Certified Public Accountants in New York, the Financial Accounting Standards Board in Connecticut, and the Securities and Exchange Commission in Washington, DC, in addition to several international, regional and local accounting firms. Also, Professor Dong is working on formalizing an

## MINUTES

honor's program trip to the International Accounting Standards Board in London this summer for these remarkable students. To broaden their knowledge they have come to City Hall for the Board of Estimates meeting today to see local government at work. They also plan to visit health care facilities in the future. We are honored to have them join us today and we are extremely proud of your accomplishments. Um -- thank you very much for coming and I think the Mayor and the President would like to congratulate you also."

President: "First of all I would like to congratulate you on being honor students, um - especially for me, being my daughters in the Masters Program at UB, as well. So, I want you all to continue to reach heights unknown because you can reach for heaven if you grab a star and look how far you've come. But I encourage you all to reach back to help somebody else as you travel this road. Thank you."

Mayor: "And thank you for visiting with us. I'm sorry it wasn't more; you know usually we get one or two more protests its a little bit more action. Ah -- so you are always welcome to come back. Your school, ah -- the University has an excellent reputation and as someone who stayed away from anything having

## MINUTES

to do with accounting and statistics um that's why I'm not a double major in economics, so yeah I certainly applaud your hard work and have a lot of respect for what you're doing and encourage you to continue to pursue excellence in your career."

\* \* \* \* \*

President: "Okay, there being no more business before this Board, the Board will recess until twelve noon bid opening. 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 Transportation - TR 10004, Repairs to various  
Bridges & Safety Improvements  
Along I-83 from Gay Street to  
41<sup>st</sup> Street  
**BIDS TO BE RECV'D: 03/13/2013**  
**BIDS TO BE OPENED: 03/13/2013**

Bureau of Purchases - B50002745, Single Space  
Electric Parking Meters  
**BIDS TO BE RECV'D: 03/13/2013**  
**BIDS TO BE OPENED: 03/13/2013**



## MINUTES

Bureau of Purchases

- B50002682, Data Center Migration  
**BIDS TO BE RECV'D: 03/06/2013**  
**BIDS TO BE OPENED: 03/06/2013**

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 Transportation - TR 12015R, Reconstruction of Deteriorated Manholes at Various Locations Citywide - Local

Allied Contractors, Inc.  
Highlander Contractor Company  
Flippo Construction Co., Inc.  
Cuddy & Associates LLC  
DSM Properties LLC  
Civil Construction, LLC

Bureau of Purchases

- B50002644, Psychological Services

Psychology Consultants Associates  
Atlantic OccuPsych

## MINUTES

Bureau of Purchases

- B50002697, Tree Pruning  
Contract

G&V Tree Service, Inc.  
Asplundh Tree Exper Co.  
Forest Valley Tree & Turf, LLC  
Miller Tree Service, Inc.  
Pittman's Tree & Landscaping, Inc.  
Lewis Tree Service, Inc.  
Tree Services, Inc. d/b/a Adirondack Tree Experts  
Excel Tree Expert Co.

Bureau of Purchases

- B50002781, Automotive Trans-  
mission Repair Service

Holabird Enterprises of Maryland Inc.  
Whitcraft Transmission Inc.  
Glen Burnie Transmissions  
Jasper Engines & Transmissions

Bureau of Purchases

- B50002820, Request for Propo-  
sals for Consultant Services  
for Broadband (Fiber Optic  
Infrastructure Strategies)

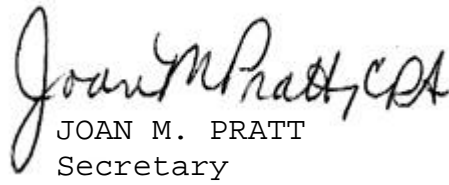
Design Nine, Inc.\*  
Magellan Advisors, LLC  
Columbia Telecommunications  
Corporation  
Mid-State Consultants, Inc.

\*UPON FURTHER MOTION duly made and seconded, the Board declared the bids of Design Nine, Inc. **NON-RESPONSIVE** due to the companies' failure to proffer a bid guarantee as mandated by the solicitation instructions and the City Charter.

## MINUTES

\* \* \* \* \*

There being no objections, the Board, UPON MOTION duly made and seconded, adjourned until its next regularly scheduled meeting on Wednesday, March 6, 2013.

  
JOAN M. PRATT  
Secretary