

NOTICE:

1. On January 22, 2014, the Board of Estimates approved the Resolution on the Regulation of Board of Estimates Meetings and Protests, effective February 05, 2014. Pursuant to the Resolution:

a. Anyone wishing to speak before the Board, whether individually or as the spokesperson of an entity must notify the Clerk of the Board in writing no later than by noon on the Tuesday preceding any Board meeting, or by an alternative date and time specified in the agenda for the next scheduled meeting. The written protest must state (1) whom you represent and the entity that authorized the representation (2) what the issues are and the facts supporting your position and (3) how the protestant will be harmed by the proposed Board action.

b. Matters may be protested by a person or any entity directly and specifically affected by a pending matter or decision of the Board. In order for a protest to be considered, the protestant must be present at the Board of Estimates meeting at 9:00 A.M., Room 215 City Hall.

c. A Procurement Lobbyist, as defined by Part II, Sec. 8-8 (c) of The City Ethics Code must register with the Board of Ethics as a Procurement Lobbyist in accordance with Section 8-12 of The City Ethics Code.

The full text of the Resolution is posted in the Department of Legislative Reference, the President of the Board's web site, (http://www.baltimorecitycouncil.com/boe_agenda.htm) and the Secretary to the Board's web site (<http://www.comptroller.baltimorecity.gov/BOE.html>).

Submit Protests to:
Attn: Clerk,
Board of Estimates
Room 204, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

BOARD OF ESTIMATES' AGENDA - OCTOBER 5, 2016

BOARDS AND COMMISSIONS

1. Prequalification of Contractors

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

AJO Concrete Construction, Inc.	\$ 1,500,000.00
Bosley Construction, Inc.	\$ 1,500,000.00
Horton Mechanical Contractors, Inc.	\$ 8,000,000.00
J. F. Fischer, Inc.	\$69,723,000.00
Letke Security Contractors, Inc.	\$ 1,500,000.00
Manuel Luis Construction Co., Inc.	\$65,736,000.00
Midlantic Marking, Inc.	\$27,882,000.00
Partition Plus, Inc.	\$ 8,000,000.00

2. Prequalification of Architects and Engineers

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

Accurate Infrastructure Data, Inc.	Engineer Property Line Survey
Celadon Technologies, LLC	Engineer
Constellation Design Group, Inc.	Engineer
Hill International, Inc.	Engineer
O'Brien & Gere Engineers, Inc.	Engineer

AGENDA

BOARD OF ESTIMATES

10/05/2016

Department of Audits - Audit Report and Related Audit Digest

The Board is requested to **NOTE** receipt of the following Audit Report and Related Audit Digest:

1. Performance Audit Report Department of Finance Office of Risk Management for Employee Injuries for the period from July 1, 2013 through June 30, 2015.

TRANSFER OF FUNDS

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The Board is requested to approve
the Transfer of Funds
listed on the following page:

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In accordance with Charter provisions
a report has been requested from the
Planning Commission, the Director
of Finance having reported
favorably thereon.

AGENDA

BOARD OF ESTIMATES

10/05/2016

TRANSFER OF FUNDS

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Baltimore Development Corporation</u>			
1.	\$1,435,459.29	9910-914022-9600	9910-903355-9601
	24 th EDF	Constr. Res. WS	W/S Historic Prop.
		Historic Prop.	Rehab
		Stabilization	
	364,540.71	99140-914022-9600	9910-903355-9601
	<u>1st Comm. EDF</u>	Constr. Res WS	W/S Historic Prop.
	<u>\$1,800,000.00</u>	Historic Prop.	Rehab
		Stabilization	

This transfer will provide funds for the maintenance, repairs, and to address various real property need/issues such as: roof repairs, securing properties, debris removal, structural assessments, and demolition for City-owned properties located in the Westside Downtown business corridor.

EXTRA WORK ORDER

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The Board is requested to approve
the Extra Work Order
as listed on the following page:

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The EWO has been reviewed and approved
by the Department of
Audits, CORC, and MWBOO
unless otherwise indicated.

AGENDA

BOARD OF ESTIMATES

10/05/2016

EXTRA WORK ORDER

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

Department of Public Works/Office of Engineering & Construction

1. EWO #008, \$394,214.82 - S.C. 870, Scum/Grease System Improvements at the Back River Wastewater Treatment Plant
\$10,699,000.00 \$29,022.20 The Whiting-Turner - -
Contracting Co., Inc.

The contract documents required the contractor to install new underground utilities (Sanitary, Scum, Grease, Steam, and Potable) for the Sludge Thickening Facility at the Back River Wastewater Treatment Plant. During construction of these utilities, other pre-existing utilities were encountered. This conflict required the engineer to design an alternate path for the new utilities. This alternate path required the contractor to remove some pipes previously placed, abandon and backfill some excavation already done, and to perform other excavation, shoring, and pipe installation in greater quantities than was shown on the original contract plans. The cost of this additional work is supported by material invoices, time sheets, and equipment invoices. The supporting documentation has been reviewed by the design engineer and found to be acceptable.

AGENDA

BOARD OF ESTIMATES

10/05/2016

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Department of Law - Payments of Settlements</u>			
1. 400 Business Trust (prior owner)	1546 McKean Avenue	L/H	\$10,767.00

On July 29, 2015, the Board approved the acquisition of the leasehold interest, by condemnation, in the real property located at 1546 McKean Avenue. The Board previously approved a fair market value of \$4,733.00 based upon an independent appraisal report.

The property owner contested the valuation of the property. The City requested the independent appraiser to update the valuation. The City's updated valuation was \$5,667.00. The property owner offered an appraisal report that valued the property at \$31,000.00.

On the eve of the trial, the parties negotiated and agreed to settle the condemnation case for \$15,500.00. Therefore, the Board is requested to approve the additional \$10,767.00 in settlement of this case.

Funds are available in account 9910-905507-9588-900000-704040, AG Demolition Project Area.

2. Pang Y. Yu and Jean Yu (as husband and wife) (prior owner)	4685 Park Heights Avenue	F/S	\$53,000.00
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On December 9, 2015, the Board approved the acquisition of the fee simple interest, by condemnation, in the real property located at 4685 Park Heights Avenue. The Board previously approved a fair market value of \$59,000.00 based upon an independent appraisal report.

AGENDA

BOARD OF ESTIMATES

10/05/2016

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
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Department of Law - Payments of Settlement - cont'd

The owner contested the valuation and filed several motions contesting the City's authority to take the property, conduct a view during the trial, etc.

The City requested an updated appraisal which confirmed the valuation of \$59,000.00. The owner produced a report valuing the commercial property at \$190,000.00.

The parties engaged in mediation and negotiation. On the eve of the trial, the parties agreed to settle the case for \$112,000.00. Therefore, the Board is requested to approve the additional \$53,000.00 in settlement of this case. The owner of the property interest was Pang Y. Yu and Jean Yu (as husband and wife). Jean Yu is deceased, thus, Pang Y. Yu is the sole owner.

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

AGENDA

BOARD OF ESTIMATES

10/05/2016

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

ACTION REQUESTED OF B/E:

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

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

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

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

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

AGENDA

BOARD OF ESTIMATES

10/05/2016

PABC - cont'd

Location	Proposed Transient Rate Changes				Proposed Monthly Rate Changes
Lexington Street Garage	Regular Transient Rates				Regular Monthly Rate
		Current Rate	Proposed Rate	Last Rate Change	No Proposed Changes
	1 hour rate	\$5.00	\$6.00	May 2011	

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

AGENDA

BOARD OF ESTIMATES

10/05/2016

Health Department - Agreements and Amendment to Agreements

The Board is requested to approve and authorize execution of the various Agreements and Amendment to Agreements. The period the agreement is July 1, 2016 through June 30, 2017, unless otherwise indicated.

AGREEMENTS

1. **BALTIMORE HEALTHY START, INC. (BHS)** **\$ 40,000.00**

Account: 4000-499617-3080-294213-603051

The BHS will provide the services of a Certified Registered Nurse Practitioner to conduct home and center-based reproductive health services.

This agreement is late because budget reviews and approval delayed processing.

2. **ROSEMARIE MANOR, LLC** **\$163,800.00**

Account: 5000-534017-3254-767804-607001

This agreement will allow the Health Department to disburse State Subsidized Assisted Housing Funds for low-income residents at the Rosemarie Manor, LLC facilities located at 3809 Belle Avenue, and 3300 and 3333 Alto Road, in Baltimore City.

These facilities are enrolled in the Senior Assisted Living Group Home Subsidy Program. They provide subsidized senior assisted housing services for individuals aged 62 and over, who have temporary or periodic difficulties with the activities of daily living. The Senior Assisted Housing residents receive shelter, meals, housekeeping, personal care services, and 24-hour on-site supervision.

MWBOO GRANTED A WAIVER.

The agreement is late because the Department was awaiting grant information and signatures from the provider.

AGENDA

BOARD OF ESTIMATES

10/05/2016

Health Department - cont'd

3. **UNIVERSITY OF MARYLAND, BALTIMORE (UMB)** **\$ 50,000.00**
ADOLESCENT AND YOUNG ADULTS
CLINIC (AYAC)

Account: 4000-480617-3080-279200-603051

The UMB's AYAC provides comprehensive primary and sub-specialty care to young people from adolescence through early adulthood (12-24) years with transitioning to adult care. The purpose of AYAC's work for this project is to implement the Seventeen Days Curriculum within its setting.

The goal of the Seventeen Days Curriculum is to prevent HIV and sexually transmitted infections by improving young women's ability to make less risky sexual health choices.

This agreement is late because of delays in the administrative review process.

MWBOO GRANTED A WAIVER.

4. **RONA MARTIYAN** **\$ 40,268.58**

Account: 4000-432917-3255-761200-603018

Ms. Martiyan, a Registered Dietitian, will provide consultation services, nutrition monitoring, training, and related administrative services for the Health Department. These services will be provided to over 4,000 seniors in 60 and over congregate nutrition sites in Baltimore City and other Health Department services. Ms. Martiyan's duties will include follow-up and referral services associated with nutritional screenings of clients. She will also analyze and evaluate nutritional educational materials. The period of the agreement is October 1, 2016 through September 30, 2017.

AGENDA

BOARD OF ESTIMATES

10/05/2016

Health Department - cont'd

AMENDMENT TO AGREEMENTS

5. **ASSOCIATED BLACK CHARITIES, INC. (ABC)** **\$6,267,249.00**

Account: 4000-427716-3023-273033-603051

On March 23, 2016, the Board approved the original agreement with the ABC in the amount of \$7,398,458.00, for the period March 1, 2016 through February 28, 2017.

The Department will increase the agreement by \$6,267,249.00, which will make the total amount of the agreement \$13,665,707.00. The increased funds will be allocated for reimbursing providers for direct services.

6. **ASSOCIATED BLACK CHARITIES, INC. (ABC)** **\$ 261,769.00**

Account: 4000-498716-3023-606102-603051

On March 23, 2016, the Board approved the original agreement with the ABC in the amount of \$1,181,690.00, for the period March 1, 2016 through February 28, 2017.

The Department will increase the agreement with ABC by \$261,769.00, which will make the total amount of the agreement \$1,443,459.00. This will allow the ABC to allocate funds and reimburse Ryan White Part A MAI service providers.

AGENDA

BOARD OF ESTIMATES

10/05/2016

Health Department - cont'd

7. ASSOCIATED CATHOLIC CHARITIES, INC. (ACC) \$439,110.00

Account:	6000-616316-3160-308600-603051	\$ 50,000.00
	6000-606416-3160-308600-603051	\$ 90,460.00
	6000-617116-3160-308600-603051	\$180,000.00
	6000-617117-3160-308600-603051	\$118,650.00

On January 27, 2016, the Board approved the original agreement with the ACC in the amount of \$49,540.00 for the period November 1, 2015 through October 30, 2016.

The Department will increase the agreement amount by \$439,110.00, which will make the total amount of the agreement \$488,650.00. The amendment also extends the agreement through March 1, 2017. All other terms and conditions of the agreement will remain unchanged.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

(The Agreements and the Amendment to Agreements have been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

10/05/2016

Health Department - Notification of Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of the Notification of Grant Award (NGA) with the Maryland Department of Aging (MDoA). The period of the NGA is July 1, 2016 through June 30, 2017.

AMOUNT OF MONEY AND SOURCE:

\$1,280,966.00 - 5000-535417-3044-768000-405001

BACKGROUND/EXPLANATION:

This NGA will allow the Department to accept and utilize funds received from the MDoA for State funded programs. These funds will provide a variety of services for older adults residing in the City.

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

APPROVED FOR FUNDS BY FINANCE

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

(The terms and conditions of the Notification of Grant Award have been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

10/05/2016

Health Department - Notice of Award

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of the Notice of Award (NOA) from the Department of Health and Human Services, Centers for Disease Control and Prevention. The period of the NOA is September 1, 2016 through August 31, 2021.

AMOUNT OF MONEY AND SOURCE:

\$325,000.00 - 4000-483317-3160-308000-404001

BACKGROUND/EXPLANATION:

This NOA provides funding for services to reduce teen dating violence in the City by implementing multifaceted primary prevention strategies.

The NOA is late because of a delay in the administrative review process.

APPROVED FOR FUNDS BY FINANCE

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

(The terms and conditions of the Notice of Award have been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

10/05/2016

Health Department - Ratification of the Consent to the
Assignment Agreement

ACTION REQUESTED OF B/E:

The Board is requested to ratify the Consent to the Assignment Agreement between Arbor E&T, LLC, Assignor, and Epic Health Services, Inc., Assignee.

AMOUNT OF MONEY AND SOURCE:

\$ 36,625.00 - 4000-428216-3080-294300-603051
109,361.00 - 4000-427116-3080-294300-603051
54,000.00 - 4000-427115-3080-294300-603051
93,305.00 - 4000-499816-3080-284001-603051
\$293,291.00

BACKGROUND/EXPLANATION:

On March 23, 2016, the Board approved the original agreement with the Assignor, Arbor E & T, LLC d/b/a Care Resources for services in the area of a speech language therapist, a physical therapist, an occupational therapist, and a special instructor to staff the Baltimore Infants and Toddlers Eligibility Center. The period of the agreement was July 1, 2015 through June 30, 2016 for \$293,291.00.

On July 18, 2016, the Assignor entered into an Assignment Agreement with Epic Health Services, Inc. The Assignment Agreement transferred the original agreement to Epic Health Services, Inc. effective April 1, 2016 through June 30, 2016.

This ratification will allow the Department to reimburse the Assignee, Epic Health Services, Inc.

The Assignment Agreement is late because it was recently finalized and because budget issues delayed processing.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

(The Assignment Agreement has been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

10/05/2016

Health Department - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize payment by Expenditure Authorization to reimburse providers in the Medical Care Program for Day Care for the Elderly and Handicapped Adults. The period of the reimbursement is July 1, 2016 through June 30, 2017.

AMOUNT OF MONEY AND SOURCE:

\$400,000.00 - 5000-535417-3044-768000-607001

Upon receipt of monthly invoices, reimbursement payments will be made on an ongoing basis, provided funds are available.

BACKGROUND/EXPLANATION:

The Adult Day Care providers provide medical day care services to ill, frail or disabled elderly persons age 65 and older. The City will pay the provider the set rate of \$75.99 per day for approved recipients based on the number of days of service.

Reimbursement will be made to the below listed providers:

- A. Providence Adult Day Care, Inc.
- AAA Management, LLC/Raven's Medical Adult Day Care Center
- Active Day, Inc.
- Adult Medical Day Care of Overlea, Inc.
- Associated Catholic Charities, Inc./St. Ann's Adult Day Care
- Easter Seal Society for Disabled Children & Adults, Inc.
- Extended Family Adult Day Care, Inc.
- Payne Memorial Outreach, Inc./Golden Pond Adult Day Program
- Happy Days of Maryland, LLC/Happy Days Adult Day Care
- Heritage Adult Day Care, Inc.
- Keswick Multi-Care Center, Inc.

AGENDA

BOARD OF ESTIMATES

10/05/2016

Health Department - cont'd

Levels Medical Adult Day Care, Inc.
Levindale Hebrew Geriatric Center and Hospital, Inc./Levindale
Adult Day Care (Belvedere)
Levindale Hebrew Geriatric Center and Hospital, Inc./Levindale
Adult Day Care (Pikesville)
LIFE Inc. Adult Medical Day Care
Maryland Avenue Adult Daycare Center, Inc.
Paradise Adult Medical Day Care, Inc.
Sunrise Adult Medical Day Care Inc.
Team 2 Inc. d/b/a Phoenix Adult Medical Center
The League for People with Disabilities, Inc.
Today's Care & Family, Inc.

The City will pay all the providers under the Adult Medical Day Care Program a cumulative amount not-to-exceed \$400,000.00 based upon the set rate and the approved number of days. The approved number of recipients and days may fluctuate based upon recipient preference and City approval, and payments will only be made upon approved invoices for approved recipients. Regardless of the amount of funding available for the program, the provider will not receive payment in excess of the number of participants allowed by provider's license, and days approved by the City.

Each Adult Day Care provider will develop an appropriate care plan for each recipient in accordance with policies as specified in COMAR 10.12.04, Day Care for the Elderly and Medically Handicapped Adults, and COMAR 10.09.07, Medical Care Program.

This item is late because the Department was waiting on the final total amount of funding.

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

AGENDA

BOARD OF ESTIMATES

10/05/2016

Mayor's Office of Human Services (MOHS) - Grant Agreements

The Board is requested to approve and authorize execution of the various Grant Agreements. The period of the agreement is July 1, 2016 through June 30, 2017, unless otherwise indicated.

1. **ST. VINCENT DE PAUL OF BALTIMORE, INC.** **\$170,284.00**

Account: 5000-529117-3572-766600-603051

Under the terms of this Emergency and Transitional Housing and Services Grant Agreement, St. Vincent de Paul of Baltimore, Inc. will use the funds to provide shelter and support services to homeless families in Baltimore City at its Sarah's Hope shelter program. The organization will serve 75 homeless families.

2. **ST. VINCENT DE PAUL OF BALTIMORE, INC.** **\$180,711.00**

Account: 5000-525617-3572-765700-603051

Under the terms of this Homeless Womens Crisis Shelter Grant Agreement, St. Vincent de Paul of Baltimore, Inc. will use the funds to provide shelter and support services to homeless families in Baltimore City at its Sarah's Hope shelter program. The organization will serve 75 homeless families.

3. **HEALTHCARE ACCESS MARYLAND, INC.** **\$301,743.00**

Account: 4000-407117-5940-760400-603051

Under the terms of this Emergency Solutions Grant Program Agreement, Healthcare Access Maryland, Inc. will use the funds to conduct street outreach for the homeless and pro-

AGENDA

BOARD OF ESTIMATES

10/05/2016

MOHS - cont'd

vide homelessness prevention and rapid re-housing assistance. The organization will provide support services to 100 individuals or families. The period of the agreement is July 1, 2016 through June 30, 2018.

MWBOO GRANTED A WAIVER.

4. **COMMUNITY HOUSING ASSOCIATES, INC.** **\$ 16,725.00**

Account: 5000-525117-3571-765500-603051

Under the terms of this Service Linked Housing Grant Agreement, Community Housing Associates, Inc. will use the funds to offset the cost of resident advocates who link low-income residents of permanent housing in the City of Baltimore to support services and help them to remain in their homes. The organization serves approximately 250 clients per year.

The Grant Agreements are late because of delays at the administrative level.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

(The Grant Agreements have been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

10/05/2016

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

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Community Development Block Grant Agreement with Druid Heights Community Development Corporation (DHCCDC). The period of the agreement is September 1, 2016 through August 31, 2017.

AMOUNT OF MONEY AND SOURCE:

\$ 34,500.00 - 2089-208917-5930-430603-603051
40,000.00 - 2089-208917-5930-430661-603051
50,000.00 - 2089-208917-5930-430630-603051
42,000.00 - 2089-208917-5930-430634-603051
40,000.00 - 2089-208917-5930-430653-603051
40,000.00 - 2089-208917-5930-430681-603051
48,000.00 - 2089-208917-5930-430683-603051
80,500.00 - 2089-208917-5930-430691-603051
\$375,000.00

BACKGROUND/EXPLANATION:

This funding will subsidize DHCCDC's operating costs for one-year. The DHCCDC will carry-out a variety of public and youth services, rehabilitate and construct affordable housing for owner-occupancy by low- and moderate-income households and will redevelop a vacant lot as a community pocket park.

On May 4, 2016, the Board approved the Resolution authorizing the Commissioner of the Department of Housing and Community Development (DHCD), on behalf of the Mayor and City Council, to file a Federal FY 2016 Annual Action Plan for the following formula programs:

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

AGENDA

BOARD OF ESTIMATES

10/05/2016

Department of Housing and - cont'd
Community Development

Upon approval of the resolution, the DHCD's Contracts Section began negotiating and processing the CDBG agreements as outlined in the Plan to be effective July 1, 2016 and beyond.

Consequently, these agreements were delayed due to final negotiations and processing.

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

(The Community Development Block Grant Agreement has been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

10/05/2016

Space Utilization Committee - Transfer of Jurisdiction

ACTION REQUESTED OF B/E:

The Board is requested to approve the transfer of jurisdiction for the property known as the part of the bed of road which is a portion of 1000 Orleans Street also known as the Oldtown Mall Pedestrian thoroughfare (Block 1273, Partial of Lot 001) from the inventory of the Department of Transportation (DOT) to the inventory of the Department of Housing and Community Development (DHCD).

BACKGROUND/EXPLANATION:

The property is being transferred to the DHCD for the Oldtown Redevelopment Partners, LLC, who will develop an 81-unit, senior residential project that includes 10,000 square feet of ground floor retail, on the property located at 400 Mott Street, 470 Oldtown Mall, and part of the bed of Oldtown Mall in Oldtown. The project will also include community space, green space, and resident parking.

The Space Utilization Committee approved this transfer of jurisdiction on September 27, 2016.

AGENDA

BOARD OF ESTIMATES

10/05/2016

Space Utilization Committee - Transfer of Jurisdiction

ACTION REQUESTED OF B/E:

The Board is requested to approve the transfer of jurisdiction for the property known as 470 Oldtown Mall (Block 1273, Lot 002) from the inventory of Markets and Comfort Stations/Mayoralty to the inventory of the Department of Housing and Community Development (DHCD).

BACKGROUND/EXPLANATION:

The property is being transferred to the DHCD for the Oldtown Redevelopment Partners, LLC, who will develop an 81-unit, senior residential project that includes 10,000 square feet of ground floor retail, on the property located at 400 Mott Street, 470 Oldtown Mall, and part of the bed of Oldtown Mall in Oldtown. The project will also include community space, green space, and resident parking.

The Space Utilization Committee approved this transfer of jurisdiction on September 27, 2016.

AGENDA

BOARD OF ESTIMATES

10/05/2016

Space Utilization Committee - Transfer of Jurisdiction

ACTION REQUESTED OF B/E:

The Board is requested to approve the transfer of jurisdiction for the property known as 400 Mott Street (Block 1273, Lot 003) from the inventory of the Parking Authority of Baltimore City to the inventory of the Department of Housing and Community Development (DHCD).

BACKGROUND/EXPLANATION:

The property is being transferred to the DHCD for the Oldtown Redevelopment Partners, LLC, who will develop an 81-unit, senior residential project that includes 10,000 square feet of ground floor retail, on the property located at 400 Mott Street, 470 Oldtown Mall, and part of the bed of Oldtown Mall in Oldtown. The project will also include community space, green space, and resident parking.

The Space Utilization Committee approved this transfer of jurisdiction on September 27, 2016.

AGENDA

BOARD OF ESTIMATES

10/05/2016

Space Utilization Committee - Transfer of Jurisdiction

ACTION REQUESTED OF B/E:

The Board is requested to approve the transfer of jurisdiction for the property known as 3122 Loch Raven Road (Block 4094, Lot 27) from the inventory of the Department of Transportation to the inventory of the Department of Housing and Community Development (DHCD).

BACKGROUND/EXPLANATION:

The property is being transferred to the DHCD for a side yard sale.

The Space Utilization Committee approved this transfer of jurisdiction on September 27, 2016.

AGENDA

BOARD OF ESTIMATES

10/05/2016

Department of Transportation (DOT) - Developers' Agreements

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

	<u>DEVELOPER</u>	<u>NO.</u>	<u>AMOUNT</u>
1.	SOUTH HIGHLAND AVENUE, LLC	1453	\$ 19,095.00

The organization would like to install new water service to its proposed construction located in the vicinity of 1655 and 1657 South Highland Avenue. This agreement will allow the organization to do its own installation in accordance with Baltimore City Standards.

An Irrevocable Letter of Credit in the amount of \$19,095.00 has been issued to South Highland Avenue, LLC, which assumes 100% of the financial responsibility.

2.	BALTIMORE TEACHERS UNION	1288	\$ 16,653.00
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The organization would like to install new water service to its proposed new building located in the vicinity of 5800 Metro Drive. This agreement will allow the organization to do its own installation in accordance with Baltimore City Standards.

A Performance Bond in the amount of \$16,653.00 has been issued to Baltimore Teachers Union, which assumes 100% of the financial responsibility.

MBE/WBE PARTICIPATION:

City funds will not be utilized for the projects. Therefore, MBE/WBE participation is not applicable.

(The Developers' Agreements have been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

10/05/2016

Department of Transportation - Traffic Mitigation Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Traffic Mitigation Agreement with Greektown LLC, Developer. The period of the agreement is effective upon Board approval and termination will be deemed in writing by the Department of Transportation.

AMOUNT OF MONEY AND SOURCE:

\$3,579.92 - 9950-917089-9512-000000-490375

BACKGROUND/EXPLANATION:

Baltimore City Ordinance 11-529, approved on May 9, 2012, determined that a Traffic Impact Study was required for the Development. The Developer proposes to perform the Scope of Work for the Greektown Redevelopment Phase III at 4526 O'Donnell Street, constructing 13 new townhomes with a total of 20,000 sq. ft. The Developer agrees to make a one-time contribution in the amount of \$3,579.92 to fund the City's multimodal transportation improvements in the projects vicinity.

(The Traffic Mitigation Agreement has been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

10/05/2016

Department of Transportation - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 7 to Rummel, Klepper & Kahl, LLP, under Project No. 1217, On-Call Construction Project Management Services. The period of the task assignment is approximately one year.

AMOUNT OF MONEY AND SOURCE:

\$146,139.17 - 2024-000000-5480-395600-603026

BACKGROUND/EXPLANATION:

This authorization provides the Department with an on-site technician to work as a Utility Coordinator and Geographical Information Systems (GIS) Technician for conduit projects.

MBE/WBE PARTICIPATION:

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

MBE: 29%

WBE: 10%

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

AGENDA

BOARD OF ESTIMATES

10/05/2016

Department of Transportation - Memoranda of Understanding

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

1. **PARK HEIGHTS RENAISSANCE, INC.** **\$0.00**

This MOU will establish the framework for the owner to maintain landscaping and hardscaping in the triangle shaped median located at Thorndale Avenue and Pimlico Road at the sole cost of Park Heights Renaissance, Inc. The period of MOU is effective upon Board approval for 10 years with an option to renew for an additional 10 years.

2. **THE NEW AUCHENTOROLY TERRACE ASSOCIATION, INC. (ATA)** **\$0.00**

This MOU will establish the framework for the ATA to install crosswalk art at the intersection of Gwynns Falls Parkway and Auchentoroly Terrace at the sole cost of the ATA. The ATA will subsequently perform ongoing maintenance of all aspects of the project. The period of the agreement is effective upon Board approval for three months.

(The Memoranda of Understanding have been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

10/05/2016

Department of Transportation - Minor Adjustment Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Minor Adjustment Agreement with Verizon Maryland, LLC.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The City would like to reconstruct the sidewalk, the driveway entrance and install conduit in the vicinity of property owned by Verizon Maryland, LLC, located at 2815 Druid Park Drive. This agreement will allow the City's contractor, when awarded, construction access to make the improvements in conjunction with Park Circle Intersection Improvements project, TR11307.

(The Minor Adjustment Agreement has been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

10/05/2016

Department of Transportation - Minor Privilege Permit Applications

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

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
1. 2213 E. Monument St.	Monument Street Properties, LLC	One 2 yd. dumpster 6'x3'
Annual Charge:	\$252.00	
2. 1414 Key Highway	Key Highway Holdings, LLC	Flat sign 12.38 sf.
Flat Charge:	\$ 52.80	

There are no objections, since no protests were received.

AGENDA

BOARD OF ESTIMATES

10/05/2016

Department of Finance - Department of Recreation and Parks
Quadrennial Financial and Performance
Audit

ACTION REQUESTED OF B/E:

In accordance with AM Policy 404-5, Quadrennial Audits Policy, the Department of Finance submits to the Board of Estimates the Department of Recreation and Parks Quadrennial Financial and Performance Audits for Fiscal Years 2010, 2011, 2013, and 2014 and 2010, 2011, 2012, 2013, and 2014, respectively.

The Board of Estimates is requested to **NOTE** the Financial and Performance Audits. As a note, a financial audit was not performed for Fiscal Year 2012 since the City's Department of Audits had previously performed a financial audit of the Department of Recreation and Parks for that period.

BACKGROUND/EXPLANATION:

Council Bill 12-0053 was enacted on August 15, 2012. The Ordinance amended the City Charter, in Article VII, Section 4.5, to require 13 specific Executive Departments (Principal Agencies) to undergo a quadrennial audit (separate financial and performance audits).

The financial audit received an unqualified opinion, meaning that the financial statements were presented fairly, in all material respects relating to the respective financial position of the governmental activities and major fund information for the Department as of June 30, 2010, 2011, 2013, and 2014 and the respective changes in financial position for the years then ended in accordance with accounting principles generally accepted in the United States of America.

The performance audit reviewed several areas (contractual services, maintenance and repair services related to park maintenance, human resources and payroll process for seasonal employees, the cash receipts process at recreation centers and the cashier's office). Recommendations were developed for each area. The Department concurs with the findings and recommendations and has already implemented some of the recommendations and is implementing the remainder of the recommendations.

AGENDA

BOARD OF ESTIMATES

10/05/2016

Department of Recreation and Parks - Grant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Grant Agreement with the Maryland Department of Natural Resources. The period of the Grant Agreement is October 15, 2016 through June 30, 2018.

AMOUNT OF MONEY AND SOURCE:

\$500,000.00 - 5000-571017-4783-363600-405001

BACKGROUND/EXPLANATION:

The grant agreement provides funding from the Chesapeake & Atlantic Coastal Bays 2010 Trust. The Chesapeake & Atlantic Coastal Bays 2010 Trust funds will allow the Recreation and Parks Tree Baltimore Program remove 60 acres of impervious surface as well as plant and maintain 820 new trees in the public right-of-ways of the South Baltimore Gateway Neighborhoods project area.

The Tree Baltimore Program serves as the expert source for all City agencies and private organizations in a unified effort to increase the tree canopy of Baltimore through establishment, management and preservation of trees. Urban tree planting and impervious surface removal is a cost effective way to improve water and air quality, reduce the heat island effect and beautify disadvantaged Baltimore City neighborhoods.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

(The Grant Agreement has been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

10/05/2016

Department of Recreation and Parks - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 3 to Rummel, Klepper & Kahl, LLP, under Project No. 1232, On-Call Design Services. The period of the Task No. 3 is approximately 30 months.

AMOUNT OF MONEY AND SOURCE:

\$23,961.27 - 9938-910028-9494-900000-703032
15,965.89 - 9938-908049-9474-900000-703032
\$39,927.16

BACKGROUND/EXPLANATION:

This task will include miscellaneous expediting services for the review of stormwater management and erosion control designs at various park locations.

MBE/WBE PARTICIPATION:

MBE: 36.76%
WBE: 0.00%

MWBOO GRANTED APPROVAL.

APPROVED FOR FUNDS BY FINANCE

THE TRANSFER OF FUNDS FOR A PORTION OF THIS TASK WAS APPROVED BY THE BOARD OF ESTIMATES ON SEPTEMBER 14, 2016.

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

AGENDA

BOARD OF ESTIMATES

10/05/2016

Department of Recreation and Parks - Grant Award Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of an Award from the National Recreation and Parks Association (NRPA) for the 2016 Disney Wildlife Explorers grant and authorize execution of the grant award agreement. The period of the grant award is effective upon Board approval through December 31, 2016.

AMOUNT OF MONEY AND SOURCE:

\$2,500.00 - 6000-680517-4792-658800-406001

BACKGROUND/EXPLANATION:

The NRPA has joined with the Walt Disney World Company to increase the number of urban children connecting to nature and wildlife at local park and recreation agencies. The grant will provide \$2,500.00 in funding in addition to 30 student kits and three leader kits.

The Disney Wildlife Explorers Program will be implemented during the after-school program hours at Carrie Murray Nature Center.

APPROVED FOR FUNDS BY FINANCE

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

(The terms and conditions of the Grant Award have been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

10/05/2016

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

The Board is requested to approve and authorize execution of the Individual Training Account Agreements. The period of the agreement is July 1, 2016 through June 30, 2017.

1. **BALTIMORE CITY COMMUNITY COLLEGE** **\$105,300.00**

This agreement will allow the Baltimore City Community College to provide training in those areas specified on the Maryland Higher Education Commission list of training providers.

2. **COMMUNITY COLLEGE OF BALTIMORE COUNTY** **\$ 17,500.00**

This agreement will allow the Community College of Baltimore County to provide training in those areas listed on the Maryland Higher Education Commission list of training providers.

3. **ALL-STATE CAREER, INC.** **\$ 64,368.00**

This agreement will allow All-State Career, Inc. to provide training in those areas specified on the Maryland Higher Education Commission list of training providers.

The training will consist of the programs described in the Workforce Innovation and Opportunity Act training outline and will include any participant attendance policies, academic benchmarks, the means of measuring achievements, completion standards, and the total hours of each course in a program. The maximum length of time a participant can remain in the training is one-year.

The money will be drawn from three different accounts 4000-807517-6312-467253-603051, 4000-806717-6312-467253-603051 and 2026-000000-6311-734100-603051. The accounts and the amounts

AGENDA

BOARD OF ESTIMATES

10/05/2016

MOED - cont'd

drawn from those accounts cannot be determined until the participants are registered.

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

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

(The Individual Training Account Agreements have been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

10/05/2016

Mayor's Office of Employment - Ratification of Amendment to
Development Grant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to ratify the Amendment to Grant Agreement with Johns Hopkins Health System Corporation. The period of the agreement will extend through June 30, 2017.

AMOUNT OF MONEY AND SOURCE:

\$43,475.60 - 4000-807516-6312-773605-603051
(9,421.20) - reduced slots from 14 to 10
\$34,054.40

BACKGROUND/EXPLANATION:

On April 27, 2016, the Board approved an agreement with Johns Hopkins Health System Corporation to provide pharmacy technician training for 14 eligible City residents for \$43,475.60. Upon successful completion of the training program, participants will become full-time employees, with health benefits, in the occupation for which they are trained.

This amendment will decrease the amount from \$43,475.60 to \$34,054.40 and will reduce the number of training slots from 14 to 10. The original period of the agreement was March 7, 2016 through August 31, 2016. This amendment will extend the period through June 30, 2017.

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

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

(The Amendment to Grant Agreement has been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

10/05/2016

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

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of the Grant Award from the Maryland Department of Labor, Licensing and Regulation. The period of the Grant Award is July 1, 2016 through June 30, 2017.

AMOUNT OF MONEY AND SOURCE:

\$199,584.00 - 5000-507817-6397-483200-405001

BACKGROUND/EXPLANATION:

YouthWorks is the City's summer job program, operated by MOED, which annually places young people in summer jobs.

The funds will provide approximately 168 youth with summer work experience throughout the City. YouthWorks exposes young people, many for the first time, to the world of work and enables them to explore a variety of career fields available in and around the City.

The Grant Award is late because of late notification of approval from the Grantor.

APPROVED FOR FUNDS BY FINANCE

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

(The Grant Award has been approved by the Law Department as to form and legal sufficiency.)

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

* * * * *

The Board is requested to
approve award of
the formally advertised contracts
listed on the following pages:
43 - 46
to the low bidder meeting specifications,
or reject bids on those as indicated
for the reasons stated.
In connection with the Transfers of Funds,
reports have been requested
from the Planning Commission,
the Director of Finance having reported favorably
thereon, as required by the provisions
of the City Charter.

AGENDA

BOARD OF ESTIMATES

10/05/2016

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation

1. TR 16021, Concrete Cement Slab Repairs Citywide II	J. Villa Construction, Inc.	\$209,000.00
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MBE: J. Villa Construction, Inc.*	\$92,668.75	44.33%
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WBE: Rowen Construction, Inc.	\$23,000.00	11.00%
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*Indicates Self-Performing

MWBOO FOUND VENDOR IN COMPLIANCE.

2. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$250,800.00 State Revenue	9950-903550-9509 Constr. Reserve Neighborhood St. Reconstruction	
\$209,000.00	-----	9950-905553-9508-6 Struc. & Improv.
31,350.00	-----	9950-905553-9508-5 Inspection
<u>10,450.00</u>	-----	9950-905553-9508-2 Contingencies - Concrete Slab Repairs Citywide
\$250,800.00		

This transfer will fund costs associated with Award of TR 16021, Concrete Slab Repairs Citywide II, with J. Villa Construction, Inc. in the amount of \$209,000.00.

AGENDA

BOARD OF ESTIMATES

10/05/2016

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation

3.	TR 16022, Urgent Needs Repair Citywide	P. Flanigan & Sons, Inc.	\$1,249,590.50
	MBE: Priority Construc- tion Corp.	\$282,500.00	22.61%
	Powell's Trucking Co., Inc.	5,000.00	.40%
		<u>\$287,500.00</u>	<u>23.01%</u>
	WBE: River Transport, Inc.	\$ 95,500.00	7.64%
	Fallsway Construc- tion Co., LLC	17,500.00	1.40%
	Shannon-Baum Signs, Inc.	7,000.00	.56%
	B&J Sweeping & Sons, Inc.	5,000.00	.40%
		<u>\$125,000.00</u>	<u>10.00%</u>

MWBOO FOUND VENDOR IN COMPLIANCE.

4. **TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$1,000,000.00	9950-956002-9515	
State Constr.	Constr. Reserve -	
Revenue	Resurfacing JOC	
	Urgent Needs	
499,508.60	9950-903550-9509	
State Revenue	Constr. Reserve -	
<u>\$1,499,508.60</u>	Neighborhood St.	
	Reconstruction	

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - Rescind Award - cont'd

perform the services per the specifications, and has abandoned the job sites. Therefore, the Board is requested to rescind the award to the vendor.

AGENDA

BOARD OF ESTIMATES

10/05/2016

Bureau of Purchases - Accept and Open Solicitation - B50004618

ACTION REQUESTED OF B/E:

The Board is requested to accept and open the solicitation response of Ashbritt, Inc. (Ashbritt) submitted in response to Solicitation No. B50004618 - Master Snow Removal Services and to forward the solicitation response to the Bureau of Purchases for evaluation.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

Vendors were solicited for qualification and equipment availability for City snow removal services for posting on CitiBuy, eMaryland Marketplace, and in local newspapers. Prices and substantive requirements were set by the City. Twenty responses were received and opened on August 17, 2016. All vendors who responded to the solicitation were accepted. However, the solicitation response submitted by Ashbritt, Inc. was received after the deadline. On August 23, 2016, Ashbritt, Inc. submitted a protest stating that although the City has a firm policy of not accepting late bids, the responses solicited from, and received by the City were not bids, in that no competitive sealed prices were requested from vendors. The Bureau of Purchases and the Law Department conferred and agreed with the analysis offered in the protest that the solicitation responses were not competitive bids, and that no unfair advantage is given to Ashbritt, Inc. under these specific circumstances; therefore, acceptance of Ashbritt's response is recommended.

The requesting agency is the Department of Transportation.

AGENDA

BOARD OF ESTIMATES

10/05/2016

Law Department - Settlement Agreement and Release

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Settlement Agreement and Release for the action brought by Cierra Brooks, Plaintiff, against the Baltimore City Police Department, the City, Officer Abdulsalam Ajikobi, and an unknown Baltimore City Police Officer for alleged battery, false arrest, negligence, gross negligence, negligent hiring, training and supervision, and violations of a provision of the Maryland Declaration of Rights arising out of an incident in which the Plaintiff was arrested.

AMOUNT OF MONEY AND SOURCE:

\$100,000.00 - 1001-000000-2041-716700-603070

BACKGROUND/EXPLANATION:

Police responded to Eden's Lounge for a call related to a fight among approximately 20 patrons when the establishment was closing. Officer Ajikobi and other police personnel were attempting to clear the area when Officer Ajikobi encountered the Plaintiff. The situation escalated and resulted in the arrest of the Plaintiff. There are conflicting accounts regarding the nature and extent of the interaction between the Plaintiff and Officer Ajikobi.

As a result of the incident, the Plaintiff filed suit seeking compensatory damages in excess of \$675,000.00 and punitive damages in excess of \$7,000,000.00. Because of conflicting factual issues and given the uncertainties and unpredictability of jury verdicts, the parties propose to settle the matter for a total sum of \$100,000.00 in return for a dismissal of the litigation.

Based on a review of the facts and legal issues specific to this case the Settlement Committee of the Law Department recommends that the Board of Estimates approve the settlement of this case as set forth herein.

APPROVED FOR FUNDS BY FINANCE

(The Settlement Agreement and Release has been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

10/05/2016

Department of Law - Settlement Agreement and Release

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Settlement Agreement and Release on behalf of the Department of Public Works (DPW) to resolve all disputes related to the request by Spiniello Companies, Inc. (Contractor) for an equitable adjustment and Release of Retainage to settle all outstanding disputes relating to Sanitary Contract No. 917, On-Call Television Inspection, Cleaning and Lining Sanitary Sewers Using Cured-In-Place Pipe.

AMOUNT OF MONEY AND SOURCE:

\$450,000.00 - 9956-910859-9551-900020-706063
68,120.18 - 9956-910859-9551-000000-200001
\$518,120.18 - Total proposed settlement

BACKGROUND/EXPLANATION:

On June 25, 2012, the City and the Contractor executed SC 917 at a bid price of \$2,833,850.00. Sanitary Contract No. 917 consisted of two major tasks: Closed-Circuit Television Inspection of an Estimated 69,000 Linear Feet (LF) of Existing Sanitary Sewers and Rehabilitation of an Estimated 63,000 LF of Existing Sanitary Sewers Using Cured-in-Place Pipe (CIPP). Sanitary Contract No. 917 includes a variation in estimated quantities clause that states, "[w]here the quantity of a pay item in a Contract is an estimated quantity and where the actual quantity of such pay items varies more than 25% above or below the estimated quantity stated in the Contract, an equitable adjustment in the Contract Price will be made after receipt of written demand of either party."

Sanitary Contract No. 917 terminated on February 2, 2014. At the conclusion of the Contract, the City ordered the full amount of the Closed-Circuit Television Inspection estimated by the Contract documents, but the City only ordered 16% of the estimated CIPP services. Due to the variation of this pay item

AGENDA

BOARD OF ESTIMATES

10/05/2016

Law Department - cont'd

that is more than 25% below what is estimated in the Contract documents, the Contractor is entitled to a price adjustment to offset the costs it incurred strictly due to the underrun.

In order to resolve this litigation economically and to avoid the expense, time, and uncertainties of further protracted litigation, the parties have agreed to offer Plaintiff payment of \$450,000.00 for complete settlement of the request for an equitable adjustment. In addition, the Contractor requests a Release of the Retainage, in the amount of \$68,120.18 currently being held by the City. In return, the Contractor has agreed to dismiss against the City, and its employees, agents and representatives, all claims related to Sanitary Contract No. 917.

Based on a review by the Law Department Settlement Committee of the legal and factual issues of the case, the Settlement Committee recommends that the Board of Estimates approve the settlement as set forth above.

(The Settlement Agreement and Release has been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

10/05/2016

Department of Public Works - Amendment No. 3 to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Amendment No. 3 to Agreement with Whitman, Requardt & Associates, LLP, under W.C. 1160, Montebello Plant 2 Finished Water Reservoir Cover, Post Award Services. The Amendment No. 3 to Agreement extends the period of the agreement through December 24, 2017.

AMOUNT OF MONEY AND SOURCE:

\$0.00 - 9960-904694-9557-900020-703032

BACKGROUND/EXPLANATION:

On March 4, 2010, the Board approved an agreement with Whitman, Requardt & Associates, LLP to provide post award services for the construction of Montebello Plant 2 Finished Water Reservoir cover.

The Department would like to extend the original agreement with the engineering firm to assist with the remaining construction claims against the City.

MBE/WBE PARTICIPATION:

The consultant will continue to comply with all terms and conditions of the Minority and Women's Business Enterprise programs, in accordance with Article 5, Subtitle 28 of the Baltimore City Code.

APPROVED FOR FUNDS BY FINANCE

AUDITS NOTED THE TIME EXTENSION.

(The Amendment No. 3 to Agreement has been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

10/05/2016

Department of Public Works - Memorandum of Understanding

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Memorandum of Understanding with Chesapeake Bay Trust. The period of the MOU is effective upon Board approval for 18 months.

AMOUNT OF MONEY AND SOURCE:

\$100,000.00 - 2072-000000-5181-390700-603026

BACKGROUND/EXPLANATION:

The Department will once again collaborate with Chesapeake Bay Trust to provide funding to community-based education, outreach and restoration projects that improve water quality, create greener neighborhoods and help the City meet its Municipal Separate Storm Sewer System Permit.

The Department will provide \$100,000.00 to the Chesapeake Bay Trust towards the Outreach and Restoration grant program for the City's specific projects that address awareness and behavioral change to reduce stormwater runoff as well as stormwater retrofit projects. The Chesapeake Bay Trust will match the City's funds with \$100,000.00 of its own money for a total program amount of \$200,000.00. The Chesapeake Bay Trust funds are not coming to the City.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

(The Memorandum of Understanding has been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

10/05/2016

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

ACTION REQUESTED OF B/E:

The Board is requested to approve the Assignment of Task No. 007 to Dewberry & Davis, LLC under Project 1178D, SC 901R On-Call Civil/Structural Engineering Services. The period of the task assignment is approximately 12 months.

AMOUNT OF MONEY AND SOURCE:

\$145,220.40 - 9956-904544-9551-900020-703032

BACKGROUND/EXPLANATION:

The Office of Engineering and Construction is in need of assistance from Dewberry & Davis, LLC to provide inspection services on SC 901R Residuals Transfer Station at the Patapsco Wastewater Treatment Plant for the Department of Public Works, Office of Engineering & Construction. Inspection services will cover, but not be limited to, structural, plumbing, electrical, special construction, earthwork, utility work, exterior improvements and process integration work.

APPROVED FOR FUNDS BY FINANCE

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

AGENDA

BOARD OF ESTIMATES

10/05/2016

Department of Public Works - Right of Entry Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Right-of-Entry Agreement with Ms. Millicent L. Aymold. The period of the agreement is effective from the actual date of entry through November 18, 2016

AMOUNT OF MONEY AND SOURCE:

This right-of-entry is being granted at no cost to the City.

BACKGROUND/EXPLANATION:

The City is proposing to perform a soil boring test in the vicinity of property owned by Ms. Aymold located at 4601 North Franklinton Road. This agreement will allow the City's contractor access to perform the soil boring test in conjunction with the Department's Project No. ER4031.

MBE/WBE PARTICIPATION:

N/A

(The Right-of-Entry Agreement has been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

10/05/2016

Police Department - Grant Adjustment Notice

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of a Grant Adjustment Notice (GAN) from the United States Department of Justice, Office of Justice Programs. This GAN extends the period of the award through December 31, 2016.

AMOUNT OF MONEY AND SOURCE:

\$0.00 - 4000-485515-2024-212600-600000

BACKGROUND/EXPLANATION:

On December 24, 2014, the Board approved acceptance of a grant award from the United States Department of Justice, in the amount of \$513,548.00, for the "DNA Capacity Enhancement and Backlog Reduction" grant award #2014-DN-BX-0077.

The "DNA Capacity Enhancement and Backlog Reduction" grant is intended to reduce the backlog of DNA evidence pending analysis and turnaround times. To assist in this effort, various Lab positions, laboratory equipment, overtime, and outsourcing are funded by this grant.

This GAN changes the project period of the award from October 1, 2014 through September 30, 2016 to October 1, 2014 through December 31, 2016. All other terms and conditions of the original grant award remain unchanged.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

AUDITS NOTED THE NO-COST TIME EXTENSION.

(The terms and conditions of the Grant Adjustment Notice have been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

10/05/2016

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

On June 25, 2014, the Board approved the initial award in the amount of \$35,070.23. The award contained annual one-year renewal options. This renewal in the amount of \$39,225.80 is necessary to provide the required continuity of software maintenance of the OnBase software application modules used to integrate various business applications for the Department of Public Works to manage projects i.e. IT, utilities, construction, demolition, etc. The ratification is for the period September 1, 2016 through October 4, 2016. The period of the renewal is October 5, 2016 through August 31, 2017, with annual one-year renewal options remaining. The above amount is the City's estimated requirement.

4. FERGUSON ENTERPRISES, INC.

d/b/a WOLSELEY INDUSTRIAL

GROUP	\$ 20,000.00	Renewal
Contract No. B50003801 - CI Fittings, Flanged Tees & Elbows - Department of Public Works - Revenue Measuring & Billing - P.O. No. P529162		

On October 20, 2014, the Board approved the initial award in the amount of \$20,000.00. The award contained three 1-year renewal options. On October 28, 2015, the Board approved the first renewal in the amount of \$20,000.00. This renewal is for the period November 16, 2016 through November 15, 2017, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

5. FERGUSON ENTERPRISES, INC.

d/b/a WOLSELEY INDUSTRIAL

GROUP	\$ 100,000.00	Renewal
Contract No. B50003757 - Mechanical Joint Ductile Iron Pipe - Public Works - Bureau of Water and Wastewater - P.O. No. P529270		

AGENDA

BOARD OF ESTIMATES

10/05/2016

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

On November 5, 2014, the Board approved the initial award in the amount of \$350,000.00. The award contained three 1-year renewal options. On October 28, 2015, the Board approved an increase in the amount of \$300,000.00. This renewal in the amount of \$100,000.00 is for the period November 12, 2016 through November 11, 2017, with two 1-year renewal options remaining. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

- | | | |
|---|--------------|---------|
| 6. POINT DEFIANCE AIDS
PROJECTS/NASEN | \$150,000.00 | Renewal |
| Contract No. B50004257 - Needles - Health Department - P.O. No. P533709 | | |

On November 25, 2015, the Board approved the initial award in the amount of \$43,950.00. The award contained two 1-year renewal options. Subsequent actions have been approved. This renewal in the amount of \$150,000.00 is for the period October 16, 2016 through October 15, 2017, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

- | | | |
|--|---------|---------|
| 7. ALLOGRAM, INC. | \$ 0.00 | Renewal |
| Contract No. B50004161 - Various Trophies and Awards - Department of Recreation and Parks - P.O. No. P533187 | | |

On October 7, 2015, the Board approved the initial award in the amount of \$70,679.49. The award contained four 1-year renewal options. This renewal in the amount of \$0.00 is for the period October 7, 2016 through October 6, 2017, with three 1-year renewal options remaining. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

AGENDA

BOARD OF ESTIMATES

10/05/2016

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

8. <u>ITEM #1</u>		
MUELLER & COMPANY, LLC	\$100,000.00	
<u>ITEM #2</u>		
U.S. PIPE VALVE & HYDRANT, LLC	<u>100,000.00</u>	
	<u>\$200,000.00</u>	Renewal

Contract No. B50002617 - Fire Hydrant Parts - Public Works, Bureau of Water and Wastewater - P.O. Nos. P521887 and P521888

On November 7, 2012, the Board approved the initial award in the amount of \$350,000.00. The award contained two 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$200,000.00 is for the period November 16, 2016 through November 15, 2017.

MWBOO GRANTED A WAIVER.

9. <u>EMH ENVIRONMENTAL, INC.</u>	<u>\$200,000.00</u>	Increase
Contract No. B50003901 - Maintenance Service for Clarifiers and Related Equipment - Department of Public Works - Water and Wastewater - P.O. No. P530268		

On February 25, 2015, the Board approved the initial award in the amount of \$125,000.00. The award contained one renewal option. On January 20, 2016, the Board approved the sole renewal in the amount of \$150,000.00. Due to increased usage an increase in the amount of \$200,000.00 is necessary. This increase will make the award amount \$475,000.00. The contract expires on February 24, 2017, with no renewal options remaining.

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

AGENDA

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10/05/2016

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

10. PHILADELPHIA MIXING SOLUTIONS, LTD.	\$ 79,748.00	Sole Source
Contract No. 08000 Philadelphia Mixer Parts - Department of Public Works - Wastewater Facilities Division - Req. No. R737625		

The Wastewater Facilities Division requires Philadelphia Mixer parts for replacement and repair of existing installed equipment. Philadelphia Mixing Solutions, Ltd. is the manufacturer of Philadelphia mixer parts. This is a one-time purchase.

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.

11. TELVENT USA, LLC	\$ 69,675.00	Sole Source
Solicitation No. 08000 - Extended Support and Maintenance Services for ArcFM Conduit - Department of Transportation - Req. No. R734773		

Telvent USA, LLC is the sole owner and producer of the suite of ArcFM Solution software, which is the software used by the Department of Transportation (DOT) to support the DOT Conduit ArcFM application, the custom components upgrades, GIS computing platforms and any other ArcFM Solution related issues. The period of the ratification is April 1, 2016 through October 4, 2016. The period of the award is October 5, 2016 through March 31, 2017, with two 1-year renewal options remaining. The above amount is the City's estimated requirement.

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BOARD OF ESTIMATES

10/05/2016

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.

12. GOEVIDENCE FORENSIC	Sole Source
<u>LABORATORIES, LLC</u>	<u>\$ 54,650.00</u>
Agreement	
Contract No. 08000 - VMD360 Vacuum Metal Deposition - Baltimore Police Department (BCPD) - Crime Lab - Req. No. R738498	

The Board is requested to approve and authorize execution of an Agreement with GoEvidence Forensic Laboratories, Inc. The period of the agreement is effective upon Board approval for one year.

GoEvidence Forensic Laboratories, LLC is the sole source provider of the VMD Metal Deposition System. This system is compatible with the laboratory system the BCPD is currently using. This is a one-time purchase.

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.

(The Agreement has been approved by the Law Department as to form and legal sufficiency.)

13. HOWARD UNIFORM COMPANY	\$ 0.00	Extension
Contract No. B50002404 - Uniforms for the City of Baltimore, Traffic and Safety Division - Department of Transportation - P.O. No. P520823		

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BOARD OF ESTIMATES

10/05/2016

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

On July 11, 2012, the Board approved the initial award in the amount of \$350,000.00. The award contained two renewal options. Subsequent actions have been approved and both renewals have been exercised. An extension is required to meet the agency's requirements until Solicitation No. B50004657 can be evaluated and awarded. The period of the extension is October 1, 2016 through November 30, 2016. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

- | | | |
|---|---------|-----------|
| 14. BALTIMORE MEINEKE,
LLC | \$ 0.00 | Extension |
| Contract No. B50001978 - Motor Vehicle Exhausts - Department of General Services - P.O. No. P517917 | | |

On July 27, 2011, the Board approved the initial award in the amount of \$100,000.00. The award contained two renewal options. Subsequent actions have been approved and both renewals have been exercised. Solicitation B50004709 has been advertised for bid, with a due date of October 19, 2016. An extension is requested to allow time for the solicitation to be evaluated and awarded. The period of the extension is November 1, 2016 through January 31, 2017. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

- | | | |
|--|---------|-----------|
| 15. ASSOCIATED BUILDING
MAINTENANCE CO., INC. | \$ 0.00 | Extension |
| Contract No. B50001546 - Provide Janitorial Services for the Department of General Services Area A - Department of General Services - P.O. No. P515606 | | |

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BOARD OF ESTIMATES

10/05/2016

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

On November 24, 2010, the Board approved the initial award in the amount of \$461,556.00. On November 02, 2011, the Board approved an extension in the amount of \$38,463.00. On November 23, 2011, the Board approved the first renewal in the amount of \$884,649.00. On January 11, 2012, the Board approved an increase in the amount of \$16,650.00. On December 06, 2013, the City Purchasing Agent approved an increase in the amount of \$31,740.00. On November 13, 2013, the Board approved the second renewal in the amount of \$884,649.00. On April 15, 2015, the Board approved an increase in the amount of \$300,000.00. On December 23, 2015, the Board approved an extension in the amount of \$200,000.00. On June 29, 2016, the Board approved an extension at no cost.

The Board is requested to approve an extension for the period of October 16, 2016 through November 30, 2016, at no cost to allow additional time to award a new contract and allow transition time for the awarded vendor under Solicitation Number B50004603, which opened on August 31, 2016. With this extension, the total contract will be \$2,817,707.00.

MWBOO SET GOALS OF 17% MBE AND 9% WBE.

	<u>Commitment</u>	<u>Performed</u>	
MBE: C.J. Maintenance, Inc.	17%	\$34,175.11	21.4%
WBE:	See Note below*	0	

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BOARD OF ESTIMATES

10/05/2016

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

*My Cleaning Services, Inc. originally named for WBE participation, withdrew from the contract. The vendor has yet to substitute an approved WBE. Guaranteed Cleaning Services named by the vendor as replacement is not certified with Baltimore City.

MWBOO FOUND VENDOR IN NON-COMPLIANCE.

16. ASSOCIATED BUILDING

MAINTENANCE CO., INC.	\$ 0.00	Extension
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Contract No. B50001547 - Provide Janitorial Services for the Department of General Services Area B - 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. On June 30, 2011, the City Purchasing Agent approved an increase in the amount of \$25,003.00. On July 20, 2011, the Board approved an increase in the amount of \$88,000.00. On October 12, 2011, the Board approved the first renewal in the amount of \$388,032.00. On February 27, 2013, the Board approved an increase in the amount of \$461,578.00. On June 12, 2013, the Board approved an increase in the amount of \$85,840.00. On August 12, 2012, the City Purchasing Agent approved an increase in the amount of \$10,347.68. On October 30, 2013, the Board approved a second renewal in the amount of \$488,000.00. On September 10, 2014, the Board approved an increase in the amount of \$480,000.00. On September 09, 2015, the Board approved an increase in the amount of \$43,000.00.

On November 18, 2015, the Board approved an extension in the amount of \$1,300,000.00. On April 20, 2016, the Board approved an extension in the amount of \$264,000.00. On September 14, 2016, the Board approved an extension at no cost.

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BOARD OF ESTIMATES

10/05/2016

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR AMOUNT OF AWARD AWARD BASIS

Bureau of Purchases

The Board is requested to approve an extension for the period of October 16, 2016 through November 30, 2016, at no cost to allow additional time to award a new contract and allow transition time for the awarded vendor under Solicitation Number B50004604, which opened on September 14, 2016. With this extension, the total contract will be \$4,021,832.68.

MWBOO SET GOALS OF 17% MBE AND 9% WBE.

	<u>Commitment</u>	<u>Performed</u>	
MBE: C.J. Maintenance, Inc.	17%	\$79,135.00	26.5%
WBE: My Cleaning Services, Inc.*	9%	\$21,312.34	7.1%

*WBE has withdrawn from the contract. Vendor has committed to replace with another certified WBE.

MWBOO FOUND VENDOR IN COMPLIANCE.

17. ASSOCIATED BUILDING

MAINTENANCE CO., INC.	\$150,000.00	Extension
Contract No. B50001548 - Provide Janitorial Services for the Department of General Services Area C - Department of General Services - P.O. NoP515613		

On November 24, 2010, the Board approved the initial award in the amount of \$408,924.00. On November 02, 2011, the Board approved an extension in the amount of \$34,077.00.

On November 23, 2011, the Board approved the first renewal in the amount of \$783,771.00. On January 07, 2013, the City Purchasing Agent approved an increase in the amount \$27,510.00. On March 20, 2013, the Board approved an increase in the amount of \$40,560.00. On September 18, 2013, the Board approved an increase in the amount of \$10,701.16.

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BOARD OF ESTIMATES

10/05/2016

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

On November 13, 2013, the Board approved the second renewal in the amount of \$783,771.00. On January 08, 2014, the Board approved an increase in the amount of \$141,013.00. On April 15, 2015, the Board approved an increase in the amount of \$300,000.00. On December 09, 2015, the Board approved an extension in the amount of \$170,000.00. On April 06, 2016, the Board approved an extension in the amount of \$70,500.00. On June 29, 2016, the Board approved an extension in the amount of \$50,000.00.

The Board is requested to approve an extension for the period of October 16, 2016 through November 30, 2016, in the amount of \$150,000.00 to allow additional time to award a new contract and allow transition time for the awarded vendor under Solicitation Number B50004605, which opened on August 31, 2016. With this extension, the total contract will be \$2,970,827.16.

MWBOO SET GOALS OF 17% MBE AND 9% WBE.

	<u>Commitment</u>	<u>Performed</u>	
MBE: C.J. Maintenance, Inc.	17%	\$92,242.88	23.9%
WBE: My Cleaning Services, Inc.	9%	\$45,678.60	11.8%

MWBOO FOUND VENDOR IN COMPLIANCE.

AGENDA

BOARD OF ESTIMATES

10/05/2016

CITY COUNCIL BILLS

16-0700 - Payment in Lieu of Taxes - Ward 07, Section 04, Block 1567, Lot 51A and Ward 07, Section 03, Block 1586, Lot 2, "Eager Square" for the purpose of authorizing an economic development project to be known as "Eager Square", in order that the Board of Estimates of Baltimore City (the "Board") may enter into a Payment in Lieu of Taxes Agreement with Eager Place, LLC, a Maryland limited liability company, its successors or assigns (the "Developer"), for a project encompassing approximately (i) 246 residential market rate apartments and townhomes; (ii) 3,485 square feet of street retail; (iii) 152 on-site parking spaces; and (iv) related improvements/amenities; providing for a special effective date; and generally relating to payments in lieu of taxes for the Eager Square development.

THE LAW DEPARTMENT IS FAVORABLE WITH THE FOLLOWING AMENDMENTS:

Payments in lieu of taxes agreements ("PILOTS") are permitted under State law only if a project can be classified as an "economic development project" under §7- 504.3(a) of the Tax-Property Article of the Annotated Code of Maryland. In that subsection, six different types of projects are deemed economic development projects. None of them, however, appears to match the bill's project description.

The bill's Recitals describe the project as involving the construction of approximately 246 residential market rate apartments and townhomes; 3,485 square feet of street retail; 152 on-site parking spaces; and related improvements or amenities. As complete as this description might be for purposes of generally introducing the project's general characteristics, it simply falls short of allowing the Department to determine whether the proposed project can be classified as an economic development project under §7-504.3(a). More specific information is needed.

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BOARD OF ESTIMATES

10/05/2016

CITY COUNCIL BILL NO. 16-0700 - cont'd

The Law Department notes that the bill states in Section 1 that the project is in accordance with §7-504.3(a)(2)(ii)(6) of the Tax-Property Article. In other words, the Department is meant to believe that of the six types of economic development projects approved for PILOT programs, the proposed project is, in fact, one of the six: a type of project described in §7-504.3(a)(2)(ii)(6). That subsection describes "a mixed-use facility that contains one or more of the facilities described in items 1 through 5 of this item, at least one of which satisfies the minimum criteria set forth in item 1, 2, 3, 4, or 5 of this item." The Department points out, however, that a claim that the project satisfies this subsection does not allow any conclusion that the subsection actually does satisfy it unless something in the bill states which of the five items (1, 2, 3, 4, or 5) the project satisfies and in what way its minimum criteria are satisfied, as required by §7-504.3(a)(2)(ii)(6).

For the above reasons, if this bill is to be declared legally sufficient, it would require an amendment to the Recitals. The Recitals should provide more specific information as to how the proposed project can be classified as a §7-504.3(a)(2)(ii)(6) project. For example, if the developer intends that the project satisfy the minimum criteria in §7-504.3(a)(2)(ii)(4), the Recitals should say something to the effect that the project includes "a multifamily residential facility that has a private capital investment of equity and debt combined in excess of \$5,000,000.00" - a description that comports with the language of the subsection. In any event, the bill's description of the project should leave no doubt that it can be legitimately classified as an economic development project under State law and hence, eligible for a PILOT.

A second legal concern is raised by omissions in the language of Section 1. As drafted, this section declares, "That subject to the conditions specified in this Resolution, the Project is authorized for purposes of allowing the Board to enter into a

AGENDA

BOARD OF ESTIMATES

10/05/2016

CITY COUNCIL BILL NO. 16-0700 - cont'd

PILOT Agreement..." Section 1, Council Bill 16-0700. It is important to recognize in the bill, however, that in order for any resulting PILOT to be lawful, the City and the developer are required to meet a host of prior conditions specified in the relevant State law, conditions which are beyond those specified in this Resolution. For example, in addition to having this Resolution adopted on its behalf, the City or its designated agency must produce an economic analysis for the Board of Estimates. MD Tax Property §7-504.3(b)(1)(i). That economic analysis must demonstrate, to the satisfaction of the Board of Estimates, the existence of a long and specific set of facts. *Id.* Thereafter, an agreement between the Board of Estimates and the owner or owners of the economic development project may enter into a payment in lieu of taxes agreement. MD Tax Property §7-504.3(b)(3).

If this bill is to be declared legally sufficient, it should be amended to expressly recognize the need to satisfy all of the State requirements attendant to PILOT programs. As drafted, the bill today merely recognizes some of them. Accordingly, on page 2, line 12 after the word "Resolution" add: "and upon the satisfaction of the requirements of §7-504.3 of the Tax-Property Article of the Annotated Code of Maryland" (or words to this effect).

Assuming these amendments are made, the Law Department approves this bill for form and legal sufficiency.

ALL OTHER REPORTS RECEIVED WERE FAVORABLE.

AGENDA

BOARD OF ESTIMATES

10/05/2016

CITY COUNCIL BILLS - cont'd

16-0722 - An Ordinance concerning Sale of Property - Former Bed of a Portion of a 12-Foot Alley for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in a certain parcel of land known as the former bed of a portion of a 12-foot alley, extending from another 12-foot alley Northeasterly 52 feet, more or less, to the southernmost extremity of Block 3563A, Lot 42B and no longer needed for public use; and providing for a special effective date.

The Department of Public Works has no objection to the passage of City Council Bill 16-0722 provided the companion legislation granting closure of the right-of-way is approved and that accommodation for any public utilities remaining in these areas are protected under full width perpetual easements.

The Department of Transportation supports this Bill as amended.

ALL OTHER REPORTS RECEIVED WERE FAVORABLE.

16-0736 - An Ordinance concerning Tax Credits - High Performance Market-Rate Rental Housing for the purpose of modifying certain provisions concerning the determination of the amount of credit to be granted for the High-Performance Market-Rate Rental Housing Tax Credit for Targeted Areas and for Citywide Areas; and providing that the Director of Finance may adopt rules and regulations for granting partial credits for eligibility for less than a full taxable year.

ALL REPORTS RECEIVED WERE FAVORABLE.

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BOARD OF ESTIMATES

10/05/2016

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Department of Public Works</u>			
1. Rudy Chow	2016 Executive Management Conference Scottsdale, AZ Oct. 16 - 18, 2016 (Reg. Fee \$795.00)	General Funds	\$2,084.72

The subsistence rate for this location is \$172.00 per day. The cost of the hotel is \$179.00 per night plus taxes of \$24.92 per night. The Department is requesting additional subsistence of \$7.00 per day to cover the cost of the hotel and \$40.00 per for meals and incidentals. The registration fee of \$795.00 was prepaid using a City-issued procurement card assigned to Tianna Haines. Therefore, the disbursement to Mr. Chow is \$1,289.72.

Department of Transportation

2. Edgar Freeman	DBE/ACDBE Program Administrator Training Las Vegas, NV Oct. 9 - 12, 2016 (Reg. Fee \$695.00)	General Funds	\$1,596.20
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The registration fee in the amount of \$695.00 was prepaid on a City-issued procurement card assigned to Dhirendra Sinha. The amount to be disbursed to Mr. Freeman is \$901.20.

AGENDA

BOARD OF ESTIMATES

10/05/2016

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Mayor's Office of Human Services</u>			
3. Krysten Appelbaum	National Human Services Data Consortium Spring Conference New Orleans, LA Oct. 12 - 17, 2016 (Reg. Fee \$425.00)	HMIS Grant	\$1,376.50

The subsistence rate for this location is \$217.00 per day. The hotel cost is \$189.00 per night, plus tourism support assessment (taxes) of \$3.31, occupancy tax of \$2.00 and State taxes of \$26.46 per night. Ms. Appelbaum's stay from October 15 - 17 will be at her own expense.

The Department is requesting additional subsistence in the amount of \$12.00 for two days (10/12/16 and 10/13/16) and \$20.00 for the last date of the conference because of the ending time Ms. Appelbaum's attendance at the conference. The registration fee in the amount of \$425.00 was prepaid using a City-issued credit card assigned to Mr. Assas Assadi. Therefore, the disbursement to Ms. Appelbaum is \$951.50.

Mayor's Office of Employment Development

4. Ernest F. Dorsey	National Youth Employment Coalition Forum and Board Washington, DC Oct. 18 - 20, 2016 (Reg. Fee \$100.00)	Federal Workforce Innovation & Opportunity	\$862.79
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The registration fee in the amount of \$100.00 was prepaid by EA 000194173. The amount to be disbursed to Mr. Dorsey is \$762.79.

AGENDA

BOARD OF ESTIMATES

10/05/2016

RETROACTIVE TRAVEL APPROVAL/REIMBURSEMENT

Mayor's Office of Human Services (MOHS)

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
5. Alex Bowley	National Data Fellowship Tableau Training Chicago, IL Nov. 10 - 12, 2015 (Reg. Fee \$0.00)	Homeless Management Information Systems Fund	\$ 770.41

Mr. Bowley traveled to Chicago, IL on November 10 - 12, 2015 to attend the National Data Fellowship Tableau Training.

The subsistence rate for this location is \$286.00 per day. The hotel rate was \$159.00 per night, plus hotel taxes of \$61.00 per day.

Mr. Bowley personally incurred the costs of the airfare, taxi fare, the hotel, hotel taxes, and meals and incidentals. Therefore, the requested reimbursement amount to Mr. Bowley is \$770.41.

REIMBURSEMENT

\$256.20	- Airfare
32.86	- Taxi
318.00	- Hotel (\$159.00 x 2)
122.00	- Hotel Taxes (\$61.00 x 2)
41.35	- Meals
\$770.41	- Total Reimbursement

AGENDA

BOARD OF ESTIMATES

10/05/2016

RETROACTIVE TRAVEL APPROVAL/REIMBURSEMENT

MOHS - cont'd

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
6. Elizabeth Botkin	National Data Fellowship Tableau Training Chicago, IL Nov. 10 - 12, 2015 (Reg. Fee \$0.00)	Homeless Management Information Systems Fund	\$1,032.95

Ms. Botkin traveled to Chicago, IL on November 10 - 12, 2015 to attend the National Data Fellowship Tableau Training.

The subsistence rate for this location is \$286.00 per day. The hotel rate was \$299.00 for November 10, 2015, plus taxes of \$49.04 and \$289.00 for November 11, 2015, plus taxes of \$47.40.

Ms. Botkin personally incurred the costs of the airfare, taxi fare, the hotel, hotel taxes, and meals and incidentals. Therefore, the requested reimbursement amount to Ms. Botkin is \$1,032.95.

REIMBURSEMENT

\$ 196.20	- Airfare
588.00	- Hotel (11/10/2015 @ \$299.00; 11/11/2015 @ \$289.00)
96.44	- Taxes (\$49.04 - 11/10/2015; \$47.40 - 11/11/2015)
60.00	- Taxi
29.90	- Internet (\$14.95 x 2)
4.34	- Internet Tax (\$2.17 x 2)
58.07	- Meals
<u>\$1,032.95</u>	- Total Reimbursement

The retroactive travel approval/reimbursements are late because of delays at the administrative level.

AGENDA

BOARD OF ESTIMATES

10/05/2016

PROPOSALS AND SPECIFICATIONS

1. Department of Public Works/ - WC 1270, Water Infrastructure
Office of Engineering & Rehabilitation Various
Construction Locations
BIDS TO BE RECV'D: 11/02/2016
BIDS TO BE OPENED: 11/02/2016

12:00 NOON

ANNOUNCEMENTS OF BIDS RECEIVED

AND

OPENING OF BIDS, AS SCHEDULED