

MINUTES

REGULAR MEETING

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

President: "Good morning, the June 10, 2015 meeting of the Board of Estimates is now called to order. In the interest of promoting the order and efficiency of these hearings, persons who are disruptive to the hearing will be asked to leave the hearing room immediately."

Deputy Comptroller: "I have an announcement to make. The City Council is expected on Monday, June 15, 2015 to approve on third reader City Council Bill 15-0532 Ordinance of Estimates for the Fiscal Year Ending June 30, 2016. The Board of Estimates will have a Special meeting on that date Monday, June 15, 2015 at 4:00 p.m. So, all are invited to attend that meeting."

President: "I will direct the Board members attention to the memorandum from my office dated June 8, 2015, identifying matters to be considered as routine agenda items together with any corrections and additions that have been noted by the Deputy Comptroller."

MINUTES

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

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

Comptroller: "Second."

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

* * * * *

MINUTES**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:

A-Connection, Inc.	\$ 1,500,000.00
Barrett and Sons Coatings, Inc.	\$ 1,404,000.00
Bulls Group, LLC	\$ 36,000.00
Celtek, Inc.	\$ 1,500,000.00
Cherry Hill Construction, Inc.	\$330,597,000.00
Commercial Camera & Security, Inc.	\$ 1,500,000.00
Graciano Corporation	\$ 23,445,000.00
Iacoboni Site Specialists, Inc.	\$ 46,521,000.00
J.M. Murphy Enterprises, Inc.	\$ 288,000.00
Leading Technology Solutions, Inc.	\$ 2,655,000.00
Marine Technologies, Inc.	\$ 8,000,000.00
Masonry Resurfacing and Construction Company, Inc.	\$ 4,347,000.00
P & J Contracting Company, Inc.	\$ 25,200,000.00
Structural Preservation Systems, LLC	\$425,016,000.00
T&D Plumbing & Heating Co., Inc.	\$ 8,000,000.00
Worcester Eisenbrandt, 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:

Brudis & Associates, Inc.	Engineer
Marks, Thomas Architects, Inc.	Architect
McCormick Taylor, Inc.	Engineer Landscape Architect

MINUTES

BOARDS AND COMMISSIONS

Phoenix Engineering, Inc.

Engineer

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

MINUTES

Mayor's Office of Human Services - Agreements

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

1. **AIDS INTERFAITH RESIDENTIAL SERVICES, INC. \$418,368.00**

Account: 4000-490916-3573-333643-603051

AIDS Interfaith Residential Services, Inc. will use the funds to offset the cost of providing supportive services to individuals or to families who have a family member with AIDS. The organization will provide transportation to an average of 300 clients per day, seven days a week. The period of the agreement is July 1, 2015 through June 30, 2016.

2. **PAUL'S PLACE, INC. \$149,769.00**

Account: 4000-480016-3572-333646-603051

Paul's Place, Inc. will use the funds for homelessness prevention and rapid re-housing assistance. The organization will serve 20 homeless individuals or families and 100 households at risk of becoming homeless. The period of the agreement is July 1, 2015 through June 30, 2016.

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 various agreements.

MINUTES

Department of General Services - Developer's Agreement No. 1377

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Developer's Agreement No. 1377 with Fleet Conkling Development, LLC.

AMOUNT OF MONEY AND SOURCE:

\$137,073.00

BACKGROUND/EXPLANATION:

The Developer would like to install new water, sanitary sewer, conduit, and road improvements to their proposed construction located in the vicinity of 3607-3615 Fleet Street, 608-616 South Dean Street, and 601-617 South Conkling Street. This Developer's Agreement will allow the organization to do their own installation in accordance with Baltimore City Standards.

A Performance Bond in the amount of \$137,073.00 has been issued to Fleet Conkling Development, LLC which assumes 100% of the financial responsibility.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Developer's Agreement No. 1377 with Fleet Conkling Development, LLC.

MINUTES

Department of General Services - Easement Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Easement Agreement with North Cherry Hill Congregation of Jehovah's Witnesses of Baltimore, Maryland, Inc.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The Department of Public Works is proposing to replace a sewer main under Sanitary Sewer Contract SC 931. The existing sewer main is located within a utility right-of-way on property owned by North Cherry Hill Congregation of Jehovah's Witnesses of Baltimore, Maryland, Inc., located at 400 Reedbird Avenue. In the design of the new main, it is necessary to relocate the sewer main in a different location on the property. This agreement will terminate the existing easement area no longer needed in favor of a new easement area for the replacement sewer main.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Easement Agreement with North Cherry Hill Congregation of Jehovah's Witnesses of Baltimore, Maryland, Inc.

MINUTES

Department 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. 30 S. Calvert Street	26 Calvert Street, LLC	Four awnings @ 2'x4' each, one handicap ramp 17'x4'3"
Annual Charge:	\$306.20	
2. 5505 Belair Road	Anthony K. Adenikinju	One double face non-illum. sign @ 4.5'x2.5'
Annual Charge:	\$ 70.40	
3. 101 N. Patterson Park Avenue	Ok Sun Brady	Outdoor seating @ 8'x3'
Annual Charge:	\$337.50	
4. 1411 Battery Avenue	Leonard H. Bush	One set of steps 6'4"x3'
Application Fee:	\$ 25.00	
5. 615 President Street	Harbor East Parcel B Retail, LLC	One double face electric sign 11.11 sq. ft., four awnings @ 14'x4'6", two single face electric signs, one @ 56 sq. ft., one @ 11.11 sq. ft.
Annual Charge:	\$838.46	

MINUTES

Department of General Services - cont'd

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
6. 500 S. Lehigh Street	Norino Properties, LLC	Retain single face electric sign @ 12'x3'

Annual Charge: \$140.60

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

There being no objections, UPON MOTION duly made and seconded, the Board approved the application for the above-listed Minor Privilege Permits.

MINUTES

EXTRA WORK ORDERS

* * * * *

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders

listed on the following page:

1885

All of the EWOs had been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

MINUTES

EXTRA WORK ORDERS

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

Department of Transportation

- | | | | | |
|-----------------------------------------------------------------------------------------------|--------------|-------------------|---|---|
| 1. EWO #005, \$25,113.58 - TR 08017, SE Transportation Action Plan, Intersection Improvements | | | | |
| \$3,147,922.00 | \$112,270.99 | Machado Construc- | - | - |
| | | tion Co. | | |

Dept. of Public Works/Office of Engineering & Construction

- | | | | | |
|------------------------------------------------------------------------|----------------|-----------------|------|---|
| 2. EWO #002, \$1,852,040.00 - WC 1239, Water Appurtenance Installation | | | | |
| \$4,492,050.00 | \$2,999,997.00 | R.E. Harrington | 6 | - |
| | | Plumbing & | mos. | |
| | | Heating, Inc. | | |

The six-month extension is necessary to perform various urgent needs work at existing small and intermediate size water meter locations (5/8-inch - 2-inch) and large water meter locations (3-inch and large water services) in support of the Advanced Metering Infrastructure and Water Meter System Installation Water Contract 1233 (AMI/R Project) on an as needed basis.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

1. BELAIR ROAD SUPPLY COMPANY,
INCORPORATED \$10,000.00 Increase
Contract No. B50003786 - Sewer Bricks & Pavers - Department
of Public Works - Req. No. P529060

On October 16, 2014, the City Purchasing Agent approved the initial award in the amount of \$20,000.00. The award contained three 1-year renewal options. This increase in the amount of \$10,000.00 will make the award amount \$30,000.00. The contract expires on October 16, 2015, with three 1-year renewal options remaining.

2. SCHOOL HEALTH CORPORATION \$46,770.00 Sole Source
Contract No. 08000 - SPOT Vision Screener - Department of
Health - Req. No. R695240

Welch Allyn, Inc. and School Health Corporation of Hanover Park, Illinois, are engaged in an exclusive arrangement that states School Health Corp. is the sole Education Channel Distributor of the Welch Allyn Spot Vision Screener.

3. EXCALIBUR COMPUTER
SYSTEM, LLC \$16,000.00 Extension
Contract No. 08000 - Maintenance for IVIC Database -
Department of Transportation - Purchase Order No. P525500

On November 13, 2013, the City Purchasing Agent approved the initial award in the amount of \$16,000.00. Subsequent actions have been approved. An extension is required to complete transition to the new towing management system. This extension in the amount of \$16,000.00 will make the award amount \$49,000.00.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- | | | |
|------------------------------------------------------------------------------------------------|---------|-----------|
| 4. THE IRVIN H. HAHN
COMPANY, INC. | \$ 0.00 | Extension |
| Contract No. B50000784 - Police Badges and Insignias -
Police Department - P.O. No. P505784 | | |

On December 10, 2008, the Board approved the initial award in the amount of \$125,000.00. The award contained two 1-year renewal options which were exercised. Subsequent extensions have been approved. Authority is being requested to extend the contract while a new solicitation B50003980 can be solicited and awarded. The period of the extension is June 16, 2015 through September 15, 2015.

MWBOO GRANTED A WAIVER.

- | | | |
|----------------------------------------------------------------------------------------------------|---------------|---------|
| 5. ENNIS PAINT, INC. | \$ 200,000.00 | Renewal |
| Contract No. B50001955 - Thermoplastic Blocks - Department
of Transportation - P.O. No. P517285 | | |

On June 22, 2011, the Board approved the initial award in the amount of \$220,000.00. The award contained four 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$200,000.00 is for the period June 22, 2015 through June 21, 2016. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

- | | | |
|--------------------------------------------------------------------------------------------------------------------|---------|---------|
| 6. P. FLANIGAN & SONS
INCORPORATED | \$ 0.00 | Renewal |
| Contract No. 06000 - Tipping of Milled Material for
Recycling - Department of Transportation - P.O. No. P521073 | | |

On July 11, 2012, the Board approved the initial award in the amount of \$500,000.00. The award contained two 1-year renewal options.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

This renewal in the amount of \$0.00 is for the period July 11, 2015 through July 10, 2016, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

- | | | |
|-------------------------------------------------------------------------------------------------|-------------|-------|
| 7. KONSBERG MESOTECH LTD | \$65,852.00 | Award |
| Contract No. 08000 - Sonar System Equipment - Baltimore City Fire Department - Req. No. R696560 | | |

This is for the procurement of Konsberg Mesotech MS1000 sonar system equipment. The vendor is the sole provider of this sonar system, which uniquely meets regional compatibility and interoperability requirements for emergency response. An Intent to Waive competition was done (B50004079) with no responses from additional vendors. The period of the award is June 10, 2015 through June 9, 2016. The above amount is the City's estimated requirement.

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

UPON MOTION duly made and seconded, the Board approved the foregoing Informal Awards, Renewals, Increases to Contracts and Extensions.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Intergovernmental Land Disposition Agreement with the Housing Authority of Baltimore City (HABC) for two properties located at 319 E. 21st Street and at 322 E. 21st Street.

AMOUNT OF MONEY AND SOURCE:

\$1.00 - 319 E. 21st Street
1.00 - 322 E. 21st Street
\$2.00 - Purchase Price

BACKGROUND/EXPLANATION:

The City will convey all of its rights, title, and interest in the properties listed above for \$1.00 each, which will be paid at the time of settlement.

The HABC is in the process of redeveloping its inventory of scattered site public housing units in the Barclay neighborhood. In order to enhance the revitalization of the neighborhood, the DHCD and the HABC have identified properties owned by the Mayor and City Council for inclusion in the Barclay Redevelopment Project. The HABC issued a Request for Qualification (RFQ) in 2005 seeking qualified development teams to manage the redevelopment of the Barclay Neighborhood and selected Telesis Baltimore Corporation (Telesis). Upon selection, Telesis worked with the community, the HABC, and the Department of Planning to create a neighborhood revitalization plan. The project will include a mix of rehabilitated row homes and new construction, as well as a mix of affordable and market rate rental and homeownership units.

MINUTES

DHCD - cont'd

The authority to sell these properties is within Article 13, Section 2-7 (h) (2) (ii) (C) of the Baltimore City Code and the Barclay Urban Renewal Plan.

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

To allow for the redevelopment of the Barclay Neighborhood the properties 319 and 322 E. 21st Street are being sold for \$1.00 each. Pursuant to Baltimore City's Appraisal Policy, the Waiver valuation process determined the price for each property to be \$7,600.00 and \$9,750.00, respectively. The property at 319 E. 21st Street is a two-story vacant building and 322 E. 21st Street is a three-story vacant building. This sale will provide the following benefits:

- the development will eliminate neighborhood blight caused by City-owned vacant buildings,
- the renovation will be to the specific benefit of the immediate communities,
- return the properties to the tax rolls with their eventual sale to Telesis, and
- the properties are being sold less than the waiver determined value because of their condition, which will require extensive and immediate remediation.

MBE/WBE PARTICIPATION:

The Developer will not receive City funds or incentives for the purchase or rehabilitation, therefore MBE/WBE is not applicable.

MINUTES

DHCD - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Intergovernmental Land Disposition Agreement with the Housing Authority of Baltimore City for two properties located at 319 E. 21st Street and at 322 E. 21st Street.

MINUTES

Department of Housing and - Housing Code Enforcement
Community Development (DHCD) Activity

ACTION REQUESTED OF B/E:

The Board is requested to approve Housing Code Enforcement activity by the Housing Authority of Baltimore City Construction Company (HABC) for the property located at 2400 Harman Avenue.

AMOUNT OF MONEY AND SOURCE:

\$400,000.00 - 9910-905756-9588-900000-706047

BACKGROUND/EXPLANATION:

On February 7, 2001, the Board approved a Memorandum of Understanding (MOU) between the DHCD and the HABC. Under the terms of the MOU, the DHCD can utilize the HABC to undertake Code Enforcement activities.

On June 11, 2014, the Board approved the execution of the Grant Agreement between the DHCD and the Maryland Department of Housing and Community Development (MD-DHCD) to receive \$400,000.00 in Strategic Demolition and Smart Growth Impact Funds to assist with the redevelopment of the former Mt. Winans School located at 2400 Harman Avenue.

In October 2014, a Violation Notice was issued based on Section 304.24 of the Property Maintenance Code of Baltimore City, Defective Accessory Structure Repair, which required that the retaining wall surrounding the site be stabilized and repaired.

In accordance with the requirements governing the Strategic Demolition and Smart Growth Impact Funds, the HABC has prepared a Scope of Work, which outlines the work that will be undertaken. Stabilization and repair is a permitted activity under the 2001 Agreement.

MINUTES

DHCD - cont'd

MBE/WBE PARTICIPATION:

The 2001 MOU requires the HABC to comply with all applicable MBE/WBE requirements.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved Housing Code Enforcement activity by the Housing Authority of Baltimore City Construction Company for the property located at 2400 Harman Avenue.

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 - Options</u>			
1. Madison Bank of Maryland (f/k/a Northeastern Bohemian Savings & Loan Assn., Inc.)	4671 Park Heights Ave.	G/R \$96.00	\$ 640.00

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

DHCD - Rescission and Re-approval of an Option

- | | | | |
|--------------------------------------------------------|-----------------|-----|-------------|
| 2. SCH Real Estate Holdings Statutory Trust Subtrust 8 | 2117 Herbert St | L/H | \$14,850.00 |
|--------------------------------------------------------|-----------------|-----|-------------|

On February 4, 2015, the Board approved an option to purchase from Robert I. Benny, LLC, the previous optionor, the leasehold interest in the property located at 2117 Herbert Street in the amount of \$13,500.00. The Board is requested to rescind its approval of February 4, 2015.

The DHCD has secured appraisals, held negotiations with the current owner of the property, SCH Real Estate Holdings Statutory Trust Subtrust 8 and is in compliance with the requirements of the Uniform Relocation Act for replacement housing payment and relocation assistance. As a result, the Department is requesting re-approval of the option in the amount of \$14,850.00 for the property interest from the owner.

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
-----------------	-----------------	-----------------	---------------

Funds are available in account 9910-910634-9588-900000-704040, Whole Block Demo Project.

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

UPON MOTION duly made and seconded, the Board approved and authorized the foregoing option and rescission and re-approval of an option.

MINUTES

Health Department - Agreements

The Board is requested to approve and authorize execution of the various Agreements and the Inter-Agency Agreement.

1. **THE JOHNS HOPKINS UNIVERSITY (JHU)** **\$15,000.00**

Account: 5000-522315-3030-271500-603051

The JHU Center for Child and Community Health Research (CCHR) will create and produce "detailing toolkits" for providers of sexually transmitted infection (STI) services in high morbidity counties in Maryland.

The JHU CCHR will develop educational materials and resources for use in an STI prevention provider outreach project (STI provider detailing). This will include focus groups with providers and development of the content, the design (i.e., the look and feel) and the production of a syphilis/chlamydia/gonorrhea provider outreach toolkit. The period of the Agreement is July 1, 2014 through June 30, 2015.

The Agreement is late because of budget revisions.

2. **THE JOHNS HOPKINS UNIVERSITY (JHU)** **\$73,790.00**

Account: 4000-424515-3023-599625-603051

The JHU School of Medicine's HIV Women's Health Program will provide interventions needed to support HIV infected women receiving perinatal services with co-morbidities of HIV and substance abuse into non-medical case management services.

Services will be directed to immediate problem solving provided by a peer client advocate and will include, but not be limited to, assistance with: legal, financial, housing, transportation and other psychosocial issues that will support pregnant women with the ultimate goal of prevention of mother-to-child transmission of HIV and maintenance or improvement in maternal health. The period of the Agreement is July 1, 2014 through June 30, 2015.

MINUTES

Health Department - cont'd

The Agreement is being presented at this time because the Infectious Disease and Environmental Health Administration programmatically manages Ryan White Part B services. The providers are asked to submit a budget, budget narrative, and scope of services. The Department thoroughly reviews the entire package before preparing a contract and submitting it to the Board. These budgets are many times revised because of inadequate information from the providers. This review process is required to conform to the grant requirements.

MWBOO GRANTED A WAIVER.

3. **THE JOHNS HOPKINS UNIVERSITY (JHU) \$555,090.00**

Account: 1001-000000-3030-271500-603051	\$355,019.00
1001-000000-3030-271700-603051	\$200,071.00

The JHU, School of Medicine will provide the services of medical directors, clinicians and administrative support for the Department's Druid Disease Control Center, Eastern Health Clinic, Healthy Teens, and Young Adults Clinic, and the Immunization Clinic.

Clinical services include, but are not limited to sexually transmitted disease care, tuberculosis care, HIV counseling and testing, HIV primary care, and contraceptive services for women. The services will also include medical care which includes obtaining a medical history, performing appropriate physical examinations, assessing patients problems, and resolution of identified problems by appropriate medical management, providing nursing care to patients attending clinics and providing social work/case management support services to patients and families and/or significant others.

MINUTES

Health Department - cont'd

The period of the Agreement is July 1, 2014 through June 30, 2015.

The Agreement is late because the budget review and approval delayed processing.

MWBOO GRANTED A WAIVER.

4. **THE CENTER OF MORE ABUNDANT LIFE, INC.** \$ 0.00

The organization will serve as a volunteer station for the Retired and Senior Volunteer Program. The Baltimore City Health Department's Retired and Senior Volunteer Program is awarded funds to pay administration staff to arrange volunteer work with other non-profit, private agencies and organizations where services are performed by persons 55 years of age and older. The period of the Agreement is July 1, 2014 through June 30, 2015.

The Agreement is late because it was delayed during the review and signature process at The Center of More Abundant Life, Inc.

5. **ABILITIES NETWORK, INC.** \$ 5,000.00

Account: 5000-530315-3041-605800-603051

The organization will work with the Department to educate pregnant women on the risk factors associated with tobacco use. The period of the Agreement is February 1, 2015 through June 30, 2015.

The Agreement is late because the DHMH did not approve the grant application until September 2014. The tobacco sub-grants went out to bid in mid-October and were submitted to the Department last October. Sub-grantees were selected in November 2014.

MINUTES

Health Department - cont'd6. **FUSION PARTNERSHIPS, INC.** **\$31,500.00**

Account: 5000-530315-3041-605800-603051

Fusion Partnerships, Inc. will work with the Department to provide cessation services to mental health clients and to conduct school-based services that focus on youth in Baltimore City. The period of the Agreement is July 1, 2014 through June 30, 2015.

The Agreement is late because the DHMH did not approve the grant application until September 2014. The tobacco sub-grants went out in mid-October and were submitted to the Department in last October. Sub-grantees were selected in November 2014.

AUDITS REVIEWED AND HAD NO OBJECTION.Inter-Agency Agreement7. **MAYOR'S OFFICE ON CRIMINAL JUSTICE (MOCJ)** **\$244,172.00**

Account: 1001-000000-2252-729100-603026	\$ 76,172.00
1001-000000-2252-729000-603026	\$168,000.00

The Inter-Agency Agreement represents a cooperative effort between the MOCJ and the Department to implement new crime fighting initiatives.

Approval of this agreement will allow the Department to contract with Johns Hopkins Bloomberg, Center for Gun Policy and Research to coordinate a group to review homicides in designated neighborhoods in Western, Southwestern, and Northeastern Baltimore City that involve youth 15-24 years of age.

MINUTES

Health Department - cont'd

The Department will also contract with the Prevention Institute to lead the City through a strategic planning process to reduce violence affecting youth. The period of the Agreement is May 1, 2014 through August 31, 2015.

The Inter-Agency Agreement is late because the revision and the administration review process at both agencies delayed processing.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the various Agreements and the Inter-Agency Agreement. The President **ABSTAINED** on item nos. 1, 2, 3, and 7.

MINUTES

Health Department - Notice of Award

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a revised Notice of Award (NoA) from the Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Injury Prevention, and Control for the Project Titled: "Dating Matters Initiative in Baltimore."

AMOUNT OF MONEY AND SOURCE:

\$104,003.00 - 4000-428515-3160-271400-404001

BACKGROUND/EXPLANATION:

On October 8, 2014, the Board approved the NoA for the period of September 1, 2014 through August 31, 2015 in the amount of \$350,000.00.

The purpose of this revised NoA is to approve carryover funding in the amount of \$104,003.00 from budget period 03 to budget period 04, as requested by the Department on December 9, 2014. Accordingly, the total award for the 04 year is increased to \$454,003.00.

The carryover funds will be used to improve program implementation, to increase program efficiency and to support sustainability planning.

The Notice of Award is late because it was received on April 21, 2015, but delayed during the Department's administrative review.

MBE/WBE PARTICIPATION:

N/A

MINUTES

Health Dept. - cont'd

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the revised Notice of Award from the Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Injury Prevention, and Control for the Project Titled: "Dating Matters Initiative in Baltimore."

MINUTES

Health Department - Notice of Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of the Notification of Grant Award from the Maryland Department of Health and Mental Hygiene, Center for Chronic Disease Prevention and Control. The period of the Notice of Grant Award is February 1, 2015 through September 29, 2015.

AMOUNT OF MONEY AND SOURCE:

\$186,560.00 - 5000-570415-3041-605800-40500-1

BACKGROUND/EXPLANATION:

The Maryland Department of Health and Mental Hygiene was awarded a Centers for Disease Control and Prevention State and Local Public Health Actions to Prevent Obesity, Diabetes, and Heart Disease (1422) grant to implement: 1.) environmental strategies to promote health and reinforce healthful behaviors; 2.) strategies to build support for lifestyle change, particularly for those at high risk, to support diabetes and heart disease and stroke prevention efforts; 3.) health systems interventions to improve the quality of health care delivery to populations with the highest hypertension and prediabetes disparities; and 4.) community clinical linkage strategies to support heart disease and stroke and diabetes prevention efforts in partnership with no more than 8 communities with significant disease burden and combined populations to reach significant numbers of people. Long-term outcomes aim to reduce death and disability due to diabetes, heart disease, and stroke by 3% and reduce the prevalence of obesity by 3% in these communities.

MINUTES

Health Department - cont'd

The grant award is late because it was just received on March 18, 2015 and delayed during the Department's administrative review.

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 Notification of Grant Award from the Maryland Department of Health and Mental Hygiene, Center for Chronic Disease Prevention and Control.

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

The Board is requested to approve an expenditure of funds to purchase incentive cards from various vendors for the Bureau of Adolescent and Reproductive Health Program.

AMOUNT OF MONEY AND SOURCE:

\$2,000.00 - 200 x \$10.00 @ Target Cards
2,000.00 - 100 x \$20.00 @ Walmart Cards
2,000.00 - 200 x \$10.00 @ Target Cards
3,000.00 - 150 x \$20.00 @ Shoppers Cards
\$9,000.00

\$2,000.00 - 4000-422715-3030-279200-604051
\$7,000.00 - 5000-520114-3030-702900-604051

BACKGROUND/EXPLANATION:

The Bureau of Adolescent & Reproductive Health runs several successful community outreach programs through its Health Education and Outreach (HEO) component. The HEO component is charged with recruiting clients for the clinic and implementing two newly-funded community-based programs. Recruitment for clients consists of providing snacks for client appreciation events, which are purchased by staff utilizing the Sam's/Walmart cards, and other incentive programs (i.e. "Bring a Friend" campaign). Incentives for the community-based programs include Target gift cards for client participation in activities and snacks purchased by staff for group sessions from Sam's/Walmart and Shoppers. An estimated 300 adolescents and adults are expected to benefit from the clinic activities and incentives.

MINUTESHealth Department - cont'd

The Department adopted a consolidated policy for the purchase, distribution, and documentation of all incentive cards. The central tenets of this policy account for: 1) a single means of procuring all incentive cards through the Board of Estimates; 2) the documentation of each incentive card and its recipient; 3) a monthly reconciliation for all purchases that account for all distributed and non-distributed cards and; 4) periodic internal reviews of programs; activity vis-à-vis the internal policy, which are to be shared with the Department of Audits.

This policy has been reviewed by both the Solicitor's Office and by the Department of Audits. Consistent with the original Board of Estimates approval, all requests for payment for the incentive cards are subject to the Department of Audits approval.

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 the expenditure of funds to purchase incentive cards from various vendors for the Bureau of Adolescent and Reproductive Health Program.

MINUTES

TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

1908 - 1912

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Transportation</u>		
1. \$ 200,000.00	9950-903705-9514	9950-911711-9514
FED	Federal Resurfacing	Resurface Harford
	North East	Rd.

This transfer will cover the deficit and move the funds to the new account associated with project TR 04303 "Resurfacing Harford Rd. from North Avenue to Chesterfield Avenue," in the amount of \$200,000.00.

2. \$1,218,000.00	9950-902256-9508	
MVR	Central Avenue	
2,052,210.24	9950-902412-9506	
MVR	Frederick Ave. Bridge	
297,782.04	9950-906443-9504	
MVR	Reconstr. of Alleys	
740,818.75	9950-905448-9504	
GF (HUR)	Reconstr. of Footways	
580,000.00	9950-909446-9504	
GF (HUR)	Reconstr. of Footways	
250,000.00	9950-909446-9504	
MVR	Reconstr. of Footways	
1,021,939.19	9950-907447-9504	
GF (HUR)	Reconstr. of Footways	
1,197,000.00	9950-904799-9514	
GF (HUR)	Emergency Resurfacing	
\$7,357,750.22		

MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Transportation - cont'd</u>		
\$5,100,224.42	-----	9950-903315-9507 Edmondson Avenue Bridge
2,000,000.00	-----	9950-947010-9514 Salt Dome at North Avenue
257,525.80	-----	9950-902868-9514
\$7,357,750.22		Resurf. Highways - Various locations

This transfer will swap the State Construction Loan Fund with the MVR fund and provide the funds for the project "Salt Dome at North Avenue."

3. \$3,096,675.70	9950-903315-9507
State Constr.	Edmondson Ave.
Loan	Bridge
436,865.06	9950-903412-9507
State Constr.	Frederick Ave.
Loan	Bridge
2,711,629.41	9950-904313-9528
State Constr.	Midtown Streetscape
1,100,000.00	9950-902608-9509
State Constr.	Constr. Reserve -
Loan	North Ave.
961,361.87	9950-903454-9509
State Constr.	Reisterstown Rd.
Loan	Streetscape
\$8,306,532.04	

MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Transportation - cont'd</u>		
\$ 100,000.00	-----	9950-908516-9506 Annapolis Rd. Bridge Over Balto. Washington Parkway
263,000.00	-----	9950-906668-9508 Curb Repair - Various Locations
1,232,000.00	-----	9950-904799-9514 Emergency Resurf.
346,632.04	-----	9950-906443-9504 Reconstr. of Alleys
741,000.00	-----	9950-905448-9504 Reconstr. of Foot- Ways
830,700.00	-----	9950-909446-9504 Reconstr. of Foot- Ways
1,023,000.00	-----	9950-907447-9504 Reconstr. of Alleys
1,218,000.00	-----	9950-902256-9508 Central Ave.
<u>2,552,200.00</u>		9950-902412-9506
\$8,306,532.04		Frederick Ave. Bridge

This transfer will swap the MVR fund with the State Construction Loan Fund.

MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of General Services</u>		
4. \$ 70,000.00	9916-912074-9194	9916-906305-9197
6 th Public	Reserve - Benton	Active - Benton
Bldg. Loan	Building Insulation	Building Soffit
	Improvements	Insulation

The third floor of the Benton Building is located immediately above the building's outside entry area causing extreme conditions at the City offices on the floor. The new insulation will better retain heat in these offices and help keep employees and citizens comfortable during the winter months.

Department of Recreation and Parks

5. \$150,000.00	9938-920019-9475	9938-904765-9474
Carroll Park	Res. Rec. & Park	Active Courts &
Fields	27 th Series	Fields Renovations
		FY09

This transfer will provide funds to cover costs for utility improvements and irrigation for Radecke Park Field.

Baltimore Development Corporation

6. \$100,000.00	9910-925013-9600	9910-907106-9601
24 th Eco. Dev.	Constr. Res. Facade	Baltimore Business
Funds	Improvements	Recovery

This transfer will provide funds for the storefront recovery grant program administered by the City of Baltimore Development Corporation in order to repair City businesses that were damaged during the civil unrest.

MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Housing and Community Development</u>		
7. \$700,000.00	9910-904968-9587	9914-917411-9588
30 th Community	Red Line Community	Acquisition - Red
Dev. Bond	Dev.	Line

This transfer will move 30th Community Development Bond appropriations into an account, "Acquisition - Red Line" that will be used by the Department of Transportation to acquire property as the new home for the Board of Elections warehouse facility. The current facility is slated to become part of the Red Line maintenance yard.

8. \$150,000.00	9910-902985-9587	9910-909114-9588
UDAG	Housing Development	Study V2V Policies & Operations

This transfer will provide the evaluation of the V2V program in order to determine whether strategies or outcomes of the program are achieved.

MINUTES

Department of Finance - Targeted Homeowners Tax Credit Rate

ACTION REQUESTED OF B/E:

The Board is requested, pursuant to Article 28 § 10-16 of the Baltimore City Code, to set the rate for the Targeted Homeowners Tax Credit at \$0.181 per \$100.00 of improved assessed value.

AMOUNT OF MONEY AND SOURCE:

The Targeted Homeowners Tax Credit will result in a reduction of an estimated \$20,900,000.00 from the City's property tax collections.

BACKGROUND/EXPLANATION:

The Targeted Homeowners Tax Credit is limited to offsets to City tax liability, excluding Special Benefit Districts.

The Targeted Homeowners Tax Credit is available to all owner-occupied homes in Baltimore City that qualify for the Homestead Exemptions under State Property-Tax Article § 9-105. The credit is calculated by multiplying the Targeted Homeowners Tax Credit rate by the eligible property's improved assessment.

The credit when taken singularly or with other credits will be limited to the City tax liability and will not cause a refund to any taxpayer.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board pursuant to Article 28 §10-16 of the Baltimore City Code, set the rate for the Targeted Homeowners Tax Credit at \$0.181 per \$100.00 of improved assessed value.

MINUTES

Department of Finance - Payment in Lieu of
Taxes (PILOT) Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a PILOT Agreement with Woodlands Apartments LP. The period of the PILOT Agreement is effective for as long as the property remains housing for low-income households.

AMOUNT OF MONEY AND SOURCE:

\$3,520,000.00 - CDA/Tax Exempt Bonds
\$2,890,000.00 - Capitol One Bank
\$2,350,000.00 - CDA/Rental Housing Works
\$2,384,049.00 - 4% LIHTC
\$ 131,325.00 - CIF/Energy Funds
\$ 110,347.00 - Deferred Fee
\$ 75,000.00 - Developer Equity

No City funds are requested at this time.

BACKGROUND/EXPLANATION:

This PILOT Agreement is to support the planned redevelopment and preservation of 47 affordable rental units known as the Madera Apartments, located at 3503 Woodland Avenue. The estimated annual amount of the PILOT is approximately 10% of the tenant paid rent (Shelter Rent), which in the first year will be approximately \$6,500.00, increasing over time.

The apartments were constructed over 45 years ago and have only been periodically updated since that time. The project will consist of the full rehabilitation of the units, building systems, infrastructure, amenities, and safety features of the building. The rehabilitation will stabilize and improve conditions at the project while retaining all of the current tenants, maintaining the current property manager, and this important community asset.

MINUTES

Dept. of Finance - cont'd

All of the units are currently affordable to individuals whose incomes are 80% or less of the Area Median Income (AMI) through a Housing Assistance Payment (HAP) contract. Upon financial closing of the redevelopment, the owner will enter into a Low Income Housing Tax Credit Restrictive Covenant which will restrict all of the units to occupancy by households earning 60% or less of the AMI.

The terms of the PILOT Agreement as negotiated with the developer and approved in form by the PILOT Committee are as follows:

- the project is to be occupied by tenants whose incomes do not exceed the standards and limits as required by the tax code covenant with the Department of Housing and Community Development or the State of Maryland,
- the annual amount of the PILOT Agreement will be 10% of the Shelter Rent, which for the first year will be approximately \$6,500.00,
- the PILOT Agreement will only continue as long as the general partner of the ownership is controlled by a nonprofit entity, and
- the units are subsidized by the HAP contract which the owner must renew on an annual basis so long as such renewals are available from the U.S. Department of Housing and Urban Development.

Given the extreme need and age of the current facility and the need of the City for affordable housing, the PILOT Committee believes that the PILOT Agreement is necessary to support both the capital and operating needs of the project.

MINUTES

Department of Finance - cont'd

MBE/WBE PARTICIPATION:

Article 5, Subtitle 28 of the Baltimore City Code for the Minority and Women's Business Program is fully applicable and no request for a waiver or exception has been made.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the PILOT Agreement with Woodlands Apartments LP.

MINUTES

CITY COUNCIL BILLS

14-0427 - An Ordinance concerning Franchise - Private Pedestrian Bridgeway Above and Across and Supporting Structures, and providing for a special effective date. In and Below the 4100 Block of Hillen Road Right-of-Way for the purpose of granting a franchise to Morgan State University to construct, use, and maintain (1) a private pedestrian bridgeway above and across the 4100 block of Hillen Road right-of-way and (2) the bridgeway foundation and supporting columns in and below the Hillen Road right-of-way, subject to certain terms, conditions, and reservations; and providing for a special effective date.

The Planning Commission recommends approval subject to Department of Transportation bridge inspection procedures and agreements by the City Council.

The Department of Housing and Community Development has no objection.

The Department of Transportation (DOT) has no objection to this bill. Provided that the structure maintain a minimum under clearance of 14 feet 9 inches. That is that the distance from the roadway to the lowest overhanging portion of the bridge not be less than 14 feet 9 inches, and that the bridge be designed and constructed in accordance with the American Association of State Highway and Transportation Officials LRFD Guide Specifications for the Design of Pedestrian Bridges, 2nd Edition. The foundations of the bridges should also be constructed as not to interfere with all existing utilities within the limits of the structure.

The Fire Department has no objection to City Council Bill 14-0427 as proposed, provided that all applicable fire and life safety codes are adhered to. Also, it needs to be assured that the pedestrian bridge provides sufficient clearance for vehicles of extra height to navigate under; in particular, emergency apparatus.

MINUTES

CITY COUNCIL BILLS -cont'd

The Department of General Services supports City Council Bill No. 14-0427, in accordance with the Minor Privilege Schedule of Charges and Regulations as established and set by the Board of Estimates, an annual franchise fee of \$25,660.80 is recommended for this encroachment in the public right-of-way.

15-0521 - An Ordinance concerning Poppleton Development District for the purpose of designating a "development district" to be known as the "Poppleton Development District"; providing for and determining various matters in connection with the establishment of the development of the development district; creating a special, tax increment fund for the development district; allocating certain property taxes to that fund; making certain findings and determinations; providing for a special effective date; and generally providing for matters relating to the designation and operation of the development district and the establishment and use of the special, tax increment fund to provide for the payment by or reimbursement to the City for debt service which the City is obligated to pay or has paid (whether such obligation is general or limited) on any special obligation bonds or notes issued by the City in connection with the development district, the replenishment of any reserve funds, and the payment of certain expenses and administrative costs related to the operation of the development district.

THE PARKING AUTHORITY OF BALTIMORE CITY (PABC) DEFERS TO THE COMMENTS SUBMITTED BY THE DEPARTMENT OF FINANCE AND THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AS THESE ARE THE AGENCIES MOST AFFECTED BY THIS BILL. THE PABC WILL RESERVE COMMENT ON, AND WILL BE AVAILABLE TO ASSIST, AS PROJECTS WITHIN THE DISTRICT ARE INTRODUCED.

ALL OTHER REPORTS RECEIVED WERE FAVORABLE.

MINUTES**CITY COUNCIL BILLS:**

15-0522 - An Ordinance concerning Poppleton Special Obligation Bonds for the purpose of authorizing the issuance of special obligation bonds; authorizing the pledge by the City, subject to appropriation, of tax Increment Revenues and Special Tax Revenues (as such terms are defined herein) to the payment of debt service on such obligation bonds, the replenishment of any reserves, and the payment of certain expenses and administrative costs; providing that such bonds may be issued from time to time and in one or more issues or series in an aggregate principal amount not exceeding \$58,311,000.00 for the purpose of financing infrastructure improvements and related costs, including, without limitation, the Project (defined herein), and other necessary improvements to, from, or within the development district, and certain other infrastructure improvements permitted by the Acts (defined herein); providing for the method and sources of payment for such special obligation bonds; providing that the City, in each fiscal year in which any such bonds are outstanding, use its best efforts to obtain the appropriation of the Tax Increment Revenues and the Special Tax Revenues in the amounts and at the times specified in a trust agreement or agreements between the City and a bank or trust company appointed as trustee thereunder; authorizing the Board of Finance to specify, prescribe, determine, provide for and approve the details, forms, documents or procedures in connection with such special obligation bonds and any other matters necessary or desirable in connection with the authorization, issuance, sale, and payment of such special obligation bonds; providing for a special effective date; and generally relating to the issuance and payment of such special obligation bonds.

MINUTES**CITY COUNCIL BILLS:**

15-0522 - cont'd

THE LAW DEPARTMENT REPORTS THAT THE BILL REFERS TO AN "ALTERNATE CUSTODIAN OF THE CITY SEAL." THERE IS ONLY ONE CUSTODIAN OF THE CITY SEAL, WHO IS DESIGNATED BY THE DIRECTOR OF FINANCE, PURSUANT TO SECTION 18 OF ARTICLE VII OF THE CITY CHARTER. IN THE EVENT AN ALTERNATE WERE NEEDED, THE DIRECTOR OF FINANCE COULD DESIGNATE A NEW PERSON TO BE THE CUSTODIAN. AN APPROPRIATE AMENDMENT WHICH IS SUBMITTED WOULD REMOVE THIS REFERENCE.

FINALLY, THE LAW DEPARTMENT REPORTS THAT CITY COUNCIL BILLS 15-0521 AND 15-0523 MUST ALSO PASS FOR THIS BILL TO BE LEGALLY SUFFICIENT, AS THOSE OTHER BILLS CONTAIN PROVISIONS NECESSARY UNDER THE CITY CHARTER TO EFFECTUATE THE ISSUANCE OF THE SPECIAL OBLIGATION BONDS REFERRED TO IN THIS BILL.

WITH THE AMENDMENT, THE BILL CONFORMS TO THE REQUIREMENTS OF THE CITY CHARTER; THEREFORE, ASSUMING IT PASSES ALONG WITH CITY COUNCIL BILLS 15-0531 AND 15-0523, THE ADVERTISING REQUIREMENT HAS BEEN MET, AND THE BILL IS AMENDED AS NOTED HEREIN, THE LAW DEPARTMENT APPROVES IT FOR FORM AND LEGAL SUFFICIENCY.

THE PARKING AUTHORITY OF BALTIMORE CITY (PABC) DEFERS TO THE COMMENTS SUBMITTED BY THE DEPARTMENT OF FINANCE AND THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AS THESE ARE THE AGENCIES MOST AFFECTED BY THIS BILL.

ALL OTHER REPORTS RECEIVED WERE FAVORABLE.

15-0523 - An Ordinance concerning Poppleton Special Taxing District for the purpose of designating a "special taxing district" to be known as the "Poppleton Special Taxing District"; providing for and determining various matters in connection with the establishment of the special taxing district;

MINUTES

CITY COUNCIL BILLS:15-0523 - cont'd

creating a special fund for the special taxing district; providing for the levy of a special tax on all taxable real and personal property located in the special taxing district; authorizing the pledge of the special tax revenues to the payment by or reimbursement to the City for debt service on any special obligation bonds or notes issued by the City in connection with the special taxing district, the replenishment of any reserve fund; providing for a special effective date; and generally providing for matters relating to the designation and operation of the special taxing district, the establishment and use of the special fund, and the payment of certain expenses and administrative costs related to the operation of the special taxing district.

THE LAW DEPARTMENT REPORTS THAT CITY COUNCIL BILLS 15-0521 AND 15-0522 MUST PASS FOR THIS BILL TO BE LEGALLY SUFFICIENT, AS THOSE BILLS CONTAIN PROVISIONS NECESSARY UNDER THE CITY CHARTER TO EFFECTUATE THIS BILL. ASSUMING IT PASSES ALONG WITH THOSE BILLS AND THE ADVERTISING REQUIREMENT HAS BEEN MET, THE LAW DEPARTMENT APPROVES IT FOR FORM AND LEGAL SUFFICIENCY.

ALL OTHER REPORTS RECEIVED WERE FAVORABLE.

UPON MOTION duly made and seconded, the Board approved Bills 15-0521, 15-0522, and 15-0523 and directed that the Bills be returned to the City Council with the recommendation that they also be approved and passed by that Honorable Body. The President **ABSTAINED**. Council Bill 14-0427 was **WITHDRAWN**.

MINUTES

Department of Transportation - Consultant Hourly Rate Cap Waiver

ACTION REQUESTED OF B/E:

The Board is requested to approve variances from the City's hourly rate for technical personnel for consultant contracts for Whitman Requardt & Associates, LLP. The Consultant will be working on Project No. 1223, On-Call Alternative Delivery Advisory Services.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The Department has determined that some of the work to be performed on the subject project is of such a nature that an individual with specialized experience with alternative project delivery is required. The Department wishes to consider employing alternative project delivery methods that seek to address aging infrastructure, cost escalation, limited resources, productivity, and meeting critical deadlines. The proposed personnel employed with Whitman Requardt & Associates, LLP, has served in advisory roles on both private and public sides of alternative delivery transactions, negotiating complex transactions as the public owner. The Department seeks a waiver of the \$55.00 hourly rate for technical personnel and to pay \$75.00 for the Senior Advisor, and \$63.35 for Senior Analyst.

MBE/WBE PARTICIPATION:

N/A

AUDITS DEFERS TO THE BOARD OF ESTIMATES ON THE REQUEST FOR A VARIANCE FROM BOARD OF ESTIMATES POLICY FOR CONSULTANTS COMPENSATION. AUDITS REVIEWED THE DOCUMENTATION THAT SUPPORTS THE RATES REQUESTED.

MINUTES

Department of Transportation - cont'd

UPON MOTION duly made and seconded, the Board approved variances from the City's hourly rate for technical personnel for consultant contracts for Whitman Requardt & Associates, LLP. The President voted **NO**. The Comptroller voted **NO**.

MINUTESDepartment of Transportation - On-Call Consultant Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an On-Call Consultant Agreement with Wallace, Montgomery & Associates, LLP., for Project 1225, On-Call Design Consultant Services for Resurfacing and Reconstruction Projects. The period of the On-Call Consultant Agreement is effective upon Board approval for two years.

AMOUNT OF MONEY AND SOURCE:

\$1,000,000.00 - Upset Limit

BACKGROUND/EXPLANATION:

The Department of Transportation has negotiated and procured the On-Call Consultant Agreement approved by the Office of Boards and Commissions and the Architectural and Engineering Awards Commission and now desires to utilize the services of Wallace, Montgomery & Associates, LLP. 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 with the scope of services which include, but is not limited to developing roadway alignment, storm drainage improvements, street lighting, electric duct banks, water and wastewater reconstruction, streetscape, resurfacing, stormwater management, erosion and sediment control, pavement markings and traffic control, signal design, conduit duct bank design, surveys, environmental site assessments, and other related civil engineering tasks.

The scope of services may also include providing on-site project management and/or inspectors, staff support, GIS and IT support and other miscellaneous tasks for various Capital Improvement Projects. Responsibilities will include preparation of construction contract documents including plans and specifications for bid.

MINUTES

Dept. of Transportation - cont'd

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 agreement.

MBE:

Sabra, Wang & Associates, Inc.	\$100,000.00	10%
Spartan Engineering, LLC	50,000.00	5%
Sahara Communications, Inc.	20,000.00	2%
AB Consultants	100,000.00	10%
	<u>\$270,000.00</u>	<u>27%</u>

WBE:

iDesign Engineering, Inc.	\$ 50,000.00	5%
Floura Teeter Landscape Architects, Inc.	50,000.00	5%
	<u>\$100,000.00</u>	<u>10%</u>

MWBOO FOUND VENDOR IN COMPLIANCE.**AUDITS NOTED THE ON-CALL AGREEMENT AND WILL REVIEW TASK ASSIGNMENTS.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the On-Call Consultant Agreement with Wallace, Montgomery & Associates, LLP., for Project 1225, On-Call Design Consultant Services for Resurfacing and Reconstruction Projects. The President voted **NO**.

MINUTES

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. The GAN extends the period of the award through September 30, 2015.

AMOUNT OF MONEY AND SOURCE:

\$0.00 - 4000-473614-2024-212600-600000

BACKGROUND/EXPLANATION:

On October 9, 2013, the Board approved the "Forensic DNA Backlog Reduction 2013" grant for the period October 1, 2013 through March 31, 2015. The grant was to be utilized to reduce the backlog of DNA evidence pending analysis. Through this effort, the Department will fund various Lab positions, procure needed laboratory equipment, and provide for overtime and outsourcing of funds.

The GAN is late because it was recently received.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

AUDITS NOTED THE TIME EXTENSION.

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the Grant Adjustment Notice from the United States Department of Justice.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve an adjustment to the transient rate at the City-owned Redwood 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 this transient rate charged at the Redwood Street Garage in line with its surrounding facilities, the PABC staff developed the rate adjustment recommendation. This rate adjustment was unanimously approved by the PABC Board of Directors.

MINUTES

PABC - cont'd

Location	Proposed Transient Rate Changes				Proposed Monthly Rate
Redwood Street Garage	Regular Transient Rates				Regular Monthly Rate
	4-12 hours	Current Rate \$ 14.00	Proposed Rate \$ 15.00	Last Rate Change June 2014	No Proposed rate adjustment

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

Office of the Labor Commissioner - Stipend for Employees in
Specific Automotive Positions

ACTION REQUESTED OF B/E:

The Board is requested to approve a stipend for employees in Specific Automotive Positions in the Department of General Services, Fleet Management Division.

AMOUNT OF MONEY AND SOURCE:

Annual Stipend - \$2,000.00

Account No. - 2030-000000-1890-189300-603026

BACKGROUND/EXPLANATION:

The Office of the Labor Commissioner has met with the Department of General Services, Fleet Management to discuss incentives for employees in the following Automotive Mechanic classes:

- Automotive Mechanics
- Automotive Lead Mechanics
- Maintenance Supervisors (I and II)
- Automotive Maintenance Workers
- Fleet Quality Control Analysts
- Hydraulic Mechanics
- Motor Equipment Specification Supervisors
- Operations Officers (V)
- Tire Maintenance Workers (I and II)
- Welders

Employees in these classes who obtain, and as long as they retain a Commercial Driver's License (CDL), will receive an annual stipend of \$2,000.00 to be paid bi-weekly. By providing this stipend, the management of Fleet Services will have less reliance on vendors to move its equipment. The employees, who obtain CDLs will receive the additional compensation for as long as the license is maintained.

APPROVED FOR FUNDS BY FINANCE

MINUTES

Office of the Labor Commissioner - cont'd

UPON MOTION duly made and seconded, the Board approved a stipend for employees in Specific Automotive Positions in the Department of General Services, Fleet Management Division.

MINUTES

Department of Public Works - Grant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a MEA EmPower Maryland Combined Heat and Power Program Grant Agreement with the State of Maryland, Maryland Energy Administration. The period of the Agreement is upon Board approval through January 1, 2017.

AMOUNT OF MONEY AND SOURCE:

\$464,700.00 - 5000-584215-1981-739800-600000

BACKGROUND/EXPLANATION:

The MEA EmPower Maryland Combined Heat and Power Program Grant Agreement will provide 10% of the funding needed to install a 2000 KW Combined Heat and Power system at Back River Waste Water Treatment Facility with a minimum heating efficiency of at least 60%.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE.

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the MEA EmPower Maryland Combined Heat and Power Program Grant Agreement with the State of Maryland, Maryland Energy Administration.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 010 to Hazen & Sawyer PC under Project 1406, On-Call Project and Construction Management Assistance Services. The original contract will expire on April 28, 2017. The period of this Task is approximately 15 months.

AMOUNT OF MONEY AND SOURCE:

\$159,716.00 - 9960-908504-9557-900020-705032

BACKGROUND/EXPLANATION:

The Consultant will provide on-site inspection services on WC 1233 Montebello Filtration Plan 1-Emergency Electrical Improvements for the Bureau of Water and Wastewater, Department of Public Works.

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. 010 to Hazen & Sawyer PC under Project 1406, On-Call Project and Construction Management Assistance Services.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 018 to Arcadis-US under Project 1303, (SC 845R, SC 852R, SC 886R, SC 911, SC 922R, SC 925, SC 933, WC 1234 and WC 1264) On-Call Project and Construction Management Assistance Services. The original contract will expire on April 30, 2016. The period of this Task is approximately 12 months.

AMOUNT OF MONEY AND SOURCE:

\$ 41,747.78	-	9956-905527-9551-900010-706063	-	SC 845R
41,747.78	-	9956-910533-9551-900010-706063	-	SC 852R
41,747.78	-	9956-904539-9551-900020-706063	-	SC 886R
41,747.78	-	9956-903654-9551-900020-706063	-	SC 911
41,747.78	-	9956-918616-9551-900020-706063	-	SC 922R
41,747.78	-	9956-907335-9551-900020-706063	-	SC 925
41,747.77	-	9956-905620-9551-900020-706063	-	SC 933
41,747.77	-	9960-905658-9557-900020-706063	-	WC 1234
41,747.77	-	9960-905136-9557-900020-706063	-	WC 1264
\$375,729.99				

BACKGROUND/EXPLANATION:

The Consultant will provide on-site construction management assistance on various projects including, but not limited to SC 845R-ENR Nitrification Facilities Patapsco Wastewater Treatment Plant, SC 852R - Dentrification Filters and Related Work for the ENR Facilities at Patapsco Wastewater Treatment Plant, SC 886R - Improvements to Sludge Blending Tanks at Patapsco Wastewater Treatment Plant, SC 911-Improvements to Sanitary Sewers in the Herring Run Sewershed, SC 922R - Large Diameter Sewer Cleaning in the Low Level Sewershed, SC 925-Arc Flash Hazard Improvements at the Back River Wastewater Treatment Plant, SC 933-High Level Interceptor Cleaning, WC 1234-East Cold Spring Lane from Hillen Road to Grindon Avenue-Installation of New 12-Inch Water Main, and WC 1264-Water Main Replacements, Various Locations for the Bureau of Water and Wastewater, Department of Public Works.

MINUTES

DPW/Office of Eng. & Constr. - cont'd

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. 018 to Arcadis-US under Project 1303, (SC 845R, SC 852R, SC 886R, SC 911, SC 922R, SC 925, SC 933, WC 1234 and WC 1264) On-Call Project and Construction Management Assistance Services.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 018 to Moffatt & Nichol under Project 1154.1, SDC 7788, On-Call Storm Water Study and Engineering Design Services. The original contract will expire on November 9, 2015. The duration of this task is approximately eight months.

AMOUNT OF MONEY AND SOURCE:

\$226,925.19 - 9958-905098-9520-900020-703032

BACKGROUND/EXPLANATION:

The storm drain system near the 2300 block of Seamon Avenue in the Cherry Hill neighborhood of Baltimore City failed and developed a sinkhole in the fall of 2011. In 2013, the Department constructed a temporary fix for the slope failure at the 2300 block of Seamon Avenue.

The Consultant will provide overall project management, completion of hydrologic and hydraulic analysis, design storm drain and stabilized outfall, design of step pool conveyance system, preparation of bid documents, and completion of bid phase services.

MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

DPW/Office of Eng. & Constr. - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$130,000.00	9958-932004-9522	
SW Utility Funds	Constr. Reserve	
	Stormwater Management	
21,756.92	9958-926001-9522	
MVR	Constr. Reserve	
	Storm - Unallocated	
<u>\$151,756.92</u>	-----	9958-905098-9520-3
		Engineering

This transfer will provide funding for SDC 7788 under Project 1154.1, Task 18.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 018 to Moffatt & Nichol under Project 1154.1, SDC 7788, On-Call Storm Water Study and Engineering Design Services. The Transfer of Funds was approved SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter.

MINUTES

Department of 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. 028 to EBA Engineering, Inc. under Project 1174, (SC 908, WC 1294, SC 920, WC 1269, SC 925, WC 1260, and WC 1244) On-Call Material Testing and Inspection Services. The original contract will expire on February 6, 2016. The duration of this task is approximately ten months.

AMOUNT OF MONEY AND SOURCE:

\$ 35,131.39 - 9956-907651-9951-900020-706063 - SC 908
35,131.39 - 9960-908724-9557-900020-706063 - WC 1294
35,131.39 - 9956-904623-9551-900020-706063 - SC 920
35,131.39 - 9960-905136-9557-900020-706063 - WC 1269
35,131.39 - 9956-907335-9551-900020-706063 - SC 925
35,131.39 - 9960-905659-9557-900020-706063 - WC 1260
38,131.39 - 9960-905136-9557-900020-706063 - WC 1244

\$245,919.73

BACKGROUND/EXPLANATION:

The Consultant will provide material testing services on various construction projects. The work will be performed on, but will not be limited to SC 908-Improvements to Sanitary Sewers-Herring Run Sewershed, SC 920-Improvements to the Gwynns Falls Sewershed Collection Systems-Area A, SC 925-Arc Flash Hazard Improvements at the Back River Wastewater Treatment Plant, WC 1244-Patterson Place Neighborhood and Vicinity Water Main Replacements, WC 1260-Edmondson Village Neighborhood and Vicinity-Water Replacement, WC 1269-Northwest Community Action Neighborhood-Water Main Replacements, and WC 1294-Urgent Need Water Infrastructure Rehabilitation.

1938

BOARD OF ESTIMATES

06/10/2015

MINUTES

DPW/Office of Eng. and Construction - cont'd

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. 028 to EBA Engineering, Inc. under Project 1174, (SC 908, WC 1294, SC 920, WC 1269, SC 925, WC 1260, and WC 1244) On-Call Material Testing and Inspection Services.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize an Expenditure of Funds to pay R.E. Harrington Heating & Plumbing, Inc. (R.E. Harrington) for services rendered between February and March 2015.

AMOUNT OF MONEY AND SOURCE:

\$427,626.72 - 2071-000000-5521-393204-603026 (City Work)
90,538.06 - 2071-000000-5521-393404-603026 (County Work)
\$518,164.78

BACKGROUND/EXPLANATION:

The Expenditure of Funds in the amount of \$518,164.78 will pay R.E. Harrington for emergency work performed under Article VI, §11 (e) (ii). The contractor responded to the DPW's request to assist with restoring water services to residential and commercial customers whose interruptions were due to the harsh winter conditions that occurred between February and March 2015.

February 2015 was determined to be Baltimore City's second coldest February on record, according to the Baltimore Sun and the National Weather Service. Due to these extremely frigid temperatures, there was a significant increase in customers with interruption of water services because of frozen pipes and because of increase in water main breaks throughout the City. The water main breaks and other exterior water leaks were causing public safety issues because of the formation of ice at the leaking locations.

The urgent nature and heavy volume of the resulting work orders required that the DPW activate its Park Terminal Emergency Operations Center on February 23, 2015. To address the sharp increase of work orders, the DPW had to engage on-call contractors to assist with timely responses to the growing backlog of urgent customer complaints regarding their services.

MINUTES

DPW - cont'd

The required services included field inspections of water service issues, thawing of frozen services lines and meters, repairs to broken mains and replacement of water service lines, as required, to restore water services.

On March 9, 2015, pursuant to the Baltimore City Charter, Article VI, §11 (e) (ii), the DPW advised the Director of Finance of the emergency nature of the situation and requested that the Director of Finance authorize the repairs to commence. The Director of Finance authorized emergency repairs to be made by R.E. Harrington after a solicitation was made among four respondents.

R.E. Harrington began the work and continued until its completion. The amount requested was negotiated and agreed upon between the DPW and R.E. Harrington and no further requests will be made regarding future payments of this work.

MBE/WBE PARTICIPATION:

Because of the nature of the work, MBE/WBE goals were not assigned.

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 R.E. Harrington Heating & Plumbing, Inc.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize an Expenditure of Funds to pay Anchor Construction Corporation (Anchor) for services rendered between February and March 2015.

AMOUNT OF MONEY AND SOURCE:

\$ 48,600.00	-	2071-000000-5521-393204-603026	(City Work)
48,600.00	-	2071-000000-5521-393304-603026	(City Work)
8,200.00	-	2071-000000-5521-393404-603026	(County Work)
8,200.00	-	2071-000000-5521-608504-603026	(County Work)
<u>\$113,600.00</u>			

BACKGROUND/EXPLANATION:

The Expenditure of Funds in the amount of \$113,600.00 will pay Anchor for emergency work performed under Article VI, §11(e)(ii). Anchor responded to the DPW's request to assist with restoring water services to residential and commercial customers whose interruptions were due to the harsh winter conditions that occurred between February and March 2015.

February 2015 was determined to be Baltimore City's second coldest February on record, according to the Baltimore Sun and the National Weather Service. Due to these extremely frigid temperatures, there was a significant increase in customers with interruption of water services because of frozen pipes and because of increase in water main breaks throughout the City. The water main breaks and other exterior water leaks were causing public safety issues because of the formation of ice at the leaking locations.

The urgent nature and heavy volume of the resulting work orders required that the DPW activate its Park Terminal Emergency Operations Center on February 23, 2015.

MINUTES

DPW - cont'd

To address the sharp increase of work orders, the DPW had to engage on-call contractors to assist with timely responses to the growing backlog of urgent customer complaints regarding their services. The required services included field inspections of water service issues, thawing of frozen services lines and meters, repairs to broken mains and replacement of water service lines, as required, to restore water services.

On March 9, 2015, pursuant to the Baltimore City Charter, Article VI, §11 (e) (ii), the DPW advised the Director of Finance of the emergency nature of the situation and requested that the Director of Finance authorize the repairs to commence. The Director of Finance authorized emergency repairs to be made by Anchor after a solicitation was made among four respondents.

Anchor began the work and continued until its completion. The amount requested was negotiated and agreed upon between the DPW and Anchor and no further requests will be made regarding future payments of this work.

MBE/WBE PARTICIPATION:

Because of the nature of the work, MBE/WBE goals were not assigned.

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 Anchor Construction Corporation.

MINUTES

Department of General Services - Developer's Agreement No. 1389

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Developer's Agreement No. 1389 with Mulberry At Park Limited Partnership, Developer.

AMOUNT OF MONEY AND SOURCE:

\$69,726.00

BACKGROUND/EXPLANATION:

The Developer would like to install new water and streetscape improvements to their proposed construction located in the vicinity of 211 West Mulberry Street. This Developer's Agreement will allow the organization to do their own installation in accordance with Baltimore City Standards.

A Letter of Credit in the amount of \$69,726.00 has been issued to Mulberry at Park Limited Partnership 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. 1389 with Mulberry at Park Limited Partnership, Developer.

MINUTES

Mayor's Office on Criminal Justice - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Agreement with The Family League of Baltimore, Inc. The period of the Agreement is July 1, 2014 through June 30, 2015.

AMOUNT OF MONEY AND SOURCE:

\$39,776.00	-	1001-000000-2252-610000-607001	-	Northwest Youth Service Bureau
39,776.00	-	1001-000000-2252-610100-607001	-	East Youth Service Bureau
<u>\$79,552.00</u>				

BACKGROUND/EXPLANATION:

The Governor's Office for Children funds two Baltimore City Youth Service Bureaus. This agreement transfers Baltimore City's required cash match funds to the Local Management Board - The Family League of Baltimore City, Inc. The City is required to provide a 25% cash match and has appropriated \$79,552.00 in the Department's Fiscal Year 2015 Operating budget as the City's local matching cash.

The Family League of Baltimore, Inc., in turn, contracts with the Youth Service Bureaus to provide their operational expenses. The submitted agreement provides for the City to pay its matching share directly to The Family League of Baltimore, Inc.

The agreement is late because of the administrative process.

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 Agreement with The Family League of Baltimore, Inc. The Mayor **ABSTAINED**.

MINUTES

PERSONNEL MATTERS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

all of the Personnel matters

listed on the following pages:

1946 - 1962

All of the Personnel matters have been approved

by the EXPENDITURE CONTROL COMMITTEE.

All of the contracts have been approved

by the Law Department

as to form and legal sufficiency.

MINUTES

PERSONNEL

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Department of Finance</u>		
1. CLEMENT H. RULEY, JR.	\$38.84	\$40,005.20

Account: 1001-000000-1423-160800-601009

Mr. Ruley, retiree, will continue to work as a Contract Services Specialist I (Accounting Systems Analyst II). His duties will include, but are not limited to performing analysis to prepare financial statements for the principal agencies to support the Finance Department's efforts for Quadrennial audit compliance. Mr. Ruley will also be responsible for preparing notes, schedules or other required supplementary information required to support the financial statements requested by the Chief of the Bureau of Accounting and Payroll Services. The Department of Finance is requesting a waiver of the hourly rate portion of AM 212-1, Part I. The period of the agreement is effective upon Board approval for one year.

Mayor's Office on Criminal Justice

2. ROBERT BRYAN SHERIN	\$14.00	\$ 5,096.00
-------------------------------	---------	--------------------

Account: 1001-000000-2252-729400-601009

Mr. Sherin will work as a Contract Services Specialist II (Research Analyst Intern). He will be responsible for collecting, compiling, verifying, interpreting, reviewing data and statistics on the youth served at the Youth Connections Centers, and supporting the Program Director in reporting the statistics. The period of the agreement is effective upon Board approval through August 31, 2015.

MINUTES

PERSONNEL

Department of Human Resources

ACTION REQUESTED OF B/E:**3. I. Create the following Classification:**

Class: 33414 Public Relations Coordinator

Grade: 923 (\$56,100 - \$89,900)

II. Retitle and Adjust the salary of the following job classification:

Class: 07331

From: Senior Account Executive

Grade 113 (\$48,600 - \$68,100)

To: Account Executive Supervisor

Grade 931 (\$68,200 - \$109,100)

III. Adjust the salary of the following 38 job classifications:

Class: 00693 – Library Annual Fund Coordinator

From: Grade 902 (\$39,300 - \$62,800)

To: Grade 907 (\$52,100 – \$83,400)

Class: 00718 – Web Developer

From: Grade 902 (\$39,300 - \$62,800)

To: Grade 903 (\$41,700 – \$66,700)

Class: 00848 – Deputy Administrator Courts

From: Grade 923 (\$56,100 - \$89,900)

To: Grade 936 (\$74,600 - \$119,300)

Class: 10074 – Assistant Counsel

From: Grade 923 (\$56,100 - \$89,900)

To: Grade 929 (\$63,300 - \$101,200)

Class: 10101 – City Auditor

From: Grade 969 (\$104,600 - \$172,600)

To: Grade 990 (\$112,200 - \$186,000)

MINUTES

PERSONNELDepartment of Human Resources - cont'dClass: 10203 – Assistant Counsel Code Enforcement

From: Grade 923 (\$56,100 - \$89,900)

To: Grade 929 (\$63,300 - \$101,200)

Class: 10243 – Deputy City Auditor

From: Grade 942 (\$83,700 - \$138,000)

To: Grade 969 (\$104,600 - \$172,600)

Class: 33125 – Office Systems Analyst/Programmer Supervisor

From: Grade 906 (\$47,700 - \$76,300)

To: Grade 907 (\$52,100 - \$83,400)

Class: 33187 – GIS Analyst

From: Grade 904 (\$44,200 - \$70,800)

To: Grade 927 (\$59,600 - \$95,400)

Class: 33525 – Procurement Supervisor

From: Grade 931 (\$68,200 - \$109,100)

To: Grade 936 (\$74,600 - \$119,300)

Class: 33645 – Department of Public Works Training Supervisor

From: Grade 927 (\$59,600 - \$95,400)

To: Grade 931 (\$68,200 - \$109,100)

Class: 33730 – Real Estate Appraiser

From: Grade 927 (\$59,600 - \$95,400)

To: Grade 929 (\$63,300 - \$101,200)

Class: 33828 – Director of Legislative Reference

From: Grade 931 (\$68,200 - \$109,100)

To: Grade 942 (\$83,700 - \$138,000)

Class: 34112 – Auditor III

From: Grade 929 (\$63,300 - \$101,200)

To: Grade 931 (\$68,200 - \$109,100)

MINUTES

PERSONNELDepartment of Human Resources - cont'dClass: 34115 – Auditor Supervisor

From: Grade 931 (\$68,200 - \$109,100)

To: Grade 936 (\$74,600 - \$119,300)

Class: 34285 – Billing Section Supervisor

From: Grade 907 (\$52,100 - \$83,400)

To: Grade 923 (\$56,100 - \$89,900)

Class: 34318 – Utility Meter Field Operations Manager

From: Grade 923 (\$56,100 - \$89,900)

To: Grade 931 (\$68,200 - \$109,100)

Class: 41525 – Watershed Ranger Supervisor

From: Grade: 927 (\$59,600 - \$95,400)

To: Grade 936 (\$74,600 - \$119,300)

Class: 52116 – Automotive Maintenance Supervisor II

From: Grade 907 (\$52,100 – \$83,400)

To: Grade 923 (\$56,100 - \$89,900)

Class: 52142 – Motor Equipment Specification Supervisor

From: Grade 923 (\$56,100 - \$89,900)

To: Grade 927 (\$59,600 - \$95,400)

Class: 52626 – Instrumentation Technician Supervisor II

From: Grade 907 (\$52,100 – \$83,400)

To: Grade 923 (\$56,100 - \$89,900)

Class: 52725 – Aviation Maintenance Program Supervisor

From: Grade 923 (\$56,100 - \$89,900)

To: Grade 927 (\$59,600 - \$95,400)

Class: 53427 – Superintendent of Street Lighting

From: Grade 923 (\$56,100 - \$89,900)

To: Grade 927 (\$59,600 - \$95,400)

MINUTES

PERSONNELDepartment of Human Resources - cont'dClass: 54316 – Water Systems Supervisor Pumping

From: Grade 906 (\$47,700 - \$76,300)

To: Grade 907 (\$52,100 – \$83,400)

Class: 54322 – Water Systems Pumping Manager

From: Grade 931 (\$68,200 - \$109,100)

To: Grade 936 (\$74,600 - \$119,300)

Class: 54323 – Water Systems Treatment Manager

From: Grade 931 (\$68,200 - \$109,100)

To: Grade 936 (\$74,600 - \$119,300)

Class: 54356 – Electrical Maintenance Technician Supervisor II

From: Grade 907 (\$52,100 – \$83,400)

To: Grade 923 (\$56,100 - \$89,900)

Class: 54359 – Waste Water Maintenance Manager Mechanical

From: Grade 929 (\$63,300 - \$101,200)

To: Grade 931 (\$68,200 - \$109,100)

Class: 54366 – Mechanical Maintenance Technician Supervisor II

From: Grade 907 (\$52,100 – \$83,400)

To: Grade 923 (\$56,100 - \$89,900)

Class: 61295 – Immunization Registry Coordinator

From: Grade 923 (\$56,100 - \$89,900)

To: Grade 907 (\$52,100 – \$83,400)

Class: 71114 – Criminalist Supervisor Drug Analysis

From: Grade 931 (\$68,200 - \$109,100)

To: Grade 936 (\$74,600 - \$119,300)

Class: 71115 – Criminalist Supervisor Trace Analysis

From: Grade 931 (\$68,200 - \$109,100)

To: Grade 936 (\$74,600 - \$119,300)

MINUTES

PERSONNELDepartment of Human Resources - cont'dClass: 71264 – Fuel Systems Specialist

From: Grade 907 (\$52,100 – \$83,400)

To: Grade 923 (\$56,100 - \$89,900)

Class: 72496 – Contract Officer

From: Grade 923 (\$56,100 - \$89,900)

To: Grade 927 (\$59,600 - \$95,400)

Class: 72498 – Chief Contract Officer

From: Grade 927 (\$59,600 - \$95,400)

To: Grade 931 (\$68,200 - \$109,100)

Class: 81387 – Long-Term Care Ombudsman

From: Grade 903 (\$41,700 - \$66,700)

To: Grade 923 (\$56,100 - \$89,900)

Class: 81389 – Long-Term Care Ombudsman Supervisor

From: Grade 906 (\$47,700 - \$76,300)

To: Grade 931 (\$68,200 - \$109,100)

Class: 81423 – Liaison Officer Safe Streets

From: Grade 923 (\$56,100 - \$66,700)

To: Grade 906 (\$47,700 - \$76,300)

IV. Reclassify the following 108 positions:Position #: 48884

From: Operations Assistant II

Job Code: 00080, Grade: 903 (\$41,700 - \$66,700)

To: Operations Specialist II

Job Code: 00084, Grade: 907 (\$52,100 - \$83,400)

MINUTES

PERSONNELDepartment of Human Resources - cont'dPosition #: 49119

From: Operations Assistant III

Job Code: 00081, Grade: 904 (\$44,200 - \$70,800)

To: Operations Officer I

Job Code: 00085, Grade: 923 (\$56,100 - \$89,900)

Position #: 42349

From: Operations Specialist I

Job Code: 00083, Grade: 906 (\$47,700 - \$76,300)

To: Operations Officer I

Job Code: 00085, Grade: 923 (\$56,100 - \$89,900)

Position #: 46196

From: Operations Officer I

Job Code: 00085, Grade: 923 (\$56,100 - \$89,900)

To: Operations Officer II

Job Code: 00086, Grade: 927 (\$59,600 - \$95,400)

2 Positions #: 15591; 50489

From: Operations Officer I

Job Code: 00085, Grade: 923 (\$56,100 - \$89,900)

To: Operations Officer IV

Job Code: 00088, Grade: 931 (\$68,200 - \$109,100)

Position #: 50064

From: Operations Officer I

Job Code: 00085, Grade: 923 (\$56,100 - \$89,900)

To: Operations Officer V

Job Code: 00089, Grade: 936 (\$74,600 - \$119,300)

3 Positions #: 46352; 48866; 50081

From: Operations Officer II

Job Code: 00086, Grade: 927 (\$59,600 - \$95,400)

To: Operations Officer III

Job Code: 00087, Grade: 929 (\$63,300 - \$101,200)

MINUTES

PERSONNELDepartment of Human Resources - cont'dPosition #: 46050

From: Operations Officer II

Job Code: 00086, Grade: 927 (\$59,600 - \$95,400)

To: HR Business Partner

Job Code: 07371, Grade: 931 (\$68,200 - \$109,100)

Position #: 46132

From: Operations Officer II

Job Code: 00086, Grade 927 (\$59,600 - \$95,400)

To: Operations Officer V

Job Code: 00089, Grade: 936 (\$74,600 - \$119,300)

3 Positions #: 16047; 16619; 46142

From: Operations Officer II

Job Code: 00086, Grade 927 (\$59,600 - \$95,400)

To: Operations Manager I

Job Code: 00090, Grade: 939 (\$78,900 - \$130,000)

6 Positions #: 14227; 24557; 34087; 40307; 46791; 47377;

From: Operations Officer III

Job Code: 00087, Grade: 929 (\$63,300 - \$101,200)

To: Operations Officer IV

Job Code: 00088, Grade: 931 (\$68,200 - \$109,100)

8 Positions #: 15089; 15932; 16572; 43032; 47313; 48148; 48350; 48579;

From: Operations Officer III

Job Code: 00087, Grade: 929 (\$63,300 - \$101,200)

To: Operations Officer V

Job Code: 00089, Grade: 936 (\$74,600 - \$119,300)

MINUTES

PERSONNEL

Department of Human Resources - cont'd

4 Positions #: 21719; 46995; 49295; 50443

From: Operations Officer III

Job Code: 00087, Grade: 929 (\$63,300 - \$101,200)

To: Operations Manager I

Job Code: 00090, Grade: 939 (\$78,900 - \$130,000)

Position #: 24055

From: Operations Officer III

Job Code: 00087, Grade: 929 (\$59,600 - \$95,400)

To: Recreation Manager

Job Code: 83233, Grade: 931 (\$68,200 - \$109,100)

Position #: 15677

From: Operations Officer IV

Job Code: 00088, Grade: 931 (\$68,200 - \$109,100)

To: Operations Officer V

Job Code: 00089, Grade: 936 (\$74,600 - \$119,300)

Position #: 14772

From: Operations Officer IV

Job Code: 00088, Grade: 931 (\$68,200 - \$109,100)

To: Operations Manager II

Job Code: 00091, Grade: 942 (\$83,700 - \$138,000)

Position #: 47728

From: Operations Officer V

Job Code: 00089, Grade: 936 (\$74,600 - \$119,300)

To: Operations Officer I

Job Code: 00085, Grade: 923 (\$56,100 - \$89,900)

Position #: 40148

From: Operations Officer V

Job Code: 00089, Grade: 936 (\$74,600 - \$119,300)

To: Operations Officer IV

Job Code: 00088, Grade: 931 (\$68,200 - \$109,100)

MINUTES

PERSONNEL

Department of Human Resources - cont'd

13 Positions #: 12380; 14891; 16215; 16218; 19485; 20081, 34599; 45988; 47124; 47419; 48007; 48066; 49532

From: Operations Officer V
Job Code: 00089, Grade 936 (\$74,600 - \$119,300)
To: Operations Manager I
Job Code: 00090, Grade: 939 (\$78,900 - \$130,000)

6 Positions #: 15504; 16746; 34066; 35217; 42509; 47147

From: Operations Officer V
Job Code: 00089, Grade 936 (\$74,600 - \$119,300)
To: Operations Manager II
Job Code: 00091, Grade: 942 (\$83,700 - \$138,000)

Position #: 16744

From: Operations Officer V
Job Code: 00089, Grade: 936 (\$74,600 - \$119,300)
To: Operations Manager III
Job Code: 00092, Grade: 960 (\$88,800 - \$146,500)

Position #: 49565

From: Operations Officer V
Job Code: 00089, Grade 936 (\$74,600 - \$119,300)
To: Operations Director I
Job Code: 00093, Grade: 967 (\$95,700 - \$157,800)

6 Positions #: 10029; 15465; 15471; 42525; 43128; 46710;

From: Operations Manager I
Job Code: 00090, Grade: 939 (\$78,900 - \$130,000)
To: Operations Manager II
Job Code: 00091, Grade: 942 (\$83,700 - \$138,000)

2 Positions #: 15931; 35693

From: Operations Manager I
Job Code: 00090, Grade: 939 (\$78,900 - \$130,000)
To: Operations Director I
Job Code: 00093, Grade: 967 (\$95,700 - \$157,800)

MINUTES

PERSONNEL

Department of Human Resources - cont'd

7 Positions #: 10008; 10024; 10038; 23175; 35236; 47530; 50135

From: Operations Manager II

Job Code: 00091, Grade: 942 (\$83,700 - \$138,000)

To: Operations Manager III

Job Code: 00092, Grade: 960 (\$88,800 - \$146,500)

2 Positions #: 47092; 48558

From: Operations Manager II

Job Code: 00091, Grade: 942 (\$83,700 - \$138,000)

To: Operations Director I

Job Code: 00093, Grade: 967 (\$95,700 - \$157,800)

Position #: 12279

From: Operations Manager II

Job Code: 00091, Grade: 942 (\$83,700 - \$138,000)

To: Operations Director II

Job Code: 00094, Grade: 969 (\$63,300 - \$101,200)

3 Positions #: 10111; 15582; 16046

From: Executive Director I

Job Code 00095, Grade 990 (\$112,700 - \$186,000)

To: Executive Director II

Job code 00096, Grade 991 (\$119,600 - \$197,400)

Position #: 15610

From: Library Computer Systems Administrator

Job Code: 00605, Grade: 931 (\$68,200 - \$109,100)

To: Operations Manager I

Job Code: 00090, Grade: 939 (\$78,900 - \$130,000)

Position #: 44240

From: Library Computer Systems Supervisor

Job Code: 00627, Grade: 931 (\$68,200 - \$109,100)

To: Operations Officer V

Job Code: 00089, Grade: 936 (\$74,600 - \$119,300)

MINUTES

PERSONNELDepartment of Human Resources - cont'dPosition #: 15926; 45986

From: Sailor Network Technician Library
Job Code: 00630, Grade: 904 (\$44,200 - \$70,800)
To: Network Engineer
Job Code: 07358, Grade: 927 (\$59,600 - \$95,400)

Position #: 15808

From: Librarian Supervisor I
Job Code: 00658, Grade: 927 (\$59,600 - \$95,400)
To: Librarian III
Job Code: 00717, Grade: 923 (\$56,100 - \$89,900)

Position #: 10280

From: Court Services Manager
Job Code 00866, Grade: 903 (\$41,700 - \$66,700)
To: Operations Specialist II
Job Code: 00084, Grade: 907 (\$52,100 - \$83,400)

Position #: 45364

From: Professional Services
Job Code: 01225, Grade: 923 (\$56,100 - \$89,900)
To: Network Engineer
Job Code: 07358, Grade: 927 (\$59,600 - \$95,400)

Position #: 42435

From: Account Executive
Job Code 07376, Grade: 923 (\$56,100 - \$89,900)
To: Account Executive Supervisor
Job Code 07331, Grade: 931 (\$68,200 - \$109,100)

Position #: 10192

From: Executive Assistant
Job Code: 10083, Grade: 904 (\$44,200 - \$70,800)
To: Operations Officer I
Job Code 00085, Grade: 923 (\$56,100 - \$89,900)

MINUTES**PERSONNEL**Department of Human Resources - cont'd2 Positions #: 48468; 50170

From: Director, Public Program

Job Code: 10160, Grade: 936 (\$74,600 - \$119,300)

To: Operations Manager I

Job Code: 00090, Grade: 939 (\$78,900 - \$130,000)

2 Positions #: 14368; 47948

From: Health Project Director

Job Code: 10174, Grade: 931 (\$68,200 - \$109,100)

To: Operations Officer I

Job Code: 00085, Grade: 923 (\$56,100 - \$89,900)

Position #: 47729

From: Health Project Director

Job Code: 10174, Grade: 931 (\$68,200 - \$109,100)

To: Health Program Administrator II

Job Code: 61113, Grade: 927 (\$59,600 - \$95,400)

Position #: 20247

From: Operations Officer II

Job Code: 31110, Grade: 927 (\$59,600 - \$95,400)

To: Operations Officer IV

Job Code: 31113, Grade: 931 (\$68,200 - \$109,100)

Position #: 43062; 48226

From: Management Support Technician

Job Code: 31172, Grade: 903 (\$41,700 - \$66,700)

To: Operations Officer I

Job Code: 31109, Grade: 923 (\$56,100 - \$89,900)

Position #: 47191

From: Lead Application Systems Analyst/Programmer

Job Code: 33103, Grade: 931 (\$68,200 - \$109,100)

To: Information Technology Manager

Job Code: 10249, Grade: 936 (\$74,600 - \$119,300)

MINUTES

PERSONNELDepartment of Human Resources - cont'dPosition #: 20442

From: Public Relations Supervisor
Job Code: 33415, Grade: 931 (\$68,200 - \$109,100)
To: Public Relations Officer
Job Code: 33413, Grade: 923 (\$56,100 - \$89,900)

Position #: 20459

From: Public Relations Supervisor
Job Code: 33415, Grade: 931 (\$68,200 - \$109,100)
To: Public Relations Coordinator
Job Code: 33414, Grade: 927 (\$59,600 - \$95,400)

Position #: 15569

From: Equal Opportunity Officer
Job Code: 33658, Grade: 923 (\$56,100 - \$89,900)
To: Operations Officer IV
Job Code: 31112, Grade: 931 (\$68,200 - \$109,100)

Position #: 50265

From: Recruitment & Talent Acquisition Specialist III
Job Code: 33680, Grade: 929 (\$59,600 - \$95,400)
To: HR Business Partner
Job Code: 33679, Grade: 931 (\$68,200 - \$109,100)

Position #: 35880

From: General Superintendent of Electrical Services
Job Code: 52637, Grade: 927 (\$59,600 - \$95,400)
To: General Superintendent of Transportation Maintenance
Job Code: 53335, Grade: 927 (\$59,600 - \$95,400)

Position #: 48180

From: Park District Manager
Job Code: 53623, Grade: 906 (\$47,700 - \$76,300)
To: Operations Officer I
Job Code: 31109, Grade: 923 (\$56,100 - \$89,900)

MINUTES**PERSONNEL**

Department of Human Resources - cont'd

Position #: 14391

From: Health Program Administrator II
Job Code: 61113, Grade: 927 (\$59,600 – \$95,400)
To: Health Program Administrator I
Job Code: 61111, Grade: 923 (\$56,100 - \$89,900)

Position #: 49571

From: Health Programs Bureau Administrator
Job Code: 61114, Grade: 931 (\$68,200 - \$109,100)
To: Operations Officer I
Job Code: 31109, Grade: 923 (\$56,100 - \$89,900)

Position #: 50188

From: Health Programs Bureau Administrator
Job Code: 61114, Grade: 931 (\$68,200 - \$109,100)
To: Health Program Administrator II
Job Code: 61113, Grade: 927 (\$59,600 - \$95,400)

Position #: 48347

From: Health Analysis Supervisor
Job Code: 61245, Grade: 936 (\$74,600 - \$119,300)
To: Operations Officer II
Job Code: 31110, Grade: 927 (\$59,600 - \$95,400)

AMOUNT OF MONEY AND SOURCE:

\$133,100.00 - Various Budget Account Numbers

Approximately \$60,000.00 of the above costs are identified as vacant positions.

BACKGROUND/EXPLANATION:

On June 25, 2014, this Honorable Board approved the implementation of the Managerial and Professional Society (MAPS) classification and compensation study. This comprehensive study included a review of each MAPS covered position and classification, the implementation of a new classification evaluation plan, the Decision Band Method (DBM) and the development of an entirely new salary structure consisting of open salary ranges.

MINUTES

PERSONNELDepartment of Human Resources - cont'd

Study results were implemented on July 1, 2014. Agencies and affected employees were given the opportunity to submit appeals of the determinations. Of the 2,016 positions included in the original MAPS Study, the Department of Human Resources (DHR) received 410 appeals. Under the auspices of the MAPS Appeals Committee, DHR evaluated all appeal submissions and conducted new DBM ratings based upon the documentation submitted by the appellants. Upon notification of the 1st Level Appeal Determinations, agencies were given an opportunity to submit new materials, requesting a 2nd Level Appeal Review.

The 2nd Level Appeal Review evaluations were conducted by the MAPS Appeals Committee. The Committee included the following six (6) voting members: the Deputy Chief of Staff; the Chief of Staff of the Office of the President of the City Council; the Director of Human Resources, the Director of Finance; the Labor Commissioner; and the Chief of the Law Department's Litigation Division. Each agency also designated a representative to address any questions that might be raised by the Committee. When requested to appear before the Committee to address inquiries, the Agency Designee voted on their Agency's appeal submission(s).

The above-listed Position and Class actions reflect the outcomes of the 1st and 2nd Level Appeal determinations. As appeals of the original study, DHR requests authorization to apply the same implementation procedures. Class and Position Actions will be retroactive to July 1, 2014. Employees will be placed laterally within the new salary range. Employees will not receive salary increases except under the following two (2) conditions:

- (1) The employee's current salary is below the minimum salary of the new salary range. They will be placed at the minimum of the new salary range.
- (2) The employee did not receive the full 2 percent Cost of Living Adjustment (COLA) and the 2% MAPS salary Adjustment in July of 2014 due to being at or above the maximum of the salary range at that time. The employee will receive any outstanding portion, providing that it does not increase the employee's salary above the maximum of the new salary range.

MINUTES**PERSONNEL**Department of Human Resources - cont'd

Employees who are eligible to receive a salary increase will be paid retroactive to July 1, 2014 or the date they entered into the appealed position, whichever is later.

Employees in a position which was determined to be at a lower DBM Rating and Grade will be placed laterally into the new salary range. Those employees whose salary is above the maximum of the new salary range will be Red Circled; that is, they will be frozen at their current salary until such time as the salary range can accommodate their salary. They will not be eligible to receive any Cost of Living (COLA) increase or other adjustments until their salary falls below the maximum of the new range.

Therefore, the Department of Human Resources respectfully requests the Board to approve the class and position adjustments, and implementation procedures to finalize the Managerial and Professional Society (MAPS) study implementation.

APPROVED FOR FUNDS BY FINANCE

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

* * * * *

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

1964 - 1978

to the low bidders meeting the specifications,
or rejected bids on those as indicated
for the reasons stated.

The Transfers of Funds were approved
SUBJECT to receipt of favorable reports
from the Planning Commission,
the Director of Finance having reported favorably
thereon, as required by the provisions
of the City Charter.

The Comptroller **ABSTAINED** on items 3 & 4.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSDepartment of Transportation

1. TR 15012, Resurfacing Highways at Various Locations, Northwest, Sector II M. Luis Construction Co., Inc. \$2,075,776.70

MBE: Manuel Luis Construction Co., Inc.	\$208,000.00	10.02%
J. Villa Construction, Inc.	208,000.00	10.02%
	<u>\$416,000.00</u>	<u>20.04%</u>

WBE: Ball & Breckenridge Trucking, Inc. \$150,000.00 7.22%

MWBOO FOUND VENDOR IN COMPLIANCE.

A PROTEST WAS RECEIVED FROM SENCHAL D. BARROLLE, ESQ. A PROTEST WAS RECEIVED FROM GALLAGHER EVELIUS JONES, LLP ON BEHALF OF P. FLANIGAN & SONS, INC.

2. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$2,075,776.70	9950-904214-9514	
State Constr. Rev.	Local Resurfacing Northwest	
311,366.51	9950-903550-9509	
GF (HUR)	Constr. Reserve - Neighborhood Street Reconstruction	
<u>\$2,387,143.21</u>		
\$2,075,776.70	-----	9950-904222-9514-6
		Structure & Improvements
207,577.67	-----	9950-904222-9514-5
		Inspection
103,788.84	-----	9950-904222-9514-2
<u>\$2,387,143.21</u>		Contingencies
		Resurfacing Hwys. at Various Locations, NW Sec. II

*Robert Fulton Dashiell, Esquire, P.A.
1498 Reisterstown Road, Suite 334
Pikesville, MD 21208-3842
410-547-8820 – Office * 443-637-3718 – Fax*

*Robert Fulton Dashiell
robertdashiell@dashiell-lawoffice.com*

*Senchal D. Barrolle
sbarrolle@dashiell-lawoffice.com
(MD, NY and DC)*

May 27, 2015

Honorable Members of Baltimore City Board of Estimates
C/O Harriett Taylor, Secretary/Deputy Comptroller
100 Holliday, Suite 204
Baltimore, Maryland 21202

Stephanie Rawlings-Blake, Mayor
Joan Pratt, Comptroller
Bernard "Jack" Young, President City Council
George Nilson, City Solicitor
Rudy Chow, Director Public Works

Re: TR. 15012 and 15014

To your Honorable Board:

We appreciate that this matter was deferred to afford my client and other interested parties an opportunity to seek corroboration of the representation that the bids submitted on Tr.15012 and Tr.15014 exceeded by more than 10% the budget allocated for each contract which was arrived at by multiplying the bid quantities times the engineer's estimated unit prices. Our client's bid on Tr.15012 was \$2,075,776.70, and on Tr.15014 its bid was \$2,363,000, both well within the advertised bid range of \$1-\$3 million dollars.

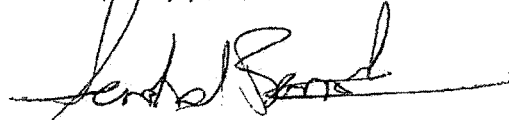
These are street resurfacing contracts that, for the most part, involve asphalt paving. Consequently, the quantity and cost of the asphalt determines the major portion of the bid. If, indeed, the engineers in DOT estimated an asphalt paving unit price lower than that of either of the two lowest bidders, both of which manufacture and supply their own asphalt, it could well be that the engineer's estimates are too low, rather than the bids too high. Rather than speculate, we ask that you direct the Transportation Department to disclose their estimate of this critical component of the work. The bidders' prices have now been made public. If bids are to be rejected as over

budget it is only fair and equitable that the amount in the budget now be disclosed. Without the transparency of disclosure, the public confidence in the integrity of the bidding process itself will be shaken. That is particularly true here with respect to Tr.15012.¹

In addition to the fact that the totals of both bids are well within the advertised cost range for the work, we show in **Exhibit 2** that the asphalt unit price in both is very close to the amount the city is currently paying, another factor that renders the assertion that the bids are over budget improbable. Indeed, you can see in Exhibit 2 that the unit price in these bids for asphalt paving, the bulk of the work, is lower than that in some contracts awarded years ago. The asphalt unit price in Tr.15012 is \$305.71, and in Tr.15014, \$299.11. In Tr. 13306, awarded in 2013, the asphalt unit price was \$346.92! The question that we have posed that the Department has failed to answer with specificity is how is it that the higher unit price from two years ago was within budget and the two current lower unit prices are not? Again, these questions need to be answered openly with verifiable data.


For the foregoing reasons we urge you to make the deferral of this matter substantive as well as procedural by directing DOT to make the requested data immediately available to all interested parties.

Very truly yours



Senchal D. Barrolle, Esq.

¹ The bids on that contract were opened on April 8, 2015. On April 17, 2015, Flanagan, the second low bidder, filed a protest. In response did not recommend that all bids be rejected as over budget, it referred the matter to the Law Department for an opinion. On or about April 29, 2015, the Law Department opined that the Flanagan protest should be denied. A copy of the Law Department's memorandum to Transportation is attached. **Exhibit 1** (The date on that memo is obviously in error). Still, the Department did not recognize that all bids were over budget. On May 22, 2015, six weeks after bid opening, DOT finally realized that all bids were over budget. Why did it take six weeks to realize a fact that should have been evident on bid day?

FROM	NAME & TITLE	W. Michael Mullen, Chief Solicitor <i>WMM</i>	CITY OF BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Law - 109 City Hall		
	SUBJECT	TR 15012 Resurfacing Highways Sector 2 NW - M. Luis Construction Co., Inc. Work Capacity Statement not attached to Bid		

DATE: March 19, 2015

TO

Laetitia Griffin, Chief
Department of Transportation
Contract Administration Division
417 E. Fayette Street, 5th Floor

On April 8, 2014 the Baltimore City Board of Estimates ("Board") received bids for TR-15012, Resurfacing Highways Sector 2 NW. Bids from M. Luis Construction Co., Inc. ("M. Luis") and P. Flanigan & Sons, Inc., ("Flanigan") were submitted to the Department of Transportation ("DOT") for processing. Upon receipt of a phone call from Flanigan, DOT confirmed that M. Luis had not attached a work capacity Statement to its Bid. Accordingly, M. Luis' Bid was forwarded to the Law Department for review. This memorandum opinion relates solely to the Bid submitted by M. Luis.

For the reasons stated below, the Law Department finds that the irregularity noted by DOT is merely technical in nature, a slight irregularity not affecting the substantial characteristics of the Bid. Therefore, DOT may continue to process M. Luis' Bid and recommend it to the Board, if it is otherwise eligible for award.

FACTS

With the Notice of Letting for TR 15012, DOT required bidders to supply specific information showing compliance with DOT's new requirements for staffing and equipment. See Bid Book, Addendum No. 1, page 18 of 20. Required information included the completion of a Manpower and Equipment Affidavit and submission of the minimum staffing, equipment and work capacity. M. Luis submitted a completed and notarized Affidavit but did not provide a work capacity statement. The Bid Book provided to bidders contained a form affidavit to be signed and notarized but did not include a form for work capacity.

DISCUSSION

The "Notice to Bidders Regarding Mandatory Staffing and Equipment Requirements" included in the Bid Book states that:

At the time of bid, the minimum staffing, equipment and work capacity shall be submitted. Based on the submittal, the City will evaluate staffing, equipment and work capacity base production rates for each contract.

See Bid Book, Addendum 1, page 18 of 20.



Laetitia Griffin, Chief
Page 2 – TR 15012 M. Luis Construction Co., Inc.
Work capacity statement not attached to Bid
April 23, 2015

Incorporated as part of the bid documents are the *Specifications for Material, Highways, Bridges, Utilities and Incidental Structures, 2006*, known as the "Green Book". Section 00 51 00 .08 of the Green Book provides that:

Prior to award, the Bidder must submit a Work capacity statement, under oath. These forms must be fully completed and returned within five (5) days after the date of receipt of those forms by the Contractor. The Work capacity statement shall show the volume of Work actually being performed for the City and for others as of the date Bid. The total dollar volume will be a charge against the Contractor's Work capacity after credit for Work performed has been allowed. (Emphasis added).

The manpower and equipment requirements introduced with TR 15012 were new to DOT's bidding process. The requirement for a work capacity statement to be submitted at bid time is in addition to section 00 51 00 .08 of the Green Book, quoted above. Such a change in practice requires adequate notice to all bidders to explain what bidders must do to comply. Bidders were given no instruction on how to supply the information nor were they given a form to fill out. M. Luis executed the Manpower and Equipment Affidavit, supplied in the Bid Book, and appears to have otherwise completed and executed the remainder of its Bid. It seems clear that M. Luis inadvertently missed the new work capacity requirement. Under these circumstances, to reject M. Luis' Bid would be inappropriate.

Section 00 51 00 .01 of the Green Book provides that the Board of Estimates, "... reserves the right and sole discretion...to waive technical defects, if in its judgment, the interest of the City may so require." At the most, the failure to supply the work capacity statement here is a minor technical defect which may be waived by the Board.

CASE LAW/ OPINIONS OF THE CITY SOLICITOR

Since 1911, Baltimore City has gone on record to support the premise that a "bid not in conformity with requirements of the specifications cannot be accepted." 17 *Opinions of the City Solicitor* 4792 (April 22, 1911). In *Fuller v. Elderkin*, 160 Md. 660, 668-669 (1931), the Court held that to invalidate a bid, the variations from specifications must be substantial so as to give the bidder special advantage, to invalidate the contract. Thus, ultimately, in determining whether a bid is non-responsive, the Board has the discretion to determine whether a variation or irregularity in a bid should be waived. See also *Maryland Pavement Co. v. Mahool*, 110 Md. 397, (1909) (slight irregularities in a bid not affecting its substantial characteristics may be disregarded).

It is well settled in Maryland that a body such as the Board, clothed with the statutory authority to award contracts, possesses a large measure of discretion in determining whether to accept or reject bids. *C.N. Robinson Lighting Supply Company v. The Board of Education of Howard County*, 90 Md. App. 515, 520, (1992). "The authorities are uniform in holding that, in

Laetitia Griffin, Chief
Page 3 – TR 15012 M. Luis Construction Co., Inc.
Work capacity statement not attached to Bid
April 23, 2015

determining who is the lowest responsible bidder, the municipal authorities have a wide discretion, [which] will not be controlled by the courts except for arbitrary exercise, collusion, or fraud." *George A. Fuller Co. v. Elderkin*, 160 Md. 660, 669 (1931).

CONCLUSION

The lack of a work capacity statement does not affect the Bid price. M. Luis' Bid is irrevocable. *Baltimore City Charter*, Art. VI §11(h)(1)(iv). Submission after bid opening of a work capacity statement, which is a Green Book requirement in any event, would not give M. Luis any advantage over other bidders nor does it disadvantage any bidder that may have complied fully.¹ The failure to submit the form is a minor technical defect which the Board may waive. Therefore, DOT may process M. Luis' Bid and, if it is otherwise eligible for award, recommend it to the Board.

Please do not hesitate to contact me at (410) 396-3249, if I can be of further assistance with this matter.

Cc: Michael D. Schrock, Chief Solicitor

¹ It is noted that Flanigan did attach a work capacity statement to its Bid.

Contract	Date	Total Asphalt Tons (Surface and Base)	M Luis - Contract Bid Amount	M Luis - Unit Price Per Ton	Flanigan - Contract Bid Amount	Flanigan - Unit Price Per Ton	Awarded to :
TR15011	4/1/2015	11700	\$3,542,186.50	\$302.75	\$2,608,485.50	\$222.95	TBD
TR15012	4/8/2015	6790	\$2,075,776.70	\$305.71	\$2,138,292.00	\$314.92	TBD
TR15013	4/17/2015	5970	\$2,972,571.00	\$497.92	\$1,988,807.00	\$333.13	TBD
TR15014	4/22/2015	7900	\$2,363,000.00	\$299.11	\$2,549,778.85	\$322.76	TBD
TR14005	10/23/2013	8008	\$1,867,821.89	\$233.24	\$2,114,913.82	\$264.10	M Luis
TR14006	5/1/2013	5870	\$1,893,674.00	\$322.60	\$1,959,886.65	\$333.88	M Luis
TR14008	10/23/2013	7418	\$1,578,499.86	\$212.79	\$1,692,856.50	\$228.21	M Luis
TR11301	6/10/2011	9704	\$2,043,094.97	\$210.54	\$2,469,935.76	\$254.53	M Luis
TR12302	4/18/2012	13195	\$3,137,658.51	\$237.79	\$3,276,737.37	\$248.33	M Luis
TR13006	5/1/2013	2750	\$1,841,000.00	\$669.45	\$1,887,953.50	\$686.53	M Luis
TR13304	6/26/2013	9567	\$2,819,492.78	\$294.71	\$3,329,906.59	\$348.06	M Luis
TR13306	6/26/2013	8783	\$3,047,000.00	\$346.92	\$3,436,771.32	\$391.30	M Luis

GALLAGHER
EVELIUS & JONES LLP
ATTORNEYS AT LAW

PAUL S. CAIOLA
pcaiola@gejlaw.com
direct dial: 410 347 1371
fax: 410 468 2786

May 13, 2015

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

Re: Department of Transportation
Contract TR 15012
Resurfacing Highways at Various Locations, Northwest, Sector – II
Bid Protest

Dear Honorable President and Members of the Board of Estimates:

I write on behalf of P. Flanigan & Sons, Inc., which filed a bid protest with respect to the above-referenced contract on April 17, 2015. The basis for the bid protest is M. Luis's failure to attach a work capacity statement when the bid documents expressly required that "work capacity" be "submitted" "[a]t the time of bid."

According to the Law Department, M. Luis's failure constitutes "a minor technical defect which the Board may waive." April 23, 2015 Law Department Memo, attached as Exhibit 1. The Law Department made this determination because (1) the Green Book includes a separate requirement for submission of a work capacity statement "[p]rior to award" (Exhibit 1 at 2 (citing Green Book at Section 00 51 00.08)); and (2) the manpower and equipment requirements introduced with TR 15012 were new to DOT's bidding process and bidders may not have received "adequate notice" of the change, since bidders "were given no instruction on how to supply the information nor were they given a form to fill out." Exhibit 1 at 2.

The Law Department's analysis is flawed. The section relied upon by the Law Department – Green Book, Section 00 51 00.08 – has no application here. That section is included within Section 00 51, which is entitled "Notice of Award" and describes procedures that apply *after bid opening*. The instructions for bidding are set forth in Section 00 21, an entirely different part of the Green Book. Because Section 00 51 00.08 applies only after bid opening, it has no relevance to the Board's determination of whether M. Luis's bid was complete and responsive.

The Green Book's inclusion of a separate and distinct requirement that a work capacity statement be submitted "[p]rior to award" does not negate the clear and express requirement in the Bid Book that proof of work capacity be submitted "[a]t the time of bid." The bidding requirement appears in the Notice to Contractors section of the bid documents. The Notice to

GALLAGHER
EVELIUS & JONES LLP
ATTORNEYS AT LAW

Clerk, Board of Estimates
City of Baltimore
May 13, 2015
Page 2

Contractors is defined in the Green Book as being one of the Contract Documents. See Green Book, Section 00 23 00.01. With respect to this contract, the Notice to Contractors provides, in all capital letters:

NOTICE TO BIDDERS REGARDING MANATORY STAFFING AND
EQUIPMENT REQUIREMENTS

See Exhibit 2 (relevant portions of bid documents) at 303R. The Notice to Contractors then states:

At the time of bid, the minimum staffing, equipment and work capacity shall be submitted. Based on the submittal, the City will evaluate staffing, equipment and work capacity base production rates for each contract.

Id. (emphasis added). There is nothing confusing or subtle about this requirement. In plain words, bidders are instructed to *submit work capacity at the time of bid*. M. Luis failed to do so.

In view of these plain words, there is no justification for the Law Department's opinions that M. Luis did not receive adequate notice of this requirement and that the requirement may have been confusing. M. Luis is an experienced bidder, and certainly knows that a bidder "submits" "work capacity" by completing and submitting a work capacity statement. M. Luis required no instructions to complete this task. Moreover, if M. Luis was confused by the "new" work capacity requirement, it could have sought clarification. Where a bidder is confused as to the requirements of the bid documents, the Green Book permits the bidder to "submit to the Engineer a written request for an interpretation thereof." Green Book, Section 00 21 12.09.A.

It is also usual and customary practice to ask questions of the Baltimore City contract administrator assigned to a particular project. If the question leads to modification or clarification of the bid documents, an addendum is drafted by the City and sent to all bidders. For example, with respect to contract TR 15011 (submitted a week before this contract), Flanagan sought clarification of whether the sequence of activities was required to be submitted with the bid, because the language of the bid documents for that contract was unclear. See Exhibit 3. The contract administrator then sent all bidders an addendum to clarify that the sequence of activities was not required with the bid. See Exhibit 4. Requests and clarifications of this sort are commonplace. Contractors that do not seek clarification and then submit an incomplete bid should not be rewarded for their negligence by receiving a contract.

GALLAGHER
EVELIUS & JONES LLP
ATTORNEYS AT LAW

Clerk, Board of Estimates
City of Baltimore
May 13, 2015
Page 3

M. Luis's omission was not a minor irregularity. Public trust in the bid process depends on strict enforcement of clear bid requirements. M. Luis failed to submit information specifically required by the bid documents, and this omission prevented the City from achieving its objective of "evaluat[ing] ... work capacity base production rates for each contract." M. Luis's error was certainly as serious as the recent mistake R.E. Harrington Plumbing & Heating Inc. that caused its disqualification (i.e., failing to initial changes to the bid). See Exhibit 5. In rejecting Harrington's bid protest, Mayor Rawlings-Blake commented that bids should be rejected where "the form wasn't right." Id. The Mayor's comments are consistent with the Green Book, which provides that "[b]ids may be rejected if they show any omissions ... or irregularities of any kind." Green Book, Section 00 21 13.11. Section 00 51 00.03 provides that "[t]he award of the Contract, by the Board of Estimates, if it be awarded, will be made to the lowest pre-qualified responsive and responsible Bidder *whose Bid complies with all the requirements prescribed.*" (emphasis added) M. Luis's bid plainly did not comply with the "requirements prescribed," and its bid thus should be rejected.


Sincerely,



Paul S. Caiola

PSC/cmc

cc: Pierce Flanigan, IV
W. Michael Mullin, Esq.

FROM	NAME & TITLE	W. Michael Mullen, Chief Solicitor <i>WMM</i>	CITY OF BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Law - 109 City Hall		
	SUBJECT	TR 15012 Resurfacing Highways Sector 2 NW - M. Luis Construction Co., Inc. Work Capacity Statement not attached to Bid		

DATE: March 19, 2015

TO Laetitia Griffin, Chief
Department of Transportation
Contract Administration Division
417 E. Fayette Street, 5th Floor

On April 8, 2014 the Baltimore City Board of Estimates ("Board") received bids for TR-15012, Resurfacing Highways Sector 2 NW. Bids from M. Luis Construction Co., Inc. ("M. Luis") and P. Flanigan & Sons, Inc., ("Flanigan") were submitted to the Department of Transportation ("DOT") for processing. Upon receipt of a phone call from Flanigan, DOT confirmed that M. Luis had not attached a work capacity Statement to its Bid. Accordingly, M. Luis' Bid was forwarded to the Law Department for review. This memorandum opinion relates solely to the Bid submitted by M. Luis.

For the reasons stated below, the Law Department finds that the irregularity noted by DOT is merely technical in nature, a slight irregularity not affecting the substantial characteristics of the Bid. Therefore, DOT may continue to process M. Luis' Bid and recommend it to the Board, if it is otherwise eligible for award.

FACTS

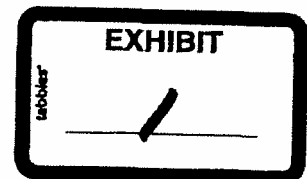
With the Notice of Letting for TR 15012, DOT required bidders to supply specific information showing compliance with DOT's new requirements for staffing and equipment. See Bid Book, Addendum No. 1, page 18 of 20. Required information included the completion of a Manpower and Equipment Affidavit and submission of the minimum staffing, equipment and work capacity. M. Luis submitted a completed and notarized Affidavit but did not provide a work capacity statement. The Bid Book provided to bidders contained a form affidavit to be signed and notarized but did not include a form for work capacity.

DISCUSSION

The "Notice to Bidders Regarding Mandatory Staffing and Equipment Requirements" included in the Bid Book states that:

At the time of bid, the minimum staffing, equipment and work capacity shall be submitted. Based on the submittal, the City will evaluate staffing, equipment and work capacity base production rates for each contract.

See Bid Book, Addendum 1, page 18 of 20.



Laetitia Griffin, Chief
Page 2 – TR 15012 M. Luis Construction Co., Inc.
Work capacity statement not attached to Bid
April 23, 2015

Incorporated as part of the bid documents are the *Specifications for Material, Highways, Bridges, Utilities and Incidental Structures, 2006*, known as the "Green Book". Section 00 51 00 .08 of the Green Book provides that:

Prior to award, the Bidder must submit a Work capacity statement, under oath. These forms must be fully completed and returned within five (5) days after the date of receipt of those forms by the Contractor. The Work capacity statement shall show the volume of Work actually being performed for the City and for others as of the date Bid. The total dollar volume will be a charge against the Contractor's Work capacity after credit for Work performed has been allowed. (Emphasis added).

The manpower and equipment requirements introduced with TR 15012 were new to DOT's bidding process. The requirement for a work capacity statement to be submitted at bid time is in addition to section 00 51 00 .08 of the Green Book, quoted above. Such a change in practice requires adequate notice to all bidders to explain what bidders must do to comply. Bidders were given no instruction on how to supply the information nor were they given a form to fill out. M. Luis executed the Manpower and Equipment Affidavit, supplied in the Bid Book, and appears to have otherwise completed and executed the remainder of its Bid. It seems clear that M. Luis inadvertently missed the new work capacity requirement. Under these circumstances, to reject M. Luis' Bid would be inappropriate.

Section 00 51 00 .01 of the Green Book provides that the Board of Estimates, "... reserves the right and sole discretion...to waive technical defects, if in its judgment, the interest of the City may so require." At the most, the failure to supply the work capacity statement here is a minor technical defect which may be waived by the Board.

CASE LAW/ OPINIONS OF THE CITY SOLICITOR

Since 1911, Baltimore City has gone on record to support the premise that a "bid not in conformity with requirements of the specifications cannot be accepted." 17 *Opinions of the City Solicitor* 4792 (April 22, 1911). In *Fuller v. Elderkin*, 160 Md. 660, 668-669 (1931), the Court held that to invalidate a bid, the variations from specifications must be substantial so as to give the bidder special advantage, to invalidate the contract. Thus, ultimately, in determining whether a bid is non-responsive, the Board has the discretion to determine whether a variation or irregularity in a bid should be waived. See also *Maryland Pavement Co. v. Mahool*, 110 Md. 397, (1909) (slight irregularities in a bid not affecting its substantial characteristics may be disregarded).

It is well settled in Maryland that a body such as the Board, clothed with the statutory authority to award contracts, possesses a large measure of discretion in determining whether to accept or reject bids. *C.N. Robinson Lighting Supply Company v. The Board of Education of Howard County*, 90 Md. App. 515, 520, (1992). "The authorities are uniform in holding that, in

Laetitia Griffin, Chief

Page 3 – TR 15012 M. Luis Construction Co., Inc.

Work capacity statement not attached to Bid

April 23, 2015

determining who is the lowest responsible bidder, the municipal authorities have a wide discretion, [which] will not be controlled by the courts except for arbitrary exercise, collusion, or fraud." *George A. Fuller Co. v. Elderkin*, 160 Md. 660, 669 (1931).

CONCLUSION

The lack of a work capacity statement does not affect the Bid price. M. Luis' Bid is irrevocable. *Baltimore City Charter*, Art. VI §11(h)(1)(iv). Submission after bid opening of a work capacity statement, which is a Green Book requirement in any event, would not give M. Luis any advantage over other bidders nor does it disadvantage any bidder that may have complied fully.¹ The failure to submit the form is a minor technical defect which the Board may waive. Therefore, DOT may process M. Luis' Bid and, if it is otherwise eligible for award, recommend it to the Board.

Please do not hesitate to contact me at (410) 396-3249, if I can be of further assistance with this matter.

Cc: Michael D. Schrock, Chief Solicitor

¹ It is noted that Flanigan did attach a work capacity statement to its Bid.

CONTRACT NO.: TR15012

**CITY OF BALTIMORE
DEPARTMENT OF TRANSPORTATION
I NOTICE OF LETTING**

Sealed Bids or Proposals for the TR15012, RESURFACING HIGHWAYS AT VARIOUS LOCATIONS, NORTHWEST - SECTOR II will be received at the Office of the Comptroller, Room 204, City Hall, Baltimore, Maryland until APRIL 8, 2015 at 11:00 A.M. Board of Estimates employees will be stationed at the Security Unit Counter just inside the Holliday Street entrance to City Hall from 10:45 A.M. to 11:00 A.M. every Wednesday to receive Bids. Positively no bids will be received after 11:00 A.M. The bids will be publicly opened by the Board of Estimates in Room 215, City Hall at Noon.

The proposed Contract Documents may be examined, without charge, at the Department of Public Works Service Center located on the first floor of the Abel Wolman Municipal Building, 200 N. Holliday Street, Baltimore, Maryland 21202 as of MARCH 13, 2015 and copies may be purchased for a non-refundable cost of \$75.00.

A certified check of the bidder or a bank cashier's check or a bank treasurer's check drawn on a solvent clearing house bank, made payable to the Director of Finance or a bid bond executed on the form as provided in the Bid or Proposal for an amount which is not less than that determined by multiplying the total bid submitted by two percent will be required with each bid over \$100,000.00. If the bid is less than or equal to \$100,000.00 no Bid Bond is required.

NOTE: REFER TO PAGE 303R TO 303R-B.

Bidders interested in utilizing the City's Self-Insurance Program for payment and performance security for contracts not exceeding \$100,000.00 may contact the Department of Finance, the Program Administrator, for eligibility requirements and premium costs.

The Board of Estimates reserves the right to reject any and all Bids and/or to waive technical defects, if in its judgment, the interest of the Mayor and City Council of Baltimore may so require.

All contractors bidding on this Contract must first be prequalified by the City of Baltimore Contractors Qualification Committee, Department of Public Works, 3000 Druid Park Drive, Baltimore, Maryland 21215 whose recommendations for an assigned dollar Work Capacity Rating and Work Classification(s) are effective after ratification and confirmation by the Board of Estimates. Contractors will not be permitted to bid on any single Contract having a dollar value in excess of the contractor's assigned Work Capacity Rating and will not be awarded any Contract if the Contract dollar value, when added to the contractor's uncompleted backlog at time of award, exceeds the contractor's assigned Work Capacity Rating. Subcontractors intending to perform work in excess of \$25,000.00 on this Contract must have established qualification for an adequate Work Capacity Rating and the necessary Work Classification(s) before they are permitted to commence work. If a bid is submitted by a joint venture ("JV"), then in that event, the document that established the JV shall be submitted with the bid for verification purposes. The Prequalification Category required for bidding on this project is: A02602 (Bituminous Paving) and D02620 (Curbs, Gutters & Sidewalk).



**NOTICE TO BIDDERS REGARDING MANDATORY STAFFING AND
EQUIPMENT REQUIREMENTS**

The City of Baltimore has established minimum mandatory requirements for staffing and equipment for this Contract to enhance the resurfacing activities and goals during allowable weather conditions. These requirements are to be achieved on all work for the duration of the Contract for the trades specified below.

In accordance with the City of Baltimore, Department of Public Works, Specifications for Materials, Highways, Bridges, Utilities and Incidental Structures (2006) Division 01 32 16 Schedule and Reports, paragraph "C" the bidder must provide an Activities Chart i.e. Sequence of Activities at minimum two weeks before the Pre-Construction meeting. ~~At the time of bid, the minimum staffing, equipment and work capacity shall be submitted.~~ Based on the submittal, the City will evaluate staffing, equipment and work capacity base production rates for each contract.

MINIMUM PAVING CREW STAFFING REQUIREMENT:

ASPHALT FOREMAN	1
PAVER OPERATOR	1
LIQUID ASPHALT TRUCK OPERATOR	1
ROLLER OPERATORS	2
MECHANICAL BROOM OPERATOR	1
WATERING TRUCK OPERATOR	1
DUMP TRUCK OPERATORS	2
DUMP PERSON	1
SCREED PERSON	1
LUTE HANDWORK PERSONS	2
FLAGGERS	2
MINI-LOADER (BOBCAT) OPERATOR (OPTIONAL)	1

MINIMUM PAVING EQUIPMENT REQUIREMENT:

PAVER	1
LIQUID ASPHALT TRUCK	1
ROLLERS	2
MECHANICAL BROOM	1
WATERING TRUCK	1
DUMP TRUCKS	2
MINI-LOADER (BOBCAT) (OPTIONAL)	1

MINIMUM MILLING CREW STAFFING REQUIREMENT:

MILLING FOREMAN	1
MILLING MACHINE OPERATOR	1
WATERING TRUCK OPERATOR	1
SWEEPER/POWER BROOM OPERATOR	1
DUMP TRUCK OPERATORS	2
MINI-LOADER OPERATOR (BOBCAT)	1
LABORERS (MANUAL BROOM CLEANERS)	2
FLAGGERS	2

MINIMUM MILLING EQUIPMENT REQUIREMENT:

SELF-PROPELLED MILLING MACHINE	1
WATERING TRUCK	1
SWEEPER/POWER BROOM	1
DUMP TRUCKS	2
MINI-LOADER (BOBCAT)	1

MINIMUM CONCRETE CREW STAFFING REQUIREMENT:

CONCRETE FOREMAN	1
BACKHOE OPERATOR	1
CONCRETE SAW OPERATOR	1
MINI-LOADER (BOBCAT) OPERATOR	1
DUMP TRUCK OPERATOR	1
CONCRETE FINISHERS	2
LABORERS	2

MINIMUM CONCRETE EQUIPMENT REQUIREMENT:

BACKHOE WITH PNEUMATIC HAMMER	1
CONCRETE SAW	1
MINI-LOADER (BOBCAT)	1
DUMP TRUCK	1

WORK ACTIVITIES SHALL BE CONFIRMED:

ASPHALT PLACEMENT WEDGE AND LEVEL	300	TONS/DAY
ASPHALT PLACEMENT SURFACE COURSE	300	TONS/DAY
ASPHALT PLACEMENT BASE COURSE	400	TONS/DAY
MILLING FLEXIBLE PAVEMENT	2,700	S.Y./DAY
CONCRETE CURB AND GUTTER	100	LF/DAY
CONCRETE SIDEWALK	400	S.F/DAY
INLETS AND MANHOLES	3	EA/DAY
CONCRETE REPAIR	30	S.Y./DAY
CONCRETE BUS PAD	200	S.Y./DAY
CONCRETE DRIVEWAY	100	S.Y./DAY

Notes:

1. Patch work of Wedge and Level is exempt in the evaluation criteria.
2. Patch work of Base Course is exempt in the evaluation criteria.
3. Concrete Curb, Curb & Gutter below 100 continuous linear feet will not be taken in account for evaluation.
4. Concrete Sidewalk below 100 continuous linear feet will not be taken in account for evaluation.

In the event that the Engineer determines that additional staffing or equipment is needed, the Contractor shall be informed in writing and if the Contractor fails to supply equipment and /or manpower when requested within ten (10) working days, the City shall consider the contract to have been breached and reserves the right to terminate the contract and seek all lawful damages available to the City from the Contractor. The City will base its determination of responsibility upon any available information related to the responsibility criteria or may find the bidder not responsible, which may result in a rejection of the bid.

CONTRACT NO.: TR15012

MANPOWER AND EQUIPMENT AFFIDAVIT

I, [INSERT NAME HERE], the [INSERT TITLE HERE] of [INSERT BIDDER NAME HERE], ("Contractor"), having been duly sworn under due form of law, state that I am authorized to make the following Affidavit:

1. Contractor has read the Manpower and Equipment Requirements listed above and affirms that it possess the equipment and staffing requirements required for this contract.
2. Contractor acknowledges the requirement that, if awarded the contract, it must submit a Sequence of Activities or Project Schedule.
3. If Contractor is awarded this contract and finds that it is unable, at any time, to provide the minimum manpower and equipment identified in this form, it shall immediately inform the Public Works Inspector or Department representative in writing and submit a detailed, written explanation as to how the staffing and/or equipment issue will be resolved. Failure to do so will constitute a breach of contract terms.
4. Contractor acknowledges that, if awarded this contract, authorized representatives of the City of Baltimore may examine, from time to time, the books, records and files of Contractor to the extent that such material is relevant to a determination of whether Contractor is complying with the Manpower and Equipment 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.

Contractor Company Name

Signature

Address

Print Name and Title

Sworn and subscribed before me this ____ day of _____, in the year _____.

Notary Public

Keifer, Jill

From: Keifer, Jill
Sent: Tuesday, March 24, 2015 2:57 PM
To: 'Simmons, Brenda'; Gabriel, Kirk; 'Khadka, Uttam'
Cc: Williams, Tom; Griffin, Laetitia; Devkota, Bimal; Coudon, Jim
Subject: TR15011 Addendum No 1
Attachments: Manpower and Equipment Affidavit.pdf

Importance: High

P. Flanigan & Sons, Incorporated is in receipt of Addendum No 1 for the above referenced project. In that Addendum the attached Manpower and Equipment Affidavit was included, number 2 of this Affidavit states:

2. Contractor acknowledges the requirement that, **if awarded the contract**, it must submit a Sequence of Activities or Project Schedule **with the bid**.

Do we need to submit a Sequence of Activities or Project Schedule with our bid or should the last part of that sentence be deleted?

Thank you,
Jill L. Keifer

Jill L. Keifer
Contract Administrator

office (410) 467-5900
fax (410) 467-3127
cell (443) 677-1416
direct dial (410) 554-1083

email jkeifer@pflanigan.com

P. Flanigan & Sons, Inc.
2444 Loch Raven Road
Baltimore, MD 21218

[Visit our website »](#)



CITY OF BALTIMORE
STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF TRANSPORTATION

WILLIAM M. JOHNSON, Director
417 E. Fayette Street, 5th Floor
Baltimore, Maryland 21202

CITY OF BALTIMORE
DEPARTMENT OF TRANSPORTATION

ADDENDUM NO. 2

DATE: MARCH 25, 2015

FOR
DRAWINGS, SPECIFICATIONS, PROPOSAL, CONTRACT AND BOND

for

CONTRACT NUMBER: BALTIMORE CITY NO.: TR15011

RESURFACING HIGHWAYS AT VARIOUS LOCATIONS – SECTOR I

FOR THE MAYOR AND CITY COUNCIL OF BALTIMORE

TO THE BIDDERS: PLEASE ATTACH TO YOUR CONTRACT DOCUMENTS. THIS
ADDENDUM IS HEREBY MADE A PART OF THE CONTRACT DOCUMENTS ON
WHICH THE CONTRACT WILL BE BASED, AND IS ISSUED TO MODIFY, EXPLAIN
AND/OR CORRECT THE ORIGINAL DRAWINGS AND SPECIFICATIONS.

APPROVED:

Primal T201A-3/25/15

CHIEF, TRANSPORTATION ENGINEERING & CONSTRUCTION DIVISION

William M. Johnson

DIRECTOR, DEPARTMENT OF TRANSPORTATION

EXHIBIT

4



Printed on recycled paper with environmentally friendly inks.

CONTRACT NO.: TR15011

As part of Addendum No. 2, remove and replace the pages and on the Bid Book as follows:

Page 296R

Remove and Replace the page 296R with page 296RR

**Remove and Replace the page 296R with page 296RR
(Duplicate)**

Page 325R

Remove and Replace the page 325R with 325RR.

**Second paragraph, delete all in its entirety and add with the
new phrased paragraph.**

Page 325R-B

Remove and Replace the page 325R-B with 325RR-B.

**Third paragraph, number 2 last line after or Project
Schedule..... delete the word "with the bid."**

CONTRACT NO.: TR15011

NOTE: NO INFORMATION OTHER THAN THAT INCLUDED IN OR ATTACHED TO THIS ORIGINAL BID DOCUMENT (WHERE SUCH ATTACHMENT IS PERMITTED) WILL BE USED IN DETERMINING AWARD.

ORIGINAL (NOT TO BE DETACHED)
NOTICE TO BIDDEERS

CITY OF BALTIMORE
DEPARTMENT OF TRANSPORTATION
CONTRACT NUMBER: TR15011

THE COMPLETE (ORIGINAL)
CONTRACT BOOK AND
DUPLICATE OF BID OR
PROPOSAL MUST BE
INCLUDED IN THE
BID ENVELOPE

RESURFACING HIGHWAYS AT VARIOUS LOCATIONS,
NORTHEAST, SECTOR - I

III. BID OR PROPOSAL

Bids Due APRIL 1, 2015

Certified Check or Bank Cashier's Check or Bank Treasurer's Check or Bid Bond Equal to
Two Percent (2%) of Total Bid Submitted.

Days of Completion 240 Consecutive Calendar Days

Liquidated Damages 1,000.00 Per Calendar Day

Made this _____ day of _____ 15

By _____
(Name)

(Address)

The Bidder shall sign below to signify the following:

I/We have received Addendum Nos. _____
for this Contract.

To The Board of Estimates of Baltimore City:

Gentlemen:

I/We the undersigned Contractor, have familiarized myself/ourselves with the Requirements and Stipulations of the Contract Documents, and the site of the proposed work, and fully understand and appreciated extent and character of the work to be done under the Contract.

Signature and Title _____ Date _____

296RR

ADDENDEUM NO. 2, PAGE 3 OF 6

CONTRACT NO.: TR15011

NOTE: NO INFORMATION OTHER THAN THAT INCLUDED IN OR ATTACHED TO THIS ORIGINAL BID DOCUMENT (WHERE SUCH ATTACHMENT IS PERMITTED) WILL BE USED IN DETERMINING AWARD.

DUPLICATE

**ORIGINAL (NOT TO BE DETACHED)
NOTICE TO BIDDEERS**

**CITY OF BALTIMORE
DEPARTMENT OF TRANSPORTATION
CONTRACT NUMBER: TR15011**

**THE COMPLETE (ORIGINAL)
CONTRACT BOOK AND
DUPLICATE OF BID OR
PROPOSAL MUST BE
INCLUDED IN THE
BID ENVELOPE**

**RESURFACING HIGHWAYS AT VARIOUS LOCATIONS,
NORTHEAST, SECTOR - I.**

III. BID OR PROPOSAL

Bids Due APRIL 1, 2015

Certified Check or Bank Cashier's Check or Bank Treasurer's Check or Bid Bond Equal to
Two Percent (2%) of Total Bid Submitted.

Days of Completion 240 Consecutive Calendar Days

Liquidated Damages 1,000.00 Per Calendar Day

Made this _____ day of _____ 15

By _____
(Name)

(Address)

The Bidder shall sign below to signify the following:

I/We have received Addendum Nos. _____
for this Contract.

To The Board of Estimates of Baltimore City:

Gentlemen:

I/We the undersigned Contractor, have familiarized myself/ourselves with the Requirements and Stipulations of the Contract Documents, and the site of the proposed work, and fully understand and appreciated extent and character of the work to be done under the Contract.

Signature and Title

Date

296RR

ADDENDUM NO. 2, PAGE 4 OF 6

**NOTICE TO BIDDERS REGARDING MANDATORY STAFFING AND
EQUIPMENT REQUIREMENTS**

The City of Baltimore has established minimum mandatory requirements for staffing and equipment for this Contract to enhance the resurfacing activities and goals during allowable weather conditions. These requirements are to be achieved on all work for the duration of the Contract for the trades specified below.

In accordance with the City of Baltimore, Department of Public Works, Specifications for Materials, Highways, Bridges, Utilities and Incidental Structures (2006) Division 01 32 16 Schedule and Reports, paragraph "C" the bidder must provide an Activities Chart i.e. Sequence of Activities at minimum two weeks before the Pre-Construction meeting. At the time of bid, the minimum staffing, equipment and work capacity shall be submitted. Based on the submittal, the City will evaluate staffing, equipment and work capacity base production rates for each contract.

MINIMUM PAVING CREW STAFFING REQUIREMENT:

ASPHALT FOREMAN	1
PAVER OPERATOR	1
LIQUID ASPHALT TRUCK OPERATOR	1
ROLLER OPERATORS	2
MECHANICAL BROOM OPERATOR	1
WATERING TRUCK OPERATOR	1
DUMP TRUCK OPERATORS	2
DUMP PERSON	1
SCREED PERSON	1
LUTE HANDWORK PERSONS	2
FLAGGERS	2
MINI-LOADER (BOBCAT) OPERATOR (OPTIONAL)	1

MINIMUM PAVING EQUIPMENT REQUIREMENT:

PAVER	1
LIQUID ASPHALT TRUCK	1
ROLLERS	2
MECHANICAL BROOM	1
WATERING TRUCK	1
DUMP TRUCKS	2
MINI-LOADER (BOBCAT) (OPTIONAL)	1

MINIMUM MILLING CREW STAFFING REQUIREMENT:

MILLING FOREMAN	1
MILLING MACHINE OPERATOR	1
WATERING TRUCK OPERATOR	1
SWEEPER/POWER BROOM OPERATOR	1
DUMP TRUCK OPERATORS	2
MINI-LOADER OPERATOR (BOBCAT)	1
LABORERS (MANUAL BROOM CLEANERS)	2
FLAGGERS	2

MANPOWER AND EQUIPMENT AFFIDAVIT

I, [INSERT NAME HERE], the [INSERT TITLE HERE] of [INSERT BIDDER NAME HERE], ("Contractor"), having been duly sworn under due form of law, state that I am authorized to make the following Affidavit:

1. Contractor has read the Manpower and Equipment Requirements listed above and affirms that it possess the equipment and staffing requirements required for this contract.
2. Contractor acknowledges the requirement that, if awarded the contract, it must submit a Sequence of Activities or Project Schedule.
3. If Contractor is awarded this contract and finds that it is unable, at any time, to provide the minimum manpower and equipment identified in this form, it shall immediately inform the Public Works Inspector or Department representative in writing and submit a detailed, written explanation as to how the staffing and/or equipment issue will be resolved. Failure to do so will constitute a breach of contract terms.
4. Contractor acknowledges that, if awarded this contract, authorized representatives of the City of Baltimore may examine, from time to time, the books, records and files of Contractor to the extent that such material is relevant to a determination of whether Contractor is complying with the Manpower and Equipment 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.

Contractor Company Name

Signature

Address

Print Name and Title

Sworn and subscribed before me this ____ day of _____, in the year _____.

Notary Public

Baltimore Brew

STIRRING UP NEWS AND VIEWS

Read: **NOW** **LATER**

Inside City Hall: Anger by minority contractors bubbles to the surface

Pless Jones delivers a public dressing-down of the mayor and Council President Young. Is Sheila Dixon waiting in the wings?

Mark Reutter

March 30, 2015 at 10:14 am

Story Link



HAPPIER TIMES: With Pless Jones at her side, Mayor Rawlings-Blake addresses the Maryland Minority Contractors at their summer banquet at Martin's West in 2011.

Photo by: Mark Reutter

Pless B. Jones Sr. laid it out about as bluntly as he could. "I'm not going to bite my tongue to nobody," he proclaimed.

Baltimore's "demolition king" wasn't speaking to some lowly inspector (his company, P&J Contracting, is the biggest demolition contractor for local government), but was addressing the city's two top elected officials last Wednesday.

"I'm here to represent the MBE [minority business] community, and if this is what we going to get today, then I just don't know what to do," he thundered across the dais to the Board of Estimates seats occupied by Mayor Stephanie Rawlings-Blake and City Council President Bernard

C. "Jack" Young.

The issue at hand was a protest by fellow minority businessman, Robert Harrington, about being denied a water meter contract, but the implications embodied by Jones' appearance were far reaching.

Jones is a key political player in town as president of the Maryland Minority Contractors Association. When Mayor Sheila Dixon was forced to resign in 2010 after her corruption conviction, Jones hired her



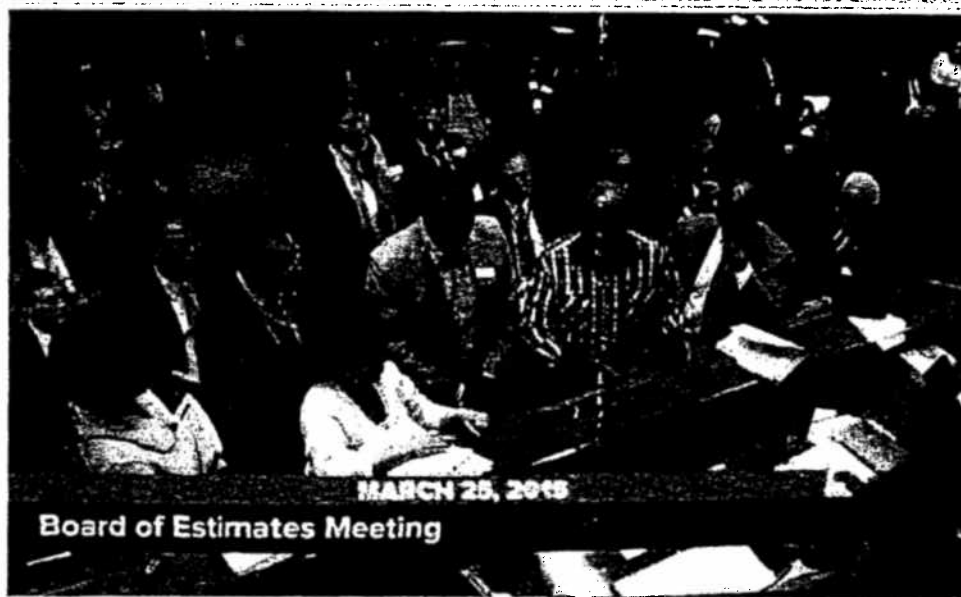
4/30/2015 1:49 PM

The Dixon Factor

Although Jones has personally poured more than \$15,000 into the campaign coffers of Rawlings-Blake and Young since 2011, he has become so resentful of their perceived indifference to minority participation that he has let it be known that he's urging Dixon to reenter politics – preferably to take a crack at Rawlings-Blake in next year's mayoral election.

Dixon, who remains MMCA's marketing director, has not committed to anything yet. But her possible entry into the race was one of the unspoken messages/warnings of Jones' appearance last Wednesday.

During his cameo (and never forget that the Board of Estimates is a stage for many convoluted political dramas), Jones lit into the mayor's Minority and Women's Business Opportunity Office (MWBOO) for rejecting two low bids by Harrington on the grounds that Wite-Out correction fluid was used to make changes that were not properly initialed.



Pless Jones addresses the mayor and Jack Young (both unseen) at last Wednesday's Board of Estimates meeting. (CharmTVBaltimore)

"The MWBOO office should be an advocate for MBEs," Jones said. "But we've never gotten that. Everybody here, except for Miss Pratt [the City Comptroller], was arguing how they should not give the job to Robert."

"You Talk about Jobs"

Looking directly at Jack Young and referring to his legislative motto, "Jobs, Jobs, Jobs!," Jones continued: "Mr. Young, you talk about how you want minorities to get jobs. You want work for people in the community. That what he do. What's the purpose of not giving it to him? Only because you don't want him to have them [the contracts]?"

When the mayor tried to object – "That's a mischaracterization," she murmured – Jones added salt to the wound by invoking the memory of the late Arnold M. Jolivet, who repeatedly clashed with the mayor over minority participation before his death last summer.

"I don't know what to do except do like Jolly, take to the streets. That's what Jolly Jolivet said, 'Let's go march!'"

George Nilson, the city solicitor who frequently comes to the mayor's defense, tried to defuse the

tension by offering Harrington a chance to meet with him about the procedures and rules that had tripped up his bid.

But Jones was having none of it.

"I'm not talking about tomorrow. I've been told too many times about tomorrow. I'm talking about this bid today--"

"Finish up, Pless," Young implored.

To which Jones roared back, "This board need to show up. . . We've had too many outreaches and all this for years. What we get is nothing but a few crackers!"

Mayor: It Pains Me, Too

As a lull descended, Mayor Rawlings-Blake took to the microphone to defend her administration.

"I want to reiterate that, number one, I fight every day to be effective and efficient and to use the taxpayers' money in the most effective and efficient way. So the fact that it [the bid] was done incorrectly and it stands to cost us \$1.5 million more pains me."

She was referring to the higher cost of the two bids by Metra Industries of Little Falls, N.J.

Avoiding a direct response to Jones, the mayor addressed Robert Fulton Dashiell, Harrington's lawyer, this way:

"The challenge is that if Metra came and submitted the same form, Mr. Dashiell, you and your team would tell us we'd have to reject it for the exact same reason you've said consistently -- because the form wasn't right. But because your client did it, now it's our problem and we don't care about minority businesses. It's just not true."

Jones wasn't to be silenced and took to the microphone again to tell the mayor and Young that the board has the right to accept or reject any bid, whichever is in the city's best interest.

"In this case, the best interest of the city and the best interest of the minority community . . . is saving the city \$1.5 million," Jones said.

Seconds later, Rawlings-Blake and Young voted to award the contracts to Metra, leaving unanswered-for-now the question of whether their decision is in the best interest of their political futures.



Mayor Rawlings-Blake listens to Jones decry her administration's alleged indifference to minority contractors. (CharmTVBaltimore)

Baltimore spends \$13M more for water meter project

By Luke Broadwater
The Baltimore Sun

MARCH 26, 2016 1:03 PM

Baltimore's Board of Estimates voted Wednesday to spend \$13 million to perform "urgent" repairs to the city's water system infrastructure — the latest additional cost in the installation of new meters for the city's 400,000 water customers.

The board members, including Mayor Stephanie Rawlings-Blake and City Council President Edward E. "Sonny" Clark, voted 4-1 to award two contracts totaling \$9.5 million to Metra Industries Inc., of Little Falls, N.J., for the work fixing infrastructure problems discovered during the system-wide upgrade to wireless water meters. The other funds will be used for administrative costs, city officials said.

Comptroller Joan M. Pratt voted against the deal, saying she favored the low bid from Baltimore-based R.E. Harrington Plumbing & Heating Inc. that would save the city about \$1.5 million. That company was disqualified for using Wite-Out to make changes on its bid forms to the amount it planned to pay its sub-contractors without getting the sub-contractors to place their initials by the changes.

Rawlings-Blake said the city has to abide by its own rules that disallow contractors from changing bid documents concerning sub-contractors without getting their approval.

"The fact that this stands to cost us \$1.5 million more pains me," Rawlings-Blake said. "I would have liked for nothing more for that change to be documented correctly so we wouldn't be in this position. ... But the answer isn't to ignore it or pretend like it didn't happen."

In 2013, city officials awarded an \$83.5 million contract to Itron Inc. of Washington state to install meters for a wireless meter system to serve the system's thousands of customers in Baltimore and Baltimore County. Rawlings-Blake has said the upgrade is part of an effort to end "outrageous" water bill mistakes that have infuriated residents and forced the city to issue millions in refunds.

The Itron bid was about \$100 million less than a competitor's. Young and Pratt said they planned to watch the project closely to make sure costs did not rise over time.

The Board of Estimates has already authorized \$9.7 million more to hire contractor EMA Inc. to "ensure that the program moves forward efficiently and expeditiously," and \$8.4 million to hire Belgian company Iternis to overhaul the water-billing system, which connects to the new meters.

The latest contracts bring the total cost of the project to about \$119 million.

Robert Fulton Dashiell, an attorney representing Harrington, said throwing out the lower bid on the latest contract is hurting minority contractors. He said it's common practice for sub-contractors to sign their names to blank forms that the main contractor then fills in for them. He said many contractors don't always have quick access to their sub-contractors to sign off on changes that amount to merely technical fixes.

"I recognize there is a rule," Dashiell said. "I also recognize that consistency is the hobgoblin of little minds. ... It's a matter of doing what's right."

City officials say additional contractors are needed to deal with time-consuming construction situations that are arising during the overhaul, thereby freeing up Itron to install meters. City officials want Itron to finish installing the new meters by 2017.

lbroadwater@baltimoresun.com

twitter.com/lukebroadwater

Copyright © 2016, The Baltimore Sun

FROM AROUND THE WEB

How this Razor Is Changing the Shaving Industry
Harry's

Sponsored Links by Taboola

18 Tips For Living With ASD
WebMD

Common Behaviors Adults with ADD and ADHD Exhibit
Health Central

Meryl Streep's Home Will Take Your Breath Away
Lonny

8 Ways to Better Generate Leads as a Small Business
SalesForce

Drivers Feel Stupid For Not Knowing This New Rule
Provide-Savings Insurance Quotes

18 Historical Films True to History
Answers

The Not So Secret Truths About Reverse Mortgages
NewRetirement

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSDepartment of Transportation - cont'd

This transfer will fund the costs associated with the award of Project TR 15012, Resurfacing Highways, Northwest, Sector II with M. Luis Construction Co., Inc.

THE PROTEST RECEIVED FROM GALLAGHER EVELIUS JONES, LLP ON BEHALF OF P. FLANIGAN & SONS, INC. HAS BEEN WITHDRAWN.

President: "The first item on the non-routine can be found on Page 83 items 1 and 2, Recommendation for Contract Award Department of Transportation, Contract TR 15012, Highways at Various Locations. Um -- is the protestant here? I entertain a Motion."

City Solicitor: "In the absence of any protestants here, MOVE approval of items 1 and 2 on Page 83."

Director of Public Works: "Second."

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

* * * * *

GALLAGHER
EVELIUS & JONES LLP
ATTORNEYS AT LAW

PAUL S. CAIOLA
pcaiola@gejlaw.com
direct dial: 410 347 1371
fax: 410 468 2786

June 9, 2015

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

Re: Department of Transportation
Contract TR 15012
Resurfacing Highways at Various Locations, Northwest, Sector – II
Bid Protest

Dear Honorable President and Members of the Board of Estimates:

I write on behalf of P. Flanigan & Sons, Inc. ("Flanigan") to inform you that Flanigan's protest with respect to the above-referenced contract dated April 17, 2015, and supplemented on May 13, 2015, is being withdrawn.

Respectfully submitted,



Paul S. Caiola

PSC/cmc

cc: Pierce Flanigan, IV
W. Michael Mullin, Esq.

#529819
000474-0159

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSDepartment of Transportation - cont'd

3. TR 15014, Resurfacing Highways at Various Locations, Southeast, Sector IV M. Luis Construction Co., Inc. \$2,363,000.00

MBE: Manuel Luis Construction Co., Inc.	\$248,000.00	10.50%
J. Villa Construction, Inc.	40,000.00	1.69%
Powell's Trucking Company, Inc.	210,000.00	8.89%
	\$498,000.00	21.08%

WBE: Ball & Breckenridge Trucking, Inc.	\$ 50,000.00	2.11%
Rowen Concrete, Inc.	120,000.00	5.08%
	\$170,000.00	7.19%

MWBOO FOUND VENDOR IN COMPLIANCE.

A PROTEST WAS RECEIVED FROM SENCHAL D. BARROLLE, ESQ.

4. **TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$2,200,000.00	9950-904216-9514	
State Constr. Rev.	Local Resurfacing Southeast	
163,000.00	9950-916080-9512	
State Constr. Rev.	Traffic Safety Improv. Citywide	
354,450.00	9950-903550-9509	
GF (HUR)	Const. Reserve - Neighborhood Street Reconstruction	
\$2,717,450.00		

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSDepartment of Transportation - cont'd

\$2,200,000.00	-----	9950-906224-9514-6
		Structure & Improvements
163,000.00	-----	9950-906224-9514-5
		Inspection
354,450.00	-----	9950-906224-9514-2
<u>\$2,717,450.00</u>		Contingencies
		Resurfacing Highways at
		Various Loc, SE Sec IV

This transfer will fund the costs associated with the award of TR 15014, Resurfacing Highways, Southeast, Sector IV with M. Luis Construction Co., Inc.

President: "The second item on the non-routine agenda can be found on Page 93 item 3 and 4, recommendation for contract award Department of Transportation TR 15014, Resurfacing Highways at Various Locations, Southeast, Sector IV and the associated transfer of funds. Will the parties please come forward? I will entertain a Motion."

City Solicitor: "In the absence of any protestant appearing, move approval as recommended items 3 and 4 on Pages 84 to 85."

Director of Public Works: "Second."

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

Motion carries. The Comptroller **ABSTAINED.**"

* * * * *

*Robert Fulton Dashiell, Esquire, P.A.
1498 Reisterstown Road, Suite 334
Pikesville, MD 21208-3842
410-547-8820 – Office * 443-637-3718 – Fax*

*Robert Fulton Dashiell
robertdashiell@dashiell-lawoffice.com*

*Senchal D. Barrolle
sbarrolle@dashiell-lawoffice.com
(MD, NY and DC)*

May 27, 2015

Honorable Members of Baltimore City Board of Estimates
C/O Harriett Taylor, Secretary/Deputy Comptroller
100 Holliday, Suite 204
Baltimore, Maryland 21202

Stephanie Rawlings-Blake, Mayor
Joan Pratt, Comptroller
Bernard "Jack" Young, President City Council
George Nilson, City Solicitor
Rudy Chow, Director Public Works

Re: TR. 15012 and 15014

To your Honorable Board:

We appreciate that this matter was deferred to afford my client and other interested parties an opportunity to seek corroboration of the representation that the bids submitted on Tr.15012 and Tr.15014 exceeded by more than 10% the budget allocated for each contract which was arrived at by multiplying the bid quantities times the engineer's estimated unit prices. Our client's bid on Tr.15012 was \$2,075,776.70, and on Tr.15014 its bid was \$2,363,000, both well within the advertised bid range of \$1-\$3 million dollars.

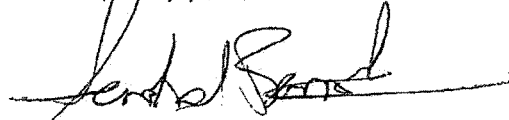
These are street resurfacing contracts that, for the most part, involve asphalt paving. Consequently, the quantity and cost of the asphalt determines the major portion of the bid. If, indeed, the engineers in DOT estimated an asphalt paving unit price lower than that of either of the two lowest bidders, both of which manufacture and supply their own asphalt, it could well be that the engineer's estimates are too low, rather than the bids too high. Rather than speculate, we ask that you direct the Transportation Department to disclose their estimate of this critical component of the work. The bidders' prices have now been made public. If bids are to be rejected as over

budget it is only fair and equitable that the amount in the budget now be disclosed. Without the transparency of disclosure, the public confidence in the integrity of the bidding process itself will be shaken. That is particularly true here with respect to Tr.15012.¹

In addition to the fact that the totals of both bids are well within the advertised cost range for the work, we show in **Exhibit 2** that the asphalt unit price in both is very close to the amount the city is currently paying, another factor that renders the assertion that the bids are over budget improbable. Indeed, you can see in Exhibit 2 that the unit price in these bids for asphalt paving, the bulk of the work, is lower than that in some contracts awarded years ago. The asphalt unit price in Tr.15012 is \$305.71, and in Tr.15014, \$299.11. In Tr. 13306, awarded in 2013, the asphalt unit price was \$346.92! The question that we have posed that the Department has failed to answer with specificity is how is it that the higher unit price from two years ago was within budget and the two current lower unit prices are not? Again, these questions need to be answered openly with verifiable data.


For the foregoing reasons we urge you to make the deferral of this matter substantive as well as procedural by directing DOT to make the requested data immediately available to all interested parties.

Very truly yours



Senchal D. Barrolle, Esq.

¹ The bids on that contract were opened on April 8, 2015. On April 17, 2015, Flanagan, the second low bidder, filed a protest. In response did not recommend that all bids be rejected as over budget, it referred the matter to the Law Department for an opinion. On or about April 29, 2015, the Law Department opined that the Flanagan protest should be denied. A copy of the Law Department's memorandum to Transportation is attached. **Exhibit 1** (The date on that memo is obviously in error). Still, the Department did not recognize that all bids were over budget. On May 22, 2015, six weeks after bid opening, DOT finally realized that all bids were over budget. Why did it take six weeks to realize a fact that should have been evident on bid day?

FROM	NAME & TITLE	W. Michael Mullen, Chief Solicitor <i>WMM</i>	CITY OF BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Law - 109 City Hall		
	SUBJECT	TR 15012 Resurfacing Highways Sector 2 NW - M. Luis Construction Co., Inc. Work Capacity Statement not attached to Bid		

DATE: March 19, 2015

TO

Laetitia Griffin, Chief
Department of Transportation
Contract Administration Division
417 E. Fayette Street, 5th Floor

On April 8, 2014 the Baltimore City Board of Estimates ("Board") received bids for TR-15012, Resurfacing Highways Sector 2 NW. Bids from M. Luis Construction Co., Inc. ("M. Luis") and P. Flanigan & Sons, Inc., ("Flanigan") were submitted to the Department of Transportation ("DOT") for processing. Upon receipt of a phone call from Flanigan, DOT confirmed that M. Luis had not attached a work capacity Statement to its Bid. Accordingly, M. Luis' Bid was forwarded to the Law Department for review. This memorandum opinion relates solely to the Bid submitted by M. Luis.

For the reasons stated below, the Law Department finds that the irregularity noted by DOT is merely technical in nature, a slight irregularity not affecting the substantial characteristics of the Bid. Therefore, DOT may continue to process M. Luis' Bid and recommend it to the Board, if it is otherwise eligible for award.

FACTS

With the Notice of Letting for TR 15012, DOT required bidders to supply specific information showing compliance with DOT's new requirements for staffing and equipment. See Bid Book, Addendum No. 1, page 18 of 20. Required information included the completion of a Manpower and Equipment Affidavit and submission of the minimum staffing, equipment and work capacity. M. Luis submitted a completed and notarized Affidavit but did not provide a work capacity statement. The Bid Book provided to bidders contained a form affidavit to be signed and notarized but did not include a form for work capacity.

DISCUSSION

The "Notice to Bidders Regarding Mandatory Staffing and Equipment Requirements" included in the Bid Book states that:

At the time of bid, the minimum staffing, equipment and work capacity shall be submitted. Based on the submittal, the City will evaluate staffing, equipment and work capacity base production rates for each contract.

See Bid Book, Addendum 1, page 18 of 20.



Laetitia Griffin, Chief
Page 2 – TR 15012 M. Luis Construction Co., Inc.
Work capacity statement not attached to Bid
April 23, 2015

Incorporated as part of the bid documents are the *Specifications for Material, Highways, Bridges, Utilities and Incidental Structures, 2006*, known as the "Green Book". Section 00 51 00 .08 of the Green Book provides that:

Prior to award, the Bidder must submit a Work capacity statement, under oath. These forms must be fully completed and returned within five (5) days after the date of receipt of those forms by the Contractor. The Work capacity statement shall show the volume of Work actually being performed for the City and for others as of the date Bid. The total dollar volume will be a charge against the Contractor's Work capacity after credit for Work performed has been allowed. (Emphasis added).

The manpower and equipment requirements introduced with TR 15012 were new to DOT's bidding process. The requirement for a work capacity statement to be submitted at bid time is in addition to section 00 51 00 .08 of the Green Book, quoted above. Such a change in practice requires adequate notice to all bidders to explain what bidders must do to comply. Bidders were given no instruction on how to supply the information nor were they given a form to fill out. M. Luis executed the Manpower and Equipment Affidavit, supplied in the Bid Book, and appears to have otherwise completed and executed the remainder of its Bid. It seems clear that M. Luis inadvertently missed the new work capacity requirement. Under these circumstances, to reject M. Luis' Bid would be inappropriate.

Section 00 51 00 .01 of the Green Book provides that the Board of Estimates, "... reserves the right and sole discretion...to waive technical defects, if in its judgment, the interest of the City may so require." At the most, the failure to supply the work capacity statement here is a minor technical defect which may be waived by the Board.

CASE LAW/ OPINIONS OF THE CITY SOLICITOR

Since 1911, Baltimore City has gone on record to support the premise that a "bid not in conformity with requirements of the specifications cannot be accepted." 17 *Opinions of the City Solicitor* 4792 (April 22, 1911). In *Fuller v. Elderkin*, 160 Md. 660, 668-669 (1931), the Court held that to invalidate a bid, the variations from specifications must be substantial so as to give the bidder special advantage, to invalidate the contract. Thus, ultimately, in determining whether a bid is non-responsive, the Board has the discretion to determine whether a variation or irregularity in a bid should be waived. See also *Maryland Pavement Co. v. Mahool*, 110 Md. 397, (1909) (slight irregularities in a bid not affecting its substantial characteristics may be disregarded).

It is well settled in Maryland that a body such as the Board, clothed with the statutory authority to award contracts, possesses a large measure of discretion in determining whether to accept or reject bids. *C.N. Robinson Lighting Supply Company v. The Board of Education of Howard County*, 90 Md. App. 515, 520, (1992). "The authorities are uniform in holding that, in

Laetitia Griffin, Chief
Page 3 – TR 15012 M. Luis Construction Co., Inc.
Work capacity statement not attached to Bid
April 23, 2015

determining who is the lowest responsible bidder, the municipal authorities have a wide discretion, [which] will not be controlled by the courts except for arbitrary exercise, collusion, or fraud." *George A. Fuller Co. v. Elderkin*, 160 Md. 660, 669 (1931).

CONCLUSION

The lack of a work capacity statement does not affect the Bid price. M. Luis' Bid is irrevocable. *Baltimore City Charter*, Art. VI §11(h)(1)(iv). Submission after bid opening of a work capacity statement, which is a Green Book requirement in any event, would not give M. Luis any advantage over other bidders nor does it disadvantage any bidder that may have complied fully.¹ The failure to submit the form is a minor technical defect which the Board may waive. Therefore, DOT may process M. Luis' Bid and, if it is otherwise eligible for award, recommend it to the Board.

Please do not hesitate to contact me at (410) 396-3249, if I can be of further assistance with this matter.

Cc: Michael D. Schrock, Chief Solicitor

¹ It is noted that Flanigan did attach a work capacity statement to its Bid.

Contract	Date	Total Asphalt Tons (Surface and Base)	M Luis - Contract Bid Amount	M Luis - Unit Price Per Ton	Flanigan - Contract Bid Amount	Flanigan - Unit Price Per Ton	Awarded to :
TR15011	4/1/2015	11700	\$3,542,186.50	\$302.75	\$2,608,485.50	\$222.95	TBD
TR15012	4/8/2015	6790	\$2,075,776.70	\$305.71	\$2,138,292.00	\$314.92	TBD
TR15013	4/17/2015	5970	\$2,972,571.00	\$497.92	\$1,988,807.00	\$333.13	TBD
TR15014	4/22/2015	7900	\$2,363,000.00	\$299.11	\$2,549,778.85	\$322.76	TBD
TR14005	10/23/2013	8008	\$1,867,821.89	\$233.24	\$2,114,913.82	\$264.10	M Luis
TR14006	5/1/2013	5870	\$1,893,674.00	\$322.60	\$1,959,886.65	\$333.88	M Luis
TR14008	10/23/2013	7418	\$1,578,499.86	\$212.79	\$1,692,856.50	\$228.21	M Luis
TR11301	6/30/2011	9704	\$2,043,094.97	\$210.54	\$2,469,935.76	\$254.53	M Luis
TR12302	4/18/2012	13195	\$3,137,658.51	\$237.79	\$3,276,737.37	\$248.33	M Luis
TR13006	5/1/2013	2750	\$1,841,000.00	\$669.45	\$1,887,953.50	\$686.53	M Luis
TR13304	6/26/2013	9567	\$2,819,492.78	\$294.71	\$3,329,906.59	\$348.06	M Luis
TR13306	6/26/2013	8783	\$3,047,000.00	\$346.92	\$3,436,771.32	\$391.30	M Luis

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSDepartment of Transportation - cont'd

5. TR 15013, Resurfacing
Highways at Various
Locations, SW Sector III

REJECTION - On April 15, 2015, the Board opened two bids for TR 15013. These bids ranged from a low of \$1,988,807.70 to a high of \$2,972,571.50. While the Department feels that acceptance of this bid would be in the best interest of the City from a pricing and operational standpoint, and our experience with the vendor has clearly reflected that a minor typographic error was made without impacting the total amounts committed for each sub-contractor, subsequent review of the bid documents by the Minority & Women's Business Opportunity Office resulted in their determination that the low bidder to be considered noncompliant. Upon moving to the second bidder, it was found that they exceeded the Engineer's Estimate beyond the capacity of the Department's budget. The Department of Transportation has explored options for awarding the contract, but finds no options available to us to proceed with award. Although we do not believe that this is in the best interest of the City given the schedule and potential budget impacts created by an obvious typographical error, the Department of Transportation has identified no options except to reject all bids, and therefore requests your Honorable Board's permission to re-advertise this project.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - cont'd

A PROTEST WAS RECEIVED FROM GALLAGHER EVELIUS & JONES LLP ON BEHALF OF P. FLANIGAN & SONS, INC.

President: "The third item on the non-routine agenda can be found on Page 85 item 5, Recommendation for Contract Rejection, Department of Transportation, Contract TR 15013, Resurfacing Highways at Various Locations, Southwest Sector III. Will the parties please come forward?"

Mr. Paul S. Caiola: "Good morning."

President: "Good morning."

Mr. Caiola: "Honorable President, members of the Board."

President: "You can come up."

Mr. Caiola: "My name is Paul Caiola, from Gallagher Evelius & Jones. I represent P. Flanigan & Sons in connection with protest. Ah -- Flanigan was the lowest responsible and responsive bidder coming it's -- bid was about a million dollars lower than the other bid on this project. The reason for the rejection was a determination of non-compliance by MWBOO, um -- that was based on a -- what we view as a minor irregularity in the bid."

1970

BOARD OF ESTIMATES

06/10/2015

MINUTES

Um -- to be clear, the Part D, the Affidavit Commitment by Flanigan to -- use to meet its goals was not found to be an error. Ah -- Flanigan committed to meeting the 7% WBE goal on this project. The issue that MWBOO flagged was that on one of the Part B forms that was filled out um -- with respect to one of the sub-contractors, the percentage was listed correctly as 6% but the math didn't work out. The number listed on that same form was \$12,000.00 rather than \$120,000.00. As part of our bid submission, we put in an affidavit from Jill Keifer who is the person at Flanigan who actually filled out the forms. We submitted the internal document which showed that the number should have been \$120,000.00, and it was merely a typo -- and then I wanted to point out one other I think important point -- if you look at and this is in our submission, if you look at um -- one of the exhibits to Ms. Keifer's affidavit is that the completed Form B with respect to River Transport, it's the ninth page of our affidavit, and if you look at the actual language, you will see that there's a sub-contract dollar amount as \$12,000.00, and the sub-contract percentage of 6%. Six percent of this bid would have been \$120,000.00 and that was a typo.

MINUTES

But if you look at the actual language below, it says the undersigned prime contractor sub-contractor agreed to enter into a contract for the service indicated above for the dollar amount or the percentage indicated to meet the MBE/WBE participation goal. So the point is, is all that this form represents is a commitment to enter into a contract for either the amount listed as the dollar amount or the participation goal percentage. In this case, the participation goal percentage goal is correct and then it says to enable the contractor to meet the objective in the goal. In this case, six percent would allow the contractor to meet the goal, from our perspective the City Code allows for to the extent that there is a error on this Form B, it allows for the waiver of the error and for the correction post award and we would ask that the Board of Estimates award this contract to P. Flanigan and Sons, and allow them to correct this error and enter into a contract with this sub-contractor for \$120,000.00 which is 6% of its bid."

Mr. Johnson: "Mr. Chair, members of the Board, the Department of Transportation um -- did submit the recommendation to reject this bid. When we reviewed the bid, we too, felt like it was obvious that this was a typographical error and in four other locations in the bid it was very clear that it was simply a typographical error."

MINUTES

However, we didn't feel that we could recommend the contract being awarded in conflict with MWBOO's determination that there was that this error amounted to a non-compliant a non-confirming bid. The next lowest bid I believe is a million dollars and we if we -- except for this error we would be recommending award of this contract."

President: "Well um I'd like to motion -- I'd like to make a Motion that we um -- award this contract to P. Flanigan and Sons, um -- simply because this seems like an honest error to me as well, and knowing that Mr. Flanigan actually hires people who live in the City of Baltimore. Most of his employees um - that I know live in the City of Baltimore and I can support a company that is a local company and that actually employ people who live here and it seems like an honest mistake, Madam Mayor to me."

Mayor: "I'll Second it."

President: "Okay. All in favor, AYE. All opposed. Motion carries. Thank you."

Mr. Caiola: "Can we remain here since I believe the next item is ours as well?"

President: "Yes."

* * * * *

June 1, 2015

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

Re: BID PROTEST – Project: TR15013 – Resurfacing Highways at Various
Locations – Southwest Sector III

Dear Honorable President and Members of the Board of Estimates:

On May 27, 2015 the Board of Estimates (Board) deferred the rejection of contract TR 15013, Resurfacing Highways at Various Locations, SW Sector III. The Board proposed rejection of the two lowest bids for this contract, for different reasons. P. Flanigan & Sons, Inc. ("Flanigan") submitted the lowest bid in the amount of \$1,988,807.70. The Board proposed to reject the Flanigan bid because the Minority & Women's Business Opportunity Office (MWBOO) had determined the bid was out of compliance with minority and women's targets. The Board proposed to reject the second lowest bid submitted by M. Luis in the amount of \$2,972,571.50 because that bid exceeded the Engineer's estimate and was beyond the capacity of the Department's budget.

This letter serves as Flanigan's official protest of the Board's decision to reject Flanigan's bid. Flanigan requests that the Board excuse the typographical error in its bid as a minor irregularity, just as the Board did *two weeks ago* when it awarded contract ER4069 (Basin Inserts Phase 2) to United Storm Water, Inc. despite MWBOO's determination of non-compliance. As explained below, Flanigan can establish unequivocally that it intended to utilize a total WBE participation level of 7% of the contract amount, or \$139,300. Flanigan correctly described this amount in its MBE/WBE Participation Affidavit (Part D). While it is true that Flanigan misstated one number from its participation subtotals on the Prime Contractor's Statement of Intent (Part B), this error constituted nothing more than a transcription error from an internal form. The Board has authority to allow for correction of this typographical error through conciliation under Article 5, Subtitle 28-87 of the Baltimore City Code. On these grounds, Flanigan requests that it be awarded Contract TR15013 as the lowest responsive and responsible bidder.

GALLAGHER
EVELIUS & JONES LLP

ATTORNEYS AT LAW

Clerk, Board of Estimates

June 1, 2015

Page 2

Background

Flanigan submitted its bid for TR15013 on April 15, 2015. The estimator assigned to TR15013 was Jim Coudon. Affidavit of Jill Keifer ("Keifer Aff."), attached as Exhibit 1, ¶4. On the morning of April 15, before Flanigan submitted its bid for TR15013, Mr. Coudon delivered to Jill Keifer, Flanigan's Contract Administrator, a completed internal worksheet titled "City Project MBE/WBE Detail for Submittal" with respect to TR15013 ("MBE/WBE Detail"). Keifer Aff., ¶4. A true and correct copy of the MBE/WBE Detail that was provided to me on the morning of April 15 is attached as Exhibit A to Ms. Keifer's Affidavit. The MBE/WBE Detail is the source document Flanigan used to complete the MBE/WBE participation numbers in its bid documents. Keifer Aff., ¶4.

The MBE/WBE Detail listed the total WBE participation as \$139,300, or 7% of the contract amount, as follows:

<u>WBE Name</u>	<u>Amount</u>	<u>%</u>
River Trucking	\$120,000.00	6.0%
Fallsway	\$ 8,000.00	0.4%
William T. King	\$ 2,000.00	0.1%
B&J Sweeping	\$ 9,300.00	0.5%
<i>Subtotal</i>	\$139,300.00	7.0%

Keifer Aff., ¶5 and Exhibit A. Ms. Keifer correctly transcribed the subtotal for WBE participation on the MBE/WBE Participation Affidavit (Part D). Keifer Aff., ¶6. A true and correct copy of the MBE/WBE Participation Affidavit (Part D) is attached as Exhibit B to Ms. Keifer's Affidavit. Ms. Keifer also correctly typed the percentages from the MBE/WBE Detail onto the Prime Contractor's Statement of Intent (Part B). Keifer Aff., ¶7. When transcribing the participation amounts from the MBE/WBE Detail onto the Prime Contractor's Statement of Intent (Part B), however, I incorrectly typed the \$120,000 for River Trucking's participation as \$12,000, leaving out a zero. Keifer Aff., ¶8. This error was inadvertent. Flanigan always intended to utilize \$120,000 of River Trucking's services, and never intended to utilize only \$12,000. Id.

Flanigan received a letter dated May 7, 2015 from the Department of Transportation Contract Administration / Civil Rights Division Chief Laetitia Griffin regarding the Minority and Women's Business Opportunity Office's (MWBOO) compliance review decision on TR15013. MWBOO's compliance review concluded that

GALLAGHER
EVELIUS & JONES LLP
ATTORNEYS AT LAW

Clerk, Board of Estimates
June 1, 2015
Page 3

Flanigan did not achieve the WBE goal of 7% and thus did not comply with Article 5, Subtitle 28 of the Baltimore City Code. A copy of MWBOO's letter is attached as Exhibit 2. In reaching its decision, however, MWBOO incorrectly concluded that the dollar amounts on Part B (rather than the percentages on Part B or total participation listed on Part D) represented Flanigan's intended WBE participation.

Based on MWBOO's finding of non-compliance, the Department of Transportation recommended rejection of Flanigan's bid.

On October 30, 2013 the Board ruled in favor of Highlander Contracting Company, LLC (Highlander) after Highland submitted a protest on contract TR-14009 (Conduit System Reconstruction at Various Locations Citywide). In that case, Highlander had the lowest bid, but MWBOO recommended award to the second lowest bidder after determining that Highlander's bid was irregular due to an error on Part B: MBE/WBE and Prime Contractor's Statement of Intent. Highlander included the participation written as a percentage but did not include the dollar amounts. Highlander's Part C, MBE/WBE Participation Affidavit, was accurate and included all required information. Per the minutes from this meeting the President of the Board stated:

Well, my, my problem with this is if the percentages equals to what's on Page "C", that was the intent of the uh, you know, the bidder.

The City Solicitor then made a motion to grant the bid protest, which received a second, and then a vote in favor. A copy of certain documents related to that case is attached as Exhibit 3.

Two weeks ago, On May 13, 2015, the Board awarded contract ER4069 (Basin Inserts Phase 2) to United Storm Water Inc. ("United") as part of its routine agenda, despite that MWBOO found United's bid non-compliant with WBE/MBE participation targets. In that case, the Board's Agenda described the issue as follows:

Bidder did not include dollar amount on the Statement of Intent form for Road Safety, LLC (WBE). The contract is NOT a Requirements contract therefore the dollar amount is required.

A copy of the relevant page from the Agenda is attached as Exhibit 4. The Agenda continued:

GALLAGHER
EVELIUS & JONES LLP
ATTORNEYS AT LAW

Clerk, Board of Estimates
June 1, 2015
Page 4

The sole bidder, United Storm Water, Inc. was found to be non-compliant by MWBOO, however, the agency recommends award to the contractor who will be required to come into compliance with the MBE/WBE Program within ten days of the award.

Id.

Argument

Article 5, Subtitle 28-14(b) of the Baltimore City Code permits the Board, at its discretion, to “waive minor defects and errors in a bidder’s MBE or WBE submission.” In addition, Article 5, Subtitle 28-87 of the Baltimore City Code allows for resolution of MBE/WBE noncompliance through conciliation prior to any sanctions being imposed under Article 5, Subtitle 28-96. One such sanction is “refusal to accept a bid.” See Art. 5, Subt. 28-96(4). Just two weeks ago, the City permitted United to correct its non-compliance within ten days after award. In that case, like here, the intent of the contractor to meet the MBE/WBE target presumably was clear from the WBE/MBE Participation Affidavit (Part D), so the Agency and Board awarded the contract to United and permitted a post-award correction of the error on the Statement of Intent (Part B) (in that case, failure to include dollar amount).

There is no just basis for awarding United its contract and permitting it to correct its non-compliance post award, while only two weeks later determining that Flanigan’s similar non-compliance was fatal to its bid. It is plain that Flanigan merely committed a typographical error and always intended to type \$120,000.00 for River Trucking, which equates to 6.0% of the contract total and, together with the other WBE contractors associated with Flanigan’s bid, would allow Flanigan to satisfy the 7% WBE target for this contract. The internal, source document used to complete the Flanigan bid – the MBE/WBE Detail – confirms this fact. This is also clear based on other parts of the bid, including the Part D affidavit that is signed and notarized and committed Flanigan to a total WBE participation amount of \$139,300.00 (7% of the total contract amount), and Flanigan’s use of the correct percentages on Part B. Under these circumstances, the typographical error included on Part B should not prevent award of the contract to Flanigan.

In United, the Board established a precedent that it considers minor a typographical infraction in which the contractor’s intent to meet the MBE/WBE targets was clear. This precedent should be applied consistently across all City agencies. Applied here, the precedent would allow approval of Flanigan’s bid and correction of

GALLAGHER
EVELIUS & JONES LLP
ATTORNEYS AT LAW

Clerk, Board of Estimates

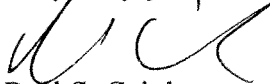
June 1, 2015

Page 5

Flanigan's minor non-compliance after award of contract. No purpose is served in refusing to waive minor defects, particularly where, as here, a contractor's intent is clear. The alternative would be inconsistent application of procurement standards, and a loss of the public's trust in the procurement system.

The infraction committed on Flanigan's bid form is a minor irregularity that has no substantive impact on the bid, and has not given Flanigan an advantage over other perspective bidders. For these reasons, Flanigan respectfully requests that contract TR15013 be awarded to Flanigan.

Very truly yours,



Paul S. Caiola

Enclosures

cc: Pierce Flanigan, IV
Thomas Williams

EXHIBIT 1

AFFIDAVIT OF JILL KEIFER
IN SUPPORT OF BID PROTEST

I, Jill Keifer, hereby declare and affirm as follows:

1. I am the Contract Administrator of P. Flanigan & Sons, Inc. ("Flanigan"). I am over 21 years of age and am competent to testify to the matters set forth in this Affidavit.

2. The matters set forth in this Affidavit are based upon my own personal knowledge.

3. One of my job responsibilities includes closing out, assembling, and submitting final bid packages on the day they are due. I performed these responsibilities with respect to TR15013 on April 15, 2015.

4. The estimator assigned to TR15013 was Jim Coudon. On the morning of April 15, 2015, before we submitted the bid for TR5013, Mr. Coudon delivered to me a completed internal worksheet titled "City Project MBE/WBE Detail for Submittal" with respect to TR15013 ("MBE/WBE Detail"). A true and correct copy of the MBE/WBE Detail that was provided to me on the morning of April 15, 2015 is attached as Exhibit A. The MBE/WBE Detail is the source document Flanigan used to complete the MBE/WBE participation numbers in its bid documents.

5. The MBE/WBE Detail listed the total WBE participation as \$139,300, or 7% of the contract amount, as follows:

<u>WBE Name</u>	<u>Amount</u>	<u>%</u>
River Trucking	\$120,000.00	6.0%
Fallsway	\$ 8,000.00	0.4%

William T. King	\$ 2,000.00	0.1%
B&J Sweeping	\$ 9,300.00	0.5%
Subtotal	\$139,300.00	7.0%

6. I correctly transcribed the subtotal for WBE participation on the MBE/WBE Participation Affidavit (Part D). A true and correct copy of the MBE/WBE Participation Affidavit (Part D) is attached as Exhibit B.

7. I also correctly typed the percentages from the MBE/WBE Detail onto the Prime Contractor's Statement of Intent (Part B).

8. When transcribing the participation amounts from the MBE/WBE Detail onto the Prime Contractor's Statement of Intent (Part B), however, I incorrectly typed the \$120,000 for River Trucking's participation as \$12,000, leaving out a zero. This error was inadvertent. Flanigan always intended to utilize \$120,000 of River Trucking's services, and never intended to utilize only \$12,000.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing Affidavit are true.

Dated: June 1, 2015

Jill Keifer
Jill Keifer

EXHIBIT A

WBE Name	Prequal No.	Exp Date	Amount	%	Work Description	Notes/Comments
River Trucking			\$ 120,000.00	6.0%	Trucking	
Falloway			\$ 8,000.00	0.4%	Trucking	
William T. King			\$ 2,000.00	0.1%	Landscaping	
B & J Sweeping			\$ 9,300.00	0.5%	Sweeping	
			\$ -	0.0%		
				0.0%		
				0.0%		
Subtotal:			\$ 139,300.00	7.0%		

EXHIBIT B

PART D: 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 20% and the WBE goal of 7% for this contract. Contractor has achieved the following participation:

MBE-\$ 397,900.00 or 20.01 % and WBE-\$ 139,300.00 or 7.0 %

of the total contract amount which is \$ 1,988,807.70.

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 (2014 Edition). I understand that these documents must be submitted prior to the issuance of a notice to proceed.

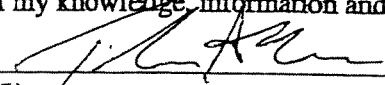
I understand that, if awarded the contract, my firm must submit to the MWBOO canceled checks and any other documentation and reports required by MWBOO verifying payments to the MBE and WBE firms utilized on the contract.

I understand that, if 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.

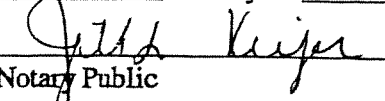
I understand that, if awarded this contract, authorized representatives of the City of Baltimore may examine, from time to time, the books, records and files of my firm to the extent that such material is relevant to a determination of whether my firm is complying with the MBE and WBE participation requirements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

P. Flanigan & Sons, Incorporated
Contractor Company Name
2444 Loch Raven Road, Baltimore, MD 21218
Address


Signature
Thomas A. Williams, Director of Estimating
Print Name and Title

Sworn and subscribed before me this 15th day of April, in the year 2015.


Notary Public

B-7

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

**COMPLETE A SEPARATE FORM FOR EACH MBE AND WBE
NAMED IN THIS BID.**

(Make additional copies of this form as needed)

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

Name of Prime Contractor: P. Flanigan & Sons, Incorporated

Name of MBE or WBE (circle one): Priority Construction Corporation 01-003989

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

Concrete Work and Water/Sewer Related Structure Construction

Materials/Supplies to be furnished by MBE or WBE:

Subcontract Dollar Amount: \$ 387,900.00 (If this is a requirements contract, the subcontract dollar amount may be omitted; however, the subcontract percentage must be included.)

Subcontract percentage of total contract: 19.50 %

(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.

Thomas A. Williams
Signature of Prime Contractor (REQUIRED)
Thomas A. Williams, Director of Estimating

Date

4/15/2015

Pedro J. Ponce
Signature of MBE or WBE (REQUIRED)
Pedro J. Ponce, President

Date

04/09/2015

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, 3a and 3f**

Name of Prime Contractor: P. Flanigan & Sons, Incorporated

Name of MBE or WBE (circle one): Powell's Trucking Company, Incorporated 09-005337

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

Hauling

Materials/Supplies to be furnished by MBE or WBE:

Subcontract Dollar Amount: \$ 10,000.00 (If this is a requirements contract, the subcontract dollar amount may be omitted; however, the subcontract percentage must be included.)

Subcontract percentage of total contract: .51 %

(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

4/15/2015

Thomas A. Williams, Director of Estimating

Signature of MBE or WBE (REQUIRED)

Date

3/24/15

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

CONTRACT NO. TR15012

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

**COMPLETE A SEPARATE FORM FOR EACH MBE AND WBE
NAMED IN THIS BID.**

(Make additional copies of this form as needed)

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

Name of Prime Contractor: P. Flanigan & Sons, Incorporated

Name of MBE or WBE (circle one): River Transport, Incorporated 97-003267

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

Hauling

Materials/Supplies to be furnished by MBE or WBE:


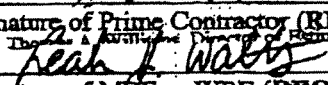
Subcontract Dollar Amount: \$ 12,000.00 (If this is a
requirements contract, the subcontract dollar amount may be omitted; however, the
subcontract percentage must be included.)

Subcontract percentage of total contract: 6.0 %

(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.

	4/15/2015
Signature of Prime Contractor (REQUIRED)	Date
	4/13/15
Signature of MBE or WBE (REQUIRED)	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, 3a and 3f**

Name of Prime Contractor: P. Flanigan & Sons, Incorporated

Name of MBE or WBE (circle one): Fallsway Construction Company, LLC 04-004548

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

Hauling

Materials/Supplies to be furnished by MBE or WBE:

Subcontract Dollar Amount: \$ 8,000.00 *(If this is a requirements contract, the subcontract dollar amount may be omitted; however, the subcontract percentage must be included.)*

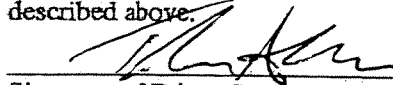
Subcontract percentage of total contract: 0.4 %

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

African American: % Asian American: %

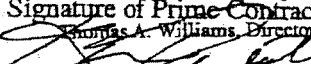
Hispanic American: % Native American: %

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

4/15/2015


Signature of MBE or WBE (REQUIRED)

Date

4/10/15

**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, 3a and 3f**

Name of Prime Contractor: P. Flanigan & Sons, Incorporated

Name of MBE or WBE (circle one): William T. King, Incorporated 90-001516

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

Landscaping

Materials/Supplies to be furnished by MBE or WBE:

Subcontract Dollar Amount: \$ 2,000.00 (If this is a requirements contract, the subcontract dollar amount may be omitted; however, the subcontract percentage must be included.)

Subcontract percentage of total contract: 0.1 %

(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.

Thomas A. Williams
Signature of Prime Contractor (REQUIRED)
Thomas A. Williams Director of Estimating

Date

4.15.2015

V.P.
Signature of MBE or WBE (REQUIRED)

Date

4/17/15

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, 3a and 3f**

Name of Prime Contractor: P. Flanigan & Sons, Incorporated

Name of MBE or WBE (circle one): B & J Sweeping & Sons, Incorporated 09-005253

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

Street Sweeping

Materials/Supplies to be furnished by MBE or WBE:

Subcontract Dollar Amount: \$ 9,300.00 (If this is a requirements contract, the subcontract dollar amount may be omitted; however, the subcontract percentage must be included.)

Subcontract percentage of total contract: 0.5 %

(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)

Thomas A. Williams, Director of Estimating

Date

4/15/2015

Signature of MBE or WBE (REQUIRED)

Date

April 9, 2015

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

EXHIBIT 2

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

May 7, 2015



DEPARTMENT OF TRANSPORTATION

WILLIAM M. JOHNSON, Director
417 E. Fayette Street, 5th Floor
Baltimore, Maryland 21202

P. Flanigan & Sons, Inc.
2444 Loch Raven Avenue
Baltimore, MD 21218

**Re: Project: TR15013 – RESURFACING HIGHWAYS AT VARIOUS LOCATIONS –
SOUTHWEST SECTOR III**

Gentlemen:

On April 28, 2015, the Department of Transportation submitted the necessary documentations for TR15013 – Resurfacing Highways @ Various Locations Southwest Sector II to the Minority and Women's Business Opportunity Office (MWBOO) for compliance review.

As of April 7, 2015, the Minority and Women's Business Opportunity Office (MWBOO) found your bid submission to be non-compliant for the reason that you did not achieve the WBE goal. The WBE firms' total of \$31,300.00 is only 1.6% and the contract goal is 7%. Bid must include a commitment to utilize MBEs and WBEs at a percentage that equals or exceeds the contract goals. The Department of Transportation does not recommend contract awards to firms whose bids do not comply with Article 5, Subtitle 28 of the Baltimore City Code.

If you require further clarification of this decision, please contact the Department of Transportation, Contract Administration/Civil Rights Division at (410) 396-6816. As courtesy, your firm will be contacted prior to the recommendation to award this contract.

Very truly yours,

Lactitia Griffin, Chief
Contract Administration/Civil Rights Division
Department of Transportation

Cc: Bimal Devkota
Kirkland Gabriel

**MINORITY AND WOMEN'S BUSINESS OPPORTUNITY OFFICE
MBE AND WBE PARTICIPATION COMPLIANCE REVIEW**

To (Agency): Department of Transportation

Contract Number: TR 15013 – Resurfacing Highways at Various Locations, Southwest,
Sector - III

MBE Goal: 20%

WBE Goal: 7%

Contractor: P. Flanigan & Sons, Inc.

Total Contract Amount: \$1,988,807.70

MBE/WBE Firms	Dollar Amount	Percentage
MBE: Priority Construction Corp.	\$387,900.00	19.5%
Powell's Trucking Company	\$10,000.00	0.5%
Total	\$397,900.00	20.0%
WBE: River Transport, Inc.	\$12,000.00	0.6%
Fallsway Construction Company, LLC.	\$8,000.00	0.4%
William T. King, Inc.	\$2,000.00	0.1%
B&J Sweeping & Sons, Inc.	\$9,300.00	0.5%
Total	\$31,300.00	1.6%

☐ Compliant

☒ Non-Compliant

Comments:

Bidder did not achieve the WBE goal. BATP Submitted.

Analyst

5/7/15
Date

Chief, MWBOO

5/7/15
Date

EXHIBIT 3

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS****TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
50,972.25	-----	9950-905448-9504-2
<u>\$1,223,334.00</u>		Contingencies -
		Reconstruction of
		Alleys City Wide

This transfer will funds costs associated with Award of TR 14004, Reconstruction of Alleys Citywide to Santos Construction Co., Inc.

Department of Transportation

7. TR 14009, Conduit Allied Contractors, Inc. \$2,738,351.00
System Reconstruc-
tion at Various
Locations Citywide

MBE: JM Murphy Enter- \$329,000.00 12.01%
prises, Inc.

WBE: Sunrise Safety \$ 55,000.00 2.01%
Services, Inc.

MWBOO FOUND VENDOR IN COMPLIANCE.

8. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$3,000,000.00	9962-941002-9563	
Others	Constr. Reserve	
	Conduit Replace-	
	ment Program	
\$2,738,351.00	-----	9962-909063-9562-6
		Struc. & Improv.

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS****TRANSFER OF FUNDS**Dept. of Transportation - cont'd

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
136,917.55	-----	9962-909063-9562-5 Inspection
124,731.45	-----	9962-909063-9562-2
<u>\$3,000,000.00</u>		Contingencies - Conduit System Reconstruction at Various Locations, Citywide JOC

This transfer will fund costs associated with Award of TR 14009, Conduit System Reconstruction at Various Locations Citywide to Allied Contractors, Inc.

A PROTEST WAS RECEIVED FROM HIGHLANDER CONTRACTING CO., LLC.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

* * * * *

On the recommendations of the City agencies

hereinafter named, the Board,

UPON MOTION duly made and seconded,

awarded the formally advertised contracts

listed on the following pages:

4401 - 4418

to the low bidders meeting the specifications,

and rejected the bid as indicated

for the reasons stated.

The Transfers of Funds were approved

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having reported favorably

thereon, as required by the provisions

of the City Charter.

The Board further DEFERRED item no. twelve for one week.

HJM HARRIS JONES & MALONE, LLC

2423 MARYLAND AVENUE
SUITE 100
BALTIMORE, MARYLAND 21218

LISA HARRIS JONES
DIRECT DIAL: (410) 366-1500
FAX NUMBER: (410) 366-1501
lisa.jones@mdlobbyist.com

October 7, 2013

VIA HAND DELIVERY

Ms. Harriet Taylor, Deputy Comptroller Secretary
Baltimore City Board of Estimates
City Hall
100 N. Holliday Street, Suite 204
Baltimore, Maryland 21202

RE: **HIGHLANDER CONTRACTING COMPANY, LLC /BID
PROTEST/TR-14009**

To the Honorable President and Members:

This Firm represents Highlander Contracting Company, LLC ("Highlander"), and the responsible firm that submitted the lowest responsive bid for the above referenced procurement (the Contract"). The City Department of Transportation (the "Department") has informed Highlander that its bid for the Contract has been determined to be non-responsive because the M/WBE participation statements (Part B's) submitted by Highlander set forth the percentages of MBE and WBE participation, but failed to set forth the actual dollar amounts of the MBE and WBE subcontracts represented by those percentages. (Please see Exhibits 1 and 2). For the reasons stated below we hereby protest award of the Contract to any bidder other than Highlander.

The Department's determination regarding the responsiveness of Highlander's bid is simply wrong. The MBE and WBE identified in Highlander's Part B's are certified by the City to perform the respective services described therein. The Part B's are properly executed by Highlander and the WBE and MBE subcontractor. In addition, Highlander submitted its M/WBE Participation Affidavit (Part C), which not only states the percentages, but also states the bid amount and the amount of each MBE and WBE subcontract. (Exhibit 3). Accordingly, even if Highlander's omission of the dollar amounts from the Part B's was error, it is but a minor irregularity inasmuch as Part C provided the missing calculations. Even had there been no Part C, Highlander's "error" would have been no different than that of a bidder that failed to total its line items on a bid tabulation sheet. Such bids are not thrown out as non-responsive; rather, the City simply does the math and awards the contract to the low bidder. Because Highlander submitted the required M/EBE Participation Affidavit, Part C, the City did not have to perform that task.

To the Honorable President and Members

October 7, 2013

Page 2 of 2

Finally, although not formally designated as such, the Contract is a requirements contract; the contractor must perform an unspecified quantity of work during the Contract term.¹ Bidders are told that quantities provided are estimates, for bidding purposes only, as the actual quantities may be increased or decreased by the project engineer. The language in Part B provides that "If this is a requirements contract, the subcontract amount may be omitted; however, the subcontract percentage amount must be included." This is precisely what Highlander did.

For the foregoing reasons we urge your Honorable Board to award the Contract to the responsible bidder that submitted the lowest responsive bid, Highlander.

Very truly yours


Robert Fulton Dashiell

¹ A requirements contract is a contract between a supplier or manufacturer and a buyer in which the buyer agrees to purchase all actual needs of specific property or service during a specified period from a particular supplier. The supplier agrees, in turn, to fill all of the purchaser's needs during the period of the contract. Section 2-306 of the Maryland Code Commercial Law Article states:

§ 2-306. Output, requirements and exclusive dealings

(1) A term which measures the quantity by the output of the seller or the requirements of the buyer means such actual output or requirements as may occur in good faith, except that no quantity unreasonably disproportionate to any stated estimate or in the absence of a stated estimate to any normal or otherwise comparable prior output or requirements may be tendered or demanded.

(2) A lawful agreement by either the seller or the buyer for exclusive dealing in the kind of goods concerned imposes unless otherwise agreed an obligation by the seller to use best efforts to supply the goods and by the buyer to use best efforts to promote their sale.

CONTRACT NO. TR14009

**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: HIGHLANDER CONTRACTING COMPANY LLC

Name of MBE or WBE: MACHADO CONSTRUCTION COMPANY

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

CONCRETE ITEMS 301, 302, 401, 505, 506, 507, 508, 509, 601, 602, 603, 605

ASPHALT ITEMS 503, 504 NOT 106

Materials/Supplies to be furnished by MBE or WBE:

RED MIX CONCRETE

Subcontract Amount: \$ 12% (If this is a requirements
contract, the subcontract amount may be omitted; however, the subcontract percentage
must be included.)

Subcontract percentage of total contract: 12 %

**(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

9/3/13



Signature of MBE or WBE (REQUIRED)

Date

9/3/2013

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: HIGHLANDER CONTRACTING COMPANY LLC
Name of MBE or WBE: CUDDY ASSOCIATES LLC CURT # 13-358350

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

ITEMS 801, 802, 803, 804, 809, 810

Materials/Supplies to be furnished by MBE or WBE:

NONE

Subcontract Amount: \$ 2% (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]
Signature of Prime Contractor (REQUIRED)

9/3/13
Date

Pamela L. Cuddy
Signature of MBE or WBE (REQUIRED)

9/3/13
Date

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

PART C: 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 12% and the WBE goal of 2% for the contract shown at the top of this page. Contractor has achieved the following participation:

MBE-\$ 318,173.40 or 12 % and WBE-\$ 53,028.90 or 2 % of the total contract amount which is \$ 2,651,455.00.

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.

HIGHLANDER CONTRACTING COMPANY LLC

Contractor Company Name

6247 FALLS ROAD BLDG H

Address BALTIMORE, MD 21209

Signature

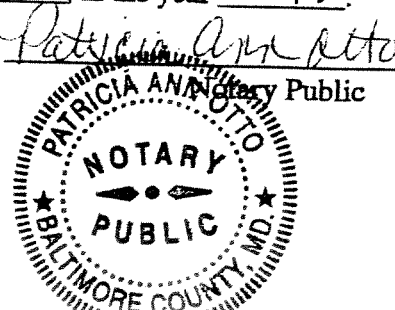
SEAN CURRIS PRESIDENT

Print Name and Title

Sworn and subscribed before me this 4 day of SEPTEMBER, in the year 2013.

B-6

143



200 North Holliday Street, first floor
Baltimore, Maryland 21202
(Phone: 410-396-4508)

The Contractor shall be responsible for applying for any permits that may be required sufficiently in advance of the scheduled construction operations in order that the progress of the work is not delayed. The obtaining of the required permits in a timely fashion shall be the Contractor's responsibility.

Materials and equipment that cannot be stored within the Project limits shall be removed and stored at an off-site location as approved by the Engineer.

The Contractor shall protect all existing buildings, utilities, fire hydrants and other property in and adjacent to the Project site. No property may be cut, marked or defaced.

01 26 34 ENGINEER MAY INCREASE OR DECREASE QUANTITIES

DELETE paragraph B in its entirety.

E. VARIATION IN BIDS

The Contractors shall be aware the quantities provided are estimated and may be increased, Decreased, or eliminated entirely. Items may be included in the proposal for the sole purpose of providing for either an increase or decrease in lump sum items where specifically indicated in the Construction Detail/Specifications.

The Contractor shall anticipate variations in quantities and have no basis for renegotiation or adjustment to the contract unit price bid.

01 29 77 PAYMENTS MAY BE WITHHELD

SUPPLEMENT with the following:

The assigned Project Engineer or his designated representative will inspect the Maintenance of Traffic on a routine basis. Any deficiencies that are noted will be brought to the Prime Contractor's attention for correction.

If any of the deficiencies are not corrected within twelve (12) hours from the documented notice being given to the Contractor, an appropriate deduction will be made from the Contractor's next Progress Estimate. The deduction will be equal to the daily pro rata share of the lump sum price bid for Maintenance of Traffic, which is determined by the lump sum price bid for Maintenance of Traffic divided by the number of days in the contract, or \$ 450.00 per day, whichever is more, for each day or portion thereof that the deficiencies exist and will continue until the deficiencies are satisfactorily corrected and accepted by the Project Engineer. The amount of money deducted will be a permanent deduction from the Contract and will not be recoverable. Upon satisfactory correction of the deficiencies, payment of the Maintenance of Traffic lump sum item will resume.

MINUTES

President: "The first item on the non-routine agenda can be found on Page 40, Recommendations for Contract Awards and Rejections, Items 7 and 8. Will the parties please come forward? Is anybody here from Highlander uh -- Contracting Company? Okay, come on up. I said -- okay"

Mr. John Grundy: "Good morning John Grundy with Highlander."

Mr. Thomas B. Corey: "Good morning, Mr. President, members of the Board. Thomas Corey, Chief of Minority and Women's Business Opportunity Office. We're here on a contract that's being um, asked to be awarded to Allied Contractors. We found Highlander Contractors Construction Company non-compliant because they failed to complete Part "B" of the MBE package correctly. Um, on that form it is required that you put the dollar amount to be paid to the "sub" um -- and they did not include that on this -- on that page. We have, in the past, and this Board has consistently ruled in favor of the office, that this page must be filled out correctly in order for the bidder to be considered compliant with MBE/WBE requirements."

Mr. Grundy: "Uh -- My attorney was supposed to be here --"

President: "State your name."

MINUTES

Mr. Grundy: "Uh -- John Grundy with Highlander. Uh -- I'm not prepared because my attorney was supposed to be here. So, I'm not sure what happened, uh -- but we had filled out the paper and there was a procedural error about the percentage uh -- on the form instead of the actual dollar amount, and we met, we're compliant with our minority participation. So, that's what our basis was, was a procedural error and not a um, affirmative error."

Mr. Corey: "It is a material defect if you do not put the dollar amount on uh -- what we call a "lump sum" contract. This is not a requirements contract. On a requirements contract you can just state the percentage and you'll be in compliance, but when we have a contract what we consider is a "lump sum" contract, you must put the dollar amount. We do not go beyond the four corners of that document to try to determine what you meant or what."

City Solicitor: "Is the MWBOO office's requirement that the dollar amount be filled out rather than just a percentage of um, fixed dollar contracts? Is that a long-standing or a recent policy or practice?"

10/30/2013

BOARD OF ESTIMATES

MINUTES

Mr. Corey: "It is a long-standing practice for as long as I've been here, which is 10 or 12 years at least uh -- that the dollar amount must be um, put on this page."

Comptroller: "Mr. Corey, what's the difference between the two prices?"

Mr. Corey: "Uh, between the two --."

Comptroller: "Yes."

Mr. Corey: "I think it's about \$80,000.00."

Comptroller: "Okay, Three percent, okay."

President: "Anything further?"

Mr. Grundy: "Yes, part of the, from our standpoint, the project was a routine maintenance contract and we viewed it as a requirements contract because of the unspecified locations."

Mr. Robert F. Dashiell, Esq.: "Good morning, your lawyer's here. Good morning Mr. President, Mayor and everyone else. My name is Robert Dashiell. I represent Highlander, the low bidder, the low and responsible responsive bidder. To me, as you see in the letter of protest, this, this Board is on, what I would ordinarily call "a no-brainer" and the reason is this: Highlander indicated within the four corners of its bid, the

MINUTES

amount of its minority participation, and if anybody had any doubt about the actual dollar amount, all you had to do was look as you do in any case where a math issue is the question is multiply the percentage times the dollar amount of the bid; all of which is within the document. It is really not a big deal. Furthermore, the actual amount was indicated under oath in Part "C". So, you have the actual dollar amount of the bid, we have the actual dollar amount of the minority participation, all of it certified to under oath in the bid. No question about it. I mean, if a bidder submits a bid tab -- a bid itemization and they don't add it up, you don't throw the bid out. You add it up and you come up with the total and determine what the bid is. That's all it needed here. With respect to the issue as to whether or not it's a requirements contract, which frankly if this isn't, I don't know what a requirements contract is; and that is a question of law by the way, it's not a question for the engineer in my opinion. A requirements contract is where you have an unspecified quantity to be provided by the vendor to the owner during the period of contract period -- during the contract time. That's all this is. This is not a contract to

BOARD OF ESTIMATES

MINUTES

build a building. It's a maintenance agreement. All maintenance agreements are requirements contracts by definition, because you don't know how much maintenance is required. The only reason you put quantities in the bid is so you can come up with the unit price and compare the bids. But they're all requirements contracts, I don't care what you call them. I mean, this is really. I hate -- this is really um -- not, if there's any situation where the deficiency of the bidder was considered a minor irregularity, this is really it in my, in my, in my humble opinion. Thank you."

City Solicitor: "Could you address the two points?"

Mr. Corey: "Yes, um. One, it is not a minor irregularity. It has been a long-standing practice as we said, that if you do not um -- fill in the dollar amount on what we call a fixed sum contract, it is a material defect. We do not, as a practice or policy, in my office, take this form and do the math to try to determine what the dollar amount would be."

City Solicitor: "Well, could you respond to Mr. Dashiell's point about Part "C", where he said the dollar amounts were given?"

10/30/2013

BOARD OF ESTIMATES

MINUTES

Mr. Dashiell: "The dollar amounts were given there."

Mr. Corey: "The dollar amounts were given on Part C. The Statement of Intent form Part B is what we look at um -- determine where the bidder has said that this is what would be reduced to an agreement between the prime contractor and the sub and we look at that form, and that's what must be reduced, and we do not make any assumption, we do not go beyond the four corners of that document to determine what you meant."

City Solicitor: "Why not?"

Mr. Corey: "But --."

City Solicitor: "I'm sorry, why not? Why wouldn't you -- I mean, I understand why you wouldn't go out and conduct a, a further review and call the contractor, the bidder, and do those sorts of things, but why, why would you or should you not look to specific information provided in Part C in determining whether the Part B failure was a material failure? Because I would think if that specific amounts are given in Part C and they match the percentages given in Part B, you know that would be relevant and worth knowing."

MINUTES

Mr. Corey: "Right. The experience of our, my office in the past throughout the years is that whenever someone just put the percentage amount and were awarded a contract, there's always been some sort of controversy between the prime and the sub with regards to what did that percentage amount, amounts to."

City Solicitor: "Has that ever, has that ever arisen in a situation where the specific dollar amounts were given in Part C that you can recall?"

Mr. Corey: "I don't recall whether or not it was, whether the dollar amount was given in Part C. It's just that with the prime was arguing with the sub where I didn't really need that percentage to be applicable to that particular dollar amount; and they, that type of controversy is something that we don't want to deal with. The form is very clear, it's very simple to, to complete. Fill it out properly and we do not have to make those kinds of interpretations. We are trying to eliminate the, the um, the arguments between the prime and the sub. We've, we changed this form consistently over the years to try to make it as simple, as clear and as a matter of fact as possible, and to say now that uh -- we should um -- give um -- this bidder an

MINUTES

opportunity that we didn't given anybody else is not fair. All the other bidders completed the form correctly. It's a very simple form."

President: "Let me ask you a question. Um, on Page "B", where they said they put the percentage."

Mr. Corey: "Um hmm"

President: "That percentage did it equal the amount that you found on C?"

Mr. Corey: "If you did the math, I'm sure it does".

President: "I'm just asking you a question."

Mr. Corey: "It probably does."

President: "Okay."

City Solicitor: "Uh, and would either you or Mr. Murphy like to respond to the uh, argument about the requirements contract?"

Mr. Corey: "We asked the Department of Transportation whether or not this was a requirements contract, and they emphatically said that it is not."

City Solicitor: "Could you or Mr. Murphy explain to us why it's not a requirements contract?"

Frank Murphy: "Basically because, there are quantities in the contract."

MINUTES

Comptroller: "State your name."

Mr. Murphy: "Frank Murphy, sorry, Frank Murphy, Deputy Director of Transportation. Um, from our perspective, it's a contract with quantities in it so it wouldn't and -- and Mr. Dashiell's point about the requirements contract is that you have a contract that doesn't really have, if you're buying pads of paper from Rudolph's and you don't know how many that that's going to supply over the time, then that's difficult to apply a dollar amount to, but bid items in this contract, so that there should have been no difficulty in ascertaining the value."

President: "Well, my, my problem with this is if the percentage equals to what's on Page "C", that was the intent of the uh, you know, the bidder."

Mr. Corey: "I understand. Except this is the way we've uh -- interpreted this form and made this argument consistently before the Board. It has proven to be the most effective and uh reliable way of determining what the parties are going to do with regard to reducing their agreement to their understanding to uh, to a written agreement."

MINUTES

President: "Has it ever been in, in, in your opinion, where the amount that the con - that the bidder put on C did not correspond with Page B?"

Mr. Corey: "No, I can't say that, that's ever been a case."

City Solicitor: "So we've never to, to, to your recollection, we've never been confronted with this precise situation where the dollar amount information is effectively contained in Part C albeit not in Part B?"

Mr. Corey: "I can't remember a situation like that."

City Solicitor: "Okay."

President: "I'll entertain a Motion."

City Solicitor: "I would MOVE to grant the -- I would MOVE to grant -- is there a question?"

"Your Honors". (audience member)

Mayor: "There's a Motion"

President: "I have a Motion on the floor."

City Solicitor: "I would MOVE to grant uh -- the bid protest."

President: "Is there a second? Is there a second sir?"

Director of Public Works: "Second."

President: "All those in favor, say AYE"

BOARD OF ESTIMATES

MINUTES

President: "All opposed, NAY. The Motion carries."

Unidentified audience member: "We are prepared to prove that there is no 12% participation --."

President: "We had the attorney who was representing um, -- are you the other contractor?"

Unidentified audience member: "Yes, your Honor."

President: "Oh. Well. Um, we asked everybody come up. We asked everybody to come up, you didn't come up."

Unidentified audience member: "We are. We, we didn't want to uh --"

President: "Sir, we already did the vote."

Unidentified audience member: "Sir, we have two witnesses to prove --"

* * * * *

EXHIBIT 4

AGENDA

BOARD OF ESTIMATES

05/13/2015

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Dept. of Public Works (DPW)/Office of Engineering & Construction

4. ER 4069, Basin United Storm Water, Inc. \$ 573,696.00
Inserts Phase 2

The sole bidder, United Storm Water, Inc. was found to be non-compliant by MWBOO, however, the agency recommends award to the contractor who will be required to come into compliance with the MBE/WBE Program within ten days of the award.

Dollar Amount Percentage

MBE: 0% Goal

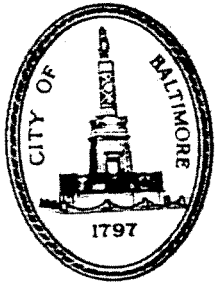
WBE: Road Safety, LLC* See below* 3%

* Bidder did not include dollar amount on the Statement of Intent form for Road Safety, LLC (WBE). The contract is NOT a Requirements contract therefore the dollar amount is required.

5. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$184,000.00	9958-904351-9526	
MVR	Constr. Reserve	
	East Stony Run	
\$ 57,370.00	-----	9958-929006-9525-2
		Extra Work
57,370.00	-----	9958-929006-9525-3
		Engineering
34,838.00	-----	9958-929006-9525-5
		Inspection
34,422.00	-----	9958-929006-9525-9
<u>\$184,000.00</u>		Administration

This transfer will cover costs of anticipated extra's for the award of ER 4069, Basin Inserts, Phase 2.



Bernard C. "Jack" Young
President,
Baltimore City Council

100 N. Holliday Street, Room 400 • Baltimore, Maryland 21202
410-396-4804 • Fax: 410-539-0647

MEMORANDUM

To: **Honorable Stephanie Rawlings-Blake, Honorable Joan M. Pratt,
Mr. George Nilson, Mr. Rudy Chow**

From: **Bernard C. "Jack" Young**

Date: **May 11, 2015**

Re: **Board of Estimates Agenda Items for May 13, 2015**

The items on the Board of Estimates Agenda for May 13, 2015 are to be assigned as follows:

ROUTINE AGENDA ITEMS: (To be acted upon collectively) 5/13/2015 9:10 AM All Items on Agenda Approved by the Board.

- P 1-2 BOARDS AND COMMISSIONS
 - 1. Prequalification of Contractors
 - 2. Prequalification of Architects and Engineers
- P 3 Office of the Labor Commissioner – Memoranda of Understanding
- P 4 Department of Real Estate – Lease Renewal
- P 5 Department of Housing and Community Development – Amendatory Agreement No. 1 to the Community Development Block Grant 40
- P 6-7 Department of Housing and Community Development – Land Disposition Agreement
- P 8-9 Department of Housing and Community Development – Land Disposition Agreement
- P 10 Department of Housing and Community Development – Land Disposition Agreement
- P 11-12 Department of Housing and Community Development – Land Disposition Agreement
- P 13-14 Department of Housing and Community Development – Community Development Block Grant Block Grant Agreement
- P 15-17 TRANSFER OF FUNDS
- P 18 Police Department – Agreement
- P 19 Police Department – Grant Award Agreement
- P 20-24 INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS
- P 25 Mayor's Office of Communications - Governmental/Charitable Solicitation Application

BOE PUBLIC SESSION

May 6, 2015

Page 2 of 2

- P 26 Mayor's Office of Communications - Governmental/Charitable Solicitation Application
- P 27-28 Mayor's Office of Minority & Women Owned Business Development – Consultant Agreements
- P 29 Mayor's Office on Criminal Justice – Grant Adjustment Notice
- P 30 Bureau of the Budget and Management Research – Appropriation Adjustment Order Grant Fund Transfer
- P 31 Department of General Services – Minor Privilege Permit Application
- P 32-33 Department of General Services – On-Call Consultant Agreement
- P 34-38 RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS
- P 39-40 CITY COUNCIL BILLS
- P 41 Department of Public Works – Grant Agreement and Right-of-Entry Agreement
- P 42 Department of Public Works – Partial Release of Retainage
- P 43-46 Health Department – Grant Agreements and Agreements
- P 47 Department of Transportation – Funding Agreement
- P 48 Department of Transportation – Employee Expense Statement
- P 49-50 Department of Transportation - On-Call Agreement
- P 51-52 Department of Transportation - On-Call Agreement
- P 53 Department of Transportation – Memorandum of Agreement
- P 54-55 Baltimore Development Corporation – Land Disposition Agreement
- P 57 Department of Planning – Grant Agreement
- P 58 Parking Authority for Baltimore City (PABC) – Amendment to Memorandum of Understanding

- P 59-60 Parking Authority for Baltimore City (PABC) – Parking Facility Rate Adjustment
- P 61-62 TRAVEL REQUESTS
- P 63 Department of Human Resources – Personnel Matter
- P 64 Mayor's Office of Employee Development (MOED) – Grant Award
- P 68-70 OPTIONS/CONDEMNATION/QUICK-TAKES
- P 71 Enoch Pratt Free Library - TRANSFER OF LIFE-TO-DATE SICK LEAVE
- P 72 TRAVEL REQUESTS
- P 74 PROPOSALS AND SPECIFICATIONS
ANNOUNCEMENT OF BIDS RECEIVED AND OPENING OF BIDS, AS
SCHEDULED

NON-ROUTINE AGENDA ITEMS: (To be acted upon individually)

- P 56 Baltimore Development Corporation (BDC) – Second Amendment to Land Disposition Agreement
- P 65 Department of Recreation and Parks – Financial Procedures Manual
- P 66-67 Department of Audits - Response to the Financial Procedures Manual submitted by the Department of Recreation and Parks

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSDepartment of Transportation - cont'd

6. TR 15008R, Urgent Need Contract Citywide **REJECTION** - On May 6, 2015, the Board opened one bid. The sole bid of \$2,659,897.50 is 51.07% over the Engineer's Estimate of \$1,760,730.00. Due to the bidder exceeding the Engineer's Estimate beyond the Department's budget capacity, the Department believes that it is in the best interest of the City to reject all bids and request the board's permission to re-advertise this project.

A PROTEST WAS RECEIVED FROM P. FLANIGAN & SONS, INC.

President: "The fourth item on the non-routine agenda can be found on Page 86, item 6. Recommendations for Contract Awards/Rejections, Department of Transportation Contract TR 15008R, Urgent Need Contract Citywide. Will the parties please come forward?"

Mr. Caiola: "Yes. Paul Caiola again, on behalf of P. Flanigan and Sons. The bid protest in this case is -- the Department found that our bid exceeded the engineer's estimate. Now, this was the same issue similar issue as was initially found with respect to Contracts TR 15012 and TR 15014, which were recommended for award a different contractor and were just voted on this morning.

1974

BOARD OF ESTIMATES

06/10/2015

MINUTES

Um -- in those cases, the estimates of the -- the engineer's estimate were lower than the contractor's bid. But, ultimately there was a determination that they were close enough I guess that the award could be made to the contractor. In this case, there's, it is an unusual circumstance because Contract 15008 was initially issued with a range of -- an appropriate bidding range of one to two million. Um -- P. Flanigan put in a bid and all of the bids were rejected because they were too high, I believe. Then there was a revision to that contract and it was re-issued. When it was re-issued, it was re-issued with a different scope of work and this is really, where our complaint comes in. Because the additional scope of work required a higher bid and we've submitted a bid again. We were the lowest bidder again. Um -- but before we submitted our bid, the Department appears to have realized that this bid included a larger scope of work, so initially when 15008 was, was, 15008R was issued the appropriate bid range was one to two million.

1975

BOARD OF ESTIMATES

06/10/2015

MINUTES

Then the City on its own initiative changed the bid range and said actually, the bid range should be between two million and three million, and if that's right, it's one of the exhibits through our bid protest is the addendum. The addendum on Page 5 of 11 states the cost classification range for this project will be from two million to three million. So, the City, included that based on the increase scope of work, the bid should be between two and three million. Flanigan's bid came in between two and three and on the Agenda, it appears the City is proposing to reject the bid based on an engineer's estimate that is \$1.7 million. So, what we believe likely occurred here is, the engineer's estimate relates to the original contract 15008 and not to the scope of work in 15008R. So, what we would like to have happen is for the City to take a look at this engineer's estimate, make sure that the unit prices are the units that are reflected on the engineers estimate are consistent with the scope of work reflected in the revised contract, not in the initial contract. We believe that based on the fact that the estimate is lower than the appropriate range as indicated by the City, that that can't be the case at this time.

MINUTES

If the City does take a look at that and adjusts the engineer's estimate to the appropriate range that which would be somewhere between two and three million, consistent with the Flanigan bid and we see ourselves being in exactly the same situation as M. Luis was with respect to 15012 and 15014. Initially, those were recommended for rejection and the City changed course because even though the engineer's estimate was lower than the bid it was close enough. In this case our bid is much higher than the estimate, but we believe the estimate must be an error, given the range."

Mr. Johnson: "Mr. Chair, members of the Board, um, as you are aware--."

City Solicitor: "Would you identify yourself just for the record. We know who you are, but the record--."

Mr. Johnson: "William Johnson, DOT Director. As you are aware, we delayed or yeah we delayed the hearing of all four contracts that are being dealt with today, and part of the reason for that delay was to allow us to take a second look at all four of those agreements and to do some research."

1977

BOARD OF ESTIMATES

06/10/2015

MINUTES

What we were able to do was to determine that um -- while all four were originally recommended for rejection, the State is also experiencing the same phenomenon that we saw on these contracts and that was the actual bid prices were coming in higher than the engineer's estimates. Now, in that research we also found that the range in which they were the percentages above which above the engineer's estimates that the State was experiencing was consistent with what we were seeing on three of the four contracts that we awarded. The fourth one which is the one that we are recommending for rejection was significantly above what we have determined to be the market. In addition, this was the only bid that we received. So, there is no way to compare it to what another bidder may have presented to say yea or nay, this is really what this project is; the value of that project really is. So, for that reason we're recommending moving forward with the rejection. If there is a consistency in that the contract that was just approved 13 for Flanigan, it was also above the engineer's estimate, but it fell within that range the same range as the other two. So, the three that we're recommending did fall within what we determined to be an adjustment in the market rate and that's how we were able to reverse and recommend award for those three.

1978

BOARD OF ESTIMATES

06/10/2015

MINUTES

But, on this fourth one, it's still well above what we determined to be market rate."

President: "Okay. I entertain a Motion."

City Solicitor: "I Move that we accept the recommendation of the Department and reject the one and only bid submitted in this instance."

Director of Public Works: "Second."

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

Mr. Caiola: "Thank you."

* * * * *



1 June 2015

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

Re: Project: TR15008R Urgent Need Contract Citywide

Dear Honorable President and Members of the Board of Estimates:

On May 6, 2015 the Board of Estimates (Board) received bids for the above referenced contract. P. Flanigan & Sons, Inc. (Flanigan) was the low bidder with a bid of \$2,659,897.50. On May 27, 2015 at the Board's meeting, the Board deferred action on this contract. The agenda for that meeting proposed rejection of this bid because Flanigan's bid of \$2,659,897.50 was 51.07% over the Engineer's Estimate of \$1,760,730.00, thus exceeding the budget capacity of the Department of Transportation.

This letter serves as Flanigan's official protest of the Board's decision to reject Flanigan's Bid. This protest is based on the certainty that the Board has arrived at this decision using false information. The "R" in this bid reflects that the bid was a re-bid of TR-15008, which was bid on December 12, 2014. The revised contract TR-15008R included several quantity increases and additional line items of work. The original cost range for TR-15008, as advertised, was \$1,000,000.00 to \$2,000,000.00. Contract TR-15008R increased this cost range in Addendum 1 to \$2,000,000.00 to \$3,000,000.00. Enclosed are the relevant pages from Addendum 1 as Exhibit A.

The Engineer's Estimate of \$1,760,730.00 published in the agenda does not fall within this range. The relevant pages of the Agenda are enclosed as Exhibit B. This estimate is below the City's own advertised cost range for TR-15008R, and most likely originated from the original TR-15008. Flanigan's bid of \$2,659,887.50 is within the revised range of \$2,000,000 to \$3,000,000. The revised Engineer's Estimate for TR-15008R, if one was developed, should be used in providing the Board with accurate information before ruling on this contract. On these grounds, Flanigan requests that it be awarded TR-15008R as the lowest responsive and responsible bidder.

Very Truly Yours

Thomas A. Williams
Director of Estimating
P. Flanigan & Sons, Inc.

Enclosures

EXHIBIT A

**CITY OF BALTIMORE
DEPARTMENT OF TRANSPORTATION
I. NOTICE OF LETTING**

Sealed Bids or Proposals for the **TR15008R, URGENT NEED CONTRACT CITYWIDE** will be received at the Office of the Comptroller, Room 204, City Hall, Baltimore, Maryland until **MAY 6, 2015** at 11:00 A.M. Board of Estimates employees will be stationed at the Security Unit Counter just inside the Holliday Street entrance to City Hall from 10:45 A.M. to 11:00 A.M. every Wednesday to receive Bids. Positively no bids will be received after 11:00 A.M. The bids will be publicly opened by the Board of Estimates in Room 215, City Hall at Noon.

The proposed Contract Documents may be examined, without charge, at the Department of Public Works Service Center located on the first floor of the Abel Wolman Municipal Building, 200 N. Holliday Street, Baltimore, Maryland 21202 as of **APRIL 10, 2015** and copies may be purchased for a non-refundable cost of **\$75.00.**

A certified check of the bidder or a bank cashier's check or a bank treasurer's check drawn on a solvent clearing house bank, made payable to the Director of Finance or a bid bond executed on the form as provided in the Bid or Proposal for an amount which is not less than that determined by multiplying the total bid submitted by two percent will be required with each bid over \$100,000.00. If the bid is less than or equal to \$100,000.00 no Bid Bond is required.

NOTE: **REFER TO PAGE 250 and 252.**

Bidders interested in utilizing the City's Self-Insurance Program for payment and performance security for contracts not exceeding \$100,000.00 may contact the Department of Finance, the Program Administrator, for eligibility requirements and premium costs.

The Board of Estimates reserves the right to reject any and all Bids and/or to waive technical defects, if in its judgment, the interest of the Mayor and City Council of Baltimore may so require.

All contractors bidding on this Contract must first be prequalified by the City of Baltimore Contractors Qualification Committee, Department of Public Works, 3000 Druid Park Drive, Baltimore, Maryland 21215 whose recommendations for an assigned dollar Work Capacity Rating and Work Classification(s) are effective after ratification and confirmation by the Board of Estimates. Contractors will not be permitted to bid on any single Contract having a dollar value in excess of the contractor's assigned Work Capacity Rating and will not be awarded any Contract if the Contract dollar value, when added to the contractor's uncompleted backlog at time of award, exceeds the contractor's assigned Work Capacity Rating. Subcontractors intending to perform work in excess of \$25,000.00 on this Contract must have established qualification for an adequate Work Capacity Rating and the necessary Work Classification(s) before they are permitted to commence work. **If a bid is submitted by a joint venture ("JV"), then in that event, the document that established the JV shall be submitted with the bid for verification purposes.** The Prequalification Category required for bidding on this project is: **A02602 (Bituminous Paving) and D02620 (Curbs, Gutters & Sidewalk).**

CONTRACT NO.: TR15008R

The Cost Classification Range for this project will be from \$2,000,000.00 to \$3,000,000.00.

A "Pre-Bidding Information" session will be conducted **C.L. BENTON BUILDING, 417 EAST FAYETTE STREET, ROOM 725** at **10:00 A.M.** on **APRIL 24, 2015**.

NOTE: THIS CONTRAT IS SUBJECT TO A PERFORMANCE EVALUATION BY THE DEPARTMENT OF TRANSPORTATION.

Principle Items of work for this project are:

SUPERPAVE ASPHALT FOR SURFACE (VARIOUS TYPES)	4,800 TONS
REMOAVAL OF ASPHALT	25,000 SY

Pursuant to Article 5, Subtitle 28 of the Baltimore City Code (2000 Edition)-Minority and Women's Business Program, Minority Business Enterprise (MBE) and Women's Business Enterprise (WBE) participation goals apply to this contract.

The MBE goal is 19% The WBE goal is 6%

Attention of the Bidders is called to the requirements of the Minority and Women's Business Enterprise Program, the Baltimore Apprenticeship Trainee Program, and the First Source Hiring Program.

Attention of the Bidders is called to the requirements outlined in the Baltimore City Code, Article 5, € 29, 29-15 Mandatory nondiscrimination contract clause, 29-16 Contractor bid requirement and 29-17 Contract disclosure requirement.

Bidders are advised that price proposals are due on the date set forth above. Bidders should pay particular attention to the instructions contained in the bid documents as well as the use of the appropriate bid envelope for each submission.

**APPROVAL OF CONTRACT DOCUMENTS
FOR
DEPARTMENT OF TRANSPORTATION
CONTRACT NO. TR15008R**

URGENT NEED CONTRACT CITYWIDE

APPROVED:

APPROVED:

Clerk, Board of Estimates

Chief, Transportation Engineering and
Construction Division

Chief Solicitor

Director, Department of Transportation

Chief, Minority and Women's Business
Opportunity Office

EXHIBIT B

AGENDA

BOARD OF ESTIMATES

05/27/2015

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation

7. TR 15014, Resurfacing Highways at Various Locations, Southeast, Sector IV

Samuel
D. Thorne

REJECTION - On April 22, 2015, the Board opened two bids for the subject contract. Bids ranged from a low of \$2,363,000.00 to a high of \$2,549,778.85. The bid amounts received greatly exceed the Department's budget. The subject contract will be readvertised in the near future.

8. TR 15008R, Urgent Need Contract Citywide

[Handwritten mark]
D. Thorne

REJECTION - On May 6, 2015, the Board opened one bid. The sole bid of \$2,659,897.50 is 51.07% over the Engineer's Estimate of \$1,760,730.00. Due to the bidder exceeding the Engineer's Estimate beyond the Department's budget capacity, the Department believes that is in the best interest of the City to reject all bids and request the board's permission to re-advertise this project.

Department of Public Works

9. WC 1301, On-Call Large Water Main Repairs

REJECTION - On April 29, 2015, the Board opened one bid for for the subject Project. The sole bid of \$19,554,330.00 was 147.78% higher than the engineer's estimate of \$7,891,877.00. There are not enough funds available in the budget to fund the contract as bid. It is the Office of Engineering and Construction's recommendation that this bid be rejected and the contract be re-advertised at a later date.

MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Office of the President</u>			
1. Bernard C. "Jack" Young Rochelle "Rikki" Spector* Carolyn Blakeney	National Association of Counties 2015 National Annual Conference and Exposition Charlotte, NC July 11 - 14, 2015 July 10 - 14, 2015* (Reg. Fee \$515.00 ea.)	Elected Official Expense Account	\$4,617.20

The subsistence for this location is \$161.00 per day. The hotel cost is \$159.00 per night plus hotel taxes of \$24.25. The Department is requesting additional subsistence of \$38.00 a day for meals and incidentals for each representative. The airfare for Mr. Young and Ms. Blakeney in the amount of \$221.50 and registration fees was prepaid on a City-issued procurement card assigned to Mr. Hosea Chew. The amount to be disbursed to Mr. Young and Ms. Blakeney is \$729.75 each. The amount to be disbursed to Ms. Spector is \$1,684.70.

Police Department

2. Rodney E. Hill Ganesha Martin	Study Seattle Police Department Practices Seattle, WA June 7 - 10, 2015 (Reg. Fee. \$0.00)	Asset Forfeiture Fund	\$2,528.00
-------------------------------------	-----------------------------------------------------------------------------------------------------	-----------------------	------------

The airfare for Mr. Hill and Ms. Martin in the amount of \$421.00 each was prepaid using a City-issued credit card assigned to Tribhuvan Thacker. The disbursement for Mr. Hill is \$843.00. The disbursement for Ms. Martin is \$843.00.

MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Funds</u>	<u>Amount</u>
<u>Mayor's Office</u>			
3. Stephanie Rawlings-Blake	2015 Annual Conference of Mayors San Francisco, CA June 18 - 23, 2015 (Reg. Fee \$750.00)	General Fund	\$3,273.68

The subsistence rate for this location is \$290.00 per night. The cost of the hotel is \$299.00 per night plus taxes of \$49.036 per night.

The Department is requesting additional subsistence of \$9.00 per night for the hotel and \$40.00 per day for food and incidentals.

The airfare in the amount of \$583.50, the hotel costs in the amount of \$1,740.18, and the registration fee of \$750.00 have been pre-paid on a City-issued credit card assigned to Ms. Kathe Hammond. Therefore, the amount of \$200.00 will be disbursed to Ms. Rawlings-Blake.

Health Department

4. LaVeda Bacetti	Nurse-Family Administrator's Orientation Denver, CO June 28 - July 1, 2015	DHMH Visiting Grant	\$1,372.05
-------------------	----------------------------------------------------------------------------------	---------------------	------------

The subsistence rate for this location is \$229.00 per night. This trip includes weekend travel. The Department is requesting one additional night's stay on June 30, 2015 because of the time the conference ends and the flight schedule for the return trip.

MINUTES**TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Funds</u>	<u>Amount</u>
<u>Health Department</u> - cont'd			

The airfare in the amount of \$560.00 was pre-paid on a City-issued credit card assigned to Ms. Whitney Tantleff. Therefore, Ms. Bacetti will be disbursed \$812.05.

RETROACTIVE TRAVEL REQUESTS

5. Cynthia Mobley	National Family Planning & Reproductive Health Association 2015 National Conference Alexandria, VA April 26 - 28, 2015 (Reg. Fee \$440.00)	State HTYA Grant	\$ 585.26
-------------------	--------------------------------------------------------------------------------------------------------------------------------------------	------------------	-----------

Ms. Mobley travelled to Alexandria, VA to attend the NFPRHA 2015 National Conference held on April 26 - 28, 2015.

The sponsor NFPRHA paid for mileage and the hotel costs. The Department is requesting reimbursement of the parking, food and incidentals and the registration fee for a total of \$585.26.

The travel request is late because of a delay in the administrative process.

TRAVEL REIMBURSEMENT

\$ 52.00 - Hotel parking
93.26 - Food and incidentals
<u>440.00 - Registration</u>
\$585.26

MINUTES

RETROACTIVE TRAVEL REQUESTS - cont'd

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
6. Lewis Smith	Unity City Network Convening Conference Oakland, CA January 6 - 9, 2015	General Funds	\$1,072.07

Mr. Smith traveled to Oakland, CA to attend the Unity City Network Convening Conference held on January 7 - 9, 2015.

The airfare in the amount of \$389.90 was prepaid on a City-issued credit card assigned to Jacquelyn Duval-Harvey. Therefore, the amount to be reimbursed to Mr. Smith is \$682.37.

The travel request is late because Mr. Smith was notified too late to request Board approval prior to travel.

TRAVEL REIMBURSEMENT

\$ 578.31 - Hotel (including taxes of \$23.77)
60.00 - Taxi
44.06 - Meals and incidentals
\$ 682.37

The Board, UPON MOTION duly made and seconded, approved the travel requests, retroactive travel requests, and travel reimbursements. The Mayor **ABSTAINED** on item no. 3. The President **ABSTAINED** on item no. 1.

1983

BOARD OF ESTIMATES

06/10/2015

MINUTES

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART FOR ALL ITEMS ON THE AGENDA.

The Board of Estimates received and reviewed Ms. Trueheart's protest. As Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board will not hear her protest.

Kim A. Trueheart

June 8, 2015

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of questionable management and administration within the various boards, commissions, agencies and departments of the Baltimore City municipal government.

The following details are provided to initiate this action as required by the Board of Estimates:

1. Whom you represent: Self

2. What the issues are:

a. Pages 1 - 90, City Council President and members of the Board of Estimates, BOE

Agenda dated June 10, 2015, if acted upon:

i. The proceedings of this board often renew business agreements without benefit of clear measures of effectiveness to validate the board's decision to continue funding the provider of the city service being procured;

ii. The Baltimore City School Board of Commissioners routinely requires submissions for board consideration to include details of the provider's success in meeting the objectives and/or desired outcomes delineated in the previously awarded agreement;

iii. The members of this board continue to fail to provide good stewardship of taxpayers' funds as noted by the lack of concrete justification to substantiate approval of actions presented in each weekly agenda;

iv. This board should immediately adjust the board's policy to ensure submissions to the board include measures of effectiveness in each instance where taxpayer funds have already been expended for city services;

v. In the interest of promoting greater transparency with the public this board should willing begin to include in the weekly agenda more details which it discusses in closed sessions without benefit of public participation.

vi. Lastly this board should explain to the public how, without violating the open meeting act, a consent agenda is published outlining the protocols for each week's meeting prior to the board opening its public meeting.

3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed what appears to be a significant dearth in responsible and accountable leadership, management and cogent decision making within the various agencies and

Email: kimtrueheart@gmail.com

5519 Belleville Ave
Baltimore, MD 21207

departments of the Baltimore City municipal government which potentially cost myself and my fellow citizens excessive amounts of money in cost over-runs and wasteful spending.

4. Remedy I desire: The Board of Estimates should immediately direct each agency to include measures of effectiveness in any future submissions for the board's consideration.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on June 10, 2015.

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

Sincerely,
Kim Trueheart, Citizen & Resident

5519 Belleville Ave
Baltimore, MD 21207

MINUTES

President: "There being no more business before the Board, the meeting will recess until bid opening at twelve noon."

* * * * *

MINUTES

Clerk: "The Board is now in session for the receiving and opening of bids."

BIDS, PROPOSALS, AND CONTRACT AWARDS

Prior to the reading of bids received today and the opening of bids scheduled for today, the Clerk announced that the following agencies had issued Addenda extending the dates for receipt and opening of bids on the following contracts. There were no objections.

Department of Public Works

- SC 918, Improvements to the Headworks and Wet Weather Flow Equalization at the Back River Wastewater Treatment Plant
BIDS TO BE RECV'D: 06/17/2015
BIDS TO BE OPENED: 06/17/2015

Department of Transportation

- TR 01041, Replacement of Edmondson Avenue Bridge
BIDS TO BE RECV'D: 06/24/2015
BIDS TO BE OPENED: 06/24/2015

1986

BOARD OF ESTIMATES

06/10/2015

MINUTES

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

Dept. of General Services - GS 15807, Structural Repairs to Four
Firehouses

JLN Construction Services, LLC

Bureau of Purchases - GS 15813, MECU Building Envelope
Improvements

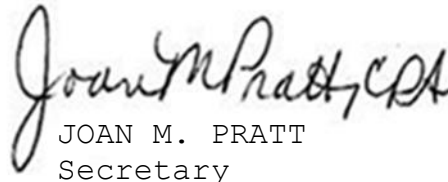
JLN Construction Services, LLC

Dept. of General Services - B50004056, Enterprise Technology
Staffing Support

Orange People, LLC
Trigyn Technologies, Inc.
TeleCommunication Systems, Inc.
Skyline Technology Solutions
I-PAC USA, LLC
Collaborative IT Services, LLC
Apex Systems, Inc.
Konaig Services, Inc.
INDUS Enterprise Solutions, Inc.

* * * * *

There being no objections, the Board UPON MOTION duly made and seconded, adjourned until its next regularly scheduled meeting on Wednesday, June 17, 2015.


JOAN M. PRATT
Secretary