

Title 27 BOARD OF ESTIMATES

Subtitle 01 Rules

CHAPTER 01 GENERAL PROVISIONS

Authority: City Charter, Article VI, § 2

27.01.01.01. Adoption.

The Baltimore City Board of Estimates (“BOE”) adopts these rules and regulations under Baltimore City Charter, Article VI, § 2.

27.01.01.02. Incorporation by Reference.

The Board of Estimates Regulations on Procurement, Protests, Minority and Women-Owned Business Enterprise, and Debarment/Suspension effective July 1, 2019 and as amended from time to time, are incorporated by reference into these Regulations.

27.01.01.03. Definitions.

A. In this subtitle, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Abstention”

(a) means when a member of the Board of Estimates declines to vote for or against an item presented on a Board agenda or on a motion made at a Board meeting; and

(b) is distinct from recusal.

(2) “Bid opening” means a formal process

(a) during which the Board of Estimates unseals bid packages submitted by prospective vendors in response to formal advertising procedures in the Baltimore City Charter, Article VI, § 11, and

(b) announces the names of bidders and the amount of lump-sum bids in a public meeting.

(3) “Board” means the Baltimore City Board of Estimates as described in the Baltimore City Charter Art. VI, § 1.

(4) “Directly and specifically affected” means experiencing a personal, financial, or other impact by an action of the Board of Estimates that is specific to a particular person, business, government agency or other entity.

(5) “Effective date” means the date on which a contract, grant agreement, informal purchasing contract, or other instrument presented to the Board of Estimates takes effect.

(6) “Non-routine Agenda” means an item or items that are

- (a) publicly announced by the City Council President in a weekly Memorandum published concurrently with the final Board of Estimates agenda, or
 - (b) announced by the Comptroller at the beginning of each Board of Estimates meeting for detailed discussion at the meeting and a vote separately from other items on the agenda.
- (7) “Procurement Lobbyist” means a person whose purpose is influencing executive action on a procurement contract as defined by City Code Article 8, §8-8(c).
- (8) “Protest” means a written challenge to the award of a bid to a particular bidder that has been presented to the Board of Estimates on an agenda for a vote.
- (9) “Recusal memo” means a written notification from a member of the Board of Estimates that the member
 - (a) declines to consider and participate on, including the discussion preceding a vote and the vote itself, an item on a specific Board agenda; and
 - (b) has a conflict resulting in the recusal.
- (10) “Regular Meeting” means a meeting of the Board of Estimates scheduled in advance, and for which notice is given through use of a published schedule.
- (11) “Resolution” means a written document that is presented to the Board as an item on an agenda for a Regular or Special meeting and takes effect after approval by majority vote of the Board, and
 - (a) sets forth a definitive statement by the Board of Estimates regarding its operational practices and procedures,
 - (b) or expresses the official position of the Board of Estimates on a specific topic.
- (12) “Routine Agenda” means all items presented for consideration by the Board of Estimates that are considered and voted as a single action item by the Board without discussion, and are not
 - (a) specifically identified by the City Council President in a weekly Memorandum published concurrently with the final Board of Estimates agenda, or
 - (b) announced by the Comptroller at the beginning of each Board of Estimates meeting for detailed discussion and voting.
- (13) “Special Meeting” means a meeting of the Board of Estimates that is
 - (a) called for a specific purpose and
 - (b) is not a Regular Meeting.
- (14) “Statement of Opposition” means a written statement by a member of the public
 - (a) expressing opposition to an item presented on a Board of Estimates agenda for a vote,

- (b) provided that the person submitting the statement of opposition is a City resident or taxpayer, or a spokesperson for a City resident or taxpayer, or
 - (c) is directly and specifically affected by a pending matter or decision of the Board, and
 - (d) that is distinct from a Protest.
- (15) “Walk-on” means an item included on a Board of Estimates agenda by a request from a member of the Board of Estimates or a City agency after the agenda for a given meeting has been finalized and distributed to the public.

27.01.01.04. Meetings; Quorum.

- A. The Board of Estimates shall meet at least two Wednesdays per month at 9:00 a.m., unless a recess is announced at a prior meeting.
- B. At the conclusion of its Regular Meeting agenda, the Board of Estimates shall recess until 12 p.m. for scheduled Bid Openings.
- C. A Special Meeting may be called by any member of the Board to address
 - (1) the annual Ordinance of Estimates, or
 - (2) urgent or emergency items that require action on weeks when the Board does not hold a regular meeting.
- D. Special Meetings must be approved by a majority vote of Board members.
- E. The five members of the Board or the members’ designees as specified in the Charter constitute a quorum.
 - (1) If a member abstains on a matter, that member will still count toward the quorum.
 - (2) Members recusing themselves on a matter shall arrange for a substitute as designated in the Charter to participate in consideration of the matter in order to achieve a quorum..
- F. The Council President may cancel any meeting with the concurrence of a majority of Board members.
- G. Not less than 24 hours prior to the scheduled start of the meeting, a cancellation notice shall be posted on
 - (1) the City Council’s website and
 - (2) the Comptroller’s website.
- H. Immediately following the annual adoption of the Regular Meeting schedule, the schedule shall be
 - (1) distributed to the Board members, and
 - (2) published on the [Comptroller’s website](#).
- I. The Board shall give notice of all meetings, whether Regular or Special,

(1) in writing, and

(2) including the date, time, and place of the meeting.

J. As required under the state Open Meetings Act and City law, the notice may be

(1) delivered to the news media,

(2) posted or deposited at a “convenient public location” at or near the place of the meeting,

(3) or by any other reasonable method.

27.01.01.05 Officers.

A. The President of the City Council is President of the Board and shall preside at all meetings.

B. In the absence of the President of the City Council, the Vice President of the City Council will act as President of the Board.

C. The Comptroller shall serve as Secretary to the Board.

D. In the absence of the Comptroller, the Deputy Comptroller will act as Secretary to the Board.

E. The Comptroller or the Comptroller’s designee shall perform the duties of Clerk to the Board, which duties shall include

(1) reading the opening statement at Board meetings, and

(2) chairing the Board during scheduled Bid Openings.

27.01.01.06. Resolutions.

A. The Board may adopt Resolutions affecting its procedures, policies, and practices.

B. Resolutions shall be reviewed in advance by the Department of Law.

C. Resolutions shall be adopted

(1) by a majority vote of the Members

(2) at a Regular Meeting of the Board.

CHAPTER 02 BOARD SUBMISSION AND AGENDA

Authority: City Charter, Article VI, §§ 1 and 2

27.01.02.01 Preparation of Agenda.

The Secretary’s staff is responsible for preparing and compiling the Board of Estimates’ agenda for each meeting.

27.01.02.02 Agenda Submissions.

- A. Any submission that is in proper format will be included on the Board agenda for which it was timely submitted.
- B. The deadline for agenda submissions to the Board is Tuesday, at a time specified by the Comptroller's Office, for inclusion on the following week's agenda.
- C. Agenda submissions must
 - (1) be submitted by e-mail to the [Comptroller's Office](#), and
 - (2) meet the required elements for submissions published on the [Comptroller's website](#).
- D. Board members shall be notified of any changes to the Board's submission process or deadline at least two weeks before the changes would be implemented.

27.01.02.03 Walk-Ons.

- A. The addition of Walk-ons to a published agenda of the Board should be limited to emergencies and to board members or City agencies only.
- B. Walk-ons should not include routine items which are not on the agenda due to delays in the agency's administrative review and approval process.
- C. All requested Walk-ons for the Administration must be submitted
 - (1) first to the Mayor's Office for review, and
 - (2) agreed upon by a majority of the Board.

27.01.02.04 Ethical Considerations.

- A. Members of the Board must submit a dated Recusal memo to the [Comptroller's Office](#) no later than the day before a scheduled Board meeting.
- B. The Recusal memo will note:
 - (1) the page number of the member's recusal,
 - (2) the item, and
 - (3) the reason for the recusal.

CHAPTER 03 ACTIONS AT BOARD MEETINGS

Authority: City Charter, Article VI, § 2

27.01.03.01 Opening Statement.

A. At the beginning of each Regular Meeting, the Clerk will read into the record the opening statement which lists:

- (1) changes or corrections to the agenda,
- (2) protests or statements of opposition received,
- (3) deferrals or withdrawals,
- (4) items placed on the Non-routine Agenda for discussion,
- (5) items moved from the Non-routine Agenda to the Routine Agenda, and
- (6) abstentions and recusals.

B. The opening statement is

- (1) part of the official record of the meeting, and
- (2) shall be presented by the Clerk as a motion to be adopted.

27.01.03.02 Routine Agenda.

A. Unless otherwise deferred, withdrawn or moved, the Routine Agenda shall be comprised of submissions to the Comptroller's staff,

- (1) made in a timely manner and
- (2) with all necessary documentation.

B. The Routine Agenda shall be presented by the President as a motion to be adopted.

27.01.03.03 Non-Routine Agenda.

A. Unless a majority of the Board votes to consider multiple non-routine items collectively, items on the Non-routine Agenda are considered and voted separately.

B. Unless limited by a vote of 4/5 of the Board, public comment shall be permitted for all Non-routine Agenda items.

27.01.03.04 Withdrawals and Deferrals.

A. An agenda item that is withdrawn or deferred in the opening statement of a Board meeting will not be considered, deliberated, or open for public comment at that meeting. If not deferred in the opening statement, other than walk-on items, an item cannot be deferred later in the meeting except by a majority vote.

B. Any Board member may request to defer an item on the agenda if the member believes insufficient information is available to reach a fair and equitable decision at that time. An item may only be the subject of one deferral request. Once a deferral is made, another Board member may not make an additional deferral unless approved by a majority vote.

- C. The deferral request shall:
 - 1. Be made at the beginning of the meeting, prior to any debate on the measure to be deferred, unless it is a walk-on item,
 - 2. Indicate the date of the meeting to which the item is being deferred, and
 - 3. Not extend consideration of the item deferred beyond the next two regular board meetings or for four consecutive weeks, whichever is later.
- D. The name of the Member requesting the deferral will be read into the record as part of the opening statement.
- E. A deferral may only be extended beyond the later of the next two regular board meetings or four consecutive weeks if:
 - 1. A board member makes the request at the board meeting to which the item was deferred, and
 - 2. A majority vote by the Board approves the deferral.
- F. If the effect of the deferral would be to prevent any meaningful implementation of the item for its intended purpose, even if subsequently approved at a later meeting, the deferral must be approved by a majority vote.

27.01.03.05 Majority Vote.

- A. Except as provided in 27.01.03.03 B, each matter before the Board is determined by a majority vote of the members.
- B. Board members will vote on each item by signifying aye or nay.

27.01.03.06 Nay Votes.

. The City Council President shall identify any member that votes “no” on an item and state the member’s name for the record.

CHAPTER 04 PROTESTS

Authority: City Charter, Article VI, § 2

27.01.04.01 Procurement Regulations Take Precedence

- A. As provided in 27.01.01.02, the Board of Estimates Procurement Regulations are incorporated by reference in these regulations.
- B. Subject to any law or contractual provisions governing Protests before the Board, the Procurement Regulations take precedence.

27.01.04.02 Notice Requirements for Protests.

- A. A person protesting a proposed award to a bidder on the grounds that the protestor should receive the proposed award shall notify
 - (1) the Comptroller’s Office and
 - (2) the proposed awardee.
- B. Notice shall be in writing and delivered no later than

- (1) noon on the Monday immediately before the Board meeting at which the proposed award will be considered, or
- (2) by an alternative date and time specified in the agenda for the next scheduled meeting.

27.01.04.03 Determination of Proper Protests.

- A. A protest of a proposed award shall be considered proper when the protestant is directly and specifically affected by a pending matter or decision of the Board.
- B. When a determination is made by the President with respect to whether a Protest is proper,
 - (1) a member of the Board may request a vote on the determination made by the President, and
 - (2) a majority vote by the Board shall ultimately decide whether a Protest is proper.
- C. The President may allow any other person to rebut a Protest when the President determines it is in the best interest of the Board.

27.01.04.04 Elements of Protests.

A written Protest shall include the name of the person, entity, or organization protesting; a description of the issues and facts supporting the Protest; and a description as to how the protestant will be harmed by the proposed Board action.

27.01.04.05 Board Hearings of Protests.

- A. When the Board has a hearing on a protest, the President shall make a reasonable effort to accommodate any person wishing to speak before the Board.
- B. If a protestant, or its spokesperson, fails to appear before the Board for the hearing of the Protest, the Board may reject the protest without discussion.

27.01.04.06 Procurement Lobbyist.

- A. A Procurement Lobbyist must register with the Board of Ethics in accordance with Baltimore City Ethics Code, §8-12.
- B. If a Board member may make a complaint to the Board of Ethics if he has sufficient information to determine that a Procurement Lobbyist has failed to comply with Baltimore City Ethics Code, §8-12.

CHAPTER 05 STATEMENTS OF OPPOSITION

Authority: City Charter, Article VI, § 2

27.01.05.01 Notice Requirements for Statements of Opposition.

- A. A person wishing to submit a Statement of Opposition to a proposed action of the Board at any Regular or Special meeting shall notify the Comptroller's Office in writing.
- B. Notice shall be given
 - (1) no later than noon on the Tuesday immediately before the Board meeting during which the item will be considered, or
 - (2) by an alternative date and time specified in the agenda for the next scheduled meeting.

27.01.05.02 Determination of Proper Statements of Opposition.

- A. A statement of opposition shall be considered proper when the person submitting the statement of opposition is
 - (1) a City resident or taxpayer,
 - (2) a spokesperson for a City resident or taxpayer, or
 - (3) is directly and specifically affected by a pending matter or decision of the Board.
- B. When a determination is made by the President with respect to whether a Statement of Opposition is proper
 - (1) a member of the Board may request a vote on the determination made by the President, and
 - (2) a majority vote by the Board shall ultimately decide whether a Statement of Opposition is proper.
- C. The President may allow any other person to rebut a Statement of Opposition when the President determines it is in the best interest of the Board.

27.01.05.03 Elements of Statements of Opposition.

A written Statement of Opposition shall include the name of the person, entity, or organization submitting the Statement of Opposition; a description of the issues and facts supporting the Statement of Opposition; and a description as to how the person submitting the Statement of Opposition will be harmed by the proposed Board action.

27.01.05.04 Failure of Person Submitting Statement of Opposition to Appear.

If a person, entity or organization submitting a Statement of Opposition fails to appear before the Board hearing of the Statement of Opposition, the Board may reject the Statement of Opposition without discussion.

CHAPTER 06 BOARD SUMMARIES AND RECORDINGS

27.01.06.01 Summary Minutes.

- A. Summary minutes of Board of Estimates proceedings are available on the [Comptroller's website](#) within 10 days of each meeting.

B. Summaries include:

- (1) the items considered by the Board,
- (2) the action BOE took on those items,
- (3) each person's vote on those items, per Md. Code, Gen. Prov., § 3-306(b),
- (4) any Protests or Statements of Opposition received and
- (5) any abstention or recusal.

27.01.06.02 Recordings.

A. All Board meetings are recorded.

- (1) A copy of the video and audio recordings of Board meetings are available on the City's public access television website (Charm TV 25).
- (2) The Comptroller will maintain links on the [Comptroller's website](#) to the archived recordings for each meeting.

B. The Comptroller's Office will

- (1) maintain the official copy of the video and audio recording of each BOE meeting on appropriate storage media, and
- (2) retain physical custody of the official video and audio recordings for a minimum of five years after the date of the Board meeting.