

**MINUTES****REGULAR MEETING**

Honorable, Stephanie Rawlings-Blake, President  
Honorable, Sheila Dixon, Mayor  
Honorable, Joan M. Pratt, Comptroller and Secretary  
George A. Nilson, City Solicitor  
David Scott, Director of Public Works - **ABSENT**  
Donald Huskey, Deputy City Solicitor  
Ben Meli, Deputy Director of Public Works  
Bernice H. Taylor, Deputy Comptroller and Clerk

In the absence of Mr. David E. Scott, Director of Public Works, Mr. Ben Meli, Deputy Director of Public Works, sat and acted on his behalf.

## MINUTES

BOARDS AND COMMISSIONS1. Prequalification of Contractors

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

I.B. Abel, Inc.	\$	8,000,000.00
Advanced Fire Protection Systems, Inc.	\$	8,000,000.00
Allied Contractors, Inc.	\$	46,910,000.00
J.F. Fischer, Inc.	\$	46,278,000.00
Fresh Air Company, Inc.	\$	342,000.00
HITT Contracting, Inc.	\$	441,276,000.00
Machado Construction, Co., Inc.	\$	8,000,000.00
Mobile Dredging & Plumbing Co.	\$	44,118,000.00
Moisture Proof & Masonry, Inc.	\$	7,731,000.00
Molina Construction, Inc.	\$	3,030,000.00
Phoenix Contracting Services, Inc.	\$	7,695,000.00
Plano-Coudon, LLC	\$	8,000,000.00
Power & Combustion, Inc.	\$	7,155,000.00
Rustler Construction, Inc.	\$	8,000,000.00
Stolar Construction, Inc.	\$	1,500,000.00

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:

Baltimore Land Design Group, Inc.	Engineer
EBA, Incorporated	Architect Engineer

## BOARD OF ESTIMATES

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## MINUTES

Boards and Commissions - cont'd

Pennonni Associates, Inc.

Landscape Architect  
Engineer

Williams Associates Engineers

Land Survey  
Engineer

There being no objections the Board, UPON MOTION duly made and seconded, approved the prequalification of contractors and architects and engineers for the listed firms.

## BOARD OF ESTIMATES

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## MINUTES

Law Department - Opinion - Request for Refund of Real  
Property Taxes

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The Board is requested to approve a refund of real property taxes for Ms. Charlene Grant, claimant for her property at 1808 Burnwood Road.

It is the opinion of the Law Department that Ms. Grant meets the qualifications for a real property tax exemption as a 100% disabled veteran for a service connected cause and that she is eligible to receive a refund of taxes paid since she met the status of a disabled veteran and resided in a dwelling occupied by not more than two families and owned by a disabled veteran or a disabled veteran's spouse. Based upon her application for a refund on August 26, 2009, it has been determined that Ms. Grant is entitled to a refund of real property taxes paid during taxable years in which an exemption was authorized but not granted.

<u>Property</u>	<u>Taxable Year</u>	<u>Amount</u>
1808 Burnwood Road		
	2006/2007	\$ 1,941.81
	2007/2008	2,313.78
	2008/2009	3,075.93
		<u>\$ 7,331.52</u>

Pursuant to Section 7-208 (h) of the Tax-Property Article, interest will be paid to a disabled veteran on the amount of a refund if the county or municipal corporation fails to make a refund within 60 days after the eligible disabled veteran or surviving spouse has applied for the refund.

The interest payable under subsection, Section 208 (h)(2) requires that the interest will be paid at the rate the county or municipal corporation charges on overdue taxes and that the interest will accrue from the date the application is filed with the county or municipal corporation. The claimant's application was filed on August 26, 2009. In order to avoid interest being paid, the refund must be made within 60 days of that date.

## BOARD OF ESTIMATES

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## MINUTES

Law Department - Claim Settlement

The Board is requested to approve the settlement of the following claim. The settlement has been reviewed and approved by the Settlement Committee of the Law Department.

Taray Jefferson v. Officer Daniel Hersl               \$50,000.00

Account: 1001-000000-2000-195500-603070

UPON MOTION duly made and seconded, the Board approved the settlement as requested by the Law Department.

## BOARD OF ESTIMATES

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## 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 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.	901 Fell Street	Stone/901 Fell Street, LLC	Retain two lanterns, one display case 1½' x 1', one bracket sign 2' x 2', one cornice sign 2½' x 2½'
	Annual Charge: \$239.19		
2.	3127-29 McElderry Street	Nader Ibrahim	Handicap ramp 30' x 3', landing 5' x 5'
	Annual Charge: \$140.60		
3.	1100 Washington Boulevard	Monarch Development, LLC	Egress stairway
	Annual Charge: \$234.40		
4.	1106 S. Charles Street	1100-1106 South Charles Street, LLC	Retain handicap ramp 13' x 3'10", one display case 1½' x 2½', three goose-neck lamps
	Annual Charge: \$269.11		

## BOARD OF ESTIMATES

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## MINUTES

General Services - Minor Privilege Permit Applications - cont'd

	<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
5.	915 W. 36 <sup>th</sup> Street	915 W. 36 <sup>th</sup> Street, LLC	Retain single face electric sign 12' x 2½'
	Annual Charge: \$140.60		
6.	1809 Thames Street	Stone/901 Fell Street, LLC	Retain six lanterns, three goose-neck lamps, two flags, one flat sign 5' x 1½', two cornice signs 10' x 1½' and 6' x 1½'
	Annual Charge: \$442.68		
7.	2406 E. Fayette St.	Chesapeake Habitat for Humanity, Inc.	One 4" conduit @ 20'
	2408 E. Fayette St.	Chesapeake Habitat for Humanity, Inc.	One 4" conduit @ 20'
	2410 E. Fayette St.	Chesapeake Habitat for Humanity, Inc.	One 4" conduit @ 20'
	2412 E. Fayette St.	Chesapeake Habitat for Humanity, Inc.	One 4" conduit @ 20'
	Annual Charge: \$280.00		

## BOARD OF ESTIMATES

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## MINUTES

General Services - Minor Privilege Permit Applications - cont'd

	<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
8.	509 S. Exeter Street	Skylar Development, LLC	One double face wind sign 34 sq. ft.
	Annual Charge \$140.60		
9.	838 East Preston Street	Housing Authority of Baltimore City (HABC)	Open areaway for an ADA compliant basement entrance

The HABC is requesting a waiver of minor privilege charges.

In an effort to satisfy certain obligations under the "Thompson Partial Consent Decree" issued in the case of Carmen Thompson, et. al., v. United States Department of Housing and Urban Development, et. al., the HABC is renovating ten properties on Preston Street. Furthermore, the HABC is required to create 755 units that are compliant with the Uniform Federal Accessibility Standards (UFAS) per the Bailey Consent Decree. At least 30 of the 755 UFAS compliant units must be scattered site units. One of the Preston Street units is being retrofitted to make it UFAS compliant. It will then become one of the 30 UFAS compliant scattered units required by the Bailey Consent Decree.

Since construction began in June 2009, there have been unforeseen circumstances, which have resulted in change orders and design revisions that have adversely affected the project budget and schedule. If the minor privilege charge is implemented, the charge would become part of the HABC's operating expenses for the maintenance of the building. This type of charge is not typical operating expenses for the agency. When developing compliant units,



## MINUTES

General Services - Minor Privilege Permit Applications - cont'd

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
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the sites and/or buildings usually have adequate space for accessible ramps and routes on the HABC property. However, due to site constraints and the building's interior configuration, the unit's entrance ramp has to be located on the side of the building, thus, necessitating the minor privilege for the open areaway and ramp.

The waiver of the minor privilege charge would help alleviate some of the impact to the development's budget. The request for waiver is unusual, but the circumstances surrounding the request will be beneficial to the community.

The HABC is also actively pursuing additional cost saving measures with its developer, Mi Casa, Inc., in an effort to keep the project within budget.

Annual Charge: \$4,653.00

There being no objections the Board, UPON MOTION duly made and seconded, approved the minor privilege permits.



## MINUTES

The agreement is late because of delays in submission of the required fiscal information and necessary reporting requirements from COIL.

AUDITS REVIEWED AND HAD NO OBJECTION.

3. MARYLAND DEPARTMENT OF AGING  
(MDOA)

Account: 5000-532910-3250-535800-600000

The NGA is late because of its late arrival from MDoA.

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

UPON MOTION duly made and seconded, the Board approved and authorized of the foregoing agreements and notification of grant award.

## BOARD OF ESTIMATES

10/21/09

## MINUTES

Police Department - Employment Agreement

The Board is requested to approve and authorize execution of an employment agreement. The period of the agreement is effective upon Board approval for one year.

<u>Name</u>	<u>Hourly Rate</u>	<u>Amount</u>
<b>PATRICIA N. COCHRANE</b>	\$14.42	<b>\$30,000.00</b>

Account: 1001-000000-2010-197600-601009

On January 3, 1996, the Board approved a waiver of Administrative Manual Policy AM 212-1, which allowed the Baltimore Police Department to hire retired Police Officers as contract employees.

The retiree will perform a variety of tasks, previously performed by full-duty Police Officers, which are supportive in nature. This will allow the Department to continue to assign active Police Officers to crime fighting duties.

The retiree will receive no benefits other than workmen's compensation and F.I.C.A.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the employment agreement.

## BOARD OF ESTIMATES

10/21/09

## MINUTES

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

The Board is requested to approve and authorize payment by Expenditure Authorization to DELL/ASAP Software. The payment is for the period November 1, 2008 through February 28, 2010.

**AMOUNT OF MONEY AND SOURCE:**

\$11,635.35 - 1001-000000-2040-220500-603074

**BACKGROUND/EXPLANATION:**

The Department has an existing annual maintenance agreement for all Novell products. The Department is allowed to add licenses as needs expand without having to purchase them in advance. The Department is audited for the licenses that it uses and if it is using more than owned, the Department is then billed for the additional licenses which are being used. The amount requested is for the additional licenses needed in order to bring the Department into compliance with the audit. The dates are through 2010 since the Department has already issued Officers the licenses for the current year.

This software and vendor are critical to the continued successes the Department has had in the ability to manage and ensure the data reaches the officers during their daily tours of routine patrol.

**APPROVED FOR FUNDS BY FINANCE****AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized payment by Expenditure Authorization to DELL/ASAP Software.

## BOARD OF ESTIMATES

10/21/09

## MINUTES

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

The Board is requested to approve and authorize an expenditure of funds to pay Free State Reporting, Inc.

**AMOUNT OF MONEY AND SOURCE:**

\$1,716.00 - 1001-000000-2000-195500-603093

**BACKGROUND/EXPLANATION:**

On March 10, 2009 Free State Reporting, Inc. concluded the processing for an Arbitration Hearing. Transcribing and processing was prepared by Free State Reporting, Inc. on the following dates for Case No. 06-1164: 11/10/08, 12/11/08, 12/12/08, and 3/10/09.

**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 Free State Reporting, Inc.

## BOARD OF ESTIMATES

10/21/09

## MINUTES

Department of Housing and Community - Grant Award Agreements  
Development/Baltimore Homeless Services

The Board is requested to approve and authorize execution of the following grant award agreements.

	<u>Provider/s</u>	<u>Grant No.</u>	<u>Amount</u>
1.	<b>BALTIMORE HEALTH CARE ACCESS, INC.</b>	<b>MD0020B3B010801</b>	<b>\$162,688.00</b>

Account: 4000-496210-3570-591410-603051

Baltimore Health Care Access, Inc. will provide outreach services to approximately 50 street dwelling homeless individuals and families residing in abandoned buildings, alleys, and doorways and from shelters that are disconnected from their communities and the formal social services network. The period of the agreement is February 1, 2009 through January 31, 2010.

2.	<b>JOBS HOUSING AND RECOVERY, INC. (JHR)</b>	<b>MD0046B3B010801</b>	<b>\$ 97,662.00</b>
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Account: 4000-496210-3570-591458-603051

The JHR will provide permanent housing and support services to approximately 28 homeless and disabled individuals. Under the terms of the agreement the sponsor will be reimbursed for the cost of leasing seven four bedroom apartment units for a period of one year. The period of the agreement is October 1, 2009 through September 30, 2010.

## MINUTES

Department of Housing and Community - cont'd  
Development/Baltimore Homeless Services

The grant awards were late due to a delay in the administrative process.

**MWBOO GRANTED A WAIVER**

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

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



## MINUTES

Department of Housing and Community - Grant Agreements  
Development/Baltimore Homeless Services

The Board is requested to approve and authorize execution of the various grant agreements. The grant agreements are for the period July 1, 2009 through June 30, 2010, unless otherwise indicated.

1. **BALTIMORE CITY DEPARTMENT OF** **\$ 21,720.00**  
**SOCIAL SERVICES (BCDSS)**

Account: 5000-529110-3570-333717-603051

The BCDSS will operate the Motel Shelter Program (MSP) to provide a secure, temporary and safe environment for the vulnerable and frail families and individuals who are not able to utilize the traditional shelter system.

2. **BALTIMORE CITY DEPARTMENT OF** **\$195,056.00**  
**SOCIAL SERVICES (BCDSS)**

Account: 5000-523110-3570-333717-603051

The BCDSS will provide crisis intervention and direct grants to low income families and individuals to prevent eviction. The funding is also designated for eviction prevention grants for tenants who demonstrate that with the help of the grant and their ability to pay future rents, they are able to maintain their housing and avoid homelessness.

The delay in submitting these grant agreements is due to a delay at the administrative level.

**MWBOO GRANTED A WAIVER**

## MINUTES

DHCD - cont'd

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|----|----------------------------------------------------------------|----------------|
| 3. | MARYLAND CENTER FOR VETERANS<br>EDUCATION AND TRAINING (MCVET) | \$1,387,399.00 |
|----|----------------------------------------------------------------|----------------|

Account: 4000-496210-3570-591421-603051

The MCVET will operate a transitional facility on a 24-Hour basis for 120 homeless veterans at the facility located at 301 N. High Street. The duration of the stay at the transitional housing shall not exceed 24 months. The MCVET may grant extensions for the length of time clients may stay at the facility based on individual client needs and service plans. The period of the agreement is November 1, 2009 through October 30, 2010.

AUDITS REVIEWED AND HAD NO OBJECTION.

APPROVED FOR FUNDS BY FINANCE

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

## MINUTES

TRANSFERS OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,  
the Board approved  
the Transfers of Funds  
listed on the following pages:

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

## MINUTES

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Recreation and Parks</u>		
1.   \$ 7,500.00	9938-904746-9475	
State	Reserve	
	Park & Playgrounds	
	Renovation FY 08	
2,500.00	" "	
Rec. & Parks		
<u>24<sup>th</sup> Series</u>		
<b>\$ 10,000.00</b>	-----	9938-901746-9474
		Active
		Park & Playgrounds
		Renovation FY 08

This transfer will provide funds to cover the costs associated with design services under On-Call Contract No. 1066, Task No. 18 assigned to Hord Coplan Macht, Inc.

2.   \$ 30,000.00	9938-902747-9475	
State	Reserve	
	Athletic Courts and	
	Fields Renovation	
	FY 08	
10,000.00	" "	
Rec. & Parks		
<u>24<sup>th</sup> Series</u>		
<b>\$ 40,000.00</b>	-----	9938-901747-9474
		Active
		Athletic Courts and
		Fields Renovation
		FY 08

This transfer will provide funds to cover the costs associated with design services under On-Call Contract No. 1066, Task No. 17 assigned to Hord Coplan Macht Inc.

## MINUTES

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Bureau of Water and Wastewater</u>		
3. <b>\$ 75,000.00</b>	9958-526-710	9958-525-710-3
MVR	Constr. Res.	Engineering
	Woodberry	
	Forest Initiation	
	Project	

This transfer will cover the cost of surface sampling activities at Greenspring stream, a tributary in the Woodberry Forest.

Department of Transportation

4. <b>\$ 27,148.87</b>	9950-904313-9528	9950-910313-9527-3
MVR	Constr. Res.	Design & Studies
	Midtown Street-	Midtown Street-
	scape	scape/Traffic
		Mgt. Plan

This transfer will fund costs associated with the award of design services for three new traffic signals along Mount Royal Avenue (McMechan Street, Lafayette Avenue, and Dolphin Street), under Project No. 1074, Task No. 06 to Whitman, Requardt & Associates.

Department of Planning

5. <b>\$400,000.00</b>	9904-901768-9129	9904-907768-9127
Gen. Obligation	1 <sup>st</sup> Cultural Inst.	1 <sup>st</sup> Cultural Inst.
Bonds		

This transfer will provide funds for the Reginald F. Lewis Museum's new Children's Discovery Room, new permanent art and an upgrade to facility equipment.

BOARD OF ESTIMATES

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**MINUTES**

Circuit Court for Baltimore City - Sub-recipient Grant  
Award Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize a sub-recipient grant award agreement with Baltimore Substance Abuse Systems, Inc. (BSAS). The period of the agreement is July 1, 2009 through June 30, 2010.

**AMOUNT OF MONEY AND SOURCE:**

\$432,620.00 - 4000-400610-1100-117100-404001

**BACKGROUND/EXPLANATION:**

The BSAS grant will fund salaries and other operating costs of the Addictions Assessment Unit. The program provides assessment to court ordered and commissioner released defendants to determine substance abuse educational needs and concerns.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized the sub-recipient grant award agreement with Baltimore Substance Abuse Systems, Inc. The President **ABSTAINED** on this item.

## BOARD OF ESTIMATES

10/21/09

## MINUTES

Health Department - Agreements

The Board is requested to approve and authorize execution of the various agreements. The period of the agreement is July 1, 2009 through June 30, 2010, unless otherwise indicated.

1. **HEALTH CARE FOR THE HOMELESS, INC.** **\$ 57,875.00**

Account: 4000-424210-3030-273112-603051

The organization will reduce high-risk behaviors related to the transmission of HIV/AIDS in Baltimore City. The organization will recruit a Prevention Specialist to perform individual HIV/AIDS/STD education and risk reduction strategies.

The agreement is late because the agreement was mailed to the provider on July 10, 2009 and was returned on September 25, 2009.

2. **CHASE BREXTON HEALTH SERVICES, INC.** **\$ 48,526.00**

Account: 4000-424510-3040-278133-603051

The organization will provide transitional case management services to newly released inmates with HIV and support clients who are medically underserved and face many challenges in their re-entry from prison to the community.

3. **HEALTH CARE FOR THE HOMELESS, INC.** **\$190,532.00**

Account: 4000-424510-3040-276938-603051

The organization will provide comprehensive primary care to 50 to 75 individuals with HIV/AIDS related illnesses who are experiencing homelessness.

The agreements were late because the State AIDS Administration programmatically manages Ryan White Part B services. The Department is responsible for processing contracts after receipt of an approved budget and scope of services and making payments to the provider after the State selects the provider through the Request for Proposal process.

## MINUTES

Health Dept. - cont'd

- |    |                             |              |
|----|-----------------------------|--------------|
| 4. | AIDS ACTION BALTIMORE, INC. | \$ 25,000.00 |
|----|-----------------------------|--------------|

Account: 4000-418710-3030-273120-603051

The organization will provide four 1-day retreats for men who have sex with men in Baltimore City. The retreats will determine the ability of the men to identify oppression and self-acceptance related to sexual orientation, cope with self-care skills, knowledge of local HIV prevention, treatment and other programs that target men having sex with men.

The agreement was late because of the delay in receiving an acceptable scope and budget.

MWBOO GRANTED A WAIVER.

- |    |                                |             |
|----|--------------------------------|-------------|
| 5. | PARK WEST HEALTH SYSTEMS, INC. | \$ 8,313.00 |
|----|--------------------------------|-------------|

Account: 4000-427709-3040-278129-603051

The organization will conduct a Clinical Quality Management Program for the Ryan White Part A Program. The purpose of the program is to make sure that services are provided in an efficient and effective manner, standards of care are being met and reports are being sent to the grantee in a timely manner. The period of the agreement is September 1, 2009 through February 28, 2010.

The agreement was late because funds were awarded on July 1, 2009.



## BOARD OF ESTIMATES

10/21/09

## MINUTES

Health Dept. - cont'd

6. **HEALTH CARE FOR THE HOMELESS, INC.** **\$ 17,750.00**

Account: 4000-422509-3030-273016-603051

The organization will provide a multi-faceted syphilis/ Sexually Transmitted Disease (STD) prevention and health education program for people experiencing homelessness in Baltimore City. The program will offer individual and group prevention and health education interventions conducted by registered nurses and outreach workers at its Park Avenue clinic. Services will also include on-site and outreach-based syphilis and HIV screening, serological testing and treatment to reduce the potential of losing clients who are not likely to follow through on referrals to STD clinics.

The agreement was late because funds were awarded late in the grant year.

7. **UNIVERSITY OF BALTIMORE/** **\$ 10,000.00**  
**EVELYN JORDAN CENTER (EJC)**

Account: 4000-427709-3040-278127-603051

The EJC will provide enhancement of clinical quality management project services for the Ryan White Part A Program. The services will enhance the EJC electronic medical record through the use of reminders to perform health maintenance and more user friendly methods to document health maintenance. The goal of the EJC Health Maintenance Project is to increase the number of patients who have received and documented health maintenance screening tests, vaccinations, and preventive therapies. The period of the agreement is August 1, 2009 through February 28, 2010.

This agreement was late because funds were awarded July 1, 2009.

## BOARD OF ESTIMATES

10/21/09

## MINUTES

Health Dept. - cont'd

8. **LEARNING INDEPENDENCE THROUGH COMPUTERS, INC. (LINC)** **\$16,400.00**

Account: 5000-585810-5750-668810-603051

The LINC will provide services for the Baltimore Infants and Toddlers Program. The LINC will offer early intervention services in natural environments that promote educational opportunities for infants and toddlers with disabilities, their families, and professionals serving these children. The services will focus on assistive technology applications such as software, low-tech communications devices, adaptive toys, and equipment for computer access. The services will also focus on assessment and implementation of assistive technology practices as they relate to the child's Individualized Family Service Plan goals. The period of the agreement is July 1, 2009 through June 30, 2010.

9. **THE FAMILY LEAGUE OF BALTIMORE CITY, INC. (FLBC)** **\$90,000.00**

Account: 6000-625210-3080-289400-400001	\$45,000.00
6000-627810-3080-289400-400001	\$45,000.00

The FLBC will provide funds to support two community-based, after school/out-of-school programs for youth; the Mi Espacio and the Carrera Young Executives. These after school programs are modeled after the Children's Aid Society pregnancy prevention approach, designed by Dr. Michael Carrera.

The Mi Espacio After School Program operates in East Baltimore and the Carrera Young Executives Program operates in West Baltimore, serving a majority of Hispanic youth. The majority of youth who participate in this program attend Title I schools, and come from low-income homes (families earning less than 250% of the Federal Poverty Level).

## BOARD OF ESTIMATES

10/21/09

## MINUTES

Health Dept. - cont'd

The program components are educational support with tutors and computer lab, employment and entrepreneurial support and education, family life and sexuality education, creative expression, individual sports, and physical health and mental health. Program activities are conducted four days per week, Monday through Thursday from 3:30 p.m. to 6:30 p.m. The period of the agreement is July 1, 2009 through June 30, 2010.

10. **JANICE NICKENS, R.N.** **\$64,500.00**

Account: 4000-426210-3110-538001-603018	\$49,500.00
4000-425500-3110-537001-603018	\$15,000.00

Ms. Nickens will provide services in the area of case monitoring and Statewide Evaluation and Planning Services to residents of Montgomery County. She will establish a plan of personal care for each eligible recipient assigned to her. She will review and/or revise the plan at least every 60 days or more often if necessary. She will also conduct home visits as often as determined by the Health Department's nurse supervisor, but not less than every 60 days and maintain clinical records on each client assigned to her. Ms. Nickens will also be responsible for conducting a Department of Health and Mental Hygiene Statewide Evaluation and Planning Service comprehensive evaluation tool for each eligible recipient assigned to her. The number of cases assigned will not exceed 75 at any one time, unless prior written authorization is obtained from the Department. The period of the agreement is September 1, 2009 through June 30, 2010.

These agreements (Item nos. 9 & 10) were late because they were recently returned to the Department.

**APPROVED FOR FUNDS BY FINANCE****AUDITS REVIEWED AND HAD NO OBJECTION.**

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

## BOARD OF ESTIMATES

10/21/09

## MINUTES

Health Department - Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the FY 2010 Agreement with the Maryland Department of the Environment (MDE). The period of the agreement is July 1, 2009 through June 30, 2010.

**AMOUNT OF MONEY AND SOURCE:**

\$148,000.00 - 5000-521510-3050-283300-600000

**BACKGROUND/EXPLANATION:**

The Baltimore City Health Department (BCHD) will use the funds to conduct outreach for lead poisoning prevention, provide notice of elevated blood lead levels for lead poisoning prevention and provide case management of lead poisoned children.

The BCHD will also integrate lead poisoning programs that serve low-income pregnant women and families with newborns and young children. The Department will cross train staff in Baltimore's health related programs regarding what they can do to promote lead poisoning prevention and lead screenings. Outreach will be coordinated with Baltimore City Healthy Start, Inc., the Lead Abatement Program, Coalition to End Childhood Lead Poisoning and the Maryland School of Nursing.

The agreement is late because it was prepared by the MDE and was just received.

**APPROVED FOR FUNDS BY FINANCE****AUDITS REVIEWED AND HAS NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the FY 2010 Agreement with the Maryland Department of the Environment (MDE).

## BOARD OF ESTIMATES

10/21/09

## MINUTES

Health Department - Inter-Agency Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize the execution of an inter-agency agreement with the Mayor's Office of Employment Development (MOED). The period of the agreement is July 1, 2009 through June 30, 2010.

**AMOUNT OF MONEY AND SOURCE:**

\$176,994.00 - 6000-626210-3160-308699-603051

**BACKGROUND/EXPLANATION:**

MOED in conjunction with the Health Department, will continue to employ 2 Youth Career Specialists. These individuals will provide employment services to youth enrolled in the Safe Kids Program, and process payroll/stipends for youth in the Employment Training and Internship Program.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the inter-agency agreement with the Mayor's Office of Employment Development (MOED).

## BOARD OF ESTIMATES

10/21/09

## MINUTES

Health Department - Grant Award Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a grant award agreement with the Centers for Disease Control and Prevention. The period of the agreement is September 30, 2009 through September 29, 2010.

**AMOUNT OF MONEY AND SOURCE:**

\$190,000.00 - 4000-496510-3040-670200-601001

**BACKGROUND/EXPLANATION:**

The purpose of the award is for the Baltimore City Cardiovascular Disease (CVD) Initiative plan to reduce the rate of CVD and diabetes by 15% over the next 5 years.

The agreement is being presented at this time because the award was recently received.

**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 a grant award agreement with the Centers for Disease Control and Prevention.

## BOARD OF ESTIMATES

10/21/09

## MINUTES

Department of Recreation and Parks - Expenditure of FundsACTION REQUESTED OF B/E:

The Board is requested to approve and authorize payment to Waste Management, Inc.

AMOUNT OF MONEY AND SOURCE:

\$1,801.28	1001-000000-4710-362200-603026
755.42	1001-000000-4800-372049-603026
1,603.92	1001-000000-4780-365100-603026
77.94	1001-000000-4800-372034-603026
536.58	1001-000000-4800-372054-603026
606.20	1001-000000-4800-372055-603026
693.72	1001-000000-4800-372041-603026
2,044.00	1001-000000-4800-372043-603026
<u>\$8,119.06</u>	

BACKGROUND/EXPLANATION:

Waste Management, Inc. supplies dumpsters at the Department's various recreation centers and facilities. Authorization is requested to pay a backlog of invoices, dated December 2008 through July 2009, for services provided without a valid purchase order. The amount owed the vendor exceeds the limit for payment via Expenditure Authorization.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

A LETTER OF PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION, INC.

**MMCA-MARYLAND MINORITY CONTRACTORS ASSOCIATION, INC.**

A Chapter of American Minority Contractors and Businesses Association, Inc.

Baltimore, MD 21210

443-413-3011

410-323-0932 Fax

arnoldmjolivet@starpower.net

October 6, 2009

VIA FACSIMILE 410-685-4416

The Honorable President and Members

Baltimore City Board of Estimates

Second Floor, City Hall

Baltimore, Maryland 21202

Attention: Ms. B. Harriett Taylor, Esquire  
Clerk to the Board

**Subject: Protest Against Various Contract Awards and  
Readvertisements-Board of Estimates' Agenda, October 7, 2009**

Dear Madam President:

I represent the Maryland Minority Contractors Association, Inc. (MMCA) in its own independent right, and its members and constituents in protesting Your Honorable Board's approval of the above referenced Board Agenda items. It is well settled that an association, like MMCA herein, possesses the requisite standing to represent its members, its constituents and itself:

"[A]n Association [like MMCA] has standing to bring suit on behalf of its members when:

- (a) its members would otherwise have standing to sue in their own rights;
- (b) the interest it seeks to protect are germane to the organization's purpose; and
- (c) neither the claim asserted nor relief requested requires the participation of individual members in the lawsuit."

See Hunt v. Washington Apple Advertising Commission, 432 U. S., 333, 343 (1977); See also NAACP v. Button, 371 U.S. 415 (1963). ("An association and its members are one and the same.")

We herein protest the following described proposed contracts or readvertised agenda items contained on the Board's 10/7/2009 agenda:

1. The item on page 10, which is a request to pay an ultra vires purchases from Waste Management.  
Protest is based on the fact that the proposed purchase violates  
The competitive bidding mandate in Article 6 § 11 of City Charter.



President and Members  
Baltimore City Board of Estimates  
October 6, 2009

2. The item on page 37, which is a Land Disposition Agreement with Tadesse & Associates, Inc.

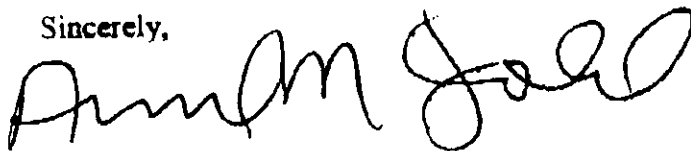
Protest is based on the fact that the subject Agreement should rightfully comply with the M/WBE Utilization requirements mandated by the provisions of Article 5, Subtitle 28 of the City Code. The agency has completely misconstrued the mandate of this subtitle.

3. The requests on page 75 <sup>rel-</sup> to advertise contracts 852R, Denitrification Filters and related work for the enhanced Nutrient removal Facilities at the PatapSCO Wastewater Treatment Plant; and contract WC 1160R, Montebello Plant 2 and Finished Reservoir Cover.

Protest is based on the fact that the City's MWBOO has failed to establish and place appropriate MBE sub-goals on the subject contracts as provided for in Article 5, Subtitle 28 of the City Code.

Thank you for your kind consideration of the above stated items.

Sincerely,



Arnold M. Jolivet  
Managing Director

**MINUTES**

Department of Recreation and Parks - Right-of-Entry Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a right-of-entry agreement with the Garwyn Oaks United Neighbors Association, Inc. (GOUNA) and the Garwyn Oaks/Northwest Housing Resource Center, Inc. (Garwyn Oaks). The period of the right-of-entry agreement is effective upon Board approval for two months.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

GOUNA and Garwyn Oaks are non-profit community-based organizations that are working to preserve, promote, and improve its neighborhoods. The organizations have been awarded a Healthy Neighborhoods grant for a landscape renovation project in McGill Park. This right-of-entry agreement will allow the organizations and their contractors, access to perform the improvements.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the right-of-entry agreement with the Garwyn Oaks United Neighbors Association, Inc. (GOUNA) and the Garwyn Oaks/Northwest Housing Resource Center, Inc.

## BOARD OF ESTIMATES

10/21/09

## MINUTES

Department of Recreation and Parks - Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with The Baltimore City Football Officials Association, Inc. The period of the agreement is effective upon Board Approval through December 31, 2009.

**AMOUNT OF MONEY AND SOURCE:**

\$18,250.00 - 2089-000000-4800-371501-603026

**BACKGROUND/EXPLANATION:**

The association will coordinate the assignment of knowledgeable and certified Football Officials for youth football league games, as well as for tournament play. The Association will assign and act as paymaster for the officials.

**APPROVED FOR FUNDS BY FINANCE****AUDITS REVIEWED AND HAD NO OBJECTIONS.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of an agreement with The Baltimore City Football Officials Association, Inc.

**MINUTES**

Department of Finance - Revised Employee Layoff Policy, AM-205-8

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize the revised Administrative Manual policy on Employee Layoffs, AM-205-8 and Employee Layoff Procedures, AM-205-8-1. The revised policy will replace the present policy, which was revised on September 11, 1996. The requested effective date is upon Board approval.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The Layoff policy governs the separation of City employees filling Civil Service or non-Civil Service positions, who are notified that they are being laid off. Federal, State and local laws provide guidance with respect to the establishment of layoff policies and procedures. The revised policy is consistent with the regulations and provides greater clarity and conciseness.

The definition section of the policy has been updated and expanded to categorize those employees who may be affected by a layoff. Categories listed, include permanent full-time, permanent part-time, temporary/seasonal, contractual and probationary employees.

This policy outlines the entire layoff process. It explains the steps that management should take prior to, during and post layoffs. These steps include seeking alternatives to layoffs, selecting employees to be laid off, implementing and completing the layoff. It is significant to note that the policy as revised affords greater capability for re-employment in that laid off employees may be considered for not only their current classification but for other comparable classifications for which they meet the minimum qualifications.

## MINUTES

Department of Finance - cont'd

AM-205-8-1, Employee Layoff Procedures identifies and distinguishes the role of the agency head, HR officer, the Labor Commissioner, the Equal Opportunity Officer of the Law Department, the Department of Human Resources, the Payroll Division and the Retirement System.

This policy change was requested by the Department of Human Resources. All revisions were reviewed by the Department of Finance, the Law Department and Office of the Labor Commissioner.

UPON MOTION duly made and seconded, the Board approved and authorized the revised Administrative Manual policy on Employee

Layoffs, AM-205-8 and Employee Layoff Procedures, AM-205-8-1.

MINUTES

PERSONNEL MATTERS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

all of the Personnel matters

listed on the following pages:

3999 - 4000

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.

## BOARD OF ESTIMATES

10/21/09

## MINUTES

PERSONNELBaltimore City Police Department

	<u>Hourly Rate</u>	<u>Amount</u>
1. BENNIE IRA CRUMP, JR.	\$14.42	\$30,000.00
2. CHARLES E. MITCHELL, SR.	\$14.42	\$30,000.00
3. SHARI TAYLOR-DORSEY	\$14.42	\$30,000.00

Account: 4000-465010-2010-670800-601009

The retirees will work as Contract Services Specialists. They will be responsible for providing Victim/Witness Liaison services to victims of domestic violence. The period of the agreement is effective upon Board approval through September 30, 2010.

Commission on Aging and Retirement Education

4. LARISSA LANG	\$20.13	\$39,753.76 (plus an add'l \$500.00 for mileage)
-----------------	---------	-----------------------------------------------------------

Accounts: 4000-433410-3250-319900-601009	\$25,840.00
4000-436410-3250-319900-601009	\$13,913.76

Ms. Lang, will work as a Senior Health Insurance Program Coordinator. Ms. Lang will provide information to seniors and their families; determine eligibility and promote the receipt of benefits, services and entitlements. She will also facilitate educational forums relative to health insurance coverage, prescription coverage and long-term care and fraud and abuse regarding the Senior Health Insurance Program. The period of the agreement is effective upon Board approval through September 30, 2010.

## MINUTES

PERSONNELOffice of the State's Attorney

	<u>Hourly Rate</u>	<u>Amount</u>
5. <b>ALEXANDER YANKELOVE</b>	\$36.556	<b>\$34,989.76</b>

Mr. Yankelove, a retiree, will continue to work as a Senior Prosecutor. He will be responsible for handling handgun forfeitures, reviewing advance sheets in the judge's library for cases of interest in traffic issues, letters received directly from defendants and all expungement requests. Mr. Yankelove will also attend all contested expungement hearings in District Court, etc. The period of the agreement is effective upon Board approval for one year.



MINUTES

EXTRA WORK ORDERS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders

listed on the following page:

4002

All of the EWOs had been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

## BOARD OF ESTIMATES

10/21/09

## MINUTES

EXTRA WORK ORDERS

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

Department of Transportation

- |    |                                                                                                                  |                 |        |
|----|------------------------------------------------------------------------------------------------------------------|-----------------|--------|
| 1. | EWO 032, \$31,551.00 - TR 04308R, Charles Street Resurfacing and Streetscape from Madison Street to North Avenue |                 |        |
|    | \$9,095,012.75    \$1,459,682.46                                                                                 | Civil Construc- | -    - |
|    |                                                                                                                  | tion, LLC       |        |

Bureau of Solid Waste

- |    |                                                                                                                   |               |           |
|----|-------------------------------------------------------------------------------------------------------------------|---------------|-----------|
| 2. | EWO 001, \$125,386.98 - S.W.C. 07809, Construction of Land-fill Gas Collection System at Quarantine Road Landfill |               |           |
|    | \$1,611,074.00    -                                                                                               | Harnden Group | 0    100% |

## BOARD OF ESTIMATES

10/21/09

## MINUTES

Department of General Services (DGS) - Developers' Agreements

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

- |    | <u>DEVELOPER</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <u>NO.</u>  | <u>AMOUNT</u>       |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|---------------------|
| 1. | <b>2100 VAN DEMAN STREET, LLC</b>                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>1139</b> | <b>\$17,725.00</b>  |
|    | <p>2100 Van Deman Street, LLC owner and developer, is renovating its building and would like to install upgraded fire-suppression and domestic water services. This agreement will allow the developer to perform the upgraded improvements.</p> <p>An Irrevocable Letter of Credit in the amount of \$17,725.00 has been issued to 2100 Van Deman Street, LLC which assumes 100% of the financial responsibility.</p>                                           |             |                     |
| 2. | <b>RAVENWOOD HEALTHCARE, INC.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>1159</b> | <b>\$ 52,842.30</b> |
|    | <p>Ravenwood Healthcare, Inc. needs to install new water service to its proposed construction located in the vicinity of 501 W. Franklin Street. This agreement will allow the developer to perform its own installation in accordance with City Standards.</p> <p>An Irrevocable Letter of Credit in the amount of \$52,842.30 has been issued to Ravenwood Healthcare, Inc. which assumes 100% of the financial responsibility.</p>                            |             |                     |
| 3. | <b>1018 SOUTH CHARLES STREET, LLC.</b>                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>1173</b> | <b>\$ 11,650.00</b> |
|    | <p>1018 South Charles Street, LLC. needs to install new water service to its proposed construction located in the vicinity of 1118-1120 South Charles Street. This agreement will allow the developer to perform its own installation in accordance with Baltimore City Standards.</p> <p>An Irrevocable Letter of Credit in the amount of \$11,650.00 has been issued to 1018 South Charles Street, LLC which assumes 100% of the financial responsibility.</p> |             |                     |

## MINUTES

Department of General Services - cont'd

	<u>DEVELOPER</u>	<u>NO.</u>	<u>AMOUNT</u>
4.	ULLSWATER PROPERTIES, LLC	1172	\$ 16,712.00

Ullswater Properties, LLC would like to install new water service to its proposed project located in the vicinity of 554 East Fort Avenue. This developer's agreement will allow the organization to do its own installation, in accordance with Baltimore City Standards.

A Performance Bond in the amount of \$16,712.00 has been issued to Ullswater Properties, LLC which assumes 100% of the financial responsibility.

**MBE/WBE PARTICIPATION:**

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

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

## BOARD OF ESTIMATES

10/21/09

## MINUTES

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

The Board is requested to approve and authorize execution of an agreement with Glyndon Engineering & Technology, Co. for S.C. 868, Improvements to the Liquid Oxygen Plant at Patapsco Wastewater Treatment Plant. The period of the agreement is effective upon Board approval for 18 months or until the upset limit is reached, whichever occurs first.

**AMOUNT OF MONEY AND SOURCE:**

\$695,777.63 - 9956-903552-9551-900020-703032

**BACKGROUND/EXPLANATION:**

Under the terms of this agreement, the consultant will design new above-ground piping to the reactors and manual oxygen valves, design replacement instrument air line and manual shut-off, safety and check valves on the oxygen and expanders, and evaluate current LOX usage to determine whether added capacity is necessary. In addition, the consultant will prepare for and attend progress meetings, and distribute meeting minutes.

The project was originally awarded to Black & Veatch. In a letter dated January 7, 2009, Black & Veatch declined to perform the work due to change in scope. Subsequently, the Office of Boards and Commissions approved the Department's request to award the project to the 2<sup>nd</sup> ranking team of Glyndon Engineering & Technology, Co.

Glyndon Engineering & Technology, Co. was approved by the Office of Boards and Commissions and the Architectural and Engineering Awards Commission for design services under this contract.

<b>MBE:</b> EBA Engineering, Inc.	\$ 53,302.46	7.66%
SK Design Group	62,751.09	9.02%
SPARCH, Inc.	30,408.92	4.37%
	<u>\$146,462.47</u>	<u>21.05%</u>

<b>WBE:</b> Phoenix Engineering, Inc.	\$ 49,000.00	7.04%
---------------------------------------	--------------	-------

**MWBOO FOUND VENDOR IN COMPLIANCE.**

## BOARD OF ESTIMATES

10/21/09

## MINUTES

BW&WW - cont'd

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

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$228,796.20	9956-549-585	
Counties	Constr. Res.	
	Patapsco Liquid	
	Oxygen Plant	
107,668.80	" "	
Wastewater		
Rev. Bonds		
315,203.80	9956-549-533	
Counties	Constr. Res.	
	Annual Facilities	
	Improvements	
148,331.20	" "	
Wastewater		
<u>Rev. Bonds</u>		
<b>\$800,000.00</b>		
\$695,777.63	-----	9956-903552-9551-3
		Design
<u>104,222.37</u>	-----	9956-903552-9551-9
		Administrative
<b>\$800,000.00</b>		

This transfer of funds is necessary for the award of SC 868, Design of Liquid Oxygen Plant Improvements at the Patapsco Wastewater Treatment Plant.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with Glyndon Engineering & Technology, Co. for S.C. 868, Improvements to the Liquid Oxygen Plant at Patapsco Wastewater Treatment Plant.

**MINUTES**

BW&WW - cont'd

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**

Bureau of Water and Wastewater (BW&WW) - Single Bond  
for Drain Layers

**ACTION REQUESTED OF B/E:**

The Board is requested to approve acceptance of a single bond for drain layers with the Conewago Enterprises, Inc. (Conewago). The period of the single bond is effective upon Board approval and continues until the firm or surety gives written notice of its termination.

**AMOUNT OF MONEY AND SOURCE:**

\$10,000.00 - Bond

**BACKGROUND/EXPLANATION:**

Whereas, the Conewago desires to give one bond to cover any and all permits that may be granted to them from time to time instead of being obligated to give a separate bond or deposit of money in each case. It is for that purpose that this obligation is given and is to continue in force from its date until notice in writing is delivered to the Head of the BW&WW by the principal or surety. The said notice, however, not to affect or relieve the principal or surety in any manner of any liability under any all permits which may have been issued before the receipt of said notice in writing by the Head of BW&WW.

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of a single bond for drain layers with the Conewago Enterprises, Inc.



## 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:

4010 - 4035

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.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:Bureau of Purchases

- |    |                                                                |                                                                             |                                     |
|----|----------------------------------------------------------------|-----------------------------------------------------------------------------|-------------------------------------|
| 1. | B50001103, Auto-motive Hardware: Fasteners, Nuts & Bolts, etc. | <u>1<sup>st</sup> Call</u><br>Robnet, Inc.                                  | \$2,250,000.00                      |
|    |                                                                | <u>2<sup>nd</sup> Call</u><br>Midwest Motor Supply<br>d/b/a Kimball Midwest | 250,000.00<br><u>\$2,500,000.00</u> |

**MWBOO GRANTED A WAIVER.**

- |    |                                                                       |                         |               |
|----|-----------------------------------------------------------------------|-------------------------|---------------|
| 2. | B50001170, After-market Detroit Engine Heavy Truck Parts and Services | Multiparts and Services | \$ 325,000.00 |
|----|-----------------------------------------------------------------------|-------------------------|---------------|

**MWBOO GOALS WERE NOT SET BECAUSE THERE IS NO OPPORTUNITY TO SEGMENT THE CONTRACT.**

- |    |                                                     |                          |               |
|----|-----------------------------------------------------|--------------------------|---------------|
| 3. | B50001212, Street Tree and Stump Removal: Group III | Asplundh Tree Expert Co. | \$ 156,784.86 |
|----|-----------------------------------------------------|--------------------------|---------------|

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

<b>MBE:</b>	L. Johnson Tree Service, LLC	\$42,331.91	27%
-------------	------------------------------	-------------	-----

**MWBOO FOUND VENDOR IN COMPLIANCE.**

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:Bureau of Water and Wastewater

4. S.C. 876, Rehabilitation and Cleaning of Lower Jones Falls Sewer Video Pipe Services, Inc. \$2,388,850.00

**MBE:** Riviera Enterprises t/a Rei/Drayco \$238,885.00 10.00%

**WBE:** R&R Contracting Utilities, Inc. \$ 95,554.00 4.00%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**A PROTEST WAS RECEIVED FROM COMPLIANCE ENVIROSYSTEMS, LLC.**

5. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 669,000.00 Federal	9956-549-001 Constr. Res. Unalloc.	
2,484,282.00 Wastewater Rev. Bonds	9956-549-626 Constr. Res. Sewer System Rehabilitation Jones Falls	
<u>\$3,153,282.00</u>		
\$ 238,885.00	-----	9956-906622-9556-2 Extra Work
238,885.00	-----	9956-906622-9556-3 Engineering
143,331.00	-----	9956-906622-9556-5 Inspection
2,388,850.00	-----	9956-906622-9556-6 Construction
<u>143,331.00</u>	-----	9956-906622-9556-9 Administration
<b>\$3,153,282.00</b>		

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:Bureau of Water and Wastewater - cont'd

The transfer of funds is required to cover the cost of the award for SC 876, Rehabilitation and Cleaning of the Lower Jones Falls Sewer to Video Pipe Services, Inc.

President: "The first and I believe only protest is Page 45, items one and two. If you are here on that page and those items, please come forward. Before you speak, if you plan to address the Board, please make sure to identify yourself and your affiliation prior to your remarks. Because we are recording this, it is okay to move microphone to get it to where you need so your voice is being picked up. Thank you."

Mr. John Friesner, Dept. of Public Works, Contract Admin: "Good morning Madam President, members of the Board.

President: "Name?"

Mr. John Friesner, Dept. of Public Works, Contract Admin: "I'm sorry, John Friesner, representing the Department of Public Works, Contract Administration. We are here today about SC 876, Rehabilitation and Cleaning of Lower Jones Falls Sewer. We advertised this project on May 22. Bids were opened on July 15<sup>th</sup>, and four bids were received. They ranged from \$1,728,200.00 to \$3,908,786.75. The first two bidders were

## BOARD OF ESTIMATES

10/21/09

## MINUTES

found non-complaint and we are here recommending award to the third bidder Video Pipe Services, Inc. who was found fully compliant."

President: "Thank you. Do you have anything to add?"

Ms. Shirley Williams, Chief, MWBOO: "In regards to the first bidder compliance EnviroSystems, LLC. The goal for this contract was 10% MBE participation. In its bid document, the bidder listed the services by line items from the contract document and the line items to be performed by the MBE are line items 101 and 103 through 107. 101 is Mobilization - I have copies for you if you need them. 101 is Mobilization, 103 is Contingent Arrow Board, 104 Contingent Type III Barricades, 105 Contingent Traffic Control Signs, 106 Contingent Traffic Control Drums and 107 Pre-cast Concrete Barriers. The firm named Peer Consultants is an engineering firm that is certified for civil and engineering services. The firm is not certified as a supplier of traffic control devices or as a firm that can perform traffic maintenance services that are not ancillary to some engineering services. For that reason we found the company in non-compliance. Also, when we look at the Statement of Intent for one of the WBE's, Sunrise Safety Services, that firm is listed to provide traffic control supplies for an amount of \$69,000.00.

## BOARD OF ESTIMATES

10/21/09

## MINUTES

We have a 25% cap on the amount of supplies and that amount exceeds that 25%."

President: "That's it from the Administration?"

Mr. Jon Laria: "Good morning members of the Board, Jon Laria with the Law firm Ballard Spahr, on behalf of Compliance EnviroSystems. Let me briefly introduce my colleague, Michael Skojec at the firm and then just quickly down the line, this is Ms. Groncki who is our WBE. Mr. Stewart on of the CES Compliance EnviroSystems folks, Mr. Dietrich also from CES and then Mr. Tucker from the MBE company, Peer Consultants. I just want to frame this for you very briefly. This is as you know not a bid protest exactly, it's a protest of the disqualification of CES from the process, and our goal today, is to ask the Board to undo that disqualification, to reject it because we think that the disqualification with all due respect to the City staff involved just was not correct. As you have heard from Ms. Williams, our view is that one of these was simply an honest error by the Contract Administrator in reviewing the bid on the MBE and taking it in the same order as Ms. Williams. Because we have correspondence from the City that indicates that the certification does in fact include the services for which the MBE was proposed to perform. The second

## BOARD OF ESTIMATES

10/21/09

## MINUTES

was a little bit of a confusing statement in the bid, but we think really something that is at the very most technical and should allow you upon review and we will walk you through this very shortly, that the WBE was not utilized just for -- is not intended to just be utilized for supplies but in fact for a much broader scope which will allow the numbers to be counted properly. The stakes here just in brief are very high for CES as you can imagine. This is a very significant contract for the company, but also the stakes are high for the City. The difference as the Board knows from the materials that have been presented to you are \$660,000.00 between the bid that CES has submitted and the bid that the Department proposes to award. That is 30% of the proposed award and while I daresay that \$660,000.00 is not necessarily going to affect the Mayor's goal in property tax reduction, it is still a significant amount of money when the City is facing fiscal challenges, as we all know it is. So, let me just say before turning it over to Mike, we would not be here if we thought this was an intent to augment the bid or change the bid or re-characterize the bid. We just think that a clarification would be helpful. We think a clarification should be sufficient, and we think it will give you enough information that you will be able to un-disqualify

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the contractor and award it to them today. So with that, let me turn it over to Mike Skojec from our firm."

President: "Thank you."

Mr. Michael Skojec, Ballard Spahr: "On behalf of CES. As Mr. Laria has indicated, we believe that there are basically two reasons that CES was disqualified in this case and that there is reasons on both grounds the result or the decision was not correct. We would like to walk through those. The first basis, well let me first provide, we have provided a complete package, as you know. You have seen various documents related to this, but I have also brought extra copies of the most relevant documents that we are going to talk about and I would like to provide you with copies, that may make it easier to follow rather than going through the whole package. If that is acceptable. This first document that I have provided is a copy of the letter indicating the reasons for the disqualification, and as you can see, the first grounds that is mentioned is, that Peer Consultants, the MBE subcontractor was not properly certified for the work that they were to be doing. As the letter indicates, in the bid documents, they are to be performing traffic control and maintenance services. As Ms. Williams indicated, there are a number of line items included in



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their work. I think 102 she did not include, that was also included in the bid documents. On the first, line under the services, they are listed as 101 and 102 and then the rest are under the supplies and goods. So, they really were covering the full scope of traffic services and traffic control. Peer Review (SIC) as Ms. Williams has indicated is certified for environmental --."

President: "Sorry, can you just back-up and state that again about 101?"

Mr. Skojec: "Yes. Ms. Williams has indicated that the line entries 101 and then 103 through 107 were the ones in the bid documents which Peer was listed to be doing and 102 was not included but in fact was there. I just want to make sure, the full range of all the traffic control services 101 through 107."

President: "You said that 102 was there. Where?"

Mr. Skojec: "Ms. Williams under work and services, she says, traffic control maintenance services and then it says line items 101 and 102. So it is there."

President: "I don't see it. Do you see it?"

Mr. Skojec: "It is on the first line."

Ms. Williams: "It is typed in, it is real light."

Mr. Skojec: "I just wanted to clarify for the Board. I don't think it makes a difference to the argument."

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Ms. Williams: "It does not matter."

Mr. Skojec: "Right. But it just lists the full scope of all the traffic control services that are to be provided under the contract."

City Solicitor: "Is there any disagreement about that because I cannot see the document. But I -- is it there?"

Ms. Williams: "I can see it on the document but it really doesn't matter."

City Solicitor: "Okay its there but it, but it doesn't matter is what you are saying."

Ms. Williams: "It doesn't change the evaluation."

City Solicitor: "Okay."

Mr. Skojec: "As Ms. Williams has indicated, Peer Consultants is certified for doing environmental and civil engineering services with the City, and in fact have been performing a variety of functions under that category for some time. Here is a copy of the next document I will provide has also been provided before but just the letter from the City that confirms what they are certified for. As you can see, that category of environmental and civil engineering is a very broad category and as result of this disqualification letter, Peer Consultants contacted the MWBOO office with some concerns that they, that their certification be expanded to cover field inspection services and

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a variety of other things, including traffic management and control. Being somewhat surprised because they had done that in the past and also because of this disqualification. As a result of their contacting the MWBOO office and asking to have their certification expanded to cover those services, they were provided with another letter that indicates that in fact they are not required have a separate certification for traffic control. In fact this letter is from Ms. Williams, I am sure she --."

Ms. Williams: "I think you need to read, absolutely."

Mr. Skojec: "I would like to provide a copy of that. We believe that based on their work in doing traffic control and management in the past and the broad certification that they have as well as this letter that indicates that they can perform those services, that they should not need a separate certification and so we believe that basis for disqualification probably should not stand."

President: "Are you done?"

Mr. Skojec: "Before going to the second ground it sounds like Ms. Williams would like to clarify this."

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Ms. Williams: "Yes. I need to clarify. Peer Consultants asked to be certified for field inspection services to include traffic control management and the other items that you see here. We consider engineering firms to be certified to perform field inspection services. If the traffic maintenance services are ancillary to inspection services, then yes, they can be performed. The issue here is in the bid document, there is no indication that Peer is performing any field inspection or any engineering services. The indication in the bid document is that traffic maintenance services are all the services that are being performed."

City Solicitor: "Is it clear that in order for them to do the kind of, I will call this ancillary support work that they seek to do on this contract, that it has to be ancillary, not to the work that others are doing on the contract, but ancillary to work that they themselves are doing?"

Ms. Williams: "Absolutely. It has to be ancillary to engineering work."

City Solicitor: "And that is clearly your view, and I take it, is that clear on the face of the certification documents?"

Ms. Williams: "The certification documents say, civil and environmental engineering. To me that is clear."

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City Solicitor: "To include among other things, this ancillary work?"

Ms. Williams: "Any ancillary work that would be included in the industry. We are not changing anything for this firm."

City Solicitor: "Right."

Ms. Williams: "Right."

Ms. Williams: "But if you would look, there is a letter from the bidder dated August 24<sup>th</sup>, that is approximately a month after the bid was open and that is where you have the list of engineering or field inspection services, that is not in the bid document."

Mr. Skojec: "To respond to that, it is correct that a supplemental letter was provided for clarification because in fact, Peer Consultants will be doing engineering and consulting services on this project. In all honesty, the bid documents do limit their scope to traffic because, the original MBE contractor that was being put forward or was going to be in the bid or be a participant in the bid at the eleventh hour was not able to participate in the way that CES wanted, and so they shifted to Peer Consultants, an engineering firm. You will also note in the bid documents that the cost of the services for the MBE contractor went from \$119,000.00 to \$219,000.00, that was because in fact they were broadening the scope to include those

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engineering services, because now, they had a company that did engineering. So, in fact the traffic work that they are going to be doing is in fact ancillary to engineering services on this project. I don't disagree with Ms. Williams, that the bid document doesn't show that on its face. But, we believe that in fact because they do traffic management and control on a regular basis on City projects, there would be no way for them or anyone in their position and engineering firm to know that they can't do just that, even though that might be the position of the MBE/WBE office. So, to suggest that we had the wrong certification when in fact we wouldn't know that, we thought we had something that was broad enough to cover it, really should not be a basis for disqualification."

City Solicitor: "Have you ever been -- has this issue ever come up before, with the City MBE/WBE office ordinance on it's application to this company that we know off?"

Mr. Skojec: "I would like to have a representative from Peer Consultants to respond to that."

Mr. Jon Tucker, Peer Consultants: "No it hasn't. It is as we do work here in the City on the several projects sewer sheds, the manhole inspections, CCTV work we do, we do traffic control because it is a part of when you work on manholes and so forth you have to direct traffic, to make sure that traffic is

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directed properly. We haven't had an issue, that issue come up before."

President: "I guess for it to be clear to me, are you saying that you have never had to list the services that you provide specifically?"

Mr. Tucker: "We haven't had to list traffic control and other things, because those as we do sewer shed work, you know then an environmental firm, civil engineering firm all of those things are considered a part of the work that has to be done."

Ms. Williams: "If I may, I think the question is, this company, I am going to make a statement because I am familiar with the work that they are doing. This company is not providing traffic control that is not ancillary to the work they are performing."

President: "Okay."

City Solicitor: "So it is not providing traffic control ancillary to their own work."

Ms. Williams: "To their own work. They aren't just providing independent traffic control, they are providing traffic control when it is necessary for the engineering services that they are performing."

City Solicitor: "But I thought I understood the contractors or the bidders representative to say that there was a shift and this firm was at some point and time either before or after the

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bids came in asked to expand its scope of services and do engineering work as well as the traffic control work. Is that correct? (Pause) When did the shift that expanded the scope of work to be done by Peer Consultants?"

Mr. Tucker: "The shift occurred when CES shifted from talking to a different MBE contractor to Peer, and because Peer could provide more services including engineering, then the scope of work for this MBE contractor was expanded. That was all done before the bid was submitted."

City Solicitor: "And is that shift and that scope of work reflected in the bid documents and the MBE forms submitted with the bid documents?"

Mr. Tucker: "Only in the price but no, not in the description of services."

City Solicitor: "Okay."

Mr. Tucker: "If I could move to the second basis for disqualification and talk about that. As you saw from the letter of disqualification, the second grounds has to do with the 25% cap on using suppliers, non-manufacturing suppliers to meet MBE and WBE goals. In this case, it was the WBE choices that were the basis for disqualification because the office found that the listing was for a supplier and therefore, the WBE goal could not be met, only 25% it wouldn't be enough. Here is



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a copy of the document from the bid package, which lists the WBE subcontractors that CES proposed. As you can see, one of them is Shannon Baum Signs for a small amount and they are a manufacturer of signs, so because they are a manufacturing supplier then the 25% cap would not apply to them. The 25% cap only applies to pure suppliers. It doesn't apply to manufacturing suppliers. As you know, it doesn't apply to those who provide services and supplies. The only sub-contractor that is listed here is Sunrise Safety Services for most of the WBE goal requirement. In fact, as Ms. Williams has indicated, here is a copy of Sunrise Services Letter of Intent in the bid package and as you can see, it in fact does say, that they will be providing traffic control supplies. That description is not complete, because in fact they are providing manufactured supplies, signs and they are providing services in traffic control. Although it is not obvious here, it is obvious, well it is obvious in the bid package in a different way. Because, in fact, you see that their contract is listed for \$69,000.00, so they were going to provide \$69,000.00 worth of services and if you go to a different part of the bid package, the line of entries that we were talking about a little while ago, if you look at that list, I can run through the math, but basically line entries 103 through 107 are those items that our goods were

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supplied. They include things like; arrow signs, barricades, traffic control drums all those kinds of things that would be provided. If you add up the numbers for all the supplies that are listed in this bid for traffic control, it comes to a little over \$50,000.00. It doesn't come to \$69,000.00. So, in reading the bid package in its entirety it could be clear that in fact they were going to be doing more, it should have been clear that they would have to been doing more than just providing supplies. So, although there was a misstatement in the one page, other parts of the bid document show the difference. When the disqualification letter was provided to CES. CES in fact did immediately contact Sunrise and did in fact provide a supplemental letter to the City. I will provide a copy of which describes the scope of services and in fact clarifies it to include more than just supplies. Sunrise again, has also been involved in contracts with the City and is certified for doing the scope of services that is listed in their letter. Here is a copy of their certification with the City that I am providing in this letter and as you can see, their certification matches their scope of work for this job and for their scope of work in other jobs. They don't just supply signs even though that was misstated in the bid documents. So, I mean it is understandable in this case why there was confusion about what was being

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provided and how it could be concluded that they are just providing supplies. Although we believe that it should be clear here today, that if you look at the bid package in its entirety and then the clarification that is provided that the intent was always for their scope of services to include -- including services as well as manufactured supplies so that the 25% cap would not apply to them. So we don't think this should be a basis for the disqualification. However, even assuming that technically it is error there was a misstatement in the bid package, that it says their supplier, and in fact going back to the first basis for disqualification that we were talking about with Peer Consultants and the fact that they are also doing engineering services and the scope was not written in a way to make that clear. Even if both of those things are true, we would suggest to the Board that in fact those are really minor errors and pursuant to the City Code this Board has the authority to waive any minor errors or defects in an MBE or WBE submission, and clearly we think in this case, when we are talking about a difference of \$660,000.00 and we are talking about minor mistakes and the way things, the services are described, not that the services were changed after the bids were opened or anything was done like that. The package was never changed it is just that wasn't clear at the time of

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submission. So, we believe that in fact to the extent that there have been errors in the bid package, that the Board should waive those minor errors and grant the protest. The last points that I would like to make is, CES is not asking for more than what they deserve in this case. We really do believe that these are simple minor errors in the way the descriptions were written into the bid documents and in part as I indicated. It was a function of having to change around sub-contractors at the eleventh hour before submitting the bid which is not uncommon frankly. So, those kinds of mistakes can be made. But I think we have demonstrated that those were not changing our bid after the fact, but were in fact just clerical errors if you will, or you know, the descriptions were not complete enough. The City and this Board I think have two goals. One is to meet MBE/WBE goals and in fact, in this case, CES's package would allow the MBE goal to be over 14%. Whereas the bidder would otherwise get the contract under the proposal from the City, it would only be 10%. So, CES's package actually does a better job of meeting the MBE goal and is equal to the other package in meeting the WBE goal. In terms of the contract going to the lowest bidder - and going to the lowest responsive and responsible bidder, we believe in this case the bidding process worked effectively and that the City has gotten the lowest bid from a contractor who

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can perform the services and who has not changed their bid since the date of the bid being presented. So, again we would ask that the Board grant the protest and then award the contract to CES. Thank you."

President: "Ms. Williams if you could just explain succinctly the reasons why you believe that mistakes that the bidder has admitted to are material and cause in your mind for them to be disqualified."

Ms. Williams: "I believe it is material, because if you look at the item, the line item bid that you just received, as being the items for the WBE, these are also the items that are listed for the MBE."

President: "And that makes --."

Ms. Williams: "Line items 103 through 107 are actually listed for the MBE. The wording is listed under the WBE, the traffic control signs. So in essence, their named to do the same thing."

Mr. Skojec: "Could I respond to that?"

President: "One second. So you are saying they are using one company to try to qualify as both?"

Ms. Williams: "No. They are using two different companies to perform the same services. Line items 103 to 107."

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Mayor: "And the bid clearly states in the bid package what the WBE and what the MBE supposed to perform?"

Ms. Williams: "Absolutely."

City Solicitor: "Are the amounts the same for both the MBE firm and the WBE firm?"

Ms. Williams: "No. Because in the MBE firm you have a lump sum amount for mobilization plus items 103 through 107. With the WBE you also have a lump sum amount. But he just handed you the line item bids and said 103 to 107 were for the WBE. In essence if there was time to change the number on the Form C, there should have been time to list the correct services."

President: "Any other questions?"

Mr. Skojec: "May I respond? I would point out that in these line entries, if you take the totals the first one for mobilization is \$190,000.00. The second one for traffic maintenance is \$105,000.00 and then we can go on down to the other ones which total about a little over \$50,000.00. So, in fact we are talking about \$350,000.00 in these items. The two MBE and WBE contractors both list traffic control management or traffic control services as we have indicated or that is what they are going to be doing. One of them has a contract for \$219,000.00. As I indicated if you look at the bid documents, it originally said \$119,000.00 when it was just going to be pure

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traffic control and it was expanded to \$219,000.00 to do engineering. But even if you took \$219,000.00 and thought it was all going to be for traffic control you have \$219,000.00 and then if you look at the WBE contractor \$69,000.00, \$69,000.00 and \$219,000.00 are less than \$300,000.00. So even if they were both going to be doing these line entries the two-dollar values together do not even add up to this. So somebody else is even got to be doing some of this work. I think that's really the way you can look at it or should look at it."

President: "I think you have a pretty decent job in giving the reasons why that it was disqualified, that there are two mistakes and in order to correct the mistakes you have to try to interpret or glean from the rest of the bid documents what you meant or what the bidder meant in the bid package. While it seems to be a minor mistake, I don't think in any of the documents, in any approved bid we are called upon to figure out what the bidder meant. These are supposed to be very clear documents that state very clearly the compliance with the City's MBE and WBE goals. While there is, uh, you are saying small mistakes they lead to the disqualification because the bid was incomplete, and it is a \$661,000.00 set of mistakes. But the City is not I don't think anyone skips halfway into making this decision. We are strapped for cash, but the MBE and WBE goals

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and regulations have to mean something. I think across the Board, it means you have to be clear on the face of your bid documents that you intend to meet the goals and how. I think your presentation here today explains how that was not so, that they weren't clear and rely on letters and I guess conversations or clarifications after the fact to make clear the intention of the bidder to meet the MBE/WBE goals, which we don't generally as a rule don't do."

Mr. Skojec: "Madam President, may I respond? We have in fact we admit that there were mistakes made in their descriptions and we clearly stated that, we are not suggesting otherwise. We have tried to make clear though that in fact, this bid package does meet the goals. It meets the goals in terms of having appropriate sub-contractors who are properly certified or at least would have thought that they were properly certified except for subsequent events. We have also shown that there was never any revision or augmentation or changes made to the bid package after the fact. We tried to point to other things in the bid package, which would make clear that the intent was always to comply. We recognize that there are some technical errors, but again, if the intent is to meet the MBE/WBE goals in this package, it meets the goals of having appropriate subcontractors to do the work, and it also meets the goals of



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the lowest bidder getting the work so that the City doesn't spend more money than it should for a particular project. Again, I think the provision in the City Code that allows this Board to waive minor errors or defects is exactly intended for this kind of thing when there are minor errors made or misunderstanding in terms of what is provided, but the purpose of the MBE/WBE statute is still being met by having appropriate subcontractors do the work and having the right percentages which is all done in this package. So, again, I would suggest we admit that there were errors, but we believe that it would be incumbent on the Board to grant the protest because it really doesn't go to the substance of the bid process or the MBE/WBE goals."

President: "Is there anything else?"

Mayor: "No."

President: "Is there a Motion?"

City Solicitor: "MOVE approval of the agency recommendation, rejection of the bid protest."

Comptroller: "Second."

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President: "All those in favor say AYE. Opposed. Motion carries. Thank you. Anything else? If there is no more business before the Board, the meeting will recess until bid opening at 12 noon. Thank you."

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## 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 - Quick-takes</u>			
1. Kelvin C. York	912 N. Chester St.	L/H	\$24,700.00
2. Jackson Lee Davis, IV and Kimberly Monique Davis	918 N. Chester St.	L/H	\$16,760.00

Funds are available in State Funds, Account No. 9910-906416-9588-900000-704040, EBDI Project, Phase II.

**(FILE NO. 56017)**

3. Mary Hassell, deceased	432 E. 20 <sup>th</sup> St.	L/H	\$43,958.00
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Funds are available in UDAG Funds, Account No. 9912-904713-9591-900000-704040, Barclay Project.

**(FILE NO. 57066)**DHCD - Condemnation - Extinguish/Redemption

The Board is requested to approve acquisition of the ground rent interests by condemnation, or in the alternative may, SUBJECT to the prior approval of the Board, make application to the Maryland Department of Assessments and Taxation to redeem or extinguish the ground rent interests for the following two properties:

4. Orville H. Bullitt, Jr.; Louisa Bullitt Ward; John C. Bullitt; and The Fidelity Bank of Philadelphia, PA	1212 N. Caroline St.	G/R	\$ 381.07 \$57.16
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Funds will be transferred prior to quick-take into General Fund Account 9910-906460-9588-900000-704040, Oliver Project.

**(FILE NO. 57070)**

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OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Options</u>			
5. Jerry Woodrow Isaac, Jr.	432 E. 20 <sup>th</sup> St.	G/R \$65.00	\$ 542.00

Funds will be transferred prior to quick-take into UDAG Fund Account 9912-904713-9591-900000-704040, Barclay Project.

**(FILE NO. 57066)**

6. Lawrence Evans & Fred London, the Personal Represent- atives of the Estate of Kecife Parker	1303 Greenmount Ave.	L/H	\$46,633.00
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Funds are available in Account 9910-904714-9588-900000-704040, Johnson Square Project.

**(FILE NO. 57070)**

DHCD - Rescission/Re-Approval

7. City Homes West Business Trust	940 W. Lexington St.	L/H	\$91,845.42
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On September 3, 2008, the Board approved the purchase by condemnation of the leasehold interest in 940 W. Lexington Street for \$91,845.42. Since then, the owner has signed an option agreement. The Department is requesting that the Board rescind the prior approval and approve the purchase by voluntary agreement.

Funds are available in CDBG Funds Account 9985-902780-9593-900000-704040, Poppleton Project.

**(FILE NO. 57069)**

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OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Rescission/Re-Approval - cont'd</u>			
8. The Paradigm Group, LLC	1145 W. Saratoga St.	L/H	\$93,500.00

On September 2, 2008, the Board approved the purchase by condemnation of the leasehold interest in 1145 W. Saratoga Street for \$85,000.42. The DHCD has secured appraisals, held negotiations with the owner of the leasehold interest and is in compliance with the requirements of the Uniform Relocation Act for replacement housing payment and relocation assistance. As a result, the owner has signed the option agreement in the amount of \$93,500.00 for the property interest. The property will be redeveloped. The Department is requesting that the Board rescind the prior approval and approve the purchase by voluntary agreement.

Funds are available in General Funds Account 9910-901780-9588-900000-704040, Poppleton Project.

**(FILE NO. 57069)**

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 and quick-take proceedings for an amount equal to or lesser than the option amounts.

DHCD - Acquisition by Gift

The Board is requested to approve the acquisition of leasehold interest in the following property as a gift to certain municipal liens:

9. Elton D. Beckford	2521 Park Heights Terrace	L/H	\$0.00
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Mr. Beckford will donate to the City the property which is a vacant lot and agrees to pay all outstanding municipal liens

## MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Acquisition by Gift - cont'd</u>			

at settlement. The property is located in a blighted area of the Park Heights Community. The City has title of approximately 40% of the vacant homes in the development area. Accepting this property is key to site assemblage and will reduce acquisition time and expense.

The owner will be responsible for the payment of all open municipal liens. Below is an estimate of the outstanding municipal liens that Mr. Beckford will pay at settlement.

Metered Water Bill	#023136070000	\$ 718.03
Alley Bill	#06032-001202	<u>322.92</u>
		\$1,040.95

No City funds will be expended regarding the purchase of the property but funds are available in the City Bond Fund Account No. 9910-908087-9588-900000-704044, for closing costs.

**(FILE NO. 57083)**

UPON MOTION duly made and seconded, the Board approved and authorized the foregoing options, condemnations, and quick-takes.

300 East Lombard Street, 18th Floor  
Baltimore, MD 21202-1268  
Tel: 410.528.5541  
Fax: 410.528.3660  
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Michael W. Skojec  
Direct: 410.528.5541  
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October 16, 2009

**By Hand Delivery**

Board of Estimates for Baltimore City  
204 City Hall  
100 North Holliday Street  
Baltimore, Maryland 21202  
Attn: Clerk

Re: **Bid Protest of Compliance EnviroSystems, LLC**  
Contract SC876-Rehabilitation and Cleaning of Lower Jones Falls Sewer

Dear Sir or Madam:

We represent Compliance EnviroSystems, LLC ("CES"), which previously filed a formal protest in the above-referenced matter on or about August 12, 2009. We understand that the award of the above-said contract and a hearing on the protest will be scheduled before the Board of Estimates soon, although CES has yet to receive any notice of a protest hearing date. We are providing you with this Entry of Appearance and with a package of information concerning the protest for the Board of Estimates.

We believe that a mistake was made in the disqualification of CES, as more fully described below, which should be the basis of upholding the protest and awarding the above-said contract to CES. This letter is to also request that, because CES has yet to receive any contact from the Office of Contract Administration as to the protest and information previously provided, this matter not be set before the Board of Estimates until the Office of Compliance and Contract Administration in the Department of Public Works have had the opportunity to fully review the matter.

When the bids were open in July, 2009 on Sanitary Contract No. 876, CES's bid was the lowest bid and was 75% of the engineer's estimate. If the contract is awarded to Video Pipe Services, Inc., as CES has been told will occur, the cost to the City would be approximately \$660,000.00 more than if CES provides the same services. CES has performed similar kinds of services for the City of Baltimore and WSSC in the past without problems or concerns. The company has substantial experience in this kind of work on similar projects all over the country. There should be no question that CES is the lowest responsible bidder and would perform the work well.

According to the letter that was sent to CES by the Contract Administrator, Cindy Pattison, dated July 30, 2009, CES's bid package was found to be non-compliant. The letter indicated that Peer Consultants, an MBE contractor which was to provide "traffic control and maintenance services" was said not to be certified for such work. That is not correct. While Peer Consultants is currently certified for "environmental and civil engineering services", that certification includes all field

DMEAST #11891543 v1

inspection services which are integral to the engineering services, including traffic control and management. That has since been confirmed by the MBE office in correspondence from Shirley Williams, Chief of the office.

The disqualification letter also indicated that CES did not achieve the WBE goal because expenditures for supplies are limited to 25% of the goals and that 25% limit needed to be applied. While there may have been some confusion from CES's bid package discussing how Sunrise Safety Services, Inc., a WBE contractor, would be providing traffic control supplies that amounted to most of the WBE requirement, in fact Sunrise is certified with the MBE office of Baltimore City for the supply and installation of traffic signs, permanent markings, traffic control and miscellaneous traffic control items. This is the more complete description of the services that Sunrise would be providing under the above-said contract. Although materials are being provided, Sunrise provides services for road closures, lane movements, barricades and setting work areas, all according to the project management plan. Sunrise is not just a supplier but rather, is providing substantial services.

Because both of the grounds for disqualification are incorrect, we hereby request that the bid protest of CES be upheld and the disqualification withdrawn. Again, as discussed above, we request that the Office of Contract Administration review this protest and all of the documentation that was provided in the hope that this matter can be resolved by the staff without the need for a full public hearing before the Board of Estimates. We would be happy to provide additional information as needed.

In support of the information provided in this letter, we are attaching the following documents which have been previously provided in support of CES's protest:

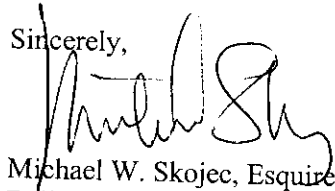
1. Summary of tabulation of bids;
2. Disqualification Letter from Contract Administration dated July 30, 2009;
3. Bid Protest Letter of CES dated August 12, 2009;
4. Supplemental Bid Protest Letter of August 24, 2009, including various documents;
5. CES Letter dated September 25, 2009 with additional documentation, including letter of Shirley Williams dated September 16, 2009, and
6. CES Letter of September 15, 2009 requesting the status of the protest (no response to this letter or to any of the prior CES correspondence about the protest has been received by CES as of this date).



Board of Estimates for Baltimore City  
October 16, 2009  
Page 3

We appreciate your consideration of this matter. Please advise as to how the matter shall proceed. If you have any questions, please contact me.

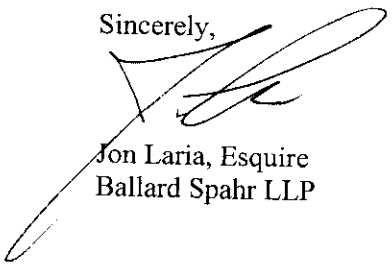
Sincerely,



Michael W. Skojec, Esquire  
Ballard Spahr LLP

MWS/pls

Sincerely,



Jon Laria, Esquire  
Ballard Spahr LLP

cc: Hon. Sheila Dixon  
Hon. Stephanie Rawlings-Blake  
Hon. Joan Pratt  
George Nilson, Esq.  
Director David Scott  
Mr. Casey M. Smith (via email)  
Mr. Jimmy Stewart (via email)

Lower Jones Falls Sewer Cleaning, SC 876

Most Probable Cost of Construction

90% Submission

February 27, 2009

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEMS	UNIT PRICE		AMOUNTS	
			DOLLARS	.CTS	DOLLARS	.CTS
101	1	MOBILIZATION (EACH)	\$250,000	00	\$250,000	00
102	1	MAINTENANCE OF TRAFFIC (EACH)	\$50,000	00	\$50,000	00
103	20	CONTINGENT ARROW BOARD (DAY)	\$50	00	\$1,000	00
104	2	CONTINGENT TYPE III BARRICADES (EACH)	\$300	00	\$600	00
105	125	CONTINGENT TRAFFIC CONTROL SIGNS (SQ. FT.)	\$30	00	\$3,750	00
106	150	CONTINGENT PLASTIC TRAFFIC CONTROL DRUMS (EACH)	\$100	00	\$15,000	00
107	250	CONTINGENT PRECAST CONCRETE BARRIER (LF)	\$40	00	\$10,000	00
801	7,200	PRE-CLEANING SONAR INSPECTION (LF)	\$12	00	\$86,400	00
802	2,500	HEAVY CLEANING OF SANITARY SEWERS (TON)	\$450	00	\$1,125,000	00
803	7,200	INTERNAL INSPECTION (LF)	\$35	00	\$252,000	00
804	23	MANHOLE INSPECTION (EACH)	\$300	00	\$6,900	00
805	2	CONTINGENT ACCESS STRUCTURES (EACH)	\$25,000	00	\$50,000	00
806	1,000	CONTINGENT HEAVY CLEANING (TON)	\$450	00	\$450,000	00
<b>TOTAL</b>			<b>\$2,300,650</b>		<b>00</b>	

CITY OF BALTIMORE

SHEILA DIXON, Mayor

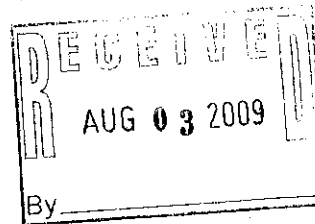


DEPARTMENT OF PUBLIC WORKS

CONTRACT ADMINISTRATION  
1105 Abel Wolman Municipal Building  
Baltimore, Maryland 21202

July 30, 2009

Compliance Enviro Systems  
1401 Seaboard Drive  
Baton Rouge, LA 70810



RE: SC - 876 – Rehabilitation and Cleaning of Lower Jones Falls Sewer

Dear Sir or Madam:

On July 30, 2009, the City of Baltimore Minority and Women's Business Opportunity Office (MWBOO) found your bid submission package for SC – 876 – Rehabilitation and Cleaning of Lower Jones Falls Sewer to be non-compliant. The reason stated was Peer Consultants is not certified to provide "traffic control and maintenance services". Bidder did not achieve the WBE goal. Expenditures for supplies are limited to 25% of each MBE and WBE goals. Therefore, the amount allowed has been applied.

If you require further clarification of this decision, please contact the Department of Public Works' Office of Compliance at (410) 396-8497. As a courtesy, your firm will be contacted by the Office of Contract Administration prior to the recommendation to award this contract.

Sincerely,

Cindy Pattison  
CONTRACT ADMINISTRATOR

Cc: DPW-Office of Compliance

Visit our website at  
[www.BaltimoreCity.gov](http://www.BaltimoreCity.gov)



Printed on recycled paper with environmentally friendly soy based ink.



***Compliance EnviroSystems, LLC***  
***Engineers • Scientists • Planners • Contractors***

August 12, 2009

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

RE: Written Formal Protest  
SC-876 – Rehabilitation and Cleaning of Lower Jones Falls Sewer

To Whom It May Concern:

On July 30, 2009, Compliance EnviroSystems, LLC received a letter from Ms. Cindy Pattison advising us that our low bid for the referenced project was deemed non-compliant by the City of Baltimore Minority and Women's Business Opportunity Office. Our issues with this rejection are briefly as follows:

1. Our bid was compliant.
2. Our bid was approximately \$400,000.00 lower than the next bidder.
3. Our MBE/WBE team members are certified to perform the task we assigned to them.
4. If the Board of Estimates upholds this rejection of our bid, we will be harmed in the following ways:
  - a. We will lose legitimate revenue.
  - b. Our MBE/WBE team members will lose revenue.
  - c. The taxpayers of the City of Baltimore will pay between \$400,000.00 and \$600,000.00 more for this work if they award the project to the second or third bidders.

Through this correspondence we request to preserve our standing of low bidder on this project, and no award be made before our team and meet with the proper authorities to clarify any misunderstandings about our MBE/WBE project percentages and assignments.

Sincerely,

Casey M. Smith  
Executive Vice President



***Compliance EnviroSystems, LLC***  
***Engineers • Scientists • Planners • Contractors***

August 12, 2009

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

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SC-876 – Rehabilitation and Cleaning of Lower Jones Falls Sewer

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1. Our bid was compliant.
2. Our bid was approximately \$400,000.00 lower than the next bidder.
3. Our MBE/WBE team members are certified to perform the task we assigned to them.
4. If the Board of Estimates upholds this rejection of our bid, we will be harmed in the following ways:
  - a. We will lose legitimate revenue.
  - b. Our MBE/WBE team members will lose revenue.
  - c. The taxpayers of the City of Baltimore will pay between \$400,000.00 and \$600,000.00 more for this work if they award the project to the second or third bidders.

Through this correspondence we request to preserve our standing of low bidder on this project, and no award be made before our team and meet with the proper authorities to clarify any misunderstandings about our MBE/WBE project percentages and assignments.

Sincerely,

Casey M. Smith  
Executive Vice President



***Compliance EnviroSystems, LLC***  
*Engineers • Scientists • Planners • Contractors*

August 24, 2009

Ms. Shirley Williams  
City of Baltimore  
100 N. Holiday Street  
Department of Law Room 135  
Baltimore, MD 21202

RE: SC - 876 – Rehabilitation and Cleaning of Lower Jones Falls Sewer letter of Non-Compliance

Dear Ms. Williams,

On July 30, 2009 Compliance EnviroSystems (CES) received a letter of non compliance from Ms. Cindy Pattison with your Contract Administration Office. A copy of this letter is below.

*On July 30, 2009, the City of Baltimore Minority and Women's Business Opportunity Office (MWBOO) found your bid submission package for SC – 876 – Rehabilitation and Cleaning of Lower Jones Falls Sewer to be non-compliant. The reason stated was Peer Consultants is not certified to provide "traffic control and maintenance services". Bidder did not achieve the WBE goal. Expenditures for supplies are limited to 25% of each MBE and WBE goals. Therefore, the amount allowed has been applied.*

Ms. Williams, CES is a firm that is an advocate of MBE/WBE programs throughout the country. We respect and appreciate the services and relationships we have with these companies. We partner with and have provided mentorship programs and support to these businesses throughout our company's history. These companies and relationships are some of the best partners in business we have experienced and they have directly contributed to our success. We will continue this effort.

Below you will find for your consideration a detailed explanation of why we feel we are in compliance with the MBE/WBE goals for project. SC-876 – Rehabilitation and Cleaning of Lower Jones Falls Sewer. I have listed the specific company and tasks for each of the subcontractors. Accompanying our explanation are the task to be performed by each of our sub-contractors, their certifications and/or their certification number. I have also included correspondence from these companies. In your review process please consider that CES feels not only that we have met or exceeded the MBE/WBE goals for this project but we have also provided a "good faith" effort to utilize the City of Baltimore's MWBOO services and web site to meet and exceed these goals. This was a valuable tool in our process.

In the letter dated July 30, 2009 you referenced 2 (two) items specifically that were not in compliance. Peer Consultants and our WBE sub-contractor, Sunrise Safety Services. Included in our explanations are the specific tasks these companies have been assigned. You will find in the tasks descriptions work that would be performed by these sub-contractors and there certifications. There are some task that are not in the line items that these companies are currently certified and performing on projects with the City of Baltimore and in the State of Maryland. These items are described in the task assignments and are part of the CES project and work plan.

CES Sub-Contractors task and services SC - 876 – Rehabilitation and Cleaning of Lower Jones

WBE/FBE Firms	Status	Certification #	Contract Amount	% of Contract	Allowable %	Task Assignments
J.J. Adams Fuel Oil Company	MBE	05-004569	\$100,000	5.79%	1.44%	Supply Fuel for operations
Peer Consultants	MBE	04-004509	\$219,750.00	12.72%	12.72%	<b>Environmental and Civil Engineering.</b> Provide engineering support in the development of the work plan; Provide engineering oversight, coordination, schedule, cost control and permitting for traffic maintenance. Provide Manhole Inspections, provide pre-sonar CCTV evaluations during the cleaning process, review QA/QC deliverables, perform engineering quality assurance, prepare progress reports and attend progress meetings.
<b>Total Allowable MBE %</b>					<b><u>14.16%</u></b>	
Sunrise Safety Services	WBE	95-2928	\$69,000	3.99%	3.99%	<b>Traffic Maintenance.</b> Furnish, install signs, drums, arrow panels and provide traffic maintenance for project
Shannon-Baum Signs	WBE	03-449	\$385.00	0.02%	0.005%	Provide Project Sign
<b>Total Allowable WBE %</b>					<b><u>4.00%</u></b>	

Additional Documents:

- Peer Consultants City of Baltimore Certification
- Letter of Intent from Peer Consultants Environmental and Civil Engineering Services
- Sunrise Safety Services City of Baltimore Certification
- Letter of intent from Sunrise Safety Services for Traffic Maintenance
- Sunrise Safety Services MDOT certification for Traffic Maintenance

We respect your time and ask that you carefully review the documentation provided regarding our compliance for this project.

Thank You, we look forward to your response.

**COMPLIANCE ENVIROSYSTEMS, LLC**



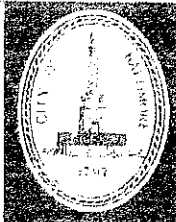
**Joe Atol, IV**  
**Vice President**

cc: City of Baltimore - Board of Estimates  
City of Baltimore - Department of Contract Compliance  
Compliance EnviroSystems, LLC – Jimmy Stewart



CITY OF BALTIMORE

HEALTH DEPARTMENT



MINORITY AND WOMEN'S BUSINESS OPPORTUNITY  
OFFICE (MWBOO)

Room 1000, City Hall  
100 N. Calvert Street, Suite 1000  
Baltimore, MD 21202  
Phone: (410) 396-4355

March 17, 2009

Ms. Lilia A. Abron  
PEER CONSULTANTS, P C  
10 N. Calvert Street, Suite 153  
Baltimore, MD 21202

Re: Minority/Women's Business Enterprise (M/WBE) Certification # 04-004509

Dear Ms. Abron:

The Minority and Women's Business Opportunity Office (MWBOO) has certified your business as a Minority/Women's Business Enterprise to provide the services listed below. The certification is effective for a period of two years. During that time, the MWBOO will list the business in the Baltimore City Minority and Women's Business Enterprises Directory.

If the ownership or control of the business changes, you must submit to MWBOO a revised Application for Certification. If you disagree with the services assigned to the business, please write to MWBOO immediately so that the listing can be modified appropriately.

Enclosed, please find the documents that were submitted with the certification application. You must maintain these documents during the 2-year certification period because you may be required to resubmit them. MWBOO has retained the application, affidavit, license(s) and proof of minority/female status.

If your business is utilized to achieve the MBE or WBE participation goal on a City of Baltimore contract, you may not subcontract more than 10% of the dollar amount of your contract.

If you intend to do business with the City of Baltimore through the Bureau of Purchases, it is necessary to register your company with that agency. You may register your business at [www.baltimorecitibuy.org](http://www.baltimorecitibuy.org). Registration is free, and vendors do not incur any additional fees.

Should you have any questions, please contact MWBOO at (410) 396-4355.

Services:  
ENVIRONMENTAL AND CIVIL ENGINEERING

Approval Date: 3/17/2009  
Expiration Date: 3/17/2011

Very truly yours,

*Shirley A. Williams*  
Shirley A. Williams, Chief

Minority and Women's Business Opportunity Office





Engineers • Scientists • Planners

10 N. Calvert Street • Suite 153 • Baltimore, MD 21202  
Phone: 410 332-0799 - Fax 410-332-0799

---

August 24, 2009

Jimmy Stewart  
Business Development  
Compliance EnviroSystems, LLC  
913 Viburnum Road #301  
Odenton, Maryland 21113

RE: SC - 876 – Rehabilitation and Cleaning of Lower Jones Falls Sewer  
Letter of Intent for Professional Services

Dear Mr. Stewart:

PEER Consultants, P.C. has been certified as a Minority/Women's Enterprise providing Environmental and Civil Engineering Services by the Minority and Women's Business Opportunity Office.

We are pleased to express our intent to provide Environmental and Civil Engineering services for the above referenced project. We will be providing services similar to those being provided by us to the City of Baltimore on recent and current projects including: engineering support in the development of the work plan; engineering oversight, coordination, schedule, cost control and permitting for traffic maintenance; manhole inspections; pre-sonar CCTV evaluations during the cleaning process; review and QA/QC of deliverables; engineering quality assurance; preparation of progress reports; and attendance at progress meetings. The total cost for the services to be provided by PEER Consultants, P.C. being \$219,750.

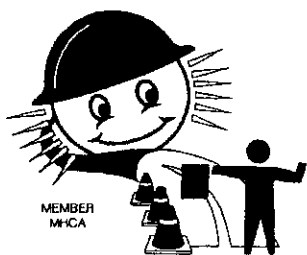
It is understood that if you are awarded the contract, we intend to enter into an agreement to perform the activity described for the price indicated.

Sincerely,

John M. Corliss, Jr., PE  
Director, A&E Services

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

Rockville, MD • Baltimore, MD • New England, MA • Las Vegas, NV  
Oak Ridge, TN • Salt Lake City, UT • Miami Lakes, FL



# SUNRISE

## Safety Services

6711 Bay Meadow Drive, Suite D,  
Glen Burnie, MD 21060  
(410) 590-3905 • FAX (410) 590-3906  
MBE # 95-395 WBE # B-2928

### TRAFFIC MAINTENANCE

Sales, Service  
And Installation

August 24, 2009

CES  
913 Viburnum Road Suite 301  
Odenton, MD 21113  
Ofc 410-874-7160  
Fax 410-874-8581

ATTN: Jimmy Stewart  
Email: [jstewart@ces-sses.com](mailto:jstewart@ces-sses.com)

RE: LJJ Bid Documents  
Baltimore City Sanitary Contract # 876

Dear Jimmy,

Please be advised that Sunrise Safety Services will furnish & install signs, drums, barricades & arrow panels on the above referenced project. We will also supply the Maintenance of Traffic throughout this contract. Sunrise also will manufacture the signs that we provide to you for this project and you will get 100% credit on those items. The estimated contract amount for this project is \$69,000.00.

For future reference, our Baltimore City WBE certification # is 95-2928. Should you need anything further feel free to contact our office.

Sincerely,

Janet Groncki  
Vice President/Estimator

C:\Word\JGroncki\CES-SSE Balto City WBE Ltr



**Maryland Department of Transportation**  
The Secretary's Office

**Martin O'Malley**  
Governor

**Anthony G. Brown**  
Lt. Governor

**John D. Porcari**  
Secretary

**Beverley K. Swalm-Staley**  
Deputy Secretary

February 18, 2009

Certification No. 95-395

MARGARET "CATHY" VOGEL  
SUNRISE SAFETY SERVICES, INC.  
6711 BAY MEADOW DRIVE, SUITE D  
GLEN BURNIE, MD 21060

Dear MARGARET "CATHY" VOGEL:

We are pleased to inform you that your company has been found eligible to continue its certification as a Minority Business Enterprise and/or Disadvantaged Business Enterprise (MBE/DBE) effective February 18, 2009.

Your certification does not automatically expire, however, your business and every certified MBE/DBE must be reviewed annually. You will be notified when the next review is due.

Your business continues to be MBE/DBE certified for those services already approved, as well as any expanded services for which you have been approved and officially notified in writing. If you wish to expand your firm's area of work, a separate written request detailing the specific areas of work to be included in the expansion must be sent to the Maryland Department of Transportation, Office of Minority Business Enterprise. Listing your expanded services on recertification documents is not sufficient.

A firm is considered graduated in all or some of the areas of work grouped under the North American Industry Classification System (NAICS) Codes if it exceeds the size standards in all or some of the NAICS Codes. If your firm is presently in a graduated status, it is no longer eligible to participate as a Disadvantaged Business Enterprise under the Federal U.S. DOT Program or as a Minority Business Enterprise under the State of Maryland Program for the noted NAICS Codes.

If you should have any questions, please contact the Office of Minority Business Enterprise, Recertification Unit at 410-865-1269 or 1-800-544-6056.

Sincerely,

Zenita Wickham Hurley  
Director  
Office of Minority Enterprises

CITY OF BALTIMORE

SHELLA DIXON, Mayor



MINORITY AND WOMEN'S BUSINESS  
OPPORTUNITY OFFICE

Room 101, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202  
410-396-4355

August 29, 2007

Ms. Margaret K. Vogel  
SUNRISE SAFETY SERVICES, INC.  
527 Chesapeake Avenue  
Baltimore, MD 21225

Re: Women's Business Enterprise (WBE) Certification # 95-002928

Dear Ms. Vogel:

The Minority and Women's Business Opportunity Office (MWBOO) has certified your business as a Women's Business Enterprise to provide the services listed below. The certification is effective for a period of two years. During that time, the MWBOO will list the business in the Baltimore City Minority and Women's Business Enterprises Directory.

If the ownership or control of the business changes, you must submit to MWBOO a revised Application for Certification. If you disagree with the services assigned to the business, please write to MWBOO immediately so that the listing can be modified appropriately.

Enclosed please find the documents that were submitted with the certification application. You must maintain these documents during the 2-year certification period because you may be required to resubmit them. MWBOO has retained the application, affidavit, license(s) and proof of minority/female status.

If your business is utilized to achieve the MBE or WBE participation goal on a City of Baltimore contract, you may not subcontract more than 10% of the dollar amount of your contract.

If you intend to do business with the City of Baltimore through the Bureau of Purchases, it is necessary to register your company with that agency. You may register your business at [www.baltimorecitybuy.org](http://www.baltimorecitybuy.org). Registration is free, and vendors do not incur any additional fees.

Should you have any questions, please contact MWBOO at (410) 396-4355.

Services:

SUPPLY AND INSTALL TRAFFIC SIGNS, PERMANENT MARKINGS, TRAFFIC CONTROL,  
MISCELLANEOUS TRAFFIC CONTROL ITEMS

Approval date: 8/29/2007

Expiration date: 8/28/2009

Very truly yours,

Thomas B. Corey, Chief  
Minority and Women's Business Opportunity Office



# Maryland Department of Transportation

The Secretary's Office

Attachment 1

Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor

John D. Porcari  
Secretary

Beverly K. Swalm-Staley  
Deputy Secretary

## MBE/DBE DIRECTORY PROFILE

MARGARET "CATHY" VOGEL  
SUNRISE SAFETY SERVICES, INC.  
6711 BAY MEADOW DRIVE, SUITE D  
GLEN BURNIE, MD 21060

Certification No.: 95-395

Current NAICS Code(s):

237310 - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION  
332999 - ALL OTHER MISCELLANEOUS FABRICATED METAL PRODUCT  
MANUFACTURING  
339950 - SIGN MANUFACTURING  
423990 - OTHER MISCELLANEOUS DURABLE GOODS MERCHANT WHOLESALERS  
488490 - OTHER SUPPORT ACTIVITIES FOR ROAD TRANSPORTATION  
532490 - OTHER COMMERCIAL AND INDUSTRIAL MACHINERY AND EQUIPMENT  
RENTAL AND LEASING  
561990 - ALL OTHER SUPPORT SERVICES

Current Products and Services description:

MAINTENANCE OF TRAFFIC, BUSINESS SERVICES, NEC, (ADDING: LANE  
CLOSURES, CRASH CUSHION INSTALLATION, GLARE SCREEN INSTALLATION),  
SPECIAL TRADE CONTRACTORS, NEC, (SPECIFICALLY: INSTALLATION OF INLAID  
TAPE, STRIPPING, PLOWABLE RAISED MARKINGS), FABRICATED METAL  
PRODUCTS, NEC, (SPECIFICALLY: MANUFACTURER OF TRAFFIC SIGNS),  
DURABLE GOODS, NEC, (SPECIFICALLY: SALE OF TRAFFIC SIGNS), SANITARY  
SERVICES, NEC, (SPECIFICALLY: SNOW REMOVAL, HAULING AWAY OF SNOW),  
EQUIPMENT RENTAL AND LEASING, NEC, (SPECIFICALLY: RENTAL OF SIGN  
BOARDS, ARROW BOARDS, TRAFFIC SIGNS, BARRELS AND OTHER MAINTENANCE  
OF TRAFFIC ITEMS)

The above accurately describes the products and/or services the above-named firm provides.

Print Name

Title

Signature

Date

My telephone number is

Toll Free Number 1-888-713-1414, TTY Users Call Via MD Relay  
7201 Corporate Center Drive, Hanover, Maryland 21076



***Compliance EnviroSystems, LLC***  
***Engineers • Scientists • Planners • Contractors***

September 15, 2009

Office of the Comptroller  
City of Baltimore  
Ms. Joan Pratt  
200 N. Holliday Street  
City Hall 2<sup>nd</sup> Floor  
Baltimore, MD 21202

RE: SC-876 – Rehabilitation and Cleaning of Lower Jones Falls Sewer

Dear Ms. Pratt,

The intent of this letter is to request specific information regarding the review process associated with the correspondence dated August 24, 2009 addressed to Ms. Shirley Williams, Chief of the Minority and Women's Business Opportunity Office. This memo was in reference to the City of Baltimore Project SC-876 – Rehabilitation and Cleaning of Lower Jones Falls Sewer and our detailed explanation of why we felt we were in compliance with the MBE/WBE goals for this project. Please see attached. It is our desire to better understand the process and determine where we are in the process.


Please let us know if there is a particular time that our Business Development Representative for the Baltimore area, Jimmy Stewart, can contact your office to discuss this matter. Should you choose to contact him directly, his contact information can be found below.

Jimmy Stewart  
334-740-1003  
[jstewart@ces-sses.com](mailto:jstewart@ces-sses.com)

Thank you for your time. We look forward to working with the City of Baltimore on this very important project.

Sincerely,

COMPLIANCE ENVIROSYSTEMS, LLC



Trey Horne  
Vice President

Attachment



***Compliance EnviroSystems, LLC***  
***Engineers • Scientists • Planners • Contractors***

August 24, 2009

Ms. Shirley Williams  
City of Baltimore  
100 N. Holiday Street  
Department of Law Room 135  
Baltimore, MD 21202

RE: SC - 876 – Rehabilitation and Cleaning of Lower Jones Falls Sewer letter of Non-Compliance

Dear Ms. Williams,

On July 30, 2009 Compliance EnviroSystems (CES) received a letter of non compliance from Ms. Cindy Pattison with your Contract Administration Office. A copy of this letter is below.

*On July 30, 2009, the City of Baltimore Minority and Women's Business Opportunity Office (MWBOO) found your bid submission package for SC – 876 – Rehabilitation and Cleaning of Lower Jones Falls Sewer to be non-compliant. The reason stated was Peer Consultants is not certified to provide "traffic control and maintenance services". Bidder did not achieve the WBE goal. Expenditures for supplies are limited to 25% of each MBE and WBE goals. Therefore, the amount allowed has been applied.*

Ms. Williams, CES is a firm that is an advocate of MBE/WBE programs throughout the country. We respect and appreciate the services and relationships we have with these companies. We partner with and have provided mentorship programs and support to these businesses throughout our company's history. These companies and relationships are some of the best partners in business we have experienced and they have directly contributed to our success. We will continue this effort.

Below you will find for your consideration a detailed explanation of why we feel we are in compliance with the MBE/WBE goals for project. SC-876 – Rehabilitation and Cleaning of Lower Jones Falls Sewer. I have listed the specific company and tasks for each of the subcontractors. Accompanying our explanation are the task to be performed by each of our sub-contractors, their certifications and/or their certification number. I have also included correspondence from these companies. In your review process please consider that CES feels not only that we have met or exceeded the MBE/WBE goals for this project but we have also provided a "good faith" effort to utilize the City of Baltimore's MWBOO services and web site to meet and exceed these goals. This was a valuable tool in our process.

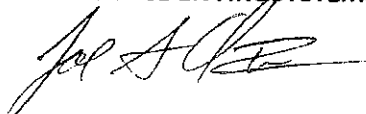
In the letter dated July 30, 2009 you referenced 2 (two) items specifically that were not in compliance. Peer Consultants and our WBE sub-contractor, Sunrise Safety Services. Included in our explanations are the specific tasks these companies have been assigned. You will find in the tasks descriptions work that would be performed by these sub-contractors and there certifications. There are some task that are not in the line items that these companies are currently certified and performing on projects with the City of Baltimore and in the State of Maryland. These items are described in the task assignments and are part of the CES project and work plan.



We respect your time and ask that you carefully review the documentation provided regarding our compliance for this project.

Thank You, we look forward to your response.

**COMPLIANCE ENVIROSYSTEMS, LLC**



**Joe Atol, IV**  
**Vice President**

cc: City of Baltimore - Board of Estimates  
City of Baltimore - Department of Contract Compliance  
Compliance EnviroSystems, LLC – Jimmy Stewart

CES Sub-Contractors task and services SC - 876 – Rehabilitation and Cleaning of Lower Jones

WBE/FBE Firms	Status	Certification #	Contract Amount	% of Contract	Allowable %	Task Assignments
---------------	--------	-----------------	-----------------	---------------	-------------	------------------

J.J. Adams Fuel Oil Company	MBE	05-004569	\$100,000	5.79%	1.44%	Supply Fuel for operations
-----------------------------	-----	-----------	-----------	-------	-------	----------------------------

Peer Consultants	MBE	04-004509	\$219,750.00	12.72%	12.72%	<b>Environmental and Civil Engineering.</b> Provide engineering support in the development of the work plan; Provide engineering oversight, coordination, schedule, cost control and permitting for traffic maintenance. Provide Manhole Inspections, provide pre-sonar CCTV evaluations during the cleaning process, review QA/QC deliverables, perform engineering quality assurance, prepare progress reports and attend progress meetings.
------------------	-----	-----------	--------------	--------	--------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Total  
Allowable  
MBE % **14.16%**

Sunrise Safety Services	WBE	95-2928	\$69,000	3.99%	3.99%	<b>Traffic Maintenance.</b> Furnish, install signs, drums, arrow panels and provide traffic maintenance for project
-------------------------	-----	---------	----------	-------	-------	------------------------------------------------------------------------------------------------------------------------

Shannon-Baum Signs	WBE	03-449	\$385.00	0.02%	0.005%	Provide Project Sign
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Total Allowable WBE % **4.00%**

Additional Documents:

- Peer Consultants City of Baltimore Certification
- Letter of Intent from Peer Consultants Environmental and Civil Engineering Services
- Sunrise Safety Services City of Baltimore Certification
- Letter of intent from Sunrise Safety Services for Traffic Maintenance
- Sunrise Safety Services MDOT certification for Traffic Maintenance



***Compliance EnviroSystems, LLC***  
***Engineers • Scientists • Planners • Contractors***

September 25, 2009

City of Baltimore – Department of Contract Compliance  
Ms. Cindy Pattison  
Contract Administrator  
100 N. Holliday Street  
Baltimore, MD 21202

RE: SC - 876 – Rehabilitation and Cleaning of Lower Jones Falls Sewer

Ms. Pattison,

Compliance EnviroSystems, LLC (CES) received the letter below dated July 30, 2009 stating the reason for non-compliance for the SC - 876 – Rehabilitation and Cleaning of Lower Jones Falls Sewer project.

At this time we have received confirmation from Ms. Shirley Williams at the MWBOO office that in fact our sub-contractor, Peer Consultants was certified to perform the task assigned to them at the time our bid package was submitted. A copy of this documentation is below. Also below is the certification of our WBE sub-contractor, Sunrise Safety.

As you will note on our bid documents, CES met and or exceeded the requirements for MBE/WBE participation levels for this project. Therefore, CES feels that it was in compliance with the bid documents and should not have been found in non-compliance for the reasons stated in the letter received on July 30<sup>th</sup>, 2009 from your office.

At this time CES is asking for your consideration and re-evaluation of our compliance prior to award of the SC - 876 – Rehabilitation and Cleaning of Lower Jones Falls Sewer project.

Your time and consideration is greatly appreciated.

*Jimmy Stewart*

Jimmy Stewart  
Business Development

cc: Ms. Shirley Williams  
Mr. John Freisner  
Ms. Linda Davis  
Mr. Wazir Quadri  
Mr. Sam Edoror  
Mr. Bob McCleod  
Ms. Joan Pratt  
Ms Kishia Powell

**City of Baltimore Letter of Non-Compliance**

July 30, 2009

Compliance EnviroSystems, LLC  
1401 Seaboard Drive  
Baton Rouge, LA 70810

RE: SC - 876 – Rehabilitation and Cleaning of Lower Jones Falls Sewer

Dear Sir or Madam:

On July 30, 2009, the City of Baltimore Minority and Women's Business Opportunity Office (MWBOO) found your bid submission package for SC – 876 – Rehabilitation and Cleaning of Lower Jones Falls Sewer to be non-compliant. The reason stated was Peer Consultants is not certified to provide “traffic control and maintenance services”. Bidder did not achieve the WBE goal. Expenditures for supplies are limited to 25% of each MBE and WBE goals. Therefore, the amount allowed has been applied.

If you require further clarification of this decision, please contact the Department of Public Works' Office of Compliance at (410) 396-8497. As a courtesy, your firm will be contacted by the Office of Contract Administration prior to the recommendation to award this contract.

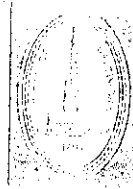
Sincerely,

Cindy Pattison  
CONTRACT ADMINISTRATOR

cc: DPW-Office of Compliance

CITY OF BALTIMORE

SHIRLEY A. WILLIAMS, Mayor



MINORITY AND WOMEN'S BUSINESS  
OPPORTUNITY OFFICE

Route 101, City Hall  
100 N. Holladay Street  
Baltimore, Maryland 21202  
Phone: 410-396-4355  
Fax: 410-396-1357

September 16, 2009

Mr. John M. Corliss, Jr., P.E.  
PEER CONSULTANTS, PC  
10 N. Calvert Street, Suite 153  
Baltimore, MD 21202

Re: Request for Additional Services

Dear Mr. Corliss:

The Minority and Women's Business Opportunity Office (MWBOO) has reviewed your request to be certified for field inspection services, including but not limited to traffic control and management, underground utility structure inspection and analysis and other field inspection related services.

Peer Consultants, PC is currently certified for environmental and civil engineering services. MWBOO considers field inspection services to be integral to the engineering services for which Peer Consultants, PC is currently certified to provide; therefore, there is no reason for the company's current certification to be modified.

If you have any questions or need more information, please call MWBOO at (410) 396-4355.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shirley A. Williams".

Shirley A. Williams  
Chief

300 East Lombard Street, 18th Floor  
Baltimore, MD 21202-3268  
TEL 410.528.5600  
FAX 410.528.5650  
www.ballardspahr.com

Michael W. Skojec  
Direct: 410.528.5541  
Fax: 410.361.8967  
skojecm@ballardspahr.com

October 16, 2009

**By Hand Delivery**

Board of Estimates for Baltimore City  
204 City Hall  
100 North Holliday Street  
Baltimore, Maryland 21202  
Attn: Clerk

Re: **Bid Protest of Compliance EnviroSystems, LLC**  
**Contract SC876-Rehabilitation and Cleaning of Lower Jones Falls Sewer**

Dear Sir or Madam:

We represent Compliance EnviroSystems, LLC ("CES"), which previously filed a formal protest in the above-referenced matter on or about August 12, 2009. We understand that the award of the above-said contract and a hearing on the protest will be scheduled before the Board of Estimates soon, although CES has yet to receive any notice of a protest hearing date. We are providing you with this Entry of Appearance and with a package of information concerning the protest for the Board of Estimates.

We believe that a mistake was made in the disqualification of CES, as more fully described below, which should be the basis of upholding the protest and awarding the above-said contract to CES. This letter is to also request that, because CES has yet to receive any contact from the Office of Contract Administration as to the protest and information previously provided, this matter not be set before the Board of Estimates until the Office of Compliance and Contract Administration in the Department of Public Works have had the opportunity to fully review the matter.

When the bids were open in July, 2009 on Sanitary Contract No. 876, CES's bid was the lowest bid and was 75% of the engineer's estimate. If the contract is awarded to Video Pipe Services, Inc., as CES has been told will occur, the cost to the City would be approximately \$660,000.00 more than if CES provides the same services. CES has performed similar kinds of services for the City of Baltimore and WSSC in the past without problems or concerns. The company has substantial experience in this kind of work on similar projects all over the country. There should be no question that CES is the lowest responsible bidder and would perform the work well.

According to the letter that was sent to CES by the Contract Administrator, Cindy Pattison, dated July 30, 2009, CES's bid package was found to be non-compliant. The letter indicated that Peer Consultants, an MBE contractor which was to provide "traffic control and maintenance services" was said not to be certified for such work. That is not correct. While Peer Consultants is currently certified for "environmental and civil engineering services", that certification includes all field

DMEAST #11891543 v1

inspection services which are integral to the engineering services, including traffic control and management. That has since been confirmed by the MBE office in correspondence from Shirley Williams, Chief of the office.

The disqualification letter also indicated that CES did not achieve the WBE goal because expenditures for supplies are limited to 25% of the goals and that 25% limit needed to be applied. While there may have been some confusion from CES's bid package discussing how Sunrise Safety Services, Inc., a WBE contractor, would be providing traffic control supplies that amounted to most of the WBE requirement, in fact Sunrise is certified with the MBE office of Baltimore City for the supply and installation of traffic signs, permanent markings, traffic control and miscellaneous traffic control items. This is the more complete description of the services that Sunrise would be providing under the above-said contract. Although materials are being provided, Sunrise provides services for road closures, lane movements, barricades and setting work areas, all according to the project management plan. Sunrise is not just a supplier but rather, is providing substantial services.

Because both of the grounds for disqualification are incorrect, we hereby request that the bid protest of CES be upheld and the disqualification withdrawn. Again, as discussed above, we request that the Office of Contract Administration review this protest and all of the documentation that was provided in the hope that this matter can be resolved by the staff without the need for a full public hearing before the Board of Estimates. We would be happy to provide additional information as needed.

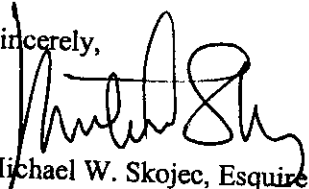
In support of the information provided in this letter, we are attaching the following documents which have been previously provided in support of CES's protest:

1. Summary of tabulation of bids;
2. Disqualification Letter from Contract Administration dated July 30, 2009;
3. Bid Protest Letter of CES dated August 12, 2009;
4. Supplemental Bid Protest Letter of August 24, 2009, including various documents;
5. CES Letter dated September 25, 2009 with additional documentation, including letter of Shirley Williams dated September 16, 2009, and
6. CES Letter of September 15, 2009 requesting the status of the protest (no response to this letter or to any of the prior CES correspondence about the protest has been received by CES as of this date).

Board of Estimates for Baltimore City  
October 16, 2009  
Page 3

We appreciate your consideration of this matter. Please advise as to how the matter shall proceed. If you have any questions, please contact me.

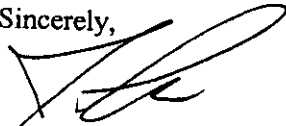
Sincerely,



Michael W. Skojec, Esquire  
Ballard Spahr LLP

MWS/pls

Sincerely,



Jon Laria, Esquire  
Ballard Spahr LLP

cc: Hon. Sheila Dixon  
Hon. Stephanie Rawlings-Blake  
Hon. Joan Pratt  
George Nilson, Esq.  
Director David Scott  
Mr. Casey M. Smith (via email)  
Mr. Jimmy Stewart (via email)



Lower Jones Falls Sewer Cleaning, SC 876  
Most Probable Cost of Construction  
90% Submission  
February 27, 2009

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEMS	UNIT PRICE		AMOUNTS	
			DOLLARS	.CTS	DOLLARS	.CTS
101	1	MOBILIZATION (EACH)	\$250,000	00	\$250,000	00
102	1	MAINTENANCE OF TRAFFIC (EACH)	\$50,000	00	\$50,000	00
103	20	CONTINGENT ARROW BOARD (DAY)	\$50	00	\$1,000	00
104	2	CONTINGENT TYPE III BARRICADES (EACH)	\$300	00	\$600	00
105	125	CONTINGENT TRAFFIC CONTROL SIGNS (SQ. FT.)	\$30	00	\$3,750	00
106	150	CONTINGENT PLASTIC TRAFFIC CONTROL DRUMS (EACH)	\$100	00	\$15,000	00
107	250	CONTINGENT PRECAST CONCRETE BARRIER (LF)	\$40	00	\$10,000	00
801	7,200	PRE-CLEANING SONAR INSPECTION (LF)	\$12	00	\$86,400	00
802	2,500	HEAVY CLEANING OF SANITARY SEWERS (TON)	\$450	00	\$1,125,000	00
803	7,200	INTERNAL INSPECTION (LF)	\$35	00	\$252,000	00
804	23	MANHOLE INSPECTION (EACH)	\$300	00	\$6,900	00
805	2	CONTINGENT ACCESS STRUCTURES (EACH)	\$25,000	00	\$50,000	00
806	1,000	CONTINGENT HEAVY CLEANING (TON)	\$450	00	\$450,000	00
TOTAL			\$2,300,650	00		

October 20, 2009

**By Hand Delivery**

Board of Estimates for Baltimore City  
204 City Hall  
100 North Holliday Street  
Baltimore, Maryland 21202  
Attn: Clerk

Re: **Bid Protest (Supplemental Letter) of Compliance EnviroSystems, LLC**  
**Contract SC876-Rehabilitation and Cleaning of Lower Jones Falls Sewer**

Dear Sir or Madam:

As you know, we represent Compliance EnviroSystems, LLC ("CES") in its formal protest in the above-referenced matter. We provided you with a letter and materials on October 16, 2009. We are providing this supplemental letter on the same matter.

Enclosed please find the tabulation of bids document which was inadvertently left out of the prior package of documents. Again, we would note that the contract award that is being recommended is more than \$660,000.00 (28%) higher than the bid of CES. Based on the information previously provided, it should be clear that CES is the lowest responsive and responsible bidder and therefore the contract should be awarded to CES. At a minimum, the Board is empowered to waive any minor defects and errors and award the contract to CES pursuant to Art. 5, Section 28-14 (b) of the Baltimore City Code.

In its prior protest letter, CES indicated that it would be harmed by the rejection of its bid in several ways. We would reiterate that, if the Board of Estimates rejects CES's bid, it will mean the loss of substantial revenues to CES and to its MBE/WBE team members. It will also be detrimental to CES's reputation in bidding for similar work in a variety of jurisdictions, some of which may require that CES report having been disqualified for MBE/WBE goals. Losing the opportunity to gain additional experience and to generate such valuable experience for its MBE/WBE team members would also be a sustained harm.

DMEAST #11917340 v1



**CITY OF BALTIMORE  
DEPARTMENT OF PUBLIC WORKS  
BUREAU OF  
WATER AND WASTEWATER**



**TABULATION OF BIDS**

**SANITARY CONTRACT NO: 876  
Rehabilitation and Cleaning of Lower Jones Falls  
Sewer**

**BIDS OPEN DATE: 7/15/2009  
ENGINEER'S ESTIMATE: \$2,314,950.00**

BIDDER	AMOUNT	% OF ESTIMATE
Compliance Enviro Systems, LLC	\$1,728,200.00	74.65
Reviera Enterprises, Inc.	\$2,089,075.00	90.24
Video Pipe Services, Inc.	\$2,388,850.00	103.19
Monumental Paving & Excavating, Inc.	\$3,908,786.75	168.85

**\* REVISED**

**ADMINISTRATOR: Cindy Pattison**

396-4041

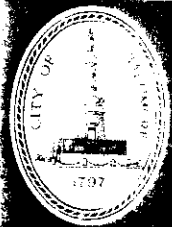
**CONTACT PERSON: Sam Edoror**

396-3428

CITY OF BALTIMORE

BOARD OF ESTIMATES

1000 North Calvert  
Baltimore, Maryland 21202  
410-396-4444



STEPHANIE RAWLINGS-BLAKE  
PRESIDENT, CITY COUNCIL

SHEILA DIXON  
MAYOR

JOAN M. PRATT  
COMPTROLLER

DAVID E. SCOTT  
DIRECTOR OF PUBLIC WORKS

GEORGE A. NILSON  
CITY SOLICITOR

ERNETTE TAYLOR  
CLERK TO THE BOARD OF ESTIMATES

October 20, 2009

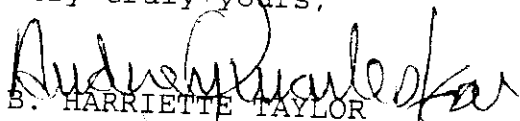
Honorable Sheila Dixon, Mayor  
Honorable Stephanie Rawlings Blake, President  
Honorable Joan M. Pratt, Comptroller  
Mr. George A. Nilson, City Solicitor  
Mr. David E. Scott, Director of Public Works

RE: Supplemental Letter for B/E  
Agenda for October 21, 2009

Dear Madam President and Members:

Enclosed is a copy of a supplemental letter that was received on Tuesday at 11:48 a.m. from Compliance EnviroSystems, LLC relating to Page 45 #1 & 2, SC 876, Rehabilitation and Cleaning of Lower Jones Falls Sewer.

Very truly yours,

  
B. HARRIETTE TAYLOR

Clerk to the Board of Estimates

cc. Ms. Kishia Powell,  
Bureau Head, BW&WW  
Ms. Linda Davis,  
Contract Administration  
Ms. Leslie Winner  
Chief Solicitor,  
Law Department  
Ms. Shirley Williams  
Chief, MWBOO

101 –Mobilization

103-Contingent Arrow Board

104-Contingent Type III Barricades

105-Contingent Traffic Control Signs

106-Contingent Traffic Control Drums

107-Pre-cast Concrete Barrier

CITY OF BALTIMORE

SHEILA DIXON, Mayor

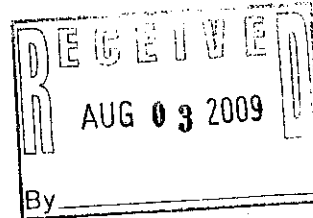


DEPARTMENT OF PUBLIC WORKS

CONTRACT ADMINISTRATION  
1105 Abel Wolman Municipal Building  
Baltimore, Maryland 21202

July 30, 2009

Compliance Enviro Systems  
1401 Seaboard Drive  
Baton Rouge, LA 70810



RE: SC - 876 -- Rehabilitation and Cleaning of Lower Jones Falls Sewer

Dear Sir or Madam:

On July 30, 2009, the City of Baltimore Minority and Women's Business Opportunity Office (MWBOO) found your bid submission package for SC - 876 - Rehabilitation and Cleaning of Lower Jones Falls Sewer to be non-compliant. The reason stated was Peer Consultants is not certified to provide "traffic control and maintenance services". Bidder did not achieve the WBE goal. Expenditures for supplies are limited to 25% of each MBE and WBE goals. Therefore, the amount allowed has been applied.

If you require further clarification of this decision, please contact the Department of Public Works' Office of Compliance at (410) 396-8497. As a courtesy, your firm will be contacted by the Office of Contract Administration prior to the recommendation to award this contract.

Sincerely,

Cindy Pattison  
CONTRACT ADMINISTRATOR

Cc: DPW-Office of Compliance

Visit our website at  
[www.BaltimoreCity.gov](http://www.BaltimoreCity.gov)



Printed on recycled paper with environmentally friendly soy based ink.

CITY OF BALTIMORE

OFFICE OF THE COMPTROLLER



MINORITY AND WOMEN'S BUSINESS OPPORTUNITY OFFICE

100 N. CALVERT STREET, SUITE 153  
BALTIMORE, MD 21202  
(410) 396-4353

March 17, 2009

Ms. Lilia A. Abron  
PEER CONSULTANTS, P.C.  
10 N. Calvert Street, Suite 153  
Baltimore, MD 21202

Re: Minority/Women's Business Enterprise (M/WBE) Certification # 04-004509

Dear Ms. Abron:

The Minority and Women's Business Opportunity Office (MWBOO) has certified your business as a Minority/Women's Business Enterprise to provide the services listed below. The certification is effective for a period of two years. During that time, the MWBOO will list the business in the Baltimore City Minority and Women's Business Enterprises Directory.

If the ownership or control of the business changes, you must submit to MWBOO a revised Application for Certification. If you disagree with the services assigned to the business, please write to MWBOO immediately so that the listing can be modified appropriately.

Enclosed please find the documents that were submitted with the certification application. You must maintain these documents during the 2-year certification period because you may be required to resubmit them. MWBOO has retained the application, affidavit, license(s) and proof of minority/female status.

If your business is utilized to achieve the MBE or WBE participation goal on a City of Baltimore contract, you may not subcontract more than 10% of the dollar amount of your contract.

If you intend to do business with the City of Baltimore through the Bureau of Purchases, it is necessary to register your company with that agency. You may register your business at [www.baltimorecitybuy.org](http://www.baltimorecitybuy.org). Registration is free, and vendors do not incur any additional fees.

Should you have any questions, please contact MWBOO at (410) 396-4353.

Services:

ENVIRONMENTAL AND CIVIL ENGINEERING

Approval Date: 3/17/2009

Expiration Date: 3/17/2011

Very truly yours,

A handwritten signature in cursive script, appearing to read "Shirley A. Williams".

Shirley A. Williams, Chief  
Minority and Women's Business Opportunity Office



CITY OF BALTIMORE

SHEILA DIXON, Mayor



MINORITY AND WOMEN'S BUSINESS  
OPPORTUNITY OFFICE

Room 101, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202  
Phone: 410-396-4355  
Fax: 410-396-1457

September 16, 2009

Mr. John M. Corliss, Jr., P.E.  
PEER CONSULTANTS, PC  
10 N. Calvert Street, Suite 153  
Baltimore, MD 21202

Re: Request for Additional Services

Dear Mr. Corliss:

The Minority and Women's Business Opportunity Office (MWBOO) has reviewed your request to be certified for field inspection services, including but not limited to traffic control and management, underground utility structure inspection and analysis and other field inspection related services.

Peer Consultants, PC is currently certified for environmental and civil engineering services. MWBOO considers field inspection services to be integral to the engineering services for which Peer Consultants, PC is currently certified to provide; therefore, there is no reason for the company's current certification to be modified.

If you have any questions or need more information, please call MWBOO at (410) 396-4355.

Sincerely,

Handwritten signature of Shirley A. Williams in cursive script.  
Shirley A. Williams  
Chief



# **PART B: WBE PARTICIPATION DISCLOSURE FORM**

Use this form to list WOMEN'S Business Enterprises that you will use to meet the WBE Participation Goal. Please be reminded that:

- The same subcontractor may not be used to meet both the MBE and WBE goals.
- If Bidder is an MBE or WBE, Bidder may not use itself to meet either of the contract goals.
- Only 25% of **each** contract goal may be attained by expenditures to MBEs or WBEs that are non-manufacturing suppliers. (i.e. If bid amount is \$100,000 and WBE goal is 6% or \$6,000; then participation limit for WBE suppliers that are non-manufacturers is \$1,500 or 25% of the 6% WBE goal.)

Prime Contractor's Name: Compliance EnviroSystems, LLC

Prime Contractor's Address: 1401 Seaboard Drive, Baton Rouge, LA 70810

Contract Number & Title: SC 876, Rehabilitation and Cleaning of Lower Jones Falls Sewer

## **WBE SUBCONTRACTORS**

Name:	Certification Number	Expiration Date	\$ Amount of Subcontract	% of Total Contract
<u>Sunrise Safety Services Inc.</u>	<u>13-2928</u>	<u>8-28-09</u>	<u>\$69,000.00</u>	<u>3.99%</u>
<u>Shannon-Baum Signs</u>	<u>08-005055</u>	<u>7-18-10</u>	<u>\$385.00</u>	<u>0.02%</u>

TOTAL DOLLAR AMOUNT OF CONTRACT \$ 1,728,200.00

TOTAL DOLLAR AMOUNT OF WBE SUBCONTRACTS \$ 69,385.00

TOTAL WBE PERCENTAGE OF ENTIRE CONTRACT 4.01 %

Form Prepared by:

Brad Hymch, vice President

Name and Title

225-769-2933

Phone #

7/9/09

Date

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

COMPLETE A SEPARATE FORM FOR EACH AND EVERY MBE AND WBE NAMED IN PART B OR BID WILL BE CONSIDERED NON-RESPONSIVE.

Contract Name and Number: Rehabilitation and Cleaning of Lower Jones Falls Sewer, SC 876

Name of Prime Contractor: Compliance Enviro Systems, LLC

Name of MBE or WBE: Sunrise Safety Services Inc.

MBE or WBE Certification Number: B-2928 Exp. 8/28/09

Work/Service to be performed by MBE or WBE:

provide traffic control supplies for project

Materials/Supplies to be furnished by MBE or WBE:

traffic control supplies

Subcontract Amount: \$ 69,000.00 (If this is a requirements contract, the subcontract dollar amount may be omitted.)

Subcontract percentage of total contract: 3.99 %

African American \_\_\_\_\_%

Asian American \_\_\_\_\_%

Hispanic American \_\_\_\_\_%

Native American \_\_\_\_\_%

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

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, subject to the prime contractor's execution of a contract with the City of Baltimore for the above referenced contract number. The undersigned subcontractor is currently certified as an MBE or WBE with the City of Baltimore Minority and Women's Business Opportunity Office.

[Signature]  
Signature of Prime Contractor (REQUIRED)

7/13/09  
Date

[Signature]  
Signature of MBE or WBE (REQUIRED)

7/13/9  
Date

SCHEDULE OF PRICES

NOTE - THIS PROPOSAL SHALL BE FILLED IN BY THE BIDDER WITH THE PRICES WRITTEN IN WORDS AND NUMERALS, AND THE EXTENSIONS SHALL BE MADE BY HIM. FOR COMPLETE INFORMATION CONCERNING THESE ITEMS SEE SPECIFICATIONS SPECIAL PROVISIONS, AND CONTRACT FORM.

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEMS AND PRICES BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	.CTS	DOLLARS	.CTS
101	LUMP SUM	MOBILIZATION CCN 10000 AT ONE HUNDRED EIGHTY NINE THOUSAND EIGHT HUNDRED SANITARY FIVE DOLLARS	\$189,875	00	\$189,875	00
102	LUMP SUM	MAINTENANCE OF TRAFFIC CCN 10000 AT ONE HUNDRED FIVE THOUSAND DOLLARS	\$105,000	00	\$105,000	00
103	20	DAYS OF --- CONTINGENT ARROW BOARD AT TWO HUNDRED TWENTY SEVEN DOLLARS AND FIFTY CENTS	\$227	50	\$4,550	00
104	2	EACH OF --- CONTINGENT TYPE III BARRICADES AT FOUR HUNDRED FIFTY FIVE DOLLARS	\$455	00	\$910	00
105	125	SQUARE FEET OF --- CONTINGENT TRAFFIC CONTROL SIGNS AT TWENTY SIX DOLLARS	\$26	00	\$3,250	00
106	150	EACH OF --- CONTINGENT PLASTIC TRAFFIC CONTROL DRUMS AT ONE HUNDRED NINETY FIVE DOLLARS	\$195	00	\$29,250	00

BUREAU OF WATER & WASTEWATER SANITARY CONTRACT NO. 876



CITY OF BALTIMORE

SHEILA DIXON, Mayor



MINORITY AND WOMEN'S BUSINESS  
OPPORTUNITY OFFICE

Room 101, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202  
410-396-4355

August 29, 2007

Ms. Margaret K. Vogel  
SUNRISE SAFETY SERVICES, INC.  
527 Chesapeake Avenue  
Baltimore, MD 21225

Re: Women's Business Enterprise (WBE) Certification # 95-002928

Dear Ms. Vogel:

The Minority and Women's Business Opportunity Office (MWBOO) has certified your business as a Women's Business Enterprise to provide the services listed below. The certification is effective for a period of two years. During that time, the MWBOO will list the business in the Baltimore City Minority and Women's Business Enterprises Directory.

If the ownership or control of the business changes, you must submit to MWBOO a revised Application for Certification. If you disagree with the services assigned to the business, please write to MWBOO immediately so that the listing can be modified appropriately.

Enclosed please find the documents that were submitted with the certification application. You must maintain these documents during the 2-year certification period because you may be required to resubmit them. MWBOO has retained the application, affidavit, license(s) and proof of minority/female status.

If your business is utilized to achieve the MBE or WBE participation goal on a City of Baltimore contract, you may not subcontract more than 10% of the dollar amount of your contract.

If you intend to do business with the City of Baltimore through the Bureau of Purchases, it is necessary to register your company with that agency. You may register your business at [www.baltimorecitybu.org](http://www.baltimorecitybu.org). Registration is free, and vendors do not incur any additional fees.

Should you have any questions, please contact MWBOO at (410) 396-4355.


Services:

SUPPLY AND INSTALL TRAFFIC SIGNS, PERMANENT MARKINGS, TRAFFIC CONTROL,  
MISCELLANEOUS TRAFFIC CONTROL ITEMS

Approval date: 8/29/2007

Expiration date: 8/28/2009

Very truly yours,

  
Thomas B. Corey, Chief  
Minority and Women's Business Opportunity Office

## BOARD OF ESTIMATES

10/21/09

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

1. LORD BALTIMORE	\$20,000.00	Low Bid
Solicitation No. 07000 - Coveralls - Department of Public Works - Req. No. 534219		

2. PROMEGA CORP.	\$15,000.00	Sole Source
Solicitation No. 08000 - Software Maintenance - Police Department - Req. No. R529884		

The vendor is the sole provider of the proprietary DNA file review software currently used by the Police Department crime labs.

3. KERSHNER ENVIRONMENTAL TECHNOLOGIES, LLC	\$21,554.00	Selected Source
Solicitation No. 06000 - Spare Vaporizer Unit - Department of Public Works - Req. No. R533107		

The Department of Public Works has two evaporator units and one must be replaced with an identical unit for continuity of operation, maintenance, and spares.

4. NATIONAL SAFETY SUPPLY, INC.	\$ 6,175.00	Low Bid
Solicitation No. 07000 - SWAT Entry Tools and Equipment - Police Department - Req. No. R531941		

5. CDWG	\$ 6,550.00	Low Bid
Solicitation No. 05000 - AutoCAD 2010 Software Package - Department of Recreation and Parks - Req. No. R534562		

6. ASSOCIATED BUILDING MAINTENANCE CO., INC.	\$25,008.72	Low Bid
Solicitation No. B5000700 - Janitorial Services - Police Department - Req. No. R534693		

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

## 7. MICROWAVE RADIO

COMMUNICATIONS	\$308,972.00	Sole Source
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Solicitation No. 08000 - Video Down-Linking System Software & Upgrade - Police Department - Req. No. R531407

The vendor is the sole provider for software and system upgrades and support for Video Down-Linking software systems used throughout Baltimore by the Police Department and the Maryland State Police.

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 (d)(i) of the City Charter, the procurement of the equipment and/or service is recommended.

8. ENVISTA CORPORATION      \$ 59,500.00      Amendment to Agreement

Solicitation No. 08000 - Construction Contract Planning and Coordination Services Software - Department of General Services - Req. No. R529291

The Board is requested to approve and authorize execution of an amendment to agreement with Envista Corporation on a sole source basis. The period of the amendment to agreement is September 9, 2009 through September 9, 2010.

On September 9, 2008, the Board approved the initial award in the amount of \$45,000.00. The award contained an option to renew at the sole discretion of the City. On August 26, 2009 the Board approved the first renewal in the amount of \$45,000.00.

This web-based software is used to monitor construction related activities by the City's various agencies to enhance coordination among work projects and prevent duplicate or counterproductive efforts. The vendor is the sole provider of this proprietary software package that has unique capabilities

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

that best meet the needs of the Department of General Services. This amendment to agreement in the amount of \$59,500.00 expands the scope of services to cover emergency situations. All other terms and conditions remain unchanged.

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 (d)(i) of the City Charter, the procurement of the equipment and/or service is recommended.

9. 1<sup>st</sup> Call:

UNDERCAR SPECIALISTS,  
INC. d/b/a MEINEKE  
CARCARE CENTER

2<sup>nd</sup> Call:

HERITAGE HONDA	\$75,000.00	Increase
Solicitation No. 06000 - Honda O.E.M. Parts and Service - Department of General Services - Req. No. R140879		

On April 30, 2008, the Board approved the initial award in the amount of \$150,000.00. Due to an increase in demand for parts and services an increase in the amount of \$75,000.00 is necessary, making the award amount \$225,000.00.

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 (d)(i) of the City Charter, the procurement of the equipment and/or service is recommended.

**MWBOO GRANTED A WAIVER.**



**MINUTES**

UPON MOTION duly made and seconded, the Board approved the foregoing informal awards and increases and Extensions to Contracts.

## BOARD OF ESTIMATES

10/21/09

## MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Amount</u>
<u>Baltimore City Health Department</u>		
1. Madeleine Shea Katherine Scott	National Environmental Public Health Conf. Atlanta, GA Oct. 25 - 28, 2009 (Reg. Fee \$200.00 ea.)	\$ 2,288.94

Baltimore City Fire Department

2. Jeffrey Segal William Sheffield Edward Wood Tyler Tyson Joshua Ring James Vodarick	CSX Transportation Training Pueblo, CO Oct. 25 - 30, 2009	\$ 6,229.96
------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------	-------------

The Fire Department is requesting the Board to approve additional funds for the rental of two passenger vans for the approximate amount of \$303.38 each. The vans are needed to transport the participants, their turnout gear, and other equipment from the airport in Denver to the training venue in Pueblo, CO.

If official City business at the event site will require extensive inspection trips, tours, or other unusual but necessary land travel, the Board of Estimates must approve funds for such expenses in advance of the trip. (AM-240-8)

3. Wayne Brown Sheri Luck*	International Association of Emergency Managers Orlando, FL November 01 - 05, 2009 (Reg. Fee \$450.00) (Reg. Fee \$550.00)*	\$ 3,485.68
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The allowed subsistence rate for this area is \$158.00 per day. The cost of the hotel is \$166.00 per night plus \$22.41 in taxes. The Department is requesting an additional \$40.00 per day for food and an additional \$32.00 to meet the cost of lodging for a total cost of \$192.00 per attendee in additional funds. The additional costs are included in the total.

## MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Amount</u>
<u>Baltimore City Fire Department - cont'd</u>		
4. Willie Williams	Basic Designated Infection Control Officer Training Chantilly, VA November 07 - 08, 2009 (Reg. Fee \$350.00)	\$ 576.11

The allowed subsistence rate for this area is \$109.00 per day. The cost of the hotel is \$79.00, plus an occupancy tax of \$7.11 per night. The Department is requesting an additional \$10.00 for food. The additional costs are included in the total.

City Council

5. Helen L. Holton	National Assoc. of Counties' 2009, Large Urban County Caucus Fort Lauderdale, FL October 27 - 31, 2009	\$1,405.20
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The subsistence rate for this location is \$230.00 per day. Additional funds of \$29.00 per night to cover the cost of the hotel which is \$ 259.00 per night and \$40.00 per day to cover meals and incidental expenses are requested. The additional amounts are included in the total.

TRAVEL REIMBURSEMENTBaltimore Police Department

6. Martin Young Lamont Bivens	Investigative Travel Miami, FL Aug. 11 - 12, 2009	\$1,632.46
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The Police Department requests retroactive approval for travel to Miami, Florida for the period of August 11 - 12, 2009 in the amount of \$1,632.46 for the purpose of investigative travel. There were unforeseen circumstances with the scheduling of the

## BOARD OF ESTIMATES

10/21/09

## MINUTES

Baltimore Police Department - cont'd

travel arrangements, which were made on short notice and untimely.

7. David Childs	Executive Protection Travel	\$2,865.11
John Chambers	Las Vegas, NV	
	May 16 - 22, 2009	

Airfare	\$ 968.60
Rental Car/Fuel/Parking	972.32
Food	466.90
Hotel	452.35
Misc.	4.94
	<u>\$2,865.11</u>

The allowed subsistence rate for this area is \$190.00 per day.

The Police Department requests retroactive approval for travel to Las Vegas, Nevada for the period of May 16 - 22, 2009 in the amount of \$2,865.11 for the purpose of executive protection for the Mayor. Because of the scheduling procedures for the Mayor, the travel arrangements were made on short notice and untimely.

Because of the nature of police surveillance, the Police Department was unable to meet the requirements of travel procedures as outlined in the Administrative Manual, Section 240. Therefore, the Police Department is asking the Board to waive the regular travel procedures for these two travel requests.

The Department regrets the late submission of these requests and asks the Board's indulgence. The Department apologizes to the Board.

**MINUTES**

Baltimore Police Department - cont'd

The Board, UPON MOTION duly made and seconded, approved the travel request and travel reimbursements. The Mayor **ABSTAINED** on item no. 7. The President **ABSTAINED** on item No. 5.

**MINUTES**Office of the Mayor - Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with Community Law In Action, Inc. (CLIA). The period of the agreement is July 01, 2009 through August 31, 2010.

**AMOUNT OF MONEY AND SOURCE:**

\$39,416.00 - 1001-122-021-00-701

**BACKGROUND/EXPLANATION:**

The Mayor's Executive Internship Program is designed to engage Baltimore City youth in competitive, nationally-unique internships in offices within the Mayor's Office of Baltimore City. This innovative program was created through a partnership between the Office of Mayor Sheila Dixon and the CLIA. After two successful years of operation, the CLIA submitted a proposal for a third year.

The proposed program would continue the partnership between the Mayor's Office and CLIA and would maintain the program's design from previous years. CLIA will again manage the recruiting and training of interns, the training of participating City staff, and other necessary program elements. The Office of the Mayor will promote and support the program while creating formal internship positions for 14 high school juniors and seniors to be placed for the entire 2009-2010 school year and the summer of 2010. Four students will be placed directly in the Office of the Mayor and ten additional students will be placed with other major departments.

The interns will continue to be linked with a single advisor, who will act as the intern's primary supervisor and mentor. The interns will also work one half-day per week during the school year, with flexibility built around exams and school events.

BOARD OF ESTIMATES

10/21/09

## MINUTES

Office of the Mayor - cont'd

Successful interns will again be given full-time summer internships the following summer. Interns will continue to be paid the current Maryland minimum wage but will now receive bus tokens to cover their transportation costs.

**APPROVED FOR FUNDS BY FINANCE.**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized the agreement with Community Law In Action, Inc. The Mayor **ABSTAINED**.

## BOARD OF ESTIMATES

10/21/09

## MINUTES

Baltimore Development - Land Development and Lease Agreement  
Corporation (BDC)      and Land Disposition Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of (1) the land development and lease agreement with the Baltimore City Entertainment Group LP (BCEG) and (2) the land disposition agreement (LDA) for related parcels with the Baltimore City Entertainment Group LP (BCEG/developer).

The Board is further requested to authorize the Commissioner of the Department of Housing and Community Development to execute any and all legal documents to effectuate this transaction subject to review and approval for form and legal sufficiency by the Department of Law.

**AMOUNT OF MONEY AND SOURCE:**

\$5,395,000.00 - Paid at settlement  
8,275,000.00 - Purchase Money Note, payable in one payment  
after four years. Interest payable semiannually  
at 4%  
\$13,670,000.00 - Purchase Price

**BACKGROUND/EXPLANATION:**

In November 2008, State of Maryland voters approved a constitutional amendment that authorized a maximum of 15,000 video lottery terminals at a maximum of five locations (facilities). A Video Lottery Terminal (VLT) facility was authorized in Baltimore City if located within one-half mile of Interstate 95 and Interstate 295, on property owned by the Mayor and City Council of Baltimore and not adjacent to or within one-quarter mile of residential property. Under State law, 95 percent of the revenue generated by the VLT facility must be used to reduce property taxes or build new schools.



## BOARD OF ESTIMATES

10/21/09

## MINUTES

BDC - cont'd

In April 2009, the Board approved a Memorandum of Understanding (MOU) and subsequently, in August 2009, a First Amendment to the MOU outlining the terms for the Baltimore City facility. These terms needed to be further documented in a definitive ground lease agreement and other agreements. Subsequent to the April, 2009 approval of the MOU, the parties engaged in discussions to enhance and enlarge the project by shifting the location of the VLT facility to a location on Russell Street as detailed below and by agreeing to convey other City-owned parcels to provide parking and other amenities to the project.

In accordance with the LDA, the BCEG will purchase from the City three parcels of land, known as:

1. 1501-1525 Warner Street, 1601-1625 Warner Street, 1629-1631 Warner Street, 1633-1643 Warner Street, 1645-1725 Warner Street, 2102 Oler Street, 2104 Worcester Street, and 2119 Haines Street and the associated street beds for construction of a 2,500 space parking garage;
2. 701 Ostend Street for employee, motor coach, and overflow parking; and
3. 1411 Warner Street for future development complementing the VLT facility. The purchase price for these parcels will be \$13,670,000.00 (purchase price). As part of the LDA, the City will grant an Exclusive Negotiating Privilege (ENP) to the BCEG for 2110 Haines Street; in accordance with the terms of an exhibit to the LDA.

The purchase price to be paid by the developer will be as follows:

- (a) The developer will pay at settlement a portion of the purchase price equal to \$5,395,000.00.

## MINUTES

BDC - cont'd

- (b) The developer will pay the unpaid portion of the purchase price, which is \$8,275,000.00, plus interest thereon, in accordance with the terms of a Purchase Money Note (PMN). The principal amount of the PMN will be due and payable in a single payment by the date, which is four years after the date of settlement. The interest will accrue at four percent per annum, and be payable semi-annually. The PMN will be secured by a first priority Purchase Money Mortgage on 1411 Warner Street and 701 Ostend Street.

In accordance with the lease, the BCEG will be leasing 1501-1521, 1525 and 1551 Russell Street for 75 years from the City and will pay the City:

1. 2.99 percent of gross gaming revenue with a guaranteed minimum payment of \$8,000,000.00 in year one, \$10,000,000.00 in year two, and \$15,956,000.00 in year three and thereafter. (Gross gaming revenues equal the amount of money bet through the video lottery terminals that are not returned to successful players and which are submitted to the State.)
2. The greater of the property tax payable to the City each year or \$3,200,000.00 (increasing three percent annually and stabilizing in year five). The property tax payment will be credited towards the guaranteed minimum payment.

Based on the mid-range projections by the City's independent consultant, rent and other benefits from the VLT facility are estimated to generate a seven cent property tax reduction on the Baltimore City tax rate in year one, increasing to an eight cent property tax reduction by year five.

If the BCEG is awarded the Video Lottery Operating License by the State of Maryland (the Video Lottery Facility and Location Commission), the VLT facility is expected to generate 1,862 direct and indirect construction jobs and \$99,000,000.00 in wages and benefits annually. Once operational, the VLT facility will generate 700 full-time jobs and 452 part-time jobs (totaling 1,152 jobs), with average wages per full-time

## BOARD OF ESTIMATES

10/21/09

## MINUTES

BDC - cont'd

equivalent of \$41,000.00 and total on-site operational wages and benefits of \$38,000,000.00 annually. The BCEG has committed to Baltimore City Resident's First Program and will make every effort to employ Baltimore City residents.

In addition to the revenue received from the sale of property from the ground rent calculation and from the benefits received as a result of this VLT Facility, the City of Baltimore will receive additional funds for education, local impact grants (which will be used to improve infrastructure in the area and to provide services to the communities in immediate proximity to the VLT facility), and funds for the redevelopment of the Park Heights area from the State's slots revenue. In FY 2012, revenues supplied to the State from the VLT facility will be contributing to the Maryland Education Trust Fund from which Baltimore City Public Schools will receive approximately \$44,000,000.00 annually. In addition, local impact grants are estimated at \$23,500,000.00 and could grow to \$28,000,000.00 within five years and stabilize at this amount each year for the life of the VLT facility. In addition, the Park Heights redevelopment will receive funding for 15 years, estimated at \$12,000,000.00 in FY 2012 and growing by about \$1,000,000.00 each year for five years, stabilizing at approximately \$18,000,000.00 to \$19,000,000.00 annually.

**MBE/WBE PARTICIPATION:**

The developer has signed the Commitment to Comply with the Minority and Women's Business Enterprise Program of the City of Baltimore.

**(FILE NO. 57012)**

Mayor: "Madam President, before we go to the non-routine agenda items can I talk about one item on the routine agenda?"

President: "Yes."

Mayor: "Thank you. Madam President, members of the Board, it is referring to Page 58, which is a Land Development Lease

## BOARD OF ESTIMATES

10/21/09

## MINUTES

Agreement and Land Disposition Agreement. This is the slots facility, and I just wanted to note that this action actually brings us closer to an effort to reduce City Property Tax. We remain committed to the vision that was expressed by the Governor, the State Legislators as well as the City Council. Two years ago, when we decided to locate this facility away from neighborhoods, outside of the Inner Harbor and close to the Interstate. This location and this facility connects us to the Convention and tourism infrastructure including more than 6,000 hotel rooms. As you know, my commitment in supporting this effort was mainly for a new revenue source to reduce property tax. Within the first year, once this facility is up in 2011, we are looking at a seven cents reduction in property tax. This is \$240,000,000.00 green project, which will create jobs, hundreds of jobs, not only in construction, but permanent jobs, about 1,100 jobs most of which will be held by City residents. The development team has agreed to the commitment to the Baltimore City residency first program in addition to the property tax reduction. I just want to take a moment to thank the City's team who really spent a lot of time, probably a lot of stress as well through this process. Jay Brodie, Kim Clark, I believe Jay Brodie, Kim Clark is here, as well as Jason

## BOARD OF ESTIMATES

10/21/09

## MINUTES

Swartzberg, as well as Larry Jenkins from the Law Department and Keven Shattuck."

City Solicitor: "Steve."

Mayor: "Steve. I am sorry. Steve Shattuck. I also want to thank them for their hard work as well as Andy Frank and Mary Pat Fannon who is engaged and involved in this effort as well. I also want to recognize Michael Molden, who is here, who is part of the development team, as well as Mike Cryor for this effort. So, this our step towards moving this process forward. I think that ultimately, again, this is going to create jobs, opportunities within that area, but also in other areas within the City, particularly in the Park Heights community as well as areas like Sharp Leadenhall. But, also for me it was really at the beginning of finding a source to reduce the property tax. I wanted to make note of that and thank the team for their negotiation on this project."

## BOARD OF ESTIMATES

10/21/09

## MINUTES

President: "Thank you Madam Mayor. I wanted to add to the statements that we are excited. I am particularly excited. I know the Council was as well. We moved very swiftly encouraging BDC to get the legislation to us, so we could lay the foundation for this project. And why, certainly the property tax reduction is an important factor. But, along with the property tax reduction, it is the jobs that the Mayor spoke off, that have significant annual wages. When we spoke to the project developers, they talked about jobs, not just in the construction stage, but after the venue is opened, with the annual salary being \$41,000.00. In this economy that means something. So, I am looking forward to the property tax reduction as well as the good paying jobs for our Baltimore citizens. I think it will go a long way to growing our City. So, thank you. Oh, and as a note, I think the Deputy Comptroller noted that the Comptroller abstained on this vote."

\* \* \* \* \*

UPON MOTION duly made and seconded, the Board approved and authorized execution of (1) the land development and lease agreement with the Baltimore City Entertainment Group LP and (2) the land disposition agreement for related parcels with the Baltimore City Entertainment Group LP.

**MINUTES**

UPON MOTION duly made and seconded, the Board also approved and authorized the Commissioner of the Department of Housing and Community Development to execute any and all legal documents to effectuate this transaction subject to review and approval for form and legal sufficiency by the Department of Law. The Comptroller **ABSTAINED**.

## BOARD OF ESTIMATES

10/21/09

## MINUTES

Department of Finance - FY 2010 Post-Adoption  
Budget Reduction Plan

**ACTION REQUESTED OF B/E:**

The Board is requested to authorize a reduction in pay for members of the Baltimore Fire Fighters Local 734, members of Baltimore Fire Officers Local 964, and members of the Fraternal Order of Police Lodge 3 (Officers and Supervisors) in accordance with the equivalent reductions established in Section 2 (b) of the Employee Furlough Plan as adopted by the Board of Estimates on September 23, 2009.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

Although the Administration has been actively engaged in negotiations with the Fire and Police unions over the past several weeks, to date the process has not yielded the furlough salary reduction equivalent plan as applied to all other City unions and unrepresented employees that is necessary and sufficient to meet the goals or spirit of the Employee Furlough Plan strategy approved by the Board of Estimates on September 23, 2009.

Absent ratification of a temporary concession package by the Fire unions that meets the goals of the furlough plan, the Administration will initiate arbitration with the two Fire unions seeking wage reduction in accordance with the equivalent reductions established in Section 2 (b) of the Employee Furlough Plan as adopted by the Board of Estimates on September 23, 2009.

Absent ratification of a new FY 2010 Memorandum of Understanding with the Police unions that contains temporary concessions that meet the goals of the furlough plan, the Administration will declare a bargaining impasse and seek a wage reduction in accordance with the equivalent reductions established in Section 2 (b) of the Employee Furlough Plan as adopted by the Board of Estimates on September 23, 2009.



## BOARD OF ESTIMATES

10/21/09

## MINUTES

President: "Moving to the non routine agenda, Page 62. I can give you the title of that. Do you need the title?"

Mr. Edward Gallagher, Director of Finance: "Fiscal 2010 Post Adoption Budget Reduction Plan."

President: "Thank you."

Mr. Gallagher: "Madam President, members of the Board of Estimates. On September 23<sup>rd</sup>, the Board of Estimates approved by Resolution the Employee Furlough Plan with one exception. It noted in its resolution that the administration at that time was still in discussions with the two Fire Unions and the two Police Unions. In terms of reaching a satisfactory understanding, at least an equivalent reduction in accordance with resolution. It also indicated at that time that the Director of Finance was to report back to the Board of Estimates on October 21, 2009. That is the item that you have before you. In essence, it says that absent the ratification of a temporary concession package by the Fire unions that the Administration would then move ahead to binding arbitration, and in similar fashion, with lacking an agreement with the two Fire-Police unions, that is would move

## BOARD OF ESTIMATES

10/21/09

## MINUTES

ahead in accordance with the negotiated agreement. Why I am before the Board, why it is important that this before the Board, is that only the Board has the authority to reduce employees salaries. The Board adopts all the classifications and salary scales for the City. Therefore, the Board is the only one that can reduce those salaries. So what this is saying is lacking an agreement that we proceed with the intention of reducing the salary through two negotiated agreements."

President: "Are there any questions?"

City Solicitor: "Would I be correct Mr. Gallagher, that while we would be authorizing the salary reductions referred to on Page 62, that in the event administration is able to reach an agreement with either the Fire unions or the Police unions for an equivalent Budget Reduction package, that that is still is a possibility and something that folks that are engaged in these discussions would be authorized to do notwithstanding our action today. Is that right?"

Mr. Gallagher: "Absolutely."

City Solicitor: "Okay."

President: "Thank you. Is there a Motion?"

## BOARD OF ESTIMATES

10/21/09

## MINUTES

City Solicitor: "I would MOVE the approval of the requested authorization contained on Page 62 of the Agenda."

Deputy Director of Public Works: "I will second the Motion."

President: "All in favor say AYE."

President: "Opposed. I would like to explain my "no" vote. The Fire unions plural and the Police unions are currently under in the midst of negotiation. I know that the Fire is currently under negotiation and I believe the Police start in the next few days. I mentioned to the Administration yesterday, that I believe that this Board action is premature. I think everyone knows that the numbers are real when it comes to the City's budget. So, we know that we have hopes that the Fire unions the Police unions will reach an agreement to keep their budgets in line with the reductions that are happening across the Board. I believe that if we had a notion that they were negotiating in bad faith or that they were not going to come to some conclusion, today would be the right day to make an action. I think that the negotiations are going well and that everyone has a spirit of cooperation, and for that reason, I am convinced

## BOARD OF ESTIMATES

10/21/09

## MINUTES

that they will reach a resolution to the Budget Reduction Plan.  
For that reason I am voting **NO**."

Comptroller: "I Abstain. Because at this time there is not sufficient information provided to me to cast a vote, although I recognize the urgency of the budget matters and I am hopeful that the City will be able to reach an agreeable resolution with the unions. So, I am Abstaining."

President: "Motion passes."

UPON MOTION duly made and seconded, the Board approved the FY 2010 Post Adoption Budget Reduction Plan. The President voted **NO**. The Comptroller **ABSTAINED**.

\* \* \* \* \*

## MINUTES

PROPOSALS AND SPECIFICATIONS

There being no objections, the Board, UPON MOTION duly made and seconded, approved the following Proposals and Specifications to be advertised for receipt and opening of bids on the dates indicated:

Bureau of Water and Wastewater - WC 1194, Montebello Filtration  
Plants Chemical Feed  
Improvements

**BIDS TO BE RECV'D: 11/18/2009**

**BIDS TO BE OPENED: 11/18/2009**

Bureau of Water and Wastewater - WC 1154, Prettyboy Dam  
Maintenance Facilities  
Improvements

**BIDS TO BE RECV'D: 12/09/2009**

**BIDS TO BE OPENED: 12/09/2009**

PRESIDENT: "The Board is in recess until twelve o'clock noon for the opening and receiving of bids."

\* \* \* \* \*

## 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 an Addendum extending the dates for receipt and opening of bids on the following contract. There were no objections.

Bureau of Purchases

- B50001173, Provide Non-Uniformed Armed Security Guards  
**BIDS TO BE RECV'D: 10/28/2009**  
**BIDS TO BE OPENED: 10/28/2009**

## BOARD OF ESTIMATES

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## MINUTES

Thereafter, UPON MOTION duly made and seconded, the Board received, opened and referred the following bids to the respective departments for tabulation and report:

Department of Transportation

- TR 03313, Reconstruction  
of Washington Boulevard

Potts & Callahan, Inc.  
Monumental Paving & Excavating, Inc.  
M. Luis Construction Co., Inc.  
P. Flanigan & Sons, Inc.  
Concrete General, Inc.  
Daisy Concrete, Inc. of MD  
Machado Construction Co., Inc.  
American Infrastructure  
Civil Construction, LLC  
P&J Contracting Co., Inc.

Department of Transportation

- TR 10008, Reconstruction of  
Alleys in North-Southwest

Santos Construction Co., Inc.  
M. Luis Construction Co., Inc.  
P. Flanigan & Sons, Inc.  
L. F. Mahoney, Inc.  
Machado Construction Co., Inc.  
P&J Contracting Company

Bureau of Water & Wastewater

- SC 878, Repair and  
Replacement of Existing  
Sanitary Sewers at Various  
Locations

Corman Construction, inc.  
R&F Construction, LTD  
Monumental Paving &  
Excavating, Inc.  
Anchor Construction, Corp.  
Metra Industries  
R.E. Harrington Plumbing  
& Heating, Inc.

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MINUTES

Bureau of Purchases

- B50001178, Diesel Fuel for Generators

Petroleum Marketing Group  
J.J. Adams Fuel Oil Co., LLC  
Skylights Petroleum Corp.

Bureau of Purchases

- B50001220, Hydro Chloride & Nitrogen Gas

GTS-Weko



**MINUTES**

There being no objections, the Board UPON MOTION duly made and seconded, the Board adjourned until its next regularly scheduled meeting on Wednesday, October 28, 2009.

JOAN M. PRATT  
Secretary