

## MINUTES

REGULAR MEETING

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

The meeting was called to order by the President.

President: "I will direct the Board members attention to the memorandum from my office dated June 4, 2012, identifying matters to be considered as routine agenda items, together with any corrections and additions that have been noted by the Deputy Comptroller. I will entertain a motion to approve all of the items contained on the routine agenda."

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

Comptroller: "Second."

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

\* \* \* \* \*

## MINUTES

ACTION REQUESTED OF B/E:

AMOUNT OF MONEY AND SOURCE:

**BACKGROUND / EXPLANATION:**

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with the UMBC Training Centers, LLC.

**MINUTES**

Department of Communication Services - UMove License Renewal

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the renewal of the UMove license with Siemens Industry, Inc. The period of the renewal is July 01, 2012 through June 30, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$9,000.00 - 2032-000000-1360-159115-605001

**BACKGROUND/EXPLANATION:**

On July 28, 2010, the Board approved the UMove Master and Standard Maintenance Agreement with Siemens Industry, Inc. The agreement contained automatic annual renewals for the license fees. On July 20, 2011, the Board approved the renewal of the UMove license with Siemens Industry, Inc., which expires June 30, 2012. Subsequently, a renewal of the UMove license is requested.

UMove identifies mail that has been processed on a sorter that contains a change of address filing with the USPS. UMove attempts to identify and correct any address that has not been updated with the change of address filing. This aids in mail being delivered to the correct address.

**APPROVED FOR FUNDS BY FINANCE**

**(FILE NO. 57255)**

UPON MOTION duly made and seconded, the Board approved the renewal of the UMove license with Siemens Industry, Inc.

## BOARD OF ESTIMATES

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OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Dept. of Housing and Community Development - Options</u>			
1. Margaret A. King	2220 Ashland Ave.	G/R \$72.00	\$ 600.00
2. Morton L. Goss and Helene F. Goss	905 N. Chester St.	G/R \$78.00	\$ 650.00
3. John Luther Charlton, Jr.	945 N. Chester St.	G/R \$34.50	\$ 317.00
4. Lee and Joyce, Inc.	957 N. Chester St.	G/R \$34.50	\$ 316.25
5. Ground Rents, LLC	907 N. Madeira St.	G/R \$90.00	\$ 750.00
6. Ground Rents, LLC	934 N. Madeira St.	G/R \$72.00	\$ 600.00

Funds are available in account 9910-906416-9588-900000-704040,  
EBDI Project, Phase II.

**(FILE NO. 56017)**

7. John L. Purdie (Deceased) and Eloise M. Purdie	2015 E. Biddle St.	F/S	\$23,000.00
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Funds are available in account 9910-908087-9588-900000-  
704440, Middle East Site.

**(FILE NO. 56017)**

8. Dream Builders LLC	2713 Tivoly Ave.	L/H	\$22,200.00
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OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
9. Trinity Property Investments, LLC	2746 Tivoly Ave.	L/H	\$48,675.00
10. Shana Ross	2785 Tivoly Ave.	F/S	\$45,000.00

Funds are available in account 9910-904326-9588-900000-704040, Coldstream-Homestead-Montebello Project.

**(FILE NO. 57188)**

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

Dept. of Housing and Community Development - Condemnations

11. LOTS, LLC	1131 N. Gay St.	F/S	\$ 4,000.00
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Funds are available in account 9910-906416-9588-900000-704040, EDBI Project, Phase II Project.

**(FILE NO. 56017)**

12. National Financial Company	4914 Denmore Ave.	G/R \$96.00	\$ 640.00
13. Glenn H. Goldberg	4938 Denmore Ave.	G/R	\$ 800.00
14. Abdul Rahman	3414 Dupont Ave.	L/H	\$ 2,500.00
15. Jack Novograd Trustee of BE3 Business Trust	4669 Park Heights Ave.	F/S	\$ 4,000.00

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OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Dept. of Housing and Community Development - Condemnations</u>			
16. Lenmar Realty, Inc.	4683 Park Heights Ave.	L/H	\$ 5,700.00

Funds are available in account 9910-903187-9588-900000-704040, Park Heights Demo-Woodland/Virginia Avenue Corridor.

**(FILE NO. 57083)**

UPON MOTION duly made and seconded, the Board approved the options and condemnations.

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Fire Department - Governmental/Charitable  
Solicitation Application

**ACTION REQUESTED OF B/E:**

The Board is requested to approve a governmental/charitable sponsorship campaign to benefit the 29<sup>th</sup> Annual C.F.D. Benefit Golf Tournament. The period of the solicitation efforts is effective upon Board approval through July 31, 2012.

**AMOUNT OF MONEY AND SOURCE:**

No general funds are involved in this transaction.

Collected funds will be deposited and expenditures paid through the Baltimore City Fire Foundation.

**BACKGROUND/EXPLANATION:**

The Baltimore City Fire Department has held a Golf Tournament for the past 28 years to raise funds to benefit the Baltimore City Fire Foundation. In previous years, the funds raised have helped offset the cost of the Department's Free Smoke Alarm Program. Last year the event raised \$12,000.00 after expenses. This year's event will be held at Mount Pleasant Golf Course, and will benefit the survivors of active fallen firefighters. This is an open event as well as the solicitation for event sponsors and contributors.

The Baltimore City Ethics Board has provided an advisory opinion that a sponsorship solicitation campaign for this event does not need to be approved by the Ethics Board as a campaign to solicit charitable donations under Ethics Code §6-26 and Ethics Board regulation R 06-26.

**(FILE NO. 57133)**

UPON MOTION duly made and seconded, the Board approved the governmental/charitable sponsorship campaign to benefit the 29<sup>th</sup> Annual C.F.D. Benefit Golf Tournament.

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EXTRA WORK ORDERS AND TRANSFERS OF FUNDS

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UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders and Transfers of Funds

listed on the following pages:

1951 - 1963

All of the EWOs had been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

The Transfer of Funds was approved

SUBJECT to receipt of a favorable report

from the Planning Commission,

the Director of Finance having reported favorably

thereon, as required by the provisions

of the City Charter.

The President **ABSTAINED** on item nos. 9 and 10.



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EXTRA WORK ORDERS AND TRANSFERS OF FUNDS

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

Department of Transportation

1. EWO #022 \$262,224.00 - TR 04311, Pennington Avenue Bascule Bridge Rehabilitation  


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\$14,530,627.00 \$11,045,390.30 Cianbro Corpor- - -  
ation
2. EWO #023 \$ 88,000.00 - TR 04311, Pennington Avenue Bascule Bridge Rehabilitation  


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\$14,530,627.00 \$11,307,614.30 Cianbro Corpor- - -  
ation

3. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNTS</u>
\$ 688,260.00	9950-919001-9509	9950-902332-9508-2
FED	Const. Res.	Contingencies
Highway		Pennington Avenue
		Drawbridge

This transfer will cover the cost associated with TR 04311, Pennington Avenue Bascule Bridge Rehabilitation change order 22, 23, and 24 by Cianbro Corporation.

CORRESPONDENCE WAS RECEIVED FROM MS. KIM TRUEHEART FOR ITEM NOS. 1 - 3.

The Board received correspondence from Ms. Kim Trueheart which was submitted to the Board for its review for item nos. 1 - 3. As Ms. Trueheart does not have a specific interest that is

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Department of Transportation - cont'd

different from that of the general public, the Board will not hear her objections. The Department of Transportation will respond directly to Ms. Trueheart's questions.

**EXTRA WORK ORDERS AND TRANSFERS OF FUNDS**

Contract	Prev. Apprvd.		Time	%
<u>Awd. Amt.</u>	<u>Extra Work</u>	<u>Contractor</u>	<u>Ext.</u>	<u>Compl.</u>
4. EWO #005 (\$ 5,852.56) - TR 05303, Resurfacing Hilton St. from Frederick Avenue to Mulberry St.				
\$ 843,765.61	\$ 103,225.52	Machado Construc-	7	100
		tion Co., Inc.		

This final extra work order is necessary to authorize payment of over run items, deduct amounts not needed due to under run or not used items and to balance out the contract.

5. EWO #001 (\$174,623.81) - TR 08304, Resurfacing Kane Street from Pratt Street to North Point Blvd.				
\$ 695,829.10	\$0.00	P. Flannigan &	-	-
		Sons, Inc.		

This extra work order is necessary to authorize payment of over run items, deduct amounts not needed due to under run or not used items and to balance out the contract

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EXTRA WORK ORDERS AND TRANSFERS OF FUNDS

<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

6. EWO #002 (\$191,688.84)- TR 07304, Resurfacing Gwynns Falls Parkway from Longwood St. to Reisterstown Road			
\$1,488,793.85	\$11,121.20	P. Flannigan & Sons, Inc.	- -

This extra work order is necessary to authorize payment of over run items, deduct amounts not needed due to under run or not used items and to balance out the contract.

7. EWO #001 (\$ 53,394.00)- TR 10319, York Road Rehabilitation from 43 <sup>rd</sup> Street to Glenwood Avenue			
\$2,783,413.10	\$0.00	P. Flannigan & Sons, Inc.	- -

This extra work order will substitute asphalt for concrete and will eliminate overnight road closures for concrete curing and result in a cost savings.

8. EWO #001 \$170,170.00 - TR 10019, Hopkins Plaza Renovations			
\$1,340,840.00	\$0.00	Bensky Construction Co., LLC	18 - days

Department of Public Works/Bureau of Water and Wastewater

9. EWO #050 \$1,568,352.50 - WC 1198, Urgent Need Work Infrastructure Rehabilitation Various Locations			
\$10,473,325.00	\$13,765,890.98	Spiniello Companies	0 99

In order to complete all assigned water main repairs, it is necessary to extend contract bid items until a replacement contract can be awarded.

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EXTRA WORK ORDERS AND TRANSFERS OF FUNDS

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

Depart. of Public Works/Bur. of Water and Wastewater - cont'd

10. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNTS</u>
\$ 125,000.00	9960-907101-9558	
Baltimore	Const. Res.	
County	Small Water Main	
	Program	
2,375,000.00	9960-909100-9558	
Water Rev.	Const. Res.	
	Bonds Water Infra-	
	structure Rehab.	
<u>\$2,500,000.00</u>	-----	9960-903682-9557-2
		Extra Work

This transfer will cover the cost of additional inspection, consultant tasks and additional extra work for WC 1198, Infrastructure Rehabilitation at Various Locations.

**A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION.**

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART FOR ITEM NOS. 9 - 10.**

The Board received correspondence from Ms. Kim Trueheart which was submitted to the Board for its review for item nos. 9 - 10.

As Ms. Trueheart does not have a specific interest that is

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different from that of the general public, the Board will not hear her objections. The agency, which is the Department of Public Works/Bureau of Water and Wastewater will respond directly to Ms. Trueheart's questions.

President: "The first item on the non-routine agenda can be found on page 10, item 9, Extra Work Order Number 050. Will the parties please come forward?"

Ms. Thompson: "Good morning. My name is Maria Thompson. I am the Division Chief for Contract Administration for DPW. On this item, WC 1198, Extra Work Order No. 50, this is part of an existing contract for the purpose of addressing events such as water main breaks, cloudy water those types of things. Umm, this is not something that would be put out for bid because there is an existing contract. At the time this work was done, we were in the process of bidding a replacement contract when WC 1217 was awarded by this Board on December 7, 2011."

President: "Mr. Jolivet."

Mr. Jolivet: "Yes. Good morning. I guess my --."

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President: "Can you talk into the mic?"

Mr. Jolivet: "Yes I can."

Comptroller: "State your name."

Mr. Jolivet: "Arnold M. Jolivet. I guess my protest is more akin to the fact that this contract or a proposed contract work that is being submitted to the Board today as an Extra Work Order, is actually contract work that can stand on its own and is totally unrelated to this contract. So, therefore, my contention is, it is a separate complete contract that should be awarded according to the City's competitive bidding statute -- Charter provision, Article VI, Section 11. Now, the other argument that I think that is very clear on the face of the documents that have been submitted to the Board, the original contract was for \$10,473,000.00 and now we see that over the period of the contract, the agency and, of course, the Board of Estimates has awarded \$13,765,000.00 worth of change orders, and of course we know that a large percentage of this \$13,000,000.00 -uh -uh- 765,000.00 is work - contract work that is of a

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character that could stand there on its own and was totally unrelated to this contract so therefore it should have been awarded according to the City's competitive bidding statute. So, I raise the protest today because when the City does this by awarding the change order disguise -- the extra work disguised as a change order Mr. President I submit that it hurts and it damages and it excludes smaller businesses whom I represent that otherwise could not have bid a thirteen million dollar contract. So, I think it's wrong. I think it's illegal and I would urge this Board to refrain from approving it, because it's totally outside the -- the -- the -- countenance of this City's Charter, and I would ask this Board in its wisdom to not to put its stamp of approval on it."

President: "Okay. I will entertain a Motion."

Mr. Alfred Foxx, Director of Public Works: "If I may, Council President. This contract that he's referring to since I am familiar with it is one of those contracts that was briefed to the Board back in January of this year and it was briefed by Mr. Chow and it was referenced a lot of change orders that were done

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previously and trying to close out uh -- this particular contract, and that's what this is what this constitutes. Closing out this particular contract so that contract no. 1217 which is the replacement for this will be used for Urgent Work needed within the DPW."

Mr. Jolivet: "Well, I submit that you can't do that. Mr. President I submit that that is a clear -- assuming what he says, Mr. Foxx has just asserted to this Board and I have no reason to doubt him. Assuming that that is what the City doing, it is a clear undisputed violation of the intent, the spirit and the intent of the Charter, and the City Solicitor is keenly and uniquely aware that that is inappropriate in terms of awarding municipal contracts. He is clearly aware. He is aware of the case law. I have discussed it with him. I have discussed with the Board and Mr. President, I just feel that it is inappropriate. The Board can do what it wants. But it is a clear violation of the intent of the Charter."

City Solicitor: "Mr. Jolivet, do you have any other factual information in which you rely in your protest or do you simply



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accept the facts that Mr. that Colonel Foxx just identified and rely on those facts?"

Mr. Jolivet: "Well, at this moment I've not, this is the first time that I've heard Mr. Foxx's assertion in terms of his explanation. So, in all honesty, I have no basis to dispute it, the facts that he's asserted. I have no basis, but assuming they are what he says, that's important. That is a violation of the Charter, and you know that Mr. Solicitor. You are keenly aware of this I have cited and I have given you cases which clearly are on point and nonetheless you still support this practice which has resulted in the taxpayers paying thirteen million dollars in excess of what the original contract was bid for. You know that is not correct and I don't have to make this argument again to this Board because I made this Board before -- this argument before the Board before and it is a clear undisputed, unchallengeable argument, because you are familiar with the case law that supports my argument, and I don't have to rehash it. You are keenly familiar with it."

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City Solicitor: "Well I --."

Comptroller: "I have a question Mr. Chow. Is it correct what Mr. Jolivet is saying that these extra work orders could have stood alone and could have been bidden out independently?"

Mr. Chow: "Rudolph Chow. I am the Bureau Head for the Water and Wastewater. The response is first of all, this contract is for Urgent Needs, simply because the need is immediate. So, we have an aging infrastructure here, so at times we are going to come across certain water mains or some infrastructure that requires immediate attention. That is what the purpose of this contract is. Because the fact that we have an aging infrastructure here, the need is very great. That is part of the reason why you see so many change orders or extra work orders that went into this contract. But what I want to focus on is that we do have a replacement contract that was awarded in December which is WC 1217, and going forward through better asset management that we might be able to do a much better job in forecasting and packaging so we can't get to a state where before a certain stretch of water mains become an urgent need it is replaced them prior to that period of time."

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City Solicitor: "But the contract that was approved by this Board in December is still, at least in part, an Urgent Needs contract --."

Mr. Chow: "Absolutely."

City Solicitor: "Because you cannot always predict when you are going to experience breakages in your infrastructure and when you are going to need the services, and when you need them you need them quickly. Is that right?"

Mr. Chow: "Exactly. That's the sole purpose for the Urgent Needs contract."

Comptroller: "So it says that it's 99% complete, so we will not see any Extra Work Orders for this particular contract coming before the Board?"

Mr. Chow: "Well, what we are doing is that we are closing out this contract of this 1198. All the work has been completed, and now we are going through the paperwork and get the invoices paid, basically."

City Solicitor: "So, the 1% that we might see would be clean-up invoices for work that has already been performed under the old contract?"

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Mr. Chow: "Correct."

Mr. Jolivet: "Mr. President, just one final clarification and the City Solicitor amazingly -- the original contract as I said on the record before was bid at the low bidder at \$10,473,325.00. Now, the concept which I am bringing before the Board this morning is that the Court of Appeals has said, that once the upset limit of this contract is exhausted then the City cannot make additional changes in this contract, because it is unfair to other bidders, who have bid and who are lower than this particular contractor. So, even assuming what Mr. Foxx says, once the City reached the upset limit of the bid amount, \$10,473,000.00 the City was duly obligated under the concept of competitive bidding to stop the contract and put it out for new bids because the Extra Work changes in the contract constituted a new contract. The concept of a new contract is well established in the case laws in the State of Maryland. Mr. Nilson knows that and I can only ask that he respects it."

President: "Okay. I will call for a Motion."

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BOARD OF ESTIMATES

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City Solicitor: "I respect Mr. Jolivet's assertions, but I am going to demonstrate that we are not necessarily in agreement by moving approval of the item as submitted by the Department."

Mr. Jolivet: "Well that is an arrogant statement. Arrogant statement."

President: "Is there a second?"

Comptroller: "Second."

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

Please **NOTE** that I **ABSTAIN**.

\* \* \* \* \*

**MMCA- Maryland Minority Contractors Association, Inc.**  
A Chapter of the American Minority Contractors and Businesses Association, Inc.-AMCBA  
Baltimore, Maryland 21210  
443-413-3011 Phone  
410-323-0932 Fax

June 5, 2012

**VIA FAX: 410-685-4416**

Honorable Jack Young  
President, Baltimore City Board of Estimates  
Room 204, City Hall  
100 North Holliday Street  
Baltimore, MD 21202  
**ATTN: Ms. Bernice Taylor, Clerk to the Board**

**Re: Protest of item on page 10, Item No. 9-Extra Work to the  
Spinello Companies and Item on page 26, Proposed Legal  
Contract for Workers' Compensation, with Semmes, Brown  
And Semmes ("Semmes")- Board of Estimates 06/06/2012 Agenda**

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Dear Mr. President:

I am writing on behalf of the Maryland Minority Contractors Association, Inc. ("MMCA") to respectfully protest the above referenced Board items contained on Your Honorable Board's 06/06/2012 Public Agenda.

My protest against Item No. 9, page 10, is a proposed contract award to the Spinello Companies, which clearly does not comply with the mandatory City competitive bidding charter provision of Article VI Section 11 et seq., of the City's governing charter (1998 edition, as amended).

My protest against the item contained on page 26, is a proposed contract from the City's Law Department for a \$3, 990,000.00 contract for Workers' Compensation Legal Services with the law firm Semmes, Bowen and Semmes. My chief complaint herein against award of this proposed contract relates to the fact that the proposed legal contract was not publicly advertised to all qualified local minority trade associations, and nor was local minority trade associations, especially MMCA, notified and sent a copy of the contract's bid solicitation

document, as specifically required by Article 5, Sections 28-69 (a) and more importantly, 28-69 (b), which clearly provides:

"A written notification of contracting opportunities must be sent to minority and women's business trade associations and contractors' associations no less than 10 days before bids are due."

See Article 5, Section 28-69 (b) - Baltimore City Code (2007 edition).

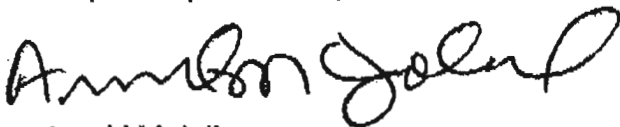
We herein also protest the award of the referenced legal contract to Semmes on the fundamental basis that the City's Chief of MWBOO wrongfully and unlawfully waived the City Ordinance's required MBE and WBE participation goals for the contract.

There are many well-qualified MBE and WBE certified attorneys in the City's certified M/WBE Directory and, plain and simple, there is absolutely no valid and acceptable reason(s) to support the City's MWBOO's chief's unwarranted decision to approve a full 100% waiver of the City's M/WBE participation goals on this \$3,990,000.00 City contract for legal services.

MMCA and its members, clients and constituents, to include its minority and female attorney members, will suffer injury and damages if Your Honorable Board approves this proposed contract, as protested.

Your Honorable Board's kind and favorable consideration of these protests is greatly appreciated.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Arnold M. Jolivet". The signature is fluid and cursive, with the first name "Arnold" being more prominent than the last name "Jolivet".

Arnold M. Jolivet  
Managing Director

# Kim A. Trueheart

June 5, 2012

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of questionable management and administration within the Department of Transportation of Baltimore City.

The following details are provided to initiate this action as required by the Board of Estimates:

1. Whom you represent: Self
2. What the issues are:
  - a. Page 8, Items 1-3; TR 04311 EWO's #22, #23 and #24 if approved:
    - i. Why are funds being transferred to cover 3 EWO's, yet only 2 are listed.
    - ii. Why are there NO descriptions of the work included with these requests? Please provide descriptions.
    - iii. 24 EWO's seems excessive for a bridge rehabilitation project, which appears to have almost doubled from the original award amount. Please explain the reasons for this exorbitant cost growth?
    - iv. Are these EWO's at the request of the government or the contractor?
    - v. What are the Department's education, experience, competency and certification requirements for the individual charged with administering the technical aspects of this contract?
    - vi. Has the department instituted configuration management controls for major projects in accordance with national transportation management best practices and protocols?
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed what appears to be the continued mismanagement of infrastructure repair projects in the form of excessive cost growth, cost overruns, schedule slips and numerous other indicators of bad program management practices. These specific actions serve to highlight what I perceive to be critical program management failures within the Department of Transportation. As these failures continue, they diminish the scarce municipal resources needed to carryout routine operations throughout the rest of our municipal government and cause citizens like myself to go with or to pay increasing amounts in fees and taxes for everyday services expected from my local government.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on June 6, 2012.

5519 Belleville Ave  
Baltimore, MD 21207



# Kim A. Trueheart

June 5, 2012

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of questionable management and administration within the Department of Public Works of Baltimore City.

The following details are provided to initiate this action as required by the Board of Estimates:

1. Whom you represent: Self
2. What the issues are:
  - a. Page 10, Item 9 and 10; WC 1198 EWO #050 if approved:
    - i. Please define "Urgent Need Work"?
    - ii. Please provide details of how the new bid specification and requirements for the replacement contract will preclude the need for similarly high numbers of extra work orders?
    - iii. Why is the amount of funds being transferred for this contract almost \$1M more than the amount of EWO #050?
    - iv. Is this EWO at the request of the government or the contractor?
    - v. What are the Department's education, experience, competency and certification requirements for the individual charged with administering the technical aspects of this contract?
    - vi. Has the Department instituted configuration management controls for major projects in accordance with national water resource management best practices and protocols?
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed what appears to be the continued mismanagement of infrastructure repair projects in the form of excessive cost growth, cost overruns, schedule slips and numerous other indicators of bad program management practices. These specific actions serve to highlight what I perceive to be critical program management failures within the Department of Public Works. As these failures continue, they diminish the scarce municipal resources needed to carryout routine operations throughout the rest of our municipal government and cause citizens like myself to go with or to pay increasing amounts in fees and taxes for everyday services expected from my local government.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on June 6, 2012.

5519 Belleville Ave  
Baltimore, MD 21207

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Health Department - Agreements, Notification of Grant Award, and  
Revised Notification of Grant Award

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The Board is requested to approve and authorize execution of the various agreements. The period of the agreement is July 1, 2011 through June 30, 2012, unless otherwise indicated.

**1. THE JOHNS HOPKINS UNIVERSITY** **\$ 72,238.00**  
**(JHU)**

Account: 4000-422212-3041-606200-603051

The JHU will provide Enhanced AIDS/HIV Surveillance. Services will be performed by on-site personnel who will facilitate HIV surveillance activities within the Johns Hopkins Medical Institution. Activities will include but not be limited to retrieving data from the medical records at Johns Hopkins Medical Institute sites which will facilitate HIV reporting to the Centers of Disease Control, participate in special surveillance projects, either demonstration or clinical research which focus on enhanced surveillance of HIV infected persons.

The agreement is late because the request was received late in the grant year.

**MWBOO GRANTED A WAIVER.**

**2. THE JOHNS HOPKINS UNIVERSITY** **\$ 30,606.00**  
**(JHU)**

Account: 4000-424512-3023-274431-603051

The JHU will provide a Child Life Specialist in the Intensive Pediatric Care clinic to continue and expand the provision of needed psychosocial support services for youth, children and young adults living with HIV. The period of the agreement is July 1, 2011 through June 30, 2012.

## MINUTES

Health Dept. - cont'd

**3. THE JOHNS HOPKINS UNIVERSITY** **\$ 95,000.00**  
**(JHU)**

Account: 4000-424512-3023-274413-603051

The JHU will provide counseling and testing services in the JHU obstetrical and community sites for the Ryan White Part B Program. The period of the agreement is July 1, 2011 through June 30, 2012.

**MWBOO GRANTED A WAIVER.**

**4. THE JOHNS HOPKINS UNIVERSITY** **\$231,775.00**

Account: 4000-424512-3023-274456-603051

The JHU will provide comprehensive, HIV Primary Care/Treatment Adherence services for the Ryan White Part B Program. Services will be provided to individuals at the Moore Clinic. Services provided will increase the client's knowledge of HIV medication taking and symptom management and provide emotional support in the form of peer instruction and guidance.

**MWBOO GRANTED A WAIVER.**

The agreements are late because the Infectious Disease and Environmental Health Administration (IDEHA) programmatically manages Ryan White Part B services. The IDEHA selects the providers through a competitive Request for Proposal process. The providers submit a budget, budget narrative, and scope of services. The Health Department thoroughly reviews the entire package before preparing a contract and submitting it to the Board of Estimates. These budgets are often times revised because of inadequate information from the providers. This review process is required to comply with the grant requirements.

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Health Dept. - cont'd

5. THE JOHNS HOPKINS UNIVERSITY \$135,131.00  
(JHU)

Account: 1001-000000-3030-271300-603051

The JHU will provide laboratory services for the Bureau of Disease Control at the Druid Disease Control Center Eastern Health District Building and other specified sites as assigned. Services will include but not be limited to orientation, training and supervision in laboratory techniques required of personnel who are authorized to perform on-site laboratory testing, perform a variety of laboratory tests and establish and maintain liaison with the Maryland Laboratories Administration. The JHU will also maintain an inventory of laboratory supplies and equipment and ensure placement on a periodic and timely basis.

The agreement is late because the Department was waiting for a suitable scope of work and budget.

**MWBOO GRANTED A WAIVER.**

6. THE JOHNS HOPKINS UNIVERSITY BLOOMBERG \$ 94,000.00  
SCHOOL OF PUBLIC HEALTH

Account: 4000-418712-3030-513200-603051

The organization will provide HIV Prevention services to prevent new HIV infections among men who have sex with men in Baltimore City, particularly African American men who have tested seropositive for HIV infection.

The agreement is late because of an oversight. The Department apologizes for the lateness.

**MWBOO GRANTED A WAIVER.**

## MINUTES

Health Dept. - cont'd

7. **BALTIMORE SUBSTANCE ABUSE SYSTEMS, INC.** **\$325,000.00**  
**(BSAS)**

Account: 4000-497812-3070-287500-603051

The BSAS will implement treatment services for the Project Title: Baltimore City Adult District Court Drug Court Expansion. The BSAS will oversee the implementation of the project, contract with sub-grantee providers and recovery service providers, administer funding to sub-grantee, liaison with the project evaluator and submit narrative and financial reports to the Baltimore City Health Department and Substance Abuse and Mental Health Services Administration. The period of the agreement is September 30, 2011 through September 29, 2012.

The agreement is late because the Department was waiting for a suitable budget and scope of work.

**MWBOO GRANTED A WAIVER.**

8. **BALTIMORE SUBSTANCE ABUSE SYSTEMS, INC.** **\$ 25,000.00**  
**(BSAS)**

Account: 6000-629306-3050-281700-603051

The organization will provide up to 14 days of residential substance abuse treatment for at least six adolescents who are no longer eligible for substance abuse benefits provided by Medicaid/Health Choice. Funding is provided using the revenues realized by the collection of tobacco control citations issued by the Baltimore City Health Department. The period of the agreement is December 1, 2011 through June 30, 2012.

The agreement is late because the agreement was recently returned.

## MINUTES

Health Dept. - cont'd

9. **EDWARD ANSEL** \$200.00 per **\$20,000.00**  
evaluation/\$50.00  
per evaluation  
review

Account: 4000-425513-3110-306700-603018

The consultant will perform on-site psychological evaluations of clients referred for nursing home placements, as well as onsite psychological evaluations of clients in nursing homes. In addition the consultant will review psychological reports for patients in nursing homes and submit a written psychological report to the Department's Adult Evaluation and Review Services Program delineating a treatment plan for each client/patient. The period of the agreement is July 1, 2012 through June 30, 2013.

10. **G.S. HOUSING, INC.** **\$80,080.00**

Account: 4000-432912-3024-268400-604014

The organization will provide Title III C-1 Congregate Housing Meal Services program. It will serve weekday and weekend dinner meals to 55 elderly clients at the Belvedere Green Apartments located at 1651 E. Belvedere Avenue. The meals are being provided at \$4.00 per meal. The period of the agreement is October 1, 2011 through September 30, 2012.

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

**MWBOO GRANTED A WAIVER**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

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Health Dept. - cont'd

REVISED NOTIFICATION OF GRANT AWARD (NGA)

11. MARYLAND DEPARTMENT OF AGING

\$205,400.00

Account: 5000-533812-3044-273300-404001

This revised NGA provides funding for the Money Follows the Person Program. The program helps seniors transition from a nursing facility to community living. This revision provided additional funding for the initiative for FY2012 and extended the period of the agreement through February 29, 2012.

The revised NGA is late because it was just received.

12. MARYLAND DEPARTMENT OF AGING

\$ 2,234.20

Account: 5000-568112-3044-273300-405001

This revised NGA provided funding for the staff to attend the Innovations in Aging Expo from May 3 - 5, 2012. The staff from the Ombudsman Unit, Maryland Access Point, Senior Medicare Patrol, and the Senior Health Insurance Program attended the program.

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

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the various agreements and notification of grant award. The President **ABSTAINED** on item nos. 1-8. The Mayor **ABSTAINED** on item nos. 7 and 8.

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

The Board is requested to ratify services rendered and approve an expenditure of funds to pay Personal Companion-Security Unlimited. The period of the invoices is January 1, 2012 through April 30, 2012.

**AMOUNT OF MONEY AND SOURCE:**

\$	548.90	-	January 2012
	523.95	-	February 2012
	519.79	-	March 2012
	568.85	-	April 2012
	<u>\$2,161.49</u>	-	5000-535412-3044-273300-607001

**BACKGROUND/EXPLANATION:**

Personal Companion-Security Unlimited is an emergency response system, which is a direct connection to 911 first responders. The emergency response system is installed in the home of a client who may live alone, or have chronic health conditions. The emergency response system enables clients to maintain an independent lifestyle. Senior care clients receive this service 24 hours a day, 365 days a year.

During the transition between the Commission on Aging and Retirement Education (CARE) and the Department, it was anticipated that various programs from CARE would be transferred to the Baltimore City Health Care Access (BCHCA).

While waiting for finalization of the memorandum of understanding with the BCHCA, it was decided that all programs would not be transferring to the BCHCA. For FY13 the Bureau of Purchases will process the services of this vendor and the invoices will be processed appropriately.



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**MINUTES**

Health Department - cont'd

The Department apologizes for the delays and procurement lapse during the transition.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board ratified the services rendered and approved the expenditure of funds to pay Personal Companion-Security Unlimited.

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

The Board is requested to approve an expenditure of funds to pay PACT: Helping Children with Special Needs, Inc. (PACT). The period of the invoices is April 1, 2010 through August 30, 2011.

**AMOUNT OF MONEY AND SOURCE:**

\$22,554.31 - 4000-428212-3080-294300-603051

**BACKGROUND/EXPLANATION:**

On June 29, 2011, the Board approved the original agreement with PACT in the amount of \$100,330.00 for the period July 1, 2009 through June 30, 2011.

In order to engage families in early intervention and meet the federal timelines and needs of young children, the staff of the PACT provided increased consultation to the Baltimore City Infants and Toddlers Program evaluation centers and increased direct service provision. The need of these direct services was greater than anticipated, which resulted in an expenditure of \$22,554.31 over the approved agreement amount.

The request to amend the agreement was submitted after the close of the FY11 contract.

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

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to pay PACT: Helping Children with Special Needs, Inc.

**MINUTES**

Health Department - Employee Expense Statement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the expense statement for Ms. Venus Johnson for the month of January 2012 for mileage.

**AMOUNT OF MONEY AND SOURCE:**

\$91.02 - 4000-436212-3255-316200-603001

4.00 - 4000-436911-5750-686700-603003

**\$95.02** - Mileage

**BACKGROUND/EXPLANATION:**

Ms. Johnson neglected to submit her expense statements on time due to overwhelming program expectations. She is making an effort to submit statements timely.

The Administrative Manual, in Section 240-11, states that Employee Expense Reports that are submitted more than 40 work days after the last calendar day of the month in which the expenses were incurred require Board of Estimates approval.

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

UPON MOTION duly made and seconded, the Board approved the expense statement for Ms. Venus Johnson for the month of January 2012 for mileage.

**MINUTES**

Health Department - Amendment to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an amendment to agreement with HealthCare Access Maryland, Inc.

**AMOUNT OF MONEY AND SOURCE:**

\$676.00 - 4000-421012-3080-294000-603051

**BACKGROUND/EXPLANATION:**

On August 31, 2011, the Board approved the original agreement with Baltimore HealthCare Access, Inc., now known as Health Care Access Maryland, Inc. in the amount of \$2,820,706.00 for the period July 1, 2011 through June 30, 2012. Due to the additional cost for mailing the Prenatal Risk Assessment Forms an increase in the amount of \$676.00 is necessary, making the total agreement amount \$2,821,382.00. All other terms and conditions remain unchanged.

**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 amendment to agreement with HealthCare Access Maryland, Inc.

## MINUTES

Mayor's Office of Human Services - Grant Agreements  
Homeless Services Program

The Board is requested to approve and authorize execution of the grant agreements. The period of the agreement is April 1, 2012 through March 31, 2013, unless otherwise indicated.

1. **MARIAN HOUSE, INC.** **\$214,252.00**

Account: 4000-496312-3573-591219-603051

The organization will provide tenant based housing in conjunction with supportive services to approximately 15 homeless clients.

**MWBOO GRANTED A WAIVER.**

2. **WOMEN'S HOUSING COALITION, INC.** **\$112,267.00**

Account: 4000-496312-3573-591235-603051

The organization will provide sponsor-based housing in conjunction with supportive services to eight homeless clients. The period of the agreement is March 16, 2012 through March 15, 2013.

**MWBOO GRANTED A WAIVER.**

3. **WOMEN'S HOUSING COALITION, INC.** **\$292,125.00**

Account: 4000-496312-3573-591235-603051

The organization will provide sponsor-based housing in conjunction with supportive services to 25 homeless clients. The period of the agreement is May 1, 2012 through April 30, 2013.

**MWBOO GRANTED A WAIVER.**

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## MINUTES

MOHS - cont'd**4. ST AMBROSE HOUSING AID CENTER, INC. \$126,300.00**

Account: 4000-496312-3573-591252-603051

The organization will provide sponsor-based housing in conjunction with supportive services to nine homeless clients. The period of the agreement is March 15, 2012 through March 14, 2013.

**MWBOO GRANTED A WAIVER****5. BALTIMORE MENTAL HEALTH SYSTEMS, INC. \$125,536.00**

Account: 4000-496312-3573-591252-603051

The organization will provide project housing in conjunction with supportive services to ten homeless clients.

The services will include but are not limited to providing monthly rental assistance payments for monthly rental subsidies, security deposits and/or payment for damage to the property for the benefit of the clients. The organization will select a new unit for each client, select a residential unit based on the quality of the neighborhood, the location and design of the building and local regulatory compliance.

The agreements are late because of a delay at the administrative level.

**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 grant agreements.

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BOARDS AND COMMISSIONS

1. Prequalification of Contractors

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

American Infrastructure-MD, Inc.	\$ 648,757,517.00
Work capacity rating underwritten by Blanket Guarantee of \$648,757,517.00 from the parent corporation American Infrastructure, Inc.	
The Berg Corporation	\$ 8,000,000.00
Concrete General, Inc.	\$ 95,139,000.00
Corman Construction, Inc.	\$ 381,154,000.00
Corman Marine Construction, Inc.	\$ 50,000,000.00
Work capacity rating underwritten by Blanket Guarantee of \$50,000.00 from the parent corporation CG Enterprises, Inc. and subsidiaries	
Delta Electrical Contractors, Inc.	\$ 1,500,000.00
E & R Services, Inc.	\$ 351,000.00
Ferguson Enterprises, Inc. dba Ferguson Waterworks	\$ 13,635,000.00
Great Lakes Dredge & Dock Company, LLC. and Subsidiaries	\$1,748,961,000.00
Harris Brothers Construction Co., Inc.	\$ 297,000.00
Independence Excavating, Inc.	\$ 299,799,000.00
Living Classrooms Foundation, Inc.	\$ 25,290,000.00
MEB General Contractors, Inc.	\$ 157,509,000.00
Royster Construction, Inc.	\$ 1,125,000.00
T & D Plumbing & Heating Co., Inc.	\$ 6,048,000.00
Temp Air Co., Inc.	\$ 7,209,000.00

## MINUTES

BOARDS AND COMMISSIONS2. 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:

AB Consultants, Inc.	Landscape Architect Engineer Land Survey
Ayers Saint Gross, Inc.	Architecture Landscape Architect
Holbert Apple Associates, Inc.	Engineer
J.T. Fishman & Associates	Architect
O'Connell & Lawrence, Inc.	Engineer Land Survey
Modjeski and Masters, Inc.	Engineer
ReStl Designers, Inc.	Engineer
Peer Consultants, P.C.	Engineer
Penza Bailey Architects	Architect
T.Y. Lin International	Architect Engineer



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**BOARDS AND COMMISSIONS**

Prequalification of Architects and Engineers - cont'd

United Engineering, Inc. Engineer

Wachs Valve & Hydrant Services, LLC. 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. The Mayor **ABSTAINED** on item no. 1 for the Living Classrooms Foundation, Inc. The President **ABSTAINED** on item no. 1 for the Living Classrooms Foundation, Inc.

**MINUTES**

Office of the State's Attorney - Cooperative Reimbursement Agreement

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**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize acceptance of a cooperative reimbursement agreement with the Maryland Department of Human Resources entitled Child Support Enforcement Administration. The grant is for the period October 1, 2011 through September 30, 2012.

**AMOUNT OF MONEY AND SOURCE:**

\$ 829,836.00 - 4000-402811-1155-118000-119100  
427,491.00 - 1001-000000-1150-118000-607000  
\$1,257,327.00

**BACKGROUND/EXPLANATION:**

This is the annual renewal of federal funding for Child Support Services provided by the Non-Support Division of the State's Attorney's Office. This grant has been in existence for over 25 years. The submission is late because the agreement was recently returned to the Office of the State's Attorney.

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

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the cooperative reimbursement agreement with the Maryland Department of Human Resources entitled Child Support Enforcement Administration.

**MINUTES**

Department of Law - Contract for Workers'  
Compensation Legal Services

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an award and authorize execution of a Contract for Workers' Compensation Legal Services with Semmes, Bowen & Semmes (Semmes). The period of the agreement is July 01, 2012 through June 30, 2016.

**AMOUNT OF MONEY AND SOURCE:**

\$3,990,000.00 - 2046-000000-1450-162900-603021

**BACKGROUND/EXPLANATION:**

The Law Department solicited proposals from law firms interested in providing Workers Compensation defense counsel legal services for the City, and on the unanimous recommendation of a six-member evaluation committee, Semmes was picked from four firms responding as the lowest cost/highest quality of all of the service proposals. Semmes will provide legal representation and services to the City based on the terms and conditions as set forth in the contract and request for proposal for Workers Compensation Legal Services.

During the initial contract term, Semmes will represent the City, its agencies, and including for these purposes, the Baltimore City Public School System, on all claims and cases for Workers Compensation benefits that are pending before the Workers' Compensation Commission and/or a Maryland Court.

**MWBOO GRANTED A WAIVER**

**APPROVED FOR FUNDS BY FINANCE**

**A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION.**

**(FILE NO. 57032)**

## MINUTES

Department of Law - cont'd

President: "The second item on the non-routine agenda can be found on Page 26 and 27. Contract for Workers' Compensation Legal Services. Will the parties please come forward? Good morning."

Mr. Corey: "Good morning, Thomas Corey, Chief of Minority and Women's Business Opportunity Office. I am here on behalf of the office and uh- the question that I would expect is there is a waiver granted on this contract. We granted a waiver because in our certification database, we have about 12 law firms, lawyers or law firms that are certified. But none have indicated that Worker's Compensation Law is a concentration of their practice. So, and my own personal knowledge is that, there are a few firms out there that may do this kind of work or lawyers doing this work, but I am not certain that they are members of Mr. Jolivet's association. Are any of the minority-owned firms members of your organization?"

Mr. Jolivet: "I brought four of them here today."

Mr. Corey: "They are members of your organization?"

Mr. Jolivet: "Absolutely. Why would I bring them here?"

Mr. Corey: "Well, I just asked one, she said she is not."

Mr. Jolivet: "Well that is between you and her."

Mr. Corey: "But --."

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Mr. Jolivet: "Besides, that is not the distinguishing point. If assuming, even assuming they are not Mr. Corey, the fact is that the City has a responsibility to reach out and to make sure that even if they are not members of our association which seems to be not an issue, that the City has a right to give these lawyers an opportunity to be a part of this contract, and I am appalled that you would use something like that which is a non-issue to try to get out of complying with this law."

President: "Mr. Jolivet."

Mr. Corey: "It's not that I am not trying to comply with the law, but if you read the Charter you'll note that the City Solicitor -- that the City has the absolute right to determine what lawyers the City would use."

Mr. Jolivet: "Well that's irrelevant, because the City Solicitor cannot be arbitrary with respect to these laws."

President: "Mr. Jolivet, Mr. Jolivet can you come on in?"

Mr. Jolivet: "I agree Mr. President. But the point is, I would like with the permission of your Honorable President, to have the attorneys I brought here today, asked to come here today, respectively, respectfully, to come and tell the Board themselves, that they are qualified, ready, willing and able to

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perform on this contract and on other contracts and the Board does not have to take my word for it, and if I can ask the attorneys who uh -- I requested to come today to tell the Board your qualifications and your interest in performing on this contract."

President: "Before they come, Comptroller Pratt has a question."

Comptroller: "I have a question. Mr. Corey, you said that there were no minority attorneys that indicated that they had a concentration with Workman's Compensation."

Mr. Corey: "That is correct."

Comptroller: "But that doesn't mean that they can't, that they are not able or have the ability to practice --"

Mr. Corey: "No that is not what I am saying. In order to know who if we were to put goals on the contract, we need to know that that is one of the interest are -- practice interests that you know. The folks that get certified by our office, I have twelve that are certified."

Comptroller: "You are saying it wasn't indicated on their minority certification?"

Mr. Corey: "Right. Certainly I am not saying they can't do it--"

Comptroller: "Okay."

Mr. Corey: "--But we don't know that they do it unless they tell us."

## MINUTES

Comptroller: "Okay."

City Solicitor: "So, those lawyers could have been trial lawyers, or real estate lawyers or --."

Mr. Corey: "They are real estate lawyers, family law lawyers, whatever, but its better if when you come in and get certified that they put on their certification profile these are the areas in which we focus on. That way you'll know that there are some folks out there that practice this area of law."

President: "Could there have been some outreach to found out if they did?" Did anyone do that?" It could have been some outreach."

Ms. Nicki Humphries: "Nicki Humphries, from the Law Department. We did, even though as Mr. Corey said, the Charter says what it says. We have and every time we have had a large matter like this, we have advertised it, and this was advertised in the Daily Record. So, we did reach out and this is not -- this contract does not involve merely defending individual Worker's Compensation cases. We have over 3,000 claims a year. Contract -- People who have provided this service have over 240 hours a week on average, working on Worker's Compensation. The best way

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to handle Worker's Compensation is to prevent injuries from happening. Injuries happen, we the City are going to pay for it either through Worker's Compensation or through lost work days and health insurance. So, the biggest issue is to prevent injury and what is needed is a law firm that can work with our third party administrator and risk management to look at the overall huge number of Worker's Compensation claims we have and not only decide how they should be defended or settled, but also, what would be the best thing for the City to do or an agency to do to minimize the risk in the future and that's why that one person can handle Worker's Compensation claims doesn't really meet the need of the City which is to prevent Worker's Compensation claims by looking at them as a whole. Looking at all of the injuries and working with risk management to find ways to decrease the incidence of injuries."

City Solicitor: "Could you just describe briefly uh -- the what was done in terms sending the RFP out to firms --."

Ms. Humphries: "Yes."

City Solicitor: "That identified themselves as practicing Worker's Comp Law as a firm and then what was the availability



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of the RFP to others who might have seen the advertisement in the Daily Record and wanted to submit a proposal."

Ms. Humphries: "We uh -- as I said we advertised in the Daily Record. We sent the RFP to firms who had indicated an interest before. We got inquiries from firms that we had not heard of, and obviously sent them the RFP."

Comptroller: "Were any of those firms minority firms?"

Ms. Humphries: "Not in terms of 100% control, but one of our questions is always is what is the attorney composition of the group, of the entire firm and of the group that will representing the City, and price although important is not the most important factor. We paid in FY11 over \$9,000,000.00 worth of workers comp claims and the number of claims for that year in total that haven't all been paid, but what people are claiming their owed is over \$30,000,000.00. So, this is huge undertaking to try to get a hold of the entire span of Workers Comp claims and to look at them and work with the City to find ways to reduce injury. We also try to ask people to make proposals on the public safety claims alone, Fire and Police we thought that those have the most in common and we perhaps give a greater opportunity for a smaller firm to bid. We also met with those

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who made the proposal to ask them to present a separate proposal for the school system. Again, we are trying to increase competition and give more opportunity to for more firms to come in, because the interest of the City is to have the cost of Worker's Comp defense down but also to have the expertise to decrease the incidence of risk. So, we have been trying to make the contract available to a broader spectrum of potential firms who could make issue proposals."

President: "You have your folks coming up."

Mr. Jolivet: "Mr. President I --."

President: "Can we hear from your lawyers?"

Mr. Jolivet: "Yes, I would like for the Board to see their faces and see what wonderful persons they are and what wonderful lawyers they are. Because the decision to waive -- uh -- the MBE requirement, in all due respect to Mr. Corey, I think Mr. Corey uh -- probably in due respect thought that he was doing the right thing at the wrong time but it just turned out it was wrong. Ms. Kendra."

Ms. Kendra Randall-Jolivet: "Good morning."

President: "Good morning."

Ms. Randall-Jolivet: "My name is Kendra Randall-Jolivet. I am the partner of Randall & Sonnier, LLC and this is my law partner Yolanda Sonnier and we also have --."

## MINUTES

Ms. Thomas: "Good morning. Debra Thomas, I have a law firm I own the law firm Law Offices of Debra Thomas. My background is, I did defense work for Allstate Insurance Company for over 25 years and have worked in the claims department and currently we do handle Worker's Compensation cases. I have been -- owned my practice now for eight years and a Baltimore City resident for all my life."

Ms. Randall-Jolivet: "And our law firm as a part of our practice we do also Worker's Compensation cases, but in addition I want to state that we are certified with the City as well and we did receive notice of this particular RFP and that is a concern to us and although we don't specifically state that we do Worker's Compensation we state that we provide legal services. So, I would think that if we provide legal services that at least the RFP should have been sent to us even if the City was not aware that we did do Worker's Compensation as a part of our practice and uh we believe that in case that the waiver should not be granted and that they should be able to look for firms like ours."

Ms. Thomas: "And we do have one other attorney that works in my office."

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Mr. Thomas: "Just briefly, my name is Anthony Thomas and I am a member of Ms. Thomas's firm and collectively we have about 40 years of experience doing defense work. I probably have six or seven hundred trials on my resume, as does Ms. Thomas. So, we feel amply qualified to be able to do this type of work."

Ms. Thomas: "And he particularly does Worker's Compensation."

Mr. Thomas: "I do Worker's Compensation on the plaintiff's side now but certainly would have interest in doing it for the City."

President: "Madam Mayor."

Ms. Sonnier: "Just briefly we're just --"

Comptroller: "State your name."

Ms. Sonnier: Yolanda Sonnier, I'm sorry, Kendra Jolivet my partner introduced me, but we're a small collection of attorneys African American and minority attorneys in the area that actually practices Worker's Comp. We were the ones that were able to come and support today, but there are many other firms that are able to come and you know and be a minority contractor and respond to this RFP and satisfy the minority goals."

City Solicitor: "Are the four of you in practice together as a group just -- I'm sorry."

Ms. Sonnier: "Me and Ms. Jolivet are in we're partners. These two attorneys' and Mr. and Mrs. Thomas here have their own practice together."

## MINUTES

City Solicitor: "Okay."

Ms. Sonnier: "So its two firms represented here today."

City Solicitor: "And I think since the early 2000's that the City has hired outside counsel to do its workman's comp work. Have you ever submitted a proposal or expressed interest in that work in the past that you can recall either as an individual or as a group?"

Ms. Randall-Jolivet: "As I stated before, although we are certified with City we have never been provided the RFP, and so no, we have not seen it. We have responded to other RFP's from the City in the past yes."

City Solicitor: "But not as --."

Ms. Randall-Jolivet: "Through a different entity."

City Solicitor: "But not under Worker's Compensation."

Ms. Randall-Jolivet: "But not under Worker's Compensation that is correct."

Comptroller: "You said that you were unaware."

Ms. Randall-Jolivet: "We were unaware of that."

City Solicitor: "But you were unaware that the City hired outside to do Worker's Comp?"

Ms. Randall-Jolivet: "For Worker's Compensation, yes sir."

## MINUTES

City Solicitor: "So, in doing your Worker's Comp work, you have never been opposite the City or its outside lawyers representing it in Worker's Comp matters?"

Ms. Randall-Jolivet: "We have had cases where we represent the plaintiffs and in those cases and I do not know that there was a bid out for the representation of the City in those cases."

City Solicitor: "So, you didn't see the ad in the Daily Record?"

Ms. Randall-Jolivet: "No, I did not?"

City Solicitor: "Okay."

Ms. Thomas: "And it wasn't sent to us either."

City Solicitor: "And have any of you represented I'm sorry, represented employers either agency employers or private employers in Worker's Comp matters on anything other than a very occasional basis? That's a pretty important, I mean that is what this contract is all about and what we just said to you -- what we specifically look for in assessing the qualifications of the nearly half a dozen firms that did submit proposals was the extent of their experience representing employers in workers' comp and specifically public employers, public safety agencies, school systems and the like so -- that that was the criteria that we applied and have, I think have consistently applied for the last ten years."

## MINUTES

Ms. Randall-Jolivet: "Understood, but we would like to be a part of the process and so I understand that's your criteria and we would like the opportunity to see if we meet the criteria, as opposed to the decision being made for us and us being left out of the process and in addition as Ms. Thomas stated, they've had significant experience in the insurance defense and those skills are indeed transferable."

Mayor: "So, we certainly don't -- want you or any firm in the City to feel that they are left out. I would ask that you work with Tom to make sure that the information that we have about your firms matches work that you provide for the City. You know what we do is reach out to those individuals who uh -- we work in partnership, you tell us uh -- what type of work you do, we reach out when that work is available and because we feel like we are not going to catch everyone, we send out, we publicize the uh -- the bids when they are coming out, as a sort of catch all. You know things like this may happen. You might not have as many -- you may do more things than you have on record with the City, uh -- so we publicize those things hoping that people that are reading the legal daily news would catch that. That didn't happen. My hope is it doesn't happen again. Uh -- If you could reach out after this and make sure that what we know about your firms is a full reflection of the services that you provide

## MINUTES

uh -- so that in the future when a Workman's Comp or anything I mean you would have to check to make sure that everything that you do is listed with the City. We want to know about you so uh -- that we can reach out."

City Solicitor: "I would also point out there are two stages of which you can potentially become involved. Number one, is that the stage that Madam Mayor was just referring to and that's when Mr. Corey's office considers the question of whether it would be appropriate under circumstances to require the primary contractor to employ subcontractors or other lawyers. There is also the basic contract itself, and the way this work first became subject to an RFP process at all was about a week after my appointment as City Solicitor was announced back in December of 06, a small firm, I don't think it was a minority firm but I know they have minority lawyers said to me the City has never put this work out in an RFP before, will you do that once you become City Solicitor? And I said yes, and we did and we have done it each time the contract has come up since. So, you should be in touch with the City Solicitor, myself at the present time, Nicki Humphries or anybody in the Law Department to get the contract dates and when does the contract expire, so that you are sure to be focused on the opportunity if you believe it's an opportunity when it comes up in the future."



## MINUTES

Mr. Jolivet: "Mr. President one --."

Ms. Randall-Jolivet: "I just wanted to mention that our firm is categorized as providing legal services, so there was no outreach to our firm to see if we provided Workman's Comp before the waiver was requested. So, there was no outreach from the minority office to say that you know you have classified yourself as legal services, do you provide Worker's Compensation or do you represent individuals in Worker's Compensation. There was no outreach to us and we are certified and we have been certified for probably about eight years now. So approximately eight years. So we have been certified. We've been around and -- but there has been no outreach."

City Solicitor: "You need to tell us what your specialties are. For example, right now we have a significant stake in a major bankruptcy proceeding in town. It involves \$2,000,000.00 owed to the City. We are out looking for experienced bankruptcy counsel. We have to act quickly. We are doing it in a very informal solicitation. We can't when we are trying to engage counsel in those circumstances -- can't go and reach out to every lawyer in town. Even those we don't know; whether they practice bankruptcy law we have to go to be practical to the firms that self-identify as experienced bankruptcy lawyers. So,

## MINUTES

if there are areas in which you have particular experience, you need to let us know what they are."

Ms. Randall-Jolivet: "And with all due respect we are not any firm in town. We are actually certified by the City, so we are in your database and not only that I heard a question come from the panel here about outreach, I believe it was asked of the member standing to my right about the outreach that they did. I heard publicizing it in the Daily Record, but outreach should include the people that are certified with the City who have indicated legal services. I believe the title of this as Worker's Compensation Legal Services, so we are categorized as the legal services, so some outreach should have been done. We are not any firm in town. We are certified, so the City knows us."

City Solicitor: "You need to tell the Solicitor's office and Mr. Corey, what your particular areas of expertise are. What legal services you are particularly expert in?"

Comptroller: "I have a question Mr. Corey."

Mr. Corey: "Sure."

Comptroller: "How many minority firms are certified listed in the database?"

Mr. Corey: "12."

## MINUTES

Comptroller: "So the City could not take the time to call at least half of them to see if they practice workman's compensation law or three of them or even one of them?"

Mr. Corey: "I don't think it's -- the firm itself should self-identify what services that they do."

Comptroller: "Mr. Corey, I think we have an obligation if they are minority certified and you are talking about outreach and you are talking about a small firm, I think that the City has an obligation to reach out to at least some of those firms to see if they practice workman's compensation law on a contract this big and that has been continuous."

Mr. Jolivet: "Mr. President, may I with the Comptroller's permission, may I add to the fact that the Ordinance specifically addresses that concern that the Comptroller has and it says very emphatically that it is the responsibility of the contracting agencies to identify MBE firms who do who have been identified in the book in the directory as having the interest and capability of doing that work and in turn reach out to them. The Ordinance makes that very unequivocally clear. The other point that I would like to make and it somewhat refutes the Solicitor's position and that is I said in my letter to the Board, that under the Ordinance there is a formative expressed requirement that the contracting agency, in this case the Law

## MINUTES

Department sends a request for proposals or any other bid documents directly to the Minority Trade Association and Contractor's Association. I submit to you there wouldn't have been anything inappropriate about the Solicitor's office sending a copy of the solicitation directly to the Minority Trade Association which in turn who are very much familiar with the work that these attorneys do and even if they had not put it on their MBE certification uh -- form, the requirement for minority participation still would have been fulfilled. I'm very troubled, very troubled by the fact that in the minority directory, it clearly says legal services, a broad category - a broad -- All of these attorneys are certified for legal services, because that is what they do. Now, for Mr. Corey to conclude surreptitiously or otherwise that well they don't do "Workman's Comp" so I am not going to put a goal on it -- Now assuming that he made such a conclusion --."

Mayor: "Can I interrupt, because --."

Mr. Jolivet: "No you can't."

Mayor: "Well, number one you're casting aspersions on Mr. Corey's character and you've already you know feigned offense when our City Solicitor did the same thing to you. I am not going to sit here and let you do that to Mr. Corey."

Mr. Jolivet: "But you haven't said that I was wrong."

## MINUTES

Mayor: "You're absolutely wrong."

Mr. Jolivet: "You haven't said I was wrong."

Mayor: "I want to save my breath for my later years."

Mr. Jolivet: "You have a waiver that was wrong."

Mayor: "I am not going to waste my breath on every time that you are wrong."

Mr. Jolivet: "You haven't said that I was wrong Madam Mayor."

Mr. Jolivet: "But Mr. President may I continue?"

Mayor: "Absolutely wrong."

Mr. Jolivet: "Let me just finish. The fact is, and we cannot escape that we have 12 very competent attorneys who are listed in the City's directory as providing legal service. Even if they didn't provide their specialties and my petition is Mr. Corey should have literally reached out to see that if any of those 12 persons provide legal services in the area of workman's comp. That was the --."

Mr. Corey: "Mr. President may I respond just briefly?"

Mayor: "Let me say this, we have stated that our interest is to make sure that we are providing opportunities to do work with your firm and others. We have already stated uh -- even though you did not self-identify yourself as a workman's comp or any

## MINUTES

you know there are certainly probably more areas that you are able to self-identify, we are willing to work with you on that. Even, if you had identified yourself as firms that do workman's comp you still would not qualify based on the qualifications needed for this job. You've never represented firms. What were the --."

City Solicitor: "Agencies or employers in any kind of size close to the City's magnitude of the City's engagement."

Mayor: "That being said, we are still going to work with you in the future. Again, I would encourage you uh -- to uh work with Mr. Corey and his team to make sure that the firms -- that the services that you provide are identified so that we don't have this problem. We have a catch all, we do public -- identify, we do publicly send out notice in the attorney's daily newspaper, you know the catch all and unfortunately, you didn't see that. But, we have an effort -- we have an interest in making sure that if there are opportunities you know that fit your expertise looking forward to working with you in the future. Mr. Corey."

Mr. Corey: "What I was going to say is out of the 12, there are folks that are certified that identify in their certification profile what they do. What their concentration is, and if we are putting out a contract that addressed any of those particular concentrations, we will certainly send them a

## MINUTES

notification. But the best that we can do is to put it in the Daily Record the legal newspaper for people that may be interested in bidding on the entire contract. Other than that, really we would be saying that we would be sending notification to every lawyer that is listed in the manual. Whether they're minority or non-minority, and as to the fact that we are supposed to send a notification to the Trade Associations. I would like to know what Trade Associations you are talking about."

Mr. Jolivet: "Mr. Corey, Mr. President may I just point out--."

President: "Okay we want to get to --."

Mr. Jolivet: "The Ordinance says very specifically and I noted it my communications to the Board."

President: "You need to speak in the mic."

Mr. Jolivet: "I noted it in my communication to the Board. The Ordinance expressly says that contracting agencies no matter what contracting agency it is and the Law Department is not exempt. If the Law Department is soliciting a contract the Law Department is required to likewise follow this provision in the

## MINUTES

Ordinance which says that 'Trade Association shall be submitted and given a copy of the proposal ten days in advance of the bid dates.' The Law Department is no exception. Now why the Law Department did not follow this particular provision I can't offer any excuses for that. But I think it's important to know that the Law Department's failure to comply with this provision raises the contract -- "null and void".

Mr. Corey: "What's the Trade Association? What is the name of the Trade Association that you are talking about?"

Mr. Jolivet: "It doesn't say. It says Trade Associations and minority contractors."

City Solicitor: "It says Business Trade Associations and Contractors Associations. That is what it says."

Mr. Jolivet: "That's what it says. I think --."

City Solicitor: "And if your argument is that the Law Department every time it seeks to retain legal services must send a notice of its wish for legal services to every business trade association and contractor association in the City, I respectfully disagree with your view of the law."

Mr. Jolivet: "Well, that's what the plain language statute says, and well you tell me that you disagree with it."

President: "Can you talk in the mic if you are going to talk please."



## MINUTES

Mr. Jolivet: "Mr. President, I've made my case and I would --."

President: "Alright. This is the final, final --."

Mr. Jolivet: "Hear the attorneys."

Ms. Randall-Jolivet: "I just wanted to make another point and ask Mayor Stephanie Rawlings-Blake given the point earlier that we were not qualified as we do not have prior experience. But, I thought part of the purpose of having the minority goal is so that minority firms can get the requisite experience to be the major contractors."

Mayor: "That is why I said I am looking forward to working with you in the future."

Ms. Randall-Jolivet: "But my point is, if you continue to grant waivers of 27% where Semmes, Bowen & Semmes is not required to meet that 27% requirement my firm and Ms. Thomas' firm is never going to get that opportunity because the argument -- we are always going to be have a door in front of us that is going to be closed that says that we can't do it because you have not forced them to get the 27% goal and then we will never have the requisite experience to bid on it ourselves so how can we ever break through and get the opportunity ourselves. If we have law firms here we are never going to represent employees in things like that. So we need you to enforce this 27% and the other minority goals so that law firms like ourselves and also we can

## MINUTES

give notices to Alliance of Black Women Attorney's. To the Hispanic Bar Associations. To the Monumental Bar Association. There are a number of minority bar associations that we have legal services RFP out here that you can send it to and there are a pool of other agencies governmental agencies that do similar things that is something that the City can undertake."

Comptroller: "Mr. Corey, are you a member of the Monumental Bar?"

Mr. Corey: "I was President of the Monumental Bar Association and I resent it if its' being characterized as a Trade Association."

Ms. Randall-Jolivet: "I am not making that argument."

Mr. Corey: "I know you are not."

Ms. Randall-Jolivet: "I am not saying it."

Ms. Thomas: "Just one final point. I notice that it's a four year contract. Perhaps a consideration would make it a two year contract or give -- four years for a small firm is a life time, so maybe instead of a four year contract a two year where we would have an opportunity in the next 24 months to be able to get the requisite experience to be able to bid on this particular contract."

2005

BOARD OF ESTIMATES

06/06/2012

**MINUTES**

City Solicitor: "The City will have other needs for other legal services during the next two years and during the next four years, and since you all have general practices, I think there will be other opportunities. I would make a Motion."

President: "I will entertain a Motion."

City Solicitor: "I make a Motion to approve the contract that is submitted by the Law Department."

Director of Public Works: "Second."

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

Comptroller: "I oppose."

President: "Please NOTE that Council President Young votes NO."

Comptroller: "And the Comptroller Opposes."

President: "The Motion carries."

\* \* \* \* \*

**MINUTES**

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

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 1 to agreement with Rummel, Klepper & Kahl, LLP (RKK), for Project 1128R, Urgent Need Water Design and Engineering Services. The amendment will extend the agreement through July 18, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$693,816.74 - 9960-905136-9557-900020-703032

**BACKGROUND/EXPLANATION:**

On January 19, 2011, the Board approved a two-year agreement with RKK for urgent need water design and engineering services. The contract will expire January 18, 2013.

Under amendment no. 1, the consultant will continue to provide engineering services for ongoing tasks, as well as additional water design services related to replacement and rehabilitation of existing water mains at various locations identified by the City. The scope will also include preparation of contract documents which include plant, specifications, cost estimates, permit applications, community meetings, right-of-ways easements, etc.

**MBE/WBE PARTICIPATION:**

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

2007

BOARD OF ESTIMATES

06/06/2012

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>
\$900,000.00	9960-909100-9558	9960-905136-900020-3
Water Revenue	Const. Reserve	Engineering
Bonds	Water Infra- Structure	

This transfer will provide funds to cover the costs of Project 1128R, Urgent Need Water Design and Engineering.

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

The Board received correspondence from Ms. Kim Trueheart which was submitted to the Board for its review. As Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board will not hear her objections. The agency, which is the Bureau of Water and Wastewater will respond directly to Ms. Trueheart's questions.

2008

BOARD OF ESTIMATES

06/06/2012

**MINUTES**

Bureau of Water and Wastewater - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 1 to agreement with Rummel, Klepper & Kahl, LLP, for Project 1128R, Urgent Need Water Design and Engineering Services. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter. The President **ABSTAINED.**

# Kim A. Trueheart

June 5, 2012

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of questionable management and administration within the Department of Transportation of Baltimore City.

The following details are provided to initiate this action as required by the Board of Estimates:

1. Whom you represent: Self
2. What the issues are:
  - a. Page 28, Bureau of Water and Wastewater – Amendment No. 1 to Agreement if approved:
    - i. Please provide details of how this extension benefits the citizens of Baltimore, considering that a new competitive procurement action at the end of the current contract period of performance could quite likely result in a lower bid offering than the current contractor?
    - ii. This action appears to be an end of year action serving only to obligate current year funding and to avoid these funds being reallocated to more pressing current year funding shortfalls. Please explain why these funds should not be “swept-up” to pay for more pressing current fiscal year needs?
3. How the protestant will be harmed by the proposed Board of Estimates’ action: As a citizen I have witnessed what appears to be the continued mismanagement of infrastructure repair projects in the form of excessive cost growth, cost overruns, schedule slips and numerous other indicators of bad program management practices. These specific actions serve to highlight what I perceive to be critical program management failures within the Department of Public Works. As these failures continue, they diminish the scarce municipal resources needed to carryout routine operations throughout the rest of our municipal government and cause citizens like myself to go with or to pay increasing amounts in fees and taxes for everyday services expected from my local government.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on June 6, 2012.

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

Sincerely,

5519 Belleville Ave  
Baltimore, MD 21207

2009

BOARD OF ESTIMATES

06/06/2012

**MINUTES**

Bureau of Water and Wastewater - Amendment No. 4 to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 4 to agreement with Whitman, Requardt & Associates, for Project No. 1043, Urgent Need Water Design and Engineering Services. The amendment extends the agreement through July 24, 2013.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On July 25, 2007, the Board approved the original contract with the consultant for two years. The contract was amended three times on August 12, 2009, July 28, 2010, and June 22, 2011. The last amendment extended the period through July 24, 2012.

Under this amendment no. 4 to agreement, the consultant will 1) complete the design for water main replacement at Fells Point/Butchers Hill area and will provide construction phase services, 2) complete the design and right-of-entry agreements for the Susquehanna Transmission Main Valves Replacement project, and 3) continue to provide construction phase services for the Falls Road water main replacement project. In order to complete these tasks, the Bureau is requesting the extension of the agreement by one year up to July 24, 2013. All other terms and conditions of the agreement will remain unchanged.

**MBE/WBE PARTICIPATION:**

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

**AUDITS NOTED THE TIME EXTENSION.**



2010

BOARD OF ESTIMATES

06/06/2012

**MINUTES**

Bureau of Water and Wastewater - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 4 to agreement with Whitman, Requardt & Associates, for Project No. 1043, Urgent Need Water Design and Engineering Services. The President **ABSTAINED.**

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

The Board is requested to approve and authorize execution of an agreement with Gannett Fleming, Inc., for W.C. 1219, New Laboratory Facilities at Montebello Filtration Plant. The period of the agreement is effective upon Board approval for one year and eight months, or until the upset limit is reached, whichever occurs first.

**AMOUNT OF MONEY AND SOURCE:**

\$515,421.77 - Baltimore City Water Revenue Bonds  
379,270.99 - Baltimore County  
**\$894,692.76** - 9960-908503-9557-900020-703032

**BACKGROUND/EXPLANATION:**

The Consultant will provide engineering services for the study and the design of a new laboratory facility at Montebello Filtration Plant. The consultant will review the existing contract documents and drawings for the existing structures on-site for the development of a new laboratory facility at Montebello Filtration Plant. The consultant will conduct multi-discipline field inspections to examine the current conditions of the facility. The consultant will also provide the City with a final report of recommendations of areas of improvement for the facility. The consultant will also design a new laboratory facility after their recommendations from the final report are reviewed and approved. The consultant was approved by the Architectural and Engineering Award Commission.

**MBE/WBE PARTICIPATION:**

<b>MBE:</b>	Shah & Associates, Inc.	\$184,797.33	20.65%
	Sidhu Associates, Inc.	<u>69,953.42</u>	<u>7.82%</u>
		<b>\$254,750.75</b>	<b>28.47%</b>

2012

BOARD OF ESTIMATES

06/06/2012

MINUTES

BW&WW - cont'd

<b>WBE:</b> Carroll Engineering, Inc.	\$ 67,055.59	7.49%
The Robert Balter Co.	37,108.19	4.15%
	<u>\$104,163.78</u>	<u>11.64%</u>

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>
\$ 576,088.00	9960-909501-9558	
Revenue Bonds	Constr. Reserve	
	Montebello Fil-	
	tration Plant	
400,000.00	" "	
Counties		
23,912.00	9960-910300-9558	
<u>Counties</u>	Constr. Reserve	
	Water Utilities	
<b>\$1,000,000.00</b>	-----	9960-908503-9557-3
		Engineering

This transfer will provide funds to cover the cost of study and design of the laboratory facilities at Montebello Facilities.

UPON MOTION duly made and seconded, the Board approved and authorized execution of an agreement with Gannett Fleming, Inc., for W.C. 1219, New Laboratory Facilities at Montebello Filtration Plant. The Transfer of Funds was approved, SUBJECT to

2013

BOARD OF ESTIMATES

06/06/2012

**MINUTES**

BW&WW - cont'd

the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter. The President **ABSTAINED.**

**MINUTES**

Bureau of Water and Wastewater - Amendment No. 3 to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 3 to agreement with Johnson, Mirmiran and Thompson, Inc. (JMT), for Project 1033, Engineering Support Services. The amendment extends the period of the agreement through June 17, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$ 350,000.00 - 9956-904531-9551-900020-703032  
650,167.41 - 9960-906531-9557-900020-703032  
\$1,000,167.41

**BACKGROUND/EXPLANATION:**

On June 20, 2007, the JMT was awarded the agreement to provide engineering technical support, as well as quality assurance and quality control of the sewershed data being loaded in the Utility Geographic Information System (GIS), as required by the U.S. Environmental Protection Agency Consent Decree Program. The JMT will also provide management of applications development, data management, maintenance of the Utility databases, and management of the Automated Image Retrieval Database. The agreement included an option to renew for up to three 1-year extensions.

On July 14, 2010, the Board approved an amendment for an additional one year and \$994,794.34 in additional funds to allow the JMT to continue providing engineering support services. On June 8, 2011, the Board approved a second amendment for an additional one year and \$1,100,782.29 in additional funds for JMT to continue providing the aforementioned services.

The current contract expires on June 18, 2012. The City now wishes to amend the contract to provide for an additional year and increase funding by \$1,000,167.41 for a total contract amount of \$6,403,384.44 to accommodate completion of the scope of work and to fulfill contract requirements. The consultant was approved by the Architectural and Engineering Awards Commission.

2015

BOARD OF ESTIMATES

06/06/2012

MINUTES

BW&WW - cont'd

**MBE/WBE PARTICIPATION:**

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

**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>
\$ 350,000.00 Wastewater Utility Funds	9956-906144-9549 Constr. Reserve Mapping Program	9956-904531-9551-3 Engineering
500,000.00 Water Utility Funds	9960-907099-9558 Constr. Reserve Mapping Program	9960-906531-9557-3 Engineering
250,000.00 Water Utility Funds	9960-902899-9558 Constr. Reserve Extra Ordinary Capital	9960-906531-9557-3 Engineering
<u>\$1,100,000.00</u>		

This transfer will provide funds to cover the costs of Project No. 1033, Amendment No. 3, Engineering Support Services Utility GIS and to clear the account deficit.

**(FILE NO. 55986A)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 3 to agreement with Johnson, Mirmiran and Thompson, Inc., for Project 1033,

2016

BOARD OF ESTIMATES

06/06/2012

**MINUTES**

BW&WW - cont'd

Engineering Support Services. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter. The President **ABSTAINED.**

2017

BOARD OF ESTIMATES

06/06/2012

**MINUTES**

Bureau of Water and Wastewater - Amendment No. 3 to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 3 to agreement with KCI Technologies, Inc. (KCI), for Engineering Support Services, Project No. 1096K. The amendment no. 3 will extend the agreement through June 16, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$383,266.27 - 9956-904531-9551-900020-703032

**BACKGROUND/EXPLANATION:**

On June 19, 2009, the Board approved the agreement with the consultant to provide engineering support services to the Utility Geographic Information System (GIS). The City now wishes to continue providing engineering support services for the Wastewater and Storm Water features that were revised by the Consent Decree work and need to be added to the GIS.

On May 18, 2011, the Board approved amendment no. 2 for an additional one year and \$324,881.43 in additional funds to allow KCI to continue providing updated engineering features in the GIS. The contract expires June 17, 2012. The City now wishes to amend the contract to provide an additional year and to increase the contract by \$383,266.27 for a total contract amount of \$1,455,655.03 to accommodate completion of the scope of work and to fulfill contract requirements.

The consultant was approved by the Architectural and Engineering Awards Commission.



2018

BOARD OF ESTIMATES

06/06/2012

**MINUTES**

BW&WW - cont'd

**MBE/WBE PARICIPATION:**

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

**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>
<b>\$400,000.00</b>	9956-906144-9549	9956-904531-9551-3
Wastewater	Constr. Reserve	Engineering
Utility Funds	Mapping Program	
	GIS	

This transfer will provide funds to cover the costs of Project 1096K, Amendment No. 3, Utility GIS.

**(FILE NO. 55986A)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 3 to agreement with KCI Technologies, Inc., for Engineering Support Services, Project No. 1096K. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter. The President **ABSTAINED.**

**MINUTES**

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

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 4 to agreement with Hazen and Sawyer/AECOM, a Joint Venture, for W.C. 1211, Ashburton Reservoir UV Disinfection Study. The amendment no. 1 extends the agreement through December 15, 2012.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On December 15, 2010, the Board approved the original agreement with the Hazen and Sawyer/AECOM to evaluate and study the UV Disinfection at Ashburton Reservoir until June 15, 2012. During the study phase of the project, delays in completing outreach were encountered due to a request from Baltimore County that the City complete an independent review of the life cycle costs of both ultraviolet disinfection and covered water storage. The results of this review were submitted in February 2012. Therefore, the Bureau is requesting a time extension of the existing agreement for six months at no additional costs to the City from June 15, 2012 to December 15, 2012. The Consultant was approved by the Architectural and Engineering Awards Commission.

**AUDITS NOTED THE TIME EXTENSION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 4 to agreement with Hazen and Sawyer/AECOM, a Joint Venture, for W.C. 1211, Ashburton Reservoir UV Disinfection Study. The President **ABSTAINED**.

## MINUTES

## Bureau of Water and Wastewater - Employee Expense Statements

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the expense statements for license renewals or mileage for the following employees:

- |    |             |         |
|----|-------------|---------|
| 1. | MARK NEWMAN | \$75.00 |
|----|-------------|---------|

Account: 2070-000000-5501-396801-603020  
May 2011 - Wastewater Operators  
Certification Renewal

- |    |               |         |
|----|---------------|---------|
| 2. | STEVEN HARRIS | \$75.00 |
|----|---------------|---------|

Account: 2070-000000-5501-396801-603020  
May 2011 - Wastewater Operators  
Certification Renewal

Messrs. Newman and Harris did not submit the expense reports in the proper time frame because the employees were not aware of the Administrative Manual guidelines.

- |    |             |          |
|----|-------------|----------|
| 3. | GARY FIELDS | \$233.07 |
|----|-------------|----------|

Account:	2071-000000-5471-609100-603002	\$137.70
	2071-000000-5471-609200-603002	\$ 95.37
	May 2011 - Mileage	

The Bureau failed to process the employees' mileage expense report in time to be received by the Bureau of Accounting and Budget Management within the allotted timeframe.

2021

BOARD OF ESTIMATES

06/06/2012

**MINUTES**

Bureau of Water & Wastewater - cont'd

The Administrative Manual, in Section 240-11, states that Employee Expense Reports that are submitted more than 40 work days after the last calendar day of the month in which the expenses were incurred require Board of Estimates approval.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved the expense statements for license renewals or mileage for the above-listed employees. The President **ABSTAINED**.

**MINUTES**Bureau of Water and Wastewater (BW&WW) - Task Assignment**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of task no. 008 to EBA Engineering, Inc. under Project 1095E, On-Call Civil/Structural Engineering Services for SC 893, Structural Testing and Rehabilitation of Chlorine Basins at the Back River Waste Water Treatment Plant - Design. The period of this task assignment is effective upon Board approval through February 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$ 54,531.51 - Baltimore City  
54,531.52 - Baltimore County  
**\$109,063.03 - 9956-904543-9551-000020-703032**

**BACKGROUND/EXPLANATION:**

Under this task, the consultant will perform design engineering services for structural testing and rehabilitation of chlorine contact basins. The engineering services consist of structural concrete core testing and analysis of the chlorine contact basins, petrographic testing of concrete samples, attending meetings, and preparing construction cost estimates, contract specifications and design plans, including bid-ready documents.

The consultant was approved by the Office of Boards and Commissions and the Architectural and Engineering Awards Commission for design services under this contract.

**MWBOO FOUND VENDOR IN COMPLIANCE.**

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

2023

BOARD OF ESTIMATES

06/06/2012

MINUTES

BW&WW - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$100,000.00	9956-905533-9549	
Counties	Constr. Res.	
	Annual Facilities	
	Improvements	
100,000.00	" "	
Wastewater		
Utility Funds		
<u>\$200,000.00</u>		
\$150,587.34	-----	9956-904543-9551-3
		Design
49,412.66	-----	9956-904543-9551-9
<u>\$200,000.00</u>		Administrative

The funds are required for Project No. 1095E, Concrete Evaluation at the Chlorine Facility at the Back River Waste Water Treatment Plant.

UPON MOTION duly made and seconded, the Board approved the assignment of task no. 008 to EBA Engineering, Inc. under Project 1095E, On-Call Civil/Structural Engineering Services for SC 893, Structural Testing and Rehabilitation of Chlorine Basins at the Back River Waste Water Treatment Plant - Design. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter. The President **ABSTAINED**.

**MINUTES**

Bureau of Water and Wastewater (BW&WW) - Task Assignment

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of task no. 010 to EBA Engineering, Inc. under Project 1095E, Additional Services SC 889. The period of this task assignment is effective upon Board approval through February 11, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$ 85,484.55 - Baltimore City Waste Water Revenue Bonds  
25,447.90 - Baltimore County  
**\$110,932.45 - 9956-911755-9551-000020-703032**

**BACKGROUND/EXPLANATION:**

The consultant will perform additional engineering services for S.C. 889, Dundalk Waste Water Pumping Station Force Main Replacement Project.

After the Force Main Alignment Study was completed, it was determined that the new force main would have to be re-routed. This would help avoid at grade rail crossings and right-of-way acquisition. This will result in significant cost savings and permit issues during construction.

Also the plant requested a new flow meter and odor control system to be installed in the pumping station. Due to site constraints and poor soil conditions, the consultant will design four new vaults in the vicinity of the pumping station to incorporate the flow meter, valves, and two new inspection entry ports. The consultant will also design replacement of an existing water main on Danville Avenue and relocation of the existing storm drain to make room for the new force main.

**MWBOO FOUND VENDOR IN COMPLIANCE.**

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

2025

BOARD OF ESTIMATES

06/06/2012

MINUTES

BW&WW - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$308,240.00	9956-902755-9549	
Waste Water	Construc. Res.	
Revenue Bonds	Dundalk Ave. PS	
	Force Main	
91,760.00	" "	
<u>County Appro.</u>		
<b>\$400,000.00</b>	-----	9956-911755-3 Design

The funds are needed for Project 1095E, Task No. 010, Additional Services for the Dundalk Waste Water Pump Station Force Main Alignment.

UPON MOTION duly made and seconded, the Board approved the assignment of task no. 010 to EBA Engineering, Inc. under Project 1095E, Additional Services SC 889. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter. The President **ABSTAINED**.



## MINUTES

Department of General Services - Minor Privilege Permit Applications

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

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
1. 2309 Greenmount Ave.	Sun K. Lee	Retain cornice sign 20' x 2½' double face electric sign 5' x 1½'
Annual Charge: \$157.80		
2. 3308 Greenmount Ave.	Franklin Brothers Realty, LLC	Retain single face electric sign 15' x 3'
Annual Charge: \$140.60		
3. 3310 Greenmount Ave.	Franklin Brothers Realty, LLC	Retain flat sign 10' x 2½'
Annual Charge: \$35.20		
4. 3312 Greenmount Ave.	Franklin Brothers Realty, LLC	Retain three single face electric signs, two @ 2½' x 2½', one @ 24' x 2 ½'
Annual Charge: \$308.60		

2027

BOARD OF ESTIMATES

06/06/2012

MINUTES

DGS - cont'd

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
5. 2405 E. Monument St.	Olatunji S. Adekoya	Retain awning w/ signage 14' x 3'6"
Annual Charge: \$141.04		
6. 2214 E. Monument St.	Edward Young Holee	Retain awning w/ signage 14' x 2.5"
Annual Charge: \$108.70		
7. 2407 E. Monument St.	L.C.G. Holdings, LLC	Retain Awning w/ signage 27' x 2'
Annual Charge: \$207.90		
8. 2443 E. Monument St.	Yi Bong Park	Retain two single face electric signs 15' x 2' 6'3' x 2'
Annual Charge: \$210.90		
9. 2518 E. Monument St.	Rodney C. Williams	Retain two cornice signs 7'x 2' and 13'6" x 2' one trash bin, six spots
Annual Charge: \$281.40		

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

DGS - cont'd

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
10. 2900 O'Donnell St.	MEFBMS, Inc.	Two single face electric signs 23.94 sq. ft. ea. one double face electric sign 20.87 sq. ft.
Annual Charge: \$251.20		
11. 3222 O'Donnell St.	Dave Peterson	Garage extension 8' x 2'
Annual Charge: \$56.00		
12. 1542 Light Street	1542 Light St. LLC	Outdoor seating 27' x 4' and 6' x 4
Annual Charge: \$1,065.55		
13. 2001 Eastern Ave.	Chezzie Realty, Inc.	Two cornice signs 4.89 sq. ft. and 12.02 sq. ft.
Annual Charge: \$70.40		
14. 8 Park Avenue	Georgia C. Marudas	Outdoor seating 26' 8" x 2'6"
Annual Charge: \$337.50		
15. 1209 N. Charles St.	Charles Street JV, LLC	Outdoor seating 16' x 2'
Annual Charge: \$337.50		

2029

BOARD OF ESTIMATES

06/06/2012

MINUTES

DGS - cont'd

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
16. 17 Commerce St.	Baltimore International College Foundation, Inc.	One single face electric sign 50.5', four flat signs two @ 6' x 5/16", two @ 16' x 1/4"

Annual Charge: \$494.00

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

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

**MINUTES**

Department of General Services - Developer's Agreement No. 1251

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of developer's agreement no. 1251 with Tuerk House, Inc., developer.

**AMOUNT OF MONEY AND SOURCE:**

\$16,685.00

**BACKGROUND/EXPLANATION:**

The developer would like to abandon the existing water services and install new water service, to its proposed construction located in the vicinity of 2521, 2523, and 2525 Maryland 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 \$16,685.00 has been issued to Tuerk House, Inc. which assumes 100% of the financial responsibility.

**MBE/WBE PARTICIPATION:**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of developer's agreement no. 1251 with Tuerk House, Inc., developer.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

Department of General Services - Consultant Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a consultant agreement with High Rock Studios, Inc., consultant. The period of the consultant agreement is effective upon Board approval for 10 months.

**AMOUNT OF MONEY AND SOURCE:**

\$5,000.00 - 9916-913900-9197-910013-703032

**BACKGROUND/EXPLANATION:**

The consultant will provide internet web services for the Baltimore Neighborhood Energy Challenge. This project was initiated by the Baltimore Community Foundation as a demonstration. The consultant developed, hosted, and updated the website during the first phase of the project. The second phase of the project is being funded by the Department with Federal Energy Efficiency and Conservation Block Grant funds and managed by the Office of Sustainability. The consultant will continue the website work under a selected source contract with the grant funds only during 2012.

**MBE/WBE PARTICIPATION:**

N/A

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the consultant agreement with High Rock Studios, Inc., consultant.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

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

The Board is requested to approve the assignment of task no. 005, to Rummel, Klepper & Kahl, LLP under Project 1123, On Call Transportation Planning/Policy/Feasibility Studies.

**AMOUNT OF MONEY AND SOURCE:**

\$268,549.37 - 9910-906575-9601-90000-703032

**BACKGROUND/EXPLANATION:**

The consultant will provide design engineering services in connection with Broadway Square Renovations. The services to be provided will include but are not limited to the demolition and removal of existing surface paving materials and curb as well as the installation of new granite curbs and new brick plans with ADA access, landscaping electrical system for events, water service for drinking water fountain, and site amenities including trash removal.

**MBE/WBE PARTICIPATION:**

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

**APPROVED FOR FUNDS BY FINANCE****AUDITS REVIEWED AND FOUND THE BASIS FOR COMPENSATION CONSISTENT WITH CITY POLICY.**

UPON MOTION duly made and seconded, the Board approved the assignment of task no. 005, to Rummel, Klepper & Kahl, LLP under Project 1123, On Call Transportation Planning/Policy/Feasibility Studies.

**MINUTES**

Department of Transportation - Task Assignment

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of task no. 006 to Louis Berger Water Services, Inc. under Project 1161, On Call Construction Project Management Services.

**AMOUNT OF MONEY AND SOURCE:**

\$117,213.22 - 9950-904208-9514-900010-705032

**BACKGROUND/EXPLANATION:**

The consultant will provide construction inspection for the North Charles Street Reconstruction Project.

**MBE/WBE PARTICIPATION:**

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

**APPROVED FOR FUNDS BY FINANCE**

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

**(FILE NO. 56533)**

UPON MOTION duly made and seconded, the Board approved the assignment of task no. 006 to Louis Berger Water Services, Inc. under Project 1161, On Call Construction Project Management Services.



**MINUTES**

Department of Transportation - Traffic Mitigation Agreement  
for ShopRite at 4601 Liberty  
Heights Avenue

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a traffic mitigation agreement with Liberty Heights Shopping Center, LLC. The period of the agreement is effective upon Board approval until termination is deemed in writing by the Department of Transportation.

**AMOUNT OF MONEY AND SOURCE:**

\$60,000.00 - 9950-907658-9508-000000-490375

**BACKGROUND/EXPLANATION:**

The developer, Liberty Heights Shopping Center, LLC., proposes to construct a 68,484 square foot grocery store for ShopRite located at 4601 Liberty Heights Avenue. Under Baltimore City Ordinance 11-0658, the Department of Transportation determined that a traffic impact study was required for the development. Liberty Heights Shopping Center, LLC. agrees to make a one-time contribution in the amount of \$60,000.00 to fund the City's multimodal transportation improvements in the project's vicinity to mitigate and improve access to the development.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the traffic mitigation agreement with Liberty Heights Shopping Center, LLC.

MINUTES

TRANSFERS OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

2036 - 2044

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

## MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Baltimore Development Corporation</u>		
1. \$ 33.08 15 <sup>th</sup> EDF	9910-994001-9600 Const. Res. Unallocated Res.	9910-902879-9601 Coml. Rev.
2,293.00 21 <sup>st</sup> EDF	9910-902483-9600 Const. Res. S. Balto. Ind. & Coml. Dev.	9910-903483-9601 S. Balto. Ind. & Coml. Dev.
2,231.81 22 <sup>nd</sup> EDF	9910-903354-9600 Const. Res. W. Balto. Ind. & Coml. Dev.	9910-904354-9601 W. Balto. Ind. & Coml. Dev.
9,645.47 22 <sup>nd</sup> EDF	9910-904115-9600 Const. Res. Westside Initiative	9910-906835-9603 Westside Project Initiative
6,142.99 23 <sup>rd</sup> EDF	9910-913990-9600 Const. Res. Coml. Rev.	9910-902879-9601 Coml. Rev.
<u>\$ 20,346.35</u>		

This transfer will provide funds to reimburse the BDC for eligible capital expenses for the month ending April 30, 2012.

## MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of General Services</u>		
2. \$ 100,000.00	9916-902834-9194	9916-903834-9197
2 <sup>nd</sup> Public	Abel Wolman Muni	Abel Wolman Muni
Bldg. Loan .	Building Water	Building Water
	Service	Service
	Reserve	Active

The water service in the Abel Wolman building needs to be upgraded in order to bring the building into compliance with High Rise Code and ADA regulations.

Department of Recreation and Parks

3. \$ 10,000.00	9938-904783-9475	9938-905783-9474
State	Reserve	Active
	Community Park &	Community Park &
	Playground FY12	Playground FY12

This transfer will provide funds to cover the costs associated with the advertisement of Community Playlot Project RP 12806.

4. \$ 40,000.00	9938-905888-9475	9938-906888-9474
State	Reserve	Active
	Cal Ripken Park	Cal Ripken Park
	Youth Development	Youth Development
	Park	Park

This transfer will provide funds to cover the costs associated with design services under On-Call Contract No. 1167, Task No. 3, Rummel, Klepper & Kahl, LLP.

## MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
Dept. of Rec. & Parks - cont'd		
5. \$ 10,000.00	9938-902811-9475	9938-904811-9474
Rec. & Parks	Reserve	Active
25 <sup>th</sup> Series	Park Master Plan	Park Master Plan
	Implementation	Implementation

This transfer will provide funds to cover costs associated with the advertisement of Carroll Park Field House Project, Contract RP 11820.

6. \$ 30,000.00	9938-902729-9475	9938-904744-9474
Rec. & Parks	Reserve	Active
25 <sup>th</sup> Series	Clifton Park	Clifton Park
	Master Plan	Master Plan

This transfer will provide funds to cover the costs associated with Change Order No. 2 and No. 3 for Clifton Park Recreation Center, Contract No. RP 10811.

7. \$ 30,000.00	9938-904809-9475	9938-905809-9474
State	Reserve	Active
	City Park Maint.	City Park Maint.
	FY11	FY11

This transfer will provide funds to cover the costs associated with design services under On-Call Contract No. 1164, Task No. 6 to Hord Coplan Macht, Inc. and to reconcile the account's deficit.

## MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Housing and Community Development</u>		
8. \$ 112,243.79	9910-904068-9588	
27 <sup>th</sup> CDB	Demolition Planned	
220,000.00	9910-903048-9588	
28 <sup>th</sup> CDB	Planned Demolition	
<u>\$ 332,243.79</u>	-----	9910-909039-9588
	Emergency	Demolition

This transfer will move prior years balances to Baltimore Housing's demolition program for fiscal year 2012.

9. \$ 138.90	9992-919984-9587	9992-917080-9593
37 <sup>th</sup> CDBG	Homeownership Program	Public Housing 108
	Reserve A/C	

This transfer will cover the deficit in the Public Housing 108 loan repayment account for fiscal year 2012.

Department of Transportation (DOT)

10. \$ 251,641.24	9950-903412-9507	9950-902412-9506-3
State Constr.	Const. Res.	Design & Study
Revenue	Frederick Avenue	Frederick Avenue
	Bridge over Gwynns Falls	Bridge over Gwynns Falls

This transfer will fund the cost related to the Project Frederick Avenue Bridge over Gwynns Falls, for design and miscellaneous cost.

## MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
DOT - cont'd		
11. \$1,500,000.00	9950-944002-9507	9950-906040-9512-3
FED	Const. Res.	Design and Study
	Reserve for	System Integration
	Closeouts	

This transfer will cover the cost associated with PO P505702. Siemens System Integration by Siemens Energy & Automation, Inc.

12. \$ 50,000.00	9950-919001-9509	9950-902398-9508-2
FED	Const. Res.	Widening of MLK
	Highway Unalotted	Blvd. at Linden
		Avenue

This transfer will cover the cost and miscellaneous charge for the Project Widening of MLK Blvd. at Linden Avenue.

13. \$ 100,000.00	9950-917001-9507	9950-902059-9512-2
FED	Const. Res.	Contingencies
	Highway Federal	Variable Message
		Signs

This transfer will cover the deficit in the account and fund miscellaneous cost for Project Variable Message Signs.

## MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>DOT</u> - cont'd		
14. \$ 142,743.10 State Constr. Loan	9950-907753-9506 Bridge Inspection	
59,270.81 State Constr. Loan	9950-901129-9508 Banger St. - Resurf.	
213,131.59 State Constr. Loan	9950-902780-9514 Resurf. NE TR 09013	
417,752.26 State Constr. Loan	9950-904781-9514 Resurf. NW TR 09016	
653,783.57 State Constr. Loan	9950-901782-9514 Resurf. SW TR 09015	
272,818.63 State Constr. Loan	9950-904881-9514 Slab Repair TR 10020	
181,849.02 State Constr. Loan	9950-906882-9514 Slab Repair TR 11008	
1,743,402.25 State Constr. Loan	9950-901762-954 Federal Resurf. Sector 1	



## MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>DOT</u> - cont'd		
2,792,000.00	9950-911032-9528	
State Constr.	Constr. Reserve	
Loan	Claremont Village	
<u>\$6,476,751.23</u>		
\$ 53,366.73	-----	9950-901783-9514
		Resurf. SW
5,126,991.43	-----	9950-902332-9508
		Pennington Ave.
		Bridge
793,110.76	-----	9950-903705-9514
		Harford Rd. Resurf.
<u>503,282.31</u>	-----	9950-902280-9508
<u>\$6,476,751.23</u>		Wilkins Ave.-
		Brunswick to Fulton

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

15. \$4,865,083.41	9950-902332-9508
MVR	Pennington Ave.
	Bridge
793,110.76	9950-903705-9514
MVR	Harford Rd. -
	Resurf.

## MINUTES

TRANSFER OF FUNDSAMOUNTFROM ACCOUNT/STO ACCOUNT/SDOT - cont'd

261,960.81

MVR

\$5,920,154.98

9950-902280-9508

Wilkins Ave. Resurf.

\$ 53,948.08

-----

9950-901129-9508

Banger St. Resurf.

65,419.21

-----

9950-906651-9508

Slab Repair -  
Citywide

201,379.79

-----

9950-902780-9514

Resurf. NE TR 09013

398,052.80

-----

9950-904781-9514

Resurf. NW TR 09016

306,109.66

-----

9950-901782-9514

Resurf. SW TR 09015

114,566.19

-----

9950-901783-9514

Resurf. SE TR 09014

84,368.19

-----

9950-904881-9514

Slab Repair  
TR 10020

186,898.81

-----

9950-906882-9514

Slab Repair  
TR 11008

## MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>DOT</u> - cont'd		
2,000,000.00	-----	9950-903412-9507 Constr. Reserve Frederick Ave. Bridge
1,500,000.00	-----	9950-903454-9509 Constr. Reserve Reisterstown Rd.
<u>1,009,412.25</u>		9950-904981-9508 In-house Resurf.
<b>\$5,920,154.98</b>		

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

**MINUTES**

Department of Housing and - Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize an agreement with Civic Works Inc. (Civic Works). The period of the agreement is October 3, 2011 through June 30, 2012.

**AMOUNT OF MONEY AND SOURCE:**

\$27,184.00 - 5000-585110-5750-648702-603018

**BACKGROUND/EXPLANATION:**

Baltimore City through its DHCD Division of Green, Healthy and Sustainable Homes operates the Weatherization Assistance Program with stimulus funding from the United States Department of Energy channeled through the State of Maryland Department of Housing and Community Development. The Weatherization Assistance Program has traditionally served homeowners and relatively few renters. Changes to programs with stimulus funding have made service to landlords and tenants easier than it was in the past.

To capitalize upon this service opportunity, the DHCD is engaging the services of Civic Works to provide two employees to recruit tenants and landlords for the weatherization programs. The Civic Works employees who participate in the Americorps Program will provide 1800 hours of service at a rate of approximately \$15.06 per hour.

Additionally, the Civic Works employees will conduct 150 energy education home visits in partnership with the City's Baltimore Neighborhood Energy Challenge. The educational portion of the services provided by Civic Works is coordinated by the Baltimore

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

DHCD - cont'd

Neighborhood Energy Challenge, a special program of the Baltimore City Department of Planning. The State of Maryland has approved this project as an eligible activity under the Training and Technical Assistance portion of the ARRA Weatherization Assistance Program budget.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with Civic Works Inc.

**MINUTES**

Department of Housing and - Land Disposition Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the land disposition agreement with Mr. Wayne Clemons, developer, for the sale of the property located at 3906 Springdale Avenue.

**AMOUNT OF MONEY AND SOURCE:**

\$1,000.00 - Purchase Price

**BACKGROUND/EXPLANATION:**

The project will consist of the conversion of the vacant lot into an expanded yard and landscaped Green Space.

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

In accordance with the City's Appraisal Policy, the waiver valuation process was used and the property was priced at \$2,200.00.

The property is being sold for \$1,000.00, which is below the price determined by the waiver valuation for the following reasons;

1. it eliminates blight;
2. it benefits the community through the creation of an expanded yard and landscaped green space; and
3. the property would return to the tax rolls.

## MINUTES

DHCD - cont'd

**MBE/WBE PARTICIPATION:**

The property is not subject to Article 5, Subtitle 28 of the Baltimore City Code because it is being sold below \$49,999.00.

**(FILE NO. 57211)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with Mr. Wayne Clemons, developer, for the sale of the property located at 3906 Springdale Avenue.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

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

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the land disposition agreement with Patterson One, LLC, developer for the sale of the property known as 720 Patterson Park Avenue, and 726 Patterson Park Avenue.

**AMOUNT OF MONEY AND SOURCE:**

\$2,000.00 - 720 Patterson Park Avenue  
2,000.00 - 726 Patterson Park Avenue  
**\$4,000.00** - Purchase Price

**BACKGROUND/EXPLANATION:**

The project will consist of the total rehabilitation of both properties into single family homes to be sold to medium-income homeowners. The developer is a small, woman-owned development company.

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

Each of the properties were priced at \$5,500.00 pursuant to the appraisal policy using the waiver valuation process in lieu of an appraisal.



**MINUTES**

DHCD - cont'd

The property will be sold to Patterson One, LLC, below the price determined via the Waiver Valuation process because of the following factors:

1. the sale and rehabilitation of the property will help to promote a specific benefit to the immediate community,
2. the sale and rehabilitation will continue the elimination of blight,
3. the sale and rehabilitation will promote economic development through the placement of the subject property on the City's tax rolls, and
4. the current condition of the property.

**MBE/WBE PARTICIPATION:**

The properties are not subject to Article 5, Subtitle 28 of the Baltimore City Code because they are being sold below \$49,999.99.

**(FILE NO. 57211)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with Patterson One, LLC, developer for the sale of the property known as 720 Patterson Park Avenue, and 726 Patterson Park Avenue.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

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

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the land disposition agreement with Mr. Juan Campos, developer for the sale of the property known as 3314 Piedmont Avenue, Block 3061A/Lot 008.

**AMOUNT OF MONEY AND SOURCE:**

\$5,000.00 - Purchase Price

**BACKGROUND/EXPLANATION:**

The project will consist of the total rehabilitation of 3314 Piedmont Avenue into a single affordable homeownership unit, in accordance with finally approved plans. The developer currently owns a property at 3313 Piedmont Avenue, which is across from the subject property. The developer plans to invest approximately \$60,000.00 - \$80,000.00 into this project.

The property has been journalized and approved for sale on 7/6/2011.

## MINUTES

DHCD - cont'd

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

The property was priced at \$13,800.00 pursuant to the appraisal policy. The waiver valuation process was used in lieu of an appraisal.

The property will be sold to Mr. Campos, below the price determined via the Waiver Valuation process because of the following factors:

1. the sale and rehabilitation of the property will help to promote a specific benefit to the immediate community,
2. the sale and rehabilitation will continue the elimination of blight, and
3. the sale and rehabilitation will promote economic development through the placement of the subject property on the City's tax rolls.

**MBE/WBE PARTICIPATION:**

The properties are not subject to Article 5, Subtitle 28 of the Baltimore City Code because they are being sold below \$49,999.99

**(FILE NO. 57211)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with Mr. Juan Campos, developer for the sale of the property known as 3314 Piedmont Avenue, Block 3061A/Lot 008.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

Department of Housing and - Land Disposition Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the land disposition agreement with Mr. Elliott Morales, developer, for the sale of the property located at 4003 Eastern Avenue.

**AMOUNT OF MONEY AND SOURCE:**

\$15,000.00 - Purchase Price

**BACKGROUND/EXPLANATION:**

Mr. Morales will renovate the property to run a convenience store on the first floor and have his private residence on the second floor.

**STATEMENT OF PURPOSE AND RATIONALE FOR SALE BELOW THE APPRAISED VALUE**

The property is being sold for \$15,000.00 and was appraised for \$30,000.00. It is being sold to Mr. Morales for less than the appraised value for the following reasons:

1. the renovation will be to the specific benefit to the immediate community,
2. this transaction will eliminate the only blighted building on the block, and thus eliminate blight from the neighborhood,
3. this sale and rehabilitation will return the vacant building to the tax rolls, and
4. the property is being sold for less than the appraised value because of its condition, which will require extensive and immediate remediation.

## MINUTES

DHCD - cont'd

**MBE/WBE PARTICIPATION:**

N/A

**(FILE NO. 57211)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with Mr. Elliott Morales, developer, for the sale of the property located at 4003 Eastern Avenue.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

Department of Housing and - Side Yard Land Disposition Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the side yard land disposition agreement (LDA) with Mr. John Lange, purchaser, for the sale of the property located at 3505 Ash Street (Block 3518C, Lot 045).

**AMOUNT OF MONEY AND SOURCE:**

\$1,739.48 - Sale price

**BACKGROUND/EXPLANATION:**

The property will be sold under the City's Side Yard Policy approved by the Board on August 17, 2011. The purchaser will be using private funds to pay for the acquisition and maintenance of the property.

The Department's Land Resources Division, strategically acquires and manages vacant or abandoned properties, ultimately enabling these properties to be returned to productive use and improving Baltimore's neighborhoods.

In accordance with the City's Side Yard Policy, the City has agreed to convey the property known as 3505 Ash Street, to the owner of the adjacent owner-occupied property. As a condition of conveyance, Mr. Lange has agreed to the terms of the LDA, which prohibits development of the parcel for a minimum of ten years.

**MINUTES**

DHCD - cont'd

The City may dispose of the property by virtue of the following legal authorities: Article 28, Subtitle 8 of the Baltimore City Code (2011 Edition), Article II, Section 15 of the Baltimore City Charter, 2011 Edition; and Article 13 of the City Code.

**(FILE NO. 57242)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the side yard land disposition agreement with Mr. John Lange, purchaser, for the sale of the property located at 3505 Ash Street (Block 3518C, Lot 045).

**MINUTES**

Department of Housing and - Side Yard Land Disposition Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the side yard land disposition agreement (LDA) with Ms. Fannie R. Thomas, purchaser, for the sale of the property located at 916 E. Preston Street (Block 1144, Lot 056).

**AMOUNT OF MONEY AND SOURCE:**

\$500.00 - Sale price

**BACKGROUND/EXPLANATION:**

The property will be sold under the City's Side Yard Policy approved by the Board on August 17, 2011. The purchaser will be using private funds to pay for the acquisition and maintenance of the property.

The Department's Land Resources Division, strategically acquires and manages vacant or abandoned properties, ultimately enabling these properties to be returned to productive use and improving Baltimore's neighborhoods.

In accordance with the City's Side Yard Policy, the City has agreed to convey the property known as 916 E. Preston Street, to the owner of the adjacent owner-occupied property. As a condition of conveyance, Ms. Thomas has agreed to the terms of the LDA, which prohibits development of the parcel for a minimum of ten years.



## MINUTES

DHCD - cont'd

The City may dispose of the property by virtue of the following legal authorities: Article 28, Subtitle 8 of the Baltimore City Code (2011 Edition), Article II, Section 15 of the Baltimore City Charter, 2011 Edition; and Article 13 of the City Code.

**(FILE NO. 57242)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the side yard land disposition agreement with Ms. Fannie R. Thomas, purchaser, for the sale of the property located at 916 E. Preston Street (Block 1144, Lot 056). The Comptroller **ABSTAINED**.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

Department of Housing and - Side Yard Land Disposition Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the side yard land disposition agreement (LDA) with Mr. Joseph T. Stovall, II, purchaser, for the sale of the properties located at 1324 Holbrook Street (Block 1145, Lot 078) and 1326 Holbrook Street (Block 1145, Lot 079).

**AMOUNT OF MONEY AND SOURCE:**

\$ 500.00 - 1324 Holbrook Street  
500.00 - 1326 Holbrook Street  
**\$1,000.00** - Sale price

**BACKGROUND/EXPLANATION:**

The properties will be sold under the City's Side Yard Policy approved by the Board on August 17, 2011. The purchaser will be using private funds to pay for the acquisition and maintenance of the properties.

The Department's Land Resources Division, strategically acquires and manages vacant or abandoned properties, ultimately enabling these properties to be returned to productive use and improving Baltimore's neighborhoods.

In accordance with the City's Side Yard Policy, the City has agreed to convey the properties known as 1324 Holbrook Street and 1326 Holbrook Street to the owner of the adjacent owner-occupied property. As a condition of conveyance, Mr. Stovall has agreed to the terms of the LDA, which prohibits development of the parcels for a minimum of ten years.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

DHCD - cont'd

The City may dispose of the properties by virtue of the following legal authorities: Article 28, Subtitle 8 of the Baltimore City Code (2011 Edition) (hereinafter "the City Code) Article II, Section 15 of the Baltimore City Charter, 2011 Edition; and Article 13 of the City Code.

**(FILE NO. 57242)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the side yard land disposition agreement with Mr. Joseph T. Stovall, II, purchaser, for the sale of the properties located at 1324 Holbrook Street (Block 1145, Lot 078) and 1326 Holbrook Street (Block 1145, Lot 079).

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

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

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the land disposition agreement with Vale, LLC, developer, for the sale of the property known as 1530 N. Caroline Street and 1532 N. Caroline Street.

**AMOUNT OF MONEY AND SOURCE:**

\$2,000.00 - 1530 N. Caroline Street  
2,000.00 - 1532 N. Caroline Street  
**\$4,000.00** - Purchase Price

**BACKGROUND/EXPLANATION:**

The City may dispose of the property by virtue of Article II, Section 15, of the Baltimore City Charter, Article 28, Subtitle 8 of the Baltimore City Code, and Article 13, Section 2-7(h) 2(ii)(c) of the Baltimore City Code.

The project will consist of the total rehabilitation of both properties into single family homes to be sold to medium-income homeowners. The developer is a small, woman-owned development company.

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

Each of the properties were priced at \$5,500.00 pursuant to the appraisal policy using the waiver valuation process in lieu of an appraisal.

**MINUTES**

DHCD - cont'd

The property will be sold to Vale, LLC, below the price determined via the Waiver Valuation process because of the following factors:

5. the sale and rehabilitation of the property will help to promote a specific benefit to the immediate community,
6. the sale and rehabilitation will continue the elimination of blight,
7. the sale and rehabilitation will promote economic development through the placement of the subject property on the City's tax rolls, and
8. the current condition of the property.

**MBE/WBE PARTICIPATION:**

The properties are not subject to Article 5, Subtitle 28 of the Baltimore City Code because they are being sold below \$49,999.99.

**(FILE NO. 57211)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with Vale, LLC, developer, for the sale of the property known as 1530 N. Caroline Street and 1532 N. Caroline Street.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

Office of Civil Rights - Amendment of Solicitation/  
& Wage Enforcement                      Modification of Contract  
Baltimore Community  
Relations Commission

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an amendment of solicitation/modification of contract with the Equal Employment Opportunity Commission (EEOC). The amendment of solicitation/modification of contract extends the period through September 30, 2012.

**AMOUNT OF MONEY AND SOURCE:**

\$44,000.00 - 4000-405111-1561-172400-603013

**BACKGROUND/EXPLANATION:**

This contract is a continuation of a contractual relationship that the Baltimore Community Relations Commission (BCRC) has had with the EEOC since 1975. It covers the federal fiscal year of October 01, 2011 through September 30, 2012, and contains no language that would alter the Baltimore Community Relations Commission past relationship with the EEOC.

This contract requires the BCRC, which is a 706 federal deferral agency to complete 65 Title VII, ADEA, and ADA charges at the price of \$650.00 per charge; provide intake services for seven charges with affidavits at a rate of \$50.00 per intake; and supply travel and other costs related to attendance at the EEOC's EEOC/FEPA Annual Conference and the EEOC sponsored training in the amount of \$1,400.00.

This contract is being submitted late because it was just received on April 20, 2012, even though the contract period began October 01, 2011.

## MINUTES

BCRC - cont'd

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 amendment of solicitation/modification of contract with the Equal Employment Opportunity

Commission.

**MINUTES**

Department of Recreation and Parks - Memorandum of Understanding

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a memorandum of understanding (MOU) with the Patterson Dog Park Association (PDPA). The period of the MOU is effective upon Board approval for one-year.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The City is constructing a Dog Park consisting of a fenced-dog-run in Patterson Park. The PDPA, an organization promoting the use, maintenance and recreational assets of the Park, has expressed a desire to attend to the minor, ordinary and routine maintenance of the interior of the Dog Park and its immediate environs.

Under this MOU, the PDPA will maintain and operate the Dog Park in a manner which will facilitate the public's access to the Dog Park, through the use of volunteers and its own membership.

UPON MOTION duly made and seconded, the Board approved and authorized execution of a memorandum of understanding with the Patterson Dog Park Association.



**MINUTES**

Department of Recreation and Parks - Grant Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a grant agreement with the Chesapeake Bay Trust. The agreement is for the period February 8, 2012 through October 1, 2012.

**AMOUNT OF MONEY AND SOURCE:**

\$9,370.00 - 6000-680912-4731-363403-406001

**BACKGROUND/EXPLANATION:**

The grant is funded under the Outreach and Community Engagement Grant Program. The Department has created the Canoe N Scoop Program to allow at least 600 City residents to experience the Baltimore City waterways by September 2012 and to provide firsthand education about the issues of trash, sediment runoff, and effects of invasive shore line plants. In addition to providing awareness and education, the program will allow residents to be directly involved in removing trash from the Middle Branch of the Patapsco River. In furtherance of these goals, the Chesapeake Bay Trust has awarded this grant, which will be utilized to pay personnel and supply costs to support the Canoe N Scoop Program.

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the grant agreement with the Chesapeake Bay Trust.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

Department of Recreation - First Amendment to  
and Parks Agreements

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize a first amendment to agreements with the Parks and People Foundation: 1) the Program Open Space Funding Agreement and 2) the City Funding Agreement. The first amendments will extend the period of the agreements through August 31, 2013.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANTION:**

On March 31, 2010, the Board approved acceptance of a \$750,000.00 City Funding Agreement and a \$1,500,000.00 Program Open Space Funding Agreement for the Parks and People Foundation to redevelop the former Superintendent's Mansion and grounds at Druid Hill Park into an Urban Ecology Center (Center). The Center will serve as the Parks and People Foundation's headquarters and "urban greening" teaching center. The Parks and People Foundation has experienced significant delays because of lengthy reviews by the State Highway Administration (SHA) and additional ADA requirements mandated by SHA which required several significant redesigns of the site plan. It is projected that by the end of this new time frame, the project construction should be completed.

**APPROVED FOR FUNDS BY FINANCE**

**APPROVED NOTED THE TIME EXTENSION.**

**(FILE NO. 57128)**

**MINUTES**

Department of Recreation and Parks - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the first amendment to agreements with the Parks and People Foundation: 1) the Program Open Space Funding Agreement and 2) the City Funding Agreement. The Mayor **ABSTAINED.**

## MINUTES

PROPOSALS AND SPECIFICATIONS

- |  |   |
|--|---|
| 1. Bureau of Water<br><u>and Waste Water</u>                     | - WC 1224, Carver Vo-Tech Water<br>High School Area Water Main<br>Replacements<br><b>BIDS TO BE RECV'D: 7/11/2012</b><br><b><u>BIDS TO BE OPENED: 7/11/2012</u></b> |
| 2. Dept. of Public Works/Dept.<br><u>of Recreation and Parks</u> | - RP 11820, Carroll Park Field<br>House<br><b>BIDS TO BE RECV'D: 7/11/2012</b><br><b><u>BIDS TO BE OPENED: 7/11/2012</u></b>  |

There being no objections, the Board, UPON MOTION duly made and seconded, approved the above Proposals and Specifications to be advertised for receipt and opening of bids on the dates indicated. The President **ABSTAINED** on item no. 1.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

Fire and Police Employees' - Subscription Agreement  
Retirement System (F&P)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a subscription agreement required for participation in Alex Brown Realty, Inc.'s ABR Chesapeake Investors IV Limited Partnership. The term of the subscription agreement is for 11 years.

**AMOUNT OF MONEY AND SOURCE:**

\$25,000,000.00 - approximately

No General Fund monies are involved in this transaction. All funds and expenses will be expended from the F&P.

**BACKGROUND/EXPLANATION:**

The F&P Board of Trustees conducted a search for a value-added real estate manager with the objective of allocating a portion of the F&P's assets to a value-added real estate commingled fund. Alex Brown Realty, Inc. was selected as a result of the search. The search and selection process was conducted with the assistance and advice of the F&P's investment advisor, Summit Strategies Group.

Alex Brown Realty, Inc. will be managing the ABR Chesapeake Investors IV Limited Partnership, which will be investing the F&P's assets in a diversified portfolio of various classes of real estate throughout the United States.

**MWBOO GRANTED A WAIVER.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the subscription agreement required for participation in Alex Brown Realty, Inc.'s ABR Chesapeake Investors IV Limited Partnership. The Comptroller **ABSTAINED**.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

Fire and Police Employees' - Investment Management Agreement  
Retirement System (F&P)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an investment management agreement with Brown Advisory LLC.

**AMOUNT OF MONEY AND SOURCE:**

\$82,000,000.00 - approximately

No General Fund monies are involved in this transaction. All funds and expenses will be expended from the F&P.

**BACKGROUND/EXPLANATION:**

The F&P Board of Trustees conducted a search for a domestic large-cap, equity security investment manager and, as a result of that search, selected Brown Advisory LLC. The search and selection process was conducted with the assistance and advice of the F&P's investment advisor, Summit Strategies Group.

Brown Advisory LLC will be managing of the F&P's funds in a portfolio of domestic large-cap, equity securities.

**MWBOO GRANTED A WAIVER.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the investment management agreement with Brown Advisory LLC. The Comptroller **ABSTAINED**.

## MINUTES

Fire and Police Employees' - Subscription Agreement and  
Retirement System (F&P) Second Amendment to Investment  
Management Agreement

The Board is requested to approve and authorize execution of a subscription agreement and second amendment to investment management agreement with Western Asset Management Company.

No General Fund monies are involved in this transaction. All funds and expenses will be expended from F&P.

The F&P Board of Trustees conducted a search for an emerging markets debt investment manager and, as a result of that search, selected Western Asset Management Company. The search and selection process was conducted with the assistance and advice of the F&P's investment advisor, Summit Strategies Group.

Western Asset Management Company will be managing the F&P's funds in a portfolio of emerging markets fixed-income securities.

MWBOO GRANTED A WAIVER.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the subscription agreement and second amendment to investment management agreement with Western Asset Management Company. The Comptroller **ABSTAINED**.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

Employees' Retirement System - Subscription Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Subscription Agreement with Cornerstone Patriot Fund GP, LLC. (Fund).

**AMOUNT OF MONEY AND SOURCE:**

Approximately \$30,000,000.00 with a management fee of approximately \$310,000.00 per year.

No General Fund monies are involved in this transaction. All funds and expenses will be expended from the Employees' Retirement System (ERS).

**BACKGROUND/EXPLANATION:**

The ERS Board, with the assistance of its investment consultant, conducted a nationwide search for a commingled real estate investment fund for investing a portion of ERS assets. The Board narrowed the eligible firms to four finalists and conducted interviews. With the recommendation of the ERS investment consultant, the Fund was selected.

Pursuant to the Subscription Agreement, Cornerstone Real Estate Advisers LLC serves as the Fund's investment adviser.

**MWBOO GRANTED A WAIVER.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Subscription Agreement with Cornerstone Patriot Fund GP, LLC. The Comptroller **ABSTAINED.**



## BOARD OF ESTIMATES

06/06/2012

## MINUTES

Baltimore Police Department - Memorandum of Understanding**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a memorandum of understanding with the Federal Hill Hospitality Association (F.H.H.A.). The period of the memorandum of understanding is effective upon Board approval for one year.

**AMOUNT OF MONEY AND SOURCE:**

Reimbursement to be paid to Account No. 1001-704015-0000-000000-130166

**BACKGROUND/EXPLANATION:**

The F.H.H.A. represents restaurants, nightclubs, and entertainment venues, all of which offer robust contributions to the Baltimore nightlife. Weekend activities draw the largest concentration of persons to this area and therefore the F.H.H.A. and the City seek to provide a safe environment for all persons who work in or visit the area.

The Baltimore Police Department agrees to provide police resources in an overtime capacity in a deployment configuration of specific times and days of the week to be determined by the Baltimore Police Department, in consultation with the F.H.H.A., based upon scheduled events and seasonal changes. The indicated deployment will constitute a visible foot patrol in the Federal Hill area generally, but will not provide security at any specific business.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

Baltimore Police Department - cont'd

The F.H.H.A. will reimburse the City monthly and the agreement will continue for a period of one year unless terminated earlier. If, for any reason, the City or F.H.H.A. desires to terminate this memorandum of understanding, it may do so by giving 14 days notice to that effect.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the memorandum of understanding with the Federal Hill Hospitality Association.

**MINUTES**Department of Finance - Revised Rental Schedules FY 2013**ACTION REQUESTED OF B/E:**

The Board is requested to approve the revised schedule of Payment in Lieu of Taxes (PILOT) payments for FY 2013.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

Whenever there is a change in the rental schedule of an apartment house built under Section 202, National Housing, or any subsequent section which accomplishes the same purpose of Section 202, the owners of such property will furnish the revised schedules of rents to the Department. The Department uses the revised rental schedules to calculate the new PILOT payment.

The actual amount of change of PILOT payments for the fiscal year 2012-2013 will be as follows:

	Increase (Decrease)	<u>New Pilot</u>
Advent Senior Housing	\$ 480.00	\$ 31,128.00
Belleveu Manchester	(1,252.00)	\$ 24,386.00
Bradford St. Development Corp.	(2,073.60)	\$190,814.40
Christ Church Harbor Apartments	( 808.56)	\$138,318.48
Daniels Housing	\$ 4,070.40	\$ 29,745.60
Epiphany	( 275.04)	\$ 23,460.00
Good Samaritan	\$ 2,032.80	\$137,629.20
Greater New Hope Towers	\$ 4,944.00	\$127,800.00
Micah House	\$ 754.50	\$ 21,867.60
St. James Terrace	\$ 1,760.40	\$ 85,376.16
St. Mary's (East & West)	\$ 2,433.60	\$134,110.80

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

Dept. of Finance - cont'd

Waters Tower	\$17,015.70	\$250,177.20
Weinberg Woods	\$ 2,592.00	\$ 59,356.80
Westminster House Apts.	\$ 2,291.16	\$122,392.92
Woodbourne Woods, Inc.	\$ 2,641.20	\$ 78,213.60

**(FILE NO. 57156)**

UPON MOTION duly made and seconded, the Board approved the revised schedule of Payment in Lieu of Taxes payments for FY 2013.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

Department of Finance, - Policy Renewal  
Office of Risk Management

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the renewal of a FY 2013 policy with the Injured Worker's Insurance Fund (IWIF), a State agency. The period of the renewal is July 1, 2012 through June 30, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$160,939.00 - 4000-806413-6313-460205-603017

**BACKGROUND/EXPLANATION:**

The IWIF will provide Workers' Compensation benefits for the Office of Employment Development (OED) trainees program.

The OED receives Federal grant money, a requirement of which is the purchase of Workers' Compensation insurance for the participants in its various programs. The OED has completed its 17<sup>th</sup> year under the IWIF program.

The rate premium offered by the IWIF is favorable again this year. A 40% credit was negotiated due to Good Loss Experience.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved the renewal of a FY 2013 policy with the Injured Worker's Insurance Fund, a State agency.

**MINUTES**

Department of Finance - Mayoral Fellows Program Grant

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize the Mayoral Fellows Program grant for 2012.

**AMOUNT OF MONEY AND SOURCE:**

\$36,000.00 - 1001-000000-1220-146500-607004

**BACKGROUND/EXPLANATION:**

The goal of the Mayoral Fellows Program is to attract and retain young people interested in civic engagement and urban government policy. Throughout the ten-week program, the Fellows are exposed to the inner workings of City government. The City expects to have a class of 14 Fellows this year.

The program is based on three tenets. First, the Fellow is assigned a special project working within an agency. Secondly, Fellows attend weekly lectures that highlight different facets of Baltimore City. This includes meetings with local and national businesses based in Baltimore, tours of non-profit facilities and City agencies; and team building activities, including community service, and physical challenges. Finally, Fellows produce a weekly newsletter highlighting City agencies, fellow cohorts, and graduates of the program.

This year, the City has received 100 applications. The source of the applications received were national including a substantial number from local colleges and universities. Applicants can be undergraduates in their third or fourth year of college, college graduates or in graduate school.

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

To screen applicants, the City utilizes former Mayoral Fellows. They review all applicants and make a recommendation on whether or not the applicants should be interviewed. To do so, they review the applicant's three essays, transcripts, and recommendations. Following that process, members of the Mayor's Cabinet, the Mayor's Office and other City agencies conduct interviews of the top applicants.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized the Mayoral Fellows Program grant for 2012.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

Department of Finance - Payment In Lieu of Taxes Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Payment In Lieu of Taxes Agreement with Renaissance Gardens Inc.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On March 18, 2011, the Department of Finance requested the Board's approval of a PILOT in principle for the Renaissance Gardens Elderly Housing Project. The Department of Finance is requesting the Board to approve and execute the final PILOT agreement between the City and Renaissance Gardens, Inc. for low-income elderly housing units. The terms of the agreement are the same as those specified in the original Board letter. Under the terms of this agreement, Renaissance Gardens, Inc. will pay the City an amount equal to 10% of the gross basic scheduled rents and the agreement will become effective when Renaissance Gardens, Inc. receives a Certificate of Occupancy.

This project consists of 60 one-bedroom units of new construction available to individuals that are 62 years of age or older and who earn 50 percent or less of the area median income as defined by HUD. The property is located at 4311 Pimlico Road.

The proposed terms of the PILOT are for payments to be made by Renaissance Gardens, Inc. in amounts not to exceed 10% of the project gross revenue less utility bills. The Department of Housing and Community Development estimates that the net present value of the tax savings over a ten-year period is approximately \$560,019.00, while generating \$286,915.00 in payments to the City over the same period. Final terms and approval of the PILOT will be subject to Board of Estimates approval.



## MINUTES

Department of Finance - cont'd

The purchase of the properties and the construction of the improvements will be financed through a HUD Section 202 Supportive Housing for the Elderly Capital Advance, City HOME funds, and private sources. The PILOT will be counted as "leverage" for the HUD application and Renaissance Gardens, Inc. will receive more points for the amount of other funding leveraged. This will increase the likelihood that this project will receive HUD funding of approximately \$7,000,000.00, which will generate construction jobs and support implementation of the Park Heights Master Plan.

**(FILE NO. 57234)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Payment In Lieu of Taxes Agreement with Renaissance Gardens Inc.

## MINUTES

Department of Finance - Changes to the Administrative  
Manual Policy

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The Board is requested to approve the removal, revisions, and an addition to the Administrative Manual (AM) Policies:

1. AM-100-3, dated December 29, 1986  
Public Service Problems REMOVE

AM-100-3 contains the same information about reporting public service problems as AM-105-1. The repetition of the same policy in the Administrative Manual is unnecessary and is therefore recommended to be removed.

The removal of AM-100-3 was recommended and reviewed by the Departments of Public Works and Finance.

2. AM-301-1-2, dated June 1, 1970  
Obtaining Fuel Oil Additives and Boiler Treatments REMOVE

The policy on Obtaining Fuel Oil Additives and Boiler Treatment was written in 1970 when agencies would purchase fuel oil additives and boiler treatments through purchase requisitions. All agencies now purchase materials, equipment, services and supplies through CitiBuy, as described in the policy on purchasing, AM-301-1.

The removal of AM-301-1-2 was recommended and reviewed by the Bureau of Purchases and the Budget and Management Research, Department of Finance.

3. AM-300-03, dated October 19, 1999 REMOVE

Community Association Directory information in AM-300-03 is outdated and no longer applicable. In addition, AM-002-01 clearly states that only policies and procedures applicable on a City-wide basis are published in the Administrative Manual. Community Association Directory is not a City-wide policy or procedure and is therefore recommended to be removed from the Administrative Manual.

## MINUTES

Dept. of Finance - cont'd

The removal of AM-100-3 was recommended and reviewed by the Departments of Planning and Finance.

## 4. AM-301-1-3, dated June 1, 1970

Receiving Partial Shipment

REMOVE

The policy on Receiving Partial Shipment was written in 1970 when the receiving process of supplies and equipment was implemented using a receiving notice. Current receiving processes of any supplies, equipment, materials, or services are incorporated into CitiBuy, an automated procurement system.

The removal of AM-301-1 was recommended and reviewed by the Bureau of Purchases and the Budget and Management Research, Department of Finance.

## 5. AM-302-1, dated April 29, 1976

City Warehouse

REMOVE

The policy on City Warehouse was written when the City Warehouse was under the Bureau of Purchases, Department of Finance. The City Warehouse is no longer in use.

The removal of AM-302-1 was recommended and reviewed by the Bureau of Purchases and the Budget and Management Research, Department of Finance.

## 6. AM-105-1, dated August 25, 1997

Public Service Problems

REVISION

The Major revision of AM-105-1 is the change in the way employees report emergency problems. Employees now report emergency problems by dialing 311 with the implementation of the City's One Call Center, and only personnel who carry radios need to radio their yard and have the clerical staffs there enter the service requests.

## MINUTES

Dept. of Finance - cont'd

The revision of AM-105-1 was recommended and reviewed by the Department of Public Works, General Services, and Finance.

7. AM-420-01, dated October 27, 2004 REVISION

The update of the budget calendar is to accurately reflect the current budget process under Outcome Budgeting that was implemented in FY 2009.

The major revision in AM-420-01 is the addition of the budget proposals submission and results teams' evaluation before the Department of Finance sends its recommended operating budget to the Board of Estimates.

The revision of AM-420-01 was recommended and reviewed by the Bureau of the Budget and Management Research, Department of Finance.

8. AM-422-01, New ADDITION  
User Fee

AM-422-01 serves as a guide to department heads in order to assist in the determination of the appropriate level for fees.

The adoption, administration, compliance and payment of fees should be transparent, and the administration of fees by agencies should be on objective criteria such as the cost of the good or service. Fees should be reviewed and updated on an ongoing basis to ensure that they keep pace with changes in the cost-of-living as well as changes in methods or levels of cost recovery.

## MINUTES

Dept. of Finance - cont'd

AM-422-01 also states that agencies should compile and maintain a master fee schedule in order to make implementing a comprehensive user fee review and setting a systematic process for periodic adjustments of fees more manageable.

The addition of AM-422-01 to the Administrative Manual was recommended and reviewed by the Department of Finance.

UPON MOTION duly made and seconded, the Board approved the removal, revisions, and the addition to the Administrative Manual Policies.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

Bureau of the Budget and  
Management Research (BBMR)

- FY 2013 Budget and Property Tax  
Surcharge Rate - Midtown  
Community Benefits District

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the FY 2013 budget and property tax surcharge rate for the Midtown Community Benefits District (Midtown).

**AMOUNT OF MONEY AND SOURCE:**

\$1,199,573.00 - Estimated Revenue

The proposed FY 2013 property tax surcharge rate is \$0.132 per \$100.00 of assessed property value. The surcharge rate is exactly the same as it was for FY 2012.

**BACKGROUND/EXPLANATION:**

The District submitted its request for FY 2013 to the Bureau of the Budget and Management Research.

FY 2013 revenues are down 5.8% or \$74,227.00 to \$1,199,573.00. The revenue decrease is primarily due to a 6.4% decrease in the surcharge tax revenue. Surcharge revenue totals \$1,129,973.00 for FY 2013, \$76,827.00 below FY 2012. The revenue from the property tax surcharge represents 94% of the District's FY 2013 budget. Midtown reduced its staff in FY 2013 due to decreased income. The District eliminated one position on the Clean Team and reduced the number of hours of off-duty police patrols from 3,600 hours in FY 2012 to 2,500 hours in FY 2013. Revenue from nonprofit groups is unchanged from FY 2012 to FY 2013 at \$60,000.00.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

BBMR - cont'd

The BBMR has concerns about the sustainability of the assessment amounts driving the surcharge income. The total unrestricted net assets (budget reserve) were \$275,717.00 as of June 30, 2011, according to the independent auditor's report on October 3, 2011. The BBMR encourages the Midtown to work toward building a reserve fund at a minimum of approximately three months of its annual budget.

The Midtown Management District's team has been a positive force in the Midtown area since it began its operations.

<u>Revenue</u>		<u>Expenses by Program</u>	
Tax Surcharge	\$1,129,973.00	Safety	\$ 224,964.00
Contributions	60,000.00	Clean & Green	817,133.00
Serv/Misc.	9,600.00	Maintenance	
Income		Admin/Plng.	157,476.00
<b>Total</b>	<b>\$1,199,573.00</b>	<b>Total</b>	<b>\$1,199,573.00</b>

THE BUREAU OF THE BUDGET AND MANAGEMENT RESEARCH REVIEWED AND RECOMMENDED APPROVAL OF THE BUDGET AND THE PROPERTY TAX SURCHARGE RATE.

A LETTER OF SUPPORT WAS RECEIVED FROM THE MOUNT ROYAL ASSOCIATION.

(FILE NO. 55221A)

UPON MOTION duly made and seconded, the Board approve the FY 2013 budget and property tax surcharge rate for the Midtown Community Benefits District.



MOUNT ROYAL  
IMPROVEMENT  
ASSOCIATION

**P.O. Box 19958, Baltimore, MD 21211**

June 5, 2012

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

Mr. President & Board,

On behalf of the Mount Royal Improvement Association, as a member community of the Midtown Community Benefits District, I write to you today to stand in favor of the Midtown Community Benefit District's budget as presented.

Although the proposed budget presents a decrease in revenue and represents a small decrease in overall revenue, we feel that the budget provides for a baseline of services necessary to keep our neighborhood clean green and safe. In a time when tax and surtax revenues have decreased due to a reduction in property values, the benefits district has had to tighten its belt and trim services but we feel they can still continue to operate to its intended purpose.

Sincerely

Joseph J Palumbo CPA  
President



## BOARD OF ESTIMATES

06/06/2012

## MINUTES

Bureau of the Budget and Management Research (BBMR)	- FY 2013 Budget and Property Tax Surcharge Rate - Downtown Manage- ment District
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**ACTION REQUESTED OF B/E:**

The Board is requested to approve the FY 2013 budget and property tax surcharge rate for the Downtown Management District (Downtown).

**AMOUNT OF MONEY AND SOURCE:**

\$6,780,663.00 - Estimated Revenue

The proposed FY 2013 property tax surcharge rate is \$.2139 per \$100.00 of assessed property value. The surcharge rate is exactly the same as it was for FY 2012. Utilities are assessed differently than real estate, but by law considered part of the base on which surcharge is calculated. Maryland Code §6-302 mandates that the public utility real property be set at 2.5 times the real property rate, therefore a rate of .5347 cents per \$100.00 of assessed value.

**BACKGROUND/EXPLANATION:**

The Downtown submitted its request for FY 2013 to the Bureau of the Budget and Management Research.

FY 2013 revenues decreased 4.2% or \$294,543.00 to \$6,780,663.00. The property tax surcharge revenue decreased by \$346,236,000.00 or 5.3% to \$6,142,280.00. This decrease is due to lower property assessments. The Downtown Management District assessable base has decreased by \$274,685,634.00 or 9.2%. Other grants and fees revenue has increased by \$51,693.00 or 21% to \$298,383.00 due primarily to increased contribution from tax exempt properties and from State agencies. The budget for FY 2013 also represents FTE allocation change, elimination of night shift differential, the reduction of three CSA positions and the reduction of four DBG positions. The reduction of the DBG and CSA positions will be through attrition.

## MINUTES

BBMR - cont'd

The Downtown Management District is in the process of reorganization within its Operations Department. Routes have been changed. The District has implemented a special detail crew and has changed the process for picking up trash bags due to the addition of the trash compactor. The Downtown Management District is hopeful that by implementing some of these efficiencies that the reduction in team size will have a minimal impact on service.

The BBMR has concerns about the sustainability of the assessment amounts driving the surcharge income. Given the current economic climate, the Bureau would anticipate reduced property assessments in the future and correspondingly, reduced surcharge revenue. Close attention will need to be paid to these conditions and maintaining budget reserves. As of the June 2011 audit report, the Downtown Management District had \$1,655,332.00 in reserve.

The Downtown Management District's fiscal management has been sound and it has been a positive force in the Downtown area since it began its operations. The Finance Department recommends that the Board approve this budget and surcharge tax rate.

<u>Revenue</u>		<u>Expenses by Program</u>	
Tax Surcharge	\$6,142,280.00	Hospitality	\$2,153,988.00
		Public Space	\$1,872,697.00
		Maintenance	
DPW Grant	340,000.00	Beautification	567,656.00
Grants/Fees	298,383.00	Marketing	609,067.00
<b>Total</b>	<b>\$6,780,663.00</b>	Administration	810,177.00
		Special Projs.	767,079.00
		<b>Total</b>	<b>\$6,780,664.00</b>

MINUTES

BBMR - cont'd

THE BUREAU OF THE BUDGET AND MANAGEMENT RESEARCH REVIEWED AND  
RECOMMENDED APPROVAL OF THE BUDGET AND THE SURCHARGE TAX RATE.

(FILE NO. 55255)

UPON MOTION duly made and seconded, the Board approved the  
FY 2013 budget and property tax surcharge rate for the Downtown  
Management District.

## MINUTES

Baltimore Development Corporation - Financial Statements

The Board is requested to **NOTE** receipt of the independent Auditor's Report of the Baltimore Hotel Corporation:

The audited financial statements for December 31, 2011 and 2010.

The Board **NOTED** receipt of the independent Auditor's Report of the Baltimore Hotel Corporation. The Mayor **ABSTAINED**.

(FILE NO. 57087)

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**BALTIMORE HOTEL CORPORATION**  
**Baltimore, Maryland**

**FINANCIAL STATEMENTS**  
**December 31, 2011 and 2010**

FINANCIAL STATEMENTS

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**CliftonLarsonAllen**

CliftonLarsonAllen LLP  
www.cliftonlarsonallen.com

**Independent Auditor's Report**

Board of Directors  
Baltimore Hotel Corporation  
Baltimore, Maryland

We have audited the accompanying statements of financial position of Baltimore Hotel Corporation (the Corporation) as of December 31, 2011 and 2010, and the related statements of activities and cash flows for the years then ended. These financial statements are the responsibility of the Corporation's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Corporation as of December 31, 2011 and 2010, and the results of its activities and its cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.

Our audits were conducted for the purpose of forming an opinion on the financial statements as a whole. The accompanying supplementary information is presented for purposes of additional analysis and is not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audits of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the financial statements as a whole.

*CliftonLarsonAllen LLP*

Baltimore, Maryland  
April 25, 2012

2011-2012

2011-2012

2011-2012

## FINANCIAL STATEMENTS

2011-2012

2011-2012



**BALTIMORE HOTEL CORPORATION**  
**STATEMENTS OF FINANCIAL POSITION**  
December 31, 2011 and 2010

	<u>2011</u>	<u>2010</u>
<b>ASSETS</b>		
<b>CURRENT ASSETS</b>		
Cash and cash equivalents	\$ 1,790,376	\$ 2,689,487
Cash equivalents - restricted	32,567,686	33,523,424
Accounts receivable, net	2,226,472	1,003,971
Due from property managers	13,146	35,384
Inventories	64,285	121,438
Prepaid expenses and other current assets	4,269,639	3,928,649
Total current assets	40,931,604	41,302,353
<b>PROPERTY, PLANT AND EQUIPMENT, net</b>	224,578,893	233,420,540
<b>BOND ISSUANCE COSTS, net</b>	10,671,244	11,057,787
<b>TOTAL ASSETS</b>	<u>\$ 276,181,741</u>	<u>\$ 285,780,680</u>
<b>LIABILITIES AND NET DEFICIT</b>		
<b>CURRENT LIABILITIES</b>		
Accounts payable	\$ 4,271,844	\$ 2,459,210
Accrued expenses	3,881,428	3,263,774
Accrued bond interest	5,295,305	5,295,305
Deferred revenue	2,145,385	2,196,811
Bonds payable, current portion	2,065,000	-
Total current liabilities	17,658,962	13,215,100
<b>LONG-TERM LIABILITIES</b>		
Bonds payable, less current portion	298,875,000	300,940,000
Original issue premium	13,616,770	14,110,009
Total long-term liabilities	312,491,770	315,050,009
Total liabilities	330,150,732	328,265,109
<b>UNRESTRICTED NET DEFICIT</b>	(53,968,991)	(42,484,429)
<b>TOTAL LIABILITIES AND NET DEFICIT</b>	<u>\$ 276,181,741</u>	<u>\$ 285,780,680</u>

The accompanying notes are an integral part of the financial statements.

**BALTIMORE HOTEL CORPORATION**  
**STATEMENTS OF ACTIVITIES**  
**Years Ended December 31, 2011 and 2010**

	<u>2011</u>	<u>2010</u>
<b>REVENUES</b>		
Hotel revenues:		
Rooms	\$ 29,887,874	\$ 30,177,481
Food and beverage	15,905,525	17,075,071
Other operating	1,168,242	1,201,928
Parking	2,492,517	2,271,653
Investment income	496,328	496,567
Contributed services	<u>4,531,111</u>	<u>4,676,241</u>
 Total revenues	 <u>54,481,597</u>	 <u>55,898,941</u>
 <b>EXPENSES</b>		
Hotel expenses:		
Rooms	7,472,568	7,528,362
Food and beverage	9,531,311	11,317,763
Other operating	368,576	346,123
Parking expenses	1,185,862	1,063,469
Selling, general and administrative	19,124,938	19,171,500
Management fee	2,794,973	2,644,582
Interest expense	15,885,916	15,885,916
Depreciation	9,215,472	8,637,160
Amortization	<u>386,543</u>	<u>386,543</u>
 Total expenses	 <u>65,966,159</u>	 <u>66,981,418</u>
 <b>CHANGE IN NET ASSETS</b>	 (11,484,562)	 (11,082,477)
 <b>UNRESTRICTED NET DEFICIT, BEGINNING OF YEAR</b>	 <u>(42,484,429)</u>	 <u>(31,401,952)</u>
 <b>UNRESTRICTED NET DEFICIT, END OF YEAR</b>	 <u>\$ (53,968,991)</u>	 <u>\$ (42,484,429)</u>

The accompanying notes are an integral part of the financial statements.

**BALTIMORE HOTEL CORPORATION**  
**STATEMENTS OF CASH FLOWS**  
**Years Ended December 31, 2011 and 2010**

	<u>2011</u>	<u>2010</u>
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
Change in net assets	\$ (11,484,562)	\$ (11,082,477)
Adjustments to reconcile change in net assets to net cash used in operating activities:		
Depreciation	9,215,472	8,637,160
Amortization	386,543	386,543
Amortization of bond premium	(493,239)	(493,238)
Loss on disposal of property, plant and equipment	40,166	44,665
Effects of changes in operating assets and liabilities:		
Accounts receivable	(1,222,501)	33,709
Amounts due from hotel/garage operator	22,238	220,831
Inventory	57,153	1,902
Prepaid expenses and other assets	(340,990)	141,103
Accounts payable	1,812,634	1,029,513
Accrued expenses and other liabilities	617,654	274,316
Net cash used in operating activities	<u>(1,389,432)</u>	<u>(805,973)</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>		
Acquisition of property, plant and equipment	(413,991)	(251,878)
Proceeds from sales of investments	955,738	650,209
Net cash provided by investing activities	<u>541,747</u>	<u>398,331</u>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>		
Payment of tax rebate	(51,426)	(47,737)
NET DECREASE IN CASH AND CASH EQUIVALENTS	(899,111)	(455,379)
CASH AND CASH EQUIVALENTS, BEGINNING OF YEAR	2,689,487	3,144,866
CASH AND CASH EQUIVALENTS, END OF YEAR	<u>\$ 1,790,376</u>	<u>\$ 2,689,487</u>
<b>SUPPLEMENTAL INFORMATION</b>		
Interest paid	<u>\$ 15,885,916</u>	<u>\$ 15,885,916</u>

The accompanying notes are an integral part of the financial statements.



**BALTIMORE HOTEL CORPORATION**  
**NOTES TO FINANCIAL STATEMENTS**  
**December 31, 2011 and 2010**

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

The Baltimore Hotel Corporation (BHC or the Corporation), a nonprofit, non-stock corporation was incorporated on October 14, 2005 as an instrumentality of the City of Baltimore. BHC was formed to assist the Mayor and City Council of Baltimore (the "City") in accomplishing an essential governmental function of enhancing economic development within the City by promoting and expanding the use of the Baltimore Convention Center. BHC accomplished this goal by financing, acquiring, constructing, equipping, operating and owning a downtown convention center headquarters hotel, the adjoining parking structure and related infrastructure (collectively, the "Hotel"). The Hotel promotes the health, safety and general welfare of the residents of the City, increases commerce and industry, enhances economic development within the City and advances the efficiency of citizens.

On February 8, 2006, the Mayor and City Council of Baltimore issued \$300,940,000 in tax-exempt municipal bonds to finance the development of the Hotel. Under the Indenture of Trust, BHC has the authority to own, develop and manage the Hotel and to execute all agreements to complete the project. Construction was completed and the Hotel commenced operations effective August 22, 2008. Hilton Hotels Corporation manages the Hotel through a qualified management contract; LAZ Parking Mid-Atlantic LLC and PMS Parking, Inc. manage the parking garage.

**Use of Estimates in Preparing Financial Statements**

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and the disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

**Presentation of Financial Statements**

FASB ASC 958, *Not-for-Profit Entities*, prescribes standards for external financial statements for all not-for-profit organizations. The Statement requires the classification of an organization's net assets, its revenues and expenses, and gains and losses based on the existence or absence of donor-imposed restrictions. It requires that amounts for each of three classes of net assets (permanently restricted, temporarily restricted and unrestricted) be displayed in a statement of financial position and that the amounts of the change in each of the three classes of net assets be displayed in a statement of activities. In addition, the organization is required to present a statement of cash flows.

The Corporation had no permanently or temporarily restricted net assets at December 31, 2011 and 2010.

**Cash and Cash Equivalents**

BHC defines cash equivalents as all highly liquid unrestricted investments with maturities of three months or less when acquired.

**BALTIMORE HOTEL CORPORATION**  
**NOTES TO FINANCIAL STATEMENTS**  
**December 31, 2011 and 2010**

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**Investments**

Investments consist of private debt obligations (repurchase agreements) and government money market funds with varying maturity dates. Certain portions of the investments are used to fund operating activities of the entity and other portions are restricted to be used for debt repayment. These investments are stated at fair value. The City of Baltimore Department of Finance directs the selection of investment funds.

The Corporation has adopted the FASB guidance, *Fair Value Measurements and Disclosures*, which defines fair value, establishes a framework for measuring fair value in accordance with accounting principles generally accepted in the United States, and expands disclosures about fair value measurements.

The guidance establishes a three-tier fair value hierarchy, which prioritizes the inputs used in measuring fair value. These tiers include: Level 1, defined as observable inputs such as quoted prices in active markets; Level 2, defined as inputs other than quoted prices in active markets that are either directly or indirectly observable; and Level 3, defined as unobservable inputs in which little or no market data exists, therefore requiring the entity to develop its own assumptions.

Investments in marketable securities are presented in the Statements of Financial Position at fair value and any realized and unrealized gains and losses and investment income are included in the Statements of Activities as a change in unrestricted net assets, unless their use is restricted by explicit donor-imposed stipulation or law. The cost of securities sold is based on the specific identification method.

**Accounts Receivable**

Accounts receivable are uncollateralized customer obligations which generally require payment within thirty days related to hotel conferences and events. Accounts receivable are stated at the carrying amount net of write-offs and allowance for uncollectible accounts. An allowance for uncollectible accounts receivable has been established based on historical experience and any specific customer collection issues that have been identified. Uncollectible accounts receivable are written off when a settlement is reached for an amount that is less than the outstanding historical balance or when management has determined that the balance will not be collected. The allowance for doubtful accounts totaled \$21,811 and \$7,948 at December 31, 2011 and 2010, respectively.

**Inventories**

Inventories consist principally of beverages and is stated at the lower of cost (as determined on a first-in, first-out basis) or market value.



**BALTIMORE HOTEL CORPORATION**  
**NOTES TO FINANCIAL STATEMENTS**  
**December 31, 2011 and 2010**

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**Property, Plant and Equipment**

Property, plant and equipment are recorded at original cost for items purchased. Ordinary maintenance and repairs are charged to expense when incurred. Major renewals and betterments over \$1,000 are capitalized and ordinary repairs and maintenance are charged against operations in the year incurred. Expenditures related to the development of real estate are carried at cost plus capitalized carrying charges.

Depreciation is provided on a straight-line basis over the estimated useful lives of the depreciable assets, ranging from 3 to 39 years.

**Impairment of Long-Lived Assets**

Management reviews its long-lived assets, consisting of hotel furniture and fixtures and operating equipment, for impairment whenever events indicate that the carrying amount of an asset may not be recoverable. If there is an indication of impairment, management prepares an estimate of future undiscounted cash flows (without interest charges) expected to result from the use of the asset and its eventual disposition. If these cash flows are less than the carrying amount of the asset, an impairment loss is recognized to write down the asset to its estimated fair value. Preparation of estimated expected future cash flows is inherently subjective and is based on management's best estimate of assumptions concerning expected future conditions. No impairment loss was recognized by the Corporation during the years ended December 31, 2011 and 2010.

**Deferred Revenue and Taxes**

Hotel occupancy, beverage container, parking, energy and sales taxes, as well as fees for various business licenses, are currently collected in the normal course of hotel operations and subsequently remitted to local and state taxing authorities and are reported on a gross basis by the Corporation.

As a result of tax increment financing agreements with the City of Baltimore, beginning in 2009, \$4,377,756 of the \$4,579,014 property taxes collected were rebated and pledged to the Corporation of which \$2,145,385 and \$2,196,811 is related to future tax years and is deferred as of December 31, 2011 and 2010, respectively. These rebate agreements are effective until the bonds are repaid.

**Capitalization of Interest**

In accordance with FASB guidance, interest cost is capitalized as part of construction costs net of related interest income earned on the proceeds of the tax exempt borrowings. For the years ended December 31, 2011 and 2010, net cumulative capitalized interest cost totaled \$14,429,168 and \$14,833,983, respectively. The net interest earned is reflected as revenue on the Statements of Activities.

**BALTIMORE HOTEL CORPORATION**  
**NOTES TO FINANCIAL STATEMENTS**  
December 31, 2011 and 2010

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**Bond Issuance and Related Costs**

Bond issuance costs and original issue premiums are deferred and recognized over the life of the bonds as an adjustment of yield using methods that approximate the effective interest method.

**Revenue Recognition**

Interest and investment income are recognized when earned. Hotel revenues are recognized when rooms are occupied or services have been rendered.

**Advertising**

The Corporation expenses advertising costs as incurred.

**Income Taxes**

BHC is a nonprofit, non-stock corporation and its income is excludable from federal income taxes in that all of its income accrues to the benefit of a political subdivision of the State of Maryland in accordance with Section 115 of the Internal Revenue Code. Accordingly, no provision for income taxes has been made in the accompanying financial statements.

The Board adopted the Provision of FASB ASC 740-10, *Accounting for Uncertainty in Income Taxes*, in 2009. The adoption of this standard did not have a material impact on the Corporation's financial statements. Management believes that it has no uncertain tax positions that do not meet the "more-likely-than-not" recognition threshold as of December 31, 2011. Returns for the calendar years 2008 through 2010 remain subject to examination by federal and various state tax jurisdictions.

**NOTE 2 – PROPERTY, PLANT AND EQUIPMENT**

Property, plant and equipment consists of the following as of December 31:

	<u>2011</u>	<u>2010</u>
Land	\$ 10	\$ 10
Building	234,080,523	233,938,948
Furniture and fixtures	13,330,092	13,317,210
Equipment	4,482,238	4,434,483
Computer and other	2,070,668	2,110,096
Renovations in progress	175,200	-
	<u>254,138,731</u>	<u>253,800,747</u>
Less: accumulated depreciation	<u>(29,559,838)</u>	<u>(20,380,207)</u>
<b>Total</b>	<u><b>\$ 224,578,893</b></u>	<u><b>\$ 233,420,540</b></u>

**BALTIMORE HOTEL CORPORATION**  
**NOTES TO FINANCIAL STATEMENTS**  
**December 31, 2011 and 2010**

**NOTE 3 – FAIR VALUE OF FINANCIAL INSTRUMENTS**

In determining fair value, BHC uses various valuation approaches within the FASB fair value measurement framework. Fair value measurements are determined based on the assumptions that market participants would use in pricing an asset or liability.

As of both December 31, 2011 and 2010, there were no assets and liabilities that are measured at fair value as all deposits are considered to be cash equivalents and therefore not classified.

Securities listed on a national market or exchange are valued at the last sales price, or if there is no sale and the market is still considered active, at the last transaction price before year-end. Fair value approximates costs for all investments. Such securities are classified with Level 1 of the valuation hierarchy and are reported as current assets in the accompanying Statements of Financial Position.

The following is a summary of investments:

	<b>December 31, 2011</b>	
	<b>Cost</b>	<b>Fair Value</b>
Restricted cash equivalents	<u>\$ 32,567,686</u>	<u>\$ 32,567,686</u>

	<b>December 31, 2010</b>	
	<b>Cost</b>	<b>Fair Value</b>
Restricted cash equivalents	<u>\$ 33,523,424</u>	<u>\$ 33,523,424</u>

**NOTE 4 – DEBT**

The City of Baltimore issued \$247,500,000 in Senior Series 2006A Bonds and \$53,440,000 in Subordinated Series 2006B Bonds (collectively the "2006 Bonds"). The proceeds of the 2006 Bonds are to be used to: (1) finance the design, construction, furnishing and equipping of the Hotel; (2) pay the issuance costs of the Bonds; (3) finance capitalized interest on the Bonds through six months after the scheduled completion date; (4) pay the pre-opening expenses of the Hotel through 2008; (5) pay the Corporation's expenses through 2008; and (6) fund the required debt service reserve accounts for both the Series 2006A and Subordinated Series 2006B Bonds. Wells Fargo Bank is the Trustee. The 2006 Bonds are special, limited obligations of the City, secured by a pledge of, and payable solely from the funds provided by the Indenture. The 2006 Bonds are not a general obligation of the City or a pledge involving the full faith and credit or taxing power of the City. BHC is responsible for the interest and principal payments.



**BALTIMORE HOTEL CORPORATION**  
**NOTES TO FINANCIAL STATEMENTS**  
**December 31, 2011 and 2010**

**NOTE 4 – DEBT (CONTINUED)**

Bonds payable mature in the principal and interest amounts as follows:

	<b>Principal</b>		
	<b>Senior Series</b>	<b>Subordinate</b>	<b>Total</b>
	<b>2006A</b>	<b>Series 2006B</b>	
Years ending September 1,			
2012	\$ 1,680,000	\$ 385,000	\$ 2,065,000
2013	1,975,000	445,000	2,420,000
2014	2,285,000	510,000	2,795,000
2015	2,615,000	575,000	3,190,000
2016	2,965,000	640,000	3,605,000
2017-2021	20,950,000	4,475,000	25,425,000
2022-2026	33,725,000	7,170,000	40,895,000
2027-2031	50,520,000	10,845,000	61,365,000
2032-2036	72,135,000	15,795,000	87,930,000
2037-2039	58,650,000	12,600,000	71,250,000
<b>Total</b>	<b>\$ 247,500,000</b>	<b>\$ 53,440,000</b>	<b>\$ 300,940,000</b>

	<b>Interest</b>		
	<b>Senior Series</b>	<b>Subordinate</b>	<b>Total</b>
	<b>2006A</b>	<b>Series 2006B</b>	
Years ending September 1,			
2012	\$ 12,768,673	\$ 3,117,244	\$ 15,885,917
2013	12,684,673	3,097,994	15,782,667
2014	12,585,923	3,075,744	15,661,667
2015	12,471,673	3,050,244	15,521,917
2016	12,340,923	3,021,494	15,362,417
2017-2021	58,994,350	14,476,000	73,470,350
2022-2026	52,231,300	12,864,488	65,095,788
2027-2031	41,899,428	10,352,044	52,251,472
2032-2036	27,257,275	6,619,363	33,876,638
2037-2039	6,387,938	1,517,513	7,905,451
<b>Total</b>	<b>\$ 249,622,156</b>	<b>\$ 61,192,128</b>	<b>\$ 310,814,284</b>

Interest rates on the Senior Series 2006A range from 4.6% to 5.25%. Interest rates on the Subordinate Series 2006B range from 5.0% to 5.875%.

Total interest paid was \$15,885,916 for each of 2011 and 2010. No interest incurred was capitalized during the years ending December 31, 2011 and 2010.

**BALTIMORE HOTEL CORPORATION**  
**NOTES TO FINANCIAL STATEMENTS**  
**December 31, 2011 and 2010**

**NOTE 5 – CONTRIBUTED SERVICES**

BHC receives donated services from the Baltimore Development Corporation (BDC), a related organization. BDC staff perform all administrative and financial functions required to manage BHC. BDC also provides general administrative services such as office space, office supplies and telephone use. During the years ended December 31, 2011 and 2010, services valued at \$153,355 and \$198,470, respectively, were provided to BHC. During the years ended December 31, 2011 and 2010, tax increment funds (TIF) valued at \$4,377,756 and \$4,477,771, respectively, were provided to BHC by the City of Baltimore under the tax increment financing agreements for property taxes. These amounts have been included as contributions and expenses in the Statements of Activities for the years then ended.

**NOTE 6 – ADVERTISING EXPENSE**

Sales and advertising costs for the years ended December 31, 2011 and 2010, totaled \$1,636,553 and \$1,632,305, respectively.

**NOTE 7 – CONCENTRATION OF CREDIT RISK**

BHC maintains its cash in several commercial banks. Balances on deposit are insured by the Federal Deposit Insurance Corporation (FDIC) up to specified limits. Balances in excess of FDIC limits are uninsured. Total cash and cash equivalents held by the banks was \$1,689,461 and \$2,594,275 at December 31, 2011 and 2010, respectively.

**NOTE 8 – HOTEL MANAGEMENT AGREEMENT**

BHC entered into a Hotel Operating Agreement with Hilton Hotels Corporation (the "Hotel Operator") that commenced upon the opening date of the hotel and continues for 15 years. Under the terms of the agreement, the Hotel Operator is responsible for managing the 757-room Hotel, full-service restaurant, lobby bar, convenience store, meeting space and other supporting facilities. For providing such services, the Hotel Operator is compensated on December 31 of each year succeeding the opening date by a management fee that has been established per the operating agreement. Base management fees totaled \$1,841,196 and \$1,744,056 for the years ended December 31, 2011 and 2010, respectively. Subordinate management fees totaled \$460,209 and \$436,013 for the years ended December 31, 2011 and 2010, respectively. Super-subordinate management fees totaled \$460,209 and \$436,013 for the years ended December 31, 2011 and 2010, respectively.

At December 31, 2011 and 2010, the base management fees were fully paid.

At December 31, 2011 and 2010, the accrued subordinate management fees payable were \$460,209 and \$436,013, respectively.

At December 31, 2011 and 2010, the accrued super-subordinate management fees payable were \$460,209 and \$436,013, respectively.

All of these amounts are included in accrued expenses on the Statements of Financial Position.

**BALTIMORE HOTEL CORPORATION**  
**NOTES TO FINANCIAL STATEMENTS**  
**December 31, 2011 and 2010**

**NOTE 9 – SUBSEQUENT EVENTS**

On February 28, 2012, the Corporation drew \$3,817,324 from an operating reserve account in order to fund a semi-annual bond payment due in March 2012. The timing of this payment follows a several months period that is typically slow in the Baltimore hotel industry, and the Hotel was unable to fully fund the payment strictly with Hotel operating cash flows. The draw does not violate the terms of the bond agreement and the Corporation continues to maintain adequate funding in the reserve accounts for future years. Management is working diligently to increase operating revenue to prevent the need to draw on reserve funds in future years.

Other than the event previously described, management evaluated subsequent events through April 25, 2012, the date the financial statements were available to be issued. Events or transactions occurring after December 31, 2011, but prior to April 25, 2012 that provided additional evidence about conditions that existed at December 31, 2011, have been recognized in the financial statements for the year ended December 31, 2011. Events or transactions that provided evidence about conditions that did not exist at December 31, 2011 but arose before the financial statements were available to be issued have not been recognized in the financial statements for the year ended December 31, 2011.

## **SUPPLEMENTAL INFORMATION**



**BALTIMORE HOTEL CORPORATION**  
**CASH FLOW SCHEDULE IN ACCORDANCE WITH BOND INDENTURE**  
**Years Ended December 31, 2011 and 2010**

	<u>2011</u>	<u>2010</u>
<b>BEGINNING CASH BALANCE (see note 1)</b>	\$ 9,700,512	\$ 8,401,696
<b>SOURCES OF FUNDS</b>		
Trustee Sweeps from Hotel Lockbox	16,399,529	16,247,205
Trustee Sweeps from Hotel Lockbox	1,488,343	1,075,089
Retail rental income	103,922	59,936
Investment earnings	834	3,062
Tax Increment payments	4,326,330	4,430,043
Hotel occupancy taxes	2,535,865	1,912,250
Transfer (to) from other cash and bond funds	2,154	2,712,936
Total sources of funds	<u>24,856,977</u>	<u>26,440,521</u>
<b>USES OF FUNDS</b>		
Real property taxes	4,417,426	4,303,864
Personal property taxes	476,799	679,775
Casualty and liability insurance	405,713	370,709
Senior debt service	12,768,673	12,768,673
Senior bond CAPI	-	-
Hotel senior FF&E reserves	1,734,150	1,351,680
Garage senior FF&E reserve	-	10,000
Administrative expense fund	241,000	-
Bond insurance premiums	1,423,125	1,232,690
Subordinate debt service	3,117,244	3,117,244
Subordinate bond CAPI	-	-
Hotel occupancy tax	1,912,357	504,570
Subordinate management fees	872,026	802,500
Total uses	<u>27,368,513</u>	<u>25,141,705</u>
<b>2011 CASH BALANCE (see note 2)</b>	<u>\$ 7,188,976</u>	<u>\$ 9,700,512</u>
<b>BOND RESERVE BALANCES</b>		
FF&E reserve accounts	\$ 3,975,024	\$ 2,240,772
Operating reserve account	9,000,972	9,000,972
Debt service reserve accounts	12,402,067	12,402,067
Cash trap fund	-	-
Other reserve accounts	646	179,100
Total bond reserve balances	<u>25,378,709</u>	<u>23,822,911</u>
<b>TOTAL CASH POSITION</b>	<u>\$ 32,567,686</u>	<u>\$ 33,523,424</u>

**BALTIMORE HOTEL CORPORATION**  
**CASH FLOW SCHEDULE IN ACCORDANCE WITH BOND INDENTURE**  
**Years Ended December 31, 2011 and 2010**  
(continued)

**NOTE 1: 2010 ENDING BALANCE BY TRUSTEE ACCOUNT**

Senior Debt Service Account	\$ 5,310,268
Subordinate Debt Service Account	176
Available Revenue Fund	1,988,617
Less Senior FF&E Reserves in Available Revenue Fund	(1,230,680)
Deferred Bond Insurance Premium	465,830
Site Specific Hotel Occupancy Tax Account	1,912,324
Taxes and Insurance Fund	<u>1,253,977</u>

<b>TOTAL</b>	<b>\$ <u>9,700,512</u></b>
--------------	----------------------------

**NOTE 2: 2011 ENDING BALANCE BY TRUSTEE ACCOUNT**

Senior Debt Service Account	\$ 3,306,304
Subordinate Debt Service Account	210
Available Revenue Fund	2,975,756
Less Senior FF&E Reserves in Available Revenue Fund	(2,964,830)
Deferred Bond Insurance Premium	472,031
Site Specific Hotel Occupancy Tax Account	2,535,981
Taxes and Insurance Fund	<u>863,524</u>

<b>TOTAL</b>	<b>\$ <u>7,188,976</u></b>
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MINUTES

EXTRA WORK ORDERS AND TRANSFERS OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders and Transfers of Funds

listed on the following pages:

2094 - 2105

All of the EWOs had been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

The Transfer of Funds were approved

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having reported favorably

thereon, as required by the provisions

of the City Charter.

The President **ABSTAINED** on item nos. 1-4, 8, and 11-12.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Public Works/  
Bureau of Water and Wastewater

- |    |  |                      |                |
|----|--|----------------------|----------------|
| 1. | WC 1235, Meter<br>Setting Install-<br>ations & Replace-<br>ments, Southwest<br>Baltimore | Spiniello Companies  | \$3,683,300.00 |
|    | <b>MBE:</b> Machado Construct-   | \$ 350,000.00        | 9.50%          |
|    | -ion Company, Inc.   |                      |                |
|    | W.C.S Hughes, Inc.   | 130,000.00           | 3.53%          |
|    |  | <u>\$ 480,000.00</u> | <u>13.03%</u>  |
|    | <b>WBE:</b> R & R Contracting  | \$ 110,500.00        | 3.00%          |
|    | Utilities, Inc.  |                      |                |

**MWBOO FOUND VENDOR IN COMPLIANCE**2. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNTS:</u>
<b>\$4,861,956.00</b>	9960-909100-9558	
Water Rev.	Const. Res.	
Bonds	Water Infra-	
	structure Rehab.	
 \$ 368,330.00	 -----	 9960-906653-9557-2
		Extra Work
 368,330.00	 -----	 9960-906653-9557-3
		Engineering



## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Public Works/ - cont'd  
Bureau of Water and Wastewater

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNTS:</u>
220,998.00	-----	9960-906653-9557-5 Inspection
3,683,300.00	-----	9960-906653-9557-6 Construction
<u>220,998.00</u>	-----	9960-906653-9557-9
<b>\$4,861,956.00</b>		Administration

This transfer will provide funds to cover costs associated with the award of WC 1235, Meter Setting Installations & Replacement - Southwest Baltimore.

**A PROTEST HAS BEEN RECEIVED FROM CIVIL CONSTRUCTION.**

President: "The third item on the non routine agenda can be found on pages 105-106, items number one and 2, Meter Setting Installations & Replacement, Southwest Baltimore. Will the parties please come forward?"

Mr. Corey: "Good morning. Thomas Corey, Chief of the Minority and Women's Business Opportunity Office. As I understand the gist of this protest is that the amount of concrete that is supposed to be involved with this contract has been over inflated has been inflated by the company that is up for award. That is that, uh - the protestant as I understand is saying that there is only \$150,000.00 worth of concrete work in it. But, as

## MINUTES

I understand from the Department of Public Works and their project manager, that there is at least \$350,000.00 or more dollars of concrete work in there and that the protestant did not adequately consider all of the areas of concrete or jobs that is going to be involved, and the best person to speak to that I am going to ask the Department of Public Works to uh -- go through the line items that include the uh -- concrete work that was not addressed in the protest."

Ms. Thompson: "Good morning. My name is Maria Markham Thompson I am the Division Chief for Contract Administration for the Department of Public Works. In reviewing the bid, we note that the items that were not included as part of concrete were 802, 803, 804, 805 and 806 which are the replacement meter settings, and these include the restoration of sidewalks, gutters and curbs, and as part of that there is considerable concrete work to be done because most of these are meters are in sidewalks. So, we will breaking that and they were not -- it's not listed as a separate item. It is part of the overall description of those items to include and it states specifically restoration and repaving of sidewalks, gutters and curbs. So, that actually is why there is the amount of concrete that was found to be part of this contract."

## MINUTES

Mr. Newport: "Hi good morning. My name is micky Newport with Civil Construction and we in reviewing documents, uh - we really did not see evidence of that much additional concrete being required on the project. In fact if you apply the unit prices that the low bidder submitted to all of these concrete subcontractors items, even without mark-up, it is far less than 50% of the total requirement uh and I request at this time that we be provided with additional documentation that shows that roughly \$200,000.00 to be made up."

Ms. Thompson: "I don't have that calculation available. It can be made available, I believe. Mr. Chow. Will you break that out?"

Mr. Rudy Chow, Head of the Bureau of Water and Wastewater: "We can certainly break out the itemized. But I think the key is where we are installing these meters settings they are likely going to be at the property line at least most likely it's going to be at the sidewalk and its most likely when we disturb the sidewalk we are going to be busting up the curbs. So, it's the restoration. So, you got to look at the contract holistically, its -- and the clarity in the other line items that are in the bid documents themselves that points to the fact that it going to need restoration which is coming to the Board."

## MINUTES

Mr. Newport: "We, in fact considered that in our bid. We know that those items are incidental to the meter settings. Uh - Just have a hard time seeing that it would make up that much for the requirement."

Mr. Chow: "Well, again you know it's the quantities estimated and its clarity based on the fact that when we get out there and when we bust up say a four by six block, it could be longer it could damage addition or adjacent blocks which require additional work. So that's that's what it is."

Mr. Newport: "I have nothing further."

President: "Okay. I call for a vote."

City Solicitor: "Move approval of the item of the as submitted by the agency."

President: "Is there a second?"

Director of Public Works: "Second."

President: "All in favor say AYE. Those opposed NAY. Please note that **I ABSTAIN**. The Motion carries."

\* \* \* \* \*

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Public Works/ - cont'd  
Bureau of Water and Wastewater

3. SC 845R, Nitrification Filters & Related Work for the Enhanced Nutrient Removal Facilities at the Patapsco Wastewater Treatment Plant Fru-Con Construction, LLC \$129,750,000.00

<b>MBE:</b> Calmi Electrical Company, Inc.	\$ 2,220,000.00	2.30%
G.E. Frisco Company	4,000,000.00	4.14%
JJ Adams Fuel Oil Company, LLC	330,000.00	0.34%

**MWBOO COMPLIANCE REVIEW**

Total Contract Amount: \$96,542,900.00<sup>1</sup>

Lone Star Construction Services, LLC	133,342.00	0.14%
Mohawk Bridge & Iron, Inc.	5,231,800.00	5.42%
Spears Mechanical Contractors, Inc.	2,390,000.00	2.48% <sup>2</sup>
Top Roofing, Inc.	1,116,433.00	1.16%
TRW Price Construction, LLC	<u>1,008,770.00</u>	<u>1.04%</u>
<b>Total:</b>	<b>\$16,430,345.00</b>	<b>17.02%</b>

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Public Works/ - cont'd

Bureau of Water and Wastewater

<b>WBE:</b> Abby Enterprises, LLC	\$ 1,400,000.00	1.45%
Bay Associates.	3,308,000.00	3.42%
Environmental, Inc		
Jernigan Concrete	310,000.00	0.32%
Pumping, Inc.		
William T. King, Inc.	335,000.00	0.35%
Rowen Concrete, Inc.	360,000.00	0.37%
Manuel Luis Construction	450,000.00	0.47%
Company, LLC		
<b>Total:</b>	<b>\$ 6,163,000.00</b>	<b>6.38%</b>

<sup>1</sup> The following line items are not subject to MBE/WBE participation and have been deducted from the total contract amount: Line item numbers 402-408 and 418.

<sup>2</sup> Based on clarification received from the engineer of the contracting agency and RK&K, LLP, the consulting engineer, there is process plumbing work under the category "Mechanical and Piping" in excess of \$2,000,000.00.

**MWBOO FOUND THE VENDOR IN COMPLIANCE.**

4. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNTS:</u>
\$128,109,960.00	9956-905528-9549	
State	Construc. Res.	
	Patapsco WWTP	
	Biological Ni	
14,439,814.18	" "	
Counties		

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Public Works/ - cont'd  
Bureau of Water and Wastewater

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNTS:</u>
7,475,660.10 Revenue Bonds	" "	
6,328,701.90 Revenue Bonds	9956-933001-9549 Construc. Res. Unallocated	
9,487,790.06 Counties	" "	
5,428,073.76 Counties	9956-903688-9549 Construc. Res. BR Sodium Hypochlorite	
<u>\$ 171,270,000.00</u>		
\$ 12,975,000.00	-----	9956-905527-9551-2 Extra Work
12,975,000.00	-----	9956-905527-9551-3 Engineering
7,785,000.00	-----	9956-905527-9551-5 Inspection
129,750,000.00	-----	9956-905527-9551-6 Construction
<u>7,785,000.00</u> <b>\$171,270,000.00</b>	-----	9956-905527-9551-9 Administrative

This transfer will provide funds to cover costs associated with the award of SC 845R, Nitrification Filters and Related Facilities at the Patapsco Wastewater Treatment Plant.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

5. B50002312, Unarmed Abacus Corporation \$10,683,000.00  
Uniformed Security Guard  
Services

(Various Agencies)

**MWBOO SET MBE GOALS AT 27% AND WBE GOALS AT 0%**

**MBE:** Sigma Security 27%

This is a requirements contract therefore amounts will vary.

**MWBOO FOUND VENDOR IN COMPLIANCE.**

6. B50002313, Police Exam Industrial/ \$ 64,310.00  
Consultant Services Organizational  
Solutions, Inc.

(Various Agencies)

**MWBOO GRANTED A WAIVER**



## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

7. B50002314, On-call Roofing Services		\$	700,000.00
(Various Agencies)	<u>First Call</u> National Roofing Company, Inc.	\$	500,000.00
	<u>Second Call</u> Roofing and Sustainable Systems, Inc.	\$	200,000.00

The award is recommended subject to awardees coming into compliance within ten days of the award.

**MWBOO SET MBE GOALS AT 10% AND WBE GOALS AT 5%.**

National Roofing Company, Inc.

<b>MBE:</b> Mark Burton Enterprises, Inc.	13.00%
<b>WBE:</b> Abby Enterprises, LLC	1.25% <sup>1</sup>

<sup>1</sup> The bidder did not achieve the WBE goal. Not more than 25% of each MBE or WBE goal may be attained by expenditures to MBE/WBE suppliers who are not manufacturers. Therefore, the maximum value allowed has been applied.

**MWBOO FOUND VENDOR IN NON-COMPLIANCE**

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of PurchasesRoofing and Sustainable Systems, Inc.

**MBE:** Global Roofing & Construction, Inc. 10.00%

**WBE:** Innovative Building Solution, Inc.\*

\*The prime contractor did not sign Part C, the Statement of Intent form for Innovative Building Solutions, Inc. as required.

**MWBOO FOUND VENDOR IN NON-COMPLIANCE**

- |    |  |                             |    |           |
|----|--|-----------------------------|----|-----------|
| 8. | B50002370, TV Unit<br>Camera Equipment | Atlantic Machinery,<br>Inc. | \$ | 67,941.00 |
|----|--|-----------------------------|----|-----------|

(Bureau of Water & Wastewater)

**MWBOO GRANTED A WAIVER.**

- |    |  |                                 |    |            |
|----|--|---------------------------------|----|------------|
| 9. | B50002381, Five-Ton Crew<br>Cab Dump Truck | Beltway Interna-<br>tional, LLC | \$ | 458,097.00 |
|----|--|---------------------------------|----|------------|

(Dept. of General Services)

(Dept. of Transportation)

**MWBOO GRANTED A WAIVER.**

- |     |                               |              |    |           |
|-----|-------------------------------|--------------|----|-----------|
| 10. | B50002385, Aluminum<br>Sheets | Vulcan, Inc. | \$ | 57,505.00 |
|-----|-------------------------------|--------------|----|-----------|

(Dept. of Transportation)

**MWBOO GRANTED A WAIVER.**

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Water and Wastewater

11. WC 1231, Meter Setting                      Spiniello                      \$ 2,763,350.00  
     Installations &                      Companies  
     Replacements, Southeast  
     Baltimore

<b>MBE:</b> Machado Construction, Inc.	\$ 50,000.00	1.81%
W.C.S. Hughes, Inc.	310,000.00	11.22%
	<b>\$360,000.00</b>	<b>13.03%</b>

**WBE:** R&R Contracting Utilities, Inc.    \$ 83,000.00    3.00%<sup>1</sup>

**MWBOO FOUND VENDOR IN COMPLIANCE.**

12. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$3,647,622.00	9960-909100-9558	
Water Rev. Bonds	Constr. Reserve	
	Water Infrastuc-	
	ture Rehab	
\$ 276,335.00	-----	9960-906653-9557-2
		Extra Work
276,335.00	-----	9960-906653-9557-3
		Engineering
165,801.00	-----	9960-906653-9557-5
		Inspection
2,763,350.00	-----	9960-906653-9557-6
		Construction
165,801.00	-----	9960-906653-9557-9
<b>\$3,647,622.00</b>		Administration

The funds are required to cover the cost of the award for construction of WC 1231, Meter Setting Installations & Replacement-Southeast Baltimore.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

- |  |             |             |
|--|-------------|-------------|
| 1. SANOFI PASTEUR, INC.  | \$27,576.00 | Sole Source |
| Solicitation No. 08000 - Fluzone Vaccine - Health Department<br>- Req. No. R603495 |             |             |

Sanofi Pasteur, Inc., is the only supplier of fluzone. Fluzone is the only vaccine that is approved by the FDA for children as young as six months old. The period of the award is June 13, 2012 through June 12, 2013, with three 1-year renewal options remaining.

- |   |             |         |
|---|-------------|---------|
| 2. BIOMEDICAL WASTE SERVICES, INC.  | \$15,000.00 | Renewal |
| Solicitation No. 08000 - Bio-Medical and Bio-Hazardous Waste Removal - Police Department - Req. No. R553477 |             |         |

On July 28, 2010, the Board approved the initial award in the amount of \$10,000.00. The award contained five 1-year renewal options. On June 15, 2011, the Board approved a renewal in the amount of \$20,000.00. This renewal in the amount of \$15,000.00 is for the period June 27, 2012 through June 26, 2013, with three 1-year renewal options remaining.

- |   |             |          |
|---|-------------|----------|
| 3. EDWIN ELLIOT & CO. INC.  | \$35,356.00 | Only Bid |
| Solicitation No. B50002433 - Rotork IQ-20 Electric Actuators & Installation - Department of Public Works - Req. No. R601766 |             |          |

- |  |             |         |
|--|-------------|---------|
| 4. CRITICAL IMAGING, LLC   | \$ 9,500.00 | Renewal |
| Solicitation No. 08000 - Repairs to Infrared Camera - Fire Department - Req. No. P514691 |             |         |

On July 28, 2010, the Board approved the initial award in the amount of \$6,500.00. The award contained three 1-year renewal options. Subsequent actions have been approved.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

Critical Imaging, LLC is the manufacturer and sole provider of authorized maintenance to the infrared cameras currently in place within the Fire Department. This is the second renewal in the amount of \$9,500.00 for the period July 28, 2012 through July 27, 2013, with one 1-year renewal option remaining.

- |  |             |         |
|--|-------------|---------|
| 5. NORITSU AMERICA, CORP.  | \$22,201.00 | Renewal |
| Solicitation No. 08000 - Annual Maintenance for Noritsu Equipment - Police Department - Req. No. R553082 |             |         |

On July 28, 2010, the Board approved the initial award in the amount of \$22,201.00. The award contained five 1-year renewal options. Subsequent actions have been approved. Noritsu America, Corp. is the manufacturer and sole source for service, maintenance, calibration, and parts for several pieces of equipment currently in use by the Police Department's photo lab. This renewal in the amount of \$22,201.00 is for the period July 21, 2012 through July 21, 2013, with three 1-year renewal options remaining.

- |  |             |         |
|--|-------------|---------|
| 6. GENERAL TRAFFIC<br>EQUIPMENT CORP.  | \$20,000.00 | Renewal |
| Solicitation No. B50001941 - Pedestrian Signals Push Buttons - Department of Transportation - Req. No. P517184 |             |         |

On June 1, 2011, the City Purchasing Agent approved the initial award in the amount of \$20,000.00. The award contained two 1-year renewal options. This renewal in the amount of \$20,000.00 is for the period June 3, 2012 through June 2, 2013, with one 1-year renewal remaining.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

## 7. I GIVE QUALITY

NOT QUANTITY FCS	\$10,800.00	Renewal
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Solicitation No. B50001475 - Janitorial Services for the Zeta Center - Health Department - Req. No. P513547

On June 9, 2010, the initial award was approved in the amount of \$10,800.00. The award contained three 1-year renewal options. This renewal in the amount of \$10,800.00 is for the period July 1, 2012 through June 30, 2013, with one 1-year renewal options remaining.

8. SYSTEMS INTEGRATION, INC.	\$42,808.58	Sole Source
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Solicitation No. 08000 - Additional Licenses and Support for IVR System - Department of Public Works - Req. No. R599451

This request is for the purchase of additional licenses, hardware, installation, and support for the expansion of the Revenue Measurement and Billing Call Center operations that are for proprietary software that is customized for use by the Bureau of Revenue Collections and the Department of Public Works and are only available from Systems Integration, Inc. (SII). SII is the authorized reseller for the IVR System and only certified personnel are authorized to update, repair, and support the systems. Pricing is deemed fair and reasonable. The period of the award is July 1, 2012 through June 30, 2013.

## 9. CHESAPEAKE FIRE &amp;

RESCUE EQUIPMENT, INC.	\$30,000.00	Renewal
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Solicitation No. 08000 - Holmatro Tools, Maintenance, and Repair Renewal - Fire Department - Req. No. R577144

On June 29, 2011, the Board approved the initial award in the amount of \$30,000.00. The award contained five 1-year renewal options. Chesapeake Fire and Rescue Equipment, Inc. is the only representative of Halmatro, Inc. and is designated by them, the manufacturer, as the Fire Depart-

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

ment's sole source of parts and maintenance while maintaining the integrity of warranties. This renewal in the amount of \$30,000.00 is for the period July 1, 2012 through June 30, 2013, with four 1-year renewal options remaining.

- |  |             |             |
|--|-------------|-------------|
| 10. MERCK AND COMPANY, INC.  | \$48,564.00 | Sole Source |
| Solicitation No. 08000 - Zosterax Vaccine - Health Department - Req. No. R603572 |             |             |

Merck and Company, Inc. is the sole source manufacturer of Zostervax. The period of the award is July 1, 2012 through June 30, 2013.

- |   |             |             |
|---|-------------|-------------|
| 11. JUDICIAL DIALOG SYSTEMS   | \$41,000.00 | Sole Source |
| Solicitation No. 08000 - vPaper Application - Maryland State's Attorney's Office - Req. No. R604166 |             |             |

This case management system is currently in use at the Maryland State's Attorney's Office. Judicial Dialog Systems is the sole proprietor of the software and no other business entity is authorized to modify the source codes or database. The award is for the period June 6, 2012 through October 5, 2012.

- |   |         |           |
|---|---------|-----------|
| 12. ACS STATE AND LOCAL SOLUTIONS, INC. (ACS)   | \$ 0.00 | Extension |
| Solicitation No. BP 07149 - EMS Billing Services - Fire Department - P.O. No. P509065 |         |           |

On December 12, 2007, the Board approved the initial award in the amount of \$4,815,000.00. Subsequent actions have been approved. An extension is necessary to allow time for ACS to continue collections for bills issued prior to their billing cutoff date of June 30, 2012. A new contract will be in place for all billing starting July 1, 2012. The period of the extension is June 30, 2012 through December 31, 2012.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases**MWBOO SET GOALS OF 7% MBE AND 4% WBE.**

<b>MBE:</b> Kidd International Home Care Inc.	13.48%
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<b>WBE:</b> TRG Networking, Inc.	4.51%
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**MWBOO FOUND VENDOR IN COMPLIANCE.**

## 13. MARYLAND INDUSTRIAL

TRUCKS	\$343,511.00	Increase
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Solicitation No. 08000 - Vactor Sewer Cleaning Truck -  
Department of Public Works, Bureau of Water and Wastewater -  
Req. No. R599611

On January 25, 2012, the Board approved the initial award in the amount of \$325,377.00. This increase in the amount of \$343,511.00 is to purchase one additional truck and attachments. This increase in the amount of \$343,511.00 will make the total award amount \$668,888.00.

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

**MWBOO GRANTED A WAIVER.**

14. ADP, INC.	\$2,000,000.00	Increase
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Solicitation No. 08000 - Automatic Data Processing Human Resources Systems Licensing - Department of Human Resources -  
Req. No. P517582

On July 25, 2007, the Board approved the initial award in the amount of \$1,600,000.00. Subsequent actions have been approved. The vendor is the sole provider, maintenance and support of proprietary software for the Automatic Data



## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

Processing Human Resources Software in use by the Department of Human Resources. This request is for Fiscal Year 2013 funding. This contract will expire on June 30, 2015. This increase in the amount of \$2,000,000.00 will make the total contract amount \$10,000,000.00.

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

**(FILE NO. 56031)**

- |  |                |          |
|--|----------------|----------|
| 15. ADP, INC.  | \$2,450,000.00 | Increase |
| Solicitation No. 08000 - Human Resource Information, E-time and Enterprise Payroll Systems Licensing - Finance Department - Req. No. P517569 |                |          |

On August 15, 2007, the Board approved the initial award in the amount of \$1,600,000.00. Subsequent actions have been approved. The vendor is the sole provider of licensing, maintenance and support of proprietary software for the Human Resource Information, E-time and Enterprise Payroll Systems in use by the Bureau of Accounting and Payroll Services. This request is for Fiscal Year 2013 funding. This increase in the amount of \$2,450,000.00 will make the total contract amount \$12,750,000.00 and is for the period July 1, 2012 through June 30, 2013. The contract expires on June 30, 2015.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

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

**(FILE NO. 56031)**

- |  |           |
|--|-----------|
| 16. ARENA VENTURES, LLC, (Revenue Contract)  | Extension |
| Solicitation No. BP-03035 - Naming Rights for the Baltimore Arena - Department of Finance - Req. No. N/A |           |

On July 16, 2002, the Board approved the initial award for a period of ten years at the annual rate of \$75,000.00. This request is for a month-to-month extension from September 17, 2012 not to exceed December 31, 2012 or until award of a new contract at the prorated rate of \$6,250.00 per month.

**MWBOO GRANTED A WAIVER.****(FILE NO. 54818)**

- |   |         |         |
|---|---------|---------|
| 17. BALTIMORE MACK TRUCKS   | \$ 0.00 | Renewal |
| Solicitation No. 06000 - O.E.M. Parts and Service for Mack Trucks - Department of General Services - P.O. No. P509847 |         |         |

On August 12, 2009, the Board approved the initial award in the amount of \$85,000.00. The award contained two 1-year renewal options. This renewal is for the period August 1, 2012 through July 31, 2013, with one 1-year renewal option remaining.

**MWBOO GRANTED A WAIVER.**

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- |   |              |         |
|---|--------------|---------|
| 18. DUNBAR ARMORED, INC.  | \$ 50,000.00 | Renewal |
| Solicitation No. B50001015 - Armored Transport Services -<br>Department of Finance - P.O. No. P508517 |              |         |

On June 10, 2009, the Board approved the initial award in the amount of \$95,182.00. The award contained three 1-year renewal options. Subsequent actions have been approved. This renewal in the amount of \$50,000.00 is for the period July 1, 2012 through June 30, 2013, with one 1-year renewal option remaining.

**MWBOO GRANTED A WAIVER.**

- |   |              |                           |
|---|--------------|---------------------------|
| 19. PREMIER MAGNESIA, LLC,  | \$ 90,287.40 | Sole Source/<br>Agreement |
| Solicitation No. 08000 - Thioguard Chemical Application<br>Technology to Reduce Hydrogen Sulfide Levels - Department of<br>Public Works, Bureau of Water and Wastewater - Req. No.<br>R599253 |              |                           |

The Board is requested to approve and authorize execution of an agreement with Premier Magnesia, LLC. The period of the agreement is June 6, 2012 through June 5, 2013, with one 1-year renewal option.

This requirement is specific for Thioguard, which is a proprietary chemical application technology used at the Patapsco Waste Water Treatment Plant and is patented by Premier Magnesia, LLC.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

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

(FILE NO. 57306)

20. EXPRESS SCRIPTS, INC.	\$ 0.00	Agreement
Solicitation No. BP 07150 - Prescription Drug Program		
Services Medicare Part D - Department of Human Resources -		
Req. No. N/A		

The Board is requested to approve and authorize execution of an agreement with Express Scripts, Inc. The period of the agreement is January 1, 2012 through December 31, 2012 with no renewals.

On September 12, 2007, the Board approved the initial award for a Commercial Prescription Drug Program for employees and retirees. As per the terms of the Solicitation No. BP-07150 and the Commercial Agreement with Express Scripts, Inc., the City on April 1, 2010 implemented Part D of the Medicare Prescription Drug, Improvement and Modernization Act of 2003 for eligible retirees, which require that a new agreement be executed for each calendar year. No additional funding for Fiscal Year 2012 is required since it is included in the renewal of the Prescription Drug Program.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

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

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

<b>MBE:</b> A. Thompson & Assocs.	5.8%
Walker Benefit Services	10.9%
Class Act Café & Catering	0.3%

<b>WBE:</b> Curry Printing & Copy Center	6.6%
SreanSis, LLC	0.4%
The Well Workplace, LLC	2.0%

**MWBOO FOUND VENDOR IN COMPLIANCE WITH SUBMITTAL OF REVISED COMMITMENT FOR CALENDAR YEAR 2012.****(FILE NO. 57084)**

21. SIEMENS INDUSTRY, INC.      \$ 45,219.00      Renewal  
 Solicitation No. 08000 - Maintenance and Repair of Pneumatic and Electronic Controls of the HVAC System - Department of Public Works, Bureau of Water and Wastewater - P.O. No. P515575

On December 8, 2010, the Board approved the initial award in the amount of \$85,984.00. The award contained three 1-year renewal options. This renewal in the amount of \$45,219.00 is for the period July 1, 2012 through June 30, 2013, with two 1-year renewal options remaining.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

22. <u>ISOBUNKERS, LLC</u>	<u>\$20,000,000.00</u>	<u>Renewal</u>
Solicitation No. B50001083 - Gasoline and Diesel Fuel - Department of General Services - P.O. No. P509398		

On July 29, 2009, the Board approved the initial award in the amount of \$68,750,000.00. The award contained two 1-year renewal options. This renewal in the amount of \$20,000,000.00 is for the period August 1, 2012 through July 31, 2013, with one 1-year renewal option remaining.

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

**MWBOO SET GOALS OF 15% MBE AND 0% WBE.**

**MBE:** JJ Adams Fuel Oil Company 3.75%

**MWBOO FOUND VENDOR IN COMPLIANCE BASED ON A GOOD FAITH EFFORT.**

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

## 23. CREATIVE SOFTWARE

SOLUTIONS, LLC.	\$499,277.84	Renewal
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Solicitation No. 06000 - Manage Taxi Card Program - Health  
Department - P.O. No. P515838

On May 13, 2009, the Board approved the initial award in the amount of \$499,277.84. The award contained four 1-year renewal options. Subsequent actions have been approved. This renewal in the amount of \$499,277.84 is for the period July 1, 2012 through June 30, 2013, with one 1-year renewal option remaining.

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

**MBE:** Sue-Ann's Office Supply, Inc. 3%

**WNE:** Curry Printing 1%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

## 24. CROVATO PRODUCTS &amp;

SERVICES, LLC	\$100,000.00	Renewal
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Solicitation No.08000 - Chemicals for BG Automatic  
Transmissions Machine - Department of General Services - P.O.  
No. P504171

On October 1, 2008, the Board approved the initial award in the amount of \$24,000.00. The award contained two 1-year renewal options. Subsequent actions have been approved. This renewal in the amount of \$100,000.00 is for the period October 1, 2012 through September 30, 2013, with no renewal options remaining.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

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

25. KPMG, LLP	\$145,600.00	Increase
Solicitation No. B50001847 - Audit Financial Statements for the City of Baltimore - Finance Department - Req. No. R602928		

On April 27, 2011, the Board approved the initial award in the amount of \$779,745.00. This increase in the amount of \$145,600.00 is necessary due to efforts related to the re-statement of the City's Fiscal Year 2010 financial statements and other matters affecting the beginning balances of the City's Fiscal Year 2011 financial statements that were not anticipated. This increase will make will the total contract amount \$1,050,145.00.

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

**MBE:** King, King & Associates, P.A. 10.0%

**WBE:** Kahler & Associates 6.0%



## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

## 26. UNIVERSITY OF BALTIMORE

SCHAFER CENTER	\$215,853.00	Renewal
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Solicitation No. BC 2057085 - Election Judge Training  
Services - Board of Elections - P.O. No. P517454

On April 17, 2006, the Board approved the initial award in the amount of \$217,758.00. The award contained nine 1-year renewal options. Subsequent actions have been approved. This renewal in the amount of \$215,853.00 is for the period July 1, 2012 through June 30, 2013, with three 1-year renewal options remaining.

**MWBOO GRANTED A WAIVER.**

27. AON CONSULTING INC.	\$375,000.00	Renewal
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Solicitation No. BP 05160 - Actuarial Services for Employees' and Retirees' Benefits Program - Department of Human Resources - P.O. No. P517459

On July 27, 2005, the Board approved the initial award in the amount of \$708,210.00. The award contained six 1-year renewal options. Subsequent actions have been approved. This renewal in the amount of \$375,000.00 is for the period July 27, 2012 through July 26, 2013, with no renewal options remaining.

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

**MBE:** Walker Benefit Solutions, Inc. 17%

**WBE:** Advanced Benefit Solutions, Inc. 9%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

(FILE NO. 56250)

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

28. VENTURES, LLC	N/A	Extension
Solicitation No. 06000 - Advertising for the Baltimore cb - Department of Finance - Req. N/A		

On June 3, 1998, the Board approved the initial award to Centre Management. On March 17, 1999, the Board approved assignment of the entire contract to SMG. On March 13, 2002, the Board approved assignment of certain advertising and obligations to Arena Ventures, LLC. The period of the extension is month to month from June 30, 2012 and not to exceed December 31, 2012.

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

**MWBOO SET GOALS OF 20% MBE AND 3% WBE.**

<b>MBE:</b> South Mountain Mechanical Contractor	34.58%
Special Events Medical Services	0.00%
Taste Event Catering	0.00%

<b>WBE:</b> Crown Foods	29.43%
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**MWBOO FOUND VENDOR IN COMPLIANCE.****(FILE NO. 54818)**

29. APPLIED TECHNOLOGY	\$ 300,000.00	
SERVICES		
ePLUS TECHNOLOGY, INC.	<u>1,200,000.00</u>	
	<b>\$1,500,000.00</b>	Increase
Solicitation No. B50001422 - Computer Hardware, Software and Related Items - Agencies - Various - Req. Nos. Various		

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

On August 11, 2010, the Board approved the initial award in the amount of \$5,000,000.00. The award contained two 1-year renewal options. On January 12, 2012, the Board approved an increase in the amount of \$12,000,000.00. An increase is necessary due to increased demand for these products. This increase in the amount of \$1,500,000.00 will make the award amount \$18,500,000.00. The contract expires August 11, 2013 with two 1-year renewal options remaining.

**MWBOO GRANTED A WAIVER.**

**(FILE NO. 57264)**

30. XEROX CORPORATION	\$4,000,000.00	Renewal
Solicitation No. 06000 - Copier Equipment and Services - Agencies - Various - P.O. No. P511826		

On May 29, 2002, the Board approved the standardization of Xerox Corporation for copier equipment and supplies. On December 11, 2002, the Board approved the initial award in the amount of \$420,000.00. The award contained three 1-year renewal options. Subsequent extensions and an amendment have been approved. This renewal in the amount of \$4,000,000.00 is for the period July 1, 2012 through June 30, 2013, with no renewal options remaining.

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

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

This is a requirements contract, therefore, dollar amounts will vary. MBE goals are not applicable to the base monthly lease charges.

**MBE:** Neo Technology, Inc. 5.0%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**(FILE NO. 57307)**

31. AMAZING SECURITY AND INVESTIGATIONS, LLC	\$130,000.00	Increase
Solicitation No. B50001173 - Armed Security Guards, Uniformed and Non-Uniformed - Department of Recreation and Parks - Req. No. P511351		

On November 25, 2009, the Board approved the initial award in the amount of \$155,000.00. The award contained three 1-year renewal options. This contract includes the Health Department and Recreation and Parks. This increase provides additional funds for Recreation and Parks to provide security at City pools this summer from May 25, 2012 through September 25, 2012. In addition, this corrects the renewal that was approved by the Board on December 7, 2011 from "contract expires December 31, 2013 with one 2-year renewal remaining" to "contract expires December 31, 2012 with two 1-year renewal options remaining," as per the approved amendment.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

32. EXPRESS SCRIPTS, INC.	\$ 0.00	Amendment to Agreement
Solicitation No. BP 07150 - Prescription Drug Program Services - Department of Human Resources - Req. No. N/A		

The Board is requested to approve and authorize execution of an amendment to agreement with Express Scripts, Inc. The period of the amendment is January 1, 2012 through December 31, 2012.

On September 12, 2007, the Board approved the initial award and agreement to Express Scripts, Inc. Subsequent actions have been approved. The fourth amendment to agreement clarifies and updates the processing of the rebate schedule of that agreement for the current year for active employee prescription drug program portion of the solicitation.

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

<b>MBE:</b> A. Thompson & Associates	5.8%
Walker Benefit Services, Inc.	10.9%
Class Act Café & Catering	0.3%

<b>WBE:</b> Curry Printing & Copy Center	6.6%
SreanSis, LLC	0.4%
The Well Workplace, LLC	2.0%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**(FILE NO. 57084)**

BOARD OF ESTIMATES

06/06/2012

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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<u>Bureau of Purchases</u>		
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UPON MOTION duly made and seconded, the Board approved the foregoing informal awards and increases and Extensions to Contracts. UPON FURTHER MOTION duly made and seconded, the Board approved and authorize execution of the agreements (items no. 19 and 20). The President **ABSTAINED** on item nos. 13, 19, and 21. The Comptroller **ABSTAINED** on item no. 25.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

Department of Real Estate - Communications License Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a communications license agreement with Cricket Communications, Inc. (Cricket Communications) for the placement of antennas at 2608 Washington Boulevard. The period of the agreement is effective upon completion of the installation of transmission and equipment lines for five years.

**AMOUNT OF MONEY AND SOURCE:**

	<u>ANNUAL</u>	<u>MONTHLY</u>
1 <sup>st</sup> year	\$33,000.00	\$ 2,750.00
2 <sup>nd</sup> year	\$34,320.00	\$ 2,860.00
3 <sup>rd</sup> year	\$35,692.80	\$ 2,974.40
4 <sup>th</sup> year	\$37,120.51	\$ 3,093.38
5 <sup>th</sup> year	\$38,605.33	\$ 3,217.11

**BACKGROUND/EXPLANATION:**

Cricket Communications, licensee, desires to place antennas on the side of the building located at 2608 Washington Boulevard and use its grounds for equipment storage.

The demised premises will be used for cellular telephone communication, and Cricket Communications will be solely responsible for the cost of any remedial work to make the licensed premises suitable for their use. Cricket Communications will be responsible for liability insurance, utilities, maintenance of the licensed premises, repairs to their equipment, and compliance with all FCC and FAA rules and regulations. The City will be responsible for the maintenance of the fire station.

## MINUTES

Department of Real Estate - cont'd

The license agreement has three renewal terms of five years each and the license fee shall continue to escalate annually by an amount equal to 4% over the amount of the license fee payments for the preceding year. Cricket Communications has an option to renew for three additional five year terms.

The Space Utilization Committee approved this License Agreement on May 22, 2012.

(FILE NO. 57305)

**A LETTER OF CORRESPONDENCE HAS BEEN RECEIVED FROM MS. KIM TRUEHEART.**

The Board received correspondence from Ms. Kim Trueheart which was submitted to the Board for its review. As Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board will not hear her objections. The agency, which is the Department of Real Estate will respond directly to Ms. Trueheart's questions.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the communications license agreement with Cricket Communications, Inc. for the placement of antennas at 2608 Washington Boulevard.



Kim A. Trueheart

June 5, 2012

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of questionable management and administration within the Department of Real Estate of Baltimore City.

The following details are provided to initiate this action as required by the Board of Estimates:

1. Whom you represent: Self
2. What the issues are:
  - a. Page 130, Department of Real Estate – Communications License Agreement if approved:
    - i. Three renewal terms of five years each appears to be an excessively long length of time for any agreement. Please provide the rationale or the length?
    - ii. How are potential changes in market conditions, which over the span of 15 years could be significant and are most definitely unpredictable, made to be beneficial for the citizens of Baltimore?
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed what appears to be the continued mismanagement of tax-payer assets and the perception of a "sweat-deal" for corporate entities who conduct business with the City of Baltimore. This specific action serves to highlight what I perceive to be critical failures capitalize on opportunities to enhance revenue streams that provide direct benefit to the City's bottom-line. As these failures continue, they diminish the scarce municipal resources needed to carryout routine operations throughout the rest of our municipal government and cause citizens like myself to go with or to pay increasing amounts in fees and taxes for everyday services expected from my local government.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on June 6, 2012.

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

Sincerely,  
Kim Trueheart, Citizen & Resident

5519 Belleville Ave  
Baltimore, MD 21207

**MINUTES**Space Utilization Committee - License Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a license agreement with Cricket Communications, Inc., a Delaware Corporation, for a portion of the tower located at 501 North Athol Avenue. The license agreement is for a five-year period, with a renewal option of three additional five-year terms.

**AMOUNT OF MONEY AND SOURCE:**

<u>Years</u>	<u>Annual Payments</u>	<u>Monthly Payments</u>
2012	\$33,000.00	\$ 2,750.00
2013	\$34,320.00	\$ 2,860.00
2014	\$35,692.80	\$ 2,974.40
2015	\$37,120.51	\$ 3,093.38
2016	\$38,605.33	\$ 3,217.11

The fees will continue to escalate annually by 4% over the amount of the fee payments for the preceding year.

**BACKGROUND/EXPLANATION:**

The demised premises will be used for cellular telephone communication. The term will be for five years commencing upon the completion of installation of transmission and equipment lines. The licensor will be responsible for the maintenance of its cell site area. The licensee will be responsible for liability, maintenance of its area and repairs to their equipment and compliance with all FCC and FAA rules and regulations.

The Board of Municipal and Zoning Appeals approved the use on May 29, 2012. The Space Utilization Committee approved this license agreement at its meeting of May 22, 2012.

**MINUTES**

Space Utilization Committee - cont'd

(FILE NO. 57305)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the license agreement with Cricket Communications, Inc., a Delaware Corporation, for a portion of the tower located at 501 North Athol Avenue.

## MINUTES

TRAVEL REQUESTSPolice Department

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
1. Derrick E. Mayfield, Sr.	U.S. Conference of Mayors Orlando, FL June 13 - 16, 2012 (Reg. Fee \$0.00)	General Funds	\$1,602.08
<p>The subsistence rate for this location is \$153.00 per day. The hotel rate is \$199.00 per night not including occupancy taxes in the amount of \$24.87 per day. The Department is requesting an additional \$46.00 per day to cover the cost of the hotel and \$40.00 per day for meals and incidental expenses. In addition the Department is requesting \$155.85 for a rental vehicle, \$100.00 for fuel costs and \$50.00 per day for parking costs. The rental, fuel and parking total \$405.85. The vehicle will be used to transport the Mayor during the conference.</p>			
2. Jeffrey M. Jocuns	SWAT Command Decision Making and Leadership Pomona, NY June 11 - 15, 2012 (Reg. Fee \$668.00)	Asset Forfeiture	\$1,498.00
3. Warren B. Smith, III	Maryland Municipal League Conference Ocean City, MD June 24 - 27, 2012	General	\$1,048.00

Mr. Smith will be providing executive protection for the Mayor who will be attending the Maryland Municipal League Conference. Mr. Smith will be using a departmental vehicle. It is estimated that fuel will cost \$100.00 and Parking will be \$50.00/per day.

## MINUTES

TRAVEL REQUESTSPolice Department - cont'd

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
4. Donald P. Bauer III	American Eurocopter Headquarter	General Service	\$2,973.30
Michael G. Witt	Gran Prairie, TX Atlanta, GA	Account	
Renonzo L.	June 18 - 22, 2012		

The Eurocopter must make mandatory routine stops because of aviation rules. The closet terminal is in Atlanta, GA. Therefore, the Department is also requesting a one-day layover in Atlanta, GA with \$189.00 in subsistence.

Office of the City Council President

5. Sharon Green Middleton	2012 National Assoc. of Counties' Annual Conference Pittsburgh, PA July 13 - 18, 2012 (Reg. Fee \$490.00)	Elected Officials Expense Acct.	\$1,882.70
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The subsistence rate for this location is \$190.00 per day. The hotel rate is \$185.00 per night not including occupancy taxes in the amount of \$25.90 per day. The Department is requesting an additional \$35.00 per day to cover the cost of meals and incidental expenses.

6. Helen Holton	2012 National Assoc. of Counties' Annual Conference Pittsburgh, PA July 13 - 17, 2012 (Reg. Fee \$465.00)	Elected Officials Expense Acct.	\$1,471.40
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The subsistence rate for this location is \$190.00 per day. The hotel rate is \$185.00 per night not including occupancy taxes in the amount of \$26.60 per day. The Department is requesting an additional \$35.00 per day to cover the cost of for meals and incidental expenses.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Department of Recreation and Parks</u>			
7. Calvin Ford	2012 Jr. Olympic	Upton	\$2,171.39
Mack Allison,	National	Boxing	
III	Championship	Program	
	Mobile, AL		
	June 18 - 23, 2012		

The subsistence rate for this location is \$145.00 per day. The hotel cost is \$94.99 per night not including occupancy taxes in the amount of \$13.30 per night. To save on hotel cost, Mr. Allison will stay in the same room as Mr. Ford. The Department is requesting \$50.00 per day for subsistence for Mr. Allison which is included in the total.

The Department is requesting \$146.49 to cover the cost of the vehicle.

A rental car is needed to transport the Coaches/Chaperones and the boxing participant. The vehicle will also be used to transport training equipment, to travel to and from the event, and to purchase meals.

**AM-240-8**

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.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

TRAVEL REQUEST

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Health Department</u>			
8. Maria Martins	2012 National	TB	\$3,117.92
-Evora	TB Workshop	Federal	
Nicketta	Atlanta, GA	Funds	
Paige	June 10 - 14, 2012		
	(Reg. Fee \$400.00 ea.)		

The Department has prepaid the airfare in the amount of \$279.60 on a City issued credit card assigned to Jacqueline Duval-Harvey. In addition, the Department has prepaid the registration of \$400.00 for Ms. Martins-Evora on EA000094118 and Ms. Paige on EA000094055. The disbursement to each attendee will be in the amount of \$879.36.

TRAVEL APPROVAL/REIMBURSEMENTHealth DepartmentAPPROVAL

9. Patrick	2012 National STD	Federal	\$1,530.05
Chaulk	Prevention Conf.	STD	
	Minneapolis, MN	Funds	
	March 12 - 15, 2012		
	(Reg. Fee \$285.00)		

The Department is requesting approval of the travel and authorization to reimburse Mr. Chaulk for travel expenses.

The subsistence rate for this location is \$192.00 per day. The hotel rate was \$199.00, per night not including occupancy taxes in the amount of \$26.66 per night. The Department is requesting approval of \$14.00 additional in subsistence for the hotel and \$80.47 for food. The airfare in the amount of \$447.60 was prepaid on a City issued credit card assigned to Ms. Jacquelyn Duval-Harvey. The expenses paid by Mr. Chaulk were \$1,082.45.

## MINUTES

TRAVEL APPROVAL/REIMBURSEMENTHealth Department - cont'd

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
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The request is late because Mr. Chaulk is a new employee and was not aware of the City's travel policy.

REIMBURSEMENT OF COST NOT PREPAID:

Parking	\$ 40.00
Hotel	597.00
Occ. Taxes	79.98
Registration	285.00
Meals	80.47
<b>Reimbursement</b>	<b>\$1,082.45</b>

Mayor's Office of Information TechnologyAPPROVAL

10. Christopher Whetzel	Secured Cities Conference	General Funds	\$1,993.52
Stephan Waters	Chicago, IL		
	April 19 - 20, 2012		
	(Reg. Fee \$0.00)		

The Department is requesting approval of the travel and authorization to reimburse Mr. Whetzel and Mr. Waters for travel expenses.

The attendees were invited to attend the training along with representatives from the Baltimore City Police Department. The Department has pre-paid airfare for Mr. Whetzel in the amount of \$546.40 and hotel costs in the amount of \$346.84, as well as airfare for Mr. Waters in the amount of \$526.40 and hotel costs in the amount of \$346.84. The attendees are only being reimbursed for food and ground transportation costs. The disbursement to Mr. Whetzel is \$96.42 and Mr. Water \$130.62.



## MINUTES

TRAVEL APPROVAL/REIMBURSEMENTMayor's Office of Information Technology

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
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REIMBURSEMENT OF COST NOT PREPAID:Christopher Whetzel

Parking	\$ 71.92
Meals	<u>24.25</u>
<b>Reimbursement</b>	<b>\$ 96.42</b>

Stefan Waters

Parking	\$106.37
Meals	<u>24.25</u>
<b>Reimbursement</b>	<b>\$130.62</b>

## MINUTES

TRAVEL NOTATIONEmployees' Retirement System (ERS)

The Board is requested to **APPROVE** the following education related travel of the ERS Executive Director to the following public education conference, covering pension related topics such as investment strategies, accounting regulations and fiduciary risks and responsibilities.

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
11. Roselyn H. Spencer	Harvard Program for Advanced Studies Boston, MA July 30 - August 1, 2012 (Reg. Fee \$800.00)	Special Fund - ERS	\$1,499.27

The educational sessions are necessary to fulfill fiduciary education and due diligence requirements. It also provides updated knowledge about the financial markets investment products and options.

The subsistence rate for this location is \$254.00 per day. The hotel rate is \$229.00 per night not including occupancy taxes in the amount of \$33.09 per night. The ERS is requesting an additional \$108.09 to cover the additional hotel cost, and for meals and incidental expenses.

UPON MOTION duly made and seconded, the Board approved the travel requests and travel reimbursements. The Mayor **ABSTAINED** on item nos. 1-3. The President **ABSTAINED** on item nos. 5-6, and 10. The Comptroller **ABSTAINED** on item no. 11.

## MINUTES

CITY COUNCIL BILL:

12-0065 - Tax Lien Certificates - Verifications Required Before Issuance For Water Bills for the purpose of requiring that, before the Chief Clerk issues a tax lien certificate including water or sewer charges, the Chief Clerk must obtain a certification that the charges are based on certain verified information; correcting, clarifying, and conforming related provisions; and generally relating to tax lien certificates.

THE LAW DEPARTMENT APPROVED THE BILL FOR FORM AND LEGAL SUFFICIENCY. THE LAW DEPARTMENT DOES NOT SUPPORT THE PASSAGE OF THIS BILL,

ALL OTHER REPORTS RECEIVED WERE UNFAVORABLE.

This item was DEFERRED.

## 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:

2138 - 2143

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.

Item nos. 3 - 5 were **DEFERRED**.

The Comptroller **ABSTAINED** on item nos. 6-11.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSDepartment of Transportation

1. TR 12013R, ADA Ramp      Machado Construction      \$ 224,226.00  
 Replacement and      Co., Inc.  
 Installs

**MBE:** M&F Contracting Company\*      \$ 43,725.00      19.50%

**WBE:** S&L Trucking, LLC      16,817.00      7.50%

\*M&F Contracting Company is not in good standing with the Department of Assessment and Taxation. The bidder will be allowed to substitute an approved MBE if M&F Contracting Co. is not in good standing at the time of award.

**MWBOO FOUND VENDOR IN COMPLIANCE**2. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 257,860.00	9950-902465-9505	
MVR	Constr. Reserve	
	Curb Repair Job	
	Order Contract	
\$ 224,226.00	-----	9950-907658-9508-6
		Structure & Improvements
22,422.60	-----	9950-907658-9508-5
		Inspections
11,211.40	-----	9950-907658-9508-2
<u>\$ 257,860.00</u>		Contingencies
		ADA Ramp Replacement
		and Installs

This transfer will cover the costs associated with the award of Project TR 12303 for ADA Ramp Replacement and Installs by Machado Construction Co.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSDepartment of Transportation

3. TR 10301, N. Charles St. Reconstruction from 25<sup>th</sup> St. to University Pkwy. Concrete General, Inc. \$23,255,202.10

**A PROTEST WAS RECEIVED FROM P. FLANIGAN & SONS, INC. AND CIVIL CONSTRUCTION, LLC.**

DBE: Shannon-Baum Signs, Inc.	\$ 108,415.00	0.47%
Traffic Systems, Inc.	3,133,582.00	13.47%
Stella May Contracting, Inc.	4,292,373.19	18.46%
Samuel Trucking, Inc.	1,000.00	0.0043%
	<u>\$7,535,370.19</u>	<u>32.40%</u>

4. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$4,464,234.97	9960-907101-9558	
Water Rev. Bonds	Constr. Reserve	
	Small Water Mains	
\$ 338,199.62	-----	9960-907652-9557-2
		Extra Work
338,199.62	-----	9960-907652-9557-3
		Design
202,919.77	-----	9960-907652-9557-5
		Inspection
3,381,996.19	-----	9960-907652-9557-6
		Construction
202,919.77	-----	9960-907652-9557-9
<u>\$4,464,234.97</u>		Administrative

The funds are required to cover the cost of the award for TR 10301, North Charles Street Reconstruction.

**CIVIL**  
**CIVIL CONSTRUCTION, LLC**

2413 Schuster Drive, Cheverly, Maryland 20781 • (301)341-7200 • FAX (301)341-7137

VIA HAND-DELIVERY

January 11, 2012

Honorable Members of Baltimore City Board of Estimates  
c/o The Clerk, Board of Estimates  
Room 204, City Hall  
100 Holliday Street,  
Baltimore, Maryland 21202

Attention: CLERK

Reference: North Charles Street Reconstruction, From 25<sup>th</sup> Street  
to University Parkway, Contract No.: TR10301

Dear Honorable Board Members:

On behalf of our company, Civil Construction, LLC ("Civil"), I hereby protest the award of the above-referenced contract to any party other than Civil for the reasons outlined below.

The bid opening date was December 21, 2011. The bidders in order of price are as follows:

Concrete General, Inc.	\$23,255,202.00
P. Flanagan & Sons, Inc.	\$23,724,730.70
Facchina Construction Co., Inc.	\$24,195,291.35
Civil Construction, LLC	\$24,618,600.35
Daisy Construction Co.	\$26,853,530.98
Potts & Callahan, Inc.	\$27,886,086.00

On information and belief, the Contract is to be funded by a federal grant to the State and transferred to the City by the Maryland Secretary of Transportation pursuant to Section 2-103 (i) (2) of the Transportation Article. For that reason, the City deferred to the State Disadvantaged Business Enterprise (DBE) Program for the establishment of DBE participation goals. A DBE is a business owned and controlled by an economically, as opposed to socially, disadvantaged person, as defined in COMAR 21.11.03.03B (5).

The DBE participation goal for the Contract was set at 30%, which was to be demonstrated by completion and submission of the Maryland Department of Transportation (MDOT) Forms A and B as an integral part of a responsive bid. (See Attached.)

The apparent low bidder Concrete General, Inc. is non-responsive due to the fact that he submitted E and F Landscape, LLC as a DBE subcontractor. A search of the MDOT State database confirms that they are not. (See Attachment #1.) Therefore, Concrete General, Inc. did not meet the minimum 30% DBE participation goal and they contradict themselves on Form A, page 1 of 2 and page 2 of 2 where they affirmed their compliance under oath. (See Attached.)

The second apparent low bidder, P. Flanagan and Son, Inc. bid is non-responsive. The MDOT DBE Form A is the bidder's affidavit attesting to the extent of its efforts to achieve the scheduled DBE participation. P. Flanagan declared in its affidavit that it had met the goal and that it would utilize the DBE's included in its Form B for not less than the dollar amounts indicated. Both Forms A and B state in bold print warn bidders that failure to accurately complete the forms would result in their bids being deemed non-responsive. Form B-Part 1 provides detailed instructions for completing the DBE participation schedule (Part 2). Part 1, paragraph 2 states that "In order to be counted for purposes of achieving the DBE participation goal, the firm must be certified for that specific NAICS ....." Inclusion of the NAICS is required because (par. 3) "Examining the NAICS Code is the first step in determining whether a DBE firm is certified and eligible to receive DBE participation credit for the specific products/services to be supplied or performed under the contract." The second step "is to determine whether a firm's Products/Services Description in the DBE Directory includes the products to be supplied and/or services to be performed that are used to achieve the DBE participation goal". In Part 3 the bidder declares under oath in Part 3 that it has verified that the DBE's included in the bid are certified to provide the products or perform the services for which the bidder claims credit. P. Flanagan failed to provide all pertinent information, specifically NAICS codes for all declared DBEs. Lack of this information is paramount since the DBEs perform and hold multiple NAICS codes. In addition, J & J Concrete Construction Company is specifically certified to perform commercial and residential curb, gutter, sidewalks, etc., none of which are related to this project which has Federal funds and is classified by the Federal Government as an STP (Surface Transportation Project, FAP NO. STP-307(5) N). (See Attachment #2.)

The third apparent low bidder, Facchina Construction Co., Inc. is non-responsive and non-responsible due to the fact that he failed to affirm and sign or place signatures on all of the required bid form documents and the required bid bond ignoring the Notice to Bidders, Supplemental Bidding Instruction sheet. (See Attachment #3.)

For all of the above mentioned reasons, we remain Civil Construction's bid is the only responsive and responsible bid and we should be awarded the contract immediately.

Very truly yours,  
CIVIL CONSTRUCTION, LLC



Steve Salehi  
President

Attachments

cc: Mitchell J. Kearney, Esq.  
File





CONTRACT PROVISIONS

PROPOSAL FORM PACKET — FEDERAL CITY OF BALTIMORE CONTRACT NO. TR10301  
19 of 31

F.A.P. NO. STP-3071(5)N  
S.H.A. NO. BC 318-108-815

MDOT DBE FORM A  
FEDERALLY-FUNDED CONTRACTS  
CERTIFIED DBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT  
PAGE 1 OF 2

This affidavit must be included with the bid/ proposal. If the bidder/offeror fails to accurately complete and submit this affidavit as required, the bid shall be deemed not responsive or the proposal shall be deemed not susceptible of being selected for award.

In connection with the bid/proposal submitted in response to Solicitation No. F.A.P. NO. STP-3071(5)N, S.H.A. NO. BC 315-108-815, CITY OF BALTIMORE CONTRACT NO. TR10301, I affirm the following:

1. DBE Participation (PLEASE CHECK ONLY ONE)

☐ I have met the overall certified Disadvantaged Business Enterprise (DBE) participation goal of \_\_\_\_\_ percent ( \_\_\_\_\_ %). I agree that this percentage of the total dollar amount of the Contract for the DBE goal will be performed by certified DBE firms as set forth in the DBE Participation Schedule - Part 2 of the MDOT DBE Form B (Federally-Funded Contracts).

OR

☐ I conclude that I am unable to achieve the DBE participation goal. I hereby request a waiver, in whole or in part, of the goal. Within 10 business days of receiving notice that our firm is the apparent awardee or as requested by the Procurement Officer, I will submit a written waiver request and all required documentation in accordance with COMAR 21.11.03.11. For a partial waiver request, I agree that certified DBE firms will be used to accomplish the percentages of the total dollar amount of the Contract as set forth in the DBE Participation Schedule - Part 2 of the MDOT DBE Form B (Federally-Funded Contracts).

2. Additional DBE Documentation

I understand that if I am notified that I am the apparent awardee or as requested by the Procurement Officer, I must submit the following documentation within 10 business days of receiving such notice: (a) Outreach Efforts Compliance Statement (MDOT DBE Form C - Federally-Funded Contracts ); (b) Subcontractor Project Participation Statement (MDOT DBE Form D - Federally-Funded Contracts); (c) DBE Waiver Request documentation per COMAR 21.11.03.11 (if waiver was requested); and (d) Any other documentation required by the Procurement Officer to ascertain bidder's responsibility/ offeror's susceptibility of being selected for award in connection with the certified DBE participation goal.



**CONTRACT PROVISIONS**

PROPOSAL FORM PACKET — FEDERAL CITY OF BALTIMORE CONTRACT NO. TR10301  
20 of 31

F.A.P. NO. STP-3071(5)N  
S.H.A. NO. BC 318-108-815

**MDOT DBE FORM A  
FEDERALLY-FUNDED CONTRACTS  
CERTIFIED DBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT  
PAGE 2 OF 2**

I acknowledge that if I fail to return each completed document (in 2 (a) through (d)) within the required time, the Procurement Officer may determine that I am not responsible and therefore not eligible for contract award or not susceptible of being selected for award.

**3. Information Provided to DBE firms**

In the solicitation of subcontract quotations or offers, DBE firms were provided not less than the same information and amount of time to respond as were non-DBE firms.

**4. Products and Services Provided by DBE firms**

I hereby affirm that the DBEs are only providing those products and services for which they are MDOT certified.

I solemnly affirm under the penalties of perjury that the information in this affidavit is true to the best of my knowledge, information and belief.

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Signature of Representative

\_\_\_\_\_  
Address

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Date



CONTRACT PROVISIONS

PROPOSAL FORM PACKET — FEDERAL CITY OF BALTIMORE CONTRACT NO. TR10301

F.A.P. NO. STP-3071(5)N

S.H.A. NO. BC 318-108-815

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MDOT DBE FORM B  
FEDERALLY-FUNDED CONTRACTS  
DBE PARTICIPATION SCHEDULE

PART 1 – INSTRUCTIONS FOR DBE PARTICIPATION SCHEDULE

PARTS 2 AND 3 MUST BE INCLUDED WITH THE BID/PROPOSAL. IF THE BIDDER/OFFEROR FAILS TO ACCURATELY COMPLETE AND SUBMIT PART 2 WITH THE BID/PROPOSAL AS REQUIRED, THE BID SHALL BE DEEMED NOT RESPONSIVE OR THE PROPOSAL SHALL BE DEEMED NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD.

PAGE 1 OF 4

\*\*\* STOP \*\*\*

FORM INSTRUCTIONS

PLEASE READ BEFORE COMPLETING THIS FORM

1. Please refer to the Maryland Department of Transportation (MDOT) DBE Directory at [www.mdot.state.md.us](http://www.mdot.state.md.us) to determine if a firm is certified for the appropriate North American Industry Classification System ("NAICS") Code and the product/services description (specific product that a firm is certified to provide or specific areas of work that a firm is certified to perform). For more general information about NAICS, please visit [www.naics.com](http://www.naics.com). Only those specific products and/or services for which a firm is certified in the MDOT Directory can be used for purposes of achieving the DBE participation goal.
2. In order to be counted for purposes of achieving the DBE participation goal, the firm must be certified for that specific NAICS ("DBE" for Federally-funded projects designation after NAICS Code). **WARNING:** If the firm's NAICS Code is in graduated status, such services/products will not be counted for purposes of achieving the DBE participation goals. Graduated status is clearly identified in the MDOT Directory (such graduated codes are designated with the word graduated after the appropriate NAICS Code).
3. Examining the NAICS Code is the first step in determining whether a DBE firm is certified and eligible to receive DBE participation credit for the specific products/services to be supplied or performed under the contract. The second step is to determine whether a firm's Products/Services Description in the DBE Directory includes the products to be supplied and/or services to be performed that are being used to achieve the DBE participation goal.
4. If you have any questions as to whether a firm is MDOT DBE certified, or if it is certified to perform specific services or provide specific products, please call MDOT's Office of Minority Business Enterprise at 1-800-544-6056 or send an email to [mbe@mdot.state.md.us](mailto:mbe@mdot.state.md.us).

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09-27-11



CONTRACT PROVISIONS

PROPOSAL FORM PACKET — FEDERAL CITY OF BALTIMORE CONTRACT NO. TR10301

F.A.P. NO. STP-3071(5)N

S.H.A. NO. BC 318-108-815

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MDOT DBE FORM B  
FEDERALLY-FUNDED CONTRACTS  
DBE PARTICIPATION SCHEDULE  
PART 1 – INSTRUCTIONS FOR DBE PARTICIPATION SCHEDULE  
PAGE 2 OF 4

5. The Contractor's subcontractors are considered second-tier subcontractors. Third-tier contracting used to meet a DBE goal is to be considered the exception and not the rule. The following two conditions must be met before MDOT, its Modal Administrations and the Maryland Transportation Authority may approve a third-tier contracting agreement: (a) the bidder/offeror must request in writing approval of each third-tier contract arrangement, and (b) the request must contain specifics as to why a third-tier contracting arrangement should be approved. These documents must be submitted with the bid/proposal in Part 2 of this DBE Participation Schedule.
6. For each DBE firm that is being used as supplier/wholesaler/regular dealer/broker/manufacturer, please follow these instructions for calculating the amount of the subcontract for purposes of achieving the DBE participation goal:
  - A. Is the firm certified as a broker of the products/supplies? If the answer is YES, please continue to Item C. If the answer is NO, please continue to Item B.
  - B. Is the firm certified as a supplier, wholesaler, regular dealer, or manufacturer of such products/supplies? If the answer is YES, continue to Item D. If the answer is NO, continue to Item C only if the DBE firm is certified to perform trucking/hauling services under NAICS Codes 484110, 484121, 484122, 484210, 484220 and 484230. If the answer is NO and the firm is not certified under these NAICS Codes, then no DBE participation credit will be given for the supply of these products.
  - C. For purposes of achieving the DBE participation goal, you may count only the amount of any reasonable fee that the DBE firm will receive for the provision of such products/supplies - not the total subcontract amount or the value (or a percentage thereof) of such products and/or supplies. For Column 3 of the DBE Participation Schedule, please divide the amount of any reasonable fee that the DBE firm will receive for the provision of such products/services by the total Contract value and insert the percentage in Line 3.1.
  - D. Is the firm certified as a manufacturer (refer to the firm's NAICS Code and specific description of products/services) of the products/supplies to be provided? If the answer is NO please continue to Item E. If the answer is YES, for purposes of achieving the DBE participation goal, you may count the total amount of the subcontract. For Column 3 of the DBE Participation Schedule, please divide the total amount of the subcontract by the total Contract value and insert the percentage in Line 3.1.





CONTRACT PROVISIONS

PROPOSAL FORM PACKET — FEDERAL CITY OF BALTIMORE CONTRACT NO. TR10301  
23 of 31

F.A.P. NO. STP-3071(5)N  
S.H.A. NO. BC 318-108-815

MDOT DBE FORM B  
FEDERALLY-FUNDED CONTRACTS  
DBE PARTICIPATION SCHEDULE

PART 1 – INSTRUCTIONS FOR DBE PARTICIPATION SCHEDULE

PAGE 3 OF 4

E. Is the firm certified as a supplier, wholesaler and/or regular dealer? If the answer is YES and the DBE firm is furnishing and installing the materials and is certified to perform these services, please divide the total subcontract amount (including full value of supplies) by the total Contract value and insert the percentage in Line 3.1. If the answer is YES and the DBE firm is only being used as a supplier, wholesaler and/or regular dealer or is not certified to install the supplies/materials, for purposes of achieving the DBE participation goal, you may only count sixty percent (60%) of the value of the subcontract for these supplies/products (60% Rule). To apply the 60% Rule, first divide the amount of the subcontract for these supplies/products only (not installation) by the total Contract value. Then, multiply the result by sixty percent (60%) and insert the percentage in Line 3.2.

7. For each DBE firm that is not being used as a supplier/wholesaler/regular dealer/broker/manufacturer, to calculate the amount of the subcontract for purposes of achieving the DBE participation goal, divide the total amount of the subcontract by the total Contract value and insert the percentage in Line 3.1.

Example:  $\$2,500$  (Total Subcontract Amount)  $\div$   $\$10,000$  (Total Contract Value)  $\times 100 = 25\%$

8. Please note that for USDOT-funded projects, a DBE prime may count towards its DBE participation goal work performed by its own forces. Include information about the DBE prime in Part 2.
9. **WARNING:** The percentage of DBE participation, computed using the dollar amounts in Column 3 for all of the DBE firms listed in Part 2, **MUST** at least equal the DBE participation goal as set forth in MDOT DBE Form A – Federally-Funded Contracts for this solicitation. If the bidder/offeror is unable to achieve the DBE participation goals, then the bidder/offeror must request a waiver in Form A or the bid will be deemed not responsive, or the proposal not susceptible of being selected for award. You may wish to use the Goal Worksheet shown below to assist you in calculating the percentage and confirming that you have met the applicable DBE participation goal.



**CONTRACT PROVISIONS**

PROPOSAL FORM PACKET — FEDERAL CITY OF BALTIMORE CONTRACT NO. TR10301

**MDOT DBE FORM B**  
**FEDERALLY-FUNDED CONTRACTS**  
**DBE PARTICIPATION SCHEDULE**  
**PART 1 – INSTRUCTIONS FOR DBE PARTICIPATION SCHEDULE**  
**PAGE 4 OF 4**

<b>GOAL WORKSHEET</b>	
Total DBE Firm Participation (Add percentages in Column 3 for all DBE firms listed in DBE Participation Schedule)	(A) _____ %
The percentage amount in Box A above should be equal to the percentage amount in Box E below.	
Add <i>Countable</i> Subcontract Amounts (see 6 through 8 of Instructions) for all DBE firms listed in DBE Participation Schedule, and insert in Box B	(B) \$ _____
Insert the Total Contract Amount in Box C	(C) \$ _____
Divide Box B by Box C and Insert in Box D	(D) = _____
Multiply Box D by 100 and insert in Box E	(E) = _____ %

ATTACHMENT 1



The MDOT Directory of Certified MBE, DBE and ACDBE Firms

[BACK](#) | [EXIT](#)

Custom Search Complete Details

SEARCHING ELIGIBLE CODES AND FIRMS ONLY  
FIRM NAME like "E" and "F" and "LANDSCAPING"  
DISPLAYING ALL CODES

1 firm was found using the above criteria. Download this result set as an [XLS file](#) (0 KB).

Firm Details	NAICS - Product and Service Description
<u>Firm Name:</u>  E & F LANDSCAPING, LLC	<b>561730 - MBE-ONLY - LANDSCAPING SERVICES</b> (SPECIFICALLY: COMMERCIAL LAWN MAINTENANCE SUCH AS CUTTING, EDGING AN TRIMMING, WEEDING, AND MULCHING)
<u>Minority Status - Cert # - Date:</u>  FEMALE 11-047 1/27/2011	
<u>Address:</u>  12402 CRESTWOOD AVENUE, SOUTH BRANDYWINE, MD 20613 PRINCE GEORGE'S COUNTY	
<u>Contact:</u>  ARCHODIA G. FRENI	
<u>Phone - Fax - Email - Website:</u>  (P) 301-372-3689 (F) 301-782-1923 <a href="mailto:DIAFRENI@2YAHOO.COM">DIAFRENI@2YAHOO.COM</a> (no website listed)	
<u>References:</u>  NO REFERENCE DATA ON RECORD	



The MDOT Directory of Certified MBE, DBE and ACDBE Firms

[BACK](#) | [EXIT](#)

Firm Details	NAICS - Product and Service Description
<u>Firm Name:</u>  J & J CONCRETE CONSTRUCTION, LLC	<b>238110 - MBE/DBE - POURED CONCRETE FOUNDATION AND STRUCTURE CONTRACTORS</b> SPECIFICALLY: COMMERCIAL AND RESIDENTIAL CURB, GUTTER, SIDEWALKS, ETC.
<u>Minority Status - Cert # - Date:</u>  AFRICAN AMERICAN 08-235 5/22/2008	
<u>Address:</u>  3540 DERBY SHIRE CIRCLE WINDSOR MILL, MD 21244 BALTIMORE COUNTY	
<u>Contact:</u>  JAMES A. JONES, SR.	
<u>Phone - Fax - Email - Website:</u>  (P) 443-831-3616 (F) 410-496-1545 <a href="mailto:JMSJSONCONCRETE@AOL.COM">JMSJSONCONCRETE@AOL.COM</a> (no website listed)	
<u>References:</u>  NO REFERENCE DATA ON RECORD	



# CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE  
MAYOR

DEPARTMENT OF TRANSPORTATION  
KHALIL ZAIED  
DIRECTOR



F.A.P. No. STP-3071 (5) N  
S.H.A. No. BC 315-108-815  
CONTRACT NO. TR10301

NORTH CHARLES STREET RECONSTRUCTION FROM  
25<sup>TH</sup> STREET TO UNIVERSITY PARKWAY

MANDATORY ATTENDANCE AT PRE-BID MEETING

VOLUME 1 OF 2

# ATTACHMENT 3

## NOTICE OF BIDDERS

### **SUPPLEMENTAL BIDDING INSTRUCTION**

The following instruction supplements the bidding instruction found elsewhere in the Bid Book and those referenced therein.

EACH BIDDER IS HEREBY NOTIFIED THAT HE/SHE/IT MUST COMPLETELY FILL IN THE ORIGINAL BID AND THE REQUIRED BID/PROPOSAL AFFIDAVIT AND DOCUMENTS LOCATED IN THE BID BOOK. COMPLETED DUPLICATE BID MUST BE SUBMITTED IN THE BID ENVELOPE, IF ONE IS PROVIDED FOR THAT PURPOSE.

FAILURE TO FOLLOW THESE SIMPLE DIRECTIONS WILL CAUSE YOUR BID TO BE DECLARED UNRESPONSIVE AND THE BID WILL BE REJECTED BY THE BOARD OF ESTIMATES.

April 17, 2012

**VIA HAND-DELIVERY**

Honorable Members of Baltimore City Board of Estimates  
c/o The Clerk, Board of Estimates  
Room 204, City Hall  
100 Holliday Street  
Baltimore, Maryland 21202

***Re: North Charles Street Reconstruction From 25th Street to University  
Parkway – FAP No. STP-3071(5)N; SHA No. BC 315-108-815;  
Baltimore City Contract No. TR10301 – BID PROTEST***

Dear Honorable President and Members of the Board:

This firm represents P. Flanigan & Sons, Inc. (“Flanigan”) and submits this letter on behalf of Flanigan as a bid protest with regard to the above-referenced contract (the “Contract”). On December 21, 2011, the City of Baltimore (the “City”) accepted bids on the Contract. At that time, the apparent low bid was submitted by Concrete General, Inc. (“CGI”). Because CGI’s bid did not comply with the DBE requirements, the bid was non-responsive on its face and the City should award the Contract to the lowest responsible, responsive bidder – Flanigan.

The Contract involves federal funding and thus, it must comply with the State Disadvantaged Business Enterprise (“DBE”) program. Accordingly, the bid documents require a DBE goal of thirty percent (30%). To demonstrate that it will meet this goal, the bidders are required to complete and submit the Maryland Department of Transportation (“MDOT”) Forms A and B. These forms must be accurate and complete, or the “bid shall be deemed not responsive.”

CGI’s bid did not comply with the required 30% DBE goal because CGI included as one of its subcontracts E&F Landscaping, LLC (“E&F”). E&F is a Minority Business Enterprise (“MBE”) certified company, but it is not DBE certified. The failure of CGI to meet the 30% DBE goal and to request a waiver of a portion of the goal rendered its bid non-responsive.

On January 11, 2012, Civil Construction, LLC (“Civil Construction”), the apparent fourth lowest bidder on the Contract, submitted a bid protest notifying the City that CGI’s bid was non-responsive. On February 3, 2012, Flanigan received a letter from

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Honorable Members of Baltimore City Board of Estimates  
c/o The Clerk, Board of Estimates  
April 17, 2012  
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the City requesting certain documentation to further Flanigan's proposal. At that time, a representative of the City verbally informed Flanigan that CGI used an MBE only contractor when the Contract required DBE certification, as noted in Civil Construction's protest. On February 7, 2012, Flanigan submitted the requested documentation to the City. On March 7, 2012, Flanigan was verbally informed that the City was recommending to the SHA that the Contract be awarded to Flanigan. On April 11, 2012, a representative of the City verbally informed Flanigan that the SHA had decided to allow CGI to amend its bid and to award the Contract to CGI. This bid protest is filed within seven (7) days of the date when the basis for the protest was known by Flanigan, specifically, that CGI is being permitted to amend its bid to remedy the non-responsive element of their bid.

Because CGI's bid was nonresponsive at the time it was submitted, the City (and by extension the State Highway Administration ("SHA")) must reject the bid and award the Contract to the next lowest, responsible and responsive bidder - Flanigan. Responsiveness must be determined from the face of the bid documents, not from the information submitted after the bid date; otherwise, the contractor would essentially receive "two bites of the apple." Prior to 2004, bidders had only to commit in their initial bid submissions to make a good faith effort to seek MBE (or in this case, DBE) participation. COMAR 21.11.03.10(B)(11) (COMAR Supplement 21). The apparent low bidder then had ten days after notification of award to commit to the MBE/DBE goals in the solicitation, or request a waiver, and to identify specific MBE/DBE subcontractors it intended to use to meet its goal. COMAR 21.11.03.10(B)(1) (COMAR Supplement 21). Accordingly, the identification of MBE/DBE subcontractors was treated as a matter of responsibility, for which the apparent low bidder could submit supporting information after bid opening. In 2004, this law was changed. As codified at Md. Code Ann., State Fin. & Proc., Section 14-303(b)(13), the new law directed the Board of Public Works to promulgate regulations requiring that a bidder identify the specific commitment of certified minority business enterprises at the time of bid submission. This change is recognized at COMAR 21.11.03.09C. This converted the identification of MBE/DBE subcontractors from an issue of responsibility, to be dealt with after bid opening, to responsiveness, with which a bidder has to comply at the time of bid submission.

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Honorable Members of Baltimore City Board of Estimates  
c/o The Clerk, Board of Estimates  
April 17, 2012  
Page 3

CGI's bid is non-responsive. It did not conform in all material respects to the requirements of the invitation for bids because it did not, as required by law and the invitation for bids, identify the specific businesses that showed it could meet its DBE commitment. Instead of rejecting CGI's bid as non-responsive, however, SHA has directed the City to allow CGI to amend its bid and substitute E&F with a DBE certified contractor. SHA cites to COMAR 21.11.03.12, Amendment for Unforeseen Circumstances, and Md. Code Ann., State Fin. & Proc., § 14-302(a)(7), as the bases for its actions. This regulation and statute provide that if a firm listed on a bidder's MBE/DBE participation schedule becomes unavailable after bid submission due to specific unforeseen circumstances, the contractor may substitute another MBE/DBE firm to perform the work. These provisions do not excuse CGI's non-responsive bid, nor do they provide justification for an amendment. First, as to COMAR 21.11.03.12, there are no "unforeseen circumstances" here. At the time it submitted its bid, CGI was, or should have been, aware that E&F was not a DBE certified contractor.<sup>1</sup>

Moreover, under both COMAR and the Maryland Code, an amendment is justified only in the specific circumstance where an MBE/DBE certified contractor "has become or will become unavailable or is ineligible to perform the work required under the contract." Here, E&F was never available or eligible as a subcontractor for the Contract because it is not DBE certified. CGI should have made this determination before submitting its bid.

Even if CGI had met the procedural requirements of COMAR 21.11.03.12 and Md. Code, State Fin. & Proc., § 14-302(a)(7), it must still prove that it made "adequate good faith efforts" to meet the required DBE goal. In this case, CGI cannot meet that burden. All CGI had to do was search the MDOT database to confirm that E&F was not

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<sup>1</sup> As part of their explanation for allowing CGI to amend its bid after submission, but before award, the SHA cites to a prior contract award involving the construction of the Intercounty Connector. There, E&F was also listed on the apparent low bidder's DBE participation schedule and, after bid opening and prior to award, the low bidder was allowed the opportunity to amend its participation schedule pursuant to the same provisions the SHA now cites for this case. The fact that E&F was already determined to be non-DBE compliant on an earlier project should have given CGI notice that listing E&F as a subcontractor to fulfill its DBE goal was inappropriate. Moreover, the fact that the SHA may have inappropriately allowed a substitution after bid and before award on a previous contract does not provide a basis for taking the same inappropriate action again.



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Honorable Members of Baltimore City Board of Estimates  
c/o The Clerk, Board of Estimates  
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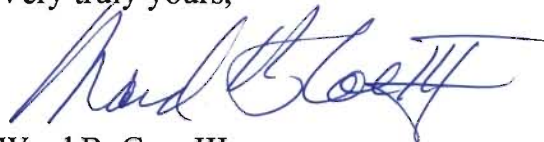
a DBE qualified subcontractor. CGI should have taken this step and substituted a different subcontractor before submission of its bid. Now, it is impossible to know whether, had it taken the correct steps, it would have ended up as the apparent lowest bidder. It is precisely this reason why the City and the SHA must make determinations of responsiveness on the face of the bid.

Finally, it is well established that a non-responsive bid cannot be accepted by a State agency even if it would result in monetary savings to the State, since acceptance would be contrary to maintaining the integrity of the competitive bidding system.

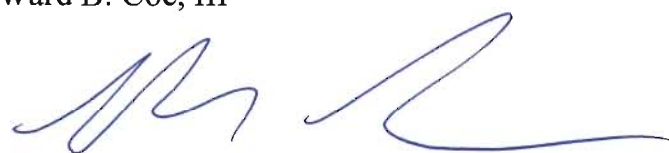
As the lowest responsible, responsive bidder, Flanigan should be awarded the Contract.

Please contact me with any questions or concerns regarding this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Ward B. Coe, III".

Ward B. Coe, III

A handwritten signature in blue ink, appearing to read "Rebecca C. Salsbury".

Rebecca C. Salsbury

cc: Ed Harris, Esq.  
Scot Morrell, Esq.

April 27, 2012

**VIA HAND-DELIVERY**

Honorable Members of Baltimore City Board of Estimates  
c/o The Clerk, Board of Estimates  
Room 204, City Hall  
100 Holliday Street  
Baltimore, Maryland 21202

***Re: North Charles Street Reconstruction From 25th Street to University  
Parkway – FAP No. STP-3071(5)N; SHA No. BC 315-108-815;  
Baltimore City Contract No. TR10301  
SUPPLEMENT TO BID PROTEST***

Dear Honorable President and Members of the Board:

This firm represents P. Flanigan & Sons, Inc. (“Flanigan”) and submits this letter on behalf of Flanigan as a supplement to Flanigan’s bid protest filed on April 17, 2012, with regard to the above-referenced contract (the “Contract”). As noted in Flanigan’s bid protest, the apparent low bidder for the Contract, Concrete General, Inc. (“CGI”) did not comply with the Disadvantaged Business Enterprise (“DBE”) requirements, making their bid non-responsive on its face. Accordingly, the City should award the Contract to the lowest responsible, responsive bidder – Flanigan.

Since submitting its original bid protest, Flanigan has received new information that sheds further light on the impermissible attempt by CGI to bypass the non-responsive nature of its bid by amending the same after bid submission and before award of the Contract. On April 17, 2012, the Baltimore City Department of Transportation (the “City”) responded to Flanigan’s Public Information Act request for an opportunity to inspect all records in the custody and control of the City relating to any and all communication between the State Highway Administration (“SHA”), the City, and CGI, or any other entity, relating to CGI’s bid for the Contract.

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EVELIUS & JONES LLP  
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Honorable Members of Baltimore City Board of Estimates  
c/o The Clerk, Board of Estimates  
April 27, 2012  
Page 2

According to the documents produced by the City, CGI's attorney began communicating directly with the SHA on March 8, 2012 regarding CGI's DBE subcontractor. As a result of the attorney's communication, the SHA's Office of Counsel determined that it should review the CGI bid package. Despite this communication, on March 16, 2012, the SHA made the recommendation to award the Contract to Flanigan. That same day, a representative of the City forwarded the SHA's recommendation to the attorney for CGI and noted that the City "will keep moving in this direction unless your client can convince SHA otherwise." On March 19, 2012, Steve Marciszewski, the Director of the SHA's Office of Construction emailed the City to explain that the SHA was rescinding its decision to award the Contract to Flanigan and would allow CGI to amend its DBE Participation Schedule based on COMAR 21.11.03.12. On March 26, the SHA directed the City to allow CGI an opportunity to obtain additional DBE participation prior to the award of the Contract, and if CGI provides a satisfactory response, to award the Contract to CGI. The SHA based its recommendation, in part, on Md. Code Ann., State Fin. & Proc. §14-302(a)(7) and COMAR 21.11.03. For the reasons outlined in Flanigan's bid protest, neither Md. Code Ann., State Fin. & Proc. §14-302(a)(7) nor COMAR 21.11.03.12 provide a basis to allow CGI to amend its bid.

In its March 26 correspondence to the City, the SHA also cites as support for its recommendation a prior contract award involving the construction of the Intercounty Connector. According to the SHA, there, E&F Landscaping ("E&F"), the non-DBE subcontractor listed in CGI's bid, was also listed on the apparent low bidder's DBE participation schedule and, after bid opening and prior to award, the low bidder was allowed the opportunity to amend its participation schedule pursuant to the same provisions the SHA now cites for this case. It is our understanding, however, that the problem with E&F was not actually discovered until after the award of the contract. Thus, because the contract had been awarded, the SHA could require that the non-certified subcontractor be replaced. This is a critical difference.

Here, the determination that CGI's bid contains a non-DBE subcontractor was discovered before the award of the Contract (which has still not been awarded). Therefore, CGI's bid was non-responsive and cannot be considered. An amendment cannot be allowed because including a non-certified subcontractor is not an "unforeseen circumstance." It is a failure to submit a responsive bid.

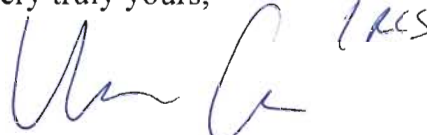


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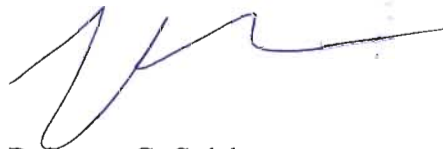
Honorable Members of Baltimore City Board of Estimates  
c/o The Clerk, Board of Estimates  
April 27, 2012  
Page 3

Please contact me with any questions or concerns regarding this matter.

Very truly yours,



Ward B. Coe, III



Rebecca C. Salsbury

cc: Ed Harris, Esq.  
Scot Morrell, Esq.  
George Nilson

*Robert Fulton Dashiell, Esq. P.A.*

1498 Reisterstown Road, Suite 334 · Baltimore, Maryland 21208

Robert Fulton Dashiell  
robertdashiell@dashiell-lawoffice.com

Tel.: (410) 547-8820  
Fax: (443) 637-3718

Senchal Dashiell Barrolle  
sbarrolle@dashiell-lawoffice.com  
(NY and DC only)

May 9, 2012

Honorable Members of Baltimore City Board of Estimates  
100 Holliday, Suite 204  
Baltimore, Maryland 21202

Stephanie Rawlings-Blake, Mayor  
Joan Pratt, Comptroller  
Bernard "Jack" Young, President City Council  
George Nilson, City Solicitor  
Alfred Foxx, Director, Public Works  
C/o Harriett Taylor, Secretary/Deputy Comptroller

Re: **Opposition to Bid Protest**  
**Baltimore City Contract No. TR-10301**  
**"North Charles Street Reconstruction from 25<sup>th</sup> Street to University**  
**Parkway"**

Dear Board Members:

Please be advised that, along with Scott Livingston and his firm, I represent Concrete General, Inc. ("CGI"), the lowest responsive and responsible bidder for the above referenced solicitation. This letter is submitted to you in opposition to the protest letter dated April 17, 2012, filed on behalf of the second low bidder, P. Flanigan & Sons, Inc. ("Flanigan").

As indicated in the Invitation for Bids ("IFB"), this procurement incorporates the Disadvantaged Business Enterprise ("DBE") participation requirements mandated by 49 CFR Part 26 as implemented under the Maryland Minority Business Enterprise/Federal Disadvantaged Business Enterprise Program (as amended Feb. 2009), incorporated at COMAR 11.01.10.01.

Flanigan's counsel contends that COMAR 21.11.03.09C(5) requires the Maryland Department of Transportation ("MDOT") to evaluate *minority* business enterprise bid documents as a matter of responsiveness, not responsibility; true, but irrelevant. COMAR 21.11.03.09C (5) was promulgated to implement Maryland Senate Bill 903, enacted in 2004. SB 903, a copy of which is attached hereto as (**Exhibit 1**), dealt with Minority Business Enterprise ("MBE") participation requirements, not federally-mandated DBE participation requirements. Thus, SB 903, titled "**Office of Minority Affairs-Special Secretary-Minority Business**

**Participation in Procurement Contracts", in 14-303 (b) (13), states that the implementing regulations shall include A REQUIREMENT THAT A BID OR PROPOSAL BASED ON A SOLICITATION WITH AN EXPECTED DEGREE OF MINORITY BUSINESS ENTERPRISE PARTICIPATION IDENTIFY THE SPECIFIC COMMITMENT OF CERTIFIED MINORITY BUSINESS ENTERPRISES AT THE TIME OF SUBMISSION.**

Neither SB 903 nor the regulations promulgated pursuant thereto mandate that SHA, one of the administrations within MDOT, discontinue its practice of viewing the adequacy of a bidder's **DBE** participation submission on a federally funded project as a matter of *responsibility*, not responsiveness. Moreover, as SHA Construction Director Steve Marciszewski pointed out in his March 26, 2012 letter to the City, (**Exhibit 2**), SHA has previously approved and counted E&F as a DBE on a number of SHA contracts.<sup>1</sup> Upon information and belief, Flanigan itself was awarded a contract by SHA in a procurement where Flanigan listed E&F as a landscaping DBE in order to achieve the contract DBE goal. Accordingly, Mr. Marciszewski determined that CGI had a reasonable, good faith expectation that SHA would do the same here and is, therefore, entitled to an opportunity to cure. CGI cured its less than one percent shortfall by increasing the participation levels of the DBE's already named in its bid.

For the foregoing reasons, we respectfully urge you to deny Flanigan's protest for lack of jurisdiction or, alternatively, on the merits.

Very truly yours,

A handwritten signature in dark ink, reading "Robert Fulton Dashiell". The signature is written in a cursive, flowing style.

Robert Fulton Dashiell

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<sup>1</sup> SHA Contract No. AT3765D60. SHA approved E&F as a DBE on this federally-funded project under NAICS code 561730, which corresponds to "Landscaping Services."

Exhibit 1

SENATE BILL 903

Unofficial Copy  
P1

2004 Regular Session  
(4lr1016)

**ENROLLED BILL**

-- *Education, Health, and Environmental Affairs/Health and Government Operations* --

Introduced by The President (By Request - Administration)

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Scaled with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2                   **Office of Minority Affairs - Special Secretary - Minority Business**  
3                   **Participation in Procurement Contracts**

4 FOR the purpose of designating the Special Secretary for the Office of Minority  
5 Affairs as head of the Office; providing for the duties and responsibilities of the  
6 Special Secretary; altering the criteria for a responsive procurement solicitation;  
7 requiring certain methods of source selection to include an expected degree of  
8 minority business enterprise participation; authorizing the Board of Public  
9 Works to adopt certain regulations regarding the timing of certain minority  
10 business enterprise commitments for certain procurement contracts; defining  
11 certain terms; and generally relating to minority business affairs.

12 BY repealing and reenacting, with amendments,  
13 Article - State Government  
14 Section 9-301, 9-303, 9-303.1, 9-303.2(b), 9-304, 9-305(b), and 9-306(a)  
15 Annotated Code of Maryland  
16 (1999 Replacement Volume and 2003 Supplement)

1 BY repealing and reenacting, with amendments,  
2 Article - State Finance and Procurement  
3 Section 13-103(a), 13-104(b), and 14-303(b)  
4 Annotated Code of Maryland  
5 (2001 Replacement Volume and 2003 Supplement)

6 BY adding to  
7 Article - State Finance and Procurement  
8 Section 13-103(e)(4)  
9 Annotated Code of Maryland  
10 (2001 Replacement Volume and 2003 Supplement)

11 BY repealing and reenacting, without amendments,  
12 Article - State Finance and Procurement  
13 Section 13-103(e)(1) and 14-303(a)  
14 Annotated Code of Maryland  
15 (2001 Replacement Volume and 2003 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - State Government**

19 9-301.

20 (a) In this subtitle the following words have the meanings indicated.

21 (b) ["Director" means the Director of the Office of Minority Affairs.

22 (c)] "Interdepartmental Committee" means the Interdepartmental Advisory  
23 Committee on Minority Affairs.

24 [(d)] (C) (1) "Minority person" means:

25 (i) an individual who has been deprived of the opportunity to  
26 develop and keep a competitive position in the economy because of a social or  
27 economic disadvantage that arises from cultural, racial, or other similar causes; or

28 (ii) a sheltered workshop for individuals with disabilities.

29 (2) "Minority person" includes:

30 (i) an Aleut;

31 (ii) an American Indian;

32 (iii) a Black;

- 1 (iv) an Eskimo;
- 2 (v) a Hispanic;
- 3 (vi) an Oriental;
- 4 (vii) a Puerto Rican; or
- 5 (viii) a woman.

6 (D) "OFFICE" MEANS THE OFFICE OF MINORITY AFFAIRS.

7 (E) "SPECIAL SECRETARY" MEANS THE SPECIAL SECRETARY FOR THE OFFICE  
8 OF MINORITY AFFAIRS.

9 9-303.

10 (A) The head of the Office of Minority Affairs is the [Director] SPECIAL  
11 SECRETARY, who shall be appointed by AND SERVES AT THE PLEASURE OF the  
12 Governor.

13 (B) THE SPECIAL SECRETARY SHALL RECEIVE THE SALARY PROVIDED IN THE  
14 STATE BUDGET.

15 9-303.1.

16 (a) There is an Interdepartmental Advisory Committee for Minority Affairs.

17 (b) The Interdepartmental Committee is composed of:

18 (1) the secretary of each principal department of the Executive Branch of  
19 government, or the secretary's designee;

20 (2) the State Superintendent of Schools, or the Superintendent's  
21 designee;

22 (3) the Secretary of Higher Education, or the Secretary's designee; and

23 (4) the [Director] SPECIAL SECRETARY.

24 (c) The Interdepartmental Committee shall:

25 (1) advise the [Director] SPECIAL SECRETARY on proposals to  
26 implement and enhance the duties of the Office, including the promotion of  
27 employment of minority persons in the State, and the promotion of the growth and  
28 participation of minority business enterprises in the State;

29 (2) gather such information the Committee deems necessary to promote  
30 the goals of the Office;

1 (3) provide such other assistance as may be required to further the  
2 purposes of §§ 9-304 and 9-305 of this subtitle; and

3 (4) meet at the call of the [Director] SPECIAL SECRETARY.

4 9-303.2.

5 (b) As authorized by the Governor, the [Director] SPECIAL SECRETARY may  
6 create an Advisory Committee on Black Males to assist and advise the Office in  
7 developing recommendations in accordance with subsection (a) of this section.

8 9-304.

9 Subject to the limitations of any law that governs the activities of other units of  
10 the Executive Branch of the State government, the [Director] SPECIAL SECRETARY  
11 shall:

12 (1) advise the Governor on:

13 (i) the activities of the State government that are intended to  
14 promote the employment of minority persons in the State; and

15 (ii) each other matter that affects the rights and interests of  
16 minority persons and the communities in which they live; and

17 (2) as authorized by the Governor:

18 (i) provide help to minority persons and the communities in which  
19 they live;

20 (ii) represent the Governor in any matter that relates to minority  
21 persons or generally to the promotion of equality among the people of the State; and

22 (iii) perform any other responsibility that the Governor assigns.

23 9-305.

24 (b) Subject to the limitations of any law that governs the activities of other  
25 units of the Executive Branch of the State government, the [Director] SPECIAL  
26 SECRETARY shall:

27 (1) carry out each State or federal program that is created to promote the  
28 growth of or participation in minority business enterprises;

29 (2) promote and coordinate the plans, programs, and operations of the  
30 State government that promote or otherwise affect the establishment, preservation,  
31 and strengthening of minority business enterprises;

32 (3) promote activities and the use of the resources of the State  
33 government, local governments, and private entities for the growth of minority  
34 business enterprises;



1 (4) coordinate the effort of private entities and public agencies to develop  
2 minority business enterprises;

3 (5) establish a system to develop, collect, summarize, and give out  
4 information that would help a person to:

5 (i) establish a minority business enterprise;

6 (ii) operate a minority business enterprise successfully; or

7 (iii) promote the establishment and successful operation of minority  
8 business enterprises; and

9 (6) subject to the limitations of law and the availability of funds:

10 (i) provide technical and managerial assistance to minority  
11 business enterprises;

12 (ii) provide the managerial and organizational framework for  
13 private entities and units of the State government to plan and carry out joint  
14 undertakings that relate to minority business enterprises; and

15 (iii) pay, wholly or partly, the costs of a pilot or demonstration  
16 project that is intended to overcome the special problems of minority business  
17 enterprises.

18 9-306.

19 (a) On or before the 15th day of each regular session of the General Assembly,  
20 the [Director] SPECIAL SECRETARY shall send an annual report on the Office of  
21 Minority Affairs:

22 (1) to the Governor; and

23 (2) subject to § 2-1246 of this article, to the General Assembly.

24 **Article - State Finance and Procurement**

25 13-103.

26 (a) (1) Whenever procurement is based on competitive sealed bids, a  
27 procurement officer shall seek bids by issuing an invitation for bids.

28 (2) Subject to subsection (b) of this section, an invitation for bids shall  
29 include:

30 (i) the specifications of the procurement contract, INCLUDING THE  
31 EXPECTED DEGREE OF MINORITY BUSINESS ENTERPRISE PARTICIPATION, AS  
32 PROVIDED IN § 14-303(B) OF THIS ARTICLE;



1 (ii) whether the procurement contract will be awarded based on the  
2 lowest bid price, the lowest evaluated bid price or, if the procurement is subject to §  
3 11-202(3) of this article, the bid most favorable to the State;

4 (iii) if the procurement contract will be based on evaluated bid price,  
5 the objective measurable criteria by which the lowest evaluated bid price will be  
6 determined; and

7 (iv) if the Secretary of General Services, the Secretary of  
8 Transportation, or the Chancellor of the University System of Maryland has so  
9 designated, the small business preference.

10 (e) (1) After obtaining any approval required by law, the procurement  
11 officer shall award the procurement contract to the responsible bidder who submits  
12 the responsive bid that:

13 (i) is the lowest bid price;

14 (ii) if the invitation for bids so provides, is the lowest evaluated bid  
15 price; or

16 (iii) for procurement subject to § 11-202(3) of this article, is the bid  
17 most favorable to the State.

18 (4) A RESPONSIBLE BID OR PROPOSAL SHALL INCLUDE THE CRITERIA  
19 SPECIFIED IN SUBSECTION (A) OF THIS SECTION.

20 13-104.

21 (b) (1) Whenever procurement is based on competitive sealed proposals, a  
22 procurement officer shall seek proposals by issuing a request for proposals.

23 (2) A request for proposals shall include a statement of:

24 (i) the scope of the procurement contract, INCLUDING THE  
25 EXPECTED DEGREE OF MINORITY BUSINESS ENTERPRISE PARTICIPATION, AS  
26 PROVIDED IN § 14-303(B) OF THIS ARTICLE;

27 (ii) the factors, including price, that will be used in evaluating  
28 proposals; and

29 (iii) the relative importance of each factor.

30 14-303.

31 (a) (1) (i) In accordance with Title 10, Subtitle 1 of the State Government  
32 Article, the Board shall adopt regulations consistent with the purposes of this  
33 Division II to carry out the requirements of this subtitle.

34 (ii) The Board shall keep a record of the number of waivers  
35 requested and the number of waivers granted each year under subsection (b)(8) of this

1 section and submit a copy of the record to the General Assembly on or before October  
2 1 of each year, in accordance with § 2-1246 of the State Government Article.

3 (2) The regulations shall establish procedures to be followed by units,  
4 prospective contractors, and successful bidders or offerors to maximize notice to, and  
5 the opportunity to participate in the procurement process by, a broad range of  
6 minority business enterprises.

7 (b) These regulations shall include:

8 (1) provisions designating one agency to certify and decertify minority  
9 business enterprises for all units through a single process that meets applicable  
10 federal requirements;

11 (2) a requirement that the solicitation document accompanying each  
12 solicitation set forth the expected degree of minority business enterprise participation  
13 based, in part, on:

14 (i) the potential subcontract opportunities available in the prime  
15 procurement contract; and

16 (ii) the availability of certified minority business enterprises to  
17 respond competitively to the potential subcontract opportunities;

18 (3) a requirement that the unit provide a current list of certified  
19 minority business enterprises to each prospective contractor;

20 (4) provisions to ensure the uniformity of requests for bids on  
21 subcontracts;

22 (5) provisions relating to the timing of requests for bids on subcontracts  
23 and of submission of bids on subcontracts;

24 (6) provisions designed to ensure that a fiscal disadvantage to the State  
25 does not result from an inadequate response by minority business enterprises to a  
26 request for bids;

27 (7) provisions relating to joint ventures, under which a bidder may count  
28 toward meeting its minority business enterprise participation goal, the minority  
29 business enterprise portion of the joint venture;

30 (8) consistent with § 14-302(a)(5) of this subtitle, provisions relating to  
31 any circumstances under which a unit may waive obligations of the contractor  
32 relating to minority business enterprise participation;

33 (9) provisions requiring a monthly submission to the unit by minority  
34 business enterprises acknowledging all payments received in the preceding 30 days  
35 under a contract governed by this subtitle;

1 (10) a requirement that a unit shall verify and maintain data concerning  
2 payments received by minority business enterprises, including a requirement that,  
3 upon completion of a project, the unit shall compare the total dollar value actually  
4 received by minority business enterprises with the amount of contract dollars initially  
5 awarded, and an explanation of any discrepancies therein;

6 (11) a requirement that a unit verify that minority business enterprises  
7 listed in a successful bid are actually participating to the extent listed in the project  
8 for which the bid was submitted;

9 (12) provisions establishing a graduation program based on the financial  
10 viability of the minority business enterprise, using annual gross receipts or other  
11 economic indicators as may be determined by the Board; [and]

12 (13) A REQUIREMENT THAT A BID OR PROPOSAL BASED ON A  
13 SOLICITATION WITH AN EXPECTED DEGREE OF MINORITY BUSINESS ENTERPRISE  
14 PARTICIPATION ~~INCLUDE PROOF OF A CERTIFIED MINORITY BUSINESS ENTERPRISE~~  
15 ~~COMMITMENT~~ IDENTIFY THE SPECIFIC COMMITMENT OF CERTIFIED MINORITY  
16 BUSINESS ENTERPRISES AT THE TIME OF SUBMISSION; AND

17 (14) other provisions that the Board considers necessary or appropriate to  
18 encourage participation by minority business enterprises and to protect the integrity  
19 of the procurement process.

20 SECTION 2. AND BE IT FURTHER ENACTED, That the publisher of the  
21 Annotated Code of Maryland, in consultation with and subject to the approval of the  
22 Department of Legislative Services, shall correct, with no further action required by  
23 the General Assembly, cross-references and terminology rendered incorrect by this  
24 Act or by any other Act of the General Assembly of 2004 that affects provisions  
25 enacted by this Act. The publisher shall adequately describe any such correction in an  
26 editor's note following the section affected.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
28 effect October 1, 2004.



**From:** Steven Marciszewski  
**Sent:** Monday, March 26, 2012 3:32 PM  
**To:** 'Jamie.Kendrick@baltimorecity.gov'; 'Griffin, Laetitia'  
**Cc:** Steve Pearce; Guy Talerico; Timothy Fletcher; Sharon Holmes; Gary Counts  
**Subject:** AAP for Contract BC 315-108-815

All,

SHA has reviewed the DBE Participations Schedule submitted by the apparent low bidder, Concrete General, Inc. ("CGI") for the above referenced project. CGI's participation schedule indicates that it achieved the 30% Disadvantaged Business Enterprise (DBE) goal. As outlined below, SHA believes that the actual creditable DBE participation reflected in CGI's bid is 29.05%. Under the circumstances presented, SHA recommends: 1) CGI be given an opportunity to obtain an additional 0.95% or more of DBE participation prior to the award of this contract; and, 2) if CGI provides a satisfactory response, CGI be awarded this contract

E&F Landscaping, LLC (E&F) is listed on CGI's participation schedule to perform landscaping services in the amount of 0.95% of the contract value. The MDOT Directory lists E&F as Minority Business Enterprise (MBE) certified only. E&F Landscaping is not certified as a DBE. The distinction between MBE certification (under the State's MBE program) and DBE certification (under the federal DBE program) is significant on this federally funded contract. Because of that funding, the DBE requirements apply. Therefore, SHA reduced the amount (0.95% participation) credited under the DBE goal for this firm, resulting in DBE committed participation of 29.05%.

Under State law, an apparent low bidder who makes a good faith effort to achieve a MBE/DBE goal may be given an opportunity, after bid opening and before contract award, to replace a firm on their participation schedule that is ineligible or unavailable. See, SF Article §14-302(a)(7) and COMAR 21.11.03.12. In CGI's situation, an opportunity to make up the DBE participation resulting from E&F's ineligibility is also warranted because SHA has previously approved or counted E&F as a DBE on other SHA contracts.

SHA recently encountered a very similar situation on Contract D/E of the Intercounty Connector project. There, E&F was also listed on the apparent low bidder's DBE participation schedule and, after bid opening and prior to award, the low bidder was allowed the opportunity to amend its participation schedule pursuant to SF Article §14-302(a)(7) and COMAR 21.11.03.12. SHA recommends a similar approach be taken here; namely that CGI be provided an opportunity to amend its DBE Participations Schedule in order to attempt to achieve the participation lost by E&F's ineligibility as a DBE.

Please feel free to contact me if you have any questions.

**Steve Marciszewski**  
**Director - Office of Construction**  
**Maryland State Highway Administration**  
**(443) 572-5235**

### Exhibit 3

**From:** Mark W. Miller  
**Sent:** Thursday, February 16, 2012 12:16 PM  
**To:** Griffin, Laetitia ([Laetitia.griffin@baltimorecity.gov](mailto:Laetitia.griffin@baltimorecity.gov))  
**Cc:** Dan Miller; Michael J. Miller  
**Subject:** North Charles Street DBE

The previous submittal we made with E&F Landscaping was an oversight. We were not aware that E&F was not a DBE, however CGI has still exceeded the 30% goal on the project. When we made our DBE submission, we sent you copies of Traffic Systems and Stella Mays contract. Their contract amounts which you reviewed previously exceeded the amounts on our DBE plan.

The breakdown is as follows.

	DBE Amount		DBE Actual Amount	
E&F Landscaping	221,700.00	0.953%	0.00	0.000%
Shannon-BaumSigns	108,415.00	0.466%	108,415.00	0.466%
Traffic Systems	3,095,082.00	13.309%	3,133,582.00	13.475%
Stella May	3,550,363.63	15.267%	4,292,373.19	18.458%
Samuel Trucking	1,000.00	0.004%	1,000.00	0.004%
	6,976,560.63	30.000%	7,535,370.19	32.403%

We have not changed anything to the DBE plan. The correct DBE Form D for Traffic Systems and Stella May are attached. Another copy of Traffic Systems and Stella May contracts are attached for your use. CGI has obtained a DBE goal of 32.4% which exceeds the 30% goal.

Please email or call me if you have any questions and/or comments.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSDepartment of Transportation5. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 929,600.62	9950-917001-9507	9950-904208-9514-6
FED	Constr. Reserve	Structure & Improvements
	Highways Federal	Charles St. Reconstr.

This transfer will cover the shortage to fund the cost associated with the award of Project (BD 34074) Charles Street Reconstruction from 25<sup>th</sup> Street to University Parkway awarded to Concrete General, Inc.

6. TR 12304, Resurfacing P. Flanigan & Sons, \$2,776,538.81  
 Highways at Various Inc.  
 Locations SE Sector 4

DBE: AJO Concrete Construction, Inc.	\$ 75,002.75	2.70%
Priority Construction Corp.	300,003.13	10.80%
L & J Construction Services, Inc.	235,060.00	8.47%
C. Jones Trucking, LLC	50,050.00	1.80%
William T. King, Inc.	22,000.00	.79%
Traffic Systems, Inc.	124,000.95	4.47%
	<u>\$806,116.83</u>	<u>29.03%</u>

7. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 154.416.00	9950-917001-9507	
FED	Constr. Reserve-	
	Highways Federal	
38,604.00	9950-903741-9514	
MVR	Local Resurfacing	
<u>\$ 193,020.00</u>	- Sector 4	

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSDepartment of Transportation

\$ 193,020.00 ----- 9950-901849-9514-6  
 Structure & Improvements  
 Federal Resurfacing  
 TR 12304

This transfer will cover the shortage to fund the costs associated with the award of contract no. TR 12304, Resurfacing Highways at Various Locations SE Sector 4, by P. Flanigan & Sons, Inc.

8. TR 12303, Resurfacing	P. Flanigan &	\$2,869,499.05
Highways @ Various	Sons, Inc.	
Locations, Southwest		
Sector III		

DBE: AJO Concrete	\$162,001.25	5.64%
Priority Construction Corp.	299,528.50	10.44%
L&J Construction Service	160,020.00	5.58%
C. Jones Trucking, Inc.	40,040.00	1.40%
	<u>\$661,589.75</u>	<u>23.06%</u>

9. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 60,000.00	9950-903741-9514	9950-905848-9514-6
MVR	Local Resurfacing	Struc. & Improv.
	Sector 4	Federal Resurfacing,
		TR 12303

This transfer will cover the shortage to fund the cost associated with the award of Project TR 12303, Resurfacing Highways at Various Locations SW Sector III, by P. Flanigan & Sons, Inc.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSDepartment of Transportation

10. TR12301, Resurfacing Highways at Various Locations      P. Flanigan & Sons, Inc.      \$3,352,325.13

<b>DBE:</b> AJO Concrete Construction, Inc.	\$ 148,186.30	4.42%
Priority Construction, Corp	510,007.45	15.22%
L & J Construction Service	283,010.00	8.44%
C. Jones Trucking, Inc.	50,050.00	1.49%
William T. King	15,305.50	0.46%
	<u>\$1,006,559.25</u>	<u>30.03%</u>

11. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNTS:</u>
\$ 684,140.00 FED	9950-917001-9507 Const. Res. Highways Federal	
263,062.00 FED	9950-903741-9514 Local Resurfacing Sector 4	
<u>\$ 947,202.00</u>	-----	9950-902846-9514-6 Structure and Improvements Federal Resurfacing TR12301

This transfer will fund the cost associated with award of Project TR 12301, Resurfacing Highways at Various Locations NW Sector 1, by P. Flanigan & Sons, Inc.



## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSDepartment of Transportation

12. TR 12302, Resurfacing M. Luis Construction \$3,137,658.51  
 Highways @ Various Co., Inc.  
 Location Northwest  
 - Sector II

<b>DBE:</b> Fallsway Construction Co.,	\$500,000.00	15.93%
Inc.		
Rowen Concrete, Inc.	\$150,000.00	4.78%
P&J Contracting Co., Inc.	\$ 11,000.00	0.35%
Traffic Systems, Inc.	\$129,763.00	4.14%
Carter Paving & Excavating, Inc.	\$101,000.00	3.22%
J&M Sweeping, LLC	\$ 20,000.00	0.64%
	<u>\$911,763.50</u>	<u>29.06%</u>

13. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNTS</u>
\$ 486,646.00	9950-917001-9507	9950-901847-9514-6
FED	Constr. Res-Highways	Structure & Improv.
	Federal	Federal Resurfacing
121,662.00	9950-903741-9514	TR 12302
MVR	Local Resurfacing-	
<u>\$ 608,308.00</u>	Sector 4	

This transfer will cover the shortage to fund the cost associated with award of Project TR 12302, Resurfacing Highways at Various Locations NW Section II, by M. Luis Construction, Co., Inc.

**MINUTES**

Department of General Services - Right-of-Entry Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the right-of-entry agreement with NMR, LLC. The period of the agreement is effective upon Board approval.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The Department of Public Works, Bureau of Water and Wastewater is proposing a project to locate and replace existing air/vacuum relief valves, surge valves, and/or drain valves as part of Water Project No. WC 1197R, Susquehanna Transmission Main Valve Replacements. This right-of-entry agreement will allow the City access onto the property to make these improvements. The parcel of land is located near Barnett Lane and Churchville Road in Aberdeen, Maryland.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the right-of-entry agreement with NMR, LLC. The President **ABSTAINED**.

**MINUTES**

Department of General Services - Right-of-Entry Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the right-of-entry agreement with Ms. Carolyn S. Boston, the owner of 3102 Liberty Heights Avenue. The period of the agreement is effective upon Board approval.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The Department of Public Works, Bureau of Water and Wastewater is proposing a project to locate, replace, and upgrade of an undersized sanitary sewer pipe as part of Sanitary Project No. SC 879. If necessary sidewalks, steps, and landscaping may need to be replaced, all of this work will be performed at no cost to the property owner. This right-of-entry agreement will allow the City access onto the property to make these improvements. The property is located at 3102 Liberty Heights Avenue.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the right-of-entry agreement with Ms. Carolyn S. Boston, the owner of 3102 Liberty Heights Avenue. The President **ABSTAINED**.

## MINUTES

PERSONNEL MATTERS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

all of the Personnel matters

listed on the following pages:

2147 - 2148

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.

The Mayor **ABSTAINED** on item no. 3.

## MINUTES

PERSONNELDepartment of Recreation and Parks

	<u>Hourly Rate</u>	<u>Amount</u>
1. <b>MICHAEL NAUGLE</b>	\$20.00	\$ 5,600.00

Account: 2096-796622-7960-862200-601009

Mr. Naugle, retiree, will work as an Adapted Sports Special Events Coordinator. His duties will include but not be limited to planning weekly special event days for children with disabilities, coordinating with a variety of public and private sports associations as part of Camp Variety's skill development plan and maintaining all related documentation relative to the Adapted Sports Special Events schedule. The period of the agreement is effective upon Board approval through November 30, 2012.

2. <b>MARCIA FROOMER</b>	\$20.00	\$ 40,000.00
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Account: 5000-577712-4781-363900-601009

Ms. Froomer will work as a Workforce Development Coordinator. Her duties will include, but are not limited to organizing and training non-traditional workforces (Youthworks, Civic Justice Corps, Tuerk House, and Park Stewarts) to maintain park assets. In addition she will assess, train, and evaluate the Department's full-time workforce so they can perform more sophisticated job tasks. The period of the agreement is effective upon Board approval for one year.

## MINUTES

Mayor's Office of Economic & Neighborhood Development

3. **BRIAN GREENAN** \$49.09 **\$90,000.00**

Account: 9904-907794-9127-900000-703032

Mr. Greenan will continue to work as the Westside Coordinator. His duties will include coordinating the efforts of the UniverCity Partnership (formerly the Westside Strategic Committee. He is responsible for developing a plan for the implementation of significant capital investment and real estate development projects and coordinating various short-term and long-term revitalization efforts. He will actively engage a broad coalition of residents, businesses and stakeholders to develop and implement a comprehensive development plan, as well as represent the Mayor's Office at all Westside meetings and field all community concerns. The period of the agreement is June 1, 2012 through May 31, 2013.

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

The Board received correspondence from Ms. Kim Trueheart which was submitted to the Board for its review. As Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board will not hear her objections. The agency, which is the Mayor's Office of Economic and Neighborhood Development will respond directly to Ms. Trueheart's questions.

\* \* \* \* \*

# Kim A. Trueheart

June 5, 2012

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of questionable management and administration within the Mayor's Office of Economic & Neighborhood Development of Baltimore City.

The following details are provided to initiate this action as required by the Board of Estimates:

1. Whom you represent: Self
2. What the issues are:
  - a. Page 152, Item 3; BRIAN GREENAN contract if approved:
    - i. On May 25, 2011 Mayor Stephanie Rawlings-Blake announced the Board of Estimates approval of the contract for Mr. Brian Greenan to serve as the Westside Coordinator for the Mayor's Office of Economic and Neighborhood Development. Please identify deliverable items produced (reports, plans, assessments, briefings, etc.) under this current contract and where they can be reviewed.
    - ii. The first meeting of the Westside Advisory Committee took place on Thursday, June 23, 2011 at 12:30 p.m. in City Hall. Please provide access to inspect the minutes produced from this first meeting and each succeeding monthly meeting.
    - iii. Please provide access to inspect the statement of work for this proposed new contract.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed what appears to be the continued disparate treatment of neighborhoods being pitted against downtown Baltimore development. Neighborhood neglect is abundantly apparent and this contract demonstrates that bias in that no like positions have been established nor funded to revitalize neighborhoods similarly. As this disparate treatment continues, it leaves neighborhoods like my own under-served and under-resourced resulting in the unfair allocation of scarce resources downtown, but NOT in my neighborhood. These funds would be more beneficial to all the citizens of Baltimore if they were used to keep one neighborhood recreation center open for 6 months.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on June 6, 2012.

5519 Belleville Ave  
Baltimore, MD 21207

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

President: "There being no further business, the Board is in recess until twelve o'clock noon for the opening and receiving of bids."

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.

Dept. of Transportation - TR 05308, Dundalk Avenue  
Streetscape from Eastern  
Avenue to City Line

**BIDS TO BE RECV'D: 06/13/2012**

**BIDS TO BE OPENED: 06/13/2012**



## BOARD OF ESTIMATES

06/06/2012

## MINUTES

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

Dept. of Transportation - TR 12017, Material Testing 2012  
Various Projects Citywide

\*AB Consultants, Inc.

Dept. of Recreation and - RP 12806, Community Playlot  
Parks Project 2011

Allied Contractors, Inc.

Bur. of Water and - SC 863, Parking Lots and Other  
Wastewater Outdoor Improvements to the  
Administration Building at the  
Back River Wastewater Treatment  
Plant

Potts & Callahan, Inc.  
 Bensky Construction Co., LLC  
 McDonnell Landscape Inc.  
 Whiting Turner Contracting Co.  
 K&K Adams

\*UPON MOTION duly made and seconded, the Board considered the bid of AB Consultants, Inc. **NON-RESPONSIVE** due to the company's failure to submit the required duplicate copy of the bid submission as required by the bid instructions.

## MINUTES

Bur. of Purchases - B50002343, Liquid Oxygen

Praxair, Inc.  
Air Liquid Industrial U.S. LP

Bur. of Purchases - B50002404, Uniforms for the  
Department of Transportation  
(Traffic and Safety Divisions of  
Baltimore City

Howard Uniform Company

Bur. of Purchases - B50002407, Baltimore Convention  
Center Removal of Reinstallation  
of Terrace Pavers

SGK Contracting, Inc.  
JLN Construction Services, LLC  
Innovative Building Solutions, Inc.  
Simpson of Maryland, Inc.

Bur. of Purchases - B50002414, Fiber Optic Cable  
Installation, Maintenance and  
Repair Services

Highland Contracting Co., LLC  
The Plexus Com Group  
Bluestar Technologies, Inc.

## BOARD OF ESTIMATES

06/06/2012

## MINUTES

Deputy Director of Public Works: "Second."

Deputy City Solicitor: "All in favor say AYE. None opposed the matter having been properly moved and seconded is referred to the Law Department for review."

Deputy Comptroller: "Okay and we have one party that is here I am not sure of the company name. Are you here? Can you please come forward and state the name of your company pertaining to this same bid B50002414. Can you identify yourself?"

Deputy City Solicitor: "Do you want --."

Deputy Comptroller: "We are going to do this first she has an item she wants to address the Board on that."

Ms. Smith: "Good afternoon Deputy members of the Board. My name is Sheena Smith. I am here in representation of Blue Star Technologies in regards to bid B50002414. My argument here today is in regards to time transparency and due dates of the bid. We were able to submit two thirds of our bid before the cut-off time and also we were here present at eleven o' clock as your terms and conditions request. However, we were turned away at 11:00 with only two thirds of our bid in the bin. So we are

## BOARD OF ESTIMATES

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## MINUTES

asking -- humbly we are asking the members of the Board to please accept one third of the portion of the bid so that we can have 100% consideration of our submission."

Deputy Comptroller: "Ms. Smith, could please explain why you only had one third of your bid?"

Ms. Smith: "Yes. We initially submitted a binder with our original submission of which it was not accepted due to its packaging. So, we did get the proper packaging and we were here by eleven o'clock to submit it. However, at eleven o'clock it was said that because we were not here before eleven o'clock that it would not be accepted. However, I just want to again make it clear that time transparency is the contingency here and we were here at eleven o'clock as requested in the terms and conditions stated in GC section, and we would just like to request the consideration of the Board to accept our submission."

Deputy Comptroller: "Okay go ahead you have a question."

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## MINUTES

Deputy City Solicitor: "Yes just one question. If I understand you correctly, you had a binder with your complete bid?"

Ms. Smith: "Yes."

Deputy City Solicitor: "Or not."

Ms. Smith: "Just the original portion of the bid. We were able to submit our duplicate copies as well as public access copies which you have referred to the Law Department."

Deputy City Solicitor: "Okay, but before eleven o'clock you were here?"

Ms. Smith: "Yes."

Deputy City Solicitor: "With a binder."

Ms. Smith: "Yes."

Deputy City Solicitor: "And what was in that binder?"

Ms. Smith: "The binder had a composition of our original documents. We had our copies which were part two of the packaging which was submitted in the manila folder which was accepted. However, the binder was not acceptable again due to how it was packaged so, making it again acceptable we were able to get those documents in the manila envelope and we were able to be at the front door at the steps in front of your representatives at eleven. Which again we were turned to at eleven o'clock."

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Deputy Comptroller: "Mr. Armstrong, were you, Mr. Armstrong would you identify yourself and state."

Mr. Armstrong: "Good afternoon, Glen Armstrong, Office of the Comptroller."

Deputy Comptroller: "And can you please state, here you downstairs --"

Mr. Armstrong: "Yes ma'am."

Deputy Comptroller: "to receive bids this morning? What time did you arrive and tell what happened please."

Mr. Armstrong: "I arrived approximately ten forty-four to begin receiving bids at a quarter of eleven at the front door of City Hall, myself and Mr. Jacobs of the Real Estate Department to confirm time. At approximately ten fifty-nine, I called the United States Naval Observatory Time Keeper on my cell phone. Mr. Jacobs used the telephone at the front desk of City Hall. He dialed the number, played it out loud over the speaker so everyone within the near vicinity of the phone could actually hear the time. We played it up until the time read eleven

## BOARD OF ESTIMATES

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## MINUTES

o'clock exactly. We let it play for approximately like 10 or 20 seconds after that until you know at the tone the time would be eleven and 20 seconds."

Deputy Comptroller: "Can you explain what happened with Ms. Sheena's ah Ms. Sheena Smith's bid?"

Mr. Armstrong: "Yes. She arrived at approximately ten fifty-eight with one envelope. On the bottom of that envelope she had an exposed binder. I could actually read the labels that said "original" on the binder. I told her, I said ma'am I can take the envelope because the contents in the envelope were sealed. However, I cannot take the binder because it's not in a sealed envelope as a part of your package. She asked me if I was for real. I said most certainly. She left out to go get an envelope. When she returned the time had already expired. It was after eleven. I was on my way back up to the office and she caught me as I was on my way en route to return the bid."

Deputy Comptroller: "Where you still downstairs on the first floor at that time?"

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Mr. Armstrong: "Yes ma'am."

Ms. Smith: "Yes. He was actually still sitting inside of the security clearance. Again, just trying to make sure that we have all of our documents as requested and again here at eleven o'clock. I do understand that a time clock or a phone system is used. However, can we as bidders or as within the competitive bidding process can we accept that as a transparent resource when we are dealing with monies and different projects as such? I would think that maybe the clock on the wall that's right in front of everyone when they come in. Or some type of other obvious time validation would be available, so that bidders that are trying to have a fair chance and a fair opportunity to show exactly what they are and what they have to offer to the system. I am just thinking that you know, it would be a little more transparent versus someone using their cell phone or other cell phones to call a number to have it played on the speaker, versus Saving a validation system within City Hall so that submitters



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can see exactly what time they are submitting their bid. In turn there was no time stamp given for acceptance of submitting the bid, and again, we are here at eleven o'clock of which I pulled out my cell phone to show that it was eleven o'clock. I do understand that that's again is another separate resource. But again, time transparency is a contingency here that I am trying to get some type of clarification negotiation or some type of acceptance onto just the resources that we are using for projects and submissions as such."

Deputy City Solicitor: "I mean you understand that people can dispute clocks, uh - general clocks they have variations that is why we use the Naval Center's Atomic clock to make sure that that is a standardized time that we are utilizing."

Ms. Smith: "Okay."

Deputy City Solicitor: "And that's why we do that."

Ms. Smith: "Right and that is understood."

Deputy City Solicitor: "And other clocks have variations and so Se would be arguing about whether that clock was accurate or the next clock was accurate. So, we use uh - standardized time system that's you know broadcast."

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## MINUTES

Ms. Smith: "And that's understood. I just believe that again, it should be made aware to the public. Especially if we are all here looking to submit something by a certain time. I do not believe that that is something that just you know representatives of your Department should have or should be privy to. That should be something that should be very clear and transparent to the public that is turning their bids. Again, within your terms and conditions. It does not describe or explain that the bid has to be submitted prior to eleven o'clock. It say's at eleven o'clock, so technically at eleven o'clock would be prior to 11:01. Again we were here at eleven o'clock, if the gentleman to my right would confirm and I would like to request again a reversion of the decision in regards to our original submission of the bid."

City Solicitor: "Well, you know, I take it -- I understand your position. I will tell you that I disagree with your position in terms what the definition of at eleven o'clock means. That means at eleven o'clock. Not eleven o'clock and seconds after that."

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So, I do understand what you are saying and I understand how you can interpret that way. But that's not the definition of at eleven o'clock. It's not eleven o'clock and one, that's one whole minute after eleven o'clock."

Ms. Smith: "Is that something that for future submissions the Board will be looking to incorporate or integrate within their terms and conditions, because again it can be perceived very differently by submitters."

Deputy City Solicitor: "I think the safest thing is to try to be well in advance of eleven o'clock and there is never a question when that's at issue. I think that's -- the most prudent thing to do in these circumstances."

Deputy Comptroller: "And also we do have people stationed downstairs to aid individuals in the event you are not here timely. But the specifications always state that people should make efforts to be here before, because sometimes you run into traffic things that you necessarily can't even control so we ask for that. But to aid you we have someone stationed, but we have no discretion once the clock strikes eleven and for us the way we determine, as has been said is by contacting the Naval

## MINUTES

Observatory so that we have a standardized way that we can say with certainty it is correct. Because right now my watch is not the same as that clock that is on that wall."

Ms. Smith: "That's very true. So, with regards to what we have submitted to the Board could you explain how that will be considered?"

Deputy City Solicitor: "It's currently submitted to the Law Department. We will review it and determine its legal sufficiency after we have an opportunity to review it. We have not had that opportunity right now."

Ms. Smith: "Okay. Thank you very much for your time."

Deputy City Solicitor: "Thank you."

## MINUTES

Bureau of Purchases - B50002426, Recreation Vehicle  
and Motor Home Repairs

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Efficiency Enterprises of MD

\* \* \* \* \*

There being no objections, the Board UPON MOTION duly made and seconded, adjourned until its next regularly scheduled meeting on Wednesday, June 13, 2012.

JOAN M. PRATT  
Secretary