

MINUTES**REGULAR MEETING**

Honorable Bernard C. "Jack" Young, President
Honorable Catherine E. Pugh, Mayor
Honorable Joan M. Pratt, Comptroller and Secretary
Rudolph S. Chow, Director of Public Works
Andre M. Davis, City Solicitor
S. Dale Thompson, Deputy Director of Public Works
Bernice H. Taylor, Deputy Comptroller and Clerk

President: "Good morning. The November 15, 2017 meeting of the Board of Estimates is now called to order. In the interest of promoting the order and efficiencies of these hearings, persons who are disruptive to the hearing will be asked to leave the hearing room immediately. Meetings of the Board of Estimates are open to the public for the duration of the meeting. The hearing room -- room must be vacated at the conclusion of the meeting. Failure to comply may result in a charge of trespassing. I will direct the Board members attention to the memorandum from my office dated November 13, 2017, 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."

MINUTES

City Solicitor: "Uh -- Mr. President, I MOVE approval by the Board."

Comptroller: "Second."

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

* * * * *

MINUTES**BOARDS AND COMMISSIONS**1. Prequalification of Contractors

In accordance with the Rules for Prequalification of Contractors, as amended by the Board on November 21, 2016, the following contractors are recommended:

Franqui Enterprises, L.L.C.	\$ 1,500,000.00
Power Component Systems, Inc.	\$ 8,000,000.00
Tecta America East, LLC	\$564,100,000.00
Total Environmental Concepts, Inc.	\$ 8,000,000.00
WR Sewage & Excavation, Inc.	\$ 1,500,000.00

2. Prequalification of Architects and Engineers

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

Murphy & Dittenhafer Architects	Architect
PRIME AE Group, Inc.	Engineer Architect
SZ PM Consultants, Inc.	Engineer
Whitney Bailey Cox and Magnani, LLC	Landscape Architect Architect Engineer Land Survey

MINUTES**BOARDS AND COMMISSIONS** - cont'd

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

MINUTES

Department of Real Estate - Lease Agreement Renewal

ACTION REQUESTED OF B/E:

The Board is requested to approve the renewal of the Lease Agreement on behalf of the Department of Recreation and Parks with Notre Dame Preparatory School, Inc., Tenant, for the rental of a portion of the property known as 3301 Waterview Avenue (Block 7610, Lot 15), for the use of 23% of space in the lower level, containing 69 seats and rowing related equipment. The period of the Lease Renewal Option is November 16, 2017 through November 15, 2018.

AMOUNT OF MONEY AND SOURCE:

\$3,110.00 - Annual Rent

BACKGROUND /EXPLANATION:

On September 20, 2017, the Board approved the original Lease Agreement for the period November 16, 2016 through November 17, 2017, with the option to renew the lease for two 1-year renewal terms.

Notre Dame Preparatory School, Inc. exercised its renewal option. All other rentals, conditions, and provisions of the Lease Agreement dated September 20, 2017 will remain in full force and effect.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Lease Agreement on behalf of the Department of Recreation and Parks with Notre Dame Preparatory

MINUTES

Department of Real Estate - cont'd

School, Inc., Tenant, for the rental of a portion of the property known as 3301 Waterview Avenue (Block 7610, Lot 15), for the use of 23% of space in the lower level, containing 69 seats and rowing related equipment.

MINUTES

Department of Real Estate - License Agreement Renewal

ACTION REQUESTED OF B/E:

The Board is requested to approve the renewal of the License Agreement on behalf of the Department of Recreation and Parks with the University of Maryland Baltimore County (UMBC), Licensee, for a portion of the property known as 3301 Waterview Avenue (Block 7610, Lot 15), for the use of 12% of space in the lower level, containing 36 seats and rowing related equipment. The period of the License Renewal is November 16, 2017 through November 15, 2018.

AMOUNT OF MONEY AND SOURCE:

\$1,440.00 - Annual Rent

BACKGROUND/EXPLANATION:

On October 4, 2017, the Board approved the original License Agreement with the UMBC for the period of November 16, 2016 through November 17, 2017, with an option to renew for two 1-year terms.

The UMBC has exercised its renewal option. All other rentals, conditions, and provisions of the License Agreement dated October 4, 2017 will remain in full force and effect.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the renewal of the License Agreement on behalf of the Department of Recreation and Parks with the University of Maryland Baltimore County, Licensee, for a portion

MINUTES

Department of Real Estate - cont'd

of the property known as 3301 Waterview Avenue (Block 7610, Lot 15), for the use of 12% of space in the lower level, containing 36 seats and rowing related equipment.

MINUTES

EXTRA WORK ORDERS

* * * * *

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders

listed on the following pages:

4813 - 4815

The EWO was reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

MINUTES

EXTRA WORK ORDERS

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

Department of Public Works/Office of Eng. & Construc.

1. EWO # 003, \$0.00 - SC 934, Cleaning of the Outfall
Interceptor & Relief Sewers - Phase II

\$8,961,850.00	\$0.00	Metra Industries, Inc.	16.60 month	79%
----------------	--------	---------------------------	----------------	-----

The Office of Engineering & Construction is requesting the Board to approve a 16.60-month time extension to Metra Industries, Inc. This is the third extension and will increase the contract duration to 1,470 days.

The project involves cleaning of the 96-inch circular and 132-inch by 147-inch non-circular sewer lines leading into the Back River Treatment Plant. Due to the lack of previous cleaning, an extraordinary amount of debris and large obstacles were found in the piping. The embedded waste required specialty cleaning. This project was also impacted by the weather. Heavy flows prevented the contractor from working in the sewer lines. This unusual and unanticipated amount of debris caused the previous time extensions. As a result of the obstacles encountered, the Contractor was unable to complete the project in the allotted contract time.

This requested time extension is per an agreement between Metra Industries, Inc. and the City of Baltimore, Office of Engineering & Construction to finalize the terms of completing the SC 934 project within the limits of the initial contract value. This request is after the contract completion date due to the negotiations between the Office of Engineering & Construction and the Contractor to find a resolution.

MINUTES

EXTRA WORK ORDERS

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

Department of Public Works/Office of Eng. & Construc. - cont'd

The Certificate of Completion form will not be completed until a scheduled time after final payment and final completion has been given by the Department.

The scope of this construction project includes cleaning and inspecting, using Closed Circuit Television multiple large sanitary sewer lines.

MBE/WBE PARTICIPATION:

The Contractor will comply with Article 5, Subtitle 28 of the Baltimore City Code. The MBE and WBE goals assigned to the original agreement are 17.00% for MBE and 16.00% for WBE.

2. EWO # 001, \$870,675.00 - WC 1286, Guilford Avenue and Vicinity Water Main Replacements
- | | | | | |
|----------------|--------|--------------------------------------|---|---|
| \$8,779,238.95 | \$0.00 | Monumental Paving & Excavating, Inc. | - | - |
|----------------|--------|--------------------------------------|---|---|

The Office of Engineering & Construction is making this request due to unforeseen field conditions not anticipated in the plans and specifications for the above referenced project. This change order covers the replacement of galvanized water services and the meter vaults connected to those services that were specified as copper water services in the contract documents.

The scope of the construction project includes: abandonment and/or removal of existing water mains and installation of

MINUTES**EXTRA WORK ORDERS**

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

Department of Public Works/Office of Eng. & Construc. - cont'd

various size new ductile iron pipe, valves, fittings, and appurtenances, replacement/installation of fire hydrants, renewal, and replacement of existing water services. In addition, the project includes replacement of small (residential) meter settings and meter vaults, temporary bypass piping, sidewalk restoration, curb & gutter, and roadway paving as required.

The Certificate of Completion form will not be completed until a scheduled time after final payment and final completion has been given by the Agency.

MBE/WBE PARTICIPATION:

The Vendor will comply with Article 5, Subtitle 28 of the Baltimore City Code. The MBE and WBE goals assigned to the original agreement are 10% for MBE and 2% for WBE. This change order contains the following participation:

MBE: Justdrafting & Construction Support Services, Inc.	\$ 37,950.00	0.43%
P & J Contracting Co., Inc.	375,350.00	4.28%
T E Jeff, Inc.	<u>464,700.00</u>	<u>5.29%</u>
TOTAL	\$878,000.00	10.00%
WBE: S & L Trucking, Inc.	\$143,225.00	1.63%
American Tennis Courts, Inc.	<u>32,415.00</u>	<u>0.37%</u>
TOTAL	\$175,640.00	2.00%

MWBOO FOUND VENDOR IN COMPLIANCE.

MINUTES

Office of the President of the - Governmental/Charitable
City Council Solicitation Application

ACTION REQUESTED OF B/E:

The Board is requested to endorse a Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City. Ms. Glenda Curtis of the Office of the City Council President wishes to solicit donations from friends, family members and associates to benefit Coordinating Holistic Resources Initiatives & Services, Inc. The period of the campaign will be effective upon Board of Ethics approval through June 30, 2018.

AMOUNT OF MONEY AND SOURCE:

No general funds are involved in this transaction.

BACKGROUND/EXPLANATION:

Coordinating Holistic Resources Initiatives & Services, Inc., otherwise known as CHRIS, Inc., is a nonprofit organization that provides a comprehensive range of services to the community via development and enrichment of individuals and families in need. As the Executive Director, Ms. Curtis is expected to plan and support the organization's fundraising efforts through a variety of endeavors during 2017-2018. Ms. Curtis's efforts will be made solely for the purpose of selling tickets, soliciting donations and prizes to raise funds, and generally raising funds for the CHRIS, Inc. Finally, Ms. Curtis will not receive financial compensation from any funds raised in 2017-2018.

A potential donor list will be comprised of individuals and corporate entities that contribute to the economic, social, and cultural vitality of Baltimore City. Most of the individual and corporate entities fitting that description are not controlled donors. However, those potential donors who are controlled donors with respect to the City Council or the Board of Estimates will not be targeted or singled out in any way and will be solicited,

MINUTES

Office of the President of the - cont'd
City Council

if at all, in the same manner as the other potential donors. Solicitations will be made in person.

Baltimore City Code Article 8, Section 6-26, prohibits solicitation or facilitating the solicitation of a gift. An exception was enacted in 2005 to permit certain solicitations that are for the benefit of an official governmental program or activity, or a City-endorsed charitable function or activity. Ethics Regulation 96.26B sets out the standards for approval, which includes the requirement that the program, function or activity to be benefited and the proposed solicitation campaign must be endorsed by the Board of Estimates or its designee.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board endorsed the Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City on behalf of Ms. Glenda Curtis of the Office of the City Council President to solicit donations from friends, family members, and associates to benefit Coordinating Holistic Resources Initiatives & Services, Inc. The President **ABSTAINED**.

MINUTES

TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following page:

4819

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

MINUTES

TRANSFERS OF FUNDS

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Housing and Community Development</u>			
1.	\$ 70,000.00	9910-901961-9587	9910-905152-9588
	30 th Community	Green Open Space	Green Open Space
	Development	(Reserve)	(Active)
	Loan		
	30,000.00	"	"
	31 st Community		
	Development		
	Loan		
	<u>\$100,000.00</u>		

This transfer will fund Growing Green Initiatives grants for work greening vacant lots in the City.

2.	\$ 12,000.00	9910-906970-9587	9910-905153-9588
	30 th Community	Urban Agricultural	Urban Agricultural
	Development	Matching (Reserve)	Matching (Active)
	Loan		
	28,000.00	"	"
	31 st Community		
	Development		
	Loan		
	<u>\$ 40,000.00</u>		

This transfer will pay for water line installations and other site preparations for Homegrown Baltimore urban agricultural sites.

MINUTESDepartment of Transportation - Developers' Agreements

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

	<u>DEVELOPER</u>	<u>NO.</u>	<u>AMOUNT</u>
1.	STERLING 3617 SEVEN MILE, LLC	1405	\$ 27,373.00

Sterling 3617 Seven Mile, LLC would like to install new water service to its proposed new building located at 3617 Seven Mile Lane. This agreement will allow the organization to do its own installation in accordance with Baltimore City Standards.

An Irrevocable Letter of Credit in the amount of \$27,373.00 has been issued to Sterling 3617 Seven Mile, LLC, which assumes 100% of the financial responsibility.

2.	MCS FORT AVENUE, LLC	1507	\$ 14,200.00
----	-----------------------------	-------------	---------------------

MCS Fort Avenue, LLC would like to upgrade its existing water service to its building located at 1215 East Fort Avenue. This agreement will allow the organization to do its own installation in accordance with Baltimore City Standards.

An Irrevocable Letter of Credit in the amount of \$14,200.00 has been issued to MCS Fort Avenue, LLC which assumes 100% of the financial responsibility.

3.	REHAB SYSTEMS II, LLC	1515	\$ 21,540.00
----	------------------------------	-------------	---------------------

Rehab Systems II, LLC would like to install new utilities to its proposed new building located in the vicinity of 800 South Caton Avenue. This agreement will allow the organization to

MINUTES

DOT - cont'd

<u>DEVELOPER</u>	<u>NO.</u>	<u>AMOUNT</u>
do its own installation in accordance with Baltimore City Standards.		
A Performance Bond in the amount of \$21,540.00 has been issued to Rehab Systems, LLC which assumes 100% of the financial responsibility.		
4. HTA DEVELOPMENT, LLC	1530	\$ 72,703.00

HTA Development, LLC would like to install new utilities to its proposed new building located in the vicinity of 216 North Liberty Street. This agreement will allow the organization to do its own installation in accordance with Baltimore City Standards.

A Performance Bond in the amount of \$72,703.00 has been issued to HTA Development, LLC which assumes 100% of the financial responsibility.

MBE/WBE PARTICIPATION:

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Developers' Agreements.

MINUTES

Department of Transportation - Memorandum of Understanding

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Memorandum of Understanding (MOU) with Intersection of Change, Inc., d/b/a Jubilee Arts (Association). The MOU is effective upon Board approval for three months.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The purpose of this MOU is to establish a framework for the Association to install horizontal art on the sidewalk adjacent to 1947 Pennsylvania Avenue on Presstman Street all at its sole cost and subsequently for the Association to perform ongoing maintenance of all aspects of the project during the term of the Agreement.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Memorandum of Understanding with Intersection of Change, Inc., d/b/a Jubilee Arts.

MINUTESDepartment of Transportation - Minor Privilege Permit Applications

The Board is requested to approve the following applications for a Minor Privilege Permits. 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.	122 S. Broadway	Guadalupe Veronica Martinez	One flat sign 4' x 8'
	\$ 134.40 - Flat Charge		
2.	1111 Covington St.	Harborview Limited Partnership	73 tiebacks
	\$5,110.00 - Flat Charge		
3.	4015 Frederick Ave.	Maqsood Alam	Flat sign 21' x 2.9'
	\$ 255.78 - Flat Charge		
4.	2921 O'Donnell St.	O'Donnell Square Associates, LLC	Single face electric sign 41.2 sq. ft.
	\$ 655.08 - Flat Charge		
5.	101 W. Read St. k/a 816 Cathedral St.	Professional Arts Building Partners, LLC	Two awnings 11' x 2' each, two flat signs 5' x 2' each
	\$ 527.40 - Flat Charge		

MINUTES

Department of Transportation - cont'd

	<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
6.	756 Washington Blvd.	Aaron Helschien	Balcony 5' x 3'
	\$ 210.90 - Flat Charge		
7.	775 Washington Blvd.	Irit Gafny	One flat sign 20.5 sq. ft.
	\$ 105.60 - Flat Charge		

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

There being no objection, the Board, UPON MOTION duly made and seconded, approved the foregoing Minor Privilege Permits.

MINUTES

Circuit Court for Baltimore City (CCBC) - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Agreement with the Family Recovery Program, Inc. (FRP). The period of the Agreement is July 1, 2017 through June 30, 2018.

AMOUNT OF MONEY AND SOURCE:

\$98,351.00 - 5000-540318-1100-109400-605001

BACKGROUND EXPLANATION:

The CCBC received a grant award from the Administrative Office of the Courts - Office of Problem-Solving Courts to pay for the salary and benefits of four staff positions.

On September 13, 2017, the Board approved acceptance of the grant award in the amount of \$472,163.00.

The CCBC will enter into an agreement with the FRP in the amount of \$98,351.00 for the salary and benefits of the following four staff positions:

1. FRP Court Coordinator at \$60,000.00,
2. FRP Reengagement Peer Recovery Advocate at \$20,000.00,
3. FRP Parent Mentor I at \$9,175.00, and
4. FRP Parent Mentor II - \$9,176.00.

The parties agree that these staff positions will be managed and supervised by the Family Recovery Program, Inc.

MINUTES

CCBC - cont'd

The Agreement is late because of the delays in finalizing the contract with the Family Recovery Program, Inc.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Agreement with the Family Recovery Program, Inc.

MINUTES

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

ACTION REQUESTED OF B/E:

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

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

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

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

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

Little Italy Garage Monthly Rate Adjustment			
Rate to be Adjusted	Current Rate	Proposed Rate	Date of Last Adjustment
Monthly rate	\$130.00	\$135.00	November 2016

APPROVED FOR FUNDS BY FINANCE

MINUTES

PABC - cont'd

UPON MOTION duly made and seconded, the Board approved the foregoing adjustment to the monthly rate at the City-owned Little Italy Garage that is managed by the PABC.

MINUTES

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

ACTION REQUESTED OF B/E:

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

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

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

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

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

West Street Garage Monthly Rate Adjustment			
Rate to be Adjusted	Current Rate	Proposed Rate	Date of Last Adjustment
Monthly rate	\$125.00	\$130.00	August 2016

MINUTES

PABC - cont'd

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

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

The Board of Estimates is requested to approve and authorize execution of the Provider Agreements. The period of the agreement is July 1, 2017 through June 30, 2018, unless otherwise indicated.

1. **BALTIMORE OUTREACH SERVICES, INC.** **\$ 155,000.00**

Account: 5000-529118-3572-766300-603051

Baltimore Outreach Services, Inc. will utilize the funds to provide shelter and support services to 200 homeless individuals enrolled in their Emergency Shelter and Supportive Services for Homeless Women and Children program.

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

MWBOO GRANTED A WAIVER.

2. **BALTIMORE COUNTY, MARYLAND** **\$1,371,064.00**

Account: 4000-490818-3573-763202-693951

Baltimore City is the grantee for the Baltimore Eligible Metropolitan Statistical Area (BEMSA) for the Housing Opportunities for People with AIDS (HOPWA) program funded by the U.S. Department of Housing and Urban Development. The BEMSA includes Baltimore City and the following counties: Baltimore, Anne Arundel, Carroll, Harford, Howard, and Queen Anne's.

Baltimore County will utilize the funds to provide housing assistance and supportive services to at least 80 low-income individuals and those families who have a family member with AIDS.

MINUTES

MOHS - cont'd

The agreement is late because of a delay in receiving the final grant award notice from the U.S. Department of Housing and Urban Development.

MWBOO GRANTED A WAIVER.

3. **ASSOCIATED CATHOLIC CHARITIES, INC.** **\$ 31,498.00**

Account: 1001-000000-3572-772800-603051

Associated Catholic Charities, Inc. will utilize the funds to cover the personnel costs of Winter Shelter Coordinators who will help and direct clients between partner homeless services agencies providing emergency overnight shelter beds to homeless individuals and families on nights that the temperature falls below 32 degrees Fahrenheit. The period of the agreement is October 15, 2017 through March 15, 2018.

4. **HELPING UP MISSION, INC.** **\$128,660.57**

Account: 1001-000000-3572-778800-603051

Helping Up Mission, Inc. will utilize the funds to operate a women's day shelter for up to 60 homeless women on a daily basis. The funds will cover rent, personnel and supply expenses. The period of the agreement is November 1, 2017 through October 31, 2018.

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTES

MOHS - cont'd

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

MINUTES

Police Department - 2017 Sub-Recipient Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Agreement for the FY2017 State Homeland Security Grant Program, Award #EMW-2017-SS-00019-SHSP from the Maryland Emergency Management Agency. The project period for this award is from September 1, 2017, through July 31, 2019.

AMOUNT AND SOURCE OF FUNDS:

\$607,626.00- 4000-482118-2023-212600-600000

BACKGROUND/EXPLANATION:

The FY17 State Homeland Security Program grant provides support to the development and sustainment of core capabilities to fulfill the goal of National Preparedness. The funds will be used for costs related to planning, organization, equipment, and training and exercise needs associated with acts of terrorism.

The agreement is late because the Department recently received award documents.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

Police Department - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Agreement for the FY2017 State Homeland Security Grant Program, Award #EMW-2017-SS-00019-SHSP from the Maryland Emergency Management Agency.

MINUTES

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

The Board is requested to approve acceptance of the various Grant Awards.

1. **THE MARYLAND STATE DEPARTMENT OF LABOR, \$2,632,788.00**
LICENSING AND REGULATION (DLLR)

Accounts: 4000-807518-6312-456000-404001	\$ 255,360.00
(Adult)	
4000-806418-6313-456000-404001	\$2,194,928.00
(Youth)	
4000-806718-6312-456000-404001	\$ 182,500.00
(Dislocated Worker)	

Under the terms of this Grant Award from the DLLR, MOED will align with core partners to design and deliver services of the Workforce Innovative Opportunity Act (WIOA) to eligible adults, youth, and dislocated workers. In accordance with the collaborative partners, MOED will provide basic academic and career services to priority populations including, but not limited to veterans, low-income individuals, people with disabilities, ex-offenders and other individuals with barriers to employment. The period of the Grant Award is July 1, 2017 through June 30, 2019.

2. **THE MARYLAND STATE DEPARTMENT OF LABOR, \$ 5,000.00**
LICENSING AND REGULATION (DLLR)

Account: 4000-407718-6312-456000-404001

Under the terms of this Grant Award from the DLLR, MOED will utilize the funds to support the costs associated with

MINUTES

MOED - cont'd

the renegotiation and reconciliation of the local area One Stop Memorandum of Understanding and Resource Sharing Agreement. The period of the Grant Award is July 1, 2017 through December 31, 2017.

The agreement is late because additional time was needed to reach a comprehensive understanding between the parties.

3. **THE MARYLAND STATE DEPARTMENT OF LABOR, \$ 250,000.00**
LICENSING AND REGULATION (DLLR)

Account: 4000-804718-6396-456000-404001

Under the terms of this Grant Award from the DLLR, MOED will utilize the funds to support two Career Development Facilitators to prepare and deliver pre-release and post-release services, to include; soft skills training, resume preparation, job readiness workshops, and other necessary tools to establish a positive and productive life after prison to eligible offenders who will return to several Baltimore communities. The period of the Grant Award is July 1, 2017 through June 30, 2018.

4. **THE MARYLAND STATE DEPARTMENT OF LABOR, \$1,130,000.00**
LICENSING AND REGULATION (DLLR)

Account: 5000-506318-6397-483200-405001

Under the terms of this Grant Award from the DLLR, MOED will utilize the funds to support 824 Baltimore City residents 14 - 15 years of age in the YouthWorks summer jobs program. The youth will be employed during one of two five-week sessions, earning \$9.25 per hour. The worksites include non-profit

MINUTES

MOED - cont'd

organizations, area schools (both public and private), state and local government agencies, faith-based groups, as well as private sector employers. The period of the Grant Award is July 1, 2017 through June 30, 2018.

The agreement is late because additional time was needed to reach a comprehensive understanding between the parties.

5. **GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION (GOCCP)** **\$ 35,230.00**

Accounts: 5000-509118-6397-483200-405001	\$	30,684.00
(Grant)		
1001-000000-6331-472215-603051	\$	4,546.00
(Cash Match)		

Under the terms of this Grant Award from the GOCCP, MOED will utilize the funds to provide services to males 14 - 17 years of age who are on electronic monitoring/community detention, or have been released to their parents while awaiting their Court hearing. These services include programming with the focus on the needs of young men in the areas of mental health, education, social, and career development. The award includes a \$4,546.00 cash match requirement of City general funds which has been accepted by MOED. The period of the Grant Award is July 1, 2017 through June 30, 2018.

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

MBE/WBE PARTICIPATION:

N/A

MINUTES

MOED - cont'd

APPROVED FOR FUNDS BY FINANCE

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

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

MINUTES

Department of Law - Settlement Agreement and Release

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Settlement Agreement and Release with Spiniello Companies, Inc., Contractor, to settle all outstanding disputes relating to Sanitary Contract No. 971, Mulberry Street Emergency Sewer Rehabilitation (SC 971) and Sanitary Contract No. 972, Cathedral Street Emergency Sewer Rehabilitation (SC 972) (collectively referred to as Contracts).

AMOUNT OF MONEY AND SOURCE:

\$5,373,933.10 - 9956-907855-9551-900020-706063

\$ 100,000.00 - 9956-907855-9551-000000-200001

\$ 125,000.00 - 9956-907855-9551-000000-200001

BACKGROUND/EXPLANATION:

The parties wish to resolve all disputes related to the Contractor's request for excess funds.

The City and the Contractor executed SC 971, Mulberry Street Emergency Sewer Rehabilitation in 2016 to repair, restore and improve an unknown quantity and scope of utilities, piping and roadway in the 500 block of Mulberry Street between Greene and Paca Streets damaged by a July 2016 sinkhole. The City and the Contractor executed SC 972, Cathedral Street Emergency Sewer Rehabilitation in 2016 to repair, restore, and improve an unknown quantity and scope of utilities, piping, and roadway in the 700 block of Cathedral Street damaged by an October 2016 sinkhole.

MINUTESLaw Department - cont'd

Certain disputes arose related to the Contracts, namely, the estimated quantity of work contemplated in the Contracts and payment for the actual quantity of work performed. As a result of unforeseen conditions, the actual work the Contractor performed was materially different in scale, type, and duration than that indicated in the scope of work contained in the Contracts.

In order to resolve this claim economically and to avoid the expense, time, and uncertainty of protracted litigation, the parties have agreed to a payment of \$5,373,933.10 for complete settlement of the request for excess funds.

In addition, the Contractor requests a partial release of the retainage, in the amount of \$100,000.00 currently held by the City on SC 971, and a partial release of the retainage in the amount of \$125,000.00 currently held by the City on SC 972. In return, the Contractor has agreed to dismiss against the City, and its employees, agents and representatives, all claims related to the Contracts.

Based on a review of the legal and factual issues presented by this claim, the Settlement Committee of the Law Department recommends that the Board of Estimates approve the proposed settlement of this claim.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Settlement Agreement and Release with Spiniello Companies, Inc., Contractor, to settle all outstanding

MINUTES

Law Department - cont'd

disputes relating to Sanitary Contract No. 971, Mulberry Street Emergency Sewer Rehabilitation, and Sanitary Contract No. 972, Cathedral Street Emergency Sewer Rehabilitation. The President Voted **NO**.

MINUTES

Health Department - Agreements

The Board is requested to approve and authorize execution of the various agreements with indicated services providers.

1. **BEHAVIORAL HEALTH SYSTEM** **\$1,172,648.00**
BALTIMORE, INC. (BHSB)

Account: 1001-000000-3070-286400-603051

The BHSB will administer public funding for substance abuse treatment services for uninsured and underinsured Baltimore City residents. The organization leads the City's response to substance abuse by developing/implementing a Drug and Alcohol Jurisdiction Plan that identifies priorities and effective strategies for preventing, treating, and supporting long-term recovery from addiction.

The BHSB will also work with the Baltimore City Health Department to coordinate the development and implementation of the Baltimore City Opioid Overdose Prevention and Response Plan, and treatment expansion efforts. The period of the agreement is July 1, 2017 through June 30, 2018.

This agreement is late because of a delay in receiving the required documentation.

MWBOO GRANTED A WAIVER.

2. **INDEPENDENT LIVING FOUNDATION,** **\$ 10,000.00**
INC. (ILF)

Account: 4000-424518-3023-273303-603051

The ILF will be provide non-emergency transportation services that enable an eligible client to access or be retained in core medical or support services. The period of the agreement is July 1, 2017 through June 30, 2018.

MINUTES

Health Dept. - cont'd

The agreement is late because the State of Maryland, Department of Health and Mental Hygiene's Prevention and Health Promotion Administration programmatically manages Ryan White Part B HIV/AIDS State Special Services. The Providers are asked to submit a budget, budget narrative, and scope of services. The Department thoroughly reviews the entire package before preparing a contract and submitting it to the Board.

The budgets are often revised because of inadequate information from the providers. The review is required to comply with the grant requirements.

MBE/WBE PARTICIPATION:

N/A

- | | | |
|----|---|---------------------|
| 3. | JOHNS HOPKINS UNIVERSITY SCHOOL
OF MEDICINE (JHUSOM) | \$344,394.00 |
|----|---|---------------------|

Account: 4000-427717-3023-599610-603051

The JHUSOM will provide primary care medical services in the Department's Early Intervention Initiative Program Clinics. The program is focused on preventing the spread of HIV and sexually transmitted diseases. The services will be performed by mid-level clinicians, who are experienced and trained to provide HIV medical care and treatment. The period of the Agreement is March 1, 2017 through February 28, 2018.

This agreement is late because budget revisions delayed its processing.

MWBOO GRANTED A WAIVER.

MINUTES

Health Department - cont'd

4. **JOHNS HOPKINS UNIVERSITY (JHU)** **\$624,265.00**

Account: 4000-422517-3030-271500-603051

The JHU will conduct surveillance, screening and treatment services, and provide health promotion and prevention education. The period of the agreement is January 1, 2017 through December 31, 2017.

The agreement is late because budget revisions delayed processing.

MWBOO GRANTED A WAIVER.

5. **PLANNED PARENTHOOD OF MARYLAND, INC. (PPM)** **\$50,000.00**

Account: 4000-494418-3080-292300-603051

The PPM will implement a health education curriculum for child welfare workers and foster care providers for the U Choose PREP project. The period of the agreement is July 1, 2017 through June 30, 2018.

The agreement is late because budget reviews and approvals delayed processing.

MWBOO GRANTED A WAIVER.

6. **AAA MANAGEMENT, LLC** **\$30,790.75**

Account: 4000-433318-3254-316200-603051

This agreement will allow the Department to enter into an agreement with AAA Management, LLC for the Raven's Medical

MINUTES

Health Department - cont'd

Adult Day Care Center to provide adult medical day care services to ill, frail or disabled elderly persons who are eligible to receive Office of Health Services (OHS) grant funding from the City.

The City will pay the AAA Management, LLC the set rate of \$39.73 per day of service provided to an individual recipient, not to exceed 775 days of service provided to recipients per year, for all combined. This rate includes transportation services for the recipient.

AAA Management, LLC, will develop an appropriate care plan for each recipient in accordance with policies as specified in COMAR 10.12.04, Day Care for the Elderly and Medically Handicapped Adults, and COMAR 10.09.07, Medical Care Program. The period of the Agreement is July 1, 2017 through June 30, 2018.

The agreement is late because the Department was awaiting grant information and signatures from AAA Management, LLC.

7. **BEST CARE ASSISTED LIVING FACILITY, LLC** **\$ 7,800.00**

Account: 5000-534018-3254-767800-607001

This agreement will allow the Department to disburse State Subsidized Assisted Housing Funds to low income residents at Best Care Assisted Living Facility, LLC, located at 3524 Hayward Avenue, Baltimore, Maryland 21215.

This facility is enrolled in the Senior Assisted Living Group Home Subsidy Program and will provide subsidized senior assisted housing services for individuals age 62 and over,

MINUTES

Health Department - cont'd

who have temporary or periodic difficulties with the activities of daily living. The Senior Assisted Housing residents receive shelter, meals, housekeeping, personal care services, and 24-hour on-site supervision. The period of the agreement is July 1, 2017 through June 30, 2018.

The agreement is late because the Department was waiting on information and signatures from the Best Care Assisted Living Facility, LLC.

8. **THE UNIVERSITY OF MARYLAND, BALTIMORE** **\$40,600.00**

Accounts: 5000-520118-3080-288900-603051 \$35,600.00
6000-613017-3080-275200-603020 \$ 5,000.00

The University of Maryland at Baltimore's, Adolescent and Young Adult Health Center (AYAC) will provide access to reproductive health services to the uninsured and underinsured citizens of Baltimore City. Services include, but are not limited to education, contraception, screening and referral of reproductive-related cancers, and education and screening of sexually transmitted infections. The period of the agreement is July 1, 2017 through June 30, 2018

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

9. **HOUSE OF VICTORY HOME CARE, INC.** **\$15,600.00**

Account: 5000-534018-3254-767800-607001

This agreement will allow the Department to disburse State Subsidized Assisted Housing Funds to low-income residents at House of Victory Home Care, Inc.

MINUTES

Health Department - cont'd

This facility is enrolled in the Senior Assisted Living Group Home Subsidy Program, and will provide subsidized senior assisted housing services for individuals age 62 and over, who have temporary or periodic difficulties with the activities of daily living. The Senior Assisted residents receive shelter, meals, housekeeping, personal care services, and 24-hour on-site supervision. The period of the agreement is July 1, 2017 through June 30, 2018.

This agreement is late because the Department was waiting on information and signatures from the House of Victory Home Care, Inc.

10. **PACT: HELPING CHILDREN WITH SPECIAL NEEDS, INC. (PACT)** **\$ 2,830.00**

Account: 6000-622118-3080-292300-603051

PACT's World of Care Therapy Center will coordinate its services with the Department's Infants and Toddlers Program. The services will include screenings, evaluations, and therapy in the areas of occupational therapy, speech language pathology, and physical therapy. PACT will provide a maximum of 17 therapy sessions and a maximum of five evaluations. The period of the agreement is July 1, 2017 through June 30, 2018.

The agreement is late because of a delay in receiving required documentation.

11. **INDEPENDENT MARYLANDERS ACHIEVING GROWTH THROUGH EMPOWERMENT, INC. (IMAGE)** **\$13,000.00**

Account: 5000-533818-3254-767700-405001

The Department receives funding from the Maryland Department of Aging (MDoA) for the development of an Aging and Disability

MINUTES

Health Department - cont'd

Resource Center (ADRC) through the Area Agencies on Aging (AAA) Money Follows the Person (MFP) program.

The Department engages IMAGE to perform services in the area of MFP Options Counseling for nursing home residents that want to explore the option of returning to the community.

IMAGE will provide Options Counseling and Medicaid application assistance to all referred individuals between the ages of 18-49 who are referred to the MFP/AAA by DHMH or its designees. For individuals aged 50 - 64, the options counseling will be provided through a collaboration between AAA and the Provider. The Agreement is July 1, 2017 through June 30, 2018.

This agreement is late because the Department recently finalized the budget.

12. **HEAVENLY GRACE ASSISTANT LIVING FACILITY, INC.** **\$31,200.00**

Account: 5000-534018-3254-767800-607001

This Agreement will allow the Department to disburse State Subsidized Assisted Housing Funds to low-income residents at Heavenly Grace Assistant Living Facility, Inc. located at 3201 Windsor Avenue, Baltimore, Maryland 21216.

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

MINUTES

Health Department - cont'd

This agreement is late because the Department was waiting for information and signature(s) from Heavenly Grace Assistant Living Facility, Inc.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing agreements with the above-listed service providers. The Comptroller **ABSTAINED** on item no. 12.

MINUTES

Health Department - Ratification of an Agreement

ACTION REQUESTED OF B/E:

The Board is requested to ratify the Agreement with the Maryland Institute College of Art (MICA). The period of the Agreement was June 1, 2016 through June 30, 2017.

AMOUNT OF MONEY AND SOURCE:

\$28,114.00 - 5000-530317-3041-605800-603051
21,416.00 - 6000-629317-3050-280100-603051
\$49,530.00

BACKGROUND/EXPLANATION:

MICA's Center for Social Design facilitated an Interdisciplinary Practice Based Studio, intended to foster creative, innovative and breakthrough design and communication solutions to address second-hand smoke and youth tobacco use in Baltimore City. Working directly with representatives from the Department's Office of Chronic Disease Prevention, MICA will provide resources and knowledge in the design process, including research, communication, and ideation of design outcomes for the project to address the following overall goal engaging Baltimore families in conversations about creating smoke-free homes.

This ratification will allow the Department to reimburse MICA.

This agreement is late because budget revisions delayed processing.

UPON MOTION duly made and seconded, the Board ratified the Agreement with the Maryland Institute College of Art.

MINUTES

Health Department - Amended Notice of Award and
Corrected Notice of Award

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of the Amended Notice of Award (NoA) and the Corrected NoA from the Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for HIV, Viral Hepatitis, STDs and TB Prevention for the Project titled, Tuberculosis (TB) Elimination.

AMOUNT OF MONEY AND SOURCE:

\$61,877.00 - 4000-422117-3030-271400-404001

BACKGROUND/EXPLANATION:

On February 1, 2017, the Board approved the initial NoA in the amount of \$45,085.00 for the period of January 1, 2017 through December 31, 2017. On May 10, 2017, the Board approved the revised NoA for additional funding in the amount of \$72,134.00, making the total award amount \$117,219.00.

On July 31, 2017, the Department received the amended NoA, which provided additional funds in the amount of \$61,877.00. This made the total award \$179,096.00. However, the budget period was shown incorrectly as September 30, 2016 through September 29, 2017. Also, on August 12, 2017, the Department received the amended NoA correcting the budget period to January 1, 2017 through December 31, 2017.

Therefore, this revised NOA, in the amount of \$61,877.00 will allow the Department's TB Prevention Program to provide medical care and treatment services.

The Amended NOA is late because revisions delayed its processing.

MINUTES

Health Department - cont'd

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved acceptance of the foregoing Amended Notice of Award and the Corrected Notice of Award from the Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for HIV, Viral Hepatitis, STDs and TB Prevention for the Project titled, Tuberculosis Elimination.

MINUTES

Health Department - Employee Expense Statements

ACTION REQUESTED OF B/E:

The Board is requested to approve an Employee Expense Statement to reimburse Ms. Joann Hunter for mileage expenses incurred during the month of June 2016.

AMOUNT OF MONEY AND SOURCE:

\$96.81 - 4000-422516-3030-271500-603002 (Mileage)

BACKGROUND/EXPLANATION:

Ms. Hunter submitted her employee expense statement and appropriate back-up documents on time, but they were inadvertently misplaced due to oversight.

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

The Department apologizes for the lateness.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved the Employee Expense Statement to reimburse Ms. Joann Hunter for mileage expenses incurred during the month of June 2016.

MINUTES

Department of Housing and - Acquisition by Gift
Community Development (DHCD)

ACTION REQUESTED OF B/E:

The Board is requested to approve the acquisition of the fee simple interest in the property located at 2925 Oakley Avenue, Block 4616, Lot 085, by gift from Gem Star Holdings, LLC, Owner, **SUBJECT** to municipal liens, interest, and penalties, other than water bills.

AMOUNT OF MONEY AND SOURCE:

The Owner agrees to pay for any title work and all associated settlement costs, not to exceed \$600.00 total. Therefore, no City funds will be expended.

BACKGROUND/EXPLANATION:

The DHCD, Land Resources Division strategically acquires and manages vacant or abandoned properties, which enables these properties to be returned to productive use and improve neighborhoods in Baltimore City.

Gem Star Holdings, LLC, has offered to donate to the City, title to the property at 2925 Oakley Avenue. With the Board's approval, the City will receive clear and marketable title to the property, subject only to certain City liens. Accepting this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain.

The Department will acquire the property subject to all municipal liens, other than water bills, and all interest and penalties that may accrue prior to recording a deed. A list of open municipal liens accrued through January 5, 2017, other than water bills which must be paid as part of the transaction is as follows:

MINUTES

DHCD - cont'd

Real Property Tax	2016-2017	\$ 0.00
	0544	
Registration	79	<u>169.60</u>
Total Taxes Owed:		\$169.60

UPON MOTION duly made and seconded, the Board approved acquisition of the fee simple interest in the foregoing property located at 2925 Oakley Avenue, Block 4616, Lot 085, by gift from Gem Star Holdings, LLC, Owner, **SUBJECT** to municipal liens, interest, and penalties, other than water bills.

MINUTES

Department of Housing and - Community Development
Community Development Block Grant - 42 Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Community Development Block Grant - 42 (CDBG) Agreement with Jubilee Baltimore, Inc. The period of the CDBG Agreement is January 1, 2017 through December 31, 2017.

AMOUNT OF MONEY AND SOURCE:

\$25,000.00 - 2089-208917-5930-436466-603051
25,000.00 - 2089-208917-5930-436462-603051
\$50,000.00

BACKGROUND/EXPLANATION:

Under the terms of this CDBG Agreement, Jubilee, Baltimore, Inc. will utilize the funds to subsidize staff and operating costs directly related to the historic preservation of a commercial property located at 19-21 E. North Avenue. The organization will also assist low and moderate income, long-term, owner-occupant residents of the Greenmount West community in obtaining financial assistance for facade improvements and home repairs.

On June 28, 2017 the Board approved the Resolution authorizing the Commissioner of the Department of Housing and Community Development (DHCD), on behalf of the Mayor and City Council, to file a Federal FY 2017 Annual Action Plan for the following formula programs:

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

MINUTES

DHCD - cont'd

Upon approval of the resolution and submission of the Annual Action Plan to HUD on July 14th, 2017, the DHCD's Contracts Section began negotiating and processing the CDBG Agreements as outlined in the Plan effective July 1, 2017 and beyond. Consequently, this agreement was delayed due to final negotiations and processing.

MBE/WBE PARTICIPATION:

FOR FY 2018, THE MBE AND WBE PARTICIPATION GOALS FOR THE ORGANIZATION WERE SET ON THE AMOUNT OF \$0.00.

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Community Development Block Grant - 42 Agreement with Jubilee Baltimore, 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 Dovecote Cafe, LLC, Developer, for the sale of the City-owned property located at 1101 Clendenin Street.

AMOUNT OF MONEY AND SOURCE:

\$2,000.00

BACKGROUND/EXPLANATION:

The project will consist of rehabilitation of the vacant property. The Developer intends to use it as an office and a small retail place.

The City may dispose of the property by virtue of Article II, Section 15, of the Baltimore City Charter (2010 Edition) and Article 28, Subtitle 8 of the Baltimore City Code (2010 Edition) (the City Code).

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

The property was valued pursuant to the Appraisal Policy of Baltimore City through the Waiver Valuation Process. The Waiver Valuation price for 1101 Clendenin Street is \$3,900.00 and the purchase price is \$2,000.00.

The property is being sold to Dovecote Cafe, LLC below the price determined by the Waiver Valuation Process because of the following reasons:

MINUTES

DHCD - cont'd

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

MBE/WBE PARTICIPATION:

The Developer will purchase the property for a price that is less than \$50,000.00 and will receive no City funds or incentives for the purchase or rehabilitation; therefore, MBE/WBE is not applicable.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Land Disposition Agreement with Dovecote Cafe, LLC, Developer, for the sale of the City-owned property located at 1101 Clendenin Street.

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 Baltimore Green Space: A Land Trust for Community-Managed Open Space, Inc., Developer, for the sale of the City-owned property located at 1811 Townsend Court (Block 1095, Lot 063).

AMOUNT OF MONEY AND SOURCE:

\$1.00

BACKGROUND/EXPLANATION:

DHCD'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 an effort to further the City's Cleaner Greener initiative, as well as the new Sustainability Plan, which calls on the City to "develop and support a land trust to help communities retain control of appropriate open space upon their commitment to maintain the space," the Department is seeking approval for the transfer of the Mayor and City Council owned lots within the community managed open space known as the McAllister Park located at 1811 Townsend Court, which has been used by the New Greenmount West community for the past ten years as a community garden.

The sale of the lot to a land trust represents a cost-effective way to provide neighborhoods with amenities such as community gardens and other beautification and recreational spaces. Through

MINUTES

DHCD - cont'd

their own labor and investments, as well as outside funding, residents increase property values while creating social and environmental benefits.

By virtue of the power conferred upon the Director of the DHCD by Article 13 §2-7 of the Baltimore City Charter, the City is authorized to dispose of the property.

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

The assessed value of the lot is \$1,000.00. Sale of the property to a land trust, whose sole purpose is to ensure the preservation of the community managed open space, below the appraised value is reflective of the City's understanding that community managed open spaces serve a specific benefit to the immediate community by elimination of blight and by providing the neighborhoods with amenities such as community gardens and other beautification and recreation spaces.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Land Disposition Agreement with Baltimore Green Space: A Land Trust for Community-Managed Open Space, Inc., Developer, for the sale of the City-owned property located at 1811 Townsend Court (Block 1095, Lot 063).

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
Department of Housing and Community Development (DHCD) - Options			
1. CAV Commercial, LLC	1827 E. North Ave.	G/R \$90.00	\$ 825.00
Funds are available in account no. 9910-907079-9588-900000-704040, Tax Sale Ground Rents Project.			
2. Amy Sue Nochumo- witz, Substitute Trustee under the Amended and Restated Revocable Living Trust Agreement	2312 E. North Avenue	G/R \$60.00	\$ 550.00
3. Laura Ann Jacobs	644 N. Carey Street	½ G/R \$92.12	\$ 845.00
4. Mary Colleen Villamater, Custodian for Nicholas James Villamater	2117 Booth Street	G/R \$36.00	\$ 300.00
5. Sharon Brown a/k/a Sharon D. Brown	3113 W. Garrison Avenue	L/H	\$ 12,375.00

Funds are available in account no. 9910-906126-9588-900000-704040, FY17 CORE Demo Project.

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Department of Housing and Community Development (DHCD) - Options</u>			
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.			
<u>DHCD - Condemnations</u>			
6.	Cephus M. Murrell and Betty A. Murrell	904 E. Eager Street	F/S \$ 25,000.00
Funds are available in account no. 9910-906126-9588-900000-704040, FY17 CORE Demo Project			
7.	Tax Titles, Inc.	1332 Argyle Avenue	G/R \$ 1,067.00 \$160.00
Funds are available in account no. 9910-905142-9588-900000-704040, Upton Ball Fields Project.			
8.	Allen Grose	608 Pitcher Street	F/S \$ 1,700.00
9.	Michael Williams	610 Pitcher Street	L/H \$ 1,700.00
10.	Adama Mbaye	618 Pitcher Street	L/H \$ 1,700.00

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Condemnations</u>			
Funds are available in account no. 9910-908044-9588-900000-704040, General Acquisitions Project.			
11. SD-5 Corporation	1127 W. Saratoga Street	L/H	\$ 3,760.00
12. 400 Business Trust	1129 W. Saratoga Street	L/H	\$ 3,780.00

Funds are available in account no. 9910-914135-9588-900000704040, Poppleton Project.

The fair market values were substantiated in appraisals made by independent appraisers contracted by the City. This will permit the City to have title to, and if necessary immediate possession of these properties in conformity with the requirements of the applicable law.

DHCD - Condemnations or Redemptions

13. William A. Chestnut	1127 W. Saratoga Street	G/R \$36.00	\$ 240.00
-------------------------	-------------------------	----------------	-----------

Funds are available in account no. 9910-914135-9588-900000-704040, Poppleton Project.

The Board is requested to approve acquisition of the ground rent interest by condemnation, or in the alternative may,

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner (s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Condemnations or Redemptions - cont'd</u>			
SUBJECT to the prior approval of the Board, make application to the Maryland Department of Assessments and Taxation to redeem or extinguish the \$36.00 ground rent interest for the property located at 1127 W. Saratoga Street.			
14. Unknown	908 E. Eager Street	G/R \$54.00	\$ 450.00

Funds are available in account no. 9910-906126-9588-900000-704040, FY17 CORE Project.

The Board is requested to approve acquisition of the ground rent interest by condemnation, or in the alternative may, SUBJECT to the prior approval of the Board, make application to the Maryland Department of Assessments and Taxation to redeem or extinguish the \$54.00 ground rent interest for the property located at 908 E. Eager Street.

UPON MOTION duly made and seconded, the Board approved the foregoing Options, Condemnations, and the Condemnations or Redemptions.

MINUTES

Baltimore Development Corporation - Land Disposition Agreement

ACTION REQUESTED B/E:

The Board is requested to approved and authorize execution of a Land Disposition Agreement with Benedetto, Inc., Developer, for parcel known as Ward 4, Section 100, Block 620, Lot 050.

AMOUNT OF MONEY AND SOURCE:

\$53,000.00 - Purchase Price

BACKGROUND /EXPLANATION:

On August 31, 2015, the BDC released an Request for Proposal (RFP) for 16 City-Owned buildings, two surface lots, and a vacant parcel all located on City Block 620, Ward 4, Section 100, in the Market Center National Register Historic District, which is located in downtown's west side, 11th Council District. The RFP site is also located within the State-designated Bromo Tower Arts & Entertainment District (Bromo District).

The intent of the RFP was to promote adaptive re-use of the parcels along with a respectful introduction of infill development, where appropriate, in a manner that would fulfill the City's objectives, which include adaptive re-use of historically significant property, job generation, tax generation, and mixed-use development that fits within the context of the Bromo Arts District, an emerging neighborhood with active storefronts and other ground-level uses.

After a thorough analysis and review of the proposal received for the property located at 104 Park Avenue, Benedetto, Inc. was the developer selected for the acquisition and redevelopment of the city-owned property. The commercial project involves the rehabilitation of the historic property to provide ground floor retail space and a market-rate apartment on the upper floor.

UPON MOTION duly made and seconded, the Board **DEFERRED** the Land Disposition Agreement with Benedetto, Inc. for one week.

MINUTES

Baltimore Development Corporation - Land Disposition Agreement

ACTION REQUESTED B/E:

The Board is requested to approved and authorize execution of a Land Disposition Agreement (LDA) with Pompeian, Inc., Developer, for the property located at 140 N. Janney Street (Ward 26, Section 18, Block 6254-D, Lot 21).

AMOUNT OF MONEY AND SOURCE

\$1.00 - Purchase Price

BACKGROUND/EXPLANATION:

Pompeian, Inc. owns or controls certain land and improvements located at 4201 Pulaski Highway in Baltimore City where it operates a manufacturing facility. As part of a business expansion effort, the Developer will purchase the property and will expend \$1,000,000.00 over the next five years to expand and make improvements (the improvements) to the facility on the Property.

The Property is the site of a former City-owned Park, which will be displaced by the new improvements. As a condition precedent to settlement, the Developer will construct a new public park (the Replacement Park) on an adjacent piece of land (Lot 21A). The Developer will spend \$237,000.00, the equivalent of the Fair Market Value of the Property to construct the new Park, which will be owned by the City upon completion.

The LDA additionally grants the Developer a Purchase Option for Lot 21A for further expansion of its operations, if required. The Option is subject to the satisfactory completion of the terms of the LDA, and the construction and acceptance of the Replacement Park by the City. The Developer must exercise the option within

MINUTES

BDC - cont'd

ten years of the completion of the Replacement Park, will be obligated to purchase Lot 21A at Fair Market Value, and will, at its own expense acquire land and construct a new park of comparable size and scope to the land and Replacement Park.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Land Disposition Agreement with Pompeian, Inc., Developer, for the property located at 140 N. Janney Street (Ward 26, Section 18, Block 6254-D, Lot 21).

MINUTES

Baltimore Development Corporation - Land Disposition Agreement

ACTION REQUESTED B/E:

The Board is requested to approved and authorize execution of a Land Disposition Agreement with U.K. Construction & Management LLC, Developer, for the property located at 109-111 W. Lexington Street.

AMOUNT OF MONEY AND SOURCE:

\$170,000.00 - Purchase Price
20,000.00 - Payable by Developer at settlement
\$150,000.00 - City issued Purchase Money Mortgage (a portion may become eligible for forgiveness)

BACKGROUND/EXPLANATION:

On November 14, 2016, the BDC issued a Request for Proposals (RFP) for the City-owned property located at 109-111 W. Lexington Street, which resides within the Market Center National Register Historic District on downtown's west side. The intent of the RFP was to activate an underutilized City-owned property in a manner that aligned with the Market Center Urban Renewal Plan (URP), which promotes efforts to improve the pedestrian experience and energize the Market Center District through a combination of redevelopment, landscaping, streetscapes, and active storefront retail. After a thorough analysis and review of the proposals received, U.K. Construction & Management, LLC was the Developer selected to acquire and redevelop the property.

The mixed-use project involves the redevelopment of the property to deliver 20 market-rate apartments along with ground level retail and office space.

MINUTES

BDC - cont'd

The City will issue a Purchase Money Mortgage with a term of five years in the amount of \$150,000.00, at an interest rate of 4% per annum. Equal annual payments of the Purchase Money Mortgage will commence on the anniversary of the Settlement Date and continue to be due on each subsequent anniversary date, provided that the annual payments are subject to forgiveness as follows:

- \$30,000.00 plus accrued interest will be forgiven as such time as the Developer has:
 - o undertaken all necessary measures to ensure that the existing building on the property is secure and watertight;
 - o completed all necessary environmental remediation on the Property; and
 - o completed the rehabilitation of the ground floor of the Property.
- The entire unpaid principal balance and accrued interest will be forgiven as such time as the Developer achieves Project completion and a certificate of occupancy.

The Developer will make the annual payments of \$30,000.00 plus accrued interest long as the aforementioned development obligations are unfulfilled.

STATEMENT OF PURPOSE AND RATIONALE FOR SALE BELOW THE PRICE DETERMINED BY THE APPRAISAL:

The property was valued pursuant to the Appraisal Policy of Baltimore City through an appraisal. The appraisal was conducted

MINUTES

BDC - cont'd

by Lipman, Frizzell & Mitchell, LLC and submitted on March 13, 2017. The market value for 109-111 W. Lexington Street is \$250,000.00. The total purchase price is \$170,000.00. The property is being sold to the Developer below the price determined by the appraisal for the following reasons:

- the sale and the rehabilitation will help to promote a specific benefit to the immediate community, by increasing the retail presence along the w. Lexington street corridor and add to the rental housing options available to residents;
- it will return a long-time vacant, blighted property to productive use;
- the project has a specific economic development benefit that it will return the property to the tax rolls, add additional value to the tax base, and add multiple new businesses and jobs to the neighborhood;
- the property has encountered further structural deterioration through a compromised roof system since the appraisal was performed through continued exposure to the various weather conditions; and
- the write-down will provide a necessary subsidy to offset structural and environmental conditions not fully accounted for by the appraiser during their assessment of the property, including significant water intrusion throughout the building as a result of a significant opening in the roof that has continued to expand over time. The rough estimate on costs to address the roof issues and mold elements currently impacting the property are around \$200,000.00.

MINUTES

BDC - cont'd

MBE/WBE PARTICIPATION:

The Developer has signed the Commitment to Comply to the MBE/WBE goals of the Minority and Women's Business Opportunity Office.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Land Disposition Agreement with U.K. Construction & Management LLC, Developer, for the property located at 109-111 W. Lexington Street.

MINUTES

Baltimore Development Corporation (BDC) - First Amendment to Ice Rink License Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the First Amendment to Ice Rink License Agreement with WPB-Ice Rink, LLC, Licensee. The First Amendment to the Ice Rink License Agreement will extend the period of the License Agreement through May 31, 2027.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On July 2, 2014, the City entered into a License Agreement with the Licensee, an affiliated entity of the Waterfront Partnership of Baltimore, for the operation of a temporary outdoor ice skating rink on 1.716 acres of McKeldin Park (Ward 22, Section 10, Block 890, Lot 001), on a seasonal basis between October and May.

Due to operational challenges at McKeldin Park, the Licensee wishes to amend the License Agreement to allow for the permanent relocation of the Ice Rink to an area north of the Inner Harbor Amphitheater, Ward 22, Section 10, Block 890, Lot 003 (the Property). It operated in this location on a temporary basis in 2015 and 2016, under an existing License Agreement, dated December 21, 2011, between the City and Harbor Place Associates Limited Partnership, which expires on December 31, 2017.

This First Amendment will include the Property as part of the licensed premises; will allow for the continued use of McKeldin

MINUTES

BDC - cont'd

Park for construction and supporting operations of the Ice Rink; and will extend the period of the License Agreement through May 31, 2027. All other terms and conditions of the original License Agreement remain unchanged.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing First Amendment to Ice Rink License Agreement with WPB-Ice Rink, LLC, Licensee.

MINUTES

Baltimore Development Corporation - Seventh Modification
Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Seventh Modification Agreement with the Baltimore Children's Museum, Inc.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

Baltimore Children's Museum, Inc. is a not-for-profit corporation that operates a children's museum at 35 Market Place, known as "Port Discovery" (Museum). The \$32,000,000.00 facility for the education and entertainment of children and their families opened in December 1998, funded by a combination of Federal, State, City, Foundation and private resources. The City provided \$5,000,000.00 under three separate City loans (City Notes) as part of the total project financing, which was approved by the Board on April 1, 1998.

The City loans are summarized below. The balance of Note 1 was retired on September 25, 2009. The maturity date on the remaining City notes was extended to December 31, 2017 under the Sixth Modification to the Loan Agreement, dated January 30, 2013.

<u>Organization</u>	<u>Note I</u>	<u>Note II</u>	<u>Note III</u>
Date	4/1/98	4/1/98	4/1/98
Original Amount	\$2,000,000.00	\$2,500,000.00	\$500,000.00
Current Balance	\$0.00	\$2,500,000.00	\$500,000.00
Interest Rate		Non-Interest bearing	Non-Interest bearing
Repayment Schedule		Principal due at maturity	Principal due at maturity
Maturity Date (or Payoff Date)	9/25/09	12/31/17	12/31/17

MINUTES

Baltimore Development Corporation - cont'd

Between 2012 and 2017, the Museum has undertaken over \$2,000,000.00 in Capital Improvements on the City-owned historic property that it occupies, including a roof replacement necessary to preserve the integrity of the building.

Under the Seventh Modification, the Board will credit the Museum for these recent major capital improvements by providing forgiveness of the entire outstanding principal balance of Note III, in the amount of \$500,000.00. In addition, the Board will extend the maturity date on the remaining \$2,500,000.00 balance of Note II to December 31, 2027, and will allow for partial forgiveness of the principal balance of that Note subject to the Museum providing an annual report that certifies:

- the amount of all expenditures made by the Museum for capital improvements in the preceding year, and
- the amount of free admission that are granted to students of Baltimore City Public Schools visiting the Museum on school field trips.

The amount of such reported capital improvements and free student admissions will be applied to reduce the outstanding principal balance on the \$2,500,000.00 Loan.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Seventh Modification Agreement with the Baltimore Children's Museum, Inc.

MINUTES

Baltimore Development - Waterfront Management District
Corporation (BDC) Extension of District

ACTION REQUESTED OF B/E:

The Board is requested to certify the Waterfront Management District expansion for operation.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

In fall 2016, several Fells Point owners of properties and businesses requested the Waterfront Partnership to expand the Waterfront Management District boundaries to include Fells Point commercial properties. After an extensive outreach process, introduction of a City Council Bill, Planning Commission, and a City Council public hearing Ordinance 17-039 was passed by Council and signed by the Mayor on August 1, 2017.

City Council Ordinance 07-417, Waterfront Management District - Establishment provides a process including the holding of a "Special Election" prior to the Board certifying the District for operation, provided 58% of the ballots returned are in favor.

On August 3, 2017, ballots were mailed to all impacted property owners in the expansion area with a self-addressed envelope to be returned to the Clerk of the Board of Estimates by September 5, 2017. On Wednesday, September 13, 2017, these ballots were opened and counted by the Board. One Hundred and two ballots were returned, of these 81 voted in favor and 21 voted against, resulting in 79% voting in favor, exceeding the 58% threshold required by the

MINUTES

BDC - cont'd

District expansion support by property owners. Therefore, the Board is requested to certify the Waterfront Management District Fells Point expansion area for operation.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board certified the foregoing Waterfront Management District expansion for operation.

MINUTESEmployees' Retirement System (ERS) - Disability Hearings Services Agreements

The Board is requested to approve and authorize execution of the Disability Hearings Services Agreements with the following individuals:

	<u>Rate of Pay</u>	<u>Amount</u>
1. DEVEREAUX E. STERRETTE	\$500.00 per contested case and \$200.00 per uncontested case	\$20,000.00 (not- to-exceed)
2. DORENE ROTHMANN	\$500.00 per contested case and \$200.00 per uncontested case	\$20,000.00 (not-to-exceed)
3. DEBRA A. THOMAS	\$500.00 per contested case and \$200.00 per uncontested case	\$20,000.00 (not-to-exceed)
4. EDWARD G. DANIELS	\$500.00 per contested case and \$200.00 per uncontested case	\$20,000.00 (not-to-exceed)
5. JUDY G. SMYLLIE	\$500.00 per contested case and \$200.00 per uncontested case	\$20,000.00 (not-to-exceed)
6. STANLEY C. ROGOSIN	\$500.00 per contested case and \$200.00 per uncontested case	\$20,000.00 (not-to-exceed)

MINUTES

ERS - cont'd

Account: 1001-000000-1220-147500-603026

The above-listed individuals will each continue to work as a Hearing Examiner for the ERS, the Fire & Police Employees' Retirement System, and the Elected Officials' Retirement System. Each of the Hearing Examiners will be responsible for adjudicating claims for disability retirement and death benefit cases. The period of the agreement is January 1, 2018 through December 31, 2018.

Under the provisions of Baltimore City Code Article 22, §9(p), there is a panel of hearing examiners to hear and adjudicate the ERS disability and death benefit cases. (Under Article, 22 §§21 (b) and 33(1), the panel also hears disability and death benefits cases under the Elected Officials' Retirement System and the Fire and Police Employees' Retirement System). The panel is appointed on a contractual basis by the Board of Estimates and is to be paid under terms established by the Board of Estimates.

Under §9(p)(2)(iii), the ERS Board of Trustees may submit to the Board of Estimates recommended candidates for the panel. Within this discretion, the ERS Board respectfully recommends that the above listed individuals be appointed as hearing examiners, under the terms of the agreement, and on the basis of their experience and expertise in adjudicating disability and death benefit claims.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTES

ERS - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Disability Hearings Services Agreements with the listed individuals. The Comptroller **ABSTAINED** on item nos. 1 - 6.

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:

4884 - 4885

to the low bidders meeting the specifications,

or rejected bids on those as indicated

for the reasons stated.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

- | | | | |
|----|---------------------------------|-----------------------------------|----------------|
| 1. | B50005149, Lock
Box Services | Merkle Response
Services, Inc. | \$1,500,000.00 |
|----|---------------------------------|-----------------------------------|----------------|

(Dept. of Finance)

On July 25, 2017, MWBOO approved the MBE/WBE Waiver Request.

MWBOO GRANTED A WAIVER.

- | | | | |
|----|--|--------------------------------------|--------------|
| 2. | B50005110, Solar
Powered Trailer
Mounted Message
Boards | National Capital
Industries, Inc. | \$ 83,850.00 |
|----|--|--------------------------------------|--------------|

(Dept. of General Services,
Fleet Management)

On May 15, 2017, MWBOO determined that no goals would be set because of no opportunity to segment the contract.

MWBOO GRANTED A WAIVER.

- | | | |
|----|--|--|
| 3. | B50004537, Diversity
and Labor Compliance
System | REJECTION - Vendors were solicited by posting on CitiBuy, eMaryland Marketplace, and in local newspapers. On September 14, 2016, three bids were received. On May 17, 2017 prices were opened. It is recommended that the Board reject all bids, in order to resolicit, as being in the best of the interest of the City. |
|----|--|--|

(Mayor's Office of Employment Development,
Office of Civil Rights, Department of
Public Works, Mayor's Office of Information
Technology, Law Department,
and Bureau of Purchases)

A PROTEST WAS RECEIVED FROM EARLY MORNING SOFTWARE, INC. THE PROTEST FROM EARLY MORNING SOFTWARE, INC. WAS WITHDRAWN.

Subject:

FW: B50004537 Diversity Compliance Tracking Software

From: Robert Fulton Dashiell [<mailto:robertdashiell@dashiell-lawoffice.com>]**Sent:** Monday, November 13, 2017 3:58 PM**To:** Sher, Erin**Cc:** Donna Stevenson**Subject:** RE: B50004537 Diversity Compliance Tracking Software

Erin- Please accept this communication as confirmation that the protest filed on behalf of Early Morning Software in connection with B50004537 Diversity Compliance Tracking Software may be deemed moot should the Board of Estimates decide reject all bids submitted in response to that solicitation.

ERIN SHER SMYTH, Esq., CPPO
CITY PURCHASING AGENT/
CHIEF PROCUREMENT OFFICER
DEPARTMENT OF FINANCE
BUREAU OF PROCUREMENT
7 E. REDWOOD STREET
BALTIMORE, MD 21202
TEL: 410-396-5169
FAX: 410-396-2997

"A problem is a chance for you to do your best." – Duke Ellington

This communication does not contain any procurement authority unless expressly cited as such by the author. If you are a vendor or represent a vendor, you must have a valid Purchase Order prior to providing goods and/or services. If you do not have a valid Purchase Order, the City may not be obligated to pay invoices when presented.

The information contained in this communication may be confidential, and is intended only for the use of the recipient named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please inform the sender and delete the original message and any copy of it from your computer system.

Robert Fulton Dashiell, Esq. P.A.

1498 Reisterstown Road, Suite 334 · Baltimore, Maryland 21208 ·url: rfdlawfirm.com
Tel: (410) 547-8820
Fax: (443) 637-3718

***Robert Fulton Dashiell,
Managing Partner
robertdashiell@dashiell-lawoffice.com***

***Senchal Dashiell Barrolle
Partner
sbarrolle@dashiell-lawoffice.com***

June 12, 2017

Honorable President
and Members of the Board of Estimates
C/o Clerk, Board of Estimates
204 City Hall
100 N. Holliday Street
Baltimore, MD 21202

Attn: Clerk

Re: **Protest by Early Morning Software, Inc. / BS0004537**

Dear Honorable Board Members:

Early Morning Software, Inc. (EMS), the offeror that submitted the only responsive proposal to the above referenced solicitation ("Contract") hereby protests the recommended award to Ask, Inc. (Ask) or to any firm other than EMS. This protest is based upon the facts, legal principles and argument set forth below.

A. BACKGROUND

On August 24, 2016, the Board opened the technical proposals for the Contract. The three technical proposals received were found responsive and subsequently reviewed by the evaluation committee for technical scoring. Out of the three responsive proposals scored by the evaluation committee two, EMS and Ask met the City's technical score requirements for price opening. On May 17, 2017, the Board accepted the technical proposal submitted by Ask and EMS and authorized opening of their price proposals.

The Request for Proposals, in pertinent part, provides that:

SW6. BID RESPONSIVENESS & RESPONSIBILITY

- A. A Bidder is considered 'Responsive' if it has conformed and complied in all material aspects with all instructions herein, including form and substance, and has prepared, signed, assembled and submitted all documents, forms and other information required herein in the prescribed format (including electronic response if required). See the instructions, forms and checklist in Section B, below. P.11**

B. TECHNICAL SUBMISSION

(5) BID CHECK OR BID BOND. If the amount required was stated as a fixed amount (e.g., "\$5000") include with the Technical Submission. (If the amount required was stated as a percentage of the bid price (e.g., "2% of the total bid") include with the Price Submission.)

SW12. BID BOND / GUARANTEE:

- A. Required. \$8000.00 bond or certified check submitted with the Technical Response in Envelope A. p.14

At the mandatory pre-bid conference prospective bidders were expressly cautioned that failure to submit a bid bond or guaranty as required would result in the rejection of the bid as non-responsive. (**Exhibit 1- 2/17/17 EMS letter to Edwards**). Contrary to the express requirement of the RFP and the admonition made at the pre-bid conference, Ask failed to submit a certified check for the required bid security.

On November 23, 2016, the Bureau of Purchases (BP) asked the Board to approve the decision already made by the Finance Department that permitted Ask to cure its defect. Tim Krus, then the Purchasing Agent, advised the Board that the Finance Department had acted in reliance upon a policy adopted in December 2015 that granted Finance such discretion. Upon questioning by the Comptroller, Mr. Krus advised that the policy that he referenced had neither been reviewed for form or legal sufficiency by the Law Department nor approved by the Board. He then sought such approval, retroactively, stating that the Finance Policy was consistent with the provisions of the City's proposed Procurement regulations. Mr. Krus' remarks are set forth below:

Mr. Tim Krus: "Tim Krus, City Purchasing Agent. This is the ability to cure ah Bid Security Deficiencies that occurred across eight bids over a relatively short period of time. In which, we are asking that those deficiencies in question be sent to the Department of Finance for review so that it can then make a recommendation to the Board noting the potential waiver of deficiencies in that recommendation and ultimately allow the Board to approve or disapprove both the award and the cure of the deficiency. This is completely consistent with the proposed procurement regulations, which I understand we have deferred for a week, Um -- 7.9.3.3 if deficient bid security for a non-public works contract is provided by a responder the Board shall refer the deficient bid security to the Department of Finance for evaluation. If the Department of Finance determines that, the deficient bid security does not result in fiscal disadvantage or harm to the City, an acceptance of the responses in the best interest of the City. Then the Department of Finance may either one, give the responder an opportunity to cure the deficient bid security in its response or two, waive the deficient bid security. The Department of Finance shall present its recommendation of waiver or cure to the Board at the time it recommends the responder for award. The waiver or cure of the deficient bid security shall only be effective upon Board approval. And just to note, the Department of Finance, Bureau of Purchases for a while now has tried to be careful in the number of times that it applies bid and performance bonding to solicitations in order to open up the field of competition to small business small minority women-owned businesses who might not have the capacity to obtain that bonding, and we have a policy that we follow in order to do that. Um -- This ability to cure and waive bid securities is another step in that direction where we hope to give the opportunity for a bidder to cure um -- minor irregularities. For example, they turn in their bid; they provide a corporate check rather than a certified check. We might give them the ability to turn

around a certified check in a short period of time and still be able to evaluate their proposal for potential award."

In reliance upon Mr. Krus' representations the Board adopted the Finance Department decision that permitted Ask to replace its company check with a certified check after bid opening. All of the above took place without notice to or an opportunity to be heard by EMS. EMS had requested updates from the BP but it was not apprised of what had transpired until January or February 2017, when it filed a complaint with the Mayor's then chief of staff (**Exhibit 1, above**). EMS was advised that it could file a protest when the Contract was considered by the Board for award. (**Exhibit 2**).

We maintain that the Regulations should not have been applied retroactively and that, in any event, the Regulations, as subsequently enacted, do not permit a bidder to submit the required bid security after bid opening.

The section of the Regulations cited by Mr. Krus provides:

7.9.3

1.1.1. Bureau of Purchases Bid Security.

1.1.1.1. The Director of Finance may determine procedures by which, at the time of the advertisement of a solicitation, the bid security in connection with a bid or proposal for supplies, materials, equipment, or services other than professional services will be provide.

1.1.1.2. Minor irregularities or technicalities in the **form or amount (emphasis supplied)** of bid security submitted in accordance with a solicitation create a deficient bid security.

1.1.1.3. If deficient bid security for a non-public works contract is provided by a responder, and the Department of Finance determines that the deficient bid security does not result in fiscal disadvantage or harm to the City and acceptance of the response is in the best interests of the City, then the Department of Finance may, in its sole discretion, either: (1) give the responder an opportunity to cure the deficient bid security in its response; or (2) waive the deficient bid security.

1.1.1.4. Opportunity to Cure. Within five business days from the Department of Finance's determination that a responder has an opportunity to cure its deficient bid security, the procuring officer named in the solicitation shall send the responder written notice that the responder has 10 business days from the date of the notice to correct the deficient bid security.

B. Legal Principles and Argument

It is undisputed that Ask failed to submit a certified check as required. Nor is it disputed that the integrity of the competitive bid procedure mandated by the City Charter requires that bid compliance be determined on the bid date. The questions here, then, are: (i) was legally permissible to retroactively apply the Regulations and, if so, (ii) do the Regulations permit a bidder to submit the required bid security after bid opening?

There is hardly any principle more compelling in law generally and in public procurement in particular than that which precludes changing the rules after the fact. Permitting such conduct undermines the cardinal principle that all bidders be treated fairly and subject to the same requirements. Accordingly, the Board should have rejected the BP entreaty no matter how innocuous it was made to appear. See, *Maryland Port Administration v. John Brawner Contracting Contracting Co.*, 303 Md. 44 (1985) for a general discussion about the integrity of competitive bidding.

Moreover, the BP incorrectly interpreted and thereby misinformed the Board regarding the content of the Regulations. Section 7.9.3.13 of the Regulations permits the Director of Finance to waive “**minor irregularities or technicalities in the form or amount of bid security**”. It does not permit a waiver of a bidder’s failure to submit bid security at all. The reason that a waiver is permitted only for minor irregularities or technicalities is that the “best interest of the City” mandates that bidders be treated equally without prejudice or favoritism. No bidder is permitted “two bites at the apple”. See, *L.S. Lee, LLC, MSBCA, 2463 & 2468 (2005)*. Accordingly, a waiver may not be granted if the effect would be to give one bidder an advantage over another. That is precisely what happened here when the BP accepted the bid submitted by Ask accompanied only by a company check, and later allowed Ask to replace it with the required certified check. EMS had no such latitude; the funds from its account were irrevocably committed the minute it submitted its certified check to the City.

According to the Maryland Court of Special Appeals, “[t]he general rule [is] that the act of issuing a cashier’s check binds the issuing bank to pay the instrument and the bank is not allowed to stop payment on it.” *Citibank Fed. Sav. Bank v. New Plan Realty Trust*, 131 Md. App. 44, 59, 748 A.2d 24, 31-32 (2000) (quoting *Rezapolvi v. First Nat. Bank of Maryland*, 296 Md. 1, 8, 459 A.2d 183, 188 (1983)) (emphasis and alterations in *Citibank Fed. Sav. Bank*). And, in *Rezapolvi*, the Maryland Court of Appeals noted: “Courts have recognized and given effect to the public perception of a cashier’s check. According to one court, a cashier’s check circulates in the commercial world as the equivalent of cash People accept a cashier’s check as a substitute for cash because the bank stands behind it, rather than an individual.” *Rezapolvi*, 296 Md. at 9, 459 A.2d at 187 (internal quotations and citation [*16] omitted). Notably, under C.L. § 3-602, “Payment to the holder of a cashier’s check, teller’s check, or certified check discharges the obligation of the obligated bank on the check to both the holder and the claimant” Comment to C.L. § 3-602; see also *Deutsche Bank Nat. Trust Co. v. Brock*, 430 Md. 714, 729, 63 A.3d 40, 48 (2013) (observing that if the maker of an instrument “pays a person entitled to enforce that [instrument], the maker’s obligations under the note are discharged to the extent of the payment”). Ask’s bank could have dishonored its company check for a host reasons, such as insufficient funds. Thus, the company check submitted by Ask provided no bid security whatsoever and the Ask bid should have been rejected as no responsive. Contrast *Kennedy Temporaries v. Comptroller of Treasury*, 57 Md. App. 22 (1983) where a protest over a \$400 deficiency in a bid check was rejected with *In the Matter of P.W. parker, B-190286, Decision of the Comptroller General (Exhibit.3)*, where a bid submitted without a bid bond was found non responsive.

For all of the foregoing reasons we urge you to reverse your prior approval of the waiver for Ask action as improvident and award the Contract to the only bidder whose bid was responsive.

Very truly yours,

Robert Fulton Dashiell

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**Bureau of Purchases - cont'd

4. B50005043, After-Market Parts and Supplies for Cars and Light Trucks
- REJECTION** - Vendors were solicited by CitiBuy, eMaryland Marketplace, and in local newspapers. On June 28, 2017, 11 bids were received and opened. Upon further review of the solicitation and specifications, it is recommended that the Board reject all bids, in the best interest of the City. The specifications will be reviewed and revised. An extension has already been approved to allow time for this process.

MINUTES

Department of Public Works/ - Full Release of Retainage
Office of Eng. & Constr. Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Full Release of Retainage Agreement to DSM Properties, LLC for SWC 13310-R, Cell 6 Leachate Conveyance System Improvements at Quarantine Road Landfill.

AMOUNT OF MONEY AND SOURCE:

\$73,958.10 - 9948-920100-9517-000000-200001

BACKGROUND/EXPLANATION:

DSM Properties, LLC, as of January 15, 2015, has completed 100% of all work for SWC 13310R. The Contractor has requested a Release of Retainage for \$73,958.10. Currently, the City is holding \$73,958.10 in retainage for the referenced project and the Contractor is requesting the Release of Retainage in the amount of \$73,958.10.

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 Full Release of Retainage Agreement to DSM Properties, LLC for SWC 13310-R, Cell 6 Leachate Conveyance System Improvements at Quarantine Road Landfill.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- | | | |
|--|--------------|---------|
| 1. CITIROOF CORP.
Contract No. B50003843- Gutter Cleaning for Recreation Centers
- Department of Recreation and Parks - P.O. No. P529694 | \$ 25,000.00 | Renewal |
|--|--------------|---------|

On December 18, 2014, the City Purchasing Agent approved the initial award in the amount of \$8,170.00. The award contained three renewal options. Two renewal options have been exercised. This final renewal in the amount of \$25,000.00 is for the period December 15, 2017 through December 14, 2018. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

Not applicable. The initial award was below MBE/WBE subcontracting threshold of \$50,000.00.

- | | | |
|---|---|-----------------------------|
| 2. UNIVERSITY OF BALTIMORE,
SCHAEFER CENTER FOR PUBLIC
POLICY | \$ 0.00
<u>276,000.00</u>
\$276,000.00 | Ratification
and Renewal |
|---|---|-----------------------------|

Baltimore County Contract No. BC2057085 Election Judge Training Services - Board of Elections - P.O. No. P531955

On July 11, 2007, the Board approved the initial award in the amount of \$290,000.00. The award contained seven renewal options. Subsequent actions have been approved and all renewals have been exercised. This ratification and extension for Election Judge Training Services for the 2018 Gubernatorial Elections allows for continuity of services with significant changes in equipment and procedures that have occurred in recent years. This ratification is necessary because of a delay due to agency plans to provide these services in-house

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
---------------	------------------------	--------------------

Bureau of Purchases

at new City facilities, which was not able to be achieved at this time. The period of the ratification is January 1, 2017 through November 15, 2017. The period of the extension is November 16, 2017 through December 31, 2018. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

3. NEXT LIFE MEDICAL CORPORATION d/b/a EMERGENT RESPIRATORY	\$ 43,000.00	Assignment Agreement and Renewal
Contract No. 08000 - CPAP Units Maintenance and Accessories - Fire Department - P.O. No. P533703		

The Board is requested to approve and authorize execution of an Assignment Agreement with Next Life Medical Corporation d/b/a Emergent Respiratory and approve the first one-year renewal option. The period of the assignment is effective is March 1, 2017.

On November 23, 2016, the Board approved the initial award in the amount of \$43,469.00 to Emergent Respiratory, LLC. The award contained three 1-year renewal options. Next Life Medical Corporation d/b/a Emergent Respiratory has acquired all rights, title, obligations, conditions and interests of Emergent Respiratory, LLC, and is requesting assignment of the contract. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

Not applicable. The initial award was below MBE/WBE subcontracting threshold of \$50,000.00.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
---------------	------------------------	--------------------

Bureau of Purchases

4. T.E. BYERLY COMPANY, INC.	\$200,000.00	Increase
Contract No. 08000 - Merrick Lime Slaker Replacement Parts - Department of Public Works - P.O. No. P539787		

On June 7, 2017, the Board approved the initial award in the amount of \$225,000.00. This increase in the amount of \$200,000.00 is necessary to purchase four Merrick Lime Slakers. The current slakers are obsolete and need repairs, but is it difficult to find O.E.M. (original equipment manufacturer) replacement parts for them. The increase makes the total contract value \$425,000.00.

On September 28, 2017, a Notice of Intent to Waive Competition B50005180 was posted on CitiBuy. This notifies the vendor community that the City intends to designate T.E. Byerly Company, Inc., as the sole source for the lime slaker replacements unless a vendor identifies an acceptable substitution. No responses were received. The contract expires on June 6, 2020.

It is hereby certified that the above procurement is of such a nature that no advantage will result in seeking, nor would it be practicable 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.

MBE/WBE PARTICIPATION:

On May 16, 2017, it was determined this contract meets the requirement for certification as a sole source procurement as these commodities are only available from the distributor, and are not available from subcontractors.

MWBOO GRANTED A WAIVER.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- | | | |
|---|--------------|-------------|
| 5. DAS SOLUTIONS, LLC | \$ 43,174.95 | Sole Source |
| Contract No. 08000 - Shimpo Drives-Montebello - Department of Public Works - Water Analyzer's office - Req. No. R773416 | | |

The vendor is the manufacturer's sole authorized source of these products which must be compatible with currently installed equipment as the water treatment plants. The period of the award is November 15, 2017 through November 14, 2018. The above amount is the City's estimated requirement.

It is hereby certified that the above procurement is of such a nature that no advantage will result in seeking, nor would it be practicable 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.

MBE/WBE PARTICIPATION:

Not applicable. This meets the requirement for certification as a sole source procurement as these commodities are only available from the distributor, and are not available from subcontractors.

- | | | |
|--|--------------|-------------------------|
| 6. STEELCASE
INC. | \$ 40,611.57 | Cooperative
Contract |
| Baltimore Regional Cooperative Procurement Committee (BRCPC) Solicitation No. 2015-42-Furniture, Office, School, Library, etc. and Equipment - Office of the State's Attorney - Req. No. R771522 | | |

A design team from Design Angels provided the Office of the State's Attorney furniture specifications from the Steelcase line of furniture. In order to receive the best pricing, it

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
---------------	------------------------	--------------------

Bureau of Purchases

is recommended that the furniture be purchased from the competitively bid, cooperative inter-local BRCPC contract 015-42 between BRCPC of which the City is a member, and Steelcase, Inc. The vendor will also deliver and install as necessary. This is a one-time purchase.

It is hereby certified that the above procurement is of such a nature that no advantage will result in seeking, nor would it be practicable 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.

MBE/WBE PARTICIPATION:

The dollar amount is under the threshold for an MBE/WBE requirement, however the company, Furniture Installation & Service Technicians, LLC, that delivers and installs for Steelcase is a Baltimore City certified MBE vendor.

- | | | |
|--|--------------|-----------------|
| 7. PRO FLIGHT GEAR, LLC | \$ 46,948.00 | Selected Source |
| Contract No. 06000 - Alpha Eagle Flight Helmets - Baltimore Police Department - Req. No. R755434 | | |

Baltimore Police Department Aviation Unit's current flight helmets have been in use for over 15 years. These helmets are vital pieces of safety equipment and are required for all Aviation Unit personnel. Pro Flight Gear's helmets have been tested and are known to meet the Baltimore Police Department's requirements. An Intent to Waive Competition was advertised B50005189 with no responses received. The period of the award is November 1, 2017 through October 31, 2018. The above amount is the City's estimated requirement.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
---------------	------------------------	--------------------

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 practicable 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.

MBE/WBE PARTICIPATION:

Not applicable. The requested award amount is below the MBE/WBE subcontracting threshold of \$50,000.00.

- | | | |
|----------------------|--------------|-----------|
| 8. LOCATION AGE, LLC | \$149,938.00 | Agreement |
|----------------------|--------------|-----------|
- Contract No. 08000 - City of Baltimore Land Asset Manager (CoBLAM) Software Support Agreement - Department of Housing and Community Development - Req. No. R772162

The Board is requested to approve and authorize execution of an Agreement with Location Age, LLC. The period of the agreement is effective upon Board approval for one-year with 1-year renewal options at the sole discretion of the City.

The Vendor will provide on-going support, including enhancements and technical support, as required, for the existing CoBLAM application required for automation of specific functions, including property acquisition, stabilization, management, and disposition. The above amount is the City's estimated requirement.

It is hereby certified that the above procurement is of such a nature that no advantage will result in seeking, nor would it be practicable 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>
---------------	------------------------	--------------------

Bureau of Purchases

MBE/WBE PARTICIPATION:

Not Applicable. The customized proprietary software application, updates, and support is exclusively provided by the vendor and there are no areas of MBE/WBE segmentation available.

9. COMPUTER TECHNOLOGIES

U.S.A LLC d/b/a BLUE

HILL DATA SERVICES	\$7,500,000.00	Agreement
Contract No. 06000 - Mainframe Hosting and Support Agreement - Mayor's Office of Information Technology - Req. No. R762688		

The Board is requested to approve and authorize execution of an agreement with Computer Technologies U.S.A, LLC, d/b/a Blue Hill Data Services. The period of the Agreement is effective upon Board approval through July 31, 2022, with an option to renew for five additional 1-year renewal terms at the sole discretion of the City.

The City's current mainframe environment is hosted by the Vendor at its Data Center facility in Pearl River, New York and contains critical enterprise revenue generating systems, including but not limited to Real Property Tax, Parking Citations, and Water Bills.

This agreement will provide for mainframe hosting and support services with the Vendor. The Vendor has moved the entire

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
---------------	------------------------	--------------------

Bureau of Purchases

mainframe application base to support modern hardware and has provided the redundancy required to prevent outages. In addition, the Vendor has the necessary technical talent to provide both technical and operational support.

It is hereby certified that the above procurement is of such a nature that no advantage will result in seeking, nor would it be practicable 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.

MBE/WBE PARTICIPATION:

On May 15, 2017, it was determined that no goals would be set because of no opportunity to segment the contract. There are no registered MBE/WBE registered contractors that can provide the technical and operational support of the legacy software applications necessary for the mainframe hosting.

MWBOO GRANTED A WAIVER.

- | | | |
|---|-----|---------------------------|
| 10. UNITEDHEALTHCARE
INSURANCE COMPANY | N/A | Amendment to
Agreement |
| Contract No. B5000452 - Health Maintenance Organization (HMO)
Medical Plans for City Employees and Dependents - Department
of Human Services - Req. No. N/A | | |

The Board is requested to approve and authorize execution of an Amendment to Agreement with UnitedHealthcare Insurance Company. The contract expires on December 31, 2017.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
---------------	------------------------	--------------------

Bureau of Purchases

On August 6, 2008, the Board approved the initial award to UnitedHealthCare and Kaiser Permanente. On December 10, 2008, the Board approved an additional award to Aetna Health and Life Insurance. On August 31, 2016, the Department extended the contracts through December 31, 2017.

This amendment is resolution of a dispute between United HealthCare Insurance Company (Contractor) and the City regarding the Contractor's payment for prescriptions dispensed from January 1, 2016 through March 31, 2017 resulting in the City's overpayment of claims in the amount of \$118,637.55. The Contractor will pay this amount within 30 days of execution of this amendment.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Informal Awards, Renewals, Increases to Contracts and Extensions. The Board further approved and authorized execution of the Assignment Agreement with Next Life Medical Corporation d/b/a Emergent Respiratory (item no. 3), the Cooperative Contract with Steelcase, Inc. (item no. 6), the Agreement with Location Age,

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
---------------	------------------------	--------------------

Bureau of Purchases

LLC (item no. 8), the Agreement with Computer Technologies U.S.A. LLC d/b/a Blue Hill Data Services (item no. 9), and the Amendment to Agreement with UnitedHealthCare Insurance Company (item no. 10).

MINUTES**RETROACTIVE TRAVEL APPROVAL**Mayor's Office of Information Technology (MOIT)

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
1. Frank A. Johnson Diedra Hollins	Economic Alliance of Greater Baltimore (EAGB) Transformation from Steel to the "Come- back Kid" Conference Pittsburgh, PA Oct. 16 - 17, 2017 (Reg. Fee \$0.00)	General Funds	\$ 923.38

Mr. Johnson and Ms. Hollins traveled to Pittsburgh, Pennsylvania on October 16 -17, 2017 to attend the EAGB Transformation from Steel to the "Comeback Kid" Conference

The subsistence rate for this location was \$183.00 per day. The hotel rate was \$169.00 per night, plus \$11.83 per night for room taxes, \$10.14 for occupancy tax per night, and \$1.69 for City tax for each attendee.

The airfare in the amount of \$237.96 each for Mr. Johnson and Ms. Hollins was prepaid on a City-issued credit card assigned to Ms. Charmaine Baker. The event registration and meals for each attendee were paid by the Host EAGB. Mr. Johnson incurred the cost of the hotel, hotel taxes, and airport parking. Ms. Hollins incurred the cost of the hotel, hotel taxes, and ground transportation. Therefore, Mr. Johnson will be reimbursed \$236.66 and Ms. Hollins will be disbursed \$210.80.

TRAVEL REIMBURSEMENT - Mr. Johnson

\$169.00	- Hotel
11.83	- Room Tax
10.14	- Occupancy Tax
1.69	- City tax
44.00	- Airport Parking
\$236.66	- Total Reimbursement

MINUTES

MOIT - cont'd

TRAVEL REIMBURSEMENT - Ms. Hollins

\$169.00	- Hotel
11.83	- Room Tax
10.14	- Occupancy Tax
1.69	- City tax
18.14	- Ground Transportation
\$210.80	- Total Reimbursement

The retroactive travel approval and travel reimbursement is late because the attendees are both new hires and there was not enough time to obtain approval from the Board of Estimates prior to travel.

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

Baltimore Police Department

RETROACTIVE TRAVEL APPROVAL

2. Rodney Hill	Use of Force	Asset	\$2,432.09
	Training	Forfeiture	
	Las Vegas, NV	Fund	
	April 2 - 6, 2017		
	(Reg. Fee \$1,290.00)		

On April 2 - 6, 2017, Mr. Hill traveled to Las Vegas, NV to attend the Use of Force Training. The allowed subsistence rate for this location is \$166.00 per day. The hotel rate was \$59.00 per night. The resort fee was \$18.07 and taxes were \$7.67 per night. The registration costs of \$1,290.00 and transportation costs of \$461.88 were prepaid using a City-issued procurement card assigned to Tribhuvan Thacker. Therefore, the reimbursement to Mr. Hill is \$674.21.

MINUTES

RETROACTIVE TRAVEL APPROVAL

Police Dept. - cont'd

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
-------------	------------------	--------------------	---------------

This request is late because due to competing priorities in a public safety environment, which did not allow enough time for processing. The Department requests retroactive travel approval. The requested travel reimbursement is as follows:

TRAVEL REIMBURSEMENT

\$190.51 - Food
60.00 - Shuttle
295.00 - Hotel
<u>128.70 - Hotel Tax</u>
\$674.21

RETROACTIVE TRAVEL APPROVAL AND REIMBURSEMENT

Health Department

3. Margaret Schnitzer	Green and Healthy Homes Initiative (GHHI) Conference Memphis, TN Sept. 24 - 27, 2017 (Reg. Fee \$785.00)	GHHI Funds	\$69.71
-----------------------	---	------------	---------

Initially, the Department declined the travel request. However, it was later determined by City leadership that a representative from the Department attend the conference.

Ms. Schnitzer received a scholarship from the GHHI which covered her airfare, hotel accommodations for three nights, and a portion of meals. The scholarship did not cover

MINUTES**RETROACTIVE TRAVEL APPROVAL**Health Dept. - cont'd

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
-------------	------------------	--------------------	---------------

parking expenses. Therefore, the Department wishes to ratify the travel request and approve reimbursement to Ms. Schnitzer for expenses not covered under the scholarship.

REIMBURSEMENT

\$25.50 - Airport Parking	
24.53 - meals	
<u>19.68 - Uber/Taxi at the GHHI conference</u>	
\$69.71	

UPON MOTION duly made and seconded, the Board approved the foregoing retroactive travel approvals and the travel reimbursements.

MINUTES

Mayor's Office of Information Technology
 and the Bureau of Accounting and Payroll
 Services - Transfers of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve the below listed Transfers of Funds:

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Mayor's Office of Information Technology</u>		
1. \$500,000.00	9903-920017-9117	9903-922017-9116
General Fund	Advance Threat Prevention (Reserve)	Advance Threat Prevention (Active)

This transfer will allow for the implementation of an added tier of cybersecurity and malware protection that would protect against zero-day exploits and advanced persistent threats, detect lateral movement of malware or adversaries, and offer malware analysis, and provide historic forensics of the enterprise as a holistic system when it comes to threats.

MINUTES

Mayor's Office of Information Technology
and the Bureau of Accounting and Payroll
Services - cont'd

Bureau of Accounting & Payroll Services

2. \$650,000.00	9908-921034-9149	9908-923034-9146
General Fund	Technology Improvements	VOIP Switches

This transfer will support infrastructure enhancements required for deployment of VoIP-TIPP Mitel phones in locations where fiber and cabling exist to support TIPP, however the site is lacking in switches.

UPON MOTION duly made and seconded, the Board approved the foregoing transfers of funds.

MINUTES

Department of Public Works - Multi Funded Research Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Multi Funded Research Agreement for AMI-Meter Data Analytics with the Water Research Foundation. The Multi Funded Research Agreement is effective upon Board approval.

AMOUNT OF MONEY AND SOURCE:

\$25,000.00 - 2071-000000-5541-398600-603026
\$17,500.00 - 2071-000000-5541-398600-603026 (in-kind)

BACKGROUND/EXPLANATION:

The Department of Public Works, Bureau of Water and Wastewater has agreed to co-fund the AMI-Meter Data Analytics project with the Water Research Foundation. The Water Research Foundation and DPW will collaborate on a research project and will participate in survey gathering of AMI-Meter data; will review survey observations and findings; provide data for AMI reading analysis and/or meter flow study; support on-site case studies or meter tests; attend a web conference on utility case study utilities and meter test results; participate in a two-day workshop focusing on results of AMI leading practices and Meter Performance Index; and review of final draft report. The Department will contribute funding in the amount of \$25,000.00 and in-kind contributions in the amount of \$17,500.00 to provide an opportunity to learn best practices within the industry that will benefit the utility, WRF subscribers, and the water industry.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTES

Department of Public Works - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Multi Funded Research Agreement for AMI-Meter Data Analytics with the Water Research Foundation.

MINUTES

President: "There being no more business before this Board, we will recess until bid opening at twelve noon. Thank you."

* * * * *

MINUTES

Clerk: "Good afternoon, the Board of Estimates 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 agency issued an addendum extending the date for receipt and opening of bids on the following contract. There were no objections.

Department of Public Works - SC 930R, Clinton Street
Sewage System Improvements
BIDS TO BE RECV'D: 12/13/2017
BIDS TO BE OPENED: 12/13/2017

MINUTES

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

Department of Transportation - TR 16301, Replacement of Bridge
No. BC-4202 Broening Highway Over
Colgate Creek and Associated
Roadway Improvements

Concrete General, Inc.
Cianbro Corporation
McLean Contracting Co.
Kiewit Infrastructure
Corman Construction, Inc.
Wagman Heavy Civil, Inc.
Technoprof Industries
Allan Myers

Department of Public Works - WC 1272, Pennington Avenue &
Vicinity Water Main Replacements

J. Fletcher Creamer & Son, Inc.
Economical International Construction Co., Inc.
Spiniello Companies
Civil Construction
Monumental Paving & Excavation, Inc.
Pipeway Energy
Rustler Construction, Inc.

Department of Public Works - SC 950, Caroline Street Storm-
water Pumping Station Upgrade

Metra Industries

MINUTES

Bureau of Purchases - B50005151, Salt for Snow Melting

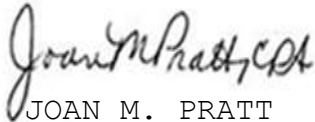
Morton Salt
Mid-Atlantic Salt, LLC
Cargill Deicing Technology
Government MLO Supplies USA, Inc.
M. Luis Products, LLC
Eastern Salt Company, Inc.

Bureau of Purchases - B50005142, Harley-Davidson
Motorcycles

Baltimore Powersports, Inc.
t/a Harley-Davidson of Baltimore

* * * * *

There being no objections, the Board, UPON MOTION duly made and seconded, adjourned until its next regularly scheduled meeting on Wednesday, November 22, 2017.


JOAN M. PRATT
Secretary