

MINUTES**REGULAR MEETING**

Honorable Bernard C. "Jack" Young, President - **ABSENT**
Honorable Sharon Green Middleton, Vice 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
Dana P. Moore, Deputy City Solicitor
S. Dale Thompson, Deputy Director of Public Works
Bernice H. Taylor, Deputy Comptroller and Clerk

In the absence of the Honorable Bernard C. "Jack" Young, President, the Honorable Vice President will act on his behalf. The Vice-President called the meeting to order.

Vice President: "Good morning. The October 17, 2018 meeting of the Board of Estimates is now called to order. In the interest of the promoting order in the efficiencies of these hearings, persons who are disruptive to the hearing will be asked to leave the hearing room. Meetings of the Board of Estimates are open to the public for the duration of the meeting. The hearing 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 of the Council President's Office dated October 15, 2018 identifying matters to be considered as routine

MINUTES

agenda items together with any corrections and additions that have been noted by the Deputy Comptroller. I will enter a motion to approve all of the items contained on the routine agenda."

City Solicitor: "Madam President, I move approval of the items on the routine agenda."

Comptroller: "Second."

Vice President: "All of those in favor say Aye. All of those opposed, Nay. "The routine agenda items --."

Comptroller: "Have been adopted"

Vice President: "Have 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:

Caretti, Inc.	\$14,400,000.00
EDMJ Contracting, Inc.	\$ 1,500,000.00
EHS Maryland, LLC	\$ 380,000.00
Glenelg Construction, Inc.	\$ 7,150,000.00
Madrid's Contracting, Inc.	\$ 910,000.00

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:

Barton & Loguidice, D.P.C.	Engineer
Mahan Rykiel Associates, Inc.	Landscape Architect
Schnabel Engineering, LLC	Engineer
Specialized Engineering	Engineer
Tetra Tech, Inc.	Engineer
WSP USA, Inc.	Engineer Architect Landscape Architect

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

MINUTES

Health Department - Notice of Award and Cooperative Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of the Notice of Award (NOA) and approve and authorize execution of the Cooperative Agreement from the Department of Health and Human Services (HHS), Centers for Disease Control and Prevention, National Center for HIV, Viral Hepatitis, STDS and TB Prevention. The period of the award is September 30, 2018 through September 30, 2019.

AMOUNT OF MONEY AND SOURCE:

\$2,452,666.00 - 4000-484819-3023-718000-404001

BACKGROUND/EXPLANATION:

This grant award provides funding to support increased efforts to reduce HIV infections among Men Who Have Sex with Men (MSM), with an emphasis on MSM of color at risk for and living with HIV infection. The Department will collaborate with community partners across the city to provide prevention, education and essential support services.

The NOA and Cooperative Agreement are late due to the administrative process.

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 Notice of Award and approved and authorized

MINUTES

Health Department - cont'd

execution of the Cooperative Agreement from the Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for HIV, Viral Hepatitis, STDS and TB Prevention.

MINUTES

Health Department - Ratification of Amendment to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to ratify the Amendment to Agreement with Humanim Inc.

AMOUNT OF MONEY AND SOURCE:

\$30,800.00 - 4000-483518-3080-294600-603051

BACKGROUND/EXPLANATION:

On April 4, 2018, the Board approved the original agreement in the amount of \$100,000.00 for the period October 1, 2017, through September 30, 2018.

The Department increased the agreement by \$30,800.00 for additional services, making the total agreement amount \$130,800.00.

The Amendment to Agreement is late because budget revisions delayed processing.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board ratified the Amendment to Agreement with Humanim Inc.

MINUTES

Health Department - Ratification of Amendment to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to ratify the Amendment to Agreement with Meals on Wheels of Central Maryland, Inc.

AMOUNT OF MONEY AND SOURCE:

\$62,442.00 - 4000-434318-3255-761600-604014

BACKGROUND/EXPLANATION:

On March 28, 2018, the Board approved the original agreement in the amount of \$1,162,828.05 for the period October 1, 2017 through September 30, 2018.

The Department determined the additional need for meal services to homebound seniors and increased the agreement by \$62,442.00. This amendment will make the total agreement amount \$1,225,270.05.

Meals on Wheels of Central Maryland, Inc. provided nutritionally balanced meals to the projected number of homebound and/or frail elderly residents of Baltimore City. The Meals on Wheels of Central Maryland, Inc. provided unique professional services in the Maryland area as required by the State of Maryland Department of Aging. The Meals on Wheels of Central Maryland, Inc. will have an in-house nutritionist to address individualized nutritional needs, provide screenings and menu planning. Meals on Wheels of Central Maryland, Inc. will coordinate, train and monitor volunteers, as well as provide case management and referral for all registered clients, conduct health assessments, and has the ability to address food security/insecurity, which is available from no other vendor.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTES

Health Department - cont'd

UPON MOTION duly made and seconded, the Board ratified the Amendment to Agreement with Meals on Wheels of Central Maryland, Inc.

MINUTES

Health Department - Agreements

The Board is requested to approve and authorize execution of the various agreements. The period of the agreement is July 1, 2018 through June 30, 2019, unless otherwise indicated.

1. **ASSOCIATED BLACK CHARITIES, INC.** **\$12,733,580.00**
(ABC)

Accounts: 4000-427718-3023-273302-603051	588,922.00
4000-427718-3023-273303-603051	12,144,658.00

The Associated Black Charities, Inc. (ABC), as the Fiscal Agent will be responsible for providing the day-to-day fiscal administration, contracting and monitoring of provider expenditures to ensure the reasonableness of reimbursements requested by direct service providers and to be in compliance with contractual fiscal requirements. During this term, the Department will be responsible for the programmatic services of Ryan White Part-A, including Requests for Proposals, selection of direct service providers, review of programmatic reports, and programmatic monitoring of providers. The period of the Agreement is March 1, 2018 through February 28, 2019.

The Agreement is late because the Notice of Award was approved on March 7, 2018. The Board also approved a two month advance of funds to Associated Black Charities, for the continuation of Ryan White Part-A Services \$92,958.00 for Administrative services and \$2,633,831.00 for direct service providers while Subgrantee budgets were being prepared.

MWBOO GRANTED A WAIVER.

MINUTES

Health Department - cont'd

2. UNIVERSITY OF MARYLAND, BALTIMORE, (UMB) \$ 200,955.00

Accounts: 6000-622119-3080-294300-603051	26,713.00
1001-000000-3080-288700-603051	174,242.00

The UMB will provide services in the Premature Infant Development Enrichment Program (PRIDE). Maryland's PRIDE program is a collaborative endeavor between the Division of Neonatology at the University of Maryland, Baltimore and the Baltimore Infants and Toddlers Program (BITP).

The purpose of this agreement is to provide collaboration for infants in the Neonatal Intensive Care Unit (NICU) and the NICU Follow-up Clinic, who are eligible to receive early intervention services through the BITP.

The Agreement is late because of administration delays.

MWBOO GRANTED A WAVIER.

3. UNIVERSITY OF MARYLAND, BALTIMORE (UMB) \$ 88,701.00

Account: 4000-423119-3150-295905-603051

The UMB's Center for Health and Homeland Security (CHHS) will assist with further developing the Department's public health emergency plans for Strategic National Stockpile and Emergency Medical Countermeasure dispensing. In addition, the UMB's CHHS will assist with other preparedness and response initiatives, under the guidance of the Department's Office of Public Health Preparedness and Response Director and the Deputy Director.

The Agreement is late because of the Department's administrative review process.

MWBOO GRANTED A WAIVER.

MINUTES

Health Department - cont'd

4. **UNIVERSITY OF MARYLAND, BALTIMORE-
SCHOOL OF SOCIAL WORK** \$ **74,999.98**

Account: 4000-494419-3080-292300-603051

The University of Maryland School of Social Work will provide a process and outcome evaluation for the Personal Responsibility Education Program. In order to conduct the evaluation, the School of Social Work will serve as a member of the Project Work Team, develop and/or renew Institutional Review Board applications with the University of Maryland Baltimore, Maryland Department of Human Resources, Maryland Department of Health and Mental Hygiene, Maryland Department of Juvenile Services, and the Department's Public Health Review for the project including the research plan, consent procedures and documents and all data collection instruments.

The Agreement is late because of administrative delays.

MWBOO GRANTED A WAIVER

5. **JOHNS HOPKINS UNIVERSITY** \$**106,000.00**

Account: 4000-480619-3080-279200-603051

The Johns Hopkins University School of Medicine, Harriet Lane Teen Clinic will work on the U Choose Evidence-Based Teen Pregnancy Project to implement the Seventeen Days curriculum. The Seventeen Days curriculum educates young women about contraception and STD's.

The Agreement is late because of delays at the administrative level.

MWBOO GRANTED A WAIVER

MINUTES

Health Department - cont'd

6. **JOHNS HOPKINS UNIVERSITY** \$ **50,000.00**

Account: 5000-520119-3080-288900-603051

The Johns Hopkins University's Harriet Lane Adolescent Clinic Title X Program 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 sexual transmitted infection.

This Agreement is being presented at this time due to a delay in the administrative review process.

MWBOO GRANTED A WAIVER

7. **PACT: HELPING CHILDREN WITH SPECIAL NEEDS, INC.** \$ **2,830.00**

Account: 6000-622119-3080-294300-603051

PACT: Helping Children with Special Needs, Inc. World of Care Comprehensive Therapy Center, Therapy and Evaluation Services. The organization's World of Care Comprehensive Therapy Center will coordinate its services in the area of non-medical assistance and therapy and evaluation for the Baltimore Infants and Toddler Program.

The agreement is late because of administration delays.

MINUTES

Health Department - cont'd

8. **BALTIMORE HEALTHY START, INC.** \$ 40,000.00

Account: 4000-499619-3080-294213-603051

The Baltimore Healthy Start, Inc. will obtain services from a Certified Registered Nurse Practitioner to provide family planning services to Healthy Start, Inc. The provider will conduct home and center-based reproductive health services with the intended goal of reducing unintended pregnancies and lengthening inter-pregnancy intervals.

The Agreement is late because of administration delays.

9. **BALTIMORE MEDICAL SYSTEM, INC.** \$ 60,000.00

Account: 5000-520119-3080-288900-603051

The Baltimore Medical System, Inc. will provide clinical services for family planning. Clinical reproductive health care services will allow the client to choose from a broad range of contraceptive options.

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

MWBOO GRANTED A WAIVER

10. **HEALTHCARE ACCESS MARYLAND, INC.(HCAM)** \$ 60,000.00

Account: 4000-499919-3080-294200-603051

Under the terms of this agreement, the funds will be used for the Safe Sleep Initiative program services. The overall strategy of the Safe Sleep Initiative program is to prepare women for the arrival of their newborn and the post-partum period by providing safe sleep education, newborn and post-partum education. The services will include family planning and well-women exams and the provision of a portable crib, when needed. The HCAM will provide the services of a Safe

MINUTES

Health Department - cont'd

Sleep Coordinator to screen all requests for program eligibility, provide safe sleep education and training, and line women to available support services.

The Agreement is late because of the administrative review process.

MWBOO GRANTED A WAIVER

11. **BEHAVIORAL HEALTH SYSTEM BALTIMORE, INC.** \$ 50,000.00

Account: 4000-480619-3080-279200-603051

The Behavioral Health System Baltimore, Inc. will work towards building the sexual health and youth-friendly community-based substance use disorder treatment and mental health capacity of school and Title X providers.

The agreement is late because of administrative delays.

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 Agreements. The Vice President acting on behalf of the President **ABSTAINED** on item No. 5 and item No. 6. The Comptroller **ABSTAINED** on item No. 1.

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 2143 Vine Street (Block 0175, Lot 074) by gift from Mamie Wells, 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, on behalf of the Mayor and City Council, strategically acquires and manages vacant or abandoned properties, which enables these properties to be returned to productive use and improve neighborhoods in Baltimore City.

Mamie Wells has offered to donate to the City, title to the property at 2143 Vine Street. 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 July 06, 2018, other than water bills, which must be paid as part of the transaction, is as follows:

MINUTES

DHCD - cont'd

Real Property Tax	2018-2019	<u>\$240.72</u>
Total Taxes Owed		\$240.72

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved the acquisition of the fee simple interest in the property located at 2143 Vine Street (Block 0175, Lot 074) by gift from Mamie Wells, Owner, SUBJECT to municipal liens, interest, and penalties, other than water bills.

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 leasehold interest in the property located at 3705 S. Hanover Street (Block 7089, Lot 003) by gift from Moynihan 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, on behalf of the Mayor and City Council, strategically acquires and manages vacant or abandoned properties, which enables these properties to be returned to productive use and improve neighborhoods in Baltimore City.

Moynihan Holdings, LLC, has offered to donate to the City, title to the property at 3705 S. Hanover Street. 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 August 8, 2018, other than water bills, which must be paid as part of the transaction, is as follows:

MINUTES

DHCD - cont'd

Real Property Tax	2018-2019	\$ 94.40
Real Property Tax	2017-2018	1,447.69
Environmental Fine	55202840	150.00
Personal Property Bill	W13928122	294.49
Property Registration	B1122307	<u>210.40</u>
Total Liens Owed:		\$2,196.98

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved the acquisition of the leasehold interest in the property located at 3705 S. Hanover Street (Block 7089, Lot 003) by gift from Moynihan Holdings, LLC, Owner, SUBJECT to municipal liens, interest, and penalties, other than water bills.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve the acquisition by gift of the leasehold interest in the property located at 1844 N. Chester Street (Block 1449, Lot 087) by gift from Mr. Andrew E. Obiefule, 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. Therefore, no City funds will be expended.

BACKGROUND/EXPLANATION:

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

Mr. Obiefule, has offered to donate to the City, title to the property at 1844 N. Chester Street. 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 August 2, 2018, other than water bills, which must be paid as part of the transaction, is as follows:

MINUTES

DHCD - cont'd

MBE/WBE PARTICIPATION:

N/A

Real Property Tax	2018-2019	\$354.00
Registration	093759	<u>130.00</u>
Total Liens Owed:		\$484.00

UPON MOTION duly made and seconded, the Board approved the acquisition by gift of the leasehold interest in the property located at 1844 N. Chester Street (Block 1449, Lot 087) by gift from Mr. Andrew E. Obiefule, Owner, SUBJECT to municipal liens, interest, and penalties, other than water bills.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve the acquisition by gift of the fee simple interest in the property located at 3908 Old Frederick Road (Block 2249A, Lot 003) by gift from Ms. Paula Kipperman, 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. Therefore, no City funds will be expended.

BACKGROUND/EXPLANATION:

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

Ms. Kipperman, has offered to donate to the City, title to the property at 3908 Old Frederick Road. 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 September 30, 2018, other than water bills, which must be paid as part of the transaction, is as follows:

MINUTES

DHCD - cont'd

Tax Sale Cert. #322877	05/15/2017	\$ 16,258.93
Tax Sale Cert. #288503	05/19/2014	4,513.74
Tax Sale Cert. #191032	05/09/2005	16,044.22
Real Property Taxes	2018-2019	726.88
Real Property Taxes	2017-2018	883.08
Real Property Taxes	2016-2017	Incl. in TS
Real Property Taxes	2015-2016	Incl. in TS
Real Property Taxes	2014-2015	Incl. in TS
Miscellaneous Bill	#7423148	12,611.52
Environmental Bill	#53723227	300.00
Property Registration	#513233	219.60
Total Taxes Owed:		<u>\$ 51,557.97</u>

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved the acquisition by gift of the fee simple interest in the property located at 3908 Old Frederick Road (Block 2249A, Lot 003) by gift from Ms. Paula Kipperman, Owner, SUBJECT to municipal liens, interest, and penalties, other than water bills.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve the acquisition by gift from Habitat for Humanity of the Chesapeake, Inc., Owner, **SUBJECT** to municipal liens, interest, and penalties, other than water bills.

<u>Address</u>	<u>Block Lot</u>	<u>Interest</u>
709 Baker Street	0300C 031	Fee Simple
1371 N. Gilmor Street	0034 037	Leasehold
1377 N. Gilmor Street	0034 040	Fee Simple
1379 N. Gilmor Street	0034 041	Fee Simple
1322 N. Mount Street	0032 011	Fee Simple
1400 Presstman Street	0300B 001	Fee Simple
1442 Presstman Street	0300B 019	Leasehold
1539 N. Stricker Street	0300B 038	Fee Simple
1538 N. Woodyear Street	0300C 087	Leasehold
1542 N. Woodyear Street	0300C 085	Leasehold

AMOUNT OF MONEY AND SOURCE:

The Owner agrees to pay for any title work and all associated settlement costs, not to exceed \$600.00. 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.

The Owner has offered to donate to the City, title to the properties. With the Board's approval, the City will receive

MINUTES

DHCD - cont'd

clear and marketable title to the properties, subject only to certain City liens. The City's acceptance of this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain.

The Owner will pay all current water bills up through the date of settlement. The DHCD will acquire the properties subject to all municipal liens, and all interest and penalties that may accrue prior to recording a deed. The water bills must be paid as part of the transaction. A list of open municipal liens accrued through July 11, 2018, other than water bills, are as follows:

<u>709 Baker Street</u>		
Real Property Tax	2018-2019	\$70.46
Miscellaneous Bill	8460750	219.88
Miscellaneous Bill	8502403	102.94
Property Registration	B993956	<u>118.00</u>
Total Liens Owed:		\$511.28

<u>1371 N. Gilmor Street</u>		
Tax Sale	5/14/2018	\$1,050.18
Real Property Tax	2018-2019	70.46
Property Registration	B992050	<u>343.20</u>
Total Liens Owed:		\$1,463.84

<u>1377 N. Gilmor Street</u>		
Real Property Tax	2018-2019	\$23.49
Real Property Tax	2017-2018	28.20
Real Property Tax	2016-2017	33.72
Real Property Tax	2015-2016	<u>39.24</u>
Total Liens Owed:		\$124.65

MINUTES

DHCD - cont'd1379 N. Gilmor Street

Real Property Tax	2018-2019	\$23.49
Real Property Tax	2017-2018	28.20
Real Property Tax	2016-2017	33.72
Real Property Tax	2015-2016	<u>39.24</u>
Total Liens Owed:		\$124.65

1322 N. Mount Street

Real Property Tax	2018-2019	\$117.44
Miscellaneous Bill	8469595	218.91
Environmental Fine	55071799	75.00
Property Registration	B1012823	<u>118.00</u>
Total Liens Owed:		\$529.35

1400 Presstman Street

Tax Sale	5/15/2017	\$575.55
Real Property Tax	2018-2019	23.49
Real Property Tax	2017-2018	28.20
Miscellaneous Bill	8071904	<u>211.89</u>
Total Liens Owed:		\$839.13

1442 Presstman Street

Tax Sale	5/14/2018	\$880.00
Real Property Tax	2018-2019	70.46
Miscellaneous Bill	8297509	<u>186.40</u>
Total Liens Owed:		\$1,136.86

1539 N. Stricker Street

Tax Sale	5/14/2018	\$2,039.78
Real Property Tax	2018-2019	70.46
Property Registration	B967954	<u>962.00</u>
Total Liens Owed:		\$3,072.24

MINUTES

DHCD - cont'd1538 N. Woodyear Street

Real Property Tax	2018-2019	\$ 70.46
Real Property Tax	2017-2018	95.94
Real Property Tax	2016-2017	112.53
Real Property Tax	2015-2016	117.72
Miscellaneous Bill	7579873	5.51
Miscellaneous Bill	8076127	268.92
Miscellaneous Bill	8342792	27,800.56
Property Registration	B1005332	<u>343.20</u>
Total Liens Owed:		\$28,814.84

1542 N. Woodyear Street

Real Property Tax	2018-2019	\$ 70.46
Real Property Tax	2017-2018	95.94
Real Property Tax	2016-2017	112.53
Real Property Tax	2015-2016	117.72
Miscellaneous Bill	8076135	268.92
Miscellaneous Bill	8310302	188.80
Miscellaneous Bill	8466674	136.41
Miscellaneous Bill	8475592	218.97
Property Registration	B999438	<u>343.20</u>
Total Liens Owed:		\$ 1,552.95

UPON MOTION duly made and seconded, the Board approved the acquisition by gift of the above-listed properties from Habitat for Humanity of the Chesapeake, Inc., Owner, SUBJECT to municipal liens, interest, and penalties, other than water bills.

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 404 N. Duncan Street by gift from Bankruptcy Estate of City Homes East Business Trust, Zvi Guttman, Chapter 11 Plan Trustee, Owner, **SUBJECT** to municipal liens, interest, and penalties, other than water bills.

AMOUNT OF MONEY AND SOURCE:

\$600.00 - 9910-908044-9588-900000-704044

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.

Bankruptcy Estate of City Homes East Business Trust, Zvi Guttman, Chapter 11 Plan Trustee has offered to donate to the City, title to the property located at 404 N. Duncan Street. With the Board's approval, the City will receive clear and marketable title to the properties, subject only to certain City liens. The City's acceptance of this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain.

The Owner will pay all current water bills up through the date of settlement. The DHCD will acquire the properties subject to all municipal liens, and all interest and penalties that may accrue prior to recording a deed. The water bills must be paid as part of the transaction. A list of open municipal liens accrued through August 29, 2018, other than water bills, are as follows:

MINUTES

DHCD - cont'd

Real Property Tax	2018/19	\$	28.32
Real Property Tax	2017/18		34.37
Real Property Tax	2016/17		40.97
Real Property Tax	2015/16		<u>98.94</u>
	Total Property Tax:	\$	202.60

Miscellaneous Bill	5012398	\$	237.35
Miscellaneous Bill	5080817		280.88
Miscellaneous Bill	5319116		228.17
Miscellaneous Bill	5443858		216.57
Miscellaneous Bill	6022016		244.78
Miscellaneous Bill	6022875		236.87
Miscellaneous Bill	6068381		245.04
Miscellaneous Bill	6397020		280.50
Miscellaneous Bill	6460968		335.21
Miscellaneous Bill	6722201		293.40
Miscellaneous Bill	6756035		239.96
Miscellaneous Bill	7973159		221.74
Miscellaneous Bill	8007379	\$	<u>282.59</u>
	Total Miscellaneous Bills:		<u>\$3,343.06</u>

Property Reg.	102694	\$	298.00
---------------	--------	----	---------------

Total: **\$3,843.66**

UPON MOTION duly made and seconded, the Board approved the acquisition of the fee simple interest in the property located at 404 N. Duncan Street by gift from Bankruptcy Estate of City Homes

MINUTES

DHCD - cont'd

East Business Trust, Zvi Guttman, Chapter 11 Plan Trustee, Owner,
SUBJECT to municipal liens, interest, and penalties, other than
water bills.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve the acquisition by gift of the fee simple interest in the property located at 1520 N. Bruce Street from the Bankruptcy Estate of City Homes III, LLC, Zvi Guttman, Chapter 11 Plan Trustee, Owner, **SUBJECT** to municipal liens, interest, and penalties, other than water bills.

AMOUNT OF MONEY AND SOURCE:

\$600.00 - 9910-908044-9588-900000-704044

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.

Bankruptcy Estate of City Homes III, LLC, Zvi Guttman, Chapter 11 Plan Trustee has offered to donate to the City, title to the property located at 1520 N. Bruce Street. With the Board's approval, the City will receive clear and marketable title to the properties, subject only to certain City liens. The City's acceptance of this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain.

The Owner will pay all current water bills up through the date of settlement. The DHCD will acquire the properties subject to all municipal liens, and all interest and penalties that may accrue prior to recording a deed. The water bills must be paid as part of the transaction. A list of open municipal liens accrued through August 29, 2018, other than water bills, are as follows:

MINUTES

DHCD - cont'd

Real Property Tax	2018/19	\$ 23.36
Real Property Tax	2017/18	28.66
Real Property Tax	2016/17	34.18
Real Property Tax	2015/16	<u>91.07</u>
	Total Property Tax:	\$ 177.51
Miscellaneous Bill	7391865	\$ 215.20
Miscellaneous Bill	7471063	274.52
Miscellaneous Bill	7480726	274.52
Miscellaneous Bill	7970080	<u>5,987.48</u>
	Total Miscellaneous Bills:	\$6,751.72
	Total:	\$6,929.23

UPON MOTION duly made and seconded, the Board approved the acquisition by gift of the fee simple interest in the property located at 1520 N. Bruce Street from the Bankruptcy Estate of City Homes III, LLC, Zvi Guttman, Chapter 11 Plan Trustee, Owner, SUBJECT to municipal liens, interest, and penalties, other than water bills.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve the acquisition by gift of the fee simple interests in the property located at 2858 W. Lanvale Street from the Bankruptcy Estate of City Homes West Business Trust, Zvi Guttman, Chapter 11 Plan Trustee, Owner, **SUBJECT** to municipal liens, interest, and penalties, other than water bills.

AMOUNT OF MONEY AND SOURCE:

\$600.00 - 9910-908044-9588-900000-704044

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.

Bankruptcy Estate of City Homes WEST Business Trust, Zvi Guttman, Chapter 11 Plan Trustee has offered to donate to the City, title to the property located at 2858 W. Lanvale Street. With the Board's approval, the City will receive clear and marketable title to the properties, subject only to certain City liens. The City's acceptance of this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain.

The Owner will pay all current water bills up through the date of settlement. The DHCD will acquire the properties subject to all municipal liens, and all interest and penalties that may accrue prior to recording a deed. The water bills must be paid as part of the transaction. A list of open municipal liens accrued through August 29, 2018, other than water bills, are as follows:

Property Registration	033032	\$130.00
Metered Water	02261396002	<u>\$244.28</u>
Total Liens Owed:		\$374.28

MINUTES

DHCD - cont'd

UPON MOTION duly made and seconded, the Board approved the acquisition by gift of the fee simple interests in the property located at 2858 W. Lanvale Street from the Bankruptcy Estate of City Homes West Business Trust, Zvi Guttman, Chapter 11 Plan Trustee, Owner, SUBJECT to municipal liens, interest, and penalties, other than water bills.

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 Dominique Hellgeth and Michael Hart, Purchasers, for the sale of the City-owned property located at 1803 Barclay Street.

AMOUNT OF MONEY AND SOURCE:

\$25,000.00 - Purchase Price

BACKGROUND/EXPLANATION:

The Purchasers will purchase the vacant building at 1803 Barclay Street, which will be renovated for their personal residence. The property is located within the Greenmount West Community. The purchase price and improvements to the site will be funded through private funds.

The authority to sell the property located at 1803 Barclay Street is given under Baltimore City Code, Article 13, §2-7(h)(2)(ii)(C).

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

The property was valued at \$19,600.00 and will be sold at \$25,000.00. Therefore, a rationale for sale below the Waiver Valuation price is not applicable.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Land Disposition Agreement with Dominique Hellgeth and Michael Hart, Purchasers, for the sale of the City-owned property located at 1803 Barclay 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 Perger, LLC, Developer, for the sale of the City-owned properties located at 1620 and 1622 N. Bethel Street.

AMOUNT OF MONEY AND SOURCE:

\$1,000.00 - 1620 N. Bethel Street
1,000.00 - 1622 N. Bethel Street
\$2,000.00 - Total Purchase Price

BACKGROUND/EXPLANATION:

The project will involve converting the vacant lot into a driveway for the neighboring warehouse that is owned by the purchaser.

The property located at 1620 N. Bethel Street was journalized and approved for sale on December 6, 2012.

The authority to sell the property located at 1622 N. Bethel Street is given under Baltimore City Code, Article 13, §2-7(h).

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

Pursuant to the Appraisal Policy of Baltimore City, the Waiver Valuation Process determined that the properties located at 1620 and 1622 N. Bethel Street was valued at \$1,800.00 each. The properties are being sold for \$1,000.00 each.

The properties will be sold below the Waiver Valuation price for the following reasons:

MINUTES

Department of Housing and - cont'd
Community Development

- the sale will aid in the elimination of blight from the neighborhood, and
- the sale will return the property to the City's tax rolls

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Land Disposition Agreement with Perger, LLC, Developer, for the sale of the City-owned properties located at 1620 and 1622 N. Bethel Street.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Community Development Block Grant Agreement with Public Justice Center, Inc. The period of the agreement is July 1, 2018 through June 30, 2019.

AMOUNT OF MONEY AND SOURCE:

\$100,000.00 - 2089-208919-5930-433329-603051

BACKGROUND/EXPLANATION:

The purpose of this CDBG Agreement is to provide funding for the Human Right to Housing Project (HR2H Project) for a one-year period. The HR2H Project will provide free legal services and training in tenant rights to low-and moderate-income tenants to prevent unnecessary or unjust evictions that may cause homelessness and neighborhood destabilization and to improve housing conditions that do not meet housing and health codes. The HR2H Project will pair tenants facing eviction and/or living in substandard housing with well-trained volunteer advocates and attorneys who will counsel or represent them during summary eviction and rent escrow proceedings. The HR2H Project will also provide community education and outreach presentations.

MBE/WBE PARTICIPATION:

MWBOO GRANTED A WAIVER.

MINUTES

DHCD - cont'd

On August 8, 2018, 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 2018 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)

Upon approval of the resolution the DHCD's Contracts Section began negotiating and processing the CDBG Agreements as outlined in the Plan effective July 1, 2018 and beyond. Consequently, this agreement was delayed due to final negotiations and processing.

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Community Development Block Grant Agreement with Public Justice Center, Inc.

MINUTES

TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

4337 - 4340

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

The Comptroller **ABSTAINED** on item

nos. 11 and 12.

MINUTES

TRANSFERS OF FUNDS

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Recreation and Parks</u>			
1.	\$ 191,000.00	9938-916034-9475	9938-901751-9474
	General Funds	Herring Run Trail Enhancements (Reserve)	Herring Run Greenway (Active)

This transfer will provide funds to cover the costs associated with authorized Change Orders for Herring Run Greenway, Phase I Contract No. TR 12313.

2.	\$ 20,000.00	9938-910083-9475	9938-911083-9474
	1 st Parks & Public Facilities	FY17 Historic Park Facility Renovations (Reserve)	FY Historic Park Facility Renovations (Active)

This transfer will provide funds to cover the costs for mold and asbestos abatement for the Cylburn Carriage House.

3.	\$ 460,000.00	9938-912117-9475	
	General Funds 2 nd Parks and Public Facilities	Shake & Bake Recreation Center (Reserve)	

	<u>1,000,000.00</u>	" "	
--	---------------------	-----	--

	\$1,460,000.00	-----	9938-913117-9474
			Shake & Bake Recreation Center (Active)

This transfer will provide funds to cover the costs associated with the construction of the Shake & Bake Recreation Center.

MINUTES

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Housing and Community Development (DHCD)</u>		
4. \$ 250,000.00 CDBG 42	9997-909985-9587 Housing Develop- ment (Reserve)	9997-910905-9593 Homeless Housing Rehab Program
This transfer will provide funding for an agreement between the DHCD and the Housing Authority of Baltimore City to assist with the rehabilitation of seven public housing units for re-occupancy for the homeless.		
5. \$ 600,000.00 2 nd Community & Economic Devel- opment Bonds	9910-919017-9587 Citywide Acquisi- tion Relocation (Reserve)	9910-904177-9588 Acquisition & Relocation
This transfer will provide funding for acquisition and relocation costs related to properties not with a defined project area.		
6. \$ 420,000.00 2 nd Community & Economic Devel- opment Bonds	9910-914024-9587 Upton Future Development Site Assembly (Reserve)	9910-905142-9588 Upton Future Devel- opment Site Assembly
This transfer will provide funds for the Upton Future Development Site Assembly project.		

MINUTES

TRANSFERS OF FUNDS

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>DHCD</u> - cont'd			
7.	\$1,215,000.00	9910-909932-9587 Poppleton Acq., Demo., Relocate (Reserve)	9910-914135-9588 Poppleton CW Ph 2-4 Acq-Demo

This transfer will provide funds for the acquisition of remaining properties, relocation of residents, and demolition of structures to complete site control of Phases 2 through 4 of the 13.5 acre Poppleton Center/West redevelopment area for future redevelopment as mixed-income projects.

8.	\$100,000.00	9910-902985-9587 Housing Develop- ment (Reserve)	9910-903283-9588 Emergency Housing
----	---------------------	--	---------------------------------------

This transfer will provide funding for emergency housing costs associated with citizens displaced by fire, flooding or other hardships.

9.	\$500,000.00	9910-913996-9587 Stabilize City- owned Property (Reserve)	9901-907157-9588 MCC-Land Management - DHCD
----	---------------------	--	---

This transfer will provide funds for the costs related to the Stabilization of City-owned properties.

MINUTES

TRANSFERS OF FUNDS

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Parking Authority of Baltimore City</u>			
10.	\$425,000.00	9965-913028-9581	9965-919028-9580
	Parking	Market Center	Market Center Garage
	Facilities	Garage Elevator	Elevator
	Fund		

The Parking Authority of Baltimore City requests a transfer of funds for the agreement of the modernization and replacement of three elevators at Market Center Garage located at 221 N. Paca Street, which was approved by the Board of Estimates on July 26, 2017 in order to pay vendor from Parking Facilities funds instead of from operating account.

MINUTES

Space Utilization Committee - 1st Renewal of Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve the 1st Renewal of the Lease Agreement with Loyola University Maryland, Inc., Tenant, for the rental of a portion of the property known as 3301 Waterview Avenue (Block 7610, Lot 15), for the use of 19% of space in the lower level, containing 56 seats and rowing related equipment. The period of the renewal is November 16, 2018 through November 15, 2019.

AMOUNT OF MONEY AND SOURCE:

\$3,050.00 - Annual rent for the renewal

BACKGROUND/EXPLANATION:

On March 14, 2018, the Board approved the original Lease Agreement for the period November 16, 2017 through November 15, 2018 with the option to renew for one additional one-year period. Loyola University Maryland, Inc. would like to exercise its renewal option, for the period November 16, 2018 through November 15, 2019.

All other rentals, conditions and provisions of the Lease Agreement dated March 14, 2018 remain in full force and effect.

UPON MOTION duly made and seconded, the Board approved the 1st Renewal of the Lease Agreement with Loyola University Maryland, Inc., Tenant, for the rental of a portion of the property known as 3301 Waterview Avenue (Block 7610, Lot 15), for the use of 19% of space in the lower level, containing 56 seats and rowing related equipment.

MINUTES

Space Utilization Committee - 2nd Renewal of Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve the 2nd Renewal of the Lease Agreement 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 2nd renewal is November 16, 2018 through November 15, 2019.

AMOUNT OF MONEY AND SOURCE:

\$3,950.00 - Annual rent for 2nd renewal

BACKGROUND/EXPLANATION:

On September 20, 2017, the Board approved the original Lease Agreement for the period November 16, 2016 through November 15, 2017 with the option to new for two additional one-year periods.

The period of the 1st renewal of the Lease Agreement was November 16, 2017 through November 15, 2018.

Notre Dame Preparatory School, Inc. would like to exercise its 2nd renewal option, for the period November 16, 2018 through November 15, 2019.

All other rentals, conditions and provisions of the Lease Agreement dated September 20, 2017 remain in full force and effect.

UPON MOTION duly made and seconded, the Board approved the 2nd Renewal of the Lease Agreement with Notre Dame Preparatory School, Inc., Tenant, for the rental of a portion of the property

MINUTES

Space Utilization Committee - cont'd

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 Transportation - Refund of Excess Proceeds
from Auction

ACTION REQUESTED OF B/E:

The Board is requested to approve the Expenditure Authorization to pay Ms. Delores Montgomery. The refund represents the proceeds beyond the expense of receiving, storage, and disposing of the vehicle in question at auction.

AMOUNT OF MONEY AND SOURCE OF FUNDS:

\$5,089.00 - 1001-000000-1950-505215-4017740

BACKGROUND/EXPLANATION:

The Registered Owner and/or Lienholder were properly notified that their respective vehicle were at the Towing Section; however, the vehicle remained unclaimed. Therefore, the aforementioned vehicle was sold at auction. The owner has subsequently requested a refund of the excess proceeds from the auction. The request is in accordance with AM-303-1 and Article 31, Section 97 of the Baltimore City Code.

MBE/WBE PARTICIPATION: N/A

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved the Expenditure Authorization to pay Ms. Delores Montgomery.

MINUTES

Department of Transportation - Amendment No. 1 to PILOT Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Amendment No. 1 to the Pilot Agreement to establish the fees to be paid to the City for Dockless Bikes and Dockless Electric Bikes by Neutron Holdings, Inc. dba Lime and LimeBike (Lime).

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On Wednesday, August 22, 2018, the Board approved a Pilot Agreement between the City and Lime for the deployment of a limited number of dockless, personal use bicycles or motorized scooters within the City of Baltimore and for the temporary permitted use of the public right-of-way for the operation of a Dockless Vehicle Program.

The parties desire to amend the Original Agreement to establish the fees to be paid by Lime to the City for Dockless Bikes and Dockless Electric Bikes, as defined in the Original Agreement.

During the term of this Agreement, Lime shall pay the City a daily fee of \$1.00 for each Dockless Scooter operating in the City of Baltimore and a flat fee of \$20.00 for each Dockless Bike and each Dockless Electric Bike operating in the City of Baltimore.

MINUTES

Department of Transportation - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 1 to the Pilot Agreement to establish the fees to be paid to the City for Dockless Bikes and Dockless Electric Bikes by Neutron Holdings, Inc. dba Lime and LimeBike.

MINUTES

Department of Transportation/Office - Task Assignment
of Engineering and Construction

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment to Whitman, Requardt & Associates, LLP of Task No. 13 under On-Call Design Services for Federal Aid Project for Bridges, Project 1135.

AMOUNT OF MONEY AND SOURCE:

\$231,492.82 - 9950-912036-9508-900010-705032

BACKGROUND/EXPLANATION:

This authorization provides for Construction Phase Services for TR 16301. Rehabilitation of Bridge No. BC4202, Replacement of Broening Highway Bridge over Colgate Creek and Associated Roadway Improvements. Services include: Public Outreach, Redline Revisions, Preconstruction meeting, attend monthly progress meetings, CPM Schedule Review, Review RFIs, Review Shop Drawings and Redesign Under Construction and Construction Engineering Support. The time frame for this task is approximately twenty-five months.

DBE PARTICIPATION:

The Consultant will comply with Title 49 Code of Federal Regulations, Part 26 (49CFR26) and the DBE goal established in the original agreement.

DBE: 25.00%

The Consultant has met 23.12% of the DBE goal; however, they have the capacity to meet the remaining required DBE goal.

APPROVED FOR FUNDS BY FINANCE

MINUTES

Department of Transportation/Office - cont'd
of Engineering and Construction

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

UPON MOTION duly made and seconded, the Board approved the assignment to Whitman, Requardt & Associates, LLP of Task No. 13 under On-Call Design Services for Federal Aid Project for Bridges, Project 1135.

MINUTESDepartment of Transportation (DOT) - 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.	12 W MONTGOMERY STREET, LLC	1603	\$17,640.00

12 W Montgomery Street, LLC would like to upgrade an existing water service in the renovation of 12 West Montgomery 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 \$17,640.00 has been issued to 12 W Montgomery Street, LLC which assumes 100% of the financial responsibility.

2.	DEAD END LAND HOLDINGS, LLC	1562	\$21,822.00
----	-----------------------------	------	-------------

Dead End Land Holdings, LLC would like to install a new water service at its proposed new building located 933 Fell Street. This agreement will allow the organization to do its own installation in accordance with Baltimore City Standards.

A Letter of Credit in the amount of \$21,370.00 has been issued to Allied Building Products Corporation, 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.

MINUTESDepartment of Transportation - Minor Privilege Permit Applications

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

	<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
1.	1203 W. Mount Royal Avenue	BA Bolton Yards, LLC	Patio 82 sf., out- door seating 82 sf.
	\$2,669.70 - Annual Charge		
2.	2636 W. North Avenue	Walbrook Core, LLC	Six Planters (1) @ 67' x 2.5' (1) @ 73' X 2.5', 1 @ 43' x 2.5' 1 @ 13' x 2.3,' (2) @ 24' x 2.5' (6) sets of Steps
	\$3,268.20 - Annual Charge		
3.	516 E. 21 st Street	Maryland Custom Builders, Inc.	Two Sets of steps 11' x 4'1"
	\$ 35.20 - Flat Charge		
4.	701 S. Eden Street k/a 777 S. Eden Street	701 South Eden Street, LLC	Service Connection (1) Duct @ 152 LF.
	\$1,064.00 - Annual Charge		
5.	921 E. Fort Avenue	State of Maryland	Service Connection (1) Duct @ 9 LF.
	\$ 31.50 - Flat Charge		

MINUTES

Department of Transportation - cont'd

	<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
6.	1900 Aliceanna Street	1900 Aliceanna, LLC	Two bracket signs 28" x 35" each
	\$317.20 - Flat Charge		
7.	Monument St. & Caroline St. North Ave. & Longwood St. Dolphin St. & Pennsylvania Ave. Fayette St. & Broadway North Ave. & Denison St. North Ave. & Aisquith St. Belair Rd & Erdman Ave. Eutaw St. & Madison Ave. North Ave. & Madison St. W. Patapsco Ave & Hanover St.	Mass Transit Administration	Ten 13' x 7' Bus Shelter

Charge: N/A - State Agencies are exempt from permit fees.

MINUTES

Department of Transportation - cont'd

	<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
8.	551 S. Paca Street	Kuo Pao Lian	One set of steps 5' x 4'
	\$ 35.20 - Flat Charge		
9.	418-424 N. Howard Street	Zebedee I, LLC	One storefront 33.43 sf.
	\$939.38 - Annual Charge		

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

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

MINUTES

Law Department - Settlement Agreement and Release

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Settlement Agreement and Release for the action brought by Progressive Insurance Company, as subrogee of Robert Stevens (Claimant), against the Mayor and City Council of Baltimore (City). Claimant alleges that City employee Gideon Shifaraw (employee) was negligent in his operation of a City vehicle, which caused damage to the vehicle owned by Robert Stevens and insured by Progressive Insurance Company.

AMOUNT OF MONEY AND SOURCE:

\$29,638.99 - 2036-000000-1752-175200-603070

BACKGROUND/EXPLANATION:

On August 17, 2017, at approximately 6:20 a.m., employee was driving southbound on Harford Road towards the intersection of Biddle Street. At that time claimant was driving eastbound on Biddle Street towards its intersection with Harford Road. The two vehicles entered the intersection and a collision occurred. The intersection is regulated by traffic signals, and Claimant contends that Mr. Shifaraw had the red light. The weight of the evidence likely supports that contention. Accordingly, the parties proposed to settle the matter for a total sum of \$29,638.99 in return for a final resolution of the claim.

Based on a review of the facts and legal issues specific to this case, the Settlement Committee of the Law Department recommends that the Board of Estimates approve the settlement of this case as set forth herein.

MINUTES

Law Department - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Settlement Agreement and Release for the action brought by Progressive Insurance Company.

MINUTES

Circuit Court for Baltimore City - Addictions Assessment
Unit Grant Contract

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Addictions Assessment Unit Grant Contract (Contract) with Behavioral Health Systems Baltimore, Inc. The period of the Contract is July 1, 2018 through June 30, 2019.

AMOUNT OF MONEY AND SOURCE:

\$468,867.00 - 4000-400619-1100-119600-404001

BACKGROUND/EXPLANATION:

The grant will provide funding for personnel costs and other operating costs associated with the Addictions Assessment Unit. The program provides substance abuse assessments ordered by the court for released defendants to determine their substance abuse and educational needs.

For the reasons stated above, the Circuit Court requests the Board of Estimates approval of the attached grant contract with Behavioral Health Systems Baltimore, Inc.

The Addictions Assessment Unit received the FY 19 grantor in early September 2018. The grant is being submitted to the Board of Estimates late, because of the administrative review process.

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

Circuit Court for Baltimore City - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Addictions Assessment Unit Grant Contract with Behavioral Health Systems in Baltimore, Inc.

MINUTES

Office of the States Attorney - Memorandum of Understanding

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize the execution of the Memorandum of Understanding (MOU) between the Baltimore City State's Attorney's Office (SAO) and Behavioral Health System Baltimore Inc. (BHSB). The period of the MOU is June 1, 2018 through February 28, 2019.

AMOUNT OF MONEY AND SOURCE:

\$89,131.00 - 5000-502919-1150-118100-601001

BACKGROUND/EXPLANATION:

The BHSB was awarded a grant from the Governor's Office of Crime Control and Prevention (GOCCP) for FY 2019, titled Law Enforcement Assisted Diversion (LEAD. The SAO received grant funds from BHSB, which provide for the salary and fringe benefits for an Assistant State's Attorney. The purpose of the MOU is for the expectations of the parties to be set forth in writing and approved by the Board. The Assistant State's Attorney will assist in the pre-booking diversion program for eligible participants generally diagnosed with substance-use disorders and mental health conditions. These individuals will be connected with parties to render intensive services rather than referring them to the criminal justice system.

This request is being submitted late because the parties recently completed the Memorandum of Understanding.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTES

Office of the States Attorney - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Memorandum of Understanding between the Baltimore City State's Attorney's Office and Behavioral Health System Baltimore Inc.

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

The Board is requested to approve and authorize execution of the first of three renewal options with the University of Maryland Emergency Medicine Associates, P.A (UMEMA) for Emergency Medical Service (EMS) Medical Direction Services. The period of the agreement is July 1, 2018 through June 30, 2019.

AMOUNT OF MONEY AND SOURCE:

\$ 90,000.00 - 1001-000000-2003-195500-603026
166,400.00 - 1001-000000-3191-308700-603026
\$256,400.00

BACKGROUND/EXPLANATION:

The UMEMA will provide the services of emergency medicine physicians Wade Gaasch, M.D. Jennifer Guyther, M.D. and David Marcozzi, M.D. for medical oversight of the BCFD EMS patient care and emergency medical dispatch in accordance with requirements in the Code of Maryland Regulations (COMAR) and the contract scope of services. The original agreement was amended on January 10, 2018 to add additional monies and update the names of the physicians.

The payment terms for the Physicians under this renewal are as follows:

TITLE	NAME	SALARIES AND WAGES
Medical Director	Wade Gaasch M.D.	(\$216.35/hour x 8 hours x 52 weeks) \$90,000.00
Deputy Medical Director	Jennifer Guyther, M.D.	(\$200.00 hour x 8 hours x 52 weeks) \$83,200.00
Deputy Medical Director	David Marcozzi, M.D.	(\$200.00/hour x 8 hours x 52 weeks) \$83,200.00
		TOTAL = \$256,400.00

MINUTES

Fire Department - cont'd

MBE/WBE PARTICIPATION:

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 first of three renewal options with the University of Maryland Emergency Medicine Associates, P.A for Emergency Medical Service Medical Direction Services.

MINUTES

Mayor's Office of Human Services - Provider Agreements

The Board is requested to approve and authorize execution of the various Provider Agreements. The period of the agreement is July 1, 2018 through June 30, 2020, unless otherwise indicated.

1. **HEALTHCARE ACCESS MARYLAND, INC.** **\$125,000.00**

Account: 4000-407119-5940-788800-603051

HealthCare Access Maryland Inc. will utilize the funds to provide homelessness prevention services and rapid re-housing assistance to homeless individuals. Services will be provided to 35 individuals or families as clients. The period of the agreement is February 5, 2018 through February 5, 2019.

The agreement is late because of a delay in receiving the federal grant notice.

MWBOO GRANTED A WAIVER.

2. **HEALTHCARE ACCESS MARYLAND, INC.** **\$195,000.00**

Account: 4000-407119-5940-760200-603051

HealthCare Access Maryland Inc. will utilize the funds to provide mental health assessments, nursing services, case management, food and transportation to medically compromised persons experiencing homelessness. Services will be provided to approximately 250 individual/clients.

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

MWBOO GRANTED A WAIVER.

MINUTES

Mayor's Office of Human Services - cont'd

3. **HEALTHCARE ACCESS OF MARYLAND, INC.** **\$125,000.00**

Account: 4000-407119-5940-788800-603051

HealthCare Access Maryland Inc. will utilize the funds to provide 1,000 outreach contacts and provide case management service to 250 homeless persons living on the streets.

The agreement is late because of a delay in receiving the federal grant notice.

MWBOO GRANTED A WAIVER.

4. **HISTORIC EAST BALTIMORE COMMUNITY ACTION COALITION, INC. (HEBCAC)** **\$150,000.00**

Account: 4000-407119-5940-760900-603051

Under this agreement, HEBCAC will utilize the funds to operate a ten-bed emergency shelter that will provide a temporary and safe response to the homelessness experienced by many of the 18-24 year old youth who are actively enrolled in their Youth Opportunities Workforce Development Program. The funds will also cover personnel costs for shelter staff and food for residents. This project will serve 60 homeless youth annually, with an average length of stay being 30-60 days.

MWBOO GRANTED A WAIVER.

5. **HOUSE OF RUTH MARYLAND, INC.** **\$110,000.00**

Account: 4000-407119-3572-755700-603051

The House of Ruth Maryland, Inc. will utilize the funds to operate an emergency shelter and provide rapid re-housing assistance to approximately 200 clients and their children who have experienced domestic violence.

MINUTES

Mayor's Office of Human Services - cont'd

The agreement is late because of a delay in receiving the project budget from the House of Ruth Maryland, Inc.

6. **PUBLIC JUSTICE CENTER, INC.** **\$ 80,000.00**

Account: 4000-407119-5940-761600-603051

Public Justice Center, Inc. will use the funds to operate a legal services program, providing services to homeless individuals in Baltimore City. The Public Justice Center's Human Right to Housing project located in Baltimore seeks to protect and expand tenants' rights to safe, habitable, affordable, and non-discriminatory housing and to fair and equal treatment by Maryland's landlord-tenant laws, courts and agencies. The funds will also be used to prevent homelessness by providing legal services and training in tenant rights to low-income tenants to 1) prevent unnecessary or unjust evictions that cause homelessness and neighborhood destabilization and 2) improve housing conditions that do not meet housing and health codes. In FY 2018, the Public Justice Center will provide legal services to at least 240 tenant families and conduct as least 12-tenant rights trainings/presentations to tenant, tenant organizations and community organizations.

The agreement is late because of a delay in budget negotiations with the provider.

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 forgoing Provider Agreements.

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

	<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Dept. of Housing and Community Development (DHCD) - Options</u>				
1.	Paul Spriggs	2228 Druid Hill Avenue	L/H	\$ 12,700.00
	Funds are available in account 9910-908636-9588-900000-704040, Druid Hill Project.			
2.	Mary Josephine Johnson, individually, and Mary Josephine Johnson, Personal Representative of the Estate of Mary Beatrice Johnson	1400 McHenry Street	L/H	\$ 22,500.00
	Funds are available in account 9910-908636-9588-900000-704040, FY16 Whole Block Demolition Project.			
3.	Turf, LLC	2728 Tivoly Avenue	G/R \$90.00	\$ 825.00
4.	Turf, LLC	2787 Tivoly Avenue	G/R \$96.00	\$ 880.00
	Funds are available in CDBG Funds, account no. 9910-904326-9588-900000-704040, CHM Project.			

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

	<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Rescission and Approval of Option</u>				
5.	Edward Linwood Jackson	1200 Mosher Street	L/H	\$ 16,300.00

Funds are available in account 9910-908636-9588-900000-704040, FY17 CORE Demo Project.

The owner is Edward Linwood Jackson. Since the original Board approval, the owner has agreed to the offer price of \$16,300.00 and would like to proceed with a voluntary settlement. In the event that the option agreement fails, and settlement cannot be achieved, DHCD requests Board approval to purchase the property interest by condemnation for an amount equal to or less than the option amount.

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

DHCD - Condemnations

6.	Jinguang Wang	1537 N. Washington Street	F/S	\$116,000.00
Funds are available in account 9910-908636-9588-900000-704040, FY16 Whole Block Demo Project.				
7.	F & D Realty, Inc.	829 N. Gilmore Street	L/H	\$ 59,250.00

Funds are available in account 9910-908636-9588-900000-704040, FY17 CORE Demo Project.

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

	<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Condemnations - cont'd</u>				
8.	G.H. Goldberg, LLC	2715 Tivoly Avenue	G/R \$84.00	\$ 560.00
Funds are available in CDBG Funds, account no. 9910-904326-9588-900000-704040, CHM Project.				
9.	Penrose and Beatrice Burton	1116 W. Saratoga Street	F/S	\$ 850.00
Funds are available in City Funds, account 9910-908044-9588-900000-704040, Poppleton Project, Phase 4.				

Department of Law - Payment of Settlement

10.	Overview Properties, LLC	4315 Park Heights Avenue	F/S	\$ 2,000.00
-----	--------------------------------	-----------------------------	-----	-------------

On January 11, 2017, the Board approved the acquisition of the Fee Simple interest, by condemnation, in the property located at 4315 Park Heights Avenue for \$8,000.00. At a pre-trial conference the parties agreed to a settlement amount of \$26,000.00 after the Fee Simple interest holder filed an Answer contesting the fair market value (they provided a report that appraised the property at \$78,600.00). On June 6, 2018, the Board approved an additional \$18,000.00 for a total of \$26,000.00.

MINUTES**OPTIONS/CONDEMNATION/QUICK-TAKES:**Department of Law - Payment of Settlement - cont'd

The City also obtained a right-of-entry to eliminate blight through immediate demolition of the property valued at \$2,000.00. Therefore, the Board is requested to approve an additional \$2,000.00 for a total of \$28,000.00 less than the previous approved amount of \$26,000.00.

Funds will be drawn from account 9910-903183-9588-900000-704040, in the Park Heights Project area.

UPON MOTION duly made and seconded, the Board approved and authorized the foregoing options, recession and approval of Option, Condemnations and Payment of Settlement.

MINUTES

Department of Human Resources - Personnel Matter

The Board is requested to approve the Personnel matter below:

Baltimore City Office of Information Technology

	<u>Rate of Pay</u>	<u>Amount</u>
1. STEVE FUNK	\$56.00/hour	\$116,480.00

Account: 1001-000000-1474-743500-601009

Mr. Funk will work as a Contract Services Specialist II. He will create and manipulate the ADP database, including ADP tables, and data interrelationships and restrictions. Mr. Funk will also be responsible for writing queries, creating sophisticated data analysis reports, maintaining and providing sick leave conversions for the entire City, and assisting in the transition from ADP to an ERP system primarily for payroll and Human Resources. The period of the agreement is effective upon Board approval for one year.

UPON MOTION duly made and seconded, Board approved the listed personnel matter. The Personnel matter has been approved by the Expenditure Control Committee.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 008 to Whitman, Requardt & Associates, LLP under Project 1178W in accordance with their proposal dated June 22, 2018. The period of the Task Assignment is approximately seven months.

AMOUNT OF MONEY AND SOURCE:

\$31,402.89 - Baltimore City
\$66,731.14 - Baltimore County
\$98,134.03 - 9956-903890-9551-900020-703032

BACKGROUND/EXPLANATION:

The Office of Engineering is in need of assistance from Whitman, Requardt & Associates, LLP to conduct a study at the Patapsco Wastewater Treatment Plant Administration Building. The Patapsco Wastewater Treatment Plant Administration Building is located at the main entrance and houses office, storage and a limited amount of process related equipment and supplies. The building heating, ventilating and air conditioning equipment is nearing the end of its useful life and needs replacement. Additionally, the City would like to investigate the feasibility of converting a second story storage area into offices.

The scope of the Original Agreement includes: On-call/Structural Engineering Services for various Water and Wastewater facilities projects includes treatment plants, pumping stations, and utilities, which may including planning, design, and construction phase services. Services will include review of available information, project management, investigation, design, emergency service, report preparation and contract documents, including cost estimates, permit applications and services during construction.

MINUTES

DPW - cont'd

The consultant will comply with Article 5, Subtitle 28 of the Baltimore City Code and the MBE and WBE goals assigned to the original agreement are MBE: 27% and WBE: 10%.

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

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 33,915.12 (Wastewater Revenue Bonds)	9956-927006-9549 (Administration Building)	
72,069.63 <u>County Revenue</u>		
\$105,984.75	-----	9956-903890-9551-3 (Design & Study)

The transfer will cover the costs of Project 1178W - (SC-990) O/C Civil/Structural Engineering Services Task 008.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 008 to Whitman, Requardt & Associates, LLP under Project 1178W in accordance with their proposal dated June 22, 2018. The Transfer of Funds was approved SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 004, to O'Brien & Gere Engineers, Inc. under Project 1211.2, Design and Engineering Services. In accordance with their proposal dated June 21, 2018. The original contract will expire on January 13, 2019. The duration of the task is approximately seven months.

AMOUNT OF MONEY AND SOURCE:

\$81,463.40 - Baltimore City
\$17,761.20 - Baltimore County
\$99,224.60 - 9960-902751-9557-900020-703032

BACKGROUND/EXPLANATION:

The Office of Engineering and Construction is requesting processing Task No. 004 for O'Brien & Gere Engineers, Inc. to provide post award services and technical support for W.C. 1375 - On-Call Water Main Repairs. The Consultant will review shop drawings, respond to Requests for Information (RFI's), perform field visits, monitor construction progress, issues and track work orders and provide other technical support to the contractor related to W.C. 1375 to improve the City water system.

The Scope of the Original Agreement consists of on-call consulting for various tasks assigned by the City. The work involves civil/environmental consulting services for various water main and appurtenances projects and may include planning, design, and construction phase service.

MBE/WBE PARTICIPATION:

The Consultant will comply with Article 5, Subtitle 28 of the Baltimore City Code and the MBE and WBE goals assigned to the original agreement MBE: 27% and WBE: 10%.

MINUTES

DPW - cont'd

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$87,980.47 (Revenue Bonds)	9960-904689-9558 (Urgent Needs Water Engineering)	
19,182.10 (County Revenue)	" " "	
<u>\$107,162.57</u>	-----	9960-902751-9557-3 (Design)

The transfer will cover cost of Project 1211.2 (WC-1375) Task 4, Water Appurtenances Installations and Small Main Repairs & Installations at Various Locations.

UPON MOTION duly made and seconded the Board approved the assignment of Task No. 004, to O'Brien & Gere Engineers, Inc. under Project 1211.2, Design and Engineering Services. The Transfer of Funds was approved SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 016, to Hazen & Sawyer PC under Project 1502, On-Call Project and Construction Management Inspection Services. The original contract will expire on December 8, 2019. The duration of the task is six months.

AMOUNT OF MONEY AND SOURCE:

\$94,574.00 - 9960-906600-9557-900020-705032

BACKGROUND/EXPLANATION:

The Office of Engineering and Construction is in need of Inspection Services for the work on W.C. 1356- AMR/R Urgent Need Metering Infrastructure Repair and Replacement, Various locations (Up to 2" Water Service). The project is in need of Construction Management Services and Inspection Services. The Consultant will be providing two inspectors. The work requested is within the scope of the agreement and is being requested by the Agency.

The Scope of the Original Agreement includes: assisting Construction Management Section with construction monitoring and inspection, preparation of daily reports, maintenance of project records and documentation, review of contractor's application for payment, attendance at progress meetings, preparation of record drawings, review of contract claims and supports, estimating, scheduling, project engineering, constructability reviews, submittal reviews and responses, Requests for Information (RFI) reviews and responses, and construction contract administrative support.

MINUTES

DPW - cont'd

The scope of the Construction Project includes: Remove dirt/trash/debris from existing meter vaults, replace/install small meter vaults and meter settings, renew/replacement of existing water supply services, remove and replace top slab for small section vaults/furnish and install/replace small sectional vault, Install 1-1/2"-2-" outlet valve at existing meter setting.

MBE/WBE PARTICIPATION:

The Consultant will comply with Article 5, Subtitle 28 of the Baltimore City Code and the MBE and WBE goals assigned to the original agreement MBE: 27% and WBE: 10%. Currently, the consultant in Task 015 is crediting the tasks that are not being utilized and the MBE funds to bring the consultant into MWBOO compliance. Current goals are MBE: 29% and WBE 0%.

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$102,139.92 (Revenue Bonds)	9960-909100-9558 (Water Infra- structure Rehab)	9960-906600-9557-5 (Inspection)

The transfer will cover costs of Project 1502 (WC-1356) Task 16, O/C Project and Construction Management Assistance Services for inspection.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 016, to Hazen & Sawyer PC under Project 1502, On-Call Project and Construction Management Inspection

MINUTES

DPW - cont'd

Services. The Transfer of Funds was approved SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon.

MINUTES

Fire Department - Payment of Back Wages

ACTION REQUESTED OF B/E:

The Board is requested to approve the payment of back wages to Mr. Kevin Pope, whose status was changed by the Worker's Compensation Commission from Non-Line of Duty to Line of Duty, for the period of April 1, 2018 through November 20, 2018.

AMOUNT OF MONEY AND SOURCE:

\$83,364.92 - Amount owed to member
37,367.38 - Amount previously paid to Mr. Pope
\$45,997.54 - Amount currently owed to Mr. Pope

BACKGROUND/EXPLANATION:

On April 11, 2017, Mr. Pope was placed off-duty on what was then determined to be a non-line of duty injury. On June 21, 2018, at a Worker's Compensation hearing, it was determined that the claimant sustained an "occupational disease, arising out of and in the course of employment", per submitted documentation, a line of duty injury.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved the payment of back wages to Mr. Kevin Pope, whose status was changed by the Worker's Compensation Commission from Non-Line of Duty to Line of Duty, for the period of April 1, 2018 through November 20, 2018.

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:

4379 - 4385

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

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

The Comptroller **ABSTAINED** on item nos. 11 and 12.

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**Department of Transportation

- | | | | |
|----|---|--------------------------|----------------|
| 1. | TR 13301R, Installation
of I-83 Median Gate North
of Cold Spring Lane and
Bridge Joint Reports | Concrete General
Inc. | \$5,780,763.50 |
|----|---|--------------------------|----------------|

DBE PARTICIPATION:

DBE:	Wilton Corporation	\$378,869.95	6.55%
	Road Safety, LLC	24,750.00	0.43%
	Priority Construction	22,800.00	0.39%
	Priceless Industries, Inc.	3,600.00	0.06%
	Handon Services, Inc.	495,385.21	8.57%
		<u>\$924,922.16</u>	<u>16.00%</u>

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT</u>	<u>TO ACCOUNT</u>
2. \$2,720,000.00 FED	9950-916038-9509 Constr. Res. I-83 Joint Repairs Phase II	
1,346,352.00 FED	9950-910036-9509 I-83 Joint Repairs Phase II	
1,251,950.42 FED	9950-944002-9507 Reserve for Closeouts	
670,000.00 GF (HUR)	9950-916038-9507 I-83 Joint Repairs Phase II	

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT</u>	<u>TO ACCOUNT</u>
336,588.00 GF (HUR)	9950-910036-9509 I-83 Joint Repairs Phase II	
322,987.61 <u>GF (HUR)</u>	9950-903315-9507 Edmondson Ave Bridge Painting	
\$6,647,878.03		
\$5,780,763.50	-----	9950-902772-9506-6 Structure & Improvements
578,076.35	-----	9950-902772-9506-5 Inspection
<u>289,038.18</u>	-----	9950-902772-9506-2 Contingencies I-83 Joint Repairs Phase II
\$6,647,878.03		

This transfer will fund the costs associated with the award of Project TR 13301R.

- | | | |
|--|--------------------------------|----------------|
| 3. TR 18014, Conduit System Reconstruction at Various Locations Citywide JOC | Highlander Contracting Company | \$9,688,300.00 |
|--|--------------------------------|----------------|

MBE/WBE PARTICIPATION:

MWBOO SET GOALS OF 13% FOR MBE AND 3% FOR WBE.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - cont'd

MBE: Machado Construction Company, Inc. \$1,259,479.00 13%

WBE: Cuddy & Associates, LLC \$ 290,649.00 3%

MWBOO FOUND VENDOR IN COMPLIANCE.

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT</u>	<u>TO ACCOUNT</u>
4. \$11,625,960.00	9962-932007-9563	
Other	Constr. Res. -	
	Conduit Constr.	
\$ 9,688,300.00	-----	9962-909075-9562-6
		Structural &
		Improvements
968,830.00	-----	9962-909075-9562-5
		Inspection
<u>968,830.00</u>	-----	9962-909075-9562-2
		Contingencies
		Conduit System
		Reconstruction JOC
\$11,625,960.00		

This transfer will fund the costs associated with award of Project TR 18014, Conduit System Reconstruction at various locations Citywide JOC.

A RESPONSE TO PROTEST FROM ANCHOR CONSTRUCTION WAS RECEIVED FROM ROBERT FULTON DASHIELL ON BEHALF OF HIGHLANDER CONTRACTING COMPANY, LLC.

A RESPONSE TO ANCHOR CONSTRUCTION CORPORATION'S REQUEST FOR RECONSIDERATION WAS RECEIVED FROM ROBERT FULTON DASHIELL ON BEHALF OF HIGHLANDER CONSTRUCTION CORPORATION.



2254 25th Place, NE - Washington, DC 20018-1404
Washington, DC area - Phone (202) 269-6694 • Fax (202) 529-3144

October 09, 2018

VIA USPS

Baltimore City Department of Transportation
Harriette Taylor
Contract Administration/Civil Rights Division
200 N. Holliday Street,
Baltimore, Maryland 21202

RE: Reconsideration and Supplement to the Pre-Award Protest by Anchor Construction Corporation for TR18014- Conduit System Repairs at Various Locations Citywide.

Dear Madam:

Enclosed is the request for reconsideration and supplement to the Pre-Award Protest by Anchor Construction Corporation for contract number TR18014.

Should you have any questions, please contact us directly at (202) 269-6694.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'W. Custead', is written over a faint, larger version of the signature.

William Custead
Executive Vice President
Anchor Construction Corporation

Leonard A. White

Attorney at Law

10319 Westlake Drive, #346
Bethesda, Maryland 20817
(301) 961-6430
(Bar Affiliations: MD, DC)

HAND-DELIVERED October 9, 2018

Baltimore City Department of Transportation
Brenda Simmons, Chief
Contract Administration/Civil Rights Division
417 E. Fayette Street, Fifth Floor
Baltimore, Maryland 21202

**Request for Reconsideration and Supplement to the Pre-Award Protest
by Anchor Construction Corporation for TR18014- Conduit System Repairs at Various
Locations Citywide.**

Dear Ms. Simmons:

This is in response to your letter dated September 19, 2018. Mr. William Custead, Executive Vice President has requested that I submit this Request for Reconsideration of your finding that there is "... no basis for the protest..." and to Supplement the previously submitted Pre-Award Protest by Anchor Construction Corporation (Anchor), all attached here for your convenience.

Here, the City of Baltimore, Department of Public Works, **Specifications** for Materials, Highways, Bridges, Utilities, and Incidental Structures, 2006 (Greenbook) stipulates that bids be responsive, not be unbalanced or conditional; ¹ and, that actual realistic and customary "prices" be submitted for each bid item. ²

Anchor asserts that the Department's "decision" disregards the bidding requirements. Competitive bidding requires a transparent environment that is open and fair, and this factor is most important to maintaining integrity in the bidding process so that it is not undercut by obvious noncompliance. Thus, a bid is responsive only if it promises to do what the bidding instructions demand.

¹ (Also see 00 21 13.11 Irregular Bids, "... The City reserves the right to reject any nonconforming, nonresponsive, unbalanced, or conditional proposals unless expressly required or authorized in the bid documents.)

²

00 51 00.02 AWARD AS AN ENTIRETY

"When bid prices are asked for by items, the Contract will not be awarded by the items but will be awarded in its entirety on the basis of the "Bid total." The total must be aggregate some of the prices Bid on all the items; figured in the lump sum and unit price items, at the unit prices and approximate quantities named therefore. **Bidders shall provide prices on all items.**" (Emphasis added.)

The final sentence in paragraph 00 51 00.02 that "*Bidders shall provide prices on all items.*" is mandatory and the word "prices," in a sealed bid process, can only be interpreted reasonably as meaning prices that reflect true performance costs for labor, materials and/or equipment. For this reason, the Greenbook in paragraph 00 51 00.05 instructs bidders not to submit unbalanced and/or conditional unit bids. (See footnote 1.)

Accordingly, further consideration of your conclusion to recommend award to Highlander is required because:

- (1) the bids submitted by Highlander (and Spinello) did not strictly adhere to the bidding instructions and were unbalanced. This is ***an abuse of the competitive sealed bid process*** used by Baltimore City, a procurement process relied on by Anchor;
- (2) the "prices" as submitted by Highlander (and Spinello) were conditional and nonresponsive to the specifications and ***did not promise to do what the bidding instructions demand***;
- (3) there is ***no rational basis*** to accept bids which contain grossly underbid items;
- (4) your finding that, as part of the bidding process, bidders "... ***would expect that there is no direct correlation between the items*** in the minimum wages which must be paid..." ***requires prospective bidders to be clairvoyant*** and is plainly wrong and contrary to Baltimore City's procurement rules; and,
- (5) the Department's failure to demand strict adherence to ***the bidding process encourages bidding manipulations and will produce higher costs*** for the conduit system repairs.

Some further explanations and discussion follow:

- In your letter dated September 19, 2018, you state that "As part of a contractor's bidding process the contractor would evaluate the risk associated with each pay item and develop his bid prices accordingly." Further, that the Department engineers "... **would expect** that there is no direct correlation between the bid items and the minimum wage rates..." Anchor asserts that fair competition does not require the bidder to "know in advance" what the Department's engineers "expect." Further, it is apparent that, if the City accepts such an unbalanced and illogical bid, the City has not performed their own risk evaluation. The City's risk assessment surely would enquire as to how can a bidder submit prices for labor, that are substantially below minimum wage? Were else would the price differential be "buried"? When any contractor intentionally submits prices that are known to be unbalanced, they effectively "game" the system and these manipulations end up costing the City more after the work is completed?
- It appears that the Department finds unbalanced bids acceptable. Such bids are even encouraged when there is no direct correlation between actual performance price and the amounts bids for certain bid items. The acceptance of this logic may explain the City's ineffectual bidding process for unit price contracts. For example, would the City consider "no direct correlation" where materials and machinery costs for the item are substantially

and unreasonably below actual performance cost for those items? What if all the bid items were unbalanced?

- Consider the last sentence in the last bullet point of your letter stating that” ... *The bid items cited in the protest letter are in addition to the required payment of wage rates mandated by the Board of Estimates.*” Anchor understands items 801 and 802 are for labor rates to be used in conjunction with bid items 803 through 822. However, is the Department requiring Highlander pay their laborers (Item 802) an added two dollars per hour, and pay their Foreman (Item 801) an added six dollars per hour over the minimum wage? If the Department intended this result, where is that “instruction” provided to prospective bidders? Also, consider the point made in your letter about *“The separate pay items for labor have been included on the three preceding Conduit JOC contracts.”* Whether these labor prices have been included for one year or ten, is irrelevant, and it is not a reason for the City to accept unbalanced bid prices.
- **See attached Exhibits A1 And A2.** These Exhibits are a comparison of the bids submitted for TR18014 and plainly show a major imbalance in bid item 819 contained in the Highlander and Spinello bids for “Rodding and Slugging Conduit Ducts.” These Exhibits show that when the competitive bid process described in the Greenbook is disregarded, the City may unavoidably expend 16 times more for the rodding work. This “penalty” is the reason acceptance of unbalanced bids are prohibited.
- Bid items 801 and 802 apparently were set up to create an opening for bid manipulations. Item 801 shows an approximate quantity of 33,000 hours for “Conduit Foreman” which translates to one foreman working for 15 years.
- Item 802 shows an approximate quantity of 100,000 labor hours, an “approximate quantity” that is completely unrealistic and unrelated to the requirements for the actual work.
- It is obvious that Highlander (and Spiniello) bid items 801 and 802 below costs due to the fact they would make up the labor shortfall as bid primarily in items 819 and 920 (in addition to other bid items). In addition, if bid items 819 and 820 have substantial quantity overruns, Highland (and Spiniello) will effectively cost the City more, than if Anchor was the awardee for this project.

If the bidding nuances discussed above were intended by the Department, a pre-bid amendment should have been issued to clarify the Instructions to Bidders, to explain the diverse quantities and to provide an opportunity for all the competitors to submit new or amended bids. Plainly, an amendment must be used whenever the City prefers the bids depart from the stated requirements in the Greenbook. ³

³ See, *Alfa Laval Separation, Inc. v. U.S.*, 175 F.3d 1365 (Fed. Cir., 1999) where the court held in part that, “regardless of the panel's view of the appropriateness of the standard [set out in the RFP], the Navy is strictly bound by its terms,” and in waiving a portion of the standard ..., the **Navy violated a clearly applicable procurement statute** and regulation [Citations omitted.]; and, [is required]... to **issue a written amendment to a**

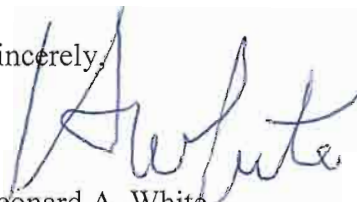
Accordingly, based on the foregoing, it is respectfully requested that the Department reconsider its decision to award TR18014 to Highlander because their bid ignores the stated solicitation requirements and they submitted an unbalanced conditional nonresponsive bid.

Anchor asserts that the bids submitted by Highlander and Spinello be rejected by the Department to ensure a decision predicated on the language in the solicitation and fair competition.

Further, Anchor asserts that it is been significantly prejudiced by the Department's "expectations" and the failure to acknowledge and observe the laws and regulations mandated by the City. Therefore, award to any other bidder is clearly improper and contrary to the City's established policies, procurement rules, specifications and regulations, all enacted to ensure fairness and the viability of the City's competitive sealed bid process. Alternatively, Anchor asserts that all bids be rejected and project the rebid.

By copy of this letter, Anchor again respectfully requests that the Board of Estimates delay award for TR 18014 until this Protest can be fully and objectively investigated and evaluated before any procurement decision is made.

Sincerely,



Leonard A. White
Attorney for Anchor Construction Corporation

Enclosures.

Copies via email to:

Florentino Gregorio, President, Anchor Construction Corporation
William Custead, Executive Vice President, Anchor Construction Corporation
Michael Schrock, Esq., Chief Contracts Practice Group,
Andre M. Davis, City Solicitor
~~Michelle Pourciau, Director, Department of Transportation~~
Harriette Taylor, Clerk, Board of Estimates

solicitation when it "changes, relaxes, increases, or otherwise modifies its requirements," and to provide an opportunity for competitors to submit new or amended proposals when it prefers a proposal involving "a departure from the stated requirements". (Emphasis added.)

EXHIBIT "A1"

1) A typical days production for bid item 819 " Linear Feet of Rodding Existing Counduits"
 We assume 2,000 liner feet is easliy acheivable with a two man crew in an 8 hour work day.

Billing to City: Item 819 for 2,000 L.F.
 (One Days Work)

Anchor		Units		Bid Price		Invoiced to City
Item 819	"Rodding"	2,000 LF		\$ 0.45		\$ 900.00
Item 801	"Foreman"	8 HRS		\$ 69.50		\$ 556.00
Item 802	"Sk. Labor"	8 HRS		\$ 36.00		\$ 288.00
Anchor Invoice						\$ 1,744.00
Daily Cost						\$1,200.00

Highlander		Units		Bid Price		Invoiced to City
Item 819	"Rodding"	2,000 LF		\$ 10.00		\$ 20,000.00
Item 801	"Foreman"	8 HRS		\$ 6.00		\$ 48.00
Item 802	"Sk. Labor"	8 HRS		\$ 2.00		\$ 16.00
Highlander Invoice						\$ 20,064.00
Daily Cost						\$1,200.00

Spiniello		Units		Bid Price		Invoiced to City
Item 819	"Rodding"	2,000 LF		\$ 10.00		\$ 20,000.00
Item 801	"Foreman"	8 HRS		\$ 0.11		\$ 0.88
Item 802	"Sk. Labor"	8 HRS		\$ 0.11		\$ 0.88
Spiniello Invoice						\$ 20,001.76
Daily Cost						\$1,200.00

Note: Highlander and Spiniello as demonstrated above will make in excess of \$18,000.00 per day profit, or a markup of roughly 16 times their cost.

2012

EXHIBIT "A2"

1) Now take the entire Bid Item 819 "Rodding" bid quantity of 120,000 Linear Feet to determine what all three bidders will invoice for this one bid item. The assumption for production is still 2,000 LF completed in an 8 hour day. Therefore, 120,000 LF at 2,000 feet per day= 60 Days to complete. 60 work days at 8 hours/Day= 480 Hours of Foreman and Labor.

Billing to City: Item 819 for 2,000 L.F.

Anchor		Units		Bid Price		Invoiced to City
Item 819	"Rodding"	120,000 LF		\$ 0.45		\$ 54,000.00
Item 801	"Foreman"	480 HRS		\$ 69.50		\$ 33,360.00
Item 802	"Sk. Labor"	480 HRS		\$ 36.00		\$ 17,280.00
Anchor Invoice						\$ 104,640.00
Total Costs						\$72,000.00

Highlander		Units		Bid Price		Invoiced to City
Item 819	"Rodding"	120,000 LF		\$ 10.00		\$ 1,200,000.00
Item 801	"Foreman"	480 HRS		\$ 6.00		\$ 2,880.00
Item 802	"Sk. Labor"	480 HRS		\$ 2.00		\$ 960.00
Highlander Invoice						\$ 1,203,840.00
Total Costs						\$72,000.00

Spiniello		Units		Bid Price		Invoiced to City
Item 819	"Rodding"	120,000 LF		\$ 10.00		\$ 1,200,000.00
Item 801	"Foreman"	480 HRS		\$ 0.11		\$ 52.80
Item 802	"Sk. Labor"	480 HRS		\$ 0.11		\$ 52.80
Spiniello Invoice						\$ 1,200,105.60
Total Costs						\$72,000.00

Note: Highlander and Spiniello as demonstrated above will make in excess of \$1,100,000.00 total profit, or a markup of roughly 16 times their cost.

w.j.c

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF TRANSPORTATION

Michelle Pourciau, Director
417 E. Fayette Street, 5th Floor
Baltimore, Maryland 21202

September 19, 2018

Anchor Construction Corporation.
2254 25th Place, NE
Washington, DC 20018**Re: Project: TR18014 – CONDUIT SYSTEM REPAIRS AT VARIOUS LOCATIONS
CITYWIDE**

Gentlemen:

The Department of Transportation received the Pre-Award protest letter from Leonard A. White – Attorney at Law in regards the referenced project TR18014 – Conduit Systems Repairs At Various Locations Citywide.

Based on the review by BCDOT - Conduit Division, with the of the support of our consultant team of record and Baltimore City Law Department, the Department of Transportation decision is to move forward in recommending award of this contract to the lowest responsive bidder, Highlander Contracting Company based on the following:

- *Item 801 Conduit Foreman and Item 802 Skilled Labor were created to facilitate compensation and payment to the contractor for the work performed by the foreman and laborer associated with specific conduit construction items identified as 803 through 822. At the request of the Conduit Section's Construction Project Manager and after evaluation by Conduit Engineering staff, the items for labor were added to the Conduit JOC contracts. The separate pay items for labor, 801 and 802, have been included on the three preceding Conduit JOC contracts. The previous Conduit JOC contract have been in place and implemented for several years. This is not a new or recent change.*
- *The contractor is legally responsible for meeting all applicable wage rate requirements. The Board of Estimates' mandated wage rates and schedules are integral parts of the bid documents and by submitting bids, those terms were agreed to by all bidders. Failure to pay the mandatory wage rates would be a material breach of contract. In accordance with 00 73 43 Section D, payroll records shall be maintained by the contractor to allow DOT Conduit Construction Management staff to review and enforce the wage rate requirement in accordance with 00 73 43 Section G. As part of the contractor's bidding process the contractor would evaluate the risk associated with each pay item and*

TR18014 - Conduit System Repairs
At Various Locations Citywide
September 19, 2018
Page 2 of 2

- *developing his bid prices accordingly. As part of the contractor's bidding process, Conduit Engineering would expect that there is no direct correlation between the bid items and the minimum wage rates which must be paid pursuant to law and the contract requirements. The bid items cited in the protest letter are in addition to the required payment of wages rates mandated by the Board of Estimates.*

For these reasons, DOT has concluded that there is no basis for the protest. DOT will recommend award to Highlander. If you require further clarification of this decision, please contact the Department of Transportation, Contract Administration/Civil Rights Division at (410) 396-6816. As courtesy, your firm will be contacted prior to the recommendation to award this contract.

Very truly yours,



Brenda Simmons, Chief
Contract Administration/Civil Rights Division
Department of Transportation

Cc: Tavon Braxton

Leonard A. White

Attorney at Law

10319 Westlake Drive, #346
Bethesda, Maryland 20817
(301) 961-6430
(Bar Affiliations: MD, DC)

August 28, 2018

HAND-DELIVERED

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

Re: **Contract No. TR 18014 - - Conduit System Repairs at Various Locations Citywide (JOC)**

Pre-Award Bid Protest on behalf of Anchor Construction Corporation

Dear Ms. Taylor:

The undersigned represents Anchor Construction Corporation (Anchor) which submitted the lowest responsive bid for the pending Solicitation for Contract No. TR 18014; Conduit System Repairs at Various Locations Citywide (JOC).

Anchor hereby protests, prior to award, that the bids submitted by Spiniello Companies (Spinello) and Highlander Contracting Company., LLC. (Highlander) are both non-responsive under the terms of contract TR 18014.

Anchor asserts that they both must be rejected because both bidders deliberately submitted bids for Items 801 and 802, where they each proposed to pay their laborers and foreman less than the Prevailing Wage Determination, contrary to the instructions/requirements of the Solicitation for Contract No. TR 18014. Such noncompliance cannot be corrected after the response to the Solicitation. ¹

¹ See, *Phoenix Management, Inc. v. United States*, No. 15-1403C, March 11, 2016 (*Fed. Cl.*, 2016) where the Federal Circuit noted, to allow an offeror "two bites at the apple" would be unfair to, and costly for, the procuring agency and the other offerors.

Further, the bids by Spinello (11 cents for both items) and Highlander (six dollars and two dollars, respectively) are explicitly not in compliance with the City of Baltimore Living Wage Law resulting in their bids being mathematically and materially unbalanced.²

The following explanations support Anchor's assertion that the bids in question fail to comply with City prevailing wage ordinances and regulations and, therefore, they are fatally nonresponsive. Anchor has attached Exhibits, which by this reference are made part of this Protest.

A. Both bidders deliberately submitted bids where they each proposed to pay their laborers and foreman less than the lowest Prevailing Wage Determination.

Although both bidders were aware of the prevailing wage requirements, Spiniello's unit prices for bid items 801 and 802 covering their proposed wages for the conduit foreman and skilled labor were, respectively, 11 cents for each bid item. (See, Exhibit 1, Defective Bid by Spinello for items 801 and 802.)

Highlander's proposed wages for the conduit foreman and skilled labor were, respectively, six dollars for item 801 and two dollars for item 802. (See, Exhibit 2 Defective Bid by Highlander for items 801 and 802.)

On the other hand, Anchor bid \$69.50 for conduit foreman wages under bid item 801 and \$36.00 for skilled labor under bid item 802. These amounts cover the prevailing minimum wage requirements including some markup for indirect costs. (See, Exhibit 3, Anchor's Bid for items 801 and 802.)

There is a Prevailing Minimum Wage Determination approved by the Board of Estimates on December 13, 2017 for Contract No. 18014. Further, the current Baltimore City wage determination for Contract No. 18014 states in part that "After July 1, 2018, the total hourly rate is to increase two \$11.81 per hour to ensure compliance with the City of Baltimore Living Wage Law."³ We have attached a copy of the wage scale for your convenience. (Contract pages 14-16).

B. The comparison of each bidders' prices for bid items 801 and 802 produce enormous price differences:

Spinello's extended bid total for item 801 is \$3,630 and for item 802, it is \$11,000.

² When a low bid contains token bid prices ... front loadings or bid prices with large variations from the engineer's estimate, it should be considered a mathematically unbalanced bid.

³ Compare, *Roland Electrical Company V. Mayor and City Council of Baltimore, Et Al. & Colwill Construction Company, Inc., Et Al. V. Mayor and City Council of Baltimore, Et Al., And International Union of Operating Engineers, Et al.*; where the Court of Appeals upheld rejection of the bid not in compliance with the prevailing wage rate.

Highlander's extended bid total for item 801 is \$198,000 and for item 802, it is \$200,000.

Anchor's extended bid total for item 801 is \$2,293,500 and for item 802, it is \$3,600,000.

Compliance with the City of Baltimore Living Wage Law, the lowest prevailing rate, or \$11.81, shows that the extended total for item 801 could be no less than \$393,030 and for item 802 it could be no less than \$1,181,000.⁴

Clearly, both the Spinello bid and Highlander bid are **not responsive**, primarily because they ignore prevailing minimum wage rate ordinances. Their bids, as they proposed them in response to the City's Solicitation, do not cover the most basic minimum labor costs for performing the work specified by bid items 801 and 802. As a further result, their respective bids are materially unbalanced, and reflect pricing manipulations apparently used in their attempt to gain advantages contrary to the competitive bid system as maintained by the City of Baltimore.⁵

Pertinent Contract Clauses From The City's Specification.

These excerpts from the City's Specifications 2006 ("Greenbook") shows the City's intention was that potential bidders must comply with prevailing minimum wage rates and that irregular /unbalanced bids are not responsive or in the City's best interests. See the following paragraphs:

⁴ The minimum wage is the lowest possible wage that a non-tipped employee can be paid for their work. In the State of Maryland, the current minimum wage is \$10.10 per hour. This minimum hourly rate applies to all businesses in the City of Baltimore with two or more employees.

⁵ A bid is materially unbalanced when it is based on prices significantly less than cost for some work and prices which are significantly overstated in relation to cost for other work, and if there is a reasonable doubt that the bid will result in the lowest overall cost to the Government even though it may be the low evaluated bid, or if it is so unbalanced as to be tantamount to **allowing an advance payment**. A mathematically unbalanced bid is one containing lump sum or unit bid items which do not reflect reasonable actual costs plus a reasonable proportionate share of the bidder's anticipated profit, overhead costs, and other indirect costs, which are anticipated for the performance of the items in question. (Compare, *Ultimate Concrete, LLC v. United States* (Court of Federal Claims, 2016).

00 21 13.11 IRREGULAR BIDS

Bids may be rejected if they show any omissions; alterations of form, character, quality and/or quality not called for; conditional or alternate Bids not called for; or irregularities of any kind. The City reserves the right to reject any nonconforming, non-responsive, unbalanced, or conditional proposals unless expressly required or authorized in the Bid documents.

00 51 00.05 UNRESPONSIVE AND UNBALANCED BIDS

To better ensure fair competition and to permit a determination of the lowest Bid, unresponsive Bids or unbalanced and/or conditional Bids may be rejected by the Board of Estimates at its sole discretion.

00 73 43 WAGE RATE REQUIREMENTS AND HOURS

A. Hours: 1. Eight (8) hours shall constitute a regular work day for every laborer, mechanic and apprentice... in the performance of the Contract. ...

2. All hours worked on Saturdays, Sundays and all hours worked in excess of eight (8) hours per day ...

B. Classification: Every such laborer, mechanic and apprentice shall be properly classified.

C. Minimum Wages: 1. Every such mechanic, laborer and apprentice shall be paid not less [than]..., the full amount due at the time of payment computed at wage *rates not less than the minimum hourly wage rate established by the Board of Estimates and set forth in the Contract..* ... (Emphasis added.)

Clause 00 73 43, *Wage Rate Requirements and Hours*, was supplemented twice in the Special Conditions for Contract No. TR 18014 with the following:

(First) The contractor and all subcontractors working on this contract must adhere to section 00 73 43, Wage Rate Requirements And Hours of Baltimore City's 2006 Specifications For Materials, Highways, Bridges, Utilities And Incidental Structures.

(Second) The following schedule, attached this Section On The Special Conditions shows the minimum hourly wage rates, established by the Board of Estimates, to be paid to all classes of laborers, mechanics, or premise is needed on the project.

Concluding Statement

The Board of Estimates is responsible for the integrity of the sealed bid formal procurement process on behalf of the City.

Anchor stresses that the Board should recognize that Spiniello and Highlander have abused that process by **proposing to pay less than the prevailing minimum wage** and by their

Anchor Protest re: TR 18014

deliberate manipulation of bid items for TR 18014 to knowingly gain advantage by ignoring City ordinances; and, by submitting materially **unbalanced bids and nonresponsive bids** for the conduit work covered by this procurement.

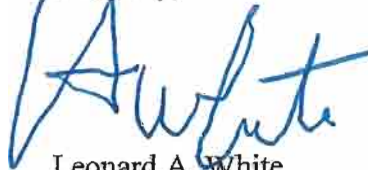
Anchor Construction Corporation respectfully requests that the Board of Estimates award Contract No. TR 18014 to Anchor as the lowest responsive bidder.

Anchor asserts that award to any other bidder is clearly improper and would be contrary to the City's established policies, procurement rules and regulations enacted to ensure the viability of the City's competitive bid system.

Further, Anchor requests that the Board delay award for TR 18014 until this Protest can be fully adjudicated.

For all the above reasons, Anchor asks that its Protest be granted.

Sincerely,



Leonard A. White
Attorney for Anchor Construction Corporation

att (6)
Copies via email to:

Florentino Gregorio, President, Anchor Construction Corporation
William Custead, Executive Vice President, Anchor Construction Corporation
Michael Schrock, Esq., Chief Contracts Practice Group,
Andre M. Davis, City Solicitor

SPINIELLO COMPANIES

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEMS AND PRICES BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	.CTS	DOLLARS	.CTS
801	33,000	<p style="text-align: right;">CCN 800000</p> HOURS OF --- CONDUIT FOREMAN AT <u>Zero Dollars and Eleven Cents</u> PER HOUR	<u>0</u>	<u>11</u>	<u>3,630</u>	<u>00</u>
802	100,000	<p style="text-align: right;">CCN 800000</p> HOURS OF --- SKILLED LABOR AT <u>Zero Dollars and Eleven Cents</u> PER HOUR	<u>0</u>	<u>11</u>	<u>11,000</u>	<u>00</u>
803	50	<p style="text-align: right;">CCN 800000</p> EACH OF --- LIGHTING HANDBOX PER BC 804.04 AT <u>One thousand Seven hundred dollars and zero cents</u> PER EACH	<u>1,700</u>	<u>00</u>	<u>85,000</u>	<u>00</u>
804	10	<p style="text-align: right;">CCN 800000</p> EACH OF --- ROADWAY PEDESTAL BASE PER BC 801.01 AT <u>One thousand Nine hundred dollars and zero cents</u> PER EACH	<u>1,900</u>	<u>00</u>	<u>19,000</u>	<u>00</u>
805	10	<p style="text-align: right;">CCN 800000</p> EACH OF --- STEEL SUB-BASE PER BC 801.03 AT <u>Two thousand Dollars and zero cents</u> PER EACH	<u>2,000</u>	<u>00</u>	<u>20,000</u>	<u>00</u>
806	10	<p style="text-align: right;">CCN 800000</p> EACH OF --- ROADWAY PEDESTAL BASE PER BC 801.05 AT <u>Two thousand Three hundred dollars and zero cents</u> PER EACH	<u>2,300</u>	<u>00</u>	<u>23,000</u>	<u>00</u>

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

SCHEDULE OF PRICES

EXHIBIT 1

CONTRACT NO. TR18014

HIGHLANDER CONTRACTING COMPANY LLC

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEMS AND PRICES BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	.CTS	DOLLARS	.CTS
801	33,000	HOURS OF --- CONDUIT FOREMAN AT <u>SIX DOLLARS</u> PER HOUR CCN 800000	<u>6</u>	<u>00</u>	<u>198,000</u>	<u>00</u>
802	100,000	HOURS OF --- SKILLED LABOR AT <u>TWO DOLLARS</u> PER HOUR CCN 800000	<u>2</u>	<u>00</u>	<u>200,000</u>	<u>00</u>
803	50	EACH OF --- LIGHTING HANDBOX PER BC 804.04 AT <u>SEVEN HUNDRED FIFTY DOLLARS</u> PER EACH CCN 800000	<u>750</u>	<u>00</u>	<u>37,500</u>	<u>00</u>
804	10	EACH OF --- ROADWAY PEDESTAL BASE PER BC 801.01 AT <u>SEVEN HUNDRED FIFTY DOLLARS</u> PER EACH CCN 800000	<u>750</u>	<u>00</u>	<u>7,500</u>	<u>00</u>
805	10	EACH OF --- STEEL SUB-BASE PER BC 801.03 AT <u>FOUR HUNDRED FIFTY DOLLARS</u> PER EACH CCN 800000	<u>450</u>	<u>00</u>	<u>4,500</u>	<u>00</u>
806	10	EACH OF --- ROADWAY PEDESTAL BASE PER BC 801.05 AT <u>FOUR HUNDRED FIFTY DOLLARS</u> PER EACH CCN 800000	<u>450</u>	<u>00</u>	<u>4,500</u>	<u>00</u>

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

EXHIBIT 2

SCHEDULE OF PRICES

CONTRACT NO. TR18014

Anchor Construction Corporation

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEMS AND PRICES BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	.CTS	DOLLARS	.CTS
801	33,000	HOURS OF --- CONDUIT FOREMAN AT <u>SIXTY NINE DOLLARS + 50/100</u> PER HOUR CCN 800000	69	50	2,293,500	00
802	100,000	HOURS OF --- SKILLED LABOR AT <u>THIRTY SIX DOLLARS + 00/100</u> PER HOUR CCN 800000	36	00	3,600,000	00
803	50	EACH OF --- LIGHTING HANDBOX PER BC 804.04 AT <u>ONE THOUSAND TWENTY DOLLARS + 00/100</u> PER EACH CCN 800000	1,020	00	51,000	00
804	10	EACH OF --- ROADWAY PEDESTAL BASE PER BC 801.01 AT <u>ONE THOUSAND FIVE HUNDRED DOLLARS + 00/100</u> PER EACH CCN 800000	1,500	00	15,000	00
805	10	EACH OF --- STEEL SUB-BASE PER BC 801.03 AT <u>NINE HUNDRED FIFTY EIGHT DOLLARS + 00/100</u> PER EACH CCN 800000	958	00	9,580	00
806	10	EACH OF --- ROADWAY PEDESTAL BASE PER BC 801.05 AT <u>TWO THOUSAND SIXTY DOLLARS + 00/100</u> PER EACH CCN 800000	2,060	00	20,600	00

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

EXHIBIT 3

SCHEDULE OF PRICES

CONTRACT NO. TR18014

CLASSIFICATION NO.3

The following minimum hourly wage rates shall apply to all contracts in excess of Five Thousand Dollars (\$5,000) for sewers, drains, mains, conduits, culverts, street inlets, grading, curbing, filling, landscaping, minor excavation, alley and footway construction, reconstruction and repair except when such work is performed in connection with a contract in excess of One Hundred Thousand Dollars (\$100,000) and falls within the property line of a building or other structure under construction or to be constructed, in which case such work shall be done under Classification No. 1.

<u>JOURNEYMEN</u>	<u>HOURLY RATE</u>	<u>FRINGE BENEFITS</u>	<u>TOTAL</u>
Bricklayer and Stone Mason	\$13.98	\$2.64	\$16.62
Carpenter/Piledriver	13.45	2.66	16.11
Concrete Masons (Finisher)	11.97	1.72	13.69
Ironworker	12.21	3.11	15.32
Laborer	7.75	1.23	8.98*
Form Setter (Curb)	8.35	1.23	9.58*
Concrete Surfacers	9.50	1.23	10.73*
Pipe Layer	8.30	1.23	9.53*
Plumber/Steamfitter/Pipefitter	8.00	1.90	9.90*

POWER EQUIPMENT OPERATORS

<u>GROUP I:</u> Power shovel, gradall power crane, front-end loader (over 2 yds.), twin engine scoop, concrete paver.	19.75	8.10	27.85
--	-------	------	-------

<u>GROUP II:</u> Grader, loader hoe, mechanic, welder.	18.75	8.10	26.85
---	-------	------	-------

<u>GROUP III:</u> Concrete mixer (up to 2 bags), stone crusher, hi-lift or front-end loader (up to 2 yds.), power roller, bulldozer, scraper or pan type excavator, crawler or rubber tire tractor (no attachments), subgrader, asphalt spreader, job site plant operator.	17.85	8.10	25.95
---	-------	------	-------

APPROVED BY BOARD OF ESTIMATES

Bonnie W. Taylor

Clerk to the Board of Estimates

DEC 13 2017

2018
-13-

<u>JOURNEYMEN</u>	<u>HOURLY RATE</u>	<u>FRINGE</u>	<u>BENEFITS TOTAL</u>
GROUP IV: Conveyors, pumps, wheel tractor (no attachments), air compressor, oiler (all types).	\$15.79	\$8.10	\$23.89
Truck Driver Dump Truck (Site Only)	10.25	2.70	12.95
Welder	Receives Rate for Craft Involved		

***MUST PAY CURRENT LIVING WAGE HOURLY RATE**

X After July 1, 2018, the hourly rate is to increase to \$11.81 per hour to insure compliance with the City of Baltimore Living Wage Law.

After July 1, 2017, the hourly rate is to remain at \$11.66 per hour to insure compliance with the City of Baltimore Living Wage Law.

APPROVED BY BOARD OF ESTIMATES

Renee M. Scott

Clerk to the Board of Estimates

DEC 13 2017

2018

-14-

APPRENTICESHIP RATES
PERCENTAGE OF JOURNEYMAN'S HOURLY RATE
PLUS FULL JOURNEYMAN'S FRINGE BENEFITS (UNLESS PARTIAL FRINGE BENEFITS ARE
APPROVED BY THE MARYLAND APPRENTICESHIP AND TRAINING COUNCIL)

BRICKLAYERS & STONE MASONS

First 6 months	50
Second 6 months	55
Third 6 months	60
Fourth 6 months	70
Fifth 6 months	80
Sixth 6 months	90

CARPENTERS

First year	50
Second year	60
Third year	70
Fourth year	85

CEMENT FINISHERS

First 500 hours	50
Second 500 hours	55
Third 500 hours	60
Fourth 500 hours	65
Fifth 500 hours	70
Sixth 500 hours	75
Seventh 500 hours	80
Eighth 500 hours	90

ELECTRICIANS

First 6 months	40
Second 6 months	40
Third 6 months	55
Fourth 6 months	65
Fifth 6 months	70
Sixth 6 months	75

IRONWORKERS

First 1,000 hours	60
Second 1,000 hours	65
Third 1,000 hours	70
Fourth 1,000 hours	75
Fifth 1,000 hours	80
Sixth 1,000 hours	85
Seventh 1,000 hours	90
Eighth 1,000 hours	95

PLUMBERS/STEAMFITTERS/PIPEFITTERS

First year	40
Second year	50
Third year	60
Fourth year	0
Fifth year	80

APPROVED BY BOARD OF ESTIMATES

Bernard W. Taylor

Clerk to the Board of Estimates

DEC 13 2017

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

Writer's direct dial – 410-413-4042

Robert Fulton "Boyce" Dashiell,
Principal
robertdashiell@dashiell-lawoffice.com

Senchal Dashiell Barrolle,
Associate Principal
sbarrolle@dashiell-lawoffice.com

September 19, 2018

Honorable Members of Baltimore City Board of Estimates
100 Holliday Street, Suite 204
Baltimore, Maryland 21202

Catherine E. Pugh, Mayor
Joan Pratt, Comptroller
Bernard "Jack" Young, President City Council
Andre Davis, J., City Solicitor
Rudy Chow, Director, Public Works

C/o Harriett Taylor, Secretary/Deputy Comptroller (Hand-delivery)

**Re: Response to Anchor Construction Corp. Protest
Contract No. TR 18014 – Conduit System Repairs**

Dear President and Board Members:

We represent Highlander Contracting Company, LLC, the responsible firm that submitted the lowest responsive bid for the above referenced procurement contract. The basis of the protest filed by Anchor Construction Corp. ("Anchor"), the apparent third low bidder, is that Highlander Contracting Company, LLC ("Highlander") submitted a non-responsive bid for reason that it allegedly proposed to pay its laborers and foreman less than the Prevailing Wage Determination.¹

The protest is erroneous primarily because Anchor has confused how bidders are required to calculate their invoices for billing purposes with the wages to be paid to actual employees. Meaning, items 801 and 802 are units for billing purposes, –which is confirmed by Addendum

¹ Anchor Construction Corp. lodges the same protest against Spiniello Companies, the apparent second low bidder. Interestingly, Anchor's cumulative bid for major items appears irregular *i.e.*, its bid for such items including #819 were 70% lower than both Highlander and Spiniello Companies.

no 2. Indeed, there is no wage classification for item 801- conduit foreman. Highlander did not submit a non-responsive bid; it will honor the billing units (rates) in invoicing the City for the conduit foreman and laborers as set forth in its bid as the amounts payable for work done in relation to the listed materials, equipment and or tasks as set forth in items 803 through 822. At the same time, Highlander will pay the prevailing wage as applicable to skilled laborers. By law and per the bid documents, Highlander, like any other successful bidder, is required to and will pay the prevailing wage. *Assuming arguendo* that the bid amounts for billing units were to be interpreted as synonymous with bid amounts for wages, any conflict between the wages proposed by a bidder and the wages set forth at law are necessarily resolved in favor of the law.

In sum, there is no dispute by Highlander that it is bound to pay every laborer in accordance to his/her proper labor classification regardless of the work performed, a point that was further clarified for all bidders under Q2 and A2 of Addendum No. 2. See Exh. 1 – Addendum No. 2.

For all of the foregoing reasons we urge you to reject the protest and to award the contract to Highlander Contracting Company, LLC.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Robert Dashiell", with a large, sweeping flourish extending to the right.

Robert Fulton "Boyce" Dashiell
Senchal Dashiell Barrolle,
Attorneys for Highlander Contracting
Company, LLC

CITY OF BALTIMORE
CATHERINE P. PUCCI, Mayor



DEPARTMENT OF TRANSPORTATION
Michelle Pourciau, Director
417 E. Fayette Street
Baltimore, Maryland 21202

ADDENDUM NO. 2

DATE: August 10, 2018

FOR
DRAWINGS, SPECIFICATIONS, PROPOSAL, CONTRACT AND BOND

FOR
CONTRACT NO. TR18014

**CONDUIT SYSTEM RECONSTRUCTION
AT VARIOUS LOCATIONS CITYWIDE (JOC)**

FOR THE MAYOR AND CITY COUNCIL OF BALTIMORE

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

APPROVED:

Handwritten signature of Dawn Bragdon in blue ink.

CHIEF, CONDUIT DIVISION

APPROVED:

Handwritten signature of Frank J. Murphy in blue ink.

DIRECTOR, DEPARTMENT OF TRANSPORTATION

INVITATION FOR BIDS

1) Bid Book Revisions - Special Provisions - Construction Details and Materials:

- a. DELETE Pages 70-71 and replace with Pages 70r-71r.

2) Contractor Questions:

After the pre-bid meeting, the following additional contractor questions were received. The response are provided for clarification to all bidders.

Q1: Please confirm the wage rates as published on pages 13-17 in the contract specification.

A1: The wage rate requirements and hours shall be in accordance with 00 73 43 and as supplemented on pages 13-17 in the contract specification.

Q2: Items 801 and 802 say that labor for items 803 through 828 will be paid under 801 and 802. The measurement and payment section of item 823 includes payment for labor. Please advise.

A2: The labor items 801 and 802 shall only be measure and paid separately in conjunction with the following Contract Items: 803 through 822. The specification section for Item 801 and 802 shall be revised by addendum.

ITEM 704 SOLID SODDING

(Refer to 32 92 23)

ITEM 801 CONDUIT FOREMAN

AND

ITEM 802 SKILLED LABOR

PART 1 DESCRIPTION

This work shall consist of the Contractor supplying a Conduit Crew to perform the conduit work under Items 803 through 822 of this Contract. A Conduit Crew shall consist of one (1) Conduit Foreman and a minimum of three (3) and maximum of four (4) Skilled Laborers unless otherwise approved by the Engineer.

Conduit Foreman - This work shall consist of providing a Conduit Foreman and shall include a light duty truck to be used for transporting workers, materials and equipment. The Conduit Foreman shall have a minimum of three (3) years of experience as a conduit foreman. A light duty truck is defined as a truck up to one (1) ton rating and also equipped to tow equipment such as trailers and arrow panels.

Skilled Labor - This work includes providing Skilled Labor, which consists of all workers that are not a Construction Foreman or Field Superintendent. These workers shall include, but not be limited to, equipment operators, pipe layers, carpenters, laborers, etc. These workers shall also be able to perform other duties as necessary to complete the task orders as assigned for conduit repairs and construction.

Field Superintendent - When more than one (1) construction crew is working, the Contractor shall provide a Field Superintendent who will act as the Contractor's liaison with the Engineer. The Field Supervisor shall also have a minimum of three (3) years of experience as a conduit foreman.

The Field Supervisor and Construction Foreman will be subject to the approval of the Engineer.

PART 4 MEASUREMENT AND PAYMENT

These items of work shall ONLY be measured and paid separately in conjunction with the following Contract Items: 803 through 822. ALL OTHER ITEMS of work in this Contract shall include ALL necessary labor as incidental to the individual items.

Only the labor costs are to be paid separately on the above listed items. ALL equipment, tools, materials, and incidentals necessary for the various items of work in this Contract are to be included in the bid price for the various items of work.

The payment shall be full compensation for hourly wages, overhead, safety equipment, training, certifications, and all fees and profit. No "add-ons" will be made to the amount.

The Contractor will be paid for personnel on an hourly basis for the number of hours that are worked on the conduit task items specifically identified above.

The Field Superintendent will not be measured or paid separately but shall be incidental to the items in the Contract.

Working more than eight (8) hours a day will not be permitted without the approval of the Engineer. Note that the Contractor shall reimburse the City for inspection and other services required when the Contractor chooses to request to work in excess of the normal eight (8) hour day, forty (40) hour week, weekends, or on a City Holiday. Refer to 01 14 18 GENERAL WORK HOURS in the Special Conditions. This requirement will not be in effect in the event of an emergency assignment. The crew(s) each day will be subject to approval by the Engineer.

On days when work is cancelled by the Engineer for the convenience of the City after the Contractor's personnel have reported to the job site or when work is cancelled for rain or snow after the Contractor's personnel have reported to the job site, the Contractor will be paid a minimum of two (2) hours for show-up time.

The Engineer, on bad weather days, may notify the Contractor before the shift is to begin and jointly agree that there will be no work performed for that day and, as such, no payment will be made.

Should the Contractor's personnel split their time in a given day between the conduit repairs under items 803 through 822 and other Contract bid items, only the hours associated with the conduit repairs will be measured for payment under items 801 and 802.

ITEM 803 LIGHTING HANDBOX PER BC 804.04

(Refer to 26 07 01.04)

PART 2 PRODUCTS

2.1 MATERIALS

C. Composition of Concrete Mixes

Delete: "9. Furnished material", in its entirety.

PART 3 EXECUTION

3.1 CONSTRUCTION METHODS

P. Hand Boxes

Supplement with the following:

6. The Contractor shall submit catalog cuts of the proposed Hand Box for approval of the Engineer PRIOR to ordering this item.

PART 4.2 PAYMENT

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - cont'd

Vice President: "The first item on the non-routine agenda can be found on pages 68 to 70, items three and four, Department of Transportation. Recommendations for contract award rejection TR-18014, Conduit System Reconstruction at Various Locations City-wide. Will the parties please come forward?"

Mr. Tavon Braxton: "Good morning, my name is Tavon Braxton I am the Conduit Division Chief um --."

Mr. Mike Mullen: You move approval of -- of the contract."

Mr. Braxton: "I move approval of the contract."

Mr. Mullen: "We do -- you're recommending approval of the contract to the Board."

Mr. Braxton: "I am recommending approval of the contract to the Board."

Mr. Mullen: "Madam Vice President, Madam Mayor, Madam Comptroller Honorable members of the Board. Mike Mullen from the Law Department here um - do you want to hear our position first or the protest first."

MINUTES

Vice President: "The protest."

Comptroller: "The Protest first."

Mr. Dashiell: "There's is no protestant."

Mr. Mullen: "There's no one here?"

Deputy Comptroller: "Yes".

Mr. Dashiell: "There is no protestant. No -- not here."

Mayor: "Okay, move on".

Comptroller: "Okay".

Vice President: "Thank you. The protester is not present."

City Solicitor: "Ah -- I would move that the protest be denied as non-prosecutable and uh -- an not well taken."

Comptroller: "Second."

* * * * *

MINUTES

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

5.	TR 12311R, Replacement Of Three Bridges over MD 295: Waterview Avenue Bridge, Annapolis Road, Bridge and Maisel Street Pedestrian Bridge Corridor -Wide Sign Replacement	Wegman Heavy Civil, Inc.	\$35,374,063.00
----	--	-----------------------------	-----------------

DBE PARTICIPATION:

DBE:	Interlock Steelworkers, Inc.	\$1,139,045.00	3.22%
	JJ Adams Fuel Oil Co., LLC	74,922.27	0.21%
	Fields Trenching & Excavating, LLC	19,810.00	0.06%
	Nasir & Associates, LLC	209,768.20	0.59%
	Priority Construction Corp.	774,338.25	2.19%
	Ortiz Transport, LLC	399,726.92	1.13%
	Machado Construction Co., Inc.	1,349,166.79	3.81%
	RN'G Construction, Inc.	949,439.87	2.68%
	Priceless Industries, Inc.	299,618.32	0.85%
	PDI-Sheetz Construction Corp.	249,740.89	0.71%
	William T. King, Inc.	49,877.43	0.14%
	Sunrise Safety Services, Inc.	314,829.17	0.89%
	Traffic System, Inc.	1,399,044.22	3.96%
	Seed & Site Solutions, Inc.	9,904.74	0.03%
	Ackerman & Baynes, LLC	199,863.46	0.57%
		<u>\$7,439,095.53</u>	<u>21.03%</u>

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - cont'd

6. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$910,781.36	9962-937004-9563	
Other	Constr. Res. Conduit	
	New Construction	
\$758,984.47	-----	9962-919021-9562-6
		Structural & Improvements
113,847.67	-----	9962-919021-9562-5
		Inspection
<u>37,949.22</u>	-----	9962-919021-9562-2
		Contingencies
\$910,781.36		

This transfer will partially fund the costs associated with the award of Project TR 12311R, Replacement of Three Bridges over MD 295: Waterview Avenue Bridge, Annapolis Road, Bridge and Maisel Street Pedestrian Bridge Corridor-Wide Sign Replacement.

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
7. \$25,955,206.35	9950-902882-9509	
FED	Constr. Res. -	
	Annapolis Road	
	Bridge	
4,021,302.00	9950-901824-9509	
FED	Maisel Street	
	Pedestrian Bridge	

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
1,633,156.72 FED	9950-903516-9507 Annapolis Bridge Over BW Pkwy.	
5,685,248.93 <u>FED</u>	9950-944002-9507 Reserve for Closeouts	
\$37,294,914.00		
\$32,620,117.00	-----	9950-901882-9508-6 Structural & Improvements
3,043,791.15	-----	9950-901882-9508-5 Inspection
<u>1,631,005.85</u> \$37,294,914.00	-----	9950-901882-9508-2 Contingencies Annapolis Road Bridge

This transfer will partially fund the costs associated with award of project TR 12311R, Replacement of Three Bridges over MD 295: Waterview Avenue Bridge, Annapolis Road, Bridge and Maisel Street Pedestrian Bridge Corridor-Wide Sign Replacement.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Procurement

- | | | | |
|----|------------------------------------|------------------------|--------------|
| 8. | B50005507, Multimedia
Equipment | Insane Impact,
Inc. | \$ 54,900.00 |
|----|------------------------------------|------------------------|--------------|

MWBOO GRANTED A WAIVER.

- | | | |
|----|--|---|
| 9. | B50005520, Charter Bus
Transportation | REJECTION -Vendors were solicited on CityBuy, eMaryland Marketplace and in local newspapers. The five bid were received on August 29, 2018. No bids were determined to be both responsive and responsible. In the best interest of the City, it is recommended that the Board reject all bids. The specifications will be reviewed and revised in order to increase competition. |
|----|--|---|

Department of Public Works Office/
of Engineering and Construction

- | | | |
|-----|---|---|
| 10. | SC 7788, Seamon Avenue
Storm Drain and Step
Pool Conveyance | REJECTION - On May 2, 2018 the Board opened five bids. The Department has decided it is in the best interest of the City to reject all bids. The Department intends to rebid the contract. |
|-----|---|---|

MEMBER
MARYLAND BAR
VIRGINIA BAR
AND DISTRICT OF COLUMBIA BAR

GENERAL COUNSEL
MICHAEL J. COHEN
W.M. SCHLOSSER COMPANY, INC.
2400 51ST PLACE
HYATTSVILLE, MD 20781-1396

TELEPHONE
301-773-1300
FACSIMILE
301-773-9263
MCOHEN@WMSCHLOSSER.COM

October 12, 2018

The Baltimore City Board of Estimates
c/o Clerk to the Board of Estimates
100 N. Holliday Street
Room 204, City Hall
Baltimore, MD 21202

Via UPS

Re: Protest of W.M. Schlosser Co., Inc.
Solicitation No. S.C. 927
Electrical Distribution System Reliability Improvements at
Back River Wastewater Treatment Plant

Dear Madam or Sir:

On or about August 1, 2018, W. M. Schlosser Co., Inc. ("Schlosser"), filed a written protest regarding the referenced solicitation. Please be advised that the undersigned wishes to present argument on Schlosser's behalf at the Board of Estimates' meeting on October 17, 2018, regarding its protest.

Thank you for your attention to this matter.

Very truly yours,



Michael J. Cohen

MJC/tca

cc: Andrew Schlosser

July 31, 2018

The Baltimore City Board of Estimates
c/o Clerk to the Board of Estimates
100 N. Holliday Street
Room 204, City Hall
Baltimore, MD 21202

Via UPS

Re: Protest of W.M. Schlosser Co., Inc.
Solicitation No. S.C. 927
Electrical Distribution System Reliability Improvements at
Back River Wastewater Treatment Plant

Dear Madam or Sir:

For its bid protest with regard to the referenced solicitation, W.M. Schlosser Co., Inc., by undersigned counsel, states as follows:

A. Background

1. The Protester is W.M. Schlosser Co., Inc. (“Schlosser”), 2400 51st Place, Hyattsville, Md. 20781.
2. The project being protested is S.C. 927—Electrical Distribution System Reliability Improvements at Back River Wastewater Treatment Plant (“the Project”).
3. The Project bid and bids were opened on April 25, 2018.
4. Schlosser submitted the low bid on the Project in the amount of \$68,388,000. The second low bid was in the amount of \$68,940,000, a difference of \$552,000.
5. By letter to Schlosser dated June 21, 2018, the City of Baltimore Department of Public Works (“DPW”) rejected Schlosser's bid because Schlosser did not spell out individual bid items in written words even though the bid items were written in numerals. According to the letter, this omission rendered Schlosser's bid “indecipherable”. A copy of DPW’s letter is appended hereto as Exhibit A.
6. As discussed below, contrary to DPW’s assertion, Schlosser's intended bid price is clear from the face of its bid. Accordingly, as the low responsive bidder, Schlosser is entitled to award of the contract.

B. Discussion

1. The lack of numbers in written words

In its letter rejecting Schlosser's bid, DPW states that because Schlosser did not write out its bid prices in words, it was unable to "decipher the exact amount each bid item which cause [sic] the bid rejection in your bid." To the contrary, as discussed below, Schlosser's intended bid is clear on the face of the form.

The bid form, a copy of which is attached as Exhibit B, lists no fewer than 60 bid items to be filled in.¹ The far right of the bid form has two columns: "Unit Price" and "Amounts." Schlosser wrote its final bid amount of \$68,388,000 in numerals at the bottom of both columns. Under the circumstances, and based on accepted principles of procurement law, Schlosser's intended bid was clear and the lack of prices in written words is an immaterial nonconformity.

The Federal Acquisition Regulations ("the FAR") define an immaterial nonconformity as a "minor informality." 48 C.F.R. § 14.405 defines a minor informality "as a matter of form and not of substance." Because the amount of Schlosser's bid is discernable on the face of its bid, the absence of written words is merely a "matter of form and not substance" and, therefore, a minor informality.

Maryland courts have adopted the minor informality rule. In *George A. Fuller Co. v. Elderkin*, 160 Md. 660, 154 A. 548 (1931), the Maryland Court of Appeals found that "[i]n judging whether or not the omission or irregularity in a bid is so substantial as to invalidate it, the court must be careful not to thwart the purpose of competitive bidding by declaring the lowest bid invalid on account of variations that are not material." 160 Md. at 665. Applying *Fuller*, because the omission of the bid amounts in written words was immaterial, Schlosser is entitled to contract award as the low responsive and responsible bidder.

The City of Baltimore Department of Public Works Specifications for Materials, Highways, Bridges, Utilities, and Incidental Structures (2006), also known as the Green Book, is incorporated by reference into the Solicitation. The Green Book directs that the Contract "will be" awarded to the lowest prequalified responsive and responsible bidder. Green Book Sec. 00 51 00.03. The Green Book defines "Responsive Bidder" as "a person who has submitted a bid under procurement by competitive sealed bidding which conforms in all *material* respects to the requirements contained in the information for bids. *Id.* at 00 23 00.01. (Emphasis added.) Based on black letter procurement law and the holding in *Fuller*, the omission of numbers in written words is an immaterial, minor informality. Therefore, because Schlosser's bid complied with the solicitation in all material respects, Schlosser is entitled to award.

¹ Because it was submitted to the city, Schlosser does not have its actual bid form. The specific numbers discussed herein and reflected on Exhibit B are based on information received from a DPW representative.

2. Bid Item 802

In a telephone conference with a DPW representative, Schlosser was further advised that its bid form contained a small discrepancy between the “Unit Price” and the “Amount” for Bid Item 802. The number in the “Unit Price” column was written as \$43,778,034 whereas the number in the “Amount” column was written as \$43,788,034, a difference of \$10,000. An examination of the bid sheet as a whole shows that Schlosser's intended price for Item 802 was \$43,778,034 and the insertion of \$43,788,034 in the Amount column was simply a clerical error.

The discrepancy is easily resolved by adding the numbers in the Amount column. If the erroneous bid price for Item 802 is used, the bid total is \$68,398,000 instead of the amount of \$63,388,000 as written. Clearly, then, the total bid amount, as written at the bottom of both the Unit Price and Amount columns is reflective of the *unit price* for Item 802. Under the circumstances it is equally clear that the number written in the Amount column for Item 802 was a mere clerical error. It should also be noted that Schlosser wrote its intended price of \$68,388,000, under both the Unit Price and Amount Columns. This further confirms that Schlosser's intended bid was \$68,388,000.

The Code of Maryland Regulations (“COMAR”) actually *requires* that clerical errors like the one at issue here be corrected. Under COMAR 21.05.02.12 C,

When the procurement officer knows or has reason to conclude that a mistake has been made, the bidder may be requested to confirm the bid... (1) If the mistake and the intended correction are clearly evident on the face of the bid document, the bid *shall* be corrected to the intended correct bid and may not be withdrawn. Examples of mistakes that may be clearly evident on the face of the bid document are typographical errors, errors in extending unit prices, transposition errors, and arithmetical errors.

Here, the discrepancy and the intended correction are clearly evident on the face of the bid document. While not controlling, the COMAR reflects black letter procurement law that the arithmetical/typographical error of the type at issue here is immaterial and should be corrected.

Finally, the discrepancy is also resolved by reference to the Green Book. Green Book Section 00 21 13.08 D. states, “When there is an error in mathematics where unit prices don’t equal the total price, *in all cases*, the unit price shall prevail.” (Emphasis added.) This is especially true when the error is apparent by reference to the total price bid.

C. Conclusion

Consistent with black letter procurement law, the negligible deviations in Schlosser's bid are minor informalities that do not render its bid nonresponsive. Accordingly, the contract for the Project should be awarded to Schlosser as the low responsive, responsible bidder. Any other determination would conflict with the terms of the procurement, widely accepted practice, and the law of the State of Maryland.

If you require additional information or have any questions, feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Michael J. Cohen', with a long, sweeping tail extending to the right.

Michael J. Cohen

Exhibit A

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF PUBLIC WORKS

Rudolph S. Chow, P.E., Director
Abel Wolman Municipal Building, 6th Floor
200 N. Holliday Street
Baltimore, Maryland 21202

June 21, 2018

W.M. Schlosser Co., Inc.
2400 51st Place
Hyattsville, MD 20781

**RE: S.C. 927-Electrical Distribution System Reliability
Improvements at Back River Wastewater Treatment Plant**

Dear Sir or Madam:

On July 7, 2018, the Law Department and the Department of Public Works after careful review has decided to reject your bid for the above mentioned contract. As described in the bidding instructions, you must record each bid item in the Schedule of Prices with numerals and written words (only numerals were entered on your bid). This caused the department not to decipher the exact amount of each bid item which cause the bid rejection in your bid.

If you require further clarification of this decision, please contact the Department of Public Works, Office of Contract Administration at (410) 396-4041.

Sincerely,

CYNTHIA HARRY
CONTRACT ADMINISTRATOR

cc: THB/ch
Ms. Misrak Shiferaw
File

Visit Our Website @ www.baltimorecity.gov

Exhibit B

SANITARY CONTRACT NO. 927

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

NOTICE TO BIDDERS

**CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
OFFICE OF ENGINEERING AND CONSTRUCTION**

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

SANITARY CONTRACT NO. 927

III. BID OR PROPOSAL

Bids Due: March 28, 2018

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

Days of Completion 1201 Consecutive Calendar Days

Liquidated Damages \$2,000 per Calendar Day

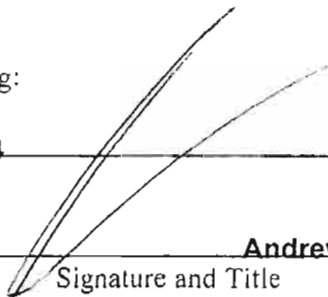
Made this 24th day of April 20 18

By W.M. Schlosser Company, Inc.
(Name)

2400 51st Place, Hyattsville, MD 20781
(Address)

The Bidder shall sign below to signify the following:

I/We have received Addendum Nos. 1, 2, 3, 4
for this Contract.



Signature and Title
Andrew Schlosser, President

To The Board of Estimates of Baltimore City:

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

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

ORIGINAL (NOT TO BE DETACHED)
NOTICE TO BIDDERS

CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
OFFICE OF ENGINEERING AND CONSTRUCTION

SANITARY CONTRACT NO. 927

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

III. BID OR PROPOSAL

Bids Due: March 28, 2018

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

Days of Completion 1201 Consecutive Calendar Days

Liquidated Damages \$2,000 per Calendar Day


Made this 24th day of April 2018

By W.M. Schlosser Company, Inc.
(Name)

2400 51st Place, Hyattsville, MD 20781
(Address)

The Bidder shall sign below to signify the following:

I/We have received Addendum Nos. 1, 2, 3, 4
for this Contract.


Andrew Schlosser, President
Signature and Title

To The Board of Estimates of Baltimore City:

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

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEMS AND PRICES BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	.CTS	DOLLARS	.CTS
101	LUMP SUM	MOBILIZATION AT _____ LUMP SUM	LUMP SUM <u>3,000,000</u>	<u>00</u>	<u>3,000,000</u>	<u>00</u>
102	LUMP SUM	ENGINEER'S OFFICE NO. 1 AT _____ LUMP SUM	LUMP SUM <u>130,000</u>	<u>00</u>	<u>130,000</u>	<u>00</u>
103	LUMP SUM	MAINTENANCE OF TRAFFIC AT _____ LUMP SUM	LUMP SUM <u>30,000</u>	<u>00</u>	<u>30,000</u>	<u>00</u>
		END OF CATEGORY NO. 1 NO ALTERNATES				

NOTE: THIS SHALL BE FILLED IN BY THE BIDDER WITH THE PRICES WRITTEN IN WORDS AND NUMBERS AND THE EXTENSIONS SHALL BE MADE BY HIM FOR COMPLETE INFORMATION CONCERNING THE EXTENSIONS WHICH BE BIDDING MATERIAL PROVIDED AND CONTRACT FORM

SCHEDULE OF PRICE

SANITARY CONTRACT NO. 927

OFFICE OF ENGINEERING AND CONSTRUCTION SANITARY CONTRACT NO. 927

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEMS AND PRICES BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	.CTS	DOLLARS	.CTS
201	LUMP SUM	ENVIRONMENTAL PROTECTION PROCEDURES (EROSION & SEDIMENT CONTROL AND STORM WATER MANAGEMENT) AT _____ LUMP SUM	600,000	00	600,000	00
202	500	CUBIC YARDS OF CONTINGENT TEST PIT EXCAVATION AT _____ PER CUBIC YARD	385	00	192,500	00
203	LUMP SUM	ASBESTOS ABATEMENT AT PSS-2 AT _____ LUMP SUM	21,000	00	21,000	00
204	ALLOWANCE	CONTINGENT DISPOSAL OF LEAD-BASED PAINT, ASBESTOS IN ELECTRICAL EQUIPMENT, AND PCB REMOVAL AT Fifty Thousand Dollars ALLOWANCE			50,000	00
205	LUMP SUM	BID ALLOWANCE FOR MISCELLANEOUS WORK AT One Million, Five Hundred Thousand Dollars ALLOWANCE			1,500,000	00
		END OF CATEGORY NO. 2 NO ALTERNATES				

NOTE: THIS SHALL BE PLACED ON THE BIDDER WITH THE PRICE WRITTEN IN DOLLARS AND CENTS, AND THE EXTENSIONS SHALL BE MADE BY HAND FOR COMPLETE INFORMATION ON COMPLETING THESE ITEMS SEE SPECIFICATIONS, ITEMS, MATERIALS AND CONTRACT FORMS.

SCHEDULE OF PRICE

SANITARY CONTRACT NO. 927

00 30 00-3R

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEMS AND PRICES BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	.CTS	DOLLARS	.CTS
301	7000	CUBIC YARDS OF CONTINGENT UNCLASSIFIED EXCAVATION AT _____ PER CUBIC YARD	51	00	357,000	00
302	700	CUBIC YARDS OF CONTINGENT SELECT BACKFILL AT _____ PER CUBIC YARD	68	00	47,600	00
303	1300	CUBIC YARDS OF CONTINGENT BORROW MATERIAL AT _____ PER CUBIC YARD	38	50	50,050	00
304	50	TONS CONTINGENT CONCRETE PAVING (HOT MIX) AT _____ PER TON	260	00	13,000	00
		END OF CATEGORY NO. 3 NO ALTERNATES				

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

SCHEDULE OF PRICE

SANITARY CONTRACT NO. 927

OFFICE OF ENGINEERING AND CONSTRUCTION SANITARY CONTRACT NO. 927

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEMS AND PRICES BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	.CTS	DOLLARS	.CTS
801	LUMP SUM	ELECTRICAL IDENTIFICATION AT _____ LUMP SUM	LUMP SUM <u>200,000</u>	<u>00</u>	<u>200,000</u>	<u>00</u>
802	LUMP SUM	ELECTRICAL WORK AND UPGRADES AT _____ LUMP SUM	LUMP SUM <u>43,778,034</u>	<u>00</u>	<u>43,788,034</u>	<u>00</u>
803	LUMP SUM	OUTDOOR OIL CIRCUIT BREAKERS AT _____ LUMP SUM	LUMP SUM <u>2,900,000</u>	<u>00</u>	<u>2,900,000</u>	<u>00</u>
804	LUMP SUM	MEDIUM VOLTAGE METAL-CLAD SWITCHGEAR AT _____ LUMP SUM	LUMP SUM <u>5,250,000</u>	<u>00</u>	<u>5,250,000</u>	<u>00</u>
805	LUMP SUM	METAL ENCLOSED POWER FACTOR CORRECTION CAPACITORS AT _____ LUMP SUM	LUMP SUM <u>610,000</u>	<u>00</u>	<u>610,000</u>	<u>00</u>
806	LUMP SUM	FACILITIES ACCESS, METERING AND MONITORING SYSTEMS AT _____ LUMP SUM	LUMP SUM <u>2,045,000</u>	<u>00</u>	<u>2,045,000</u>	<u>00</u>

NOTE: THIS SHALL BE FILED IN BY THE BIDDER WITH THE PRICES WRITTEN IN WORDS AND NUMERALS AND THE EXTENSIONS SHALL BE MADE BY HAND FOR CORRECTED INFORMATION CONCERNING THE BID. NO CHANGE IN PRICES ALLOWED AFTER PROVISION. APPROXIMATE TOTAL

SCHEDULE OF PRICE

SANITARY CONTRACT NO. 927

OFFICE OF ENGINEERING AND CONSTRUCTION SANITARY CONTRACT NO. 927

NOTE: THIS SHALL BE FILLED IN BY THE BIDDER WITH THE PRICES NOTED IN THE PRICES AND AMOUNTS AND THE EXTENSIONS NOTED IN THE EXTENSIONS. THE PRICES AND AMOUNTS SHALL BE THE BASIS FOR THE EXTENSIONS.

SCHEDULE OF PRICE

SANITARY CONTRACT NO. 927

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEMS AND PRICES BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	.CTS	DOLLARS	.CTS
813	300	LINEAR FEET OF CONTINGENT 4 WAY (2X2) 6" PVC SCHEDULE 40 CONCRETE ENCASED DUCTBANK AT _____ PER LF	<u>385</u>	<u>00</u>	<u>115,500</u>	<u>00</u>
814	400	LINEAR FEET OF CONTINGENT 6 WAY (2X3) 6" PVC SCHEDULE 40 CONCRETE ENCASED DUCTBANK AT _____ PER LF	<u>434</u>	<u>00</u>	<u>173,600</u>	<u>00</u>
815	20	LINEAR FEET OF CONTINGENT 10 WAY (2X5) 6" PVC SCHEDULE 40 CONCRETE ENCASED DUCTBANK AT _____ PER LF	<u>647</u>	<u>00</u>	<u>12,940</u>	<u>00</u>
816	150	LINEAR FEET OF CONTINGENT 2 WAY (2X1) 6" PVC SCHEDULE 40 CONCRETE ENCASED DUCTBANK AT _____ PER LF	<u>354</u>	<u>00</u>	<u>53,100</u>	<u>00</u>
817	50	LINEAR FEET OF CONTINGENT 20 WAY (4X5) 6" PVC SCHEDULE 40 CONCRETE ENCASED DUCTBANK AT _____ PER LF	<u>925</u>	<u>00</u>	<u>46,250</u>	<u>00</u>
818	20	LINEAR FEET OF CONTINGENT 10 WAY (2X5) 4" PVC SCHEDULE 40 CONCRETE ENCASED DUCTBANK AT _____ PER LF	<u>624</u>	<u>00</u>	<u>12,480</u>	<u>00</u>
819	20	LINEAR FEET OF CONTINGENT 6 WAY (3X2) 4" PVC SCHEDULE 40 CONCRETE ENCASED DUCTBANK AT _____ PER LF	<u>464</u>	<u>00</u>	<u>9,280</u>	<u>00</u>

OFFICE OF ENGINEERING AND CONSTRUCTION SANITARY CONTRACT NO. 927

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEMS AND PRICES BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	.CTS	DOLLARS	.CTS
820	650	LINEAR FEET OF CONTINGENT 2 WAY (2X1) 4" PVC SCHEDULE 40 CONCRETE ENCASED DUCTBANK AT _____ PER LF	<u>346</u>	<u>00</u>	<u>224,900</u>	<u>00</u>
821	10	LINEAR FEET OF CONTINGENT 6 WAY (1X6) 4" PVC SCHEDULE 40 CONCRETE ENCASED DUCTBANK AT _____ PER LF	<u>625</u>	<u>00</u>	<u>6,250</u>	<u>00</u>
822	30	LINEAR FEET OF CONTINGENT 24 WAY (2X12) 4" PVC SCHEDULE 40 CONCRETE ENCASED DUCTBANK AT _____ PER LF	<u>919</u>	<u>00</u>	<u>27,570</u>	<u>00</u>
823	60	LINEAR FEET OF CONTINGENT 8 WAY (2X4) 4" PVC SCHEDULE 40 CONCRETE ENCASED DUCTBANK AT _____ PER LF	<u>498</u>	<u>00</u>	<u>29,880</u>	<u>00</u>
824	10	LINEAR FEET OF CONTINGENT 4 WAY (2X2) 4" PVC SCHEDULE 40 CONCRETE ENCASED DUCTBANK AT _____ PER LF	<u>435</u>	<u>00</u>	<u>4,350</u>	<u>00</u>
825	10	LINEAR FEET OF CONTINGENT 2 WAY (1X2) 4" PVC SCHEDULE 40 CONCRETE ENCASED DUCTBANK AT _____ PER LF	<u>434</u>	<u>00</u>	<u>4,340</u>	<u>00</u>
826	10	LINEAR FEET OF CONTINGENT 16 WAY (2X8) 4" PVC SCHEDULE 40 CONCRETE ENCASED DUCTBANK AT _____ PER LF	<u>776</u>	<u>00</u>	<u>7,760</u>	<u>00</u>

NOTE: THIS SHALL BE FILLED IN BY THE BIDDER WITH THE PRICES WRITTEN IN WORDS AND NUMERALS, AND THE EXTENSIONS SHALL BE MADE BY THE BIDDER FOR EXTENSIVE INFORMATION CONCERNING THE MATERIALS AND METHODS TO BE USED IN THE PERFORMANCE OF THE WORK.

SCHEDULE OF PRICE

SANITARY CONTRACT NO. 927

OFFICE OF ENGINEERING AND CONSTRUCTION SANITARY CONTRACT NO. 927

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEMS AND PRICES BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	.CTS	DOLLARS	.CTS
827	10	LINEAR FEET OF CONTINGENT 20 WAY (2X10) 4" PVC SCHEDULE 40 CONCRETE ENCASED DUCTBANK AT _____ PER LF	845	00	8,450	00
828	450	LINEAR FEET OF CONTINGENT 4 WAY (1X4) 4" PVC SCHEDULE 40 CONCRETE ENCASED DUCTBANK WITH 4-3/4" INNER DUCT IN EACH DUCT AT _____ PER LF	434	00	195,300	00
829	50	LINEAR FEET OF CONTINGENT 2 WAY (1X2) 4" PVC SCHEDULE 40 CONCRETE ENCASED DUCTBANK AT _____ PER LF	396	00	19,800	00
830	500	LINEAR FEET OF CONTINGENT 4" DIA PVC SCHEDULE 80 DIRECT BURIED DUCT AT _____ PER LF	65	50	32,750	00
831	100	LINEAR FEET OF CONTINGENT 2" DIA PVC SCHEDULE 80 DIRECT BURIED DUCT AT _____ PER LF	62	50	6,250	00
832	600	LINEAR FEET OF CONTINGENT 4" DIA PVC SCHEDULE 80 DIRECT BURIED DUCT AT _____ PER LF	65	30	39,180	00
833	20	LINEAR FEET OF CONTINGENT 6" DIA PVC SCHEDULE 80 DIRECT BURIED DUCT AT _____ PER LF	64	30	1,286	00

NOTE: THIS SHALL BE FILED IN BY THE BIDDER WITH THE PRICES WRITTEN IN WORDS AND NUMERALS AND THE EXTENSIONS SHALL BE MADE BY THE BIDDING COMMISSION. CONTRACT NO. 927. HALL AT THE BIDDING OFFICE. PROVIDING AND

SCHEDULE OF PRICE

SANITARY CONTRACT NO. 927

OFFICE OF ENGINEERING AND CONSTRUCTION SANITARY CONTRACT NO. 927

NOTE THIS SHALL BE FILLED IN BY THE BIDDER WITH THE FIGURES WRITTEN IN WORDS AND NUMERALS AND THE EXTENSIONS SHALL BE MADE BY HIM FOR COMPLETE INFORMATION CONCERNING THESE ITEMS SEE SPECIFICATIONS

SCHEDULE OF PRICE

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEMS AND PRICES BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	.CTS	DOLLARS	.CTS
834	540	LINEAR FEET OF CONTINGENT 3/4" DIA RIGID GALVANIZED STEEL CONDUIT (RGS) AT _____ PER LF	17	00	9,180	00
835	10	EACH OF CONTINGENT CAST-IN-PLACE MANHOLES (8' X 8') AT _____ PER EACH	75,000	00	750,000	00
836	10,000	LINEAR FEET OF CONTINGENT 1/C, 3-500 KCMIL & #2 AWG-G COPPER CONDUCTOR THHN/THWN IN CONDUIT AT _____ PER LF	43	00	430,000	00
837	3,600	LINEAR FEET OF CONTINGENT 1/C, 3 - #14 AWG & #14 AWG-G COPPER CONDUCTOR THHN/THWN IN CONDUIT AT _____ PER LF	2	70	9,720	00
838	900	LINEAR FEET OF CONTINGENT 1/C, 3 - #12 AWG & #12 AWG-G COPPER CONDUCTOR THHN/THWN IN CONDUIT AT _____ PER LF	3	70	3,330	00
839	600	LINEAR FEET OF CONTINGENT 1/C, 3 - #10 AWG & #10 AWG-G COPPER CONDUCTOR THHN/THWN IN CONDUIT AT _____ PER LF	4	00	2,400	00
840	40	LINEAR FEET OF CONTINGENT 1/C, 3 - #6 AWG & #6 AWG-G COPPER CONDUCTOR THHN/THWN IN CONDUIT AT _____ PER LF	20	00	800	00

OFFICE OF ENGINEERING AND CONSTRUCTION SANITARY CONTRACT NO. 927

00 30 00-10RR

ADDENDUM NO.4

Page 22 of 25

SCHEDULE OF PRICE
SANITARY CONTRACT NO. 927

NOTE: THIS SHALL BE FILLED IN BY THE BIDDER WITH THE PRICES WRITTEN IN WORDS AND FIGURES AND THE EXTENSIONS SHALL BE MADE BY HIM FOR CORRECTION, AMENDMENT, DELETION, ADDITION AND EXTENSION.

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEMS AND PRICES BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	.CTS	DOLLARS	.CTS
841	70	LINEAR FEET OF CONTINGENT 1/C, 3 - #2 AWG & #2 AWG-G COPPER CONDUCTOR THHN/THWN IN CONDUIT AT _____ PER LF	30	00	2,100	00
842	3,300	LINEAR FEET OF CONTINGENT FIBER OPTIC COMMUNICATION CABLE - SINGLE MODE AT _____ PER LF	6	90	22,770	00
843	8,500	LINEAR FEET OF CONTINGENT FIBER OPTIC COMMUNICATION CABLE - MULTIMODE AT _____ PER LF	7	60	64,600	00
844	30	LINEAR FEET OF CONTINGENT 1 1/2" DIA PVC SCHEDULE 80 DIRECT BURIED DUCT AT _____ PER LF	70	00	2,100	00
845	30	LINEAR FEET OF CONTINGENT 3/4" DIA PVC SCHEDULE 80 DIRECT BURIED DUCT AT _____ PER LF	70	00	2,100	00
846	10	LINEAR FEET OF CONTINGENT 2" DIA RIGID GALVANIZED STEEL CONDUIT (RGS) AT _____ PER LF	95	00	950	00
847	10	LINEAR FEET OF CONTINGENT 2 1/2" DIA RIGID GALVANIZED STEEL CONDUIT (RGS) AT _____ PER LF	125	00	1,250	00

OFFICE OF ENGINEERING AND CONSTRUCTION SANITARY CONTRACT NO. 927

SANITARY CONTRACT NO. 927

SCHEDULE OF PRICE

NOTE: THIS SHALL BE FILED IN BY THE BIDDER WITH THE PRICES WRITTEN IN ABOVE AND MATERIAL AND THE EVALUATION SHALL BE MADE BY THE BOARD OF PUBLIC WORKS AND THE BOARD OF SUPERVISORS.

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEMS AND PRICES BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	.CTS	DOLLARS	.CTS
	TOTAL BID	USING THE FOLLOWING ITEMS 101-103, 201-205, 301-304, 801-847	<u>68,388,000</u>	<u>00</u>	<u>68,388,000</u>	<u>00</u>

OFFICE OF ENGINEERING AND CONSTRUCTION SANITARY CONTRACT NO. 927

SANITARY CONTRACT NO. 927

The foregoing prices are to include and cover the furnishing of all materials and labor requisite and proper, and the providing of all necessary machinery, tools, apparatus and means for performing the work and the doing of all the above mentioned work as set forth and described in the Contract Documents.

Note: Each and every person Bidding and Named above must sign here.

In case of Firms, give the first and last name of each member, in full, with Title.

In case a Bid shall be submitted by or in behalf of any Corporation, it must be signed in the name of such Corporation by some authorized Officer or Agent, thereof, who shall also subscribe his Name and Title. If practicable, the Seal of the Corporation shall be affixed.

In case a Bid shall be submitted by a joint venture ("JV"), the document that established the JV must be submitted with the bid for verification purposes, and Officers or Agents of all of the firms that are part of the Joint Venture must sign below as acknowledgement of their participation in this bid.

WITNESS *Peter Schlosser* (SIGNED) _____
Peter Schlosser, **Andrew Schlosser**
Corporate Secretary (TITLE) **President**

WITNESS _____ (SIGNED) _____
(TITLE) _____

WITNESS _____ (SIGNED) _____
(TITLE) _____

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Public Works Office/ - cont'd
of Engineering and Construction

Mayor: "Protest first"

Comptroller: "Yeah -- yes the protest first."

Vice President: "The second item on the non--non --routine agenda can be found on pages 73 to 74 items 11 to 12 Department of Public Works Office of Engineering and Construction. Recommendations for Contract Award Rejection SC 927, Electrical Distribution System Reliability Improvements at Back River Water Treatment Plant. Will the parties please come forward?"

Ms. Tonorah Houston-Burgee: "Good morning your Honorable Board, my name is Tonorah Houston-Burgee and I represent DPW Contract Administration Division um -- I am representing the agency, we recommend the lowest bidder uh -- I'm sorry schol -- Schlosser I'm sorry to um -- be recommended for an award.

Mr. Michael Mullen: "Whiting-Turner"

Ms. Tonorah Houston-Burgess: I'm sorry. Whiting-Turner for the award. I'm sorry."

MINUTES

Vice President: "Um -- the parties that are protesting. Recognize yourself."

Mr. Michael Cohen: "Yes Good Morning, my name is Michael Cohen I represents W.M. Schlosser Company and um -- Schlosser is protesting the award to Whiting-Turner."

Mr. Howard Stevens: Good Morning, my name is Howard Stevens. I am representing the Whiting-Turner Contracting Company, and we obviously oppose the protest.

Director of Public Works: "State your case."

Comptroller: "State your case."

Mayor: "State your case."

Mr. Cohen: Sure I--I would be glad to.

Mr. Cohen: Um -- Before I start well it's an honor to be here to address everyone today. Thank you very much for the opportunity. I apologize I have cold so I am not in very good voice but I'll do my best. Um -- before I start, just to make it a little bit easier here. I have a handout that I would like to refer to and this is for the convenience of the Board."

MINUTES

Vice President: "You have two minutes."

Mr. Cohen: "I have two minutes."

Vice President: "Yes."

Mr. Cohen: "Okay. If Good morning um -- Schlosser bid submitted the -- the low bid on this project, which it wrote on its bid form in three different places. Um --if you look at the last page of what I handed out um -- you will see the affidavit of the MBE participation of Schlosser on the project um -- which says that Schlosser intended Bid price on the project is \$68,388,000.00. If you look at page four of the handout this is the bid-form that has two columns on the right on the unit price and amounts and across from the total bid amount its says um -- Schlosser total bid is \$68,388,000.00, it says it in two different places. So, Schlosser intended bid amount is stated in two -- "excuse me" -- in three different places in its documents. Um -- the basis for the award here is that the award will be made to the low responsive responsible bidder whose bid conforms to the solicitation in all

MINUTES

material respects. Schlosser's bid uh -- conformed to the uh -- solicitation and all material respects um --. Now material is a key word here, because material defects can cause a bid to be nonresponsive whereas, immaterial defects are not considered non-responsive. In a pricing case where the bidders intended price is clear, any deviations are deemed non-material and also minor informalities that can be waived by the Board. There were basically two minor deviations in this case, first the form did not spell out the bid price in written words, and there was a small discrepancy in the unit price in the amount for item 802 in the form that I gave you. In the MSPCA case of Century Construction it -- it involved almost identical discrepancies the bidder failed to state its um -- bid price in words and there was a discrepancy in the line item. The Board of Contract Appeals found that this was not a valid rejection for award um -- even though there was a separate -- omission of words was not a valid basis for rejection of the award even though there was a separate error in the line item. And that is because the bidder's intended price could be determined from the face of the bid. Now if you go to the bid form

MINUTES

again, and you go to page three you can see the error that line item 802 under unit price column Schlosser wrote in \$43,778,034.00. In the amount column wrote in mistakenly \$43,788,034.00 now the \$43,778,000.00 number is the correct number on the unit price. Now how do we know this? Because it is consistent with Schlosser's total bid which was written in three, different places on the contract documents. Obviously, what happened here is that the person who carried the bid on Sch -- Schlosser wrote \$43,788,034.00 in the amount column in the bid form when it meant to write \$43,778,304.00 so this is one displaced digit out of 60 unit price items on this contract. So it's a minor clerical error of the type that is often corrected in government procurements, in fact the COMAR, which doesn't apply here but which is reflective of prevailing law says this kind of error must be corrected. That's because Schlosser's intended bid price is absolutely clear. We can see that there was one displaced numeral, the intended bid price is actually written right next to it on the same line and that price is consistent with Schlosser's total bid price in three separate places. So the test here is Schlosser's bid price clear?

MINUTES

I think any fair reading says it is and I would submit that DPW knows what Schlosser's intended bid price and well intentioned though they are they applied a hyper-technical interpretation of the specification to reject Schlosser's bid. This is the kind of hyper-technical um -- interpretation that this Board is free to correct and in correcting that hyper-technical deviation it saves the City \$552,000.00 by making the award to Schlosser. And Schlosser complied with the solicitation with by submitting a responsive responsible bid that complied with the solicitation and all material respects. Now I know this Board has a lot of leeway to reject um -- and accept bids but the Green Book, which applies here said that the bid will be made to the low-responsive responsible bidder who complies with the solicitation um - in all material respects. This is a promise to the contracting community that if you do these things you will get the award. So if the award is made to Schlosser in this case it will save the City \$552,000.00, and it will evince prevailing principles of government contract law, that apply to this Board that are adopted

MINUTES

by the MSBCA, by the federal courts and by the Boards of Contract Appeals. I submit again, Schlosser intended bid price but for one inverted digit is absolutely clear and Schlosser should be made the award. Thank you."

Vice President: "I'd like to ask the Law Department to speak."

City Solicitor: "Mr. Mullen. Good Morning."

Vice President: "Mr. Mullen."

Mr. Mullen: "Michael Mullen on behalf of the Law Department. This is not a hyper-technical application of our rules. This board made specific bidding rules. They are set out in the Green Book. They require that the bidder enter all of their prices in words and in numerals. In this case Schlosser did not ent -- enter any of its prices in words it used numerals only then on line 802, which my learned opponent has shared with you there are two different numbers. This is not a unit price. It is a lump sum price and there are two different figures there for this is a lump sum. Now normally if there were words written out then DPW and the Board would be able to look at the words because words control. Because Schlosser did not use words and put in two different numbers we

MINUTES

don't know which number to use. The Green Book doesn't sanction our going through and doing all of the math and trying to figure out which number Schlosser intended to be added up in its total bid, nor has this Board ever imposed that kind of a rule on the agencies in any of the applications of the bidding rules in the Green Book. The City rules are clear, they're repeated in fact if you look at the document that was given to you at the very top in the center column. It says you have to write the amount in -- in words and in numbers. And Schlosser is not a new bidder to the City. They know this; it set out in the Green Book in painstaking detail. It's in the bid documents and its been our procedure for many-- many years. Now the State COMAR, and Board of Contract Appeals opinion that was just mentioned they are not binding on this Board. We have our own rules uh -- these rules are different in some respects they are more strict but if the rules had been followed here by Schlosser we wouldn't have a problem. DPW would have been able to do, what it would do normally and the words would control. We would know exactly what bid was intended. Now if we are not going to follow the rules, I suggest that would po -- potentially open up Pandora's box for the Board having to look at

MINUTES

each individual bid; bidders could be very sloppy and we would have to figure what they intended. The rules was put together by the Board for a reason. They are strict, there is no question about it but they are plain. They are easy to follow and we rarely have a problem with this. So, in this case we have two serious errors that violate our rules and I suggest to the Board, with respect, that we should apply the rules as we have in the past and be consistent and reject Schlosser's bid."

Vice President: "Mr. uh -- Mr. Solicitor would you like to make a motion?"

City Solicitor: "Ms. -- unless there are any questions for Mr. Mullen".

Vice President: "No questions."

Mayor: "No."

Comptroller: "No, no questions."

City Solicitor: "I move for the reasons advanced by the Law Department that the protest be denied."

MINUTES

Comptroller: "Second."

City Solicitor: "I call for a vote on that motion Madam President."

Vice President: "All in favor, Aye, Any opposed the motion carries."

City Solicitor: "Madam President if I may just for clarity um -- with regard to the two items on the non-routine agenda um -- I move that the protest in each instance be denied and that the contracts be awarded as recommended by the Agency."

Comptroller: "Second."

City Solicitor: "Ask for a vote on that motion."

Vice President: "All in favor. All opposed the motion carries."

City Solicitor: "Thank you Madam President."

* * * * *

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

- | | | |
|---|--------------|---------|
| 1. SUBURBAN PROPANE | \$ 13,000.00 | Renewal |
| Contract No. 06000 - Propane - Police Department - P.O. No. P533999 | | |

On December 30, 2015, the City Purchasing Agent approved the initial award in the amount of \$8,000.00. The award contained four 1-year renewal options. Two renewal options have been exercised. This third renewal in the amount of \$13,000.00 is for the period January 1, 2019 through December 31, 2019, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

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

- | | | |
|---|----------------|---------|
| 2. IPS GROUP, INC. | \$1,000,000.00 | Renewal |
| Contract No. 08000 - Single Spaced Electronic Parking Meters - Parking Authority of Baltimore City - P.O. P525083 | | |

On September 25, 2013, the Board approved the initial award in the amount of \$2,400,000.00. The award contained two renewal options. On September 21, 2016, the Board approved the first renewal in the amount of \$1,575,000.00. This final renewal in the amount of \$1,000,000.00 is for the period September 26, 2018 through September 25, 2020. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

Not applicable. This meets the requirement for certification as a sole source procurement.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

3. VALLEY SUPPLY & EQUIPMENT

COMPANY, INC.	\$ 0.00	Renewal
Contract No. B50003745 - O.E.M. Parts and Service for JCB & LeeBoy Equipment - Department of General Services - Fleet Management - P.O. No. P529439		

On November 12, 2014, the Board approved the initial award in the amount of \$275,000.00. The award contained two renewal options. On October 18, 2017, the Board approved the first renewal in the amount of \$150,000.00. This final renewal in the amount of \$0.00 is for the period December 1, 2018 through November 30, 2019. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On August 19, 2014, it was determined that no goals would be set because of no opportunity to segment the contract. There are currently no MBEs or WBEs certified to provide these parts or service.

MWBOO GRANTED A WAIVER.

4. PATUXENT MATERIALS, INC.	\$100,000.00	Renewal
Contract No. B50004682 - Furnish and Deliver Various Soil and Sand Products - Department of Public Works - P.O. No. P536976		

On September 21, 2016, the Board approved the initial award in the amount of \$206,679.00. The award contained four 1-year renewal options. On September 20, 2017, the Board approved the first renewal in the amount of \$100,000.00. This second renewal in the amount of \$100,000.00 is for the period September 21, 2018 through September 20, 2019, with two 1-year renewal options remaining. 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 Procurement

MBE/WBE PARTICIPATION:

On July 6, 2016, MWBOO determined that no goals would be set because of no opportunity to segment the contract.

MWBOO GRANTED A WAIVER.

5. MARYLAND FIRE EQUIPMENT CORPORATION \$ 50,000.00 Renewal
Contract No. B50005111 - Aluminum Alco - Lite Fire Ladders and Repairs - Various - P.O. No. P540914

On September 13, 2017, the Board approved the initial award in the amount of \$33,423.00. The award contained three 1-year renewal options. This first renewal in the amount of \$50,000.00 is for the period September 13, 2018 through September 12, 2019, with two 1-year renewal options remaining. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

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

6. NOAH GARRISON d/b/a THE GARRISON LANDSCAPE DIVISION \$ 40,000.00 Renewal
Contract No. B50004495 - Landscape Maintenance Services - Various - P.O. No. P537224

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

On November 2, 2016, the Board approved the initial award in the amount of \$40,000.00. The award contained four 1-year renewal options. On October 11, 2017, the Board approved the first renewal in the amount of \$40,000.00. This second renewal in the amount of \$40,000.00 is for the period November 2, 2018 through November 1, 2019, with two 1-year renewal options remaining. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

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

- | | | |
|--|--------------|---------|
| 7. EDWIN ELLIOT & COMPANY
INCORPORATED | \$ 80,000.00 | Renewal |
| Contract No. B50004627 - Original Equipment Manufacturer (OEM)
Actuators and Parts - Department of Public Works - Wastewater
Facilities Maintenance - P.O. No. P536584 | | |

On August 17, 2016, the Board approved the initial award in the amount of \$150,000.00. The award contained three 1-year renewal options. This first renewal in the amount of \$80,000.00 is for the period August 17, 2018 through August 16, 2019, with two 1-year renewal options remaining. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On May 24, 2016, it was determined that no goals would be set because of no opportunity to segment the contract.

MWBOO GRANTED A WAIVER.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

8. FERGUSON ENTERPRISES, INC.
D-S PIPE & STEEL SUPPLY, LLC

\$100,000.00

Renewal

Contract No. B00004276 - Steel Pipes, Valve and Fittings -
Department of Public Works, Wastewater Facilities - P.O. Nos.
P533359 and P533360

On October 28, 2015, the Board approved the initial award in the amount of \$100,000.00. This award contained two 1-year renewal options. On January 11, 2017, the Board approved an increase in the amount of \$100,000.00. This first renewal in the amount of \$100,000.00 is for the period October 28, 2018 through October 27, 2019, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On August 5, 2015, it was determined that no goals would be set because of no opportunity to segment the contract. This contract is for the purchase of the following commodities: steel pipes and valves, and brass plumbing fittings. No services are being provided under this contract.

MWBOO GRANTED A WAIVER.

9. A & A SALES ASSOCIATES, LLC
DISTRICT SAFETY PRODUCTS, INC.
STAUFFER MANUFACTURING
COMPANY

\$ 60,000.00

Renewal

Contract No. B50004680 - Steel Toe Rubber Hip Boots -
Department of Public Works - P.O. Nos. P536874, P536875 and
P536876

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

On September 14, 2016, the Board approved the initial award in the amount of \$180,000.00. The award contained three 1-year renewal options. This first renewal in the amount of \$60,000.00 is for the period September 14, 2018 through September 13, 2019, with two 1-year renewal options remaining. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On July 13, 2016, it was determined that no goals would be set because there is no opportunity to segment the contract.

MWBOO GRANTED A WAIVER.

10. **FIRST CALL**

COLUMBIA FLEET SERVICE,
INC.

SECOND CALL

PETERBILT OF BALTIMORE, LLC

\$	0.00	Renewal
----	------	---------

Contract No. B50003697 - Peterbilt Heavy Duty Trucks - O.E.M. Parts and Service - Department of General Services - Fleet Management - P.O. Nos. P528895 and P528896

On September 24, 2014, the Board approved the initial award in the amount of \$100,000.00. The award contained two renewal options. On October 25, 2017, the Board approved the first renewal in the amount of \$0.00. This final renewal in the amount of \$0.00 is for the period December 1, 2018 through November 30, 2019. 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 Procurement

MBE/WBE PARTICIPATION:

On August 19, 2014, it was determined that no goals would be set because of no opportunity to segment the contract.

MWBOO GRANTED A WAIVER.

11. **GROUP 1**

WITMER PUBLIC SAFETY
 GROUP, INC. d/b/a
 MASON-DIXON FIRE EQUIPMENT

GROUP 2

MUNICIPAL EMERGENCY
 SERVICES, INC.

\$100,000.00	Renewal
--------------	---------

Contract No. B50002883 - Fire, Tools Equipment, and Repair Parts - Fire Department - P.O. Nos. P525223 and P525224

On October 16, 2013, the Board approved the initial award in the amount of \$150,000.00. The award contained six renewal options. Four renewal options have been exercised. This fifth renewal in the amount of \$100,000.00 is for the period October 16, 2018 through October 15, 2019, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On May 13, 2013, MWBOO determined that no goals would be set because of no opportunity to segment the contract. There are currently no MBEs or WBEs who are certified to provide firefighting tools.

MWBOO GRANTED A WAIVER.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

12. USA ENERGY CO.	\$ 0.00	Renewal
Contract No. B50005072 - Air Sealing and Insulation - Department of Public Works - Office of Sustainable Energy - Req. No. P540960		

On September 20, 2017, the Board approved the initial award in the amount of \$200,000.00. The award contained five 1-year renewal options. This first renewal in the amount of \$0.00 is for the period September 27, 2018 through September 26, 2019, with four 1-year renewal options remaining. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On May 23, 2017, MWBOO set goals of 18% MBE and 10% WBE. On August 27, 2019 USA Energy Co., was found in non-compliance, however, on September 24, 2018, MWBOO agreed to a documented plan with the vendor to replace the subcontractor in order to come into compliance. Pending Board approval, the vendor would have ten days to come into compliance.

MBE: Cameron Installation	18%	\$ 4,226.00	6.5%
WBE: USA Energy Company*	10%	\$30,424.00	46.75%

The Prime did not meet the MBE Goal for this contract.

*Self-Performance

MWBOO FOUND VENDOR IN NON-COMPLIANCE.

13. ASPEN BUILDING PRODUCTS, INC.	\$250,000.00	Renewal
Contract No. B50004207 - Repair and Installation Services for Building Glass - Departments of General Services, Recreation and Parks, etc. - P.O. No. P532945		

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

On September 23, 2015, the Board approved the initial award in the amount of \$370,036.00. The award contained two 1-year renewal options. On May 10, 2017, the Board approved an increase in the amount of \$250,000.00. This first renewal in the amount of \$250,000.00 is for the period September 23, 2018 through September 22, 2019, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On August 3, 2015, MWBOO set goals of 3% MBE and 1% WBE. On September 13, 2018, Aspen Building Products, Inc. was found in compliance.

	<u>Commitment</u>	<u>Performed</u>	
MBE: Tito Contractors, Inc.	3%	\$9,371.82	5.38%
WBE: Innovative Building Solutions, Inc.	1%	\$2,558.00	1.47%

MWBOO FOUND VENDOR IN COMPLIANCE.

- 14. XEROX CORPORATION \$12,000,000.00 Renewal Contract No. B50003055 - Provide Copier Equipment - Departments of Public Works, Transportation, Health, etc. - P.O. No. P535715

On November 27, 2013, the Board approved the initial award in the amount of \$7,261,000.00. The award contained one renewal option. This sole renewal in the amount of \$12,000,000.00 is for the period December 1, 2018 through November 30, 2022. 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 Procurement

MBE/WBE PARTICIPATION:

MWBOO set goals of 2% MBE and 1% WBE. On August 6, 2018, Xerox Corporation was found in compliance.

	<u>Commitment</u>	<u>Performed</u>	
MBE: Neo Technologies, Inc.	2%	\$328,638.00	6.55%
WBE: Realistic Computing, Inc.	1%	\$ 23,383.00	0.47%

MWBOO FOUND VENDOR IN COMPLIANCE.

- 15. WASTE EQUIPMENT SALES
AND SERVICE, LLC
NORRIS CHESAPEAKE TRUCK
SALES, LLC

\$150,000.00	Renewal
--------------	---------

Contract No. B50003730 - O.E.M. Parts and Service for Sterling Heavy Trucks - Department of General Services - Fleet Management - P.O. Nos. P529190 and P529191

On October 15, 2014, the Board approved the initial award in the amount of \$150,000.00. The award contained two renewal options. On September 27, 2017, the Board approved the first renewal in the amount of \$150,000.00. This final renewal in the amount of \$150,000.00 is for the period November 1, 2018 through October 31, 2019. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On August 19, 2014, MWBOO issued a waiver for automotive and heavy equipment, as there are currently no certified MBE or WBE dealerships.

MWBOO GRANTED A WAIVER.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

The City's change in the scope of services caused the vendor's non-compliance.

MWBOO FOUND VENDOR IN NON-COMPLIANCE.

17. a. DOURON INCORPORATED
 b. GLOVER FURNITURE AND DESIGN GROUP, INC.
 c. MDM OFFICE SYSTEMS, INC.
 d/b/a STUDIO Q FURNITURE
 d. AMERICAN DESIGN
 e. STANDARD OFFICE SUPPLY
 f. RUDOLPH'S OFFICE AND COMPUTER SUPPLY, INC.

\$2,250,000.00

Renewal

Contract No. 2015-42 Furniture (Office, School, Library, etc.) and Equipment - Citywide - P.O. Nos. P535365, P535372, P535405, P535414, P535413 and P535410

On April 27, 2016, the Board approved the initial award in the amount of \$4,000,000.00. The award contained seven 1-year renewal options. This first renewal in the amount of \$2,250,000.00 is for the period January 1, 2019 through December 31, 2019, with six 1-year renewal options remaining. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On April 23, 2015, MWBOO set goals of 5% MBE and 0% WBE. On June 14, 2018, MWBOO found Rudolph's Office Supplies and Computer Supply, Inc. in compliance. Douron, Incorporated was deemed in non-compliance but has submitted a plan to come into compliance by December 31, 2018.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

Douron Incorporated

Commitment Performed

MBE: Perfect Office Installation	5%	\$70,424.79	3.7%
---	----	-------------	------

WBE: N/A

MWBOO FOUND VENDOR IN NON-COMPLIANCE.

Studio Q

MBE: N/A

WBE: N/A

* Initial contract award was under \$50,000.00.

MWBOO FOUND VENDOR IN COMPLIANCE.

American Design Associates

MBE: N/A

WBE: N/A

* Initial award was under \$50,000.00.

MWBOO FOUND VENDOR IN COMPLIANCE.

Standard Office Supply

MBE: N/A

WBE: N/A

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

* Initial award was under \$50,000.00.

MWBOO FOUND VENDOR IN COMPLIANCE.

Rudolph's Office and Computer Supply, Inc.

Commitment Performed

MBE: Perfect Office Installation, LLC	5%	\$111,215.39	12%
--	----	--------------	-----

WBE: N/A

MWBOO FOUND VENDOR IN COMPLIANCE.

The following vendors have not received payments exceeding \$50,000.00, therefore, these vendors were not reviewed for compliance.

AMERICAN DESIGN ASSOCIATES, INC.
 GLOVER FURNITURE AND DESIGN GROUP, INC.
 STANDARD OFFICE SUPPLY
 STUDIO Q

18. ABBOTT INFORMATICS CORPORATION	\$ 60,000.00	Ratification and Renewal
------------------------------------	--------------	--------------------------

Contract No. 06000 - STAR Laboratory Information Management System (STARLIMS) - Health Department - P.O. No. P535998

On June 29, 2016, the Board approved the initial award in the amount of \$210,207.52. The award contained three 1-year renewal options. On May 17, 2017, the Board approved the first renewal in the amount of \$7,193.00. Due to an administrative error, the renewal option was not exercised prior to the start of the next renewal period. The period of the ratification is

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

June 29, 2018 through October 17, 2018. This renewal in the amount of \$60,000.00 is for the period October 18, 2018 through June 28, 2019, with two 1-year renewal options remaining.

It is hereby certified that the above procurement is of such a nature that no advantage will result in seeking nor would it be 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 selected source procurement. This proprietary software is only available from the vendor and it not available from subcontractors.

- | | | |
|---|--------------|--------------------------|
| 19. CLEAN HARBORS ENVIRONMENTAL SERVICES, INC. | \$100,000.00 | Ratification and Renewal |
| Cooperative Contract No. PCR-15-020 - Household Hazardous Waste: Collection and Disposal Services - Department of Public Works - P.O. No. P541002 | | |

On September 20, 2017, the Board approved the initial award in the amount of \$310,000.00. The award contained three 1-year renewal options. Due to an administrative error, this contract was not renewed prior to the start of the renewal period. This first renewal in the amount of \$100,000.00 will allow for continued service of providing household hazardous waste collections for City residents. The period of the renewal is July 1, 2017 through June 30, 2018, with two 1-year renewal options remaining.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

MBE/WBE PARTICIPATION:

On June 20, 2017, MWBOO set goals of 2% MBE and 1% WBE. On August 17, 2018, Clean Harbors Environmental Services was found in non-compliance due to the vendor not obtaining approval from MWBOO prior to substituting one registered MBE for another. The vendor will be given the opportunity to come into compliance with MWBOO goals within ten days of the contract renewal.

	<u>Commitment</u>	<u>Performed</u>	
MBE: Kalyani Environmental Solutions	2%	\$ 0.00	0.0%
WBE: A2Z Environmental Group, LLC	1%	\$1,640.00	1.94%

The prime contractor did not meet the MBE goals for the contract. The prime contractor is seeking MBE utilization credit for contracting with Life Line Environmental for 0.73% of the 2% established MBE goal. However, the prime contractor did not request approval from MWBOO to substitute the use of Kalyani Environmental Solutions with Life Line Environmental.

MWBOO FOUND VENDOR IN NON-COMPLIANCE.

- 20. ACE ENVIRONMENTAL, INC. \$130,000.00 Increase
 Contract No. B50003742 - Lead Risk Assessment Services -
 Department of Housing and Community Development - P.O. No.
 P529394

On November 12, 2014, the Board approved the initial award in the amount of \$200,000.00. The award contained two renewal

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

options. Subsequent actions have been approved. This final renewal in the amount of \$130,000.00 will make the award amount \$480,000.00 and is for the period November 12, 2018 through November 11, 2019. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On September 4, 2014, it was determined that no goals would be set because of no opportunity to segment the contract.

MWBOO GRANTED A WAIVER.

- | | | |
|--|--------------|-------------------------|
| 21. LEXISNEXIS RISK SOLUTIONS FL INC. | \$100,000.00 | Correction and Increase |
| Contract No. 06000 - Investigative Search Licensing - Inspector General's Office, State's Attorney's Office, etc. - P.O. No. P535078 | | |

On April 6, 2016, the Board approved the initial award in the amount of \$33,000.00. The award contained two 2-year renewal options. Subsequent actions have been approved. On December 20, 2017, the Board approved a renewal in the amount of \$100,000.00 for the period January 1, 2018 through December 31, 2018. The correct period is January 1, 2018 through December 31, 2019, with one 2-year renewal option remaining. The increase in the amount of \$100,000.00 is necessary to continue services through the remainder of the contract term. This increase will make the award amount \$387,152.00. 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 Procurement

MBE/WBE PARTICIPATION:

On November 13, 2017, it was determined that no goals would be set because of no opportunity to segment the contract. This contract was previously awarded under the MBE/WBE threshold of \$50,000.00, however, due to the increased usage under the contract, a request was submitted to MWBOO to see if the contract could be segmented.

MWBOO GRANTED A WAIVER.

22. ROBERT HALF INTERNATIONAL, INC.	\$200,000.00	Increase and
	<u>300,000.00</u>	Extension
	<u>\$500,000.00</u>	

Contract No. TSO6-17 - Professional Staffing Services - BCIT, DGS, HCD, Finance - P.O. No. P543767

On May 16, 2018, the Board approved the initial award in the amount of \$500,000.00. The Houston-Galveston Area Council of Governments cooperative has awarded the referenced contract for professional staffing services through a competitive process. This contract is necessary in order to have certain professionals immediately available to agencies for urgent projects, for which the position requirements are not on a current staffing contract. This increase and extension will allow for completion of some projects, and additional support for others, including but not limited to the City's Enterprise Resource Planning project. The period of the increase and extension is January 1, 2019 through May 1, 2019.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

MBE/WBE PARTICIPATION:

On May 7, 2018, MWBOO determined that no goals would be set because of no opportunity to segment the contract.

MWBOO GRANTED A WAIVER.

23. ARUNDEL SERVICES, INC.

D/B/A ACTION ELEVATOR COMPANY	\$200,000.00	Increase
-------------------------------	--------------	----------

Contract No. 06000 - Elevators/Escalators Service for the Baltimore Convention Center - Baltimore Convention Center - P.O. No. P544995

On August 31, 2018, the City Purchasing Agent approved the initial award in the amount of \$24,999.00. This award is required for urgent elevator and escalators repairs from Baltimore City Convention Center under the contract, which exceeded the contract value. A new contract is in progress. The period of the increase is October 3, 2018 through March 31, 2019.

MBE/WBE PARTICIPATION:

Not applicable. The initial emergency procurement was below \$50,000.00.

24. BEWEGEN TECHNOLOGIES, INC. \$123,577.00 Increase

B50004211 - The Design, Installation, Operation and Maintenance of a Bike Share System for the City of Baltimore - DOT - P.O. No. P534939		
---	--	--

On March 16, 2016, the Board approved the initial award in the amount of \$2,361,320.20. Subsequent actions followed. This

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

increase is required to pay contract close-out costs, including the costs associated with removing the station hardware at the end of operations, which was not required under the original contract terms. The vendor will give the City a credit for the removed equipment, subject to funding source approval. The contract was terminated for convenience on August 15, 2018.

MBE/WBE PARTICIPATION:

The funding was provided by a federal grant and the DBE Goals were set at 0%.

25. GC JONES ELEVATOR COMPANY, INC.	\$150,000.00	Increase and
	50,000.00	Ratification
	<u>\$200,000.00</u>	

Contract No. 06000 - Elevator Services for DGS - Department of General Services - P.O. No. P541137

On October 3, 2017, the Board approved the initial award in the amount of \$24,999.00. The period of the award was October 3, 2017 through October 8, 2018. This ratification for additional funds is required for urgent elevator repairs for City buildings under the contract, which exceeded the contract value. A new contract is in progress. Authority is requested to pay the outstanding invoices, and allow sufficient funding for a contract transition.

It is hereby certified that the above procurement is of such a nature that no advantage will result in seeking not would it be practical to obtain competitive bids. Therefore, pursuant to Article VI, Section 11 (e)(i) of the City Charter, the payment of the invoice 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 Procurement

MBE/WBE PARTICIPATION:

Not applicable. Emergency Procurement.

- | | | |
|---|--------------|-------------|
| 26. LIFE TECHNOLOGIES,
CORPORATION | \$149,332.55 | Sole Source |
| Contract No. 08000 - Thermalcycler Systems - Baltimore City
Police Department - Req. No. R802435 | | |

The vendor is the manufacturer's sole authorized source of AB3500 Genetic Analyzer and Veriti 96 Systems, which are compatible with currently installed software, and the Genemapper ID-X, DNA analyzer at the Police Department's forensic laboratories. This is a one-time purchase. 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.

- | | | |
|--|--------------|-----------|
| 27. E.J. WARD, INC. | \$600,000.00 | Agreement |
| Contract No. 08000 - EJ Ward OEM Parts and Service - Department
of General Services - Fleet Management - Req. No. R798779 | | |

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

The Board is requested to approve and authorize execution of an Agreement with E.J. Ward, Inc. The period of the agreement is October 1, 2018 through September 30, 2021.

The vendor is the sole provider of O.E.M. parts and services needed for repair and maintenance of E.J. Ward conveyors installed in City fleet and used as a tracking device for fuel management. 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.

28. <u>LUTRON SERVICES, CO.</u>	<u>\$ 41,792.00</u>	<u>Agreement</u>
Contract No. 08000 - Preventive Maintenance, System Optimization and Onsite Training - Convention Center - Req. No. R782388		

The Board is requested to approve and authorize execution of an Agreement with Lutron Services, Co. The period of the agreement is October 17, 2018 through October 16, 2019.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

The vendor is the manufacturer of the Lutron lighting controls system and source for providing preventative maintenance, system optimization and onsite training for the Lutron lighting control system.

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 preventive maintenance, system optimization and onsite training are only available from the manufacturer.

29. KEENOLOGY CORPORATION

d/b/a CIPPLANNER

CORPORATION	\$1,564,338.00	Agreement
-------------	----------------	-----------

Contract No. 06000 - CIPAce Software and Support Service Agreement - Department of Public Works - Req. No. to be determined.

The Board is requested to approve and authorize execution of the CIPPlanner Software Master Subscription Agreement and the Master Professional Service Agreement with Keenology Corporation dba CIPPlanner Corporation. The period of the agreement is effective upon Board approval for five years with a renewal option for three 1-year periods for support and maintenance at the City's sole discretion.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

This agreement will provide CIAce™ Capital Improvement Program Planning Software, which automates the development and optimization of capital improvement planning and is modularly designed and configured to satisfy the City's requirements. 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:

On July 18, 2018, MWBOO set goals of 3% MBE and 2% WBE. On September 4, 2018, Keenology Corporation dba CIPPlanner Corporation was found in non-compliance. The vendor will be given ten days to come into compliance within date of award.

MBE: BithGroup Technologies, Inc. 5%

WBE: 0%

The prime contractor has requested a waiver for the WBE goal, however, the vendor did not demonstrate a good faith effort in meeting this goal.

MWBOO FOUND VENDOR IN NON-COMPLIANCE.

- | | | |
|---|-------------|-----------------|
| 30. DEJERO LABS | \$44,193.00 | Selected Source |
| Contract No. 06000 - Wireless Digital Communication Transport Devices - Mayor's Office of Cable and Communications - Req. No. R785520 | | |

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

This is for the procurement of two Dejero EnGo compact and modular transmitters for remote video acquisition in an effort to live stream Mayoral and agency events in the field for further government transparency, by allowing the Mayor's Office of Cable and Communications to record and broadcast live events that occur in the field on Charm TV.tv and the Charm TV network. The EnGo products are uniquely compatible with the existing Dejero equipment used within the live stream-broadcasting network.

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 award is below MBE/WBE subcontracting threshold.

31. F.A. O'TOOLE OFFICE	\$ 48,243.63	Selected Source
<u>SYSTEMS, INC.</u> Contract No. 06000 - Right-of-Way Cabinets - Department of Transportation - Right-of-Way - Req. No. R808266		

F.A. O'Toole supplied the original cabinets to the Right-of-Way Services Division within the last six years. At this time, the entire Right-of-Way Services Division is scheduled to relocate to 401 E. Fayette Street. In order to fit the existing cabinets in the new location, the cabinets must be divided between two floors and to split this type of cabinet, additional parts must be purchased to fit the existing system.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

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 award is below MBE/WBE subcontracting threshold.

- | | | |
|--|--------------|----------------------------------|
| 32. WM RECYCLE AMERICA,
LLC | \$700,000.00 | Second Amendment
to Agreement |
| Contract No. B50004514 - Single Stream Recycling - Department
of Public Works, Bureau of Solid Waste - P.O. No. P535575 | | |

The Board is requested to approve and authorize execution of the Second Amendment to Agreement with AM Recycle America, LLC. The period of the award expires on May 31, 2019 with two 1-year renewal options remaining.

On May 18, 2016, the Board approved the initial award in the amount of \$904,560.00. Subsequent actions have been approved. This Second Amendment to Agreement will allow the contractor to temporarily accept the entire volume of residential, commercial and municipal Single Stream Recycling (SSR) loads from the facility located at 6401 Quad Avenue, Baltimore, MD 21205 to their Material Recycling Facilities located at 7175 Kit Kat Road, Elkridge, MD 21075 for further processing. This is necessary through February 28, 2019, as the City is unable to accept the City's SSR for processing at the City's Northwest Transfer Station, as contemplated per the original agreement, due to ongoing construction.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

MBE/WBE PARTICIPATION:

On December 1, 2015, it was determined that no goals would be set because of no opportunity to segment the contract. There is only one certified MBE/WBE recycling vendor, and the work cannot be segmented. The Department of Public Works collects the recyclable materials and delivers to the vendor's facility.

MWBOO GRANTED A WAIVER.

- | | | |
|--|--------------|-------------|
| 33. SAFEWARE, INC. | \$123,410.00 | Sole Source |
| Contract No. 08000 - Bomb Squad Robot - Baltimore Police Department - Req. No. R785896 | | |

The vendor is one of three distributors in the United States that is authorized to sell ICOR products within the State of Maryland. The other two distributors have special conditions that disallow sales in Maryland. This award is for the purchase of a bomb-disabling robot. 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:

MBE/WBE participation is not applicable. This informal award meets the requirement for certification as a sole source as this robot is only available from the distributor for the State of Maryland, and is not available from subcontractors.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

34. GARDEN STATE HIGHWAY PRODUCTS, INC.	\$ 45,000.00	Low Bid
Contract No. B50005489 - Extruded Aluminum Sign Blanks - Department of Transportation - Req. No. R797930		

Vendors were solicited by posting on CitiBuy. On June 21, 2018, two bids were received and opened. Award is recommended to the lowest responsive, responsible bidder.

MBE/WBE PARTICIPATION:

MBE/WBE participation is not applicable. The award is below the MBE/WBE subcontracting threshold of \$50,000.00.

35. DONALD B. RICE TIRE CO., INC.	\$1,000,000.00	Extension
Contract No. B50003065 - Vehicle Tires: Cars, Trucks, and Heavy Equipment - Department of General Services, Fleet Management - P.O. No. P525025		

On September 18, 2013, the Board approved the initial award for the amount of \$1,198,000.00. On June 18, 2014, the Board approved an increase for the amount of \$600,000.00. On October 22, 2014, the Board approved an increase for the amount of \$1,400,000.00. On December 09, 2015, the Board approved an increase for the amount of \$1,500,000.00. On May 18, 2016, the Board approved an increase for the amount of \$80,000.00. On June 01, 2016, the Board approved an increase for the amount of \$848,000.00. On September 21, 2016, the Board approved the first renewal at no cost. On June 14, 2017, the Board approved an increase for the amount of \$700,000.00. On October 18, 2017, the Board approved the second renewal for the amount of \$800,000.00. The contract expired on September 30, 2018.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

The Board is requested to approve an extension in the amount of \$1,000,000.00. An extension for the period of October 01, 2018 through April 30, 2019 is being requested to continue services for various City agencies while a new solicitation (B50005504) is awarded. Bids were due on October 03, 2018. With this extension, the total contract amount will be \$8,126,000.00.

Admiral Tire (a business entity of Edgewater Tire Center, Inc.) 2325D NW Crain Highway, Bowie, MD 20716 will not be extended. Admiral Tire failed to maintain Good Standing status in the State of Maryland.

MBE/WBE PARTICIPATION:

On July 23, 2013, MWBOO determined that no goals would be set because of no opportunity to segment the contract. There are currently no MBE's or WBE's certified to sell tires.

MWBOO GRANTED A WAIVER.

36. a. THE BALTIMORE AUTO SUPPLY
COMPANY
- b. IEH AUTO PARTS LLC
- c. CRW PARTS, INC.
- d. NORRIS PA LLC D/B/A
PAPA AUTO PARTS

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

- e. SALVO AUTO PARTS, INC.
- f. PARTS AUTHORITY SOUTHERN
LLC
- g. ROK BROTHERS, INC.
- h. FLEETPRIDE, INC.

	\$ 800,000.00	Extension
--	---------------	-----------

Contract No. B50001427 - Aftermarket Parts and Supplies for

Cars and Light Trucks - Department of General Services, Fleet Management - P.O. No. Multiple

On June 30, 2010, the Board approved the initial award for the amount of \$1,800,000.00. On August 10, 2011, the Board approved an increase for the amount of \$426,000.00. On January 11, 2012, the Board approved an increase for the amount of \$350,000.00. On December 12, 2012, the Board approved an increase for the amount of \$640,000.00. On July 17, 2013, the Board approved the first renewal for the amount of \$1,810,000.00. On August 13, 2014, the Board approved an increase for the amount of \$1,000,000.00. On July 22, 2015, the Board approved the second renewal for the amount of \$625,000.00. On October 14, 2015, the Board approved an assignment at no cost. On April 27, 2016, the Board approved an increase for the amount of \$1,165,000.00. On August 16, 2017, the Board approved an extension at no cost. On April 25, 2018, the Board approved an increase for the amount of \$800,000.00. On August 29, 2018, the Board approved an Assignment and Assumption Agreement at no cost.

The Board is requested to approve an extension to continue aftermarket parts and supplies for cars and light trucks for Fleet Management while a new solicitation (B50005525) is awarded. Bids are due on October 17, 2018.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

MBE/WBE PARTICIPATION:

On March 19, 2010, MWBOO determined that no goals would be set because of no opportunity to segment the contract.

MWBOO GRANTED A WAIVER.

37. CCG SYSTEMS, INC.	N/A	Extension
Contract No. 08000 - FASTER WEB Migration Agreement - Department of General Services, Fleet Management - P.O. No. P541673		

On October 25, 2017, the Board approved the initial award for the amount of \$373,163.00. The Board is requested to approve a no cost extension to February 01, 2019 to allow the completion of all Fleet Vehicle software system integration.

MBE/WBE PARTICIPATION:

MBE/WBE participation is not applicable. This extension meets the requirement for certification as a sole source procurement, as these proprietary services are only available from the owner of the software, and are not available from subcontractors.

38. EXCEL STAFFING AND PERSONNEL SERVICES, INC.	\$1,000,000.00	Extension
Contract No. B50002453 - Provide Temporary Nursing Services - Health Department, Bureau of School Health - P.O. No. P522287		

On December 05, 2012, the Board approved the initial award for the amount of \$ 1,500,000.00. On June 14, 2013, the City Purchasing Agent approved an increase for the amount of

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

\$47,500.00. On July 17, 2013, the Board approved an increase for the amount of \$1,000,000.00. On December 11, 2013, the Board approved an increase for the amount of \$2,500,000.00. On August 27, 2014, the Board approved an increase for the amount of \$200,000.00. On January 21, 2015, the Board approved an increase for the amount of \$ 1,100,000.00. On April 01, 2015, approved the first renewal for the amount of \$ 1,400,000.00. On December 09, 2015, the Board approved an increase for the amount of \$7,400,000.00.

The Board is requested to approve an extension for the amount of \$1,000,000.00 to continue services while a new solicitation is advertised and awarded. With this extension, the total contract amount will be \$16,147,000.00. The period of the extension is January 1, 2019 through May 31, 2019.

MBE/WBE PARTICIPATION:

On June 6, 2012, MWBOO set goals of 15% MBE and 8% WBE. Excel Staffing and Personnel Services, Inc., was found compliant on September 10, 2018.

	<u>Commitment</u>	<u>Performed</u>	
MBE: Dependable Nursing Services, LLC	15%	\$270,123.00	22.77%
WBE: Trustworthy Staffing Solutions, Inc.	8%	\$185,191.98	15.61%

MWBOO FOUND VENDOR IN COMPLIANCE.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

<u>Bureau of Procurement</u>		
------------------------------	--	--

UPON MOTION duly made and seconded, the Board approved the foregoing Informal Awards, Increases to Contracts and Extensions. The Board further approved and authorized execution of the Agreement with E.J. Ward, Inc.(item no. 27), Lutron Services, Company, (item no. 28), Keenology Corporation d/b/a Ciplanner Corporation (item no. 29), and the Second Amendment to Agreement with WM Recycle America, LLC (Item no. 32).

MINUTES

EXTRA WORK ORDERS AND TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders and Transfers of Funds

listed on the following pages:

4433 - 4435

All of the EWOs had been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

The Transfer of Funds was approved

SUBJECT to receipt of a favorable report

from the Planning Commission,

the Director of Finance having reported favorably

thereon, as required by the provisions

of the City Charter.

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 Transportation/DOT
Engineering and Construction

- | | | | | |
|----|---|---------------------|---------------------|------------|
| 1. | EWO #002, (\$669,115.51) - TR 13304, Resurfacing Highways @ Various Locations NE Sector I B/D 13304 | | | |
| | <u>\$2,819,492.78</u> | <u>\$204,000.00</u> | <u>Manuel Luis</u> | <u>- -</u> |
| | | | <u>Construction</u> | |
| | | | <u>Co., Inc.</u> | |

As a result of completing the project closeout, this Final EWO represents a net credit in the amount of (\$669,116.51).

This final EWO reconciles contract bid items. Reconciliation includes overrun and underrun adjustments for items used during the project.

DBE PARTICIPATION:

The Contractor met 25% of the established 29% DBE goal.

- | | | | | |
|----|---|---------------------|------------------------|------------|
| 2. | EWO #006, (\$8,722.93) - TR 09037R, National Aquarium Access Improvements B/D 09037 | | | |
| | <u>\$2,448,393.00</u> | <u>\$222,489.08</u> | <u>John Brawner</u> | <u>- -</u> |
| | | | <u>Contracting Co.</u> | |

As a result of completing the project closeout audit, this Final EWO represents a net credit in the amount of (\$8,722.93).

This final EWO reconciles contract bid items. Reconciliation includes overrun and underrun adjustments for items used during the project.

DBE PARTICIPATION:

The Contractor met 16% of the established 20% DBE goal.

MINUTES

EXTRA WORK ORDERS

Contract Awd. Amt.	Prev. Apprvd. Extra Work	Contractor	Time Ext.	% Compl.
-----------------------	-----------------------------	------------	--------------	-------------

Department of Transportation/DOT - cont'd
Engineering and Construction

- | | | | | |
|---|--------|--|---|----|
| 3. EWO #003, \$132,697.20 - TR 17014, Resurfacing Highways @
Various Locations Southeast Sector IV | | | | |
| \$1,938,425.00 | \$0.00 | Machado Con-
struction Co.,
Inc. | - | 95 |

This authorization is requested on behalf of the Department of Transportation for additional funding in the amount of \$132,697.20 to complete Cross Street decorative patterned pedestrian crosswalks respectively at Covington Street, Riverside Avenue and William Street intersections. The work outlined under this EWO is within the original scope of the advertised contract. This work will be completed using Casino Local Impact Grant Funds. An Engineer's Certificate of Completion has not been issued.

MBE/WBE PARTICIPATION:

Machado Construction Co., Inc. will comply with Article 5, Subtitle 28 of the Baltimore City Code and the 20% MBE and 9% WBE goals established in the original agreement.

MWBOO FOUND VENDOR IN COMPLIANCE.

MINUTES**EXTRA WORK ORDERS**

Department of Transportation/DOT - cont'd
Engineering and Construction

4. **TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$145,966.92	9950-910095-9509	9950-911038-9508
Casino Area	Constr. Res.	South Baltimore
Local Impact	South Baltimore	Gateway
Aid	Gateway	

This transfer will fund the costs associated with Change Order No. 003, on Project No. TR 17014, Resurfacing Highways SE Sector IV, with Machado Construction Co., Inc.

MINUTESEnvironmental Control Board - Transfer of Funds**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize a transfer of funds to the Baltimore City Foundation for Small Beautification Grants under BMORE Beautiful.

AMOUNT OF MONEY AND SOURCE:

\$33,000.00 - 6000-673319-1170-769300-603050

BACKGROUND/EXPLANATION:

The Environmental Control Board requests approval to transfer funds to the Baltimore City Foundation for the BMORE Beautiful Small Beautification Grants. These grants will be provided to Baltimore neighborhoods participating in BMORE Beautiful. The funds will be used for maintaining their community through beautification projects and cleanliness challenges, and for educating their residents through literature, outreach materials and other resources. The disbursement of grants will occur in two rounds.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized a transfer of funds to the Baltimore City Foundation for Small Beautification Grants under BMORE Beautiful.

MINUTES

Mayor's Office of Minority and Women-Owned Business Development - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize an Expenditure of Funds to pay rent for the months of June, August and September 2018 for the Small Business Resource Center's (SBRC) located at 1101 E. 33rd Street.

AMOUNT OF MONEY AND SOURCE:

\$ 4,863.00 - June 2018
4,805.00 - July 2018
4,805.00 - August 2018
4,805.00 - September 2018
\$19,278.00 - 1001-0000000-1250-775600-603013

BACKGROUND/EXPLANATION:

The SBRC, previously a wholly owned subsidiary of the Baltimore Development Corporation, has operated under the Mayor's Office of Minority and Women-Owned Business Development since July 2017.

The SBRC is still operating as a sub-tenant of the Emerging Technology Center and is required to pay rent and other necessary miscellaneous items such as parking passes and phone services.

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

UPON MOTION duly made and seconded, the Board approved and authorized the Expenditure of Funds to pay rent for the months of June, August and September 2018 for the Small Business Resource Center's located at 1101 E. 33rd Street.

MINUTES

Mayor's Office of Minority & Women - Consultant Agreements
Owned Business Development

The Board is requested to approve and authorize execution of the Consultant Agreements. The period of the Consultant Agreement is for seven months September 1, 2018 through March 31, 2019, with an option to extend the agreement under the same terms and conditions.

In September 2016, the U.S. Department of Commerce - Minority Business Development Agency (MBDA) awarded a competitive grant to the City of Baltimore, Mayor's Office of Minority and Women-Owned Business Development (MWBD) to operate a MBDA Business Center in Baltimore. The full period of the grant award is September 1, 2016 through August 31, 2021.

1. **ANTHONY W. ROBINSON** **\$ 25,746.00**

Account: 4000-405519-1250-775600-404001

Mr. Robinson will serve as a Business Consultant for the Mid-Atlantic MBDA Advanced Manufacturing Project Center in Baltimore.

2. **N. SCOTT PHILLIPS LEGAL AND BUSINESS** **\$ 57,868.00**
CONSULTING SERVICES, LLC.

Account: 4000-405519-1250-775600-404001

Mr. Phillips will serve as a Project Director for the Mid-Atlantic MBDA Advanced Manufacturing Project Center in Baltimore.

Messrs. Robinson and Phillips are identified as Key Personnel in the U.S. Department of Commerce MBDA grant.

MINUTES

Mayor's Office of Minority & Women - cont'd
Owned Business Development

3. **THE PROJECT RESOURCE GROUP, LLC** **\$ 16,334.00**

Account: 4000-405519-1250-775600-404001

The Project Resource Group, LLC through Ms. Christine Plater will provide project administrator support for the Center on behalf of the grant operator - the Director of the Mayor's Office of Minority and Women-Owned Business Development.

There are 41 MBDA Business Centers throughout the country, and the City of Baltimore is the only municipality awarded a grant to operate a Minority Project Center. Due to the dynamic and competitive nature of MBDA Business Centers nationwide, it has been deemed more suitable to utilize the services provided by Messrs. Robinson and Phillips and Ms. Plater as consultants rather than as employees of the City.

The agreements are late because of the administrative process.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

MINUTES

Mayor's Office of Minority - Amendment to the Financial
and Women-Owned Business Assistance Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of Amendment No. 3 to the Grant Award from the U.S. Department of Commerce Minority Business Development Agency (MBDA) to operate the Mid-Atlantic Region MBDA Advanced Manufacturing Project (AMP) Center in Baltimore. The period of the Grant Award is September 1, 2018 through March 31, 2019.

AMOUNT OF MONEY AND SOURCE:

<u>Budget Account Number</u>	<u>Original Amount Plus 1st & 2nd Amendment</u>	<u>Third Amendment</u>
4000-405519-1250-775600-404001 Federal Share of Cost	\$ 500,000.00	\$145,833.00
1001-000000-1250-775600-601001 (City Share of Cost In-Kind Services)	\$ 534,734.00	\$ 78,077.00
Total	\$1,034,734.00	\$223,910.00

BACKGROUND/EXPLANATION:

In September 2016, the U.S. Department of Commerce MBDA awarded a five-year, \$1,250,000.00 competitive grant to the City of Baltimore, Mayor's Office of Minority and Women-Owned Business Development (MWBD) to operate the Mid-Atlantic MBDA Advanced Manufacturing Project Center in Baltimore. The full period of the grant award is September 1, 2016 through August 31, 2021.

MINUTES

Mayor's Office of Minority and - cont'd
Women-Owned Business

On November 30, 2016, the Board of Estimates approved the original grant award for the period of September 1, 2016 through August 31, 2017 in the amount of \$250,000.00. On December 6, 2017, the Board approved Amendment No. 1 to the Grant Award in the amount of \$125,000.00 for the period September 1, 2017 through February 28, 2018. On April 25, 2018, the Board approved Amendment No. 2 to the Grant Award in the amount of \$125,000.00 for the period of March 1, 2018 through August 31, 2018.

On November 30, 2017, the Board approved the in-kind recipient funds in the amount of \$267,693.00 for the period September 1, 2016 through August 31, 2017. On December 6, 2017, the Board approved the in-kind recipient services in the amount of \$133,846.00 for the period of September 1, 2017 through February 28, 2018. On April 25, 2018, the Board the in-kind recipient services in the amount of \$133,195.00 for the period March 1, 2018 through August 31, 2018.

This Amendment No. 3 will increase the grant award amount by \$145,833.00 for the new award period. This Amendment No. 3 will increase the in-kind services by \$78,077.00 for the new award period. September 1, 2018 through March 31, 2019 is the new award period.

This award was delayed in its formal presentation to the Board due to the administrative process.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

Mayor's Office of Minority and - cont'd
Women-Owned Business

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of Amendment No. 3 to the Grant Award from the U.S. Department of Commerce Minority Business Development Agency to operate the Mid-Atlantic Region MBDA Advanced Manufacturing Project Center in Baltimore.

MINUTES**CITY COUNCIL BILLS:**

18-0197 - An Ordinance concerning Sale of Property - For the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property known as 1215 West Lafayette Avenue (Block 0090, Lot 011A) and no longer needed for public use; and providing for a special effective date.

ALL REPORTS RECEIVED WERE FAVORABLE.

18-0226 - An Ordinance concerning Sale of Property - For the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain parcels of land known as the former bed of Eastbourne Avenue, lying between Rappallo Street and Savage Street, and the former bed of a portion of Savage Street, extending from the north side of Holabird Avenue northerly 659 feet, more or less, to the northernmost extremity of it and no longer needed for public use; and providing for a special effective date.

ALL REPORTS RECEIVED WERE FAVORABLE.

18-0249 - An Ordinance concerning Sale of Property - For the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property known as 222 West Read Street (Block 0503, Lot 012) and no longer needed for public use; and providing for a special effective date.

ALL REPORTS RECEIVED WERE FAVORABLE.

MINUTES**CITY COUNCIL BILLS:**

18-0250 - An Ordinance concerning Sale of Property - For the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property known as 2200 Sinclair Lane (Block 4199, Lot 001) and no longer needed for public use; and providing for a special effective date.

ALL REPORTS RECEIVED WERE FAVORABLE.

18-0221 - An Ordinance concerning Recordation and Transfer Taxes - Surtax - Dedicating Surtax Proceeds to Affordable Housing Trust Fund - For the purpose of imposing a surtax on recordations subject to the recordation tax and a surtax on property transfers subject to the transfer tax; providing for an exemption from these surtaxes for certain residential properties; dedicating the proceeds from these surtaxes to the Affordable Housing Trust Fund created by City Charter Article 1, §14; correcting, clarifying, and conforming related language; and generally relating to the City's recordation and transfer taxes.

The Law Department is favorable with the following comments:

The Law Department has been asked to review significant amendments to the bill that eliminates the surtax and replace it with an excise tax, referred to as the Yield Tax which is calculated as a percentage of the amount of transfer and recordation taxes paid on a transaction pursuant to existing law. The bill also dedicates a certain amount of the revenue from the Yield Tax to the Affordable Housing Trust Fund.

The Law Department has concerns regarding the City Council's authority to enact a surtax on top of the State authorized recordation and transfer taxes and the fact that the bill seems to assume that the State laws applicable to recordation and transfer

MINUTES

CITY COUNCIL BILLS:18-0221 - cont'd

taxes would be applicable to the surtax, such as payment, collection and disbursement requirements. This would result in the City imposing these requirements on the State which it does not have the authority to do.

The proposed amendments take the tax out of the City Code sections regarding recordation and transfer taxes and create an excise tax on the yield from those taxes. This is consistent with the City's broad taxing authority. See Baltimore City Charter, Art. II, Sec. 40. The tax would be collected by the Director of Finance, thereby solving the issue of mandating that the State collect and disburse payments.

City Council Bill 18-0221, if the proposed amendments are passed, would be consistent with the City's taxing authority. The Law Department could, therefore, approve City Council Bill 18-0221 for form and legal sufficiency.

The Bureau of the Budget and Management Research (BBMR) has the following comments:

Background

In Fiscal 2019, the City's existing Transfer and Recordation taxes are budgeted to generate \$76.7 million of General Fund revenue. The Transfer Tax rate is calculated as 1.5% of the value of a real property transfer. The Recordation Tax is calculated as \$5 per \$500 (equivalent of 1%) of the consideration value of a property transfer or refinancing transaction.

Transfer and Recordation tax receipts are a function of the activity in the commercial and residential housing market. As such, these sources are highly volatile over time and susceptible to changing economic conditions. To illustrate this volatility, the table below shows the City's actual historical receipts even as tax rates remained constant:

MINUTES

CITY COUNCIL BILLS:

18-0221 - cont'd



Fiscal Impact

CCB 18-0221 introduces a new excise tax known as the Yield Tax to property transactions exceeding \$1 million. The Yield Tax rate is 0.6% for any consideration subject to the existing Transfer Tax and 0.15% for any transaction subject to the Recordation Tax. To determine the scope of this new tax and the revenue generated, BBMR compiled all transactions subject to the Recordation Tax over the last three fiscal years (Fiscal 2016 to Fiscal 2018).

BBMR estimates that the Yield Tax will generate \$13 million annually, using the average of the last three years. Note that this assumes no change in market conditions, and no decline in demand for housing due to the new tax.

MINUTES**CITY COUNCIL BILLS:**

18-0221 - cont'd

BBMR estimates that the Yield Tax will only affect 1.2% of real estate transactions. Fiscal 2017 data serves as a good illustrative example. In that year, of the 23,855 total transactions subject to the Recordation Tax, only 295 exceeded \$1 million and would have been subject to the new yield taxes.

From a consumer's standpoint, this tax will add \$7,500 to the closing costs on a \$1 million real estate transaction. Currently, on a \$1 million transaction a consumer would pay approximately 2.5% of the value in tax (1.5% Transfer Tax plus 1% Recordation), which equates to \$25,000. The new surcharge would require an additional 0.75% (0.6% Transfer plus 0.15% Recordation), which equates to \$7,500.

Implementation Considerations

The Bureau of Revenue Collections currently uses the real property application of the City's Mainframe for transfer tax and separate software for recordation tax. Modifying either system to handle a new yield tax is not considered cost-effective. Instead, the Bureau will work with BCIT to modify the cash slip application of the Mainframe. Modifications are needed to include a scan line to the cash slips and to record additional data so that reports can be created. The calculation of the yield tax would have to be performed manually. Based on present collections, the Bureau estimates that between 200 and 400 transfers each year would qualify for the tax. Customers who now submit separate checks for transfer and recordation taxes would have to submit a third check for the Yield Tax.

MINUTES

CITY COUNCIL BILLS:

18-0221 - cont'd

The Bureau also would have to reconcile the receipts with the cash slip system at the end of each day and likely maintain a manual spreadsheet.

The Bureau will also need to notify the public of the new tax and procedures through an online alert and individual contacts with title companies.

Other ConsiderationsTax Competitiveness

The burden placed on residents and businesses in the City is significant in comparison to both other local jurisdictions and major cities nationwide. The combined burden of state and local taxes for a family of three in Baltimore is in the top 20% of 51 cities surveyed for a recent *Tax Rates and Tax Burdens* report issued by the District of Columbia government. The following table illustrates the City has the highest property, transfer, and recordation tax rates of seven largest Maryland counties, and imposes the maximum possible local income tax rate under State law:

MINUTES

CITY COUNCIL BILLS:

18-0221 - cont'd

Jurisdiction	Property Tax	Income Tax	Transfer Tax	Transfer Tax >\$1M*	Recordation Tax	Recordation Tax >\$1M*
Baltimore City	2.248	3.20%	1.50%	2.1%	1.00%	1.15%
Anne Arundel County	0.923	2.50%	1.00%	1.0%	0.70%	0.70%
Baltimore County	1.100	2.83%	1.50%	1.5%	0.50%	0.50%
Harford County	1.042	3.06%	1.00%	1.0%	0.66%	0.66%
Howard County	1.190	3.20%	1.00%	1.0%	0.50%	0.50%
Montgomery County	0.999	3.20%	1.00%	1.0%	0.69%	0.69%
Prince George's County	1.374	3.20%	1.40%	1.4%	0.55%	0.55%

*Includes proposed yield taxes for transactions with consideration values greater than \$1 million

Although the new yield tax would only be applied to a fraction of property transactions, even small increases to tax rates can be more harmful than in neighboring, wealthier jurisdictions.

Effect on General Fund Revenues

Given that City tax rates are already the highest in the State, any additional tax increase has the potential to reduce investment in Baltimore, which in turn could erode General Fund revenues. To further explore this issue, we researched peer-reviewed academic studies about the impacts of real estate transaction taxes on housing market prices and activity.

MINUTES**CITY COUNCIL BILLS:**

18-0221 - cont'd

The results of the studies were mixed. One study, which looked at a transfer tax on sales over \$1 million in New York and New Jersey, found evidence that transactions bunch below the new threshold, and produce strong incentives for buyers and sellers not to transact in the proximity of the threshold, which in turn led to lower sales activity. Another study, which looked at rate changes in Washington D.C., also found bunching below the new threshold, but no evidence of any change in the volume of housing sale activity in the market as a whole. Other studies in Australia, Canada, Finland, and France found lower property sales as a result of new transfer taxes. Differences in local economies and market conditions make it difficult to translate these findings to Baltimore.

Although CCB 18-0221 exempts most transactions due to the \$1 million threshold, most of the City's General Fund Transfer and Recordation revenue comes from these high-value transactions. In Fiscal 2017, the top 1.2% of transactions (over \$1 million) produced nearly 45% of the Transfer and Recordation revenue. In turn, even a small negative impact on housing transactions due to CCB 18-0221 could lead to lower General Fund revenue.

In looking at the Fiscal 2017 data, there were 295 high-value transactions subject to the Recordation Tax whose consideration value ranged from \$1 million all the way to \$142 million. If transactions were reduced by even 5% (about 15 transactions) due to the new yield taxes, General Fund revenues could be reduced by as much as \$2 million per year.

MINUTES**CITY COUNCIL BILLS:**

18-0221 - cont'd

Budget Flexibility

By dedicating the proceeds of a tax increase to a new function, CCB 18-0221 will limit the City's options and flexibility in the event of a future economic downturn.

In recent years, significant tax increases have only been used selectively in response to clear financial crises. For example, in Fiscal 2011, at the peak of the recession, the City increased rates for energy, income, hotel, and parking taxes. These tax increases, combined with significant expenditure reforms on civilian pension and health benefits among others, allowed the City to survive the economic downturn with only modest service impacts to City residents.

The City's revenues historically track closely with the health of the national economy. The United States has now entered its tenth consecutive year of expansion, the second longest since World War II, which increases the chances of a recession in the short to mid-term. In a future economic downturn, the City will have limited revenue options to choose from. The City is unlikely to pursue property tax rate increases due to the significant disparity between the City's rate and the rate in surrounding jurisdictions. The City's Income Tax is not an option since the rate of 3.2% is already capped by State law. And, the City's base Transfer and Recordation taxes along with the new yield taxes proposed in CCB 18-0221 will far exceed the highest rates in the State. Those three revenues alone make up nearly 70% of the City's Fiscal 2019 budget.

MINUTES

CITY COUNCIL BILLS:18-0221 - cont'dConclusion

Given the concerns discussed above, Finance will coordinate an independent study to evaluate the impact of this legislation within two years of implementation.

THE DEPARTMENT OF REAL ESTATE RECOMMENDS THAT CITY COUNCIL BILL BE AMENDED TO INCLUDE A DETAILED ANNUAL REPORT TO THE BOARD OF ESTIMATES OF ALL FUNDS COLLECTED AND SPENT. WITH THIS CHANGE THE DEPARTMENT OF REAL ESTATE RECOMMENDS PASSAGE OF CITY COUNCIL BILL 18-0221.

THE DEPARTMENT OF PLANNING AND THE BALTIMORE DEVELOPMENT CORPORATION DEFER TO THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND THE DEPARTMENT OF FINANCE AS THE MORE DIRECTLY IMPACTED AGENCIES.

THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT IS FAVORABLE TO PASSAGE OF CITY COUNCIL BILL 18-0221.

UPON MOTION duly made and seconded, the Board approved Bills 18-0197, 18-0226, 18-0249, 18-0250, and 18-0221 and directed that the Bills be returned to the City Council with the recommendation that they also be approved and passed by that Honorable Body. The Vice President acting on behalf of the President of City Council
ABSTAINED.

MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Baltimore Police Department</u>			
1. Tasha Aytes- Rogers Lorraine Lansey	Examination of Simultaneous Impressions Seattle, WA Nov. 12 - 18, 2018 (Reg. Fee \$400.00 each)	Asset For- feiture Fund	\$2,655.26
<p>The subsistence rate for this location is \$253.00 per night. The cost of the hotel is \$156.00 per night, plus hotel taxes of \$24.336 per night and a resort fee of \$2.00 per night. The airfare cost of \$342.96, hotel tax, resort fee and registration cost of \$400.00 for each employee were prepaid on a City-issued procurement card assigned to Tribhuvan Thacker. Therefore, the disbursement to each attendee is \$220.00 for meals and incidentals.</p>			
2. Donald Diehl III	17 th Annual IAPro and Blue Team Conference San Diego, CA Nov. 12 - 16, 2018 (Reg. Fee \$100.00)	Asset For- feiture Fund	\$1,777.25
<p>The subsistence rate for this location is \$217.00 per night. The cost of the hotel is \$197.00 per night, plus hotel taxes of \$25.41 per night. The Department is requesting additional subsistence of \$20.00 per day for meals and incidentals. The airfare cost of \$567.60 and registration cost of \$100.00 were prepaid on a City-issued procurement card assigned to Tribhuvan Thacker. Therefore, the disbursement to Mr. Diehl is \$1,109.65.</p>			

MINUTES

RETROACTIVE TRAVEL APPROVAL/REIMBURSEMENT

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>State's Attorney's Office</u>			
3. Gerald Collins	Innovations Suite Researcher Practitioner Fellows Academy Training Chicago, IL Feb. 26 - Mar. 2, 2018 (Reg. Fee \$0.00)	Federal Grant	\$1,068.62

Mr. Collins attended the Innovations Suite Researcher-Practitioner Fellows Academy Training in Chicago, Illinois on February 26 through March 2, 2018. It was necessary for Mr. Collins to travel the day before and remain the day after the training because of the scheduling of the events by the Academy.

The subsistence rate for this location was \$204.00 per day. The hotel rate was \$109.00 per night plus hotel taxes of \$18.97 per night.

The airfare in the amount of \$255.96 and the total hotel fees were prepaid on a City-issued credit card assigned to Ms. Robin Haskins. Mr. Collins personally incurred the costs of the meals and incidentals and ground transportation. Therefore, Mr. Collins will be reimbursed \$172.81.

TRAVEL REIMBURSEMENT

\$112.81 - Meals and incidentals
<u>60.00</u> - Ground transportation
\$172.81 - Total Reimbursement

MINUTES

RETROACTIVE TRAVEL APPROVAL/REIMBURSEMENT

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>State's Attorney's Office - cont'd</u>			

The retroactive travel approval and reimbursement is late because the timing of the receipt of the grant award prevented submission of the travel request to the Board for approval prior to the trip. The agency apologizes for the delay.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

The Board, UPON MOTION duly made and seconded, approved the foregoing Travel Requests and Travel Reimbursement.

MINUTES**PROPOSALS AND SPECIFICATIONS**

1. Department of Public Works/Office - SC 949, Stony Run Wastewater
of Engineering and Construction Pumping Station Upgrade
BIDS TO BE RECV'D: 11/21/2018
BIDS TO BE OPENED: 11/21/2018

There being no objections, the Board, UPON MOTION duly made and seconded, approved the above-listed Proposal and Specifications to be advertised for receipt and opening of bids on the date indicated.

MINUTES

Vice President: "There are no uh --. As there is no more business before the Board, we will recess until bid opening at 12:00 noon. Thank you."

* * * * *

MINUTES

Clerk: "Good afternoon. The Board of Estimates is now in session for the receiving and the 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 had issued addendum extending the dates for receipt and opening of bids on the following contract. There were no objections.

Department of Transportation - TR 10309R, Inner Harbor
Water Taxi Terminal
BID TO BE RECV'D: 10/10/2018
BID TO BE OPENED: 10/17/2018

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:

- | | |
|--|---|
| <u>Department of Transportation</u> | - TR 10309R, Inner Harbor
<u>Water Taxi Terminal</u> |
| Mid -Atlantic General Contractors,
Inc. | |
| <u>Department of Public Works/
Department of Recreation & Parks</u> | - RP 17808R, Lakeland Recreation
<u>Center Window Replacements</u> |
| M & A Infrastructure Solutions,
LLC
Broughton Construction
C & N Associates, LLC
Bob Andrews Construction, Inc. | |
| <u>Bureau of Procurement</u> | - B50005481, Aftermarket Parts
<u>for Heavy Trucks and Equipment</u> |
| Maryland Industrial Trucks
Beltway International, LLC
The Baltimore Auto Supply Company
Fleetpride, Inc.
Waste Equipment Sales & Service,
LLC | |

MINUTES

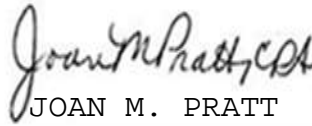
Bureau of Procurement

- B50005525, Aftermarket Parts and
Supplies for Cars and Light Trucks

Parts Authority Southern,
LLC
The Baltimore Auto Supply
Company
Fleetpride, Inc.
ROK Brothers, Inc.
Cummins Radiator

* * * * *

There being no objections, the Board, UPON MOTION duly made
and seconded, adjourned until its next regularly scheduled meeting
on Wednesday October 24, 2018.



JOAN M. PRATT
Secretary