

MINUTES**REGULAR MEETING**

Honorable Bernard C. "Jack" Young, President
Honorable Catherine E. Pugh, Mayor
Honorable Joan M. Pratt, Comptroller and Secretary
Rudolph S. Chow, Director of Public Works
Andre M. Davis, City Solicitor - **ABSENT**
Peter Hammen, Chief of Operations
Dana P. Moore, Deputy City Solicitor
Bernice H. Taylor, Deputy Comptroller and Clerk - **ABSENT**

President: "Good morning. The February 27, 2019 meeting of the Board of Estimates is now called to order. In the interest of promoting the efficiency of these hearings, persons who are disruptive to the hearings will be asked to leave the hearing room immediately. Meetings of the Board of Estimates are open to the public for the duration of the meeting. The hearing room must be vacated at the conclusion of the meeting. Failure to comply may result in a charge of trespassing. I will direct the Board members attention to the Memorandum from my office dated February 25, 2019 identifying matters to be considered by -- to identifying matters to be considered as routine agenda items together with any corrections and additions that have been noted by the Deputy [sic] Comptroller. I will entertain a Motion to approve all of the items contained on the routine agenda."

MINUTES

Director of Public Works: "I move to move -- I move to approve all the routine agenda."

Comptroller: "I Second."

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

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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:

Jeffrey Brown Contracting, LLC	\$ 8,000,000.00
King Construction, Inc.	\$ 1,500,000.00
Mohawk Bridge & Iron, Inc.	\$ 1,500,000.00

2. Prequalification of Architects and Engineers

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

CWD Consulting, LLC	Engineer
Kittelson & Associates, Inc.	Engineer
Mimar Architects and Engineers, Inc. dba Mimar Ponte Mellor	Architect
Modjeski and Masters, Inc.	Engineer
Murphy & Dittenhafer, Inc.	Architect
Precision Systems, Inc.	Engineer
Rava Engineering, Inc.	Construction Management

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

Savin Engineers, P.C.	Engineer
Site Resources, Inc.	Engineer Landscape Architect
Spartan Engineering, LLC	Engineer

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

MINUTES

Department of Real Estate - Tax Sale Certificate

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of a Tax Sale Certificate to Baltimore Impact Properties II, LLC for an amount that is less than the lien amount for the property located at 702 E. 21st Street.

AMOUNT OF MONEY AND SOURCE:

<u>Property Address</u>	<u>Appraised Value</u>	<u>Flat Taxes & Water</u>	<u>Total Liens</u>	<u>Recommended Purchase Price</u>
702 E. 21 st Street	\$5,000.00	\$2,270.87	\$23,184.03	\$5,000.00

BACKGROUND/EXPLANATION:

The City acquired the Tax Sale Certificate for 702 E. 21st Street on May 17, 2017 in the amount of \$23,184.03.

Baltimore Impact Properties II, LLC has offered to purchase the Tax Sale Certificate, file a petition to foreclose, acquire title to the property, and return it to productive use. The purchase price will cover the flat taxes and water bills on this property.

UPON MOTION duly made and seconded, the Board approved the assignment of a Tax Sale Certificate to Baltimore Impact Properties II, LLC for an amount that is less than the lien amount for the property located at 702 E. 21st Street.

MINUTES

Real Estate - Transfer of Jurisdiction

ACTION REQUESTED OF B/E:

The Board is requested to approve the transfer of jurisdiction the property known as 711 and 713 E. Biddle Street (Block 1169, Lots 37 and 36) from the Department of Housing and Community Development to the Department of Transportation.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The two properties will be dedicated to the widening of Proctor Street for the new development at the site by ReBuild Metro. ReBuild Metro will execute a Developer's Agreement for the paving and improvements.

The Space Utilization Committee approved this transfer of jurisdiction on February 12, 2019.

UPON MOTION duly made and seconded, the Board approved transfer of jurisdiction the property known as 711 and 713 E. Biddle Street (Block 1169, Lots 37 and 36) from the Department of Housing and Community Development to the Department of Transportation.

MINUTES

Department of Real Estate - Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Lease Agreement with the Mayor and City Council of Baltimore, Landlord and Ms. Alison Spiesman Tenant, for the rental of the property known as 2090 Woodbourne Avenue located on the grounds of Mt. Pleasant Golf Course. The period of the agreement is July 16, 2018 through July 15, 2020 with the option to renew for two 2-year terms.

AMOUNT OF MONEY AND SOURCE:

Annual Rent \$1.00 if demanded.

BACKGROUND/EXPLANATION:

The property is being used for a residence for one adult with the use of the driveway of 2090 Woodbourne Avenue for parking and right of ingress and egress. The Tenant will provide a wide variety of visual art experiences for children participating in the after-school programs and summer camps at five recreational centers servicing 60 children. The Programs will be free to all youth participants, held spring, summer, and fall and will culminate in a children's art exhibition. The Department of Recreation and Parks will monitor on a quarterly basis the progress of the work to be performed by the Tenant and at the completion of work prior to granting any lease renewals.

The Landlord will correct any structural defects and maintain the exterior of the building and cut the grass outside the fenced area. The Landlord will not supply any janitorial services.

The Tenant accepts the premises in its "as is" condition. The Tenant will keep the premises clean and free of trash and debris, and dispose of any garbage, trash rubbish and other refuse in trash receptacles. It is the responsibility of the Tenant to pay for all costs of supplying and maintaining trash containers and all fees related to collecting and removing trash and compliance with the law for removal and disposal of hazardous materials. The Tenant will not damage any of the floors, walls, fixtures, or appliances.

MINUTES

Department of Real Estate - cont'd

The Tenant will provide and maintain a security alarm system. Tenant will be responsible for snow removal, cutting of grass inside the fenced area, snow removal in the driveway which is outside the fence area and painting the interior at the Tenant's expense. The Tenant will pay for all water, sewer, service, electricity, gas, and other utilities in coordination with the Department of Recreation and Parks. The Tenant is responsible for Liability Insurance. The Landlord will not be liable to tenant for any damage because of interruption to utility services and will not be entitled to claim constructive eviction because of interruption.

The Lease Agreement is late because of the administrative process. The Space Utilization Committee approved this Lease Agreement on February 1, 2019.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Lease Agreement with the Mayor and City Council of Baltimore, Landlord and Ms. Alison Spiesman Tenant, for the rental of the property known as 2090 Woodbourne Avenue located on the grounds of Mt. Pleasant Golf Course.

MINUTES

Mayor's Office of Public Affairs - Governmental/Charitable
Solicitation Application

ACTION REQUESTED OF B/E:

The Board is requested to endorse a Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City for Ms. Tonya R. Miller to solicit businesses, organizations, and donors for donation of goods and services and financial support to help pay for the event cost for the 2019 Mayor's AFRAM Festival. The period of the campaign is effective upon Board approval through October 31, 2019.

AMOUNT OF MONEY AND SOURCE:

No general funds are involved in this transaction.

BACKGROUND/EXPLANATION:

The Mayor's AFRAM Festival will be held August 11 & 12, 2019. The event has been held for over 42 years. This family-oriented event is filled with entertainers, children's activities, arts, history, education, financial literacy, employment and job training, health and wellness, and more. The AFRAM Festival is one of Baltimore City's oldest events.

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

MINUTES

Mayor's Office of Public Affairs - cont'd

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

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board endorsed the Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City for Ms. Tonya R. Miller to solicit businesses, organizations, and donors for donation of goods and services and financial support to help pay for the event cost for the 2019 Mayor's AFRAM Festival. The Mayor **ABSTAINED**.

MINUTES

Mayor's Office of Government Relations - Governmental/Charitable Solicitation Application

ACTION REQUESTED OF B/E:

The Board is requested to endorse a Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City for Messrs. Gary Brown, Jr. and Denis Sgouros to solicit businesses, organizations and donors for donation of goods and services and financial support to help pay for the event costs for the 2019 Mayor's Annual Back to School Pep Rally. The period of the campaign will be effective upon Board approval through September 30, 2019.

AMOUNT OF MONEY AND SOURCE:

No general funds are involved in this transaction.

BACKGROUND/EXPLANATION:

The Mayor's Back to School Pep Rally will be held August 3, 2019. This event has been held for over a decade and will feature community resources, health and wellness screenings, exhibitors, music, motivational speeches, and more to invigorate students and their parents with the tools needed to prepare for a successful school year.

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

MINUTES

Mayor's Office of Government Relations - cont'd

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

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board endorsed the Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City for Messrs. Gary Brown, Jr. and Denis Sgouros to solicit businesses, organizations and donors for donation of goods and services and financial support to help pay for the event costs for the 2019 Mayor's Annual Back to School Pep Rally. The Mayor **ABSTAINED**.

MINUTES

Bureau of the Budget and - Grant Award and Appropriation
Management Research (BBMR) Adjustment Order (AAO) No. 47

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of a Grant Award from the Governor's Office of Crime Control and Prevention for the Youth Services and Advocacy project. The period of the award is October 1, 2018 through September 30, 2019.

The Board is further requested to approve the AAO No. 47 for an unallocated transfer of State funds within the Health Department from Service 715: Administration Technology to Service 316: Youth Violence Prevention and the required matching of funds.

AMOUNT OF MONEY AND SOURCE:

\$487,021.00 - From: 5000-500019 (Service 715)
Administration - Health Department

To: 5000-584419 (Service 316)
Youth Violence Prevention - Health
Department

145,477.00 - 1001-000000-3160-795900-601001 (General fund match)

\$632,498.00 - Total

BACKGROUND/EXPLANATION:

Acceptance of this grant and approval of the AAO No. 47 will allow the Health Department to support services for victims of crime, including crisis intervention, counseling, emergency transportation, temporary housing, criminal justice support and advocacy.

MINUTES

BBMR - cont'd

This request is late because of delays in the administrative process.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the Grant Award from the Governor's Office of Crime Control and Prevention for the Youth Services and Advocacy project. The Board further approved the AAO No. 47 for an unallocated transfer of State funds within the Health Department from Service 715: Administration Technology to Service 316: Youth Violence Prevention and the required matching of funds.

MINUTES

Office of Civil Rights - Governmental/Charitable
and Wage Enforcement Solicitation Application

ACTION REQUESTED OF B/E:

The Board is requested to endorse a Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City for Office of Civil Rights and Wage Enforcement's staff and members of Boards and Commissions (BCOCRWE) assigned to the Office of Civil Rights and Wage Enforcement to solicit donations for the 28th Annual Civil Rights Breakfast. The Governmental/Charitable Solicitation is effective upon Board approval through September 30, 2019.

AMOUNT OF MONEY AND SOURCE:

No general funds are involved in this transaction.

BACKGROUND/EXPLANATION:

This application will support the 28th Annual Civil Rights Breakfast held annually in September of each year. This is the only fundraising event undertaken by the BCOCRWE. Donations will be solicited from Baltimore businesses, civic leaders and organizations, the foundation community and the general population. A disclaimer statement regarding the non-binding impact of contributions to the BCOCRWE for favorable treatment based on providing gifts will be included in all correspondents as well as any other documents needed pursuant to legal guidance from the Law Department. The donations will cover the cost of venue rental, audio visual requirements, food, guest speakers, entertainment, premiums, insurance, transportation, parking, honorariums, and scholarships.

The Civil Rights Breakfast is held at a City-owned venue, and traditionally over 450 people attend. It is supported by corporate sponsors, and is attended by most of the City's elected officials,

MINUTES

Office of Civil Rights - cont'd
and Wage Enforcement

judges, City and State workers, VIPs, and regular citizens who use the opportunity to network, and gain access to decision makers difficult to reach otherwise.

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

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

UPON MOTION duly made and seconded, the Board endorsed the Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City for Office of Civil Rights and Wage Enforcement's staff and members of Boards and Commissions assigned to the Office of Civil Rights and Wage Enforcement to solicit donations for the 28th Annual Civil Rights Breakfast.

MINUTES

Office of the Mayor - Employment Agreement

ACTION REQUESTED BY B/E:

The Board is requested to approve and authorize execution of an Employment Agreement with Niles R. Ford PhD, Fire Chief. The period of the Agreement is effective upon Board approval for five years.

AMOUNT OF MONEY AND SOURCE:

\$210,000.00 - 1001-000000-2101-225900-601061

Per annum, subject to a defined per annum adjustment as provided therein.

BACKGROUND/EXPLANATION:

Fire Chief Ford has served as the Fire Chief since March 10, 2014, when his appointment was first approved by the City Council. Mayor Catherine Pugh, nominated him to continue serving as the Baltimore City Fire Chief upon taking office. On August 14, 2017, he was confirmed again by the City Council. The Mayor and the City wish to extend Fire Chief Ford's term of employment as the Fire Chief of Baltimore City for five years from the date of Board approval and increase his annual salary. He agrees to enter into an agreement with the City to serve as the City's Fire Chief for this period of time.

During his tenure as Fire Chief, he has:

- implemented Drive Cam technology, resulting in reduced Workers Compensation claims among Department personnel and fewer vehicle collisions,
- initiated high school programs that train students to become nationally certified firefighters and Emergency Medical Technicians,

MINUTES

Office of the Mayor - cont'd

- successfully transitioned to a new schedule that right-sized the Department's shift demands, resulting in millions in savings toward the City's 10-year financial plan,
- introduced community-selected hiring of personnel where citizens interview and assist in selecting highly qualified Department personnel,
- promoted diversity within the Department,
- launched both the Dive Team and Special Operations Command,
- spearheaded a public/private partnership to modernize several fire station kitchens for Department personnel,
- led the transition from an all advanced life support system to a two-tiered system that deploys both ALS and basic life support units and,
- implemented mapping systems, which allow for increased command and control of fire suppression assets and for the Department to verify the arrival times of units to the scene of an emergency.

The new Employment Agreement details the benefits to which Fire Chief Ford is entitled, including potential severance payments in the case of a "termination without cause."

His current Employment Agreement, carries an annual salary of \$183,500.00 and does not expire until June 30, 2020. However, the

MINUTES

Office of the Mayor - cont'd

Mayor desires to enter into this new Agreement that extends his term of employment to five years from the date of Board approval and increases his salary to \$210,000.00.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Employment Agreement with Niles R. Ford PhD, Fire Chief.

MINUTESHealth Department - Employee Expense Reports

The Board is requested to approve the various expense reports for following employees:

1. **SYLVIA JOHNSON** **\$ 77.94**

Account: 1001-000000-3100-295900-604003
August 2018 - Uniforms

Ms. Johnson neglected to submit her expense statement to her supervisor on time. The expense statement is now outside the guidelines set forth by AM 240-11.

2. **SYLVIA JOHNSON** **\$ 52.91**

Account: 1001-000000-3100-295900-604003
September 2018 - Uniforms

Ms. Johnson neglected to submit her expense statement to her supervisor on time. The expense statement is now outside the guidelines set forth by AM 240-11.

3. **KAITLIN LAW** **\$248.42**

Accounts: 4000-499619-3080-294312-603002 \$244.92
September 2018 - Local Mileage

4000-427718-3023-599601-603001 \$ 3.50
September 2018 - Parking

Ms. Law submitted her employee expense statement on time. However, it was misplaced during the administrative review and approval process. The expense statement is now outside the guidelines set forth by AM 240-11.

MINUTES

Health Department - cont'd4. **DONNICA FIFE-STALLWORTH** **\$158.23**

Accounts: 4000-499619-3080-294313-603002 \$151.73
September 2018 - Mileage

4000-427718-3023-599601-603001 \$ 6.50
September 2018 - Parking

Ms. Fife-Stallworth submitted her employee expense statement on time. However, it was misplaced during the administrative review and approval process. The expense statement is now outside the guidelines set forth by AM 240-11.

5. **DOROTHY ONYEMAH** **\$230.36**

Accounts: 4000-499619-3080-294213-603002 \$222.36
September 2018 - Mileage

4000-499619-3080-294213-603003 \$ 8.00
September 2018 - Tolls

Ms. Onyemah submitted her employee expense statement on time. However, it was misplaced during the administrative review and approval process. The expense statement is now outside the guidelines set forth by AM 240-11.

6. **SANDRA HASKETT** **\$142.25**

Account: 4000-499619-3080-294213-603002
September 2018 - Mileage

Ms. Haskett submitted her employee expense statement on time. However, it was misplaced during the administrative review and approval process. The expense statement is now outside the guidelines set forth by AM 240-11.

MINUTES

Health Department - cont'd

7. **ADRIENNE EDWARDS** **\$ 99.35**

Account: 4000-499619-3080-294213-603002
September 2018 - Mileage

Ms. Edwards submitted her employee expense statement on time. However, it was misplaced during the administrative review and approval process. The expense statement is now outside the guidelines set forth by AM 240-11.

8. **LATARSHA HENDERSON** **\$279.66**

Accounts: 4000-499619-3080-294213-603002 \$275.66
September 2018 - Mileage

4000-499619-3080-294213-603003 \$ 4.00
September 2018 - Tolls

Ms. Henderson submitted her employee expense statement on time. However, it was misplaced during the administrative review and approval process. The employee expense statement is now outside of the guidelines set forth by AM 240-11.

The Department apologizes for the lateness of these requests.

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

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTES

Health Department - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the various expense reports for foregoing employees.

MINUTESHealth 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. **K.E.Y.S. DEVELOPMENT T.A. LLC** **\$ 28,500.00**

Account: 4000-483319-3160-308000-603051

The School-Based Violence Prevention Program goal is to prevent incidence of teen dating violence and other forms of youth violence by addressing shared risk and protective factors among youth attending four Baltimore City Public High Schools in high-risk communities.

The organization will identify and designate staff at Frederick Douglass High School to support students in identifying areas of concern in their community and school. Students will pair off with Shaping All Future Energy (SAFE) staff in-school four days per week to assess and identify areas in need of change. SAFE staff will address school and classroom climate issues, identify the need for additional support in the classroom, at home, and also serve as the behavior interventionist. The organization will also provide after-school sessions which will allow students to design and develop a campaign or activity to bring awareness, unity, and healing around their areas of concern both in school and in the community. The period of the agreement is January 14, 2019 through June 14, 2019.

MINUTES

Health Department - cont'd

2. **BLACK MENTAL HEALTH ALLIANCE FOR EDUCATION AND CONSULTATION, INC.** \$ 70,000.00

Account: 4000-483519-3080-294600-603051

The purpose of the ReCAST West Baltimore Project is to reduce the impact of trauma and build resilience in the Central West Baltimore communities. The lynchpin of this project is the development of a Community Board, Baltimore City Intergenerational Initiative for Trauma and Youth (B-City), consisting of residents of these communities that will guide the development, implementation and provision of a variety of strategies including youth and community organizing, expanded mentoring programs, youth development programming, self-care/mindfulness activities and healing circles. The period of the agreement is October 1, 2018 through September 30, 2019.

MWBOO GRANTED A WAIVER.

The Agreements are late because budget revisions delayed processing.

3. **THE JOHNS HOPKINS UNIVERSITY** \$ 16,503.00

Account: 4000-498819-3080-284000-603051

The Johns Hopkins University-School of Nursing will consult on the improvement of the Maternal, Infant and Early Child Care, Central Triage System for home visiting and care coordination services.

The Agreement is late because of delays in receiving the required documentation.

MINUTES

Health Department - cont'd4. **THE JOHNS HOPKINS UNIVERSITY** **\$ 39,359.00**

Account: 5000-569719-3023-273383-603051

The Johns Hopkins University will provide a range of client-centered non-medical Case Management activities focused on providing guidance and assistance in accessing medical, social, community, legal, financial, public and private programs and other needed services.

The agreement is late because the State of Maryland, Department of Health and Mental Hygiene's Prevention and Health Promotion Administration programmatically manages Ryan White Part B HIV/AIDS State Special Services. The Providers are asked to submit a budget, budget narrative, and scope of services. The Department thoroughly reviews the entire package before preparing a contract and submitting it to the Board. These budgets are many times revised because of inadequate information from the providers. The review is required to comply with the grant requirements.

5. **THE JOHNS HOPKINS UNIVERSITY** **\$ 20,000.00**

Account: 5000-569719-3023-227331-603051

The Johns Hopkins University will utilize the funds to provide limited short-term assistance to support emergency, temporary, or transitional housing to enable a client or family to gain and maintain outpatient/ambulatory health services. Housing related referral services include assessment, search placement advocacy and the fees associated with these services.

MINUTES

Health Department - cont'd

6. **THE JOHNS HOPKINS UNIVERSITY** **\$253,936.00**

Account: 5000-569719-3023-273330-603051

The Johns Hopkins University will utilize the funds to provide Health Education/Risk Reduction (HERR) services for clients living with HIV about HIV transmission and how to reduce the risk of HIV transmission. HERR will include sharing information about medical and psychosocial support services and counseling clients to improve their health status.

MWBOO GRANTED A WAIVER.

The agreements are late because the State of Maryland, Department of Health and Mental Hygiene's Prevention and Health Promotion Administration programmatically manages Ryan White HIV/AIDS State Special Services. The Providers are asked to submit a budget, budget narrative, and scope of services. The Department thoroughly reviews the entire package before preparing a contract and submitting it to the Board. These budgets are many times revised because of inadequate information from the providers. The review is required to comply with the grant requirements.

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 President **ABSTAINED** on item no. 3, 4, 5 and 6.

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

The Board is requested to approve and authorize execution of the Agreement with PACT: Helping Children with Special Needs, Inc. (PACT). The period of the Agreement is July 1, 2018 through June 30, 2019.

AMOUNT OF MONEY AND SOURCE:

<u>Total</u>	<u>No. of visits</u>	<u>Cost per visit</u>	
\$10,000.00	40	\$250.00	- Initial Case Management
10,312.50	75	\$137.50	- Individualized Family Service Plan Review (Annual)
<u>20,850.00</u>	278	\$ 75.00	- On-going Case Management
\$41,162.50			
(6,174.38)			Less Administrative Fee @ 15%
<u>\$34,988.12</u>			- 6000-622119-3080-292300-603051

BACKGROUND/EXPLANATION:

PACT will provide health-related early intervention/case management services for the Baltimore Infants and Toddlers Program for eligible patients. Reimbursement to PACT is according to the Department of Health and Mental Hygiene policies for the Maryland Medical Assistance Program.

Funds are provided by the Maryland State Department of Health and Mental Hygiene, Medical Assistance Program, under Title XIX of the Social Security Act, U.S.C. 1396 et seq. and are channeled through the Health Department.

MINUTES

Health Department - cont'd

The Agreement is late because of budget revisions.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Agreement with PACT: Helping Children with Special Needs, Inc.

MINUTES

Health Department - Update for Fiscal Year 2019
Unified Funding Document

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of the Update to the Fiscal Year 2019 Unified Funding Document (UFD) from the State of Maryland Department of Health and Mental Hygiene. The period of the Fiscal Year 2019 Update is July 1, 2018 through June 30, 2019.

AMOUNT OF MONEY AND SOURCE:

\$125,117.00

BACKGROUND/EXPLANATION:

This grant is an update to the Fiscal Year 2019 Unified Funding Document grant award. On July 25, 2018 the Board approved acceptance of the UFD for Fiscal Year 2019, which included \$2,401,006.00 for PWC Eligibility.

As the Fiscal Year progresses supplements, modifications, and/or reductions will be processed through the granting administration with revised Unified Funding Awards being issued.

The additional funding of \$125,117.00 for PWC Eligibility will make the total Grant Award for PWC Eligibility \$2,526,123.00.

The Fiscal Year 2019 Update is late because of delays in the administrative process.

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

Health Department - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the Update to the Fiscal Year 2019 Unified Funding Document from the State of Maryland Department of Health and Mental Hygiene.

MINUTES

PERSONNEL MATTERS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

all of the Personnel matters

listed on the following pages:

791 - 803

All of the Personnel matters have been approved

by the EXPENDITURE CONTROL COMMITTEE.

All of the contracts have been approved

by the Law Department

as to form and legal sufficiency.

MINUTES**PERSONNEL**Baltimore City Circuit Court1. Create the following Position:

Classification: Licensed Graduate Social Worker

Job Code: 01957

Grade: 089 (\$45,660.00 - \$55,436.00)

Position No: To be assigned by BBMR

Costs: \$70,108.29 - 5000-540319-1100-109400-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 200-4.

2. Create the following non-civil classification:

a. Classification: Associate Teacher Preschool

Job Code: 08006

Grade: 078 (\$31,488.00 - \$36,312.00)

Create the following Position:

b. Classification: Associate Teacher Preschool

Job Code: 08006

Grade: 078 (\$31,488.00 - \$36,312.00)

Position No: To be assigned by BBMR

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 200-4.

MINUTES**PERSONNEL**Circuit Court - cont'd3. **HELEN HARLSTON** **\$59,984.10**

Account: 5000-544419-1100-117001-601009

Ms. Harlston will work as a Contract Services Specialist II for the Baltimore City Circuit Court. Ms. Harlston duties will include reviewing motions and making recommendations in a wide variety of civil non-domestic cases; performing legal research as requested by the masters or judges; drafts opinions and orders; training and supervising other employees in the office including paralegals, legal assistants and academic interns. She will prepare for meetings with the Bar concerning cases, prepare for assist with redemption hearings and status conferences in tax sales cases and be on-call for the judges during their hearings if they require assistance. The period of the agreement is March 1, 2019 through February 28, 2020.

Department of Finance4. Reclassifying the following vacant position:Position No.: 33938

From: Purchasing Assistant
 Job Code: 33501
 Grade: 081 (\$34,039.00 - \$40,327.00)

To: Operations Officer IV
 Job Code: 31112
 Grade: 931 (\$73,868.00 - \$118,085.00)

Costs: \$52,056.00 - 1001-000000-1441-161800-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 200-4.

MINUTES**PERSONNEL**Department of Finance - cont'd5. Reclassifying the following filled position:Position No.: 40873

From: Budget Management Analyst II
Job Code: 31304
Grade: 927 (\$64,505.00 - \$103,208.00)

To: Budget Management Analyst III
Job Code: 31305
Grade: 929 (\$68,562.00 - \$109,554.00)

Costs: \$6,668.00 - 1001-000000-1411-160400-601001

The position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 200-4.

6. Reclassifying the following filled position:Position No.: 46638

From: Office Support Specialist III
Job Code: 33213
Grade: 078 (\$31,488.00 - \$36,312.00)

To: Collections Representative II
Job Code: 34254
Grade: 082 (\$35,168.00 - \$41,598.00)

Costs: \$7,800.00 - 1001-000000-1480-166400-601001

The position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 200-4.

MINUTES**PERSONNEL**Department of General Services7. Reclassifying the following filled position:Position No.: 51950

From: Operations Assistant II
 Job Code: 31105
 Grade: 903 (\$45,153.00 - \$72,204.00)

To: Operations Research Analyst
 Job Code: 31314
 Grade: 923 (\$60,655.00 - \$97,277.00)

Costs: \$7,526.00 - 2030-000000-1890-189300-601001

The position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 200-4.

Health Department

	<u>Hourly Rate</u>	<u>Amount</u>
8. LEONARD C. BAZE	\$23.00	\$13,800.00

Account: 5000-570319-3041-605800-601009

Mr. Leonard C. Baze, retiree, will work as a Contract Services Specialist I. This position enforces tobacco control laws for Baltimore City regarding tobacco retailers and product placement, illegal sale to youth under age 18, and illegal sale of individual cigarettes, issue citations to violators of tobacco control laws. He will work with student transport vendor and Baltimore City Public School System students to

MINUTES**PERSONNEL**Health Department - cont'dHourly RateAmount

conduct compliance checks for under-age purchase of tobacco products; conduct routine field investigations at retail sites regarding tobacco control code violations; maintain computer data file and prepare reports on complaints, investigations and outcomes, conduct face-to-face group education for residents, restaurant owners, policy officers, youth and others regarding the City's tobacco control laws and citations for violations. In addition, he will maintain records and evidence files on retail inspections and citations issued in a secure locked file, testify in adjudicative Environmental Control Board hearing when a violator appeals a citation, work with internal and external groups to raise awareness around youth tobacco access including providing support for system changes, media campaigns and other activities. The period of the agreement is effective upon Board approval through June 30, 2019.

9. Create the following position:

Classification: Agency IT Specialist III

Job Code: 33149

Grade: 929 (\$68,562.00 - \$109,554.00)

Position Nos.: To be determined by BBMR

Cost: \$97,987.53 - 4000-499018-3023-513200-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 200-4.

MINUTES

PERSONNEL

Health Department - cont'd

10. Create the following position:

Classification: Agency IT Specialist II
Job Code: 33148
Grade: 927 (\$64,505.00 - \$103,208.00)
Position No.: To be determined by BBMR

Cost: \$92,868.41 - 5000-569719-3023-273305-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 200-4.

	<u>Hourly Rate</u>	<u>Amount</u>
11. SHERRY ADEYEMI	\$44.28	\$18,819.00

Account: 6000-624919-3100-295900-601009

Ms. Adeyemi, retiree, will work as a Contract Services Specialist I. She will be responsible for assisting in the administrative oversight/support for the Bureau of School Health and the Bureau of School Health budget. Ms. Adeyemi will also assist in the administration of the following grants; U-Choose, Administrative Care Coordination, Family Planning, School Nurse, and Vision for Baltimore. In addition, she will assist with the implementation of the School Nurse Electronic Health Record and assist in the development of Standard Operating Procedures for moving, storage and/or disposal of Health Department assets resulting from Baltimore City Public School relocation and closures. This salary is in compliance with the AM 212-1, Part I. The period of the agreement is February 27, 2019 through June 30, 2019.

MINUTES**PERSONNEL**Health Department - cont'd

	<u>Hourly Rate</u>	<u>Amount</u>
12. MELISSA CUESTA	\$15.00	\$ 7,800.00

Account: 4000-499019-3030-513200-601009

Ms. Cuesta will work as a Contract Services Specialist II. She will recruit clients for STD/HIV testing in community settings with high incidence of Syphilis and/or HIV infection, identify venues and key community stakeholders to reach priority populations such as young Men Who Have Sex with Men, substance abusers and homeless individuals. Ms. Cuesta will also provide client-based health education and risk-reduction counseling for STD/HIV prevention, complete intake forms, client logs, and other paperwork associated with outreach testing programs. In addition, she will assist with the collection of Gonorrhea and Chlamydia specimens and assist with setting up and breaking down outreach equipment, including tables, canopies, chairs, literature, and coolers. The period of the agreement is effective upon Board approval through June 30, 2019.

13. JAMIE OCTAVIA STEPHENS	\$14.50	\$ 5,800.00
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Account: 4000-483019-3160-308000-601009

Ms. Stephens will work with the Health Department and schools to coordinate interventions and supports for youth at-risk for violence, victimization, and perpetration. She will also participate in staff/school and Advisory Committee meetings and trainings, ensure that youth participants observe safe

MINUTES**PERSONNEL**Health Department - cont'd

operating practices and comply with organizational safety policies. In addition, Ms. Stephens will prepare and gather data forms and information, identify, detect, interrupt, mediate, and document incidents that could potentially lead to violence. The period of the agreement is effective upon Board approval through May 31, 2019.

Law Department14. Reclassify the following vacant position:

Position No.: 42172

From: Legal Assistant I
Job Code: 32932
Grade: 084 (\$37,741.00 - \$45,044.00)

To: Legal Assistant II
Job Code: 32933
Grade: 087 (\$42,131.00 - \$50,927.00)

Costs: \$5,628.00 - 1001-000000-1752-175200-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 200-4.

MINUTES**PERSONNEL**Mayor's Office15. Reclassify the following vacant position:Position No.: 15972

From: Legislative/Gov't Liaison
 Job Code: 01981
 Grade: 927 (\$64,505.00 - \$103,028.00)

To: Operations Officer IV
 Job Code: 00088
 Grade: 931 (\$73,868.00 - \$118,085.00)

Costs: \$120,250.00 - 1001-000000-1250-795700-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 200-4.

Department of Planning

	<u>Hourly Rate</u>	<u>Amount</u>
16. AUSTIN DAVIS	\$39.41	\$ 75,000.00

Account: 1001-000000-1877-187400-601001

Mr. Davis, will work as a Contract Services Specialist II. He will finalize and coordinate the implementation of the Census 2020 Complete Count Action Plan, develop and implement a comprehensive communication plan to increase Baltimore residents participation in Census 2020, and lead the Census Executive Committee (comprised of City of Baltimore staff) that provides media/public relations, data/mapping, field/

MINUTES**PERSONNEL**Department of Planning - cont'd

outreach and other general support to the Complete Count Committee. Mr. Davis will also write and review a variety of materials including reports, correspondence, memoranda, mayoral communications, and contracts. In addition, he will make presentations on behalf of the City to government, community, and private sector stakeholders, collaborate with Research and Strategic Planning staff within the Department to complete necessary demographic research, draft responses to special correspondence, handle special assignments, and supervise interns, fellows, and volunteers. The period of the agreement is effective upon Board approval for one year.

Baltimore City Police Department

	<u>Hourly Rate</u>	<u>Amount</u>
17. KIMBERLY A. PARKS	\$20.19	\$42,000.00

Account: 1001-000000-2042-198100-601009

Ms. Parks, retiree, will continue to work as a Contract Services Specialist I for the Internal Affairs Section. This position will include but is not limited to the initial intake of complaints to Internal Affairs from both the Police Department members and citizens regarding matters of police misconduct. Ms. Parks will conduct preliminary investigations of complaints received from elected officials and the Police Commissioner's Office, review new case entries from the Policy Compliance Section, assign a case number for tracking and forward for investigation, interview and obtain written statements from complainants, civilian witnesses and sworn officers. She will gather evidence related to cases, conduct internet searches for information related to investigations, draft correspondence to complaints, witnesses, and attorneys, and write complete and comprehensive investigative reports summarizing the investigations. The period of the agreement is May 14, 2019 through May 13, 2020.

MINUTES**PERSONNEL**Baltimore City Police Department - cont'd

	<u>Hourly Rate</u>	<u>Amount</u>
18. CELIO OLIVERAS, JR.	20.19	42,000.00

Account: 1001-000000-2042-198100-601009

Mr. Oliveras, retiree, will continue to work as a Contract Services Specialist I for the Records Management Section. This position will include but is not limited to reviewing original National Crime Information Center (NCIC) entries, warrants and supporting documents. He will also contact individuals, or sources for follow-up information, access Local, State and Federal databases for additional information, update records on local databases and NCIC to reflect changes, and prepare police supplement reports. The period of the agreement is May 14, 2019 through May 13, 2020.

On January 3, 1996, the Board approved a waiver to the Administrative Manual Policy 212-1, Part I, which allowed the Department to hire retirees.

Department of Public Works

19. Reclassify the following filled position:

Position No.: 47544

Classification: Solid Waste Superintendent

Job Code: 53816

Grade: 923 (\$60,655.00 - \$97,277.00)

To: Operations Manager I

Job Code: 31114

Grade: 939 (\$85,417.00 - \$140,766.00)

Cost: \$19,201.00 - 1001-000000-5152-395900-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 200-4.

MINUTES**PERSONNEL**Department of Recreation and Parks20. Create the following position:

Classification: Architect II

Job Code: 75112

Grade: 927 (\$64,505.00 - \$103,208.00)

Position No.: To be assigned by BBMR

Cost: \$94,178.00 - 5000-577719-4711-361800-601001

21. Create the following two positions:

Classification: Design Planner II

Job Code: 74147

Grade: 927 (\$64,505.00 - \$103,208.00)

Position Nos.: To be assigned by BBMR

Cost: \$188,356.00 - 5000-577719-4711-361800-601001

These positions are to be considered Positions of Trust in accordance with the policy outlined in the Administrative Manual, Section 200-4.

	<u>Hourly Rate</u>	<u>Amount</u>
22. ALEXANDRA L. HAYDEN	\$32.00	\$9,600.00

Account: 6000-680518-4792-369900-601009

Ms. Hayden will work as a Contract Services Specialist II. She will provide figure skating instructions for the Learn to Skate Program, summer camp and in the preparation for the U.S. Figure Skating National Proficiency testing. The period of the agreement is effective upon Board approval for one year.

MINUTES**PERSONNEL**State's Attorney's Office

	<u>Hourly Rate</u>	<u>Amount</u>
23. JOCELYN L. GRESOCK	\$20.41	\$38,926.00

Account: 1001-000000-1150-118000-601009

Ms. Gresock will work as a Contract Service Specialist II. Ms. Gresock will review cases involving the Gun Trace Task Force, review police reports, charges, and case details, collect documents for review by Assistant State's Attorneys to determine if the conviction was tainted. She will further use various software programs to gather documents for review of the case. The period of the agreement is effective upon Board approval for six months.

24. ALAN DORSEY, SR	\$27.20	\$51,861.00
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Account: 1001-000000-1150-118000-601009

Mr. Dorsey, will work as a Contract Services Specialist I. This position investigates felony, homicide, and violent crime cases; locates and interviews witnesses and acts as a liaison with police agencies. The period of the agreement is effective February 28, 2019 upon Board approval for one year beginning.

MINUTES

TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

805 - 806

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

MINUTES

TRANSFERS OF FUNDS

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Enoch Pratt Free Library</u>			
1.	\$500,000.00	9936-931009-9458	9936-954010-9457
	Pimlico Local	Park Heights	Park Heights
	Impact Aid	Library	Library
		(Reserve)	(Active)

The community has needed a replacement for the former Pimlico Library which closed over seventeen years ago. Based on the community's request and the City's interest in revitalizing the Pimlico/Park Heights area. This transfer will allow the Library to proceed with design services for a new library.

Department of Planning

2.	\$ 10,000.00	9904-902152-9129	
	1 st Comm. and	Baltimore City	
	Econ. Dev. Bonds	Heritage Area	
		(Reserve)	
	90,000.00	" "	
	2 nd Comm. and		
	<u>Econ. Dev. Bonds</u>		
	\$100,000.00	-----	9904-901152-9127
			Baltimore City
			Heritage Area
			(Active)

This transfer will fund the Heritage Area's Small Cap Grant Program that makes small, but strategic capital grants to improve, protect, and restore historic and cultural sites within the Baltimore National Heritage Area. Small Cap Grants require the grantee to match the funds 1:1 with other investments. To date the program has leveraged approximately \$13.00 for every \$1.00 of Small Cap Funds distributed.

MINUTES

TRANSFERS OF FUNDS

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of General Services</u>			
3.	\$395,000.00	9916-906233-9194	9916-902954-9197
	General Funds	NE Police Station Renovations (Reserve)	NE District Police Station Improvements (Active)

This transfer will provide funds to the Department for a full roof replacement at the Northeastern District Police Station and all associated in-house costs.

Department of Recreation and Parks

4.	\$ 15,000.00	9938-907081-9475	
	State (Program Open Space)	Park Trail Network (Reserve)	
	5,000.00	" "	
	<u>2nd Parks and Public Facilities</u>		
	\$20,000.00	-----	9938-908081-9474 Park Trail Network (Active)

This transfer will provide funds to cover the cost associated with construction administration services for Jones Falls Trail - Phase V, TR 11319.

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. 001 to Rummel, Klepper & Kahl, LLP, under Project No. 1801, (SC 953) On-Call Project and Construction Management Assistance Services. The duration of this task is approximately 18 months. The agreement will expire on October 24, 2023.

AMOUNT OF MONEY AND SOURCE:

\$297,421.98 - 9956-906647-9551-900020-705032

BACKGROUND/EXPLANATION:

The Office of Engineering and Construction is in need of inspection services for SC 953 - Sanitary Sewer Collection System Improvements in High Level Sewershed for Engineering and Construction. This task was requested by the agency.

The scope of the agreement includes but is not limited to: assisting the 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 supporting documents, estimating, scheduling, project engineering, constructability reviews, submittal reviews and responses, Request for Information (RFI) reviews and responses and construction contract administrative support.

The scope of the construction project includes, cured-in-place lining of approximately 88,915 LF of existing 8" sanitary sewer, 3,496 LF of existing 10" sanitary sewer, 2,423 LF of existing 12" sanitary sewer, and 37 LF of existing 15" sanitary sewer. Rehabilitation of approximately 1,725 LF of 8" through 12"

MINUTES

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

sanitary sewers by open cut out method. Rehabilitation of approximately 719 sanitary house connections by various methods and replacing approximately 226 sanitary house connections by open cut. Rehabilitation of approximately 588 sanitary sewer manholes by various methods. Associated wastewater by-pass pumping or control of flows of sewers and/or manholes to be repaired, replaced constructed or rehabilitated and continuous monitoring of the by-pass operation. Restoration of pavement, alleys, sidewalks, and site restoration including planting trees.

MBE/WBE PARTICIPATION:

The Vendor will comply with Article 5, Subtitle 28 of the Baltimore City Code and the MBE goal of 29% MBE and WBE goal of 10% assigned to the original agreement. Currently, the Consultant is not in compliance because this is the first task written under this agreement.

APPROVED FOR FUNDS BY FINANCE

APPROVED BY MWBOO ON 1/10/2019.

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

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 001 to Rummel, Klepper & Kahl, LLP, under Project No. 1801, (SC 953) On-Call Project and Construction Management Assistance Services.

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. 003 to Hazen & Sawyer, PC (Consultant), under Project No. 1804, (SC 962R) On-Call Project and Construction Management Assistance Services. The duration of this task is approximately 15 months. The agreement will expire on October 24, 2023.

AMOUNT OF MONEY AND SOURCE:

\$256,607.90 - 9956-907575-9551-900020-705032

BACKGROUND/EXPLANATION:

The Consultant will provide Construction Management Assistance and Inspection Services for the ongoing work on SC 962R-Improvements to the Sanitary Sewers in the South East area of Baltimore City for Engineering and Construction.

The scope of the agreement includes but is not limited to; assisting the 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 supporting documents, estimating, scheduling, project engineering, constructability reviews, submittal reviews and responses, Request for Information reviews and responses and personnel representing the selected firm will be available on an as-needed basis.

The scope of the construction project includes, sewer cleaning and closed circuit television inspection, cured-in-place pipe lining of sanitary sewers, excavate and replace segments of sanitary

MINUTES

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

sewer via point repairs, manhole repair and rehabilitation work, sewer house connection repair and rehabilitation work, new manhole and cleanout installation work.

MBE/WBE PARTICIPATION:

The Consultant will comply with Article 5, Subtitle 28 of the Baltimore City Code and the MBE goal of 29% MBE and WBE goal of 10% assigned to the original agreement. Currently, the Consultant is not in compliance because this is the third task written under this agreement.

APPROVED FOR FUNDS BY FINANCE

APPROVED BY MWBOO ON 1/9/2019.

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

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 003 to Hazen & Sawyer, PC, under Project No. 1804, (SC 962R) On-Call Project and Construction Management Assistance Services.

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. 001 to Hazen & Sawyer PC under Project 1804, (SC 977) On-Call Project and Construction Management Assistance and Inspection Services. The period of the task assignment is 24 months. The agreement will expire on October 24, 2023.

AMOUNT OF MONEY AND SOURCE:

\$1,023,443.62 - 9956-905663-9951-900020-705032

BACKGROUND/EXPLANATION:

Hazen & Sawyer PC will provide construction management assistance and inspection services for ongoing work on SC 977, Improvements to the Gwynns Falls Sewershed Collection System - Area C. This task was requested by the agency.

The Consultant is assisting the Construction Management Section with construction monitoring and inspection, preparation of daily reports, maintenance of project records and documentation, review of contractors application for payment, attendance at progress reacting. The Consultant will also prepare record drawings, review contract claims, and supports, perform estimating, scheduling, project engineering, constructability reviews, submittal review and responses, Request for Information (RFI) reviews and responses, and contract administrative support on an as needed basis.

This task will include approximately 57,000 linear feet of Cured-in-Place lining, approximately 14,000 LF of sewer cleaning and closed circuit television inspection, approximately 12,850 LF of replacement of sanitary sewers by open cut method and approximately 241 each of rehabilitation of existing sanitary sewer manholes by various methods. Associated wastewater by-pass pumping or control of flows of sewers and/or manholes will be repaired, replaced, constructed or rehabilitated and continuous monitoring of the bypass operating; Restoration of pavement, alleys, and sidewalks, and site restoration including planting trees.

MINUTES

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

MBE/WBE PARTICIPATION:

The Consultant will comply with Article 5, Subtitle 28 of the Baltimore City Code and the MBE and WBE goals established in the agreement. Currently the Consultant is not in compliance because there are no approved tasks to date on this agreement.

MBE: 29%

WBE: 10%

APPROVED FOR FUNDS BY FINANCE

APPROVED BY MWBOO ON 12/18/2018.

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

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT</u>	<u>TO ACCOUNT</u>
\$ 964,059.33	9956-907622-9549	
Wastewater	Sewer System	
Revenue Bond	Rehab - Gwynn Falls	
141,259.78	" "	
<u>County Revenue</u>		
\$1,105,319.11	-----	9956-905663-9551-5 (Inspection)

The transfer will cover the cost of SC 977, Improvements to the Gwynns Falls Sewershed Collection System Area C.

MINUTES

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

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 001 to Hazen & Sawyer PC under Project 1804, (SC 977) On-Call Project and Construction Management Assistance and Inspection Services. The Transfer of Funds as approved SUBJECT to receipt of favorable reports from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the City Charter.

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. 002 to Transviron, Inc. (Consultant), under Project No. 1806 (SC 921) On-Call Project and Construction Management Assistance. The duration of this task is approximately 24 months. The agreement will expire on June 19, 2022.

AMOUNT OF MONEY AND SOURCE:

\$588,473.00 - 9956-908661-9951-900020-705032

BACKGROUND/EXPLANATION:

The Consultant will provide Construction Management Assistance and Inspection Services for the ongoing work on SC 921-Inspection for the Improvements to the Gwynns Falls Sewershed Collection System-Area B.

The scope of the agreement includes but is not limited to; assisting the 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 supporting documents, estimating, scheduling, project engineering, constructability reviews, submittal reviews and responses, Request for Information reviews and responses and construction contract administrative support on an as-needed basis.

The scope of the construction project includes, rehabilitation, repair and replacement of wastewater sewer lines and sanitary house connections by cured-in-place piping lining and open cut methods, in accordance with the Environmental Performance Assessment Consent Decree mandate.

MINUTES

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

MBE/WBE PARTICIPATION:

The Consultant will comply with Article 5, Subtitle 28 of the Baltimore City Code and the MBE goal of 29% MBE and WBE goal of 10% assigned to the original agreement. Currently, the Consultant is not in compliance because this is the second task written and none have been approved. The Consultant has not started billing yet.

APPROVED FOR FUNDS BY FINANCE

APPROVED BY MWBOO ON 11/1/2018.

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

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$635,550.85	9956-907622-9549	9956-908661-9551-5
Wastewater Rev. Bond	Sewer System Rehab- Gwynns Falls	Inspection

This transfer will cover the costs on Project 1806 (SC 921) On-Call Project and Construction Management Assistance Task No. 2.

MINUTES

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

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 002 to Transviron, Inc., under Project No. 1806 (SC 921) On-Call Project and Construction Management Assistance. The Transfer of Funds as approved SUBJECT to receipt of favorable reports from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the City Charter.

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. 003 to ARM Group, Inc. (Consultant), under Project No. 1272A, On-Call Solid Waste Engineering Services. The duration of this task is one-year. The agreement will expire on September 12, 2022.

AMOUNT OF MONEY AND SOURCE:

\$161,623.79 - 9948-922014-9517-900020-703032

BACKGROUND/EXPLANATION:

The Consultant will perform professional engineering services in support of meeting permit requirements of Maryland Department of Environment (MDE) Refuse Disposal Permit No. 2014-WMF-0325. The work includes monthly operation and maintenance of the Landfill Gas Collection System, quarterly perimeter monitoring, quarterly surface emissions monitoring and reporting, annual greenhouse gas reporting, semi-annual Title V monitoring reports, annual emissions and air toxic certifications, annual compliance certification report and on-call field services.

The scope of the agreement includes, providing engineering and technical services to assist the City with On-call Solid Waste Engineering Services. The scope of work also includes, collecting field sampling data and laboratory data analysis, and preparation of monitoring reports to fulfill MDE refuse Disposal Permit for the City's Quarantine Road Landfill. In addition, the work included are emergency call-out, repair of landfill gas collection main header, line breaks, and other work pertinent to maintenance and operation of the Landfill Gas Collection System.

MINUTES

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

MBE/WBE PARTICIPATION:

The Consultant will comply with Article 5, Subtitle 28 of the Baltimore City Code and the MBE goal of 27.2% and WBE goal of 10.2% assigned to the original agreement.

APPROVED FOR FUNDS BY FINANCE

APPROVED BY MWBOO ON 12/11/2018.

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

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$161,623.79	9948-938013-9516	9948-922014-9517-3
2 nd Parks and Public Facilities	LF Grdwater, Well & Compliance	Design

This transfer will cover the costs of Project 1272A, On-Call Solid Waste Engineering Services Task 3.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 003 to ARM Group, Inc., under Project No. 1272A, On-Call Solid Waste Engineering Services. The Transfer of Funds as approved SUBJECT to receipt of favorable reports from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the City Charter.

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. 005 to CC Johnson & Malhotra, P.C. under Project 1238C, (WC 1395) On-Call Mechanical Engineering Services, for Montebello Plant II Dehumidification System Improvements Design. The period of the Task Assignment is nine months. The agreement will expire on September 28, 2019.

AMOUNT OF MONEY AND SOURCE:

\$114, 546.00 - 9960-904999-9557-900020-703032

BACKGROUND/EXPLANATION:

The scope of the original agreement includes: A new dehumidification unit and associated controls, new boilers, piping, replacement of existing ductwork, replacement of supply and return air devices, new electric power to serve the dehumidification system, as well as replacement/addition of other necessary equipment and accessories. The project consists of on-call consulting for various tasks on an as-needed basis. Also, involves mechanical consulting engineering services for various water & wastewater facilities including treatment plants and pumping stations and may include planning, design and construction services.

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 is in compliance with the goals set by MWBOO.

APPROVED FOR FUNDS BY FINANCE

MINUTES

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

APPROVED BY MWBOO ON 12/19/2018.

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>
\$74,628.36	9960-910300-9558	
Water Revenue	Urgent Needs Water	
Bond	Facilities	
49,081.32	" "	
County Revenue		
Bond	-----	9960-904999-9557-3
		Design & Study

This transfer will cover costs of Task No. 5, Project 1238C, (WC - 1395) On-Call Mechanical Engineering Services.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 005 to CC Johnson & Malhotra, P.C. under Project 1238C, (WC 1395) On-Call Mechanical Engineering Services, for Montebello Plant II Dehumidification System Improvements Design. The Transfer of Funds as approved SUBJECT to receipt of favorable reports from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the City Charter.

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. Kennedy Abbotston, LLC	2700 Kennedy Avenue	L/H	\$ 7,040.00
Funds are available in account no. 9910-904177-9588-900000-704040, Abbotston Park Site.			
2. Greater Faith Community Church, Inc.	1606 W. Lafayette Avenue	F/S	\$24,100.00
Funds are available in account no. 9910-905640-9588-900000-704040, FY17 CORE Demo Project.			
3. Alvin Langley	319 N. Monroe Street	L/H	\$19,250.00
Funds are available in account no. 9910-905640-9588-900000-704040, FY17 CORE Demo Project.			
4. Jeffrey I. Silberman	2711 Tivoloy Avenue	G/R	\$ 550.00
			\$60.00
Funds are available in account no. 9910-904326-9588-900000-704040, CHM Project.			

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

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Condemnations</u>			
5. Joyce Quarles	503 N. Mount Street	L/H	\$ 900.00
Funds are available in account no. 9910-904177-9588-900000-704040, Citywide Acquisitions.			
6. Elmore and Greaver Partnership	505 N. Mount Street	F/S	\$ 1,300.00
Funds are available in account no. 9910-904177-9588-900000-704040, Citywide Acquisitions.			
7. Craig E. Ralston	507 N. Mount Street	L/H	\$ 367.00
Funds are available in account no. 9910-904177-9588-900000-704040, Citywide Acquisitions.			
8. Michael Theodosiou	509 N. Mount Street	L/H	\$ 980.00
Funds are available in account no. 9910-904177-9588-900000-704040, Citywide Acquisitions.			
9. Elizabeth Mack	519 N. Mount Street	L/H	\$ 967.00
Funds are available in account no. 9910-904177-9588-900000-704040, Citywide Acquisitions.			
10. George Peterson	531 N. Mount Street	L/H	\$ 2,200.00
Funds are available in account no. 9910-904177-9588-900000-704040, Citywide Acquisitions.			

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Condemnations</u> - cont'd			
11. James Young	537 N. Mount Street	F/S	\$ 2,500.00
Funds are available in account no. 9910-904177-9588-900000-704040, Citywide Acquisitions.			
12. James Young	539 N. Mount Street	L/H	\$ 1,860.00
Funds are available in account no. 9910-904177-9588-900000-704040, Citywide Acquisitions.			
13. Robert Daye, Jr.	1040 N. Stockton Street	L/H	\$44,760.00
Funds are available in account no. 9910-905640-9588-900000-704040, FY17 CORE Demo Project.			
14. Stanley S. Goldberg	2704 Tivoly Avenue	G/R	\$ 600.00
		\$90.00	
Funds are available in 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>DHCD - Condemnations or Redemptions</u>			
15. The Estate of Mary E. Vonderheide	2758 Tivoly Avenue	G/R \$56.00	\$ 373.33
Funds are available in account no. 9910-904326-9588-900000-704040, CHM Project.			
16. Maryland National Bank and Harry E. Silverwood, Trustees	2791 Tivoly Avenue	G/R \$90.00	\$ 600.00
Funds are available in Community Development Block Grant Funds, account no. 9910-904326-9588-900000-704040, CHM Project.			
17. T. Gibson Addison and Otie C. Addison	1603 Normal Avenue	G/R \$42.00	\$ 280.00
Funds are available in City Funds, account no. 9910-904177-9588-900000-704040, Gateway Project.			

The Board is requested to approve acquisition of the ground rent interests (item nos. 15 - 17) by condemnation, or in the alternative may, SUBJECT to the prior approval of the Board, make application to the Maryland Department of Assessments and Taxation to redeem or extinguish the ground rent interests for these properties.

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Law Department - Payment of Settlement</u>			
18. T and T Investment Properties, LLC	2700 Hugo Avenue	F/S	\$ 7,800.00

Funds will be drawn from State Funds, account no. 9910-904326-9588-900000-704040, Coldstream Homestead Montebello Project Area.

On August 10, 2018 (amended on August 17, 2018), the City filed a condemnation action to acquire the Fee Simple interest in the real property located at 2700 Hugo Avenue, Baltimore, Maryland in the amount of \$78,000.00, based upon the higher of two independent appraisal reports. The parties agreed to a settlement amount of \$85,800.00, a 10% administrative increase. Thus, the Board is requested to approve an additional \$7,800.00 (\$85,800.00 less the previous approval amount of \$78,000.00).

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

MINUTES

Department of Transportation - Developers' Agreements

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

	<u>DEVELOPER</u>	<u>NO.</u>	<u>AMOUNT</u>
1.	RUSSELL STREET ONE ASSOCIATES, LLC	1541	\$256,282.00

The Developer would like to install sanitary sewer and storm drain improvements to its proposed new building located at 1300 Russell Street, Baltimore MD 21230. This agreement will allow the Developer to do its own installation in accordance with Baltimore City Standards.

A Performance Bond in the amount of \$256,282.00 has been issued to Russell Street Associates, LLC which assumes 100% of the financial responsibility.

2.	EVG-BREWERS CROSSING, LLC	1577	\$281,102.00
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The Developer would like to install new water mains and services, sewer mains and connections, roadway and sidewalk improvements to its proposed new building located at 4001 Hudson Street, Baltimore, MD 21224. This agreement will allow the Developer to do its own installation in accordance with Baltimore City Standards.

An Irrevocable Letter of Credit in the amount of \$281,102.00 has been issued to EVG-Brewers Crossing, LLC, which assumes 100% of the financial responsibility.

MINUTES

Department of Transportation - cont'd

	<u>DEVELOPER</u>	<u>NO.</u>	<u>AMOUNT</u>
3.	HOWARD ROW, LLC	1612	\$ 54,110.00

The Developer would like to perform various improvements to the properties located at 407-415 North Howard Street. This agreement will allow the Developer to do its own installation in accordance with Baltimore City Standards.

A Performance Bond in the amount of \$54,110.00 has been issued to Howard Row, LLC which assumes 100% of the financial responsibility.

4.	FIRST MILE STABLE CHARITABLE FOUNDATION LLC	1605	\$ 27,411.00
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The Developer would like to install a new water service to its proposed new building located at 425 South Calhoun Street, Baltimore MD 21223. 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 \$27,411.00 has been issued to First Mile Stable Charitable Foundation, LLC which assumes 100% of the financial responsibility.

MBE/WBE PARTICIPATION: N/A

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

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

MINUTES

Department of Transportation - Memorandum of Understanding

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Memorandum of Understanding (MOU) with The Benedictine Society of Baltimore City "(Organization)". The period of the MOU is effective upon Board approval and will remain in effect for five (5) years, renewable for an additional five (5) years unless terminated earlier in accordance with this MOU.

AMOUNT OF MONEY AND SOURCE: N/A

The Organization filed an application for a community sign. The submitted MOU establishes the framework for the Organization to maintain the community sign all at its sole cost and subsequently for the Organization to perform ongoing maintenance of all aspects of the Project during the term of the MOU. The community sign located in the right-of-way for the Benedictine Society of Baltimore City at Frederick Avenue and Brunswick Street, will be owned by the City and maintained by the Organization.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Memorandum of Understanding with The Benedictine Society of Baltimore City.

MINUTES

Department of Transportation/DOT - Task Assignment
Engineering and Construction

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 2 to Prime AE group, Inc./Hardesty & Hanover, LLC (Joint Venture), On-Call Bridge Design Services under Project No. 1249. The period of the services under Task No 2 is approximately 12 months.

AMOUNT OF MONEY AND SOURCE:

\$280,836.15 - 9950-914065-9508-900010-705032

BACKGROUND/EXPLANATION:

This authorization provides for replacement of the Center Locks and the Tail Locks. Additionally, the Live Load Bearings require extensive rehabilitation. The existing control panel that operates the bridge is outdated and not operational. The Consultant will investigate and test the electrical system and control operations for the bridge. After the investigation and testing are complete, the Consultant will work with the City's Maintenance and Operations Contractors to replace the existing panel with a new operations system that meets current standards and will restore the bride to its normal operating capacity. This is all highly specialized work that very few design consultants are capable of performing.

MBE/WBE PARTICIPATION:

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

MBE: 27%

WBE: 10%

The Consultant has met 0% of MBE and 0% of WBE goals and has the capacity to meet the goals approved by MWBOO on 12/2/2018.

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

MINUTESDepartment of Transportation**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT'S</u>
\$3,000,000.00	9950-911106-9509	9950-914065-9508
State Rev	Construction Reserve- Hanover Street Bridge	Hanover Street Bridge over Middle Branch

This transfer will fund the costs associated with Task No. 2 under Project No 1249 and other related works for Hanover Street Bridge over Middle Branch with Prime AE Group, Inc./Hardesty & Hanover, LLC (Joint Venture).

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 2 to Prime AE group, Inc./Hardesty & Hanover, LLC, On-Call Bridge Design Services under Project No. 1249. 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.

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. 1107 Greenmount Avenue	Mayor and City Council	One set of steps 10'6" x 3"6"
Flat Charge: \$210.90		
2. 2101 E. Biddle Street	2101 E. Biddle Street	Two sets of steps one @ 9.5' x 5' one @ 17' x 5', one ADA Ramp 12' x 5'
Flat Charge: \$492.20		
3. 1111 Light Street	1111 Light Street, LLC	One flat sign 16' x 4'
Flat Charge: \$268.80		
4. 3506-08 Fleet Street	Complex Properties, LLC	Two sets of steps 4' x 3' each
Flat Charge: \$70.40		
5. 3604 Eastern Avenue	Land Research Associates, LLC	Single face electric sign 20.7 sf.
Flat Charge: 329.13		
6. 2125 Boston Street	George Tserkis	One set of steps and landing 9'7" x 3'
Flat Charge: \$70.40		

MINUTES

Department of Transportation - cont'd

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
7. 3919 Fait Avenue	Kodie Altvater	Closed areaway 3.91' x 6.33'
Annual Charge: \$103.95		

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

MINUTES

Department of Transportation - Amendment No. 1 to the Pilot Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Amendment No 1 to the Pilot Agreement with Bird Rides, Inc. to extend the duration through April 30, 2019.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On August 22, 2018 the Board approved a Pilot Agreement between the City and Bird Rides, Inc. 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.

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No 1 to the Pilot Agreement with Bird Rides, Inc. to extend the duration through April 30, 2019.

MINUTES

Department of Transportation - Pilot Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve a Pilot Agreement for the temporary permitted use of public right-of-way for the operation of a dockless vehicle program with Skinny Labs, Inc. d/b/a Spin. The period of the agreement is effective upon the Board approval and will terminate April 30, 2019.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The purpose of the Pilot Project is to allow the City to evaluate the potential benefits to the City and feasibility of deploying Dockless Vehicles in the City for an extended period of time and over a greater geographic range than permitted by this agreement. The City may enter into similar pilot agreements with other dockless business entities at its sole discretion and Skinny Labs, Inc. d/b/a Spin will take no action to interfere with any other dockless vehicle pilot programs that the City may institute.

The purpose of this Pilot Agreement is to establish rules and requirements for the Project that allows for the operation of a dockless bike share, dockless electric bike share, or dockless scooter share, or combination thereof, in the City. These rules and requirements are meant to ensure that the operation of such a system is consistent with the safety and wellbeing of all users of the public right-of-way, including users of the system in question, bicyclists, pedestrians, motorists, and people accessing or using transit.

Upon expiration, the Dockless Business will have no legal right to operate in the City of Baltimore unless the City expressly permits the Dockless Business to continue to operate in the City. Upon

MINUTES

Department of Transportation - cont'd

expiration of its legal right to operate in the City of Baltimore, the Dockless Business will have 72 hours to remove all Dockless Vehicles from City right-of-way and to cease operation or be subject to all appropriate legal remedies.

UPON MOTION duly made and seconded, the Board approved the Pilot Agreement for the temporary permitted use of public right-of-way for the operation of a dockless vehicle program with Skinny Labs, Inc. d/b/a Spin.

MINUTES

Department of Transportation - Pilot Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve a Pilot Agreement for the temporary permitted use of public right-of-way for the operation of a dockless vehicle program with Social Bicycles, LLC. The period of the agreement is effective upon Board approval through April 30, 2019.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The purpose of the Pilot Project is to allow the City to evaluate the potential benefits to the City and feasibility of deploying Dockless Vehicles in the City for an extended period of time and over a greater geographic range than permitted by this Agreement. The City may enter in similar pilot agreements with other dockless business entities at its sole discretion and Social Bicycles, LLC will take no action to interfere with any other dockless vehicle pilot programs that the City may institute.

The purpose of this Pilot Agreement is to establish rules and requirements for the Project that allows for the operation of a dockless bike share, dockless electric bike share, or dockless scooter share, or combination thereof, in the City. These rules and requirements are meant to ensure that the operation of such a system is consistent with the safety and wellbeing of all users of the public right-of-way, including users of the system in question, bicyclists, pedestrians, motorists, and people accessing or using transit.

MINUTES

Department of Transportation - cont'd

The duration of the Pilot Project will be effective upon approval by the Board will terminate on April 30, 2019. Upon expiration, the Dockless Business will have no legal right to continue to operate in the City of Baltimore unless the City expressly permits the Dockless Business to continue to operate in the City. Upon expiration of its legal right operate in the City of Baltimore, the Dockless Business will have 72 hours to remove all Dockless Vehicles from City right-of-way and to cease operation or be subject to all appropriate legal remedies.

UPON MOTION duly made and seconded, the Board approved the Pilot Agreement for the temporary permitted use of public right-of-way for the operation of a dockless vehicle program with Social Bicycles, LLC.

MINUTES

Department of Transportation - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 23 to A. Morton Thomas and Associates, Inc. Consultant, under Project 1217, On-Call Construction Project Management. The period of the Task Assignment is approximately ten months.

AMOUNT OF MONEY AND SOURCE:

\$134,399.81 - 9962-906072-9562-900020-705032

BACKGROUND/EXPLANATION:

This authorization will provide the Department of Transportation Conduit Division with a Public Works Inspector II for Conduit Capital Maintenance Construction Contracts TR 16019, Conduit Systems Reconstruction at Various Locations Citywide Job Order Contract and the upcoming TR 18014 Conduit Systems Contracts.

MBE/WBE PARTICIPATION:

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

MBE: 27.00%

WBE: 10.00%

The Consultant has achieved 26.00% MBE and 11.00% WBE.

APPROVED BY MWBOO ON 11/20/2018.

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

Department of Transportation - cont'd

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 23 to A. Morton Thomas and Associates, Inc. Consultant, under Project 1217, On-Call Construction Project Management.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Procurement - cont'd

3. WASTE EQUIPMENT SALES

AND SERVICE, LLC	\$2,000,000.00	Renewal
Contract No. B50004299 - O.E.M. Parts and Service for FUSO Mitsubishi Trucks - Department of General Services - Fleet Management - P.O. No. P533956		

On December 9, 2015, the Board approved the initial award in the amount of \$4,000,000.00. The award contained two 1-year renewal options. This first renewal in the amount of \$2,000,000.00 is for the period February 1, 2019 through January 31, 2020, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On September 30, 2015, MWBOO determined that no goals would be set because of no opportunity to segment the contract.

MWBOO GRANTED A WAIVER.

STANLEY CONVERGENT SECURITY SOLUTIONS, INC.	\$ 30,000.00	Ratification and Renewal
Contract No. B50005205 - Remote Elevator Monitoring Services - Department of Communication Services - P.O. No. P541666		

On November 16, 2017, the City Purchasing Agent approved the initial award in the amount of \$19,314.00. On December 21, 2017, the City Purchasing Agent approved an increase in the amount of \$6,660.00. This ratification of the first renewal of this award offering exclusive elevator monitoring services at

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Procurement - cont'd

several City locations is necessary to allow time to advertise a solicitation for the requirement going forward. The period of the ratification is December 1, 2018 through February 27, 2019. The period the renewal is February 28, 2019 through November 30, 2019. 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. Initial award was below the subcontracting threshold.

- | | | |
|---|--------------|-------------|
| 5. INTERNATIONAL BUSINESS | | Renewal and |
| MACHINES CORPORATION | \$ 23,951.08 | Increase |
| <u>Contract No. 08000 - IBM i2 Software and Maintenance Agreement</u> | | |
| - Baltimore Police Department - P.O. P535450 | | |

On April 27, 2016, the Board approved the initial award in the amount of \$86,511.37. The award contained three 1-year renewal options. Two renewals have been approved. This increase and renewal in the amount of \$23,951.08 is necessary to cover the reinstatement fee for the IBM i2 software used to pinpoint malfeasant activity within logs of operational data as well as provide links between individuals, places, and entities for criminal investigations. The vendor is the sole provider of the software, maintenance, and associated network equipment. This increase in the amount of \$23,951.08 will make the award amount \$166,697.10. The period of the renewal is February 27,

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Procurement - cont'd

2019 through February 26, 2020, with one 1-year renewal option remaining. 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 sole source procurement. The proprietary software and support is only available from the vendor and are not available from subcontractors.

- | | | | |
|----|--|---------------------|-----------------|
| 6. | <u>CINTAS CORPORATION</u> | <u>\$155,000.00</u> | <u>Increase</u> |
| | Harford County Public School's Solicitation #12-JLH-011C Facilities Solution - Departments of Public Works, Transportation and General Services - P.O. No. P544781 | | |

On February 28, 2018, the Board approved the initial award in the amount of \$220,000.00. Subsequent actions have been approved. This is a US Communities contract competitively bid as a cooperative contract with Harford County Public Schools as the lead agency for Facilities Solutions, which includes uniform renewal and cleaning services with lockers. On April 1, 2012, Harford County Public Schools approved the award to CINTAS Corporation. This increase in the amount of \$155,000.00 is necessary to provide sufficient funding for the Departments

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Procurement - cont'd

of Public Works, General Services, and Transportation to utilize the contract including adding additional sites. This increase in the amount of \$155,000.00 will make the award amount \$600,000.00. The contract expires on March 31, 2019. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On March 15, 2016, it was determined that no goals would be set because of no opportunity to segment the contract.

- | | | |
|--|--------------|-----------|
| 7. ALTEC INDUSTRIES, INC. | \$200,000.00 | Agreement |
| Contract No. 08000 - O.E.M. Parts and Repair Services for Altec Bucket Trucks - Department of General Services - Fleet Management - Req. No. R802941 | | |

The Board is requested to approve and authorize execution of an Agreement with Altec Industries, Inc. The period of the agreement is March 31, 2019 through April 2022.

The vendor is the sole source provider of OEM replacement parts, service, and annual inspections needed for the City's Bucket trucks. The above amount is the City's estimated requirement.

It is hereby certified that the above procurement is of such a nature that no advantage will result in seeking nor would it be practicable to obtain competitive bids. Therefore, pursuant to Article VI, Section 11(e)(i) of the City Charter, the procurement of the equipment and/or service is recommended.

MINUTES**INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS**

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Procurement - cont'd

MBE/WBE PARTICIPATION:

Not applicable. This meets the requirement for certification as a sole source procurement as these parts and service are only available from the truck manufacturer and are not available from subcontractors.

8. MARYLAND INDUSTRIAL TRUCKS, INC. \$600,000.00 Extension
 Contract No. O.E.M. Parts and Service for Elgin Sweepers and Vactor Sewer Vacuum Trucks - Department of General Services - Fleet Management - P.O. No. P526070

On January 8, 2014, the Board approved the initial award in the amount of \$4,000,000.00. The award contained two renewal options. Both renewal options and an increase have been exercised. An extension is necessary to continue receiving O.E.M. Parts and Service for Elgin Sweepers and Vactor Sewer Vacuum Trucks. This extension will allow time to complete the solicitation process for a new contract. The contract expired on January 31, 2019. The period of the extension is February 1, 2019 through June 30, 2019. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On July 8, 2013, MWBOO determined that no goals would be set because of no opportunity to segment the contract. Diagnostic analysis, industry standard parts required for the repairs, and parts and repairs under warranty are the responsibility of the prime contractor, and must be provided by manufacturer authorized and certified mechanics. Segmentation is not feasible under this 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>
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Bureau of Procurement - cont'd

UPON MOTION duly made and seconded, the Board approved the foregoing Informal Award, and Increases and Extensions to Contracts. The Board further approved and authorized execution of the Agreement with Altec Industries, Inc. (item no. 7).

MINUTES

Mayor's Office of Human Services - Agreements

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

1. **ASSOCIATED CATHOLIC CHARITIES, INC.** **\$ 741,974.00**

Account: 4000-407017-3571-757700-603051

Associated Catholic Charities, Inc. will utilize the funds to provide permanent housing and supportive services to 24 clients as part of their project REACH Combined. The funds will cover case management personnel costs, client housing costs and utility costs. The period of the agreement is January 1, 2019 through December 31, 2019.

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

MWBOO GRANTED A WAIVER.

2. **HEALTHCARE FOR THE HOMELESS, INC.** **\$1,077,890.00**

Account: 4000-407017-3571-757901-603051

Healthcare for the Homeless, Inc. will utilize the funds to provide rental assistance and supportive services to 55 formerly homeless households as part of their permanent supportive housing project. The funds will cover rental assistance, personnel costs, utility payments, and client moving costs. The period of the agreement is October 1, 2018 through September 30, 2019.

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

MWBOO GRANTED A WAIVER.

MINUTES

Mayor's Office of Human Services - cont'd

3. **FAMILY AND CHILDREN'S SERVICES (FCS)** **\$ 38,719.76**

Account: 4000-490819-3571-763201-603051

The Family and Children's Services Housing Opportunities for Persons With Aids (HOPWA) Short-Term Rent, Mortgage and Utility program will bring stability into the lives of individuals, and 60 families (affecting approximately 105 individuals). During the grant period the FCS will assist approximately 105 individuals who are struggling to maintain housing, preparing for employment through education and job training, and addressing medical and emotional issues related to HIV infection. The period of the agreement is July 1, 2018 through June 30, 2019.

4. **MARIAN HOUSE, INC.** **\$ 54,310.50**

Account: 4000-407017-3571-758300-603051

Marian House, Inc. will utilize the funds to provide rental assistance to four low-income, formerly homeless households as part of their permanent supportive housing program. Clients served in this program are families with a parent in recovery from substance abuse. The period of the agreement is December 1, 2018 through November 30, 2019.

MWBOO GRANTED A WAIVER.

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

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTES

Mayor's Office of Human Services - cont'd

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

MINUTES

Mayor's Office of Human Services (MOHS) - Three-Month Advance of Funding

The Board is requested to approve a three-month advance of funding for the following Sub-Recipients of the U.S. Department of Housing and Urban Development (HUD) Continuum of Care (CoC) grant programs.

The recent United States Government shutdown caused a delay in the Notice of Funding Availability (NOFA) for the CoC grants awarded by HUD. As a result of the shutdown, the MOHS will experience a three-month minimum delay in the development of agreements awarding CoC funding to nonprofits that provide homeless supportive services and rental assistance.

The advanced amounts total \$2,455,052.25 and are based on current Fiscal Year 2018 awards announced on January 26, 2019 with start dates between February 1, 2019 through May 1, 2019.

The three-month advance of funding ensures that supported citizens are not evicted from their housing and receive critical services pending the official agreement with HUD. Upon issuance of the agreement, the MOHS will enter into contracts with the providers for the remainder of the award and will take into account the funds advanced to calculate the total award.

- | | | |
|----|--|----------------------|
| 1. | AIRS SHELTER PLUS PROGRAM | \$ 388,621.50 |
| | Account: 4000-407018-3571-757001-603051 | |
| 2. | DAYSPRING PROGRAMS TENANT-BASED S+C | \$ 111,617.00 |
| | Account: 4000-407018-3571-757604-603051 | |
| 3. | ST. AMBROSE HOUSING AID CENTER PHP | \$ 112,590.25 |
| | Account: 4000-407018-3571-759101-603051 | |

MINUTES

MOHS - cont'd

4.	MARIAN HOUSE - TAMAR 2 PHP	\$	23,630.00
	Account: 4000-407018-3571-758341-603051		
5.	PROJECT BELIEVE - PHP	\$	29,386.50
	Account: 4000-407018-3571-757301-603051		
6.	PROJECT PLASE - RENTAL ASSISTANCE	\$	441,374.00
	Account: 4000-407018-3571-756801-603051		
7.	WOMEN'S HOUSING & COALITION - SCATTERED SITE HOUSING	\$	235,232.75
	Account: 4000-407018-3571-759011-603051		
8.	ST. VINCENT De PAUL	\$	292,378.78
	Account: 4000-407018-3571-757701-603051		
9.	BEHAVIORAL HEALTH SYSTEM BALTIMORE, THROUGH (CHA)	\$	405,046.70
	Account: 4000-407018-3571-757510-603051		
10.	AT JACOBS WELL	\$	62,575.73
	Account: 4000-407018-3571-757401-603051		
11.	DAYSPRING	\$	192,917.29
	Account: 4000-407018-3571-757603-603051		

MINUTES

MOHS - cont'd

12. **MARIAN HOUSE** \$ 74,313.51

Account: 4000-407018-3571-758351-603051

13. **MERCY MEDICAL CENTER (COORDINATED
ACCESS SSO)** \$ 85,367.50

Account: 4000-407018-3571-758601-603051

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved the three-month advance of funding for the following Sub-Recipients of the U.S. Department of Housing and Urban Development Continuum of Care grant programs.

MINUTESMayor's Office Human Services - Continuum of Care Grant Awards**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize acceptance of the Continuum of Care Grant Awards from the United State Department of Housing and Urban Development.

AMOUNT OF MONEY AND SOURCE:

Grant Program	Renewal Grant #	Start	End	Amount
AIRS Shelter Plus Care Program	MD0016L3B011811	4/1/2019	3/31/2020	\$ 1,554,486.00
Associated Catholic Charities - Project BELIEVE - PHP	MD0061L3B011811	2/1/2019	1/31/2020	117,546.00
Associated Catholic Charities - Project FRESH Start	MD0030L3B011811	12/1/2019	11/30/2020	107,404.00
Associated Catholic Charities - REACH Combined	MD0027L3B011811	1/1/2020	12/31/2020	777,032.00
At Jacob's Well PHP	MD0018L3B011811	9/1/2019	8/31/2020	23,968.00
BMHS SRA Multi-Grant S+C	MD0024L3B011811	4/1/2019	3/31/2020	4,108,928.00
Dayspring Programs PHP	MD0034L3B011811	1/1/2020	12/31/2020	296,792.00
Dayspring Programs Tenant Based S+C	MD0033L3B011811	4/1/2019	3/31/2020	446,468.00
GEDCO - Supportive Housing Harford House and Micah House	MD0038L3B011811	6/1/2019	5/31/2020	104,006.00
Healthcare Access Maryland Rapid Re-Housing	MD0358L3B011802	6/1/2019	5/31/2020	644,000.00
Healthcare for the Homeless - Homeward Bound Bonus	MD0330L3B011803	10/1/2019	9/30/2020	1,147,025.00
Marian House - Serenity Place PHP	MD0052L3B011811	12/1/2019	11/30/2020	31,730.00
Marian House - TAMAR 2 PHP	MD0060L3B011811	3/1/2019	2/28/2020	94,523.00
Marian House PH	MD0051L3B011811	9/1/2019	8/31/2020	70,577.00
Marian House S+C Expansion	MD0057L3B011811	12/1/2019	11/30/2020	57,309.00
Marian House TAMAR S+C	MD0064L3B011811	8/1/2019	7/31/2020	664,959.00
Mercy Medical Center - Coordinated Access SSO	MD0329L3B011803	2/1/2019	1/31/2020	341,470.00
MOHS - HMIS Project FY2018	MD0021L3B011811	5/1/2019	4/30/2020	493,012.00
MOHS Homeward Bound PHP	MD0022L3B011811	10/1/2019	9/30/2020	865,160.00
PEP Samaritan Project	MD0011L3B011809	10/1/2019	9/30/2020	608,772.00

MINUTES

Mayor's Office Human Services - cont'd

Project PLASE - Medically Fragile SRO	MD0069L3B011811	10/1/2019	9/30/2020	70,478.00
Project PLASE - Rental Assistance Program	MD0065L3B011811	4/1/2019	3/31/2020	1,765,496.00
Project PLASE - Scattered Site PHP	MD0068L3B011811	7/1/2019	6/30/2020	241,285.00
Project PLASE - Veteran PSH Project	MD0331L3B011803	10/1/2019	9/30/2020	1,288,614.00
St. Ambrose Housing Aid Center PHP	MD0058L3B011811	2/1/2019	1/31/2020	450,361.00
SVdP Home Connections II - Samaritan Project	MD0249L3B011809	10/1/2019	9/30/2020	536,314.00
SVdP Home Connections III	MD0039L3B011811	8/1/2019	7/31/2020	125,436.00
SVdP Home Connections PHP	MD0077L3B011811	1/1/2020	12/31/2020	494,746.00
SVdP Front Door Rapid Re-Housing	MD0356L3B011802	7/1/2019	6/30/2020	1,098,564.00
WHC - Scattered Site Housing S+C	MD0085L3B011811	5/1/2019	4/30/2020	940,931.00
Youth Empowered Society Rapid Re-Housing	MD0357L3B011802	9/1/2019	8/31/2020	318,246.00
Total				\$19,885,638.00

Account: 4000-407018-3571-760000-404001

BACKGROUND/EXPLANATION:

The Mayor's Office of Human Services on behalf of the City, submitted renewal applications for existing Continuum of Care grants. On January 27, 2019, the United State Department of Housing and Urban Development renewed the applications for the programs listed above.

Under the terms of the grant renewals the sub-contracts will be renewed with various organizations throughout the City that carryout homeless services. These activities include rental assistance and supportive services for the homeless population in the City.

The Continuum of Care Grant Awards are late because of the delayed notification of award from the United States Department of Housing and Urban Development.

MINUTES

Mayor's Office Human Services - cont'd

MBE/WBE PARTICIPATION:

The requirements will be included in the agreements with the City and respective services providers.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the Continuum of Care Grant Awards from the United State Department of Housing and Urban Development.

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 1569 Richland Street, Block 3403, Lot 069, by gift from Mr. Harvey Dobbins Jr., and Ms. Eileen Reeder, Owners, SUBJECT to municipal liens, interest, and penalties, other than water bills.

AMOUNT OF MONEY AND SOURCE:

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

BACKGROUND/EXPLANATION:

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

The Owners have offered to donate to the City, title to the property located at 1569 Richland Street. With the Board's approval, the City will receive clear and marketable title to the property, 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 Owners will pay all current water bills up through the date of settlement. The DHCD will acquire the property 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 December 10, 2018, other than water bills, is as follows:

MINUTES

DHCD - cont'd1569 Richland Street

Real Property Taxes	2018-2019	\$664.52
Registration	812838	<u>130.00</u>
Total Municipal Liens:		\$794.52

UPON MOTION duly made and seconded, the Board approved the acquisition of the fee simple interest in the property located at 1569 Richland Street, Block 3403, Lot 069, by gift from Mr. Harvey Dobbins Jr., and Ms. Eileen Reeder, Owners, 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 3607 Roberts Place, Block 6269A, Lot 024, by gift from Mr. Dennis Knight and Ms. Lisa Knight, Owners, SUBJECT to municipal liens, interest, and penalties, other than water bills.

AMOUNT OF MONEY AND SOURCE:

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

BACKGROUND/EXPLANATION:

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

The Owners have offered to donate to the City, title to the property located at 3607 Roberts Place. With the Board's approval, the City will receive clear and marketable title to the property, 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 Owners will pay all current water bills up through the date of settlement. The DHCD will acquire the property 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 December 10, 2018, other than water bills, is as follows:

MINUTES

DHCD - cont'd3607 Roberts Place

Advanced Demo	26-190-6269A-024	\$32,572.29
Real Property Tax	2018-2019	490.42
Registration	820780	<u>196.40</u>
Total Municipal Liens:		\$33,259.11

UPON MOTION duly made and seconded, the Board approved the acquisition of the leasehold interest in the property located at 3607 Roberts Place, Block 6269A, Lot 024, by gift from Mr. Dennis Knight and Ms. Lisa Knight, Owners, 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 Block 2358, Lot 054A, by gift from Mr. Willard Bulger, Owner, SUBJECT to municipal liens, interest, and penalties, other than water bills.

AMOUNT OF MONEY AND SOURCE:

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

BACKGROUND/EXPLANATION:

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

The Owner has offered to donate to the City, title to the property located at Block 2358, Lot 054A. With the Board's approval, the City will receive clear and marketable title to the property, 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 property 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 December 13, 2018, other than water bills, is as follows:

MINUTES

DHCD - cont'dBlock 2358, Lot 054A

Tax Sale	326612	\$1,056.90
Real Property Tax	2018-2019	68.66
Real Property Tax	2017-2018	Included in Tax Sale
Real Property Tax	2016-2017	Included in Tax Sale
Real Property Tax	2015-2016	Included in Tax Sale
Real Property Tax	2014-2015	Included in Tax Sale
Miscellaneous	8063687	230.26
Miscellaneous	8304511	184.00
Miscellaneous	8486870	167.20
Miscellaneous	8579336	<u>216.15</u>
Total Municipal Liens:		\$1,922.97

UPON MOTION duly made and seconded, the Board approved the acquisition of the fee simple interest in the property located at Block 2358, Lot 054A, by gift from Mr. Willard Bulger, 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 Block 2177, Lot 076, by gift from Mason Memorial Church of God in Christ, Owner, SUBJECT to municipal liens, interest, and penalties, other than water bills.

AMOUNT OF MONEY AND SOURCE:

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

BACKGROUND/EXPLANATION:

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

The Owner has offered to donate to the City, title to the property located at Block 2177, Lot 076. With the Board's approval, the City will receive clear and marketable title to the property, 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 property 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 December 10, 2018, other than water bills, is as follows:

MINUTES

DHCD - cont'dBlock 2177, Lot 076

Real Property Taxes	2018-2019	\$ 24.52
Registration	206388	<u>25.00</u>
Total Municipal Liens:		\$ 49.52

UPON MOTION duly made and seconded, the Board approved the acquisition of the fee simple interest in the property located at Block 2177, Lot 076, by gift from Mason Memorial Church of God in Christ, 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 Block 2177, Lot 078, by gift from Mason Memorial Church of God in Christ, Owner, SUBJECT to municipal liens, interest, and penalties, other than water bills.

AMOUNT OF MONEY AND SOURCE:

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

BACKGROUND/EXPLANATION:

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

The Owner has offered to donate to the City, title to the property located at Block 2177, Lot 078. With the Board's approval, the City will receive clear and marketable title to the property, 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 property 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 December 10, 2018, other than water bills, is as follows:

MINUTES

DHCD - cont'dBlock 2177, Lot 078

Real Property Taxes	2018-2019	\$ 24.52
Registration	206388	<u>25.00</u>
Total Municipal Liens:		\$ 49.52

UPON MOTION duly made and seconded, the Board approved the acquisition of the fee simple interest in the property located at Block 2177, Lot 078, by gift from Mason Memorial Church of God in Christ, 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 805 N. Brice Street, Block 0082, Lot 058, by gift from Mr. Marlon Burch, Owner, SUBJECT to municipal liens, interest, and penalties, other than water bills.

AMOUNT OF MONEY AND SOURCE:

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

BACKGROUND/EXPLANATION:

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

The Owner has offered to donate to the City, title to the property located at 805 N. Brice Street. With the Board's approval, the City will receive clear and marketable title to the property, 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 Owners will pay all current water bills up through the date of settlement. The DHCD will acquire the property 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 December 10, 2018, other than water bills, is as follows:

MINUTES

DHCD - cont'd805 N. Brice Street

Tax Sale	306606	\$1,677.93
Real Property Tax	2018-2019	89.92
Real Property Tax	2017-2018	Included in Tax Sale
Miscellaneous	7970551	Included in Tax Sale
Miscellaneous	8278236	182.11
Miscellaneous	8639759	<u>126.22</u>
Total Municipal Liens:		\$2,076.18

UPON MOTION duly made and seconded, the Board approved the acquisition of the fee simple interest in the property located at 805 N. Brice Street, Block 0082, Lot 058, by gift from Mr. Marlon Burch, 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 220 S. Bruce Street, Block 0261, Lot 052, by gift from Mr. William Cromer and Ms. Carmen Buscemi, Owners, SUBJECT to municipal liens, interest, and penalties, other than water bills.

AMOUNT OF MONEY AND SOURCE:

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

BACKGROUND/EXPLANATION:

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

The Owners have offered to donate to the City, title to the property located at 220 S. Bruce Street. With the Board's approval, the City will receive clear and marketable title to the property, 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 Owners will pay all current water bills up through the date of settlement. The DHCD will acquire the property 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 December 13, 2018, other than water bills, is as follows:

MINUTES

DHCD - cont'd220 S. Bruce Street

Tax Sale	316865	\$12,356.36
Real Property Tax	2018-2019	138.96
Real Property Tax	2017-2018	Included in Tax Sale
Real Property Tax	2016-2017	Included in Tax Sale
Real Property Tax	2015-2016	Included in Tax Sale
Real Property Tax	2014-2015	Included in Tax Sale
Real Property Tax	2013-2014	Included in Tax Sale
Miscellaneous	6056493	88.93
Miscellaneous	7092091	410.88
Miscellaneous	7097363	327.80
Miscellaneous	7150758	404.44
Miscellaneous	7316813	Included in Tax Sale
Miscellaneous	7437551	Included in Tax Sale
Miscellaneous	7604986	Included in Tax Sale
Miscellaneous	7713571	Included in Tax Sale
Miscellaneous	7956345	Included in Tax Sale
Miscellaneous	8114951	Included in Tax Sale
Miscellaneous	8137689	Included in Tax Sale
Miscellaneous	8233272	Included in Tax Sale
Miscellaneous	8378176	Included in Tax Sale
Miscellaneous	8475196	Included in Tax Sale
Miscellaneous	8494858	246.71
Miscellaneous	8503039	138.29
Miscellaneous	8528556	104.96
Environmental	52628203	Included in Tax Sale
Environmental	52795770	Included in Tax Sale
Registration	313687	<u>1,297.00</u>
Total Municipal Liens:		\$15,559.33

MINUTES

DHCD - cont'd

UPON MOTION duly made and seconded, the Board approved the acquisition of the leasehold interest in the property located at 220 S. Bruce Street, Block 0261, Lot 052, by gift from Mr. William Cromer and Ms. Carmen Buscemi, Owners, 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 1707 Woodyear Place, Block 0293, Lot 087, by gift from Ms. Geraldine Murray and Ms. Debra Sisco-Watts, Owners, SUBJECT to municipal liens, interest, and penalties, other than water bills.

AMOUNT OF MONEY AND SOURCE:

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

BACKGROUND/EXPLANATION:

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

The Owners have offered to donate to the City, title to the property located at 1707 Woodyear Place. With the Board's approval, the City will receive clear and marketable title to the property, 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 Owners will pay all current water bills up through the date of settlement. The DHCD will acquire the property 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 December 14, 2018, other than water bills, is as follows:

MINUTES

DHCD - cont'd1707 Woodyear Place

Tax Sale	337650	\$83,805.61
Real Property Tax	2018-2019	24.52
Real Property Tax	2017-2018	Included in Tax Sale
Real Property Tax	2016-2017	Included in Tax Sale
Real Property Tax	2015-2016	Included in Tax Sale
Real Property Tax	2014-2015	Included in Tax Sale
Real Property Tax	2011-2012	Included in Tax Sale
Miscellaneous	7288046	Included in Tax Sale
Miscellaneous	7675630	244.00
Miscellaneous	7709256	298.09
Miscellaneous	7904170	311.87
Miscellaneous	8095291	256.84
Miscellaneous	8285660	232.28
Miscellaneous	8381931	245.04
Registration	206738	121.00
Total Municipal Liens:		<u>\$85,539.25</u>

UPON MOTION duly made and seconded, the Board approved the acquisition of the leasehold interest in the property located at 1707 Woodyear Place, Block 0293, Lot 087, by gift from Ms. Geraldine Murray and Ms. Debra Sisco-Watts, Owners, 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 1709 Woodyear Place, Block 0293, Lot 088, by gift from Ms. Geraldine Murray and Ms. Debra Sisco-Watts, Owners, SUBJECT to municipal liens, interest, and penalties, other than water bills.

AMOUNT OF MONEY AND SOURCE:

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

BACKGROUND/EXPLANATION:

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

The Owners have offered to donate to the City, title to the property located at 1709 Woodyear Place. With the Board's approval, the City will receive clear and marketable title to the property, 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 Owners will pay all current water bills up through the date of settlement. The DHCD will acquire the property 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 December 14, 2018, other than water bills, is as follows:

MINUTES

DHCD - cont'd

1709 Woodyear Place

Tax Sale	314735	\$51,017.77
Real Property Tax	2018-2019	24.52
Real Property Tax	2017-2018	Included in Tax Sale
Real Property Tax	2016-2017	Included in Tax Sale
Miscellaneous	6745939	Included in Tax Sale
Miscellaneous	6908305	Included in Tax Sale
Miscellaneous	6959480	Included in Tax Sale
Miscellaneous	6988992	Included in Tax Sale
Miscellaneous	7052541	Included in Tax Sale
Miscellaneous	7075799	Included in Tax Sale
Miscellaneous	7113426	Included in Tax Sale
Miscellaneous	7123433	Included in Tax Sale
Miscellaneous	7288392	Included in Tax Sale
Miscellaneous	7390693	Included in Tax Sale
Miscellaneous	7455884	Included in Tax Sale
Miscellaneous	8285678	247.23
Miscellaneous	8381949	261.69
Registration	206738	295.00
Total Municipal Liens:		<u>\$51,846.21</u>

UPON MOTION duly made and seconded, the Board approved the acquisition of the leasehold interest in the property located at 1709 Woodyear Place, Block 0293, Lot 088, by gift from Ms. Geraldine Murray and Ms. Debra Sisco-Watts, Owners, 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 interests in the property located at 1507 N. Carey Street by gift from Vaughn Parker and Tracey Parker, Owners, SUBJECT to municipal liens, interest, and penalties, other than water bills.

AMOUNT OF MONEY AND SOURCE:

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

BACKGROUND/EXPLANATION:

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

Pursuant to the provisions of Article 13, §2-7 of the Baltimore City code (2000 Edition) and subject to the prior approval of the Board, the Department may acquire, for and on behalf of the City, by gift any single-family or multiple-family dwelling unit or other structure or lot within the City, for development and redevelopment. The Commissioner of the Department has made the required determination with regard to this property. This property will be redeveloped.

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 from July 1, 2018 through February 11, 2019, other than water bills, is as follows:

MINUTESDHCD - cont'd1507 N. Carey Street

Real Property Taxes	2018/2019	\$ 524.64
Real Property Taxes	2017/2018	652.14
Real Property Taxes	2016/2017	<u>1,633.08</u>
Total Real Property Taxes:		\$2,809.86

2013 Tax Sale Amount: **\$6,545.88**

Miscellaneous	7455918 W U19427	\$ 249.49
Miscellaneous	7578263 W U19916	391.06
Miscellaneous	7680143 W U20927	260.80
Miscellaneous	7898372 W U22436	327.63
Miscellaneous	8038633 W U23891	229.60
Miscellaneous	8430597 W U27326	148.92
Miscellaneous	8495814 W U27948	135.28
Miscellaneous	8534117 W U28326	<u>304.02</u>
Total Miscellaneous Bills:		\$2,046.80

Environmental	51416279	
Environmental	51975019	
Environmental	52805686	
Environmental	52813276	
Environmental	52842390	
Total Environmental Citation:		\$4,625.00
Alley Footway	06032-001218	129.60
Property Registration		<u>764.80</u>
Total Municipal Liens:		\$16,921.94

MINUTES

DHCD - cont'd

UPON MOTION duly made and seconded, the Board approved the acquisition of the leasehold interests in the property located at 1507 N. Carey Street by gift from Vaughn Parker and Tracey Parker, Owners, SUBJECT to municipal liens, interest, and penalties, other than water bills. The Comptroller **ABSTAINED**.

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 interests in the property located at 914 E. North Avenue by gift from Umbrella Partners, LLC, Owner, SUBJECT to municipal liens, pending demolition charges, interest, and penalties, other than water bills, that may accrue through January 27, 2019.

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:

Because the business entity is forfeited and not in good standing the title company will insure conveyance of the property from the former managing member of the LLC.

The Owner's plan is to donate the vacant dwelling for the construction of the Roberta's House, Inc. a Family Grief Support Center which will provide grief and healing support to individuals in Baltimore who are mourning the loss of love ones.

Pursuant to the provisions of Article 13, §2-7 of the Baltimore City code (2000 Edition) and subject to the prior approval of the Board, the Department may acquire, for and on behalf of the City, by gift any single-family or multiple-family dwelling unit or other structure or lot within the City, for development and redevelopment. The Commissioner of the Department has made the required determination with regard to this property. This property will be redeveloped.

The Owner will pay all current water bills up through the date of settlement. The DHCD will acquire the property 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 January 27, 2019, other than water bills, is as follows:

MINUTES

DHCD - cont'd914 E. North Avenue

Real Property Taxes	Tax Year 2018/2019	\$ 124.93
Real Property Taxes	Tax Year 2017/2018	152.65
Real Property Taxes	Tax Year 2016/2017	180.37
Real Property Taxes	Tax Year 2015/2016	219.46
Total Real Property Taxes:		<u>\$ 677.41</u>

Tax Sale Lien	Tax Sale Date	
	2016/17 2015/16	\$1,299.68

Miscellaneous	#7103724 W U16979	\$ 179.20
Miscellaneous	#7485055 W U19639	277.60
Miscellaneous	#7937451 W U22832	289.07
Miscellaneous	#8140139 W U24915	262.97
Miscellaneous	#8306821 W U26319	266.73
Miscellaneous	#8352106 W U26760	241.81
Miscellaneous	#8471807 W U27712	222.37
Total Miscellaneous Bills:		<u>\$1,739.75</u>

Environmental	54608088	\$1,500.00
Property Registration		499.20
		<u>\$1,999.20</u>

Total Municipal Liens:		\$5,716.04
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MINUTES

DHCD - cont'd

UPON MOTION duly made and seconded, the Board approved the acquisition of the leasehold interests in the property located at 914 E. North Avenue by gift from Umbrella Partners, LLC, Owner, SUBJECT to municipal liens, pending demolition charges, interest, and penalties, other than water bills, that may accrue through January 27, 2019. The Comptroller **ABSTAINED**.

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 916 E. North Avenue by gift from Umbrella partners, LLC, Owner, SUBJECT to municipal liens, pending demolition charges interest and penalties, other than water bills, that may accrue through January 27, 2019.

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:

Because the business entity is forfeited and not in good standing, the title company will insure conveyance of the property from the former managing member of the LLC.

The Owner's plan is to donate the vacant dwelling for the construction of Roberta's House, Inc., a Family Grief Support Center, which will provide grief and healing support to individuals in Baltimore who are mourning the loss of love ones.

Pursuant to the provisions of Article 13, §2-7 of the Baltimore City Code and subject to the prior approval of the Board of Estimates, the Department of Housing and Community Development may acquire, for and on behalf of the Mayor and City Council of Baltimore, any single-family or multiple-family dwelling unit or other structure or lot within the City, for development and redevelopment. The Commissioner of Housing has made the required determination with regard to this property. This property will be redeveloped.

The Owner will pay all current water bills through the date settlement.

MINUTES

DHCD - cont'd

Also requested is approval to acquire the property SUBJECT to all open municipal liens, and interests and penalties that may accrue through January 27, 2019, prior to recording the deed, with the exception of water bills.

A list of open municipal liens accrued through January 27, 2019 is as follows:

	<u>916 E. North Avenue</u>	
Real Property Taxes	2018/2019	\$ 124.93
Real Property Taxes	2017/2018	152.65
Real Property Taxes	2016/2017	180.37
Real Property Taxes	2015/2016	<u>219.46</u>
Total Real Property Taxes		\$ 677.41
Tax Sale Lien	2016/2017 & 2015/2016	\$2,947.62
Tax Sale Lien	5/2013	\$ 738.78

MINUTES

DHCD - cont'd

Miscellaneous Bill	#7107469 W U17017	\$ 306.40
Miscellaneous Bill	#7181548 W MP	352.26
Miscellaneous Bill	#7437775 W U19240	200.04
Miscellaneous Bill	#7460645 W U19473	349.03
Miscellaneous Bill	#7502966 W U19820	275.20
Miscellaneous Bill	#7532062 W MP	326.94
Miscellaneous Bill	#7595770 W U20093	194.44
Miscellaneous Bill	#7848773 W MP	301.62
Miscellaneous Bill	#7927478 W U22738	291.97
Miscellaneous Bill	#7937469 W U22832	289.07
Miscellaneous Bill	#8140402 U24918	262.97
Miscellaneous Bill	#8148983	276.30
Miscellaneous Bill	#8231920 U25613	202.81
Miscellaneous Bill	#8296584 U26224	238.45
Miscellaneous Bill	#8352502 U26764	233.97
Miscellaneous Bill	#8412074	250.98
Miscellaneous Bill	#8472177 U27715	222.37
Miscellaneous Bill	#8577447 U29001	216.50
Miscellaneous Bill	#8683476	<u>210.90</u>
Total Miscellaneous Bills		\$5,002.22
Property Registration		\$ 222.44
Total Municipal Liens		\$9,588.47

UPON MOTION duly made and seconded, the Board approved the acquisition of the leasehold interest in the property located at 916 E. North Avenue by gift from Umbrella partners, LLC, Owner, SUBJECT to municipal liens, pending demolition charges interest and penalties, other than water bills, that may accrue through January 27, 2019.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Land Disposition and Acquisition Agreement, which outlines the exchange of the property, located at 2011 Greenmount Avenue (Block 4018, Lot 041), owned by Kongpan Chen, Developer, for a comparable property, located at 2801 Orleans Street (Block 1694, Lot 019), owned by the Mayor and City Council.

AMOUNT OF MONEY AND SOURCE:

The City agrees to pay for all settlement costs associated with the property acquired by the City, not to exceed \$600.00 total.

Account: 9910-904177-9588-900000-704044

BACKGROUND/EXPLANATION:

The DHCD Land Resources Division, on behalf of the Mayor and City Council, strategically acquires and manages vacant or abandoned properties, ultimately enabling these properties to be returned to productive use and improving Baltimore's neighborhoods.

Kongpan Chen received notice of the City's intent to demolish the property located at 2011 Greenmount Avenue. Because the Developer intended to rehabilitate the property, a property exchange was proposed for a comparable Mayor and City Council-owned property in an area better suited for redevelopment. The Developer will deliver good and marketable title and as a condition of the exchange, has agreed to rehabilitate the property within 12 months from the date of settlement.

The City will receive clear and marketable title to 2011 Greenmount Avenue, subject to any municipal liens, in exchange for a comparable Mayor and City Council property.

MINUTES

DHCD - cont'd

The determination of comparability is based on a valuation for both 2011 Greenmount Avenue and 2801 Orleans Street, which determined that the property located at 2011 Greenmount Avenue is valued at \$5,000.00, while the property at 2801 Orleans Street is valued at \$7,000.00.

The liens at 2011 Greenmount Avenue total approximately \$455.44 and are itemized as follows:

Real Estate taxes	\$118.00
Miscellaneous Bills	207.44
Property Registration	<u>130.00</u>
Total Municipal Liens:	\$455.44

This exchange will allow the City to more expeditiously demolish the hazardous structure and take title to the property for a redevelopment project. The property exchange is less costly than acquiring the property through tax sale foreclosure or eminent domain. This action will further the City's effort to eliminate blight and protect the health and safety of its citizens. As such, the City has agreed to pay for all title work and associated settlement costs, on the properties the City is receiving, not to exceed \$600.00.

STATEMENT OF PURPOSE AND RATIONALE FOR TRANSFER OF PROPERTY BY MEANS OF COMPARABLE EXCHANGE:

The rationale for the exchange of properties was to ensure that the severity of blight at 2011 Greenmount Avenue would be successfully eliminated, while simultaneously ensuring that a willing and able Developer could contribute to the revitalization of Baltimore City in an area better suited and poised for rehabilitation.

MINUTES

DHCD - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Land Disposition and Acquisition Agreement, which outlines the exchange of the property, located at 2011 Greenmount Avenue (Block 4018, Lot 041), owned by Kongpan Chen, Developer, for a comparable property, located at 2801 Orleans Street (Block 1694, Lot 019), owned by the Mayor and City Council.

MINUTES

Department of Housing and - Community Development Block
Community Development Grant (CDBG) Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a CDBG Agreement with Maryland New Directions, Inc. The period of the CDBG Agreement is July 1, 2018 through June 30, 2019.

AMOUNT OF MONEY AND SOURCE:

\$120,000.00 - 2089-208919-5930-429934-603051

BACKGROUND/EXPLANATION:

Maryland New Directions, Inc. will provide career counseling, job training, and placement and outreach services to low- and moderate-income persons, aged 21 and over who are under employed or unemployed. Maryland New Directions, Inc. will prepare clients for employment and assist in job training and placement in jobs that provide a living wage and future promotion opportunity. The funds will be utilized to subsidize the operating costs.

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)

MINUTES

DHCD - cont'd

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.

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 CDBG Agreement with Maryland New Directions, Inc.

MINUTES

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Land Disposition Agreement to sell 3427 Hickory Avenue, in the Hampden Neighborhood to AMK Holdings, LLC, Developer.

AMOUNT OF MONEY AND SOURCE:

\$35,000.00 Private funds

BACKGROUND/EXPLANATION:

The lots were previously located at 3427 and 3429 Hickory Avenue, but are now consolidated and known as 3427 Hickory Avenue. The Developer wants to purchase 3427 Hickory Avenue. The Developer intends to construct one house with a two car garage on the lot, after which he will sell it to a homeowner.

The City may dispose of the properties/lots by virtue of Article II, Section 15 of the Baltimore City Charter and Article 28, Subtitle 8 of the Baltimore City Code.

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

The Property was appraised for \$45,800.00, but will be sold to AMK Holding, LLC, for \$35,000.00, which is below the appraised value, because of the following reasons:

- the sale and rehabilitation will promote a specific benefit to the immediate community,
- the sale and rehabilitation will help to eliminate blight from the neighborhood, and

MINUTES

DHCD - cont'd

MBE/WBE PARTICIPATION:

- the sale and rehabilitation will promote economic development through the placement of the subject property on the City's tax rolls.

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Land Disposition Agreement to sell 3427 Hickory Avenue, in the Hampden Neighborhood to AMK Holdings, LLC, Developer.

MINUTES

Department of Housing and - Contract of Sale
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Contract of Sale with the Housing Authority of Baltimore City (HABC) to purchase 1603 Mosher Street.

The Board is also requested to approve the acquisition of this property SUBJECT to municipal liens in the amount of \$0.00 and all other municipal liens, interest and penalties, other than water bills, that may accrue.

AMOUNT OF MONEY AND SOURCE:

\$1,600.00 - 9910-904177-9588-900000-704040 (HABC Transfers)

BACKGROUND/EXPLANATION:

This Contract of Sale enables the City of Baltimore to acquire the interests in 1603 Mosher Street for resale through the planning and development efforts of the Department of Housing and Community Development.

Pursuant to the provisions of Article 13, §2-7 of the Baltimore City Code and subject to the prior approval of the Board of Estimates, the Department of Housing and Community Development may acquire, for and on behalf of the Mayor and City Council of Baltimore, any single-family or multiple-family dwelling unit or other structure or lot within the City, for development and redevelopment. The Commissioner of Housing has made the required determination with regard to these properties. And these properties will be redeveloped.

The Board of Commissioners of the HABC and the U.S. Department of Housing and Urban Development have approved the disposition in accordance with 24 CFR, Part 970.

MINUTES

DHCD - cont'd

Also requested is approval to acquire this 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 other than water bills, accrued through November 29, 2018, follows. The HABC is exempt from Real Estate Taxes; therefore no taxes are included in these figures. Water bills will be paid and are not listed.

<u>Property</u>	<u>Bill No.</u>	<u>Bill Date</u>	<u>Balance</u>
1603 Mosher Street			\$0.00
		Total	\$0.00

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Contract of Sale with the Housing Authority of Baltimore City to purchase 1603 Mosher Street. The Board further approved the acquisition of this property SUBJECT to municipal liens in the amount of \$0.00 and all other municipal liens, interest and penalties, other than water bills, that may accrue.

MINUTES

Baltimore City Office of - First Amendment to Agreement
Information Technology

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the First Amendment between the Mayor and City Council of Baltimore and Code in the Schools Inc.

AMOUNT OF MONEY AND SOURCE:

\$ 9,200.00	-	1001-000000-1981-194700-603026
90,800.00	-	1001-000000-1472-777900-603026
<u>\$100,000.00</u>		

BACKGROUND/EXPLANATION:

On January 17, 2018, the Board approved an agreement for all City agencies to establish a Youth Pipeline Partnership for coding jobs in local government. The initial agreement was for DGS Python Project in the amount of \$30,000.00. The City is now looking to (1) extend the term until December 31, 2020, (2) increase the amount of funding to \$100,000.00 per the Amendment to terms and the Scope of Work the updated Exhibit B.

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 Amendment between the Mayor and City Council of Baltimore and Code in the Schools Inc.

MINUTES

Police Department - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve an expenditure of funds to pay The LEADERShip for tuition for Mr. Kevin Jones.

ACTION REQUESTED OF B/E:

\$5,800.00 - 6000-611219-2013-197500-603020

BACKGROUND/EXPLANATION:

The tuition payment is for training that is used to enhance the leadership and competency of members in upper level supervisory roles within the Department. This training provides a focus on accountability and responsibility within the ethical scope of the leading of other members of the Department. Focus is given to community service and improving the relationships with community through service.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to pay The LEADERShip for tuition for Mr. Kevin Jones.

MINUTES

Police Department - No-Cost Time Extension

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the No-Cost Time Extension from the Abell Foundation. The No-Cost Time Extension will extend the period of the grant through December 31, 2019.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On November 22, 2017, the Board approved a grant from the Abell Foundation for \$39,658.00 for the period of November 1, 2017 through December 31, 2018.

This extension will support the Department in purchasing equipment to enhance investigations and training for detectives.

The No-Cost Time Extension is late because of late receipt of the extension approval letter and the administrative process.

APPROVED FOR FUNDS BY FINANCE**AUDITS NOTED THE NO-COST TIME EXTENSION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the No-Cost Time Extension from the Abell Foundation.

MINUTES

Police Department - Grant Awards

The Board is requested to approve and authorize acceptance of the Grant Awards from the Maryland Emergency Management Agency. The period of the Grant Award September 1, 2018 through August 31, 2020, unless otherwise indicated.

1. **FISCAL YEAR 2018 URBAN AREA SECURITY INITIATIVE GRANT** **\$663,081.98**

Account: 4000-482119-2023-212600-600000

This grant will facilitate and strengthen the nation and Maryland against risks associated with potential terrorist attacks while concentrating on developing integrated systems for prevention, protection, response, and recovery.

2. **FISCAL YEAR 2018 STATE HOMELAND SECURITY GRANT** **\$534,815.98**

Account: 4000-482019-2023-212600-600000

This grant will provide support to the development and sustainment of core capabilities to fulfill the goal of National Preparedness. Funding is for costs related to planning, organization, equipment, and training and exercise needs associated with acts of terrorism.

The Grant Awards are late because of late receipt of award documents.

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

Police Department - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the Grant Awards from the Maryland Emergency Management Agency.

MINUTES

Mayor's Office of Employment Development - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the agreement between the Mayor's Office of Employment Development (MOED) and the Community College of Baltimore County (CCBC) for professional services. The period of the agreement is July 1, 2018 through June 30, 2019, unless terminated earlier in accordance with this Agreement.

AMOUNT OF MONEY AND SOURCE:

\$7,000.00 - 4000-807518-6312-467253-603051
4000-806718-6312-467253-603051

BACKGROUND/EXPLANATION:

This agreement authorizes the Community College of Baltimore County (CCBC) to provide training in areas specified on the Department of Labor, Licensing and Regulation (DLLR) list of approved Training Providers.

The training will consist of the programs described in the Workforce Innovation and Opportunity Act (WIOA) training programs outline and will include any participant attendance policies, academic benchmarks and the means of measuring achievements, completion standards and the total hours of each course in a certification program. The maximum length of time a participant can remain in training is (1) year.

The funds will be drawn from two (2) different accounts: FY 18 WIOA Adult and FY18 WIOA Dislocated Worker. The accounts and the amounts cannot be determined until the participants are registered.

The obligation level of this agreement will not exceed \$7,000.00. The money will be drawn from Federal funding received through the Maryland State Department of Labor Licensing and Regulation.

MINUTES

MOED - cont'd

MBE/WBE PARTICIPATION:

N/A

The Agreement was delayed in its presentation to the Board due to the late notification of approval from the grantor.

APPROVED FOR FUNDS BY FINANCE.

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement between the Mayor's Office of Employment Development and the Community College of Baltimore County for professional services.

MINUTES

Mayor's Office of Employment Development - Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Grant Award from the Family League of Baltimore for professional services. The period of the agreement is July 1, 2018 through June 30, 2019.

AMOUNT OF MONEY AND SOURCE:

\$163,656.00 - 6000-608119-6331-483200-406001

BACKGROUND/EXPLANATION:

The purpose of this Grant Award is for the Mayor's Office of Employment Development to refer, enroll and perform intakes and assessments for the workforce readiness program for youth in unstable housing. MOED will also provide intensive wraparound case management services and demonstrate effectiveness of services offered through program evaluation and data analysis.

The funding level payable to MOED will not exceed \$163,656.00 of State funds.

The Grant Award was delayed in its presentation to the Board due to the late notification of approval from the grantor.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

Mayor's Office of Employment Development - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Grant Award from the Family League of Baltimore for professional services.

MINUTES

EXTRA WORK ORDERS

* * * * *

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders

listed on the following pages:

903 - 905

All of the EWOs had been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

MINUTES

EXTRA WORK ORDERS

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

Department of Public Works/
Office of Engineering and Constr.

1. EWO #001, \$49,161.38 - SWC 16310R, Northwest Transfer Station Building Renovation and Site Improvements

\$3,488,000.00	\$0.00	W. M. Schlosser	56	30.32%
		Co., Inc.	Days	

The Office of Engineering and Construction requests a 56 calendar day time extension in order to complete various assigned work to renovate the Northwest Transfer Station Building.

The time extension request is based on City delay in granting access to the main building. On May 30, 2018, the Contractor submitted a Time Impact Analysis (TIA) demonstrating the impact on the delayed access. The TIA consisted of an impacted as planned schedule, which calculated a completion date of November 16, 2018 which is 56 calendar days later than the original completion date. These services are also critical to the Bureau of Solid Waste operations. The Certificate of Completion form will not be completed until a scheduled time after final payment and final completion has been given by the Agency. The new completion date was November 16, 2018.

The scope of the construction project includes renovation to the Northwest Transfer Station and site improvement, including concrete paving and installation of stormwater inlets and grates.

MINUTES

EXTRA WORK ORDERS

<u>Contract</u>	<u>Prev. Apprvd.</u>		<u>Time</u>	<u>%</u>
<u>Awd. Amt.</u>	<u>Extra Work</u>	<u>Contractor</u>	<u>Ext.</u>	<u>Compl.</u>
Department of Public Works/ <u>Office of Engineering and Constr.</u>		- cont'd		

MBE/WBE PARTICIPATION:

The Contractor will comply with Article 5, Subtitle 28 of the Baltimore City Code and the 19% MBE and 6% WBE goals assigned to the original agreement.

This EAR was approved by MWBOO on October 10, 2018.

2.	EWO #002, \$0.00 - WC 1120, Guilford Water Pumping Station Rehabilitation Design			
	\$18,942,500.00	\$0.00	Allan Myers MD, Inc.	310 Days
				80%

The Office of Engineering and Construction requests a time extension of 310 calendar days for full pump testing. This is the second time extension and will extend the completion date from October 18, 2018 to August 21, 2019. Pumps A, B, C, and D cannot be fully tested per the contract specifications due to the lack of suction pressure. This suction pressure will not be available until the tanks are online from the adjacent contract (WC 1173R - Guilford Finished Water Reservoir Improvements). Also, the sodium hypochlorite system cannot be fully commissioned per the contract specifications, because the piping for the system cannot be tied into the adjacent contract (WC 1173R) these two systems cannot be completed until Phase II of the adjacent Contract WC 1173R, Guilford Reservoir is completed. In addition, Protection 1, the Citywide Security Provider is not in place. Therefore, it is important to install

MINUTES**EXTRA WORK ORDERS**

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

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

a security system to the Guilford Pumping Station as soon as a new contract is approved by the Board of Estimates. This time extension was reviewed by the Project Controls Office and a 310 calendar day extension is justified based on the review report dated October 19, 2018.

The scope of the construction project includes construction phase engineering and inspection assistance services for the proposed installation of a temporary sodium hypochlorite feed facility, replacement of four existing pumps and ancillary equipment, construction of a new electrical and hypochlorite building, installation of a second Baltimore Gas & Electric feeder, installation of a new substation and Motor Control Center, a new bridge building crane, a new HVAC system, refurbishment of existing pump station, installation of new yard piping, site landscaping, permeable driveway pavement and rain gardens. The Certificate of Completion form will not be completed until a scheduled time after final payment and final completion has been given by the Agency.

MBE/WBE PARTICIPATION:

The Contractor will comply with Article 5, Subtitle 28 of the Baltimore City Code and the 16% MBE and 4.49% WBE goals assigned to the original agreement.

This EAR was approved by MWBOO on November 14, 2018.

MINUTES

Parking Authority for - Human Resources Services Agreement
Baltimore City (PABC)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Human Resources Services Agreement with the Gallagher Benefit Services, Inc. The period of the agreement is effective the tenth day after Board approval.

AMOUNT OF MONEY AND SOURCE:

\$34,000.00 - 2076-000000-2321-253300-607001

BACKGROUND/EXPLANATION:

The Parking Authority was created by ordinance in 2000, and became fully operational in late 2002. At the time of its creation, staffing and compensation for the PABC was developed on an anticipated need and value basis. In 2008, the PABC had a thorough evaluation and standardization of the compensation and benefits package provided to each position within the PABC.

Staffing and compensation have not received a comprehensive evaluation since the 2014 study. The PABC is seeking to update the comprehensive and standardized system of classification and compensation for all positions of employment within the PABC.

The PABC issued a Request for Proposals for the service, advertising through multiple outlets, and received one response to the RFP. Gallagher's proposal was determined to be responsive, compliant, and within the expected price range (32,000.00 and up to \$2,000.00 for travel). Gallagher's proposal was recommended to the PABC Board of Directors which approved the negotiation of this Agreement.

The Scope of Work will be performed in its entirety within 180 days of the effective date of the agreement.

MINUTES

Parking Authority for Baltimore City - cont'd

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Human Resources Services Agreement with the Gallagher Benefit Services, Inc.

MINUTES

Office of State's Attorney - Ratification of Memorandum
For Baltimore City of Understanding

ACTION REQUESTED OF B/E:

The Board is requested to ratify and approve a Memorandum of Understanding between the Office of State's Attorney for Baltimore City (SAO), and Behavioral Health System Baltimore, Inc. (BHSB) for the period of October 1, 2016 through May 31, 2018.

AMOUNT OF MONEY AND SOURCE:

\$85,670.00 - 5000-502917-1150-118100-601001

BACKGROUND/EXPLANATION:

Behavioral Health System was awarded a grant from the Governor's Office of Crime Control and Prevention (GOCCP) entitled Law Enforcement Assisted Diversion (LEAD). On March 22, 2017, the Board approved the original grant award. The BHSB received approval from GOCCP to extend the grant award through April 2018 which the Board approved on January 31, 2018. The BHSB received approval from GOCCP to extend the grant on additional month, until May 31, 2018 and the extension requires approval from the Board.

The Office of the State's Attorney for Baltimore City (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

MINUTES

OSA - cont'd

the criminal justice system. This request is being submitted late because BHSB and SAO recently realized this month extension had not been previously submitted for approval.

It is requested that the Board approve this action.

APPROVED FOR FUNDS BY FINANCE

AUDITS NOTED THE TIME EXTENSION.

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

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

* * * * *

On the recommendations of the City agencies
hereinafter named, the Board,

UPON MOTION duly made and seconded,
awarded the formally advertised contracts
listed on the following pages:

911 - 912

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

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

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Recreation and Parks

- | | | | |
|----|---|--------------------------|--------------|
| 1. | RP 18816, Little Italy Bocce Court Improvements | P. Flanigan & Sons, Inc. | \$233,839.40 |
|----|---|--------------------------|--------------|

MWBOO SET GOALS OF 15% MBE AND 4% WBE.

MBE: Priority Construction Corporation	\$35,200.00	15.05%
--	-------------	--------

WBE: River Transport, Inc.	\$ 9,400.00	4.01%
----------------------------	-------------	-------

MWBOO FOUND VENDOR IN COMPLIANCE.

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
2. \$230,000.00 General Funds	9938-911120-9475 St. Leo's Bocce Park Improvements (Reserve)	9938-912120-9474 St. Leo's Bocce Park Improvements (Active)

This transfer will provide funds to cover the cost associated with the award of RP 18816, Little Italy Bocce Court Improvements.

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**Bureau of Procurement

- | | | | |
|----|--|--|--------------|
| 3. | B50005601, Supply
Improvements Parts
& Equipment | North East
Technical Sales,
Inc. | \$320,000.00 |
|----|--|--|--------------|

MBE/WBE PARTICIPATION:

On November 1, 2018, it was determined that no goals would be set because no opportunity to segment the contract.

MWBOO GRANTED A WAIVER.Department of General Services

- | | | | |
|----|--|------------------------------|---------------|
| 4. | GS 17812, Southern
District Police
Station Roof
Replacement | Simpson of
Maryland, Inc. | \$613,000.000 |
|----|--|------------------------------|---------------|

MBE/WBE PARTICIPATION:

MBE: 28%

WBE: 9%

MBE:	Willoughby Construction, Inc.	\$ 66,574.00	11.00%
	Nisell Plumbing & Heating, Inc.	62,156.00	10.00%
	Stokit Supply Company, Inc.	42,910.00	7.00%
		\$171,640.00	28.00%

WBE: New Century Construction, Inc. \$ 66,574.50 10.86%

All Bidders were found in non-compliance by MWBOO. On February 13, 2019, the Board deferred award for the recommended awardee in order for it to come into compliance with the MBE and WBE goals.

MWBOO FOUND VENDOR IN COMPLIANCE ON FEBRUARY 21, 2019.

MINUTES

Baltimore Development Corporation - Funding and Repayment
Agreement and Resolution

ACTION REQUESTED OF B/E:

The Board is requested to approve: (a) City funding of a \$15,000.00 conditional loan to The Webstaurant Store, Inc., ("Webstaurant") for the establishment of its distribution facility at 201 Kane Street, Baltimore, MD 21224 and; (b) the resolution in support of the Maryland Economic Development Assistance Authority Fund (MEDAAF) conditional loan from the Maryland Department of Commerce to Webstaurant, which is required by the State; and, (c) authorize execution by the Mayor or Director of Finance to execute any ancillary documents, letters or certificates that do not change the substance of the terms of the documents after review by the Law Department. The period of the agreement is effective upon Board approval through June 30, 2022

AMOUNT OF MONEY AND SOURCE:

\$15,000 - 9910-923100-9601-900000-709099
Economic Development Bonds
Term: 3 Years

BACKGROUND/EXPLANATION:

Webstaurant is the largest online restaurant supply store serving food service professionals and individual customers worldwide. With thousands of available products and over 5.5 million orders shipped annually, Webstaurant is a one-stop shop to outfit a new or existing restaurant.

Recently Webstaurant made a decision to expand its distribution operations into Baltimore City, at 201 Kane Street. The Company is expected to have a minimum of 50 employees at the site.

MINUTES

Baltimore Development Corporation - cont'd

FINANCIAL ASSISTANCE:

The Baltimore Development Corporation is recommending financial assistance in the form of a conditional loan in an amount of \$15,000.00 to Webstaurant for equipment purchases.

Webstaurant will employ at least 50 full-time permanent employees at the Project Site by March 31, 2019, and maintain at least 50 employees at the Project site for three years. For any number less than 50 employees at the Project Site as of December 31, 2021, the Company will be required to pay a pro rata share of \$300.00 per employee, under 50 which funds would be remitted to the Baltimore Development Corporation by June 30, 2022.

In the event that the aforementioned Performance Criteria are met by December 31, 2021 all outstanding deferred principal would be forgiven on or about February 28, 2022.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

MINUTES

Baltimore Development Corporation - cont'd

RESOLUTION

WHEREAS, THE WEBSTAURANT STORE, INC. (the "Company"), (the "Borrower") has submitted an application to receive a conditional loan from the DEPARTMENT OF COMMERCE of the State of Maryland (the "Department") from the MARYLAND ECONOMIC DEVELOPMENT ASSISTANCE AUTHORITY and FUND ("MEDAAF") in an amount up to \$150,000.00 (the "Commerce Loan"), to use such funds for the purpose of the establishment of a new distribution center at 201 Kane Street, Baltimore, MD 21224 in Baltimore City (the "Project").

WHEREAS, the Commerce Loan shall be used in accordance with Maryland law relating to MEDAAF, namely, Economic Development Article, Sections 5-301 through 5-349, Annotated Code of Maryland, for the purposes set forth in the application described above; and

WHEREAS, The Mayor and City Council of Baltimore will make a conditional loan to the Borrower in the amount of \$15,000.00 (the "City Loan") for the Project.

WHEREAS, the City has determined that it is in the best interests of the citizens of Baltimore City, Maryland that the City: (i) Endorse the (Department's Loan) Commerce Loan to the Borrower for the Project, and (ii) Make the City Loan to the Borrower for the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE THAT:

1. The Mayor and City Council of Baltimore endorse the Commerce Loan to the Borrower.
2. The Mayor and City Council of Baltimore make the City Loan to the Borrower.
3. This Resolution shall be effective upon its adoption in accordance with applicable law.

MAYOR AND CITY COUNCIL OF BALTIMORE

By: _____
Name: Henry J. Raymond
Title: Director of Finance

Approved as to form and legal sufficiency this 23 day of January, 2018.


John P. Machen
Special Chief Solicitor

Adopted this ____ day of _____, 2018
Board of Estimates

MINUTES

Baltimore Development Corporation - cont'd

UPON MOTION duly made and seconded, the Board approved (a) City funding of a \$15,000.00 conditional loan to The Webstaurant Store, Inc., ("Webstaurant") for the establishment of its distribution facility at 201 Kane Street, Baltimore, MD 21224 and; (b) the resolution in support of the Maryland Economic Development Assistance Authority Fund conditional loan from the Maryland Department of Commerce to Webstaurant, which is required by the State; and, (c) authorized execution by the Mayor or Director of Finance to execute any ancillary documents, letters or certificates that do not change the substance of the terms of the documents after review by the Law Department.

MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Office of the Inspector General</u>			
1. Gerald D'Angelo	Inspector General Institute®, Certified Inspector General® OIG Course Jacksonville, FL May 10 - 15, 2019 (Reg. Fee \$1,150.00)	General Funds	\$2,374.10

The subsistence rate for this location is \$149.00 per night. The hotel cost is \$129.00 per night, plus hotel taxes of \$18.25 per night. The Office of the Inspector General is requesting additional subsistence in the amount of \$20.00 per day for meals and incidentals. The airfare in the amount of \$227.96, hotel cost of \$736.14, and registration fee in the amount of \$1,150.00 were prepaid using a City-issued procurement card assigned to Ms. Yvonne K. Brooks. Therefore, the disbursement to Mr. D'Angelo is \$260.00.

Pursuant to AM 240-3, the Board of Estimates must take action on a Travel Request if the City representative's absence involves one or both weekend days. The source or type of funds used to pay for the travel has no bearing upon the requirement of approval.

Department of Public Works

2. Kimberly Grove	Water Environment Federation Conference Fort Lauderdale, FL May 7 - 10, 2019 (Reg. Fee \$570.00)	Storm Water Utility	\$1,605.54
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MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Department of Public Works - cont'd</u>			

The airfare in the amount of \$361.98 and registration fee in the amount of \$570.00 were prepaid using a City-issued procurement card assigned to Binta Gallman. Therefore the disbursement to Ms. Grove is \$673.56.

Pursuant to AM 240-3, the Board of Estimates must take action on a Travel Request if the City representative's absence involves one or both weekend days. The source or type of funds used to pay for the travel has no bearing upon the requirement of approval.

Baltimore Police Department

3. Derek Loeffler	American Society of Evidence Based Policing Conference 2019 Cincinnati, OH May 19 - 22, 2019 (Reg. Fee \$175.00)	Asset Forfei- ture Funds	\$1,116.99
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The airfare in the amount of \$153.96, the hotel cost in the amount of \$141.00 per night and hotel taxes of \$24.68 per night and registration fee of \$175.00 were prepaid on Mr. Derek Loeffler's personal credit card. The amount to be disbursed to Mr. Loeffler is \$1,116.99.

Pursuant to AM 240-3, the Board of Estimates must take action on a Travel Request if the City representative's absence involves one or both weekend days. The source or type of funds used to pay for the travel has no bearing upon the requirement of approval.

MINUTES**TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Baltimore Police Department - cont'd</u>			
4. Gino Inocentes	American Graphics Institute After Effects Class New York, NY March 3 - 5, 2019 (Reg. Fee \$795.00)	Asset Forfeiture Funds	\$1,652.82

The hotel costs for March 3, 2019 in the amount of \$156.00, for March 4, 2019 in the amount of \$236.00, plus total hotel taxes of \$64.82, and the registration fee in the amount of \$795.00 were prepaid on a City-issued credit card assigned to Mr. Tribhuvan Thacker. Therefore, Mr. Inocentes will be disbursed \$266.00.

Pursuant to AM 240-3, the Board of Estimates must take action on a Travel Request if the City representative's absence involves one or both weekend days. The source or type of funds used to pay for the travel has no bearing upon the requirement of approval.

Fire and Police Employees' Retirement System

5. N. Anthony Calhoun	13 th Annual Institutional Investors' Forum Monterey, CA Mar. 8 - 14, 2019 (Reg. Fee \$200.00)	Special Funds - Fire & Police	\$2,637.12
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The subsistence rate for this location is \$230.00 per day. Mr. Calhoun will attend the forum in Monterey, California from March 8 - 12, 2019. He will remain in California from March 12 - 14, 2019 at his own expense.

MINUTES**TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Fire and Police Employees' Retirement System - cont'd</u>			

Pursuant to AM 240-3, the Board of Estimates must take action on a Travel Request form if the City representative's absence involves one or both weekend days. The source or type of funds used to pay for the travel has no bearing upon the requirement of approval.

Department of Recreation and Parks

6. Donald Johnson	GS Series Pinsetter	Special	\$5,200.45
Christopher Booker	Maintenance School	Funds	
Rashaan Brave	Mar. 3 - 9, 2019		
	Muskegon, MI		
	(Reg. Fee. \$0.00)		

The hotel costs are \$84.00 for March 3, 2019, \$94.00 per night for March 4 - 7, 2019, and \$104.00 for March 8, 2019, plus hotel taxes in the amount of \$62.04 for each attendee. The departure and return dates reflect the flight availability and training schedule.

The costs of the hotel, hotel taxes, and airfare in the amount of \$525.12 for each attendee, and the rental car in the amount of \$558.97 were prepaid on a City-issued credit card assigned to Mr. Rashaan Brave. Messrs. Johnson, Booker, and Brave will be disbursed \$396.00 each.

Pursuant to AM 240-8, the Department is requesting approval for the use of a rental vehicle. Shake & Bake Family Fun Center is soon scheduled to reopen the bowling center. State of the Art equipment has been installed. The new bowling lanes require training in order to operate and maintain the equipment.

MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Department of Recreation and Parks - cont'd</u>			

The staff from Shake & Bake is attending this necessary training to assure the proper use and care of this equipment. The staff will use the rental to visit other Brunswick Bowling facilities with the same type of equipment to gather information on the care and use of the equipment.

Pursuant to AM 240-3, the Board of Estimates must take action on a Travel Request form if the City representatives' absence involves one or both weekend days. The source or type of funds used to pay for the travel has no bearing upon the requirement of approval.

- | | | | | |
|----|-------------------|---|-----------------|------------|
| 7. | Cortney Weinstock | South by Southwest
Conference
Austin, TX
March 8 - 14, 2019
(Reg. Fee \$1,250.00) | Permit
Funds | \$4,309.12 |
|----|-------------------|---|-----------------|------------|

The subsistence rate for this location is \$221.00 per night. The cost of the hotel resort is \$265.66 per night plus taxes of \$36.63 per night, and the hotel resort fees of \$36.41 per night. The Department is requesting additional subsistence of \$44.66 per day to cover the cost of the hotel and \$40.00 per day for meals and incidentals.

Mr. Weinstock requests a rental car to travel from his hotel to the conference areas, which is roughly a 23-mile distance. The cost of the rental vehicle is \$293.31. Pursuant to AM-240-8 if official City business at the event site will require extensive inspection trips, tours, or other unusual but necessary land travel, the Board must approve funds for such expenses in advance of the trip.

MINUTES**TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Department of Recreation and Parks - cont'd</u>			

The hotel (including taxes and fees) cost of \$2,032.24, transportation cost of \$492.96, rental vehicle cost of \$293.91, and registration cost of \$1,250.00 were prepaid using a City-issued credit card assigned to Mr. Weinstock. Therefore, the disbursement to Mr. Weinstock is \$240.00.

Mayor's Office of Criminal Justice

8. Thomas Stack	International Conference on Sexual Assault, Intimate Partner Violence, and Increasing Access San Diego, CA April 21 - 25, 2019 (Reg. Fee \$495.00)	VOCA Grant	\$2,063.56
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The hotel cost of \$752.00, hotel tax of \$96.60, transportation cost of \$431.96 and registration costs of \$495.00 were prepaid using a City-issued credit card assigned to Ms. Renee Newton. Therefore, the disbursement to Mr. Stack is \$288.00.

9. Lucane LaFortune	International Conference on Sexual Assault, Intimate Partner Violence, and Increasing Access San Diego, CA April 21 - 25, 2019 (Reg. Fee \$495.00)	VOCA Grant	\$2,063.56
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MINUTES**TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Mayor's Office of Criminal Justice - cont'd</u>			

The hotel cost of \$752.00, hotel tax of 96.60, transportation cost of \$431.96 and registration costs of \$495.00 was prepaid using a City-issued credit card assigned to Ms. Renee Newton. Therefore, the disbursement to Mr. LaFortune is \$288.00.

UPON MOTION duly made and seconded, the Board approved the foregoing Travel Request. The Comptroller **ABSTAINED** on item no. 5.

MINUTES

Office of the Mayor - Regulations on Procurement, Protests, Minority and Women-owned Business Enterprise, and Debarment/Suspension

ACTION REQUESTED OF B/E:

The Board is requested to **ADOPT** the Regulations on Procurement, Protests, Minority and Women-owned Business Enterprise, and Debarment/Suspension as amended (Regulations). The Regulations are effective July 1, 2019.

AMOUNT OF MONEY AND SOURCE:

There are no direct costs with this action.

BACKGROUND/EXPLANATION:

On December 12, 2018, the Board authorized a 30-day public comment period for these regulations, as proposed. One public comment was received as well as several comments from City agencies. The Administration is proposing revisions to the Regulations to address comments and to enhance or clarify provisions. Representatives of Board members have reviewed these revisions and have no objections.

The revisions to the proposed Regulations are as follows:

- Created a more detailed table of contents that includes specific page numbers for sections and subsections;
- On page 7 (§I.A.6), updated the reference to the appendices from VI to VIII;
- On page 10 (§I.B.21), changed the definition of "expenditure authorization" to conform to the Administrative Manual;
- On page 13 (§I.B30), removed the word "written" such that a bidder would need to submit a corrected bid security with one (1) business day from receipt of notification;

MINUTES

Office of the Mayor - cont'd

- On page 15 (§I.B.40), added a statement to the definition of "procuring agency" to say it also means "contracting agency" as defined in §III.A.5;
- On page 20 (footnote 14), struck the sentence specifying the Baltimore Sun is the only newspaper of general circulation in the City;
- On page 27 (§I.G.6), added language stating that the requirement that no more than 50% of each evaluation committee can be employees or consultants of the Using Agency may be modified if the using agency requests in writing a change or waiver;
- On page 38 (§I.H.1), updated the date when the "City of Baltimore Resolution Relating to Non-Architectural or Engineering Professional Services" was approved by the Board;
- On page 40 (§I.K.1), updated the date when the "City of Baltimore Resolution Relating to Non-Competitive Procurements" was approved by the Board;
- On page 53 (§III.A.5), added a statement to the definition of "contracting agency" to say it also means "procuring agency" as defined in §I.B;
- On page 94 (§III.G.4.c), removed the word "not" to say that "only 25% of the applicable contract goal may be attained by expenditures to a certified business enterprise that is a non-manufacturing supplier"; and
- On page 111 (§VI), to ensure adequate training and adjustment to these regulations, changed the effective date to July 1, 2019.

MINUTES

Office of the Mayor - cont'd

MBE/WBE PARTICIPATION:

N/A

DEFERRED

MINUTES

**BALTIMORE CITY BOARD OF
ESTIMATES**

REGULATIONS

ON

**Procurement, Protests, Minority and Women-owned
Business Enterprise, and Debarment/Suspension**

Authority: Baltimore City Charter, Art. VI §§ 2, 11; Baltimore City Code, Art. 5, §§ 28-13
and 40-3

DEFERRED

ADOPTED BY THE BOARD FEBRUARY 27, 2019

EFFECTIVE JULY 1, 2019

MINUTES

DEFERRED

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MINUTES

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I. Procurement Regulations**A. City Procurement System – General Overview.****1. Authority for these Regulations.**

- a. The Board of Estimates of Baltimore City (the “Board”) has the authority to issue procurement regulations pursuant to the Baltimore City Charter, Art. VI §§ 2, 11.
- b. The Board may waive these regulations for any particular procurement or class of procurements.
- c. The Board’s approval of any procurement automatically waives any inconsistency with these regulations for that procurement.

2. Applicability of these Regulations.

- a. These regulations apply to all City agencies (as defined in the City Charter) and other public entities subject to the procurement laws of the City.
- b. Except as otherwise provided, these regulations apply to procurements anticipated to result in contracts exceeding \$25,000. Procuring Agencies may not divide contracts (splitting) for the purpose of avoiding the triggering limits.
- c. These regulations are not applicable to certain transactions including real estate, land purchases, land dispositions, leases, licenses, easements, employee contracts, and rights of entry.

3. Excluded Activities. Nothing in these regulations shall prevent City agencies from complying with the terms and conditions of any grant, gift, or bequest if the item is approved by the Board. All procurements shall follow these regulations, regardless of funding source, except as

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specifically limited by the funding source, and approved by the Board in the acceptance of the funds.

4. Procurement Authority.

- a. The Department of Finance has the authority to procure supplies, materials, equipment, and services other than professional services, on behalf of using agencies.¹
- b. City agencies have the authority to procure professional services.²
- c. The Department of Public Works, Department of General Services, Department of Recreation & Parks, and the Department of Transportation have the authority to procure public works.³
- d. Any contract award is contingent upon the proper appropriation of funds by the City in accordance with the City Charter and Code.⁴
- e. Using Agencies should not have supplies, materials, equipment, and services, or professional services performed or delivered prior to Board approval.
- f. Execution of Contracts. Only the Mayor, the Mayor's designee, or the head of an agency may execute contracts on behalf of the City.⁵

5. Rules of Construction.

- a. For public works and design-build contracts, wherever these regulations conflict with the most current version of "The City of Baltimore, Department of Public Works, Specifications for

¹ See Baltimore City Charter Art. VII, § 17(b).

² See Baltimore City Charter Art. VI, § 11(d).

³ See Baltimore City Charter Art. VI, § 11(h)(2)(i); Art. VII, § 31; Art. VII, § 132; Art. VII, § 67(a); and Art. VII, § 116.

⁴ See Baltimore City Charter Art. VI, § 9.

⁵ See Baltimore City Charter Art. VII, § 2(b).

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Material, Highways, Bridges, Utilities and Incidental Structures” and any officially issued addenda thereto (the “Green Book”) or the Board of Estimates Policy Regarding the Use of Design Build Project Delivery approved by the Board on November 2, 2011, as amended from time to time, those documents shall prevail.

- b. Where provisions of these regulations appear to conflict, the provisions of the more specific section control the provisions of the general section.
- c. Where provisions of these regulations conflict with provisions of federal or state laws and regulations, the federal or state laws and regulations shall control if required by the federal or state funding source.

6. Appendices. Some resolutions of the Board and executive orders of the Mayor are listed in Section VIII and are incorporated herein by reference. These regulations control over any conflicting resolutions / executive orders which are not listed in Section VIII, unless the Board determines otherwise.

B. Definitions.

1. The words defined in this section have the meanings set forth below whenever they appear in upper or lower case, unless:
 - a. The context in which they are used clearly requires a different meaning; or
 - b. A different definition is prescribed for a particular section of these regulations.
2. Any definition for a word in this section is to be construed in a manner that is consistent with and supplementary to any definition contained in the City Charter and Code.

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3. Authorized City official: A person granted specific authority to perform procurement duties or responsibilities. See Procurement Regulations § I.B.61.
4. Bid: A binding offer to furnish supplies, materials, equipment, services, or public works in conformity with the specifications, delivery terms and conditions, and other requirements included in an invitation or request for bids.
5. Bid security: An undertaking, in a form satisfactory to the City, by which a third party agrees to be liable to pay the City a certain amount of money in the event a responder fails to sign a contract as bid. Bid security may take the form of a certified check of the responder, a bank cashier's check, a bank treasurer's check drawn on a clearing house bank, a bank letter of credit, or a bid bond, deposited with, and at the request of, the City to guarantee that the responder will, if selected, sign the contract as bid or mutually agreed, upon presentation of that contract to the responder.
6. Bidder: A person that makes a bid in response to an IFB.
7. Board: The Baltimore City Board of Estimates, including a quorum of the Board member's representatives, as described in the Baltimore City Charter Art. VI, § 1(c), and as otherwise provided in the City Charter.
8. Change Order or Extra Work Order: A type of contract modification. A written directive by the Procuring Agency to the contractor directing a change in the scope of work and which may increase or decrease the contract time and / or the contract sum.
9. Change Order Review Committee (CORC): A committee consisting of representatives of the Department of Public Works, Department of Transportation, Department of General Services, the Law Department, and Audits that reviews all change orders for public works and all task assignments over \$100,000 before they are submitted to the Board for

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approval. Task assignments will be evaluated for compliance with the Minority and Women's Business Enterprise goals or Disadvantaged Bidder Enterprise goals, as required by the specific contract.

10. City: Mayor and City Council of Baltimore, a political subdivision and municipal corporation of the State of Maryland.
11. City Agency: All City departments, bureaus, boards, commissions, and persons not embraced in a department who exercise authority comparable to that of heads of departments or bureaus.⁶
12. Competition: The process by which more than one source for supplies, materials, equipment, services, or public work is solicited.
13. Contract: Any agreement to which the City is a party for the procurement of supplies, materials, equipment, services, or public works, including any contract modification.
14. Contract award: The Board approval of a proposed award. See Procurement Regulations § I.B.43.
15. Contract modification: Any documented alteration in the specifications, delivery, contract period, price, quantity, or other contract provisions of any existing contract, whether accomplished by unilateral action in accordance with a contract provision or by mutual action of the parties to the contract.
16. Contractor: Any person (see Procurement Regulations § I.B.37) obligated by a City procurement contract to provide supplies, materials, equipment, services, or public works to the City.
17. Day: Unless otherwise specified by law or in these regulations as a business day, a day shall mean a calendar day.

⁶ See Baltimore City Charter Art. I, § 2(j).

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18. Debarment: The disqualification of a person (see Procurement Regulations § I.B.37), a principal of a business entity and any other person substantially involved in that person's contracting activities from entering into a contract with the City for a period of time determined by the Board. See Debarment / Suspension Regulations § II.
19. Emergency Procurement: Any dangerous condition of such a nature that public welfare would be adversely affected by awaiting the approval of the Board.⁷ An emergency is different from a condition of an "emergency nature," which is an urgent situation that can wait for the approval of the Board. This applies to procurements that would otherwise require Board approval. In the event of an emergency of such a nature that the public welfare would be adversely affected by awaiting the approval of the Board, the Department of Finance upon application by the authorized official of the Using Agency⁸ may proceed to obtain the supplies, materials, equipment, services, or public works required without formal advertisement and the prior approval of the Board.
20. Evaluation committee: A committee of three or more individuals established by a Procuring Agency in conjunction with the Using Agency for the purpose of evaluating responses submitted by proposers in connection with an RFP.
21. Expenditure Authorization: A direct payment method as set forth in the City's Administrative Manual AM 303-01, as amended from time to time.
22. Extra Work Order or Change Order: A type of contract modification. A written directive by the Procuring Agency to the contractor directing a change in the scope of work and which may increase or decrease the contract time and / or the contract sum.

⁷ See Baltimore City Charter Art. VI, § 11(e)(ii).

⁸ See Baltimore City Charter Art. VI, § 11(e)(ii).

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23. Formal solicitation: Any solicitations in the amount of \$50,000.01 or more. This dollar threshold is subject to modification by ordinance passed by two-thirds of the City Council and are required to be advertised.⁹
24. Green Book: The most current version of “The City of Baltimore, Department of Public Works, Specifications for Material, Highways, Bridges, Utilities and Incidental Structures” and any officially issued addenda thereto.
25. Informal solicitation: Any solicitation not required to be advertised.
26. Invitation for bids (IFB): A solicitation in which competitive sealed bids are invited through a public notice procedure requiring that bids be received by a specified time, opened publicly, and are evaluated in terms of price. An IFB may be formal or informal.¹⁰
27. Liquidated damages: A sum agreed to in a contract to be paid as ascertained damages by the party who breaches the contract, and not as a penalty, where actual damages may be difficult to determine at the time of the breach.
28. Master Blanket Purchase Order (MBPO): A purchase order for an indefinite quantity contract, such as a requirements contract, or for an annually recurring firm order, such as an annual software license agreement or a lease of equipment. An MBPO is not a notice to proceed, but is the notice to the contractor and the Using Agency that an award has been made, and an upset limit has been approved by the City. Individual release requisitions and release purchase orders must be initiated by the Using Agency to issue notice to proceed to a contractor on individual tasks, for specific quantities of items, or for each discrete unit of time. An

⁹ See Baltimore City Charter Art. VI, § 11(b).

¹⁰ The terms notice of letting and IFB are interchangeable as they are essentially the same formal procurement documents with different names.

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MBPO must have a specific term.

29. May: Indicates an action that is permissible.

30. Minor irregularity:

a. Except for irregularities pertaining to MBE/WBE matters, a failure to meet a requirement in a formal solicitation that is merely a matter of form (not substance) or is a defect or variation as to price, quantity, quality, or delivery that is a trivial or inconsequential provision when contrasted with the total cost or scope of the procurement. A minor irregularity does not materially change the purpose or scope of the solicitation or undermine the competitive process by giving a responder an unfair advantage over others.

b. Examples of a minor irregularities include but are not limited to:

- i. Failure of a bidder to submit a duplicate copy of a bid book;
- ii. Except for the bid affidavit, failure of a bidder to sign one or more bid documents, but only if the unsigned document(s) are accompanied by other material indicating the bidder's intention to be bound;
- iii. Failure of a bidder to sign Local Hiring or other legally required documents;
- iv. Failure of a bidder to submit a certificate of good standing so long as the bidder is in fact in good standing;
- v. Failure of a bidder to submit a certificate of insurance so long as the bidder submits the certificate within a time period as required by the Board and before contract

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performance begins;

- vi. Failure of a bidder to affix a corporate seal to its bid;
- vii. Clerical errors that can be easily corrected such as failure of the bidder to submit a price total when all line items have been submitted;
- viii. Submission of defective bid security (e.g. photocopy of power of attorney, photocopy of bid security) so long as the bidder submits corrected bid security within one (1) business day from receipt of notification. Failure to submit any bid security or the proper form of bid security may not be cured if required by the solicitation or by law;
- ix. Failure of bidder to include bid security in correct envelope; or
- x. Submission of a defective bid security as a result of errors in the City's instructions.

c. For irregularities pertaining to MBE/WBE, see Minority and Women-Owned Business Enterprise Regulations.

- 31. Non-competitive procurement: A procurement in which supplies, materials, equipment, services, or public works are of such a nature that no advantage will result in seeking, or it is not practicable to obtain, competitive responses, or when the need for supplies, materials, equipment, services, or public works is of an emergency nature.
- 32. Notice of intent to waive competition: The Baltimore City Charter allows the City certain exceptions to the formal advertisement and competitive bidding requirements otherwise required by the Charter. The Baltimore City Charter Art. VI § 11 (e)(i) requires that, "when practicable, the City's intent to make a purchase under this exception shall be posted

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electronically to the public for comment prior to the approval of the purchase by the Board of Estimates.”

33. Notice to proceed: A written notice to the contractor issued by an authorized City official directing commencement of contract performance.
34. Open Market Purchase Order: A purchase order that is a one-time firm order for supplies, materials, equipment, or services, for which the City does not already have an MBPO.
35. Payment bond: A bond issued by a surety that guarantees payment to suppliers and subcontractors of a prime contractor.
36. Performance security: A bond issued by a surety that guarantees full performance of a contract by a contractor or a letter of credit that provides security in a specified dollar amount.
37. Person: Any individual, firm, partnership, corporation, company, association, or body politic except the City; and includes any personal representative, agent, trustee, receiver, assignee, or other similar representative thereof.¹¹
38. Pre-qualification: A process by which the Board approves construction-related contractors and consultants recommended by the Office of Boards and Commissions (“OBC”) as eligible to respond upon a specific category or categories of work in a solicitation for a specific value threshold, if the contractor meets certain experience, financial, and other requirements of the City. Pre-qualification does not replace a determination of responsibility.¹² See rules governing operation of OBC.
39. Procurement: Purchasing, leasing, or otherwise acquiring any supplies, materials, equipment, services, or public works including all functions that

¹¹ See Baltimore City Charter Art. I, § 2(d).

¹² See Baltimore City Charter Art. VI, § 11(g).

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pertain to the obtaining of any supplies, materials, equipment, services, or public works, including description of requirements, selection and solicitation of sources, evaluation of responders, preparation and award of contract, claim resolution and all phases of contract administration. A grant is not a procurement.

40. Procuring Agency:

- a. A City entity authorized to procure to the extent of its procurement authority. See Procurement Regulations § I.A.4.
- b. Procuring agency means “contracting agency” as defined in § III.A.5.

41. Professional Services: Services that are predominantly mental or intellectual, rather than physical or manual, and require the application of the special knowledge, technical skill, and the experience that comes from instruction, training, and the exercise of mental faculties. Examples include the services of attorneys, physicians, architects, engineers, consultants, and other recognized professional individuals, associations, corporations, and groups whose services are customarily negotiated instead of competitively procured because of the individuality of those services and level of expertise involved.

42. Proposal: An offer submitted in response to a request for proposals (“RFP”). See Procurement Regulations § I.B.51.

43. Proposed award: A recommendation of the Procuring Agency to the Board that a specific responder is the successful responder after the evaluation of responses and the completion of any negotiations, if appropriate. This recommendation shall be made in accordance with these regulations and initiates the process by which a contract award may be made by the Board to the responder. May also refer to the recommendation of an evaluation committee to the Procuring Agency.

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44. Proposer: A person that submits a proposal. See Procurement Regulations § I.B.42.
45. Protest: A challenge to the award of a bid to a particular bidder. All protests must be written and sent to the Board pursuant to the Bid Protest Regulations dated January 22, 2014. The protest must state: (1) whom the speaker represents and the entity that authorized the representation; (2) what the issues are and the facts supporting the position; and (3) how the protestant will be harmed by the proposed Board action.
46. Public notice: The means reasonably calculated to notify the public, such as inclusion on a Board meeting agenda, an advertisement, mailings, placing notices in newsletters, and inclusion of public notice on the CitiBuy system or other electronic means.
47. Public works: A construction, reconstruction, demolition or maintenance of a physical structure that is attached to the land (e.g., a public building, recreation field, dock, bridge, ditch, road, alley, waterworks, storm drain, sewer, conduit, street light, and sewage disposal plant) which is: (1) primarily for public use; (2) government owned or operated; (3) accessible to the general public; and / or (4) government funded, wholly or in part, with no one factor being controlling.
48. Purchase Order: The electronic file residing in CitiBuy, the City's electronic procurement database located at www.baltimorecitiBUY.org, notice of which is emailed to the contractor after the City's approval of the award. If an Open Market Purchase Order is issued to the contractor, this is the contractor's notice to proceed. If an MBPO is issued to the contractor, this is notice that the City will commence placing orders, by issuing individual Release Purchase Orders. See Procurement Regulations § I.B.21.
49. Release Purchase Order: The electronic file residing in CitiBuy, notice of

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which is emailed to the contractor, which is the contractor's notice to proceed on an MBPO.

50. Request for information (RFI): A request for market information; it is not a solicitation unless the document provides otherwise.
51. Request for proposals (RFP): A solicitation to prospective proposers for providing supplies, materials, equipment, services, or public works in which the method of award is based on price and technical or other scoring.
52. Responder: Any person who submits a response to a City IFB, RFP, informal solicitation, or any other method the City uses to find sources to provide supplies, materials, equipment, services, or public works. See also definitions for Proposer and Bidder.
53. Response: A responder's submission in conjunction with any type of City solicitation for supplies, materials, equipment, services, or public works.
54. Responsibility: A determination, based on characteristics of a responder, that demonstrates that the responder is capable of satisfying the City's needs and requirements for a specific contract, and includes a good faith determination of fitness, capacity, integrity, and other considerations affecting work performance and financial responsibility, as well as previous compliance with contract terms, including but not limited to subcontractor utilization required by the contract.
55. Responsible bidder / proposer / responder: A person capable of satisfying the City's needs and requirements for a specific contract. See Procurement Regulations § I.B.54.
56. Responsive bidder / proposer / responder: A person who has submitted a response that conforms in all material respects to the requirements of an IFB, RFP, or informal solicitation. See Procurement Regulations § I.B.57.

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57. Responsiveness: A determination that a response complies with the material requirements of an IFB, RFP, or informal solicitation.
58. Selected source procurement: When supplies, materials, equipment, services other than professional services or public works are available from more than one source but the Using Agency requests a specific contractor.
59. Shall: Indicates a requirement.
60. Sole source procurement: When supplies, materials, equipment, services other than professional services or public works are only available from one source.
61. Solicitation: A request by an authorized City official for responses through a formal communication, with potential responder in accordance with these regulations. This is intended to include informal solicitations, except where otherwise addressed in these regulations or otherwise intended by the Charter.
62. Using Agency: The agency that requests supplies, materials, equipment, services, or public works through a Procuring Agency.
- C. Ethics and Standards of Behavior.
1. Nondisclosure before Solicitation. Until the City publicly issues a solicitation, a person involved in a solicitation shall not release information concerning the solicitation to any person who is not a City employee, consultant, or the Using Agency or Procuring Agency preparing the solicitation. A person working on a solicitation, however, may obtain information from others for the purpose of aiding in drafting the contents of the solicitation.
 2. Nondisclosure after Receipt of responses. Until the recommendation for award is made to the Board, a person involved in review of responses to a

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solicitation issued on behalf of the City, or who has been informed of the status or content of the review in the course of their duties, shall not release information concerning the solicitation or responses to any person not involved in the review of responses. This does not prohibit the Procuring Agency from making disclosures for briefing of a Board member.

3. Ethics Code. All City employees in the procurement process are subject to the City Ethics Code and the applicable regulations for standards of conduct required in contracting. Questions regarding ethical issues should be directed to the Executive Director of the City Ethics Board.
- D. Release of information. Solicitations, responses, and evaluations are subject to the Maryland Public Information Act ("MPIA"). Generally responses to solicitations are available for public inspection at the Board, located in Room 204 of City Hall, after the bid has been opened by the Board. If a responder believes its response includes confidential commercial information not disclosable under the MPIA, it must clearly designate that information when it is submitted to the City.
- E. Contractor Pre-Qualification.¹³
1. Pre-qualification of public works contractors. OBC, under the oversight of the Office of Boards and Commissions Review Committee, is charged by the Board with responsibility in regard to all public works-related matters relating to prequalification, requalification, and disqualification of contractors and consultants and to the performance evaluation of consultants and contractors. See rules governing operation of OBC.
 2. Otherwise, a Procuring Agency in a formal solicitation may determine the requirements, if any, for the pre-qualification of responders.

¹³ See Baltimore City Charter Art. VI, § 11(g).

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F. Minority and Women's Business Enterprises. Art. 5, Subtitle 28 of the Baltimore City Code contains the requirements for Minority and Women's Business Enterprises. It mandates that the Minority and Women's Business Opportunity Office ("MWBOO") is responsible for the certification of Minority and Women's Business Enterprises and maintaining a directory of these certified business enterprises. MWBOO is also responsible for investigating alleged violations of Art. 5, Subtitle 28; certifying compliance with Art. 5, Subtitle 28 before contracts are submitted to the BOE for award; setting MBE and WBE participation goals on each contract over \$50,000; and establishing annual goals for MBE and WBE participation in the procurement process. See Minority and Women-Owned Business Enterprise Regulations.

G. Formal Solicitation.

1. Public Notice. Public notice for procurements anticipated to result in a contract (excluding contracts for professional services) exceeding \$50,000 or such other number as established by the City Council, shall be published at least twice in a newspaper of general circulation published in Baltimore City and also published electronically at a site available to the public.¹⁴ Publication shall be not less than 10 days and no more than 90 days before the date set for opening responses.¹⁵
2. Use of a Formal Solicitation. A formal solicitation must be used for any procurement expected to result in a contract valued at more than \$50,000 unless the procurement meets the requirements for another type of solicitation defined in these regulations.
3. Formal Solicitation Copy Fees. The applicable copy fee shall accompany each request for a new solicitation. A responder may view a solicitation

¹⁴ The Baltimore Sun is currently the only newspaper of general circulation in the City. A solicitation for supplies, materials, equipment and services is published electronically in CitiBuy. A solicitation for public works is published electronically by the listing of a notice of letting in the agenda of the Board of Estimates.

¹⁵ See Baltimore City Charter Art. VI, § 11(c).

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but cannot submit a copy stamped "Not for Bidding Purposes" for consideration. See Procurement Regulations § F.14.

4. Formal Solicitations – IFBs, Competitive Sealed Bids.

- a. General. An IFB is a formal solicitation by which competitive sealed bids are invited through a public notice procedure that results in an award to the lowest responsive and responsible bidder.¹⁶
- i. Any prospective bidder who requests a change in or is uncertain as to the true meaning of the specifications or other contract documents or any part thereof, shall submit to the person indicated in the solicitation a written request for the change or interpretation. The request, with supporting documents, drawings, etc., shall be received by the Procuring Agency on or before five business days prior to the day on which the bid is due, or longer as specified by the document.
 - ii. Any substantive change or interpretation of the contract documents or specifications in the solicitation, if made, will be made only by addendum duly issued. A copy of such addendum will be furnished or made available to each known person receiving the solicitation. Any explanations, changes, or interpretations to the proposed documents in the solicitation made or given prior to the award of the contract shall not be binding on the City, unless contained in an addendum.
 - iii. The omission by the City of any specifications or details of

¹⁶ See Baltimore City Charter Art. VI, § 11(h).

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any specification in the solicitation which would normally apply to the supplies, materials, equipment, services, or public works specified therein, but which are nevertheless, necessary for the proper carrying out of the intent of the specifications, shall not relieve the bidder from fulfilling those required specifications needed to provide supplies, materials, equipment, services, or public works best suited to the intended purpose of the solicitation as determined by the Procuring Agency.

b. Procedure.

- i. IFBs are issued and public notice given by the Procuring Agency.
- ii. Bids are irrevocable once filed.¹⁷
- iii. Bids shall be submitted in the form and manner indicated by the solicitation document and solicitation forms. Any bid that does not fully respond to and comply with all the detailed specifications or other requests for information including execution of bid forms may be declared “non-responsive” by the City and recommended for rejection. The City shall not be responsible for any errors or omissions of the bidder.
- iv. Bidders shall submit bids by 11:00 a.m. on the date indicated in the document to the Board, located in Room 204 of City Hall, or at any other time or location determined by the Board.¹⁸

¹⁷ See Baltimore City Charter Art. VI, § 11(h)(1)(iv).

¹⁸ At 10:45 a.m. on Wednesdays, staff of the Board are located at the front of City Hall to accept bids.

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- v. The Board shall time-stamp each bid when received in Room 204. Bids received after 11:00 a.m. shall not be accepted.
- vi. The Board publicly opens bids at 12 noon on Wednesdays. The Board: (1) publicly opens all timely bids received at that time; (2) at the Board's option, reads the bids aloud to the persons present; and (3) leaves a copy of the IFB and the bids in the Office of the Board for review by interested persons for a reasonable period of time or makes arrangements for the furnishing of copies of these documents to interested persons, as further described in § 4 of the Procurement Regulations. In the event of unusual circumstances, the Board will determine the opening date, time, and location.
- vii. No statement or comment made while opening the bids is binding on the City or has any effect with respect to interpretation of the solicitation documents or bids received. Opening bids is a ministerial function as part of a public process.
- viii. The Board shall forward all bids received to the Procuring Agency for evaluation, unless the Board refers the bid to the Law Department for review.
- ix. The Procuring Agency shall evaluate the bids in accordance with the method of award criteria and for responsiveness and responsibility, and forward recommendations to the Board. Only award criteria set forth in the IFB shall be considered for the bid evaluation.
- x. In the case of tie bids, the Using Agency, with written

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notice to the Department of Finance, shall make a written recommendation and report to the Board setting forth all pertinent considerations and reasons for its recommendation.¹⁹ The Board, after considering the recommendation of the Department of Finance, may then award the contract in its discretion, as long as the total cost to the City does not exceed the amount of the tie bid.

- xi. The Board shall post the name of the proposed contract awardee or the proposed rejection of all bids on the Board's agenda

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- xii. The Board shall award the contract in entirety to the lowest responsive and responsible bidder, or, for items to the respective lowest responsive and responsible bidders, or reject all bids.²⁰ The decision to reject all bids is final and not subject to protest.

- xiii. When alternative bids are invited for two or more different things, after all bids are opened, the Using Agency recommends to the Board selection of the particular items that will be procured and shall recommend award of the contract to the lowest responsive and responsible bidder for that particular item in accordance with the solicitation document.²¹

5. Formal Solicitations – RFPs, Competitive Sealed Proposals.

- a. General. An RFP is a formal solicitation for competitive sealed proposals. Proposals are publicly opened. Final costs and scope of

¹⁹ See Baltimore City Charter Art. VI, § 11(h)(1)(iii).

²⁰ See Baltimore City Charter Art. VI, § 11(h)(1)(ii).

²¹ See Baltimore City Charter Art. VI, § 11(h)(1)(ii).

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work may be subject to negotiation after the proposals are received and before the contract is awarded if stated in the RFP. An RFP results in an award to the highest scoring responsive and responsible proposer.

b. Proposal Receipt.

- i. RFPs are issued and public notice given by the Procuring Agency.
- ii. Technical responses to RFPs are publicly opened by the Board and forwarded to the Procuring Agency for review, consideration, and scoring. At the request of the Procuring Agency, price proposals are publicly opened by the Board and forwarded to the Procuring Agency.
 - aa. Once filed, a proposal is irrevocable.
 - bb. Until a proposed award for an RFP is posted, all technical responses to RFPs shall not be released to the public, except as required by § D of the Procurement Regulations.
- iii. The Procuring Agency submits its recommendation for award or rejection of all proposals to the Board.
- iv. In the case of a tie in the final score, the Procuring Agency, with written notice to the Department of Finance, shall make a recommendation and report to the Board setting forth all pertinent considerations and the reasons for its recommendation. The Board, after also considering the recommendation of the Department of Finance, may then award the contract in its discretion, as long as the total cost to the City does not exceed the amount of the tie proposal.

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- v. The Board shall post the name of the proposed contract awardee or the proposed rejection of all proposals on the Board's agenda.
- vi. The Board shall award the contract as an entirety to the highest scoring responsive and responsible proposer or reject all proposals. The decision to reject all proposals is final.
- vii. The Procuring Agency may negotiate a contract with the proposed awardee if negotiation is provided for in the solicitation.

6. Proposal Evaluation.

- a. All evaluations of proposals shall be done by an evaluation committee. The Procuring Agency shall select the evaluation committee members with input from the Using Agency, subject to these regulations.
- b. Each evaluation committee shall be made of at least three individuals.
- c. No more than 50% of each committee shall be employees or consultants of the Using Agency. This restriction may be modified or waived by the Procuring Agency upon written request of the Using Agency, which shall be the basis for modification or waiver.
- d. Conflicts. No committee members shall have a conflict of interest relating to the evaluation of proposals submitted in response to the RFP.
- e. Disclosure. No procurement officer or committee member shall disclose any information relating to the evaluation of proposals submitted in response to the RFP, including but not limited to the

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identity of committee members, the status of the evaluation, the contents of the proposals or the scores. This does not prohibit the Procuring Agency from making disclosures for briefing of a Board member.

- f. Individual committee member scores shall be kept confidential, unless the Law Department determines that the scores may be released.

7. Formal Solicitation Cancellation / Rejection of all Bids.

- a. Cancellation Before Time for Opening. Subject to Board approval, the Procuring Agency may cancel a formal solicitation in whole or in part before the opening or due date when it decides that this action is in the best interest of the City.
- b. Notice of Cancellation of Formal Solicitation. The Procuring Agency shall communicate cancellation of a solicitation in advance of the recommendation to the Board. Responders are not entitled to any compensation in connection with cancellation of a solicitation.
- c. Rejection of all Bids after Time for Opening. The Procuring Agency may recommend to the Board that it reject all responses to a formal solicitation when it decides that this action is in the best interest of the City.

8. Responsiveness and Responsibility.

- a. Responsiveness.
 - i. The Procuring Agency shall recommend to the Board whether a responder is responsive; the Board shall make the final determination. See Procurement Regulations § I.B.57.

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- ii. In determining responsiveness, the Procuring Agency shall consider, among other factors, the responder's conformance with the terms and specifications of the solicitation, such as:
 - aa. Each of the solicitation forms required by the solicitation should be fully and accurately completed.
 - bb. All required information should be included.
 - cc. All signatures should be by hand and not an imprint or typed name.
 - dd. Any corporation or other legal entity completing solicitation forms should be executed by a person with authority to bind the entity.
 - ee. All notary certificates should be fully and completely filled out and in accordance with Maryland law.
- iii. The Board, in its discretion, may permit a cure to any deficiency resulting from a minor irregularity in a response or may waive the deficiency.

b. Responsibility.

- i. A responder must be responsible. See Procurement Regulations § I.B.54. The Procuring Agency shall recommend to the Board whether a responder is responsible for the Board's final determination. Prior to written notice to an affected responder and / or a recommendation to the Board that a responder be found non-responsible, the Procuring Agency shall consult with the Law Department.

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- ii. In determining responsibility, the Procuring Agency shall consider, among other factors, the following:
- aa. The ability, capacity, organization, facilities, and skill of the responder to perform the contract;
 - bb. The ability of the responder to perform the contract or provide the services within the time specified without delay, interruption or interference;
 - cc. The integrity, reputation, and experience of the responder, and its key personnel;
 - dd. The quality of performance of previous contracts or services for the City or other entity. Past unsatisfactory performance may be sufficient to justify a finding of non-responsibility;
 - ee. The previous and existing compliance by the responder with laws and ordinances relating to the contract or services;
 - ff. The sufficiency of financial resources of the responder to perform the contract or provide the services;
 - gg. Whether a responder is in default of payment of any money due the City;
 - hh. Debarment by the City or other entity; and
 - ii. Results of reference checks.
- iii. A responder may be required at any time by the Procuring Agency to provide additional information, references and

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other documentation and information that relate to the determination of responsibility. Failure to furnish requested information may constitute grounds for a finding of non-responsibility of the prospective responder. Any and all information received from references or other information about past performance may constitute grounds for a finding of non-responsibility.

9. Debriefing of Unsuccessful Responder.

- a. After contract award, unsuccessful responders may be debriefed upon request submitted to the Procuring Agency within a reasonable time. Debriefing may be provided at the earliest feasible time after contract award and shall be conducted by an authorized City official familiar with the rationale for the selection decision and contract award. In conducting debriefings, there shall be no disclosure of any information derived from responses submitted by competing responders.
- b. Debriefing shall:
- i. Be limited to discussion of the unsuccessful responder's response and may not include specific discussion of a competing responder's response;
 - ii. Be factual and consistent with the evaluation or the unsuccessful responder's response; and
 - iii. Provide information on areas in which the unsuccessful responder's technical response, if submitted, was deemed weak or deficient or the reasons for which a responder was found non-responsive and / or non-responsible.
- c. Debriefing will not include discussion or dissemination of the

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notes or rankings of individual members of an evaluation committee, but may include a summary of the authorized City official's rationale for the recommended contract award.

- d. A record of the debriefing shall be made a part of the contract file.

10. Bid Security.

a. Bid Security Requirements.

i. All bid security forms should have all blanks filled in contain the signature of the responder and the signature of the surety, and have a valid power of attorney form attached. Any deficiencies in either the bid bond or the power of attorney, if required, may be immediate grounds for response rejection.

ii. Bid security may only be submitted from surety companies that, at the time of response submission and / or contract execution, are authorized to transact business in the State of Maryland.

iii. If the City makes an award but, within 10 business days after award, the successful responder does not execute and return the contract, provide acceptable performance and payment bonds, certificates of insurance, minority participation documentation and other submission requirements set forth in the solicitation documents, then the City may terminate the award to the successful responder and the successful responder's bid security shall

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be forfeited to the City as liquidated damages, which is not intended nor should be construed as a penalty.²²

- iv. If a responder is not required to file a bid security and the responder fails to execute and perform any contract awarded to that responder, the responder shall forfeit the right to bid on any future City contract for a period of time determined by the Board, and shall be liable for any costs incurred by the City as a result of the default.

- v. When the successful responder executes the contract and, if required, the performance and payment bond, the City shall return to all responders the bid checks or release the bid bonds. If the City has deposited bid checks, the City shall reimburse the responders in the amounts of the bid checks.²⁴

b. Public Works Bid Security.

- i. All responses for construction contracts let for the Department of Public Works, the Department of General Services, the Department of Transportation, and the Department of Recreation & Parks and any other contracts for public works shall include a check or bid bond.²⁵
- ii. If a check, the check shall be a certified check of the responder, a bank cashier's check, or a bank treasurer's check, drawn on a clearinghouse bank. The check shall be in an amount provided by the bid specifications or by an order or regulation of the Procuring Agency. In the case of

²² See Baltimore City Charter Art. VI, § 11(h)(3)(iv).

²³ See Baltimore City Charter Art. VI, § 11(h)(5).

²⁴ See Baltimore City Charter Art. VI, § 11(h)(4).

²⁵ See Baltimore City Charter Art. VI, § 11(h)(2)(i).

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bid checks of \$5,000 or less, the check may be of any type drawn on any banking institution of the United States.²⁶

- iii. The bid bond shall be for an amount which is determined by the Green Book or solicitation.
- iv. Failure to comply with bid security requirements shall be grounds for rejection.

c. Bureau of Procurement Bid Security

- i. Subject to Board approval, the Director of Finance shall implement policies and procedures to determine whether a bid bond is required for a contract, the term and face value of the bond, and the manner in which the bond shall be provided and refunded.

11. Performance and Payment Bonds, Irrevocable Letters of Credit, and Self-Insurance Certification.

- a. For public works contracts let by the Department of Public Works, the Department of General Services, the Department of Transportation, and the Department of Recreation & Parks, and any other contracts for public works, the responder shall execute and deliver to the City a good and sufficient performance bond, irrevocable letter of credit, or certification that the successful responder meets the requirements under the City's self-insurance program for performance coverage as well as a payment bond.
- b. Subject to Board approval, for Bureau of Procurement contracts, the Director of Finance shall implement policies and procedures to determine whether to require a performance bond for a contract,

²⁶ See Baltimore City Charter Art. VI, § 11(h)(2)(ii).

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the term and face value of the bond, and the manner by which the responder shall provide the bond.²⁷

c. Performance and Payment Bonds.

i. Amounts for Performance Bond, Payment Bond, Letter of Credit, and Certification. The bond, letter of credit, or certification shall be:²⁸

aa. in an amount equal to the full contract price; or

bb. for Bureau of Procurement contracts, in an amount as determined by the Director of Finance and named in the solicitation.

ii. Performance and Payment Bond Requirements. All bonds shall meet the following minimum requirements:

aa. At the time of contract execution, the surety company issuing the bond shall be qualified and licensed to do business in the State of Maryland and listed as an approved surety for federally funded projects in excess of the response and / or contract amount on the U.S. Treasury's Circular 570, List of Approved Sureties (or as amended from time to time).

bb. Any attorney-in-fact on the bond document shall be properly authorized to bind the surety in the full amount of the bond. The power of attorney submitted with the bond shall document the attorney-in-fact's authority. The power of attorney

²⁷ See Baltimore City Charter Art. VI, § 11(h)(3)(ii).

²⁸ See Baltimore City Charter Art. VI, § 11(h)(3)(iii).

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submitted with the bond shall be an original with an original signature of the surety, unless the power of attorney specifically permits copies to be effective or valid.

cc. The obligee of the bond shall be "Mayor and City Council of Baltimore" and any additional or other obligee required by the City.

dd. The performance bond shall contain the express stipulation on the part of the contractor that it will defend, indemnify, and save harmless the Mayor and City Council of Baltimore against any suit or suits, loss, damage, or expense, to which the Mayor and City Council of Baltimore may be subjected by reason of any default or negligence, want of skill, or care on the part of the contractor, its agents or employees, or of any subcontractor, in or about the performance and execution of the work.

ee. The bond shall be an original with original signatures of all required signatories. All bond forms shall contain the signature of the contractor and the signature of the surety, have a valid power of attorney form attached, if required, and have all blanks filled in.

iii. Irrevocable Letter of Credit Requirements. To be acceptable, any irrevocable letter of credit shall be presentable to an institution located within the State of Maryland.

12. Authority to Require Additional Security. Nothing in these regulations

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shall be construed to limit the authority of the Procuring Agency to require additional security from a responder or contractor if such additional security is contained in the solicitation.

13. Bond Forms and Copies.

- a. Bond Forms. All bonds shall be approved by the Law Department for form and legal sufficiency.
- b. Copies of Bonds. Any person may obtain from the Procuring Agency a copy of a bond upon request.

14. Insurance.

- a. General. A responder shall meet all the insurance coverage requirements of the City. Any insurance required by the City shall remain in force during the life of a contract with the City. The contractor shall name the Mayor and City Council of Baltimore as an additional insured on all applicable insurance policies.
- b. Types of Insurance Coverage. For contracts for supplies, materials, equipment, services, and public works, the City generally requires coverage for commercial general liability insurance, business automobile liability insurance, cyber liability insurance, and workers compensation insurance. Service contracts may also require professional liability or errors and omissions insurance. Additionally, contracts for public works generally require special hazards insurance such as railroad insurance, builder's risk insurance, or environmental liability insurance.

15. Formal Solicitation Copies.

- a. Formal Solicitation Copy Fees.

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- i. Paper Solicitations. A copy fee is required for public works plans and specifications and is disclosed in the solicitation. The Procuring Agency shall calculate a minimum copy fee or a variable copy fee based upon the costs associated with preparing and printing of public works plans and specifications for each procurement (also referred to as the specification book).
- ii. Formal Solicitation Amendments or Addenda. No fee.
- iii. Payment. The City shall not release a copy of the solicitation until the requester pays all required copy fees in full.
- iv. Refunds. Minimum and variable copy fees are not refundable under any circumstances, including cancellation of a solicitation.
- v. Transfers. A solicitation may not be transferred to any other person for bidding purposes.
- vi. Waiver of Fees. The Procuring Agency may waive the solicitation copy fees:
- aa. for responders who previously purchased a solicitation which is subsequently withdrawn by the City and re-advertised; or
 - bb. when in the best interest of the City.

H. Professional Services Solicitation.

1. For professional services, see "City of Baltimore Resolution Relating to Non-Architectural or Engineering Professional Services" approved by the Board on February 27, 2019, as amended from time to time.

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2. For Board thresholds, see “Resolution of the Board of Estimates of Baltimore City for Setting the Board Approval Threshold Amount for Professional Services” dated June 17, 2015.
3. For architectural and engineering services, see “City of Baltimore Resolution Relating to Architectural & Engineering Services” approved by the Board on March 5, 1997, as amended from time to time.

I. Informal Solicitation – RFI.

1. The Procuring Agency may use an RFI in the planning phase to gather market research when the procuring agency is unable to clearly identify the availability of contractors, specifications for a project, and/or types of products or services needed for a project. After an RFI, the Procuring Agency should have a better understanding of market conditions, contractor interests, and project specifications. A respondent shall not receive a contract award as a result of the RFI. An RFI does not constitute a commitment, implied or otherwise, that the Procuring Agency will take procurement action in the future.
2. The RFI is accomplished by the following steps:
 - a. The Procuring Agency issues the RFI to the general public and / or interested persons in a reasonable manner (e.g., through publications, on the internet, by email, etc.)
 - b. Respondents send their RFI responses directly to the Procuring Agency.
 - c. The Procuring Agency evaluates the RFI responses.
 - d. Responses to an RFI will not be returned. Respondents are solely responsible for all expenses associated with responding to an RFI. The Procuring Agency will not pay for information received in response to an RFI.

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3. This process may not be used alone to determine the basis for a non-competitive procurement.
- J. Emergency Procurement.²⁹
1. This applies to procurements that would otherwise require Board approval. In the event of an emergency of such a nature that the public welfare would be adversely affected by awaiting the approval of the Board, the Department of Finance, upon application by the authorized official of the Using Agency,³⁰ may proceed to obtain the supplies, materials, equipment, services, or public works required without formal advertisement and the prior approval of the Board. The Department of Finance or the Using Agency shall promptly submit to the Board a full report of any emergency procurement.
 3. An emergency procurement may only be used when properly documented facts exist that demonstrate that an emergency exists.
- K. Non-Competitive Procurement (No Advantage, Not Practicable, or Emergency Nature).³¹
1. Procedure.
 - a. A non-competitive procurement without formal advertisement may occur only when:
 - i. no advantage will result or it is not practicable to obtain competitive responses for supplies, materials, equipment, services other than professional services, or public works;or

²⁹ See Baltimore City Charter Art. VI, § 11(e).

³⁰ See Baltimore City Charter Art. VI, § 11(e)(ii).

³¹ See Baltimore City Charter Art. VI, § 11(e)(i).

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- ii. the need for supplies, materials, equipment, services other than professional services, or public works is of an emergency nature.
 - b. Prior Approval Required.
 - i. A purchase may not be made and the City may not incur any obligation to make payment until the Board, after considering the recommendation of the Department of Finance, approves the purchase.
 - ii. When practicable, the City's intent to make a purchase under this exception shall be posted electronically to the public for comment prior to the recommendation of the purchase to the Board.
 - c. For non-competitive procurement guidelines and procedures, see "City of Baltimore Resolution Relating to Non-Competitive Procurements" approved by the Board on February 27, 2019, as amended from time to time.
- L. Conflict of Interest. By executing a contract, the contractor asserts that it has not engaged in any practice or entered into any past or ongoing contract that would be considered a conflict of interest with the instant contract. The contractor agrees to refrain from entering into all such practices or contracts during the term of the instant contract (and any extensions thereto), including any agreements and / or practices that could give rise to even the appearance of a conflict of interest. Furthermore, the contractor asserts that it has fully disclosed to the City any and all practices and / or contracts of whatever nature or duration that could give rise to even the appearance of a conflict of interest with the parties or subject matter of the instant agreement and will continue to do so during the term of the contract and any extensions thereto. Additionally, the contractor warrants that it has not employed or retained any company or persons, other than a bona fide employee

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working solely for the contractor, to solicit or secure the contract and that it has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the contractor, any fee, commission, percentage, brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or making of the contract. The contractor further warrants that it has not, and will not, employ or retain any company or persons who are in violation of the Baltimore City Ethics Code § 6-11, § 6-22, or § 6-38 to assist in procuring or executing the contract.

M. Contract Modification.1. General.

- a. Authorization. The contractor, Using Agency, or Procuring Agency may propose a contract modification. Only a documented modification approved and executed in the same manner as the original contract is effective (e.g. execution by the Procuring Agency, approved for form and legal sufficiency by the Law Department, and approved by the Board if the Board approved the original contract).
- b. The Board may approve, approve with conditions, or reject any contract modification.

N. Termination.

1. Authority to Terminate. The Procuring Agency may terminate a contract contingent on the approval of the Board.
2. Termination Provisions in a Contract. The Procuring Agency shall include termination provisions approved by the Law Department in a contract.
3. Termination Methods. A contract may be terminated in four ways:

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- a. Termination for Default. A contract may be terminated for default. If the contractor materially breaches the contract, the City, at its option, may cancel in whole or in part work under the contract. If it is determined that the City improperly terminated this contract for default, such termination shall be deemed a termination for convenience.
- i. The Procuring Agency may provide the Law Department with documentation demonstrating a material breach of the contract by the contractor.
 - ii. If the Procuring Agency finds that the contractor is in default, the Procuring Agency may provide the contractor with a written notice to cure the default.
 - iii. The Law Department may approve the issuance of the notice to cure the default and the issuance of a termination for default.
 - iv. If the contractor disputes the issuance of a termination for default, the contractor may file a timely appeal to the Board after exhausting any claim process administered by the Procuring Agency. The contractor may not file an appeal in response to a notice to cure the default.
- b. Termination for Convenience. A contract may be terminated for convenience at the option of the City if the termination is in the best interest of the City. Termination for convenience may entitle the contractor to payment for reasonable costs allocable to the contract for work or costs incurred by the contractor up to the date of termination. However, the contractor shall not be reimbursed for any anticipatory profits that have not been earned prior to the date of termination. The contractor must not be paid any equitable

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compensation as a result of a termination for convenience that exceeds the amount encumbered to pay for work to be performed under the contract.

- i. The Procuring Agency may provide the Law Department with documentation demonstrating that termination of the contract for convenience is in the best interest of the City.
- ii. The Procuring Agency may consult with the Law Department before the issuance of the notice of termination for convenience and any resulting contract modification
- iii. If the Procuring Agency finds that the contractor should be terminated for convenience, the Procuring Agency must provide the contractor with written notice that the contract will be terminated for convenience on the date specified in the notice. The notice must require that the contractor provide the Procuring Agency with documentation indicating the amount of reasonable costs claimed by the contractor as a result of the termination for convenience.
- iv. The contractor must provide the Procuring Agency, within the time specified in the notice of termination for convenience, with documentation substantiating the amount of reasonable costs the contractor claims as a result of the termination for convenience.
- v. If the Procuring Agency and the contractor agree on the amount of reasonable costs owed to the contractor as a result of the termination for convenience, the City and the contractor may enter into a contract modification, if necessary, setting forth the amount owed to the contractor

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as reasonable costs arising from the termination for convenience.

- vi. If the contractor and the Procuring Agency cannot agree on the amount of reasonable costs owed to the contractor as a result of the termination for convenience, the contractor may file a timely appeal to the Board after exhausting any claim process administered by the Procuring Agency.
- c. Termination by Mutual Consent. In special circumstances a contract may be terminated by mutual consent of the parties.
 - i. The Procuring Agency may provide the Law Department with documentation justifying termination of a contract by mutual consent.
 - ii. If the Procuring Agency finds that it is in the best interest of the City to terminate the contract by mutual consent, the Procuring Agency may enter into a termination agreement.
 - iii. The Law Department may approve a termination agreement.
 - d. Termination for Lack of Funding. A contract may be terminated at the option of the City for a lack of funding or a change in funding policy. In the event of such non-appropriation of funds or change in funding policy at any time during the term of the contract as would prevent the City from making payment under the terms and conditions of the contract, the City may terminate the contract without the assessment of any charges, fees or financial penalties against the City.
 - i. The payment of invoices and any amounts due the contractor under a contract is contingent upon the proper appropriation of funds by the Baltimore City Council in

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accordance with the Baltimore City Charter and the Code. If the terms of the contract exceed a budget as adopted by the Baltimore City Council, then that portion of the contract which exceeds a properly adopted budget shall be contingent upon further appropriation by the City. In the event of such non-appropriation of funds or change in funding policy at any time during the term of the contract, this would prevent the City from making payment under the terms and conditions of the contract, the City may terminate the contract without the assessment of any charges, fees or financial penalties against the City by providing written notice of intent to terminate to the contractor. The contractor shall not begin any additional work or services related to the contract upon receipt of notification of intent to terminate by the City.

4. Suspension of Work.

- a. The Procuring Agency may order in writing the suspension, delay, or the interruption of all or any part of the work under a contract (i.e. suspension of work) for such period of time as the Procuring Agency may determine to be appropriate for the convenience of the City.
- b. If a contractor is directed by the City to recommence work after a suspension of work, the contractor may provide the Procuring Agency with documentation indicating the amount to which the contractor claims it is due as a result of the suspension of work. If the City terminates the contractor for default after an order to suspend work, the contractor is not entitled to make a claim against the City for the suspension of work.
- c. If a contractor and the Procuring Agency cannot agree on the

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amount of reasonable costs incurred by the contractor arising from the suspension of work, the contractor must file a timely appeal to the Board after exhausting any claim process administered by the Procuring Agency.

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II. Protest Regulations

- A. Repeal of Resolution. The Resolution on the Regulation of Board Meetings and Protests adopted by the Board January 22, 2014 is hereby repealed.
- B. Board Agenda.
1. For each Board meeting, the President of the Board shall determine which items on the agenda are routine and which are non-routine.
 2. Routine items shall be adopted en masse by one vote.
 3. Non-routine items shall include, protests found to be in proper standing, and any motion or request by any member of the Board.
 4. Non-routine items are considered and voted individually.
- C. Conduct during Board Meetings.
1. In the interest of promoting order and efficiency of hearings, persons who are disruptive to the hearing may be required to leave the hearing room.
 2. The President shall have the right to recognize or request speakers to provide information as necessary or requested by the Board.
 3. The President shall have the right to limit all speakers to items and issues germane to the specific question(s) before the Board as well as to establish time limits for speakers.
- D. Protests.
1. A person wishing to protest a proposed action of the Board or otherwise address the Board, whether individually or as a spokesperson, shall notify the Clerk of the Board, Room 204, City Hall, 100 N. Holliday Street, Baltimore, Maryland 21202 in writing no later than noon on the Tuesday preceding the Board meeting during which the item will be considered, or

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by an alternative date and time specified in the agenda for the next scheduled meeting.

2. A protest shall be considered proper when the protestant is directly and specifically affected by a pending matter or decision of the Board.
 - a. Except as otherwise specified, the President of the Board shall determine whether protests are proper.
 - b. A member of the Board may ask for consideration of a determination made by the President of the Board regarding whether a protest is proper by requesting a vote by the Board. A majority vote by the Board shall ultimately decide whether a protest is proper.
 - c. The President may allow any other person to rebut a protest when the President determines it is in the best interest of the Board.
3. The written protest shall include:
 - a. The name of the person protesting or, if a spokesperson, the entity or organization protesting;
 - b. A narrative description of the issues and facts supporting the protest; and
 - c. A description as to how the protestant will be harmed by the proposed Board action.
4. If a person fails to appear before the Board to argue and defend their protest, the Board may reject the protest without discussion.
5. In the event the Board determines to have a public hearing on an item:
 - a. The President shall make a reasonable effort to accommodate any person(s) wishing to speak before the Board;

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- b. A protest need not be submitted the Tuesday prior to the Board meeting during which the item is to be considered; and
- c. A person need not have proper standing.

E. Procurement Lobbyist.

- 1. A Procurement Lobbyist, as defined by the Baltimore City Ethics Code § 8-8(c) must register with the Board of Ethics as a Procurement Lobbyist in accordance with Baltimore City Ethics Code § 8-12.
- 2. If any member of the Board has sufficient information to determine that Baltimore City Ethics Code § 8-12 has not been complied with, he or she may make a complaint to the Board of Ethics.

- F. Required Posting. The provisions of these Protest Regulations shall be posted in a manner and format that ensures adequate notice in the Department of Legislative Reference, as well as on the President of the Board's web site and the Secretary to the Board's web site.

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III. **Minority and Women-Owned Business Enterprise Regulations**A. Minority Business Enterprise and Women-Owned Business Enterprise Program.

1. Purpose. The purpose of these regulations is to carry out the City of Baltimore's policy of promoting equal business opportunities in its contracting process by supporting full and equitable participation of firms owned and controlled by minorities and women in the provision of goods and services to the City.
2. Program Authority. The authority to issue these regulations is found in Article 5, Subtitle 28-13(a) of the Baltimore City Code authorizing a Minority and Women's Business Enterprise Program.
3. Applicability. These regulations shall be used by the Chief of the Minority and Women's Business Opportunity Office (MWBOO) with regards to determining the status of firms as a Minority Business Enterprise ("MBE"), Women's Business Enterprise ("WBE"), or Minority/Women's Business Enterprise ("M/WBE) and initiation of investigatory proceedings necessary to monitor such firm's continued eligibility for MBE, WBE, or M/WBE certification. These regulations shall be used by the Chief of MWBOO to set MBE and WBE goals on a contract-by-contract basis as well as setting annual MBE and WBE goals. These regulations shall be used by the Chief of MWBOO to monitor and enforce compliance of MBE and WBE goals.
4. Policy. It is the policy of the City of Baltimore to promote equal business opportunity in the City's contracting process by encouraging full and equitable participation by minority and women's business enterprises in the provision of goods and services to the City on a contractual basis.
5. Definitions – A to G. These Definitions are a supplement to the Definitions included in the City of Baltimore's Procurement Regulations (Article I of these regulations) where the following Definitions are not

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included or require further clarification for the purposes of the MBE/WBE regulations.

- a. Affiliation: Concerns and entities are affiliates of each other when one controls, or has the power to control the other, or a third party or parties controls or has the power to control both. It does not matter whether control is exercised, so long as the power to control exists.
- b. African American: A U.S. citizen or lawfully admitted permanent resident who originates from any of the black racial groups of Africa.
- c. Annual Receipts: The total receipts of a business enterprise over its most recently completed three (3) fiscal years divided by three (3).
- d. Applicant: A business which has applied to the Minority and Women's Business Opportunity Office for certification or recertification as a bona fide Minority Business Enterprise, Women's Business Enterprise or Minority/Women's Business Enterprise (M/WBE).
- e. Certification Appeals Board: The panel of hearing officers established in Section 28-83(d) of the Ordinance. The panel operates under the name "Minority and Women's Business Enterprise Certification Appeals Board."
- f. Asian American: A U.S. Citizen or lawfully admitted permanent resident who originates from peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.
- g. Baltimore Market Area: Baltimore City, Baltimore County, Anne Arundel County, Howard County, Harford County, Carroll County and Queen Anne's County.

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- h. Business Enterprise: A corporation, limited liability company, partnership, individual, sole proprietorship, joint stock company, joint venture, professional association, or any other legal entity operated for profit through which a commercial activity is conducted that is properly licensed and otherwise authorized to do business in the State of Maryland.
- i. Certified Business Enterprise: A minority or women's business enterprise that has been certified by the Minority and Women's Business Opportunity Office as meeting the criteria for certification under Article V, Subtitle 28.
- j. Chief: The Chief of the Minority and Women's Business Opportunity Office.
- k. Commercially Useful Function:
- i. The performance, based on all relevant facts and circumstances, by a business enterprise of real and distinct work for which the business enterprise has the skill, expertise, and actual responsibility to perform, manage, and supervise.
 - ii. The business enterprise must be responsible, with respect to material and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, installing (where applicable), and paying for the material itself.
 - iii. A business enterprise does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of MBE or WBE participation.

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1. Contracting Agency:
- i. The city agency, department, or authorized representative that issues invitations to bid or requests for proposals.
 - ii. Contracting Agency means "Procuring Agency" as defined in §I.B.
- m. Control: The minority group member owners or women owners possess and exercise the legal authority and power to manage business assets, goodwill, and daily operations of the business, and; actively and continuously exercise this managerial authority and power in determining the policies and directing the operations of the business without any formal or informal restrictions. If owners who are not minority group members or women are responsible for the operation of the business out of proportion to their ownership interest, then the business is not controlled by minority group members or women.
- n. Decertification: The specific administrative steps taken to remove certification from a business which had been previously certified by the Minority and Women's Business Opportunity Office.
- o. Expansion of Services: Areas of work added to a certified firm's profile. The requesting certified firm must demonstrate the in-house capabilities to perform the requested areas work being requested with its own workforce.
- p. Good Faith Efforts: The reasonable efforts taken by a bidder or contractor, as established by reasonable documentation, to achieve the required subcontracting participation of the applicable MBE or WBE goal.
- q. Graduation: The process by which a certified firm is deemed to be

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no longer eligible to participate in the City MBE Program due to its three (3)-year average of gross annual revenues or annual employment total.

r. Gross Revenue: The same as Annual Receipts.

6. Definitions - H to Z.

a. Hispanic American: A U.S. Citizen or lawfully admitted permanent resident of Mexican, Puerto Rican, Cuban, Central American, South American, or other Spanish or Portuguese culture or origin, regardless of race.

b. Joint Venture: An association between business enterprises that provides for the sharing of economic interests. A MBE and/or WBE firm and one or more other firms may form a joint venture to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills, and knowledge, and in which the MBE and/or WBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

c. Limited Liability Company: A form of unincorporated business organization which is organized and existing under Title 4A, Corporations and Associations Article, Annotated Code of Maryland, or under the laws of any other state or the District of Columbia.

d. Limited Liability Partnership: A partnership formed and registered with the SDAT pursuant to Title 9 of the Corporations and Associations Article, Annotated Code of Maryland, or under the laws of any other state or the District of Columbia.

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- e. Managerial Control: A minority or woman owner(s) has the demonstrable ability to make independent and unilateral business decisions needed to guide the future and destiny of a business. Control may be demonstrated in many ways, including, but not limited to:
- i. Articles of Incorporation, Corporate Bylaws, Operating Agreements, Partnership Agreements and any other formal agreements that are free of restrictive language which would prevent the minority/woman owner from making those decisions which affect the future and destiny of a business;
 - ii. The minority/woman owner shall be able to show clearly through production of documents, the areas of the minority/woman business owner's control, such as, but not limited to:
 - aa. The authority to sign payroll checks and letters of credit;
 - bb. The authority to negotiate and sign for insurance and/or bonds;
 - cc. The authority to negotiate for banking services, such as establishing lines of credit;
 - dd. The authority to negotiate and sign for contracts; and
 - ee. The authority to hire and terminate employees; or
 - iii. Agreements for support services that do not lessen the minority/woman owner's control of the company are permitted as long as the minority/woman business owner's

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authority to manage the company is not restricted or impaired.

- f. Manufacturer: A business enterprise that produces goods from raw materials or substantially alters or fabricates them before resale, and; assumes the actual and contractual responsibility for providing the materials and supplies.
- g. Mentor-Protégé Program: A support program designed to further the development of MBE's and WBE's by assisting them to move into non-traditional areas of work and strengthen their ability to compete in the marketplace outside the MBE/WBE program by receiving training and assistance from other firms.

Minor Irregularity

- i. A failure to meet a requirement in formal solicitation that is merely a matter of form (not substance) or is a defect or variation as to price, quantity, quality, or delivery that is a trivial or inconsequential provision when contrasted with the total cost or scope of the procurement.
- ii. A minor irregularity does not materially change the purpose or scope of the solicitation or undermine the competitive process by giving a responder an unfair advantage over others.
- iii. For those minor irregularities not impacting MBE/WBE, see Procurement Regulations § I.B.30.
- iv. Examples of minor irregularities include but are not limited to:
 - aa. Failure of a bidder to sign documents acknowledging agreement to comply with laws,

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rules or regulations, the compliance with which is mandatory, legally required and independent of the execution of any document in bid package;

bb. Clerical errors that can be easily corrected, such as failing to mark or otherwise indicate whether a firm is an MBE or WBE when all other information is correctly provided; or

cc. When, despite a good faith effort on the part of the bidder, a designated MBE or WBE is not in good standing with the State Department of Assessments and Taxation at the time of award, but can come into good standing within ten (10) days of award

- DEFERRED**
- i. Minority Business Enterprise or MBE: A for-profit business enterprise that is owned, operated, and controlled by one (1) or more minority group members who have at least 51% ownership, and is located in the Baltimore City Market Area.
 - j. Minority Group Member: A member of a minority group, such as African American, Hispanic American, Asian American or Native American.
 - k. Native American: A U. S. Citizen or lawfully admitted permanent resident who originates from any of the original peoples of North America and who maintains cultural identification through tribal affiliation or other suitable authority in the community.
 - l. Operating Office:
 - i. The business location within the Baltimore City Market Area where the individual(s) who regularly manage the firm's day-to-day operations are located, where clients are

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met, and where business records are kept.

- ii. It is the location where the Applicant has a tenancy interest, leasehold estate or other real property interest in the space.
- iii. The following are examples of situations that do not meet the definition of an operating office:
 - aa. A virtual office;
 - bb. A home office of an Applicant's employee; or
 - cc. A service agreement for phone service and/or marquee privileges.

m. Operational Control:

- i. The minority or woman owner must possess overall understanding of and the technical competence and experience directly related to the type of business in which the firm is engaged and the firm's operations.
- ii. In order to clarify the level of operational involvement, which a minority or woman owner must have in a business for it to be considered eligible, the following examples are put forth, but are not intended to be all inclusive:
 - aa. If state or local laws require the persons to have a particular license or other credentials in order to own and/or control a certain type of firm, then the minority/woman that owns and controls the firm must possess the required license or credentials or
 - bb. If state or local law does not require such persons to have a particular license or credentials, then the

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firm must have in its employ a licensed individual.

- n. Out-Of-State Firm: A firm whose principal place of business is in a state or location other than Maryland who is duly authorized to do business in Maryland.
- o. Owned: For the purposes of determining whether a business is a minority business enterprise or women's business enterprise, means that:
- i. The minority group member or female owner, as the context requires, possesses an ownership interest in at least 51% of the business;
 - ii. This ownership is real and continuing and goes beyond the mere indicia of ownership reflected in the ownership documents; and
 - iii. The minority group member or woman owner enjoys the customary incidents of ownership and shares in the risk and profits commensurate with his or her ownership interests, as demonstrated by an examination of the substance, rather than the form of ownership arrangements.
- p. Recertification:
- i. To renew the MBE, WBE, or M/WBE certification of a business enterprise that was previously issued by the Minority and Women's Business Opportunity Office.
 - ii. Recertification is required annually.
- q. Size Eligibility Standards:
- i. The standards for size eligibility for a business concern to

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be certified as an MBE or WBE.

- ii. MWBOO and the Board of Estimates may establish maximum size standards.
- iii. Size determinations are based on a three (3) year average of annual gross receipts or number of employees including affiliates.
- r. Sole Proprietorship: A business enterprise that is 100% owned, operated, and controlled by one (1) individual.
- s. Subcontractor: A business enterprise that has a direct contract with a prime contractor to perform a part of the work on a contract.
- t. Supplier: A business enterprise that:
 - i. Furnishes needed items to a contractor and
 - ii. Either:
 - aa. Is involved in the manufacture or distribution of the supplies or materials or
 - bb. Otherwise warehouses and ships the supplies.
- u. Women's Business Enterprise "WBE": A business enterprise:
 - i. That is owned, operated, and controlled by one (1) or more women who have 51% ownership;
 - ii. In which women have day-to-day operational and managerial control, interest in capital, and risk and earnings commensurate with their percentage of ownership; and
 - iii. That is located in the Baltimore City Market Area.

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B. Certification Eligibility.1. Compliance with Regulations.

- a. The firm seeking certification has the burden of demonstrating to the MWBOO that it meets the requirements of these regulations concerning minority status or gender, ownership, control, and business size.
- b. False, misleading statements, material omissions by an Applicant, or involvement in contracting or certification-related irregularities with any entity, as well as non-compliance with reasonable requests of MWBOO for information concerning eligibility shall be considered in determining whether to certify, re-certify or re-certify a firm.
- c. MWBOO will certify or re-certify only those firms which meet all the requirements of § III.B of these regulations.

2. Business Purpose. An applicant for certification must be an on-going business enterprise that has been in continuous operation for at least twelve (12) months.

3. Membership. Owners must be a member of one of the following minority groups, and/or a woman: African American, Asian American, Hispanic American, or Native American.

4. Ownership.

- a. The Applicant must establish that either collectively or individually the minority and/or woman owner(s):
 - i. If a corporation, own at least 51% of each class of voting stock outstanding and 51% of the aggregate of all stock outstanding;

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- ii. If a partnership, own at least 51% of each class of partnership interest;
- iii. If a limited liability company, own at least 51% of each of membership interest;
- iv. Has real, substantial, and continuing ownership and goes well beyond pro forma ownership of the firm as reflected in the ownership documents;

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- vi. Directly hold all securities that constitute ownership of a firm and when the beneficial owner of securities or assets held in trust is a minority or woman, the securities or assets may be regarded as held directly if:
 - aa. The trustee is a minority or woman or
 - bb. The beneficial owner exercises effective control over the management, policy making, and daily operations of the firm;
- b. The contribution of capital or expertise by the minority or woman owners(s) to acquire their ownership interests must be real and substantial. Examples of insufficient contributions include a promise to contribute capital, an unsecured note payable to the business or its owners who are not minorities or women, or the mere participation in the firm's activities as an employee.
- c. The following requirements apply to situations in which expertise is relied upon the minority or woman owner(s) to acquire ownership. The owner's expertise must be:

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- i. In a specialized field;
 - ii. Of outstanding quality;
 - iii. In areas critical to the firm's operations;
 - iv. Indispensable to the firm's potential success;
 - v. Specific to the type of work the firm performs; and
 - vi. Clearly documented in the records of the firm.
- d. A business enterprise is not owned by a minority or woman if all of the interests in a business or other assets obtained by the individual were the result of a gift from an individual who is:
- i. Substantially involved in the applicant firm, or an affiliate of that firm;
 - ii. Substantially involved in the same or a similar line of business; or
 - iii. Engaged in an ongoing business relationship with the Applicant firm, or an affiliate of that firm.
- e. To overcome this presumption and permit the gifted interests or assets to be counted, the minority or woman owner must provide evidence that is satisfactory to MWBOO that demonstrates:
- i. The gift or transfer to the minority or woman was made for reasons other than obtaining certification and
 - ii. The minority or woman owner(s) actually controls the management, policy, and operations of the firm, notwithstanding the continuing participation of the individual who provided the gift or transfer.

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C. Certification Process and Procedures.1. Certification.

- a. Certification is the foundation of the MBE/WBE Program. MWBOO attempts to ensure that a company has met the burden of demonstrating it is a bona fide MBE or WBE by requiring evidence satisfactory to MWBOO that it meets the requirements of these regulations concerning group membership, ownership, control, and business size.
- b. Certification shall be limited to the area(s) of services or specialty for which the firm has the in-house capacity to provide at the time of application.
- c. MBE, WBE, and MWBE certification with the City shall be valid for one (1) year.
- d. Until certified, an Applicant shall not be counted toward achievement of MBE/WBE goals on City contracts.
- e. The absence of certification does not affect any applicant's right to bid or submit a proposal for any City contract.
- f. The City's MBE/WBE Directory must be in electronic format and include the appropriate City Service Codes and NAICS codes describing the products or services for which a MBE or WBE was certified. The MBE/WBE Directory shall be maintained on the Internet and updated in real time. The MBE/WBE Directory shall be published annually in print form. One copy shall be placed with the Department of Legislative Reference.

2. Application Procedure.

- a. Applications for City of Baltimore MBE/WBE certification will be

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received and reviewed by MWBOO.

- b. The steps described below outline the certification process for all Applicants seeking certification from MWBOO. In order to be considered for certification, the Applicant must supply all of the requested documentation and information. Failure to supply all requested documentation and information is grounds for denial of certification. Further, a material misstatement of fact shall constitute grounds for a denial of certification. A business will be reviewed and analyzed as it existed on the date the Disclosure Affidavit was signed and notarized. Changes subsequent to the notarized Affidavit date will not be considered during the certification process.
- c. Applicants must complete the application provided by MWBOO, submit all the information requested therein, agree to supply any additional information requested by MWBOO and be bound by all the provisions and regulations governing the certification and recertification process as detailed by these regulations.
- d. Certification shall be limited to the area(s) of services or specialty for which the firm has the in-house capacity to provide at the time of application.
- e. Until certified, an Applicant shall not be counted toward achievement of MBE/WBE participation goals on City contracts. The absence of certification does not affect any Applicant's right to bid or submit a proposal for any City contract.
- f. Required Documents for a Corporation. Applicant must complete and have notarized a Disclosure Affidavit and submit it to MWBOO with the documents listed below:
- i. A copy of current financial statement consisting of a

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- balance sheet and operating statement, covering a one (1) year period, prepared on the letterhead of, and signed by an independent certified public accountant. If requested, an audited statement may not need to be prepared by a certified public accountant at the discretion MWBOO;
- ii. Copies of the firm's Federal tax returns, including all schedules, for the past two (2) years, signed;
 - iii. If the business is less than two (2) years old, the personal tax returns for the principals;
 - iv. Copies of all state and local licenses required to do business in Maryland, if applicable (Professional Licenses required);
 - v. If license is in the name of an individual, proof of employment by the business;
 - vi. A copy of the firm's Certificate of Good Standing from the Maryland State Department of Assessments and Taxation.
 - vii. If the business has ever been bonded, a copy of the latest bond;
 - viii. A copy of the firm's Articles of Incorporation.
 - ix. A copy of the minutes of the first corporate organizational meeting and meetings reflecting stock transfers, stock sales, and election of officers;
 - x. A copy of the corporation's By-Laws;
 - xi. A copy of each stock certificate issued (not a specimen copy);

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- xii. A copy of the firm's stock ledger;
- xiii. Proof of stock purchase including but not limited to:
 - aa. Cancelled checks used to purchase stock,
 - bb. Bank deposit slips reflecting money paid for stock,
or
 - cc. If goods or services were exchanged for stock in lieu of cash, copies of appropriate corporate records reflecting this action;
- xiv. Stock purchase agreements or stockholder agreements;
- xv. A list of the firm's sources of capital investment other than stock purchase including but not limited to:
 - aa. Silent, outside, or other investors and
 - bb. Personal savings, loans, etc.;
- xvi. Copies of third party agreements, such as rental or management service agreements;
- xvii. A description of the major equipment owned or rented by the firm, including copies of any rental agreements or proof of ownership such as titles, invoices, etc.;
- xviii. Copies of MBE or WBE program denials from other jurisdictions;
- xix. Descriptions of the last three (3) jobs performed, including:
 - aa. The dollar amount,
 - bb. The completion date, and

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- cc. The name of the prime contractor or client;
- xx. Proof of an operating office in the Baltimore City Market Area and any other lease agreement(s) for the office space, warehouse and/or storage area.
- xxi. A description of any affiliation(s) with other businesses or with a principal of any other business;
- xxii. If there is an affiliation with another business, a copy of the first page of that business's most recent federal tax return;
- xxiii. Copies of current resumes for all principals of the business;
- xxiv. Proof of minority and/or female status for each owner, director, and officer in the form of:
 - aa. Copies of driver's licenses,
 - bb. Copies of passports, or
 - cc. Copies of birth certificates showing race and/or gender;
- xxv. If Asian or Hispanic American, proof of the country of origin;
- xxvi. If Native American, tribal roll membership, registration, or other official proof of tribal affiliation;
- xxvii. For businesses incorporated outside the State of Maryland, a copy of the foreign license obtained from the State Department of Assessments and Taxation; and
- xxviii. Any other documents considered necessary by the Chief of MWBOO.

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- g. Required Documents for a Limited Liability Company (LLC).
Applicant must complete and have notarized a Disclosure Affidavit and submit it to MWBOO with the documents listed below:
- i. A copy of the firm's current financial statement consisting of a balance sheet and operating statement, covering a one (1) year period, prepared on the letterhead of, and signed by an independent certified public accountant;
 - ii. If requested and at the discretion of MWBOO, an audited statement prepared by a certified public accountant;
 - iii. A copy of the firm's Federal tax returns, including all schedules, for the past two (2) years, signed:
 - i. If the business is less than one (1) year old, the personal tax returns for the principal.
 - v. Copies of all State and local licenses required to do business in Maryland, if applicable (Professional if required);
 - vi. If a license is in the name of an individual, proof of employment by the business;
 - vii. A copy of the firm's Certificate of Good Standing from the State Department of Assessments and Taxation;
 - viii. A copy of the firm's Articles of Organization;
 - ix. A copy of the Operating Agreement detailing the manner in which the business and affairs of the company will be managed and the manner in which the members will share in the assets and earnings;

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- x. Information and documentation, which demonstrate the independent investment of members to capitalize or start the business;
- xi. Copies of third party agreements, such as rental or management service agreements;
- xii. A description of the major equipment owned or rented by the business, including copies of any rental agreements or proof of ownership (titles, invoices, etc.);
- xiii. Copies of MBE or WBE program denials from other jurisdictions;
- xiv. Descriptions of the last three (3) jobs performed, including:
 - aa. The dollar amount;
 - bb. The completion date, and
 - cc. The name of the prime contractor or client;
- xv. Proof of an operating office in the Baltimore City Market Area and any other lease agreement(s) for the office space, warehouse and/or storage area;
- xvi. A description of any affiliation(s) with other businesses or with a principal of any other business;
- xvii. If there is an affiliation with another business, a copy of the first page of the business's most recent federal tax return;
- xviii. Copies of current resumes for all members of the business;
- xix. Proof of minority and/or female status for each owner, director, and officer in the form of:

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- aa. Copies of driver's licenses,
 - bb. Copies of passports, or
 - cc. Copies of birth certificates showing race and/or gender;
- xx. If Asian or Hispanic American, proof of the country of origin;
- xxi. If Native American, tribal roll membership, registration, or other official proof of tribal affiliation;
- xxii. For businesses incorporated outside the State of Maryland, a copy of the foreign license obtained by the Maryland State Department of Assessments and Taxation, and
- xxiii. Any other documents considered necessary by MWBOO.
- h. Required Documents for a Partnership. Applicant must complete and have notarized a Disclosure Affidavit and submit it to MWBOO with the documents listed below:
- i. A copy of the firm's current financial statement consisting of a balance sheet and operating statement, covering a one (1) year period, prepared on the letterhead of, and signed by an independent certified public accountant;
 - ii. If requested and at the discretion of MWBOO, an audited statement prepared by a certified public accountant;
 - iii. A copy of the firm's Federal tax returns, including all schedules, for the past two (2) years, signed;
 - iv. If business is less than two (2) years old, personal tax returns for the partners;

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- v. Copies of all State and local licenses required to do business in Maryland, if applicable (Professional if required);
- vi. If a license is in the name of an individual, proof of employment by the business;
- vii. If the business has ever been bonded, a copy of the latest bond;
- viii. Copies of the Partnership Agreements;
- ix. Copies of the Buy-Out Rights Agreements;
- x. Copies of the Profit Sharing Agreements;
- xi. Copies of Third Party Agreements, such as rental or management service agreements;
- xii. A description of the major equipment owned or rented by the business, including copies of any rental agreements or proof of ownership (titles, invoices, etc.).
- xiii. Proof of the capital invested;
- xiv. Copies of MBE or WBE program denials from other jurisdictions;
- xv. Descriptions of the last three (3) jobs performed, including:
 - aa. The dollar amount,
 - bb. The completion date, and
 - cc. The name of the prime contractor or client;
- xvi. Proof of an operating office in the Baltimore City Market

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Area and any other lease agreement(s) for the office space, warehouse, and/or storage area;

- xvii. A description of any affiliation(s) with other businesses or with a principal of any other business;
- xviii. If there is an affiliation with another business, a copy of the first page of the business's most recent federal tax return;
- xix. Copies of current resumes for all members of the business;
- xx. Proof of minority and/or female status for each owner, director, and officer in the form of:
 - aa. Copies of driver's licenses,
 - bb. Copies of passports or
 - cc. Copies of birth certificates showing race and/or gender;
- xxi. If Asian or Hispanic American, proof of the country of origin;
- xxii. If Native American, tribal roll membership, registration, or other official proof of tribal affiliation; and
- xxiii. Any other documents considered necessary by MWBOO.

i. Documents Required for a Limited Liability Partnership (LLP).

Applicant must complete and have notarized a Disclosure Affidavit and submit it to MWBOO with the documents listed below:

- i. A copy of the firm's current financial statement consisting of a balance sheet and operating statement, covering a one (1) year period, prepared on the letterhead of, and signed by

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- an independent certified public accountant;
- ii. If requested and at the discretion of MWBOO, an audited statement prepared by a certified public accountant;
 - iii. A copy of the firm's Federal tax returns, including all schedules, for the past two (2) years, signed;
 - iv. If business is less than two (2) years old, personal tax returns for the partners;
 - v. Copies of all State and local licenses required to do business in Maryland, if applicable (Professional if required);
 - vi. If a license is in the name of an individual, proof of employment by the business;
 - vii. If business has ever been bonded, a copy of the latest bond;
 - viii. A copy of the Certificate of Limited Liability Partnership;
 - ix. Copies of the Partnership Agreements;
 - x. Copies of the Buy-Out Rights Agreements;
 - xi. Copies of the Profit Sharing Agreements;
 - xii. Copies of third party agreements, such as rental or management service agreements;
 - xiii. Proof of the capital invested;
 - xiv. A description of the major equipment owned or rented by the business, including copies of any rental agreements or proof of ownership (titles, invoices, etc.);

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- xv. Copies of MBE or WBE program denials from other jurisdictions;
- xvi. Descriptions of the last three (3) jobs performed, including:
 - aa. The dollar amount,
 - bb. The completion date, and
 - cc. The name of the prime contractor or client;
- xvii. Proof of an operating office in the Baltimore City Market Area and any other lease agreement(s) for the office space, warehouse, and/or storage area;
- xviii. A description of any affiliation(s) with other businesses or with a principal of any other business;
- xix. If there is an affiliation with another business, a copy of the first page of the business's most recent federal tax return;
- xx. Copies of current resumes of all partners of the business;
- xxi. Proof of minority and/or female status for each owner, director, and officer in the form of:
 - aa. Copies of driver's licenses,
 - bb. Copies of passports, or
 - cc. Copies of birth certificates showing race and/or gender;
- xxii. If Asian or Hispanic American, proof of the country of origin;
- xxiii. If Native American, tribal roll membership, registration, or

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other official proof of tribal affiliation; and

xxiv. Any other documents considered necessary by MWBOO.

j. Documents Required for a Sole Proprietorship. Applicant must complete and have notarized a Disclosure Affidavit and submit it to MWBOO with the documents listed below:

- i. A copy of the firm's current financial statement consisting of a balance sheet and operating statement, covering a one (1) year period, prepared on the letterhead of, and signed by an independent certified public accountant;
- ii. If requested and at the discretion of MWBOO, an audited statement prepared by a certified public accountant;
- iii. A copy of the firm's Federal tax returns, including all schedules, for the past two (2) years, signed;
- iv. If business is less than two (2) years old, personal tax returns for the partners;
- v. Copies of all State and local licenses required to do business in Maryland, if applicable (Professional if required);
- vi. If a license is in the name of an individual, proof of employment by the business;
- vii. Proof of the capital invested;
- viii. Copies of third party agreements, such as rental or management service agreements;
- ix. A description of the major equipment owned or rented by the business, including copies of any rental agreements or

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- proof of ownership (titles, invoices, etc.);
- x. Copies of MBE or WBE program denials from other jurisdictions;
 - xi. Descriptions of the last three (3) jobs performed, including:
 - aa. The dollar amount,
 - bb. The completion date, and
 - cc. The name of the prime contractor or client;
 - xii. Proof of an operating office in the Baltimore City Market Area and any other lease agreement(s) for the office space, warehouse and/or storage area;
 - xiii. A description of any affiliation(s) with other businesses or with a principal of any other business;
 - xiv. If there is an affiliation with another business, a copy of the first page of the business's most recent federal tax return;
 - xv. Copies of resumes for principals of the business;
 - xvi. Proof of minority and/or female status for each owner, director, and officer in the form of:
 - aa. Copies of driver's licenses,
 - bb. Copies of passports, or
 - cc. Copies of birth certificates showing race and/or gender;
 - xvii. If Asian or Hispanic American, proof of the country of origin;

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- xviii. If Native American, tribal roll membership, registration, or other official proof of tribal affiliation; and
- xix. Any other documents considered necessary by MWBOO.
- k. Receipt of Documents. If the required/requested documentation is not received by MWBOO within twelve (12) months of the date the application was received, the file will be closed and the applicant will have to re-submit the application.
3. Notice of Withdrawal. At any time, an Applicant for certification or recertification may request in writing to the Chief that the application be withdrawn. If the request for withdrawal is received after an on-site interview, the applicant must wait not less than twelve (12) months from the date of the approved withdrawal before reapplying for certification.
4. Recertification or Continuance of Certification.
- a. Notification from MWBOO. MWBOO will send a notice to all certified businesses approximately sixty (60) days prior to the one (1) year anniversary date of the certification. If the notice is returned marked "Undeliverable" or "Addresses Unknown", a second notice will not be sent.
- b. Application for Recertification.
- i. Applicants must submit:
- aa. A "No Change Affidavit" supplied by MWBOO certifying that there have been no changes that would affect the applicant's eligibility for certification,
- bb. A copy of the latest federal tax return for the business,

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- cc. Any information requested therein, and
- dd. Any additional information requested by MWBOO.
- ii. Investigation Process. The recertification process may include, among other things, site visits, personal interviews with the Applicant, and requests for specific additional information.
- iii. Requests for Additional Information. Any request for additional information shall be in writing.
- iv. Determination Notice.
 - aa. The Chief shall grant or deny the certification or continued eligibility of the Applicant in a timely manner, but not more than ninety (90) days following receipt of a complete application.
 - bb. In the event an application is denied, the Chief shall inform the Applicant of all material facts and conclusions upon which the denial was based.
- v. Protest.
 - aa. An Applicant receiving a denial shall have seven (7) days from the date of the adverse determination to protest the denial in writing.
 - bb. MWBOO will not consider information that was not part of the record at the time of the application.
 - cc. The Chief must render a written decision within twenty-five (25) days of receipt of the protest.
- vi. Appeal.

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- aa. If the denial of certification is affirmed by the Chief, the Applicant may request a hearing before the Minority and Women's Business Enterprise Certification Appeals Board ("CAB").
- bb. The final decision of the CAB will not be subject to further review.
- c. Continuance of Certification.
 - i. Certified firms must report any change in ownership or control of a business (e.g., new by-laws, owners, directors, etc.) to MWBOO within thirty (30) days of the change with supporting documents.
 - ii. The failure of the firm to report any changes in ownership or control shall constitute grounds for loss of certification.

5. Expansion of Services.

- a. A certified firm may request an expansion of service. The expansion request shall be in writing and accompanied with supporting documents establishing that the firm has the necessary in-house resources of equipment, staff, expertise, experience, etc. to carry out work in City Service Codes for which it was not previously certified.
- b. MWBOO may conduct an on-site visit and evaluate the ability of the business to carry out the work based on the certification criteria for MBE/WBE certification. All of the certification processes and information requirements established in these regulations apply to expansion of services.
- c. If a request for expansion of services is approved, the firm will receive a revised certification letter with the additional areas of

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service included.

- d. If a request for expansion of services is denied, the firm will receive a written denial within ninety (90) days of receiving the request.
- e. The appeals process for an adverse determination shall apply to the denial of expansion of services.

6. Graduation.

- a. If, on the effective date of the renewal application, the MBE or WBE firm has a three (3) year gross revenue average that meets or exceeds the revenue or employee total specified by the size standards approved by the Board of Estimates, the firm will be placed in a pending status, but may not participate as a certified firm.
- b. During the next three (3) years, if the firm's annual gross revenue average or annual employment total decreases to less than the totals specified by the size standards approved by the Board of Estimates, the MBE or WBE firm may resume participation as a certified business enterprise through the recertification process.
- c. After three (3) years on nonparticipation, if the business enterprise continues to meet or exceed the revenue or employee totals noted above, the MBE or WBE is considered to have graduated and will no longer be certified.

7. Decertification.

- a. MWBOO may decertify a business that it determines no longer meets the standards for certification as a MBE or WBE. Reasons for decertification include, but are not limited to, the following:

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- i. The owners, directors, officers, their powers, and/or the by-laws have changed from those stated in the "Disclosure Affidavit" as well as represented in the application process and the business enterprise has failed to inform the Office of the change(s) within thirty (30) days of the change(s);
- ii. The business does not meet MBE/WBE eligibility criteria established for certification as a minority or women's business enterprise.
- iii. The business, by operation of law, is not eligible to do business in Maryland.
- iv. The business has refused to provide documents and/or information requested by MWBOO including, but not limited to, the following:
 - aa. A complete application and supporting documents,
 - bb. An interview by an MWBOO investigator, or
 - cc. An interview with the CAB;
- v. The business or any of its owners, officers, and/or directors has made a material misstatement of fact related to eligibility of the business for certification and/or recertification as a minority or women's business enterprise in order to participate in the MBE/WBE Program;
- vi. The business was mistakenly certified and/or recertified;
- vii. The business has failed to comply with MBE/WBE contract compliance regulations and/or procedures established by MWBOO, the Board of Estimates, or any other City agency;

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- viii. The business or any of its officers, directors, and/or employees has violated provisions of Article 5, Subtitle 28 of the Baltimore City Code;
- ix. The business has failed to perform as an independent business enterprise;
- x. The business has performed as a “conduit,” “broker,” or “pass-through” for contracts contrary to industry practice;
- xi. The business has been debarred under the laws of the City, the State of Maryland, another state or local jurisdiction, a quasi-public entity, or the United States; or
- xii. The business or any of its officers and/or directors has violated State or Federal anti-trust laws or has been found guilty of a similar violation in another State.

- b. If MWBOO determines that grounds exist for decertification, MWBOO will send notice to the certified firm. The notice shall include:
 - i. The reason(s) for decertification;
 - ii. The right to contest the decertification; and
 - iii. A warning that the firm will be decertified if no response is received within seven (7) days of the date of the firm’s receipt of the notice.
- c. If the firm fails to respond within seven (7) days, the Chief or designee shall issue an order decertifying the MBE or WBE firm for the reason(s) included in the notice.

D. Minority and Women’s Business Enterprise Certification Appeals Board Rules of

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Operation.

1. Purpose. The purpose of the Minority and Women's Business Enterprise Certification Appeals Board (CAB) is to hear appeals by firms that have been denied Minority and/or Women's Business Enterprise status; that have had their certification revoked, or; that have been denied recertification by MWBOO. The CAB acts in an appellate capacity only to determine if MWBOO erred in its decision based on the information presented by the appellant and/or obtained by MWBOO.
2. General Provisions.
 - a. Board Membership and Tenure. The CAB shall be composed of five (5) citizens knowledgeable of Baltimore City procurement and procedures. One member shall be appointed by the President of the City Council and the other members appointed by the City Solicitor. Each CAB member shall serve at the pleasure of the designating authority.
 - b. Hearings. The CAB will hear appeals as required. Scheduled hearings may be cancelled by the President of the CAB or the Chief when circumstances warrant such action.
 - c. Notice. The CAB members shall be notified not less than thirty (30) days prior to any hearing.
 - d. Quorum. A quorum shall be three (3) members.
 - e. Public Notice. The hearings of the CAB are subject to the Maryland Open Meetings Act. At the discretion of the President of the CAB, portions of the hearing may be closed to the public to receive advice from counsel or MWBOO staff or reports from MWBOO on the status of pending matters.
 - f. New or Revised Information. New or revised information shall not

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be considered by the CAB.

3. Appeals.

- a. The CAB shall hear all appeals of decisions rendered by the Chief.
- b. The CAB is bound by Article 5, Subtitle 28 of the Baltimore City Code and these regulations pertaining to eligibility and criteria for MBE/WBE status.
- c. Confidential Internal Worksheet and Evaluation Forms will be prepared and provided each CAB member prior to the appeal hearing. Forms shall specify the basis for denial of certification. The complete MBE/WBE application file will also be provided each CAB member.
- d. Decisions by the CAB shall be based on factual evidence and shall cover all City codes and regulations cited by the Chief in his decision. The decision will determine if the Chief was erroneous in his/her determination.
- e. The appellate decision of the CAB shall be final.

4. Notice of Appeals.

- a. Notice of appeals must be received by MWBOO within thirty (30) days of the affirmation to deny certification. Notice of appeal received after thirty (30) days of receipt of the Chief's final decision will not be considered.
- b. Appellants' appeals of MWBOO decisions will be scheduled for a hearing before the CAB the timely receipt of the notice of appeal by MWBOO.
- c. Appellants will be notified in writing of the scheduled hearing at

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least twenty (20) days prior to the hearing.

- d. Appellants shall not communicate with Board members prior to the hearing.
- e. Appellants may request postponement of hearing either in writing or orally, not less than three (3) days prior to the scheduled hearing. Failure to request postponement in a timely manner will be cause for the CAB to proceed with the scheduled hearing. Appeal hearing not attended by the appellant will be cause for the CAB to base their decision strictly on the documentation in the appellant file. Request for more than two (2) postponements will not be honored.

5. Hearing Procedures.

- a. After determining a quorum exists, the President of the CAB shall call the hearing to order.
- b. The President of the CAB will call each Appellant in order of their scheduled times and explain the CAB procedures.
 - i. The Appellant will be granted fifteen (15) minutes to address the CAB. Appellant may be questioned by the CAB members as required.
 - ii. The MWBOO representative will be given fifteen (15) minutes to present the material facts and analysis of the records and documents submitted by the applicant. The MWBOO representative may be questioned by the CAB members as required.
 - iii. The Appellant will be granted five (5) minutes for rebuttal.
 - iv. There may be further discussion and/or further questioning

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by the CAB members.

- v. Formal rules of evidence shall not apply.
- vi. No new evidence will be allowed by the Appellant or the MWBOO representative.
- vii. The hearing will be conducted in accordance with Roberts Rules of Order, as modified by policies.
- viii. Any person may be excluded from the hearing for conduct which interferes with the hearing process.

6. Decisions by the CAB.

- a. After the CAB concludes its deliberations, the CAB shall take a vote and render one of the following decisions:
 - i. Uphold the decision rendered by the Chief.
 - ii. Overturn the decision rendered by the Chief and grant minority and/or women business enterprise certification in accordance with Article 5, Subtitle 28 of the Baltimore City Code.
- b. All decisions of the CAB shall be in writing and issued within sixty (60) days of the decision.

7. Rules of the CAB. All rules promulgated by the CAB and the Chief, will only become effective upon majority vote of the CAB, approval by the Chief, and approval by the Board of Estimates.

E. Annual Participation Goals.

- 1. Purpose. Annual participation goals are aspirational goals that aid the City in its annual evaluation of the effectiveness of the Minority and Women's

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Business Enterprise Program. Annual participation goals are not quotas.

2. Establishment. On or about July 1st of each year, the Board of Estimates, with the advice of MWBOO, must establish the participation goals for Minority Business Enterprises and Women's Business Enterprises.
3. Setting Annual Participation Goals.
 - a. Annual participation goals are based on demonstrable evidence of the availability of qualified, ready, willing, and able MBE's and WBE's relative to all businesses ready, willing, and able to participate on City contracts. The goal setting process involves several steps.
 - b. Determining a base figure for the relative availability of MBE's and WBE's expressed as a percentage. The following data sources may be used to determine a base figure:
 - i. Data from the most recent disparity study;
 - ii. City contractor prequalification data;
 - iii. Adjustments, if any, to the base figure to arrive at a final figure;
 - iv. Anecdotal evidence on the availability and capacity of MBE's and WBE's in the market area;
 - v. Evidence from disparity studies conducted within the market area by other jurisdictions; and
 - vi. Determining sub-goals for each protected group using the data sources described in this Section where appropriate.
- F. Setting Contract Goals.

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1. Establishment. MWBOO must establish MBE and WBE participation goals on each specific contract/agreement, including third-party contracts involving PILOTS, TIFs, GRANTS, and all other contracts involving fiscal assistance from the City in the amount of \$50,000 or more with the exception of City contracts where federal or state MBE, WBE, or DBE goals apply. MBE and WBE goals may not apply to sole source or emergency contracts.
2. Considerations.
 - a. The M/WBE goal and the sub-goals, if applicable, must be set for each specific contract, considering, but not limited to, the following factors:

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The examples which follow are not intended to be exhaustive and may not be applicable to all contracts. The examples are provided to illustrate how the goal may be reasonably be segmented to allow for MBEs and WBEs to participate on the contract;

 - ii. A determination of the number of certified MBEs and WBEs that potentially could perform the identified work; the contract specifications;
 - iii. The level of utilization of MBEs and WBEs in past contracts awarded by the City;
 - iv. The adverse impact on non-MBEs and WBEs; and
 - v. Any other relevant factors.
 - b. MWBOO must consult with the contracting agency, the City Purchasing Agent, or both when establishing goals on a contract.
3. Subgoals. For construction contracts of \$1,000,000 or more, MWBOO may, in consultation with the contracting agency, set goals for MBEs divided into sub-goals for African American, Hispanic American, Asian

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American, and Native American-owned firms. MWBOO will determine the necessity and feasibility of subgoals on a case-by-case basis.

4. Agency Action.

- a. Prior to advertising a contract or RFP, the total cost of which is estimated to be \$50,000 or more, the contracting agency submits either a Goal Information Sheet or a Waiver Request to MWBOO.
- b. A Goal Information Sheet provides an itemized list of the services and goods that are required for the contract along with the estimated cost for each. The estimated cost of the total contract is also indicated.
- c. The contracting agency may request that MWBOO waive or reduce the contract goals by submitting a Waiver Request before bids or solicited.
- d. Once goals are determined, the goals must be clearly stated in all advertisements, solicitations, and solicitation documents. If subgoals have been established, they must also be included.

5. Office Action.

- a. City-Owned Contracts. Based upon the availability of MBEs and WBEs that can provide each of the itemized services and/or goods, the MBE and WBE participation are determined. The availability of MBEs and WBEs is calculated as a percentage of the total number of certified firms to the total available firms.
- b. Private Development Agreements. Every contractor, developer, corporation, or individual receiving final assistance from or through the City must submit to MWBOO a completed "Commitment to Comply" with the City's MBE/WBE requirements. The contractor, developer, corporation, or

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individual must also submit its project budget to facilitate establishing MBE and WBE participation goals for the project.

- c. Participation goals on private development are determined in the following manner:

- i. Subtract the following line items from the project's total budget (hard and soft costs) where:

- aa. There is only one source for the service or commodity;
- bb. There are no MBEs or WBEs certified to provide the service;

- cc. Certified MBEs and/or WBEs are unavailable to provide the service; and

- dd. Any non-discretionary budget costs, such as fees, permits, etc.

- ii. The remaining budget after the aforementioned exclusions is subject to the City's 27% MBE participation requirement and 10% WBE participation requirement.

6. Contracts Initially Less than \$50,000 that Exceed \$50,000 during Term.

- a. Contracts that initially fall under the \$50,000 threshold to establish MBE and WBE participation goals could still end up passing that goal through subsequent increases and renewals.
- b. If, following an increase or renewal, a contract exceeds \$50,000 and is more than 10% of the original contract amount, MBE/WBE threshold shall be established for the contract. However; these goals will not retroactively apply to the original contract amount.

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- c. Once goals are set, the vendor shall have ten (10) days to present a Statement of Intent.

G. Counting MBE and WBE Participation.

1. Counting MBE and WBE Participation.

a. Value of Work.

- i. When an MBE or WBE participates on a contract, MWBOO must count only the value of the work actually performed by the MBE or WBE subcontractors toward the participation goal.
- ii. This includes the cost of supplies and materials obtained by the MBE or WBE incidental to the work on the contract, including equipment leased by the MBE or WBE (except supplies and equipment that MBE or WBE subcontractor purchases or leases from the prime contractor or its affiliate).

- b. Dual Certification. A business certified as both an MBE and as a WBE may be counted towards either the MBE or WBE contract goal, but not towards both.

- c. Payment Required to Count MBE and WBE Participation. Participation of an MBE or WBE cannot be counted towards the goal until amount being counted has been paid to the MBE or WBE.

- d. Self-Performance. A certified MBE or WBE that has been awarded a contract as a prime contractor may count up to 50% of the dollar value of the total work it intends to perform on the contract with its own forces toward the respective MBE or WBE goal.

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2. Commercially Useful Function. The contractor may count toward the contract goals only expenditures to certified businesses that perform a commercially useful function(s) in the execution of the contract. The firm's role cannot be a superfluous step added in attempt to obtain credit toward participation goals. In determining whether an MBE or WBE is performing a commercially useful function, MWBOO will examine similar transactions and industry practices. A MBE or WBE performs a commercially useful function when it is responsible for the execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved.
- a. To determine whether a certified business enterprise is performing a commercially useful function, MWBOO must evaluate:
 - i. The amount of work subcontracted;
 - ii. Industry practices;
 - iii. Whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing; and
 - iv. Other relevant factors.
 - b. The MBE or WBE must be responsible for negotiating price, determining quality and quantity, ordering the material, installing (where applicable), and paying for the material itself.
 - c. An MBE or WBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of MBE or WBE participation.
 - d. If a MBE or WBE does not perform or exercise responsibility for at least 90% of the total cost of the contract with its own work

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force, it is presumed that the MBE or WBE is not performing a commercially useful function.

- e. When a MBE or WBE is presumed not to be performing a commercially useful function, the MBE or WBE may present evidence to rebut this presumption. The MBE or WBE must provide written documentation to the Chief, whose decision is final.

3. Joint Ventures. When an MBE or WBE performs as a participant in a joint venture, only the portion of the dollar value of the contract equal to the distinct, clearly defined portion of the contract that the MBE or WBE performs with its own forces count toward the MBE or WBE goal.

4. Supplier and Manufacturers

- a. Supplier-Manufacturers. A bidder may count towards the participation goal 100% of its expenditure to a certified business enterprise manufacturer.

- b. Wholesalers and Manufacturer's Representatives. A bidder may count 100% of its expenditure to a certified business enterprise who is a wholesaler warehousing the goods supplied or a manufacturer's representative.

- c. Non-Manufacturing Suppliers. Only 25% of the applicable contract goal may be attained by expenditures to a certified business enterprise that is a non-manufacturing supplier. Example: If the MBE goal is 10%, only 2.5% of that goal may be attained by expenditures to certified businesses that are non-manufacturing suppliers.

5. Insurance Companies, Travel Agents and Financial Institutions. Bidders may count towards the contract goals the fees or commissions charged by

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certified MBE or WBE business enterprises that are insurance companies, travel agents, or financial institutions. The fees or commissions must be reasonable and not excessive as compared with fees or commissions for similar services.

6. Non-Affiliation. A bidder is precluded from using a certified business enterprise to meet a contract goal if the bidder has a financial interest in, an interest in the ownership or control, or is significantly involved in the operation of the certified business enterprise.

H. Utilization Requirements.

1. Contracts between \$1,000 – \$4,999. The standards and procedures outlined below apply to every contract for which the estimated cost is \$1,000 or more and less than \$5,000.

- a. MWBOO must provide the contracting agency with a list of certified businesses enterprises qualified to provide each of the materials, equipment, supplies, or services that the contracting agency indicates are required by the City. The MWBOO directory shall serve as the list.
- b. The contracting agency must solicit bids from certified business enterprises that are certified to supply the required materials, equipment, supplies or services.
- c. The contracting agency must provide certified businesses every practical opportunity to submit bids.

2. Contracts between \$5,000 - \$49,999. The standards and procedures outlined below apply to every contract for which the estimated cost is \$5,000 or more and less than \$50,000.

- a. Before the solicitation of bids, the contracting agency may furnish MWBOO with an informational copy of all bid conditions and

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requests for proposals.

- b. MWBOO may recommend to the contracting agency certified business enterprises that can be solicited directly to submit bids.

3. Contracts of \$50,000 or More. The standards and procedures outlined below apply to every contract for which the estimated cost is \$50,000 or more.

- a. The bid conditions and requests for proposals must require each bidder or offeror to include in its bid a completed certified business enterprise participation affidavit in which the bidder/offeror commits to utilize certified business enterprises in a percentage that equals or exceeds the applicable contract goals. Any bid that does not include a completed participation affidavit is non-responsive.

- b. Prior to bid opening, the bidder/offeror must submit to the City executed Statement of Intent forms that specify:

- i. The name of each certified business enterprise the bidder/offeror intends to use on the contract;
- ii. Whether that subcontractor is a minority business enterprise or a women's business enterprise;
- iii. The dollar value of each subcontract, if not a requirements contract;
- iv. If a requirements contract, only the participation percentage must be stated; and
- v. The scope of the work to be performed under the subcontract.

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- c. The Statement of Intent must be signed by the prime and the MBE or WBE subcontractor. Any material changes or corrections on the form must be initialed by both the prime and the subcontractor. A material change is a change in the scope of services the subcontractor is to provide or a change in the dollar amount of the subcontract or participation percentage of the subcontract if it is a requirements contract.
- d. If the bidder or offeror fails to meet the requirements of this section, the bid or proposal shall be determined non-responsive.

4. Leases and Concessions

- a. City agencies must solicit bids from certified business enterprises that are certified to enter into leases or concession contracts.
- b. If, after investigation, a contracting agency determines that no qualified certified business is available, it must submit to the WBO a waiver request.

5. Verifying Certification. Bidders and offerors are responsible for verifying that all MBEs and WBE's to be used are certified business enterprises and certified to provide the goods or services listed on the Statement of Intent form.6. Contract Specifications. Each contract must:

- a. Provide that failure of any bidder, contractor, or subcontractor to comply with Article 5, Subtitle 28 of the Code is a material breach of contract;
- b. Require that, during its term, the contractor will achieve the MBE and WBE participation goals;

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- c. Require the contractor to pay its MBE and WBE subcontractors within seven (7) calendar days after the contractor receives payment from the City; and
- d. Require the contractor, beginning with the contractor's second pay, submit proof that all subcontractors have been paid out of the proceeds of the prior payment unless a bona fide dispute, documented in writing, exists between the contractor and the unpaid MBE or WBE subcontractor.

7. Reports. As a condition of each contract, the awardee of the contract must submit the following when requested by MWBOO:

- a. Copies of signed agreements with the MBEs and WBEs being utilized on the contract;
- b. Reports verifying payments to the MBEs and WBEs being used to achieve the contract goals; and
- c. Reports and documentation on the extent to which the contractor has utilized MBEs and WBEs on projects not subject to MBE and WBE requirements.

I. Waivers.

1. Agency's Pre-Solicitation Waiver Request.

- a. A contracting agency may request that MWBOO waive or reduce the contract goals by submitting the reasons for the request in writing before bids or requests for proposals are solicited.
- b. The criteria for granting a waiver include:
 - i. The reasonable and necessary requirements of the contract render subcontracting infeasible;

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- ii. There are not certified and available MBEs or WBEs capable of providing the goods or services required by the contract despite good faith efforts to locate them;
- iii. It is a sole source procurement; or
- iv. It is an emergency procurement.

2. Bidder's Pre-Award Waiver Request.

- a. A bidder may submit a request at the time of bid opening that MWBOO waive or reduce the contract goals.
- b. The criteria for granting a waiver include:
 - i. Acknowledgement as to whether or not the bidder contacted MWBOO for assistance;
 - ii. Documentation of the bidder's/offeror's good faith efforts to contact and negotiate with MBEs and WBEs including a list of the MBE and WBE firms that were contacted;
 - iii. A statement of the reason(s) the bidder is unable to secure sufficient MBE and/or WBE participation to meet the stated goals;
 - iv. A statement of the efforts made by the bidder to select portions of the contract to be performed by MBEs and WBEs; or
 - v. For each MBE or WBE that placed a bid that is considered unacceptable, a statement that explains the basis for that conclusion.

3. Contractor's Post-Award Request.

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- a. After a contract award, if a contractor is unable to meet any contract goal due to the inability of the MBEs and/or WBEs listed at the time of bid opening to perform, the contractor must seek to substitute certified businesses to fulfill the contract goals.
- b. If, after reasonable good faith efforts, the contractor is unable to find a substitute, the contractor must request a post-award waiver from the Chief.
- c. The criteria for granting a waiver include:
 - i. A statement of the reason(s) for the contractor's inability to meet the goal and
 - ii. Documentation of a good faith effort to resolve the problem with the MBE or WBE.

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IV. **Debarment / Suspension Regulations**

- A. **Scope and Authority.** The Board has the authority to issue these rules and regulations pursuant to the Baltimore City Code Art. 5, § 40-3 to carry out this subtitle. This Section shall be known as the “Debarment Regulations.”
- B. **Debarment Definitions.** These Debarment Regulations incorporate the terms defined in the Baltimore City Code Art. 5, § 40-1; except as follows:
1. “Convicted” of the bribery offenses described in the Baltimore City Code Art. 5, §§ 40-5, 40-6 includes:
 - a. Judgment of conviction;
 - b. An accepted plea of nolo contendere; and
 - c. The imposition of probation before judgment.
 2. “Convicted” under the laws of the City, this State, another state, or the United States described in the Baltimore City Code Art. 5, § 40-7 includes: (1) judgment of conviction; (2) an accepted plea of nolo contendere; and (3) the imposition of probation before judgment.
- C. **Written Notices.** All required notices given under these Debarment Regulations must be in writing.
- D. **Investigation and Preliminary Recommendation to the Board.** Upon completion of an investigation,³² the City Solicitor, or his designee, shall make a recommendation to the Board³³ whether the Board should: (1) institute debarment proceedings against the person; and (2) suspend the person pending a final decision.
- E. **Suspension Pending Decision.**

³² See Baltimore City Code Art. 5, §§ 40-11, 40-12.

³³ See Baltimore City Code Art. 5, § 40-13

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1. Suspension of Person and / or Business Pending Decision. Pending a final decision on debarment, the Board may suspend the person against whom debarment proceedings have been instituted.³⁴
2. The Board shall provide notice of the suspension to the person.
3. If a person suspended by the Board is a principal in a business, then the business is suspended to the same extent that the person is suspended under Baltimore City Code Art. 5, subtitle 40 on receipt of notice of its suspension.
4. Modification or Termination of Suspension. A person or business suspended pursuant to the Baltimore City Code Art. 5, § 40-18 may petition the Board to modify or terminate the suspension.
5. Contents of the Petition for Modification or Termination of Suspension. The person or business petitioning for modification or termination of suspension shall submit to the Board information and argument on whether the basis for the suspension stated in the notice exists.
6. Hearing on the Petition for Modification or Termination of Suspension.
 - a. The Board may, in its sole discretion, conduct a hearing on the petition, after notifying the parties of the time and place of the hearing.
 - b. The Board may delegate the authority to conduct the hearing to a designee, who is a member of the Maryland Bar not currently employed by the City.
 - c. The Board, or its designee, shall set reasonable guidelines and limitations for the presentations to be made at the hearing.

³⁴ See Baltimore City Code Art. 5, Subtitle 40.

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- d. If a designee conducts the hearing, the designee shall make a recommendation to the Board of whether the suspension should be modified, terminated or continued based on the information and argument presented to the designee.

7. Decision by the Board.

- a. The Board shall determine whether the integrity of the contracting process and the best interests of the City would be served by continuing, modifying, or terminating the suspension.
- b. The Board shall give the petitioner notice of the Board's decision.

- F. Notice, Hearing, and Decision – Automatic Debarments.

1. Notice and Opportunity for Hearing. When the Board learns of the conviction, the Board shall: (1) notify the person of the person's automatic debarment and (2) will give the person a reasonable opportunity to be heard at a scheduled meeting of the Board within 30 days after such notice, on whether the basis for debarment stated in the notice exists.
2. Written Submission before Hearing. Within 10 days after the Board notifies a person of an automatic debarment, the person may submit to the Board in writing information and argument on whether the basis for automatic debarment stated in the notice exists.
3. Hearing. On consideration of debarment by the Board under the Baltimore City Code Art. 5, § 40-5: (1) the Board will permit the person to present oral argument to the Board, or to waive oral argument and submit written argument only; (2) the presiding member of the Board shall determine, in their sole discretion, all procedural issues, including imposing reasonable time limits on each party's oral argument; (3) the parties shall each have no more than 20 minutes to present oral argument, unless otherwise extended by the Board; (4) the City Solicitor shall

³⁵ See Baltimore City Code Art. 5, § 40-5.

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proceed first and may reserve part of their allotted time for rebuttal; and (5) the person shall proceed second.

4. Decision of Board. Subject to the deferral of the decision by the Board for a reasonable period of time, the Board shall determine whether the person is debarred from entering into or performing under a contract with the City until the debarment is removed in accordance with Part V of the Baltimore City Code Art. 5, subtitle 40.

G. Notice and Hearing – Other Debarments.

1. Notice of Proposed Debarment. When the Board receives information that indicates a basis for debarring a person under the Baltimore City Code Art. 5, § 40-6, § 40-7, or § 40-8, the Board may institute debarment proceedings by providing notice to that person (“Notice of Proposed Debarment”) which shall include: (1) the grounds for the debarment; (2) notice of the person’s right to a hearing before the Board; and (3) notice that the right to a hearing is waived unless the person files a request for hearing, as required by the Baltimore City Code Art. 5 § 40-17(c).

2. Request for Hearing. The request for a hearing must: (1) admit or deny each fact in support of the grounds for the debarment stated in the Board’s Notice of Proposed Debarment; (2) provide detailed, substantive reasons for each denial; (3) identify any legal issues or defenses that the person intends to raise during any proceeding; and (4) identify any mitigating factors that the person intends to prove.

3. Written Submissions before Hearing.

- a. Within 10 days after filing a request for a hearing, the person must submit to the Board: (1) a list of the names and addresses of all individuals that the person intends to call as witnesses during the hearing; and (2) identify all documentary evidence which supports

MINUTES

the person's opposition to the grounds for the debarment in the Board's Notice of Proposed Debarment.

- b. In lieu of the submissions to the Board required in G.3(a), the person may waive the oral hearing provided G.4. and described in G.5. and submit argument to the Board in written form only.

4. Hearing Generally.

- a. The Board shall conduct a hearing within 90 days after receipt of the request for a hearing required in the Baltimore City Code Art. 5, § 40-17(c) or at such other time as may be extended by the Board for good cause shown.
- b. The Board shall notify the parties of the time and place of the hearing.
- c. The Board may delegate the authority to conduct the hearing to a designee, who is a member of the Maryland Bar not currently employed by the City ("designee").

5. Conduct of the Hearing.

- a. The Board, or its designee, shall conduct the debarment hearing in the manner described in this subsection, reserving the authority to resolve issues concerning: (1) offers of proof; (2) the admissibility of evidence; and (3) other matters of hearing procedure.
- b. The Board or its designee shall set reasonable guidelines and limitations for the presentations to be made at the hearing before the Board or its designee including, but not limited to: (1) testimony shall be under oath and subject to cross examination; (2) limits may be placed on cross-examination; (3) affidavits and depositions may be considered; (4) hearsay evidence may be admitted and given appropriate weight; (5) incompetent, unreliable, irrelevant, or unduly repetitious evidence will be

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excluded; (6) evidence may be admitted at the Board's own request; (7) the record of the hearing may be kept open after the close of evidence, for good cause shown, for the receipt of additional evidence or submissions by the parties; (8) make other rulings necessary to promote fairness and efficiency in the hearing process; and (9) may request that the parties submit proposed findings of fact and conclusions of law to the Board, or its designee, within 10 days after of the conclusion of the hearing.

c. The Board, or its designee, shall give effect to the rules of privilege recognized by law.

d. The City has the burden of proof and the burden of persuasion.

e. The Board, or its designee, in conducting the hearing, may follow the usual order for the presentation of evidence (City first, person subject to debarment second, City rebuttal, if any) permitting: (1) each party to be represented by counsel authorized to practice law in Maryland; (2) the presentation of direct and cross-examination of witnesses; (3) the offer of other evidence; and (4) the presentation of opening and closing statements in support of the parties' respective positions.

f. The Board, or its designee, shall have the authority to take such further action as may be necessary to preside over the debarment hearing and to render the recommended proposed findings of fact and conclusions of law to the Board, a copy of which shall be submitted to the parties.

H. Duties of the City – Other Debarments. In addition to any other duties described herein, the City shall have the responsibility to ensure that: (1) the hearing is on the record and open to the public, unless otherwise provided by law; (2) the creation, at the City's cost, of a verbatim recodation of all testimony, except that a party requesting a copy of the transcript must bear the expense of the transcript;

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and (3) a record of the proceedings, including the verbatim recordation or transcript of the proceedings, the exhibits and the recommended proposed findings of fact and conclusions of law submitted to the Board for consideration in rendering a decision pursuant to the Baltimore City Code Art. 5, § 40-19, shall be maintained and retained.

I. Decision of the Board – Other Debarments.

1. The Board shall: (1) determine whether the integrity of the contracting process and the best interests of the City would be served by debarring the person from entering into or performing contracts with the City; and (2) for that purpose, consider all relevant factors, including: (i) the nature and seriousness of the act that caused the person to be subject to debarment; (ii) the time the act occurred; (iii) whether and to what extent the person cooperated with authorities investigating the matter; (iv) the conditions under which the person cooperated; and (v) the conduct of the person since the act occurred.
2. The Board shall notify the person of the Board's decision within 90 days after the hearing, unless the Board, in its sole discretion, extends the time period.
3. The notice of decision issued by the Board shall: (1) state whether the person is debarred for the act(s) in question; and (2) if the person is debarred, state the period of debarment.
4. The Board shall notify a business of any debarment of the business under the Baltimore City Code Art. 5, § 40-20.

J. Reinstatement.

1. Automatic Reinstatement. If the conviction that was the basis for debarment or suspension is reversed or otherwise voided, the debarment or suspension terminates automatically.

MINUTES

2. Petition for Reinstatement. A person debarred under the Baltimore City Code Art. 5, subtitle 40 may petition the Board for removal of the debarment, as provided in the Baltimore City Code Art. 5, § 40-22. The petition shall include: (1) each fact in support of reinstatement; (2) detailed, substantive reasons for reinstatement; (3) all legal issues on which the person intends to rely during the reinstatement hearing; and (4) whether the integrity of the contracting process and the best interests of the City would be served by continuing the debarment.
3. Hearing.
 - a. Within 90 days after receipt of a petition, the Board shall conduct a hearing, which may be extended by the Board for good cause shown.
 - b. The Board shall notify the parties of the time and place of the hearing.
 - c. The Board may delegate the authority to conduct the hearing to a designee, who is a member of the Maryland Bar not currently employed by the City (“designee”).
 - d. The Board, or its designee, shall set reasonable guidelines and limitations for the presentations to be made at the hearing.
 - e. If a designee conducts the hearing, the designee shall make a recommendation to the Board of whether the debarment should be removed by determining whether the integrity of the contracting process and the best interests of the City would be served by continuing the debarment and considering, for that purpose, all relevant factors, including those listed in the Debarment Regulations § I.1.
4. Decision. Within 90 days after receipt of the petition, the Board shall notify the person of the Board’s decision. The notice shall state: (1)

MINUTES

whether the debarment is removed or continued; and (2) if continued, how long the person must wait before again petitioning for reinstatement.

DEFERRED

MINUTES

V. Severability

If a court of competent jurisdiction holds that part of these regulations is invalid, the invalidity does not affect other parts.

DEFERRED

MINUTES

VI. Effective Date

These regulations become effective July 1, 2019.

DEFERRED

MINUTES

VII. Amendments

The Board may amend these regulations from time to time with advance notice of the changes and an opportunity for public comment.

DEFERRED

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VIII. Appendices

See the attached list of appendices which are incorporated herein by reference. The City may change this list of appendices as appropriate.

DEFERRED

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Appendices¹Board of Estimates Resolutions

- Lack of Duplicate Bid Book (6/8/77) (Board of Estimates Minutes)
- Baltimore City Contracts Bid Security (10/19/88)
- Self-Insurance Bond Program (2/8/89)
- Delinquent Taxes (4/89)
- National Labor Relations Act (*Unfair/Fair Labor Practices*) (6/29/94)
- Architectural & Engineering Services (6/29/94)
- Apprenticeship Training (6/28/95)
- Contracts – Health Care Provider Panels (11/95)
- Workers Benefits Plans (9/4/96)
- Guidelines for Consultant Selection Procedures (3/5/97)
- Increase to Dollar Amounts for Commodity and Service Contracts (6/22/05) (Board of Estimates Minutes)
- Setting Initial Threshold Amounts (12/22/10)
- Design-Build Procurement (1/2/11)
- Regulation of Board of Estimates Meetings and Minutes (1/2/14)
- Waiver of Attorney-Client Privilege (5/7/14)
- Indemnification of Officers and Directors of Certain Quasi-Public Corporations and Entities (5/6/15)
- Setting Threshold Amount for Professional Services (6/17/15)
- HubZone Neighborhood Preference (10/28/15)
- Economic Benefits Evaluation Factor (10/28/15)
- Rules for Qualification of Contractors, Performance Evaluations of Construction Contractors and Consultants and Procedures and Guidelines for Hearings Before the Office of Boards and Commissions Review Committee (11/30/16)
- Non-Architectural or Engineering Professional Services (2/27/19)
- Non-Competitive Procurements (2/27/19)

Executive Orders

- Change and Extra Work Order Procedures (Schaefer Memo dated 2/17/76)
- Nondiscrimination (12/30/76)
- Code of Conduct (6/13/95)
- Baltimore City's Youthworks (1/14/08)
- Employ Baltimore (12/18/13)

¹ As of February 21, 2019

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APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Chief Solicitor

Date

APPROVED BY THE BOARD OF ESTIMATES:

Clerk

Date

DEFERRED

MINUTES

Office of the Mayors - cont'd

UPON MOTION duly made and seconded, the Board **DEFERRED** the Regulations on Procurement, Protests, Minority and Women-owned Business Enterprise, and Debarment/Suspension as amended until March 20, 2019.

MINUTES

Office of the Mayor - Resolution Relating to Non-Architectural
or Engineering Professional Services

ACTION REQUESTED OF B/E:

The Board is requested to **ADOPT** a Resolution Relating to Non-Architectural or Engineering Professional Services, as amended ("Resolution"). This Resolution is directly related to the Regulations on Procurement, Protests, Minority and Women-owned Business Enterprise, and Debarment/Suspension ("Regulations"). The regulations incorporate this Resolution by reference. The Resolution is effective July 1, 2019.

AMOUNT OF MONEY AND SOURCE:

There are no direct costs associated with this action.

BACKGROUND/EXPLANATION:

On December 12, 2018, the Board authorized a 30-day public comment period for this Resolution, as proposed. No public comments were received; however; internal process and timing questions were raised. Upon further consideration, the Administration is proposing revisions to the Resolution to make the proposed review process more efficient while maintaining accountability. Representatives of Board members have reviewed this Resolution and do not object.

As amended, this Resolution would require the Comptroller's designee and the Director of Finance or the Director's designee to review all proposed professional services contracts that are subject to Board of Estimates' approval and either concur or not concur with it being considered a professional service. The reason the Comptroller's designee is specified and not the Comptroller is because the Comptroller is member of the Board of Estimates', as specified in the City Charter. These contracts will eventually be considered by the Board of Estimates', so this provision is intended to avoid any inadvertent or unintended conflicts.

MINUTES

Office of the Mayor - cont'd

If the Comptroller's designee and/or the Director of Finance or the Director's designee does not concur, the issue will go to the Professional Services Review Committee for determination. The Committee will be comprised of representatives of the members of the Board of Estimates' who are not authorized to serve on the Board as designates. Except for the Mayor who can designate any municipal officer or official to serve on her behalf, all other members of the Board have designees that are explicitly stated in the Charter. Again, these contracts will be considered by the Board, this provision will ensure that there is no unintended or apparent conflict and it will ensure the Committee does not run afoul of requirements for open meetings.

The Committee would be authorized to establish a list of approved services that are automatically considered professional in nature.

To ensure there is adequate training on this Resolution as well as on the regulations, the effective date of this Resolution is July 1, 2019.

MBE/WBE PARTICIPATION:

N/A

MINUTES

RESOLUTION

OF

THE BOARD OF ESTIMATES OF BALTIMORE CITY

RELATING TO NON ARCHITECTURAL OR ENGINEERING PROFESSIONAL SERVICES

WHEREAS, Article VI, § 11(d) of the Charter of Baltimore City, 2016 edition, as amended (herein after referred to as “Charter”), provides that “all professional services contracted for by the City shall be engaged in the manner prescribed by resolution of the Board of Estimates”; and

WHEREAS, in a Resolution adopted by the Board of Estimates on June 29, 1994, the Board of Estimates reconstituted the Architectural Commission as the Architectural and Engineering Awards Commission (“AEAC”) and tasked the AEAC with considering “whether the requested A & E [architectural and engineering] services should be procured through (a) performance in-house, (b) competitive negotiations, (c) competitive pricing, or (d) design competition”; and

WHEREAS, in a Resolution adopted by the Board of Estimates on June 8, 2015, professional services contracts with expenditures greater than \$25,000 must be approved by the Board of Estimates; and

WHEREAS, professional services entail a wide variety of services, the professional nature of which is determined by the manner of work performed; and

WHEREAS, besides the Resolutions adopted June 29, 1994 and June 8, 2015, the Board of Estimates has adopted no other resolution prescribing the manner in which professional services are procured; and

WHEREAS, except for architectural and engineering services, professional services contracts are generally not competitively bid;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ESTIMATES OF BALTIMORE CITY, that on this 27 day of February, 2019, the following Resolution is adopted:

I. Definitions. For the purpose of this resolution, the following terms have the meaning indicated.

A. Board. Board means the Board of Estimates.

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B. Committee. Committee means the Professional Services Review Committee.

C. Emergency Procurement. An emergency procurement means a procurement in response to a dangerous condition of such a nature that public welfare would be adversely affected by awaiting the approval of the Board of Estimates.

D. Procurement.

1. Procurement means purchasing, leasing, or otherwise acquiring any supplies, materials, equipment, services, or public works including all functions that pertain to the obtaining of any supplies, materials, equipment, services, or public works, including the descriptions of requirements, selection and solicitation of sources, evaluation of responders, preparation and award of contract, claim resolution, and all phases of contract administration.

2. A grant is not a procurement.

E. Professional Services.

1. Professional services are services that are predominantly mental or intellectual, rather than physical or manual, and require the application of special knowledge, technical skill, as well as the experience that comes from instruction, training, and the exercise of mental facilities.

2. Professional services include the services of attorneys, physicians, architects, engineers, consultants, and other recognized professional individuals, associations, corporations, and groups whose services are customarily negotiated instead of competitively procured because of the individuality of those services and level of expertise involved.

II. Professional Services Review Process.

A. The Comptroller's designee and the Director of the Finance Department or the Director's designee shall review all proposed professional services contracts that are subject to Board approval and are not architectural, engineering, or legal services.

B. The Comptroller's designee and the Director of Finance or the Director's designee shall either concur or not concur in the proposed service contract being considered a professional service.

C. Should either the Comptroller's designee or the Director of Finance or the Director's designee not concur, the matter shall be submitted to the Professional Services Review Committee for consideration and determination.

III. Professional Services Review Committee.

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A. Professional Services Review Committee Established. There is a Professional Services Review Committee, the purpose of which is to review and determine whether a proposed service should be procured as a professional service when:

- 1. The Comptroller’s designee does not concur with the service being procured as a professional service;
- 2. The Director of Finance or the Director’s designee does not concur with the service being procured as a professional service; or
- 3. Neither the Comptroller’s designee nor the Director of Finance or the Director’s designee concur with the service being procured as a professional service.

B. Committee Composition. The Committee shall consist of one representative from each of the members of the Board of Estimates whose ability to serve on the Board of Estimates is not explicitly stated in the Baltimore City Charter.

C. Committee Determination. The Committee shall determine whether the proposed service shall be procured as a professional service by majority vote.

IV. Approval List. The Committee may create a list of approved services or professions that are automatically considered professional in nature. The Committee may update the list from time to time.

V. Emergencies and Urgent Needs.

A. Emergencies. The provisions of this resolution do not apply to emergency procurements.

B. Urgent Needs. For urgently needed procurements, which may not be considered an emergency, the Committee may make determinations electronically or by telephone.

VI. Effective Date. This resolution shall take effect on July 1, 2019.

Approved as to form and legal sufficiency
this ____ day of _____, 2019

Adopted by the Board of Estimates:

Chief Solicitor

Clerk

Date

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Office of the Mayor - cont'd

UPON MOTION duly made and seconded, the Board **DEFERRED** the Resolution Relating to Non-Architectural or Engineering Professional Services, as amended until March 20, 2109.

MINUTES

Office of the Mayor - Resolution Relating to Non-Competitive Procurements

ACTION REQUESTED OF B/E:

The Board is requested to **ADOPT** a Resolution Relating to Non-Competitive Procurements ("Resolution"). The Resolution is directly related to the Regulations on Procurement, Protests, Minority and Women-owned Business Enterprise, and Debarment/Suspension ("Regulations"). The Regulations incorporate this Resolution by reference. The Resolution is effective July 1, 2019.

AMOUNT OF MONEY AND SOURCE:

There are no direct costs associated with this action.

BACKGROUND/EXPLANATION:

On December 12, 2018, the Board authorized a 30-day public comment period for this Resolution, as proposed. No public comments were received.

There are revisions being recommended; however, they are non-substantive. First, the dates of adoption of this Resolution, the regulations, and another resolution Relating to Non-Architectural or Engineering Professional Services has been updated to reflect the current date of approval. Second, to ensure there is adequate training on this resolution as well as on the regulations, the effective date of this resolution has been changed to July 1, 2019.

MBE/WBE PARTICIPATION:

N/A

MINUTES

RESOLUTION

OF

THE BOARD OF ESTIMATES OF BALTIMORE CITY

RELATING TO NON-COMPETITIVE PROCUREMENTS

WHEREAS, the City Charter requires, with certain exceptions, that all contracts involving an expenditure greater than \$50,000 be awarded by the Board of Estimates through a competitive bidding process; and

WHEREAS, Article VI, § 11(e)(i) of the Charter of Baltimore City, 2016 edition, as amended (hereinafter referred to as “Charter”), provides that:

“When any supplies, materials, equipment, services, or public works are of such a nature that no advantage will result in seeking, or it is not practicable to obtain, competitive bids, or when the need for supplies, materials, equipment, services, or public works is of an emergency nature and the using agency certifies this in writing to the Board of Estimates, with written notice to the Department of Finance, the provisions of subsection (c) of this section may be dispensed with. However, the purchase may not be made, nor may the City incur any obligation for it, until approved by the Board of Estimates after considering the recommendation of the Department of Finance. When practicable, the City’s intent to make a purchase under this exception shall be posted electronically to the public for comment prior to the approval of the purchase by the Board of Estimates.”; and

WHEREAS, Article VI, § 11(e)(ii) of the Charter further provides that:

“In the event of an emergency of such a nature that the public welfare would be adversely affected by awaiting the approval of the Board of Estimates, the Department of Finance, upon application by the head of the municipal agency involved, may proceed to obtain the supplies, materials, equipment, services, or public works required without reference to the provisions of subsection (c) of this section. A full report of any this action shall be promptly submitted to the Board of Estimates.”; and

WHEREAS, while non-competitively procured contracts are sometimes necessary to provide critical City services, they inherently limit competition; and

WHEREAS, promoting and maximizing competitive bidding generally results in better prices, a more inclusive procurement process, and a growing local economy;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ESTIMATES OF BALTIMORE CITY, that on this 27th day February, 2019 the following Resolution is adopted:

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I. **Definitions.** For the purpose of this Resolution, the following terms have the meaning indicated.

A. **Board.** Board means the Board of Estimates.

B. **City Agency.** City agency includes all City departments, bureaus, boards, commissions, and persons not embraced in a department who exercise authority comparable to that of heads of departments or bureaus.

C. **Competition.** Competition means the process by which more than one source for supplies, materials, equipment, services, or public works is solicited.

D. **Emergency Procurement.** An emergency procurement means a procurement in response to a dangerous condition of such a nature that public welfare would be adversely affected by awaiting the approval of the Board of Estimates.

E. **Non-competitive Procurement.** Non-competitive procurement means a procurement of such a nature that no advantage will result in seeking, or it is not practicable to obtain, competitive responses, or when the need for supplies, materials, equipment, services, or public works is of an emergency nature.

F. **Procurement.**

1. Procurement means purchasing, leasing, or otherwise acquiring any supplies, materials, equipment, services, or public works including all functions that pertain to the obtaining of any supplies, materials, equipment, services, or public works, including the description of requirements, selection and solicitation of sources, evaluation of responders, preparation and award of contract, claim resolution, and all phases of contract administration.

2. A grant is not a procurement.

G. **Professional Services.**

1. Professional services are services that are predominantly mental or intellectual, rather than physical or manual, and require the application of special knowledge and technical skill, as well as the experience that comes from instruction, training, and the exercise of mental facilities.

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2. Professional services include the services of attorneys, physicians, architects, engineers, consultants, and other recognized professional individuals, associations, corporations, and groups whose services are customarily negotiated instead of competitively procured because of the individuality of those services and level of expertise involved.

H. Public works.

1. Public works means construction, reconstruction, demolition, or maintenance of a physical structure that is attached to the land which is:

- a. Primarily for public use;
- b. Government owned or operated;
- c. Accessible to the general public; or
- d. Government funded, wholly or in part, with no one factor being controlling.

2. Public works include public buildings, recreation fields, docks, bridges, ditches, roads, alleys, waterworks, storm drains, sewers, conduit, street lights, and sewage disposal plants.

II. Requirements for Non-Competitive Procurements.

A. Except for emergency procurements and professional services, when a City agency recommends the Board award a non-competitive procurement, the agency shall provide the following information to the Board in writing:

1. An explanation as to why no advantage would result in seeking competitive responses;
2. An explanation as to why it is impracticable to obtain competitive responses; or
3. An explanation as to why the procurement is of an emergency nature.

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B. For emergency procurements, see “Regulations on Procurement, Protests, Minority and Women-owned Business Enterprise, and Debarment/Suspension” adopted by the Board on February 27, 2019, as amended from time to time.

C. For Professional services, see “Resolution of the Board of Estimates of Baltimore City Relating to Non-Architectural or Engineering Professional Services” adopted by the Board on February 27, 2019, as amended from time to time.

III. Evaluation of Process.

A. No later than nine months after the effective date of this Resolution, an evaluation committee shall submit a report evaluating the process specified in this Resolution.

B. The evaluation committee shall consist of the following individuals:

1. The Mayor or the Mayor’s designee;
2. The City Council President or the City Council President’s designee;
3. The Comptroller or the Comptroller’s designee;
4. The City Solicitor or the City Solicitor’s designee;
5. The Directors or their designees from three of the following four Departments, as chosen by the Mayor:
 - a. The Department of General Services;
 - b. The Department of Public Works;
 - c. The Department of Transportation; and
 - d. The Department of Recreation and Parks.
6. The City Purchasing Agent or the City Purchasing Agent’s designee; and
7. The City Auditor or the City Auditor’s designee.

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C. The evaluation committee shall include the following information in its report to the Board:

- 1. The number of non-competitive procurements submitted and considered by the Board since the effective date of this Resolution;
- 2. A determination as to whether the explanations from City agencies for recommending awarding non-competitive procurements are sufficient; and
- 3. A recommendation on possible changes to the process for awarding non-competitive procurements.

D. The evaluation committee shall submit the report to the Board only when a majority of the committee members endorse the report in writing.

E. An evaluation committee member or members who do not endorse the report shall provide an explanation in writing to the Board concurrently with the committee's report.

VII. Effective Date. This resolution shall take effect on July 1, 2019.

Approved as to form and legal sufficiency

this ____ day of _____, 2019

Adopted by the Board of Estimates:

Chief Solicitor

Clerk

Date

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Office of the Mayor - cont'd

UPON MOTION duly made and seconded, the Board **DEFERRED** the Resolution Relating to Non-Competitive Procurements until March 20, 2019.

MINUTES**PROPOSAL AND SPECIFICATIONS**

Department of General Services - GS 16811, Shot Tower
Renovations

BIDS TO BE RECV'D: 4/10/2019

BIDS TO BE OPENED: 4/10/2019

There being no objections, the Board, UPON MOTION duly made and seconded, approved the Proposal and Specification to be advertised for receipt and opening of bids on the date indicated.

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President: "There being no more business before this Board, we will recess until bid opening at 12 noon. The Board also will be at recess until March 6th, we will reconvene March 13th. Thank you."

* * * * *

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Clerk: "Good after -- 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 Addenda extending the dates for receipt and opening of bids on the following contracts. There were no objections.

<u>Bureau of Procurement</u>	- B50005418, 45' Bucket Truck & 47' Digger Derrick Truck BIDS TO BE RECV'D: 2/27/2019 <u>BIDS TO BE OPENED: 2/27/2019</u>
<u>Bureau of Procurement</u>	- B50005648, All-Terrain Vehicle BIDS TO BE RECV'D: 2/27/2019 <u>BIDS TO BE OPENED: 2/27/2019</u>
<u>Bureau of Procurement</u>	- B50005649, Pneumatic Tire Forklift BIDS TO BE RECV'D: 2/27/2019 <u>BIDS TO BE OPENED: 2/27/2019</u>

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Bureau of Procurement - B50005650, Regular Cab Truck
 with Enclosed Utility Body
BIDS TO BE RECV'D: 2/27/2019
BIDS TO BE OPENED: 2/27/2019

Bureau of Procurement - B50005651, Sprinter Cargo Van
BIDS TO BE RECV'D: 2/27/2019
BIDS TO BE OPENED: 2/27/2019

Bureau of Procurement - B50005652, Crack Sealing Melter
 Applicator
BIDS TO BE RECV'D: 2/27/2019
BIDS TO BE OPENED: 2/27/2019

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

Bureau of Procurement - B50005418, 45' Bucket Truck & 47' Digger
 Derrick Truck

ALTEC Eastern FA
 Beltway International,
 LLC

Bureau of Procurement - B50005648, All-Terrain Vehicle

Finch Services, Inc.

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Bureau of Procurement - B50005649, Pneumatic Tire Forklift

Technology International,
Inc.*
Media Centre**
Eastern Lift Truck Co.,
Inc.
Maryland Industrial Trucks,
Inc.

Bureau of Procurement - B50005650, Regular Cab Truck with Enclosed
Utility Body

Chas. S. Winner dba Winner
Ford
Hertrich Fleet Services
Bayshore Ford Truck Sales,
Inc.

Bureau of Procurement - B50005651, Sprinter Cargo Van

American Truck & Bus,
Inc.

Bureau of Procurement - B50005652, Crack Sealing Melter Applicator

NO BIDS RECEIVED

Bureau of Procurement - B50005665, Annual and Five Year
Certifications and Inspections for
Ladder Trucks

American Test Center,
Inc.

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Bureau of Procurement - B50005670, OEM Parts, Service and Warranty for Peterbilt Load Packers

The Peterbilt Store-
Baltimore

Bureau of Procurement - B50005677, Polymer for Sludge Dewatering


Polydyne, Inc.

- *UPON FURTHER MOTION, the Board declared the bid of Technology International, Inc. is considered **NON-RESPONSIVE** due Technology International, Inc. failure to proffer a bid guarantee as mandated by the solicitation instructions.
- ** UPON FURTHER MOTION, the Board declared the bid of Media Centre is considered **NON-RESPONSIVE** due Media Centre failure to proffer a bid guarantee as mandated by the solicitation instructions.

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* * * * *

There being no objections, the Board, UPON MOTION duly made and seconded, adjourned until its next regularly scheduled meeting on Wednesday, March 13, 2019.



JOAN M. PRATT
Secretary