

MINUTES

REGULAR MEETING

Honorable Brandon M. Scott, President
Honorable Bernard C. "Jack" Young, Mayor
Honorable Joan M. Pratt, Comptroller and Secretary
Matthew W. Garbark, Acting Director of Public Works
Dana P. Moore, Acting City Solicitor

President: "Good morning the August 26, 2020, meeting of the Board of Estimates is now called to order. In the interest of promoting and maintaining health and safety as we deal with COVID-19, the Board of Estimates continues to meet virtually. Before we move on the routine agenda, I would like to call for a motion to recall an item from last week. Is there a motion to recall?"

Acting City Solicitor: "Ah -- yeah --."

Mayor: "Um, Mr. President. Mr. President what item is that?"

President: "Mr. Mayor, uh-uh, the City Solicitor is getting ready to speak to that right now, Sir."

Acting City Solicitor: "Yeah, I-I apologize. I did not get to the Mayor to advise him of this but um, there was a Law Department settlement that was on the agenda for August 12, 2020. It was the Dashawn McGrier Settlement. And we need to recall it because there were um, some votes that didn't get cast prop-um- the way that--"

Mayor: "Okay."

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Acting City Solicitor: "--the voter wanted so we're going to--I'd like to make a motion to recall Dashawn McGrier Settlement."

President: " I hear the motion. Is there a second?"

Acting Director of Public Works: "I second."

President: "All those in favor say, Aye."

Comptroller: "Please note that the Comptroller **ABSTAINS.**"

President: "All opposed say, Nay. Uh, the 'ayes' have it. The item is back before the Board. Is there a motion to approve the item?"

Acting City Solicitor: "Uh, yes, I'd like to move that the um settlement in the Dashawn McGrier matter be approved by this Board."

Acting Director of Public Works: "I second."

President: "All those in favor say, Aye. All opposed say, Nay."

Comptroller: "Please note that the Comptroller **ABSTAINS.**"

President: "Please note that Comptroller Pratt abstains. The 'ayes' have it. The motion is approved. I would direct the Board member's attention to the memorandum from my office dated August 24, 2020 identifying matters to be considered as routine agenda items together with any corrections and additions that have been noted by the Comptroller. I will entertain a Motion to approve all the items contained on the routine agenda."

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Acting City Solicitor: "Ah, I move approval of all of the items on the routine agenda."

Comptroller: "I second."

President: "All those in favor say, Aye. All opposed say, Nay. The routine agenda items have been adopted."

* * * * *

MINUTES**BOARDS AND COMMISSIONS**1. 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:

| | |
|--|------------------------------------|
| ATCS, P.L.C. | Engineer Land Survey |
| Becht Engineering BT, Inc. | Engineer |
| Burdette, Koehler, Murphy and Associates, Inc. | Engineer |
| ECO Integration, Inc. (MBE) | Engineer |
| Hayat Brown LLC | Engineer |
| McCormick Taylor, Inc. | Landscape Architect Engineer |
| McKissack & McKissack of Washington, Inc. | Architect Engineer |
| OLBN, Inc. | Architect Engineer |
| Toole Design Group, LLC (WBE) | Landscape Architect Engineer |

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

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

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Department of Audits - Audit Report

The Board is requested to **NOTE** receipt of the following Audit Report:

1. Baltimore Police Department Biennial Financial Audit Fiscal Years Ended June 30, 2019 and 2018.

President: "The first item on the non-routine agenda can be found on page 2; Department of Audits report. We will hear from the auditor regarding this. Mr. Auditor, the floor is yours."

City Auditor: "Good morning Mr. President, Mr. Mayor, Madam Comptroller, and Board members. My name is Josh Pasch. I am the City Auditor. I am here to present the Baltimore Police Department Biennial Financial Audit for Fiscal Years Ended June 30, 2019 and 2018. In addition to auditing the financial statements for the Police Department, we considered the Agency's internal control over financial reporting and we noted the following control deficiencies: Finding one - The Agency did not retain sufficient documentation to support payroll expenditures. 23% of our

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judgmentally selected Fiscal Year 2019 samples for secondary overtime events did not have evidence of pre-authorization, authorization and certification for the overtime paid. And also the Fiscal Unit does not document the daily time worked by their employees in a positive documented system. Administrative Manual 205-10 requires using a positive documented system to determine the presence or absence of employees, which would be a clocking in or clocking out or a sign-in sign-out system. Finding two - Secondary overtime billing is not monitored, and the secondary overtime activities are not properly recorded. We noted that neither the Agency nor the Bureau of Accounting and Payroll Services monitors billing and reimbursement of secondary overtime work performed such as sports overtime. We noted that once the Agency prepares a summary of billings to be sent out, and they forward that on to the Bureau of Accounting and Payroll Services, they do not monitor what happens from that point forward, and we also noted that BAPS does not follow-up on unpaid bills that have been invoiced. Secondary overtime, for services other than the sports overtime, and reimbursements received for these

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services are not properly recorded. We noted regarding Recording Payroll Expenses, when services are provided, charges are debited in an asset account to show that the expense is not an expense of the City, and is recorded as an asset and a cash account is credited or reduced to show the money paid out to the police officers. When the billing occurs, an amount- and this is typically or always- at an amount which is lower than the actual overtime paid because the billing amounts are set rates. The bill is not recorded as revenue earned with an outstanding accounts receivable amount. Instead, the bill is recorded as a debit and credit to the same account, which has no effect on the general ledger account but facilitates the generating of an invoice or bill. When the vendor pay, um-- when recording payments received in, the payment, --um, is received. A cash account is debited; showing the money coming into the city, and the asset account which was recorded when the payroll expense was recorded, is credited or decreased. This results in the net payroll paid and reimbursement received remaining as the asset value recorded. In other words, the payroll expense incurred,

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which is more than the money received, still sits in the asset account is not recorded as an expense. We see that capitalizing overtime salaries incorrectly results in under reporting the amount of overtime salaries being paid to officers within the proper period. Finding three - Certain encumbrances on the general ledger at Fiscal Year-end were not for future expenditures. Encumbrance accounting, also known as, commitment accounting tracks anticipated spending to budgeted amounts. This allows the city--"

President: "Mr. Auditor?"

City Auditor: "Yes?"

President: "Pause for a second. You're going to have to go back. Uh, we lost you for about 10 seconds there for your connection, so I just want everyone to know what you said."

City Auditor: "Ok."

President: "You're good. Just go back."

City Auditor: "Ok. Umm, for Finding Number two regarding secondary overtime for services other than sports overtime and reimbursements received for this are not properly recorded. When the payroll expense is incurred, the charges are debited to an

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asset account and not an expense account. This is to show that the payroll expense is not an expense of the City; that it's going to be collected later on and a cash account is credited which shows the money being paid out to the police officers. When it is time for billing, an amount which is lower than the actual overtime paid, because the billed amounts are set in, um are set by the City Council--I mean, are set by I think, the Board of Estimates, um the bill is not recorded as revenue earned with an outstanding amount so that we will be able bill accounts payable, instead the bill is recorded as debit and a credit which has no effect on the general ledger, -- allows them to facilitate the generation of the bill. When payment is received, a cash account is debited showing the money into the City and the asset account which was debited for the payroll expense is credited decreased. This results in the net payroll paid and reimbursement received, which is the difference between how much we're paying the police officers and the amount we're billing as being left on the books as an asset instead of recording it as an expense and this capitalizing overtime salaries incorrectly results in under reporting the

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amount of overtime salaries being paid to officers within the proper accounting period. Finding Three-Certain encumbrances on general ledger records the books at FY end were not for future expenditures. Encumbrance accounting, also known as, commitment accounting tracks anticipated spending to budget amounts. This allows the City to track money committed before the cost is incurred and before the invoice is received. The Agency was not able to provide invoices for \$1,500,000.00 of \$2,700,000.00, or 56% of encumbrances recorded for 2019; or \$1,100,000.00 of \$2,600,000.00, or 42% of encumbrances recorded that were recorded for 2018. The cause of this, is because purchase orders are encumbered at the maximum allow amount of the contract and when the purchase is complete the excess amount which was not spent remains as encumbered on the books. Additionally, expenditure authorizations are encumbered at the point in time when they are created and they remain on the books even if the Expenditure Authorization is never approved or invoiced. This overstates our encumbrances which makes it difficult to track budgets available for spending -- receipts and -- are misclassified--"

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President: "Mr. Auditor?"

City Auditor: "The Statement of Revenues, Expenditures and Charges in Cash Balance for the State Administration--"

President: "Mr. Auditor? Sir you have a connection issue. Your issue--your connection issue is really bad."

City Auditor: "Is this better?"

Comptroller: "Josh, Josh, if you would slow down, then it would probably not get garbled."

City Auditor: "Ok."

President: "Thank you. You're good."

City Auditor: "Ok. Should I -find--"

President: "We'll continue--We lost you again."

City Auditor: "Ok."

President: "Thank you. You're good."

City Auditor: "Ok. Should I -find--"

President: "We'll continue-- We lost you again."

City Auditor: "Finding --- Receipts and Disbursements-- Revenues, Expenditures and Changes---- Cash Balance--"

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Mayor: "Mr. President, he is going in and out I can't understand him."

President: "Mr. Auditor, we are probably uh have to have you just pause for one second, have you turn your video off and call in because it might, that might help with the bandwidth issue. Um, if you can do that or just turn your video off because you keep freezing up on the screen and we want to be able to hear you clearly."

City Auditor: "Ok."

President: "We can hear you now."

City Auditor: "Can you hear me now?"

President: "Yes. Continue."

City Auditor: "Okay. Finding 4 for Receipts and Disbursement in State Grants are misclassified. The Statement of Revenues, Expenditures and Changes in Grant Cash Balance for the State Administration and Information Technology; and State Police Patrol showed a cash surplus and a cash deficit of \$7,000,000.00, respectively, at the end of 2019. We found that there are three

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State grants which provide funding for multiple programs in the Agency. When the City reimburses the grants, the revenue is being recognized primarily in the Administrative Programs of the City. This is causing the Administrative grants to show a surplus and the Police Patrol Grants to have a deficit. That is-- concludes my presentation. I would like to thank the audit team for their diligent work on this audit and also, I'd like to thank the Police Department which was very helpful in completing the audit and also to thank the Department of Finance for their assistance in getting, in completing this audit. I will entertain any questions you may have."

President: "Thank you. I know that we have representation from the Police Department on the call."

Shallah Graham: "Good Morning, Sir. Yes, that's correct. This is Shallah Graham, the CFO from BPD."

President: "Uh, yes ma'am. Do you want to speak to the audit?"

Shallah Graham: "Yes, I'd be happy to. Um, well, it was a pleasure

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to work with the Audit Team and they were very helpful and a lot of these items we had already been working on ourselves. Um, and just to remind everybody that the period being covered was Fiscal Year 2018 and Fiscal Year 2019. So when myself and my new team were hired in Fiscal Year 2020, we'd already started looking at a lot of these items and had actually put corrective action in place and starting the beginning of this fiscal year, Fiscal Year 2021. Um, so a lot of the items as you heard were to do with secondary employment. This is something we have been working on in great details. We have put in um, standard operating procedure in place for secondary employment um and that covers a lot of the issues that are addressed in the audit from um, the overtime slips and and the recordkeeping and the review process. We also worked with um BAPS on changing the accounting so that the accounting is coded as revenue. We also updated all the accounting codes and all of this was put into place in July of the new fiscal year for fiscal year 2021. And one of the items that we're working on correcting- and and we agree with the audit- was um the comment about the

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Police Department and the fiscal unit being on exception reporting. So exception reporting being when you're paid off the schedule and you use report exceptions to the schedules. So exceptions for leave, exceptions for overtime and, and we have wanted to change that for a while and but we need the technology to do that. So that's one of the things we're so excited about with Workday and Workday is going to allow the Police Department to go to 'Punch In /Punch Out,' so we'll be paid for time worked and then have the greater internal controls and accountability and so that's one of the things we're very excited for, so we can make that change and we've been preparing to make that change with the Workday Project Team and working with the City to make that happen. Um, and then we've been working with um our accounting and with the Department of Finance and looking into the encumbrances, and my team, for the police Baltimore Police Department, we put a process in place; that we're doing a review of our monthly encumbrances and requesting liquidations when necessary and working in partnership with the Department of Finance to have good internal controls around that. And I am happy to answer any questions you might have. I know that this was a lot of information but thank you."

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President: "Thank you, thank you. Um, either this question is for you or the auditor. The auditor spoke about, because it being, things being listed as debit and other things about not being able to be calculated properly. Can you guys speak to, if any, how much money or revenue was lost in the city because of this inaccurate practice?"

Shallah Graham: "Josh, would you like me to talk about that or would you like to answer that?"

City Auditor: "Um, either one is fine. I, were you talking about the overtime billing?"

President: "Overtime and the, the uh supplemental---thing as well."

City Auditor: "Ok, so um, I'll start off. Um, the overtime billing, um...see we don't have an exact amount. Um, we did find that in 2019, there was \$5,900,000.00 charged to the asset account and \$906,000.00 that was billed and then the reimbursements was \$1,500,000.00. So, when it comes to what we lost, that was we weren't able to calculate and exact number on there. And um, I 'm going to go ahead and turn it over to Shallah to speak further on that one."

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Shallah Graham: "And I would be happy to do that. Um yeah, so we were looking at the same thing, too; independently from the audit. And what we found is that there were old accounts being used, so the money was being collected, but it was going into a different account. And so that was a part of the problem so when you knot those accounts together, it looks like we did recover most of the money. Obviously, we've got an issue with the rate and I have been trying to confirm. And when that rate change for the secondary employment is going to come to the Board and and I believe it's going to be maybe next week or after that. I'm trying to get a date on that, but um it does look like most of the money was recovered. It was put in the wrong account and that was referenced in the audit, so that was one of the things we met with um BAPS on; to um, basically create new accounts and make sure everybody had the active accounts and the Baltimore Police Department and BAPS were using the same account numbers. So we went through that process in July and now what we also are doing and we've done some um additional and follow through. And we have been looking at um invoices from the very beginning; from when the request was made,

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and we've been following it through the process and through the accounting system and that's how we discovered it was actually going to a different old accounting code. And we've done some samples and that seems to be what's happening consistently. So now my staff are going back through all of fiscal year 2019, to truly make sure that everything we could recover under our existing rates, knowing our rates, obviously, are in the process of being changed with the Board's approval, of course. And he's validating that we've recovered as much as we could recover. So, they're going through that process right now, and they're doing that for fiscal year 2019. Thank you."

President: "Thank you. Thank you so much. Um, any questions from other Board members? Thank you. Thank you very much. Ms. Graham, oh just a quick follow-up. How far along are you guys on I think we know a bit about the new overtime policy. Uh, how far along are you guys in the other processes that you think would help? I know the Workday is, but I know you guys have some other internal things that you don't you don't get to talk about. Like, where you guys are, versus where you want to be, in order to make sure that we are collecting but not abusing the things that we have had in the past?"

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Shallah Graham: "I'm -I'm so sorry, Sir. You were breaking up a little bit. Would you mind repeating that? I do apologize."

President: "No, it's fine. I said where-where are you guys in your processes as far as we know, uh the overtime reduction with that, where that is but as far as like implementation of the other fail safes; where you guys are in line with Workday, as we all in the City and any other internal processes that you guys are putting in place to make sure that we don't have the things that have happened in the past happen again?"

Shallah Graham: "Y-Yeah, that's a wonderful question and you know, obviously our goal is to have strong internal controls. Um, you know as you know our overtimes come down significantly and a lot of that is a result of our change in policies and our pre-approval processes. Um, but, um there's still work to be done and we've got a new policy that's going to be coming out soon that addresses court time and puts greater internal controls on court time. So we're trying to do everything we can do in our environment today. But the challenge that we have is, it's somewhat of a paper environment and so we have been working with the Workday team to say, 'Okay, what can we do today, but what do we need to do in the

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new system?' And-And some of this, we do have to wait on the new system because it is-it is an electronic system and it is going to change the way that we do things and it's going to provide that additional internal controls that we need because everything will be in one system and we won't have all of the paper processes that happen outside of the system that reduces your internal controls, frankly. So we have to monitor and create our own reports. Everything will be done in Workday it will be a seamless kind of business process and then we will be able to pull our validation reports, uh, you know, issue reports to see if there's a problem from the same system and so we're doing as much as we can right now. Again, our next policy that's going to come out is going to be court time. It's going to increase our internal controls that increase our tracking of court time. And we've created some new overtime tracking codes, so we can see the drivers of the court time. Um, but some of this we do have to wait on Workday and-and a big issue right now is the fact that we are on exception-based time reporting. And we don't do punch-in/punch-out and that's one of the biggest that I think will be exciting for the Baltimore Police Department is that we will have Punch-In/Punch-Out and the

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accurate, um, you know, payment and based on when people work. So and so to answer your question shortly, umm we're doing what we can today in our current environment but we need the technology, really to put into place the internal controls and that's going to come with Workday. Thank you."

President: "Thank you so much. Seeing no other questions, Board Members, this Audit Report has been **NOTED**."

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The Board **NOTED** receipt of the aforementioned Audit Report.

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Law Department - Settlement and Mutual Release Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Settlement and Mutual Release Agreement for the legal action brought by the Gunther Bottle, LLC against the Mayor and City Council of Baltimore.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

This case involves a parcel of land currently part of the Boston Street right-of-way (the "Parcel") owned by the City. Until 2010, the Parcel was licensed to Gunther Bottle, LLC ("Gunther"), for \$1.00 per year. Though the license agreement terminated in 2010, Gunther continued to occupy the property until approximately 2018. In 2018, the Board voted to grant a license to another company, BCP Investors, LLC ("BCP"), whose principal has developed the south side of Boston Street. Gunther sought to challenge this action by filing for mandamus in the Circuit Court. After over a year of negotiation between the City and principals for Gunther and BCP, the parties have reached the submitted agreement. Gunther has agreed to dismiss the pending action and waive additional claims that were part of another threatened action. In return, an affiliate of BCP known as R3A Wheelhouse, LLC ("R3A"), will purchase the Parcel from the City for \$250,000.00 through the street closing process. The R3A entity will then be conveyed to Gunther. The R3A entity already owns the parcel immediately adjoining the Parcel lying to the north. The two parcels will be consolidated for future commercial development. Though not a party to this agreement, BCP has agreed to terminate its license so that the sale can be completed.

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Law Department - cont'd

Further, Gunther has agreed to open a portion of Eaton Street (currently private) to the public, which will allow Eaton Street to connect from O'Donnell Street running south to Boston Street.

This has long been a goal of the City, in terms of traffic mitigation, to have Eaton Street be a thru street. In the interests of terminating the litigation, encouraging further development in the Canton area along Boston Street and obtaining the public's right to use Eaton Street, the Law Department recommends the entering into the attached Settlement Agreement, which has been thoroughly reviewed by the Acting Solicitor as well as Chief Solicitors from the Real Estate and Litigation Divisions.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Settlement and Mutual Release Agreement for the legal action brought by the Gunther Bottle, LLC against the Mayor and City Council of Baltimore.

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

ACTION REQUESTED OF B/E:

The Board is requested by the Board of Trustees of the F&P to approve and authorize execution of its Subscription Agreement for its investment in One Rock Capital Partners III, LP.

AMOUNT OF MONEY AND SOURCE:

No General Fund monies are involved in this transaction. The F&P will pay One Rock Capital Partners III LLC, a private equity manager, an average \$500,000.00 annual fee (2%) to manage its initial investment of approx. \$25,000,000.00. The investment fee, along with all other management fees and expenses, will be netted out of investment proceeds.

BACKGROUND/EXPLANATION:

The F&P Board of Trustees conducted a search for a Private Equity Manager and, as a result of that search, selected One Rock Capital Partners III LLC to accept an initial investment of \$25,000,000.00 to be placed with One Rock Capital Partners III LP.

The search and selection process was conducted with the assistance and advice of F&P's investment advisor, New England Pension Consulting.

MWBOO GRANTED A WAIVER ON AUGUST 11, 2020.

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Fire and Police Employees' - cont'd
Retirement System

UPON MOTION duly made and seconded, as requested by the Board of Trustees of the F&P, the Board approved and authorized execution of the F&P's Subscription Agreement for its investment in One Rock Capital Partners III, LP. The Comptroller **ABSTAINED**.

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PERSONNEL MATTERS

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UPON MOTION duly made and seconded,

the Board approved

all of the Personnel matters

listed on the following pages:

3213-3230

All of the Personnel matters have been approved

by the EXPENDITURE CONTROL COMMITTEE.

All of the contracts have been approved

by the Law Department

as to form and legal sufficiency.

The Mayor **ABSTAINED** Item No.2.

The President **ABSTAINED** on Item No. 2.

MINUTES**PERSONNEL**Baltimore City Office of Information and Technology1. Create the following position:

Classification: Operations Manager I

Job Code: 00090

Grade: 939 (\$89,741.00 - \$147,892.00)

Cost Savings: \$115,919 - 2042-000000-1474-798100-601001

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

Office of the City Council

| | <u>Hourly Rate</u> | <u>Amount</u> |
|----------------------------|--------------------|--------------------|
| 2. MICHAEL L. SWIFT | \$90.00 | \$ 6,750.00 |

Account: 1001-000000-1000-104800-601009

Mr. Swift will continue to work as a Contract Services Specialist II. This position is responsible for attending City Council meetings and providing technical support to the President of City Council, providing advice on parliamentary procedures, reviewing and commenting on questions of parliamentary procedures and providing analysis of the City Council Rules and Robert's Rules of Order, Newly Revised. This is the same hourly rate as in the previous contract period. The period of the agreement is effective upon Board approval for one year.

MINUTES**PERSONNEL**Baltimore City Fire Department

| | <u>Hourly Rate</u> | <u>Amount</u> |
|----------------------------|--------------------|--------------------|
| 3. KEITH D. SWINDLE | \$30.66 | \$51,000.00 |

Account: 1001-000000-3191-308700-601009

Mr. Swindle will continue to work as a Contract Services Specialist II. This position will be responsible for reviewing electronic Patient Care Reports for quality and completion; providing appropriate feedback to improve provider's reports; reporting Protocol violations, poor patient care and areas of concern to the Quality Assurance Officer and the Quality Assurance Officer with patient care data interpretation and analysis for overall system improvement, assisting in the implementation of the Emergency Medical System quality assurance plan and keeping abreast of current Maryland Medical Protocols and Basic and Advance Life Support. The period of the agreement is effective upon Board approval for one year.

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| 4. JUSTIN P. ROSE | \$30.00 | \$18,000.00 |
|--------------------------|---------|--------------------|

Account: 4000-482021-2131-228200-601009

Mr. Rose will work as a Contract Services Specialist II. This position will be responsible for researching and developing data points to inform applicants to FEMA for Public Assistance/Individual Assistance, including working with Finance and other City agencies; working with 911, 311, and 211 to develop tools for data collection; researching and developing data points for the Threat Hazard Identification Risk Assessment and for training related to emergency operations City-wide. The period of the agreement is effective upon Board approval for one year.

MINUTES**PERSONNEL**

| | <u>Hourly Rate</u> | <u>Amount</u> |
|---------------------------------------|--------------------|--------------------|
| <u>Department of General Services</u> | | |
| 5. DAVID MARTIN | \$35.18 | \$66,861.00 |

Account: 2030-000000-1890-189300-601009

Mr. Martin will continue to work as a Contract Services Specialist II. This is a 2% increase in the hourly rate from the previous contract period. This position is responsible for database applications/analytical and statistical tools including, MathLab, SQL, SAS, R, and Python; developing metrics and evaluating financial and operational performance within the Fleet Management Division in support of the Gainsharing initiative; extracting and summarizing financial, operational and other relevant data; utilizing a hypothesis-driven problem-solving approach to design, construct, and rapidly test/iterate exploratory analyses that will reveal insight and opportunities for the Office of Fiscal and Strategic Management to make more informed business decisions; uncovering and evaluating historical data trends and applying them to future projections and collaborating with IT partners to employ efficient, automated solutions that address business and operational needs. The period of the agreement is effective upon Board approval for one year.

MINUTES**PERSONNEL**

| | <u>Hourly Rate</u> | <u>Amount</u> |
|---|--------------------|--------------------|
| <u>Baltimore City Health Department</u> | | |
| 6. MARY SUE WELCOME | \$25.00 | \$ 1,750.00 |

Account: 1001-000000-2401-258300-601009

Ms. Welcome will continue to work as a Contract Services Specialist II. This position provides notices of hearings in writing to the aggrieved party, any interested party and the Office of Animal Control at least five days before the hearing; attending meetings as scheduled by the Chairperson of the Panel and conducts hearings to assure procedural due process in accordance with the Panel Hearing Procedure Regulations; obtains all relevant evidence pertaining to the issues in question and limit the evidence to that which has bearings on the issue involved at the hearings. The period of the agreement is effective upon Board approval through June 30, 2021.

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|--------------------------|---------|--------------------|
| 7. MICHAEL PERSON | \$11.00 | \$ 4,840.00 |
|--------------------------|---------|--------------------|

Account: 5000-535721-3024-750500-601009

Mr. Person will continue to work as a Contract Services Specialist II. This is a 1% increase in the hourly rate from the previous contract period. This position is responsible for assisting staff with administrative duties; supervising the fitness center; performing daily operations including opening and closing procedures; providing assistance with fitness center programs and services; conducting new member orientations including tours, blood pressure screenings and membership card distribution; performing facility and equipment cleaning/maintenance processes and assisting with program marketing and promotions. The period of the agreement is effective upon Board approval through June 30, 2021.

MINUTES**PERSONNEL**Department of Human Resources8. Reclassify the following filled position:

From: Accounting Assistant III
Job Code: 34133
Grade: 084 (\$39,651.00 - \$47,323.00)
Position No.: 1601-10027

To: Fiscal Technician
Job Code: 34421
Grade: 088 (\$46,074.00 - \$55,823.00)

Cost: \$11,256.00 - 1001-000000-1601-172500-601001

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

Mayor's Office of Children & Family Success9. Create the following position:

Classification: Accountant II
Job Code: 07357
Grade: 923 (\$63,725.00 - \$102,202.00)

Cost: \$118,535.00 - 4000-486321-1772-180300-601001

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**10. Reclassify the following filled position:

From: Office Support Specialist II
Job Code: 33212
Grade: 075 (\$31,138.00 - \$35,394.00)
Position No.: 14918

To: HR Assistant I
Job Code: 33681
Grade: 081 (\$35,761.00 - \$42,368.00)

Cost: \$6,119.00 - 1001-000000-1191-594700-601001

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

Mayor's Office of Employment Development11. Reclassify the following vacant position:

Position No.: 16239

From: Facilities/Office Services
Job Code: 01222
Grade: 916 (\$35,007.00 - \$63,247.00)

To: Operations Assistant III
Job Code: 00081
Grade: 904 (\$50,280.00 - \$80,449.00)

There are no costs associated with this action. 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**Office of Equity and Civil Rights

| | <u>Hourly Rate</u> | <u>Amount</u> |
|-------------------------------|--------------------|--------------------|
| 12. CARLEEN N. DADEBOE | \$20.00 | \$20,800.00 |
| 13. KHALIA A. YOUNG | \$20.00 | \$20,800.00 |

Account: 1001-000000-1561-171500-601009

Mses. Dadeboe and Young will work as Contract Services Specialist II's. Their duties will include but are not limited to creating training materials related to fair housing, specifically the Fair Housing Act of 1968, as amended, and Article 4 of the Baltimore City Code, developing/creating artwork for printed outreach materials, including a comprehensive resource guide, working with other organizations, providing training to local community groups, organizations and professionals on fair housing. They will also attend community events to discuss the work of the Office of Equity and Civil Rights, distributing printed outreach materials, helping to create public service announcements, social media campaigns, and webinars, collecting data on outreach materials, training, community events, social media and outreach campaigns. The period of the agreement is effective upon Board approval for one-year.

MINUTES**PERSONNEL**

| | <u>Hourly Rate</u> | <u>Amount</u> |
|------------------------------------|--------------------|---------------------|
| <u>Baltimore Police Department</u> | | |
| 14. LINDA E. BALLINGER | \$20.19 | \$ 42,000.00 |

Account: 1001-000000-2042-198100-601009

Ms. Ballinger, retiree, will continue to work as a Contract Services Specialist I for the Internal Affairs Section. She will be responsible for the intake of complaints regarding police misconduct matters and all requests from Legal Affairs, the State's Attorney's Office, the U.S. Attorney's Office, the Civilian Review Board, and other agencies for copies of case books, documents and reports. Ms. Ballinger will also prepare multiple copies of sustained case books including reproduction of case-related CDs and DVDs for the Office of Administrative Hearings and completing and maintaining tracking receipts and database entry for cases requested by the Baltimore Police Department members and both the State's and U.S. Attorneys' Offices. In addition, she will proofread case books and summaries to ensure accurate and professional documents, input all sustained cases into the Assistant State's Attorney's database, and indexes, scan, and file completed case booklets. This is the same hourly rate as in the previous contract period. The period of the agreement is October 23, 2020 through October 22, 2021.

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

| | <u>Hourly Rate</u> | <u>Amount</u> |
|-------------------------------|--------------------|---------------------|
| 15. TIESHA J. SCRIVNER | \$21.63 | \$ 45,000.00 |

Account: 1001-000000-2042-198100-601009

Ms. Scrivner, retiree, will continue to work as a Contract Services Specialist I in the Family Crimes Unit. She will provide crisis counseling, safety and resource identification to adult victims of domestic violence, and assist victims to obtain protective orders. Ms. Scrivner will accompany detectives to the homes of the victims, assist victims with proceeding through the Court system, maintain information in the domestic violence database, and serve as a liaison between the victims and law enforcement. In addition, she will conduct telephone communications with victims of misdemeanor domestic violence cases that have been referred to the Family Crimes Unit, assist victims through the Protective Order process, and assist the victims in obtaining emergency shelter and housing, etc. Ms. Scrivner will also provide community outreach by speaking to local agencies about domestic violence and the services provided, speak with juvenile offenders on how to identify healthy versus non-healthy relationships and the cycle of domestic violence, and list and update shelter names, contact information, policies and procedures. This is the same hourly rate as in the previous contract period. The period of the agreement is September 26, 2020 through September 25, 2021.

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

| | <u>Hourly Rate</u> | <u>Amount</u> |
|-----------------------------|--------------------|--------------------|
| 16. LLOYD G. BERNARD | \$20.19 | \$42,000.00 |

Mr. Bernard, retiree, will continue to work as a Contract Services Specialist I in the Human Resources Section. He will conduct pre-employment investigations for civilian applicants, conduct Local, State and National record and warrant checks, investigate references, conduct neighborhood canvasses, interview applicants, and gather vital documents for summarization into pre-employment files. In addition, Mr. Bernard will complete assigned cases within a defined timeframe, conduct background investigations for promotional candidates, including record checks, conduct recommendation gathering, and previous work history summaries. This is the same hourly rate as in the previous contract period. The period of the agreement is October 27, 2020 through October 26, 2021.

| | | |
|--------------------------------|---------|---------------------|
| 17. BARBARA J. McCLAIRN | \$20.19 | \$ 42,000.00 |
|--------------------------------|---------|---------------------|

Account: 1001-000000-2042-198100-601009

Ms. McClairn, retiree, will continue to work as a Contract Services Specialist I in the Special Operations Section. She will schedule and ensure staffing of sworn members at various events and businesses which have contracts with Baltimore City to provide uniformed police overtime services and oversee the billing of the uniformed police overtime services. This is the same hourly rate as in the previous contract period. The period of the agreement is September 24, 2020 through September 23, 2021.

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

| | <u>Hourly Rate</u> | <u>Amount</u> |
|------------------------------------|--------------------|---------------------|
| 18. DOROTHIA PARKER-JOHNSON | \$20.19 | \$ 42,000.00 |

Account: 1001-000000-2042-198100-601009

This is the same hourly rate as in the previous contract period. The period of the agreement is September 28, 2020 through September 27, 2021.

| | | |
|-------------------------------|---------|---------------------|
| 19. CLARISSA E. FIELDS | \$20.19 | \$ 42,000.00 |
|-------------------------------|---------|---------------------|

Account: 1001-000000-2042-198100-601009

Mses. Parker-Johnson and Fields, retirees, will each continue to work as a Contract Services Specialist I in the Court Liaison Unit. They will ensure officers are notified to appear in court, ensure the accuracy and completeness of all paperwork, enter information in the Failure to Appear (FTA) system, and retrieve Police Department documents, including operation and analysis reports for the State's Attorney's Office. In addition, Mses. Parker-Johnson and Fields will advise the State's Attorney's Office regarding officers' vacation, details, medical or military status, acquire court documents and undeliverable summonses from court buildings, and maintain files of undeliverable summonses to assist with possible FTA investigations. They will also contact officers requested by the State's Attorney's Office, as well as provide contact phone numbers to State's Attorneys, and assist the State's Attorney's Office with any officer contact problems. This is the same hourly rate as in the previous contract period. The period of the agreement is September 24, 2020 through September 23, 2021.

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

| | <u>Hourly Rate</u> | <u>Amount</u> |
|-----------------------------|--------------------|---------------------|
| 20. CHARLENE WATKINS | \$20.19 | \$ 42,000.00 |

Account: 1001-000000-2042-198100-601009

Ms. Watkins, retiree, will continue to work as a Contract Services Specialist I in the Human Resources Section. She will conduct final processing and hiring for new applicants, schedule applicants testing appointments, fingerprint applicants, and gather all vital documents for the hire date of the applicant. Ms. Watkins will review case folders to determine the validity of required documents for local, state, and national records, inform applicants of all position requirements for which they have applied for, and conduct interviews. This is the same hourly rate as in the previous contract period. The period of the agreement is September 26, 2020 through September 25, 2021.

| | | |
|--------------------------------|---------|---------------------|
| 21. THERESA A. ANDERSON | \$20.19 | \$ 42,000.00 |
|--------------------------------|---------|---------------------|

Account: 1001-000000-2042-198100-601009

Ms. Anderson, retiree, will continue to work as a Contract Services Specialist I in the Evidence Control Unit (ECU). She will be responsible for the entry and accurate retention of all property that is retained by the Department and several surrounding agencies. Ms. Anderson will receive property and evidence submissions from police officers and lab personnel, ensure the accuracy and completeness of paperwork and enter it into the evidence tracking system, and release property to personnel for further examination or as evidence for court. In addition, she will update the evidence tracking system with appropriate changes of location of the property for chain of custody and document the location, release property to the public and document the evidence into the tracking system and lift and handle evidence submitted to the ECU. This is the same hourly rate as in the previous contract period. The period of the agreement is September 28, 2020 through September 27, 2021.

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

| | <u>Hourly Rate</u> | <u>Amount</u> |
|-------------------------|--------------------|---------------------|
| 22. LaWANG HYMAN | \$20.19 | \$ 42,000.00 |

Account: 1001-000000-2042-198100-601009

Ms. Hyman, retiree, will continue to work as a Contract Services Specialist I in the Office of Officer Safety and Wellness. She will assist with and coordinate the total Well-Being Program to reduce health risks, medical costs, encourage healthy lifestyles, work with Vendors and Human Resources staff to administer lasting health and wellness programming into the Department, and review alerts in the Early Intervention System. In addition, Ms. Hyman will schedule interventions and guidance, assist with the implementation of the Peer Support Program, assist in monitoring Peer Support member's performance to ensure they meet the team standard of training, performance and behavior, act as a critical component to the Consent Decree mandates under the section entitled, Officer Assistance and Support, and assist with the daily operations of the Early Intervention Health and Wellness and Peer Support Programs. This is the same hourly rate as in the previous contract period. The period of the agreement is September 30, 2020 through September 29, 2021. On January 3, 1996, the Board approved a waiver to the Administrative Manual Policy 212-1, Part I, which allowed the Department to hire retired police officers on a contractual basis.

MINUTES**PERSONNEL**Enoch Pratt Free Library23. Reclassify the following filled position:Position No.: 15908

From: Library Custodial Worker II
 Job Code: 00614
 Grade: 073 (\$30,132.00 - \$33,921.00)

To: Assistant Library Custodial Worker
 Job Code: 00668
 Grade: 075 (\$31,138.00 - \$35,394.00)

Cost: \$1,050.00 - 1001-000000-4501-350000-601001

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

State's Attorney's Office

| | <u>Hourly Rate</u> | <u>Amount</u> |
|--------------------------------|--------------------|--------------------|
| 24. ROBERT W. BITTINGER | \$33.85 | \$64,540.00 |

Mr. Bittinger, retiree, will continue to work as a Contract Services Specialist I. He will serve as a liaison with the Police Department Chemistry Laboratory, ordering the analysis of drugs, obtaining lab reports, ascertains the correct names and/or dates of birth of juveniles being prosecuted in Juvenile Court. This is the same hourly rate as in the previous contract period. The period of the agreement is effective for one year upon Board approval or September 10, 2020, whichever comes later.

On March 3, 1999, the Board approved a waiver to the Administrative Manual Policy 212-1, Part I, which allowed the Department to hire retired police officers as investigators with no restrictions on the number of work hours and rate of pay.

MINUTES**PERSONNEL**

Department of Transportation

25. Reclassify the following vacant position:

Position No.: 49860

From: Operations Officer I
Job Code: 00085
Grade: 923 (\$63,725.00 - \$102,202.00)

To: Operations Manager I
Job Code: 00090
Grade: 939 (\$89,741.00 - \$147,892.00)

Cost: \$47,681.00 - 1001-000000-2301-249800-601001

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

26. Reclassify the following filled position:

Position No.: 47321

From: Deputy Towing Manager
Job Code: 54469
Grade: 906 (\$54,326.00 - \$86,790.00)

To: Operations Officer V
Job Code: 31113
Grade: 936 (\$84,822.00 - \$135,651.00)

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

Cost: \$45,354.00 - 1001-000000-1952-194100-601001

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 Public Works27. Reclassify the following filled position:

Position No.: 21718

From: Secretary III
Job Code: 33233
Grade: 084 (\$39,651.00 - \$47,323.00)

To: Special Assistant
Job Code: 10063
Grade: 089 (\$47,971.00 - \$58,241.00)

Cost: \$13,371.00 - 1001-000000-5131-385800-601001

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 Office of Homeless Services

| | <u>Hourly Rate</u> | <u>Amount</u> |
|-------------------------------|--------------------|---------------------|
| 28. DERRICK J. JOHNSON | \$18.00 | \$ 29,952.00 |

Account: 1001-000000-3574-327200-601009

Mr. Johnson, will continue to work as a Contract Services Specialist II. This position is responsible for determining the status of winter shelter declarations by consulting weather reports; determining current levels and the amount of bed space available for each winter shelter during winter shelter declaration days; coordinating transportation for individuals and families seeking shelter during winter declaration days; coordinating hourly communications with street outreach and hospitals to ensure all clients are able to access shelter; determining the order of the shelters to be utilized; prioritizing meeting capacity space prior to routing transportation to the next shelter; maintaining accurate records of coordination and communication; recording and submitting daily winter shelter census and any turn-away data to the Emergency Services Coordinator; approving over capacity bed space as needed for extremely cold temperatures; ensuring communication occurs with winter shelter providers when the Winter Shelter Plan is in effect and attending agency trainings, meetings, and other events.

MINUTES

PERSONNEL

Office of the Comptroller

29. Upgrade the following classification

a. Classification: Audit Manager

Job Code: 34126

Grade: 942 (\$95,206.00 - \$156,964.00)

Create the following two positions

b. Classification: Audit Manager

Job Code: 34126

Grade: 089 (\$95,206.00 - \$156,964.00)

Position No.: To be determined by BBMR

Cost: \$344,785.00 - 1001-000000-1310-157800-601001

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

MINUTES

EXTRA WORK ORDERS AND TRANSFER OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders and Transfers of Funds

listed on the following pages:

3232-3236

All of the EWOs had been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

The Transfer of Funds was approved

SUBJECT to receipt of a favorable report

from the Planning Commission,

the Director of Finance having reported favorably

thereon, as required by the provisions

of the City Charter.

MINUTES**EXTRA WORK ORDERS**

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

Department of Transportation/DOT
Engineering and Construction

- | | | | | |
|---|--------------|--------------------------|---|---|
| 1. EWO #003, \$48,774.41 - TR 12311R, Replacement of Three Bridges o/MD 295, Waterview Avenue Bridge, Annapolis Road Bridge, and Maisel Street Corridor | | | | |
| \$35,374,063.60 | \$103,535.34 | Wagman Heavy Civil, Inc. | - | - |

Change Order No. 3 is a request for additional items that were inadvertently omitted for specified work that includes a) Type "J" Chute Inlet, and b) Furnish & Install Overhead Traffic Signs. Also, an increase will be needed for Item No. 411, 36" Drilled Shafts, to complete the work at Abutment A, in accordance with designer input, and an associated item for geotechnical service will be added.

The geotechnical service will provide for monitoring and preparing a professional engineer's report to support the drilled shaft activities on a daily basis, solely as directed by the Department.

Department of General Services

- | | | | | |
|--|--------------|------------------------|---|-----|
| 2. EWO #006, \$80,556.94 - GS 17809, Central Garage Pavement Repairs | | | | |
| \$1,812,868.00 | \$145,972.71 | Potts & Callahan, Inc. | 0 | 60% |

MINUTES**EXTRA WORK ORDERS**

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

Department of General Services - cont'd

During the milling of the employee parking lot, it was discovered that the existing base asphalt layer was found to be missing on approximately 35% of the lot surface. Per the contract documents, there should have been a minimum of 2" of existing asphalt base after milling the existing 2" topcoat. At the recommendation of the Engineer/Architect, the Contractor will remove an additional 2" of existing material, recompact the existing base materials and install 2" of the 19mm base asphalt, in accordance with the contract documents.

MBE/WBE PARTICIPATION:

Potts & Callahan has committed to utilize the following on this Extra Work Order.

WBE: American Asphalt, Inc. \$65,245.85 81%

THE EAR WAS APPROVED BY MWBOO ON AUGUST 4, 2020.

Department of Recreation and Parks (DRP)

| | | | | |
|--|------------|-----------------------|----------|-----|
| 3. EWO #003, \$2,296.94 - RP 19804, Mt. Pleasant Ice Arena Renovations | | | | |
| \$1,250,000.00 | \$8,530.10 | C & N Associates, LLC | 207 days | 84% |

During the construction phase of the project, it was discovered that the existing wall girt was not attached to the existing steel column at the adjacent wall between the men's restroom

MINUTES**EXTRA WORK ORDERS**

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

Department of Recreation and Parks

101 and the women's restroom 102. This discovery generated RFI No. 41 and the associated response provided by the Structural Consultant.

The Structural Consultant recommended switching to a wall mounted closet carrier unit that would accommodate the 4" vertical vent pipe. The costs were reviewed by the Department's Project Engineer and found to be reasonable and accepted for this type of work. There is also a 207-day non-compensatory time extension request included in this change order. The time extension would be sufficient to allow for the completion of all remaining construction activity. The Notice to Proceed was effective August 5, 2019 with a completion date of December 17, 2019. There was one previous 79-day non-compensatory time extension with a completion date of March 5, 2020. This request will extend the new completion date to September 28, 2020.

MWBOO SET GOALS OF 21% MBE AND 8% WBE.

MBE/WBE PARTICIPATION:

C & N Associates, LLC will continue to comply with Article 5, Subtitle 28 of the Baltimore City Code and the 21% MBE and 8% WBE goals established in the original agreement.

THE EAR WAS APPROVED BY MWBOO ON AUGUST 6, 2020.

MINUTES**EXTRA WORK ORDERS**

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

Department of Recreation & Parks - cont'd

| | | | |
|--|--------|------------------------|-----------------|
| 4. EWO #001, \$175,231.22 - RP 17823, Catherine ABC Park Improvements | | | |
| \$1,277,114.00 | \$0.00 | DSM Properties, LLC | 255 93% days |

This authorization request is for a 255-day non-compensatory time extension in order to extend and complete the contract. During the demolition phase, the Contractor encountered the following items: a buried wading pool under existing splash, a pad not listed on any drawing, an abandoned buried diesel fuel tank not listed on any drawings, and various additional architectural changes from the original bid items. The costs were reviewed and found to be acceptable for this work. The Notice to Proceed was effective with a completion date of January 17, 2020. The request will extend the contract through September 28, 2020. There was no previous time extension. This Change Order was requested by the Department. These items are within the original scope of the advertised contract.

MWBOO SET GOALS OF 21% MBE AND 8% WBE.

MBE/WBE PARTICIPATION:

DSM Properties, LLC will continue to comply with Article 5, Subtitle 28 of the Baltimore City Code and the 23% MBE and 8% WBE goals established in the original agreement.

THE EAR WAS APPROVED BY MWBOO ON JULY 30, 2020.

MINUTES**EXTRA WORK ORDERS**Department of Recreation & Parks - cont'd5. **TRANSFER OF FUNDS**

| <u>AMOUNT</u> | <u>FROM ACCOUNT/S</u> | <u>TO ACCOUNT/S</u> |
|---|--------------------------------------|---|
| \$177,000.00 | 9938-906106-9475 | 9938-908077-9474 |
| 3 rd Parks & Public Facilities | Druid Park Reservoir (Reserve) | Catherine Street/ ABC Park Sprayground (Active) |

This transfer will provide funds to cover the costs associated with authorized Change Orders for RP 17823, the Catherine ABC Park Improvements.

MINUTES

Space Utilization Committee/ - Transfer of Jurisdiction
Department of Public Works

ACTION REQUESTED OF B/E:

The Board is requested to approve the transfer of the property known as NS Church Street NEC West Bay Avenue (Block 6200, Lot 84A) from the inventory of the Baltimore City Public Schools to the inventory of the Department of Public Works/Bureau of Water & Waste Water (DPW/BWWW).

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The DPW/Bureau of Water and Waste Water, currently owns 1317 Filbert Street, the site of its Curtis Bay Water Tank. This facility will require the addition of a drinking water pumping station to be built within the next several years, ensuring that the water distributed in the area is regularly refreshed.

Currently, the Curtis Bay Water Tank has to be periodically drained to provide the refreshed water for distribution. Lot 84A is the last parcel located to the west of the Curtis Bay Water Tank property that the Water Utility will need to provide adequate space for the future pumping station, and which is strategically located adjacent to the water supply lines to the Curtis Bay Water Tank.

Concurrently, the DPW is working with the Department of Transportation's Property Locations to transfer ownership of portions of two paper rights-of-ways between the Water Tank property and Lot 84A as part of the expansion plans. In addition, the DPW is in the process of subdividing a portion of 1317 Filbert Street lot along the easterly edge of the property, currently

MINUTES

Space Utilization Committee/ - cont'd
Department of Public Works

occupied by the Filbert Street Garden, to eventually deed the newly created lot to the Garden organization. By doing so, the Garden will be able to continue to provide educational and environmental opportunities to the surrounding communities as well as to seek new grant opportunities.

The Space Utilization Committee approved this transfer of jurisdiction on July 28, 2020.

UPON MOTION duly made and seconded, the Board approved the transfer of the property known as NS Church Street NEC West Bay Avenue (Block 6200, Lot 84A) from the inventory of the Baltimore City Public Schools to the inventory of the Department of Public Works/Bureau of Water & Waste Water.

MINUTES

Space Utilization Committee/ - Interdepartmental Lease Agreement
Health Department

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Interdepartmental Lease Agreement between the Department of General Services, Landlord, and the Baltimore City Health Department, Tenant, for the rental of the property known as the Waxter Center, located at 861 Park Avenue, containing 48,347 sq. ft. of space. The period of the Interdepartmental Lease Agreement is July 1, 2020 through June 30, 2021, and will automatically renew for five additional one-year periods.

AMOUNT OF MONEY AND SOURCE:

| <u>Annual Rent</u> | <u>Quarterly Installments</u> |
|--------------------|--|
| \$524,077.71 | \$131,019.43 (Due on the 1 st of July, October, January, and March) |

Account Nos. 1001-000000-3030-271200-603096, 005A, 1001-000000-3100-295900-603096, 1001-000000-3001-262300-603096, and 1001-000000-3021-268400-603096

BACKGROUND/EXPLANATION:

The annual rent for the renewal term will be determined by May 1st of each year. The Landlord will inform the Tenant of the recommended rental rate submitted to the Bureau of Budget and Management Research for the leased premises. Subsequent renewal term rates will vary and may be subject to increases or decreases based on facility costs.

The leased premises will be used for a Senior Center and offices. The Landlord is responsible for the interior & exterior of the building, including foundations, the roof, walls, gutters

MINUTES

Space Utilization Committee - cont'd

downspouts; maintenance & repairs of the HVAC systems, providing heat and air conditioning (not individual window ventilation systems) except for damaged caused by sole negligence of the Tenant, employees, guests, agents, invitees and contractors.

The Landlord is responsible for trash removal, janitorial, pest control, clean floors, snow and ice removal, interior and exterior lighting, sewer/plumbing & electric repairs, replacing air filters once every six months for the HVAC systems, and utilities.

The Landlord will be responsible for providing a security guard at the building's main entrance lobby Monday and Wednesday from 6:00 A.M. to 9:00 P.M., Tuesday and Thursday from 6:00 A.M. to 10:00 P.M., and Friday 10:00 A.M. to 6:00 P.M.

If the Tenant needs a security guard after 6:00 P.M. for its program operations, it will be at the Tenant's sole cost and expense. The Tenant accepts the premises in its existing condition. The Tenant will not make any alterations, additions, or improvements without the Landlord's written consent, will provide all equipment including refrigerators or any other kitchen appliances, telephone and computer services, placing debris into trash receptacles, keep the common break room free of debris that can cause infestation of insects and/or rodents, keep the entrance and passageway areas clean and in an orderly condition free of Tenant's equipment and furniture, which will not impede ingress and egress.

The Interdepartmental Lease Agreement is late because of delays in the administrative process.

MINUTESSpace Utilization Committee - cont'd

The Space Utilization Committee approved this Interdepartmental Lease Agreement at its meeting on July 28, 2020.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Interdepartmental Lease Agreement between the Department of General Services, Landlord, and the Baltimore City Health Department, Tenant, for the rental of the property known as the Waxter Center, located at 861 Park Avenue, containing 48,347 sq. ft. of space.

MINUTES

Baltimore Development - First Modification of Purchase
Corporation (BDC) Money Promissory Note

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the First Modification of Purchase Money Promissory Note with Liberty Heights LL, LLC.

AMOUNT OF MONEY AND SOURCE:

The First Modification of Purchase Money Promissory Note will modify the terms of the original Promissory Note to reduce the principal amount to \$1,500,000.00 with \$600,000.00 due by September 30, 2020, and one-tenth of the remaining principal (\$90,000.00 per year) due for the next 10 years. The remaining balance may be forgiven on an annual basis based on the employment of no fewer than 100 Baltimore City residents with gross wages no less than \$2,000,000.00.

BACKGROUND/EXPLANATION:

On April 25, 2013, the original Purchase Money Promissory Note was entered between the Mayor and City Council of Baltimore and Liberty Heights LL, LLC, to facilitate the disposition of property located at 4601 Liberty Heights Avenue for the construction of a ShopRite grocery store. The opening of the grocery store provided access to fresh food and produce in a former Healthy Food Priority Area (previously known as ('food deserts')).

The Borrower has requested to amend the original Promissory Note to facilitate a larger refinancing of the property and help continue operations at the location. Under the revised terms of the Note Amendment, the Promissory Note would be reduced from \$2,000,000.00 to \$1,500,000.00 to account for the lack of presumed State or City financial incentives for employee hiring and training.

MINUTES

Baltimore Development Corporation - cont'd

Of the remaining \$1,500,000.00 on the Promissory Note, the Borrower will make a principal payment of \$600,000.00 after the passage of the Note Amendment. The remaining \$900,000.00 will be payable on an annual basis for the following 10 years. Each yearly payment may be forgiven provided the Borrower employs no fewer than 100 Baltimore City residents with gross wages of no less than \$2,000,000.00.

MBE/WBE PARTICIPATION:

The Borrower has signed a Commitment to Comply.

President: "Madame Comptroller, the floor is yours."

Comptroller: "Yes, I would like to address the item submitted by Baltimore Development Corporation on Page 32 of the Routine Agenda. This Modification of Purchase Money Promissory Note will help the Howard Park ShopRite continue to provide vital services in a Healthy Food Priority Area. The Howard Park ShopRite was built in 2013 to provide a full-service grocery store for an area of the City that had no supermarkets. The store, located at 4601 Liberty Heights Avenue is the largest grocery store in the City, and heavily used by area residents. Also, detailed in the agenda item ShopRite is committed to employing City residents. This is an example of socially responsible investment in a historically

MINUTES

underserved community. That's why I am proud to vote in favor of this item today, and to state on the record my best wishes to the Howard Park ShopRite for continued growth and success. Thank you"

* * * * *

UPON MOTION duly made and seconded, the Board approved and authorized execution of the First Modification of Purchase Money Promissory Note with Liberty Heights LL, LLC.

MINUTES

Department of General Services - Funding Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Funding Agreement with Roland Park Community Foundation, Inc. and Henry H. Lewis Contractors, LLC. The period of the agreement is effective upon Board approval and will terminate upon final acceptance of the Project by the City.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

Pursuant to the funding agreement, the Donor will provide funding in the amount of at least \$946,232.00 (the "Contribution") to perform the Project on the conditions that: (1) Donor act as the "fiscal agent" for the funding of the Project; and (2) Donor engage Contractor to perform the work and oversee construction of the Project according to the Design Documents which was developed by Johnson, Mirmiran and Thompson, Inc. The City shall provide the Donor with additional construction funds of \$49,995.00 necessary for the Project on a reimbursement basis. The Contractor agrees to perform the scope of work, as provided in Exhibit B and the Design Documents, incorporated. Upon completion of the Project, the improvements become the sole property of the City.

MBE/WBE PARTICIPATION:

N/A

MINUTES

Department of General Services - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Funding Agreement with Roland Park Community Foundation, Inc. and Henry H. Lewis Contractors, LLC.

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. William S. Braver- man and Ethel Braverman | 948 N. Duncan Street | G/R \$90.00 | \$ 825.00 |
| Funds are available in account 9910-910427-9588-900000-704040, EBDI Acquisitions. | | | |
| 2. S. Goldberg Properties, LLC | 950 N. Duncan Street | G/R \$22.00 | \$ 201.00 |
| Funds are available in account 9910-910427-9588-900000-704040, EBDI Acquisitions. | | | |
| 3. Ray N. Weinstein, Personal Represen- tative of the Estate of Sarah K. Harris | 908 N. Madeira Street | G/R \$78.00 | \$ 520.00 |
| Funds are available in account 9910-910427-9588-900000- 704040, EBDI Acquisitions. | | | |
| 4. Robert Bohli | 932 N. Madeira Street | G/R \$90.00 | \$ 825.00 |
| Funds are available in account 9910-910427-9588-900000-704040, EBDI Acquisitions. | | | |

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

| <u>Owner(s)</u> | <u>Property</u> | <u>Interest</u> | <u>Amount</u> |
|--|----------------------|-----------------|---------------|
| <u>DHCD - Options - cont'd</u> | | | |
| 5. A & P, LLC | 632 Pitcher Street | G/R \$80.00 | \$ 733.00 |
| Funds are available in account 9910-904177-9588-900000-704040, Acquisitions and Relocations/Pitcher Street. | | | |
| 6. Ina S. Merowitz Axelrad | 1106 Mosher Street | G/R \$47.95 | \$ 439.54 |
| Funds are available in account 9904-919052-9127-900000-704040, Smithson Street Park. | | | |
| 7. Michelle Capizzi | 1128 Mosher Street | G/R \$90.00 | \$ 600.00 |
| Funds are available in account 9904-919052-9127-900000-704040, Smithson Street Park. | | | |
| 8. The Marion I. and Henry J. Knott Foundation, Inc. | 3011 Woodland Avenue | G/R \$96.00 | \$ 800.00 |
| Funds are available in account 9910-903183-9588-900000-704040, Park Heights Major Redevelopment. | | | |

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

| <u>Owner(s)</u> | <u>Property</u> | <u>Interest</u> | <u>Amount</u> |
|--|----------------------|--------------------|---------------|
| <u>DHCD - Options - cont'd</u> | | | |
| 9. Madison Bank of Maryland (merger with former Northeastern Bohemian Savings & Loan Association) | 3012 Woodland Avenue | G/R \$90.00 | \$ 600.00 |
| Funds are available in account 9910-903183-9588-900000-704040, Park Heights Major Redevelopment. | | | |
| 10. Lee & Selma, LLC | 3032 Woodland Avenue | G/R \$90.00 | \$ 783.00 |
| Funds are available in account 9910-903183-9588-900000-704040, Park Heights Major Redevelopment. | | | |
| 11. Shermar, LLC | 3104 Woodland Avenue | G/R \$90.00 | \$ 825.00 |
| Funds are available in account 9910-903183-9588-900000-704040, Park Heights Major Redevelopment. | | | |
| 12. `Alvin M. Lapidus | 2107 Boyd Street | Sub-G/R \$28.00 | \$ 256.00 |
| Funds are available in account 9904-912058-9127-900000-704040, BGN Rachel Wilson Park/Green Network Acquisitions for Rachel Wilson Park. | | | |

MINUTES**OPTIONS/CONDEMNATION/QUICK-TAKES:**

| <u>Owner(s)</u> | <u>Property</u> | <u>Interest</u> | <u>Amount</u> |
|--|-----------------------------|-----------------|---------------|
| <u>DHCD - Options - cont'd</u> | | | |
| 13. Sandra P. Gohn and Ellen G. Politzer, Trustees, Trust U/D Alvin Pomerantz Dated May 27, 1988 | 1046 Brentwood Avenue | G/R \$56.00 | \$ 373.33 |
| Funds are available in account 9910-910715-9588-900000-704040, Johnston Square/Johnston Square Housing. | | | |
| 14. Stanley Rochkind | 4300 Pimlico Road | G/R \$90.00 | \$ 825.00 |
| Funds are available in account no. 9910-903183-9588-900000- 704040, Park Heights Major Redevelopment. | | | |
| 15. Mindy Fishkind, Trustee for Scott Jeremy Fishkind | 4731 Park Heights Avenue | G/R \$70.00 | \$ 583.00 |
| Funds are available in account no. 9910-903183-9588-900000- 704040, Park Heights Major Redevelopment. | | | |
| 16. The Marion I. and Henry J. Knott Foundation, Inc. | 4714 Delaware Avenue | G/R \$96.00 | \$ 880.00 |
| Funds are available in account no. 9910-903183-9588-900000- 704040, Park Heights Major Redevelopment. | | | |

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

| <u>Owner(s)</u> | <u>Property</u> | <u>Interest</u> | <u>Amount</u> |
|--------------------------------|--------------------|-----------------|---------------|
| <u>DHCD - Options - cont'd</u> | | | |
| 17. Cav Commercial, LLC | 1202 Argyle Avenue | G/R \$90.00 | \$ 825.00 |

Funds are available in account no. 9910-905142-9588-900000-704040, Upton Future Dev. Site Assembly f/k/a Upton Ball Field.

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

DHCD - Redemptions

| | | | |
|---|---------------------|----------------|-----------|
| 18. Albert I. Diener, Florence Muskin and Shirley Lowenthal, Trustees | 509 N. Mount Street | G/R \$48.00 | \$ 214.00 |
|---|---------------------|----------------|-----------|

Funds are available in account no. 9910-904177-9588-900000-704044, City-wide Acquisition/Mount Street.

| | | | |
|--|----------------------|----------------|-----------|
| 19. Unregistered/ - For feited Entity | 3413 Virginia Avenue | G/R \$96.00 | \$ 358.00 |
|--|----------------------|----------------|-----------|

Funds are available in account no. 9910-903183-9588-900000-704040, Park Heights Major Redevelopment/Park Heights Acquisition.

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

| <u>Owner(s)</u> | <u>Property</u> | <u>Interest</u> | <u>Amount</u> |
|---|-----------------------------|-----------------|---------------|
| <u>DHCD - Redemptions - cont'd</u> | | | |
| 20. Deceased/ - Unregistered Ground Rent | 3402 Dupont Avenue | G/R \$90.00 | \$ 340.00 |
| Funds are available in account no. 9910-903183-9588-900000-704040, Park Heights Major Redevelopment/Park Heights Acquisition. | | | |
| 21. Frederick C. Neunsinger and Louise E. Neunsinger | 1700 Llewelyn Avenue | G/R \$42.00 | \$ 196.00 |
| Funds are available in account no. 9910-904177-9588-900000-704044, Acquisition and Relocation/Hopkins Court. | | | |
| 22. Gladys G. Gordon | 1708 Llewelyn Avenue | G/R \$36.00 | \$ 178.00 |
| Funds are available in account no. 9910-904177-9588-900000-704044, Acquisition and Relocation/Misc. Acquisitions | | | |
| 23. Deceased with no Estate and Ground Rent not Registered | 4676 Park Heights Avenue | G/R \$70.00 | \$ 280.00 |
| Funds are available in account no. 9910-903183-9588-900000-704040, Park Heights Major Redevelopment/Park Heights Acquisition. | | | |

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

| <u>Owner(s)</u> | <u>Property</u> | <u>Interest</u> | <u>Amount</u> |
|---|----------------------|-----------------|---------------|
| <u>DHCD - Redemptions - cont'd</u> | | | |
| 24. Deceased/Unregis- tered Ground Rent | 3307 Dupont Avenue | G/R \$75.00 | \$ 295.00 |
| Funds are available in account no. 9910-903183-9588-900000-704040, Park Heights Major Redevelopment/Park Heights Acquisition. | | | |
| 25. Deceased/Unregis- tered Ground Rent | 3333 Virginia Avenue | G/R \$90.00 | \$ 340.00 |
| Funds are available in account no. 9910-903183-9588-900000-704040, Park Heights Major Redevelopment/Park Heights Acquisition. | | | |
| 26. Deceased/Unregis- tered Ground Rent | 3417 Virginia Avenue | G/R \$96.00 | \$ 358.00 |
| Funds are available in account no. 9910-903183-9588-900000-704040, Park Heights Major Redevelopment/Park Heights Acquisition. | | | |
| 27. Deceased/Unregis- tered Ground Rent | 3419 Virginia Avenue | G/R \$84.00 | \$ 322.00 |
| Funds are available in account no. 9910-903183-9588-900000-704040, Park Heights Major Redevelopment/Park Heights Acquisition. | | | |

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

| <u>Owner(s)</u> | <u>Property</u> | <u>Interest</u> | <u>Amount</u> |
|--|--------------------|-----------------|---------------|
| <u>DHCD - Redemption or Extinguishment</u> | | | |
| 28. Susie Idestone and Linda J. Rutkin | 616 Dolphin Street | G/R \$108.00 | \$ 394.00 |

Funds are available in account no. 9910-905142-9588-900000-704044, Upton Future Dev. Site Assembly f/k/a Upton Ball Field.

The Board is requested to approve acquisition of the ground rent interests (item nos. 18 - 28) 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 interest for these properties.

UPON MOTION duly made and seconded, the Board approved the Options, Condemnations, Quick-Takes, Redemptions, and the Redemption or Extinguishment.

MINUTES

Mayor's Office of Homeless Services - Agreements

The Board is requested to approve and authorize execution of the various Agreements. The period of the agreements is from July 1, 2020 through June 30, 2021 unless otherwise mentioned.

1. **ASSOCIATED CATHOLIC CHARITIES, INC.** **\$ 11,719.00**

Account: 5000-529121-3572-766900-603051

The City has received a grant from the Maryland Department of Housing and Community Development to undertake the Homelessness Solutions Program. As a sub-recipient, Associated Catholic Charities, Inc. will provide supportive services to 14 individual men, medically disabled or non-disabled, experiencing homelessness in the City. The Provider will offer service(s) under their Holden Hall Program.

The delay in submission is because of a delay at the administrative level.

2. **PEOPLE ENCOURAGING PEOPLE, INC.** **\$ 426,663.00**

Account: 1001-000000-5940-781900-603051

The City has allocated certain General funds to the Department and desires to utilize said funds to assist the Provider in the provision of emergency services to the homeless population of the City. The Provider will use funds to provide homeless outreach services to 50 individuals and/or families experiencing homelessness in the City. The Provider will offer service(s) through their Expanded Homeless Outreach Program.

The delay in submission is because of a delay at the administrative level.

MINUTES

Mayor's Office of Homeless Services - cont'd

3. **ASSOCIATED CATHOLIC CHARITIES, INC.** **\$ 1,034,035.25**

Account: 1001-000000-3572-779200-603051

The City has a need for a Provider to operate an emergency homeless overflow shelter for individuals and/or families experiencing homelessness. The Provider, Associated Catholic Charities, Inc. will operate an emergency homeless overflow shelter for 275 individuals experiencing homelessness in the City. The Provider will offer service(s) through their Weinberg Housing Resource Center Program.

The delay in submission is because of a delay at the administrative level.

MWBOO GRANTED A WAIVER ON AUGUST 4, 2020.

4. **HARFORD COUNTY, MARYLAND** **\$ 209,469.00**

Account: 4000-490821-3573-763206-603051

The City has received a grant from the United States Department of Housing and Urban Development to undertake the Housing Opportunity with Persons with AIDS Grant Program. As a sub-recipient, Harford County, Maryland will provide rental assistance to 20 low-income HIV/AIDS positive individuals in Harford County.

The delay in submission is because of a delay at the administrative level.

MWBOO GRANTED A WAIVER ON JUNE 11, 2020.

AUDITS REVIEWED AND HAD NO OBJECTION.

APPROVED FOR FUNDS BY FINANCE

MINUTES

Mayor's Office of Homeless Services - cont'd

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

MINUTES

TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

3259-3260

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>Baltimore Development Corporation</u> | | | |
| 1. | \$372,272.00 | 9910-994001-9600 Construction Reserve (Unallocated Reserve) | 9910-913120-9601 Warner Entertainment Corridor |

This transfer will enable the completion of the plans and cost estimate study (30%) for the Warner Street Streetscape Landscape Concept. The study will provide further engineering and planning work for a streetscape redesign along Warner Street, promoting the Warner Street Entertainment Corridor between the Horseshoe Casino and M&T Bank Stadium.

| | | | |
|----|---------------------|---|--|
| 2. | \$267,871.30 | 9910-924034-9600 Construction Reserve Brooklyn Commercial Area Improvement | 910-903164-9601 Patapsco Street- scape |
|----|---------------------|---|--|

This transfer of funds will enable the completion of the Multimodal Accessibility Study of Patapsco Avenue in conjunction with the Department of Transportation.

| | | | |
|----|--------------|---|---|
| 3. | \$169,490.80 | 9910-925013-9600 Construction Reserve Façade Improvement RES | 910-937013-9601 Façade Improvement ACT |
| | 400,000.00 | 9910-925013-9600 Construction Reserve Façade Improvement RES | 9910-937013-9601 Façade Improvement ACT |

\$569,490.80

MINUTES**TRANSFERS OF FUNDS****Baltimore Development Corporation - cont'd**

This transfer will provide funds to continue the Baltimore Development Corporation Façade Improvement Grant Program within Citywide commercial districts. The goal of the program is to aesthetically improve the look of business districts while making revitalization efforts affordable and creative to small business owners.

MINUTES

Department of Public Works - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve the expenditure to pay ARM Group, Inc., (ARM) for unauthorized work under Board approved Task No. 6, under Project No. 1272A-Northwest Transfer Station Construction Phase Engineering Services.

AMOUNT OF MONEY AND SOURCE:

\$76,761.17 - 9948-913035-9517-900020-703032

BACKGROUND/EXPLANATION:

The original contract that included post award services for the agency's construction project, SWC 16310R-Northwest Transfer Station Building Renovation and Site Improvements was procured under the Northwest Maryland Waste Disposal Authority (NMWDA) contract (an outside agency). The awardee was the ARM. The funding of the original post award services ran out on July, 2018. As the NMWDA contract was nearing its expiration date, the agency's parallel actions included advertising for consultant services, holding interviews for qualified respondents to the request for proposals and selecting a vendor for the On-Call contract intended to replace the NMWDA contract. After negotiations were held, the contract was processed, and the contract named Project 1272A-On-Call Solid Waste Engineering Services was approved by the Board on September 12, 2018 through September 12, 2022. A task was assigned and processed, for approval on October 29, 2018, but by the time the invoice was submitted and prepared to be processed, the funds for Task 1 were exhausted due to additional work that was needed for another project. The consultant services had to continue without interruption between the two contracts (NMWDA and project

MINUTES

Department of Public Works - cont'd

1272A) because the agency needed the proper engineering coverage for a then on-going construction project to ensure that the Contractor was following the specifications as shown in the bid documents.

The requested authorization of \$76,761.17 is for the sum of the work described above. This amount for the services performed was not paid previously. This invoice will be paid under Task 6, which was approved by the Board on March 26, 2019, for an amount of \$99,880.12. The remaining funds under this task is \$97,209.12, which is enough funds to cover the invoice owed to the vendor.

SCOPE OF THE ORIGINAL PROJECT:

The Scope of Services is to provide hydrology studies, inspections related to repairs, maintenance and new construction of storm drain facilities for the Office of Engineering & Construction on an as needed basis.

MBE/WBE PARTICIPATION:

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

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTES

Department of Public Works - cont'd

UPON MOTION duly made and seconded, the Board approved the expenditure to pay ARM Group, Inc., for unauthorized work under Board approved Task No. 6, under Project No. 1272A-Northwest Transfer Station Construction Phase Engineering Services.

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. 1065 S. Charles Street | Cross Street, Market | Egress stairway 221 sf., grease Interceptor 150 sf. |
| 2. 23 S. Gay Street | LRP Guardian, House, LLC | One ADA ramp 32 sf., one set of steps 72 sf., one awning 185 sf. |
| \$1835.30 - Flat Charge | | |
| 3. 300 Saint Paul Place | 300 St. Paul Place Associates, LLC. | One single face electric sign 10.9 sf., one double face electric sign 2.2 sf. |
| \$843.60 - Flat Charge | | |
| 4. 1339 S. Hanover Street | Elizabeth Kazem | Egress Window 4.66' x 3' |
| \$58.72 - Annual Charge | | |
| 5. 635 W. Pratt Street | 635 Pratt, LLC | One awning 6' 8" x 3' |
| \$47.00 - Flat Charge | | |

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

MINUTES

Department of Transportation - cont'd

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

MINUTES

Department of Transportation - Developer's Agreement No. 1722

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Developer's Agreement No. 1722 with CS 1709 Fleet Street, LLC. The period of the agreement is effective upon Board approval.

AMOUNT OF MONEY AND SOURCE:

\$24,398.00

BACKGROUND/EXPLANATION:

CS 1709 Fleet Street, LLC would like to install water services to its proposed new building located at 1709 Fleet Street. This agreement will allow the organization to do its own installation in accordance with Baltimore City standards.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Developer's Agreement No. 1722 with CS 1709 Fleet Street, LLC.

MINUTES

Department of Transportation - Traffic Mitigation Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Traffic Mitigation Agreement with 3905 Bank Street LLC. The period of the Traffic Mitigation Agreement is effective upon Board approval until termination is deemed in writing by the Department of Transportation.

AMOUNT OF MONEY AND SOURCE:

\$67,508.82 - Account: 9950-905085-9512-000000-490375

BACKGROUND/EXPLANATION:

Baltimore City Ordinance 11-529, was approved on May 9, 2012. It was determined that a Traffic Mitigation Fee was required for the Development. The Developer proposes to perform the Scope of Work for Bank and Eastern Multi-Family Building at 3819 and 3905 Bank Street and 3904 Eastern Avenue, constructing a Multi-Family apartment building with 149 units and 2,900 square feet of retail for a total of 124,562 square feet. The Developer agrees to make a one-time contribution in the amount of \$67,508.82 to fund the City's multimodal transportation improvements in the Development's vicinity to the extent practicable.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Traffic Mitigation Agreement with 3905 Bank Street LLC.

MINUTES

Department of Transportation - Traffic Mitigation Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Traffic Mitigation Agreement with Mission First Housing Development Corporation. The period of the Traffic Mitigation Agreement is effective upon Board approval until termination is deemed in writing by the Department of Transportation.

AMOUNT OF MONEY AND SOURCE:

\$156,603.11 - Account: 9950-909095-9512-000000-490375

BACKGROUND/EXPLANATION:

Baltimore City Ordinance 11-529 was approved on May 9, 2012. It was determined that a Traffic Mitigation Fee was required for the Development. The Developer proposes to perform the Scope of Work for Somerset, a three-phase development located at 520 Somerset Street, 420 Aisquith Street, and 1231 Jefferson Street, consisting of 453 residential units and 37,500 square feet of retail.

The Developer agrees to make a one-time contribution in the amount of \$156,603.11 to fund the City's multimodal transportation improvements in the Development's vicinity to the extent practicable.

MINUTES

Department of Transportation - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Traffic Mitigation Agreement with Mission First Housing Development Corporation.

MINUTES

Department of Transportation - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 006 to STV Inc. under Project 1257 (BD 38046) On-Call Construction Project Management Services. The period of this task is for approximately one year.

AMOUNT OF MONEY AND SOURCE:

\$497,964.76 - 9962-906072-9562-900000-703032

BACKGROUND/EXPLANATION:

This authorization provides for technical staff to support the Department and the Conduit Division's Asset Management and GIS Data Editing Efforts. The scope of the service includes, but not limited to: evaluation and review of Conduit Occupancy and Cable Trace Inspections, document processing for Engineering Record Drawings, Asset Management Team/GIS Data Editing Team Lead Support, and GIS Support Services for the Department and Conduit Division.

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%. The Consultant has not met the MBE goal of 27%. A 1% goal has been achieved and there remains enough capacity to meet the goal. The Consultant has not met the WBE goal of 10%. A 6% goal has been achieved and there remains enough capacity to meet the goal.

THE EAR WAS APPROVED BY MWBOO ON JULY 30, 2020.

MINUTES

Department of Transportation - cont'd

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

UPON MOTION duly made and seconded, the Board approved assignment of Task No. 006 to STV Inc. under Project 1257 (BD 38046) On-Call Construction Project Management Services.

MINUTES

Department of Transportation - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 038 to STV/PB Construction Managers under Project 1217 (BD 37016) On-Call Construction Project Management Services. The period of this task is for approximately 12 months.

AMOUNT OF MONEY AND SOURCE:

\$115,315.20 - 9950-912036-9508-900010-705032

BACKGROUND/EXPLANATION:

This authorization is to furnish a right-of-way support services for various Department projects.

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%. The Consultant has met the MBE goal of 27% WBE goal of 14%.

THE EAR WAS APPROVED BY MWBOO ON AUGUST 7, 2020.

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

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 038 to STV/PB Construction Managers under Project 1217 (BD 37016) On-Call Construction Project Management Services.

MINUTES

Department of Transportation - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 016 to Rummel, Klepper & Kahl, LLP under Project 1209 (BD 37012) On-Call Traffic Engineering Services. The period of this task is for 15 months.

AMOUNT OF MONEY AND SOURCE:

\$123,368.40 - 1001-000000-2303-749800-603026

BACKGROUND/EXPLANATION:

This authorization provides continued support for the Department of Transportation Dockless Vehicle Program along with design and engineering support for complete streets, slow streets, pedestrian safety, bike facility, and other traffic safety designs.

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%. The Consultant has not met the MBE goal of 27%. A 13% goal has been achieved and there remains enough capacity to meet the goal. The Consultant has not met the WBE goal of 10%. A 6% goal has been achieved and there remains enough capacity to meet the goal.

THE EAR WAS APPROVED BY MWBOO ON AUGUST 4, 2020.

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. 016 to Rummel, Klepper & Kahl, LLP under Project 1209 (BD 37012) On-Call Traffic Engineering Services.

MINUTES

Department of Transportation - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 014 to Whitman, Requardt & Associates, LLP. under Project 1135 (BD 34048) On-Call Design Consultant Services for Federal Aid Projects for Bridges within Baltimore City. The period of this task is for approximately 30 months.

AMOUNT OF MONEY AND SOURCE:

\$347,408.17 - 9950-912036-9508-900010-705032

BACKGROUND/EXPLANATION:

This authorization provides continued construction support services offsetting the costs associated with the Replacement of the Broening Highway Bridge over Colgate Creek and associated roadway improvements. The services include, but are not limited to: continued shop drawing review services, continued response to RFIs, continued attendance at monthly meetings and continued general engineering support of field CMI personnel.

MBE/WBE PARTICIPATION:

N/A

DBE PARTICIPATION:

The Consultant will comply with Title 49 Code of the Federal Regulation parts 26 and the DBE goal established in the original agreement. DBE: 25%. The Consultant has not met the DBE goal of 25%. A 19% DBE goal has been achieved and there remains enough capacity to meet the goal.

MINUTES

Department of Transportation - cont'd

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

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 014 to Whitman, Requardt & Associates, LLP. under Project 1135 (BD 34048) On-Call Design Consultant Services for Federal Aid Projects for Bridges within Baltimore City.

MINUTES

Department of Transportation (DOT) - Conduit Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Conduit Lease Agreement with PD Inc. International, Lessee. The period of the Conduit Lease Agreement is effective upon Board approval and remains in effect for one year and will be renewed automatically for additional one year periods unless notice is provided by the City no less than 60 days prior to the end of any term or unless terminated.

AMOUNT OF MONEY AND SOURCE:

\$825.00 - Account: 2024-000000-5480-259401-401980

BACKGROUND/EXPLANATION:

PD Inc. International is requesting to lease conduit space in the City's Conduit System. They are a new user, and this is their first request to lease conduit space in the City's Conduit System. The linear installation is anticipated to be approximately 375 linear feet, which will be billed at \$2.20 per linear foot, totaling \$825.00. However, they will be billed semi-annually at the cost of \$412.50.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Conduit Lease Agreement with PD Inc. International.

MINUTES

Mayor's Office of Criminal - First Amendment to Agreement
Justice (MOCJ)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the First Amendment to Agreement with the House of Ruth of Maryland, Inc. The First Amendment extends the period of the Agreement through December 31, 2020.

AMOUNT OF MONEY AND SOURCE:

\$3,612.00 - 4000-401418-2254-785400-603051

BACKGROUND/EXPLANATION:

On October 11, 2017, the Board authorized acceptance of a Grant Award, in the amount of \$194,189.00, from the U.S. Department of Justice, Office of Violence Against Women (OVW) Justice for Families, for the "Baltimore City Visitation Center Continuation and Civil Legal Services Expansion Project," Award No. 2017-FJ-AX-0017. The period of the award is October 1, 2017 through September 30, 2020.

The purpose of the three-year grant is to address the persistent problem of domestic violence and child abuse in the metropolitan area. The grant provides funds for the continuation of a supervised visitation center and legal services. Specifically, the House of Ruth of Maryland, Inc. will help victims of domestic violence to permanently establish safe and violence-free lives through the provision of legal representation in contested custody and divorce cases.

MINUTES

MOCJ - cont'd

On January 24, 2018, the Board approved and authorized execution of an Agreement between the MOCJ and the House of Ruth of Maryland, Inc. to provide legal services as identified in the Grant Award.

On May 22, 2020, the OVW approved a no cost extension, extending the project period to December 31, 2020. On August 5, 2020, the Board approved the no cost extension, based upon the OMB Memorandum M-20-17, "Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19)" due to loss of operation.

The purpose of the Amendment to Agreement increases the contract amount by \$3,612.00 for a total award of \$197,801.00, and extends the period of the agreement through December 31, 2020.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the First Amendment to Agreement with the House of Ruth of Maryland, Inc.

MINUTES

Mayor's Office of Criminal Justice - Inter-governmental Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Inter-governmental Agreement with the Office of the State's Attorney, for the Project Safe Neighborhoods Program (PSNM-2018-001). The period of the agreement is from October 1, 2019 through September 30, 2021.

AMOUNT OF MONEY AND SOURCE:

\$175,500.00 - 5000-514320-2255-772500-603051

BACKGROUND/EXPLANATION:

On July 15, 2020, the Board approved and authorized acceptance of an award to MOCJ from the Governor's Office of Crime Control and Prevention (GOCCP) for the Project Safe Neighborhoods Program (PSNM-2018-001). The purpose of the Project Safe Neighborhoods Program is to develop, implement, and support anti-gang prevention and violent crime enforcement strategies in Maryland through the dedicated partnerships forming a PSN task force. An allocation of the grant funding will be used to support the United States Attorney's Office collaborative efforts in addressing and reducing violence in Baltimore City through five focus areas: Enforcement, Interventions, Rehabilitation, Re-Entry, and Prevention. Specifically, the funding will support a Special Assistant United States Attorney by the SAO under the PSN grant.

The Inter-governmental agreement is late due to the administrative process.

MINUTES

Mayor's Office of Criminal Justice - cont'd

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAS NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Inter-governmental Agreement with the Office of the State's Attorney, for the Project Safe Neighborhoods Program.

MINUTES

Department of Public Works (DPW) - License Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the License Agreement with the Maryland Department of the Environment (MDE) to use the property at Lake Montebello, 3900 Hillen Road, for an air quality monitoring site. The period of the license agreement is effective upon Board approval.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The Environmental Protection Agency ("EPA") has established National Ambient Air Quality Standards for pollutants shown to threaten human health and welfare. Pursuant to 40 Code of Federal Regulations ("CFR") Parts 50 and 58, each State is required to establish an air monitoring network to measure for these pollutants. To meet this requirement, MDE has chosen, and EPA Region III has approved, the Property for the monitoring location. This License Agreement would grant MDE a non-exclusive, revocable license to construct, operate, and maintain a monitoring site at the Property. MDE is responsible for all costs associated with the License Agreement. The City or MDE may terminate the agreement at any time, for any reason, and the License Agreement will otherwise expire upon completion of monitoring activities at the Property, upon which time, MDE shall restore all affected surface areas of the Property to the original condition existing before the commencement of the activities.

MBE/WBE PARTICIPATION:

N/A

MINUTES

DPW - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the License Agreement with the Maryland Department of the Environment to use the property at Lake Montebello, 3900 Hillen Road, for an air quality monitoring site.

MINUTES

Department of Public Works/Office - Amendment No. 2 to Agreement of Engineering and Construction

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Amendment No. 2 to Agreement with Hazen & Sawyer, PC under Project 1502, On-Call Project and Construction Management Assistance Services. The Amendment extends the period of the agreement through December 9, 2021.

AMOUNT OF MONEY AND SOURCE:

No funds are required at this time.

BACKGROUND/EXPLANATION:

The original agreement was submitted by the Department and approved by the Board on December 9, 2015. The Department is requesting a time extension of one year.

Assisting Construction Management Section with construction monitoring and inspection, preparation of daily reports, maintenance of project records and documentation, review of Contractor's application for payment, attendance at progress meetings, preparation of record drawings, review of contract claims and supports, estimating, scheduling, project engineering, constructability reviews, submittal reviews, and responses, Request for Information reviews and responses, and construction contract administrative support.

MINUTES

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

MBE/WBE PARTICIPATION:

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

MBE: 27%

WBE: 10%

AUDITS NOTED THE TIME EXTENSION AND WILL REVIEW TASK ASSIGNMENTS.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Amendment No. 2 to Agreement with Hazen & Sawyer, PC under Project 1502, 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. 012 to Johnson, Mirmiran & Thompson, Inc. under Project 1802 (WC 1272, SC962R, SC956) Project and Construction Management Assistance Services in accordance with their proposal dated March 16, 2020. The original contract will expire July 10, 2022. The period of this task is for six months.

AMOUNT OF MONEY AND SOURCE:

| | | |
|--------------------|---|--------------------------------|
| \$28,793.88 | - | 9960-909634-9557-900020-705032 |
| 28,793.88 | - | 9956-907575-9551-900020-705032 |
| <u>28,793.89</u> | - | 9956-908658-9551-900020-705032 |
| \$86,381.65 | - | TOTAL |

BACKGROUND/EXPLANATION:

The Department is requesting the Board's approval for Johnson, Mirmiran & Thompson, Inc. to provide project controls services on various projects. These services include IDRs, etc. into CM14. The scope of the construction project includes: sewer cleaning and Closed Circuit Television inspection; cured-in-place pipelining of sanitary sewers; excavate and replace segments of the sanitary sewers via point repairs; manhole repair and rehabilitation work sewer house connection repair rehabilitation work; new manhole and cleanout installation work. Installation of both restrained and unrestrained ductile iron pipe. Replacement of various size valves and fire hydrants. Renewal/replacement of exiting water services, replacement of small (residential) meter settings and meter vaults. Pipe joint restraints, thrust collars, etc.

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 assigned to the original agreement MBE: 29% and WBE: 10%. Currently, this on-call agreement is not in compliance because they have assigned 26% MBE and 15% WBE on the first nine tasks, and they have not yet assigned the remainder of the contract.

THE EAR WAS APPROVED BY MWBOO ON MAY 27, 2020.

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

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 012 to Johnson, Mirmiran & Thompson, Inc. under Project 1802 (WC 1272, SC962R, SC956) Project and Construction Management Assistance Services in accordance with their proposal dated March 16, 2020.

MINUTES

Department of Transportation - Amendment & Renewal to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to ratify Amendment No. 4 to Agreement with McCormick Taylor, Inc. under Project No. 1183 Traffic Signals and ITS Traffic Engineering On-Call Consultant Services. The Amendment extends the agreement through July 1, 2021.

AMOUNT OF MONEY AND SOURCE:

\$1,000,000.00 - upset limit increase

No funds are required at this time.

BACKGROUND/EXPLANATION:

On June 2, 2014, the Board approved the Agreement for \$1,000,000.00 with McCormick Taylor, Inc. to assist the Traffic Division with various activities such as ITS, traffic engineering services, field surveys, detector engineering services, design for traffic signals, detectors, closed-circuit televisive traffic monitoring, variable message signs, and field condition inspection.

On July 19, 2017, the Board approved Amendment No. 1 to allow a one-year time extension and an increase to the upset limit by \$100,000.00 to fully complete extra work. On March 14, 2018, the Board approved Amendment No. 2 for a one-year time extension and an increase to the upset limit by \$500,000.00 to fully complete assigned tasks. On June 19, 2019, the Board approved Amendment No.3 to allow for a one-year extension and an increase to the upset limit by \$1,000,000.00 to maintain uninterrupted workflow, the progress of contracts, support services and meet deadlines.

MINUTES

Department of Transportation - cont'd

The Department is now requesting the Board approve Amendment No.4 to allow an increase in the upset limit by \$1,000,000.00 and a time extension for one year to complete work that is in queue and process pending work needed to make sure the projects reach advertisement and construction phase. This approval will result with an expiration date of July 1, 2021, and an upset limit of \$3,600,000.00.

DBE PARTICIPATION:

The Consultant will comply with Title 49 Code of Federal Regulations part 26 and the DBE goal established in the original agreement.

DBE: 25%

The Consultant has met 13% of their DBE goal; however, they have enough capacity to meet the required goal.

AUDITS NOTED THE TIME EXTENSION AND THE INCREASE IN UPSET LIMIT AND WILL REVIEW THE TASK ASSIGNMENTS.

UPON MOTION duly made and seconded, the Board ratified Amendment No. 4 to Agreement with McCormick Taylor, Inc. under Project No. 1183 Traffic Signals and ITS Traffic Engineering On-Call Consultant Services.

MINUTES

Department of Transportation - Amendment & Renewal to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to ratify Amendment No. 4 to Agreement with STV Incorporated under Project No. 1183 Traffic Signals and ITS Traffic Engineering On-Call Consultant Services. The Amendment extends the Agreement through June 10, 2021.

AMOUNT OF MONEY AND SOURCE:

\$1,000,000.00 - upset limit increase

No funds are required at this time.

BACKGROUND/EXPLANATION:

On June 11, 2014, the Board approved the Agreement for \$1,000,000.00 for a period of three years with STV, Incorporated to assist the Traffic Division with various activities such as ITS, traffic engineering services, field surveys, design for traffic signals, detectors, closed-circuit televise traffic monitoring, variable message signs, and field condition inspection.

On July 19, 2017, the Board approved Amendment No. 1 to allow a one-year time extension to fully complete assigned tasks. On March 14, 2018, the Board approved Amendment No. 2 to allow for a one-year time extension and an increase to the upset limit by \$500,000.00 to continue the various ongoing phases of design work and maintain the scheduled assigned tasks to completion. On June 19, 2019, the Board approved Amendment No. 3 to allow for a one-year extension and an increase to the upset limit by \$1,000,000.00 to main uninterrupted workflow, progress of contracts, support services and meet deadlines.

MINUTES

Department of Transportation - cont'd

The Department is now requesting the Board approve Amendment No.4 to allow an increase in the upset limit by \$1,000,000.00, and a time extension for one year to complete work that is in queue and process pending work needed to make sure the projects reach advertisement and construction phase. This approval will result with an expiration date of June 10, 2021, and an upset limit of \$3,500,000.00.

DBE PARTICIPATION:

The Consultant will comply with Title 49 Code of Federal Regulations part 26 and the DBE goal established in the original agreement.

DBE: 25%

The Consultant has met 5.78% of their DBE goals, however, they have enough capacity to meet the required goal.

AUDITS NOTED THE TIME EXTENSION AND THE INCREASE IN UPSET LIMIT AND WILL REVIEW THE TASK ASSIGNMENTS.

UPON MOTION duly made and seconded, the Board ratified Amendment No. 4 to Agreement with STV Incorporated under Project No. 1183 Traffic Signals and ITS Traffic Engineering On-Call Consultant Services.

MINUTES

Baltimore Police Department - Memorandum of Understanding

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Memorandum of Understanding (MOU) between the Mayor's Office of Criminal Justice (MOCJ) and Division of Parole and Probation. The period of the MOU is October 1, 2017 through September 30, 2021.

AMOUNT OF MONEY AND SOURCE:

\$77,450.00 - Account: 4000-408418-2042-223700-600000

BACKGROUND/EXPLANATION:

The funding for this MOU comes from the U.S. Department of Justice, Smart Supervision: Reducing Prison Populations, Saving Money, and Creating Safer Communities Initiative, Award #2017-MU-BX-0007.

On January 31, 2017, the Board approved and accepted a grant from the U.S. Department of Justice in the amount of \$750,000.00. The primary goal of the Smart Supervision Initiative is to help returning citizens become productive members of the community and reduce recidivism. This grant project will pilot an enhanced approach to engaging individuals on active parole or probation who are at risk of becoming a victim of violence or a perpetrator of gun violence. This collaborative pilot will work within documented Standard Operating Procedures (SOP) and implement swift, certain, and fair responses to address the behavior of individuals on parole or probation. The budget in the approved award is for \$77,450.00.

The Memorandum of Understanding is late due to the administrative process.

MINUTES

Baltimore Police Department - cont'd

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Memorandum of Understanding between the Mayor's Office of Criminal Justice and Division of Parole and Probation.

MINUTES

Health Department - Unified Funding Document
Grant Awards for FY 2021

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of the FY 2021 Unified Funding Document (UFD) Grant Awards for the period of July 1, 2020 through June 30, 2021.

AMOUNT OF MONEY AND SOURCE:

The funding is provided by the State of Maryland, Department of Health and Mental Hygiene. The amount of each grant is as follows:

| <u>GRANT #:</u> | <u>GRANT DESCRIPTION:</u> | <u>BASE AWARD AMOUNT</u> |
|------------------------|---|-------------------------------------|
| | | \$ |
| MA005EPS | Administrative Care Coordination | 2,143,766.00 |
| MA055DCE | Adult Day Care | 147,195.00 |
| AD697CMA | AIDS Case Management | 20,772,521.00 |
| CH903BBH | Babies Born Healthy Initiative | 875,863.00 |
| FHB39CPE | Cancer Prev., Educ., Scrn. Diag - Non Clinical | 22,000.00 |
| MA005EPS | Child Health Systems Improvement | 1,324,758.00 |
| CHC79ECM | Childhood Lead Poisoning Prevention | 630,785.32 |
| CH831PHP | Children With Special Health Care Needs | 6,250.00 |
| CH831PHP | Cities Readiness Initiative | 94,732.00 |
| AD712HCV | Community Based Programs to Test and Cure HEP C | 229,713.00 |
| FH605CHI | Core Child Health Services | 797,025.00 |
| CH560CFT | Core Public Health Services | 8,746,841.00 |
| MA365GTS | General Transportation Grant | 7,311,346.00 |
| MH3740TH | Healthcare for the Homeless | 731,043.00 |

MINUTES

Health Department - cont'd

| <u>GRANT #:</u> | <u>GRANT DESCRIPTION:</u> | <u>BASE AWARD AMOUNT</u> |
|-----------------|---|------------------------------|
| FHD39MIC | HFA Expansion | 2,101,554.00 |
| CH054IMM | Immunization-HEP-IAP.HEP-B | 744,100.00 |
| FHC84LPO | Lead Paint Poisoning Prevention | 425,598.00 |
| AD615NEP | Needle Exchange Program | 211,938.00 |
| CH580OIP | Oral Disease & Injury Prevention | 33,698.00 |
| AS438ODA | Overdose Data to Action - Prevention | 677,463.66 |
| FHB66PRE | Personal Responsibility Education Program | 326,690.00 |
| CH002COV | Public Health Crisis Response-COVID19 | 0.00 |
| CH831PHP | Public Health Emergency Preparedness | 394,879.00 |
| MA157ACM | PWC Eligibility | 2,526,123.00 |
| FH201FFP | Reproductive Health/Family Planning | 1,344,685.00 |
| FHC88SHN | School Health Nurse | 40,143.00 |
| AD750SRA | Sexual Risk Avoidance Grant (SRAE Just for Girls) | 135,841.00 |
| CH051STD | Sexually Transmitted Disease | 272,571.00 |
| MA411HSP | Supplemental ACC | 1,016,127.00 |
| FHD62SQI | Surveillance and Quality Improvement | 198,000.00 |
| CH491TBS | TB Control & Prevention Services | 15,000.00 |
| FHD95TSC | Tobacco Enforcement Initiative Support Synar Compliance | 180,000.00 |
| CH586TPG | Tobacco Use - Administration | 1,000.00 |
| CH586TPG | Tobacco Use Prevention - Community Based | 279,822.00 |
| WI213WIC | WIC | <u>2,417,575.00</u> |
| Total | | \$57,176,645.98 |

MINUTES

Health Department - cont'd

BACKGROUND/EXPLANATION:

As the fiscal year progresses, supplements, modifications, and/or reductions will be processed through the granting administrations with revised Unified Grant Awards being issued. The most current UFD will be the official award of record.

MBE/WBE PARTICIPATION:

N/A

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 acceptance of the foregoing FY 2021 Unified Funding Document Grant Awards for the period of July 1, 2020 through June 30, 2021.

MINUTES

Health Department - Ratification of Updated Unified Funding Document Grant Awards for FY 2020

ACTION REQUESTED OF B/E:

The Board is requested to ratify the update to the FY 2020 Unified Funding Document (UFD) for grants for the period ending April 30, 2020. The period of the Fiscal Year 2020 UFD was July 1, 2019 through June 30, 2020.

AMOUNT OF MONEY AND SOURCE:

The funding is provided by the State of Maryland, Department of Health and Mental Hygiene. The amount of each grant is as follows:

| <u>GRANT DESCRIPTION</u> | <u>TYPE OF ACTION</u> | <u>BASE AWARD</u> | <u>AMOUNT OF ACTION</u> | <u>TOTAL AWARD</u> |
|-------------------------------------|------------------------------|--------------------------|--------------------------------|---------------------------|
| Reproductive Health/Family Planning | Supplement | \$585,222.00 | \$ 17,959.00 | \$597,959.00 |
| Overdose Data to Action-Prevention | Reduction | \$495,828.00 | (\$156,919.00) | \$338,909.00 |

BACKGROUND/EXPLANATION:

As the fiscal year progresses, supplements, modifications, and/or reductions will be processed through the granting administrations with revised unified grant awards being issued. The most current UFD will be the official award of record. The update to the Fiscal Year 2020 UFD is late because of administrative delays.

MBE/WBE PARTICIPATION:

N/A

MINUTES

Health Department - cont'd

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board ratified the update to the FY 2020 Unified Funding Document for grants for the period ending April 30, 2020.

MINUTES

Health Department - Ratification of Updated Unified Funding Document Grant Awards for FY 2020

ACTION REQUESTED OF B/E:

The Board is requested to ratify the update to the FY 2020 Unified Funding Document (UFD) for grants for the period ending May 31, 2020. The period of the Fiscal Year 2020 UFD was July 1, 2019 through June 30, 2020.

AMOUNT OF MONEY AND SOURCE:

The funding is provided by the State of Maryland, Department of Health and Mental Hygiene. The amount of each grant is as follows:

| <u>GRANT DESCRIPTION</u> | <u>TYPE OF ACTION</u> | <u>BASE AWARD</u> | <u>AMOUNT OF ACTION</u> | <u>TOTAL AWARD</u> |
|--|------------------------------|--------------------------|--------------------------------|---------------------------|
| Map to Success (M25) | Supplement | \$ 928,556.00 | \$ 10,000.00 | \$ 938,556.00 |
| WIC | Reduction | \$2,338,509.00 | (\$152,260.00) | \$2,186,249.00 |
| Admin. Care Coordination | Reduction | \$2,005,500.00 | (\$ 85,440.00) | \$1,920,060.00 |
| Tobacco Use Prevention Community-Based | Reduction | \$ 279,822.00 | (\$ 9,084.00) | \$ 270,738.00 |
| Tobacco Use - Administration | Supplement | \$ 1,000.00 | \$ 9,084.00 | \$ 10,084.00 |

MINUTES

Health Department - cont'd

BACKGROUND/EXPLANATION:

As the fiscal year progresses, supplements, modifications, and/or reductions will be processed through the granting administrations with revised unified grant awards being issued. The most current UFD will be the official award of record.

The update to the Fiscal Year 2020 UFD is late because of administrative delays.

MBE/WBE PARTICIPATION:

N/A

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 ratified the update to the FY 2020 Unified Funding Document for grants for the period ending May 31, 2020.

MINUTES

Health Department - Revised Notice of Award

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of the Revised Notice of Award (NoA) for the project: Strengthening STD Prevention and Control for Health Department (STD PCHD). The period of the Revised Notice of Award is January 1, 2020 through December 30, 2020.

AMOUNT OF MONEY AND SOURCE:

\$793,712.00 - 4000-422520-3030-271500-604051

BACKGROUND/EXPLANATION:

On March 18, 2020, the Board approved the initial NoA in the amount of \$253,240.00 for the period of January 1, 2020 through December 30, 2020. This revised NoA provides additional funding in the amount of \$759,720.00, and supplemental funding in the amount of \$33,992.00 for enhanced activities. This makes the total award amount of \$1,046,952.00. All the other terms and conditions issued with the initial NoA remain in effect throughout the budget period unless otherwise changed, in writing, by the Grants Management Officer.

The Revised NoA is late because of the administrative review process.

MBE/WBE PARTICIPATION:

N/A

MINUTES

Health Department - cont'd

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the Revised Notice of Award for the project: Strengthening STD Prevention and Control for Health Department.

MINUTES

Health Department - Agreements

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

1. **JOHNS HOPKINS UNIVERSITY (JHU), CENTER \$346,520.00**
 FOR CHILD AND COMMUNITY HEALTH RESEARCH
 (CCHR)

Account: 4000-422520-3030-271500-603051

The JHU, Center for CCHR, will implement a detailing program to educate providers and encourage them to screen and treat patients for bacterial STDs. The Center for CCHR will work with the Health Department's staff to determine the materials to be included in the detailing kit and determine the types of practices and providers (i.e. primary care providers, adolescent community providers) which/who will receive public health detailing visits by the Center for CCHR staff members. The period of the agreement is January 1, 2020 through December 31, 2020.

The agreement is late because of administrative delays.

MWBOO GRANTED A WAIVER ON AUGUST 10, 2020.

2. **JOHNS HOPKINS UNIVERSITY (JHU) \$ 25,632.00**

Account: 4000-427720-3023-273324-603051

The JHU will provide non-emergency medical transportation assistance to HIV patients that are uninsured or underinsured. The Department's Early Intervention Initiative (EII) program Case Manager will arrange transportation assistance through Lyft for any patient who has transportation barriers to attend a clinic appointment or off-site specialty medical care appointment. The period of the agreement is March 1, 2020 through February 28, 2021.

The agreement is late because budget revisions delayed processing.

MINUTES

Health Department - cont'd

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing agreements. The Mayor **ABSTAINED**. The President **ABSTAINED**.

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

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

Bureau of Procurement - cont'd

| | | |
|---|--------------|---|
| 2. ENNIS PAINT, INC. | \$150,000.00 | Non-competitive/ Procurement/Renewal |
| Contract No. B50004684 - Thermoplastic Blocks - Department of Transportation - P.O. No.: P536838 | | |

This request meets the condition that there is no advantage in seeking competitive responses.

**STATEMENT OF PURPOSE AND RATIONALE FOR NON-COMPETITIVE
PROCUREMENT:**

On September 14, 2016, the Board approved the initial award in the amount of \$253,555.00. The award contained four renewal options. Subsequent actions have been approved. This final renewal in the amount of \$150,000.00 is for the period September 14, 2020 through September 13, 2021. The above amount is the City's estimated requirement.

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

MBE/WBE PARTICIPATION:

On July 13, 2016, MWBOO determined that no goals would be set because of no opportunity to segment the contract.

MWBOO GRANTED A WAIVER ON JULY 13, 2016.

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

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

Bureau of Procurement - cont'd

| | | |
|---|--------------|---|
| 3. MERRICK INDUSTRIES, INC. | \$ 22,138.00 | Non-competitive/ Procurement/Renewal |
| Contract No. 08000 - Lime Slaker Parts - Department of Public Works - P.O. No.: P550055 | | |

This request meets the condition that there is no advantage in seeking competitive responses.

STATEMENT OF PURPOSE AND RATIONALE FOR NON-COMPETITIVE PROCUREMENT:

On January 6, 2020, the City Purchasing Agent approved the initial award in the amount of \$22,138.00. The award contained two 1-year renewal options. This first renewal in the amount of \$22,138.00 is for the period November 5, 2020 through November 4, 2021, 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. Initial award is below MWBOO threshold of \$50,000.00.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement - cont'd

- | | | |
|--|---------|---------|
| 4. MARYLAND FIRE EQUIPMENT CORPORATION | \$ 0.00 | Renewal |
| Contract No. B50005111 - Aluminum Alco-Lite Fire Ladders and Repairs - Baltimore Fire Department - P.O. No.: P540914 | | |

On September 13, 2017, the Board approved the initial award in the amount of \$33,423.02. The award contained three renewal options. Two renewals have been exercised. This final renewal in the amount of \$0.00 is for the period September 13, 2020 through September 12, 2021. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

Not applicable. Initial award is below MWBOO threshold of \$50,000.00.

- | | | |
|---|-------------|---------|
| 5. ADT, LLC | \$ 9,775.80 | Renewal |
| Contract No. B50005112 - Senior Emergency Monitoring Care - Health Department - P.O. No.: P541077 | | |

On September 28, 2017, the City Purchasing Agent approved the initial award in the amount of \$9,775.80. The award contained three renewal options. Two renewals have been exercised. This final renewal in the amount of \$9,775.80, is for the period September 18, 2020 through September 17, 2021. The above amount is the City's estimated requirement.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

MBE/WBE PARTICIPATION:

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

- | | | |
|---|---------|---------|
| 6. BELAIR ROAD SUPPLY COMPANY, INCORPORATED | \$ 0.00 | Renewal |
| Contract No. B50004699- Water Meter Expansion Connectors - Department of Public Works - Revenue Measuring and Billing - P.O. No.: P537208 | | |

On October 12, 2016, the Board approved the initial award in the amount of \$200,000.00. The award contained three renewal options. Two renewals have been exercised. This final renewal in the amount of \$0.00 is for the period October 12, 2020 through October 11, 2021.

MBE/WBE PARTICIPATION:

On June 29, 2016, MWBOO determined that no goals would be set because of no opportunity to segment the contract.

MWBOO GRANTED A WAIVER ON JUNE 29, 2016.

- | | | |
|---|---------|---------|
| 7. ROK BROTHERS, INC. | \$ 0.00 | Renewal |
| Contract No. B50005069 - Raybestos Brand Brakes for Police, Medium Duty Trucks and Specialty Vehicles - Dept. of General Services - P.O. No.: P541503 | | |

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

On October 18, 2017, the Board approved the initial award in the amount of \$300,000.00. The award contained two 1-year renewal options. This first renewal in the amount of \$0.00 is for the period October 18, 2020 through October 17, 2021, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On May 31, 2017, MWBOO determined that no goals would be set because of no opportunity to segment the contract.

MWBOO GRANTED A WAIVER ON MAY 31, 2017.

8. CITIZEN PHARMACY SERVICES
BOUND TREE MEDICAL, LLC

\$280,000.00

Renewal

Contract No. B50005493 - Provide Various Pharmaceutical Supplies - Baltimore Fire Department - P.O. Nos.: P545477 and P545478

On October 5, 2018, the City Purchasing Agent approved the initial award in the amount of \$24,980.00. The award contained two renewal options. Subsequent actions have been approved. This final renewal in the amount of \$280,000.00 is for the period September 20, 2020 through September 19, 2021. The above amount is the City's estimated requirement.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement - cont'd

MBE/WBE PARTICIPATION:

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

9. COLUMBIA FLEET SERVICE,
INC.
FLEETPRO, INC.

\$1,000,000.00

Renewal

Contract No. B50005001 - On-Site Preventative Maintenance for Heavy Duty Fleet Vehicles - Department of General Services - P.O. Nos.: P541343 and P541344

On September 27, 2017, the Board approved the initial award in the amount of \$1,000,000.00. The award contained two 1-year renewal options. This first renewal in the amount of \$1,000,000.00 is for the period October 1, 2020 through September 30, 2021, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On April 7, 2017, MWBOO set goals of 1% MBE and 1% WBE. On April 3, 2020, MWBOO found the Prime Contractors, Columbia Fleet Service, Inc. and Fleetpro, Inc. in non-compliance. As a result of the finding, Columbia Fleet Service, Inc., and Fleetpro Inc. has an approved plan and agreement with the impacted MBE/WBE's.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement - cont'd

Fleetpro, Inc.

| | <u>Commitment</u> | <u>Performed</u> | |
|--|---------------------|------------------|-------|
| MBE: My Car Wash, LLC | 1% (\$10,000.00) | \$ 3,898.95 | 0.39% |
| WBE: Sue Ann's Office Supply, Inc. | 1% | \$18,631.83 | 1.8% |

MWBOO FOUND VENDOR IN NON-COMPLIANCE WITH AN APPROVED PLAN AND AGREEMENT WITH IMPACTED M/WBE(s) ON APRIL 3, 2020.

Columbia Fleet Service, Inc.

| | <u>Commitment</u> | <u>Performed</u> | |
|---------------------------------------|---------------------|------------------|-------|
| MBE: Millennium Auto Parts | 1% (\$10,000.00) | \$ 4,040.96 | 0.40% |
| WBE: Maryland Chemical Company | 1% (\$10,000.00) | \$ 2,985.27 | 0.29% |

MWBOO FOUND VENDOR IN NON-COMPLIANCE WITH AN APPROVED PLAN AND AGREEMENT WITH IMPACTED M/WBE(s) ON MARCH 30, 2020.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement - cont'd

| | | |
|------------------|---------------------|-------------|
| 10. PVS CHEMICAL | \$200,000.00 | Increase |
| SOLUTIONS, INC. | 400,000.00 | and Renewal |
| | <u>\$600,000.00</u> | |

Contract No. B50005114 - Liquid Sodium Bisulfide for Wastewater Treatment Plants - Department of Public Works - Wastewater Facilities - P.O. No.: P541298

On October 11, 2017, the Board approved the initial award in the amount of \$200,000.00. The award contained four 1-year renewal options. Subsequent actions have been approved. This increase is necessary to meet the Sodium Bisulfite required for the Back River and Patapsco Wastewater Treatment Plants for the remaining period of the current term. The period of the renewal is October 15, 2020 through October 14, 2021, with one 1-year renewal option remaining.

MBE/WBE PARTICIPATION:

On August 14, 2017, MWBOO determined that no goals would be set because of no opportunity to segment the contract.

MWBOO GRANTED A WAIVER ON AUGUST 14, 2017.

| | | |
|---------------------|--------------|----------|
| 11. LEXISNEXIS RISK | | |
| SOLUTIONS, FL INC. | \$110,000.00 | Increase |

Contract No. 06000 - Investigative Search Licensing - Inspector General's Office, States Attorney's Office, etc. - P.O. No.: P535078

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement - cont'd

On April 6, 2016, the City Purchasing Agent approved the initial award in the amount of \$33,000.00. The award contained two renewal options. Subsequent actions have been approved. LexisNexis is an investigative tool currently in use by the Inspector General's Office, Sheriff's Office, States Attorney's Office and may other agencies. The Vendor provides background assistance, fraud investigation, locating wanted individuals, case law, appeals and many other services and information. This increase in the amount of \$110,000.00 is necessary for the remainder of the contract term. The contract expires on December 31, 2021. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

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

MWBOO GRANTED A WAIVER ON NOVEMBER 13, 2017.

| | | |
|---|---------------------|-----------------|
| 12. <u>WORKDAY, INC.</u> | <u>\$354,512.00</u> | <u>Increase</u> |
| City and County of Denver Contract Number TECHS-201523139- Enterprise Resource Planning (ERP) Project Workday Software - Finance, Department of Human Resources, Baltimore City Information and Technology - P.O. No.: P548260 | | |

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement - cont'd

On June 12, 2019, the Board approved the initial award in the amount of \$13,503,101.00. This increase in the amount of \$354,512.00 is necessary to cover additional time tracking hours. This increase will make the award amount \$13,857,613.00. The contract expires on June 11, 2024 with renewal options. 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. On May 31, 2019, MWBOO approved a waiver of goals as there is no opportunity to segment these proprietary software products and services.

| | | |
|--|--------------|--|
| 13. NATIONAL TESTING NETWORK, INC. | \$140,000.00 | Non-competitive/ Procurement/Selected Source |
| Contract No. 06000 - Recruitment Candidate Testing - Baltimore City Police Department - Headquarters - Annex - Req. No.: R858402 | | |

This request meets the condition that there is no advantage in seeking competitive responses.

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

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

Bureau of Procurement - cont'd

**STATEMENT OF PURPOSE AND RATIONALE FOR NON-COMPETITIVE
PROCUREMENT:**

National Testing Network, (NTN) Inc. will provide testing services at designated facilities for the sole purpose of evaluating candidates, for job classifications as stated in the scope of the agreement. NTN offers a product that is specific to level of service required by the Police Department and there is not a minority business that can provide this service. The period of the award is July 1, 2020 through June 30, 2022. The above amount is the City's estimated requirement.

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

MBE/WBE PARTICIPATION:

On September 4, 2018, MWBOO determined that no goals would be set because of no opportunity to segment the contract.

MWBOO GRANTED A WAIVER ON SEPTEMBER 4, 2018.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement - cont'd

| | | |
|---|--------------|---|
| 14. COLOSSUS, INCORPORATED, d/b/a INTERACT PUBLIC SAFETY SYSTEMS | \$663,491.00 | Non-competitive/ Procurement/First Amendment to Standard Software Maintenance Agreement |
|---|--------------|---|

Contract No. 08000 - Pocket Cop Maintenance Contract -
Baltimore Police Department - P.O. No.: P537278

This request meets the condition that there is no advantage in seeking competitive responses.

**STATEMENT OF PURPOSE AND RATIONALE FOR NON-COMPETITIVE
PROCUREMENT:**

The Board is requested to approve and authorize execution of a First Amendment to Standard Software Maintenance Agreement with Colossus, Incorporated d/b/a InterAct Public Safety Systems. The period of the First Amendment to Agreement is September 1, 2020 through August 31, 2021, with one 1-year renewal option.

On October 19, 2016, the Board approved the initial award in the amount of \$181,165.71. Subsequent actions have been approved. This renewal will provide continuation of the required access to the National Crime Information Center (NCIC) and the Mobile and PocketCop handheld application for law enforcement officers in the field. The First Amendment, once

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement - cont'd

executed will allow the Baltimore Police Department to acquire updated PocketCop and Mobile licenses, additional Mobile licenses, authentication tokens, a mobile server license, a CIS user interface, access to a virtual training library and mobile migration and consulting services. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

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

| | | |
|---|-----------------------|-----------------------------------|
| 15. LIQUIDITY SERVICES OPERATIONS LLC | Revenue Generating | Assignment Agreement/Extension |
| National Joint Power Alliance (NJPA) Contract No. 041316-GDI - Bureau of Procurement - Surplus Property - P.O. No. P548314 | | |

The Board is requested to approve and authorize execution of an Assignment Agreement with Liquidity Services Operations LLC. The period of the agreement is June 23, 2020 through June 22, 2021.

On June 12, 2019, the Board approved an award of National Joint Power Alliance Contract No. 041316-GDI. Liquidity Services Operations LLC has acquired the rights, title and interest in GovDeals, Inc. and is requesting assignment of Contract No. 041316-GDI to Liquidity Services Operations LLC.

MBE/WBE PARTICIPATION:

Not applicable.

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

| | | |
|--|--------------|-----------|
| 16. E.J. WARD, INC. | \$ 30,000.00 | Extension |
| Contact No. 08000 - E.J. Ward Fuel Control System Equipment Maintenance Agreement - Department of General Services, Fleet Management - P.O. No.: P538598 | | |

On February 1, 2017, the Board approved the initial award in the amount of \$165,514.00. The award contained two renewal options. Subsequent actions have been approved and two renewals have been exercised. An extension is necessary to continue with E.J. Ward Fuel Control System Equipment Maintenance Agreement to allow additional time to prepare and finalize agreement between Baltimore City and E.J. Ward for new contract. The period of the extension is August 1, 2020 through November 30, 2020. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

Not applicable.

| | | |
|---|--------------|-----------|
| 17. ASPEN BUILDING PRODUCTS, INC. | \$200,000.00 | Extension |
| Contract No. B50004207 - Repair and Installation Services for Building Glass - Department of General Services, Recreation and Parks, etc. - P.O. No.: P532945 | | |

On September 23, 2015, the Board approved the initial award in the amount of \$370,036.00. The award contained two renewal options.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement - cont'd

Subsequent actions have been approved and two renewals have been exercised. An extension is necessary to continue services forward while a new solicitation is released and awarded. The period of the extension is September 22, 2020 through March 31, 2021. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On August 3, 2015, MWBOO set goals of 3% MBE and 1% WBE. On May 8, 2020, Aspen Building Products Inc. was found in compliance.

| | <u>Commitment</u> | <u>Performed</u> | |
|---|-------------------|------------------|-------|
| MBE: Tito's Contractors | 3% | \$12,906.84 | 4.7% |
| | (\$8,101.08) | | |
| WBE: Innovative Building Solutions | 1% | \$ 7,898.50 | 2.92% |
| | (\$2,700.36) | | |

MWBOO FOUND VENDOR IN COMPLIANCE ON MAY 8, 2020.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement - cont'd

18. CORE & MAIN LP

F/K/A HD SUPPLY

WATERWORKS, LIMITED

PARTNERSHIP

FERGUSON ENTERPRISES,

LLC t/a FERGUSON

WATERWORKS

\$100,000.00

Extension

Contract No. B50004153 - Waterworks Repair Parts - Department of Public Works - P.O. Nos.: P532496 and P532429

On August 26, 2015, the Board approved the initial award in the amount of \$300,000.00. The award contained one renewal option. Subsequent actions have been approved and renewal option has been exercised. The period of the extension is August 31, 2020 through February 28, 2021. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On June 11, 2015, MWBOO determined that no goals would be set because of no opportunity to segment the contract.

MWBOO GRANTED A WAIVER ON JUNE 11, 2015.19. MICROSOFT CORPORATION \$125,000.00 Extension

Contract No. 06000 - Microsoft Master Services and Premier Support Services Agreement - Baltimore City Office of Information and Technology - P.O. No.: P528315

On November 6, 2013, the Board approved a cooperative purchasing agreement under the Maryland State DOIT Solicitation No. 060B2490024 - Microsoft Software and Services Large Account Reseller Contract to provide Microsoft enterprise and select software licenses. Although the State

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement - cont'd

contract does include software support coordinated through Microsoft, the City opted to establish the support agreement separately in an attempt to segment those services that could be provided by Microsoft certified MBEs and WBEs. This contract extension will provide software maintenance, and technical support services required through the Premier Support option. Microsoft Corporation is the sole provider of Premier Support services. The period of the extension is retroactively from July 31, 2020 through July 30, 2021. The above amount is the City's estimated requirement.

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

MBE/WBE PARTICIPATION:

On April 10, 2014, MWBOO set goals of 6% MBE and 2% WBE. This contract was not competitively bid. The City of Baltimore approved a cooperative purchase agreement under the Maryland State DOIT Solicitation No. 060B2490024 which was a contract to provide Microsoft licenses. The State contract did not establish MBE or WBE goals. The City opted to establish a separate contract. The City opted to establish a separate support agreement to segment services that could be provided by MBE and WBE Microsoft certified businesses. The referenced agreement did not have any language reading MBE and WBE goals. The agreement was submitted to the Board with goals attached. The City has not established guidelines for MBE/WBE goals when joining a cooperative agreement. At this time, the Vendor is not legally bound to comply with Article 5, subtitle 28, therefore, MWBOO cannot determined compliance. It appears the Vendor made a good faith effort to utilize MBEs and WBEs.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR AMOUNT OF AWARD AWARD BASIS

Bureau of Procurement - cont'd

| | <u>Commitment</u> | <u>Performed</u> | |
|---|-------------------|------------------|-------|
| MBE: Bithgroup Technologies, Inc. | 13.5% | \$65,875.00 | 9.56% |
| WBE: Applied Technology Services, Inc. | 8.7% | \$16,724.00 | 2.43% |

20. P. FLANIGAN & SONS, INC. \$2,000,000.00 Extension
 Contract No. B50004177 - Paving Materials - Hot and Cold Patch - Department of Transportation, Department of Public Works - P.O. No.: P532590

On August 26, 2015, the Board approved the initial award in the amount of \$6,756,750.00. The award contained two renewal options. Subsequent actions have been approved and two renewals have been exercised. This extension is necessary to allow time to advertise and award a new contract. The period of the extension is August 26, 2020 through January 25, 2021. The above amount is the City's estimated requirement.

It is hereby certified that the above procurement is of such a nature that the need for supplies, materials, equipment, services, or public works is of an emergency nature. Therefore, pursuant to Article VI, Section 11 (e) (i) of the City Charter, the payment of the invoice is recommended.

MBE/WBE PARTICIPATION:

On March 3, 2015, it was determined that no goals would be set because of no opportunity to segment the contract.

MWBOO GRANTED A WAIVER ON MARCH 3, 2015.

A PROTEST WAS RECEIVED FROM M. LUIS PRODUCTS, LLC.

Robert Fulton Dashiell, ESQ. P.A.

Robert Fulton Dashiell
Principal
robertdashiell@dashiell-lawoffice.com

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

1726 Whitehead Road
Woodlawn, Maryland 21207
Telephone: (410) 547-8820
Facsimile: (443) 637-3718

Baltimore City Office
2423 Maryland Avenue, Suite 100
Baltimore, Maryland 21218

August 11, 2020

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

Re: Protest of M. Luis Products/B50004177

Dear Mr. President and Honorable Board Members:

I represent the protestor, M. Luis Products, LLC ("M. Luis"), a certified woman owned business that is ready, willing and able to supply the city's need for asphalt materials at a price equal to or lower than the amount that the City would pay the incumbent supplier during the requested extension period. We maintain that the contract may not be lawfully extended.

The contract was awarded on or about August 26, 2015, without minority or woman owned business participation. Attachment A hereto is a copy of a letter dated September 13, 2019, from the then Deputy City Purchasing Agent to the incumbent contractor advising of the Board's approval of the "final renewal term" of the contract through August 25, 2020. Since September 13, 2019, nearly ten months ago, the city has been aware of the need to re-advertise the contract. Without justification, explanation or even acknowledgement, the Bureau of Procurement, according to the Board agenda, has represented that the extension "is necessary to allow time to advertise and award a new contract". This is precisely the kind of act condemned by the Court of Appeals in *Mayor and City Council of Baltimore v. Bio Gro Systems, Inc.* 300 Md. 248 (1984), a copy of which is appended as Attachment B.

Unlike here, in the Bio Gro case the City sought to extend the original contract based on a provision that purported to permit an extension. The City began negotiations for a new contract with the incumbent contractor a year before the original expiration and reached agreement for a new contract a year before the extended expiration date. Apparently leery of the legality of the extension, the City filed a complaint for a declaratory judgment to obtain judicial review of its actions.

The Circuit Court held that the "new" contract was executed in violation of the City's Charter's competitive bidding requirement. The Court stated that the provision in the original contract permitting its extension was "repugnant to the charter power of the Board and the City, since it avoids the necessity of competitively bid contracts..." If an extension of a contract that permitted an extension is repugnant to the City Charter because it unlawfully avoids competitive bidding, an extension of a contract that by its terms may not be extended is likewise repugnant to the Charter's requirement for competitive bidding. The City cannot fail to act for more than (9) months and then declare the necessity to extend a competitively bid contract beyond its expiration date "to allow time to advertise and award a new contract".

For the foregoing reasons, we urge the Board to deny the request of the Bureau of Procurement.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert Fulton Dashiell, Esq.", written over a horizontal line.

Robert Fulton Dashiell, Esq.

Attachments

Attachment A

CITY OF BALTIMORE
CATHERINE P. KELLY



DEPARTMENT OF FINANCE
BUREAU OF PURCHASES
231 E. Baltimore Street, Suite 300
Baltimore, Maryland 21202

September 13, 2019

P. Flanigan & Sons, Incorporated
2444 Loch Raven Rd
Baltimore, MD 21218

Sent via Citibuy

Re: Contract # B50004177 Paving Materials - Hot and Cold Patch

To Whom It May Concern:

This letter is to inform you that on July 31, 2019, the Honorable Board of Estimates approved our request to renew the above referenced contract for the period of August 26, 2019 through August 25, 2020. This is the final renewal term. After this period, there are no renewal options remaining. You will shortly receive, or may have already received, via email, a purchase order that reflects the renewal period, and indicates the upset amount for work performed during the period. The City is not responsible for invoices that exceed the upset amount, or for work that is done without a purchase order or change order.

Please send a current insurance certificate referring the aforementioned contract number by September 27, 2019 to:

Shelley Hawkins
Bureau of Purchases
231 E. Baltimore Street, Suite 300
Baltimore, MD 21202

We would appreciate your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Keasha L. Brown".

Keasha L. Brown, CPPO
Deputy City Purchasing Agent

KLB/sh

Attachment B

No. 26, September Term, 1984
Court of Appeals of Maryland

Mayor of Baltimore v. Bio Gro Systems, Inc.

300 Md. 248 (Md. 1984) · 477 A.2d 783
Decided Jul 12, 1984

No. 26, September Term, 1984.

Per Curiam Order June 7, 1984. Opinion July 12, 1984.

Appeal from the Circuit Court for Baltimore City, Robert L. Karwacki, J.

George Beall, Baltimore, for appellant, Enviro-Gro.

Ambrose T. Hartman, Deputy City Sol., Baltimore, for appellant, Mayor and City Council of Baltimore.

M. Albert Figinski, Baltimore, for appellee, Bio Gro Systems, Inc.

Hyman A. Pressman, Baltimore, in pro. per., other appellee.

Argued before MURPHY, C.J., and SMITH, ELDRIDGE, COLE, DAVIDSON, RODOWSKY and COUCH, JJ.

ORDER

PER CURIAM.

For reasons to be stated in an opinion later to be filed, it is this 7th day of June, 1984

ORDERED, by the Court of Appeals of Maryland, that the judgment of the Circuit Court for Baltimore City be, and it is hereby, affirmed; and it is further

ORDERED that the mandate shall issue forthwith, costs to be paid by the appellants.

OPINION

MURPHY, Chief Judge.

The issue in this case is whether the extension by mutual consent of a competitively bid municipal contract beyond its original term violates the competitive bidding requirements of the Baltimore City Charter.

Appellant Enviro-Gro, a joint venture, and appellee Bio-Gro Systems, Inc. carry on the business of hauling, loading, processing and disposing of sludge produced at waste water treatment plants throughout the United States. On December 10, 1981, the Mayor and City Council of Baltimore (the City) issued a Request for Proposal (RFP) inviting bids on a contract to remove and dispose of sludge from its Back River Waste Water Treatment Plant. Bids were solicited in compliance with the procedures required by Article VI, § 4 of the City Charter (1964 Rev.). The RFP provided that the duration of the contract would be two years. It also stated that

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the contract could be extended for an additional term of one or two years by mutual consent of the parties. Enviro-Gro was the low bidder and entered into a contract with the City on January 13, 1982, agreeing to dispose of the sludge at a price of \$34.75 per wet ton. Special Provision 3 of the contract provided:

"This contract shall remain in force from the date of its execution until (2) two years from the date of the Notice [to] proceed with an option to extend it for one (1) or two (2) years by mutual agreement between the City and the contractor."

For reasons not relevant here, performance of the contract did not commence until July 1, 1982; by its terms, therefore, the contract expired on June 30, 1984.

Negotiations for an extension of the contract began in the fall of 1982. During the next twelve months, Enviro-Gro submitted four different proposals for a new contract on a variety of different terms. On October 26, 1983, the City and Enviro-Gro reached an agreement to extend the contract for two years beginning July 1, 1984 at a price of \$32.75 per wet ton. The new agreement (referred to hereafter as the 1983 Contract) also contained a provision for two two-year extensions subject to the mutual agreement of the parties. At a public hearing held on December 28, 1983, Bio-Gro told the City Board of Estimates that it would do the same work that Enviro-Gro was doing at \$25 per wet ton. Bio-Gro indicated that this would have been its bid had the 1983 Contract been open to competitive bidding.

On January 25, 1984, the City filed a declaratory judgment action in the Circuit Court for Baltimore City to determine the validity of the 1983 Contract. Bio-Gro and Enviro-Gro were named as parties; appellee City Comptroller Hyman Pressman subsequently intervened. On March 12, 1984, the court (Karwacki, J.) entered a judgment declaring that the 1983 Contract was executed in violation of the City Charter's competitive bidding provision and therefore was *ultra vires* and void. In its oral opinion, the court stated that the two-year extension provided by Special Provision 3 of the original contract was "repugnant to the charter power of the Board and the City, since it avoids the necessity of competitively bid contracts by agreement between the City and a private contractor." The court continued:

"I am convinced in construing the language of Special Provision 3, that we are not dealing here with an option as I understand the term option. We are dealing here with an agreement to negotiate at the conclusion of the original term of the contract."

The City and Enviro-Gro timely noted an appeal and we granted certiorari prior to consideration by the intermediate appellate court. On June 7, 1984, we issued a per curiam order affirming the judgment of the circuit court. We now explain our reasons.

Article VI, § 4 of the City Charter requires, with certain exceptions not here applicable, that all contracts involving the expenditure of \$5000 or more be awarded through the competitive bidding process as therein delineated. The purpose of this provision is to obtain unrestricted competitive bidding for contracts and thereby safeguard public funds by preventing favoritism, collusion and extravagance. *Hylton v. City of Baltimore*, 268 Md. 266, 277, 300 A.2d 656 (1973); *Board of Education v. Allender*, 206 Md. 466, 475, 112 A.2d 455 (1955); *Hanna v. Bd. of Ed. of Wicomico Co.*, 200 Md. 49, 54, 87 A.2d 846 (1952); *Stoll v. Baltimore*, 163 Md. 282, 288, 162 A. 267 (1932); *Packard v. Hayes*, 94 Md. 233, 249, 51 A. 32 (1902). As the Charter provision is for the benefit of the public, "any private agreement which tends to prevent or restrict competition, or any scheme which has the effect of promoting favoritism, circumvents the statute and is contrary to the public policy of the State." *Hanna, supra*, 200 Md. at 55, 87 A.2d 846.

1 Section 4 states in pertinent part:

"4. BOARD OF ESTIMATES - *Procurement.* (a) The Board of Estimates shall be responsible for awarding contracts and supervising all purchasing by the City to the extent and in the manner provided for in this section and elsewhere in the Charter.

"(b) In contracting for any public work, or the purchase of any supplies, materials, and equipment (unless otherwise provided by ordinance for foodstuffs and related perishables) or of any services other than professional services, involving an expenditure of five thousand dollars or more, for the City or by any municipal agency, advertisements for proposals for the same shall first be published at least twice in two or more daily newspapers published in Baltimore City unless otherwise provided by the Charter. The first publication shall be made not less than ten nor more than ninety days prior to the day set for opening the bids."

In *Browning-Ferris Ind. v. City of Oak Ridge*, 644 S.W.2d 400 (Tenn. App. 1982), relied upon by the lower court, a municipality, after competitive bidding, entered into a five-year contract with a refuse disposal company; the agreement contained a provision authorizing the parties to negotiate for an extension of the contract. Before the contract expired, the city invited bids on a new five-year contract. Plaintiff, a competing refuse disposal firm, was the low bidder. The city rejected all bids, however, and elected to extend the original contract for an additional five-year term. The court declared the contract extension void under the municipality's charter requirement for competitive bidding — a requirement similar to the Baltimore City Charter provision. The court held that provisions which authorize further negotiations to extend the duration

of a public contract are inoperable where such contracts are subject to competitive bidding. Appellants attempt to distinguish *Browning-Ferris* on the ground that the term "negotiate" is not found in Special Provision 3. We think, however, that the two provisions have the same effect. An "extension by mutual consent of the parties" requires negotiation and agreement. Special Provision 3 is no different from the "authorization to negotiate" clause in *Browning-Ferris*.

Miller v. State, 73 Wn.2d 790, 440 P.2d 840 (1968) is also relevant. In that case, the state invited bids on a contract to supply its light bulb needs for a twelve-month period. Thereafter, instead of following competitive bidding procedures, the state annually negotiated one-year extensions of the original contract. The court held that after the original twelve-month contract expired, all subsequent state light bulb purchases had to be made through competitive bidding. The court concluded that the annual negotiated extensions were void.

In *Savage v. State*, 75 Wn.2d 618, 453 P.2d 613 (1969), the court distinguished between an agreement to negotiate an extension of a competitively bid contract and an option to extend the contract.² The contract in *Savage* was for a one-year term with an option giving the state the exclusive power to extend it for up to three additional years. The court said:

² An option is an irrevocable promise to keep an offer open for a specified period of time: it may be thought of as a "continuing offer" to the option holder who retains the exclusive power of acceptance. See *Post v. Gillespie*, 219 Md. 378, 384, 149 A.2d 391 (1959); Restatement (Second) of Contracts § 25 (1981); J. Calamari J. Perillo, *Contracts* § 2-27 (2d ed. 1977); 1A *Corbin on Contracts* § 259 (1963); 1 *Williston on Contracts* § 61A (3d ed. 1957).

"This purchase agreement giving the state an option to extend the duration of the contract, under the same terms and conditions, for limited, specified periods does not create successive new contracts but, rather, merely extends the duration of a single existing contract." *Id.*, 453 P.2d at 615.

Since no new contract was created, the court held that the decision on whether to extend the contract was within the administrator's discretionary authority to prescribe the terms of the proposal submitted for bids. No negotiation was involved because the state alone held the power to extend the contract. The distinction between

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an agreement to negotiate a contract extension and an option to extend a contract has been adopted by other courts that have addressed the issue. See *City of Lakeland, Florida v. Union Oil Co. of California*, 352 F. Supp. 758 (M.D.Fla. 1973); *Hillsborough Co. Av. Auth. v. Taller Cooper, Inc.*, 245 So.2d 100 (Fla.App. 1971); *Browning-Ferris, supra*.

In *Bevilacqua v. Clark*, 377 Pa. 1, 103 A.2d 661 (1954), a municipality entered into a competitive bid contract with a firm to operate a golf driving range as a concession. The contract provided that if the concessionaire made permanent physical improvements to the facility after obtaining the city's approval, the latter could extend the duration of the contract — the length of the extension to depend on the value of the improvements made. The court said:

"The fact that the term of the concession may be extended upon the approval of permanent improvements would not render the contract invalid where such extension is expressly included as one of the proposals submitted by all the bidders." *Id.*, 103 A.2d at 663.

The court noted, however, that the extension was not awarded as a result of private negotiations. The decision on whether the improvements should be made, the nature of the improvements and the duration of the extension was one reserved exclusively for the city. In effect, then, the contract provision in *Bevilacqua* gave the city an option to extend the concession. It did not merely authorize negotiations for an extension.

The original contract between Enviro-Gro and the City had a two-year term. When the two years expired, the contract was terminated. The subsequent agreement between the parties for the two-year extension was a new contract. By its terms, the 1983 Contract clearly was covered by the competitive bidding provision of the Charter. The court below found correctly that the "option to extend" in Special Provision 3 was nothing more than an agreement by the parties to negotiate for an extension of the duration of the original contract. Indeed, Enviro-Gro concedes that an option, as that term is used in the law of contracts, was not involved. Moreover, the record clearly shows that, as contemplated by Special Provision 3, the City and Enviro-Gro conducted extensive negotiations, the result of which was the 1983 Contract. Although there is no evidence of impropriety in this case, the use of private negotiations to award government contracts invites favoritism, extravagance, fraud and corruption. The plain fact is that Enviro-Gro and the City engaged in just that type of activity that the competitive bidding requirement of the City Charter was designed to prevent. As we said in *Hanna, supra*, 200 Md. at 55, 87 A.2d 846, the City cannot do indirectly what it is prohibited from doing directly. Therefore, the 1983 Contract extending the original agreement between the parties, having been adopted by the City in violation of § 4 of Article VI of its Charter, is void and unenforceable.

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MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement - cont'd

UPON MOTION duly made and seconded, the Board approved the Informal Awards, Renewals, Increases to Contracts, and Extensions. The Board further approved and authorized execution of the Non-Competitive/Procurement/First Amendment to Standard Software Maintenance Agreement with Colossus Incorporated, d/b/a Interact Public Safety Systems (item no. 14) and the Assigment Agreement/Extension with Liquidity Services Operations, LLC (item No. 15). Item No. 20 was deferred from 8/26/2020 to 9/2/2020. The Board **DEFERRED** item no. 20 until September 02, 2020.

MINUTESHealth Department -Ratification

The Board is requested to approve and authorize execution of the Agreements and ratify the agreements with the following organizations:

RATIFICATION OF AGREEMENT AND AMENDMENT TO AGREEMENT

- | | | |
|----|---|-----------------------|
| 1. | BALTIMORE ANIMAL RESCUE AND CARE SHELTER, INC. (BARCS) | \$1,260,836.00 |
|----|---|-----------------------|

Account: 1001-000000-2401-271300-603051

On July 10, 2019, the Board approved the original Animal Shelter Operating Agreement with BARCS in the amount of \$1,260,836.00 for the period of July 1, 2019 through June 30, 2020, with nine additional 1-year renewal periods.

The Operating Agreement included a Lease Agreement for the property located at 301 Stockholm Street. On May 27, 2020 the Board approved a new Lease Agreement for BARCS for the property located at 2490 Giles Road, Baltimore, Maryland 21225.

The Amendment to Agreement extended the original Animal Shelter Operating Agreement through June 30, 2021 and included the new Lease Agreement for 2490 Giles Road.

The Agreement and Amendment to Agreement are late because of administrative delays. All other terms and conditions of the original Agreement remain unchanged.

MWBOO GRANTED A WAIVER ON AUGUST 10, 2020.

MINUTES

Health Department - cont'd

RATIFICATION OF AMENDMENT TO AGREEMENT

2. **HEALTHY TEEN NETWORK, INC.** **\$ 31,583.00**

Account: 4000-494420-3080-292300-603051

On November 6, 2019, the Board approved the original Agreement in the amount of \$10,000.00 for the period July 1, 2019, through June 30, 2020.

The Department increased the agreement by \$31,583.00 for additional services, making the total Agreement amount \$41,583.00.

The amendment to Agreement is late because budget revisions delayed its processing. All other terms and conditions of the original Agreement remain unchanged.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Agreement and Amendment to Agreement and further ratified the Amendment to Agreement.

MINUTES

Department of Recreation and Parks - Landscapers Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Landscapers Agreement with Parks & People Foundation and D & A Dunlevy, Inc. The period of the Landscapers Agreement is effective upon Board approval and shall terminate upon payment by the City to the Donor of POS Grant Funds in accordance with Section 2.

AMOUNT OF MONEY AND SOURCE:

\$75,000.00 - Account: 5000-5777720-4781-363900-603026

BACKGROUND/EXPLANATION:

The Maryland Board of Public Works approved \$75,000.00, in reimbursable Program Open Space Grant Funding for the Darley Park capital improvements project to be reimbursed to Parks and People Foundation. The project was completed in June 2019 and was accepted by the Baltimore City Department of Housing and Community Development and Recreation and Parks. Parks and People Foundation is seeking reimbursement of the \$75,000.00 Program Open Space grant, which is reimbursable through the Baltimore City Department of Recreation and Parks.

MBE/WBE PARTICIPATION:

MWBOO GRANTED A WAIVER ON May 21, 2020.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAS NO OBJECTION.

MINUTES

Department of Recreation and Parks - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Landscapers Agreement with Parks & People Foundation and D & A Dunlevy, Inc.

MINUTESOffice of the Mayor - Expenditure of Funds

The Board is requested to approve the expenditure of funds to pay Jenkins Environmental, Inc. (JEI) for lead testing services for the Baltimore Police Gun Range (Range) located at the Northeast Police District.

AMOUNT OF MONEY AND SOURCE:

\$ 20,780.00 - 1001-000000-2041-776600-604011

BACKGROUND/EXPLANATION:

Concerns related to lead dust caused by firing weapons during the qualification of BPD staff within the Range were raised in August 2019. Upon investigation, the performance and quality of the lead abatement and cleaning of the Range itself came into question.

To gain a better understanding and collect data of performance, JEI was requested to perform testing of the levels of lead in the Range. These results were found to be extremely elevated. In order to protect the health and safety of Baltimore Police Departments (BPD) officers and staff, the Range was shut down immediately, and City on-call licensed lead abatement contractor was brought in to clean the Range properly and perform some other improvement duties.

After a period, the Range was reopened with modifications and enabled staff to start qualifications. JEI was asked to perform the same testing as the initial testing weekly to ensure safe conditions for the BPD Range staff and qualifying officers.

Given that the Range is used for police officers to train and become certified on the use of firearms, there was insufficient time to competitively solicit a new contract for lead testing services. The services of JEI were retained to complete this testing and provide 3rd party data for the results of testing.

MINUTES

Office of the Mayor - cont'd

The invoice was submitted by the Vendor. However, due to the current state of operations of the City, it was not addressed by this office timely.

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 Jenkins Environmental, Inc. for lead testing services for the Baltimore Police Gun Range located at the Northeast Police District.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve the acquisition, by gift, of the Leasehold Interest in the property located at 242 S. Gilmore Street (Block 0262, Lot 050) from J.P. Morgan Chase Bank, National Association, Owner, SUBJECT to municipal liens, interests, and penalties that may accrue, other than water bills.

AMOUNT OF MONEY AND SOURCE:

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

BACKGROUND/EXPLANATION:

The DHCD's 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.

J.P. Morgan Chase Bank, National Association has offered to donate to the City, the title to the property located at 242 S. Gilmore Street. With the Board's approval, the City will receive clear and marketable title to the property, subject only to certain City liens. Accepting this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain.

The DHCD Land Resources Division requests approval to acquire the properties subject to all municipal liens, other than water bills, and all interest and penalties that may accrue prior to recording

MINUTES

DHCD - cont'd

a deed. A list of open municipal liens accrued through June 1, 2020, other than water bills, (which must be part of the transaction) is as follows:

| 242 S. GILMOR STREET | | |
|-----------------------------|---------|------------------|
| Miscellaneous | 8131625 | \$ 5.00 |
| Miscellaneous | 8803504 | 257.36 |
| Miscellaneous | 8912511 | 159.00 |
| Total Liens Owed: | | \$ 421.36 |

UPON MOTION duly made and seconded, the Board approved the acquisition, by gift, of the Leasehold Interest in the property located at 242 S. Gilmor Street (Block 0262, Lot 050) from J.P. Morgan Chase Bank, National Association, Owner, SUBJECT to municipal liens, interests, and penalties that may accrue, other than water bills.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve the acquisition, by gift, of the Leasehold Interest in the property located at 1736 N. Duncan Street from Mr. Andrew Rolleri, Jr., Owner, SUBJECT to municipal liens, interests, and penalties that may accrue, other than water bills.

AMOUNT OF MONEY AND SOURCE:

\$600.00 - 9910-904177-9588-900000-704044, Acquisitions and
 Relocations/Southern Horizons

BACKGROUND/EXPLANATION:

The DHCD's 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.

Mr. Rolleri, Jr. has offered to donate to the City, the title to the property located at 1736 N. Duncan Street. With the Board's approval, the City will receive clear and marketable title to the property, subject only to certain City liens. Accepting this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain.

The DHCD Land Resources requests approval to acquire the properties subject to all municipal liens, other than water bills, and all interest and penalties that may accrue prior to recording a deed. A list of open municipal liens accrued through June 15, 2020, other than water bills, (which must be part of the transaction) is as follows:

MINUTES

DHCD - cont'd

| 1736 N. DUNCAN STREET | | |
|------------------------------|-----------|----------------------|
| Tax Sale | 318275 | \$124,022.16 |
| Real Property | 2019-2020 | 39.24 |
| Real Property | 2018-2019 | 33.26 |
| Real Property | 2017-2018 | 38.78 |
| Real Property | 2016-2017 | Included in Tax Sale |
| Real Property | 2015-2016 | Included in Tax Sale |
| Real Property | 2014-2015 | Included in Tax Sale |
| Real Property | 2013-2014 | Included in Tax Sale |
| Real Property | 2012-2013 | Included in Tax Sale |
| Real Property | 2011-2012 | Included in Tax Sale |
| Real Property | 2010-2011 | Included in Tax Sale |
| Real Property | 2009-2010 | Included in Tax Sale |
| Real Property | 2008-2009 | Included in Tax Sale |
| Real Property | 2007-2008 | Included in Tax Sale |
| Rental Registration | 207379 | 833.50 |
| Total Liens Owed: | | \$124,966.94 |

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved the acquisition, by gift, of the Leasehold Interest in the property located at 1736 N. Duncan Street from Mr. Andrew Rolleri, Jr., Owner, SUBJECT to municipal liens, interests, and penalties that may accrue, other than water bills.

MINUTES

Department of Housing and - Affordable Housing
Community Development (DHCD) Program Bond Loan

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize the execution of the Affordable Housing Program Bond Loan in the amount of \$275,460.00 (The "City AHP Loan") with FRP Sage Center II, LLC (the "Borrower"), the sole member of which is The Family Recovery Program, Inc. Proceeds of the City AHP Loan will be used to support a portion of the hard construction costs of 5 affordable rental units known as "Sage II - Monarch View" for families who are participants in the nearby Sage Center Program for recovery from substance abuse.

The Board is also requested to authorize the Commissioner of the Department of Housing and Community Development to execute all legal documents to effectuate this transaction after legal review and sign off by the Department of Law.

AMOUNT OF MONEY AND SOURCE:

\$275,460.00 - Account: 9910-903862-9588

SOURCES**USES**

| | | | |
|----------------|------------------------|-----------------|-----------------------|
| CDA Group Home | | Construction | \$ 890,991.00 |
| Loan | \$ 70,918.00 | Construction- | |
| MD DHCD STHGP | | related Fees | 83,315.00 |
| Loan | 595,459.00 | Financing Fees | 60,000.00 |
| City AHP Loan* | 275,460.00 | Acquisition | |
| Weinberg Grant | <u>300,000.00</u> | Costs | 30,932.00 |
| | | Development Fee | 62,500.00 |
| | | Construction- | |
| Total | \$ 1,241,837.00 | contingency | 89,099.00 |
| | | Reserves | <u>25,000.00</u> |
| | | Total | \$1,241,837.00 |

MINUTES

DHCD - cont'd

BACKGROUND/EXPLANATION:

The Family Recover Program, Inc. (the "Family Recovery Program") is a nonprofit corporation that seeks to reunite families whose children have been placed in Court-ordered foster care due to substance abuse issues. In 2013, the Family Recovery Program purchased the former St. Katharine's Catholic School at 1209 Rose St. and renovated the 28,000 square foot building into The Sage Center, which includes 24 two and three-bedroom apartments, classrooms, program areas, administration and community/conference space. The Family Recovery Program staff provide 24-hour security and intensive case management to ensure the success of client families. Staff also connect client families with additional services as needed, including healthcare, transportation, and job placement.

Sage II - Monarch View is the proposed gut renovation of 5 vacant row homes located at 1201, 1205, 1209, 1211, 1215 N. Milton Avenue, (each, a "property" and collectively, the "Property"). The Properties will be owned by FRP Sage Center, LLC (the "Borrower"). The sole member of the Borrower is Family Recovery Program. Four of the properties will contain two bedrooms, and the fifth property will contain three bedrooms. All five properties will include a living room, dining room, kitchen, basement rec room, and one full

MINUTES

DHCD- cont'd

bathroom and will provide supportive housing for families who are ready to move up from the nearby Sage Center and have been reunited with their children who have been in foster care. Tenants of Sage II - Monarch View will have incomes at or below 50% of Area Median Income and participate in the Family Recovery Program classes and group meetings to ensure that they remain drug and alcohol-free and that they develop the life skills necessary to become fully self-supporting.

In order to keep the development as long-term affordable housing, the Borrower through the Family Recovery Program has obtained commitments from various funding sources to acquire the land and renovate the properties, as more fully described below.

MBE/WBE PARTICIPATION:

N/A

THE DEPARTMENT OF FINANCE HAS REVIEWED AND RECOMMENDS APPROVAL.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Affordable Housing Program Bond Loan in the amount of \$275,460.00 with FRP Sage Center II, LLC, the sole member of which is The Family Recovery Program, Inc. The Board further authorized the Commissioner of the Department of Housing and Community Development to execute all legal documents to effectuate this transaction after legal review and sign off by the Department of Law.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Land Disposition Agreement with the Bank Street Apartments, LLC, Developer, for the sale of the descriptive City-owned property located at Block 6315B, Lot 028A Bank Street.

AMOUNT OF MONEY AND SOURCE:

\$19,200.00 - purchase price

BACKGROUND/EXPLANATION:

The City will convey all its rights, title, and interest in the property located at Block 6315B, Lot 028A Bank Street to Bank Street Apartments, LLC for the total price of \$19,200.00 which will be paid to the City at the time of settlement. The Developer will be using private funds.

The Developer proposes to purchase and consolidate the vacant lot located at Block 6315B, Lot 028A with 3819 Bank Street for new construction of a 148-unit residential apartment building with commercial space on the ground floor. The full project is a \$28,700,000.00 development that will be privately funded.

The authority to sell the property, is given under the Baltimore City Code, Article 13, §2-7(h) of the Baltimore City Code.

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

Not applicable. In accordance with the Appraisal policy of Baltimore City, a Waiver Valuation determined the vacant parcel located at (Block 6315B, Lot 028A) to be valued at \$19,200.00 and it will be sold for \$19,200.00.

MINUTES

DHCD - cont'd

MBE/WBE PARTICIPATION:

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Land Disposition Agreement with the Bank Street Apartments, LLC, Developer, for the sale of the descriptive City-owned property located at Block 6315B, Lot 028A Bank Street.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Land Disposition Agreement with The T.I.M.E. Organization, Inc., Developer, for the sale of the City-owned properties located at 504, 506, and 508 N. Gilmor Street.

AMOUNT OF MONEY AND SOURCE:

\$ 8,250.00 - 504 N. Gilmor Street
 8,250.00 - 506 N. Gilmor Street
 8,250.00 - 508 N. Gilmor Street
\$24,750.00 - Purchase price

BACKGROUND/EXPLANATION:

The City will convey all its rights, title, and interest in 504, 506, and 508 N. Gilmor Street, three vacant buildings, to The T.I.M.E. Organization, Inc. for the sum of \$8,250.00 each. The total price is \$24,750.00. The Developer will be using private funds for the project.

The Developer proposes to purchase the three vacant buildings at 504, 506, and 508 N. Gilmor Street for complete rehabilitation as single-family homes to be sold at market rate.

The authority to sell the property is given under the Baltimore City Code, Article 13, § 2-7(h) of the Baltimore City Code.

MINUTES

DHCD - cont'd

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

In accordance with the Appraisal Policy of Baltimore City, a Waiver Valuation done by the DHCD has determined the three vacant buildings located at 504, 506, and 508 N. Gilmore Street to be valued at \$16,500.00 each and will be sold for \$8,250.00 each, for a total price of \$24,750.00.

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

- the sale will be a specific benefit to the community,
- the sale will eliminate blight,
- the sale will facilitate owner-occupied homeownership,
- the sale will create jobs during the reconstruction, and
- the sale will return the properties to the City's tax rolls.

MBE/WBE PARTICIPATION:

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

MINUTES

DHCD - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Land Disposition Agreement with The T.I.M.E. Organization, Inc., Developer, for the sale of the City-owned properties located at 504, 506, and 508 N. Gilmor Street.

MINUTES

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Land Disposition Agreement with Malcolm Lewis, for the sale of the City-owned property located at 1403 Druid Hill Avenue.

AMOUNT OF MONEY AND SOURCE:

\$5,500.00 - purchase price

BACKGROUND/EXPLANATION:

The City will convey all its rights, title, and interest in 1403 Druid Hill Avenue to Malcolm Lewis for the price of \$5,500.00, which will be paid to the City at the time of settlement.

The Developer will be using private funds for this project.

The project will involve rehabilitation of the vacant building for the Developer's primary residence.

The provisions of Article 13, §2-7 (h) (2) (ii) (c) of the Baltimore City Code authorize the City to sell these properties.

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

In accordance with the City's Appraisal Policy, the Waiver Valuation Process determined the value of these properties to be \$9,500.00. The rationale for sale below the Waiver Valuation value is: it will serve a specific benefit to the immediate community, will eliminate blight, and return the property to the tax rolls.

MINUTES

Department of Housing and - cont'd
Community Development

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Land Disposition Agreement with Malcolm Lewis, for the sale of the City-owned property located at 1403 Druid Hill Avenue.

MINUTES

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Land Disposition Agreement with North Bethel Row, LLC, for the sale of the City-owned property located at 1418 N. Bethel Street.

AMOUNT OF MONEY AND SOURCE:

\$3,000.00 - purchase price

BACKGROUND/EXPLANATION:

The City will convey all its rights, title, and interest in 1418 N. Bethel Street to North Bethel Row, LLC for the price of \$3,000.00, which will be paid to the City at the time of settlement.

The Developer will be using private funds for this project.

The project will involve the complete rehabilitation of the vacant building which is located in the Oliver neighborhood. The building is part of an ongoing whole block transformation project and the price was agreed upon with the prior batch of seven properties the Developer acquired from the City on October 12, 2017.

The provisions of Article 13, §2-7 (h) (2) (ii) (c) of the Baltimore City Code authorize the City to sell these properties.

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

In accordance with the City's Appraisal Policy, the Waiver Valuation Process determined the value of these properties to be \$8,000.00. Sale of the vacant property at a price below the Waiver Valuation Value will be specific benefit to the immediate community, eliminate blight, create jobs during reconstruction and return the property to the tax rolls.

MINUTES

Department of Housing and - cont'd
Community Development

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Land Disposition Agreement with North Bethel Row, LLC, for the sale of the City-owned property located at 1418 N. Bethel Street.

MINUTES

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Land Disposition Agreement with Arnette Homes, LLC, for the sale of the City-owned property located at 1025 West Lanvale Street.

AMOUNT OF MONEY AND SOURCE:

\$2,000.00 - purchase price

BACKGROUND/EXPLANATION:

The City will convey all its rights, title, and interest in 1025 West Lanvale Street to Arnette Homes, LLC, for the price of \$3,000.00, which will be paid to the City at the time of settlement.

The Developer will be using private funds for this project.

The project will use the vacant lot for the pre-fabricated construction of a single-family home to be sold at market rate.

The provisions of Article 13, §2-7 (h) (2) (ii) (c) of the Baltimore City Code authorize the City to sell these properties.

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

In accordance with the City's Appraisal Policy, unimproved property assessed below \$2,500.00 does not require an appraisal. The vacant lot is assessed at \$1,000.00 and will be sold for \$2,000.00,

MINUTES

Department of Housing and - cont'd
Community Development

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Land Disposition Agreement with Arnette Homes, LLC, for the sale of the City-owned property located at 1025 West Lanvale Street.

MINUTES

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

The Board is requested to approve and authorize ratification of the various Community Development Block Grant Agreements.

- 1. **THE CAROLINE FRIESS CENTER, INC. \$150,000.00**

Account: 2089-208920-5930-426934-603051

Under this agreement, the funds will subsidize operating costs in providing education and career training within the Subgrantee's job placement program for unemployed and under-employed women that reside in the City. The period of the agreement is September 1, 2019 through August 31, 2020.

MWBOO GRANTED A WAIVER ON JULY 15, 2020.

- 2. **LIBERTY'S PROMISE, INC. \$ 70,000.00**

Account: 2089-208920-5930-791830-603051

Under this agreement, the funds will provide support for an after-school, Civics and Citizenship program, and paid internships for low to moderate-income immigrant and refugee youth between the ages of 15-19 that attend the Reginald F. Lewis and Patterson High Schools in the Bayview Hopkins area, program and the Benjamin Franklin High School in the Brooklyn area of the City. The period of the agreement is July 1, 2019 through June 30, 2020.

MWBOO GRANTED A WAIVER ON JULY 22, 2020.

On July 17, 2019, the Board approved the Resolution authorizing the Commissioner of the Department of Housing and Community

MINUTES

DHCD - cont'd

Development (DHCD), on behalf of the Mayor and City Council, to file a Federal FY 2019 Annual Action Plan for the Following formula programs:

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

Upon approval of the resolution, the DHCD's Contracts Section began negotiating and processing the CDBG Agreements as outlined in the plan effective July 1, 2019 and beyond. Consequently, these agreements were delayed due to final negotiations and processing.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and ratified the foregoing Community Development Block Grant Agreements.

MINUTES

Department of Human Resources - Group Sales Agreement and
Expenditure Authorization

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Group Sales Agreement (Agreement) with Hotel RL for the Battalion Fire Chief promotional assessment process. The period of the agreement is August 31, 2020 through September 4, 2020.

AMOUNT OF MONEY AND SOURCE:

\$20,723.95 - 1001-000000-1603-816300-603026

Detailed Breakdown of Expenses

| | |
|------------|--|
| \$1,800.00 | Ancillary expenses - 9 Examiners x \$200.00 Each for (reimbursement of travel expenses, luggage fees, cab/shuttle fees, to and from the airport, parking) |
| \$4,183.00 | Hotel RL: Overnight Guestrooms Monday, Aug 31st - Friday, Sept 4th 10 Guest Suites x 4 nights @ \$89.00 net rate = \$3,560.00 (\$3,560.00 x 17.5% occupancy tax) = \$4,183.00 |
| \$1,980.00 | Valet - Mon. Aug. 31 - Fri. Sep. 4, 2020 15 cars x 5 nights' x \$22 per day = \$1650.00 + 20% tax= \$1,980.00 Valet - Mon. Aug. 31 - Fri. Sep. 4, 2020 15 cars x 5 nights' x \$22 per day = \$1650.00 + 20% tax= \$1,980.00 |

MINUTES

Department of Human Resources - cont'd

| | |
|------------|---|
| \$1,882.35 | <p>Business/Interview Rooms (Assessment Rooms) Tuesday, Sept 1st -Friday, Sept 4th 6 rooms x 3 days' x \$89 net rate = \$1,602.00 (\$1,602.00 + 17.5% occupancy tax) = \$1,882.35</p> |
| \$0.00 | <p>Conference (Training/Registration) Room Tue. Sept. 1 - Thur. Sept. 3, 2020 (Name of room) - (Tue. 9/1 = 20 ppl.)/ (Wed. 9/2 - Thur. 9/3 = 10 ppl. @ a time) \$000 rental x 1 day = \$000 \$000 + 00% service fee = \$0,000.00 @ Complimentary</p> |
| \$0.00 | <p>Coffee Service Tue. Sept. 1, 2020 20 attendees' x \$0.00 per person x 1 day + 00% = \$0,000.00 @ Complimentary</p> |
| \$213.60 | <p>Hospitality Suite/Break Room - Wed. Sept. 2 - Thur. Sept. 3, 2020 (Name of room) - 20 ppl. (up to 10 ppl. at a time) \$89 rental x 2 days = \$178 \$178 + 20% service fee = \$213.60</p> |
| \$720.00 | <p>Coffee Service Beverage/Snack Break - \$0,000.00 Wed. Sept. 3 - Thur. Sept. 4, 2020 Coffee Service: 20 attendees' x \$15 per person x 2 days + 20% = \$720.00</p> |

MINUTES

Department of Human Resources - cont'd

| | |
|------------|--|
| \$0.00 | Audio Visual - \$000.00 Tue. Sept. 1, 2020 Screen & Projector Rental: \$000.00 x 1 day + 00% = \$000.00 @ Complimentary |
| \$6,750.00 | Examiners' Airfare (Roundtrip): Night (9) examiners traveling from various locations @ \$750.00 |
| \$3,195.00 | Per Diem Meal Allowance Per Diem Rate - \$71.00 per day x 5 days = \$355.00 9 Examiners - \$355.00 x 9 |

Total Expenses = \$20,723.95

BACKGROUND/EXPLANATION:

The Fire Battalion Fire Chief assessments occur once every two years. The assessment includes written and oral exam components and is scheduled to take place on August 31, 2020 through September 4, 2020. Fourteen rooms will be necessary to administer the exam.

Nine rooms will be necessary for the examiner's overnight accommodations. Six rooms will be rented for the administration of the exam. The rooms will be utilized as candidate interview preparation rooms for candidates to prepare responses to interview questions and to conduct panel interviews.

The examiners will arrive in Baltimore on Monday, August 31, 2020. The written component will be administered on Monday, August 31, 2020 at the Baltimore City Fire Academy. Examiner training will

MINUTES

Department of Human Resources - cont'd

be conducted on Tuesday, September 1, and the Oral component will be administered Wednesday, September 2, through September 4th. The examiners will depart the hotel the afternoon of September 4th due to the length of testing on Thursday and the distance back to their respective jurisdictions.

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 Group Sales Agreement with Hotel RL for the Battalion Fire Chief promotional assessment process.

MINUTESEmployees' Retirement System - Amendments to Disability
Hearing Services Agreements

The Board is requested, by the Board of Trustees of the Employees' Retirement System (ERS), to approve the Amendments to the Disability Hearing Services Agreement for the listed Hearings Examiners. By separate Memoranda to the Board, the ERS Executive Director has also requested approval of substantially identical Amendments to the ERS Panel of Hearing Examiners.

1. **EDWARD G. DANIELS**
2. **STANLEY C. ROGOSIN**
3. **JUDY G. SMYLIE**
4. **DEBRA A. THOMAS**
5. **DEVEREAUX E. STERETTE**

Account: 1001-000000-1220-147500-603026

On December 18, 2019, the Board approved the one-year Disability Hearing Services Agreements effective January 1, 2020 through December 31, 2020 in the amount of \$20,000.00 for each Hearings Examiner. Under the proposed Amendments, each respective contract will continue to pay each Hearings Examiner an annual amount not to exceed \$20,000.00.

The COVLD-19 pandemic has made it challenging to timely schedule hearings and as a result, resolution of disability and death claims are currently subject to delays until a normal workflow is restored.

MINUTESEmployees' Retirement System - cont'd

Consequently, in order to better accommodate resolution of claims without hearings, so as to facilitate claims processing, each Agreement will be amended to establish a more detailed flat fee for decisions rendered by the Hearing Examiner where no hearing is held to adjudicate a claim so that a Hearing Examiner will be paid(1) \$300.00 per written decision for which no hearing is held and the medical brief submitted for review to the Hearing Examiner is 250 pages or less and (2) \$600.00 per written decision for which no hearing is held and the medical brief submitted for review to the Hearing Examiner is more than 250 pages. All other terms and conditions of the original Disability Hearing Services Agreement remain unchanged.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Amendments to the Disability Hearing Services Agreement for the foregoing Hearings Examiners, as requested by the Board of Trustees of the Employees' Retirement System. The Comptroller **ABSTAINED**.

MINUTESEmployees' Retirement System (ERS) - Subscription Agreement

The Board is requested to approve and authorize execution of a Subscription Agreement with ISQ Global Fund III, GP LLC.

AMOUNT OF MONEY AND SOURCE:

\$4,000,000.00 - Retiree Benefit Trust (OPEB)

\$ 58,560.00 - average annual fee

No General Fund monies are involved in this transaction.

BACKGROUND/EXPLANATION:

The ERS Board of Trustees approved a re-up of the subscription agreement which is currently with ISQ Global Fund II to place additional monies in a new comingled investment (Fund III). The search and selection process was conducted with the assistance and advice of the ERS' alternative investment advisor, Meketa Investment Group, Inc.

ISQ Global Fund III, GP, LLC will be managing an initial investment of \$4,000,000.00 of Retiree Benefit Trust (OPEB) funds in the ISQ Global Infrastructure Fund III., LP, a comingled fund investing in global infrastructure projects. There will be an average of \$58,560.00 annual fee (1.6%) plus 4% discount and loyalty discount 3.5% for the first two years.

MBE/WBE PARTICIPATION:

MWBOO GRANTED A WAIVER ON JANUARY 10, 2018.

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

MINUTESEmployees' Retirement System - Subscription Agreement

The Board is requested to approve and authorize execution of a Subscription Agreement with ISQ Global Fund III, GP LLC.

AMOUNT OF MONEY AND SOURCE:

\$ 20,000,000.00 - Employees Retiree System

\$ 292,000.00 - average annual fee

No General Fund monies are involved in this transaction.

BACKGROUND/EXPLANATION:

The ERS Board of Trustees approved a re-up of the subscription agreement, which is currently with ISQ Global Fund II to place additional monies in a new comingled investment (Fund III). The search and selection process was conducted with the assistance and advice of the ERS' alternative investment advisor, Meketa Investment Group, Inc.

ISQ Global Fund III, GP LLC will be managing an initial investment of \$20,000,000.00 of Employees' Retirement System funds in the ISQ Global Infrastructure Fund III., LP, a comingled fund investing in global infrastructure projects. There will be an average of \$292,000.00 annual fee (1.6%) plus 5% discount and loyalty discount 3.5% for the first two years.

MBE/WBE PARTICIPATION:

MWBOO GRANTED A WAIVER ON AUGUST 12, 2020.

MINUTESEmployees' Retirement System - cont'd

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

MINUTES

Fire and Police Employees' - Amended and Restated Performance Retirement System (F&P) and Risk Analytics Agreement

ACTION REQUESTED OF B/E:

The Board is requested by the Board of Trustees of the F&P to approve and authorize execution of its Amended and Restated Performance and Risk Analytics Agreement (Agreement) with BNY Mellon Performance and Risk Analytics, LLC (BNY Mellon PRA) for the purpose of retaining the BNY Mellon PRA to provide performance and risk analytics services for the F&P. The period of the Agreement is effective upon Board approval and will continue as long as the Client is subscribing to at least one service under this Agreement or until terminated in accordance with the provisions included in the Agreement.

AMOUNT OF MONEY AND SOURCE:

No General Fund monies are involved in this transaction. Approximately \$70,000.00 of consulting fees and charges will be expended annually from the F&P trust funds.

Account: 6000-604121-1540-171400-605008

BACKGROUND/EXPLANATION:

On June 17, 2020, the Board approved a Master Custody Agreement between the City and Bank of New York Mellon (BNYM) assigning custody of the F&P's assets to the BNYM. As an affiliate of the BNYM, the BNY Mellon PRA provides performance analytics in conjunction with the BNYM's custodial services, and is currently under contract with the F&P to provide analytics under a Performance and Risk Analytics Agreement dated March 9, 2015 (the Original P&RA). The F&P and the BNY Mellon PRA desire to amend the Original P&RA in certain respects and to otherwise restate the Original P&RA in its entirety all as herein provided.

MWBOO GRANTED A WAIVER ON AUGUST 3, 2020.

MINUTES

F&P - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Amended and Restated Performance and Risk Analytics Agreement with BNY Mellon Performance and Risk Analytics, LLC, as requested by the Board of Trustees of the F&P, for the purpose of retaining the BNY Mellon PRA to provide performance and risk analytics services for the F&P. The Comptroller **ABSTAINED**.

MINUTES

Mayor's Office of Children - Amendment of Agreement
and Family Success

ACTION REQUESTED OF B/E:

The Board is requested to ratify the First Amendment to the Interim Fiscal Agent Agreement with Associated Black Charities, Inc. (ABC). The Ratification of First Amendment to the Agreement extends the duration of the agreement through September 30, 2020.

AMOUNT OF MONEY AND SOURCE:

No additional funding needed from the Baltimore City children & Youth Fund.

BACKGROUND/EXPLANATION:

After approval by voters in 2016, the Baltimore City Children and Youth Fund (Fund) was established in the City Charter as non-lapsing fund to provide funding for programming to the children and youth of Baltimore City. Pursuant to the City Charter amendment, the City Council approved an Ordinance on December 7, 2017, providing for the uses of the Fund and the administration of the Fund. The Ordinance called on the President of the Council, in consultation with the Mayor, to designate an interim fiscal agent to administer the Fund until a permanent fiscal agent was established. The Council President, in consultation with the Mayor, selected ABC as the interim fiscal agent to administer the Fund.

City Council recently approved Ordinance 20-363 which established Baltimore Children and Youth Fund, Inc. as permanent fiscal agent for the Fund.

MINUTES

Mayor's Office of Children - cont'd
and Family Success

As written, the Agreement with ABC would end on July 1, 2020, but the ABC and the City desired to amend its duration through September 30, 2020, to allow for the transition of the interim fiscal agent to the permanent fiscal agent according to Ordinance 20-363.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board ratified the First Amendment to the Interim Fiscal Agent Agreement with Associated Black Charities, Inc.

MINUTES

Office of the City Council - 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 raising \$2.4 million to help close the Digital Divide in Baltimore. Mr. Zeke Cohen wishes to solicit donations from local individuals, businesses and the general population to purchase the equipment and digital devices needed by Baltimore's youth and families to have access to a reliable internet connection. The period of the campaign is effective upon Board approval through August 31, 2021.

AMOUNT OF MONEY AND SOURCE:

No general funds are involved in this transaction.

BACKGROUND/EXPLANATION:

Donations will be solicited from Baltimore businesses, civic leaders, the foundation community, and the general population. 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.

The Digital Divide is a national crisis. In Baltimore, 96,000 households do not have access to a wireline broadband service at home and 75,000 households do not have access to a computer or

MINUTESOffice of the City Council - cont'd

laptop. In an American Community Survey, Baltimore ranked 29th out of 32 cities for lack of wireline broadband and computer access. For Black and Brown communities, the lack of internet access or to a device will perpetuate the immense gap in educational opportunity and financial security. This will only deepen the deep and systemic inequities that exist for our communities of color. The COVID-19 pandemic has exacerbated the Digital Divide in Baltimore. Baltimore City Public Schools will begin classes online for the upcoming school year. It is essential that all students and staff members are equipped with the devices and reliable internet access needed to adequately provide them with the resources needed to succeed.

The funds raised under the solicitation will be used to close this Digital Divide by raising \$2.4 million dollars to provide a reliable internet source and devices for all households in Baltimore City. Funding will be allocated to offset internet costs and devices.

Baltimore City Code, Article 8, §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 benefit from the proposed solicitation must be endorsed by the Board of Estimates or its designee.

MBE/WBE PARTICIPATION:

N/A

MINUTES

Office of the City Council - cont'd

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 raising \$2.4 million to help close the Digital Divide in Baltimore. The Mayor **ABSTAINED**. The President **ABSTAINED**.

MINUTES

Department of Recreation and Parks - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 039, to Rummel, Klepper & Kahl, LLP, under Project 1232, On-Call Engineering Design. The period of this task is approximately 12 months.

AMOUNT OF MONEY AND SOURCE:

\$124,932.11 - 9938-908779-9474-900000-703032

BACKGROUND/EXPLANATION:

Task No. 039 will include post award services for Construction Management Services for Druid Hill Aquatic Center RP 17808.

MWBOO SET GOALS OF 25% MBE AND 10% WBE.

MBE/WBE PARTICIPATION:

Rummel, Klepper & Kahl, LLP will continue to comply with Article 5, Subtitle 28 of the Baltimore City Code and the 25% MBE and the 10% WBE goals established in the original agreement.

The Consultant has achieved 11.74 % of the WBE goal at this time.

The Consultant has achieved 21.76 % of the WBE goal at this time. However, it may have enough capacity to meet the remaining goals.

THE EAR WAS APPROVED BY MWBOO ON MAY 14, 2020.

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

MINUTES

Department of Recreation and Parks - cont'd

TRANSFER OF FUNDS

| <u>AMOUNT</u> | <u>FROM ACCOUNT/S</u> | <u>TO ACCOUNT/S</u> |
|---|---|--|
| \$125,000.00 | 9938-903778-9475 | 9938-908779-9474 |
| 3 rd Parks and Public Facilities | Druid Hill Pool and Bathhouse Renovation (Reserve) | Druid Hill Pool and Bathhouse Renovation (Active) |

This transfer will provide funds to cover costs associated with Construction Management Services, under On-Call contract No. 1232, Task No. 039, to Rummel, Klepper & Kahl, LLP.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 039, to Rummel, Klepper & Kahl, LLP, under Project 1232, On-Call Engineering Design. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter.

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:

3370 - 3371

to the low bidders meeting the specifications,

or rejected bids on those as indicated

for the reasons stated.

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**Department of Recreation and Parks

1. RP 17802, Dypski Park
Improvements

REJECTION: On August 5, 2020, the Board opened one bid for the subject project, in the amount of \$2,600,000.00. The bidder greatly exceeds the Department's budget. It is the recommendation of the Department of Recreation and Parks that the bid be Rejected, and that this project be re-advertised in the near future.

Bureau of Procurement

2. B50005950, Crew Cab and
Chassis Truck with Stake
Body and Lift

RESCISSION: On July 22, 2020, the Board approved the award for B50005950. Due to an unforeseen discovery after the contract was awarded, the suppliers' product that was offered does not meet the specifications.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Procurement - cont'd

The second low bidder's technical specifications are currently under review and it is recommended that the Board rescind the award as being in the best interest of the City.

MINUTES

Department of Law - Recommendations for Vendor
Suspension and Debarment Proceeding

ACTION REQUESTED OF B/E:

The Board is recommended to take the following actions with regard to the debarment proceedings instituted by the Board on April 1, 2020, against Holabird Enterprises of Maryland, Inc. t/a Holabird Fleet Service; Trans-Tech Transmission Center and its President Lawrence Ward and Officer Daniel Foy ("Vendor"): (a) deny Vendor's request for a hearing on the petition to terminate suspension; (b) deny Vendor's petition to terminate suspension; (c) extend the time to hold the debarment hearing requested by Vendor for another 90 days for the catastrophic health emergency in the state of Maryland; and (d) include scheduling the date to hold the hearing for debarment as item on the agenda for the first meeting after the Governor declares that the Catastrophic Health Emergency has ended.

AMOUNT OF MONEY AND SOURCE:

No funds are requested or required.

BACKGROUND EXPLANATION:

On April 1, 2020 this Board instituted debarment proceedings against the Vendor pursuant to Baltimore City Code Art. 5, § 40-17 and suspended the Vendor's performance under B50004770, B50004990, B50005058, B50005285, B500005755 and B50005812 pursuant to Art. 5, § 40-18.

On April 27, 2020, the Vendor petitioned the Board to terminate the suspension and requested a hearing. The City opposed the Vendor's petition. After consideration of the parties' filings and no hearing being necessary, the Board finds that the integrity of the City's contracting process and the City's best interests are served by denying petition.

MINUTES

Department of Law - cont'd

On April 27, 2020, the Vendor requested a hearing before the Board in response to the Board's notice of proposed debarment. The Board has 90 days after receipt of the request to conduct a hearing, but the time may be extended for good cause shown pursuant to BOE Reg. IV.G.4.a.

Public health considerations provide ample good cause to extend time to conduct the debarment hearing. Governor Hogan declared a Catastrophic Health Emergency in the State of Maryland. See Proclamation, "Declaration of State of Emergency and Existence of Catastrophic Health Emergency - COVID-19" (Mar. 5, 2020); see also Proclamation, "Renewal of Declaration of State of Emergency and Existence of Catastrophic Health Emergency - COVID-19" (June 3, 2020). Under current Executive Orders, indoor gatherings in Baltimore City are limited to 25 people. Typically, BOE meetings exceed this number of participants. The parties, counsel, witnesses, government officials and personnel needed to conduct Holabird's debarment proceeding will far exceed the number of persons permitted under current executive orders. Physical limitations prevent observance of social distancing guidelines required for the health of members of the public, the parties and government officials.

In addition, there is good cause to extend time to conduct the debarment hearing to ensure that Holabird receives adequate procedural Due Process. Holabird has failed to "identify all documentary evidence which supports the person's opposition to the grounds for the debarment in the Board's Notice of Proposed Debarment." *City Proc. Reg. IV.G.3.a(2)*. Holabird's failure to

MINUTES

Department of Law - cont'd

identify the documentary evidence that supports its opposition will preclude Holabird's submission of any documents it may wish for the BOE to consider. Moreover, Holabird identifies in its submissions dated May 7, 2020, twenty-one (21) witnesses, some of whom are out-of-state, that it intends to call to present testimony at the hearing. *City Proc. Reg. IV.G.3.a(1)*. The BOE has held virtual meetings during this Catastrophic Health Emergency.

Presenting the testimony of a significant number of witnesses, questioning them about a substantial number of documentary records, subjecting them to cross-examination while the members of the BOE evaluate their credibility is neither technically feasible nor procedurally desirable or fair to Holabird.

Finally, good cause exists because the Maryland Open Meetings Act may be implicated by holding contested public hearing while excluding members of the public and press who have protected statutory rights to attend these events.

The setting of the date to hold a hearing for the debarment proceedings requested by the Vendor shall be scheduled as an item on the agenda during the first meeting after the Catastrophic Health Emergency in the state of Maryland has ended, subject to the Vendor's compliance with BOE Regs. IV.G. 2 & 3.

MBE/WBE PARTICIPATION:

Not applicable.

FILE NO. 57812

A PROTEST WAS RECEIVED FROM HARRIS JONES & MALONE ON BEHALF OF HOLABIRD ENTERPRISES OF MARYLAND, INC. T/A HOLABIRD FLEET SERVICE.

LISA HARRIS JONES
DIRECT DIAL: (410) 366-1500
FAX NUMBER: (410) 366-1501
lisa.jones@mdlobbyist.com

July 21, 2020

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

Bernard "Jack" Young, Mayor
Joan M. Pratt, Comptroller
Brandon M. Scott, President City Council
Dana P. Moore, Acting City Solicitor
Matthew W. Garbark, Acting Director, Department of Public Works

Re: ***Department of Law – Recommendations for Vendor Suspension and
Debarment Proceeding, Page 70 Board of Estimates Agenda***

To the Honorable Members of the Board of Estimates:

On behalf of Holabird Enterprises t/a Fleet Management Service & Trans-Tech Transmission Center, Lawrence Ward, and Daniel Foy (collectively, the "Respondents"), please accept this email as a formal request in writing to protest the proposed action of the Board of Estimates (hereinafter, the "Board") in relation to the Respondent's Debarment/Suspension as the action and any decision by the Board directly and specifically affect them.

According to Section II. Protest Regulations, please note the following about the Respondent's protest:

a. Name of the Person Protesting and Counsel

Robert Fulton Dashiell, Esq. and Lisa Harris Jones, Esq., both of Harris Jones & Malone, LLC, will advance the protest on behalf of the Respondents: Holabird Enterprises of Maryland, Trans-Tech Transmission Centers, its President Lawrence Ward, and Officer Daniel Foy. We request to be heard on the record in response to the Office of Law's requests and recommendations in this matter.

b. and c. Narrative of the Issues and Facts Supporting the Protest, and Harm to Protestant if the Board Acts.

Respondents oppose The Department of Law's request and recommendation that the Board of Estimates (Board) take the following actions concerning the continued suspension of contracts B50005755, B50005812, B50005275, B50005058 and B50004990 (hereinafter, the "Suspended Contracts") as well as the Debarment Proceedings instituted against the Respondents by the Board on April 1, 2020, to:

1. Deny Respondent's request for a hearing on the petition to terminate the suspension
2. Deny Respondent's petition to terminate the suspension
3. Extend the time to hold the Debarment Hearing requested by the Respondent for another 90 days for the Catastrophic Health Emergency in the State of Maryland
4. Schedule the Debarment Hearing for September 9, 2020

Law Department Request (1) and (2)

The Respondents incorporate their arguments presented in their two (2) filings on April 27, 2020, with the Board entitled 1. Petition to Termination Suspension and 2. Response to Notice of Disbarment & Request for Disbarment Hearing and request to be heard.

Respondents operate a locally owned small business that has served the City without incident for many years. In January 2020, Acting City Purchasing Agent Keisha Brown, contrary to law, instituted a suspension of contracts without providing any notice to Respondents. On March 5, 2020, Ms. Brown formalized her decision in writing and notified Respondents that she was suspending six City contracts being performed by Respondents based on serious allegations. As operators of a small, local business, this decision's impact has had a significant detrimental effect on the sustainability and the reputation of Respondents. Employees have been laid off and MBE subcontractors to the Suspended Contracts have been denied work.

Respondents have been on summary suspension formally for over 120 days. However, due to Ms. Brown's unilateral actions in January, lawfully procured business from the City has been suspended for over 200 days, without the benefit of even a suspension hearing. In light of the Department of Law's request to delay a hearing on the merits, the ongoing denial of a hearing on the petition regarding the basis for the suspension denies the Respondents the opportunity to refute the underlying evidence and prevents a finder of fact the ability to review the merits of the initial suspension. We respectfully request a suspension hearing be scheduled and the suspension be lifted until this matter can be fully adjudicated.

Law Department Request (3) and (4)

On April 3, 2020, the Department of Law notified Respondents of their intent to also seek debarment. Respondents, in a timely fashion, requested a hearing per the Baltimore City Code on April 27, 2020.

Under the City Code, the Board was required to hold a hearing and issue a decision within 90 days of the request for a hearing. Art. 5 sec. 40-19 (a). The Board may extend the time for a hearing and decision for good cause shown by a party to the action, in this matter the Department of Law or the Respondents. Art. 5 sec. 40-19 (b).

To ascertain and effectuate the actual legislative intention in enacting any statute is, of course, the cardinal rule of statutory interpretation. In this regard, the primary source of legislative intent is the language of the statute itself. Where the statutory provisions are unambiguous, no construction is required. A plainly worded statute must be construed without forced or subtle interpretations designed to extend or limit the scope of its operation. *State v. Intercontinental, Ltd.*, 302 Md. 132, 137, 486 A.2d 174 (1985).

Determining whether there is good cause for a postponement is at the discretion of the Board, acting in a quasi-judicial capacity. However, the moving party must demonstrate good cause for the delay and justify its request as to how their ability to present their case is compromised by factors beyond their control. Mere procrastination of duties does not suffice. As the American Bar Association standard on continuances recommends:

The court should grant a continuance only upon a showing of good cause and only for so long as is necessary, taking into account not only the request or consent of the prosecution or defense, but also the public interest in prompt disposition of the case. *Carter v. State*, 54 Md. App. 220 (1983).

On day 84 of the 90 days allowed to set and complete a debarment hearing, the Department of Law seeks an extension as the Board has failed to set a hearing date and resolve this matter. The Department of Law has made no effort for the hearing to be scheduled, puts forth no facts as to why a request is needed or how the preparation of their case has been obstructed by factors beyond their control. No advance notice of this request for postponement was provided to Respondents, a common practice when a party is represented by Counsel. Furthermore, rather than make a request as a litigant to the presiding Board, the Department of Law improperly fashions its request for extension of the 90 day deadline as a “Recommendations for Vendor Suspension and Debarment Proceeding,” assuming the role of Board Advisor, which is impermissible when it is actually the moving party in a contested Debarment matter.

To support their request, the Department of Law makes the bald assertion that due to the Governor's declaration of a Catastrophic Health Emergency in the State of Maryland ("Emergency Order") due to COVID-19, the time frame to provide due process should be extended. The request is devoid of any explanation of how this Emergency Order has hindered the scheduling of a hearing by the Board or assignment to a hearing officer. Examination of the Emergency Order fails to provide any direction as to why a hearing could not be scheduled, or the Department of Law's case prepared. Local government has not been closed; to the contrary, the Board of Estimates, City Council, and Executive Branch have done a commendable job of continuing operations. The Department of Law's request on such broad grounds thinly veils their true motivation to obtain delay not for just cause, but because they have not diligently performed their obligations to prepare their case.

Debarment is essentially the Death Penalty for contractors doing work with a public entity. It is a severe penalty rarely sought and must be taken seriously by the agency seeking it. The impacts on business are severe economically and reputationally and harm the goodwill a company has developed in the community. Due to the severity of the action, the City Code puts forth protections for the accused, including a time frame for the movant to present their evidence and a decision to be issued. To ignore the statutory timeline and cavalierly request an extension with no specificity as to how the scheduling of a hearing has been hindered denies the Respondent's substantive and procedural due process rights as outlined in the Code. The Department of Law has never reached out to the Respondents' counsel, indicating any difficulty in setting a hearing date, problems preparing their case or securing a witness, seeking dates for a hearing or requesting a postponement. The Department of Law impermissibly and smugly seeks to act as investigator, prosecutor, advisor to the trier of fact as opposed to a moving party with obligations to statutory timeframes.

Substantive and procedural due process rights are the backbone of the statutory scheme governing this matter. In fact, on March 20, 2019, the Board adopted the Regulations on Procurement, Protests, Minority, and Women-owned Business Enterprise and Debarment/Suspension (Regulations) effective July 1, 2019, which codify these rights.

The Board needs to recognize that the Department of Law has been operational since the Health Emergency was declared. In fact, the Department of Law filed a complaint in the Circuit Court for Baltimore City to begin a civil action against the same Respondents on April 24, 2020. Furthermore, on June 16, 2020, the Department of Law, in a motion, opposed court-ordered mediation in the Circuit Court case.

What the Department of Law has not done during the Emergency Order is respond to the repeated discovery requests of the Respondents in both the administrative actions before the Board and in the civil case before the Circuit Court of Baltimore City. Additionally, on March 30, 2020, Respondents filed an MPIA request for a copy of the investigation and documents supporting the allegation in this matter. Neither the Custodian of Records for the Department of Finance or Department of Law responded in accordance with the MPIA mandates. The Governor's Emergency Order does not provide refuge or excuse for delay and denial of due process. The Department of Law should not be allowed to pick and choose when and which parts of their debarment action they will perform in a timely fashion and refuse to do the things it does not want to do under the guise of a Pandemic, such as proving the merits of this case or providing documents essential to responding to the allegations of the City. Procrastination and dereliction of duty disguised as an impact of COVID-19 falls woefully short of demonstrating good cause.

In conclusion, good cause has not been pled or demonstrated in any specificity by the Department of Law and, therefore, grounds do not exist to grant the extension of debarment proceedings beyond the 90 days as codified. Absent a showing as to how the case preparation has been prevented, this case should not be postponed. Furthermore, the Department of Law should be ordered to immediately provide the underlying documents that support their allegations.

Respondent is facing potential debarment, and as a result a large percentage of their work has evaporated. When combined with the broad economic impacts of COVID-19, the Respondents are fighting to sustain their business and simply cannot withstand the Department of Law's unmerited and unsupported request for delay. If the Board grants the extension sought by the Department of Law, the Respondent will suffer irreparable economic harm as the suspension of work will be extended. We urge the Board to decline the request and recommendation.

In the event, that the Board chooses to grant the Department of Law's request, Respondents request the following relief in the interest of due process and fundamental fairness:

1. A hearing officer be appointed by the Board to preside over this matter by July 30, 2020. Petitioner is agreeable to an assignment by the Office of Administrative Hearings.
2. A mutually agreeable hearing date be selected by the parties, and not implemented by Office of Law without consultation with Petitioner.
3. The Board compel the Department of Law to produce to Respondents all underlying documents, to include any investigatory documents, witness names and evidence upon which it seeks to rely in pursuing Debarment by August 10, 2020.
4. The record reflects this is the last permissible postponement at the request of the Office of Law.

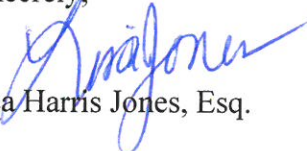
d. Notice to Appear


The Respondents will appear through counsel at the hearing on July 22, 2020. The Respondents will appear virtually or in-person at the preference of the Board.

e. Request for Recusal

Respectfully, the Respondents further request that the City Solicitor recuse herself from any deliberations or decisions regarding this matter. In an unusual set of circumstances, the Solicitor's office participated in the investigation and is charged with presenting their case for disbarment, it also sits as the trier of fact and advisor to the Board. In fact, even the Department of Law appears confused by their role as they seek to serve as an advisor to the Board in this action, recommending actions for the Board to take and not as litigant pursuing debarment. As the supervisor of the attorney's involved, the City Solicitor should not adjudicate or advise the Board or trier of fact on this matter. As counsel, we have tremendous respect for the integrity of the City Solicitor and seek to imply no misconduct or motive on her part. We make this request to simply ensure a tribunal above reproach and clarify the role of the Office of Law in this serious matter.

Sincerely,


Lisa Harris Jones, Esq.


Robert Fulton Dashiell, Esq.

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Department of Law - cont'd

President: "The second item on the non-routine agenda can be found on pages 135-136; Department of Law Recommendations for Vendor Suspension and Disbarment Proceeding. We will hear from uh, first from Holabird Enterprises of Maryland and then from the City Law Department. I note that Holabird has representation on the call. Please state your name and proceed."

Ms. Lisa Harris-Jones: "Sure. I'm Lisa Harris-Jones here on behalf of Holabird and I also have Tommy Tompsett with our office and Bob Dashiell of Con-, um, of council Representing Holabird. Um I'm going to throw it over to Tommy Tompsett who um, is going to speak, um first on behalf of Holabird."

Mr. Tommy Tompsett: "All right. Thank you Lisa and thank you Mr.Chairman, Mr. Mayor, Madam Comptroller, Madam Solicitor and Director Garbark. I am Thomas Tompsett, and I am on behalf of Holabird Enterprises, Lawrence Ward and Daniel Foy. I'd like to begin and eventually end with City Code as, the filings of the Law Department advise, the law must be precisely followed, and I couldn't agree more with them on that point. Pursuant to the

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Baltimore City Code, and I am looking at Article 5 , Section 40-19a, and it reads as follows: 'within 90 days after receipt of a request for a hearing the Board shall'- and remember that shall it's very important - 'the Board shall: 1. Conduct a hearing and 2. Decide whether the person should be debarred. The time for a hearing and decision may' -and remember that may- 'be extended by the Board for good cause shown.' The petitioners in this case made their request for a hearing on April 27 of 2020 and were entitled to a timely hearing by the Board and a decision on July 25, 2020. Obviously, today is August 26th. We're well past the statutorily provided timeframe. The use of the word, 'shall,' imposes a non-discretionary duty on the Board. You're acting at this point, not as the Board of Estimates, but a quasi-judicial body who's empowered with overseeing the procurement laws of the City. The Law Department and its filing for postponement presents the discretionary; the 'may' part of the regulations. You 'may' extend for good cause shown. But omits from your consideration in that same filing, the 'shall' part of the City Code. That's the

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important part. That's what you have to do. In fact, the postponement of this matter is really a procedural impossibility, as there was never a debarment hearing scheduled in the first place. The Board is being asked to postpone something that never existed. Holabird and its principles, they fulfilled their statutory obligations in requesting a hearing. That was April 27th. They provided a witness list and documentary evidence list - they only had to be lists - on May 7th. And now, asks the Board to meet its obligations and dismiss this matter, as the statutorily required period in which to hold a hearing has passed. I don't know if I'll have an opportunity to address the Board if you're inclined to find good cause and grant a postponement, which I do not believe you should, but I want to ask you that, if you grant a postponement, you should go a few steps further than what is asked on your agenda items. And our asks are needed so this case can move forward in a fair fashion. The respondents are in no better position today, than they were 90 days ago when first suspended. Arguably, with limited work, and a pandemic piled on

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top of it, and a complicated work landscape, they're in a much worse place than before. At this point, we do not know who is going to hear the case, whether it's the Board or some other, some other arbiter, let alone the facts that the Law Department will rely. And while the rules may not require disclosure from the Law Department, fundamental fairness does, as well as due process. Fairness extends to all people in this City, not just those that we perceive as good actors. Should a postponement be granted, this body should order the following of the Law Department: Furnish your file, furnish your investigatory reports and the like to us, and assign a hearing officer. Let us know the landscape that we're playing in. In closing, however, dismissal is the only appropriate remedy at this time for the reason proffered here today, and in our filings to the Board. We ask that the Board, you lead by example; that's how you lead this City. To precisely follow the law, and dismiss this matter. That is the example that should be set here today. Thank you."

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Ms. Harris-Jones: "And-And excuse me, um, and if I can just add that when looking at the Board of Estimates agenda the argument of why the Law Department was unable to hold a hearing is they based it upon the Governor's Executive Order and the State of Emergency. Nothing was in the Governor's State of Emergency Executive Order speaks to local administrative hearings or even the judicial system. As we sit here today with the Board of Estimates being conducted with well over 25 or more people who have the ability to participate, um the argument that this hearing could not be, could not have been held during this time of State of Emergency, um is based on, uh, no facts and no form of an executive order or um, it's not consistent with the Governors' uh State of Emergency. I just want to add that."

President: "Thank you, uh--"

Mr. Robert Dashiell: "May I add just one more thing?"

President: "Yes, Sir please identify yourself."

Mr. Dashiell: "This is Robert Dashiell speaking. The --the effect of the Law Department's argument with respect to extension is that the Governor's Order, in effect, supersedes the City's own Code as it relates to the process for seeking an extension. Other words, in effect, the Law Department argues that the Governor's Order

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granted the City an automatic extension, whereas the City Code requires that the extension be based on good cause. And the request for the extension or the extension, if it was to be granted, had to occur within the original 90 days, not a month afterwards. So that so that two things: Number One-the Governor's Order, even if it provided good cause, didn't supersede the City's requirement in terms of how that good cause has to be established but more importantly, it didn't establish that the request for the good cause or the extension itself not be made within the original 90 days which occurs, did not occur in this instance. Thank you."

President: "Thank you. We'll hear from the Law Department now."

Mr. Steven Potter: "Good Morning Members of the Board of Estimates. I'm Steven Potter. I represent the City in this matter. Um , addressing some of the issues raised by um, counsel. First, the City does not decide, the Law Department does not decide when a hearing would be held or should be held or could be held by um, by the Board. The Board decides that. So that's not a question of our decision. The City's decision, or the Law Department's decision and with the Law and the Law Department's, uh issues. Um, but I

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think that the regulation that Mr. Tompsett is referring to Regulation 4G 4A provides that 'the Board shall conduct a hearing' that's we are in agreement there, 'and among other things', it says, 'shall conduct a hearing as such other time s may be extended by the Board for good cause shown.' Now, it doesn't say that the extension must be granted within 90 days as suggested by Mr. Dashiell. It says that it may be granted. Um they may be extended by the Board for good cause shown, and-and so the Board retains the discretion to extend the time uh, to hold the hearing uh, for good cause shown. The uh, concept that uh, public health and the COVID-19 emergency, um, uh, does in fact provide good cause shown. It's not--it does not and the Law Department is not suggesting that the-- the um Governor's declaration of a catastrophic health emergency supersedes anything um, with regard to the city's prerogatives in this matter. Simply that the Board may take that into consideration as grounds for good cause, that in fact, there is a public health emergency um, and -and as a result, trying to hold an evidentiary hearing, um could be difficult and we could compromise Holabird's due process rights. Now, um, if we were to

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hold an in-person hearing, um that would violate the City's current, uh 25-person limit, um and we know in that we know here that Holabird has identified 21 witnesses that it wishes to call. So certainly um, an in-person hearing would be both dangerous and uh and and simply um inappropriate. So which leaves us with a virtual hearing. Even in this meeting, we've had some technical difficulties and I think the difficulties of trying to hold an evidentiary hearing before the Board--cross examined and the Board needs to be able to evaluate the credibility um would be a difficult process even if it's considered feasible."

President: "One second, Sir. Ms. Williams, Paula Williams, please put yourself on mute, please. Ms. Williams, put yourself on mute, please. Please continue, Sir."

Mr. Potter: "Thank you, Mr. Council President. Additionally, uh, although I'm not, uh, I've not met Mr. Tompsett, um the submission by, uh Holabird, did not include uh, the identity of the documents on which they support their opposition for the grounds of debarment. So Holabird, does not comply fully with the regulations at this time, um and in order to have a hearing uh, you know, both

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parties will have to submit uh, documents and Holabird hasn't complied with their obligation to submit their documents or at least identify them. Uh, there's no grounds for um, the suggestion that the City should, uh, turn over all files or-or or all investigatory matters; whether that be attorney-client privilege, or um some sort of work product. Um, but in fairness, Holabird does have more information. They have received the publicly disclosed Office of the Inspector General Report. So they do have more information. Um, and the City has made filings in Circuit Court in detail and providing great detail as to precisely the invoices and amounts and issues, um that-that are the basis for the debarment. So sum up, there is good cause. Um, it's in for public health purposes and for procedural due process purposes, um to extend the time for the hearing, uh for holding the hearing, say, within 60 days after the catastrophic public health declaration is rescinded when it will be safe for all parties to have an in-person administrative hearing where Holabird can be assured, um adequate procedural due process. Thank you "

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President: "Thank you. Questions from Board Members?"

Acting Director of Public Works: "Um, Mr. President?"

President: "Yes, Mr. Director Garbark?"

Acting Director of Public Works: "I have just one simple question for uh, Mr. Potter. Um, just to in summary, is this, is the action recommended by the Law Department in-in your opinion as counsel to the City, is it in the best interest of the City and its citizens?"

Mr. Potter: "Yes, yes, Director Garbark, it is."

President: "And just a follow-up to that: this-this vote today is just to have a hearing in reference to disbarment, correct?"

Mr. Potter: "Mr. Council President, that is correct. It's just extending the time. Well, one: it's- there's an issue with regard to the suspension; whether that should be a continued or whether the um, suspension of the vendor should be terminated um, and we've asked that the suspension be continued. And secondly, yes, it's to extend time to hold a debarment hearing."

President: "Okay, thank you Madame Comptroller --"

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Comptroller: "Yes. You want to extend the time for how long?"

Mr. Potter: "Um Madame Comptroller, um we believe that the hearing should be held within 60 days after the COVID-19 emergency has ended so that the City can hold an in-person evidentiary hearing um, providing fair due process to Holabird. I don't know when that is, but it will be when um, when the catastrophic health emergency has concluded."

Comptroller: "So that could be in 2021, possibly?"

Mr. Potter: "Possibly. Um, the Court certainly ----um tied to some other particular date. You could set a date um within 90 days say, from today and we, we may hold it virtually. But again, we will have technical challenges."

President: "Well, just a follow-up. Sorry, Madame Comptroller, but why can't we have it virtually? I don't understand why if we're having a regular court proceedings that happen virtually, why can't this happen virtually?"

Mr. Potter: "We have no objection in principle to holding in in hearing; that's a matter for the Board to decide. If the Board wishes to hold the um, hearing virtually, then we can do so,

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understanding that this is an evidentiary hearing where ah, Holabird is entitled to call many witnesses, um to testify, who will be subject to cross-examination. Um and, there will be some sort of document records that have to be submitted which may make it more complicated."

President: "I think that, I understand that but that's the world that we all-they all- we all live in --virtual meetings with 30, 40, 50 people and people have to make presentations of documents. That's something that we should understand that -- that is going to be the new world probably for the future and probably never going back to the way we used to-to meet in person and handling everything. So we- we have to the same way that we have to quickly adjust to having our Board of Estimates meetings virtually, we have to adjust to do the other things virtually so that we are not uh, impacting events of the City. Madame Comptroller, I saw that you're trying to speak."

Comptroller: "Yes, I'm um, asking that we- we set a date. -- Go ahead."

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President: "I was going to suggest that we have to have the hearing, uh, whether in person or virtual within the next 45 days. I think that that's a reasonable amount. What does the Law Department say to that? You're on mute, Sir."

Mr. Potter: "Mr. Council President, if the Board wishes to hold the hearing within 45 days, then-then certainly it's well within your discretion to do so and we will accommodate the Board however you wish to proceed."

President: "Thank you. Madame Comptroller, uh Mr. Director, any other Board members have any problem with that?"

Acting Director of Public Works: "No. Sir."

President: "All right. I will entertain a motion."

Acting Director of Public Works: "Mr. uh, President, I move that the protest be denied and that the item recommended by the Law Department be approved with the revision that it will be within 45 days that a hearing must be held on the debarment proceedings."

Comptroller: "I second."

President: "All of those in favor say Aye. All of those opposed, say Nay."

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Mayor: "Mr. President please note that I am recusing myself um, from this matter."

President: "Thank you Mr. Mayor. Please Note Mayor Young has an **ABSTENTION**. Madame Solicitor?"

Acting City Solicitor: "I too, am **ABSTAINING**."

President: "The 'AYES' have it. This item is approved."

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MINUTES**PROPOSALS AND SPECIFICATIONS**

1. Department of General Services - GS 20807, Police Annex Elevator Upgrade and Modernization
BIDS TO BE RECV'D: 10/07/2020
BIDS TO BE OPENED: 10/07/2020

2. Department of Transportation - TR 16305, Precast Deck Panel Repairs of Bridge No. BC 5210 on Hanover Street over the Middle Branch of the Patapsco River
BIDS TO BE RECV'D: 10/21/2020
BIDS TO BE OPENED: 10/21/2020

There being no objections, the Board, UPON MOTION duly made and seconded, approved the above-listed Proposals and Specifications to be advertised for receipt and opening of bids on the date indicated.

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President: "As there is no more business before the Board, we will recess until bid opening at 12:00 noon. We will reconvene September 3, [sic: 2,] 2020. Thank you for tuning in."

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Comptroller: "Good Morning. The Board of Estimates is now in session for the receiving and opening of bids. As part of the overall effort to limit transmission of the COVID-19 virus, the Board of Estimates is conducting bid openings remotely. Members of the public can call in to listen to bid openings live by calling 443-984-1696 and entering access code 0817325. The Board of Estimates meetings are live broadcast live on CHARM-TV, Channel 25 on Comcast cable in Baltimore City. Meetings are also streamed on the Internet at www.charmtvbaltimore.com/watch-live. The Board of Estimates will continue to conduct bid openings virtually while the state of emergency declared by the Mayor of Baltimore and the Governor of Maryland remains in effect."

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BIDS, PROPOSALS AND CONTRACT AWARDS

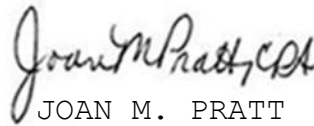
Prior to the reading of bids received today and the opening of bids scheduled for today, the Comptroller announced that **THERE WERE NO ADDENDA RECEIVED** extending the dates for receipt and opening of bids. There were no objections.

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Thereafter, the Comptroller announced that **THERE WERE NO BIDS SCHEDULED TO BE RECEIVED**. There were no objections.

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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, September 2, 2020.


JOAN M. PRATT
Secretary