

MINUTES**REGULAR MEETING**

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

Mr. Glen Armstrong: "Good morning. Because City Offices were closed in celebration of MLK Birthday, the Board is accepting protests ah -- up until 8:45 this morning. If anyone has a protest that they wish to submit, please step forward now. No response is heard. Thank you."

* * * * *

President: "Good morning, the January 18, 2017, meeting of the Board of Estimates is now called to order. In the interest of promoting the order and efficiency of these hearings, persons who are disruptive to the hearing will be asked to leave the hearing room immediately. Meetings of the Board of Estimates are open to the public for the duration of the meeting. The hearing room must be vacated at the conclusion of the meeting. Failure to comply may result in a charge of trespassing. I will direct

MINUTES

the Board members attention to the memorandum from my office dated January 17, 2017, identifying matters to be considered as routine agenda items together with any corrections and additions that have been noted by the Deputy Comptroller. I will entertain a Motion to approve all of the items contained on the routine agenda."

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

Comptroller: "Second."

President: "All those opposed, NAY. All those in favor say AYE. All those opposed, NAY. The Motion carries. The routine agenda has been adopted. Before we go any further, I want to recognize Councilman Robert Stokes who has joined us in the back."

* * * * *

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

In accordance with the Rules for Prequalification of Contractors, as amended by the Board on October 31, 1991, the following contractors are recommended:

Absolute Underground, Inc.	\$ 1,500,000.00
Balfour Beatty Infrastructure, Inc.	\$753,426,000.00
Garney Companies, Inc.	\$242,226,000.00
General Paving and Contracting, Inc.	\$ 8,000,000.00
Miller, Long & Arnold Co., Inc.	\$251,712,000.00
Sabre Demolition Corporation	\$ 57,645,000.00

2. Prequalification of Architects and Engineers

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

Dewberry Consultants, LLC	Land Survey Landscape Architect Engineer
Gale Associates, Inc.	Engineer Architect
Rummel, Klepper & Kahl, LLP	Engineer Landscape Architect Land Survey
Shah & Associates, Inc.	Engineer

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

MINUTES

EXTRA WORK ORDER

* * * * *

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Order

listed on the following page:

103

The EWO has been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

MINUTES**EXTRA WORK ORDER**

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

Department of Transportation

- | | | | | |
|---|--------------|-------------------------------|-----|----|
| 1. EWO #005, \$0.00 - TR 11320R, Greyhound Intermodal Terminal,
2110 Haines Street | | | | |
| \$6,694,743.95 | \$283,978.62 | Commercial
Interiors, Inc. | 120 | 86 |

The Board approved three time extensions for a total of 420 days, which included a completion date of December 28, 2016. This fourth time extension will result in a completion date of April 27, 2017. The additional time is needed to complete the work in the original scope due to unknown and unforeseen conditions: 1) 30 days for Williams-Scotsman to dismantle and remove the temporary building modules, 2) 60 days due to the weather for Phase II for the exterior painting, concrete islands, storm water management pond plus the removal of the temporary road and the restoration of the area on the adjacent site, 3) 7 days for undercutting and backfilling at the bus roadway at the west side of the building which include additional excavation, tunneling under the duct banks, rock removal and placement of backfill with select fill, and 4) 23 days for inclement weather spanning from November 2016 to the new completion date of April 2017.

An Engineer's Certificate of completion has not been issued.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of a Grant Award from the Governor's Office of Crime Control and Prevention. The period of the Grant Award is July 1, 2016 through June 30, 2017.

AMOUNT OF MONEY AND SOURCE:

\$40,911.00
4,516.00 (Cash match requirement)
\$45,427.00 - 5000-509117-6397-483200-405001

BACKGROUND/EXPLANATION:

The MOED has received a Grant Award for YO! PACT Evening Reporting Center professional services. Under the terms of this Grant Award, the MOED will provide services to males aged 14 - 17 years old who are on electronic monitoring/community detention, or who have been released to their parents while awaiting their court hearing. These services include programming with a focus on the needs of young men in the areas of mental health, education, social and career development.

The Grant Award is late because it was recently received from the grantor.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved acceptance of the Grant Award from the Governor's Office of Crime Control and Prevention.

MINUTES

Mayor's Office of Human Services - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an agreement with Marian House, Inc. The period of the agreement is September 1, 2016 through August 31, 2017.

AMOUNT OF MONEY AND SOURCE:

\$68,268.50 - 4000-407017-3573-758300-603051

BACKGROUND/EXPLANATION:

Marian House, Inc. will provide supportive services to 19 households. Under this project, Marian House, Inc. will provide case management services to women placed in its rental assistance program who are housed in scattered sites in Baltimore City. The adults participating in the project have histories that include any of the following: long-term chemical addiction, childhood abuse, sexual abuse, domestic violence, chronic mental illness, incarceration, and HIV/AIDS.

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

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

MINUTES

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

ACTION REQUESTED OF B/E:

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

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

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

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

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

MINUTES

PABC - cont'd

Location	Proposed Transient Rate Changes				Proposed Monthly Rate Changes
Baltimore Street Garage	Regular Transient Rates				Regular Monthly Rate
		Current Rate	Proposed Rate	Last Rate Change	No Proposed Changes
2 hour rate	\$12.00	\$13.00	August 2015		

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

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

ACTION REQUESTED OF B/E:

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

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

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

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

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

MINUTES

PABC - cont'd

Location	Proposed Transient Rate Changes				Proposed Monthly Rate Changes
Lexington Street Garage	Regular Transient Rates				Regular Monthly Rate
		Current Rate	Proposed Rate	Last Rate Change	No Proposed Changes
	4-24 hour rate	\$15.00	\$16.00	May 2011	

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

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

ACTION REQUESTED OF B/E:

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

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

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

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

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

MINUTES

PABC - cont'd

Location	Proposed Transient Rate Changes				Proposed Monthly Rate Changes
Caroline Street Garage	Regular Transient Rates				Regular Monthly Rate
		Current Rate	Proposed Rate	Last Rate Change	No Proposed Changes
	2 hour rate	\$ 8.00	\$ 9.00	September 2015	
	3 hour rate	\$ 9.00	\$10.00	September 2015	
	4 hour rate	\$10.00	\$11.00	September 2015	
	5 hour rate	\$11.00	\$12.00	September 2015	
	6-12 hour rate	\$14.00	\$15.00	September 2015	
13-24 hour rate	\$15.00	\$16.00	September 2015		

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

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

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 900 South East, LLC, Developer. The period of the agreement is effective upon Board approval and termination will be deemed in writing by the Department of Transportation.

AMOUNT OF MONEY AND SOURCE:

\$12,398.58 - 9950-905088-9512-000000-490375

BACKGROUND/EXPLANATION:

Baltimore City Ordinance 11-529, approved on May 9, 2012, determined that a Traffic Impact Study was required for the Development. The Developer proposes to perform the scope of work for the Saint Brigid Development at 900 S. East Avenue constructing 41 residential apartments with a total of 29,000 sq. ft. The Developer agrees to make a one-time contribution of \$12,398.58 to fund the City's multimodal transportation improvements in the projects vicinity.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Traffic Mitigation Agreement with 900 South East, LLC, Developer.

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 Kennedy Krieger Institute, Inc. The period of the agreement is effective upon Board approval and termination will be deemed in writing by the Department of Transportation.

AMOUNT OF MONEY AND SOURCE:

\$148,475.57 - 9950-909095-000000-490375

BACKGROUND/EXPLANATION:

Baltimore City Ordinance 11-529, approved on May 9, 2012, determined that a Traffic Impact Study was required. The Developer proposes to perform the scope of work for Kennedy Krieger Institute - Harry and Jeanette Weinberg Autism and Rehabilitation Center at 801 N. Broadway constructing a 109,500 sq. ft. Outpatient Medical Building. The Developer agrees to make a one-time contribution of \$148,475.57 to fund the City's multimodal transportation improvements in the projects vicinity.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Traffic Mitigation Agreement with Kennedy Krieger Institute, Inc.

MINUTESDepartment of Transportation - Employee Expense Reports

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

1. **DUWAN MORRIS** **\$146.02**

Account: 1001-000000-6971-605100-603002
June - August 2016 - Mileage

2. **MICHELLE WASHINGTON** **\$ 12.64**

Account: 1001-000000-6971-605100-603002
July 2016 - Mileage

The Department of Transportation Traffic Division, Pedestrian Safety Section received the employee reimbursement requests for mileage past the submission date to the Department of Finance.

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

The Department apologizes for the lateness of these requests.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved the mileage expense reports for the above listed employees.

MINUTES

TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

116 - 117

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

MINUTES

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Transportation</u>		
1. \$ 15,000.00	9950-906753-9507	9950-901763-9506
State Constr. Revenue	Constr. Reserve Unknown	Structural Repairs on Bridges Citywide
<p>This transfer will provide funds to cover the costs of prints and preliminary expenses and other related costs necessary to advertise Project TR 17007, Structural Repairs on Bridges Citywide.</p>		

Department of Housing and Community Development

2. \$1,500,000.00	9997-924986-9587	
Community Development Block Grant 42	Housing Repair Assistance - Reserve	
\$ 900,000.00	-----	9997-922003-9593
		Deferred Loan Program
<u>600,000.00</u>	-----	9997-910089-9593
\$1,500,000.00		Emergency Roof Repair Program

This transfer will provide community development block grant funds for the Housing Assistance's Deferred Loan and Emergency Roof Repair Programs.

3. \$ 350,000.00	9910-902985-9587	9910-901974-9587
UDAG	Housing Development Reserve - UDAG Loan Repayment Revenue	Baker's View Infrastructure - UDAG Loan Repayment Revenue

This transfer will provide appropriation to the Baker's View Project for the second phase of homeownership units in the Druid Heights neighborhood.

MINUTES

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Housing and Community Development</u>		
4. \$2,724,315.00	9910-902985-9587	9910-904326-9588
UDAG Loan Re-	Housing Development	Coldstream/Home-
payment Revenue	Reserve	stead/Montebello
		(CHM) - UDAG Loan
654,000.00	" "	" "
Other Fund		
Revenue		
<u>\$3,378,315.00</u>		

This transfer will provide appropriation to continue acquisition, relocation, demolition, and revitalization in the Coldstream/Homestead/Montebello neighborhood.

MINUTES

Office of the City Council - Government/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 Mr. Zeke Cohen, Councilman to solicit donations for area leaders and the general population to fund the S-Pass funding gap to ensure that Baltimore City school children have access to public transportation until 8pm. The period of the campaign is effective upon board approval through June 19, 2017.

AMOUNT OF MONEY AND SOURCE:

No general funds are involved in this transaction.

BACKGROUND/EXPLANATION:

Donations will be solicited from businesses, civic leaders, foundation communities, and general populations. 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 all other potential donors.

Due to a change in contractual obligation between the Maryland Transit Authority (MTA) and Baltimore City Public Schools, students once permitted free public transit use from 5am - 8pm are now limited to the hours of 5am - 6pm. Unfortunately, the reduction in available free public transportation reduces youth access to afterschool programs. During the public Youth and

MINUTESOffice of the City Council - cont'd

Education Hearing conducted January 5, 2017 at Frederick Douglass High School, after-school program providers, the school system, parents, students, and community members stated that the loss of transportation hours is a substantial detriment to Baltimore's youth. In an effort to promote well educated, well rounded students it is imperative that all students have access to enrichment programs, jobs, and other post school obligations. This mobility and access is crucial to the wellbeing of the students and the city at large.

The Baltimore City Public School System is severely budget constrained and the MTA has refused to cover the funding gap for S-Pass ridership through 8pm. Therefore, requiring fund raising efforts to cover the S-Pass funding gap is necessary.

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

MBE/WBE PARTICIPATION:

MBE/WBE is not applicable to the acceptance of grant awards.

UPON MOTION duly made and seconded, the Board **DEFERRED** this item for one week.

MINUTES

Mayor's office of Government Relations - Consultant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Consultant Agreement with Ms. Mary Pat Fannon. The period of the Consultant Agreement is January 11, 2017 through April 12, 2017.

AMOUNT OF MONEY AND SOURCE:

\$24,000.00 - 1001-000000-1250-775200-603018

BACKGROUND/EXPLANATION:

Ms. Fannon is knowledgeable of State and local legislative and fiscal matters. She will provide advice to the Mayor's Office of Governmental Relations in reference to the Maryland General Assembly's consideration and adoption of legislation impacting the interests of Baltimore City.

The Consultant Agreement is late because of negotiations over agreement terms.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Consultant Agreement with Ms. Mary Pat Fannon.

MINUTES

Department of Housing and Community Development - Maryland Energy Assistance Program Grant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Maryland Energy Assistance Program (MEAP) Grant Agreement with the Maryland Department of Housing and Community Development (MD-DHCD). The period of the Grant Agreement is effective upon Board approval through September 30, 2018.

AMOUNT OF MONEY AND SOURCE:

\$100,000.00 - 5000-585917-5971-439500-603051

BACKGROUND/EXPLANATION:

The MD-DHCD received MEAP funds from the Maryland Department of Human Resources, and is providing the City of Baltimore with \$100,000.00 to provide emergency heating system repair and replacement services to low-income families.

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 Maryland Energy Assistance Program Grant Agreement with the Maryland Department of Housing and Community Development.

MINUTES

Department of Housing and - Sub-Grant Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Sub-Grant Agreement with the Housing Authority of Baltimore City (HABC). The period of the Sub-Grant Agreement is effective upon Board approval through June 30, 2018.

AMOUNT OF MONEY AND SOURCE:

\$135,000.00 - 9910-906117-9588

BACKGROUND/EXPLANATION:

In Fiscal Year 2015, the State of Maryland awarded the Department of Housing and Community Development (DHCD) \$2,500,000.00 in Strategic Demolition and Smart Growth Impact Funds.

On June 17, 2015, the Board approved a Grant Agreement with the Maryland Department of Housing and Community Development to make the funds available. On September 28, 2016, the Board approved a Modification to the Grant Agreement enabling the DHCD to make the grant funds available to other qualified organizations. The DHCD is providing the HABC with \$135,000.00 to support the Barclay Redevelopment initiative. The HABC will in turn provide funds to Telesis Barclay, the master developer, who will demolish 310 East 20th Street and 2023 Guilford Avenue as part of a larger effort to develop new homeownership units.

MBE/WBE PARTICIPATION:

The Housing Authority of Baltimore City has signed a Commitment to Comply with the City's Minority and Women's Business Enterprise Program of the City of Baltimore.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTES

Department of Housing and - cont'd
Community Development

TRANSFER OF FUNDS

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
1.	\$135,000.00	9910-922012-9587	9910-906117-9588
	State Revenue	Whole Block Demolition	Telesis - Barclay

The funds will be utilized for the demolition of two properties as part of the next phase of homeownership for the Barclay redevelopment effort.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Sub-Grant Agreement with the Housing Authority of Baltimore City. 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

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 Mother Seton Academy, Developer, for the sale of the City-owned lots located at 2200 - 2206 Boone Street.

AMOUNT OF MONEY AND SOURCE:

\$1,000.00 - 2200 Boone Street
 1,000.00 - 2202 Boone Street
 1,000.00 - 2204 Boone Street
 1,000.00 - 2206 Boone Street
\$4,000.00 - Purchase price

BACKGROUND/EXPLANATION:

The Developer intends to maintain the lots initially as public green space and later build a gymnasium on the property to be used by the students. The Developer currently owns 2215 Greenmount Avenue which is behind the subject lots and located in the neighborhood. The purchase of the property will be financed with private funds.

The journalization for 2200 Boone Street is pending, 2202 Boone Street was journalized and approved on May 7, 2016, 2204 Boone Street was journalized and approved on June 11, 2015, and 2206 Boone Street was condemned on May 10, 2013.

STATEMENT OF PURPOSE AND RATIONALE FOR SALE AT THE ASSESSED VALUE:

Each of the four lots is valued at \$1,000.00 each. Pursuant to the Baltimore City Appraisal Policy, properties/lots assessed below \$2,500.00 by the State Department of Assessments and Taxation do not have to be appraised for value. As such, appraisals are not necessary for these properties.

MINUTES

DHCD - cont'd

MBE/WBE PARTICIPATION:

The Developer will purchase the lots 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 Mother Seton Academy, Developer, for the sale of the City-owned lots located at 2200 - 2206 Boone Street.

MINUTES

Department of Housing and - Grant Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Grant Agreement with Healthy Neighborhoods, Inc. (HNI). The period of the Grant Agreement is effective upon Board approval for 24 months.

AMOUNT OF MONEY AND SOURCE:

\$ 550,000.00	-	FY16 General Funds
500,000.00	-	FY17 General Funds
50,000.00	-	FY17 GO Bonds
\$1,100,000.00	-	9910-9588-906015

BACKGROUND/EXPLANATION:

The HNI was established in 2004 to help strong, but undervalued, neighborhoods increase home values with marketing campaigns that attract buyers, create resources and incentives to improve properties and help neighborhood organizations build capacity. The HNI currently works in more than 40 middle-market neighborhoods, as defined by the Housing Market Typology, where housing values have increased by 10% when compared to similar communities not identified as an HNI target area.

City funds enable the HNI to provide grants to neighborhood groups who work with residents and community associations to create marketing campaigns, identify block projects, and undertake planning efforts. The funds are also used to provide architectural services to homeowners who make home improvements using an HNI loan product and to support the staff who manages the HNI's loan program.

MINUTES

DHCD - cont'd

The HNI has invested over \$146,000,000.00 in its target neighborhoods, rehabilitated and sold over 200 vacant buildings, and funded over 270 neighborhood block improvement projects since it was founded. Over ten banks, foundations, and financial institutions have contributed to an approximately \$70,000,000.00 loan pool used for acquisition/rehabilitation, refinance/rehabilitation, or home improvement loans.

MBE/WBE PARTICIPATION:

Healthy Neighborhoods, Inc. has signed the Commitment to Comply with the Minority and Women's Business Enterprise Program of the City of Baltimore

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 850,000.00	9910-902935-9587	9910-906015-9588
General Funds	Healthy Neighbor-	Healthy Neighbor-
	hoods	hoods Operating
250,000.00	" "	" "
31 st Community		
Development		
Bonds		
<u>\$1,100,000.00</u>		

MINUTES

DHCD - cont'd

The funds will be used by Healthy Neighborhoods, Inc. in its Operating account to carry out activities with various groups associated with Healthy Neighborhoods, Inc.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Grant Agreement with Healthy Neighborhoods, Inc. 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

Health Department - Employee Expense Statement

ACTION REQUESTED OF B/E:

The Board is requested to approve an Employee Expense Statement to reimburse Ms. Drue Hodgetts for mileage expenses incurred during the month of August 2016.

AMOUNT OF MONEY AND SOURCE:

\$15.00 - 1001-000000-3100-295900-603003
.27 - 1001-000000-3100-295900-603002
\$15.27

BACKGROUND/EXPLANATION:

Ms. Hodgetts' expense statement was not processed in a timely manner because she misunderstood her supervisor's directive and held her expense statement beyond the 40 workday period.

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

The Department apologizes for the lateness.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

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

The Board is requested to approve and authorize the purchase of gift cards for distribution to clients that participate in program activities.

AMOUNT OF MONEY AND SOURCE:

\$ 3,250.00	- 100 Walmart/Sam's Club cards @ \$20.00 ea.
	50 Walmart/Sam's Club cards @ \$25.00 ea.
	Account No.: 6000-630717-3030-279200-604051
4,000.00	- 200 Target cards @ \$20.00 ea.
	Account No.: 6000-630717-3030-279200-604051
2,000.00	- 200 Target cards @ \$10.00 ea.
	Account No.: 6000-630717-3030-279200-604051
1,780.00	- 178 Target cards @ \$10.00 ea.
	Account No.: 4000-426617-3080-294300-604051
3,000.00	- 60 Shoppers cards @ \$50.00 ea.
(150.00)	Discount
<u>2,850.00</u>	Account No.: 6000-630717-3030-279200-604051
3,000.00	- 60 Walmart/Sam's Club cards @ \$50.00 ea.
	Account No.: 6000-630717-3030-279200-604051
2,000.00	- 80 Walmart/Sam's Club cards @ \$25.00 ea.
	Account No.: 4000-480617-3080-279200-603051
<u>3,000.00</u>	- 150 Walmart/Sam's Club cards @ \$20.00 ea.
	Account No.: 6000-630717-3030-279200-604051
\$21,880.00	

MINUTES

Health Department - cont'd

BACKGROUND/EXPLANATION:

The Adolescent & Reproductive Health program runs several successful community outreach programs through its Health Education and Outreach components. The Abstinence, Personal Responsibility and Education and Teen Pregnancy Prevention Programs are charged with decreasing the teen birth rate among teenagers in Baltimore City. All programs are responsible for recruiting clients for the clinic and implementing two community-based programs. Recruitment for clients consists of "in-reach" activities such as snacks for client appreciation events, which are purchased by staff utilizing the Sam's Club/Walmart cards for clients for the successful "Bring a Friend" campaign.

Incentives for the community-based programs include Sam's Club/Walmart gift cards for client participation in activities, and snacks purchased by staff for group sessions (Sam's Club/Walmart, Target, and Shoppers cards). An estimated 1,000 adolescents and adults are expected to benefit from the clinic activities and incentives; Sam's Club/Walmart and Shoppers cards will be used to purchase food by the staff. Along with Sam's Club/Walmart cards, Target cards will be provided to program participants based upon attendance. A total of 90 adolescents and their parents are expected to benefit from the program activities and incentives.

Ms. Daphne Hicks, Health Program Administrator, will be responsible for managing the clinic gift cards. Ms. Tonya Johnson, Health Education Supervisor, Mses. Vira David-Rivera and Denise Parker, Health Program Administrators, will be responsible for managing outreach gift cards. Each manager will maintain appropriate accounting records, as stipulated by the Department's audit division, and have had successful audits as documented in the submitted report. They will ensure that the Department's gift card policy is strictly adhered to.

MINUTESHealth Department - cont'd

The vendors, Sam's Club/Walmart, Target, and Shoppers gift cards were recommended by the program participants. The use of gift cards allows the programs to maximize their funds while meeting the needs of the clients/participants.

The Health Department adopted a consolidated policy for the purchase, distribution, and documentation of all incentive cards. The central tenets of this policy account for: 1) a single means of procuring all incentive cards through the Board of Estimates, 2) the documentation of each incentive card and its recipient, 3) a monthly reconciliation for all purchases that account for all distributed and non-distributed cards, and 4) periodic internal reviews of programs' activity vis-à-vis the internal policy, which are to be shared with the Department of Audits.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized the purchase of gift cards for distribution to clients that participate in program activities.

MINUTESHealth Department - Agreements and Amendments to Agreement

The Board is requested to approve and authorize execution of the Agreements and Amendment to Agreement and to ratify an agreement and amendment to agreement.

AGREEMENTS

1. **DEPARTMENT OF RECREATION AND PARKS** **\$33,000.00**

Account: 4000-433517-3024-761417-603051

This agreement will allow the Department to provide senior center services to older adults residing in the Cherry Hill and neighboring communities of Baltimore City. The Department will provide adults 60 and older in the Cherry Hill Community with recreational programming two days per week under the mandates of the Older Americans Act. The services will be held at the Middle Branch Rowing Facility located at 3301 Waterview Avenue. The period of the agreement is October 1, 2016 through September 30, 2017.

The agreement is late because it was recently completed.

2. **ACTION IN MATURITY, INC.** **\$26,326.00**

Account: 4000-433517-3024-761405-603051

The organization will serve as the community focal point for seniors and their caregivers. The services provided will include, but are not limited to social, recreational, and educational programs, information and assistance, outreach, wellness and transportation. The period of the agreement is October 1, 2016 through September 30, 2017.

The agreement is late because the Department was waiting on finalization of budget and signatures from the provider.

MINUTES

Health Department - cont'd

3. **CIVIC WORKS, INC.** **\$10,000.00**

Account: 2026-000000-3041-783500-603051

The Department received funds from the Casino Impact Area Grant to address access to healthy foods in Baltimore City through the South Baltimore Gateway Food Access Mini-Grant.

The organization will serve the population in the South Baltimore Gateway area and wants to address healthy food access issues. The organization will increase the number of farmers markets in targeted southwest areas of Baltimore City and improve access to fresh, healthy, locally grown produce in targeted southwest areas of Baltimore City. The organization will also increase jobs at farmers markets for residents in the west/southwest area of Baltimore City. The period of the agreement is July 1, 2016 through June 30, 2017.

The agreement is late because budget revisions delayed processing.

4. **THE BAR ASSOCIATION OF BALTIMORE CITY** **\$74,408.00**

Account: 4000-433517-3024-761412-603051

The organization will provide free legal assistance in general civil matters to Baltimore City residents age 60 and over. In addition to legal representation services, the program will also provide outreach and education services regarding matters typically of concern and interest to seniors. The period of the agreement is October 1, 2016 through September 30, 2017.

The agreement is late because the Department was waiting on finalization of the budget and signatures from the provider.

MWBOO GRANTED A WAIVER.

MINUTES

Health Department - cont'd

5. **UNIVERSITY OF MARYLAND, BALTIMORE COUNTY (UMBC)** **\$44,271.00**

Account: 1001-000000-3150-790400-603051

The Department's Office of Public Health Preparedness and Response (OPHPR) has worked with UMBC's Emergency Health Services (EHS) Program through graduate student internships and advising on health hazard vulnerability assessments. The UMBC's EHS program focus on emergency medical services and disaster health services matches with the mission of the OPHPR to prepare for and respond to public health emergencies.

UMBC's EHS will provide the services of a UMBC EHS Professional, with involvement of the UMBC Project Advisor, to assist in advancing the Department's public health emergency response capability. The UMBC EHS will develop reference materials, checklists, and protocols that improve public health preparedness, developing and implement Zika response activities, conducting weather and biosurveillance activities, and other preparedness and response initiatives under the direction of the Department's OPHPR Director. The period of the agreement is December 1, 2016 through June 30, 2017.

The agreement is late because revisions delayed the processing.

6. **JOHNS HOPKINS UNIVERSITY BLOOMBERG SCHOOL OF PUBLIC HEALTH** **\$0.00**

The Department conducts investigations involving epidemiological activities for infectious or contagious diseases believed to endanger public health. The Department has various programs within the Division of Population

MINUTES

Health Department - cont'd

Health and Disease Prevention that involve epidemiologic activities.

The organization is a private, non-profit university academic center that promotes the overall health of the community and has expertise in the areas of epidemiologic and data analyses taught to the organization's students.

The purpose of this agreement is for students to gain public health experience with the Department by participating in the Surveillance and Outbreak Response Team (SORT). Student participants in SORT will conduct activities under the guidance of the Department staff, including the epidemiologist in the Division. The agreement is effective upon Board approval for one year, unless terminated earlier according to the terms of this agreement.

AMENDMENT TO AGREEMENT

7. **ASSOCIATED BLACK CHARITIES, INC. (ABC) \$105,000.00**

Account: 4000-427716-3023-273033-603051

On October 5, 2016, the Board approved an amendment to agreement with ABC, which increased the contract amount by \$6,267,249.00 for the period of March 1, 2016 through February 28, 2017, which made the total amount of the contract \$13,665,707.00.

On November 2, 2016, the Board approved the revised Notice of Award for HIV Emergency Relief Project Grants for carryover of an unobligated balance in the amount of \$169,106.00 into the current budget period of March 1, 2016 through February 28, 2017.

MINUTESHealth Department - cont'd

This second amendment will increase the amount of funds by \$105,000.00 for the Ryan White Part A services for a total contract amount of \$13,770,707.00.

This will allow ABC to reimburse the Ryan White Part A direct service providers for additional services.

RATIFICATION OF AGREEMENT AND AMENDMENT TO AGREEMENT

8. **THE JOHNS HOPKINS UNIVERSITY** **\$743,035.00**

Account: 4000-499016-3023-513200-603051

The organization provided HIV counseling, testing and referral (CTR) services to high risk clients, and addressed ways to improve the quality and provision of HIV counseling and testing. HIV CTR services ensured that counseling and testing results were confidential. It also provided responsive HIV services and information to clients regardless of whether prevention counseling was provided, and adhered to local, state, and federal regulations and policies that govern provision of HIV services. The period of the agreement was January 1, 2016 through December 31, 2016.

The agreement is late because of a prolonged negotiation process in reaching an acceptable budget and scope of work.

AUDITS REVIEWED (EXCEPT FOR ITEM NO. 6) AND HAD NO OBJECTION.

9. **UNIVERSITY OF MARYLAND, BALTIMORE** **\$ 0.00**

On June 1, 2016, the Board approved the original agreement with the organization in the amount of \$11,000.00 for the period of February 1, 2016 through June 30, 2016.

MINUTESHealth Department - cont'd

The organization was unable to complete its deliverables and requested a no-cost extension. The agreement was amended to the period of February 1, 2016 through December 31, 2016.

Approval of the ratification of the amendment will allow the organizations, School of Social Work to complete all program deliverables. All other terms and conditions remain the same.

AUDITS NOTED THE TIME EXTENSION.**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Agreements and Amendment to Agreement and ratified the Agreement and Amendment to Agreement. The Comptroller **ABSTAINED** on item no. 7.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Partial Release of Retainage Agreement with Monumental Paving and Excavating, Inc., Contractor.

AMOUNT OF MONEY AND SOURCE:

\$476,798.21 - 9960-905659-9557-000000-200001

BACKGROUND/EXPLANATION:

As of September 23, 2016, Monumental Paving and Excavating, Inc. has completed 100% of all work for WC 1260, Edmondson Village Neighborhood & Vicinity Water Main Replacements. The contractor has requested a partial release of retainage in the amount of \$476,798.21. Currently, the City is holding \$681,140.30 in retainage for the referenced project and the contractor is requesting to reduce the amount of retainage to \$204,342.09. The remaining \$204,342.09 is sufficient to protect the interest of the City.

MWBOO APPROVED THE RELEASE OF RETAINAGE.

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 Partial Release of Retainage Agreement with Monumental Paving and Excavating, Inc., Contractor.

MINUTES

Department of Public Works/Office - Amendment No. 1 to Agreement of Engineering and Construction

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Amendment No. 1 to Agreement with Whitman Requardt & Associates & Gannett Flemming JV under Project 1403, On-Call Project and Construction Management Assistance Services. The amendment extends the period of the agreement through May 18, 2018.

AMOUNT OF MONEY AND SOURCE:

No funds are required at this time.

BACKGROUND/EXPLANATION:

On May 14, 2014, the Board approved an agreement with Whitman Requardt & Associates & Gannett Flemming JV for On-Call Project & Construction Management Assistance Services for the Department of Public Works, Office of Engineering and Construction. The current expiration date is May 13, 2017.

This amendment will increase the duration time of the contract by one year for a total contract duration time of four years. This amendment is within the original scope of work and was requested by the Agency. All other terms and conditions of the original agreement remain unchanged.

MBE/WBE PARTICIPATION:

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

AUDITS NOTED THE TIME EXTENSION AND WILL REVIEW TASK ASSIGNMENTS.

MINUTES

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

UPON MOTION duly made and seconded, the Board approved and authorized execution the Amendment No. 1 to Agreement with Whitman Requardt & Associates & Gannett Flemming JV under Project 1403, On-Call Project and Construction Management Assistance Services.

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 RJN Group, Inc. The amendment will extend the agreement through March 14, 2018.

AMOUNT OF MONEY AND SOURCE:

\$0.00

BACKGROUND/EXPLANATION:

The RJN Group, Inc. was awarded Project 1163, Rainfall and Flow Monitoring Services for Sanitary Sewer System in March 2012. The RJN Group, Inc. provided flow, rainfall, and groundwater monitoring services and performed an evaluation of the City's existing billing flume network. The project was for a period of five years ending March 2017.

Under this amendment, RJN Group, Inc. will continue to provide flow, rainfall, and groundwater monitoring services, and additionally provide engineering services support and use of Slicer RTK automated solver with existing Baltimore City wastewater flow data. The City is required under the Consent Decree to monitor flow and rainfall prior to and following completion of any sanitary sewer construction projects to ascertain the effectiveness of the construction project. Therefore, the program needs to be extended.

MBE/WBE PARTICIPATION:

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

MINUTES

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

APPROVED FOR FUNDS BY FINANCE

AUDITS NOTED THE TIME EXTENSION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 2 to Agreement with RJN Group, Inc.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases - cont'd

7. <u>TRIFLOW CORPORATION</u>	<u>\$80,249.00</u>	<u>Sole Source</u>
Solicitation No. 08000 - Steam Plugs - Department of Public Works - Req. No. R750417		

The agency requires OEM Steam Plugs for Hydro-Thermal Direct Steam Injection Heaters. The vendor is the manufacturer's exclusive distributor of the product in the State of Maryland. This is a one-time procurement. 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 practical to obtain competitive bids. Therefore, pursuant to Article VI, Section 11 (e)(i) of the City Charter, the procurement of the equipment and/or service is recommended.

MBE/WBE PARTICIPATION:

Not applicable. These commodities are only available from the vendor, and are not available from subcontractors.

8. <u>ENNIS PAINT, INC.</u>	<u>\$20,000.00</u>	<u>Renewal</u>
Contract No. B50002712 - Glass Beads Used in Traffic Paint - Department of Transportation - P.O. No. P531109		

On February 6, 2013, the Board approved the initial award in the amount of \$77,250.00. The award contained four 1-year renewal options. Three renewal options have been exercised. This final renewal in the amount of \$20,000.00 is for the period February 6, 2017 through February 5, 2018. The above amount is the City's estimated requirement.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases - cont'd

MBE/WBE PARTICIPATION:

On November 13, 2012, MWBOO determined that no goals would be set because of no opportunity to segment the contract. This contract is for the purchase of Glass Beads. No services are being provided under this contract.

MWBOO GRANTED A WAIVER.

- | | | |
|---|-------------|----------|
| 9. SAMUEL TRUCKING, INC. | \$50,000.00 | Increase |
| Contract No. 06000 - Grit and Debris Hauling from Back River Waste Water Treatment Plant - Department of Public Works, P.O. No. P534743 | | |

On March 9, 2016, the City Purchasing Agent approved the initial award in the amount of \$20,000.00. The award contained three 1-year renewal options. This increase in the amount of \$50,000.00 is necessary to continue the removal of hazardous waste materials and transport in sealed trucks as mandated by Maryland Environmental Regulations. These services are urgently required and the vendor was the only one available on an emergency basis. At the expiration of the current contract, the requirements will be advertised for competitive bidding. This increase will make the award amount \$70,000.00. The contract expires on March 8, 2017, with three 1-year renewal options 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 practical to obtain competitive bids. Therefore, pursuant to Article VI, Section 11 (e)(i) of the City Charter, the procurement of the equipment and/or service is recommended.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases - cont'd

MBE/WBE PARTICIPATION:

Not applicable. The initial award was below MBE/WBE subcontracting threshold of \$50,000.00. The contractor, Samuel Trucking, Inc. is a City certified MBE.

10. TOTAL ENVIRONMENTAL

CONCEPTS, INC.	\$2,000,000.00	Increase
Contract No. B50003879 - Major Repairs, Upgrades and Replacement of Fuel Tanks - Department of General Services - P.O. No. P530424		

On March 11, 2015, the Board approved the initial award in the amount of \$1,000,000.00. The award contained one 2-year renewal option. This increase in the amount of \$2,000,000.00 is necessary to fund the repairs and upgrades of additional tanks during the remainder of the contract term. This increase will make the award amount \$3,000,000.00. The contract expires on March 10, 2018, with one 2-year renewal option remaining.

MWBOO SET GOALS OF 3% MBE AND 2% WBE.

MBE: Cenken Group, LLC	1%	\$ 11,843.92	1.5%
Chevy Chase Contractors, Inc.	1%	70,009.00	8.7%
Machado Construction Co. Inc.	1%	74,968.019	.4%
	3%	\$156,820.93	19.6%
WBE: A2Z Environmental Group, LLC	1.25%	\$ 26,269.25	3.3%
Bay Associates Environmental Inc.	0.75%	133,839.47	16.7%
	2.00%	\$160,108.72	20%

MWBOO FOUND VENDOR IN COMPLIANCE.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases - cont'd

11. C AND D MUNICIPAL

SALES, INC.	\$ 10,000.00	Extension
Contract No. 08000 - Submersible Flowserve Pumps - Department of Public Works - Wastewater Maintenance Division - P.O. No. P526082		

On January 15, 2014, the Board approved the initial award in the amount of \$40,000.00. The award contained two renewal options. Both renewals have been exercised. An extension is requested to procure the necessary pumps, parts and supplies for the Department of Public Works Wastewater Facilities until a new contract has been awarded. This was originally advertised as a Notice of Intent to Waive Competition B50003313, but no responses were received. The period of the extension is January 17, 2017 through May 16, 2017, with no renewal options. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

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

UPON MOTION duly made and seconded, the Board approved the foregoing informal awards, renewals, increases to contracts, and extensions.

MINUTES

Department of Audits - Audit Report and Related Audit Digest

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

1. Performance Audit Report Department of Public Works for the period from July 1, 2013 through June 30, 2015.

President: "The first item on the non-routine agenda can be found on page 49, the Department of Audits, Audit Report and Related Audit Digest. Will the parties please come forward?"

Mr. McCarty: "Good morning Mr. President."

President: "Good morning."

Mr. McCarty: "Members of the Board. I'm Bob McCarty, City Auditor. The Department of Audits has conducted a performance audit of the Department of Public Works. As a result of our audit, we noted five areas where the effectiveness of the control procedures could be improved. Finding No. 1: DPW did not meet its targets for the number of rat burrows baited during fiscal years 14 and 15. The number of burrows baited during fiscal year 14 were 54,696 compared to the target of 60,000 and the reported number of rat burrows baited during fiscal year 2015 was 49,839 compared to a target of 100,000. However,

MINUTES

because of missing data and discrepancies to support the actual reported amounts, we could not determine whether the reported performance amounts were accurate. According to DPW, the reported number of rat burrows baited is based on reports generated for CitiStat, from information obtained from the Daily Treatment Worksheets. However, we found many discrepancies between the information on the Daily Treatment Worksheets and on the reports generated for CitiStat. We believe that the discrepancies between the number of rat burrows baited as recorded on the Daily Treatment Worksheets and those recorded in the Customer Service Report or CSR system and on the CitiStat Reports, occurred because there was no reconciliations performed. Also, we were told that a Superintendent reviews and approves all Daily Treatment Worksheets, but there was no sign-off or other evidence of any reviews or approvals. We recommend that DPW establish procedures to document supervisory reviews and approvals of information contained on the Daily Treatment Worksheets and performs reconciliations to the information

MINUTES

recorded and reported in the CSR system, the CitiStat reports, and all applicable payroll recommenda -- all applicable payroll information. We also recommend that, in accordance with the Administrative Manual, which is Section AM-502-1, DPW establish or improve its policies and procedures to adequately maintain its records. Um -- the agency's response. Uh -- the Bureau of Solid Waste stated that its Standards Operating Procedures do reflect adherence to the Administrative Manual, but the Bureau agrees that there should be a clear trail from the Daily Treatment Worksheets, the CSR system, the CitiStat reports, and applicable payroll records. Supervisory documentation review and reconciliation of key information occurs, but DPW agrees that such chains of custody need to be strengthened and documented. The Bureau stated that it aims to establish technology, which will enable the electronic recording of such work in real time and fully verify the work performed. Find -- excuse me, Finding No. 2: Parts 2 and 3 of the Inspection and Follow-Up Action Checklist for Detecting and Preventing Rats, a form which is used by inspectors to record a number of rat burrows found and

MINUTES

baited, were rarely completed by the inspectors for the four weeks we tested. We believe that the checklists included in Part 2 and 3 were designed to assist in providing information to enhance proactive and preventive rat control measures. However, for the four weeks we tested most of the forms that we reviewed were either marked N/A or left blank. The Bureau of Solid Waste's procedures did not -- do not address the checklist and did not include specific instructions for its completion. We recommend that the Bureau of Solid Waste's Procedures be expanded to address the checklist and that Inspectors be given adequate guidance, direction, and training on completing the inspection form. As part of its review and approval process, supervisors should also sign-off to verify that the inspection form is properly completed. Uh -- the agency's response: uh -- DPW stated that it agrees that its procedures should be expanded to address when the checklist should be completed including specific instructions for completing the form and that supervisors verify that inspection form is properly completed. Finding No. 3: DPW did meet its target -- I'm sorry excuse me, DPW

MINUTES

did not meet its targets for the tonnage collected for household recycling for fiscal years 14 and 15. For fiscal year 14, the reported tonnage for household recycling was 26,083 tons, compared to the target of 32 (sic - 32,000) tons. For fiscal year 2015, the reported tonnage for household recycling was 27,914 tons, compared to a target of 34,000 tons. The reported tonnage collected, however, was overstated because it included items that are not considered to be household recycling, such as recycling from schools, libraries, and large businesses. We recommend that DPW should review its performance measures included in the Agency Detail Budget (sic - Board) of Estimates Recommendations, which is the Budget Book, to ensure that reported amounts are consistent with the established performance measures. We also recommend that DPW review future performance measures to determine whether these targets require revision based on past actual amounts. Before changing any of its future performance measures, however, DPW should follow the procedures established by the Department of Finance for the review and approval of performance measures. Agency's response: DPW

MINUTES

stated that it did not meet its recycling target for fiscal years 2014 and 2015, but they dispute the finding that the tonnage was overstated because it included items that are not considered to be household recycling, and stated that household recycling does not exist. Recycling is based on materials collected regardless of its source. DPW recommended that Household Recycling be replaced in the Budget Book by Single -- Single Stream Recycling to more accurately reflect the true nature of the recycling collected. DPW stated that it agrees that it should review future performance measures to determine whether those targets require revision based on past actual amounts and should such revisions be determined, DPW will follow the procedures established by the Department of Finance for approval of any suggested changes. Our comments to this was that um -- that while DPW agrees that it did not meet its targets and DPW disputes that the recycling tonnage -- tonnage was overstated, um -- we basically stated that we -- during our audit, we just used the performance measure targets included in the Budget Book and which were for tonnage collected from only

MINUTES

household recycling. Finding No. 4: We are unable to verify the accuracy of reported amounts of recycling tonnage collected. We were not given their recycling tickets that we requested for testing. For fiscal year 14, we requested truck tickets from the Southeast quadrant. However, we were told that the warehouse that stored those tickets was broken into and the tickets were missing. Instead, we were given the truck tickets for the Northwest and Southwest quadrants. Also for fiscal year 15, we requested truck tickets for the Southwest quadrant. However, we were given the truck tickets for the Northwest quadrant. Although the tickets that we were given were not the sample quadrants that we requested for testing, testing -- these truck tickets did support the reported amounts for recycling tonnage collected. At our Exit Conference, DPW furnished us with the fiscal year -- the proper fiscal year 2015 truck tickets that we selected for our audit and the tickets that DPW furnished supported the reported amounts for their recycling tonnage. We recommend in accordance with the Administrative Manual, that DPW establish procedures to maintain its' um -- supporting records

MINUTES

and DPW agreed in their response. Finding 5: DPW did not meet its targets for the linear feet of water distribution system rehabbed or replaced for fiscal years 14 and 15. Also we could not verify the reliability of the reported linear -- linear feet of water distribution system rehabbed or replaced in fiscal year 4 because the supporting documentation for those amounts were not available. For fiscal year 14, the reported amount of linear feet of water distribution system rehabbed or replaced was 60,303 compared to a target of 145,125 linear feet. For fiscal year 15, the reported amount of linear feet for water distribution system rehabbed or replaced was 83,965 compared to the target of 146,028 linear feet. We recommend that DPW review its performance measures included in the Budget Book and determine the steps necessary to improve actual performance so that the targets can be met. We also recommend that DPW review future performance measures to determine whether these targets require revisions based on past actual amounts. Before changing any future performance measures again, DPW should follow the procedures established by the Department of Finance.

MINUTES

We also recommend, in accordance with the City's Administrative Manual, that DPW establish procedures to properly maintain its records. Agency response: DPW stated that on the revised target -- targets for 14 and 15, DPW not only -- I'm sorry, I'm going start over. DPW stated that using the revised targets for 14 and 15, DPW not only met its targets, but exceeded them in both fiscal years. The discrepancies between the auditor's baseline targets, which they took from the Budget Book, and DPW's revised targets, is due to the fact that the revised figures were not updated in the budget book. And we used the performance measures in the Budget Book in our analysis and we saw no evidence that Finance was informed of any changes proposed by DPW."

Comptroller: "Okay --"

President: "Uh -- the Chair recognizes uh -- Comptroller Pratt."

Comptroller: "I have three questions. In Finding No. 2, um -- it states that the Bureau aims to establish technology which

MINUTES

will enable the electronic recording of such work in real time and fully verify work performed. And my question is, when will the new technology be implemented?"

Ms. Ukwuoma: "We are looking at --"

Comptroller: "State your name first."

Ms. Ukwuoma: "My name is Valentina Ukwuoma. I am the head of the Bureau of Solid Waste, Department of Public Works. Uh -- we are actually looking at different um -- processes now, tech -- technologies and um -- tablets. So, we are hoping um -- sometime before the end of fiscal year um -- F 16 or early F 18 to be able to recommend something."

Comptroller: "Fiscal year what?"

Ms. Ukwuoma: "End of this fiscal year."

Comptroller: "2017."

Ms. Ukwuoma: "Yes, or early --"

Comptroller: "You said 2016."

Ms. Ukwuoma: "Yes, or early F 18 to recommend something."

MINUTES

Comptroller: "Okay. So, can you uh -- report back to the Board be -- uh -- prior to June 30th where you are in this process?"

Ms. Ukwuoma: "Yes Madam."

Comptroller: "Okay. Another question I have um -- Finding No. 3 on Page 8, um -- it says that ah -- you -- my question is, that you agreed that the Bureau of Solid Waste standard operating procedure should be expanded to address when and under what conditions the inspection and follow-up checklist for detecting and preventing rats um -- Parts 2 and 3 should be completed, including specific instructions for completing the form. My question, 'is when will your updated procedures be in place?'"

Ms. Ukwuoma: "We actually -- we actually have done that Ma'am, and we then we started the training January 9, 2017."

Comptroller: "Okay great. And my last question is, finding no. 4 on Page 12. Ah -- DPW agrees with their recommendation that in accordance with the Baltimore City's Administrative Manual, DPW will establish procedures to adequately maintain records. And my

MINUTES

question is, when will you record retention policies -- when will your ah -- your record retention policies be updated?"

Ms. Ukwuoma: "Um -- we should be able to have that too by June 30th."

Comptroller: "By when?"

Ms. Ukwuoma: "June 30th, ah -- for ah -- for this year."

Comptroller: "So, the end of the fiscal year?"

Ms. Ukwuoma: "Yes Ma'am."

Comptroller: "Okay. So, you'll report to the Board back on Finding 2 and 4 uh -- no later than June 30th."

Ms. Ukwuoma: "Yes Ma'am."

Comptroller: "2017? Okay. Thank you."

President: "Madam Mayor."

Mayor: "Thank you uh -- Mr. President and Comptroller. Uh -- I also took time to really take a look at this particular audit, because one of the things that we really want to do is create the transparency. The other issue is around the technology. We need to get that put in place immediately. Because we don't want to establish goals that we can't meet and you know, I need

MINUTES

us to really take a close look at the recommendations, and I would like to also know when those -- the recommendations that you made um -- we want to know when they are implemented and that needs to reported to the Board, as well. Thank you."

President: "Thank you. Any more questions? Uh -- the Audit has been NOTED."

* * * * *

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:

164 - 171

to the low bidders meeting the specifications,

or rejected bids on those as indicated

for the reasons stated.

The Transfers of Funds were approved

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having reported favorably

thereon, as required by the provisions

of the City Charter.

Item Nos. 8, 9, 10, and 11 were **DEFERRED** one week.

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

- | | | | |
|----|---|------------------------------------|---------------|
| 1. | B50004784, Cutaway
Vans with a Dry
Freight Body | Bayshore Ford Truck
Sales, Inc. | \$ 129,132.00 |
|----|---|------------------------------------|---------------|

(Dept. of General Services - Fleet)

MWBOO GRANTED A WAIVER.

- | | | | |
|----|---|---|----------------|
| 2. | B50004585, 911
Customer Premise
Equipment (CPE)
System | Carousel Industries,
of North America,
Inc. | \$4,775,004.15 |
|----|---|---|----------------|

(BCFD, BCPD, MOEM, MOIT)

MWBOO GRANTED A WAIVER.

Initially, no goals were set as the hardware, software, and service are proprietary and require certification by Airbus; however, the vendor has identified the following MBE subcontractor who is able to provide assistance on the initial implementation, and for whom the vendor has agreed to provide sponsorship for a technician to obtain Airbus certification. Additional participation would be available for the long-term support over a ten-year period, contingent upon the subcontractor's technician obtaining the certification.

MBE: Brown's Enterprises, Inc. 8% of Implementation

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases

- 3. B50004788, Suspension and Spring Repairs

REJECTION - Vendors were solicited by posting on CitiBuy, e-Maryland Marketplace, and in local newspapers. After bids were reviewed, it was determined that it would be in the City's best interest to reject all bids. The requirement will be revised and re-bid at a later date.

(Dept. of General Services - Fleet Management)

Department of Transportation

- 4. TR 13015, Fells Point Broadway Square Renovations Civil Construction, LLC \$2,974,821.70

MBE:	Priority Construction Corporation	\$ 780,000.00	26.22%
WBE:	Rowen Concrete, Inc.	\$ 81,000.00	2.72%
	Acorn Supply & Distributing, Inc.	73,000.00	2.45%
	Native Terrain Restoration Services, Inc.	100,000.00	3.36%
	Barbies Recycling & Hauling, Inc.	45,000.00	1.51%
		\$ 299,000.00	10.04%

MWBOO FOUND VENDOR IN COMPLIANCE.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation

5. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$2,025,000.00	9950-931013-9528	
GF (HUR)	Constr. Reserve	
	Broadway Square	
\$1,433,070.26	-----	9950-904393-9527-6
		Structural &
		Improvements
446,223.26	-----	9950-904393-9527-5
		Inspection
145,706.48	-----	9950-904393-9527-2
<u>\$2,025,000.00</u>		Contingencies
		Broadway Square Re-
		novation

This transfer will partially fund the costs associated with Award of TR 13015, Broadway Square Renovation with Civil Construction, LLC.

6. TR 17002, Recon- Santos Construction \$ 925,525.00
 struction of Co., Inc.
 Footways Citywide

MBE:	Santos Construction	\$ 124,945.88	13.5%
	Co., Inc.*		
	Machado Construction	124,945.88	13.5%
	Co., Inc.	<u>\$ 249,891.76</u>	<u>27%</u>
WBE:	S&L Trucking, LLC	\$ 92,552.50	10%

*Indicates Self-Performance

MWBOO FOUND VENDOR IN COMPLIANCE.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation

7. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 750,480.00	9950-903300-9504	
State Constr.	Constr. Reserve	
Revenue	Tree Roots/Footways	
	Footway Paving	
360,150.00	" "	
Other		
<u>\$1,110,630.00</u>		
\$ 925,525.00	-----	9950-902467-9504-6
		Struc. & Improv.
138,828.75	-----	9950-902467-9504-5
		Inspection
46,276.25	-----	9950-902467-9504-2
<u>\$1,110,630.00</u>		Contingencies
		Reconstruction of
		Footways Citywide

This transfer will fund costs associated with Award of TR 17002, Reconstruction of Footways Citywide with Santos Construction Co., Inc.

Department of Public Works/Office
of Engineering & Construction

8. WC 1270, Water	R.E. Harrington Plumbing	\$5,836,512.00
Infrastructure	& Heating Co., Inc.	
Rehabilitation		
Various Locations		

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

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

MBE:	R.E. Harrington Plumbing & Heating Co., Inc.*	\$2,042,779.20	35.00%
	Reviera Enterprises, Inc.	116,730.24	2.00%
	JLN Construction Services, LLC.	116,730.24	2.00%
		<u>\$2,276,239.68</u>	<u>39.00%</u>
 WBE:	Letke Security Contractors, Inc.	\$ 29,182.56	.50%
	Franqui Enterprise, LLC	29,182.56	.50%
	KL Phillips Trucking, LLC	58,365.12	1.00%
		<u>\$ 116,730.24</u>	<u>2.00%</u>

*Indicates Self-Performance

MWBOO FOUND VENDOR IN COMPLIANCE.

9. **TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$7,825,885.00	9960-909100-9558	
Water Revenue Bonds	Constr. Reserve	
	Water Infrastruc.	
	Rehabilitation	
\$ 583,651.00	-----	9960-910144-9557-2
		Extra Work
583,651.00	-----	9960-910144-9557-3
		Engineering

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

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

471,880.00	-----	9960-910144-9557-5 Inspection
5,836,512.00	-----	9960-910144-9557-6 Construction
<u>350,191.00</u>	-----	9960-910144-9557-9 Administration
<u>\$7,825,885.00</u>		

This transfer will provide funds to cover the cost of Award for WC 1270, Water Infrastructure Rehabilitation Various Locations.

A PROTEST WAS RECEIVED FROM SPINIELLO COMPANIES, INC.

10. WC 1353, AMI/R R.E. Harrington Plumbing \$3,469,840.00
 Urgent Need & Heating Co., Inc.
 Metering Repair
 & Replacement -
 Various Locations
 (up to 2" Water
 Service)

MBE:	R.E. Harrington Plumbing & Heating Co., Inc.*	\$1,214,444.00	35%
	Reviera Enterprises, Inc.	138,793.60	4%
	JLN Construction Services, Inc.	<u>104,095.20</u>	<u>3%</u>
		<u>\$1,457,332.80</u>	42%

WBE: Franqui Enterprises, LLC \$ 208,190.40 6%

*Indicates Self-Performance

MWBOO FOUND VENDOR IN COMPLIANCE.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

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

11. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$2,385,999.50	9960-909100-9558	
Balto. County	Constr. Reserve	
	Water Infrastruc.	
	Rehabilitation	
2,385,999.50	" "	
Water Revenue		
Bonds		
<u>\$4,771,990.00</u>		

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 346,984.00	-----	9960-907636-9557
		900020-2
		Extra Work
346,984.00	-----	9960-907636-9557-
		900020-3
		Engineering
400,000.00	-----	9960-907636-9557-
		900020-5
		Inspection

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

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

3,469,840.00	-----	9960-907636-9557- 90020-6 Construction
<u>208,191.00</u>	-----	9960-907636-9557- 900020-9 Administration
<u>\$4,771,999.00</u>		

The transfer will provide funds to cover the cost for award of WC 1353, AMI/R, Urgent Need Metering Infrastructure Repair.

A PROTEST AND SUPPLEMENTAL PROTESTS HAVE BEEN RECEIVED FROM METRA INDUSTRIES. ALSO, A SUPPLEMENTAL PROTEST WAS RECEIVED FROM WATT, TIEDER, HOFFAR & FITZGERALD, LLP, ON BEHALF OF METRA INDUSTRIES.

WILLIAMS MULLEN

January 13, 2017

Via Hand Delivery

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

BID PROTEST

Protestor: Spiniello Companies, Inc.
3500 East Biddle St.
Baltimore, MD 21213

Solicitation: City of Baltimore Department of Public Works'
Water Contract No. 1270 for Water Infrastructure
Rehabilitation, Various Locations

Proposed Awardee: R.E. Harrington Plumbing & Heating Co. Inc.

Dear Honorable President and Members of Board of Estimates:

Spiniello Companies, Inc., by and through its undersigned counsel, protests any awarding of City of Baltimore Department of Public Works' Water Contract 1270 Water Infrastructure Rehabilitation, Various Locations, to R.E. Harrington Plumbing & Heating Co. Inc. ("R.E. Harrington") or any bidder other than Spiniello Companies, Inc. ("Spiniello"). In that regard, Spiniello is the lowest price, responsive and responsible bidder and should be awarded Water Contract No. 1270.

Spiniello's grounds of protest seek enforcement of the terms of the Invitation For Bids consistent with the past rulings of the Board of Estimates which enforce strict compliance in order to best protect the public confidence in the integrity of the contracting process and the expenditure of public funds.

Aggrieved Party

Spiniello submitted a timely, responsive bid and is a responsible bidder for Water Contract No. 1270 and thus has standing to protest as an aggrieved party any award of Water Contract 1270 to R.E. Harrington or any other bidder other than Spiniello.

Timely Protest

This protest is timely filed with the Board of Estimates prior to contract award.

Grounds of Protest

1. R.E. Harrington Did Not Duly Execute the BATP Affidavit

The Invitation For Bids for Water Contract No. 1270 includes at pages 198-208 terms and an Affidavit relating to the Baltimore Apprenticeship Training Program (“BATP”).

The terms and obligations of the Baltimore Apprenticeship Training Program included in the Invitation for Bids are material terms. For example, at p. 200, Paragraph 1, the Invitation For Bids provides:

1. *The Bidder shall use its best efforts to comply with the BAT Program requirements set forth in these contract documents. Failure to implement and carry out the BAT Program requirements set forth in these documents shall be a material breach of this contract and grounds for termination of the contract. (emphasis added)*

The materiality of the BAT Program terms and obligations is further evidenced by the requirement that a contract bidder must include in its bid submission a duly executed Affidavit attesting to the bidder’s commitment on behalf of the bidder and the bidder’s subcontractors to comply with the BAT Program.

At paragraph 4 of Part II, Affidavit on page 201, the Invitation For Bids provides with regard to the Affidavit:

4. *Bidder acknowledges that any and all bids which fail to include this form [Affidavit] duly executed and notarized with the M/WBE portion of the bid documents may be declared as non-responsive by the Baltimore City Board of Estimates. (emphasis added)*

The instruction to provide a “duly executed” Affidavit means to make a document, such as the Affidavit, valid by signing. See e.g., Black’s Law Dictionary 9th edition. Instead of submitting a “duly executed” Part II Affidavit pertaining to the material obligations of the BAT Program, the bidder and potential awardee, R.E. Harrington Plumbing & Heating Co. Inc., provided a Part II Affidavit with the typed name Robert Harrington. There is no evidence of any submission prior to bid opening from R.E. Harrington authorizing the use of typed signatures.

In Hugo Key & Son, Inc., Comp. Gen. Decision, No. B-245227 (August 22, 1991), the Comptroller General dismissed the bid protest of the low bidder for a U.S. Navy contract when the bidder submitted a bid bond containing only a rubber-stamp signature of the bid bond surety. The Comptroller General ruled that the bidder’s failure to submit evidence, prior to bid opening, of authorization to use typewritten or rubber-stamp signatures made the signature subject to

uncertainty and not acceptable. See, SWR, Inc. Comptroller Decision, No. B-278415 (December 17, 1997) (Typewritten signature with title of company officer on contract offer, not minor informality, and proposal was properly rejected when no evidence from bidder prior to bid opening of authorization permitting execution of documents by typewritten signature.)

There is no evidence here that prior to bid opening, R.E. Harrington submitted documentation or a corporate resolution authorizing use of typewritten signatures. There being no original signature to the Part II Affidavit, nor documentation submitted prior to bid opening authorizing typewritten signatures, R.E. Harrington's Part II Affidavit is uncertain and suspect. In accordance with paragraph 4 of Part II on page 201 of the Invitation For Bids, the bid of R.E. Harrington should be deemed non-responsive and not eligible for award of WC No. 1270. See, also, Cameron, John G., A Practitioner's Guide To Construction Law at p.15-12 (Failure to meet requirements of participation in apprentice training program sufficient grounds to reject bid as non-responsive.)

2. The Lack Of Response Or Notation To The Addendum 2 Affirmation Paragraphs Creates Uncertainty As To The Accuracy and Completeness Of The Affirmations

Addendum 2 to the Invitation For Bids included a Bid/Proposal Affidavit with ten (10) sequentially numbered Affirmation Paragraphs and an Acknowledgment. R.E. Harrington Plumbing & Heating Co. Inc. made no written notation or entry for Affirmation Paragraphs 2-7; the Paragraphs are blank. The lack of written notation or entry may be indicative of no exception(s) to the Affirmation Paragraphs. The lack of written notation or entry, such as "none" or "not applicable", could also be indicative of the bidder's failure to read and respond to the affirmation paragraphs. There is uncertainty in R.E. Harrington's bid proposal resulting from the the bidder's lack of responses to the Addendum 2 Affirmation Paragraphs.

3. The Responsiveness Of A Bid Is Determined By The Face Of The Bid Documents

A key element of a sealed bidding procurement is that nonresponsive bids may not be considered for award. Nash & Cibinic, Formation of Govt. Contracts, Third Ed., at 537 ("the purpose of [the responsiveness] requirement is to promote fairness and objectivity, and to encourage wide competition by requiring all bidders to bid on exactly the same work and to the same terms and conditions".) Responsiveness concerns a bidder's legal obligation to perform the required services in exact conformity with the IFB specifications. ¹Nat'l Elevator Co., No. 1291, Oct. 1, 1986, 1 MSBCA ¶ 135. Significantly, to ensure fairness to other bidders and the government procurement system, responsiveness must be determined from the face of the bidding documents and not from information or documents subsequently provided by the bidder. Inner Harbor Paper Supply Co., No. 1034, Sept. 9, 1982, 1 MSBCA ¶ 24. Moreover, "[t]o be responsive a bid cannot be ambiguous." Nat'l Elevator Co., No. 1291, Oct. 1, 1986, 1 MSBCA ¶ 135 ("if the bid is subject to two or more reasonable interpretations, under one of which it is

¹ By contrast, responsibility concerns a bidder's capability to perform a contract. Nat'l Elevator Co., No. 1291, 1 MSBCA ¶ 135. As such, "information bearing on a bidder's responsibility may be submitted and considered after bid opening." *Id.*

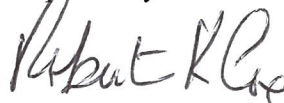
nonresponsive, it is ambiguous and, therefore, should be rejected as nonresponsive.”); see also Nash & Cibinic, Formation of Govt. Contracts, Third Ed., at 538 (“The mandatory rejection rule also prevents bidders with ambiguous bids from having ‘two bites of the apple’ by contending, after seeing competing bids, that their bids conformed to the solicitation (or did not conform), depending on the interpretation that is most beneficial to them.”)

In this solicitation, R. E. Harrington Plumbing & Heating Co. Inc. has submitted a bid with multiple uncertainties and omissions as to material terms and obligations which go to the responsiveness of the bid. It would put all other bidders at a disadvantage if R.E. Harrington were permitted to make post-bid opening corrections to remedy its failures and omissions as to material terms of the solicitation. R.E. Harrington’s bid uncertainties and omissions are not minor informalities that can be corrected post-bid opening without bringing into question the integrity of the bidding/contracting process for all bidders and the City of Baltimore. R.E. Harrington’s bid is non-responsive as to material terms and obligations, and, as such, not eligible for contract award.

Ruling And Relief Requested

Spiniello requests that the apparent lowest price bid of R.E. Harrington be found non-responsive and not eligible for award of Water Contract No. 1270. Spiniello further requests that the Board of Estimates award Water Contract No. 1270 to Spiniello as the lowest price, responsive and responsible bidder.

Respectfully submitted



Robert K. Cox

cc: Brian Cashmere, Esq. – Williams Mullen
Spiniello Companies



WATT, TIEDER, HOFFAR & FITZGERALD, L.L.P.

ATTORNEYS AT LAW
1765 Greensboro Station Place
Suite 1000
McLean, Virginia 22102-5104

Telephone: 703-749-1000
Facsimile: 703-893-8029
www.watttieder.com

John B. Tieder, Jr.
Robert M. Fitzgerald
Lewis J. Baker
Richard G. Mann, Jr.
Carter B. Reid
Edward J. Parrott
Vivian Katsantonis
Kathleen O. Barnes
Shelly L. Ewald
Christopher J. Brasco
Robert C. Niesley*
Robert G. Barbour
Keith C. Phillips
Timothy E. Heffernan*
David F. McPherson*
David R. Johnson*
Kevin J. McKeon
C. William Groscup

Christopher A. Wright*
John E. Sebastian*
R. Miles Stanislaw*
Rebecca S. Glos*
Christopher M. Harris
Donna H. Tobar*
Robert C. Shaia*
Hanna L. Blake
Scott P. Fitzsimmons
Frank J. Marsico*
Christopher M. Bunge*
Brent N. MacKay*
Jared M. Sechrist*
Albert L. Chollet*
Mark Rosencrantz*
Adam M. Tuckman
Heather L. Stangle
Diane C. Utz*

Mariela Malfeld*
Kaysie D. Garcia*
Eric B. Kjellander*
Amanda L. Marutzky*
Stephanie M. Rochel
Robyn N. Burrows
Ashley S. Kalimada*
Mitchell A. Bashur
Jonathan R. Wright
Christine J. Lee*
Daniel T. Rodriguez
Eric M. Liberman
Lauren E. Rankins*
Carolyn R. Cody Jones
James R. Ogorzalek*
Julia M. Fox
Brenna D. Duncan

*Not Admitted in Virginia

Robert G. Watt *retired*

Julian F. Hoffar 1947-2008

January 10, 2017

VIA FEDERAL EXPRESS

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

**Re: City of Baltimore, Dept. of Public Works, Water Contract No. 1353-AMI/R Urgent Metering Infrastructure Repair & Replacement, Various Locations (Up To 2" Water Services)
Bid Protest of Metra Industries, Inc.**

Dear Sirs/Madams and Honorable Members of the Board of Estimates:

This office represents Metra Industries, Inc. ("Metra"), the apparent second low bidder on the above-referenced contract (the "Contract"). By and through the undersigned counsel, Metra hereby protests the recommendation of the Department of Public Works to award the Contract to the apparent low bidder, R.E. Harrington ("Harrington"), for its failure to demonstrate its intention and ability to comply with the Contract's mandated WBE contract goal with a responsible subcontractor. For the reasons set forth below, we respectfully assert that Metra is the actual low, responsive and responsible bidder and, as such, the Contract should be awarded to Metra – not Harrington.

The invitation for bids ("IFB") mandated that bidders equal or exceed a WBE contract goal for participation in the amount of 6% of the bid amount. In its bid submission, Harrington listed only one WBE subcontractor. As reflected in Harrington's Statement of Intent, of its \$3,469,840.00 bid amount, Harrington purported to satisfy its entire WBE requirement by issuing a \$208,190.40 subcontract to an entity named Franqui Enterprises, LLC ("Franqui") to perform "Construction Management" on the project. See Exhibit A, Harrington Part B: MBE/WBE and Prime Contractor's Statement of Intent.

Harrington's Statement of Intent represented that Franqui was certified as a WBE with the City of Baltimore Minority and Women's Business Opportunity Office. Absent from Harrington's bid submission, however, is any assurance to the City of Baltimore that Franqui is capable of performing such a large subcontract for construction management or any scope of work relevant to the Contract. Indeed, all publicly-available information regarding Franqui suggests that Harrington will be unable to make such assurances and, more importantly, that Franqui lacks the capacity and capability to perform the work set forth in Harrington's bid.

Admittedly, there is a dearth of detailed corporate data available publicly on Franqui. It appears that Franqui does not even maintain a website – as would be expected of any construction management firm capable of performing the scope and amount of work set forth in Harrington's bid. Nonetheless, the information that is available publicly paints Franqui as a fledgling company with annual revenues of, at most, barely more than half the value of the subcontract that Harrington now purports to award to Franqui in order for Harrington to meet its WBE goal on the Contract. Perhaps even more concerning is that, based upon online records, Franqui has no more than two (2) employees. Below is a summary of publicly-available business data on Franqui:

Source	# of Employees	Sales
http://www.buzzfile.com/business/Franqui-Enterprise-L.L.C.-443-883-5455	2	\$122,339
http://www.manta.com/c/mt7r1k0/franqui-enterprise-l-l-c	2	\$92,000
https://www.chamberofcommerce.com/randallstown-md/37887039-franqui-enterprise-llc	2	\$82,000

It is beyond legitimate dispute that it would be virtually impossible for any company to perform \$208,190.40 in construction management services with only two employees and that the scope of services proposed by Harrington is likely well-beyond Franqui's experience and capability.

It is important to note that "Certification" as addressed in Harrington's Statement of Intent is an entirely different process than "Prequalification." Pursuant to Article VI, Section 11(g) of the Charter of the City of Baltimore and the City of Baltimore's Rules for Qualification of Contractors, *all* construction related contractors and design consultants seeking to perform services of \$50,000 or greater on Baltimore City

contracts, must be prequalified by The Office of Boards and Commission (OBC).¹ Moreover, according to the Baltimore City Law Department's webpage:

Pre-qualification is the process by which the [OBC] determines the work capacity of a contractor. Through an analysis of a contractor's basic financial information, the [OBC] assigns a base capacity rating. The pre-qualification and work capacity rating provides the city some assurances that the contractor has the experience and resources to perform the requirements of a contract.

See <http://law.baltimorecity.gov/minority-and-womens-business-opportunity-office/certification-process>.

Unfortunately, while Franqui is a certified WBE, it is not a "prequalified" contractor in Baltimore City for any type of work. As such, the City has absolutely no assurances that Franqui will be able to perform *any* work – let alone the large scope of work set forth in Harrington's bid. Indeed, based upon the publicly-available information set forth above reflecting Franqui's limited financial resources, virtually non-existent staffing capacity, and lack of even a website, it is highly unlikely that at any point prior to commencing work under the Contract Franqui will be able to obtain a prequalified work capacity rating large enough to perform the \$208,190.40 subcontract that Harrington proposed in its bid. Franqui clearly and indisputably lacks the resources and sophistication for work of this level, magnitude and stature. Clearly, Harrington did not verify Franqui's capacity and capability to obtain prequalification and to perform such a large subcontract prior to including Franqui in its bid as its sole WBE subcontractor. For its failure to do so, and because Harrington has proposed to utilize the services of a non-responsible WBE subcontractor, Harrington's bid fails to demonstrate compliance with the IFB's WBE requirements. Harrington, therefore, is not a responsive bidder.

Unlike Harrington, Metra's bid complied in all respects with the IFB. Notably, prior to the time of bid, all of Metra's MBE and WBE subcontractors were prequalified under the applicable "B02551 Water Mains" code set forth in the IFB. As such, Metra and its MBE and WBE subcontractors have provided the City with adequate assurances that all of Metra's MBE and WBE subcontractors are presently equipped and capable of performing the Contract work proposed in Metra's bid. Furthermore, there is only a negligible price difference between Metra's fully compliant bid and Harrington's non-responsive bid – a fraction of only 0.0323.

Penultimately, any effort to excuse Harrington's failure to comply with the City's prequalification requirements or to permit any attempt by Harrington to "cure" or substitute the non-responsible Franqui with another WBE, would not only deprive Metra of its right to the Contract award as the true low, responsible and responsive contractor, but would also significantly undermine the integrity of the City's procurement process

¹ See <http://publicworks.baltimorecity.gov/Boards%20and%20Commissions>.

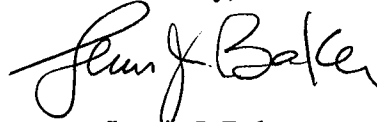
Board of Estimates
c/o Clerk to the Board
January 10, 2017
Page 4

and the bidding process as a whole. In that regard, all contractors bidding for City of Baltimore contracts are expected to be aware of and to follow the City's rules and regulations, including the prequalification procedures. If Harrington is permitted to substitute another WBE for Franqui, Harrington would be given an unfair advantage – indeed a second bite at the apple that was not afforded any other contractor. Further, there is no guarantee that Harrington's bid price would remain unaltered in the event that it has to find a replacement WBE subcontractor or subcontractors to meet the requisite 6% WBE contract goal. This, of course, would not be in the City's best interest.

Simply put, since Harrington did not fulfill the clear requirement of the IFB to propose responsible WBE subcontractors and did not list WBE subcontractors with adequate capability in an amount totaling at least 6% of the bid amount, Harrington did not demonstrate its capability of performing the Contract work in all material regards. Harrington, therefore, is not a responsible bidder as well. Accordingly, award of the above-referenced Contract should be made to Metra as the low, responsive and responsible bidder.

Metra looks forward to working with the City on the above-referenced Contract.

Sincerely,

A handwritten signature in black ink, appearing to read "Lewis J. Baker". The signature is fluid and cursive, with the first name "Lewis" and last name "Baker" clearly distinguishable.

Lewis J. Baker

cc: Honorable Joan M. Pratt, CPA, Comptroller, City of Baltimore
Mr. Gregory Palmer, Contract Administrator, Department of Public Works
Mr. Courtney Billups, Minority and Women's Business Opportunity Office
Mr. Stephan Dioslaki, Metra Industries (via email only)
Mr. Robert DePonte, Metra Industries (via email only)

PART B: MBE/WBE AND PRIME CONTRACTOR'S STATEMENT OF INTENT

COMPLETE A SEPARATE FORM FOR EACH MBE AND WBE NAMED IN THIS BID.
(Make additional copies of this form as needed)

PART A: INSTRUCTIONS MUST BE REVIEWED BEFORE COMPLETING THIS FORM, WITH PARTICULAR ATTENTION PAID TO SECTIONS 2, 3a and 3f

Name of Prime Contractor: RE. HARRINGTON Plumbing & Heating Co., Inc

Name of MBE or (WBE) (circle one): FRANKIE ENTERPRISE, LLC

Brief Narrative Description of the Work/Service to be performed by MBE or WBE:

Construction Management

Materials/Supplies to be furnished by MBE or WBE:

Subcontract Dollar Amount: \$ 208,190.40 (If this is a requirements contract, the subcontract dollar amount may be omitted; however, the subcontract percentage must be included.)

Subcontract percentage of total contract: 0 % (This is not considered material information for lump sum contracts.)

(If MBE sub-goals apply, please indicate the sub-goal covered by this Statement of Intent.)

African American: % Asian American: %
Hispanic American: % Native American: %

The undersigned Prime Contractor and Subcontractor agree to enter into a contract for the work/service indicated above for the dollar amount or percentage indicated to meet the MBE/WBE participation goals, subject to the Prime Contractor's execution of a contract with the City of Baltimore. The Subcontractor is currently certified as an MBE or WBE with the City of Baltimore Minority and Women's Business Community Office to perform the work described above.

[Signature]
Signature of Prime Contractor (REQUIRED)

10/31/16
Date

[Signature]
Signature of MBE or WBE (REQUIRED)

10/21/16
Date

CHANGES TO INFORMATION ON THIS FORM THAT ARE MATERIAL TO THE AGREEMENT BETWEEN THE PRIME CONTRACTOR AND MBE OR WBE MUST BE INITIALED BY BOTH PARTIES.

EXHIBIT
tabbles
 A

MINUTES

Bureau of the Budget and - State Fund Appropriation
Management Research Adjustment Order No. 7 Transfer

ACTION REQUESTED OF B/E:

The Board is requested to approve the State Fund Appropriation Adjustment Order (AAO) No. 7 to transfer State funds within the Baltimore City Police Department from Service 623 (Crime Investigation) to Service 624 (Target Violent Criminals).

AMOUNT OF MONEY AND SOURCE:

\$25,000.00 - From: 5000-512817-2021-212900-600005
(Service 623)

To: 5001-511517-2013-198400-600000
(Service 624)

BACKGROUND/EXPLANATION:

The source of funds is a Grant Award, in the amount of \$25,000.00, from the Governor's Office of Crime Control and Prevention. On July 20, 2016, the Board approved acceptance of the Grant Award for the project entitled "HYPE Coalition" project.

The transfer is necessary to support overtime for police officers. Initially, State funding was appropriated within an unallocated State grant fund account in the Fiscal 2017 Ordinance of Estimates. With this AAO, funding will be moved from the unallocated grant source, in accordance with the actual grant award.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

MINUTES

Bureau of the Budget and - cont'd
Management Research

UPON MOTION duly made and seconded, the Board approved the State Fund Appropriation Adjustment Order No. 7 to transfer State funds within the Baltimore City Police Department from Service 623 (Crime Investigation) to Service 624 (Target Violent Criminals).

MINUTES

Bureau of the Budget and - State Fund Appropriation
Management Research Adjustment Order Transfer No. 5

ACTION REQUESTED OF B/E:

The Board is requested to approve an Appropriation Adjustment Order No. 5 to transfer State funds within the Baltimore City Police Department from Service 623 (Crime Investigation) to Service 624 (Target Violent Criminals). On July 20, 2016, the Board approved acceptance of the Gun Violence Reduction Grant Award in the amount of \$65,000.00 from the Governor's Office of Crime Control and Prevention. The grant period is July 1, 2016 to June 30, 2017.

AMOUNT OF MONEY AND SOURCE:

\$65,000.00 - From: 5000-512817-2021-212900-600005
(Service 623)

To: 5000-511517-2013-198400-600000
(Service 624)

BACKGROUND/EXPLANATION:

The grant funds are to be used for developing and implementing strategies specifically intended to reduce gun violence in the State of Maryland.

The transfer is necessary to support positions in the Crime Laboratory's Firearms Unit. Initially, state funding was appropriated within an unallocated state grant fund account in the Fiscal 2017 Ordinance of Estimates. With this appropriation adjustment order, funding will be moved from the unallocated grant source in accordance with the actual grant award.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

MINUTES

Bureau of the Budget and - cont'd
Management Research

UPON MOTION duly made and seconded, the Board approved the Appropriation Adjustment Order No. 5 to transfer State funds within the Baltimore City Police Department from Service 623 (Crime Investigation) to Service 624 (Target Violent Criminals).

MINUTES

Bureau of the Budget and - State Fund Appropriation
Management Research Adjustment Order Transfer No. 11

ACTION REQUESTED OF B/E:

The Board is requested to approve an Appropriation Adjustment Order No. 11 to transfer State funds within the Office of the State's Attorney for Baltimore City from Service 115 (Prosecution of Criminals) to Service 786 (Victim Witness Services).

AMOUNT OF MONEY AND SOURCE:

\$75,400.00 - From: 5000-500017-1150-122700-607004
(Service 115)

To: 5000-580117-1156-117900-601001
(Service 786)

BACKGROUND/EXPLANATION:

On July 20, 2016, the Board approved acceptance of the Gun Violence Reduction Grant Award in the amount of \$75,400.00 from the Governor's Office of Crime Control and Prevention. The grant period is July 1, 2016 to June 30, 2017.

The grant funds are to be used for developing and implementing strategies specifically intended to provide services at the Family Bereavement Center for homicide survivors.

The transfer is necessary to fund individual counseling, support groups, court accompaniment, and other related services for homicide survivors. Initially, state funding was appropriated within an unallocated state grant fund account in the Fiscal 2017 Ordinance of Estimates. With this appropriation adjustment order, funding will be moved from the unallocated grant source in accordance with the actual grant award.

MINUTES

Bureau of the Budget and - cont'd
Management Research

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved the Appropriation Adjustment Order No. 11 to transfer State funds within the Office of the State's Attorney for Baltimore City from Service 115 (Prosecution of Criminals) to Service 786 (Victim Witness Services).

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 Symcor Acquisitions, LLC, Developer, for the sale of the City-owned properties located at 935 N. Stricker Street and 939 N. Stricker Street.

AMOUNT OF MONEY AND SOURCE:

\$2,500.00 - 935 N. Stricker Street
2,500.00 - 939 N. Stricker Street
\$5,000.00 - Purchase price

BACKGROUND/EXPLANATION:

The Developer will pay a good faith deposit prior to settlement. The two properties are boarded and vacant three-story dwellings located in the Sandtown Winchester community and in need of extensive work. Upon completion of the rehabilitation, the properties will serve as rental residential housing and will be leased at market rate. The project is privately funded by Symcor Acquisitions, LLC.

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

Pursuant to the Appraisal Policy of Baltimore City, the price determined by the Waiver Valuation Process is \$5,000.00 each for 935 N. Stricker Street and 939 N. Stricker Street.

The properties are being sold to Symcor Acquisitions, LLC below the value at \$2,500.00 each for 935 N. Stricker Street and 939 N. Stricker Street because of the following reasons:

MINUTES

DHCD - cont'd

- stabilization of the immediate community,
- elimination of blight,
- economic development, and
- generation of real estate and other taxes.

MBE/WBE PARTICIPATION:

The Developer, will purchase these properties 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 Symcor Acquisitions, LLC, Developer, for the sale of the City-owned properties located at 935 N. Stricker Street and 939 N. Stricker Street.

MINUTES**PROPOSALS AND SPECIFICATIONS**

1. Department of Public Works/
Bureau of Solid Waste - SWC 16310R, Northwest Transfer
Station Building Renovation
and Site Improvements
BIDS TO BE RECV'D: 2/15/2017
BIDS TO BE OPENED: 2/15/2017

2. Department of Public Works/
Office of Engineering and
Construction& Replacement - WC 1356, AMI/R Urgent Need
Metering Infrastructure Repair
Various Locations
(Up to 2" Water Service)
BIDS TO BE RECV'D: 2/1/2017
BIDS TO BE OPENED: 2/1/2017

3. Department of Transportation - TR 11306, Midtown Streetscape/
Traffic Improvements
BIDS TO BE RECV'D: 3/8/2017
BIDS TO BE OPENED: 3/8/2017

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 dates indicated.

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART FOR ALL ITEMS ON THE AGENDA.

The Board of Estimates received and reviewed Ms. Trueheart's protest. As Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board will not hear her protest.

Kim A. Trueheart

January 18, 2017

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of questionable management and administration within the various boards, commissions, agencies and departments of the Baltimore City municipal government.

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

1. Whom you represent: Self
2. What the issues are:

Pages 1 - 63, City Council President and members of the Board of Estimates, BOE Agenda dated January 18, 2017, if acted upon:

- a. The proceedings of this board often renew business agreements without benefit of clear measures of effectiveness to validate the board's decision to continue funding the provider of the city service being procured;
- b. The Baltimore City School Board of Commissioners routinely requires submissions for board consideration to include details of the provider's success in meeting the objectives and/or desired outcomes delineated in the previously awarded agreement;
- c. The members of this board continue to fail to provide good stewardship of taxpayers' funds as noted by the lack of concrete justification to substantiate approval of actions presented in each weekly agenda;
- d. This board should immediately adjust the board's policy to ensure submissions to the board include measures of effectiveness in each instance where taxpayer funds have already been expended for city services;
- e. In the interest of promoting greater transparency with the public this board should willing begin to include in the weekly agenda more details which it discusses in closed sessions without benefit of public participation.

Email: kimtrueheart@gmail.com

*5519 Belleville Ave
Baltimore, MD 21207*

- f. Lastly this board should explain to the public how, without violating the open meeting act, a consent agenda is published outlining the protocols for each week's meeting prior to the board opening its public meeting.

3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed what appears to be a significant dearth in responsible and accountable leadership, management and cogent decision making within the various agencies and departments of the Baltimore City municipal government which potentially cost myself and my fellow citizens excessive amounts of money in cost over-runs and wasteful spending.

4. Remedy I desire: The Board of Estimates should immediately direct each agency to include measures of effectiveness in any future submissions for the board's consideration.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on January 18, 2017.

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

Sincerely,
Kim Trueheart,
Voter, Citizen & Resident

*5519 Belleville Ave
Baltimore, MD 21207*

MINUTES

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

* * * * *

MINUTES

Clerk: "Good afternoon. The Board is now in session for the receiving and opening of bids."

BIDS, PROPOSALS, AND CONTRACT AWARDS

Prior to the reading of bids received today and the opening of bids scheduled for today, the Clerk announced that **THERE WERE NO ADDENDA RECEIVED** extending the dates for receipt and opening of bids. There were no objections.

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

Department of Public Works - WC 1211, Asburton Reservoir
Zone 2 Tanks

Renda/J Bros. Joint Venture
Allen Myers
Cianbro Corporation

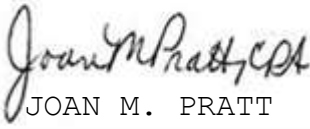
Bureau of Purchases - B50004839, Gauges, Pressure
and Level Measurement
Instrumentation

Ferguson Enterprises dba Ferguson Waterworks
Jobe and Company
Flow Controls, Inc.
Pollard Water

MINUTES

* * * * *

There being no objections, the Board, UPON MOTION duly made and seconded, adjourned until its next regularly scheduled meeting on Wednesday, January 25, 2017.



JOAN M. PRATT
Secretary