

MINUTES**REGULAR MEETING**

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

President: "Good morning. The April 05, 2017 meeting of the Board of Estimates is now called to order. In the interest of promoting the order and efficiencies of these hearings, persons who are disruptive to the hearing will be asked to leave the hearing room immediately. Meetings of the Board of Estimates are open to the public for the duration of the meeting. The hearing room must be vacated at the conclusion of the meeting. Failure to comply may result in a charge of trespassing. I will direct the Board members attention to the memorandum from my office dated April 3, 2017, identifying matters to be considered as routine agenda items together with any corrections and additions that have been noted by the Deputy Comptroller. I will entertain a Motion to approve all of the items contained on the routine agenda."

MINUTES

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

President: "Is there a second?"

Comptroller: "Second."

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

* * * * *

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

In accordance with the Rules for Prequalification of Contractors, as amended by the Board on October 30, 1991, the following contractors are recommended:

AB Construction, Inc.	\$ 8,000,000.00
Communications Construction Group, LLC	\$207,000,000.00
JBN Corporation	\$ 90,000.00
MSI Controls, Inc.	\$ 1,500,000.00
Pleasants Construction, Inc.	\$ 1,500,000.00
Shrader Electric Co., Inc.	\$ 1,500,000.00
Sunryse Construction Services, Inc.	\$ 7,866,000.00
Zone 1 Utility Services, LLC	\$ 558,000.00

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:

Daniel Consultants, Inc.	Engineer
Delon Hampton & Associates, Chartered	Engineer
Design Collective, Inc.	Architect Landscape Architect
Pennoni Associates, Inc.	Landscape Architect Engineer Land Survey

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

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

MINUTES

Law Department - Settlement Agreement and Release

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Settlement Agreement and Release with the Personal Representative of the Estate of Johnny Lee Jones, Jr.

AMOUNT OF MONEY AND SOURCE:

\$350,000.00 - 2036-000000-1752-175200-603070

BACKGROUND/EXPLANATION:

The Plaintiff, Rochelle Jones is the Personal Representative of the Estate of her late brother, Johnny Lee Jones, Jr. who was involved in a fatal auto-related accident that occurred at the intersection of South Charles Street and East Fort Avenue on January 13, 2016.

On January 13, 2016, Mr. Jones was walking southbound on S. Charles Street and was crossing the intersection at E. Fort Avenue. There is a pedestrian signal at that intersection, and Mr. Jones had a "walk" signal. At the same time, a City trash truck was also travelling southbound on S. Charles Street, and attempted to turn left on a green light onto E. Fort Avenue. The trash truck struck Mr. Jones as he crossed the street causing serious and fatal injuries, including a traumatic brain injury that was determined to be non-survivable. His care was provided by University of Maryland Medical Center before being taken off life support.

The Law Department's Settlement Committee reviewed the legal and factual issues of this lawsuit and recommends that the Board approve the settlement of this claim in the amount stated.

APPROVED FOR FUNDS BY FINANCE

MINUTES

Law Department - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Settlement Agreement and Release with the Personal Representative of the Estate of Johnny Lee Jones, Jr.

MINUTES

Law Department - Settlement Agreement and Release

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Settlement Agreement and Release with Ntambo Ciwengo.

AMOUNT OF MONEY AND SOURCE:

\$500,000.00 - 1001-000000-2041-716700-603070

BACKGROUND/EXPLANATION:

This matter stems from two consolidated lawsuits based on the same occurrence. On September 24, 2013, Baltimore Police officers in an undercover vehicle began pursuing a vehicle, driven by Terrell Young, for a suspected CDS violation and traffic infraction. The vehicle fled through Baltimore City at speeds around 90 miles per hour. The officers called dispatch to advise of the pursuit, and dispatch advised the officers to cease the pursuit. The officers decelerated, but the fleeing vehicle continued its flight at a high speed through a red light at the intersection of Northern Parkway and York Road. The fleeing vehicle collided with another vehicle. As a result of the accident, both Terrell Young and the passenger in the fleeing vehicle died. Tragically, the passenger in the vehicle that was struck also died from the collision and the driver of that vehicle sustained serious injuries.

Because of the extensive injuries involved, conflicting factual issues, and given the uncertainties and unpredictability of jury verdicts, the City proposes to settle the matter for a total sum of \$500,000.00 in return for a dismissal of both lawsuits.

MINUTES

Law Department - cont'd

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

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Settlement Agreement and Release with Ntambo Ciwengo.

MINUTES

Department of Real Estate - Tax Sale Certificate

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of a Tax Sale Certificate to Mr. Troy Carr for an amount that is less than the lien amount for the property located at 2200 Chelsea Terrace.

AMOUNT OF MONEY AND SOURCE:

<u>Property Address</u>	<u>Appraised Value</u>	<u>Flat Taxes & Water</u>	<u>Total Liens</u>	<u>Assignment Amount</u>
2200 Chelsea Terrace	\$20,000.00	\$12,342.99	\$54,847.93	\$20,000.00

BACKGROUND/EXPLANATION:

The City acquired the Tax Sale Certificate for 2200 Chelsea Terrace on May 16, 2016 for \$54,847.93. Mr. Carr has offered to purchase the Tax Sale Certificate for \$20,000.00 cash, file the petition to foreclose, acquire title to the property and return it to productive use. The appraised value of \$20,000.00 is greater than the flat taxes and water bills on that property.

UPON MOTION duly made and seconded, the Board approved the assignment of a Tax Sale Certificate to Mr. Troy Carr for an amount that is less than the lien amount for the property located at 2200 Chelsea Terrace.

MINUTES

Department of Real Estate - Tax Sale Certificate

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of a Tax Sale Certificate to Ms. Darlene Watkins for an amount that is less than the lien amount for the property located at 3714 Towanda Avenue.

AMOUNT OF MONEY AND SOURCE:

<u>Property Address</u>	<u>Appraised Value</u>	<u>Flat Taxes & Water</u>	<u>Total Liens</u>	<u>Assignment Amount</u>
3714 Towanda Avenue	\$5,000.00	\$4,503.44	\$20,033.17	\$5,000.00

BACKGROUND/EXPLANATION:

The City acquired the Tax Sale Certificate for 3714 Towanda Avenue on May 16, 2016 for \$20,033.17. Ms. Watkins has offered to purchase the Tax Sale Certificate for \$5,000.00 cash, file the petition to foreclose, acquire title to the property and return it to productive use. The appraised value of \$5,000.00 is greater than the flat taxes and water bills on that property.

UPON MOTION duly made and seconded, the Board approved the assignment of a Tax Sale Certificate to Ms. Darlene Watkins for an amount that is less than the lien amount for the property located at 3714 Towanda Avenue.

MINUTES

Space Utilization Committee - Amendment to Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Amendment to Lease Agreement (Amendment) with 1410 Management, Inc., Landlord, for additional space at the property known as 1410 Bush Street, being on the 1st floor, consisting of approximately 923 square feet. This Amendment will extend the period of the Lease Agreement through March 31, 2019, with a two year option to renew.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Monthly Installation</u>
\$29,948.28	\$2,495.69 - April 1, 2017*
\$30,846.73	\$2,570.56 - April 1, 2018

Account: 2026-000000-6311-733900-603013

BACKGROUND/EXPLANATION:

On April 01, 2015, the Board approved the Lease Agreement with the Landlord for the period of April 01, 2015 through March 31, 2016 with the option to renew for one additional year. On March 16, 2016, the City, Tenant, exercised its option to renew for the period of April 01, 2016 through March 31, 2017. This amendment will extend the square footage by 923 sq. ft. on the 1st floor. The additional space will be added to the 1,500 sq. ft. on the 1st floor for a total of 2,423 sq. ft. The Amendment will extend the period of the Lease Agreement through March 31, 2019.

The Landlord, as to the additional 923 sq. ft., will spot paint walls, clean the carpet and replace any bad carpet tiles, replace damaged ceiling tiles and be sure all lighting is operable.

MINUTES

Space Utilization Committee - cont'd

The Landlord as to the total of 2,423 sq. ft. of space, will provide all systems in working condition (heating, air conditioning and ventilation, elevators, electrical and plumbing) and provide heating and air conditioning services at all times and at no cost to the Tenant, which will include the changing of air filters for the system. The Landlord will also maintain exterior structural elements of the building, walls, gutters, electrical and plumbing supply lines except for damage caused by the negligence of the Tenant. Snow removal, real estate taxes, payment of utilities, and fire insurance will also be the responsibility of the Landlord.

The Tenant will be responsible for installation of the doorway between the current 1,500 sq. ft. and the additional 923 square feet. The Tenant will also be responsible for all costs relating to this installation. The tenant will be responsible for payment of computer, telephone, and cable services, if applicable, monitoring costs associated with the security system, if applicable, janitorial services and liability insurance under the City's self-insured program.

- *Should the additional 923 sq. ft. of space not be ready for occupancy on April 1, 2017, the rental will be pro-rated from the date of occupancy to the first full calendar month of the current term.

The Space Utilization Committee approved this Lease Agreement on March 14, 2017.

APPROVED FOR FUNDS BY FINANCE

MINUTESSpace Utilization Committee - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Amendment to Lease Agreement with 1410 Management, Inc., Landlord, for additional space at the property known as 1410 Bush Street, being on the 1st floor, consisting of approximately 923 square feet.

MINUTES

Space Utilization Committee - Inter-Departmental Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Inter-Departmental Lease Agreement between the Department of General Services, Landlord, and the Department of Recreation and Parks, Tenant, for the rental of a portion of the property known as Oliver Recreation Center, located at 1400 E. Federal Street, consisting of 9,891 sq. ft. The period of the Inter-Departmental Lease Agreement is July 1, 2016 through June 30, 2017, with the option to renew for five 1-year periods.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Monthly Installments</u>
\$56,932.20	\$4,744.35

BACKGROUND/EXPLANATION:

The annual rent for the renewal term will be determined based on projected operating costs and expenses for the upcoming renewal term. Based on this determined rental rate, the rental payment will be effective July 1, 2017 and will increase or decrease each year during the renewal terms.

The leased premises will be used as the Oliver Recreation Center. The Landlord is responsible for maintaining the interior and exterior of the building, including the foundation, the roof, walls, gutters, downspouts, and the HVAC system. The Landlord is responsible for pest control, clearing of ice and snow removal, interior and exterior lighting, including bulb replacement, sewer, plumbing, and electric repairs, and replacing air filters once every 6 months.

MINUTES

Space Utilization Committee - cont'd

The Landlord is also responsible for maintenance and repair of the HVAC system, paying the cost of utilities, including oil, gas, electric, and water, and stripping and waxing the floors once a year. The Tenant accepts the premises in its "as is" condition. Tenant will not make any alterations without written approval from the Landlord. The Tenant agrees to provide all equipment including refrigerators or any other kitchen appliances. The Tenant is responsible for telephone and computer services, the security guard, and all costs and expenses relating to the security guard. The Tenant will provide janitorial services and trash removal, place debris from the leased premises into a trash receptacle and will be responsible for removing the trash receptacle liner from the leased premises. The Tenant will keep the common break room area free of debris that can cause infestation of insects and/or rodents, keep entrances, passageways and areas adjoining or appurtenant to the building in a clean and orderly condition and free of Tenant's equipment and furniture, which will not impede ingress and egress.

This Inter-Departmental Lease Agreement is late because of the delay in receiving the signature from the Department of Recreation and Parks.

The Space Utilization Committee approved this Inter-Departmental Lease Agreement on February 28, 2017.

MINUTESSpace Utilization Committee - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Inter-Departmental Lease Agreement between the Department of General Services, Landlord, and the Department of Recreation and Parks, Tenant, for the rental of a portion of the property known as Oliver Recreation Center, located at 1400 E. Federal Street, consisting of 9,891 sq. ft.

MINUTES

Department of Planning - Report on Previously
Approved Transfers of Funds

At a previous meeting, the Board of Estimates approved Transfers of Funds 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. Today, the Board is requested to **NOTE 14** favorable reports by the Planning Commission on March 2, 2017 on Transfers of Funds approved by the Board of Estimates at its meeting on March 1, 2017.

The Board **NOTED 14** favorable reports by the Planning Commission on March 2, 2017 on Transfers of Funds approved by the Board of Estimates at its meeting on March 1, 2017.

MINUTES

TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

1149 - 1150

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 Planning</u>		
1. \$1,481,296.64 State Revenue	9942-914001-9488 Baltimore Museum of Art Unallocated (Reserve)	9942-919012-9488 Baltimore Museum of Art Comprehensive Renovation (Active)
<p>This transfer will complete State funding of the Baltimore Museum of Art Comprehensive Renovation project in preparation for closing.</p>		
2. \$ 400,000.00 10 th National Aquarium Loan	9904-926011-9129 National Aquarium Chesapeake Bay Exhibit (Reserve)	9904-929011-9127 National Aquarium Chesapeake Bay (Active)

This transfer will fund replacement of the remaining original air handling units located in the main aquarium building. The original units were installed in 1981 and had exceeded their intended lifespan. The units replaced provide heating and cooling to both the gallery (public) areas in and around the Chesapeake Watershed exhibits as well as the back of housing areas where animal holding and critical life support equipment is housed. By replacing these units, the systems operate much more efficiently and do not require constant attention and maintenance of aging and obsolete parts. They also cut down on added wear and tear on equipment in the space, helped maintain healthy tank temperatures for animal collection and provide well needed comfort for the guests - particularly during the summer months.

MINUTES**TRANSFERS OF FUNDS**

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Baltimore Development Corporation</u>			
3.	\$158,501.00	9910-910063-9600	9910-905360-9601
	1st Comm. & Econ. Dev. Fund	Constr. Reserve Lexington Market	Lexington Market Improvements

This transfer will provide funds to Lexington Market, Inc. to assist in various upgrades and improvements to Lexington Market. The repairs and/or improvements to this iconic Baltimore City public market include: asphalt and garage ceiling repairs to eliminate falling concrete.

Department of Housing and Community Development

4.	\$ 30,000.00	9997-909985-9587	9997-906550-9593
	Comm. Dev. Block Grant 42	Housing Develop- ment - Reserve	The Arc

This transfer will provide funds to the Arc Baltimore to renovate and improve the physical access to the home located at 3306 Rosalie Avenue for individuals with intellectual and developmental disabilities. The Arc's mission is to provide advocacy and high quality, life changing support to adults and children with intellectual and developmental disabilities.

MINUTES

Department of General Services - Partial Release of Retainage

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Partial Release of Retainage to Trionfo Builders, Inc. for GS 15807R - Structural Repairs to Four Firehouses - Engine 57, 21, 29, and 30.

AMOUNT OF MONEY AND SOURCE:

\$ 204.60 - 9916-905153-9197-900000-200001
\$22,029.32 - 9916-906157-9197-900000-200001

BACKGROUND/EXPLANATION:

As of August 10, 2016, Trionfo Builders, Inc. has completed 100% of the work for GS 15807R, Structural Repairs to Four Firehouses - Engine 57, 21, 29, and 30. The City agreed to a Release of Retainage in the amount of \$22,233.92 to Trionfo Builders, Inc. Currently the City is holding \$23,233.92 in retainage for the referenced project and the contractor is requesting to reduce the amount of retainage to \$1,000.00 which is sufficient to protect the interest of the City.

MWBOO APPROVED THE PARTIAL 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 to Trionfo Builders, Inc. for GS 15807R - Structural Repairs to Four Firehouses - Engine 57, 21, 29, and 30.

MINUTES

EXTRA WORK ORDERS

* * * * *

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders

listed on the following pages:

1153 - 1154

All of the EWOs had been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

MINUTES

EXTRA WORK ORDERS

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

Department of Public Works/Office
of Engineering & Construction

1. EWO #001, \$ 0.00 - W.C. 1266R, Mt. Vernon & Seton Hill
Areas Water Main Replacements
\$ 8,399,660.00 - Civil Construction, 92 75%
LLC days

The current construction completion date is April 14, 2017. The Office of Engineering & Construction is requesting a 92 calendar-day time extension to July 15, 2017 for WC 1266R. The request is necessary because of the Mulberry Street collapse on July 15, 2016 and repair activities by a third party contractor, which was anticipated to be completed by December 21, 2016. Because of this delay, Civil Construction, LLC demonstrated that they are not able to continue their activities on Mulberry Street and other related activities at the street collapse location. This time extension, which changes the completion date from April 14, 2017 to July 15, 2017, was reviewed by City personnel and found reasonable.

2. EWO #001, \$ 0.00 - WC 1311R, AMI/R Urgent Need Pavement and
Sidewalk Restoration, Various Locations
\$ 4,495,792.50 - Monumental Paving 12 31%
& Excavating, Months
Inc.

The Office of Engineering & Construction is requesting a 12-month time extension for WC 1311R. The scope of the contract is for permanent site restoration following construction of urgent need large and small meter contracts. The City's current large and small meter contracts do not include paving or restoration and rely on WC 1311R to complete all

MINUTES**EXTRA WORK ORDERS**

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

Office of Engineering & Construction - cont'd

restoration work. However, the WC 1311R completion date as per the approved Notice to Proceed is July 20, 2017, which is before the completion of the active large meter and small contracts. In addition, the Office of Engineering & Construction is currently preparing to advertise a new contract, WC 1361 by spring of 2017.

Both new contracts will have a one year duration with an expected completion date of June 2018 and will require site restoration as well. This time extension is required in order to utilize the funds in WC 1311R to cover the restoration efforts required by the large and small meter installation and coincide with the completion dates of the large and small meter installation contracts.

MINUTES

Parking Authority of - Second Amendment to Memorandum of
Baltimore City Understanding

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Second Amendment to Memorandum of Understanding (Amendment) with LH Water Tower, LLC (LH) and the Council of Unit Owners of 414 Water Street Residential Condominium, Inc. (Condo Association).

AMOUNT OF MONEY AND SOURCE:

\$6,750.00

BACKGROUND/EXPLANATION:

The City's Water Street Garage (Garage) was constructed in 1991 and is one of five condominium units within the 414 Water Street Condominium regime (414 Condo). The 312 residential condominiums on top of the Garage, known as 414 Water Street Residential Condominium, are also a single condominium unit within 414 Condo. Beginning in 2004, the City through multiple agencies, worked to make the 414 Water Street Residential Condominium (Residential Condo) development a reality. Construction of the Residential Condo was completed in 2008.

The original Memorandum of Understanding (the MOU) between the City and LH (the Residential Condo developer) was approved by the Board of Estimates on November 16, 2005, along with numerous other documents that authorized and facilitated the development of the Residential Condo. The MOU governs the relationship between the City (acting through the Parking Authority), LH, and the Condo Association with regard to parking for the Residential Condo in the Garage.

MINUTES

Parking Authority of - cont'd
Baltimore City

At the time of execution of the MOU the Residential Condo was not yet constructed but residential real estate was booming. The

City and LH believed that, once constructed, the residential condominium units would sell within a year. When construction was completed in 2008, the economic downturn had arrived and the market for residential real estate had evaporated. As a result, one provision of the MOU that the City/PABC could have enforced 12 months after completion of construction of the Residential Condo was not enforced and has not been enforced since.

Pursuant to the MOU, Residential Condo parking spaces are located on the uppermost levels of the Garage, and are to be secured from the lower public portion of the Garage by a gated entry/exit. The MOU states that LH is to provide the final number of parking spaces that Residential Condo will need for the term of the MOU (50 years plus renewals) within 6 months of sale of the last residential unit, or 12 months of construction completion, whichever is earlier, so that the City may install the gate and offer all remaining parking spaces to the public. To date, LH has sold only 85% of the 312 units and still cannot provide an accurate final number of parking spaces that the Residential Condo will need.

The PABC has not needed LH to provide a final number of parking spaces because there has not been demand for the parking spaces at the Garage. As the Garage nears capacity, the reservation of spaces for new Residential Condo owners becomes a problem. PABC, LH and the Condo Association are requesting resolution of this approaching problem by amending the MOU to establish a payment schedule for future reservation of parking spaces for Residential Condo owners, and establishing a deadline for LH to provide a final number of parking spaces. Pursuant to this proposed Second Amendment to the MOU, LH will pay to the City a

MINUTES

Parking Authority of - cont'd
Baltimore City

fee to reserve the right to future parking spaces for new purchasers of residential condo units (Reservation Fees). The Reservation Fees begin at \$6.25 per space per month in 2016 and escalates to \$8.32 per space per month in 2019. LH will also be required to provide a final number of parking spaces to the City by December 31, 2019.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Second Amendment to Memorandum of Understanding with LH Water Tower, LLC and the Council of Unit Owners of 414 Water Street Residential Condominium, Inc.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Community Development Block Grant (CDBG) Agreement with the Southeast Community Development Corporation. The period of the CDBG Agreement is July 1, 2016 through June 30, 2017.

AMOUNT OF MONEY AND SOURCE:

\$ 5,000.00 - 2089-208917-5930-437681-603051
 7,000.00 - 2089-208917-5930-437683-603051
108,000.00 - 2089-208917-5930-437691-603051
\$120,000.00

BACKGROUND/EXPLANATION:

Under the terms of this CDBG Agreement, the Southeast Community Development Corporation will continue its housing counseling program and neighborhood outreach activities.

MBE/WBE PARTICIPATION:

FOR FY 2017, THE MBE AND WBE PARTICIPATION GOALS FOR THE ORGANIZATION WERE SET ON THE AMOUNT OF \$22,340.00, AS FOLLOWS:

MBE: \$6,031.80

WBE: \$2,234.00

On May 4, 2016, the Board approved the Resolution authorizing the Commissioner of the Department of Housing and Community Development (DHCD), on behalf of the Mayor and City Council, to file a Federal FY 2016 Annual Action Plan for the following formula programs:

MINUTES

DHCD - cont'd

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

Upon approval of the Resolution, the DHCD's Contracts Section began negotiating and processing this CDBG Agreement as outlined in the Plan effective July 1, 2016 and beyond. Consequently, this CDBG Agreement was delayed due to final negotiations and processing.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Community Development Block Grant Agreement with the Southeast Community Development Corporation.

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 Mr. Roderick C. Demmings, Jr., Developer, for the sale of the City-owned property located at 1126 Myrtle Avenue.

AMOUNT OF MONEY AND SOURCE:

\$3,500.00

BACKGROUND/EXPLANATION:

The project will involve the rehabilitation of the vacant building as a single family home, which the Developer plans to use as his private residence. The property is in the Upton neighborhood.

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

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

The property was valued pursuant to the Appraisal Policy of Baltimore City through the Waiver Valuation Process. The Waiver Valuation price for 1126 Myrtle Avenue is \$4,400.00 and the purchase price is \$3,500.00.

The property is being sold to Mr. Demmings, Jr. below the price determined by the Waiver Valuation Process because of the following reasons:

MINUTES

DHCD - cont'd

- The sale and the rehabilitation will help to promote a specific benefit to the immediate community, and
- the sale and rehabilitation will continue the elimination of blight.

MBE/WBE PARTICIPATION:

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Land Disposition Agreement with Mr. Roderick C. Demmings, Jr., Developer, for the sale of the City-owned property located at 1126 Myrtle Avenue.

MINUTES

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Land Disposition Agreement with the Park for Good People, LLC, Developer, for the sale of the City-owned lots located at 28, 30, and 32 S. Carey Street.

AMOUNT OF MONEY AND SOURCE:

\$3,000.00 - 28 S. Carey Street (Journalized and approved on
 12/22/2010)
 3,000.00 - 30 S. Carey Street (Journalized and approved on
 12/06/2012)
3,000.00 - 32 S. Carey Street (Journalization pending)
\$9,000.00 - Purchase price

BACKGROUND/EXPLANATION:

The Developer intends to use the lots as public green space for community events. There will not be any construction on the lots. The Developer currently owns 1313 and 1321 Hollins Street, both of which are located in the neighborhood. The purchase of the property will be financed with private funds.

The City may dispose of the properties/lots by virtue of Article II, Section 15 of the Baltimore City Charter (2010 Edition) (hereinafter, the City Code).

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

Pursuant to the Appraisal Policy of Baltimore City, using the Waiver Valuation process, these lots have been valued at \$1,753.00 each, for a total amount of \$5,259.00, but will be sold for \$3,000.00 each, for a total of \$9,000.00.

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 the Park for Good People, LLC, Developer, for the sale of the City-owned lots located at 28, 30, and 32 S. Carey Street.

MINUTES

Department of Recreation & Parks - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 007 to GWWO, Inc., under Project No. 1234, On-Call Design Services. The period of the task is approximately nine months.

AMOUNT OF MONEY AND SOURCE:

\$78,744.89 - 9938-910046-9474-000000-703032

BACKGROUND/EXPLANATION:

This task will include design services for the renovation of the Cherry Hill Splash Pad and Wading Pool.

MBE/WBE PARTICIPATION:

The Contractor has achieved 20.71% MBE and 11.16% WBE.

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

Dept. of Recreation and Parks - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$80,000.00	9938-908046-9475	9938-910046-9474
Rec. & Parks 27 th Series	FY15 Pool and Bath House Renovation (Reserve)	FY15 Pool and Bath House Renovation (Active)

This transfer will provide funds to cover the costs associated with design services under On-Call contract No. 1234, Task No. 007 assigned to GWWO, Inc.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 007 to GWWO, Inc., under Project No. 1234, On-Call Design Services. The Transfer of Funds was approved, **SUBJECT** to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter.

MINUTES

Department of Recreation & Parks - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 004 to Mahan Rykiel Associates, Inc., under Project No. 1233, On-Call Design Services. The period of the task is approximately 24 months.

AMOUNT OF MONEY AND SOURCE:

\$27,458.36 - 9938-911083-9474-000000-703032

BACKGROUND/EXPLANATION:

This task will include miscellaneous structural design services for various Recreation and Parks capital projects.

MBE/WBE PARTICIPATION:

The Contractor has achieved 30.66% MBE and 22.90% WBE.

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

Dept. of Recreation and Parks - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$30,000.00	9938-910083-9475	9938-911083-9474
1 st Parks and	FY17 Historic Park	FY17 Historic Park
Public Facilities	Facility Renovations	Facility Renova-
	(Reserve)	tions
		(Active)

This transfer will provide funds to cover the costs associated with design services under On-Call Contract No. 1233, Task No. 004 assigned to Mahan Rykiel Associates, Inc.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 004 to Mahan Rykiel Associates, Inc., under Project No. 1233, On-Call Design Services. The Transfer of Funds was approved, **SUBJECT** to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter.

MINUTES

Department of Public Works - Amendment to Memorandum
of Understanding _____

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Amendment to the Memorandum of Understanding with the Chesapeake Bay Trust. The Amendment to the Memorandum of Understanding extends the period of the Memorandum of Understanding through October 01, 2017.

AMOUNT OF MONEY AND SOURCE:

No funding is required with this request.

BACKGROUND/EXPLANATION:

On November 18, 2015, the Board approved the Memorandum of Understanding for 18 months to provide funding to restoration projects that included vacant lot greening projects as well as outreach and education projects. Instead of a stand-alone Baltimore City competition, the Department of Planning and the Department of Public Works funding was incorporated into the Chesapeake Bay Trust's 2015 Outreach and Restoration Grant Program.

The Chesapeake Bay Trust's original scope included: crafting Request for Proposals to solicit community environmental projects let in Baltimore City projects, hosting the Request for Proposals on the Chesapeake Bay Trust webpage, organizing a technical review committee and implementing a competitive review process. The scope also included input from the Department of Planning and the Department of Public Works for all Baltimore City-based proposals submitted in response to Requests for Proposals, executing approved grant agreements for each approved awardee, and submitting quarterly fiscal reports to the Departments of Planning and the Department of Public Works, including the accounting of expenditures and the documentation of awardee status.

MINUTESDepartment of Public Works - cont'd

The Amendment to the Memorandum of Understanding will authorize a time extension to allow the sub-grantees to complete their projects and the Chesapeake Bay Trust to submit its final report to the City as required by the original agreement.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Amendment to the Memorandum of Understanding with the Chesapeake Bay Trust.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Agreement for Project No. W.C. 1305-PAS Services for Ashburton Filtration Plant Standby Generator with Whitman, Requardt and Associates, LLP. (Consultant). The period of the Agreement is effective upon Board approval for three years, or until the upset limit is reached, whichever occurs first.

AMOUNT OF MONEY AND SOURCE:

\$230,225.00 - 9960-902298-9557-900020-703032

BACKGROUND/EXPLANATION:

The Consultant will provide engineering services including, submittal, RFI and shop drawings reviews, attend progress meetings, site visits, factory witness testing, preparation of record drawings, and provides reports to MDE during the construction period of the new standby generator.

The new standby generator is to provide power to meet the Ashburton Water Filtration Plant emergency load demand requirements during loss of normal power from Baltimore Gas and Electric. The Consultant will prepare contract documents for W.C. 1305. Subsequent to the initial design, the City has requested follow-up design services to address previously unknown existing conditions. The following scope of services will assist the City in completing the necessary installation of the new generator and supporting infrastructure and provide services during construction. The Consultant will coordinate with the City Project Manager including assisting in management of the project to monitor progress, budgets, and schedules and coordinate as needed with other City agencies. The Consultant will also modify the designs to include the removal of the existing fountain and the abandonment of the related piping including both the fill and drain pipes.

MINUTES

DPW/OE&C - cont'd

MBE/WBE PARTICIPATION:

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

MBE: 27%

WBE: 9%

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Agreement for Project No. W.C. 1305-PAS Services for Ashburton Filtration Plant Standby Generator with Whitman, Requardt and Associates, LLP.

MINUTES

Department of Public Works/Office - Partial Release of Retainage
of Engineering and Construction

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Partial Release of Retainage to W.M. Schlosser Co., Inc. for Stormwater Contract No. 7762R - Rehabilitation and Replacement of the Highlandtown Stormwater Pump Station.

AMOUNT OF MONEY AND SOURCE:

\$75,870.00 - 9958-905708-9520-000000-200001

BACKGROUND/EXPLANATION:

As of July 27, 2016, W.M. Schlosser Co., Inc. completed 100% of the work for Stormwater Contract No. 7762R, Rehabilitation and Replacement of the Highlandtown Stormwater Pump Station. Currently, the City is holding \$84,300.00 in retainage for the referenced project and the contractor is requesting to reduce the amount of retainage to \$8,430.00 which is sufficient to protect the interest to the City.

MWBOO APPROVED THE PARTIAL 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 to W.M. Schlosser Co., Inc. for Stormwater Contract No. 7762R - Rehabilitation and Replacement of the Highlandtown Stormwater Pump Station.

MINUTES

Office of Engineering & Construction - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 028 to Arcadis US, Inc., under Project No. 1303, On-Call Project and Construction Management Assistance.

AMOUNT OF MONEY AND SOURCE:

(\$150,328.50)

BACKGROUND/EXPLANATION:

Arcadis US, Inc. will provide a credit of unused funds from various tasks including Task 001, Task 012, Task 013, Task 015, Task 020, Task 022, Task 023, and Task 024. This credit will increase the agreement upset limit and allow other tasks to be developed.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 028 to Arcadis US, Inc., under Project No. 1303, On-Call Project and Construction Management Assistance.

MINUTES

Department of Public Works/Office - Task Assignment Task No. 007
of Engineering and Construction

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 007 to Rummel, Klepper & Kahl, LLP under Project No. 1504 (S.C. 902, S.C.903, S.C. 882, and S.C. 937), Construction Management Assistance Services. The period of the task is 12 months.

AMOUNT OF MONEY AND SOURCE:

\$162,483.31 - 9956-909602-9551-900020-705032 S.C. 902
162,483.31 - 9956-907603-9551-900020-705032 S.C. 903
162,483.31 - 9956-905565-9551-900020-705032 S.C. 882
162,483.31 - 9956-903654-9551-900020-705032 S.C. 937
\$649,933.24

BACKGROUND/EXPLANATION:

The Office of Engineering and Construction is in need of assistance from Rummel, Klepper & Kahl, LLP to provide construction management assistance services on various projects, including but not limited to S.C. 902-Improvement to the Sanitary Sewers in Dundalk Sewershed, S.C. 903-Improvements to Patapsco Sewershed, S.C. 882-Enhanced Nutrient Removal at Back River Wastewater Treatment Plant Project 2, Activated Sludge Plant No. 4, and S.C. 937-High Level Interceptor Cleaning for the Department of Public Works, Bureau of Water and Wastewater.

MBE/WBE PARTICIPATION:

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

MBE: 20%

WBE: 10%

MINUTES

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

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 007 to Rummel, Klepper & Kahl, LLP under Project No. 1504 (S.C. 902, SC 903, S.C. 882, and S.C. 937), Construction Management Assistance Services.

MINUTES

Department of Transportation - Developer's Agreement No. 1492

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Developer's Agreement No. 1492 with Taxi, LLC, Developer.

AMOUNT OF MONEY AND SOURCE:

\$26,000.00

BACKGROUND/EXPLANATION:

The developer is desiring to upgrade an existing water service in the vicinity of their renovation to 5005-5007 York Road, Baltimore, MD 21212. This agreement will allow the organization to do its own installation in accordance with Baltimore City Standards.

A Performance Bond in the amount of \$26,000.00 has been issued to Taxi, LLC which assumes 100% of the financial responsibility.

MBE/WBE PARTICIPATION:

City funds will not be utilized for this project, therefore, MBE/WBE participation is not applicable.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Developer's Agreement No. 1492 with Taxi, LLC, Developer.

MINUTES

Department of Transportation - Temporary Construction Easement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Temporary Construction Easement with Mr. Vincent S. Fava and Ms. Diane Fava, grantor.

AMOUNT OF MONEY AND SOURCE:

\$13,211.00 - 9956-907855-9551-900020-704040

BACKGROUND/EXPLANATION:

The Department of Public Works has performed emergency repair work on West Mulberry Street to repair a failed sanitary sewer main which caused the street to collapse. In the emergency repair, bypass pumps were needed to keep the sanitary flow moving. These pumps were placed on the Fava's property. The agreement compensates the Fava's for the use of the property in this emergency repair.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Temporary Construction Easement with Mr. Vincent S. Fava and Ms. Diane Fava, grantor.

MINUTESDepartment of Transportation - Minor Privilege Permit Applications

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

	<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
1.	701 Saint Paul Street	The Annie E. Casey Foundation, Inc.	Awning 115 sf.
	Flat Charge: \$966.00		
2.	824 E. Fort Avenue	Harry V. Nguyen	Single face electric sign 8'x 2'
	Flat Charge: \$254.40		

A PROTEST WAS RECEIVED FROM BRIAN PERRONE, KELLIE MECH, BRENDA MURPHY, AND MICHAEL GANGI.

There being no objection, the Board, UPON MOTION duly made and seconded, approved the Minor Privilege Permit. Item no. 2 was **WITHDRAWN**.

March 24, 2017

Attn: Clerk
Board of Estimates
Room 204, City Hall
101 N. Holiday Street
Baltimore, MD 21202

Clerk:

I, as the owner of the property at 826 E. Fort Avenue, am writing this letter to formally protest and object to the Minor Privilege granted to the property owner at 824 E. Fort Avenue for a single face electric sign.

The application for the minor privilege is attached.

I feel that this minor privilege is inappropriate for the block on which it is located and will directly affect the home values of my property and others surrounding 824 E. Fort Avenue. 824 E. Fort Avenue is in the middle of a residential block that has not had a non-end unit store front in over 13 years. The decision to allow one now is not consistent with the nature of the block.

The adjacent houses to 824 E. Fort Avenue will now have a storefront interrupting the continuous façade of residential properties and the potential additional light pollution of light emanating from the sign. The sign itself will be obscured by a tree in front of both of our properties, and I would strongly object to altering the tree so that a commercial sign can gain visibility.

Please consider my concerns in denying this minor privilege.

Thank you,



Brian Perrone
Owner: 826 E. Fort Avenue
Baltimore, MD 21230
410-727-8941

ATTACHMENTS: 1. REQUIREMENTS OF PROTEST
2. PICTURES OF PROPERTY
3. PROTEST FROM 828 E. FORT AVENUE
4. MINOR PRIVILEGE APPLICATION

Attachment 1:

Requirements of the written protest:

- 1) I am representing myself as the owner of 826 E. Fort Avenue, directly next door to the property at 824 E. Fort Avenue seeking a Minor Privilege.
- 2) At issue is the permitting of a 2 x 8-foot lighted sign on a residential block, and directly next to my property.
- 3) The harm to me from this sign would be the potential for light emanating into the window and breaking up the general aesthetics of the entire residential 800 block.

Further harm will likely be the lower property and rental value of my property due to it being next to a commercial property. 826 E. Fort Avenue has been in my family for 13 years and the property at 824 E. Fort Avenue has been residential for that entire time. This change and the sign that would come along with it is completely changing the make-up of the block I bought into, have lived and invested.

Finally, there is a tree that obstructs the view of the proposed sign. I fear the next request will be the removal of the tree to provide the sign more visibility, further changing the aesthetics of the block.

Attachment 2:

No Commercial properties in the middle of this block. The former Rallo's is at the corner of Lawrence and E. Fort. All non-end properties are residential with no signage.



Tree blocking the sign's proposed location. A sign would have no visibility and the tree should not have to be removed to provide visibility.



Attn: Clerk
Board of Estimates
Room 204, City Hall
101 N. Holiday Street
Baltimore, MD 21202

Clerk:

I, as the owner of the property on the same block as 824 E. Fort Avenue, am writing to object to the Minor Privilege granted to the property for a single face electric sign.

I feel that this minor privilege is inappropriate for the block on which it is located and will directly affect the home values of my property and others surrounding 824 E. Fort Avenue. 824 E. Fort Avenue is in the middle of a residential block that has not had a non-end unit store front in over 13 years. The decision to allow one now is not consistent with the nature of the block.

Please consider my concerns in denying this minor privilege.

Thank you,

Name: Kellie Mech
Signature: Kellie Mech
Address: 828 East Fort Ave.
Balto. Md. 21230
Phone #: ~~410-418-1011~~ 410-385-0273



STEPHANIE
RAWLINGS-BLAKE
MAYOR

APPLICATION FOR MINOR PRIVILEGE

DEPARTMENT OF TRANSPORTATION
MINOR PRIVILEGE SECTION
200 Holliday Street, Room 204
Baltimore, Maryland 21202

410-396-3346 • minorprivilege@baltimorecity.gov



Date: _____

To the Board of Estimates:

Application is hereby made for a permit to:

✓ SINGLE FACE ELECTRIC SIGN

Location	824 E. FORT AVE.	Property Owner	HARRY NGUYEN
Address	824 E. FORT Baltimore MD 21230	Phone Number	301-792-6652
Size	8' x 2'		
Projection from Property Line	6"	Width of Sidewalk	8'
Purpose			

I hereby agree to the granting of this permit, under the provisions of the Baltimore City Charter, Article VIII, Section 9. I understand and agree that all charges arising by reason of the granting of this permit will constitute liens upon the above property. I further agree that if the above application is granted, the permit shall at all times be subject to revocation and change of rate by the Board of Estimates.

Witness	Jenise Woolsey	Owner	HARRY NGUYEN
Address	200 Holliday St.	Address	824 E. FORT AVE - Baltimore MD 21230

I hereby certify that copies of this application have been served upon the adjoining property owners:

Name	TD DEVELOPMENT LLC	Address	3500 BOSTON ST. BALTO, MD. 21234
Name	JOHN W. PERRONE	Address	508 NORWICH RD. SEVERNA PARK, MD.

Consideration of the granting of the permit applied for, the applicant hereby agrees to pay, indemnify, and save harmless the Mayor and City Council of Baltimore, its officers, agents, and employees, from any and all suits, actions, demands, damages, expenses, and costs of every kind and description for which said municipality, its officers, agents, or employees may be liable as a result of, or in connection with, the issuance of said permit or any work or operation done or performed in connection with the erection, construction, installation, existence, maintenance or removal of the subject matter of said permit.

It is further understood that the Board of Estimates reserves the right, in its discretion, to terminate the privilege at any time or to increase the charges for the privilege granted on thirty days' notice.

Witness	Jenise Woolsey	Owner	HARRY NGUYEN
Address	200 Holliday St.	Address	824 E. FORT Baltimore MD 21230

Any objection to the issuance of this permit must be filed in writing with the Board of Estimates within three (3) days from the date of delivery on "return receipt," which shows receipt of this application by certified mail.

First Year Charge	Annual Charge	Flat Charge
-------------------	---------------	-------------

Approved by the Board of Estimates upon payment of charge indicated above and subject to revocation at all times by the Board of Estimates. Adjustments and cancellations of minor privilege charges will be made only from the date of written request.

Approved	Permit Number	<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent
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STEPHANIE
RAWLINGS-BLAKE
MAYOR

APPLICATION FOR MINOR PRIVILEGE

DEPARTMENT OF TRANSPORTATION
MINOR PRIVILEGE SECTION
200 Holliday Street, Room 204
Baltimore, Maryland 21202

410-396-3346 • minorprivilege@baltimorecity.gov



Date: _____

To the Board of Estimates:

Application is hereby made for a permit to:

Location	Property Owner
Address	Phone Number
Size	
Projection from Property Line	Width of Sidewalk
Purpose	

I hereby agree to the granting of this permit, under the provisions of the Baltimore City Charter, Article VIII, Section 9. I understand and agree that all charges arising by reason of the granting of this permit will constitute liens upon the above property. I further agree that if the above application is granted, the permit shall at all times be subject to revocation and change of rate by the Board of Estimates.

Witness	Owner
Address	Address

I hereby certify that copies of this application have been served upon the adjoining property owners:

Name	Address
Name	Address

Consideration of the granting of the permit applied for, the applicant hereby agrees to pay, indemnify, and save harmless the Mayor and City Council of Baltimore, its officers, agents, and employees, from any and all suits, actions, demands, damages, expenses, and costs of every kind and description for which said municipality, its officers, agents, or employees may be liable as a result of, or in connection with, the issuance of said permit or any work or operation done or performed in connection with the erection, construction, installation, existence, maintenance or removal of the subject matter of said permit.

It is further understood that the Board of Estimates reserves the right, in its discretion, to terminate the privilege at any time or to increase the charges for the privilege granted on thirty days' notice.

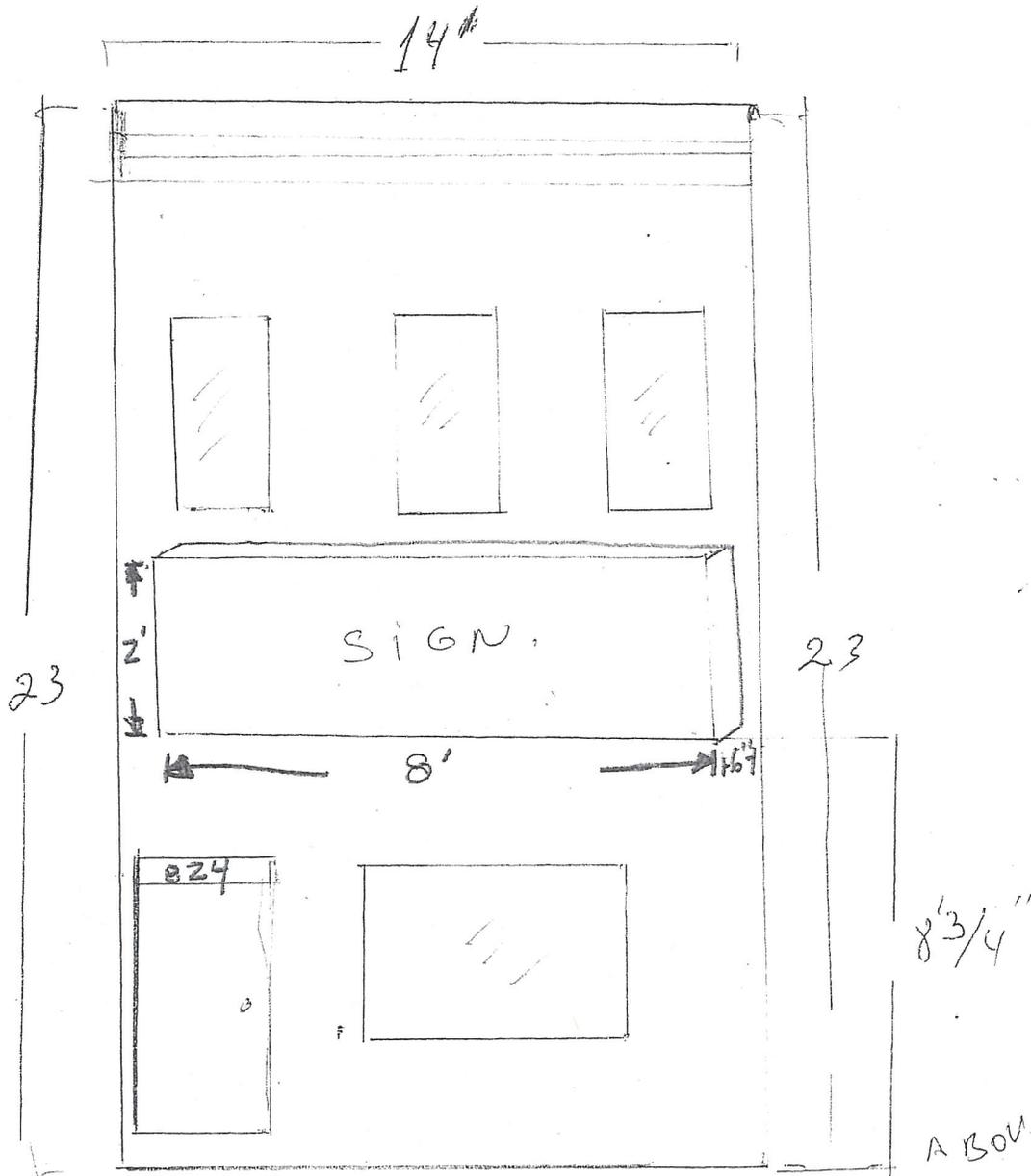
Witness	Owner
Address	Address

Any objection to the issuance of this permit must be filed in writing with the Board of Estimates within three (3) days from the date of delivery on "return receipt," which shows receipt of this application by certified mail.

First Year Charge	Annual Charge	Flat Charge
-------------------	---------------	-------------

Approved by the Board of Estimates upon payment of charge indicated above and subject to revocation at all times by the Board of Estimates. Adjustments and cancellations of minor privilege charges will be made only from the date of written request.

Approved	Permit Number	<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent
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ELECTRIC WALL MOUNT
SIGNAGE

FOR 824 E. FORT AVE
BALTO., MD, 21230

AGENDA

BOARD OF ESTIMATES

03/29/2017

Department of Transportation - Minor Privilege Permit Applications

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

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
1. 824 E. Fort Avenue	Harry V. Nguyen	Single face electric sign 8' x 2'
Flat Charge:	\$ 254.40	
2. 111 Water Street	The Morris Weinman Company, Inc.	One 2yd dumpster 6.5' x 3.5'
Annual Charge:	\$ 318.50	
3. 500 Park Avenue	500 Park Avenue, LLC	Single face electric sign 20.3 sq. ft.
Flat Charge:	\$ 426.30	
4. 3232 Eastern Avenue	Highland Haus, LLC	Double face electric sign 100 sq. ft.
Flat Charge:	\$1,590.00	
5. 145 Ostend Street	Stadium Square III, LLC	One canopy 21.62' x 4.3' One single face electric sign 16.214 sq. ft.
Annual Charge:	\$ 518.10	

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

Attn: Clerk
Board of Estimates
Room 204, City Hall
101 N. Holiday Street
Baltimore, MD 21202

Clerk:

I, as the owner of the property on the same block as 824 E. Fort Avenue, am writing to object to the Minor Privilege granted to the property for a single face electric sign.

I feel that this minor privilege is inappropriate for the block on which it is located and will directly affect the home values of my property and others surrounding 824 E. Fort Avenue. 824 E. Fort Avenue is in the middle of a residential block that has not had a non-end unit store front in over 13 years. The decision to allow one now is not consistent with the nature of the block.

Please consider my concerns in denying this minor privilege.

Thank you,

Name: Kellie Mech
Signature: Kellie Mech
Address: 828 East Fort Ave.
Balto. Md. 21230
Phone #: ~~410-488-1051~~ 410-385-0273

Attn: Clerk
Board of Estimates
Room 204, City Hall
101 N. Holiday Street
Baltimore, MD 21202

Clerk:

I, as the owner of the property on the same block as 824 E. Fort Avenue, am writing to object to the Minor Privilege granted to the property for a single face electric sign.

I feel that this minor privilege is inappropriate for the block on which it is located and will directly affect the home values of my property and others surrounding 824 E. Fort Avenue. 824 E. Fort Avenue is in the middle of a residential block that has not had a non-end unit store front in over 13 years. The decision to allow one now is not consistent with the nature of the block.

Please consider my concerns in denying this minor privilege.

Thank you,

Name: BRENDA MURPHY

Signature: Brenda Murphy

Address: 808 E. Fort Avenue

Baltimore MD, 21230

Phone #: 443-562-4724

Attn: Clerk
Board of Estimates
Room 204, City Hall
101 N. Holiday Street
Baltimore, MD 21202

Clerk:

I, as the owner of the property on the same block as 824 E. Fort Avenue, am writing to object to the Minor Privilege granted to the property for a single face electric sign.

I feel that this minor privilege is inappropriate for the block on which it is located and will directly affect the home values of my property and others surrounding 824 E. Fort Avenue. 824 E. Fort Avenue is in the middle of a residential block that has not had a non-end unit store front in over 13 years. The decision to allow one now is not consistent with the nature of the block.

Please consider my concerns in denying this minor privilege.

Thank you,

Name: Michael Gans

Signature: 

Address: 818 East Fort Ave
Baltimore MD 21230

Phone #: 410-206-1788

MINUTES

Health Department - Agreements

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

1. **THE JOHNS HOPKINS UNIVERSITY (JHU)**
- MOORE CLINIC **\$ 158,306.00**

Account: 4000-484716-3023-513200-603051

The JHU Moore Clinic is the "centerpiece" of the Johns Hopkins AIDS Service which currently follows over 2,000 patients in various stages of HIV infection. This clinic has been developed to provide specialized services tailored to the idiosyncratic needs of patients with HIV infection. Services available within the clinic are sub-specialty consults, counseling, case management, social work service, pulse oximetry, infusion services, lab services, and wound care. Specifically, the Moore Clinic will be one of the primary providers for pre-exposure prophylaxis (PrEP) to the young Men who have Sex with Men and transgender of color community. The JHU Moore Clinic will also participate with the REACH Institute in providing training on best practices for providing the PrEP. The period of the agreement is September 30, 2016 through September 29, 2017.

The agreement is late because of budget reviews and the approval process.

2. **JOHNS HOPKINS UNIVERSITY**
- HARRIET LANE CLINIC **\$ 186,278.00**

Account: 4000-484717-3023-718000-603051

The Johns Hopkins Harriet Lane Clinic (HLC) is a primary care community-based clinic on the City's eastside that has been serving children, youth, and their families since

MINUTES

Health Department - cont'd

1912. The HLC is a comprehensive youth and family-centered medical home to an estimated 3,500 adolescents and young adults aged 13-25. Specifically for this project, the HLC will be one of the primary providers for pre-exposure prophylaxis (PrEP) to the young Men who have Sex with Men and transgender of color community. The HLC will participate with the REACH Institute in providing training on best practices for providing PrEP, and hire peer navigators to assist clients in accessing PrEP when appropriate and ensuring the obstacles to care are overcome. The HLC will participate in quarterly meetings that elucidate best practices and ensure dissemination of best practices among the members of the collaborative. The period of the agreement is September 30, 2016 through September 29, 2017.

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

MWBOO GRANTED A WAIVER.

3. **JOHNS HOPKINS UNIVERSITY,
SCHOOL OF MEDICINE (JHUSOM) \$ 15,212.00**

Account: 4000-480317-3150-762100-603051

The JHUSOM will provide the services of an epidemiologist to direct the coordination of efforts to expand and enhance Hepatitis C (HCV) surveillance. The JHUSOM will manage and analyze the HCV surveillance data to measure the HCV testing, diagnosis, and clinical outcomes at the population level and among clients served by clinical partners in Baltimore City and support data integration efforts. The period of the agreement is July 1, 2016 through June 30, 2017.

MINUTESHealth Department - cont'd

The agreement is late because budget revisions delayed processing.

MBE/WBE PARTICIPATION:

N/A

4. **CHASE BREXTON HEALTH SERVICES, INC.** **\$ 315,311.00**
(CBHS)

Account: 4000-484717-3023-718000-403051

The CBHS has been providing clinical services to the Lesbian, Gay, Bi-sexual, Transgender, Queer/Questioning (LGBTQ) community for more than 30 years. The organization has clinics throughout the metropolitan area and will thus help meet the objectives of providing services throughout the metropolitan statistical area.

The CBHS will be one of the primary providers for pre-exposure prophylaxis (PrEP) to the LGBTQ community. It will participate with the REACH Institute in providing training on best practices for providing the PrEP, train peer navigators and case managers to best assist clients in accessing HIV prevention services, such as the PrEP and post exposure prophylaxis when appropriate and ensure that potential barriers to care are overcome. The CBHS will also participate in and contribute to quarterly meetings that develop best practices among the members of the collaborative. The period of the agreement is September 30, 2016 - September 29, 2017.

The agreement is late because budget review delayed processing.

MINUTES

Health Department - cont'd

5. **CHASE BREXTON HEALTH SERVICES, INC. (CBHS) \$ 468,207.00**

Account: 5000-569717-3023-274402-603051

The CBHS has a long history of providing accessible, long-term, integrated comprehensive HIV care services. These services focus on providing access to high quality Early Intervention Services, Health Education/Risk Reduction, Outreach Services-Traditional, and CAREWare Implementation. The period of the agreement is July 1, 2016 through June 30, 2017.

6. **CHASE BREXTON HEALTH SERVICES, INC. (CBHS) \$1,069,053.00**

Account: 4000-424517-3023-274402-603051

The CBHS has a long history of providing accessible, long-term, integrated comprehensive HIV CARE services. These services focus on providing access to high quality Medical Case Management, Medical Nutrition Therapy, Mental Health, Oral Health Care, Outpatient Ambulatory Health, Substance Abuse Outpatient Care, and Outreach Services - Minority AIDS Initiative (MAI). The period of the agreement is July 1, 2016 through June 30, 2017.

These agreements (item nos. 5 and 6) are late because the Prevention and Health Promotion Administration (PHPA) programmatically manages HIV/AIDS State Special services. The providers are asked to submit a budget, budget narrative, and scope of services. The Baltimore City Health Department thoroughly reviews the entire package before preparing a contract and submitting it to the Board. These budgets are many times revised because of inadequate information from the providers. This review is required to comply with grant requirements.

MINUTES

Health Department - cont'd

7. **BEHAVIORAL HEALTH SYSTEM BALTIMORE
(BHSB), INC. \$1,002,613.00**

Accounts: 1001-000000-3070-286400-603051	\$ 966,693.00
1001-000000-6331-468700-603051	\$ 35,920.00

The BHSB will administer public funding for substance abuse treatment services for uninsured and underinsured Baltimore City residents. The organization leads the City's response to substance abuse by developing/implementing a Drug and Alcohol Jurisdiction Plan that identifies priorities and effective strategies for preventing, treating, and supporting long term recovery from addiction. The period of the agreement is July 1, 2016 through June 30, 2017.

The agreement is late because budget revisions delayed processing.

8. **BON SECOURS BALTIMORE HEALTH CORPORATION \$ 90,000.00**

Account: 4000-499016-3023-513201-603051

Bon Secours Baltimore Health Corporation will complete at least 3,000 HIV tests at Bon Secours Hospital to include testing, counseling, linkage to care, and referrals for partner services and prevention services. The period of agreement is January 1, 2017 through December 31, 2017.

The agreement is late because it was delayed during the administrative review process.

9. **HEALTH CARE FOR THE HOMELESS, INC. \$ 409,982.00**

Account: 4000-424517-3023-274405-603051

MINUTESHealth Department - cont'd

Health Care for the Homeless, Inc. provides primary care, behavioral health, outreach, case management, dental, occupational therapy, supportive housing, and additional support services to assist individuals who are vulnerable and experiencing homelessness. For those diagnosed with HIV, the organization has specific workflows and considerations to ensure access to wrap-a-round services. The organization provides Health Education and Risk Reduction (HERR) and outreach services. Case Managers are available for referrals to connect those who need additional support and work to ensure persons adhere to medication and appointments. HERR and outreach programs collaborate on external appointment coordination to assist individuals in remembering and making appointments. The period of the agreement is July 1, 2016 through June 30, 2017.

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

NURSE MONITOR AGREEMENTS

- | | | |
|-----|---------------------------------|--------------------|
| 10. | WELL TRUST COMPANY, INC. | \$60,500.00 |
| 11. | HARRIETT KNIGHT, R.N. | \$60,500.00 |

Account: 4000-426217-3110-306800-603018

MINUTESHealth Department - cont'd

The Maryland State Department of Health and Mental Hygiene is designated as the single State agency to administer all aspects of the Community Personal Assistance Services (CPAS) and the Community First Choice (CFC) Nurse Monitors through the full term of this agreement.

The Nurse Monitors will exercise independent professional judgment and carry professional liability insurance. Each Nurse Monitor will be an independent contractor and not an employee of the City.

The Nurse Monitors will be responsible for providing personal assistance services for the CFC/CPAS participants through the term of this agreement. They will make home visits, maintain clinical records, and utilize the Long Term Services and Support Maryland Tracking System, as required. The period of the agreement is July 1, 2016 through June 30, 2017.

The Agreements are late because they were requested late in the fiscal year and required revisions which delayed processing.

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- | | | |
|--|----------------|---------|
| 1. UWS, INC. | \$1,500,000.00 | Renewal |
| Contract No. B50004450- - Large Water Meter Testing, Repair and Replacement Services - Department of Public Works, Bureau of Water and Wastewater - P.O. No. P534917 | | |

On March 16, 2016, the Board approved the initial award in the amount of \$292,138.50. The award contained four 1-year renewal options. This first renewal in the amount of \$1,500,000.00 is for the period March 31, 2017 through March 30, 2018, with three 1-year renewal options remaining. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On December 7, 2015, MWBOO approved a waiver as segmentation was not considered practicable. All meters and meter parts are provided by the City, and the vendor is required to provide repair trucks with a two-person team. All tests and repairs are done on-site with the meter in-line, as scheduled by the Department of Public Works.

MWBOO GRANTED A WAIVER.

- | | | |
|---|--------------|---------|
| 2. ECCOVIA, INC. d/b/a | | |
| CLIENT TRACK, INC. | \$ 93,600.00 | Renewal |
| Contract No. B50002737 - Homeless Management Information System - Mayor's Office of Human Services - P.O. No. P523147 | | |

On April 24, 2013, the Board approved the initial award in the amount of \$215,000.00. The award contained five 1-year renewal options. Subsequent actions have been approved.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Purchases

This third renewal in the amount of \$93,600.00 is for the period April 10, 2017 through April 9, 2018, with two 1-year renewal options remaining. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On November 29, 2012, MWBOO determined that no goals would be set because of no opportunity to segment the contract. This was a competitively bid solicitation for proprietary software and implementation services.

MWBOO GRANTED A WAIVER.

- | | | |
|--|---------------------|----------------|
| 3. <u>NSI LAB SOLUTIONS, INC.</u> | <u>\$ 13,000.00</u> | <u>Renewal</u> |
| <u>Contract No. B50003962 - Analysis of Drinking Water - Proficiency Test - Department of Public Works - Bureau of Water and Wastewater - P.O. No. P530731</u> | | |

On April 8, 2015, the City Purchasing Agent approved the initial award in the amount of \$13,000.00. The award contained three 1-year renewal options. Subsequent actions have been approved. This second renewal in the amount of \$13,000.00 is for the period April 15, 2017 through April 14, 2018, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

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

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Purchases

- | | | |
|---|---------|---------|
| 4. HIGHLANDER CONTRACTING
COMPANY, LLC | \$ 0.00 | Renewal |
| Contract No. B50002858 - CCTV and Video Surveillance System
Maintenance and Installation - Mayor's Office of Information
Technology, Department of Public Works, etc. - P.O. No.
P523999 | | |

On May 15, 2013, the Board approved the initial award in the amount of \$200,000.00. The award contained two renewal options. On June 15, 2016, the Board approved the first renewal in the amount of \$0.00. This final renewal in the amount of \$0.00 is for the period May 22, 2017 through May 21, 2018. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On March 4, 2013, MWBOO set goals of 15% MBE and 5% WBE. No current compliance review was requested due to expenditures not meeting the threshold for a compliance review. The City has only requested \$17,000.00 worth of services.

- | | | |
|---|---------------|---------|
| 5. PROMIUM, LLC | \$ 100,000.00 | Renewal |
| Contract No. B50002679 - Laboratory Information Management
System (LIMS) - Department of Public Works - P.O. No. P523392 | | |

On May 1, 2013, the Board approved the initial award in the amount of \$511,684.00. The award contained two 1-year renewal options. On April 27, 2016, the Board approved the first renewal in the amount of \$200,000.00. This final renewal in the amount of \$100,000.00 is for the period May 8, 2017 through May 7, 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>
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Bureau of Purchases

MBE/WBE PARTICIPATION:

On October 24, 2012, it was determined that no goals would be set because of no opportunity to segment the contract.

MWBOO SET GOALS OF 0% MBE AND 0% WBE.

6. <u>BIOHABITATS, INC.</u>	\$ 0.00	Renewal
Contract No. B50004355 - Master Planning Services for a Citywide Green Network Plan - Department of Planning - P.O. No. P534827		

On March 9, 2016, the Board approved the initial award in the amount of \$170,745.00. The award contained two 1-year renewal options. This first renewal in the amount of \$0.00 is for the period March 9, 2017 through March 8, 2018, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

	<u>Commitment</u>	<u>Performed</u>	
MBE: Living Design Lab, LLC	10%	\$18,250.00	14.6%
WBE: Floura Teeter Landscape Architects, Inc.	15%	\$12,126.04	9.7%

MWBOO FOUND VENDOR IN COMPLIANCE.

Per contracting agency, the Consultant has demonstrated good faith efforts. Goals will be achieved by contract completion.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Purchases

7. AARON SHAWN BELL d/b/a

A.S.B.	\$ 90,000.00	Increase
Contract No. B50004643 - Carpet, floor, Drapery and Upholstered Furniture Cleaning - Department of General Services - P.O. No. P536188		

On July 14, 2016, the City Purchasing Agent approved the initial award in the amount of \$24,999.00. The award contained four 1-year renewal options. These increases have been approved. Due to unforeseen usage, an increase in the amount of \$90,000.00 is necessary. This increase will make the award amount of \$276,999.00. The contract expires on July 17, 2017, with four 1-year renewal options remaining. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On May 6, 2016, it was determined that no goals would be set because of no opportunity to segment the contract. The Contractor, A.S.B., is a City certified MBE.

MWBOO SET GOALS OF 0% MBE AND 0% WBE.

- 8.
- DAS SOLUTIONS, LLC
- \$ 43,174.95 Sole Source
-
- Contract No. 08000 - Replacement Parts - Flocculator and Clarifier Drives - Department of Public Works - Water Analyzer's Office - Req. No. R755262

DAS Solutions, LLC is the sole authorized Nidec-Shimpo Drive Distributor in the State of Maryland. The requirement is for

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

SHIMPO RXC Ringcone Adjustable Speed Direct Drive upgrade and is required for compatibility with installed and in use equipment at the Department of Public Works water treatment plants.

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. This meets the requirement for certification as a sole source procurement as these commodities are only available from the distributor, and are not available from subcontractors. Additionally, this procurement is below the MBE/WBE subcontracting threshold of \$50,000.00.

- | | | | |
|----|---|---------------------|--------------------|
| 9. | <u>SAFEWARE, INC.</u> | <u>\$118,619.16</u> | <u>Cooperative</u> |
| | Contract No. 4400001839 - AREA RAE Pro for Hazmat Systems and Accessories - Baltimore City Fire Department - Req. No. R748976 | | |

The above referenced contract was competitively bid by the County of Fairfax, Virginia on behalf of the cooperative US Commodities. The system will be funded utilizing the Amos Grant funds which will expire on June 30, 2017. Safeware, Inc. is the authorized vendor offering the lowest price for the AREA RAE Pro System in the Mid-Atlantic area.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Purchases

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

On March 17, 2017, MWBOO determined that no goals would be set because of no opportunity to segment the contract. This is a purchase of commodities only. There are currently no certified MBEs or WBEs who provide public safety equipment.

MWBOO GRANTED A WAIVER.

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

MINUTESPolice Department - Ratification of Grant Adjustment Notices**ACTION REQUESTED OF B/E:**

The Board is requested to ratify Grant Adjustment Notices (GANs) Nos. 1, 2, and 3 from the Governor's Office of Crime Control and Prevention for the Technology Innovation for Public Safety (TIPS) Program Award.

AMOUNT OF MONEY AND SOURCE:

\$0.00

BACKGROUND/EXPLANATION:

On January 13, 2016, the Board approved acceptance of the grant award for the TIPS Program in the amount of \$368,130.00. The period of the grant award was October 1, 2015 through September 30, 2016.

GAN No. 1 extended the period of the grant award through December 31, 2016. GAN No. 2 extended the period of the grant award through January 31, 2017. GAN No. 3 extended the period of the grant award through February 28, 2017. The three GANs were no-cost extensions to the grant award.

The grant award provided funding for the Department to purchase technology which allows the Department to receive real-time notifications of gunshot locations in selected parts of the City. The three extensions were needed due to an extensive Request for Proposal and procurement process involved in the grant award.

MINUTES

Police Department - cont'd

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

AUDITS NOTED THE NO-COST TIME EXTENSION.

UPON MOTION duly made and seconded, the Board ratified Grant Adjustment Notices Nos. 1, 2, and 3 from the Governor's Office of Crime Control and Prevention for the Technology Innovation for Public Safety Program Award.

MINUTES

Police Department - Grant Adjustment Notice No. 4

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of Grant Adjustment Notice No. 4 from the Governor's Office of Crime Control and Prevention for the Technology Innovation for Public Safety (TIPS) Program Award. This no cost GAN No. 4 will extend the period of the grant award through December 31, 2017.

AMOUNT OF MONEY AND SOURCE:

\$0.00

BACKGROUND/EXPLANATION:

On January 13, 2016, the Board approved acceptance of the grant award for the TIPS Program in the amount of \$368,130.00. The period of the grant award was October 1, 2015 through September 30, 2016.

The Department has requested the Board to ratify GAN Nos. 1, 2, and 3. GAN No. 1 extended the period of the grant award through December 31, 2016. GAN No. 2 extended the period of the grant award through January 31, 2017. GAN No. 3 extended the period of the grant award through February 28, 2017. The three GANs were no-cost extensions to the grant award.

This no-cost GAN No. 4 will extend the period of the grant award through December 31, 2017.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

AUDITS NOTED THE NO-COST TIME EXTENSION.

MINUTES

Police Department - cont'd

UPON MOTION duly made and seconded, the Board approved acceptance of Grant Adjustment Notice No. 4 from the Governor's Office of Crime Control and Prevention for the Technology Innovation for Public Safety Program Award.

MINUTES

Fire and Police Employees' - Subscription and Limited
Retirement System (F&P) Partnership Agreements

ACTION REQUESTED OF B/E:

The Board is requested to approve the Subscription and Limited Partnership Agreements authorizing the F&P to purchase limited partnership interests in Castlelake Aviation III Stable Yield, L.P., a closed-end, private equity limited partnership managed by Castlelake, L.P.

AMOUNT OF MONEY AND SOURCE:

\$16,000,000.00 - Initial investment of F&P funds

No General Fund monies are involved in this transaction.

BACKGROUND/EXPLANATION:

The F&P Board of Trustees conducted a search for a private equity manager and, as a result of that search, selected Castlelake, L.P. to initially receive and invest \$16,000,000.00 in its Castlelake Aviation III Stable Yield, L.P.

The search and selection process was conducted with the assistance and advice of the F&P System's investment advisor, Summit Strategies Group.

MWBOO GRANTED A WAIVER.

UPON MOTION duly made and seconded, the Board approved the Subscription and Limited Partnership Agreements authorizing the F&P to purchase limited partnership interests in Castlelake

MINUTES

Fire and Police Employees' - cont'd
Retirement System (F&P)

Aviation III Stable Yield, L.P., a closed-end, private equity limited partnership managed by Castlelake, L.P. The Comptroller

ABSTAINED.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Subscription Agreement to purchase limited partnership interests in EnCap Equity Capital Fund XI, L.P.

AMOUNT OF MONEY AND SOURCE:

\$20,000,000.00 - Initial investment of F&P Funds

No General Fund monies are involved in this transaction.

BACKGROUND/EXPLANATION:

The F&P Board conducted a search for a natural resources manager and, as a result of that search, selected EnCap Investments, L.P. to initially receive \$20,000,000.00 to be invested in its EnCap Energy Capital Fund XI, L.P. The search and selection process was conducted with the assistance and advice of the F&P System's investment advisor, Summit Strategies Group.

MWBOO GRANTED A WAIVER.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Subscription Agreement to purchase limited partnership interests in EnCap Equity Capital Fund XI, L.P. The Comptroller **ABSTAINED**.

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:

1201 - 1208

to the low bidders meeting the specifications and with the
requirement that for item no. 3 the THG Energy Solutions, LLC
come into MBE/WBE compliance within ten days of award,
or rejected bids on those as indicated
for the reasons stated.

The Transfer of Funds was approved
SUBJECT to receipt of a favorable report
from the Planning Commission,
the Director of Finance having reported favorably
thereon, as required by the provisions
of the City Charter.

The Comptroller **ABSTAINED** on item nos. 1 and 2.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Office of Engineering & Construction

1. WC 1356, AMI/R Urgent Need Metering Infrastructure Repair Replacement, Various Locations	R.E. Harrington Plumbing & Heating Co, Inc.	\$3,994,581.50	
MBE: R.E. Harrington Plumbing & Heating Co., Inc.*		\$1,398,103.53	35%
Reviera Enterprises, Inc.		119,837.45	3%
JLN Construction Services, LLC		119,837.45	3%
Economic International Construction Co., Inc.		<u>119,837.45</u>	<u>3%</u>
		\$1,757,615.88	44%
WBE: Franqui Enterprise, LLC		\$ 159,783.26	4%
R & R Contracting Utilities, Inc.		<u>79,891.63</u>	<u>2%</u>
		\$ 239,674.89	6%

*Indicates Self-Performance

MWBOO FOUND VENDOR IN COMPLIANCE.

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
2. \$2,641,586.00	9960-909100-9558	
Water Revenue	Construction Reserve	
Bonds	Water Infrastructure	
800,000.00	Rehab	
Baltimore County		
1,200,000.00	9960-904709-9558	
Baltimore County	Construction Reserve	
	Towson Finished Water	
	Reservoir	

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Office of Engineering & Construction - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
334,086.00	9960-907688-9558	
Baltimore County	Construction Reserve	
	Falls Road Water	
	Main Replacement	
307,500.00	9960-907158-9558	
Baltimore County	Construction Reserve	
	Earthen Dam Improvement	
<u>\$5,283,172.00</u>		
\$ 399,458.00	-----	9960-906600-9557-2
		(Extra Work)
399,458.00	-----	9960-906600-9557-3
		(Engineering)
250,000.00	-----	9960-906600-9557-5
		(Inspection)
3,994,581.50	-----	9960-906600-9557-6
		(Construction)
239,674.50	-----	9960-906600-9557-9
<u>\$5,283,172.00</u>		(Administration)

The funds are required to cover the cost of the award for WC 1356, AMI/R Urgent Need Metering Infrastructure Repair & Replacement at Various Locations.

A PROTEST WAS RECEIVED FROM METRA INDUSTRIES.

50 Muller Place
Little Falls, New Jersey 07424
(973) 812-0333
FAX (973) 812-0330

February 17, 2017

Baltimore City
City Hall, Room 204
100 Holliday Street
Baltimore MD 21202

Re. **BID PROTEST OF Water Contract WC 1356**
Urgent Metering Infrastructure Repair and Replacement, Various Locations (Up
To 2-inch Water Service)
Bid Date / Time: February 15, 2017, 11:00 AM

Attention: Honorable Joan M. Pratt, CPA, Comptroller

Dear Ms. Pratt,

We are writing in protest of the apparent low bid submission by R.E. Harrington (Harrington) for this job.

We respectfully submit to you that Metra is the lowest responsive and responsible bidder for the above referenced project for the reasons set forth herein.

The *apparent* bid results earlier this week were:

1. RE Harrington	\$3,994,581.50
2. Metra	\$4,020,255.00
3. Spiniello	\$4,663,300.00
4. Civil	\$6,092,605.00

It is noteworthy that there is only a negligible price difference between us and the apparent low bidder (a fraction of 0.0064 to be precise).

Currently there is a lawsuit pending in the Baltimore City Circuit courts regarding another similar project WC1353 (reference WRIT OF ADMINISTRATIVE MANDAMUS FOR JUDICIAL REVIEW OF THE DECISION OF THE BALTIMORE CITY BOARD OF ESTIMATES - BID PROTEST OF METRA INDUSTRIES OF AWARD OF CITY OF BALTIMORE DEPARTMENT OF PUBLIC WORKS, WATER CONTRACT NO. 1353-AMI/R URGENT METERING INFRASTRUCTURE REPAIR & REPLACEMENT TO R.E. HARRINGTON PLUMBING & HEATING CO., INC.)

Metra Industries is protesting 1356 for the very same reasons.

In particular, Harrington listed a significant portion of their WBE percentage requirement (valued at an amount in excess of \$150,000) to be allocated towards a firm known as Franqui Enterprises LLC (Franqui) for the purported services of "Construction

Management". This is a sham because construction management is not a pay item / work task included in proposal or Contract for this project. "Construction Management" could only be considered part of the contractor's overhead. To call it anything else is a farce and just an attempt to trick the process. It certainly does NOT fulfill the intent of the contract goals. These pages are particularly sensitive; and rightfully so because MWBE usage is so important for proper community opportunities and general community development on broad-based sense.

Furthermore, Franqui is not prequalified with the City of Baltimore in any capacity. Only in the event that a value of work less than \$25,000 is being performed would this be status of non-prequalification be allowable. However, Franqui (as stated above) is listed by Harrington for an amount in excess \$150,000 on this particular Contract PLUS ANOTHER \$208,190.40 for WC1353 which is currently pending in the Baltimore City Circuit Court. **Thus, Franqui is listed for an amount in excess of \$358,190.40 between the two contracts.**

Franqui fails to possess the qualifications, the resources, the capacity or the sophistication to perform this volume of work. In fact, a search of information publicly available on Franqui indicates that they have a staff of 2 employees and that they conduct approximately \$100,000 of work in gross, annual sales.

As per: <http://publicworks.baltimorecity.gov/Boards-and-Commissions>

*"OBC is the prequalification office for all construction-related contractors and design consultants seeking to perform services of \$25,000 or greater on the City of Baltimore's contracts. **Prequalification is required for all firms performing such work across all City agencies.** Approval of prequalification is granted by the City's Board of Estimates. OBC advertises, receives, and processes for Agency review all design projects for the City of Baltimore. OBC also maintains performance evaluations for contractors and consultants performing work and has the authority to recommend the appropriate actions for poor performance. Currently, there are over 500 prequalified contractors and 250 prequalified consultants. In order to become prequalified, companies need to submit completed applications and additional required documents for review. OBC reviews the experience and financial reports of contractors to **ensure firms have the technical capability and financial capacity to perform satisfactory work.** OBC uses the financial information to assign a 'Work Capacity Rating' which dictates the amount of total work (public and private) a contractor is not to exceed in order to work on City projects. **Prequalification and the appropriate capacity rating is require[d] of prime contractors in order to purchase bid documents...**"*

In pertinent point, ***Prequalification is required for all firms performing work across all City agencies to ensure firms have the technical capability and financial capacity to perform satisfactory work. This Prequalification and the appropriate capacity rating is required.***

This protects the interests of the City of Baltimore by assuring that a contractor “doesn’t get in over his or her head”.

Clearly, Harrington and Franqui are in over their heads and have as such, created a recipe for disaster.

Taking this one step further, no category even exists for “Construction Management” as can be verified on the Baltimore City website under

Contractor and Consultant
Pre-qualification

<http://publicworks.baltimorecity.gov/contractor-codes-search>

Furthermore, Franqui is not listed in any of the Consultant Pre-qualification categories either as can be verified in

<http://publicworks.baltimorecity.gov/consultant-category-search>

	CODE
▶	ARCHITECTURE
▶	ENGINEERING
▶	LAND SURVEYING
▶	LANDSCAPE ARCHITECTURE
▶	PROPERTY LINE SURVEYING
▶	SURVEYING

In the Notice of Letting, the prequalification category required for bidding is “B02551 Water Mains”. Franqui is not prequalified in any code, let alone, “B02551 Water Mains”

Unlike Franqui, Metra Industries submitted our MBE and WBE subcontractors in strict compliance with the pre-qualifications categories and ours are indeed prequalified (as required) with Baltimore City under the applicable “B02551 Water Mains” code (and otherwise).

And finally, the “Principal Items of Work” as listed in the “Notice of Bid Letting” for this project are:

“Remove dirt/trash/debris from existing small meter vaults, replace/install meter settings and meter vaults, renew/replace existing water supply services, remove and replace top slab, replace/install shutoff valve on existing meter settings, install/replace small/large sectional vault, temporary and permanent pavement and sidewalk restoration, as required.”

There is nothing here that even remotely resembles the work task that Franqui has been listed for. More specifically, this is not a Construction Management type of Contract and the City is not requiring construction management under this contract.

No specific contract management is work contemplated on this contract. Therefore Harrington cannot use this as a mechanism to fill the WBE Goal as they are attempting to do. It would be no different than using a minority accountant firm to manage the books of a contractor or a minority Attorney’s Firm to represent the contractor for legal counsel. The work can’t be quantified nor isolated to this contract. This entirely defeats the purpose and the intent of the bidding (and specifically the WBE) requirements.

Construction Management projects are jobs and Contracts in and of themselves – this is not segmentable. If Baltimore City awards this job to Harrington this way, then they will set precedent for future bids to allow this same sort of response activity to the MBE / WBE requirements. In particular, precedent will allow for this bidder and all bidders going forward to fulfill MBE / WBE bid requirements by just doing a pass-through – by simply using / abusing the “label” of a management services oriented firm to fill / vacate what is otherwise intended to be a good faith effort and goal requirement.

It will allow for MBE / WBE goals to be achieved by purportedly performing duties such as: “Attorney Representation” of a Contractor for disputes during the project or a “Certified Public Accountant (CPA) services” to do the books. This would effectively defeat the purpose entirely and instead condone just making MBE WBE a “pass-through” without being able to show anything for it. It would, in effect change the intent of doing real work to just showing something on paper as a pass-through - unverifiable hours and dollars (unverifiable to the particular job and unverifiable to even any actual work done at all). It would condone bidders to just list companies as a pass through without any real verifiable work towards the construction of the project being accomplished at all.

For all of the foregoing reasons, allowing the listing of Franqui (a non-qualified company) as a WBE for over \$150,000 (of non-existing and non-applicable work) on WC1356 (plus another \$208,000 for WC1353 currently pending in the Baltimore City Circuit Court) would condone Harrington's "pass-through" and their abuse of process allowing them to get past the MBE/WBE requirements by tricking the system. To do this would be considered arbitrary and capricious.

Harrington's bid must be rejected and this Contract must be awarded to the lowest responsive and responsible bidder, Metra Industries.

Very truly yours

Stephan P. Dioslaki

Encl.

C Mr. Billups, MWBOO Offices
Larry Baker, Esq.
Hanna Blake, Esq.
Gregory Palmer, Baltimore City

/spd.

-----Original Message-----

From: Steve Dioslaki [<mailto:sdioslaki@metraindustries.com>]

Sent: Tuesday, February 28, 2017 10:20 AM

To: Pratt, Joan

Cc: Robert Deponte; Miller, Sharon (DPW); Wright, Howard; Jennifer DeRose; Walston, Latonia; Taylor, Harriette; Diamond, Doreen; Billups, Courtney; Lewis Baker; Hanna Blake; Houston-Burgee, Tonorah

Subject: RE: Bid Protest for WC1356

Although specifically for 1353, the attached applies equally to our bid protest for WC1356 (and was incorporated by reference into Metra's actual bid protest for the 1356).

Kindly be guided accordingly.

Metra Industries

Stephan P. Dioslaki

CONTRACTOR

Metra Industries, 50 Muller Pl., Little Falls NJ 07424

sdioslaki@metraindustries.com tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

From: Steve Dioslaki

Sent: Friday, February 17, 2017 12:34 PM

To: Joan.pratt@baltimorecity.gov

Cc: Robert Deponte; Sharon.Miller@baltimorecity.gov; howard.wright@baltimorecity.gov; Jennifer DeRose; Walston, Latonia; Taylor, Harriette; Diamond, Doreen; Billups, Courtney; 'Lewis Baker'; 'Hanna Blake'; Houston-Burgee, Tonorah

Subject: Bid Protest for WC1356

Please see attached letter.

Metra Industries

Stephan P. Dioslaki

CONTRACTOR

Metra Industries, 50 Muller Pl., Little Falls NJ 07424

sdioslaki@metraindustries.com tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

IN THE CIRCUIT COURT OF MARYLAND FOR BALTIMORE CITY

COMPLAINT OF:

METRA INDUSTRIES, INC.
50 Muller Place
Little Falls, NJ 07424

**FOR WRIT OF ADMINISTRATIVE
MANDAMUS FOR JUDICIAL REVIEW OF
THE DECISION OF THE**

**BALTIMORE CITY BOARD OF
ESTIMATES**

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

IN THE CASE OF:

**METRA INDUSTRIES BID PROTEST OF
AWARD OF BALTIMORE CITY
DEPARTMENT OF PUBLIC WORKS,
WATER CONTRACT NO. 1353-AMI/R
URGENT METERING INFRASTRUCTURE
REPAIR & REPLACEMENT TO R.E.
HARRINGTON PLUMBING & HEATING
CO., INC.**

Civil Action No.

24-C-17-0007

2017 FEB 16 PM 2:39
CIVIL DIVISION

COMPLAINT FOR WRIT OF ADMINISTRATIVE MANDAMUS

Metra Industries, Inc. ("Metra"), by and through its undersigned attorneys, hereby files this timely complaint pursuant to Maryland Rules 7-401, to seek a writ of administrative mandamus for judicial review from the January 25, 2017 decision of the Baltimore City Board of Estimates ("BOE") to award the Baltimore City Department of Public Works, Water Contract No. 1353-AMI/R Urgent Metering Infrastructure Repair & Replacement contract (the "Contract") to R.E. Harrington Plumbing & Heating Co., Inc. ("Harrington"). In support of its Complaint, Metra states as follows:

1. Pursuant to the City of Baltimore's Charter ("the City Charter"), the BOE – an administrative agency of the City – is "responsible for awarding contracts and supervising all purchasing by the City as provided ... in the Charter." See Baltimore City Charter, Art. VI § 11(a).
2. The City Charter and applicable BOE Resolutions mandate a formal competitive procurement process for all public construction contracts over \$50,000, as with the instant Contract. See Baltimore City Charter Art. VI § 11(b)-(c).
3. Pursuant to Article VI § 11(f) of the City Charter, public contracts involving expenditures of more than \$25,000 are subject to the BOE's approval.
4. Additionally, Article VI § 11(g) of the City Charter authorizes the BOE to establish requirements for the prequalification of bidders.
5. Pursuant to Article VI § 11(g) of the City Charter, the BOE established prequalification rules that require *all* construction-related contractors, subcontractors and design consultants seeking to perform services of \$50,000 or greater on Baltimore City contracts to be prequalified by The Office of Boards and Commissions ("OBC").¹
6. Baltimore City's standard contract specifications applicable to contracts let by the Department of Public Works ("DPW") – commonly referred to as the "Green Book" – requires all applicants for prequalification to file the requisite application and forms "with the executive secretary of the [Contractor's Qualification Committee], not less than thirty (30) days prior to the opening date specified in the Bid." See Baltimore City Green Book 2006 § 00 21 13.20(D).
7. In addition, the Green Book states unequivocally that "[a] qualified Contractor is

¹ Cf. City of Baltimore, Department of Public Works Specifications for Materials, Highways, Bridges, Utilities, and Incidental Structures ("Green Book") § 00 21 13.20, requiring prequalification to perform services in excess of \$25,000 on City contracts. It appears that the threshold amount for contractor prequalification increased to \$50,000 after submission of bids on the Contract. Nonetheless, this issue does not change the outcome in the instant matter.

one whose financial rating and classification has been determined by the Contractor's Qualification Committee, and ratified and confirmed by the Board of Estimates." See id. at § 00 21 13.20(E).

8. With respect to the BOE's approval and award of public construction contracts, such as the Contract at issue in this Writ, the City Charter mandates that such contracts be awarded to "the lowest **responsive and responsible** bidder." See Baltimore City Charter, Art. VI § 11(h)(1)(ii). Accordingly, to comply with its directive in the City Charter, the BOE's decision to award necessitates a factual evaluation of contract bids for conformity with the applicable contract requirements and City rules and regulations.

9. Harrington was the apparent low bidder on the Contract and Metra was the second low bidder on the Contract. Harrington, however, was not a responsible bidder as it did not comply with the Contract's Women's Business Enterprise ("WBE") goal and the City's prequalification requirements.

10. By letter dated January 10, 2017, Metra submitted its notice of bid protest and accompanying statement to the BOE. In its bid protest letter, Metra objected to the DPW's recommendation that the BOE award the Contract to Harrington on the basis that Metra was the actual low, **responsive and responsible** bidder pursuant to the City Charter and applicable rules and regulations.

11. Metra's bid protest was added to the agenda for the BOE's hearing to be held on January 25, 2017.

12. On January 25, 2017, counsel for Metra appeared before the BOE to present argument in support of Metra's bid protest of an award of the Contract to Harrington. Metra presented argument, *inter alia*, that Harrington was not a responsible bidder because it proposed

to meet the Contract's six percent (6%) WBE goal by issuing a subcontract of \$208,109.40 for "construction management" services to Franqui Enterprises, LLC ("Franqui"), a non-prequalified subcontractor, in violation of the City's rules governing prequalification of contractors. Since all contractors and subcontractors seeking to perform construction-related services of more than \$50,000 on City contracts require prequalification – and publicly-available information suggests that Harrington's subcontractor Franqui is neither prequalified, nor capable of obtaining the prequalification necessary to perform work totaling \$208,109.40 for the City – Harrington's bid did not comport with City regulations or the Contract's WBE requirements. Simply put, Harrington was not a responsive or responsible bidder as required by the City Charter for award.

13. Counter to the unequivocal requirements of the City Charter, the Contract, and the BOE's rules governing prequalification of contractors and subcontractors on contracts exceeding \$50,000 (or the prior \$25,000 threshold), with which Harrington's WBE subcontractor, Franqui, was non-compliant, and without confirming Franqui's financial rating and classification as required by the Contract's specifications, the BOE denied Metra's bid protest and awarded the Contract to Harrington.

14. In addition to the above, Harrington's WBE subcontractor purportedly was to have performed "construction management" work. The Contract solicitation did not contain a unit price item for construction management and it is uncommon for a contractor to retain an outside construction manager for work of this type. Indeed, it was impossible to ascertain from the bid documents whether the WBE subcontractor was to perform a commercially useful function.

15. In denying Metra's bid protest, and awarding the Contract to a contractor who was not the lowest responsive and responsible bidder, the BOE deprived Metra of a valuable interest in the Contract and violated the City Charter.

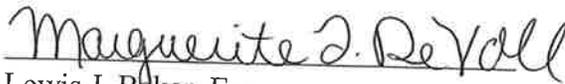
WHEREFORE, Metra Industries, Inc. respectfully requests judicial review of the Baltimore City Board of Estimates' decision to award the Baltimore City Department of Public Works, Water Contract No. 1353-AMI/R Urgent Metering Infrastructure Repair & Replacement contract to R.E. Harrington Plumbing & Heating Co., Inc., and requests that the Court enter a writ of administrative mandamus reversing the award and/or modifying the decision to require award of the contract to Metra Industries, Inc., assuming that the work is to be done at all.

Dated: February 16, 2017.

Respectfully submitted,

METRA INDUSTRIES, INC.

By:



Lewis J. Baker, Esq.

Marguerite L. DeVoll, Esq.

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

1765 Greensboro Station Place, Suite 1000

McLean, Virginia 22102

(703) 749-1000 (Telephone)

(703) 893-8029 (Facsimile)

lbaker@watttieder.com

mdevoll@watttieder.com

Counsel for Metra Industries, Inc.

Rule 1-313 Certification

Pursuant to Rule 1-313 of the Maryland Rules, I hereby CERTIFY that I am admitted as a member in good standing to the Bar of Maryland.


Marguerite L. DeVoll, Esq.

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

Office of Engineering & Construction - cont'd

President: "The first item on the non-routine agenda can be found on pages 61 - 62, item 1 and 2, Department of Public Works, Office of Engineering Construction, Recommendations for Contract Awards, WC 1356, Urgent Need Metering Infrastructure Repair Replacement, at Various Locations. Will the parties please come forward?"

Mr. Michael Mullen: "Mr. President, Madam Mayor, Honorable members of the Board. Michael Mullen from the Law Department speaking on behalf of the Department of Public Works. Uh -- this is Contract No. WC 1356, AMI/R U N Metering Infrastructure Repair and Replacement. The low bidder was R.E. Harrington at \$3,994,581.50 and the Department recommends the award to R.E. Harrington, the low bidder."

Mr. Robert Deponete: "Sorry uh -- I'm Robert Deponete, Vice President of Metra Industries. Uh -- Madam Mayor, Honorable President um -- members. Uh -- we feel that Harrington's bid has

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Office of Engineering & Construction - cont'd

been non-responsive uh -- due to a lack of prequali --
prequalification by Franqui uh -- Enterprises, who is uh --
their WBE um -- on this project. Although they're --"

President: "You've got to pull the mic up."

Mr. Deponte: "I'm sorry. Although they were prequalified as a uh
-- M -- as a WMBE uh -- they weren't prequalified to do work in
uh -- the City of Baltimore cause their contract is over
\$50,000.00. Uh - they were on the last Contract 1353 um -- and
they had ample time to fill out their paperwork and become a --
prequalified uh -- contractor for the City. Uh -- R & R
Contracting, who is also on that contract, they are a WBE and
they went through that application uh -- and filled out the uh -
- right forms and became a uh -- certified contractor for the
City."

President: "Okay. Uh --"

Mayor: "Okay"

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

Office of Engineering & Construction - cont'd

Mr. Mullen: "Again, Michael Mullen from the Law Department --"

President: "Can you raise the mike up?"

Mr. Mullen: "This is the uh -- same protest that was raised on 1353. There are no new facts or information being presented here today. The Office of Boards and Commissions does not have a prequalification category for Construction Management and the way they look at it is that it's essentially like the same thing as marketing, outreach, printing. It's something that's handled by the contractor either in their back office or they can use a sub as Harrington has chosen to do so here. So, this is the same exact argument that was raised, I believe, three weeks ago on WC 1553 uh -- and there was a law suit that was filed by Metra against the City arising from that and that law suit was dismissed on Friday."

President: "Okay."

Interim City Solicitor: "Kumasi, you want to add --"

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

Office of Engineering & Construction - cont'd

Mr. Kumasi Vines: "Sure uh -- Kumasi Vines, Chief of Office of Boards and Commissions. Uh -- just like the last protest on this issue uh -- Construction Management is not a category. We can't require um -- a contractor to be prequalified in a category that doesn't exist. Uh -- and just so we're not mixing issues here uh -- Franqui may be certified as a minority firm, all minority firms aren't required to be prequalified. Um -- so I don't want to mix the issues here. Um -- and I guess to further state uh -- Construction Management uh -- well -- Metra should be familiar with the prequalification process. When you become prequalified, it's not a blanket prequalification, similar to MBE. It's not a blanket certification. Um -- you have to be prequalified in specific categories. So, to repeat my earlier point, we can't force a company to be prequalified in a category that -- that doesn't exist."

Mayor: "Okay. You call for a vote?"

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

Office of Engineering & Construction - cont'd

President: "Uh?"

Mayor: "You call for the vote?"

President: "You have anything else to say? Uh -- is there a Motion?"

Interim City Solicitor: "Yes. I move that we deny the protest and award the contract um -- as recommended by the Department of Public Works and to the extent that there is any uh -- defect, that we waive that for the purposes, for the reasons stated."

Director of Public Works: "Second."

President: "All those in favor say AYE. All opposed NAY. The Motion carries."

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

3. B50004652, Demand Response System	THG Energy Solutions, LLC	\$ 798,500.00
---	------------------------------	---------------

(DPW, Office of Sustainable Energy)

The award is recommended to THG Energy Solutions, LLC subject to it coming into compliance within ten days of award.

MWBOO SET MBE GOALS AT 5% AND WBE GOALS AT 2%.

MWBOO FOUND VENDOR IN NON-COMPLIANCE.

Bidder did not list any MBE or WBE participation.

MINUTES

Department of Finance - Revisions to the Municipal
Post Office Charging Slip

ACTION REQUESTED OF B/E:

The Board is requested to approve modification to the Municipal Post Office Charging slip.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The modification to the Municipal Post Office Charging slip will provide accurate billing information. This is policy AM-503-1-2. The correct preparation of the charge ticket is necessary to ensure accurate fees are billed to the correct agency budget numbers.

The Municipal Post Office has added additional fields to the charging slip form, which will reduce the delay in the mailing process.

- Name
- Phone Number
- Location

The revisions to AM-503-1-2 was recommended and reviewed by the Bureau of the Budget and Management Research and the Office of Risk Management, Department of Finance.

MINUTES



a

AM-503-1-2

m **Municipal Post Office Charging Slip**

28-1429-8110 5400-07-10		MUNICIPAL POST OFFICE 100 Gullford Avenue - Garage Level	
		DATE <u> 1 </u>	
<u> 2 </u> BUREAU - DIVISION			
CHARGE THE ACCOUNT LISTED BELOW WITH POSTAGE INDICATED.			
<u> 3 </u> PIECES	<u> 4 </u> BUDGET ACCOUNT		
<u> 5 </u> PRINT NAME	<u> 6 </u> SIGNATURE		
<u> 7 </u> PHONE NUMBER	M.P.O. USE ONLY \$ <input type="text"/> AMOUNT		

- | | |
|----|---|
| 1. | Date Submitted to MPO |
| 2. | Agency's Name - Bureau - Division |
| 3. | Number of pieces of mail (Certified or First Class) |
| 4. | Agency's VALID Budget Account Number (26 Digits) |
| 5. | Agency's Representative - Print Name |
| 6. | Agency's Representative Signature. |
| 7. | Agency Rep. - Phone Extension. |

If you are preparing the mail for the Municipal Post Office, please ensure that the applicable fields are completed correctly. The correct preparation of the charge ticket is necessary to ensure the accurate fees, audit, and accountability for each agency.

Thank you,
Municipal Post Office

MINUTES

Department of Finance - cont'd

UPON MOTION duly made and seconded, the Board approved the Modification to the Municipal Post Office Charging slip.

MINUTES**TRAVEL REQUEST**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Employees' Retirement System (ERS)</u>			
1. Gary Gilkey	2017 NCPERS Annual Conference & Exhibition Hollywood, FL May 19 - 25, 2017 (Reg. Fee \$1,250.00)	Special Funds - ERS	\$3,553.31

The subsistence rate for this location is \$182.00. The hotel cost is \$259.00 per night plus hotel taxes of \$28.49 per night. The ERS is requesting additional subsistence of \$77.00 per day for hotel costs and \$40.00 per day for meals and incidentals.

The early registration fee of \$1,250.00 which includes educational sessions was paid directly to NCPERS by the Employees' Retirement System. There is no disbursement from the City. His funds will come directly from the ERS's account with Mellon.

UPON MOTION duly made and seconded, the Board approved the above travel request. The Comptroller **ABSTAINED** on item no. 1.

MINUTES

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

April 4, 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 - 65, City Council President and members of the Board of Estimates, BOE Agenda dated April 5, 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;

Email: kimtrueheart@gmail.com

*5519 Belleville Ave
Baltimore, MD 21207*

- 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.
- 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 March 29, 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 meeting will recess until bid opening at twelve noon."

* * * * *

MINUTES

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

BIDS, PROPOSALS, AND CONTRACT AWARDS

Prior to the reading of bids received today and the opening of bids scheduled for today, the Clerk announced that **NO ADDENDA WERE 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:

Bureau of Purchases - B50004933, Sodium Hypochlorite -
15%

Kuehne Chemical
Coyne Chemical - **NO BID**

MINUTES

Bureau of Purchases - B50004907, Pharmacy Benefit
Management Services

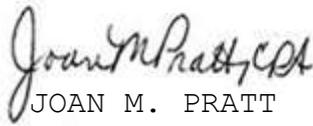
Express Scripts, Inc.
United Healthcare
Aetna Life Insurance Company
CareFirst BlueCross BlueShield
OptumRx, Inc.
Kaiser Permanente

Bureau of Purchases - B50004890, Medical Administration
Services for HMO & PPO Plans

United Healthcare
Aetna Life Insurance Company
CareFirst BlueCross BlueShield
National Vision Administrators, LLC
Kaiser Permanente

* * * * *

There being no objections, the Board, UPON MOTION duly made
and seconded, adjourned until its next regularly scheduled
meeting on Wednesday, April 12, 2017.


JOAN M. PRATT
Secretary