

MINUTES

REGULAR MEETING

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

President: "Good morning, the May 6, 2020, meeting of the Board of Estimates is now called to order. In the interests of promoting and maintaining health and safety as we continues to deal with the COVID-19 pandemic the Board of Estimates continue to be streamed live virtually. Thank you all for joining us again today. I would direct the Board members attention to the memorandum from my office dated May 4, 2020 identifying matters to be considered as routine agenda items together with any corrections and additions that have been noted by the Comptroller. I will entertain a motion to approve all the items contained on the routine agenda."

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

Comptroller: "I second."

President: "All those in favor say aye. All opposed say nay. The motion carries. The routine agenda items have been adopted."

* * * * *

MINUTES

Bureau of the Budget and - Annual Ordinance of Estimates FY 2021
Management Research

ACTION REQUESTED OF B/E:

The Board is requested to approve the Fiscal 2021 Ordinance of Estimates for transmittal to the Baltimore City Council.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The Ordinance of Estimates totals \$3,871,409,851.00, including \$3,048,197,851.00 for operating expenses and \$823,212,000.00 for capital expenses.

MINUTES

Bureau of the Budget and - Annual Property Tax Ordinance FY 2021
Management Research

ACTION REQUESTED OF B/E:

The Board is requested to approve the Fiscal 2021 Tax Rate Ordinance for transmittal to the Baltimore City Council.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The Real Property Tax Rate is proposed to remain at \$2.248 per \$100.00 of assessed value. The Personal Property Tax Rate is 2.5 times the Real Property Tax Rate per State Law.

President: "The first item on the non-routine agenda can be found on page 2, the Department of Finance will present the Proposed Ordinance of Estimates for Fiscal Year 2021 for the Ordinance to Levy and Collect a Tax and Request Authorization to Advertise the Ordinance of Estimates. Mr. Director and I don't where that trial sound is coming from, but we are just going to have to push through it. Director Cename."

Bob Cename: "Hi good morning. This is Bob Cename ah -- Budget Director for the City, I'm also joined by Henry Raymond, Finance Director and I'm here to present the Board with the Fiscal 2021 Ordinance of Estimates and the Proposed Tax Rate Ordinance. So just in summary, the Ordinance contains ah -- \$3 billion dollars of Operating Expenses among all funds. It also includes \$823,000,000.00 of Capital Expenses. So the total ah -- Budget Operating plus Capital

MINUTES

is \$3.3 billion. The General Fund budget only is \$1.9 billion, it's actually a decrease of \$34 million, or a 1.8% reduction versus the Fiscal 20 adopted Budget. The proposed Tax Rate Ordinance ah -- maintains our Tax Rate at \$2.248 per \$100.00 of assessed value for Real Property. And the Personal Property Tax Rate also remains the same at \$5.62 per \$100.00 of assessed value. Um -- if you recall we -- we came to the Board ah -- on April 1st with a Preliminary Budget and at that moment we had ah -- had let folks know that there was re-write of the Budget that was needed to reflect the post pandemic reality and so over um -- over the past month and half, we've had a lot of work to do first to re-write the revenue forecast to reflect what ah -- what should be expected for next year in terms of revenue. We had to focus in on the key services that we wanted to preserve ah -- and we had to make some tough budget reduction decisions. I just want to assure the Board members and the public that as we went through this process, ah -- especially in the midst of this COVID-19 pandemic, ah -- our focus was on making sure we could deliver a realistic and smart budget that tries to minimize as best we can the impact on our -- on our residents. So, the full detail of the Budget will be posted on-line concurrently as this meeting ends today on our website. Ah -- the next step in the process is for the Ordinance to be approved ah -- introduced in the City Council in May and then for follow-up hearings from the City Council over the

MINUTES

course of May or June. Ah -- and with that I would ask the Honorable Board today to approve ah -- these two Ordinances and I am happy to answer any other questions for Board members about the Budget."

President: "Questions Madam Comptroller. Do you have any questions for Director Cename?"

Comptroller: "No. I was briefed yesterday and all my questions were answered."

President: "Okay. Ah -- Mr. Cename I do. Just -- just for the general public ah -- can you talk about like how -- how you guys are work and worked through this Budget to try to minimize ah -- impacts to citizens service as we go through this pandemic and how you were crafting this budget knowing that we're going through this issue but also understanding that we have to still provide the critical services that we need."

Mr. Cename: "Sure. So the ah -- the approach we took over the last month and a half or so was when we realized the severity of the situation, we had to quickly ah -- come up with a realistic ah -- revenue forecast for next year. And the approach we took from there was first to focus on what were the things that we absolutely had to preserve. Ah -- especially those critical core services that our citizens rely on. That's things like Police patrol, um -- EMS services, trash collection, and recycling and direct health services. So, we first made sure that we preserved those services,

MINUTES

because those are things that our citizens rely on, on a daily basis. Ah -- next you know next we had to decide if there was anything, ah -- are there any targeted investments that we continued, wanted to continue to make ah -- to continue to make progress on some of the City's priorities and the Mayor's priorities. And so we did have some small investments in both public safety and ah -- in schools to continue the progress we're making on those two fronts. And then we had to go through reduction options and again, our focus was on trying to squeeze every available option that we could up with that had minimal impact on citizens before we affected agency operations. That's the general approach we took for this budget."

President: "Thank you. Thank you Mr. Cennane. And as always thank you for your hard and diligent work for the citizens of Baltimore. Even with that like are there any highlights for the public ah -- that you want to -- to um -- list that you know that once this thing hits the hands of the press is going to come. So, I think it will be best for you to highlight anything or significant changes that we are going to see and going to have to work through?"

Mr. Cennane: "Sure, so on the highlight side in terms of -- in terms of those investments um -- you know we're preserving ah -- youth funding across the Board, so you know ah -- we felt that those services were very important, that's things like public schools,

MINUTES

it's rec centers, aquatics and Youth Works and all those programs we felt very strongly that we needed to -- to -- to hold those harmless. We also have set aside for City schools ah -- \$30 million dollars for as a match to the school construction legislation that was passed at Annapolis this year. So, that ensures that ah -- the City will be able to make our match to leverage those -- those state dollars. On public safety, we had a small investment, \$1.4 million dollars we added to -- to add two new ah -- what we call Baltimore Community Intelligence Centers in the Police Districts. We have two already and we want to add two more and we feel that that's a critical component of the -- of the City's ah -- crime fighting strategy. We also across many other services, have some investments that were preserved so we're continuing to make progress on the infrastructure and the Water Wastewater Utility Fund. Ah -- we continue to make progress on some of our -- ah -- ah community development framework that is being worked on by HCD, you know, things like demolition, homeownership incentives and affordable housing. Ah -- and we're also doing some investments you know internally on some projects we felt were important to continue. So that's things like the ERP Project, ah -- and some cyber security investments and IT. So those are the -- the highlights I would say by section of the budget to give a sense of the things that we are preserving."

MINUTES

President: "Mr. Cenname what about anything - any things that we are going to have to see some changes to significant?"

Mr. Cenname: "Sure, so on the reduction side as we mentioned earlier, we had ah -- we had um -- we had to write down our forecast by \$103 million and so um -- the way we approached that was we first revised any assumptions in our budget for things like inflation, ah -- debt service, ah -- anything that we could kind of squeeze to - - to that would not have impact on our -- on our citizens. Ah -- we also used unspent balances from other -- other funding sources to preserve ah -- services and ah -- youth services and code enforcement services particularly. And we had to pause a lot of initiatives that were in the budget that we could just not afford to do. So, that's things like we wanted to add more of those Community Intelligence Centers. Ah -- we had wanted to add routes for the Circulator ah - - we wanted to provide capital support ah --- Paygo Capital Support for much needed projects, but we just could not afford them. And then only after that, did we look at impacts to agency operations. And so things like um --- ah --- you know personnel savings, ah -- - pay reduction savings is forecast. We have --- we have proposed some additional changes to ah --- employee health benefits programs and then some trims to ah some of our case City agencies within Fire, ah --- Police and DPW."

MINUTES

President: "Ah -- Mr. Cename thank you. Ah -- Thank you for your work as always. Ah -- are there any other questions from Board members? Seeing none, I will entertain a Motion."

Acting City Solicitor: "Mr. President, I move approval."

Comptroller: "I second."

President: "All those in favor say Aye."

Comptroller: "Hi -- Mr. President."

President: "Yes Madam Comptroller."

Comptroller: "Yes. I'd like to make a comment. First, I would like to thank the Mayor and Mr. Cename and the Department of Finance for all their hard work and effort that culminates the Fiscal Year 2021 Budget. Today the Board approved the FY 2021 Ordinance of Estimates which comprises, among other things, the City's Operating and Capital Budget along with the City's real and personal property tax rates. Developing this budget was particularly challenging task, given the unprecedented decrease in revenue due to the COVID-19 pandemic. With a revenue loss of \$103 million in Fiscal 2021, the Mayor and team had to make some extraordinarily tough decisions to reduce costs without cutting vital services and programs that directly benefit our citizens. Mayor Young's administration put forth a budget that will allow our agency heads and hardworking employees to continue providing services to our communities and spur growth and development in the areas of affordable housing,

MINUTES

neighborhood revitalization, workforce development, and public education. Also, it provides funding for important public health initiatives at a time when health care is the number one priority at all levels a government. This budget includes nearly \$4.7 million for substance abuse use disorder and mental health treatment, almost \$27 million for maternal and child health, and more than \$21.4 million for school health services. It also commits resources to helping our most vulnerable citizens, with more than \$20.8 million allocated to temporary housing and nearly \$33 million for permanent housing for the homeless. It also allocates more than \$58 million to the Department of Recreation and Parks for things like youth and adult sports, community rec centers, recreation for seniors, and urban forestry, among many other important programs. Most importantly, this budget follows through on the City's commitment to fully funding Baltimore City Public Schools with \$287 million in general funds, \$19 million in general obligation bonds for capital projects and funds from other sources for a total of more than \$400 million for public education for our City. I'm proud to support this investment in our children and our future. The money we are committing to public health, parks and rec centers, support for the homeless, and public schools will help address the root causes of poverty and violence in our City. I know that they will be an area of focus for the City Council reviews and votes on this budget in

MINUTES

the coming weeks. Last but certainly not least, I am glad to support \$8.3 million in capital funding and more than \$38.7 million in operating funding for the Office of Information and Technology. As we adapt to the "new normal" of life with COVID-19, robust and secure IT systems are more important than ever. The areas I've mentioned are just a few highlights of the ways this budget maintains vital services and improves the quality of life for the people of Baltimore. Again, thank you Mr. President, Mr. Mayor and let's continue to work on moving our City forward with the support of our City Council, our employees and the people we serve. Thank you."

President: "Thank you Madam Comptroller. Ah -- the President **ABSTAINS** as this has to come before the City Council and I look forward to working with the Mayor's administration, Mr. Cennamo to make sure that we get this budget as perfect as possible during this crisis and we will work together as always to work for the citizens of Baltimore. So thank you all. Ah the second item is approved."

* * * * *

MINUTESDepartment of Planning - Fiscal Year 2021 - 2026 Capital Budget
and Capital Improvement Program

The Board is requested to **NOTE** receipt of the FY 2021 Capital Budget and the FY 2021 - 2026 Capital Improvement Program.

On March 5, 2020, the Planning Commission approved the recommendations for the Fiscal Year 2021 Capital Budget and the Fiscal Year 2021 - 2026 Capital Improvement Program. The recommended program initially totaled \$3,639,270,000.00 over six years and \$888,393,000.00 for FY 2021.

On March 23, 2020, the Board of Finance approved the Capital Improvement Program for FY 2021-2026 as recommended by Planning Commission. Since that time, there have been several major factors requiring changes to the capital Budget.

1. The COVID-19 pandemic resulted in revised revenue estimates for the City and a revised FY 21 Budget. Changes to the Capital Budget as a result of the revised revenue estimates include a reduction in the amount of General Funds available for projects, as well as reductions in the Water and Wastewater utilities.
2. The Maryland General Assembly finalized the State Budget, including several items that affect the Baltimore City Capital Budget.
3. The City has completed its spending plans for Pimlico Local Impact Aid and South Baltimore Casino Local Impact Aid.

With the changes, the recommended new program totals \$3,596,100,000.00 for capital projects during FY 2021-2026 and \$823,212,000.00 for FY 2021.

MINUTESBoard of Finance - Six Year Capital Improvement Program

By City Charter, the review schedule for the Capital Improvement Program ("CIP") includes an endorsement by the Board of Finance. At a scheduled meeting on March 23, 2020 of the Board, the FY 2021 Capital Budget totaling \$888,393,000.00 and the FY 2021-2026 CIP totaling \$3,639,270,000.00 was presented to the Board of Finance. Following the presentation, the Board of Finance endorsed the CIP as summarized below:

**Board of Finance Recommended 2021-2026 CIP
(Dollars in thousands 000)**

The Board **NOTED** receipt of the FY 2021 Capital Budget and the FY 2021-2026 Capital Improvements Program.

MINUTES

Department of Finance - Six-Year Capital Improvement Program

ACTION REQUESTED OF B/E:

The Board is recommended to adopt the Six-Year Capital Improvement Program for Fiscal Years 2021 through 2026.

BACKGROUND/EXPLANATION:

The Department of Finance completed its review of the Six-Year Capital Improvement Program for Fiscal Years 2021 through 2026.

As required by City Charter, the first year of this program represents the Capital Budget for Fiscal Year 2021 and will be included in Part B of the proposed Ordinance of Estimates.

The Six-Year Capital Improvement Program has been updated due to the unprecedented COVID-19 Pandemic and is summarized as follows:

**Finance Recommended 2021-2026 CIP
(Dollars in thousands)**

Source	2021	2022	2023	2024	2025	2026	TOTAL
General Obligation Bonds	80,000	80,000	80,000	80,000	80,000	80,000	480,000
General Funds	500	-	-	-	-	-	500
Revenue Loans	451,538	431,571	196,904	184,429	35,148	279,705	1,579,295
Federal	39,967	37,705	37,642	36,842	35,400	35,400	222,956
State	8,630	14,550	14,225	8,000	4,500	3,500	53,405
Other	242,577	274,309	150,272	121,630	166,455	304,701	1,259,944
Total	823,212	838,135	479,043	430,901	321,503	703,306	3,596,100

UPON MOTION duly made and seconded, the Board adopted the Six-Year Capital Improvements Program for Fiscal Years 2021 through 2026.

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

In accordance with the Rules for Prequalification of Contractors, as amended by the Board on November 21, 2016, the following contractors are recommended:

DeAngelo Brothers, LLC	\$ 320,000.00
Ecological Restoration and Management, Inc.	\$ 8,000,000.00
G.H. Nitzel, Inc.	\$ 8,000,000.00
Hatzel and Buehler, Inc.	\$468,430,000.00
M&F Contractor Company	\$ 1,500,000.00

2. Prequalification of Architects and Engineers

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

Athavale, Lystad & Associates, Inc.	Engineer
EBL Engineers, LLC	Engineer
GeoTech Engineers, Inc.	Engineer
JRS Architects, Inc.	Architect
McLaren Technical Services Inc.	Landscape Architect Engineer Land Survey
Patton, Harris, Rust & Associates, a Professional Corporation	Landscape Architect Engineer Land Survey

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

Pennoni Associates, Inc.	Landscape Architect Engineer Land Survey
Penza Bailey Architects, Inc.	Architect
Prime AE Group, Inc.	Architect Engineer
Remington & Vernick Engineers II, Inc.	Landscape Architect Engineer Land Survey Survey
Weigand Associates, Incorporated	Engineer

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

MINUTES

Fire Department - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Agreement with Vitalk Health, Inc. The period of the agreement is May 1, 2019 through April 30, 2021.

AMOUNT OF MONEY AND SOURCE:

\$177,962.00 - 5000-512719-3191-308700-405001

BACKGROUND/EXPLANATION:

Under this agreement, Vitalk Health, LLC will develop one component of a machine-learning model funded by a \$600,000.00 grant award from the Maryland Community Health Resources Commission (CHRC).

The purpose of this agreement is to develop a machine-learning model related to the Mobile Integrated Health/CHRC program, a component of the above-referenced grant award to provide the Baltimore City Fire Department (BCFD) with the ability to expand the transitional health support program by maximizing EMS resources, reducing hospital readmission, and improving a quality of health in West Baltimore. This request is a necessary piece in the implementation of the entire CHRC grant.

STATEMENT OF PURPOSE AND RATIONALE FOR NON-COMPETITIVE PROCUREMENT:

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

The Consultant, Vitalk Health, Inc., creates artificial intelligence to make patient specific predictions base on 9-1-1 call data, guide a Chat-Bot two-way communication technology, and conduct a detailed evaluation on well-defined outcomes for the program between BCFD and University of Maryland Medical Center

MINUTES

Fire Department - cont'd

(UMMC). The Consultant is performing unique, highly technical services that are not currently used by any other fire department in the Baltimore area. It is the only Consultant that can perform the services required by BCFD and conform to the requirement of the CHRC Grant Agreement which was approved by the Board of Estimates on July 10, 2019.

The agreement is late because of a combination of delays related to the ransomware attack in May 2019.

MWBOO GRANTED A WAIVER ON MARCH 2, 2020.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Agreement with Vitalk Health, Inc.

MINUTES

PERSONNEL MATTERS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

all of the Personnel matters

listed on the following pages:

1709 - 1720

All of the Personnel matters have been approved

by the EXPENDITURE CONTROL COMMITTEE.

All of the contracts have been approved

by the Law Department

as to form and legal sufficiency.

The Mayor **ABSTAINED** on item no. 1.

The President **ABSTAINED** no. 1. The Acting Director

of Public Works **ABSTAINED** on item

nos. 2, 3, and 4.

MINUTES

PERSONNEL

Baltimore City Council

1. a. Create the following Classification:

Classification: Office Support Specialist II
Job Code: 00703
Grade: 075 (\$29,638.00 - \$33,689.00)

b. Create the following Position:

From: Office Support Specialist II
Job Code: 00703
Grade: 075 (\$29,638.00 - \$33,689.00)
Position: To be assigned by BBMR

Cost: \$51,541.00 - 1001-000000-1000-104800-601001

Environmental Control Board (ECB)

	<u>Hourly Rate</u>	<u>Amount</u>
2. TARA BARNES TAYLOR	\$90.00	\$76,950.00
3. MICHAEL TAYLOR	\$90.00	\$76,950.00
4. LYNDA E. EARLE	\$90.00	\$76,950.00

Account: 1001-000000-1170-138600-601009

These individuals will work as a Contract Services Specialist II. Their duties will include, but are not limited to conducting hearings pursuant to the requirements and rules of ECB, the Baltimore City Code, Art. 1 §40, et. seq. ("Code"); conducting hearings for the Department of Housing and Community Development for the Formal Administrative Appeals Committee for Housing Code Enforcement under Section 128 et seq. of the Building, Fire and related codes of Baltimore City which permits the Commissioner of

MINUTES**PERSONNEL**Environmental Control Board - cont'dHourly RateAmount

Housing to designate a Hearing Officer for administrative review of certain agency decisions. In addition, to the foregoing services as a Hearing Officer, this position may from time to time at the request of the Department of Public Works (DPW) and ECB, conduct water bill dispute hearings in strict accordance with the "Regulations on Customer Service and Support for Water, Wastewater, and Storm Water Billing" adopted by DPW. The Hearing Officer will report his/her recommendations in writing to the Director of DPW who will have the final decision making authority regarding abatement of any water bills. The period of the agreement is effective upon Board approval for one year. The Hearing Officer will not work more than 32 hours per week, and will be paid only for those hours actually worked.

Department of Finance5. Reclassify the following filled position:Position No.: 12483

From: Remittance Supervisor
 Job Code: 34218
 Grade: 087 (\$43,395.00 - \$52,455.00)

To: Customer Care Analyst Supervisor II
 Job Code: 34267
 Grade: 090 (\$49,032.00 - \$59,593.00)

Cost: \$9,854.00 - 1001-000000-1480-166400-601001

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

MINUTES

PERSONNEL

Department of Finance - cont'd

6. Reclassify the following filled position:

Position No.: 12484

From: Remittance Supervisor
Job Code: 34218
Grade: 087 (\$43,395.00 - \$52,455.00)

To: Customer Care Analyst Supervisor II
Job Code: 34267
Grade: 090 (\$49,032.00 - \$59,593.00)

Cost: \$9,854.00 - 1001-000000-1480-166400-601001

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

Department of General Services (DGS)

	<u>Hourly Rate</u>	<u>Amount</u>
7. VERDELL MAYNOR	\$33.28	\$63,232.00

Account: 2029-000000-1982-192500-601009

Ms. Maynor will continue to work as a Contract Services Specialist II. Her duties will include, but not be limited to evaluating requests for and making recommendations on the cleaning and custodial maintenance of City-owned buildings and grounds; reviewing, communicating and enforcing custodial contracts per specifications; receiving, critiquing, and expediting the process of cost estimates and determining the length of time necessary to complete projects; reviewing the scope of work; inspecting the work of contractors to ensure compliance with plans and specifications; conducting progress meetings and determining corrective actions necessary to

MINUTES**PERSONNEL**Department of General Services - cont'd

	<u>Hourly Rate</u>	<u>Amount</u>
<p>solve; problems; fielding complaints from City-owned building occupants, building maintenance, and supervisors; working with support of superintendents to address complaints confirming quality of contract work completed and completing Vendor performance reports in Citibuy; generating performance records detailing monthly performance actuals and submitting periodic status reports; acting as a liaison between City and cleaning contractors and performing periodic inspections of buildings and providing reports and feedback to Vendors as well as DGS Facilities Management. The period of the agreement is effective upon Board approval for one year.</p>		
8. IMANI EDWARDS	\$19.21	\$36,499.00

Account: 1001-000000-1981-194600-601009

Ms. Edwards will work as a Contract Services Specialist II. Her duties will include, but are not limited to posting updates to Facebook, Twitter, Instagram, and LinkedIn accounts with relevant, and high-quality content, following closely pre-determined marketing/branding guidelines; posting and updating news and announcements in a timely manner using appropriate content and platforms; performing research to find articles, stories, resources, or other content that is relevant to DGS' customer base and posting it to LinkedIn, Twitter, Instagram, Facebook, YouTube, Social Sprout, and GovDelivery pages in a manner that invites conversation and interaction; posting relevant photos, video, or other content from DGS activities and events; reviewing, analyzing, and reporting on activity of social media networks as well as the official DGS website; recommending changes/edits to superior; presenting analytics to superior; meeting with Department managers to determine best practices; researching ways to automate and streamline processes; assisting with the creation and implementation of the DGS Media Strategic Plan; liaising with DGS leadership, managers, supervisors, and executives to research potential

MINUTES**PERSONNEL**Department of General Services - cont'd

	<u>Hourly Rate</u>	<u>Amount</u>
story updates, PR opportunities and content ideas for media partners and social media; staying up-to-date with digital and multi-media content trends and making relevant recommendations and changes to implement for DGS content across all social media platforms. The period of the agreement is effective upon Board approval for one year.		
9. THOMAS LEE, JR.	\$42.64	\$81,016.00

Account: 2051-000000-1981-718200-601002

Mr. Lee will work as a Contract Services Specialist II. His duties will include, but are not limited to performing energy audits of facilities supporting a Building Performance Institute Energy Analyst Association of Energy Engineers (AEE) Certified Energy Manager; serving as a contract and Project Manager by processing and reviewing payments, conducting bi-weekly progress meetings, inspections, quality assurance and project execution; overseeing \$7,000,000.00 energy performance contract that covers eight City locations and a \$5,000,000.00 Montebello Lighting contract; conducting energy project saving estimates and modeling, identifying opportunities for broad scale efficiency planning and reviewing annual measurement and verification reports from City performance contracts. The period of the agreement is effective upon Board approval for one year.

MINUTES

Health Department

	<u>Hourly Rate</u>	<u>Amount</u>
10. SHERRY ADEYEMI	\$44.28	\$53,136.00

Account: 6000-624921-3100-295900-601009

Ms. Adeyemi, retiree, will continue to work as a Contract Services Specialist I. She will assist in the administrative oversight/support for the Bureau of School Health and the Bureau of School Health budget. She will assist in the administration of the following grants; U-Choose, Administrative Care Coordination, Family Planning, School Nurse, and Vision for Baltimore. In addition, Ms. Adeyemi will assist with the implementation of the School Nurse Electronic Health Record and assist in the development of standard operating procedures for moving, storage and/or disposal of Health Department assets resulting from Baltimore City Public School relocation and closures. The period of the agreement is July 1, 2020 through June 30, 2021.

11. CAROLYN GRANT	\$20.36	\$24,432.00
--------------------------	---------	--------------------

Account: 5000-525721-3100-295900-601009

Ms. Grant, retiree, will continue to work as a Contract Services Specialist I. She will be responsible for gathering pre-examination information for patient case history and assessing the patient's needs for appointment scheduling; obtaining information from patients for billing purposes, entering medical and personal history data into a computerized medical database, and completing patient in-voice forms for patients and third party insurers; preparing the examining area for patient examination; collecting laboratory specimens and completing laboratory slips; performing CPR/First Aid and responding to emergencies; performing medication administration in accordance with program and Maryland Board of Nursing guidelines. The period of the agreement is July 1, 2020 through June 30, 2021.

MINUTES**PERSONNEL**Mayor's Office of Homeless Services

	<u>Hourly Rate</u>	<u>Amount</u>
12. JAYNE A. DAVIS	\$18.00	\$18,720.00

Account: 1001-000000-3574-327200-601009

Ms. Davis will continue to work as a Contract Services Specialist II. Ms. Davis will be responsible for receiving referrals from the Baltimore City Health Department 24 hours a day seven days a week for persons in need of isolation due to COVID-19; conducting initial telephonic screening of Baltimore City residents residing in congregate settings or shelters who have been tested for COVID-19 and are waiting results or who have tested positive and are unable to self-isolate; conducting an initial needs assessment of households placed in isolation; coordinating with Homeless Outreach Lead to advise new intakes and arrivals on site at the City's isolation unit; and producing reports and evaluations as well as performing other duties related to COVID-19 efforts as assigned by the Director. The period of the agreement is effective upon Board approval for six months.

Office of Equity and Civil Rights13. Reclassify the following vacant position

Position No.: 50761

From: Community Relations Representative
Job Code: 84221
Grade: 904 (\$49,054.00 - \$78,487.00)

To: Program Compliance Officer II
Job Code: 31502
Grade: 927 (\$66,118.00 - \$105,788.00)

Cost: \$6,065.00 - 1001-000000-1561-171500-601001

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

MINUTES**PERSONNEL**

Office of Equity and Civil Rights - cont'd

14. Reclassify the following filled position

Position No.: 49659

From: Program Compliance Officer II
Job Code: 31502
Grade: 927 (\$66,118.00 - \$105,788.00)

To: Operations Officer III
Job Code: 31111
Grade: 929 (\$70,276.00 - \$112,293.00)

Cost: \$8,584.00 - 1001-000000-6560-424800-601001

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

Office of Inspector General

15. Create the following position:

Position No.: To be assigned by BBMR

Classification: Operations Assistant II
Job Code: 00080
Grade: 903 (\$46,282.00 - \$74,009.00)

Cost: \$80,531.00 - 1001-000000-1081-109300-601001

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

MINUTES**PERSONNEL**

Office of Inspector General - cont'd

16. Create the following position:

Position No.: To be assigned by BBMR

Classification: OIG Agent

Job Code: 10210

Grade: 927 (\$66,118.00 - \$105,788.00)

Cost: \$110,175.00 - 1001-000000-1081-109300-601001

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

17. Create the following position:

Position No.: To be assigned by BBMR

Classification: Operations Officer IV

Job Code: 00080

Grade: 931 (\$75,715.00 - \$121,037.00)

Cost: \$124,517.00 - 1001-000000-1081-109300-601001

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

Department of Public Works

18. Reclassify the following vacant position:

Position Nos.: 21136, 21840 and 49729

From: Human Resources Assistant I

Job Code: 33681

Grade: 081 (\$35,060.00 - \$41,537.00)

MINUTES

PERSONNEL

Department of Public Works - cont'd

To: Human Resources Assistant II
Job Code: 33683
Grade: 087 (\$40,094.00 - \$48,311.00)

Cost: \$29,709.00 - 2070-000000-5501-597300-601001
2071-000000-5521-393900-601001
1001-000000-1901-190400-601001

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

State's Attorney's Office

	<u>Hourly Rate</u>	<u>Amount</u>
19. JALEN SANDERS	\$20.41	\$38,926.00
20. JASON CHRISTIE	\$20.41	\$38,926.00

Account: 1001-000000-1150-118000-601009

Messrs. Sanders and Christie will each continue to work as a Contract Services Specialist II. They will be responsible for reviewing cases involving the Gun Trace Task Force; reviewing police reports, charges, and case details; collecting documents for review by the Assistant State's Attorneys to determine if the conviction was tainted and using various software programs (JIS, LIMS, and Arrestviewer) to gather documents for review of cases. The period of the agreement is effective upon Board approval for one year.

MINUTES**PERSONNEL**Department of Transportation21. Reclassify the following filled Position:Position No.: 2391-49599

From: Office Supervisor
Job Code: 33215
Grade: 084 (\$38,873.00 - \$46,396.00)

To: Operations Assistant II
Job Code: 31105
Grade: 903 (\$46,282.00 - \$74,009.00)

Cost: \$6,775.39 - 1001-000000-2391-248900-601001

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

22. a. Abolish the following two vacant positions:Position No.: 5011-34763

Classification: Laborer
Job Code: 52931
Grade: 426 (\$33,240.00 - \$35,615.00)

Position No.: 2391-20625

Classification: Traffic Maintenance Worker II
Job Code: 53322
Grade: 078 (\$31,488.00 - \$36,312.00)

b. Reclassify the following two vacant positions:Position No.: 2391-20480

From: Transportation Associate I
Job Code: 72721
Grade: 086 (\$40,487.00 - \$48,836.00)

MINUTES

PERSONNEL

Department of Transportation - cont'd

To: HR Generalist II
Job Code: 33677
Grade: 923 (\$62,171.00 - \$99,709.00)

Position No.: 5011-21654

From: Administrative Coordinator
Job Code: 31100
Grade: 087 (\$42,131.00 - \$50,927.00)

To: HR Generalist II
Job Code: 33677
Grade: 923 (\$62,171.00 - \$99,709.00)

Cost: (\$30,307.56) - 1001-000000-2301-248800-601001

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

23. Reclassify the following vacant position:

Position No.: 37233

From: Transportation Enforcement Officer II
Job Code: 41627
Grade: 083 (\$36,396.00 - \$43,285.00)

To: HR Assistant II
Job Code: 33683
Grade: 085 (\$38,926.00 - \$46,904.00)

Cost: \$3,491.40 - 2076-000000-2351-256300-601001

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

MINUTES

Department of Planning - Non-Construction Consultant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Non-Construction Consultant Agreement for Professional Services with West 8 Urban Design and Landscape Architecture P.C. (West 8) to conduct the Middle Branch Master Plan. The period of the agreement is effective upon Board approval for 14 months, with an option to renew or extend the Agreement for six months.

AMOUNT OF MONEY AND SOURCE:

\$200,200.00 - 2026-000000-1873-732500-603018

BACKGROUND/EXPLANATION:

The Department seeks to engage West 8 as lead Consultant on an updated "Middle Branch Master Plan" (MBMP), representing Phase 2 of the Middle Branch Waterfront Vision and Implementation Plan process. Under a separate agreement, the City and South Baltimore Gateway Partnership (SBGP) contracted with Parks & People Foundation (P&P) to conduct Stakeholder Engagement and Design Team Selection (Phase 1 of the Middle Branch effort). That process culminated in an invited competition of pre-qualified teams led by landscape architecture firms with international reputations for having completed large-scale, public waterfront projects. This resulted in the selection of West 8 by an independent jury of professional experts and City and community representatives in June 2019.

Representatives of the Mayor's Office, Planning and Recreation and Parks worked with SBGP, P&P, state and local agencies, and West 8 to develop the Scope of Work for the MBMP. This Scope details services consisting of six "Tasks" with a total maximum budget of \$1,999,500.00 for personnel and expenses. The City secured commitments of funding from SBGP and the State of Maryland totaling \$1,750,000.00, which will support work on the Master Plan and future phases in the project's development. The State funding (\$750,000.00) and a portion of SBGP's commitment will be available until FY21.

MINUTESDepartment of Planning - cont'd

Given the situation of the COVID-19 crisis and the timing of the funding commitments, Planning wishes to proceed with Task 1 only, for a total cost of \$325,200.00 for Consultant fees and expenses. The sources for funding Task 1 are: \$200,200.00 in Casino Local Impact Grant (LIG) funds, which were appropriated for this purpose in FY20, and \$125,000.00 pledged by SBGP, serving as fiscal agent. As FY21 funds become available, Planning will add tasks by amendment, as provided for in the Agreement.

MBE/WBE PARTICIPATION:

The goals for this project are 27% MBE and 10% WBE participation. The Consultant will comply with Article 5, Subtitle 28 of the Baltimore City Code.

MBE: \$459,355.00

WBE: \$170,131.00

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 Non-Construction Consultant Agreement for Professional Services with West 8 Urban Design and Landscape Architecture P.C. to conduct the Middle Branch Master Plan.

MINUTES

Department of Planning (DOP) - Transfer of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize a transfer of funds to the Baltimore Civic Fund Inc. (BCF) from the Department of Planning to support a Public Ally to conduct immigrant outreach activities related to the 2020 Census.

AMOUNT OF MONEY AND SOURCE:

\$12,000.00 - 1001-000000-1877-806000-603026

BACKGROUND/EXPLANATION:

The DOP requests approval to transfer funds from DOP's budget to support a Public Ally to conduct immigrant outreach for a period of 10 months. The New American Outreach Coordinator will be responsible for strengthening outreach efforts to foreign born communities in the City of Baltimore. This task will include working with trusted community stakeholders such as non-profits, faith-based institutions, civic groups, and educational institutions to assist with information sharing, establish relationships with ethnic media, and coordinate and engage community stakeholders to increase awareness about DOP's 2020 Census initiative and City services.

The funds will be dispersed by BCF to cover:

1. Monthly invoicing related to work performed by the Public Ally from October 15, 2019 to July 24, 2020;
2. Payment toward outreach activities and events to promote Mayor's Office of Immigrant Affairs and services rendered by City agencies;
3. Training and technical assistance services to City agencies and New American Communities.

MINUTES

DOP - cont'd

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the transfer of funds to the Baltimore Civic Fund Inc. from the Department of Planning to support a Public Ally to conduct immigrant outreach activities related to the 2020 Census.

MINUTES

Mayor's Office - Governmental/Charitable Solicitation

ACTION REQUESTED OF B/E:

The Board is requested to endorse a Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City to allow Bernard C. "Jack" Young, Sunny Schnitzer, Lester Davis, Sheryl Goldstein, Charles Svehla, Michael Harrison, James Gillis, Michael Sullivan, Niles Ford, Scott Brillman, Dr. Letitia Dzirasa, Jennifer Martin, Dan Hymowitz, and James Wallace to solicit donations from local individuals, businesses, civic leaders, the foundation community and the general public to support the City of Baltimore's COVID-19 response efforts as it pertains to the purchase and provision of supplies and services. The period of the solicitation is effective upon Board approval through the end of the COVID-19 response.

AMOUNT OF MONEY AND SOURCE:

No general funds are involved in this transaction.

BACKGROUND/EXPLANATION:

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

Beginning on March 13, 2020, the City of Baltimore brought its Emergency Operations Center into full activation and has been working in conjunction with the Health Department and other core agencies to ensure the City of Baltimore is able to provide the support and services required for COVID-19. As this is a public health emergency, the majority of supplies and services are medical or public health related in nature. Examples of supplies being

MINUTES

Mayor's Office - cont'd

purchased to support the COVID-19 response include Personal Protective Equipment (PPE), medical gowns, medical gloves, COVID-19 testing kits, hand sanitizer, disinfectant, surgical masks, fabric masks, and other supplies as CDC guidance is updated over time. Examples of services being provided in response to COVID-19 include the creation and operation of temporary shelter facilities for persons experiencing homelessness who are under investigation, the creation and operation of temporary shelter for employees who are under investigation, the creation and operation of community testing facilities, the creation and dissemination of communications materials relating to the COVID-19 response, and other goods and services as needed to inform and protect the public as it pertains to the City's response to COVID-19.

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

UPON MOTION duly made and seconded, the Board endorsed the Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City to allow Bernard C. "Jack" Young, Sunny Schnitzer, Lester Davis, Sheryl Goldstein, Charles Svehla, Michael Harrison, James Gillis, Michael Sullivan, Niles Ford, Scott Brillman, Dr. Letitia Dzirasa, Jennifer Martin, Dan Hymowitz, and James Wallace to solicit donations from local

MINUTES

Mayor's Office - cont'd

individuals, businesses, civic leaders, the foundation community and the general public to support the City of Baltimore's COVID-19 response efforts as it pertains to the purchase and provision of supplies and services. The Mayor **ABSTAINED**.

MINUTES**CITY COUNCIL BILLS:**

19-0465 - An Ordinance concerning Port Covington District and Port Covington Community Benefits District Management Authority For the purpose of creating a community benefits district for Port Covington; specifying the boundaries of the district; creating a community benefits district management authority and providing for its rights, duties, and powers; providing for the selection and composition of the Authority's Board of Directors; designating the initial interim board of the authority and providing for the selection and approval of a full board, including authority to establish up to three classes of board memberships with certain approval rights granted to each class; creating the administrator for the authority and approving a potential administrator; mandating the financial responsibilities of the Authority and the City in conjunction with the operation of the district; providing for a supplemental tax to be collected for the Authority; authorizing the creation of separate classes and subclasses of property for the purpose of establishing different rates of supplemental tax; authorizing the creation of credits to facilitate a diverse residential mix; incorporating the assessment, collection and enforcement process for the supplemental tax within the procedures and processes already existing; specifying the role of the City in maintaining and enhancing existing services; encouraging the creation of partnerships between and among the Authority, the City, the state, the federal government and other property owners not subject to the supplemental tax; establishing the Board of Estimates as the agency charged with reviewing and approving various matters relating to the district and the Authority; providing for the renewal, expiration, termination and approval of the District and the Authority; otherwise providing for the existence, operation and control of the District and the Authority; and providing for a special effective date.

MINUTES

CITY COUNCIL BILLS: - cont'd

Assuming the Board of Estimates has proposed the Authority for this district, this bill must "provide procedures for a special election" to approve this ordinance "which may be administered by write-in ballots" and "provide criteria for the eligibility of voters" for that special election. Charter, Art. II, §(63)(k).

This bill must also address all of the following:

- (1) specify the powers and functions within the limits of this section, which may be exercised and conducted by the Authority and the amount of taxes or charges which may be imposed on properties in the district.
- (2) specify the duration of the Authority and define the boundaries of the district.
- (3) provide for the imposition and collection of the taxes or charges and for disbursement of the revenue therefrom to the Authority. The financial plan of the Authority, including its annual budget and its tax rate and schedule of charges, shall be subject to approval by the Board of Estimates. Taxes and charges imposed under this paragraph may not exceed those proposed by the Authority.
- (4) determine the organization and method of initial appointment of officers and board members of the Authority. The majority of the members of the board shall be owners or representatives of owners of properties in the district that are subject to taxes or charges under this section. A voting member of the board must be eligible to vote in the election under subsection (j) {subsection (k)} of this section.
- (5) determine what classes of property in the district owned by public service companies as defined in Article 78 of the Annotated Code of Maryland {now, Public Utility Companies Article} shall be subject to or exempt from taxes or charges under this section.

MINUTES**CITY COUNCIL BILLS:** - cont'd

Charter, Art. II, §(63)(c). This bill provides for all of these things.

There are certain functions that a Community Benefits District and its management Authority may NOT be allowed to do:

- (1) exercise any police or general powers other than those authorized by State law and City ordinance;
- (2) pledge the full faith or credit of the City;
- (3) impose taxes or charges in excess of those approved by the Board of Estimates;
- (4) exercise the power of eminent domain;
- (5) extend its life without the approval of the City Council;
- (6) except as otherwise provided by law, engage in competition with the private sector;
- (7) except as otherwise provided in subsection (i) {subsection (j)} of this section, revert charges or taxes collected pursuant to this section to the General Fund of the City;
- (8) be an agency of the Mayor and City Council of Baltimore or the State of Maryland and its officers and employees may not act as agents or employees of the Mayor and City Council of Baltimore or the State of Maryland;
- (9) employ individuals who reside outside the City of Baltimore; and
- (10) except as required or appropriate to facilitate its normal operations, incur debt.

MINUTES**CITY COUNCIL BILLS:** - cont'd

Charter, Art. II, §(63) (e).

There are several areas in which the language of the bill exceeds the legislative authority given to the Mayor and City Council by the General Assembly or otherwise is inadequate. Thus, amendments are needed to make the bill legally sufficient.

First, the language in Section 10-4(B)(1)(III) allowing for the Authority to lease property "for fees and the participation in revenues from such leasing" is not permitted under Section (63)(e)(6) of Article II of the City Charter that prohibits competition with the private sector, unless otherwise permitted by law. Clearly, the law that can permit the Authority to lease property cannot be the ordinance enacted by the City Council, as that would render the Charter's prohibition on private sector competition to be superfluous. See, e.g., *Thomas v. Police Commissioner of Baltimore City*, 211 Md. 357, 361 (1956) ("It is a hornbook rule of statutory construction that, in ascertaining the intention of the Legislature, all parts of a statute are to be read together to find the intention as to any one part and that all parts are to be reconciled and harmonized if possible."). An amendment to remove lines 10-11 on page 4 is attached to this report.

Next, the language in Section 10-4(B)(6) regarding assurances for payments of debts past the life of the Authority must be removed as it would be unable to offer assurances that extended beyond its own life, over which only the Mayor and City Council has control. Charter, Art. II, §(63)(h). The payment of funds by the Authority past the life of the Authority is inconsistent with the requirement that any funds unspent after the Authority dissolves must be returned to the Mayor and City Council of Baltimore. Charter, Art. II, §(63)(j). This would capture all of the Authority's funds, not just those raised by the Special Tax revenues. An amendment is

MINUTES**CITY COUNCIL BILLS:** - cont'd

attached to this report to remove this language. Alternatively, the language could be amended to clarify that the assurances must be provided by a person or entity other than the Authority.

The Authority would also have no power to "establish and enforce rules and regulations" for the use of public or private property within the district as that would amount to the exercise of police power that has specifically been denied to the Authority. Charter, Art. II, §(63)(e)(1). Even when the Mayor and City Council delegates regulatory authority to its agencies—which this Authority is clearly not under Section (63)(e)(8) of Article II of the City Charter—courts are clear that such authority must have legislative guidance. See, e.g., *Maryland Theatrical Corp. v. Brennan*, 180 Md. 377, 385 (1942) ("uncontrolled discretion of an administrative official...is not permitted under the police power."). An amendment is attached to this report to remove Section 10-4(B)(7).

Additionally, the Charter explicitly forbids the Authority from assessing charges against properties that are tax exempt. Charter, Art. II, §(63)(d)(7). Thus, the language in Section 10-4(B)(8) that provides the Authority could impose such charges must be removed. An amendment is attached to this report.

The language used in Section 10-4(B)(11) is not an exact phrasing of what the City Charter requires concerning minority and women's business enterprises so the language should be changed to mirror the Charter's language. Charter, Art. II, §(63)(d)(10). An amendment to align the bill's language with the Charter's language is attached to this report.

MINUTES**CITY COUNCIL BILLS:** - cont'd

This City Council bill, which when passed would be a local law, should not require an employee of an Authority to sign an affidavit as a condition of employment as that could be seen as compelled speech under the First Amendment to the United States Constitution. U.S. Constitution, amend. I; Janus v. AFSCME, 138 S.Ct. 2448, 2463 (2018) ("The First Amendment, made applicable to the States by the Fourteenth Amendment, forbids abridgment of the freedom of speech. We have held time and again that freedom of speech "includes both the right to speak freely and the right to refrain from speaking at all."); accord Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston, Inc., 515 U.S. 557 (1995) ("'Since all speech inherently involves choices of what to say and what to leave unsaid,'...one important manifestation of the principle of free speech is that one who chooses to speak may also decide 'what not to say'" (citation omitted). More importantly, the requirement for the affidavit is not necessary as all other Community Benefits Districts enacted under the powers of Section (63) of Article II are subject to the same employment restraint in Section (63)(e)(9) of Article II of the City's Charter and none of their enabling ordinances require an affidavit. Charter, Art. II, §(63)(e)(9). Rather, the Charter simply requires that a Community Benefits District hire only those employees who live in the City and discharge those employees if and when they move outside of the City. Thus, the Law Department recommends deleting Section 10-5(B)(9) to avoid any First Amendment issues by placing a speech requirement in a City ordinance. An amendment to remove this language from the bill is attached.

MINUTES

CITY COUNCIL BILLS: - cont'd

Next, Section 10-5(B)(11) should be amended to remove the language ", or if more restrictive," from line 2 on page 7 so as to make clear that the Authority cannot exercise any powers that are withheld under the terms of the Charter or the ordinance, regardless of which one is more restrictive. In other words, even if a Charter provision withheld some power, and the ordinance further defined that restriction, both would be operative as the ordinance could never conflict with the Charter. Charter, Art. III, §11. This confusing language appears in other Community Benefits District ordinances but it remains unhelpful. An amendment to remove this language is attached. The bill could also be amended to remove all of Section 10-5(B)(11) as it is merely a statement of statutory construction that is not required.

In Section 10-6(C)(2) on page 7, line 21 of the bill, the word "each" should be inserted instead of the word "any" to be clear that each councilmember whose district falls within the Benefits District is to be a member of the Board of Directors. An amendment is included with this report.

Additionally, changes are required Section 10-6(C)(4) requiring a member of the Board be a representative "of the residents, when a residential project is developed in the District." This is unworkable because it is unclear at what point in the development such a member would be required on the Board. Similarly, it is unclear what is meant by a "residential project." Also, Section 10-6(C)(7) should be deleted because it is merely a suggestion and does not restrict or inform qualifications for membership. The language in Subsections (C)(4) and (C)(7) risk being interpreted as void for vagueness. See, e.g., A.B. Small Co. v. American Sugar Refining Co., 267 U.S. 233, 238-239 (1925) (courts have held a civil "provision invalid as contravening the due process of law clause of the Fifth Amendment, among others, because it required that the transactions named should conform to a rule or standard which was so vague and indefinite that no one could know what it was") (citations omitted);

MINUTES**CITY COUNCIL BILLS:** - cont'd

see also Johnson v. U.S., 135 S.Ct. 2551, 2561 (2015) (just because there may be "some conduct that clearly falls within the provision's grasp" does not cure an otherwise vague law). An amendment to simply require one resident member is attached to this bill. Alternatively, the Mayor and City Council could simply eliminate resident membership in the Board or determine a set number of residents to be on the Board. The amendment also eliminates Section 10-6(C)(7), which although it is present in the Charles Village Community Benefits District language, is confusing as it is the only enumeration in Section 10-6(c) that is not a qualification for board membership.

Next, the language in Section 10-7(B) should be amended to remove the portion of the language that does not apply to every annual financial plan. The provisions for liability contemplated in Section 10-7(B) are already properly located in the uncodified Section 2 of the bill. An amendment is attached to the bill report.

The word "approve" in line 7 on page 9 should be changed to "implement" to align it with the Charter requirement that the Board of Estimates approves the Financial Plan and then the Authority is restricted from implementing any taxes or charges in excess of any approved amounts. Charter, Art II., §(63)(c)(3). Amendment language is attached to this report.

Language is needed to clarify Section 10-8(A)(2)(II). If the intent is to exempt specific types of properties, then those must be enumerated. Charter, Art II., §(63)(c)(5). An amendment to this language is attached to this report but it should be modified as necessary to clarify the intent of this exemption section.

MINUTES

CITY COUNCIL BILLS: - cont'd

The Charter does not authorize a Community Benefit District to have different rates of Supplemental Tax. Charter, Art. II, §(63)(c)(3). Without such explicit authorization, the City may not pass an ordinance to allow for multiple rates. 91 Md. Op. Atty. Gen. 152, 155 (2006) ("A local government may not impose any type of charge, regardless of whether it is designated a tax or a fee, without the authorization of the General Assembly.") (citing the Maryland Declaration of Rights, Article 14). Rather, the Charter is clear that the Financial Plan for a District include "its tax rate and schedule of charges." Charter, Art. II, §(63)(c)(3) (emphasis added). While there may be multiple types of charges, there can only be one tax rate. The interpretation of "rate" in the context of taxes to mean only one rate, and not to include the plural "rates," has been established by Maryland Courts. See, e.g., Rosecroft Trotting and Pacing Assn., Inc. v. Prince George's County, 298 Md. 580, 593 (1984). An amendment to remove these sections is attached to this report.

Finally, an amendment is needed to clarify the voting eligibility in Section 10-15(B). If the owner of each tax parcel within the District is entitled to one vote per tax parcel, the language in Sections 10-15(B)(1)(I) could be read as superfluous and redundant. Moreover, it is unclear if the Public Service Companies owning ancillary assets are entitled to a vote because of the ownership of that asset regardless of whether that asset is located on a tax parcel it owns. An amendment is attached to this report that attempts to clarify the likely intended meaning of this Section.

In addition to these required amendments, it is worth noting that Section 10-4(B)(3) proposes the Waterfront Partnership of Baltimore, Inc. as a possible administrator of the Authority. This is currently not

MINUTES**CITY COUNCIL BILLS:** - cont'd

possible as the Articles of Incorporation of the Waterfront Partnership of Baltimore, Inc. provide that it is geographically limited to the City's Harbor area. Until the Board of Directors of the Waterfront Partnership of Baltimore votes to amend its Articles of Incorporation, the Waterfront Partnership of Baltimore would not be able to administer an area outside of the City's Harbor.

It is also worth noting that while the bill references "all provisions of federal, state and local law limiting the liability of directors, employees, officers, agents and officials of governmental bodies," the Authority will not be such a body. As Maryland's highest Court has explained, it is a public corporation. *Floyd v. Mayor and City Council of Baltimore*, 407 Md. 461, 487-8 (2009). This mischaracterization, however, does not impact the application of the Local Government Tort Claims Act. Id; Md. Code, Cts. & Jud. Proc., § 5-301(d)(13)

In considering this bill as a proposed new Community Benefits District, the City Council must do three things:

- (1) give consideration to the views of the property owners, the retail merchants, the property tenants, and the other members of the business and residential communities within the district;
- (2) make a determination that a district created under this section will reflect a diverse mix of business and residential properties; and
- (3) make a determination that a district created under this section will reflect a diverse economic, social, and racial mix.

Although the bill provides in Section 10-1(B) that such things have been considered, it is best if, at the hearing, the committee considers the business and residential community views and makes the two determinations listed above.

MINUTES**CITY COUNCIL BILLS:** - cont'd

Once established by the special election, the Authority is a public corporation with the power to "promote and market districts, provide supplemental security and maintenance services, provide amenities in public areas, provide park and recreational programs and functions." Charter, Art. II, §(63)(a)(2). The Authority may request additional powers from the Mayor and City Council via ordinance. The Authority's continued existence must be reauthorized every four years. 1997 Md. Laws ch. 655; 2000 Md. Laws ch. 89 (codified in City Code, Art. 14, §6-16); see also 2003 Md. Laws ch. 475.

AMENDMENTS TO COUNCIL BILL 19-0465

Proposed by: Law Dept.

{To be offered to the Housing and Urban Affairs Committee}

Amendment No. 1

On page 4, in lines 10 and 11, delete "(III) THE LEASING OF SPACE AND STRUCTURES FOR FEES AND THE PARTICIPATION IN REVENUE FROM SUCH LEASING."

Amendment No. 2

On page 4, in line 32, delete beginning with the comma through the period in line 34 and substitute a period.

Amendment No. 3

On page 5, delete lines 1 through 3.

Amendment No. 4

On page 5, delete beginning with the comma in line 8 through the end of line 11.

MINUTES**CITY COUNCIL BILLS:** - cont'd**Amendment No. 5**

On page 5, in lines 22 through 25, delete "NONETHELESS SHALL BE SUBJECT TO APPLICABLE ORDINANCES REGARDING CITY POLICY ON ENCOURAGING AND ACHIEVING GOALS FOR PARTICIPATION OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES IN THE CONTRACTING ACTIVITIES" and substitute "SHALL BE SUBJECT TO CITY ORDINANCES AND CITY POLICY REQUIRING ACHIEVEMENT OF GOALS REGARDING MINORITY AND WOMEN'S BUSINESS ENTERPRISES"

Amendment No. 6

On page 6, delete lines 28 through 32.

Amendment No. 7

On page 7, in line 2, delete "EITHER," and delete ", IF MORE RESTRICTIVE,".

Amendment No. 8

On page 7, in line 21, delete "ANY" and replace with "EACH"

Amendment No. 9

On page 7, in line 25, delete "REPRESENTATIVE OF THE RESIDENTS" and replace with "RESIDENT" and in lines 25 and 26 on page 7, delete ", WHEN A RESIDENTIAL PROJECT IS DEVELOPED IN THE DISTRICT"; and delete lines 1 through 3 on page 8.

Amendment No. 10

On page 8, in line 32, delete "IF THE AUTHORITY IS" and delete lines 32 through 34 on the same page.

Amendment No. 11

On page 9, in line 7, substitute "IMPLEMENT" for "APPROVE."

MINUTES**CITY COUNCIL BILLS:** - cont'd**Amendment No. 12**

On page 9, in line 16 delete the colon; and on the same page in line 17 delete "(I)" and ";" and insert a period at the end of line 17; and on the same page delete line 18.

Amendment No. 13

On page 10, delete lines 6 through 16.

Amendment No. 14

On page 15, delete lines 19 through 27 and substitute:

- (1) Each real property tax parcel is entitled to one vote to be exercised by the owner of that real property tax parcel.
- (2) Any Public Service Company that owns one or more fixtures or Ancillary Assets described in Section 10-8(D) is entitled to one vote regardless of how many fixtures or Assets are owned. This is in addition to, and not in substitution for, any votes that the Company is entitled to by virtue of Subsection (1), above.

THE LAW DEPARTMENT APPROVES THIS BILL FOR FORM AND LEGAL SUFFICIENCY SO LONG AS THE FOREGOING AMENDMENTS ARE INCLUDED.

ASSUMING IT IS ENACTED BY THE MAYOR AND CITY COUNCIL, IT DOES NOT BECOME LAW UNLESS AND UNTIL FIFTY-EIGHT PERCENT OF THE DISTRICT APPROVES IT IN A SPECIAL ELECTION.

ALL OTHER REPORTS RECEIVED WERE FAVORABLE.

MINUTES**CITY COUNCIL BILLS:** - cont'd

20-0484 - A Resolution of the Mayor and City Council concerning Midtown Community Benefits District and Management Authority - Renewal Through June 30, 2024 for the purpose of renewing and continuing the Midtown Community Benefits District and Management Authority; providing for a special effective date; and generally relating to the activities and authority of the Midtown Community Benefits District and Management Authority.

ALL REPORTS RECEIVED WERE FAVORABLE.

UPON MOTION duly made and seconded, the Board approved City Council Bills 19-0465 and Amended City Council Bills 19-0465 and directed that the Bills be returned to the City Council with the recommendation that they also be approved and passed by the Honorable Body. The Mayor **ABSTAINED**. The President **ABSTAINED**.

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Law Department - Payment of Settlements</u>			

- | | | | |
|---------------------|----------------------|-----|-------------|
| 1. Woodrow McFadden | 1128 W. Saratoga St. | F/S | \$19,000.00 |
|---------------------|----------------------|-----|-------------|

Funds will be drawn from account no. 9910-914135-9588-900000-704040, Poppleton Project, Phase 4 Area.

On June 20, 2019, the City filed a condemnation action to acquire the Fee Simple interest in the real property located at 1128 W. Saratoga Street in the amount of \$41,000.00, based upon the higher of two independent appraisals. The Defendant contested the City's value and provided a report appraising the property at \$75,000.00. Prior to a scheduled mediation, the parties were able to settle upon a fair market value of \$60,000.00. Thus, the Board is requested to approve an additional \$19,000.00 (\$60,000.00 less the previous approval amount of \$41,000.00).

- | | | | |
|---------------------------|---------------------|----------------|----------|
| 2. G.H. Goldberg,
LLC. | 2201 Prentiss Place | G/R
\$60.00 | \$ 40.00 |
|---------------------------|---------------------|----------------|----------|

Funds will be drawn from account no. 9910-904177-9588-900000-704040, Hoen Parking Project Area.

On January 9, 2019, the City filed a condemnation action to acquire the Ground Rent interest in the real property located at 2201 Prentiss Place in the amount of \$400.00, based upon the higher of two independent appraisals. The Defendant contested the City's value and the parties settled on a fair market value of \$440.00 (a 10% administrative increase). Thus, the Board is requested to approve an additional \$40.00 (\$440.00 less the previous approval amount of \$400.00).

UPON MOTION duly made and seconded, the Board approved and authorized the above-listed Payment of Settlements.

MINUTES

Department of Housing and - cont'd
Community Development

On July 17, 2019, 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 2019 Annual Action Plan for the following formula programs:

1. Community Development Block Grant (CDBG)
2. HOME Investment Partnership Act (HOME)
3. Emergency Shelter Grant Entitlement (ESG)
4. Housing Opportunity for People with AIDS (HOPWA)

The Department began negotiating and processing the CDBG agreements effective July 1, 2019 and beyond, as outlined in the Plan, pending approval of the Resolution. Consequently, the agreements were delayed due to final negotiations and processing.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Community Development Block Grant Agreements. The Acting City Solicitor **ABSTAINED** on item no. 1.

MINUTES

Department of Housing and Community Development - Amended and Restated Deed of Trust Note, Modification, Assumption Assignment and Subordination of Home Investment Partnership Program Loan and Forgiveness of HOPWA Loan

ACTION REQUESTED OF B/E:

The Board is requested to approve the following: (i) the modification of a HOME Investment Partnerships Program loan in the principal amount of \$450,000.00 and the assignment/assumption and the subordination of such loan pursuant to an Intercreditor Agreement and (ii) the forgiveness of a HOPWA (Housing Opportunities for People with AIDS) deferred loan in the amount of \$200,000.00. The loans were originally made to Royal Oaks Associates, LP (the Seller), and will be assumed as part of a transfer of the property (as further described herein) by Greenspring Overlook Limited Partnership (the Buyer). The Seller and the Buyer are affiliates or related entities to Greater Baltimore AHC, Inc. and AHC Inc.

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

AMOUNT OF MONEY AND SOURCE:

SOURCES		USES	
Tax Exempt Bonds/HUD FHA 221(d)(4)	\$11,572,000	Construction Costs (includes contingency)	\$13,750,702
RHPP Loan (Assumed)	1,746,389	Construction Fees	2,602,672
MEEHA Loan	621,498	Financing Fees	2,643,000
HOME Loan (Assumed)	1,200,454	Developer's Fee	2,500,000
GBAHC (Existing Loan + Reserves)	5,704,904	Guarantees and Reserves	1,226,096
AHC (Assumed FHLB)	500,000	Acquisition Costs	10,000,000
AHC Sponsor Loan	540,000		
GBAHC FHLB Loan	500,000		
LIHTC Equity (4%)	9,692,005		
Deferred Developer Fee	645,221		
TOTAL	\$32,722,471	TOTAL	\$32,722,470

* amounts are approximate and will change until closing as described below.

- No additional City funds are required

MINUTES

Department of Housing and - cont'd
Community Development

BACKGROUND/EXPLANATION:

Greater Baltimore AHC, Inc. (GBAHC) is a 501(c)(3) non-profit affordable housing developer that has been providing affordable housing and resident services in the Baltimore area for two decades. GBAHC is an affiliate of AHC Inc. (AHC), a non-profit developer with forty-five years' experience in the Mid-Atlantic. AHC's first project in Baltimore City was Royal Oaks Apartments, which was acquired in 2001 in partnership with Struever Brothers and which is located at 2406 Loyola Northway within the Greenspring neighborhood of Northwest Baltimore City. Upon the completion of the project in 2001, the existing 207 unit development was reduced to 188 rental units, one management unit, and the new construction of a community center for the tenancy. The community was subsequently renamed Greenspring Overlook Apartments (the Development). Struever Brothers left the partnership in 2010 and the equity limited partner exited in 2018 providing AHC full control of the asset to reposition and preserve affordability long-term. The 188 low-income units receive rental subsidy via a project-based Section 8 Housing Assistance Payment contract (the HAP Contract).

The current owner of the Development is Royal Oaks Associates, LP (the Seller), an affiliate of AHC. AHC and the Seller expect to convey the property to Greenspring Overlook Limited Partnership (the Buyer), an affiliate of GBAHC to rehabilitate the Development, as described below.

On July 11, the Board approved the expenditure of HOME Investment Partnerships Program funds in the principal amount of up to \$300,000.00 (collectively, the HOME Loan) and the expenditure of \$200,000.00 of Housing Opportunities for People with Aids (HOPWA) funds (the HOPWA Loan) to the Seller. Proceeds of the HOME Loan and HOPWA Loan were used to assist with a portion of the rehabilitation of the units. On April 30, 2003, the Board approved an additional expenditure of HOME Investment Partnerships Program funds in the principal amount of up to \$150,000.00.

MINUTES

Department of Housing and - cont'd
Community Development

The Development has not been renovated since 2001 and is aging with more extraordinary needs than typically expected. An area of ongoing concern is the property's plumbing system which has caused significant capital emergencies and expenses in recent years and a need for full replacement. The heating and cooling systems are also near the end of their useful lives and should be replaced with modern equipment to improve sustainability and efficiency. Due to the degrading of piping and subsequent leaks, AHC has consistently had to address water intrusion in residential units and within the kitchens and baths and adjacent walls, causing mildew and other damage.

Operating expenses and reserves have not been adequate to address the significant needs. Repair and maintenance costs related to the building systems have steadily increased and systemic issues have negatively influenced resident quality of life.

Replacement reserves have dwindled from a balance of approximately \$328,583.00 in 2013 to \$80,176.00 at the end of 2017.

The balance of the replacement reserve is under the recommended amounts for a property of this age and size, and therefore AHC has not been able to withdraw money from this account. Many of the repetitive occurrences/repairs during this period have included the following:

- Ceiling leaks
- Broken pipe repair/replacement
- Clearing/snaking of drains throughout
- Water heater repairs
- Repetitive Sewer issue including broken waste lines in various buildings
- Main line clogs/repairs in buildings
- Water extraction
- Flooding in unit bathrooms and kitchens
- Repair/replace faucets in Kitchens/bathrooms
- Galvanized pipe removal
- Waterproofing
- Emergency repairs on broken lines
- New circulator pump installation
- Repair condensation leaks
- Sprinkler head replacement

MINUTES

Department of Housing and - cont'd
Community Development

The HOME Loan is currently secured by a fourth lien deed of trust on the property and accrues interest at the then-applicable federal rate of 5.72% per annum compounded annually with a permanent loan period of 40 years. Repayment of principal and interest are due from available surplus cash, and all unpaid principal and accrued interest is currently due on February 1, 2043. No payments have been received to date by the City. The outstanding principal and accrued interest balances as of December 31, 2019 is \$450,000.00 and \$750,454.00, respectively.

The HOPWA Loan is currently secured by a fifth deed of trust on the property and accrues interest at the then-applicable federal rate of 5.72% per annum compounded annually with a permanent loan period of forty (40) years. Repayment of principal and interest are due from available surplus cash, and all unpaid principal and accrued interest are currently due on February 1, 2043. No payments have been received to date by the City. The outstanding principal and accrued interest balances as of December 31, 2019 are \$200,000.00 and \$357,299.00, respectively.

As currently structured, the HOME Loan and the HOPWA Loan are currently subordinate to the following existing debt:

- A permanent loan from SunTrust Bank (SunTrust) in the principal amount of \$1,486,000.00 (the SunTrust Existing First Loan). As of December 31, 2019, the SunTrust Existing First Loan has a current outstanding balance of approximately \$1,121,801.00, bears interest at the rate of 8.75% and is scheduled to mature on February 1, 2043.
- A loan from the Department of Housing and Community Development (MD DHCD), a principal department of the State of Maryland, from its Rental Housing Production Program (RHPP) in the original principal amount of \$1,000,000.00 (the MD DHCD Existing First Loan). The MD DHCD Existing First Loan bears interest at an approximate rate of 4.00%. The SunTrust Existing First Loan and the MD DHCD Existing First Loan share a first-lien mortgage position.

MINUTES

Department of Housing and - cont'd
Community Development

- A second-lien loan from the U.S. Department of Housing and Urban Development (HUD) in the original amount of \$3,900,000.00 (the HUD Existing Loan). The HUD Existing Loan bears interest at the rate of 5.72% per annum, compounded annually. Beginning in 2003, annual payments of 75% of surplus cash were due 100 days after year end. Any unpaid principal and accrued interest are due at maturity on July 31, 2041. As of December 31, 2019 the principal amount outstanding on the HUD Existing Loan was \$3,000,000.00 and the accrued but unpaid interest was \$3,356,042.00, for a total of \$6,356,042.00.
- A third-lien loan from MD DHCD, from its Rental Housing Production Program (RHPP) in the original principal amount of \$833,700.00 (the MD DHCD Existing Third Loan), which bears interest at 1% and is to be paid out of surplus cash.

Recently, AHC and GBAHC has received a more favorable commitment and loan restructuring to replace the SunTrust Existing First Loan and to complete the much-needed repairs to the property. The refinancing plan contemplates the following:

- The Seller will convey the Development to the Buyer.
- The HAP Contract will be assigned to the Buyer so that the Development will be able to serve extremely-low-income residents, with most of the residents earning less than 30% AMI. After conveyance, the Buyer expects to convert the management unit into a rental unit so that the Development will serve 189 low-income households. The converted unit will be a low-income housing tax credit unit.
- The Buyer will obtain a new first-lien HUD-insured 221(d)(4) first mortgage originated by AGM Financial (the New First Lender) in the approximate amount of \$11,572,000.00 (the New First Loan). The New First Loan will have an interest rate

MINUTES

Department of Housing and - cont'd
Community Development

of approximately 4.00%, including a 0.25% Mortgage Insurance Premium, for a 40 year term. The estimated monthly mortgage payments of principal, interest, and Mortgage Insurance Premium will be approximately \$48,364.00 versus a prior monthly payment to SunTrust of \$11,826.55.

- Low-income housing tax credits will be generated by the sale of tax-exempt bonds by the Community Development Administration (CDA), a unit of the Division of Development Finance of MD DHCD, which bonds will be paid off following construction completion by the proceeds of the New First Loan.
- CDA will hold second-lien position loans in the approximate aggregate principal amount of \$2,409,420.00, which consists of the following: (i) the assumption and restructuring of the MD DHCD Existing First Loan and the MD DHCD Existing Third Loan into a single loan in the approximate restated principal amount of \$1,747,920.00, which will bear interest at then-current applicable federal rate (AFR) for the month of closing and (ii) a new MEEHA-EmPOWER loan in the approximate principal amount of \$621,498.00 (collectively, the CDA Loans).

In connection with the refinancing, the Borrower is requesting the following.

First, the Borrower is requesting the forgiveness of the HOPWA Loan. The HOPWA program regulations require that five units be dedicated to HIV-positive persons for ten years. The Seller complied with such requirement until it expired in 2011. In the 2001 submission to the Board, the HOPWA funds were described as a grant that was to be made as a loan with respect to facilitating the tax credit financing and as such, was not expected to be repaid. As such, the Department is comfortable with forgiving the HOPWA Loan and releasing the associated Deed of Trust.

MINUTES

Department of Housing and - cont'd
Community Development

In addition, the Borrower is requesting the following modifications to the terms of the HOME Loan: (i) extend the maturity dates of the HOME Loan from February 1, 2043, to a date that is not earlier than the maturity date of the New First Loan (HUD requires subordinate loans to mature no earlier than the maturity date of any HUD-insured first mortgage) and the CDA Loans, (ii) reduce the interest rate to the then-current AFR for the month of closing (the AFR for the month of April is 1.44%), (iii) subordinate the HOME Loan to the New First Loan and the CDA Loans, and (iv) allow the HOME Loan to be repaid out of 25% of surplus cash after payment of deferred developer fee (the CDA Loans will receive 50% of surplus cash).

In addition to the above, there will be several sources of financing subordinate to the HOME Loan. Each of the subordinate loans will meet all superior loan requirements. The subordinate debt consists of the following.

- HUD is expected to allow GBAHC, a qualified non-profit, to assume the HUD Existing Loan. GBAHC will then forgive a portion of the loan and restructure the rest so that it will be a loan in the approximate restated principal amount of \$5,422,904.00.
- An existing loan originally made by the Federal Home Loan Bank of Atlanta through AHC, Inc. on or about August 1, 2001 in the original principal amount of \$500,000.00 is being assumed by Buyer in the principal amount of \$500,000.00.
- AHC will make a new loan in the principal amount of \$540,000.
- GBAHC will make a new loan from funds made available by Enterprise Community Loan Fund from the Affordable Housing Program of the Federal Home Loan Bank of Atlanta in the principal amount of \$500,000.00.

As a condition of the Department's recommendation to the Board, the Borrower has agreed to pay a subordination fee in the amount of \$5,000.00.

MINUTES

Department of Housing and - cont'd
Community Development

With respect to the proposed refinancing, the proceeds of approximately \$32,722,471.00 will be used to: (a) repay the existing SunTrust Loan in the approximate amount of \$1,130,253.00 and assume the balances of other existing debt in the approximate amount of \$8,869,747.00, (b) cure deferred maintenance (approximately \$16,353,375.00); and (c) pay for third party costs related to the refinancing (approximately \$6,369,096.00).

An appraisal prepared by Metzbower, Watts & Hulting, LC, dated January 31, 2020 determined that the As-Is Market Value at Fee Simple and meeting income restrictions is \$10,000,000.00.

The Law Department will review all documents as to form and sufficiency. It is requested that the Law Department be permitted to make final changes to the documents with the concurrence of the Commissioner of the Department of Housing and Community Development.

All other terms and conditions of the prior Board submissions and approvals contained therein remain in full force and effect.

MBE/WBE PARTICIPATION:

Article 5, Subtitle 28 of the Baltimore City Code for Minority and Women's Business Opportunity is fully applicable and no request for a waiver has been made.

UPON MOTION duly made and seconded, the Board approved the following: (i) the modification of a HOME Investment Partnerships Program loan in the principal amount of \$450,000.00 and the assignment/assumption and the subordination of such loan pursuant to an Intercreditor Agreement and (ii) the forgiveness of a HOPWA

MINUTES

Department of Housing and - cont'd
Community Development

(Housing Opportunities for People with AIDS) deferred loan in the amount of \$200,000.00. The Board also authorized the Commissioner of the Department of Housing and Community Development to execute any and all legal documents to effectuate this transaction after legal review and sign off by the Department of Law.

MINUTESMayor's Office of Homeless Services - Agreements

The Board is requested to approve and authorize execution of the various Agreements. The period of the agreement is April 1, 2020 through March 31, 2021, unless otherwise indicated.

PROVIDER AGREEMENTS

1. **DAYSPRING PROGRAMS, INC.** **\$840,546.42**

Account: 4000-407019-3573-757603-603051

The City has received a U.S. Department of Housing and Urban Development (HUD) grant to undertake the Continuum of Care Program. Under the terms of this Provider Agreement, Dayspring Programs, Inc. will provide rental assistance to 43 individuals and/or families experiencing homelessness in the City of Baltimore. The Provider will offer service(s) under their Sponsor Based Rental Assistance Program.

MWBOO GRANTED A WAIVER ON APRIL 6, 2020.

2. **DAYSPRING PROGRAMS, INC.** **\$432,394.00**

Account: 4000-407019-3573-757604-603051

The City has received a HUD grant to undertake the Continuum of Care Program. Under the terms of this Provider Agreement, Dayspring Programs, Inc. will provide rental assistance and supportive services to 21 individuals and/or families experiencing homelessness in the City of Baltimore. The Provider will offer service(s) under their Tenant Based S+C Program.

MWBOO GRANTED A WAIVER ON MARCH 25, 2020.

MINUTES

Mayor's Office of Homeless Services - cont'd

3. **MARIAN HOUSE, INCORPORATED** **\$284,646.04**

Account: 4000-407019-3573-758351-603051

The City has received a HUD grant to undertake the Continuum of Care Program. Under the terms of this Provider Agreement, Marian House, Incorporated will provide rental assistance to 18 individuals and/or families experiencing homelessness in the City of Baltimore. The Provider will offer service(s) under their Sponsor Based S+C Program.

MWBOO GRANTED A WAIVER ON APRIL 6, 2020.

4. **AT JACOB'S WELL, INC.** **\$ 233,346.17**

Account: 4000-407019-3573-757401-603051

The City has received a HUD grant to undertake the Continuum of Care Program. Under the terms of this Provider Agreement, At Jacob's Well, Inc. will provide rental assistance to 18 individuals and/or families experiencing homelessness in the City of Baltimore. The Provider will offer service(s) under their Rental Assistance Program.

MWBOO GRANTED A WAIVER ON APRIL 6, 2020.

5. **BEHAVIORAL HEALTH SYSTEM BALTIMORE, INC.** **\$1,425,557.88**

Account: 4000-407019-3573-757510-603051

The City has received a HUD grant to undertake the Continuum of Care Program. Under the terms of this Provider Agreement, Behavioral Health System Baltimore, Inc. will provide rental assistance to 110 individuals and families experiencing homelessness in the City of Baltimore. The Provider will offer service(s) under their Sponsor Based S+C Program.

MWBOO GRANTED A WAIVER ON APRIL 6, 2020

MINUTES

Mayor's Office of Homeless Services - cont'd

6. **ST. VINCENT DE PAUL OF BALTIMORE, INC.** **\$1,127,355.49**

Account: 4000-407019-3573-757701-603051

The City has received a HUD grant to undertake the Continuum of Care Program. Under the terms of this Provider Agreement, St. Vincent de Paul of Baltimore, Inc. will provide rental assistance to 68 individuals and/or families experiencing homelessness in the City of Baltimore. The Provider will offer service(s) under their Home Connections Plus Program.

MWBO GRANTED A WAIVER ON APRIL 6, 2020

7. **PROJECT PLASE, INC.** **\$1,636,510.00**

Account: 4000-407019-3573-756801-603051

The City has received a HUD grant to undertake the Continuum of Care Program. Under the terms of this Provider Agreement, Project Plase, Inc. will provide rental assistance to 103 individuals and families experiencing homelessness. The Provider will offer service(s) under their Rental Assistance Program.

MWBO GRANTED A WAIVER ON FEBRUARY 24, 2020

The agreements are late because of a delay in receiving the grant award from HUD.

8. **GOVANS ECUMENICAL DEVELOPMENT CORPORATION** **\$ 99,278.50**

Account: 4000-407019-3573-757800-603051

The City has received a HUD grant to undertake the Continuum of Care Program. Under the terms of this Provider Agreement, Govans Ecumenical Development Corporation will provide rental assistance to 59 individuals and/or families experiencing homelessness in the City of Baltimore. The Provider will offer service(s) under their Harford and Micah House Program. The period of the agreement is June 1, 2020 through May 31, 2021.

MINUTES

Mayor's Office of Homeless Services - cont'd

MWBOO GRANTED A WAIVER ON APRIL 6, 2020

9. **UNIVERSITY OF MARYLAND, BALTIMORE** **\$ 222,352.00**

Account: 5000-569820-3571-762400-603051

The City has received a Maryland Department of Health grant to undertake the Maryland Department of Health, State Special Funds (SSF) Program. Under the terms of this Provider Agreement, University of Maryland, Baltimore will provide emergency, temporary, or transitional housing and supportive services to 300 low income persons living with HIV/AIDS. The Provider will offer service(s) under their Homeless Prevention Program. The period of the agreement is July 1, 2019 through June 30, 2020.

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

MWBOO GRANTED A WAIVER ON OCTOBER 16, 2019

AUDITS REVIEWED AND HAD NO OBJECTION.

GRANT AWARD AGREEMENTS

10. **U.S. DEPARTMENT OF HOUSING AND** **\$1,405,950.00**
URBAN DEVELOPMENT

Account: 4000-494221-3571-763500-404001

The City has received a grant under the Housing Opportunities for Persons with AIDS (HOPWA) program operated by HUD. Through HOPWA, low income persons living with HIV/AIDS and their families are provided with housing assistance and/or related supportive services to prevent clients from becoming homeless. The period of the agreement is July 1, 2020 through June 30, 2023.

MINUTES

Mayor's Office of Homeless Services - cont'd

11. **U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT** **\$8,305,670.00**

Account: 4000-490821-3571-762200-404001

The City has received a grant under the Housing Opportunities for Persons with AIDS (HOPWA) program operated by HUD. Through HOPWA, low income persons living with HIV/AIDS and their families are provided with housing assistance and/or related supportive services to prevent clients from becoming homeless. The period of the agreement is July 1, 2020 through June 30, 2023.

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

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

EXTRA WORK ORDERS

* * * * *

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders

listed on the following pages:

1760 - 1762

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>Awd. Amt.</u>	<u>Extra Work</u>	<u>Ext. Compl.</u>
	<u>Contractor</u>	

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

MBE/WBE PARTICIPATION:

The Consultant will comply with Article 5, Subtitle 28 of the Baltimore City Code and the MBE and WBE goals assigned to the original agreement MBE: 17% and WBE: 5%.

THE EAR WAS APPROVED BY MWBOO ON DECEMBER 18, 2019.

APPROVED FOR FUNDS BY FINANCE

MINUTES

Health Department - cont'd

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 maximum number of cases per individual case monitor at any time is 100, unless a waiver is received. The period of the Nurse Monitoring Agreement is July 1, 2020 through June 30, 2022.

MWBOO GRANTED A WAIVER ON MARCH 16, 2020.

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

Health Department - Collaboration Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Collaboration Agreement with United Way of Central Maryland (UWCM). The period of the agreement is from the date of approval by the Board through June 30, 2021.

AMOUNT OF MONEY AND SOURCE:

\$15,130.44 - 7000-713920-3044-267900-603051

BACKGROUND/EXPLANATION:

The Baltimore City Health Department's (BCHD), Division of Aging and CARE Services serves as the Local Area Agency on Aging and serves as Maryland Access Point (MAP). MAP is an Aging and Disability Resource Center. It provides older adults aged 60 and over and persons with disabilities 18 and older with access to services designed to enable them to live independently in the community. BCHD collects information on the persons participating in the MAP program.

The UWCM's 2-1-1-Maryland United Way Helpline (UW2-1-1) is a telephonic service, providing callers with information and referral to health and human services 24 hours a day, 7 days a week. UWCM collects information on the person participating in UW2-1-1.

The BCHD and UWCM are creating an "aging services HUB." The purpose of the HUB is to integrate information collected from callers of the MAP program and callers of UW2-1-1 into a shared database in UWCM's UW2-1-1 data collection system. Such integration will allow the parties to efficiently provide referral of services for older adults seeking services in Baltimore City, to improve service and administrative capacity, and to reduce duplication of effort between the two agencies.

MINUTES

Health Department - cont'd

Under the terms of the Agreement, funds will be utilized to provide the necessary personnel and technology for the integration and maintenance of the UW2-1-1 system with MAP for the HUB.

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 Collaboration Agreement with United Way of Central Maryland.

MINUTES

Health Department - Revised Notice of Award

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of the revised Notice of Award (NoA) for the project titled, "Understanding the Epidemiology of Syphilis in the United States."

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On July 31, 2019, The Board approved the original NoA in the amount of \$500,000.00 for the period of May 1, 2019 through April 30, 2020.

On January 29, 2020, the Department received the first revised NoA which approved the change of Authorizing Official Representative from Leana S. Wen to Letitia Dzirasa.

On February 19, 2020, the Department received the second revised NoA which approved a 12 month No-Cost Extension of the grant period through April 30, 2021, and also approves carryover of unobligated funds in the amount of \$463,947.00 from budget period Year 02 to budget period Year 03.

All other terms and conditions issued with the original NoA remain in effect throughout the budget period unless otherwise changed, in writing, by the Grants Management Officer.

The NoA is late because of the delay in receiving the required documentation.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTES

Health Department - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the revised Notice of Award for the project titled, "Understanding the Epidemiology of Syphilis in the United States."

MINUTES

TRANSFER OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Transfer of Funds

listed on the following page:

1770 - 1771

SUBJECT to receipt of a favorable report

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

MINUTES

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Transportation</u>		
1. \$1,297,000.00	9950-909200-9504	
State Constr.	Constr. Res. -	
Rev. Future	Constr. Res. -	
FY'20 Series	Alleys	
303,500.00	9950-909200-9504	
<u>Others</u>	Constr. Res. -	
	Alleys	
\$1,600,500.00		
\$1,320,400.00	-----	9950-902505-9504-6
		Structure &
		Improvements
264,080.00	-----	9950-902505-9504-5
		Inspection
<u>16,020.00</u>	-----	9950-902505-9504-2
		Contingencies
		Reconstruction
		Alleys TR 20005
\$1,600,500.00		

This transfer will fund the costs associated with award of project TR 20005, Reconstruction of Alleys Citywide.

MINUTES

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Recreation and Parks</u>		
2. \$15,000.00	9938-906118-9475	
3 rd Parks &	Park Rehabilitation	
Public Facilities	Program (Reserve)	
45,000.00	9938-906118-9475	
State (Program	Park Rehabilitation	
Open Space)		
<u>\$60,000.00</u>	-----	9938-908118-9474
		Park Rehabilitation
		Program (Active)

This transfer will provide funds to cover the cost associated with fence installation at Burdick Park.

MINUTES

Department of General Services - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 4 to Sanders Design under Project 1803, SE Community Action Center Roof & HVAC Replacement. The Task Assignment is approximately 12 months.

AMOUNT OF MONEY AND SOURCE:

\$126,640.17 - 9916-904357-9197-900000-703032

BACKGROUND/EXPLANATION:

Under this task, Sanders Design will provide design services bid analysis and post award services for the design of a roof replacement and HVAC renovations at the Southeast Community Action Center.

MBE/WBE PARTICIPATION:

Sanders Design has committed the following firms on this task:

MBE: MK Consulting Eng.	\$ 7,119.00	5.62%
Min Engineering, Inc.	<u>63,039.22</u>	<u>49.78%</u>
	\$70,156.22	55.40%
WBE: Carroll Engineering	\$ 2,415.50	1.91%

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

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. 4 to Sanders Design under Project 1803, SE Community Action Center Roof & HVAC Replacement.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement

1. SCD INFORMATION

TECHNOLOGY, LLC	\$ 0.00	Renewal
Solicitation No. B50004854 - Copper Cable Installation, Maintenance and Repair Services - Mayor's Office of Information and Technology and others - P.O. No.: P539216		

On April 12, 2017, the Board approved the initial award in the amount of \$1,000,000.00. The award contained two 1-year renewal options. This first renewal in the amount of \$0.00 is for the period April 25, 2020 through April 24, 2021, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On December 12, 2016, MWBOO set goals of 15% MBE and 5% WBE. On April 18, 2020, SCD Information Technology, LLC was found in non-compliance but making good faith efforts to meet the goals.

MBE: Crawford Technical Services, Inc.	15%	\$1,000.00	1.41%
A Connection, Inc.	0%	\$2,550.00	3.60%**
Total	15%	\$1,000.00	1.41%
WBE: McEnroe Voice & Data Corp.	5%	\$ 0	(0.00%)

** SCD Information Technology, Inc. utilized A-Connection, Inc. for MBE participation, however, the addition of A-Connection was not pre-approved by MWBOO.

SCD Information Technology, Inc. submitted an explanation for the failure to comply with the MBE and WBE goals for the

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement - cont'd

contract. On April 9, 2020, MWBOO held separate teleconferences with representatives from SCD, Crawford Technologies and McEnroe Voice and Data. Based on the teleconferences and the letter submitted by SCD which was substantiated by MWBOO, it was determined the Vendor has made an effort to comply and will work with the subcontractors to meet the goals if awarded additional work in the future.

MWBOO FOUND VENDOR IN COMPLIANCE WITH AN APPROVED PLAN ON APRIL 18, 2020.

- | | | |
|--|---------------|----------|
| 2. ATLANTIC TACTICAL,
INC. | \$ 310,000.00 | Increase |
| Contract No. B50003559 - Police Duty Gear - Police Department
- P.O. No.: P528036 | | |

On July 16, 2014, the Board approved the initial award in the amount of \$111,366.00. The award contained two renewal options. Subsequent actions have been approved. This increase in the amount of \$310,000.00 is necessary to fund equipment purchases for the duration of the contract. This increase will make the award \$771,366.00. The contract expires on July 15, 2021. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On May 27, 2014, MWBOO determined that no goals would be set because of no opportunity to segment the contract. This is a procurement of commodities only.

MWBOO GRANTED A WAIVER ON MAY 27, 2014.

- | | | |
|--|---------------|----------|
| 3. ALAN TYE & ASSOCIATES,
LLC | \$ 150,000.00 | Increase |
| Contract No. B50005495 - Parts Service and Maintenance for In-Ground and Above-Ground Lifts - Department of General Services, Fleet Management - P.O. No.: P545182 | | |

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Procurement - cont'd

On September 12, 2018, the Board approved the initial award in the amount of \$200,000.00. This increase in the amount of \$150,000.00 is necessary in order to continue to source parts and service for in-ground and above-ground lifts repairs for the Department of General Services, Fleet Division. This increase in the amount of \$150,000.00 will make the award amount \$350,000.00. The contract expires on September 9, 2021. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On December 19, 2017, it was determined that no goals would be set because of no opportunity to segment the contract.

MWBOO GRANTED A WAIVER ON DECEMBER 19, 2017.

4. H&E EQUIPMENT SERVICES, INC.	\$ 27,378.25	Non-competitive/ Procurement/Selected Source
Contract No. 06000 - O.E.M. Parts and Service for Doosan Heavy Equipment - Department of General Services - Fleet Management - Req. No.: R849159		

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

STATEMENT OF PURPOSE AND RATIONALE FOR NON-COMPETITIVE PROCUREMENT:

The contract expired and a new solicitation was placed out for bid. No bids were received. The Board is requested to approve payment of invoices for services rendered outside the contract in order to have equipment maintained. The above amount is the City's estimated requirement.

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

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

Bureau of Procurement - cont'd

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

MBE/WBE PARTICIPATION

Not applicable. The initial award was below MBE/WBE subcontracting threshold.

- | | | |
|-------------------|---------------|---|
| 5. REXEL,
INC. | \$ 100,000.00 | Non-competitive/
Procurement/Sole Source |
|-------------------|---------------|---|
- Contract No. 08000 - Rockwell Automation O.E.M. Parts and Repair - Department of Public Works, Water Treatment - Req. No.: R849098

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

STATEMENT OF PURPOSE AND RATIONALE FOR NON-COMPETITIVE PROCUREMENT:

The Vendor is the manufacturer's sole authorized source of these products which must be compatible with currently installed equipment at the water treatment plants. The period of the award is April 15, 2020 through April 14, 2022, with three 1-year renewal options. The above amount is the City's estimated requirement.

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

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

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

Bureau of Procurement - cont'd

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.

- | | | |
|---|--------------|-------------|
| 6. BECKER ARENA | | Cooperative |
| PRODUCTS, INC. | \$ 35,693.75 | Contract |
| NJPA Contract #030117-BAP Mt. Pleasant Ice Rink Rubber Flooring
- Recreation and Parks, Park HQ, - Req. No.: R827837 | | |

This product is available through the Sourcewell Cooperative Purchasing Program at discounted pricing to Becker Arena Products, Inc. under Vendor contract NJPA Contract #030117-BAP. Becker Arena Products, Inc. provides various materials and equipment used in ice rinks. Examples of equipment and materials are dasher boards, rubber flooring, safety netting around the rink, skate storage racks, skates, goals, benches, etc. The City's rinks are the Mimi DiPietro Ice Rink and the Mt. Pleasant Ice Rink. The purpose of this award will be to install rubber flooring in the Mt. Pleasant Ice Rink. Purchasing on the contract provides superior value proposition including an extended warranty on work performed. This is a one-time procurement.

MBE/WBE PARTICIPATION

Not applicable. Award 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>
---------------	------------------------	--------------------

Bureau of Procurement - cont'd

7. LORENZ LAWN AND LANDSCAPE INC.	\$3,500,000.00	Renewal
Solicitation No. B50004841 - Mowing of the Grass in the Medians - Department of Transportation - Req. No.: P539242		

On April 12, 2017, the Board approved the initial award in the amount of \$7,608,960.00. The award contained two 1-year renewal options. This first renewal in the amount of \$3,500,000.00 is for the period April 21, 2020 through April 20, 2021, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

On October 20, 2016, MWBOO set goals of 27% MBE and 9% WBE. On March 18, 2020, Lorenz Lawn and Landscape Inc. was found in compliance.

	<u>Commitment</u>	<u>Performed</u>	
MBE: 4 Evergreen Lawncare, LLC	27%	\$2,176,925.36	28.6%
WBE: Fouts Lawn	9%	\$ 795,589.86	10.4%

MWBOO FOUND VENDOR IN COMPLIANCE ON MARCH 18, 2020.

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

Kim A. Trueheart

May 4, 2020

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

Dear Mr. McKnighton:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of a lack of vision, poor fiscal planning and management and failure to capitalize on strategic investment opportunities in our youth by the Mayor of Baltimore City and the various Departments and Agencies under the mayor's leadership and direction.

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

1. Whom you represent: Self as Director of the Liberty Village Project of Baltimore City.
2. What the issues are: Mowing of the Grass in the Medians – Department of Transportation – Req. No.: P539242, if approved:
 - i. Fails to provide youth workforce development opportunities for Squeegee Kids, YouthWorks participants, disengaged youth and/or returning citizens;
 - ii. Fails to acknowledge and facilitate taxpayer funded, low-skill level jobs that can and should be targeted to employ persistently and chronically unemployed and underemployed city residents, when feasible;
 - iii. Fails to allow BMore Clean and Green Team the opportunity to submit a bid.
3. How the protestant will be harmed by the proposed Board of Estimates' action: The expenditures approved by this board if strategically organized, could lead the City in transforming our workforce. Specifically, by reducing the taxpayer burden of unemployed and underemployed residents, which are at their highest levels in decades. Retarding these burdens could be of significant savings to taxpayers like myself.
4. The remedy I seek and respectfully request is that this action be delayed until:
 - a. The contract is NOT awarded and the work is set aside for Youth Workforce Development that continues to fund a pilot workforce development program that trains low-skilled youth (ages 18 to 24) to perform select functions outlined in this procurement;
 - b. The Mayor and City Council immediately enact legislation to establish a pilot workforce development program for low-skilled city residents that provides training, equipment, uniforms and salaries for Mowing, Maintenance and Landscaping of City-owned properties.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on April 15, 2020.

If you have any questions regarding this request, please telephone me at (443) 255-9413.

Sincerely,
Kim Trueheart, Citizen & Resident

5519 Belleville Ave
Baltimore, MD 21207

MINUTES

President: "The second item on the non-routine agenda can be found on Page 74 and 75, Item 9, Bureau of Procurement, Department of Transportation Mowing of the Grass Medians. We have received protests on this item. We will hear from ah -- the agency Lorenz Lawn and Landscape, Inc. and then from Ms. Kim Trueheart. Ah - thank you. The response from the agency will be heard last. But first I would like to hear from Lorenz Lawn and Landscape. Good morning sir. Hold on. You have to unmute. You're on mute sir. We can't hear your sound."

Mr. Steve Sharkey: "Hello can you hear me now?"

President: "No not you Director Sharkey. You guys are going last. We were actually going to the Attorney for Lorenz but we can't hear him. Sir we still can't hear you."

Mayor: "You have to unmute yourself."

President: "He's unmuted Mr. Mayor and for some reason we now know that his is the source of this trial sound that we have. So it may be that they are not allowing him to speak because of the version of Webex that he has. I know that Mr. Lorenz is also on the line."

Mayor: "Mr. President, can they call in?"

MINUTES

President: "One second Mr. Mayor, we got IT on the line to try to figure it out right now. Sir, so what you need to do is click the three dots on the bottom your screen, and click audio connection, and then you can call in. Type your phone number in and you can call in. Mr. Mayor and Madam Comptroller, it's the version that he has. So we are going to have to give him a work around."

Mayor: "I was wondering what that sound was, trial."

President: "We're trying to figure out where it came from and now we know who. Sir did you hear me? Have you found it? Give me a thumbs up if you've found the three dots. And you click audio connection thumbs up and then you put the number in and put call me or call in. It's still not working. You typed in your number correct? And did you click call in or call me? Mr. Mayor, Madam Comptroller, we're still trying to get it get him connected in. Can we just have -- "

Mr. Robert Dashiell: "Good morning."

President: "Good morning sir. Good morning, good morning. There we go."

Mr. Dashiell: "I thought -- I thought was an expert at this, I've been doing it now for two weeks, but I guess ah -- okay."

President: "It's alright, we got it now."

MINUTES

Mr. Dashiell: "Alright."

President: "Good morning. The floor is yours."

Mr. Dashiell: "I ah -- I -- again good morning to all. I represent Lorenz Landscaping. Joe Lorenz the President is on the phone. I'm going to -- I guess I'm responding to the a protest that Kim ah -
- Ms. Trueheart filed on Monday it appears. Let me say first that ah -- ah -- to the extent the protest addresses employment that 60% of the employees both of my clients and of the two Minority and Women Subcontractors are in fact City residents. Which is ah -- I think is a remarkable accomplishment and that's a percentage that's been consistent over the years, that translates to 55 full-time ah -- full-time employees. I don't really see from Ms. Trueheart's protest that she raises any issues that are different or apart from what any particular citizen would raise, and ordinarily ah -- that doesn't give rise to ah -- to ah -- hearing in the protestant on any event. But, ah -- this is not a protest of an award of a contract. What has occurred I believe is that the we've agreed with the City to extend the prior existing agreement through today so that the Board and the City would have an opportunity to consider ah -- the whether or not it wanted to exercise its right, its unilateral right to ah -- renew the

MINUTES

contract. And we're here today because the City has -- has elected to do that. My client is certainly willing to perform under the renewal period as it has under the base term of the agreement without any changes other than what's been discussed between the parties. And so, apart from that I really have nothing to add."

President: "Thank you. Thank you sir. We will now hear from Ms. Trueheart. Ms. Trueheart."

Ms. Kim Trueheart: "Ah good morning."

President: "Good morning Ms. Trueheart."

Ms. Trueheart: "I have um -- as a citizen and as well as a promoter of positive youth development been very concerned how the City is approaching um -- very low skilled work um -- that the taxpayers pay for. And my request in this protest is chiefly around the fact that this work should remain um -- in Baltimore City. There are numerous organizations, companies, both private and non-profit that are capable of performing this low skilled work. The fact that this City has failed to engage the workforce sufficiently and I appreciate what um -- the attorney has just said Mr. Dashiell. That his um -- client has employed 60 percent um -- of the City residents to do this work. Um -- but more importantly I think that during this pandemic and during the economic woes that we're

MINUTES

experiencing, the City ought to put forth ah -- a concerted effort to hire local to employ the underemployed and the unemployed residents of this City and I think um -- the City has failed to do that, and um --- this is a prime example. This is only one example. And I think that um -- if we're going to achieve a turnaround economically, if we're going to achieve turnaround in um -- the development of our own workforce, the City has to do some exceptional things. And I believe this contract is an example of such exceptional things that the City could embark on. And it disappoints me that our City has not taken heed to these kinds of opportunities. Um -- I suggested in my protest and this is not the first time I protested this kind of contract. Um -- I suggested that the City Council do some modifications of our workforce development protocols. Um -- initiate opportunities for our citizens to benefit from the millions of dollars and in this instance we're talking \$3.5 million. Um -- that our residents can benefit from these kinds of opportunities that don't require um - - a significant amount of skills by the um -- employees performing this work. I appreciate that Lorenz has been doing this faithfully um -- for the City for years. But that does not address our basic fundamental workforce needs. And I believe it's time that ah --

MINUTES

the City step up and take a much more concerted approach to engaging our workforce. Um -- we have unprecedented unemployment. We have unprecedented under-employment. Um -- when does the City take on this task um -- which I think is a responsibility when you're spending tax dollars and um -- I'm -- I'm concerned that even in January when I filed a similar protest, the Mayor wrote me a letter saying that the um -- his office would engage in um -- a study of City contracts to determine whether there were opportunities to employ our young people. I've not heard a response back from that. I'm not saying that my pilot program is the way to pursue this um -- issue, but I --- I am saying that there are um -- minority owned businesses that could be the prime contractor who would in my opinion focus ah -- more on hiring, not just 60% but I think we can achieve higher percentages. I'd like in the interest of transparency to hear back from the Mayor um -- about his study of this type of contract and what they found and if they intend to pursue ah -- that concerted effort to engage our underemployed and unemployed residents to a greater extent."

President: "Thank you. And -- my office will make sure that my folks follow-up with you about your legislative ideas as well. We will now hear from Councilman Leon Pinkett who also wants to testify on this. Councilman."

MINUTES

Councilman Leon Pinkett: "Thank you Mr. President, Mr. Mayor, Madam Comptroller and members of the Board. Thank you for the opportunity to provide testimony as it relates to the protest on Item Number 7, under Renewals. I am going to keep my remarks brief, but I do want to speak to both the contractor \$3.5 million for the mowing as well as the \$1.2 for tree planting and maintenance. These two items in particular were pulled in subsequent BOE meetings out of concern for the quality of the work that was being performed by the Contractor in question, an issue that has come before the Council on multiple occasions. It appears that subsequent to those meetings, that the Mayor's Office working with DOT and Rec and Parks, is presently seeking to implement measures to raise the level of service on these contracts and to manage these and other similar contracts in a more appropriate and responsive fashion. While that is a good first step and one that is long overdue, the concerns surrounding this contract should not and cannot be purely relegated to whether clippings are picked up or curbs are edged especially when we are evaluating a contractor that has approximately \$40 million in City contracts and numerous others through the Housing Authority and School System. The focus should be on two major issues. One, oversight of the financial terms of

MINUTES

the contract, and two, an evaluation of the service category in general. Contract B50004841 was awarded April 12, 2017, and officially expired on April 20, 2020. The City has two 1-year renewal options, one of which is being considered this morning. To date, Lorenz has been paid \$7,680,840.00 on the original contract, with a most recent payment during I guess what would be considered the height of the grass cutting season, December 12, 2019. Based upon the current contract and expenditures that amounts to an average burn rate of \$2,560,280.00 per year. If Lorenz billed the City approximately \$7.6 million from 2017 to 2020, why is the renewal covering one year now \$3.5. That's a \$1,000,000.00 increase over the average spend rate which is 40% higher than the current rate with no increase in service. Does -- my question is does the Bureau of Procurement require or have a justification policy when increases are requested. Shouldn't the justification be warranted when any increase is requested for a contract that has already been awarded? Wouldn't this provide us a history about the work performance, especially if the scope of work is modified? In the case of Contract B50004509, which was initially awarded for the period between May 4, 2016 through May 3, 2017, with four 1-year renewal options. The renewal amount of \$1.2 million is nearly five

MINUTES

times the initial award. On March 15, 2016, it was determined that no MBE/WBE goals would be set because the contract at \$275,000.00 was too small to segment. Is that the same evaluation now that the contract is over \$1,000,000.00? Does Procurement have a process where waivers are re-evaluated? For me this becomes even more alarming when you add in although it's not before the Board today, a \$26,000,000.00 snow removal contract that has had three increases, approved at \$3,000,000.00 a year to the same contractor on a contract that went from \$5 million to \$19 million over a three year period from 2016 to 2019, when we saw a limited precipitation between 2017 to present. Um --- there are numerous City contracts that are unwieldy and don't allow the flexibility to be segmented into smaller parts. That is not the case with these contracts especially the mowing of the median. This contract which consists of 60 locations should be unbundled so that it provides an opportunity for multiple contractors to bid and thereby offering the potential to grow our local MBE/WBE's. In addition, it is critical that we perform evaluations on local hiring. These contracts have to not only grow our local businesses, but they have to employ Baltimoreans. It makes no sense to solicit these

MINUTES

services and not make certain that we have the highest percentage of Baltimoreans working in these positions. And to add to that, we should also put a premium on making certain that areas where the highest rate of unemployment and the greatest number of returning citizens are. Lastly, if we do none of this then there is no reason that these services cannot be performed by DPW Solid Waste. This service is one that should supplement and supplant what the City, what the City currently does. If we are willing to award this contract for this amount, there should not be one lay off in Solid Waste associated with budget cuts. Because this is work that can save a City employee's job. In closing, City resources are precious, this was the case before COVID-19, but is much more the case now. When we disperse City funds, taxpayer dollars, through this body or any agency of the City, it is critical that we achieve a win. And by that I mean we get the services that we pay for. That should be the least of our expectation. Our fiduciary responsibility and stewardship of limited resources should compel us to identify multiple wins. These contracts and the way that they currently being dispersed and evaluated do not allow for us to experience those multiple wins. Thank you Mr. President, I appreciate the time to provide testimony on these two items. Thank you."

MINUTES

President: "Thank you. Ah --- Director Sharkey."

Mr. Steve Sharkey: "Um -- which thing-- yep, hold on. Can you guys hear me?"

President: "Yes we can hear you."

Mr. Sharkey: "Okay great. Which I guess I'll start with ah -- Youth Employment. So I just want to mention that I set up at DGS I set up partnerships for youth employment with both high schools, ROCA and Job Corps, and all those were important and quality services that both met the needs of local employment and also met the needs of the City. And those things, each took two to three years of hard work to make those things happen. I am very much a supporter of these types of programs. But they also have to work for the City. So I have also already started DOT working with ROCA and would certainly love to consider other types of job training programs into the future, but it takes more than one year to come up with one of these types of programs. So I just want to start by talking about how difficult it is to make that a program that both works for the City, but also is something that works for the needs of the local non-profits. And I have a long history of

MINUTES

also working with Living Classrooms, other groups as well, so I certainly think that these are all good ideas but have to be done in an appropriate fashion that actually works for the City. Ah -- in terms of the MBE/WBE, there are you know over I think that Mr. Lorenz or Mr. where is he? He is not on my picture anymore ah -- said that youth employment I mean MBE/WBE was 27 and 9% so a large percentage of MBE/WBE employees with and employed with over 60% of employees being City employees. These things are certainly contracts that need to be reviewed but ah --- the work does happen on a frequent basis and it's very difficult to get a City contract through within less than a one year time period. And I know nobody wants to hear that, that is absolute truth in the -- my last 15 years working for the City. Discussing performance. So last year when I came in which was July, starting in August we came up with Median stat, which focused on three types of median groups. There's three groups in the City that do medians. Ah -- there's Lorenz, there's in-house crews as well ah --- larger contracts that we have for new builds. So if we do a new bridge, or new streetscape project those companies are then ah --- for two years

MINUTES

supposed to maintain medians. So we started Median Stat last year, and the results were positive and definitely into the right direction in terms of the work done. Ah --- the amount of trash being picked up, we had ah ---- an inspector following Lorenz each day looking over photos and meeting bi-weekly with Lorenz last year. Which also showed a lot of weaknesses in our in-house work as well. So, ah --- there is certain portions of the medians that we should be doing as well as ah --- certain medians that we were not giving our part of the contract. So, we were supposed to be doing trees and bushes. We were not doing that appropriately either. So, we are moving towards doing that as well a better ah -- not only better performance from Lorenz by the end of last year, but also improved City performance and team work on those. And also on the larger contracts as well. And let's see --- ah and I just want to mention to Mr. Councilman Pinkett's point, ah -- the \$3.5 million is an up to spend. So, each cut gets a certain amount of money and then the spending is up to a particular amount. So, it's a blanket contract so it's as you spend through the year.

MINUTES

So, it's not necessarily \$3.5 million. It's each ah -- each PO comes through each time. So, it's the amount of money spent isn't always the same. It's just an up to set limit. Okay, I think that's mainly it. If anybody has any questions?"

President: "Thank you. Thank you Mr. Director. And as you know I reached out to you over the weekend about this very issue, because the conditions of medians across the City are just unacceptable. Ah -- so for me ah -- most importantly as we work through and you know that I will work with you guys and anyone trying to figure out how we can have a more direct impact on more citizens in Baltimore, returning citizens and young people, but also, as we go through this crisis and know that ah -- people are seeing things in a different light. Also, how fast are we going to see the medians actually be cut? You know I actually went out and started cutting medians myself, because we simply were not having -- having them cut. So, when can we the citizens expect to see medians be cut again in Baltimore, because they're looking in a way that they should never look?"

MINUTES

Mr. Sharkey: "So, just yesterday I also went out and cleaned medians with my crew. So we brought our crews back on Monday with appropriate [Personal protective equipment] PPE and social distancing. So we have about 38 crew members now back in-house doing medians. I don't believe that this is enough ah -- people to do the task of course in a quick manner, and that's why we contract supplemental help, because these are folks that are usually doing ah -- other types of landscaping work, but they are now focusing on medians. I went out with them yesterday, hopefully they I mean they are working hard, but they are going to need more help with the task for sure. So, we wanted to make sure that we brought back people in an appropriate fashion with a safe fashion for our employees. And I believe we've done so. Each has a mask ah -- and we're you know instructing them on social distancing. We have the -- ah -- we have the crews ready. They're going and then we'll also need further with the-- further assistance with the median contract for mowing. So I can't give a particular date, but we're but you know if this contract passes the Board today, we will certainly be able to give you a better concept of how long it will take to get the first good cut of medians."

MINUTES

President: "So, ah -- to that point Director, just for the sake of assumption assume that the contract is approved today, what kind of impact will that have on your ability to do ah -- to cut medians?"

Mr. Sharkey: "Probably triple the speed of the first cut."

President: "So how fast right now how long is it taking?"

Mr. Sharkey: "I think it's going to take probably five weeks to get the first cut in with that and then after that it will be probably three weeks with the in-house crews."

President: "So you think that you could do that, three times as faster with this contract?"

Mr. Sharkey: "Correct."

President: "Okay and then also, Mr. Director is there -- is there opportunity as you go through this as we go through this emergency for you to try to work with organizations and companies to do ah -- the very thing that -- that people are saying about trying to employ more individuals ah -- from the City, young people returning citizens, because we know that there is a lot of work and things that need to be done."

MINUTES

Mr. Sharkey: "Yes. So, like I said before at DGS I set up three partnerships that employed City residents and was both beneficial to the City and beneficial to those people. So, it was giving them actual pathways to careers. Like I said that also took two to three years for each of those programs which I'm very proud of. We've already set up ah -- ROCA working with DOT. ROCA pulled their crews themselves back in March. We're in talks with them again to consider bringing ROCA back. I'm a very big fan personally of ROCA I really like the quality of the service that they provide. I want to see about bringing them back more and ah -- I would be and I was also interviewing folks to bring back a couple more people to start taking some of these ah -- to experiment with in-house mowing of more services with seasonal maintenance aides through local programs that hire in-house people on short-term contracts for ROCA. Ah UMBC's Choice Program which has some Cherry Hill connections as well as interviewed two of Ms. Trueheart's folks, but they went somewhere else. I don't know where they ended up going. So we've interviewed other folks. I would I am interested in that, I am personally dedicated towards doing those types of programs so of course as always, but it takes time to really develop them and do them in a way that gets the job done and improves the lives of those employees."

MINUTES

President: "Mr. Mayor. Madam Comptroller."

Mayor: "Ah --- thank you. Can you hear me Mr. President?"

President: "Yes sir."

Mayor: "I would like to comment to the Councilman's point, um --
- you known I'm looking at every contract because when I was
President I had problems with the way I saw the medians looking in
the City of Baltimore. And I do care about trimmings that's not
cleaned up, because it ends up in our Harbor. I'm looking at every
contract for even duplicity, to see if we really need some of these
contracts. So, um -- as Mayor I'm looking at everything, because
I want to see where we can maximize savings. At one time on the
Council we talked about um -- creating a Mowing Division. And that
went nowhere. I'm looking at that as well. You know, not to say
that outside contractors can't come and supplement us, but when
they come and do the work, they must do the work just like they
would do it at their own property. I mean, we've got to make sure
that they companies take pride in getting these contracts and
providing the work and the services that we deserve as a City of
Baltimore. No longer as Mayor of this City as long as I'm sitting

MINUTES

in this seat as I'm going for mediocrity. It's not going to happen. The taxpayers deserve good services when we're spending taxpayers' dollars. So, I just want to let you know, that I pulled the contract because I was unhappy as Council President with what I was seeing riding throughout the City looking at our medians. Because I thought it could have been done better than what it was being done. So, I am looking at contracts. I have my um --- minority office looking at the MBE's and WBE's and I'm scrutinizing everything, because that's what we're supposed to do. I just want to let you know I'm not sitting on my laurels. I'm looking at everything. All the contracts, all the work related ah --- things that making sure that our citizens are actually getting employed on these contracts as well. So, I just wanted to let you know that I'm looking at it and that's why that contract was pulled."

President: "Thank you. Madam Comptroller."

Comptroller: "Yes um --- you know we all know that the medians look very bad and with all the rain that we have, they're overgrown and the longer we wait um --- the harder it is to cut. But based on the information that I've heard from Councilman Pinkett. I'm going to abstain on this."

MINUTES

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

Ms. Trueheart: "Um -- Mr. President, this is Kim Trueheart."

President: "Ms. Kim. You know we don't do back and forth on the BOE Ms. Kim. So any comments that you have at this point will have to be -- we've heard your protest or you can direct to me directly in a conversation. I will entertain a Motion."

Acting City Solicitor: "Ah --- Mr. President, I move that um -- the protest ah --- be denied and that we move to approval of the contract and I just want to give you a little context as to why I'm making the motion and would encourage ah -- everyone to agree with the Motion. The Law Department looked at the history of Lorenz, specifically looking for documentation of complaints about the performance. And we looked but we did not find anything documented which caused us to then move to look at how this contract could be brought back if it should be brought back, and one of the things that we decided was that the contract should be brought back because there clearly is a need for this work. But also the contracts as written provide for termination for cause in other words if performance is not up to snuff, it's not what any

MINUTES

of you President Scott, Mayor Young, Madam Comptroller feel should be happening with respect to this contract, we can also terminate the contract for convenience. So it makes sense given the great need that we bring it back. That we move to approval but also keep a close eye. The protests that have been raised really speak to sort of general needs that the City has, I think under the COVID pandemic all of our impressions and understandings of what constitutes an essential employee is changed. Ah -- and I -- I the silver lining in all of this is it creates an opportunity for us to look at you know how we do business day-to-day. So, with that I -- I feel that um -- the protests are obviously they were timely, they were well presented, they do raise concerns that the City should consider generally. They don't go to the um -- the real reasons why we would deny a contract which is really poor performance or cost. So with that I do move for denial of the protests and ask that this Board approve the contracts for Lorenz."

Acting Director of Public Works: "I second."

President: "All right all those in favor of approving this say Aye. All opposed say Nay. We know the Comptroller **ABSTAINS**. This item is has been approved."

* * * * *

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

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
8. LORENZ LAWN AND LANDSCAPE INC. d/b/a LORENZ, INC.	\$1,200,000.00	Renewal
Contract No. B50004509 - Supply and Deliver Spring and Fall Tree Planting and Maintenance - Department of Recreation and Parks - P.O. No.: P535434		

On May 4, 2016, the Board approved the initial award in the amount of \$275,810.00. The award contained four renewal options. Subsequent actions have been approved. This final renewal in the amount of \$1,200,000.00 is for the period May 4, 2020 through May 3, 2021. The above amount is the City's estimated requirement.

MBE/WBE PARTICIPATION:

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

UPON MOTION duly made and seconded, the Board approved the foregoing Informal Award, Renewals, and Increases and Extensions to Contracts. The Comptroller **ABSTAINED** on item no. 7.

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:

1802 - 1819

to the low bidders meeting the specifications,

or rejected bids on those as indicated

for the reasons stated.

The Transfer of Funds was approved

SUBJECT to receipt of a favorable report

from the Planning Commission,

the Director of Finance having reported

favorably thereon, as required

by the City Charter.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation/Office
of Engineering and Construction

- | | | | |
|----|--|---|----------------|
| 1. | TR 20010, Resurfacing
Highways at Various
Locations - N.E.
Sector I | Manuel Luis
Construction Co.,
LLC | \$1,962,765.04 |
|----|--|---|----------------|

MBE/WBE PARTICIPATION:

MBE:	Manuel Luis Construction Co., Inc.*	\$871,171.00	44.38%
WBE:	Barbie's Recycling & Hauling, Inc.	\$100,200.00	5.11%
	3D's Hauling & Construction, LLC**	65,950.00	3.36%
	J&M Sweeping, LLC	30,360.00	1.55%
		<u>\$196,510.00</u>	<u>10.01%</u>

* Indicates Self-Performance

** Statement of Intent Form could not be verified.

MWBOO FOUND THE VENDOR IN COMPLIANCE ON MARCH 2, 2020.

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
2. \$2,257,179.79	9950-903846-9515	
State Constr.	Constr. Res. -	
Rev. Future FY'20	Resurfacing	
Series	Northeast	
\$1,962,765.04	-----	9950-904280-9514-6
		Structure & Improvements

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

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

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
196,276.50	-----	9950-904280-9514-5 Inspection
<u>98,138.25</u>	-----	9950-904280-9514-2 Contingencies Resurfacing Hwys. N.E. Section I
\$2,257,179.79		

The transfer will fund the costs associated with award of Project TR 20010, Resurfacing Highways at Various Locations - N.E. Sector I.

A PROTEST WAS RECEIVED FROM E&R SERVICES, INC.



E&R Services Inc
6222 Seabrook Rd
Lanham MD 20706
www.erservicesinc.com

March 27th, 2020

CONTRACT NUMBER: TR-20010
RESURFACING HIGHWAYS AT VARIOUS LOCATIONS – NORTHEAST SECTOR-I

Protest of Bid Deemed Non-Responsive

- a. E&R Services, Inc. ("E&R") is the entity protesting this decision.
- b. The bid for TR-20010 RESURFACING HIGHWAYS AT VARIOUS LOCATIONS – NORTHEAST SECTOR-I was submitted on December 18th, 2019 as outlined in the bid documents. The bid was complete in its entirety however there were 4 bids due at the same time and it led to one form being missed from notarization. This was page 321 which was signed by a company principal but not notarized. This was a minor oversight that does not affect any other part of the bid that was essential to the price or understanding of the contract documents. E&R believes that we should have been given the opportunity to cure this page, missing the notary seal does not make any of the statements included on that page not true. Not giving the opportunity to cure this page will cost the City \$218,730 by awarding the contract to the next lowest bidder.
- c. E&R had already contracted with a City of Baltimore WBE for this project and they will also be affected if the bid is not awarded to us. Our workers will be affected as this contract would have provided enough work for two of our crews. The bid is being deemed non-responsive on a technicality that is not affecting the quantities and prices of the bid response. E&R believes this is not a material defect of the bid and is costing the City more to perform the work.

Signed,

A handwritten signature in black ink, appearing to read 'ER', with a long horizontal line extending to the right.

Emilio Rodriguez, President

T. 301-805-1731 / 703-932-8087
F. 240-770-5790
E-mail: info@erservicesinc.com

MINUTES

President: "The third item on the non-routine agenda can be found on page 77, Recommendations for Contract awards Resurfacing Highways at Various Locations. Ah -- we have received a protest on this item. We will hear from E & R Services, Inc. and then from Emanuel Luis Construction Company. The response from the agency will be heard after them. So, thank you uh -- uh -- first we will hear from Mr. Hugo Flores representing E & R Services."

Mr. Hugo Flores: "Good morning everyone ah -- can you hear me?"

President: "Yes we can sir, but there's a lot of background noise. A lot of noise. So if you can get where there's a little more quiet, that would be greatly appreciated."

Mr. Flores: "Okay I was shuffling some paper around. Um -- we submitted this bid for um -- contract TR 20010, Resurfacing Highways on December 18th. Ah -- as outlined on the bid documents um -- it just so happened that day there were four bids due the same time and -- and led to this one um -- missing a notary signature on one page, ah -- which was page 321. Um -- the bid was not materially defective. Um -- basically it was just that one signature and the um -- basically the difference between us and the next bidder is \$218,730.00, which is a significant difference. Um -- the bid -- though the prices, quantities everything was considered so everything is correct. Um -- at this point it was just one notary signature for one page that was um -- that was

MINUTES

missed, that is basically um -- you know going to cost the City over \$200,000.00. Um -- that could be saved um -- if that -- if we were allowed to have that page cured and -- and -- and you know signed afterwards or waived."

President: "Ah -- thank you. We will now hear from I believe sir are you still there? We will hear from um -- yeah we're going to unmute you. Mr. Dashiell, there you are - let's see if we could-- there you are - you are good to go."

Mr. Bob Dashiell: "Okay. All right ah -- there's one principle that is cardinal that is core to the whole concept of competitive bidding and -- and that is that don't get two bites at the apple. You don't get to submit an optional bid. The -- the -- the -- the page that was just referred to is the bid affidavit itself. Without that affidavit if it has not been completed in the manner that the City requires, in effect there's no bid at all. Ah -- you can't submit something and then leave yourself, reserve to yourself the opportunity to say well I want the contract or I don't want the contract depending upon what the circumstances may be as of the time the Board or the City may consider it. Ah -- this is pure -- this is a legal issue but it's critical to the whole as I say to the whole concept of competitive bidding. Ah -- the affid-- the bid affidavit itself was not executed in the manner that the document required. I -- I can appreciate the fact that things are

MINUTES

done hurriedly and mistakes are made, but this is not a minor error this is not a minor irregularity. This goes to the very heart of the matter and we -- we can't abandon the principle that you just don't get two bites at the apple that's all -- all I have."

President: "Thank you. We will now hear from the agency ah -- Ms. Griffin will be providing remarks on behalf of the Department of Transportation."

Ms. Laetitia Griffin, Deputy of Administration for the Department of Transportation: "Good morning. Laetitia Griffin Deputy of Administration for the Department of Transportation. Um -- the Department stands by its recommendation to award this contract to the second bidder. Um -- the minority um -- the MWBE package was submitted to MWBOO and in fact page 321 is the MWBE affidavit. Um -- according to MWBOO that um -- that submission was found non-compliant so we moved on to the second bidder which was M. Luis and based our recommendation on um -- them being compliant with um -- all of their documentation submitted to bid TR 20010 Surface and um -- Various Locations."

MINUTES

President: "Questions from Board members?" Seeing none, ah -- Ah -- I will entertain a motion."

Dana Moore, Acting City Solicitor: "Ah -- Mr. President I vote that the protest be denied and that the contract be awarded to M. Luis Construction and I want to give you some context. Ah -- I agree with attorney Dashiell that without that affidavit signed it is as though no um --- bid had been submitted. That it - it's a cardinal rule in the law that if an affidavit is required and it's required to be signed and notarized that must be done. It wasn't done here and I -- I understand mistakes do happening and rushing often results in mistakes happening and that's regrettable, but that left the City with really no choice but to reject that bid. So for that reason ah -- again, I move that the protest be denied and that the contract be awarded to M. Luis Construction as recommended."

Comptroller: "I second."

President: "All right. All those in favor say aye, aye. All opposed say nay. The motion carries. This item has been approved."

* * * * *

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

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

3. TR 19006R, Urgent Need P. Flanigan & Sons, \$2,609,618.00
 Citywide Contract - JOC Inc.

MBE/WBE PARTICIPATION:

MBE: Priority Construction Corporation	\$548,400.00	21.01%
WBE: River Transport, Inc.	\$160,000.00	6.1%
B&J Sweeping & Sons, Inc.	25,000.00	1.0%
Fallsway Construction Co., LLC	24,000.00	0.9%
	<u>\$209,000.00</u>	<u>8.01%</u>

MWBOO FOUND VENDOR IN COMPLIANCE ON FEBRUARY 13, 2020.

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
4. \$1,736,285.53	9950-956002-9515	
State Constr.	Constr. Res.	
Rev. FY'18	Resurfacing JOC	
Series	- Urgent Needs	
110,000.00	9950-956002-9515	
<u>GF (HUR)</u>	Resurfacing JOC -	
	Urgent Needs	
\$1,846,285.53		
\$1,564,618.00	-----	9950-903492-9514-6
		Structure & Improvements

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

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

260,961.80	-----	9950-903492-9514-5 Inspection
<u>20,705.73</u>	-----	9950-903492-9514-2 Contingencies Resurfacing JOC Urgent
 \$1,846,285.53		

This transfer will partially fund the costs associated with award of TR 19006R, Urgent Need Citywide Contract - JOC.

- 5. TR 20002, J. Villa Construction, \$ 876,245.90
 Reconstruction of Inc.
 Footways Citywide

MBE/WBE PARTICIPATION:

MBE: J. Villa Construction, Inc.*	\$438,122.00	50.00%
WBE: Rowen Concrete, Inc.	\$114,500.00	13.07%

* Indicates Self-Performance

MWBOO FOUND VENDOR IN COMPLIANCE ON FEBRUARY 24, 2020.

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
6. \$ 856,182.38	9950-904100-9504	
State Constr.	Constr. Res. -	
Rev. Future	Footway Paving	
FY'20 Series		

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

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

189,125.00	9950-904100-9504	
<u>Others</u>	Footway Paving	
\$1,045,307.38		
\$ 876,245.90	-----	9950-909502-9504-6
		Structure & Improvements
150,249.18	-----	9950-909502-9504-5
		Inspection
<u>18,812.30</u>	-----	9950-909502-9504-2
\$1,045,307.38		Contingencies
		Reconstr. Footways
		TR 20002

This transfer will fund the costs associated with award TR 20002, Reconstruction of Footways Citywide.

- 7. TR 200001, J. Villa Construction, \$ 905,000.00
Reconstruction of Inc.
Footways Citywide

MBE/WBE PARTICIPATION:

MBE:	J. Villa Construction Inc.*	\$452,500.00	50.00%
WBE:	Rowen Concrete, Inc.	\$119,020.00	13.14%

* Indicates Self-Performance

MWBOO FOUND VENDOR IN COMPLIANCE ON FEBRUARY 24, 2020.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

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

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
8. \$ 903,843.75	9950-904100-9504	
State Constr.	Constr. Res. -	
Rev. Future	Footway Paving	
FY'20 Series		
177,406.25	9950-904100-9504	
Other	Footway Paving	
\$1,081,250.00		
\$ 905,000.00	-----	9950-901501-9504-6
		Structure & Improvements
156,000.00	-----	9950-901501-9504-5
		Inspection
20,250.00	-----	9950-901501-9504-2
\$1,081,250.00		Contingencies
		Reconstr. Footways
		TR 20001

This transfer will fund the costs associated with award of project TR 20001, Reconstruction of Footways Citywide.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSDepartment of General Services

9. GS 19801, Police HQ & Annex Elevator and Modernization Nichols Contracting, Inc. **\$3,026,995.00**

MBE/WBE PARTICIPATION:

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

MBE: Horton Mechanical Contractors	\$137,000.00	4.53%
Omni Elevator Co., Inc.	\$257,000.00	8.49%
Total	\$394,000.00	13.02%

WBE: Absolute Solution and Associates **\$ 90,875.00 3.00%**

MWBOO FOUND VENDOR IN COMPLIANCE.

A PROTEST WAS RECEIVED ON JANUARY 21, 2020 AND FEBRUARY 28, 2020 FROM MICHAEL J. COHEN ON BEHALF OF W.M. SCHLOSSER COMPANY, INC.

A PROTEST WAS RECEIVED ON FEBRUARY 18, 2020 FROM LETKE SECURITY CONTRACTORS, INC.

MEMBER
MARYLAND BAR
VIRGINIA BAR
AND DISTRICT OF COLUMBIA BAR

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

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

February 28, 2020

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

Via UPS Overnight

Re: **Bid Protest of W.M. Schlosser Co., Inc.**
Police HQ and Annex Elevator Upgrade and Modernization

Dear Sir or Madam:

W.M. Schlosser Co., Inc. ("Schlosser") protests award of the referenced contract to the apparent first and second low bidders on the project, Nichols Contracting ("Nichols") and Chilmar Group ("Chilmar"). Schlosser was third low bidder on the Police HQ and Annex Elevator Upgrade and Modernization project ("the Contract"). However, both Nichols' and Chilmar's bids failed to satisfy the WBE participation requirements of the Contract. Therefore, Nichols' and Chilmar's bids are non-responsive and award should be made to Schlosser as the low responsive bidder.

Bid Breakdown

A breakdown of the 3 bids is as follows:

Nichols Contracting	Base	3,026,995
	ALT	<u>1,419,250</u>
	Total:	4,446,245
Chilmar Corp	Base	3,288,000
	Alt	<u>1,081,000</u>
	Total:	4,369,000
W M Schlosser Co Inc	Base	3,488,000
	Alt	<u>1,055,000</u>
	Total	4,543,000

Failure to satisfy WBE Requirements

The contract set forth a WBE participation goal of 3 percent. Only 25% of this amount, however, could be met by non-manufacturing WBE suppliers. See Contract Section G, Subsection 3(f) Minority and Women's Business Opportunity Requirements. This limitation is a matter of law as set forth in Article 5, Subtitle 28, Section (c)(2) of the Baltimore City Code. In all capital letters, the Contract further states that "THE FAILURE OF ANY BIDDER, CONTRACTOR OR SUBCONTRACTOR TO COMPLY WITH ARTICLE 5, SUBTITLES 28 SHALL BE A BREACH OF CONTRACT." Both Nichols and Chilmar violated the Baltimore City Code and the Contract by using non-manufacturer suppliers to meet 100% of the WBE participation goals. Only 25% is permitted.

Specifically,

---Nichols Contracting ("Nichols") listed Absolute Solutions, a non-manufacturer supplier for "Construction Supplies and Equipment" for the entire 3%. Nichols did not request a waiver.

----Chilmar Corp. ("Chilmar") also used a non-manufacturer supplier, Tegeler Construction and Supply to meet the entire 3% goal. (Chilmar's bid specified that Tegeler's would furnish electrical and mechanical equipment, and elevator components.) Like Nichols, Chilmar did not request a waiver.

Unlike Nichols and Chilmar who relied upon suppliers, Schlosser met the goal using 2 subcontractors, Design Plus Sprinkler Systems (.5%) and Letke Security Contractors (2.5%) to perform actual contract work to meet the 3% goal.

Finally, it has come to Schlosser's attention that its bid might be rejected because changes were made to Letke Security Contractors' ("Letke") MBE/WBE and Prime Contractor's Statement of Intent because those changes were only initialed by Schlosser. However, Letke was aware of and agreed to the changes made to the form. As confirmed by the letter of Kim Letke attached hereto as Exhibit 1, both Letke and Schlosser were and considered themselves bound by the terms of the Statement of Intent as submitted. Accordingly, the lack of Letkes' initials on the Statement of Intent is a waivable minor informality and Schlosser's bid should not be rejected.

Conclusion

As explained above, Nichols' and Chilmar's bids do not meet the WBE participation goals of the Solicitation and are therefore non-responsive and must be rejected. Accordingly, award of the Contract should be made to Schlosser as the responsive low bidder.

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

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Michael J. Cohen', with a long horizontal flourish extending to the right.

Michael J. Cohen

cc: Andrew Schlosser
Tamara Brown



Letke Security Contractors Inc

Kimletke65@gmail.com

443-463-2111

1607 Bridewells Ct

Woman Owned small business

MBE DBE MDOT 94-092

Duns 363959255

Joppa Md 21085

FEIN 52 1570782

WBE B 1237 Baltimore City

2-18-2020

Baltimore City Board of Estimate:

Contract 19801

Letke respectfully request to be heard before the Board of estimates regarding contract 19801 . Elevator repairs - .

1. I, Kim Letke signed the WBE form and am aware the dollar value numbers are written in at bid time – My verbal confirmation to agreeing to the change was provided to WM Schlosser at bid time.

The change was acceptable to Letke Security Contractors Inc- Kim Letke..

Verbal agreements happen all the time and are part of contracts.

Since I already signed the form and agreed to the changes . I find that WM Schlosser and Letke had a binding agreement.

2 WM Schlosser is the 3rd bidder . The 1, and 2nd have issues with their paper work where they did not included any woman or minorities.

Since the other 2 contractors had no WBE – MBE .

WM Schlosser does have WBE and MBE .

In addition WM Schlosser hires woman and minorities.

I would respectfully:

Request to be heard before the Board of Estimates as well as request

WM Schlosser be awarded the contract since they have all their paper work in order.

Respectfully

Kim Letke

MEMBER
MARYLAND BAR
VIRGINIA BAR
AND DISTRICT OF COLUMBIA BAR

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

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

January 21, 2020

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

Via UPS Overnight

Re: **Bid Protest of W.M. Schlosser Co., Inc.**
Police HQ and Annex Elevator Upgrade and Modernization
Contract No. GS 19801

Dear Sir or Madam:

W.M. Schlosser Co., Inc. ("Schlosser") protests award of the referenced contract to the apparent first and second low bidders on the project, Nichols Contracting ("Nichols") and Chilmar Group ("Chilmar"). Schlosser was third low bidder on the Police HQ and Annex Elevator Upgrade and Modernization project ("the Contract"). However, both Nichols' and Chilmar's bids failed to satisfy the WBE participation requirements of the Contract. Therefore, Nichols' and Chilmar's bids are non-responsive and award should be made to Schlosser as the low responsive bidder.

Bid Breakdown

A breakdown of the 3 bids is as follows:

Nichols Contracting	Base	3,026,995
	ALT	<u>1,419,250</u>
	Total:	4,446,245
Chilmar Corp	Base	3,288,000
	Alt	<u>1,081,000</u>
	Total:	4,369,000
W M Schlosser Co Inc	Base	3,488,000
	Alt	<u>1,055,000</u>
	Total	4,543,000

Failure to satisfy WBE Requirements

The contract set forth a WBE participation goal of 3 percent. Only 25% of this amount, however, could be met by non-manufacturing WBE suppliers. See Contract Section G, Subsection 3(f) Minority and Women's Business Opportunity Requirements. This limitation is a matter of law as set forth in Article 5, Subtitle 28, Section (c)(2) of the Baltimore City Code. In all capital letters, the Contract further states that "THE FAILURE OF ANY BIDDER, CONTRACTOR OR SUBCONTRACTOR TO COMPLY WITH ARTICLE 5, SUBTITLES 28 SHALL BE A BREACH OF CONTRACT." Both Nichols and Chilmar violated the Baltimore City Code and the Contract by using non-manufacturer suppliers to meet 100% of the WBE participation goals. Only 25% is permitted.

Specifically,

---Nichols Contracting ("Nichols") listed Absolute Solutions, a non-manufacturer supplier for "Construction Supplies and Equipment" for the entire 3%. Nichols did not request a waiver.

---Chilmar Corp. ("Chilmar") also used a non-manufacturer supplier, Tegeler Construction and Supply to meet the entire 3% goal. (Chilmar's bid specified that Tegeler's would furnish electrical and mechanical equipment, and elevator components.) Like Nichols, Chilmar did not request a waiver.

Unlike Nichols and Chilmar who relied upon suppliers, Schlosser met the goal using 2 subcontractors, Design Plus Sprinkler Systems (.5%) and Letke Security Contractors (2.5%) to perform actual contract work to meet the 3% goal.

Conclusion

As explained above, Nichols' and Chilmar's bids do not meet the WBE participation goals of the Solicitation and are therefore non-responsive and must be rejected. Accordingly, award of the Contract should be made to Schlosser as the responsive low bidder.

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

Very truly yours,



Michael J. Cohen

cc: Andrew Schlosser
Tamara Brown



Letke Security Contractors Inc

Kimletke65@gmail.com

443-463-2111

1607 Bridewells Ct

Woman Owned small business

MBE DBE MDOT 94-092

Duns 363959255

Joppa Md 21085

FEIN 52 1570782

WBE B 1237 Baltimore City

2-18-2020

Baltimore City Board of Estimate:

Contract 19801

Letke respectfully request to be heard before the Board of estimates regarding contract 19801 . Elevator repairs - .

1. I, Kim Letke signed the WBE form and am aware the dollar value numbers are written in at bid time – My verbal confirmation to agreeing to the change was provided to WM Schlosser at bid time.

The change was acceptable to Letke Security Contractors Inc- Kim Letke..

Verbal agreements happen all the time and are part of contracts.

Since I already signed the form and agreed to the changes . I find that WM Schlosser and Letke had a binding agreement.

2 WM Schlosser is the 3rd bidder . The 1, and 2nd have issues with their paper work where they did not included any woman or minorities.

Since the other 2 contractors had no WBE – MBE .

WM Schlosser does have WBE and MBE .

In addition WM Schlosser hires woman and minorities.

I would respectfully:

Request to be heard before the Board of Estimates as well as request

WM Schlosser be awarded the contract since they have all their paper work in order.

Respectfully

Kim Letke

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

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

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

Name of Prime Contractor: W.M. Schlosser Company, Inc.

Name of MBE or (WBE) (circle one): Letke Security Contractors Inc WBE B 1237

Brief Narrative Description of the Work/Service to be performed by MBE or (WBE):
Painting, Carpentry, Const. management

Materials/Supplies to be furnished by MBE or WBE:

Subcontract Dollar Amount: \$ 124,500 ~~145,000~~ (If this is a requirements contract, the subcontract dollar amount may be omitted; however, the subcontract percentage must be included.)

Subcontract percentage of total contract: 2.6 ~~3.0~~ % (This is not considered material information for lump sum contracts.)

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

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

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

Andrew Schlosser, President 1/3/20
Signature of Prime Contractor (REQUIRED) Date
Kim Dotke 1-3-2020

MINUTES

President: "The fourth item on the non-routine agenda can be found on page 83, item 9 Recommendations for Contract Awards, ah -- Police Headquarters and Annex Elevator and Modernization. We have received two protests on the item. We will hear from Nichols Contracting first followed by Mr. Cohen on behalf of Schlosser Inc. and then Mrs. Letke of Letke Security Contractors. The response from the agency will be heard after. Mr. Nichols the floor is yours."

Mr. Tyler Nichols, Vice President of Nichols Contracting: "Good morning everyone. This is Tyler Nichols of Nichols Contracting. Um -- I was contacted yesterday by ah -- the Department of General Services to let us know that somebody was protesting our bid. Um -- as far as I have been made aware, ah --- because I did not receive the protest, they are protesting our participation. Um -- as you can see on the Agenda ah -- the MWBOO Office has approved ah -- our participation on this project, um -- so that's all I have. Ah -- just because I do not know what they are protesting on."

President: "All right. The protest was actually sent to you but we will take that and now we will go to Mr. Cohen. Mr. Cohen you have to unmute yourself."

Mr. Cohen: "Thank you very much. Can everyone hear and see me now?"

MINUTES

President: "We can. Thank you."

Mr. Cohen: "Okay. Good morning. My heart goes out to everyone who's being touched by this pandemic. Ah -- this bid protest is pretty straight forward. The contract required a 3% WBE participation and the contract and the Baltimore City Code say that only 25% of that goal can be met through the use of non-manufacturer suppliers. Ah -- Nichols listed Absolute Solutions, who is a non-manufacturer supplier for 100% of its WBE participation. They even listed ah -- Absolute Solutions as providing construction supplies. So they cannot use Absolute to meet the entire 3% WBE participation. Therefore, their bid is non-responsive and it should be dismissed. Now, Schlosser was the third low bidder on this project. And the second low bidder committed the same mistake that ah -- Nichols did. The second low bidder was Chilmar. Chilmar listed ah -- Tegeler Construction to furnish electrical equipment and mechanical equipment to the project to meet the entire 3% WBE participation on the project. Again, this supplier is a non-manufacturer supplier cannot meet the entire 3% WBE participation goals. So both of these bids are non-responsive. They don't meet the WBE participation requirements and they should be rejected. Ah --- there's another issue that has been raised about Schlosser's bid ah --- which goes to um -- its participation on the project for WBE contractors. Schlosser listed two sub-

MINUTES

contractors. Um -- Letke Security and Design Plus Sprinkler Systems, unlike the WBE ah -- contractors listed by the other two bidders ah -- Letke and Design Plus will do actual construction work on the project ah -- totaling 3% and satisfying the WBE participation requirements. However, there was a change to WBE's ah -- participation form where Schlosser made the change at the last minute. Um -- which um -- Ms. Letke approved over the phone. Ms. Letke filed a protest and a letter demonstrating her acquiescence in that change, and we shouldn't in fact we don't believe that should affect um -- Schlosser's entitlement to ah -- award of the contract. So that's our position that the first two bidders did not meet the WBE participation requirements in the contract. They quite clearly didn't meet those. Um -- Schlosser then submitted the low um -- responsive bid on the project and should be given the award. In the alternative we would ask that all bids be rejected on the project. Thank you very much."

President: "Thank you. We now will go to Ms. Letke. Ms. Letke we know that you are on the phone. Ah -- Ms. Letke you can start speaking now. Hello. Ms. Letke are you there? Ms. Letke are you there? Alright Ms. Letke it seems not to be."

Mr. Cohen: "Mr. President -- um can I speak on behalf of Ms. Letke?"

President: "No you cannot sir. Sorry."

MINUTES

Mr. Cohen: "Okay. That's fine. Thank you."

President: "Next we will hear from Director Nash from DGS. Madam Director."

Ms. Chichi Nyaga-Nash, Director of General Services: "Good morning. Mr. President. Um -- in listening to the grounds of the protest from Mr. Cohen, I believe I need to defer to the MWBOO Office to Ms. Tamara Brown to respond on the grounds of the MWBOO on the MBE and WBE validity of the ah -- of the subcontractors information that was submitted."

President: "Alright. Ah -- is Ms. Brown on the line?"

Ms. Brown: "Good morning. Tamara Brown, Minority and Women's Opportunity Office. Can you all hear me?"

President: "Yes ma'am we can hear you."

Ms. Brown: "Okay. To address um -- the matter of -- of there not being a WBE the 25% that they are trying to credit for the WBE on the lowest responsive bidder. Um -- Article V, Subtitle 28 states that if they don't make 100% of its expenditures to a certified business enterprise supplier who is a wholesaler warehousing the goods or a manufacturer's representative. In the case of Absolute Supply and Services, LLC um -- they have a 3,200 square foot warehouse, with three trucks and the inventory of multiple supplies, equipment, um -- parts. Absolute Services has established 30 accounts with some manufacturers to include Dacan,

MINUTES

um --- Bertolic, Zuran Industries, York International and Gibbon Manufacturing. They buy directly from manufacturers, they are a manufacturers representative for a long list of manufacturers, and therefore, they quality as a supplier manufacturer which is why they received 100% for um -- participation as a WBE on this contract."

President: "Thank you. So Ms. Brown this ah -- this satisfies totally satisfies the MWBOO Office for compliance?"

Ms. Brown: "Yes. We found ah -- the bidder compliant based on submission in our (inaudible)."

Mr. Cohen: "May I respond?"

President: "No sir you cannot. Any -- any --."

Mr. Cohen: "It's simply a mis -- (inaudible)."

President: "Any other questions from the Board."

Comptroller: "Yes I have a couple of questions."

President: "Madam Comptroller."

Comptroller: "Okay. Um -- ah -- when this solicitation went out, ah --- it included a base bid as well as an alternative number one for additional work. Could you explain what the additional work would consist of?"

Ms. Nyaga-Nash: "Yes Madam Comptroller. Assuming that question was directed at me?"

Comptroller: "Yes."

MINUTES

Ms. Nyaga-Nash: "Okay. Thank you. All right. So the building complex ah -- the -- the um -- Baltimore City Police Headquarters and Annex are two separate but connected buildings. The base part of the -- of the award of the project would be for the -- ah -- full replacement of seven elevators in the Main Headquarters building and then the second half that was bid out as alternate would be for similar work but in the Annex portion of the building for three elevators. So a total of ten, seven in one three in the other. Um -- knowing that there could be um -- issues that come up with cost overruns or for any sort of complications once the first part of the project has begun, we kept them separate. Knowing that there is only a finite amount of funds available and didn't want to fully commit to replacing all ten at the same time within the same project. Um -- additionally the condition of the seven elevators in the -- in the Headquarters building are um -- they are in worse condition and in more dire need of replacement and attention and so that's why they are the first -- the first ones that we are going to be paying attention to."

Comptroller: "So when we take look at um -- repairing the others, will it be put out for bid, or will it be an Extra Work Order with the Vendor that's approved today?"

Ms. Nyaga-Nash: "No ma'am it would be put back out for public bid."

MINUTES

Comptroller: "Perfect. Okay. Thank you."

President: "Any other questions from any other Board members? All right, seeing none, ah -- I will entertain a Motion."

Acting City Solicitor: "Ah -- I have two motions. Ah --- the first is to ah -- reject the protest of Letke for failure to appear. And if I could get a second?"

Comptroller: "Second."

President: "All those in favor say aye. All opposed say nay. The motion carries. Madam Solicitor."

Acting City Solicitor: "And the second, pardon me. The second motion is to also reject the protest of Schlosser and to proceed to award the contract to ah -- Nichols Contracting. The reason is that I believe that it's well established through ah -- Ms. Brown and Ms. Nyaga-Nash that um -- they did do a very thorough investigation of all of the respondents on this proposal. That they established that they MBE/WBE requirements were met and ah - - so therefore, the protest should be rejected and proceed to award."

Comptroller: "I second."

President: "All those in favor say aye. All opposed say nay. The motions carries. This item has been approved."

* * * * *

MINUTESDepartment of Communication Services - Personnel Matters

The Board is requested to approve all of the Personnel matters below:

	<u>Hourly Rate</u>	<u>Amount</u>
1. DEMITRIUS CARROLL	\$34.61	\$75,449.00
2. TYRONE L HOBBS	\$34.61	\$75,449.00

Account: 2039-000000-1330-158400-601009

Messrs. Carroll and Hobbs will each work as Contract Services Specialist II's. Their duties will include but are not limited to providing City-wide information technology services to include maintenance and day-to-day technical support of existing voice systems including VoIP, Centrex, key system equipment and peripherals, performing enterprise maintenance and installation support of inside cable plant and related telecommunications cabling and wiring infrastructure; ensuring accuracy of cable records, station equipment and other related documentation required to maintain accurate inventories. They will assess end user connectivity requirements on cabling and fiber terminations, support the Agency IT Specialist II in major moves; add and change Mitel VoIP equipment across the enterprise network, coordinate and manage all large and complex telecommunications moves, adds and changes on the Mitel and Norstar key system; configure IP, SIP, and analog and digital end points; and provide support in troubleshooting network and telco problems. The period of the agreement is effective May 15, 2020 through May 14, 2021.

THE PERSONNEL MATTERS HAVE BEEN APPROVED BY THE EXPENDITURE CONTROL COMMITTEE.

UPON MOTION duly made and seconded, the Board approved the above-listed Personnel matters.

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 Spiniello Companies, for Water Contract No. 1385-Urgent Need Water Infrastructure Rehabilitation.

AMOUNT OF MONEY AND SOURCE:

\$204,155.00 - 9960-911985-9557-000000-200001

BACKGROUND/EXPLANATION:

Spiniello Companies as of November 5, 2019, has completed 80% of all work for WC 1385-Urgent Need Water Infrastructure Rehabilitation. The Contractor has requested a Partial Release of Retainage for \$204,155.00. The City is holding \$291,650.00 in retainage for the referenced project and the contractor is requesting to reduce the amount of retainage to \$87,495.00.

MWBOO APPROVED THE RELEASE OF RETAINAGE ON MARCH 20, 2020.

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 Spiniello Companies, for Water Contract No. 1385-Urgent Need Water Infrastructure Rehabilitation.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 020 to Rummel, Klepper & Kahl, LLP under Project 1504 (WC 1288), On-Call Construction Management Assistance. The Task Assignment is approximately 10 months.

AMOUNT OF MONEY AND SOURCE:

\$219,476.85 - 9960-905721-9557-900020-705032

BACKGROUND/EXPLANATION:

The Department is requesting the Board's approval for Task 020 under Project 1504 (WC 1288), On-Call Construction Management Assistance. The Consultant will provide project engineering services; preparation of contract drawings specifications, and cost estimates for redesign of WC 1288, Small Main Replacement and Rehabilitation in Beechfield, Yale Heights Neighborhoods and Vicinity.

MBE/WBE PARTICIPATION:

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

THE EAR WAS APPROVED BY MWBOO ON MARCH 3, 2020.

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

MINUTES

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

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT</u>	<u>TO ACCOUNT</u>
\$1,705,046.76	9960-904173-9558	9960-905721-9557-5
Revenue Bond	WM Beechfield/Yale Heights	Inspection

This transfer will fund the costs associated with Task No. 020 on Project 1504 (WC 1288), On-Call Construction Management Assistance.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 020 to Rummel, Klepper & Kahl, LLP under Project 1504 (WC 1288), On-Call Construction Management Assistance. The Transfer of Funds was approved SUBJECT to receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the provisions of the City Charter.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 005 to WSP USA under Project 1236P (ER 4124), On-Call Storm Water Study and Engineering Design Services.

AMOUNT OF MONEY AND SOURCE:

(\$9,986.48) - 9958-9090413-9525-900020-703032

BACKGROUND/EXPLANATION:

The Department is requesting a credit in the amount of (\$9,986.48) from the Consultant on Task 001 as it has expired. The funds will be used to write a new task for ER 4124, which includes design for Maiden's Choice Tributary and Dead Run Stream Restoration Project within Baltimore City for the potential to meet or exceed the required Municipal Separate Storm Sewer (MS4) goal and prepare biddable documents for each of the projects. This project is listed in the Watershed Implementation Plan for the renewal of the National Pollutant Discharge Elimination System (NDPES) MS4 Permit to the City of Baltimore. These projects have deadlines and there are stipulated penalties associated with it.

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

THE EAR WAS APPROVED BY MWBOO ON APRIL 29, 2020.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 005 to WSP USA under Project 1236P (ER 4124), On-Call Storm Water Study and Engineering Design Services.

MINUTES

Space Utilization Committee - Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Lease Agreement with the University of Maryland Baltimore County (UMBC) Tenant, for the rental of a portion of the property known as 3301 Waterview Avenue, for use of 12% of space in the lower level, containing 36 seats and rowing related equipment. The period of the lease agreement is November 16, 2019 through November 15, 2020.

AMOUNT OF MONEY AND SOURCE:

\$1,800.00 - Annual rent

BACKGROUND/EXPLANATION:

The Leased Premises is used for the storage of boats on the Lower Level and rowing related equipment. The Tenant will have the right to use on a daily basis the locker rooms, toilets, shower rooms, and ergometer room on the Upper Level. The Tenant at its own expense may perform some modifications to the Leased Premises to make it suitable for the purpose of storing boats, which must be approved by the Landlord. The Tenant may use the parking area; the Facility Manager will have the sole discretion to restrict access to the parking at any time for purposes of other events and activities at the facility. Trailers may park outside of Leased Premises for the purpose of loading and unloading of boats, with prior approval. The Tenant must move or use a boat at least two times during the year, the boat will be put out of building into the Pen area if not moved. The Tenant must use a daily log for the boats. They must notify the Facility Manager of practices and special events at least six months in advance. The Facility Manager will conduct meetings with Tenant on a quarterly basis. If a boat is removed and/or replaced with another boat, Tenant must notify the Facility Manager. The Tenant is responsible for Liability Insurance.

MINUTESSpace Utilization Committee - cont'd

The Space Utilization Committee approved the Lease on March 24, 2020.

This lease is late because of the administrative process.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Lease Agreement with the University of Maryland Baltimore County, Tenant, for the rental of a portion of the property known as 3301 Waterview Avenue, for use of 12% of space in the lower level, containing 36 seats and rowing related equipment.

MINUTES

Mayor's Office of Immigrant Affairs - Governmental/Charitable Solicitation

ACTION REQUESTED OF B/E:

The Board is requested to endorse a Governmental/Charitable Solicitation Application to be approved by the Board of Ethics for the Mayor's Office of Immigrant Affairs (MIMA) to promote contributions to Baltimore's Immigrant Community Fund. Public servants soliciting contributions include: Bernard C. "Jack" Young, Catalina Rodriguez Lima, and Katie Miller. The Baltimore Civic Fund will be the entity responsible for processing the individual contributions.

AMOUNT OF MONEY AND SOURCE:

No general funds are involved in this transaction.

BACKGROUND/EXPLANATION:

The Mayor's Office of Immigrant Affairs (MIMA) wishes to promote and encourage financial support to Baltimore Immigrant Community Fund through the Baltimore Civic Foundation. The fund seeks to address the urgent need of immigrant families in the City of Baltimore excluded by the Federal CARES Act.

The vision of the fund is to build cohesive, safe, and welcoming communities where New Americans feel valued and reacted with dignity. In light of COVID-19, the initiative will serve as a catalyst for funding to respond to the urgent needs of immigrant families who cannot work or access unemployment benefits, and/or federal stimulus assistance.

If approved, MIMA will promote the fund with individuals and foundations in the Baltimore region and not targeted donors. Baltimore City Code, Article 8, §6-26 prohibits solicitation or facilitating the solicitation of a gift. An exception was enacted in 2005 to permit certain solicitations that are for the benefit of an official governmental program or activity, or a City-endorsed

MINUTES

Mayor's Office of Immigrant Affairs - cont'd

charitable function or activity. Ethics regulation 96.26B sets out the standards for approval, which includes the requirement that the program, function, or activity to benefit from the proposed solicitation must be endorsed by the Board of Estimates or its designee.

UPON MOTION duly made and seconded, the Board endorsed a Governmental/Charitable Solicitation Application to be approved by the Board of Ethics for the Mayor's Office of Immigrant Affairs to promote contributions to Baltimore's Immigrant Community Fund. Public servants soliciting contributions include: Bernard C. "Jack" Young, Catalina Rodriguez Lima, and Katie Miller. The Mayor

ABSTAINED.

MINUTES

Department of Audits - Audit Reports

The Board is requested to **NOTE** receipt of the following Audit Reports.

1. Comprehensive Annual Financial Report (CAFR) City of Baltimore, Maryland for the Year ended June 30, 2019.
2. City of Baltimore, Maryland Single Audit Together with Reports of Independent Public Accountants for the Year ended June 30, 2019.

President: "The fifth and final item on the non-routine agenda can be found on page 93, Department of Audits, Audit Report. Auditor Pasch, the floor is yours."

City Auditor: "In this meeting I will share a presentation. Good morning, Mr. President and Mr. Mayor --."

President: "Oh -- Mr. Auditor hold on one second there's some feedback. So, somebody has -- sounds like somebody has multiple computers up you have to mute the sound on one of them please. Try now sir."

City Auditor: "Okay."

President: "There we go."

City Auditor: "Okay. Good morning Mr. President, Mr. Mayor, Madam Comptroller, and Board members. My name is Josh Pasch, I am the City Auditor. I am here to present the CAFR and the Single Audit for the fiscal year ended 2019. The - there are three reports that are being presented. One is the Comprehensive Annual Financial Report, one is the Single Audit, which is a schedule of

MINUTES

expenditures of federal awards, and there is a report on internal controls, which covers both of those audits. For this audit -- for these audits, I would like to thank the Audit teams and the City personnel who put a lot of effort into these audits. The Baltimore City Department of Audits and SB & Company, LLC jointly performed the audit of the financial statements and the Single Audit. The CAFR is due at the end of the calendar year and that report was issued on December 27, 2019. The Single Audit is due at the end of March. There was an extension issued, but we were able to complete it within the normal timeframe and that was issued dated March 17, 2020. The report on internal controls over financial reporting was dated December 27, 2019. All these -- all these will be posted to the Comptroller and Audits website at the -- once they are approved by the Board. What I would like to do is I would like to go over the significant findings and loaded in the reports and the findings are classified as either a Deficiency in Internal Control, which indicates that the design or operation of a control does not allow management or employees in the normal course of performing their assigned functions to prevent or detect an or correct misstatements on a timely basis. A Significant Deficiency is a combination of deficiencies in internal control that is less severe than a Material Weakness and -- but more but important enough to merit attention by those charged with governance. Material Weakness is

MINUTES

a deficiency or a combination of deficiencies in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented or detected and corrected on a timely basis. For the rest of the presentation I will note the material weaknesses that were identified during these two audits. There are two audit opinions issued. We have a Qualified Opinion on Community Services Block Grant, the Children's Health Insurance Program, the HIV Care Formula Grants, Medical Assistance Program, and HIV Prevention. All other major federal programs had an unmodified opinion. And here is a summary of the basis for the qualified opinion for the Community Service Block Grant. It was qualified based on the eligibility requirements for a Children's Health Insurance Program, it was the opinion was qualified based on cash management and sub-recipient monitoring and I will get into more details on these as we go through the presentation. For the HIV Care Formula Grants it was qualified based on cash management, eligibility period of formants reporting, and sub-recipient monitoring requirements. For the medical assistance program, it is given a qualified opinion based on the cash management eligibility period of four months, procurement and suspension, and department reporting, and sub recipient monitoring requirements and for HIV prevention activities, cash measurement, procurement and

MINUTES

suspension, and debarment reporting and subrecipient monitoring. Hmm, for the financial statements, and these are the findings based on material weaknesses from the CAFR, we have six. Grants accounting, and the reason for that mature weakness is the decentralized managing and tracking of grant revenues, receivables, and expenditures contribute to inaccurate balances and that will be expanded on as we go through the report. Financial reporting, we noted that those current financial system, City dynamics, makes it difficult to properly track property tax receivables, water Billings, capital assets, and certain internal fund balances. A lot of this has to do with combining multiple different systems. We also had the material weakness for financial reporting due to manual posting post-closing reviews of those balances and related activity and what we find is that a lot of significant adjusting entries are made at the year-end and those are to correct things that happen throughout the year, but based on how the system is tracking and recording that they can lead to both material and immaterial undiscovered errors. We have a material weakness on payroll and timekeeping. The current timekeeping system does not ensure proper approval and storage of timekeeping information, and the timekeeping system used by some departments does not have the capability to maintain records to support time charged to programs or grants as required by the

MINUTES

federal programs. We have a material weakness on water and waste billing and the City implemented UMAX and during the transition a number of customer accounts were not billed or billed inconsistently and this has resurfaced a number of times and we identified it as material weakness. For fixed asset accounting, we noted that the way that fixed assets are tracked that depreciation is a manual calculation and we found errors in that calculation and we also noted that the identifying identification of fixed asset additions is a manual process and that the City has to go through a complicated process to identify those. We also noted that material manual regulation-- manual reconciliations evolved in the process required an adjustment to depreciation expense or the current for the fiscal year ended 2019. We also have a material weakness not information technology. This was due to the ransomware attack which took out the City systems and a lot of systems City systems had to come to a halt and secondary systems had to be put into place. We also have a material weakness over the SEFA, which is the Schedule of Expenditures in Federal Award reporting. This is the basis of the Single Audit report, and we noted that the accounting for grants is done by two different at least two different groups. The agency and Department of Finance and the Department of Finance prepares the SEFA and when we were reconciling and tying it back to the different tracking mechanisms

MINUTES

and tracking systems that the agencies had, we noted that there were a lot of differences and that this lead us, that umm, to not have confidence in the completeness of federal expenditures and subrecipient payments for all the grants. We also noted that there's no centralized grant accounting function and that since each agency is maintaining their own grant information and the communication between those agencies and the Department of Finance is not sufficient enough to control and guarantee accurate balances that led to the material weakness over the SEFA, and then the third bullet point is identifying that this also affects the audit. The audit is based on identifying major programs and without an accurate SEFA, the audit scope that is required by the federal agencies and the federal government may not be accurate. Now I'm going to go over some material weaknesses for specific grants. We noted a material weakness over loans and loan guarantees. This affected the grants, the home investment partnership, and the capitalization grants for drinking water state revolving funds. We noted that the City is not tracking loans associated with the grants, and we are required that when the government gives us a loan that we identify that in the SEFA and the related notes and any related expenses. We noted a material weakness over procurement and suspension and debarment. One of the requirements to receive federal funds is that we verify that all vendors use and paid from

MINUTES

that grant are not on the federal debarred suspended list and we could not verify or see where the different agencies validated that the vendors used were not on the lists. We also noted that there is not an established process for that to occur. We noted any material weakness over activities allowed or un-allowed and allowable. This is one of the core principles for federal funding, which basically says that when we request a reimbursement that the expense we're getting reimbursed is allowed under the specific grants, and we noted that a large amount of the reimbursements are for payroll expenses and in testing for payroll, we were not able to track and trace a number of the reimbursed expenses to verify that they were based on actual work performed on the grant and also to provide to verify the existence and approval of those expenditures and the affected grants there were the Community Services Block Grant, Children's Health Insurance Program, and the HIV Prevention Activities Health Department. We noted their material weakness over eligibility. Eligibility is that the participants of the grant are eligible. We noted that recording retention of supporting documentation was not meeting the requirements by the specific grants those grants are the Community Service Block Grant, the HIV Care Formula, and the Medical Assistance Program and then we also notice that when we did find and we could look at supporting documentation for eligible

MINUTES

obsoleted participants that we could not find that all of the participants met all of the other requirements. We have a material weakness of over sub recipient monitoring. The requirement is that when an organization there may be receives federal funds that if we have a sub recipient of those funds that yet that passed through us that the City has an obligation to make sure that that subrecipient is also compliant with all the federal rules. We noted that we could not find evidence of any sub recipient monitoring of the effective grants of the Children's Health Insurance Program, HIV Care Formula Grants, Medical Assistance Program, and HIV Prevention Activities Health Department and we um-- . So we were not-- and management was not able to-- demonstrate to us whether sub recipients were in compliance with the federal requirements. We have a material witness over cash management. Umm, this is basic-- the effected grants are Children's Health Insurance Program, HIV Care Formula Grants, Medical Assistance Program, HIV Prevention Activities Health Department based, and Maternal and Children Child Health Services Block Grants to the states. This is due to the difference in monitoring cash by the agency and Department of Finance and that we found that Finance agencies use different parameters for running reports and that they don't reconcile with each other. So when we were trying to validate the cash receipts and the drawdowns, we were having challenges between

MINUTES

the records from the agency and Department of Finance. You have a material weakness over period of performance. So this is twofold. One period of performance is the grant has a period, which we are allowed to use the funds by the grant and then also at a SEFA level we are reporting on fiscal year ended June 30, 2019 and so we were also checking that the expenses included in that SEFA were actually incurred during that fiscal year. And we found that there were expenses incurred outside the allowed period of performance and we also found that we didn't have strong controls or any controls to prevent cost incurred outside of the period of performance from being charged to grants. And well we also noted that there was no supporting documentation provided to confirm that a beneficiate was available was eligible at the date of service for the B-C-H-D. And those affected grants were HIV Care Formula Grants and Medical Assistance Program. We have a material weakness over reporting. For the Department of Health, the way that they invoiced the state is through form 440 and what we did is we went to validate that invoices for 440 to the expenditures incurred in the general ledger system and we were not able to agree those two systems. And the form 440 if it is generated from the City Dynamics, there's not an audit trail that lets you trace it back to it and so we were not-- the City could not support the annual report form 440 as required and that is also based on differences between the

MINUTES

agency and Department of Finance or running those reports and lack of reconciliation. The affected grants there were the HIV Care Formula Grants, Medical Assistance Program, HIV Prevention Activities Health Department Based, and Maternal and Child Health Services Block Grant as states. And their material weakness overs wage require-- wage r-- wage rate requirements. Some um, some grants have special requirements in their compliance and this is one of them and this was for Department of Transportation and so we were unable to verify that at the certified payroll was checked and signed by D-O-T to personnel for accuracy the validate that those wages that were submitted as reimbursement that there were proper controls over them and that those amounts were accurate and at the reach paid by the contractors were correct and the effective grant was highway planning and construction Federal-Aid Highway Program. Now I do want to note that the City Department of Finance and BCIT are putting significant efforts to replace the current many of the current City financial systems with Workday and they a lot of those are to address the issues noted here. The Department of Audits has requested and is attending many of the Workday meetings to assess if the issues that we have identified are being considered and if not to bring them up and remind them so they can be considered in the implementation of the Workday System. Thank you very much."

MINUTES

President: "Thank you. Questions from members of the Board? Thank you. The Audit Report has been noted."

* * * * *

MINUTES

Department of Transportation - 2nd Amended and Restated
Right-of-Entry Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Second Amended and Restated Right-of-Entry Agreement with the Housing Authority of Baltimore City, to use a portion of their property located at 1314 E. Fayette Street.

AMOUNT OF MONEY AND SOURCE:

This Right-of-Entry is being granted at no cost to the City.

BACKGROUND/EXPLANATION:

The City is desiring to use a portion of the vacant Somerset Homes property, addressed as 1314 E. Fayette Street for staging and storing of construction material as part of the Department of Transportation Project No. TR-12317, also known as the Central Avenue Bridge and accompanying Streetscape Project.

Inadvertently, both the original Right-of-Entry, approved on July 1, 2019 and the 1st Amendment approved on November 19, 2019 were not presented to the Board. The 2nd Amended and Restated Agreement extends the term and clarifies the responsibilities of both parties.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Second Amended and Restated Right-of-Entry Agreement with the Housing Authority of Baltimore City, to use a portion of their property located at 1314 E. Fayette Street.

MINUTES

President: "As there is no more business before the Board we will recess until bid opening at 12:00 noon. We will reconvene May 13, 2020. Thank you everyone for tuning in. Please stay in and stay safe."

* * * * *

Comptroller: "Good afternoon, the Board of Estimates is now in session for the receiving and opening of bids. As part of the overall effort to limit transportation of COVID-19 virus, the Board of Estimates is conducting bid openings remotely. Members of the public can call in to listen to bid openings live by calling (443)-984-1696 and entering Access Code 0817325. Board of Estimates meetings are broadcast live on CHARM-TV, Channel 25 on Comcast cable in Baltimore City. Meetings are also streamed on the Internet at www.charmtvbaltimore.com/watch-live.com. The Board of Estimates will continue to conduct bid openings remotely while the state of emergency declared by the Mayor of Baltimore and the Governor of Maryland remains in effect."

MINUTES

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 addenda were received extending the dates for receipt and opening of bids on the following contracts. There were no objections.

Department of Public Works - SC 954, Rehabilitation of
Primary Settling Tanks (PSTs)
3 and 4
BIDS TO BE RECV'D: 05/13/2020
BIDS TO BE OPENED: 05/13/2020

Bureau of Procurement - B50005883, Drawbridge
Maintenance and Operation
BIDS TO BE RECV'D: 05/27/2020
BIDS TO BE OPENED: 05/27/2020

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

Department of Public Works - SC 949R, Stony Run Wastewater
Pumping Station Upgrades

Kiewit Infrastructure Co.
CPP Construction
W.M. Schlosser Co., Inc.

MINUTES

Bureau of Procurement - B50006025, Backhoe with Loader

JESCO, Inc.
GT Mid Atlantic
Valley Supply & Equipment Company, Inc.

Bureau of Procurement - B50005955, Group Violence
Intervention Service Response
Providers

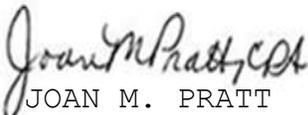
NO BIDS RECEIVED

Bureau of Procurement - B50005835, City of Baltimore
and HABC Disparity Study

Mason Tillman Associates, LTD
MGT of America Consulting, LLC
Griffin & Strong, P.C.
Miller Consulting, Inc.

* * * * *

There being no objections, the Board, UPON MOTION duly made and seconded, adjourned until its next regularly scheduled meeting on Wednesday, May 20, 2020.


JOAN M. PRATT
Secretary