

## MINUTES

REGULAR MEETING

Honorable Bernard C. "Jack" Young, President  
Honorable Stephanie Rawlings-Blake, Mayor - **ABSENT**  
Harry Black, Director of Finance  
Honorable Joan M. Pratt, Comptroller and Secretary  
George A. Nilson, City Solicitor  
Alfred H. Foxx, Director of Public Works  
David E. Ralph, Deputy City Solicitor  
Ben Meli, Deputy Director of Public Works  
Bernice H. Taylor, Deputy Comptroller and Clerk

Pursuant to Article VI, Section 1(c) of the revised City Charter effective July 1, 1996, the Honorable Mayor, Stephanie Rawlings-Blake, in her absence during the meeting, designated Mr. Harry Black, Director of Finance, to represent the Mayor and exercise her power at this Board meeting.

The meeting was called to order by the President.

President: "Good Morning. I would direct the Board Members attention to the Memorandum from my office dated March 25, 2013 identifying matters to be considered as routine agenda items together with any corrections and or additions that have been noted by the Deputy Comptroller. I would entertain a motion to approve all of the items contained on the routine agenda."

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

Comptroller: "Second."

## MINUTES

BOARDS AND COMMISSIONS1. Prequalification of Contractors

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

Aaron Enterprises, Inc.	\$ 8,000,000.00
J.M. Murphy Enterprises, Inc.	\$ 378,000.00
P&H Fencing, LLC	\$ 369,000.00
PDI-Sheetz Construction Corporation	\$ 1,500,000.00
P. Flanigan & Sons, Inc. and Subsidiaries	\$139,347,000.00
Piedmont Hoist and Crane Inc.	\$ 1,500,000.00
Plano-Coudon, LLC	\$ 8,000,000.00
Robinson Pipe Cleaning Company	\$ 35,064,000.00
Savin Engineers, P.C.	\$ 27,324,000.00
Sungate Unlimited, Inc.	\$ 909,000.00
T&P Contractors, Inc.	\$ 1,170,000.00
Utilities Unlimited, Inc.	\$ 4,239,000.00

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:

Melville Thomas Architects, Inc.	Architect
M&N Engineering and Diving Services	Engineer

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

## MINUTES

Department of Audits - Audit Reports and Related Audit Digests

The Board is requested to **NOTE** receipt of the following Audit Reports and Related Audit Digests:

1. Audit of the Elected Officials' Retirement System of the City of Baltimore, Maryland Comprehensive Annual Financial Report Year Ended June 30, 2012.
2. Audit of the Employees' Retirement System of the City of Baltimore, Maryland Comprehensive Annual Financial Report Year Ended June 30, 2012.

President: "The first item on the non-routine agenda item 2, Audit of the Employees' Retirement System of the Baltimore City, Maryland Comprehensive Annual Financial Report Year Ended, June 30, 2012. Will the parties please come forward?"

Mr. Bob McCarty: "Yes sir, Good morning Mr. President, I am Bob McCarty, the City Auditor. Good morning members of the Board, excuse me (clearing his throat). The Department of Audits has completed its annual audit of the financial statements of the Employees Retirement System for fiscal year ending June 30, 2012. The official unqualified opinion which states of their financial present fairly and in all material respects the financial position of system for the year ended June 30, 2012 in conformity with generally accepted accounting principles. The system's net access totaled \$1.2 billion dollars at year end a decrease in net access of \$25.4 million from the previous fiscal year. Fiscal Year 2012 payments to its 8,739 retirees and

## MINUTES

beneficiaries totaled \$120.2 million dollars. The City's contribution to the system totaled \$78 million dollars an increase of \$15.6 million over the previous fiscal year. In addition to our Audit, we prepared a separate report required by both Generally Accepted Auditing Standards and Government Auditing Standards which addresses the system's compliance with certain laws and regulations and the internal controls over the financial reporting related to the financial statements. The system had one material weakness in internal control over its financial reporting during Fiscal Year 12. A material weakness is a deficiency or a combination of deficiencies in its internal controls such that there is a reasonable possibility that a material misstatement of the financial statements will not be prevented or detected and corrected on a timely basis. For finding 2012-1, ah -- based on that examination and reconciliation of the system's investments at June 30, 2012, we found that the market values of certain vestments recorded were not in agreement with the market values as confirmed by their investment managers. This caused the market values in the accounting records for private equity investments and real estate investments to be understated by \$2.6 million and overstated by rounding \$500,000.00 respectively. As a result,

## MINUTES

investments in the financial statements were understated in the amount of \$2.1 million dollars. In preparing journal entries to recognize adjustments to the investments and adjustments to unrealized appreciation or depreciation is also required to correct recorded market value. The system did not consistently make the required adjustments which caused some of the investment market values to be understated or overstated. We recommend a more effective process and associate internal control for analyzing investment adjustment journal entries be developed and implemented. The System agreed that some of the corresponding journal entries are not properly processed and stated that revised procedures for processing and analyzing investments journal entries will be implemented during fiscal year 2013. The System also had two significant deficiencies in internal control of its financial reporting during fiscal year 12. A significant deficiency is a deficiency or a combination of deficiencies in internal control that is less severe than material weakness. Yet, it is important enough to merit attention to those charged with governance, the Board. Finding 2012-2, based on a testing, it was determined that the system had added a new account for uncollectable benefits payments which were created to write-off benefit overpayments that were

## MINUTES

classified as uncollectable. However, this account was not properly utilized causing 1) the retirement allowance account to be overstated by \$4,311.00 by writing off an uncollectable receivable due from a beneficiary and 2) improper adjustments to the retirement payroll account that resulted from an accumulated amounts due from retirees and beneficiaries for the period 2001-2012 for overpayments, when a retiree was terminated. We recommend that a more effective process and associated internal control for analyzing adjusting journal entries and creating new account numbers be developed and implemented. We also recommend that more effective policies and procedures be developed for writing off uncollectable accounts. The system agrees with the findings and recommendations stated that they will take the necessary measures to ensure that the process and procedures for uncollected benefits payments will be updated and stated that revised procedures and training will be implemented during fiscal year 2013. The next significant deficiency is finding 2012-3, based on a testing of retiree terminations we found that the system did not timely suspend the pension benefits of a widow who was married during calendar year 2009 resulting in an overpayment of benefits in the amount of \$9,272.00. According to Article 22 of the City Code the benefit of a surviving spouse

## MINUTES

will continue for life or until remarriage. It is the System's policy to require that the surviving spouse submit a widow-hold certification form annually to verify that the surviving spouse had not remarried during the last year. The System did not receive a certification from the widow during the period January 1, 2009 through February 29, 2012. We recommend that the system create internal controls associated with the procedures implemented to comply with the Article 22 of the City Code and its policy governing the surviving spouse on its retirees' payroll. We also recommend that the City recover the \$9,272.00 overpayment -- that the System recover the \$9,270.00 overpayment. The System agrees with the findings and recommendations and will update its process and procedures. The System stated this process will be implemented during fiscal year 2013 and the recovery of the overpayment is currently being pursued. As part of obtaining reasonable assurance that whether the System financial statements are free of material misstatements, we performed tests of its compliance of certain provisions of laws, regulations, contracts, and grant agreements not in compliance of with which could have a direct and material effect on the determination of financial statement amounts, the results of their tests has posed no instances of non-compliance

## MINUTES

or other matters that are required to be reported under Government Auditing Standards."

President: "Thank you, any questions? Okay, um -- the Audit has been noted. Thank you."

The Board **NOTED** receipt of the Audit Reports and Related Audit Digests for item no. 1 and 2.



## MINUTES

EXTRA WORK ORDERS AND TRANSFERS OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders and Transfers of Funds

listed on the following pages:

943 - 945

All of the EWOs had been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

The Transfer of Funds were approved

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having reported favorably

thereon, as required by the provisions

of the City Charter.

The President **ABSTAINED** on item nos. 1-4.

## MINUTES

EXTRA WORK ORDERS

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

Bureau of Water and Wastewater

1. EWO #016, \$67,059.91 - SC 852R, Denitrification Filters & Related Work for the Enhanced Nutrient Removal Facilities at Patapsco Wastewater Treatment Plant  


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\$115,688,000.00 \$ 892,245.19 Fru-Con Construction, 0 28  
Corporation
2. EWO #063, \$225,229.32 - SC 852R, Denitrification Filters & Related Work for the Enhanced Nutrient Removal Facilities at Patapsco Wastewater Treatment Plant  


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\$115,688,000.00 \$ 2,319,576.34 Fru-Con Construction, 0 80  
LLC
3. EWO #014, \$ 30,247.99 - SC 855, Enhanced Nutrient Removal Modifications to Existing Facilities at Patapsco Wastewater Treatment Plant  


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\$ 22,727,000.00 \$ 216,995.00 Fru-Con Construction, - -  
LLC
4. EWO #017, \$ 94,425.04 - SC 855, Enhanced Nutrient Removal Modifications to Existing Facilities at Patapsco Wastewater Treatment Plant  


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\$ 22,727,000.00 \$ 266,545.90 Fru-Con Construction, - -  
LLC

Department of Transportation

5. EWO #002, (\$ 14.17) - TR 04303, Resurfacing Harford Road from North Avenue to Chesterfield Avenue  


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\$ 4,923,609.15 \$ 4,320.00 M. Luis Construction, - -  
Co., Inc.
6. EWO #003, (\$ 2.30) - TR 11011, Citywide Traffic Calming JOC  


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\$ 1,419,704.80 \$ 184,003.75 P. Flanigan & Sons, - -  
Inc.

MINUTES

EXTRA WORK ORDERS

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

Department of Transportation

- |    |  |              |   |     |   |  |  |
|----|--|--------------|---|-----|---|--|--|
| 7. | EWO #003, \$                           | 0.00         | - TR 12010, Conduit System Reconstruc-            |     |   |  |  |
|    | tion at Various Locations Citywide JOC |              |   |     |   |  |  |
|    | \$ 2,211,048.00                        | \$ 64,600.00 | Allied Contractors,                               | 365 | - |  |  |
|    |  |              | Inc.  |     |   |  |  |
| 8. | EWO #003, \$                           | 5,604.11     | - Project 1010 York Road: 43 <sup>rd</sup> Street |     |   |  |  |
|    | to Glenwood Avenue                     |              |   |     |   |  |  |
|    | \$ 453,624.76                          | \$ 60,608.50 | Whitney, Bailey,                                  | -   | - |  |  |
|    |  |              | Cox & Magnani                                     |     |   |  |  |

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
9. \$ 24,000.00	9950-944002-9507	
FED	Construction Reserve	
	Reserve for Closeout	
6,000.00	9950-916020-9509	
<u>HUR</u>	Construction Reserve	
	York Road 33 <sup>rd</sup> Street	
<b>\$30,000.00</b>	-----	9950-903460-9508-2
		York Road Woodbourne-
		33 <sup>rd</sup>

This transfer will cover the deficit in the account and fund the costs associated with Task No. 3, under Project 1010, York Road: 43<sup>rd</sup> Street to Glenwood Avenue, for work assigned to Whitney, Bailey, Cox & Magnani.

MINUTES

EXTRA WORK ORDERS

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

Department of Transportation

10. EWO #004, \$777,562.07 - Project 1000, Reconstruction of Central Avenue

\$ 1,816,034.65	\$ 355,602.91	Whitman, Requardt & Associates	-	-
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TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
11. \$200,000.00	9950-914021-9509	
M&CC	Construction Reserve	
	Central Ave. Phase II	
400,000.00	9950-914021-9509	
Federal	Construction Reserve	
	Central Ave. Phase II	
400,000.00	9950-944002-9507	
<u>Federal</u>	Construction Reserve -	
	Reserve for Closeouts	
<b>\$1,000,000.00</b>	-----	9950-905023-9508
		Central Avenue Phase II

This transfer will cover the costs associated with change order no. 4 under Project 1000, Reconstruction of Central Avenue, Phase II for work assigned to Whitman, Requardt & Associates, LLP.

MINUTES

Mayor's Office of Employment Development - TRANSFER OF  
LIFE-TO-DATE  
SICK LEAVE

The Board is requested to approve the transfer of LIFE-TO-DATE sick leave days from the listed City employees to the designated employee, Ms. Vildeatha Miller.

The transfer of sick leave days is necessary in order for the designated employee to remain in pay status with continued health coverage. The City employees have asked permission to donate the sick leave days that will be transferred from their LIFE-TO-DATE sick leave balances as follows:

<u>NAMES</u>	<u>DAYS</u>
Paula Andryszak	2
Gary Figueroa	2
Vanessa Salahud-Din	5
Roslyn Speed	5
Ena Clarke	1
Gerald Grimes	5
Beatrice Kane	<u>3</u>
<b>TOTAL</b>	<b>23</b>

APPROVED FOR FUNDS BY FINANCE

THE LABOR COMMISSIONER RECOMMENDED APPROVAL.

UPON MOTION duly made and seconded, the Board approved the transfer of LIFE-TO-DATE sick leave days from the listed City employees to the designated employee, Ms. Vildeatha Miller.

## MINUTES

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

The Board is requested to approve and authorize execution of an agreement and approve acceptance of a grant award.

AGREEMENT

**1. THE FAMILY LEAGUE OF BALTIMORE** **\$ 90,000.00**  
**CITY (FLBC)**

Account: 4000-809213-6331-456000-404001

MOED will provide services to youth referred by the Maryland State Juvenile Court system to participate in the Pre-Adjudicated Coordination and Training Program. The services will include individual service planning, intensive case management, educational/vocational support, transportation, crisis intervention, dinners with caring adults, and recreational activities. The period of the agreement is July 1, 2012 through June 30, 2013.

The agreement is late because additional time was necessary to reach a comprehensive understanding that was agreeable by the FLBC and MOED.

**AUDITS REVIEWED AND HAD NO OBJECTION.**

GRANT

**2. MARYLAND DEPARTMENT OF JUVENILE SERVICES** **\$ 97,367.00**

Account: 4000-809513-6331-456000-404001

MOED will provide services to girls enrolled in the Baltimore City Pre-Adjudicated Coordination and Training, Evening Reporting Center, Girls Expansion Initiative. These services are to include gender specific programming with a focus on the needs of girls in the areas of mental health, educational, social, and career development. The period of the agreement is July 1, 2012 through June 30, 2013.

## MINUTES

MOED - cont'd

The grant is late because the Department received notification from the grantor late.

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

**APPROVED FOR FUNDS BY FINANCE**

**PROTESTS WERE RECEIVED FROM MS. KIM TRUEHEART FOR ITEM NO. 1 AND ITEM NO. 2.**

The Board of Estimates received and reviewed Ms. Trueheart's protests. As Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board will not hear her protests. Her correspondences have been sent to the appropriate agency which will respond directly to Ms. Trueheart.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with The Family League of Baltimore City and approved acceptance of the grant award from the Maryland Department of Juvenile Services.

## Kim A. Trueheart

March 26, 2013

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of 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.

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

1. Whom you represent: Self
2. What the issues are:
  - a. Pages 8, Item 1, Mayor's Office of Employment Development (MOED) Agreement and Grant Award, THE FAMILY LEAGUE OF BALTIMORE CITY (FLBC), if approved:
    - i. Fails to identify the number of youth to be served;
    - ii. Fails to identify whether this agreement is part of a comprehensive youth development strategy that ensures our scarce funds are optimally invested in our youth.
    - iii. Please provide access to the agreement for inspection.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I am experiencing a significant financial burden with annual tax increases, sewer and water service increases, user fee increases, parking meter rate increases and significantly reduce services as a resident. This already onerous burden will be exacerbated by the continued wasteful spending by the Baltimore City municipal entities within this administration.
4. The remedy I seek and respectfully request is that this action be supplemented with additional municipal resources to expand the PACT Program and to assist the MARYLAND DEPARTMENT OF JUVENILE SERVICES in acquiring a suitable location in Baltimore City to host a second PACT Program facility to better serve our youth, as has been requested by DJS.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on March 27, 2013.

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

Sincerely,  
Kim Trueheart, Citizen & Resident

Email: [ktrueheart@whatfits.net](mailto:ktrueheart@whatfits.net)  
5519 Belleville Ave  
Baltimore, MD 21207



## Kim A. Trueheart

March 26, 2013

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

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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.

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

1. Whom you represent: Self
2. What the issues are:
  - a. Pages 8, Item 2, Mayor's Office of Employment Development (MOED) Agreement and Grant Award, MARYLAND DEPARTMENT OF JUVENILE SERVICES, if approved:
    - i. Fails to identify the number of youth to be served;
    - ii. Fails to identify whether this agreement is part of a comprehensive youth development strategy that ensures our scarce funds are optimally invested in our youth.
    - iii. Please provide access to the agreement for inspection.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I am experiencing a significant financial burden with annual tax increases, sewer and water service increases, user fee increases, parking meter rate increases and significantly reduce services as a resident. This already onerous burden will be exacerbated by the continued wasteful spending by the Baltimore City municipal entities within this administration.
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I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on March 27, 2013.

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

Sincerely,  
Kim Trueheart, Citizen & Resident

Email: [ktrueheart@whatfits.net](mailto:ktrueheart@whatfits.net)  
5519 Belleville Ave  
Baltimore, MD 21207

**MINUTES**Law Department - Settlement Agreement and Release

The Board is requested to approve the settlement and release agreement of the following claim. The settlement and release agreement has been reviewed and approved by the Settlement Committee of the Law Department.

1. Felicita Kelley v. \$95,000.00  
Aaron Michael Cain, et al.

Account: 2036-000000-1752-175200-603070

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved the settlement and release agreement.

**MINUTES****TRANSFERS OF FUNDS**

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved the

transfers of funds

listed on the following pages:

951- 955

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

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

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TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Bureau of Water &amp; Wastewater (BW&amp;WW)</u>		
1. \$ 145,325.00	9960-909312-9558	
Rev. Bonds	Constr. Res.	
	Montebello Wastewater	
	Treatment Plant Filter	
	Renovation	
104,675.00	" "	
Counties		
<u>\$ 250,000.00</u>	-----	9960-908504-9557-3
		Engineering

The funds are required to cover the cost for the preliminary design for Project 1138j - Task No. 6 (WC 1233), Montebello Electrical Facilities.

Department of Recreation & Parks

2. \$ 35,000.00	9938-935010-9475	9938-936010-9474
Rec. & Parks	Reserve	Active
26 <sup>th</sup> Series	Park Lighting	Park Lighting
	and Signage	and Signage

This transfer will provide funds to cover the costs associated with design services under On-Call Contract No. 1166, Task No. 1 to Apple Design, Inc.

## MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Transportation</u>		
3. \$ 35,000.00 MVR	9950-903365-9509 Construction Reserve Highway, Key Hwy. Gateway Beautification	9950-902365-9508-3 Key Hwy. Gateway Beautification

The transfer will cover the costs associated with Key Highway Shared Use Trail and Landscaping Project from Interstate I-95 to West of Lawrence Street by Monumental Paving & Excavating, Inc. on FAP No. STP3068 (4) E; SHA No. AX8145125; TR05045, Change Order No. 3.

Department of General Services

4. \$ 90,000.00 5 <sup>th</sup> Public Building Loan	9916-904845-9194 Capital Constr. & Maintenance Reserve	9916-907822-9197 Central Police District Bldg. Exterior Water- proofing - Active
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The building is showing evidence of interior water leakage on the lower levels. This type of leakage has contributed to deterioration of the exterior wall caulking. This phase of the project will determine the cost of replacing the caulking.

MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of General Services</u>		
5. \$ 85,000.00	9916-904845-9194	9916-905821-9197
5 <sup>th</sup> Public	Capital Constr.	Central Police
Building Loan	& Maintenance	District Parking
	Reserve	Deck Renovation
		- Active

The parking deck has several water spots in the ceiling of the lower parking level. This is an indication that the waterproof membrane is failing. An investigation to determine the cost of replacing the membrane is needed, and will involve cutting into the top slab of the deck to reach the membrane. Once the investigation is complete, a study will be submitted to the Department that details the cost of Phases two and three of this project. Phase two is preparation of design drawings and advertising for bids. Phase three is the actual renovation of the parking deck. Separate transfer requests will be submitted for Phases two and three.

Department of Housing and Community Development (DHCD)

6. \$ 101,271.00	9991-945002-9587	9990-908326-9593
CDBG XXXV	Unallocated	Coldstream/
	CDBG XXXV	Homestead/
	- Reserve	Montebello -
		CDBG XXXV

The transfer will move appropriations for the Coldstream/Homestead/Montebello (CHM) project from a reserve account to its active account. The transfer is necessary to match City appropriation amounts with Federal funding amounts.

MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>DHCD - cont'd</u>		
7. \$ 400,000.00 General Funds	9910-906460-9588 AHP - Oliver Redevelopment	9910-906015-9588 Healthy Neighborhoods, Inc.
\$ 400,000.00 30 <sup>th</sup> Community Development Bonds	9910-902935-9588 Healthy Neighborhoods, Inc.	9910-906460-9588 AHP - Oliver Redevelopment
<p>In its FY13 capital budget, DHCD allocated \$750,000.00 in General Obligation (GO) Bonds to Healthy Neighborhoods, Inc. (HNI). The HNI has requested the DHCD to provide \$400,000.00 of General Funds to be used for the HNI operating costs in exchange for \$400,000.00 of GO Bonds. Therefore, the DHCD is transferring General Funds from the Affordable Housing Program to HNI and replacing those funds with GO Bonds from the HNI.</p>		
8. \$ 800,000.00 28 <sup>th</sup> Community Development Bonds	9910-914980-9588 Poppleton Co-Op Project	9910-921007-9588 Planned Demolition FY13
200,000.00 29 <sup>th</sup> Community Development Bonds	9910-902985-9587 Housing Develop- ment Reserve	9910-921007-9588 Planned Demolition FY13
500,000.00 29 <sup>th</sup> Community Development Bonds	9910-902985-9587 Housing Develop- ment Reserve	9910-927004-9588 Emergency Demoli- tion FY13
<u>\$ 1,500,000.00</u>		

The transfer will provide funding to the Planned and Emergency Demolition accounts that will allow demolition to

MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>DHCD - cont'd</u>		
<p>continue during the current fiscal year. These funds will be credited back to the Poppleton Co-op and Housing Development account in July 2013.</p>		
<b>A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.</b>		
9. \$ 1,116,475.64	9910-901933-9587	9910-901790-9588
6 <sup>th</sup> Housing	Uplands	Uplands
Development	Redevelopment	Redevelopment
Serial Bonds	(Res.)	
409,353.62	9910-906730-9588	9910-901790-9588
General Fund	Uplands	Uplands
	Redevelopment	Redevelopment
200,000.00	9910-906730-9588	9910-901790-9588
30 <sup>th</sup> Community	Uplands	Uplands
Development	Redevelopment	Redevelopment
Bonds		
<u>\$ 1,725,829.26</u>		

This transfer will cover deficits within the Uplands Redevelopment accounts.

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

The Board of Estimates received and reviewed Ms. Trueheart's protests (item 8 and 9). As Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board will not hear her protests. Her correspondences have been sent to the appropriate agency which will respond directly to Ms. Trueheart.



## Kim A. Trueheart

March 26, 2013

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of questionable management and administration by the Department of Housing and Community Development (DHCD).

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

1. Whom you represent: Self.
2. What the issues are:
  - a. Pages 15, Item #8, Department of Housing and Community Development (DHCD) – TRANSFER OF FUNDS, if approved:
    1. Please provide access to the attendant documents for inspection.
      - a. Fails to identify the targeted neighborhood within the City.
      - b. Demonstrates the flexibility to realign funds for emergent opportunities is possible in the middle of the fiscal year.
      - c. Please provide the criteria used to make this mid-year realignment.
      - d. Please provide locations of the demolitions accomplished which expended the funds (\$2,984,904.00) transferred previously into the following accounts: 9910-921007-9588, 9910-927004-9588 and 9993-913983-9593
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed questionable management and stewardship of municipal funds by this Mayoral administration and DCHD/HABC specifically. I seek the dissolution of DHCD and HABC in their current form and the establishment of a new single entity under the direct auspicious of the municipal government of Baltimore City, thus allowing for appropriate levels of oversight and scrutiny by the citizens of Baltimore City and our duly elected representatives.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on March 27, 2013.

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

Sincerely,  
Kim Trueheart, Citizen & Resident

Email: [ktrueheart@whatfits.net](mailto:ktrueheart@whatfits.net)  
5519 Belleville Ave  
Baltimore, MD 21207

## Kim A. Trueheart

March 26, 2013

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of questionable management and administration by the Department of Housing and Community Development (DHCD).

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

1. Whom you represent: Self.
2. What the issues are:
  - a. Pages 16, Item #9, Department of Housing and Community Development (DHCD) – TRANSFER OF FUNDS, if approved:
    1. Please provide access to the attendant documents for inspection.
      - a. Appears to misappropriate scarce current fiscal year General Funds to satisfy “deficits within the Uplands Redevelopment accounts”;
      - b. Please provide details of the cause of the “deficits within the Uplands Redevelopment accounts”
      - c. Please provide details of the credits and debits for account: 9910-906730-9588 since February 2010.
3. How the protestant will be harmed by the proposed Board of Estimates’ action: As a citizen I have witnessed questionable management and stewardship of municipal funds by this Mayoral administration and DCHD/HABC specifically. I seek the dissolution of DHCD and HABC in their current form and the establishment of a new single entity under the direct auspicious of the municipal government of Baltimore City, thus allowing for appropriate levels of oversight and scrutiny by the citizens of Baltimore City and our duly elected representatives.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on March 27, 2013.

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

Sincerely,  
Kim Trueheart, Citizen & Resident

Email: [ktrueheart@whatfits.net](mailto:ktrueheart@whatfits.net)  
5519 Belleville Ave  
Baltimore, MD 21207

## MINUTES

Mayor's Office of Human Services - Agreements

The Board is requested to approve and authorize execution of the various agreements. The period of the agreement is July 1, 2012 through June 30, 2013.

1. **BALTIMORE CITY DEPARTMENT OF SOCIAL SERVICES (BCDSS)** **\$21,000.00**

Accounts: 5000-529113-3572-333717-603051	\$14,440.00
4000-480013-3572-333617-603051	\$ 6,560.00

The BCDSS will utilize the funds to operate the Motel Shelter Program. This program will provide a secure, temporary and safe environment for 350 vulnerable and frail families and individuals who are not able to utilize the traditional shelter system.

The agreement is late because of a delay in obtaining approval of the contract by the BCDSS.

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

The Board of Estimates received and reviewed Ms. Trueheart's Protest. As Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board will not hear her protest. Her correspondence has been sent to the appropriate agency and/or committee which will respond directly to Ms. Trueheart.

## Kim A. Trueheart

March 26, 2013

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of 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.

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

1. Whom you represent: Self
2. What the issues are:
  - a. Pages 17 Item #1, Mayor's Office of Human Services (MOHS) Agreements - BALTIMORE CITY DEPARTMENT OF SOCIAL SERVICES (BCDSS), if approved:
    - i. Please provide access to the attendant documents for inspection;
    - ii. Please provide details of the Motel Shelter Program;
    - iii. Please identify the number of I-83 Encampment residents who would have been eligible for this program if it had been in place on March 15, 2013;
    - iv. Please identify the proposed FY 2014 funding level for this program.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed questionable management and stewardship of municipal funds by this Mayoral administration and Mayor's Office of Human Resources specifically. I am experiencing a significant financial burden with annual tax increases, sewer and water service increases, user fee increases, parking meter rate increases and significantly reduce services as a resident. This already onerous burden will be exacerbated by the continued wasteful spending and mismanagement by the Baltimore City municipal entities within this administration.
4. The remedy I seek and respectfully request is the immediate replacement of the Director and appointment of an emergency transitional management team of local homeless administrators and advocates to develop a strategic plan and management plan.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on March 27, 2013.

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

Sincerely,  
Kim Trueheart, Citizen & Resident

Email: [ktrueheart@whatfits.net](mailto:ktrueheart@whatfits.net)  
5519 Belleville Ave  
Baltimore, MD 21207

## MINUTES

Mayor's Office of Human Services - cont'd

2. **BALTIMORE CITY DEPARTMENT OF SOCIAL SERVICES (BCDSS)** **\$286,614.00**

Account: 5000-523113-3571-333717-603051

The BCDSS will utilize the funds to provide crisis intervention and direct grants to low income families and individuals to prevent eviction. The funding is also designated for eviction prevention grants for tenants who demonstrate that with the help of the grant and their ability to pay future rent, they will be able to maintain their housing and avoid homelessness.

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

**MWBOO GRANTED A WAIVER.**

**APPROVED FOR FUNDS BY FINANCE**

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

## MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Dept. of Housing and Community Development - Options</u>			
1. Jack and Harvey, Inc.	1106 N. Bradford St.	G/R \$65.00	\$ 596.00
Funds are available in account 9910-904488-9588-900000-704040, Milton-Montford Project.			
2. First Mt. Olive Free Will Baptist Church, Inc.	900 W. Saratoga St.	F/S	\$73,843.12
Funds are available in account 9986-914780-9593-900000-704040, Poppleton Project.			
3. First Mt. Olive Free Will Baptist Church, Inc.	902-904 W. Saratoga St.	F/S	\$82,856.88
Funds are available in account 9996-912780-9593-900000-704040, Poppleton Project.			

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

Dept. of Housing and Community Development - Condemnation

4. Worthington Ridge Realty Partnership	2328 E. Eager St.	G/R \$72.00	\$ 600.00
Funds are available in account 9910-904488-9588-900000-704040, Milton-Montford Project.			

UPON MOTION duly made and seconded, the Board approved the options and condemnation.

**MINUTES**

Mayor's Office of Emergency Management (MOEM) - Grant Award

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize acceptance of a grant award from Telelogic Learning Company.

**AMOUNT OF MONEY AND SOURCE:**

\$65,000.00 - 4000-439413-3530-688400-600000

**BACKGROUND/EXPLANATION:**

The funds for this appropriation will come from a reimbursement from Telelogic Learning Company, a subgrantee of the Federal Emergency Management Agency.

The MOEM will utilize the funding to execute a seminar and tabletop exercise series to help the region test capabilities to respond to a catastrophic incident.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the grant award from Telelogic Learning Company.

**MINUTES**

Parking Authority  
of Baltimore (PABC) - Parking Facilities Rate Increases

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize parking rate increases at the Caroline Street, Baltimore Street, Saint Paul Street, and West Street parking garage facilities.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

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

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

The rates charged for parking at these City-owned facilities have not been increased since 2007 in many instances. However, operating costs continue to increase. Liability insurance costs, health insurance and payroll costs for staff, utilities, and improvements to the facilities such as better lighting, revenue control equipment, security cameras, etc. have all contributed to the continuing increases in operating expenses. All staff at City-owned facilities are paid at a minimum, the City's living wage.

The PABC performed a survey of parking rates in the areas surrounding the Baltimore Street, Caroline Street, St. Paul Place and West Street garage facilities. The rate surveys confirmed that the fees charged to parkers at these facilities are generally lower than fees charged at other parking facilities within the area. To bring the rates charged at City facilities in line with their surrounding facilities, the PABC staff developed the rate change recommendations.



MINUTES

Parking Authority of Baltimore City - cont'd

These rate changes were unanimously approved by the PABC Board of Directors. The PABC requests approval of the rate changes at the facilities that are described as follows:

Location	Proposed Transient Rate Changes		Proposed Monthly Rate Changes
<b>Caroline</b>	<b>Regular Transient Rates</b>		
	Current Rate	Proposed Rate	
	Up to 1 hour	\$ 5.00	No proposed rate increases
	Up to 2 hours	\$ 5.00	
	Up to 3 hours	\$ 5.00	
	Up to 4 hours	\$ 7.00	
	Up to 5 hours	\$ 8.00	
	5 to 12 hours	\$ 11.00	
	12 to 24 hours	\$ 12.00	
<b>Baltimore St.</b>	<b>Regular Transient Rates</b>		
	Current Rate	Proposed Rate	No Proposed rate increase
	Evening Rate After 4 pm	\$ 5.00	
	New Rate would be in effect Thurs.- Sat.; Sun-Wed would remain \$5.00		
<b>St. Paul</b>	<b>Regular Transient Rates</b>		
	No proposed transient rate increases		
	Regular Rate	Current Rate	Proposed Rate
		\$200.00	N/A
	Residential Restricted Rate		\$90.00*
	* This is a new rate to help meet future residential parking demand in the area. The restrictions will be "Entered after 4pm, Exit before 9 am Mon-Fri, unlimited parking on weekends"		
<b>West Street</b>	<b>Regular Transient Rates</b>		
	No proposed transient rate increases		
		Current Rate	Proposed Rate
	Restricted (6am-6pm Mon-Fri)	\$55.00	\$60.00
	Restricted (4pm-8am Mon-Fri)	\$65.00	\$68.00

UPON MOTION duly made and seconded, the Board approved and authorized parking rate increase at the Caroline Street, Baltimore Street, Saint Paul Street, and West Street parking garage facilities.

## MINUTES

Health Department - Grant Agreement, Agreement and  
Amendments to Agreements

The Board is requested to approve and authorize execution of the following grant agreement, agreement and amendments to agreements. The period of the agreements is July 1, 2012 through June 30, 2013, unless otherwise noted.

GRANT AGREEMENT

1. **MARYLAND DEPARTMENT OF THE AGING (MDoA)** **\$112,443.30**

Account: 5000-536013-3044-295900-405001

The grant agreement provides funds to assist Maryland Access Point sites and the Department to realign existing resources and philosophies within their organization to provide the types of information and assistance, services support and partnership development inherent in the Aging and Disability Resource Center initiative.

The grant agreement is late because it is prepared by the MDoA, and revisions to the document delayed processing.

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

AGREEMENT

2. **BALTIMORE SUBSTANCE ABUSE SYSTEMS, INC. (BSAS)** **\$325,000.00**

Account: 4000-497813-3070-287500-603051

This organization will implement treatment services for the project titled: Baltimore City Adult District Court Drug Court Expansion and Expansion. The Drug Court Project will enhance the Baltimore City Adult District Court's Drug Treatment Court Program to further assist non-violent

## MINUTES

Health Dept. - cont'd

offenders with successful rehabilitation from the use of drugs and alcohol, and bring about meaningful behavior and lifestyle changes which facilitate the positive integration of participants into the community. The period of the agreement is September 30, 2012 through September 29, 2013.

The agreement is late because the Department was waiting on approval of the Notice of Award (NoA). The NoA was approved on January 13, 2013.

**MWBOO GRANTED A WAIVER**AMENDMENTS TO AGREEMENTS

3. **AAA MANAGEMENT, LLC. T/A RAVEN'S MEDICAL ADULT DAYCARE CENTER** **\$10,409.00**

Account: 4000-433313-3254-316200-603051

On September 12, 2012, the Board approved the original agreement in the amount of \$10,330.00 for the period of July 1, 2012 through June 30, 2013. The Department is amending the agreement to reflect an increase in the number of days and number of clients attending the facility. This increase makes the total award \$20,739.00.

4. **THE LEAGUE OF PEOPLE WITH DISABILITIES, INC.** **\$2,781.00**

Account: 4000-433313-3254-316200-603051

On September 12, 2012, the Board approved the original agreement in the amount of \$18,316.00 for the period of July 1, 2012 through June 30, 2013. The Department is amending the agreement to reflect an increase in the number of days and number of clients at the facility. This increase makes the total award \$21,097.00.

## MINUTES

Health Dept. - cont'd

5. **TODAY'S CARE AND FAMILY SERVICES, INC.** **\$ 3,496.00**

Account 4000-433313-3254-316200-603051

On September 12, 2012, the Board approved the original agreement in the amount of \$18,316.00 for the period of July 1, 2012 through June 30, 2013. The Department is amending the agreement to reflect an increase in the number of days and number of clients at the facility. This increase makes the total award \$21,812.00.

**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 aforementioned grant agreement, agreement and amendments to agreements. Mr. Black acting on behalf of the Mayor **ABSTAINED** on item no. 2. The President **ABSTAINED** on item no. 2.

**MINUTES**

Police Department - Grant Adjustment Notice

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize acceptance of a grant adjustment notice (GAN) from the United States Department of Justice, Office of Justice Programs, National Institute of Justice. The GAN extends the period of the award through March 31, 2014.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On September 28, 2011, the Board approved acceptance of the grant award from the United States Department of Justice, Office of Justice Programs, National Institute of Justice for the FY 11 Forensic DNA Backlog Reduction Formula Program. The period of the award was October 1, 2011 through March 31, 2013.

The grant funds support the Department's Crime laboratory in reducing the forensic DNA backlog cases and sample turnaround time by capitalizing on its full potential of the DNA technology. This GAN will provide a no-cost time extension through March 31, 2014. All other terms and conditions of the original grant award remain unchanged.

**MBE/WBE PARTICIPATION:**

N/A

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS NOTED THE TIME EXTENSION.**

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the grant adjustment notice from the

MINUTES

Police Department - cont'd

United States Department of Justice, Office of Justice Programs,  
National Institute of Justice.

**MINUTES**

Police Department - Contractual Services Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a contractual services agreement with Barbara Harant, consultant. The period of the agreement is April 1, 2013 through March 31, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$22,500.00 - 4000-471913-2024-212600-603018

**BACKGROUND/EXPLANATION:**

On August 29, 2012, the Board approved acceptance of a grant award from the United States Department of Justice for the FY 12 "Forensic DNA Backlog Reduction Formula Program". The period of the award is October 1, 2013 through March 31, 2014. The grant funds will support the Department's Crime Laboratory in reducing forensic DNA backlog cases and sample turnaround time by maximizing available DNA technology.

Ms. Harant, consultant, will work as a Serologist on a case-by-case basis with the Department. Her responsibilities will include performing biological screening examinations to identify evidence samples suitable for DNA testing.

Ms. Harant will be paid at a rate of \$75.00 per burglary case, \$125.00 per sexual or physical assault case, and \$150.00 per homicide case, with a maximum salary of \$22,500.00 with no benefits.

**MBE/WBE PARTICIPATION:**

N/A

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTIONS.**

UPON MOTION duly made and seconded, the Board approved and

MINUTES

Police Department - cont'd

authorized execution of the contractual services agreement with  
Barbara Harant, consultant.



**MINUTES**

Police Department - Interagency Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an interagency agreement with the Baltimore City Public School System (BCPSS). The period of the agreement is April 1, 2013 through March 31, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$52,573.00 - 4000-470912-2023-212613-607001

**BACKGROUND/EXPLANATION:**

On February 1, 2012, the Board approved the memorandum of agreement with the Maryland Emergency Management Agency for the FY 11 Urban Area Security Initiative (UASI 11). On October 31, 2012, the Board approved acceptance of a Grant Adjustment Notice for additional funding.

This interagency agreement with the BCPSS for GIS/S.T.A.R.S., is a sub-award of UASI 11, and is intended for the development and implementation of emergency planning and preparedness courses in City high schools to help strengthen the nation and Maryland against risks associated with potential terrorist attacks.

**MWBOO GRANTED A WAIVER.**

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the interagency agreement with the Baltimore City Public School System.

**MINUTES**

Police Department - Interagency Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an interagency agreement with the Baltimore City Public School System (BCPSS). The period of the agreement is June 1, 2012 through March 31, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$40,000.00 - 4000-478911-2015-210705-607001

**BACKGROUND/EXPLANATION:**

On February 23, 2011, the Board approved the memorandum of agreement with the Maryland Emergency Management Agency for the FY 10 Urban Area Security Initiative. This interagency agreement with the BCPSS (Baltimore's Truancy Assessment Center) for GIS/S.T.A.R.S. is intended for the development and implementation of emergency planning and preparedness courses in City high schools to help strengthen the nation and Maryland against risks associated with potential terrorist attacks.

This interagency agreement is late because of a Departmental oversight due to staff turnover.

**MBE/WBE PARTICIPATION:**

N/A

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the interagency agreement with the Baltimore City Public School System.

**MINUTES**

Department of Planning - Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with the University of Massachusetts Boston. The period of the agreement is upon Board approval through December 31, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$21,373.00 - 6000-609413-1873-187400

**BACKGROUND/EXPLANATION:**

On March 13, 2013, the Board approved the acceptance of a \$50,000.00 grant from The Abell Foundation for the Decision Model Tool for Vacant Structure Demolition and Redevelopment Project.

The purpose of the project is to develop strategies to reposition chronically vacant lands and structures for primarily non-residential and greening uses in weaker markets. The project proposes to build local environment amenities on the sites of vacant and abandoned parcels, as well as holding select properties for future development. The project will build upon the Housing Market Typology (HMT) and pursue new approaches and tools for neighborhood economic development.

The Department will be the lead agency and work in partnership with Baltimore Housing, the Sustainability Office and the University of Massachusetts and Tufts University as contractors. The project will be guided by a Decision Modeling Advisory Group which will include members from the Department, Growing Green Initiative and Baltimore Housing. The group will make recommendations for data analysis and test the applicability of the model to impact decisions around vacant, distressed lots.

## MINUTES

Department of Planning - cont'd

The model, which will be delivered in Microsoft Excel, will include multiple objectives reflecting social impacts, economic efficiency and social equity. The deliverables for the project include a narrative and mathematical model of Baltimore City's vacant lot repositioning problem within the context of the Growing Green Initiative. The University of Massachusetts, as one of two subcontractors, will conduct the analysis and develop the model for the project.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

The Board of Estimates received and reviewed Ms. Trueheart's Protest. AS Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board will not hear her protest. Her correspondence has been sent to the appropriate agency and/or committee which will respond directly to Ms. Trueheart.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with the University of Massachusetts Boston.

**MINUTES**

Department of Housing and - Land Disposition Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a land disposition agreement with Mr. Joseph David Hooe, for the sale of the City-owned vacant lots located at 1019 and 1021 Race Street.

**AMOUNT OF MONEY AND SOURCE:**

\$2,000.00 - 1019 Race Street  
2,000.00 - 1021 Race Street  
**\$4,000.00** - Purchase Price

**BACKGROUND/EXPLANATION:**

The project will consist of the vacant properties becoming accessories to the adjacent lots, also owned by Mr. Hooe. The developer owns the adjacent properties located at 1017, 1023, and 1025 Race Street, and the property to the rear, located at 1024 S. Hanover Street.

Pursuant to the appraisal policy of Baltimore City, 1019 Race Street was priced at \$1,138.80 and 1021 Race Street was priced at \$1,146.76. The properties are being sold for \$2,000.00 each. The developer will be using private funds. The properties are being sold above market value.

Once transferred, the properties will be active on the tax rolls of Baltimore City thereby preventing tax abandonment.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with Mr. Joseph David Hooe, for the sale of the City-owned vacant lots located at 1019 and 1021 Race Street.

**MINUTES**

Department of Housing and - Land Disposition Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a land disposition agreement with Tadesse & Associates, Inc., developer, for the sale of City-owned properties located at 2213, 2217, 2224, 2228, and 2229 Orleans Street.

**AMOUNT OF MONEY AND SOURCE:**

\$ 5,000.00 - 2213 Orleans Street  
 5,000.00 - 2217 Orleans Street  
 5,000.00 - 2224 Orleans Street  
 5,000.00 - 2228 Orleans Street  
 5,000.00 - 2229 Orleans Street  
\$25,000.00 - Purchase Price

**BACKGROUND/EXPLANATION:**

A good faith deposit in the amount of \$2,500.00 will be paid by the developer prior to closing and the remaining balance in the amount of \$22,500.00 will be paid at closing. The project will be financed by the developer and Novak Financial, Inc.

The developer plans to gut and renovate each of the properties. Once renovation is completed, the dwellings will be sold to homeowners at an affordable price and the properties will be active on the tax roll of Baltimore, thereby preventing tax abandonment.

The properties were journalized and approved for sale on October 18, 2011.

**MINUTES**

DHCD - cont'd

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

The properties were price pursuant to the appraisal policy of Baltimore City. The Waiver Valuation Process was used in determining their value at \$12,000.00 per structure. Because the concrete slab in each basement is structurally incapable of supporting the new first floor framing, first floor wall and the second floor framing of the rehabilitated dwellings, the developer will have to underpin each of the basements to strengthen and stabilize their foundations. Therefore, each property will be sold for \$5,000.00. The following factors are present thusly allowing for the sales below the Waiver Valuation price:

1. Stabilizing the immediate community;
2. elimination of blight;
3. economic development; real estate and other taxes; and,
4. the opportunity to hasten the rehabilitation of the properties.

Comparables used to substantiate the sale price determined by the Waiver Valuation Process for the properties at 2412 McElderry Street (\$12,900.00); 420 N. Collington Avenue (\$15,200.00) and 2227 Orleans Street (\$12,000.00)

**MBE/WBE PARTICIPATION:**

It should be noted that 2313 Orleans Street (Block 1688, Lot 020); 2217 Orleans Street (Block 1688, Lot 022); 2224 Orleans Street (Block 1670, Lot 064); 2228 Orleans Street (Block 1670, Lot 062); and 2229 Orleans Street (Block 1688, Lot 028) are not subject to Article 5, Subtitle 28, of the Baltimore City Code.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with

**MINUTES**

DHCD - cont'd

Tadesse & Associates, Inc., developer, for the sale of City-owned properties located at 2213, 2217, 2224, 2228, and 2229 Orleans Street.



MINUTES

Department of Housing and - Local Government Resolutions  
Community Development

The Board is requested to approve and authorize execution of the following local government resolutions.

The following organizations are applying to the State of Maryland's Neighborhood BusinessWorks Program (NBWP) or the Maryland Department of Housing and Community Development for Neighborhood Conservation Initiative (NCI). A local government resolution of support is required by the State for all applications to these programs for funding.

- 1. **407 PAA, LLC** **\$500,000.00**  
**NBWP**

407 PAA, LLC proposes to rehabilitate the former Purnell Art Company located at 407 N. Charles Street. The property contains approximately 18,200 square feet and is located along a main thoroughfare in the Mt. Vernon neighborhood.

407 PAA, LLC has acquired the building and intends to rehabilitate it into a mixed use development to include ground level retail space, six residential units, and two parking garages.

The owner and developer, 407 PAA, LLC will invest approximately \$360,000.00 in the acquisition and construction costs of the building. The Talbot Bank will provide the remainder of the acquisition and construction funding. The total cost of the project is estimated to be \$1,700,000.00.

- 2. **SEAWALL DEVELOPMENT COMPANY, LLC** **\$500,000.00**  
**NBWP**

The Seawall Development Company, LLC proposes to rehabilitate the former Mr. James Tire Shop. The property contains approximately 21,750 square feet and is located along a main thoroughfare in the Remington neighborhood.

## MINUTES

DHCD - cont'd

The Seawall Development Company, LLC has purchased the building and intends to rehabilitate it into a state-of-the-art theatre for the Single Carrot Theatre. The building will also house a new restaurant.

The Seawall Development Company, LLC will invest approximately \$317,960.00 in the construction costs of the building. The Myerhoff Foundation and Howard Bank will provide pre-development funding. Additional construction and permanent financing will be provided by the State of Maryland's Department of Business and Economic Development, the State's Small Business Credit Initiative, Baltimore Development Corporation and Howard Bank.

- |    |  |                     |
|----|--|---------------------|
| 3. | <b>PEOPLE'S HOMESTEADING GROUP, INC.</b> | <b>\$756,000.00</b> |
|    |  | <b>NCI</b>          |

Under the National Mortgage Servicing Practices Settlement, the Maryland Attorney General received just under \$60,000,000.00 in discretionary funding. Of this amount, \$14,000,000.00 is being made available for projects that stabilize Maryland neighborhoods affected by the foreclosure crisis and the related economic downturn. The funds are being made available through the NCI, which is administered through the MD-DHCD.

The People's Homesteading Group, Inc. has requested \$756,000.00 in Neighborhood Conservation Funds to support the redevelopment of 11 vacant properties as follows: 417, 436, 440, 443, 446, 538, 542, 434, 439, 448, and 450 East 22<sup>nd</sup> Street. Upon completion, the properties will be sold as affordable homeownership units. The proposed request is part of an ongoing effort to redevelop all vacant properties in the 400 and 500 blocks of East 22<sup>nd</sup> Street.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the aforementioned local government resolutions.

**MINUTES**

Department of Housing and - Land Disposition Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a land disposition agreement with Butler Management, LLC, developer, for the sale of a City-owned vacant building located at 720 Lennox Street (Block/Lot 3443/010).

**AMOUNT OF MONEY AND SOURCE:**

\$10,000.00 - Purchase Price

**BACKGROUND/EXPLANATION:**

The City-owned vacant building will be totally rehabilitated as a single family dwelling and sold for homeownership at market price.

The developer proposes to spend approximately \$135,000.00, inclusive of acquisition and associated costs to complete the project.

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

The property was priced as \$16,000.00 pursuant to the Waiver Valuation process. The property is being sold below the value for \$10,000.00.

The property is being sold below the price determined in accordance with the Waiver Valuation Process for the following reasons:

- (i) specific benefit to the immediate community of revitalization through residential home ownership,
- (ii) elimination of blight and neighborhood stabilization, and

## MINUTES

DHCD - cont'd

- (iii) economic development, returning the property to productive use and to the active tax rolls of the City of Baltimore.

**MBE/WBE PARTICIPATION:**

MBE/WBE participation is not required for this project because it is being sold below \$49,999.99.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with Butler Management, LLC, developer, for the sale of a City-owned vacant building located at 720 Lennox Street (Block/Lot 3443/010). The Comptroller **ABSTAINED**.

**MINUTES**

Department of Housing and - Land Disposition Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a land disposition agreement with Masuzgo Nkhoma Alade, developer, for the sale of the vacant property located at 1923 Homewood Avenue.

**AMOUNT OF MONEY AND SOURCE:**

\$3,000.00 - Purchase Price

**BACKGROUND/EXPLANATION:**

The City may dispose of the property by virtue of Article II, Section 15 of the Baltimore City Charter, and one or more of the following: (i) Article 13, 2-7 (h)(2) (ii) (c).

The project will consist of the conversion of this vacant property into a single family homeownership unit. Once rehabilitated, the developer intends to live on the property as his primary residence.

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

The property was priced as \$5,967.00 pursuant to the Waiver Valuation process.

The property will be sold to Mr. Alade for \$3,000.00, which is below the price determined by the Waiver Valuation Process because of the following reasons:

- (1) the sale and rehabilitation of this property will help to promote a specific benefit to the immediate community,
- (2) the sale and rehabilitation will continue the elimination of blight, and

## MINUTES

DHCD - cont'd

- (3) the sale and rehabilitation of this property will generate a considerable amount in revenue in the form of real estate property taxes to the City of Baltimore. Once transferred and redeveloped, the property will promote economic development through the placement of this property on the City's tax rolls, thereby preventing tax abandonment.

**MBE/WBE PARTICIPATION:**

The property located at 1923 Homewood Avenue (Block 4002, Lot 0131) is not subject to Article 5, Subtitle 28 of the Baltimore City Code because it is being sold for less than \$49,999.99.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with Masuzgo Nkhoma Alade, developer, for the sale of the vacant property located at 1923 Homewood Avenue.

**MINUTES****PERSONNEL MATTERS**

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

the Personnel matters

listed on the following pages:

984 - 997

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.

Mr. Harry Black acting on behalf of the Mayor

**ABSTAINED** on Item Nos. 4 - 6.

The President **ABSTAINED** on Item No. 12.

## MINUTES

PERSONNELHealth Department

	<u>Hourly Rate</u>	<u>Amount</u>
1. <b>ROZETTA RYAN</b>	\$20.00	<b>\$ 1,080.00</b>

Account: 5000-535713-3024-268400-601009

Ms. Ryan will work as an Aquatic Aerobics Instructor for the Oliver Senior Center. She will coordinate and teach aerobic exercises using weights and elastic tubing as well as stretching and relaxing muscular range movements and hand and finger coordination. She will also teach how to use weights and how to meditate, coordinate classroom set-up, and maintain a roster of class participation and attendance. She will provide a curriculum that motivates and builds confidence in seniors and maintain frequent communication with the Program Manager. The period of the agreement is effective upon Board approval through June 30, 2013.

2. Reclassify the following vacant position:

Job No.: 3030-34827

From: Job Code 61111  
 Class: Health Program Administrator I  
 Grade: 111 (\$41,700.00 - \$52,200.00)

To: Job Code 61112  
 Class: Health Program Administrator II  
 Grade: 113 (\$46,700.00 - \$56,500.00)

Cost: \$5,914.00 - 4000-422513-3030-271500-601001

The reclassified position is located at the Druid Hill Health Clinic and the Eastern Health Clinic. The two locations share program policies, procedures, and operational budget.



MINUTES

PERSONNEL

Department of Transportation:

	<u>Hourly Rate</u>	<u>Amount</u>
3. <b>MAXWELL FRYE, III</b>	\$29.00	<b>\$48,256.00</b>

Account: 1001-000000-1952-194100-601009

Mr. Frye will work as a Special Investigator. He will create and maintain files on all Trespass Towing Companies, BPD Medallion Towing Companies, and Peak Hour Towing Companies to include mandatory background records for each company's personnel and vehicle records for each licensed truck. He will receive and process complaints made against Trepass Towing Companies, initiate investigations pertaining to complaints, attempt mediated remedies between the complainant and Trespass Towing Company, and present unresolved complaints to the Trespass Towing Board for resolution. He will also coordinate regular Trepass Tow Board hearings for Trespass Towing Companies to be held on a quarterly basis. He will schedule hearings, prepare agendas, attend hearings and document minutes. He will establish and ensure the integrity of a credentialing system, and investigate claims pertaining to integrity failures and damages resulting from negligence or abuse at the Department's Towing Facility. The agreement is effective upon Board approval for one year.

Board of Liquor License Commissioners for Baltimore City (BLLC)

	<u>Hourly Rate</u>	<u>Amount</u>
4. <b>TOM KARANIKOLIS</b>	\$15.00	<b>\$ 3,600.00</b>
5. <b>DERRICK LENNON</b>	\$15.00	<b>\$ 3,600.00</b>
6. <b>YVONNE C. BUTLER</b>	\$15.00	<b>\$ 3,600.00</b>

Account: 1001-000000-2501-259500-601063

MINUTES

PERSONNEL

BLLC - cont'd

Mr. Karanikolis, Mr. Lennon, and Ms. Butler will work as Liquor Board Inspectors. Their duties will include but not be limited to visiting locations that have been issued special or one-day licenses, monitoring the sale and service of alcohol at the one-day license events or extensions of licenses, participating in undercover investigations and completing inspection reports for licensed premises in the City of Baltimore. The agreement is effective upon Board approval for one year.

Department of Public Works - Bureau of Solid Waste

	<u>Hourly Rate</u>	<u>Amount</u>
7. <b>MATTHEW SPALDING</b>	\$15.00	<b>\$ 1,500.00</b>

Account: 1001-000000-5154-388100-601009

Mr. Spalding will work as an Exhibition Curator for the exhibit Salvage: A Waste of Materials, A Wealth of Art. His duties will include but not be limited to assisting in the development, design, and promotion of the event, serving as the principal point of contact and liaison with participating artists; facilitating the selection of artists; coordinating the movement of artwork to and from the event. He will work with the Bureau of Solid Waste to develop criteria, rules, and regulations for acquiring participants and judges for the contest. He will also procure entertainment for the event; facilitate the relocation and exhibition of art pieces for display in various locations and developing and maintaining a tracking system for location of all pieces in the event. The agreement is effective upon Board approval for six months.

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

The Board of Estimates received and reviewed Ms. Trueheart's Protest. As Ms. Trueheart does not have a

## Kim A. Trueheart

March 26, 2013

Board of Estimates

Attn: Clerk

City Hall, Room 204

100 N. Holliday Street,

Baltimore, Maryland 21202

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of questionable management and administration within the Department of Public Works.

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

1. Whom you represent: Self
2. What the issues are:
  - a. Page 43, Department of Public Works BSW - Personnel, if approved:
    - i. This expenditure of scarce tax-payer funds is questionable and serves little to NO benefit to residents;
    - ii. Appears to be a political nicety, which like the jingle the Department wasted \$5000.00 leasing last year, the citizens gain NO benefit;
    - iii. Please provide the justification for a Baltimore City run operation, Baltimore Public Works Museum building and the Exhibition Curator for the exhibit Salvage: A Waste of Materials, A Wealth of Art. And the annual budget;
    - iv. This item should NOT be approved.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed what appears to be a significant dearth in leadership, management and cogent decision making within the Department of Public Works, which potentially cost myself and my fellow citizens excessive amounts of money in cost overruns and wasteful spending.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on March 27, 2013.

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

Sincerely,

Kim Trueheart, Citizen & Resident

5519 Belleville Ave  
Baltimore, MD 21207

MINUTES

PERSONNEL

specific interest that is different from that of the general public, the Board will not hear her protest. Her correspondence has been sent to the appropriate agency and/or committee which will respond directly to Ms. Trueheart.

Department of Public Works

	<u>Hourly Rate</u>	<u>Amount</u>
8. <b>CHERRIE WOODS</b>	\$39.34	<b>\$75,000.00</b>
Accounts:		
2070-000000-5541-399300-601009		
2071-000000-5541-398600-601009		
1001-000000-1901-191200-601009		

Ms. Woods will work as a Public Relations Officer. Her duties will include but will not be limited to developing, recommending and implementing marketing strategies to promote and educate the public on environmental and health related issues. Ms. Woods will coordinate with public information staff to develop press releases, pamphlets, signs, banners, and website content, develop responses to inquires from the media, elected officials, and businesses.

In addition, she will partner with advertising agencies to develop promotional campaigns, coach managers and staff in effective communication methods for internal and external matters, and coordinate public appearances, events, educational lectures, tours, and other outreach vehicles to promote the DPW's service awareness and current issues. The period of the agreement is effective upon Board approval for one year.

## MINUTES

PERSONNELDepartment of Public Works - cont'd

	<u>Hourly Rate</u>	<u>Amount</u>
9. <b>JENNIFER LUDWIG</b>	\$37.58	<b>\$71,631.00</b>

Account: 2071-000000-5471-400504-601009

Ms. Ludwig will work as a Special Project Development Manager. Her duties will include but are not limited to coordinating, developing and implementing training and certification programs in conjunction with Utility Maintenance Division, Safety and Human Resources to ensure that priorities are met. The period of agreement is effective upon Board approval for one year.

10. <b>DERRICK DIAS</b>	\$28.95	<b>\$ 55,000.00</b>
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Account: 1001-000000-1901-190700-601009

Mr. Dias will work as a Special Communication Analyst II. His duties will include but are not limited to serving as liason with the Department of Communication Services (MTE) regarding relocations, new installations, disconnecting and other routine agency transactions involving the municipal telephone system. Mr. Dias will conduct site surveys, assessments, review blue prints and floor plans. He will review and maintain the telephone tracking spreadsheet for all telephone service requests and will meet regularly with the Municipal Telephone Exchange to coordinate service delivery. Mr. Dias will monitor the status of service and repair requests, and maintain the telephone directory for the Department of Public Works using the guidelines and protocols developed by the MTE. Mr. Dias is currently under contract with the Circuit Court as an IT Specialist at a rate of \$22.70 per hour. Mr. Dias will terminate his contract upon Board approval of this contract. The period of the agreement is effective upon Board approval.

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

## MINUTES

PERSONNELDepartment of Public Works - cont'd

The Board of Estimates received and reviewed Ms. Trueheart's Protest. As Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board will not hear her protest. Her correspondence has been sent to the appropriate agency and/or committee which will respond directly to Ms. Trueheart.

11. Reclassify one Position

Job No. 5131-48318

From: Job Code: 00142  
Class: Executive Level I  
Grade 948 (\$55,200.00 - \$99,200.00)

To: Job Code: 10172  
Class: Division Chief II  
Grade: 952 (\$62,700.00 - \$90,900.00)

Cost: (\$9,769.00) - 1001-000000-5131-387800-601001

The DHR has completed a classification study of the above position. This position will manage the newly created Environmental Services/Disposal Division comprised of the Quarantine Road Landfill, Northwest Transfer Station, convenience centers and closed municipal landfills.

## Kim A. Trueheart

March 26, 2013

Board of Estimates

Attn: Clerk

City Hall, Room 204

100 N. Holliday Street,

Baltimore, Maryland 21202

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of a lack of vision, poor fiscal planning and management and a complete failure to provide transparent communications about priorities and outcomes by the Mayor of Baltimore City and the various Departments and Agencies.

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

1. Whom you represent: Self
2. What the issues are:
  - a. Page 45, Item #10 Derrick Dias - Department of Public Works – Personnel, if approved:
    - i. Please provide access to the documents which detail the:
      1. Decision Model Tool for Vacant Structure Demolition and Redevelopment Project.
      2. Procedure for communities to submit vacant land and/or structures for consideration in this project;
      3. Procedure for obtaining assistance/support for potentially eligible initiatives.
3. How the protestant will be harmed by the proposed Board of Estimates' action: The mere thought of paying higher fees for the abysmal quality of services being provided by City agencies offends me. The continued mismanagement of major projects by City agencies is disgracefully wasteful. A complete top to bottom business process reengineering initiative must precede the approval of any new funding directed to these inextricably broken agencies.
4. The remedy I seek and respectfully request is that this action be delayed until this agency provides greater public transparency into proposed projects.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on March 27, 2013.

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

Sincerely,

Kim Trueheart, Citizen & Resident

5519 Belleville Ave  
Baltimore, MD 21207

MINUTES

PERSONNEL

Office of the City Council

	<u>Hourly Rate</u>	<u>Amount</u>
12. <b>LARRY SHAPIRO</b>	\$36.09	<b>\$21,654.22</b>

Account: 1001-000000-1000-104800-601009

Mr. Shapiro, retiree, will continue to work as a Fiscal and Budget Specialist in the Office of the City Council President. His duties will include but will not be limited to general analysis of the Budget and other fiscal matters, advising the President on fiscal matters, and reviewing and commenting on changes in agency budgets. Mr. Shapiro will advise the President and City Council on revenue and expenditure items, investigate and provide written analysis of fiscal issues, provide staff support at select hearings, and provide executive summaries on fiscal topics. The period of the agreement is effective upon Board approval for one year.

This salary reflects a 1% decrease from the previous contract period and is in compliance with AM 212-1, Part I.

Police Department

13. <b>MICHAEL F. BAPTIST</b>	\$14.42	<b>\$30,000.00</b>
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Account: 1001-000000-2042-198100-601009

Mr. Baptist, retiree, will continue to work as a Contract Service Specialist I for the Applicant Investigation Section. He will be responsible for conducting pre-employment investigations for civilians and special enforcement officers, reviewing documents, interviewing applicants, and obtaining criminal background record checks. In addition, Mr. Baptist will complete neighborhood investigations of applicants and advise the Department of the results of the investigations, and make a recommendation of the applicant's suitability. The period of the agreement is April 6, 2013 through April 5, 2014.



MINUTES

PERSONNEL

Police Department

	<u>Hourly Rate</u>	<u>Amount</u>
14. <b>BARBARA J. SLOAN</b>	\$14.42	<b>\$30,000.00</b>

Account: 1001-000000-2042-198100-601009

Ms. Sloan, retiree, will continue to work as a Contract Service Specialist I for the Neighborhood Patrol Division. She will be responsible for meeting with Assistant State's Attorneys (ASAs) daily for the preparation/execution of caseloads, providing contract information for officers, making warrant arrests, and requesting a post car to process the arrest. In addition, Ms. Sloan will assist the ASAs in obtaining laboratory information management system reports. The period of the agreement is March 28, 2013 through March 27, 2014.

15. <b>HARRY G. HARCUM</b>	\$14.42	<b>\$30,000.00</b>
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Account: 1001-000000-2042-198100-601009

Mr. Harcum, retiree, will continue to work as a Contract Services Specialist I for the Evidence Control Unit. He will be responsible for receiving property/evidence submissions from police officers and lab personnel and ensuring the accuracy/completeness of paperwork and entries into the tracking system. In addition, Mr. Harcum will release property for further examination/evidence for court and update the tracking system for chain of custody and document the location. The period of the agreement is March 28, 2013 through March 27, 2014.

## MINUTES

PERSONNELPolice Department - cont'd

	<u>Hourly Rate</u>	<u>Amount</u>
16. <b>HOWARD J. GREEN</b>	\$14.42	<b>\$30,000.00</b>

Account: 1001-000000-2042-198100-601009

Mr. Green, retiree, will continue to work as a Contract Services Specialist I for the Human Resources Section. He will be responsible for conducting pre-employment investigations for civilians and special enforcement officers, reviewing documents, interviewing applicants, and obtaining criminal records checks. Mr. Green will conduct background investigations for promotional candidates that involve record checks, gather recommendations, and summarize previous work history. In addition, Mr. Green will conduct final processing for the hiring of police officer trainee applicants and police officer trainee hire orientation. The period of the agreement is effective upon Board approval for one year.

17. <b>LORETTA S. BOLLING</b>	\$14.42	<b>\$30,000.00</b>
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Account: 1001-000000-2042-198100-601009

Ms. Bolling, retiree, will work as a Contract Services Specialist I for the Human Resources Section. She will be responsible for conducting pre-employment investigations for civilians and special enforcement officers, reviewing documents, interviewing applicants, and obtaining criminal records checks. Ms. Bolling will conduct background investigations for promotional candidates that involve record checks, gather recommendations, and summarize previous work history. In addition, Ms. Bolling will conduct final processing for the hire of police officer trainee applicants and police officer trainee hire orientation. The period of the agreement is effective upon Board approval for one year.

MINUTES

PERSONNEL

Police Department - cont'd

On January 3, 1996, the Board of Estimates approved a waiver of the Administrative Manual Policy 212-1. This waiver allowed the Baltimore Police Department to hire retired police officers on a contractual basis.

Department of Recreation and Parks (R&P)

	<u>Hourly Rate</u>	<u>Amount</u>
18. <b>WILLIAM H. ANDERSEN</b>	\$30.00	<b>\$54,600.00</b>

Account: 5000-578713-4711-361800-601009

Mr. Andersen will continue to work as a Landscape Architect. His duties will include but will not be limited to preparing contract drawings and specifications for the renovation or development of City parks and playgrounds and preparing a comprehensive Master Plan for community parks. Mr. Anderson will also prepare detailed cost estimates for various projects and meet with community groups to explain the design of projects. The period of the agreement is April 8, 2013 through April 7, 2014.

19. <b>GEORGE GHEE</b>	\$10.00	<b>\$20,800.00</b>
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Account: 1001-000000-4803-371400-601009

Mr. Ghee, retiree, will continue to work as a Motor Vehicle Driver. His duties will include, but will not be limited to driving City vehicles (cars and vans) to transport agency administrators and staff to and from scheduled meetings and events. Mr. Ghee will also transport agency participants to and from various events and activity centers/facilities and deliver vehicles to the repair shop for routine preventive and necessary maintenance. He will ensure that the vehicles that he drives are clean, fueled and meet the City's standards for safe and efficient operation. The period of the agreement is effective upon Board approval for one year.

## MINUTES

PERSONNELRec. & Parks - cont'd

The Department is requesting a waiver of AM 212-1, Part I, that limits the total amount of hours that a retiree may work.

	<u>Hourly Rate</u>	<u>Amount</u>
20. <b>JESSICA GRUBER</b>	\$18.00	<b>\$9,000.00</b>

Account: 1001-000000-4781-363900-601009

Ms. Gruber will continue to work as an Administrative Assistant. Her duties will include but will not be limited to creating, forwarding, and monitoring service requests for all Department facilities, handling emergency requests to include security and safety issues, and monitoring and accounting for funds used. In addition, Ms. Gruber will coordinate with contractors and supervisors, track and monitor trends in work performance, and work with the CitiStat Analyst on recording and correcting administrative and work performance-related issues. The period of the agreement is March 28, 2013 through June 27, 2013.

Department of General Services

21. <b>MARK BENSON</b>	\$26.74	<b>\$49,014.42</b>
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Account: 2051-000000-1981-194600-601009

Mr. Benson will work as an Energy Project Specialist. His duties will include but are not limited to providing management oversight of various types of specialty energy projects, reviewing and approving shop drawings and change orders, construction schedules, billing and payment applications on specialized energy projects, and managing design consultants and construction contractors. The period of the agreement is effective upon Board approval for one year.



MINUTES

PERSONNEL

Fire Department - cont'd

To: Division Chief I  
Grade: 943 (\$51,200.00 - \$79,600.00)

Costs: (\$3,586.00) - 1001-000000-2142-229500-601001

Enoch Pratt Free Library

26. Reclassify the following two filled positions:

a. Job Number 4501-15788

From: Job Code 00607  
Class: Inter-Library Loan Dept. Supervisor  
Grade: 090 (\$42,267.00 - \$51,371.00)

To: Job Code 00684  
Class: Library Resource Supervisor  
Grade: 091 (\$44,084.00 - \$53,638.00)

b. Job Number 4501-47217

From: Job Code 00656  
Class: Librarian I  
Grade: 087 (\$37,407.00 - \$45,218.00)

To: Job Code 00657  
Class: Librarian II  
Grade: 090(\$42,267.00 - \$51,371.00)

c. Upgrade the classification of Library Resource Supervisor

Job Code: 00684  
From: Grade 088 (\$38,939.00 - \$47,176.00)  
To: Grade 091 (\$44,084.00 - \$53,638.00)

Cost: \$ 2,500.00 - 5000-575413-4501-594800-601001  
5,750.00 - 5000-575413-4501-592800-601001  
5,500.00 - 1001-000000-4501-629000-601001  
\$13,750.00

**MINUTES****PERSONNEL**Department of Human Resources

27. Removal of the following classification from Civil Service to Non-Civil Service

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a. Classification: Human Resources Policy Analyst  
Grade: 116 (\$53,900.00 - \$76,000.00)

From: Job Code 33621  
To: Job Code 10248

Reclassify the following position:

b. From: 33621 - Human Resources Policy Analyst  
Grade: 116 (\$53,900.00 - \$76,000.00)  
Job No. 1603-46293

To: 10248 - Human Resources Policy Analyst  
Grade: 116 (\$53,900.00 - \$76,000.00)

Abolish the following classification:

c. 33621 - Human Resources Policy Analyst  
Grade: 116 (\$53,900.00 - \$76,000.00)

Costs: There are no costs associated with this action.

Mayor's Office of Human Services

28. Create two positions:

Job code 10216 - Grant Services Specialist II  
Grade: 919 (\$32,329.00 - \$51,282.00)  
Job Nos. to be assigned by BBMR

Costs: \$105,278.00 - 5000-569013-1191-594700-601001

These positions are temporary with benefits and are funded for a maximum of two years by the Residential Energy Assistance Challenge (REACH) grant after which the positions will be abolished.

**MINUTES**

Department of Real Estate - Estoppel Certificate

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an Estoppel Certificate with Mondawmin Business Trust c/o General Growth Properties, Inc. located in the shopping center generally known as Mondawmin Mall, 1200 Mondawmin Concourse, Suite 1070.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On July 13, 2005, the Board approved a lease agreement with Mondawmin Business Trust, Lessor. The lease agreement was for the period of April 15, 2004 through April 14, 2007, with the option to renew for an additional three year period. The renewal was exercised and subsequently an amendment was approved by the Board on March 10, 2010 to extend the lease for three years commencing on April 15, 2010 through April 30, 2013. The current annual rental for the leased Premises is \$38,294.90. The agency utilizing the space is the Department of Health and Maternal and Child Health Services and the Well Baby Clinic.

The Mondawmin Business Trust, c/o General Growth Properties, Inc. is in the process of obtaining financing for the Mondawmin Mall and their lender is requesting an estoppel certificate from all its tenants. The purpose of the estoppel certificate is for the City, on behalf the Department of Health, to confirm the terms of the lease dated July 13, 2005 and amended March 10, 2010.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Estoppel Certificate with Mondawmin



MINUTES

Department of Real Estate - cont'd

Business Trust c/o General Growth Properties, Inc. located in the shopping center generally known as Mondawmin Mall, 1200 Mondawmin Concourse, Suite 1070.

**MINUTES**

Department of Real Estate - Estoppel Certificate

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an Estoppel Certificate with Mondawmin Business Trust c/o General Growth Properties, Inc. located in the shopping center generally known as Mondawmin Mall, 1200 Mondawmin Concourse, Suite 4605.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On April 1, 2009, the Board approved a lease agreement with Mondawmin Business Trust, Lessor. The period of the lease agreement was for the period of July 1, 2008 through June 30, 2013. The current annual rental for the leased premises is \$204,504.14. The Mayor's Office of Employment Development utilizes the space for their Northwest Career Center.

The Mondawmin Business Trust, c/o General Growth Properties, Inc. is in the process of obtaining financing for the Mondawmin Mall and their lender is requesting an estoppel certificate from all its tenants. The purpose of the estoppel certificate is for the City on behalf the Mayor's Office of Employment Development to confirm the terms of the lease dated April 1, 2009.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Estoppel Certificate with Mondawmin Business Trust c/o General Growth Properties, Inc. located in the shopping center generally known as Mondawmin Mall, 1200 Mondawmin Concourse, Suite 4605.

**MINUTES**Space Utilization Committee - Transfer of Jurisdiction**ACTION REQUESTED OF B/E:**

The Board is requested to approve the transfer of jurisdiction for the property located at 4210 Roland Avenue (Block 3591A, Lot 5) also known as Roland Park Water Tower (RPWT) from the inventory of the Department of Public Works (DPW) Water Supply to the inventory of the Department of General Services (DGS).

**BACKGROUND/EXPLANATION:**

The Department of Public Works is transferring the property from its jurisdiction to the Department of General Services and will provide financial assistance equal to the cost of demolition. A Memorandum of Agreement between the DPW and DGS regarding the Roland Park Water Tower sets out the terms of the transfer of jurisdiction. The DGS will have until January 31, 2016 to use funds for the restoration and stabilization of the RPWT. If the rehabilitation of the RPWT does not commence and/or construction has not begun by January 31, 2016, the funds remaining in the account will be returned to the DPW and the RPWT will be transferred back to the DPW.

The Space Utilization Committee approved this transfer of jurisdiction at its meeting on March 12, 2013.

UPON MOTION duly made and seconded, the Board approved the transfer of jurisdiction for the property located at 4210 Roland Avenue (Block 3591A, Lot 5) also known as Roland Park Water Tower from the inventory of the Department of Public Works Water Supply to the inventory of the Department of General Services.

## MINUTES

Department of Public Works/ - Memorandum of Understanding  
Bureau of Water and Wastewater

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a memorandum of understanding with the Department of General Services. The period of the memorandum of understanding is effective upon Board approval and will terminate on the earlier to occur of completion of renovation or January 31, 2016.

**AMOUNT OF MONEY AND SOURCE:**

\$337,000.00 - 2071-000000-5521-397923-603026

**BACKGROUND/EXPLANATION:**

The Roland Park Water Tower is a historic Baltimore City Landmark property that is in desperate need of extensive renovation for the benefit of the citizens of Baltimore. The Department is willing to allow the transfer of the property from the jurisdiction to avoid future liability and is willing to provide financial assistance equal to the cost of demolition to the Department of General Services for renovation.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the memorandum of understanding with the Department of General Services. The President **ABSTAINED**.

## MINUTES

Bureau of Water & Wastewater - Expenditure of Funds

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an expenditure of funds to pay outstanding invoices to Potter and Parsons, Inc. The date of the invoice is July 23, 2012.

**ACTION REQUESTED OF B/E:**

\$3,104.00 - 2070-000000-5501-396480-604009

This expenditure was for emergency repair parts for a dewatering pump. EA000095493 was issued to Potter and Parsons, Inc. The Bureau was not aware that the previous requisition to purchase a new and different pump was issued to the vendor, which then added to the EA amount, and thus exceeded the \$5,000.00 per year limit. Accounts payable would not process the EA for this reason. Therefore, the Board is requested to authorize payment.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to pay outstanding invoices to Potter and Parsons, Inc. The President **ABSTAINED**.

**MINUTES**

Bureau of Water & Wastewater - Reduction of Retainage Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a reduction to retainage agreement with to Allan A. Myers, LP, for Water Contract No. 1160-R, Montebello Plant 2 Finished Plant 2 Finished Water Reservoir Cover.

**AMOUNT OF MONEY AND SOURCE:**

\$1,459,932.72 - 9960-904694-9557-000000-200001

**BACKGROUND/EXPLANATION:**

Work on Water Contract No. 1160-R, Montebello Plant 2 Finished Plant 2 Finished Water Reservoir Cover is 97% complete. The contractor has received two consecutive "A" evaluations and in accordance with the Board's action on April 28, 2004, is requesting an Early Reduction Partial Release of Retainage. The remaining \$608,556.56 is sufficient to protect the interests of the City.

**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 reduction to retainage agreement with to Allan A. Myers, LP, for Water Contract No. 1160-R, Montebello Plant 2 Finished Plant 2 Finished Water Reservoir Cover. The President **ABSTAINED**.

**MINUTES**

Bureau of Water and Wastewater - Employee Expense Statement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the expense statement for Ms. Stephanie Stewart for mileage for the month of May 2012.

**AMOUNT OF MONEY AND SOURCE:**

\$211.46 - 2071-000000-5471-60920-603002

**BACKGROUND/EXPLANATION:**

The Division of Customer Care failed to have Ms. Stewart's mileage expense report processed in time to be received by the Bureau of Accounting and Payroll Services within the time period, as directed by the AM-240-11.

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

**APPROVED FOR FUNDS BY FINANCE****AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the expense statement for Ms. Stephanie Stewart for mileage for the month of May 2012. The President **ABSTAINED**.

MINUTES

Bureau of Water and Wastewater - Task Assignment

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 004 to C.C. Johnson & Malhotra, P.C. under Project No. 1077C, (SC 929) Archive Room Renovations, Patapsco Wastewater Treatment Plant.

**AMOUNT OF MONEY AND SOURCE:**

\$162,448.62 - 9956-904339-9551-900020-703032

**BACKGROUND/EXPLANATION:**

The existing sludge processing building's third floor will be renovated to accommodate Wastewater Facilities Engineering Division's archival storage of engineering documents. Under this task, C.C. Johnson & Malhotra, P.C. will provide engineering services that will include the infill of eight existing floor openings, and the removal of platforms and equipment components within the proposed Archive Room Area.

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

**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<b>\$250,000.00</b>	9956-905533-9549	9956-904339-9551-2
Revenue Bonds	Construction Reserve	Engineering
	Annual Facilities	
	Improvements	

The funds are required to cover the cost of Engineering Services that will provide the design of SC929, Archive Room Renovations at Patapsco Wastewater Treatment Plant.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 004 to C.C. Johnson & Malhotra, P.C.



**MINUTES**

Bureau of Water and Wastewater - cont'd

under Project No. 1077C, (SC 929) Archive Room Renovations, Patapsco Wastewater Treatment Plant. The transfer of funds was approved SUBJECT to receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the provisions of the City Charter. The President **ABSTAINED**.

**MINUTES**

Department of Finance - Supplemental General Fund  
Operating Appropriation for FY 2013

**ACTION REQUESTED OF B/E:**

The Board is requested to approve a supplemental general fund operating appropriation for FY 2013 to the Department of General Services for Service 731, Facilities Management.

**AMOUNT OF MONEY AND SOURCE:**

\$500,000.00 - General Fund Assigned Fund Balance

**BACKGROUND/EXPLANATION:**

The supplemental general fund operating appropriation is necessary to provide additional operating expenses to the Department of General Services, which will in turn provide asbestos remediation work for Baltimore City Public Schools.

**MBE/WBE PARTICIPATION:**

N/A

**APPROVED FOR FUNDS BY FINANCE****A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

The Board of Estimates received and reviewed Ms. Trueheart's Protest. As Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board will not hear her protest. Her correspondence has been sent to the appropriate agency and/or committee which will respond directly to Ms. Trueheart.

**MINUTES**

Department of Finance - cont'd

UPON MOTION duly made and seconded, the Board approved the supplemental general fund operating appropriation for FY 2013 to the Department of General Services for Service 731, Facilities Management. The President **ABSTAINED**.

## Kim A. Trueheart

March 26, 2013

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of questionable management, oversight and administration of the Baltimore City Department of Finance under this administration.

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

1. Whom you represent: Self
2. What the issues are:
  - a. Page 63, Department of Finance – Supplemental General Fund Operating Appropriation for FY 2013, if approved:
    - i. Please provide the names of the schools where asbestos remediation work will be and has been performed under Service 731.
    - ii. Please provide the details of the asbestos remediation protocols for these schools.
3. How the protestant will be harmed by the proposed Board of Estimates' action: The deferred maintenance of our school facilities has been well documented. The deficiencies serve to adversely impact the lives of our children and families.
4. The remedy I seek and respectfully request is that this action be disapproved. If Mr. Gallagher's employment needs to continue, into a second year, I than question the value of his replacement in performing his duties and strongly suggest the job be re-advertized and a more qualified candidate selected.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on March 27, 2013.

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

Sincerely,  
Kim Trueheart, Citizen & Resident

Email: [ktrueheart@whatfits.net](mailto:ktrueheart@whatfits.net)  
5519 Belleville Ave  
Baltimore, MD 21207

**MINUTES**

Department of Transportation - Memorandum of Understanding

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a memorandum of understanding (MOU) with the Maryland Department of Transportation, State Highway Administration for Herring Run Greenway. The period of the MOU is March 31, 2013 through March 31, 2018.

**AMOUNT OF MONEY AND SOURCE:**

\$1,980,000.00 - 9938-901751-9474-000000-490360

**BACKGROUND/EXPLANATION:**

The MOU provides for the use of earmark funds from the Safe, Accountable, Flexible, Efficient, Transportation Equity Act; A Legacy for Users (SAFETEA-LU) for the Transportation Enhancement Program.

The Department desires to construct or reconstruct an 8 foot wide shared use trail beginning at Lake Montebello Drive at the service road on the east side of Lake Montebello. The trail will cross Harford Road and continue on both sides of Herring Run in Herring Run Park from Harford Road to Sinclair Lane at Shannon Drive, where the trail segments converge. The trail then crosses Sinclair Lane and terminates at an existing walkway at a postal facility at Sinclair Lane and Shannon Drive. The combined new and resurfaced trail will be 4.15 miles long, and includes two new pedestrian bridges, one just south of and parallel to Harford Road, and one parallel to the Sinclair Lane Bridge over Herring Run.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and

**MINUTES**

Department of Transportation - cont'd

authorized execution of the memorandum of understanding with the Maryland Department of Transportation, State Highway Administration for Herring Run Greenway.

**MINUTES**

Department of Transportation - Task Assignment

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize assignment of Task No. 4 to Sabra, Wang & Associates, Inc. under Project No. 1162, On-Call Consultant Services for Reconstruction and Resurfacing Projects.

**AMOUNT OF MONEY AND SOURCE:**

\$204,964.43 - 9950-904782-9508-900020-703032

**BACKGROUND/EXPLANATION:**

This authorization provides for design engineering services in connection with Roland Avenue and Northern Parkway Improvements and Traffic Calming under TR 12314.

The scope of services includes, but is not limited to: 1) additional design and survey work including landscaping of additional bumpouts, 2) bioretention treepits, 3) upgrade of approximately 50 additional ADA ramps, 4) incorporation of sign inventory, 5) additional paver crosswalks, 6) U-turn assessment, and 7) performance of field inventory to replace pedestrian light poles with LED in project areas and prepare MOT plan for new signalization intersection in Northern Parkway and Schools entrance intersection.

**MBE/WBE PARTICIPATION:**

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

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized assignment of Task No. 4 to Sabra, Wang & Associates,

**MINUTES**

Department of Transportation - cont'd

Inc. under Project No. 1162, On-Call Consultant Services for  
Reconstruction and Resurfacing Projects.



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:

1015 - 1018

to the low bidders meeting specifications,  
and rejected the bid as indicated  
for the reasons stated.

The Transfers of Funds were approved  
SUBJECT to receipt of favorable reports  
from the Planning Commission,  
the Director of Finance having reported favorably  
thereon, as required by the provisions  
of the City Charter.

Mr. Harry Black acting on behalf of the Mayor

**ABSTAINED** on item no. 8 and 9.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

- |    |                                 |                           |                |
|----|---------------------------------|---------------------------|----------------|
| 1. | B50002697, Tree Pruning Removal | Forest Valley & Turf, LLC | \$2,000,000.00 |
|----|---------------------------------|---------------------------|----------------|

(Dept. of Recreation & Parks)

**MWBOO SET GOALS OF 10% MBE AND 0% WBE.**

**MBE:** L. Johnson Tree Service, LLC 49%

**MWBOO FOUND VENDOR IN COMPLIANCE**

- |    |   |                                  |                |
|----|---|----------------------------------|----------------|
| 2. | B50002781, Automotive Transmission Repair Service | Holabird Enterprises of Maryland | \$2,000,000.00 |
|----|---|----------------------------------|----------------|

(Dept. of General Services, Fleet Management)

**MWBOO GRANTED A WAIVER.**

- |    |                                   |  |  |
|----|-----------------------------------|--|--|
| 3. | B50002659, Safety Shoes and Boots |  |  |
|----|-----------------------------------|--|--|

**REJECTION:** On February 13, 2013, the sole bid received from Saf-Gard Safety Shoe Company was opened. The pricing submitted is approximately 37% higher than the current contract. Therefore, it is in the best interest of the City to reject the sole bidder and re-solicit.

(Dept. of Finance)

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation

4. TR 10314, Inner Harbor Joseph B. Fay \$4,126,171.10  
 East Improvements Company

<b>DBE:</b> Aaron's Concrete Pumping, Inc.	\$ 35,000.00	0.85%
Aultec, Inc.	25,000.00	0.61%
Chevy Chase Contractors, Inc	191,000.00	4.63%
Franco's Liberty Bridge, Inc.	252,000.00	6.11%
Genesis Steel Services, Inc.	239,000.00	5.79%
Holmes Lawn Care, Inc.	14,000.00	0.34%
J.J. Adams Fuel Oil Co., LLC	64,000.00	1.55%
Load Runner Trucking, Inc.	15,000.00	0.36%
Machado Construction, Co., Inc.	156,000.00	3.78%
Road Safety, LLC	4,200.00	0.10%
	<u>\$995,200.00</u>	<u>24.12%</u>

5. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$3,663,352.00	9950-944002-9507	
Federal	Construction Reserve	
	Reserve for Closeouts	
395,396.88	9950-906301-9528	
MVR	Broening Hwy.-Infra-	
	structure	
322,839.65	9950-904324-9528	
MVR	Harbor East	
230,782.83	9950-903412-9507	
MVR	Frederick Ave. Over	
Gwynns Fall		
<b>\$4,612,371.36</b>	-----	9950-904327-9527-6
		Structure & Improvements
		Parcel "D"- Inner Harbor
		East Improvements

This transfer will fund the cost associated with award of Project TR 10314, Parcel "D"- Inner Harbor East Improvements to Joseph B. Fay Company.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation

6. TR 10311R, Historic Preservation and Traffic Improvements Along Liberty Heights Ave. in Druid Hill Park	Henry H. Lewis Contractors, LLC	\$2,968,166.90
<b>DBE:</b> Just Drafting & Construction		\$ 17,625.00      0.59%
Priority Construction		349,946.00      11.79%
Lighting Maintenance		192,514.00      6.49%
William T. King, Inc.		105,816.00      3.57%
Sunrise Safety Services		59,563.00      2.01%
		<u>\$725,464.00</u>

7. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$1,351,540.00	9950-944002-9507	
Federal	Construction Reserve	
	Reserve for Closeouts	
610,000.00	9950-906606-9509	
Other	Reserve for Internal	
	Streets	
<u>\$1,961,540.00</u>	-----	9950-905621-9508-6
		Structure & Improvements
		Improvements along
		Liberty Heights Ave.
		in Druid Hill Park

This transfer will partially fund the cost associated with the award of Project TR 10311, Historic Preservation & Traffic Improvements along Liberty Heights Avenue in Druid Hill Park, to Henry H. Lewis Contractors, LLC. There is an approved Memorandum of Understanding with the Parks and People Foundation to provide \$610,000.00 and the Dept. of Recreation & Parks will provide the rest of the funds for the project.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation

8. TR 09037R, National John Brawner \$2,448,393.00  
 Aquarium Access  
 Improvements

DBE: Holmes Lawn Care, Inc. \$398,850.00 28.54%

9. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$2,016,656.95	9950-944002-9507	
Federal	Construction Reserve	
	Reserve for Closeouts	
798,995.00	9950-903606-9509	
Other	Reserve for Internal	
Streets		
<b>\$2,815,651.95</b>		
\$2,448,393.00	-----	9950-903880-9508-6
		Structure & Improvements
244,839.30	-----	9950-903880-9508-5
		Inspection
122,419.65	-----	9950-903880-9508-2
		Contingencies
		National Aquarium Access
<b>\$2,815,651.95</b>		Improvements

## MINUTES

Dept. of General Services - Minor Privilege Permit Applications

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

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
1. 527 S. Broadway	Garbis Baklayan	Retain cornice sign 15' x 2'4"
Annual Charge: \$ 70.30		
2. 3810 Elm Avenue	Angela Sintes Tyrell	One window well 70" x 44"
Annual Charge: \$300.75		
3. 400 W. Baltimore St.	Balti-West 400, LLC	Single face electric sign 17.28 sq. ft.
Annual Charge: \$140.60		
4. 3133 W. North Ave.	Herman M. Pittman	Awning w/ signage 18' x 3'
Annual Charge: \$148.60		

There are no objections, since no protests were received.

UPON MOTION duly made and seconded, the Board approved the applications for the Minor Privileges.

**MINUTES**

Department of General Services - Settlement Agreement and Release

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a settlement agreement and release with E. Pikounis Construction Co., Inc., for Contract PB05810, Edmondson Avenue Library No. 28, Renovations and Modifications.

**AMOUNT OF MONEY AND SOURCE:**

\$18,728.88 - 9936-905058-9457-900000-702064

**BACKGROUND/EXPLANATION;**

E. Pikounis Construction Co., Inc. submitted a claim totaling \$78,644.51 for additional work allegedly performed and costs allegedly incurred on the project. The Project Manager for the project denied the claim. Following the Contract administrative procedures regarding claims, E. Pikounis appealed the decision to the Division Chief. On July 25, 2012, in an attempt to resolve all outstanding issues on the project an informal hearing was held by Mr. Michael P. Cook, Chief, DGS Major Projects Division. On September 28, 2012, Mr. Cook made certain recommendations as to the amount sought by E. Pikounis to which E. Pikounis subsequently agreed. The settlement agreement formalizes both parties' acceptance of Mr. Cook's recommendations.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the settlement agreement and release with E. Pikounis Construction Co., Inc., for Contract PB05810, Edmondson Avenue Library No. 28, Renovations and Modifications.

**MINUTES**

Department of General Services - Settlement Agreement and  
Release

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a settlement agreement and release with The Michael Group, Contract PB 10866, Canton Library No. 4, Interior Renovation.

**AMOUNT OF MONEY AND SOURCE:**

\$29,577.55 - 9936-905058-9457-900000-706063

**BACKGROUND/EXPLANATION;**

On February 27, 2013, the DGS requested the Board to terminate Contract No. PB 10866 with The Michael Group because of the contractor's failure to comply with contract requirements. The DGS withdrew the item from the Board agenda because The Michael Group offered to enter into a settlement agreement to terminate the contract. The DGS is requesting the Board to approve the settlement agreement in the amount of \$29,577.55 based on the Law Department's advice and support by the Enoch Pratt Free Library. Both parties have agreed to terminate the agreement for convenience.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the settlement agreement and release with The Michael Group, Contract PB 10866, Canton Library No. 4, Interior Renovation.



**MINUTES**

Department of General Services - Termination of Contract

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the termination of contract with Warren-Ehret Company of Maryland, Inc. (W-E) for PB 07813, James Gross & Madison Square Recreation Center HVAC System Upgrades.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION;**

On October 25, 2011, the City notified W-E's surety in writing of the company's failure to prosecute the work required under the contract and requested that the surety cure W-E's default by ensuring completion of the contract. As the date for completion of the contract has now passed and the Company has failed to complete its obligation under the contract, the surety has been contacted and engaged to arrange for completion of the company's work. The surety is retaining a contractor to complete W-E's work, however, the work cannot be performed by the completing contractor until W-E's contract with the City is terminated.

UPON MOTION duly made and seconded, the Board approved the termination of contract with Warren-Ehret Company of Maryland, Inc. (W-E) for PB 07813, James Gross & Madison Square Recreation Center HVAC System Upgrades.

## MINUTES

PROPOSALS AND SPECIFICATIONS

1. Dept. of Transportation - TR 13002, Reconstruction of  
Footways Citywide  
**BIDS TO BE RECV'D: 05/01/2013**  
**BIDS TO BE OPENED: 05/01/2013**

There being no objections, the Board, UPON MOTION duly made and seconded, approved the above-listed Proposal and Specifications to be advertised for receipt and the opening of bids on the date indicated.

**MINUTES**

Department of General Services (DGS) - On-Call Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an on-call agreement with Johnson, Mirmiran and Thompson (JMT) for Project No. 1126J. The period of the agreement is effective upon Board approval for two years, or until the upset limit is reached, whichever comes first.

**AMOUNT OF MONEY AND SOURCE:**

\$1,831,748.40 - Upset limit

Funds will be identified as tasks are processed.

**BACKGROUND/EXPLANATION:**

Various City agencies, on a continuing basis, require civil and structural engineering services to modify, upgrade or repair their facilities. Typically, the work involved is limited in scope or of an urgent nature, which in either case, should not be postponed until the customary civil/structural engineering selection process can be executed. To accommodate this type of work, the DGS wishes to establish an on-call civil structural engineering agreement with the JMT. The services will be provided on an as-needed basis, as needs are identified.

The cost of services rendered will be negotiated on a not-to-exceed price for each task assigned. The fees will be based on actual payroll rates, not including overhead and burden, times a set multiplier. The payroll rates and multiplier have been reviewed by the Department of Audits.

The period of the contract will be two years. However, projects started within the two-year period may continue beyond the two-year time frame until completion. The total fee for this consultant's contract will not exceed \$1,831,748.40 for the two-year period.

The consultant was approved pursuant to the Architectural and Engineering Awards Commission (AEAC), under AEAC Project No. 1126.

## MINUTES

DGS - cont'd

**MBE/WBE PARTICIPATION:**

**MWBOO SET GOALS OF 23% FOR MBE AND 10% FOR WBE.**

<b>MBE:</b> RJM Engineering, Inc.	0-23%
Findling, Inc.	0-23%
MIN Engineering, Inc.	0-23%
<b>Total</b> (in the aggregate)	<u>23%</u>

<b>WBE:</b> Albrecht Engineering, Inc.	0-10%
Phoenix Engineering, Inc.	0-10%
<b>Total</b> (in the aggregate)	<u>10%</u>

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**AUDITS NOTED THIS ON-CALL AGREEMENT AND WILL REVIEW TASK ASSIGNMENTS.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the on-call agreement with Johnson, Mirmiran and Thompson for Project No. 1126J.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- |  |                    |                  |
|--|--------------------|------------------|
| 1. <u>SOCRATA, INC.</u>  | <u>\$30,000.00</u> | <u>Extension</u> |
| Solicitation No. B50002511 - OpenBaltimore Data Portal Hosting - Mayor's Office of Information Technology - Req. No. R625927 |                    |                  |

On September 26, 2012 the Board approved the initial award in the amount of \$29,994.00. The period of the extension is March 26, 2013 through September 25, 2013.

- |   |                     |                    |
|---|---------------------|--------------------|
| 2. <u>PLATO LEARNING DBA</u>  |                     |                    |
| <u>EDMENTUM, INC.</u>   | <u>\$ 41,529.72</u> | <u>Sole Source</u> |
| Solicitation No. 08000 - Edmentum Software License Upgrades - Mayor's Office of Employment Development - Req. No. R620124 |                     |                    |

This is for the procurement of Edmentum software licenses upgrades. The vendor is the sole provider of the software licenses. A sole source award is recommended. The period of the award is March 27, 2013 through March 26, 2015.

- |   |                     |                 |
|---|---------------------|-----------------|
| 3. <u>MILLENNIUM AUTO PARTS</u>   | <u>\$ 45,000.00</u> | <u>Only Bid</u> |
| Solicitation No. B50002834 - Used Salvage Foreign and Domestic Auto Parts - Department of General Services - Req. No. R618975 |                     |                 |
| 4. <u>ENNIS PAINT, INC.</u>   | <u>\$200,000.00</u> | <u>Renewal</u>  |
| Solicitation No. B50001955 - Thermoplastic Blocks - Department of Transportation - P.O. No. P517285                           |                     |                 |

On June 22, 2011, the Board approved the initial award in the amount of \$220,000.00. The award contained four 1-year renewal options. Subsequent actions have been approved. This renewal in the amount of \$200,000.00 is for the period June 22, 2013 through June 21, 2014, with two 1-year renewal options remaining.

**MWBOO GRANTED A WAIVER.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

5. ACCESSIT GROUP, INC.	\$100,000.00	Sole Source/ Agreement
Solicitation No. 08000 - Sourcefire Network Security Agreement - Police Department - Req. Nos. Various		

The Board is requested to approve and authorize execution of an agreement with AccessIt Group, Inc. The period of the agreement is effective upon Board approval for one year with four 1-year renewal options for maintenance and support.

This new agreement will provide a vital network security solution for the Baltimore City Police Department. The vendor is the sole provider of the highest level of implementation, maintenance, and technical support required for this network security system.

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

**A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION.**

**MMCA- Maryland Minority Contractors Association, Inc.**  
A Chapter of the American Minority Contractors and Businesses Association, Inc.-AMCBA  
Baltimore, Maryland 21210  
443-413-3011 Phone  
410-323-0932 Fax

March 26, 2013

Via Facsimile 410-685-4416

Honorable Bernard "Jack" Young  
President, Baltimore City Board of Estimates  
City Hall-Room 204  
Baltimore, MD 21202  
**ATTN: Ms. Bernice Taylor, Esquire, Clerk to the Board**

Dear Mr. President:

I represent the Maryland Minority Contractors Association ("MMCA"), its members, clients and constituents.

I wish to protest Your Honorable Board's approval of the following proposed city contract dollar price increases or modification as set forth in Your Honorable Board's 03/27/2013 public meeting agenda:

1. Item No. 8, as set forth on page 80, which is a proposed \$2,000,000.00 price increase to City solicitation No. B500001027-J.I.T. Office Supplies, with Rudolph's Office and Supply, Inc. our complaint is that the proposed \$2,000,000.00 contract price increase violates the spirit and intent of the City's "mandatory" competitive bidding charter provision, found in Article VI, § 11 et seq;
2. Item No. 5, as set forth on page 79, which is a proposed \$100,000.00 "sole Source" contract award to Accessit Group, inc. allegedly for "source fire Network Security Services," for the Baltimore Police Department. Our concern on this proposed contract is it is not a bona fide "sole Source" contract, and thus, it violates the City's competitive bidding charter provision requiring that such contract be awarded to the "lowest responsive and responsible bidder," as therein delineated;
3. Item No. 6, as set forth on page 79, which is a proposed \$100,000.00 price increase on City Solicitation No. B0001180-Revolution Traffic Cones. Our concern on this proposed contract increase is that it violates the City's competitive bidding charter provision;

4. Item No. 9, as set forth on page 81, which is a proposed \$100,000.00 price to City Solicitation No. B50002088-Drain Cleaning Services. Our concern with this proposed item is that it violates the City's competitive bidding charter provision; and
5. Item No. 13, as set forth on pages 82-85, which is a proposed \$2,705,000.00 price increase on City Solicitation No B50001026-"Provide Temporary Personnel Services."

The City's MWBOO set MBE goals at 15% and WBE goals at 15%. Our complaint is against the various vendors which MWBOO has found to be in non-compliance with the contract set MBE participations. These vendors include: (1) 1<sup>st</sup> Choice Staffing Agency; (2) Abacus Corporation; (3) America on Demand of Maryland; (4) Arbor E & T d/b/a/ Care Resources; and (5) Trustworthy Staffing Solutions. Each of these vendors have been found by MWBOO to be in non-compliance with the contract's MBE goals. Accordingly, this Honorable Board must not approve any proposed price increase to these vendors. This Board has on many occasions rejected the bids of various bidders for this exact MBE program violation, In order to be fair and consistent, this Board must reject any proposed contract dollar increase with any vendor that has been determined by MWBOO to be in "non Compliance" with the contract set MBE goal,

MMCA and its members would suffer cognizable injury if the Board were to approve the above proposed items.

Respectfully Submitted,

*Arnold M. Jolivet*

Arnold M. Jolivet  
Managing Director



## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

President: "The second item on the non-routine agenda, Bureau of Purchases, Sourcefire Network Security Agreement. Will the parties please come forward?"

Tim Krus: "Tim Krus, Bureau of Purchases. This is the award of a Sourcefire Network Security Agreement to Accessit IT Group for the Baltimore Police Department in the amount of \$100,000.00."

Arnold Jolivet: "Good morning, Arnold M. Jolivet."

All Board members: "Good morning."

Arnold Jolivet: "I sent you a letter uh -- I sent you a correspondence -- essentially, I've -- (clears his throat) uh - I take issue with the uh - with the Board -- with the Purchasing Bureau actually uh categorizing this contract as a sole source because uh obviously, it is not a sole source. Uh -- a vague remarking -- remarking and very similar contract, very identical was advertised in the Baltimore Sun about two weeks ago by the Arundel County Government and uh -- minority firm bid the contract and was successful in winning it. So, I have no clue why the City would categorize it and promote it in a sole source

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

category and I ask the Board this morning in its wisdom uh -- to refrain from approving the Bureau of Purchases sole source uh request because how do we know that the City is getting the full value for what it's paying and whenever we have a situation where there is a sole source a non-competitive uh procurement there is no assurance that the City is getting the best the value for its buck and the other issue that is so intricately involved here is that if the City is generally interested in reaching out to the broader community to include the minority community particularly African-Americans firms who have been left out historically. It makes no sense. It makes absolutely no sense for the City to restrict the bidding Mr. President and I - I am somewhat bewildered why the City would with all the problems we got regarding the budget that the City would award \$100,000.00 contract without a bid. Um, but nonetheless I don't want to -- my protest is based on the fact that it solely violates the Charter to go forward with this procurement it is so clear on the face of it that this particular procurement violates the Charter. There is simply nothing unique or special

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Bureau of Purchases

about this procurement that would resuscitate the Bureau of Purchases selecting one vendor. None, not one, so, I think I made my case I don't -- this is such a clear flagrant violate of the Charter that we should not even have to debate it. I've made my case."

Tim Krus: "The Bureau of Purchases was convinced by both the Baltimore City Police Department and the provider of this particular security solution that this was indeed a legitimate sole source acquisition and that both the software that the Police Department was seeking uh and the provider that they were seeking to acquire it from uh were legitimate providers in a sole source award."

President: "So, um what's the difference in what Mr. Jolivet said happened in Arundel County where they found um a minority that could do the work."

Tim Krus: "Mr. President, I can't speak to that because that was not in this Mr. Jolivet's Protest."

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

Mr. Jolivet: "Mr. President, let me --

Mr. Krus: "This is news."

Mr. Jolivet: "What I've would --I mentioned that and I am not sure that they found a minority. I understand what you said but by putting it out to the public to the world that is the purpose of competitive bidding to put all qualified interested bidders on notice that this is a procurement that we are seeking and if by chance you qualify or you have a product that meets the specifications then come forward and give us a bid and if your bid is responsive -- it is responsible and competitive we will consider awarding it to you and that the beauty of competitive bidding and I was astounded to hear Mr. Krus said that they consulted the bid -- the awardee. They consulted with him to determine whether or not his product met the City's requirements. Mr. President, that's just never done."

President: "Madam Comptroller."

Mr. Jolivet: "The last person you are going to consult is the

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

sole selected source. Obviously, he is going to say yeah my product can meet this requirement and no one else's product can do it."

Mr. Krus: "Mr. President, the uh"

Mr. Jolivet: "Foolish. We are foolish to do that"

President: "Madam Comptroller had a question."

Mr. Krus: "I may respond to this"

Comptroller: "Okay."

Mr. Krus: "Tim Krus, Bureau of Purchases uh -- the Baltimore City Police Department investigated these types of intrusion control systems. There are active hacking attempts uh -- in law enforcement networks across the country some have been successful and widely publicized. They have done significant analysis to determine which solution was the best for them. The solutions also is certified by the FBI in this situation which reserves the right to audit their system because it does contain crime data."

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Bureau of Purchases

We weren't consulting Sourcefire for this. We were consulting Sourefire about the particular provider for this that was coming to us. But, the Police Department made a strong enough case to us that Sourcefire was an appropriate sole solution for this.

President: "Okay, Madam Comptroller."

Comptroller: "Yes. I had a question because I questioned it yesterday as to whether another vendor could provide this and your answer and is this true -- you answer was AITG is only platinum level source fire partner in the mid-Atlantic who could provide a certified sourcefire security specialist - they are the only."

Mr. Krus: "That was certified to us by Sourcefire uh -- ,the Baltimore City Police Department is seeking the highest level of partner with Sourcefire to provide the maximum degree of service for this solution and this particular vendor not only is a platinum partner of Sourcefire in providing this but also is the only one that can provide a certified Sourcefire Security Specialist."

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Bureau of Purchases

Comptroller: "Okay."

President: "Okay, I will entertain a motion."

City Solicitor: "I vote to approve the recommendation of the Bureau of Purchases and to deny the bid protest on this item."

Mr. Foxx: "Second."

President: "All in favor say AYE. All oppose NAY. This motion carries."

## 6. NATIONAL CAPITAL

<u>INDUSTRIES</u>	<u>\$100,000.00</u>	<u>Increase</u>
Solicitation No. B50001180 - Revolution Traffic Cones -		
Agencies Various - P.O. No. P510696		

On September 16, 2009, the Board approved the initial award in the amount of \$46,440.00. The award contained three 1-year renewal options. Subsequent actions have been approved. Additional funds are required to meet increasing usage of this contract. This increase in the amount of \$100,000.00 will make the award amount \$306,440.00.

**MWBOO GRANTED A WAIVER.**

**A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION.**

**MMCA- Maryland Minority Contractors Association, Inc.**  
A Chapter of the American Minority Contractors and Businesses Association, Inc.-AMCBA  
Baltimore, Maryland 21210  
443-413-3011 Phone  
410-323-0932 Fax

March 26, 2013

Via Facsimile 410-685-4416

Honorable Bernard "Jack" Young  
President, Baltimore City Board of Estimates  
City Hall-Room 204  
Baltimore, MD 21202  
**ATTN: Ms. Bernice Taylor, Esquire, Clerk to the Board**

Dear Mr. President:

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MMCA and its members would suffer cognizable injury if the Board were to approve the above proposed items.

Respectfully Submitted,

*Arnold M. Jolivet*

Arnold M. Jolivet  
Managing Director

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

President: "The third item on the non-routine agenda can be found on Page 79, Item 6, Bureau of Purchases, Revolution Traffic Cones. Will the parties please come forward?"

Mr. Krus:"This is an increase in funding for revolution traffic, Tim Krus, Bureau of Purchases. This is an increase in funding for revolution traffic cones to National Capital Industries. Um, uh -- \$100,000.00 due to increase usage I would point out that this is a requirements contract and is awarded as such. So, the vendor shall supply the City's requirements be they more or less than the initial estimate."

Mr. Jolivet: "Arnold again. The complaint that I have on this kind, the Purchasing Bureau continues to present arguments that because the contract was initially awarded as a requirements contract -- that's that simply doesn't work that way because what happens is if you accept the premise and if you accept the fact that you can bid a contract that is supposed to -- in the first instance to be awarded to the lowest responsive responsible bidder and then expand the contract because there is

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Bureau of Purchases

a provision in the contract which says that, 'the bidder can provide all the requirements for the City' you are never going to the best value for that and this particular case I just astounded because--"

President: "You have to talk into the mic, Mr. Jolivet."

Mr. Jolivet: "In this particular case, I am a little astounded because there are other vendors out here. There are other vendors who provide this product and to go back and award another \$100,000.00 -- and what's so astounding about this particular proposal is that by extending the contract and expanding it Mr. President what it does it allows a bidder come in real low, real low and win the contract and immediately upon winning the contract, the City Bureau of Purchases gives them another \$100,000.00. That is deception and its fraud it's not right. The small minority guy whose has been in business and they see that kind of shenanigans going on they are not going to bid it."

City Solicitor: "Mr. Jolivet what was the fraud in 2009? I

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Bureau of Purchases

sorry, you said there was fraud to award a contract with options. I don't' that it fraud."

Mr. Jolivet: "No, my point is it is deceptive and it is borders on fraud to award a contract in this case \$46,000.00 and come back within the period which the contractor was suppose award and provide the product and add another \$100,000.00. The contract addition is more than the base bid of the contract and you tell me you don't' understand that. You are giving - you are bidding you contract at \$46,000.00 but even before the durational term of the contract has expired you coming back and you are letting the contractor -- You letting the contractor expand the price that he is charging the City more so than what he bidded initially."

Mr. President: "Makes no since."

City Solicitor: "Are you saying that the price per unit has increased, how do you know that?"

Mr. Jolivet: "No, I -- I"

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Bureau of Purchases

City Solicitor: "What's the original price and what's the new price?"

Mr. Jolivet: "The original price --"

Mr. Krus: "It's a requirements contract."

City Solicitor: "The price per quantity of the item being procured."

Mr. Jolivet: "No. My point is the original price of the contract - the contractor who was originally awarded the bid for \$46,000.00 that was the premise and it is very clear on the face of the con -- the contractor bid the \$46,000.00 knowing full well within a few weeks that the Bureau of Purchases was going to give him a change order."

Comptroller: "I have -- have a --"

Mr. President: "Correspond, Comptroller."

Comptroller: "Yeah, I had a question and I spoke with you (Mr. Krus) if the contract was approved in September 2009 for \$46,000.00 and then in 2010, 2011, 2012 and now 2013 an

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Bureau of Purchases

additional over \$200,000.00 has been increased. If the value and I asked you what was the value of the contract and you said that the value of the contract was \$300,000.00. Why didn't we just put it out, why didn't we accept the \$300,000.00, why would we agree to \$46,000.00. When the response yesterday said that you knew that we were going to spend \$300,000.00. Why we -- why someone bidding and receiving an award of 46,000.00 and then within a three-year period they get an additional \$200,000.00 without having it rebid?"

Mr. Krus: "Madam Comptroller the um award of these requirements contracts is typically done in this case but in unit price with the understanding by the vendor that it is contract to provide the City requirements be it more or less than estimates that we would be built into the contract to let us evaluate price. It's a common practice to do that. Some of the increases that you are speaking of are actual renewals of an additional term of the contract. Mr. Jolivet um -- talked about the initial award which

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Bureau of Purchases

was on July 16, 2009. We didn't come back to the Board for additional money until November 10, 2010, for the first time, not just a couple of weeks later. This is a very common practice across the nation in the solicitation and management of the requirements contracts. As a matter of fact, if I may point out uh, we actually had a practice here of coming back to the Board of Estimates where we said that the City requirements be they more or less. Well, if the requirement turns out to be more, we are coming back to the Board of Estimates telling it that it is more and asking for additional authority."

Mr. Jolivet: "Mr. President, I don't want to beat a dead horse. Uh, but, Mr. Krus misses the point - he misses the point very seriously and that is this requirement contract process, a system. It allows the bidder whose got a little ingenuity to give the City a lower price going in -- give them a lower price here it like the bait and switch."

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Mr. Jolivet: "I give you a price here it looks good but down the road I going to get way more money."

Mr. Jolivet "But, unfortunately Mr. Krus does not see that."

Comptroller: "Let me ask you another question, prior to 2009 when this contract was approved did we have any ideal of the requirements prior to this?"

Mr. Krus: "I can't speak to the ideal that they had in 2009 or years prior generally we try to look at the history of contracts and in additional to that and as I think Mr. Nilson had pointed out earlier we talking about a unit price per traffic cone. The vendor is not getting a higher unit price per traffic cone. We are merely buying more cones."

Comptroller: "But, the concern I have is, I understand that the unit may not be higher but is it fair for someone to bid on a



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contract receive it for \$46,000.00 and then they are able to receive \$306,000.00 without having it rebid -- without going out to see if the City is getting the best price -- "

Comptroller: "Because, wait a minute because -- "

City Solicitor: "Okay."

Comptroller: "It appears to me that we should kind of know how many cones we need. We may not be an exact but if we look at history we could kind of see that we might need more than \$46,000.00 for one and I think - it just - I do believe that just disingenuous to put out a contract and accept it -- the City accept it for \$46,000.00; knowing fair well that you going to need more than that and I understand that it is a requirements contract but the City should do a better job in determining how many cones it really needs so that it can be a fair process."

Mr. Krus: "Madam Comptroller, we do try to do a fair job in determining how many cones we need. Unfortunately, even if you

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Bureau of Purchases

look at the historical record those needs may change."

Comptroller: "Umm, Umm."

Mr. Krus: "They may increase. They may go down. Um, we have recently had some huge water and wastewater incidents that I am sure required quite of few cones and the replacement of cones as those get damaged, so it is both a science and an art to try to come up with the estimate and the reason for establishing the requirement contract in the event that that estimate um -- is not going to be sufficient."

Comptroller: "And, also on the Board letter where it says explain why a waiver is requested it says the vendor must supply and deliver various truck mounded sewer routing machines what does that have to do with this contract, see where it says waiver -- "

Mr. Krus: "Yes, I see that and uh -- "

Comptroller: "What does that have to do with cones?"

Mr. Krus: "I don't know. I've -- "

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Bureau of Purchases

Mr. Foxx: "It's a difference, yes."

Comptroller: "Is that an error."

Mr. Krus: "Yeah, looks like a different slip, yeah. Like a comment on another solicitation."

Comptroller: So, the fact that a waiver -- that this was --

Mr. Krus: "Real typically, Madam Comptroller not be assigning goals to a straight commodity solicitation like cones."

Michael Schrock: "Michael Schrock of the Law Department, Uh, I just want to say that if this bid went out and it is rebid as a requirements contract where the vendors are just bidding on a price and as you said Mr. Jolivet that come up with a low price then let's say that their low price is ultimately bid is 46 and there is 1,000 quantities that we are estimating we going to use but they knowing the bid will be more or less. So, we get the \$46,000.00 that it gets approved at the Board of Estimates on the first run. Any prior approval of that, we've got a bid price that holds steady at that bid price for the full term under the

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Bureau of Purchases

requirements contracts. If the requirements quantity goes up, Purchases under certain authority has the ability approve itself, but on the majority of these has to come back to the Board of Estimates to get your approval to authorize that so, there is a check and balance and if the Board of Estimates did not want to do that you would have authority to not approve that. But, that bid price is set for the term of the contract and if it's a low bid price the City is actually benefitting from that over the full term of the contract."

Mr. Jolivet: "Well, the problem with your argument, if I can be frank candid with you, it does take in consideration that in the bid document at the very inception of the bid the Bureau very rarely can give an accurate account of how much quantity - what the quantities are."

Tim Krus: "It is an estimates."

Mr. Jolivet: "Sometimes it not even an estimate. So, it makes this process - it makes the process - in and of itself bogus."

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Bureau of Purchases

And for a small guy who wants to compete, he gets -- gets run out the time every time he can't compete cause let say they give - once they give -- once they give an estimate of what the quantity are going to be and once those quantities are exhausted then the contract should end. They shouldn't exceed the quantity."

Mr. Schrock: "Let me add that is known to all the bidders at the time their bid goes out that it's an estimate, the quantity could be more or less so they are all on equal footing at that time and they know it. They put the bid price that they know they can compete with over the term and as you said if it's a low bid price it benefits the City."

City Solicitor: "It seems to to me actually, Mr. Jolivet, if the quantity was underestimated and so in the initial it was estimate that \$46,000.00 worth of this material would be purchased that's actually benefitting the small supplier because he able to come in and put his best bid in and it a modest -- um

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INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

volume contract and so, once he gets it it's the actual needs increase he's already on board providing the materials. So, I think its reversed. I think actually the small supplier is benefitting when there's an underestimated in the award."

Mr. Foxx: "Yes, sir."

Mr. President: "The Comptroller has a question first, then back to you Mr. Foxx."

Comptroller: "He can speak first -- "

Mr. Foxx: "Well, I want to make sure that I understood a couple of things and first of all when the original contract went out it was competitively bid right?"

Mr. Krus: "That is correct."

Mr. Foxx: "That's a requirements contract."

Mr. Krus: "Tim Krus, that is correct, that is correct."

Mr. Foxx: "So, that the winner the responsive bidder under bid it pretty much hurt himself in the whole process."

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Mr. Krus: "That is correct."

Mr. Foxx: "So, as we come back with each requirement that bidder that won the contract through competition now has to supply the requirements based on that line item price."

Mr. Krus: "That is correct."

Mr. Foxx: "So, over a series of years using Mr. Jolivet's logic this bidder has been hurting himself every year if he came in and under bid. Am, I correct."

Mr. Krus: "That would be correct."

Mr. Foxx: "Okay."

Mr. Jolivet: "But, you missed the point -- "

Mr. Foxx: "You mentioned competitive bidding."

Mr. Jolivet: "You missed the point, your point is vague - it went right by you --- in the -- The problem that you are not looking at is the low bidder, bid low because he is aware that he is going to make up the low bid by having a substantial increase in the quantity -- "

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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Bureau of Purchases

Comptroller: "Right."

Mr. Jolivet: "And that is passive. This is escaping this Board and its totally escaped Mr. Krus. But nonetheless, Mr. President I've made my case."

President: "Madam Comptroller."

Comptroller: "Yes, in an requirements contract the more or less should be in my opinion should be reasonable and the more or less should not be 50, 70, or 100 percent increase."

Mr. Jolivet: "200 here."

Comptroller: "Unless, there is a significant and unanticipated reason. I know you said that there some like in DPW you said that there were some actions that required an increase. But, if a bidder knows from past experience that the City will need more, the bidder can vote low knowing that the City will really need more and this puts other bidders at a disadvantage and in my opinion, you have not provided any history on how you arrived at estimated value. It just does make sense. I understand what



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Bureau of Purchases

Mr. Jolivet is saying because if I am a vendor and I accept a contract for \$46,000.00 and I know that it's going to be increased over \$300,000.00 that's more for my business and I can get economy a scale and to say that price won't change to the City but to the vendor, the vendor could get a lower price and still have higher margins. So, it just does not make sense for somebody to bid on sometime for \$46,000.00 and then able to without rebid, without any competition, receive \$300,000.00. It just does make sense to me."

City Solicitor: "Madam Comptroller, I will differ with you on the point that the vendors are aware that they are bidding for a requirements contract."

Comptroller: "But, why --"

Tim Krus: "This is a very common purchasing practice."

Comptroller: "But, why should they be allow to get an additional over 200,000 when originally they -- the bid was for \$46,000.00 --"

## MINUTES

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

Mr. Krus: "Because they --"

Comptroller: "without it being rebid? --"

Mr. Krus: "As, Mr. Schrock pointed out, they have committed to that price for the life of that contract."

Comptroller: "But, they are getting an additional 200,000.00."

Mr. Krus: Correct, based on unit price."

City Solicitor: "I would respectfully suggest that certainly this Board um -- on its own initiative or on the recommendation of the Bureau of Purchases and can certainly establish controls and limits to requirements contracts as a matter of policy going forward once that policy is established. But, we are looking at basically an option or utilization of contract that was awarded when it was competitively bid without such a restraining policy. So, I would suggest that we take this item up, and then if the Comptroller or Mr. Krus' agency or anybody else wants to prepare propose a restraint or outer parameters of requirements contracts going forward that we take this up as a separate item."

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INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

President: "I will entertain a motion."

City Solicitor: "Move approval of the recommendation of the Bureau of Purchases."

President: "All those in favor say AYE, all opposed NAY."

Comptroller: "NAY for the reason I stated and also because on the Board letter uh -- a waiver has been requested which has nothing to do cones it has to do with mounted sewer routing machines."

President: "Madam the Motion carries."

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|--|---------------------|------------------|
| 7. <u>LEHIGH OUTFITTERS, LLC</u>   | <u>\$ 35,000.00</u> | <u>Extension</u> |
| Solicitation No. B50000403 - Safety Shoes - Department of Finance - P.O. No. P502695 |                     |                  |

On April 30, 2008, the Board approved the initial award in the amount of \$236,429.00. On December 10, 2008, the Board approved an amendment. The award contained two 1-year renewal options. Subsequent actions have been approved. A two month extension is necessary to re-solicit the City's requirement. The period of the extension is May 1, 2013 through June 30, 2013, with no renewal options remaining.

**MWBOO GRANTED A WAIVER.**

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

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|--|----------------|----------|
| 8. RUDOLPH'S OFFICE &<br>COMPUTER SUPPLY, INC.   | \$2,000,000.00 | Increase |
| Solicitation No. B50001027 - J.I.T. Office Supplies - Agencies<br>Various - P.O. No. P511280 |                |          |

On July 1, 2009, the Board approved the initial award in the amount of \$1,423,280.00. On July 13, 2010, the City Purchasing Agent approved an increase in the amount of \$50,000.00. The award contained one 1-year renewal option. Subsequent actions have been approved. This increase in the amount of \$2,000,000.00 will provide funds through July 31, 2014 and will make the award amount \$8,023,280.00. The contract expires on July 31, 2014, with one 1-year renewal option remaining.

**MWBOO SET GOALS OF 5% MBE AND 0% WBE.**

<b>MBE:</b> Sutherland Data Products	4%
Sym, Inc.	1%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION.**

**MMCA- Maryland Minority Contractors Association, Inc.**  
A Chapter of the American Minority Contractors and Businesses Association, Inc.-AMCBA  
Baltimore, Maryland 21210  
443-413-3011 Phone  
410-323-0932 Fax

March 26, 2013

Via Facsimile 410-685-4416

Honorable Bernard "Jack" Young  
President, Baltimore City Board of Estimates  
City Hall-Room 204  
Baltimore, MD 21202  
**ATTN: Ms. Bernice Taylor, Esquire, Clerk to the Board**

Dear Mr. President:

I represent the Maryland Minority Contractors Association ("MMCA"), its members, clients and constituents.

I wish to protest Your Honorable Board's approval of the following proposed city contract dollar price increases or modification as set forth in Your Honorable Board's 03/27/2013 public meeting agenda:

1. Item No. 8, as set forth on page 80, which is a proposed \$2,000,000.00 price increase to City solicitation No. B500001027-J.I.T. Office Supplies, with Rudolph's Office and Supply, Inc. our complaint is that the proposed \$2,000,000.00 contract price increase violates the spirit and intent of the City's "mandatory" competitive bidding charter provision, found in Article VI, § 11 et seq;
2. Item No. 5, as set forth on page 79, which is a proposed \$100,000.00 "sole Source" contract award to Accessit Group, inc. allegedly for "source fire Network Security Services," for the Baltimore Police Department. Our concern on this proposed contract is it is not a bona fide "sole Source" contract, and thus, it violates the City's competitive bidding charter provision requiring that such contract be awarded to the "lowest responsive and responsible bidder," as therein delineated;
3. Item No. 6, as set forth on page 79, which is a proposed \$100,000.00 price increase on City Solicitation No. B0001180-Revolution Traffic Cones. Our concern on this proposed contract increase is that it violates the City's competitive bidding charter provision;

4. Item No. 9, as set forth on page 81, which is a proposed \$100,000.00 price to City Solicitation No. B50002088-Drain Cleaning Services. Our concern with this proposed item is that it violates the City's competitive bidding charter provision; and
5. Item No. 13, as set forth on pages 82-85, which is a proposed \$2,705,000.00 price increase on City Solicitation No B50001026-"Provide Temporary Personnel Services."

The City's MWBOO set MBE goals at 15% and WBE goals at 15%. Our complaint is against the various vendors which MWBOO has found to be in non-compliance with the contract set MBE participations. These vendors include: (1) 1<sup>st</sup> Choice Staffing Agency; (2) Abacus Corporation; (3) America on Demand of Maryland; (4) Arbor E & T d/b/a/ Care Resources; and (5) Trustworthy Staffing Solutions. Each of these vendors have been found by MWBOO to be in non-compliance with the contract's MBE goals. Accordingly, this Honorable Board must not approve any proposed price increase to these vendors. This Board has on many occasions rejected the bids of various bidders for this exact MBE program violation, In order to be fair and consistent, this Board must reject any proposed contract dollar increase with any vendor that has been determined by MWBOO to be in "non Compliance" with the contract set MBE goal,

MMCA and its members would suffer cognizable injury if the Board were to approve the above proposed items.

Respectfully Submitted,

*Arnold M. Jolivet*

Arnold M. Jolivet  
Managing Director

## MINUTES

President: The fourth item on the agenda item 8, Bureau of Purchases, Office Supplies.

Mr. Krus: This is a competitively bid requirements contract for Office Supplies and it is requesting an increase of \$2,000,000.00 to meet the City's needs.

Comptroller: Again, let me ask you a question, what was the basis of this because what are we ordering such that we didn't know that we needed this additional two million, what was being ordered that?

Mr. Krus: A variety of office supplies from an office supply catalogue it becomes very difficult to predict uh exactly what agencies will use and over time um -- the prices increase but again the bidders committed to a certain set of prices from their catalogue. All bidders when this was initially awarded were quite clear that was an office supplies catalogue. It was going to be made available to City agencies through an electronic punch-out to that bidders' website. So, they have a very clear -- that this was a requirements contract that was going to last for a number of years.

Mr. Jolivet: Mr. President, I just want a -- I think that the

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

arguments that I've already made relates to this and there is only one observation that I would like to communicate to the Board on this item. I am somewhat concerned that a contract can start at \$1.4, 2, 3 million dollars and escalates to \$8,000,000.00 in less than three years. That is just astounding. But, the thing I want to convey to this morning that I find very um -- astounding is the fact that Article VI, Section 11(a) says, 'that the Board of Estimates shall be responsible for awarding contracts and supervising all purchasing by the City as providing in this Section and elsewhere in the Charter.' Now, to see here where the Bureau of Purchases admits that the Purchasing Officer single-handedly unilaterally awarded a \$50,000.00 increase without coming to the Board with it astounds me. It's just not in conformity with what the Charter says. So, I would ask the Board in its wisdom, I would ask Board in its wisdom if you are going to use -- apparently this is another requirements contract -- if you are going to use a requirements contract concept or system, we got to have more control over the



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Bureau of Purchases

Bureau of Purchasing uh - Chief's ability and authority to unilaterally award contracts outside the purview of the Board and I not - I just not comfortable that Mr. Nilson actually believes that the Bureau of Purchases, that the Chief of the Bureau of Purchases according to Article VI, Section 11(a) is authorized to single-handedly unilaterally increase a contract without coming to the Board.

City Solicitor: Well --

Mr. Jolivet: Mr. Nilson, you can't tell me that you actually you believe that

City Solicitor: Except, that action in July 2010 is not right before us --

Mr. Jolivet: It's before us but it's rolling.

City Solicitor: But, okay - I, I

Mr. Jolivet: It's before use because us shows a pattern. Yes, it is it is before us.

President: Comptroller

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

City Solicitor: May I address Mr. Jolivet's

Mr. Jolivet: Let me -- let me

President: Okay, certainly

Comptroller: What was the basis for this contract because to me it seems as though we knew that we were going to spend - more than 1.4 million and another question I had is why is there MBE WBE goals set so low because normally we should be able to determine what office supplies we need by looking at past history and so in the last four years we only spend 1.4 million and now three years later a contractor goes from 1.4 million is now over 8 million without it being rebid. It just seem like --

Mr. Krus: Madam Comptroller, I don't' want to make it look like um -- we are trying to hide anything in this process. We have a process by which a contract like this which is very broad where we establish market basket of goods that we ask the vendors to bid on that we know are our most frequently used items. We may also ask the vendor to provide us a discount off of their catalogue price for items that come up that we purchase from

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

them that are not part of that initial market basket. Those vendors then build on estimated quantities that we need in order to evaluate the price of those bids for award. Sometimes what you will see in these contract value summaries is the result of that initial estimate that was used for evaluation that may only apply for the first year or so of the contract and not stretch beyond all of the contract renewals. One thing you have to be careful with in the requirements contract is you don't raise expectation of vendors that they are going to obtain too much business from the City. Get out there and come to the Board and say Board I'd like \$50,000,000.00 for office supplies. Uh, do we want the vendor believe that going to get that much business because clearly they wouldn't gotten that year. So, our practice has been to come up with the estimate and the award as I have described and then come back to the Board for increases as appropriate, holding the vendor to that initial commitment and it is a very, very common practice nationwide in procurement.

## MINUTES

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

City Solicitor: Do I understand what you are saying is that the quote estimate is often not - it's a low estimate almost intentionally and you put the estimate in there so as to create a market basket collection of different items that are going to be purchased in under the requirements contract so that you can compare bids that are submitted so it's for evaluation purposes almost more than it is for estimating purposes.

Mr. Krus: Yes.

City Solicitor: Am, I understanding that

Mr. Krus: Yes, you are.

Comptroller: Let me ask you a question why should we care whether or not a vendor has the expectation of getting more money from the City than not, why do we care about that? And the other question is when we knew in April 6, 2011 that we asked for an additional 1.5 million why didn't we put it out because in less one year later we asked for a \$3,000,000.00 increase and here we are today asking for another \$2,000,000.00. So why

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Bureau of Purchases

didn't we have the foresight to realize that we were spending - that we needed more supplies than we originally thought in 2009, why would we increase the contract over 6.5 million without rebidding it?

City Solicitor: If I may, I would offer the following thoughts on your first question as to why do we care and why did we not more robustly estimate. If we set a higher estimate, we are going to discourage smaller suppliers, small businesses from submitting a bid cause they are likely to say that 'I can't possibly supply that volume' number one and number two, if we high-side estimate then they are going to submit lower prices and say you hoodwinked us - you tricked us. You are not really going to use that much, you are going to use one-fifth that amount and we've given you the volume price based on your high estimate. So, it would be unfair to the vendor community in those two respects to robustly estimate.

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Bureau of Purchases

Comptroller: "I disagree, I totally disagree because I am not saying that the estimate has to be robust. All I am saying is that Purchasing should take a look at past history and and --"

City Solicitor: "I agree with"

Comptroller: "-- and bid it correctly."

City Solicitor: "That makes perfectly good sense."

Comptroller: "So, why should we care should we care, we are not going to --"

City Solicitor: "Look --"

Comptroller: "asking \$50,000.00 worth of supplies when we know we only need \$8,000,000.00 in four years."

City Solicitor: Well, then maybe for example, one of the things that the Board can do as a matter of policy in the future is when Purchasing brings forward to us a requirements contract to insist that they tell us what the past history of Purchasing was.

Comptroller: "Right --"

City Solicitor: "So, as I said before --"

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Bureau of Purchases

Comptroller: " -- What's their basis --"

City Solicitor: So, we that we know that they estimating - if they are estimating in the bid \$1,000,000.00 if actual the historical purchases was \$200,000.00 we will see that and we can ask questions when -- "

Comptroller: "-- exactly."

City Solicitor: the contract was initially bid that just a thought."

Comptroller: " -- So, why was the goal --"

Mr. Krus: "I am not sure Madam Comptroller and to Mr. Nilson's point I am not sure we would see that changing the overall spending of the contract. We will look at what we have done here had we come to the Board initially for \$8,000,000.00 on this contract um -- the prices would be the same rather than coming back to the Board in these increments."

Comptroller: "But, that's not the point. The point to me is in

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Bureau of Purchases

of April 2011 when you came back and asked for 1.5 million why didn't you have foresight to put it out for bid again because you came back in less than one year and asked for another \$3,000,000.00 and then you are here today asking for another \$2,000,000.00. So, within a two-year period, you are asking for 6.5 million without rebidding it. So, you must have had some knowledge or history that you needed more supplies."

Mr. Krus: "The Bureau of Purchases can certainly increase the estimate that it asked the Board to approve. What we are doing here is allowing the Board to see this spend incrementally um -- as it occurs across the life to the contract based on the original commitment of the vendor."

Comptroller: "But, why didn't we put it out to bid knowing that we -- year-by-year are spending an additional seven million dollars? Why wouldn't we put it out for bid knowing that in 2011 that we needed more supplies?"



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

Mr. Krus: "Madam Comptroller, when we put it out for bids the vendors are more clear that they are not being um -- given a specific dollar amount."

Comptroller: "But, it's not just fair It's just not fair that someone to receive an award for 1.4 million and then within three years they get \$8,000,000 that's -- I, I don't want to belabor it either but that doesn't make sense."

Mr. Krus: "Madam Comptroller, I can only point out that in public purchasing this happens every day and --"

Comptroller: "But, that is not fair."

Mr. Krus: "This is the way requirements contracts are solicited and managed and the vendors are well aware of how we make an apples-to-apples comparison in their prices and what opportunities they might have on a contract like this is set up."

Comptroller: "That doesn't make sense. Mr. Corey, do you want to respond how the uh -- goals are so low?"

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

Mr. Corey: Good morning, Thomas Corey, Chief of the Minority and Women's Business Opportunity Office. Yes, I will respond. There are two things that impact over the size of the goals of this particular contract. One, of course, is the number of companies out there rarely provide this type of commodity and two, it is a commodities contract. By and large that all it is and so there is very little that you can do in terms of subcontracting out on a commodities contract."

Comptroller: "On supplies?"

Mr. Corey: "On supplies, yeah. You are buying a pen but what can you do - you are buying."

Comptroller: "You can get it from a MBE or WBE."

Mr. Corey: " -- and that's what you have. Your have --"

Comptroller: "Why is it set so low?"

Mr. Corey: "Because you have to look at the availability of the number of firms out there that can provide particular service or this particular commodity, or this particular product, and in

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Bureau of Purchases

our database there is not very many and to go a bit further we have always encouraged the Bureau of Purchases to make their contracts smaller. So, these smaller firms can have an opportunity to bid. The larger they are you put the other folks out of the market. So, I've heard this argument about making the contracts larger where we have always encouraged the Bureau of Purchases to make their contracts smaller so that we can get smaller guys into the mix.

Comptroller: "But, you know Mr. Corey, you know, having the goals low if the goals were higher the minority business would work towards being able to expand and be able to provide these goods and service. When you set it low, they don't get an opportunity to make a lot of money so that they can expand."

Mr. Corey: "I understand that. But, we have to set the goals that will comply with the Law not just on some arbitrary basis."

Comptroller: "Okay."

President: "I will entertain the motion."

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Bureau of Purchases

Mr. Jolivet: "Mr. President, just"

Mr. Corey: "and of course, a last point. The person-- the company that has the contract is a WBE."

Mr. Jolivet: Irrelevant.

City Solicitor: Move to approve the recommendation of the Bureau of Purchases and to reject the bid protest.

President: All in favor say 'AYE' those opposed 'NAY'. Please Note that Council President votes No on this one."

Comptroller: I vote NO also.

President: "The motion carries."

## MINUTES

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Bureau of Purchases

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| 9. MITCHELL PLUMBING &<br>HEATING, INC.   | \$100,000.00 | Increase |
| Solicitation No. B50002088 - Drain Cleaning Services -<br>Department of General Services - P.O. No. P518386 |              |          |

On September 14, 2011, the Board approved the initial award in the amount of \$138,230.00. The award contained one 2-year renewal option. Due to increased usage of this contract an increase in the amount of \$100,000.00 is necessary. This increase will make the total award amount \$238,230.00, with one 2-year renewal option remaining.

President: "The fifth item on the item on the non-routine agenda can be found on Page 81, Item no. 9, Bureau of Purchases, Drain Cleaning Services."

Mr. Krus: "Tim Krus, Bureau of Purchases, this is a competitive rebid requirements contract for Drain cleaning services with an increase based on increased usage to Mitchell Plumbing and Heating of \$100,000.00."

Mr. Jolivet: "Mr. President my arguments that were made for the prior contracts would be applicable to this one and I would ask the Board to allow me to incorporate my arguments made before to this contract."

## MINUTES

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

President: "I will entertain a motion."

Comptroller: "Wait a minute I have some questions, hold on."

President: "Okay, you got to let me know."

Comptroller: "This is on the Mitchell contract. Um, question, how much do we really need and why hasn't it been reviewed, my question?"

Mr. Krus: "Because it is a requirements contract based on explanations that I have given before to you."

Comptroller: "How many bidders were there and what were their amounts?"

Mr. Krus: "I don't recall how many bidders there were in the initial contract."

Comptroller: "And so, you base this estimate on prior years?"

Mr. Krus: "We based it on the usage that the agency has to date. The agency was running out of money to provide these services and we came to the Board for an increase based on that need."

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

Mr. Foxx: "Is the contract on its first two-year renewal?"

President: "Comptroller."

Mr. Krus: "There is one two-year option remaining but based on the agency's usage, we needed to come back to the Board for an increase prior to that."

President: "I will entertain a motion."

City Solicitor: "Move approval of the recommendation of the Bureau of Purchases and denial of the protestant."

Mr. Foxx: "Second."

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

Comptroller: "I vote No."

President: "Please note Comptroller Pratt votes No."

Comptroller: "And, I have a comment."

President: "Go ahead."

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Comptroller: "While you are here and I didn't get an opportunity to ask you but from the contract that was just approved for Rudolph's um -- how many times have they been successful, approximately?"

Mr. Krus: "At least two possibly three. But, I may point out that um -- we did have major office supply corporations interested in this contract."

Comptroller: "So, they have been successful for many years."

Mr. Krus: "They have."

Comptroller: "And so, they have a prior history of what the City spends in this time period and so they can offer better discounts. You don't need to comment. I am just saying how Rudolph have been successful bidder I believe more than two years. So, they have a history of what the City is buying."

Mr. Krus: "Madam Comptroller, the way we look at it in Purchasing is that the major players who come in to bid on office supply contracts like this do a pretty good job of



## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

estimating the opportunity that they have with the City of this size and they ask numerous questions to further refine the estimates that they have. It is very clear to Staples and Office Depot, etc. uh what the opportunity with the City is to these vendors."

**MMCA- Maryland Minority Contractors Association, Inc.**  
A Chapter of the American Minority Contractors and Businesses Association, Inc.-AMCBA  
Baltimore, Maryland 21210  
443-413-3011 Phone  
410-323-0932 Fax

March 26, 2013

Via Facsimile 410-685-4416

Honorable Bernard "Jack" Young  
President, Baltimore City Board of Estimates  
City Hall-Room 204  
Baltimore, MD 21202  
**ATTN: Ms. Bernice Taylor, Esquire, Clerk to the Board**

Dear Mr. President:

I represent the Maryland Minority Contractors Association ("MMCA"), its members, clients and constituents.

I wish to protest Your Honorable Board's approval of the following proposed city contract dollar price increases or modification as set forth in Your Honorable Board's 03/27/2013 public meeting agenda:

1. Item No. 8, as set forth on page 80, which is a proposed \$2,000,000.00 price increase to City solicitation No. B500001027-J.I.T. Office Supplies, with Rudolph's Office and Supply, Inc. our complaint is that the proposed \$2,000,000.00 contract price increase violates the spirit and intent of the City's "mandatory" competitive bidding charter provision, found in Article VI, § 11 et seq;
2. Item No. 5, as set forth on page 79, which is a proposed \$100,000.00 "sole Source" contract award to Accessit Group, inc. allegedly for "source fire Network Security Services," for the Baltimore Police Department. Our concern on this proposed contract is it is not a bona fide "sole Source" contract, and thus, it violates the City's competitive bidding charter provision requiring that such contract be awarded to the "lowest responsive and responsible bidder," as therein delineated;
3. Item No. 6, as set forth on page 79, which is a proposed \$100,000.00 price increase on City Solicitation No. B0001180-Revolution Traffic Cones. Our concern on this proposed contract increase is that it violates the City's competitive bidding charter provision;

4. Item No. 9, as set forth on page 81, which is a proposed \$100,000.00 price to City Solicitation No. B50002088-Drain Cleaning Services. Our concern with this proposed item is that it violates the City's competitive bidding charter provision; and
5. Item No. 13, as set forth on pages 82-85, which is a proposed \$2,705,000.00 price increase on City Solicitation No B50001026-"Provide Temporary Personnel Services."

The City's MWBOO set MBE goals at 15% and WBE goals at 15%. Our complaint is against the various vendors which MWBOO has found to be in non-compliance with the contract set MBE participations. These vendors include: (1) 1<sup>st</sup> Choice Staffing Agency; (2) Abacus Corporation; (3) America on Demand of Maryland; (4) Arbor E & T d/b/a/ Care Resources; and (5) Trustworthy Staffing Solutions. Each of these vendors have been found by MWBOO to be in non-compliance with the contract's MBE goals. Accordingly, this Honorable Board must not approve any proposed price increase to these vendors. This Board has on many occasions rejected the bids of various bidders for this exact MBE program violation, In order to be fair and consistent, this Board must reject any proposed contract dollar increase with any vendor that has been determined by MWBOO to be in "non Compliance" with the contract set MBE goal,

MMCA and its members would suffer cognizable injury if the Board were to approve the above proposed items.

Respectfully Submitted,

*Arnold M. Jolivet*

Arnold M. Jolivet  
Managing Director

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

- |  |              |          |
|--|--------------|----------|
| 10. THE ASSET STORE d/b/a<br>OVERSTOCK OUTLET  | \$ 15,000.00 | Increase |
| Solicitation No. B50002014 Furnish and Deliver Bed Sets<br>Mattresses, Box Springs, Bed Frames & Mattress Covers - Fire<br>Department - P.O. No. P517969 |              |          |

On August 17, 2011, the Board approved the initial award in the amount of \$27,900.00. Due to increase usage of the contract an increase in the amount of \$15,000.00 is necessary. This increase will make the total award amount \$72,900.00.

- |   |              |          |
|---|--------------|----------|
| 11. FREEMIRE & ASSOCIATES,<br>INC.  | \$ 30,000.00 | Increase |
| Solicitation No. 08000 - DeZurik Plug Valves and Parts -<br>Department of Public Works, Bureau of Water & Wastewater -<br>P.O. No.P516391 |              |          |

On March 2, 2011, the Board approved the initial award in the amount of \$44,000.00. The award contained two 1-year renewal options. Subsequent actions have been approved. Due to an unanticipated increase in usage of supplies from this vendor an increase in the amount of \$30,000.00 is necessary. This increase will make the total award amount \$94,000.00.

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

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

12. JAN FERGUSON, INC.	\$ 0.00	Renewal
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Solicitation No. B50001013 - Landscaping Exterior & Interior Plants Maintenance Service - Agencies - Various - P.O. No. P508186

On May 13, 2009, the Board approved the initial award in the amount of \$33,257.60. The award contained two 1-year renewal options. Subsequent actions have been approved. This final renewal is for the period May 11, 2013 through May 10, 2014.

**MBE:** Missouri Landscaping 10%

**WBE:** K&M Professional Services, 5%  
LLC.

**MWBOO FOUND VENDOR IN COMPLIANCE.**

13. 1 <sup>ST</sup> CHOICE STAFFING AGENCY, LLC ABACUS CORPORATION AMERICA ON DEMAND OF MARYLAND, INC. NEC STAFFING SERVICES TRUSTWORTHY STAFFING SOLUTIONS EXCEL STAFFING & PERSONNEL SERVICES DEPENDABLE NURSING SERVICES ARBOR E&T, LLC, d/b/a CARE RESOURCES	\$2,705,000.00	Increase
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Solicitation No. B50001026 - Provide Temporary Personnel - Agencies - Various - P.O. Nos. Various

On July 29, 2009, the Board approved the initial award in the amount of \$5,000,000.00. The award contained one 2-year renewal option. Subsequent actions have been approved. Due to increased usage of the contract, the initial award amount

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

to each vendor is almost depleted. This increase in the amount of \$2,705,000.00 is necessary to ensure continuity of services. This increase makes the total award amount \$20,980,000.00. The contract expires on July 31, 2013 with one 2-year renewal options.

**MWBOO SET MBE GOALS AT 15% AND WBE GOALS AT 15%**1ST CHOICE STAFFING AGENCY, LLC

**MBE:** Aspen Group, Inc. (MWBOO approved the change from Magnificus Corporation to Aspen Group, Inc.)

**WBE:** Beacon Staffing Alternatives, Inc.

**MWBOO FOUND VENDOR IN NON-COMPLIANCE ON 2/28/13 BECAUSE OF LOW MBE PARTICIPATION.**

ABACUS CORPORATION

**MBE:** Proper Staffing, Inc.

**WBE:** SYM, Inc.

**MWBOO FOUND VENDOR IN NON-COMPLIANCE ON 2/12/13 BECAUSE OF LOW MBE/WBE PARTICIPATION.**

AMERICA ON DEMAND OF MARYLAND, INC.

**MBE:** Proper Staffing, Inc.

**WBE:** Beacon Staffing Alternatives, Inc.

The Department is requesting an increase to maintain continuity of service.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

**MWBOO FOUND VENDOR IN NON-COMPLIANCE ON 2/11/13 BECAUSE OF LACK OF A GOOD FAITH EFFORT AND DID NOT RECOMMEND THAT AN INCREASE BE GRANTED.**

NEC STAFFING SERVICES

**MBE:** Swift Staffing (MWBOO approved the change from Win Win Placements, LLC to Swift Staffing.)

**WBE:** All Pro Placement Services, Inc. (MWBOO approved change from Mary Kraft & Associates, Inc. to All Pro Placement Services, Inc.)

**MWBOO FOUND VENDOR IN COMPLIANCE ON 2/28/13.**

DEPENDABLE NURSING SERVICES

**MBE:** Crownhills Enterprises, Inc. (MWBOO approved the change from Magnificus Corp. and Elite Healthcare Services, Inc. to Crownhills Enterprises, Inc.)

**WBE:** SYM, Inc. (MWBOO approved the change from Community Care Nursing Services, Inc., Trustworthy Staffing Solutions and Lacy's Professional Services Inc. to SYM, Inc.)

**MWBOO FOUND VENDOR IN COMPLIANCE ON 2/28/13.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of PurchasesARBOR E&T d/b/a CARE RESOURCES

**MBE:** Excel Staffing & Personnel Services (MWBOO approved the change from 1<sup>st</sup> Choice Staffing Agency, LLC to Excel Staffing & Personnel Services.)

**WBE:** Dependable Nursing Services (MWBOO approved the change from Mary Kraft & Associates, Inc., Kennedy Personnel Services, Inc., Staff Quest, Inc and Sigman & Summerfield Assoc. Inc. to Dependable Nursing Services.)

**MWBOO FOUND VENDOR IN NON-COMPLIANCE ON 3/1/13 BECAUSE OF LOW MBE/WBE PARTICIPATION.**

TRUSTWORTHY STAFFING SOLUTIONS

**MBE:** Lacy's Professional Nursing Services

**WBE:** SYM, Inc. (MWBOO approved the change from All Staffing Inc. to SYM, Inc.)

**MWBOO FOUND VENDOR IN NON-COMPLIANCE ON 2/28/13 BECAUSE OF LOW MBE/WBE PARTICIPATION.**

EXCEL STAFFING & PERSONNEL SERVICES

**MBE:** Dependable Nursing Services, Inc. (MWBOO approved the change from Trustworthy Staffing Solutions to Dependable Nursing Services, Inc.)

**WBE:** Kennedy Personnel Services

**MWBOO FOUND VENDOR IN COMPLIANCE ON 2/11/13.**

**A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION.**



**MMCA- Maryland Minority Contractors Association, Inc.**  
A Chapter of the American Minority Contractors and Businesses Association, Inc.-AMCBA  
Baltimore, Maryland 21210  
443-413-3011 Phone  
410-323-0932 Fax

March 26, 2013

Via Facsimile 410-685-4416

Honorable Bernard "Jack" Young  
President, Baltimore City Board of Estimates  
City Hall-Room 204  
Baltimore, MD 21202  
**ATTN: Ms. Bernice Taylor, Esquire, Clerk to the Board**

Dear Mr. President:

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Respectfully Submitted,

*Arnold M. Jolivet*

Arnold M. Jolivet  
Managing Director

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

President: "The sixth item on the non-routine agenda can be found can be found on Page 82-85, item 13, Temporary Personnel.

Mr. Krus: This is an increase for providing temporary personnel services to a group of vendors who have been providing those services to the City in the amount of \$2,700,000.00. The contract expires on July 31, 2013 with one 2-year renewal option."

Mr. Jolivet: "Mr. President the uh - the salient point that I would like to convey to the Board here - I was here last week where the Board rejected a contractor's bid because the contractor did not meet the City's MBE requirement and I have always been concerned that the City uh - in particularly this Board, there has been no continuity or uniformity of fairness in the way the City administers its' MBE Program. In certain cases, I supposed depending on who you are you get awarded the contract with ten days to come into compliance. In other cases, you get zapped and

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

you are not even allowed to explain why you didn't meet the minority requirement. Uh, my protest this morning on this contract is that Mr. Corey, and God bless his heart, because he has done the right thing. He has found certain of the contractors or proposed contractors; they are not in compliance with the City MBE requirement and my request to this Board this morning if a contractor has not been - is not in compliance with MBE requirement, uh -- then the proper thing to do -- in light of the fact that the Board is on record of disqualifying and rejecting bids for contractors who have not complied the proper thing to do is to not approve the five contractors here who have not complied. It's a very simple proposition and I would ask the Board to follow the law. Follow the law, if you are not in compliance you don't get the award. If you in compliance obviously you qualify for the award. But, there seems to be this dichotomy where there are times when a contractor is not in compliance they get rejected. There are times when the

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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Bureau of Purchases

contractors is not in compliance they get awarded. There have to be - the City can't have it both ways here. There ought to be some uniformity and consistency as to how we treat contractors coming before this Board. Simple proposition."

Mr. Corey: "Mr. President and members, Thomas Corey, Chief of the Minority and Women's Business Opportunity Office. First let me thank Mr. Jolivet for the blessing. I know am always entitled to one and I like it. Um, but we are looking at two different things here um when we found a bidder non-compliant that bid is not accepted. This is an existing contract where the Bureau of Purchases is asking for an increase. What we found is that these companies - the companies that are named here that are non-compliant they haven't been going a good job in making the goals. So, we have to get their attention and we have to come up with a plan to make them come into compliance with the MBE WBE goals. What we proposed and will be working the Bureau of Purchases from now until the end of this contract is have these companies report to us on a monthly basis with an idea with

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

plans on how they are going to come into compliance and to continue on in this contract."

City Solicitor: "That's an excellent idea and my understanding, Mr. Corey and Mr. Krus, correct me if I am wrong is that the renewal option, if you will, the next option is July. So, it is not that far away."

Mr. Corey: "It's a -- about a quarter ways about three months away. So, we want to have these companies report to us back to the Bureau of Purchases and to my office um -- their compliance and trying to come into compliance with on this contract."

Mr. Nilson: "This kind a -- these particular contracts I would point out create us a special problem because the work that is being handed out to the MBEs that's being done by the subcontractor is exactly the same kind of work that the primes are offering so you have unfortunately a situation where the prime are self-motivated to keep the work themselves and not

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

turn it over to the MBEs and that maybe the cause of their not being in compliance. So --"

Mr. Jolivet: And so you are accepting that?"

Mr. Krus: It's a difficult situation to deal with.

Mr. Jolivet: "You are accepting that"

Mr. Corey: "We are never accepting that, that's why we find them in non-compliance."

Mr. Nilson: "Right."

Mr. Jolivet: "Mr. President one final observation, if I can, is contracts of this kind where the vendor initially uh -- bids low, ultimately comes back before the Board and gets an increase, it is the same identical issue we've had before and I would ask the City to try to do a better job. Because there is a perception in our local City bidders who are qualified, ready, and able to bid, but this kind of procurement process, it hinders and discourages bidders from coming to the City because they can't compete with this. If you are well-known I would ask the City to try to do a better job because when in the City - if

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

the Purchasing Bureau likes you, you know you are going to get favorable treatment. But, a bidder who has never been before the City we not going to come and give the competitive price to the City because of this kind of thing.

Mr. President: "Madam Comptroller."

Comptroller: "Yeah, Mr. Corey you said that you were going to monitor the -- the amount of money that is being spent with the MBEs and WBEs."

Mr. Corey: "Yes. I know."

Comptroller: "Could you report back to the Board your findings?"

Mr. Corey: "Sure, yeah, you have to give information both the prime and the subs now. So, we will be bringing back information on both parties."



## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Comptroller: "Okay, so the recommendations and the renewals and the --

Mr. Corey: "Certainly will."

Comptroller: Okay."

President: Um, Mr. Corey on any other um -- bid if we found I know this is a different one -- you found them non-compliant what would the action be?

Mr. Corey: If it's a bid it is coming to the Board for an initial award, if we found a non-compliant then we ask that the bid be found non-compliant and not awarded to that contractor.

Comptroller: But, that's not true because there have been actions before this Board where a bid has been awarded and before it was started that the MBE or WBE come into compliance.

Mr. Corey: Yes, that is correct.

City Solicitor: That is when -- none of the bidders are not - are not compliant.

Mr. Corey: Where there is none of the bidders are compliant or there is only one bidder.

Mr. Foxx: "Right."

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Mr. Corey: "Right."

City Solicitor: "Okay."

President: "I will entertain a motion."

City Solicitor: I move that with the understanding and expectation of the heightened activities between now and the next benchmark date in July, I move approval as to the recommendation of the Bureau of Purchases and denial of the protest.

Mr. Foxx: "Second."

President: All those in favor say 'AYE' those opposed 'NAY'. Please note that Council President votes **NO**. Comptroller Pratt **ABSTAINS**.

Comptroller: "Right."

President: "This motion carries."

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

14. STEPHAN L. GREEN TRAILERS		Termination &
GJ&L d/b/a		Award
BORDER EQUIPMENT CO.	\$38,000.00	

Solicitation No. B50002773 - Skid Steer Loaders and Flat Bed Trailers - Department of Public Works, Bureau of Solid Waste - Req. No. R621188

On February 6, 2013, the Board approved an item wise award for Skid Steer Loaders to JESCO, Inc. and for Flat Bed Trailers to Stephan L Green Trailers. Stephan L. Green Trailers has produced trailers that do not meet the specification and has concluded and informed the City that it is unable and unwilling to provide the unit specified at his quoted bid price. Therefore, the Board is requested to terminate the contract with Stephan L. Green Trailers for Flat Bed Trailers for default and award the contract to the next lowest bidder GJ&L d/b/a Border Equipment Co. at an increased cost of \$4,400.00. The above amount is the City's estimated requirement. However, the vendor will supply the City's entire requirement, be it more or less.

**MWBOO GRANTED A WAIVER.**

UPON MOTION duly made and seconded, the Board approved the informal awards, renewals, increases to contractors and extensions. The President ABSTAINED on Item No. 11 and voted NO on Item Nos. 8 and 13. The Comptroller voted NO on items Nos. 6, 8, 9, and abstained on Item No. 13.

**MINUTES**

Office of Civil Rights and Wage Enforcement - Hearing Officer Services Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a hearing officer services agreement with Mr. Alan B. Jacobson. The period of the agreement is effective upon Board approval for one year.

**AMOUNT OF MONEY AND SOURCE:**

\$5,000.00 - 1001-000000-6560-424800-603026

**BACKGROUND/EXPLANATION:**

On an as needed basis, at the direction of the Wage Commission, Mr. Jacobson will serve as a Hearing Officer for the Wage Commission. Mr. Jacobson will conduct hearings in the Prevailing and Living Wage Sections as required by Article 5, §§25 and 26, of the Baltimore City Code.

**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 hearing officer services agreement with Mr. Alan B. Jacobson.

## MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Department of Finance</u>			
1. Harry E. Black	National Forum for Black Public Administrators Atlanta, GA April 20 - 23, 2013 (Reg. Fee \$568.00)	Gen. Funds	\$1,372.80

The Department has paid the registration fee in the amount of \$568.00 with a City issued credit card assigned to Mr. Andrew Kleine. Therefore, the disbursement to Mr. Black will be \$804.80.

Fire Department

2. James Clack William Brewer Mark Wagner	Metropolitan Fire Chief's Conference Phoenix, AZ April 6 - 11, 2013 (Reg. Fee \$350.00 ea.)	Gen. Funds	\$5,979.60
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The subsistence rate for this location is \$199.00 per day. The hotel cost is \$189.00 per night not including occupancy taxes in the amount of \$25.08 per night. The Department is requesting an additional \$30.00 per day to cover the cost of meals and incidental expenses.

The Department has prepaid the airfare and registration on City issued credit card assigned to Mr. James Clack. The disbursement to each attendee will be in the amount of \$1,300.40.

## MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Department of Public Works</u>			
3. Neil Moores	CIO Forum Colorado Springs, CO April 29, - May 2, 2013	General Funds	\$1,119.10
<p>The airfare in the amount \$612.10 was prepaid using the City issued credit card assigned to Ms. Lyque O'Connor. The disbursement to Mr. Moores will be in the amount of \$507.00.</p>			
4. Heidi E. Greenleaf	Comparative Compliance Course Prince George's Co. March 31, 2013 - April 26, 2013	Gen. Funds	\$4,480.00

In order to become certified as a Police Officer/Watershed Ranger with Maryland, the employee is required to obtain certification as a Police Officer from the Maryland Police Training Commission within one year of hiring. The Department is requesting permission for Ms. Greenleaf to stay at Towne Place Suites, Marriott Hotel in Prince George County because of the strenuous physical and emotional nature of the daily training activities involved. The commuting in the morning and evening back and forth would be a deterrent on the candidate's full participation's in the training activities each day. Ms. Greenleaf will use a City vehicle to get to the training.

MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Mayor's Office of Human Services</u>			
5. Amy Montiel	Nat'l. Human Services Data Consortium Spring Conference Seattle, WA April 24 - 28, 2013 (\$375.00 Reg. Fee)	Fed. HUD- SHP	\$1,384.60

UPON MOTION duly made and seconded, the Board approved the  
aforementioned travel requests.

\* \* \* \* \*

President: "As there being no further business the Board, will  
recess until twelve o'clock for the opening and receiving of  
bids."

## MINUTES

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

**BIDS, PROPOSALS AND CONTRACT AWARDS**

Prior to the reading of bids received today and the opening of bids scheduled for today, the Clerk announced that the following agencies had issued an Addendum extending the dates for receipt and opening of bids on the following contract. There were no objections.

Bureau of Water and Wastewater

WC 1240, Meter Setting  
Installations and Water Main  
Replacements at Various  
Locations, West Baltimore  
**BIDS TO BE RECV'D: 04/03/2013**  
**BIDS TO BE RECV'D: 04/03/2013**

Bureau of Water and Wastewater

WC 1255, Meter Setting  
Installations and Water Main  
Replacements at Various  
Locations, East Baltimore &  
Locust Point  
**BIDS TO BE RECV'D: 04/03/2013**  
**BIDS TO BE RECV'D: 04/03/2013**

Bureau of Water and Wastewater

WC 1256, Meter Setting Install  
Water Main Repairs & Various  
Locations, Patterson Vicinity  
**BIDS TO BE RECV'D: 04/03/2013**  
**BIDS TO BE RECV'D: 04/03/2013**



## MINUTES

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

<u>Bureau of Purchases</u>	B50002823, Prescription Drug Program (Pharmacy Benefit <u>Manager</u>
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\*OptumRX, Inc.  
CVS Caremark  
Catamaran  
Express Scripts, Inc.  
Aetna Life Insurance Co.

<u>Bureau of Purchases</u>	B50002858, CCTV and Video Surveillance System - Repairs <u>and Installation</u>
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ASG Security  
Highlander Contracting Co., Inc.  
Pinnacle Integrated Systems  
BlueStar Technologies, Inc.  
BFPE International

\*UPON MOTION duly made and seconded, the Board declared the bid of OptumRX, Inc. **NON-RESPONSIVE** due to the company's failure to proffer a bid guarantee as mandated by the solicitation instructions.

MINUTES

Bureau of Purchases

B50002861, Various Pipes & Fittings

Ferguson Enterprises, Inc.  
L/B Water Services, Inc.


Bureau of Purchases

B50002865, Provide & Deliver Assorted Trees-Tree Baltimore Spring 2013

Shemin Nurseries

\* \* \* \* \*

There being no objections, the Board UPON MOTION duly made and seconded, the Board adjourned until its next regularly scheduled meeting on Wednesday, April 3, 2013.

  
JOAN M. PRATT  
Secretary