

MINUTES

REGULAR MEETING

Honorable Bernard C. "Jack" Young, President
Honorable Stephanie Rawlings-Blake, Mayor
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

The meeting was called to order by the President.

President: "I will direct the Board members attention to the memorandum from my office dated May 13, 2013, identifying matters to be considered as routine agenda items, together with any corrections and additions that have been noted by the Deputy Comptroller. I will entertain a motion to approve all of the items contained on the routine agenda."

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

Comptroller: "Second."

President: "All those in favor say 'AYE'. All opposed 'NAY'. The items have been adopted. The Motion carries. The routine agenda have been adopted."

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MINUTES

BOARDS AND COMMISSIONS1. Prequalification of Contractors

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

Amy's Contracting, Services, LLC	\$ 1,500,000.00
Anderson Bros., Inc. d/b/a Anderson Industrial Contracting	\$ 1,500,000.00
C&D Waterproofing Corp.	\$ 8,000,000.00
Caplan Bros., Inc.	\$ 8,000,000.00
Galway Bay Corporation	\$ 57,060,000.00
Interlock Paving, Inc.	\$ 1,500,000.00
Interlock Steelworkers, Inc.	\$ 8,000,000.00
J. Fletcher Creamer & Son, Inc.	\$ 442,170,000.00
Kiewit Infrastructure South Co.	\$ 3,328,218.00
M&V Contractual Service, Inc.	\$ 1,500,000.00
Mel McLaughlin Company	\$ 1,500,000.00
SAK Construction, LLC	\$ 193,095,000.00
Traffic Systems, Inc.	\$ 8,000,000.00

MINUTES

BOARDS AND COMMISSIONS - cont'd2. 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:

AB Consultants, Inc.	Landscape Architect Engineer Land Survey
Alvi Associates, Inc.	Engineer
DM Enterprises of Baltimore, LLC	Engineer
HAKS Engineers, Inc.	Architect Engineer Land Survey
Holbert Apple Associates, Inc.	Engineer
Jenkins Engineering Company	Engineer
Kim Engineering, Inc.	Engineer
Renaissance Planning Group, Inc.	Engineer
Tank Industry Consultants	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

Mayor's Office of Human Services - Memoranda of Understanding

The Board is requested to approve and authorize execution of the memoranda of understanding (MOU). The period of the MOU is July 1, 2012 through June 30, 2015.

1. **QUEEN ANNE'S COUNTY** **\$ 23,412.00**

Account: 4000-490913-3573-333674-603051

The organization will serve 4 eligible participants.

2. **BALTIMORE COUNTY** **\$1,122,267.00**

Account: 4000-490913-3573-333678-603051

The organization will serve 119 eligible participants.

The above counties will provide housing assistance to eligible residents in their respective county and will be responsible for administering tenant-based rental assistance. The counties will contract with individual property owners to participate in the Housing Opportunities for People With AIDS Program.

The MOU is late because of delays at the administrative level and in receiving signatures from Queen Anne's County and Baltimore County.

APPROVED FOR FUNDS BY FINANCE

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the memoranda of understanding.

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Dept. of Housing and Community Development (DHCD) - Option</u>			
1. M. Norma Fowler	926 N. Bradford St.	G/R	\$ 240.00
			\$36.00

Funds are available in account no. 9910-908044-9588-900000-704040, Milton-Montford Project.

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

Department of Law - Payment of Settlement

2. Zavia Booth (Previous Owner)	1046 Valley St.	L/H	\$5,060.00
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On March 14, 2012, the Board approved the acquisition, by condemnation, of the leasehold interest in 1046 Valley St. for the amount of \$12,940.00. The valuation was based upon appraisal reports obtained from independent appraisers. However, the previous owner of the property valued the property interest at \$30,000.00. The parties met in mediation and decided to settle the case for \$18,000.00. Therefore, the Board is requested to approve payment for the amount of \$5,060.00 in settlement of this case. Outstanding municipal liens and charges will be deducted.

Funds are available in Account No. 9990-907714-9593-900001-704040, Johnston Square Project.

UPON MOTION duly made and seconded, the Board approved the option and the settlement payment.

MINUTES

EXTRA WORK ORDER

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UPON MOTION duly made and seconded,

the Board approved the

Extra Work Order

listed on the following page:

1766

The EWO has been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

MINUTES

EXTRA WORK ORDER

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

Bureau of Water and Wastewater

1. EWO #007, \$274,405.66 - SC 8526, Sludge Digester Facilities
at the Back River Wastewater Treatment Plant
\$38,667,000.00 (\$ 22,054.00) Ulliman Schutte 0 15.73
Construction, LLC

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 Enoch Pratt Free Library a Component Unit of the City of Baltimore, Maryland Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2012.

President: "The first item on the non routine agenda can be found on Page 7, item no. 1, Audit of the Enoch Pratt Free Library. A Component Unit of the City of Baltimore, Maryland Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2012. Mr. McCarty from the Department of Audits will read the Audit report."

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

President: "Good morning."

Mr. McCarty: "Members of the Board. I'm Bob McCarty I'm the City Auditor. The Department of Audits has completed its annual audit of the financial statements for the Enoch Pratt Free Library for the fiscal year ending June 30, 2012. We have issued an unqualified opinion, which states that its financial statements present fairly, in all material respects, the financial position of the Library, for the year ended June 30, 2012, in conformity with generally accepted accounting principles. In addition to our audit, we prepared a separate

MINUTES

report, required by both generally accepted auditing standards and *Government Auditing Standards*, which addresses the Library's compliance with certain laws and regulations, and the internal control over our financial reporting relating to financial statements. The Library had six significant deficiencies for fiscal year 2012 and four unresolved significant deficiencies for fiscal year 2011 in accounting control over financial reporting. A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. We consider the following deficiencies in the Library's internal controls to be material weaknesses, and the first three are from 2012. They have not been resolved yet.

MINUTES

Two thousand-eleven, dash one: the Library's Business Office, due to various staffing factors, including other non-financial statement duties assigned to its accounting staff, did not have a sufficient number of adequately trained accounting staff for the timely preparation of its annual financial report. We again recommend that the Library dedicate adequate staffing resources to financial statement preparation to ensure that trained accounting staff has sufficient time to prepare its annual financial report by the December 31, due date. The library has stated that it has taken the necessary steps to correct this finding.

Finding 2011-2, we examined journal entries recorded in the Library's general ledger and found that the Library was unable to provide documentation for the majority of the journal entries tested for both fiscal years 2011 and 2012. Journal entries are used by the Library to adjust its accounting records for posting transactions and allocations, transferring funds, and making necessary corrections. We again recommend that all journal entries have adequate documentation to ensure that the journal entries are authorized, proper, and correct in amount, and that proper account numbers are charged. The Library has stated that it has initiated additional procedures to resolve this finding.

MINUTES

Finding 2011-3, the bank reconciliation for the \$300,000.00 Book Imprest Fund was not properly reconciled to its accounting records at both June 30, 2011 and June 30, 2012. The reconciling items consisted of deposits-in-transit, outstanding checks, and outstanding suspense items, the majority of which were over one year old. These reconciled items were not followed up on in a timely manner, and adjustments and corrections were not made to the Library's accounting records. We again recommend that the Library develop reconciliation procedures that include investigation, I'm sorry investigating and resolving suspense items in a timely manner. The Library has stated that it will resolve this finding by June 1, 2013. The 2012 Findings, Material Findings are next.

Finding 2012-1, the Endowment Fund bank account balance was not properly reconciled to the Library's book balance at June 30, 2012. The Library's reconciling items included unexplained differences of approximately \$50,000.00 as well as checks that had been outstanding for more than five months. We recommend that the Library develop reconciliation procedures that include investigating and resolving the suspense items, which include the previous named unexplained differences, in a timely manner. The Library has stated that it has taken steps to correct this

MINUTES

finding and that all adjustments will be completed by June 1, 2013.

Finding 2012-2. As of June 30, 2012, the Library had not submitted over \$3.2 million of State grant funds due to the City for funds that the City expended on behalf of the Library for Fiscal Year 2012. The State deposits grant funds directly into the Library's endowment fund on a bi-monthly basis. The Library remits to-- the library should remit-- is supposed to remit to the City a portion of State grant funds to reimburse expenditures the City pays on the Library's behalf. We recommend that upon receipt of the State grant funds, the Library review the City's accounting records to determine the portion that is due to the City and remit the City's share at that time. We further recommend that the Library remit to the City the \$3.2 million that was due as of the close of fiscal year 12, as well as any amounts due for fiscal year 13 to date. The Library stated that it has recently remitted the State fiscal year 2012 funds due to the City.

Finding 2012-3. We found errors in the financial statements as originally prepared by the Library. These statements showed approximately \$8 million in deferred revenue, which resulted from the inconsistent posting of the State grant revenue

MINUTES

receipts and amounts due to, and paid to, the City. After our inquiry of this balance, the Library investigated and made the necessary adjustments to correct the deferred revenue account balance. This inconsistency required extensive research by the Library to obtain accurate account balances, which contributed to the delay in the preparation of the financial statements. We recommend that the Library institute policies and procedures whereby the work performed by staff is routinely reviewed by management. We further recommend that State grant revenues be properly recorded and a liability be recognized upon receipt of funds for the City's share of grant revenues. The Library stated that it has instituted new procedures and oversight to minimize these types of errors.

Finding 2012-4. The Library, as of June 30, 2012, could not determine how much was due to the City for fines and fees it had collected. As part of the Library's budget, the City

MINUTES

finances, I'm sorry, the City finances a portion of the Library's expenditures, and the Library is to remit its fines and fees revenues to the City monthly. Our review of the testing revealed that the Library did not -- had not remitted the fines and fees it collected to the City since April 2012. We recommend that the Library reconcile its fines and fees account to determine how much is due to the City. We further recommend that they develop a system to ensure that all fines and fees are remitted to the City monthly. The Library stated that they have initiated additional procedures and will remit the year-to-date amounts due to the City by June 1, 2013. Thereafter, it expects to remit such revenues to the City on a monthly basis. The next findings are significant deficiencies. A significant deficiency is a deficiency or a combination of deficiencies in internal control that is less severe than a material weakness, yet still important enough to merit attention to those charged with governance. We consider the remaining deficiencies in the Library's internal controls, as described below, to be sufficient - to be significant deficiencies. This is a prior finding from last year Finding 2011-4. The City did not remit \$29,213.00 in fines and fees to the City in fiscal year 2011.

MINUTES

In our testing of fiscal year 2011 revenue, we found that the amount in fines and fees posted to the Library's general ledger was \$29,213.00 more than the amount of fines and fees actually remitted to the City. We again recommend that, unless the City can provide proper support for reducing the amount of fines and fees recorded in its general ledger, that the Library remit \$29,213.00 to the City. The Library has stated that it will resolve this finding by June 1, 2013. For Fiscal Year 2012, 2012-5 the Library's \$300,000.00 Book Imprest Fund was established exclusively for the purchase of books and other patron materials. In our test of the Book Imprest Fund, we found that 30% of the items examined, which totaled over \$11,000.00 were not for books or other patron materials. Although the Book Imprest Fund was reimbursed by the Library's endowment fund for these disbursements, we recommend that the Book Imprest Fund be used solely for the purpose for which it was established. The Library has stated that it will use the Book Imprest Fund only will -- will now only use the Book Imprest Fund for its stated purpose. Our last finding is

MINUTES

Finding 2012-6 the Library did not monitor adequately monitor its endowment fund assets of Cash, Temporary Investments, and Consolidated Investments. The assets in the endowment fund have over 100 sub-accounts and our testing revealed that a number of these asset accounts had negative balances, which affects the allocation of interest and market gains and losses. We recommend that the Library perform an analysis of all sub-accounts to determine those that can be closed out or combined with other sub-accounts. The Library stated that it had plans to make to have the necessary adjustments completed by June 1, 2013. As part of attaining reasonable assurance about whether the library financial statements are free of material misstatement, we performed tests of those compliance for certain provisions of laws, regulations, contracts, and grant agreements. Non-compliance with which could have a direct and material effect on the determination of financial statement amounts. The results of our tests disclosed no instances of non-compliance or other matters that were required to be reported on the Governing Auditing Standards."

City Solicitor: "Has your agency formed an opinion about the

MINUTES

adequacy or accepted the Library's responses to your ten items?"

City Auditor: "We will need to follow-up on those, but they gave us a June 1st deadline. We have to go back and look at it at that point and see where they are."

City Solicitor: "Okay."

President: "Anymore questions? Okay. The Audit has been **NOTED.**"

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MINUTES

Department of Audits - cont'd

2. Audit of the City of Baltimore Single Audit for the Year Ended June 30, 2010.

President: "The second item on the non routine agenda can be found on Page 7, item 2, Audit of the City of Baltimore Single Audit for the Year Ended June 30, 2010."

Mr. McCarty: "Good morning again, Bob McCarty City Auditor. This is for the Single Audit 2010 restatement. Due to a number of errors that materially impacted the June 30, 2010 financial statement, it was determined that the City's Comprehensive Annual Financial Report or (CAFR) for the year ended June 30, 2010 was required to be restated. These errors also caused the Single Audit for the fiscal year ended June 30, 2010 to be reissued. The Department of Audits, and Ernst and Young, LLP, issued -- issues the CAFR portion of the report jointly, which includes a separate report required by both generally accepted auditing standards and Government Auditing Standards that addressed the City's compliance with certain laws and regulations and the internal control over financial reporting related to the financial statements. These were the only portions of the Single Audit that needed to be restated. The balance of the Single Audit report is issued by the Department

MINUTES

of Audits and represents mandated coverage of federal grants and this did not require a restatement. So I'll just be addressing the uh -- internal control letter. Uh -- the City had six significant deficiencies in internal control over financial reporting for fiscal year 2010. And I just defined what a deficiency and what the material weakness are. So I'll skip that part if it's okay with everybody. We considered all six deficiencies significant deficiencies in the City's in internal control of our financial reporting to be material weaknesses.

The first 2010-1: During the course of our audit, we identified various accounts for which the Department of Finance, Bureau of Accounting and Payroll Services or (BAPS) could not provide an adequate analysis or listing of items that were included, or should have been included, in capital assets. Various audit differences were noted as a result in construction-work-in-progress. BAPS followed-up on this issue and detected material errors in the financial statements recorded as construction-work-in-progress and other capital asset accounts. In addition, material adjustments were necessary to expense items improperly recorded as construction-work-in-progress. We recommend that a more effective process and associated internal controls for analyzing the construction-

MINUTES

work-in-process (sic) accounts be developed and implemented. The City also should consider the need to centralize this process. The Department of Finance stated that it agrees with the need for more control over the City's capital assets and the accounting for such assets, and is supportive of centralizing the process.

Finding 2010-2: During the course of our audit, we identified various accounts for which management could not provide an adequate analysis or listing of items that were included or should have been included as accruals. Various audit differences were noted as a result in workers' compensation claims accounts. BAPS followed-up on this issue and detected material errors in the financial statements resulting from errors in various accruals. Material adjustments were necessary to properly state accrual amounts, mainly with refund accruals, workers' compensation and grant advances. We recommend that a more effective process and related internal controls should be designed and implemented to ensure each accrual is properly calculated, analyzed, has appropriate supporting detail, and is reviewed by the appropriate personnel at year-end. The Department of Finance stated that the implementation of quarterly financial reporting, additional oversight of agency

MINUTES

accounting, and planned routine accounting analysis and reconciliations will provide more reliable and accurate financial information.

Finding 2010-3: We noted that the preparation of a complete set of financial statements is developed from a variety of sources and the process is more manual and time consuming than necessary. The manual process of preparing the financial statements, a lack of detailed reconciliations to the general ledger, and a lack of well defined review controls resulted in material adjustments that were necessary to properly state accrual amounts at year-end. Delays in issuance were realized as well because of labor intensive efforts to perform manual accounting reconciliations. We recommend that the City develop and document a more effective financial statement close process. This process should delineate -- delineate the roles and responsibilities of City staff in the preparation of the financial statements and include internal controls designed and implemented to timely detect material errors. The Department of Finance stated that it agrees with the recommendation for additional control, documentation, and oversight of the financial statement close process.

MINUTES

Finding 2010-4: We noted that there were material errors related to the accounting for grants -- We noted that there were material errors related to accounting for grants. The grants analysis performed by the City was on an account by account basis and the analysis did not consider whether those multiple accounts related to the same grant. Material adjustments were necessary to properly state the accrual accounts which required large adjustments at year-end. We recommend that a more effective process and associated internal controls for analyzing the grant accounts be developed and implemented. The City should also consider the need to centralize this process. The Finance Department stated that it is currently evaluating how grants are managed and expects to make enhancements to its grant oversight responsibilities during calendar year 2013.

Finding 2010-5: Based on a review of allegations regarding Water and Wastewater billing procedures performed by the Department of Audits, material errors were detected related to Water and Wastewater billings due to information system deficiencies. Material adjustments were necessary to properly state accrual accounts which required large adjustments at year-end. Delays in issuance were realized as well because of labor

MINUTES

intensive efforts to perform manual account reconciliations. We recommend that the information system deficiencies be remediated as soon as possible. Until such time, interim processes should be designed and implemented to mitigate billing errors. The Bureau of Water and Wastewater stated that it acknowledges limitations of the legacy system which provides billing controls for the Utility's customers. The Bureau stated that it has revised internal procedures and its methods of capturing historical billing records.

Finding 2010-6: During our audit, we detected significant errors in the general ledger related to the compensated work accounts. These accounts bill across, bill across City agencies or -- and also HABC for compensation and benefits. These errors were caused by poorly designed internal controls and the fact that amounts are not accumulated and billed on a timely basis. In addition, the controls are not designed to ensure the amounts billed are monitored and collected on a timely basis. We recommend that a process and related internal controls be created to ensure that all compensated work accounts are monitored and analyzed at year-end. This process should also ensure that collection efforts occur timely and that appropriate follow-up occurs on delinquent accounts. The Department of

MINUTES

Finance stated that it will evaluate the current process for compensated work and develop the appropriate mechanisms to accumulate, account for, bill, monitor and collect the costs associated with such work. As part of obtaining reasonable assurance about whether the City's financial statements are free of material misstatements, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which would have a direct and material effect on the determination of financial statement amounts. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards."

President: "Any questions? Thank you. The Audit has been **NOTED.**"

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MINUTES

Health Department - Agreements and Collaborative Action Plan

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of agreements and a collaborative action plan with the following organizations. The period of the agreement is January 1, 2013 through December 31, 2013, unless otherwise indicated.

AGREEMENTS

1. **THE JOHNS HOPKINS UNIVERSITY (JHU)** **\$250,000.00**

Account: 4000-499013-3023-513201-603051

The organization will provide HIV counseling and testing for 13,000 clients who are at risk for HIV infection or who are in various stages of HIV infection and refer infected clients to the Department's Early Intervention Initiative. The provider will also provide testing for other sexually transmitted diseases.

The agreement is late because of delays in receiving an acceptable budget and scope of service.

2. **CHASE BREXTON HEALTH SERVICES, INC.** **\$100,000.00**

Account: 4000-499013-3023-513201-603051

The organization will provide HIV counseling, testing and referral (CTR) services. Clients can get tested confidentially or anonymously. In addition, to walk-in CTR services, the organization will continue its voluntary HIV testing among current primary care patients that receive services in the City.

The agreement is late because the grant was awarded at the end of December 2012 and the delay in receiving an acceptable budget and scope of services.

MINUTES

Health Department - cont'd

3. **GAY FAMILY FOUNDATION, LTD.** **\$ 83,955.00**
d/b/a THE TAYLOR-WILKS GROUP

Account: 4000-427713-3023-273307-603051

The organization will provide technical, research and administrative support services to ensure the provision of HIV/AIDS health care and help current providers improve or expand their service delivery or management capacity. The period of the agreement is March 1, 2013 through August 31, 2013.

The agreement is late because the FY'13 Notice of Award was recently received and approved by the Board on March 13, 2013.

MWBOO GRANTED A WAIVER.

4. **ASSOCIATED BLACK CHARITIES, INC. (ABC)** **\$ 30,719.00**

Account: 4000-427713-3023-274405-600000

The ABC as the Administrative Fiscal Agent for the Ryan White Part A Program provides funds to the Department to support HIV health care services to underserved minority and hard to reach populations.

The funds will allow the Department to increase the number of HIV-positive persons linked to care by addressing the complex social, logistical, and service barriers faced by our clients as they attempt to access health care services. The period of the agreement is March 1, 2013 through August 31, 2013.

The agreement is late because the Notice of Grant Award was just approved on March 13, 2013.

MINUTES

Health Dept - cont'd

COLLABORATIVE ACTION PLAN

5. **AMERICAN CANCER SOCIETY (ACS)/** **\$500.00**
BRIDGES COMMUNITY HEALTH WORKER

Account: 6000-651913-3041-688200-406001

In an effort to achieve national regional, local organization-specific cancer program goals, the ACS and the Department will collaborate to increase colorectal screening through education and awareness. To recognize the efforts of the Department, the ACS will compensate the Department as the Community Health Worker organization up to a total of \$500.00. The period of the collaborative action plan is September 2012 through September 2013.

The item is late because changes in the signatory at the ACS delayed processing.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreements and a collaborative action plan with the aforementioned organizations. The President **ABSTAINED** on item no. 1. The Comptroller **ABSTAINED** on item no.

4.

MINUTES

Health Department - Revised Notification of Grant Award
and Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of a revised notification of grant award (NGA) and execution of an agreement with the Maryland Department of Aging (MDoA). The period of the agreement was April 1, 2012 through March 31, 2013.

AMOUNT OF MONEY AND SOURCE:

\$4,000.00 - 4000-433413-3023-273300-404001

BACKGROUND/EXPLANATION:

The notification of grant award and agreement in the amount of \$90,803.00 was approved on April 24, 2013. This revised grant award is for the FY13 Senior Health Insurance Program (SHIP). The award provided \$4,000.00 to support public education about health insurance plan options to Baltimore City senior residents and their families, and will make the total grant amount \$94,803.00.

These funds also supplemented the Senior Information & Assistance Program.

The revised NGA is late because it was just received from the MDoA.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the revised notification of grant award and execution of the agreement with the Maryland Department of Aging.

MINUTES

Mayor's Office of Information Technology - Payment of Invoice

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize payment to The Towers at Harbor Court Condominiums for the operation and maintenance of antennas used by the Fire & Police Departments during the months of September, October, and November 2012.

AMOUNT OF MONEY AND SOURCE:

\$ 5,359.49	September
5,741.22	October
<u>5,741.22</u>	November
\$16,841.93-	2042-000000-1474-165700-603013

BACKGROUND/EXPLANATION:

The Mayor's Office of Information Technology leases space at The Towers at Harbor Court for the operation and maintenance of antennas, in conjunction with the 800 MHz system for the Fire and Police Departments of Baltimore City. The City's Real Estate Office submitted a renewal request for the Towers to the Board, which was approved on March 20, 2013. However, three months of service was inadvertently omitted from the request. As a result, The Towers at Harbor Court are due payment for the months of September, October, and November of 2012 for a total of \$16,841.93.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized payment to The Towers at Harbor Court Condominiums

MINUTES

Mayor's Office of Information Technology -

for the operation and maintenance of antennas used by the Fire & Police Departments during the months of September, October, and November 2012.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of the modification to the grant award from the State of Maryland, Governor's Office of Crime Control and Prevention (GOCCP).

AMOUNT OF MONEY AND SOURCE:

\$2,400.00 - 4000-809113-6331-456000-404001

BACKGROUND/EXPLANATION:

On February 13, 2013, the Board approved acceptance of the grant from the GOCCP entitled "Pre-Adjudication and Coordination & Transition Center" to fund personnel, contractual services, and assessment tools.

The amount of the grant award was \$130,713.00. The purpose of this modification is to increase the grant by \$2,400.00, making the total amount of the grant \$133,113.00. All other terms and conditions of the grant will remain unchanged.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved acceptance of the modification to the grant award from the State of Maryland, Governor's Office of Crime Control and Prevention.

MINUTES

Police Department - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an agreement with the House of Ruth Maryland, Inc. The period of the agreement is August 1, 2012 through July 31, 2013.

AMOUNT OF MONEY AND SOURCE:

\$10,800.00 - 5000-516411-2252-690500-600000

BACKGROUND/EXPLANATION:

This agreement is funded by the Baltimore City Supervised Visitation grant. On July 28, 2010 the Board approved and authorized acceptance of a grant award for the 2010 City of Baltimore's Cooperative Agreement for Supervised Visitation Center. The grant is intended to address the persistent problem of domestic violence and child abuse in the metropolitan area. This grant provides funds for the creation of a fully functional Supervised Visitation Center in the jurisdiction. The House of Ruth Maryland, Inc. will provide training and technical assistance to Visitation Center Staff.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

MINUTES

Police Department - Amendment No. 1 to Interagency Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of amendment no. 1 to interagency agreement with the Office of the State's Attorney.

AMOUNT OF MONEY AND SOURCE:

\$10,000.00 - 5000-599113-2252-690703-600000

BACKGROUND/EXPLANATION:

On August 22, 2012, the Board approved acceptance of a grant award from the Governor's Office of Crime Control and Prevention for the Youth Violence Reduction Partnership Grant, in the amount of \$322,338.00. On October 10, 2012, the Board approved an Interagency Agreement with the Office of the State's Attorney for \$78,230.00, as a sub-award of the grant noted above. This amendment no. 1 to interagency agreement increases the funding of the interagency agreement making the total amount \$88,230.00 for victim witness/juvenile expenses.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 1 to the interagency agreement with the Office of the State's Attorney.

MINUTES

Department of Finance - AM-203-2, Family and Medical Leave Policy

ACTION REQUESTED OF B/E:

The Board is requested to approve the new Family and Medical Leave Policy, AM-203-2.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The City's Family and Medical Leave Policy describes the procedures City agencies and employees must follow when requesting, approving, and administering leave under the Family and Medical Leave Act (FMLA), 29 U.S.C. §2601. The proposed revisions are intended to bring City policy in line with recent regulatory changes in this area, as well as convey the City's FMLA policy and procedures in a more user-friendly manner.

The proposed policy was reviewed and recommended by a committee of agency human resources/legal representatives, which included the Department of Transportation, the Department of Public Works, the Department of General Services, the Baltimore City Fire Department, the Baltimore City Police Department, the Health Department, Recreation and Parks, Enoch Pratt Free Library, Department of Finance, Baltimore Housing, Baltimore Convention Center, the Mayor's Office of Employment Development, and the City Council Offices. In addition, the policy was reviewed and recommended by the Law Department and the Office of the Labor Commissioner.

UPON MOTION duly made and seconded, the Board approved the new Family and Medical Leave Policy, AM-203-2.

MINUTES

Law Department - Settlement Agreement and Release

The Board is requested to approve the settlement agreement and release for the following claim:

1. Diane Frederick et al v. JemellRayam, et al \$100,000.00

Account:1001-000000-2041-195500-603070

The settlement agreement and release has been reviewed and approved by the Settlement Committee of the Law Department.

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

MINUTES

Department of Housing and -Ratification and
Community Development Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to ratify the services provided and approve an expenditure of funds to pay Leisure Inn. The period of the invoices is February 16, 2012 through January 7, 2013.

AMOUNT OF MONEY AND SOURCE:

\$34,125.00 - 5000-518813-5825-608952-603051

BACKGROUND/EXPLANATION:

This expenditure will pay for temporary relocation for 13 families who stayed at the Leisure Inn located at 6700 Security Boulevard, Baltimore MD 21207 while Lead Hazard Risk Reduction Work took place in their homes. The families varied in size and some required at least two rooms. The invoices are being submitted after services were rendered because State funding was delayed.

The risk of children becoming poisoned due to flaking, peeling, and chipping lead paint in Baltimore City homes remain significant. The Center for Disease Control (CDC) recently issued a ruling that effectively said that there is no safe level of lead in the blood of children. When Lead Hazard Work takes place in a home, families are required to vacate housing as a result of State and Federal regulation. According to the Maryland Department of Environment temporary relocation for tenant-occupied properties is the responsibility of the landlord. However, in the case of owner-occupied properties the City of Baltimore has historically provided temporary relocation

MINUTES

DHCD - cont'd

to families who could not otherwise identify lead-safe housing during lead hazard risk reduction work.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board to ratify the services provided and approved the expenditure of funds to pay Leisure Inn.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a grant agreement with the Maryland Energy Administration (MEA). The period of the grant agreement is effective upon Board approval through September 30, 2013.

AMOUNT OF MONEY AND SOURCE:

\$281,900.00 - 5000-594313-5971-439500-405001

BACKGROUND/EXPLANATION:

The MEA's purpose in the EmPOWER Clean Energy Communities grant is to produce funding for energy efficient, ENERGY STAR qualified, HVAC upgrades in low-income homes in Baltimore City.

The EmPOWER Clean Energy Communities grant will ensure that Baltimore City's Weatherization Assistance Program may allocate additional funding for a minimum of 32 energy efficient HVAC systems in homes receiving weatherization services through leveraged funding sources.

The MEA's overall mission is to reduce energy demand and increase energy efficiency and the use of renewable energy resources. The purpose of the EmPOWER Clean Energy Communities Program is to provide funding to assist local governments and communities whose energy benefits exceed their costs, and to promote affordable, reliable, and clean energy. The DHCD's mission is to guarantee that all citizens of Baltimore City have access to acceptable and affordable housing opportunities in safe, livable, and decent neighborhoods.

The Baltimore City Office of Energy Conservation Services is an agency within the DHCD that enables the low-income families to

MINUTES

DHCD - cont'd

permanently reduce their energy bills by making their homes more energy efficient. The MEA's EmPOWER Clean Energy Communities grant will allow Baltimore City's Office of Energy Conservation Services to replace old inefficient, inoperable, and/or dangerous HVAC systems with energy efficient heating replacements. All households receiving HVAC upgrades will receive additional weatherization measures from the Office of Energy Conservation Services.

MBE/WBE PARTICIPATION:

Minority and Women's Business Enterprise requirements are applicable to heating system replacements that will be conducted by contractors at the DHCD Weatherization Assistance program.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the grant agreement with the Maryland Energy Administration.

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. Michael R. Simms, Jr., developer, for the sale of the property located 1320 McCulloh Street (Block 0397, Lot 007).

AMOUNT OF MONEY AND SOURCE:

\$7,000.00 - Purchase Price

BACKGROUND/EXPLANATION:

The City may dispose of the property by virtue of Article II, Section 15 of the Baltimore City Charter, and Article 13, 2-7 (h)(2) (ii)(c) of the City Code. The project will consist of the conversion of this vacant property into a single-family homeownership unit. The purchaser plans to invest approximately \$42,750.00 into this project.

The sale of this property will generate a considerable amount of revenue in the form of real property taxes to the City. Once transferred and redeveloped the property will be active on the tax rolls of Baltimore City, thereby preventing tax abandonment.

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

In accordance with the City's appraisal policy, the Waiver Valuation process was used in lieu of an appraisal. The property was valued at \$10,000.00 and will be sold for \$7,000.00.

The property will be sold to Mr. Simms for the price of \$7,000.00. It will be sold below the price determined by the Waiver Valuation process because of the following factors:

1. the sale and rehabilitation will help to promote specific benefit to the immediate community,
2. the sale and rehabilitation will eliminate blight,

MINUTES

DHCD - cont'd

3. the sale and rehabilitation will promote economic development through the placement of the subject on the City's tax rolls, and
4. the sale and rehabilitation will help to increase homeownership in the City.

MBE/WBE PARTICIPATION:

It should be noted that the property is not subject to Article 5, Subtitle 28 of the Baltimore City Code because the property will be 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 Mr. Michael R. Simms, Jr., developer, for the sale of the property located 1320 McCulloh Street (Block 0397, Lot 007).

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 Ms. Luisa Ruiz, developer, for the sale of the property located 944 N. Broadway (Block 1215, Lot 021).

AMOUNT OF MONEY AND SOURCE:

\$8,000.00 - Purchase Price

BACKGROUND/EXPLANATION:

The project will involve the conversion of the vacant property into a single-family home which the developer plans to use as a rental property. The sale of this property once developed will generate real property taxes to the City. Once transferred and redeveloped the property will be active on the tax rolls of Baltimore City thereby preventing tax abandonment.

The authority for sale comes from Article II, Section 15 of the City Charter of Baltimore City (2010 edition); and Article 13 of the Baltimore City Code (2010 edition).

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

In accordance with the City's appraisal policy, the Waiver Valuation process used in lieu of an appraisal. The DHCD determined the fair market value of the property to be \$9,300.00 using real estate data. Sale of this vacant property at a price below appraised value will be a specific benefit to the immediate community, eliminate blight, create jobs during reconstruction and the property will be reoccupied and returned to the tax rolls.

MINUTES

DHCD - cont'd

MBE/WBE PARTICIPATION:

The property is valued at less than \$49,999.99; therefore, MBE/WBE is not applicable.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with Ms. Luisa Ruiz, developer, for the sale of the property located 944 N. Broadway (Block 1215, Lot 021).

MINUTES

Department of Housing and - Agreements
Community Development

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

1. **PARKS AND PEOPLE FOUNDATION, INC.** **\$ 63,080.00**

Account: 2089-208913-5930-714934-603051

Under this agreement, the funds will be utilized to subsidize the Building Resources and Nurturing Community Health and Environmental Stewardship (BRANCHES) after-school and summer green job training and employment program, through the Public Housing Greening and Youth Employment Initiative. This initiative will provide youth ages 14-21 to operate at the Perkins and Gilmore Homes after-school green career exploration workshops and field trips, and on-the-job training. They will have employment in the areas of landscaping, storm-water management and erosion control, urban and community gardening, tree planting and addressing the environment and social needs of the community. The period of the agreement is February 1, 2013 through January 31, 2014.

MWBOO GRANTED A WAIVER.

2. **RESERVOIR HILL IMPROVEMENT COUNCIL, INC.** **\$ 66,160.00**

Accounts:	2089-208913-5930-428026-603051	\$ 9,000.00
	2089-208913-5930-428076-603051	\$ 11,200.00
	2089-208913-5930-428081-603051	\$ 16,960.00
	2089-208913-5930-428083-603051	\$ 17,760.00
	2089-208913-5930-428091-603051	\$ 11,240.00

The organization will provide residents with information regarding activities in the community, continue public safety and sanitation efforts, provide quarterly workshops,

MINUTES

DHCD - cont'd

and one-on-one housing counseling services. The funds will be used to subsidize the organization's operating costs. The period of the agreement is November 1, 2012 through October 31, 2013.

MWBOO GRANTED A WAIVER.

On May 2, 2012, the Board approved the Resolution authorizing the Commissioner of the Department of Housing and Community Development (DHCD), on behalf of the Mayor and City Council, to file a Federal FY 2012 Annual Action Plan for the following formula programs:

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

The DHCD began negotiating and processing the CDBG agreements effective July 1, 2012 and beyond, as outlined in the Plan, pending approval of the Resolution. Consequently, the agreements were delayed due to final negotiations and processing.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the aforementioned agreements. The Mayor

ABSTAINED on item no. 1.

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 for the sale of the City-owned properties located at 1303, 1305, 1307, and 1313 N. Central Avenue to Mr. Chen Chong Ming, developer.

AMOUNT OF MONEY AND SOURCE:

\$ 3,750.00 - 1303 N. Central Avenue
 3,750.00 - 1305 N. Central Avenue
 3,750.00 - 1307 N. Central Avenue
 3,750.00 - 1313 N. Central Avenue
\$15,000.00 - Total Purchase Price

BACKGROUND/EXPLANATION:

1303 and 1305 N. Central Avenue will be rehabilitated as apartment buildings, while 1307 and 1313 N. Central Avenue are planned as single family rentals. The properties are located within the Oliver Community. The purchase price and improvements to the site will be financed through a private development partner.

The authority to sell all four properties is Article 13, § 2-7 (h) (2) (ii) (C).

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

The properties located at 1303, 1305, 1307, and 1313 N. Central Avenue are being sold for \$3,750.00 each for a total of \$15,000.00. The Waiver Valuation process determined the price for the properties to be \$8,500.00 each. The properties are being sold to Mr. Ming for less because of the following reasons:

MINUTES

DHCD - cont'd

1. the renovations will be to the specific benefit to the immediate community,
2. the transaction will eliminate blight from the block, and thus eliminate blight from the neighborhood,
3. the sale and rehabilitation will return four vacant building to the City's tax rolls, and
4. the properties are being sold for less than the value determined by the waiver value process because of their conditions, which will require extensive and immediate remediation.

MBE/WBE PARTICIPATION:

The properties are valued at less than \$49,999.99, therefore, MBE/WBE participation is not applicable.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement for the sale of the City-owned properties located at 1303, 1305, 1307, and 1313 N. Central Avenue to Mr. Chen Chong Ming, developer.

MINUTES

TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

1808 - 1809

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

MINUTES

TRANSFERS OF FUNDS

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Planning</u>			
1.	\$ 50,000.00	9905-901009-9186	9905-903009-9188
	22 nd Economic	Planning Dept. -	Planning Dept.
	Development Loan	Init. - Reserves	Init. - Active

This transfer will provide funds for the Department of Planning to hire a contract employee to perform GIS work. This position will complete the final version of the new zoning maps; maintain the on-line mapping and public comment system for zoning along with other assigned duties.

Department of Transportation

2.	\$197,360.00	9950-916080-9512	
	Federal	Traffic Safety	
		Improvements	
		Citywide	
	49,340.00	" "	
	<u>MVR</u>		
	\$246,700.00	-----	9950-907094-9512-6
			Struc.& Improve.
			Northern Parkway
			Adaptive Signal
			Control Technology

This transfer will fund the cost associated with the purchase of software, hardware, and services from Rhythm Engineering through the CitiBuy Procurement System for the project of Northern Parkway Adaptive Control Technology. The procurement will be partially funded by the Federal Highway Administration through project agreement BC-319-016-815.

MINUTES

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Recreation and Parks</u>		
3. \$ 23,500.00	9938-902668-9475	
State	Reserve - Park	
	Perimeter Improv.	
17,000.00	" "	
Rec. &Pks.		
<u>23rd Series</u>	-----	9938-901668-9474
\$ 40,500.00		Active - Park
		Perimeter Improve.

This transfer will provide funds to cover the costs associated with the renovation of Patterson Park Entrance at Eastern and Patterson Park Avenues.

4. \$ 12,000.00	9938-905776-9475	
State	Reserve - Rec.	
	Facility Expansion	
4,000.00	FY'12	
Rec. &Pks.	" "	
<u>26th Series</u>	-----	9938-906776-9474
\$ 16,000.00		Active - Recreation
		Facility Expansion
		FY'12

This transfer will provide funds to cover the costs associated with design services under On-call Contract No. 1167, Task No. 11 to Rummel, Klepper & Kahl, LLP and to reconcile the account's deficit.

MINUTES

PROPOSAL AND SPECIFICATIONS

1. Dept. of Transportation - TR 11320, Greyhound Intermodal Terminal, 2110 Haines Street
BIDS TO BE RECV'D: 06/19/2013
BIDS TO BE OPENED: 06/19/2013

A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION (MMCA).

The protest of the MMCA was **WITHDRAWN** by protestant.

President: "The third item on the non routine agenda can be found on Page 31, item no. 1, Department of Transportation Greyhound Intermodal Terminal. Will the parties please come forward?"

Mr. Jolivet: "Mr. President if I can add. I just found out that the goals set for this project is within the circumstances and the -- and the ceiling that was set by the agency's overall goal that they submit to the Federal Government, and I think it would be appropriate for me to withdraw my complaint."

President: "Thank you. I will entertain a Motion."

City Solicitor: "Move to approve the item on Page 31, item no. 1."

MINUTES

Director of Public Works: "Second."

President: "All those in favor say AYE."

President: "All Opposed NAY. The Motion carries."

City Solicitor: "Aye."

* * * * *

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

May 14, 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.

We wish to file protests against Your Honorable Board approving the following proposed contracts contained on Your Honorable Board's 05/15/2013 public meeting agenda:

- 1) Item No. 1 on page 31, which is a request for Your Honorable Board's authorization to advertise City Department of Transportation Contract TR 11320, Greyhound Intermodal Terminal, 2110 Haines Street.

Our protest against this proposed contract is based on the fact that although the contract is federally funded by the US DOT, the process utilized to establish the DBE goal was flawed and thus the proposed DBE goal for the contract is likewise flawed. The DBE goal for the project should rightfully be set at 40%;

- 2) Item No. 6, page 52, Solicitation B50002858, CCTV and Video Surveillance System Maintenance and Installation.

Our protest is based on the fact that the proposed contract fails to comport with the "mandatory" City's competitive bidding charter requirement as specifically delineated in Article VI, § 11 et seq; and

- 3) Item No. 8, page 57, City Solicitation No. B50002414-Fiber Optic Cable Installation, Maintenance and Repair Services.

Inasmuch as the proposed contract renewal monetary price (\$300,000.00) is substantially greater than the contract's original first term bid price, (\$190,950.00), this proposed contract renewal is a completely new and independent contract, which must comply with the City's "mandatory" competitive bidding charter provision. see e.g., Mayor and City Council of Baltimore and Enviro-Gro v. Bio Gro Systems, Inc., 300 Md. 248; 477 A. 2d 783; 1984 Md. LEXIS 315. (Extension or renewal of a municipal contract required to be competitively bid in the first instance on terms and conditions different than those contained in the original contract violate the competitive bidding requirement of the Baltimore City Charter).

CONCLUSION

Accordingly, for the above stated reasons, Your Honorable Board must reject the proposed City contracts presented for approval herein.

Respectfully Submitted,

Arnold M. Jolivet
Arnold M. Jolivet
Managing Director

MINUTES

Department of Transportation - Amendment No. 1 to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of amendment no. 1 to agreement with Wallace Montgomery & Associates, LLP., for Project No. 851, Rehabilitation of the Lafayette Avenue Bridge over Amtrak Railroad. The amendment no. 1 to agreement extends the period of the agreement through May 4, 2015.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On May 5, 2010, the Board approved an agreement with Wallace Montgomery & Associates, LLP in the amount of \$671,558.93 to perform work for the final design required to prepare the bid documents for the Rehabilitation of the Lafayette Avenue Bridge over Amtrak Railroad. On April 20, 2011, the City approved Change Order No. 1 in the amount of \$87,446.30 to provide for design engineering services in connection with the Rehabilitation of the Lafayette Avenue Bridge over Amtrak Railroad to include material testing, pier analysis and survey information.

This additional request for a one year time extension is needed to complete additional work.

MBE/WBE PARTICIPATION:

The consultant will continue to comply with Title 49 Code of Federal Regulations parts 26 and the DBE goals of 23.17% established in the original agreement.

AUDITS NOTED THE TIME EXTENSION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 1 to agreement with

MINUTES

Department of Transportation - cont'd

Wallace Montgomery & Associates, LLP.for Project No. 851,
Rehabilitation of the Lafayette Avenue Bridge over Amtrak
Railroad.

MINUTES

Department of Transportation - Amendment No. 1 to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of amendment no. 1 to agreement with URS Corporation, Inc. for Project No. 1123, On-Call Transportation Planning/Policy/Feasibility Studies. The amendment no. 1 to the agreement will extend the period of the agreement through June 7, 2014.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On June 8, 2011, the Board approved the initial agreement in the amount of \$1,500,000.00 with URS Corporation, Inc. for two years to perform feasibility analysis and alternatives development for highway, bridge, bicycle and transit project services, for a two year period.

This request for a one-year time extension will allow for the completion of various ongoing design tasks.

MBE/WBE PARTICIPATION:

MBE: 21.00%

WBE: 9.00%

The consultant will continue to comply with Article No. 5, Subtitle 28 of the Baltimore City Code and MBE and WBE goals established in the original agreement.

AUDITS NOTED THIS TIME EXTENSION AND WILL REVIEW TASK ASSIGNMENTS.

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 1 to agreement with URS Corporation, Inc. for Project No. 1123, On-Call Transportation Planning/Policy/Feasibility Studies.

MINUTES

Department of Transportation (DOT) - Inner Harbor
Docking Fee Increase

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize an increase to the Inner Harbor transient docking fees and charter boat rate. In addition, the Department is requesting that a premium fee be implemented for docking on Pier 5 when there is an event of note held at the Pier 6 Pavilion.

AMOUNT OF MONEY AND SOURCE:

Revenue will be deposited in account no. 1001-000000-5180-258600-401050

BACKGROUND/EXPLANATION:

The proposed changes will increase the current daily transient rate of \$20.00 per 5 hours to a rate based on boat length. The overnight rate will be raised from \$1.50 to \$2.00 per linear foot. The charter boat rate will be raised from \$1.50 to \$2.00 per foot. These requested adjustments will put the City's docking fees in line with those collected by regional jurisdictions that operate public marinas.

As part of an effort to improve the operations of the Inner Harbor and make it more viable, the City's Bureau of the Budget and Management Research (BBMR) conducted a comprehensive research study regarding Baltimore City Dock Master operations. One of the aspects of the Study was the review of the Inner Harbor's rate structure as compared to those of regional public marinas. One of the findings and subsequent recommendation made by the BBMR was that the docking fees were on the lower end of the spectrum and that in order to meet the Dock Master's self-sufficient expenditure mandate, and close the gap between revenue and expenditures, a fee structure should be put into place that is based on the length of the vessel being docked and the number of hours docked. The Department of Transportation has reviewed and concurs with these recommendations and has developed a docking fee adjustment request.

MINUTES

DOT - cont'd

Price Analysis

Baltimore public docking fees were last adjusted in May 2010 and prior to that in July 2007. Before the 2007 adjustment, docking fees had not been increased in over ten years; and, Baltimore's docking fees are presently at the lower end of the spectrum in comparison with the docking fees collected by other public marinas in the region. Similarly, when compared with charter boat docking fees in peer cities, Baltimore's fees are, again, lower; and, the requested adjustment would put City charter boat docking in line with rates charged at those marinas. City transient docking fees are charged in one of two ways; daily rates, and nightly rates. These rates are uniform throughout the year and it is requested that the proposed adjustment go into effect April 1, 2013; the unofficial start of the boating season. It is anticipated that the net impact of these adjustments would be an estimated revenue increase of \$35,760.00 or 39% above the FY 2012 revenue amount of \$90,669.00

Daily Transient Rates: Increase From \$20.00 per 5 Hours to a Rate Based on Boat Length

On average, the transient daily boater docks at the Inner Harbor for 5 hours which equates to an hourly docking fee of \$4.00. This hourly rate is lower than any of the rates of sampled regional marinas, and substantially lower than the rates collected by the Baltimore Marine Center and the Annapolis City Marina. At the current daily rate annual revenue has averaged roughly \$58,000.00 (FY 2011 and FY 2012). The proposed restructured rates are:

- 25' and under - \$20.00 for up to 5 hours
- 26' - 30' - \$25.00 for up to 5 hours
- 31' - 35' - \$30.00 for up to 5 hours
- 36' - 40' - \$35.00 for up to 5 hours
- 41' and over - \$40.00 for up to 5 hours

Projected revenue following the proposed rate adjustment would

MINUTES

DOT - cont'd

be \$67,000.00; an incremental increase of roughly \$10,000.00 from the current rate and would put the City's daily transient rate on par with rates in Annapolis and in Alexandria. It should be noted that this rate adjustment equates to an incremental increase of \$10.00 per boat based on an average boat length of 32'. It is anticipated that the fee increase will withstand any elasticity backlash.

Overnight Rates: Increase From \$1.50 to \$2.00 per Linear Foot:

As is the case with the daily transient rate, the overnight rate of \$1.50 per linear foot is lower than fees charged by marinas of note that are in the region. At the current rate, average annual revenue for overnight docking fees for fiscal years 2011 and 2012 was \$31,800.00. To remain in line with the overnight docking fees charged by neighboring jurisdictions, it is proposed that the overnight rate be increased to \$2.00 per linear foot. As with the adjustment to the daily rate, it is anticipated that there is insufficient elasticity in demand to reduce the level of usage by a measurable amount. Therefore, the recommended adjustment would result in a revenue increase of \$10,500.00 or 33% from the average revenue level of the past two fiscal years. Moreover, it would bring City transient rates more in line with those charged by peer marinas.

Implementation of a Premium Pier 5 Docking Fee of \$40.00 per Event (in Addition to Daily Docking Fee) or \$3.00 per Foot Overnight

Presently there is no distinction in daily or overnight docking fees at Pier 5 and fees charged when there is an event held at the Pier 6 Pavilion. By not charging a premium fee for these events, the DOT has forgone a revenue generating opportunity. In that regard the DOT requests that a premium docking fee be charged at Pier 5 for the approximately 20 events of note that take place at the Pier 6 Pavilion annually. Based on berthing accommodations for 12 boats for a single event (with the

MINUTES

DOT - cont'd

assumption that half of the boats would opt to pay the premium daily rate of \$40.00 and the remaining half paying the overnight rate) this adjustment would generate revenue of \$816.00 per event; an increase of \$408.00 per event from the current rate. For 20 events, increased annual revenue would total an estimated \$8,160.00.

CURRENT *				PROPOSED*		INCREASE
Overnight	#Boats	@ \$1.50/ft.	Total	@\$3.00/ft.	Total	
	6	\$48.00/boat	\$288.00	\$96.00/boat	\$576.00	\$288.00
Daily		@\$20/5hrs.		@\$70.00/Event		
	6	\$20.00/boat	\$120.00	\$70.00/boat	\$420.00	\$300.00
TOTAL			\$408.00		\$996.00	\$588.00

*Based on an average boat length of 32'.

Charter Vessels: Increase Docking Fee From \$1.50 to \$2.00 per Foot

The current charter boat docking fee is \$1.50 per foot per charter which, like the docking fees for recreational boats, is at the lower end when compared to similar rates of nearby regional marinas. The Annapolis Marina charter boat docking fee is \$2.25 per foot with a 45 minute loading time and 45 minutes to discharge. If the charter requires additional time, the rate is \$.25 per foot per hour. The Baltimore City Dock Master provides similar services and the Inner Harbor has comparable capacity and capability. In an effort to maintain competitiveness with regional operations, the Department of Transportation is requesting that the Board adjust charter boat fees to a proposed level of \$2.00 per foot which will include a one hour load and one hour unload period. Additional time would be at the rate of \$.50 per foot per hour. The incremental revenue increase from this action is estimated at \$3,500.00 annually. It should be noted that if the Board adopts this

MINUTES

Department of Transportation - cont'd

request, the Department of Transportation, will initiate a policy change which will require that charter boats reserve docking space a minimum of 24 hours in advance. This policy adjustment will improve charter boating and pleasure boating customer service and enhance overall Dock Master effectiveness and efficiency.

UPON MOTION duly made and seconded, the Board approved and authorized the increase to the Inner Harbor transient docking fees and charter boat rate. In addition, the Board approved that a premium fee be implemented for docking on Pier 5 when there is an event of note held at the Pier 6 Pavilion.

MINUTES

Department of Transportation - Employee Expense Statement

ACTION REQUESTED OF B/E:

The Board is requested to approve the expense statement for Ms. Kohl Fallin for the months of January and February 2013.

AMOUNT OF MONEY AND SOURCE:

\$44.80-1001-000000-2301-249000-603002 Mileage

BACKGROUND/EXPLANATION:

The Department of Transportation, Fiscal Division, received this request past the Department of Finance's submission deadline for reimbursement. This mileage reimbursement is late because Ms. Fallin's employee identification number was incorrect.

The Administrative Manual, in Section AM 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. Kohl Fallin for the months of January and February 2013.

MINUTES

Department of Transportation (DOT) - Termination of Contract
Nos. TR 08316 and TR 08318R

ACTION REQUESTED OF B/E:

The Board is requested to approve the termination of Contract no. TR 08316, Construction of CCTV Cameras & Signal Rewiring Citywide and TR 08318R, Installation of Fiber Optic and Copper Communications Systems Citywide-JOC with LAI Construction Services, Inc. (LAI).

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

By letters dated September 27, 2012 and January 17, 2013, the City notified LAI that it was in default of its obligations under the contracts due to its continuing failure to prosecute the work and requested that LAI cure those defaults immediately. The LAI has failed to cure those defaults. Accordingly, the DOT requests the Board's permission to terminate LAI's contracts so as to engage the surety and/or another contractor to complete LAI's work.

The termination of Contract Nos. TR 08316 and TR 08318R with the LAI will allow the City to meet the conditions of the performance bond and call on the surety to perform its obligations under the bond.

UPON MOTION duly made and seconded, the Board approved the termination of Contract no. TR 08316, Construction of CCTV

MINUTES

DOT) - cont'd

Cameras & Signal Rewiring Citywide and TR 08318R, Installation of Fiber Optic and Copper Communications Systems Citywide-JOC with LAI Construction Services, Inc.

MINUTES

Department of Transportation - Amendment No. 1 to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of amendment no. 1 to the agreement with UA Locust Point Holdings, LLC. The amendment no. 1 to the agreement will extend the period of the agreement through February 28, 2014.

AMOUNT OF MONEY AND SOURCE:

\$94,540.00 - revenue to be deposited in account no.
6000-617412-2303-248700-406001

BACKGROUND/EXPLANATION:

On January 25, 2012, the Board approved a Water Taxi Connector Funding Agreement with UA Locust Point Holdings, LLC. The original agreement included a payment from UA Locust Point Holdings, LLC in the amount of \$173,250.00 to help the City defray the costs of providing the Point-to-Point Service.

In addition, the term of the agreement was effective through February 28, 2013. Both parties now wish to amend the agreement to increase the payment by \$94,540.00 and exercise the one year renewal option, revising the agreement's expiration date to February 28, 2014.

The amendment to the agreement is late because of uncertainty on the behalf of UA Locust Point Holdings, LLC to continue the agreement through 2013. Therefore, operations continued on a month-to-month basis.

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 1 to the agreement with UA Locust Point Holdings, LLC.

MINUTESSpace Utilization Committee - Lease Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a lease agreement with ABA Health Services, Inc., (ABA) Tenant, for the rental of a portion of the property known as the Lower Park Heights Multipurpose Center, located at 3939 Reisterstown Road, 1st floor, consisting of approximately 3,780 square feet of space. The period of the lease agreement is May 01, 2013 through April 30, 2015, with the option to renew for an additional two-year period.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Monthly Rent</u>
\$36,138.60	\$ 3,011.55

BACKGROUND/EXPLANATION:

The leased premises will be used as office space for ABA's administrative use and for their counseling services. The ABA will be responsible for liability insurance, maintenance and repair, janitorial, and telephone services of the leased premises. The City will be responsible for the parking area, exterior of the building, all interior common areas, all equipment and systems serving the building, trash and snow removal of the building, and paying for utilities such as water, gas, and electric.

The ABA will have an option to renew the lease agreement for an additional two years, increasing at a rate of 3% percent annually.

The Space Utilization Committee approved this lease agreement on May 07, 2013.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the lease agreement with ABA Health

MINUTESSpace Utilization Committee - cont'd

Services, Inc., Tenant, for the rental of a portion of the property known as the Lower Park Heights Multipurpose Center, located at 3939 Reisterstown Road, 1st floor, consisting of approximately 3,780 square feet of space.

MINUTESSpace Utilization Committee - Rescission and Approval of
Communication Lease Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to rescind approval of the communication lease agreement and subsequent supplemental Agreement no. 1 approved on February 6, 2013 and March 20, 2013, respectively, and authorize execution of a new communication lease agreement with the State of Maryland, on behalf of WBJC-FM, the radio station for the Baltimore City Community College, lessee, for a portion of the property known as R1723 Reisterstown Road. The period of the lease agreement is May 1, 2013 through April 30, 2022, with an option to renew for two additional five-year terms

AMOUNT OF MONEY AND SOURCE:

<u>Year</u>	<u>Annual Amount</u>
2013	\$17,608.00
2014	\$18,136.24
2015	\$18,680.33
2016	\$19,240.74
2017	\$19,817.96
2018	\$20,412.50
2019	\$21,024.87
2020	\$21,655.62
2021	\$22,305.28
2022	\$22,974.44

The rent will be paid annually on May 1st. The rent will escalate annually by an amount equal to 3% over the amount of the rental payments for the preceding year.

BACKGROUND/EXPLANATION:

After approval of the lease and supplemental agreement no. 1, the parties discovered that through an inadvertent oversight that the transaction was materially affected by certain State statutes and a transfer agreement between the City and the State. Therefore, the parties decided to prepare a new lease agreement to address all issues raised by the transfer agreement and the State statutes.

MINUTES

Space Utilization Committee - cont'd

The most significant changes between the previous Board approved lease agreement and supplemental agreement no. 1 and this new lease agreement pertains to the obligations of sublessees and the disposition of WBJC's equipment and buildings upon termination of the lease. The City no longer will have the option of taking the property at termination but instead will have a right of first refusal to acquire the property. The sublessees are now bound to the same terms and obligations as the lessee under the lease agreement. The City will receive 10% of the revenue received by the lessee from subtenants.

The lesseewill use the demised premises for aradio tower and associated equipment and buildings for WBJC-FM. The lessor will be responsible for the maintenance of the site. The lessee will be responsible for liability insurance, utilities, maintenance and repairs to its equipment, and compliance with all FCC and FAA rules and regulations.

After approval the lease agreement will be submitted for approval by the State of Maryland.

The Space Utilization Committee approved this lease agreement on May 7, 2013.

UPON MOTION duly made and seconded, the Board rescinded its approval of the communication lease agreement and subsequent supplemental Agreement no. 1 approved on February 6, 2013 and March 20, 2013, respectively, and authorized execution of the new communication lease agreement with the State of Maryland, on behalf of WBJC-FM, the radio station for the Baltimore City

MINUTES

Space Utilization Committee - cont'd

Community College, lessee, for a portion of the property known as R1723 Reisterstown Road.

MINUTES

Bureau of Water & Wastewater - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of task no. 007, to KCI Technologies, Inc., under Project 1133K, On-Call Environmental Engineering Services. The original agreement will expire on May 17, 2014. The period of this task is 40 weeks.

AMOUNT OF MONEY AND SOURCE:

\$356,907.67 - 9960-907134-9557-900020-703032

BACKGROUND/EXPLANATION:

On May 18, 2011, the Board approved a three year contract with KCI Technologies, Inc. for On-Call Engineering Services. The consultant will provide engineering design services related to repair and replacement of existing water mains identified by the City at various locations and post award services for the Dundalk Avenue Water Main Installation Project. The scope of work includes preparation of contract documents including plans, specifications, cost estimates, permit applications, community meetings, right-of-ways and post award services.

MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

BW&WW - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 419,490.00	9960-909100-9558	
Water Rev. Bonds	Constr. Res. Water	
	Infrastructure	
30,510.00	9960-936001-9558	
<u>Baltimore County</u>	Constr. Reserve	
	Unallocated	
\$ 450,000.00	-----	9960-907134-9557-
		900020-3
		Engineering

The funds are required to cover the cost of Project 1133K, Task No. 7, On-Call Environmental Engineering Services.

UPON MOTION duly made and seconded, the Board approved the assignment of task no. 007, to KCI Technologies, Inc., under Project 1133K, On-Call Environmental Engineering Services. 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.

MINUTESBureau of Water & Wastewater - Task Assignment**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 011, to Johnson, Mirmiran & Thompson, (JMT) Inc., under Project 1077J, (SC 916) Improvements to Primary Settling Tanks Odor Control System at Back River Wastewater Treatment Plant. The period of the task is effective upon Board approval for 12 months. The current contract will expire on September 3, 2014.

AMOUNT OF MONEY AND SOURCE:

\$ 91,236.16 - Baltimore City Wastewater Revenue Bonds
91,236.16 - Baltimore County
\$182,472.32 - 9956-904860-9551-900020-803032

BACKGROUND/EXPLANATION:

During the construction of Sanitary Contract 829 - Primary Settling Tanks Rehabilitation at the Back River Wastewater Treatment Plant, the contractor discovered excessive corrosion and spalling throughout the vertical concrete wall of the effluent trough for Primary Settling Tank (PST) No. 7 with similar corrosion being observed on PST's No. 3 to 6. The JMT was tasked under Task No. 8 of On-Call Contract 1077J to evaluate the adequacy of the existing odor control system and to provide recommendations for improvements.

Based on these findings, the consultant will design and prepare contract documents including plans, specifications, and cost estimates for the improvements to the PST Odor Control System at the Back River Wastewater Treatment Plant. The consultant was approved by the Architectural and Engineering Awards Commission for design services under this contract.

MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

BW&WW - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$125,000.00	9956-905533-9549	
Rev. Bonds	Constr. Res. Annual	
	Facilities Improvements	
125,000.00	" "	
<u>Counties</u>		
\$250,000.00	-----	9956-904860-9551-3
		Engineering

The funds are required to cover the cost of Engineering Services that will provide the design of Project 1077J, SC 916 Improvements to the Primary Settling Tanks Odor Control System at the BRWWTP for Task No. 11.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 011, to Johnson, Mirmiran & Thompson, Inc., under Project 1077J, (SC 916) Improvements to Primary Settling Tanks Odor Control System at Back River 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.

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:

1834 - 1840

to the low bidders meeting the specifications,
or rejected bids on those as indicated
for the reasons stated.

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

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation

- 1. TR 12007, Demolition of Pratt Street Bridges: Charles and Gay Streets Bensky Construction Company, LLC \$1,265,282.00

MWBOO SET GOALS OF 27% FOR MBE AND 8% FOR WBE.

MBE: Carter Paving & Excavating, Inc.	\$320,200.00	25.31%
Priority Construction Corp.	<u>27,355.00</u>	<u>2.16%</u>
Total	\$347,555.00	27.47%

WBE: Haines Industries, Inc.	\$ 97,490.00	7.70%
William T. King	<u>7,290.00</u>	<u>0.58%</u>
Total	\$104,780.00	8.28%

MWBOO FOUND VENDOR IN COMPLIANCE.

2. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNTS:</u>
\$ 742,074.30	9950-901824-9509	
MVR	Constr. Res.	
	Maisel Street	
	Pedestrian Bridge	
75,000.00	9950-903550-9509	
Other	Constr. Res.	
	Neighborhood St.	
	Recon.	
\$ 817,074.30		

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - cont'd

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNTS:</u>
\$ 665,282.00	-----	9950-909632-9527-6
		Structure & Improv.
76,194.87	-----	9950-909632-9527-5
		Inspections
75,597.43	-----	9950-909632-9527-2
<u>\$ 817,074.30</u>		Contingencies
		Demolition of Pratt Street

This transfer will cover the cost associated with TR 12007, Demolition of Pratt Street Bridges: Charles and Gay Streets, by Bensky Construction, LLC.

Department of Housing and Community Development

3. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNTS:</u>
\$ 400,000.00	9910-919008-9608	
23 rd EDB	Hopkins Plaza Reserve	
200,000.00	9910-918009-9608	
<u>23rd EB</u>	Pratt St. Skywalk Reserve	
\$ 600,000.00	-----	9910-916011-9607
		Pratt Street Skywalk @ Gay

This transfer will provide funds to remove the skywalk on Pratt Street at Gay Street as part of the Pratt Street Initiative. The project will include restoration of the affected sidewalk and building areas, including minor landscaping.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Recreation and Parks

4. RP 12807, Radecke DSM Properties, LLC \$1,366,999.00
 Park Athletic
 Field Renovation

MWBOO SET GOALS OF 24% FOR MBE AND 5% FOR WBE.

MBE: Priority Construction Corporation	\$317,000.00	23.19%
KMT Contractors	12,000.00	0.88%
Total	\$329,000.00	24.07%
WBE: S&L Trucking, LLC	53,000.00	3.88%
Cherry Hill Fabrica- tion and Machine Shop, Inc.	16,000.00	1.17%
Total	\$ 69,000.00	5.05%

MWBOO FOUND VENDOR IN COMPLIANCE.

5. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 712,000.00	9938-906765-9475	
State	Courts & Fields Renovations FY09 Reserve	
324,000.00	" "	
Rec. & Parks 24 th Series		
100,000.00	9938-908808-9475	
State	Community Park and Playgrounds FY11 - Reserve	

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Recreation and Parks

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNTS:</u>
60,000.00	9938-902750-9475	
State	Park Building	
	Renovation - Reserve	
200,000.00	9938-920019-9475	
<u>Gen. Fund</u>	Carroll Park Fields	
\$1,396,000.00		
\$1,236,000.00	-----	9938-904765-9475
		Active - Courts and
		Fields Renovations
		FY09
100,000.00	-----	9938-907808-9474
		Active - Community
		Park and Play-
		grounds FY11
60,000.00	-----	9938-901750-9474
<u>\$1,396.000.00</u>		Active - Park
		Building Renova-
		tion FY08

This transfer will provide funds to cover the costs associated with the award of Radecke Park Athletic Field Renovation, for Contract No. RP 12807 to DSM Properties, LLC.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

6. B50002858, CCTV and Video Surveillance System Maintenance and Installation Highlander Contracting Company, LLC \$200,000.00

(MOIT, DPW, ETC.)

MWBOO SET GOALS OF 15% FOR MBE AND 5% FOR WBE.

MBE: CI Contracting Company 15%

WBE: Fleet Electric 5%

MWBOO FOUND VENDOR IN COMPLIANCE.

A PROTEST WAS RECEIVED FROM BFPE INTERNATIONAL FIRE, SAFETY & SECURITY.

A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION (MMCA). THE PROTEST FROM THE MMCA WAS WITHDRAWN.

President: "The fourth item on the non-routine agenda can be found on Page 52, item 6 CCTV and Video Surveillance System Maintenance and Installation. Will the parties please come forward? Nobody's here."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases (B50002858) - cont'd

City Solicitor: "Anyone here for BFPE International?"

President: "Go ahead."

Comptroller: "I submitted some questions to you earlier this week and --."

Mr. Tim Krus, City Purchasing Agent: "That's the next one."

Comptroller: "Yeah, right."

President: "I entertain a Motion."

City Solicitor: "MOVE to approve the item on Page 52 numbers -- ."

President: "Item six."

City Solicitor: "I'm sorry. What was the Page number?"

President: "52, item six."

City Solicitor: "52, item number six in light of the absence of the protestant in the support of the protest."

Director of Public Works: "Second."

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

* * * * *

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

May 14, 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.

We wish to file protests against Your Honorable Board approving the following proposed contracts contained on Your Honorable Board's 05/15/2013 public meeting agenda:

- 1) Item No. 1 on page 31, which is a request for Your Honorable Board's authorization to advertise City Department of Transportation Contract TR 11320, Greyhound Intermodal Terminal, 2110 Haines Street.

Our protest against this proposed contract is based on the fact that although the contract is federally funded by the US DOT, the process utilized to establish the DBE goal was flawed and thus the proposed DBE goal for the contract is likewise flawed. The DBE goal for the project should rightfully be set at 40%;

- 2) Item No. 6, page 52, Solicitation B50002858, CCTV and Video Surveillance System Maintenance and Installation.

Our protest is based on the fact that the proposed contract fails to comport with the "mandatory" City's competitive bidding charter requirement as specifically delineated in Article VI, § 11 et seq; and

- 3) Item No. 8, page 57, City Solicitation No. B50002414-Fiber Optic Cable Installation, Maintenance and Repair Services.

Inasmuch as the proposed contract renewal monetary price (\$300,000.00) is substantially greater than the contract's original first term bid price, (\$190,950.00), this proposed contract renewal is a completely new and independent contract, which must comply with the City's "mandatory" competitive bidding charter provision. see e.g., Mayor and City Council of Baltimore and Enviro-Gro v. Bio Gro Systems, Inc., 300 Md. 248; 477 A. 2d 783; 1984 Md. LEXIS 315. (Extension or renewal of a municipal contract required to be competitively bid in the first instance on terms and conditions different than those contained in the original contract violate the competitive bidding requirement of the Baltimore City Charter).

CONCLUSION

Accordingly, for the above stated reasons, Your Honorable Board must reject the proposed City contracts presented for approval herein.

Respectfully Submitted,

Arnold M. Jolivet
Arnold M. Jolivet
Managing Director



April 9, 2013

Office of the Comptroller
Room 204 City Hall
100 N. Holiday St.
Baltimore, Md. 21202

Re: Bid Protest of Bid # B50002858 – CCTV and Video Surveillance Maintenance and Installation Services

To whom it may concern:

I am Mark Reedy and I represent BFPE International, a Maryland Corporation.

My contact information is:

Mark Reedy, BFPE International, 7512 Connelley Drive, Hanover, MD 21061
(410) 768-2200 x2332, (410) 768-1070 Fax, Cell: (443) 790-9772

Please accept this letter as our firm's protest of Bid# B50002858 – CCTV and Video Surveillance Maintenance and Installation Services issued by the City of Baltimore Department of Finance, Bureau of Purchases.

The bid form contained the following item regarding the mark up of materials found under ANTICIPATED ANNUAL EXPENDITURE:

<i>ITEM 5: Material:</i> <i>Description</i>	<i>DISCOUNT OR</i> <i>MARKUP</i>	<i>MUTIPLIER</i> <i>= (100% - Discount)</i> <i>or (100% + Markup)</i>	<i>ANTICIPATED</i> <i>ANNUAL</i> <i>EXPENDITURE</i>	<i>EXTENDED TOTAL</i> <i>(MULTIPLIER x AN-</i> <i>TICIPATED EX-</i> <i>PENDITURE)</i>
<i>Material</i>	_____ %	_____ %	\$100,000.00	\$ _____

TOTAL FOR ITEM 5

All bidders except one understood this section to reflect the amount of markup that the bidding firm will place on the **actual cost** of the Anticipated Annual Expenditure.


All bidders except one entered a markup ranging from 10%to 25%. One bidder (\$117,910) entered a discount of 10%.

Our position is that the intent of the above bid item was to determine the amount of profit that a bidder would be willing to accept on the actual cost of material. By entering a discount, a bidder is stating that they are willing to sell the materials under actual and final cost. This seems unreasonable.

We believe that this item was a major reason for the large discrepancy in the bid results and believe that the bid of \$117,910 should be disqualified and the contract should be awarded to the second low bidder.

Thank you for both your time and consideration.

Sincerely,


Mark Reedy
Project Manager

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MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

7. B50002532, Ford Hertrich Fleet Ser- \$178,362.00
Police Intercep- vices, Inc.
tor Sport Utility
Vehicles

(Department of General Services, Fleet Management)

MWBOO GRANTED A WAIVER.

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

May 14, 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 Baltimore City Police Department (BCPD).

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 53, Item #7, Bureau of Purchases – B50002532, Ford Police Interceptor Sport Utility Vehicles, if approved:
 - i. This action does NOT appear to be furthering the protocols of the Neighborhood Community Policing Program or any local initiatives that put police officer on foot in neighborhoods;
 - ii. This action does NOT appear to be furthering the Mayor's 10-Year Plan which states: "With lease financing, the City would be able to significantly accelerate vehicle replacement, modernize the fleet to include more fuel-efficient and reliable vehicles, and place the City on a more sound replacement schedule going forward;
 - iii. Is this a purchase or a lease?
 - iv. Has a lease option been investigated for these vehicles?
 - v. If a purchase, can the excess funds be allocated to other uses if this purchase was converted to a lease option instead?
 - b. If this is purchase, request this purchase NOT be approved, that the vehicles be leased instead and the funds be transferred to the Family League to increase funding for after-school and educational programs.
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 BCPD. I seek a reasonable amount of results-oriented stewardship of scarce tax-payers funds which currently does not appear to exist. Smart money management seems to elude this Mayoral administration and the lack of checks and balances in oversight and auditing of municipal expenditures harms rather than serves the public good.

I look forward to the opportunity to address this matter at your upcoming Board of Estimates on May 15, 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
5519 Belleville Ave
Baltimore, MD 21207

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>COLOR-AD, INC.</u> | <u>\$32,500.00</u> | <u>Low Bid</u> |
| Solicitation No. B50002922 - Druid Hill Park Signage -
Department of Recreation and Parks - Req. No. R629599 | | |

The period of the award is May 8, 2013 through October 7, 2013.

- | | | |
|---|----------------|----------------|
| 2. <u>F&F AND A.JACOBS & SONS, INC.</u> | <u>\$ 0.00</u> | <u>Renewal</u> |
| Solicitation No. B50001968 - Honor Guard Uniforms - Fire
Department - Req. No. P517172 | | |

On June 8, 2011, the Board approved the initial award in the amount of \$25,000.00. The award contained two 1-year renewal options. On May 2, 2012, the Board approved the first renewal in the amount of \$5,000.00. This final renewal is for the period May 25, 2013 through May 24, 2014.

- | | | |
|---|----------------|----------------|
| 3. <u>SAFEWARE, INC.</u> | <u>\$ 0.00</u> | <u>Renewal</u> |
| Solicitation No. B50001499 - Respirators, Replacement Parts
and Fit Test Services - Department of Public Works, Bureau
of Water and Wastewater - P.O. No. P514560 | | |

On June 30, 2010, the Board approved the initial award in the amount of \$163,791.23. The award contained four 1-year renewal options. Subsequent actions have been approved. This renewal is for the period July 7, 2013 through July 6, 2014, with one 1-year renewal option 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

- | | | |
|---|--------------|----------|
| 4. SMITH-BLAIR, INC. | \$140,000.00 | Increase |
| Solicitation No. B50002456 - Pipe Repair Claims -
Department of Public Works, Bureau of Water and Wastewater
- P.O. No. P521288 | | |

On August 15, 2012, the Board approved the initial award in the amount of \$50,000.00. The award contained two 1-year renewal options. Additional funds are required due to increased usage of pipe repair clamps. This increase in the amount of \$140,000.00 will make the award amount \$190,000.00. The contract expires on September 22, 2014, with two 1-year renewal options remaining.

MWBOO GRANTED A WAIVER.

- | | | |
|--|--------------|---------|
| 5. PAPCO, INC. | \$800,000.00 | Renewal |
| Solicitation No. B50001083 - Gasoline and Diesel Fuel -
Agencies - Various - P.O. No. P521626 | | |

On July 29, 2009, the Board approved the initial award in the amount of \$68,750,000.00. The award contained two 1-year renewal options. On June 6, 2012, the Board approved the first renewal in the amount of \$20,000,000.00. On September 26, 2012, the Board approved an assignment award. On December 12, 2012 the Board approved an amendment to agreement. This final renewal in the amount of \$800,000.00 is for the period August 1, 2013 through July 31, 2014, with no renewal options remaining.

This is a requirements contract, therefore dollar amount will vary.

MWBOO SET GOALS OF 15% MBE AND 0% WBE.**MWBOO FOUND VENDOR IN COMPLIANCE BASED ON A GOOD FAITH EFFORT.**

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

- | | | |
|--|--------------|----------|
| 6. SHAFER, TROXELL &
HOWE, INC. | \$ 50,000.00 | Increase |
| Solicitation No. 08000 - Yeoman's Pump Parts - Department of Public Works, Bureau of Water and Wastewater - P.O. No. P515310 | | |

On November 3, 2010, the Board approved the initial award in the amount of \$20,000.00. The award contained two 1-year renewal options. On September 28, 2011, the Board approved the first renewal in the amount of \$100,000.00. On September 26, 2012, the Board approved the final renewal in the amount of \$55,000.00. Additional funds are required due to increased usage of Yeoman's Pump Parts. This increase in the amount of \$50,000.00 will make the total award amount \$225,000.00. The contract expires on November 07, 2013.

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.

- | | | |
|---|---------------------|----------|
| 7. HORTON MECHANICAL
CONTRACTORS | \$300,000.00 | |
| CALMI ELECTRIC COMPANY | <u>300,000.00</u> | |
| | \$600,000.00 | Increase |
| Solicitation No. B50001474 - Miscellaneous Electrical Work - Department of General Services - Req. Nos. Various | | |

On August 18, 2010, the Board approved the initial award in the amount of \$900,000.00. The award contained two 1-year renewal options. On January 11, 2012, the City Purchasing Agent approved an increase in the amount of \$50,000.00. On

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

April 4, 2012, the Board approved an increase in the amount of \$400,000.00. This increase in the amount of \$600,000.00 is necessary due to increased usage, and makes the total contract amount \$1,950,000.00. The contract expires on August 11, 2013 with two 1-year renewal options remaining.

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

MWBOO FOUND VENDORS IN COMPLIANCE.

- | | | |
|--|--------------|---------|
| 8. HIGHLANDER CONTRACTING COMPANY, LLC | \$300,000.00 | Renewal |
| Solicitation No. B50002414 - Fiber Optic Cable Installation, Maintenance and Repair Services - Mayor's Office of Information Technology - P.O. No. P520882 | | |

On July 11, 2012, the Board approved the initial award in the amount of \$190,950.00. The award contained two 1-year renewal options. On March 25, 2013, the City Purchasing Agent approved an increase in the amount of \$49,999.00. This renewal in the amount of \$300,000.00 is for the period July 15, 2013 through July 14, 2014, with one 1-year renewal option remaining.

MWBOO SET GOALS OF 17% MBE AND 8% WBE.

MWBOO FOUND VENDOR IN NON-COMPLIANCE.

On March 26, 2013, MWBOO found vendor in non-compliance as a result of not meeting goals and not showing a good faith effort to achieve goals. A letter informing the vendor that it is in breach of a material term of the contract has

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND XTENSIONS

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

been sent. Because Highlander is the only vendor fully conversant with the City's Fiber Optic System and it is necessary at this time to utilize the services, the vendor will be required to come into compliance during the 120 day probation period.

A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION.

President: "The fifth item on the non-routine agenda can be found on Page 57 item eight, Fiber Optic Cable Installation, Maintenance and Repair Services. Will the parties please come forward?"

Mr. Krus: "Tim Krus, City Purchasing Agent. This is the renewal of this contract with Highlander for uh -- 3,000 -- \$300,000.00 for the period determined. It was initially a competitively bid requirements contract."

President: "Mr. Jolivet."

Mr. Jolivet: "Good morning. Arnold M. Jolivet, and just a few observations before I ask the Board to reject this item. If you would notice that the original bid came in at 190.00 dollars,

MINUTES

950 I'm sorry \$190,950.00 but the communications to the Board indicates that on March 25, of this year less than a year after the award date the City's Purchasing Agent approved apparently unilaterally because it doesn't show in the Board's record that the Board approved it, an additional while it wasn't an additional but just an increase of \$49,999.00. So, in the ultimate the award for the first term of the contract was \$240,949.00. Now I raise that because uh -- the unilateral increase by the City Purchasing Agent which I think was probably ultra vires and not allowed. But the Purchasing Agent seems to have the authority to approve contract increases on his own and I'm still wondering where that authority comes from and nevertheless--."

City Solicitor: "From the Board of Estimates."

Mr. Jolivet: "The Board of Estimates can delegate authority to the Purchasing Agent to --."

City Solicitor: "By resolution dated June 20th, approved June 22, 2005."

Mr. Jolivet: "And do you think that comports with the Charter?"

MINUTES

City Solicitor: "I do."

Mr. Jolivet: "Okay, that's fine. But nonetheless the bottom line is the award for the first term amounted to a bid substantially in excess of what the original bid was in terms of time of award. I raise the issue because many times that there will be bidders who will be reluctant to bid if they don't have that favorable -- a favorable treatment from the Purchasing Bureau like this contractor and perhaps other contractors. So therefore, the City loses out on competition that they would normally get from other qualified bidders. But the bottom line on this one, I submit very strongly that by the Bureau of Purchasing recommending to the Board that the amount for the renewal exceeds the original contract bid and it is just so plain that this is not permissible that a law established by the Court of Appeals in a case involving this very Board, this very City where the renewal if there be a renewal it has to conform to the original contract. And I'm -- I'm not privy to the rationale of how the renewal can -- the renewal price amount can

MINUTES

exceed the original contract. And so I raise the question I would I would -- I would actually like to hear from the Purchasing Agent, what is the rationale for the Bureau of Purchases to award or make a renewal that exceeds the price that the contractor bid. It's just it boggles the mind that the City can pay more on a renewal than they did on the original contract. It boggles the mind. So, if I can ask I think I have that right to ask the Purchasing Agent to explain in lieu of the Enviro-Gro Case how can the City justify in the renewal paying an increase and greater amount of money than they paid in the original contract. I think it's a valid question."

Mr. Krus: "Tim Krus, City Purchasing Agent. The terms and conditions of this contract have remained identical. The only thing that we have done is estimated the need going forward in this requirements contract. This estimate of \$300,000.00 is only \$50,000.00 beyond what the City is authorized to date. This contract includes the repair and maintenance of fiber optic cable for the City's network, and emergency work. That kind of work can be difficult to estimate and it's completely appropriate to change the dollar estimate on renewal. The contract itself has not changed one bit."

MINUTES

Mr. Jolivet: "Mr. President I would of course beg to differ if the price terms of a contract like the durational terms of a contract is an important, vital part of the contract, and the case I cited embrace that concept. Now, Mr. Krus says that the price term of a contract that the City paying here is not important. That they can change it at whim, which he's doing here, and their changing it at the detriment of the City. If they were coming before this Board, this Honorable Board, and they can make the presentation that they wanted to have the renewal at a smaller amount than the original contract price, I would not have any real difficulty. But, what they're doing is they are picking and choosing and making this contractor no longer the lowest responsible bidder. This contractor by giving them an additional, I guess a hundred thousand dollars, this contractor within the Charter is no longer the lowest responsible bidder, the responsive bidder. The contractor when the terms of conditions of the original contract change it is a completely new contract and that is what the principal stated in the Envirogro case that Mr. Nilson claims he read eight times.

MINUTES

But, I ask this Board and I'm here this morning because this is the kind of unfair favoritism we all know that one of the salient purposes of the competitive bidding Charter provision is to prevent favoritism, favoritism, and this is what it is and if had the other contractors known that in the second term of the contract that they were going to get another hundred thousand dollars don't you think they would have bid. They wouldn't have bid as low as they bid, and so what I'm saying to you this is the kind of thing that hurts, damages, and shuts out, completely shuts out the little small minority guy who doesn't have the relationship with Mr. Krus' office to get a favorable treatment like this. So, I -- I made my case."

President: "You have a question?"

Mr. Krus: "If I may respond to Mr. Jolivet. Tim Krus, City Purchasing Agent. The um -- the basic unit prices that this contractor is asking for from the contractor have not changed. If you would follow Mr. Jolivet logic completely through, if I was coming to the Board for a renewal asking for zero dollar increase that might be improper I should be asking for the

MINUTES

\$190,000.00 that we initially asked for. We tried to make our estimates as accurate as possible. They're based on the original terms and conditions of the contract. We have labor rates, equipment rates and other prices in that contract, none of them have changed."

President: "Joan. Comptroller."

Comptroller: "Mr. Krus thank you for answering some of my questions --."

Mr. Krus: "You're welcome."

Comptroller: "I requested the other day. But I have several more questions but I would just like to ask you a few today. As a follow-up to my question number nine. When was the network assessment completed to determine the City fiber can support MOIT with QOS and Security and you may not be able to answer them now."

Mr. Krus: "And I can't."

Comptroller: "Okay."

Mr. Krus: "I was not the person who put that one together."

Comptroller: "Okay, and the second part of the follow-up to question nine is, who completed the assessment and what was the

MINUTES

cost of this work? My next question is if the City has not conducted fiber discovery to assess optimum performance for delivery of broadband services, other than the discovery performed by the vendor for ICBN and CCTV. How then can the network be determined MOIT ready? And also, would you provide my office with records of downtown locations and test results showing where fiber is deemed VOIP ready? Also, I wanted to ask if there was a reason why BICSI was not required, since it is the industry's standard certification for cable installers who specialize in complex voice/data outlays, so that it wasn't a requirement and also that --."

Mr. Krus: "Actually I can answer that."

Comptroller: "Okay."

Mr. Krus: "The question was has a vendor been -- has the vendor been a member in good standing of BICSI --."

Comptroller: "Yes."

Mr. Krus: "During the term of the contract. The contract required that the vendor comply with various rules and regulations and standards including BICSI. But did not require the contractor to be a member of that organization."

MINUTES

Comptroller: "So, is it possible for BICSI certification be made a requirement for future fiber contracts for the City. I think it offers the City protection."

Mr. Krus: "Well, we definitely could take a look at that."

Comptroller: "Okay, and um -- I have several other questions but my last question was ah in reference to question two, um -- and that was how will the vendor come into MWBOO compliance? The question was that I asked what is the guarantee that the contractor will be in compliance with MWFOO within three months. Please provide a copy of the correspondence to the vendor which provides that the vendor must come into compliance and will there be periodic reviews during the three month period for compliance?"

City Solicitor: "I think you have been provided with the correspondence. Right?"

Comptroller: "No. I --."

City Solicitor: "You have MWBOO correspondence?"

Comptroller: "It just says that MWBOO intends to change its compliance."

City Solicitor: "Okay."

MINUTES

Comptroller: "Finding. So is there going to be a review?"

Mr. Corey: "Good morning."

Comptroller: "Or?"

Mr. Corey: "Yes. Thomas Corey, Chief of the Minority and Women's Business Opportunity Office. What we found after sending Highlander the letter putting them on probation that they came forth with better information with regards to the contract and how it's being performed. A lot of the work that they had been given by the City didn't lend itself to the use of the MBE's that they had on board. So what we've done is say to them well maybe you need to bring on some additional MBE's that can perform more or like the types of work that you've been given. So, we are going to give them an opportunity to bring on another MBE and a WBE and let them perform there. We are going to give them ten days to do this and then after which we'll take a look at it and then we -- I've contacted the Bureau of Purchases and if they do these things then we'll take them off probation and bring them in compliance because it really wasn't a situation where they weren't actually trying to make the goals. They didn't have the right folks on board and then the scope of work

MINUTES

that they are doing although it was within the contract they are just getting a lot of work of one type that required their participation and their knowledge of the conduit system. So, we'd like to give them a chance to get their get their -- get their act together and move forward."

Comptroller: "Okay, I just wanted to put on the record that they would come into compliance and that you would be monitoring that. Mr. Krus I have several other questions but I'll put them in writing."

Mr. Krus: "I'd appreciate that."

Comptroller: "Okay."

Mr. Krus: "And then the other thing that I want to say about this is the Bureau of Purchases and MWBOO are working together to go out to primes in a much more aggressive fashion about coming into compliance with MBE and WBE goals. Non-compliance is non-performance. MWBOO is going out with a letter to vendors who we see in non-compliance. If MWBOO does not get an adequate response we are finding those vendors in default putting them on probation until they come up with a plan with MWBOO that puts them in compliance. We have a program that we think needs to be taken seriously and we have kicked up our game another notch to ensure that occurs."

MINUTES

Comptroller: "Thank you."

President: "Thank you."

Mr. Jolivet: "Mr. President, one final comment and if I can just put this on the record. I have to tell the Board I am very concerned that the Bureau of Purchases is utilizing the requirement type of contract as a mechanism, as a tool to perpetuate the continuation of the same contractors that are getting City business and I just feel that the use of the competitive bidding process in the first instance is certainly required by the Charter but never was it contemplated that the requirements contract would be put in perpetuity uh -- and that's what's happening with the bid. Very few people are very people -- very few new bidders are coming into this the City Purchasing contracts and that should not be. We ought to have a wide un-feathered ability for all qualified and interested contractors to come to the City and participate in a competitive bidding process and I'm submitting to you to this Honorable Board, that the Bureau of Purchasing is not opening these contracts up. That's all I want to say."

Mrs. Sher-Smith: "May I respond? Erin Sher-Smith for the Bureau

MINUTES

of Purchases. "Mr. Jolivet is continually getting confused as to what contracts are competitively bid."

Mr. Jolivet: "I am not confused."

President: "Will you let her speak first?"

Mr. Jolivet: "No. I am not confused."

President: "And then we'll come back."

Mr. Jolivet: "I am not confused."

Ms. Sher-Smith: "This was a competitively bid contract, excuse me. All interested vendors were very aware of the nature of the work and expected dollar amounts. The increase is a reasonable estimate of exactly what we think we can do this year. I know if we come with another increase over this amount Mr. Jolivet will protest that as well. So, the attempt is to be accurate, however we do have authority to request increases because this is a requirements contract. This is not a bid that was not competitively bid. It was competitively bid. It will continue to be a competitively bid contract regardless of whether its -- there's an increase before the Board or renewal. Each one of those was contemplated in the original contract. I doubt Mr. Jolivet is familiar with the bid structure of this contract. I

MINUTES

doubt he's familiar with anything in this contract. He does not seem to understand that the price has not changed and he mis-cites Enviro-Gro for this. This renewal was in the contract which was not the case in the Enviro-Gro case that he cites. Thank you."

Mr. Jolivet: "Mr. President, let me just put on the record, if it's anything I am not confused and I do not come to this Board with a misunderstanding and I don't know where you get that I'm confused. If it's anyone confused, it's the people in that Bureau of Purchases, and I just want you know that I'm not confused. Don't label me as confused. Don't you do that to me. But, Mr. President, I just want to put on the record that is not appropriate."

Mrs. Sher-Smith: "I'd like to put on the record that Mr. Jolivet protested another contract that he had to withdraw because in fact his protest stated that it was not competitively bid. It was an initial award of a competitively bid contract."

City Solicitor: "Will the Board President entertain a Motion?"

President: "I entertain a Motion."

Mr. Jolivet: "Mr. President, Thank you."

MINUTES

President: "Thank you."

City Solicitor: "I move that the recommendation of the Bureau of Purchases for the item 8 on page 57 be approved and that the protest be denied."

President: "All those in favor say AYE. All Opposed NAY."

Comptroller: "I vote **NO** and I'd like to state for the record that I sent questions to the Bureau of Purchases which included questions about the amount of the increase for the renewal. This renewal is for an amount that is significantly higher than the original award of \$190,950.00. The Board is now requested to renew it for \$300,000.00. In addition, there was an increase of \$49,999.00 approved by Purchases. I understand requirement contracts, but when the requirements are significantly greater than the initial award it negatively affects bidding requirements. If we know the need is greater as Mr. Krus has stated, the contract should be rebid. I also have concerns about MWBOO's compliance in allowing bidders to continue to receive awards from the City when they are in non-compliance and because of these concerns Mr. President, I vote **NO**."

MINUTES

President: "Please note that Comptroller Pratt votes **NO**. The Motion carries. Thank you."

UPON MOTION duly made and seconded, the Board approved the informal awards, renewals, increases to contracts and extensions. The Comptroller **ABSTAINED** on item no. 7. The Comptroller voted **NO** on item no. 8.

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

May 14, 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.

We wish to file protests against Your Honorable Board approving the following proposed contracts contained on Your Honorable Board's 05/15/2013 public meeting agenda:

- 1) Item No. 1 on page 31, which is a request for Your Honorable Board's authorization to advertise City Department of Transportation Contract TR 11320, Greyhound Intermodal Terminal, 2110 Haines Street.

Our protest against this proposed contract is based on the fact that although the contract is federally funded by the US DOT, the process utilized to establish the DBE goal was flawed and thus the proposed DBE goal for the contract is likewise flawed. The DBE goal for the project should rightfully be set at 40%;

- 2) Item No. 6, page 52, Solicitation B50002858, CCTV and Video Surveillance System Maintenance and Installation.

Our protest is based on the fact that the proposed contract fails to comport with the "mandatory" City's competitive bidding charter requirement as specifically delineated in Article VI, § 11 et seq; and

- 3) Item No. 8, page 57, City Solicitation No. B50002414-Fiber Optic Cable Installation, Maintenance and Repair Services.

Inasmuch as the proposed contract renewal monetary price (\$300,000.00) is substantially greater than the contract's original first term bid price, (\$190,950.00), this proposed contract renewal is a completely new and independent contract, which must comply with the City's "mandatory" competitive bidding charter provision. see e.g., Mayor and City Council of Baltimore and Enviro-Gro v. Bio Gro Systems, Inc., 300 Md. 248; 477 A. 2d 783; 1984 Md. LEXIS 315. (Extension or renewal of a municipal contract required to be competitively bid in the first instance on terms and conditions different than those contained in the original contract violate the competitive bidding requirement of the Baltimore City Charter).

CONCLUSION

Accordingly, for the above stated reasons, Your Honorable Board must reject the proposed City contracts presented for approval herein.

Respectfully Submitted,

Arnold M. Jolivet
Arnold M. Jolivet
Managing Director

MINUTES

Department of General Services - Developer's Agreement No. 1281

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of developer's agreement no. 1281 with The New Psalmist Baptist Church of Baltimore City, Inc.

AMOUNT OF MONEY AND SOURCE:

\$20,000.00

BACKGROUND/EXPLANATION:

The New Psalmist Baptist Church of Baltimore City, Inc. would like to install new concrete at 6020 Marian Drive. This agreement will allow the organization to do its own installation in accordance with Baltimore City standards.

An Irrevocable Letter of Credit in the amount of \$20,000.00 has been issued to The New Psalmist Baptist Church of Baltimore City, Inc. which assumes 100% of the financial responsibility.

MBE/WBE PARTICIPATION:

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of developer's agreement no. 1281 with The New Psalmist Baptist Church of Baltimore City, Inc.

MINUTES

Department of General Services - Perpetual Easement Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a perpetual easement agreement with Southside Oil, LLC.

AMOUNT OF MONEY AND SOURCE:

\$480.00 - 9950-902454-9508-900020-704040

BACKGROUND/EXPLANATION:

The Department of Transportation is proposing to install signal equipment on a portion of the property owned by Southside Oil, LLC, located at 6810 Reisterstown Road. The perpetual easement agreement will allow the City's contractor to install and maintain signal equipment in conjunction with the Department of Transportation, Project No. TR-05309, Reisterstown Road Streetscape.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the perpetual easement agreement with Southside Oil, LLC.

MINUTES

Department of General Services - Perpetual Easement Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a perpetual easement agreement with Southside Oil, LLC.

AMOUNT OF MONEY AND SOURCE:

\$880.00 - 9950-902454-9508-900020-704040

BACKGROUND/EXPLANATION:

The Department of Transportation is proposing to install signal equipment on a portion of the property owned by Southside Oil, LLC, located at 5600 Reisterstown Road. The perpetual easement agreement will allow the City's contractor to install and maintain signal equipment in conjunction with the Department of Transportation, Project No. TR-05309, Reisterstown Road Streetscape.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the perpetual easement agreement with Southside Oil, LLC.

MINUTES

Department of General Services - Minor Privilege Permit Application

The Board is requested to approve the following application for a Minor Privilege Permit. The application is 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. 2201 W. Baltimore Street	Melvin A. Brown	Two flat signs 7'7" x 3'4", 8' x 2'
Annual Charge: \$70.40		
2. 2203 W. Baltimore Street	Melvin A. Brown	Two flat signs 2' x 2', 2' x 1'6"
Annual Charge: \$35.20		
3. 904 Light Street	Peter T. Chresso	Retain flat sign 16' x 2'
Annual Charge: \$44.80		

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

There being no objections the Board, UPON MOTION duly made and seconded, approved the minor privilege permits. The Comptroller **ABSTAINED** on item nos. 1 and 2.

MINUTES

Department of General Services - Employee Expense Statement

ACTION REQUESTED OF B/E:

The Board is requested to approve the expense statement for Mr. Mark Benson for mileage the months of March, April, May, June, July, and August of 2012.

AMOUNT OF MONEY AND SOURCE:

\$ 26.87	9916-913900-9197-910006-705050
66.21	9916-913900-9197-910010-705050
57.33	9916-913900-9197-910024-705050
<u>\$150.41</u>	

BACKGROUND/EXPLANATION:

On September 24, 2012, a previous expense statement was submitted for Departmental approval and eventual submission to the Bureau of Accounting. However, that submission was misplaced and as a result was late. Subsequently, another request is being submitted for approval. The Department apologizes for this late submission.

The Administrative Manual, in Section AM 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.

MINUTES

Department of General Services - cont'd

UPON MOTION duly made and seconded, the Board approved the expense statement for Mr. Mark Benson for mileage for the months of March, April, May, June, July, and August of 2012.

MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Mayor's Office of Emergency Management</u>			
1. Calvin Bowman*	Urban Area Security	FY 11	\$3,623.26
Nicole Errett**	Initiative Conference	UASI	
	Los Angeles, CA	Grant	
	June 3 - 7, 2013		
	(Reg. Fee \$475.00*		
	Reg. Fee \$450.00**)		

The agency has paid for the registration cost and airfare cost for each attendee on the City issued procurement card assigned to Mr. Richard Williams. The registration fee for Mr. Bowman is \$475.00 and airfare is \$469.80. The registration for Ms. Errett is \$450.00 and the airfare is \$444.70. The disbursement to Mr. Bowman will be \$891.88 and to Ms. Errett will be \$891.88.

2. Chi-Poe Hsia	Getting It Right	FY 11	\$2,041.40
Wayne Sherman	Conference	UASI	
	Atlanta, GA	Grant	
	June 3 - 5, 2013		
	(Reg. Fee \$395.00 ea.)		

The agency has paid for the registration cost and airfare for each attendee on the City issued procurement card assigned to Mr. Richard Williams. The registration for each attendee is \$395.00 and the airfare is \$177.80 each. The disbursement for each attendee will be \$447.90.

MINUTES**TRAVEL REQUESTS**Health Department

<u>Name</u>	<u>To Attend</u>	<u>Source</u>	<u>Fund</u> <u>Amount</u>
3. Cynthia Mobley, MD	Prep Course: An Intensive Review and Update on Pediatrics Needs Portland, OR June 7 - 12, 2013 (Reg. Fee \$1,590.00)	Family Planning Special Account	\$1,590.00

The employee will pay for transportation, hotel, and meals.

Department of Finance

4. Robert A. Cenname	Advanced Govern- ment Finance Institute Madison, WI July 21 - 26, 2013 (Reg. Fee \$1,940.00)	General Fund	\$3,338.60
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The Department has prepaid the airfare in the amount of \$613.60 and the registration in the amount of \$1,940.00 on a City credit card issued to Mr. Andrew Kleine. The total disbursement to Mr. Cenname will be in the amount of \$785.00.

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

MINUTES

Department of Human Resources - Personnel Matters

The Board is requested to approve the following Personnel matters:

Department of Law

	<u>Hourly Rate</u>	<u>Amount</u>
1. M. JENNIFER LANDIS	\$35.50	\$46,150.00

Account: 1001-000000-8620-175200-601009

Ms. Landis will work as a Special Assistant Solicitor. Her duties will include, but are not limited to reviewing the City Council bills for form and legal sufficiency, as well as assisting in the drafting of City Council Bills and amendments. Ms. Landis will attend City Council hearings and committee hearings and testify at committee hearings, assist in reviewing State legislation referred by the Mayor's Office of Government Relations, and respond to requests for advice from the Mayor's Office, City agencies, and the City Council. The period of the agreement is effective upon Board approval for one year.

Mayor's Office of Information Technology

2. GUS VITERI	\$ 55.00	\$45,760.00
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Account: 1001-000000-1472-165800-601009

Mr. Viteri will work as an Enterprise Application Systems Administrator. His duties will include, but are not limited to analyzing and stabilizing the existing electronic plan review system, interacting with system users to determine limitations, interacting with stakeholders, vendors, and technical teams. He will verify business and technical requirements, and make recommendations to optimize the system with focus on cloud migration. He will deploy the completed system, manage, monitor, and administer the system. He will

MINUTES**PERSONNEL**

also develop user and administration manuals based on final implementation, and supervise the server project team of three contractors. These duties and salary are comparable to the Civil Service class of Enterprise Application Systems Administrator. The period of the agreement is effective upon Board approval for one year.

Fire Department3. a. Abolish the following three vacant positions:

41296 - Fire Pump Operator
Grade 335 (\$34,776.00 - \$56,148.00)
Job Nos.: 2121-12946 and 2121-12961
(2 Positions)

41211 - Firefighter
Grade 334 (\$33,659.00 - \$54,567.00)
Job Nos.: 2121-13588
(1 Position)

b. Create the following two positions:

41243 - Battalion Fire Chief EMS EMT-P
Grade 383 (\$69,307.00 - \$85,725.00)
Job Nos.: To be determined by BBMR

Costs: \$6,912.00 - 1000-000000-3191-308700-601061

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

UPON MOTION duly made and seconded, the Board approved all of the aforementioned Personnel matters. The contracts were approved by the Law Department as to form and legal sufficiency.

President: "There being no more business before this Board, we will recess until twelve o'clock noon, Thank you."

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 General Services - GS 13804, Waxter Senior Center
Exercise & Rest Rooms
Renovations
BIDS TO BE RECV'D: 06/05/2013
BIDS TO BE OPENED: 06/05/2013

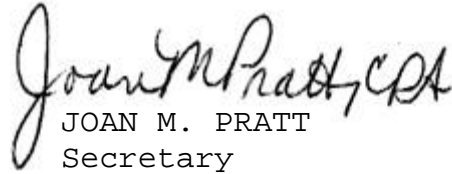
MINUTES

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 Water and Wastewater</u>	-	<u>WC 1251, Repaving Utility Cuts at Various Locations</u>
Monumental Paving & Excavating, Inc. Machado Construction Co., Inc. M. Luis Construction		
<u>Bureau of Purchases</u>	-	<u>B50002774, Planning Council for Ryan White Program</u>
Bazilio Cobb Associates, PC InterGroup Services		
<u>Bureau of Purchases</u>	-	<u>B50002790, Fiscal Agent for for Ryan White Program</u>
Associated Black Charities Bazilio Cobb Associates, PC		
<u>Bureau of Purchases</u>	-	<u>B50002791, Technical Support for Ryan White Program</u>
Gay Foundation Ltd. d/b/a The Taylor Wilks Group		

MINUTES

There being no objections, the Board UPON MOTION duly made and seconded, the Board adjourned until its next regularly scheduled meeting on Wednesday, May 22, 2013.



Handwritten signature of Joan M. Pratt, CPA.

JOAN M. PRATT
Secretary