

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
Rudolph S. Chow, Director of Public Works
David E. Ralph, Deputy City Solicitor
S. Dale Thompson, Deputy Director of Public Works
Bernice H. Taylor, Deputy Comptroller and Clerk

ANNOUNCEMENT

Clerk: "As City Offices were closed yesterday, the deadline line for protests has been extended to this morning at 8:45. I would like to know if there is anyone present who would like to submit a protest who has not already done so. Hearing no response, thank you."

* * * * *

The meeting was called to order by the President.

President: "The November 12, 2014 meeting of the Board of Estimates is now called to order. In the interest of promoting the order and efficiency of these hearings, persons who are disruptive to the hearings will be asked to leave the hearing room."

MINUTES

Thank you, I will direct the Board members attention to the memorandum from my office dated November 10, 2014, 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 approval of all items on the routine agenda."

Comptroller: "Second."

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

* * * * *

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

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

| | |
|---|------------------|
| American Siteworks, LLC | \$ 6,588,000.00 |
| Barletta Heavy Division, Inc. | \$117,405,000.00 |
| BST, a PC Construction Company/Dutchland, Inc. (Joint Venture) | \$511,083,000.00 |
| C.W. Wright Construction Company, LLC | \$152,964,000.00 |
| CitiRoof Corporation | \$ 8,000,000.00 |
| Delta Electrical Contractors, Inc. | \$ 1,500,000.00 |
| DN Tanks, Inc. | \$378,063,000.00 |
| J. F. Fischer, Inc. | \$ 86,661,000.00 |
| Miller, Long & Arnold Co., Inc. | \$174,573,000.00 |
| National Service Contractors, Inc. | \$ 8,000,000.00 |
| Power and Combustion, Inc. | \$ 7,704,000.00 |

2. Prequalification of Architects and Engineers

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

| | |
|--------------------------------|--|
| Chester Engineers, Inc. | Engineer |
| Development Facilitators, Inc. | Architecture Engineer Landscape Architect Land Survey |
| Freeman Architecture | Architect |
| MEP Designs, Inc. | Engineer |

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

MINUTESDepartment of General Services - Minor Privilege Permit Applications

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

| <u>LOCATION</u> | <u>APPLICANT</u> | <u>PRIVILEGE/SIZE</u> |
|-----------------------------------|--------------------------|--|
| 1. 1118 S. Charles St., Suite 110 | 1018 S. Charles St., LLC | Outdoor seating 18' x 5' |
| Annual Charge: \$477.50 | | |
| 2. 1118 S. Charles St., Suite 101 | 1018 S. Charles St., LLC | Outdoor seating 60 sq. ft. |
| Annual Charge: \$337.50 | | |
| 3. 1400 Light Street | 1400 S. Light St., LLC | Outdoor seating 26' x 3' |
| Annual Charge: \$337.50 | | |
| 4. 21 E. Cross Street | CVP Fed Hill, LLC | One bracket sign 3' x 3', one flat sign 11.625 sq. ft. |
| Annual Charge: \$ 70.30 | | |
| 5. 4600 Pulaski Hwy. | Saval Pulaski I, LLC | Four 5" conduits @ 26 linear ft., two 4" conduits @ 30 linear ft. |
| Annual Charge: \$574.00 | | |

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.

MINUTESLaw Department - Settlement Agreement and Release

The Board is requested to approve the Settlement Agreement and Release for the following claim:

1. Corrine Harris v. Krystal Yolanda Moody \$40,000.00

Funds are available in account no. 2036-000000-1752-175200-603070.

The Settlement Committee of the Law Department has reviewed and recommended approval.

UPON MOTION duly made and seconded, the Board approved and authorized the Settlement Agreement and Release.

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) - Condemnation</u> | | | |
| 1. Unknown | 1824 Henneman Ave. | G/R \$24.00 | \$ 160.00 |
| 2. Unknown | 1825 Henneman Ave. | G/R \$37.50 | \$ 250.00 |
| 3. Anita G. Williams | 921 N. Castle St. | G/R \$30.00 | \$ 200.00 |
| 4. Charles Gross | 931 N. Castle St. | G/R \$30.00 | \$ 200.00 |

Funds are available in State Funds, account no. 9910-906409-9588-900000-704040, EBDI Project Phase II.

The Board is requested to approve acquisition of the ground rent interest by condemnation, or in the alternative may, SUBJECT to the prior approval of the Board, make application to the Maryland Department of Assessments and Taxation to redeem or extinguish the ground rent interest for the above property/ies.

| | | | |
|--|-------------------|----------------|-----------|
| 5. Rufus W. Applegarth and George R. Willis, Trustees | 1422 Holbrook St. | G/R \$36.00 | \$ 240.00 |
| 6. Milton A. Polster and J. Paul Rocklin, Trustees under the Last Will and Testament of John C. Polster | 1436 Holbrook St. | G/R \$72.00 | \$ 480.00 |

Funds are available in account no. 9910-905507-9588-900000-704040, AG Demolition Project.

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

| <u>Owner(s)</u> | <u>Property</u> | <u>Interest</u> | <u>Amount</u> |
|-------------------------------------|------------------|-----------------|---------------|
| <u>DHCD - Condemnation - cont'd</u> | | | |
| 7. Eutaw Place, LLC | 2117 Herbert St. | G/R \$60.00 | \$ 500.00 |

Funds are available in account no. 9910-910634-9588-900000-704040, Whole Block Demo Project.

DHCD - Options

| | | | |
|--|-------------------|----------------|-----------|
| 8. Michelle L. Johnson, Personal Representa- tive of the Estate of Ruth R. Tibbs | 1840 E. Chase St. | G/R \$40.00 | \$ 266.67 |
| 9. Rosemarie Greenlee & Frank M. Voyton, Individually & Rosemarie Greenlee & Frank M. Voyton, as Personal Representa- tives of the Estate of Mary L. Voyton | 943 N. Castle St. | G/R \$27.50 | \$ 183.33 |

Funds are available in account no. 9910-906409-9588-900000-704040, EBDI Phase II Project.

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

| <u>Owner(s)</u> | <u>Property</u> | <u>Interest</u> | <u>Amount</u> |
|---|-------------------|-----------------|---------------|
| <u>DHCD - Options - cont'd</u> | | | |
| 10. Rosemarie Greenlee & Frank M. Voyton, Individually & Rosemarie Greenlee & Frank M. Voyton, as Personal Representa- tives of the Estate of Mary L. Voyton | 943 N. Castle St. | SG/R \$78.00 | \$ 336.67 |

Funds are available in account no. 9910-906409-9588-900000-704040, EBDI Phase II Project.

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

UPON MOTION duly made and seconded, the Board approved and authorized the foregoing options, condemnations, and quick-takes.

MINUTES

Fire Department (BCFD) - EMS Services Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the EMS Services Agreement with Caesars Entertainment Operating Company, Inc. The period of the EMS Services Agreement is effective August 26, 2014 and will continue until the final game of the NFL 2014-2015 season.

AMOUNT OF MONEY AND SOURCE:

Amount to be determined based on terms in Exhibits A and B.

1001-000000-3191-308700-600000

BACKGROUND/EXPLANATION:

The BCFD will make available Emergency Medical Services (EMS) as needed during all Baltimore Raven's home games for the football season during the term of the agreement.

Fees for the on-site EMS services are submitted in Exhibit B and made payable to the Director of Finance within 45 days after receipt of invoice from the Baltimore City Fire Department.

The EMS Services Agreement is late because of negotiations between the two parties.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the EMS Services Agreement with Caesars Entertainment Operating Company, Inc.

MINUTESMayor's Office of Human Services (MOHS) - Agreements

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

1. **PROJECT PLASE, INC.** **\$ 232,635.50**

Account: 4000-496215-3573-267826-603051

Project PLASE, Inc. will provide housing assistance and support services to 30 households and 72 individuals. The period of the agreement is July 1, 2014 through June 30, 2015.

MWBOO GRANTED A WAIVER.

AUDITS APPROVED AND HAD NO OBJECTION.

2. **HARFORD COUNTY** **\$ 152,225.00**

Account: 4000-490915-3573-333676-603051

Harford County will utilize the funds to provide housing assistance and supportive services to individuals or to families who have a family member with AIDS. Harford County will serve 20 clients. The period of the agreement is July 1, 2014 through June 30, 2017.

MWBOO GRANTED A WAIVER.

The Agreements are late because of a delay at the administrative level.

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

Mayor's Office of Human Services - Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of the Early Head Start State Supplemental Continuation Grant with the Maryland State Department of Education. The period of the grant award is October 1, 2014 through September 30, 2015.

AMOUNT OF MONEY AND SOURCE:

\$155,117.00 - 5000-586815-6051-449900-603051

BACKGROUND/EXPLANATION:

The Baltimore City/Head Start program will utilize the funds to provide support to the Early Head Start/Head Start Program of Baltimore City. The continuation of this grant enhances the City program by providing expanded hours and/or days of service to eligible children and provides a mechanism for eligible families to apply for subsidy funding from the local Department of Social Services.

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 Early Head Start State Supplemental Continuation Grant with the Maryland State Department of Education.

MINUTES

Mayor's Office of Human Services (MOHS) - Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to ratify the extension of the Grant Award with The United Way of Central Maryland, Inc.

AMOUNT OF MONEY AND SOURCE:

\$1,000,000.00 - 1001-000000-3573-267800-603051

BACKGROUND/EXPLANATION:

On June 26, 2013, the Board approved a grant agreement in the amount of \$500,000.00 with The United Way of Central Maryland, Inc. The agreement allowed the City to extend the term of the agreement from July 1, 2014 through June 30, 2016 and award an additional \$1,000,000.00.

This request is for the extension of two additional years and an increase in the amount of \$1,000,000.00 as allowed in the original agreement. The United Way of Central Maryland, Inc. will continue to use the funds to administer and monitor temporary shelter and case management services under its shelter diversion program. The total award amount is \$1,500,000.00.

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

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board ratified the extension of the Grant Award with The United Way of Central Maryland, Inc.

MINUTES

EXTRA WORK ORDERS AND TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders and Transfers of Funds

listed on the following pages:

4349 - 4350

All of the EWOs had been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

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

EXTRA WORK ORDERS

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

Department of Transportation

1. EWO #010, \$ 0.00 - TR 08046, Rehabilitation of Broening Highway from Holabird Avenue to Colgate Creek

\$14,700,000.00 \$ 1,011,655.75 American Infra-structure-MD, Inc. 365 -

This one-year time extension revises the completion date to November 12, 2015.

2. EWO #002, \$86,968.20 - TR 08017, SE Transportation Action Plan, Intersection Improvements

\$ 3,147,992.00 \$ 0.00 Machado Construction Co. - -
3. EWO #003, \$3,406,250.00 - TR 05308, Dundalk Ave. Streetscape Eastern Avenue to the City Line

\$14,163,131.25 \$ 1,210,658.15 Civil Construction, LLC 176 -

This authorization will fund additional concrete roadway repairs needed throughout the entire project due to sub-grade failures. New items will include saw cuts, removal of existing, disposal, new concrete replacement, 6" GAB, and replacement of fabric under roadway repair. This authorization also requests a 176 day, non-compensable time extension, needed to complete the additional work. The new contract completion date will be July 15, 2015.

MINUTES

EXTRA WORK ORDERS

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

TRANSFER OF FUNDS

| <u>AMOUNT</u> | <u>FROM ACCOUNT/S</u> | <u>TO ACCOUNT/S</u> |
|-------------------------------------|-----------------------|----------------------|
| <u>Department of Transportation</u> | | |
| 4. \$2,997,500.00 | 9950-944002-9507 | 9950-903453-9508-2 |
| FED | Construction Reserve | Contingencies |
| | Reserve for Closeouts | Dundalk Ave. |
| | | Streetscape |
| 749,375.00 | 9962-941002-9563 | 9962-914059-9562-2 |
| <u>Others</u> | Conduit Replacement | Dundalk Ave.-Conduit |
| | Program | System |
| \$3,746,875.00 | | |

This transfer will fund the costs associated with Change Order No. 3 to project TR05308, Dundalk Avenue Streetscape from Eastern Ave. to the City Line with Civil Construction, LLC in the amount of \$3,406,250.00.

DPW, Office of Engineering & Construction

| | | | | |
|---|------|-------------------------------------|------------------|------|
| 5. EWO #003, \$ | 0.00 | - SC 877, Enhanced Nutrient Removal | | |
| <u>Process at the Back River Wastewater Treatment Plant</u> | | | | |
| \$263,558,205.00 | \$ | 8,507.18 | Archer Western | 21 - |
| | | | Contractors, LLC | CCD |

This time extension will result in a new project completion date of October 29, 2016.

MINUTESDepartment of Transportation - Task Assignment**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 10 to McCormick Taylor, Inc. under Project 1162, On Call Consultant Services for Reconstruction and Resurfacing Projects.

AMOUNT OF MONEY AND SOURCE:

\$192,184.95 - 9950-906312-9527-900020-703032

BACKGROUND/EXPLANATION:

McCormick Taylor, Inc. will perform a lighting system study along the Inner Harbor promenade. The study is in response to the climate adaptation measures outlined in Baltimore's Climate Action Plan to reduce Maryland's vulnerability to climate change.

MBE/WBE PARTICIPATION:

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

MWBOO APPROVED THE EAR ON OCTOBER 6, 2014.

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

TRANSFER OF FUNDS

| <u>AMOUNT</u> | <u>FROM ACCOUNT/S</u> | <u>TO ACCOUNT/S</u> |
|---------------|-----------------------|---------------------|
| \$ 192,184.95 | 9950-907312-9528 | 9950-906312-9527-3 |
| GF (HUR) | Construction Reserve | Design and Study |
| | Inner Harbor | Inner Harbor |
| | Infrastructure | Infrastructure |

This transfer will fund the cost associated with expenses related to Task No. 10, under Project No. 1162, On Call Consultant Services for Reconstruction and Resurfacing Projects with McCormick Taylor, Inc. in the amount of \$192,184.95.

MINUTES

Department of Transportation - cont'd

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 10 to McCormick Taylor, Inc. under Project 1162, On Call Consultant Services for Reconstruction and Resurfacing Projects. The Transfer of Funds was 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

Department of Public Works, Office - Task Assignment
of Engineering & Construction

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 006 to Louis Berger Water Services, Inc. under Project 1405, On Call Construction Management Assistance Services Inspection Services.

AMOUNT OF MONEY AND SOURCE:

\$1,219,254.59 - 9956-905527-9551-900020-706063

BACKGROUND/EXPLANATION:

Louis Berger Water Services, Inc. will assist the Office of Engineering & Construction by providing construction management and inspection services on SC 845R, Enhanced Nutrient Removal Facilities at the Patapsco Wastewater Treatment Plant.

The work includes but is not limited to code compliance, project management, field inspection, and record keeping for Project 1405. It is anticipated that the services provided will be for 14 months.

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

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 006 to Louis Berger Water Services, Inc. under Project 1405, On Call Construction Management Assistance Services Inspection Services.

MINUTES

Department of Public Works - Storm Water Inlet Screen Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an agreement with L B Water Service, Inc. The period of the agreement is effective upon the notice to proceed for one year.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

L B Water Service, Inc. approached the City with an offer to supply and install Inlet Filters at a limited number of storm water inlets in the City during a Pilot Project in order to test if the filters would reduce debris from entering the City storm water system. L B Water Services, Inc. and the City agreed to do this Pilot Project at absolutely no cost or expense for the City.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with L B Water Service, Inc.

MINUTESHealth Department - Agreements

The Board is requested to approve and authorize execution of the below indicated agreements. The period of the Agreement is July 1, 2014 through June 30, 2015, unless otherwise indicated.

1. **HEALTH CARE FOR THE HOMELESS, INC.** **\$159,423.00**

Account: 4000-424515-3023-599614-603051

The organization will provide HIV treatment adherence for the Ryan White Part B Program. The adherence intervention services will be provided to at least 55 HIV+ homeless persons that have demonstrated difficulty with appointment and/or medication compliance.

This agreement is being presented at this time because the Infectious Disease and Environmental Health Administration programmatically manages Ryan White Part B services. The providers are asked to submit a budget, budget narrative, and scope of services. The Department thoroughly reviews the entire package before preparing a contract and submitting it to the Board of Estimates. These budgets are often revised because of inadequate information from the providers. This review process is required to confirm the grant requirements.

MWBOO GRANTED A WAIVER.

2. **JOHNS HOPKINS UNIVERSITY,** **\$0.00**
SCHOOL OF NURSING (JHU, SON)

Under the direction of the Health Departments' School Health Services Coordinator, the JHU, SON School of Nursing will assign a registered nurse to provide school health services for students in grades Pre-K to 8 at the Henderson-Hopkins School No. 368. The period of the agreement is effective upon Board approval through June 30, 2015.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED (EXCEPT ITEM NO. 2) AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing agreements. The President **ABSTAINED** on item no. 2.

MINUTES

Health Department - Cooperative Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Cooperative Agreement with the Department of Justice, Office of Justice Program and Delinquency Prevention (OJJDP). The period of the Grant Award Agreement is October 1, 2011 through September 30, 2017.

AMOUNT OF MONEY AND SOURCE:

\$611,174.00 - 4000-430512-3160-308600-404001

BACKGROUND/EXPLANATION:

The OJJDP's State and Community Development Invited Award program was established to provide grants and cooperative agreements to organizations that the OJJDP has selected for funds from prior years.

The Department will use the FY 14 State and Community Development invited funds to increase Baltimore's Safe Street Initiative from four to five community sites working to reduce the incidence of violent crime, change community norms, provide alternatives to violence, and reduce exposures to community violence in the City.

The Cooperative Agreement was recently received from the grantor.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Cooperative Agreement with the Department of Justice, Office of Justice Program and Delinquency Prevention.

MINUTESHealth Department - Employees Expense Statements

The Board is requested to approve the various expense reports for following employees.

| <u>Employee</u> | <u>Mileage</u> | <u>Amount</u> |
|---|----------------|-----------------|
| 1. WILMA JEWEL BROWN | July 2014 | \$ 79.39 |
| Account: 5000-532815-3044-273300-603002 | | |
| 2. CASSANDRA JOHNSON | June 2014 | \$142.24 |
| Account: 4000-422514-3030-271500-603002 | | |

Ms. Brown and Ms. Johnson failed to submit their expense statements in the required timeframe.

| | | |
|---|----------|-----------------|
| 3. DIARRA GORDON | May 2014 | \$129.92 |
| Account: 1001-000000-3100-295900-603002 | | |

Ms. Gordon submitted her expense statement in the required timeframe, however it was returned to her for revisions, and was further delayed during the Administrative review process.

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

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

MINUTES

Department of Planning - Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of a Grant Award from The Abell Foundation.

AMOUNT OF MONEY AND SOURCE:

\$5,000.00 - 6000-609415-1875-187400-406001

BACKGROUND/EXPLANATION:

The Department of Planning has started the initial research into urban flower farming as part of the solution of greening vacant land a natural outgrowth of food farming in the City. The City and community leaders believe flower farming offers multiple avenues for entrepreneurship, via sales of cut flowers as well as through the creation and sale of value-added products such as perfumes and essential oils.

In the Spring of 2011, the City pioneered Homegrown Baltimore, an urban farming initiative, that aimed to address several of the City's most pressing social challenges; return underutilized or vacant land to productive use, provide sources of training, employment and supplemental income to lower-skilled and/or un/underemployed persons and increase the availability of whole, fresh food in underserved neighborhoods. This urban farming initiative is limited by the fact that some vacant land in Baltimore is not suitable for food production due to a variety of factors. With approximately 14,000 vacant lots in Baltimore City, in order to take this urban farming initiative to scale, there is a need for another option for putting these lots into productive use.

MINUTES

Dept. of Planning - cont'd

The initial research thus far has led to the conclusion that we need a more detailed inquiry into the efficacy of flower farming to return more vacant lots to productive use and beautify the City and spark entrepreneurs in the cut flower and flower-derived products business. The funds will be utilized to hire a consultant to manage a detailed inquiry and create a proof of concept for flower farming in the City of Baltimore.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved acceptance of the Grant Award from the Abell Foundation.

MINUTES

Department of Planning - Consultant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Consultant Agreement with Kristin Dawson, LLC. The period of the Consultant Agreement is November 14, 2014 through January 30, 2015.

AMOUNT OF MONEY AND SOURCE:

| | | |
|--------------------|---|--------------------------------|
| \$ 5,000.00 | - | 9910-910635-9588-900000-704032 |
| 5,000.00 | - | 6000-609415-1875-187400-603018 |
| \$10,000.00 | | |

BACKGROUND/EXPLANATION:

The Department of Planning has started the initial research into urban flower farming as part of the solution of greening vacant land a natural outgrowth of food farming in the City. The City and community leaders believe flower farming offers multiple avenues for entrepreneurship, via sales of cut flowers as well as through the creation and sale of value-added products such as perfumes and essential oils.

The initial research thus far has led to the conclusion that it is necessary to have a more detailed inquiry into the efficacy of flower farming to return more vacant lots to productive use, beautify the City, and spark entrepreneurs in the cut flower and flower-derived products business.

Kristin Dawson, LLC will manage a detailed inquiry and create a proof of concept for flower farming in Baltimore City. Five thousand dollars has been awarded by the Abell Foundation as a grant to the City of Baltimore in a separate memo to the Board. Previously, Ms. Dawson worked for the City in the Land Resources Division of the Department of Housing and Community Development as a policy analyst addressing vacant land issues for the City such as Project 5000. Later she implemented a new outcome-based budget process for the City in the Department of Finance.

MINUTES

Dept. of Planning - cont'd

Concurrently, she worked on the urban farm initiative and the Baltimore Food Policy Task Force through the Department of Planning. Recently, Ms. Dawson started her own consulting firm to pursue a career in urban farming. Her unique combination of prior work experience, education, and passion make her the ideal choice for this project.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Consultant Agreement with Kristin Dawson, LLC.

MINUTES

Department of Planning - Memorandum of Understanding

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Memorandum of Understanding with the State Department of Natural Resources. The period of the grant agreement is November 1, 2014 through October 31, 2015.

AMOUNT OF MONEY AND SOURCE:

\$52,000.00 - 4000-476615-1875-187400-404001

BACKGROUND/EXPLANATION:

Baltimore is highly vulnerable to a range of natural hazards, including coastal storms, flooding, extreme heat, and high winds. These types of extreme events are expected to increase the frequency and magnitude over the coming years. The Disaster Preparedness Project and Plan approved by the Planning Commission on October 3, 2013 included recommendations for both mitigating natural hazards and adapting to the impacts of climate change.

The Memorandum of Understanding provides funding from the State Department of Natural Resources to implement four specific implementation elements:

1. Completion of the City's Community Rating System application to FEMA as a way to lower flood insurance rates for all Baltimore City residents and businesses.
2. Development of a comprehensive metric system for tracking and evaluating adaptation successes and opportunities for strengthening strategies.
3. Development of an education and awareness campaign for the commercial and industrial sectors.

MINUTES

Department of Planning - cont'd

4. Integration of resiliency and adaptation planning and projects into existing Mayoral initiatives, the Capital Improvement Process, community plans and economic development initiatives.

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 Memorandum of Understanding with the State Department of Natural Resources.

MINUTES

Department of Planning - Grant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Grant Agreement with the Parks & People Foundation. The period of the Grant Agreement is effective upon Board approval for two years.

AMOUNT OF MONEY AND SOURCE:

\$100,000.00 - 9910-910635-9588-900000-704032

BACKGROUND/EXPLANATION:

The Growing Green Initiative (GGi) is a City led effort to use sustainable, innovative and cost-effective practices for stabilizing and holding land for redevelopment, and reusing vacant land to green neighborhoods, reducing storm water runoff, growing food, and creating community spaces that mitigate the negative impacts of vacant properties and set the stage for growing Baltimore.

The Grant Agreement outlines a program whereby the Parks & People Foundation will support the GGi with a Growing Green Community Organizer staff position to manage Community Managed Open Space, so that the City will have support in the management and operation of vacant lot greening. In addition, the City can be assured that this element of growing green is sufficiently supported in a manner agreeable to the City. The GGi will complement work currently underway at the Parks & People Foundation by providing funding for a Growing Green Community Organizer through the annual allocation of greening funds from Housing and Community Development's Blight Elimination budget.

The Blight Elimination Program will be creating 4,000 additional vacant lots in the next 10 years. The Community Managed Open Space element of the GGi is critical for its role in stabilizing the social fabric of communities, increasing safety, and improving public health. Managing this role is also very time-consuming because communities need support envisioning improvements, locating volunteers and preparing grant applications.

MINUTES

Department of Planning - cont'd

This work is best done by a non-governmental organization that has more flexibility and the ability to raise funds from foundations. The Parks & People Foundation has been the most active and successful in this capacity, and they already assist City government with the Power in Dirt program (PID). Day to day management of the community outreach/education element of the PID program was transferred from the Mayor's Office to the Parks and People Foundation in 2013.

MBE/WBE PARTICIPATION:

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and second, the Board approved and authorized execution of the Grant Agreement with the Parks & People Foundation. The Mayor **ABSTAINED**.

MINUTES

Department of Housing and - First Amendment to the
Community Development Land Disposition Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the First Amendment to the Land Disposition Agreement (LDA) with Gulf Investment, LLC., Developer.

AMOUNT OF MONEY AND SOURCE:

\$3,500.00 - 1417 E. Eager St.
 3,500.00 - 1429 E. Eager St.
 500.00 - 1443 E. Eager St.
 500.00 - 1445 E. Eager St.
 500.00 - 926 N. Caroline St.
 500.00 - 928 N. Caroline St.

 \$9,000.00 - Purchase Price

BACKGROUND/EXPLANATION:

On July 16, 2014, the Board approved the original LDA for nine properties which included the below-listed properties. This First Amendment to the LDA will remove three properties from the original LDA and extend the deadline for settlement to November 30, 2014. The properties to be removed from the original agreement are:

1412 N. Broadway - \$10,000.00
 1428 N. Broadway - 5,000.00
 1436 N. Broadway - 5,000.00
 \$20,000.00

The developer intends to focus on a specific area in order to efficiently and effectively deliver a positive whole block outcome. To that end, developer wishes to remove the properties as stated from the original LDA dated July 16, 2014 with the City.

The City will convey all of its rights, title, and interest in the properties to Gulf Investment, LLC for the total price of \$9,000.00 which will be paid to the City at the time of settlement. The Developer has paid a good faith deposit of \$2,900.00 as specified in the original LDA.

MINUTES

DHCD - cont'd

MBE/WBE PARTICIPATION:

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the First Amendment to the Land Disposition Agreement with Gulf Investment, LLC., Developer.

MINUTES

Department of Housing and - Modification and Clarification
Community Development of term to a Home Investment
 Partnership Program Loan

ACTION REQUESTED OF B/E:

The Board is requested to approve a Modification and Clarification to the sources and funds as previously approved by the Board on September 3, 2014, for the project known as the Penn Square II Apartments (a.k.a. Fulton-Gethsemane Village Apartments). The Board is also requested to authorize the Commissioner of the Department of Housing and Community Development to execute any and all legal documents to effectuate this transaction after legal review and sign-off by the Department of Law.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On September 3, 2014, the Board approved a HOME Investment Partnerships Program loan in the amount of \$1,590,000.00 (the HOME Loan) to Penn Square II Limited Partnership (the Borrower). Proceeds of the HOME Loan are to be used to support a portion of the construction and construction related costs for 61 residential units known as the Penn Square II Apartments (a.k.a. Fulton-Gethsemane Village Apartments) to be located in the 2600 block of Pennsylvania Avenue (the Project).

Upon completion of the construction, the Project is expected to contain 49 one-bedroom units, 8 two-bedroom units, and 4 three-bedroom units. Except as described herein, all of the units will be restricted to persons whose incomes are 30% to 50% of the area median income, adjusted for family size (AMI).

As a condition for receiving the HOME Loan, the Borrower has agreed to provide not less than 12 of the one-bedroom units targeted and restricted to non-elderly disabled residents (NED) earning 30% or less of the AMI. The Borrower has further agreed to provide an additional three units as long-term Bailey UFAS units which will be restricted to households earning 30% or less of the AMI.

MINUTES

DHCD - cont'd

A long-term Bailey UFAS unit means a unit that contains accessible features and is certified by an architect designated by the Housing Authority Baltimore City (HABC) as compliant with the Uniform Federal Accessibility Standards adopted by Housing and Urban Development (HUD). The City and HABC will require the three long-term Bailey UFAS units to be restricted for exclusive use for at least 40 years in accordance with the requirements of the Bailey Consent Decree. The NEDs units will be restricted for at least 15 years in accordance with the requirements of the Bailey Consent Decree. The term NEDs means a household that meets the following criteria: (i) whose sole member, head of household, or head of household's spouse has a disability and is under age 62; (ii) which is eligible for a one-bedroom public housing unit or a two-bedroom public housing unit because a second bedroom is needed for disability-related reasons; and (iii) which is on the HABC waiting list for public or Section 8 subsidized housing.

The HOME Loan will be used solely to finance a portion of the hard construction costs of the project.

Bank of America has finalized its underwriting which now necessitates the following modifications and clarifications to the Board's prior approval.

1. The Board's September 3, 2014, approved memorandum identified a total development cost of \$15,560,136.00 which partially consisted of a Purchase Money Mortgage from the City (the City Land Take Back Mortgage) in the amount of \$100,000.00 and a construction loan in the approximate amount of \$8,932,278.00.
2. The City Land Take Back Mortgage will no longer be necessary as the developer will have paid in full the entire value of the land prior to closing.
3. The total development cost is now approximately \$15,660,000.00, and the Borrower will be deferring a portion of their development fee in the amount of approximately \$190,000.00, which will be repaid from 25% of the cash flow that was previously allocated to repay the City Land Take Back Mortgage in the Board's September 3, 2014 approval memorandum.

MINUTES

DHCD - cont'd

4. Bank of America has determined that following repayment of their construction loan, the bank will provide a permanent loan in the approximate amount of \$875,000.00 rather than \$735,000.00 as was listed in the Board's September 3, 2014, approval memorandum (the Bank of America Permanent Loan). In addition, the terms of the Bank of America Permanent Loan have changed slightly so that it will have a term of 18 years with principal amortizing over 30 years as described in the Board's September 3, 2014, approval memorandum. The Bank of America Permanent Loan will remain in the first-lien position and will continue to accrue interest at a rate of approximately 6.5%.

The City is making a construction/permanent loan from amounts available under the HOME Program in the principal amount not to exceed \$1,590,000.00 (the HOME Loan). During the construction loan period, which will be for a term not to exceed 24 months from the date of closing (the HOME Loan Construction Loan Period), interest will accrue at the rate of two percent per annum on sums advanced. The permanent loan period will be 20 years commencing at the end of the HOME Loan Construction Loan Period (the HOME Loan Permanent Loan Period), the interest rate charged will be two percent.

The day after the final day of the HOME Loan Permanent Loan Period is the HOME Loan Maturity Date. No payments on the HOME Loan will be required during the construction, but during the HOME Loan Permanent Loan Period, annual payments of principal and interest will be due from 75% of the available cash flow generated by the Project. To the extent such cash flow is not available, required payments due and owing will be deferred. The outstanding principal balance, plus any deferred and accrued payments, will be due and payable on the HOME Loan Maturity Date. The HOME Loan will be long-term, subordinate, non-recourse debt.

The Department has determined that the City's position in the transaction is not materially affected or is otherwise improved for the following reasons:

MINUTES

DHCD - cont'd

- The Project remains financially feasible and the Borrower has sufficient sources to support the construction of the Project.
- The Borrower will not be taking on new debt or otherwise adding any encumbrances.
- The position of the HOME Loan remains unchanged relative to the other debt.
- No additional City funding is requested or needed.

All other terms and conditions of the Board's September 3, 2014, approval will remain in effect.

THE DEPARTMENT OF FINANCE REVIEWED AND RECOMMENDED APPROVAL.

UPON MOTION duly made and seconded, the Board approved the Modification and Clarification to the sources and funds as previously approved by the Board on September 3, 2014, for the project known as the Penn Square II Apartments (a.k.a. Fulton-Gethsemane Village Apartments). The Board requested to authorize the Commissioner of the Department of Housing and Community Development to execute any and all legal documents to effectuate this transaction after legal review and sign-off by the Department of Law.

MINUTES**TRAVEL REQUESTS**

| <u>Name</u> | <u>To Attend</u> | <u>Fund Source</u> | <u>Amount</u> |
|---|---|--------------------|---------------|
| <u>Baltimore City Police Department</u> | | | |
| 1. Pamela K. Shaw | American Society of Crime Laboratory Directors/Laboratory Accreditation Board Largo, MD Aug. 24 - 29, 2014 | | \$ 0.00 |

Ms. Shaw will be part of the assessment team functioning as a Technical Assessor for Drug Analysis.

RETROACTIVE TRAVEL APPROVALHealth Department

| | | | |
|----------------|--|-------------------|-----------|
| 2. Aisha Darby | CDC TB Program Managers Training Atlanta, GA Oct. 6 - 9, 2014 | TB Grant Funds | \$ 884.09 |
|----------------|--|-------------------|-----------|

Ms. Darby traveled to Atlanta, GA to attend the Centers for Disease Control and Prevention Tuberculosis Program Managers Training in Atlanta, GA. However, Ms. Darby submitted her travel request too late to the Department to receive prior Board approval. Therefore, the Board is requested to retroactively approve the travel request for Ms. Darby.

The Department has paid the airfare in the amount of \$244.20 using a City-Issued Procurement Card assigned to Ms. Jacquelyn Duval-Harvey. Therefore, the expenses to be reimbursed to Ms. Darby are as follows:

| | |
|---------|------------------|
| Parking | \$ 60.00 |
| Hotel | 405.00 |
| Taxes | 56.70 |
| Meals | 118.19 |
| | <u>\$ 639.89</u> |

UPON MOTION duly made and seconded, the Board approved the travel request and the retroactive travel approval.

MINUTES

Mayor's Office on Criminal Justice - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to ratify the Agreement with Turnaround, Inc. The period of the Agreement is July 1, 2014 through September 30, 2014.

AMOUNT OF MONEY AND SOURCE:

\$12,725.00 - 4000-475515-2252-688000-607001

BACKGROUND/EXPLANATION:

On August 27, 2014, the Board approved execution of a grant award for the "SART Vertical Advocate" project, which assists in developing, and implementing strategies specifically intended to provide assistance to victims of crime in the State of Maryland. The funds will be used to provide salary support for a Victim Advocate who will provide ongoing crisis response, support, and advocacy to victims of sexual assault.

The Agreement is late because of the late receipt of the award documents.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board ratified the Agreement with Turnaround, Inc.

MINUTES

Mayor's Office on Criminal Justice - Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of a Grant Award from the U.S. Department of Justice. The period of the Grant Award is October 1, 2013 through September 30, 2017.

AMOUNT OF MONEY AND SOURCE:

\$771,963.00 - 4000-475715-2252-694200-600000

BACKGROUND/EXPLANATION:

Under this Grant Award, the City will utilize the JAG X funding to continue supporting crime reduction and prevention strategies. In addition, the grant funding will enable the Baltimore Police Department to aim to reduce violent crime while continuing the commitment to community-based crime prevention programs.

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 Grant Award from the U.S. Department of Justice.

MINUTES

Mayor's Office of Information - Expenditure of Funds
Technology (MOIT)

ACTION REQUESTED OF B/E:

The Board is requested to approve the expenditure of funds to pay IBM.

AMOUNT OF MONEY AND SOURCE:

\$4,351.48 - 1001-000000-1474-167700-603080

BACKGROUND/EXPLANATION:

IBM provided hardware and software maintenance for the MOIT mainframe. The data was migrated to a new mainframe hosting facility and the services of IBM were no longer needed. Effective April 30, 2014, the contract with IBM was cancelled however, the vendor is still due payment for the month of April in the amount of \$4,351.48.

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

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to pay IBM.

MINUTES

Mayor's Office of Government Relations - Professional Services Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Professional Services Agreement with Van Scoyoc Associates, Inc. The period of the Agreement is effective upon Board approval for two years.

AMOUNT OF MONEY AND SOURCE:

\$262,000.00 - 1001-000000-1220-145900-603021

BACKGROUND/EXPLANATION

Van Scoyoc Associates, Inc., the federal advocate, will continue to assist the City in enhancing its position in a broad range of matters before the federal government including, but not limited to tax issues, federal funding appropriations, urban affairs, education reform, municipal finance, infrastructure, transportation, housing, public health, and public safety.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board **DEFERRED** this item until November 19, 2014.

MINUTES

Police Department - Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of a Grant Award from the Governor's Office of Crime Control and Prevention. The period of the Grant Award is October 1, 2014 through September 30, 2015.

AMOUNT OF MONEY AND SOURCE:

\$30,950.00 - 4000-476315-2024-212600-600000

BACKGROUND/EXPLANATION:

The Backlog Reduction grant assists in developing and implementing strategies specifically intended to increase efficiency in the Department's Crime Laboratory. The funds will provide overtime funds to reduce the backlogs in the Firearms and Latent Units.

The Grant Award is late because of late receipt of the award documents.

APPROVED FOR FUNDS BY FINANCE

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

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

MINUTES

TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

4379 - 4380

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

TRANSFER OF FUNDS

| | <u>AMOUNT</u> | <u>FROM ACCOUNT/S</u> | <u>TO ACCOUNT/S</u> |
|-------------------------------------|---------------------|---|---|
| <u>Department of Transportation</u> | | | |
| 1. | \$ 15,000.00 | 9950-916080-9512 Construction Res. Traffic Safety Improv. Citywide | 9950-908023-9512 33 rd Street and Loch Raven Blvd. Intersection |

This transfer will cover the cost of prints and preliminary expenses and other related costs necessary to advertise the construction project TR 13302, 33rd Street and Loch Raven Blvd. Intersection.

Department of Housing and Community Development

| | | | |
|----|---------------------|--|--|
| 2. | \$200,000.00 | 9910-902985-9587 Housing Development - Reserve | 9910-913018-9588 Capital Project Support FY'15 |
|----|---------------------|--|--|

This transfer will move appropriations in accordance with the FY 2015 Ordinance of Estimates for staff costs directly related to the management of capital projects and programs within the Department of Housing and Community Development. The funding was appropriated within the Housing Development account.

| | | | |
|----|---------------------|---|--|
| 3. | \$147,000.00 | 9910-922012-9587 Whole Block Demolition Reserve | 9910-915631-9588 Whole Block Op Cost Demo |
| | 630,000.00 | " " | 9910-910632-9588 Whole Block Op Cost - Acq./Reloc. |
| | <u>\$777,000.00</u> | | |

This transfer will provide appropriations approved in the FY 2014 Ordinance of Estimates providing funds to support staff costs for the Whole Block Demolition/Acquisition Program.

MINUTES

TRANSFER OF FUNDS

| | <u>AMOUNT</u> | <u>FROM ACCOUNT/S</u> | <u>TO ACCOUNT/S</u> |
|--|---|------------------------------------|---|
| <u>Department of Housing and Community Development</u> | | | |
| 4. | \$ 19,351.72 | 9910-904979-9587 | |
| | Gen'l Funds | East Baltimore Redev. - Reserve | |
| | 43,352.81 | 9910-912006-9588 | |
| | Gen'l Funds | Neighborhood Planning Program | |
| | 28,137.41 | 9910-904059-9588 | |
| | 28 th Comm. Dev. Bonds | Byrd Properties | |
| | 15,145.32 | 9910-904921-9587 | |
| | 29 th Comm. <u>Dev. Bonds</u> | American Brewery Acq. - Reserve | |
| | \$105,987.26 | ----- | 9910-904415-9588 East Baltimore Development Initiative |

This transfer will provide funding for costs associated with acquisition/relocation activities for the East Baltimore Development Initiative.

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:

4382 - 4401

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.

The Comptroller **ABSTAINED** item 7 only Harbor Truck Sales
and Services, Inc. t/a Baltimore Freightliner.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Dept. of Public Works, Office of Engineering & Construction

| | | | |
|---|--------------------------|-----------------------|--------|
| 1. SC 920, Improvements to the Gwynns Falls Sewershed Collection System - Area A | SAK Construction, LLC | \$17,292,505.00 | |
| DBE/MBE: Daco Construction Corp. | | \$5,734,800.00 | 33.16% |
| Goel Services, Inc. | | 366,962.20 | 2.12% |
| | | <u>\$6,101,762.20</u> | |
| DBE/WBE: Advantage Manhole & Concrete Services, Inc. | | \$1,148,850.00 | 6.64% |
| Royale Construction, Inc. | | 1,736,700.00 | 10.04% |
| | | <u>\$2,885,550.00</u> | |

2. TRANSFER OF FUNDS

| <u>AMOUNT</u> | <u>FROM ACCOUNT/S</u> | <u>TO ACCOUNT/S</u> |
|-------------------------|-----------------------|---------------------|
| \$ 6,368,483.85 | 9956-907622-9549 | |
| Wastewater Revenue | Construction Reserve | |
| Bonds | Sewer System Rehab.- | |
| | Gwynns Falls | |
| 16,457,623.15 | " " " | |
| <u>Baltimore County</u> | | |
| \$ 22,826,107.00 | | |
| \$ 1,729,251.00 | ----- | 9956-904623-9551-2 |
| | | Extra Work |
| 1,729,251.00 | ----- | 9956-904623-9551-3 |
| | | Engineering |
| 1,037,550.00 | ----- | 9956-904623-9551-5 |
| | | Inspection |
| 17,292,505.00 | ----- | 9956-904623-9551-6 |
| | | Construction |
| 1,037,550.00 | ----- | 9956-904623-9551-2 |
| <u>\$ 22,826,107.00</u> | | Administration |

The funds are needed to cover the cost of SC 920, Improvements to the Gwynns Falls Sewershed Collection System - Area A.

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

Dept. of Public Works, Office of Engineering & Construction

A PROTEST WAS RECEIVED FROM AM-LINER EAST, INC. AND 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.

President: "The first item on the non-routine agenda can be found on Page 43, Recommendations for Contact Awards/Rejections, Item 1, SC 920, Improvements to the Gwynns Falls Sewershed Collection System, Area A and Item 2, related Transfer of Funds. Will the parties please come forward?"

Art Shapiro: "Good morning. My name is Art Shapiro. I'm the Chief of Engineering Construction for the Department of Public Works and I'm presenting on SC 920, which is the contract for improvements to the Gwynns Falls Sewershed, which consists of re-lining of sewer mains and point repairs as required. On July 16th, bids were received uh, from four bidders. Uh, the low bid from SAK Construction at \$17,292,505.00 and second low bid \$19,308,208.00 from AM-Liner East. The low bid uh, from SAK, was within the engineer's estimate and we recommend that be awarded."

MINUTES

President: "Okay, you said that the um, that the price from AM-Liner was how much?"

Mr. Shapiro: "Nineteen million uh, excuse me, uh nineteen million."

President: "Okay, um, Comptroller, you have to speak in the mic."

Comptroller: "What is the um, percentage for the "prime" to be in compliance?"

Mr. Shapiro: "Fifty, fifty-one percent according to the Green Book in terms of performance."

Comptroller: "So, the rules we're using, not the City, we're using the State or the federal?"

Mr. Shapiro: "This is a State-funded project --"

Comptroller: "Uh-huh."

Mr. Shapiro: "-- and the nature of the work is specialized. The nature of the work was not um, even in existence when the original Green Book recommendation requirements were set in place."

Comptroller: "So, the prime said that they could perform at least 50 percent of the work, but they're giving away more than 50 percent."

Mr. Shapiro: "Yes. The "prime" can do the 51 percent, but it's based on the um, --"

MINUTES

Comptroller: "-- But the prime is giving away more..."

Mr. Shapiro: "They're giving away some of the work, the excavation work, and the um, CCTV work. The prime's specialty is the relining of the sewer pipe, which is uh, very specialized work, that is only uh, provided by the prime."

Comptroller: "Which is less than 50 percent."

Mr. Shapiro: "Which is less than 50 percent."

City Solicitor: "How much less than 50 percent?"

Comptroller: "Probably about 48 percent."

Mr. Shapiro: "Forty-eight percent."

President: "Okay."

Michael Mullen: "If I may just interject, Michael Mullen from the Law Department. The position we're taking is that this is a state-funded contract and the State's DBE rules comp, they comply -- they are in accordance here with what we're doing. They have approved this contract. I have it in writing here, I have copies for you, if you would like to see that. Those rules control. So, really the State saw the percentages they approved the percentages also and they also approved the sub-contractor that's at issue, Royal Construction I think."

MINUTES

City Solicitor: "Is the Department um, asking the Board essentially to waive strict compliance with the Green Book 51 percent requirement and allow this to go to the low bidder with 48 and change or 49 percent? Is that what you're basically asking us to do?"

Mr. Mullen: "As an alternative, that would be the request, but the State says, they've told us --."

City Solicitor: "Okay."

Mr. Mullen: "-- and our MWBOO office has said that they do not get involved in these types of state-funded contracts, and that the State rules apply, so we're complying with the State rules."

City Solicitor: "Okay. So you would say alternatively the State rules apply and allow 48 percent or alternatively we can, we the Board can, waive the 51 percent of the Green rule down to 48 percent?"

Mr. Mullen: "That would be correct. You can do it in the alternative or you can find that the State rules control, as we suggest and recommend."

President: "Okay."

Wayne Travell: "Mr. Young, if I may be heard. My name is Wayne Travell. I represent AM-Liner East, Inc."

MINUTES

City Solicitor: "Mr., Mr. Travell, I'm sorry, just preliminarily, so I have to ask you, you're outside counsel appearing on behalf of your client, company, right?"

Mr. Travell: "I am."

City Solicitor: "Have you registered with the Ethics Board as a procurement lobbyist?"

Mr. Travell: "I'm not a lobbyist, sir."

City Solicitor: "You are communicating in connection with a procurement matter. That makes you under our Ethics Code a procurement lobbyist. You can go forward, but you need to go um, upstairs to the Ethics Board or communicate with them within five days and register as a procurement lobbyist."

Mr. Travell: "I'll be happy to do that, but my role today Sir, is as on behalf of AM-Liner as prosecuting."

City Solicitor: "I understand, but our Ethics Code says that anybody who communicates with the government of Baltimore City in connection with a procurement matter is a procurement lobbyist, even though you may not think of yourself as that, and has to register as such and then there'll be a modest but important reporting requirement."

Mr. Travell: "I'll be happy to do that. I certainly don't think of myself as a lobbyist."

City Solicitor: "I know."

MINUTES

Mr. Travell: "If I may, I, I have filed a bid protest on behalf of AM-Liner."

City Solicitor: "Um hmm."

Mr. Travell: "I have copies here which I'll provide to Law Department."

City Solicitor: "Um hmm."

Mr. Travell: "I'd like to have the um, folks on the Board here take a look at this."

Comptroller: "Thank you."

Mr. Travell: "What I'd like to do is to turn the Board's attention to uh, tab C, and tab C contains information that was part of the bid package in this case, and the first document in tab C is the Maryland Department of the Environment Maryland Water Quality and Drinking Water Revolving Loan Fund Program. This document notifies any potential bidder that the requirements of loan funding, in this case United States v. EPA through the State of Maryland, which eventually go to the City of Baltimore, uh, require that construction contractors meet certain MBE and WBE goals. In construction, the MBE goal is 17 percent and the WBE goal is 16 percent. As we've shown in our bid papers, Royale Paving is not a uh, Baltimore City certified WBE and as a result, SAK cannot meet its WBE targets, uh, which again, are required as part of the funding."

MINUTES

Now, to the extent that, um, Royale Paving, um, may be certified outside the City, that doesn't relieve the City of complying with WBE goals. Uh -- So we would ask this Board to consider the requirements of its own bid. Um, the second page, as you can see, is the City of Baltimore, Department of Public Works, Bureau of Wastewater, Water and Wastewater Notice of Letting, and in this document as well, the City said that its requirements were the MBE goal of 17 percent and a WBE goal of 16 percent. As we've shown in our bid papers, uh, in our protest papers, SAK does not meet the WBE requirements uh, uh of the City's own bid package. Given the fact that SAK is non-responsive, the uh City Charter was, uh the Charter for the City of Baltimore requires that the bid be given to the lowest responsible and responsive bidder. AM-Liner is that responsible and responsive bidder. So um, AM-Liner has in fact, met the WBE and WBE goals, SAK has not, uh, we would ask that the award be made to AM-Liner. If you have any questions, we would be happy to answer them."

City Solicitor: "Is is the sub-contractor in question on the WBE side certified at the State level?"

President: "You have to say your name."

Mel Willett: "Mel Willett, Vice President of AM-Liner. They're certified as a DBE."

MINUTES

City Solicitor: "By the State?"

Mr. Willett: "By the State."

City Solicitor: "Okay."

Mr. Travell: "But not as a WBE or a MBE. And we've in fact attached to the bid protest, in tab A, correspondence between uh, Royale Paving and AM-Liner, in which um, the principle of Royale Paving says that she's not qualified by the City."

City Solicitor: "So they're not certified by the City, but they are certified by the State as a DBE?"

Mr. Travell: "As a DBE but not as a WBE, and a, again, the bid, the qualifications for the loan program to EPA doesn't talk only about DBE, it talks about both WBE and MBE."

City Solicitor: "And, and just one other, just a clarification so you do, you say that your client is the lowest responsible and responsive bidder --."

Mr. Travell: "That's correct."

City Solicitor: "-- you do agree that they're higher than the apparent low bidder by two million dollars approximately?"

Mr. Travell: "There, there's no question that there's a price differential --"

City Solicitor: "Okay."

MINUTES

Mr. Travell: "-- but again, the, the, it's not the issue who's the lowest bidder, it's who's the lowest responsible and responsive bidder."

City Solicitor: "Okay."

Mr. Mullen: "Um, may I be heard?"

Mayor: "Um hmm."

President: "Go ahead."

Mayor: "No, no, no. He asked to be heard."

President: "Yes, yes."

Mr. Mullen: "If I may pass this out, this is an MDoT certificate showing that Royale Construction, Inc. is in fact certified by the State as a female-owned business, and in fact, we have also."

President: "I already have it."

Mr. Mullen: "You already have that, okay. And then we have the State's letter of August 5, 2014, I think you also already have this, and this State's letter specifically approves the awarding of this contract to SAK uh, and sets out the percentage of the award being performed by the various "subs" and we do know that Royale Construction is certified by the State. It is accurate to say that they're not certified as a WBE by the City of Baltimore."

MINUTES

But, as I said earlier, this is a State-controlled contract; uh, our MWBOO office does not get involved in these and defers to the State, uh that was a decision that was made by the office of, Tom Corey's office in May of 2013. Then we have an e-mail from the State that we received earlier this week that confirms that the State simply controls these rules, our rules do not control."

City Solicitor: "They control and they fund the project?"

Mr. Mullen: "They control as long as, as long as the City of Baltimore, and I have this as well, let me just pass these out. I have one for you, here you go. Basically, what the State said is 'That as long as the City of Baltimore has not added a requirement that makes our City WBE/MBE requirements important to the contract, that the State controls, and we defer to the State on this. Our MWBOO office defers to the State on this. The State has looked at this, they've looked at the sub-contractors, they've approved all aspects of it, so we would recommend to the Board, that the award of this bid go to SAK."

Mr. Travell: "If I may be heard."

President: "You may be heard."

MINUTES

Mr. Travell: "Um, the question is whether or not the City has entered a requirement for WBE that may or may not be required by the State? Uh, and as we've shown in tab C, it was in fact a requirement of all bidders to be responsive, that they had to meet the WBE goals, and it's clear that SAK has not. Um, to the extent that this MDoT form, it does not certify that Royale Paving is a WBE certified by the State. It just says it qualifies as an MBE and a DBE, but not as a WBE. So, to the extent that the City has required something that the State does not, I understand from Counsel that that um, is a requirement that this Board has to take into consideration and should -- Um, another thing that we discovered since we filed the bid protest, is that SAK is also relying on Advantage Manhole Repair. Advantage Manhole Repair is not pre-qualified um, by the City. Um, again, the procurement rules that govern this Board require that all contractors and sub-contractors be pre-qualified and Advantage is not. In fact Advantage, which makes up 16 percent of, I'm sorry six percent of the um, WBE offer by SAK. Uh, if Advantage is not pre-qualified, then it drops out and it is again not compliant with all."

MINUTES

Mr. Mullen: "That's a new issue that I'm not prepared to address, other than to again state that the State of Maryland has looked at all the sub-contractors and has approved this contract. Also in terms of what's in our bid book, the 33 percent that's listed on the Notice of Letting, that's the exact same percentage that's required by the State. There are no City WBE/MBE forms anywhere in the Green Book, or I mean in the bid book, I apologize. They're all State forms, they were filled out by all of the bidders, um, I mean I can hand this around to you all, I've tabbed all of the pages. They show that SAK complied with all of the State's requirements. The State requires basically that if the contractor and the City comply with the six "good faith" steps to comply with their DBE requirements, and in this case, the State, by virtue of its letter to the City, has approved this contract and all of the sub-contractors and the amount of the contract, and is willing to fund it."

City Solicitor: "Mr. Travell, can you point to us to a place in your 5-page bid protest letter where you raised the lack of pre-qualification by this company?"

Mr. Travell: "I, I, it's not in the letter. We just discovered that yesterday."

City Solicitor: "So that's a new issue?"

Mr. Travell: "That's a new issue."

MINUTES

City Solicitor: "Did you file a supplement to that? So this, today, right now, is the first time you're raising this issue, is that correct?"

Mr. Travell: "Yes, that's correct."

City Solicitor: "Okay."

Mr. Travell: "That's absolutely correct."

Mr. Mullen: "And again."

Mr. Travell: "I'm sorry, if I could just respond to something."

Mr. Mullen: "Go ahead."

Mr. Travell: "Mr. --"

Mr. Mullen: "Mullen."

Mr. Travell: "Mr. Mullen said. Now if you look at tab C, to our bid protest, the second page, uh, uh, it is part of the bid package for SC 920, and again, the copy that I had isn't signed off by the City but that right there is a requirement that was part of the bid package that AM-Liner took seriously, and AM-Liner complied with; SAK did not. So, to the extent that again, the State will defer to the City if the City has requirements that the State does not, I believe that this is evidence that the City in fact, was interested and required um, compliant or responsive bidders to meet these WBE and MBE goals and AM-Liner has.

Mr. Mullen: "And I would submit that by virtue of the fact that

MINUTES

none of the forms that were submitted to the bidders uh, were City forms, that the State forms control the percentages of the same; it's 33 percent in the N-O-L [Notice of Letting], that's what the State required as well, and again, I go back to the fact that the State has looked at all aspects of this bid -- all of the sub-contractors, they are all certified by the State and therefore they are acceptable to the State, and the State has approved the contract, or the award of the bid I should say."

City Solicitor: "What's the language that you're referring to by the way, on your second page of tab C, is it the language that says 'all contractors bidding on this contract'?"

Mr. Travell: "Yes sir, and at the bottom --."

City Solicitor: "-- must first be pre-qualified?"

Mr. Travell: "Yes sir. And at the bottom, it also says the MBE goal must be 17 percent and the WBE goal is 16 percent, and it's signed off on, at least not on my copy, but it was submitted to the um, potential bidders shows that that's a City requirement."

City Solicitor: "Well, but are you now asserting that for the first time that the language 'all contractors bidding on this contract must first be pre-qualified' applies to sub-contractors who are involved in bids submitted by contractors?"

Mr. Travell: "I don't know about the first time, but that certainly is the position that AM-Liner is taking here, sir."

MINUTES

President: "Mr. Chow."

Director Public Works: "Mr. Shapiro, Mr. Mullen, isn't it true that the, uh, this Notice of Letting uh, regarding to MBE/WBE goals is, is a form that we generally include in all of our contracts? Uh, in this case, uh, the State controls the outcome."

Mr. Shapiro: "That's correct. It is a standard format N-O-L document, Notice of Letting, but the other forms that are in the actual bid books are all State DBE forms. There are no City forms in there in terms of MBE/WBE participation."

Director Public Works: "Thank you."

President: "Okay. I'll entertain a Motion."

City Solicitor: "I move that we approve the recommendation of the agency and deny the bid protest."

Director Public Works: "Second."

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

* * * * *



leach
travell
britt

Leach Travell Britt pc

8270 Greensboro Drive
Suite 700
Tysons Corner, Virginia 22102
www.ltblaw.com

Wayne G. Travell

direct 703.584.8903
main 703.584.8900
fax 703.584.8901
email wtravell@ltblaw.com

November 12, 2014

VIA FEDERAL EXPRESS AND
EMAIL: Harriette.Taylor@baltimorecity.gov

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

Re: Baltimore City IFB No. SC-920, Improvements to Gwynns Falls San. Sewer Supplement to and request for re-consideration of Protest by AM-Liner East, Inc. of Award to SAK Construction, LLC

To the Honorable President and Members of the Board of Estimates:

At today's meeting, the City of Baltimore Board of Estimates denied AM-Liner East, Inc.'s ("AM-Liner") bid protest and awarded SC-920 to SAK Construction LLC ("SAK"). During the course of the hearing, AM-Liner asserted that Advantage Manhole ("Advantage"), one of the contractor's relied upon by SAK to meet the solicitation requirements of 16% WBE participation, was not a WBE certified contractor and was not pre-certified by the City. AM-Liner had not raised Advantage's status in its original protest letter of November 3, 2014, and George Nilson, City Solicitor, asked if AM-Liner intended to supplement its protest to include this ground. This letter will serve as that supplement.

This letter shall also serve as AM-Liner's request that the Board re-consider its decision. At today's hearing, Michael Mullen, Esquire, of City Counsel's office, presented several documents to the Board in support of the argument that the State of Maryland had approved the use of EPA funds in support of the award of SC-920 to SAK. AM-Liner saw these documents for the first time at today's hearing. Having now had the chance to review these documents, AM-Liner believes that they support AM-Liner's position that the City intended to have City MBE/WBE requirements govern bid responsiveness.

Exhibit A is a memorandum from Thomas B. Corey, Chief of MWBOO, dated May 21, 2013, reflecting the internal discussion within MWBOO that "[e]ffective April 1, 2013, the City will follow the Maryland DBE rules for minority and women-owned business participation . . ."

Despite that that understanding, when SC-920 was released for bid on June 6, 2014, it included a requirement that bidders comply with City MBE/WBE requirements and did not mention that City intended to use State, rather than City, DBE classifications. See Exhibit B (this was attached as Exhibit C to AM-Liner's November 3, 2014 bid protest letter).

On November 5, 2014, after AM-Liner filed its November 3, 2014 bid protest, Tonorah Houston-Burgee, Esquire, wrote to Richard Pencek, Chief Fiscal Officer of the Maryland Water Quality Financing Administration, asking about MDE's role in reviewing bid documents from the City of Baltimore and "why the City cannot effectively analyze bids and throw out bids if the bidder is not registered (prequalified/ certified) with the City of Baltimore?" See, Exhibit C. On May 10, 2014, Mr. Pencek answered by saying: "If, as you indicate, Baltimore City does not place its own City requirements on a project funded MDE SRF loan, then subcontractors certified on the MDOT Minority Business Enterprise Directory would qualify as M/WBE subcontractors, whether or not they also are certified by Baltimore City." Mr. Pencek's response indicates that the issue of whether City or State DBE requirements apply depends upon how the solicitation is let by the City. Here, the IFB documents published by the City for SC-920 indicate that the City chose to have City requirements govern.

Given this chronology, it appears the City could have, but chose not to, advertise the IFB for SC-920 to comply with MDE guidelines for DBE's. Instead, as shown in Exhibit B, the City chose to "place its own City requirements" on SC-920, thereby making this project subject to City MBE/WBE requirements. There is no dispute that SAK's response does not meet City MBE/WBE requirements, because neither Royale Construction nor Advantage are City certified MBE/WBE contractors. Moreover, Advantage is not pre-qualified to do work for the City. Because the City chose to make responses to the IFB for SC-920 demonstrates compliance with City MBE/WBE requirements, SAK's bid is clearly non-responsive.

It also appears that the Department of Public Works itself believed that SC-920 was subject to city MBE/WBE requirements. As shown in AM-Liner's November 3, 2014 letter, despite the fact that SAK had a lower bid, AM-Liner twice received written communications from DPW indicating that DPW, as the procuring agency, believed that AM-Liner was low, responsive bidder and had won SC-920. On August 25, 2014, Howard Wright of DPW forwarded to AM-Liner a request from Sherif Naoum (from the Office of Consent Decree Program Management) that AM-Liner submit a form called Assurances for Compliance with Federal Laws and Regulations in connection with SC-920. Mr. Naoum said this form was necessary so that the City could send the form to "MDE for loan processing." See, Exhibit D (attached to the November 3, 2014 letter as Exhibit A). Again, on September 12, 2014, Mr. Wright asked AM-Liner to submit Work Capacity Statement. See, Exhibit E (attached as Exhibit B to AM-Liner's November 3, 2014 letter). DPT would not have asked AM-Liner to submit these documents unless DPW itself believed and that intended City MBE/WBE requirements governed the award of SC-920.

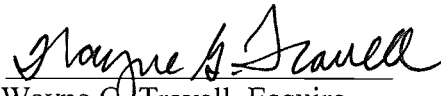
President and Members of the Board of Estimates
AM-Liner East, Inc.'s Protest of Award of SC-920 to
SAK Construction, LLC
November 12, 2014
Page 3

AM-Liner appreciates the Board's consideration of AM-Liner's November 3, 2014 bid protest, the opportunity to be heard today, and the opportunity to submit this supplement to its original protest. AM-Liner respectfully requests that the Board acknowledge receipt of this letter and to grant AM-Liner the opportunity to present this supplement at the next Board meeting.

Please let us know how the Board intends to proceed.

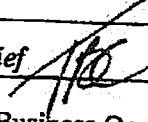
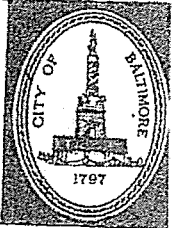
Respectfully submitted,

LEACH TRAVELL BRITT, pc
Counsel for AM-Liner East, Inc.

By: 
Wayne G. Travell, Esquire

cc: Isidorio Giuliani, President
Mel Willett, Vice President
Carolyn Blakeney, via email: Carolyn.Blakeney@baltimorecity.gov

EXHIBIT A

| | | | | |
|-------------|-----------------------|---|--|---|
| FROM | NAME & TITLE | <i>Thomas B. Corey, Chief</i>  | CITY OF BALTIMORE M E M O |  |
| | AGENCY NAME & ADDRESS | Minority and Women Business Opportunity Office | | |
| | SUBJECT | Water Quality Contracts | | |

TO

DATE: **May 21, 2013**

**Tonorah Burgee-Houston, Acting Chief, Contracts Division
 Department of Public Works
 Abel Wolman Building
 Room 1105**

This is to confirm the understanding reached April 1, 2013 concerning Water Quality Revolving Loan Fund contracts. Effective April 1, 2013 the City will follow the Maryland DBE rules for minority and women-owned business participation on these contracts. Bid notices should only list DBE goals. Bid packages should only contain DBE forms. MWBOO does not review DBE contracts.

If you have any questions or concerns, I can be reached at 410-396-4355.

TB:smd

cc: File

EXHIBIT B

January 17, 2014

**II. Maryland Department of the Environment
Maryland Water Quality & Drinking Water Revolving Loan Fund Programs
Disadvantaged Business Enterprise Program (DBE)
Guidance for Prime (Construction & A/E) Contractors**

The Maryland Water Quality and Drinking Water Revolving Loan Fund Programs (RLF) receive federal funds from the U.S. Environmental Protection Agency (EPA). The funds are used to provide low interest rate loans to finance water quality and drinking water capital projects. As a condition of federal grant awards, EPA regulations require that loan recipients and sub-recipients (i.e., prime contractors and subcontractors) make a good-faith effort to award a fair share of work to DBEs who are small business enterprises (SBE's), minority business enterprises (MBE's) and women's business enterprises (WBE's). A/E service consultants who receive loan funds are also considered as prime contractors and must comply with DBE requirements. Additionally, EPA's DBE rule requires loan recipients and sub-recipients to adhere to the terms and conditions in Appendix A attached hereto.

To ensure compliance with EPA DBE requirements, the MWQFA has developed guidance for both Loan Recipients and Prime Contractors (sub-recipients) to undertake certain good faith efforts to provide opportunities for DBE firms to participate in contracts. EPA regulations require evidence of the demonstration of the six good faith efforts in trying to achieve the DBE participation goals. MDE's negotiated DBE participation goals with EPA have been approved as of October 18, 2012 and are effective for three years through September 30, 2015. The goals below are not a quota and apply to DBE participation only.

| <i>Procurement Category</i> | <i>MBE Goal (%)</i> | <i>WBE Goal (%)</i> |
|-----------------------------|---------------------|---------------------|
| Construction | 17 | 16 |
| Equipment | 13 | 13 |
| Services | 12 | 14 |
| Supplies | 13 | 13 |

Good Faith Efforts: The following good faith efforts apply to the procurement categories involving EPA financial assistance funds (See Appendix B: EPA Good Faith Efforts):

- Step 1: Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities by placing qualified DBEs on solicitation lists whenever they are potential sources.
- Step 2: Establishing delivery schedules, where the requirement permits to encourage participation by DBEs. The prime contractor should allow a 30-day minimum advertising period for bidding.
- Step 3: Dividing total requirements, when economically feasible, into small tasks or quantities, to permit maximum participation of DBEs.
- Step 4: Encourage contracting with a consortium of DBEs, when a contract is too large for one of these firms to handle individually.
- Step 5: Using the services and assistance of the Maryland Department of Transportation (MDOT), the United States Small Business Administration (SBA) and the Minority Business Development Agency (MBDA) of the U.S. Department of Commerce (See Appendix C).
- Step 6: Require each sub-contractor, if subcontracts are to be let, to take the steps 1- 5.

Please submit all information to:
DBE Coordinator, MWQFA
1800 Washington Blvd., Baltimore MD 21230
Phone: 410-537-3146, FAX: 410-537-3968
<http://www.mde.state.md.us>

**CITY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
BUREAU OF WATER AND WASTEWATER**

NOTICE OF LETTING

Sealed Bids or Proposals, in duplicate addressed to the Board of Estimates of the Mayor and City Council of Baltimore and marked for **Sanitary Contract No. 920 – Improvements to the Gwynns Falls Sewershed Collection System – Area A** will be received at the Office of the Comptroller, Room 204 City Hall, Baltimore, Maryland until 11:00 A.M on **July 2, 2014**. Positively no bids will be received after 11:00 A.M. Bids will be publicly opened by the Board of Estimates in Room 215, City Hall at Noon. The Contract Documents may be examined, without charge, at the Department of Public Works Service Center located on the first floor of the Abel Wolman Municipal Building, 200 N. Holliday Street, Baltimore, Maryland 21202 as of **June 6, 2014** and copies may be purchased for a non-refundable cost of **\$100.00**. **Conditions and requirements of the Bid are found in the bid package.** All contractors bidding on this Contract must first be prequalified by the City of Baltimore Contractors Qualification Committee. Interested parties should call (410) 396-6883 or contact the Committee at 3000 Druid Park Drive, Baltimore, Maryland 21215. **If a bid is submitted by a joint venture (“JV”), then in that event, the document that established the JV shall be submitted with the bid for verification purposes.** The Prequalification Category required for bidding on this project is **B02552 – Sewer Construction or G90099 – Cured-in-Place Pipe Lining**. Cost Qualification Range for this work shall be **\$15,000,000 to \$20,000,000**. A “Pre-Bidding Information” session will be conducted at **300 Abel Wolman Municipal Building, Large Conference Room, on June 12, 2014 at 1:00 PM**. The CCTV videos of the sewers included in this project will be made available for viewing/copying to interested parties at the office of JMT Engineering, 72 Loveton Circle, Sparks, MD 21152. Refer to IB-8 for additional details.

Principal Items of work for this project are:

- Sewer cleaning and closed circuit television (CCTV) inspection;
- 110,000 LF Cured-in-place pipe (CIPP) lining of sanitary sewers;
- 101 Excavate and replace segments of sanitary sewer via point repairs;
- 4,100 LF of replacement 8” to 24” sanitary sewer;
- Manhole repair and rehabilitation work;
- 776 Sewer house connection (SHC) repairs and rehabilitation work;
- New manhole and cleanout installation work;

The MBE goal is 17 %

The WBE goal is 16 %

APPROVED:

APPROVED:

Clerk, Board of Estimates

Chief, Water and Wastewater
Engineering Division

Chief Solicitor

Acting Head, Bureau of Water and
Wastewater

Chief, Minority and Women’s Business
Opportunity Office

Director, Department of Public Works

ADDITIONAL BIDDING INFORMATION/ REQUIREMENTS AND CONDITIONS

1. Representatives from the Board of Estimates will be stationed at the Security Unit Counter just inside the Holliday Street entrance of City Hall from 10:45 a.m. to 11:00 a.m. every Wednesday to receive Bids.
2. **Bid Guarantee**: A certified check of the bidder or a bank cashier's check or a bank treasurer's check drawn on a solvent clearing house bank, made payable to the Director of Finance or a bid bond executed on the form as provided in the Bid or Proposal for an amount which is not less than that determined by multiplying the Total Bid submitted by five per cent (5%) will be required with each bid over \$100,000.00. If the bid is less than or equal to \$100,000.00 no Bid Bond is required.
3. Bidders interested in utilizing the **City's Self-Insurance Program** for payment and performance security for contracts not exceeding \$100,000.00 may contact the Department of Finance, the Program Administrator, for eligibility requirements and premium costs.
4. **The Board of Estimates reserves the right to reject any and all Bids and/or waive technical defects, if in its judgment, the interest of the Mayor and City Council of Baltimore may so require.**
5. This contract is subject to a **Performance Evaluation** by the Department of Public Works.
6. **Attention of Bidders is called to all of the requirements outlined in the Baltimore City Code, Article 5 §29.**

EXHIBIT C

wd: FW: MDE protocol on City projects that include City funding

Subject: Fwd: FW: MDE protocol on City projects that include City funding
From: Michael Mullen <wmmullen@comcast.net>
Date: 11/11/2014 12:15 PM
To: wmmullen@comcast.net

From: Richard Pencek -MDE- [<mailto:richard.pencek@maryland.gov>]
Sent: Monday, November 10, 2014 4:14 PM
To: Houston-Burgee, Tonorah
Cc: Michelle Armiger -MDE-; Jag Khuman
Subject: Re: MDE protocol on City projects that include City funding

Tonorah,

As you know, MDE's M/WBE requirements for SRF loan-funded projects are efforts-driven and do not follow Baltimore City's M/WBE requirements.

If, as you indicated on the phone today, Baltimore City does not place its own City requirements on a project funded with MDE SRF loan, then subcontractors certified on the MDOT Minority Business Enterprise Directory would qualify as M/WBE subcontractors, whether or not they also are certified by Baltimore City.

I hope this helps.

Thank you,

Richard T. Pencek, Sr.

Chief Fiscal Officer and Acting Program Administrator

Maryland Water Quality Financing Administration

Maryland Department of the Environment

1800 Washington Blvd., Suite 515

Baltimore, MD 21230-1718

Note new e-mail: Richard.Pencek@maryland.gov

wd: FW: MDE protocol on City projects that include City funding

Phone: [410-537-3972](tel:410-537-3972)

Fax: [410-537-3968](tel:410-537-3968)

On Wed, Nov 5, 2014 at 8:24 AM, Houston-Burgee, Tonorah <Tonorah.Houston-Burgee@baltimorecity.gov> wrote:

Hey Richard,

I hope all is well. Hope things are well in your new position.

Previously we have discussed in detail, MDE's role in reviewing bid documents from the City of Baltimore. The projects that MDE have interest in are projects that have state funding (qualified to use State Revolving Funds/Loans). I have received notice of concern from vendors that a sub may not be prequalified with the City and according to them that is the basis to throw their bids out (that is the case when it comes to 100%City funded job).

Is it possible that you or Catherine (your replacement- sorry if her name is wrong) can explain in writing why the City cannot effectively analyze bids and possibly throw out bids if the bidder is not registered (prequalified/certified) with the City of Baltimore?

Thanks

Sent from my Verizon Wireless 4G LTE smartphone

EXHIBIT D

Wayne Travell

Subject: FW: P9GFD - SC920 - SRF Package B
Attachments: SC920-addendum 2 - page 11.pdf

From: Wright, Howard [<mailto:Howard.Wright@baltimorecity.gov>]
Sent: Monday, August 25, 2014 1:50 PM
To: Mel Willett
Subject: FW: P9GFD - SC920 - SRF Package B

From: Naoum, Sherif
Sent: Monday, August 25, 2014 1:38 PM
To: Wright, Howard
Cc: CDAdmin Mailbox; Qadri, Wazir; Gabbitas, Michelle A.; Robinson, James; Berich, Richard
Subject: P9GFD - SC920 - SRF Package B

Howard,

MDE requires the Contractor to fill out Item 6 in the attached form. The General Decision Number should be MD140028 and the date is 06/27/2014 (mod 3)

Please have the contractor complete the form so we can send to MDE for loan processing.

Thank you,

Sherif Naoum, *PhD, PE, PH, PMP, GISP, CM*
Project III2 - Baltimore City Consent Decree Program Management

Phone: 410.396.3428

Mobile: 443.974.7665

Facsimile: 410.396.5210

Email: Sherif.Naoum@baltimorecity.gov

April 15, 2014

ASSURANCES FOR COMPLIANCE WITH FEDERAL LAWS AND REGULATIONS

Project Name: Improvements to Gwynns Falls San. Swr.

Contract No. (if applicable): 50920

The contractor is required to comply with the following Federal laws and regulations:

1. Non-discrimination in Employment in accordance with Executive Order 11246 of September 24, 1965 entitled "Equal Employment Opportunity" as amended by Executive Order 11375 of October 13, 1967.
2. Debarment in accordance with the Executive Order 12549 and Executive Order 11246.
3. Anti-kickback in accordance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874).
4. Contract Work Hours and Safety Standards in accordance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330).
5. Compliance with Guidelines Contained in 40 CFR 247-254 (RCRA - Section 6002).
6. The prevailing Federal wage rates as determined by the U.S. Department of Labor under the Davis-Bacon and related acts. The prevailing wage determination category that should be used for this project is Heavy Construction (including water and sewer). Available at: <http://www.wdol.gov/>.

General Decision Number: MD140028 Date: 6.27.14

7. Maryland Antidegradation Implementation Procedures as promulgated in three regulations: COMAR 26.08.02.04 sets out the policy itself, COMAR 26.08.02.04-1, provides for identification and implementation of Tier II (high quality waters) of the antidegradation policy, and COMAR 26.08.02.04-2 that describes Tier III (Outstanding National Resource Waters or ONRW), the highest quality waters. No Tier III waters have been designated at this time.
8. Use of American Iron and Steel, as promulgated by H.R. 3547, "Consolidated Appropriations Act, 2014," Division G, Title IV, enacted on January 17, 2014.

I do solemnly declare and affirm that I am obligated to comply with the above Federal laws and regulations. It is understood that non-compliance with any one of the above Federal laws and regulations will be sufficient reason to cause termination of the contract.

AM-LINER EAST, Inc.
Contractor

Signed by: Mel M. Willett
Authorized Officer

7/15/14
Date

Mel M. Willett
Name (Print)

Vice President
Title (Print)

EXHIBIT E

Wayne Travell

Subject: FW: P9GFD - SC920 - SRF Package B

From: Wright, Howard [<mailto:Howard.Wright@baltimorecity.gov>]
Sent: Thursday, September 11, 2014 3:40 PM
To: Mel Willett
Subject: RE: P9GFD - SC920 - SRF Package B

We need a Work Capacity from you. ASAP please ,send me an e-mail and place the hard copy in the mail ok. Thank you.
(SC 920)

From: Mel Willett [<mailto:mwillett@amlinereast.com>]
Sent: Monday, August 25, 2014 2:09 PM
To: Wright, Howard
Subject: RE: P9GFD - SC920 - SRF Package B

Howard,

See attached as requested.

Sincerely,
Mel M. Willett
Vice President



601 Jack Enders Blvd
Berryville, VA 22611
P:540-955-9671
F:540-955-2872

From: Wright, Howard [<mailto:Howard.Wright@baltimorecity.gov>]
Sent: Monday, August 25, 2014 1:50 PM
To: Mel Willett
Subject: FW: P9GFD - SC920 - SRF Package B

From: Naoum, Sherif
Sent: Monday, August 25, 2014 1:38 PM
To: Wright, Howard
Cc: CAdmin Mailbox; Qadri, Wazir; Gabbitas, Michelle A.; Robinson, James; Berich, Richard
Subject: P9GFD - SC920 - SRF Package B

Howard,

MDE requires the Contractor to fill out Item 6 in the attached form. The General Decision Number should be MD140028 and the date is 06/27/2014 (mod 3)

Please have the contractor complete the form so we can send to MDE for loan processing.

Thank you,

Sherif Naoum, *PhD, PE, PH, PMP, GISP, CM*
Project 1112 - Baltimore City Consent Decree Program Management

Phone: 410.396.3428

Mobile: 443.974.7665

Facsimile: 410.396.5210

Email: Sherif.Naoum@baltimorecity.gov

(STATEMENT UNDER OATH)

This is to certify, in compliance with regulations of the City of Baltimore, that AM-Liner East, inc., Contractors were prequalified as of 9/25/13, Certificate No. 3744, and of this date September 12, 2014 are low bidders, have work awarded (work not yet started), and or have under construction, the following projects:

FOR THE CITY OF BALTIMORE, MD

| Contract No. | Total Project Cost | Amount Completed | Amount to Complete | Probable Completion Date |
|---------------|-------------------------|----------------------|-------------------------|--------------------------|
| SC920 | \$ 19,308,298.00 | \$ - | \$ 19,308,298.00 | Pending Award |
| SC911 | \$ 6,959,845.30 | \$ 109,500.00 | \$ 6,850,345.00 | 11/14/2015 |
| SC908 | \$ 1,496,565.50 | \$ 110,937.00 | \$ 1,385,631.00 | 01/15/2016 |
| TOTALS | \$ 37,764,708.80 | \$ 220,437.00 | \$ 37,544,274.00 | |

FOR FEDERAL, STATE, COUNTY AND OTHER CITY GOVERNMENTS

| Name of Agency | Contract No. | Total Cost | Amount Completed | Amount to Complete | Probable Completion Date |
|------------------------------------|-----------------------------|-------------------------|-------------------------|-------------------------|--------------------------|
| Arlington County, VA | 432-07 | \$ 5,000,000.00 | \$ 4,000,000.00 | \$ 1,000,000.00 | 12/31/14 |
| Arlington County, VA | 448-07 | \$ 1,500,000.00 | \$ 1,050,000.00 | \$ 450,000.00 | 12/31/14 |
| City of Richmond, VA | 12095-B2 | \$ 5,000,000.00 | \$ 4,100,000.00 | \$ 900,000.00 | 9/30/14(1) |
| Prince William Service Authority | IFB SA1213 | \$ 500,000.00 | \$ - | \$ 500,000.00 | 08/31/15 |
| Washington Suburban San. Comm., MD | PM5179A11 | \$ 5,000,000.00 | \$ 3,400,000.00 | \$ 1,600,000.00 | 6/30/2016(1) |
| Washington Suburban San. Comm., MD | CI5180A11 | \$ 5,000,000.00 | \$ 4,400,000.00 | \$ 600,000.00 | 6/30/2016(1) |
| Howard County, MD | 2-6273/Contract 20-4760 | \$ 3,200,000.00 | \$ 2,950,000.00 | \$ 250,000.00 | 10/31/14 |
| Washington Suburban San. Comm., MD | PM5239A11 | \$ 17,700,000.00 | \$ 13,000,000.00 | \$ 4,700,000.00 | 6/30/2016(1) |
| Mooreville, NC | 2014 San Sewer Rehab | \$ 495,000.00 | \$ - | \$ 495,000.00 | 04/30/15 |
| California, MD (Metcom) | Shangri-La Dr | \$ 900,000.00 | \$ 100,000.00 | \$ 800,000.00 | 12/31/14 |
| Washington Suburban San. Comm., MD | CI5335A12 | \$ 3,750,000.00 | \$ - | \$ 3,750,000.00 | 09/01/2016(1) |
| Washington Suburban San. Comm., MD | PM5279A11 | \$ 3,750,000.00 | \$ - | \$ 3,750,000.00 | 09/01/2016(1) |
| Washington Suburban San. Comm., MD | PM5332A11 | \$ 2,500,000.00 | \$ - | \$ 2,500,000.00 | 09/01/2016(1) |
| Glen Ridge, NJ | Rehab San Swr Ridgewood Ave | \$ 63,100.00 | \$ - | \$ 63,100.00 | 03/15/15 |
| Burlington, NJ | 1-CEG-13-0066A | \$ 1,921,000.00 | \$ 800,000.00 | \$ 1,121,000.00 | 10/31/14 |
| Guttenburg, NJ | Broadway & 70th | \$ 620,000.00 | \$ 100,000.00 | \$ 520,000.00 | 12/31/14 |
| New Castle, DE | Brandywine 100 | \$ 4,995,000.00 | \$ - | \$ 4,995,000.00 | 11/30/15 |
| WSSC Water Pilot | B15589C13 | \$ 1,500,000.00 | \$ - | \$ 1,500,000.00 | 11/01/15 |
| Terapin Utilities-Andrews AFB, MD | RFP No. 1404-001 | \$ 1,420,000.00 | \$ 600,000.00 | \$ 820,000.00 | 06/30/14 |
| TOTALS | | \$ 64,814,100.00 | \$ 34,500,000.00 | \$ 30,314,100.00 | |

Sworn before me this 12 day of Sept, 2014. Judith Sizer
 My Commission Expires 10-31-15

[Signature]
 Signature & Title of Person Signing



Notes:

(1) This is a maintenance contract that is executed by Task Orders issued by Engineering. Because it is all unit price work the total value of the contract may never be achieved.

Kim A. Trueheart

November 12, 2014

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

Dear Ms. Taylor:

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

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

1. Whom you represent: Self
2. What the issues are:
 - a. Page 43, Item #61 Dept. of Public Works, Office of Engineering & Construction - RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS – SC 920, if approved:
 - i. This proposed award in the amount of \$17,292,505.00 fails to disclose the estimate of the number of jobs anticipated;
 1. Please provide access to the document that provides an estimate of the number of jobs anticipated as a result of this contract award.
 - ii. Indicates “The funds are required to cover the cost of services for the implementation/construction of SC 920, Improvements to the Gwynns Falls Sewershed Collection System – Area A.”
 1. Please provide access to the document that provides an estimate of the number of jobs anticipated as a result of this contract award.
3. How the protestant will be harmed by the proposed Board of Estimates’ action: As a citizen I have witnessed what appears to be a significant dearth in leadership, management and cogent decision making within the Department of Public Works, which potentially cost me and my fellow citizens excessive amounts of money in cost over-runs and wasteful spending, without benefit of local jobs and minority/women contracts.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on November 12, 2014.

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

Sincerely,
Kim Trueheart, Citizen & Resident

5519 Belleville Ave
Baltimore, MD 21207

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

- 3. WC 1266R, Mt. Civil Construction, \$ 8,399,660.00
 Vernon & Seton Hill LLC
 Areas Water Main
 Replacements

MWBOO SET GOALS OF 11% MBE AND 2% WBE.

MBE: Machado Construction Company, Inc. \$925,000.00 11.01%
 WBE: Rowen Concrete, Inc. \$170,000.00 2.02%

MWBOO FOUND VENDOR IN COMPLIANCE.

THE PROTEST FROM J. FLETCHER CREAMER & SON, INC. WAS WITHDRAWN.

4. TRANSFER OF FUNDS

| <u>AMOUNT</u> | <u>FROM ACCOUNT/S</u> | <u>TO ACCOUNT/S</u> |
|-------------------------|-----------------------|---------------------|
| \$ 11,321,608.00 | 9960-909100-9558 | |
| Water Revenue Bonds | Construction Reserve | |
| | Water Infrastructure | |
| | Rehab. | |
| \$ 839,966.00 | ----- | 9960-905659-9557-2 |
| | | Extra Work |
| 839,966.00 | ----- | 9960-905659-9557-3 |
| | | Engineering |
| 738,036.00 | ----- | 9960-905659-9557-5 |
| | | Inspection |
| 8,399,660.00 | ----- | 9960-905659-9557-6 |
| | | Construction |
| 503,980.00 | ----- | 9960-905659-9557-9 |
| <u>\$ 11,321,608.00</u> | | Administration |

The funds are required to cover the award for WC 1266R, Mt. Vernon and Seton Hill Areas Water Main Replacements.



J. FLETCHER CREAMER & SON, INC.

C O N T R A C T O R S

101 EAST BROADWAY • HACKENSACK, NEW JERSEY 07601-6851 • (201) 488-9841 • FAX (201) 488-9828
www.jfcsn.com

September 22, 2014

Honorable President and Members
Of the Board of Estimates
c/o Clerk, Board of Estimates
Room 204, City Hall
100 N. Holliday Street
Baltimore, MD 21202

RE: City of Baltimore
Replace 14, 255' of 6"-20" CIP
Bid Date – September 10, 2014
Water Contract No. WC1266R

Dear President & Members of the Board of Estimates:

My company submitted the second lowest bid for the contract for the above project. Based on review of the lowest numerical bid, the City should reject that bid as non-responsive based on the following:

Two Part B Statements of Intent were included with the low bid. The information in that Statement must match the Minority and Women's Business Opportunity Office Certification Directory which describes the services of Machado Construction Company Inc. differently than the Part B Statement submitted with the bid. The Statement refers to Machado as a supplier which is not part of the Certification description for that company.

There is also a Part B Statement naming Rowen Concrete Inc. That company is named in the Work/Service section of the Statement. The Certification for that company describes Rowen's business which can only be considered as a supplier. Rowen was not listed as a supplier on the Part B Statement.

The City emphasized the importance of accurate information on the Part B Statement at the pre-bid meeting. The low bidder's Part B Statement is not accurate as to either company named.

J. FLETCHER CREAMER & SON, INC.

In addition to the above, I note that the low numerical bidder had certified that it was a corporation when in fact it is a limited liability company. The Managing Member or Member of a limited liability should sign on its behalf. An estimator has signed the "attest" line of the bid bond form. In addition, the person signing for the bidder did not have the required witnesses but instead printed their names on the witness lines.

Further, my company's representatives were not able to review the original bid document. Original signatures are required on behalf of MBE/WBE companies. If there are no original signatures, that is an additional reason to reject the bid.

Based on the above, the lowest numerical bid should be rejected and the contract should be awarded to my company.

Please advise.

Thank you.

Very truly yours,

J. FLETCHER CREAMER & SON, INC.



Richard D. McLaughlin
General Counsel

RDM:ks

Via Federal Express – 7712 3868 7823

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSDept. of Public Works, Office of Engineering & ConstructionBureau of Purchases

5. B50003742, Lead Risk Assessment Services Arc Environmental, Inc. \$ 200,000.00

(Dept. of Housing & Community Development)

MWBOO GRANTED A WAIVER.

6. B50003745, OEM Parts and Service for JCB & LeeBoy Equipment Valley Supply & Equipment Company, Inc. \$ 275,000.00

(Dept. of General Services)

MWBOO GRANTED A WAIVER.

7. B50003751, OEM Parts and Service for Freightliner Trucks 1st Call \$1,500,000.00
Norris Chesapeake Truck Sales, LLC

2nd Call
(1st Call for Warranty)
Harbor Truck Sales and Services, Inc. t/a
Baltimore Freightliner

(Dept. of General Services, Fleet Mgmt.)

MWBOO GRANTED A WAIVER.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

8. B50003760, Regular Cab Apple Ford, Inc. \$ 35,720.00
 4WD Truck with an Open
 Utility Body

The total amount of \$35,720.00 will be financed through the City's master lease program administered by the Bureau of Treasury Management.

(Dept. of General Services, Fleet Mgmt.)

MWBOO GRANTED A WAIVER.

9. B50003767, Mini Metro Bobcat, Inc. \$ 44,778.00
 Excavator

(Dept. of General Services, Fleet Mgmt.)

MWBOO GRANTED A WAIVER.

10. B50003768, Dry Freight Beltway International, \$ 257,169.00
 Truck LLC

(Dept. of General Services)

MWBOO GRANTED A WAIVER.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Dept. of Public Works, Office of Engineering & Construction

11. WC 1254R, Water Infrastructure Rehabilitation-Various Locations J. Fletcher Creamer & Son, Inc. \$ 4,388,520.00

MWBOO SET GOALS OF 7% MBE AND 2% WBE.

| | | |
|---|---------------------|--------------|
| MBE: Fallsway Construction Co., Inc. | \$200,000.00 | 4.55% |
| Machado Construction Co., Inc. | 85,000.00 | 1.93% |
| JJ Adams Fuel Oil Co., Inc. | 30,000.00 | 0.68% |
| | <u>\$315,000.00</u> | <u>7.16%</u> |

WBE: R&R Contracting Utilities, Inc. \$ 95,000.00 2.16%

MWBOO FOUND VENDOR IN COMPLIANCE.

12. TRANSFER OF FUNDS

| <u>AMOUNT</u> | <u>FROM ACCOUNT/S</u> | <u>TO ACCOUNT/S</u> |
|--------------------------|--|--------------------------------------|
| \$ 5,792,846.00 | 9960-909100-9558 | |
| Wastewater Revenue Bonds | Construction Reserve Water Infrastructure Rehab. | |
| \$ 438,852.00 | ----- | 9960-912133-9557-2 Extra Work |
| 438,852.00 | ----- | 9960-912133-9557-3 Engineering |
| 263,311.00 | ----- | 9960-912133-9557-5 Inspection |
| 4,388,520.00 | ----- | 9960-912133-9557-6 Construction |
| <u>263,311.00</u> | ----- | 9960-912133-9557-9 Administration |
| \$ 5,792,846.00 | | |

The funds are required to cover the cost of the award for WC1254R, Water Infrastructure Rehabilitation-Various Locations.

MINUTESBaltimore Development Corporation - Land Disposition Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Land Disposition Agreement with the American Communities Trust, Inc. for the purchase and redevelopment of properties located at 1801 E. Oliver Street and 1731 Llewelyn Avenue otherwise known as The Baltimore Food Hub. The Board is also requested to waive the Appraisal Policy requiring at least one appraisal report within twelve months of the Board of Estimates' action.

AMOUNT OF MONEY AND SOURCE:

American Communities Trust, Inc. will pay \$500,000.00 to the City. The Developer will pay \$50,000.00 in cash at settlement and the remaining \$450,000.00 will be a Purchase Money Mortgage, held by the City.

BACKGROUND/EXPLANATION:

In early 2011, the Department of Transportation asked the Baltimore Development Corporation to assist with the disposition of the properties by issuing a Request for Proposals. The BDC issued a Request for Proposals on May 03, 2011, which closed on August 3, 2011. The BDC received one proposal to purchase and redevelop the Properties.

American Communities Trust, Inc. will pay to the City \$500,000.00 for the property, with \$50,000.00 cash at settlement and a \$450,000.00 forgivable Purchase Money Mortgage which will be tied to achieving Project milestones. An appraisal conducted by Lipman, Frizzell & Mitchell in 2011 valued the property at \$460,000.00.

The BDC respectfully requests a waiver of the Board of Estimates Appraisal Policy which states that any agreement must be presented to the Board for approval within twelve months of the date of the appraisal report. Due to an extended negotiation process, the BDC was unable to present the Land Disposition Agreement within twelve months of the appraisal report.

MINUTES

Baltimore Development Corporation - cont'd

American Communities Trust Inc. plans to purchase and redevelop the Property to house a group of food-related businesses, services, and programs, including an urban farming operation, a retail farm stand, food-processing facilities, office and training space for food entrepreneurs and start-up businesses, and a commercial kitchen incubator for entrepreneurs in the culinary and hospitality industries.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Land Disposition Agreement with the American Communities Trust, Inc. for the purchase and redevelopment of properties located at 1801 E. Oliver Street and 1731 Llewelyn Avenue otherwise known as The Baltimore Food Hub. The Board also approved to waive the Appraisal Policy requiring at least one appraisal report within twelve months of the Board of Estimates' action.

MINUTES

Department of Human Resources - Personnel Matter

Department of Recreation and Parks

The Board is requested to approve the following Personnel Matter.

Hourly Rate

1. **CYNTHIA MUHAMMAD** \$16.53 **\$ 7,570.74**

Account: 2096-796623-7960-862300-601009

Ms. Muhammad, retiree, will continue to work as a Contract Services Specialist I (Senior Group Leader) for the Golden Age Club in the Senior Citizens Division. She will be responsible for planning and arranging special programs, speakers, trips, and events as requested by club membership. She will attend all club business meetings and provide assistance and support to club officers, provide guidance, and structure where needed, report timely and accurate delivery of monthly attendance sheets, volunteer hours and all tickets monies for special events. The period of the Agreement is effective upon Board approval through July 29, 2015.

APPROVED FOR FUNDS BY FINANCE

THE EXPENDITURE CONTROL COMMITTEE REVIEWED AND RECOMMENDED APPROVAL.

UPON MOTION duly made and seconded, the Board approved the above Personnel Matter.

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. THERMO ELECTRON NORTH AMERICA LLC | \$29,978.86 | Selected Source |
|---|-------------|-----------------|
- Solicitation No. 06000 - Chemical, Fire Debris, and Accelerants - Police Department - Req. No. R678804

Solicitation No. B50003814 was advertised, but received no bidders.

- | | | |
|------------------------------|-------------|-------------|
| 2. INDEXX DISTRIBUTION, INC. | \$40,000.00 | Sole Source |
|------------------------------|-------------|-------------|
- Solicitation No. 08000 - Analysis of Drinking Water - Department of Public Works - Req. No. R658276

INDEXX Distribution, Inc. is the only supplier of this media which is approved for the analysis of drinking water with the Maryland Department of the Environment (MDE). This media is required by MDE to maintain the Laboratory Certification and Compliance for the Drinking Water Laboratories. The period of the award is November 13, 2014 through November 12, 2015, with three 1-year renewal options remaining.

- | | | |
|---------------------|-------------|-----------|
| 3. CCG SYSTEM, INC. | \$49,837.00 | Agreement |
|---------------------|-------------|-----------|
- Solicitation No. 08000 - FASTER Annual Maintenance Contract - Department of General Services - Req. No. R674741

The Board is requested to approve and authorize execution of an Agreement with CCG System, Inc. The period of the agreement is May 1, 2014 through April 30, 2015.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

4. J.C. EHRLICH CO. INC.

| | | |
|----------------------------|-------------|---------|
| d/b/a EHRLICH DISTRIBUTION | \$15,000.00 | Renewal |
|----------------------------|-------------|---------|

Solicitation No. B50003238 - Rodent Chemicals - Department of Public Works - Req. No. P525627

On November 19, 2013, the City Purchasing Agent approved the initial award in the amount of \$6,423.45. The award contained two 1-year renewal options. On April 11, 2014, the City Purchasing Agent approved an increase in the amount of \$6,423.45. This renewal in the amount of \$15,000.00 is for the period November 21, 2014 through November 21, 2015 with one 1-year renewal option remaining.

5. RAMSEY'S CHESAPEAKE

| | | |
|-----------------------|-------------|---------|
| HARLEY-DAVIDSON, INC. | \$45,000.00 | Low Bid |
|-----------------------|-------------|---------|

Solicitation No. B50003821 - Harley Davidson Motorcycles-O.E.M. Parts and Service - Req. No. R69495

Vendors were solicited via CitiBuy. Two bids were opened on October 16, 2014. Award is recommended to the lowest, responsive, and responsible bidder. The period of the award is November 12, 2014 through November 11, 2015.

6. MID ATLANTIC CAR

| | | |
|--|-------------|----------|
| WASH TECHNOLOGIES, INC. (t/a WASH TECH) | \$10,000.00 | Increase |
|--|-------------|----------|

Solicitation No. B50002351 - O.E.M. Parts and Service for the Tandem Rite Touch Car Wash - Department of General Services - Req. No. P519848

On April 4, 2012, the City Purchasing Agent approved the initial award in the amount of \$15,000.00. The award contained two 1-year renewal options. On September 23, 2014, the City Purchasing Agent approved an increase in the amount of \$7,500.00. The contract expires on March 31, 2015 with two 1-year renewal options remaining.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- | | | |
|---|-------------|-----------|
| 7. WESTERN RESERVE DISTRIBUTING, INC. d/b/a CHILD SOURCE | \$26,985.00 | Low Bid |
| Solicitation No. B50003747 - Car Seats - Department of Health - Req. No. R66407. This is a one-time purchase. | | |
| 8. SOCIAL SOLUTIONS GLOBAL, INC. | \$26,660.00 | Agreement |
| Solicitation No. 08000 - ETO Software Development for the Ryan White Program - Department of Health - Req. No. R680808 | | |

The Board is requested to approve and authorize execution of an agreement with Social Solutions Global, Inc. The period of the agreement is July 1, 2014 through June 30, 2015, with three 1-year renewal options remaining.

The vendor is the sole provider for maintenance and support of the propriety ETO Software.

- | | | |
|---|--------------|-----------|
| 9. STORAGELOGIC OF MARYLAND, INC. | \$ 97,483.00 | Agreement |
| Contract No. 08000 - Space saver Refrigerated Evidence Lockers - Police Department - Req. No. 674696 | | |

The Board is requested to approve and authorize execution of an Agreement with StorageLogic of Maryland, Inc. The period of the Agreement is November 12, 2014 through November 11, 2015, with no renewal options.

A Notice of Intent to Waive Competition B50003795 was issued with no response received. StorageLogic of Maryland, Inc. is the sole provider of the Spacesaver Refrigerated Evidence Lockers. The above amount is the City's estimated requirement. The period of the award is November 12, 2014 through November 11, 2015, with no renewal options available.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

| VENDOR | AMOUNT OF AWARD | AWARD BASIS |
|--------|-----------------|-------------|
|--------|-----------------|-------------|

Bureau of Purchases

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

MWBOO GRANTED A WAIVER.

- | | | |
|---|--------------|-----------|
| 10. STORAGELOGIC OF MARYLAND, INC. | \$ 78,585.00 | Agreement |
| Contract No. 08000 - Space saver Shelving for Gun Vault - Police Department - Req. No. R677746 | | |

The Board is requested to approve and authorize execution of an Agreement with StorageLogic of Maryland, Inc. The period of the Agreement is November 12, 2014 through November 11, 2015, with no renewal options available.

A Notice of Intent to Waive competition was issued B50003798 with no responses received. StorageLogic of Maryland, Inc. is the sole provider of the Shelving for Gun Vault #4. The shelving is needed for organization of gun inventory and storage security. The above amount is the City's estimated requirement.

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

MWBOO GRANTED A WAIVER.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

| VENDOR | AMOUNT OF AWARD | AWARD BASIS |
|--------|-----------------|-------------|
|--------|-----------------|-------------|

Bureau of Purchases

- | | | |
|---|--------------|-----------|
| 11. KWAN SOFTWARE ENGINEERING, INC. d/b/a VERIPIC, INC. | \$ 67,269.00 | Agreement |
| Contract No. 08000 - VeriPic Digital Photo System - Police Department - Req. No. 674208 | | |

The Board is requested to approve and authorize execution of an Agreement with Kwan Software Engineering, Inc. d/b/a VeriPic, Inc. The period of the agreement is November 1, 2014 through October 31, 2015, with no renewal options.

Kwan Software Engineering, Inc., d/b/a as VeriPic, Inc. is the sole provider of the VeriPic Digital Photo System. The above amount is the City's estimated requirement.

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

- | | | |
|---|---------|---------|
| 12. RALPH WISMER d/b/a ZENMAR | | |
| POWER TOOL AND HOIST SYSTEMS | \$ 0.00 | Renewal |
| Contract No. B50002634 - Repair Air Operated Tools - Department of Public Works, Bureau of Water and Wastewater - P.O. No. P52175 | | |

On October 17, 2012, the Board approved the initial award in the amount of \$40,000.00. The award contained three 1-year renewal options. On November 6, 2013, the Board approved the first renewal in the amount of \$25,000.00. This renewal in the amount of \$0.00 is for the period December 1, 2014 through November 30, 2015, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

| VENDOR | AMOUNT OF AWARD | AWARD BASIS |
|--------|-----------------|-------------|
|--------|-----------------|-------------|

Bureau of Purchases

- | | | |
|--|--------------|---------|
| 13. OSBURN ASSOCIATES, INC. | \$ 20,000.00 | Renewal |
| Contract No. B50002672 - U Channel Posts - Department of Transportation - P.O. No. P521890 | | |

On November 7, 2012, the Board approved the initial award in the amount of \$40,000.00. The award contained two 1-year renewal options. On October 16, 2013, the Board approved the first renewal in the amount of \$20,000.00. This final renewal in the amount of \$20,000.00 is for the period November 7, 2014 through November 6, 2015. The above amount is the City's estimated requirement.

ON SEPTEMBER 16, 2013, MWBOO DETERMINED THAT NO GOALS WOULD BE SET BECAUSE OF NO OPPORTUNITY TO SEGMENT THE CONTRACT.

- | | | |
|--|---------|---------|
| 14. APPLIED INDUSTRIAL TECHNOLOGIES, INC. | \$ 0.00 | Renewal |
| Contract No. B50002654 - Industrial Bearing & Related Seals II - Department of Public Works, Bureau of Water and Wastewater - P.O. No. P522088 | | |

On November 21, 2012, the Board approved the initial award in the amount of \$175,000.00. The award contained two 1-year renewal options. This renewal in the amount of \$0.00 is for the period November 28, 2014 through November 27, 2015, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

- | | | |
|---|---------------------|---------|
| 15. BOUND TREE MEDICAL, LLC | \$ 50,000.00 | |
| MIDWEST MEDICAL SUPPLY CO., INC. | 0.00 | |
| MOORE MEDICAL LLC | 20,000.00 | |
| | <u>\$ 70,000.00</u> | Renewal |
| Contract No. B50002139 - Emergency Medical Supplies - Baltimore City Fire Department - P.O. No. Various | | |

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

On November 23, 2011, the Board approved the initial award in the amount of \$550,000.00. The award contained five 1-year renewal options. Two renewals have been approved by the Board. This renewal in the amount of \$70,000.00 is for the period November 23, 2014 through November 22, 2015, with two 1-year renewal options remaining. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

| | | |
|------------------------------|------------------------------|---------------|
| 16. TYLER TECHNOLOGIES, INC. | \$ 780,816.75 | Amendment and |
| ERP AND SCHOOL DIVISION | <u>1,190,070.00</u> | Renewal |
| | <u>\$1,970,886.75</u> | |

Contract No. NJPA013006 - Personal Property Billing System - Finance Department - P.O. No. P519895

The Board is requested to approve and authorize execution of an Amendment to the Agreement with Tyler Technologies, Inc. and a renewal. The period of the renewal is April 1, 2015 through March 31, 2018.

On March 14, 2012, the Board approved the initial award in the amount of \$1,345,550.00. The award contained two three-year renewal options. On May 1, 2013, the Board approved a ratification and increase in the amount of \$97,400.00. The amendment to agreement is necessary to acquire the Business License Module for processing the Hotel Tax and recently passed Taxi Tax to be effective January 1, 2015. The amendment also adds an additional three year renewal option for the system for the period April 1, 2018 through March 31, 2021.

The total project will be funded using the City's Master Lease provided through the Bureau of Treasury Management.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- | | | |
|--|--------------|-----------------------------|
| 17. LION TOTAL CARE, INC. | \$250,000.00 | Ratification and renewal |
| Contract No. B50000545 - Firefighter Turnout Repair and Cleaning - Fire Department - P.O. P522636 | | |

On February 13, 2013, the Board approved the initial award in the amount of \$500,000.00. The award contained three 1-year renewal options. On September 11, 2013, the Board approved the first renewal in the amount of \$500,000.00. Due to an administrative error Contract No. B50000545 for Firefighter Turnout Gear Repair and Cleaning expired on September 29, 2014, with two 1-year renewals remaining. The Board is requested to ratify the renewal of the contract including the remaining two 1-year renewal options. The period of the ratification is September 30, 2014 through November 12, 2014. The period of the renewal is November 12, 2014 through September 29, 2015.

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.

MWBOO GRANTED A WAIVER.

- | | | |
|---|---------|---------------------------|
| 18. COPPERMINE FIELDHOUSE, LLC | Revenue | Amendment to Agreement |
| Contract No. B50002380 - Operate and Manage the "Du" Burns Soccer Arena - Department of Recreation and Parks - Req. No. N/A | | |

The Board is requested to approve and authorize execution of an Amendment to Agreement with Coppermine Fieldhouse, LLC. The period of the amendment to agreement is November 5, 2014 through January 21, 2038.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

On December 19, 2012, the Board approved the initial award. The award contained four 5-year renewal options. The amendment to agreement is necessary to exercise the available renewals in advance to modify the length of the term and to include additional improvements to be undertaken at the "Du" Burns Arena at the vendor's expense.

| | | |
|---|---------------------|----------|
| 19. A2Z ENVIRONMENTAL GROUP, LLC | \$100,000.00 | |
| CARROLL CONCRETE CONSTRUCTION CO. | <u>50,000.00</u> | |
| | <u>\$150,000.00</u> | Increase |
| Contract No. B50002218 - Snow Contractors II - Department of Transportation - P.O. Nos. P519823 & P519825 | | |

On February 15, 2012, the Board approved the initial award for the amount of \$100,000.00. On February 26, 2014, the Board approved an increase for the amount of \$100,000.00. The Board is requested to approve an increase for the amount of \$150,000.00 that will make the total contract value \$350,000.00. This increase will allow for sufficient funding for the upcoming snow season. This contract expires on April 30, 2015 with two 1-year renewal options.

MWBOO GRANTED A WAIVER.

| | | |
|---|---------------------|----------|
| 20. P&J CONTRACTING CO, INC. | \$ 50,000.00 | |
| D&B CONSTRUCTION, INC. | <u>200,000.00</u> | |
| | <u>\$250,000.00</u> | Increase |
| Contract No. B50002539 - Snow Removal Services III - Department of Transportation - P.O. Nos. P522181 & P522184 | | |

On November 21, 2012, the Board approved the initial award for the amount of \$100,000.00. On January 29, 2014, the Board approved an increase for the amount of \$500,000.00. On February 26, 2014, the Board approved an increase for the amount of \$100,000.00.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

The Board is requested to approve an increase for the amount of \$250,000.00 making the total contract value \$950,000.00. This increase will allow for sufficient funding for the upcoming snow season. This contract expires on April 30, 2015 with two 1-year renewal options.

MWBOO GRANTED A WAIVER.

| | | |
|--|------------------------------|----------|
| 21. A HALCON CONTRACTORS, INC. | \$ 100,000.00 | |
| MANUEL LUIS CONSTRUCTION CO., INC. | 100,000.00 | |
| LORENZ LAWN & LANDSCAPE, INC. d/b/a LORENZ, INC. | <u>1,000,000.00</u> | |
| | <u>\$1,200,000.00</u> | Increase |

Contract No. B50002652 - Snow Removal Services IV - Department of Transportation - P.O. Nos. P522527, P522528 and P522530

On January 09, 2013, the Board approved the initial award in the amount of \$200,000.00. On March 20, 2013, the Board rescinded the award for Donald Fritts Home Remodeling and approved an increase to Lorenz, Inc. for the amount of \$150,000.00. On January 24, 2014, the Board approved an increase for the amount of \$1,000,000.00. On February 26, 2014, the Board approved an increase for the amount of \$2,200,000.00. The Board is requested to approve an increase for the amount of \$1,200,000.00, making the total contract value \$4,750,000.00. This increase will allow for sufficient funding for the upcoming snow season. This contract expires on April 30, 2015 with three one-year renewal options.

MWBOO GRANTED A WAIVER.

| | | |
|--|----------------------------|----------|
| 22. AMERICAN HERITAGE EXCAVATING, INC. | \$100,000.00 | |
| MANUEL LANDSCAPING, INC. | <u>100,000.00</u> | |
| | <u>\$200,000.00</u> | Increase |

Contract No. B50003260 - Snow Removal Services V - Department of Transportation - P.O. Nos. P525899 and P525900

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

| VENDOR | AMOUNT OF AWARD | AWARD BASIS |
|--------|-----------------|-------------|
|--------|-----------------|-------------|

Bureau of Purchases

On December 18, 2013, the Board approved the initial award in the amount of \$100,000.00. On February 26, 2014, the Board approved an increase for the amount of \$200,000.00. The Board is requested to approve an increase for the amount of \$200,000.00, making the total contract value \$500,000.00. This increase will allow for sufficient funding for the upcoming snow season. This contract expires on April 30, 2015 with two one-year renewal options.

MWBOO GRANTED A WAIVER.

- | | | |
|---|--------------|----------|
| 23. HUSKY ENVELOPES PRODUCTS, INC. | \$ 15,865.00 | Increase |
| Contract No. B50003259 - Water Bill Envelopes - Dept. of Public Works, Bureau of Water & Wastewater - P.O. Nos. P526875 | | |

On April 02, 2014, the Board approved the initial award in the amount of \$50,045.00. The Board is requested to approve an increase for the amount of \$15,865.00, making the total contract value \$65,910.00. This increase is requested because of an inaccurate estimation of the annual usage of envelopes required.

MWBOO GRANTED A WAIVER.

- | | | |
|---|--------------|----------|
| 24. ATLANTIC MACHINERY, INC. | \$ 20,000.00 | Increase |
| Contract No. 08000 - Video Pipeline Inspection System - Dept. of Public Works, Bureau of Water & Wastewater - P.O. Nos. P526053 | | |

On January 08, 2014, the Board approved the initial award in the amount of \$30,000.00. On July 02, 2014, the City Purchasing Agent approved an increase for the amount of \$15,000.00. The Board is requested to approve an increase for the amount of \$20,000.00, making the total contract value \$65,000.00. This increase is required because of increased usage of the contract.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the informal awards, renewals, increases to contracts and extensions. The Board also approved and authorized execution of the Agreements with CCG Systems, Inc. (item no. 3), Social Solutions Global, Inc. (item no. 8), Storagelogic of Maryland, Inc. (item nos. 9 and 10), Kwan Software Engineering, Inc. d/b/a Veripic, Inc. (item no. 11), and Coppermine Fieldhouse, LLC (item no. 18). The Board also approved and authorized execution of the Amendment to Agreement with Tyler Technologies, Inc. ERP and School Division (item No. 16). The President voted **NO** on items 9, 10, and 11.

MINUTES

Parking Authority of - Ratification of Parking Facilities
Baltimore City (PABC) Operation and Management Agreements

The Board is requested to approve the ratification of Parking Facilities Operation and Management Agreements. The Ratification is for the period July 1, 2014 through June 30, 2015.

| <u>OPERATOR</u> | <u>FACILITY</u> | | |
|--|-------------------------------|---------------|--|
| 1. PMS PARKING, INC. | CAROLINE STREET GARAGE | | |
| | 805 S. Caroline Street | | |
| \$214,874.00 - 2075-000000-2321-408200-603016, Maint. & Repair | | | |
| 64,872.00 - 2075-000000-2321-408200-603026, Mgmt. & Incent. | | | |
| <u>4,000.00 - 2075-000000-2321-408200-603038, Security</u> | | | |
| \$283,746.00 | | | |
| MBE: TE Jeff, Inc. | \$5,500.00 | 11.03% | |
| Watkins Security Agency, Inc. | <u>4,000.00</u> | <u>8.02%</u> | |
| | \$9,500.00 | 19% | |
| WBE: The Fireline Corp. | \$ 500.00 | 1.00% | |
| Sign Solutions d/b/a | 1,000.00 | 2.00% | |
| Sign-A-Rama | | | |
| Sue-Ann's Office Supply, Inc. | <u>3,000.00</u> | <u>6.00%</u> | |
| | \$4,500.00 | 9.00% | |
| 2. PMS PARKING, INC. | LITTLE ITALY GARAGE | | |
| | 400 S. Central Avenue | | |
| \$236,946.00 - 2075-000000-2321-407900-603016, Maint. & Repair | | | |
| 52,464.00 - 2075-000000-2321-407900-603026, Mgmt. & Incent. | | | |
| <u>6,000.00 - 2075-000000-2321-407900-603038, Security</u> | | | |
| \$295,410.00 | | | |
| MBE: A. Halcon Contractors, Inc. | \$ 3,000.00 | 6.05% | |
| TE Jeff, Inc. | 5,100.00 | 10.29% | |
| Watkins Security Agency, Inc. | <u>6,000.00</u> | <u>12.10%</u> | |
| | \$14,100.00 | 28% | |
| WBE: The Fireline Corp. | \$ 750.00 | 1.51% | |
| Sign Solutions d/b/a | 1,000.00 | 2.02% | |
| Sign-A-Rama | | | |
| Sue-Ann's Office Supply, Inc. | <u>3,000.00</u> | <u>6.05%</u> | |
| | \$ 4,500.00 | 10% | |

MINUTES

PABC - cont'd

3. **PMS PARKING, INC. AND** **FRANKLIN STREET GARAGE**
LAZ PARKING, INC. **15 W. Franklin Street**
MID-ATLANTIC LLC

\$183,418.00 - 2075-000000-2321-407400-603016, Maint. & Repair
 36,000.00 - 2075-000000-2321-407400-603026, Mgmt. & Incent.
 2,000.00 - 2075-000000-2321-407400-603038, Security
\$221,418.00

| | | |
|--|--------------------|---------------|
| MBE: Admiral Elevator Co., Inc. | \$ 4,500.00 | 9.84% |
| TE Jeff, Inc. | 3,000.00 | 6.56% |
| Watkins Security Agency, Inc. | 2,000.00 | 4.37% |
| | <u>\$ 9,500.00</u> | <u>21.00%</u> |

| | | |
|--------------------------------|--------------------|-----------|
| WBE: The Fireline Corp. | \$ 500.00 | 1.09% |
| Sign Solutions d/b/a | 1,000.00 | 2.19% |
| Sign-A-Rama | | |
| Sue-Ann's Office Supply, Inc. | 2,500.00 | 5.47% |
| | <u>\$ 4,000.00</u> | <u>9%</u> |

4. **PMS PARKING, INC. AND** **SAINT PAUL PLACE GARAGE**
LAZ PARKING, INC. **210 St. Paul Place**
MID-ATLANTIC LLC

\$252,839.00 - 2075-000000-2321-408100-603016, Maint. & Repair
 84,210.00 - 2075-000000-2321-408100-603026, Mgmt. & Incent.
 6,000.00 - 2075-000000-2321-408100-603038, Security
\$343,049.00

| | | |
|--|--------------------|------------|
| MBE: Admiral Elevator Co., Inc. | \$ 6,500.00 | 8.54% |
| TE Jeff, Inc. | 4,000.00 | 5.26% |
| Watkins Security Agency, Inc. | 4,000.00 | 5.26% |
| | <u>\$14,500.00</u> | <u>19%</u> |

| | | |
|--------------------------------|--------------------|-----------|
| WBE: The Fireline Corp. | \$ 500.00 | .66% |
| Sign Solutions d/b/a | 1,200.00 | 1.58% |
| Sign-A-Rama | | |
| Sue-Ann's Office Supply, Inc. | 5,000.00 | 6.57% |
| | <u>\$ 6,700.00</u> | <u>9%</u> |

MINUTES

PABC - cont'd

| | | |
|--|------------------------------|--------------|
| 5. REPUBLIC PARKING SYSTEM, INC. | MARKET CENTER GARAGE | |
| | 221 N. Paca Street | |
| \$267,476.00 - 2075-000000-2321-407100-603016, Maint. & Repair | | |
| 60,000.00 - 2075-000000-2321-407100-603026, Mgmt. & Incent. | | |
| <u>96,000.00</u> - 2075-000000-2321-407100-603038, Security | | |
| \$423,476.00 | | |
| MBE: Xecutive Security | \$38,000.00 | 20% |
| Investigations, Inc. | | |
| WBE: AJ Stationers | \$ 1,800.00 | 0.9% |
| Clean and Clean Services, Inc. | 12,000.00 | 6.2% |
| Sign Solutions, Inc. d/b/a | 1,000.00 | 0.5% |
| Sign-A-Rama | | |
| Gibbsx, LLC | <u>5,500.00</u> | <u>2.8%</u> |
| | \$20,300.00 | 10% |
| 6. LANDMARK PARKING, INC. | FLEET AND EDEN GARAGE | |
| | 501 Eden Street | |
| \$256,286.00 - 2075-000000-2321-408300-603026, Maint. & Repair | | |
| 72,000.00 - 2075-000000-2321-408300-603016, Mgmt. & Incent. | | |
| <u>4,000.00</u> - 2075-000000-2321-408300-603038, Security | | |
| \$332,286.00 | | |
| MBE: Evergreen Landscape & | \$ 1,500.00 | 1.81% |
| Design Corp. | | |
| A. Halcon Contractors, Inc. | 2,000.00 | 2.41% |
| Grady Environmental | 6,275.00 | 7.58% |
| Services, Inc. | | |
| Carter Paving & Excavating, Inc. | <u>4,300.00</u> | <u>5.20%</u> |
| | \$14,075.00 | 17% |
| WBE: Sue-Ann's Office Supply, Inc. | \$ 1,987.00 | 2.40% |
| Tote-It, Inc. | 3,000.00 | 3.63% |
| Sign Solutions, Inc. d/b/a | 800.00 | .97% |
| Sign-A-Rama | | |
| Letke Security Contractors, | <u>1,250.00</u> | <u>1.51%</u> |
| Inc. | \$ 7,037.00 | 9% |

MINUTES

PABC - cont'd

The Agreements are coming before the Board for ratification because an unanticipated bid was submitted during the procurement process that would have provided a new contract for the garages in a timely manner. The unanticipated bid caused the new contract to be withheld from the Board and caused the PABC to seek this one year contract with the current managers to allow for procurement of a new contract through a competitive bid process.

The PABC put the operation of the garages out for bid, with two additional garages under a single contract in March 2014. The PABC received five bids and the Parking Authority Board of Directors recommended approval of the contract with a new vendor. A contract with the new vendor was prepared and approved by the Law Department. As the contract was obtaining preliminary approvals, prior to submission to the Board in June, the unanticipated bid was scrutinized by the Administration which requested additional review by the Law Department. The Law Department determined that rebidding the contract was warranted. The Parking Authority did not submit the Agreement to the Board and forwarded a new request for procurement to the City's Purchasing Agent in July.

The Facility Operator for each of the garages has provided quality management service and the Parking Authority believes that maintaining them as the operator of the respective garages for one year, until the procurement process is completed will be beneficial to the City.

MWBOO SET GOALS OF 17% MBE AND 9% WBE.

MWBOO FOUND VENDORS IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized Ratification of Parking Facilities Operation and Management Agreements.

MINUTES**PROPOSAL AND SPECIFICATIONS**

1. Department of Public Works/Office
of Engineering & Construction - WC 1241, Water Main
Replacements - Various
Locations
BIDS TO BE RECV'D: 12/10/2014
BIDS TO BE OPENED: 12/10/2014

2. Department of Transportation - TR 15004, Reconstruction of
Alleys Citywide
BIDS TO BE RECV'D: 12/17/2014
BIDS TO BE OPENED: 12/17/2014

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

* * * * *

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

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

Kim A. Trueheart

November 12, 2014

Board of Estimates

Attn: Clerk

City Hall, Room 204

100 N. Holliday Street,

Baltimore, Maryland 21202

Dear Ms. Taylor:

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

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

1. Whom you represent: Self
2. What the issues are:
 - a. Pages 1 - 67, City Council President and members of the Board of Estimates, BOE Agenda dated November 12, 2014, if acted upon:
 - i. The proceedings of this board often renew business agreements without benefit of clear measures of effectiveness to validate the board's decision to continue funding the provider of the city service being procured;
 - ii. The Baltimore City School Board of Commissioners routinely requires submissions for board consideration to include details of the provider's success in meeting the objectives and/or desired outcomes delineated in the previously awarded agreement;
 - iii. The members of this board continue to fail to provide good stewardship of taxpayers funds as noted by the lack of concrete justification to substantiate approval of actions presented in each weekly agenda;
 - iv. This board should immediately adjust the board's policy to ensure submissions to the board include measures of effectiveness in each instance where taxpayer funds have already been expended for city services;
 - v. In the interest of promoting greater transparency with the public this board should willing begin to include in the weekly agenda more details which it discusses in closed sessions without benefit of public participation.
 - vi. Lastly this board should explain to the public how, without violating the open meeting act, a consent agenda is published outlining the protocols for each week's meeting prior to the board opening its public meeting.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed what appears to be a significant dearth in responsible and accountable leadership, management and cogent decision making within the various

Email: ktrueheart@whatfits.net

5519 Belleville Ave

Baltimore, MD 21207

agencies and departments of the Baltimore City municipal government which potentially cost myself and my fellow citizens excessive amounts of money in cost over-runs and wasteful spending.

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

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on November 12, 2014.

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

Sincerely,

Kim Trueheart, Citizen & Resident

5519 Belleville Ave
Baltimore, MD 21207

MINUTES

* * * * *

President: "There being no more business before the Board, the Board will recess until bid opening at 12 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.

THERE WERE NO ADDENDA WERE RECEIVED.

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

Bureau of Purchases B50003841, Crew Cab Dump Truck

Norris Chesapeake Truck Sale, LLC
 Hertrich Fleet Services
 Cowles Ford, Inc.
 Apple Ford, Inc.
 `

Bureau of Purchases B50003812, Automotive Hardware
 and Fasteners

THE BIDS WERE CANCELLED.

MINUTES

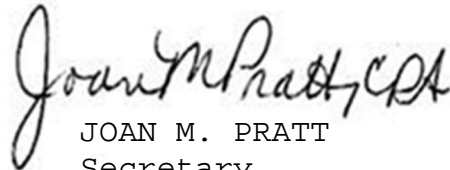
Bureau of Purchases B50003778, Printing for outside
Vendors

Superior Designs
RR Donnelley Logistics
Uptown Press
TrayPML, Inc. d/b/a Tray, Inc.
Printing Matters, LLC
KM Printing, LLC
Katon Printing Corporation
Time Printers, Inc.
Ridge Printing Corporation
Cavanaugh Press
Doyle Printing & Offset Co., Inc.
Corporate Press

Bureau of Purchases B50003835, Septic Tank Pumping
& Disposal Services

The Good Shepherd Septic
Service, Inc.

There being no objections, the Board UPON MOTION duly made and seconded, the Board adjourned until its next regularly scheduled meeting on Wednesday, November 19, 2014.


JOAN M. PRATT
Secretary