

MINUTES

REGULAR MEETING

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

The meeting was called to order by the President.

President: "I would like to recognize Councilman Curran who has joined us. Thank you Madam Deputy Comptroller. I will direct the Board members attention to the memorandum from my office dated November 13, 2012, identifying matters to be considered as routine agenda items, together with any corrections and additions that have been noted by the Deputy Comptroller. I will entertain a motion to approve all of the items contained on the routine agenda."

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

Director of Public Works: "Second."

Comptroller: "Second."

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

* * * * *

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

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

Alarm Security Holdings, LLC d/b/a ASG Security	\$	1,500,000.00
C & T Painting Co., Inc.	\$	414,000.00
Ceepco Contracting, LLC	\$	8,000,000.00
Chereco Company, Inc.	\$	7,110,000.00
Cossentino Contracting Company, Inc.	\$	8,000,000.00
DYNIS, LLC	\$	139,374,000.00
Nationwide Electrical Services, Inc.	\$	8,000,000.00
Ruppert Landscape, Inc.	\$	8,000,000.00

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

MINUTES

EXTRA WORK ORDERS

* * * * *

UPON MOTION duly made and seconded,
the Board approved the
Extra Work Orders and Transfers of Funds
listed on the following pages:

4574 - 4575

All of the EWOs have been reviewed and approved
by the Department of Audits, CORC, and MWBOO,
unless otherwise indicated.

The President **ABSTAINED** on items no. 3 and 4.

MINUTES

EXTRA WORK ORDERS

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

Department of Transportation

- | | | | | |
|---|--------------|-----------------------------|-------------|---|
| 1. EWO #004, \$ 0.00 - TR 10319, Rehabilitation of York Road
from 43 rd Street to Glenwood Avenue | | | | |
| \$ 2,783,413.10 | \$ 36,459.39 | P. Flanigan &
Sons, Inc. | 195
days | - |

After the contractor began work, it was determined by the field investigator that the lighting and signal plans needed to be redesigned. The majority of the existing lighting hand boxes were either abandoned or collapsed and had to be relocated or rebuilt.

Therefore, the Department of Transportation is requesting a 195-day non-compensable time extension. The time extension will result in a revised expiration date of May 31, 2013.

- | | | | | |
|--|---|---------------------------|------------|---|
| 2. EWO #001, \$ 0.00 - TR 03333, Sinclair Lane Bridge
Rehabilitation Over CSXT Railroad | | | | |
| \$ 5,694,538.15 | - | Concrete General,
Inc. | 65
days | - |

A 65-day non-compensable time extension is necessary because of the CSXT's review of the shop drawings and approval of the excavation support of the existing abutments. The CSXT review required several meetings and was necessary to protect the CSXT's financial interest in the project.

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. 2701 E. Monument Street	Nimisha Patel	Handicap ramp 30' x 4.5'
Annual Charge: \$70.30		
2. 1521 Pennsylvania Avenue	Sejin Oh	Retain single face sign 11' x 2½'
Annual Charge: \$140.60		
3. 1814 Pennsylvania Avenue	Xiao Feng Chen	Retain single face sign 14'6" x 3'
Annual Charge: \$140.60		
4. 1947 Pennsylvania Avenue	Newborn Holistic Ministries, Inc.	One double face sign 15' x 1'2", six spots
Annual Charge: \$176.00		

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

UPON MOTION duly made and seconded, the Board approved the above-listed Minor Privilege Permits.

MINUTES

Department of General Services - Developer's Agreement No.1276

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of developer's agreement no. 1276 with Barclay Square Limited Partnership, developer.

AMOUNT OF MONEY AND SOURCE:

\$109,258.00

BACKGROUND/EXPLANATION:

The developer would like to install various new utilities to service its new construction, bound by Barclay Street, Greenmount and Guilford Avenues and 20th Street, Baltimore Maryland. This developer's agreement will allow the organization to do its own installation, in accordance with Baltimore City standards.

A Performance Bond in the amount of \$109,258.00 has been issued to Barclay Square Limited Partnership which assumes 100% of the financial responsibility.

MBE/WBE PARTICIPATION:

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of developer's agreement no. 1276 with Barclay Square Limited Partnership.

MINUTES

Health Department - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve an agreement with PACT: Helping Children with Special Needs, Inc. The period of the agreement is July 1, 2012 through June 30, 2013.

AMOUNT OF MONEY AND SOURCE:

\$41,825.00 - 4000-428213-3080-294300-603051

BACKGROUND/EXPLANATION:

This agreement will provide for therapy services at the World of Care (WOC) Therapy Center. The WOC will coordinate their services with the Infants and Toddlers Program to provide screenings, evaluations and therapy in the areas of Occupational Therapy, Speech Language Pathology, and Physical Therapy.

Therapy services will be provided at the rate of \$115.00 for each 30 minute session, for a maximum of 350 sessions, and evaluations at a rate of \$175.00 per session for a maximum of 9 sessions.

The agreement is being presented late because it was just returned from the provider.

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

UPON MOTION duly made and seconded, the Board approved the agreement with PACT: Helping Children with Special Needs, Inc.

MINUTES

Fire Department - Governmental/Charitable
Solicitation Application

ACTION REQUESTED OF B/E:

The Board is requested to endorse a governmental/charitable solicitation application. The Fire Department wishes to solicit donations from local businesses to benefit the Adopt-A-Child Holiday Festival. The period of the solicitation is effective upon Board approval through December 21, 2012.

AMOUNT OF MONEY AND SOURCE:

No general funds are involved in this transaction.

BACKGROUND/EXPLANATION:

The Adopt-A-Child Holiday Festival will be held at the Training Academy Facility located on Pulaski Highway on December 21, 2012. The Training Academy plans to host a charitable event to provide gifts donated from private businesses as well as members of the Fire Department to less fortunate children between the age of five and ten years old who attend two local elementary schools. All donations received will be given to targeted children from the schools involved, any remaining donations will be donated directly to the administrators of the two schools. The solicitation will be for the exclusive benefit of this charitable program. The solicitation will be directed at a broad range of potential donors and will not specifically target controlled donors or suggest that contributors might receive special access or favored treatment from the Department or any of its members. The solicitation will be administered by the Department's Training Academy Instructor, Mr. Keith Farrar, with the oversight of the Deputy Chief for Training and Education, Mr. Paul Moore, and the Department's legal counsel.

MINUTES

Fire Department - cont'd

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

(FILE NO. 57133)

UPON MOTION duly made and seconded, the Board endorsed the governmental/charitable solicitation application.

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) - Options</u>			
1. Ground Rents, LLC	1102 N. Bradford St.	G/R \$42.00	\$ 385.00

Funds are available in account 9910-904488-9588-900000-704040, Milton-Montford Project.

2. Jesse S. Weinberg	1107 N. Bradford St.	G/R \$48.00	\$ 440.00
----------------------	----------------------	----------------	-----------

Funds are available in account 9910-904488-9588-900000-704040, Milton-Montford Project.

In the event that the option agreement/s fail/s 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.

DHCD - Condemnations

3. Chezkal Mordechai Wiesel	2773 Tivoly Avenue	L/H	\$22,200.00
--------------------------------	--------------------	-----	-------------

Funds are available in account 9910-904326-9588-900000-704040, Coldstream Homestead Montebello Project.

(FILE NO. 57188)

4. MK Properties, Inc.	2731 Tivoly Avenue	L/H	\$ 6,610.00
------------------------	--------------------	-----	-------------

Funds are available in account 9910-904326-9588-900000-704040, Coldstream Homestead Montebello Project.

(FILE NO. 57188)

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

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

The Board is requested to approve and authorize execution of a lease agreement with Greater Mondawmin Coordinating Council, Inc., Tenant, for the rental of a portion of the property known as 2610 Francis Street, consisting of approximately 5,776 square feet. The period of the lease agreement is December 1, 2012 through November 30, 2013, with two one-year renewal options.

AMOUNT OF MONEY AND SOURCE:

	<u>Annual Amount</u>	<u>Monthly Installment</u>
Year 1	\$8,400.00	\$700.00

BACKGROUND/EXPLANATION:

The leased premises will be used as operation and office space for the Operation Safe Streets Program. The City will be responsible for the repair of the central heating and ventilation when needed, as well as snow removal, debris in the common areas outside the building and maintaining the roof, walls, and HVAC systems. The City will also maintain the water, electrical, and plumbing supply lines.

The Tenant will be responsible for keeping the leased premises free of trash and obstructions as well as pay for utilities, telephone service, power, heat, sewer, and water to the leased premises. The Tenant will also be responsible for the security system, inspection from the Fire Marshall, janitorial services, liability insurance, telephone and computer services.

The Space Utilization Committee approved this lease agreement on November 7, 2012.

(FILE NO. 57328)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the lease agreement with Greater Mondawmin Coordinating Council, Inc.

MINUTES

Mayor's Office of Employment - Amendment to Agreement
Development

ACTION REQUESTED OF B/E:

The Board is requested to approve an amendment to agreement with The Credit Union Foundation of Maryland and the District of Columbia, Inc. The amendment will extend the period of the agreement through December 31, 2012.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On July 11, 2012, the Board approved the original agreement with The Credit Union Foundation of Maryland and the District of Columbia, Inc. to provide Bilingual Teller Customized Training for nine eligible participants. The original period was June 18, 2012 through October 31, 2012.

AUDITS NOTED THE TIME EXTENSION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment to agreement with The Credit Union Foundation of Maryland and the District of Columbia, Inc.

MINUTES

Department of Planning - Report on Previously
Approved Transfers of Funds

At previous meetings, the Board of Estimates approved Transfers of Funds subject to receipt of favorable reports from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the provisions of the City Charter. Today, the Board is requested to **NOTE 14** favorable reports on Transfers of Funds approved by the Board of Estimates at its meetings on October 24 and 31, 2012.

The Board **NOTED** receipt of the 14 favorable reports on Transfers of Funds approved by the Board of Estimates at its meetings on October 24 and 31, 2012.

MINUTES

Department of Recreation & Parks - Amendment to Memorandum
of Agreement _____

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an amendment to memorandum of agreement with the Family League of Baltimore City, Inc. (FLBC).

AMOUNT OF MONEY AND SOURCE:

\$5,244.30 - 2096-796354-7960-835400-600000

BACKGROUND/EXPLANATION:

On February 22, 2012, the Board approved the agreement with the FLBC for the implementation of the B'More Fit for Healthy Babies Initiative, which is a series of programs and services including Weight Watchers enhanced sessions and complementary childcare services for participants at the Patterson Park and C.C. Jackson Recreation Centers.

The amendment will allow for the Patterson Park Program to be relocated to the Mora Crossman Recreation Center and will further define the FLBC's responsibilities. The amendment also provides additional funding to cover the overtime costs incurred by the Department to accommodate the Program.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

(FILE NO. 55358)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment to memorandum of agreement with the Family League of Baltimore City, Inc.

MINUTES

Police Department - Grant Adjustment Notice (GAN)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of a Grant Adjustment Notice (GAN) from the Governor's Office of Crime Control and Prevention (GOCCP). The period of the GAN is October 1, 2012 through September 30, 2013.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On October 10, 2012, the Board approved acceptance of the Violence Against Women Grant for the period January 1, 2013 through September 30, 2013. This GAN changes the project start date from January 1, 2013 to October 1, 2012. All other conditions remain the same.

The Department's Lethality Assessment project gives officers who are responding to domestic calls an additional tool to evaluate the potential danger to domestic violence victims. Officers connect victims with needed support and services in order to decrease domestic violence fatalities. Grant funds provide salary support for a full-time project coordinator, a part-time data entry assistant, equipment, and operating expenses.

APPROVED FOR FUNDS BY FINANCE**AUDITS NOTED THE TIME EXTENSION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Grant Adjustment Notice from the Governor's Office of Crime Control and Prevention.

MINUTES**TRAVEL REQUESTS**Police Department

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
1. Gayle B. Guilford	6 th Canadian Public Safety Interoperability Workshop Toronto, Canada Nov. 30 - Dec. 6, 2012		\$0.00

UPON MOTION duly made and seconded, the Board approved the travel request for Gayle B. Guilford. The Comptroller **ABSTAINED**.

MINUTES

TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following page:

4589

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

MINUTES

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Transportation</u>		
1. \$ 60,000.00	9950-902215-9507	9950-907658-9508-3
Other	Construction Reserve	Design and Study
	B&O Museum Study	ADA Ramps Replacement

This transfer will fund the cost associated with Task No. 1, Project 1162, ADA Ramp Design by HAKS Engineering, Inc.

2. \$ 50,000.00	9962-941002-9563	9962-909052-9562-2
Other	Construction Reserve	Contingencies
	Conduit Replacement	Washington Blvd.
	Program	I-95 to Monroe

This transfer will fund the cost related to TR 03313, Change Order Nos. 19 and 20, Reconstruction of Washington Boulevard: Monroe Street to I-95 to Civil Construction, LLC.

MINUTES

Bureau of Water & Wastewater - Amendment No. 3 to the Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of amendment no. 3 to the agreement for Project 1095E with EBA Engineering, Inc. The amendment no. 3 to the agreement extends the period of the agreement through February 11, 2014.

AMOUNT OF MONEY AND SOURCE:

\$0.00

BACKGROUND/EXPLANATION:

The current agreement is set to expire February 11, 2013. EBA Engineering, Inc. is assigned 12 tasks under the contract. Three of the 12 tasks are complete. Some of the tasks assigned, including chlorine contact chambers concrete rehabilitation for Back River and Patapsco Plants, Force Main at Dundalk Avenue, and Water Main Lining under the on-call agreement took a significantly longer time to process. The extension will allow the consultant to complete the tasks and invoice the City while the agreement is current. The consultant was approved by the Office of Boards and Commissions and the AEAC.

MBE/WBE PARTICIPATION:

The consultant will continue to comply with all terms and conditions of the MBE/WBE program in accordance with Article 5, Subtitle 28 of the Baltimore City Code.

MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

AUDITS NOTED THE TIME EXTENSION AND WILL REVIEW THE TASK ASSIGNMENTS.

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 3 to the agreement with EBA Engineering, Inc. The President **ABSTAINED.**

MINUTES

Bureau of Water and Wastewater - Amendment No. 3 to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of amendment No. 3 to on-call agreement with Transviron, Inc. for Project No. 1095T, Civil/Structural Engineering Services. The amendment extends the period of the agreement through February 11, 2014.

AMOUNT OF MONEY AND SOURCE:

No additional funds are required.

BACKGROUND/EXPLANATION:

On February 11, 2009, the Board approved a two-year agreement with Transviron, Inc., to provide engineering services. On November 3, 2010, the Board approved an amendment for a fee increase and to extend the period of the agreement to three years. On August 10, 2011, the Board approved amendment No. 2 extending the period of the agreement through February 11, 2013. Civil/structural engineering services are required on an as needed basis for the continuous functioning of the Water Treatment Plants.

Some of the tasks processed under this On-Call agreement took a significantly longer time than anticipated to process. The purpose of amendment no. 3 to agreement is to allow the consultant to complete the tasks allocated and invoice the City while the agreement is current.

The consultant was approved by the Office of Boards & Commissions and the Architectural & Engineering Awards Commission.

MBE/WBE PARTICIPATION:

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

MINUTES

Bureau of Water and Wastewater - cont'd

MWBOO FOUND VENDOR IN COMPLIANCE.

AUDITS NOTED THE TIME EXTENSION AND WILL REVIEW TASK ASSIGNMENTS.

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment No. 3 to on-call agreement with Transviron, Inc. for Project No. 1095T, Civil/Structural Engineering Services. The President **ABSTAINED**.

MINUTES

Bureau of Water & Wastewater - Amendment No. 2 to WC 1120

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of amendment no. 2 to Water Contract 1120, Guilford Pumping Station Rehabilitation Design with Hatch Mott MacDonald. The amendment No. 2 to the agreement extends the period through November 03, 2013.

AMOUNT OF MONEY AND SOURCE:

\$0.00

BACKGROUND/EXPLANATION:

On November 03, 2010, the Board approved the agreement with Hatch Mott MacDonald to design the Guilford Pumping Station Rehabilitation for a period of 18 months. During the 60% design phase, the Department of Public Works directed Hatch Mott MacDonald to evaluate the feasibility of removing the standby generator from the design of the new out-building, thereby reducing the building's footprint, and potentially reconfiguring the building on the north side of the site. Under this scenario, backup power would be provided by a second feed. This represents a certain level of compromise to the systems redundancy, and hence was not contemplated in the original project specification and design.

The Generator and Hypochlorite Building was disapproved on December 13, 2011 by the Board of the Commission for Historical and Architectural Preservation (CHAP) although CHAP recommended approving this building to its Board. CHAP requested to address its Board's comments and to come back to the CHAP Board.

As a result, a time extension will be needed to re-design the out-building. Therefore, the Bureau is requesting the time extension of the existing agreement for 12 months at no additional cost to the City.

The consultant was originally approved by the Office of Boards and Commissions and the AEAC.

MINUTES

Bureau of Water & Wastewater - cont'd

MBE/WBE PARTICIPATION:

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

MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

AUDITS NOTED THE TIME EXTENSION.

(FILE NO. 55986A)

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 2 to Water Contract 1120, Guilford Pumping Station Rehabilitation Design with Hatch Mott MacDonald. The President **ABSTAINED.**

MINUTES

Bureau of Water and - Settlement and Release Agreement
Wastewater (BW&WW) Water Contract No. 1155

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a settlement and release agreement with Ulliman Schutte Construction, LLC.

AMOUNT OF MONEY AND SOURCE:

\$111,995.48 - 9960-902316-9557-900020-702064

BACKGROUND/EXPLANATION:

This settlement and release agreement is for Water Contract No. 1155, Improvements to Montebello Water Treatment Facility Plants 1 and 2. Construction on WC 1155 was completed in June of 2007. Upon completion of the one year warranty period a Final Acceptance Inspection was held in June 2008. Later that same month the contractor was directed to make emergency repairs in the plant. This settlement will provide payment for the emergency repair work.

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 settlement and release agreement with Ulliman Schutte Construction, LLC. The President

ABSTAINED.

MINUTES

Department of Public Works - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve an expenditure of funds to pay the National Association of Clean Water Agencies (NACWA) annual group membership. The period of the membership is October 1, 2012 through September 30, 2013.

AMOUNT OF MONEY AND SOURCE:

\$33,750.00 - 2070-000000-5541-399300-603022

BACKGROUND/EXPLANATION:

The membership in the NACWA is an investment that pays great dividends for public clean water utilities in the areas of Consent Decree negotiations, Wet Weather legislation, Ongoing Collection System Management and Storm Water. The organization is a nationally recognized leader in environmental policy and an excellent technical resource. NACWA has been a key stakeholder in talks with US EPA and Congress on environmental mandates, affordability issues, and as a champion of Integrated Planning.

The NACWA sends regular updates on national legislation, grant opportunities, important court cases, keeps a Consent Decree Library, and helpful guides on such issues as green infrastructure for use by its members. The Department of Public Works maintains an active membership and sends representatives to its annual Clean Water Law Seminar.

This year's membership is approximately 3% or \$980.00 over last year's amount of \$32,770.00.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

A LETTER OF PROTEST WAS RECEIVED FROM MS. KIM A. TRUEHEART.

MINUTES

Department of Public Works - cont'd

The Board of Estimates received and reviewed Ms. Trueheart's protest. As Ms. Trueheart's interests are not specific and are not different from other members of the general public, the Board will not hear her protest. Her protest and correspondence have been sent to the submitting department and that department will respond directly to Ms. Trueheart.

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to pay the National Association of Clean Water Agencies annual group membership.

MINUTES

Mayor's Office of Human Services - Agreements

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

1. **PROJECT PLASE, INC.** **\$104,382.00**

Account: 5000-529113-3572-333726-603051

Project PLASE, Inc. will provide 62 transitional beds to homeless men and women of Baltimore City. The funds will be utilized to offset the cost of providing supportive services, client assistance and operating costs of the program, including but not limited to insurance, utilities, telephone, supplies, food and on-site staff.

MWBOO GRANTED A WAIVER.

2. **PROJECT PLASE, INC.** **\$170,955.00**

Account: 4000-496212-3572-591426-603051

Project PLASE, Inc. will provide transitional housing and supportive services to 12 single, medically fragile homeless individuals at their facility located at 1814 Maryland Avenue. The services will enable these individuals to become stable, connected to resources and access long-term or permanent housing. The period of the agreement is October 1, 2012 through September 30, 2013.

MWBOO GRANTED A WAIVER.

A LETTER OF PROTEST WAS RECEIVED FROM MS. KIM A. TRUEHEART.

The Board of Estimates received and reviewed Ms. Trueheart's protest. As Ms. Trueheart's interests are not specific and are not different from other members of the general public, the Board will not hear her protest. Her protest and correspondence have been sent to the submitting department and that department will respond directly to Ms. Trueheart.

MINUTES

MOHS - cont'd

3. **AT JACOBS WELL, INC.** **\$ 57,183.00**

Account: 5000-529113-3572-333707-603051

At Jacobs Well, Inc. will provide 12 transitional shelter beds to homeless, mentally ill men and women of Baltimore City. In addition to the beds, At Jacobs Well, Inc. will provide case management services to help homeless individuals achieve stable permanent housing and as high of a level of economic self-sufficiency as possible.

MWBOO GRANTED A WAIVER.

4. **MARYLAND CENTER FOR VETERANS EDUCATION
& TRAINING, INC.** **\$ 53,845.00**

Account: 5000-529113-3572-333721-603051

The organization will provide 12 transitional shelter beds to homeless veterans of Baltimore City. The funds will be utilized to offset the cost of providing services and operating costs including but not limited to addiction services, transportation, meals, counseling, employment training, life skills training and on-site staff.

MWBOO GRANTED A WAIVER.

5. **HOUSE OF RUTH MARYLAND, INC.** **\$ 24,052.00**
(HOUSE OF RUTH)

Account: 5000-523113-3571-333718-603051

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

MINUTES

MOHS - cont'd

6. **HOUSE OF RUTH MARYLAND, INC.** **\$196,972.00**
(HOUSE OF RUTH)

Account: 5000-525613-3572-333718-603051

The House of Ruth will provide 45 emergency shelter beds to a minimum of 200 homeless women and children who have fled a domestic violence situation and have become homeless. Clients will have access to clean, comfortable rooms, food, clothing and personal care items, counseling, case management, and referrals to other service providers.

MWBOO GRANTED A WAIVER.

7. **MARIAN HOUSE, INC.** **\$194,705.00**

Account: 5000-529113-3572-333719-603051

The organization will provide 60 transitional shelter beds to homeless women and women with children of Baltimore City. The funds will be utilized to offset the costs of providing services, including but not limited to addiction services, transportation meals, counseling, employment training, on-site staff and crisis management.

MWBOO GRANTED A WAIVER.

8. **WOMEN'S HOUSING COALITION** **\$ 65,946.00**
(WHC)

Account: 4000-496212-3573-591435-603051

The WHC will operate a single room occupancy program and provide permanent housing to 29 formerly homeless women who are homeless due to chronic substance abuse and/or chronic mental illness. The WHC will also provide support services on-site and in the community, as needed including case management, and counseling. The period of the agreement is October 1, 2012 through September 30, 2013.

MWBOO GRANTED A WAIVER.

MINUTES

MOHS - cont'd

9. **ASSOCIATED CATHOLIC CHARITIES, INC.** **\$927,253.00**
(ACC)

Account: 4000-496312-3573-591225-603051

The ACC will provide permanent housing and support services to 76 head of household's homeless men and women who are disabled. In addition, the ACC will provide case management and referrals to primary and mental health care providers and supportive services based on an individual case plan developed for each client. Clients will be housed in units scattered throughout the City. Support services will include rental assistance, security deposit and/or payment for damage to the property, if applicable. The period of the agreement is April 1, 2012 through March 31, 2013.

MWBOO GRANTED A WAIVER.

10. **JOBS, HOUSING AND RECOVERY, INC.** **\$ 97,662.00**
(JHR)

Account: 4000-496212-3573-591458-603051

The JHR will provide permanent housing to 28 homeless individuals with disabilities. The funds will reimburse the JHR for the costs of leasing seven 4-bedroom apartment units for a period of one year while JHR bears the staff costs to operate the program and costs for all required supportive services. The period of the agreement is October 1, 2012 through September 30, 2013.

MWBOO GRANTED A WAIVER.

MINUTES

MOHS - cont'd

11. **BALTIMORE OUTREACH SERVICES, INC.** **\$155,200.00**

Accounts: 5000-525613-3572-333764-603051	\$133,405.00
5000-529113-3572-333764-603051	\$ 21,795.00

The Baltimore Outreach Services, Inc. will provide continued support of its emergency shelter and supportive services program. The organization will provide its 40 bed emergency shelter 24 hours per day, 365 days per year with three meals and one snack daily to homeless women and children. In addition, the organization will provide supportive services designed to help the clients gain stable housing, independence and self-sufficiency.

MWBOO GRANTED A WAIVER.

12. **JOSEPH RICHEY HOUSE, INC.** **\$ 64,561.00**

Account: 4000-490913-3573-333672-603051

The organization will utilize the funds to provide palliative end of life care to 25 individuals with end stage AIDS.

MWBOO GRANTED A WAIVER.

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

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the aforementioned agreements. The Mayor **ABSTAINED** on item no. 11.

MINUTES

Mayor's Office of - Ratification of Agreement
Human Services (MOHS)

ACTION REQUESTED OF B/E:

The Board is requested to ratify an agreement with The Johns Hopkins Hospital, the delegate agency for the Martin Luther King Jr. Early Head Start Program. The period of the agreement was October 1, 2011 through September 30, 2012.

AMOUNT OF MONEY AND SOURCE:

\$30,371.00 - 5000-586812-6051-452499-603051

BACKGROUND/EXPLANATION:

The Martin Luther King Jr./Early Head Start Program served 178 children and six pregnant women to enhance the quality of services provided to infants and toddlers and their families. This agreement provided state supplemental funds for the program to partner with the Baltimore City Public Schools' School and Community Partnership Program. The Program acquired students who are enrolled in the Vocational Tech Child Development Program to work in the Martin Luther King Jr. Early Head Start Program classrooms during non-school hours.

The agency apologizes for the lateness of the agreement. The agreement is late due to the extensive negotiations addressing the scope of services and budget. The process took significantly longer than anticipated.

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

UPON MOTION duly made and seconded, the Board ratified the agreement with The Johns Hopkins Hospital for the Martin Luther King, Jr. Early Head Start Program. The President **ABSTAINED**.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- | | | |
|---|--------------------|----------------|
| 1. <u>PREFERRED CLEANING, LLC</u> | <u>\$ 8,400.00</u> | <u>Renewal</u> |
| Solicitation No. B50001650 - Janitorial Services - 3411 Bank St. - Department of Housing and Community Development - Req. No. R588687 | | |

On November 17, 2010, the Board approved the initial award in the amount of \$8,400.00. The award contained three 1-year renewal options. On November 9, 2011, the Board approved the first renewal in the amount of \$8,400.00. This renewal in the amount of \$8,400.00 is for the period December 1, 2012 through November 30, 2013, with one 1-year renewal remaining.

- | | | |
|---|---------------------|----------------|
| 2. <u>POWER & TELEPHONE SUPPLY CO.</u> | <u>\$125,000.00</u> | <u>Renewal</u> |
| Solicitation No. B50001682 - Traffic Signal Cable - Department of Transportation - P.O. No. P515486 | | |

On November 24, 2010, the Board approved the initial award in the amount of \$225,000.00. The award contained two 1-year renewal options. This renewal in the amount of \$125,000.00 is for the period November 24, 2012 through November 23, 2013, with one 1-year renewal option remaining.

MWBOO GRANTED A WAIVER.

- | | | |
|--|---------------------|----------------|
| 3. <u>SECURITY EQUIPMENT COMPANY</u> | <u>\$100,000.00</u> | <u>Renewal</u> |
| Solicitation No. B50000725 - New Holland OEM Parts and Service - Department of General Services - P.O. No. P505767 | | |

On December 10, 2008, the Board approved the initial award in the amount of \$120,000.00. The award contained two 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$100,000.00 is for the period December 10, 2012 through December 9, 2013.

MWBOO GRANTED A WAIVER.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- | | | |
|--------------------------------|---------|---------|
| 4. TIPCO TECHNOLOGIES,
INC. | \$ 0.00 | Renewal |
|--------------------------------|---------|---------|
- Solicitation No. B50001270 - Hydraulic Hoses and Fittings -
Department of General Services - P.O. No. P511897

On January 27, 2010, the Board approved the initial award in the amount of \$1,000,000.00. The award contained two 1-year renewal options. This renewal is for the period February 1, 2013 through January 31, 2014, with one 1-year renewal option remaining.

MWBOO GRANTED A WAIVER.

- | | | |
|-------------------------------|--------------|---------|
| 5. TEXAS BOOM COMPANY
INC. | \$ 25,000.00 | Renewal |
|-------------------------------|--------------|---------|
- Solicitation No. B50001734 - Spill Containment Boom -
Department of Public Works, Bureau of Solid Waste - P.O. No.
P515661

On December 15, 2010, the Board approved the initial award in the amount of \$12,111.00. The award contained two 1-year renewal options. On December 21, 2011, the City Purchasing Agent approved the first renewal in the amount of \$15,000.00. This final renewal in the amount of \$25,000.00 is for the period December 28, 2012 through December 27, 2013.

- | | | |
|--|---------|---------|
| 6. HICKORY INTERNATIONAL, INC.
LIBERTY DISCOUNT LAWN
EQUIPMENT AND APPLIANCE, INC. | \$ 0.00 | Renewal |
|--|---------|---------|
- Solicitation No. B50000723 - Exmark Lawn Mower OEM Parts and
Service - Agencies Various - P.O. Nos. P505770 and P505769

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases - cont'd

On December 10, 2008, the Board approved the initial award in the amount of \$100,000.00. The award contained two 1-year renewal options. On November 10, 2010, the City Purchasing Agent approved an increase in the amount of \$20,000.00. On December 7, 2011, the Board approved the first renewal in the amount of \$100,000.00. This final renewal is for the period December 10, 2012 through December 9, 2013.

MWBOO GRANTED A WAIVER.

7. SMITH AUTO SERVICE	\$ 25,000.00	Increase
Solicitation No. B50000002 - Vehicle Upholstery Service - Department of General Services - P.O. No. P512787		

On September 19, 2007, the Board approved the initial award in the amount of \$200,000.00. Subsequent actions have been approved. This increase is necessary due to the unanticipated increased usage of the contract. This increase in the amount of \$25,000.00 will make the total award amount \$425,000.00. The contract expires on December 31, 2012.

MWBOO SET MBE AND WBE GOALS AT 0%.

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

MINUTES

Department of Transportation - Consultant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a consultant agreement with AMEC Environment & Infrastructure, Inc., for Project No. 1148, Consultant Services for Pavement Management System. The period of the agreement is effective upon Board approval for two years.

AMOUNT OF MONEY AND SOURCE:

\$699,470.25 - 9950-909732-9514-900010-703032

BACKGROUND/EXPLANATION:

The Department has negotiated and procured the consultant agreement with AMEC Environment & Infrastructure, Inc.

The cost of services rendered will be on actual payroll rates not including overhead and burdens times a multiplier. The payroll rates and multiplier have been reviewed by the Department of Audits.

The consultant will assist with conducting a thorough pavement condition assessment of every road segment using a windshield survey to build a comprehensive condition data repository. The Pavement Management System report will also include graphs, projected cost to maintain and improve the roadway infrastructure, pavement performance prediction models, cost/benefit data, and pavement condition index data associated with each pavement section.

The consultant was approved by the Office of Boards and Commissions and the Architectural and Engineering Awards Commission.

MINUTES

Department of Transportation - cont'd

DBE PARTICIPATION:

The consultant will comply with Title 49 Code of Federal Regulations, Part 26 (49CFR26) and the 25% DBE goal established in the agreement.

DBE: Information Solution, Inc. \$342,700.00 49%

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>
\$153,900.00	9950-903350-9509	9950-909732-9514-3
MVR	Constr. Res.	Design and Study
	Neighborhood Street	Pavement Management
	Recon	System

This transfer will cover the costs associated with the award of BD 34061, Project No. 1148 (PCI) index associated Consultant Services for Pavement Management System with AMEC Environment & Infrastructure, Inc.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the consultant agreement with AMEC Environment & Infrastructure, Inc., for Project No. 1148, Consultant Services for Pavement Management System. The transfer of funds was approved subject to receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the provisions of the City Charter.

MINUTES

Department of Transportation (DOT) - Memorandum of Understanding

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a memorandum of understanding (MOU) for Stormwater Management Requirements for City of Baltimore Department of Transportation Projects with the Baltimore City Department of Public Works, Bureau of Water and Wastewater.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

This MOU serves to stand as a supplement to the Department of Public Works (DPW) established Stormwater Management Design Guidelines. The DPW is required to enforce the Stormwater Management Ordinance, Article 7 Natural Resource Division II: Stormwater Management of the Baltimore City Charter and the newly effective Stormwater Management Act of 2007 as outlined in the Maryland Department of the Environment (MDE) Maryland Stormwater Management Guidelines, which are effective as of May 4, 2010. The outlined guidelines are intended to reduce the adverse effects of stormwater runoff and to reduce stream channel erosion, pollution, siltation and sedimentation, and local flooding. The DPW and DOT acknowledge the need to define the responsibilities and obligations of each agency with regard to DOT projects as well as to establish the criteria under which non-maintenance, new development and the design and construction of DOT projects will be reviewed for stormwater management approval. The projects described in this MOU are in the mutual interest of the City of Baltimore and the terms and conditions of this MOU will govern the stormwater management required for all DOT projects.

MBE/WBE PARTICIPATION:

N/A

MINUTES

Department of Transportation - cont'd

(FILE NO. 57386)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the memorandum of understanding for Stormwater Management Requirements for City of Baltimore, Department of Transportation Projects with the Baltimore City Department of Public Works, Bureau of Water and Wastewater. The President **ABSTAINED**.

MINUTES

Department of Transportation - First Amendment to the Memorandum
of Understanding

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the first amendment to the memorandum of understanding (MOU) for Key Highway Shared-Use Trail and Landscaping Project from I-95 to West of Lawrence Street with the Maryland State Department of Transportation, State Highway Administration (SHA).

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On February 11, 2009, the Board approved a MOU to provide a funding framework for the construction of a ten-foot wide 2400 foot long shared use bicycle/pedestrian trail extending from the Baltimore Museum of Industry entrance and the Key Highway Extension to I-95, which includes grading, drainage improvements, mobilization, maintenance of traffic, signage, etc. The extension also included the landscaped median on Key Highway from I-95 to the Key Highway intersection.

Section VII (General) of the original MOU stipulated that the project be advertised by August 17, 2009, in order for the agency to receive reimbursement from the Federal Highway Administration (FHA). However, due to various project delays and multiple agency reviews the project was advertised on December 30, 2011. Therefore, the parties wish to amend the original MOU to reflect the actual project schedule and to provide for reimbursement of construction cost by the FHA.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the first amendment to the memorandum of understanding for Key Highway Shared-Use Trail and Landscaping Project.

MINUTES

Department of Transportation - Traffic Impact Study Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a traffic impact study (TIS) agreement with Mondawmin Business Trust. The period of the agreement is effective for 60 business days after the initial payment is made, unless the parties agree in writing that additional time is needed.

AMOUNT OF MONEY AND SOURCE:

\$23,348.12 - Project No. 1134, On Call Agreement, Task No. 2

BACKGROUND/EXPLANATION:

Baltimore City Ordinance 06-345, approved on November 11, 2006, requires a TIS before permits may be approved for projects, as determined by the Director of the Department of Transportation.

Under the terms of this agreement, a TIS will be performed for the Mondawmin MVA Parcel Redevelopment at 2401 Liberty Heights Avenue which will include 37,500 sq. ft. of retail development and 17,000 sq. ft. of restaurant development. The TIS will assess the development and its relative traffic impacts. The anticipated cost of the TIS will be covered under Project No. 1134, On Call Agreement, Task No. 2.

MBE/WBE PARTICIPATION:

N/A

(FILE NO. 51024)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the traffic impact study agreement with Mondawmin Business Trust.

MINUTES

Department of Transportation - Application Fees for Traffic Impact Studies

ACTION REQUESTED OF B/E:

The Board is requested to approve the application fees for traffic impact studies conducted by the Department of Transportation.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On November 22, 2011, Ordinance 11-529 took effect for a new process to govern the completion of traffic impact studies and the payment of traffic mitigation fees related thereto. The Ordinance authorizes the Director of Transportation to set administrative fees necessary for implementation, subject to the approval of the Board of Estimates. These fees are separate and distinct from traffic mitigation fees payable under the Ordinance.

On October 18, 2012, the Director of Transportation filed regulations with the Department of Legislative Services necessary to implement the Ordinance. In the regulations, the Director of Transportation established the following administrative fees, subject to the Board's approval. All fees are non-refundable.

Application Processing Fee for In-Zone Development Projects:

<u>Project Size</u>	<u>Fee</u>
10-25 units or 20,001 sq. ft. to 50,000 sq. ft.	\$ 100.00

MINUTES

Department of Transportation - cont'd

<u>Project Size</u>	<u>Fee</u>
26-100 units or 50,001 sq. ft. to 100,000 sq. ft.	\$ 250.00
101 units or more or 101,000 sq. ft. or more or any mixed-use development	\$1,000.00

Application Processing Fee for Out-of-Zone Development Projects:

1. At the time of submitting an application for a traffic impact study where the development project is outside of a traffic mitigation zone, the applicant will pay a fee of \$250.00, which will be credited against the cost of the traffic impact study, when performed. If no further study is required, no further administrative fees will be due.
2. When a traffic impact study is required, the applicant will pay to the City a project review/management fee equal to 32% of the total direct cost of the study or \$8,000.00, whichever is less.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved the application fees for traffic impact studies conducted by the Department of Transportation.

MINUTESLaw Department - Settlement Agreement

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

1. **UNITED STATES V. CITY OF BALTIMORE** **\$50,000.00**

Account: 2036-000000-1752- 175200-603070

UPON MOTION duly made and seconded, the Board approved and authorized execution of the settlement agreement. The President

ABSTAINED.

MINUTES

Department of Housing and - Inter-Departmental Memorandum of
Community Development Understanding

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a memorandum of understanding (MOU) with the Department of Public Works, Bureau of Solid Waste. The period of the MOU is July 1, 2012 through June 30, 2013.

AMOUNT OF MONEY AND SOURCE:

\$1,427,149.00 - 2089-208913-5930-701964-603051

BACKGROUND/EXPLANATION:

Pursuant to guidance from the Department of Housing and Urban Development (HUD), a MOU will be executed for the utilization of Community Development Block Grant funds to support other City agencies. The DPW's Bureau of Solid Waste will clean and/or board vacant/unoccupied publicly and privately owned properties in qualified code enforcement areas as instructed on a CHIP Work Order Service Request assigned by the DHCD's Code Enforcement Division, due to a citation by a City Housing Inspector. The funds are being provided to subsidize a portion of the salary and other personnel cost and select operating expenses to clean and/or board assigned vacant structures. This activity will assist in eliminating unsafe conditions and aid in arresting decline in low to moderate-income areas.

MBE/WBE PARTICIPATION:

N/A

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

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

MINUTES

DHCD - cont'd

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

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved the memorandum of understanding with the Department of Public Works, Bureau of Solid Waste.

MINUTES

Department of Housing and Community Development (DHCD) - Lending Corporation Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a lending corporation agreement with Healthy Neighborhoods, Inc. (HNI).

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The loan cooperation agreement amends the City's refinancing and release policy for City Loans to accommodate HNI loans and allows the DHCD to execute subordination agreements in favor of the permanent financing lenders for HNI loans. This will enable homebuyers to benefit from both HNI loans programs and City homeownership incentive programs.

In order to promote housing rehabilitation and homeownership in certain areas of the City, HNI developed an acquisition/rehabilitation loan program. The HNI acquisition/rehabilitation loan program is structured with two closings. The first closing is for a construction loan and the second closing is for the new permanent mortgage loan. The current City Subordination Policy for City Loans did not contemplate and was not designed for a lending structure involving two closings. Consequently, the DHCD was inhibited in executing subordination agreements related to City loans that aid homebuyers with down-payment and closing cost assistance. This has prevented homebuyers participating in the HNI acquisition/rehabilitation loan program from participating in the City's homeownership incentive programs.

MINUTES

DHCD - cont'd

The Law Department, DHCD, and HNI worked together to overcome the obstacle presented by the City's current Subordination Policy. The Board is therefore requested to approve an exception to the subordination policy to accommodate the HNI acquisition/rehabilitation loan program and its structure with two closings. It allows the DHCD to execute subordination agreements in favor of the permanent financing lenders based upon the terms of the HNI loan program.

The practical effect of this Lending Cooperation Agreement is that families seeking to acquire, rehabilitate and reside in houses in Baltimore's Healthy Neighborhoods Districts will be able to benefit both from HNI's loan programs and the City's homeownership incentive programs.

(FILE NO. 56594)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the lending corporation agreement with Healthy Neighborhoods, Inc.

MINUTES

Department of Housing and - Agreements
Community Development

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

1. **GARWYN OAKS/NORTHWEST HOUSING** **\$ 58,600.00**
RESOURCE CENTER, INC.

Accounts: 2089-208913-5930-437781-603051	\$ 16,000.00
2089-208913-5930-437791-603051	\$ 27,000.00
2089-208913-5930-437783-603051	\$ 15,600.00

The organization operates a housing resource center that provides housing counseling and activities to attract and retain homeowners in the Garwyn Oaks area by promoting the community as a viable place to live. The funds will be utilized to offset the operating costs of the organization. The period of the agreement is August 1, 2012 through July 31, 2013.

MWBOO GRANTED A WAIVER.

2. **INNOVATIVE HOUSING INSTITUTE, INC. (IHI)** **\$ 77,250.00**

Accounts: 2089-208912-5930-427543-603051	\$ 30,000.00
2089-208913-5930-427543-603051	\$ 47,250.00

The IHI will utilize the funds to assist 103 non-elderly, disabled low- and moderate-income families with one-time subsistence assistance grants through the Enhanced Leasing Assistance Program (ELAP), established in accordance with the Consent Decree entered in the Bailey v. The Housing Authority of Baltimore City (HABC) and the U.S. Dept. of Justice v. HABC. The IHI is responsible for obtaining funds to cover a portion of the expenses and has requested that the HABC provide CDBG funds to provide one-time subsistence assistance grants to ELAP participants. The expenses include leasing application fees, security deposits, and utility, electricity and telephone installation fees. The period of the agreement is July 1, 2012 through June 30, 2013.

MWBOO GRANTED A WAIVER.

MINUTES

DHCD - cont'd

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

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

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

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

MINUTES

Department of Housing and - Local Government Resolutions
Community Development

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

The following organizations are applying to the State of Maryland's Strategic Demolition and Smart Growth Impact Fund (SGIF). A local government resolution of support is required by the State for all applications to participate in any State-funded program.

<u>Organization</u>	<u>Amount</u>
1. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (DHCD) - 2400 HARMAN AVENUE	\$950,000.00 (SGIF)

The DHCD is seeking \$950,000.00 in SGIF for the demolition and subsequent infrastructure planning of former School #156 located at 2400 Harman Avenue in the Mt. Winans' community. The \$450,000.00 is being requested for demolition and the remaining \$500,000.00 is being requested for infrastructure planning required to redevelop the site. This project represents the first new development in the Mt. Winans Community in more than 50 years. School No. 156 was built in 1952 and has been vacant and under the control of the DHCD since 1997. The building includes a total of approximately 26,000 square feet; the site is comprised of approximately 3.2 acres. The building is predominately one story and includes no green or recreational space.

Over the past five years the Mt. Winans Community has repeatedly identified the school as an eyesore and unsafe structure. The asphalt site contributes to run-off and heat islands in an area that lacks open space. The building is adjacent to and surrounded by several blocks of owner-occupied properties that have historically had low values, and which are further depressed by the school's presence. Although shuttered, the building is subject to vandalism which both increases and exacerbates

MINUTES

DHCD - cont'd

the hazards created by the proximity to blighted structures. The demolition would remove an environmentally unsound influence and create an opportunity to increase diversity both the current income mix and housing products and attract new residents to the community. The infrastructure planning will add to the value of the site and make it more attractive to potential developers.

2. **GREAT BLACKS IN WAX MUSEUM, INC.** **\$314,850.00**
(MUSEUM) **(SGIF)**

The Museum is seeking funding for the design of a new museum. The Museum needs gap funding to complete design through construction. A part of its strategy is to use \$314,850.00 in SGIF along with funds already raised to complete all of its architectural and engineering drawings. The Museum has completed the schematic design drawings for the project with the architect, landscape architect, exhibit designer, and civil and mechanical engineers. Specifically, the funds would be used for the architects, landscape architects, exhibits designers, civil engineers, and geotechnical evaluation.

The Museum intends to request \$314,850.00 in gap financing to advance the project to the Design Development phase, necessary for progression to the Site Demolition and Construction phases. Deliverables will include fully designed architectural, landscape, and engineering plans. As the anchor attraction, the Museum will boost urban revitalization in a variety of ways: beautify and enliven the community; provide employment; attract residents and tourists to the area; incubate and complement adjacent businesses; enhance property values; expand the tax base; and contribute to a scholarly and creative environment.

MINUTES

DHCD - cont'd

3. **MARY HARVIN CENTER LIMITED PARTNERSHIP** **\$400,000.00**
(SGIF)

The organization is seeking \$400,000.00 in funds to be used for the demolition of approximately 30 properties located in the 1700 block of North Chester Street, the 1700 block of North Collington Avenue, and the 1700 block of North Duncan Street. Ultimately, this will become the site of a future community center. The interim use is likely to be parking.

4. **PARKS AND PEOPLES FOUNDATION** **\$500,000.00**
(SGIF)

The organization is seeking \$500,000.00 in SGIF to provide gap financing that will allow site work to proceed. The organization will restore a nine-acre parcel of Druid Hill Park adjoining the Greater Mondawmin community including significant landscaping, the development of demonstration gardens, the rehabilitation of the park's original historic Superintendent's House and the construction of a LEED (Leadership in Energy and Environmental Design) Platinum Green Facility which will include a Green Technology Resource Center and Ecology Center. It will also house the organization's offices.

5. **TRF DEVELOPMENT PARTNERS, INC.** **\$475,000.00**
(SGIF)

The organization is seeking \$475,000.00 in SGIF for the Site Development and Architecture and Engineering Designs for the Preston Phase VI Project. The Project will complete infill redevelopment in the Preston Place redevelopment area of East Baltimore. The SGIF will underwrite the cost of site development and design for new residential units. More than a decade ago, abandonment and building demolition tore the fabric of this Oliver community. The organization's ongoing efforts have restored many of the existing vacant homes. Using the SGIF, this project will enable the organization to incorporate the existing vacant lots back into the community and restore the block face and streetscapes.

MINUTES

DHCD - cont'd

The new Strategic Demolition and Smart Growth Impact Fund (SGIF) will catalyze activities that accelerate economic development, job production and smart growth in existing Maryland communities. The SGIF aims to improve the economic viability of "grey field development" which often faces more barriers than sprawling "green field development." Since funds are limited, awards will focus on those smart growth projects that can have a high economic and revitalization impact in their existing communities. Funds will be made available in form of grants or loans. The program will be administered by the State's Department of Housing and Community Development.

Eligible projects will be capital projects, including but not limited to:

- site acquisition and assembly to create development size parcels for solicitation or planned development,
- demolition of derelict non-contributing structures to make way for new infill development, and
- site development, including public infrastructure improvements.

Projects must be located within the City's Sustainable Community area, which was approved by the Board in August 2012.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the aforementioned local government resolutions. The Mayor **ABSTAINED** on item no. 4.

MINUTES

Department of Finance - Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve a grant award to City Year, a non-profit entity. The period of the grant award is effective upon Board approval for one year.

AMOUNT OF MONEY AND SOURCE:

\$100,000.00 - 1001-000000-1220-146500-607004

BACKGROUND/EXPLANATION:

At City Year's 24 locations across the United States, teams of diverse young people called corps members serve full-time in schools for ten-months working to improve student attendance, behavior and course performance in English and Math. As tutors, mentors, and role models, corps members are uniquely able to help students succeed through: Academic Support, Attendance and Positive Behavior Encouragement, and organizing Community and School Improvement.

The grant award from the City of Baltimore will support exploratory efforts to determine the feasibility of opening a new City Year operating site in Baltimore, in partnership with Baltimore City Public Schools. This planning grant will support key strategic activities and provide financial support to conduct the local outreach necessary to achieve community demonstration of commitment and site sustainability.

City Year will lead key exploratory activities such as engagement trips to Baltimore to meet with potential partners, sponsors, and champions to secure local support. City Year will also organize delegation visits of local critical partners and champions to a City Year site to build awareness and educate local leaders about City Year's work in schools and the Whole School Whole Child model.

APPROVED FOR FUNDS BY FINANCE

MINUTES

Department of Finance - cont'd

A LETTER OF PROTEST WAS RECEIVED FROM MS. KIM A. TRUEHEART.

The Board of Estimates received and reviewed Ms. Trueheart's protest. As Ms. Trueheart's interests are not specific and are not different from other members of the general public, the Board will not hear her protest. Her protest and correspondence have been sent to the submitting department and that department will respond directly to Ms. Trueheart.

UPON MOTION duly made and seconded, the Board approved a grant award to City Year.

MINUTES

Department of Finance - Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve a grant award to Port Recovery, a non-profit entity. The period of the grant award is effective upon Board approval for one year.

AMOUNT OF MONEY AND SOURCE:

\$50,000.00 - 1001-000000-1220-146500-607004

BACKGROUND/EXPLANATION:

The grant will be used to provide funding for clothing, food, transportation, rent, utilities, and house maintenance for recovering drug and/or alcohol addicts. This funding will cover approximately three months of costs for four house locations.

Port Recovery operates ten recovery houses in the Baltimore Metropolitan area for both men and women. Port Recovery provides a structured "wrap around" program. The program is a clean and safe environment for recovering addicts and alcoholics. Participants learn to live and function without the use of drugs or alcohol. Port Recovery's home-like family setting provides a support group and a feeling of belonging that many addicts have lost through their addiction.

Port Recovery offers the opportunity to recover from addiction by becoming a responsible, productive member of society while living in a safe, drug-free environment.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the grant award to Port Recovery.

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:

4630 - 4648

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

The Comptroller voted **NO** on item no. 1.

The President voted **NO** on item no. 1.

The President **ABSTAINED** on item no. 2.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

1. B50002437, Casting		\$1,745,600.00
Gray Iron Manhole		
Covers & Frame	Neenah Foundry Co.	\$ 583,750.00
(Various Agencies)	Capitol Foundry of Virginia, Inc.	\$1,161,850.00

Pursuant to Article VI, Section 11 (2) (i)(ii) of the City Charter, the Board is requested to accept Neenah Foundry Co.'s corrected bid guarantee by certified check, bank cashier's check, or bank treasurer's check for the amount of \$24,008.00, which is 2% of its total bid amount of \$1,200,150.00. The Department is recommending award on an item-by-item basis to the only two responsive and responsible bidders Capitol Foundry of Virginia, Inc., and the Neenah Foundry Company. The award structure yields the lowest price, with a potential savings to the City of \$125,350.00 compared to alternative award structures.

MWBOO GRANTED A WAIVER.**A LETTER OF PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTING ASSOCIATION.**

President: "The first item on the non-routine agenda can be found on Page 55, #1, Casting Gray Iron Manhole Covers and Frames. Will the parties please come forward?"

City Solicitor: "Mr. President, will you entertain a motion with regard to the standing of Mr. Jolivet to present this bid protest under these particular circumstances?"

President: "Well, I'm going to allow him to present his protest."

MINUTES

City Solicitor: "So, you are not going to entertain such a motion?"

President: "No, I'm not."

City Solicitor: "Thank you. Let the record reflect I would make such a Motion if you would entertain it."

President: "So noted."

Mr. Krus: "Tim Krus, from the Bureau of Purchases. This is a recommendation on an award of \$1.7 million dollars to both Neenah Foundry and Capitol Foundry of Virginia. We are recommending to the Board that it allow Neenah Foundry to cure its bid guarantee from an initial - initial check of \$5,000.00 to a subsequent check of \$24,000.00. This cure - ah - will allow the City to save an estimated \$125,000.00 on this commodity purchase that would be awarded to both vendors on an item by item basis. Neenah has already submitted the check for \$24,000.00 to cure their initial guarantee."

President: "Okay. Mr. Jolivet."

Mr. Jolivet: "Good morning Mr. President."

President: "Can you talk in the mic please?"

Mr. Jolivet: "Yes, I will. Arnold M. Jolivet - ah - for the Maryland Minority Contractors Association and I have sent the

MINUTES

Board a letter outlining my arguments and my concerns. I don't think it would be necessary for me to go into a long protracted argument to the Board, but I think it's very clear that what the Board is doing here or what is actually requested by the agency to allow a bidder to change -- it's in effect -- change its bid after the bid submission, is just almost never accepted. Because all bidders - ah - must be put on equal footing and it is particularly all of us here because on the very page that this item is listed for the Board's consideration, there is - ah - a recommendation to reject a bid for a similar or like infraction. I mean the agency cannot have it both ways. Either you got to be consistent. If you're going to be rejecting a bidder's bid, in all due respect, all I am asking is -- I represent a lot of contractors and there is no uniformity in the policy. One day the Board will zap a contractor and reject all bids and on another day like today, they will go out of their way to allow a contractor to change its bid after the bid is submitted. Mr. President, in all due respect, I don't want to engage in a long argument but, I would simply ask the City Solicitor to take a new look at this practice. Ah - bidders invest a considerable amount of time and money in preparing a bid. The Board needs to be very sympathetic and fair when it

MINUTES

rejects a bidder's bid. And again, this is a classic example of the non-uniformity in when the Board rejects bidders' bids, and I think my request to the Board is based on proper - ah - ah - law. There's precedent, the City Solicitor may disagree with it, but in fact he can't. The Court of Appeals has said in cases like this where the Charter provision is mandatory, the administering contracting agency cannot allow a bidder to change its bid particularly a bid bond, and the case that I've cited is extraordinarily on point and I would ask this Board in its wisdom -- it's a simple case. I don't feel like I should be having to argue this case. But nonetheless, thank you for allowing me to be here today and I just again I want to emphasize, Mr. President, this Board must be uniform and fair when it rejects bidders' bids, and this is a classic case of non-uniformity of arbitrariness and there is no need for that. There is absolutely no need to do this. I've stated my case."

President: "Okay, Madam Comptroller."

Comptroller: "Are you saying --."

President: "Can you talk in the mic?"

Comptroller: "Are you saying that we are awarding this because the City has the opportunity to save - ah - about \$125,000.00. Is that the reason why we are?"

MINUTES

Mr. Krus: "Yes it is."

Comptroller: "Well, I have some concerns about that. The integrity of the bid process and treating all bidders fairly who seek to do business with the City, and I appreciate you and - ah - Ms. Sher meeting with me, providing me a copy of the Law Department's informal opinion dated October the 19, 2012. But, in reading the opinion there does not seem to be any question that the City Charter, as amended in 2010, authorizes the Director of Finance to set bid bond amounts and requirements for contracts that are not construction contracts. However, it does appear that the Bureau of Purchases and the Law Department are now saying that the enhanced authority given to the Director of Finance to determine bid and performance bond requirements really does mean much when compared to the Board's new broad discretion. I am not persuaded that the Board has now achieved such great discretion that would allow the Board to - to - disregard the bid bond requirements set by the Director of Finance. The bid bond requirements determined for this bid were authorized by the City Charter. Therefore, simply calling the bidders' failure to comply with the bid bond requirements as a technical defect, so that the City can save \$125,350.00 is unwise and not fair to other bidders. If at any time the Board

MINUTES

can use this supposed broad discretion to ignore the bid bond requirements established by the Director of Finance, it makes the authority given to the Director of Finance by the City Charter of no significance and useless exercise. The Law Department's justification for this new broad authority of the Board is its interpretation that the Charter no longer requires bid bonds on non-construction contracts. The Charter does not say that bid bonds are not required for non-construction contracts. Rather, the amendment to the Charter approved by the citizens in November 2010, requires -- gives the authority to the Director of Finance to determine whether a bid bond will be required and if so, the value and how it should be provided. In the two years since the 2010 Charter amendment, this is the first time that I can recall ever hearing about this new broad discretion of the Board of Estimates. It is also very troubling to me that - that although the Bureau of Purchases knew in June 2012, that Neenah Foundry's check of \$5,000.00 was inadequate, the Bureau of Purchases kept the second check that Neenah Foundry sent in the amount of \$24,008.00 and did not immediately return the check to the bidder. Bids are irrevocable. Bidders have never been allowed to change their bid to either add or replace or remove anything from their bid after the bid is

MINUTES

received. Ms. Sher, in your opinion dated October 19, 2012 you referred to the Chief Solicitor Leslie Winner's opinion dated October 16, 2006, on bids received by BP 07197, which was to provide Lock Box Services. I think you meant the opinion dated October the 17, 2005. However, Ms. Winner wrote two opinions on BP 07197, one on October the 16, 2007, and the other on October the 17, 2007. In Ms. Winner's first opinion dated October 16, 2007, on BP 01 - 07197, she said, that she found the bid submitted by Chevy Chase Bank on BP 07197 was materially defective and recommended it be rejected by the Board. Chevy Chase Bank failed to submit the legally required bid guarantee pursuant to the Baltimore City Charter - 1996, legal precedent and the instructions in the bid book. The next day on October 17, 2007, Ms. Winner wrote that she wanted to modify the conclusion which in her informal opinion in the October 17, 2007 opinion. In the October 17, 2007 opinion she said, that while this Honorable Board cannot unilaterally change the Charter of Baltimore City, it does have the authority to review and question the bidders' compliance with the general conditions of this solicitation prepared by this Bureau of Purchases. The Board can determine whether the short form in the annual bid bond submitted by Chevy Bank was material in nature requiring

MINUTES

that the proposal be rejected or de minimis and thus merely a technical defect, which may be waived.' On December the 5, 2007, the Board had the opportunity to review both of Ms. Winner's opinions on BP 07197. In the mini-meeting before the Board convened members expressed concern about the integrity of the bid process and the requirement for a bid guarantee might be consistently applied if the Board entertained the concept of a shortfall in the bid guarantee being de minimis. The min - the minutes of the Board of Estimates for December 5, 2007, shows that the Board did not award BP 07197 to Chevy Chase Bank, as initially recommended by the Bureau of Purchases. Rather, the Bureau of Purchases revised its recommendation to make the award to Merkle Response Services. I do not see how the Board has any greater discretion today when it did five years ago. The Board may set regulations, but it is premature to take action today to grant a waiver without the Board members, especially the elected officials of this Board to determine guidelines for any exceptions and the exercise of its discretion appropriately."

Ms. Sher: "Thank you. Erin Sher for the Law Department. I'd like to first address the two points in Mr. Jolivet's protest and then I can address your points."

Comptroller: "Okay."

MINUTES

Ms. Sher: "Mr. Jolivet cited the Charter however, he did cite the incorrect portion of the Charter that relates to construction bid bonds and this is not a construction contract. Therefore, it is irrelevant. There is a different process - ah - since 2010 for a non-construction - um - contracts. Secondly, the case cited by Mr. Jolivet, Allendar, actually is cited wrong as well, and it states that the Court of Appeals of Maryland has held that the Board of Education's award to the contract -- of the contract to the low bidder whose bid bond deficiency was subsequently cured in which submission was made in good faith, was within the Board's authority and was not fraudulent nor coercive. The Court stated that a bid bond is a very limited kind of performance bond. It was designed to only assure that a bidder, if successful, will in fact enter the contract. So, -- ."

Mr. Jolivet: "Tell her the rest. Would you tell the Board the remainder of the decision regarding the violation if there is a statute or Charter provision requiring such a bid bond? Can you do that?"

MINUTES

Ms. Sher: "Mr. Jolivet, you mis-cited this case. I can tell you the rest and there is no statute in that case and there is no statute in this case."

Mr. Jolivet: "There was a statute in that case. The --."

Ms. Sher: "In 2010 -- Mr. Jolivet."

City Solicitor: "Let her speak please."

Ms. Sher: "Mr. Jolivet, in 2010, the statute we're talking about here is the Charter. The Charter was intentionally changed and while the Board cannot unilaterally change the Charter, the voters can change the Charter, and they chose to do so in 2010, that specifically allowed discretion and no longer made the bid bond mandatory in the Charter. The only thing that the Law Department is urging is that the Board decide whether or not to accept a cured -- such as in the Allender case -- a cured bid bond. That was the only thing. We're not saying it must accept it. We're not saying it must reject it. It just has the discretion and that is firmly within Allender, and I urge you to read it again, because how it's cited in your - ah - your ah - bid protest is - ah - quite wrong, I would say."

Mr. Jolivet: "I would beg to differ."

MINUTES

President: "Mr. Jolivet, we're not going to hear any more. Are you finished?"

Ms. Sher: "So I --."

President: "I want you to address the Comptroller."

Ms. Sher: "Yes. So, one of things the Comptroller made a point of is that we don't allow changing bids and that is correct. Ah - this is not a change for the bid. However, it is outside of the bid. It is the bid bond and that could be something within the discretion and in fact the State does this regularly. The State has regulations which tell in which situations they will accept a cure or a waiver of bid bond deficiencies and - ah - Mr. Jolivet says that no one does this. Many jurisdictions do this. The State has very clear regulations that allow this and then to address another point of the Comptroller, if the City had regulations like the State to lay out when it would be appropriate, when it could utilize this discretion, then it would be a level playing field. It would be consistent and it would be open for every contract, every bid bond deficiency that comes up - ah - that is for non-construction contracts. This - ah - issue does not go to construction contracts which are

MINUTES

different. So - ah - let's see, I'm not sure if I addressed all of your points - ah - but those are a couple."

Comptroller: "Okay."

President: "Do you have anything Madam Mayor? I'll entertain a Motion."

City Solicitor: "I move to accept the recommendation of the Bureau of Purchases. Waive the - ah - bid bond performance under the circumstances presented by this specific case on one, Allender and the Law Department's opinion and two,- ah - award the contract to the two companies, Neenah Foundry and - ah - Capitol Foundry."

Director of Public Works: "Second."

President: "All those in favor say AYE. All opposed NAY. Please **NOTE** Council President Young votes **NO**. Until we get a written policy in place - um - so that we can have a level playing field for everyone, my vote is **NO**."

Comptroller: "I vote **NO** because I strongly believe that the City should get the best value - ah - and that in a competitive bids the lowest responsive, responsible bidder should receive

MINUTES

the award. All bidders should be on a level playing - on a level playing field and the requirements should be consistently applied. I am voting **NO** because I do not accept the Law Department's informal opinion that the Board has newfound discretion to ignore the authority given to the Director of Finance by the City Charter to set the bid bond requirements for non-construction contracts, just so the City can get the lowest price. On many occasions, the Board has awarded to the bidder offering a higher price when the apparent low bidder did not -- when the apparent low bidder did not bid as specified or otherwise did not meet the requirements of the bid. Recently, on September the 19, 2012, the Board had - had -- before it B50002530, Various Fencing Systems Repair Installation. The apparent low bidder, Sparks Quality Fence, did not receive the award because it did not meet the MBE/WBE requirements of the bid. Article VI, Section 11 (h)(1)(ii), states 'After opening the bids, the Board of Estimates shall award the contract as an entirety to the lowest responsive and responsible bidder or by items to be respective -- to the respective lowest responsive and responsible bidders'. Neenah Foundry Company is not the lowest

MINUTES

responsive, responsible bidder, no matter how you look at its bid. The Law Department's informal opinion October 19, 2012, on page 6 states, 'the intent behind the -- amended -- amendment was clearly to remove the mandatory bid guarantee for all contracts'. But, on page 4 of the opinion it states, 'the 1996 version of the City Charter, like those versions before it, required that the bid guarantee be included with all bids'. This is not true. The Charter provided the ability to exempt certain types of items from the bid bond requirement for many years. Previously, on March 9, 1988, the Director of Finance requested that the Board pursuant to Article VI, Section 4(g) (iv), 1987 supplement to the 1985 replacement volume of the City Charter, authorized the Director of Finance with the approval of the Board of Estimates, to declare the procurement of any standard of items of commerce be exempt from the bid bond and performance bond requirement. This was approved by the Board. More recently, on December the 5, 2007, the Director of Finance requested the Board to reaffirm the authority of the Director of Finance, with the approval of the Board of Estimates to apply Article VI, Section 2(g)(iv) - (sic §11(g)(iv)), 1996 City Charter which provided for the exemption of certain types of

MINUTES

items from the bid bond requirement. The difference between the authority given to the Director of Finance, as reported in the Board's minutes on March the 9, 1988, and December 5, 2007, and the amendment to the Charter in 2010, is significant. Before the 2010 Charter amendments, the Board of Estimates had to approve the Director of Finance's exemption of the bid bond requirements for certain items. The amendment to the Charter language in 2010 increases the authority of the Director of Finance and mandates that the Director of Finance determine whether a bid bond is required for contracts in the amount and how the bond shall be submitted. Finally, I vote **NO**, because the City Charter has been and continues to be very clear that bids are irrevocable. Article VI, Section (h)(iv) - (sic §11 (h)(iv)). This is important to having a lev -- a level playing field among all bidders. Your bid is your bid and neither the bidder nor the Board should be able, at its whim, to change the bid requirements. Thank you."

City Solicitor: "Mr. President, if I may, just briefly - um - for record - the - what the Comptroller likes to refer to as the informal letter of the Law Department is actually a ten page opinion authored by Erin Sher and approved at the time by myself as City Solicitor and David Ralph as Deputy City Solicitor. It

MINUTES

is not an informal letter of the - ah - Department of Law. It is the formal opinion of the Department of Law and the City Solicitor. You are entitled to disagree, of course, and you are entitled to exercise your prerogative on the Board of Estimates and vote against this waiver, as you have done. Thank you."

Comptroller: "Mr. Solicitor, if there was a ten page opinion given, why was the Comptroller's Office not apprised of that?"

City Solicitor: "The opinion was provided, on - on request to Mr. Krus as the Head of Purchasing Department. Further dissemination --"

Comptroller: "But why wasn't --."

City Solicitor: "Further dissemination of the opinion was up to the Purchasing Department and it was provided to you at the briefing on this item, which was held by the Purchasing Department on your request."

Comptroller: "Shouldn't this Board receive opinions whether formal or informal when they are written by the Law Department. Shouldn't they be given to - given --"

MINUTES

City Solicitor: "We write -- we write thousands of opinions a year on countless matters involving City government and they are not routinely brought to the Board of Estimates. They come to the Board of Estimates' attention when a matter -- that -- that -- makes, that the opinion touches on, comes to the Board. We don't just provide them to the Board of Estimates as a -- as a legal library whatever the subject and regardless of whether there is something coming to this Board. When it comes to the Board, the opinions come to the Board."

President: "The Motion carries. Ah - before we end - ah - the meeting, I want to recognize -- I think I seen Councilman Nick Mosby and Councilman - ah - Brandon Scott. Thank you."

* * * * *

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Water and Wastewater

2. ER 4019R, East Stony
Run Stream Restoration

REJECTION - On September 29, 2012, the Board received and opened two bids for ER4019R. The low bidder, Baltimore Pile Driving & Marine Construction, Inc. was rejected by the Minority and Women's Business Opportunity Office because it did not meet the MBE and WBE requirement. The second low bidder, Monumental Paving and Excavating exceeded the available budget by 27.5%. Therefore, the Department of Public Works requests permission to reject all bids. The project will be re-advertised at a later date with revised specifications.

MINUTES

Department of Real Estate - Acquisition by Donation

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acquisition of the fee simple interest for 5010 Lawndale Avenue, Block 4925B, Lot 005, by donation from 5010 Lawndale Avenue, LLC, SUBJECT to any existing municipal liens, interest and penalties, except water bills.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The firm, 5010 Lawndale Avenue, LLC, is donating the property known as 5010 Lawndale Avenue, an undeveloped lot, to the City through the Department of Recreation & Parks as a contribution to the Stony Run Trail. Other than water bills, the municipal liens for this property will be administratively abated after settlement.

MUNICIPAL LIENS

Property Registration	\$26.00
-----------------------	---------

UPON MOTION duly made and seconded, the Board approved and authorized acquisition of the fee simple interest for 5010 Lawndale Avenue, Block 4925B, Lot 005, by donation from 5010 Lawndale Avenue, LLC SUBJECT to any existing municipal liens, interest and penalties, except water bills.

MINUTES

Department of Real Estate - Recreation Center Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a recreation center agreement with Youth Sports Program, (YSP) for the property located at 4633 Furley Avenue also known as the Furley Recreation Center. The period of the agreement is effective upon Board approval for one year, with the option to renew for four 1-year periods.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The Department of Recreation and Parks (Rec. & Parks) issued Requests for Proposals (RFP) for the management and operation of the Furley Recreation Center in January 2012, which did not produce a responsive bid. The YSP subsequently approached the Department of Recreation and Parks (R&P) to be considered to manage the Furley Recreation Center. It was determined that the YSP had a relationship with the community and some of the children participate in the programs offered by the YSP. As a result of the existing relationship within the community, Furley Recreation Center was removed from the RFP list and the YSP will be allowed to operate and manage the Furley Recreation Center on behalf of the R&P. The City will be responsible for furnishing utilities to the building, and structural maintenance. The YSP will be responsible for payment of utilities, general cleaning, maintenance, trash removal, minor repairs, and keeping sidewalks clear of ice, snow, and debris.

MINUTES

Department of Real Estate - cont'd

The Board of Estimates' members received and reviewed her protest. As Ms. Trueheart's interests are not specific and are not different from other members of the general public, the Board will not hear her protest and answer her questions. Her protest and correspondence have been sent to the submitting department and that department will respond directly to Ms. Trueheart's questions.

(FILE NO. 57327)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the recreation center agreement with Youth Sports Program, for the property located at 4633 Furley Avenue.

MINUTES

Parking Authority of Baltimore City - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize an expenditure of funds to pay the Otis Elevator Company for elevator repairs at the Arena Parking Garage (Arena Garage).

AMOUNT OF MONEY AND SOURCE:

\$14,000.00 - 2075-000000-5800-408500-603016

BACKGROUND/EXPLANATION:

On August 27, 2012, the Department of Labor, Licensing, and Regulation's Safety Inspector performed the five year inspection on the Arena Garage elevators. It was discovered that the elevator cab subfloors were deteriorated, dry rotted, and not up to code. This issue presents a major safety hazard for Arena Garage customers. The Otis Elevator Company will remove the wood flooring, rubber mat, the existing metal pan, and then weld a new metal pan in place. With these repairs, the elevators will be made safe to meet current codes and pass inspection.

The Otis Elevator Company manufactured the elevators at the Arena Garage location and the existing maintenance agreement is with the Otis Elevator Company. This vendor has completed similar projects in City facilities and is the provider of the necessary parts for repair.

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

UPON MOTION duly made and seconded, the Board approved and authorized an expenditure of funds to pay the Otis Elevator Company for elevator repairs at the Arena Parking Garage.

MINUTES

Parking Authority for - Amendments to Parking Facility
Baltimore City (PABC) Operations and Management Agreements

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the amendments to parking facility operations and management amendments for the below listed vendors. The amendments to agreements extend the period of the agreements through November 30, 2014, unless otherwise indicated.

<u>VENDOR</u>	<u>FACILITY</u>
1. IMPARK/DANAS PARKING, LLC	BALTIMORE STREET GARAGE 15 GUILFORD AVENUE

On August 31, 2011, the Board approved the original agreement in the amount of \$755,335.00 for the period of July 1, 2011 through November 30, 2012. This amendment increases the agreement amount by \$977,582.00, making the total amount of the agreement \$1,732,917.00.

<u>Amount</u>	<u>Account Number</u>	
\$699,710.00	- 2075-000000-5800-407700-603016	Operating Expen.
78,672.00	- 2075-000000-5800-407700-603026	Mgmt. & Incen.
<u>199,200.00</u>	- 2075-000000-5800-407700-603038	Security
<u>\$977,582.00</u>		

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

MBE:	Tote-It, Inc.	\$19,750.00	16.23%
WBE:	Herbert Electric Co.	\$ 9,507.00	7.81%
	AJ Stationers	<u>2,739.00</u>	<u>2.25%*</u>
		<u>\$12,246.00</u>	10.06%

*Expenses for supplies are limited to 25% of each MBE and WBE goal. Therefore, the amount allowed has been applied.

Per the contracting agency, the contractor has shown good faith efforts. The MBE goal was not achieved due to constraints placed by budget cuts.

MWBOO FOUND VENDOR IN COMPLIANCE.

MINUTES

PABC - cont'd

<u>VENDOR</u>	<u>FACILITY</u>
2. CHESAPEAKE PARKING ASSOCIATES	WATER STREET GARAGE 414 WATER STREET

On August 31, 2011, the Board approved the original agreement in the amount of \$982,348.00 for the period of July 1, 2011 through November 30, 2012. This amendment increases the agreement amount by \$1,384,414.00, making the total amount of the agreement \$2,366,762.00.

<u>Amount</u>	<u>Account Number</u>	
\$ 793,174.00	- 2075-000000-5800-407300-603016	Operating Expen.
84,000.00	- 2075-000000-5800-407300-603026	Mgmt. & Incen.
507,240.00	- 2075-000000-5800-407700-603038	Security
<u>\$1,384,414.00</u>		

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

MBE: Unique Pressure Wash	\$2,670.00	4.02%
WBE: Sue Ann's Office Supplies	\$1,494.00	2.25%*
Sign A Rama	3,063.00	4.62%
B & B Lighting	See note below*	
Fitch Dustdown	<u>See note below*</u>	
	<u>\$4,557.00</u>	<u>6.87%</u>

*Expenses for supplies are limited to 25% of each MBE and WBE goal. Therefore, the amount allowed has been applied.

Per the contracting agency, the contractor has shown good faith efforts. The MBE goal was not achieved due to constraints placed by budget cuts.

MWBOO FOUND THE VENDOR IN COMPLIANCE.

MINUTES

PABC - cont'd

VENDORFACILITY3. **IMPARK/DANAS LLC.**

**FAYETTE STREET GARAGE
1001 E. FAYETTE STREET**

On August 31, 2011, the Board approved the original agreement in the amount of \$155,544.00, for the period August 1, 2011 through November 30, 2012. This amendment extends the agreement through November 30, 2013 and increases funding by \$82,468.00, making the total amount of the agreement \$238,012.00.

AmendmentAccount Number

\$73,468.00	-	2075-000000-5800-408750-603016	Operating Expenses
<u>9,000.00</u>	-	2075-000000-5800-408750-603016	Mgmt. & Incentive
\$82,468.00			

MWBOO SET MBE GOALS OF 17% MBE AND 9% WBE IN THE ORIGINAL AGREEMENT.

MBE/WBE goals were not met during the reporting period because of budget cuts preventing them from contracting many services during the reporting period. The vendors currently utilized are for washing and painting. Neither of these services were performed during this period. Additionally, the amount subject to MBE/WBE goals was only \$6,381.00.

MBE: Tote-It, Inc. 0%

WBE: Eastwood Painting and Contracting, Inc. 9%

MWBOO FOUND VENDOR IN COMPLIANCE.

MINUTES

PABC - cont'd

4. CHESAPEAKE PARKING ASSOCIATES

LEXINGTON STREET GARAGE
510 E. LEXINGTON STREET

On August 31, 2011, the Board approved the original agreement for the amount of \$305,827.00 for the period of July 01, 2011 through November 30, 2012. The amendment to parking facility operations and management agreement extends the period of the agreement through November 30, 2013 and increases funding by \$219,514.00, making the total amount of the agreement \$525,341.00.

<u>Amount</u>	<u>Account Number</u>	
\$183,514.00	- 2075-000000-2321-407500-603016	Operating Expenses
<u>36,000.00</u>	- 2075-000000-2321-407500-603026	Mgmt. & Incentive
\$219,514.00		

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

MBE:	Unique Pressure Washing, LLC	\$ 4,380.00	7.40%
	AJ Stationers	<u>7,000.00</u>	<u>11.82%</u>
		\$11,380.00	19.22%
WBE:	Sue Ann's Office Supplies	\$ 1,332.00	2.25%
	Sign A Rama	1,730.00	2.92%
	Fitch Dustdown	<u>See note below*</u>	
		\$ 3,062.00	5.17%

* Expenses for supplies are limited to 25% of each MBE and WBE goal; therefore, the maximum value allowed has been applied.

Per the contracting agency, the contractor has shown good faith efforts. The WBE goal was not achieved due to constraints placed by budget cuts.

MWBOO FOUND THE VENDOR IN COMPLIANCE.

MINUTES

PABC - cont'd

BACKGROUND/EXPLANATION:

The amendments will allow the Parking Authority to finalize the process of awarding a longer term agreement for the operation and management of the aforementioned garages.

The PABC has been working towards awarding to management firms longer term agreements for groups of facilities. This effort has been delayed because the PABC has experienced significant disruption in the personnel charged with the oversight and administration of this and other management agreements, as well as the procurement of new management agreements. The PABC has made requisite personnel changes and is prepared to move forward with seeking the award of new agreements with the listed garages and other facilities during the period of the amendments to agreements.

The vendors have provided quality management services and the PABC has been satisfied with the operation of the garages and believes that maintaining the current operators operation of the garages will be beneficial to the City.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

(FILE NO. 55987A)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendments to parking facility operations and management amendments for the aforementioned vendors listed.

MINUTESExpenditure Control Committee - Agreement

The Board is requested to approve and authorize execution of the following employment contract:

PERSONNELMayor's Office of Human Services

	<u>Hourly Rate</u>	<u>Amount</u>
1. RENARD E. BROOKS	\$35.00	\$61,250.00

Account: 1001-000000-3571-327200-601009

The Mayor's Office of Human Services has requested approval of an employment contract renewal agreement for Renard Brooks beginning retroactively October 26, 2012 through October 25, 2013. The previous contract expired on October 25, 2012. The agency erroneously delivered the contract to the Comptroller's Office for processing when it should have been forwarded to the Department of Human Resources. During the administrative process, the contract expired. The retroactive date is requested in order to hold the employee harmless. It was necessary for the employee to continue to perform duties that were critical to the on-going operation of the re-entry programs.

Mr. Brooks will continue to work as a Reentry Coordinator. His duties will include, but are not be limited to, identifying programs and strategies to prepare offenders for release from incarceration, collaboration between City agencies, and partnerships with the Department of Public Safety and correctional services, community and faith based organizations to provide post release services; developing recommendations for policies and procedures for the creation and sustainment of a comprehensive offender reentry strategy; facilitating linkages to services and resources between and among services providers, community and faith based organizations, and government agencies. The period of the agreement is October 26, 2012 through October 25, 2013.

MINUTES

Expenditure Control Committee - cont'd

THE EXPENDITURE CONTROL COMMITTEE APPROVED THE RENEWAL OF THE CONTRACT.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the employment contract with Mr. Renard E. Brooks.

President: "There being no more business before this Board, this Board will recess until twelve noon."

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 and the opening of bids scheduled for today, the Clerk announced that the following agency had issued an addendum extending the date for receipt and opening of bids on the following contract:

Department of Transportation - TR 09037R, National Aquarium
Access Improvements
BIDS TO BE RECV'D: 12/05/2012
BIDS TO BE OPENED: 12/05/2012

There were no objections.

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

Bureau of Water & Wastewater - WC 1202, Fells Point/Butchers
Hill Area Infrastructure
Rehabilitation

AB Construction, Inc.
Anchor Construction Corporation
Spiniello Infrastructure Worldwide
Monumental Paving & Excavating, Inc.
Metra Industries
Civil Construction, LLC

MINUTES

Bureau of Purchases

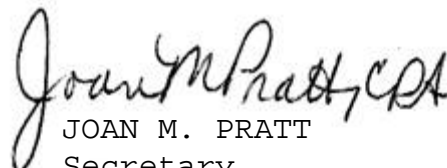
- B50002662, Thermal Imaging
Cameras

Dawson Associates, Inc
Draeger Safety Inc.
Atlantic Emergency Solutions
Fiber Plus, Inc.*

UPON FURTHER MOTION, the Board found the bid of Fiber Plus, Inc. **NON-RESPONSIVE** and materially defective because of the company's failure to submit a complete original bid as required by the Solicitation, since the original pricing page was missing. The failure to submit the required complete original bid is not a mere technical mistake.

* * * * *

There being no objections, the Board UPON MOTION duly made and seconded, adjourned until its next regularly scheduled meeting on Wednesday, November 21, 2012.


JOAN M. PRATT
Secretary