

## MINUTES

REGULAR MEETING

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

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In the absence of the Honorable Bernard C. "Jack" Young,  
 President, Mr. Edward Resinger, Vice President sat and acted on  
 his behalf.

The meeting was called to order by the Vice President.

Vice President: "I would direct the Board members attention to  
 the memorandum from my office dated August 8, 2011 identifying  
 matters to be considered as routine agenda items together with  
 any corrections and additions that have been noted by the  
 Comptroller. I will entertain a Motion to approve all of the  
 items contained on the routine agenda."

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

Comptroller: "Second."

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

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

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

Abhe & Svoboda, Inc.	\$122,976,000.00
C.J. Miller, LLC and Affiliates	\$127,575,000.00
Colt Insulation, Inc.	\$ 756,000.00
Conewago Enterprises, Inc.	\$203,013,000.00
Elcon Enterprises, Inc., t/a Elevator Control Service	\$ 55,188,000.00
Horton Mechanical Contractors, Inc.	\$ 8,000,000.00
N.R. Eyler, Inc.	\$ 63,000.00
Phoenix Contracting Services, Inc.	\$ 8,000,000.00
SEH Excavating, Inc.	\$ 3,564,000.00
Superior Painting & Contracting Co., Inc.	\$ 6,219,000.00
Total Construction Services, Inc.	\$ 8,000,000.00
Total Environmental Concepts, Inc.	\$ 8,000,000.00

**MINUTES****BOARDS AND COMMISSIONS** - cont'd2. Prequalification of Architects and Engineers

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

Brown and Craig, Inc., dba Brown Craig Turner	Architect
CTI Consultants, Inc.	Architect
F & H Consultants, P.C.	Engineer
Fox Industries, Inc.	Engineer
John Milner Associates, Inc.	Architect
Reuling Associates, Inc.	Engineer
Telvent USA Corporation	Engineer

There being no objections the Board, UPON MOTION duly made and seconded, approved the prequalification of contractors and architects and engineers for the listed firms. The Comptroller **ABSTAINED** on item no. 1.

## MINUTES

CITY COUNCIL BILLS:

10-0626 An ordinance concerning the sale of property - 3906 Old York Road for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property that is located at 3906 Old York Road and is no longer needed for public use; and providing for a special effective date.

DHCD SUPPORTS THIS LEGISLATION AS LONG AS THE DISPOSITION FOLLOWS ALL GUIDELINES, POLICIES AND PROCEDURES AS SET FORTH IN THE VACANTS TO VALUE PROGRAM.

10-0627 An ordinance concerning the sale of property - 607 Wyanoke Avenue for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property that is located at 607 Wyanoke Avenue and is no longer needed for public use; and providing for a special effective date.

DHCD SUPPORTS THIS LEGISLATION AS LONG AS THE DISPOSITION FOLLOWS ALL GUIDELINES, POLICIES AND PROCEDURES AS SET FORTH IN THE VACANTS TO VALUE PROGRAM.

**ALL REPORTS RECEIVED WERE FAVORABLE.**

UPON MOTION duly made and seconded, the Board approved City Council bills 10-0626 and 10-0627 and directed that the bills be returned to the City Council with the recommendation that they also be approved and passed by that Honorable Body. Acting on behalf of the City Council President, Vice President Reisinger **ABSTAINED.**

## MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Department of Housing and Community Development - Options</u>			
1. MWK Trust	444 E. 20 <sup>th</sup> St.	G/R \$65.00	\$ 596.00
2. Thelma Sylvia Sinsky and Sonia Betty Hirshfeld	340 E. 20 <sup>th</sup> St.	G/R \$110.00	\$ 733.33

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.

Funds are available in Account No. 9912-910713-9591-900000-704040, Barclay Project.

Rescission and Approval of Option

3. Miriam Winder Kelly	707 N. Mount St.	G/R \$60.00	\$ 400.00
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On July 27, 2011, the Board approved the acquisition of the ground rent interest in 707 N. Mount Street for the amount of \$400.00 from the MWK Trust of Ms. Miriam Winder Kelly. However, since the Board's approval, it was discovered that the Trust is merely a remainderman, and the Trust would only have owned the rent if Ms. Kelly were deceased. Since Ms. Kelly is still alive, she still owns the rent individually. The Board is requested to rescind its prior approval and approve an option to acquire the ground rent interest in 707 N. Mount Street.

**MINUTES****OPTIONS/CONDEMNATION/QUICK-TAKES** - cont'd

Funds are available in Account No. 9910-907079-9588-900000-704040, Wylie Funeral Home Project.

UPON MOTION duly made and seconded, the Board approved the above-listed options and the rescission and approval of an option. The Comptroller **ABSTAINED** on item no. 3.

**MINUTES**Circuit Court for Baltimore City - TRANSFER OF LIFE-TO-DATE  
SICK LEAVE

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

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

<u>NAMES</u>	<u>DAYS</u>
Brenda S. Harriel	1
Yvonne Davis	5
Frank Eisenberg	4
Deborah Farmer	2
Lawrence Heller	2
Delane V. Morris	2
Dianne A. Morris	<u>3</u>
	<b>19</b>

**APPROVED FOR FUNDS BY FINANCE**

**THE LABOR COMMISSIONER RECOMMENDED APPROVAL.**

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

**MINUTES**

Mayor's Office of Human Services/- Agreements and a Memorandum  
Homeless Services Program of Understanding

The Board is requested to approve and authorize execution of the various grant agreements and a memorandum of understanding. The period of the agreement is July 1, 2011 through June 30, 2012, unless otherwise indicated.

AGREEMENTS

1. **ST. VINCENT DEPAUL OF BALTIMORE** **\$ 61,507.00**  
**(SVDP)**

Account: 4000-480012-3572-333629-603051

The SVDP will provide a continuum of services that include, but will not be limited to critical needs/support services, such as meals, clothing, hygiene supplies, restroom access, day respite, basic health services (triage and referral), phone, and email access. Services will be assessed at any time during the hours of operation and all case management services require the completion of an intake.

**MWBOO GRANTED A WAIVER.**

2. **PAUL'S PLACE, INC.** **\$ 5,000.00**

Account: 5000-523112-3571-333746-603051

Paul's Place, Inc. will provide case management training on budgeting and other life skills, mediation of tenant rights and responsibilities with respect to eviction. The organization will also provide direct grants in the maximum amount of \$500.00 per family/individual per year to satisfy rental arrearages via court ordered evictions.



## MINUTES

Mayor's Office of Human Services/- cont'd  
Homeless Services Program

3. **JOBS, HOUSING AND RECOVERY,  
 INC. (JHR)** **\$114,423.00**

Account: 4000-480012-3572-333658-603051

The JHR will operate a shelter and provide emergency shelter beds for approximately 275 homeless individuals at 620 Fallsway, Baltimore City for as long as the City chooses to maintain a shelter at that address. The funds will be utilized to offset the cost of operating and provision of services, in particular the cost of providing meals.

**MWBOO GRANTED A WAIVER.**

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

Account: 4000-496211-3573-267858-603051

The JHR will provide permanent housing and support services to approximately 28 homeless and disabled individuals. The funds will be utilized to offset the costs of leasing seven 4-bedroom apartment units for a period of one-year, with the commitment that the JHR will incur staff costs to operate the program. The period of the agreement is October 1, 2011 through September 30, 2012.

**MWBOO GRANTED A WAIVER.**

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

**MINUTES**

Mayor's Office of Human Services/- cont'd  
Homeless Services Program

MEMORANDUM OF UNDERSTANDING

5. **ANNE ARUNDEL COUNTY** **\$491,410.00**

Account: 4000-490912-3573-333679-603051

Anne Arundel County will provide case management services and conduct a tenant-based rental assistance program to approximately 45 HIV/AIDS clients and their families. The period of the memorandum of understanding is July 01, 2011 through June 30, 2014.

**MWBOO GRANTED A WAIVER.**

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED EXCEPT FOR ITEM NO. 5 AND HAD NO OBJECTION.**

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

MINUTES

TRANSFERS OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following page:

3248

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

**MINUTES****TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Recreation and Parks</u>		
1. <b>\$20,000.00</b> Rec. & Parks 24 <sup>th</sup> Series	9938-902742-9475 Reserve - Park & Recreation Facilities Improvements FY'08	9938-901695-9474 Active - Lyndhurst/ Edgewood Recreation Center Gymnasium

This transfer will provide funds to cover the costs associated with Change Order No. 2 for the Edgewood Recreation Center under Contract RP 08835R.

2. <b>\$ 5,000.00</b> Rec. & Parks 26 <sup>th</sup> Series	9938-905807-9475 Reserve - Balti- more Playlot Program FY'12	9938-906807-9474 Active - Baltimore Playlot Program FY'12
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This transfer will provide funds to cover the costs associated with the topographic survey for the Traci Atkins playground.

**MINUTES**Police Department - Grant Agreements

The Board is requested to approve and authorize execution of the grant agreements. The period of the agreement is July 1, 2011 through June 30, 2012, unless otherwise indicated.

The Department submitted applications to the below-listed agencies and was awarded funds for the indicated programs.

1. **GOVERNOR'S OFFICE OF CRIME AND PREVENTION/NEIGHBORHOOD COMMUNITY POLICING PROGRAM** **\$1,974,000.00**

Account: 5000-511412-2042-662900-600000

The Neighborhood Policing Program addresses crime in Baltimore through neighborhood-based block watch and citizen patrol programs. The officers assigned to neighborhood services with the Community Affairs Division are involved with programs such as C-SAFE, Neighborhood Block Watch, Citizens on Patrol, and Operation Crime Watch. The grant funds will be used for salary, overtime, and fringe benefits for the full-time equivalent of 25 Neighborhood Services Officers.

2. **GOVERNOR'S OFFICE OF CRIME AND PREVENTION/VIOLENT CRIME REDUCTION - DRUG INTERDICTION INITIATIVE** **\$2,454,422.00**

Account: 5000-511512-2013-198400-600000

The project utilizes a multi-pronged, aggressive strategy designed to decrease the occurrence of open-air drug markets and the devastating violence they foster. The grant funds will be used for salaries for seven detective sergeants and 21 detectives/officers, overtime pay, and fringe benefits.

## MINUTES

Police Department - cont'd

3. **GOVERNOR'S OFFICE OF CRIME AND PREVENTION/NEIGHBORHOOD FOOT PATROL INITIATIVE** **\$2,763,600.00**

Account: 5000-511212-2041-196700-600000

The primary goals of the project are crime prevention through the utilization of foot patrol, increasing public confidence in the effectiveness of police, reducing fear, and enhancing personal security. A police officer's presence is a significant contributor to deterring crime and increasing public perception of police omnipresence. The grant funds will provide salaries for 34 police officers, overtime pay, and social security/fringe benefits.

4. **U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS BUREAU OF JUSTICE ASSISTANCE** **\$ 940,666.00**

Account: 4000-470012-2252-694201-600000

The Police Department will use their FY 2011 JAG VII funds to continue supporting the crime reduction and prevention strategy. The grant funds will be used to reduce violent crime and strengthen public trust with targeted enforcement, community engagement and building strong partnerships, and continuation of community-based crime prevention programs. The period of the agreement is October 1, 2010 through September 30, 2014.

The agreements are late because they were recently received from the grantors.

## MINUTES

Police Department - cont'd

5. U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS/CRIME LABORATORY ENHANCEMENT PROGRAM \$ 96,954.00

Account: 4000-470112-2024-212600-600000

The program assists in developing and implementing strategies specifically intended to increase efficiency in its crime laboratory. The grant funds will provide for a contractual lab casework assistant, overtime funding for latent print and firearm examiners, and training necessary to maintain existing accreditation and certification. The period of the agreement is October 1, 2011 through September 30, 2012.

**APPROVED FOR FUNDS BY FINANCE**

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

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

## MINUTES

Police Department - Agreements

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

1. **CIRCUIT COURT OF BALTIMORE CITY (CCBC)** **\$135,000.00**

Account: 4000-468311-2252-694203-607001

The CCBC will use funds to ensure compliance with court sanctioned community service requirements by assisting community-based organizations throughout Baltimore City with community maintenance projects. The period of the agreement is July 1, 2011 through June 30, 2012.

2. **THE FAMILY LEAGUE OF BALTIMORE CITY, INC. (FLBC)** **\$ 79,552.00**

Account: 1001-000000-2252-511200-607001 \$ 39,776.00  
 1001-000000-2252-511300-607001 \$ 39,776.00

This agreement transfers Baltimore City's required cash matching funds to the Local Management Board, the FLBC. The FLBC in turn contracts with the Youth Service Bureaus to provide for their operational expenses. The period of the agreement is July 1, 2011 through June 30, 2012.

The agreements are late because they were recently received from the service providers.

**APPROVED FOR FUNDS BY FINANCE.**

**AUDITS REVIEWED (EXCEPT ITEM NO. 1) AND HAD NO OBJECTION.**

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



**MINUTES**

Baltimore Development - Land Disposition Agreement and  
Corporation (BDC) Purchase Money Mortgage

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the land disposition agreement (LDA) and Purchase Money Mortgage (PMM) with Mt. Vernon Mansion, LLC, developer, for the sale of the property located at 1125 North Calvert Street (Block 498, Lot 10). The Board is further requested to waive the Appraisal Policy which states that any agreement must be presented to the Board within 12 months of the date of the appraisal report.

**AMOUNT OF MONEY AND SOURCE:**

\$465,000.00 - Cash payment at settlement  
260,000.00 - City Purchase Money Mortgage  
**\$725,000.00 - Sale price**

**BACKGROUND/EXPLANATION:**

On October 6, 2008 the BDC released a Request for Proposals (RFP) for the purchase, lease or operation of the City-owned property otherwise known as the Inn at Government House. The BDC received one proposal from Mt. Vernon Mansion, LLC, a partnership of Mr. Eddie Brown of Brown Capital Management and Mr. Martin Azola. Mt. Vernon Mansion, LLC, proposes to purchase and redevelop the Inn at Government House as an historic 17 - Room boutique-style bed and breakfast with ancillary restaurant and event space.

An appraisal of the property was conducted for the BDC by Lipman Frizzell & Mitchell, in February 2009. The BDC is requesting a waiver of the appraisal policy which states that any agreement must be presented to the Board within 12 months of the date of the appraisal report. Due to an extended RFP and negotiation process, the BDC was unable to present the LDA and PMM within 12 months of the appraisal report.

The PMM will be a 10-year mortgage with the interest accruing on the unpaid principal amount at the annual rate of 5% from the date due until the date paid.

**MINUTES**

BDC - cont'd

**MBE/WBE PARTICIPATION:**

The developer has signed the Commitment to Comply with the Minority and Women's Business Enterprise Program of Baltimore City.

**(FILE NO. 57267)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement and Purchase Money Mortgage with Mt. Vernon Mansion, LLC, developer, for the sale of the property located at 1125 North Calvert Street (Block 498, Lot 10). UPON FUTURE MOTION duly made and seconded, the Board approved the waiver of the Appraisal Policy which states that any agreement must be presented to the Board within 12 months of the date of the appraisal report.

**MINUTES**

Baltimore Development - Corporation (BDC) - Termination of Second Amended and Restated Ground Lease Agreement and Surrender of Land (Government House), Termination of Second Amended and Restated Ground Lease Agreement and Surrender of Land (East Baltimore Medical Center), First Amendment to Conditional Purchase Agreement, Supplement to Certificate of Participation Trust Indenture, and Ground Lease Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of: the 1) Termination of Second Amended and Restated Ground Lease Agreement and Surrender of Land (Government House), 2) Termination of Second Amended and Restated Ground Lease Agreement and Surrender of Land (East Baltimore Medical Center), 3) First Amendment to Conditional Purchase Agreement, 4) Supplement to Certificate of Participation Trust Indenture, and 5) Ground Lease Agreement. The Board is further requested to authorize the Mayor, the Director of Finance, and the Chief of the Bureau of Treasury Management to make any and all non-substantive changes to the above referenced documents, subject to review and approval by the Law Department.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The requested approval will allow the substitution of a new facility pursuant to the series 2000A Refunding Certification of Participation.

On March 25, 1998, the Board approved the sale and issuance by the City of the Series 2000A Certificates of Participation (COPS) for the purpose of refunding Series 1990C Certificates of Participation. The proceeds from the issuance of the COPS were used to finance various municipal projects. As part of the

## MINUTES

BDC - cont'd

financing package, liens were placed on a number of City-owned buildings to secure the indebtedness of the City including the City-owned Inn at Government House property located at 1125 North Calvert St. (Government House) and the East Baltimore Medical Center located at 1000 East Eager Street (Medical Center).

On October 6, 2008, the BDC released a Request For Proposals (RFP) for the purchase, lease, or operation of the City-owned Government House. In response to the RFP, the BDC received one Proposal from Mt. Vernon Mansion, LLC, a partnership of Mr. Eddie Brown of Brown Capital Management and Mr. Martin Azola, developer. The developer proposes to purchase and redevelop the Government House as a historic 17-room boutique style bed and breakfast with ancillary restaurant and event space.

The Medical Center is leased to Johns Hopkins Medicine. The lease contains a purchase option, which Johns Hopkins Medicine has advised the City it wishes to exercise. As a result of the Series 2000A Refunding Certificates of Participation transaction, and subsequent lien placed upon the Government House and the Medical Center, neither property can be sold until each has been released as collateral under the COPs.

After discussion with the Law Department, Finance Department, and outside legal counsel, it was determined that under the current Trust Indenture the City has the ability to pursue a substitution arrangement in which another essential government property would be used as substitute collateral under the COPs, allowing for the release of the Government House and Medical Center from the financing, and allowing the City to sell the properties as planned.

After careful consideration, the Baltimore City Health Department Building at 1001 East Fayette Street has been identified as a suitable City-owned essential government property that may be substituted. In order to effect the release of the Government House and Medical Center facilities

## MINUTES

DHCD - cont'd

from the COPs, and to substitute the Health Department Building as collateral, the BDC requests that the Board approve the substitution by approving the previously referenced documents.

**(FILE NO. 57267)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of: the 1.) Termination of Second Amended and Restated Ground Lease Agreement and Surrender of Land (Government House), 2.) Termination of Second Amended and Restated Ground Lease Agreement and Surrender of Land (East Baltimore Medical Center), 3.) First Amendment to Conditional Purchase Agreement, 4.) Supplement to Certificate of Participation Trust Indenture, and 5.) Ground Lease Agreement.

UPON FURTHER MOTION duly made and seconded, the Board authorized the Mayor, the Director of Finance, and the Chief of the Bureau of Treasury Management to make any and all non-substantive changes to the above referenced documents, subject to review and approval by the Law Department. Acting on behalf of the City Council President, Vice President Reisinger **ABSTAINED**.

**MINUTES**

Health Department - Grant Award

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize acceptance of a grant award from the David and Barbara B. Hirschhorn Foundation, Inc. The period of the grant award is July 1, 2011 through September 30, 2012.

**AMOUNT OF MONEY AND SOURCE:**

\$25,000.00 - 6000-626612-3080-292300-406001

**BACKGROUND/EXPLANATION:**

The Department will also be seeking a supplemental appropriation for this grant award.

The funds will be used for the Teen Pregnancy Prevention Initiative. The program provides support services to reduce teen births by making health education accessible to young people, which is age-appropriate and evidenced-based clinical services and purposeful community engagement to help them grow as civic leaders.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the grant award from the David and Barbara B. Hirschhorn Foundation, Inc.

**MINUTES**

Health Department - Notification of a Grant Award

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize acceptance of the Notice of a Grant Award (NGA) from the Maryland State Department of Education. The period of the grant award is July 1, 2011 through June 30, 2012.

**AMOUNT OF MONEY AND SOURCE:**

\$505,021.00 - 5000-525712-3100-297100-405001

**BACKGROUND/EXPLANATION:**

Under this grant award the funds will be used to support the School-Based Health Center Program.

The NGA is late because it was just received.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the Notice of a Grant Award from the Maryland State Department of Education.

**MINUTES**Health Department - Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with PACT: Helping Children with Special Needs, Inc. The period of the agreement is July 1, 2011 through June 30, 2012.

**AMOUNT OF MONEY AND SOURCE:**

<u>Total</u>	<u># of Cases</u>	<u>Cost per case</u>	
\$ 12,500.00	50	\$250.00	Initial Case Management
16,500.00	120	\$137.50	Individualized Family Service Plan Review (annual)
<u>144,000.00</u>	1,920	\$ 75.00	On-going Case Management
<b>\$ 173,000.00</b>			

Account: 4000-428212-3080-294392-600000

**BACKGROUND/EXPLANATION:**

Funds are provided by the Maryland State Department of Health and Mental Hygiene, Medical Assistance Program, under Title XIX of the Social Security Act, U.S.C. 1396 et.seq. and are channeled through the Health Department.

The organization will provide health-related early intervention/case management services for eligible patients.

The agreement is late because it was just finalized.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

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



**MINUTES**

Health Department - Employee Expense Report

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the expense report for Mr. Hansberry Moore for the month of May 2011.

**AMOUNT OF MONEY AND SOURCE:**

\$292.74 - 5000-518611-3160-308000-603002

**BACKGROUND/EXPLANATION:**

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

The request is late because of it was misplaced during routing.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the expense report for Mr. Hansberry Moore for the month of May 2011.

## MINUTES

Health Department (BCHD) - Agreements

The Board is requested to approve and authorize execution of the various agreements. The period of the agreement is July 1, 2011 through June 30, 2012, unless otherwise indicated.

1. **HEALTH LEADS, INC.** **\$ 72,000.00**

Account: 5000-530012-3080-595800-603051

Health Leads, Inc. at the University of Maryland Medical Center Mother-Baby Unit will provide eligible patients with accurate information about key community and government resources, assist patients in completing benefit applications and assessing resources, and contact agencies and service providers directly on behalf of patients.

**MWBOO GRANTED A WAIVER.**

2. **THE AFTER-SCHOOL INSTITUTE, INC.** **\$ 27,600.00**

Account: 4000-424212-3030-513200-603051

The After-School Institute, Inc. will provide HIV prevention services to increase awareness, knowledge, risk reduction measures and change in behavior that leads to the prevention of new HIV infections among African American youth in Baltimore City. The period of the agreement is July 1, 2011 through December 31, 2011.

**MWBOO GRANTED A WAIVER.**

The agreements are late because they were just completed.

3. **THE AARON STRAUS & LILLIE STRAUS  
FOUNDATION, INC.** **\$ 15,000.00**

Account: 6000-626612-3080-292300-406001

The funds will be used to support services to reduce teen births by making health education, accessible to young people which is age-appropriate and evidenced-based, clinical services and purposeful community engagement to help them grow as civic leaders. The period of the agreement is August 30, 2011 through September 1, 2012.

## MINUTES

Health Dept. - cont'd

The agreement is late because it was received on August 16, 2011.

4. **ASSOCIATED CATHOLIC CHARITIES, INC.** **\$ 11,739.60**  
**d/b/a CATHOLIC CHARITIES OF BALTIMORE**

Account: 4000-498611-3031-579200-603051

The funds will be utilized for the Bite Bed Bugs Back Initiative at the Esperanza Center. The Center will assist the BCHD's Healthy Homes and Community Division to implement the Bite Bed Bugs Back Initiative and promote communication around integrated pest management for bed bugs. This will be accomplished through interactions with neighborhood/community associations, targeted community-based trainings, and distribution of supplies and equipment for low-income residents in pre-designated areas in Baltimore City. The period of the agreement is May 1, 2011 through September 30, 2012.

The agreement is late because of a delay in receiving some of the sub-grantee information regarding the correct signatory.

5. **JOHNS HOPKINS UNIVERSITY** **\$ 19,000.00**  
**SCHOOL OF NURSING**

Account: 4000-422812-3080-294285-603051

The organization will be utilized to support the Fetal and Infant Mortality Review Program (FIMR). The goal of the FIMR is to enhance the health and well-being of women, infants and families by improving the community resources and service delivery systems available to them. The FIMR brings together key members of the community and examines individual cases of fetal and infant death to identify the factors that contributed to those deaths.

The agreement is late because it required revisions.

## MINUTES

Health Dept. - cont'd

6. **SISTERS TOGETHER AND REACHING INC.** **\$ 12,500.00**  
**(STAR)**

Account: 4000-422312-3030-513590-603051

The organization will use the funds to support three part-time staff and the STAR mobile unit for the HIV/STD Prevention Project days and evenings. STAR will provide services to clients enrolled in the HIV/STD Prevention Project, 700 HIV/Syphilis screenings, confidential counseling and testing, and referrals. The period of the agreement is July 1, 2011 through December 31, 2011.

The agreement is late because of delays in receiving the budget and scope of services.

7. **SISTERS TOGETHER AND REACHING INC.** **\$ 12,000.00**

Account: 1001-000000-3041-274005-603051

The organization will provide services to clients engaged and assessed on Baltimore and Gay Streets or within a four to six block radius. Services will include HIV/STI counseling, testing, and referral including phlebotomy, health education risk reduction. The funds will also be used to hire two part-time evening staff an Outreach Worker/Counselor and Mobile Unit Driver for the Block project.

The agreement is late because the information on the provider's status with SDAT was delayed.

8. **RONA MARTIYAN** **\$ 39,479.00**

Account: 4000-432912-3024-268400-603018

Ms. Martiyan, a Registered Dietitian, will provide consultation services, nutrition monitoring, training, and related administrative services for the Department. These services will be provided to over 4,000 seniors in 60 or

**MINUTES**Health Dept. - cont'd

more congregate nutrition sites in Baltimore City. She will also provide follow-up and referral services associated with nutritional screenings of clients, analyze and evaluate nutritional educational materials. The period of the agreement is October 1, 2011 through September 30, 2012.

**MWBOO GRANTED A WAIVER.**

9. **RONA MARTIYAN** **\$ 2,063.00**

Account: 5000-532912-3044-273300-603018

Ms. Martiyan, a consultant, will serve as a Master Trainer. She will provide training for the Chronic Disease Self-Management and Diabetes Self-Management Programs. The training sessions will be held at the Zeta Senior Center. Ms. Martiyan will train seniors/volunteers in the appropriate techniques to help participants deal with problems such as nutrition, diabetes, hypertension, pain management, and the appropriate exercise techniques for maintaining and improving strength, flexibility and endurance. The period of the agreement is October 1, 2011 through September 30, 2012.

CASE MONITOR AGREEMENTS

The Case Monitors will be responsible for establishing a personal care plan of personal care for each eligible recipient assigned to him/her, review and/or revise the personal care plan, and supervise the personal care providers. The Case Monitors will also make home visits as often as the Department's nurse supervisor determines to be necessary, but not less than every 60 days, maintain a clinical record on each recipient case monitored, and provide other case monitoring services, as required.

## MINUTES

Health Dept. - cont'd

10. **AGAPE HEALTH CONSULTING AND MANAGEMENT GROUP, INC.** \$55.00/case/ month **\$132,000.00**

Account: 4000-426212-3041-268601-603018

The case monitoring services will be provided to Montgomery County residents. The personal care plan will be review and/or revised at least once every 60 days, or more often if necessary. The number of cases to be assigned may not exceed 75 cases at one time, unless prior written authorization is obtained from the Department. The agreement is for the period July 1, 2011 through June 30, 2012.

The agreement is late because the Department recently received the FY 12 budget account numbers for this program.

11. **JOICE A. STOKES-JAMES** \$45.00/case/ month **\$ 30,375.00**

Account: 4000-426212-3110-306800-603018

The case monitoring services will be provided in Baltimore City. The personal care plan will be reviewed and/or revised at least once every 90 days, or more often if necessary. The number of cases to be assigned may not exceed 75 cases at one time, unless prior written authorization is obtained from the Department. The agreement is for the period September 1, 2011 through June 30, 2012.

**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. Acting on behalf of the City Council President, Vice President Reisinger **ABSTAINED** on item no. 5.

**MINUTES**

Mayor's Office - Governmental/Charitable  
Solicitation Application

**ACTION REQUESTED OF B/E:**

The Board is requested to endorse a governmental/charitable solicitation application that has been approved by the Board of Ethics of Baltimore City to benefit the Baltimore-Piraeus Sister City Committee (BPSCC) for its annual Aegean Evening celebration and fundraiser. The period of the campaign is October 1, 2011 through November 1, 2011.

**AMOUNT OF MONEY AND SOURCE:**

No general funds are involved in this transaction.

Collected funds will be deposited and expenditures paid through a City "G" account - 1001-000000-0000-000000-270091.

**BACKGROUND/EXPLANATION:**

The Board of Ethics of Baltimore City approved the application on June 15, 2011. The Sister City Committee is one of the volunteer committees formed or to be formed under the auspices of the Office of the Mayor and Sister Cities International for the purpose of strengthening partnerships between the City and international communities. The committees strive to build global cooperation at the municipal level, promote cultural understanding and stimulate economic development. Through volunteers the committees motivate and empower private citizens, municipal officials and business leaders to conduct long-term sister City programs.

This year, Aegean Evening is raising funds for the Walters Art Museum and the International Orthodox Christian charities. Tickets will be sold to fund the event and raise money for the BPSCC to continue its international and local programming. This is the first time this is being requested for the Aegean Evening in compliance with the requirement of Board of Estimates approval, but the third time that a Baltimore Sister City Committee has been approved by the Ethics Board for solicitation.

## MINUTES

Mayor's Office - 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 that has been approved by the Board of Ethics of Baltimore City to benefit the Baltimore-Piraeus Sister City Committee for its annual Aegean Evening celebration and fundraiser. The Mayor **ABSTAINED**.



**MINUTES**

Department of Housing and - Agreements  
Community Development

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

1. **JULIE COMMUNITY CENTER, INC.** **\$ 38,500.00**

Account: 2089-208912-5930-435526-603051

The organization will provide a variety of public services to low and moderate-income persons that reside in Southeast Baltimore. The services include direct services and/or referrals to emergency social services, health services, youth services and adult GED classes. The period of the agreement is July 1, 2011 through June 30, 2012.

2. **MARYLAND NEW DIRECTIONS, INC.** **\$31,540.00**

Account: 2089-208912-5930-429934-603051

The organization will provide career counseling, job training and placement and outreach services to low and moderate-income displaced homemakers, out-of-school youth and female ex-offenders. The services prepare its clients for employment and assists in job training and placement in jobs that provide a living wage and future promotion opportunity. The funds will be used to subsidize the general management, oversight and coordination of the career counseling and human resources development program. The period of the agreement is July 1, 2011 through June 30, 2012.

**MWBOO GRANTED A WAIVER.**

On June 22, 2011, 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 2011 Annual Action Plan for the following formula programs:

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

**MINUTES**

DHCD - cont'd

Upon approval of the resolution, the DHCD's Contract Section began negotiating and processing the CDBG agreements as outlined in the Plan effective July 1, 2011 and beyond. Consequently, this agreement was 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 - Land Disposition Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the land disposition agreement (LDA) with Ms. Sheena Belton purchaser, for the sale of the property located at 1374 N. Stricker Street (Block 034 Lot 055).

**AMOUNT OF MONEY AND SOURCE:**

\$567.60 - Sale price

**BACKGROUND/EXPLANATION:**

The property will be sold under the City's Side Yard Policy approved by the Board on August 17, 2011. The Purchaser will be using private funds to pay for the acquisition and maintenance of the property.

The Department's Land Resources Division, strategically acquires and manages vacant or abandoned properties, ultimately enabling these properties to be returned to productive use and improving Baltimore's neighborhoods.

In accordance with the City's Side Yard Policy, the City has agreed to convey the property known as 1374 N. Stricker Street, to the owner of the adjacent owner-occupied property. As a condition of conveyance, Ms. Sheena Belton has agreed to the terms of the LDA, which prohibits development of the parcel for a minimum of ten years.

The City may dispose of the Property by virtue of the following legal authorities: Article 28, Subtitle 8 of the Baltimore City Code (2011 Edition), Article II, Section 15 of the Baltimore City Charter, 2011 Edition; and Article 13 of the City Code.

**(FILE NO. 57211)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with Ms. Sheena Belton purchaser, for the sale of the property located at 1374 N. Stricker Street (Block 034 Lot 055).

**MINUTES**

Department of Housing and - Land Disposition Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the land disposition agreement (LDA) with Mr. Nathan Irby, Jr., purchaser, for the sale of the property located at 1412 N. Chester Street (Block 1096 Lot 001).

**AMOUNT OF MONEY AND SOURCE:**

\$1,000.00 - Sale price

**BACKGROUND/EXPLANATION:**

The property will be sold under the City's Side Yard Policy approved by the Board on August 17, 2011. The purchaser will be using private funds to pay for the acquisition and maintenance of the property.

The Department's Land Resources Division, strategically acquires and manages vacant or abandoned properties, ultimately enabling these properties to be returned to productive use and improving Baltimore's neighborhoods.

In accordance with the City's Side Yard Policy, the City has agreed to convey the property known as 1412 N. Chester Street, to the owner of the adjacent non-owner-occupied property. As a condition of conveyance, Mr. Nathan Irby, Jr. has agreed to the terms of the LDA, which prohibits development of the parcel for a minimum of ten years.

The City may dispose of the Property by virtue of the following legal authorities: Article 28, Subtitle 8 of the Baltimore City Code (2011 Edition), Article II, Section 15 of the Baltimore City Charter, 2011 Edition; and Article 13 of the City Code.

**(FILE NO. 57211)**

**MINUTES**

DHCD - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with Mr. Nathan Irby, Jr., purchaser, for the sale of the property located at 1412 N. Chester Street (Block 1096 Lot 001).

**MINUTES**

Department of Housing and - Land Disposition Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the land disposition agreement (LDA) with Mr. Elijah Kelly, purchaser, for the sale of the properties located at Descriptive lot 5192 007, and Descriptive lot 5192 008.

**AMOUNT OF MONEY AND SOURCE:**

\$ 500.00 - Descriptive lot 5192 007  
500.00 - Descriptive lot 5192 008  
\$1,000.00 - Sale price

**BACKGROUND/EXPLANATION:**

The property will be sold under the City's Side Yard Policy approved by the Board on August 17, 2011. The purchaser will be using private funds to pay for the acquisition and maintenance of the property.

The Department's Land Resources Division, strategically acquires and manages vacant or abandoned properties, ultimately enabling these properties to be returned to productive use and improving Baltimore's neighborhoods.

In accordance with the City's Side Yard Policy, the City has agreed to convey the properties known as Descriptive lot 5192 007, and Descriptive lot 5192 008, to the owner of the adjacent owner-occupied property. As a condition of conveyance, Mr. Elijah Kelly has agreed to the terms of the LDA, which prohibits development of the parcel for a minimum of ten years.

**MINUTES**

DHCD - cont'd

The City may dispose of the Property by virtue of the following legal authorities: Article 28, Subtitle 8 of the Baltimore City Code (2011 Edition), Article II, Section 15 of the Baltimore City Charter, 2011 Edition; and Article 13 of the City Code.

**(FILE NO. 57211)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with Mr. Elijah Kelly, purchaser, for the sale of the properties located at Descriptive lot 5192 007, and Descriptive lot 5192 008.

**MINUTES**

Department of Housing and - Land Disposition Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the land disposition agreement (LDA) with Ms. Rosalie Turpin, purchaser, for the sale of the properties located at Descriptive lot 5192 005, and Descriptive lot 5192 006.

**AMOUNT OF MONEY AND SOURCE:**

\$ 500.00	-	Descriptive lot 5192 005
500.00	-	Descriptive lot 5192 006
<u>\$1,000.00</u>	-	Sale price

**BACKGROUND/EXPLANATION:**

The property will be sold under the City's Side Yard Policy approved by the Board on August 17, 2011. The purchaser will be using private funds to pay for the acquisition and maintenance of the property.

The Department's Land Resources Division, strategically acquires and manages vacant or abandoned properties, ultimately enabling these properties to be returned to productive use and improving Baltimore's neighborhoods.

In accordance with the City's Side Yard Policy, the City has agreed to convey the properties known as Descriptive lot 5192 005, and Descriptive lot 5192 006, to the owner of the adjacent owner-occupied property. As a condition of conveyance, Ms. Rosalie Turpin has agreed to the terms of the LDA, which prohibits development of the parcel for a minimum of ten years.



## MINUTES

DHCD - cont'd

The City may dispose of the Property by virtue of the following legal authorities: Article 28, Subtitle 8 of the Baltimore City Code (2011 Edition), Article II, Section 15 of the Baltimore City Charter, 2011 Edition; and Article 13 of the City Code.

**(FILE NO. 57211)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with Ms. Rosalie Turpin, purchaser, for the sale of the properties located at Descriptive lot 5192 005, and Descriptive lot 5192 006.

**MINUTES**

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

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an amendment to the land disposition agreement with Eager Street Development 28, LLC, developer.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On September 29, 2010, the Board approved the LDA with the developer for 28 properties. This amendment will allow the property identified as 2500 E. Eager Street to be removed from the LDA with Eager Street Development 28, LLC and be sold to Ms. Gladys Edmonds, who intends to live at the property as her primary residence. All other terms and conditions will remain unchanged.

**(FILE NO. 57107)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment to the land disposition agreement with Eager Street Development 28, LLC, developer.

**MINUTES**

Department of Housing and - Restructure of Community Development  
Community Development      Block Grant Loan and City Loan

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the restructure of the City's Community Development Block Grant (CDBG) loan and City Loan to Epiphany House Limited Partnership, borrower. The Board is further requested to authorize the Commissioner of the Department of Housing and Community Development to negotiate final terms, as well as execute any and all documents to effectuate this transaction subject to review and approval for form and legal sufficiency by the Departments.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

This request to restructure the CDBG loan in the amount of \$150,000.00 and the City Loan in the amount of \$274,000.00, which will permit both loans to run conterminously and be forgiven at the end of a new five year term.

In 1984, the Loan and Guarantee Program of Baltimore City executed a Revised CDBG Promissory Note in the amount of \$150,000.00 with Epiphany House Limited Partnership (the Partnership). The loan was made to assist in the redevelopment of a commercial building which was converted into affordable rental housing containing, 33 single room occupancy (SRO) units for senior citizens. The Epiphany House is located at 5606 York Road in the Govans neighborhood.

The original project financing also included tax-exempt bond financing from the State of Maryland Department of Housing and Community Development (MD-DHCD) and the City provided Section 8 Project-based rental subsidy. The Epiphany House was developed and is still operated by Govans Ecumenical Development Corporation (GEDCO), a non-profit organization and housing developer. GEDCO holds a 1% interest as general partner through its for-profit subsidiary in the Partnership. The limited partnership interest is held by private investors.

## MINUTES

DHCD - cont'd

After a few years of operation, it was apparent that the project did not generate sufficient positive cash flow to make its' debt obligations. As such, in 1990, the MD-DHCD made a capital assistance loan to pay their mortgage arrearages and, an interest free operating assistance loan. Further attempts to aid in stabilizing operating deficits included a \$274,000.00 loan from the City, (the City Loan) for operating expenses and physical improvements. Additional investments to the project included a \$65,100.00 grant and the approval of a PILOT from the City of Baltimore. GEDCO, through its subsidiary, provided resources of approximately \$397,000.00 in the form of an unsecured loan to keep the project afloat. In addition, the superior loans with the MD-DHCD were restructured to have their maturity dates coincide and extended until 2017.

According to the MD-DHCD annual audits, the project is not in default of its loans. To date, the Borrower has not been able to make loan repayments to the State or on the City's loans. In this loan restructure the City's interest bearing cash-flow loans will be modified and restructured as deferred loans with no interest charged, and the principal amounts forgiven at the end of the new 5 year term. Repayment will be due upon sale, change in use of the property or ownership or, refinancing of the project debt occurring prior to the maturity date without the permission of the Department. The two mortgages will run conterminously for 5 years and be secured by an Allonge to the Promissory Notes.

**MBE/WBE PARTICIPATION:**

No new City funds will be utilized for this project, therefore, Article 5, Subtitle 28 of the Baltimore City Code Minority and Women's Business Program is not applicable.

UPON MOTION duly made and seconded, the Board **DEFERRED** this item.

**MINUTES**

Department of Housing and - Local Government Resolutions  
Community Development

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

The below listed organizations are applying to the State of Maryland's Community Investment Tax Credit Program (CITCP). A local government resolution of support is required by the State for all applications to this program for funding.

<u>Organization</u>	<u>Amount</u>
1. <b>CHESAPEAKE CENTER FOR YOUTH DEVELOPMENT</b>	<b>\$ 60,000.00</b> <b>(CITCP)</b>

The Chesapeake Center for Youth Development, located at 301 E. Patapsco Avenue, Baltimore, MD 21225, proposes the Expanding Youth Employment Services project. The funds will be used for job training and supplemental educational services to prepare youth with necessary skills to succeed in the workplace. Donations received will provide financial literacy and entrepreneurial projects and job skill training for youth ages 16 - 21.

Job training services will target high school dropouts, unemployed and disadvantaged youth who need help to create productive and healthy lives. Educational and job readiness services will assist the Brooklyn/Curtis Bay community youth and support the community's economic development efforts.

Since 1974, Chesapeake Center for Youth Development has worked to uplift the lives of thousands of youth and families in the greater Baltimore area through the provision of educational opportunities, vocational training, counseling, and after school programming.

## MINUTES

DHCD - cont'd

2. **NETWORK FOR TEACHING ENTREPRENEURSHIP** **\$ 50,000.00**  
**(NFTE)** **(CITCP)**

The NFTE located at 300 E. Lombard Street, Suite 1111, Baltimore, MD 21201, proposes the NFTE University Project to train, promote and support entrepreneurship education within the Baltimore City Public School System. The funding will be used to host three NFTE Universities within the Baltimore City area starting in the summer of 2012. Each session will be a total of four days. The NFTE University will be available to Baltimore City Public School & Charter School teachers at no cost to the teacher or school. Each NFTE University will host a minimum of ten Baltimore City Public & Charter School teachers.

The NFTE helps young people from low-income communities build skills and unlock their entrepreneurial creativity. Since 1987, over 250,000 young people have been reached. More than 400 Certified Entrepreneurship Teachers have been trained and the innovative entrepreneurship curriculum is continually improving.

The mission of the NFTE is to teach entrepreneurship to young people.

3. **BALTIMORE COMMUNITY FOUNDATION** **\$ 20,000.00**  
**(CITCP)**

The Baltimore Community Foundation located at 2 E. Read Street, 9<sup>th</sup> floor, Baltimore, MD 21202, proposes the Mount Washington Elementary School project. This project will serve families in the Baltimore City neighborhoods of Cheswolde, Coldspring Newtown, Poplar Hill, Mount Washington, Sabina-Mattfeldt and the Falls Road corridor. The project will expand the grades from Pre-kindergarten through fifth grades and Pre-kindergarten through eighth grade beginning the 2011-2012 year.

## MINUTES

DHCD - cont'd

This expansion, as well as the implementation of the International Baccalaureate program for the middle grades, will recruit and retain students in the Mount Washington zone and build on the school's foundation of excellence. By selecting the International Baccalaureate Middle Years Program, Mount Washington School will become one of only three schools in the City offering this academically challenging, global curriculum.

The mission of the Mount Washington School is to prepare children to succeed in the local and global community by challenging all students to strive for academic excellence to contribute to the development of strong, positive communities and to become caring, responsible citizens.

The Baltimore Community Foundation, founded in 1972, is a philanthropic foundation created by and for the people of Greater Baltimore. It is comprised of 600+ different philanthropic funds with a total of \$158,000,000.00 in assets. In 2010, \$22,000,000.00 was distributed to hundreds of nonprofit organizations in Baltimore, the region and across the country.

4. **ALLIANCE, INC.** **\$ 30,000.00**  
**(CITCP)**

The Alliance, Inc. located at 7701 Wise Avenue, Baltimore, MD 21222, proposes the Alliance, Inc. Mental Health Day Program in East Baltimore. Funding is requested for facility enhancements at Alliance's psychiatric rehabilitation program at 234 East Broadway in historic Fells Point. The facility was purchased and renovated more than 15 years ago and has been plagued by problems with improper sewage drainage. The Alliance, Inc. expects to incur more than \$50,000.00 in expenses, which includes \$30,000.00 towards digging up 150 feet of flooring, replacing underlying drainage and the installation of new toilets.

## MINUTES

DHCD - cont'd

This facility has served thousands of low-income Baltimore residents with serious mental illnesses like major depression, bipolar disorder and schizophrenia for more than 15 years. Through the community-based center, participants attend structured programming with topics such as mental illness symptom management, budgeting, peer-to-peer socialization, smoking cessation, health and wellness and other self-care and wellness subjects needed to lead successful and independent lives. Clients rely on the day program as a central component to the overall treatment and recovery and is often the only outlet for social interaction among this population with an environment conducive to reducing stigma often associated with mental illness.

Since, 1982, Alliance, Inc. has built a reputation as a leader in the community in providing rehabilitation, treatment, case management, vocational and employment services to individuals of all ages and disabilities in the Baltimore area. Today, Alliance, Inc. has helped more than 3,400 Marylanders overcome challenges to achieve independence and live a satisfying life.

Alliance, Inc's. mission is to foster hope and opportunities for people with disabilities and mental health needs to realize their dreams and create an environment where every person matters.

- |    |  |                                 |
|----|--|---------------------------------|
| 5. | <b>GOVANS ECUMENICAL DEVELOPMENT CORPORATION<br/>(GEDCO)</b> | <b>\$ 50,000.00<br/>(CITCP)</b> |
|----|--|---------------------------------|

The GEDCO located at 5513 York Road, Baltimore, MD 21212 proposes The Green House Residences at Stadium Place Project at 1010 East 33<sup>rd</sup> Street, Baltimore, MD 21218 (Ednor Gardens Lakeside neighborhood in North Baltimore).

The Green House Residences will be a four story building that will serve 49 older adults requiring nursing care.



## MINUTES

DHCD - cont'd

Each floor will be a separate home for 12 elders (with one room available for a couple), staffed by its own uniquely trained, self-managed work team of Shahbazim (universal care workers - a new development concept), and supported by a clinical support team. The Green House Residences primarily will benefit low-income individuals in the Baltimore metropolitan area with at least 60% of the beds reserved for individuals with Medicaid eligibility.

The Green House model of long-term care was developed by Dr. William Thomas, a Harvard-educated physician and internationally renowned geriatrician. Dr. Thomas has made it his cause to eliminate the loneliness, helplessness and boredom, which so often characterize life for elders in typical long-term care facilities. The goal of the Green House Residences model is for elders to continue to live life to its fullest, irrespective of any physical or mental decline.

GEDCO is a community-based, non-profit organization whose mission is to work in partnership with the faith community to provide affordable housing and supportive services to people with special needs. GEDCO currently provides housing and supportive services for more than 500 people, and serves over 7,000 individuals annually through CARES, a food pantry, employment counseling and emergency financial assistance center. Residents of GEDCO's housing programs include elderly people with low incomes, adults age 55 and older with disabilities, men and women who formerly were homeless and individuals with chronic mental illness.

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

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

- |  |             |         |
|--|-------------|---------|
| 1. HIGHLANDER<br>CONTRACTING COMPANY, INC.   | \$29,520.00 | Low Bid |
| Solicitation No. 07000 - Single Mode Fiber Installation -<br>Department of Public Works - Req. No. R559496 |             |         |

This is a one-time purchase.

- |  |             |          |
|--|-------------|----------|
| 2. F & F AND A. JACOBS<br>& SONS, INC.   | \$15,000.00 | Increase |
| Solicitation No. B50001801 - Uniforms - Sheriff's Department -<br>Req. No. R566800 |             |          |

On March 18, 2011, the Board approved the initial award in the amount of \$19,702.75. Additional funds are necessary to meet the increased demand for these items. This increase in the amount of \$15,000.00 will make the award amount \$34,702.75, and is for the period August 3, 2011 through August 2, 2012, with two 1-year renewal options remaining.

- |   |             |          |
|---|-------------|----------|
| 3. WITMER PUBLIC SAFETY GROUP   | \$20,000.00 | Increase |
| Solicitation No. B50002048 - Fire Tools - Fire Department -<br>Req. No. R580409 |             |          |

On March 18, 2010, the Board approved the initial award in the amount of \$24,500.00. Additional funds are necessary to meet the increased demand for these items. This increase in the amount of \$20,000.00 will make the award amount \$44,500.00 and is for the period August 31, 2011 through August 30, 2012, with three 1-year renewal options remaining.

- |  |             |             |
|--|-------------|-------------|
| 4. FOSTER & FREEMAN USA  | \$26,670.00 | Sole Source |
| Solicitation No. 08000 - Grim 3 Instruments Service Contract -<br>Police Department - Req. No. R586310 |             |             |

Service and support are only available from this vendor. The award is for the period November 1, 2011 through October 31, 2013.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- |                     |              |         |
|---------------------|--------------|---------|
| 5. BASF CORPORATION | \$500,000.00 | Renewal |
|---------------------|--------------|---------|
- Solicitation No. 06000 Supply Polymeric Flocculant, Centrifuge Dewatering for the Back River Wastewater Treatment Plant - Department of Public Works, Bureau of Water and Wastewater - P.O. No. P510663

On October 7, 2009, the Board approved the initial award to Ciba Specialty Corporation in the amount of \$485,385.42. Ciba Specialty Corporation was acquired by BASF Corporation. On November 17, 2010, the Board approved a ratification and term order in the amount of \$135,000.00. This is the final renewal in the amount of \$500,000.00 for the period November 1, 2011 through October 31, 2012.

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

**MWBOO GRANTED A WAIVER.**

- |                      |              |          |
|----------------------|--------------|----------|
| 6. LOCATION AGE, LLC | \$900,000.00 | Increase |
|----------------------|--------------|----------|
- Solicitation No. BP-07102 - Geographic Information Systems Staff Augmentation Support - Agencies - Various Req. Nos. Various

On May 30, 2007, the Board approved the initial award in the amount of \$850,628.70. The award contained four 1-year renewal options. Subsequent actions have been approved. Additional funds are necessary to meet the City's ongoing requirements under this contract. This increase in the amount of \$900,000.00 will make the award amount \$4,450,628.00.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

This is a requirements contract, therefore amounts will vary.

**MBE:** Sabra Wang & Assocs. 17%

**WBE:** Applied Technology Services, 9%  
Inc.

**MWBOO FOUND VENDOR IN COMPLIANCE.**

UPON MOTION duly made and seconded, the Board approved the informal awards, renewals, increases to contracts and extensions. Acting on behalf of the City Council President, Vice President Reisinger **ABSTAINED** on item no. 5.

**MINUTES**Fire Department - Retroactive Payment**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize retroactive payment to the Mr. David Anderson.

**AMOUNT OF MONEY AND SOURCE:**

\$82,339.11 - 1001-000000-3191-308700-601061

**BACKGROUND/EXPLANATION:**

Retroactive payment is due to Mr. Anderson per a Stipulation Agreement dated May 4, 2011. Mr. Anderson obtained his Maryland ALS Licensure on February 23, 2011. Mr. Anderson is due full back pay for the period between his separation and reinstatement, payroll period ending January 8, 2008 through July 21, 2009.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized retroactive payment to the Mr. David Anderson.

**MINUTES****TRAVEL REQUESTS**Health Department

<u>Name</u>	<u>To Attend</u>	<b>Fund</b> <u>Source</u>	<u>Amount</u>
1. Catharine Watson Tonya Johnson*	Healthy Teen Network Annual Conference Pittsburgh, PA Oct. 11 - 14, 2011 (Reg. fee \$475.00*)	MD Prep Grant	\$2,013.70

The Department has paid for the registration for Ms. Johnson in the amount of \$475.00 on EA 00075930. The disbursement to Ms. Johnson will be \$603.78. The Registration for Ms. Watson has been waived because she is currently a HTN Board member.

Mayor's Office of Human Services

2. Susan Olubi	National Human Services Data Consortium Conf. Falls Church, VA Oct. 12 - 14, 2011 (Reg. Fee. \$375.00)	HUD Supportive Housing Program Grant	\$1,008.62
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UPON MOTION duly made and seconded, the Board approved the travel requests.

**MINUTES**

Department of Transportation - Expenditure of Funds

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an expenditure of funds to pay the Maryland Clean Water Fund.

**AMOUNT OF MONEY AND SOURCE:**

\$10,500.00 - 9950-901321-9508-900020-700000

**BACKGROUND/EXPLANATION:**

A fine was levied against the City as a settlement of fines imposed by the Maryland Department of the Environment (MDE) for sediment and erosion control violations on Washington Blvd. Reconstruction from I-95 to Monroe Street. The fine had to be paid within ten days of the receipt of the MDE's notification letter dated August 29, 2011. The City has requested a time extension from the MDE in order to procure the funds needed to settle the fines imposed. The Department is pursuing a course of action for reimbursement from Civil Construction, LLC, the general contractor for Washington Blvd. Reconstruction from I-95 to Monroe Street.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to pay the Maryland Clean Water Fund.

**MINUTES**

Department of Transportation - Employee Expense Report

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the employee expense report for Mr. Barry Robinson for the month of June 2011.

**AMOUNT OF MONEY AND SOURCE:**

\$172.94 - 6000-617411-2303-248700-603001

**BACKGROUND/EXPLANATION:**

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

The request is late because the employee was unaware of the 40 day requirement for submission of expense reports and because the original expense statement was prepared with the incorrect employee identification number.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the employee expense report for Mr. Barry Robinson for the month of June 2011.



**MINUTES**Department of Recreation and Parks - On-Call Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the On-call Engineering, Design agreement with Greenman-Pedersen, Inc. for Project No. 1167. The period of the agreement is effective upon Board approval for three years, or until the upset limit is reached, whichever occurs first.

**AMOUNT OF MONEY AND SOURCE:**

\$750,000.00 - Upset limit

**BACKGROUND/EXPLANATION:**

Greenman-Pedersen, Inc. will provide engineering design services for the renovation and improvement of various City Park and Recreation facilities.

**MBE/WBE PARTICIPATION:**

<b>MBE:</b> Navarro & Wright Consulting Engineers, Inc.	0-27%
EBA Engineering, Inc.	0-27%
Findling, Inc.	0-27%
<b>(in the aggregate)</b>	<b>27.00%</b>
<b>WBE:</b> Mahan Rykiel Associates, Inc.	<b>10.00%</b>

**MWBOO FOUND VENDOR IN COMPLIANCE.**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the on-call Engineering, Design agreement with Greenman-Pedersen, Inc. for Project No. 1167.

**MINUTES**Bureau of Water and Water- Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with Patton Harris Rust & Associates/Hazen Sawyer, a joint venture, for Project W.C. 1168, Post Award Services for Deer Creek Pumping Station Improvements. The period of the agreement is effective upon Board approval for 48 months or until the upset limit is reached, whichever occurs first.

**AMOUNT OF MONEY AND SOURCE:**

\$1,201,716.70 - Baltimore City Water Revenue Bonds  
 812,115.48 - Baltimore County  
 217,560.82 - Harford County  
\$2,231,393.00 - 9960-904727-9557-900020-703031

**BACKGROUND/EXPLANATION:**

On November 9, 2005, Patton Harris Rust & Associates/Hazen Sawyer, a joint venture was awarded a contract for the design of the Deer Creek Pumping Station Improvements. The Bureau desires to exercise the option to retain the consultant for the post award services. The consultant will develop and update submitted status logs and checklists, review and approve equipment and materials lists, coordination of security installations, supervise on-site inspections, develop and conduct equipment testing requirements including witness testing, final review of contract change orders and claims, and advisory consultation to the Construction Management Division. The consultant was approved by the Office of Boards and Commissions and the Architectural Engineering and Awards Commission.

**MBE/WBE PARTICIPATION:**

<b>MBE:</b>	Shah & Associates	\$631,172.00	28.28%
<b>WBE:</b>	The Robert B. Balter Co., Inc.	\$ 39,981.00	1.79%
	C.L. Warfield & Associates, Inc.	47,353.00	2.12%
	Ruxton Design	24,808.00	1.11%
		<u>\$112,142.00</u>	<u>5.02%</u>

**MWBOO FOUND VENDOR IN COMPLIANCE.**

## MINUTES

BW&WW - cont'd

**APPROVED FOR FUNDS BY FINANCE.**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with Patton Harris Rust & Associates/Hazen Sawyer, a joint venture, for Project W.C. 1168, Post Award Services for Deer Creek Pumping Station Improvements. Acting on behalf of the City Council President, Vice President Reisinger **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 agreement with Johnson, Mirmiran, and Thompson, Inc., for Project No. 1083, Design Engineering Project Management Services. The amendment no. 3 extends the agreement through June 10, 2012, or until the upset limit is reached, whichever occurs first.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On December 10, 2008, the Board approved the original agreement. The agreement will expire on December 10, 2011. An additional 6 months is requested, with no increases in the contract dollar value. All other terms and conditions of the agreement will remain unchanged. The consultant has been approved by the Office of Board and Commissions.

**MBE/WBE PARTICIPATION:**

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

**APPROVED FOR FUNDS BY FINANCE.**

**AUDITS NOTED THE TIME EXTENSION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 3 to agreement with Johnson, Mirmiran and Thompson, Inc., for Project No. 1083, Design Engineering Project Management Services. Acting on behalf of the City Council President, Vice President Reisinger

**ABSTAINED.**

**MINUTES**Employees' Retirement Systems (ERS) - Subscription Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve a Subscription Agreement with Summit Partners Credit Fund, L.P. (Fund).

**AMOUNT OF MONEY AND SOURCE:**

No general funds

\$10,000,000.00 - (approximately) of ERS funds invested in  
limited partnership interests of the Fund  
\$ 150,000.00/year - Management fee

**BACKGROUND/EXPLANATION:**

The subscription agreement is required for investing a portion of ERS assets in limited partnership interests of the Fund. All funds and expenses will be expended from ERS assets. There is a management fee of 20% profit share to the General Partner after a preferred return to limited partners. Pursuant to the subscription agreement, Summit Partners Credit Advisor's L.P. serves as the Fund's investment manager.

The ERS Board with the assistance of its investment consultant conducted a nationwide search for small/mid-market private equity investment vehicles. The Board narrowed the eligible firms to three finalists and conducted interviews. With the recommendation of the ERS investment consultant, the Board selected Summit Partners Credit Advisor's L.P.

**MWBOO GRANTED A WAIVER**

UPON MOTION duly made and seconded, the Board approved the Subscription Agreement with Summit Partners Credit Fund, L.P.

The Comptroller **ABSTAINED**.

**MINUTES**Space Utilization Committee - Amendment to Lease Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of and amendment to the lease agreement with the State of Maryland, Lessee, for the rental of two parcels of land located under the JFX (I-83). Parcel One (JFC) is located under the JFX (I-83) in the vicinity of Guilford Avenue, Center Street, Madison Street and the Fallsway. Parcel Two (JFD) is located under the JFX (I-83) in the vicinity of Guilford Avenue, Eager Street, Madison Street and the Fallsway. The period of the amendment to the lease agreement is January 1, 2012 through December 31, 2013.

**AMOUNT OF MONEY AND SOURCE:**

<u>Annual Rent</u>	<u>Equal Monthly Installments</u>
\$266,253.75	\$22,187.81

**BACKGROUND/EXPLANATION:**

On May 26, 2010, the Board approved the initial agreement for the period January 1, 2010 through December 31, 2011, with the option to renew for one additional two year period. The State has exercised the renewal option. All other terms and conditions of the original agreement will remain in full force and effect.

The Space Utilization Committee approved this amendment to lease agreement on September 27, 2011.

**(FILE NO. 55788)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment to the lease agreement

**MINUTES**Space Utilization Committee - cont'd

with the State of Maryland, Lessee, for the rental of two parcels of land located under the JFX (I-83). Parcel One is located under the JFX (I-83) in the vicinity of Guilford Avenue, Center Street, Madison Street and the Fallsway. Parcel Two is located under the JFX (I-83) in the vicinity of Guilford Avenue, Eager Street, Madison Street and the Fallsway.

**MINUTES**

Space Utilization Committee - Second Amendment to  
Lease Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the second amendment to lease agreement with RWN 10 Calvert Street, LLC. (Owner), for the rental of a part of the property known as 10 N. Calvert Street, being on 9<sup>th</sup> fl., consisting of approximately 7,932 square feet (Suites 905 and 915). The second amendment extends the lease through September 30, 2016.

**AMOUNT OF MONEY AND SOURCE:**

<u>Year</u>	<u>Annual Rent</u>	<u>Monthly Rent</u>
1	\$ 99,150.00	\$ 8,262.50
2	\$105,099.00	\$ 8,758.25
3	\$111,444.60	\$ 9,287.05
4	\$118,107.48	\$ 9,842.29
5	\$125,166.96	\$10,430.58

Account: 1001-000000-1561-171500-603013

**BACKGROUND/EXPLANATION:**

The leased premises will be used for municipal purposes for the Office of Civil Rights and Wage Enforcement, formerly the Community Relations Commission. The original term of the lease agreement dated December 6, 2006 and amended July 21, 2010 will be extended for five years, commencing on October 1, 2011 and terminating September 30, 2016.

The landlord will paint and clean carpet in Suite 915 within six months of the lease execution date by the Board of Estimates. All other rentals, provisions, conditions, and terms of the original lease agreement dated December 6, 2006 and amended July 21, 2010 will remain in full force and effect.

The Space Utilization Committee approved this second amendment to the lease agreement on September 27, 2011.

**(FILE NO. 55772)**



**MINUTES**Space Utilization Committee - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the second amendment to lease agreement with RWN 10 Calvert Street, LLC., for the rental of a part of the property known as 10 N. Calvert Street, being on 9<sup>th</sup> fl., consisting of approximately 7,932 square feet (Suites 905 and 915).

## 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:

3303 - 3337

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

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

Item No. 12 was **WITHDRAWN**.

The Comptroller **VOTED NO** on Item No. 14.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:Department of Transportation

1. TR 10310, Pedestrian Lighting in Baltimore City-Hunting Ridge, Ten Hills, and Franklinton Communities Allied Contractors, Inc. \$1,085,240.00

DBE: Sunrise Safety Services, Inc.	\$ 13,200.00	1.22%
Priority Construction Corporation	27,000.00	2.49%
McCall Trucking	10,980.00	1.01%
JM Murphy Enterprise, Inc.	155,200.00	14.03%
	<u>\$206,380.00</u>	<u>19.02%</u>

A LETTER OF PROTEST WAS BEEN RECEIVED FROM CIVIL CONSTRUCTION, LLC.

2. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 75,399.03	9952-907044-9511	
MVR	Constr. Res.	
	Street Light Historic District	
548,613.97	9952-905034-9511	
MVR	Constr. Res.	
	Pedestrian Lighting	
521,242.00	9950-903426-9507	
FED	Constr. Res.	
	Eastern Ave. Railroad Bridge	
102,771.00	9950-902428-9507	
FED	Constr. Res.	
	Jones Falls/Penn	
<b>\$1,248,026.00</b>		

October 3, 2011

Writer's direct contacts: [410-821-3779](tel:410-821-3779)  
[jmk@kdattorneys.com](mailto:jmk@kdattorneys.com)

**VIA MESSENGER DELIVERY**

Baltimore City Board of Estimates  
Room 204 – City Hall  
100 North Holliday Street  
Baltimore, MD 21202  
ATTENTION: HARRIETT TAYLOR

**Re: Pedestrian Lighting in Baltimore City in the Hunting Ridge, Ten Hills and Franklin-town Communities  
Baltimore City Contract No. TR10310**

Dear Honorable Board Members:

Please be advised that this firm represents Civil Construction, LLC ("Civil") with respect to the above referenced contract (the "Contract"). Bids for the Contract were opened on June 22, 2011, and Civil was the lowest bidder by almost \$100,000. The City has informed Civil, however, that it plans to reject Civil's bid and award the Contract to the next lowest bidder on the grounds that a subcontractor identified by Civil as its MBE/DBE participant was not DBE-certified at the time of the bid opening. The purpose of this letter is to notify you that Civil protests the award of the Contract to any bidder other than Civil. As fully set forth herein, the temporary modification to the MDOT website listing Civil's subcontractor as non-DBE eligible was an error on the part of the Maryland Department of Transportation ("MDOT") that was corrected shortly after the opening of bids for the Contract.

Upon information and belief, the Contract is to be funded from the proceeds of a federal grant to the State, transferred to the City by the Maryland Secretary of Transportation pursuant to §2-103(i)(2) of the Transportation Article. For that reason, the City deferred to the State Disadvantaged Business Enterprise (DBE) Program for the establishment of DBM participation goals. A DBE is a business owned and controlled by an economically, as opposed to socially, disadvantaged person, as defined in COMAR 21.11.03.03 B(5). Except as to the definition, the DBE and MBE participation requirements under the State program are identical. Similarly, the requirement for documentation of DBE participation in State bids is identical to the bid submission requirement for MBE participation under Article 5 of the City Code. The DBE participation goal for the Contract was set at 30%, was to be demonstrated by completion and submission of MDOT DBE Form B.

Civil completed and submitted MDOT DBE Form B with its bid, listing Oelmann Electric Supply Company, Inc., t/a Broadway Electric Supply Company ("Oelmann"), as an MBE/DBE subcontractor. Oelmann is a woman-owned business that, upon information and belief, was certified in 1996 as a DBE (Certification No. 96-359).

The circumstances surrounding Oelmann's removal from the MDOT roster of DBE-certified contractors was precipitated by correspondence sent by MDOT to Kathryn Thompson, the principal of Oelmann, on November 23, 2010 during the company's annual recertification process (a copy of which is attached hereto). In the letter, MDOT represented that Oelmann's three-year average gross receipts exceeded the established threshold of \$22,410,000 pursuant to the size standard requirement set forth in 13 CFR §121.402 for the specified NAICS Codes. Oelmann was informed that, unless it contested MDOT's determination, the MBE/DBE database "will be changed to reflect your status as being eligible for only straight State funded contracts."

Based upon Civil's investigation, after receiving the letter, Ms. Thompson immediately contacted MDOT and explained that Oelmann's accountant had made several mistakes on the company's tax returns with respect to revenue calculation. Ms. Thompson stated that she was advised by Cathy Svoboda, Certification Manager for MBE/DBE's at MDOT, to submit revised tax returns as soon as possible. Ms. Thompson verified that Oelmann continued to be listed on the MDOT website as MBE/DBE-certified.

Less than two months later, in correspondence dated January 19, 2011 (a copy of which is attached hereto), Ms. Thompson received a letter from MDOT informing her that "[Oelmann] has been found eligible to continue its certification as a minority business enterprise and/or disadvantaged business enterprise (MBE/DBE), effective January 19, 2011." The letter continued: "Your business continues to be MBE/DBE-certified for those services already approved, as well as any expanded services for which you have been approved and officially notified in writing." Although the letter cautioned in the fourth paragraph that "if your firm is presently in a graduated status, it is no longer eligible to participate as a [DBE]...", Ms. Thompson reasoned that the first three paragraphs meant that MDOT had reconsidered its prior notice of intent to decertify Oelmann as a DBE. Oelmann continued to be listed as MBE/DBE certified on the MDOT roster.

Months later, Ms. Thompson received a call from a contractor bidding on a project in which the contractor wanted to hire Oelmann as a designated MBE/DBE. The contractor informed Ms. Thompson that she was not listed as DBE-eligible on the MDOT website (the exact date on which Oelmann's DBE status was modified on the MDOT listing is unknown). Ms. Thompson immediately contacted MDOT to inquire as to the change of status. At the request of Ms. Svoboda, Ms. Thompson provided Oelmann's revised tax returns indicating that the company's three-year average revenues did not exceed the applicable DBE-size standards. MDOT subsequently revised its database on July 6, 2011 (14 days following the opening of bids for the Contract) to reflect Oelmann as DBE-eligible.

During the period of time that Civil was preparing the bid for the Contract, Civil contacted Oelmann regarding participation on the proposal. Civil was familiar with Oelmann, having subcontracted the company on several prior occasions to meet MBE/DBE goals. During their conversations, Ms. Thompson indicated that MDOT had requested information regarding Oelmann from her that was then under review, but was under the impression that the review was part of the continued recertification process. A Civil employee who checked the MDOT website as part of the company's bid preparation process has no recollection of seeing Oelmann listed as MBE only.

The series of events that led to the brief modification of Oelmann's DBE-eligible status on the MDOT website before being restored were certainly unfortunate, but do not support the City's recommendation to reject Civil's bid. The City's reliance solely on the listed status of Oelmann on the MDOT website at the time of the bid opening is an exercise in form over substance. In fact, Oelmann's DBE eligible status technically never changed. When Ms. Thompson was informed by MDOT in November 2010 that Oelmann was no longer DBE eligible, she immediately contacted the State to explain the mistake in revenue calculation contained in the information that had been submitted as part of the recertification process. Less than sixty (60) days later, she received a letter from MDOT stating, "Your business continues to be MBE/DBE certified for those services already approved..." Oelmann also continued to be listed on the MDOT website as DBE certified long after MDOT sent the November 23, 2010 letter. MDOT later adjusted the MBE/DBE database to reflect that Oelmann was no longer eligible for DBE work, but only for a brief period of time. After submitting updated revenue information, MDOT confirmed Oelmann's DBE eligible status, and restored the website listing. Clearly, MDOT's actions do not reflect that Oelmann was ever legally decertified as DBE-eligible.

Moreover, the circumstances under which the database was adjusted strongly suggest that MDOT did not follow the proscribed federal regulations concerning participation by DBE's in DOT financial assistance programs. Those regulations provide that previously certified DBE's have certain due process rights with which a recipient, such as MDOT, must adhere before removing a firm's eligibility. In particular, 49 CFR §26.87 requires the recipient to provide the firm with an informal hearing, during which the firm is given the opportunity to respond to the reasons for the proposal to remove its eligibility, and provide information and arguments concerning why it should remain certified. Significantly, the regulations provide that, during the pendency of any proceedings to remove a firm's eligibility, *the firm remains an eligible DBE*, and does not become ineligible until the issuance of a written notice of the decision and the reasons for it, the consequences of the decision, and the availability of an appeal. §26.87(h).

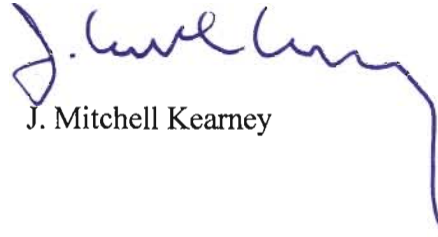
After informing MDOT that the revenue information upon which the decision was made to remove Oelmann's DBE eligible status was flawed, MDOT was legally required to provide Oelmann with an informal hearing to challenge the action. Based on her conversation with MDOT following receipt of the November 23, 2010 letter, it was clearly Oelmann's intent to defend its DBE certification, although the January 19, 2011 letter from MDOT seemed to indicate that MDOT had reversed its decision. When the misunderstanding became apparent, Oelmann submitted the appropriate documentation, and MDOT did in fact restore Oelmann's DBE eligibility. Under any other circumstances, Oelmann would have remained DBE eligible throughout this entire process.

Finally, Civil acted in good faith and in a reasonable manner at all times during this process. Civil should not be punished for the miscommunications that existed between Oelmann and MDOT. For all of the above reasons, we respectfully request that the award of the Contract should be made to Civil.

October 3, 2011

Page 4

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Mitchell Kearney". The signature is fluid and cursive, with a long, sweeping tail that extends downwards and to the right.

J. Mitchell Kearney

JMK/bmy

Enclosures

cc: Civil Construction, LLC (w/enclosures)

Laetitia D. Griffin, Chief, Contract Administration (w/enclosures)

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**Maryland Department of Transportation**

The Secretary's Office

November 23, 2010

**Martin O'Malley**  
Governor

**Anthony G. Brown**  
Lt. Governor

**Beverley K. Swaim-Staley**  
Secretary

**Harold M. Bartlett**  
Deputy Secretary

KATHRYN THOMPSON  
OELMANN ELECTRIC SUPPLY COMPANY, INC. T/A  
BROADWAY ELECTRIC SUPPLY COMPANY  
P O BOX 363  
LUTHERVILLE, MD 21094-0363

Re: Maryland Department of Transportation Minority/Disadvantaged Business Enterprise Program

Dear Ms. THOMPSON:

The State of Maryland, through the Maryland Department of Transportation (MDOT), certifies minority firms for two programs: the Maryland Minority Business Enterprise (MBE) Program and the Federal U.S. Department of Transportation (USDOT) Disadvantaged Business Enterprise (DBE) Program.

The Federal DBE Program restricts participation on USDOT funded contracts of those firms whose three (3) year average gross receipts exceeds \$22,410,000 regardless of the Small Business Administration's (SBA) size standards allocated to the Standard Industrial Classification (SIC)/North American Industry Classification System (NAICS) Codes.

It has been determined through the information you presented during the most recent recertification period that your firm's average gross receipts for 2007 through 2009 has exceeded the established threshold of \$22,410,000, (2007 - \$12,018,465, 2008 - \$26,564,821, and 2009 - \$51,451,159, averaging \$30,011,482). Consequently, MDOT has determined that your firm is no longer eligible to participate as a Disadvantaged Business Enterprise (DBE) on contracts funded in part or in whole by the USDOT. This includes contracts with the Maryland State Highway Administration, the Maryland Aviation Administration, and the Maryland Transit Administration. Unless you contest this determination the Maryland Department of Transportation's MBE/DBE database will be changed to reflect your status as being eligible for only straight State funded contracts. The affected NAICS Codes are: **423610**, titled "Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers," and **423730**, titled "Warm Air Heating and Air-Conditioning Equipment and Supplies Merchant Wholesalers." Your firm will remain eligible to participate as a certified MBE on State funded contracts.

If you have any objections to this determination, you may request a contested hearing in accordance with the Maryland Administrative Procedure Act. Your request for a hearing must be received in writing by the Office of MBE within fifteen (15) days from your receipt of this letter. If we do not receive such a request from you, we will proceed to amend your firm's certification status in the Maryland MBE/DBE Directory and your firm will no longer be certified to participate as a DBE on federally funded contracts.

My telephone number is \_\_\_\_\_  
Toll Free Number 1-888-713-1414, TTY Users Call Via MD Relay  
7201 Corporate Center Drive, Hanover, Maryland 21076



If you have any questions regarding this correspondence, please feel free to contact me at 410-865-1269 or 1-800-544-6056.

Sincerely,

A handwritten signature in cursive script that reads "Richelle L. Thomas". The signature is fluid and elegant, with the first letters of the first and last names being capitalized and prominent.

Richelle L. Thomas  
Acting Director  
Office of MBE

RLT/js



**Maryland Department of Transportation**  
The Secretary's Office

**Martin O'Malley**  
Governor

**Anthony G. Brown**  
Lt. Governor

**Beverly K. Swaim-Staley**  
Secretary

**Darrell B. Mobley**  
Deputy Secretary

January 19, 2011

KATHRYN THOMPSON  
OELMANN ELECTRIC SUPPLY COMPANY, INC. T/A  
P O BOX 363  
LUTHERVILLE, MD 21094-0363

Certification No. 96-359

Dear KATHRYN THOMPSON:

We are pleased to inform you that your company has been found eligible to continue its certification as a Minority Business Enterprise and/or Disadvantaged Business Enterprise (MBE/DBE) effective January 19, 2011.

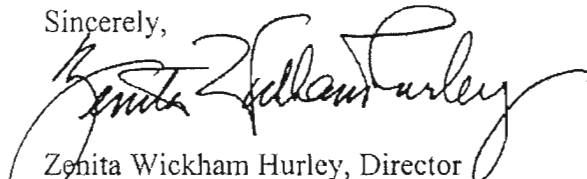
Your certification does not automatically expire, however, your business and every certified MBE/DBE must be reviewed annually. You will be notified when the next review is due.

Your business continues to be MBE/DBE certified for those services already approved, as well as any expanded services for which you have been approved and officially notified in writing. If you wish to expand your firm's area of work, a separate written request detailing the specific areas of work to be included in the expansion must be sent to the Maryland Department of Transportation, Office of Minority Business Enterprise. Listing your expanded services on recertification documents is not sufficient.

A firm is considered graduated in all or some of the areas of work grouped under the North American Industry Classification System (NAICS) Codes if it exceeds the size standards in all or some of the NAICS Codes. If your firm is presently in a graduated status, it is no longer eligible to participate as a Disadvantaged Business Enterprise under the Federal U.S. DOT Program or as a Minority Business Enterprise under the State of Maryland Program for the noted NAICS Codes.

If you should have any questions, please contact the Office of Minority Business Enterprise, Recertification Unit at 410-865-1269 or 1-800-544-6056.

Sincerely,



Zenita Wickham Hurley, Director  
Office of Minority Business Enterprises

My telephone number is \_\_\_\_\_  
Toll Free Number 1-888-713-1414 TTY Users Call Via MD Relay  
7201 Corporate Center Drive, Hanover, Maryland 21076

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:

Department of Transportation - cont'd

\$1,085,240.00	-----	9952-906044-9510-6
		Structure & Improvements
108,524.00	-----	9952-906044-9510-5
		Inspections
<u>54,262.00</u>	-----	9952-906044-9510-2
		Contingencies
<b>\$1,248,026.00</b>		

This transfer will cover the cost associated with the award of contract TR 10310, Pedestrian Lighting in Baltimore City-Hunting Ridge, Ten Hills, and Franklinton Communities to Allied Contractors, Inc.

**A LETTER OF PROTEST WAS BEEN RECEIVED FROM CIVIL CONSTRUCTION, LLC.**

## MINUTES

Vice President: "Now we will go forward to the non routine items, the protest. The first item on the non-routine agenda can be found on page 59 and 60, items 1 and 2, Pedestrian Lighting in Baltimore City-Hunting Ridge, Ten Hills and Franklinton Communities and associated Transfer of Funds. At this time will the parties come forward, who are protesting. You are to the right; identify yourself and the City to the left."

Mr. Mitch Kearney: "Mitch Kearney on behalf of Civil Construction, LLC. Good morning."

Vice President: "Yes go ahead."

Mr. Kearney: "This is regarding the Pedestrian Lighting Contract. Civil was the low bidder on the contract with the bid of \$989,000.00, almost \$100,000.00 lower than Allied Contractors, and in order to meet the DBE participation requirements on that project, they identified several sub contractors, one of which was Oelmann Electric Supply Company. Today, as we stand here on the day of the recommendation for the contract award, Oelmann is a certified MBE/DBE subcontractor. The problem is according to the City is that Oelmann was apparently not listed on the MDOT website as being DBE certified eligible on the June 22, 2011 bid date, and as a result is what we understand the City is saying is that it believes it is

## MINUTES

compelled to reject Civil's bid because in order to comply with Federal DBE program the award -- an award to the contract to the second lowest bidder it has to do that, because Oelmann wasn't DBE certified on the date of the bid opening. The basis for Civil's protest is two-fold. First, this is a matter of responsibility, not responsiveness, and basically, the Federal Regulations that govern the DBE program, leave it to the states to decide whether or not to make it a matter of responsibility or responsiveness, and the responsibility being -- ah responsiveness being that they must include a certified DBE in the bid at the time of bid opening, whereas responsibility it can be waived or procured prior to the award of the contract. In this case, the State provides in its program that it is a matter of responsibility. And I quote from the -- excuse me the program states at D1A on Page 96 'prior to contract award, the apparent low bidder will be required to submit certain documentation indicating participation by certified DBE/MBE's on the contract, when a DBE/MBE participation goal exists for that contract. Now, Oelmann has been DBE certified eligible since July 6, which was two weeks after the bid opening, and it is now September or October 3rd or the 5th, they have been DBE eligible all that time. They have been DBE eligible today as of the day of the contract award. So, I think that the City shouldn't be

## MINUTES

treating this as a matter of responsiveness. That's, it is a responsibility issue. Oelmann is DBE certified today. My client is ready to do the project. I note that on the Agenda today, there is another issue where someone submitted a bid with an MBE that wasn't in good standing at the time of bid opening, and still the City is recommending that they award the contract to that contractor if the MBE can be placed back in good standing. So, I think, I don't know why that is substantively different than this case where Oelmann today is DBE certified. The second issue is I just want to raise which is outlined in the letter of protest is simply, how this occurrence happened. It is kind of a muddy situation. But Oelmann, apparently and I don't represent Oelmann and I am not here to defend them or their actions or whatever, and I want to make that clear. But, Oelmann has been a certified DBE Enterprise since approximately 1996. They went through the process of -- the annual process of review which that has to take place and apparently the State sent them a letter saying actually you are not eligible anymore because you are making too much revenue over the last three years. Oelmann said that actually there is a mistake; we need to send you some additional information, please take a look at that. About a month later, two months later, the State sent a letter saying congratulations, you continue to be MBE/DBE

## MINUTES

certified, and then at that point, Oelmann apparently thought we don't need to do anything else, and it was months before they learned that they had been taken off the MDOT Register. When they learned that, they went back to the State and said, we are in -- here is our information and the State after looking at it recertified them. I am not even sure it is a recertification. They simply said okay you can continue your MBE/DBE certification and I think that is an important distinction here because the State treated this not as a decertification, because if they had, Oelmann would have had to wait; go through the waiting period and resubmit an entirely new application. They didn't do that, they simply looked at the information and said yeah, you are right, you are DBE. So, I think that the removal from the website doesn't legally signify that they were decertified. So, again our argument is simply that Civil Construction was the lowest responsive responsible bidder on this project and should be awarded the contract."

Vice President: "I am going to defer to Transportation and to the Law Department. But my question to you is my concern is, that I know you don't represent the subcontractor Oelmann, but being your client was the prime contractor, don't you think it was their responsibility to make sure that the I's were dotted

## MINUTES

and the T's were crossed so that we wouldn't have to be here today?"

Mr. Kearney: "Well, I agree with that, your Honor, except that you know basically what they learned from Oelmann at the time was that they were under review and in fact that is the process. They continue to be under review and in fact after that review the State certified them as a DBE."

Vice President: "Thank you. Are there any questions?"

Comptroller: "So, they never got a letter saying that they're certification had expired?"

Mr. Kearney: "They did originally, in November of 2010."

Comptroller: "Right."

Mr. Kearney: "It hadn't expired. No. I see what you are saying. They got a letter in November of 2010 saying you are not eligible anymore because you are too big. You don't meet the size requirements."

Comptroller: "Okay."

Mr. Kearney: "Two months later in January they got a letter that said you're MBE/DBE certified."

Comptroller: "Right."

Mr. Kearney: "They never received anything else that said they were going to be taken off the DBE website and that is why my client didn't do anything more at that point and time."



## MINUTES

Vice President: "Madam Mayor you have -- Mr. Nilson."

City Solicitor: "Uh, you mentioned the fact that under some circumstances in our certifications we allow the correction of the good standing certificate situation to take place. That is under unusual and special circumstances not present in this particular matter. Plus our difference and we look up the particular reasons. So that is not really an allowable situation that leads to a particular result here. The concern here is, that the information that we've been given, and the DOT people can speak directly to this, is that, we have been given by MDOT is that on the date bids were submitted for this contract, MDOT which is the controlling agency here considered that the subcontractor was not DBE certified, and they have reaffirmed that to us and while we understand your argument that some of the correspondence was not a model of clarity and they have lead your subcontractor into thinking that everything was okay. In fact, everything wasn't okay and the State agency, MDOT responsible for determining at any given day whether a company is DBE certified or not has told us that your sub was not and you know, we get into a real problem when we start saying, 'well, okay you fixed this problem here. Eight days later, ten days later so you know you are good to go. We really do, absent unusual circumstances not present, here go with the date the

## MINUTES

bids were opened and whether your sub was certified or not, and the certifying agency tells us that it was not. If you have a beef you know, with regard to the consequences of this historical correspondence, it is really with MDOT not with us."

Mr. Kearney: "Okay."

City Solicitor: "I should let the DOT people address the issue generally."

Mayor: "Can I say one thing?"

Vice President: "Madam Mayor."

Mayor: "And I just want to add -- thank you very much. That if there were clarifying, a clarifying document from MDOT to suggest differently in that -- in that while it was under review we considered Oelmann certified on that date, there would be a different argument. We don't have anything to make that point."

Mr. Kearney: "Understood."

Vice President: "Okay. DOT."

Mr. Jamie Kendrick: "Jamie Kendrick, Deputy Director of DOT, Tish Griffith our Contract Administration Chief, with me. I think actually the Solicitor and the Mayor and even the Council President raised most of the points. I think the bottom line here is that we are a sub-grantee from the State, which is sub-grantee from the Federal Government. We are obligated to follow not only the regulations that Council described but the State's

## MINUTES

implementation of those regulations, which as Council stated does give the State some wiggle room in that regard. Nonetheless, we are still obligated to follow the State's interpretation and required when reviewing these projects to submit all of the facts to the State for concurrence and award. We did submit all those facts to the State. We even to Council's point, sort to clarify issues with regard to status and timeliness of various filings. The State came back to us and said they are not DBE certified at that time. That's the point of fact that is most relevant here along with the concurrence from the State. So, with that we would request the Board's approval of the recommendation."

Vice President: "Okay. Are there any questions from the Board? Do I have a Motion?"

City Solicitor: "Move approval of the recommendation from the Department of Transportation."

Vice President: "Do I have a second?"

Comptroller: "Second."

Vice President: "All those in favor say AYE. All those opposed say NAY. AYE's have it the Motion carries. Thank you."

Mr. Kearney: "Thank you."

\* \* \* \* \*

**MINUTES**

3. TR 11019, Citywide Sidewalk Rehabilitation Machado Construction Co., Inc. \$ 733,791.00

**MBE:** M&F Contracting Company \$155,000.00 21.12%

**WBE:** McCall Trucking, Inc. \$ 44,500.00 6.06%

**MWBOO FOUND VENDOR IN COMPLIANCE**4. **TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 354,385.92	9950-905101-9514	
MVR	Frederick Ave.	
	Gateway	
179,180.73	9950-902496-9509	
MVR	Slab Repairs	
<u>\$ 533,566.65</u>		

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:

Department of Transportation - cont'd

\$ 463,971.00	-----	9950-905792-9514-6
		Structure & Improvements
46,397.10	-----	9950-905792-9514-5
		Inspections
<u>23,198.55</u>	-----	9950-905792-9514-2
<b>\$ 533,566.65</b>		Contingencies

This transfer will cover the costs associated with the award of contract no. TR 11019, Citywide Sidewalk Rehabilitation to Machado Construction Co., Inc.

Department of General Services

5. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 270,000.00	9916-901513-9194	9916-909515-9197
	General Funds	

This transfer of funds will provide funding for the reconstruction of sidewalks around City Hall and adjacent to the MECU building at 401 E. Fayette Street under Contract No. TR 11019.

6. GS 11825, Howard Park	P&J Contracting	\$ 428,300.00
Grocery-Demolition	Co., Inc.	
<b>MBE:</b> RBJ Contracting Company, Inc.	\$118,000.00	27.55%
<b>WBE:</b> Cleo Enterprises, Inc.	20,000.00	4.67%
McCall Trucking, Inc.	<u>15,000.00</u>	<u>3.50%</u>
	<b>\$ 35,000.00</b>	<b>8.17%</b>

**MWBOO FOUND VENDOR IN COMPLIANCE**

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:

Department of Recreation and Parks

7. RP 11833, Latrobe Park-Athletic Court & Sidewalk Improvements Allied Contractors, Inc. \$ 443,000.00

<b>MBE:</b> Mendocino General Contractors, Inc.	\$47,500.00	10.72% <sup>1</sup>
Priority Construction Corporation	<u>10,501.00</u>	<u>2.37%</u>
	<b>\$58,001.00</b>	<b>13.09%</b>

<b>WBE:</b> American Tennis Courts, Inc.	22,600.00	5.10%
McCall Trucking, Inc.	<u>13,176.00</u>	<u>2.97%</u>
	<b>\$ 35,776.00</b>	<b>8.07%</b>

<sup>1</sup> Mendocino General Contractors, Inc. is not in good standing with the Maryland State Department of Assessments and Taxation. The contractor will be allowed to substitute an approved MBE if Mendocino General Contractors, Inc. is not in good standing at the time of award.

**MWBOO FOUND VENDOR IN COMPLIANCE**

8. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 450,000.00	9938-902791-9475	9938-903791-9474
State	Reserve	Active
	Park & Playgrounds	Park & Playgrounds
	Renovations FY10	Renovations FY10

This transfer will provide funds to cover costs associated with the award of the Latrobe Park Athletic Court and Sidewalk Improvements, Contract No. RP 1833 to Allied Contractors, Inc.



## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:Bureau of Purchases

11. B50002098, Steel Toe Rubber Hip Boots	A&A Sales Associates, LLC	\$ 44,457.00
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**MWBOO GRANTED A WAIVER**

12. B50002092, Terex Loader Model TL160 or City Approved Equal	Security Equipment Co.	\$ 94,592.50
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**MWBOO GRANTED A WAIVER**

13. B50002106, MJ Gate Valves		\$ 400,000.00
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Items 1-7, 9, 11, and 13-16	HD Supply Waterworks, Ltd.	\$ 300,000.00
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Items 8, 10, and 12	LB Water Services, Inc.	\$ 100,000.00
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**MWBOO GRANTED A WAIVER**

14. B50002025, OEM & Remanufactured Toner & Inkjet Cartridges	Rudolph's Office & Computer Supply, Inc.	\$ 900,000.00
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This is a requirements contract therefore, amounts will vary.

**MBE:** Sutherland Data Products 5%

**WBE:** All Pro Placement Services 2%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**A LETTER OF PROTEST WAS BEEN RECEIVED FROM MY OFFICE PRODUCTS AND THE MARYLAND MINORITY CONTRACTORS ASSOCIATION.**



P.04 #14

WHITEFORD, TAYLOR & PRESTON L.L.P.

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DEBORAH H. DIEHL  
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ddiehl@wtplaw.com

October 3, 2011

VIA HAND DELIVERY

The Honorable Stephanie Rawlings-Blake  
Mayor's Office, City Hall  
100 N. Holliday Street, Room 400  
Baltimore, Maryland 21202

George Nilson, Esquire  
City Solicitor  
101 City Hall  
Baltimore, Maryland 21202

The Honorable Bernard C. "Jack" Young  
Baltimore City Council  
Office of the President  
City Hall  
100 N. Holliday Street, Suite 400  
Baltimore, Maryland 21202

Col. Alfred H. Foxx, Jr.  
Director of Public Works  
600 Abel Wolman Municipal  
Building  
Baltimore, Maryland 21202

The Honorable Joan Pratt  
City Comptroller  
100 N. Holliday Street, Room 204  
Baltimore, Maryland 21202

**Re: Solicitation Number B50002025 for Procurement of OEM and  
Remanufactured Toner and Inkjet Cartridges**

Dear Madam Clerk:

We represent MyOfficeProducts, a bidder in connection with the above-referenced Solicitation. On behalf of MyOfficeProducts, we protest the action by the Board of Estimates to award a contract to Rudolph's Office Supply on grounds that the procurement office improperly evaluated Rudolph's proposal submission. We ask the Board to consider the following key points prior to voting on this matter.

This procurement is subject to the competitive bidding requirements under Article IV, § 11 of the Baltimore City Charter. Pursuant to Baltimore City Charter

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Article IV, § 11(g)(1)(ii), the Board of Estimates is required to award this contract to “the lowest responsive and responsible bidder” responding to the Solicitation. The Solicitation provides that proposals are to be evaluated on the basis of certain required technical and price information. An award, if made, is to be made to the responsible vendor receiving the highest combined evaluation score considering basic responsiveness to Solicitation requirements, technical merit and price.

The City sought competitive bids from interested vendors and received responses from 5 bidders. Of those 5 bidders, Rudolph’s, CVR Computer Supplies (“CVR”) and MyOfficeProducts proposed the lowest overall prices. As discussed in more detail below, both Rudolph’s and CVR’s proposals should have been either eliminated from the competition or significantly downgraded as a result of material omissions and/or mistakes in their proposal documents.

#### **I. CVR’s Proposal Failed to Comply With Key Solicitation Requirements**

CVR should have been eliminated from the competition because its bid package did not include key technical information expressly required by the Solicitation. Specifically, CVR failed to provide the following items:

- (1) A copy of a current Certificate of Good Standing with the Maryland State Department of Assessment and Taxation (SDAT); and
- (2) A copy of cartridge warranties.

Both of the foregoing were required submissions in order to determine CVR’s basic responsibility for this procurement and, pursuant to SW 19(D)(3) of the Solicitation, their omission from CVR’s proposal package should have led the procurement office to reject CVR’s bid as non-responsive.

In addition, CVR’s proposal omitted any substantive information about its cartridge recycling program, which was required by Section DS7 of the Detailed Specifications attached to the Solicitation and should have resulted in rejection of its bid. CVR also did not provide a company website or any information regarding its ordering or delivery process. Given the absence of such basic vendor information, it is unclear whether CVR has adequate labor and equipment resources to meet the City’s requirements for this procurement. At minimum, in light of the foregoing deficiencies, the procurement office should have significantly downgraded CVR’s technical proposal. Had the procurement office properly taken these serious deficiencies in CVR’s technical proposal submission into account, CVR’s overall evaluation score,

despite its proposal price, should have been lower than that of MyOfficeProducts, and CVR's bid should have been rejected.

## II. Rudolph's Lower Price Is the Result of Mistakes in Its Pricing Sheet

Rudolph's also proposed a lower overall price than MyOfficeProducts. However, Rudolph's bid price is based upon multiple mistakes in the calculation of its line item pricing. Significant mistakes in Rudolph's pricing calculation resulted in an artificially low bid price that does not include pricing for all cartridge units required by the City in this procurement.

The Solicitation provides that bids are to be evaluated based on the sum of the extended prices for each line item. Each line item contains a single product and establishes the number of original equipment manufacturer ("OEM") units as well as the number of remanufactured units the City will purchase of that product. Vendors were required to provide per unit pricing for both OEM and remanufactured units within each line item, multiply the per unit price for each by the number of required units for each, add the extended OEM price to the extended remanufactured price and display the total price for each contract line item.

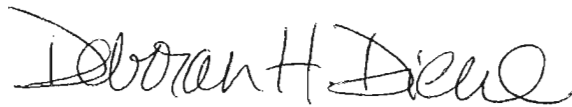
The pricing information submitted with Rudolph's bid revealed that in Pricing Sheet line items 27-33 and 36-76, Rudolph's did not provide any pricing for OEM units, and only included prices for the remanufactured equivalent units. As a result, the extended prices for 46 line items in Rudolph's bid did not include prices for 1,475 OEM units required by the Solicitation. This error constitutes a major omission in Rudolph's price proposal. Rudolph's worksheet incorrectly lists a total bid of \$555,632.07; the corrected bid should be **\$626,081.28**, which is higher than the bid presented by MyOfficeProducts. Additionally, since Rudolph's miscalculated its bid, the bid bond submitted with its proposal is too low and does not comply with the bid guarantee requirements in Section SW5 of the Solicitation.

In short, Rudolph's proposal does not conform to the Solicitation requirements and does not include delivery of all required units required for the price quoted. Also, Rudolph's artificially low bid will result in higher overall costs to the City for these products since, if awarded the contract, Rudolph's will subsequently request an increase in the contract price to account for the 1,475 units left out of its proposal. We request that the Board reject Rudolph's nonconforming proposal since it does not represent the best value for the City of Baltimore.

**III. MyOfficeProducts Submitted the Best Technical and Price Proposal and Should Be Awarded the Contract**

Had the procurement office properly eliminated or downgraded CVR's non-responsive technical proposal and adjusted Rudolph's overall score to reflect correct pricing, we believe the proposal submitted by MyOfficeProducts would have been evaluated the highest of all five bidders. MyOfficeProducts' proposal represents the best combination of technical merit and price for this procurement. Accordingly, it is in the best interest of the citizens of Baltimore to award this contract to MyOfficeProducts.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah H. Diehl". The signature is fluid and cursive, with the first name being the most prominent.

Deborah H. Diehl

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

# 64 #14

**MMCA- Maryland Minority Contractors Association, Inc.**

A Chapter of the American Minority Contractors and Businesses Association, Inc.-AMCBA

Baltimore, Maryland 21210

443-413-3011 Phone

410-323-0932 Fax

October 4, 2011

VIA Facsimile 410-685-4416

The Honorable President and Members  
Baltimore City Board of Estimates  
**Attention:** Clerk to the Board  
City Hall-Room 204  
Baltimore, MD 21202

Dear Mr. President:

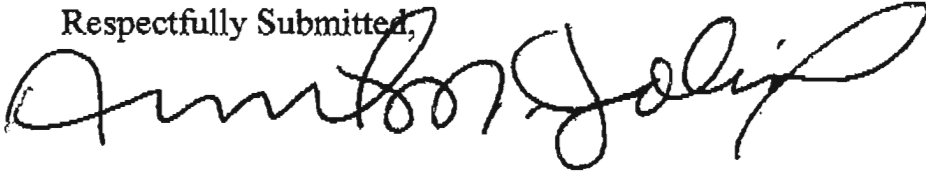
I represent the Maryland Minority Contractors Association, Inc. ("MMCA"), its members, clients and constituents. I hereby file a protest against item 14, on page 64 of your Honorable Board's 10/05/2011 agenda, titled, "B50002025, OEM and Remanufactured Toner and Inkjet Cartridges."

We respectfully request and urge Your Honorable Board to reject the Bureau of Purchases' recommendation to award the subject contract to Rudolph's Office and Computer Supply, Inc. (Rudolph's), inasmuch as Rudolph's bid proposal is clearly not the "lowest responsible and responsive" bid within the definition of Article VI, Section 11 et seq. Rudolph's has been the incumbent vendor on this contract for over seven (7) years, and the Bureau of Purchases' recommendation to award this contract to Rudolph's is an improper effort to retain Rudolph's as the contractor for these services.

It is not appropriate for the Bureau of Purchases to choose sides or one vendor over another simply because one vendor is the incumbent vendor and the Bureau likes working with it. New vendors must be provided fair and equal opportunity to win City contracts in cases where they are the "lowest responsible and responsive bidder," within the meaning of the City charter.

MMCA and its clients will suffer injury if the Board approves the Bureau of Purchases' recommendation to award to Rudolph's. Thank you for your kind and favorable consideration in this matter.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Arnold M. Jolivet". The signature is fluid and cursive, with the first name "Arnold" being more prominent and the last name "Jolivet" following in a similar style.

Arnold M. Jolivet  
Managing Director

## MINUTES

Vice President: "The next protest on the non-routine agenda can be found on page 64 item 14, OEM & Remanufactured Toner and Inkjet Cartridges. At this time first we will hear the protest of Whiteford, Taylor & Preston who are representing MyOffice Products. Will the parties please come forward? Could you identify yourself?"

Mr. Jonathan Claiborne: "Jonathan Claiborne for Whiteford, Taylor & Preston representing MyOffice Products, and the basis of our -- excuse me of our protest is that there was a blatant mathematical error in the contract of the -- or in the bid of the contract that has been recommended for Rudolph's Office & Computer Supply. That mathematical error was either overlooked or ignored by the Office of Procurement and as a result if that mathematical error was corrected, Rudolph's bid would be higher than the bid from MyOffice Products, which was the second lowest bid. Thus making MyOffice products the lowest responsive and responsible bidder, by some approximately \$10,000.00. The mathematical error, I think is most easily explained if the Board would permit --."

Vice President: "Do you have copies?"

## MINUTES

Mr. Claiborne: "Yes. These are the pricing sheets. This is Rudolph's and then I will also hand out --."

Mayor: "Do you have those?"

Vice President: "We need one more."

Mr. Claiborne: "I've got several more. Does everyone have one that needs one? Let me also hand out the pricing sheet for MyOffice Products, so that we can do a comparison and the handwriting on the top is mine just to verify the spreadsheet is good. The --"

Vice President: "Thank you."

Mr. Claiborne: "Mr. Nilson, and if you look at, let's start with the Rudolph's pricing Sheet. If you turn to page two, item number 27 which is the second page of the pricing sheet, essentially what this pricing sheet what the parties were required to do -- what the bidders were asked to do and what this pricing sheet shows, this was a contract for toner, for the various copying machines and printers throughout the City system. On the first side you will see OEM or Originally Equipment Manufacturer those are new toners and then there was a remanufactured column for - - because obviously sometimes you will use remanufactured or refurbished toners. The parties were



## MINUTES

asked to give an OEM and you can see the numbers down the OEM column are precise numbers, 25, 25 - - you go down - - 30, 60, 87, 17 those were historical numbers that would show the actual number that the City anticipated that would need to be produced during the contract. You go to the remanufactured you will see that for every page throughout the system they're all 20. Twenty items. The numbers on the actual the OEM the original varies. They go as high as if you turn the pages you will see 49, 48, 50, 154, 232, these numbers get higher; and higher that again is the actual historical use as opposed to these sort of what somewhat arbitrary numbers of "20" for every of the refurbished. Starting on the second page of the pricing, item number 27 and continuing through to item number 33 and then picking up again with 36 through 76, those items -- the requested item is actually a refurbished toner. That is exactly what was being requested on those particular cases. But, instead of multiplying the price of the refurbished toner times the actual number, Rudolph moved it over to the remanufactured and multiplied everything times 20 instead of times 17, times 25, times 33, times 35 and on the further pages the numbers get higher, times 28, times 44, times 45, times 49. Some of them

## MINUTES

are times 100, times 116, 118. As a result of that, by using a lower number; 20 and leaving out the actual number 116, 120 whatever, there is approximately 1,400 to 1,500 toners that have not been accounted for in the bid. The average price for the toner if you look through here is about \$50.00 a toner, so that is approximately \$9 or \$10,000.00, and if you do the math out, which my client did it is approximately a \$9 to \$10,000.00 difference in the pricing which, excuse me it is about \$70,000.00 difference in the pricing. So, that takes the Rudolph's bid from \$550,000.00 up to approximately \$625,000.00 and that is the difference in the pricing which makes it higher than the bid submitted by MyOffice Products. If you look at MyOffice products and quite frankly all of the other there were five bidders altogether. The other four bidders all filled in the pricing the same way which is to put in items 23 through -- excuse me 27 through 33 and 36 through 76, they filled in for the actual number of toners. So, their prices had to be higher, just because they were multiplying it by 1,400 more toners. Rudolph's did not multiply it by the right number of toners and as a result their number is approximately \$70,000.00 lower than it should be than it would be quite frankly when they start

## MINUTES

providing the toners for the actual number required, and that takes their bid from \$555,000.00 up to approximately \$625,000.00. My client, MyOffice Products bid was \$617,000.00, therefore it is the lowest responsible and responsive bidder and should receive this to save the City some \$10,000.00 and quite frankly as a matter of fairness to the bidders."

Vice President: "Any questions?"

City Solicitor: "I would like to hear from Mr. Mazza."

Mr. Joe Mazza: "Hello, I am Joe Mazza the City Purchasing agent. The way this bid was constructed was to try and well we had a couple of problems constructing this like we do any complicated bid. One of them is that we wanted them to have quantities in there for each product. Many times bids go out just saying that we need these items and we just add up the score of those items and that is the way they bid. Well when you do that, sometimes your undervaluing some items and overvaluing others. Items that we are going to buy a lot of we want them to have more weight in their price and items that we are only buying a few of. So, what we do is, we put in quantities to weight those things appropriately. Our knowledge of our usage and our predicated usage is imperfect. We do the

## MINUTES

best that we can by putting those things in there and they were in there and they are what they are. They were our best estimate at that time. Now, the bidders -- the other problem with is that the market for these the marketplace is volatile. The availability of cartridges for certain printers they become available, they don't become available. Somebody may be making remanufactured cartridges for this printer, maybe not. There maybe OEM cartridges for a certain printer, maybe not. We think we had a pretty good handle on it. We had 400 items in there which we thought was a market but we anticipated that there would be non-bids on some of these items. So the way we handled that was, since price was worth 200 points, the way we handled that was we subtracted a half point for each of the 400 items that was not bid. So in a theatrical situation where no one bid on anything, their price of course would be very low or it would be zero. They would get the full 200 price points, but then we would knock of the 200 points because they didn't bid anything. So, that is how we chose to handle non-bids. Now, as to which column Rudolph's put their items in, we only -- we presume that they put them in the column that was appropriate for the item that they are going to supply. We are going to hold them

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accountable for supplying that item. So, we maintain that Rudolph's bid was accurate as we calculated it and we subtracted points from their price score to reflect the fact that they didn't bid. As a matter of fact, we subtracted 39.5 points from Rudolph's bid. We also subtracted 39 points from MyOffice Products bid for items that they did not bid. But to take this - - so our position is that this was done correctly and the award should be as it is. But, to take it one step further, even if we agree with the protester that the price that should be -- that should have been included in the evaluation for Rudolph's was indeed \$626,018.00. In that case, when you do the calculation with the price score and the technical score and with the deductions, they are still the second highest scoring bidder. So it would lose in either case, even if the protester was correct."

City Solicitor: "I'm sorry your saying they or the second highest, you mean MyOffice Products would be the second highest and Rudolph's --."

Mr. Mazza: "MyOffice Products would be the second highest."

City Solicitor: "And Rudolph's would be first by a slight margin, but nonetheless --."

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Mr. Mazza: "A very slight margin, but still higher."

Vice President: "Madam Mayor."

Mayor: "Just to the exact point that the protestant is making about the 1,400 toners that aren't accounted for. Can you speak to that point?"

Mr. Mazza: "Well, they won't be available from the bidder just as the toners that MyOffice Products didn't bid would not be available from them. We will have to deal with that on a case-by-case basis. Maybe buy a new printer if we can't get a cartridge for the one we have or go elsewhere."

Comptroller: "Did you want to say something?"

Mr. Claiborne: "Well, I mean what happened was you were required to bid, the primary bid was the OEM and I think if you go through the sheets, MyOffice Products bid on every OEM. The only time they left something out was on the remanufactured equivalent and those again were the 20. By virtue of this huge number of unaccounted for toners some 1,400 plus toners it completely skews the bid, by some \$70,000.00, and again if you look at there were five bidders. Two did not meet the technical requirements. The third bidder had a much higher price. Out of five bidders only one had a bid like Rudolph's where they left

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out large numbers of the OEM bid and instead went with a much smaller number and if you do that, the math just gets thrown off right from the start. There is just no sort of chance to catch up, and the scoring, we have the technical scores the difference in scoring was de minimis. Rudolph's Office Supply technical score is 96.3. MyOffice Products was 91.3, so again it is like A and A-. I mean they both met the technical requirements but you have a bid that quite frankly is defective, because it did not respond to 1,400 plus toners which they were required to bid to."

Vice President: "Joe."

Mr. Mazza: "I disagree on in two ways; first, I don't why he considers that the OEM were the primary object of this. That is not the case, and secondly, we had a process in place to deal with non-bid products, it is what it is in the solicitation. We think it is logical and supportable and we applied it, and the results are as they are."

Vice President: "And you use this process in the past?"

Mr. Mazza: "Well, in your dealing with absent bids, a product that is not bid, that is always a problem in procurement. Sometimes you will just say nobody. If you don't bid

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everything, you are out. In this case, we knew that if that were the case, we probably wouldn't have anybody win, because we are uncertain of the market. There are other ways of doing -- I am sure that if we had done, there are some municipality, -- we have never done this but some municipalities will use, if you didn't bid a price they will use either the average of everybody else's bid and plug that in just for evaluation purposes or they would choose the highest or the lowest of everyone else's, and I am sure that if we had used that scheme we would have a protest that that scheme was inadequate, as well. So, we addressed the issue with non-bids. It is what it is in the solicitation. We applied it as it was written and the results are as communicated."

City Solicitor: "I assume you could have established what I call a weighted penalty system so that you penalize bidders if they didn't bid on certain categories or products more than if they didn't bid on certain other categories. You could have followed the presentation of the protestant here which is the OEM's were more important you know etcetera. But you chose I gather you chose not to do that."

Mr. Mazza: "We chose not to, because the method that we chose



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is well within the precision of our knowledge of the quantities. Our knowledge of the quantities is imperfect and therefore, we would be trying to do something with more precision really than we have. Now I agree that we are doing that on the price side or we are doing on the bid side. But the reason we didn't do it was we just didn't feel we could anymore precise."

Mayor: "Is there any advantage to be gained or did Rudolph's get an advantage by responding to the -- and I didn't look it up -- the every price that was given; the remanufactured equivalent does that automatically give them a better chance of getting a higher score?"

Mr. Mazza: "Well, having a lower price. Yes."

Mayor: "No, no, no."

Mr. Mazza: "And therefore a higher score."

Mayor: "The whole quantity issue. The contention of the protestant is that they just responded to the items that had the lower quantities so automatically they were ---."

Mr. Mazza: "Well, they could have been gaming the system and as I said the way we tried to deal with that is by subtracting the points for non-bids."

Mr. Claiborne: "If I may."

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City Solicitor: "Maybe at least that is not of great consolation to the protestant here, but if gaming the system is possible and if by reflection you think maybe the system got gamed here. Maybe the next time we should adjust the system. We put this out with the system that you chose, so we have got to play by the rules that we set."

Vice President: "Yes."

City Solicitor: "As with the problem, unless we throw everything out."

Comptroller: "I have a question. Does Rudolph always charge the City for their products the price that they submit? When we pay the invoice, do they always -- they say that they charge one price, do they always charge us that price?"

Mr. Mazza: "Yes, they do."

Comptroller: "They ---."

Mr. Mazza: "They do."

Comptroller: "My concern is, if you are saying that these 1,400 toners would not be available, why is it so important to important for the technical aspect, when it does seem like its skewed if I don't give you a price for the 1,400 then my bid is going to be lower because I didn't include it and you don't know whether as a supplier or not whether, I can get it."

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Mr. Mazza: "Well our thinking was this. If there was a toner that wasn't available then no one would bid it, and so they would all lose a half a point for that cartridge, and everybody would be equal. If someone were trying to game the system by not bidding something, that person would lose a half a point but the other people wouldn't. So that person would be penalized for gaming it, for saying they didn't have something that really was available or at least in the view of the other bidders was available."

Director of Public Works: "That is what I want you to clarify, because in the --- in your half point deduction, you applied that with the OEM and the remanufactured?"

Mr. Mazza: "Yes, we did."

Director of Public Works: "So, if you they use the remanufactured they would actually be-- they were penalized although the scores were-- you said you gave a maximum score of 200 for price?"

Mr. Mazza: "200 for price, right."

Director of Public Works: "And that was across the Board with the price and then as you took the half point deduction for no bid, it just-- you took it away from that 200 points."

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Mr. Mazza: "We took it away from whatever the --."

Director of Public Works: "So did you see that as the balancing act--"

Mr. Mazza: "Yes."

Director of Public Works: "between putting price and OEM and putting price in the remanufactured?"

Mr. Mazza: "No. We saw that as a balancing between bidding and not bidding an item."

Director of Public Works: "Okay."

Mr. Mazza: "Again, we didn't get as we didn't --"

Director of Public Works: "And that was what I was getting at--"

Mr. Mazza: "Right."

Director of Public Works: "-- putting bids and the OEM and putting bids as he indicated in the remanufacturing using the 20 or the remanufactured to lower their bids."

Mr. Mazza: "Right. I would just like to say that this particular bid, we did a lot of thinking about how to do this and I would venture that if you go out most municipalities and see this bid, it is just going to be those straight items and they are just going to add them up and then they are going to

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end up with an imperfect result in the end. So, we did everything that we could think of to try to address everything that could be wrong and that is why we structured it the way we did."

Mr. Claiborne: "One other observation I need to point out to the Board and perhaps you already recognize this. The items that we are talking about, the ones that were not bid in the OEM, those are by the bid itself, by the RFP, refurbished items. That's what is actually what is requested. So--So--So, if you put them in, they are refurbished items. That is what the bid asks for--for those items. So those items -- there is a certain number that the City apparently believes it may need which shows up in the OEM column and that is the price that we attach to that item. So, everybody is bidding the same product, it is just how many of those are you going to provide, and the OEM is a much higher number by some 1,400 which four of the five bidders bid that way, thinking the City needs all those toners. The recommended bidder did not bid that way all for the same product. It is just a bid 1,500 less toners. If you take the position to the extreme you could have not bid any of the OEM's. Your bid would have thousands, thousands less toners because it

## MINUTES

is 20 for everyone. You would lose a half a point for each of the 200. You would lose 100 points on the scoring. You would come out with 100 points because you would clearly be the lowest price, because you would have bid thousands of toners less than the City needs."

Mr. Mazza: "The creativity of bidders never ceases to amaze me. We try to stay one step ahead of them by anticipating any gaming that can be done. I think we did a reasonable job of it this time by the half point deductions and I stand by that. I believe Ms. Rudolph has something."

Vice President: "Identify yourself."

Ms. Bonnie Rudolph: "My name is Bonnie Rudolph and I am the CEO and President of Rudolph's Office Supply Company."

Comptroller: "Can you talk into the mic?"

Ms. Rudolph: "Okay. The numbers as indicated on the bid sheet for those particular products that we did not bid were because those numbers are only for the generic products or the remanufactured products. Those numbers are not for OEM toners."

Mayor: "I don't have any more questions."

Vice President: Okay. Thank you very much. We have the second protest to this is Mr. Arnold Jolivet from MMCA. Good morning."

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

Vice President: "Vice President, please."

## MINUTES

Mr. Jolivet: "Mr. Vice President. Good morning. Nonetheless, allow me to be very brief this morning, because I think counsel for MyOffice Products has presented an excellent argument, very relevant argument and I would ask this Board to allow me to adopt counsel argument because I thought it very much mirrored the argument that I would make. The only additional relevant impact or input that I would like to present to this Board. I note that Rudolph's price was \$555,000.00 and the second lowest was \$617,000.00 and I think it is important that the question be answered, why is the City Bureau of Purchases awarding the contract for \$900,000.00? And I know that it is a requirements contract and requirements contract according to Mr. Mazza sometimes are treated differently, but if Rudolph's price was \$555,000.00 what's the sense in awarding a total contract that exceeds the submitted price. I am sorry I have not been able to bridge that, so assuming that there is a reasonable answer for that, uh I would like to hear it."

Mr. Mazza: "Joe Mazza again, City Purchasing Agent. We try to structure our bids by using quantities the best we can to try and get the total bid price to be somewhere near what we think we are going to spend for the year. Again--or for the term of the contract. Again, if we hadn't put quantities in there, then we would have a price that was uh - not even close to what we

## MINUTES

are going to be spending for the year. So, we put those multipliers in there in order to try and get a bid price that comes fairly close to what we think we are going to spend in the year. The fact is we think we are going to spend \$900,000.00 over the year. None of that money will be spent until specific orders are made by the agencies and it will be drawn down as those orders are made and they will be at the bid prices that were submitted."

Vice President: "Okay."

City Solicitor: "So it is not uncommon for you to get prices that come in as in this instance say five or six-hundred thousand dollars, but the contract the requirements contract to robustly estimate your usage of or usage for the year is a higher number."

Mr. Mazza: "Yes."

Mr. Jolivet: "Mr. President, let me just-- and I don't want to beat a dead horse and I know the hour is late, but I would like to just remind the Board that a system that Mr. Mazza has just described would lend itself to fraud and allowing a bidder any bidder to bid rock bottom just to get the contract because they know in the end that they are going to get the total amount that is budgeted rather than what the bid is. Nonetheless, I think this is a bad system and I would ask this Board either to award



## MINUTES

to the bidder who represented and submitted a legitimate honest market price rather than a price that appears to be a price that was submitted simply to get the job, and that is really --- and if this Board does not see that. This Board is bid is not a true market bid, the bid to the \$555,000.00. Whenever the Board or the City advertises a contract, the attempt should be to get a reasonable market price. Remember, this Board has a responsibility to put all bidders on an equal footing. Mr. Mazza's process here simply ignores that fundamental principle of competitive bidding and it allows the bidder as I said to rig the bids. And that is all I want to say."

Mr. Mazza: "This is not Mr. Mazza's process. This is best practice procurement processes and Mr. Jolivet I just don't think understands the basic fact --."

Mr. Jolivet: "Don't --."

Vice President: "Let's keep going. He's --."

Mr. Mazza: "That we will--."

Mr. Jolivet: "Don't tell me what I don't understand."

Mr. Mazza: "Well --."

Mr. Jolivet: "I believe I understand."

City Solicitor: "Let him finish please."

Vice President: "You had the floor, it is his turn. You have to give respect according to Mr. Mazza."

## MINUTES

Mr. Jolivet: "Well I do. I do."

Vice President: "Okay."

Mr. Jolivet: "But I am not going to let --."

City Solicitor: "Please let Mr. Mazza finish."

Vice President: "It's his --- he has the floor."

Mr. Jolivet: "I respect that."

Vice President: "Okay."

Mr. Jolivet: "But I am not going to have--."

Vice President: "Mr. Jolivet, he has the floor. That is the last time I am going to say this to you. He has the floor. He didn't interrupt you when you spoke. Give him the respect and courtesy. Go ahead."

Mr. Mazza: "Mr. Jolivet is trying -- seems to be saying to the Board that, no matter how low they bid, they are going to get more somehow. They are going to get a higher price. For example, if they were bidding on a building that they were going to build, if they came in at \$550 and the building cost \$900,000.00, that they would get \$900,000.00. They won't. They are going to build that building at \$550, and as these items are ordered they are going to be ordered at the bid price."

Vice President: "Thank you."

Mr. Jolivet: "Mr. President, thank you for allowing me to be here. But I want to clear the record. Mr. Mazza does not know

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me well enough to make a public pronouncement that I don't understand. I have been in this business far longer than he has and I am not going to allow the public record to show that he made a statement that I don't understand. I submit to you that I do understand."

Vice President: "Duly noted. Thank you Mr. Jolivet. Do I have a Motion?"

City Solicitor: "Move approval of the recommendation of Purchasing Bureau and deny both bid protests."

Vice President: "Do I have a second?"

Director of Public Works: "Second."

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

Comptroller: "I Oppose because I agree with the protestant. This contract was -- it is a commodities contract. I understand the math that if you don't bid on 1,400 items you will naturally be the lower bidder and I just think that because it's a commodities contract that we, as a City should be looking for the lowest price and I disagree with the award."

Vice President: "Okay. Let it be noted that the City Comptroller voted **NO**. Motion carries."

\* \* \* \* \*

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:Bureau of Purchases - cont'd

15. B50002047, Personal Ballistic Soft Body Armor **REJECTION** - On September 21, 2011, the Board received and opened four proposals. However, the Police Department has requested that the specifications be changed to better meet the needs of the City.

**MINUTES**

Bureau of Purchases - Acceptance of Technical Proposal  
and Opening of Price Proposal

**ACTION REQUESTED OF B/E:**

The Board is requested to approve acceptance of the technical proposal and open the price proposal of Sahara Communications, Inc. for solicitation B50001745, On-Call Marketing and Public Relations Services. The Board is also requested to return unopened, the price proposals of Regent Development Consulting and Illume Communications, LLC.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On April 13, 2011, the Board received three technical and price proposals for solicitation B50001745. The proposals were scored by an evaluation committee. Sahara Communications, Inc. was the only proposal to achieve the minimum technical score.

UPON MOTION duly made and seconded, the Board approved acceptance of the technical proposal and open the price proposal of Sahara Communications, Inc. for solicitation B50001745, On-Call Marketing and Public Relations Services. The Board also approved to return unopened, the price proposals of Regent Development Consulting and Illume Communications, LLC. The Comptroller **ABSTAINED**.

**MINUTES**Department 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.	1003 S. Charles Street	Bonni Scherr	One cornice sign 11.33' x 9", one bracket sign 2½' x 2'
	Annual Charge: \$87.90		
2.	3607 O' Donnell Street	Gunther New Headquarters DE, LLC	Service connection 18 ducts @ 482 linear feet
	Annual Charge: \$1,687.00		
3.	2300 E. Monument Street	A & A Molina, LLC	Retain awning w/ signage 52' x 2.5', one exhaust vent
	Annual Charge: \$143.33		
4.	917 E. Fort Avenue	Southside Market place, LP	One handicap ramp 5' x 4' one set of steps 6' x 4'
	Annual Charge: \$140.60		

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

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

**MINUTES**

Department of General Services - Standard Highway Option

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a standard highway option with Putnam Crossing, LLC for a partial acquisition of 2100 Washington Boulevard.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The Department of Transportation is proposing to reconstruct Washington Boulevard from Monroe to the I-95 entrance ramp, under project no. TR 03313. In the design of the project, it was determined that a portion of the property known as 2100 Washington Boulevard would need to be acquired in fee simple to complete the project. Putnam Crossing, LLC has donated the property to the City.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the standard highway option with Putnam Crossing, LLC for a partial acquisition of 2100 Washington Boulevard.

**MINUTES**

Department of General Services - Standard Highway Option

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a standard highway option with Washington-Monroe, LLC for a partial acquisition of 1800-1900 Washington Boulevard.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The Department of Transportation is proposing to reconstruct Washington Boulevard from Monroe to the I-95 entrance ramp, under project no. TR 03313. In the design of the project, it was determined that a portion of the property known as 1800-1900 Washington Boulevard would need to be acquired in fee simple to complete the project. Washington-Monroe, LLC has donated the property to the City.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the standard highway option with Washington-Monroe, LLC for a partial acquisition of 1800-1900 Washington Boulevard.



**MINUTES**Department of General Services (DGS) - Consultant Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of consultant agreement with AECOM Technical Services, Inc. The period of the agreement is effective upon Board approval for ten months.

**AMOUNT OF MONEY AND SOURCE:**

\$138,965.00 - 9916-913900-9197-910020-703032

**BACKGROUND/EXPLANATION:**

The Department of General Services has received funds from the Energy Efficiency Community Block Grant for the development of a Climate Action Plan (CAP) for Baltimore City. The CAP is a direct extension of Baltimore's Sustainability Plan.

The DGS' Energy Division and the Department of Planning Office of Sustainability worked in collaboration to solicit, review and numerically score applications from qualified consulting firms. AECOM received the highest score based on a comprehensive statement of work, a detailed budget and a commitment to complete the project within six months after approval of a contract by the Board of Estimates.

**MBE/WBE PARTICIPATION:**

<b>MBE:</b>	BITHGROUP Technologies, Inc.	\$25,000.00	17.99%
<b>WBE:</b>	Sahara Communications, Inc.	\$ 7,500.00	5.40%

## MINUTES

DGS - cont'd

MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the consultant agreement with AECOM Technical Services, Inc. The Comptroller **ABSTAINED**.

**MINUTES**

OFFICE OF THE COMPTROLLER - TRANSFER OF LIFE-TO-DATE  
SICK LEAVE

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

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

<u>NAMES</u>	<u>DAYS</u>
JoAnn White Burnett	5
Perin D. Tinsley	2
Brenda McKinley	2
Bernice H. Taylor	<u>4</u>
	13

**APPROVED FOR FUNDS BY FINANCE**

**THE LABOR COMMISSIONER RECOMMENDED APPROVAL.**

UPON MOTION duly made and seconded, the Board approved the transfer of LIFE-TO-DATE sick leave days from the listed City employees to the designated employee, Brenda M. Covington. The Comptroller **ABSTAINED**.

MINUTES

PERSONNEL MATTERS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

all of the Personnel matters

listed on the following pages:

3346 - 3348

All of the Personnel matters have been approved

by the EXPENDITURE CONTROL COMMITTEE.

All of the contracts have been approved

by the Law Department

as to form and legal sufficiency.

## MINUTES

PERSONNELPolice Department

	<u>Hourly Rate</u>	<u>Amount</u>
1. <b>BENNIE IRA CRUMP, SR.</b>	\$14.42	<b>\$30,000.00</b>
Accounts: 4000-469912-2021-212600-601009		\$28,333.32
1001-000000-2042-198100-601001		\$ 1,666.68
2. <b>CHARLES E. MITCHELL, SR.</b>	\$14.42	<b>\$30,000.00</b>
Accounts: 4000-469912-2021-212600-601009		\$28,333.34
1001-000000-2042-198100-601001		\$ 1,666.66

Messrs. Crump and Mitchell, retirees will work as Contract Services Specialists. They will be responsible for providing Victim/Witness Liaison services to victims of domestic violence. The period of the agreement is effective upon Board approval through September 30, 2012.

3. <b>BENNIE L. BLAIR</b>	\$14.42	<b>\$30,000.00</b>
Accounts: 4000-469912-2021-212600-601009		\$28,333.34
1001-000000-2042-198100-601001		\$ 1,666.66

Mr. Blair, retiree, will continue to work as a Domestic Violence Victim/Witness Liaison. He will be responsible for providing a coordinated and structured response to reduce the occurrences of domestic violence in the City. The period of the agreement is effective upon Board approval through September 30, 2012.

**MINUTES****PERSONNEL**Department of Human Resources Administrative Division4. Reclassify the following vacant position:Job No. 1603-47530

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

To: 00143 - Executive Level II  
Grade 959 (\$77,200.00 - \$132,400.00)

Cost: \$71,406.03 - 1001-000000-1601-172500-601001

**MINUTES**Department of Law - Payment of Settlement

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
1. Ruth Berry (previous owner)	1108 Rutland Avenue	L/H	\$26,600.00

On May 05, 2010, the Board approved the acquisition of the leasehold interest, by condemnation, in 1108 Rutland Avenue for the amount of \$58,900.00. The previous owner obtained an appraisal that valued the property at approximately \$157,000.00. The parties agreed to settle the case for the amount of \$85,500.00. Therefore, the Board is requested to approve payment of the balance in the amount of \$26,600.00 to Ms. Ruth Berry in settlement of this case.

Funds are available in Account No. 9910-906416-9588-900000-704040.

UPON MOTION duly made and seconded, the Board approved payment of settlement to Ruth Berry, previous owner.

**MINUTES****PROPOSAL AND SPECIFICATIONS**

Department of Transportation - TR 10301, North Charles  
Street Reconstruction from  
25<sup>th</sup> Street to University  
Parkway  
**BIDS TO BE RECV'D: 11/23/2011**  
**BIDS TO BE OPENED: 11/23/2011**

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

PRESIDENT: "The Board is in recess until twelve o'clock noon for the opening and receiving of bids."



**MINUTES**

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

**BIDS, PROPOSALS AND CONTRACT AWARDS**

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

Bureau of Purchases - B50002071, Management of  
Recreation Centers  
**BIDS TO BE RECV'D: 10/12/2011**  
**BIDS TO BE OPENED: 10/12/2011**

## MINUTES

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

1. Department of Recreation and Parks - RP 09816, Morrell Park Recreation Center

Armada Hoffler Construction Co.  
Towson Mechanical, Inc.  
Plano-Coudon\*  
The Michael Group, Inc.  
Tech Contracting Co., Inc.  
Tuckman-Barbee Construction Co., Inc.  
JLN Construction Services, LLC

\*UPON MOTION duly made and seconded, the Board found the bid of Plano-Coudon, Inc NON-RESPONSIVE due to the company's failure to submit the complete original contract book as required by the contract specifications.

Deputy City Solicitor: "Do you have a question?"

Mr. Ron McCaine: "I was just wondering -- it is for your information."

Deputy City Solicitor: "About what?"

Mr. Ron McCaine: "About the bids, about the amount of documents. I noticed that your documents, we had more documents and I didn't know if the requirement we thought was as all originals had to be complete, and we thought we had put all ours in which was like quite a bit more than everybody else's and I just wanted to know if that was necessary to have both documents as far as your contract documents along with the spec books."

## MINUTES

Because I think one book went through zero through 14 and then the second one went through I think 15 and 16, which would have been the complete set. I was just wondering how that requirement was set up?"

Deputy Comptroller: "Generally, Sir instructions are actually in the material."

Deputy City Solicitor: "That was what I was going to say in the bid documents."

Deputy Comptroller: "And it tells you here on the front sir -- would you state your name for the record please?"

Mr. Ron McCain: "Ron McCain with Tuckman-Barbee Construction."

Deputy Comptroller: "What it states it says notice to bidders "the complete original contract book and the duplicate bid or proposal must be included in the envelope." So, if and normally sometimes there is a two part and I notice here there is one, this is a one and two (Part 2). So, normally the contract book if that is one (Part 1) you would submit that as well as your duplicate."

Mr. Ron McCain: "Okay."

Deputy Comptroller: "Right, so if --."

Mr. Ron McCain: "And that was the actually requirement then?"

Deputy Comptroller: "Yes. That is the requirement."

Deputy City Solicitor: "Well in that -- I mean."

## MINUTES

Deputy Comptroller: "In this particular bid."

Mr. Ron McCaine: "Okay."

Deputy Comptroller: "So if you look always in the bid itself --  
-."

Deputy City Solicitor: "Right."

Deputy Comptroller: "It will tell you on the page what you are  
supposed to submit back."

Mr. Ron McCaine: "So the contract book may be just the first  
book it wouldn't be with the complete --?"

Deputy Comptroller: "Well I am not able to answer that  
question."

Deputy City Solicitor: "Right."

Deputy Comptroller: "Because I didn't prepare the specifications  
for it, but when you read your materials if one was the contract  
book that is what you would submit. If it were number one."

Mr. Ron McCaine: "Okay."

Deputy Comptroller: "Okay."

Mr. Ron McCaine: "Just for our information --."

Deputy Comptroller: "Sure."

Mr. Ron McCaine: "Because I notice that we couldn't get all of  
everything all in one envelope and we were wondering wow --."  
"We interpreted it to be complete to mean both books."

Mr. Ron McCaine: "Both books."

MINUTES

Deputy City Solicitor: "It probably won't hurt you."

Mr. Ron McCaine: "Okay."

Deputy City Solicitor: "I mean if you submitted more than --."

Mr. Ron McCaine: "Then we just for our own information."

Deputy Comptroller: "Okay. Well we thank you so much."

Mr. Ron McCaine: "Thank you."

\* \* \* \* \*

- 2. Bureau of Purchases - B50002133 Sodium Hydroxide  
(25% Solution)

Jones Chemical, Inc.  
 Kuenhe Chemical Co., Inc.  
 Univar USA, Inc.  
 Maryland Chemical Co., Inc.

- 3. Bureau of Purchases - B50001745, On-Call Marketing  
and Public Relations  
Services (**PRICE**)

Sahara Communications, Inc.

\* \* \* \* \*

There being no objections, the Board UPON MOTION duly made and seconded, the Board adjourned until its next regularly scheduled meeting on Wednesday, October 12, 2011.

JOAN M. PRATT  
 Secretary