

MINUTES

REGULAR MEETING

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

The meeting was called to order by the President.

Deputy Comptroller: "Good morning for today's agenda the Board received a protest on behalf of Berman's Towing Inc., on B50002251, which is the bid opening at twelve noon today for Citywide Police Requested Towing. The protest is acknowledged as being received. However, it will not be heard today. The protest will be heard, if applicable, at the time of award."

President: "I will direct the Board members attention to the memorandum from my office dated May 07, 2012, identifying matters to be considered as routine agenda items, together with any corrections and additions that have been noted by the Deputy Comptroller. I will entertain a motion to approve all of the items contained on the routine agenda."

MINUTES

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

Comptroller: "Second."

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

The routine agenda has been adopted."

* * * * *

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May 8, 2012

VIA HAND DELIVERY

Ms. Bernice Harriette Taylor, Deputy Comptroller
Secretary
Baltimore City Board of Estimates
City Hall
100 N. Holliday Street, Suite 204
Baltimore, Maryland 21202

RE: **BID PROTEST**
Department of Finance, Bureau of Purchases
Solicitation No. B50002251
Request for Bids to Provide Citywide Police Requested Towing
Services

This law firm represents Berman's Towing, Inc. ("Berman's"), a potential bidder for Solicitation No. B50002251. The purpose of this letter is to protest improprieties in the Request for Bids ("RFB") that are so significant as to place bidders on unequal footing. The correction of these flaws would be of such a magnitude that amendments to the RFB are necessary. In the meantime, the City should postpone of bid submission beyond current date set for Wednesday, April 25, 2012.

As a preliminary matter, Berman's is aware that there are no formal protest procedures under Charter Art VI, § 11. However, pursuant to Charter Art. VI, § 11(a), the Board of Estimates is responsible for "supervising all purchasing by the City." Under that authority, the Board of Estimates should direct the Bureau of Purchases ("Bureau") to (a) correct the flaws in the RFB outlined in this Protest by way of amendment, and (b) postpone bid opening until bidders have had a sufficient time to respond to such amendments. *See Helmut Guenshel, Inc.,*

MSBCA No. 1434, 3 MSBCA ¶211 at 7 (1989) (“a party who has filed a timely protest prior to bid opening is entitled to an answer prior to bid opening even if it means postponing the date or time for receipt of bids.”).

The City should provide bidders with adequate time to prepare responsive bids in response to any forthcoming amendment. By analogy with State procurement law, COMAR 21.05.02.08C sets forth,

Amendments shall be distributed within a reasonable time to allow prospective bidders to consider them in preparing their bids. If the time and date for receipt of bids does not permit preparation, the time shall be increased to the extent possible in the amendment or, if necessary, by telegram or telephone and confirmed in the amendment.

See Delmarva Drilling Co., MSBCA No. 1096, 1 MSBCA ¶36 at 3 (1983) (holding, “[i]t is clear to this Board that the failure to provide a reasonable time to allow prospective bidders to respond to a solicitation addendum can affect the competitive process”).

I. BACKGROUND

a. The Current System

Under the current system, the Medallion towing companies and the City operate pursuant to the City Towing Agreement that provides various rates, discounts, *etc.*, in exchange for various Services.¹

To illustrate: Suppose a vehicle driver gets in an accident or gets arrested; in either event, officers on scene call the dispatcher at police headquarters. As required by Baltimore City Code, Art. 31, Section 22-12(b)(2), the dispatcher contacts the Medallion-licensed towing company – whose place of business is closest to the scene – to tow the disabled vehicle. Upon request of the driver, the vehicle may be towed to the towing company’s private yard/shop for storage at rates prescribed in the Agreement.

Usually, the vehicle is towed to the City impound lot on Pulaski Highway (the “Pulaski Lot”) on the east side of Baltimore City. The towing company invoices the City Department of Transportation, stating agreed-upon rates and discounts for the various types of services. For example, for vehicles towed from the east side of the City to the Pulaski Lot, the rate is \$130; the rate is \$140 for similar towing from the west side because it is more costly due to the greater distance. In either event, the towing company submits an invoice which grants the City a \$20 discount off the gross rate. The City pays the towing company the discounted amount (*i.e.*, \$110 or \$120, respectively) and keeps the \$20 per tow.

¹ The current RFB does not procure other towing services, such as towing of cars illegally parked, private trespassers, etc.

The City, in turn, makes the vehicle owner (or his/her insurance carrier) pay the gross price for towing, as well as various administrative fees for administration and storage. The \$20 per tow, which the City keeps, annually generates approximately \$440,000 for the roughly 22,000 tows to the Pulaski Lot.

b. The Original and Revised Request for Bids

The City originally issued the RFB on February 29, 2012. It invited towing companies to bids for police-summoned towing to Pulaski Lot, as well as towing services for “peak-hour” parking violations. Only those bidders awarded a Contract under the RFB would receive Medallion towing licenses, and all existing licenses would expire. A single towing company would have been awarded the contract to work in each of geographic sector; namely, East, West, North and Central Business District. No bidder could be awarded more than one sector.

The original RFB set forth maximum rates to be paid for the work in each sector (*e.g.*, \$75.00 for “Standard Peak Hour Violation” Tow for Motorcycles, Automobiles, and Light Trucks). The contracts would have been awarded to the responsive and responsible bidder that submitted the lowest bid, per RFB Section SW3. The maximum rates charged by awardees would be lower than the current rates for towing. If so, assuming the City charges the same rates to vehicle owners for retrieval of the vehicle (*i.e.*, \$140), the City could generate more revenue than the current \$20 discount per tow.

II. THE REVISED REQUEST FOR BIDS CONTAINS SIGNIFICANT FLAWS

In the days since the RFB was published, the City substantially revised the original RFB. The RFB does not establish a single award per geographic sector. Rather, RFB Section SW3.A, page 4, states in part:

Therefore, an award, if made, will be to the responsive and responsible Bidder(s) that pass(es) the technical evaluation as determined by the Police Commissioner and/or Director of the Department of Transportation (“DOT Director”) and the Bureau of Purchases and submits the lowest bid(s) as indicated on the bid sheets.

From among the number of bidders that pass the technical evaluation step, the City selects the bidder – or bidders – that offer the lowest prices. Similar to the original RFB, the first step towards selection is the “technical evaluation” which is equivalent to a “pass/fail” test.²

² The method of source selection is analogous to State multi-step competitive sealed bidding, pursuant to COMAR 21.05.02.17. The method of source selection is not analogous to competitive sealed proposals, pursuant to COMAR 21.05.03.03 where the technical proposal is subjectively evaluated against the technical requirements of the request for proposals. Under multi-step competitive sealed bidding, all bids that are found technically “acceptable” during the technical evaluation are then evaluated solely upon price.

The City would be better off if it simply awards contracts to *all* responsible bidders that offer responsive bids and are found technically “acceptable” (*i.e.*, “pass” the technical evaluation’s minimum requirements) and offer no more than the maximum bid price. This would allow the City to comply with Art. 31, Section 22-12(b)(2), which provides “the Commissioner shall summons the medallion towing company whose place of business is closest to the scene of the accident.”

As things stand now, there are numerous significant flaws in the RFB, outlined below.

a. The RFB Prevents Bidders From Competing on Equal Footing Because of the Lack a Common Understanding of the Requirements for Award.

The RFB is ambiguous. In an effort to figure out what the RFB specifications require, prospective bidders have submitted more than 150 questions. The City has furnished various answers, mostly on Citibuy. There is a huge problem, however. RFB Section SW9.B instructs bidders that these “[a]nswers shall not be construed to modify the solicitation unless issued by addendum.” This is inconsistent with analogous federal case law which holds such Q&A to be an amendment of the RFB terms. *See Linguistic Systems, Inc.*, B-296221, 2005 CPD ¶104 (Comp. Gen. June 1, 2005) (“questions and answers” posted online by procurement officer, and provided to all vendors, “meets all of the essential elements of an amendment to the solicitation and – even where not designated as an amendment – is sufficient to operate as such”).

The City should post *all* responses to inquiries made by potential bidders to the Citibuy website. The City must stand behind these answers and incorporate all Q&A responses into the RFB by way of formal amendment in order to eliminate the confusion as to whether bidders may rely upon the City’s responses.

The City has created a process that is both unfair and confusing, to say the least, because bidders are instructed that these pre-bid interpretations are not binding on bidders nor the City. The City has missed the chance to tell the bidders exactly what the City wants. If the City cannot state clearly what is required to get a contract award, it is unfair to expect bidders to figure it out. Worse, the bidders cannot compete on equal footing, each sharing a common understanding about the RFB requirements. Among other ambiguous provisions, the basis for award is not clear. If bid opening occurs with such an ambiguity remaining in the RFB, the solicitation should be cancelled and re-solicited. *See Absolute Restoration*, MSBCA No. 2088, 5 MSBCA ¶454 (1998). The City risks this possibility because bidders may have different understandings of the specifications due to multiple ambiguities.

The Board of Estimates should instruct the Bureau to amend the RFB to formally incorporate all Q&A posted on Citibuy. The Board of Estimates should instruct the Bureau to postpone bid opening so that bidders may have a sufficient amount of time to prepare bids in response to the amendment.

b. The RFB violates the equal protection guarantee established in Art. 24 of the Maryland Declaration of Rights.

The RFB illegally discriminates against towing companies located outside of Baltimore City. The RFB, at page B-8, Section C(2)(a), requires bidders “demonstrate a significant business presence in Baltimore City for the purposes of towing vehicles in accordance with the Ordinance and these regulations.” This requirement violates the Maryland Constitution. Baltimore County and Anne Arundel County towers may be closer to the scene of the car accident than any City-based awardee of the Contract.

As explained by the Court of Appeals in *Verzi v. Baltimore County*, 333 Md. 411 (1994), a Harford County towing company challenged a provision of Baltimore County Code, which required a towing company maintain a place of business in Baltimore County as a condition of licensure. The Court of Appeals held that this Code provision violated the equal protection guarantee provided by Art. 24 of the Maryland Declaration of Rights.

Based on similar legal flaws, a towing company based outside of the City could successfully challenge the award of contracts under the instant RFB. The City might be ordered rescind the contract awards, and this might force the City to resolicit for towing services under a new RFB.

Rather than requiring a “significant business presence in Baltimore City,” the RFB should merely reflect Art. 31, Section 22-12(b)(2) which assigns tows to “the medallion towing company whose place of business is closest to the scene of the accident.” The Board of Estimates should instruct the Bureau to amend the RFB and remove the business presence requirement.

If such an amendment is made, the out-of-City towing companies should be given a reasonable amount of time to compete for this contract. If bid opening is not postponed, out-of-City towing companies could argue that they were not treated equally by the City. This would be due to the short amount of time afforded them to prepare a bid in comparison to City-based towing companies.

c. The RFB Does Not Comply with Art. 31, Section 22-12(b)(2).

RFB Section DS9 requires assignment of the towing company in a manner that is in violation of law. Art. 31, Section 22-12(b)(2) provides that “the Commissioner shall summons the medallion towing company whose place of business is closest to the scene of the accident.” RFB Section DS9 requires that the Medallion towing company “whose place of business *shown on the Medallion towing application* is closest” shall be summoned.

RFB Section DS9 restricts the determination of “place of business ... closest to the scene of the accident” to a single place of business; namely, the address listed on the Medallion license application. Art. 31, Section 22-12(b)(2) contains no such restriction. The police dispatcher is concerned with the practical reality of proximity to the scene, not the street address shown on some application form. Some bidders may have multiple locations, so the City should opt for the

Bernice Harriette Taylor

May 8, 2012

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share a common understanding about the requirements of the RFB. Bidders are not on equal footing, thus the solicitation is flawed and must be clarified by way of amendment.

The Board of Estimates should instruct the Bureau to amend the RFB to clearly set forth the minimum technical requirements bidders must meet in order to “pass” the technical evaluation. The Board of Estimates should instruct the Bureau to postpone bid opening so that bidders may have a sufficient amount of time to prepare bids in response to the amendment.

e. East Side Towers Have An Unfair Competitive Advantage.

The RFB does not provide any remuneration for the increased distance between tows occurring from the west side of the City to the Pulaski Lot versus the shorter tows from the east side of the City. The RFB has an anomalous single set of maximum rates. The \$95 rate for tows from the costly west side is the same maximum for tows from the less expensive east side. The RFB treats unequal cases equally, a species of arbitrariness. Under the current Towing Rates Agreement, as amended, west side towers earn an additional \$10 to account for the additional distance to the Pulaski Lot.

The RFB could lead to the City awarding solely to east side bidders, leaving the west side of the City without coverage from a Medallion towing company. The five lowest priced bidders might all be from the east, and the City would still need towing companies from the west that did not offer one of the lowest bids. Should the City base its determination of award – in any part – upon the geographic location of the bidder, this determination would violate RFB Section SW3.A, which sets forth “lowest bid(s)” as the only determination if award between responsive and responsible bidders who pass the technical evaluation.

The Board of Estimates should instruct the Bureau to amend the RFB to provide an additional \$10 per tow for towing services originating on the west side of the City. The Board of Estimates should instruct the Bureau to postpone bid opening so that bidders may have a sufficient amount of time to prepare bids in response to the amendment.

f. The RFB’s Split Award May Lead to Violation of Art. 31, Section 22-12(b)(2) And Failure to Achieve The MBE/WBE Goals.

The RFB is unclear about whether a bidder that is successful only for Bid Item II (*heavy tows*) will be entitled to assignment of Bid Item I (*light tows*) in view of Art. 31, Section 22-12(b)(2). RFB Section SW3.D sets forth:

Bid Item I shall be for Medallion towing for motorcycles, cars, and light trucks, as defined as less than five tons, gross vehicle weight. Bid Item II (Heavy Equipment and Trucks) shall be bid and awarded separately from those for cars and light trucks, and shall include all vehicles that are five tons or greater, gross vehicle weight. To be responsive to Bid Item II, a bidder must submit an acceptable license application for vehicles capable of towing

Heavy Equipment and Trucks, as determined by the Police Commissioner.

Suppose a bidder offers the lowest bid for Bid Item II (*heavy tows*), is awarded a contract, and receives a Medallion towing license. Suppose this bidder also submits the highest bid for Bid Item I (*light tows*) and is not awarded a contract for this service. If so, the question is whether the City would still be obligated to assign the light tows to this medallion towing company – assuming its place of business is closest to the scene of the accident – pursuant to Art. 31, Section 22-12(b)(2). This question points to a loophole in the solicitation, of which bidders may have differing interpretations.

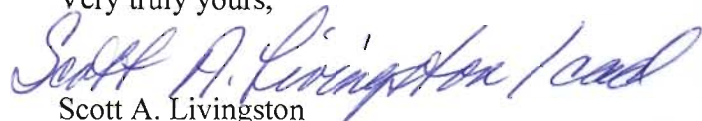
This split award raises another question regarding MBE/WBE participation. Suppose a bidder submits a Part C Statement of Intent that indicates the bidder's intent to subcontract with a towing MBE/WBE for a certain percentage of the contract value. To Berman's knowledge, no certified MBE/WBE firm possesses heavy tow equipment. If the bidder is awarded a contract only under Bid Item II, the MBE/WBE is not available to perform heavy tows and subsequently may not participate as an MBE/WBE within the contract scope of work. The MBE/WBE firm could only perform work under the Contract if the bidder was awarded a Medallion license that – pursuant to Art. 31, Section 22-12(b)(2) – entitled the bidder to perform light tows in addition to heavy tows.

The Board of Estimates should instruct the Bureau to amend the RFB to clearly state whether award of a Medallion license under Bid Item II will qualify a towing company to be the closest Medallion tower for purposes of light tows under Bid Item I and Art. 31, Section 22-12(b)(2). The Board of Estimates should instruct the Bureau to postpone bid opening so that bidders may have a sufficient amount of time to prepare bids in response to the amendment.

III. CONCLUSION

Pursuant to the Board of Estimates' authority under Charter Art. VI, § 11(a), Berman's requests the Board of Estimates instruct the Bureau of Purchases to amend the Request for Bids accordingly, and to postpone bid opening in order to allow bidders to properly respond to RFB amendments.

Very truly yours,


Scott A. Livingston

cc: Board Members
Erin Sher Smyth, Esq., Department of Law (via email to erin.sher@baltimorecity.gov)

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:

Brown-Tisdale, Inc.	\$ 603,000.00
C & N Associates, LLC	\$ 7,596,000.00
Galway Bay Corporation	\$ 76,932,000.00
Interlock Steelworkers, Inc.	\$ 8,000,000.00
J. Fletcher Creamer & Son, Inc.	\$390,861,000.00
James Talley Jr. d/b/a Talley Interior-Exterior Painting	\$ 207,000.00
Joseph B. Fay Co.	\$216,963,000.00
Kiewit Infrastructure South Co.	\$642,897,000.00
M & V Contractual Services, Inc.	\$ 1,500,000.00
Priority Construction Corporation	\$ 14,499,000.00
SAK Construction, LLC	\$ 98,901,000.00
Sunrise Safety Services, Inc.	\$ 1,500,000.00
The American Asphalt Paving Co., LLC and The American Asphalt Paving Co., Inc.	\$ 8,000,000.00

2. Prequalification of Architects and Engineers

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

Bayland Consultants & Designers, Inc.	Landscape Architect Engineer Land Survey
Buchart Horn, Inc.	Architect Engineer Land Survey

MINUTES**BOARDS AND COMMISSIONS**

Bryant Associates, Inc.	Engineer Land Survey
Environ-Civil Engineering, LTD.	Engineer
Gant Brunnett, Architects, Inc.	Architect
George William Stephens, Jr. & Associates, Inc.	Landscape Architect Engineer Land Survey
Hydromox USA, LLC.	Engineer
IDesign Engineering, Inc.	Engineer
Jenkins Engineering Company	Engineer
MIN Engineering, Inc.	Engineer
National Consulting Engineers Limited Liability Company	Engineer

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

MINUTES**CITY COUNCIL BILL:**

12-0022 -An ordinance concerning the sale of properties - 1801 East Oliver Street and 1731 Llewelyn 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 properties known as 1801 East Oliver Street (Ward 08, Section 10, Block 1495, Lot 001) and 1731 Llewelyn Avenue (Ward 08, Section 10, Block 1494, Lot 101) and no longer needed for public use; and providing for a special effective date.

ALL REPORTS RECEIVED WERE FAVORABLE.

UPON MOTION duly made and seconded, the Board approved City Council Bill 12-0022 and directed that the bill be returned to the City Council with the recommendation that the bill also be approved and passed by that Honorable Body. The President

ABSTAINED.

MINUTES

Law Department - Settlement Agreements and Releases

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

1. Timothy Morgan v. Mayor & City Council of Baltimore, et al \$100,000.00
2. Tamara Petrova, et al v. Mayor & City Council of Baltimore, et al and Karamukalinizha, et al v. Mayor & City Council of Baltimore, et al \$ 40,000.00
3. Paris Butler \$200,000.00

Account No.: 2036-000000-1752-175200-603070.

The settlement agreements and releases have been reviewed and approved by the Settlement Committee of the Law Department.

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

MINUTES

TRANSFERS OF FUNDS

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UPON MOTION duly made and seconded,

the Board approved the

transfers of funds

listed on the following page:

1686

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

MINUTES**TRANSFERS OF FUNDS**

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Baltimore Development Corporation</u>			
1.	\$140,766.00 23 rd EDF	9910-906993-9600 Construction Res. Inner Harbor Area	9910-911100-9603 Inner Harbor East Area

This transfer will provide funds for reimbursement to the Department of Transportation for the State of Good Repair Study associated with the Inner Harbor Promenade. This study was funded by the Baltimore Development Corporation 50%; Department of Transportation 25%; and the Waterfront Partnership 25%. The study will provide an assessment on the infrastructure of the Inner Harbor.

Department of Planning

2.	\$100,000.00 21 st EDL	9905-912012-9186 CHAP Historic District Façade - Reserves	9905-920012-9188 CHAP Historic District Façade - Active
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This transfer will fund the CHAP Historic District Façade Grant Program and will provide low income households within the historic district housing district with grants for exterior home improvements.

Department of General Services (DGS)

3.	\$ 69,800.00 Gen. Fund	9916-904845-9194 Capital Constr. & Maintenance - Reserve	9916-905806-9197-1825 1829 Edison Highway Solid Waste Lease
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An assessment was completed by the DGS, of 1829 Edison Highway and it was determined many improvements are needed to bring the building up to code and into compliance with regulations.

MINUTES

Finance Department - Revisions to Administrative Manual
Policy on Positions of Trust - AM-237-1

ACTION REQUESTED OF B/E:

The Board is requested to approve the revisions to the Administrative Manual policy on Positions of Trust AM-237-1, dated February 3, 2008.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

In an effort to clarify what positions are covered under AM-237-1, Positions of Trust policy, a committee composed of representatives from the Department of Transportation, the Office of the Labor Commissioner, the Department of Human Resources, the Department of Law, and the Police Department met to revise the policy. At issue was whether or not certain positions covered by the Public Local Laws (PLL), adopted by the General Assembly (Sec. 16-16A, 16B, and 16C), fall under the guidelines set forth in this policy. It has been determined that the Police Commissioner has the authorization to appoint such officers and to set the criteria used for such actions. The revisions made to AM-237-1 are to reflect the authority of the Police Commissioner. Thus, the following paragraph was added to AM-237-1:

"This policy does not apply to sworn members of the Baltimore City Police Department, or positions covered by the Public Local Laws (PLL) adopted by the General Assembly (Sec. 16-16A, 16B, and 16C) such as Special Enforcement, Special Traffic and Special Parking Officers. PLL gives the Police Commissioner the authorization to appoint such officers and remove them, and thus to set the criteria used for such actions."

It was also noted that the last paragraph in the section titled, "MAINTENANCE OF CRIMINAL HISTORY INFORMATION" should be deleted, as it is irrelevant. Thus, the following paragraph was deleted:

MINUTESFinance Department - cont'd

"Notices of those criminal records, which have been expunged, will be issued when appropriate. Receipt of such notices must be recorded in the employee's permanent record. The notices themselves must be destroyed."

The revision of AM-237-1 was recommended and reviewed by the Labor Commissioner and the Departments of Human Resources and Finance.

UPON MOTION duly made and seconded, the Board approved the revisions to the Administrative Manual policy on Positions of Trust AM-237-1, dated February 3, 2008.

MINUTESMayor's Office of Employment Development - Agreements

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

1. **BMW CLEANING SOLUTIONS, LLC** **\$ 9,720.00**

Account: 4000-806811-6312-707805-603051

The organization will provide Administrative Assistant and Estimator on-the-job training for two eligible participants enrolled in the American Recovery and Reinvestment Act On-the-Job Training National Emergency Program. The program will include a customized training plan for each participant prior to the start of program. The Administrative Assistant training will include routine clerical and administrative functions such as drafting correspondence, scheduling appointments, organizing and maintaining paper and electric files, or providing information to caller. The Estimator training will include preparing cost-estimates for cleaning services, determining the price of service, and deciding profitability of new projects. The period of the agreement is April 23, 2012 through June 30, 2012.

2. **PANIAGUA'S ENTERPRISES** **\$43,064.00**
DEVELOPMENT COMPANY, LLC

Account: 4000-806811-6312-708405-603051

The organization will provide Telecommunications Line Installers and Repairers - Inside Plant and Outside Plant on-the-job Training for ten eligible participants enrolled in the American Recovery and Reinvestment Act On-the-Job Training National Emergency Program. The program will provide a customized training plan for each participant prior to the start of training. The agreement is for the period May 7, 2012 through June 30, 2012.

MINUTES

MOED - cont'd

3. **APPLIED BUILDING TECHNOLOGIES, INC.** **\$11,250.00**

Account: 4000-806811-6312-708105-603051

The organization will provide Kitchen Exhaust Cleaner On-the-Job training for four eligible participants enrolled in the American Recovery and Reinvestment Act On-the-Job Training National Emergency Program. The program will include cleaning of kitchen exhaust systems in commercial kitchens. The work includes use of power washing equipment, tools for scrapping and cleaning, as well as chemicals to remove grease build up in exhaust hoods. The agreement is for the period May 7, 2012 through June 30, 2012.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTIONS.

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

MINUTES

Department of Housing and - Estoppel Certificate and
Community Development Mortgagee's Rights Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an estoppel certificate and mortgagee's rights agreement between the Department of Housing and Community Development (DHCD), Capital One National Association (CONA), the Department of Housing and Community Development of the State of Maryland (DHCD-MD), Hudson Housing Capital LLC, and the Hilton-North Avenue Limited Partnership.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On September 29, 2010, the Board approved a Land Disposition Agreement (LDA) with the Hilton-North Avenue Limited Partnership for certain parcels located on the south side of the 3000 block of West North Avenue. The Hilton-North Avenue Limited Partnership, Developer will construct thereon a rental housing complex known as the North Avenue Gateway Project, containing 63 rental units which will be affordable to persons with income at or below 60 percent of the area median income and one non-income producing unit, for a total of 64 units.

The DHCD-MD intends to make construction and permanent loans to the developer in the approximate aggregate principal amount of \$2,500,000.00. CONA intends to make a construction loan to the developer in the approximate principal amount of \$6,600,000.00.

The estoppel certificate and mortgagee's rights agreement clarifies the rights of the City and the lenders in the event of a default by the developer under the LDA or the loans and it gives the lenders added security and confidence in lending to the developer.

MINUTES

DHCD - cont'd

The DHCD recommends that the Board approve the estoppel certificate and mortgagee's rights agreement because of the tremendous benefits of this project to the community which includes the creation of 64 units of affordable housing, elimination of long-term blighting conditions, stabilization of the community, construction job opportunities, and a substantial increase in the property values.

MBE/WBE PARTICIPATION:

The Developer signed a Commitment to Comply with the Minority and Women's Business Enterprise Program.

(FILE NO. 57170)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the estoppel certificate and mortgagee's rights agreement between the Department of Housing and Community Development, Capital One National Association, the Department of Housing and Community Development of the State of Maryland, Hudson Housing Capital LLC, and the Hilton-North Avenue Limited Partnership.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a first amendment to land disposition agreement (LDA) with the Hilton-North Avenue Limited Partnership, Developer.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On September 29, 2010, the Board approved the original LDA with the Hilton-North Avenue Limited Partnership for certain parcels of land located on the 3000 block of W. North Avenue. The Hilton-North Avenue Limited Partnership will construct a rental housing complex known as the North Avenue Gateway Project containing sixty-three rental units which will be affordable to persons with incomes at or below sixty percent of the area median income and one non-income producing unit, for a total of 64 units.

The first amendment to the LDA will:

1. amend and clarify the settlement schedule,
2. amend the restrictions against transfer by the Developer to allow the second phase of the project to be transferred to a new subsidiary of WODA Housing of Baltimore III, LLC,
3. list the purchase price for each property,
4. update the project description, and
5. provide complete legal descriptions for each of the properties.

MINUTES

DHCD - cont'd

The purchase price for the properties has not changed.

This project will create 64 units of affordable housing, eliminate long term blighting conditions, stabilize the community, provide construction job opportunities, and a substantial increase in property values.

MBE/WBE PARTICIPATION:

The Developer has signed a commitment to comply with Article 5, Subtitle 28 of the Baltimore City Code and MBE and WBE goals.

(FILE NO. 57170)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the first amendment to land disposition agreement with the Hilton-North Avenue Limited Partnership, Developer.

MINUTES

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a land disposition agreement (LDA) with Mr. Fizan Abdullah, Developer, for the sale of the property located at 2545 Park Heights Terrace.

AMOUNT OF MONEY AND SOURCE:

\$3,000.00 - Purchase Price

BACKGROUND/EXPLANATION:

The City may dispose of the property by virtue of Article II, Section 15, of the Baltimore City Charter, Article 28, Subtitle 8 of the Baltimore City Code, and Article 13, Section 2-7(h) 2(ii)(c) of the Baltimore City Code.

The improvements will consist of the rehabilitation of 2545 Park Heights Terrace into rental housing, in accordance with final approved plans. The cost to rehabilitate the property has been estimated to be \$40,000.00. Acquisition and rehabilitation costs will be financed privately by the Developer.

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

In accordance with the City's Appraisal Policy, the waiver valuation process was used in lieu of an appraisal. The DHCD determined the fair market value of the property using available real estate data. The vacant building was valued at \$7,500.00. The property will be sold for \$3,000.00.

MINUTES

DHCD - cont'd

The property will be sold to Mr. Abdullah below the price determined by the waiver valuation process because of the following factors:

1. stabilizing the immediate community,
2. elimination of blight,
3. economic development, creation of jobs, real estate and other taxes, and
4. the opportunity to hasten the rehabilitation of the property.

MBE/WBE PARTICIPATION:

The property is not subject to Article 5, Subtitle 28 of the Baltimore City Code.

(FILE NO. 57211)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with Mr. Fizan Abdullah, Developer, for the sale of the property located at 2545 Park Heights Terrace.

MINUTES

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a land disposition agreement (LDA) with Ms. Nijmarose R. Bond, Developer, for the sale of the property located at 561 and 563 Orchard Street.

AMOUNT OF MONEY AND SOURCE:

\$1,000.00 - 561 Orchard Street
1,000.00 - 563 Orchard Street
\$2,000.00 - Purchase Price

BACKGROUND/EXPLANATION:

The City may dispose of the property by virtue of Article II, Section 15, of the Baltimore City Charter, Article 28, Subtitle 8 of the Baltimore City Code, and Article 13, Section 2-7(h) 2(ii)(c) of the Baltimore City Code. The properties were journalized and approved for sale on September 14, 2011.

Ms. Nijmarose R. Bond resides at the adjoining property, 565 Orchard Street. The improvements will consist of the improvement of the two lots creating a garden and additional green space.

The sale of these properties will generate real estate property taxes to the City of Baltimore. Once transferred, the properties will be active on the tax rolls of the City, thereby preventing tax abandonment.

MINUTES

DHCD - cont'd

MBE/WBE PARTICIPATION:

The properties are not subject to Article 5, Subtitle 28 of the Baltimore City Code because they are being sold at the assessed value.

(FILE NO. 56666)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with Ms. Nijmarose R. Bond for the sale of the property located at 561 and 563 Orchard Street.

MINUTES

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a land disposition agreement with New Horizons Deliverance Center, Inc., buyer, for the sale of two City-owned vacant lots located at 2620 Shirley Avenue and 2618 Shirley Avenue.

AMOUNT OF MONEY AND SOURCE:

\$1,150.00 - 2620 Shirley Avenue
1,150.00 - 2618 Shirley Avenue
\$2,300.00 - Purchase Price

BACKGROUND/EXPLANATION:

The vacant lots will be purchased with private funds. Each lot has an assessed value of \$1,000.00 and will be sold for \$1,150.00 each.

The project will consist of the two vacant lots for use as a Memorial Prayer Garden, Green Space for the Church and Community Outreach activities. The buyer, New Horizons Deliverance Center, Inc., is a church at 2626 Shirley Avenue next to the subject properties. The lots have been maintained by the buyer for the past six years. The Buyer has agreed to restrictions on construction for a period of ten years as reflected in the LDA and Deed. The properties were journalized and approved for sale on December 22, 2010.

The properties are being sold pursuant to Baltimore City's Appraisal Policy regarding exception to the appraisal requirement for unimproved property with an assessed value of \$2,500.00 or less. Pursuant to the provisions under Baltimore City Code, Article 28, Subsection 8-3, all terms and conditions of the agreement have been approved.

MINUTES

DHCD - cont'd

MBE/WBE PARTICIPATION:

MBE/WBE participation is not required for this project because there will not be a construction component.

(FILE NO. 56666)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with New Horizons Deliverance Center, Inc., for the sale of two City-owned vacant lots located at 2620 Shirley Avenue and 2618 Shirley Avenue.

MINUTES

Department of Housing and - Supplemental HOME Loan
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve a Supplemental HOME Loan to M on Madison, LP, borrower. The Board is further requested to authorize the Commissioner of the Department of Housing and Community Development to execute any and all documents to effectuate this transaction subject to review and approval for form and legal sufficiency by the Department of Law.

AMOUNT OF MONEY AND SOURCE:

\$200,000.00 - 9910-907093-9610
(not to exceed)

BACKGROUND/EXPLANATION:

On February 16, 2011, the Board approved HOME financing for the M on Madison, LP project. Financing supported a portion of the construction costs for the project. The M on Madison, LP project involves the construction of a six-story, 74 unit, multi-family apartment building which will meet LEED Gold Standards. For reasons beyond the control of the Borrower, the project has suffered time delays that have prevented a successful completion. Most notably, following closing of the financing in April 2011, and shortly after site mobilization, a stop work order was issued by the Maryland Transit Authority (MTA). The MTA required more comprehensive supplemental plans and additional engineering review, prior to permitting excavation work since the building footprint lies in close proximity to the light rail lines. This resulted in a loss of approximately 60 days to the construction schedule and an increase in the hard costs.

MINUTES

DHCD - cont'd

To further compound the situation, once excavation commenced, the sub-surface soils proved to be damaged and unusable due to several days of flooding caused by unseasonably heavy rains and a break in the City's water line. Consequently, the project has incurred additional delays in the time schedule and increases in costs.

Because of the amount and nature of the current cost overruns incurred to date, the developer has requested additional HOME funds. There are no other resources available to cover these construction cost overruns. The senior loans cannot be increased as they have been set at the maximum debt ceilings. No additional LIHTC equity can be raised as the project received the maximum award permitted. In addition, the Borrower will experience a reduction in the LIHTC equity contribution due to the delay in meeting the delivery schedule, which was originally anticipated to be in July 2012.

The mandatory partial release of construction liens has been received and the Borrower has met all other City requirements. The Supplemental HOME Loan in the amount of \$200,000.00 will be structured to mirror the terms as the original loan via an executed modification instrument as a long-term subordinate debt. All other terms and conditions with the exception of changes that result from the increase of the loan amount and the delay in the schedule, such as a revision of the budget and draw schedule, of the original HOME loan in the amount of \$1,330,000.00 will remain in effect.

MBE/WBE PARTICIPATION:

Article 5, Subtitle 28 of the Baltimore City Code Minority and Women's Business Program is fully applicable and no request for waiver or exception has been made.

THE DIRECTOR OF FINANCE RECOMMENDED APPROVAL.

MINUTESDHCD - cont'd**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$200,000.00	9910-926010-9609	9910-907093-9610
Federal HOME	HOME FY 2010	M on Madison
FY 2010	Reserve A/C	Apartments

This transfer will provide Federal HOME funds to M on Madison, LP to cover a portion of the additional construction costs of a multi-family apartment building.

UPON MOTION duly made and seconded, the Board approved the Supplemental HOME Loan to M on Madison, LP. The Board further authorized the Commissioner of the Department of Housing and Community Development to execute any and all documents to effectuate this transaction subject to review and approval for form and legal sufficiency by the Department of Law. The transfer of funds was approved subject to receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the provisions of the City Charter.

MINUTES

Department of Housing and - Grant Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a grant agreement with the Park Heights Renaissance, Inc. (PHR). The period of the grant agreement is effective upon Board approval through December 31, 2012.

AMOUNT OF MONEY AND SOURCE:

\$245,167.00 - 9910-9588-908101
246,000.00 - 9910-9588-903187
\$491,167.00

BACKGROUND/EXPLANATION:

The PHR is a non-profit organization established in 2007 to implement the Park Heights Master Plan. The PHR provides a variety of community services in addition to undertaking development initiatives that reflect the Master Plan's recommendations.

Funds will be provided to offset costs associated with four areas of the PHR's core operations: personnel, marketing and community engagement, community festivals, and community development. The following four positions will be funded through this grant agreement: the Chief Executive Officer, Vice President for Community and Economic Development, Operations Manager, and an Executive Assistant.

The marketing and community engagement activities include the installation of neighborhood banners in the 2600-2900 blocks of West Cold Spring Lane and the 4400-5100 blocks of Reisterstown Road, and the publication and distribution of a quarterly newsletter. These activities will also support community clean-ups, Thanksgiving and Christmas give-aways, the Caribbean Festival, Public Safety Day, and the Park Heights Community Festival. Community Development initiatives include the construction and maintenance of the Kids Piazza located at Park Heights and Boarman Avenue and planning efforts associated with the potential development of an early childhood learning center.

MINUTES

DHCD - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 245,167.00 General Funds	9910-9588-908101 Park Heights Homeownership	
246,000.00 <u>General Funds</u>	9910-9588-903187 Park Heights Apqt Blocks	
\$ 491,167.00	-----	9910-9588-907205 General Fund Park Heights Renaissance

This transfer will provide funds to support a grant agreement with the Park Heights Renaissance, Inc. The agreement will provide funding for neighborhood engagement and marketing activities, small capital projects, and staff to carry out those activities.

(FILE NO. 57276)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the grant agreement with the Park Heights Renaissance, Inc. The transfer of funds was approved subject to receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the provisions of the City Charter. The Mayor **ABSTAINED**.

MINUTES

President: "Madam Mayor."

Mayor: "We're ready for the - alrighty. Thank you very much Mr. President and thank you for acknowledging our colleague as well as Julius Colleen from PHR who I believe they are here as a result of the agreement that PHR has reached in the operations at Towanda Recreation Center. Yes. So, it's good to see you and thank you very much for your partnership. I like having good news in Park Heights, so let's keep it coming. Again, I want to thank Mr. President and members of the Board. I want to note a few items that were passed this morning."

MINUTES

Department of Housing and - Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an agreement with Morgan State University (MSU). The period of the agreement is March 1, 2012 through February 28, 2013.

AMOUNT OF MONEY AND SOURCE:

\$42,921.00 - 2089-208912-5930-43480-603051

BACKGROUND/EXPLANATION:

Under the terms of this agreement, the funds will be used to support the MSU's Institute for Urban Research (IUR), Community Development Resource Center (CDRC). The IUR/CDRC will provide a broad range of technical assistance, research support, and information dissemination. Specifically, the IUR/CDRC will produce two special reports that contain administrative data and up-to-date statistics to provide in-depth analysis, as well as challenges and opportunities that confront the selected neighborhood(s). In addition, two half-day seminars will be conducted for Baltimore City communities covering topics that will assist in community development efforts.

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. Emergency Shelter Grant Entitlement (ESG)
4. Housing Opportunity for People with AIDS (HOPWA)

The DHCD began negotiating and processing the CDBG agreements effective July 1, 2011 and beyond, as outlined in the Plan, pending approval of the Resolution. Consequently, this agreement was delayed due to final negotiations and processing.

MINUTES

DHCD - cont'd

MBE/WBE PARTICIPATION:

N/A

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 Morgan State University.

MINUTES

Department of Human Resources (DHR) - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize an expenditure of funds to pay the Residence Inn at Marriott. The period of the invoice is May 21, 2012 through May 25, 2012.

AMOUNT OF MONEY AND SOURCE:

\$1,260.00 - Meals for 7 Examiners (\$45.00 per night
for 4 nights)

896.00 - Hotel Parking for 7 Examiners (\$32.00 per day
for 4 days)

4,445.84 - Hotel accommodations for 7 Examiners @ \$145.00 per
night, including taxes in the amount of 9.5%
for 4 nights)

\$6,601.84 - 1001-000000-1603-172500-603026

BACKGROUND/EXPLANATION:

The DHR will administer the Fire Department Emergency Vehicle Driver/Pump Operator examination to the candidates who qualify to take the examination. There will be a total of 7 examiners who have been recruited from various fire jurisdictions. Examiners will participate in the practical performance examination.

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 expenditure of funds to pay the Residence Inn at Marriott.

MINUTESBureau of Water and Wastewater - Employee Expense Statements**ACTION REQUESTED OF B/E:**

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

1. **PRAKASH MISTRY** **\$ 30.00**

Account: 3001-000000-5181-390700-603003
December 2011 - Parking

The deadline was exceeded due to workload obligations which resulted in submitting the expense report after the deadline.

2. **KENNETH STEWART** **\$100.00**

Account: 2070-000000-5501-399600-603022
May 2011 - Dues and License Renewal
Environmental Sanitarian License

The employee is entitled to reimbursement for the license renewal based on the CUB Contract, Article 35.

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

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved the various expense statements for employees Prakash Mistry and Kenneth Stewart. The President **ABSTAINED**.

MINUTES

OPTIONS/CONDEMNATIONS/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Dept. of Housing and Community Development (DHCD) - Options</u>			
1. Leslie Sarkin	902 N. Patterson Park Avenue	G/R \$60.00	\$ 500.00
2. Jack N. Stollof and Malcolm Berman	908 N. Patterson Park Avenue	G/R \$96.00	\$ 880.00
3. Jack N. Stollof and Malcolm C. Berman	916 N. Patterson Park Avenue	G/R \$96.00	\$ 880.00
4. Timothy Seth Hackerman	922 N. Patterson Park Avenue	G/R \$96.00	\$ 880.00
5. Sandel Investment, LLC	919 N. Chester St.	G/R \$78.00	\$ 650.00
6. Eva Konzak and Anshel Konzak, Deceased	906 N. Duncan St.	G/R \$22.00	\$ 147.00

Funds are available in account no. 9910-906416-9588-900000-704040, EBDI Phase II Project.

(FILE NO. 56017)

7. Rose Silberman	730 E. Biddle St.	G/R \$65.00	\$ 542.00
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Funds are available in account no. 9990-907714-9593-900001-704040, Johnston Square Project.

8. Michael Davis	4912 Denmore Ave.	L/H	\$9,750.00
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Funds are available in account no. 9910-903187-9588-900000-704040, Park Heights Demo-Woodland/Virginia Corridor.

(FILE NO. 57083)

MINUTES

OPTIONS/CONDEMNATIONS/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Options</u>			
9. Scott Smith	1303-1305 Proctor Street	F/S	\$100,000.00

Funds are available in account no. 9910-910715-9588-900000-704040, Johnston Square Project.

10. Helena Coley and Lewis Coley, Jr., deceased	718 Mura Street	L/H	\$ 14,760.00
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Funds are available in account no. 9990-907714-9593-900001-704040, Johnston Square Project.

In the event 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 amount/s.

(FILE NO. 57070)

DHCD - Condemnations

11. Waskey Investments, Inc.	4942 Denmore Ave.	G/R	\$ 800.00 \$120.00
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Funds are available in account no. 9910-903187-9588-900000-704040, Park Heights Demo-Woodland/Virginia Avenue Corridor.

(FILE NO. 57083)

MINUTES

OPTIONS/CONDEMNATIONS/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
12. Unknown	2102 N. Calvert St.	G/R \$157.50	\$ 1,050.00

Funds are available in account no. 9910-904713-9588-900000-704040, Barclay Project.

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

(FILE NO. 57066)Department of Law - Payment of Settlement

13. BE3 Business Trust (Previous Owner)	2026 E. Eager St.	L/H	\$ 7,240.00
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On May 04, 2011, the Board approved the acquisition by condemnation of the leasehold interest in 2026 E. Eager Street for the amount of \$5,260.00. The previous owner valued the property at \$18,500.00. The parties agreed to settle the action for the amount of \$12,500.00. Therefore, the Board is requested to approve an additional \$7,240.00 in settlement of this case.

Funds are available in State Funds, account no. 9910-904415-9588-900000-704040, EBDI Project, Phase II Area.

(FILE NO. 56017)

UPON MOTION duly made and seconded, the Board approved and authorized the aforementioned options, condemnations, and payment of settlement.

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. 25 S. Charles St.	First Associates, LLC	One single face electric sign 497.44 sq. ft., one single face electric sign 516.45 sq. ft.
Annual Charge: \$5,677.78		
2. 3504 Eastern Ave.	3504-06 Eastern Avenue, LLC	Awning w/signage 27'6" x 2'
Annual Charge: \$186.32		
3. 1500 N. Washington St.	Ju Yong Jeong	Retain flat sign 10'6" x 2'
Annual Charge: \$35.20		
4. 3500 Chestnut St.	Granite Development, LLC	Outdoor seating 30' x 2'4"
Annual Charge: \$337.50		

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

There being no objections, the Board, UPON MOTION duly made and seconded, approved the minor privilege permits.

MINUTES

Department of General Services - Right-of-Entry Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a right-of-entry agreement with Seven Spring Farm, Home Farm, LLC. The period of the agreement is effective upon Board approval through June 15, 2013.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The Department of Public Works, Bureau of Water and Wastewater is proposing a project to locate and replace existing air/vacuum relief valves, surge valves, and/or drain valves as part of Water Project No. WC 1197R, Susquehanna Transmission Main Valve Replacements. This agreement will allow the City access onto the property to make these improvements. In addition, the agreement will allow the City's contractor to make repairs to existing sinkholes near the existing Susquehanna Transmission Main.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the right-of-entry agreement with Seven Spring Farm, Home Farm, LLC. The President **ABSTAINED**.

MINUTES

Department of General Services - Facility Encroachment Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a facility encroachment agreement. The period of the agreement is effective upon approval by CSX Transportation (CSXT).

AMOUNT OF MONEY AND SOURCE:

\$ 500.00 - Encroachment Fee
750.00 - Railroad Protective Liability
150.00 - Schedule/Agreement Fee
1,450.00 - Application Fee
\$2,850.00 - 9956-905752-9551-900020-704043

BACKGROUND/EXPLANATION:

The Department of Public Works, Bureau of Water and Wastewater, is proposing a project to install a new 10 inch diameter sanitary sewer pipe, also known as SC-888, the McComas Street Pump Station. In the design of this project, it has been determined that the City's contractor will need to install the new 10 inch diameter sanitary sewer pipe under the existing CSXT right-of-way.

There is a one-time encroachment fee in the amount of \$500.00, a one-time fee of \$750.00 to have the City added as an additional insured on the railroads insurance policy, a \$150.00 fee to schedule/prepare the agreement, and a \$1,450.00 application fee totaling \$2,850.00.

APPROVED FOR FUNDS BY FINANCE

(FILE NO. 55593)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the facility encroachment agreement with CSX Transportation. The President **ABSTAINED**.

MINUTES

Department of General Services - Amendment No. 3 to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of amendment no. 3 to the on-call agreement with Whitney Bailey Cox Magnani, LLC., for Project No. 1098W. The amendment no. 3 extends the agreement through April 27, 2013.

AMOUNT OF MONEY AND SOURCE:

N/A - Funds will be identified as tasks are processed

BACKGROUND/EXPLANATION:

On April 29, 2009, the Board approved the original agreement for two years with an upset dollar amount of \$750,000.00. On June 23, 2010, the Board approved amendment no. 1 which increased the upset dollar amount to \$1,000,000.00. On March 9, 2011, the Board approved amendment no. 2 to increase the upset dollar amount from \$1,000,000.00 to \$2,000,000.00 and extended the term under Project No. 1125 to April 27, 2012. The DGS would like to extend the term through April 27, 2013.

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 3 to the on-call agreement with Whitney Bailey Cox Magnani, LLC. for Project No. 1098W.

MINUTES

Department of General Services - Energy Efficiency and
Conservation Block
Grant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the energy efficiency and conservation block grant agreement with City Neighbors High School, Inc. The period of the agreement is effective upon Board approval through August 31, 2012, or until the upset limit is reached, whichever occurs first.

AMOUNT OF MONEY AND SOURCE:

\$10,000.00 - 9916-913900-9197

BACKGROUND/EXPLANATION:

Under the terms of the grant agreement, the organization will implement upgrades that will significantly improve energy efficiency upgrades to its facilities located at 5609 Sefton Avenue and 3309 Bayonne Avenue.

The DGS and the Department of Planning, Office of Sustainability have worked in collaboration to solicit and review "Energy Saver Grant" applications from Baltimore non-profits for use of these funds. The organization's application was approved by the review committee for proposed energy efficiency upgrades. The total project cost is \$30,000.00. The City Neighbors High School, Inc. is contributing 67% (\$20,000.00) of the project cost.

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 energy efficiency and conservation block grant agreement with City Neighbors High School, Inc.

MINUTES

Health Department - Employee Expense Statement

ACTION REQUESTED OF B/E:

The Board is requested to approve the expense statement for Ms. Elaine Ray for the months of November and December 2011.

AMOUNT OF MONEY AND SOURCE:

\$135.42 - 5000-533512-3044-273300-603002	(Nov. 2011 mileage)
127.65 - 5000-533512-3044-273300-603002	(Dec. 2011 mileage)
3.00 - 5000-533512-3044-273300-603003	(Dec. 2011 parking)
\$266.07	

BACKGROUND/EXPLANATION:

Ms. Ray failed to submit her expense statements within the required timeframe due to overwhelming unit responsibilities.

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.

Efforts are being made to submit expense statements in a timely fashion. The Department apologizes for the lateness.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved the expense statement for Ms. Elaine Ray for the months of November and December 2011. The President **ABSTAINED**.

MINUTES

Health Department - 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. **SINAI HOSPITAL OF BALTIMORE, INC. (SINAI) \$ 120,452.00**

Account: 4000-425612-3023-274406-603051

The HIV Support Services Part D Program at Sinai provides wrap around services to both HIV infected and affected women, children, youth and infants. The program is part of the Women's and Children Services Department at Sinai and is a Title IV funded program. Sinai will provide medical case management, non-medical case management, psychosocial support and outreach services.

MWBOO GRANTED A WAIVER.

2. **SINAI HOSPITAL OF BALTIMORE, INC. (SINAI) \$ 64,751.00**

Account: 4000-424512-3023-274439-603051

The organization will provide medical case management services for the Ryan White Part B Program. The organization will be providing ongoing services to HIV positive men and women at Sinai and in the surrounding communities who are eligible for this service. Medical case management will be provided to 50 eligible clients who lack insurance or who have private insurance, Maryland Health Insurance Program, or Medicare.

MWBOO GRANTED A WAIVER.

3. **FAMILY HEALTH CENTERS OF BALTIMORE, INC. \$ 45,115.00
(FHCB)**

Account: 4000-424512-3023-274407-603051

The FHCB will provide case management services to all patients diagnosed with HIV/AIDS who are in need of this

MINUTES

Health Dept. - cont'd

specialized service that will reduce barriers to maintaining optimal health and adherence to the prescribed treatment plan. The FHCB will be serving low-income, medically uninsured, high risk, HIV/AIDS infected special populations in its service which includes the metropolitan city limits of Baltimore.

4. **JOHNS HOPKINS UNIVERSITY (JHU)** **\$236,467.00**

Account: 4000-424512-3023-274404-603051

The JHU will provide ambulatory outpatient health services for the Ryan White Part B Program. The JHU will maintain comprehensive HIV primary and specialty services to uninsured/underinsured clients in the Baltimore Eligible Metropolitan Area. The services will provide for the provision of laboratory evaluation to monitor HIV infection; provision of radiological and diagnostic evaluations to facilitate the medical management of HIV infection and its complications and enhance access and adherence to HIV treatment.

The agreements are late because the Infectious Disease and Environmental Health Administration (IDEHA) programmatically manages Ryan White Part B and D services. The IDEHA selects the providers through a competitive Request for Proposal process. The providers submit a budget, budget narrative, and scope of services. The Health Department thoroughly reviews the entire package before preparing a contract and submitting it to the Board of Estimates. These budgets are often times revised because of inadequate information from the providers. This review process is required to comply with the grant requirements.

MINUTES

Health Department - cont'd

5. **IVEY GILLIAM** **\$ 9,100.00**

Account: 1001-000000-3252-316200-603018

Mr. Gilliam, Consultant, will develop an Area Plan for FY 12 - FY 15, as required by Maryland Department of Aging (MDoA). He will be reimbursed at the rate of \$65.00/hour for a maximum of 140 hours during the term. In order for the Department to comply with the Older Americans Act, the MDoA requires each area agency to develop a four-year area plan for its planning and service area. The purpose of this project is to assist the Department in preparing its area plan submission to the MDoA, in accordance with APD-11-02 Executive-Area Plan Instructions for FY 12 - FY 15. The agreement is for the period January 1, 2012 through June 30, 2012.

This agreement is late because the Department recently received the agreement with the required signatures from the MDoA and the consultant.

6. **UNIVERSITY OF MARYLAND, BALTIMORE** **\$ 0.00**

The University of Maryland, Baltimore will assign nursing students to the Department for field experience in the community health nursing clinics in Baltimore City. The period of the agreement is April 1, 2012 through June 30, 2017.

The agreement is late because it was recently returned.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED (EXCEPT ITEM NO. 6) AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the aforementioned agreements. The President **ABSTAINED** on item no. 4.

MINUTES

Health Department - Expenditure of Funds**ACTION REQUESTED OF B/E:**

The Board is requested to approve the purchase of gift cards for snacks, refreshments, and incentives for the Adolescent & Reproductive Health (ARH) Program.

AMOUNT OF MONEY AND SOURCE:

Vendor	Budget Acct#	Amount (Annual Est.)	Justification for use	Card denomination and purchase schedule
Wal-Mart/ Sam's Club	6000-627812-3080-289400-604051	\$2,000	To purchase fresh fruit and veggies for after school snack (an requirement from funder)	40/\$50 cards; 20 to be purchased upon approval and 20 no later than June 1st
Wal-Mart/ Sam's Club	5000-520112-3080-688900-604051	\$2,500	To purchase snacks/refreshments for special client activities and client incentives	100/\$10 & 75/\$20 cards to be purchased upon approval
Wal-Mart/ Sam's Club	6000-625212-3080-289400-604015	\$1,000	To purchase fresh fruit and veggies for after school snack (an requirement from funder)	10/\$100 cards to be purchased upon approval
Wal-Mart/ Sam's Club	5000-520112-3080-688900-604051	\$1,000	To purchase snacks/refreshments for special client activities and client incentives	20/\$50 cards;
Wal-Mart/ Sam's Club				10 to be purchased upon approval and 10 no later than June 1 st .
Wal Mart/ Sam's Club	4000-494412-3080-295900-604015	\$3,000	To purchase incentives for project participants	175/\$10 & 50/\$25 to purchased upon approval
AMC	6000-627812-3080-289400-604051	\$1,056	To purchase gift cards for client incentives	88/\$12 movies passes with popcorn & drink to be purchased upon approval
AMC	6000-625212-3080-289400-604015	\$1,000	To purchase gift cards for client incentives	40/\$25 movie passes (for 2) with popcorn & drink to purchased upon approval
AMC	5000-520112-3080-688900-604051	\$2,250	To purchase for client incentives	300/\$7.50 movie passes to purchased upon approval
Eastpoint (mall gift cards)	6000-627812-3080-289400-604051	\$500	To purchase gift cards for client incentives	25/\$20 cards; to be purchased upon approval
Shoppers	4000-494412-3080-295900-604015	\$1,000	To purchase snacks /refreshments for project participants and project trainings	50/\$20 cards to purchased upon approval
Shoppers	5000-520112-3080-688900-604051	\$1,000	To purchase snacks /refreshments for project participants and clinic activities (client appreciation).	20/\$50 cards;
Shoppers				10 to be purchased upon approval and 10 no later than June 1 st .
Shoppers	6000-627812-3080-289400-604051	\$500	To purchase snacks /refreshments for project participants and parent meetings	20/\$25 card; to be purchased upon approval
Shoppers	6000-625212-3080-289400-604015	\$1,000	To purchase snacks /refreshments for project participants and parent meetings	5/\$100 and 20/\$25 cards to be purchased upon approval

\$17,806

MINUTES

Health Department - cont'd

BACKGROUND/EXPLANATION:

The Department requests approval to purchase various gift cards for the ARH Program. The incentive cards will be distributed to clients participating in program activities.

The ARH program runs several successful community outreach programs through its Health Education and Outreach (HEO) component and two comprehensive after-school pregnancy prevention programs. The HEO component is charged with recruiting clients for the clinic and implementing two newly-funded community-based programs. Recruitment for clients consists of "in-reach" activities such as snacks for client appreciation events, which are purchased by staff utilizing the Sam's/Wal Mart cards, and movie passes for clients from AMC for the successful "Bring a Friend" campaign. Incentives for the community-based programs include Sam's/Wal-Mart gift cards for client participation in activities, movie passes (AMC) for participant attendance in workshops, and snacks purchased by staff for group sessions (Sam's/Wal-Mart and Shoppers cards). An estimated 300 adolescents and adults are expected to benefit from the clinic activities and incentives. Funding is available in the DHMH grants of HTYA and PREP.

The after-school programs, Carrera Young Executives After-School Program and Mi Espacio Program, are requesting approval to purchase gift cards to allow them to purchase fresh fruits and vegetables for program participants and to offer incentives for program participation and successful achievement of objectives. Sam's/Wal-Mart and Shoppers cards will be used to purchase the food by the staff. The mall gift cards, along with Sam's/Wal-Mart cards and AMC movie passes, will be provided to program participants based upon attendance. 90 adolescents and their parents are expected to benefit from the program activities and incentives. Funding from the Family League of Baltimore is available.

MINUTES

Health Department - cont'd

The HEO Supervisor will be responsible for managing the clinic and outreach programs gift cards and movie passes. The after-school program coordinators will have full responsibility for their gift card oversight. Each manager will maintain appropriate accounting records, as stipulated by the Department's Fiscal Section. The Department has had successful internal reviews, as documented. The managers will ensure that the Department gift card policy is strictly adhered to.

The vendors, Sam's Club, AMC movies, Shoppers, and one community mall (Eastpoint) were recommended by the program participants for the gift cards. The use of gift cards allows the programs to maximize their funds while meeting the needs of the clients/participants. Due to the length of time ARH needed to obtain the required certificate of good standing from each vendor, this request has been stalled for several months, depleting current inventories and necessitating the need to submit this large order for all of the ARH programs.

The ARH Program adheres to all policies associated with the usage of incentives and has sufficient procedures in place to address the safeguarding and accountability of purchased incentive cards.

The Health Department adopted a consolidated policy for the purchase, distribution, and documentation of all incentive cards. The central tenets of this policy account for: 1) a single means of procuring all incentive cards through the Board of Estimates; 2) the documentation of each incentive card and its recipient; 3) a monthly reconciliation for all purchases that account for all distributed and non-distributed cards, and; 4) periodic internal reviews of programs' activity vis-à-vis the internal policy, which are to be shared with the Department of Audits.

MINUTES

Health Department - cont'd

This policy has been reviewed by both the Solicitor's Office and by the Department of Audits. Consistent with the original Board of Estimates approval, all requests for payment for the above incentive cards will be subject to the Department of Audits' approval.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved the purchase of gift cards for snacks, refreshments, and incentives for the Adolescent & Reproductive Health Program.

MINUTES

Health Department - Grant Award Agreements

The Board is requested to approve and authorize execution of the various grant award agreements. The period of the grant award is January 1, 2012 through December 31, 2012, unless otherwise indicated.

1. **ANNIE E. CASEY FOUNDATION** **\$ 40,212.00**

Account: 6000-651112-3080-708800-406001

The funds will be utilized by the Department for the evaluation of the Nurse Home Visiting Program for Multiparous Mother.

The grant award is late because the Department was notified of the grant on March 15, 2012 and budget account numbers were received on April 3, 2012.

2. **THE ABELL FOUNDATION** **\$ 50,000.00**

Account: 6000-620012-3100-295900-406001

The funds will be utilized to purchase computer equipment and related expenses for the Electronic Health Record System for the School Health Program.

The grant award is late because the Department was waiting for budget account information.

3. **THE ABELL FOUNDATION** **\$ 530.00**

Account: 6000-626312-3080-513200-406001

The Department has received a grant award in the amount of \$530.00 from the The Abell Foundation. The funds will be used to purchase a flat screen HDTV/DVD combo and tile mount to provide health education services (B'More for Healthy Babies) for women detained at the Baltimore City Central Booking and Intake Center.

MINUTES

Health Dept. - cont'd

There is no grant period. A post-grant report is due on or before September 1, 2012. Any funds not expended for the stated period will be returned to The Abell Foundation.

The grant award is late because the Department received notification of the award on March 16, 2012 and received budget account numbers on April 3, 2012.

APPROVED FOR FUNDS BY FINANCE

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

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

MINUTES

Health Department - Grant Award and Memorandum of Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of a grant award from CareFirst BlueCross BlueShield (BC/BS). The Board is further requested to approve and authorize execution of a memorandum of agreement (MOA) with CareFirst BlueCross BlueShield. The period of the award and the MOU is July 1, 2012 through July 31, 2013.

AMOUNT OF MONEY AND SOURCE:

\$1,000,000.00 - 6000-626313-3080-513200-406001

BACKGROUND/EXPLANATION:

The Department has received a grant award in the amount of \$1,000,000.00 from the BC/BS to support B'More for Healthy Babies (BHB) services. The MOA describes the terms and conditions of the grant award.

The Department will conduct intensive outreach in the BHB communities to reach men and women of reproductive age with behavior change communication messages and materials.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved acceptance the grant award from CareFirst BlueCross BlueShield. The Board further approved and authorized execution of a memorandum of agreement with CareFirst BlueCross BlueShield.

MINUTES

Mayor: "We've also approved and awarded \$1,000,000.00, a grant to the Health Department and the Family League of Baltimore City from CareFirst BlueCross BlueShield. This grant will support the B'More for Healthy Babies campaign to reduce infant mortality. This grant builds on CareFirst initial \$3,000,000.00 grant extending that program through 2013. When B'More for Healthy Babies Initiative was launched, Baltimore had the fourth highest infant mortality rate in the country. Last August, Governor O'Malley and I announced that the City's Infant Mortality Rate fell by 19% in 2010, and the African American Infant Mortality dropped by 21%. Additionally, unsafe sleep related death dropped 40% compared to the previous year. Preliminary 2011 data indicates that a sustained ballot trend in infant deaths is due to unsafe sleeping environments, and I am proud that the - of the tremendous strides that we've made in reducing infant death through the B'More for Healthy Babies campaign. I think this is something that we can all be very proud off, ensuring the health and the wellbeing of our

MINUTES

children and mothers. It's an imperative party for all of us and it is important for the City to meet our goal of adding 10,000.00 new families to our City by 2020, we want to have healthy families as well. By investing in Baltimore's family, CareFirst has once again demonstrated its commitment to preventive health and improving the lives of the City's most vulnerable residents. I want to thank our partners and staff from the Department of Health and our Department of Recreation and Parks who worked on both of these items moving forward. Thank you very much."

* * * * *

MINUTES

Department of Recreation & Parks - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 005 to GWWO, Inc., under Project No. 1164, On-Call Architectural Design Services.

AMOUNT OF MONEY AND SOURCE:

\$240,729.60 - 9938-906776-9474-900000-703032

BACKGROUND/EXPLANATION:

Under this task, GWWO, Inc. will provide design services including the final design services for the CC Jackson Recreation Center expansion.

DEFERRED

MWBOO SET MBE GOALS AT 25.56% AND WBE GOALS AT 13.01%.

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

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$187,500.00	9938-905776-9475	
State	Reserve	
	Rec. Facility	
	Expansion FY12	
62,500.00	" " "	
Rec. & Parks		
<u>26th Series</u>		
\$250,000.00	-----	9938-906776-9474
		Rec. Facility
		Expansion FY12
		Active

This transfer will provide funds to cover the costs associated with design services under On-Call contract No. 1164, Task No. 005 to GWWO, Inc.

MINUTES

Department of Recreation & Parks - cont'd

UPON MOTION duly made and seconded, the Board deferred the assignment of Task No. 005 to GWWO, Inc. for one week.

DEFERRED

MINUTES

Department of Planning - Second Consultant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a second consultant agreement with Cultural Resources Management Group (CRMG). The period of the second consultant agreement is effective upon Board approval through June 15, 2012.

AMOUNT OF MONEY AND SOURCE:

\$15,000.00 - 2089-208911-1872-187400-603018

BACKGROUND/EXPLANATION:

On December 8, 2010, the Board accepted four proposals to draft an "Operating, Business and Finance Plan" for the Edgar Allan Poe House and Museum (Poe House). The proposals included two parts - a written technical and price proposal. All four written technical proposals were reviewed and scored by an Evaluating Committee. Subsequently, the Board authorized the opening of all price proposals on March 9, 2011. The CRMG was the highest scoring consultant and submitted the most responsive price proposal, resulting in the Board's approval of a 120-day agreement between the Department of Planning and the CRMG on August 24, 2011 at a cost of \$45,000.00.

The agreement expired on December 21, 2011 before all of the scope of services defined in the original agreement could be completed, resulting in CRMG receiving payment of \$30,000.00.

This second agreement will allow CRMG to complete the work that was outlined in the original agreement and provide consulting services in contemplation of the future operation of the Poe House and receive the remaining balance of \$15,000.00.

MINUTES

Department of Planning - cont'd

(FILE NO. 52378)

MWBOO GRANTED A WAIVER.

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 second consultant agreement with Cultural Resources Management Group.

MINUTES

Department of Real Estate - Agreement of Sale

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the agreement of sale with Demaris Ann Howe-Morgan and Arthur Gray Morgan (Purchasers), for the property located at 5401 Fair Oaks Avenue.

AMOUNT OF MONEY AND SOURCE:

\$1,188.94 - Purchase Price

BACKGROUND/EXPLANATION:

The authority to sell this property, as approved by City Council Ordinance No. 477, was approved on December 6, 1973. The property will be sold under the Baltimore City Side Yard Policy approved by the Board of Estimates on August 17, 2011. The purchaser will be using private funds to pay for the acquisition and maintenance of the property. In accordance with the Side Yard Policy, the City has agreed to convey the property known as 5401 Fair Oaks Avenue (Block 5396, Lot 029) to the owners of the adjacent, owner-occupied property. As a condition of the conveyance, the purchasers have agreed to the terms of the sales agreement, which prohibits development of the parcel for a minimum of ten years.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement of sale with Demaris Ann Howe-Morgan and Arthur Gray Morgan, for the property located at 5401 Fair Oaks Avenue.

MINUTES

Office of the Labor Commissioner - Memorandum of Understanding

ACTION REQUESTED OF B/E:

The Board is requested to **NOTE** the memorandum of understanding with the Baltimore Fire Officers, Local 964, International Association of Fire Fighters AFL-CIO, CLC for FY 2013.

AMOUNT OF MONEY AND SOURCE

For Fiscal Year 2013, the FY 2012 wage rates will remain in effect. Employees will be eligible for step and longevity increases. Step and longevity increases are included in the Fire Department's budget.

BACKGROUND/EXPLANATION:

In accordance with the Municipal Employees Relations Ordinance, negotiations were conducted with the Baltimore Fire Officers Local 964 for Fiscal Year 2013. The results of the negotiations have been reduced to writing in the form of this memorandum of understanding.

UPON MOTION duly made and seconded, the Board **NOTED** the memorandum of understanding with the Baltimore Fire Officers, Local 964, International Association of Fire Fighters AFL-CIO, CLC for FY 2013.

MINUTES

Office of the Labor Commissioner - Memorandum of Understanding

ACTION REQUESTED OF B/E:

The Board is requested to **NOTE** the memorandum of understanding with the Baltimore Fire Fighters, Local 734, International Association of Fire Fighters AFL-CIO, CLC for FY 2013.

AMOUNT OF MONEY AND SOURCE

For Fiscal Year 2013, the FY 2012 wage rates will remain in effect. Employees will be eligible for step and longevity increases. Step and longevity increases are included in the Fire Department's budget.

BACKGROUND/EXPLANATION:

In accordance with the Municipal Employees Relations Ordinance, negotiations were conducted with the Baltimore Fire Fighters Local 734 for Fiscal Year 2013. The results of the negotiations have been reduced to writing in the form of this memorandum of understanding.

UPON MOTION duly made and seconded, the Board **NOTED** the memorandum of understanding with the Baltimore Fire Fighters, Local 734, International Association of Fire Fighters AFL-CIO, CLC for FY 2013.

MINUTES

Department of Transportation - South Baltimore/Middle Branch
Traffic Mitigation Zones Fee

ACTION REQUESTED OF B/E:

The Board is requested to approve the South Baltimore/Middle Branch Traffic Mitigation Zones fee of \$55.51 per new vehicle trip attributable to certain development projects in this area.

AMOUNT OF MONEY AND SOURCE:

9950-907074-9512 - Revenue account

BACKGROUND/EXPLANATION:

On November 22, 2011, the Mayor signed into law, Council Bill 11-0658, which provided for the establishment of Traffic Mitigation Zones in five areas of the City, replacing the current process of conducting Traffic Impact Studies within those areas. The five traffic mitigation zones are defined as geographic areas designated for heightened review of the potential impact of development on the area's transportation network.

The Ordinance requires that the Department propose and the Planning Commission review and adopt a ten-year Transportation Master Plan for each of the zones. Each plan must:

- project the number of trips that reasonably might be expected to be generated in the zone, based on new development (including the redevelopment of vacant and underutilized parcels);
- identify multimodal transportation solutions to mitigate the likely growth in traffic congestion; and
- based on the Director of Transportation's recommendation, indicate what projects may be funded in whole or in part by traffic mitigation fees from the zone.

MINUTES

Department of Transportation - cont'd

On March 22, 2012, the Planning Commission reviewed and approved the first Transportation Master Plan pursuant to the Ordinance, which covers the communities in the South Baltimore peninsula and surrounding Middle Branch. Growth scenarios project in the range of 20,852 to 28,677 potential new single-occupant vehicle trips in the next ten years. These new trips come from small parcel redevelopment projects and from major projects such as the proposed slots facility along Russell Street, the Westport Waterfront, and the continued expansion of Tide Point/Under Armour Headquarters, Port Covington, etc. While most intersections in the area operate at an acceptable level of service today, 14 critical intersections are projected to operate at a failing level of service under various growth scenarios.

In order to mitigate traffic congestion from projected growth, the Department developed a comprehensive, multi-modal Middle Branch Transportation Plan. The plan recommends, among other items, improving/extending ramps from MD 295 to Waterview Avenue, converting a portion of Frankfurst Avenue to two-way operations to improve truck access to Potee Street, and reconfiguring the ramps from I-895 to allow for additional turning movements onto Potee Street, bicycle and pedestrian connections, a new MARC Station, and new Montgomery Park. The plan also recommends extension of the Charm City Circulator from downtown to Locust Point, intelligent transportation system improvements along MD 295, and the potential extension of the Key Highway Loop Road from Hull Street to McComas Street. With the adoption of the Middle Branch Transportation Plan, the Ordinance requires that the Department recommend to the Board, a fee assessed on each single occupant vehicle trip, subject to certain credits and deductions, which may be approved by the Director of Transportation.

The Middle Branch Transportation Plan recommends a variety of projects, which, if all were implemented, are estimated to cost approximately \$211,000,000.00 over the next decade. The Department projects that up to \$52,800,000.00 of these projects could reasonably be expected to be constructed over the next decade, depending on various growth scenarios and subject to the availability of federal and local matching funds. Inasmuch as

MINUTESDepartment of Transportation - cont'd

51% of the total vehicle trips in the Middle Branch study area are expected to result from new development, the Department recommends that the traffic impact fee be based only upon the number of new trips attributable to new development. Therefore, the Department recommends that the City seek to capture \$26,900,000.00 from traffic impact fees. Based on the total number of future trips expected, the Department recommends a fee of \$55.51 per trip.

Pursuant to the Ordinance, these fees are to be deposited into a separate revenue account of the general fund. Subject to appropriation, revenue derived from the traffic mitigation fees may be used for eligible projects listed in the Middle Branch Transportation Plan, as adopted by the Planning Commission. On an annual basis, the Department, in consultation with the Director of Finance, is required to report on the total fees collected, appropriated, and expended within the zone. The Department intends to submit the first report with the FY'14 Capital Improvement Program, as included in the proposed Ordinance of Estimates.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved the South Baltimore/Middle Branch Traffic Mitigation Zones fee of \$55.51 per new vehicle trip attributable to certain development projects in this area.

MINUTES

Department of Transportation - Funding Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a funding agreement with The Gilman School and the Bryn Mawr School for Girls, Inc. (Schools). The period of the funding agreement is effective upon Board approval through September, 2013.

AMOUNT OF MONEY AND SOURCE:

\$700,000.00 - 9950-508-003

BACKGROUND/EXPLANATION:

The City has developed, in cooperation with community organizations, the Schools, and other stakeholders, preliminary plans for the re-design and rehabilitation of Northern Parkway between Roland Avenue and Boxhill Lane and Roland Avenue between Northern Parkway and Cold Spring Lane (project area). The purpose of the re-design is to make the project area and the surrounding streets safe for pedestrians, bicyclists, and vehicles with appropriate lighting and landscape for the betterment of the Schools and the community.

The cost of designing, rehabilitating, and improving the project area to such high standards is beyond the City's ability to pay at this time, so the Schools desire to be a partner in advancing the project to construction. The Schools agree to contribute a total not to exceed \$700,000.00, which is \$350,000.00 per school, whereas the City agrees to pay the remaining balance of the total project cost.

All parties will make every effort to complete the planning and design of the project by September 1, 2012, such that the construction may be completed prior to the September, 2013 school term.

MINUTES

Department of Transportation - cont'd

MBE/WBE PARTICIPATION:

N/A

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 funding agreement with the Gilman School and the Bryn Mawr School for Girls, Inc.

MINUTES

Mayor: "Today we approved a MOU for Bryn Mawr School for Girls and Gilman Schools for new improvements along Northern Parkway between Roland Avenue and Charles Street. The agreement also includes enhancements along Roland Avenue from Northern Parkway to Cold Spring Lane and throughout the Roland Park neighborhood, which will be completed in the fall of 2013. Each school has committed to providing \$350,000.00 towards the cost of the improvements along Northern Parkway and Roland Avenue. Once the construction is complete, both institutions will perform ongoing maintenance of the landscape areas within the public's right-of-way. We are very proud to have the ability and the --- have partnered. We are very proud to have partnered with two great institutions to improve on the Roland Park community for its students, for its residents, and for its businesses. With the addition of the new lighting and traffic calming initiatives that I know are a welcome addition to your constituents, Councilwomen Middleton. This rehabilitation project will make the community safer for pedestrian, cyclers and motorists. The

MINUTES

agreement demonstrates how both Gilman and Bryn Mawr are committed to making Baltimore's neighborhoods better, safer and stronger. So I really appreciate that being on there today."

* * * * *

MINUTES

Department of Transportation - Amendment No. 4 to Transit Service Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Amendment No. 4 to Transit Service Agreement (TSA) with Veolia Transportation Services, Inc. The Board is further requested to authorize the Director of Transportation to execute the purchase option of the current lease agreement with ABC Leasing of New Jersey, subject to the approval of the Law Department for form and legal sufficiency and by the Department of Finance.

AMOUNT OF MONEY AND SOURCE:

Operating Funds Subject To Annual Appropriation
Capital Funds - 9950-905980-9508-900010-706063
(Purchase Previously Approved by the Board on 06/22/2011)

BACKGROUND/EXPLANATION:

Contract B50000482, Transit Services Agreement (Baltimore City Shuttle), was approved by the Board on February 11, 2009 with Veolia Transportation Services, Inc. to provide Downtown Circulator operations for the City, which began operations in January 2010.

Subsequent to the initial approval, the Board approved Amendment No. 1 on June 17, 2009, which addressed advertising and made technical corrections; Amendment No. 2 on December 16, 2009, which addressed the reassignment of the City's amortization payments for the buses and thereby reducing the amount financed from \$6.4 million to \$3.5 million; and, Amendment No. 3 on April 27, 2011 which addressed Veolia's termination of their contract with DesignLine, Inc. the short term addition of 5 Van Hool buses to stabilize the CCC fleet, the agreement with Daimler Buses for the acquisition of 8 Orion BRT Hybrid buses, and the deployment of the East Side Shuttle as a stop gap measure in response to the delayed deployment of the Green Route.

MINUTES

Department of Transportation - cont'd

The Amendment No. 4 to Transit Service Agreement will provide the Department of Transportation authorization for (1) the deployment of a fourth Charm City Circulator (CCC) to be called the Banner Route, which will provide service between downtown and the Fort McHenry Monument and National Shrine; (2) the acquisition of four Orion buses to operate on the route; and (3), the authorization to exercise an option to purchase five Van Hool BRT buses that were procured under a short term lease agreement with ABC Buses to provide stability to the CCC fleet.

The launch of the Banner Route would coincide with the Bicentennial Celebration of the War of 1812 beginning in June 2012 and lasting through September 2014. As planned, the service would operate seven days per week during the same operating hours as the CCC's other routes. This route will encourage Fort McHenry visitors to also visit the other historic sites, restaurants, and shop in the Tide Point and Locust Point communities.

The Department of Transportation has secured grant funding from various sources to meet the operating expenses of the Banner Route. The TSA allows the addition of two additional routes at the same per unit rate as other services, provided that a specified bus spare ratio is maintained, and that the total hours of operation of all routes does not exceed 15% above the number of contracted hours in the original agreement. Because Charm City Circulator operations, with the deployment of the Banner Route, will operate within these parameters, adjustment to the current rate is not necessary.

The acquisition of the four Orion Buses that will be deployed on the Banner Route are Orion BRT Hybrid buses, which were procured through federal grant proceeds. The route will require three vehicles for operations and one bus will serve as a backup vehicle.

MINUTESDepartment of Transportation - cont'd

The authorization to purchase five Van Hool BRT Buses as initially planned as part of the Charm City Circulator operation was to be comprised of a fleet of 21 Eco Saver IV buses manufactured by DesignLine, Inc. with full service on three routes beginning in the fall of 2009. As of December 2010, DesignLine, Inc. had delivered 13 vehicles, but the dependability of the vehicles did not meet the level required for the successful operation of the Charm City Circulator. The questionable financial viability of DesignLine, Inc. created a situation in which Veolia Transportation Services, Inc., who had the contract with DesignLine, Inc. severed their relationship with Design Line.

In the interim to stabilize the operations of the CCC's Orange and Purple routes and to reach and maintain the promised 10 minute headway, the Board approved the addition of 5 Van Hool buses to the CCC fleet on a short term (36 month) lease basis as part of Amendment No. 3 to the TSA. Because of the tenuous operation of the DesignLine, Inc. buses, and to maintain the continuity that has been achieved through the addition of the Van Hool buses, the Department of Transportation requests the authority to purchase, at its option, the 5 Van Hool buses that are currently being leased. The purchase price will be approved by the City at the time of purchase.

AUDITS REVIEWED AND HAD NO OBJECTION.

MBE/WBE PARTICIPATION:

Not applicable

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 4 to the transit service

MINUTES

Department of Transportation - cont'd

agreement with Veolia Transportation Services, Inc. The Board further authorized the Director of Transportation to execute the purchase option of the current lease agreement with ABC Leasing of New Jersey, subject to the approval of the Law Department for form and legal sufficiency and by the Department of Finance.

MINUTES

Fire Department - Fire Expo Training Site Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a fire expo training site agreement (site agreement) with Cygnus Expositions. The agreement is for the period July 17-18, 2012.

AMOUNT OF MONEY AND SOURCE:

No City funds are required.

BACKGROUND/EXPLANATION:

Firehouse Magazine and Cygnus Expositions bring their 26th Annual Firehouse Exposition to the City of Baltimore. With the exception of several years, every Firehouse Expo has been held in Baltimore City. As reported by the Baltimore Convention Center and Visitors Association, the expo accounts for approximately \$15,100,000.00 in direct spending with more than 16,000 attendees. It is the third largest show of this demographic in the country. In recent years, in an effort to bolster training opportunities for attendees, the managers of the Firehouse Expo have forged working relationships with surrounding fire departments to explore mutually beneficial opportunities that would include training for the local departments. This proposed site agreement would allow Firehouse Expo to conduct training sessions on the City property using nationally recognized experts as instructors. Members of the Baltimore City Fire Department and local mutual aid fire departments could participate in this training at no cost.

The submitted site agreement provides indemnification to the City of Baltimore, lays out specific requirements for site safety, site preservation, and stipulates other requirements conducive to good practices.

MINUTES

Fire Department - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the fire expo training site agreement with Cygnus Expositions. The Mayor **ABSTAINED**.

MINUTESBaltimore City Parking Authority - Memorandum of Understanding**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Memorandum of Understanding (MOU) among the Department of Transportation, the Baltimore City Parking Authority, and Visit Baltimore, Inc. The period of the MOU is effective upon Board approval and will continue for a period of three years after construction of the facility.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The MOU will authorize the construction, operation, advertising, and funding of a tour bus parking facility in Baltimore City.

The City is host to multiple tourist attractions, drawing hundreds of tour buses and motor coaches throughout the year. When these buses are not shuttling visitors to and from their destinations, they need a place to park while their guests complete their visit. The City currently has no parking facilities capable of accommodating these large vehicles, so they frequently park on-street and in neighborhoods, disrupting traffic and troubling residents and businesses.

The Department of Transportation, the Baltimore City Parking Authority, and Visit Baltimore, Inc. recognized the need for a motor coach parking facility and have worked together to develop a plan for parking motor coaches while visitors are patronizing the City's many attractions. The Department of Transportation sought and received grant money to support the creation of a motor coach parking facility, and has leased land located at 1100 James Street near the B&O Railroad Museum pursuant to an agreement approved by the Board on March 07, 2012. The Department of Transportation is currently modifying this open lot to accommodate motor coaches. The Department of Transportation has also procured a modular building that will act as the office for the facility and a lounge for motor coach drivers.

MINUTESBaltimore City Parking Authority - cont'd

The Baltimore City Parking Authority has agreed to manage and staff the facility during its operational hours and Visit Baltimore, Inc. will market the facility to motor coach operators. The Department of Transportation, the Baltimore City Parking Authority, and Visit Baltimore, Inc. have agreed to certain conditions of construction, operation, and funding that are memorialized in the MOU.

This will be a pay-to-park facility for motor coaches. Revenues from the operation of the facility will be used to pay the facility's operating expenses.

APPROVED FOR FUNDS BY FINANCE**(FILE NO. 57300)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Memorandum of Understanding among the Department of Transportation, the Baltimore City Parking Authority, and Visit Baltimore, Inc. The Mayor **ABSTAINED**.

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. PROFESSIONAL HEALTH SERVICES | \$1,000,000.00 | Renewal |
|---------------------------------|----------------|---------|
- Solicitation No. B50001812 - Wellness and Fitness Program for the Fire Department - Fire Department - P.O. No. P517644

On June 29, 2011, the Board approved the initial award in the amount of \$1,000,000.00. The award contained five 1-year renewal options. This renewal in the amount of \$1,000,000.00 is for the period June 29, 2012 through June 28, 2013, with four 1-year renewal options remaining.

MWBOO SET GOALS OF 1.5% MBE AND 2.5% WBE.

MBE: West Office Supplies 0%

WBE: Excel Staffing and Professional Services, Inc. 0%

MWBOO FOUND VENDOR IN NON-COMPLIANCE.

The Bureau of Purchases recommends this renewal, contingent on the vendor coming into compliance within ten days.

This is a requirements contract, therefore dollar amounts may vary.

- | | | |
|------------------------------|--------------|---------|
| 2. COMCAST BUSINESS SERVICES | \$ 37,119.60 | Renewal |
|------------------------------|--------------|---------|
- Solicitation No. 06000 - Internet Services - Fire Department - P.O. No. P515462

On November 24, 2010, the Board approved the initial award in the amount of \$32,619.60. The award contained three 1-year renewal options. Subsequent actions have been approved. This renewal in the amount of \$37,119.60 is for the period June 30, 2012 through June 29, 2013, with two 1-year renewal options remaining.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

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

MWBOO GRANTED A WAIVER.

- | | | |
|---|--------------|---------|
| 3. TI-TRAINING CORP. | \$ 59,300.00 | Renewal |
| Solicitation No. 06000 - Use of Force Simulator - Police Department - P.O. No. P51665 | | |

On June 22, 2011, the Board approved the initial award in the amount of \$59,300.00. The award contained six 1-year renewal options. This renewal in the amount of \$59,300.00 is for the period June 22, 2012 through June 21, 2013, with five 1-year renewal options remaining.

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

MWBOO GRANTED A WAIVER.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

- | | | |
|--|--------------|-------------|
| 4. DENALI SOLUTIONS, LLC | \$ 50,138.00 | Sole Source |
| Solicitation No. 08000 - CopLogic In-Pursuit Interface -
Police Department - Req. No. R598863 | | |

Denali Solutions, LLC is the sole distributor of the In-Pursuit system currently in use by the Police Department. In-Pursuit must be modified to provide an interface with the CopLogic system soon to be installed.

It is hereby certified, that the above procurement is of such a nature that not advantage will result in seeking nor would it be practical to obtain competitive bids. Therefore, pursuant to Article VI, Section 11 (e)(i) of the City Charter, the procurement of the equipment and/or service is recommended.

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|--|--------------|---------|
| 5. HD SUPPLY WATERWORKS LTD | \$100,000.00 | Renewal |
| Solicitation B50001433 - Plastic Meter Boxes - Department of
Public Works, Bureau of Water and Wastewater - P.O. No.
P513725 | | |

On June 9, 2010, the Board approved the initial award in the amount of \$42,089.00. The award contained one 2-year renewal option. An increase was approved on July 13, 2011 in the amount of \$50,000.00. This renewal in the amount of \$100,000.00 is for the period June 7, 2012 through June 6, 2014, with no renewal options remaining.

- | | | |
|---|--------------|----------|
| 6. ORCHID CELLMARK, INC. | \$134,000.00 | Increase |
| Solicitation No. B50002042 - Outsourcing DNA Lab Work -
Police Department - P.O. No. P518606 | | |

On November 2, 2011, the Board approved the initial award in the amount of \$200,000.00. The Police Department has requested the additional funds be approved to accommodate available grant funding. This increase in the amount of \$134,000.00 will make the award amount \$334,000.00.

MWBOO GRANTED A WAIVER.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

- | | | |
|---|--------------|----------|
| 7. VIP SPECIAL SERVICES | | |
| LLC | \$255,470.00 | Increase |
| Solicitation No. B50001905 - Services for Windows and Trusses Cleaning - Baltimore Convention Center - P.O. No. P517667 | | |

On June 22, 2011, the Board approved the initial award in the amount of \$54,530.00. The award contained two 1-year renewal options. This increase in the amount of \$255,470.00 will make the award amount \$310,000.00.

MWBOO SET GOALS OF 10% MBE AND 5% WBE AND FOUND VENDOR IN COMPLIANCE. BIDDER REQUESTED A WAIVER AND WAS FOUND IN COMPLIANCE BASED ON A GOOD FAITH EFFORT.

- | | | |
|---|--------------|----------|
| 8. SLIGO SYSTEMS | \$ 30,000.00 | Increase |
| Solicitation No. 08000 - OEM Sligo Pumps Parts - Department of Public Works, Bureau of Solid Waste - P.O. No. P515361 | | |

On November 17, 2010, the Board approved the initial award in the amount of \$22,000.00. The Board approved a renewal on September 14, 2011 in the amount of \$60,000.00. An increase is necessary due to increased usage of parts from this vendor. This increase in the amount of \$30,000.00 will make the total award amount \$112,000.00.

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

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

9. PAETEC		
COMMUNICATIONS	\$400,000.00	Increase
Solicitation No. 06000 - Provide Long Distance Telephone Service for City of Baltimore - Department of Communication Services - P.O. No. P515385		

On October 27, 2010, the Board approved the initial award in the amount of \$200,000.00. The award contained one 2-year renewal option. On October 26, 2011, the Board approved an increase in the amount of \$200,000.00. An increase is necessary due to increased usage. This increase in the amount of \$400,000.00 will make the total award amount \$800,000.00.

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

MWBOO GRANTED A WAIVER.

10. EVERGREEN LANDSCAPE & DESIGN CORP.	\$200,000.00	Renewal
Solicitation No. B50001705 - Mowing & Debris Removal for Vacant Lots and Abandoned Property - Department of Public Works - P.O. No. P517585		

On June 8, 2011, the Board approved the initial award in the amount of \$779,600.00. The award contained four 1-year renewal options. This renewal is for the period June 8, 2012 through June 7, 2013, with three 1-year renewal options remaining.

MWBOO SET GOALS OF 27% MBE AND 10% WBE.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

MBE: Grass Roots Landscaping Co. 27%

WBE: Rags 2 Riches Cleaning Services 10%

This is a requirements contract, therefore dollar amounts may vary.

MWBOO FOUND VENDOR IN COMPLIANCE.

11. SECTION 1

NATIONAL SAFETY SUPPLY INC.	\$ 20,000.00
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SECTIONS 2 & 3

FISHER SCIENTIFIC	550,000.00
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SECTION 4

HAGEMEYER NORTH AMERICA	110,000.00 <u>680,000.00</u>
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Renewal

Solicitation No. B50001439 - PPE Ensembles & Tactical Face Mask Breathing Systems - Police and Sheriff's Departments - P.O. Nos. P513531, P513532 and P513533

On May 26, 2010, the Board approved the initial award in the amount of \$680,000.00. The award contained four 1-year renewal options. On May 4, 2011, the Board approved a renewal in the amount of \$680,000.00. This renewal in the amount of \$680,000.00 is for the period May 26, 2012 through May 25, 2013, with two 1-year renewal options remaining.

MWBOO GRANTED A WAIVER.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

12. FIRST CALL

TEMP AIR COMPANY, INC.

SECOND CALL

J.F. FISCHER, INC.

THIRD CALL

R.F. WARDER, INC.	\$ 0.00	Renewal
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Solicitation No. B50000976 - Provide Repair Services for the Central Chilled Water System - Agencies - Various - P.O. Nos. P508055, P508056 and P508057

On May 6, 2009, the Board approved the initial award in the amount of \$3,500,000.00. The award contained one 2-year renewal option. This renewal is for the period May 15, 2012 through May 14, 2014.

TEMP AIR COMPANY, INC.

MBE: Arriba Mechanical, Inc.	14%
Roanne's Rigging & Transfer Company	9%

WBE: Colt Insulation	6%
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J.F. FISHER, INC.

MBE: Horton Mechanical Contractors, Inc.	23%
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WBE: N.R. Eyler, Inc.	6%
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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

R.F. WARDER, INC.

MBE: AWA Mechanical, Inc. 23%

WBE: First Class Plumbing 6%

MWBOO FOUND VENDORS IN COMPLIANCE.

		<u>Item Nos.</u>	
13. CHESAPEAKE SYSTEM, LLC	\$ 25,000.00	1 & 2	Renewal
PESCO, LLC	10,000.00	3,4,5,6,	Renewal
	<u>\$ 35,000.00</u>	7,8,& 9	

Solicitation No. B50001445 - Provide Various Submersible Pumps
 - Agencies: Various Req. Nos. P414273 & P514274

On June 30, 2010, the Board approved the initial award in the amount of \$44,098.00. The Board approved an increase in the amount of \$15,000.00 on October 12, 2011. This is the sole renewal option in the amount of \$35,000.00 for the period June 28, 2012 through June 27, 2014.

MWBOO GRANTED A WAIVER.

14. PROJECTION PRESENTATION TECHNOLOGY	Revenue Contract	Renewal
Solicitation No. BP-07136 - Convention Center Audio/Video Services - Convention Center - Req. No. R202037		

On August 8, 2007, the Board approved the initial revenue contract. The award contained one 5-year renewal option. This renewal is for the period August 8, 2012 through August 7, 2017.

MWBBO GRANTED A WAIVER.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

UPON MOTION duly made and seconded, the Board approved the informal awards, renewals, and increases to contracts. The Mayor **ABSTAINED** on item no. 7. The President **ABSTAINED** on item no. 5. The Comptroller **ABSTAINED** on item no. 12.

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:

1764 - 1765

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

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

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

- | | | |
|--|-----------------------------------|--------------|
| 1. B50002194, Manage-
ment and Operation
of Recreation
Centers - Towanda
Recreation Center | Park Heights
Renaissance, Inc. | \$100,000.00 |
|--|-----------------------------------|--------------|

MBE SET GOALS OF 7% MBE AND 3% WBE.

MWBOO FOUND VENDER IN NON-COMPLIANCE.

MBE: Sue-Ann's Office Supply, Inc.	7%
WBE:	0%*

*The Bidder did not achieve the WBE goal and did not request a waiver.

The Bureau of Purchases recommends award to the vendor, contingent upon the vendor coming into compliance within ten days.

- | | | |
|--|-------------------|--------------|
| 2. B50002337, Ballistic
Entry Shields | Atlantic Tactical | \$ 68,107.90 |
|--|-------------------|--------------|

MWBOO GRANTED A WAIVER.

- | | | |
|---|--------------|--------------|
| 3. B50002273, Mowing,
Maintenance &
Landscaping | Lorenz, Inc. | \$156,800.00 |
|---|--------------|--------------|

MBE: 4 Evergreen Lawn Care	15%
WBE: Fouts Lawn Care Corp, Inc.	5%

MWBOO FOUND VENDOR IN COMPLIANCE.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

4. B50002358, Vehicle	<u>First Call</u>	
Glass Repair &	Royal Glass Co.	\$450,000.00
Installation		
Services	<u>Second Call</u>	
	Millennium 2, Inc.	<u>150,000.00</u>
		<u>\$600,000.00</u>

MWBOO GRANTED A WAIVER.

MINUTES**TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Police Department</u>			
1. Troy M. Blackwell	Diamond Shift, Northeast Counter Drug Training Fort Indiantown Gap, PA May 21 - 28, 2012 (Reg. Fee \$0.00)		\$0.00
2. Kyle Gooden	International Council of Shopping Centers Las Vegas, NV May 19 - 24, 2012	General Funds	\$1,535.85

The subsistence rate for this location is \$170.00 per day. The Department is requesting subsistence for one day and \$40.00 per day, for five days for meals and incidental expenses, since the remaining period of the trip has been paid for by the Baltimore Development Corporation. The Department has prepaid the cost of airfare in the amount of \$613.40 as well as the hotel cost for one night in the amount of \$134.00 on City issued credit card assigned to Mr. Gooden. The disbursement to Mr. Gooden will be \$596.00.

In addition, the Department is requesting a rental vehicle to transport the Mayor while in Las Vegas. The Executive Protection Unit needs to arrive in advance of the Mayor. The cost of the rental vehicle is \$192.45, the Department has estimated parking in the amount of \$100.00 and fuel costs in the amount of \$300.00 for a total of \$592.45 which is included in the total. In accordance with **AM-240-8**, Official City business at the event site will require extensive inspection trips, tours, or other unusual but necessary land travel, the Board of Estimates must approve funds for such expenses in advance of the trip.

MINUTES**TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Mayor's Office</u>			
3. Colin Tarbert	2012 Int'l Conference of Shopping Centers Las Vegas, NV May 20 - 24, 2012	General Funds	\$1,058.60

The subsistence rate for this location is \$170.00 per day. The Baltimore Development Corporation will be paying the hotel accommodations. The airfare in the amount of \$838.60 has been prepaid on a City issued credit card assigned to Ms. Kathe Hammond. The disbursement to Mr. Tarbert will be \$220.00.

Law Department

4. Pervis C. Lee	International Municipal Lawyers Association Top 50 Conf. June 1 - 3, 2012 Phoenix, AZ (Reg. Fee \$100.00)	Internal Service Fund	\$1,018.40
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Office of Civil Rights and Wage Enforcement

5. Alesha N. Bell	Annual EEOC/FEPA Training Conf. St. Louis, MO May 29 - June 1, 2012 (Reg. Fee \$0.00)	Federal	\$942.93
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The subsistence rate for this location is \$170.00. The hotel cost is \$104.00 per night not including occupancy taxes in the amount of \$17.41 per night. The Office is requesting \$40.00 for meals and incidental expenses for the fourth day because Ms. Bell will be traveling late in the day.

MINUTES**TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Department of Housing and Community Development</u>			
6. Michael Braverman Eric Booker	Reclaiming Vacant Properties - Remaking America for the 21 st Century New Orleans, LA June 20 - 22, 2012 (Reg. Fee \$0.00)	General Funds	\$1,641.20
<u>Office of the City Council</u>			
7. Helen L. Holton	NACo Western Interstate Regional Board Meeting Santé Fe, New Mexico May 16 - 18, 2012 (Reg. Fee \$0.00)	Elected Officials Expense Account	\$1,039.73

The subsistence rate for this location is \$154.00 per day. The hotel rate is \$134.00 per night not including occupancy taxes in the amount of \$20.36 per night. The Department is requesting an additional \$20.00 per day to cover the cost of meals and incidental expenses.

The Department is also requesting \$95.32 for the cost of a rental vehicle. The rental car and parking is necessary due to unusual land travel as a result of arriving at an inexpensive airport and alternate hotel. In accordance with **AM-240-8**, Official City business at the event site will require extensive inspection trips, tours, or other unusual but necessary land travel, the Board of Estimates must approve funds for such expenses in advance of the trip.

MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Fire Department</u>			
8. Robert Maloney	2012 Urban	FY 2010	\$3,235.77
Calvin Bowman	Area Security	UASI Grant	
David McMillan	Initiative (UASI)		
	Columbus, OH		
	May 21 - 24, 2012		
	(Reg. Fee \$400.00)		

The registration fee and airfare were paid with City Purchasing Card issued to Robert Maloney.

UPON MOTION duly made and seconded, the Board approved the travel requests. The Mayor **ABSTAINED** on item nos. 2 and 3. The President **ABSTAINED** on item no. 7.

MINUTES**PROPOSAL AND SPECIFICATIONS**

1. Dept. of Transportation - TR 12017, Material Testing
2012 Various Projects City-
wide
BIDS TO BE RECV'D: 6/06/2012
BIDS TO BE OPENED: 6/06/2012

2. Dept. of Transportation - TR 09037, National Aquarium
Access Improvements
BIDS TO BE RECV'D: 6/20/2012
BIDS TO BE OPENED: 6/20/2012

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

* * * * *

MINUTES

ACKNOWLEDGEMENT

President: "I want to recognize that we have been joined today
Councilwoman Sharon Glenn-Middleton and members of the Park
Heights Community."

* * * * *

MINUTES

ANNOUNCEMENT

President: "That's it."

Mayor: "One more, sorry. Thank you. I have a half of an announcement to make because I have promised not to embarrass someone who is here. Who has determined to retire and leave and making us all very, very sad, and I know she doesn't want a big hoopla, so I am not going to make a big hoopla. I'll just say if I were to read all of this resolution it would be a big hoopla, because Leslie, you certainly deserve it. We are certainly going to miss you. You have been an invaluable member of the team and best, best wishes in your retirement. Now, if you have changed your mind and would like a big hoopla, I am more than willing to read."

Ms. Leslie Winner, Law Department: "No."

City Solicitor: "No."

Mayor: "Are you sure. Alright, its hoopla all in here. Thank you so very much for all your years of dedicated service."

MINUTES

Ms. Winner: "It's a pleasure."

Mayor: "Thank you."

(Applause)

City Solicitor: "And I would add that not only has Leslie served with extraordinary distinction throughout advising the Board of Estimates on her many large agencies, but she somehow survived six City Solicitors in the course of doing so. That's pretty close to a record."

* * * * *

MINUTES

BIDS, PROPOSALS AND CONTRACT AWARDS

Prior to the reading of the bids scheduled to be received and opened today, the Clerk to the Board announced that the following Bureau had issued an addendum extending the dates for receipt and opening of bids on the following contract.

Bureau of Water & Wastewater - SC 863, Parking Lots and
Other Outdoor Improvements
to the Administration
Building at the Back River
Wastewater Treatment Plant
BIDS TO BE RECV'D: 05/23/12
BIDS TO BE OPENED: 05/23/12

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

MINUTES

Bureau of Purchases- B50002251, Citywide Towing
Services

Aarons Towing Service*
 Quick Response Towing Inc.
 Frankford Towing Assoc. LLC
 Frankford Towing LLC
 Frankford Towing Service, LLC
 Frankford Towing, Inc.
 Mel's Towing
 Ted's Towing Service, Inc.
 Bermans Towing 1, LLC
 Bermans Towing 2, LLC
 Bermans Towing 3, LLC
 Bermans Towing 4, LLC
 Universal Towing
 Greenwood Towing, Inc.
 Nate's Towing Service
 McDel Enterprises
 Jim Elliott's Towing
 Cherry Hill Towing**
 Cherry Hill Towing I, LLC
 Cherry Hill Towing II, LLC
 The Auto Barn, Inc.**
 The Auto Barn I, LLC
 The Auto Barn II, LLC
 The Auto Barn III, LLC

A PROTEST WAS RECEIVED FROM BERMAN'S TOWING, INC. FOR SOLICITATION B50002251, CITYWIDE TOWING SERVICES BUT THE PROTEST WAS NOT HEARD. THE PROTEST WILL BE HEARD, IF APPLICABLE, AT THE TIME OF AWARD.

*UPON FURTHER MOTION, the Board found the bid of Aarons Towing Service NON-RESPONSIVE due to the company's failure to include bid price information on all line item categories as required.

** UPON FURTHER MOTION, the Board found the bid of Cherry Hill Towing and The Auto Barn, Inc. NON-RESPONSIVE due to the company's failure to include the bid price information binding the entity actually submitting the bid.

MINUTES

Bureau of Purchases

- B50002398, Skid Steer Loader
with Attachments

Correlli Incorporated
J. David Mullinix and Sons Inc.
Finch Services, Inc.
Security Equipment Company
JESCO, Inc.
Metro Rentals Inc.

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There being no objections, the Board UPON MOTION duly made and seconded, adjourned until its next scheduled meeting on Wednesday, May 16, 2012.

JOAN M. PRATT
Secretary