



June 13, 2022

Board of Estimates of Baltimore City
Attn: Nicholas Mosby, Chair
Room 215 City Hall
Baltimore, MD 21201

(Sent electronically to BOE.Clerk@baltimorecity.gov; James.knighton@baltimorecity.gov)

Re: Response to Protest Letter by Lorenz, Inc. (B50006466/Baltimore Tree Trust)

Dear Honorable Mayor, Chair and Members of the Board of Estimates:

On behalf of Baltimore Tree Trust, Inc (BTT), the lowest responsive bidder and recommended vendor for Solicitation B50006466, I am writing to request that the letter of protest submitted by the legal counsel representing Lorenz, Inc. be dismissed on the grounds of its numerous false and misleading statements. The letter written by Mr. Robert Dashiell Esq. P.A. on May 31st makes reckless and unsupported allegations about BTT, the City of Baltimore, and others. In order of how they were written, these false and misleading statements and BTT's responses are as follows:

1. **Lorenz “submitted the lowest responsive bid.”** When the bids were unsealed on February 16th, BTT's bid of \$946,490 was recorded as the lowest bid. Lorenz's bid, at \$1,282,800, was 26% higher. There was no deviation in the process set forth in Article IV Section 11 of the City Charter that would suggest that this award is illegitimate.
2. **No "Level Playing Field."** Mr. Dashiell claims that a nonprofit has an advantage in the bidding process. According to Mr. Dashiell's reasoning, BTT's Board of Directors *must* have colluded with city officials to win this bid over a private company, yet he offers no credible evidence for the Board of Estimates' consideration. As speculative and outrageous as the assertion was, the City Charter does not, in fact, exclude local nonprofits from bidding on a City contract. BTT made specific inquiries about the rules as they apply to nonprofits during the pre-bid conference for solicitation #B50006251 on August 26, 2021. The question was formally submitted in Citibuy and cleared by the Bureau of Procurement (BOP).
3. **BTT added a “post-bid opening” amendment.** Mr. Dashiell alleges that BTT colluded with BOP after the bid submission date to add in a 2-year warranty clause that somehow conferred a “credit” to BTT. While the City did, in fact, issue a bid amendment on March 4th, its scope only included the pricing sheet from the previous planting contract and was in response to a request entered into Citibuy on January 31st by another company, P2 Cleaning Services. The



ridiculousness of the allegation is easily revealed by a reading of the title on the invitation for bids: "Street Tree Planting *with 2-Year Maintenance & Warranty* Spring & Fall 2022" (emphasis added). The same warranty requirement existed in the planting contract Lorenz, Inc. held from 2016-2021 (Solicitation #B50004509, Section SW1.A.).

4. **Non-Compliance with MBE Goal.** Carter Landscaping's Commitment to Comply affidavit was notarized prior to the submission date and approved by the Minority and Women's Business Opportunity Office (MWBOO). While the public copy of the bid package reviewed by Mr. Dashiell may or may not have included a copy of Carter's affidavit, his inflammatory assertion that BTT somehow colluded with a public notary, MWBOO and the BOP to defraud city taxpayers is nothing short of slanderous.
5. **Maryland Licensed Tree Expert (LTE).** The LTE certification that Mr. Dashiell tacks onto his argument *as a footnote* is not, in fact, listed anywhere as a requirement of a responsive bidder. While there is no requirement for the LTE certification, Section DS10.I.3 of the bid solicitation clearly states that "[planting] must be done under the supervision of an Arborist certified by the International Society of Arboriculture." BTT provided the necessary documentation for not one, but two staff ISA-certified arborists with over 15 years of direct experience in urban forestry who will assist with the services BTT will provide in the contract.

Supporting evidence is available upon request. It is for these reasons outlined above that I urge the Board of Estimates to dismiss Mr. Dashiell's unsubstantiated protest on behalf of Lorenz, Inc. and to carry out the award of contract #B50006466 to the lowest responsive bidder: Baltimore Tree Trust.

Respectfully,

Bryant Smith

Chief Executive Officer

Baltimore Tree Trust