



# MEMORANDUM

<b>TO:</b>	The Honorable Baltimore City Board of Estimates		
<b>FROM:</b>	Christopher R. Lundy, Chief MWBOO		
<b>SUBJECT:</b>	Factual Findings & Disciplinary Recommendation—WC 1403 Metra Industries		

The Minority and Women’s Business Opportunity Office (MWBOO) is responsible for overseeing the City’s Minority and Women’s Business Program (MWB Program) codified in City Code Article 5, Subtitle 28. The MWB Program is “necessary to overcome the effects of past discrimination and to prevent ongoing discrimination in the City’s contracting process, while assuring that high quality goods and services are obtained through the competitive bidding process.” City Code § 28-3(a)(4). The MWB Program requirements are applicable to all City contracts and spending with M/WBE goals applicable to contracts over \$50,000.

The Code states:

**§ 28-48. Contracts of \$50,000 or more.**

(e) *Maintaining levels during contract term.*

During the term of the contract, any unjustified failure to comply with the levels of certified business enterprise participation identified in the bid is a material breach of contract.

...

**§ 28-54. All contracts – Contract specifications.**

Each contract must:

- (1) incorporate this chapter by reference;
- (2) provide that the failure of any bidder, contractor, or subcontractor to comply with this chapter is a material breach of contract; and
- (3) require that, during its term, the contractor will:
  - (i) fulfill Program commitments submitted with the bids;
  - (ii) continue to make good faith efforts to utilize minority and women’s business enterprises; and
  - (iii) maintain records reasonably necessary for monitoring compliance with this chapter.

**§ 28-55. All contracts – Payments to subcontractors.**

(a) *In general.*

A contractor must pay its subcontractors in a timely fashion for satisfactory work.

(b) *When payment considered timely.*

A payment is timely if it is mailed, delivered, or transferred to a subcontractor no later than 7 calendar days after the contractor receives payment from the City.

(c) *Evidence of compliance.*

Beginning with the second pay request from a contractor to the City, the contractor must provide the City with evidence that all subcontractors have been paid out of the proceeds of the prior payment, unless a bona fide dispute, documented in writing, exists between the contractor and the unpaid subcontractor.

The above quoted Code provisions are applicable to WC 1403.

### **MWBOO's Code Enforcement Duties**

#### **PART IX. ENFORCEMENT**

##### **§ 28-86. Office to monitor compliance.**

During the term of a contract subject to this chapter, the Office must monitor continued compliance with this chapter.

##### **§ 28-87. Noncompliance – Contractor or subcontractor.**

(a) *Notice and attempt to resolve.*

If the Office finds cause to believe that a contractor or subcontractor has failed to comply with any requirement of this chapter or with any contract provision relating to utilization under this chapter, the Office must:

- (1) so notify the contracting agency and the contractor; and
- (2) attempt to resolve the noncompliance through conciliation.

(b) *Referral to Board of Estimates.*

(1) If the noncompliance cannot be resolved, the Office and the contracting agency must submit written findings and recommendations to the Board of Estimates.

(2) The Board of Estimates may impose sanctions in accordance with Chapter 4 of this subtitle.

MWBOO has diligently worked in partnership with DPW, but the lack of prompt payment and candor with MWBOO cannot be resolved absent a referral to the BOE to impose penalties.

## Factual Findings Regarding WC 1403

DPW advised that they would not move forward due to problems with payments to contractors and the uncertainty as to who would serve as the MBE subcontractor on this contract post-the requested approval for the change order. DPW has worked in partnership throughout the investigation of the facts and circumstances surrounding WC 1403. Economic International Construction Company, Inc. (EICCI) committed to serve as MBE subcontractor to prime contractor Metra Industries (Metra) on WC 1403. EICCI was utilized and paid a total of \$558,287.40 for their work on WC 1403.

Via May 9, 2022 letter Metra stated that they had “encountered a partial unavailability by one of our Subcontractors – EICCI.” *See* Metra Industries May 9, 2022 Substitution Request Letter, attached as Exhibit 1. Metra further stated that cost increases led to the inability to continue with EICCI and that they were seeking to substitute for M. Luis. Ex. 1. EICCI did seek a cost increase, the “cost of utility construction materials has increased at least 30%.” *Id.* DPW ultimately did not grant the price escalation request for WC 1403.

MWBOO has engaged in numerous email correspondence, phone discussions, and virtual meetings since that time with DPW, Metra, and EICCI. The concern has always been to ensure that the MBE subcontractor, EICCI, has been fully compensated for all of the work that they completed on WC 1403. There were discussions regarding utilization and payments to EICCI, Metra’s position that the inability to continue without the price escalation was a breach of contract by EICCI, and Metra’s own price escalation concerns. *See* Metra & DPW June 13-15, 2022 Email Chain, attached as Exhibit 2.

DPW clearly stated on June 15, 2022 their refusal to add any funds to the contract due to “force majeure”. *Id.* Additionally, regarding outstanding payments DPW stated:

Also, on May 26<sup>th</sup> you and I had a conversation where you assured me that the outstanding invoices for E.I.C.C.I. totaling \$98,102.13 (WC 1402 \$73,424.13 & WC 1403 \$24,678.00) would be paid no later that [sic] June 10<sup>th</sup>. From my understanding, E.I.C.C.I. has not been paid.

WC 1402 has been paid 100% and WC 1403 has been paid 98% of their contract value. So I would like to perfectly clear, I will not process an estimate for WC 1402 or 1403 until we have a signed acknowledgement from E.I.C.C.I. indicating **ALL INVOICES HAS BEEN PAID.**

(Emphasis in original) Ex. 2. The DPW Change Order or Expenditure Authorization Request (EAR) lists EICCI for participation but Chief Qadri felt it would be irresponsible to submit the EAR prior to MWBOOs approval of the requested MBE substitution.

The substitution request was submitted to MWBOO, but it lacked any acknowledgement that EICCI was aware of the request and consented to being removed from the contract that they committed to work on. This was relayed by DPW via email on August 2, 2022:

Good morning Mr. Wazir,

I wanted to send an update regarding the request made to substitute EICCI, MWBOO emailed me today and stated

they will not approve until they receive a letter from EICC I stating that they understand what is happening, what was submitted is not sufficient for MWBOO to approve your request. (Please see MWBOO message to me below) please have Metra reach to EICCI to provide a letter stating they understand the request being made, the letter must come from EICC, and it cannot be the same email chain Metra previously provided because that was already sent to MWBOO, and they are still requesting this letter/documentation. If you have any questions and or concerns, please do not hesitate to follow up with me.

**WC 1403 MWBOO is going to require Metra to submit confirmation from EICCI that they understand what is occurring with this substitution.**

(Emphasis in original). See August 2, 2022 Message, attached as Exhibit 3. Metra detailed their issues with outstanding payments from the City and asserted a subcontract dispute with EICCI in their August 2 email response.

EICCI sent a May 26, 2022 email that made their position clear there was not simply a refusal to work on WC 1403 without a price escalation for the fire hydrant cost. MWBOO was not copied on this correspondence at the time in May, but it did come to our attention when EICCI filed a complaint against Metra with DPW via email dated October 24, 2022 with the May email as an attachment. The EICCI May 26<sup>th</sup> email states clearly:

Dear Stephan,

We are in receipt of your email asking Economic International Construction Company, Inc. to install fire hydrants at a cost of \$4,000.00 each. *Please be advised that because we have not been paid several invoices due by Metra Industries for over 24 months dating back to March 2020 through March 2022 with a total balance of \$241,429.73, we find it difficult to operate under these circumstances because of a cash flow problem. This balance is for project WC1402, WC1403 and SC955.*

Also, we find it impossible to purchase materials at a cost more than what we are being paid. At the time that we were contracted to perform the fire hydrant installation the cost of each fire hydrant was considerably less than it is today.

Purchasing fire hydrants at a higher cost of what we can earn for each one will only add to the ***cash flow problem caused by you not paying what you owe us.***

Thank you

(Emphasis added). See EICCI May 26, 2022 Re WC 1403 Work, attached as Exhibit 4. Metra did not acknowledge the long outstanding balance owed to EICCI in their ongoing correspondence with DPW and MWBOO. Any price dispute regarding future EICCI work is irrelevant to completed past work that was invoiced to be paid. Even if there is a prime and subcontractor dispute, it does not eliminate the requirement to promptly pay all subcontractors within seven (7) days of the prime being paid by the City.

EICCI in their October 24, 2022 email detailed their position regarding continuing to work on WC 1403, in direct opposition to what Metra represented:

Good Afternoon,

This email is in complaint of Metra Industries. EICCI was subcontracted by Metra for Water Contracts #1402, #1403 and Sewer Contract #955. ***For the life of those and other contracts we have had an issue with delayed payments or no payments at all.*** Back on May 25, 2022, a work request submitted to us from Metra Industries, V.P. of Administration, Mr. Stephan Dioslaki, regarding the continued work on WC#1403. I have attached a copy and our rebuttal dated May 26, 2022. ***Please let it be noted that we are not in refusal of performing any work we are subcontracted. However, we cannot perform work without full payment of our past owed monies. This is mainly because the work being requested materials' is at a cost greater than what the contract pays and the fact that we are a small MBE.***

Concerning payment, ***my office team and I have continuously tried to reach out to Metra's Controller's office for payment with no success.*** By their non-payment of our work performed, we have withheld our Subcontractor's Acknowledgement Forms, and have not submitted any since March 2022 in hopes of receiving payment as denoted in the City's Specs.

***In conclusion, Economic International Construction Company, Inc. feels Metra Industries should not be awarded any new contracts until they fulfill their financial obligations to ALL their contracted MBE/WBE.***

(Emphasis added). *See* EICCI 10.24.22 Metra Industries Complaint, attached as Exhibit 5.

This email relaying that MWBOO would require a letter from EICCI was responded to and brought to the attention of Metra by Chief Qadri on October 27, 2022. Ex. 3. Metra contacted MWBOO Chief requesting to meet via phone on November 1, 2022. Metra represented in that conversation that: they “had a good working relationship [with EICCI] for a long time”; that EICCI told Metra that they were unable to do any additional work without price escalation, that they had written documentation of EICCI’s refusal to do additional work, and that they were trying to work with EICCI regarding the ongoing “dispute.” Following the meeting Metra forwarded their May 10, 2022 message to MWBOO Chief and provided the documentation that was previously submitted and stated:

Thank you very much for meeting with us this morning.  
We found the meeting to be very productive and very helpful.

Pursuant to our conversation, please see below and attached. With this supporting documentation, Metra requests that if you can please grant approval to substitute M. Luis with EICCI due to the mitigating circumstances described herein, it would be very much appreciated. And, we respectfully suggest that it would lend towards the success of this Contract and the common interest and benefit to all concerned parties and individuals.

Thank you again for your time and your consideration.

*See* November 1, 2022 FW Baltimore City Contract # WC 1403 MWBE Performance going forward, attached as Exhibit 6.

Metra updated DPW with MWBOO copied on November 3<sup>rd</sup>:

Wazir – we did indeed have an EXTENSIVE meeting with the head of MWBOO (Mr. Christopher Lundy) and the Deputy (Mr. Stephen Campbell). The meeting was very productive. We discussed the situation and he requested for us to (re)forward some documents and details so he can provide actions in the hopes of resolving whatever issue(s) might exist. To that end, and in the spirit of trying to move this forward, we are respectfully adding Mr. Lundy and Mr. Campbell as Cc’s to this email. Gentlemen – please see below. If you could kindly provide your attention, we would be grateful to you. (For the sake of the DPW personnel, we attach hereto, our communications that took place subsequent to our meeting).

Thanks very much.

See RE WC 1403 - Change Order 3 - MWBE Resolution, attached as Exhibit 7. DPW advised Metra at that time, “Thanks Steve. We will wait for MWBOO decision.”

Metra was informed of a wire transfer on November 3<sup>rd</sup>, inclusive of \$249,102.38 payment for WC 1403. See WC 1403 Wire Transfer Email Chain, attached as Exhibit 8. Metra continued to advocate for them to be paid in full for all outstanding balances via. *Id.* Metra continued to follow-up and MWBOO advised on December 6<sup>th</sup> that “[t]here have been additional issues that required time to look into and additional information from DPW” and scheduled time to meet via phone. When Metra met with MWBOO on December 8<sup>th</sup> via phone they were uncertain if EICCI had been paid to date when questioned. They were explicitly advised to check the payment status for all of their subcontractors since they could not certify that all payments were current.

Metra sent a follow-up message on Tuesday 12/13 and continued to reach out via phone and email on 12/14. Metra relayed the critical nature of the change order since the matter in question is their “lifeblood.” See Metra December 15, 2022 EICCI Payment Email Chain, attached as Exhibit 9. When MWBOO Chief had an opportunity to respond via email he stated:

Good afternoon,

It has been very busy. I know that this is critical. Did you provide any update regarding the payment status of EICCI on WC 1403? I did not see it, but apologies if I overlooked it. I recall us ending the conversation with you indicating that you would be checking in with accounting about whether there are any outstanding balances owed. Please let me know if that was sent an email following our last discussion or if you have that information. The shared concern of MWBOO and DPW is that there are outstanding payments that need to be resolved prior to approving the substitution and ensuring that you have M/WBEs secured to continue work on the contract. Please advise. Thank you. Have a great rest of the day.

Ex. 9. Metra responded that evening:

Thank you for your response. I do have that information and that is why I was attempting to contact you so I could explain our intentions. Can we talk?

Ex. 9. Metra the following day, December 15, sent an email stating:

Dear Mr. Lundy and Dear Wazir – Metra has very good news to report in support of / favor of passing the WC 1403 Change Order so Urgent Need Work can be expedited, approving our MBE substitution request and otherwise. **We**

**are paying up EICCI all open invoices we have from them on that job.**

Those invoices consist of:

- Invoice 5188 in the amount of \$3,600
- Invoice 5192 in the amount of \$15,750
- Invoice 5193 in the amount of \$5,328
- Invoice 5198 in the amount of \$5,121
- Invoice 5183 in the amount of \$8,684.64

**The above total is \$41,974.64 and is being paid to EICCI immediately via Priority FedEx overnight. EICCI will have this payment IN THERE [sic] HANDS TOMORROW MORNING.**

Importantly: These are ALL OF THE APPROVED INVOICES from EICCI for the whole WC 1403 project; there are no others.

For the benefit of everyone on this email, we are asking you to kindly review the exchanges below as this provides greater detail and clarity to the matter. Please feel free to contact us with any questions, concerns or comments you may have. Thank you in advance for your kind cooperation and assistance in this very urgent and time sensitive matter.

(Emphasis in original) Ex 9.

Metra later that day sent a message detailing funds they purported to have paid to M/WBE subcontractors in total for 2020 and 2021. *See Metra MWBE Payments*, attached as Exhibit 10. They further provided proof of the payment to EICCI with a copy of a check totaling \$43,430.64. *See Metra December 15, 2022 Check to EICCI*, attached as Exhibit 11. EICCI confirmed payment on December 16<sup>th</sup> to MWBOO. As a result, it is undisputed when payment was made to EICCI. Metra was advised via email on January 23, 2023 by MWBOO Chief that, “MWBOO is in the process of reviewing the entire contract, inclusive of the change order. I will be providing my written response to DPW shortly.”

It is of paramount importance to note that while Metra did make payment in full to EICCI for WC 1403, these invoices were dated:

- December 3, 2021
- February 8, 2022
- March 4, 2022
- April 5, 2022



- May 5, 2022

Payment was made on December 15, 2022 despite the fact that Metra was paid \$249,102.38 on November 3<sup>rd</sup> for WC 1403. This is clearly an untimely payment that was not made to their MBE subcontractor within 7 days of Metra being paid by the City. It is irrefutable, based upon the record, that MBE subcontractor payments were not made until specifically prompted to do so, far in excess of the mandated 7-day prompt payment requirement. To the extent that payment was delayed from the City to Metra, it does not alleviate or alter the 7-day prompt payment requirements of the Code § 28-55(b). Additionally, EICCI remains owed \$199,346.97 for additional subcontractor work with Metra on other contracts.

### **Disciplinary Recommendation**

Pursuant to the Code, this Honorable Board may impose administrative penalties that are articulated in the Code, specifically:

#### **CHAPTER 4 PENALTIES**

##### **§ 28-122. Administrative penalties.**

*A contractor who fails to comply with any provision of this subtitle is subject to any or all of the following penalties:*

- (1) suspension of contract;
- (2) withholding of funds;
- (3) rescission of contract based on material breach;
- (4) refusal to accept a bid;
- (5) disqualification of a bidder, contractor, or other business from eligibility for providing good or services to the City for a period not to exceed 2 years; and
- (6) payment of liquidated damages.

(Emphasis added).

Metra repeatedly misrepresented the refusal of EICCI to work on the project, the actual rationale, lack of payment, that EICCI stated was causing them to not continue on the project, and the payment status to MBE subcontractor EICCI. The underlying request to substitute EICCI was misleading in that it only relayed the requested price escalation and did not accurately reflect EICCI's position that they were merely unwilling to work without full payment of past owed funds. These misrepresentations continued throughout the process until MWBOO Chief specifically instructed them to ensure all M/WBE subcontractors were paid or the Change Order would not move forward for approval. Metra did not bring to light any funds owed to EICCI for previously completed work.

This is a very troubling fact pattern and not in accordance with the code or contract. It was only when the overall contract funds that would serve to benefit Metra were at risk that they took seriously their Code and contractual obligation to pay their subcontractors. Metra was specifically told by DPW on June 15, 2022 that they “will not process an estimate for WC 1402 or 1403 until we have a signed acknowledgement from E.I.C.C.I. indicating **ALL INVOICES HAS BEEN PAID.**” See Ex. 2. There is no dispute as to when payment was made. See Ex. 9 (advising of the payment to EICCI) and Ex. 11 (Metra Dec. 15, 2022 check to EICCI). The pattern of behavior exhibited during the performance of contract WC 1403 shows an utter disregard for the Minority and Women’s Business Program.

It has been brought to the attention of the BOE, via protests by M/WBEs, that Metra has had repeated issues with making payment and/or late payments to M/WBEs. This evidences that Metra is an experienced prime that should be fully aware of the City’s requirements regarding prompt payment. A contractor’s prior performance history, utilization, and prompt payment of M/WBEs is of great consequence when awarding public City funds. All contractors are to meet the City Code and contract obligations regarding the MWB Program and must be held to those standards.

MWBOO respectfully recommends that this Honorable Board: 1) rescind WC1403 based upon material breach of the Minority and Women’s Business Program requirements mandating prompt payment to M/WBE subcontractors, 2) disqualify Metra’s eligibility to provide the City with goods or services for two (2) years, 3) the payment of liquidated damages in an amount determined to be appropriate by the Board, and 4) any additional penalties that the Board determines. The Board may subject Metra to any or all of the Code penalties detailed above. This action will enable WC 1403, and any other contracts where Metra is the prime contractor, to be rebid and awarded to another prime contractor who will comply with all of the requirements of the Minority and Women’s Business Program. We must demand more from our contractors. Primes contractors should not be rewarded with additional contract dollars and bid opportunities if they do not fulfill their obligations to M/WBE subcontractors. Thank you for your consideration of this matter.

Respectfully Submitted,



Christopher R. Lundy, Esq.  
Chief, Minority & Women’s Business  
Opportunity Office ([MWBOO](#))  
Baltimore City Department of Law  
100 N. Holliday Street Suite 101  
Baltimore, MD 21202

# METRA INDUSTRIES

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50 Muller Place  
Little Falls NJ 07424  
973-812-0333  
(FAX) 973-812-0330

May 9, 2022

City of Baltimore  
Minority and Women's Business Opportunity Office (MWBOO)  
City Hall, Room 101  
100 N. Holliday Street  
Baltimore, Maryland 21202  
(410) 396-4355

Attention: Christopher R. Lundy, Esq., MWBOO Chief

Re. **MBE WBE** Performance for WC 1403 Urgent Need Water Infrastructure  
Rehabilitation & Improvements Phase II-FY20

Dear Mr. Lundy,

Metra Industries is writing to you at this time respectfully requesting your assistance.

On this project, there is a partial unavailability by one of our MBE Subcontractors – EICCI. Their partial unavailability is best captured by the attached email communication. For the sake of brevity, we will also provide a synopsis description in this correspondence.

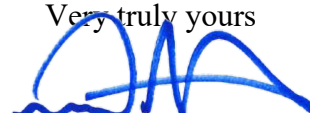
We have all experienced COST INCREASES to the likes that nobody could have ever imagined due to Force Majeure, broken supply chains, embargoes, COVID-19 etc. EICCI has told us in writing that they are simply unable to do certain components of work which we intended and anticipated for them due to these dramatic cost increases. In good faith, we tried nonetheless, to resolve this in an effort to keep EICCI on board, but it didn't work. The attached communications will support this and provide additional details.

In order to overcome the potential shortfall as a result of EICCI's unavailability, Metra respectfully requests your approval for us to supplement and another MBE Subcontractor, M. Luis.

Metra will meet the MBE and WBE goals for this Contract with your approval of this addition that we are requesting. The shortfall by EICCI will be amply made up by M. Luis.

Please confirm if you can approve this request so we may plan and proceed accordingly.

Very truly yours



Stephan P. Dioslaki

Encl.

C     Wazir Qadri  
       John Huang  
       Romeko Morton

/spd.

Baltimore 8 MWBE Substitution request due to unavailability

## Stephan Dioslaki

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**From:** Stephan Dioslaki  
**Sent:** Monday, November 8, 2021 12:01 PM  
**To:** Morton, Romeko (DPW); Qadri, Wazir (DPW)  
**Cc:** William Pugh  
**Subject:** FW: WC1403 Force Majeure Cost Escalation Supporting Literature and documentation  
**Attachments:** Force Majeure Literature Compilation.pdf; WC 1403 RFI 5 Response.pdf

**Importance:** High

Gentlemen – on 9/30/2021, William Pugh was preparing for an upcoming progress meeting with you on this project. At that time the email (below) was composed and presented to you along with the attached (Force Majeure) supporting documentation and literature. This is a global crisis wherein the supply chain is broken and Force Majeure is impacting not only this industry but also the worldwide economy. Mr. Pugh presented and you acknowledged during the progress meeting. Pending your further reply and approval (and as a follow up to this), EICCI has indicated a cost increase for the Hydrant Installations on WC 1403. We respectfully submit to you at this time a copy of the EICCI email that confirms the veracity of our statements and our prior notification. This is NOT by any means an issue that is covered by “Set Unit Prices” which may or may not be contained in the CONTRACT. Rather, this is a COST INCREASE to the likes that nobody could have known and it is incumbent upon the City to approve the Subcontractor’s request for the increase or otherwise to jeopardize the MBE WBE program that we are working so hard maintain. The inability for the City to approve this request will compromise the MBE WBE program creating extreme adverse effects to the MBE WBE utilization performance of this Contract. We urge you to reconsider your position with the added documentation we are providing herein (attached is the email from EICCI themselves – WC 1403 RFI 5 Response – which plainly states that this is a MATERIAL COST increase that must be covered).

We implore you to now reconsider your position with the newly appended documentation that is being provided (SEE BELOW AND ATTACHED). Please confirm that you are approving the new price by EICCI or direct Metra how we should proceed so we can may plan, schedule and notify the MWBE (MWBOO) offices accordingly. This is of utmost importance in order to maintain the integrity of the MBE WBE program.

Thanking you in advance for your anticipated kind cooperation and assistance in this regard.

**Stephan P. Dioslaki** V.P. of Administration

Metra Industries, 50 Muller Pl., Little Falls NJ 07424

[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

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**From:** Stephan Dioslaki  
**Sent:** Thursday, September 30, 2021 6:23 PM  
**To:** William Pugh <wpugh@metraindustries.com>  
**Subject:** WC1403 Force Majeure Cost Escalation Supporting Literature and documentation

As discussed just now over the phone with you Billy, when you have your upcoming progress meeting with the City, please use the email below + the attachments to support our need for compensation of added materials costs. This was due to circumstances far beyond anyone’s control and we are very much entitled to be paid. Thus far we’re at around \$18,000 of extra cost from L/B which we would be claiming. This amount would be regularly updated as we continue.

We have been notified by our suppliers of “Acts of God and/or Force Majeure” (I’ve been told that it falls under a similar group of things as strikes, embargoes, war, political unrest etc) events which gives rise to unprecedented price increases

(eg escalation). This is something that no one could have known of, foreseen or anticipated. From doing some basic research on this, we understand that “a force majeure event excuses a party’s performance obligations when circumstances arise that are beyond a party’s control and makes performance of the subject contractual obligations impractical or impossible. Such events typically include things such as acts of God, severe weather events, earthquakes, famine, pandemics, public health crisis, war, strikes, embargoes, political unrest etc.”

The triggering events that we are experiencing were unforeseeable and occurred outside of everyone’s control. By all means, rest assured that in good faith the performance of this Contract is being maintained in full force, “full steam ahead”; however, the pricing of materials has undergone a considerable increase and we wish to notify you of this asking for your consideration to compensate us for the differential. Your kind consideration is requested. Please confirm if this request could be granted.

**Stephan P. Dioslaki** V.P. of Administration

Metra Industries, 50 Muller Pl., Little Falls NJ 07424

[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

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Department of Public Works  
Chief, Office of Engineering and Construction  
Room 305 Abel Wolman Building  
200 Holliday Street  
Baltimore, MD 21202

Date: 11/3/2021  
RFI #: 5

WATER CONTRACT NO. 1403 – Urgent Need Water Infrastructure Rehabilitation and Improvements Phase I-FY20

ATTENTION: Romeko Morton, Project Manager

**REQUEST FOR INFORMATION**

TITLE: Hydrant Replacements

REFERENCES: Hydrant Replacements  
CONTRACT DRAWING(S) –  
CONTRACT SPEC(S) –  
CORRESPONDENCE –  
CHANGE SKETCHES –

DETAILED DESCRIPTION/ CORRESPONDING PHOTOGRAPHS: EICCI has scouted all the hydrants that Metra was given to replace. After the scouting was completed, EICCI sent Metra a email asking for an increase in the price to install the hydrants due to the increase in the price of the materials. Before we can begin, please approve the new price or direct Metra in how we should proceed. Attached is the email that Metra received.

WRITTEN REPLY REQUESTED BY: Metra Industries

REQUESTED BY: William Pugh

Distribution: **Project Team**

WC 1403 RFI Form

RFI Response:

The City has reviewed the RFI and has determined that the price of hydrants will not be increased as the contract has set unit prices.

[Reply all](#) | [Delete](#) [Junk](#) | [...](#)

## RE: [External] WC1403 Fire Hydrant Item



Economic International Construction Company <EICCI0@hotmail.com>

[Reply all](#) | [...](#)

Fri 10/22, 1:07 PM

William Pugh [v](#)

Inbox

Action Items 

Good Afternoon, Bill,

As you may be aware, the cost of utility construction materials has increased at least 30%. Accordingly, we are forced to increase the amount that we charge for installation of fire hydrants. We hereby request that you issue a new purchase order that covers the installation of fire hydrants with a fire hydrant installation amount of \$5,700.00, for us to move forward with the installation.

We look forward to your immediate response.

Thank you,

Russell Moore  
President

EICCI  
[720 S. Caton Avenue](#)  
[Baltimore, MD 21229](#)  
(410)327-9105 Phone  
(410)327-9107 Fax



**Stephan Dioslaki**

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**From:** Stephan Dioslaki  
**Sent:** Wednesday, June 15, 2022 8:48 AM  
**To:** 'Morton, Romeko (DPW)'; Qadri, Wazir (DPW)  
**Cc:** Sullivan, Daniel P. (DPW); Huang, John (DPW); William Pugh; Wolfe, Timothy (DPW); 'gstivaly@metraindustries.com'; Daniel G. Stivaly  
**Subject:** RE: WC 1402 and 1403  
**Importance:** High

EICCI is in default of their subcontract agreement by their outright refusal to perform any of the Fire Hydrant installations at the established contract unit price which was agreed to. As a result of this BREACH in CONTRACT by EICCI, they are not due and owed money. For City to interfere with a subcontractual dispute as you are doing is prohibited by the terms of the PRIME CONTRACT, unethical, and not allowed by law. The City cannot take on the role of being a JUDGE or an intermediary between the Prime and it's subcontractor where disputes exist. We strongly suggest that you take this under advisement.

It should be noted that the very matter which (at least in large part) causes this dilemma is that which you wrongfully categorize as just "FORCE MAJEURE" and thus the City's refusal to pay the necessary added cost which EICCI would need to get in order to (at least in part) cure their default. As our communication below states, this is not "Force Majeure", but rather an ***"unprecedented global situation that we're all suffering through (Force Majeure, acts of God, embargos, broken supply chain, COVID-19). This is an historic dilemma. Never before has something like this occurred."*** The City has the latitude to pay the added costs which have been requested; their does exists means to do so under the circumstances we are all collectively facing. It is unconscionable to not pay. But putting that aside, as you can see, this current matter is wholly on the City.

Metra has not been paid for any work done in February, March, April, May or June. This is a travesty and for you to NOW say that no further estimates will be processed is unacceptable. For you to now punish us further (resulting from a self-created issue caused by the City) by not paying for the 1+ million dollars worth of work we have already done for the benefit of the City and for which the City enjoys all of the benefits of it being done is akin to throwing salt in the wound. It will cause other collateral damage if you do this. The payments in question extend and represent costs being shouldered that go far, far beyond just EICCI.

It would be very counterproductive and damaging for you to do as your email below suggests and this needs to be mitigated and corrected at once.

Let's schedule a phone conversation for 9:30 AM today to move past this. Respond back to confirm.

**Stephan P. Dioslaki** V.P. of Administration

Metra Industries, 50 Muller Pl., Little Falls NJ 07424

[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

---

**From:** Morton, Romeko (DPW) <romeko.morton@baltimorecity.gov>  
**Sent:** Wednesday, June 15, 2022 6:53 AM  
**To:** Stephan Dioslaki <sdioslaki@metraindustries.com>; Qadri, Wazir (DPW) <Wazir.Qadri@baltimorecity.gov>  
**Cc:** Sullivan, Daniel P. (DPW) <Daniel.Sullivan@baltimorecity.gov>; Huang, John (DPW) <John.Huang@baltimorecity.gov>; William Pugh <wpugh@metraindustries.com>; Wolfe, Timothy (DPW) <Timothy.Wolfe@baltimorecity.gov>  
**Subject:** [External] WC 1402 and 1403

Good morning Steve,

OEC has had conversations with the contractors whose contracts are under my supervision (SC 997, 998, 1001, 1025 and WC 1301R, 1404 and 1406) about the increase in materials cost for their respected contracts. OEC response to the those contractors is identical to what was expressed to Metra Industries. No monies will be added to the contract due to "FORCE MAJEURE". With this understanding, the specifications of the above mentioned contracts continues to be executed and honored by their contractors.

Also, on May 26<sup>th</sup> you and I had a conversation where you assured me that the outstanding invoices for E.I.C.C.I. totaling \$98,102.13 (WC 1402 \$73,424.13 & WC 1403 \$24,678.00) would be paid no later that June 10<sup>th</sup>. From my understanding, E.I.C.C.I. has not been paid.

WC 1402 has been paid 100% and WC 1403 has been paid 98% of their contract value. So I would like to perfectly clear, I will not process an estimate for WC 1402 or 1403 until we have a signed acknowledgement form from E.I.C.C.I. indicating **ALL INVOICES HAS BEEN PAID.**

---

**From:** Stephan Dioslaki <[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com)>

**Sent:** Tuesday, June 14, 2022 5:10 PM

**To:** Qadri, Wazir (DPW) <[Wazir.Qadri@baltimorecity.gov](mailto:Wazir.Qadri@baltimorecity.gov)>

**Cc:** Morton, Romeko (DPW) <[romeko.morton@baltimorecity.gov](mailto:romeko.morton@baltimorecity.gov)>; Sullivan, Daniel P. (DPW) <[Daniel.Sullivan@baltimorecity.gov](mailto:Daniel.Sullivan@baltimorecity.gov)>; Huang, John (DPW) <[John.Huang@baltimorecity.gov](mailto:John.Huang@baltimorecity.gov)>; William Pugh <[wpugh@metraindustries.com](mailto:wpugh@metraindustries.com)>

**Subject:** RE: [External] WC 1402 and 1403 - MWBOO

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Gentlemen – you need to be very aware and cognizant of this. Month after month after month, we've been incurring price increases due to the unprecedented global situation that we're all suffering through (Force Majeure, acts of God, embargos, broken supply chain, COVID-19). This is an historic dilemma. Never before has something like this occurred. The amount that the price increases have come to is staggering.

Below is a summary of the month-to-month ADDED PRICES. Note that these amounts represent SOLELY the increase. As you can see, the price has gone up by over \$103,000 for materials we need to buy to do these jobs. This means, we're paying \$103,000 more (on top of the prices that we have in the budget) to purchase things like pipe, valves, fittings etc. This is aggravated exponentially by virtue of stalled payments to Metra from the City. We trust you can understand how this is having quite a profound impact.

We made you aware of this increase quite some time ago; we are now compelled to provide you with the above, update.

Please answer this question: HOW ARE THE OTHER CONTRACTORS DOING IT? Are they getting paid EXTRA for the material cost increases? Please be forthright with us in answering this question.

Here is the updated summary of where we are at this point with cost differential increases:

\$11,670.85 WC 1403 on 9/2/2021  
\$6,482.78 WC 1403 on 9/27/2021  
\$8,691.63 WC 1403 on 11/15/2021

\$8,611.97 WC 1402 on 11/15/2021  
\$12,243.24 WC 1402 on 1/11/2022  
\$2,430.98 WC 1403 on 1/11/2022  
\$803.30 WC 1403 on 3/21/2022  
\$19,031.35 WC 1402 on 3/21/2022  
**\$5,829.16 1403 on 5/23/2022**  
**\$27,463.86 WC 1402 on 5/23/2022**

**\$103,259.12 total**

There is a spreadsheet for every month which quantifies the above numbers. Attached as an example are just for the last two figures (highlighted yellow).

**Stephan P. Dioslaki** V.P. of Administration  
Metra Industries, 50 Muller Pl., Little Falls NJ 07424  
[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

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**From:** Qadri, Wazir (DPW) <[Wazir.Qadri@baltimorecity.gov](mailto:Wazir.Qadri@baltimorecity.gov)>  
**Sent:** Monday, June 13, 2022 7:16 PM  
**To:** Stephan Dioslaki <[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com)>; William Pugh <[wpugh@metraindustries.com](mailto:wpugh@metraindustries.com)>  
**Cc:** Morton, Romeko (DPW) <[romeko.morton@baltimorecity.gov](mailto:romeko.morton@baltimorecity.gov)>; Sullivan, Daniel P. (DPW) <[Daniel.Sullivan@baltimorecity.gov](mailto:Daniel.Sullivan@baltimorecity.gov)>; Huang, John (DPW) <[John.Huang@baltimorecity.gov](mailto:John.Huang@baltimorecity.gov)>  
**Subject:** RE: [External] WC 1402 and 1403 - MWBOO

Let's schedule tentatively for Friday. What time?

---

**From:** Stephan Dioslaki <[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com)>  
**Sent:** Monday, June 13, 2022 5:35 PM  
**To:** Qadri, Wazir (DPW) <[Wazir.Qadri@baltimorecity.gov](mailto:Wazir.Qadri@baltimorecity.gov)>; William Pugh <[wpugh@metraindustries.com](mailto:wpugh@metraindustries.com)>  
**Cc:** Morton, Romeko (DPW) <[romeko.morton@baltimorecity.gov](mailto:romeko.morton@baltimorecity.gov)>; Sullivan, Daniel P. (DPW) <[Daniel.Sullivan@baltimorecity.gov](mailto:Daniel.Sullivan@baltimorecity.gov)>; Huang, John (DPW) <[John.Huang@baltimorecity.gov](mailto:John.Huang@baltimorecity.gov)>  
**Subject:** RE: WC 1402 and 1403 - MWBOO

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With an upcoming massive mediation, I'm booked solid through Thursday at a minimum. Pending whether or not that finishes on Thursday, I may be available on Friday.

**Stephan P. Dioslaki** V.P. of Administration  
Metra Industries, 50 Muller Pl., Little Falls NJ 07424  
[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

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**From:** Qadri, Wazir (DPW) <[Wazir.Qadri@baltimorecity.gov](mailto:Wazir.Qadri@baltimorecity.gov)>  
**Sent:** Monday, June 13, 2022 4:59 PM  
**To:** Stephan Dioslaki <[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com)>; William Pugh <[wpugh@metraindustries.com](mailto:wpugh@metraindustries.com)>  
**Cc:** Morton, Romeko (DPW) <[romeko.morton@baltimorecity.gov](mailto:romeko.morton@baltimorecity.gov)>; Sullivan, Daniel P. (DPW) <[Daniel.Sullivan@baltimorecity.gov](mailto:Daniel.Sullivan@baltimorecity.gov)>; Huang, John (DPW) <[John.Huang@baltimorecity.gov](mailto:John.Huang@baltimorecity.gov)>  
**Subject:** [External] WC 1402 and 1403 - MWBOO

Steve and Bill - We would like to schedule a meeting with you to discuss status of MWBOO . Please provide your availability for tomorrow and Wednesday. Thanks

**Stephan Dioslaki**

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**From:** Qadri, Wazir (DPW) <Wazir.Qadri@baltimorecity.gov>  
**Sent:** Thursday, October 27, 2022 9:03 AM  
**To:** Holness, Tameka A. (DPW); William Pugh; Stephan Dioslaki  
**Cc:** Sullivan, Daniel P. (DPW); Huang, John (DPW); Natasha Quarto; Morton, Romeko (DPW); Wolfe, Timothy (DPW); Qadri, Wazir (DPW)  
**Subject:** RE: [External] Baltimore City Contract # WC 1403 MWBE Performance going forward

Steve and Bill – Please read below in yellow and respond. Thanks

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**From:** Holness, Tameka A. (DPW) <Tameka.Holness@baltimorecity.gov>  
**Sent:** Tuesday, August 2, 2022 9:50 AM  
**To:** Qadri, Wazir (DPW) <Wazir.Qadri@baltimorecity.gov>  
**Cc:** William Pugh <wpugh@metraindustries.com>; Sullivan, Daniel P. (DPW) <Daniel.Sullivan@baltimorecity.gov>; Huang, John (DPW) <John.Huang@baltimorecity.gov>; Natasha Quarto <nquarto@metraindustries.com>; Morton, Romeko (DPW) <romeko.morton@baltimorecity.gov>  
**Subject:** Re: Baltimore City Contract # WC 1403 MWBE Performance going forward

Good morning Mr. Wazir,

I wanted to send an update regarding the request made to substitute EICCI, MWBOO emailed me today and stated they will not approve until they receive a letter from EICCI stating they understand what is happening, what was submitted is not sufficient for MWBOO to approve your request. (Please see MWBOO message to me below) please have Metra reach out to EICCI and ask EICCI to provide a letter stating they understand the request being made, the letter must come from EICCI, and it cannot be the same email chain Metra previously provided because that was already sent to MWBOO, and they are still requiring this letter/documentation. If you have any questions and or concerns, please do not hesitate to follow up with me.

**WC 1403 MWBOO is going to require Metra to submit confirmation from EICCI that they understand what is occurring with this substitution.**

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**From:** Qadri, Wazir (DPW) <[Wazir.Qadri@baltimorecity.gov](mailto:Wazir.Qadri@baltimorecity.gov)>  
**Sent:** Tuesday, May 10, 2022 4:00 PM  
**To:** Holness, Tameka A. (DPW) <[Tameka.Holness@baltimorecity.gov](mailto:Tameka.Holness@baltimorecity.gov)>  
**Cc:** William Pugh <[wpugh@metraindustries.com](mailto:wpugh@metraindustries.com)>; Qadri, Wazir (DPW) <[Wazir.Qadri@baltimorecity.gov](mailto:Wazir.Qadri@baltimorecity.gov)>; Sullivan, Daniel P. (DPW) <[Daniel.Sullivan@baltimorecity.gov](mailto:Daniel.Sullivan@baltimorecity.gov)>; Lundy, Christopher (Law Dept) <[Christopher.Lundy@baltimorecity.gov](mailto:Christopher.Lundy@baltimorecity.gov)>; Huang, John (DPW) <[John.Huang@baltimorecity.gov](mailto:John.Huang@baltimorecity.gov)>; Natasha Quarto <[nquarto@metraindustries.com](mailto:nquarto@metraindustries.com)>; Morton, Romeko (DPW) <[romeko.morton@baltimorecity.gov](mailto:romeko.morton@baltimorecity.gov)>  
**Subject:** FW: Baltimore City Contract # WC 1403 MWBE Performance going forward

Tameka – Please review and forward this information to MWBOO for approval. Thanks

---

**From:** Stephan Dioslaki <[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com)>  
**Sent:** Tuesday, May 10, 2022 2:55 PM  
**To:** Qadri, Wazir (DPW) <[Wazir.Qadri@baltimorecity.gov](mailto:Wazir.Qadri@baltimorecity.gov)>; Morton, Romeko (DPW) <[romeko.morton@baltimorecity.gov](mailto:romeko.morton@baltimorecity.gov)>  
**Cc:** William Pugh <[wpugh@metraindustries.com](mailto:wpugh@metraindustries.com)>; Huang, John (DPW) <[John.Huang@baltimorecity.gov](mailto:John.Huang@baltimorecity.gov)>; Lundy, Christopher (Law Dept) <[Christopher.Lundy@baltimorecity.gov](mailto:Christopher.Lundy@baltimorecity.gov)>; Natasha Quarto <[nquarto@metraindustries.com](mailto:nquarto@metraindustries.com)>; Holness, Tameka A. (DPW) <[Tameka.Holness@baltimorecity.gov](mailto:Tameka.Holness@baltimorecity.gov)>  
**Subject:** RE: Baltimore City Contract # WC 1403 MWBE Performance going forward  
**Importance:** High

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Dear Romeko and Wazir,

As per instructions, this is being sent to you for concurrence and approval; and for your prompt attention and action insofar as sending it forward to the offices of MWBOO. We respectfully request for you to please expedite this. Thanks in advance for your assistance.

Attached is MBE Form Part B as part of Metra's request to add and partially substitute M. Luis with EICCI usage on this job. This is due to partial unavailability by EICCI. Also attached is our communication exchanges by and between Baltimore City OEC, EICCI and Metra which verifies that EICCI's unavailability due to the mitigating circumstances described in great detail on the attachment. In pertinent point, please pay particular attention to the email from EICCI which states that they require a cost increase in order for them to be able to move forward. This was transmitted to the OEC on 11/3/2021 requesting a commensurate cost increase so EICCI could do the work. OEC responded in the RFI stating that it would not provide the cost increase required by EICCI to move forward. Metra then followed up via email of 11/8/21 emphasizing how EICCI would be unable to continue as a result. This is all attached as supporting documentation.

Kindly confirm that the protocol will be followed and that you will send this forward to the offices of MWBOO (Cc'ed on this email).

**Stephan P. Dioslaki** V.P. of Administration  
Metra Industries, 50 Muller Pl., Little Falls NJ 07424  
[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

---

**From:** Stephan Dioslaki  
**Sent:** Monday, May 9, 2022 12:08 PM  
**To:** 'Qadri, Wazir (DPW)' <[Wazir.Qadri@baltimorecity.gov](mailto:Wazir.Qadri@baltimorecity.gov)>  
**Cc:** 'Morton, Romeko (DPW)' <[romeko.morton@baltimorecity.gov](mailto:romeko.morton@baltimorecity.gov)>; William Pugh <[wpugh@metraindustries.com](mailto:wpugh@metraindustries.com)>; 'Huang, John (DPW)' <[John.Huang@baltimorecity.gov](mailto:John.Huang@baltimorecity.gov)>; 'christopher.lundy@baltimorecity.gov' <[christopher.lundy@baltimorecity.gov](mailto:christopher.lundy@baltimorecity.gov)>; Natasha Quarto <[nquarto@metraindustries.com](mailto:nquarto@metraindustries.com)>  
**Subject:** Baltimore City Contract # WC 1403 MWBE Performance going forward

Dear Wazir,

Please see attached letter.  
Feel free to contact us with any questions you may have.

(Natasha – please add this correspondence to our MBE WBE tracker file for WC 1403)

**Stephan P. Dioslaki** V.P. of Administration

Metra Industries, 50 Muller Pl., Little Falls NJ 07424

[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

**From:** [Economic International Construction Company](#)  
**To:** [Stephan Dioslaki](#); [romeko.morton@baltimorecity.gov](mailto:romeko.morton@baltimorecity.gov)  
**Subject:** Re: WC 1403 Work  
**Date:** Thursday, May 26, 2022 10:50:35 AM

---

Dear Stephan,

We are in receipt of your email asking Economic International Construction Company, Inc. to install fire hydrants at a cost of \$4,000.00 each. Please be advised that because we have not been paid several invoices due by Metra Industries for over 24 months dating back to March 2020 through March 2022 with a total balance of \$241,429.73, we find it difficult to operate under these circumstances because of a cash flow problem. This balance is for project WC1402, WC1403 and SC955.

Also, we find it impossible to purchase materials at a cost more than what we are being paid. At the time that we were contracted to perform the fire hydrant installation the cost of each fire hydrant was considerably less than it is today. Purchasing fire hydrants at a higher cost of what we can earn for each one will only add to the cash flow problem caused by you not paying what you owe us.

Thank You,

Russell Moore  
President

EICCI  
720 S. Caton Avenue  
Baltimore, MD 21229  
(410)327-9105 Phone  
(410)327-9107 Fax

---

**From:** Stephan Dioslaki <[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com)>  
**Sent:** Wednesday, May 25, 2022 4:59 PM  
**To:** Economic International Construction Company <[eicci0@hotmail.com](mailto:eicci0@hotmail.com)>  
**Subject:** WC 1403 Work

Dear Russel,

EICCI was subcontracted to install fire hydrants at the agreed to, unit price of \$4,000.00 EACH. And in fact, EICCI did install some fire hydrants and bill us at this \$4,000.00 per each rate.

Then, on 10/22/21, you wrote to us stating that in order for you to move forward, you would require a new purchase order increasing the price by \$1,700 making the **new cost \$5,700 each**. We made this same request to Baltimore City. Specifically, Metra Industries wrote to Baltimore City via RFI #5 (attached) to get a cost increase for EICCI to install fire hydrants on this job. As you will see on the bottom of RFI #5 attached, Baltimore City responded by saying that "the price of hydrants will not be



increased". As a result, we are now directing you to install the fire hydrants at the original rate \$4,000.00 each in order to prevent defaulting.

Please respond back to confirm that you will install the fire hydrants for \$4,000.00 each.

Thanks very much.

**Stephan P. Dioslaki** V.P. of Administration

Metra Industries, 50 Muller Pl., Little Falls NJ 07424

[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

**From:** Economic International Construction Company <EICCI0@hotmail.com>  
**Sent:** Monday, October 24, 2022 9:55 AM  
**To:** Holness, Tameka A. (DPW); Lundy, Christopher R. (Law Dept)  
**Subject:** Metra Industries Complaint  
**Attachments:** Re\_ WC 1403 Work.pdf

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Good Afternoon,

This email is in complaint of Metra Industries. EICCI was subcontracted by Metra for Water Contracts #1402 , #1403 and Sewer Contract #955. For the life of those and other contracts we have had an issue with delayed payments or no payments at all. Back on May 25, 2022, a work request submitted to us from Metra Industries, V.P. of Administration, Mr. Stephan Dioslaki, regarding the continued work on WC#1403. I have attached a copy and our rebuttal dated May 26, 2022. Please let it be noted that we are not in refusal of performing any work we are subcontracted. However, we cannot perform work without full payment of our past owed monies. This is mainly because the work being requested materials' is at a cost greater than what the contract pays and the fact that we are a small MBE.

Concerning payment, my office team and I have continuously tried to reach out to Metra's Controller's office for payment with no success. By their non-payment of our work performed, we have withheld our Subcontractor's Acknowledgement Forms, and have not submitted any since March 2022 in hopes of receiving payment as denoted in the City's Specs.

In conclusion, Economic International Construction Company, Inc. feels Metra Industries should not be awarded any new contracts until they fulfill their financial obligations to ALL their contracted MBE/WBE.

Sincerely,

Russell Moore, President



Economic International  
Construction Company, Inc.  
720 S. Caton Avenue  
Baltimore, MD 21229  
(410)327-9105 Phone  
(410)327-9107 Fax

**From:** Stephan Dioslaki <sdioslaki@metraindustries.com>  
**Sent:** Tuesday, November 1, 2022 10:50 AM  
**To:** Lundy, Christopher R. (Law Dept)  
**Cc:** Campbell, Stephen (Law Dept); William Pugh  
**Subject:** FW: Baltimore City Contract # WC 1403 MWBE Performance going forward

**Attachments:** M. Luis WC 1403 MBE Form Part B.pdf; EICCI inability to perform & need for partial substitution request to use M. Luis.pdf; MWBE Performance on WC 1403.pdf; MWBE Performance on WC 1403 B.pdf; Baltimore 10 MWBE MWBOO request for substitution-change due to unavailability.pdf; MWBE Performance on WC 1403 C.pdf

**Importance:** High

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

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Thank you very much for meeting with us this morning. We found the meeting to be very productive and very helpful.

Pursuant to our conversation, please see below and attached. With this supporting documentation, Metra requests that if you can please grant approval to substitute M. Luis with EICCI due to the mitigating circumstances described herein, it would be very much appreciated. And, we respectfully suggest that it would lend towards the success of this Contract and the common interest and benefit to all concerned parties and individuals.

Thank you again for your time and your consideration.

**Stephan P. Dioslaki** V.P. of Administration  
Metra Industries, 50 Muller Pl., Little Falls NJ 07424  
[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

---

**From:** Stephan Dioslaki  
**Sent:** Tuesday, May 10, 2022 2:54 PM  
**To:** Qadri, Wazir (DPW) <Wazir.Qadri@baltimorecity.gov>; Morton, Romeko (DPW) <romeko.morton@baltimorecity.gov>  
**Cc:** William Pugh <wpugh@metraindustries.com>; Huang, John (DPW) <John.Huang@baltimorecity.gov>; christopher.lundy@baltimorecity.gov; Natasha Quarto <nquarto@metraindustries.com>; Holness, Tameka A. (DPW) <Tameka.Holness@baltimorecity.gov>

**Subject:** RE: Baltimore City Contract # WC 1403 MWBE Performance going forward  
**Importance:** High

Dear Romeko and Wazir,

As per instructions, this is being sent to you for concurrence and approval; and for your prompt attention and action insofar as sending it forward to the offices of MWBOO. We respectfully request for you to please expedite this. Thanks in advance for your assistance.

Attached is MBE Form Part B as part of Metra's request to add and partially substitute M. Luis with EICCI usage on this job. This is due to partial unavailability by EICCI. Also attached is our communication exchanges by and between Baltimore City OEC, EICCI and Metra which verifies that EICCI's unavailability due to the mitigating circumstances described in great detail on the attachment. In pertinent point, please pay particular attention to the email from EICCI which states that they require a cost increase in order for them to be able to move forward. This was transmitted to the OEC on 11/3/2021 requesting a commensurate cost increase so EICCI could do the work. OEC responded in the RFI stating that it would not provide the cost increase required by EICCI to move forward. Metra then followed up via email of 11/8/21 emphasizing how EICCI would be unable to continue as a result. This is all attached as supporting documentation.

Kindly confirm that the protocol will be followed and that you will send this forward to the offices of MWBOO (Cc'ed on this email).

**Stephan P. Dioslaki** V.P. of Administration  
Metra Industries, 50 Muller Pl., Little Falls NJ 07424  
[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

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**From:** Stephan Dioslaki  
**Sent:** Monday, May 9, 2022 12:08 PM  
**To:** 'Qadri, Wazir (DPW)' <[Wazir.Qadri@baltimorecity.gov](mailto:Wazir.Qadri@baltimorecity.gov)>  
**Cc:** 'Morton, Romeko (DPW)' <[romeko.morton@baltimorecity.gov](mailto:romeko.morton@baltimorecity.gov)>; William Pugh <[wpugh@metraindustries.com](mailto:wpugh@metraindustries.com)>; 'Huang, John (DPW)' <[John.Huang@baltimorecity.gov](mailto:John.Huang@baltimorecity.gov)>; 'christopher.lundy@baltimorecity.gov' <[christopher.lundy@baltimorecity.gov](mailto:christopher.lundy@baltimorecity.gov)>; Natasha Quarto <[nquarto@metraindustries.com](mailto:nquarto@metraindustries.com)>  
**Subject:** Baltimore City Contract # WC 1403 MWBE Performance going forward

Dear Wazir,

Please see attached letter.  
Feel free to contact us with any questions you may have.

(Natasha – please add this correspondence to our MBE WBE tracker file for WC 1403)

**Stephan P. Dioslaki** V.P. of Administration

Metra Industries, 50 Muller Pl., Little Falls NJ 07424

[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

**From:** Stephan Dioslaki <sdioslaki@metraindustries.com>  
**Sent:** Thursday, November 3, 2022 10:04 AM  
**To:** Qadri, Wazir (DPW); William Pugh  
**Cc:** Morton, Romeko (DPW); Huang, John (DPW); Sullivan, Daniel P. (DPW); Wolfe, Timothy (DPW); Lundy, Christopher R. (Law Dept); Campbell, Stephen (Law Dept)  
**Subject:** RE: WC 1403 - Change Order 3 - M/WBE Resolution  
**Attachments:** FW: Baltimore City Contract # WC 1403 MWBE Performance going forward

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

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Wazir – we did indeed have an EXTENSIVE meeting with the head of MWBOO (Mr. Christopher Lundy) and the Deputy (Mr. Stephen Campbell). The meeting was very productive. We discussed the situation and he requested for us to (re)forward some documents and details so he can provide actions in the hopes of resolving whatever issue(s) might exist. To that end, and in the spirit of trying to move this forward, we are respectfully adding Mr. Lundy and Mr. Campbell as Cc's to this email. Gentlemen – please see below. If you could kindly provide your attention, we would be grateful to you. (For the sake of the DPW personnel, we attach hereto, our communications that took place subsequent to our meeting).

Thanks very much.

**Stephan P. Dioslaki** V.P. of Administration  
Metra Industries, 50 Muller Pl., Little Falls NJ 07424  
[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

---

**From:** Qadri, Wazir (DPW) <Wazir.Qadri@baltimorecity.gov>  
**Sent:** Thursday, November 3, 2022 9:14 AM  
**To:** William Pugh <wpugh@metraindustries.com>; Stephan Dioslaki <sdioslaki@metraindustries.com>  
**Cc:** Morton, Romeko (DPW) <romeko.morton@baltimorecity.gov>; Huang, John (DPW) <John.Huang@baltimorecity.gov>; Sullivan, Daniel P. (DPW) <Daniel.Sullivan@baltimorecity.gov>; Wolfe, Timothy (DPW) <Timothy.Wolfe@baltimorecity.gov>; Qadri, Wazir (DPW) <Wazir.Qadri@baltimorecity.gov>  
**Subject:** [External] WC 1403 - Change Order 3 - M/WBE Resolution

**Bill:**

As you know, we cannot process the above change order due to MBE issue. On 10/31/22, you said Metra has a meeting with MWBOO on 11/1/ 22 to discuss this issue. Please provide update related to the meeting so that we can move forward. Winter is coming and we will need Metra to take care of water main breaks. Thanks

## Exhibit 8

**From:** Stephan Dioslaki <sdioslaki@metraindustries.com>  
**Sent:** Tuesday, November 8, 2022 5:26 PM  
**To:** Moises, Yoanna (DOF); Luna, Richard (DPW); Mitchell, Jason (DPW);  
Brandon M Scott  
**Cc:** Jones, April (DOF); Tolley, Karen (DOF); Josey, Michele (DOF); Knighton,  
James (Comptroller); Jones, April (DOF); Henry, Bill (email); Halbach, Garret  
(DPW); Moore, Aaron (DPW); Houston-Burgee, Tonorah (DPW); Moiseyev,  
Michael (DOF); Gary Stivaly; Daniel G. Stivaly; John Iosso; Lundy, Christopher  
R. (Law Dept); Campbell, Stephen (Law Dept)  
**Subject:** RE: [External] Urgent Please Read - Vendor Looking for Payment  
\$789,253.58 (Contract # WC1403, BD # 20603 & WC 1402 BD # 19602 ) for  
services rendered to the City  
**Attachments:** WC 1403 Signed Est 25 Sept 2022.pdf; WC 1402 Signed Est #29 Sept  
2022.pdf  
**Importance:** High  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Email Button, or by emailing to [Phishing@baltimorecity.gov](mailto:Phishing@baltimorecity.gov)

Hi Tonorah,

Of the 4 payments, we received the two – thank you – but the other two **are still unpaid**. AND, in  
addition (not shown in this email) we also have billings all the way through October now and even  
partway through November.

Could you now please facilitate payment for the other two missing estimates that you were working on  
which we had submitted? For convenience they (the official signed City Vouchers), are attached hereto.

THANKS

~~\$128,554.83~~ WC1402 Est #28 BD #19602 (~~Work done in July~~) - received – thank you  
\$111,666.49 WC1402 Est #29 BD #19602 (Work done in Sept)  
~~\$249,102.38~~ WC1403 Est #24 BD #20603 (~~Work done in August~~) - received – thank you  
\$299,929.88 WC1403 Est #25 BD #20603 (Work done in September)

**\$411,596.37** ~~\$789,253.58~~ **TOTAL**

**Stephan P. Dioslaki** V.P. of Administration  
Metra Industries, 50 Muller Pl., Little Falls NJ 07424  
[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568



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**From:** Stephan Dioslaki

**Sent:** Thursday, November 3, 2022 6:32 PM

**To:** 'Moisides, Yoanna (DOF)' <Yoanna.Moisides@baltimorecity.gov>; 'Luna, Richard (DPW)' <Richard.Luna@baltimorecity.gov>; 'Mitchell, Jason (DPW)' <Jason.Mitchell@baltimorecity.gov>; 'Brandon M Scott' <brandonm.scott@baltimorecity.gov>

**Cc:** 'Jones, April (DOF)' <April.Jones2@baltimorecity.gov>; 'Tolley, Karen (DOF)' <Karen.Tolley@baltimorecity.gov>; 'Josey, Michele (DOF)' <Michele.Josey@baltimorecity.gov>; 'Knighton, James (Comptroller)' <James.Knighton@baltimorecity.gov>; 'Jones, April (DOF)' <April.Jones2@baltimorecity.gov>; 'Henry, Bill (email)' <Bill.Henry22@baltimorecity.gov>; 'Halbach, Garret (DPW)' <Garret.Halbach@baltimorecity.gov>; 'Moore, Aaron (DPW)' <Aaron.Moore@baltimorecity.gov>; 'Houston-Burgee, Tonorah (DPW)' <Tonorah.Houston@baltimorecity.gov>; 'Moiseyev, Michael (DOF)' <Michael.Moiseyev@baltimorecity.gov>; gstivaly@metraindustries.com; Daniel G. Stivaly <dstivaly@metraindustries.com>; John Iosso <Jiosso@metraindustries.com>; 'Lundy, Christopher R. (Law Dept)' <Christopher.Lundy@baltimorecity.gov>; 'Campbell, Stephen (Law Dept)' <Stephen.Campbell2@baltimorecity.gov>

**Subject:** RE: [External] Urgent Please Read - Vendor Looking for Payment \$789,253.58 (Contract # WC1403, BD # 20603 & WC 1402 BD # 19602 ) for services rendered to the City

Thank you very much Tonorah.

**Stephan P. Dioslaki** V.P. of Administration

Metra Industries, 50 Muller Pl., Little Falls NJ 07424

[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

---

**From:** Houston-Burgee, Tonorah (DPW) <Tonorah.Houston@baltimorecity.gov>

**Sent:** Thursday, November 3, 2022 4:56:30 PM

**To:** Stephan Dioslaki <[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com)>; Moisides, Yoanna (DOF) <[Yoanna.Moisides@baltimorecity.gov](mailto:Yoanna.Moisides@baltimorecity.gov)>; Luna, Richard (DPW) <[Richard.Luna@baltimorecity.gov](mailto:Richard.Luna@baltimorecity.gov)>; Mitchell, Jason (DPW) <[Jason.Mitchell@baltimorecity.gov](mailto:Jason.Mitchell@baltimorecity.gov)>; Brandon M Scott <[brandonm.scott@baltimorecity.gov](mailto:brandonm.scott@baltimorecity.gov)>

**Cc:** Jones, April (DOF) <[April.Jones2@baltimorecity.gov](mailto:April.Jones2@baltimorecity.gov)>; Tolley, Karen (DOF) <[Karen.Tolley@baltimorecity.gov](mailto:Karen.Tolley@baltimorecity.gov)>; Josey, Michele (DOF) <[Michele.Josey@baltimorecity.gov](mailto:Michele.Josey@baltimorecity.gov)>; Knighton, James (Comptroller) <[James.Knighton@baltimorecity.gov](mailto:James.Knighton@baltimorecity.gov)>; Jones, April (DOF) <[April.Jones2@baltimorecity.gov](mailto:April.Jones2@baltimorecity.gov)>; Henry, Bill (email) <[Bill.Henry22@baltimorecity.gov](mailto:Bill.Henry22@baltimorecity.gov)>; Halbach, Garret (DPW) <[Garret.Halbach@baltimorecity.gov](mailto:Garret.Halbach@baltimorecity.gov)>; Moore, Aaron (DPW) <[Aaron.Moore@baltimorecity.gov](mailto:Aaron.Moore@baltimorecity.gov)>; Moiseyev, Michael (DOF) <[Michael.Moiseyev@baltimorecity.gov](mailto:Michael.Moiseyev@baltimorecity.gov)>; Gary Stivaly <[gary@metraindustries.com](mailto:gary@metraindustries.com)>; Daniel G. Stivaly <[dstivaly@metraindustries.com](mailto:dstivaly@metraindustries.com)>; John Iosso <[Jiosso@metraindustries.com](mailto:Jiosso@metraindustries.com)>; Lundy, Christopher R. (Law Dept) <[Christopher.Lundy@baltimorecity.gov](mailto:Christopher.Lundy@baltimorecity.gov)>; Campbell, Stephen (Law Dept) <[Stephen.Campbell2@baltimorecity.gov](mailto:Stephen.Campbell2@baltimorecity.gov)>

**Subject:** RE: [External] Urgent Please Read - Vendor Looking for Payment \$789,253.58 (Contract # WC1403, BD # 20603 & WC 1402 BD # 19602 ) for services rendered to the City

Good Afternoon Mr. Dioslaki,

This email is to confirm that a wire transfer has been completed in the amount of \$377, 657.21. This amount is for the estimates listed below.

WC1402	BD19602	Est 28	\$128,554.83
WC1403	BD20603	Est 24	\$249,102.38

As of now, the other two estimates (mentioned in your earlier email) are not ready for final processing via Workday. As soon as I get them, my office will process. If you have any questions please feel free to contact me.

Thank you for your patience in this matter.

Tonorah

---

**From:** Stephan Dioslaki  
**Sent:** Wednesday, November 2, 2022 4:51 PM  
**To:** 'Moisides, Yoanna (DOF)' <[Yoanna.Moisides@baltimorecity.gov](mailto:Yoanna.Moisides@baltimorecity.gov)>; 'Luna, Richard (DPW)' <[Richard.Luna@baltimorecity.gov](mailto:Richard.Luna@baltimorecity.gov)>; 'Mitchell, Jason (DPW)' <[Jason.Mitchell@baltimorecity.gov](mailto:Jason.Mitchell@baltimorecity.gov)>; 'Brandon M Scott' <[brandonm.scott@baltimorecity.gov](mailto:brandonm.scott@baltimorecity.gov)>  
**Cc:** 'Jones, April (DOF)' <[April.Jones2@baltimorecity.gov](mailto:April.Jones2@baltimorecity.gov)>; 'Tolley, Karen (DOF)' <[Karen.Tolley@baltimorecity.gov](mailto:Karen.Tolley@baltimorecity.gov)>; 'Josey, Michele (DOF)' <[Michele.Josey@baltimorecity.gov](mailto:Michele.Josey@baltimorecity.gov)>; 'Knighton, James (Comptroller)' <[James.Knighton@baltimorecity.gov](mailto:James.Knighton@baltimorecity.gov)>; 'Jones, April (DOF)' <[April.Jones2@baltimorecity.gov](mailto:April.Jones2@baltimorecity.gov)>; 'Henry, Bill (email)' <[Bill.Henry22@baltimorecity.gov](mailto:Bill.Henry22@baltimorecity.gov)>; 'Halbach, Garret (DPW)' <[Garret.Halbach@baltimorecity.gov](mailto:Garret.Halbach@baltimorecity.gov)>; 'Moore, Aaron (DPW)' <[Aaron.Moore@baltimorecity.gov](mailto:Aaron.Moore@baltimorecity.gov)>; 'Houston-Burgee, Tonorah (DPW)' <[Tonorah.Houston@baltimorecity.gov](mailto:Tonorah.Houston@baltimorecity.gov)>; 'Moiseyev, Michael (DOF)' <[Michael.Moiseyev@baltimorecity.gov](mailto:Michael.Moiseyev@baltimorecity.gov)>; [gstivaly@metraindustries.com](mailto:gstivaly@metraindustries.com); Daniel G. Stivaly <[dstivaly@metraindustries.com](mailto:dstivaly@metraindustries.com)>; John Iosso <[Jiosso@metraindustries.com](mailto:Jiosso@metraindustries.com)>; 'Lundy, Christopher R. (Law Dept)' <[Christopher.Lundy@baltimorecity.gov](mailto:Christopher.Lundy@baltimorecity.gov)>; Campbell, Stephen (Law Dept) <[Stephen.Campbell2@baltimorecity.gov](mailto:Stephen.Campbell2@baltimorecity.gov)>  
**Subject:** RE: [External] Urgent Please Read - Vendor Looking for Payment \$789,253.58 (Contract # WC1403, BD # 20603 & WC 1402 BD # 19602 ) for services rendered to the City  
**Importance:** High

Yoanna – the empty assurances and/or promises are very upsetting. I really do not understand how, in good conscience it persists. I also don't understand why you cannot return any of my calls from the several unanswered voicemails I had left for you.

Dear Mr. Mitchell – I am kindly requesting your direct involvement on this. To that end, I tried calling you and left a message with Ms. James for you to please give me a call back. I really do wish to mitigate this rather than have to escalate it. But, soon, we will be left with no other choice. Please offer your assistance before it's too late.

Thank you in advance for any help you can provide.

**Stephan P. Dioslaki** V.P. of Administration

Metra Industries, 50 Muller Pl., Little Falls NJ 07424  
[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

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**From:** Stephan Dioslaki  
**Sent:** Tuesday, November 1, 2022 12:41 PM  
**To:** 'Moisides, Yoanna (DOF)' <[Yoanna.Moisides@baltimorecity.gov](mailto:Yoanna.Moisides@baltimorecity.gov)>; 'Luna, Richard (DPW)' <[Richard.Luna@baltimorecity.gov](mailto:Richard.Luna@baltimorecity.gov)>; 'Mitchell, Jason (DPW)' <[Jason.Mitchell@baltimorecity.gov](mailto:Jason.Mitchell@baltimorecity.gov)>; 'Brandon M Scott' <[brandonm.scott@baltimorecity.gov](mailto:brandonm.scott@baltimorecity.gov)>  
**Cc:** 'Jones, April (DOF)' <[April.Jones2@baltimorecity.gov](mailto:April.Jones2@baltimorecity.gov)>; 'Tolley, Karen (DOF)' <[Karen.Tolley@baltimorecity.gov](mailto:Karen.Tolley@baltimorecity.gov)>; 'Josey, Michele (DOF)' <[Michele.Josey@baltimorecity.gov](mailto:Michele.Josey@baltimorecity.gov)>; 'Knighton, James (Comptroller)' <[James.Knighton@baltimorecity.gov](mailto:James.Knighton@baltimorecity.gov)>; 'Jones, April (DOF)' <[April.Jones2@baltimorecity.gov](mailto:April.Jones2@baltimorecity.gov)>; 'Henry, Bill (email)' <[Bill.Henry22@baltimorecity.gov](mailto:Bill.Henry22@baltimorecity.gov)>; 'Halbach, Garret (DPW)' <[Garret.Halbach@baltimorecity.gov](mailto:Garret.Halbach@baltimorecity.gov)>; 'Moore, Aaron (DPW)' <[Aaron.Moore@baltimorecity.gov](mailto:Aaron.Moore@baltimorecity.gov)>; 'Houston-Burgee, Tonorah (DPW)' <[Tonorah.Houston@baltimorecity.gov](mailto:Tonorah.Houston@baltimorecity.gov)>; 'Moiseyev, Michael (DOF)' <[Michael.Moiseyev@baltimorecity.gov](mailto:Michael.Moiseyev@baltimorecity.gov)>; [gstivaly@metraindustries.com](mailto:gstivaly@metraindustries.com); Daniel G. Stivaly <[dstivaly@metraindustries.com](mailto:dstivaly@metraindustries.com)>; John Iosso <[Jiosso@metraindustries.com](mailto:Jiosso@metraindustries.com)>  
**Subject:** RE: [External] Urgent Please Read - Vendor Looking for Payment \$789,253.58 (Contract # WC1403, BD # 20603 & WC 1402 BD # 19602 ) for services rendered to the City  
**Importance:** High

Yoanna,

Last week you assured me that I would have an update for us – yesterday. Despite our request for that update, it never arrived. Could you please give us that update? Or better yet, please just facilitate the delinquent payments. PLEASE RESPOND.

**Stephan P. Dioslaki** V.P. of Administration  
Metra Industries, 50 Muller Pl., Little Falls NJ 07424  
[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

---

**From:** Stephan Dioslaki  
**Sent:** Monday, October 31, 2022 4:00 PM  
**To:** 'Moisides, Yoanna (DOF)' <[Yoanna.Moisides@baltimorecity.gov](mailto:Yoanna.Moisides@baltimorecity.gov)>; Luna, Richard (DPW) <[Richard.Luna@baltimorecity.gov](mailto:Richard.Luna@baltimorecity.gov)>; Mitchell, Jason (DPW) <[Jason.Mitchell@baltimorecity.gov](mailto:Jason.Mitchell@baltimorecity.gov)>; Brandon M Scott <[brandonm.scott@baltimorecity.gov](mailto:brandonm.scott@baltimorecity.gov)>  
**Cc:** Jones, April (DOF) <[April.Jones2@baltimorecity.gov](mailto:April.Jones2@baltimorecity.gov)>; Tolley, Karen (DOF) <[Karen.Tolley@baltimorecity.gov](mailto:Karen.Tolley@baltimorecity.gov)>; Josey, Michele (DOF) <[Michele.Josey@baltimorecity.gov](mailto:Michele.Josey@baltimorecity.gov)>; Knighton, James (Comptroller) <[James.Knighton@baltimorecity.gov](mailto:James.Knighton@baltimorecity.gov)>; Jones, April (DOF) <[April.Jones2@baltimorecity.gov](mailto:April.Jones2@baltimorecity.gov)>; Henry, Bill (email) <[Bill.Henry22@baltimorecity.gov](mailto:Bill.Henry22@baltimorecity.gov)>; Halbach, Garret (DPW) <[Garret.Halbach@baltimorecity.gov](mailto:Garret.Halbach@baltimorecity.gov)>; Moore, Aaron (DPW) <[Aaron.Moore@baltimorecity.gov](mailto:Aaron.Moore@baltimorecity.gov)>; Houston-Burgee, Tonorah (DPW) <[Tonorah.Houston@baltimorecity.gov](mailto:Tonorah.Houston@baltimorecity.gov)>; Moiseyev, Michael (DOF) <[Michael.Moiseyev@baltimorecity.gov](mailto:Michael.Moiseyev@baltimorecity.gov)>; [gstivaly@metraindustries.com](mailto:gstivaly@metraindustries.com); Daniel G. Stivaly <[dstivaly@metraindustries.com](mailto:dstivaly@metraindustries.com)>; John Iosso <[Jiosso@metraindustries.com](mailto:Jiosso@metraindustries.com)>  
**Subject:** RE: [External] Urgent Please Read - Vendor Looking for Payment \$789,253.58 (Contract #

WC1403, BD # 20603 & WC 1402 BD # 19602 ) for services rendered to the City

**Importance:** High

Yoanna – I frankly do not understand what you mean by last week, “accounting received the ... load ... over the weekend” (other than that accounting received it over one week ago). In any event, you state that on Monday [TODAY], you would confirm the processing and update us. As such, please update us. Could we get these payments today?

**Stephan P. Dioslaki** V.P. of Administration

Metra Industries, 50 Muller Pl., Little Falls NJ 07424

[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

---

**From:** Moises, Yoanna (DOF) <[Yoanna.Moises@baltimorecity.gov](mailto:Yoanna.Moises@baltimorecity.gov)>

**Sent:** Friday, October 28, 2022 4:16 PM

**To:** Stephan Dioslaki <[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com)>; Luna, Richard (DPW) <[Richard.Luna@baltimorecity.gov](mailto:Richard.Luna@baltimorecity.gov)>; Mitchell, Jason (DPW) <[Jason.Mitchell@baltimorecity.gov](mailto:Jason.Mitchell@baltimorecity.gov)>; Brandon M Scott <[brandonm.scott@baltimorecity.gov](mailto:brandonm.scott@baltimorecity.gov)>

**Cc:** Jones, April (DOF) <[April.Jones2@baltimorecity.gov](mailto:April.Jones2@baltimorecity.gov)>; Tolley, Karen (DOF) <[Karen.Tolley@baltimorecity.gov](mailto:Karen.Tolley@baltimorecity.gov)>; Josey, Michele (DOF) <[Michele.Josey@baltimorecity.gov](mailto:Michele.Josey@baltimorecity.gov)>; Knighton, James (Comptroller) <[James.Knighton@baltimorecity.gov](mailto:James.Knighton@baltimorecity.gov)>; Jones, April (DOF) <[April.Jones2@baltimorecity.gov](mailto:April.Jones2@baltimorecity.gov)>; Henry, Bill (email) <[Bill.Henry22@baltimorecity.gov](mailto:Bill.Henry22@baltimorecity.gov)>; Halbach, Garret (DPW) <[Garret.Halbach@baltimorecity.gov](mailto:Garret.Halbach@baltimorecity.gov)>; Moore, Aaron (DPW) <[Aaron.Moore@baltimorecity.gov](mailto:Aaron.Moore@baltimorecity.gov)>; Houston-Burgee, Tonorah (DPW) <[Tonorah.Houston@baltimorecity.gov](mailto:Tonorah.Houston@baltimorecity.gov)>; Moiseyev, Michael (DOF) <[Michael.Moiseyev@baltimorecity.gov](mailto:Michael.Moiseyev@baltimorecity.gov)>

**Subject:** RE: [External] Urgent Please Read - Vendor Looking for Payment \$789,253.58 (Contract # WC1403, BD # 20603 & WC 1402 BD # 19602 ) for services rendered to the City

Good Afternoon Mr. Dioslaki:

The DPW team has been working hard to address the payment issues. As of Wednesday DPW noted that the invoices have completed their internal approvals. There is one BD that has a pending change order and is being worked on by Procurement. A second BD is being reloaded into the system by Accounting, accounting received the details on the load of that contract/BD over the weekend. DPW team and Finance have been in regular communication and are checking in on Monday to confirm the processing and we will update then.

Thank you,

Yoanna

Yoanna X. Moises  
Deputy Director, Operations  
Department of Finance, Finance Administration

410-396-4957 (office)

443-610-0142 (cell)

[Yoanna.Moisides@baltimorecity.gov](mailto:Yoanna.Moisides@baltimorecity.gov)



BRANDON M. SCOTT  
MAYOR

---

**From:** Stephan Dioslaki <[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com)>

**Sent:** Friday, October 28, 2022 4:08 PM

**To:** Luna, Richard (DPW) <[Richard.Luna@baltimorecity.gov](mailto:Richard.Luna@baltimorecity.gov)>; Mitchell, Jason (DPW) <[Jason.Mitchell@baltimorecity.gov](mailto:Jason.Mitchell@baltimorecity.gov)>; Brandon M Scott <[brandonm.scott@baltimorecity.gov](mailto:brandonm.scott@baltimorecity.gov)>

**Cc:** Jones, April (DOF) <[April.Jones2@baltimorecity.gov](mailto:April.Jones2@baltimorecity.gov)>; Tolley, Karen (DOF) <[Karen.Tolley@baltimorecity.gov](mailto:Karen.Tolley@baltimorecity.gov)>; Josey, Michele (DOF) <[Michele.Josey@baltimorecity.gov](mailto:Michele.Josey@baltimorecity.gov)>; Moises, Yoanna (DOF) <[Yoanna.Moisides@baltimorecity.gov](mailto:Yoanna.Moisides@baltimorecity.gov)>; Knighton, James (Comptroller) <[James.Knighton@baltimorecity.gov](mailto:James.Knighton@baltimorecity.gov)>; Jones, April (DOF) <[April.Jones2@baltimorecity.gov](mailto:April.Jones2@baltimorecity.gov)>; Henry, Bill (email) <[Bill.Henry22@baltimorecity.gov](mailto:Bill.Henry22@baltimorecity.gov)>; Halbach, Garret (DPW) <[Garret.Halbach@baltimorecity.gov](mailto:Garret.Halbach@baltimorecity.gov)>; Moore, Aaron (DPW) <[Aaron.Moore@baltimorecity.gov](mailto:Aaron.Moore@baltimorecity.gov)>; Houston-Burgee, Tonorah (DPW) <[Tonorah.Houston@baltimorecity.gov](mailto:Tonorah.Houston@baltimorecity.gov)>; Raymond, Henry (DOF) <[hraymond@baltimorecity.gov](mailto:hraymond@baltimorecity.gov)>

**Subject:** RE: [External] Urgent Please Read - Vendor Looking for Payment \$789,253.58 (Contract # WC1403, BD # 20603 & WC 1402 BD # 19602 ) for services rendered to the City

**Importance:** High

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But they are not. And that is why I am reaching out. We need to get this paid and it is unfortunate that it has come to this. Please assist so that the matter could be mitigated and so that we are not forced to escalate it.

**Stephan P. Dioslaki** V.P. of Administration

Metra Industries, 50 Muller Pl., Little Falls NJ 07424

[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

---

**From:** Luna, Richard (DPW) <[Richard.Luna@baltimorecity.gov](mailto:Richard.Luna@baltimorecity.gov)>

**Sent:** Friday, October 28, 2022 4:04 PM

**To:** Stephan Dioslaki <[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com)>; Mitchell, Jason (DPW) <[Jason.Mitchell@baltimorecity.gov](mailto:Jason.Mitchell@baltimorecity.gov)>; Brandon M Scott <[brandonm.scott@baltimorecity.gov](mailto:brandonm.scott@baltimorecity.gov)>

**Cc:** Jones, April (DOF) <[April.Jones2@baltimorecity.gov](mailto:April.Jones2@baltimorecity.gov)>; Tolley, Karen (DOF)

<[Karen.Tolley@baltimorecity.gov](mailto:Karen.Tolley@baltimorecity.gov)>; Josey, Michele (DOF) <[Michele.Josey@baltimorecity.gov](mailto:Michele.Josey@baltimorecity.gov)>; Moisesides, Yoanna (DOF) <[Yoanna.Moisesides@baltimorecity.gov](mailto:Yoanna.Moisesides@baltimorecity.gov)>; Knighton, James (Comptroller) <[James.Knighton@baltimorecity.gov](mailto:James.Knighton@baltimorecity.gov)>; Jones, April (DOF) <[April.Jones2@baltimorecity.gov](mailto:April.Jones2@baltimorecity.gov)>; Henry, Bill (email) <[Bill.Henry22@baltimorecity.gov](mailto:Bill.Henry22@baltimorecity.gov)>; Halbach, Garret (DPW) <[Garret.Halbach@baltimorecity.gov](mailto:Garret.Halbach@baltimorecity.gov)>; Moore, Aaron (DPW) <[Aaron.Moore@baltimorecity.gov](mailto:Aaron.Moore@baltimorecity.gov)>; Houston-Burgee, Tonorah (DPW) <[Tonorah.Houston@baltimorecity.gov](mailto:Tonorah.Houston@baltimorecity.gov)>; Raymond, Henry (DOF) <[hraymond@baltimorecity.gov](mailto:hraymond@baltimorecity.gov)>  
**Subject:** RE: [External] Urgent Please Read - Vendor Looking for Payment \$789,253.58 (Contract # WC1403, BD # 20603 & WC 1402 BD # 19602 ) for services rendered to the City

Hi Mr. Dioslaki,

Responding on behalf of Director Mitchell. This is currently with the Department of Finance. Their staff is included on this email and would be the appropriate office to provide a status update.



**Brandon M. Scott**  
Mayor



**Jason W. Mitchell**  
Director

**Richard J. Luna**  
Deputy Director

Baltimore City Department of Public Works  
200 Holliday Street, Room 600  
Baltimore, Maryland 21202

Office: (410) 396-3310  
Email: [richard.luna@baltimorecity.gov](mailto:richard.luna@baltimorecity.gov)

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**From:** Stephan Dioslaki <[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com)>  
**Sent:** Friday, October 28, 2022 1:49 PM  
**To:** Mitchell, Jason (DPW) <[Jason.Mitchell@baltimorecity.gov](mailto:Jason.Mitchell@baltimorecity.gov)>; Brandon M Scott <[brandonm.scott@baltimorecity.gov](mailto:brandonm.scott@baltimorecity.gov)>  
**Cc:** Jones, April (DOF) <[April.Jones2@baltimorecity.gov](mailto:April.Jones2@baltimorecity.gov)>; Tolley, Karen (DOF) <[Karen.Tolley@baltimorecity.gov](mailto:Karen.Tolley@baltimorecity.gov)>; Josey, Michele (DOF) <[Michele.Josey@baltimorecity.gov](mailto:Michele.Josey@baltimorecity.gov)>; Moisesides, Yoanna (DOF) <[Yoanna.Moisesides@baltimorecity.gov](mailto:Yoanna.Moisesides@baltimorecity.gov)>; Knighton, James (Comptroller) <[James.Knighton@baltimorecity.gov](mailto:James.Knighton@baltimorecity.gov)>; Jones, April (DOF) <[April.Jones2@baltimorecity.gov](mailto:April.Jones2@baltimorecity.gov)>; Henry, Bill (email) <[Bill.Henry22@baltimorecity.gov](mailto:Bill.Henry22@baltimorecity.gov)>; Halbach, Garret (DPW) <[Garret.Halbach@baltimorecity.gov](mailto:Garret.Halbach@baltimorecity.gov)>; Luna, Richard (DPW) <[Richard.Luna@baltimorecity.gov](mailto:Richard.Luna@baltimorecity.gov)>; Moore, Aaron (DPW) <[Aaron.Moore@baltimorecity.gov](mailto:Aaron.Moore@baltimorecity.gov)>; Houston-Burgee, Tonorah (DPW) <[Tonorah.Houston@baltimorecity.gov](mailto:Tonorah.Houston@baltimorecity.gov)>; Raymond, Henry (DOF) <[hraymond@baltimorecity.gov](mailto:hraymond@baltimorecity.gov)>  
**Subject:** Urgent Please Read - Vendor Looking for Payment \$789,253.58 (Contract # WC1403, BD # 20603 & WC 1402 BD # 19602 ) for services rendered to the City

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We have tried, finding out about the status of these past due payments - but to no avail. Again, the answer(s) we are getting go back to the same thing as before. "Workday is not working". Without getting in to how we really feel about this ongoing problem, we are writing to you (yet again) asking to PLEASE PAY US. Here are the 2 payments in question:

\$128,554.83 WC1402 Est #28 BD #19602 (Work done in July)  
\$111,666.49 WC1402 Est #29 BD #19602 (Work done in Sept)  
\$249,102.38 WC1403 Est #24 BD #20603 (Work done in August)  
\$299,929.88 WC1403 Est #25 BD #20603 (Work done in September)

**\$789,253.58 TOTAL**

As before, it's problematic in many ways and on numerous levels (including but not limited to paying the local City vendors, subs, suppliers, MWBE companies etc). This is in addition to interest losses suffered from non-payments. And as before, this is now escalating to levels that we do not wish to resort to. Again, all we are asking is to get paid for the work that we've done; not an unreasonable request. You, The City are enjoying the benefits of our work well done. The City has demonstrated its ability to make payments at once under emergent circumstances like the disastrous dilemma that we're currently facing (Workday not working – inability to pay vendors).

This has to change. We remain committed to the City. There has to be some reciprocation.

Please implement the temporary fix you've done before by making a wire payment to us now. Please facilitate payment to us.

**Stephan P. Dioslaki** V.P. of Administration  
Metra Industries, 50 Muller Pl., Little Falls NJ 07424  
[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568



# Exhibit 9

**From:** Stephan Dioslaki <sdioslaki@metraindustries.com>  
**Sent:** Thursday, December 15, 2022 10:41 AM  
**To:** Lundy, Christopher R. (Law Dept); Qadri, Wazir (DPW)  
**Cc:** Campbell, Stephen (Law Dept); Morton, Romeko (DPW); William Pugh  
**Subject:** RE: [External] Baltimore City Contract # WC 1403 MWBE Performance going forward

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Dear Mr. Lundy and Dear Wazir – Metra has very good news to report in support of / favor of passing the WC 1403 Change Order so Urgent Need Work can be expedited, approving our MBE substitution request and otherwise. **We are paying up EICCI all open invoices we have from them on that job.** Those invoices consist of:

- Invoice 5188 in the amount of \$3,600
- Invoice 5192 in the amount of \$15,750
- Invoice 5193 in the amount of \$5,328
- Invoice 5198 in the amount of \$5,121
- Invoice 5183 in the amount of \$8,684.64

**The above total is \$41,974.64 and is being paid to EICCI immediately via Priority FedEx overnight. EICCI will have this payment IN THERE HANDS TOMORROW MORNING.**

Importantly: These are ALL OF THE APPROVED INVOICES from EICCI for the whole WC 1403 project; there are no others.

For the benefit of everyone on this email, we are asking you to kindly review the exchanges below as this provides greater detail and clarity to the matter. Please feel free to contact us with any questions, concerns or comments you may have. Thank you in advance for your kind cooperation and assistance in this very urgent and time sensitive matter.

**From:** Stephan Dioslaki  
**Sent:** Wednesday, December 14, 2022 6:09 PM  
**To:** Qadri, Wazir (DPW) <Wazir.Qadri@baltimorecity.gov>  
**Subject:** WC 1403 Change Order  
**Importance:** High

Wazir – thank you for calling me back today. I have an update and it's GREAT NEWS! I managed to make contact with Mr. Lundy and our intention this week for WC 1403. Will keep you posted with progress. Effective immediately, we're on this!! Please don't abandon us yet.

**Stephan P. Dioslaki** V.P. of Administration  
Metra Industries, 50 Muller Pl., Little Falls NJ 07424  
[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

**Stephan P. Dioslaki** V.P. of Administration  
Metra Industries, 50 Muller Pl., Little Falls NJ 07424  
[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

**From:** Stephan Dioslaki  
**Sent:** Wednesday, December 14, 2022 6:06 PM  
**To:** 'Lundy, Christopher R. (Law Dept)' <Christopher.Lundy@baltimorecity.gov>  
**Cc:** Campbell, Stephen (Law Dept) <Stephen.Campbell2@baltimorecity.gov>  
**Subject:** RE: [External] Baltimore City Contract # WC 1403 MWBE Performance going forward

Thank you for your response. I do have that information and that is why I was attempting to contact you so I could explain our intentions. Can we talk?

**Stephan P. Dioslaki** V.P. of Administration



Metra Industries, 50 Muller Pl., Little Falls NJ 07424  
[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

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**From:** Lundy, Christopher R. (Law Dept) <[Christopher.Lundy@baltimorecity.gov](mailto:Christopher.Lundy@baltimorecity.gov)>  
**Sent:** Wednesday, December 14, 2022 5:58 PM  
**To:** Stephan Dioslaki <[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com)>  
**Cc:** Campbell, Stephen (Law Dept) <[Stephen.Campbell2@baltimorecity.gov](mailto:Stephen.Campbell2@baltimorecity.gov)>  
**Subject:** RE: [External] Baltimore City Contract # WC 1403 MWBE Performance going forward

Good afternoon,

It has been very busy. I know that this is critical. Did you provide any update regarding the payment status of EICCI on WC 1403? I did not see it, but apologies if I overlooked it. I recall us ending the conversation with you indicating that you would be checking in with accounting about whether there are any outstanding balances owed. Please let me know if that was sent an email following our last discussion or if you have that information. The shared concern of MWBOO and DPW is that there are outstanding payments that need to be resolved prior to approving the substitution and ensuring that you have M/WBEs secured to continue work on the contract. Please advise. Thank you. Have a great rest of the day.

Regards,



**Christopher R. Lundy, Esq.**  
*Chief, Minority & Women's Business  
Opportunity Office (MWBOO)  
Baltimore City Department of Law  
100 N. Holliday Street, Suite 126  
Baltimore, Maryland 21202*

Department of Law

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**From:** Stephan Dioslaki <[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com)>  
**Sent:** Wednesday, December 14, 2022 4:41 PM  
**To:** Lundy, Christopher R. (Law Dept) <[Christopher.Lundy@baltimorecity.gov](mailto:Christopher.Lundy@baltimorecity.gov)>  
**Subject:** RE: [External] Baltimore City Contract # WC 1403 MWBE Performance going forward

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Dear Mr. Lundy – sorry for being so relentless about this but please understand that the matter in question is “our lifeblood” here. Our workload backlog is at a critically low level, the winter months are upon us, urgent need work is needed by the City and there’s no time left for anyone to loose in order to secure the work so that we can perform what is necessary for the City. We were just advised that if we don’t get this handled with you in the next day or so, it will be too late and irreparable. I cannot emphasize enough, the urgency of this matter. Therefore, respectfully, I am imploring you to please give me a few minutes of your time so we still have a chance to get this extremely important matter resolved.

Could you kindly contact me on my cell at 973-296-2568 so this could be possible?

**Stephan P. Dioslaki** V.P. of Administration  
Metra Industries, 50 Muller Pl., Little Falls NJ 07424  
[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

---

**From:** Stephan Dioslaki  
**Sent:** Wednesday, December 14, 2022 11:27 AM  
**To:** 'Lundy, Christopher R. (Law Dept)' <[Christopher.Lundy@baltimorecity.gov](mailto:Christopher.Lundy@baltimorecity.gov)>  
**Subject:** RE: [External] Baltimore City Contract # WC 1403 MWBE Performance going forward  
**Importance:** High

Dear Mr. Lundy – I am reaching out to you once again asking if you can please spare a few minutes to speak to me today. My understanding is that “time is not on my side” and therefore am appealing to you on this. As before, I will make myself available for any time which might be good for you. Just give me

the word. Thank you for your consideration.

**Stephan P. Dioslaki** V.P. of Administration  
Metra Industries, 50 Muller Pl., Little Falls NJ 07424  
[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

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**From:** Stephan Dioslaki  
**Sent:** Tuesday, December 13, 2022 12:36 PM  
**To:** 'Lundy, Christopher R. (Law Dept)' <[Christopher.Lundy@baltimorecity.gov](mailto:Christopher.Lundy@baltimorecity.gov)>  
**Subject:** RE: [External] Baltimore City Contract # WC 1403 MWBE Performance going forward

Dear Mr. Lundy – I wish to follow up with you to continue our discussion from where we left off last Thursday. And in particular, to propose a suggestion in the spirit of resolving any issue which may exist that is impacting the approval of our substitution request on WC 1403 (M. Luis for EICC) and / or your blessings on the pending Change Order that the DPW is in somewhat of a holding pattern on for this Contract. I just tried phoning you and left a message with your receptionist asking if you can call me back. As this is such an urgent and pressing matter, I will make myself available at any time which is good for you. Please do let me know.

Thank you for your consideration.

**Stephan P. Dioslaki** V.P. of Administration  
Metra Industries, 50 Muller Pl., Little Falls NJ 07424  
[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

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**From:** Stephan Dioslaki  
**Sent:** Tuesday, December 6, 2022 1:09 PM  
**To:** 'Lundy, Christopher R. (Law Dept)' <[Christopher.Lundy@baltimorecity.gov](mailto:Christopher.Lundy@baltimorecity.gov)>; William Pugh <[wpugh@metraindustries.com](mailto:wpugh@metraindustries.com)>  
**Cc:** Campbell, Stephen (Law Dept) <[Stephen.Campbell2@baltimorecity.gov](mailto:Stephen.Campbell2@baltimorecity.gov)>  
**Subject:** RE: [External] Baltimore City Contract # WC 1403 MWBE Performance going forward

Thank you very much for your response. YES – let's please do 1 PM on Thursday. I will send a calendar invite with call-in details.

**Stephan P. Dioslaki** V.P. of Administration  
Metra Industries, 50 Muller Pl., Little Falls NJ 07424  
[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

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**From:** Lundy, Christopher R. (Law Dept) <[Christopher.Lundy@baltimorecity.gov](mailto:Christopher.Lundy@baltimorecity.gov)>  
**Sent:** Tuesday, December 6, 2022 1:05 PM  
**To:** Stephan Dioslaki <[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com)>; William Pugh <[wpugh@metraindustries.com](mailto:wpugh@metraindustries.com)>  
**Cc:** Campbell, Stephen (Law Dept) <[Stephen.Campbell2@baltimorecity.gov](mailto:Stephen.Campbell2@baltimorecity.gov)>  
**Subject:** RE: [External] Baltimore City Contract # WC 1403 MWBE Performance going forward

Good afternoon,

Apologies for the delay. There have been additional issues that required time to look into and additional information from DPW. I am not available to discuss today. Are you available at 1 on Thursday? Thank you. Have a great day.

Regards,



**Christopher R. Lundy, Esq.**  
*Chief, Minority & Women's Business  
Opportunity Office (MWBOO)  
Baltimore City Department of Law  
100 N. Holliday Street, Suite 126  
Baltimore, Maryland 21202*

Department of Law

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**From:** Stephan Dioslaki <[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com)>  
**Sent:** Tuesday, December 6, 2022 12:53 PM  
**To:** Lundy, Christopher R. (Law Dept) <[Christopher.Lundy@baltimorecity.gov](mailto:Christopher.Lundy@baltimorecity.gov)>  
**Cc:** Campbell, Stephen (Law Dept) <[Stephen.Campbell2@baltimorecity.gov](mailto:Stephen.Campbell2@baltimorecity.gov)>; William Pugh <[wpugh@metraindustries.com](mailto:wpugh@metraindustries.com)>  
**Subject:** RE: Baltimore City Contract # WC 1403 MWBE Performance going forward  
**Importance:** High

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Gentlemen – it was a pleasure speaking with you on 11/1/2022 during our telephone conference call meeting. We found it to be very helpful and productive. Since then, we sent you documentation and several emails. At this time William and I respectfully request if we can have another short telephone meeting with you again (it would surely be less than 30 minutes of time we are requesting).

Could we please do that today at 3 PM? If that doesn't work for you, we will make every effort to do it at any time which is good for you – just name it and we will try to accommodate your schedule.

Please confirm. I will immediately follow this email with a calendar invite that will contain call-in details.

Thanks very much for your consideration.

**Stephan P. Dioslaki** V.P. of Administration  
Metra Industries, 50 Muller Pl., Little Falls NJ 07424  
[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

---

**From:** Stephan Dioslaki  
**Sent:** Monday, November 21, 2022 3:22 PM  
**To:** 'Lundy, Christopher R. (Law Dept)' <[Christopher.Lundy@baltimorecity.gov](mailto:Christopher.Lundy@baltimorecity.gov)>  
**Cc:** 'Campbell, Stephen (Law Dept)' <[Stephen.Campbell2@baltimorecity.gov](mailto:Stephen.Campbell2@baltimorecity.gov)>; William Pugh <[wpugh@metraindustries.com](mailto:wpugh@metraindustries.com)>  
**Subject:** RE: Baltimore City Contract # WC 1403 MWBE Performance going forward  
**Importance:** High

Dear Mr. Lundy – I just tried phoning you. Could you please give me a quick call back? I wish to follow up on the last telephone conversation we had. As you might recall, I was looking forward for you to contact Mr. Wazir Qadri in the spirit of advancing this pending 3mm change order matter which was otherwise bottlenecked up at his level. If you could be so kind as to getting back to me, my best contact would be on my Cell phone 973-296-2568

THANKS VERY MUCH!!

**Stephan P. Dioslaki** V.P. of Administration  
Metra Industries, 50 Muller Pl., Little Falls NJ 07424  
[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

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**From:** Stephan Dioslaki  
**Sent:** Wednesday, November 9, 2022 2:28 PM  
**To:** 'Lundy, Christopher R. (Law Dept)' <[Christopher.Lundy@baltimorecity.gov](mailto:Christopher.Lundy@baltimorecity.gov)>  
**Cc:** 'Campbell, Stephen (Law Dept)' <[Stephen.Campbell2@baltimorecity.gov](mailto:Stephen.Campbell2@baltimorecity.gov)>; William Pugh <[wpugh@metraindustries.com](mailto:wpugh@metraindustries.com)>  
**Subject:** RE: Baltimore City Contract # WC 1403 MWBE Performance going forward  
**Importance:** High

Dear Mr. Lundy – I hope this email finds you well. If you can be so kind as to please giving me a call back on this, it would be appreciated. I just tried phoning you and left a message with your receptionist asking if you can please give me a call on my cell 973-296-2568.

THANKS VERY MUCH!!

**Stephan P. Dioslaki** V.P. of Administration  
Metra Industries, 50 Muller Pl., Little Falls NJ 07424  
[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

---

**From:** Stephan Dioslaki  
**Sent:** Tuesday, November 1, 2022 10:50 AM  
**To:** 'Lundy, Christopher R. (Law Dept)' <[Christopher.Lundy@baltimorecity.gov](mailto:Christopher.Lundy@baltimorecity.gov)>

Cc: Campbell, Stephen (Law Dept) <[Stephen.Campbell2@baltimorecity.gov](mailto:Stephen.Campbell2@baltimorecity.gov)>; William Pugh <[wpugh@metraindustries.com](mailto:wpugh@metraindustries.com)>  
**Subject:** FW: Baltimore City Contract # WC 1403 MWBE Performance going forward  
**Importance:** High

Thank you very much for meeting with us this morning. We found the meeting to be very productive and very helpful.

Pursuant to our conversation, please see below and attached. With this supporting documentation, Metra requests that if you can please grant approval to substitute M. Luis with EICCI due to the mitigating circumstances described herein, it would be very much appreciated. And, we respectfully suggest that it would lend towards the success of this Contract and the common interest and benefit to all concerned parties and individuals.

Thank you again for your time and your consideration.

**Stephan P. Dioslaki** V.P. of Administration  
Metra Industries, 50 Muller Pl., Little Falls NJ 07424  
[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

---

**From:** Stephan Dioslaki  
**Sent:** Tuesday, May 10, 2022 2:54 PM  
**To:** Qadri, Wazir (DPW) <[Wazir.Qadri@baltimorecity.gov](mailto:Wazir.Qadri@baltimorecity.gov)>; Morton, Romeko (DPW) <[romeko.morton@baltimorecity.gov](mailto:romeko.morton@baltimorecity.gov)>  
**Cc:** William Pugh <[wpugh@metraindustries.com](mailto:wpugh@metraindustries.com)>; Huang, John (DPW) <[John.Huang@baltimorecity.gov](mailto:John.Huang@baltimorecity.gov)>; [christopher.lundy@baltimorecity.gov](mailto:christopher.lundy@baltimorecity.gov); Natasha Quarto <[nquarto@metraindustries.com](mailto:nquarto@metraindustries.com)>; Holness, Tameka A. (DPW) <[Tameka.Holness@baltimorecity.gov](mailto:Tameka.Holness@baltimorecity.gov)>  
**Subject:** RE: Baltimore City Contract # WC 1403 MWBE Performance going forward  
**Importance:** High

Dear Romeko and Wazir,

As per instructions, this is being sent to you for concurrence and approval; and for your prompt attention and action insofar as sending it forward to the offices of MWBOO. We respectfully request for you to please expedite this. Thanks in advance for your assistance.

Attached is MBE Form Part B as part of Metra's request to add and partially substitute M. Luis with EICCI usage on this job. This is due to partial unavailability by EICCI. Also attached is our communication exchanges by and between Baltimore City OEC, EICCI and Metra which verifies that EICCI's unavailability due to the mitigating circumstances described in great detail on the attachment. In pertinent point, please pay particular attention to the email from EICCI which states that they require a cost increase in order for them to be able to move forward. This was transmitted to the OEC on 11/3/2021 requesting a commensurate cost increase so EICCI could do the work. OEC responded in the RFI stating that it would not provide the cost increase required by EICCI to move forward. Metra then followed up via email of 11/8/21 emphasizing how EICCI would be unable to continue as a result. This is all attached as supporting documentation.

Kindly confirm that the protocol will be followed and that you will send this forward to the offices of MWBOO (Cc'ed on this email).

**Stephan P. Dioslaki** V.P. of Administration  
Metra Industries, 50 Muller Pl., Little Falls NJ 07424  
[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

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**From:** Stephan Dioslaki  
**Sent:** Monday, May 9, 2022 12:08 PM  
**To:** 'Qadri, Wazir (DPW)' <[Wazir.Qadri@baltimorecity.gov](mailto:Wazir.Qadri@baltimorecity.gov)>  
**Cc:** 'Morton, Romeko (DPW)' <[romeko.morton@baltimorecity.gov](mailto:romeko.morton@baltimorecity.gov)>; William Pugh <[wpugh@metraindustries.com](mailto:wpugh@metraindustries.com)>; 'Huang, John (DPW)' <[John.Huang@baltimorecity.gov](mailto:John.Huang@baltimorecity.gov)>; 'christopher.lundy@baltimorecity.gov' <[christopher.lundy@baltimorecity.gov](mailto:christopher.lundy@baltimorecity.gov)>; Natasha Quarto <[nquarto@metraindustries.com](mailto:nquarto@metraindustries.com)>  
**Subject:** Baltimore City Contract # WC 1403 MWBE Performance going forward

Dear Wazir,

Please see attached letter.

Feel free to contact us with any questions you may have.

(Natasha – please add this correspondence to our MBE WBE tracker file for WC 1403)

**Stephan P. Dioslaki** V.P. of Administration  
Metra Industries, 50 Muller Pl., Little Falls NJ 07424  
[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

**From:** Stephan Dioslaki <sdioslaki@metraindustries.com>  
**Sent:** Thursday, December 15, 2022 12:42 PM  
**To:** Lundy, Christopher R. (Law Dept); Qadri, Wazir (DPW)  
**Cc:** Campbell, Stephen (Law Dept); Morton, Romeko (DPW); William Pugh  
**Subject:** RE: [External] Baltimore City Contract # WC 1403 MWBE Performance going forward

**Importance:** High

**Follow Up Flag:** Follow up

**Flag Status:** Flagged

**CAUTION:** This email originated from outside of Baltimore City IT Network Systems.

**Reminder:** **DO NOT** click links or open attachments unless you recognize the sender and know that the content is safe. Report any suspicious activities using the [Report Phishing Email Button](#), or by emailing to [Phishing@baltimorecity.gov](mailto:Phishing@baltimorecity.gov)

Further to this, Metra wishes to impress upon you how important MBE WBE performance is to us and to our MBE WBE subcontractor Partners and how seriously we take MBE WBE performance in Baltimore. To that end we are proud to tell you how much money we have **actually paid out** in the immediate prior two years to just this small group of MBE WBE subcontractors in Baltimore alone. We have paid over \$6,000,000 (Six Million Dollars) to MBE WBE's.

It is with pride that are providing the following breakdown of this amount:

<b>PAID</b>	<b>2020</b>	<b>2021</b>	<b>total</b>
AB Truck	\$673,319.00	\$223,924.00	\$897,243.00
EICCI	\$591,983.00	\$614,667.00	\$1,206,650.00
Empire	\$27,704.00	\$110,970.00	\$138,674.00
M Luis Products	\$437,317.00	\$95,796.00	\$533,113.00
M Luis Construction	\$716,778.00	\$313,881.00	\$1,030,659.00
R&R	\$1,500,499.00	\$764,821.00	\$2,265,320.00
	<b>\$3,947,600.00</b>	<b>\$2,124,059.00</b>	<b>\$6,071,659.00</b>

**These are our MBE WBE partners!** And we wish to continue giving them this sort of robust business! But we are critically low on work now. Kindly take into consideration (a) how important Metra is to these MBE WBE subcontractor Partners (b) how important these MBE WBE subcontractor Partners are to Metra (c) how low we (and therefore these MWBE partners) are on work right now in Baltimore City and perhaps most importantly (d) how important Baltimore City is to us and our MWBE partners and how committed we are to Baltimore City.

With the issuance of the WC 1403 Change Order in question, Metra will continue to employ our MBE WBE partners for the same percentages committed at time of bid making it possible to further business to them.

We look forward to hearing positive confirming news from you on this subject.

**Stephan P. Dioslaki** V.P. of Administration  
 Metra Industries, 50 Muller Pl., Little Falls NJ 07424  
[sdioslaki@metraindustries.com](mailto:sdioslaki@metraindustries.com) tel: 973-812-0333 fax: 973-812-6596 mobile: (973)-296-2568

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**From:** Stephan Dioslaki  
**Sent:** Thursday, December 15, 2022 10:41 AM  
**To:** 'Lundy, Christopher R. (Law Dept)' <Christopher.Lundy@baltimorecity.gov>; Qadri, Wazir (DPW) <Wazir.Qadri@baltimorecity.gov>  
**Cc:** 'Campbell, Stephen (Law Dept)' <Stephen.Campbell2@baltimorecity.gov>; 'Morton, Romeko (DPW)' <romeko.morton@baltimorecity.gov>; William Pugh <wpugh@metraindustries.com>  
**Subject:** RE: [External] Baltimore City Contract # WC 1403 MWBE Performance going forward  
**Importance:** High

Dear Mr. Lundy and Dear Wazir – Metra has very good news to report in support of / favor of passing the WC 1403 Change Order so Urgent Need Work can be expedited, approving our MBE substitution request and otherwise. **We are paying up EICCI all open invoices we have from them on that job.**  
Those invoices consist of:

- Invoice 5188 in the amount of \$3,600
- Invoice 5192 in the amount of \$15,750
- Invoice 5193 in the amount of \$5,328
- Invoice 5198 in the amount of \$5,121
- Invoice 5183 in the amount of \$8,684.64

**The above total is \$41,974.64 and is being paid to EICCI immediately via Priority FedEx overnight. EICCI will have this payment IN THERE HANDS TOMORROW MORNING.**

Importantly: These are ALL OF THE APPROVED INVOICES from EICCI for the whole WC 1403 project; there are no others.

DATE	INVOICE NO.	DESCRIPTION	INVOICE AMOUNT	DEDUCTION	BALANCE
9-04-20	5118		4947.00		4947.00
12-03-21	5183		9649.60		8684.64
6-01-22	5188		4000.00		3600.00
6-01-22	5192		17500.00		15750.00
6-01-22	5193		5920.00		5328.00
6-01-22	5198		5690.00		5121.00

<b>CHECK DATE</b>	12-15-22	<b>CHECK NUMBER</b>	13015998	<b>TOTALS</b>	47706.60		43430.64
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ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER

**METRA INDUSTRIES**  
50 MULLER PLACE  
LITTLE FALLS, NJ 07424



13015998

55-138/212

Pay: \*\*\*\*\*Forty-three thousand four hundred thirty dollars and 64 cents

DATE	CHECK NO.	AMOUNT
December 15, 2022	13015998	\$*****43,430.64

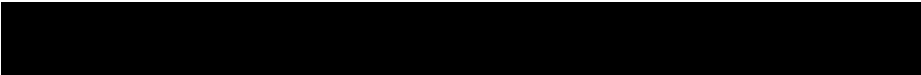
**PAY TO THE ORDER OF**  
EICCI  
720 S. Caton Avenue  
Baltimore, MD 21229



*[Handwritten Signature]*

AUTHORIZED SIGNATURE

THIS DOCUMENT CONTAINS HIGH SECURITY INFORMATION. IT IS VOID IF HEAT



METRA INDUSTRIES  
LITTLE FALLS, NJ 07424

13015998