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May 31, 2021

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

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

Re: Protest of Lorenz, Inc. (B50006466/Baltimore Tree Trust)

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

Lorenz, Inc., a responsible bidder that submitted the lowest responsive bid, through its undersigned counsel hereby protests award of the above referenced solicitation to Baltimore Tree Trust, Inc., as indicated on page 166, item 5, of the Board's Agenda. We show below that award to Baltimore Tree Trust would violate the Charter requirement that bidders be afforded the opportunity to bid on a level playing field and the specific requirement of the bid documents that bids demonstrate compliance with applicable M/WBE participation goals or demonstrate eligibility for a requested waiver.

A. Level Playing Field

Bids were opened on February 16, 2022.¹ According to a document dated February 11, 2022, submitted in its bid (Exhibit 1), beginning in spring 2020 Baltimore Tree Trust has partnered with the City as its representative on the Greater Baltimore Wilderness Coalition, the regional council of municipal bodies and public not-for profit organizations that seeks to find solutions to shared environmental challenges affecting the counties of Harford, Howard, Baltimore, Anne Arundel, and Baltimore City. On its Board of Directors sits a son of Congressman Kweisi Mfume, (Exhibit 2), and David Bramble, a

¹ On March 4, 2022, the City issued a "post bid opening" bid amendment that, among other things, added a two-year warranty, apparently so that Baltimore Tree Trust could receive some credit for the warranty included in its bid and which published the prices from the current contract held by Lorenz.

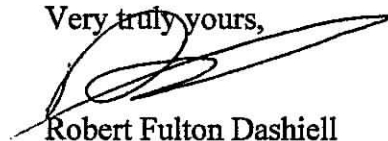
local developer whose close ties to the city ostensibly played a part in the selection of his company to reinvent Harbor Place. The city cancelled the first solicitation for the work under this contract where Lorenz was the undisputed low bidder in response to a complaint from Baltimore Tree Trust that which Lorenz had been unfairly treated as an insider. Appearance is reality. Based upon the above the clear impression is that Baltimore Tree Trust is being recommended for award at least in part due to its special relationship with the city.²

B. Non-compliance with MBE Goal

In the Board's Agenda it states MWBOO found Baltimore Tree Trust demonstrated compliance with the applicable MBE participation goal by committing to utilize a firm named Carter Landscaping. On March 9, 2022, at 1pm, I, along with a Lorenz representative visited the Comptroller's office where we were permitted to examine the original bids submitted for the contract. The same Lorenz employee had previously reviewed the Baltimore Tree Trust duplicate bid. **THERE WAS NO PARTICIPTION FORM FOR CARTER LANSCAPING OR ANY OTHER CERTIFIED MBE INCLUDED IN THE ORIGINAL BALTIMORE TREE TRUST BID!** The MBE participation form for Carter Landscaping reviewed by MWBOO must have been improperly added to the Baltimore Tree Trust bid, **after the bids were opened.**

For the forgoing reasons, I urge the Board to award the contract to Lorenz, the only responsible bidder, and the lowest responsive bidder.

Very truly yours,



Robert Fulton Dashiell

² It also appears that Baltimore Tree Trust does not employ anyone licensed as a tree expert by the Maryland Department of Natural Resources, as required to perform the bulk of the work under the contract. (Exhibit 3). Nor does either of the other bidders whose bids were lower than that submitted by Lorenz. (Exhibits 6 and 7)



February 11, 2022

Professional Reference

Company: Greater Baltimore Wilderness Coalition

Contact: Ashley Traut, Senior Advisor

Phone: 443-827-2548

Email: atraut@baltimorewilderness.org

Project Description:

- The Greater Baltimore Wilderness Coalition (GBWC) is the regional council of municipal bodies and public not-for-profit organizations that seeks to find solutions to shared environmental challenges affecting the counties of Harford, Howard, Baltimore, Anne Arundel, and Baltimore City.
- The Baltimore Tree Trust has been a member since 2012.
- Beginning in Spring 2020, the Baltimore Tree Trust has represented the City of Baltimore on the steering committee for its "Planting the Future" initiative, set up to address the question of how partners can drastically increase tree planting efforts across the region over the next decade.
- Through the GBWC and like-minded networks, the Baltimore Tree Trust has established itself as a regional leader in urban tree planting strategies and workforce development.
- Currently the Baltimore Tree Trust receives financial support from the GBWC for internal capacity-building and for the organization to train Baltimore County youth to plant and maintain trees in the Gwynns Falls watershed.

Exhibit 2

WHO WE ARE ▾

WHAT WE DO ▾



TAKE ACTION ▾

RESOURCES ▾

VOLUNTEER

DONATE

PARTNER

OUR BOARD



OUR STORY
OUR TEAM
CONTACT US
EMPLOYMENT

////////////////////

DAVID BRAMBLE

Managing Partner
MCB Real Estate



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JOAN PLISKO

President
Plisko Sustainability Solutions



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CHRIS FEISS

Chief Strategy Officer
Compass Marketing, Inc.



THOMASINA POIROT

Attorney
Venable LLP



ALEX FISHER

Managing Partner
Marquette Associates



ASHLEY PRINCIPE

Director of Development
Friends School of Baltimore



STEVE GRAY

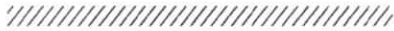
Former Senior Vice President
BB&T



MARK SMOLARZ

COO/CFO
The Associated: Jewish Community Federation of Baltimore





DOUG HOLTHAUS

Executive Director & Client Advisor
J.P. Morgan



ANNIE UMBRICH, MD

Associate Professor of Psychiatry & Behavior Science
Johns Hopkins Medicine



ALLAN HOUSE

Vice President
Morgan Stanley



CHAD VRANY

Arborist Representative
Bartlett Tree Experts



////////////////////////////////////

CHRIS MFUME

Managing Partner
CLD Partners



HONORARY TRUSTEES

////////////////////////////////////

Jane Brown
Howard Cohen

Carol Macht
MICHAEL WOOLLEN

W. T. Dixon "Dick" Gibbs
Project Manager
Oceaneering



BALTIMORE
TREE TRUST

2631 Sisson St
Baltimore, MD 21211
(410) 861-0784
info@baltimoretreetrust.org



The Baltimore Tree Trust is a nonprofit, tax-exempt charitable organization under Section 501(c)(3) of the Internal Revenue Code.

Donations are tax-deductible as allowed by law.

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Welcome to the Tree Experts List

All tree care professionals practicing in Maryland must obtain a license. Without a license, they may not practice or advertise tree care services in the state. As a public service we make the names and addresses of licensed tree experts available on DNR Online.

Instructions:

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Search type:

- ☒ Company
 ☐ County
☐ Last Name
 ☐ LTE Number

Search for:

baltimore tree trust

*** No Data Found ***

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AGENDA

BOARD OF ESTIMATES

6/1/2022

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**Bureau of Procurement – cont'd****MBE/WBE PARTICIPATION:**

On August 4, 2021, MWBOO determined that no goals would be set because of no opportunity to segment the contract.

MWBOO GRANTED A WAIVER ON AUGUST 4, 2021.

- | | | | |
|----|---|----------------|-----------------|
| 4. | B50006423 – Food Service Management Company for Summer Food Service Program | Martin's, Inc. | \$20,000,000.00 |
|----|---|----------------|-----------------|

(DHCD)

MBE/WBE PARTICIPATION:

On December 13, 2021, MWBOO set goals at 27% MBE and 10% WBE, and found the Vendor to be compliant on May 17, 2022.

- | | | | |
|----|---|---------------------------|-----------------|
| 5. | B50006466 – Street Tree Supply, Delivery, Planting & Maintenance Spring & Fall 2022 | Baltimore Tree Trust Inc. | \$ 1,200,000.00 |
|----|---|---------------------------|-----------------|

(Dept. of Recreation and Parks)

MBE/WBE PARTICIPATION:

On January 4, 2022, MWBOO set goals of 10% MBE and 9% WBE. On April 14, 2022, Baltimore Tree Trust, Inc. was found compliant.

Baltimore Tree Trust, Inc

MBE:	Carter Landscaping	10%
WBE:	Empire Landscaping Clear Ridge Nursery, Inc.	6.75%, 2.25%

From: Joseph Lorenz, IV <jlorenz@lorenzinc.net>
Sent: Friday, March 4, 2022 3:09:32 PM
To: Robert Fulton Dashiell <robertdashiell@dashiell-lawoffice.com>
Subject: Fwd: Bid Amendment Notification - Bid # B50006466, Street Tree Planting with 2 - Year Maintenance & Warranty - Spring & Fall 2022

Have you ever seen an addenda come out 2 plus weeks after bid opening???

Joe

Sent from my iPhone

Begin forwarded message:

From: William Ward <William.Ward2@baltimorecity.gov>
Date: March 4, 2022 at 2:55:56 PM EST
To: undisclosed-recipients;;
Subject: Bid Amendment Notification - Bid # B50006466, Street Tree Planting with 2 - Year Maintenance & Warranty - Spring & Fall 2022

A formal bid amendment notification request has been sent to you by Baltimore City. Please login using your login ID and password to the Baltimore City site at <https://www.baltimorecitybuy.org/bso/view/login/login.xhtml> to acknowledge receipt of the amendment.

Once logged in, open formal bids are listed in the Open Bids section of the home page. Select the appropriate Bid # to view and acknowledge the bid amendment. Printed copies of the bid amendment can be requested from Garland Anderson by calling (410)396-5719.

The information from the request is below:

Bid Header

Requesting Department: RECPK - RECREATION & PARKS
Buyer Name: Garland Anderson
Buyer Phone: (410)396-5719
Buyer Email: Garland.anderson@baltimorecity.gov
Bid Number: B50006466
Description: Street Tree Planting with 2 - Year Maintenance & Warranty - Spring & Fall 2022
Opening Date/Time: 02/16/2022 11:00:00 AM
Available Date/Time: 01/21/2022 04:00:00 PM
Bid Amendment Number: 2
Amendment Description: Pricing from the previous Contract B50004509 added to address a request and question for that information.

Thank you for your participation.

External bid URL : <https://www.baltimorecitybuy.org/bso/external/bidAck.sdo?parentUrl=activeBids&bidId=B50006466>

Use this link to log on to City of Baltimore Purchasing:
<https://www.baltimorecitybuy.org/bso/view/login/login.xhtml>

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Search type:

- ☐ Company ☐ County
☒ Last Name ☐ LTE Number

Search for:

Bowers

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Exhibit 7.

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Search type:

- ☐ Company ☐ County
☒ Last Name ☐ LTE Number

Search for:

Weidow

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