

July 11, 2023

To: Clerk, City of Baltimore Board of Estimates

From: Lou Fields

Re: State of Opposition

Item # SB 2312170 Emergency Procurement, GS 23805 Baltimore Convention Center (BCC) Elevator Modernization Contract, page 16

I am requesting to speak in person at the July 12, 2023, Board of Estimates meeting to state my opposition to the above item.

My reasons for opposing this item are as follows.

1. Since FY 22, the Baltimore Convention Center's budget has increased from \$17.9 million in FY 22 to over \$25.9 million in FY 24, approved on July 1, 2023, representing an \$8 million increase. This budget should preclude this city agency from needing any "emergency procurements." The BCC has the funding to provide the opportunity for Baltimore-based Black-owned elevator companies to be aware and choose to bid as a prime contractor or be able to participate as a sub-contractor. Who did BCC inform of this procurement opportunity?
2. GS 23805 has been presented to the Board of Estimates as an "emergency procurement contract" to repair an elevator on the east side of the building at 1 W. Pratt Street. The BCC has multiple elevators and escalators and multiple entrances which can be and will be utilized during the period of repair of this elevator (s).
3. My concern is the lack of participation from Baltimore-based, City certified MBE firms who have in the past performed elevator repair work for the City of Baltimore and for this prime contractor.
4. After discussions with various stakeholders and Chief Christopher Lundy, it has been revealed that...
 - A. Baltimore-based certified elevator firms owned by African Americans were not aware of the elevator repair contract. None are included in this contract.
 - B. After speaking with the prime contractor, Mr. Fred Nichols, principal owner of Nichols Contracting, a Columbia MD based contractor, Mr. Nichols assured me that he would sub-contract with an MBE firm on this contract.
 - C. On July 10, 2023, Chief Lundy stated that a 7% MBE goal was put in place on the contract. This is extremely low for a contract that is between \$3 million and \$6 million.

- D. The firm that Mr. Nichols selected to meet the City's MBE procurement policy is a non-self-performing entity that is slated as the "project manager." This firm does not provide any elevator repair services. On surface this element meets the City's MBE goal for this contract but falls short of the true intent and spirit of the City's MBE/WBE procurement policies and goals.
 - E. My opposition to this contract is rooted in the denial of any opportunity for Black-owned elevator repair companies to participate.
 - F. There are two, maybe more certified elevator repair firms owned by African Americans that are based in the Baltimore City Market Area who should be aware, able to bid and participate on this procurement contract.
5. This statement is posted on the internet: "While the overall goal is 15 percent for Baltimore City, a specific goal may be set with each discretionary solicitation, based on the level of ready, willing and able certified MBE and WBE firms. The MBE Program goal helps ensure inclusiveness for those socially and economically disadvantaged small business owners are included in procurement opportunities directly as prime contractors or indirectly as subcontractors."
6. In the 2020 annual report of the City Law Department MWBOO, there is a quote from Potter Stewart that states "Fairness is what Justice Really Is." What is happening in this emergency procurement contract is both unfair and unjust.
7. In our conversation, Mr. Fred Nichols has stated that he wants to have an MBE on this contract. In Fairness, as a viable solution, to all parties, involved, I am willing to withdraw this Statement of Opposition, if Mr. Nichols agreed to sub-contract with Admiral Elevator (who he has worked with in the past), United Elevator or any other MBE-certified Baltimore-based, Black-owned elevator firm.

Sincerely,

Lou Fields

ADOVATE FOR FAIRNESS IN CITY PROCUREMENTS & CONTRACTING.