

**NOTICE:**

1. On January 22, 2014, the Board of Estimates approved the Resolution on the Regulation of Board of Estimates Meetings and Protests, effective February 05, 2014. Pursuant to the Resolution:

a. Anyone wishing to speak before the Board, whether individually or as the spokesperson of an entity must notify the Clerk of the Board in writing no later than noon on the Tuesday preceding any Board meeting, or by an alternative date and time specified in the agenda for the next scheduled meeting. The written protest must state (1) whom you represent and the entity that authorized the representation; (2) what the issues are and the facts supporting your position; and (3) how the protestant will be harmed by the proposed Board action.

b. Matters may be protested by a person or any entity directly and specifically affected by a pending matter or decision of the Board. In order for a protest to be considered, the protestant must be present at the Board of Estimates meeting at 9:00 A.M., in Room 215, City Hall.

c. A Procurement Lobbyist, as defined by Part II, Sec. 8-8 (c) of The City Ethics Code must register with the Board of Ethics as a Procurement Lobbyist in accordance with Section 8-12 of The City Ethics Code.

The full text of the Resolution is posted in the Department of Legislative Reference, the President of the Board's web site, ([http://www.baltimorecitycouncil.com/boe\\_agenda.htm](http://www.baltimorecitycouncil.com/boe_agenda.htm)) and the Secretary to the Board's web site (<http://www.comptroller.baltimorecity.gov/BOE.html>).

Submit Protests to:  
Attn: Clerk,  
Board of Estimates  
Room 204, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

BOARD OF ESTIMATES' AGENDA - MAY 2, 2018

\* \* \* \* \*

THE DEPARTMENT OF FINANCE

WILL PRESENT THE

PROPOSED ORDINANCE OF ESTIMATES FOR FY 2019

AND

AN ORDINANCE TO LEVY AND COLLECT A TAX

AND

REQUEST AUTHORIZATION TO ADVERTISE

THE ORDINANCE OF ESTIMATES

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Bureau of the Budget and - Annual Ordinance of Estimates FY 2019  
Management Research

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the Fiscal 2019 Ordinance of Estimates for transmittal to the Baltimore City Council.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The Ordinance of Estimates totals \$3,499,279,441.00, including \$2,818,350,441.00 for operating expenses and \$680,929,000.00 for capital expenses.

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Bureau of the Budget and - Annual Property Tax Ordinance FY 2019  
Management Research

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the Fiscal 2019 Tax Rate Ordinance for transmittal to the Baltimore City Council.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The Real Property Tax Rate is proposed to remain at \$2.248 per \$100.00 of assessed value. The Personal Property Tax Rate is 2.5 times the Real Property Tax Rate per State Law.

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Department of Planning - Fiscal Year 2019 - 2024 Capital Budget  
and Capital Improvement Program

The Board is requested to **NOTE** receipt of the FY 2019 Capital Budget and the FY 2019 - 2024 Capital Improvement Program.

On March 8, 2018, the Planning Commission adopted the recommendations for the Fiscal Year 2019 Capital Budget and the Fiscal Year 2019 - 2024 Capital Improvement Program. The recommended program totaled \$1.8 billion for capital projects during FY 2019 - 2024 and \$618 million to be appropriated as part of the FY 2019 budget.

<b>Source</b>	<b>FY2019</b>	<b>FY2020</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>	<b>FY2024</b>	<b>TOTAL</b>
G.O. Bonds	65,000	80,000	80,000	70,000	70,000	70,000	435,000
General Funds	25,250	17,000	17,000	17,000	17,000	17,000	110,250
Revenue Loans	237,875	140,397	32,688	43,826	15,864	15,000	485,650
Federal	66,284	39,177	37,117	36,935	37,072	36,072	252,657
State	72,549	22,939	27,007	11,700	13,450	13,600	161,245
Other	151,111	96,068	61,341	76,322	26,200	26,200	437,242
<b>TOTAL</b>	<b>618,069</b>	<b>395,581</b>	<b>255,153</b>	<b>255,783</b>	<b>179,586</b>	<b>177,872</b>	<b>1,882,044</b>

On March 26, 2018, the Board of Finance approved the Capital Improvement Program for FY19-24 as recommended by Planning Commission.

**Changes after Board of Finance**

Since the March 26, 2018 Board of Finance approval, the changes detailed below were made. With these changes, the recommended program totals \$1.9 billion for capital projects during FY 2019- FY 2024 and \$680.9 million to be appropriated as part of the FY 2019 budget. These changes are reflected in the attached reports.

<u>Year</u>	<u>Fund Source</u>	<u>Change</u>
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General Services

**International Black Firefighters Museum (197-250)**

FY19	Other State Funds	\$250,000.00
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Recreation and Parks

**Athletic Field Renovation (474-064)**

FY19	State Open Space Grants	(\$800,000.00)
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AGENDA

BOARD OF ESTIMATES

05/02/2018

Dept. of Planning - cont'd

**Bocek Park Athletic Center**

FY19	State Open Space Grants	\$ 750,000.00
FY19	General Obligation Bonds	(\$200,000.00)

**Patterson Park Master Plan Implementation (474-085)**

FY19	State Open Space Grants	\$ 500,000.00
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**Herring Run Park Improvements (474-094)**

FY19	State Open Space Grants	\$ 625,000.00
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**Fred B Leidig Recreation Center Field & Field House (474-097)**

FY19	State Open Space Grants	\$ 500,000.00
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**Druid Hill Park Reservoir Improvements (474-106)**

FY19	State Open Space Grants	(\$ 100,000.00)
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**Clifton Mansion Site Improvements (474-110)**

FY19	State Open Space Matching Grants	\$ 272,000.00
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**Historic Park Facility Renovations (474-111)**

FY19	General Obligation Bonds	\$ 200,000.00
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**St. Mary's Park Land Acquisition (474-113)**

FY19	State Open Space Grants	(\$ 280,000.00)
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**Park Rehabilitation Program (474-118)**

FY19	State Open Space Grants	(\$ 200,000.00)
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**Park Building Renovations (474-119)**

FY19	State Open Space Grants	\$ 400,000.00
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AGENDA

BOARD OF ESTIMATES

05/02/2018

Dept. of Planning - cont'd

**Middle Branch Fitness and Wellness Center (474-784)**

FY19 Other State Funds \$ 400,000.00

Transportation

**Citywide System Preservation (508-056)**

FY19 Other State Funds \$ 25,000.00

**Concrete Roadway Slab Repairs (508-072)**

FY19 Other State Funds \$ 200,000.00

**Hamilton Business District Complete Streets (508-109)**

FY19 General Funds (HUR Eligible) \$ 400,000.00

**Frederick Avenue Resurfacing and Landscaping (508-111)**

FY19 General Funds (HUR Eligible) \$ 600,000.00

**Capital Project Delivery Services (508-378)**

FY19 Other State Funds \$ 244,000.00

**Siting Evaluation - 2601 Falls Road Facility (508-899)**

FY19 Other State Funds \$ 115,000.00

**Hanover Street Bridge (509-006)**

FY19 Other State Funds \$ 3,000,000.00

**Transportation Management Center Upgrade (512-005)**

FY19 Other State Funds \$ 200,000.00

AGENDA

BOARD OF ESTIMATES

05/02/2018

Dept. of Planning - cont'd

**Traffic Signal Reconstruction (512-077)**

FY19	General Funds (HUR Eligible)	(\$600,000.00)
FY19	Other State Funds	\$995,000.00

**Intelligent Transportation System (ITS) (512-078)**

FY19	General Funds (HUR Eligible)	(\$400,000.00)
FY19	Other State Funds	\$950,000.00

**Resurfacing - Northwest (514-214)**

FY19	Other State Funds	\$ 75,000.00
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**Resurfacing - Southwest (514-215)**

FY19	Other State Funds	\$ 75,000.00
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**Resurfacing - Southeast (514-216)**

FY19	Other State Funds	\$ 75,000.00
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**Resurfacing - Northeast (514-846)**

FY19	Other State Funds	\$ 75,000.00
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**Asset Management (527-044)**

FY19	Other State Funds	\$250,000.00
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**Greenmount Avenue Streetscape (527-009)**

FY19	Other State Funds	\$ 40,000.00
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Department of Public Works

**North Point Road Improvements (520-069)**

FY19	Stormwater Revenue Bonds	\$888,000.00
FY19	Stormwater Utility Funds	(\$888,000.00)

AGENDA

BOARD OF ESTIMATES

05/02/2018

Dept. of Planning - cont'd

**Basin Inserts Project 11-20 (525-002)**

FY19	Stormwater Revenue Bonds	\$ 194,000.00
FY19	Stormwater Utility Funds	(\$ 194,000.00)

**Small SWM BMP (525-004)**

FY19	Stormwater Revenue Bonds	\$ 600,000.00
FY19	Stormwater Utility Funds	(\$ 600,000.00)

**Herring Run Stream Restoration: Western Branch ER-4128 (ER-4054)  
(525-013)**

FY19	Stormwater Revenue Bonds	\$2,963,000.00
FY19	Stormwater Utility Funds	(\$2,963,000.00)

**Druid Hill Park Stream Restoration Project (525-014)**

FY19	Stormwater Revenue Bonds	\$ 541,000.00
FY19	Stormwater Utility Funds	(\$ 541,000.00)

**ESD: Patterson Park & Neighborhoods (525-016)**

FY19	Stormwater Revenue Bonds	\$ 814,000.00
FY19	Stormwater Utility Funds	(\$ 814,000.00)

**Small SWM BMP 13 - ER-4126 (ER-4106) (525-018)**

FY19	Stormwater Revenue Bonds	\$ 152,000.00
FY19	Stormwater Utility Funds	(\$ 152,000.00)

**ESD: Hamden/Wyman Park/Mt. Washington - ER-4127 (ER-4058)  
(525-019)**

FY19	Stormwater Revenue Bonds	\$ 156,000.00
FY19	Stormwater Utility Funds	(\$ 156,000.00)

AGENDA

BOARD OF ESTIMATES

05/02/2018

Dept. of Planning - cont'd

**ESD: Orchard Ridge/Armistead Gardens ER-4130 (ER-4083) (525-025)**

FY19	Stormwater Revenue Bonds	\$ 297,000.00
FY19	Stormwater Utility Funds	(\$ 297,000.00)

**Street Sweeping Route Signs (525-026)**

FY19	Stormwater Revenue Bonds	\$2,752,000.00
FY19	Stormwater Utility Funds	(\$2,752,000.00)

**Urgent Need Stream Repair 1 (ER-4036) (525-028)**

FY19	Stormwater Revenue Bonds	\$ 388,000.00
FY19	Stormwater Utility Funds	(\$ 388,000.00)

**ESD: Cherry Hill - ER-4127 (ER-4060) (525-029)**

FY19	Stormwater Revenue Bonds	\$ 149,000.00
FY19	Stormwater Utility Funds	(\$ 149,000.00)

**Lot Greening: Mt. Winans - ER-4126 (ER-4066) Environmental Restoration Bundle 10 (525-031)**

FY19	Stormwater Revenue Bonds	\$ 112,000.00
FY19	Stormwater Utility Funds	(\$ 112,000.00)

**Stream Monitoring USFW (ER 4139) (525-032)**

FY19	Stormwater Revenue Bonds	\$ 216,000.00
FY19	Stormwater Utility Funds	(\$ 216,000.00)

**Public Schools Phase III - ER-4126 (ER-4067) Environmental Restoration Bundle 10 (525-033)**

FY19	Stormwater Revenue Bonds	\$ 549,000.00
FY19	Stormwater Utility Funds	(\$ 549,000.00)

AGENDA

BOARD OF ESTIMATES

05/02/2018

Dept. of Planning - cont'd

**Tree Mitigation (ER-4132) (525-035)**

FY19	Stormwater Revenue Bonds	\$ 607,000.00
FY19	Stormwater Utility Funds	(\$ 607,000.00)

**Environmental Restoration Bundle 3 - Franklin Town Blvd Culvert Stream Restoration ER-4122 (ER-4031) (525-036)**

FY19	Stormwater Revenue Bonds	\$1,100,000.00
FY19	Stormwater Utility Funds	(\$1,100,000.00)

**Powder Mill Run Stream Restoration Project (525-037)**

FY19	Stormwater Revenue Bonds	\$ 507,000.00
FY19	Stormwater Utility Funds	(\$ 507,000.00)

**Bioretention Areas (Masonville and GGI) ER-4098 (525-038)**

FY19	Stormwater Revenue Bonds	\$ 594,000.00
FY19	Stormwater Utility Funds	(\$ 594,000.00)

**ER-4126 (ER-4068) Environmental Restoration Bundle 10 (525-039)**

FY19	Stormwater Revenue Bonds	\$ 335,000.00
FY19	Stormwater Utility Funds	(\$ 335,000.00)

**Jones Fall Drainage - Improvement (SDC 7795) (525-040)**

FY19	Stormwater Revenue Bonds	\$1,189,000.00
FY19	Stormwater Utility Funds	(\$1,189,000.00)

**Armistead Run Stream Restoration (ER-4099) (525-041)**

FY19	Stormwater Revenue Bonds	\$1,473,000.00
FY19	Stormwater Utility Funds	(\$1,473,000.00)

AGENDA

BOARD OF ESTIMATES

05/02/2018

Dept. of Planning - cont'd

**Small SWM BMP 12 - ER-4126 (ER-4105) | Environmental Restoration Bundle 10 (525-043)**

FY19	Stormwater Revenue Bonds	\$ 701,000.00
FY19	Stormwater Utility Funds	(\$701,000.00)

**Lower Stony Run Reach 3 Repair (ER 4137) (525-044)**

FY19	Stormwater Revenue Bonds	\$ 552,000.00
FY19	Stormwater Utility Funds	(\$ 552,000.00)

**Western Run at Kelly Avenue - ER-4122 (ER-4028) Environmental Restoration 3 (525-045)**

FY19	Stormwater Revenue Bonds	\$ 1,300,000.00
FY19	Stormwater Utility Funds	(\$ 1,300,000.00)

**Dead Run Stream Restoration Project 2 (Lazear and Franklinton Rd) (525-050)**

FY19	Stormwater Revenue Bonds	\$ 1,000,000.00
FY19	Stormwater Utility Funds	(\$ 1,000,000.00)

**Maidens Choice Tributary Restoration Project - ER-4124 (ER-4052) (525-705)**

FY19	Stormwater Revenue Bonds	\$ 300,000.00
FY19	Stormwater Utility Funds	(\$ 300,000.00)

**Chinquapin Run Stream Restoration #1 (ER-4021) (525-998)**

FY19	Stormwater Revenue Bonds	\$ 800,000.00
FY19	Stormwater Utility Funds	(\$ 800,000.00)

**West Arlington Water Tower (557-103)**

FY19	Other State Funds	\$ 250,000.00
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AGENDA

BOARD OF ESTIMATES

05/02/2018

Dept. of Planning - cont'd

Housing and Community Development

**Community Enterprise Program (588-050)**

FY19                      Other Funds    \$55,500,000.00

**Uplands Redevelopment (Sites A&B) (588-933)**

FY19                      Other State Funds    (\$ 1,000,000.00)

**Northwest Neighborhood Improvements (588-962)**

FY 2019                      Pimlico Local Impact Aid - VLT                      (\$ 277,000.00)  
Revenue

**Park Heights Redevelopment (588-963)**

FY 2019                      Pimlico Local Impact Aid - VLT                      (\$ 249,000.00)  
Revenue

The recommendations of the Planning Commission along with the above revisions listed above are reflected in the recommendations.

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Board of Finance - Six Year Capital Improvement Program

By City Charter, the review schedule for the Capital Improvement Program ("CIP") includes an endorsement by the Board of Finance. At a scheduled meeting on March 26, 2018, the FY 2019 Capital Budget totaling \$618,069,000.00 and the FY 2019-2024 CIP totaling \$1,882,044,000.00 was presented to the Board of Finance. Following the presentation, the Board of Finance endorsed the CIP as summarized below:

**Board of Finance Recommended 2019-2024 CIP  
(\$000)**

Source	2019	2020	2021	2022	2023	2024	Total
G.O. Bonds	65,000	80,000	80,000	70,000	70,000	70,000	435,000
General Fund	25,250	17,000	17,000	17,000	17,000	17,000	110,250
Revenue Loans	237,875	140,397	32,688	43,826	15,864	15,000	485,650
Federal	66,284	39,177	37,117	36,935	37,072	36,072	252,657
State	72,549	22,939	27,007	11,700	13,450	13,600	161,245
Other	151,111	96,068	61,341	76,322	26,200	26,200	437,242
<b>TOTAL</b>	<b>618,069</b>	<b>395,581</b>	<b>255,153</b>	<b>255,783</b>	<b>179,586</b>	<b>177,872</b>	<b>1,882,044</b>

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Department of Finance - Six-Year Capital Improvement Program

**ACTION REQUESTED OF B/E:**

The Board is recommended to adopt the Six-Year Capital Improvement Program for Fiscal Years 2019 through 2024.

**BACKGROUND/EXPLANATION:**

The Department of Finance completed its review of the Six-Year Capital Improvement Program for Fiscal Years 2019 through 2024.

As required by City Charter, the first year of this program represents the Capital Budget for Fiscal Year 2019 and will be included in Part B of the proposed Ordinance of Estimates.

The Six-Year Capital Improvement Program is summarized as follows:

*(Dollars in Thousands)*

<b>Source</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>TOTAL</b>
General Obligation Bonds	65,000	80,000	80,000	70,000	70,000	70,000	435,000
General Funds	25,250	16,400	17,000	17,000	17,000	17,000	109,650
Revenue Loans	259,104	140,397	32,688	43,826	15,864	15,000	506,879
Federal	66,284	39,177	37,117	36,935	37,072	36,072	252,657
State	79,909	22,939	28,002	11,700	13,450	13,600	169,600
Other	185,382	96,068	61,341	76,322	26,200	26,200	471,513
<b>Total</b>	<b>680,929</b>	<b>394,981</b>	<b>256,148</b>	<b>255,783</b>	<b>179,586</b>	<b>177,872</b>	<b>1,945,299</b>

BOARDS AND COMMISSIONS

1. Prequalification of Contractors

In accordance with the Rules for Prequalification of Contractors, as amended by the Board on November 21, 2016, the following contractors are recommended:

IMEC Group, LLC	\$1,500,000.00
Old Line Construction, Inc.	\$1,500,000.00
Temp Air Company	\$8,000,000.00

2. Prequalification of Architects and Engineers

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

iCivil, Inc.	Engineer
RJM Engineering, Inc.	Engineer

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Department of Law - Settlement Agreement and Release

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the Settlement Agreement and Release of the claim brought by Matthew Fenderson against Officer Orlando Guerrero for assault and related claims.

**AMOUNT OF MONEY AND SOURCE:**

\$50,000.00 - 1001-000000-2041-716700-603070

**BACKGROUND/EXPLANATION:**

On January 7, 2016, Officer Guerrero was conducting proactive enforcement actions in the 200 block of N. Monastery Avenue. He observed Mr. Fenderson enter a convenience store known to Officer Guerrero to have been used in the past for street level narcotics transactions and from which multiple individuals had been banned. Officer Guerrero's investigation of Mr. Fenderson's presence in the store revealed that he had not been banned and that, indeed, the store clerk had no objection to his presence.

Later, Officer Guerrero re-entered the store to question Mr. Fenderson, who was playing "horses," apparently a form of electronic game. Mr. Fenderson apparently refused to identify himself when asked and became agitated by the efforts of Officer Guerrero to identify him. At one point, the exchange became heated and Officer Guerrero withdrew his Taser from its holster but he did not employ it. Officer Guerrero left the store and was followed by Mr. Fenderson, who continued to yell expletives at Officer Guerrero and to record Officer Guerrero with his cellphone. As he did so, he walked into the Street; Officer Guerrero began recording Mr. Fenderson. The two exchanged words and eventually Officer Guerrero took Mr. Fenderson into custody by performing a hip throw to take him down. Mr. Fenderson was charged with disorderly conduct and resisting; all charges were dismissed.

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Department of Law - cont'd

Mr. Fenderson alleged in this lawsuit that he suffered serious, debilitating and permanent injury to his left knee and was required to undergo surgery as a result of his encounter. At least one witness is prepared to corroborate Mr. Fenderson's assertions that he did nothing in the officer's presence that warranted his arrest.

Given the uncertainty of litigation, existence of video evidence potentially regarded as favorable to Mr. Fenderson, and conflicting versions of the events at issue, the Settlement Committee of the Law Department is persuaded that settlement of the claim in this instance for the proposed amount of \$50,000.00, is in the best interests of the Mayor and City Council and the Police Department.

**APPROVED FOR FUNDS BY FINANCE**

(The Settlement Agreement and Release has been approved by the Law Department as to form and legal sufficiency.)

TRANSFERS OF FUNDS

\* \* \* \* \*

The Board is requested to approve  
the Transfers of Funds  
listed on the following pages:

19 - 21

In accordance with Charter provisions  
reports have been requested from the  
Planning Commission, the Director  
of Finance having reported  
favorably thereon.

AGENDA

BOARD OF ESTIMATES

05/02/2018

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Baltimore Development Corporation</u>		
1. <b>\$1, 410,000.00</b>	9910-917052-9600	9910-906108-9601
1 <sup>st</sup> Parks and Public Facilities	Constr. Res. (Inner Harbor - Rash Field)	Inner Harbor - Rash Field

This transfer will provide funds for the purpose of amending the engineering and design contract for the redevelopment of Rash Field in the Inner Harbor. Previously approved work underwent a major design revision that altered the work and resulted in a new contract that reflects the need for additional architectural, structural, civil, and landscape design work.

2. <b>\$ 147,970.00</b>	9910-911085-9600	9910-916086-9601
General Fund	Constr. Res. (Janney Park)	Janney Park

This transfer will provide funds for the purpose of conducting environmental site assessments for portions of 4201 East Fairmount Avenue and 140 North Janney Street as part of Pompeian, Inc. facility expansion and construction of a public park.

3. <b>\$ 4,991.83</b>	9910-909060-9600	9910-903361-9601
1 <sup>st</sup> Comm. EDF	Constr. Res. Business Park Upgrades	Business Park Upgrades

This transfer will provide funds to reimburse Baltimore Development Corporation for eligible capital expenses for the month ending March 31, 2018.

AGENDA

BOARD OF ESTIMATES

05/02/2018

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Housing and Community Development</u>		
4. <b>\$225,000.00</b>	9910-913015-9587	9910-907167-9588
General Fund	Plan & Dev. Mgmt.	Project Staff
Revenue	(Reserve)	Costs FY18

This transfer will move appropriations in accordance with FY 2018 Ordinance of Estimates for staff costs directly providing support for capital planning and development for the implementation of capital projects.

5. <b>\$878,000.00</b>	9910-902985-9587	9910-907149-9588
Mayor & City	Housing Dev.	Land Resources -
Council Revenue	(Reserve)	Blight

This transfer will provide funding in accordance with the FY 2018 Ordinance of Estimates to support blight elimination efforts performed by the Land Resources Division.

6. <b>\$11,594.18</b>	9910-906011-9588	
General Funds	Employee	
	Homebuying	
	Assistance	
	Program	
<u>\$15,079.22</u>	9910-910017-9588	
	Buy Into Baltimore	
	Program	
<b>\$26,673.40</b>	-----	9910-903292-9588
		Baltimore City
		Employee Program

This transfer will provide funds for the Baltimore City Employee Program, one of the Baltimore Housing's Homeownership Incentive Programs.

AGENDA

BOARD OF ESTIMATES

05/02/2018

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Recreation and Parks</u>		
7. <b>\$1,275,000.00</b> (Unallocated Reserve) Other Funds	9938-913001-9475 FY'18 Tree Baltimore Program	9938-911090-9474 FY'18 Tree Baltimore Program (Active)

This transfer will provide funds to cover the costs associated with the procurement, planting, and maintenance of trees, as well as impervious pavement removal to meet MS4 goals through Tree Baltimore.

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Space Utilization Committee - First Amendment to Lease Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the First Amendment to Lease Agreement (First Amendment) with HOA Health, LLC, Landlord acting through the Health Department, Tenant, for the rental of the property known as 2700 Rayner Avenue.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On June 28, 2017 the Board approved the Lease Agreement for the rental of 2700 Rayner Ave for a Stabilization Center to provide medical screening/examination, sobering services, and case management for those involved in the opioid/fentanyl related crisis.

This First Amendment changes the definition of the Term Commencement Date to be the date which the Landlord improvements are substantially complete and the building is available for operation. This Amendment also establishes the funding condition deadline of September 30, 2018 to obtain a binding funding agreement with a lender and an outside delivery date of December 28, 2019 for the completion of the improvements. This First Amendment will provide for a rent reduction provision, should additional grant funding be made available to the project, for every \$50,000.00 (up to \$1,500,000.00) of grant funds received by the Landlord the annual rental payment shall be reduced by \$3,250.00.

Furthermore, the First Amendment clarifies the use of the Master Lease for obtaining Federal Historic Tax Credit financing, changes the term of the Casualty clause with respect to destruction and damages, along with the timeline to restore the premises, and

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Space Utilization Committee - cont'd

removes the timeline for the Tenant's acknowledgment of subordination request.

The Space Utilization Committee approved this Lease Agreement on April 24, 2018.

(The First Amendment to Lease Agreement has been approved by the Law Department as to form and legal sufficiency.)

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Space Utilization Committee - Sub-Lease Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested approve and authorize execution of the Sub-Lease Agreement with the Health Department, Sub-Landlord and Behavioral Health System Baltimore, Inc., Sub-Tenant, for the rental of a portion of property known as 2700 Rayner Avenue, consisting of approximately 8,000 sq. ft. on the first floor. The period of the Sub-Lease is for 15 years commencing on the date that a Certificate of Occupancy is issued for the Premises, with the option to renew for one additional four-year period.

**AMOUNT OF MONEY AND SOURCE:**

\$1.00 - Years: 1 - 15

Payable upon demand

**BACKGROUND/EXPLANATION:**

The permitted use of the sub-leased premises is for the Stabilization Center and related uses. Operation of the Stabilization Center will include but not be limited to providing a sobering center to treat patients for overdosing and similar medical issues including providing first aid care, facilities to allow patients to become sober, case management and offer further treatment if the patient desires.

The Sub-Tenant will be responsible once wiring is installed pursuant to City's obligation to complete the build out per the Master Lease, and payment of telephone and cable services located in the sub-leased premises. The Sub-Tenant will pay for the repair, or cause to be promptly repaired, any damage to the building and equipment, including the sub-leased Premises, attributed to the carelessness or neglect of the Sub-Tenant or its servants, agents, employees, participants and invitees. Except for cosmetic repairs, the Sub-Tenant will not make any alterations, additions or improvements without the Sub-Landlord's written consent, such consent will not be unreasonably withheld, and the costs and expenses of all alterations additions and improvements will be the

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Space Utilization Committee - cont'd

responsibility of the Sub-Tenant. The Sub-Tenant will also be responsible for placing trash in trash receptacles located within the Sub-Leased Premises and Sub-Landlord will be responsible for removing the trash from the Sub Leased Premises. The Sub-Landlord shall be responsible for the utilities (i.e., water, sewer, gas, and electric). The Sub-Landlord will maintain the interior and exterior of the building which the Sub-Leased Premises are located including the foundations, roof, walls, gutters, downspouts, and HVAC systems as described in the Master Lease between HOA Health, LLC and the City, acting by and through the Health Department, which the Board approved on June 28, 2017.

To the extent there is a reduction in the Annual Rent as provided by the First Amendment to Lease by Landlord and Sub-Landlord, Sub-Landlord agrees to enter into a grant agreement with Sub-Tenant for the amount of the total Annual Rent reduction. Such grant agreement will be executed within a reasonable amount of time following the receipt of the grant funding (as defined in the First Amendment to Lease) and will provide that the Sub-Landlord will pay Sub-Tenant an amount equal to the total Annual Rent reduction within 30 days of receipt of the Grant Funding by the Landlord.

The Space Utilization Committee approved this Sub-Lease Agreement on April 24, 2018.

(The Sub-Lease Agreement has been approved by the Law Department as to form and legal sufficiency.)

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Department of Real Estate - Tax Sale Certificate

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of a Tax Sale Certificate to 722 Duncan, LLC for an amount that is less than the lien amount for the property located at 2207 Annapolis Road (Block 7437, Lot 3).

**AMOUNT OF MONEY AND SOURCE:**

<u>Property Address</u>	<u>Assessed Value</u>	<u>Flat Taxes &amp; Water</u>	<u>Total Liens</u>	<u>Recommended Purchase Price</u>
2207 Annapolis Road	\$2,000.00	\$1,632.49	\$6,372.21	\$2,000.00

**BACKGROUND/EXPLANATION:**

The City acquired the Tax Sale Certificate for 2207 Annapolis Road on May 15, 2017 in the total amount of \$6,372.21.

722 Duncan, LLC has offered to purchase the tax sale certificate for 2207 Annapolis Road in the total amount of \$2,000.00, file a petition to foreclose, acquire title to the property and return it to productive use. The purchase price of \$2,000.00 for the Tax Sale Certificate will cover the flat taxes and water bills on the property.

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BOARD OF ESTIMATES

05/02/2018

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Dept. of Housing and Community Development - Options</u>			
1. Sierra Properties, LLC	2313 Harford Road	G/R \$120.00	\$ 1,100.00
Funds are available in account no. 9910-908044-9588-900000-704040, Gateway Park Project.			
2. Tridack, LLC	504 Robert Street	G/R \$ 90.00	\$ 825.00
Funds are available in account no. 9910-908044-9588-900000-704040, General Acquisitions.			
3. DKJ, LLC	3113 Woodland Avenue	L/H	\$25,300.00
Funds are available in account no. 9910-903183-9588-900000-704040.			
4. Claude L. Williams	3120 Woodland Avenue	F/S	\$23,000.00
Funds are available in account no. 9910-903183-9588-900000-704040.			
5. DKJ, LLC	2713 Hugo Avenue	F/S	\$54,000.00
6. Hyman Haskins	2719 Hugo Avenue	L/H	\$16,850.00
Funds are available in account no. 9910-904326-9588-900000-704040, Fenwick/Hugo/28 <sup>th</sup> Street Project.			

AGENDA

BOARD OF ESTIMATES

05/02/2018

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Options - cont'd</u>			
In the event that the option agreement/s fail/s and settlement cannot be achieved, the Department requests the Board's approval to purchase the interest in the above property/ies by condemnation proceedings for an amount equal to or lesser than the option amount/s.			
<u>DHCD - Condemnations</u>			
7. Mackombo C. Omoile	1129 W. Mulberry Street	F/S	\$ 2,800.00
Funds are available in in account no. 9910-908044-9588-900000-704040, Poppleton Project, Phase 4.			
8. Jeffrey Cesenaro	1077 W. Fayette Street	L/H	\$ 7,600.00
Funds are available in in account no. 9910-914135-9588-900000-704040, Poppleton Project.			
9. Smith Business Enterprises, LLC	307 N. Carrolllton Avenue	L/H	\$39,167.00
10. Richard C. Brown	310 N. Arlington Avenue	L/H	\$11,084.00
11. William S. Brown and Lawanda Brown	1102 W. Saratoga Street	F/S	\$19,000.00
Funds are available in City Funds, account no. 9910-908044-9588-900000-704040, Poppleton Project, Phase 4.			

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

**OPTIONS/CONDEMNATION/QUICK-TAKES:**

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Rescission of Condemnation/Approval of Condemnation</u>			
12.Roy C. Redd, Jr.	2715 Fenwick Avenue	L/H	\$20,533.00

Funds are available in account no. 9910-904326-9588-900000-704040, Fenwick/Hugo 28th Street Project.

On February 28, 2018, the Board approved the acquisition of the \$22,000.00 leasehold interest, by condemnation, in the property located at 2715 Fenwick Avenue. Unfortunately, the purchase price listed in the memo was in error. Therefore, the Board is requested to rescind the prior condemnation approval and approve the condemnation, the leasehold interest in 2715 Fenwick Avenue for the amount of \$20,533.00.

The fair market values were substantiated in appraisals made by independent appraisers contracted by the City. This will permit the City to have title to, and if necessary immediate possession of these properties in conformity with the requirements of the applicable law.

EXTRA WORK ORDER AND TRANSFER OF FUNDS

\* \* \* \* \*

The Board is requested to approve  
the Extra Work Order  
as listed on the following pages:

31 - 32

The EWO has been reviewed and approved  
by the Department of  
Audits, CORC, and MWBOO  
unless otherwise indicated.

In connection with the Transfer of Funds,  
pursuant to Charter provisions, a report has  
been requested from the Planning  
Commission, the Director of Finance  
having reported favorably thereon.

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

**EXTRA WORK ORDER**

Contract	Prev. Apprvd.		Time	%
<u>Awd. Amt.</u>	<u>Extra Work</u>	<u>Contractor</u>	<u>Ext.</u>	<u>Compl.</u>

Department of Transportation/  
Engineering and Construction (DOT)

1. EWO #002, \$96,392.00 - TR 17006, Urgent Need Contract  
Citywide II
- 
- |                |             |                             |   |     |
|----------------|-------------|-----------------------------|---|-----|
| \$1,196,735.50 | \$23,280.00 | P. Flanigan<br>& Sons, Inc. | - | 58% |
|----------------|-------------|-----------------------------|---|-----|

This authorization is requested on behalf of the DOT's Maintenance Division to assist in the removal of pavement millings/grading and planting grass at the Pulaski Highway Maintenance Yard in order to become compliant with the Maryland Department of the Environment.

The work requested under this Extra Work Order is in alignment with the advertised scope for this contract. The advertised scope for this contract includes work involving improvements to the existing roadway and is not limited to only the items and locations expressed in the contract specifications.

The work has not been performed prior to Board approval. An Engineer's Certificate of Completion of Work has not been issued.

**MWBOO SET GOALS OF 22% MBE AND 9% WBE.**

**MWBOO FOUND VENDOR IN COMPLIANCE.**

AGENDA

BOARD OF ESTIMATES

05/02/2018

EXTRA WORK ORDER

Contract	Prev. Apprvd.		Time	%
<u>Awd. Amt.</u>	<u>Extra Work</u>	<u>Contractor</u>	<u>Ext.</u>	<u>Compl.</u>

Department of Transportation

2. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<b>\$10,000.00</b>	9950-903550-9509	9950-916005-9514-2
GF (HUR)	Constr. Res.	Contingencies
	Neighborhood	Reconstruction
	Street Recon-	Urgent Needs
	struction	

This transfer will partially fund the costs associated with Change Order No. 2 under Project No TR 17006, Urgent Need Contract Citywide II with P. Flanigan & Sons, Inc.



**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

DHCD - cont'd

and occupied by households with incomes at 41% - 50% of the area median income (AMI). Eight of the units will be restricted and occupied by households with incomes at 51% - 60% of the AMI. The remaining 37 units will be restricted and occupied by households with incomes at 60% - 80% of the AMI.

Since the Loan closing, several external factors have impacted the project: public safety issues in and around the sites, continued deterioration of long-term abandoned buildings, industrywide construction escalation in construction materials and labor, and proposed and enacted changes in the Federal Tax Code. These externalities have led to: 1) significant staffing changes at TRF DP; 2) the addition of new subcontractors; 3) the decision to forgo the rehabilitation of two units (due to structural conditions); and 4) the expedited acquisition of 1113, 1129, and 1203 N. Bond Street and 1308 N. Caroline Street before the end of 2017, which ensured all units were covered under the previous tax laws. Because of these factors, the Borrower has requested the deletion of the following four properties listed in the original approval that the Borrower never owned: 701 East Preston Street, 1724 East Preston Street, 1122 North Bond Street and 1117 ½ North Caroline Street.

The proposed amendment will address the elimination of four units and significantly higher construction costs than originally budgeted. The changes in project costs will be absorbed by increasing a related party loan (the TRF DP Loan) and reducing the TD Bank permanent loan. The loans provided by CDA and the City are to remain constant. All other terms and conditions of the original 2016 Board Memo remain unchanged.

**MBE/WBE PARTICIPATION:**

N/A

**THE DIRECTOR OF FINANCE REVIEWED AND RECOMMENDED APPROVAL.**

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Department of Housing and Community Development (DHCD) - Acquisition by Gift

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the acquisition of the fee simple interest in the property located at 1306 E. Lafayette Avenue (Block 1099B, Lot 015) by gift from Ms. Kimberly Epps, (Owner) **SUBJECT** to municipal liens, interest, and penalties, other than water bills.

**AMOUNT OF MONEY AND SOURCE:**

The Owner agrees to pay for any title work and all associated settlement costs, not to exceed \$600.00 total. Therefore, no City funds will be expended.

**BACKGROUND/EXPLANATION:**

The DHCD, Land Resources Division strategically acquires and manages vacant or abandoned properties, which enables these properties to be returned to productive use and improve neighborhoods in Baltimore City.

The Owner has offered to donate to the City, title to the property located at 1306 E. Lafayette Avenue. With the Board's approval, the City will receive clear and marketable title to the property, subject only to certain City liens. The City's acceptance of this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain.

The Owner will pay all current water bills up through the date of settlement. The DHCD will acquire the property subject to all municipal liens, and all interest and penalties that may accrue prior to recording a deed. The water bills must be paid as part of the transaction. A list of open municipal liens accrued through May 19, 2018, other than water bills, is as follows:

Miscellaneous Bill	0853401	<u>\$217.20</u>
	<b>Total Taxes Owed</b>	<b>\$217.20</b>

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Department of Housing and - Community Development Block Grant  
Community Development Agreements

The Board is requested to approve and authorize execution of the various Community Development Block Grant (CDBG) Agreements.

- 1. **THE DEVELOPMENT CORPORATION OF NORTHWEST BALTIMORE** **\$ 40,000.00**

Account: 2089-208918-5930-429591-603051

Under this CDBG Agreement, The Development Corporation of Northwest Baltimore will provide CDBG funding to subsidize the sub-grantee's operating costs. The subgrantee will provide housing counseling services, housing workshops and other aspects of homeownership education to CDBG eligible low and moderate-income persons. The period of the CDGB Agreement is September 1, 2017 through August 31, 2018.

- 2. **HISTORIC EAST BALTIMORE COMMUNITY ACTION COALITION, INC. (HEBCAC)** **\$ 50,000.00**

Accounts: 2089-208918-5930-435026-603051	\$ 31,570.00
2089-208918-5930-435081-603051	\$ 8,980.00
2089-208918-5930-435083-603051	\$ 9,450.00

Under this CDBG Agreement, the funds will be utilized to subsidize the HEBCAC's operating costs related to the provision of information to the public regarding community development activities being carried out within the Historic East Baltimore Area of the City and to support Dee's Place, an alcohol and drug addiction recovery support center. Dee's Place provides substance abuse treatment and other services. The period of the agreement is July 1, 2017 through June 30, 2018.

**MWBOO GRANTED A WAIVER.**

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

DHCD - cont'd

On June 28, 2017, the Board approved the Resolution authorizing the Commissioner of the Department of Housing and Community Development (DHCD), on behalf of the Mayor and City Council, to file a Federal FY 2017 Annual Action Plan for the following formula programs:

1. Community Development Block Grant (CDBG)
2. HOME
3. Emergency Solutions Grant (ESG)
4. Housing Opportunities for Persons with AIDS (HOPWA)

Upon approval of the resolution, the DHCD's Contracts Section began negotiating and processing the CDBG Agreements as outlined in the Plan effective July 1, 2017 and beyond. Consequently, these agreements were delayed due to final negotiations and processing.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

(The Community Development Block Grant Agreements have been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

05/02/2018

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
---------------	------------------------	--------------------

Bureau of Procurement

- |   |              |         |
|---|--------------|---------|
| 1. GOTTLIEB & WERTZ,<br>INC.  | \$ 30,000.00 | Renewal |
| Contract No. 08000 - Provide Annual Maintenance and Support for Juvenile Case Management System (QUEST) - Circuit Court for Baltimore City - P.O. No. P531584 |              |         |

On June 3, 2014, the Board approved the initial award in the amount of \$30,000.00. The award contained three 1-year renewal options. Two renewal options have been exercised. Quest is an integrated computerized system designed to meet the specific case management needs of the Juvenile Court for the past 19+ years. The agency is requesting to continue its maintenance and support contract. This final renewal in the amount of \$30,000.00 is for the period July 1, 2018 through June 30, 2019.

**MBE/WBE PARTICIPATION:**

Not applicable. This meets the requirement for certification as a sole source procurement. These proprietary services are only available from the vendor, and are not available from subcontractors.

- |   |         |         |
|---|---------|---------|
| 2. METRO BOBCAT,<br>INC.  | \$ 0.00 | Renewal |
| Contract No. B50003355 O.E.M. Parts and Service for Bobcat Equipment - Department of General Services - Fleet Management - P.O. No. P526890 |         |         |

On April 2, 2014, the Board approved the initial award in the amount of \$250,000.00. The award contained two renewal options. On April 12, 2017, the Board approved the first renewal in the amount of \$0.00. This final renewal is for the period June 1, 2018 through May 31, 2019. The above amount is the City's estimated requirement.

AGENDA

BOARD OF ESTIMATES

05/02/2018

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

**MBE/WBE PARTICIPATION:**

On January 14, 2014, MWBOO determined that no goals would be set because of no opportunity to segment the contract, as there are currently no certified MBEs or WBE's who are authorized Bobcat parts or service dealers.

**MWBOO GRANTED A WAIVER.**

- |   |         |         |
|---|---------|---------|
| 3. THE BEST BATTERY COMPANY, INC.   | \$ 0.00 | Renewal |
| Contract No. B50003414 - Automotive Starters and Alternators - Department of General Services - Fleet Management - P.O. No. P527231 |         |         |

On May 6, 2014, the Board approved the initial award in the amount of \$1,600,000.00. The award contained two 1-year renewal options. On April 12, 2017, the Board approved the first renewal in the amount of \$0.00. This final renewal in the amount of \$0.00 is for the period June 1, 2018 through May 31, 2019. The above amount is the City's estimated requirement.

**MBE/WBE PARTICIPATION:**

On February 10, 2014, MWBOO determined that no goals would be set because of no opportunity to segment the contract.

**MWBOO GRANTED A WAIVER.**

- |  |         |         |
|--|---------|---------|
| 4. CUMMINS COOLING PRODUCTS, INC.<br>d/b/a CUMMINS RADIATOR COMPANY  | \$ 0.00 | Renewal |
| Contract No. B50003396 - Automotive Radiators and Heaters - Department of General Services - Fleet Management - P.O. No. P526900 |         |         |

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BOARD OF ESTIMATES

05/02/2018

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Procurement

On April 2, 2014, the Board approved the initial award in the amount of \$800,000.00. The award contained two 1-year renewal options. On April 12, 2017, the Board approved the first renewal in the amount of \$0.00. This final renewal in the amount of \$0.00 is for the period June 1, 2018 through May 31, 2019. The above amount is the City's estimated requirement.

**MBE/WBE PARTICIPATION:**

On February 5, 2014, MWBOO determined that no goals would be set because of no opportunity to segment the contract.

**MWBOO GRANTED A WAIVER.**

- |   |                     |              |         |
|---|---------------------|--------------|---------|
| 5.  | FRANK QUINN COMPANY | \$ 20,000.00 | Renewal |
| Contract No. B50003514 - Truck Mounted Generators and Electrical Equipment Repairs - Department of General Services - Fleet Management - P.O. No. P527345 |                     |              |         |

On June 2, 2014, the City Purchasing Agent approved the initial award in the amount of \$24,000.00. The award contained two 1-year renewal options. On December 16, 2015, the Board approved an increase in the amount of \$48,000.00. On May 3, 2017, the Board approved the first renewal in the amount of \$28,000.00. This final renewal in the amount of \$20,000.00 is for the period June 5, 2018 through June 4, 2019. The above amount is the City's estimated requirement.

**MBE/WBE PARTICIPATION:**

Not applicable. Initial award was below the MBE/WBE subcontracting threshold of \$50,000.00.

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BOARD OF ESTIMATES

05/02/2018

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR AMOUNT OF AWARD AWARD BASIS

Bureau of Procurement

- 6. SPARKS QUALITY FENCE COMPANY \$300,000.00 Renewal  
 Contract No. B50003210 - Fencing Installation and Repair -  
 Departments of General Services, Transportation, Recreation  
 and Parks, Police and Fire Department - P.O. No. P527150

On April 16, 2014, the Board approved the initial award in the amount of \$394,187.00. The award contained four renewal options. Subsequent actions have been approved. This final renewal in the amount of \$300,000.00 is for the period April 16, 2018 through April 15, 2019. The above amount is the City's estimated requirement.

**MBE/WBE PARTICIPATION:**

On December 11, 2013, MWBOO set goals of 13% MBE and 0% WBE. On April 2, 2018, Sparks Quality Fence Company was found in compliance.

	<u>Commitment</u>	<u>Performed</u>	
<b>MBE:</b> Precision Fence Co.	13%	\$59,423.92	14%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

- 7. THE MIDDLETON AND MEADS COMPANY \$300,000.00 Increase  
 Contract No. 06000 - O.E.M. Parts and Service for Seagrave Fire Apparatus - Department of General Services, Fleet Management - P.O. No. P534308

On August 14, 2013, the Board approved the initial award in the amount of \$600,000.00. The award contained two renewal options. Subsequent actions, including two renewals, have been approved. During the contract period, there have been several large repairs due to the age of the fire apparatus. This increase in the amount of \$300,000.00 is necessary to ensure that any required maintenance and repairs can be performed as needed. This

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BOARD OF ESTIMATES

05/02/2018

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

increase will make the award amount \$900,000.00. The contract expires on August 31, 2018. The above amount is the City's estimated requirement.

**MBE/WBE PARTICIPATION:**

On May 10, 2013, it was determined that no goals would be set because of no opportunity to segment the contract. Manufacturer's proprietary parts and diagnostic equipment are required for repairs and must be provided by manufacturer's authorized and certified mechanics. Segmentation is not feasible on this contract.

**MWBOO GRANTED A WAIVER.**

8. PROMOTIONS UNLIMITED, INC.

TRAYPML

AUTHENTIC PROMOTIONS

\$125,000.00

Increase

Contract No. B500004531 - Promotional Items - Agencies - Citywide - P.O. Nos. P535724, P535725 and P535726

On June 1, 2016, the Board approved the initial award in the amount of \$275,000.00. This increase in the amount of \$125,000.00 is needed for the continued purchase of various promotional items distributed by City agencies at community outreach events. Promotional items are a vital tool in helping promote agency programs, initiatives, and goals. Promotions Unlimited Inc. is a Baltimore City-based certified WBE. This increase will make the award amount \$400,000.00. The contract expires on May 31, 2019. The above amount is the City's estimated requirement.

**MBE/WBE PARTICIPATION:**

On March 1, 2016, it was determined that no goals would be set because of no opportunity to segment the contract. This is a

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05/02/2018

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Procurement

commodity purchase from a vendor who will provide printed promotional items. The services being provided consist solely of providing the requested promotional items.

**MWBOO GRANTED A WAIVER.**

- |  |              |             |
|--|--------------|-------------|
| 9. FREEMIRE & ASSOCIATES<br>INC.   | \$500,000.00 | Sole Source |
| Contract No. 08000 - Dezurik Parts - DPW, Waste Water<br>Facilities - Req. No. R791617 |              |             |

Freemire & Associates, Inc. is the manufacturer's sole authorized source of the equipment and these parts which must be compatible with currently installed equipment at the water treatment plants. The period of the award is May 1, 2018 through April 30, 2021.

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

**MBE/WBE PARTICIPATION:**

Not applicable. This award meets the requirement for certification as a sole source procurement as these commodities are only available from the distributor, and are not available from subcontractors.

- |  |              |             |
|--|--------------|-------------|
| 10. WITMER PUBLIC SAFETY<br>GROUP, INC.  | \$ 45,906.90 | Sole Source |
| Contract No. 08000 - Specialty Fire Hose - Fire Department -<br>Req. No. R790774 |              |             |

Witmer Public Safety Group, Inc. is the manufacturer's sole

AGENDA

BOARD OF ESTIMATES

05/02/2018

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

authorized dealer to sell and service Mercedes Textiles Limited specialty fire hose products in the state of Maryland. The fire hose must be compatible with currently installed equipment in use at the Fire Department. This is a one-time purchase.

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

**MBE/WBE PARTICIPATION:**

Not applicable. This award meets the requirement for certification as a sole source procurement as these commodities are only available from the distributor, and are not available from subcontractors.

- |  |     |           |
|--|-----|-----------|
| 11. <u>DANO ENTERPRISES, INC.</u>  | N/A | Extension |
| Contract No. B50002874 - Paper Lawn & Leaf Bags for all Baltimore City Agencies - P.O. No. P523224 |     |           |

On May 8, 2013, the Board approved the initial award in the amount of \$275,000.00. On April 27, 2016, the Board approved the first renewal with no additional costs. On March 01, 2017, the Board approved the second renewal with no addition costs. The contract expires on May 7, 2018. The Board is requested to approve an extension from May 8, 2018 through September 7, 2018 to allow the agency time to gather specifications for a formal solicitation to be advertised, evaluated, and awarded.

**MBE/WBE PARTICIPATION:**

On March 13, 2013, it was determined that no goals would be set because of no opportunity to segment the contract.

**MWBOO GRANTED A WAIVER.**

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05/02/2018

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

12. MILLENNIUM TECHNOLOGIES LLC.	\$150,000.00 250,000.00 <u>\$400,000.00</u>	Ratification & Renewal
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Contract No. B50004939 - Telephone System Maintenance Services - Communication Services, MTE - Req. No. P539677

On May 31, 2017, the Board approved the initial award in the amount of \$200,000.00. During the initial term of the contract, the agency required additional work, including auditing line/circuits, and decommissioning legacy phone equipment because of City agencies converting from Centrex to VoIP, resulting in additional expenses. The Board is requested to ratify those expenses for the amount of \$150,000.00. The Board is also requested to approve the first of two 1-year renewal options for the amount of \$250,000.00.

**MBE/WBE PARTICIPATION:**

On March 17, 2017, it was determined that no goals would be set because of no opportunity to segment the contract.

**MWBOO GRANTED A WAIVER.**

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Department of Transportation - Partial Release of Retainage

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an Agreement for the Partial Release of Retainage to Manuel Luis Construction, Inc. for TR15014, Resurfacing Highways at Various Locations, Southeast, Sector IV.

**AMOUNT OF MONEY AND SOURCE:**

\$116,150.00 - 9950-906224-9514-000000-200001

**BACKGROUND/EXPLANATION:**

All work on TR15014 is substantially completed and all punch list items are complete. Subsequently, Manuel Luis Construction, Inc. has requested a partial release of retainage in the amount of \$116,150.00. The City holds \$118,150.00 in retainage. The remaining amount of \$2,000.00 is sufficient to protect the interests of the City.

**MBE/WBE PARTICIPATION:**

Manuel Luis Construction, Inc. has demonstrated a good faith effort towards achieving both the MBE and WBE goals.

**MWBOO HAS APPROVED THE RELEASE.**

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

(The Agreement for the partial release of retainage has been approved by the Law Department as to form and legal sufficiency).

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Mayor's Office of Human Services - Ratification to Amendments  
No. 2

The Board is requested to approve and authorize execution of the various Ratification to Amendments.

1. **ST. VINCENT DE PAUL OF BALTIMORE, INC.** **\$0.00**

Account: 1001-000000-3572-772800-603051

2. **THE BALTIMORE STATION, INC.** **\$0.00**

Account: 1001-000000-3572-772800-603051

3. **THE MARYLAND CENTER FOR VETERANS  
EDUCATION AND TRAINING, INC.** **\$0.00**

Account: 1001-000000-3572-772800-603051

On December 13, 2017, the Board approved the agreements to provide emergency overnight shelter beds to homeless individuals and families on nights that the temperature falls below 32 degrees Fahrenheit. The period of the agreements were October 15, 2017 to March 15, 2018.

4. **ASSOCIATED CATHOLIC CHARITIES** **\$0.00**

Account: 1001-000000-3572-772800-603051

On November 15, 2017, the Board approved the agreement to provide emergency overnight shelter beds to homeless individuals and families on nights that the temperature falls below 32 degrees Fahrenheit.

On April 4, 2018 the Board approved amendment no. 1 to extend the periods through March 31, 2018. These Amendments no. 2 will extend the period through April 30, 2018.

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Mayor's Office of Human Services - cont'd

The ratifications will allow for continued program operations through April 30, 2018.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

(The Ratification to Amendments have been approved by the Law Department as to form and legal sufficiency.)

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Health Department - Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an Agreement with Health Care for the Homeless, Inc. The period of the Agreement is October 1, 2017 through June 30, 2018.

**AMOUNT OF MONEY AND SOURCE:**

\$90,000.00 - 1001-000000-3041-274500-603051

**BACKGROUND/EXPLANATION:**

Health Care for the Homeless, Inc. a Federally Qualified Health Center, will work with the Baltimore City Health Department to improve the prevention, identification, and control of hypertension among Baltimore City residents.

The agreement is late because of the delays at the administrative level.

**MWBOO GRANTED A WAIVER.**

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

(The Agreement has been approved by the Law Department as to form and legal sufficiency.)

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Health Department - Ratifications of Agreements

The Board is requested to approve the ratifications of various agreements.

AGREEMENTS

1. **ASSOCIATED BLACK CHARITIES, INC.** **\$219,419.00**  
**(ABC)**

Account: 4000-427716-3023-599614-600000

Under the terms of this agreement, the ABC, as the fiscal agent for Ryan White Part A - Dental/Oral Health, provided funding to the Department to support HIV clinical services. The Department utilized these funds to provide urgent and basic oral health care to new and returning low-income, uninsured, and underinsured persons with HIV/AIDS who are referred to the Department's Dental clinics. The period of the agreement was March 1, 2016 through February 28, 2017.

2. **ASSOCIATED BLACK CHARITIES, INC.** **\$ 52,030.00**  
**(ABC)**

Account: 4000-498716-3023-606104-600000

Under the terms of this agreement, the ABC, as the fiscal agent for Ryan White Part A - Minority AIDS Initiative, provided funding to the Department to support HIV clinical services. The Department utilized these funds to provide care linkage and transportation services for patients newly diagnosed with HIV or previously diagnosed and have dropped out of care. The patients are identified through the Department's outreach and Clinical Services. The period of the agreement was March 1, 2016 through February 28, 2017.

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Health Department - cont'd

3. **ASSOCIATED BLACK CHARITIES, INC.** **\$ 96,643.00**  
**(ABC)**

Account: 4000-427716-3023-599604-600000

Under the terms of this agreement, the ABC, as the fiscal agent for Ryan White Part A - Outreach Services, provided funding to the Department to support HIV outreach services. The program identified a minimum of 150 HIV-positive eligible patients and provided care linkage and transportation services for patients newly diagnosed with HIV or previously diagnosed and have dropped out of care. The period of the agreement was March 1, 2016 through February 28, 2017.

4. **ASSOCIATED BLACK CHARITIES, INC.** **\$818,011.00**  
**(ABC)**

Account: 4000-427716-3023-599614-600000

Under the terms of this agreement, the ABC, as the fiscal agent for Ryan White Part A - STD Prevention, provided funding to the Department to support HIV clinical services. The Department provided client advocacy services to HIV infected persons receiving primary medical care at the Department's STD clinics. The Department provided high quality, easily assessable HIV outpatient medical treatment within the STD/HIV/TB Clinic infrastructure. The period of the agreement was March 1, 2016 through February 28, 2017.

These requests are late because of prolonged budget and template revisions.

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Health Department - cont'd

AMENDMENT TO AGREEMENT

5. **THE JOHNS HOPKINS UNIVERSITY/SCHOOL OF MEDICINE (JHUSOM)** **\$ 29,459.00**

Account: 4000-427717-3023-599610-603051

On November 15, 2017, the Board approved the original agreement with the JHUSOM for the period of March 1, 2017 through February 28, 2018, in the amount of \$344,394.00.

The Department increased the agreement amount by \$29,459.00 for additional primary medical services for the Early Intervention Initiative Program clinics. This made the total contract amount \$373,853.00. This ratification of the amendment to agreement will allow for reimbursement for the additional services provided by the JHUSOM.

This request is late because budget revisions delayed its processing.

**AUDITS REVIEWED AND HAD NO OBJECTION.**

MEMORANDUM OF AGREEMENT (MOA)

6. **CAREFIRST BLUECROSS BLUESHIELD (CAREFIRST)** **\$ 30,000.00**

Account: 4000-421317-3080-595501-404001

Under the terms of this MOA, CareFirst provided a contribution to support the B'More for Healthy Babies Care Coordination of Pregnant Women and Infants - Orioles Healthy Walks promotion. The period of the MOA was July 1, 2016 through September 30, 2016.

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Health Department - cont'd

The MOA is late because of administrative oversight.

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

**MBE/WBE PARTICIPATION:**

N/A

**APPROVED FOR FUNDS BY FINANCE**

(The agreements have been approved by the Law Department as to form and legal sufficiency.)

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Health Department - Amendment to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an Amendment to Agreement with Behavioral Health System Baltimore, Inc.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On November 15, 2017, the Board approved the original agreement with Behavioral Health System Baltimore, Inc. in the amount of \$1,172,648.00 for the period of July 1, 2017 through June 30, 2018. The original Board memo provided for funds to be drawn from account number 1001-000000-3070-286400-603051.

This Amendment to Agreement provides for \$56,000.00 to be redirected into an additional account number, 1001-000000-6331-799715-603051, under the Mayor's Office of Employment Development. The balance of \$1,116,648.00 remains available under the original account number, 1001-000000-3070-286400-603051.

All other terms and conditions of the original agreement remain unchanged.

**MBE/WBE PARTICIPATION:**

N/A

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

(The Amendment to Agreement has been approved by the Law Department as to form and legal sufficiency.)

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Health Department - No-Cost Time Extension to the  
Project Grant Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a No-Cost Time Extension to the Project Grant Agreement with the Open Society Institute - Baltimore.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On September 13, 2017, the Board approved the original Project Grant Agreement with the Open Society Institute-Baltimore, in the amount of \$200,000.00 for the period April 15, 2017 through March 14, 2018.

The Open Society Institute-Baltimore approved a no-cost extension of the grant period through September 14, 2018, to allow the Department additional time to complete its deliverables.

This request is late because it was recently received then processed for administrative review.

**MBE/WBE PARTICIPATION:**

N/A

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS NOTED THE NO-COST TIME EXTENSION.**

(The terms and conditions of the No-Cost Time Extension to the Project Grant Agreement has been approved by the Law Department as to form and legal sufficiency.)

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Department of Public Works/Office - Task Assignment  
of Engineering and Construction

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 013 to Hazen and Sawyer PC, under Project No. 1502, WC 1340, On-Call Project and Construction Management Assistance Services. The period of the services under Task No. 013 is approximately 24 months.

**AMOUNT OF MONEY AND SOURCE:**

\$359,357.00 - 9960-925100-9557-900020-705032

**BACKGROUND/EXPLANATION:**

The Office of Engineering & Construction is in need of inspection services for the on-going work on W.C. 1340, Carrollton Ridge Neighborhood & Vicinity Water Main Rehabilitation. The work requested is within the original scope of the agreement.

The scope of the original agreement includes, assisting the Construction Management Section with construction monitoring and inspection, preparation of daily reports, maintenance of project records and documentation, review of contractor's application for payment, attendance at progress meetings, preparation of record drawings, review of contract claims and supports, estimating, scheduling, project engineering, constructability reviews, submittal reviews and responses, Requests for Information (RFI) reviews and responses, and construction contract administrative support.

The scope of the construction project includes, approximately 9,500 plus linear feet of 6-inch diameter water main cleaning and cement mortar lining; approximately 690 plus linear feet of 8-inch diameter water main cleaning and cement mortar lining; approximately 2,860 plus linear feet of 10-inch diameter water main cleaning and cement mortar lining; approximately 520 plus linear feet of 12-inch diameter water main cleaning and cement

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Department of Public Works/Office - cont'd  
of Engineering and Construction

mortar lining; approximately 2,000 plus linear feet of 20-inch diameter water main cleaning and cement mortar lining; Approximately 3,670 plus linear feet of 6-inch diameter DIP water main and fittings; approximately 7,340 plus linear feet of 8-inch diameter DIP water main and fittings; approximately 1,150 plus linear feet of 10-inch diameter DIP water main and fittings; approximately 180 plus linear feet of 12-inch DIP water main and fittings; approximately 960 plus linear feet of 20-inch diameter DIP water main and fittings; replacement of various sizes of valves and fire hydrants; renewal/replacement of existing water services, replacement of small (residential) meter settings and meter vaults; pipe joint restraints, thrust blocks, thrust collars, etc.; renewal of water supply services to the new DIP water mains; reconnection of water service connections to the new DIP water mains; installation of all bypass piping and temporary water services, including but not limited to, hydrant and underground connections, all testing and disinfection requirements, removal of all bypass piping and temporary water services, and restoration after permanent service having been restored; removal and disposal off site of all excavated and demolished materials; cleanup and restoration of construction area; Erosion and Sediment Control devices and measures; and maintenance of Traffic requirements.

**MBE/WBE PARTICIPATION:**

The Consultant will comply with Article 5, Subtitle 28 of the Baltimore City Code and the MBE goals of 27% and the WBE goals of 10% assigned to the original agreement.

Currently, this On-Call Agreement is not in compliance because the Consultant has a task under Project 1502, Task No. 006, a \$139,000.00 set aside for the WBE to cover the required WBE. However, the City Inspector has placed a hold on the task and not used the services provided by the WBEs listed on the task. Task No. 012 accounts for \$215,000.00 of WBE services and this task accounts for \$359,357.00.

**APPROVED FOR FUNDS BY FINANCE**

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

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Department of Public Works/Office - Task Assignment  
of Engineering and Construction

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 014 to Hazen and Sawyer PC, under Project No. 1502, WC 1361, On-Call Project and Construction Management Assistance Services. The period of the services under Task No. 014 is approximately nine months.

**AMOUNT OF MONEY AND SOURCE:**

\$472,342.00 - 9960-903599-9557-900020-705032

**BACKGROUND/EXPLANATION:**

The Office of Engineering and Construction is in need of inspection services for the ongoing work on WC 1361-AMI/R Urgent Need Metering Infrastructure Repair and Replacement - Various Locations (Up to 2" Water Service). The work requested is within the original scope of the agreement.

The scope of the original agreement includes assisting the construction management section with construction monitoring and inspection, preparation of daily reports and maintenance of records, and documentation, review of contractor's application for payment, attendance at progress meetings, preparation of record drawings, review of contract claims and supports, estimating, scheduling, project engineering, constructability reviews, submittal reviews and responses, Request for Information, reviews and responses, and construction contract administrative support.

The scope of the construction project includes, replacing/installing valves, FM meters, fittings and appurtenances inside and outside of existing large meter vaults, locating existing meter vaults, adjusting meter frame and cover of the existing meter vaults, removing and replacing top slab for large meter vaults, installing/replacing small/large sectional vault and pre-cast large meter vault, temporary pavement and sidewalk restoration, as required.

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

DPW/Office of Engineering and Constr. - cont'd

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

The Consultant will comply with Article 5, subtitle 28 of the Baltimore City Code and the MBE 27% and WBE 10% goals assigned to the original agreement.

Currently, this on-call agreement is not in compliance because the Consultant has a Task Project. Project 1502, Task No. 006, \$139,000.00 set aside for WBE to cover the required WBE. However, the City Inspector has placed a hold on the task and not used the services provided by the WBE's listed on the task. This task accounts for \$215,000.00 of WBE services. The current goals are 25% MBE and 0% WBE.

**APPROVED FOR FUNDS BY FINANCE.**

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

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Department of Public Works - Second Amendment to Assignment of Facility Site Lease, Second Amendment to Sludge Disposal Agreements and Second Amendment to Facility Site Lease

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the Second Amendment to Assignment of Facility Site Lease with the Northeast Maryland Waste Disposal Authority (Authority).

The Board is also requested to approve and authorize execution of the Second Amendment to Sludge Disposal Agreement with Northeast Maryland Waste Disposal Authority.

The Board is further requested to approve and authorizes execution of the Second Amendment to Facility Site Lease with Northeast Maryland Waste Disposal Authority.

The Second Amendments will extend the period of the agreements through June 20, 2018, with an option for the City to renew for two additional one-year periods.

**AMOUNT OF MONEY AND SOURCE:**

\$2,448,537.00 - 2070-000000-5501-630057-603092

**BACKGROUND/EXPLANATION:**

The Second Amendment are to certain agreements with the Northeast Maryland Waste Disposal Authority related to the composting of sewage sludge generated at the Back River Wastewater Treatment Plant at a facility owned by Veolia Water North America-Central, LLC (Veolia) that is sited on City-owned property, pursuant to a Facility Site Lease.

In March 1984, the City, in its 201 Facilities Plan for the Back River Wastewater Treatment Plant, determined that a three-prong approach to sewage sludge management would best meet its needs for environmentally-safe, long-term sludge disposal. The three disposal techniques to be utilized were: land application, heat

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Department of Public Works - cont'd

drying, and composting. In September 1984, the City asked the Authority to conduct a competitive procurement process to select a private firm to design, construct, own and operate a sludge composting facility. The result of the procurement was the Baltimore City Composting Facility which was constructed and is now owned by Veolia, located on City property under lease.

The original contracts titled "Sludge Disposal Agreement Between Northeast Maryland Waste Disposal Authority and Mayor and City Council of Baltimore" and "Facility Site Lease Between Mayor and City Council of Baltimore and Northeast Maryland Waste Disposal Authority" were both approved by the Board on March 4, 2008.

The first amendments for the same contracts, which included time extensions to June 20, 2018, were approved by the Board on June 26, 2013. By the Second Amendments to the contracts, and the Second Amendment to Assignment of the Facility Site Lease, the Department is now seeking five additional years of composting services at a cost that is comparable to its current cost for the services. The Amended Agreements provide for two extensions of one year each, exercised at the City's option.

The remainder of the Back River Sludge that is not processed by the Composting Facility is processed by a Heat Drying Facility operated by Synagro. The City approved a ten-year extension to the Synagro contract in 2015 which includes a no-penalty termination option in 2023. The approval of the Second Amendments would align with the Synagro contract allowing the City to maintain its reliable sludge disposal contract for another 8 to 10 years.

In addition, the City is in the final stages of completing a Biosolids Master Plan to carry the City through its sludge processing/disposal needs over the next 20 to 30 years. Preliminary options will require design, permitting and construction of facilities which will take the next five to seven years. The Amendment of the Sludge Disposal Agreement is the final piece needed to maintain continuity in the operation over this time period.

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Department of Public Works - cont'd

**MBE/WBE PARTICIPATION:**

MWBOO has established a 5% MBE goal and a 2% WBE goal, which the Authority and Veolia are contractually required to meet.

**APPROVED FOR FUNDS BY FINANCE**

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

(The Second Amendment to Assignment of Facility Site Lease, Second Amendment to Sludge Disposal Agreement, and the Second Amendment to Facility Site Lease have been approved by the Law Department as to form and legal sufficiency.)

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Department of Public Works/Office - Amendment No. 2 for Project  
of Engineering and Construction      1401 - On-Call Project and  
Construction Management  
Assistance Services

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of Amendment No. 2 for Project 1401 - On-Call Project and Construction Management Assistance Services (Amendment No. 2) with Johnson, Mirmiran & Thompson, Inc. The Amendment No. 2 is extending the period of the agreement through March 13, 2019.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On May 14, 2014, the Board approved an agreement with Johnson, Mirmiran & Thompson, Inc. for On-Call Consultant Services for the Department for a period of 36 months.

On May 31, 2017, the Board approved Amendment No. 1 extending the period for one year ending May 14, 2018.

Amendment No. 2 will allow for the preparation of critical tasks for the Department of Public Works, Office of Engineering & Construction projects.

The scope of the original agreement included services not limited to assisting the Construction Management Division with construction monitoring and inspection, preparation of daily reports, maintenance of project records and documentation, review and processing of contractor's application for payment. Also attendance at progress meetings, preparation of record drawings, review of contract claims and supports, estimating, scheduling, project engineering, constructability reviews, construction contract administration, and MBE/WBE and wage regulation compliance reporting.

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Department of Public Works/Office - cont'd  
of Engineering and Construction

**MBE/WBE PARTICIPATION:**

The Consultant will comply with Article 5, Subtitle 28 of the Baltimore City Code and the MBE and WBE goals established in the original agreement.

**MBE: 27%**

**WBE: 10%**

**AUDITS NOTED THIS ON-CALL AGREEMENT AND WILL REVIEW TASK ASSIGNMENTS.**

(The Amendment No. 2 for Project 1401 - On-Call Project and Construction Management Assistance Services has been approved by the Law Department as to form and legal sufficiency.)

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

\* \* \* \* \*

The Board is requested to  
approve award of  
the formally advertised contracts  
listed on the following pages:

66 - 68

to the low bidder meeting specifications,  
or reject bids on those as indicated  
for the reasons stated.

In connection with the Transfer of Funds,  
a report has been requested  
from the Planning Commission,  
the Director of Finance having reported favorably  
thereon, as required by the provisions  
of the City Charter.

AGENDA

BOARD OF ESTIMATES

05/02/2018

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Public Works/Office  
of Engineering and Construction

- 1. WC 1328, Montebello Filtration Plant No. 1 Infrastructure Improvements The Whiting-Turner Contracting Co., Inc. \$44,400,000.00

**MWBOO SET GOALS OF 15% FOR MBE AND 3% FOR WBE.**

**MWBOO SET MBE SUB-GOALS AS FOLLOWS:**

<b>African American</b>	<b>11%</b>
<b>Hispanic American</b>	<b>2%</b>
<b>Asian American</b>	<b>1%</b>
<b>Native American</b>	<b>1%</b>

<b>AA:</b> Horton Mechanical Contractors, Inc.	\$4,885,000.00	11.00%
<b>HA:</b> MGE, Inc.	369,000.00	0.83%
<b>HA:</b> Navarro & Wright Consulting Engineers, Inc.	90,000.00	0.20%
<b>HA:</b> Plexus Installations, Inc.	430,000.00	0.96%
<b>AsA:</b> The Canton Group, LLC.	445,000.00	1.00%
<b>NA:</b> Mohawk Bridge & Iron, Inc.	135,000.00	0.30%
<b>NA:</b> Young's Floor Service and Remodeling, Co. Inc.	<u>310,000.00</u>	<u>0.69%</u>
<b>Total</b>	<b>\$6,664,000.00</b>	<b>15.00%</b>
 <b>WBE:</b> Roane's Rigging & Transfer Company, Inc.	 \$1,335,000.00	 3.00%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

AGENDA

BOARD OF ESTIMATES

05/02/2018

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Public Works/Office - cont'd  
of Engineering and Construction

2. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$28,589,557.82	9960-909312-9558	
Water Revenue Bonds	WC 1328, Montebello Plant I Improvements & Truck Scales	
19,362,442.18	" "	
<u>County Revenue</u>		
<b>\$47,952,000.00</b>	-----	9960-904593-9557-6 Construction

The transfer will cover the costs of WC 1328, Montebello Plant I Improvements & Truck Scales.

Bureau of Procurement

- 3. B50005291, 10-Ton Kraftsman \$ 89,430.00  
Tag-a-Bag Long Inc.  
Trailers

(Department of General Services,  
Fleet Management)

MBE/WBE PARTICIPATION:

On September 27, 2017, MWBOO determined that no goals would be

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Procurement

set because of no opportunity to segment the contract. This is a purchase of commodities from an authorized heavy equipment dealer who is required to provide associated pre-delivery inspection and warranty repairs.

**MWBOO GRANTED A WAIVER.**

4. B50005343, Pneuma- Maryland Industrial \$ 48,400.00  
tic Tire Fork- Trucks, Inc.  
lifts

(Department of General Services,  
Fleet Management)

**MBE/WBE PARTICIPATION:**

Not applicable. Award is below the MBE/WBE subcontracting threshold of \$50,000.00.

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Bureau of the Budget and Management Research (BBMR) - Grant Award

**ACTION REQUESTED OF B/E:**

The Board is requested to approve acceptance of a Grant Award from the Federal Emergency Management Agency (FEMA) via the Maryland Emergency Management Agency (MEMA). The period of the Grant Award is September 4, 2018 through January 10, 2021.

**AMOUNT OF MONEY AND SOURCE:**

\$ 77,000.00 - Fund no.: 420518 (FEMA through MEMA)  
26,750.00 - 1001-000000-1875-187400-601001 (In-kind match)  
**\$103,750.00**

**BACKGROUND/EXPLANATION:**

The City has been awarded funding under FEMA's Hazards Mitigation Grant to update its Disaster Preparedness and Planning Project every five years. The plan outlays a unified approach to hazard mitigation. Funds will be used to engage professional services to update the hazard mitigation plan, including a new mitigation strategy, a new hazard risk assessment, and corresponding actions/projects.

There is a 25% match of in-kind contributions of staff time.

**APPROVED FOR FUNDS BY FINANCE**

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

(The terms and conditions of the Grant Award have been approved by the Law Department as to form and legal sufficiency.)

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Baltimore Police Department - Ratification of Amendment No. 1  
to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to ratify Amendment No. 1 Basic Ordering Agreement with Bode Cellmark Forensics, Inc. The ratification will extend the period through December 31, 2019.

**AMOUNT OF MONEY AND SOURCE:**

\$100,000.00 - 1001-000000-2024-212600-604005

**BACKGROUND/EXPLANATION:**

On November 9, 2016 the Board approved the original agreement with Bode Cellmark Forensics, Inc. for the period effective upon Board approval through December 31, 2017.

Bode Cellmark Forensics, Inc. was awarded the National Institute of Justice (NIJ) grant, to perform missing person cases. The Bode Cellmark Forensics, Inc. selected the Police Department as a subcontractor to perform services as needed with a maximum ceiling of \$100,000.00. Specific services provided will be the review and upload into the Combined DNA Index System (CODIS) results from analysis of samples.

Bode Cellmark Forensics, Inc. desires to extend the original agreement by two years ending December 31, 2019. The agreement will provide revenue to the City on a per case basis and the agreement value will remain the same.

Amendment No. 1 Basic Ordering Agreement is late due to Administrative delays.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

(The Amendment No. 1 Basic Ordering Agreement has been approved by the Law Department as to form and legal sufficiency.)

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Department of General Services - Consultant Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the Consultant Agreement with Faegre Baker Daniels, LLP. The Consultant Agreement is effective upon Board approval through June 30, 2019, with an option to renew for an additional 12 months.

**AMOUNT OF MONEY AND SOURCE:**

\$ 90,000.00 - 1001-000000-1220-146000-603018  
90,000.00 - 2030-000000-1890-189300-603018  
**\$180,000.00**

**BACKGROUND/EXPLANATION:**

The Department will partner with the Department of Finance to reduce the cost of fleet maintenance, improve repair job quality, reduce turnaround times and increase availability of fleet vehicles. Both Departments will collaborate with labor unions representing fleet technicians to implement a gain sharing program.

**MWBOO GRANTED A WAIVER.**

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

(The Consultant Agreement has been approved by the Law Department as to form and legal sufficiency.)

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Department of General Services - Task Assignment

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 09 to Henry Adams, LLC under Project 1220, Police HQ Annex Elevator Upgrades. The period of the task assignment is approximately 20 months.

**AMOUNT OF MONEY AND SOURCE:**

\$356,629.98 - 2029-000000-1982-709500-609036

**BACKGROUND/EXPLANATION:**

Henry Adams, LLC will provide design services for the Police HQ Annex Elevators.

**MBE/WBE PARTICIPATION:**

Henry Adams, LLC has committed to utilize the following firms on this task:

<b>MBE:</b> Adams Design Group	\$ 50,120.10	14.05%
KES Engineers	55,662.32	15.61%
DMS Construction	<u>13,859.12</u>	<u>3.89%</u>
Consultants		
<b>TOTAL:</b>	<b>\$119,641.54</b>	<b>33.55%</b>

<b>WBE:</b> Albrecht Engineering	<b>\$ 26,269.45</b>	<b>7.37%</b>
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**APPROVED FOR FUNDS BY FINANCE**

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

EXTRA WORK ORDER

\* \* \* \* \*

The Board is requested to approve  
the Extra Work Order  
as listed on the following pages:

74 - 75

The EWO has been reviewed and approved  
by the Department of  
Audits, CORC, and MWBOO  
unless otherwise indicated.

AGENDA

BOARD OF ESTIMATES

05/02/2018

EXTRA WORK ORDERS

Contract	Prev. Apprvd.		Time	%
<u>Awd. Amt.</u>	<u>Extra Work</u>	<u>Contractor</u>	<u>Ext.</u>	<u>Compl.</u>

Department of Public Works/Office of Engineering and Construction

1. EWO #002, \$0.00 - WC 1311R, AMI/R Urgent Need Pavement and Sidewalk Restoration, Various Locations  


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\$4,495,792.50      \$      0.00      Monumental Paving      12      46%  
& Excavating, Inc. Months

The Board is requested to approve a time extension with Monumental Paving & Excavating, Inc. under WC 1311R. This is the second time extension and will increase the duration time of the contract by 12 months for a total contract duration time of 1460 days. The current construction completion date is July 20, 2018 and the new construction completion date is July 20, 2019. The extra work order is within the original scope of work and was requested by the agency. The Office of Engineering & Construction is requesting a 12-month time extension for WC 1311R. The contract scope of WC 1311R is for permanent site restoration following construction of urgent need large and small meter contracts. The current large meter contracts do not include paving or restoration and rely on WC 1311R to complete all restoration work. However, the WC 1311R completion date as per the first approved time extension is July 20, 2018 which is before the completion of the active large meter contracts. In addition, the Office of Engineering & Construction has four new contracts, WC 1370, WC 1371, WC 1372, and WC 1373 that are expected to receive the Notice to Proceed (NTP) by July 2018. These contracts are the result of an additional 1,000 plus large meters coming under the responsibility of the Office of Engineering & Construction from the uncompleted Itron contract. WC 1370 will have an eight month duration with an expected completion date of March 2019 and the remaining three contracts will have a duration of six months with an expected completion date of January 2019. WC

Department of Public Works/Office  
of Engineering and Construction - cont'd

1311R has used only 46% of its allotted funds to date. The time extension for WC 1311R is required in order to utilize the funds to cover the restoration efforts required by the additional large meter installations and coincide with the completion dates of the large meter installation contracts. The Certificate of Completion form will not be completed until a scheduled time after final payment and final completion has been given by the agency.

**MBE/WBE PARTICIPATION:**

The Vendor will comply with Article 5, Subtitle 28 of the Baltimore City Code. The MBE and WBE goals assigned to the original agreement are MBE: 16% and WBE: 3%.

**MWBOO FOUND VENDOR IN COMPLIANCE.**

AGENDA

BOARD OF ESTIMATES

05/02/2018

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Law Department</u>			
1. Andre M. Davis	IMLA Top 50 Conference June 6 - 8, 2018 Portland, OR (Reg. Fee. \$150.00)	General Fund	\$1,340.61

The subsistence rate for this location is \$246.00 per day. The hotel cost is \$219.00 per night, plus hotel taxes in the amount of \$33.505 per night.

The Department is requesting additional subsistence in the amount of \$13.00 per day for meals and incidentals. Therefore, Mr. Davis will be disbursed \$1,340.61.

Retirement Savings Plan

2. Glen Middleton	2018 Annual Conference and Exhibition (ACE) May 13 - 16, 2018 New York, NY (Reg. Fee. \$800.00)	Education Funds - RSP	\$2,632.78
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The subsistence rate for this location is \$327.00 per night. The hotel cost is \$369.00 per night, plus hotel taxes of \$54.42 per night and an occupancy tax of \$3.50 per night. The Department is requesting additional subsistence of \$40.00 per day for meals and incidentals.

The registration fee of \$800.00 was prepaid by the Retirement Savings Plan. Therefore, the disbursement to Mr. Middleton is \$1,832.78.

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Department of Law - Settlement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the settlement reached in a federal court damages action brought by James Owens against the Baltimore City Police Department and several detectives for alleged violations of his federal due process right to a fair trial. Mr. Owens alleges that as a result of the acts and omissions of the detectives, he was wrongly convicted of rape and murder and thereafter spent twenty years in state prison.

**AMOUNT OF MONEY AND SOURCE:**

\$9,000,000.00 - 1001-000000-2041-716700-603070

The total amount of the settlement is \$9,000,000.00, to be paid in installments over six fiscal years commencing with a payment of \$3,000,000.00 by June 30, 2018; \$2,000,000.00 by July 15, 2018; and four annual payments of \$1 million each commencing in fiscal 2020 by July 15<sup>th</sup> of each of those fiscal years.

**BACKGROUND/EXPLANATION:**

This settlement recommendation is made after a thorough and careful consideration of the procedural posture and substantive issues in this case, which is currently scheduled for a jury trial later this spring. Although the Baltimore City Police Department and the detectives who have been sued in this action dispute virtually all of the material facts alleged by Mr. Owens, the recommendation to settle this action is rooted in the following background factual allegations, which are the allegations on which the United States Court of Appeals for the Fourth Circuit found and concluded, in an opinion issued on September 24, 2014, could possibly be proven if this case were to go to trial before a jury:

In the early morning hours of August 2, 1987, Colleen Williar was raped, robbed, and murdered in the second-floor bedroom of her Baltimore City apartment.

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Department of Law - cont'd

The following day, one of Williar's neighbors, James Thompson, contacted the city police department to inquire about a reward it had offered for information relating to Ms. Williar's death. Thompson claimed that he had found a knife outside of Ms. Williar's apartment the previous evening, which he had carried home and cleaned before realizing its connection to the crime. Over the course of Thompson's conversation with police, however, it became apparent that Thompson had not simply "happened" on the knife, as he originally claimed. Rather, in response to questioning from Officers Thomas Pelligrini, Gary Dunnigan, and Jay Landsman (collectively, "the Officers"), Thompson asserted that he had retrieved the knife at the behest of his friend, James Owens. The Officers executed a search warrant at Owens's apartment, but found no physical evidence linking Owens to the crime. Even though the search was fruitless, police arrested Owens on the basis of Thompson's statement. A grand jury then indicted Owens for Ms. Williar's murder, rape, and burglary.

On the eve of Owens's trial, Assistant State's Attorney ("ASA") Marvin Brave, the prosecutor assigned to Owens's case, began to question the veracity of Thompson's version of events. When ASA Brave raised these concerns with Thompson, the witness retracted his statement and offered another explanation for the knife's acquisition. This time, Thompson stated that the knife belonged to him, but he claimed that it had gone missing after Owens visited Thompson at his home. The day after Ms. Williar's murder, Owens assertedly returned the knife to Thompson, who noticed blood on the weapon's blade and handle. When Thompson questioned Owens about the origin of the blood, Owens denied using the weapon and told Thompson to keep quiet about it.

At trial, ASA Brave presented only this third version of events to the jury. Brave never informed defense counsel about Thompson's earlier accounts, and thus, when cross-examining Thompson, defense counsel was unaware that the witness had changed his story several times over the course of the investigation.

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Department of Law - cont'd

Nevertheless, defense counsel apparently cast enough doubt on Thompson's testimony to prompt ASA Brave to seek out additional evidence of Owens's guilt. To this end, mid-trial, ASA Brave ordered testing of a pubic hair found on Ms. Williar's body. When the results were returned, however, they indicated that Thompson—not Owens—matched the sample. Concerned that Thompson was involved in the crimes, ASA Brave instructed the Officers to reinterrogate Thompson.

At ASA Brave's direction, Officers Pelligrini, Dunnigan, and Landsman brought Thompson into the stationhouse and questioned him for two hours. The Officers accused Thompson of lying on the witness stand, warned him that he "was in a lot of trouble," and asserted that he could be charged with a crime for his misrepresentations to the jury. After receiving their warnings, Thompson stated that he wanted to change his story yet again. In fact, over the course of the two-hour interview, Thompson changed his story five additional times.

In his first new attempt, Thompson told the Officers that he and Owens had broken into Ms. Williar's apartment on the day of the murder only to find Ms. Williar already dead in her bedroom. When the Officers replied that they did not believe him, Thompson offered another iteration. This time, he contended that Owens had raped and murdered Ms. Williar upstairs while Thompson waited downstairs in the living room. The Officers responded that there was evidence that Thompson had been on the second floor, and thus, his amended account could not be true. After this prompt, Thompson admitted that he had been on the second floor, but insisted that he had hidden in the bathroom during Owens's crimes. The Officers again rejected Thompson's story, stating that investigators had found physical evidence of Thompson's presence in Ms. Williar's bedroom. In response, Thompson admitted that he had been in the bedroom while Owens raped and killed Ms. Williar, but he insisted that he had refused to participate in any assault. At this point, the Officers informed Thompson that his pubic hair had been found on Ms. Williar. Faced with the forensic evidence, Thompson offered a fifth version of events.

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Department of Law - cont'd

In this account, Thompson claimed that he and Owens had broken into Ms. Williar's apartment with the intent to steal her jewelry. When the pair found the victim alone in her bedroom, Owens raped and killed her, while Thompson masturbated at the foot of her bed.

After the Officers elicited this latest account, Officer Landsman told ASA Brave about Thompson's final version of events. None of the Officers disclosed that Thompson had offered several other accounts of what happened, all of which differed dramatically from the version of events related to ASA Brave as well as from the physical evidence.

Following his conversation with the Officers, ASA Brave immediately called Thompson back to the witness stand and had him share with the jury his new account of what happened. However, because only the Officers knew of the inconsistencies in Thompson's statements, neither ASA Brave nor defense counsel questioned Thompson about the four inconsistent versions of the story that the witness had offered before he settled on his final account. Moreover, neither ASA Brave nor the Officers told defense counsel about the discovery of Thompson's pubic hair. Indeed, when defense counsel inquired about whether there had been forensic testing of the hair, ASA Brave represented to the court that "there [hadn't] been any match made" between the sample and a suspect.

The jury convicted Owens of burglary and felony murder, and the trial court sentenced him to life imprisonment without the possibility of parole. Owens filed an unsuccessful appeal, and, over the course of the next two decades, several unsuccessful state-court petitions for post-conviction relief. In 2006, however, a state court granted Owens's request for post-conviction DNA testing. The results were returned some months later and indicated that Owens's DNA did not match the blood and semen evidence found at the scene of the crime.

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Department of Law - cont'd

On June 4, 2007, a state court granted Owens's "petition to reopen his Post Conviction Proceeding" and ordered that "by agreement of Counsel and this Honorable Court, Petitioner shall be granted a new trial." During the next sixteen months, Owens remained in state prison awaiting retrial. On October 15, 2008, the State's Attorney entered a nolle prosequi, dropping the charges against him. On that date, after Owens had spent more than twenty years in prison, the state court ordered him released from incarceration.

On October 12, 2011, Owens filed this action under 42 U.S.C. §1983 against the Mayor and City Council of Baltimore, the Baltimore City State's Attorney's Office, ASA Brave, the Baltimore City Police Department ("BCPD"), and Officers Pelligrini, Dunnigan, and Landsman. In his complaint, Owens alleges that the defendants violated his constitutional rights by intentionally and in bad faith withholding exculpatory and impeachment evidence at his 1988 trial.

All defendants moved to dismiss the complaint. After Owens voluntarily dismissed the claims against the Mayor and City Council of Baltimore, the district court, in an oral ruling, dismissed the claims against the other defendants.

Mr. Owens appealed the dismissal of the case. Subsequently, although each of the three judges on the appellate court reached different conclusions on several of the legal issues presented, the court ultimately voted 2-1 in favor of Mr. Owens, reversed the judgment in favor of the Police Department and the detectives, and held that Mr. Owens had sufficiently alleged his claims and that, essentially, only a jury could resolve the disputes between the parties about what actually happened during the trial in 1988.

**AGENDA**

**BOARD OF ESTIMATES**

**05/02/2018**

Department of Law - cont'd

Given the uncertainty of litigation, including the unpredictability of how a jury might evaluate the evidence in this case, the fact that there is no statutory cap on the potential damages (and attorney's fees) that could be awarded in this case if Mr. Owens prevails at trial, the current legal environment surrounding the Baltimore City Police Department, and even allowing for the sharply conflicting versions of the events at issue, the Settlement Committee of the Law Department is persuaded that settlement of the claim in this instance for the proposed total amount of \$9,000,000, payable in installments as set forth above, is in the best interests of the Mayor and City Council and the Police Department.

**APPROVED FOR FUNDS BY FINANCE**

**12:00 NOON**

**ANNOUNCEMENTS OF BIDS RECEIVED**

**AND**

**OPENING OF BIDS, AS SCHEDULED**