

NOTICE

PROTESTS

ALL PROTESTS MUST BE RECEIVED NO LATER THAN 12:00 NOON ON TUESDAY, PRECEDING THE BOARD OF ESTIMATES' MEETING.

ALL PROTESTS MUST BE IN WRITING AND STATE:

1. whom you represent,
2. what the issues are, and
3. how the protestant will be harmed by the proposed Board of Estimates' action.

Please submit all protests to Board of Estimates, Attn:
Clerk, Room 204 City Hall, 100 N. Holliday Street,
Baltimore, Maryland 21202.

BOARD OF ESTIMATES' AGENDA - APRIL 21, 2010

BOARDS AND COMMISSIONS

1. Prequalification of Contractors

In accordance with the Rules for Qualification of Contractors, as amended by the Board on October 30, 1991, the following contractors are recommended:

Advanced Government & Industrial Security Inc.	\$ 54,000.00
Armond Cassil Railroad Construction, Inc.	\$126,801,000.00
Chambers Mechanical Contractors LLC	\$ 594,000.00
P. Flanigan & Son, Inc.	\$204,708,000.00
Gilbane Building Company	\$827,400,000.00
M&J Construction Company of Pinellas County, Inc.	\$ 21,924,000.00
Michels Corporation	\$ 8,000,000.00
Orfanos Contractors	\$ 8,000,000.00
Railroad Construction Company, Inc.	\$ 97,002,000.00
Sojam LLC dba Martin J. Braun 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:

ATC Group Services, Inc.	Engineer
Arro Consulting, Inc.	Engineer Property Line Survey Survey
Biohabitats	Landscape Architect Engineer

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BOARDS AND COMMISSIONS

Chesapeake Environmental Management, Inc.	Engineer
Fishman & Associates	Architect
C.C. Johnson & Malhotra, P.C.	Engineer
Kennedy, Porter & Associates, Inc.	Engineer
A.D. Marble & Company	Engineer
Reviera Enterprises, Inc.	Engineer
Stantec	Architect Landscape Architect Engineer Land Survey Property Line Survey Survey

AGENDA

BOARD OF ESTIMATES

4/21/10

Department of Transportation - Supplemental Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a supplemental agreement with Jacob's Engineering Group, Inc. in connection with Project No. 743, Reconstruction of Annapolis Road/Waterview Avenue Interchange at MD 295/Russell Street.

AMOUNT OF MONEY AND SOURCE:

\$698,229.63 - 9950-901882-9508-900010-703032

BACKGROUND/EXPLANATION:

The consultant will revise the scope of work to redesign the southbound on and off ramps, eliminate the weave and duplicate an alignment of the existing off ramp from MD 295 to the Annapolis Road ramp, and lengthen the Waterview Avenue Bridge. The redesign will also move the new abutment and retaining wall further west for the additional width needed for the new auxiliary lane on southbound MD 295.

DBE PARTICIPATION:

Floura Teeter	\$ 18,066.05	2.59%
Sabra Wang, Associates	110,222.71	15.78%
Endesco	52,570.08	7.53%
	<u>\$180,858.84</u>	<u>25.90%</u>

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

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

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$614,761.73	9950-902882-9509	
Federal	Constr. Res.	
	Annapolis Road Bridge	
153,690.43	" "	
MVR		
<u>\$768,452.16</u>	-----	9950-901882-9508-3
		Design & Studies
		Annapolis Rd. Bridge

This transfer will provide funds to cover the costs associated with the design of the project "Annapolis Road Bridge" through Project No. 743.

(In accordance with Charter requirements, a report has been requested from the Planning Commission, the Director of Finance having reported favorably thereon.)

AGENDA

BOARD OF ESTIMATES

4/21/10

CITY COUNCIL BILL:

09-0425 - An ordinance concerning the sale of property - NS Eastern Avenue 402-9 Feet West of Kane Street (Block 6345D, Lot 9) for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property known as the NS Eastern Avenue 402-9 feet west of Kane Street (Block 6345D, Lot 9) and no longer needed for public use; and providing for a special effective date.

THE DEPARTMENT OF GENERAL SERVICES SUPPORT PASSAGE OF CITY COUNCIL 09-0425 WITH THE UNDERSTANDING THAT ANY NECESSARY UTILITY EASEMENTS WOULD BE INCLUDED IN THE DEED DOCUMENT.

THE PLANNING COMMISSION RECOMMENDS CITY COUNCIL 09-0425 BE PASSED BY THE CITY COUNCIL WITH THE FOLLOWING AMENDMENT: FOR ALL OCCURRENCES, REPLACE "...WEST OF KANE STREET..." WITH "EAST OF KANE STREET..."

ALL REPORTS RECEIVED WERE FAVORABLE.

AGENDA

BOARD OF ESTIMATES

4/21/10

Space Utilization Committee - Amendment to Interdepartmental Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an amendment to the interdepartmental lease agreement between the Department of General Services and the Office of Homeless Services for the rental of a portion of the property known as 4 South Frederick Street, consisting of approximately 3,909 square feet on the third floor. The amendment extends the period of the interdepartmental lease agreement through April 30, 2011.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Monthly Rent</u>
\$24,157.68	\$2,013.14
1001-000000-1770-179399-603016	05/01/2010-06/30/2010
1001-000000-3570-327200-603013	07/01/2010-04/30/2011

BACKGROUND/EXPLANATION:

On January 21, 2009, the Board approved the interdepartmental lease agreement between the Department of Public Works and the Office of Homeless Services, which subsequently became the responsibility of the Department of General Services. The Office of Homeless Services will utilize the leased premises for administrative offices.

The lease agreement was for an 18-month term, commencing October 10, 2008, and terminating on April 30, 2010 with the option to renew for 1 additional 6-month term. The Office of Homeless Services has exercised its option to renew, commencing May 01, 2010, and terminating October 31, 2010.

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Space Utilization Committee - cont'd

In addition, the Department of General Services and the Office of Homeless Services have agreed to add a 6-month period, commencing on November 01, 2010 and terminating on April 30, 2011. The amendment to the interdepartmental lease agreement reflects the additional 6-month term. All other conditions and provisions of the interdepartmental lease agreement shall remain in full force and effect.

The Space Utilization Committee approved this Amendment to Interdepartmental Lease Agreement on April 6, 2010.

APPROVED FOR FUNDS BY FINANCE

(The amendment to interdepartmental lease agreement 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:

8 - 9

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

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TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Recreation and Parks</u>		
1. \$ 12,000.00 State	9938-902720-9475 Reserve - Athletic Courts & Fields Renovation	9938-901720-9474 Active - Athletic Courts & Fields Renovation

This transfer will provide funds to cover the costs associated with site improvements at Swann Park.

2. \$500,000.00 MVR	9938-908755-9475 Reserve - Street Tree Operation FY 09	9938-904755-9474 Active - Street Operation FY 09
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This transfer will provide funds to cover the costs associated with the removal of dead trees and stumps on City streets.

3. \$ 10,000.00 State	9938-902700-9475 Reserve - Community Parks and Play- ground	9938-901700-9474 Active - Community Parks and Play- ground
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This transfer will provide funds to cover the costs associated with furnishing and installing the fencing at Morrell Park Athletic Fields under Contract No. BP 07103.

AGENDA

BOARD OF ESTIMATES

4/21/10

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Transportation</u>		
4. \$ 65,000.00	9950-904036-9512	9950-905038-9512
Federal	Citywide Traffic	Traffic Management
	Signal	Center
	Reconstruction	

This transfer will clear the deficit in the account of the project "Traffic Management Center" and cover the task assigned to R. Brasher for \$5,874.68.

5. \$ 80,322.42	9950-902215-9507	9950-902539-9506-2
Federal	Const. Res.	Contingencies
	B&O Museum	Rehab. of B & O
		Museum South
		Carshop

This transfer will cover the deficit in the account and the costs associated with Change Order No. 5, Contract No. TR 06301 to Trionfo Builders, Inc.

6. \$ 640,406.80	9950-904900-9507	9950-904147-9527-2
Federal	Const. Res.	Contingencies
	Federal Aid	Charles St.
	Resurfacing	Resurfacing and
		Streetscape

The transfer will cover the costs associated with the Change Orders Nos. 27 through 30, Contract No. TR 04308R to Civil Construction Co., Inc.

AGENDA

BOARD OF ESTIMATES

4/21/10

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Fire Department</u>			
1. Ben Piccone	Tiburon CAD/MDS	FY08	\$7,404.72
James Potteiger	Conference &	State	
Scott Roper	Training	Homeland	
	San Diego, CA	Prog.	
	May 9 - 14, 2010		
	(Reg. Fee \$595.00 ea.)		

TRAVEL REIMBURSEMENTS

Department of Transportation

2. Jamie Kendrick \$1,173.32

Mr. Kendrick attended the St. Petersburg Indy Racing League Grand Prix in St. Petersburg, FL from March 27 - 30, 2010 to understand the impacts to infrastructure, traffic and pedestrian management, and other logistics associated with this major planned special event which Baltimore will host in 2011 - 2016. The subsistence rate for this location is \$171.00 per day, Mr. Kendrick stayed at the hotel for two nights. The Department is requesting reimbursement for airfare, parking, hotel accommodations, meals, and cab fares while in St. Petersburg, FL. The cost of the accommodations exceeded the allowable subsistence rate by \$8.00, therefore, the Department is requesting a total of \$155.00 to cover the difference in hotel costs, food and cab fares which are included in the total.

Airfare	\$585.40
Parking	48.00
Hotel	350.00
Occupancy Taxes	42.00
Food	42.92
Cab Fare	105.00

EXTRA WORK ORDERS AND TRANSFER OF FUNDS

* * * * *

The Board is requested to approve

all of the

Extra Work Orders

as listed on the following pages:

12 - 13

The EWOs have 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

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EXTRA WORK ORDERS

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

Bureau of Water and Wastewater

1. EWO #003, \$1,499,640.00 - WC 1195, Water Appurtenance Installations

\$ 3,986,701.00	\$	92,232.93	R.E. Harrington	0	50
			Plumbing & Heating		

To continue to address and complete work at various locations, an extension to the existing bid items was required. The bid item extensions was prepared by Construction Management personnel and reviewed and approved by Water Engineering.

2. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 680,000.00	9960-907101-9558	
Water Utility Funds	Constr. Res.	
	Small Water Mains	
320,000.00	" " "	
County		
<u>\$1,000,000.00</u>		
\$1,000,000.00	-----	9960-904681-9557-2
		Extra Work

The funds are required to cover the cost of extra work for WC 1195, Water Appurtenances Installation.

3. EWO #006, \$ 174,772.78 - SWC 7755, Storm Drain Improvements at Various Locations

\$ 1,911,404.50	\$ 1,213,207.00	V&S Contractors,	0	99
		Inc.		

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BOARD OF ESTIMATES

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EXTRA WORK ORDERS

	<u>Contract</u> <u>Awd. Amt.</u>	<u>Prev. Apprvd.</u> <u>Extra Work</u>	<u>Contractor</u>	<u>Time</u> <u>Ext.</u>	<u>%</u> <u>Compl.</u>
<u>Bureau of Water and Wastewater</u>					
4.	EWO #037, \$ 30,565.60 - SC 873, Repair and Replacement of Existing Sanitary Sewers at Various Locations				
	\$ 2,834,852.00	\$ 1,215,478.52	R&F Construction, LTD.	0	99
5.	EWO #042, \$ 60,339.37 - SC 873, Repair and Replacement of Existing Sanitary Sewers at Various Locations				
	\$ 2,834,852.00	\$ 1,260,413.12	R&F Construction, LTD.	0	99
6.	EWO #084, \$ 236,921.52 - WC 1167R, Urgent Need Work Infrastructure Rehabilitation Various Locations				
	\$10,932,235.50	\$ 5,191,249.40	J. Fletcher Creamer & Son, Inc.	0	99

Department of Transportation

7.	EWO #001, \$ 11.10 - TR 07010, Resurfacing Pennsylvania Avenue from North Avenue to Martin Luther King BLVD-JOC				
	\$ 1,129,554.98	-	M. Luis Construction Co., Inc.	-	-

AGENDA

BOARD OF ESTIMATES

4/21/10

Fire and Police Employees' Retirement Systems (F&P Board) - Wireless Internet Service Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a wireless service agreement with Believe Wireless, LLC. The period of the Wireless Service agreement is effective upon Board approval for two years, with three 1-year renewal terms at the sole description of the City.

AMOUNT OF MONEY AND SOURCE:

\$19,200.00 - 6000-604108-1540-171200-605008
(Not to exceed over the two year period).
No general funds are involved in this transaction.

BACKGROUND/EXPLANATION:

On January 14, 2009 the Board approved the initial 1-year agreement with Believe Wireless internet service at an annual cost of \$13,500.00. The F&P Board informally conducted a search of speedy, technologically advanced and efficient internet service providers (ISP) in Baltimore City. Pursuant to the advice and with the assistance of an Information Technology Consultant, the F&P Board selected Believe Wireless, LLC an ISP that utilizes full-encrypted, point-to-point wireless internet technology, which was installed quickly and at a low cost to the F&P Board.

APPROVED FOR FUNDS BY FINANCE

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

AGENDA

BOARD OF ESTIMATES

4/21/10

Fire Department - Governmental/Charitable Solicitation
Application

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Governmental/Charitable Solicitation Application to the Baltimore City Ethics Board to Benefit the 27th Annual C.F.D. Benefit Golf Tournament. The period of the solicitation effort is May 1, 2010 through July 31, 2010.

AMOUNT OF MONEY AND SOURCE:

No General Funds are involved in this transaction. The collected funds will be deposited and expenditures paid through the Baltimore City Foundation.

BACKGROUND/EXPLANATION:

The Department's Office of the Fire Marshall - Fire Prevention Committee has held a Golf Tournament for the past 26 years to benefit the Baltimore City Foundation. The funds raised have helped offset the cost of the Department's Free Smoke Alarm Program. Last year the event raised \$12,000.00 after expenses. This year's event will again be held at Forest Park Golf Course. This is an open event as well as the solicitation for event sponsors and contributors. The Baltimore City Ethics Board requires that the application be reviewed and approved by the Board of Estimates. This is the first time this is being requested in compliance with the directive.

Baltimore City Code Article 8, Section 6-26, prohibits solicitation or facilitating the solicitation of a gift. An exception was enacted in 2005 to permit certain solicitations that are for the benefit of an official governmental program or activity, or a City-endorsed charitable function or activity that has been pre-approved by the Ethics Board. Ethics Regulation 96.26B sets out the standards for approval, which includes the requirement that the program, function, or activity to be benefited and the proposed solicitation campaign must be endorsed by the Board of Estimates or its designees.

APPROVED FOR FUNDS BY FINANCE

AGENDA

BOARD OF ESTIMATES

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Department of General Services - Minor Privilege Permit Applications

The Board is requested to approve the following applications for a Minor Privilege Permit. The applications are in order as the Minor Privilege Regulations of the Board and the Building Regulations of Baltimore City.

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
1.		
a. 1624 Light Street	Sands, LLC	One 4" conduit at 51'
b. 1626 Light Street	Sands, LLC	One 4" conduit at 36'
c. 1628 Light Street	Sands, LLC	One 4" conduit at 33'
d. 1630 Light Street	Sands, LLC	One 4" conduit at 10'
Annual Charge: \$455.00		
2. 1620 Light Street	CMB Real Estate Investments, LLC	One 4" conduit at 54'
Annual Charge: \$189.00		
3. 184 -188 W. Ostend Street	Ostend Street Business Trust	Two 4" conduit at 214 lf, two 5" conduit at 201 lf
Annual Charge: \$2,905.00		

AGENDA

BOARD OF ESTIMATES

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Department of General Services - cont'd

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
4. 3916 Eastern Avenue Annual Charge: \$440.05	Alejo J. Martinez	One awning with signage 28'6" x 5'
5. 1732 Thames Street Annual Charge: \$52.70	Society for the Preservation of Federal Hill and Fells Point, Inc.	One bracket sign 36" x 34"

Since no protests were received, there are no objections to approval.

AGENDA

BOARD OF ESTIMATES

4/21/10

Department of General Services - Right-of-Entry Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a right-of-entry agreement with Mt. Auburn Cemetery.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The Department of Transportation is proposing to rehabilitate the perimeter of the Mt. Auburn Cemetery located at 2614 Annapolis Road, Block 7470, Lot 17. The work is being performed under the Department of Transportation, Project No. TR-07025.

Mt. Auburn Cemetery plans to donate to the City a portion of its property located in the vicinity of 2614 Annapolis Road.

This agreement will allow the contractor to enter the property owned by the Mt. Auburn Cemetery to perform the rehabilitation while the acquisition of the property is in process.

(The right-of-entry agreement has been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

4/21/10

Department of Transportation - Memorandum of Understanding

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a memorandum of understanding (MOU) with the Baltimore Office of Promotion and the Art's, Inc. (BOPA) and the Baltimore City Public Art Commission (PAC).

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The BOPA is a non-profit organization that manages the nationally recognized program that promotes and encourages public art in the City of Baltimore. On August 14, 2007, the Board approved Ordinance 07-0489 - 1% for Public Art. This MOU serves as a framework for the allocation of certain construction-project funds to be used for artwork pursuant to the Ordinance whereas the parties will establish their duties and responsibilities.

AGENDA

BOARD OF ESTIMATES

4/21/10

Department of Transportation (DOT) - Traffic Impact Study

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a traffic impact study (TIS) agreement with Mt. Vernon Mill and Terra Nova Ventures, LLC.

AMOUNT OF MONEY AND SOURCE:

\$18,475.78

BACKGROUND/EXPLANATION:

Baltimore City Ordinance 06-345, approved on November 11, 2006, requires a TIS before permits may be approved for projects, as determined by the Director of the Department of Transportation.

Under the terms of this agreement, a TIS will be conducted for the development of the parcel at 2980 - 3030 Falls Road known as Mt. Vernon Mill to include 95 Residential Units (87 apartments and 8 condominiums), 40,000 square feet of office and 7,000 square feet of restaurant and 220 on-site parking spaces.

MBE/WBE PARTICIPATION:

N/A

(The traffic impact study agreement has been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

4/21/10

Department of Transportation (DOT) - Traffic Mitigation Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a traffic mitigation agreement with the University of Maryland Medical System. The period of the agreement is effective upon Board approval and termination will be deemed in writing by the Department of Transportation.

AMOUNT OF MONEY AND SOURCE:

\$75,000.00 - 6000-617410-2340-591800-600000

BACKGROUND/EXPLANATION:

Baltimore City Ordinance 06-345, approved on November 11, 2006, required a Traffic Impact Study for the development of the parcel at 22 South Greene Street to include 140,000 square feet of additional hospital space, 50 new beds and 10 operating rooms.

Under this traffic mitigation agreement the developer has agreed to contribute \$25,000.00 annually for three years to the DOT for use towards the operation of the circulator bus being operated by the City.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

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

AGENDA

BOARD OF ESTIMATES

4/21/10

Department of Transportation (DOT) - Increase in the
Baltimore City Dock Fees

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize an increase to the City Dock fees from the current rates. The rate increase will become effective on May 1, 2010.

AMOUNT OF MONEY AND SOURCE:

<u>Rate Type</u>	<u>Current Rate</u>	<u>New Rate</u>
<u>DOCK CHARGES</u>		
1. Daily	\$15.00/5 hours	\$20.00/5 hours
2. Transient nightly rates	\$1.25/linear foot	\$1.50/linear foot

ELECTRICITY CHARGES

3. 30 amp's	\$4.00/night	\$8.00/night
4. 50 amp's	\$4.00/night	\$10.00/night

Account: 1001-000000-5180-258600-401050

BACKGROUND/EXPLANATION:

As part of the City's Outcome Based Budgeting initiative, the Department of Finance and the DOT determined that Dock Master operations should be self-sufficient and that revenue derived from these operations should be adjusted to match projected expenditures. It has been determined by the DOT that to comply with these initiatives, and to make the operations of Baltimore's Inner Harbor more viable, docking fees as well as the rate charged to boaters for the use of electricity will be adjusted. The DOT staff reviewed and analyzed the current fee and rate structure and made a comparison with fees and rates charged by a sample of neighboring public and commercial marinas and it has been determined that a rate adjustment is in order.

AGENDA

BOARD OF ESTIMATES

4/21/10

Department of Transportation - cont'd

Baltimore City dock fees were last adjusted on July 1, 2007 and prior to that had not been increased in over ten years. The electric fee was last adjusted over twelve years ago. In comparison with other peer city commercial and public docking fees, the City's dock fees are currently at the lower end of the spectrum. City docking fees are charged in one of two ways; daily rates or transient nightly rates. Electric fees are charged at the rate of \$4.00 per day for either 30 amp or 50 amp power. The DOT recommends increases in both the daily and transient nightly rates as well as in the rate charged for electricity. The adjustments in the docking fees and in the electric rates culminate in an estimated increase of \$41,422.00.

Daily Rates: Increase From \$15.00 per 5 Hours to \$20.00 per 5 Hours

On average, the transient daily boater docks at the Inner Harbor for 5 hours which equates to an hourly docking fee of \$3.00. This hourly rate is lower than any of the rates of sampled regional marinas, and substantially lower than the \$10.00 per hour rates collected by the Baltimore Marine Center and the Annapolis City Marina. At the current rate, annual revenue has averaged \$48,470.00 (FY 2008 and FY 2009) with an average of 2,686 daily boats per year during that time frame. Anticipated revenue following the rate adjustment is projected to be \$64,949.00; an incremental increase of \$16,479.00 or \$6.14 per boat. Based on the rates charged by other regional marinas it is anticipated that the fee increase will withstand any elasticity backlash; and while this adjustment reflects an increase of 33 percent from the previous rate, the City's rate would still be only 40 percent of the rates charged by the Annapolis City Marina and the Baltimore Marine Center, and substantially less than local parking fees.

AGENDA

BOARD OF ESTIMATES

4/21/10

Department of Transportation - cont'd

Transient Nightly Rates: Increase From \$1.25 to \$1.50 per Linear ft.

The transient nightly rate of \$1.25 per linear foot is lower than most fees charged by marinas of note that are in the region. Annual revenue (FY 2008 - FY 2009) derived from transient overnight docking fees has averaged \$94,090.00 and with an annual average of 781 overnight boaters, this amount equates to an average of \$120.47 per transient boater. The anticipated revenue resultant from this adjustment is estimated at \$112,908.00; an increase of \$18,818.00 or \$24.09 per boater; and although the adjustment reflects an increase of 20 percent, it is empirically anticipated that there is insufficient elasticity in demand to reduce the level of usage by a measurable amount. It would bring City transient rates more in line with those charged by peer marinas.

Electricity Rate: Increase From \$4.00 to \$8.00 for 30 amp and to \$10.00 for 50 amp.

The City Dock has a limited number of pylons that provide 30 and 50 amp electric power that is made available to boaters. The daily rate charged to boaters for the use of electricity is \$4.00 for either 30 or 50 amp power. This rate will be adjusted to \$8.00 for 30 amp and \$10.00 for 50 amp. The rate charged for electricity has not been adjusted for twelve years, and is far lower than rates charged by peer marinas. The adjustment will result in a revenue increase estimated at \$6,125.00 and will put a tiered rate for 30 and 50 amp usage into implementation. The City will charge a rate that is more reflective of what the City's cost to provide electric power is; and, will be more in line with the electric rates charged by other regional marinas.

AGENDA

BOARD OF ESTIMATES

4/21/10

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the land disposition agreement with Pitman Townhomes, Inc., developer, for the sale of the property located at 444 Pitman Place.

AMOUNT OF MONEY AND SOURCE:

\$2,000.00 - Purchase price

BACKGROUND/EXPLANATION:

The developer paid a good faith deposit of \$1,000.00 for the property. The balance in the amount of \$1,000.00 will be paid at settlement. The property appraised for \$5,600.00.

The City will convey all its rights, title, and interest in the property located at 444 Pitman Place.

This property is a two-story and basement structure that requires substantial investment in renovation costs. The property's dimensions are 11'9"x65", or 764 square feet. Mr. Daniel Nolan, the owner of Pitman Townhomes, Inc., owns several rental properties on this street. There is a basement leak in 444 Pitman Place that leaks water into Mr. Noland's property located at 442 Pitman Place. Mr. Nolan has spent a lot of time and money to keep the basement of 444 Pitman Place dry. He will rent the rehabilitated property to a local community resident.

DHCD - cont'd

The project will be financed with private funds. The project's total budget is \$32,080.00, with hard costs representing \$31,700.00. The project's total estimated permit, transfer and recording, and construction payroll taxes are \$284.00. The project's total estimated annual property taxes are \$685.00.

STATEMENT OF PURPOSE AND RATIONALE FOR SALE BELOW THE APPRAISED VALUE:

The property is being sold for less than the appraised value because the property has damaged the purchaser's property next door due to water leakage. The City will also receive additional benefits:

- creation of affordable housing;
- elimination of long-term blighting factors;
- further stabilization of housing available in the community; construction job opportunities;
- and a substantial increase in property taxes.

MBE/WBE PARTICIPATION:

The property is not subject to Article 5, Subtitle 28 of the Baltimore City Code because the contract value is less than \$25,000.00.

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

AGENDA

BOARD OF ESTIMATES

4/21/10

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the land disposition agreement with 1125 North Patterson Park, LLC, developer, for the sale of the property located at 1125 North Patterson Park Avenue.

AMOUNT OF MONEY AND SOURCE:

\$25,000.00 - Purchase price

BACKGROUND/EXPLANATION:

The developer paid a good faith deposit of \$5,000.00 for the property. The balance in the amount of \$20,000.00 will be paid at settlement. The property appraised for \$350,000.00 on March 24, 2009.

The developer currently leases property located at 1200 North Collington Avenue to provide housing and counseling services for 18 women and their children through the Dayspring Program. In addition, the developer manages two Head Start Programs.

The Dayspring and Head Start programs are expanding and the current facility (1200 North Collington Avenue) is not large enough to house the expansion. The purchase of the property located at 1125 North Patterson Park Avenue will provide the additional space needed by the developer.

The property located at 1125 North Patterson Park Avenue stood vacant for several decades serving no other purpose than being an eye sore to the community. While 1125 North Patterson Park Avenue remained out of use, it suffered damage to the roof and interior, and is now in need of lead remediation. Due to the damage of the building several credits were given to the developer for lead abatement in the amount of \$95,000.00, roof repairs and framing in the amount of \$160,000.00, and the City provided another credit for the Head Start program in the amount of \$70,000.00.

AGENDA

BOARD OF ESTIMATES

4/21/10

DHCD - cont'd

In order for 1125 North Patterson Park, LLC to purchase the property they had to apply for State tax credits. The tax credit application stipulated that the developer needed to gain control of the property during the application process. In an effort to secure control of the property, on September 23, 2009, the Board of Estimates approved a lease with an option to purchase the property to the developer. On February 17, 2010, the developer exercised its option to purchase and remitted a good faith deposit in the amount of \$5,000.00.

In addition to exercising its option to purchase, the developer has agreed that if there is a refinance or sale of the property, the City will be paid \$325,000.00. This amount is the difference between the appraised value and the sale price.

STATEMENT OF PURPOSE AND RATIONALE FOR SALE BELOW THE APPRAISED VALUE:

Approval of the sale below the appraised value will eliminate blight from the Berea Neighborhood. The property will also be returned to active use by providing transitional housing and a HeadStart program for the community.

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

AGENDA

BOARD OF ESTIMATES

4/21/10

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the land disposition agreement with Sandtown Habitat for Humanity, developer, for the sale of the properties located at 1441, 1445, N. Carey Street; 1631 N. Gilmor Street; 1810 Laurens Street; 1300, 1412, 1536 N. Mount Street; and 1714 Presbury Street, in the Sandtown Winchester Urban Renewal area.

AMOUNT OF MONEY AND SOURCE:

\$ 6,000.00 - 1441 N. Carey Street
6,000.00 - 1445 N. Carey Street
3,000.00 - 1631 N. Gilmor Street
3,000.00 - 1810 Laurens Street
3,000.00 - 1300 N. Mount Street
3,000.00 - 1412 N. Mount Street
6,000.00 - 1536 N. Mount Street
3,000.00 - 1714 Presbury Street
\$33,000.00 - Purchase price

BACKGROUND/EXPLANATION:

The developer, a non-profit organization, proposes to gut and rehab eight 2 to 3-story vacant properties into single family homeownership for low income families in the Sandtown-Winchester Urban Renewal area. The estimated rehabilitation costs per property will be \$83,000.00 in private funding, which has already been raised. The developer will provide its own construction financing. Each selected homebuyer family will invest at least 330 hours of "sweat equity" on their home. The Sandtown Habitat for Humanity is the developer, as well as the builder for this project.

AGENDA

BOARD OF ESTIMATES

4/21/10

DHCD - cont'd

Three of the proposed eight properties in this project were acquired through tax sale. These properties are 1810 Laurens Street, 1300 N. Mount Street, and 1714 Presbury Street.

STATEMENT OF PURPOSE AND RATIONALE FOR SALE BELOW THE APPRAISED VALUE:

There are eight properties in this project and six appraisals were completed for them on January 10, 2010. The appraised value ranged from \$5,300.00 to \$15,900.00. Seven of the properties are in the \$5,000.00 to \$10,500.00 range value, while the remaining one property is in the \$15,900.00 category. Selling below the appraised value will help stabilize the neighborhood. The properties have been vacant for at least five years and are in dire need of repair. Rehabilitation of the properties will also remove the blight from the neighborhood and provide a tax base for the City. In addition, the ability to purchase this number of properties at the same time will enable the developer to keep the development cost down and make them affordable to prospective low income home buyers. This in turn will help to provide some stability to the neighborhood. Finally, one of the properties for sale located at 1810 Laurens Street has been designated as a green house project and the developer already has a buyer/partner who is ready to proceed pending the Board of Estimates' approval.

MBE/WBE PARTICIPATION:

The developer has signed the Commitment to Comply with Article 5, Subtitle 28 of the Baltimore City Code, Minority and Women's Business Enterprise Program.

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

AGENDA

BOARD OF ESTIMATES

4/21/10

Department of Housing and - Local Government Resolutions
Community Development

The Board is requested to approve and authorize execution of the following local government resolutions.

The following organizations are applying to the State of Maryland's Neighborhood BusinessWorks Program (NBWP). A local government resolution of support is required by the State for all applications to this program for funding.

<u>Organization</u>	<u>Amount</u>
1. GLENESA SWANN	\$162,500.00 (NBWP)
<p>Ms. Glenesa Swann will use the funds to acquire two Phyllis Wheatley Childcare Centers located at 909 E. 22nd Street and 2221 Wheatley Drive. The purpose is to expand an existing childcare business named the Tooney Town Early Learning Center Expansion Project.</p>	
2. JOSEPH SCHULTZ	\$248,250.00 (NBWP)
<p>Mr. Joseph Schultz will use the funds to acquire and renovate the second and third floors of the 3301 Eastern Arts Center, located in the new Highlandtown Arts District. The first floor will be retail (café or restaurant) and an art gallery. The second and third floors will be studios for artists.</p>	

AGENDA

BOARD OF ESTIMATES

4/21/10

DHCD - cont'd

3. REID PARK, LLC

**\$343,748.00
(NBWP)**

Reid Park, LLC will use the funds to acquire and renovate the building located at 210 W. 28th Street, to create commercial office space.

AGENDA

BOARD OF ESTIMATES

4/21/10

Department of Housing and Community - Grant Agreements
Development (DHCD)/Homeless Services

The Board is requested to approve and authorize execution of the various grant agreements. The period of the agreement is October 1, 2010 through September 30, 2011, unless otherwise indicated.

1. **WOMEN'S HOUSING COALITION, INC.** **\$185,535.00**

Account: 4000-496311-3570-591235-603051

The organization will provide housing in conjunction with supportive services to 25 homeless clients. Services will include monthly rental assistance payments for monthly rental subsidies, security deposits and/or payments for damage to the property, if applicable.

2. **WOMEN'S HOUSING COALITION, INC.** **\$ 65,945.00**

Account: 4000-496211-3570-591435-603051

The organization will operate a Single Room Occupancy program to provide permanent housing to approximately 29 formerly homeless women who are homeless due to chronic substance abuse and/or chronic mental illness.

3. **MARIAN HOUSE, INC.** **\$201,023.00**

Account: 4000-496211-3570-591419-603051

The organization will provide transitional housing in conjunction with supportive services to 41 single homeless women and four families (women and children). Services will include temporary housing and a goals oriented program of personal counseling and education/employment assistance. The goal of the program is to assist women in achieving and maintaining economic, residential and emotional stability. The period of the agreement is February 1, 2010 through January 31, 2011.

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

AGENDA

BOARD OF ESTIMATES

4/21/10

DHCD/BHS - cont'd

4. WOMEN ACCEPTING RESPONSIBILITY \$ 53,702.00

Account: 4000-496311-3570-591247-603051

The organization will provide housing in conjunction with supportive services to four homeless clients. Services will include monthly rental assistance payments for monthly rental subsidies, security deposits and/or payments for damage to the property if applicable. The period of the agreement is August 1, 2010 through July 31, 2011.

5. MARIAN HOUSE, INC. \$ 30,396.00

Account: 4000-496210-3570-591419-603051

The organization will provide permanent housing and comprehensive support services to 19 homeless women, fourteen of whom are receiving Shelter Care Plus subsidies and five of whom are living in Section 8 units. Services will include, safe housing and a goals-oriented program of personal counseling and education/employment assistance. The goal of the program is to assist women in achieving and maintaining economic, residential and emotional stability. The period of the agreement is December 1, 2009 through November 30, 2010.

The agreement is late because of a delay at the administrative level.

6. PATRICK ALLISON HOUSE, INC. \$ 32,240.00

Account: 4000-492910-3570-333627-503051

The organization will provide housing and services to approximately eight homeless men of Baltimore City. Under this agreement the funds will be utilized to offset the costs of providing services. Services will include, skills

AGENDA

BOARD OF ESTIMATES

4/21/10

DHCD/BHS - cont'd

education, counseling, employability training, support in recovery from drug or alcohol abuse, crisis management and information, linking residents to other service providers and on-site staff to provide a clean and safe environment. The period of the agreement is July 1, 2009 through June 30, 2010.

7. **WOMEN'S HOUSING COALITION, INC.** **\$279,558.00**

Account: 4000-496311-3570-591235-603051

The organization will provide housing in conjunction with supportive services to 25 homeless and disabled clients. Services will include monthly rental assistance payments for monthly rental subsidies, security deposits and/or payments for damage to the property, if applicable. The period of the agreement is May 1, 2010 through April 30, 2011.

8. **SUPPORTIVE HOUSING GROUP, INC.** **\$169,125.00**

Account: 4000-496211-3570-591492-603051

The organization will provide supportive services to approximately 36 homeless families that are participants of the Family Recovery Program of the Family League of Baltimore City, Inc. The program ensures that the clients receive intensive services and close supervision prior to re-uniting with their children. The period of the agreement is July 1, 2010 through June 30, 2011.

AGENDA

BOARD OF ESTIMATES

4/21/10

DHCD/BHS - cont'd

9. HEALTHCARE FOR THE HOMELESS \$258,480.00

Account: 4000-431310-3570-267834-603051

The organization will provide Assertive Community Treatment (ACT) clinical services to 105 "Housing First" clients housed by the Baltimore Housing and Baltimore Homeless Services over the 5-year term of the grant. Healthcare for the Homeless will recruit and hire "Housing First" ACT team clinical staff, and ensure that all "Housing First" clinicians receive comprehensive training in the ACT and Housing First models of service delivery, and report requirements under the Government Performance and Results Act mandate. The organization will provide direct clinical services utilizing the ACT model to a minimum of 47 "Housing First" clients for the term of the Substance Abuse and Mental Health Services Administration grant, and target clients that are chronically homeless with a diagnosis of alcohol or substance abuse. The period of the agreement is September 30, 2009 through September 29, 2010.

The agreement is late because of a delay at the administrative level.

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

AGENDA

BOARD OF ESTIMATES

4/21/10

Department of Housing and Community - Expenditure of Funds
Development - Homeless Services

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize an expenditure of funds to pay Maryland Art Place, Inc. for the rental of the 1st Floor of 218 West Saratoga Street for the period December 12, 2009 through March 15, 2010.

AMOUNT OF MONEY AND SOURCE:

\$9,553.17 - 4000-431309-3010-267800-603013

BACKGROUND/EXPLANATION:

On December 24, 2008 the Board approved a lease with Maryland Art Place, Inc. for the period December 24, 2008 through December 14, 2009 with the option to renew for two consecutive one-year terms. Baltimore Homeless Services did not exercise the renewal option and occupied the space without a formal lease agreement for the first quarter of what would have been the first renewal period. Maryland Art Place, Inc. has agreed to accept \$9,553.17 for the use of the space during December 12, 2009 through March 15, 2010. The Department has vacated the space and there will be no additional need to make further payment of rent to Maryland Art Place, Inc. for this space.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

AGENDA

BOARD OF ESTIMATES

4/21/10

Department of Housing and Community Development (DHCD) - Agreements and Amendment to Agreement

The Board is requested to approve an authorize execution of the agreement and the amendment to agreement.

AGREEMENT

- 1. **CASA DE MARYLAND, INC.** **\$ 70,000.00**

Account 4000-485710-5750-642800-603051

The organization provides low-wage workers with employment, legal, health services, and educational programs. The CDBG-R funds will be used to subsidize its operating costs of the Baltimore Worker's Employment Center and to retain two full-time and one part-time staff persons. The period of the agreement is October 1, 2009 through September 30, 2010.

FOR THE FY 2010, MBE AND WBE PARTICIPATION GOALS FOR THE ORGANIZATION WERE SET ON THE AMOUNT OF \$34,645.00, AS FOLLOWS:

MBE: \$5,197.00
WBE: \$1,732.00

On May 27, 2009, the Board approved a Resolution authorizing the Department of Housing and Community Development (DHCD), on behalf of the Mayor and City Council, to accept American Recovery and Reinvestment Act of 2009 (ARRA) funds for the Community Development Block Grant (CDBG-R) Program.

Upon receipt of the Housing and Urban Development grant agreement for the CDBG-R funds on July 24, 2009, the DHCD's Contract Section began negotiating and processing CDBG-R agreements as awarded in the Substantial Amendment to the 2008 Annual Action Plan to be effective beginning October 1, 2009 and beyond. Consequently, the agreement was delayed due to final negotiations and processing.

AGENDA

BOARD OF ESTIMATES

4/21/10

DHCD - cont'd

AMENDMENT TO AGREEMENT

2. **UNITED METHODIST CHURCH/UMOJA** **\$5,066.00**
HEAD START ACADEMY

Account: 4000-485810-5750-642432-603051

On March 3, 2010, the Board approved the initial agreement with the organization for Head Start services to 187 children and their families in Baltimore City. The agreement was approved in the amount of \$81,725.00. This amendment will provide an increase in funding for Head Start operations; making the total award \$86,791.00.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

AGENDA

BOARD OF ESTIMATES

4/21/10

Mayor's Office of Employment Development - Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of a grant award from the Governor's Office of Crime Control and Prevention (GOCCP). The period of the grant is October 1, 2009 through September 30, 2010.

AMOUNT OF MONEY AND SOURCE:

\$151,093.00 - 4000-809110-6390

BACKGROUND/EXPLANATION:

The City has received from the GOCCP a grant entitled "Pre-Adjudication and Coordination & Transition Center (PACT)" for assessments, literacy and related services for youth. The grant funds will provide personnel, contractual services, and assessment tools.

The PACT Center integrates evening reporting/supervision with assessments, service planning, and transition to community-based placements for youth as an alternative to secure detention.

The award is being presented at this time because MOED's receipt of its approved copy of the grant and related documentation was delayed.

APPROVED FOR FUNDS BY FINANCE

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

AGENDA

BOARD OF ESTIMATES

4/21/10

PROPOSALS AND SPECIFICATIONS

Bureau of Water and
Wasterwater

- WC 1168, Deep Creek Pumping
Station Improvements
BIDS TO BE RECV'D: 06/09/2010
BIDS TO BE OPENED: 06/09/2010

Department of Transportation

- TR 04303, Resurfacing Harford
Road form North Avenue to
Chesterfield Avenue
BIDS TO BE RECV'D: 05/19/2010
BIDS TO BE OPENED: 05/19/2010

AGENDA

BOARD OF ESTIMATES

4/21/10

Mayor's Office of Employment - Correction of Account Number
Development (MOED)

ACTION REQUESTED OF B/E:

The Board is requested to approve a correction of one account number to the agreement with Baltimore City Community College (BCCC).

AMOUNT OF MONEY AND SOURCE:

Previously approved account: 4000-898609-6310-477005-603051

Correct account: 4000-898609-6310-682505-603051

BACKGROUND/EXPLANATION:

On November 4, 2009, the Board approved the agreement with the BCCC in the amount of \$73,000.00 for administrative skills training in the areas of Multi-Skilled Nursing Assistants and other entry level healthcare positions. The services will be developed for foster care youth and other eligible youth who participate in the City's initiative known as Youth Opportunity System.

APPROVED FOR FUNDS BY FINANCE

AGENDA

BOARD OF ESTIMATES

4/21/10

Health Department - Agreements

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

RETIRED AND SENIOR VOLUNTEER PROGRAM (RSVP)

- 1. **CHARLES STREET HEALTH CARE, LLC/
FUTURE CARE - HOMEWOOD** **\$ 0.00**
- 2. **CANTON HARBOR HEALTHCARE CENTER, INC.** **\$ 0.00**
- 3. **ST. JAMES' TERRACE APARTMENTS, INC.** **\$ 0.00**
- 4. **HAVEN NURSING HOME, INC. D/B/A ARLINGTON
WEST NURSING AND REHABILITATION CENTER** **\$ 0.00**

The above-listed organizations will serve as volunteer stations for the RSVP. The RSVP has been funded since 1982 by the federal government. The Baltimore City Health Department is awarded a grant from the Corporation of National and Community Services to pay administrative staff to arrange volunteer work for persons 55 years of age and over. The period of the agreement is April 1, 2008 through March 31, 2012.

- 5. **PARK WEST HEALTH SYSTEMS, INC.** **\$50,000.00**

Account: 4000-424510-3040-276923-603051

The organization will provide non-medical case management (Hidden Garden Program) for clients encountered through outreach services. Clients will be assessed for Ryan White Part B eligibility and an action plan will be developed outlining the goals and objectives for each client. Referrals will be made and there will be documented follow-up on referrals until resolved. The period of the agreement is July 1, 2009 through June 30, 2010.

AGENDA

BOARD OF ESTIMATES

4/21/10

Health Dept. - cont'd

The agreement is late because the State AIDS Administration programmatically manages Ryan White Part B services. The Department is responsible for processing contracts after receipt of an approved budget and scope of services and making payments to the provider after the State selects the provider through the Request for Proposal process.

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

4/21/10

Bureau of Water & Wastewater - Partial Release of Retainage Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a partial release of retainage agreement with Ulliman Schutte Construction, LLC for Sanitary Contract No. 846, Gravity Sludge Thickener Renovation at the Patapsco Wastewater Treatment Plant.

AMOUNT OF MONEY AND SOURCE:

\$268,235.07 - 9956-902683-9551-900020-706063

BACKGROUND/EXPLANATION:

All work on Sanitary Contract No. 846 was completed on November 26, 2009. The City holds funds in the amount of \$288,235.07 in retainage. The contractor has accordingly requested a partial release of retainage in the amount of \$268,235.07. The remaining \$20,000.00 is sufficient to protect the interests of the City.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

AGENDA

BOARD OF ESTIMATES

4/21/10

Bureau of Solid Waste - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to retroactively approve an expenditure of funds to pay the Living Classrooms Foundation for cleaning services provided during the period of August 01, 2009 through February 12, 2010.

AMOUNT OF MONEY AND SOURCE:

\$ 172,445.86 - 3001-000000-5130-386500-603026

BACKGROUND/EXPLANATION:

The Bureau of Solid Waste (Solid Waste) entered into a one-year agreement with the Living Classrooms Foundation (Living Classrooms) to provide cleaning services in the McElderry Park Safe Zone and its immediate buffer zone. The agreement was approved by the Board on July 25, 2007 and it contained the option to renew for two additional one-year terms. Solid Waste opted to renew the agreement for an additional one-year period under the same terms and conditions as the original agreement that was approved by the Board in July of 2008.

The funding for these services provided by the Living Classrooms Foundation was significantly reduced for fiscal year 2010. Subsequently, the agreement could not be renewed for the second year. Solid Waste intended to submit a request for a new agreement for reduced services to the Board for approval. However, because of mitigating circumstances, a new agreement was not prepared and submitted, and the Living Classrooms Foundation continued to provide cleaning services.

AGENDA

BOARD OF ESTIMATES

4/21/10

Bureau of Solid Waste - cont'd

Because of the mid-year budget reduction, Solid Waste had to notify Living Classrooms Foundation to discontinue providing cleaning services. Solid Waste has been billed by the Living Classrooms for the cleaning services provided from August 1, 2009 through February 12, 2010.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION

AGENDA

BOARD OF ESTIMATES

4/21/10

Department of Recreation and Parks - Right-of-Entry Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a right-of-entry agreement with Coppin Heights Community Development Corporation (CHCDC). The period of the agreement is effective upon Board approval for three months.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The CHCDC is a 501(c)(3) organization, established by Coppin State University to advance the community investment/neighborhood revitalization agenda for the Greater Coppin Heights/Rosemont Community. The CHCDC has received a grant from Healthy Neighborhoods to perform improvements in Easterwood Park, to include but not limited to, the installation of 15 trees, grills, picnic benches, and ADA accessible picnic tables. The execution of the right-of-entry agreement will allow the CHCDC's contractor access to the park to perform these improvements.

(The right-of-entry agreement has been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

4/21/10

Police Department - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an agreement with Barbara Harant, Serologist. The period of the agreement is effective upon Board approval through March 31, 2011.

AMOUNT OF MONEY AND SOURCE:

\$35,000.00 - 5000-585310-5750-650405-603018

BACKGROUND/EXPLANATION:

On December 9, 2009 the Board approved a grant award from the Governors Office of Crime Control and Prevention (GOCCP) entitled "Serology Enhancement - DBRA" in the amount of \$375,000.00 for the period December 01, 2009 through December 31, 2010. On March 31, 2010 the Board approved a no-cost extension Grant Adjustment Notice extending the period to March 31, 2011.

The Department's "Serology Enhancement" program assists in developing and implementing strategies specifically intended to reduce DNA backlogs in the State of Maryland. The program increases laboratory efficiency through the hiring of additional personnel and the outsourcing of other backlogged samples. Serologist, Barbara Harant, works as a consultant paid on a case-by-case basis with the Department. Ms. Harant's contract rate is \$45.00 per burglary case, and \$125.00 per homicide case, with a maximum salary of \$35,000.00 with no benefits. Ms. Harant's services include performing biological screening examinations to identify evidence samples suitable for DNA testing.

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

4/21/10

Police Department - Memorandum of Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a memorandum of agreement with the Maryland Emergency Management Agency (MEMA). The period of the agreement is October 1, 2009 through June 30, 2011.

AMOUNT OF MONEY AND SOURCE:

<u>Item</u>	<u>Amount</u>	<u>Account</u>
K9 and Training	\$ 14,290.00	4000-435410-2010-682400-600000
Aviation Equipment	75,000.00	4000-435410-2010-682401-600000
Intelligence Equipment	63,389.00	4000-435410-2010-682402-600000
Quick Response Training	19,000.00	4000-435410-2010-682403-600000
Tactical Equipment	50,000.00	4000-435410-2010-682404-600000
CCTV	725,000.00	4000-435410-2010-682405-600000
HAZMAT	87,432.00	4000-435410-2010-682406-600000
Incident Management Team	70,000.00	4000-435410-2010-682407-600000
MCCV	25,000.00	4000-435410-2010-682408-600000
Volunteer Mobilization	27,000.00	4000-435410-2010-682409-600000
Emergency Planners	140,000.00	4000-435410-2010-682410-600000
High School Education Program	21,000.00	4000-435410-2010-682411-600000
EPA Conference & Exercise	150,000.00	4000-435410-2010-682412-600000
CMARC Network Enhancements	485,000.00	4000-435410-2010-682413-600000
MD-TF2-USAR	100,000.00	4000-435410-2010-682414-600000
EMNet Upgrade	2,200.00	4000-435410-2010-682415-600000
EAS/EMNet Software	2,105.00	4000-435410-2010-682416-600000
Tech Training/ WebEOC Dialogic	4,989.00	4000-435410-2010-682417-600000

AGENDA

BOARD OF ESTIMATES

4/21/10

Police Department - cont'd

<u>Item</u>	<u>Amount</u>	<u>Account</u>
WebEOC Software Upgrades	10,992.00	4000-435410-2010-682418-600000
ENS/Reverse 911 Geocoding	10,000.00	4000-435410-2010-682419-600000
SQL Server Purchase	5,000.00	4000-435410-2010-682420-600000
Non-Profits Grant	150,000.00	4000-435410-2010-682421-600000
 	<hr/>	
Total	\$2,237,397.00	

BACKGROUND/EXPLANATION:

The FY09 Urban Area Security Initiative is one tool among a comprehensive set of measures to help strengthen the nation and Maryland against risks associated with potential terrorist attacks and focuses on developing integrated systems for prevention, protection, response, and recovery.

This item is being presented at this time because the award was just received by the Department.

APPROVED FOR FUNDS BY FINANCE

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

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

AGENDA

BOARD OF ESTIMATES

4/21/10

Police Department - Interagency Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an interagency agreement with the Mayor's Office of Criminal Justice and the Circuit Court for Baltimore City. The period of the interagency agreement is October 1, 2009 through September 30, 2010.

AMOUNT OF MONEY AND SOURCE:

\$90,000.00 - 4000-453509-2250-526603-607001

BACKGROUND/EXPLANATION:

The interagency agreement will be funded through a grant from the Bureau of Justice Assistance. On November 19, 2008, the Board approved a grant award from the Bureau of Justice Assistance, under Project FY2008 Edward Bryne Memorial Justice Assistance Grant in the amount of \$388,603.00. The interagency agreement provides funds to cover the Circuit Court Community Services program to ensure offender compliance with court sanctioned community service requirements.

APPROVED FOR FUNDS BY FINANCE

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

AGENDA

BOARD OF ESTIMATES

4/21/10

Police Department - Interagency Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an interagency agreement with the Department of Housing and Community Development (DHCD). The period of the interagency agreement is October 1, 2009 through September 30, 2010.

AMOUNT OF MONEY AND SOURCE:

\$160,000.00 - 4000-453509-2250-526604-607001

BACKGROUND/EXPLANATION:

The interagency agreement will be funded through a grant from the Bureau of Justice Assistance. On November 19, 2008, the Board approved a grant award from the Bureau of Justice Assistance, under Project FY2008 Edward Bryne Memorial Justice Assistance Grant in the amount of \$388,603.00. The interagency agreement provides funds to cover the DHCD program to target the neediest communities by providing education and pursuing drug nuisance and code enforcement cases.

APPROVED FOR FUNDS BY FINANCE

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

AGENDA

BOARD OF ESTIMATES

4/21/10

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

1.	<u>REXEL</u> \$ 5,964.00	Low Bid
Solicitation No. 07000 - Panelview Terminals - Department of Public Works - Req. No. R544676		

2.	<u>AGILENT TECHNOLOGIES, INC.</u> \$ 5,587.47	Sole Source
Solicitation No. 08000 - Software Update - Police Department - Req. No. R544228		

The vendor is the sole distributor of the software currently in use in the Baltimore City Police Department crime labs.

3.	<u>C & D MUNICIPAL SALES, INC.</u> \$ 5,196.00	Low Bid
Solicitation No. 07000 - Impeller Assembly - Department of Public Works - Req. No. R543377		

4.	<u>DIGITAL INTELLIGENCE SYSTEMS CORP.</u> \$ 9,587.47	Low Bid
Solicitation No. B50001442 - Router and Switches - Police Department - Req. No. R545203		

5.	<u>J.C. EHRLICH CO., INC.</u> \$20,000.00	Renewal
Solicitation No. 06000 - Pesticides for Rat Rubout Program - Health Department - Req. No. R544505		

On February 11, 2009, the Board approved the initial award in the amount of \$19,963.48 for the period February 11, 2009 through February 10, 2010. The single one-year renewal option was not exercised at that time because the using agency had changed locations. Authority is requested to reinstate the service at the new location for the period April 21, 2010 through April 20, 2011.

AGENDA

BOARD OF ESTIMATES

4/21/10

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR AMOUNT OF AWARD AWARD BASIS

Bureau of Purchases

6. AMERICAN WORDATA \$12,518.04 Low Bid
Solicitation No. B50001444 - Proliant Server Software -
Office of the State's Attorney - Req. No. TBD

7. LAWMEN SUPPLY
COMPANY, INC. \$ 9,200.00 Sole Source
Solicitation No. 08000 - Taser Warranties - Police
Department - Req. No. R544761

The vendor is the sole distributor of Taser International products in Maryland.

8. NEIGHBORCARE
PROFESSIONAL
PHARMACIES \$24,091.07 Low Bid
Solicitation No. B50001428 - Prescription Drugs -
Commission on Aging and Retirement Education - Req. No. TBD

9. INTERCON TRUCK OF
BALTIMORE, INC. \$10,659.00 Low Bid
Solicitation No. B50001392 - Stake Body Installation -
Department of General Services - Req. No. R540642

10. NATIONAL CAPITAL
INDUSTRIES, INC. \$22,843.20 Low Bid
Solicitation No. B50001450 - Barrier Wall and Cores -
Department of Transportation - Req. No. R543614

The period of the award is April 21, 2010 through April 20, 2011.

AGENDA

BOARD OF ESTIMATES

4/21/10

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
--------	-----------------	-------------

Bureau of Purchases

- | | | |
|--|--------------------|------------------|
| 15. | FOLCOMER EQUIPMENT | Selected Source/ |
| | CORPORATION | Agreement |
| | \$200,000.00 | |
| Solicitation No. 06000 - OEM Parts and Service for Case Construction Equipment - Department of General Services, Fleet Management - Req. No. R542338 | | |

The Board is requested to approve and authorize execution of an agreement with Folcomer Equipment Corporation. The period of the agreement is May 1, 2010 through April 30, 2013.

The vendor is the manufacturer's designated representative for the Baltimore metropolitan area to provide parts and service for Case construction equipment.

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

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

MWBOO GRANTED A WAIVER.

- | | | |
|---|------------------|------------------------|
| 16. | EXPRESS SCRIPTS, | Amendment to Agreement |
| | INC. | |
| | \$ 0.00 | |
| Solicitation No. BP 07150 - Prescription Drug Program Services - Department of Human Resources - Req. N/A | | |

The Board is requested to approve and authorize execution of an amendment to the agreement with Express Scripts, Inc.

On September 12, 2007, the Board approved the initial award in the amount of \$3,683,573.00. The period of the agree-

AGENDA

BOARD OF ESTIMATES

4/21/10

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 Purchases

ment is January 1, 2008 through December 31, 2010, with no renewal options. On January 28, 2009, the Board approved an amendment to agreement.

This amendment to agreement is necessary to meet the Health Insurance Portability and Accountability Act of 1996 as recently modified. The agreement has been reviewed by all concerned parties and was found not to be in conflict with the solicitation as awarded.

MWBOO SET GOALS OF 17% MBE AND 9% WBE.

MBE: A. Thompson & Associates	6.77%
Time Printers	<u>10.33%</u>
	17.10%

WBE: Curry Printing & Copy Center 9.03%

MWBOO FOUND VENDOR IN COMPLIANCE.

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

17. EVERGREEN LANDSCAPE
 AND DESIGN \$175,000.00 Renewal
 Solicitation No. BP 07162 - Watershed Grass Mowing -
 Department of Public Works, Bureau of Water and Wastewater

On July 18, 2007, the Board approved the initial award in the amount of \$344,960.00. The award contained renewal options at the sole discretion of the City. This is the final renewal in the amount of \$175,000.00 for the period July 1, 2010 through June 30, 2011.

MBE: Total Lawn Care 12%

WBE: PAJ Business Staffing 4%

MWBOO FOUND VENDOR IN COMPLIANCE.

AGENDA

BOARD OF ESTIMATES

4/21/10

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
--------	-----------------	-------------

Bureau of Purchases

- | | | | |
|---|---|--------------|-----------|
| 18. | ASSOCIATED BUILDING
MAINTENANCE COMPANY,
INC. | \$125,778.00 | Extension |
| Solicitation No. 06000 - Janitorial Services Area "B" -
Department of General Services - PO No.: P509364 | | | |

On March 29, 2006, the Board approved the initial award in the amount of \$791,400.00. Subsequent increases and renewals were approved. The contract has a single one-year renewal option remaining. However, because of a large reduction in the services required, the scope of work for the contract has changed enough that a new solicitation is appropriate. Therefore, an extension in the amount of \$125,778.00 for the period of May 01, 2010 through August 31, 2010 is requested while this requirement is re-bid in lieu of the final one-year renewal option.

MBE: C&J Maintenance 17%

WBE: Fitch Dustdown 9%

MWBOO FOUND VENDOR IN COMPLIANCE.

- | | | | |
|--|--|--------------|-----------|
| 19. | MULTICORP COMMERCIAL
CLEANING COMPANY, INC. | \$132,172.00 | Extension |
| Solicitation No. BP 06146 - Janitorial Services Area "C" -
Department of General Services - PO No.: P509214 | | | |

On March 22, 2006, the Board approved the initial award in the amount of \$691,476.00. Subsequent increases and renewals were approved. The contract has a single one-year renewal option remaining. Because of a large reduction in the services required, the scope of work for the contract has changed enough that a new solicitation is appropriate.

AGENDA

BOARD OF ESTIMATES

4/21/10

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 Purchases

Therefore, an extension in the amount of \$132,171.00 for the period of May 01, 2010 through August 31, 2010 is requested while this requirement is re-bid in lieu of the final one-year renewal option.

MBE: Building One Service 17%

WBE: My Cleaning Service 9%

MWBOO FOUND VENDOR IN COMPLIANCE.

20.	CORRELLI, INC.	\$250,000.00	
	FLEETPRIDE	300,000.00	
		<u>\$550,000.00</u>	Increase

Solicitation No. B50000020 - Aftermarket Heavy Equipment Repairs - Agencies Various - PO Nos.: P507301 and P140984

On October 10, 2007, the Board approved the initial award in the amount of \$1,000,000.00. On March 18, 2009, the Board approved an increase in the amount of \$500,000.00. Due to the higher than anticipated demand for these products this increase in the amount of \$550,000.00 is necessary making the award amount \$2,050,000.00.

Department of General Services

21.	EVERYTHING & NEAT PAINTING CO. INC.	\$18,300.00	Low Bid
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IC 523 - Exterior Painting Project at the Liaison Office in Annapolis, MD.

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

* * * * *

The Board is requested to
approve award of
the formally advertised contracts
listed on the following pages:
62 - 64
to the low bidder meeting specifications,
or reject bids on those as indicated
for the reasons stated.
In connection with the Transfers of Funds,
reports have 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

4/21/10

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Recreation and Parks

- 1. RP 10810, Patterson Machado Construction \$108,263.44
 Park Entrance at Co., Inc.
 Baltimore Street
 and Linwood Avenue

MBE: M & F Contracting Co. \$ 22,000.00 20.32%

WBE: McCall Trucking, Inc. \$ 7,000.00 6.47%

MWBOO FOUND VENDOR IN COMPLIANCE.

2. **TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$110,500.00	9938-902668-9475	9938-901668-9474
State	Reserve - Park	Active - Park
	Perimeter Improv.	Perimeter Improv.

This transfer will provide funds to cover the costs associated with the award RP 10810, Patterson Park Entrance at Baltimore Street and Linwood Avenue.

AGENDA

BOARD OF ESTIMATES

4/21/10

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

BW&WW - cont'd

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
590,958.00	-----	9960-913631-9557-6
		Construction
<u>35,458.00</u>	-----	9960-913631-9557-9
\$ 797,600.00		Administrative

This transfer will provide funds to cover the costs associated with the award of WC 1194, Montebello Filtration Plant Chemical Feed Improvements.

Bureau of Purchases

- 5. B50001374, Enclosed Cowles Ford, Inc. \$ 41,910.50
Utility Pickup
Truck

MWBOO GRANTED A WAIVER.

AGENDA

BOARD OF ESTIMATES

4/21/10

Bureau of Budget and Management - Restoration of Position

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize the restoration of a position in the Department of Public Works, Bureau of Water and Wastewater.

AMOUNT OF MONEY AND SOURCE:

\$33,300.00 - 2070-000000-5500-397100-601001 (Water Utility Fund)

BACKGROUND/EXPLANATION:

Position No. 23485, Program Compliance Assistant, grade 080, is a filled position that was abolished in error during the Fiscal Year 2010 budget process thereby creating a missing budget position status. Restoration of this position will resolve the budget position status.

APPROVED FOR FUNDS BY FINANCE

AGENDA

BOARD OF ESTIMATES

4/21/10

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Baltimore Development Corporation - Option</u>			
1. Ground Rents Collections, LLC	4600 Maine Avenue	G/R \$120.00	\$2,000.00

The Baltimore Development Corporation purchased 4600 Maine Avenue in leasehold on July 27, 2007. The property was included in the disposition lot 1 land assembly in accordance with the Howard Park Business Area Urban Renewal Plan. The City will purchase the ground rent for the negotiated price of \$2,000.00, based on the October 12, 2006 appraised value of \$2,000.00 by Delores Ruhl.

In June 2000, Super Pride closed its location at 4601 Liberty Heights Avenue, leaving the community without a grocery store. For the past ten years, the Howard Park Civic Association, in partnership with the Greater Northwest Community Coalition, has worked with the community to pro-actively plan for the future of the neighborhoods and identify strategic steps to bring their goals to fruition. As a result of this planning process, the residents have indicated that their highest priority was to bring a grocery store to the community and essentially reposition the business district to better serve the customer base encompassed within the 19 neighborhoods of the Greater Northwest Community Coalition.

Working with the BDC and the Planning Department, it was determined that the best location for this full-service market would be a site encompassed by Liberty Heights Avenue, Gwynn Oak Avenue, Maine Avenue and Hillsdale Road. This site presented a prime opportunity to attract a full-service grocery to the community. The acquisition of 4600 Maine Avenue was part of the land assembly needed for the development of the Howard Park Grocery project. This project, awarded to the team of Vanguard/ROC in August of 2006, proposes the construction of over 65,000 sq. ft. of grocery and retail space for this stable but underserved community in Northwest Baltimore.

DHCD - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 2,000.00 22 nd EDF	9910-904982-9600 Constr. Reserve Commercial Revitaliza- tion Program	9910-902879-9601 Commercial Revitalization

This transfer will provide funds for the redemption of the ground rent for 4600 Maine Avenue, which is part of the land assembly needed for the development of the Howard Park Grocery project.

AGENDA

BOARD OF ESTIMATES

4/21/10

Baltimore Development Corporation - Non-Disturbance Agreement

ACTION REQUESTED BY B/E:

The Board is requested to approve and authorize execution of the non-disturbance agreement with Kona Macadamia, Inc. (Kona) for a portion of the City-owned property known as Lot 24, as referenced in the Inner Harbor Project I Renewal Plan. The period of the agreement is effective upon the date on which Kona occupies the property for ten years with two 5-year renewal options.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On January 27, 2010 the Board approved a Lease Agreement with GF One East Pratt Street, LLC (the Tenant) for a portion of the City-owned property known as Lot 24, as referenced in the Inner Harbor Project I Renewal Plan.

The tenant desires to use approximately 1,525 sq. ft. of the parcel to construct a new one-story restaurant adjoining the tenant property and sublease the property along with approximately 4,500 sq. ft. of interior space to the restaurant known as Kona Grill, owned and operated by Kona.

In the event that the Tenant is in default of the Lease and is unable or unwilling to cure such default, this non-disturbance agreement entitles Kona to continue occupying the premises without disturbance by the City by assuming the Tenant's rights under the terms of the lease in return abiding by all terms and conditions of the lease, including the stipulated rent payment.

MBE/WBE PARTICIPATION:

N/A

(The non-disturbance agreement has been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

4/21/10

Baltimore Development Corporation - Amended and Restated Fourth
Amendatory Agreement and
Indenture of Lease

ACTION REQUESTED BY B/E:

The Board is requested to approve and authorize execution of the amended and restated fourth amendatory agreement and indenture of lease with Select Management Holdings, Inc. for the property known as 402 Key Highway, commonly referred to as the Rusty Scupper Restaurant.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On July 20, 2005, the Board approved the Fourth Amendatory and Indenture of Lease with Select Restaurants, Inc., extending the original term of the lease by ten years and creating option terms and reserved parking. The fourth amendatory agreement and indenture of lease mistakenly named Select Restaurants as the current developer and did not contain notary acknowledgements for the signatures of the parties, and therefore, was not recorded in Land Records for Baltimore City.

This Amended and Restated Fourth Amendatory Agreement and Indenture of Lease is necessary to make two technical changes to the previous Fourth Amendatory Agreement and Indenture of Lease with Select Restaurants, Inc.

The first change is that the Developer will be named as Select Management Holdings, Inc., not Select Restaurants, Inc.

AGENDA

BOARD OF ESTIMATES

4/21/10

BDC - cont'd

The second change is to add notary acknowledgements for the signature of the parties so that the document may be recorded in the Land Records for Baltimore City. All other terms and conditions remain unchanged.

MBE/WBE PARTICIPATION:

N/A

(The amended and restated fourth amendatory agreement and indenture of lease has been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

4/21/10

Baltimore Development Corporation - Wharfage Agreement

ACTION REQUESTED BY B/E:

The Board is requested to approve and authorize execution of a Wharfage Agreement with Seadog Ventures, Inc. (licensee), for docking rights at the City-owned Inner Harbor Finger Pier Marina, located at 444 Light Street (location) and the right to operate a sightseeing and high-speed boat tour from the location. The agreement is effective upon Board approval. The initial term of the agreement will begin upon the date the vessel first docks at the location, which will be no later than two months following the effective date, for a period through December 31, 2010, with the option of one 5-year renewal.

AMOUNT OF MONEY AND SOURCE:

Initial Years 1 - 5

	<u>Base Rent</u>	<u>Monthly</u>
Year 2010	\$25,000.00	\$2,083.33
Year 2012	\$25,750.00	\$2,145.83
Year 2013	\$26,522.50	\$2,210.21
Year 2014	\$27,318.18	\$2,276.51
Year 2015	\$28,137.72	\$2,344.81

Percentage Rent

Years 1-5: 6% of Gross Revenues above \$300,000.00

Optional Term 6 - 10

Year 2016	\$28,981.85	\$2,415.15
Year 2017	\$29,851.31	\$2,487.61
Year 2018	\$30,746.85	\$2,562.24
Year 2019	\$31,669.25	\$2,639.10
Year 2020	\$32,619.33	\$2,718.28

Percentage Rent

Years 6 - 10: 7% of Gross Revenues above \$300,000.00

The base rent will be paid in 12 equal monthly payments with a 3% annual escalation; Percentage Rent will be due on January 31st of the following year.

AGENDA

BOARD OF ESTIMATES

4/21/10

BDC - cont'd

BACKGROUND/EXPLANATION:

In the event that an additional Seadog vessel commences operations at the location, additional base rent shall be paid equal to the first vessel's base rent at such time. The percentage rent will be equal to the percentage rent listed for each year above the combined Gross Revenue of \$600,000.00.

Spirit Cruises LLC, an affiliate of the licensee, currently operates a dinner cruise and sightseeing tour operation, comprised of two vessels, along the west wall of the Inner Harbor promenade adjacent to the location.

Previously, Spirit Cruises, LLC operated a third tour vessel at the location, which ceased operations in 2009. As an effort to bring a replacement vessel to the location, both the City and the licensee entered into negotiations for the use of the location to dock and operate the Seadog, a sightseeing tour vessel combined high-speed component.

The Seadog will operate seasonally from April through October weather permitting, from the north side of the northernmost pier of the Inner Harbor Pier.

The licensee is responsible for complying with all applicable City, State and Federal laws and regulations. The attraction is subject to the City's Admissions and Amusement Tax and is expected to create approximately ten full-time jobs.

MBE/WBE PARTICIPATION:

Not applicable.

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

AGENDA

BOARD OF ESTIMATES

4/21/10

Baltimore Development - Amended and Restated Wharfage Agreement Corporation (BDC)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Amended and Restated Wharfage Agreement with Spirit Cruises, LLC (Spirit). The initial term will be effective January 1, 2010 through August 20, 2012, with an option for a five year renewal.

AMOUNT OF MONEY AND SOURCE:

Percentage Rent Changes

<u>Current Rent</u>	<u>Revised Rent</u>
(6%) of Gross Revenues above \$2,000,000.00 for each individual vessel	(6%) of Gross Revenues above a combined amount of \$4,000,000.00 for all operating vessels

Utility Fee

\$150.00 - Monthly fee per vessel.

Office Rent - 561 Light Street

Annual Rent

\$12,000.00 (3% annual escalation)

BACKGROUND/EXPLANATION:

On March 11, 1981 the Board approved the original agreement with Baltimore Harbor Bay Tours, Ltd. for the operation of an excursion boat service from the Inner Harbor of Baltimore. On March 16, 2007, Entertainment Cruises Inc., the parent company of Spirit, purchased its predecessor companies, Baltimore Harbor Tours, LLC and Harbor Cruises Ltd. and the rights to the original agreement. Spirit currently operates two vessels Spirit of Baltimore and the Inner Harbor Spirit, primarily for dinner and sightseeing cruises, along approximately 300 linear feet of Inner Harbor promenade west under the original agreement. In addition, Spirit occupies approximately 1,792

AGENDA

BOARD OF ESTIMATES

4/21/10

Baltimore Development Corporation - cont'd

square feet of office space and maintains a ticket kiosk, both provided for in the original agreement.

Due to the numerous subsequent amendments made to the original agreement since its approval in 1981, this amended and restated wharfage agreement is required for the following reasons: 1) to restate and clarify the original agreement by the integration of all current terms and conditions in a single document, reflective of the parties' current relationship; 2) amend the percentage rent provision contained in the original agreement in order that percentage rent is calculated on the combined gross revenues for the operating vessels under the amended and restated wharfage agreement and; 3) to clarify the office space provisions of the original agreement and establish office rent for the additional office space.

The percentage rent will increase by one percent (1%) in each renewal period as set forth in the original agreement. The base rent of \$15,000.00 per vessel, established under the original agreement, will remain unchanged.

Office Rent

The Spirit will pay the City \$12,000.00 per year and escalated at three percent (3%) annually for the use of office space in the City-owned building located at 561 Light Street. Under the terms of the original lease, the City is to provide up to approximately 1,792 gross square footage of office space at no additional rent. The office rent, under the amended and restated wharfage agreement, is payable for approximately six hundred (600) additional square feet of space for the licensee's use. Office rent is calculated on a triple net (NNN) basis.

MBE/WBE PARTICIPATION:

N/A

(The amended and restated wharfage agreement has been approved by the Law Department as to form and legal sufficiency.)

Baltimore Development Corporation (BDC) - Land Disposition Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a land disposition agreement with South Broadway Properties, LLC (South Broadway) for the sale and redevelopment of 1630 Aliceanna Street a/k/a the Fells Point Comfort Station (Comfort Station).

AMOUNT OF MONEY AND SOURCE:

\$275,000.00 - Purchase price

BACKGROUND/EXPLANATION:

The purchase price will be paid at settlement.

The BDC received a written unsolicited offer from South Broadway Properties dated February 23, 2009 to purchase and redevelop the City-owned property at 1630 Aliceanna Street. In response to the unsolicited offer, the BDC issued a public request for proposals on March 25, 2009. The BDC did not receive any responses to the public offering.

The proposed redevelopment of the Comfort Station includes converting the ground floor and basement into a residential lobby entrance for a planned 155-unit apartment and retail project (the Marketplace at Fells Point Project), and converting the second floor into office space for the Fells Point Main Streets community organization. Fells Point Main Streets community organization has been awarded \$85,000.00 in Community Legacy grant funding and \$23,000.00 in Baltimore Heritage Area funds for tenant improvements to the second floor.

The purchase price of the Comfort Station will be \$275,000.00. A June 2009 appraisal valued the property at \$240,000.00. After the Marketplace at Fells Point Project is complete, the total private investment will be approximately \$70,000,000.00. In addition, the publicly-owned property will become a taxable parcel and will be assessed real property taxes following the sale to South Broadway.

AGENDA

BOARD OF ESTIMATES

4/21/10

Baltimore Development Corporation - cont'd

The second floor of the Comfort Station is currently leased to the Baltimore Public Markets Corporation (BPMC) as part of the BPMC's lease agreement with the City for the various City public market facilities. If approved by the Board as part of a separate request to approve the Master Development Agreement for the Broadway Markets, the Lease Agreement will be amended to remove the Comfort Station to allow for its sale to the South Broadway. The Comfort Station facility is no longer utilized by the BPMC and has remained vacant for several years.

MBE/WBE PARTICIPATION

South Broadway has signed a commitment to comply with the Minority and Women's Business Enterprise Program of the City.

MWBOO SET MBE GOALS AT 27% AND WBE GOALS AT 10%.

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

AGENDA

BOARD OF ESTIMATES

4/21/10

Baltimore Development - Master Development Agreement Corporation (BDC)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Master Development Agreement (MDA) with Baltimore Public Markets Corporation (BPMC) and South Broadway Properties, LLC, developer (South Broadway). The period of the MDA agreement is effective upon Board approval and will expire on the last day of the calendar month which is the eighteenth full calendar month thereafter.

The Board is also requested to authorize the Commissioner of the Department of Housing and Community Development to execute: 1) a Second Modification of Lease Agreement with BPMC, and 2) a Lease Agreement for North/South Market with BPMC the submitted form of Sublease between BPMC and affiliates of the developer, and ancillary documents subject to review and approval for form and legal sufficiency by the Department of Law.

AMOUNT OF MONEY AND SOURCE:

Payments to City by BPMC:

\$1.00/year - North Market Buildings
\$1.00/year - South Market Buildings

Payments to BPMC by South Broadway:

1. \$1.00 per year (base rent)
2. Reimbursement of costs/expenses incurred by BPMC
3. Percentage of gross revenues of the project
4. percentage share in any increase in value of project because of sale or refinancing

BACKGROUND/EXPLANATION:

The City entered into a lease agreement with the BPMC, a 501(c)(3) not-for-profit corporation formed by the City in March 1995, for the lease and management of the City's five public markets, including the historic Broadway Markets in Fells Point.

In May 2007, a Planned Unit Development (PUD) was approved by the Baltimore City Council for the Marketplace at Fells Point Project. The project includes both private and public property improvements and incorporates the redevelopment of the City-

AGENDA

BOARD OF ESTIMATES

4/21/10

BDC - cont'd

owned Broadway Markets. The Marketplace at Fells Point PUD was amended by the developer, South Broadway, in September 2008 to include the Fells Point Comfort Station, additional private and publicly owned properties, and to revise the development program to include approximately 155 residential rental units, 35,000 square feet of retail, the rehabilitation of historic storefronts along S. Broadway, and 115 structured on-site parking spaces for residents.

A key component of the Marketplace at Fells Point Project includes the lease and historic renovation of the Broadway Markets. The renovation plans for the Markets, which are in need of capital repairs, includes the historic reconstruction of the second floor of the North Market at Fleet Street and South Broadway, the renovation of the existing South Market Building between Fleet Street and Aliceanna Street and the construction of a new South Market building (the "Broadway Markets Project").

In furtherance of the approved PUD, in May 2008, the Baltimore Public Markets Corporation Board recommended to the Mayor, with assistance from BDC in its advisory capacity, to enter into a formal Exclusive Negotiating Privilege (ENP) with South Broadway to negotiate an Interim Development Agreement (IDA) for the lease, management, and associated capital and tenant improvements of both the North and South Markets and adjoining parking lots which would serve as a precursor for the Master Development Agreement. The Interim Development Agreement was executed in December 2008. The BPMC Board granted conceptual design approval for the Broadway Markets renovations on January 22, 2009 which outlined proposed capital and tenant improvements and stall configurations. The BPMC Board approved a lease and operating financial structure in April of 2009. Finally, the BPMC Board approved the MDA on January 21, 2010.

The MDA outlines four major documents collectively known as the "Broadway Market Documents":

AGENDA

BOARD OF ESTIMATES

4/21/10

BDC - cont'd

- 1) An amendment to the existing Primary Lease between the City and the BPMC which removes the Broadway Market and the Comfort Station from the properties leased to BPMC by the City;
- 2) a new lease agreement between the City and BPMC for the North Market, and a separate new lease for the South Market;
- 3) separate subleases by the BPMC to bankruptcy-remote affiliates of the Developer for each market building, as renovated and expanded, together with the adjoining parking lots; and
- 4) any related or ancillary documents.

The BPMC will share in a percentage of gross revenues of the project.

Three types of rent will be paid to the BPMC by the Developer:

1. Base Rent - \$1.00 per year;
2. Residual Rent - The BPMC will share in any increase in value of the project that results from a sale or refinancing of the project up to 25%; subject to change depending upon the tax credit investor requirements;
3. Reimbursement Rent - The developer will pay for any costs or expenses incurred by the BPMC.

All the conditions of the MDA and the Broadway Markets Documents must be satisfied before the Broadway Market Documents are executed and delivered between and among the parties. The MDA outlines several conditions precedent to settlement:

- 1) the satisfactory completion of each element of the MDA, including the review and approval by the BPMC and the City of final design, financing, transition, marketing, and operating plans for the Broadway Markets Project;

AGENDA

BOARD OF ESTIMATES

4/21/10

BDC - cont'd

- 2) sale of the Comfort Station to the Developer;
- 3) closing on the financing of the private mixed-use project adjacent to the Markets;
- 4) all permits must be secured for the renovation of the Markets; and
- 5) evidence of debt and equity commitments in place for the renovation of the Markets.

Key terms of the new Lease(s) and Sublease(s) include:

- 1) each Lease Agreement between the City and the BPMC for each of the North and South Markets will have a term of 70 years for \$1 per year;
- 2) the term of the Subleases between the BPMC and the Developer will be for 40 years with a 25 year renewal option; and
- 3) the Subleases are triple net with the Developer paying all costs of renovating, operating, and maintaining the markets.

After the Marketplace at Fells Point Project is complete, the total private investment in Fells Point will total approximately \$70,000,000.00, including \$12,000,000.00 in Broadway Markets renovations. The entire project is expected to generate an additional \$9,323,204.00 in real property taxes over twenty years and will allow for the publicly-owned Fells Point Comfort Station and Broadway Markets buildings to pay real property tax. The project is anticipated to generate approximately 300 construction and 285 permanent jobs.

MBE/WBE PARTICIPATION:

The Developer has signed the City's Commitment to Comply with the Minority and Women's Business Enterprise Program of the City of Baltimore.

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

12:00 NOON

ANNOUNCEMENT OF BIDS RECEIVED

AND

OPENING OF BIDS, AS SCHEDULED