

MINUTES

REGULAR MEETING

Honorable Bernard C. "Jack" Young, President
Honorable Stephanie Rawlings-Blake, Mayor
Honorable Joan M. Pratt, Comptroller and Secretary
George A. Nilson, City Solicitor
Rudolph S. Chow, Director of Public Works
David E. Ralph, Deputy City Solicitor
S. Dale Thompson, Deputy Director of Public Works
Bernice H. Taylor, Deputy Comptroller and Clerk

President: "Good Morning, the May 2, 2016, meeting of the Board of Estimates is now called to order -- I mean, the March 2, 2016, meeting of the Board of Estimates is now called to order. In the interest of promoting the order and efficiency of these hearings, persons who are disruptive to the hearings will be asked to leave the hearing room immediately. Meetings of the Board of Estimates are open to the public for the duration of the meeting. The hearing room must be vacated at the conclusion of the meeting. Failure to comply may result in the charge of trespassing. I will direct the Board members attention to the memorandum from my office dated February 29, 2016, identifying matters to be considered as routine agenda items together with any corrections and additions that have been noted by the Deputy Comptroller. I will entertain a Motion to approve all of the items contained on the routine agenda."

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City Solicitor: "MOVE approval of all items on the routine agenda."

Comptroller: "Second."

President: "All those in favor say AYE. All those opposed, NAY.

The Motion carries, the routine agenda has been adopted."

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MINUTES**BOARDS AND COMMISSIONS**1. Prequalification of Contractors

In accordance with the Rules for Prequalification of Contractors, as amended by the Board on October 31, 1991, the following contractors are recommended:

American Combustion Industries, Inc.	\$ 8,000,000.00
Civil Construction, LLC	\$ 39,852,000.00
Communications Construction Group, LLC	\$126,414,000.00
Flippo Construction Company, Inc.	\$ 8,000,000.00
Joseph L. Winkler Company, Inc.	\$ 8,000,000.00
Kalkreuth Roofing & Sheet Metal, Inc.	\$ 8,000,000.00
Metra Industries, Inc.	\$ 50,697,000.00
Mona Electric Group, Inc.	\$163,143,000.00
P. Flanigan & Sons, Inc.	\$120,663,000.00
Savin Engineers, P.C.	\$ 78,462,000.00
The Berg Corporation	\$ 8,000,000.00
Wagman Heavy Civil, Inc.	\$517,848,000.00

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:

Carroll Engineering, Inc.	Engineer
	Landscape Architect
GWWO, Inc./Architects	Architect
Jacobs Engineering Group, Inc.	Engineer
	Architect
KWC Engineering Technologies, Inc.	Land Survey

MINUTES**BOARDS AND COMMISSIONS** - cont'd

There being no objections, the Board, UPON MOTION duly made and seconded, approved the prequalification of contractors and architects and engineers for the listed firms.

MINUTES

Parking Authority of - Parking Facility Rate Adjustment
Baltimore City (PABC)

ACTION REQUESTED OF B/E:

The Board is requested to approve an adjustment to the monthly rate at the City-owned Lexington Street Garage that is managed by the PABC. The Parking Facility Rate Adjustment is effective upon Board approval.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The PABC is charged with managing the City of Baltimore's parking assets. Proper stewardship of those assets requires that the PABC realize the best possible return on the City's parking investments.

Pursuant to Article 31, §13(f)(2) of the Baltimore City Code, subject to the approval of the Board of Estimates, the PABC may set the rates for any parking project. The PABC believes that rate adjustments at this parking facility are warranted at this time.

To bring the monthly rate charged at Lexington Street Garage in line with its surrounding facilities, the PABC staff developed the rate adjustment recommendation submitted hereto. This rate adjustment was unanimously approved by the PABC Board of Directors.

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PABC - cont'd

Location	Proposed Transient Rate Changes	Proposed Monthly Rate Changes		
Lexington Street Garage	No proposed rate adjustments	Regular Monthly Rate		
		Current Rate	Proposed Rate	Last Rate Change
		Regular Rate	\$125.00	\$130.00
				May 2011

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved the adjustment to the monthly rate at the City-owned Lexington Street Garage that is managed by the PABC.

MINUTES**EXTRA WORK ORDERS**

* * * * *

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders listed on the following pages:

631 - 632

All of the EWOs had been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

MINUTES**EXTRA WORK ORDERS**

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

Department of Public Works/Engineering & Construction

- | | | | | |
|----|--|----------------|--|-----|
| 3. | EWO #058, \$75,071.00 - W.C. 1164, Towson Finished Water Reservoir Cover and Miscellaneous Repairs | | | |
| | \$18,393,000.00 | \$1,156,219.33 | The Whiting-Turner Contracting Co., Inc. | 0 0 |

Contract documents require that leak tests be performed on the west basin before backfill operations could take place. Due to the delays in getting the west basin commissioned, the contractor was forced to perform backfill operations in the winter months. The existing backfill was 2% or more above the optimum moisture requirements for acceptability. Thus it took unconventional methods to dry the soil to an acceptable compaction ratio. The Whiting-Turner Contracting Co., Inc. submitted a claim for PCO 95 soil drying in the amount of \$96,380.00 and a 17-day time extension. After several meetings, a settlement offer was made in the amount \$75,077.00 which includes a 17-day general condition claim of \$23,702.00. In a letter dated October 23, 2015, The Whiting-Turner Contracting Co., Inc. accepted the negotiated settlement offer of \$75,071.00.

MINUTES

Space Utilization Committee - Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Lease Agreement with Sylvie VanHelden, Lessee, for the rental of a portion of the property known as School 33, Studio #106 (first floor). The period of the agreement is March 1, 2016 through February 28, 2019, with an option to renew for 2 one-year terms.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Monthly Installments</u>
\$4,800.00	\$400.00

BACKGROUND/EXPLANATION:

The leased premises will be used as an artist's studio for the Lessee. The Lessor is responsible for heat, electricity, and water. The Lessee is responsible for content insurance, janitorial, trash receptacles, and security.

The Space Utilization Committee approved this Lease Agreement on February 23, 2016.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Lease Agreement with Sylvie VanHelden, Lessee, for the rental of a portion of the property known as School 33, Studio #106 (first floor).

MINUTESSpace Utilization Committee - Lease Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Lease Agreement with the State of Maryland, Maryland Transit Administration, Lessee, for the rental of a portion of the property known as 801 E. 25th Street, consisting of approximately 28,000 sq. ft. of unpaved land. The period of the agreement is July 1, 2015 through June 30, 2017.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Monthly Installments</u>
\$13,450.00	\$1,120.83

BACKGROUND/EXPLANATION:

The Leased Premises will be used by the Maryland Transit Administration for surface parking in order to accommodate its construction trailers, employees, guests, and invitees during the renovation of the Kirk Ave. Bus Division. No improvements other than those related to a paved parking lot will be made to the demised premises, without the prior written approval of the Lessor. Improvements made to the demised premises by the Lessee will be at its sole cost and expense and will be properly graded to drain and paved with suitable hard surfacing. Adjustments to storm drain inlets or utility manholes or conduits and utilities will be performed according to applicable law and construction codes and Lessor's reasonable specifications and requirements. Except for routine parking and directional signage, the Lessee will not erect any signing, billboard or other form of advertising on the demised premises. The Lessee will return the land to its original unimproved state upon termination of the lease.

MINUTESSpace Utilization Committee - cont'd

The Space Utilization Committee approved this Lease Agreement on February 23, 2016.

The agreement is late because of administrative delays.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Lease Agreement with the State of Maryland, Maryland Transit Administration, Lessee, for the rental of a portion of the property known as 801 E. 25th Street, consisting of approximately 28,000 sq. ft. of unpaved land.

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Space Utilization Committee - Inter-Departmental Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Inter-Departmental Lease Agreement between the Department of General Services, Landlord, and the Department of Finance, Tenant, for the rental of the property known as 4 S. Frederick St. (first floor), consisting of approximately 1,896 sq. ft. The period of the agreement is effective upon Board approval for one year, with an option to renew for 5 one-year terms.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Monthly Installments</u>
\$13,803.00	\$1,150.25

Account: 1001-000000-1550-771400-603013

BACKGROUND/EXPLANATION:

The Department of Finance will use the Leased Premises for offices for retirement services to City employees. The Landlord will be responsible for the maintenance of the interior and exterior of the building including the foundation, roof, walls, gutters, downspouts, air conditioning, ventilating and heating system, utilities, interior and exterior lighting of the leased premises. The Tenant will accept the Leased premises in its current existing condition. The Tenant will provide equipment if applicable, necessary for the operation of the Tenant's programs, including but not limited to telephone and computer services to the Leased premises. The Tenant will be responsible for placing debris from the leased premises into trash receptacles.

MINUTESSpace Utilization Committee - cont'd

The Space Utilization Committee approved this Lease Agreement on February 23, 2016.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Inter-Departmental Lease Agreement between the Department of General Services, Landlord, and the Department of Finance, Tenant, for the rental of the property known as 4 S. Frederick St. (first floor), consisting of approximately 1,896 sq. ft.

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TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

639 - 640

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

MINUTES**TRANSFERS OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Enoch Pratt Free Library</u>		
1. \$250,000.00	9936-919089-9458	9936-913039-9457
1 st Parks & Public Facilities Loan	Forest Park Library	Patterson Park Library

The Patterson Park Library which opened in 1910 is in need of a new roof in order to provide a safe environment for the public and staff and to protect the investment in collections, furnishings, and equipment. The funds are available from the Forest Park Library project which has not begun and will be deferred to address this significant problem at Patterson Park Library. The Forest Park Library renovation remains in the Library's six-year capital improvement plan and will be undertaken as funds become available.

Department of General Services

2. \$100,000.00	9916-908060-9194	9916- 907152 -9197
6 th Public Building Loan	Engine 46 Roof Replacement - Reserve	Engine 50 Roof Replacement - Active

Engine 50 has chronic roof leaks which affect normal operation and functions of the firehouse. A full roof replacement is necessary to alleviate the conditions of the building.

MINUTES**TRANSFERS OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Dept. of General Services - cont'd</u>		
3. \$100,000.00	9916-908104-9194	9916-910404-9197
General Funds	Elevator 4 South Frederick St. - Reserve	4 South Frederick St. Elevator - Active

The elevators are nearing the end of their useful life span, as they, at times, do not travel to the correct floors, and are constantly out of service. The elevator replacement would allow the building to function normally and will reduce future maintenance and repairs on the equipment.

MINUTES

Baltimore Police Department - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Agreement with Carroll Independent Fuel, LLC. The period of the agreement is effective upon Board approval and remains effective until either party terminates the agreement.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

Carroll Independent Fuel, LLC leases certain premises located at 2012 N. Forest Park Ave., Baltimore, MD 21207, (the premises) to an operator of a gas station and convenience store that serves the Windsor Mill and Forest Park communities. Due to an increase in crime in this area, Carroll Fuel has agreed to reimburse the City for some of the expenses related to the deployment of Police Officers at this location to discourage crime and provide a safer environment.

The Agreement does not require any commitment of funds by the City. Carroll Independent Fuel, LLC will reimburse the City at the rate of \$45.00 per hour plus an administrative fee of \$1.00 per hour. This is the rate that the Department officers will be compensated for this deployment, regardless of rank or time in grade.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Agreement with Carroll Independent Fuel, LLC.

MINUTES

Baltimore Police Department - Mutual Aid Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Mutual Aid Agreement between the City, and the Baltimore Police Department and the City of Frederick with the concurrence of the Frederick Police Department. The agreement is effective upon Board approval.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The Baltimore Police Department reviewed its mutual assistance agreements following the civil unrest of April 2015, and in order to provide for public safety, the Department has initiated mutual aid agreements with various Federal, State, and local law enforcement agencies.

Under the terms of this agreement, the Department or the City of Frederick Police Department, may request personnel and equipment from the Chief of the other jurisdiction in the event local resources are insufficient to meet public safety requirements. The Chief of the responding jurisdiction will have discretion to decide whether and how to respond to such requests, taking into account the public safety requirements of the responding jurisdictions.

The agreement does provide that the requesting jurisdiction will indemnify the responding jurisdiction from third party claims that arise from the assistance provided in the requesting jurisdiction. In the future should the City incur any liability under the Mutual Aid Agreement, then a further request for authorization of the expenditure of funds from the Board would be submitted and a source of funds identified.

MINUTES

Baltimore Police Department - cont'd

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Mutual Aid Agreement between the City, and the Baltimore Police Department and the City of Frederick with the concurrence of the Frederick Police Department.

MINUTES

Fire Department - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Agreement with HealthCare Access Maryland, Inc. (HCAM). The period of the Agreement is effective upon Board approval through June 30, 2016, unless terminated earlier in accordance with the Agreement.

AMOUNT OF MONEY AND SOURCE:

\$178,894.00 - 1001-000000-6100-618500-603026

BACKGROUND/EXPLANATION:

The Agreement covers a project known as Operation Care, which was previously provided by then named Baltimore Health Care Access, Inc., (BHCA) in a pilot program in FY 2009. The pilot program was in collaboration with the Baltimore City Health Department and has continued through FY 16.

Operation Care personnel follow high risk patients who frequently call for 911 services and match them to health services providers. The expected outcomes of this program are that patients who frequently call 911 will be properly matched with the services that best addresses their needs and secondarily will result in a reduction in the number of calls for emergency medical services. The Department provides the patient data to the HCAM and its staff does the follow-up with the patients. The program is staffed by the HCAM with a project coordinator and an outreach case manager.

Operation Care is a unique collaboration between HealthCare Access Maryland, Inc. and the Department. This program resolves a Fire Department EMS dilemma of frequent low acuity 911 callers.

MINUTES

Fire Department - cont'd

The Department uses a great deal of resources to meet the demands of these callers but cannot reduce their impact. There is no way to codify a general approach to this problem for competitive bidding. The collaboration with the HCAM allows each person identified as a high volume caller to be greeted and given compassionate cost effective medical care to reduce the 911 burden.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Agreement with HealthCare Access Maryland, Inc.

MINUTES

Health Department - Acceptance of Grant Award and a
Two Month Advance of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of the Notice of Grant Award (NGA) from the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA). The period of the grant is March 1, 2016 through February 28, 2017.

The Board is also requested to approve a two-month advance of funds to the Associated Black Charities, Inc. (ABC) and the Gay Family Foundation (GFF). The period of the advance of funds is March 1, 2016 through April 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$8,145,245.00 - 4000-427716-3023-606100-404001
1,331,400.00 - 4000-498716-3023-606100-404001
\$9,476,645.00

The Two-Month Advance to ABC and GFF are as follows:

Amount	Sub Grantee	Program Services	Budget Account
\$ 40,000.00	ABC, Inc.	Part A - Admin.	4000-427716-3023-273302-603051
1,153,910.00	ABC, Inc.	Part A - Providers	4000-427716-3023-273303-603051
6,657.00	ABC, Inc.	MAI - Admin.	4000-498716-3023-606101-603051
188,615.00	ABC, Inc.	MAI - Providers	4000-498716-3023-606102-603051
<u>36,537.00</u>	GFF, Ltd.	Subgrantee	4000-427716-3023-273307-603051
\$1,425,719.00			

MINUTES

Health Department - cont'd

BACKGROUND/EXPLANATION:

The advance of funds will allow for continuity of Ryan White Part A formula and Minority AIDS Initiative services while scopes of services and budgets are being reviewed and approved for the current program year. This advance is required because the NGA from the HRSA was received on February 3, 2016. It is anticipated that the agreements will be submitted to the Board at a later date. Any funds advanced to ABC and GFF, prior to the execution of an Agreement are subject to the terms and conditions of the Agreement. The sub-grantee agrees that all expenditures are to be made in accordance with the terms and conditions of the funding source.

Acceptance of this grant award will allow the Department to provide funds for essential HIV/AIDS health care and other services to those who lack or are only partially covered by health insurance. Covered services include primary medical care, case management, and assistance in obtaining medications, hospice care, substance abuse treatment, mental health services and other limited services in the areas of housing, transportation, food, legal, childcare, outreach services and other supportive services to persons infected by HIV/AIDS.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

Health Department - cont'd

UPON MOTION duly made and seconded, the Board approved acceptance of the Notice of Grant Award from the U.S. Department of Health and Human Services, Health Resources and Services Administration. The Board also approved the two-month advance of funds to the Associated Black Charities, Inc. and the Gay Family Foundation.

MINUTES

Health Department - Correction to Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize the Correction to Expenditure of Funds for various Senior Centers in the City. The period of the expenditure is July 1, 2015 through June 30, 2016.

AMOUNT OF MONEY AND SOURCE:

N/A

Account: 1001-000000-3255-750700-603041

BACKGROUND/EXPLANATION:

On November 18, 2015, the Board approved an expenditure of funds in the amount of \$247,344.00, to subsidize the transportation costs for the following Senior Centers in the City: Action-in-Maturity, Inc., Department of Recreation and Parks, Forest Park Senior Center, Inc., Govans Ecumenical Development Corporation (GEDCO), Govans Center for Retired Persons, Inc., and Greenmount Senior Center, Inc.

The GEDCO was incorrectly listed. The Board is requested to authorize the removal of GEDCO to add the Allen Center Board, Inc. to the approved list of Senior Centers whose transportation costs will be subsidized. This will allow the Department to subsidize transportation funding for Allen Center Board, Inc.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized the Correction to Expenditure of Funds for various Senior Centers in the City.

MINUTES

Health Department - Employee Expense Statement

ACTION REQUESTED OF B/E:

The Board is requested to approve the Employee Expense Statement for Dawn O'Neil for the months of October and November 2015.

AMOUNT OF MONEY AND SOURCE:

\$ 33.40	-	1001-000000-3001-599000-603002
19.25	-	1001-000000-3001-599000-603003
56.81	-	1001-000000-3001-599000-603002
43.00	-	1001-000000-3001-599000-603003
<u>\$152.46</u>		

BACKGROUND/EXPLANATION:

Ms. O'Neil's expense statements were not completed and submitted in a timely manner. The Expense Statements are now outside of the guidelines set forth by AM 240-11.

The Administrative Manual, in Section 240-11, states that Employee Expense Reports that are submitted more than 40 workdays after the last calendar day of the month in which the expenses were incurred require Board of Estimates approval.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved the Employee Expense Statement for Dawn O'Neil for the months of October and November 2015.

MINUTES

Health Department (BCHD) - Agreements and Amendment to Agreement

The Board is requested to approve and authorize execution of the Agreements and Amendment to Agreement.

AGREEMENTS

1. **CHASE BREXTON HEALTH SERVICES, INC. \$293,435.00**
(CHASE BREXTON)

Account: 4000-484716-3023-513200-403051

This agreement will provide for clinical STD/HIV prevention services to the Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) community.

Chase Brexton has been providing clinical services to the LGBTQ community for more than 30 years. For the purposes of this project, Chase Brexton will be one of the primary providers for Pre-Exposure Prophylaxis (PrEP) targeting men who have sex with men and transgender persons at substantial risk of acquiring HIV. The period of the agreement is September 30, 2015 through September 29, 2016.

The agreement is late because this is a new grant from the Department of Health and Human Services, Centers for Disease Control and Prevention (CDC), when approved by the Board on November 4, 2015. Awards to sub-grantees were made in late November, 2015. The sub-grantees were asked to submit a budget, budget narrative, and scope of services. The BCHD thoroughly reviews the entire package before preparing a contract and submitting it to the Board. These budgets are many times revised because of inadequate information from the providers. The review process is required to confirm with the grant requirements.

MWBOO GRANTED A WAIVER.

MINUTES

Health Department - cont'd

2. **GRANDFAMILY MATTERS, LLC.** **\$ 44,553.60**

Account: 4000-436116-3255-761700-603026

Grandfamily Matters, LLC will provide the services as a liaison for the Grandparents as Parents (GAP) Program. Grandfamily Matters, LLC will visit communities and neighborhoods to develop a relationship with community organizations and residents.

The organization will foster, support, and encourage participation in the GAP Program. It will oversee all aspects of the GAP support groups with Baltimore City Public Schools, as well as with community support groups, and other contractual entities providing services to the target population. The period of the agreement is October 1, 2015 through September 30, 2016.

The agreement is late because it was recently finalized by the Department.

3. **HEALTHY TEEN NETWORK, INC.** **\$15,000.00**

Account: 4000-494416-3030-279200-603051

The organization will revise the health education curriculum for child welfare workers and foster care providers for the Baltimore City Teen Pregnancy Prevention Initiative: Out of Home Youth Project to integrate information about human sex trafficking. The period of the agreement is July 1, 2015 through June 30, 2016.

The agreement is late because of a Departmental oversight. The Department apologizes for lateness.

MINUTES

Health Department - cont'd

4. **THE COMMUNITY COLLEGE OF BALTIMORE COUNTY** \$ 0.00

The Community College of Baltimore County will assign fully qualified physician assistant students for clinical rotations in the Department's Sexually Transmitted Disease Clinics, located at 620 North Caroline Street, Baltimore, MD 21205 and 1515 West North Ave., Baltimore, MD 21217. The period of the agreement is April 1, 2016 through March 31, 2021.

5. **SINAI HOSPITAL OF BALTIMORE, INC.** \$120,780.00

Account: 5000-569716-3023-274412-603051

The Sinai Hospital of Baltimore, Inc. will provide Non-Medical Case Management (NMCM) services to 120 eligible clients who lack insurance or are underinsured. Clients receiving NMCM will be assisted with referrals or service coordination services to address their psychosocial needs. The period of the agreement is July 1, 2015 through June 30, 2016.

This agreement is being presented at this time because the State of Maryland Department of Health and Mental Hygiene's Prevention and Health Promotion Administration programmatically manages Ryan White State Special services. The providers are asked to submit a budget, budget narrative, and scope of services. The Department thoroughly reviews the entire package before preparing a contract and submitting it to the Board of Estimates. These budgets are many times revised because of inadequate information from the providers. This review process is required to confirm with grant requirements.

MWBOO GRANTED A WAIVER.

6. **SINAI HOSPITAL OF BALTIMORE, INC.** \$ 2,837.00

Account: 5000-569716-3023-274429-603051

The Sinai Hospital of Baltimore, Inc. will provide State

MINUTES

Health Department - cont'd

Special Medical Case Management Services (MCM) to eligible clients who lack insurance or are underinsured, for this service category, either having private insurance, Maryland Health Insurance Program (MHIP), or Medicare. Services will also be provided on an interim basis to those clients who are applying for Medical Assistance but whose coverage has not been activated. This includes infants born at hospitals who are in need of immediate services until their Medical Assistance is activated. Those clients receiving MCM will be assisted with coordination of their medical care and will be provided treatment adherence counseling, if required in addition to any referrals or service coordination to address their psychosocial needs. The period of the agreement is July 1, 2015 through June 30, 2016.

This agreement is being presented at this time because the State of Maryland Department of Health and Mental Hygiene's Prevention and Health Promotion Administration programmatically manages Ryan White State Special services. The providers are asked to submit a budget, budget narrative, and scope of services. The Department thoroughly reviews the entire package before preparing a contract and submitting it to the Board of Estimates. These budgets are many times revised because of inadequate information from the providers. This review process is required to confirm with grant requirements.

7. **THE JOHNS HOPKINS UNIVERSITY (JHU) \$236,467.00**

Account: 5000-569716-3023-274443-603051

The JHU will provide comprehensive, HIV primary care to 80 new clients. The period of the agreement is July 1, 2015 through June 30, 2016.

The agreement is late because the Department of Health and Mental Hygiene's Prevention and Health Promotion Administration programmatically manages State Special services. The providers are asked to submit a budget, budget narrative, and scope of services.

MINUTES

Health Department - cont'd

The BCHD thoroughly reviews the entire package before preparing a contract and submitting it to the Board. These budgets are many times revised because of inadequate information from the providers. This review process is required to confirm with the grant requirements.

MWBOO GRANTED A WAIVER.8. **THE JOHNS HOPKINS UNIVERSITY (JHU) \$82,733.00**

Account: 5000-569716-3023-274442-603051

Johns Hopkins University AIDS Service (JHUAS) is a multi-disciplinary program of over 180 practitioners dedicated to treatment and prevention of HIV infection. Through the substance abuse program, JHUAS will provide integrated behavioral care for HIV positive patients with co-occurring substance abuse and mental health disorder who also receive medical care from JHUAS. Techniques used in delivery of service include motivational interviewing, continue behavioral treatment and combines pharmacotherapy for mental health illness and counseling by a drug addict specialist. Counseling strategies include individual and group meetings with the substance abuse counselor. The period of the agreement is July 1, 2015 through June 30, 2016.

The agreement is late because the DHMH Prevention and Health Promotion Administration programmatically manages State Special services. The providers are asked to submit a budget, budget narrative, and scope of services. The BCHD thoroughly reviews the entire package before preparing a contract and submitting it to the Board. These budgets are many times revised because of inadequate information from the providers. This review process is required to confirm with the grant requirements.

MWBOO GRANTED A WAIVER.

MINUTES

Health Dept. - cont'd

RATIFICATION TO AMENDMENT TO AGREEMENT

9. **JOHNS HOPKINS UNIVERSITY BLOOMBERG** **\$0.00**
 SCHOOL OF HEALTH

On October 30, 2013, the Board approved the initial grant agreement with the Abell Foundation in the amount of \$50,000.00 for the period of October 1, 2013 through September 30, 2014.

On August 20, 2014, the Board approved the agreement with Johns Hopkins Bloomberg School of Public Health in the amount of \$9,927.00 for the period of November 1, 2013 through September 30, 2014.

On October 29, 2014, the Board approved the first no-cost extension to the grant agreement to cover the period October 1, 2014 through January 31, 2015. However, due to oversight the agreement with Johns Hopkins Bloomberg School of Public Health was not amended to reflect the extended project period.

On August 26, 2015, the Board approved a second no-cost extension to the grant for the period October 1, 2014 through January 31, 2015.

On June 19, 2015, the Department requested and received approval from the Abell Foundation for a third no-cost extension for the period January 31, 2015 through September 1, 2015. Once more the no-cost extension was not processed for Board approval.

The Board is requested to ratify the amendment to the agreement with Johns Hopkins Bloomberg School of Public Health to cover both no-cost extension periods of October 1, 2014 through January 31, 2015 and January 31, 2015 through September 1, 2015. The Board is also requested to approve and authorize payment for services provided.

AUDITS NOTED THE RATIFICATION OF THE TIME EXTENSION.

MINUTES

Health Dept. - cont'd

RATIFICATIONS OF AGREEMENTS

10. **THE JOHNS HOPKINS UNIVERSITY (JHU)** **\$186,955.00**

Account: 4000-499015-3023-513200-603051

JHU's Center for Child Health Research developed STD materials for the Provider Detailing Kit, managed the improvements for the PRISM and Insight software interfaces, and more comprehensively evaluate the Department's social marketing campaign. Services were provided during the period of January 1, 2015 through December 31, 2015.

The agreement is late because of a protracted process in reaching an acceptable budget and scope of work.

MWBOO GRANTED A WAIVER.

11. **SINAI HOSPITAL OF BALTIMORE, INC.** **\$ 2,900.00**

Account: 5000-569716-3023-274430-603051

The HIV Support Services program at Sinai Hospital has been providing Non-Medical Case Management services to HIV+ and HIV indeterminate individuals for over 20 years. Non-Medical Case Management will be provided to 35 clients who need assistance coordinating their medical care and/or are eligible to receive Medical Case Management through another source, such as their assigned managed care organization via enrollments in Medical Assistance. Services were provided during the period of July 1, 2015 through July 31, 2015.

This agreement is being presented at this time because the State of Maryland Department of Health and Mental Hygiene's Prevention and Health Promotion Administration programmatically manages Ryan White State Special services. The providers are asked to submit a budget, budget narrative, and scope of services.

MINUTES

Health Department - cont'd

The Department thoroughly reviews the entire package before preparing a contract and submitting it to the Board of Estimates. These budgets are many times revised because of inadequate information from the providers. This review process is required to confirm with grant requirements.

12. **FAMILY HEALTH CENTERS OF BALTIMORE, INC. \$25,000.00**

Account: 5000-570416-3041-605800-603051

The organization will work with the Department to improve the prevention, identification, and control of hypertension, diabetes, and pre-diabetes among City residents in zip code 21225. The goal is to create a report to identify existing activities, opportunities and challenges related to increased use of self-measured blood pressure monitoring tied with clinical support and identify and implement systems to facilitate the indemnification of undiagnosed, uncontrolled and/or people with diabetes. The period of the agreement was July 1, 2015 through September 30, 2015.

The agreement is late because the Department's budget submission to the Department of Health and Mental Hygiene's was not approved until late in the fiscal year, this delayed the processing.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Agreements and the Amendment to Agreement.

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Dept. of Housing and Community Development (DHCD)- Options</u>			
1. Pacific Enterprise, LLC	2232 E. North Avenue	G/R \$90.00	\$ 825.00
Funds are available in account 9910-905507-9588-900000-704040, AG Demolition Project.			
2. Ethel Davis, a Life Estate with Full Powers Remainder to Gary Jerome Davis	2232 E. North Avenue	L/H	\$21,250.00
Funds are available in account 9910-905507-9588-900000-704040, AG Demolition Project.			
3. Abdullah Altashy	1600 Argyle Avenue	L/H	\$10,367.00
Funds are available in account 9910-905507-9588-900000-704040, AG Demolition Project.			
4. AG Investments, LLC.	1905 N. Castle St.	G/R \$36.00	\$ 240.00
Funds are available in account 9910-907079-9588-900000-704040.			

DHCD - Rescissions and Approvals of Options

5. Ruby A. Herbert	4745 Park Heights Avenue	L/H	\$16,000.00
Funds are available in account 9910-903183-9588-900000-704040, Park Heights Project.			

On November 25, 2015, the Board approved the acquisition of the leasehold interest by condemnation, in 4745 Park Heights

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

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Rescissions and Approvals - cont'd</u>			
Avenue. The owner is now willing to sell the property to the City for its appraised value of \$16,000.00. Therefore, the Board is requested to rescind the original request and approve an option to purchase the leasehold interest in 4745 Park Heights Avenue.			
6. Timothy J. Oursler, Trustee	2722 Reisterstown Road	G/R \$120.00	\$ 1,100.00

Funds are available in account 9910-908044-9588-900000-704040, Enterprise Reisterstown Road Project.

On November 18, 2015, the Board approved the acquisition of the \$120.00 ground rent interest, by condemnation, in 2722 Reisterstown Road for \$1,000.00. Since the original approval, the owner has negotiated a sale price and would like to proceed with a voluntary settlement. Therefore, the Board is requested to rescind the prior approval and approve an option to purchase the \$120.00 ground rent interest in 2722 Reisterstown Road.

In the event that the option agreement/s fail/s and settlement cannot be achieved, the Department requests the Board's approval to purchase the interest in the above property/ies by condemnation proceedings for an amount equal to or lesser than the option amounts.

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

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Condemnations</u>			
7. Herbert N. Jennings and Estella J. Jennings	2714 Reisterstown Road	G/R \$96.00	\$ 640.00

Funds are available in account 9910-908044-9588-900000-704040,
Enterprise Reisterstown Road Project.

UPON MOTION duly made and seconded, the Board approved the
Options and the Rescissions and Approvals.

MINUTES

Department of General Services - Amendment No. 2 to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Amendment No. 2 to Agreement with Johnson, Mirmiran & Thompson, Inc. (JMT), for Project 1126J. The Amendment will extend the Agreement through March 26, 2017.

AMOUNT OF MONEY AND SOURCE:

N/A, Funds will be identified as Tasks are processed.

BACKGROUND/EXPLANATION:

On March 27, 2013, the Board approved the original agreement for two years with an upset limit in the amount of \$1,831,748.40. On March 18, 2015, the Board approved an extension to the agreement for one year, which will expire on March 26, 2016. Due to extra work that needs to be assigned to the JMT, the Department is requesting a time extension.

MBE/WBE PARTICIPATION:

The Consultant will comply with the MBE goal of 23% and WBE goal of 10% that was approved in the original agreement for Project 1126.

AUDITS NOTED THE TIME EXTENSION AND WILL REVIEW TASK ASSIGNMENTS.

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 2 to Agreement with Johnson, Mirmiran & Thompson, Inc., for Project 1126J.

MINUTES

DHCD - cont'd

FOR FY 2016, MBE AND WBE PARTICIPATION GOALS FOR THE ORGANIZATION WERE SET ON THE AMOUNT OF \$22,518.00, AS FOLLOWS:

MBE: \$6,079.86

WBE: \$2,251.80

3. **CASA DE MARYLAND, INC.** **\$140,000.00**

Accounts: 2089-208916-5930-426426-603051	\$ 59,343.37
2089-208916-5930-426429-603051	\$ 22,790.78
2089-208916-5930-426434-603051	\$ 57,865.85

Through this agreement, the sub-grantee will provide a variety of public services for day laborers and low-wage workers, including permanent and temporary employment placement services, education programs, information and referral services and legal services, representation and workshops. Services will be provided through the sub-grantee's Baltimore Welcome Center located at 2224 E. Fayette Street in the City. The period of the agreement is July 1, 2015 through June 30, 2016.

FOR FY 2016, MBE AND WBE PARTICIPATION GOALS FOR THE ORGANIZATION WERE SET ON THE AMOUNT OF \$29,752.57, AS FOLLOWS:

MBE: \$8,033.19

WBE: \$2,975.25

MINUTES

DHCD - cont'd

4.	BELAIR-EDISON NEIGHBORHOODS, INC. (BENI)	\$94,650.00
	Account: 2089-208916-5930-436872-603051	\$25,650.00
	2089-208916-5930-436881-603051	\$10,000.00
	2089-208916-5930-436883-603051	\$ 4,850.00
	2089-208916-5930-436891-603051	\$54,150.00

This agreement will provide funds to subsidize BENI's operating expenses. BENI will continue to provide homeownership counseling services to low-and moderate-income persons. BENI will also work to facilitate economic development in the Belair-Edison Commercial Business District.

FOR FY 2016, MBE AND WBE PARTICIPATION GOALS FOR THE ORGANIZATION WERE SET ON THE AMOUNT OF \$39,945.00, AS FOLLOWS:

MBE: \$10,785.15

WBE: \$ 3,994.50

On June 17, 2015, the Board approved the Resolution authorizing the Commissioner of the Department of Housing and Community Development (DHCD), on behalf of the Mayor and City Council, to file a Federal FY 2015 Annual Action Plan for the following formula programs:

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

MINUTES

DHCD - cont'd

Upon approval of the resolution, the DHCD's Contracts Section began negotiating and processing the CDBG Agreements as outlined in the Plan to be effective July 1, 2015 and beyond. Consequently, these agreements were delayed due to final negotiations and processing.

5. **EAST BALTIMORE DEVELOPMENT, INC.** **\$3,500,000.00**

Accounts: 9982-910412-9593-900009-706047	\$ 553,782.00
9988-911412-9593-900009-706047	\$ 446,218.00
9990-912412-9593-900009-706047	\$1,500,000.00
9995-913412-9593-900009-706047	\$1,000,000.00

This agreement will provide funds to support the development of a community park in East Baltimore to be known as Eager Park. Eager Park will be a six acre, three linear block park located between Ashland Ave. north to Biddle St. and along the 900 to 1100 blocks of N. Wolfe St. The funds will be used to support the site improvements associated with park construction. Upon completion, the park will provide such amenities as green space for exercise, community garden, a farmers' market, a playground and amphitheater for outdoor concerts and movies. The period of the agreement is effective upon Board approval for one year.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Community Development Block Grant Agreements.

MINUTES

Department of Housing and - Home Investment Partnership
Community Development Program Loan

ACTION REQUESTED OF B/E:

The Board is requested to approve a HOME Investment Partnerships Program Loan in the amount of \$1,280,000.00 to Franklin Flats LLC, for the property known as Franklin Lofts & Flats located at 20 E. Franklin Street. The Board is further requested to authorize the Commissioner of the Department of Housing and Community Development to execute any and all documents to effectuate this transaction **SUBJECT** to review and approval for form and legal sufficiency by the Department of Law.

AMOUNT OF MONEY AND SOURCE:

<u>Sources</u>		<u>Uses</u>	
Capital One	\$ 950,000.00	Construction	\$ 9,898,188.00
Permanent Loan		Cost (includes contingency)	
MD CDA Rental	1,940,000.00	Fees Related to	1,320,250.00
Housing Program		Construction:	
HOME Loan	1,280,000.00	Financing Costs	811,586.00
Tax Credit	11,839,568.00	Developer Fee	1,813,727.00
Equity			
Deferred Fee	<u>266,786.00</u>	Guarantees and	201,946.00
		Reserves:	
		Acquisition	2,100,000.00
		Costs	
		Syndication	130,657.00
		Related Costs	
Total:	\$16,276,354.00	Total:	<u>\$16,276,354.00</u>

Account: 9910-901270-9610

BACKGROUND/EXPLANATION:

The proceeds of the HOME loan will be used to support a portion of the hard construction costs of the adaptive reuse and the new construction of 41 residential units of affordable housing.

MINUTES

DHCD - cont'd

Osprey Property Company LLC is a for-profit real estate developer specializing in affordable housing and commercial development projects. The company has a 27-year history of successfully completing development projects throughout the Mid-Atlantic region, including Baltimore.

The subject of this request, 20 East Franklin Street, is located in the Mount Vernon cultural district of downtown Baltimore at the northwest corner of East Franklin Street as it intersects with St. Paul Street and is an approximately 9,700 square feet rectangular shaped parcel. The building now stands vacant after use as offices and, most recently, as a charter school. The proposed Project will: 1) convert a vacant structure on a high-profile corner of downtown Baltimore to active use, 2) help reduce the stock of underutilized real estate in the City and contribute to the on-going revitalization of the downtown and Mount Vernon neighborhoods; and 3) will require both rehabilitation of a portion of the existing building, as well as new construction. Upon completion, the proposed development will have a gross building area of approximately 50,000 square feet and contain 41 units (20 one-bedroom units, 16 two-bedroom units and 5 three-bedroom units) and will be known as "Franklin Flats & Lofts" (the Project). In addition to the residential units, the Project will contain a multi-purpose room, resident lounge, tenant storage, and laundry room. The new construction portion will be a five and one-half story building built over a concrete podium which will allow for 11 secured parking spaces. All 41 units will be affordable to families earning less than 60% of the Area Median Income, adjusted for family size (AMI).

The Housing Authority of Baltimore City (HABC) will provide Project Based Section 8 vouchers through a renewable Housing Assistance Payment contract (the HAP Contract) for 7 one-bedroom Non-Elderly Disabled (NEDs) units as defined under the Bailey Consent Decree. The City and the HABC will require all seven units to be restricted for exclusive use for at least 15 years in accordance with and meeting the requirements of the Bailey Consent Decree.

MINUTES

DHCD - cont'd

A NED refers to a family whose sole member, head of household, or head of household's spouse is a person with a disability who is under age 62, who is eligible for a one-bedroom public housing unit or for a two-bedroom public housing unit because a second bedroom is needed for disability-related reasons, and who is on the HABC waiting list for public or Section 8 subsidized housing.

The HOME Loan will be used solely to finance a portion of the hard construction costs of the Project.

An appraisal was prepared on October 23, 2015, by Cushman & Wakefield. The future prospective investment value of the stabilized Project, assuming affordable rents, was determined to be \$3,050,000.00 (the prospective investment value of the stabilized Project assuming market rents was determined to be \$6,300,000.00). The appraised value is below the total cost of the project. This is common in transactions involving Low Income Housing Tax Credit (LIHTC) and affordable housing. The LIHTC provides equity, which achieves its return through a federal tax credit rather than through the value of the property. Without the value of the LIHTC financing, projects with restricted rents could not be financed. Since the reduced rents decrease the appraised value, the combined debt is well under the appraised value, leaving only the equity exposed, which is, as noted above relying on tax incentives rather than the property. The Department is comfortable recommending the HOME Loan under these circumstances.

Participating Parties:

A. Developer

Franklin Flats LLC, an affiliate of Osprey Property Company LLC will act as owner/borrower for the project. The Women's Housing Coalition, Inc. will be the non-profit partner of the borrower and will assist the property manager to provide appropriate resident services. Osprey Property Company LLC will guarantee construction completion and will also act as the Administrative Member of the Borrower.

MINUTES

DHCD - cont'd

B. General Contractor/Architect

Hamel Builders will act as the general contractor. Cho Benn Holback will provide architectural services.

C. Participating Lenders:

Capital One Bank - 1st Lien permanent loan and 3rd Lien construction bridge loan

Capital One Bank will make a construction loan in the approximate amount of \$9,100,000.00 (the CONA Loan). The CONA Loan will be comprised of a permanent loan in the approximate amount of \$950,000.00 (the CONA Permanent Loan) and a bridge loan in the approximate amount of \$8,150,000.00 (the CONA Bridge Loan).

The CONA Permanent Loan will have a construction period of 24 months before any allowable extensions. During this period, the interest rate on the CONA Permanent Loan will be approximately 250 basis points over one-month LIBOR. Following the construction loan period, the CONA Permanent Loan will have a fixed interest rate which is currently estimated to be 6.00%, a term of 15 years, with an amortization schedule of 30 years. The CONA Bridge Loan will have a term of 24 months from the date of loan closing (plus any applicable extensions), will have approximately 250 basis points over one-month LIBOR, and will require monthly interest payments.

MD CDA RHP Loan - 2nd Lien Construction/2nd Lien Permanent

MD CDA will make a loan from its Rental Housing Program in an amount up to \$1,940,000.00 (the RHP Loan) to fund permitted development costs. No interest will be charged on the RHP Loan during the construction period of 18 months, which will include up to three months for cost certification. The RHP Loan will have a permanent loan term of 40 years following completion of construction during which time principal and contingent interest will be due and payable in accordance with the CDA program requirements and applicable loan documents.

MINUTES

DHCD - cont'd

Baltimore City HOME Loan - 4th Lien Construction/3rd Lien Permanent

The HOME Loan will be in the approximate amount of \$1,280,000.00 and will have the same construction loan period as the RHP Loan. Following construction completion, the HOME Loan will have a 40 year permanent loan period (the HOME Permanent Loan Period). The interest rate on the HOME Loan will be 0%. No payment on the HOME Loan will be required during construction, but during the HOME Permanent Loan Period, principal and contingent interest will be due and payable in accordance with the CDA program requirements and applicable loan documents. The outstanding principal balance and any deferred and accrued interest is due and payable on the last day of the HOME Permanent Loan Period. The HOME Loan will be long-term, subordinate, non-recourse debt.

MBE/WBE PARTICIPATION:

Article 5, Subtitle 28 of the Baltimore City Code for Minority and Women's Business Opportunity is fully applicable and no request for a waiver has been made.

THE DEPARTMENT OF FINANCE REVIEWED AND RECOMMENDED APPROVAL.

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$1,280,000.00	9910-923006-9609	9910-901270-9610
Federal HOME FY 2015	HOME FY 2015 Reserve	Franklin Lots & Flats Apartments

This transfer will provide Federal HOME funds to Franklin Flats LLC to support a portion of the construction costs of the rehabilitation and new construction of Franklin Lofts and Flats Apartments.

MINUTES

DHCD - cont'd

UPON MOTION duly made and seconded, the Board approved the HOME Investment Partnerships Program Loan in the amount of \$1,280,000.00 to Franklin Flats LLC, for the property known as Franklin Lofts & Flats located at 20 E. Franklin Street. The Board also authorized the Commissioner of the Department of Housing and Community Development to execute any and all documents to effectuate this transaction **SUBJECT** to review and approval for form and legal sufficiency by the Department of Law. The Transfer of Funds was approved, **SUBJECT** to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter.

MINUTES

Department of Housing and - Home Investment Partnership
Community Development Program Loan

ACTION REQUESTED OF B/E:

The Board is requested to approve a HOME Investment Partnership Program Loan in the amount of \$780,035.00 to Orchard Ridge Rental V, LLC, for the properties known as Orchard Ridge Phase V Project located at 4316 Friar Field Run; 4325-4329 Orchard Ridge Blvd.; 4317-4323½ Orchard Ridge Blvd.; 4303-4315½ Orchard Ridge Blvd.; 4301-4301½ Orchard Ridge Blvd.; 3807 Strawberry Field Lane; 4300-4314 Friar Field Run; 3801 Strawberry Field Lane; 3802-3816 Strawberry Field Lane; 4201-4225 Orchard Ridge Blvd.; and 3869-3889 Sinclair Lane all in Baltimore City. The Board is also requested to authorize the Commissioner of the Department of Housing and Community Development to execute any and all documents to effectuate this transaction **SUBJECT** to review and approval for form and legal sufficiency by the Department of Law.

AMOUNT OF MONEY AND SOURCE:

<u>Sources</u>		<u>Uses</u>	
Sun Trust Bank	\$ 2,260,956.00	Acquisition	\$ 1,184,891.00
Loan		Costs	
MD CDA Rental	2,000,000.00	Construction	12,477,431.00
Housing		Cost (includes	
Program		contingency)	
HOME Loan	780,035.00	Fees Related to	1,209,943.00
		Construction:	
Tax Credit	12,925,505.00	Financing Costs	606,311.00
Equity		Developer Fee	1,985,441.00
		Guarantees and	345,961.00
		Reserves:	
		Syndication	156,518.00
		Related Costs	
Total:	\$17,966,496.00	Total:	\$17,966,496.00

Account: 9910-906280-9610

MINUTES

DHCD - cont'd

BACKGROUND/EXPLANATION:

The proceeds of the HOME loan will be used to support a portion of the hard construction costs of the new construction of 65 residential units of affordable housing of which 58 are to be affordable and 7 units are to be market rate rental housing.

The Housing Authority of Baltimore City (HABC) owns a 60-acre site located between Sinclair Lane and Erdman Avenue, where the former Freedom Village Apartments and Claremont Homes used to be located, and is proceeding with a master-planned community known as Orchard Ridge. Orchard Ridge is being built with an approximately 478 newly constructed mixed-income rental and for-sale housing units and a community center. Orchard Ridge is expected to be constructed in seven phases. The HABC has invested funds for the demolition of the existing buildings and City funds have been invested for infrastructure design and construction. After a Request for Qualifications process that began in 2004, the contract for the real estate redevelopment was awarded to the Developer on May 10, 2005. Construction has been completed for all of the prior phases: (i) Rental Phase I, (ii) Rental Phase II, (iii) Rental Phase III, (iv) Rental Phase IV, and (v) Homeownership Phase I. Habitat for Humanity of the Chesapeake is also undertaking a second homeownership phase on the Orchard Ridge site.

The subject of this request is the sixth phase of development, Rental Phase V, which will provide 65 new rental units (the Project), of which 58 units will be required to be made available for families with incomes at or below 60% of the area median income (the HOME Restricted Units). The remaining seven rental units will be market rate. The Project is structured as follows: HABC will enter into a ground lease with Orchard Ridge Rental V, LLC (the Borrower) for the lease of the land and will retain a long-term ownership interest in the Project by creating a wholly owned subsidiary to act as a non-managing member of the Borrower.

MINUTES

DHCD - cont'd

Within the Project, 10 one-bedroom units will be set aside for the NED Units and six units (including 5 three-bedroom units and 1 four-bedroom unit) will be set aside for UFAS/LTA residents (the LTA units). These 16 units will have Project Based Section 8 Vouchers (the Vouchers) for persons earning 30% or less of the Area Median Income, adjusted for family size (AMI). Of the remaining 49 units, seven will be set aside for persons earning up to 50% of the AMI, 35 units will be set aside for persons earning up to 60% of the AMI, and seven units will have no income restrictions.

The Borrower will enter into a Development Agreement with Penrose Properties, LLC to develop the Project. The HABC will also provide the Vouchers through a renewable Housing Assistance Payment contract for the 16 units described above in order to meet the Bailey Consent Decree. The City and the HABC will require that the NED Units will be reserved for exclusive use for at least six years for Non-Elderly Persons with Disabilities (NED) and the LTA Units will be maintained as long-term affordable (LTA) in accordance with and meeting the requirements of the Bailey Consent Decree. A NED refers to a family whose sole member, head of household, or head of household's spouse is a person with a disability who is under age 62, who is eligible for a one-bedroom public housing unit or for a two-bedroom public housing unit because a second bedroom is needed for disability-related reasons, and who is on an HABC waiting list for public or Section 8 subsidized housing.

The HOME Loan will be used solely to finance a portion of the hard construction costs of the Project.

An appraisal, dated as of February 1, 2016, but with an effective date of November 13, 2015, was prepared by Novogradac and Company LLP. The prospective market value, "As Complete and Stabilized" of the Borrower's leasehold interest, assuming restricted rents, as of June 2017, is \$6,100,000.00. The appraised value is below the total cost of the Project. This is common in transactions involving LIHTC and affordable housing.

MINUTES

DHCD - cont'd

The LIHTC provides equity, which achieves its return through a federal tax credit rather than through the value of the property. Without the value of the LIHTC financing, projects with restricted rents could not be financed. Since the reduced rents decrease the appraised value, the combined debt is well under the appraised value, leaving only the equity exposed, which is, as noted above relying on tax incentives rather than the property. The DHCD is comfortable recommending the HOME Loan under these circumstances.

Participating Parties:

A. Developer

Penrose Properties, LLC and Rellim Development, LLC, will act as co-developers for the Project. Penrose Development, LLC will guarantee construction completion and will also act as the (Managing member of the managing member) of the Borrower.

B. General Contractor/Architect

Harkins Builders, Inc. will act as the general contractor. Wallace, Roberts & Todd, LLC will provide architectural services.

C. Participating Lenders:

Sun Trust Bank - 1st Lien permanent loan

Sun Trust Bank will make a construction/permanent loan in the approximate amount of \$2,260,956.00 (the Sun Trust Permanent Loan) for a term of 16 years from the end of the Construction Loan Period amortized on a 30-year schedule no later than 24 months after conversion to the permanent phase. The interest rate of the Sun Trust Permanent Loan is expected to be 260 basis points over one month LIBOR during construction and 230 basis points over the one month LIBOR during the permanent loan period. As a condition of the loan, the Borrower will be required to enter into an interest rate swap with Sun Trust Bank.

MINUTES

DHCD - cont'd

MD CDA RHP Loan - 2nd Lien Construction/2nd Lien Permanent

The Community Development Administration, a unit of the Division of Development Finance of the Department of Housing and Community Development, a principal department of the State of Maryland (CDA), will make a loan from its Rental Housing Program in an amount up to \$2,000,000.00 (the RHP) to fund permitted development costs. No interest will be charged on the RHP Loan during the construction period of no greater than 24 months, which will include up to three months for cost certification. The RHP Loan will have a Permanent loan term of 40 years following completion of construction during which time interest will be charged at a rate of 2% per annum and payments from 75% of available surplus cash will amortize the RHP Loan on a level schedule.

Sun Trust Bank - 3rd Lien Construction Loan

Sun Trust Bank will make a bridge loan (the SunTrust Bridge Loan) in the approximate amount of \$3,739,044.00. The SunTrust Bridge Loan will be for 24 months, plus any applicable extension, from the date of the loan closing and the interest rate will be equal to the one-month LIBOR Index plus a margin of 2.60% with monthly interest payments. The SunTrust Bridge Loan is expected to be repaid from the equity generated by the sale of the low-income housing tax credits.

Baltimore City HOME Program - 4th Lien Construction/3rd Lien Permanent Loan

The construction loan period will be coterminous with the RHP Loan, and its permanent loan period (the Permanent Loan Period) will be 40 years from the date of conversion to the permanent loan period (the HOME Maturity Date). The interest rate during the construction period and Permanent Loan Period will be set at 0%.

MINUTESDHCD - cont'd

No payments on the HOME Loan will be required during construction, but following completion of construction, annual payments of principal and interest will be due from the Borrower in an amount necessary to fully amortize the principal sum through the term of the HOME Loan (the HOME Payments). However, any HOME Payments made by the Borrower will be paid from that portion of the 75% of surplus cash generated by the Project that remains after the payment of the RHP Loan, and to the extent such surplus cash is not available, the HOME Payment due and owing will be deferred. The outstanding principal balance and any deferred and accrued interest is due and payable on the HOME Maturity Date. The HOME Loan will be long-term, subordinate, non-recourse debt.

MBE/WBE PARTICIPATION:

Article 5, Subtitle 28 of the Baltimore City Code for Minority and Women's Business Opportunity is fully applicable and no request for a waiver has been made.

THE DEPARTMENT OF FINANCE REVIEWED AND RECOMMENDED APPROVAL.

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$780,035.00	9910-923006-9609	9910-906280-9610
Federal HOME	HOME FY 2015	Orchard Ridge
FY 2015	Reserve	Rental Phase V

This transfer will provide Federal HOME funds to Orchard Ridge Rental V, LLC to support a portion of the construction costs of the Orchard Ridge Rental Phase V.

MINUTES

DHCD - cont'd

UPON MOTION duly made and seconded, the Board approved the HOME Investment Partnership Program Loan in the amount of \$780,035.00 to Orchard Ridge Rental V, LLC, for the properties known as Orchard Ridge Phase V Project located at 4316 Friar Field Run; 4325-4329 Orchard Ridge Blvd.; 4317-4323½ Orchard Ridge Blvd.; 4303-4315½ Orchard Ridge Blvd.; 4301-4301½ Orchard Ridge Blvd.; 3807 Strawberry Field Lane; 4300-4314 Friar Field Run; 3801 Strawberry Field Lane; 3802-3816 Strawberry Field Lane; 4201-4225 Orchard Ridge Blvd.; and 3869-3889 Sinclair Lane all in Baltimore City. The Board also authorized the Commissioner of the Department of Housing and Community Development to execute any and all documents to effectuate this transaction **SUBJECT** to review and approval for form and legal sufficiency by the Department of Law. The Transfer of Funds was approved, **SUBJECT** to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter.

MINUTES

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 Lydia Alexander, Developer, for the sale of the City-owned property located at 1441 Montpelier Street.

AMOUNT OF MONEY AND SOURCE:

\$1,000.00

BACKGROUND/EXPLANATION:

The purchaser intends to use the lot as green space. Ms. Alexander currently owns the adjacent property located at 1443 Montpelier Street and lives at 1445 Montpelier Street.

The lot was journalized and approved for sale on December 5, 2012.

STATEMENT OF PURPOSE AND RATIONALE FOR SALE BELOW THE PRICE DETERMINED BY THE WAIVER VALUATION PROCESS:

Pursuant to the Baltimore City's Appraisal Policy, 1441 Montpelier St., is assessed at \$1,000.00 and is being sold at the same price of \$1,000.00. Also, in accordance with the Appraisal Policy, "unimproved real property with an assessed value of \$2,500.00 or less will not require an appraisal."

MBE/WBE PARTICIPATION:

N/A

MINUTES

DHCD - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Land Disposition Agreement with Lydia Alexander, Developer, for the sale of the City-owned property located at 1441 Montpelier Street.

MINUTES

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 Necktie SF Joint Venture, Developer, for the sale of the City-owned properties located at 1424 Druid Hill Avenue and 503 Mosher Street, in the Upton Marble Neighborhood.

AMOUNT OF MONEY AND SOURCE:

\$ 1,000.00 - 1424 Druid Hill Avenue
 1,000.00 - 503 Mosher Street
\$ 2,000.00 - Purchase price payable at the time of settlement

BACKGROUND/EXPLANATION:

The project will consist of converting and using the vacant lots for parking and green space. The Developer plans to invest approximately \$51,889.00 into this project. The project will be privately funded.

The authority to sell this property is Article 11, Section 15 of the Baltimore City Charter and Article 28 of the Baltimore City Code (2010 Edition).

STATEMENT OF PURPOSE AND RATIONALE FOR SALE BELOW THE PRICE DETERMINED BY THE WAIVER VALUATION PROCESS:

Not Applicable. 1424 Druid Hill Avenue and 503 Mosher Street are valued at \$1,000.00 each. Pursuant to the Baltimore City Appraisal Policy, properties assessed below \$2,500.00 by the State Assessment and Taxation do not have to be appraised for value, as such, appraisals are not necessary for these properties.

MINUTES

DHCD - cont'd

MBE/WBE PARTICIPATION:

The Developer will purchase the properties for a price that is less than \$50,000.00 and will receive no City funds or incentives for the purchase or rehabilitation; therefore, MBE/WBE is not applicable.

A PROTEST WAS RECEIVED FROM THE UPTON HISTORIC MARBLE HILL PRESERVATION COMPLIANCE BOARD. A SUPPLEMENTAL PROTEST WAS RECEIVED FROM THE UPTON HISTORIC MARBLE HILL PRESERVATION COMPLIANCE BOARD.

UPON MOTION duly made and seconded, the Board **DEFERRED** the Land Disposition Agreement with Necktie SF Joint Venture this item for one week.



**UPTON HISTORIC MARBLE HILL
PRESERVATION COMPLIANCE BOARD**

421 Mosher Street
Baltimore, MD 21217

February 21, 2016

Board of Estimates
c/o Clerk to the Board of Estimates
Room 204
City Hall
100 North Holiday Street
Baltimore, MD 21202

Dear Clerk to the BOE:

Re: **Letter of Protest**

This letter is regarding the properties 1424 Druid Hill and 503 W. Mosher Street. A request has been made by a developer (Necktie SF Joint Venture, LLC) for those lots with the intent for them to be used for parking. The Marble Hill community has gone on record that they do not support parking structures on major thru fares as recently as last month regarding the demolition of a corner building in the 1200 block of Druid Hill Avenue. Awarding of the 1424 Druid Hill Avenue and 503 W. Mosher Street lots for use as a parking structure creates a dangerous precedent within a historic footprint and establishes a trend in the community of dismantling old structures and using open spaces to create parking lots in the middle of blocks for resident parking.

Neighbors in Historic Marble Hill are extremely concerned as to the awarding of properties to a developer who owns blocks of abandoned properties still sitting vacant with no physical signs of restoration. Furthermore, the developer in question, Necktie SF Joint Venture, LLC, has outstanding violations on property in the community including 1423 Druid Hill Avenue. The community questions how the City can continue to award properties and lots to this developer who presents to be indifferent to the historic fabric of the Marble Hill Community.

Contrary to the Marble Hill Community Association claims, no full assessment of the community's property distribution process has been discussed with homeowners and community residents in an open community forum. Throughout this process, no referral was made to the Marble Hill Architectural Review Committee on this matter. Marble Hill is a local Historic District in Baltimore City and liable to correct preservation protocols, which have not been followed regarding these properties.

I suggest strongly this matter be tabled until more clarity is given to the Marble Hill Preservation Compliance Board. We welcome an opportunity to meet with the appropriate city representatives to discuss these two properties.

Sincerely,

Marion Blackwell

Marion Blackwell
Chair, Upton Historic Marble Hill Preservation Compliance Board

cc Councilman Bernard C. Jack Young
Councilman Eric T. Costello



**UPTON HISTORIC MARBLE HILL
PRESERVATION COMPLIANCE BOARD**

421 Mosher Street
Baltimore, MD 21217

February 29, 2016

Board of Estimates
c/o Clerk to the Board of Estimates
Room 204
City Hall
100 North Holiday Street
Baltimore, MD 21202

Dear Clerk to the BOE:

Re: **Letter of Protest**

This letter is a follow-up to the letter dated February 21, 2016 regarding the properties 1424 Druid Hill and 503 W. Mosher Street. A request has been made by a developer (Necktie SF Joint Venture, LLC) for those lots with the intent for them to be used for parking.

The community wishes to raise several other issues for consideration and clarity:

1. **Developer Concerns.** The developer in question, Necktie SF Joint Venture, LLC, has outstanding violations on property in the community including 1423 Druid Hill Avenue. This developer has had numerous citations and violations since 2011 on other properties as well. This developer is not a model developer for Upton or any other community.
2. **Zoning.** The community is concerned that giving lots to a developer for parking prior to the zoning process being followed is not setting a good precedent for future development in our community. Furthermore, it potentially circumvents current City zoning statutes.
3. **CHAP.** These ^{lots}lost are within a CHAP local district, which requires the following of preservation guidelines. It is our understanding that no request has been made to CHAP regarding these properties and the community Architectural Review Representative has not been contacted.
4. **Community Concerns.** Contrary to the Marble Hill Community Association claims, no full assessment of the community's property distribution process has been discussed with homeowners and community residents in an open community forum. This is evidenced by the signatures of over 20 homeowners and stakeholders attached protesting this land distribution.

The Marble Hill community and the architectural review person are requesting that this matter be tabled until there can be an open community forum regarding this request.

Sincerely,

Marion Blackwell

Marion Blackwell

Chair, Upton Historic Marble Hill Preservation Compliance Board

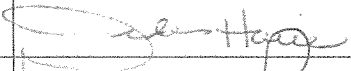



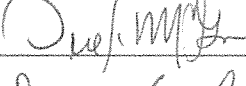





cc Councilman Bernard C. Jack Young

Councilman Eric T. Costello

MARBLE HILL COMMUNITY PARKING LOT PETITION

Marble Hill Community Constituents, who have signed below

DO NOT support developer Necktie SF Joint Venture, LLC receiving 1424 Druid Hill and 503 W. Mosher Street lots to be used for parking

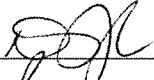
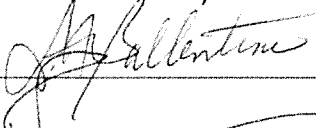
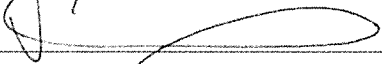

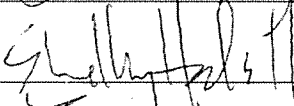


PRINTED NAME	SIGNATURE	ADDRESS
1. Jules Houre		1514 McCuller Street
2. CAME/PERNER		1516 McCuller St
3. Frances Lancy		1741 Druid Hill Ave
4. Darin Chambers		1102 Druid Hill Ave
5. Derek McGowan		1512 Madison Avenue
6. WILLIAM BLACKWELL		1510 McCowan St 21217
7. Gerard Hardy		1711 Druid Hill Ave
8. P. HARDY		1711 DRUID Hill ave
9. Maurice Wooden		422 Main Street 422 W. Mosher St.
10. Marion Dackull		1425.1 Druid Hill Ave

SPONSOR
SPONSOR

MARBLE HILL COMMUNITY PARKING LOT PETITION

Marble Hill Community Constituents, who have signed below


DO NOT support developer Necktie SF Joint Venture, LLC receiving 1424 Druid Hill and 503 W. Mosher Street lots to be used for parking

PRINTED NAME	SIGNATURE	ADDRESS
1. Dina Rodriguez		420 W. Mosher St. Bmore 21217
2. T. STEPHENS	Jeresa Stephens	418 W. Mosher St. 21217
3. L.A. Ballentine		423 Mosher St., 21217
4. Eric Brown		419 Mosher St 21217
5. Wallace Stephens	Wallace Stephens	418 W. Mosher st 21217
6. Fred Tillman		420 W. Mosher St. 21217
7. Shelley Halstead		425 W. Mosher St. 21217
8. LAKIA LEE		419 W. Mosher St. 21217
9. Marion Dackull		421 Mosher St.
10. Brenda K. Gibson	Brenda K. Gibson	1421 Druid Hill Ave. 21217

MARBLE HILL COMMUNITY PARKING LOT PETITION

Marble Hill Community Constituents, who have signed below

DO NOT support developer Necktie SF Joint Venture, LLC receiving 1424 Druid Hill and 503 W. Mosher Street lots to be used for parking

PRINTED NAME	SIGNATURE	ADDRESS
1. Myron D. Howie		1514 McCallister St. 2007
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

MINUTES

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

- | | | | |
|----|--|---------------------|----------------|
| 1. | <u>F.W. HAXEL COMPANY</u> | <u>\$ 12,000.00</u> | <u>Renewal</u> |
| | Solicitation No. B50003400 - Banner Supplies & Sewing -
Department of Public Works - Office of the Director - P.O.
No. P526634 | | |

On March 13, 2014, the City Purchasing Agent approved the initial award in the amount of \$8,000.00. The award contained two renewal options. On September 30, 2014, the City Purchasing Agent approved an increase in the amount of \$4,000.00. On January 23, 2015, the City Purchasing Agent approved the first renewal in the amount of \$12,000.00. This final renewal in the amount of \$12,000.00 is for the period March 10, 2016 through March 9, 2017.

- | | | | |
|----|--|----------------|----------------|
| 2. | <u>MID-ATLANTIC CAR WASH
TECHNOLOGY, INC.</u> | <u>\$ 0.00</u> | <u>Renewal</u> |
| | T/A WASH TECH
Solicitation No. B50002351 - OEM Parts and Service for the
Tandem Rite Touch Car Wash - Department of General Services
- Fleet Management Division - P.O. No. P519848 | | |

On April 4, 2012, the Board approved the initial award in the amount of \$15,000.00. The award contained two 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$0.00 is for the period April 1, 2016 through March 31, 2017.

- | | | | |
|----|--|--------------------|-----------------|
| 3. | <u>WASTE EQUIPMENT SALES
AND SERVICE, LLC</u> | <u>\$24,500.00</u> | <u>Increase</u> |
| | Solicitation No. B50003265 - OEM Parts and Service for
Steller K-Pacs - Department of General Services - Fleet
Management - P.O. No. P525784 | | |

MINUTES

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

This final renewal in the amount of \$229,280.00 is for the period March 14, 2016 through March 13, 2018. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

- | | | |
|--|---------|---------|
| 7. MCAFEE ELECTION SERVICES, INC. | \$ 0.00 | Renewal |
| Contract No. 06000 - Election Services - Board of Elections - P.O. No. P531956 | | |

On February 5, 2014, the Board approved the initial award in the amount of \$1,079,530.00. The award contained two 2-year renewal options. On June 17, 2015, the Board approved an increase in the amount of \$435,369.00. The State of Maryland has implemented new voting machines with respective new procedures for the upcoming 2016 elections that will require additional setup work for both the primary and general elections. This renewal in the amount of \$0.00 is for the period February 5, 2016 through February 4, 2018, with one 2-year renewal option remaining. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

- | | | |
|--|--------------|---------|
| 8. ORASURE TECHNOLOGIES, INC. | \$150,000.00 | Renewal |
| Contract No. 08000 - Oraquick Advance HIV Test Kits - Health Department - P.O. No. P522548 | | |

On January 24, 2013, the City Purchasing Agent approved the initial award in the amount of \$24,450.00. The award contained two 1-year renewal options. Subsequent actions have been approved.

MINUTES

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

This final renewal in the amount of \$150,000.00 is for the period February 15, 2016 through February 14, 2017. The above amount is the City's estimated requirement.

- | | | |
|---|--------------|---------|
| 9. NETSMART TECHNOLOGIES,
INC. | \$ 46,308.06 | Renewal |
| Contract No. 08000 - Software Maintenance Support - Health Department - P.O. Nos. P520596 and P520608 | | |

On June 20, 2012, the Board approved the initial award in the amount of \$31,050.00. The award contained four 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$46,308.06 is for the period March 21, 2016 through March 20, 2017. The above amount is the City's estimated requirement.

- | | | |
|---|------------------------------|---------|
| 10. <u>ITEM 1</u>
UNIVAR USA, INC. | \$ 250,000.00 | |
| <u>ITEM 2</u>
KUEHNE CHEMICAL COMPANY,
INC. | 3,000,000.00 | |
| <u>ITEM 3</u>
KLEEN-RITE CORPORATION | 150,000.00 | |
| | <u>\$3,400,000.00</u> | Renewal |
| Contract No. B50002309 - 15% Sodium Hypochlorite - Department of Public Works, Bureau of Water and Wastewater, Recreation and Parks - P.O. Nos. P520017, P520018, and P520019 | | |

On April 4, 2012, the Board approved the initial award in the amount of \$3,270,000.00. The award contained four 1-year renewal options. Three renewals have been exercised.

MINUTES

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

This final renewal in the amount of \$3,400,000.00 is for the period May 1, 2016 through April 30, 2017. The above amount is the City's estimated requirement.

- | | | |
|---|--------------|----------|
| 11. CROVATO PRODUCTS
AND SERVICES, LLC | \$110,000.00 | Increase |
| Contract No. 06000 - BG Chemicals - Department of General Services, Fleet Management - P.O. No. P524844 | | |

On September 4, 2013, the Board approved the initial award in the amount of \$150,000.00. The award contained two 1-year renewal options. On February 11, 2015, the Board approved an increase in the amount of \$100,000.00. In order to continue to provide BG Chemicals for automatic transmissions in City fleet vehicles, an increase in the amount of \$110,000.00 is necessary. This increase will make the award amount \$360,000.00. The contract expires on September 30, 2016, with two 1-year renewal options remaining. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

- | | | |
|---|--------------|-------------|
| 12. PHILADELPHIA MIXING
SOLUTIONS, LTD | \$ 81,794.00 | Sole Source |
| Contract No. 08000 - Anoxic Mixer Replacement Parts - Department of Public Works Wastewater Facilities - Req. No. R718252 | | |

The vendor is the sole manufacturer and distributor of these products compatible with currently installed equipment. This is a one-time purchase. The above amount is the City's estimated requirement.

MINUTES

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

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 (e) (i) of the City Charter, the procurement of the equipment and/or service is recommended.

13. ENVIRONMENTAL SERVICE AND
EQUIPMENT COMPANY, INC. \$300,000.00 Sole Source
 Contract No. 08000 - Wallace & Tiernan Chlorinator Parts, Accessories - Department of Public Works - Water and Wastewater - Req. Nos. R716872 and R723064

The vendor is the manufacturer's sole authorized source of these products, which must be compatible with currently installed equipment. The period of the award is March 2, 2016 through March 1, 2018, with one 2-year renewal option remaining.

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 (e) (i) of the City Charter, the procurement of the equipment and/or service is recommended.

14. POWER & TELEPHONE
SUPPLY COMPANY \$177,284.85 Selected Source
 Contract No. 06000 - Traffic Signal Cables - Department of Transportation - Safety Division - Req. No. R709158

This item has been placed out for bid on two occasions with no bids received. The selected incumbent vendor submitted a quote that was determined to be fair and reasonable.

MINUTES

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

The period of the award is March 2, 2016 through March 1, 2018, with three 1-year renewal options remaining. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

- | | | |
|--|----------------|-----------------|
| 15. ATLANTIC EMERGENCY SOLUTIONS, INC. | \$2,295,743.00 | Selected Source |
| Contract No. 06000 - Police Command Unit and a Mid-Mount Ladder Truck - Department of General Services - Req. Nos. R716560 and R719783 | | |

The two units are being purchased from a Cooperative Purchasing Contract Agreement #07-1835 with the Baltimore Regional Cooperative Purchasing Committee and Houston-Galveston Area Council. The units will replace older equipment in the City's fleet as part of Fleet Management's planned replacement program.

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 (e) (i) of the City Charter, the procurement of the equipment and/or service is recommended.

MWBOO GRANTED A WAIVER.

- | | | |
|--|---------|-----------|
| 16. NESTLES WATERS NORTH AMERICA, INC. | \$ 0.00 | Extension |
| Contract No. B50001266 - Bottled Water - Department of Finance, Various Agencies - Req. Nos. Various | | |

MINUTES

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

On March 24, 2010, the Board approved the initial award in the amount of \$200,000.00. The award contained two 1-year renewal options. Both renewals have been exercised. An extension is required to meet Citywide requirements until a new contract can be awarded. This extension is for the period March 23, 2016 through May 31, 2016. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

- | | | | |
|-----|---|---------------------|------------------|
| 17. | <u>BLACKBOARD, INC.</u> | <u>\$ 71,888.51</u> | <u>Extension</u> |
| | Harford County Community College Contract No. 08P-008-E-Learning Content Management System - Department of Human Resources (DHR) - P.O. No. P529992 | | |

On February 23, 2011, the Board approved the initial award in the amount of \$298,841.59. The award contained two 1-year renewal options. All renewals options have been exercised and subsequent actions have been approved. This extension will allow DHR to evaluate replacement options without suspending the current program. This extension is for the period February 23, 2016 through February 22, 2017.

MWBOO GRANTED A WAIVER.

- | | | | |
|-----|--|----------------|------------------|
| 18. | <u>UNIVERSITY OF BALTIMORE</u> | | |
| | <u>SCHAEFER CENTER FOR</u> | | |
| | <u>PUBLIC POLICY</u> | <u>\$ 0.00</u> | <u>Extension</u> |
| | Baltimore County Contract No. BC2057085 Election Judge Training Services - Board of Elections - P.O. No. P531955 | | |

On July 11, 2007, the Board approved the initial award in the amount of \$290,000.00. The award contained seven 1-year renewal options. The last renewal was approved on June 17, 2015, which made the total contract amount \$2,149,903.00. The State of Maryland has implemented new voting machines and procedures for the upcoming 2016 elections requiring increased training.

MINUTES

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

This extension is requested to assure continuity of training being provided for the primary elections through to the general elections including all early voting. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

UPON MOTION duly made and seconded, the Board approved the Informal Awards, Renewals, Increases to Contracts and Extensions.

MINUTES

Department of Transportation - Minor Privilege Permit Applications

The Board is requested to approve the following applications for a Minor Privilege Permit. The applications are in order as to 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. 801 Aliceanna St.	Help II, LLC	Two awnings @ 2'8" x 8'6" ea.
Annual Charge: \$140.60		
2. 801 Aliceanna St. k/a 807 Aliceanna St.	Help II, LLC	One Canopy 83 sq. ft.
Annual Charge: \$174.30		
3. 600 S. Broadway k/a 1641 Fleet St.	600 Broadway Apartments, LLC	One awning w/ signage 14' x 3'
Annual Charge: \$123.40		
4. 1003 S. Charles St.	Bonnie Scherr	Retain single face electric sign 15' x 3'
Annual Charge: \$168.72		
5. 3320 Eastern Ave.	Reval Real Estate Eastern Ave., LLC	Two flat signs @ 13.8 sq. ft. ea.
Annual Charge: \$ 70.40		

MINUTES

Department of Transportation - cont'd

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
6. 100 E. Pratt St.	100 East Pratt Street Business Trust	Two single face electric signs @ 33.25 sq. ft. ea., one double face electric sign 10.02 sq. ft.

Annual Charge: \$351.30

7. 428 E. Preston St.	Komar Properties Limited Partner- ship	13 Footings @ 24 linear ft. ea.
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Annual Charge: \$733.20

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

There being no objections, the Board, UPON MOTION duly made and seconded, approved the foregoing minor privilege permits.

MINUTES

Department of Transportation - Developer's Agreement No. 1430

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Developer's Agreement No. 1430 with Franklin Flats, LLC.

AMOUNT OF MONEY AND SOURCE:

\$77,983.00

BACKGROUND/EXPLANATION:

The Developer would like to install new water service to its proposed new building located in the vicinity of 20 East Franklin St. This Developer's Agreement will allow the organization to do its own installation in accordance with Baltimore City Standards.

A Performance Bond in the amount of \$77,983.00 has been issued to Franklin Flats, LLC, which assumes 100% of the financial responsibility.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Developer's Agreement No. 1430 with Franklin Flats, LLC.

MINUTES

Department of Transportation (DOT) - Employee Expense Statement

ACTION REQUESTED OF B/E:

The Board is requested to approve the expense statement for Ms. Iantha McCallum for the month of September, 2015.

AMOUNT OF MONEY AND SOURCE:

\$24.00 - 1001-000000-5034-384500-603033 - Mileage

BACKGROUND/EXPLANATION:

The DOT TEC Division received the mileage report past the submission date to the Department of Finance.

The Administrative Manual, in Section 240-11, states that Employee Expense Reports that are submitted more than 40 work days after the last calendar day of the month in which the expenses were incurred require Board of Estimates approval.

APPROVED FOR FUNDS BY FINANCE**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the expense statement for Ms. Iantha McCallum for the month of September, 2015.

MINUTES

Department of Transportation - Resolution Authorizing the Filing of an Application with the Maryland Transit Administration of the Maryland Department of Transportation for Federal Financial Assistance

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Resolution Authorizing the Filing of an Application with the Maryland Transit Administration (MTA) of the Maryland Department of Transportation (MDOT) for Federal Financial Assistance.

The Board is further requested to approve and authorize the Director of the Department of Transportation to apply for grants for a mass transportation program.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The MTA is the designated recipient in Maryland for grants under the Federal Transit Act. The Administrator of the MTA of the MDOT is authorized to make grants to counties and to local governments for a mass transportation program of projects.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Resolution Authorizing the Filing of an Application with the Maryland Transit Administration of the Maryland Department of Transportation for Federal Financial Assistance. The Board further approved and authorized the Director of the Department of Transportation to apply for grants for a mass transportation program.

MINUTES

Department of Transportation - Traffic Mitigation Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Traffic Mitigation Agreement with 602 Howard Properties, LLC. The period of the agreement will commence upon Board approval and termination will be deemed in writing by the Department of Transportation.

AMOUNT OF MONEY AND SOURCE:

\$10,424.11 - 9950-906082-9512-000000-490375

BACKGROUND/EXPLANATION:

Baltimore City Ordinance 11-529, approved on May 9, 2012, determined that a Traffic Impact Study was required for the Development. The Developer proposes to perform the Scope of Work for 602 N. Howard St. at 602-612, 612.5 & 614 N. Howard St. approximately 90,250 sq. ft. of mini storage with 285 storage units and 4,000 sq. ft. of retail. The Developer agrees to make a one-time contribution in the amount of \$10,424.11 to fund the City's multimodal transportation improvements in the development's vicinity.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Traffic Mitigation Agreement with 602 Howard Properties, LLC.

MINUTES

Department of Transportation - Amendment No. 1 to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Amendment No. 1 to Agreement with Gannett Fleming, Inc., for Project No. 1135, On-Call Consultant Services for Federal Aid Bridges within the City of Baltimore. This amendment to agreement will extend the period of the agreement through March 29, 2017.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On March 30, 2011, the Board approved the original agreement for five years with Gannett Fleming, Inc. in the amount of \$3,000,000.00. Under the agreement, Gannett Fleming, Inc. will assist the Transportation, Engineering & Construction Division in the replacement or rehabilitation design of bridge structures, geotechnical design services/soil borings, and other related civil and structural engineer designs. The Department is requesting a one-year time extension to complete on going task.

DBE PARTICIPATION:

The Consultant will comply with Title 49 Code of Federal Regulations Part 26 and the DBE goals established in the original agreement.

DBE: 25.00%

AUDITS NOTED THE TIME EXTENSION AND WILL REVIEW TASK ASSIGNMENTS.

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 1 to Agreement with

MINUTES

Department of Transportation - cont'd

Gannett Fleming, Inc., for Project No. 1135, On-Call Consultant Services for Federal Aid Bridges within the City of Baltimore.

The President voted **NO**.

MINUTES

Department of Transportation - Amendment No. 1 to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Amendment No. 1 to Agreement with STV, Inc., for Project No. 1135, On-Call Consultant Services for Federal Aid Bridges within the City of Baltimore. This amendment to agreement will extend the period of the agreement through February 22, 2017.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On February 23, 2011, the Board approved the original agreement with STV, Inc. in the amount of \$3,000,000.00 for five years. Under the agreement STV, Inc. assists the Transportation, Engineering & Construction Division in the replacement or rehabilitation design of bridge structures, geotechnical design services/soil borings, and other related civil and structural engineer designs.

DBE PARTICIPATION:

The Consultant will comply with Title 49 Code of Federal Regulations Part 26 and the DBE goals established in the original agreement.

DBE: 25.00%

AUDITS NOTED THE TIME EXTENSION AND WILL REVIEW TASK ASSIGNMENTS.

MINUTES

Department of Transportation - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 1 to Agreement with STV, Inc., for Project No. 1135, On-Call Consultant Services for Federal Aid Bridges within the City of Baltimore. The President voted **NO**.

MINUTES

Department of Transportation - Amendment No. 2 to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Amendment No. 2 to Agreement with KCI Technologies, Inc./STV, Incorporated JV, for Project No. 1190, On-Call Consultant Engineering Design, Review and Evaluation Services Conduit. This amendment no. 2 to agreement will extend the period of the agreement through June 10, 2017.

AMOUNT OF MONEY AND SOURCE:

\$2,500,000.00 - Upset limit

BACKGROUND/EXPLANATION:

On June 11, 2014, the Board approved the original agreement with KCI Technologies, Inc./STV, Incorporated JV, in the amount of \$1,000,000.00, to assist the Transportation, Engineering & Construction Division in managing various On-Call Engineering Services. On June 17, 2015, the Board approved Amendment No. 1 for a one year time extension and an increase to the upset limit by \$500,000.00 to fully complete assigned tasks to fully complete extra work.

The Department is requesting an increase in the upset limit of \$2,500,000.00 which includes but is not limited to accommodating a proposal for fast track comprehensive citywide manhole inspections, GIS entry activity, and continuation of on-site support under Amendment No. 2. The increase in the upset limit will result in a total upset limit of \$4,000,000.00.

MBE/WBE PARTICIPATION:

The Consultant will comply with Article No. 5, Subtitle 28 of the Baltimore City Code and the MBE and WBE goals established in the original agreement.

MINUTES

DOT - cont'd

MBE: 27.00%

WBE: 10.00%

AUDITS NOTED THE TIME EXTENSION AND INCREASE AND WILL REVIEW TASK ASSIGNMENTS.

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 2 to Agreement with KCI Technologies, Inc./STV, Incorporated JV, for Project No. 1190, On-Call Consultant Engineering Design, Review and Evaluation Services Conduit. The President voted **NO**.

MINUTES

Department of Transportation - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 2 to McCormick Taylor, Inc. for Project 1225, On-Call Design Consultant Services for Resurfacing and Reconstruction Task No. 2.

AMOUNT OF MONEY AND SOURCE:

\$199,931.15 - 9950-906312-9527-900020-703032

BACKGROUND/EXPLANATION:

This authorization provides for the evaluation of the electrical power system at the Inner Harbor Promenade and the climate adaptation measure outlined in the Baltimore Climate Action Plan aimed to reduce Maryland's vulnerability to climate change.

MBE/WBE PARTICIPATION:

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

MBE: 27.00%

WBE: 10.00%

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

MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

DOT - cont'd

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$213,000.00	9950-903173-9528	9950-906312-9527-3
MVR	Constr. Reserve - Downtown Pedestrian Lighting	Design Inner Harbor Infrastructure/UT

This transfer will fund the costs associated with Task No. 2 on Project 1225 On-Call Design Consultant Services for Resurfacing and Reconstruction Projects with McCormick Taylor, Inc.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 2 to McCormick Taylor, Inc. for Project 1225, On-Call Design Consultant Services for Resurfacing and Reconstruction Task No. 2. The Transfer of Funds was approved, **SUBJECT** to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter. The President voted **NO**.

MINUTES

Department of Public Works - Post-Installation Monitoring Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Post-Installation Monitoring Agreement with Blue Water Baltimore (BWB). The period of the agreement is effective upon Board approval for one year or until the upset limit is reached.

AMOUNT OF MONEY AND SOURCE:

\$7,895.00 - 2072-000000-5181-390700-603026

BACKGROUND/EXPLANATION:

The BWB in partnership with Biohabitats, The Center for Watershed Protection, Baltimore City Department of Transportation (DOT), and the Baltimore Department of Public Works worked over the last three years on a pilot project to determine the cost effectiveness of installing pervious alleys and curbside bioretention bumpouts in treating stormwater run-off. The project was installed by Blue Water Baltimore, with matching funds provided by the Department. BWB will perform stormwater runoff monitoring and analysis from two alleyways and two bump-out retrofits as part of the Blue Alleys stormwater management project. The agency will examine the cost effectiveness of retrofitting these practices in already built out areas of the City.

In order to quantify the stormwater treatment potential of these practices, Blue Water Baltimore will provide post installation monitoring. The runoff data will be analyzed and a final report prepared.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTES

Department of Public Works - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Post-Installation Monitoring Agreement with Blue Water Baltimore.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 001 to Alpha Corporation, under Project No. 1501, On-Call Project and Construction Management Assistance Services. The period of this task is approximately 12 months.

AMOUNT OF MONEY AND SOURCE:

\$104,221.32 - 9956-904564-9551-900010-706063
 104,221.32 - 9956-905565-9551-900020-703032
 104,221.32 - 9960-909614-9557-900020-706063
 104,221.32 - 9960-905136-9557-900020-706063
\$416,885.28

BACKGROUND/EXPLANATION:

The Office is in need of assistance from Alpha Corporation to provide construction management services to various projects including, but not limited to SC 877 ENR Modifications Phase II-Demolition to Existing Facilities at Back River Wastewater Treatment Plant SC 882-ENR at the Back River Wastewater Treatment Plant Project 2, Activated Sludge Plant Number 4, WC 1311R AMI/R Urgent Need Pavement & Sidewalk Restoration, Various Locations, and WC 1262 East Baltimore Midway Neighborhood & Vicinity Water Main Replacements for the Bureau of Water & Wastewater, Department of Public Works.

MBE/WBE PARTICIPATION:

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

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

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

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 001 to Alpha Corporation, under Project No. 1501, On-Call Project and Construction Management Assistance Services. The President voted **NO**.

MINUTES

Department of Public Works - Full Release of Retainage Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Full Release of Retainage Agreement for Allan Myers MD, Inc. for WC No. 1160R Montebello Plant 2 Finished Water Reservoir Cover.

AMOUNT OF MONEY AND SOURCE:

\$318,489.28 - 9960-904694-9557-000000-200001

BACKGROUND/EXPLANATION:

As of October 20, 2015, Allan Myers MD, Inc. has completed 100% of all work for WC 1160R. The Contractor has requested a Full Release of Retainage in the amount of \$318,489.28. Currently, the City is holding \$318,489.28 in retainage for the referenced project and the contractor is requesting to reduce the amount of Retainage to \$0.00.

APPROVED FOR FUNDS BY FINANCE**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Full Release of Retainage Agreement for Allan Myers MD, Inc. for WC No. 1160R Montebello Plant 2 Finished Water Reservoir Cover.

MINUTES

Department of Public Works/Office - Amendment No. 1 to Agreement of Engineering and Construction

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Amendment No. 1 to Agreement with Whitman, Requardt & Associates, LLP under Project No. 1124W, Wastewater Engineering Services for the Improvements to Herring Run Collection System. This amendment no. 1 to agreement will extend the period of the agreement through August 22, 2017.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

Whitman, Requardt & Associates, LLP was awarded an agreement on February 23, 2011 to provide engineering services for the Improvements to Herring Run Sewershed Collection System in compliance with the Consent Decree for a period of five years.

This Amendment will allow the consultant to continue to provide post award engineering services which include but are not limited to attending additional progress meetings, site visits, responding to requests for information, review of submittals, technical consultations, review of proposed change orders, and review of post-rehabilitation videos. Whitman, Requardt & Associates, LLP was originally approved by the Office of Boards and Commissions and Architectural Awards Commission.

MBE/WBE PARTICIPATION:

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

APPROVED FOR FUNDS BY FINANCE

AUDITS NOTED THE TIME EXTENSION.

MINUTES

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 1 to Agreement with Whitman, Requardt & Associates, LLP under Project No. 1124W, Wastewater Engineering Services for the Improvements to Herring Run Collection System. The President voted **NO**.

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

* * * * *

On the recommendations of the City agencies
hereinafter named, the Board,

UPON MOTION duly made and seconded,
awarded the formally advertised contracts
listed on the following pages:

715 - 732

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

The Transfers of Funds were approved
SUBJECT to receipt of favorable reports
from the Planning Commission,
the Director of Finance having reported favorably
thereon, as required by the provisions
of the City Charter.

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**DPW/Department of Recreation & Parks

1. RP 15819, Leakin Phoenix Experiential \$ 201,375.00
Park Challenge Designs, LLC
Course

The contract is a specialized job; therefore, no MBE/WBE goals are required.

2. **TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$200,000.00	9938-907049-9475	9938-908049-9474
State - Program	Cahill Community	Cahill Community
Open Space	Center - Reserve	Center - Active

This transfer will provide funds to cover the costs associated with the award of RP 15819, Leakin Park Challenge Course to Phoenix Experiential Designs, LLC.

3. RP 13806, Sloman DSM Properties, LLC \$1,287,696.00
Drive and Parking
Loop Improvements

MBE: Priority Construction \$154,550.00 12%
Corporation

WBE: S&L Trucking, LLC \$ 25,755.00 2%

MWBOO GRANTED A WAIVER.

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**DPW/Department of Recreation & Parks - cont'd4. **TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 300,000.00 General Fund	9938-907042-9475 FY15 Park Roadway Improvements Reserve	
435,000.00 General Fund	9938-933005-9475 Gwynns Falls Athletic Fields - Reserve	
196,000.00 Rec & Parks 26 th Series	9938-933005-9475 Gwynns Falls Athletic Fields - Reserve	
90,000.00 Parks & Public Facilities 1 st Series	9938-909064-9475 FY16 Athletic Field Renovations	
270,000.00 State - Program <u>Open Space</u>	9938-909064-9475 FY16 Athletic Field Renovations	
\$1,291,000.00	-----	9938-909042-9474 (Active) - Sloman Drive and Parking Lot

This transfer will provide funds to cover costs associated with the award of Sloman Dr. & Parking Loop Improvements in Gwynns Falls Park, Contract No. RP 13806 to DSM Properties, LLC.

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

Department of Public Works (DPW)/Office of Eng. & Constr.

5. S.C. 903, Improve- Spiniello Companies \$25,283,300.00
 ments to Patapsco
 Sewershed

DBE/MBE: JJ Adams Fuel Oil Co. \$ 598,101.00 2.37%
 Shekinah Group, LLC \$3,700,000.00 14.63%

DBE/WBE: Advantage Manhole \$2,104,025.00 8.32%
 R & R Contracting Utilities, \$1,383,322.00 5.47%
 Inc.
 M. Luis Construction \$ 557,981.00 2.21%

6. **TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 2,287,662.98	9956-919616-9549	
County Appro.	Constr. Res.	
	Sewer Rehab-Patapsco	
11,216,841.02	" "	
Wastewater		
Revenue Bonds		
12,229,840.00	9956-933001-9549	
State Revenue	Constr. Res.	
	Unallocated	
7,639,612.00	9956-905528-9549	
State Revenue	Constr. Res.	
	Patapsco Wastewater	
	Treatment Plant	
\$33,373,956.00		

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

(DPW)/Office of Eng. & Constr. - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 2,528,330.00	-----	9950-907603-9551-2 Extra Work
2,528,330.00	-----	9950-907603-9551-3 Design
1,516,998.00	-----	9950-907603-9551-5 Inspection
25,283,300.00	-----	9950-907603-9551-6 Construction
<u>1,516,998.00</u>	-----	9950-907603-9551-9 Administration
\$33,373,956.00		

The funds will be used to cover the cost of S.C. 903, Improvements to the Patapsco Sewershed.

7.	S.C. 937, Improve- ments to Sanitary Sewers in HR07A and Along Chester- field Avenue in Herring Run Sewer- shed	SAK Construction, LLC	\$ 6,590,680.00
	DBE/MBE: Daco Construction Corp.		\$1,121,000.00 17.01%
	DBE/WBE: TFE Resources, Ltd.		\$ 56,676.00 0.86%
	Royale Construction, Inc.		\$ 269,201.00 4.08%
	Advantage Manhole & Concrete		\$ 740,000.00 11.22%

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

(DPW)/Office of Eng. & Constr. - cont'd

8. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 3,723,208.00	9956-907624-9549	
Wastewater	Constr. Res.	
Revenue Bonds	Wastewater Rehab	
	Prog. - Herring	
	Run	
5,145,588.00	9956-933001-9549	
<u>State Revenue</u>	Constr. Res.	
	Unallocated	
	Wastewater	
\$ 8,868,796.00		
\$ 659,068.00	-----	9956-903654-9551-2
		Extra Work
659,068.00	-----	9956-903654-9551-3
		Engineering
564,539.00	-----	9956-903654-9551-5
		Inspection
6,590,680.00	-----	9956-903654-9551-6
		Construction
<u>395,441.00</u>	-----	9956-903654-9551-9
		Administration
\$ 8,868,796.00		

The funds are needed to cover the cost of the award for S.C. 937, Improvements to Sanitary Sewers in the Herring Run Sewershed Along Chesterfield Avenue.

9. W.C. 1342, AMI/R Spiniello Companies \$5,853,375.00
 Urgent Need Metering
 Infrastructure
 Repair & Replacement,
 Various Locations

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

(DPW)/Office of Eng. & Constr. - cont'd

MBE: Machado Construction Co., Inc.	\$439,907.00	7.52%
Shekinah Group, LLC	438,100.00	7.48%
	<u>\$878,007.00</u>	<u>15.00%</u>
WBE: R&R Contracting Utilities, Inc.	\$293,000.00	5.00%

MWBOO FOUND VENDOR IN COMPLIANCE.10. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$4,175,126.50	9960-909100-9558	
Water Revenue	Constr. Res.	
Bonds	Water Infrastruc-	
	ture Rehab.	
900,000.00	" "	
Baltimore Co.		
3,275,126.50	9960-906133-9558	
Baltimore Co.	Constr. Reserve	
	Meter Replacement	
<u>\$8,350,253.00</u>		
\$ 585,338.00	-----	9960-908604-9557-2
		Extra Work
585,338.00	-----	9960-908604-9557-3
		Engineering
975,000.00	-----	9960-908604-9557-3
		Engineering
5,853,375.00	-----	9960-908604-9557-6
		Construction
351,202.00	-----	9960-908604-9557-9
		Administration
<u>\$ 8,350,253.00</u>		

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

(DPW)/Office of Eng. & Constr. - cont'd

The funds are required to cover the cost of the award for WC 1342, AMI/R Urgent Need Metering Infrastructure Repair & Replacement at Various Locations.

A PROTEST WAS RECEIVED FROM METRA INDUSTRIES. A PROTEST WAS RECEIVED FROM R.E. HARRINGTON PLUMBING AND HEATING CO., INC. A RESPONSE TO THE PROTESTS FROM METRA INDUSTRIES AND R.E. HARRINGTON PLUMBING AND HEATING CO., INC. WAS RECEIVED FROM SPINIELLO COMPANIES.

50 Muller Place
Little Falls, New Jersey 07424
(973) 812-0333
FAX (973) 812-0330

January 7, 2016

Baltimore City
City Hall, Room 204
100 Holliday Street
Baltimore MD 21202

Re. Water Contract WC 1342 for AMI/R Urgent Metering Infrastructure Repair and Replacement, Various Locations
Bid Date / Time: December 23, 2015, 11:00 AM

Attention: Honorable Joan M. Pratt, CPA, Comptroller

Dear Ms. Pratt,

We are writing to protest the bid of Spiniello Companies for the above referenced project on the basis that there exists a conflict of interest. The work covered by this bid is work generated from a larger Contract that the City has with Itron for installation of an automated metering system throughout the City. Itron's contract with the City requires that certain criteria be met within the meter pits, in order for Itron's installation contractor to proceed with their work.

Itron relies on subcontractors to install their equipment in the existing meter pits throughout the City, as well as the County of Baltimore. If the subcontractor discovers that the existing meter pit does not meet their criteria or the equipment is damaged or non-operational, he reports this to the City and it is placed on a list for repairs, replacement, or upgrades to be performed under the project in question, WC 1342, recently bid.

Itron's contract with the City also provides that the work covered under Contract WC1342 be performed within a specific time frame. Itron and their subcontractors are entitled to compensation under the Itron Contract should the WC1342 work be delayed.

Spiniello is the installation subcontractor to Itron under their contract with the City. As such, they have intimate, specific and exclusive knowledge of the nature of the work to be performed under the WC1342 contract. The bid documents did not include plans to indicate the locations of the meters to be replaced or modified. That left all bidders, **with the exception of Spiniello**, to guess and speculate as the location and nature of the work. Meters in the inner City would require thousands of dollars for traffic control, concrete saw cutting, utility location and support as well as, extensive restoration. Meters in the urban areas of the County would require very minimal costs for these items. Spiniello, having full knowledge of the nature of the work and being the sole bidder with this knowledge, had a significant, unfair advantage over all other bidders.

The specific work required at each meter location was not defined in the bid documents for this project. Instead, a "cafeteria" style set of Line items were included in the bid for perspective contractors to price. All bidders, **with the exception of Spiniello**, were given no indication of the actual quantity, nature nor combinations of these items to be used. Spiniello, being the sole bidder with this knowledge, could anticipate difficulties as well as efficiencies in the combinations and quantities of these line items.

To make matters worse, Spiniello is the only bidder that also has the potential benefit of being compensated for slow or inefficient performance under contract WC 1342. Work sufficiently delayed under this contract would trigger payments to Itron and their subcontractor, Spiniello, under the Itron contract. This presents a serious conflict of interest and an unfair bidding advantage over all other bidders.

To summarize:

1. Spiniello controls and generates the work to be performed under contract WC 1342.
2. Spiniello has specific, exclusive knowledge of the work to be performed, that is not available to all other bidders on this project.
3. Spiniello is the sole bidder that has the potential to be compensated for slow or inefficient work under contract WC 1342.

Spiniello's bid, along with all other bids on this project should be rejected, as the bid process was tainted by significant conflicts of interest, and by unfair advantages. For these same reasons, Spiniello should not be allowed to participate on the rebid of this project or any similar projects.

Kindly confirm this bid protest so we may plan and proceed accordingly.

Very truly yours

Stephan P. Dioslaki

Encl.

/spd.

Joan Pruitt 1 Bid Protest WC 1342



Plumbing and Heating Co., Inc.
300 W 23rd Street, Baltimore, Maryland 21211
410-466-4800 · 24 Hour Service · Fax: 410-466-0700

VIA HAND DELIVERY

January 12, 2016

Honorable Joan Pratt, CPA Baltimore City Comptroller
Ms. Harriet Taylor, Deputy Comptroller/Secretary
Baltimore City Board of Estimates - City Hall
100 N. Holliday Street, Suite 204
Baltimore, Maryland 21202

Clerk to the Board of Estimates
Board of Estimates
Room 204, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Director Rudolph S. Chow
City of Baltimore
Department of Public Works
Abel Wolman Municipal Building, 6th Floor
200 N. Holliday Street
Baltimore, Maryland 21202

Solicitation No.: Water Contract No. WC1342
Project: Urgent Metering Infrastructure Repairs and
Replacement at Various Locations,
BID PROTEST --

To the Honorable Members:

At this time, I am writing in referenced to the above contract (the "Contract") as my company submitted a bid as, R.E. Harrington Plumbing and Heating Co., Inc. ("Harrington"). My bid was submitted in the amount of \$7,094,950. On the same date, a bid was submitted in the amount of **\$5,853,375.00** by Spiniello Companies. We are writing to protest Spiniello Companies bid for the above referenced contract on the basis that there exists a conflict of interest. Based on the scope of work covered by this bid, which was created from a current contract that the City of Baltimore has with a firm named Itron. Itron installs automated metering system throughout the city and connecting counties. Itron's contract with the City requires that certain requirements be met within the meter pits. This to allow for Itron's installation contractor to proceed with their work. Bearing this in mind and the additional

information below, R.E. Harrington Plumbing is the low bidder, the contract should be awarded to us to meet the contractual terms and conditions.

Also, please note that Itron's contract with Baltimore City provides that the work covered under Contract WC1342 be performed within a specific time frame. Itron and their subcontractors are entitled to compensation under the Itron Contract; should the WC1342 work fall of schedule due to delay.

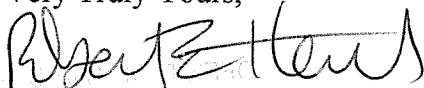
Spiniello is the installation subcontractor for Itron under their contract with the Baltimore City. Due to this, they have intimate, specific and exclusive knowledge of the nature of the work to be performed under the WC1342 contract. The bid documents did not include plans to indicate the locations of the meters to be replaced or modified. That left the additional bidders, except Spiniello, to assume and/or guess as the location and scope of the work required. This process will cause Baltimore City to incur additional expenses.

I would like to share that Spiniello is the only bidder that has the potential benefit of being compensated for delays or inefficient scopes of services under the above referenced contract. Thus reflecting a serious conflict of interest and an unfair bidding advantage over all other bidding contractors.

In closing, we are requesting that Spiniello's bid be rejected due to "Conflict of Interest" due to the above information. We are also requesting that, based on the above information, Spiniello should be excluded from participating if there is a Re-Bid on the above referenced contract or any similar projects in like.

With respect, I am requesting that R.E. Harrington Plumbing and Heating Co., Inc. be award this contract because we are a responsible bidder and we submitted the next lowest responsive bid.

Very Truly Yours,



Respectfully Yours,

Robert E. Harrington, President

R. E. Harrington Plumbing and Heating Co., Inc

February 2, 2016

City of Baltimore
City Hall, Room 204
100 Holliday Street
Baltimore, MD 21202
Attn: Honorable Joan M. Pratt, CPA, Comptroller

Re: Water Contract 1342
Protest Response

Ms. Pratt,

We are writing in response to the WC1342 Bid Protests received by Metra Industries and RE Harrington Plumbing and Heating.

Essentially, the bid protests contend that the City should not have permitted Spiniello to bid on WC1342 due to a “conflict of interest” or “unfair advantage”. The alleged conflict of interest stems from the hypothesis that Spiniello could deliberately, without violating terms of the contract, slow down its performance on WC1342 in order to allow Itron, under WC1223 with the Bureau of Purchasing, to assert a claim for compensable delay and then pass through to Spiniello the money received from the delay claim. Additional compensation is not allowed under WC1223 until a period of six (6) months passes without completing repairs to a specific returned task order. The contract terms under WC1342 only allows one (1) week to begin work on assigned tasks. Logically, there is no work under WC1342 that would take longer than 6 months (more realistically, 1 week) to complete.

The protestors also contend that the City should not have permitted Spiniello to bid because, as a result of its work as a subcontractor under the Itron contract, Spiniello has knowledge and experience not available to other bidders. With over sixteen thousand (16,000) locations returned to the City under WC1223, there is no way for Spiniello to know which of the returned locations will be assigned under WC1342, or the other existing Urgent Need Metering Contracts, WC1306R, WC1307R and WC1308R. All locations within the City and County are unique and, reasonably, our assumptions for this Contract were no different than Metra’s or RE Harrington’s - both companies have extensive experience with Baltimore City’s metering and service infrastructure. If any one company in particular were to have an advantage, it would have been Metra since they have been awarded and started work on the three (3) previously let Urgent Need Metering Contracts mentioned above of similar scope to WC1342.

Finally, neither of the protesters (to the best of our knowledge) issued a written objection with their concerns prior to the bid opening. These documented concerns only arose after the results of the bids were made public.

There is no merit, legal or factual basis for Spiniello's bid to be rejected. The City is not "incurring additional expenses" as a result of Spiniello being awarded the project. They are saving \$1,241,575 - being the difference between Spiniello's low bid and the 2nd bidder's price. Spiniello provided the lowest responsible and responsive bid and it is in the best interest of the City and their taxpayers to award the Contract to Spiniello.

Respectfully,



Todd K. Galletti
Division Manager

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

(DPW)/Office of Eng. & Constr. - cont'd

President: "The first item on the non-routine agenda can be found on page 83, item 9, Recommendation for Contract Awards and Rejection, WC 1342, Urgent Need Metering Infrastructure Repair & Replacement, Various Locations. Will the parties please come forward? Okay."

Mr. Mike Mullen: "Good Morning, Mike Mullen from the Law Department. Mr. President, Madam Mayor, Madam Comptroller, Honorable members of the Board. I'd like to just briefly summarize what Mr. Shapiro testified to last week and then give the Board a little bit of Federal procurement regulations that might be of some assistance in making a decision today. Um--"

President: "Um -- before you get started,

Mr. Mullen: "Yes sir."

President: "Is uh -- Attorney Smith here?"

Mr. Neil Duke: "Uh -- he's in traffic, running a little late."

President: "Okay."

Mr. Mullen: "Go ahead?"

President: "Go ahead."

Mr. Mullen: "Um -- there's no mention in the procurement that Itron's subs, those the subs that are subcontractors for Itron

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

(DPW)/Office of Eng. & Constr. - cont'd

would not be allowed to bid on subsequent City repair contracts. Um -- like - in the like form, there's no restriction in the Itron solicitation that its subs would be prevented from working on later repair works along both its solicitation from when we obtained the Itron contract and then here in the Spiniello bid that we're seeking award for. There's no prohibition against any of the subs working for Itron to bid on this type of work. There's no proof of any effect that Spiniello's knowledge, which is very limited, by the way. I think the testimony was clear on that last week. There's been no proof that that was any effect from that knowledge on the pricing that it put into this bid. The knowledge is generic. There's no knowledge of what Spiniello would find when it got -- excuse me, I'm losing my voice -- what it would find when it gets into the field, and we know from Mr. Shapiro's testimony that there are over 150,000 locations that have not yet been scouted so no one knows what's in that meter vault. We don't know the condition there. Spiniello does not know what amount of that work it will be getting, where it would end and when -- if they did know, they're not going to know what's in the field cause no one has looked at it yet.

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

(DPW)/Office of Eng. & Constr. - cont'd

So, they have no way of knowing what would be needed in the way of repairs, which makes their knowledge generic, not specific, nothing that could be used to have an impact on price. This is a line item bid. There were quantities set by the City and what we were seeking prices on are generic construction items and construction work. I mean, things like 750 cubic yards of hot mix asphalt. We asked for a price -- price on that and we told them exactly how many cubic yards we're looking for a price on and there's many other items in the bid that are just like that. All three companies have been working on water meter contracts and are very experienced contractors. They all know what these prices are, they've, -- there's nothing new here. They -- they know exactly what is entailed in fixing these vaults. They know what they'll find when they -- they get there, they know what they have to do. They -- the other allegation was that Spiniello can control what work it gets and I think Mr. Shapiro detailed that quite -- quite carefully and fully, that there's a process in place by which the City watches over the whole process from start to finish.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

(DPW)/Office of Eng. & Constr. - cont'd

Spiniello has no ability, or in this case Metra's that's doing the work now, has no ability to just go ahead and do work. It has to be approved by the City. The City is overseeing the entire process and if the work is not needed, it's not going to be done. The other allegation was that there is a -- some kind of a possibility that Spiniello would defer work for the City contract in favor of the Itron contract and quite frankly, there's just simply no economic incentive for them to do that. If they were to do that, and Mr. Shapiro explained how that really can't occur because under the Spiniello contract, they have a week or so to get the work done and under the Itron contract, there's a six-month delay. Okay, so, the -- the -- and then Spiniello would not be paid, they'd be breaching their contract. So, without anything more than a speculation, really, there's nothing to base an award on and I -- I could go into some of the Federal regulations if you would like me to do that? No?"

Mr. Neil Duke: "Good Morning, Neil Duke on behalf of Metra Industries. Good Morning to the Board. Also, here on behalf of

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

(DPW)/Office of Eng. & Constr. - cont'd

Metra Industries is Mr. Robert Deponte, who's one of the executives of the uh -- company. Without rehashing all of last week and re-litigating last week because I know the Board's time is important and I suspect that the testimony has been uh -- stated ad nauseam at this point -- a couple of quick follow up points from last week and also from this morning's testimony. I think from last week we've articulated the basis for -- of our concern and I thank the Board um -- we thank the Board for its understanding and its decision last week to defer the decision until this week, until more time could be accumulated to actually access what to do. Uh -- some of the things that we pointed out last week, were the issues of the conflict also the competitive advantage that - that may have been occasioned by virtue of the relationships in this particular contract for Water Contact 1342 and also one of the points that was raised last week was how grossly disproportionate or out of whack the actual bids were, especially as they related to the engineer's estimates. I believe the testimony from either Mr. Mullen or Mr. Shapiro last week was that the winning bid in this case Spiniello, was some 42% below the um -- engineer's estimates,

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

(DPW)/Office of Eng. & Constr. - cont'd

which I think, raised a few red flags, not only amongst the other contractors, but amongst the Board themselves it -- itself rather. So, the recommendation that I'd had last week and I think this week applies equally is that perhaps the Board is best served by taking a step back, investigating the underlying facts and basis for the award and uh -- giving some due consideration to perhaps re-letting the contract or rebidding the contract rather with uh -- additional information being available to all of the uh -- competitive bidders, all of the uh -- companies that would be seeking the work such that we wouldn't have the issues involved in -- with potential competitive advantages and -- and those sort um -- and I'll close with this. Uh -- although I think the contracts are coined as urgent need contracts, quite frankly, I think under contracts, Water Contracts 1307, 1308, 1309 and 1310, much of the work is being done. There's no problem with the work being done and I think the City is benefiting from not only um -- efficient work uh -- being accomplished at this point in time but also a continuity of uh -- of contractual services from the folks who are actually providing the work here in Baltimore City.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

(DPW)/Office of Eng. & Constr. - cont'd

So, with that said and I think the Board has a full um -- set of the facts at this point but I would certainly yield to counsel to um -- add additional um -- emphasis to the points already raised."

Mr. Edward Smith, Jr.: "Mr. President--"

President: "Yes -- you got to speak into the mic and you have -
- have to identify yourself."

Mr. Smith, Jr.: "Edward Smith, Jr. with your permission Mr. President -- of course um -- thank you very much Mr. Duke. Um -- Mr. Duke and I uh -- agree in all respects. Uh -- we do, however, believe that the next lowest bidder uh -- should get the contract as it -- it seems to be in our obvious interest to uh -- do so. Um -- we would suggest, however, as Mr. Duke has pointed out that there was a competitive bid that was a taken advantage of in this particular situation by the facts that Mr. Duke sets forth. Uh -- with respect to R.E. Harrington, R.E. Harrington is a capable, able and ready contractor who can step in and who can do the work uh -- that is required on an emergency basis or thereafter, if he's given the opportunity to do so and if those things which have

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

(DPW)/Office of Eng. & Constr. - cont'd

already, inure to the benefit of Spiniello are -- are out of the way and that's the only way we can do it. Um -- in all fairness to this situation, um -- as it relates to R.E. Harrington, as it relates to the citizens of -- of the City of Baltimore, uh who have obviously um -- their interest at stake here as it relates to a myriad of issues. Um -- once before I withdrew my Motion for recusal as the City Solicitor has indicated earlier, uh -- and now that you've had the opportunity to um -- look at everything that's involved in this as Madam Mayor has asked uh -- us to reconvene today uh -- of course I would have to renew it at some point without prejudice um -- and uh -- would do so at this juncture. Thank you very much."

Mayor: "If I may -- um -- I think the Motion would um -- be -- on the um -- the issue of recusal. I would make a Motion that we deny his request to recuse both the City Solicitor and the DPW Director."

Comptroller: "Second."

President: "All those in favor say AYE. All opposed, NAY. The Motion carries. Anything else, anything else?"

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

(DPW)/Office of Eng. & Constr. - cont'd

Mr. Mullen: "Unless you have any questions."

Mr. Duke: "Nothing else on behalf of Metra Industries but we do want to thank the Board for its attention and its time and its deliberation over the process. It's good to see you all."

Mr. Smith, Jr.: "Uh -- Mr. President, thank you um -- and thank you Madam Mayor for making that Motion, uh -- it does sort of seal the record as it is and we do appreciate it um. No, there will be nothing else other than we ask that uh -- the Board of Estimates um -- do the right thing for this City and for uh -- its citizens and for the people who depend on it uh -- to do so in fairness to all parties, thank you."

President: "Thank you, I'll entertain a Motion."

City Solicitor: "I Move that we deny the two bid protests, and approve the award as originally recommended based not only on the facts that we've heard but on the pretty clear and applicable by analogy Federal Law that pretty extreme circumstances have to be -- and -- and not speculative but actual uh facts have to be demonstrated to disqualify a low bidder on the grounds that it had knowledge or information or expertise that perhaps the others didn't have quite as robustly,

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

(DPW)/Office of Eng. & Constr. - cont'd

I think the law is pretty clear. So, I would Move that we deny the protest."

DPW Director: "Second."

President: "All those in favor say AYE. All opposed, NAY. The Motion carries."

* * * * *

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**Bureau of Purchases

11. B50004352, Armed Metropolitan Protective \$ 150,000.00
Security Guards Service, Inc.

(Health Department)

MWBOO SET GOALS OF 0% MBE AND 0% WBE.

12. B50004390, OEM Fire Line Equipment, LLC \$ 150,000.00
Parts and Service
for LTI Ladder
Trucks

(Dept. of General Services)

MWBOO GRANTED A WAIVER.

13. B50004440, Crew Cowles Ford, Inc. \$ 174,662.00
Cab Truck with
a Dump Body

(Dept. of General Services)

MWBOO GRANTED A WAIVER.

MINUTES**CITY COUNCIL BILL:**

15-0611 - An Ordinance concerning Admissions and Amusement Tax - Arena Artistic Performance Exemption for the purpose of exempting certain artistic performances from the admissions and amusement tax; defining certain terms; and generally relating to the admissions and amusement tax.

The Law Department is favorable with comments.

Law Department Comments

The Law Department reviewed the City Council Bill 15-0611 for form and legal sufficiency. The bill exempts certain artistic performances from the admissions and amusement tax.

The City Council can provide for classifications among the categories of admissions and charge different admission tax rates within those classifications, including exemptions, so long as there is a rational basis to support the disparate treatment. Exempting artistic performance at the City-owned Arena located at 201 West Baltimore Street from the amusement tax, but not exempting: (1) other performances at the Arena, or (2) artistic performances at other venues, which like the Arena, are not located within an arts district, creates a classification that must have a rational basis to justify the different treatment of similarly situated activities. In this case, the justification could be the promotion of "artistic works" at the Arena, avenue which typically show cases sports, such as hockey and basketball, as well as popular musical groups. The record at the hearing should include a statement of such justification, or it should be included in the bill.

MINUTES

CITY COUNCIL BILL:15-0611- cont'd

The Department of Finance is opposed.

Department of Finance Analysis

This bill would exempt from the City's Admission and Amusement Tax the gross receipts from any admission or amusement charge levied for attendance of a performance or exhibition of an artistic work at the City-owned Arena located at 201 W. Baltimore Street (currently known as Royal Farms Arena). "ArtisticWork" is given the meaning stated in the State Economic Development Article §4-701(B):

§4-701 Definitions

- (a) In general - In this subtitle the following words have the meanings indicated.
- (b) Artisticwork - "Artisticwork" means an original and creative work that:
 - (1) is created, written, composed, or executed; and
 - (2) falls into one of the following categories:
 - (i) a book or other writing;
 - (ii) a play or performance of a play;
 - (iii) a musical composition or the performance of a musical composition;

MINUTES

CITY COUNCIL BILL:15-0611- cont'd

- (iv) a painting or other picture;
- (v) a sculpture;
- (vi) traditional or fine crafts;
- (vii) the creation of a film or the acting within a film;
- (viii) the creation of a dance or the performance of a dance;
- (ix) the creation of original jewelry, clothing, or design; or
- (x) any other product generated as a result of a work listed in items (i) through (ix) of this paragraph.

This would include concerts, theatrical performances, art shows, craft shows, jewelry shows, dance competitions, comedy shows, and any other work which could fall under this rather broad definition. While sporting events are routinely held at the arena and would remain for the most part taxable, one could go so far as to argue that all future professional wrestling events at the Arena could make a case for tax exempt status (professional wrestling is a composed and rather well-choreographed theatrical performance).

MINUTES

CITY COUNCIL BILL:15-0611- cont'dFiscal Impact

Due to the flexibility of the definition of "Artistic Work," the Department of Finance estimates that the admission and amusement tax revenue from qualifying events will be between \$500,000.00 and \$1,200,000.00.

Uncertainty exists over categories of future bookings which will result in varying amounts of exempt bookings. Additionally, due to the flexible nature of the definition of "Artistic Work," the Department of Finance cautions that the lost revenue could be substantial.

Additionally, the exemption adds additional complexity and cost for the Maryland Comptroller's Office in verifying and auditing exemptions making it likely that events that are not entitled to the exemption may apply and be given the exemption without recourse.

As a matter of economic efficiency in tax policy, this bill may result in a distortion of demand among venues in the City of Baltimore. A lower ticket price will, of course, increase demand for the Royal Farms Arena and lower demand for other venues.

Therefore, the Department of Finance opposes City Council Bill 15-0611 given the City's current financial situation and the loss of Admission and Amusement Tax revenue this bill represents.

MINUTES**CITY COUNCIL BILL**

15-0562 - An Ordinance concerning Sale of Property - 10 South Frederick Street 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 10 South Frederick Street (Ward 04, Section 11, Block 1351, Lot 003) and no longer needed for public use; and providing for a special effective date.

ALL REPORTS RECEIVED WERE FAVORABLE.

UPON MOTION duly made and seconded, the Board **DEFERRED** bill no. 15-0611 AND approved bill 15-0562 and directed that the bill 15-0562 be returned to the City Council with the recommendation that it also be approved and passed by that Honorable Body. The President **ABSTAINED**.

MINUTES

Department of Recreation - Environmental Covenant
and Parks

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Environmental Covenant with the Maryland Department of the Environment (MDE) regarding a portion of Middle Branch Park, located at 2913 Waterview Avenue (the Property). The term of the Covenant is perpetual, effective upon Board approval.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The Board previously approved this covenant on December 8, 2014. However, the Covenant was not fully executed and signed by the MDE. The MDE has requested changes to be made to the identification of the Property, as well as to incorporate changes made to the MDE's format. The updated Covenant has been approved by all parties.

This Covenant will regulate use or transfer of a portion of Middle Branch Park. A portion of the Property was used as a salvage yard from at least 1966 to 1975; while the MDE's preliminary assessment of the property concluded that no further investigation is needed, the MDE recommends that the Covenant be put in place to restrict excavation without proper contingency for dealing with waste. The Covenant will impose health and safety restrictions on the excavation and handling of all soil and groundwater at the Property, and the City will be required to notify all future successors in interest of the restrictions and the language of the Covenant.

MINUTES

Department of Recreation and Parks - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Environmental Covenant with the Maryland Department of the Environment regarding a portion of Middle Branch Park, located at 2913 Waterview Avenue.

MINUTES**TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Employees Retirement System</u>			
1. Gary Gilkey	NCPERS 2016 Annual Conference & Exhibition San Diego, CA May 13 - 18, 2016	Special Funds ERS	\$2,449.06

The subsistence rate for this location is \$217.00 per day. The hotel rate is \$265.00 per night, plus hotel taxes of \$33.72 per night. The Department is requesting additional subsistence of \$48.00 per night for hotel costs and \$40.00 per day for food and incidentals. The Department is requesting an additional \$40.00 for food and incidentals because of the length of travel and time zone difference.

2. Doris Y. Brightful	NCPERS 2016 Annual Conference & Exhibition San Diego, CA May 13 - 18, 2016	Special Funds ERS	\$2,263.56
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The subsistence rate for this location is \$217.00 per day. The hotel rate is \$265.00 per night, plus hotel taxes of \$33.72 per night. The Department is requesting additional subsistence of \$48.00 per night for hotel costs and \$40.00 per day for food and incidentals. The Department is requesting an additional \$40.00 for food and incidentals because of the length of travel and time zone difference.

MINUTES**TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Department of Public Works/Office of Asset Management</u>			
3. Kris Carter	AWWA - Water Loss Seminar Bethlehem, PA Mar. 15 - 16, 2016 (Reg. Fee \$795.00)	Water Utility	\$1,202.62

The subsistence rate for this location is \$150.00 per night. The cost of the hotel is \$135.00 per night plus hotel taxes of \$12.88 per night. The registration fee in the amount of \$795.00 was pre-paid on a City-issued credit card assigned to Ms. Tianna Haines.

The Department is requesting additional subsistence of \$25.00 for meals and incidentals. Therefore, the attendee will be disbursed \$407.62.

Department of Public Works/ Office
of Engineering and Construction

4. Wazir Quadri	WEF - Collections System Conference 2016 Atlanta, GA May 1 - 4, 2016 (Reg. Fee \$680.00)	Waste Water Utility	\$1,600.47
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The registration costs of \$680.00 and the transportation costs of \$162.95 were prepaid using a City-issued credit card assigned to Tianna Haines. Therefore, the disbursement to Mr. Quadri is \$757.52.

MINUTES**RETROACTIVE TRAVEL APPROVAL**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>State's Attorney's Office</u>			
5. Daniel Kim	Intelligence-Driven Prosecution Symposium 3 New York, NY Dec. 2 - 4, 2015	General Funds	\$ 696.34
6. Albert Peisinger	" "	" "	\$1,026.45
7. Christine Celeste	" "	" "	\$1,000.72
8. Charles Blomquist	" "	" "	\$1,002.61

Mr. Kim drove his personal vehicle from Baltimore City, MD to Harford County, MD. He picked-up Ms. Celeste and Mr. Blomquist from the State's Attorney's Office and then drove to Mr. Peisinger.

Mr. Peisinger drove his personal vehicle from Harford County, MD to New York, NY. He transported Mr. Kim, Ms. Celeste, and Mr. Bloomquist.

The subsistence rate for this location is \$380.00 per day. Mr. Kim and Mr. Peisinger shared a hotel room. The hotel cost for the first night was \$449.00 plus hotel taxes of \$69.73 and for the second night \$429.00 plus hotel taxes of \$66.77. The hotel cost was in the amount of \$878.00 was paid by a City-issued procurement card assigned to Ms. Robin Haskins.

The hotel cost for Ms. Celeste and Mr. Blomquist each was \$399.00 for the first night plus hotel taxes of \$62.35 and \$379.00 for the second night plus hotel taxes of \$59.41. The Department is requesting an additional subsistence of \$36.00 for hotel balances and \$158.00 for meals and incidentals. The hotel costs in the amount of \$878.00 each were paid by a City-issued procurement card assigned to Ms. Robin Haskins.

MINUTES

TRAVEL REIMBURSEMENT:State's Attorney's Office - cont'd

The amount to be disbursed to the attendees for out-of-pocket expenses is as follows:

<u>Expenses</u>	<u>Actual Expenses</u>	<u>Reimbursement</u>
<u>Mr. Kim</u>		
Hotel	\$ 439.00	Paid*
Hotel Taxes	68.25	Paid*
Mileage	36.80	\$ 36.80
Tolls	8.00	8.00
Food	144.29	144.29
	<u>\$ 696.34</u>	\$189.09
<u>Mr. Peisinger</u>		
Hotel	\$ 439.00	Paid*
Hotel Taxes	68.25	Paid*
Hotel Parking	120.00	\$120.00
Food	153.95	153.95
Mileage	190.90	190.90
Tolls	54.35	54.35
	<u>\$1,026.45</u>	\$519.20
<u>Ms. Celeste</u>		
Hotel	\$ 778.00	Paid*
Hotel Taxes	121.76	Paid*
Taxi	21.96	\$ 21.96
Food	135.85	79.00
	<u>\$1,000.72</u>	\$ 100.96
<u>Mr. Blomquist</u>		
Hotel	\$ 778.00	Paid*
Hotel Taxes	121.76	Paid*
Taxi	23.85	\$ 23.85
Food	79.00	79.00
	<u>\$1,002.61</u>	\$ 102.85

MINUTES

TRAVEL REIMBURSEMENT:

State's Attorney's Office - cont'd

*The hotel costs were paid by City-issued procurement card assigned to Ms. Robin Haskins.

This retroactive travel request and travel reimbursement is late due to the deactivation of the procurement cards which delayed securing arrangements and illness of staff responsible for processing and submitting requests.

UPON MOTION duly made and seconded, the Board approved the travels requests, the retroactive travel requests, and travel reimbursements. The Comptroller **ABSTAINED** on item nos. 1 and 2.

* * * * *

President: "As there being no more business before this Board, the meeting will recess until bid opening at 12 noon. Thank you."

MINUTES

Clerk: "The Board is now in session for the receiving and opening of bids."

BIDS, PROPOSALS, AND CONTRACT AWARDS

Prior to the reading of bids received today and the opening of bids scheduled for today, the Clerk announced that the following agencies had issued an Addendum extending the dates for receipt and opening of bids on the following contract. There were no objections.

Department of Transportation - TR 13321, Downtown Bicycle Network
BIDS TO BE RECV'D: 03/23/2016
BIDS TO BE OPENED: 03/23/2016

Thereafter, UPON MOTION duly made and seconded, the Board received, opened, and referred the following bids to the respective departments for tabulation and report:

Department of Recreation and Parks - RP 15818R, Office Trailer Relocation to Gwynns Falls Park Maintenance Yard

NO BIDS RECEIVED.

MINUTES

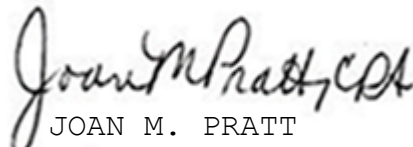
Department of General Services - GS15813RR, MECU Building
Envelope Improvements

JLN Construction Services, LLC
Trionfo Builders, Inc.
Commercial Interiors, Inc. d/b/a Commercial Construction
HASCON, LLC
Nichols Contracting, Inc.*

*UPON FURTHER MOTION duly made and seconded, the Board declared the bid of Nichols Contracting, Inc. **NON-RESPONSIVE** due to the company's failure to submit the complete original contract book and duplicate bid book as required by the contract specifications.

* * * * *

There being no objections, the Board, UPON MOTION duly made and seconded, adjourned until its next regularly scheduled meeting on Wednesday, March 9, 2016.


JOAN M. PRATT
Secretary