

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
Alfred H. Foxx, Director of Public Works
David E. Ralph, Deputy City Solicitor
Ben Meli, Deputy Director of Public Works
Bernice H. Taylor, Deputy Comptroller and Clerk

The meeting was called to order by the President.

President: "Good morning, the March 20, 2013 meeting of the Board of Estimates is now called to order. Ah - before I recognize Madam Deputy Comptroller, I want to recognize Councilman Curran who has joined us this morning."

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President: "I will direct the Board members attention to the memorandum from my office dated March 19, 2013, 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."

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

Comptroller: "Second."

President: "All those in favor say AYE. All opposed NAY. The routine agenda has been adopted."

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MINUTES

THE DEPARTMENT OF FINANCE

PRESENTATION OF THE

PRELIMINARY BUDGET RECOMMENDATIONS FOR FY 2014

TO THE BOARD OF ESTIMATES

President: "The first item on the non-routine agenda can be found on page 1. At this time, Andrew Kleine, the City's Budget Director will present the Preliminary Budget Recommendations for Fiscal Year 2014 to the Board of Estimates."

Andrew Kleine: "Good morning Mr. President, Madam Mayor, Madam Comptroller, members of the Board of Estimates. I am here today to present the Board with the Finance Department's Fiscal 2014 Preliminary Budget Plan. The Preliminary Plan includes \$2.385 billion for operating expenses, an increase of \$66.1 million or 2.9% above the Fiscal 2013 adopted budget. The operating appropriation includes establishment of a new stormwater utility and increased beverage container tax revenue dedicated to school construction. The General Fund operating budget is \$1.57 billion, or 0.5% above the Fiscal 2013 level. The budget includes \$1.162 billion for capital expenses, an increase of \$397 million or 51.9% from the Fiscal 2013 adopted budget. The primary reasons for the increase are county cost-sharing for wastewater infrastructure projects pursuant to the consent

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decree plan, one-time PAYGO capital funding, and a large State grant for enhanced nutrient removal at the Back River treatment plant. Fiscal 2014 plan includes several major initiatives of the Mayor's Ten-Year Financial Plan. It closes a \$30,000,000.00 budget shortfall while lowering the property tax rate, increasing infrastructure investment, raising employee pay, reducing unfunded liabilities, and protecting funding for core city services. This plan is only possible if the City implements a series of changes, including pension plan redesign for current and future employees, leave reform, a new firefighter schedule, fleet streamlining, a stormwater fee, and targeted revenue enhancements. These are just some of the changes necessary for the City to achieve a structurally balanced budget, make its tax rates more competitive, and invest for a future of growth. General Fund revenue, excluding one-time revenue, is projected to be only marginally higher than the Fiscal 2013 level. While income tax revenue is recovering, property tax revenue is down again due to continued assessment decline and the cost of tax relief. The preliminary budget plan maintains core public safety, education, health, and sanitation services and includes the second installment of the Mayor's Targeted Homeowners' Tax Credit. All told, this budget reduces the effective property tax rate for owner occupied property to

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\$2.168 per \$100.00 of assessed value. The City used Outcome Budgeting to prioritize spending around the Mayor's six Priority Outcomes for Growing Baltimore: better schools, safer streets, stronger neighborhoods, a growing economy, innovative government, and a cleaner and healthier City. The Preliminary Plan fully funds the Maintenance of Effort contribution to the schools and includes \$42,000,000.00 for the Better Schools Initiative to modernize school buildings. It Funds out-of-school-time programs that are proven effective and maintains library hours. Maintains all school-based health centers and health suites, continues the Mayor's police hiring plan and maintains fire and EMS response times, supports the Mayor's Vacants to Value program and other blight elimination efforts with a surge of demolition funding. Provides funding to resurface 200 or more lane miles of neighborhood streets, promotes economic growth through workforce development, small business assistance, and tourism. Makes \$1,800,000.00 in Innovation Fund investments to improve parking management, energy efficiency and vehicle safety. Funds agency audits, improved grants management, and IT modernization. Assists Baltimore's most vulnerable citizens through maternal and child health and homeless services, including enhanced funding for prenatal health literacy and a net increase of 50 shelter beds,

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and maintains 1+1 trash and recycling collection, rat control, and graffiti removal. The Preliminary Plan is intended to continue the performance improvements seen over the last three years in crime rates, student achievement, business and employment growth, blight removal, and infant mortality. Funded full-time permanent positions in the Preliminary Plan total 14,020, virtually the same as the Fiscal - - Fiscal 2013 adopted budget. General Fund positions are at 10,126, 18 fewer than Fiscal 2013. The Preliminary Plan includes an increase in Teacher Pension costs from \$12,900,000.00 to \$16,400,000.00. Specific impacts of the federal sequester are still being determined by City agencies. That concludes my presentation. I would be happy to answer any questions."

President: "Any questions? -- Thank you Mr. Kleine."

Mr. Kleine: "Thank You."

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

The Board of Estimates received and reviewed Ms. Trueheart's protest. As Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board will not hear her protest. Her correspondence has been sent to the appropriate agency and/or committee which will respond directly to Ms. Trueheart.

Kim A. Trueheart

March 19, 2013

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of a blatant disregard for statutory conformance with the Baltimore City Charter Article VI. Board of Estimates, § 3. Fiscal year; budget schedule. (b) *Notice and hearing* by members of the Board of Estimates.

The following details are provided to initiate this action as required by the Board of Estimates:

1. Whom you represent: Self
2. What the issues are:
 - a. Page 1, THE DEPARTMENT OF FINANCE WILL PRESENT THE PRELIMINARY BUDGET RECOMMENDATIONS FOR FY 2014 TO THE BOARD OF ESTIMATES, if approved:
 - i. The BOE will ensure, unlike last year, to conform with the protocols and schedule enacted in the Baltimore City Charter as follows:
 1. Release the Planning Commission's recommended long-range capital improvements program, and the reports of the Director of Finance and Planning Commission on this document at least thirty days prior to the adoption by the Board of Estimates of a proposed Ordinance of Estimates;
 2. Hold public hearings subsequent to the release of the above noted plans and reports at which members of the City Council, heads of municipal agencies, and citizens shall have the opportunity to appear before the Board to speak;
 3. Adhere to the schedule for (c) Submission to Council and (d) Adoption by Council.
 4. Release The Director of Finance' submission for the consideration of the Board a recommended operating budget, which shall include the estimates submitted by the municipal agencies for the next fiscal year, the recommendations of the Director of Finance thereon, and all other estimates for appropriations to be made in the next fiscal year, other than for capital improvements;
 - ii. Lastly, some fundamental questions should be answered:
 1. Does this budget hold children harmless from cuts to current year funding levels?

Email: ktrueheart@whatfits.net

5519 Belleville Ave
Baltimore, MD 21207

2. Has the current afterschool funding level of \$4.8M been doubled to \$9.6M as promised by Mayor Stephanie Rawlings-Blake?
 3. Will the Department of Recreation and Parks budget again be increased at the same time services and programs are reduced, as was approved last year by our City Council and BOE?
 4. Have positions within the Department of Audits been increased to ensure sufficient staffing is in place to carry-out the mandates of the recently approved charter amendment for next year?
 5. Have city-wide budget streamlining and related cost savings been reallocated to uplift our children with enriching programs and services, especially in afterschool settings?
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I expect that as was the case last year, I will NOT have been afforded the opportunity to review the preliminary budget and accompanying materials and reports as prescribed in the City Charter, thus I will again assert that my rights are being denied as a citizen and taxpayer to engage with my elected government representatives in reshaping the inequities inherent in the FLAWED proposed budget for fiscal year 2014 as proposed by the current administration.
4. The remedy I seek is the release of the entirety of materials and reports prescribed by the City Charter and subsequent scheduling of public hearings as prescribed in the charter.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on March 20, 2013.

If you have any questions regarding this request, please telephone me at (410) 205-5114.

Sincerely,

Kim Trueheart, Citizen & Resident

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:

Absolute Underground, Inc.	\$ 8,000,000.00
Advanced Government & Industrial Security, Inc.	\$ 54,000.00
Autumn Contracting, Inc.	\$ 36,562,000.00
Bob Andrews Construction, Inc.	\$ 666,000.00
John W. Brawner Contracting Company, Inc.	\$ 1,944,000.00
Mylander Builders, LLC	\$ 1,413,000.00
Norair Engineering Corp. and Subsidiary	\$ 8,000,000.00
Schemm Electric Co., Inc.	\$ 8,000,000.00
Strait Steel, Inc.	\$ 8,000,000.00
Total Civil Construction & Engineering, LLC	\$ 8,000,000.00

2. Prequalification of Architects and Engineers

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

Alpha Construction and Engineering Corporation	Engineer
Bryant Mitchell, PLLC	Architect
Daniel Consultants, Inc.	Engineer Land Survey

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

Endesco, Inc.	Engineer
Grimm and Parker Architects	Architect
InfraMap Corp.	Engineer Property Line Survey
Shah & Associates, Inc.	Engineer

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.

MINUTESBaltimore Development Corporation - Lease Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a lease agreement with D&L Foreclosure Cleanup, LLC, tenant, for the rental of a portion of the property known as 2901 Druid Hill Park Drive, Suite 103, at the Business Center @ Park Circle, consisting of 912 square feet of space. The period of the agreement is February 1, 2013 through January 31, 2016, with one 3-year renewal option.

AMOUNT OF MONEY AND SOURCE:

<u>Year</u>	<u>Annual Rent</u>	<u>Monthly Installments</u>
1	\$12,768.00	\$1,064.00
2	\$13,278.72	\$1,106.56
3	\$13,809.87	\$1,150.82

BACKGROUND/EXPLANATION:

The tenant is a full-service cleaning company that services residential and commercial properties, including REO's bank/lender owned investments and rentals. D&L Foreclosure Cleanup, LLC is fully bonded and insured and has offices in Maryland and Pennsylvania. The company has been in business for four years and has four administrative staff and up to 20 field staff. The leased premises will be used for general office purposes.

The space is leased on an "As Is" basis with the exception of paint and carpet installation by the landlord. The tenant will be responsible for any additional improvements or build-out of the premises. All other landlord services such as utilities, limited janitorial services, maintenance and repairs to the premises are included in the base rent.

In addition, the tenant is obligated to maintain and keep in force general public liability, contractual liability and property damage insurance protection for the premises and name the City as additionally insured under the insurance policies.

MINUTES

BDC - cont'd

The lease agreement is late because of delays in obtaining the required signatures from the tenant and was inadvertently not processed in a timely manner.

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the agreement with D&L Foreclosure Cleanup, LLC, tenant, for the rental of a portion of the property known as 2901 Druid Hill Park Drive, Suite 103, at the Business Center @ Park Circle, consisting of 912 square feet of space. The Comptroller **ABSTAINED**.

MINUTESBaltimore Development Corporation - Lease Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a lease agreement with Baltimore Adolescent Treatment and Guidance Organization, Inc. (BATGO) tenant, for the rental of a portion of the property known as 2901 Druid Hill Park Drive, Suites A201, A22, A1 & A3, at the Business Center @ Park Circle, consisting of 2,877 square feet of space. The period of the agreement is March 1, 2013 through February 29, 2016, with one 3-year renewal option.

AMOUNT OF MONEY AND SOURCE:

<u>Year</u>	<u>Annual Rent</u>	<u>Monthly Installments</u>
1	\$40,958.76	\$3,413.23
2	\$42,597.11	\$3,549.76
3	\$44,300.99	\$3,691.75

BACKGROUND/EXPLANATION:

On September 12, 2007, the Board approved the original lease with BATGO, which was formerly known as Baltimore Academy and Trade Guilds, Inc., for rental of suites A201, A22, A1, A3, and C200, consisting of 3,245 square feet of space. The original lease will terminate upon approval of this lease.

BATGO is a community-based intervention treatment program for youth. BATGO provides a full range of therapeutic and career development services to program participants. BATGO has been a tenant since 2004 and is currently downsizing their space.

The space is leased on an "As Is" basis and does not require the landlord to make any modifications. The tenant will be responsible for any additional improvements or build out of the premises.

MINUTES

BDC - cont'd

All other landlord services such as utilities, limited janitorial services, maintenance and repairs to the premises are included in the base rent.

In addition, the tenant is obligated to maintain and keep in force general public liability, contractual liability and property damage insurance protection for the premises and name the City as additionally insured under the insurance policies.

The lease agreement is late because of delays in obtaining the required signatures from the tenant and it was inadvertently not processed in a timely manner.

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the lease agreement with Baltimore Adolescent Treatment and Guidance Organization, Inc., tenant, for the rental of a portion of the property known as 2901 Druid Hill Park Drive, Suites A201, A22, A1 & A3, at the Business Center @ Park Circle, consisting of 2,877 square feet of space.

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OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Department of Housing and Community Development - Options</u>			
1. Jesse S. Weinberg	940 N. Chester St.	G/R \$36.00	\$ 330.00
Funds are available in account 9910-906416-9588-900000-704040, EBDI Phase II Project.			
2. Estate of Reuben Shiling, c/o Margaret Sharfstein, Personal Representative	962 N. Chester St.	G/R \$36.00	\$ 264.00
Funds are available in account 9910-906416-9588-900000-704040, EBDI Phase II Project.			
3. Henry A. Fischer, Jr.	918 N. Madeira St.	G/R \$60.00	\$ 550.00
Funds are available in account 9910-906416-9588-900000-704040, EBDI Phase II Project. This includes an administrative settlement of \$150.00.			
4. Robyn Engelman Cantor	2206 E. Eager St.	G/R \$54.00	\$ 495.00
Funds are available in account 9910-906416-9588-900000-704040, EBDI Phase II Project. This includes an administrative settlement of \$135.00.			

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

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 - Condemnations</u>			
5. First Tabernacle Baptist Church of Baltimore Maryland	1758 E. Preston St.	F/S	\$ 4,000.00
Funds are available in account 9910-906416-9588-900000-704040, EBDI Project, Phase II.			
6. First Tabernacle Baptist Church of Baltimore Maryland	1300 N. Gay St.	F/S	\$ 3,900.00
Funds are available in account 9910-906416-9588-900000-704040, EBDI Project, Phase II.			
7. First Tabernacle Baptist Church of Baltimore Maryland	1302 N. Gay St.	F/S	\$ 2,850.00
Funds are available in account 9910-906416-9588-900000-704040, EBDI Project, Phase II.			

Department of Law - Payments of Settlements

8. Bonnie L. Wade, Trustee for Lauren L. Buckler and Taylor M. Buckler, Ronald M. Carr and Marilyn Carr (previous owners)	915 N. Madeira St.	G/R (Reversionary Interest)	\$ 50.00
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On March 28, 2012, the Board approved the acquisition of the ground rent interest, by condemnation, in 915 N. Madeira Street for the amount of \$500.00. The owner of the property

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Department of Law - Payments of Settlements - cont'd</u>			

interest agreed to settle the condemnation case for an additional 10%. Therefore, the Board is requested to approve an additional \$50.00. The owner of the property interest was noted in the previous Board approval as Bonnie L. Wade, Trustee for Lauren L. Buckler and Taylor M. Buckler. Since that time, updated title information revealed that Ronald M. Carr and Marilyn Carr own the property interest. The condemnation action was amended to include Ronald M. Carr and Marilyn Carr as the owners.

Funds are available in State funds in account 9910-906416-9588-900000-704040, EBDI Phase II Area.

9. Aeron Alberti (previous owner)	2793 Tivoly Avenue	F/S	\$ 5,500.00
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On June 13, 2012, the Board approved the acquisition of the fee simple interest, by condemnation, in 2793 Tivoly Avenue for the amount of \$22,000.00. The owner of the property interest valued it at \$38,000.00. The parties agreed to settle the action for \$27,500.00. Therefore, the Board is requested to approve an additional \$5,500.00 in settlement of this case.

Funds are available in State funds in account 9910-904326-9588-900000-704040, Coldstream Homestead Montebello Project Area.

UPON MOTION duly made and seconded, the Board approved and authorized the foregoing options, condemnations, and payments of and settlements.

MINUTES

Police Department - Memorandum of Understanding

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a memorandum of understanding with Education & Treatment Alternatives, Inc. The period of the memorandum of understanding is March 20, 2013 through March 21, 2013.

AMOUNT OF MONEY AND SOURCE:

\$10,496.25 - 4000-409111-2252-690500-600000

BACKGROUND/EXPLANATION:

On December 22, 2010, the Board approved the Baltimore City Juvenile Screening and Diversion Program Grant Award. On August 22, 2012, the Board approved an extension of the period of the grant award through March 31, 2013.

The "Aggression Replacement Training Program" is a two-day training session for 25 employees of the Mayor's Office of Criminal Justice, the Department of Juvenile Services and the Family League and will be applied in the dealings with clients under the Diversion grant. Funding will cover the tuition, all hand-out materials, and certificates upon completion.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

The Board of Estimates received and reviewed Ms. Trueheart's protest. As Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board will not hear her protest. Her correspondence has been sent to the appropriate agency and/or committee which will respond directly to Ms. Trueheart.

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the memorandum of understanding with Education & Treatment Alternatives, Inc.

Kim A. Trueheart

March 19, 2013

Board of Estimates

Attn: Clerk

City Hall, Room 204

100 N. Holliday Street,

Baltimore, Maryland 21202

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of poor fiscal administration and management by the Mayor of Baltimore City and the various Departments and Agencies under our mayor's leadership and direction.

The following details are provided to initiate this action as required by the Board of Estimates:

1. Whom you represent: Self
2. What the issues are:
 - a. Page 11, Police Department – Memorandum of Understanding, if approved:
 - i. This course offering appears to provide a very necessary training component for youth intervention community members;
 - ii. Did the Department consider opening seats in this course to partners who could equally benefit from this training?
 - iii. If so, how were partners informed of this opportunity?
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I am significantly impacted by poor fiscal administration and management within my home town government. Workforce development is a significant deficiency both with my hometown government and the partners and providers the City has contracted with to deliver key services to our children. This opportunity should be extended if feasible to those partners and providers to ensure maximum benefit for our children.
4. The remedy I seek and respectfully request is that this contract NOT be approved until an assessment of the feasibility of including partners and providers is conducted.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on March 20, 2013.

If you have any questions regarding this request, please telephone me at (410) 205-5114.

Sincerely,

Kim Trueheart, Citizen & Resident

Email: ktrueheart@whatfits.net

5519 Belleville Ave
Baltimore, MD 21207

MINUTES

Department of Human Resources - Personnel Matter

Department of Audits

The Board is requested to approve the following Personnel matter:

	<u>Hourly Rate</u>	<u>Amount</u>
1. MUHAMMAD KHAN	\$45.00	\$93,600.00

Account: 1001-000000-1310-157800-601009

Mr. Khan will work as a Special Auditor in the Department of Audits. His duties will include, but will not be limited to assisting in information technology related functions of the Department's audits, maintaining the Department's network and databases, and performing other audits or assignments, as necessary. The period of the agreement is effective upon Board approval for 12 months.

THE PERSONNEL MATTER HAS BEEN APPROVED BY THE EXPENDITURE CONTROL COMMITTEE.

UPON MOTION duly made and seconded, the Board approved and the foregoing personnel matters. The Comptroller **ABSTAINED**.

MINUTESLaw Department - Settlement Agreements and Releases

The Board is requested to approve the settlement agreement and release for the following claims:

1. Darren Brown, et al. v. \$150,000.00
Detective Edward Bailey, et al.

Account: 1001-000000-2041-195500-603070

2. Nancy Arrington Green and \$200,000.00
Anthony W. Green, as Personal
Representative of the Estate of
Deanna C. Green v. Mayor & City
Council of Baltimore, et al.

Account: 2044-000000-1450-703800-603070

The settlement agreements and releases have been reviewed and approved by the Settlement Committee of the Law Department.

UPON MOTION duly made and seconded, the Board approved the settlement agreements and releases for the listed claims.

MINUTES

Office of the State's Attorney - Employee Expense Statement

ACTION REQUESTED OF B/E:

The Board is requested to approve the expense statement for Ms. Marjorie S. Diehl for the month of January 2013 for refreshments and transportation.

AMOUNT OF MONEY AND SOURCE:

\$1,024.86 - 6000-602412-1150-118100-604002

BACKGROUND/EXPLANATION:

Ms. Diehl purchased refreshments and MTA day passes for participants in the Specialized Prostitution Diversion Program. She failed to submit the expense statement and supporting receipts by the deadline.

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. Marjorie S. Diehl for the month of January 2013 for refreshments and transportation.

MINUTES

TRANSFER OF FUNDS

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UPON MOTION duly made and seconded,
the Board approved
the Transfer of Funds
listed on the following page:

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SUBJECT to receipt of a favorable report
from the Planning Commission,
the Director of Finance having
reported favorably thereon,
as required by the provisions of the
City Charter.

MINUTES**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Transportation</u>		
1. \$450,000.00 MVR	9950-903416-9507 Construction Reserve Hawkins Point Road Bridge	9950-902416-9506 Hawkins Point Road Bridge

This transfer will cover the expenses associated with the relocation of Dolphin Associates from 2800 Hawkins Point Road and other expenses related to the Project, "Hawkins Point Road Bridge."

MINUTES

Mayor's Office - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize an expenditure of funds to pay the Central Parking System. The period covered by the invoice is July 7, 2012 through July 8, 2012.

AMOUNT OF MONEY AND SOURCE:

\$25,000.00 - 1001-000000-1250-152800-603013

BACKGROUND/EXPLANATION:

The outstanding invoice is for the rental of Parking Lots B and C at the Camden Yards Sports Complex during the 2012 African American Festival. During the reconciliation to finalize all vendors associated with the African American Festival, the rental of the parking lots was found to be unpaid to date. This expenditure was an oversight and the Office wishes to apologize to the Board for this error.

The African American Festival is a celebration of the cultural heritage and diversity of Baltimore's African Americans and their descendants. It is a celebration of life, music, and culture over the last 30 years and it has been the largest African American festival on the east coast. The African American Festival attracts all ages and brings together a demographic distribution of incomes, ages, education and gender. The African American Festival is an opportunity for local and national sponsors to reach a large targeted audience in a unique and positive environment.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved an expenditure of funds to pay the Central Parking System.

MINUTES

Mayor's Office of Human Services (MOHS) - Amendatory Agreement
No. 1

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the amendatory agreement no. 1 with House of Ruth Maryland, Inc.

AMOUNT OF MONEY AND SOURCE:

\$65,000.00 - 4000-480013-3571-333618-603051

BACKGROUND/EXPLANATION:

On November 21, 2012, the Board approved the original agreement in the amount of \$10,948.00, with the House of Ruth Maryland, Inc. for the period July 1, 2012 through June 30, 2013. Under the terms of the original agreement, House of Ruth, Maryland, Inc. was to receive additional outside funding to cover staffing and rental assistance for the program. The additional funding was not obtained. Therefore, the MOHS would like to use available funding under the Hearth Emergency Solutions Grant to cover the loss of funding for the program. This amendatory agreement no. 1 increases the amount by \$65,000.00 for a total of \$75,948.00.

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the amendatory agreement no. 1 with House of Ruth Maryland, Inc.

MINUTES

Mayor's Office of Info. Technology (MOIT) - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an agreement with Year Up, Inc. The period of the agreement is effective upon Board approval through June 30, 2013.

AMOUNT OF MONEY AND SOURCE:

\$24,165.00 - 1001-000000-1474-167700-603026

BACKGROUND/EXPLANATION:

Year Up, Inc. administers the Year Up Internship Program, a non-profit experiential training program and is in a local institution of higher education.

MOIT desires to employ students who are in the Program as interns and to provide training and a stipend to the interns.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the agreement with Year Up, Inc.

MINUTESMayor's Office of Info. Technology - Expenditure Authorization**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize an expenditure authorization for payments to Cunningham Communications, Inc. for overdue invoices dated February 01, 2012 through February 01, 2013.

AMOUNT OF MONEY AND SOURCE:

\$144,965.16 - 2042-000000-1474-165700-603013

BACKGROUND/EXPLANATION:

The Mayor's Office of Information Technology (MOIT) has been renting air space for communications equipment from Cunningham Communications, Inc. for several years. All invoices were paid through expenditure authorization. MOIT was recently notified that expenditure authorization payments for this type of service are no longer permitted.

The Bureau of Accounting and Payroll Services rejected the expenditure authorization for FY12 and instructed MOIT to place this service in CitiBuy. MOIT complied with this request. However, the Bureau of Purchases rejected the requisition because the lease renewal was not approved by the Board of Estimates. The Department of Real Estate confirmed that the lessor was informed of the City's intent to renew the lease. However, by inadvertence the renewal was not submitted to the Board for approval. The Department of Real Estate is currently in negotiations with Cunningham Communications, Inc. for a new lease.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the expenditure authorization for payments to Cunningham Communications, Inc. for overdue invoices dated February 01, 2012 through February 01, 2013.

MINUTES

Department of Real Estate - Renewal of Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize the option to renew the three-year lease with Cunningham Communications, Inc., lessor for the rental of a portion of the premises located at 3900 Hooper Avenue.

AMOUNT OF MONEY AND SOURCE:

Annual Rent

\$123,875.00	Oct. 1, 2010 – Sept. 30, 2011
128,835.00	Oct. 1, 2011 – Sept. 30, 2012
<u>132,948.00</u>	Oct. 1, 2012 – Sept. 30, 2013
\$385,658.00	- 2042-000000-1747-165700-603013

BACKGROUND/EXPLANATION:

The lease approved on October 15, 1997 included renewal options. The demised premises is a 400 ft. multi-unit broadcast tower, together with a building, fence and other improvements used by Mayor’s Office of Information Technology, the Baltimore Police Department, and Fire Department.

Cunningham Communications, Inc. will be responsible for maintenance and repairs, roof and all common areas of the building and utilities. The City will be responsible for liability insurance, maintenance, and repairs to equipment. By inadvertence, the approval of the renewal was not submitted to the Board of Estimates however, the lessor was informed of the City’s intent to renew the lease.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the option to renew the three-year lease with Cunningham Communications, Inc., lessor for the rental of a portion of the premises located at 3900 Hooper Avenue.

MINUTESDepartment of Real Estate - Renewal of License Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize an option to renew the license agreement for the final term with the Good Samaritan Hospital, license for the rental of a portion of the premises located at 5601 Loch Raven Boulevard, being the west side of the hospital's main building roof. The period of the renewal is October 1, 2012 through September 30, 2017.

AMOUNT OF MONEY AND SOURCE:

\$ 23,369.51	Oct. 1, 2012 – Sept. 30, 2013
24,070.60	Oct. 1, 2013 – Sept. 30, 2014
24,792.71	Oct. 1, 2014 – Sept. 30, 2015
25,536.50	Oct. 1, 2015 – Sept. 30, 2016
26,302.59	Oct. 1, 2016 – Sept. 30, 2017
\$124,071.91	- 2042-000000-1747-165700-603013

BACKGROUND/EXPLANATION:

The demised premises, consisting of approximately 1,005 square feet, and all the space above the roof, are used for the operation and maintenance of antennae and equipment storage used by the Fire and Police Departments of Baltimore City.

The licensor was notified of the City's intent to renew the license agreement. However by inadvertence, the renewal was not submitted to the Board of Estimates. The Department apologizes for this late submission.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the option to renew the license agreement for the final term with the Good Samaritan Hospital, license for the rental of a portion of the premises located at 5601 Loch Raven Boulevard, being the west side of the hospital's main building roof.

MINUTES

Department of Real Estate - Renewal of License Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize the renewal the license agreement for the fifth term with the Towers of Harbor Court Condominium, licensor for the rental of a portion of the premises located at 10 E. Lee Street. The period of the renewal is December 1, 2012 through November 30, 2013.

AMOUNT OF MONEY AND SOURCE:

\$66,564.92 - 2042-000000-1474-165700-603013

BACKGROUND/EXPLANATION:

The demised premises, consisting of approximately 841 square feet, are used by the Fire and Police Departments of Baltimore City.

The licensor was notified of the City's intent to renew the license agreement. However by inadvertence, the renewal was not submitted to the Board of Estimates. The Department apologizes for this late submission.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the renewal of the license agreement for the fifth term with the Towers of Harbor Court Condominium, licensor for the rental of a portion of the premises located at 10 E. Lee Street.

MINUTESDepartment of Real Estate - Renewal of Lease Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize the fourth renewal a lease agreement with Saint Agnes Healthcare, Inc., lessor for the rental of a portion of the premises located at 900 S. Caton Avenue. The period of the renewal is October 1, 2012 through September 30, 2017.

AMOUNT OF MONEY AND SOURCE:Annual Rent

\$ 24,553.57	Oct. 1, 2012 – Sept. 30, 2013
25,290.17	Oct. 1, 2013 – Sept. 30, 2014
26,048.88	Oct. 1, 2014 – Sept. 30, 2015
26,830.35	Oct. 1, 2015 – Sept. 30, 2016
<u>27,635.26</u>	Oct. 1, 2016 – Sept. 30, 2017
\$130,358.23	- 2042-000000-1474-165700-603013

BACKGROUND/EXPLANATION:

The leased premises located at 900 S. Caton Avenue, being a portion of the hospital roof containing approximately 200 square feet, 576 square feet on the 7th floor, and certain wall space located within the electrical closets in the basement of the facility used by the Fire and Police Departments of Baltimore City.

On September 30, 1997, the Board approved the original lease agreement with Saint Agnes Healthcare, Inc. for an initial term of five years, with the option to renew for five additional 5-year terms. This renewal is for the fourth term.

The lessor was notified of the City's intent to renew the license agreement. However by inadvertence, the renewal was not submitted to the Board of Estimates. The Department apologizes for this late submission.

MINUTES

Department of Real Estate - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the fourth renewal a lease agreement with Saint Agnes Healthcare, Inc., lessor for the rental of a portion of the premises located at 900 S. Caton Avenue.

MINUTESDepartment of Real Estate - Supplemental Lease Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a supplemental lease agreement with WBJC-FM, Lessee, for the rental of a portion of the property known as R1723 Reisterstown Road. The period of the supplemental lease agreement is May 1, 2013 through April 30, 2022, with an option to renew for two additional five-year terms.

AMOUNT OF MONEY AND SOURCE:

<u>Year</u>	<u>Annual Amount</u>
2013	\$17,608.00
2014	\$18,136.24
2015	\$18,680.33
2016	\$19,240.74
2017	\$19,817.96
2018	\$20,412.50
2019	\$21,024.87
2020	\$21,655.62
2021	\$22,305.28
2022	\$22,974.44

The rent will be paid annually on May 1st. The rent will continue to escalate annually by an amount equal to 3% over the amount of the rental payments for the preceding year. In addition, the City will receive 10% of the revenue received by the Lessee from any subtenants.

BACKGROUND/EXPLANATION:

On February 6, 2013, the Board approved the original Lease Agreement with WBJC-FM. The WBJC-FM, the radio station of the Baltimore City Community College will use the demised premises for a radio tower and associated equipment and buildings for WBJC-FM.

MINUTESDepartment of Real Estate - cont'd

This Supplemental Lease Agreement clarifies the method by which the Lessor will receive the payment of rent and additional rent by including language in the lease that the Lessee will receive an annual invoice in a format required by the State for payment. In addition, the supplemental lease clarifies that the Lessee is a government entity and not subject to real property tax.

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the supplemental lease agreement with WBJC-FM, Lessee, for the rental of a portion of the property known as R1723 Reisterstown Road.

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

The Board is requested to approve and authorize execution of a lease agreement between the Mayor's Office of Human Services, Lessor, and DaySpring Programs, Inc., Lessee, for the rental of a portion of the property known as 5427 Belair Road, consisting of approximately 7,472 square feet. The period of the lease agreement is effective upon Board approval for two years.

AMOUNT OF MONEY AND SOURCE:

\$1.00 - if demanded

BACKGROUND/EXPLANATION:

The leased premises will be used for the DaySpring Head Start operations, providing education, health, social services, and parent-community involvement opportunities to low-income children, ages' three to five, and their families. The Lessor will be responsible for fire insurance.

The Lessee accepts the leased premises in its current existing condition and will be responsible for maintenance, repairs, minor improvements, janitorial, security and pest control. The Lessee will maintain necessary licenses for business operation. The Lessee will provide and pay for all utilities and keep the sidewalk and entrances free of ice, snow, and debris.

The Lessor and Lessee will meet to discuss proposed capital improvements and identify the party responsible to pay costs associated with such improvements.

The Space Utilization Committee approved this lease on March 12, 2013.

MINUTESSpace Utilization Committee - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the lease agreement between the Mayor's Office of Human Services, Lessor, and DaySpring Programs, Inc., Lessee, for the rental of a portion of the property known as 5427 Belair Road, consisting of approximately 7,472 square feet.

MINUTESSpace 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 Transportation, tenant, for rental of the property known as 417 E. Fayette Street, on the fifth floor, and consisting of approximately 42,788 square feet. The period of the inter-departmental lease agreement is July 1, 2012 through June 30, 2013, with the option to renew for an additional five one-year periods.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Monthly Installments</u>
\$274,324.00	\$22,860.33

BACKGROUND/EXPLANATION:

The leased premises will be used for the administrative offices for the lessee. The Department of General Services will maintain the interior and exterior of the building, including the foundation, roof, walls, gutters, downspouts, air conditioning, ventilating and heating system, clean the floors, provide janitorial services, trash removal, pest control, and keep the sidewalks adjacent to the premises and the entrances thereto clear of ice, snow and debris.

The Department of General Services will provide for all interior and exterior lighting of the leased premises, except for damage caused by the sole negligence of the tenant, tenant's employees, guests, agents, invitees, and contractors. The landlord will also furnish and pay for all utilities that are supplied to or used at the leased premise, including oil, gas, electric and water.

MINUTESSpace Utilization Committee - cont'd

The tenant will accept the leased premises in its current existing condition. The lessee will provide all equipment if applicable, necessary for the operation of the lessee's programs, including but not limited to telephone and computer services to the leased premises. The lessee will place debris from the leased premises into trash receptacles. The lessee will keep entrances, passageways, and area adjoining or appurtenant to the leased premises in a clean and orderly condition free of rubbish and obstruction.

The Space Utilization Committee approved this lease on March 12, 2013.

The lease is late coming to the Board because of administrative issues.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the Inter-Departmental Lease Agreement between the Department of General Services, landlord, and the Department of Transportation, tenant, for rental of the property known as 417 E. Fayette Street, on the fifth floor, and consisting of approximately 42,788 square feet.

MINUTES**CITY COUNCIL BILL:**

13-0176 - An ordinance concerning Tax Credits - High-Performance Market-Rate Rental Housing for the purpose of providing a property tax credit for certain newly constructed or converted high-performance market-rate rental housing projects; imposing certain limitations, conditions, and qualifications; providing for the administration of the credit; defining certain terms; setting a date for termination of the program; and generally relating to property tax credits.

THE DEPARTMENT OF PLANNING RECOMMENDED APPROVAL WITH THE AMENDMENT THAT THE LIST OF QUALIFIED LOCATIONS INCLUDE THE FOLLOWING:

- (8) Station North Area, within:
 - (I) Census Tract 110200, Census Block 1000;
 - (II) Census Tract 120400, Census Block 1010;
 - (III) Census Tract 120500, Census Blocks 1001-1005, 1010-12, 1017-1027, 1030-1031, 2016-2017, 2022, 2024-2025;
 - (IV) Census Tract 120600, Census Blocks 3012-3022; and
 - (V) Census Tract 120700, Census Blocks 3026-3027

ALL REPORTS RECEIVED WERE FAVORABLE.

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

The Board of Estimates received and reviewed Ms. Trueheart's protest. As Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board will not hear her protest. Her correspondence has been sent to the appropriate agency and/or committee which will respond directly to Ms. Trueheart.

UPON MOTION duly made and seconded, the Board approved City Council Bill No. 13-0176 and directed that the bill be returned to the City Council with the recommendation that it also be approved and passed by that Honorable Body. The President **ABSTAINED.**

Kim A. Trueheart

March 19, 2013

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of a blatant disregard for cogent and supporting legislative strategies that fulfill the short and long term goals of delivery of needed programs and services to Baltimore's underserved populations and all residents of the city.

The following details are provided to initiate this action as required by the Board of Estimates:

1. Whom you represent: Self
2. What the issues are:
 - a. Page 30, CITY COUNCIL BILL: 13-0176 - An ordinance concerning Tax Credits, if approved:
 - i. Fails to address the well documented deficiency and lack of low income affordable housing in Baltimore City;
 1. Fails to address the income inequality in the downtown Management Area;
 2. Fails to capitalize on the opportunity to rejuvenate neighborhoods where income diversity can be a growth motivating strength;
 3. Fails to incentivize the development of affordable rental units;
 4. Does NOT reflect the comprehensive housing strategy proposed by regional housing advocates for the City to consider.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I am experiencing a significant financial burden with annual tax increases, sewer and water service increases, user fee increases, parking meter rate increases and significantly reduce services as a resident. This already onerous burden will be exacerbated by potentially unwise and wasteful spending of scarce municipal resources.
4. The remedy I seek is this Bill be rejected and the Board approve the legislation for the development of affordable housing only.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on March 20, 2013.

If you have any questions regarding this request, please telephone me at (410) 205-5114.

Sincerely,
Kim Trueheart, Citizen & Resident

Email: ktrueheart@whatfits.net
5519 Belleville Ave
Baltimore, MD 21207

MINUTESHealth Department - Agreements and Ratification of Agreements

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

1. **UNIVERSITY OF MARYLAND, BALTIMORE (UMB)** **\$200,000.00**

Account: 4000-499013-3030-513201-603051

The UMB will perform services in the area of Expanded HIV Testing in Emergency Departments. The UMB will complete 6,667 HIV tests during the project period. The services will be provided at Mercy Hospital, Maryland General Hospital, and the University of Maryland Medical Center. Services will include post-test prevention counseling for all the patients newly diagnosed with HIV infection; link all patients newly diagnosed with HIV to medical care and confirm attendance to the first appointment, and refer all patients with HIV for Partner Services to the Health Department. The Bureau of Disease Control lab will provide lab services for syphilis serologies sent with the HIV confirmatory specimen and ensure that HIV-negative pregnant women are linked to prenatal care. The period of the agreement is January 1, 2013 through December 31, 2013.

This agreement is late because of a delay in the completion of required documentation.

MWBOO GRANTED A WAIVER.

2. **HEALTH CARE FOR HOMELESS, INC.** **\$159,423.00**

Account: 4000-424513-3023-599614-603051

The organization will provide services in the area of HIV Treatment Adherence for the Ryan White Part B Program. The services will include adherence intervention to at least 45 HIV+ homeless persons that have demonstrated difficulty with appointment and/or medication compliance. The period of the agreement is July 1, 2012 through June 30, 2013.

MINUTESHealth Department - cont'd

The agreement is late because the Infectious Disease and Environmental Health Administration (IDEHA) programmically manages Ryan White Part B services. The provider is asked to submit a budget, budget narrative, and scope of services. The Baltimore City Health Department thoroughly reviews the entire package before preparing a contract and submitting it to the Board of Estimates. The budget is often times revised because of inadequate information from the provider. This review process is required to comply with the grant requirements.

MWBOO GRANTED A WAIVER.

RATIFICATION OF AGREEMENTS

3. HEALTH CARE FOR THE HOMELESS, INC. \$ 50,716.00

Account: 4000-499012-3030-513200-603051

On January 8, 2013, the program manager requested an agreement with the organization for HIV Prevention - Counseling, Testing and Referral Services. The services were provided to identify HIV positive homeless individuals and engage them in comprehensive primary care and provide HIV prevention education to those who tested HIV negative. The period of the agreement was July 1, 2012 through December 31, 2012.

MWBOO GRANTED A WAIVER.

4. THE JOHNS HOPKINS UNIVERSITY, INC. (JHU) \$174,237.00

Account: 4000-499012-3030-513202-603051

On December 14, 2013, the program manager requested an agreement with the JHU. The JHU performed services in the area of Expanded HIV Testing for Disproportionately

MINUTESHealth Department - cont'd

Affected Populations. The deliverables on this contract included project development, project implementation, development of the decision-support software, and day-to-day management of the project. The period of the agreement was March 1, 2012 through December 31, 2012.

MWBOO GRANTED A WAIVER.

The agreements are late because 2012 was the first year of direct funding from the Centers for Disease Control to the City. The vendors had historically been funded by the State of Maryland. Lack of clear guidance on how to handle the transition from State to City funded delayed the initiation of contracts and compliance with new documentation requirements from the City further lengthened delays. The existing issues have been addressed and should not delay the contract process moving forward.

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

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the above-listed agreements. The President **ABSTAINED** on item no. 4.

MINUTES

Department of Housing - Employee Expense Statement
and Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve the expense statement for Mr. Daljit Bhalla for mileage during the month of September 2012.

AMOUNT OF MONEY AND SOURCE:

\$213.68 - 1001-000000-5832-412899-603002

BACKGROUND/EXPLANATION:

The request is late because the Mr. Bhalla was away from the office and was unable to complete the form. In addition, upon review of the form corrections were required, which further delayed its submission.

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 Mr. Daljit Bhalla for mileage during the month of September 2012.

MINUTES

Department of Housing and - Lien Release
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve the release of liens, plus all accrued interest and/or penalties on the vacant property located at 902 - 904 W. Saratoga Street, for the transferee, First Mt. Olive Free Will Baptist Church, Inc.

AMOUNT OF MONEY AND SOURCE:

\$94,290.07, plus all accrued interest and/or penalties

BACKGROUND/EXPLANATION:

Pursuant to the Annotated Code of Maryland, Tax Property 14-806, the Board has the authority to release liens against real property under certain circumstances. In this case, the property in question complies with all requirements under the lien release law because:

- the property is a vacant building, and
- the liens exceed the assessed value of the property.

Metro Metals, Inc. donated the property located at 902 - 904 W. Saratoga Street to First Mt. Olive Free Will Baptist Church, Inc. in 1996, but an error was made and the property was not included in the deed. This release of liens on the property will enable the First Mt. Olive Free Will Baptist Church, Inc., a not-for-profit and tax-exempt entity, to record a corrective and confirmatory deed and clear the title.

Prior to recording the corrective and confirmatory deed, the First Mt. Olive Free Will Baptist Church, Inc. will pay the total flat taxes and water charges of the property in the amount of \$34,622.00.

MINUTES

DHCD - cont'd

Any additional property tax assessments, water charges, and liens that accrue from the date of this lien release will be the responsibility of the transferee to pay prior to recording. Failure to record the deed and pay the total flat taxes and water charges of \$34,622.00 within 120 days from the date of approval by the Board, will void this release.

UPON MOTION duly made and seconded, the Board approved the release of liens, plus all accrued interest and/or penalties on the vacant property located at 902 - 904 W. Saratoga Street, for the transferee, First Mt. Olive Free Will Baptist Church, Inc.

MINUTES

Department of Housing and - Local Government Resolution
Community Development

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

The following organizations are applying to the State of Maryland's Department of Housing and Community Development (MD-DHCD) for Neighborhood Conservation Initiative (NCI) funds or the State of Maryland, Neighborhood Business Works Program (NBWP). A local government resolution of support is required by the State for all applications to the State programs for funding.

- 1. **COALITION TO END CHILDHOOD LEAD PAINT** **\$1,117,696.00**
POISONING, INC. (THE COALITION) **(NCI)**

The Coalition has requested \$1,117,696.00 to complete 100 interventions in vacant and foreclosed residential buildings located in zip codes 21202, 21205, 21206, 21213, and 21218 by the end of year 2014. The properties will be renovated according to the National Green and Healthy Home Initiative (GHHI) standards. These standards integrate weatherization, energy efficiency, and lead reduction to create a healthy and green living environment.

The Coalition staff will utilize its current pipelines as well as work with housing counseling agencies, Healthy Neighborhoods, and other community agencies in the target area to identify eligible properties. Following a determination of project eligibility based on NCI criteria, Coalition staff will perform an environmental assessment energy audit and will create a comprehensive scope of work needed to bring the home up to the GHHI Housing Standards that will reduce common home maintenance, repairs, and utility costs that contribute to homeowner foreclosure.

MINUTES

DHCD - cont'd

Three Hundred and Fifty Thousand Dollars (\$350,000.00) is being requested to acquire and renovate ten vacant properties located in the 3800 and 3900 blocks of Fairview Avenue. The properties identified for acquisition and rehabilitation are as follows: 3813, 3819, 3822, 3823, 3824, 3825, 3901, 3903, 3905, and 3917 Fairview Avenue.

The remaining \$100,000.00 is being requested for the acquisition of the Garrison Middle School and its redevelopment as a full-service community center.

Under the National Mortgage Servicing Practices Settlement, the Maryland Attorney General received just under \$60,000,000.00 in discretionary funding. Of this amount, \$14,000,000.00 is being made available for projects that stabilize Maryland neighborhoods affected by the foreclosure crisis and the related economic downturn. The funds are being made available through the NCI, which is administered through the MD-DHCD.

4. THE BIRDLAND SPORTS BAR AND GRILL, LLC	\$ 80,000.00 (NBWP)
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The Birdland Sports Bar and Grill, LLC located at 6317-6319 Belair Road, proposes to lease and rehabilitate the former Ray Charles Lounge. The property contains 7,063 square feet and is located along a commercial strip in the Cedmont neighborhood.

The owners of the Birdland Sports Bar and Grill, LLC have purchased from the owner the existing equipment and assets within the building and a BD7 liquor license and plan to purchase additional equipment and to rehabilitate the facility.

The total project cost is estimated to be \$165,000.00 including the \$50,000.00 asset purchase. The borrowers have applied for a \$35,000.00 Micro Loan from the ECDC program and the Neighborhood Business Works Program loan request is for \$80,000.00 which is to be used for the purchase of furniture, fixtures, equipment, and renovations. The establishment will create ten new jobs in the neighborhood.

MINUTES

DHCD - cont'd

UPON MOTION duly made and seconded, the Board approved and adopted the local government resolutions. The Mayor **ABSTAINED** on item no. 2.

MINUTES

Baltimore Municipal Golf - Unaudited Interim Financial
Corporation Statements

The Board is requested to **NOTE** receipt of the unaudited interim financial statements for the nine months ended September 30, 2012 and 2011 for the Baltimore Municipal Golf Corporation.

The Board **NOTED** receipt of the unaudited interim financial statements for the nine months ended September 30, 2012 and 2011 for the Baltimore Municipal Golf Corporation.

MINUTES

Department of General Services - Right-of-Entry Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the right-of-entry agreement with Alcott Place Limited Partnership, having an address of 2702 Keyworth Avenue.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The Department of General Services needs to perform work associated with General Services Contract GS 12816. This project consists of replacement and upgrade of a failing retaining wall. The failing retaining wall is on City property and access is needed through 2702 Keyworth Avenue to perform the repairs. All of this work will be performed at no cost to the property owner.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the right-of-entry agreement with Alcott Place Limited Partnership, having an address of 2702 Keyworth Avenue.

MINUTESDepartment of General Services - Developers' Agreements

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

<u>DEVELOPER</u>	<u>NO.</u>	<u>AMOUNT</u>
1. MY SON DEVELOPMENT, LLC	1289	\$26,028.00

My Son Development, LLC would like to install new water service to its proposed construction located in the vicinity of 415 North Washington Street. This agreement will allow the organization to do its own installation in accordance with Baltimore City Standards.

An irrevocable letter of credit in the amount of \$26,028.00 has been issued to My Son Development, LLC which assumes 100% of the financial responsibility.

2. WILLIAM C. BROWN COMMUNITY FUNERAL HOME, P.A.	1036	\$46,790.00
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William C. Brown Community Funeral Home, P.A. would like to install a new water and storm water utilities to serve their proposed new construction located at 1300-1326 North Fremont Avenue. This agreement will allow the organization to do its own installation in accordance with Baltimore City Standards.

A performance bond in the amount of \$46,790.00 has been issued to William C. Brown Community Funeral Home, P.A. which assumes 100% of the financial responsibility.

MBE/WBE PARTICIPATION:

City funds will not be utilized for the projects, therefore, MBE/WBE participation is not applicable .

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the foregoing developers' agreements.

MINUTESDept. of General Services - Minor Privilege Permit Applications

The Board is requested to approve the following applications for a Minor Privilege Permit. The applications are in order as 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. 2315 E. Monument St.	Ghulam Sarwar	Retain awning w/signage 12' x 2', two spot reflectors
Annual Charge: \$140.70		
2. 2325 E. Monument St.	Peep Eye Corporation	Retain awning w/signage 13' x 3'
Annual Charge: \$117.10		
3. 2418 E. Monument St.	Ghulam Sarwar	Retain single face electric 7'9" x 3'
Annual Charge: \$70.30		
4. 2420 E. Monument St.	Tyrone A. White	Retain single face electric sign 12' x 2 ½'
Annual Charge: \$140.60		
5. 2421 E. Monument St.	Maurice Solomon	Retain double face electric sign 6'5" x 3'6", one exhaust vent
Annual Charge: \$190.88		

MINUTES

Dept. of General Services - cont'd

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
6. 800 N. Charles St.	800 North Charles Street, LP, LLC	Retain cornice sign 10'3" x 1 ½', four spot reflectors, four gooseneck lights
Annual Charge: \$351.90		
7. 3200 O'Donnell St.	Chris Cooke	Garage extension 17' x 2'
Annual Charge: \$119.00		
8. 22 E. Fayette St.	Pentagon Investment Group, LLC	Retain marquee w/ six recessed lights, one single face electric sign 9' x 1', one double face electric sign 3' x 2 ½'
Annual Charge: \$814.80		
9. 701 N. Milton Ave.	Ernest G. Gilliam, Jr.	Retain flat sign 10' x 20'
Annual Charge: \$280.00		

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

MINUTES

Bureau of Water and Wastewater - 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 Johnson, Mirmiran & Thompson, Inc., for Project 1170, Design Engineering Project Management Services.

AMOUNT OF MONEY AND SOURCE:

\$ 45,000.00	-	9960-904727-9557-900020-703032
40,000.00	-	9960-906653-9557-900020-703032
45,000.00	-	9960-903709-9557-900020-703032
200,000.00	-	2071-000000-5541-398601-603026
60,000.00	-	9956-904564-9551-900020-703032
60,000.00	-	9956-905565-9551-900010-705032
55,000.00	-	9956-907526-9551-900020-706063
75,000.00	-	9956-905527-9551-900020-703032
25,000.00	-	9956-910533-9551-900010-703032
<u>294,989.98</u>	-	<u>2070-000000-5541-399300-603026</u>
<u>\$899,989.98</u>		

BACKGROUND/EXPLANATION:

On April 4, 2012, the Board approved the original agreement in the amount of \$899,989.98 for one year. Amendment no. 1 will increase the contract by \$899,989.98 making the award amount \$1,799,979.96 and increase the period of the agreement to two years through April 3, 2014.

The consultant services are required in order to assist the Bureau of Water and Wastewater and the Water and Engineering Division in two major program components; general program management activities and project management and review of consultants' study and design efforts. The general program management activities support the Bureau in the preparation of the capital improvement program in preparing the Environmental Protection Agency and State construction grant/loan applications

MINUTES

BW&WW - cont'd

and required documentation, in the preparation of annual reports and documentation for the sale of Revenue Bonds. This area also includes assistance with asset management, strategic planning efforts and preparation of the Water and Sewer Master Plan and in overall monitoring, tracking, coordination and communication activities. The project management and review activities support the Water and Wastewater Engineering Division in the review of studies, designs, drawings, specifications, cost estimates, schedules, post award services, change orders, and attendance at progress meetings.

MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the amendment no. 1 to agreement with Johnson, Mirmiran & Thompson, Inc., for Project 1170, Design Engineering Project Management Services. The President

ABSTAINED.

MINUTESBureau of Water and Wastewater - On-Call Task Assignment**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize assignment of an on-call task with Rummel, Klepper & Kahl, LLP (RKK) for Project No. 1143, On-Call Contract Auditing and Closeout, All Projects Task 016. The period of the agreement is effective upon Board approval for six months.

AMOUNT OF MONEY AND SOURCE:

\$11,251.59	-	9956-907526-9551-900020-705032
11,251.59	-	9956-904529-9551-900020-705032
11,251.58	-	9960-904694-9557-900010-705032
11,251.58	-	9960-903709-9557-900020-705032
11,251.58	-	9960-904727-9557-900020-705032
<u>11,251.58</u>	-	<u>9960-906653-9557-900020-705032</u>
\$67,509.50		

BACKGROUND/EXPLANATION:

Construction Management is requesting RKK's assistance with project auditing and closeouts for various projects in accordance with their proposal dated December 10, 2012.

MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the on-call task with Rummel, Klepper & Kahl, LLP for Project No. 1143, On-Call Contract Auditing and Closeout, All Projects Task 016. The President **ABSTAINED.**

MINUTESBureau of Water and Wastewater - Expenditure of Funds**ACTION REQUESTED OF B/E:**

The Board is requested to approve an expenditure of funds to pay the outstanding invoice to Viking Janitor's Supply by Expenditure Authorization (EA).

AMOUNT OF MONEY AND SOURCE:

\$990.00 - 2070-000000-5501-397210-604027

BACKGROUND/EXPLANATION:

The invoice covers the purchase of a citrus general cleaner used to reduce odors at the Eastern Avenue Pumping Station. The Manager was not aware that the master blanket purchase order with Grainger would handle this type of material. After researching, it was found that a comparable material from Grainger costs \$1,656.00 compared to the \$990.00 cost from Viking for 2 - 55 gallon drums. The EA was previously approved and the material ordered and received.

These types of citrus cleaners have proven to be quite successful in eliminating odors from the wet well and screen room areas at the Eastern Avenue pumping station. When using other types of cleaners there have been complaints in the past. This can also be used to wash down the area outside of the screen room to help keep down the odors from the solids dumpster.

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

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to pay the outstanding invoice to Viking Janitor's Supply by Expenditure Authorization. The President

ABSTAINED.

MINUTES

EXTRA WORK ORDERS AND TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,
the Board approved the
Extra Work Orders and the Transfer of Funds
listed on the following page:

893

All of the EWOs were reviewed and approved
by the
Department of Audits, CORC,
and MWBOO, unless otherwise indicated.
The Transfer of Funds was approved
SUBJECT to receipt of a favorable report
from the Planning Commission,
the Director of Finance having reported favorably
thereon, as required by the provisions
of the City Charter.

MINUTES

EXTRA WORK ORDERS

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

Bureau of Water and Wastewater

1. EWO #015, \$31,170.96, S.C. 8526 Sludge Digester Facilities
at the Back River Wastewater Treatment Plant
\$38,667,000.00 \$ 219,855.74 Ulliman Schutte 0 19.73
Construction, LLC

2. EWO #016, \$0.00, S.C. 896, Repair and Replacement of Exist-
ing Sanitary Sewers at Various Locations
\$ 4,286,825.00 \$ 64,930.51 R.E. Harrington 180 -
Plumbing & CCD
Heating, Inc.

3. EWO #054, \$0.00, S.C. 878, Repair and Replacement of Exist-
ing Sanitary Sewers at Various Locations
\$ 2,893,528.30 \$ 499,605.12 R.E. Harrington - -
Plumbing &
Heating, Inc.

THE OVERRUNS AND UNDERRUNS CANCEL EACH OTHER OUT.

4. EWO #051, \$33,585.00, S.C. 829, Primary Settling Tanks
Rehabilitation at the Back River Wastewater Treatment Plant
\$ 9,720,000.00 \$3,960,318.43 Mid Eastern 0 85.67
Builders, Inc.

5. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$1,250,000.00	9956-906526-9549	
Wastewater	Constr. Res.	
Revenue Bonds	Primary Tank Renov.	
1,250,000.00	" "	
<u>Counties</u>		
\$2,500,000.00	-----	9956-904561-9551-2
		Extra Work

The funds are required to cover the cost of extra work for S.C. 829, Primary Settling Tanks Rehabilitation at Back River WWTP.

MINUTES**TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Department of General Services</u>			
1. Mark Benson	International Biomass Conference & Expo. Minneapolis, MN April 07 - 10, 2013 (Reg. Fee \$995.00)	U.S. Dept. of Energy Efficiency & Conservation Block Grant	\$1,844.60

The Department paid the registration fee in the amount of \$995.00 with a City issued credit card assigned to Mr. David Cunningham. Therefore, the disbursement to Mr. Benson will be in the amount of \$849.60.

Department of Transportation

2. Aubrey Sparenberg Yolanda F. Cason	International Parking Institute Ft. Lauderdale, FL May 19 - 23, 2013 (Reg. Fee \$695.00 ea.)	Parking Fund	\$3,519.52
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Health Department

3. Rachel Alfonso	Contraceptive Technology Conference Arlington, VA April 17 - 20, 2013 (Reg. Fee \$835.00)	HIV Grant	\$ 903.20
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The Department paid the registration fee under expenditure authorization EA000113351. The disbursement to Ms. Alfonso will be \$68.20.

MINUTES**TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Fire and Police Employees' Retirement System</u>			
4. Robert Haukdal	2013 Trustees and Administrators Institutes San Francisco, CA June 24 - 26, 2013 (Reg. Fee \$1,110.00)	Special Funds Fire & Police	\$2,211.60

UPON MOTION duly made and seconded, the Board approved the travel requests. The Comptroller **ABSTAINED** on item no. 4.

MINUTES

Department of Audits - Audit Reports and Related Audit Digests

The Board is requested to **NOTE** receipt of the following Audit Reports and Related Digests:

1. Audit of the City of Baltimore Parking Facilities Fund Financial Statements for the Fiscal Year Ended June 30, 2010.
2. Audit of the City of Baltimore Water Utility Fund Financial Statements for the Year Ended June 30, 2010.
3. Audit of the City of Baltimore Waste Water Utility Fund Financial Statements for Year Ended June 30, 2010.

President: "The second item on the non-routine agenda can be found on page 54, item 1, Audit of the City of Baltimore Parking Facilities Fund Financial Statements for the Fiscal Year Ended June 30, 2010. Will the parties please come forward? Good morning."

Robert McCarty: "Good morning -- Excuse me. I'm Bob McCarty, I am the City Auditor. I will be presenting the uh Restated Water, Wastewater and Parking Funds Audit reports for Fiscal Year 2010. Due to a number of errors that materially impacted the June 30, 2010 financial statements, it was determined that the City's Comprehensive Annual Financial Report or CAFR for fiscal year ended June 30, 2010 was required to be restated. These errors also caused the audits of these Enterprise funds, the Parking Facilities Fund, the Water Utility Fund, and the Waste Water Utility Fund to be restated for fiscal year of 2010. These audits are separate audit reports generated through the

MINUTES

City's CAFR. The Baltimore City Code requires an annual audit of the financial statements of these Funds. The Department of Audits and Ernst & Young have jointly audited the restated financial statements of the Parking Facilities Fund, the Water Utility Fund, and the Waste Water Utility Fund for the fiscal year ended June 30, 2010. We have issued unqualified opinions, which states that the financial statements present fairly, in all material respects, the financial position of the funds, for the year ended June 30, 2010, in conformity with generally accepted accounting principles. I am now going to go through each of the three reports -- ah -- our audit of the Parking Facilities Fund for fiscal year 2010 restated operations show total net assets in the fund, as restated, were \$51,900,000.00. Previously, we had reported that total net assets were \$75,300,000.00. The \$23,400,000.00 reduction in total net assets was mainly attributed to the misclassification of completed capital projects as construction-in-progress, with a corresponding understatement of depreciation expense; errors in the derivatives accounting; and other errors impacting journal entries posted during the financial statement close process. For our audit of the Water Utility Fund for fiscal year 10 the operations there show the total net assets in the fund were \$526,600,000.00, as restated; previously, we had reported total

MINUTES

net assets of \$558,600,000.00. The \$32,000,000.00 reduction again was mainly attributed to the misclassification of completed capital assets and its corresponding depreciation, journal entries posted during the financial statement closing process and additionally adjustments for billing errors. Ah -- Our audit of the Waste Water Utility Fund's for ten operations show total net assets for the fund were \$1,037,000,000.00, as restated; previously, we had reported total net assets of \$1,090,000,000.00. The \$52,600,000.00 reduction in net assets was mainly attributed to the misclassification of the capital assets and the corresponding depreciation, adjustments for the billing errors, and other errors impacting journal entries posted during the financial statement closing process."

President: "Thank you. Any questions?"

Comptroller: "Mr. McCarty, the Department of Audits --

President: "You have to speak into the mic."

Comptroller: "-- the Department of Audits -- ah -- brought this to the Department of Finance's attention that there were some errors and that some adjusting journal entries should be made. What was the total cost of having to restate ah -- the Financial Statements?"

Robert McCarty: Um -- ah Okay, --

MINUTES

Robert McCarty: "Um -- It was two parts, -- ah -- 1. Um -- For Fiscal Year 2010 um -- Ernst & Young had to work on the restatement. I do not know the exact number but maybe Finance would know, I believe it was like \$900,000.00."

Comptroller: "Right \$900,000.00."

Robert McCarty: "and the effects of these changes on Fiscal Year eleven which was done with KPMG because there is a new contract under the bid process. Um -- I believe it was over \$400 - maybe \$500,000.00, I don't know the exact numbers, I can get that --"

Comptroller: "So the total cost was over a \$1,000,000.00?"

Robert McCarty: "Yes."

Comptroller: "With the Department of Finance not taking the recommendations of the Department of Audits?"

Robert McCarty: "That was the total cost, Yes."

Comptroller: "Okay."

Robert McCarty: "Roughly, I don't know the exact numbers."

Comptroller: "Right, Thank You."

President: "Okay, the Audit has been **NOTED**. Thank you."

UPON MOTION duly made and seconded, the Board **NOTED** the Audit Reports and Related Digests. The President **ABSTAINED** on item nos. 2 and 3.

MINUTESDepartment of Audits - Audit Reports and Related Audit Digests

The Board is requested to **NOTE** receipt of the following Audit Reports and Related Digests:

1. Audit of the City of Baltimore Parking Facilities Fund Financial Statements for the Year Ended June 30, 2011.
2. Audit of the City of Baltimore Water Utility Fund Financial Statements for the Years Ended June 30, 2011 and 2010.
3. Audit of the City of Baltimore Waste Water Utility Fund Financial Statements for the Years Ended June 30, 2011 and 2010.
4. Audit of the City of Baltimore Loan and Guarantee Program Financial Statements for the Year Ended June 30, 2011.

UPON MOTION duly made and seconded, the Board **NOTED** the Audit Reports and Related Digests. The President **ABSTAINED** on item nos. 2 and 3.

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 contract
listed on the following page:

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

The President **ABSTAINED** on item no. 1.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

1. B50002768, Under -ground Utility Location Services	One Call Concepts Locating Services, Inc.	\$989,500.00
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(Bureau of Water &
Wastewater)

MBE: PAJ Business Staffing, Inc. 10%

WBE: Boonerang Consulting, LLC 3%

MWBOO FOUND VENDOR IN COMPLIANCE.

A PROTEST WAS RECEIVED FROM PINPOINT UNDERGROUND LLC.

President: "The fifth item on the non-routine agenda can be found on page 57, item no. 1, Underground Utility Location Services. Will the parties please come forward?"

President: "You can start."

Mayor: "Is the Protestor here?"

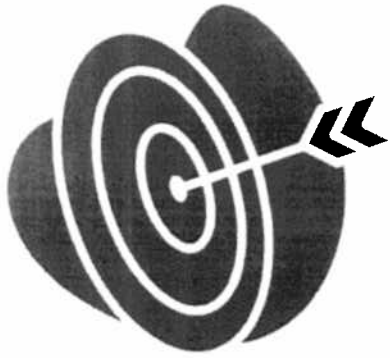
Tim Krus: "I don't believe the person - -"

President: "Is the Protestor here? Okay, I entertain a motion."

City Solicitor "I MOVE the approval of the agency recommendation."

Mr. Alfred Foxx: "Second"

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



PINPOINT UNDERGROUND LLC

On Point All the Time

March 15, 2013

VIA EMAIL/HAND DELIVERY and
CERTIFIED MAIL RETURN RECEIPT REQUESTED

Office of the Comptroller
Board of Estimates
City Hall, Room 204
100 North Holliday Street
Baltimore MD, 21202

Timothy M. Krus
City Purchasing Agent
231 East Baltimore St, Suite 300
Baltimore, MD 21202

RE: Intent to Award B50002768-Underground Utility Location Services

To the Board of Estimates and Timothy Krus:

On Friday, March 15, 2013, we received an email from Nancy Gonzalez regarding the recommendation to award Solicitation B50002768 – Underground Utility Location Services to the vendor One Call Concepts Locating Services, Inc.

I, on behalf of Pinpoint Underground LLC, am formerly protesting this recommendation in accordance with GC43 PROTESTS based on the following:

- Pinpoint Underground LLC was the lowest responsible bidder of this solicitation.
- Pinpoint Underground LLC was never afforded an interview or meeting with the Purchasing Buyer, Mukesh Vasavada, or the Board of Estimates to discuss our qualifications for this contract.

The form of relief we are requesting is a meeting with the Board of Estimates and the City Purchasing Department to discuss the reasoning behind your recommendation. We are also asking that this meeting take place before you officially award this solicitation. Your response to this protest is appreciated.

Thank you,

Casandra Johnson
Owner/President
Pinpoint Underground LLC
12138 Central Ave, Suite 466
Mitchellville, MD 20721
301-672-8526

cc: Mukesh Vasavada, CPPO, Engineer Supervisor

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
<u>Bureau of Purchases</u>		
1. PORT NETWORKS	\$45,000.00	Low Bid
Solicitation No. B50002814 - CitiWatch Application - Mayor's Office of Information Technology - Req. No. R621298		
The period of the award is March 20, 2013 through March 19, 2014.		
2. FLOW TECH, INC.	\$40,000.00	Low Bid
Solicitation No. B50002828 - Meter Converters - Department of Public Works - Req. No. R623272		
The period of the award is March 20, 2013 through March 19, 2014, with one 1-year renewal remaining.		
3. S.A.T., INC.	N/A	Agreement
Solicitation No. 06000 - Maintenance of the Bronzes Monuments - S.A.T., Department of Planning - Req. No. R623235		
The Board is requested to approve and authorize execution of an agreement with S.A.T., Inc. The period of the agreement is effective upon Board approval for four months.		
An award for maintenance of bronze monuments for \$40,000.00 was approved on March 6, 2013. Due to an oversight, the agreement was not submitted for approval. Approval of the agreement with S.A.T., Inc. is requested.		
4. CCG SYSTEMS, INC.	\$48,211.00	Sole Source/ Agreement
Solicitation No. 08000 - FASTER Maintenance Agreement - Department of General Services - Req. No. R625351		

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 Board is requested to approve and authorize execution of an agreement with CCG Systems, Inc. The period of the agreement is effective upon Board approval for one year. The period of the coverage is May 1, 2013 through April 30, 2014.

FASTER Maintenance is the software in use at the Fleet Management. This award is for renewal of the software agreement for one more year. The required software is not available from any other source. Therefore, the Board is requested to approve sole source award and the agreement.

5. TRANZONIC COMPANIES

T/A CCP INDUSTRIES	\$ 49,000.00	Low Bid
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Solicitation No. B50002802 - Shop Towels/Shop Rags - Department of General Services - Req. No. R620509

6. ATLANTIC EMERGENCY

SOLUTIONS	\$1,810,458.00	Increase
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Solicitation No. 06000 - Pierce Tiller Aerial Fire Trucks - Fire Department - Req. No. R624859

On October 24, 2012, the Board approved the initial award in the amount of \$1,810,458.00 from a cooperative purchasing contract (#FS12-11) with the Baltimore Regional Cooperative Purchasing Committee and Houston-Galveston Area Council. A requisition has been received for two additional trucks. This increase in the amount of \$1,810,458.00 is necessary to purchase two additional trucks. This increase makes the total award amount \$3,620,916.00. The contract expires on October 23, 2013.

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.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

7. RESOURCE INFORMATION

AND CONTROL CORPORATION	\$ 9,103.56	Renewal
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Solicitation No. 08000 - Maintenance Support for Concentric Software - Baltimore Convention Center - P.O. No. P513348

On May 5, 2010, the Board approved the initial award in the amount of \$27,310.68. The award contained two 1-year renewal options. The period of the renewal is May 1, 2013 through April 30, 2014, with one 1-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.

8. ALLIED CONTRACTORS, INC.	\$ 0.00	Renewal
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Solicitation No. B50001768 - Requirements for Concrete Sidewalk and other Structural Repairs at Various Locations - Agencies Various - P.O. No. P516895

On April 20, 2011, the Board approved the initial award in the amount of \$344,300.00. The award contained three 1-year renewal options. This renewal is for the period April 20, 2013 through April 19, 2014, with two 1-year renewal options remaining.

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

MBE: J.M. Murphy Enterprises, Inc. 27.0%

WBE: S & L Trucking, LLC. 10.0%

MWBOO approved the substitution of S & L Trucking, LLC for McCall, Inc.

MWBOO FOUND VENDOR IN COMPLIANCE.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- | | | |
|---|--------------|----------|
| 9. CORRELLI, INC. | \$590,500.00 | Increase |
| Solicitation No. B50002304 - Heavy Rubber Tire Wheel Loader -
Department of Transportation - Req. Nos. R625119 | | |

On April 18, 2012, the Board approved the initial award in the amount of \$355,100.00. On August 22, 2012, the Board approved an increase in the amount of \$118,900.00. This increase in the amount of \$590,500.00 is necessary to purchase five additional loaders at the initial contract price. These units will replace aging equipment in the fleet needing repairs that exceed their current value. This increase makes the total award amount \$1,064,500.00. The contract expires on April 17, 2013.

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.

- | | | |
|---|----------------|----------|
| 10. WASTE EQUIPMENT SALES
& SERVICE, LLC | \$1,000,000.00 | Increase |
| Solicitation No. B50001524 - OEM Parts and Service for FUSO
Mitsubishi Trucks - Department of General Services, Fleet
Management - P.O. No. P514834 | | |

On August 18, 2010, the Board approved the initial award in the amount of \$225,000.00. The award contained two 1-year renewal options. Subsequent actions have been approved. This increase in the amount of \$1,000,000.00 is necessary due to the higher than anticipated demand for parts and service under this contract and to increase the contingency inventory. This increase makes the total award amount \$2,725,000.00. The contract expires on September 30, 2013 with two 1-year renewal options.

MWBOO GRANTED A WAIVER.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

11. ASSOCIATED BUILDING		
<u>MAINTENANCE CO. INC.</u>	\$ 40,560.00	Increase
Solicitation No. B50001548 - Provide Janitorial Services for Area C - Department of General Services - P.O. No. P515613		

On November 24, 2010, the Board approved the initial award in the amount of \$408,924.00. The award contained two 1-year renewal options. Subsequent actions have been approved. This increase in the amount of \$40,560.00 will provide funding for extending the vendor's responsibilities to include custodial services at the People's Court. This increase makes the total award amount \$1,267,332.00. The contract expires December 2, 2013, with one 2-year renewal option remaining.

This is a requirements contract, therefore dollar amounts will vary.

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

MBE: CJ Maintenance 17%

WBE: My Cleaning Service 9%

MWBOO FOUND VENDOR IN COMPLIANCE.

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

The Board of Estimates received and reviewed Ms. Trueheart's protest. As Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board will not hear her protest. Her correspondence has been sent to the appropriate agency and/or committee which will respond directly to Ms. Trueheart.

A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION, INC. FOR ITEM NOS. 11, 12, AND 13.

Kim A. Trueheart

March 19, 2013

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of Baltimore City, of which I am a member, in good standing.

The following details are provided to initiate this action as required by the Board of Estimates:

1. Whom you represent: Self
2. What the issues are: Page 62, Item 11. ASSOCIATED BUILDING MAINTENANCE CO. INC. \$ 40,560.00 Increase Solicitation No. B50001548 – Provide Janitorial Services for Area C – Department of General Services – P.O. No. P515613, if approved:
 - a. What is “Area C”?
 - b. Are there “Area A” and “Area B”?
 - c. What is the “People’s Court”?
3. How the protestant will be harmed by the proposed Board of Estimates’ action: As a citizen I am experiencing a significant financial burden with annual tax increases, sewer and water service increases, user fee increases, parking meter rate increases and significantly reduce services as a resident. This onerous burden can only be relieved when the cost saving business practices are consistently applied to all procurement actions. This award fails to accomplish that end.
4. The Remedy I Seek: This award should NOT be approved until the lack of transparency is resolved as noted.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on March 20, 2013.

If you have any questions regarding this request, please telephone me at (410) 205-5114.

Sincerely,
Kim Trueheart
Citizen

Email: ktrueheart@whatfits.net
5519 Belleville Ave
Baltimore, MD 21207

MMCA- Maryland Minority Contractors Association, Inc.
A Chapter of the American Minority Contractors and Businesses Association, Inc.-AMCBA
Baltimore, Maryland 21210
443-413-3011 Phone
410-323-0932 Fax

March 19, 2013

Via Facsimile 410-685-4416

Honorable Bernard "Jack" Young
President, Baltimore City Board of Estimates
City Hall-Room 204
Baltimore, MD 21202
ATTN: Ms. Bernice Taylor, Esquire, Clerk to the Board

Dear Mr. President:

I represent the Maryland Minority Contractors Association ("MMCA"), its members, clients and constituents.

I wish to protest the following described proposed City contracts which are on Your Honorable Board's 03/20/2013 public meeting agenda:

1. Item No. 11, page 62, which is a proposed \$40,560.00 price increase to City Solicitation No. B50001548 (janitorial Services); and
2. Item No. 12, pages 62-63, which is a proposed \$60,000.00 price increase to City Solicitation No. 08000 (chemicals for BG Automatic Transmission Machines). Our concern for both items 11 and 12 is that they violate the spirit and intent of the City's competitive bidding charter provision found in Article VI, § 11 et seq.
3. Item no 13, page 63, which is a proposed \$7,091,004.00 price increase on City Solicitation No. B50002381-Pruchase of five ton crew cab Dump Trucks. Our concern here is that the proposes \$7,091,004.00 price increase violates the spirit and intent of the City's competitive bidding charter provision, found in Article VI, § 11 et seq.
4. Items No. 1 thru 4, page 67, which are requests from the City's Bureau of Water and Waste Water to advertise SC 886, SC 877, SC 897R and SC 907. Our protest is based on the fact that each of these city public works contracts is estimated to cost in excess of \$1,000,000.00, and the

City's MWBOO has failed to establish relevant and appropriate MBE sub-goals for each MBE sub-group that is made a beneficiary of the City's M-WBE Ordinance. see Art. 5, § 28-22 (c) Baltimore City Code ("Construction contracts of \$1,000,000.00 or more.")

"On construction contracts for which the estimated cost is \$1,000,000.00 or more, the [MWBOO] may, . . . , set goals for MBEs divided into sub-goals for African American, Hispanic American, Asian American or Native American-owned firms."

MMCA and its members would suffer cognizable injury if the Board were to approve the above proposed items.

Respectfully Submitted,

Arnold M. Jolivet

Arnold M. Jolivet
Managing Director

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

- | | | |
|--|--------------|----------|
| 12. CROVATO PRODUCTS &
SERVICES, LLC | \$ 60,000.00 | Increase |
| Solicitation No. 08000 - Chemical for BG Automatic Transmissions Machine - Department of General Services - P.O. No. P504171 | | |

On October 1, 2008, the Board approved the initial award in the amount of \$24,000.00. On May 5, 2010, the City Purchasing Agent approved an increase in the amount of \$12,000.00. Subsequent actions have been approved. This increase in the amount of \$60,000.00 is necessary due to increased usage of chemicals for the BG Automatic Transmissions Machine from this vendor. This increase makes the total award amount \$296,000.00. The contract expires on September 30, 2013.

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. BELTWAY INTERNATIONAL,
LLC | \$7,091,004.00 | Increase |
| Solicitation No. B50002381 - Five Ton Crew Cab Dump Trucks - Agencies - Various - Req. Nos. R624808, R626148, R624966, R623797, R627116 & R625589 | | |

On June 6, 2012, the Board approved the initial award in the amount of \$598,215.00. This increase in the amount of \$7,091,004.00 is necessary to purchase 48 additional trucks and provide training at the initial contract price. The trucks will replace aging equipment in the fleet needing repairs that exceed their current value. This increase makes the total award amount \$7,689,219.00. The contract expires on June 5, 2013.

The total cost of \$7,091,004.00 will be financed through the City's master lease program administered by the Bureau of Treasury Management.

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 and/or service is recommended.

MWBOO GRANTED A WAIVER.

President: "The sixth item on the non-routine agenda can be found on Page 62, item no. 11, Department of General Services, Provide Janitorial Services for Area C. Will the parties please come forward?"

Arnold M. Jolivet: "Good morning"

President: "You gotta talk in the mic."

Arnold M. Jolivet: "Arnold M. Jolivet. Ah -- Mr. President,

President: Before you start, we are doing all of these together since Mr. Jolivet is already here."

Tim Krus: "Yes."

Mayor: "Is it one issue, one client?"

President: "um-hum"

Arnold M. Jolivet: "Actually, I was going to recommend that"

President: "Okay."

Arnold M. Jolivet: "I was."

Tim Krus: "There are several clients Madam Mayor."

MINUTES

Mayor: "Several Clients?"

City Solicitor: "Move to accept Mr. Jolivet's recommendation procedurally."

Arnold M. Jolivet: "Well I -- From my perspective, from my perspective the issues are basically common issues and I was gonna propose to the Board if the Board would allow me to speak on behalf of all three of those ah -- minority -- contracts and essentially, what I have outlined for you is a situation where the Board has awarded certain contracts ah -- presumably -- presumably according to the City's competitive bidding -- ah -- procedures. Ah -- I was not able to verify all of them having been through the City's competitive bid -- but I will assume they have. But, what I want to submit to the Board this morning is ah -- in each instance, item 11, 12 and 13 the ah -- Bureau of Purchases needs to rethink ah -- what they are doing because once a contract has been duly awarded pursuant to competitive bid the Board nor the Bureau of Purchases is authorized to change the contract or increase the dollar threshold without another round of competitive bidding. That's a fundamental premise of competitive bidding, the City Law Department knows very clearly about this provision and I would think that the Bureau of Purchases know - - knows that once a contract awarded pursuant to competitive bidding charter provision can be amended or increased only through another round

MINUTES

of independent competitive bidding. I shouldn't have to utter that premise today, but I just want the Board to see the arbitrariness of -- of what the Bureau of Purchases is doing. Let's use for an example item 11. The Bureau of Purchases is recommending to this Honorable Board a \$40,560.00 increase to a contract that was awarded initially for \$408,924.00, now the \$40,560.00 -- amendment and presumably changed scope of work is in fact a completely separate independent scope of work. What they are doing is enhancing and increasing the original contract and going out of the original contract scope and giving the contractor work that was not specifically contemplated at the time of bid. I would submit very strongly that this should be done in a new -- completely new bid. Now I raise this issue because this is the kind of foolishness that hurts small minority women contractors to allow a contractor to be added work to the contract simply denies other companies who would bid the contract an opportunity to bid. It is, -- it is -- non-competitive I might add, it's non-competitive, I want to just also, I don't want to take up a lot of time, I want to move on to item 12, here is - the original contract for item 12 started out at \$24,000.00 and what is so amazing about this contract, according to the Charter Article VI, Section 11, the Board - this Board is the only entity that can award or amend the contract. Now, the Bureau of Purchases had the

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audacity to amend the contract without coming to the Board for \$12,000.00. The Bureau of Purchases awarded an increase of \$12,000.00 without coming to the Board, that's just not authorized Mr. President. The Bureau of Purchases has no authority to amend the contract - and end up. To make a long story short, we have a contract that started out initially at \$24,000.00 and through amendments, through amendments ended up at a total value of \$296,000.00. Now, what I say to you this is the kind of bid adjustments that hampers comp - competition but more importantly it keeps the little minority guy out because I as a contractor will not bid a contract if I know that there are those who are favored with the City Purchasing, whose get an add on or change order, an adjustment or an increase, when I might not get that same increase. So I just want to -- I want to -- I want to just move on, I want to go to the --"

President: "Before you move on Mr. Jolivet you said Page 62, item 12, you say they increased it by how much?"

Mr. Jolivet: "-- Well I, what I would --"

President: "\$60,000.00."

Mr. Jolivet: "No. What I pointed out, initially the contract started out at \$24,000.00 and there was a unilateral price increase solely by the Purchasing Bureau without coming to the Board of additional \$12,000.00. It's unheard of that a Purchasing

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Agent can award an increase solely ah -- on his own. That's -- that's just not authorized. But, I pointed out a contract that started out at \$24,000.00 had a \$12,000.00 increase and now they are coming for a \$60,000.00 increase. What I am saying Mr. President, this is not the way to award contracts if we are going to be fair, we are gonna have a level playing field for everybody, level playing field, we not going to be fair by doing this because what happens a contractor can bid a contract like this and get it. Just be awarded it, because somewhere down below or down the road he is going to be added additional monies, that's not competition."

Ms. Kim Trueheart: "Bid rigging!"

Mr. Jolivet: "That's not competition."

Ms. Kim Trueheart: "Its Bid rigging!"

Mr. Jolivet: "But anyway let me --"

President: "That's enough."

Comptroller: "Let me ask you a question, Can I ask you a question?"

President: "You gotta talk in the mic."

Comptroller: "On item 11, um -- is the scope of work the same or is it the original because it appears that at the Peoples Court this is a new contract. So should it have been -- "

MINUTES

Tim Krus: "City Purchasing Agent. Madame Comptroller the wording in the Board letter could have been a little more accurate but the Peoples Court in this facility is covered by janitorial services in Area C. This is an extension of the square footage that needs to be covered -- ah -- I would point out that this contract is compliant with its MBE/WBE goals. Had we gone out for a separate solicitation of \$40,000.00 those goals would not have been required by asking for an increase within the scope of this contract those compliant goals apply."

Comptroller: "Okay, and also on item -- you want to respond?"

Mr. Jolivet: "No, No, No."

Comptroller: "-- and on item 12 the Department did amend the contract and were you within your rights to do that."

Tim Krus: "Yes we were, we have a fundamental disagreement with Mr. Jolivet over both of those points."

Comptroller: "Okay can you explain to the Board --"

Tim Krus: "On Charter Authority."

Comptroller: "Why you do."

Tim Krus: "The City Purchasing Agent has the authority to amend blanket contracts like this within a certain percentage without Board approval although we report all of those amendments to the Board separately off the agenda."

MINUTES

Comptroller: "And so what is the percentage or the dollar amount you are able to do that?"

Tim Krus: "In requirements contracts it can go up to 50% something less than that, something less than that 25%."

Comptroller: "The dollar amount?"

Tim Krus: "Yes."

Comptroller: "So if it's something less than \$50,000.00 you don't have to rebid it?"

Tim Krus: "Correct, but only with a certain percentage adjustment. Once we go beyond that percentage adjustment we have to come back to the Board and any adjustments that are done via City Purchasing Agent approval are submitted in a separate letter."

Mr. Jolivet: "Mr. President, I could argue the point there, but it is not my purpose today. Let me just finish if I can --"

Comptroller: "He wants to explain something."

Tim Krus: "If I may Mr. Jolivet, just on number 12, this is a -- was originally a sole source award to this vendor. We obtained certification from the manufacturer that this was the only vendor who could provide this transmission fluid for this equipment. So, this was not initially competitively bid but this is the only vendor we can go to and it is for a commodity. So, it is not typically a contract that would even qualify for the assignment of goals."

MINUTES

Comptroller: "Okay, Thank you."

Mr. Jolivet: "Mr. President, let me, Mr. President, let me finish, I have taken more time than I initially -- on the other item, item 13, ah -- item 13. I just want draw."

President: "You have to talk into the mic Mr. Jolivet."

Mr. Jolivet: "I am, I just wanna draw an analogy, this contract started out at \$598,215.00. Now, ah -- this contract, the proposed change and the amendment of that is before the Board today, proposes a \$7,091,000.00 increase. Now, ah -- the other point I would like to make that the contract is not of such a nature that the City's MBE provision should not have been attached and part of the reasons I am alarmed and possibly bringing the protest today, I think that this contract should have been subject to the Minority, the City's Minority Women's Business Ordinance but I did not win that and raise it in my protest so I am going to be fair and not discuss it today. How is that, it's pretty good? I just -- I want to - - but -- but - the point I am making if I can, to have a contract that started out at \$598,000.00 to be escalated to \$7,000,000.00 without a bid is -- is not unprecedented, but it's not right and I am going to ask the Board in its wisdom and the point to that when you do this kind -- we don't know that we are getting the value for our tax dollars -- we don't know -- because they are several in my investigation shows that there are these

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four local vendors that could provide same piece of equipment. Now, my point is when we give it to one vendor without a competitive bid, the City loses its ability to get maximum bang for its buck and that's all I want to say. I just, I am -- I want to just ask the Board in its infinite wisdom, even if you don't agree with me, even if you don't agree with me see the logic in what I am saying, see the logic, all of us want a level playing field, Mr. President, we want a level playing field and we are not getting it with these contracts. Thank you."

President: "Madam -- Madam Comptroller."

Comptroller: "Yes, I have a question, this is a \$7,000,000.00 contract. Why wasn't it rebid, we -- how do we know we couldn't have got a better price?"

Tim Krus: "Madam Comptroller, this is typical of the way we process vehicle awards and it's done to actually protect the price that the City got on competitive bid. It was competitively awarded on June 6, 2012. The solicitation specifically reserves the right to buy additional vehicles at that price within a year of the contract and this is a protection that we put in the solicitation to protect the City's price that it received on bid."

City Solicitor: "And let me just ask you we -- we ah -- we reserve in that contract that the Board approved in mid 2012 the right to purchase additional vehicles at that locked-in price."

MINUTES

Tim Krus: "Absolutely."

City Solicitor "Did we in this instance and do we generally as a matter of practice when a opportunity arises to consider exercising that right do we look at the market, do we make an assessment as to whether that's a good price, that price that we locked-in in 2012, so how do we satisfy ourselves that the price that we got in that 2012 contract is a good and advantageous price to us when we exercise the option in 2013?"

Tim Krus: "We generally find that the price we are getting for vehicles is only going up in the market and that when we are within a year of competitively bidding for, it our assumption is that, that initial price is still a competitive, fair and reasonable price. The only other way we would access that is would be to go out on bidding again."

Comptroller: "But let me ask you don't have any documentation --"

President: "Please talk into the mic."

Comptroller: "-- you don't have any documentation to show that, I mean that you did a survey to see if it could have been purchased for less?"

Tim Krus: "We did not reassess this price before we recommended award based on the June 6, 2012 price,. We considered that to be a price that was close enough to this award to still rely on the bids we received."

MINUTES

Mayor: "I am just curious; In your experience as a Purchasing Agent, do prices for trucks normally go up or down?"

Tim Krus: "They normally go up."

Mayor: "Has there been a time in recent where year over year the price of any vehicle has gone down?"

Tim Krus: "Not that I can remember."

Comptroller: "Yes, it does."

President: "You finished Mr. Jolivet?"

Mr. Jolivet: "Mr. President, thank you for allowing me simply to present my point of view and the only other thing that I would ask the Board in cases like this there are numerous opportunities for minority businesses and women businesses to be a part of a contract of this kind and I am just not sure why they did put the goals on this contract. I am not making it an issue today but I care."

President: "Thank you. I'll entertain a motion - - ah -- for those --"

Thomas Corey: "Only ah --"

Mr. Jolivet: "I'm not making an issue, I don't even know why it's in dispute."

Thomas Corey: "Good morning Mr. President, members of the Board, my only comment on that is that we do not have any MBEs or WBEs certified to sell or manufacture vehicles."

MINUTES

Mr. Jolivet: "There is other -- there is preparations of the truck, there is training, there are other avenues and other disciplines that MBEs can do Mr. Corey."

Mr. President: "I entertain a motion on all of the items that were discussed."

Comptroller: "Can we do them separately?"

Mr. President: "The motion to do then is already on."

Comptroller: "Okay, I'll --"

City Solicitor: "Is the chair entertaining a motion?"

President: "Yes."

City Solicitor: "Move the approval of the items 11, 12, and 13 on pages 62 through 63 and items 1 through 4 on page 67."

President: "We didn't even discuss them; I'm just doing the ones that we just discussed."

City Solicitor: "Did I not cover all of them?"

President: "No. On page 67 item 1 through 4 we haven't did yet."

City Solicitor: "Yeah, no I was. Okay, I'll hold, you are right we haven't really gotten into those yet. We will just do the motion will address page 11, I'm sorry no. 11 on page 62, no. 12 on page 62 - 63, and no. 13 on page 63."

President: "Is there a second?"

Mr. Alfred Foxx: "Second."

MINUTES

President: "All those in favor say AYE. All opposed NAY. The routine agenda has been adopted."

Comptroller: "I vote for item 11 **YES**, item 12 **YES**, and item 13 **NO**, because we are buying 48 additional trucks and I believe we can get economy to scale and I just think if we had gone out for rebid or just tested the market we could have gotten them cheaper, so I vote **NO** on item 13."

President: "The motion carries."

* * * * *

14. LIVING CLASSROOMS

FOUNDATION	\$ 0.00	Extension
<hr/>		
Solicitation No. B50000830 - Maritime Safety, Education and Workforce Training Program - Department of Transportation - P.O. No. P508538		

On June 3, 2009, the Board approved the initial award in the amount of \$242,817.00. The award contained two 1-year renewal options. This extension will enable the program to operate for a full year and allow the participants to graduate. The period of the extension is June 15, 2013 through September 30, 2013.

DISADVANTAGE BUSINESS ENTERPRISE GOALS WERE SET AT 25% AND THE STATE HIGHWAY ADMINISTRATION FOUND VENDOR IN COMPLIANCE.

DBE: Little Dimples II Corp.

d/b/a A Phyllis Wheatly Services 25.7%

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

- | | | |
|---|--------------|-----------|
| 15. CASSIDIAN COMMUNICATIONS,
INC. | \$187,800.00 | Agreement |
| Solicitation No. 08000 - Reverse 911 System Hosting Agreement
- Agencies Various - Req. No.: Various | | |

The Board is requested to approve and authorize execution of an agreement with Cassidian Communications, Inc. The period of the agreement is effective upon Board approval for three years, with one 1-year renewal option.

This agreement will upgrade the City's current reverse 911 emergency system to a more secure and reliable hosted solution. The City's current on-premise system consists of hardware that is currently end of life for support and potential risk for dependability. This hosted solution eliminates the need to procure and maintain hardware on site and greatly reduces the time it takes to call registered citizen phone numbers for emergency notifications. The vendor is the developer and sole provider of the reverse 911 hosting system.

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.

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

The Board of Estimates received and reviewed Ms. Trueheart's protest. As Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board will not hear her protest. Her correspondence has been sent to the appropriate agency and/or committee which will respond directly to Ms. Trueheart.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
16. DONALD FRITTS HOME REMODELING LORENZ, INC.	\$150,000.00	Rescission & Increase
Solicitation Number B50002652 - Snow Removal Services IV - Department of Transportation - P.O. Nos. Various		

On January 9, 2013, the Board approved an initial award in the amount of \$200,000.00. This increase is to meet increased demand.

After numerous attempts by both MOED and the Bureau of Purchases to contact Donald Fritts Home Remodeling to fulfill their obligation to the Employ Baltimore program prior to starting work, MOED has concluded that the vendor is non-compliant. Therefore, the Board is requested to rescind the award for Donald Fritts Home Remodeling and approve an increase to Lorenz, inc. in the amount of \$150,000.00. This increase will make the total award amount \$350,000.00.

MWBOO GRANTED A WAIVER.Department of General Services

17. YOUNG'S FLOOR & REMODELING CO	\$48,863.91	Low Bid
IC 557, Vinyl Flooring Installation at Waxter Senior Center - Req. No. N/A		

UPON MOTION duly made and seconded, the Board approved the foregoing informal awards, renewals increases and extensions to contracts and agreements. The Board further approved and authorized execution of the agreements with S.A.T., Inc. and Cassidian Communications, Inc. The President **ABSTAINED** on item no. 14. The Mayor **ABSTAINED** on item nos. 7 and 14. The Comptroller **ABSTAINED** on item no. 14. The Comptroller voted **NO** on item no. 13.

Kim A. Trueheart

March 19, 2013

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of Baltimore City, of which I am a member, in good standing.

The following details are provided to initiate this action as required by the Board of Estimates:

1. Whom you represent: Self
2. What the issues are: Page 64, Item 15, Bureau of Purchases - 115. CASSIDIAN COMMUNICATIONS, INC. \$187,800.00 Agreement - Solicitation No. 08000 – Reverse 911 System Hosting Agreement – Agencies Various – Req. No.: Various, if approved:
 - a. Mayor Rawlings-Blake has orchestrated a road block for the past 9 months which has resulted in approximately \$3.6M (\$400K/month) being wasted in expenditures supporting an arcane telephone system for the City;
 - b. This procurement assumes and exacerbated this waste in that yet more scarce tax-payer funds will be expended on a questionable procurement which is NOT clearly part of a comprehensive integrated city-wide 21st century telecommunications plan.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I am experiencing a significant financial burden with annual tax increases, sewer and water service increases, user fee increases, parking meter rate increases and significantly reduce services as a resident. This onerous burden can only be relieved when cost saving best practices are consistently applied to all procurement actions. This award fails to accomplish that end and will be most costly to the citizens of Baltimore and myself.
4. The Remedy I Seek: This award should NOT be approved and the action should be rejected and redefined as part of a comprehensive integrated city-wide telecommunications strategy, which is void of the political whims of this dictatorial mayoral administration.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on March 20, 2013.

If you have any questions regarding this request, please telephone me at (410) 205-5114.

Sincerely,
Kim Trueheart, Citizen

Email: ktrueheart@whatfits.net
5519 Belleville Ave
Baltimore, MD 21207

MINUTES

PROPOSALS AND SPECIFICATIONS

1. Bureau of Water & Wastewater - SC 886, Improvements to Sludge Blending Tanks at Patapsco Wastewater Treatment Plant
BIDS TO BE RECV'D: 04/24/2013
BIDS TO BE OPENED: 04/24/2013

2. Bureau of Water & Wastewater - SC 877, Enhanced Nutrient Removal Process at the Back River Wastewater Treatment Plant
BIDS TO BE RECV'D: 05/01/2013
BIDS TO BE OPENED: 05/01/2013

3. Bureau of Water & Wastewater - SC 897R, Improvements to Sanitary Sewers in Greenmount, Hampden, and Bolton Hill Areas in the Jones Falls Sewershed
BIDS TO BE RECV'D: 04/10/2013
BIDS TO BE OPENED: 04/10/2013

4. Bureau of Water & Wastewater - SC 907, Improvements to Sanitary Sewers in East Baltimore Region of the High Level Sewershed
BIDS TO BE RECV'D: 04/24/2013
BIDS TO BE OPENED: 04/24/2013

A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION, INC. FOR ITEM NOS. 1 - 4.

President: "The sixth item on the non-routine agenda can be found on page 67, item 1 through 4, Proposal and Specifications, Bureau of Water and Wastewater. Will the parties please come forward?"

MINUTES

Mr. Arnold M. Jolivet: "Mr. President, Arnold again. This is a very simple issue. I have actually argued this issue before the Board on previous occasions. So, I just want to ask the Board to require Mr. Corey to set sub-goals ah -- several weeks ago we had four contracts that came before this Board, totaling \$55,000,000.00. And we did not have one dime, one penny that was awarded to African American companies. Now, the reason I ask the Board to look at this - - these four contracts because I am thoroughly convinced that if we don't set separate goals for each minority sub-group that is - is made part of the ordinance. we are going to have four contracts that come back before this Board without one dime going to an African American company and the - the sad thing about all of this is we specifically placed the provision in the Ordinance for situations like this where we have contracts whose budget is expected to exceed \$1,000,000.00. The MWBOOs Office is required, maybe not required but suggested to set separate goals which regulates and kind of guide the minority utilization for large contractors who are going to be the prime. And for the life of me, I'm bewildered. Mr. Corey will not set goals and cons - - and every time without exception the contracts come in without any African Americans. Not a dime is going to African Americans. Thanks."

Comptroller: "Mr. Corey, is it possible to have work UM --that

MINUTES

umminorities and women participate on these contracts."

Mr. Thomas Corey: "Yes there are. There are goals on these contracts, and the reason sub-goals were not set. I'm sorry Mr. President. Thomas Corey, Chief of the Minority Women Owned Business Opportunity Office. The reason sub-goals were not set on these contracts are because the overall goal on the contracts are less than 10% so putting sub-goals on contracts with goals that small makes it impractical and so there is participation from any of the groups that are protected by this law on these contracts.

City Solicitor "Could you address why the goals are relatively small on these four contracts?"

Mr. Thomas Corey: "Yes, these are contracts having to do with this process called cured-in place pipe where the sewer or lining and we don't have any companies that are certified as MBEs or WBEs to perform this type of business. There are a large number of contracts and so when we do the goals we have to take out that part of the budget and then set goals on the remaining process. I have suggested to one of the organizations that perhaps they may get some of their members trained on how to operate this particular type of equipment and then we will have different numbers but we haven't had any response from any of those groups because this is a very expensive process, the

MINUTES

equipment is very expensive and so the barriers to get - enter in the industry is difficult but as operators it could be a lot cheaper and more practical and then we can have a different sort of goal process. But, we haven't had any of the organizations or members of the organizations stepping up approaching the two companies that bid on our work about getting trained on how to operate the equipment and then eventually moving into actually owning and perhaps providing services directly to the City. But we haven't had that sort of response."

City Solicitor "The bottom line is that we would have goals on these four more than \$1,000,000.00 consent decree projects but not sub-goals?"

Mr. Thomas Corey: "That is correct"

Mr. Jolivet: "Well not to belabor the point, the goals are set, so extraordinarily low. Mr. Corey doesn't have any empirical data to justify why he is setting the goals low. Give you an example, one of the contracts which happens to be a rebid is 897, Sanitary 897R, and I'm a little puzzled because when the contract was initially advertized and bid in November of 2012, amazingly they had a separate different goal."

City Solicitor: "I'm sorry, they had a what?"

Mr. Jolivet: "They had a different goal than what they have now."

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City Solicitor: "What was the goal then?"

Mr. Jolivet: "It was 18%"

Thomas Corey: "No, I have it right here, it's not."

Comptroller: "What was it Mr. Corey?"

Mr. Jolivet: "In the original contract it was 18%."

Mr. Thomas Corey: "I have the original one right here."

Mr. Jolivet: "It was -- the goal was 18 --"

Mr. Thomas Corey: "seven and two"

Mr. Jolivet: "The goal was 18%"

Mr. Thomas Corey: "Seven and Two"

Comptroller: "What is it now?"

Mr. Thomas Corey: "Seven and Two"

Comptroller: "In the original?"

Mr. Thomas Corey: "In the original it was Seven and Two"

Comptroller: "So, it stayed the same?"

Mr. Thomas Corey: "Yes."

Comptroller: "Oh."

City Solicitor: "Yes."

Mr. Thomas Corey: "Yes. It was in --"

Mr. Jolivet: "It was 18%"

Mr. Thomas Corey: "It was in March 22, 2012."

City Solicitor: "Do you have the document to prove -- to prove that Mr. Corey is not telling the truth?"

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Mr. Jolivet: "Well I'm not suggesting that he is not telling the truth, that's not my -- I'm not --"

Mr. Thomas Corey: "What are you suggesting?"

Mr. Jolivet: "I guess I can make that position but that is not my purpose."

Mayor: "Do you have any documentation to support?"

City Solicitor: "Do you have the Seven and Two document you can share with us Mr. Corey?"

Mayor: "I would be more interested the one that Mr. Jolivet is claiming to be accurate. Do you have that documentation sir?"

Mr. Jolivet: "I have it, I do have it."

City Solicitor: "With you?"

Mr. Jolivet: "I don't have it with me, but I do have it."

Mr. Corey: "March 12, 2012, I believe."

Comptroller: "So, is there anything significant about the date November that he just stated."

Mr. Thomas Corey: "No, nothing significant. It's just that he said the original goals were ah 18 and whatever and I wanted to show you that, that's not the case. It is one of those projects that has this particular process in it and we don't have folks and -- and we, we, people just need to move into the new types of technology and processes that the City is employing so that we can put these goals, put some additional goals on it. That's

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just, that's just something that has to happen and I've suggested to some, at least one of the Associations that perhaps some of their members can be involved -- couldn't go in that direction."

City Solicitor: "Will the Chair entertain a motion?"

President: "Any more questions?"

Comptroller: "No."

City Solicitor: "Move the approval of items 1 through 4 on page 67."

Director of Public Works: "Second."

Comptroller: "Second."

President: "All those in favor say AYE. All those opposed NAY. The motion carries, please note that I **ABSTAIN**. You have anything?"

Mayor: "No."

* * * * *

President: "As there is no more business before the Board, the meeting will recess until bid opening at twelve noon."

* * * * *

MMCA- Maryland Minority Contractors Association, Inc.
A Chapter of the American Minority Contractors and Businesses Association, Inc.-AMCBA
Baltimore, Maryland 21210
443-413-3011 Phone
410-323-0932 Fax

March 19, 2013

Via Facsimile 410-685-4416

Honorable Bernard "Jack" Young
President, Baltimore City Board of Estimates
City Hall-Room 204
Baltimore, MD 21202
ATTN: Ms. Bernice Taylor, Esquire, Clerk to the Board

Dear Mr. President:

I represent the Maryland Minority Contractors Association ("MMCA"), its members, clients and constituents.

I wish to protest the following described proposed City contracts which are on Your Honorable Board's 03/20/2013 public meeting agenda:

1. Item No. 11, page 62, which is a proposed \$40,560.00 price increase to City Solicitation No. B50001548 (janitorial Services); and
2. Item No. 12, pages 62-63, which is a proposed \$60,000.00 price increase to City Solicitation No. 08000 (chemicals for BG Automatic Transmission Machines). Our concern for both items 11 and 12 is that they violate the spirit and intent of the City's competitive bidding charter provision found in Article VI, § 11 et seq.
3. Item no 13, page 63, which is a proposed \$7,091,004.00 price increase on City Solicitation No. B50002381-Pruchase of five ton crew cab Dump Trucks. Our concern here is that the proposes \$7,091,004.00 price increase violates the spirit and intent of the City's competitive bidding charter provision, found in Article VI, § 11 et seq.
4. Items No. 1 thru 4, page 67, which are requests from the City's Bureau of Water and Waste Water to advertise SC 886, SC 877, SC 897R and SC 907. Our protest is based on the fact that each of these city public works contracts is estimated to cost in excess of \$1,000,000.00, and the

City's MWBOO has failed to establish relevant and appropriate MBE sub-goals for each MBE sub-group that is made a beneficiary of the City's M-WBE Ordinance. see Art. 5, § 28-22 (c) Baltimore City Code ("Construction contracts of \$1,000,000.00 or more.")

"On construction contracts for which the estimated cost is \$1,000,000.00 or more, the [MWBOO] may, . . . , set goals for MBEs divided into sub-goals for African American, Hispanic American, Asian American or Native American-owned firms."

MMCA and its members would suffer cognizable injury if the Board were to approve the above proposed items.

Respectfully Submitted,

Arnold M. Jolivet

Arnold M. Jolivet
Managing Director

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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.

Bureau of Purchases

- B50002823, Prescription Drug
Program
BIDS TO BE RECV'D: 03/27/2013
BIDS TO BE OPENED: 03/27/2013

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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 & Parks - RP 12807, Radecke Park
Athletic Field Renovation

Potts & Callahan, Inc.
P. Flanigan & Sons, Inc.
Allied Contractors, Inc.
JLN Construction Services, LLC
Bensky Construction
DSM Properties, LLC

Bureau of Purchases - B50002806, Land Resources
General Contractor

Hawkeye Construction, LLC
Living Classrooms Foundation

Bureau of Purchases - B50002829, Industrial
Work Uniforms

Automotive Workwear, Inc.
Maryland Athletic & Corp Supply
Chesapeake Uniform Rental LLC
d/b/a Lord Baltimore Uniforms

Bureau of Purchases - B50002845, Medium and
High Voltage Electrical
Systems

Reuter & Hanney, Inc.
EnerG Test, LLC
East Cost Underground, Inc.
M.C. Dean, Inc.
BlueStar Technologies, Inc.

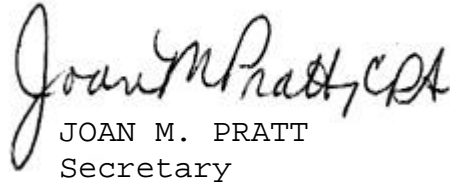
Bureau of Purchases - B50002784, Furnish and
Deliver Top Soils, Common
Borrow, Diamond Mix,
Recycled Stones, Etc.

C.D. Thomas Co., Inc.
Topsoil Etc.

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* * * * *

There being no objections, the Board, UPON MOTION duly made and seconded, adjourned until its next regularly scheduled meeting on Wednesday, March 27, 2013.



Handwritten signature of Joan M. Pratt, CPA in cursive script.

JOAN M. PRATT
Secretary