

NOTICES:

1. **ADDENDA TO NOVEMBER 30, 2016 BOARD OF ESTIMATES' AGENDA**

Please be advised that the following items have been added to the November 30, 2016 Board of Estimates'' Agenda:

PAGE: 162-163 First Amendment to Building Disposition and Land Lease Agreement (Bromo Seltzer Arts Tower Façade Restoration)

PAGE: 164-165 Amendment to the Title Sponsorship Agreement and the Second Amendment to Revenue Agreements (Royal Farms - Baltimore Arena)

PROTESTS: If a person is interested in protesting any of the above items, the protest deadline is November 30, 2016 by 9:00 a.m. Please follow the instructions on notice number two on the following page, for filing protests.

NOTICE:

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

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

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

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

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

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

BOARD OF ESTIMATES' AGENDA - NOVEMBER 30, 2016

BOARDS AND COMMISSIONS

1. Prequalification of Contractors

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

Advanced Underground Inspections, LLC	\$ 1,500,000.00
Anchor Construction Corporation	\$ 93,654,000.00
Archer Western Construction, LLC	\$738,630,000.00
Charles E. Dorsey Landscape Contractors, Inc.	\$ 180,000.00
Hunt Valley Contractors, Inc.	\$ 3,492,000.00
R.E. Harrington Plumbing & Heating Company, Inc.	\$ 44,856,000.00
Reviera Enterprises, Inc. T/A REI/Drayco	\$ 8,000,000.00
Stolar Construction, Inc.	\$ 6,633,000.00
Total Environmental Concepts, Inc.	\$ 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:

Building Envelope Consultants and Scientists, LLC	Engineer
George, Miles & Buhr, LLC	Engineer

AGENDA

BOARD OF ESTIMATES

11/30/2016

BOARDS AND COMMISSIONS - cont'd

KANN Partners	Architect
Kimley-Horn & Associates, Inc.	Landscape Architect Engineer
Manns Woodward Studios, Inc.	Architect
PRIME AE Group, Inc.	Engineer Architect Landscape Architect

AGENDA

BOARD OF ESTIMATES

11/30/2016

Office of Civil Rights and - Living Wage Recommendation for
Wage Enforcement FY 2018

The Wage Commission in accordance with Article 5, Subtitle 26, Baltimore City Code (Living Wage), is required to recommend to the Board of Estimates, in December of each calendar year a revised Living Wage Rate for the City of Baltimore service contracts for the coming fiscal year.

The Wage Commission reviewed the yearly revision of the U.S. Bureau of Census Poverty threshold for a family of four. After careful consideration of the Bureau's poverty level for a family of four currently set at \$24,257.00, and other wage data, the Commission is recommending to the Board of Estimates that the Living Wage be increased from the current hourly rate of \$11.65 to \$11.66. This pay rate will apply to City of Baltimore service contracts as recommended by the City Purchasing Agent and designated by the Board of Estimates.

Methodology for calculation:

\$24,257.00 divided by 2,080 (a 40-hour week x 52 weeks) = \$11.66

AGENDA

BOARD OF ESTIMATES

11/30/2016

Office of Civil Rights and - Prevailing Wage Rate Recommendation
Wage Enforcement - 2017

ACTION REQUESTED OF B/E:

The Board is requested to approve the recommended Prevailing Wage Rates in accordance with Article 5, Subtitle 25, Baltimore City Code, to be paid to laborers, mechanics and apprentices on all Prevailing Wage projects awarded by the Mayor and City Council of Baltimore. It is recommended that the rates become effective for contracts that are advertised on or after December 31, 2016.

BACKGROUND/EXPLANATION:

The Commission requested information from contracting associations, unions, and related trade groups on work both public and private in order to establish rates to be recommended to the Board of Estimates.

In reviewing the rates outlined in classifications 1 - 5, there are not a significant amount of changes from the current rates. Many of the rates either remained the same or increased few cents on the dollar. For example:

Class 1: The highest rate increase was observed within the Glaziers position. The 2016 total rate was \$45.58 and the 2017 proposed rate is \$47.93, with an increase of \$2.35.

Class 2: The Power Equipment Operators (Group 1A) yielded the largest increase. The 2016 total rate was \$46.35 and the 2017 proposed rate is \$47.60, an increase of \$1.25.

Class 3: There were no rate adjustments due to the lack of surveys and fringe benefit agreements submitted by eligible contracts operating in Baltimore City.

Class 5: The Plumbers/Steamfitters provide the largest total increase of \$1.66. The 2016 total rate was \$55.35 and the 2017 proposed rate is \$57.01, an increase of \$1.66.

AGENDA

BOARD OF ESTIMATES

11/30/2016

Office of Civil Rights and - cont'd
Wage Enforcement

Classification 4 applies to federally funded Housing and Urban Development projects and has no impact on the City's general funds. For this reason, the Wage Commission adopted the United States Department of Labor's wage rates for this category.

AGENDA

BOARD OF ESTIMATES

11/30/2016

Baltimore Office of Promotion & - Amendment No. 1 to Agreement
the Arts

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Amendment No. 1 to Agreement with the Baltimore Office of Promotion & the Arts, Inc. (BOPA).

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

BOPA will continue to perform the duties and functions outlined in Exhibit 1 of the Amendment No. 1.

Exhibit 1 is the Scope of Services that BOPA will provide to the City for the Program year 2016/2017. Each year, Exhibit 1 of this agreement is updated to reflect the current schedule of events that BOPA will produce in accordance of the Memorandum of Agreement dated April 23, 2014. City funding is provided via the annual BBMR Outcome Budgeting process. The original agreement contained an inadvertent proofreading error at Section k. Indemnification and the parties desire to correct this mutual error.

AUDITS REVIEWED AND HAD NO OBJECTION.

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Office of the State's Attorney - Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of a Grant Award from the State of Maryland, Governor's Office of Crime Control and Prevention (GOCCP). The period of the Grant Award is October 1, 2016 through September 30, 2018.

AMOUNT OF MONEY AND SOURCE:

\$2,381,124.00 - 5000-580317-1156-117900-600000
\$ 640,723.00 - 1001-000000-1156-117900-600000

BACKGROUND/EXPLANATION:

This Grant Award from the GOCCP will be used to assist in developing and implementing strategies specifically intended to assist victims of crime in the State of Maryland. The Victim/Witness Unit serves the victims and witnesses of all crimes that occur in Baltimore City. The trained therapists and advocates in the Victim/Witness Unit provide court support and accompaniment, individual and group counseling, relocation assistance, restitution assistance and liaison services with prosecutors, public defenders and law enforcement personnel. Funds will provide personnel salary and fringe benefits, equipment and training.

The Grant Award is late because it was recently received from the grantor.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

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

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Mayor's Office of Immigrant and - Agreement
Multicultural Affairs

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the agreement with International Rescue Committee, Inc. The period of the Agreement is October 1, 2016 through September 30, 2017.

AMOUNT OF MONEY AND SOURCE:

\$254,007.00 - 5000-535917-1250-152800-603026

BACKGROUND/EXPLANATION:

Since 2006, the City has served as the grant administrator for the Refugee Targeted Assistance Program (TAP). In June 2016, the City responded to the Request for Proposal process for the TAP FY17 program. As a result, the City was selected as the Contractor and the Mayor's Office of Immigrant and Multicultural Affairs as the Administrator. The International Rescue Committee, Inc. was selected to provide vocational and employment services as a Subcontractor.

The funds for the Agreement originate from the Federal Office of Refugee Resettlement for the Targeted Assistance Grant program, and are designated for vocational training and employment services for hard-to-place refugees/asylees in the Baltimore metropolitan area. The Mayor's Office of Immigrant and Multicultural Affairs administers the funds allocated for the Baltimore metropolitan area on behalf of the Maryland Department of Human Resources.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Mayor's Office of Employment - Ratification to Amendment of
Development (MOED) Memorandum of Understanding

ACTION REQUESTED OF B/E:

The Board is requested to ratify the Amendment to Memorandum of Understanding with Jane Addams Resources Corporation (JARC) - Baltimore. The Memorandum of Understanding extends the period through June 30, 2017.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On November 4, 2015, the Board approved the original Memorandum of Understanding with JARC to provide welding and computer numerical control machinist related training for seven residents from the Park Heights neighborhood of Baltimore City for the period of July 1, 2015 through June 30, 2016.

This amendment will extend the period of the original agreement. There are no additional costs.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Planning - Report on Previously
Approved Transfers of Funds

At previous meetings, the Board of Estimates approved Transfers of Funds subject to receipt of favorable reports from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the provisions of the City Charter. Today, the Board is requested to **NOTE 13** favorable reports by the Planning Commission on November 17, 2016, on Transfers of Funds approved by the Board of Estimates at its meetings on November 2, 2016 and November 9, 2016.

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BOARD OF ESTIMATES

11/30/2016

Baltimore Development - Exclusive Management, Operating
Corporation (BDC) and Booking Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Exclusive Management, Operating and Booking Agreement (Agreement) for the Pier Six Concert Pavilion (Facility), with Live Nation Worldwide, Inc. and SMG (Operator). The period of the Agreement is January 1, 2017 through December 31, 2023, with one 3-year option.

AMOUNT OF MONEY AND SOURCE:

Annual Rent (Base Rent)

\$400,000.00 - Years one through three
\$425,000.00 - Years four through six
\$450,000.00 - Years seven through ten

In addition, the City will receive 2½% of gross ticket revenue above \$2,500,000.00 for each performance year.

BACKGROUND/EXPLANATION:

In January 2016, the BDC issued a Request for Proposals (RFP) from companies experienced in facilities development, management and the promotion, production and presentation of live entertainment for the Pier Six Concert Pavilion, located at 731 Eastern Avenue in Baltimore's Inner Harbor. The management and operations agreement with the current operator expires on December 31, 2016.

In addition, to the aforementioned annual rent payments to be made to the City during the term of this Agreement, the Operator also agrees to complete not less than \$3,400,000.00 in capital improvements to the Facility during this same term.

Under this new agreement, the Live Nation Worldwide and SMG team must produce a minimum of 25 entertainment shows per season. The

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BOARD OF ESTIMATES

11/30/2016

BDC - cont'd

25 entertainment shows may include those booked by the Baltimore Office of Promotion and the Arts. If an event or show has more than one performance date, then each date will count towards the computation of the required 25 entertainment shows.

MBE/WBE PARTICIPATION:

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

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

(The Exclusive Management, Operating and Booking Agreement has been approved by the Law Department as to form and legal sufficiency.)

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BOARD OF ESTIMATES

11/30/2016

Baltimore Development - Memorandum of Understanding
Corporation (BDC)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Memorandum of Understanding (MOU) by and between the Mayor and City Council of Baltimore (City), acting through the Department of Public Works (DPW), the Department of Transportation (DOT) and Stadium Square Holdings, LLC (Developer).

AMOUNT OF MONEY AND SOURCE:

\$2,300,000.00 - Capital Improvement Program

BACKGROUND/EXPLANATION:

This MOU refers to the construction of public infrastructure surrounding the Stadium Square development in the Sharp-Leadenhall neighborhood, bounded generally by West Cross Street to the north, Race Street to the east, Leadenhall Street to the west, and extending beyond West Ostend Street to the CSX railroad tracks to the south.

Stadium Square Holdings, LLC is developing a multi-block, mixed-use development that will include approximately 700 apartments, 300,000 square feet of office space, 70,000 square feet of retail space, and 2,000 parking spaces. The first phase of the development is scheduled for completion in 2017.

This MOU acknowledges that the City, through the DOT and the DPW will fund and complete certain public infrastructure improvements in the public rights-of-way adjacent to the project. These improvements include 1) a Roadway Project to mill and resurface streets, 2) a Streetscape Project for curb, gutter and sidewalk reconstruction, street light installation, hardscaping, and

AGENDA

BOARD OF ESTIMATES

11/30/2016

BDC - cont'd

street trees, and 3) maintenance and improvements of subsurface water, stormwater, and sanitary sewer utilities, as necessary.

MBE/WBE PARTICIPATION:

The work will be completed by the City in accordance with procurement requirements.

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

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BOARD OF ESTIMATES

11/30/2016

Baltimore Development - First Amendment to Lease Agreement
Corporation (BDC)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the First Amendment to Lease Agreement with the Mayor's Office of Human Services (MOHS) for the premises containing 12,130 square feet (7,670 square feet on the fifth floor + 4,460 square feet on the eighth floor) located at 7 East Redwood Street. The First Amendment to Lease Agreement extends the period of the agreement through October 31, 2016.

AMOUNT OF MONEY AND SOURCE:

<u>Base Rent</u>	<u>Monthly Installment</u>
\$220,145.00	\$16,678.75 - November 1, 2016 - October 31, 2017
\$206,149.32	\$17,179.11 - November 1, 2017 - October 31, 2018
\$212,333.76	\$17,694.48 - November 1, 2018 - October 31, 2019
\$218,703.72	\$18,225.31 - November 1, 2019 - October 31, 2020
\$225,264.84	\$18,772.07 - November 1, 2020 - October 31, 2021

The rent will escalate 3% annually after the first year.

BACKGROUND/EXPLANATION:

The MOHS will use the premises for administrative offices. On November 21, 2012, the Board approved the original lease agreement with the MOHS for the period January 1, 2013 through October 31, 2016.

This First Amendment to Lease Agreement will extend the period of the lease agreement through October 31, 2021, with one early cancellation option should the MOHS lose funding greater than 25% of its operating budget. The Landlord will perform no tenant improvements.

BDC - cont'd

MBE/WBE PARTICIPATION:

N/A

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Baltimore Development - Second Amendment to Lease Agreement
Corporation (BDC)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Second Amendment to Lease Agreement with the Baltimore Police Department, EODS Division, for the premises containing 4,285 square feet located on the fourth floor at 7 East Redwood Street. The First Amendment to Lease Agreement extends the period of the lease through October 31, 2019.

AMOUNT OF MONEY AND SOURCE:

<u>Base Rent</u>	<u>Monthly Installment</u>
\$70,702.56	\$5,891.88 - November 1, 2016 - October 31, 2017
\$72,823.56	\$6,068.63 - November 1, 2017 - October 31, 2018
\$75,008.28	\$6,250.69 - November 1, 2018 - October 31, 2019

The rent will escalate 3% annually after the first year.

BACKGROUND/EXPLANATION:

The Baltimore Police Department, EODS Division, will use the premises as an administrative office. On October 3, 2012, the Board approved the original lease agreement for the premises containing 4,500 total rentable square feet for the Baltimore Police Department, EODS Division for the period September 1, 2012 through October 31, 2016.

On September 9, 2015, the Board approved the First Amendment to Lease Agreement which reflected a reduction in square footage from 4,500 total square feet to 4,285 total square feet. The remaining 215 square feet is being used for additional building telecommunication equipment.

Under the terms of this Second Amendment to Lease Agreement, the Landlord has agreed to extend the period of the lease agreement through October 31, 2019.

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BOARD OF ESTIMATES

11/30/2016

BDC - cont'd

MBE/WBE PARTICIPATION:

N/A

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Baltimore Development Corporation - Office Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Office Lease Agreement with Ms. Catherine E. Pugh, Tenant, for the rental of 461 sq. ft. of property known as Suites 200 A, B, and C, at the Business Center @ Park Circle located at 2901 Druid Park Drive. The period of Agreement is for two years, and with an option to renew for an additional two years.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Monthly Installments</u>
\$8,298.00	\$691.50

BACKGROUND/EXPLANATION:

Mayor-elect and Senator of the Maryland General Assembly, Ms. Pugh has been a tenant at the Business Center @ Park Circle since 2005, initially as a State Delegate and currently as a State Senator. Her office will continue to use the premises under the tenancy of Committee to Elect Catherine E. Pugh.

The base rent will increase annually by an amount equal to 4%.

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 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 initial base rent.

AGENDA

BOARD OF ESTIMATES

11/30/2016

BDC - cont'd

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 said insurance policies.

MBE/WBE PARTICIPATION:

N/A

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Mayor's Office of Human Services - Agreements

The Board is requested to approve and authorize execution of the various Agreements. The period of the agreement is October 15, 2016 through March 15, 2017, unless otherwise indicated.

1. **THE MARYLAND CENTER FOR VETERANS EDUCATION AND TRAINING, INC.** **\$155,678.40**

Account: 1001-000000-3572-772800-603051

The organization will use funds to provide 60 emergency overnight shelter beds.

2. **ST. VINCENT DE PAUL OF BALTIMORE, INC.** **\$108,877.60**

Account: 1001-000000-3572-772800-603051

The organization will be using funds to provide 19 emergency overnight shelter beds.

Emergency overnight shelter beds will be provided for homeless men and women on nights that the temperature falls below 32 degrees Fahrenheit. The funds will be dispersed on a per diem basis and will be used to cover personnel costs, utilities, shelter operating costs, and food for clients.

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

MWBOO GRANTED A WAIVER.

3. **ASSOCIATED CATHOLIC CHARITIES, INC.** **\$ 23,649.00**

Account: 1001-000000-3572-772800-603051

The organization will use the funds to cover the personnel costs of Winter Shelter Coordinators to help direct clients

AGENDA

BOARD OF ESTIMATES

11/30/2016

Mayor's Office of Human Services - cont'd

between partner homeless services agencies providing emergency overnight shelter beds to homeless individuals and families on nights that the temperature falls below 32 degrees Fahrenheit.

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

4. CARROLL COUNTY HEALTH DEPARTMENT \$64,655.00

Account: 4000-490817-3573-763201-603051

The Carroll County Health Department will use funds to provide housing assistance and supportive services to individuals or to families who have a family member with AIDS.

The City is the Grantee for the Baltimore Eligible Metropolitan Statistical Area (EMSA), which includes Queen Anne's County. The City desires to utilize a portion of the grant funds from the U.S. Department of Housing and Urban Development to assist Carroll County in providing intensive case management services and short-term rental assistance to eligible HIV/AIDS clients in the EMSA.

The period of the agreement is July 1, 2016 through June 30, 2019.

The agreement is late because of a delay in receiving signatures from the organization.

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Mayor's Office of Health, Human Services, - Agreement
Education and Youth

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Agreement with Associated Black Charities, Inc. (ABC). The period of the Agreement is July 1, 2016 through June 30, 2017.

AMOUNT OF MONEY AND SOURCE:

\$600,000.00 - 1001-000000-4460-742700-607001

BACKGROUND/EXPLANATION:

ABC was founded in 1985 to represent and respond to issues of special significance to Maryland's African American communities, and to foster coordinated leadership on issues concerning these communities. As a community-based resource development and problem solving organization, the ABC of Maryland provides extensive experience in grant making, leadership, strategic planning, and technical assistance. The strengthening of programs and services to various community-based organizations has been accomplished by providing primary grant, program funding, and technical assistance in the four priority areas of family preservation, community revitalization, youth development, and economic empowerment.

The City wishes to support Opportunity Youth workforce programs at various locations in Baltimore City. The ABC is qualified to serve as Fiscal Agent and desires to render such services. The purpose of this City of Baltimore investment is to improve the opportunities available to those disengaged or "opportunity" youth aged 18 to 24 that are not currently active or engaged in education, training or the workforce.

The ABC agrees to serve as Fiscal Agent and provide fiscal oversight of \$600,000.00 for the term to Opportunity Youth

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BOARD OF ESTIMATES

11/30/2016

Mayor's Office of Health, Human Services, - cont'd
Education and Youth

programs and workforce development activities. The ABC will place the funds in an account to be used solely for administering and awarding funding to sub-grantees.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Mayor's Office of Health, Human Services, - Agreement
Education and Youth

ACTION REQUESTED OF B/E:

The Board is requested to ratify the Agreement with Family League of Baltimore City, Inc. (FLBC). The period of the Agreement was July 1, 2015 through June 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$180,000.00 - 1001-000000-4460-692000-607001

BACKGROUND/EXPLANATION:

The FLBC is the City's Local Management Board. It is a quasi-governmental organization that works with a range of partners to develop and implement initiatives that improve the well-being of Baltimore's children, youth and families. The FLBC work touches the lives of tens of thousands of Baltimore families each year.

This agreement will support the FLBC's efforts to administer the Community Schools planning process at certain Baltimore City Schools taking part in the 21st Century Buildings initiative by providing sub-grants to partner organizations to support the implementation of the planning process. The community schools planning process includes several key steps: building a Planning Team, developing and implementing an asset map and needs assessment, creating a vision as a community school, developing a 12-month action plan and identifying partners to meet the identified needs.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Transportation - Minor Privilege Permit Applications

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

	<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
1.	1627 Thames Street	Brown's Wharf, LLC	One awning 8'8" x 4'
	Flat Charge: \$ 210.90		
2.	39 S. Poppleton Street	SHPS Investors, LLC	One fence 20' x 4'
	Annual Charge \$ 140.00		
3.	511 S. Clinton Street	D Carey Development, LLC	Mansard cornice 51.4 sq. ft., porch and steps 24 sq. ft.
	513 S. Clinton Street	D Carey Development, LLC	Mansard cornice 32.1 sq. ft., porch and steps 96 sq. ft.
	515 S. Clinton Street	D Carey Development, LLC	Mansard cornice 50.5 sq. ft., porch and steps 24 sq. ft.
	521 S. Clinton Street	D Carey Development, LLC	Oriel window 2 nd floor 120.2 sq. ft.
	Flat Charge: \$3,773.43		

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

- | | | | |
|--|---------------------------------------|-------------|---------|
| 1. | GOVERNMENT SCIENTIFIC
SOURCE, INC. | \$10,000.00 | Renewal |
| Contract No. B50003343 - 200 Proof Ethanol - Baltimore City Police Department - Req. No. P526192 | | | |

On February 4, 2014, the City Purchasing Agent approved the initial award in the amount of \$20,000.00. The award contained three 1-year renewal options. Two renewal options have been exercised. This final renewal in the amount of \$10,000.00 is for the period February 5, 2017 to February 4, 2018.

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|--|---|-------------|-----------------|
| 2. | ACTION ALARM SYSTEMS CORP.
d/b/a ACTION INTEGRATED | \$40,863.00 | Selected Source |
| Contract No. 06000 - Burglar Alarm, Access Control System and Security Camera - Baltimore City Police Department - Req. No R745775 | | | |

Action Alarm Systems Corp., d/b/a Action Integrated is the company that provided the original Access Control System that the BCPD is currently using. They are adding two additional floors to their lease and it would not be cost effective to add an entirely new system.

- | | | | |
|---|--------------------------------------|-------------|---------|
| 3. | ZENMAR POWER TOOL
& HOIST SYSTEMS | \$40,000.00 | Low Bid |
| Solicitation No. B50004817 - Repair of Air Operated Tools - Department of Public Works - Req. No. R744218 | | | |

Vendors were solicited by posting on CitiBuy. One bid was received. The Board is requested to approve an award to the sole bidder, whose bid appears to be fair and reasonable. The period of the award is December 1, 2016 through November 30, 2017, with three 1-year renewal options remaining.

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BOARD OF ESTIMATES

11/30/2016

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

- | | | |
|--|-------------|---------|
| 4. BOB ANDREWS
CONSTRUCTION INC. | \$59,298.00 | Low Bid |
| Solicitation No. B50004676 - ADA Accessible Ramp - Health Department - Req. No. 733851 | | |

Vendors were solicited by posting on CitiBuy as an informal solicitation, as the agency estimated that the cost of the project was below \$50,000.00 to install a ramp at the Health Department's Early Head Start Center located at 2200 N. Monroe Street. Two bids were received and opened on October 21, 2016. Both were over the informal threshold. The award is recommended to be made to the lowest responsible and responsive bidder.

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.

- | | | |
|--|--------------|-----------------|
| 5. ADAPT PHARMA, INC. | \$195,950.00 | Selected Source |
| Contract No. 06000 - Nasal Narcan - Health Department - Req. No. R744518 | | |

Nasal Narcan is used by first responders and health care providers to stop or reverse the effects of an opioid overdose. Adapt Pharma, Inc. is the manufacturer of this life saving medication and provides the medication to municipalities at a price level equal or lower than that of the secondary market. The period of the award is December 1, 2016 through November 30, 2019, with two 1-year renewal options remaining. The above amount is the City's estimated requirement.

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.

AGENDA

BOARD OF ESTIMATES

11/30/2016

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

6. HEYWARD INCORPORATED OF VIRGINIA, INC.	\$ 78,294.00	Sole Source
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Contract No. 08000 - New Stock Vaughn Pump and Parts - Department of Public Works, Wastewater Facilities Division - Req. Nos. R739855 and 739848

The Wastewater Facilities Maintenance Division requires Vaughn Pump and Parts for replacement and repair of existing installed equipment. The vendor is the manufacturer's sole distributor for the State of Maryland. This is a one-time purchase.

It is hereby certified that the above procurement is of such a nature that no advantage will result in seeking nor would it be 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.

7. SKALAR, INC.	\$ 20,000.00	Renewal
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Contract No. 08000 - Service Agreement for Skalar San++ Analyzer Systems - Department of Public Works, Bureau of Water and Wastewater - P.O. No. P529942

On January 27, 2015, the City Purchasing Agent approved the initial award in the amount of \$23,000.00. The award contained three 1-year renewal options. On December 9, 2015, the Board approved the first renewal in the amount of \$20,000.00. This second renewal in the amount of \$20,000.00 is for the period February 1, 2017 through January 31, 2018, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

8. BFI WASTE SERVICES, LLC d/b/a ALLIED WASTE SERVICE OF BALTIMORE	\$150,000.00	Renewal
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Contract No. B50002466 - Trash Removal Services for Baltimore Convention Center - Convention Center Complex - P.O. No. P522081

AGENDA

BOARD OF ESTIMATES

11/30/2016

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

On October 24, 2012, the Board approved the initial award in the amount of \$426,096.00. The award contained two 1-year renewal options. On December 16, 2015, the Board approved the first renewal in the amount of \$150,000.00. This final renewal in the amount of \$150,000.00 is for the period January 1, 2017 through December 31, 2017. The above amount is the City's estimated requirement.

MWBOO SET GOALS OF 8% MBE AND 2% WBE.

	<u>Commitment</u>	<u>Performed</u>	
MBE: L & J Waste Recycling, LLC	8%	\$11,375.54	22%
WBE: A2Z Environmental Group, LLC	2%	\$ 4,950.00	10%

MWBOO FOUND VENDOR IN COMPLIANCE.

9. DUKES ROOT CONTROL, INC. \$1,000,000.00 Renewal
 Contract No. B50002616 - Chemical Root Application and CCTV Inspections for Sanitary Sewer Systems - Department of Public Works, Bureau of Water and Wastewater Utility Engineering Division - P.O. No. 522405

On December 19, 2012, the Board approved the initial award in the amount of \$3,012,300.00. The award contained three 1-year renewal options. On November 4, 2015, the Board approved the first renewal in the amount of \$1,000,000.00. This second renewal in the amount of \$1,000,000.00 is for the period December 19, 2016 through December 18, 2017, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

AGENDA

BOARD OF ESTIMATES

11/30/2016

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

MWBOO SET GOALS OF 12% MBE AND 0% WBE.

	<u>Commitment</u>	<u>Performed</u>	
MBE: Riviera Enterprises, Inc.	12%	\$120,785.74	21%

WBE: N/A

MWBOO FOUND VENDOR IN COMPLIANCE.

10. FULL CIRCLE SOLUTIONS, INCORPORATED \$891,360.00 Renewal
 Contract No. 06000 - Technical Support and System Administration for Consolidated Collection System - Finance Department - P.O. No. P533669

On October 24, 2012, the Board approved the initial award in the amount of \$1,949,040.00. The award contained two 1-year renewal options. On November 25, 2015, the Board approved the first renewal in the amount of \$891,360.00. This final renewal in the amount of \$891,360.00 is for the period December 19, 2016 through December 18, 2017.

11. **TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$425,000.00	9908-901027-9146	9908-907333-9146
Gen. Funds	ERP Software	Munis Billing System

This transfer is to provide the remaining funding necessary to complete the project.

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

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. ASSOCIATED BUILDING

<u>MAINTENANCE CO., INC.</u>	\$ 0.00	<u>Extension</u>
Contract No. B50001546 - Provide Janitorial Services for the Department of General Services Area A - Department of General Services - P.O. No. P515606		

On November 24, 2010, the Board approved the initial award in the amount of \$461,556.00. The award contained two 1-year renewal options. Both renewals have been exercised and subsequent actions have been approved. This extension is necessary to allow additional time to award and allow transition time for the awarded vendor under Solicitation No. B50004603, bids which were opened on August 31, 2016. The period of the extension is December 1, 2016 through December 31, 2016. The above amount is the City's estimated requirement.

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

Associated Building Maintenance Co., Inc. was found in-compliance on March 13, 2015, but was found in non-compliance on May 4, 2016, due to the withdrawal of the named WBE, My Cleaning Services, Inc. from the contract. A more recent compliance review has not been completed due to the pending expiration of the contract.

	<u>Commitment</u>	<u>Performed</u>
MBE: CJ Maintenance	17%	\$34,175.11 21.4%
WBE:	See note below	0

MWBOO FOUND VENDOR IN NON-COMPLIANCE.

My Cleaning Services, originally named for WBE participation, withdrew from the contract. The vendor has yet to substitute an approved WBE. Guaranteed Cleaning Services, Inc. named by vendor as replacement is not certified with Baltimore City.

AGENDA

BOARD OF ESTIMATES

11/30/2016

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

13. ASSOCIATED BUILDING

<u>MAINTENANCE CO., INC.</u>	<u>\$ 0.00</u>	<u>Extension</u>
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Contract No. B50001547 - Provide Janitorial Services for Area B - Department of General Services - P.O. No. P515603

On November 24, 2010, the Board approved the initial award in the amount of \$388,032.00. The award contained two renewal options. Both renewals have been exercised and subsequent actions have been approved. This extension is necessary as Solicitation No. B50004604 was awarded by the Board on November 23, 2016, but both the current vendor and the newly awarded vendor have requested additional time to transition operations and personnel. The period of the extension is December 1, 2016 through December 31, 2016. The above amount is the City's estimated requirement.

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

Associated Building Maintenance Co., was found in compliance on March 13, 2015 but was found non-compliance on May 4, 2016 due to the withdrawal of the named WBE, My Cleaning Services, Inc. from the contract. A more recent compliance review has not been completed due to the pending expiration of the contract.

	<u>Commitment</u>	<u>Performed</u>	
MBE: CJ Maintenance	17%	\$79,135.00	26.5%
WBE: My Cleaning Services, Inc.*	9%	\$21,312.34	7.1%

*WBE has withdrawn from the contract. Vendor has committed to replace with another certified WBE.

AGENDA

BOARD OF ESTIMATES

11/30/2016

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR AMOUNT OF AWARD AWARD BASIS

Bureau of Purchases

14. ASSOCIATED BUILDING

MAINTENANCE CO., INC. \$ 115,000.00 Extension

Contract 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 renewal options. Both renewals have been exercised and subsequent actions have been approved. This extension is necessary as Solicitation No. B50004605 was awarded by the Board of Estimates on October 26, 2016, but both the current vendor and the newly awarded vendor has requested additional time to transition operations and personnel. This extension in the amount of \$115,000.00 will make the award amount \$3,085,827.16. The period of the extension is December 1, 2016 through December 31, 2016. The above amount is the City's estimated requirement.

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

Associated Building Maintenance Co., Inc. was found in compliance on November 5, 2015. A more recent compliance review has not been completed due to the pending expiration of the contract.

	<u>Commitment</u>	<u>Performed</u>	
MBE: CJ Maintenance Inc.	17%	\$92,242.88	23.9%
WBE: My Cleaning Service, Inc.	9%	\$45,678.60	11.8%

MWBOO FOUND VENDOR IN COMPLIANCE.

15. DAZSER-BAL CORPORATION

d/b/a JANI-KING OF

BALTIMORE \$ 110,000.00 Extension

Contract No. B50001751 - Janitorial Services for the Department of General Services Area D - Department of General Services - P.O. No. P518313

AGENDA

BOARD OF ESTIMATES

11/30/2016

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR AMOUNT OF AWARD AWARD BASIS

Bureau of Purchases

On July 13, 2011, the Board approved the initial award in the amount of \$464,880.00. The award contained two renewal options. Both renewals have been exercised and subsequent actions have been approved. An extension is necessary as Solicitation No. B50004606 for Area D was awarded by the Board on October 26, 2016, but both the current vendor and the newly awarded vendor have requested additional time to transition operations and personnel. This extension in the amount of \$110,000.00 will make the award amount \$3,132,414.00. The period of the extension is December 1, 2016 through December 31, 2016.

MWBOO SET GOALS OF 20% MBE AND 10% WBE.

Dazser-Bal Corporation d/b/a Jani-King of Baltimore was found in compliance on May 4, 2016.

	<u>Commitment</u>	<u>Performed</u>	
MBE: Destiny Group, Inc. t/a KMT Contactors	20%	\$180,473.77	24%
WBE: Fitch Dustdown Co., Inc.	10%	\$ 31,363.00	4%

Vendor has requested and was granted a waiver from the balance of the WBE goal. Per contracting agency, there is no further available opportunity for segmentation.

MWBOO FOUND VENDOR IN COMPLIANCE.

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Housing and - Acquisition by Gift
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve the acquisition of the fee simple interest in the property located at 1618 N. Bethel Street (Block 1118 Lot 86) by gift from Wells Fargo, NA, Owner, **SUBJECT** to municipal liens, interest, and penalties, other than water bills.

AMOUNT OF MONEY AND SOURCE:

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

BACKGROUND/EXPLANATION:

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

Wells Fargo, NA has offered to donate to the City, title to the property located at 1618 N. Bethel Street. With the Board's approval, the City will receive clear and marketable title to the property, subject only to certain City liens. The City's acceptance of this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain.

The DHCD will acquire the property subject to all municipal liens, and all interest and penalties that may accrue prior to recording a deed. The water bills must be paid as part of the transaction. A list of open municipal liens accrued through November 2, 2016, other than water bills, are as follows:

1618 N. Bethel Street

Real Property Taxes	2016-2017	\$0.00
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AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Housing and - Acquisition by Gift
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve the acquisition of the fee simple interest in the property located at SS Poplar Terrace 110 FT E. of Longwood Street (3032-027C) by gift from Mr. Albert D. Tynes, Owner, **SUBJECT** to municipal liens, interest, and penalties, other than water bills.

AMOUNT OF MONEY AND SOURCE:

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

BACKGROUND/EXPLANATION:

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

Mr. Tynes has offered to donate to the City, title to the property located at SS Poplar Terrace 110 FT E. of Longwood Street. With the Board's approval, the City will receive clear and marketable title to the property, subject only to certain City liens. The City's acceptance of this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain.

The DHCD will acquire the property subject to all municipal liens, and all interest and penalties that may accrue prior to recording a deed. The water bills must be paid as part of the transaction. A list of open municipal liens accrued through November 3, 2016, other than water bills, are as follows:

AGENDA

BOARD OF ESTIMATES

11/30/2016

DHCD - cont'd

SS Poplar Terrace 110 FT E. of Longwood Street

Tax Sale	292709	\$ 669.70
Real Property Tax	2016-2017	73.56
Real Property Tax	2015-2016	90.12
Real Property Tax	2014-2015	158.02
Miscellaneous	7224579	267.70
Miscellaneous	7483209	243.08
Miscellaneous	7686629	269.14
Registration	102138	96.00
Total Taxes Owed:		\$1,867.32

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Housing and - Grant Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Grant Agreement with the Central Baltimore Partnership, Inc. (CBP). The period of the Grant Agreement is effective upon Board approval for 12 months.

AMOUNT OF MONEY AND SOURCE:

\$100,000.00 - 9910-907225-9588

BACKGROUND/EXPLANATION:

The CBP was established to spur revitalization in Central Baltimore through partnerships with nonprofit organizations, anchor institutions, funders, and private developers and investors.

To accomplish these objectives, the CBP established a Strategic Acquisition Fund that is intended to facilitate redevelopment of vacant properties in commercial corridors that support existing redevelopment efforts or can attract additional investment and development. The Department of Housing and Community Development is providing \$100,000.00 to the fund that will be used for acquisition, appraisals, studies, environmental and stabilization. The CBP will make funds available to their development partners who will pursue acquisition, stabilization and ultimately redevelopment.

MBE/WBE PARTICIPATION:

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

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

DHCD - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$100,000.00	9910-919025-9587	9910-907225-9588
General Funds	Central Baltimore Partnership - General Fund Revenue (Reserve)	Central Baltimore Partnership

This transfer will support Central Baltimore Partnership's efforts to improve commercial corridors by acquiring vacant properties and offering them for redevelopment. Funds will be used to offset acquisition-related costs that are ineligible for State Capital funds.

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Housing and - Grant Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Grant Agreement with Park Heights Renaissance (PHR). The period of the Grant Agreement is effective upon Board approval for 24 months.

AMOUNT OF MONEY AND SOURCE:

\$420,000.00 - 9910-904122-9588

BACKGROUND/EXPLANATION:

The PHR is a nonprofit organization established in 2007 to implement the Park Heights Master Plan. The PHR provides a variety of community services in addition to undertaking development initiatives that reflect the Master Plan's recommendations.

As part of their development program, the PHR identifies areas outside of the 62-acre Major Redevelopment Area where redevelopment is feasible and supports existing investment.

The 2600 block of Loyola Northway is part of a larger strategy to support Renaissance Gardens, a 60 unit affordable senior housing development located in the 4300 block of Pimlico Road and redevelopment efforts on the 2600 block of Rosewood and 4300 blocks of Park Heights Avenues. Loyola Northway includes 13 vacant buildings that PHR has identified for acquisition, stabilization and ultimately redevelopment. Video Lottery Terminal Revenue (slots) funds are being provided for construction costs related to stabilization, carrying costs and property maintenance. By stabilizing these properties, PHR will be able to preserve them for future redevelopment and occupancy.

AGENDA

BOARD OF ESTIMATES

11/30/2016

DHCD - cont'd

The PHR's future development plans include façade improvements for existing residents, infrastructure improvements and open space.

MBE/WBE PARTICIPATION:

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

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$420,000.00	9910-903963-9587	9910-908144-9588
Pimlico Local	Park Heights	Park Heights
Impact Aid - VLT	Redevelopment -	Renaissance
	Pimlico Local	
	Impact Aid - VLT	
	- Reserve	

This transfer will provide appropriations to enable Park Heights Renaissance to acquire and stabilize vacant properties on the 2600 block of Loyola Northway. Funds were approved in the FY 2017 Ordinance of Estimates.

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Housing and - Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Agreement with Live Baltimore Home Center, Inc. (LBHC). The period of the agreement is July 1, 2016 through June 30, 2017.

AMOUNT OF MONEY AND SOURCE:

\$ 83,676.00 - 1001-000000-8151-700300-603050
474,315.00 - 1001-000000-8151-700300-603051
\$557,991.00

BACKGROUND/EXPLANATION:

Under the terms of this agreement, the LBHC will use the funds to implement programs that will market Baltimore City by promoting the benefits of Baltimore City living to current residents and potential residents.

The LBHC has satisfactorily carried out marketing efforts under a previous agreement and desires to continue its marketing and promotional efforts.

The agreement is late because of processing delays.

FOR FY 2017, MBE AND WBE PARTICIPATION GOALS FOR THE ORGANIZATION WERE SET ON THE AMOUNT OF \$48,925.00, AS FOLLOWS:

MBE: \$13,209.75
WBE: \$ 4,892.50

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Land Disposition Agreement (LDA) with Baltimore Green Space: A Land Trust for Community-Managed Open Space, Inc., Purchaser, for the sale of the City-owned property located at 2812 Fox Street.

AMOUNT OF MONEY AND SOURCE:

\$1.00 - Purchase price

BACKGROUND/EXPLANATION:

The Department's Land Resources Division, on behalf of the Mayor and City Council, strategically acquires and manages vacant or abandoned properties, ultimately enabling these properties to be returned to productive use and improving Baltimore's neighborhoods.

In an effort to further the City's Cleaner Greener initiative, as well as the new Sustainability Plan, which calls on the City to "develop and support a land trust to help communities retain control of appropriate open space upon its commitment to maintain the space," the Department would like to transfer the City-owned property located within the community-managed open space. The property, known as Fox Street Garden located at 2812 Fox Street, has been used by the Remington community for the past six years as a community garden. The property is pending journalization.

The transfer of the property into a land trust represents a cost-effective way to provide neighborhoods with amenities such as community gardens and other beautification and recreational spaces. Through their own labor and investments, as well as outside funding, residents increase property values while creating social and environmental benefits.

DHCD - cont'd

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

The assessed value of the property is \$1,400.00. The sale of the property to a land trust, whose sole purpose is to ensure the preservation of the community-managed open space, below the appraised value is reflective of the City's understanding that community-managed open spaces serve a specific benefit to the immediate community, eliminate blight, and provide neighborhoods with amenities such as community gardens and other beautification and recreational spaces.

MBE/WBE PARTICIPATION:

N/A

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Housing and - Side Yard Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Side Yard Land Disposition Agreement (LDA) with Mr. Allen Eghrari, Purchaser, for the sale of the City-owned property located at 843 N. Washington Street.

AMOUNT OF MONEY AND SOURCE:

\$1,000.00 - Sale price

BACKGROUND/EXPLANATION:

The property will be sold under the City's Side Yard Policy approved by the Board on August 17, 2011.

The lot will be sold for \$1,000.00, of which \$400.00 will be held in escrow by the City for the benefit of the Purchaser to be applied at settlement for closing costs, including transfer taxes, recordation fees, taxes, and associated title services. The Purchaser will be using private funds to pay for the acquisition and maintenance of the property.

The Department's Land Resources Division, on behalf of the Mayor and City Council, strategically acquires and manages vacant or abandoned properties, ultimately enabling these properties to be returned to productive use and improving Baltimore's neighborhoods.

The City has agreed to convey the property known as 843 N. Washington Street to the adjacent property owner. As a condition of conveyance, the Purchaser has agreed to the terms of the Side Yard LDA, which prohibits development of the parcel for a minimum of ten years.

AGENDA

BOARD OF ESTIMATES

11/30/2016

DHCD - cont'd

The City may dispose of the property by virtue of the following legal authorities: Article 28, Subtitle 8 of the Baltimore City Code (2011 Edition) (hereinafter, "the City Code"); Article II, Section 15 of the Baltimore City Charter, 2011 Edition; and Article 13 of the City Code.

STATEMENT OF PURPOSE AND RATIONALE FOR SALE OF THE PROPERTY:

The property is being sold for \$1,000.00, as the Purchaser holds title to the adjacent property as non-owner-occupied. The rationale for the conveyance of the property is that the sale will serve a specific benefit to the immediate community, eliminate blight, and return the property to the tax rolls.

MBE/WBE PARTICIPATION:

Mr. Eghrari will purchase this property for a price that is less than \$50,000.00 and will receive no City funds or incentives for the purchase or rehabilitation. Therefore, Minority and Women's Business Enterprise participation is not applicable.

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Housing and - Side Yard Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Side Yard Land Disposition Agreement (LDA) with Mr. Andrew Stone and Ms. Jaclyn Stone, Purchasers, for the sale of the City-owned property located at 303 E. Lafayette Avenue.

AMOUNT OF MONEY AND SOURCE:

\$500.00 - Sale price

BACKGROUND/EXPLANATION:

The property will be sold under the City's Side Yard Policy approved by the Board on August 17, 2011.

The lot will be sold for \$500.00, of which \$400.00 will be held in escrow by the City for the benefit of the Purchasers to be applied at settlement for closing costs, including transfer taxes, recordation fees, taxes, and associated title services. The Purchasers will be using private funds to pay for the acquisition and maintenance of the property.

The Department's Land Resources Division, on behalf of the Mayor and City Council, strategically acquires and manages vacant or abandoned properties, ultimately enabling these properties to be returned to productive use and improving Baltimore's neighborhoods.

The City has agreed to convey the property known as 303 E. Lafayette Avenue to the adjacent property owners. As a condition of conveyance, the Purchasers have agreed to the terms of the Side Yard LDA, which prohibits development of the parcel for a minimum of ten years.

AGENDA

BOARD OF ESTIMATES

11/30/2016

DHCD - cont'd

The City may dispose of the property by virtue of the following legal authorities: Article 28, Subtitle 8 of the Baltimore City Code (2011 Edition) (hereinafter, "the City Code"); Article II, Section 15 of the Baltimore City Charter, 2011 Edition; and Article 13 of the City Code.

The property was journalized and approved for sale on June 11, 2015.

STATEMENT OF PURPOSE AND RATIONALE FOR SALE OF THE PROPERTY:

The property is being sold for \$500.00, as the Purchasers hold title to the adjacent property as owner-occupied. The rationale for the conveyance of the property is that the sale will serve a specific benefit to the immediate community, eliminate blight, and return the property to the tax rolls.

MBE/WBE PARTICIPATION:

Mr. Stone and Ms. Stone will purchase this property for a price that is less than \$50,000.00 and will receive no City funds or incentives for the purchase or rehabilitation. Therefore, Minority and Women's Business Enterprise participation is not applicable.

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Land Disposition Agreement with Episcopal Housing Community Development Corporation, Developer, for the sale of the City-owned properties located at 1411, 1413, 1415, 1417, 1419, and 1421 Argyle Avenue.

AMOUNT OF MONEY AND SOURCE:

\$1,000.00	-	1411 Argyle Avenue
1,000.00	-	1413 Argyle Avenue
1,000.00	-	1415 Argyle Avenue
1,000.00	-	1417 Argyle Avenue
1,000.00	-	1419 Argyle Avenue
<u>1,000.00</u>	-	<u>1421 Argyle Avenue</u>
\$6,000.00		

BACKGROUND/EXPLANATION:

The Developer is the non-profit organization known as Episcopal Housing Community Development Corporation. It is proposing to construct a new 12-unit efficiency apartment building with a manager's office and a meeting room on the six properties. The 12-unit apartment will be financed with public funds and grants.

Once they are constructed, the Developer will rent them out as subsidized rental units to low income tenants with disabilities at affordable rates. The Developer's vision is to provide housing for the homeless and citizens with special needs, which will also include supportive services. The residents will pay no more than 20% of their incomes towards the rent. The Developer will invest \$1,240,751.00 in the project.

The Developer will receive funds from a combination of the City's HOME Funds in the approximate amount of \$700,000.00, the Community Development Administration in the amount of \$726,000.00 and a grant totaling \$600,000.00 from the Harry and Jeanette Weinberg Foundation.

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Housing and - cont'd
Community Development

The lots were journalized and approved for sale on December 22, 2010.

The Waiver Valuation price for 1411, 1413, 1415, 1417, 1419, and 1421 Argyle Avenue is \$1,000.00 per property and the purchase price is \$1,000.00 per property.

In accordance with the Appraisal Policy, unimproved real property with an assessed value of \$2,500.00 or less will not require an appraisal.

MBE/WBE PARTICIPATION:

The Developer will purchase the property for a price that is less than \$50,000.00 and will receive City funds or incentives for the purchase or rehabilitation; therefore, MBE/WBE is applicable.

MBE: 27%

WBE: 10%

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Land Disposition Agreement with Dainan Bramble, Developer, for the sale of the City-owned property located at 2038 E. Fayette Street.

AMOUNT OF MONEY AND SOURCE:

\$6,500.00

BACKGROUND/EXPLANATION:

The project will involve the rehabilitation of the vacant building, which the Developer plans to rehabilitate for use as a single family home, which will be used as her primary residence. The property is in the Care/Broadway-East neighborhood.

The authority to sell the property, is given under Baltimore City Code, Article 13, § 2-7(h) of the Baltimore City Code.

The Waiver Valuation price for 2038 E. Fayette Street is \$6,500.00 and the purchase price is \$6,500.00.

MBE/WBE PARTICIPATION:

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

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Land Disposition Agreement with Mr. Paul B. Plymouth, Developer, for the sale of the City-owned property located at 1058 W. Fayette Street.

AMOUNT OF MONEY AND SOURCE:

\$5,760.00

BACKGROUND/EXPLANATION:

The project will involve the rehabilitation of the vacant building, which the Developer plans to rehabilitate for use as a two family home. One unit will be his primary residence; the second unit will be rented to a tenant at market rate. The property is in the Poppleton neighborhood.

The authority to sell the property, is given under Baltimore City Code, Article 13, § 2-7(h) of the Baltimore City Code.

The Waiver Valuation price for 1058 W. Fayette Street is \$5,760.00 per appraisal dated July 27, 2016 and is being sold for \$5,760.00.

MBE/WBE PARTICIPATION:

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

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Land Disposition Agreement with Washington Realty and Development, Inc., Developer, for the sale of the City-owned property located at 510 E. 21st Street.

AMOUNT OF MONEY AND SOURCE:

\$5,600.00

BACKGROUND/EXPLANATION:

The project will consist of the rehabilitation of the vacant property. The Developer intends to rent out the property after rehabbing it.

The City may dispose of the property by virtue of Article II, Section 15 of the Baltimore City Charter (2010 Edition) and Article 28, Subtitle 8 of the City Code (2010 Edition).

The Waiver Valuation price for 510 E. 21st Street is \$5,600.00 and the purchase price is \$5,600.00.

MBE/WBE PARTICIPATION:

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

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Housing and - Allonge Agreement
Community Development (DHCD)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Allonge Agreement by and between the Director of Finance of the City of Baltimore, successor-in-interest to the Loan and Guarantee Program of Baltimore City and Two Associates Limited Partnership (the Partnership).

The Board is further requested to authorize and direct the Mayor, or the Mayor's designee, to execute any and all other documents necessary to effectuate this transaction SUBJECT to legal review for form and legal sufficiency by the Department of Law.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On August 20, 1987, the Board approved the financing of the new construction of the Dickey Hill Forest Apartments located at 2301 Wheatley Drive. The project consisted of the development of 17 residential buildings with 204 units of affordable rental housing. As part of the original financing, the owner, Two Associates Limited Partnership, entered into an Owner Grantee Agreement with the City of Baltimore borrowing an aggregate sum of \$4,972,600.00 comprised of \$3,719,710.00 in Housing Development Grant (DDG) funds, specifically awarded to Dickey Hill through a National Federal Competition, \$1,002,890.00 as an ARP Grant, and an additional \$250,000.00 of City funds. The City's HDG Grant is secured by a second lien on the real estate. The principal balance of the HDG note as of December 31, 2015 audited financials is approximately \$3,969,710.00 and the accrued interest is the approximate of \$3,553,884.00 for a total of \$7,523,594.00. Additional financing was provided by the State of Maryland's Community Development Administration in the approximate amount of \$630,000.00.

AGENDA

BOARD OF ESTIMATES

11/30/2016

DHCD - cont'd

As of December 31, 2015, the outstanding principal balance to CDA is \$630,000.00 plus \$557,484.00 accrued interest and is secured by a third lien on the real estate.

The primary source of funds for the construction of the project in 1985 was a HUD-insured loan which was refinanced and approved by the Board on March 25, 1998. In 2010, the Partnership received a firm commitment for FHA mortgage financing pursuant to Section 223(f) of the National Housing Act. With the Board's 2010 approval and subordination, the HDG loan term were extended to 2045. Proceeds of the refinancing allowed the borrower to not only reduce the interest rate of the first mortgage, but also allowed them to make substantial repairs to units and prolonged and enhanced the useful life of the project.

The Partnership was organized pursuant to a Partnership Agreement dated August 2, 1985, in accordance with provisions of the Maryland Uniform Limited Partnership Act. Mr. Otis Warren of the Maryland Dickey Hill, Inc., a corporation affiliated with the majority limited partner, is the general partner.

The property is currently underwater as there is more debt than its value can support. Interest on the HDG Note is accruing at the rate of 5% annually and is payable from surplus cash. In year 2045, the accrued interest owed will total approximately \$9,508,420.00 which is three times the amount of the original principal balance. Therefore, the accrued interest on the HDG Note places a financial burden on the project that negatively impacts its success and longevity.

After extension discussions and negotiations with the Borrower, the Board is requested to approve the following:

1. Effective January 1, 2016, the HDG Note will become a Residual Receipts Note with a total balance due of \$7,523,554.00 which will consist of an original principal balance due of \$3,969,710.00 and accrued interest through December 31, 2015 of \$3,553,844.00.

AGENDA

BOARD OF ESTIMATES

11/30/2016

DHCD - cont'd

2. Effective January 1, 2016, the applicable interest due under the Note and the Loan documents will be zero percent.
3. Effective January 1, 2017, annual payments due under the Note will be required only to the extent of the lesser of (i) 1/3 of the Surplus Cash Flow for the prior calendar year, or (ii) \$198,486.00.
4. Any and all payments received by the City will be applied to the outstanding principal balance of the Note.

MBE/WBE PARTICIPATION:

N/A

THE DIRECTOR OF FINANCE HAS REVIEWED AND RECOMMENDS APPROVAL.

AGENDA

BOARD OF ESTIMATES

11/30/2016

Health Department - Second Amendment to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Second Amendment to Agreement with Associated Black Charities, Inc. (ABC).

AMOUNT OF MONEY AND SOURCE:

\$64,106.00 - 4000-498716-3023-606102-603051

BACKGROUND/EXPLANATION:

On October 5, 2016, the Board approved an Amendment to Agreement with ABC in the amount of \$1,443,459.00 for the period of March 1, 2016 through February 28, 2017.

On November 2, 2016, the Board approved the revised Notice of Award for HIV Emergency Relief Project Grants for carryover of an unobligated balance in the amount of \$169,106.00 into the current budget period of March 1, 2016 through February 28, 2017.

This Second Amendment to Agreement will increase the amount of the funds by \$64,106.00 for the Minority AIDS Initiative services for a total amount of \$1,507,565.00.

This will allow ABC to reimburse the Ryan White Part A direct service providers for additional services.

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

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Health Department - Employee Expense Statement

ACTION REQUESTED OF B/E:

The Board is requested to approve an Employee Expense Statement to reimburse Donn Howard for mileage expenses incurred during the month of June 2016.

AMOUNT OF MONEY AND SOURCE:

\$110.16 - 4000-499016-3023-513200-603002

BACKGROUND/EXPLANATION:

Mr. Howard failed to submit his expense form on time. The expense form is now outside of the guidelines set forth by AM 240-11.

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

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

AGENDA

BOARD OF ESTIMATES

11/30/2016

Health Department - Employee Expense Statement

ACTION REQUESTED OF B/E:

The Board is requested to approve an Employee Expense Statement to reimburse Drucilla Brown for tuition expenses.

AMOUNT OF MONEY AND SOURCE:

\$1,000.00 - 1001-000000-3100-295900-603019

BACKGROUND/EXPLANATION:

Ms. Brown attended the Chamberlain College of Nursing on January 16, 2016 through June 30, 2016, for community health nursing related courses.

In accordance with the Memorandum of Understanding between the City and the American Federation of State, County and Municipal Employees, AFL-CIO, Council 67 & Local 558 Community Health Nurses and Nurses Practitioners - Fiscal Year 2017, Article 14 Education, states that full time nurses, who have completed eighteen months of service, enrolling at an accredited undergraduate or graduate institution in one or more courses which contribute to the professional growth and service in nursing or related fields, will be entitled to tuition reimbursement of \$1,000.00 per person, subject to existing requirements of the program.

The Employee Expense Statement is late because classes were not completed until June 2016 and the report card was not sent out until August 2016.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

AGENDA

BOARD OF ESTIMATES

11/30/2016

Health Department - Employee Expense Statement

ACTION REQUESTED OF B/E:

The Board is requested to approve an Employee Expense Statement to reimburse Juliette Ghee-Pratt for uniform expenses incurred during the month of August 2016.

AMOUNT OF MONEY AND SOURCE:

\$79.92 - 1001-000000-3100-295900-604003

BACKGROUND/EXPLANATION:

Ms. Ghee-Pratt was out of the office and unable to submit her employee expense statement in a timely manner.

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

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

AGENDA

BOARD OF ESTIMATES

11/30/2016

Health Department - Employee Expense Statement

ACTION REQUESTED OF B/E:

The Board is requested to approve an Employee Expense Statement to reimburse Juliette Ghee-Pratt for uniform expenses incurred during the month of May 2016.

AMOUNT OF MONEY AND SOURCE:

\$14.99 - 1001-000000-3100-295900-604003

BACKGROUND/EXPLANATION:

Ms. Ghee-Pratt was out of the office and unable to submit her employee expense statement in a timely manner.

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

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

AGENDA

BOARD OF ESTIMATES

11/30/2016

Health Department - Employee Expense Statement

ACTION REQUESTED OF B/E:

The Board is requested to approve the Employee Expense Statement for Ms. Leana S. Wen for the month of August 2016.

AMOUNT OF MONEY AND SOURCE:

\$180.04 - Mileage - 1001-000000-3001-568000-603002

25.00 - Parking - 1001-000000-3001-568000-603003

\$205.04

BACKGROUND/EXPLANATION:

Ms. Wen submitted her Employee Expense Statement on time, but because of staffing changes, her Expense Statement was not processed on time. Therefore, it is outside of the guidelines set forth in AM 240-11.

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.

The Department apologizes for the lateness.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

AGENDA

BOARD OF ESTIMATES

11/30/2016

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

ACTION REQUESTED OF B/E:

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

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

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

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

To bring the monthly rate charged at the Little Italy Garage in line with its surrounding facilities, the PABC staff developed the monthly rate adjustment recommendation. The rate adjustment was unanimously approved by the PABC Board of Directors.

MBE/WBE PARTICIPATION:

N/A

AGENDA

BOARD OF ESTIMATES

11/30/2016

PABC - cont'd

Location	Proposed Transient Rate Changes	Proposed Monthly Rate Changes		
Little Italy Garage	No proposed rate adjustments	Regular Monthly Rate		
		Regular Rate	Current Rate \$125.00	Proposed Rate \$130.00

APPROVED FOR FUNDS BY FINANCE

AGENDA

BOARD OF ESTIMATES

11/30/2016

Parking Authority of - Fourth Amendment to Parking Facility
Baltimore City (PABC) Operations and Management Agreement

The Board is requested to approve and authorize execution of the Fourth Amendment to Parking Facility Operations and Management Agreement with Impark/Danas Parking, LLC (Imp/Dan). This amendment will extend the period of the agreement through November 30, 2017.

AMOUNT OF MONEY AND SOURCE:

Baltimore Street Garage:

<u>This</u>	<u>Original</u>	
<u>Amendment</u>	<u>Agreement +</u>	<u>Account Numbers</u>
	<u>Amendments</u>	
\$393,548.00	\$1,932,982.00	2075-000000-2321-407700-603016 Maintenance & Repair
39,336.00	213,070.00	2075-000000-2321-407700-603026 Management & Incentive
<u>99,900.00</u>	<u>602,700.00</u>	2075-000000-2321-407700-603038
<u>\$532,784.00</u>	<u>\$2,748,752.00</u>	Security

BACKGROUND/EXPLANATION:

Imp/Dan manages the Baltimore Street Garage. Under the original agreement, compensation to Imp/Dan was based on a monthly base management fee and a calculation for the incentive fee with reimbursement for approved operating expenses at the parking facility. This amendment requires additional funding to pay for anticipated operating expenses and to compensate Imp/Dan during the extended term upon the original compensation structure. This amendment reflects a total agreement amount of \$3,281,536.00.

AGENDA

BOARD OF ESTIMATES

11/30/2016

PABC - cont'd

The term of the original agreement was seventeen months, from July 1, 2011 to November 30, 2012. The first amendment extended the term through November 30, 2014. The second amendment extended the term through November 30, 2015. The third amendment extended the term through November 30, 2016. This fourth amendment will extend the term through November 30, 2017.

In addition, this fourth amendment will allow the Bureau of Purchases to incorporate the recently developed local, small, minority, and women owned business initiatives into the solicitation for management services at this facility.

	<u>Commitment</u>	<u>Performed</u>	
MBE: Xecutive Security	17%	\$18,470.00	21.7 %
WBE: AJ Stationers, Inc.	9%	\$ 2,204.00	2.6 %
Tote-It-Inc.		960.00	1.13%
Gibbsx, LLC		<u>18,800.00</u>	<u>22.1 %</u>
		\$21,964.00	25.8 %

MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

(The Fourth Amendment to Parking Facility Operations and Management Agreement has been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

11/30/2016

Fire and Police Employees' - Master Services Agreement
Retirement System (F&P)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Master Services Agreement with Amgraf, Inc. The period of the agreement is effective upon Board approval for five years.

AMOUNT OF MONEY AND SOURCE:

\$699,999.00 (Not-to-Exceed) - over 5 years
No general fund monies are involved in this transaction.

BACKGROUND/EXPLANATION:

Since being retained by F&P in 2013, Amgraf, Inc. has demonstrated its expertise by successfully developing and placing into the F&P IT network complex F&P calculators, automated forms, web estimators, form packets, workflow and process improvements, electronic active and retired member statements, and archival retrieval continuation of operations. The Board wishes to engage Amgraf, Inc. to continue to develop and finalize the automation of F&P's benefits calculation and processing.

All consulting services fees and charges will be expended from F&P trust funds not to exceed \$699,999.00 over five years.

APPROVED FOR FUNDS BY FINANCE

MWBOO GRANTED A WAIVER.

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Space Utilization Committee - Interdepartmental Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Interdepartmental Lease Agreement between the Department of Public Works (Landlord) and the Department of General Services (Tenant) for the rental of a portion of the property known as 210 Guilford Avenue, consisting of approximately 22,303 square feet. The period of the Interdepartmental Lease Agreement is December 1, 2016 through November 30, 2017, with the option to renew for one additional one-year term.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Monthly Installment</u>
\$199,388.88	\$16,615.74

BACKGROUND/EXPLANATION

The leased premises will be used for storing cleaning, paper supplies, and building equipment. The Landlord will be responsible for the maintenance of the interior and exterior of the building, including the foundations, roof, walls, gutters, downspouts, air conditioning, and the ventilating and heating system. In addition, the Landlord will be responsible for cleaning the floors, providing janitorial services, trash removal, pest control, and keeping the sidewalks adjacent to the premises and the entrances clear of ice, snow, and debris. The Landlord will also be responsible for all interior and exterior lighting, except for damage caused by the sole negligence of the Tenant, Tenant's employees, guests, agents, invitees, and contractors. The Landlord will furnish and pay for all utilities that are supplied to or used at the premises including oil, gas, electric, and water.

The Tenant will accept the premises in its existing condition. The Tenant will provide all equipment necessary for the operation of the Tenant's programs including but not limited to

AGENDA

BOARD OF ESTIMATES

11/30/2016

Space Utilization Committee - cont'd

telephone and computer services. The Tenant will also be responsible for placing debris from the premises into trash receptacles, keeping the entrance, passageways and areas adjoining or appurtenant to the leased premises in a clean and orderly condition, and free of rubbish and obstruction.

The Space Utilization Committee approved this Interdepartmental Lease Agreement on November 22, 2016.

APPROVED FOR FUNDS BY FINANCE

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Space Utilization Committee - Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Lease Agreement with New Vision Youth Services, Inc. (Tenant) for the rental of approximately 1,329 square feet of space located at 3939 Reisterstown Road, Suite 204, a/k/a Lower Park Heights Multipurpose Center. The period of the Lease Agreement is October 1, 2016 through September 30, 2019, with the option to renew after negotiations 90 days prior to the lease expiration.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Monthly Installment</u>
\$9,023.58	751.96

BACKGROUND/EXPLANATION:

The leased premises will be used for office space to provide assistance and training to high-risk youth in both middle and high schools who struggle with behavioral and academic issues.

The Landlord will be responsible for the parking area, maintenance of the exterior and all common areas of the building, all equipment and systems serving the building, trash and snow removal of the building and paying for all utilities such as water, gas and electric. The Tenant will be responsible for liability insurance, security, janitorial and the payment of utilities.

The Lease Agreement is late because of delays in both the Landlord and Tenant administrative process.

AGENDA

BOARD OF ESTIMATES

11/30/2016

Space Utilization Committee - cont'd

The Space Utilization Committee approved this Lease Agreement on November 22, 2016.

APPROVED FOR FUNDS BY FINANCE

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Space Utilization Committee - Second Amendment to
Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Second Amendment to Lease Agreement between Edison Commercial, LLC (Landlord) and the Mayor and City Council of Baltimore on behalf of the Department of Public Works, Bureau of Solid Waste, Property Management Division (Tenant), for the rental of 1825 - 1829 Edison Highway consisting of a ¾-acre storage yard together with a one-story building and house. The period of the Second Amendment to Lease Agreement extends the period of the lease through October 31, 2021, with the option to renew for one additional five-year term.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Monthly Installment</u>
\$112,000.00 - Year one	\$ 9,333.33
\$115,360.00 - Year two	\$ 9,613.33
\$118,820.80 - Year three	\$ 9,901.73
\$122,385.42 - Year four	\$10,198.79
\$126,056.98 - Year five	\$10,504.75

Account: 1001-000000-5153-387800-603013

BACKGROUND/EXPLANATION:

On October 26, 2011, the Board approved a five-year Lease Agreement between Edison Commercial, LLC and the Mayor and City Council of Baltimore on behalf of the Department of Public Works, Bureau of Solid Waste, Property Management Division, for the rental of 1825 - 1829 Edison Highway. The Lease Agreement outlined that the Landlord would perform the improvements at the site and the Tenant would reimburse the Landlord. The costs of the improve-

AGENDA

BOARD OF ESTIMATES

11/30/2016

Space Utilization Committee - cont'd

ments were not to exceed \$70,000.00. On December 6, 2011, the Board approved the First Amendment to the Lease Agreement to increase the cost of the improvements by \$69,800.00, making the total cost of the improvements \$139,800.00, due to the Department of General Services' determination that additional improvements were needed to the space.

This Second Amendment to Lease Agreement renews the period of the original lease agreement to November 1, 2016 through October 31, 2021, and increases the square footage of the improvements from 13,917 square feet, as stated in the original lease agreement, to 16,000 square feet. All other terms and conditions of the original lease agreement remain unchanged.

The Space Utilization Committee approved this Second Amendment to Lease Agreement on November 22, 2016.

APPROVED FOR FUNDS BY FINANCE

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Space Utilization Committee - Transfer of Jurisdiction

ACTION REQUESTED OF B/E:

The Board is requested to approve the transfer of jurisdiction for the property known as 210 Guilford Avenue and 202 Guilford Avenue from the inventory of the Department of General Services to the inventory of the Department of Public Works (DPW).

BACKGROUND/EXPLANATION:

The property is being transferred to DPW for its Water/Wastewater operations.

The Space Utilization Committee approved this transfer of jurisdiction on November 22, 2016.

AGENDA

BOARD OF ESTIMATES

11/30/2016

Space Utilization Committee - Transfer of Jurisdiction

ACTION REQUESTED OF B/E:

The Board is requested to approve the transfer of jurisdiction for the property known as 220 Guilford Avenue also known Guilford Avenue Garage from the inventory of the Department of Housing and Community Development to the inventory of the Department of Public Works (DPW).

BACKGROUND/EXPLANATION:

The property is being transferred to the DPW to be utilized by the patrons of DPW and DPW employees to park their vehicles while conducting City business in 210 Guilford Avenue. `

The Space Utilization Committee approved this transfer of jurisdiction on November 22, 2016.

AGENDA

BOARD OF ESTIMATES

11/30/2016

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Department of Law - Payments of Settlements</u>			
1. G.H. Goldberg, LLC (prior owner)	2021 E. Biddle Street	G/R	\$ 80.00

On June 15, 2016, the Board approved the acquisition of the leasehold interest, by condemnation, in the real property located at 2021 E. Biddle Street. The Board previously approved the property interest value of \$300.00 based upon an independent appraisal reports. The owners of the property interest valued it at \$515.00.

After negotiations, the parties agreed to settle the case for \$380.00. Therefore, the Board is requested to approve the additional \$80.00 in settlement of this case.

Funds are available in account 9910-908636-9588-900000-704040.

2. Pauline Guiragoss (prior owner)	2720 Reisterstown Road	F/S	\$ 32,500.00
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On October 28, 2015, the Board approved the acquisition of the leasehold interest, by condemnation, in the real property located at 2720 Reisterstown Road. The Board previously approved the property interest value of \$20,000.00 based upon an independent appraisal reports. The City requested an updated appraisal, which resulted in an valuation of \$41,000.00. The owner of the property provided an appraisal that valued the property at \$65,000.00, a difference of \$24,000.00.

After negotiations, the parties agreed to settle the case for \$52,500.00. Therefore, the Board is requested to approve the additional \$32,500.00 in settlement of this case.

Funds are available in account 9910-908044-9588-900000-704040.

AGENDA

BOARD OF ESTIMATES

11/30/2016

Mayor's Office of Minority & Women - Consultant Agreements
Owned Business Development

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

In September 2016, the U.S. Department of Commerce - Minority Business Development Agency (MBDA) awarded a competitive grant to the City of Baltimore, Mayor's Office of Minority and Women-Owned Business Development (MWBD) to operate a MBDA Business Center in Baltimore. The full period of the grant award is September 1, 2016 through August 31, 2021.

1. **ANTHONY W. ROBINSON** **\$44,405.00**

Account: 4000-439617-1250-775600-404001

There are 50 MBDA Business Centers throughout the country, and the City of Baltimore is the only municipality awarded a grant to operate a Minority Business Center. Due to the dynamic and competitive nature of MBDA Business Centers nationwide, it has been deemed more suitable to utilize the services provided by Mr. Robinson as a consultant rather than an employee of the City.

Mr. Robinson will serve as a Business Consultant for the Mid-Atlantic MBDA Advanced Manufacturing Project Center in Baltimore (Center). Mr. Robinson's duties will include, but are not limited to, supporting the daily operations of the Center, ensuring the achievement of performance goals, preparing reports for MBDA and MWBD in a timely manner, conducting reviews and analysis of MBDA Portal reports, counseling minority firms on securing large contracts and financial transactions, assisting clients in negotiations with purchasing organizations and financial institutions, meeting performance metrics goals (monthly, quarterly and annually), conducting external client meetings, actively promoting the Center, and participating in status calls and meetings with strategic partner organizations. Mr. Robinson will report directly to the Project Director of the Mid-Atlantic MBDA Advanced Manufacturing Project Center in Baltimore. The period of the Consultant Agreement is October 1, 2016 through August 31, 2017.

AGENDA

BOARD OF ESTIMATES

11/30/2016

Mayor's Office of Minority & Women - cont'd
Owned Business Development

2. N. SCOTT PHILLIPS LEGAL AND BUSINESS CONSULTING SERVICES, LLC. \$99,187.00

Account: 4000-439617-1250-775600-404001

There are 50 MBDA Business Centers throughout the country, and the City of Baltimore is the only municipality awarded a grant to operate a Minority Project Center. Due to the dynamic and competitive nature of MBDA Business Centers nationwide, it has been deemed more suitable to utilize the services provided by Mr. Phillips as a consultant rather than an employee of the City.

Mr. Phillips will serve as the Project Director of the Mid-Atlantic MBDA Advanced Manufacturing Project Center in Baltimore (Center). Mr. Phillips' duties will include, but are not limited to, managing the daily operations of the Center, ensuring the achievement of performance goals, supervising Center staff and authorizing consultants, developing and managing strategic relationships that enhance the Center's ability to source contracts, counseling minority firms on securing large contract and financial institutions, coordinating and collaborating on client service efforts, actively promoting the brand of the Center, advising MBEs on accessing global markets, client consulting, public speaking, serving as an instructor for business training classes, representing and promoting the Center statewide, advocating for MBEs within the community, and serving as a point of contact with the MBDA and working with the MBDA on special projects. Mr. Phillips reports directly to the Deputy Director of MWBD. The period of the Consultant Agreement is October 1, 2016 through August 31, 2017.

Messrs. Robinson and Phillips are identified as Key Personnel in the U.S. Department of Commerce MBDA grant.

AGENDA

BOARD OF ESTIMATES

11/30/2016

Mayor's Office of Minority & Women - cont'd
Owned Business Development

The agreements are late due to the administrative process.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Law Department - Settlement Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Settlement Agreement between Baltimore Gas & Electric Company (BGE) and the Mayor and City Council of Baltimore (City) on behalf of the Department of Transportation concerning the BGE's occupancy of the City's Conduit System. Specifically, the parties wish to resolve all outstanding disputes concerning the conduit rental fees charged for BGE's use of the City's Conduit System and adopt, among other things, an agreed-upon conduit rental fee rate structure for the City's Fiscal Year 2017 through Fiscal Year 2022.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The City owns and maintains a system of underground conduits which contain electric, telephone, fiber optic and other types of wires and cables. The entities that own these wires and cables, including BGE, pay the City semi-annual fees for use of the conduit system. Development of the conduit system dates back to 1898, when the City, implementing authority granted by the General Assembly, enacted ordinances that provided for construction of the conduits and required corporations owning or operating overhead wires in Baltimore to place their wires in the conduits and pay conduit rental fees to the City. Beginning in 1903, the City and BGE have entered into a series of agreements to govern BGE's use of the conduit system. BGE is by far the largest occupant of the City's conduit system, its wires account for approximately 76% of the occupied conduit space.

At its September 23, 2015 meeting, the Board of Estimates considered and approved a request from the DOT to raise the conduit lease fee. Subsequent to this rate increase, BGE and a

AGENDA

BOARD OF ESTIMATES

11/30/2016

Law Department - cont'd

group of telecommunication providers brought actions in State Court challenging the City's ability to enforce the new conduit lease rate. BGE also sought and was permitted to intervene in the federal court litigation brought by the telecommunication providers. A key issue is whether the increased rate charged to BGE by the City should be recovered solely by BGE customers within Baltimore City or by the entire BGE customer base.

Based on the risks attendant to continued litigation, BGE and the City have continued their efforts to reach an amicable resolution regarding BGE's occupancy of the City's conduit system. The Settlement Agreement currently before the Board for approval provides certainty in the rates the City is entitled to charge BGE - the largest occupant - for City Fiscal Year 2017 through Fiscal Year 2022. It further reduces the risk of BGE re-litigating issues related to the City's conduit lease rate for the foreseeable future.

The Settlement Committee of the Law Department has reviewed this matter, and recommends to the Board of Estimates that settlement of this matter be approved as set forth in the settlement agreement.

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Law Department - Opinion - Request for Refund
of Real Property Taxes

The Board is requested to approve a refund of real property taxes for Mr. Edward J. Vogel, a disabled veteran.

It is the opinion of the Law Department that Mr. Vogel has met the qualifications for a real property tax exemption of disabled veterans, and that he is eligible to receive a refund of taxes paid because Mr. Vogel was honorably discharged from the armed services, declared by the Veteran's Administration to have a permanent 100% service connected disability, and resided in a single family dwelling during the period in question. It has been determined that Mr. Vogel is entitled to a refund of real property taxes, which were paid as follows:

<u>Claimant/s</u>	<u>Property</u>	<u>Taxable Year</u>	<u>Amount</u>
1. EDWARD J. VOGEL	1519 East Fort Avenue	2015/2016	\$2,461.24
		2014/2015	2,436.34
		2013/2014	<u>2,384.03</u>
		Total Refund	\$7,281.61

Pursuant to the Tax Property Article, Section 208(h)(2) it is required that interest shall be paid at the rate the county or municipal corporation charges on overdue taxes and that the interest shall accrue from the date the application is filed with the county or municipal corporation. In order to avoid interest being paid, each claimant's application for a refund must be made within 60 days of the application. Mr. Vogel filed his application on October 20, 2016.

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Public Works - Rules for Qualifications of Contractors, Performance Evaluations of Construction Contractors and Consultants and Procedures and Guidelines for Hearings Before the Office of Boards and Commissions Review Committee

ACTION REQUESTED OF B/E:

The Board is requested to approve the Rules for Qualification of Contractors, Performance Evaluations of Construction Contractors and Consultants and Procedures and Guidelines for Hearings before the Office of Boards and Commissions Review Committee regarding prequalification and contractor/consultant performance reviews. These Rules and Guidelines will be effective upon Board approval.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On December 17, 2014, the Board of Estimates (Board) approved the creation of the Office of Boards and Commissions Evaluation Committee (Committee) to replace the Contractor Qualification Committee to oversee the operations and functions of the Office of Boards and Commissions (OBC). The OBC's operations are currently governed by the City of Baltimore Rules for Qualification of Contractors (the Qualification Rules, approved by the Board on October 30, 1991) and the Guidelines for the Performance Evaluation of Design Consultants and Construction Contractors (Evaluation Guidelines, approved by the Board on April 28, 2004). The Board empowered the Committee, subject to Board approval, to review and amend the Qualification Rules and Evaluation Guidelines or enact such new rules and procedures as necessary to the operations and functions of OBC and the Committee. The Committee has determined that the existing rules governing OBC and Committee hearings on prequalification and contractor/consultant performance should be replaced with new rules enacted in their place.

AGENDA

BOARD OF ESTIMATES

11/30/2016

Dept. of Public Works - cont'd

Pursuant to the authority granted by the Board, the Committee has promulgated the Rules for Qualification of Contractors, Performance Evaluations of Construction Contractors and Consultants and Procedures and Guidelines for Hearings before the Office of Boards, Commissions Review Committee, which will supersede and replace the existing rules, and guidelines currently set forth in the Qualification Rules.

Comments from representatives from the construction contractor and design consultant community were solicited and considered by the Committee. The methods used to prequalify contractors have been updated to reflect a more thorough examination of potential contractors for the City of Baltimore. The Committee, acting either as a Committee or through a Hearing Officer appointed by the Committee Chair, will be governed by the Rules and Guidelines in all hearings that are requested by consultants/contractors dissatisfied with any recommendations by the Committee and OBC relating to contractor/consultant performance and contractor prequalification. The Rules and Guidelines provide contractors and consultants a full, fair, and evidentiary hearing.

Upon Board approval, a copy of the Rules and Guidelines will be sent to each design consultant and contractor prequalified with the City of Baltimore and will be referred to and incorporated within all future design and construction contract specifications.

CITY OF BALTIMORE
RULES FOR QUALIFICATION OF CONTRACTORS, PERFORMANCE
EVALUATIONS OF CONSTRUCTION CONTRACTORS AND CONSULTANTS AND
PROCEDURES AND GUIDELINES FOR HEARINGS BEFORE THE OFFICE OF
BOARDS AND COMMISSIONS REVIEW COMMITTEE

PREAMBLE

The Guidelines and Procedural Rules for the Performance Evaluation of Design Consultants and Construction Contractors (“Guidelines”) were approved by the Board of Estimates (the “Board”) on April 28, 2004 and the Office of Boards and Commissions (“OBC”) was charged with responsibility for implementation of the Guidelines and Procedural Rules for the Performance Evaluation of Design Consultants and Construction Contractors. OBC, which was also responsible for enforcing the Board’s rules, regulations and standards for the prequalification, requalification and disqualification of contractors, was under the oversight of the Contractors Qualification Committee (approved by the Board on October 30, 1991). The Contractors Qualification Committee was abolished by Board action on December 17, 2014, and reconstituted as the Office of Boards and Commissions Review Committee (“Committee”). The Committee was charged with full authority to oversee the operations of OBC in regard to the performance evaluation of consultants and contractors and all matters relating to prequalification, requalification and disqualification of contractors and consultants. The Committee was expressly empowered to amend such existing rules as were appropriate to the operation and duties of OBC and the Committee, subject to Board approval. Pursuant to that authority, the Committee has promulgated the following revised Rules for Qualification of Contractors, the Guidelines and Procedural Rules for the Performance Evaluation of Consultants and Construction Contractors and the Procedures and Guidelines for Hearings before the Office of Boards and Commissions Review Committee, all of which are hereby adopted by the Board. These amended rules and guidelines replace and supersede in their entirety all prior rules and guidelines approved by the Board on October 4, 1991 and April 28, 2004 and are applicable to all contracts entered into after the date of their approval by the Board.

I. RULES FOR QUALIFICATIONS OF CONTRACTORS

1.1 Office of Boards and Commissions

- 1.2 The Committee shall have oversight of OBC and shall be the administrative arm of the Board in all matters relating to the prequalification, requalification, suspension, disqualification and increase in or reduction of ratings of contractors and the maintenance of eligibility lists thereof, provided that no action taken shall be effective until ratified and confirmed by the Board.
- 1.3 OBC shall review the applications for prequalification or requalification filed by persons, partnerships, or corporations, whether prime contractors or subcontractors (“contractors”), desiring to bid on or perform contracts in amounts in excess of Fifty Thousand Dollars (\$50,000.00) for construction, maintenance, repair, or demolition of physical facilities to be awarded by the City for any department, bureau, or agency thereof, or for any agency all or part of whose funds are supplied by said City (“City work”).

1.4 Prequalification or requalification of consultants shall be in accordance with the City of Baltimore Resolution Relating to Architectural & Engineering Services approved by the Board of Estimates on June 29, 1994

1.5 Legal counsel to the Committee and OBC shall be provided by the City Law Department.

2.0. **Bid Compliance Reports**

2.1 Each City agency receiving bids for publically procured projects shall be required to submit written reports to OBC, on forms to be furnished by OBC, regarding any non-compliance by bidders with the bidding rules and procedures mandated by the laws and regulations of the City of Baltimore (“Bid Compliance Reports”) which results in a bid being rejected. The Bid Compliance Reports shall contain the following:

2.1.1. the name of the rejected bidder.

2.1.2. the project/contract number and brief description.

2.1.3. the date of the bid rejection.

2.1.4. the detailed reason for the rejection.

2.1.5. if the bid rejected was the low bid, a statement whether the bid was awarded to the second or any subsequent bidder or the project re-bid. If awarded to another bidder the price differential between the rejected bid and the bid awarded shall be listed.

2.1.6. a statement whether the bidder had previously submitted a bid for the same project and what action was taken on the bid.

2.1.7. a statement of how many times in the one (1) year period preceding the rejected bid a bid from the same bidder had been rejected.

2.2 A separate Bid Compliance Report for each Bidder shall be submitted to OBC within thirty (30) days of the date of bid rejection.

2.3 OBC shall maintain the Bid Compliance Reports for three (3) years and shall make them freely available to authorized agency representatives upon request. Other than requests by authorized agency representatives, the Bid Compliance reports shall be maintained in confidence by OBC.

3.0. **Requirements for Qualification**

3.1. All prime contractors intending to bid on any City work in excess of Fifty Thousand Dollars (\$50,000.00) shall annually establish proof of their qualification for the work they propose to perform before being permitted to submit a bid. Prime contractors also must

AGENDA

be prequalified at the time of bid opening, bid award, and when work commences and remain prequalified for the duration of the project. Possession of a valid Certificate of Prequalification is deemed proof of qualification.

- 3.2. Subcontractors intending to perform City work in excess of Fifty Thousand Dollars (\$50,000.00) shall qualify in the same manner as prime contractors and such qualification must be established before they are permitted to commence work. Prime contractors shall be qualified in all classifications of work not performed or intended to be performed by subcontractors on a particular contract.
- 3.3. Generally, a contractor requesting prequalification to perform City work must:
 - 3.3.1. Possess net working capital sufficient to undertake and conduct the dollar capacity of work; and
 - 3.3.2. Possess and/or have available sufficient equipment appropriate to perform the classifications of work proposed, or possess net current assets adequate to purchase or lease the necessary equipment; and
 - 3.3.3. Have previous satisfactory work performance with the City and/or satisfactory experience elsewhere which can be verified so as to be acceptable to OBC, and if the contractor is a newly formed corporation or firm, the previous work performance and/or experience of its owners, officers and/or principal employees shall be considered; and
 - 3.3.4. Comply with all laws and regulations governing business relations with the City, including, but not limited to, requirements covering Minority and Women-Owned Business Enterprise participation goals (Baltimore City Code, Article 5, Subtitle 28), Equal Employment Opportunity (Mayor's Executive Order, Jan.1, 1977), Employment Practices and Minimum Wage (Baltimore City Code, (1976 Edition, as amended), Article 4, Section 10 and Article 19, Section 61 *et. seq*); and
 - 3.3.5. Not have had two or more bids in the course of one (1) year rejected for failure to comply with the bidding requirements of the City of Baltimore, the Mayor's Office of Minority and Women's Business Opportunity Office or any state, federal or City of Baltimore requirement applicable to City procurements.
- 3.4. A contractor with no previous work performance and/or experience may be prequalified for limited amounts and classifications of work, based on the previous performance and experience of its officers and/or principal employees. Subsequent work performance

shall serve as a basis for further qualification, if other prequalification requirements are met.

- 3.5. Only contractors prequalified by these Rules shall be entitled to purchase documents for bidding purposes. Any other individual may purchase documents stamped “**SAMPLE – NOT FOR BIDDING PURPOSES.**”
- 3.6. Unless prequalification is suspended or revoked by OBC for cause, in accordance with Rule 12.2. of these Rules, prequalification is valid for two (2) years after Board approval. No later than the one year anniversary date of Board approval of prequalification, the contractor must submit a new financial statement that complies with Rule 5.0 *et seq.* of these Rules. Failure to file the financial statement may be used by OBC to disqualify the contractor in accordance with Rule 12.0 *et seq.* of these Rules.
- 3.7. Joint ventures will be considered for prequalification as a single entity by evaluating the qualifications of the individual co-venturers, each of which must be prequalified by OBC. Documents establishing the joint venture as an entity must be provided with the application. In the event that the joint venture is formed as a corporation, limited liability corporation, limited liability partnership or limited partnership, the joint venture shall be registered and qualified to conduct business in Maryland and shall be in good standing with the state Department of Assessments and Taxation. If any co-venturer is not or cannot be prequalified, the joint venture will not be prequalified and may not purchase documents for bidding until such time as all co-venturers are prequalified.

4.0. Procedure for Prequalification of Prime Contractors/Subcontractors

- 4.1. Each contractor desiring to bid for or perform City work shall file with OBC a written application for prequalification on a form prescribed and furnished by OBC. Such application shall be submitted under Oath, signed and, if submitted by a corporation, sealed. Information shall be furnished relating to:
 - 4.1.1. Specific classifications of work proposed.
 - 4.1.2. Financial responsibility, including an audited, compiled or reviewed financial statement dated within the last 12 months and as more specifically described in Paragraph 5, below.
 - 4.1.3. Adequacy of facilities and equipment.
 - 4.1.4. Prior work performed for the City and others. Details shall be complete, including type of work, for whom work was performed (naming City Department or Agency), contract amounts and dates of completion. Contractors may be required to furnish the educational and experience backgrounds of the owners, officers and/or principal employees of the company.

4.1.5. Equal Employment Opportunity and Affirmative Action Requirements as adopted by the City of Baltimore.

4.1.6. Such other pertinent information, guarantees and affidavits as OBC may prescribe.

4.1.7. All applicable licenses and/or certifications related to the category of work to be performed.

4.1.8. All Bids submitted by the Bidder to the City, or to other jurisdictions, which were rejected for any violation of the City's or other jurisdictions' procurement rules or procedures within the one year period prior to the date of the application for prequalification or requalification. Contractor shall submit a written statement, under oath and the penalties of perjury, identifying the jurisdiction to which the bid was submitted and providing detailed reasons for the rejection. For purposes of this section, if the City or another jurisdiction rejected all bids, including the Bidder's, for budgetary reasons or because rejection of all bids was deemed to be in the best interests of the City or the other jurisdiction, such action need not be disclosed by the Bidder.

4.2. A statement shall be furnished as to the type, model, year of manufacture, current book value and condition of each piece of owned or permanently leased equipment and all facilities related to the proposed classifications of work.

4.3. All contractors are required to maintain a level of satisfactory performance on each contract for any construction, maintenance, repair or demolition of physical facilities for the City of Baltimore or for any agency thereof. Prime contractors will be responsible for the performance of their subcontractors

4.4 Any application not completed within 60 days of the submission of the application to OBC shall be deemed invalid and require a new application to be submitted. Any fees submitted with the application shall be forfeited.

4.5 If an individual is doing business under a name other than his or her own, he or she must report same as part of the application.

4.6 Any required fees must be submitted with the written application in order for the application to be processed. Application fees are based upon the type of financial statement submitted and are as follows: \$100 for Compiled, \$500 for Reviewed, and \$1000 for Audited.

5.0. Financial Statement.

5.1. The application shall contain statements showing the financial ability of contractors. Such statements shall be prepared as of the end of the contractor's most recent fiscal year, as reported for the federal income tax purposes, unless otherwise requested or authorized by OBC upon the direction of the Committee. If the most recent fiscal year's financial information is unavailable, OBC may accept the previous year's financial information at its discretion.

5.2. The financial statement must be audited and accompanied by an independent accountant's report executed by a licensed Certified Public Accountant ("CPA") of any State, except that a reviewed financial statement accompanied by an independent accountant's report executed by a licensed CPA will permit consideration of a capacity rating not to exceed eight million dollars (\$8,000,000.00) and a compiled financial statement will permit consideration of a capacity rating not to exceed one and a half million dollars (\$1,500,000.00).

5.3. An accountant's report will not be accepted if prepared by a CPA who is an employee of, or who has a substantial financial interest in, the firm submitting the statement or any parent or subsidiary company.

5.4. The contents of a contractor's financial statement are confidential and shall not be available for inspection, unless otherwise provided by law, in accordance with the Maryland Public Information Act (Md. Ann. Code, Article 76A, Section 3(c)).

5.5. All documents submitted by a contractor, including financial statements and all calculations performed by OBC shall be available to the City Auditor for review.

5.6. An audited financial statement shall include a balance sheet, an income statement, a statement of changes in financial position, the report of independent accountants and all notes to financial statements.

5.7. A financial statement having an audited balance sheet, report of independent accountants and having unaudited income statement or other statements, shall not yield a work capacity rating of more than \$1.5 million.

5.8. The following financial statements will not be accepted by OBC:

5.8.1. A statement that does not include an income statement.

5.8.2. An audited or reviewed statement without the independent accountant's report or accompanying notes.

5.8.3. A statement, any portion of which appears in any way to be altered, removed, or the comments or work of someone other than the independent account who is reporting on the statement.

5.8.4. A draft or incomplete statement or a statement that covers less than a one (1) year period.

6.0. Capacity Rating.

6.1. A combined or consolidated financial statement must be accompanied by a written statement by the independent accountant or other person who prepared or audited the financial statement that all inter-company transactions have been eliminated. Such financial statement must also separately show the financial information for the contractor making application or must be accompanied by an additional document prepared by the independent accountant or by an officer of the parent corporation showing the portion of current assets and current liabilities applicable to the applying contractor. An assigned work capacity rating will be based on:

6.1.1. The net working capital assignable to the applicant contractor based on their financial presentation; and/or:

6.1.2. The appropriate portion of the net working capital assignable to the parent company when accompanied by an approved guarantee executed by the parent on behalf of the applicant.

6.2. If a capacity rating is determined by combining financial statements from more than one entity (such as company plus the personal statement of the guarantor stockholder), each statement must first be considered separately and a rating determined for each statement based on the net working capital, the ten times multiple and the type of statement (compilation, review, audit). The contractor's capacity is the total of the ratings for each separate statement.

6.3. A joint venture or partnership will be considered for a capacity rating not to exceed the combined capacity rating of its participants.

6.4. A contractor whose financial statement has a positive net working capital yielding a capacity rating of less than the value established necessary for prequalification (\$50,000.00) will not be approved for prequalification.

6.5. The financial statement shall be used by OBC to determine the Contractor's net working capital in accordance with generally accepted accounting principles and shall further set forth other financial data as requested by the OBC or the Committee.

6.6. The net working capital, determined under Rule 6.1 may be modified by the Committee on the basis of all available financial data. OBC shall then establish an assigned net working capital value for each contractor which shall be ten (10) times the assigned net working capital value based upon established criteria and policies. Contractors must be able to achieve a capacity rating that is greater than or equal to the minimum value for which prequalification is required.

6.7. A capacity rating higher than that established by Rule 6.1 may be assigned a contractor based on a blanket guarantee by a Guarantor which covers the period of the contractor's certification.

6.8 A prime contractor may purchase documents for bidding purposes and may be permitted to bid for any single contract having a total value not exceeding the contractor's assigned capacity rating. A prime contractor shall not be permitted to bid for a contract having a value in excess of said capacity rating, except as provided by Rule 7.0. The contracting Agency may elect to distribute bidding documents at no charge, in which case the bidder is required to be prequalified at the time of bid opening. In unique situations, the contracting agency may choose to waive the capacity rating as a requirement on a particular project provided the firm is able to obtain the appropriate performance bond. A justification for the waiver of the capacity rating requirement must be submitted to OBC prior to the bid date and after being reviewed and approved by OBC and Law.

6.9 A prime contractor shall not be awarded a contract if the total contract value (including all work classifications), when added to the contractor's uncompleted backlog of work (both work-in progress and work yet to begin) at the time of award, including amounts sublet or to be sublet and considering that which is contracted or subcontracted for with the City and elsewhere, including the full amount of any joint venture, exceeds the contractor's assigned capacity rating, except as provided by Rule 7.0. A subcontractor shall not be permitted to commence work if the subcontract value (including all work classifications), when added to the subcontractor's uncompleted backlog at time of commencement, including amounts sublet or to be sublet and considering that which is contracted or subcontracted for with the City and elsewhere, including the full amount of any joint venture, exceeds the subcontractor's assigned capacity rating, except as provided by Rule 7.0. If the prime contractor or subcontractor has engagements in joint ventures, the uncompleted backlog of work for the entire project must be factored in to its capacity statement.

7.0. Financial Performance Guarantee

7.1. In cases where the assigned capacity rating is insufficient under Rules 6.1 and 6.2, a prime contractor may be permitted to bid or may be awarded a contract and a subcontractor may be permitted to commence work if a specific guarantee of the contractor's obligations in connection with the particular contract is furnished by the contractor's guarantor. The maximum amount of a guarantee furnished on behalf of a contractor or subcontractor pursuant to this Rule shall not exceed five (5) times the contractor's or subcontractor's current work capacity rating; unless OBC, for good cause and in its sole discretion, approves a guarantee which exceeds five (5) times the contractor's or subcontractor's current work capacity. The financial responsibility of a guarantor shall be evaluated by OBC in the same manner as a financial statement under these Rules. Each guarantee shall be approved by OBC and the Law Department of Baltimore City for the particular contract and furnished to the contracting agency upon request. The guarantor shall submit such additional information documentation as may be necessary for the analysis of the specific guarantee.

AGENDA

7.2. A blanket guarantee is used primarily by parent companies or by the owners and officers of companies to give a contractor rather broad financial guarantee support for a given time period. The specific guarantee is primarily used by prime contractors and others to give financial guarantee support for a smaller contractor on a particular contract.

7.3. A guarantee may only be submitted by a person or entity having sufficient resources and proper authority to guarantee. Letters of reference and other supporting data submitted by bonding companies, banks and various agencies or organizations are not acceptable as a form of guarantee.

7.4. A guarantor must submit financial data to support any guarantee in the same manner as if applying for qualification unless sufficient current financial data is already on file with the Committee. The financial responsibility of a guarantor shall be evaluated by the Committee in the same manner as a financial statement under the Rules for Qualification of Contractors.

7.5. A contractor must be otherwise currently qualified or eligible for qualification in all respects, including having a satisfactory performance rating, in order to receive an increased work capacity rating through a guarantee. Any request for guarantee approval for a contractor who is not qualified or eligible to be qualified must be rejected and referred back to the requesting guarantor through the appropriate City agency.

7.6. A blanket guarantee only increases a contractor's work capacity rating and does not permit the contractor to perform any work classifications not previously assigned.

7.7. A specific guarantee only permits a contractor to work in excess of the assigned work capacity rating and does not permit the contractor to perform any work classifications not previously assigned.

7.8. Each guarantee shall be submitted in such form and with such accompanying acknowledgements, endorsements, approvals, and signatures as may be required by the Board of Estimates. The guarantee shall also include any terms and provisions concerning technical, managerial, financial or other assistance to be provided to the contractor by the guarantor,

7.9. A contractor whose work capacity rating is increased by a blanket guarantee will be submitted to the Board for prequalification in the increased rating amount. A contractor proposed to work under a specific guarantee will be submitted to the Board for its information.

7.10. The work capacity rating of a qualified contractor who also acts as a blanket guarantor for one or more other contractors will be reduced by the amount of all outstanding blanket guarantees made by the qualified contractor.

7.11. The work capacity rating of a qualified contractor who acts as a specific guarantor for one or more subcontractors working for and under that contractor will be reduced by the amount(s) of the specific guarantee(s).

7.12. Guarantees are only valid for the duration of the contractor's initial period of prequalification and must be renewed upon prequalification renewal.

7.13. The assigned capacity rating shall be reduced in the event of a reduction in the Contractor's net working capital, failure to pay bills in due course, unjustified demand for extra payment, or whenever any factor upon which the rating was based shall have materially changed for the worse.

8.0. Processing Applications & Review by the Board of Estimates

8.1. A prime contractor must file its application for prequalification not less than thirty (30) days prior to the bid opening date specified in the contract proposal. A subcontractor shall file not less than 30 days prior to commencing work. OBC may waive the 30 day period at its discretion. However, submitting applications within the established timeline does not guarantee prequalification certification prior to bid opening or work commencing.

8.2. All prequalified contractors may continue prequalification by submitting a renewal application not less than 30 days prior to the date of certificate expiration. OBC may waive the 30 day period at its discretion.

9.0 Period of Consideration.

9.1. During the period of consideration of the application (i.e., from time of application to the Committee's recommendation to the Board), an applicant may be required to appear personally before OBC to furnish additional information and/or to open its facilities, equipment or books for OBC inspection. OBC shall then recommend to the Board that an established capacity rating determined in accordance with Rule 6.1 and certain work classifications be approved.

9.2. OBC shall review any Bid Compliance Reports submitted to it pursuant to section 2.0 of these Rules pertaining to the applicant and shall review all reports received from the applicant pursuant to 4.1 of the Rules in determining whether an applicant should be recommended for prequalification or renewal of an existing certificate of prequalification. Should OBC find that two (2) or more Bid Compliance Reports were issued in a one (1) year period or less for the applicant, OBC may use that information as a basis for refusal to recommend prequalification, renew qualification, recommend suspension of qualification, or impose a monetary fine against the bidder in an amount not to exceed One Thousand Dollars (\$1,000.00). OBC may make such recommendations, subject to review by the Committee, even in the event that the contractor satisfies the other requirements for prequalification.

10.0 Notification of Proposed OBC Action.

- 10.1. Written notification of any action proposed to be taken by OBC shall be provided to the applicant in accordance with the Procedures and Guidelines for Hearings before the Office of Boards and Commissions Review Committee, Section III herein. As further provided in Section III herein, upon written request, a hearing, before the Committee or a hearing officer appointed by the Committee, shall be afforded any contractor who is aggrieved by any proposed or recommended action by OBC.

11.0. Miscellaneous Provisions

- 11.1. Upon final action by the Board in prequalifying a contractor, OBC shall issue to the contractor a Certificate of Prequalification. The assigned capacity rating, the approved work classification(s) and the certificate expiration date shall be stated on said Certificate.
- 11.2. Any contractor who has been refused requalification may file a new application six (6) months following final action of OBC on the previous application.
- 11.3. Any contractor who has been prequalified for a lower rating or classifications other than requested or who has been disqualified may submit additional information to the Committee at the Committee's discretion. After appropriate review the Committee may direct OBC to recommend to the Board that the contractor be issued a new or amended Certificate.
- 11.4. A current list of prequalified contractors, with their capacity rating, work classifications and Certificate expiration date is available for inspection through the Minutes of the Board of Estimates, Room 204 City Hall, online, or through the OBC. The disclosure of any other information is subject to provisions of the Maryland Public Information Act (Md. Ann. Code, Article 76A, Section 1-5).

12.0. Disqualification of Contractors

- 12.1. A Certificate once issued shall be valid until its expiration date unless it is suspended or revoked by OBC for cause, in accordance with the Rule 12.2. In such cases, the contractor shall be notified in writing of the proposed action to be taken and given an opportunity for a hearing on such action by the Committee.
- 12.2. The following acts, in combination or standing alone, shall be considered grounds for revocation of a Certificate or suspension thereof for a period of time at OBC's discretion, not to exceed two (2) years, or to impose a monetary fine against the bidder in an amount not to exceed One Thousand Dollars (\$1,000.00), subject to review by the Committee and approval by the Board:

- 12.2.1. Submission of falsified or inaccurate financial or experience statements or other data upon which qualification is based.
 - 12.2.2. Failure to submit a new financial statement or other pertinent data affecting a Contractor's continued qualification or eligibility.
 - 12.2.3. Undertaking additional work in excess of the capacity rating after a contractor has been awarded a City contract.
 - 12.2.4. Failure to maintain satisfactory performance.
 - 12.2.5. Conviction of bribery, extortion, fraud or similar malfeasance.
 - 12.2.6. Failure to secure bonding.
 - 12.2.7. Failure to comply with applicable federal, state, and local laws, executive orders and rules.
 - 12.2.8. Failure to pay subcontractors and/or suppliers.
 - 12.2.9 Failure to remedy any City fines or fees accrued.
 - 12.2.10 Falsifying information in the prequalification application.
 - 12.2.11. Any behavior or conduct that OBC, in its sole discretion, concludes reflects negatively on the contractor's integrity or which is determined by OBC to be so serious as to affect the integrity of the procurement process.
 - 12.2.12. Debarment or other sanctions levied against the contractor by any federal, state, or local government.
 - 12.2.13 Having two (2) or more bids in the course of one (1) year rejected by the Board of Estimates for failure to comply with the bidding requirements of the Green Book, the Mayor's Office of Minority and Women's Business Opportunity Office or any state, federal or City of Baltimore requirement applicable to City procurements.
- 12.3 Grounds for revocation or suspension shall be also grounds for refusal of an original or renewal application.
- 12.4 Written notification of any action proposed to be taken by OBC shall be provided to the contractor in accordance with the Procedures and Guidelines for Hearings before the Office of Boards and Commissions Review Committee, Section III herein. As provided in Section III herein, upon written requests, a hearing before the Committee or a hearing officer appointed by

the Committee shall be afforded any contractor who is aggrieved by any proposed or recommended action by OBC.

12.5. Any contractor not holding a valid Certificate shall be prohibited from bidding on or performing any City of Baltimore construction contracts of any size or dollar value during the period of disqualification.

II. GUIDELINES AND PROCEDURAL RULES FOR THE PERFORMANCE EVALUATION OF CONSULTANTS AND CONSTRUCTION CONTRACTORS

1.0. Office of Boards and Commissions

1.1. The Office of Boards and Commissions Review (“Committee”), acting by and through personnel from the Office of Boards and Commissions (“OBC”), shall be the administrative arm of the Board of Estimates (“Board”) in all matters relating to the performance evaluation of design consultants and construction contractors. Any recommendation by OBC, made in compliance with these rules regarding performance evaluations, shall be subject to final review by the Committee as provided herein.

2.0. Procedure for Consultant Performance Evaluation

2.1. Written Evaluations

2.2. Each consultant doing business with the City of Baltimore, whether as the prime consultant or a sub-consultant will be evaluated by the City Department or Agency that contracted with the consultant. Evaluations will be prepared for each phase of a project on which the consultant performs any work. The personnel performing the evaluation shall be selected by the Department or Agency Head and may include one or more individuals with a limit of three (3), each of whom must have familiarity with the project for which a rating is being issued and have knowledge of the work being performed by the consultant being rated.

2.3. In the event that a joint venture is selected as either a prime or sub-consultant, the joint venture will be evaluated as a single entity. In the event that the evaluation process results in action being taken to disqualify or otherwise sanction a joint venture in accordance with these performance evaluation rules, the disqualification or other sanction shall apply to the joint venture and to each of the co-venturers comprising the joint venture.

3.0. Procedure for Construction Contractor Evaluation

3.1. Written Evaluations

3.2. Each construction contractor doing business with the City of Baltimore, whether as a prime contractor or a subcontractor, will be evaluated by the City Department or Agency that contracted with the contractor. Evaluations will be prepared for each project on which the

contractor performs any work. The personnel performing the evaluation shall be selected by the Department or Agency Head and may include one or more individuals with a limit of three (3) each of whom must have familiarity with the project for which a rating is being issued and have knowledge of the work being performed by the contractor being rated.

3.3. In the event that a joint venture is selected as either a prime or sub-contractor, the joint venture will be evaluated as a single entity. In the event that the evaluation process results in action being taken to disqualify or otherwise sanction a joint venture in accordance with these performance evaluation rules, the disqualification or other sanction shall apply to the joint venture and to each of the co-venturers comprising the joint venture.

4.0. Ratings Criteria

4.1. The personnel who perform the evaluations for consultants and contractors (collectively, the "Evaluators") shall provide an accurate evaluation of consultant and/or contractor performance for each project.

4.2. The Evaluators shall rate the consultant or contractor on criteria relevant to the area of their responsibility on the contract. Other criteria boxes shall be left blank.

4.3. Firms shall be rated only on criteria relevant to service areas that are required by contract to be performed. Scores will be calculated only upon those criteria rated by the panel. Criteria that are not rated will not lower an overall score.

4.4. Ratings range from "0" to the maximum assignable value.

5.0. Ratings Forms

5.1. The project rating system requires the utilization of one of two forms:

5.1.1. The "Consultant Ratings Form" (Appendix 1) is to be utilized to evaluate design and post award services;

5.1.2. The "Contractor Ratings Form" (Appendix 2) is to be utilized to evaluate construction services.

5.2. When executed, the Consultant Rating Form and the Contractor Rating Form shall be treated as confidential documents except as may otherwise be required by applicable law. Executed forms shall only be available upon request to the subject of the evaluation, the City Department or Agency issuing the evaluation, another agency head/director, OBC, the Committee and the Board of Estimates.

6.0. Scoring/Grading

6.1. The following scoring and grading system will be utilized to evaluate the performance of design consultants and construction contractors:

Percentage Points¹

90 - 100 - Excellent

77 -- 89 - Good

70 -76 - Marginal

69 or less -- Unsatisfactory

7.0. EVALUATION PERIOD FOR CONSULTANTS

7.1. Except as set forth in section 7.2 or 7.3, each Consultant will be rated quarterly, *i.e.*, every three months, including at project completion, via interim evaluations (the "Interim Evaluation"). At project completion, an overall Final Project Rating will be calculated by averaging all numeric ratings previously issued for that project. Final Project Ratings will be completed within sixty (60) days of project completion.

7.2. For projects involving preparation of plans, drawings and specifications that are followed by construction of the project and intended to be completed in less than one (1) year, the Consultant will be rated within 30 days of submission of completed plans and again within thirty days of the acceptance by the City of the completed project.

7.3. Projects involving plans or studies only or inspection services only will be rated one time as deemed appropriate by the Department or Agency utilizing the consultants' services.

8.0. EVALUATION PERIOD FOR CONTRACTORS

8.1. Except as set forth in section 8.2 or 8.3, each Contractor will be rated quarterly, *i.e.*, every three months, including at project completion, via interim evaluations (the "Interim Evaluation"). At project completion, an overall Final Project Rating will be calculated by averaging all numeric ratings previously issued for that contract. Final Project Ratings will be completed within sixty (60) days of project completion.

8.2. For projects intended to be complete within six (6) months to one (1) year, the Contractor will be rated at the project's mid-completion point via Interim Evaluation and upon project completion. The mid completion point shall be determined by the project manager based on the

¹ Ranking is based on scale of 100 percentage points, which is determined by dividing number of points awarded by number of possible points in categories in which a score was provided.

work performed and the projected schedule of remaining work. At project completion, a Final Project Rating will be calculated by averaging all numeric ratings previously issued for that contract. Final Project Ratings will be completed within sixty (60) days of project completion.

8.3. Projects requiring less than six (6) months to complete will be rated only at project completion, which rating shall constitute the Final Project Rating.

9.0. APPEAL PROCESS--CONSULTANTS AND CONTRACTORS

9.1. Each Interim and Final Project Rating will be made available to the subject consultant/contractor.

9.2. Consultants and/or contractors who object to any Interim or Final Project Rating may appeal to the Bureau Head/Division Chief/Office Chief, or such person's designee ("Appeal Evaluator") in writing within ten (10) days of receipt of the rating whether an Interim or Final Project rating. If no written appeal is received within the time required by these rules, the contractor/consultant will be deemed to have waived its right to review of the rating. The Appeal Evaluator shall consider the written submission of the contractor/consultant and the information contained in the ratings being appealed. No hearing shall be held. The Appeal Evaluator may request additional information from the contractor/consultant and such information shall be provided within five (5) days of the request.

9.3. The Appeal Evaluator shall render a written decision within thirty (30) days from the receipt of an appeal. The decision regarding an appeal of a rating is final.

9.4. The Appeal Evaluator's decision will be entered into a database maintained by OBC.

9.5. City agency personnel will have access to the rating database.

10.0 APPLICATION OF PERFORMANCE RATINGS FOR CONSULTANTS

10.1. All ratings for projects on which a Consultant has performed work shall be made available to City agency personnel serving on shortlisting and interview panels for their consideration in reviewing project specific proposals.

10.2. Consultant ratings shall be reviewed by OBC upon receipt of re-qualification application and submittals.

10.3. Consideration of a consultant's overall rating shall be made prior to any action being recommended by OBC to the Committee.

11.0. APPLICATION OF PERFORMANCE RATINGS FOR CONTRACTORS

11.1. All ratings of contractors shall be available to City agency personnel.

- 11.2. Contractor ratings shall be reviewed by OBC upon receipt of requalification applications.
- 11.3. Consideration of a contractor's overall rating shall be made prior to any action being recommended by OBC to the Committee.

12.0. RATINGS

12.1 EXCELLENT RATINGS

12.1.1. If, a Contractor achieves two consecutive "Excellent" Interim evaluations on a single project, the Contractor may request the City Department or Agency that the contractor is under contract with to reduce the retainage for the contract from 5% to 1.5% at the 50% completion milestone (as expressed in terms of monies earned excluding stored material.) This request must be accompanied by a document that indicates the approval of the project's Surety for the reduction in retainage. The Department or Agency shall determine whether to grant the requested reduction. Any Contractor aggrieved by the decision regarding reduction of retainage may request a hearing pursuant to Article VIII of these Rules.

12.1.2. The Contractor will remain eligible for this consideration by maintaining an "Excellent" rating.

12.2. GOOD RATINGS

12.2.1. If, a Contractor achieves two consecutive "Good" interim evaluations on a single project, the contractor may request the City Department or Agency that the contractor is under contract with to reduce the retainage for the contract from 5% to 3% at the 50% completion milestone as expressed in terms of monies earned excluding stored material. This request must be accompanied by a document that indicates the approval of the project's Surety for the reduction in retainage. The Department or Agency shall determine whether to grant the requested reduction. Any Contractor aggrieved by the decision regarding reduction of retainage may request a hearing pursuant to Article VIII of these Rules.

12.2.2. The Contractor will remain eligible for this consideration by maintaining a "Good" rating.

12.3. MARGINAL RATINGS

12.3.1. Contractors and/or consultants receiving a "Marginal" Interim rating will be notified in writing by the Appeal Evaluator that improvement in the firm's performance is required. After receipt of a Marginal Interim rating, should the contractor/consultant fail to improve its performance and receive a subsequent Marginal rating of any kind, the

contractor/consultant will be sent written notification by OBC that the firm's continued prequalification status is being evaluated. If upon review, OBC determines that further action is appropriate regarding the contractor/consultant's prequalification status, it shall notify the contractor/consultant in writing and advise the contractor/consultant of its right to a hearing in accordance with Section III, herein. If a hearing is requested by the contractor/consultant, the hearing shall be conducted in strict accordance with Section III. At the hearing, the contractor/consultant must demonstrate to the satisfaction of the Committee or Hearing Officer that its prequalification status should not be revoked, its work capacity rating not be reduced or it should not be subject to any other action taken by the Committee.

12.4. UNSATISFACTORY PERFORMANCE

12.4.1. Contractors and/or consultants receiving an "Unsatisfactory" Interim rating will be notified in writing by the Appeal Evaluator that improvement in the firm's performance is required. Should the contractor/consultant fail to improve its performance and receive a subsequent Interim or Final Project Rating of Unsatisfactory or Marginal, the contractor/consultant will be sent written notification from OBC that the firm's prequalification status will be reviewed. If upon review, OBC determines that further action is appropriate regarding the contractor/consultant's prequalification status, it shall notify the contractor/consultant in writing and advise the contractor/consultant of its right to a hearing in accordance with Section III, herein. If a hearing is requested by the contractor/consultant, the hearing shall be conducted in strict accordance with Section III. At the hearing, the contractor/consultant must demonstrate to the satisfaction of the Committee or Hearing Officer that its prequalification status should not be revoked, its work capacity rating not be reduced or it should not be subject to any other action taken by the Committee

III. PROCEDURES AND GUIDELINES FOR HEARINGS BEFORE THE OFFICE OF BOARDS AND COMMISSIONS REVIEW COMMITTEE

1.0. Hearings Generally

1.1. Where the Rules for Qualification of Contractors or the Guidelines for the Performance Evaluation of Design Consultants and Construction Contractors (collectively the "Rules") provide that a hearing may be conducted, these Procedures and Guidelines shall govern.

1.2. A hearing may be conducted by the full Committee or, at the Chair's discretion, by any individual member of the Committee designated to serve as the Hearing Officer by the Chair.

1.3. The objectives of a hearing are:

- To provide all interested parties an opportunity to be heard by the Committee or Hearing Officer
- To afford a contractor/consultant an opportunity for an impartial, objective review of proposed decisions and/or actions of the Committee
- To contribute to uniformity and consistency in the application and enforcement of the Rules
- To establish and consider facts and data related to:
 - a. a contractor/consultant's performance, nonperformance or other acts which are grounds for qualification, suspension or revocation of the contractor's Certificate of Prequalification; or
 - b. a contractor's financial and work capabilities.

2.0. Notice of Hearing

2.1. Where the Rules provide that a hearing may be held, the contractor/consultant shall be notified, in writing by OBC, of the action proposed to be taken by the Committee. Notice shall be sent to the contractor/consultant via first class mail, certified mail return receipt requested and by email, with a read receipt requested, to the email address of record for the contractor/consultant. Within five (5) days of the date of the notification, or the date of receipt by the contractor/consultant, whichever occurs first, the contractor/consultant may submit a written request for a hearing. E-mailed notification is effective as of the date of its transmission by OBC. Failure of the contractor/consultant to open an emailed notification will not extend the time allowed for filing a request for hearing. The contractor/consultant's request for a hearing shall be mailed via first class mail, and sent via electronic mail, to the Office of Boards and Commissions, 4 South Frederick Street, 4th Floor, Baltimore, MD 21202 (410) 396-6883, email address, obc.contractors@baltimorecity.gov. If no written request for a hearing is filed within the time required by these rules, the contractor/consultant will be deemed to have waived its right to a hearing and the Committee may proceed to evaluate the contractor/consultant's performance, nonperformance or other acts as the Committee deems appropriate. The Committee may also initiate a hearing.

2.2. The hearing shall be scheduled within a reasonable time after a request for a hearing is received. When a hearing is scheduled, OBC shall send a Hearing Notice to the contractor/consultant by first class mail and electronic mail requesting receipt confirmation. The Hearing Notice shall set the date, time and location of the hearing, and describe the purpose and nature of the hearing. OBC shall also send the Hearing Notice to the agency involved by email and inter-City mail to the agency Director. The Hearing Notice shall include a copy of these Procedures and Guidelines as well as any pertinent documents in the Committee's or OBC's possession, including any performance evaluations that have been filed by any agency. The Hearing Notice shall designate either a Hearing Officer to preside or advise that the hearing will be held before the Committee. The Hearing Notice will set firm times for:

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- a. how long the contractor/consultant has to present its case;
- b. how much time for the agency to reply;
- c. how much time for cross examination and setting any limits on what will be allowed on cross examination;
- d. how much time for closing argument.

The Committee or Hearing Officer may shorten or extend any times set forth herein for good cause shown or as the Committee or Hearing Officer may direct in the exercise of their discretion. Any additional rules or procedures that may be required by the Committee or Hearing Officer shall be set forth in the Hearing Notice and are subject to amendment by the Committee or Hearing Officer.

2.3. Not later than five (5) days after the date of the Hearing Notice, the contractor/consultant shall advise OBC in writing, sent via first class mail and electronic mail, requesting receipt confirmation, whether it will or will not be represented by counsel at the hearing and, if it will be represented, identify its counsel. If the contractor/consultant will not be represented by counsel, the contractor/consultant will designate one representative to present its position, introduce documentary materials, call witnesses to support its position and cross-examine. Unless directed otherwise by the Committee, an attorney from the City Law Department shall be present at all hearings and may participate in the hearing, regardless whether the contractor/consultant elects counsel or not. Failure of the contractor/consultant to file a timely election of counsel shall be a waiver of the right to counsel at the hearing.

3.0. Rules of Evidence

- 3.1 Formal rules of evidence and formal trial procedures shall not apply.
- 3.2. The Committee or Hearing Officer may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs. They shall give effect to the rules of privilege recognized by law. They may also exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.
- 3.3. The Committee or Hearing Officer may take judicial notice of facts and in addition may take notice of general, technical, or scientific facts.
- 3.4. All evidence including records and documents in the possession of OBC, the Committee, the involved City agency or the City of Baltimore which the Committee or Hearing Officer desires to utilize may be made a part of the record in the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

4.0. Hearing Proceedings

- 4.1. The proceedings shall follow this order:

- a. The Committee or Hearing Officer shall begin the hearing with a statement concerning the purpose of the hearing and the procedures that will be followed.
- b. Each party may present its case by narrative or by witnesses.
- c. Cross-examination of any witness shall be permitted; however, the parties will not be permitted to argue or engage in debate. The Committee or Hearing Officer may limit or terminate cross examination at any time.
- d. The Committee or Hearing Officer may question any witness or party at any time.
- e. Each party may present its final arguments and summarize its position.
- f. Each party shall have the right to make any additional statements before the hearing is terminated.
- g. At the discretion of the Committee or Hearing Officer, the hearing may be adjourned to another date, continued or postponed.

4.2. Notwithstanding the procedures set forth above, the Committee or Hearing Officer may, in their discretion, decide the order and manner in which testimony and evidence is to be presented and have discretion to direct changes to the hearing procedure.

5.0. Decisions and Orders

5.1. Every attempt shall be made to render a final decision within thirty (30) days from the conclusion of the hearing. The decision shall be made based upon the facts and evidence introduced into the record. The final decision of the Committee need not be in writing. However, OBC shall prepare a memorandum of each hearing which contains the following information:

- a. date of hearing;
- b. type of hearing (Committee or Hearing Officer);
- c. name of person presiding;
- d. the contractor or consultant's name;
- e. the names, titles and affiliations of persons in attendance;
- f. the purpose and nature of the hearing;
- g. a brief description of documents, testimony and data presented;
- h. the final findings of the Committee or Hearing Officer; and
- i. proposed action by the Committee.

5.2. When hearings are conducted by a Hearing Officer, the Hearing Officer shall submit his/her decision in writing to the Committee for review and to the contractor/consultant. The Hearing Officer's decision must be approved by the Committee before the proposed action becomes final. The Committee may approve, reject or modify the decision of the Hearing Officer in its sole discretion. The Committee's decision is subject to review on the record by the Board of Estimates.

5.3. When hearings are conducted by the Committee, the Committee's decision is subject to review on the record by the Board of Estimates.

5.4. A copy of the memorandum of the hearing referred to in this Section shall be sent to the contractor/consultant or to his attorney of record simultaneously with notice of the Committee's determination.

6.0. Record of Proceeding

6.1. In the Committee or Hearing Officer's discretion a record of the proceedings may be made; a tape recording of the proceeding is adequate.

6.2. The contractor/consultant may have access to the tape recording during City business hours and may have a transcript made at its expense. The cost of the preparation of the transcript shall be paid before the transcript is prepared.

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

* * * * *

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

110 - 114

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

In connection with the Transfers of Funds,
pursuant to Charter provisions, reports have
been requested from the Planning
Commission, the Director of Finance
having reported favorably thereon.

The Board is also requested to Note the Administrative
Confirmation of the rejection of recommended awards and the
awards made after protest on November 9, 2016.

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BOARD OF ESTIMATES

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RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

ADMINISTRATIVE CONFIRMATION

On November 09, 2016, the Board upon hearing the protests of Manuel Luis Construction Co., Inc. for TR 17011, TR 17012, and TR 17013 approved the award of these contracts to Manuel Luis Construction Co., Inc., and not the recommended company P. Flanigan & Sons, Inc. This administrative confirmation is to confirm MBE/WBE compliance and contract amount for each of the below awards.

Department of Transportation

1.	TR 17011, Resurfacing Highways at Various Locations Northeast Sector I	Manuel Luis Construction Co., Inc.	\$1,993,522.41	
	MBE: Manuel Luis Construction Co., Inc.*		\$400,000.00	20.06%
	WBE: S&L Trucking, LLC		\$ 75,000.00	3.76%
	Rowen Concrete, Inc.		75,000.00	3.76%
			<u>\$150,000.00</u>	<u>7.52%</u>

* Indicates Self-Performance

MWBOO FOUND VENDOR IN COMPLIANCE.

2.	TR 17012, Resurfacing Highways at Various Locations Northwest Sector II	Manuel Luis Construction Co., Inc.	\$1,829,535.71	
	MBE: Manuel Luis Construction Co., Inc.*		\$400,000.00	21.86%
	WBE: S&L Trucking, LLC		\$100,000.00	5.46%
	Rowen Concrete, Inc.		35,000.00	1.91%
			<u>\$135,000.00</u>	<u>7.37%</u>

* Indicates Self-Performance

MWBOO FOUND VENDOR IN COMPLIANCE.

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BOARD OF ESTIMATES

11/30/2016

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation

3. TR 17013, Resurfacing Highways at Various Locations Southwest Sector III	Manuel Luis Construction Co., Inc.	\$1,668,371.31
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MBE: Manuel Luis Construction Co., Inc.*		\$350,000.00 20.97%
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WBE: S&L Trucking, LLC		\$ 85,000.00 5.09%
Rowen Concrete, Inc.		55,000.00 3.29%
		<u>\$140,000.00 8.39%</u>

* Indicates Self-Performance

MWBOO FOUND VENDOR IN COMPLIANCE

4. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$2,015,494.80 State Constr. Rev.	9950-909215-9515 Constr. Reserve Resurfacing Southwest	
\$1,679,579.00	-----	9950-907723-9514-6 Structural & Improvements
251,936.85	-----	9950-907723-9514-5 Inspection
<u>83,978.95</u>	-----	9950-907726-9514-2 Contingencies Resurfacing Highways SW Sector II
\$2,015,494.80		

This transfer will fund the costs associated with project TR 17013 Resurfacing Highways SW Sector III with P. Flanigan & Sons, Inc.

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BOARD OF ESTIMATES

11/30/2016

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Dept. of Public Works, Office of Engineering & Construction

5. ER 4019RR, East Monumental Paving \$1,059,836.35
 Stony Run Stream & Excavating, Inc.
 Restoration

MBE: T.E. Jeff, Inc.	\$ 68,600.00	6.47%
Justdrafting & Construction	15,600.00	1.47%
Support Service, Inc.		
P&J Contracting Co., Inc.	21,850.00	2.06%
	<u>\$106,050.00</u>	<u>10.00%</u>

WBE: S&L Trucking, LLC \$106,050.00 10.00%

MWBOO FOUND VENDOR IN COMPLIANCE.

6. **TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 248,166.00	9958-904351-9526	
MVR	Construction Reserve	
	East Story Run	
635,000.00	" "	
515,817.00	9958-904707-9526	
SW Utility	Construction Reserve	
	Urgent Needs Engineering	
<u>\$ 1,398,983.00</u>		
105,983.00	-----	9958-903351-9525-2
		Extra Work
105,983.00	-----	9958-903351-9525-3
		Engineering
63,590.65	-----	9958-903351-9525-5
		Inspection
1,059,836.35	-----	9958-903351-9525-6
		Construction
<u>63,590.00</u>	-----	9958-903351-9525-9
		Administration
\$ 1,398,983.00		

This transfer will cover the cost of ER 4019RR, East Stony Run Stream Restoration.

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BOARD OF ESTIMATES

11/30/2016

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Dept. of Public Works, Office of Engineering & Construction

7. ER 4097, Watershed Allied Contactors, \$ 406,477.00
263-Phase 3 & 4 Slope Inc.
Repair at Biddison
Run Western Run

MBE: J.M. Murphy Enterprises, \$ 57,000.00 14%
Inc.

WBE: S&L Trucking, LLC \$ 12,222.00 3%

MWBOO FOUND VENDOR IN COMPLIANCE.

8. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 200,000.00	9958-906405-9526	
Stormwater	Construction Reserve	
Utility	Citywide Stream Restoration	
40,648.00	-----	9958-903993-9525-2 Extra Work
40,648.00	-----	9958-903993-9525-3 Engineering
29,352.00	-----	9958-903993-9525-5 Inspection
60,000.00	-----	9958-903993-9525-6 Construction
<u>29,352.00</u>	-----	9958-903993-9525-9 Administration
\$ 200,000.00		

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BOARD OF ESTIMATES

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RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases

- | | | | |
|----|-------------------------|-------------------------------|----------------|
| 9. | B50004662, EMT Services | Grace Ambulance Services, LLC | \$1,500,000.00 |
|----|-------------------------|-------------------------------|----------------|

(Health Department - Field Health Services)

MWBOO GRANTED A WAIVER.

- | | | | |
|-----|--|-----------------------|---------------|
| 10. | B50004665, Gunshot Detection and Location System | Safety Dynamics, Inc. | \$ 369,600.00 |
|-----|--|-----------------------|---------------|

(Baltimore Police Department)

MWBOO GRANTED A WAIVER.

- | | | | |
|-----|--|---------------------------------------|---------------|
| 11. | B50004718, Citywide Mass Notification System | Emergency Communications Network, LLC | \$ 447,500.00 |
|-----|--|---------------------------------------|---------------|

(Mayor's Office of Emergency Management)

MWBOO GRANTED A WAIVER.

- | | | |
|-----|---|---|
| 12. | B50004607, Manage and Operate Inner Harbor Docking Facilities | REJECTION - The sole proposal was opened on September 28, 2016. The evaluation committee reviewed the sole proposal and determined that the proposal did not meet the minimum technical score. The Board is recommended to reject the sole proposal. The requirements can be re-solicited at a later date. |
|-----|---|---|

(Department of Transportation)

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Finance - Revised Administrative Manual Policies -
404-00, 404-01, 404-02, 404-03, 404-04,
404-05, 404-06, 404-07

ACTION REQUESTED OF B/E:

The Board of Estimates is requested to approve the following revised Administrative Manual Policies:

- AM 404-00 Grant Management & Administration
- AM 404-01 Grant Identification
- AM 404-02 Grant Screening & Evaluation
- AM 404-03 Grant Preparation & Application
- AM 404-04 Grant Management Review
- AM 404-05 Grant Award
- AM-404-06 Grant Documentation
- AM 404-07 Grant Closeout

The revisions are effective upon Board of Estimates approval.

AMOUNT OF MONEY AND SOURCE:

There are no costs associated with these actions.

BACKGROUND/EXPLANATION:

The Administrative Manual (AM) communicates official City policies and procedures that affect the City's operations and its employees. By distilling provisions of the City Charter, Board of Estimates policies and rules, Memoranda of Understanding, as well as the decisions and directives of the City Administration, the published policies provide uniform and consistent operating rules. The revisions reflect updates to outdated or obsolete procedures and will provide greater clarity to City operations, functions, and requirements.

The revisions are being submitted in groups addressing similar subject matter. This collection of AM revisions pertains to the

Department of Finance - cont'd

City's grants management operations. All policies in this set are in the 404 series and the proposed changes in each are listed below.

AM 404-00 (Grant Management & Administration)

This policy establishes a grants management committee within each agency, organization and/or entity that oversees grant activities and ensures compliance with all grant-related City of Baltimore AM Policies and Office of Management and Budget (OMB) circulars. The revisions to this policy are as follows:

- Establishes an internal Grants Management Committee (GMC) and designates a senior staff member with authority to make grant(s)-related decisions, to serve as chairperson.
- Committee monitors and ensures agency/entity compliance with all AM and OMB grant management policies.

AM 404-01 (Grant Identification)

This policy uses early identification and proactive planning to forecast opportunities and capture grants. This preplanning process optimizes the opportunity for success when applying for grants.

- Designates an individual to track all germane grant announcements, via the Internet (e.g., Grants.gov or Grantfinder.com), electronic or standard mail, by telephone, through professional contacts, or other sources.
- Identifies and tracks all grant opportunities that align with the organization's long-range, strategic plans and/or the agency's mission as far in advance as possible.

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Finance - cont'd

AM 404-02 (Grants Screening & Evaluation):

This policy promotes a proactive assessment and determination of each grant's requirements to minimize confusion and maximize preparation time prior to submitting an application:

- Requires grant management staff to determine all grant application requirements to include determining whether the grant application requires sustainability or matching funds.

AM 404-03 (Grant Preparation & Application):

The purpose of this policy is to generate a checklist of requirements as detailed in a Scope of Work (SOW), Notice of Funding Availability (NOFA), or Request for Proposal (RFP) and to collaborate with the Bureau of the Budget and Management Research (BBMR) when preparing a grant application's budget proposal, as follows:

- Identifies and designates a grant proposal manager as early as possible,
- Designates a grant writer(s) and/or budget proposal manager and,
- Identifies key hires as soon as possible.

AM 404-04 (Grant Management Review):

This policy provides management with an opportunity to review all grant applications and ensure the quality and completeness of all required supporting documentation, (e.g., technical and cost proposals) prior to submission, as follows:

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Finance - cont'd

- Ensures grant submission meets the requirements detailed in the Scope of Work, in collaboration with the agency/entity's BBMR Budget Analyst, prior to senior management review, then
- Returns draft document(s) to budget proposal manager for correction, if necessary.

AM 404-05 (Grant Award):

The purpose of this policy is to expedite the award process, obtaining a project number and establishing a budget account number allows an agency/entity to begin grant operations as soon as possible, as follows:

- Upon receipt of grant award updates award information in CRM software,
- Forwards copies of the award letter and sub-recipient agreement(s) to the Law Department for review, and
- Forwards approved grant award notification and sub-recipient agreement(s) to the Board of Estimates (BOE) for approval.

AM 404-06 (Grant Documentation):

The purpose of this policy is to ensure proper documentation to avoid audit findings, disallowed costs and/or non-compliance issues, as follows:

- Conducts ongoing monitoring and control of all reimbursement receipts and deposits until grant ends; as well as all program and sub-recipient documentation; and,

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Finance - cont'd

- Establishes and maintains a hard copy desk reference audit file.

AM 404-07 (Grant Closeout):

The purpose of this policy is to ensure a proper and timely closeout of all ending grants and to identify grants that should be renewed, as follows:

- Determines if a grant will be ending or renewed. If the grant is ending, the grant manager pulls together details of the grant's operations; to include, financial transactions, program narrative and/or required grantor closeout information, and
- Completes Internal Closeout Checklist to ensure all activities and transmittals have been completed, documented, and submitted timely.

MBE/WBE PARTICIPATION:

N/A



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AM 404-00

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Grants Management & Administration

PURPOSE

To establish a *grants management committee* within each agency, organization and/or entity (hereafter referred to as agency/entity) that oversees grant activities and ensures compliance with all grant-related city of Baltimore Administrative Manual (AM) policies and relevant (federal) Office of Management and Budget (OMB) circulars.

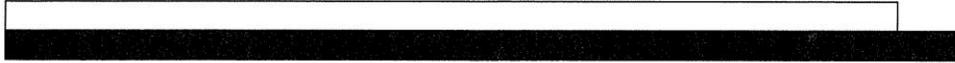
SCOPE

This policy is applicable to all city of Baltimore agencies/entities that use grant funding, as well as any organizations for which the city serves as a grantee or contributes resources. Moreover, this policy supersedes all city of Baltimore grant-related policies dated prior to 2015, with the exception of *AM 404-04 Outside Audits* and *AM 400-3 Indirect Cost Reimbursement for Federal Grants and Contracts*.

POLICY STATEMENT

Each agency/entity must maintain a *grants management committee* that meets in the event a grant exceeds its monthly budget by 20%, at least quarterly, or within 60-days of the start/end of a grant – to review potential grant applications and renewals, grant budgets, audit results, extension requests, public relations/lobbying efforts and overall compliance with AM and OMB policies.

At a minimum, committee membership must include at least one senior management staff with authority to make grant-related decisions for the agency/entity and at least one senior fiscal representative; grant manager(s) and/or responsible supervisory staff. Chairpersons from each agency/entity should be fulltime committee members that comprise a steering committee which meets, at least quarterly, with the finance department’s grants management office staff to foster a healthy, standardized and centralized grants management culture throughout the city.



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AM 404-00

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Grants Management & Administration

PROCEDURES

<p>NOTE</p> <ul style="list-style-type: none"> • Procedural items preceded by this symbol  are designated as quality issues. Failure to adhere to this requirement can impact the overall quality of this policy. • Procedural items preceded by this symbol  are designated as risk issues. Failure to monitor this requirement can create an unwarranted risk.

Agency/Organization and/or Entity:

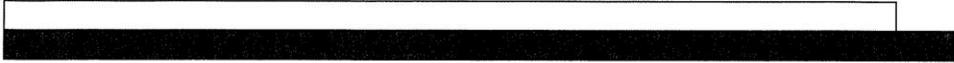
1. Establishes an internal grants management committee (GMC) and designates a senior staff member with authority to make grant(s)-related decisions, to serve as chairperson.

Grants Management Committee (GMC):

2. Monitors and ensures agency/entity compliance with all AM and OMB grant management policies;
3. Designates a committee member to document and archive the minutes of each GMC meeting (by agency) on the city's grants management SharePoint site, at: <https://portal.baltimorecity.gov/dof/GM/SitePages/Home.aspx>;

	<ol style="list-style-type: none"> 4. Ensures the agency/entity maintains a cadre of trained grant writers and budget proposal managers to prepare and submit grant applications, and retains documented evidence of training(s) on file and in the city's grants management SharePoint site;
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5. Maintains an electronic listing of *all* active grants and their corresponding grant managers on the city's grants management Customer Relationship Management (CRM) site, at: <https://bmore.crm9.dynamics.com/main.aspx>; and,
6. Ensures all single audit and grants management office findings are immediately corrected.


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AM 404-00

*m****Grants Management & Administration***

7. Reviews, at a minimum, the following information during each GMC meeting; as prescribed below:

Applications

8. Determines what grant applications are forthcoming, both new and renewals; to include:
- What resources will be needed;
 - Required (key) staff, sub-recipients or consultants; and,
 - To identify the grant application manager and/or budget proposal manager.
9. Requests a copy of reviewer's feedback (debrief) in the event of a non-awarded grant; to learn, in particular, the application's content weaknesses and budget narrative feedback that negatively impacted the submission;
10. Retains all debrief notes on the city's SharePoint site along with original grant applications, so that appropriate adjustments can be made to optimize the agency/entity's chances of future grant awards;
11. Follows the steps detailed in AM policies: **404-01 Grant Identification; 404-02 Grant Screening & Evaluation; 404-03 Grant Application & Preparation; and 404-04 Grant Management Review**, when making a grant application.

Budgets

12. Reviews budget charts/graphs or data to highlight and focus upon areas of concern; e.g., over- or under-spending, in collaboration with fiscal staff and/or the agency/entity's respective Bureau of the Budget and Management Research (BBMR) budget analyst;
13. Ensures *all* grant-related primary accounts and subaccounts are closed within 45-days of the grant's end date and that *all* receipts, invoices or charges received or posted after the grant's closure were incurred within the grant's period of performance.


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AM 404-00

*m****Grants Management & Administration*****Tracking**

14. Maintains a shared calendar to project new and renewal applications, anticipated audits, expiration dates for Grant Services Specialist (GSS) positions (when applicable), grant closeout dates, grant extensions, periodic reports to the grantor, and forecasted GMC meeting dates.

Public Relations

15. Periodically submits success stories generated from their grants management efforts, to the grants management office and Mayor's Director of Communications. Each submission should describe who was involved, what happened, and when and where the activity took place. Submit success stories by clicking the **Send Email Alert** and **Submit Success Story** buttons on the city's grants management SharePoint site;
16. Depending upon the number of grants an agency manages, the committee and/or a designated staff member(s) should submit the following number of public relations articles annually, for:
- 0-10 grants, 1 per year;
 - 11-25 grants, 2 per year;
 - 26-50 grants, 3 per year;
 - 51-75 grants, 4 per year;
 - 76-100 grants, 5 per year; or,
 - 100+ grants, 6 per year.
17. Committees are encouraged to exceed recommended success story submission requirements.

Lobbying

18. Submits a lobbying request to the Deputy Mayor of Government Relations and Labor, in the event the GMC feels that lobbying on the agency/entity's behalf will help ensure a successful application. To submit lobbying requests, click the **Send Email Alert** and **Request Grant Support** buttons in the city's grants management SharePoint site.



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AM 404-00

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Grants Management & Administration

Grants Manager:

	19. Maintains an online archive of all grant applications and all monthly, quarterly, semi-annual and annual (required) operational reports for a minimum of seven years on the grants management' SharePoint website. When necessary, online applications must be printed, scanned, and stored in SharePoint.
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20. Stores all documents in SharePoint, using the following folder naming convention:

Budget Series Code - Grant Year - Granting Agency/Grantor - Grant Name.

For example:	4001-16-DOJ-Byrne Justice Grant
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- 21. Takes corrective actions based on audit results or feedback from grantor;
- 22. Follows the steps taken in AM Policies **404-05 Grant Award; 404-06 Grant Documentation; 404-07 Grant Closeout; and 404-08 Grant Financial Management.**

Grants Management Office:

- 23. Monitors each agency/entity's grants management activities, providing database access, guidance, support, and resources as needed;
- 24. Performs internal control testing in accordance with applicable OMB circulars and the city's grants management policies and procedures;
- 25. Monitors all grant accounts to ensure drawdowns and expenditures are timely, occur within the grant's period of performance, are appropriately charged, and minimize unspent funds and/or negative budget variances;
- 26. Conducts annual compliance reviews of the city's agency/entities with grants, to monitor compliance with all grants management AM policies and OMB circulars;
- 27. Submits a corresponding compliance report for each GMC to take corrective action.

POLICY OWNER

The city of Baltimore grants management office is responsible for all changes and/or updates to



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AM 404-00

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Grants Management & Administration

this policy.

WORKFLOW PROCESS

A flowchart displays workflow graphically, using some or all of the following process symbols.

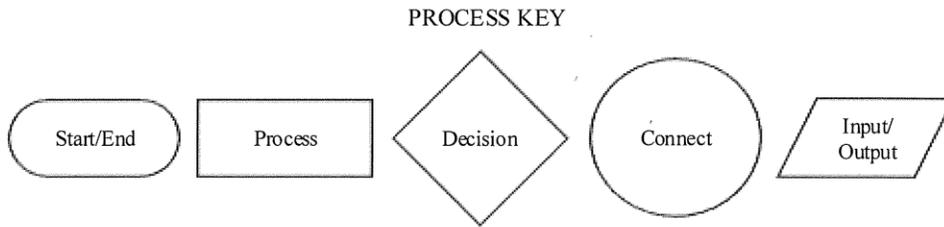


Figure 1, below, graphically displays the primary steps followed in the **Grants Management & Administration** process.

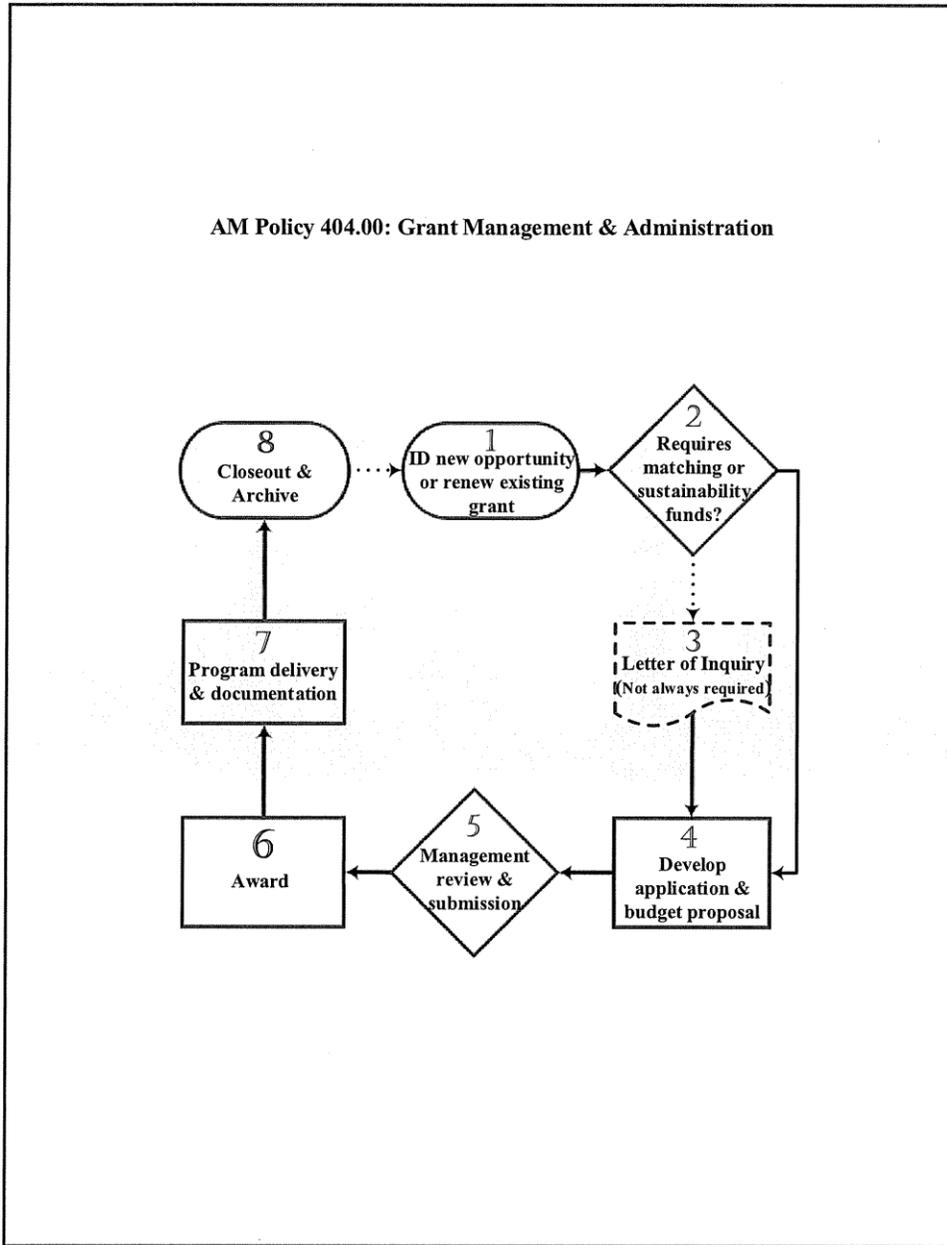


Figure 1: *Grant Management & Administration* reflects the macro-level steps of the grants management process.



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AM 404-01

m

Grant Identification

PURPOSE

Early identification and proactive planning are key to forecasting opportunities and capturing grants. This policy establishes a preplanning process to optimize the opportunity for success when applying for grants.

SCOPE

This policy is applicable to all city of Baltimore agencies/entities that use grant funding, as well as any other organizations for which the city serves as a grantee or contributes resources. Moreover, this policy supersedes all city of Baltimore grant-related policies dated prior to 2015, with the exception of *AM 404-04 Outside Audits* and *AM 400-3 Indirect Cost Reimbursement for Federal Grants and Contracts*.

POLICY STATEMENT

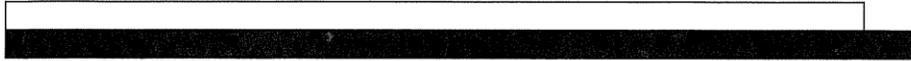
Each city of Baltimore agency/organization/entity that receives grant funding/sources must form a grants management committee to support the early identification and vetting of all relevant grant opportunities. For an explanation of the grant management committees' roles and responsibilities, see **Administrative Manual (AM) Policy 404-0, Grants Management & Administration**.

PROCEDURE

<p>NOTE</p> <ul style="list-style-type: none"> • Procedural items preceded by this symbol  are designated as quality issues. Failure to adhere to this requirement can impact the overall quality of this policy. • Procedural items preceded by this symbol  are designated as risk issues. Failure to monitor this requirement can create an unwarranted risk.

Grants Management Committee:

1. Must designate at least one individual to track all germane grant announcements, via the Internet (e.g., Grants.gov or Grantfinder.com), electronic or standard mail, by telephone, through professional contacts, or other sources. This designee must:



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AM 404-01

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Grant Identification

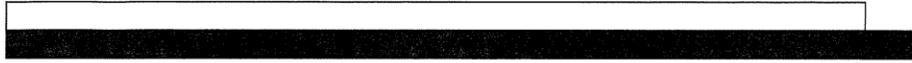
- a. Be a member of the agency/organization/entity’s grants management committee; and,
- b. Create a CRM grant record immediately after identifying the candidate grant. CRM can be accessed at <https://bmore.crm9.dynamics.com/main.aspx>;

	c. Develop, maintain and periodically update a comprehensive listing of agency specific keywords and/or search terms in SharePoint for use when searching for grants;
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	d. Negotiate with other agencies/entities in the event two or more entities wish to apply for the same grant. Synergistic alliances that benefit the city are encouraged;
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- 2. Determines if the grant opportunity is a *new* or *renewal* application. For renewal applications, skip forward to **AM Policy 404-4, Grant Application & Preparation**;
- 3. Identifies and tracks all grant opportunities that align with the organization’s long-range strategic plans and/or the agency’s mission as far in advance as possible;
- 4. Determines if the new grant application aligns with the Mayor’s Priority Outcomes and/or the agency’s mission. If an agency/entity wishes to apply for a grant that does not align with the Mayors’ Priority Outcomes and/or the agency’s mission, the grants management committee chairperson must obtain a written exemption to this requirement from the appropriate deputy mayor;
- 5. Documents all grant targets in the CRM database and advances to **AM Policy 404-3, Grant Screening and Evaluation**;

	6. In the event the grants management committee feels additional, external support is warranted to ensure a winning application, refer to AM Policy 404-0, Grants Management & Administration: Lobbying .
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AM 404-01

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Grant Identification

POLICY OWNER

The grants management office is responsible for all changes and/or updates to this policy.

WORKFLOW PROCESS

A flowchart displays workflow graphically, using some or all of the following process symbols.

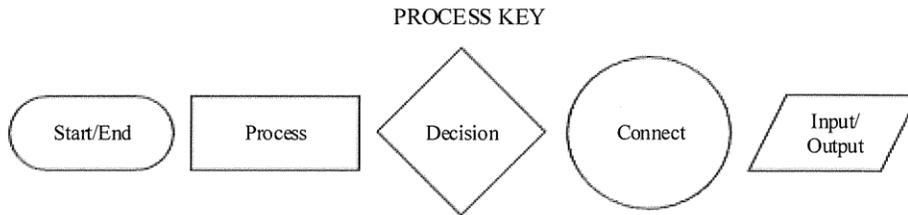


Figure 1, below, graphically displays the primary steps followed in the **Grant Identification** process. As shown, new grant applications follow a dotted line path while renewal applications follow a dashed line path.

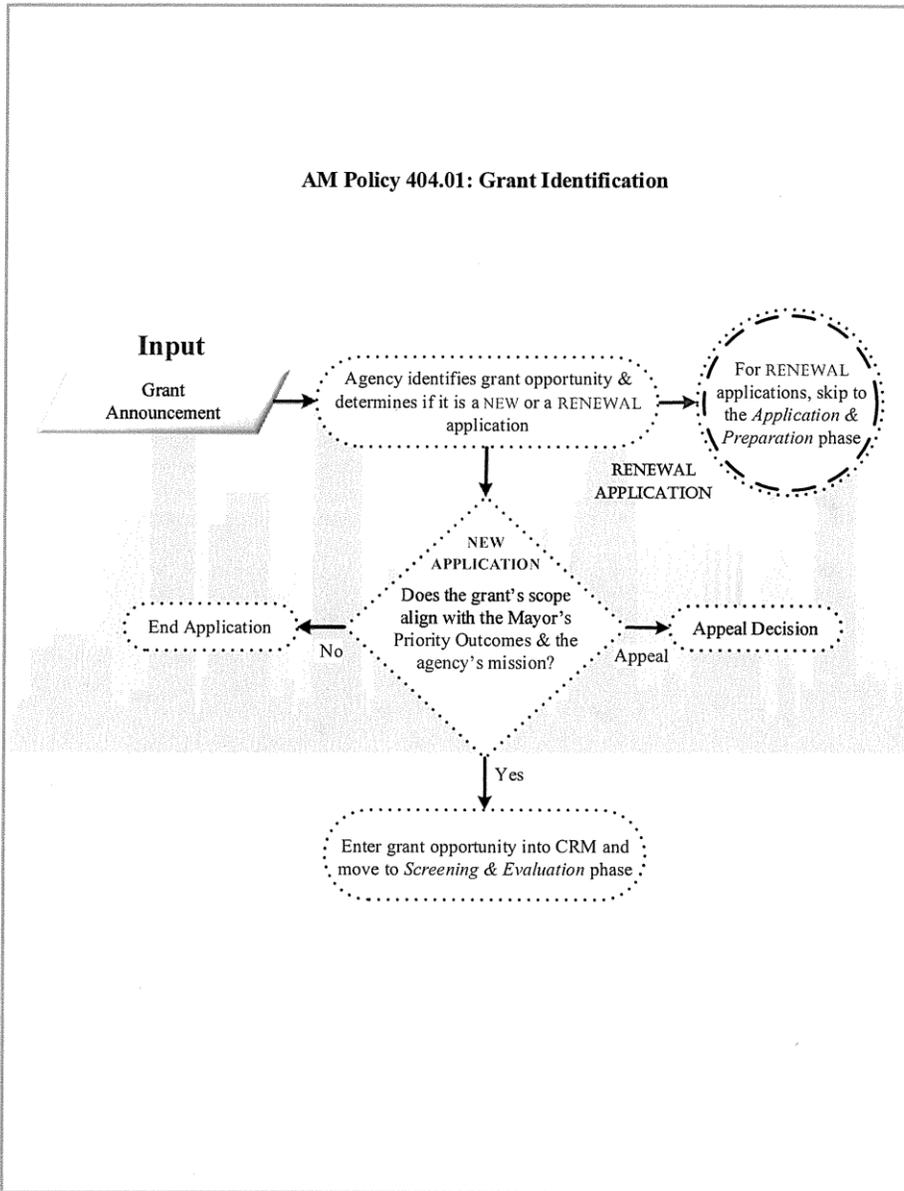
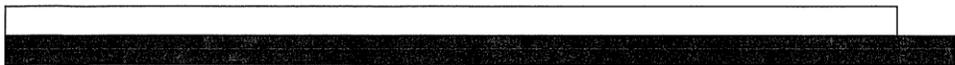


Figure 1: Grant Identification, promotes the early identification and proactive planning essential to forecasting grant opportunities and capturing awards.



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AM 404-02

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Grants Screening & Evaluation

PURPOSE

Preplanning and early resource gathering are key to success when screening and evaluating a grant application. This policy promotes a proactive assessment and determination of each grant's requirements to minimize confusion and maximize preparation time prior to submitting an application.

SCOPE

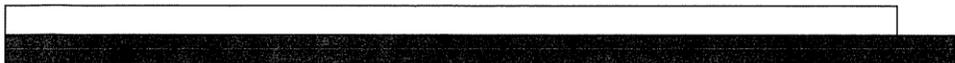
This policy is applicable to all city of Baltimore agencies/entities that use grant funding, as well as any other organizations for which the city serves as a grantee or contributes resources. Moreover, this policy supersedes all city of Baltimore grant-related policies dated prior to 2015, with the exception of *AM 404-04 Outside Audits* and *AM 400-3 Indirect Cost Reimbursement for Federal Grants and Contracts*.

POLICY STATEMENT

This policy requires grants management staff to proactively determine all grant application requirements and compile resources when preparing a grant application; to include determining whether the grant application requires *sustainability* or *matching funds*. When questions arise regarding a Notice of Funding Availability (NOFA), Scope of Work (SOW) or a Request for Proposal (RFP) – see **Definitions**, on page 3 – seek clarity from the grantor as early as possible.

PROCEDURE

<p>NOTE</p> <ul style="list-style-type: none"> • Procedural items preceded by this symbol  are designated as quality issues. Failure to adhere to this requirement can impact the overall quality of this policy. • Procedural items preceded by this symbol  are designated as risk issues. Failure to monitor this requirement can create an unwarranted risk.



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AM 404-02

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Grants Screening & Evaluation

Grants Management Committee:

 1. Assigns a grant proposal manager and/or budget proposal manager to review, compile, and submit each grant application. This/these individual(s) must be proactive in identifying any problems or issues that may interfere with a successful grant application;

 2. Determines whether a NOFA or RFP has a sustainability or matching funds requirement. **Note:** Both the applying agency/entity and their respective Bureau of the Budget and Management Research (BBMR) Budget Analyst must review and approve the Notice of Funding Availability (NOFA) and corresponding draft budget prior to submitting all grant applications;

3. Determines if agency/entity is eligible to apply and if the funding guidelines meet funding needs, by thoroughly reading the NOFA or RFP. When necessary, identifies a partner to meet the SOW requirements.

Grants Manager/Grant Proposal Manager and/or Budget Proposal Manager:

4. When necessary, seeks clarity on the SOW from the grantor by completing a *Letter of Inquiry* - as early as possible. Draft Letters of Inquiry can be found (or stored) on the SharePoint site; at: <https://portal.baltimorecity.gov/dof/GM/SitePages/Home.aspx>, in the **Documents Library**.

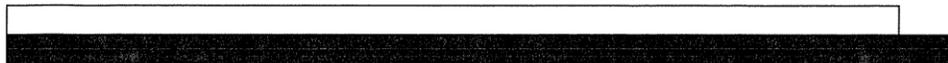
BBMR Budget Analyst:

 5. Has two (2) workdays from the receipt of the inquiry to approve or disapprove the submitting agency/entity's draft budget. **Note:** BBMR's draft budget template is on the city's grants management SharePoint site.

Grant Proposal Manager and/or Budget Proposal Manager:

 6. Identifies sub-recipient funding amounts prior to an application submission. **Note:** Pre-award identification and preparation sub-recipient agreements expedites post award startup;

7. Gathers all resources as defined by the NOFA or RFP Scope of Work (SOW) as early as possible, to maximize a grant application's success.



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AM 404-02

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Grants Screening & Evaluation

DEFINITIONS

- **Notice of Funding Availability (NOFA)** - is a publicly available document by which a federal agency makes known its intentions to award discretionary grants or cooperative agreements, usually as a result of competition for funds; also known as a Funding Opportunity Announcement (FOA).
- **Request for Proposal (RFP)** – is a solicitation to submit business proposals, often made through a bidding process to potential suppliers, by an agency or company interested in procurement of a commodity or service.
- **Scope of Work (SOW)** – is a formal agreement that specifies all the criteria of a contract between a service provider (vendor) and the customer. The SOW documents the project requirements, milestones, and deliverables, i.e., end-products, documents and reports expected to be provided by the vendor/contractor/consultant.

POLICY OWNER

The grants management office is responsible for all changes and/or updates to this policy.

WORKFLOW PROCESS

A flowchart displays workflow graphically, using some or all of the following process symbols.

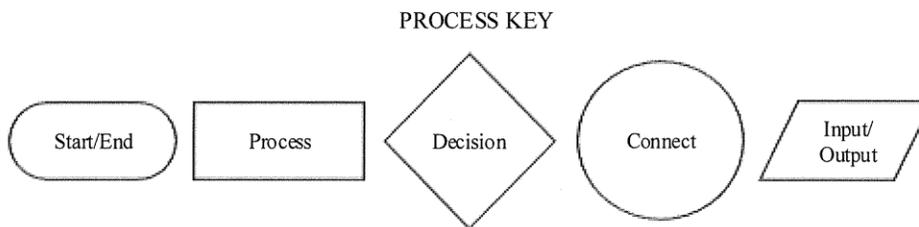


Figure 1, below, graphically displays the primary steps followed in the **Grant Screening & Evaluation** process.

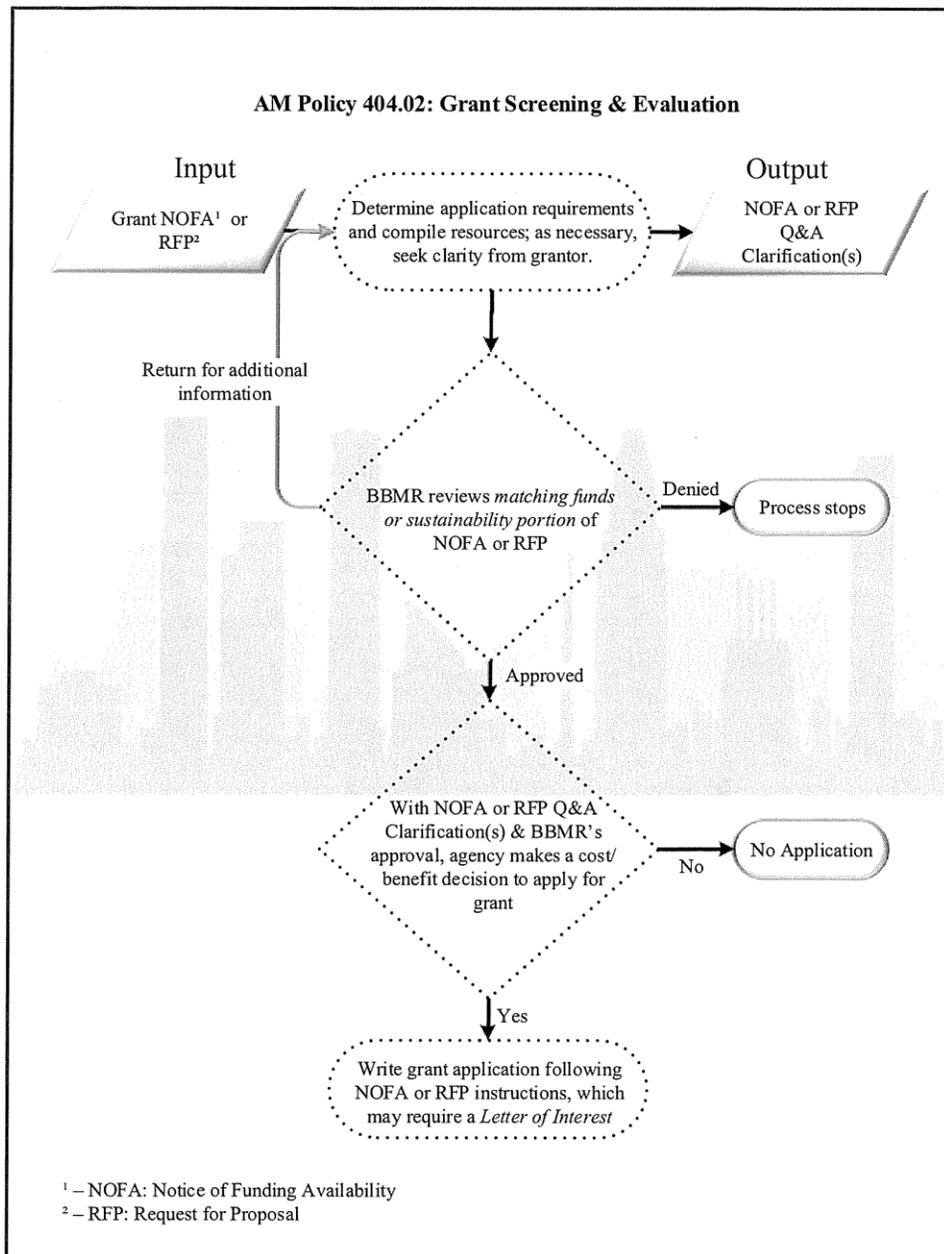
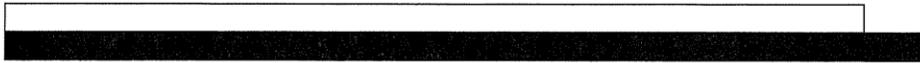


Figure 3: Grant Screening & Evaluation requires BBMR's pre-approval of the grant's budget to include matching and/or sustainability funds, if applicable.



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AM 404-03

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Grant Preparation & Application

PURPOSE

To generate a checklist of requirements as detailed in a Scope of Work (SOW), Notice of Funding Availability (NOFA), or Request for Proposal (RFP) and to collaborate with the Bureau of the Budget and Management Research (BBMR) when preparing a grant application’s budget proposals.

SCOPE

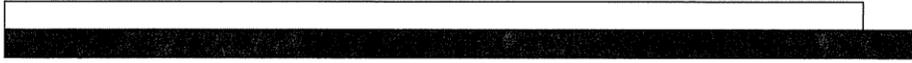
This policy is applicable to all city of Baltimore agencies/entities that use grant funding, as well as any other organizations for which the city serves as a grantee or contributes resources. Moreover, this policy supersedes all city of Baltimore grant-related policies dated prior to 2015, with the exception of *AM 404-04 Outside Audits* and *AM 400-3 Indirect Cost Reimbursement for Federal Grants and Contracts*.

POLICY STATEMENT

Each city of Baltimore agency/entity that receives grant funding must form a Grants Committee to support the grant preparation and application process; see **AM Policy 404-0, Grants Management & Administration**, for a more in-depth explanation of the grant committees’ role and responsibilities. The committee’s leadership ensures that all requirements identified within each NOFA or RFP’s Scope of Work are met and BBMR’s approval is obtained on the grant application’s corresponding budget.

PROCEDURE

<p>NOTE</p> <ul style="list-style-type: none"> • Procedural items preceded by this symbol  are designated as quality issues. Failure to adhere to this requirement can impact the overall quality of this policy. • Procedural items preceded by this symbol  are designated as risk issues. Failure to monitor this requirement can create an unwarranted risk.



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AM 404-03

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Grant Preparation & Application

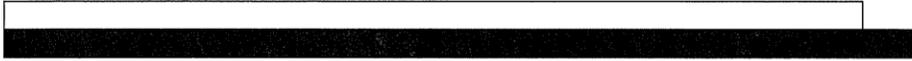
Grants Management Committee:



1. Identifies and designates a grant proposal manager as early as possible to:
 - Avoid making false assumptions based on grantor feedback;
 - Overcome delays from grantor communications;
 - Avoid delays or errors in the budget approval process as well as the identification of new cost possibilities (efficiencies);
 - Avoid overextending or underestimating grant preparation capability;
 - Create redundant capabilities to ensure continuity of operations; and,
 - Maintain a timeline/calendar to track all grant preparation activity.

Grant Proposal Manager:

2. Determines application requirements as defined within the NOFA or RFP's SOW, or as defined by stakeholders, which at a minimum may include the following requirements:
 - SF-424 (Application for Federal Assistance), or equivalent State of Maryland application form;
 - DUNS/SAM #s;
 - Catalog of Federal Domestic Assistance Number (CFDA #);
 - Project Summary/Abstract;
 - Project Narrative;
 - Budget & Budget Narrative (including match requirements, if applicable);
 - Organization Chart;
 - Organizational Capacity (may require resumes);
 - Key Hires, if applicable;
 - Point of Contact (Project Director/Manager);
 - Signed Certifications, and if applicable; and/or,
 - Sub-recipient MOUs, letters of support, agreements.
3. Designates a grant writer(s) and/or budget proposal manager;
4. Determines grant evaluation method/process;
5. References the **Grant Support & Resources** button on the SharePoint website for additional information on writing and/or budgeting grant applications;
6. Creates checklist of requirements, based on the SOW and/or stakeholder's needs, to generate an application outline and prevent submission omissions;



a

AM 404-03

m

Grant Preparation & Application

- 7. Identifies key hires as soon as possible; and,
- 8. Checks proposal archive on the SharePoint website for previous submissions and/or supporting documentation to expedite the application process.

Grant Writer(s):

- 9. Drafts technical proposal based on identified requirements.

Grant Proposal Manager:

	10. Determines whether a NOFA or RFP has a sustainability or matching funds requirement.
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- 11. Using BBMR’s Budget Template, compiles a draft budget for the grant and forwards it to BBMR for review.

BBMR Budget Analyst:

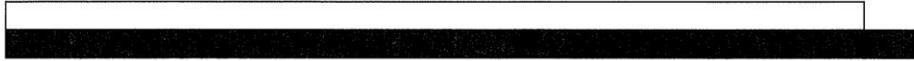
	12. Has two (2) workdays from the receipt of the inquiry to approve or disapprove the submitting agency/entity’s draft budget.
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Grants Proposal Manager:

- 13. Works with grant writer(s) and budget proposal manager to compile the technical and budget proposal; i.e. the grant application;
- 14. Collaborates with BBMR until the grant’s budget is approved or it is decided the grant application will not be pursued.

Grants Committee:

- 15. Supports the grant proposal manager when preparing the grant application for submission;



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AM 404-03

m

Grant Preparation & Application

 16. The quality goal for this process is to give the grant proposal manager ample time to review and approve the grant application prior to submission to the Grants Committee and/or management for review and/or approval.

Grant Proposal Manager:

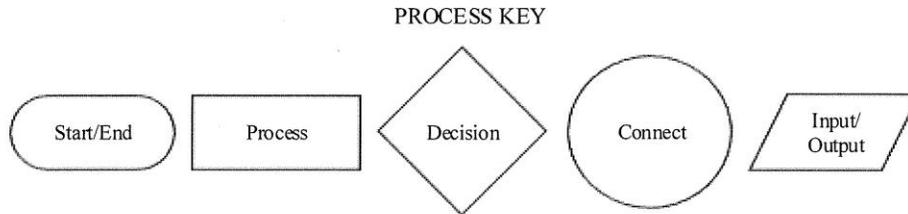
17. Submits the approved grant application to management for review; **reference AM Policy 404-5, Management Review.**

POLICY OWNER

The grants management office is responsible for all changes and/or updates to this policy.

WORKFLOW PROCESS

A flowchart displays workflow graphically, using some or all of the following process symbols.



FLOW PROCESS

Figure 1, below, graphically displays the primary steps followed in the **Grant Preparation & Application** process.

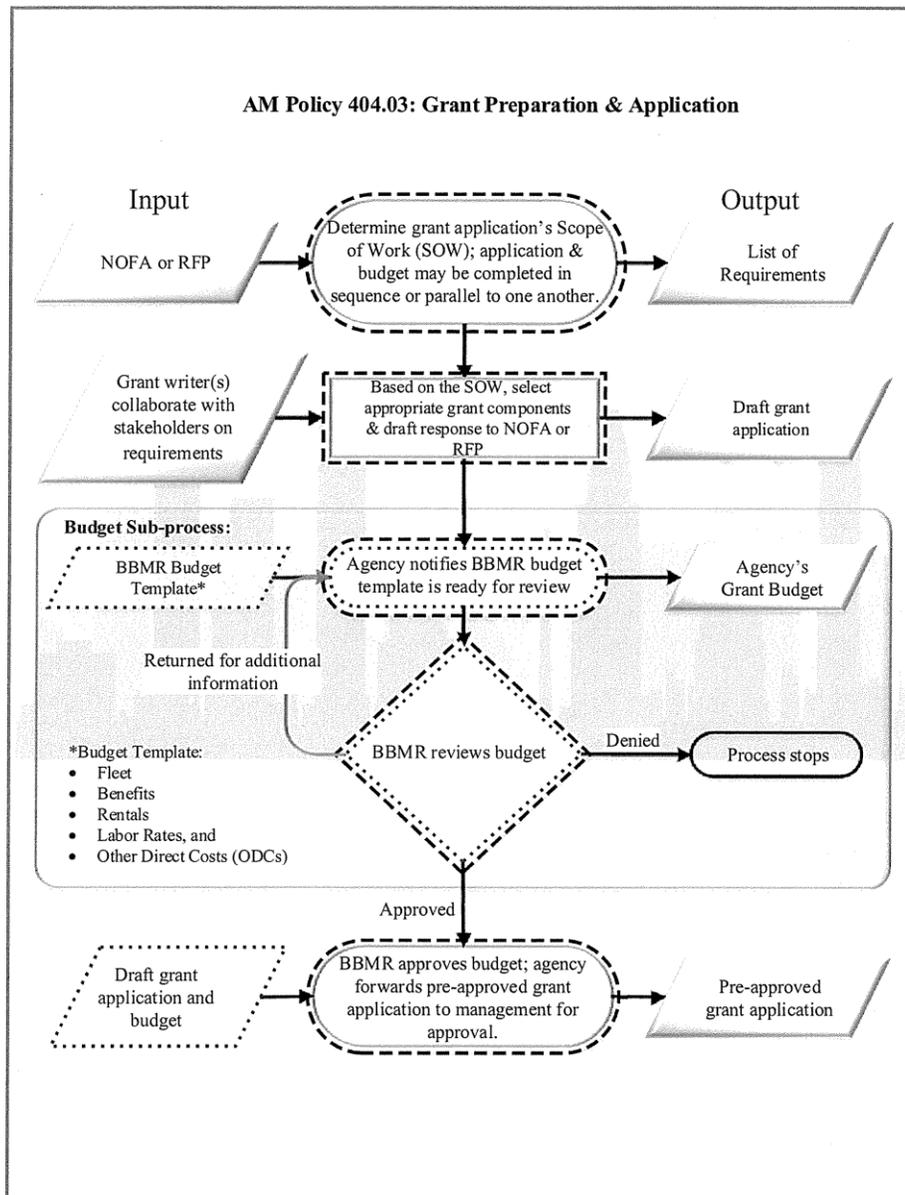
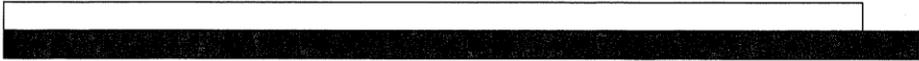


Figure 1: Grant Preparation & Application requires the grant proposal manager to generate and follow a requirements checklist and to collaborate with the BBMR on the grant's budget.



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AM 404-04

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Grant Management Review

PURPOSE

To give management an opportunity to review *all* grant applications and ensure the quality and completeness of all required supporting documentation, (e.g., technical and cost proposals) prior to submission.

SCOPE

This policy is applicable to all city of Baltimore agencies and/or entities that use grant funding, as well as any other organizations for which the city serves as a grantee or contributes resources. Moreover, this policy supersedes all city of Baltimore grant-related policies dated prior to 2015, with the exception of *AM 404-04 Outside Audits* and *AM 400-3 Indirect Cost Reimbursement for Federal Grants and Contracts*.

POLICY STATEMENT

An agency/entity’s senior management must review and approve all grant applications to ensure the quality and completeness of each application - at a reasonable or specified price - prior to submission.

PROCEDURE

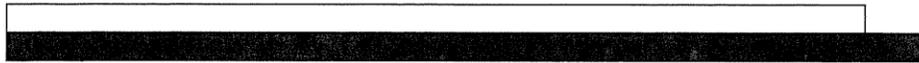
<p>NOTE</p> <ul style="list-style-type: none"> • Procedural items preceded by this symbol  are designated as quality issues. Failure to adhere to this requirement can impact the overall quality of this policy. • Procedural items preceded by this symbol  are designated as risk issues. Failure to monitor this requirement can create an unwarranted risk.

Grant Proposal Manager:

1. Forwards the draft grant application and budget to agency’s internal grants management committee (GMC) for review and approval.

Grants Management Committee (GMC):

2. Ensures the grant application meets the requirements detailed in the NOFA or RFP Scope of


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AM 404-04

*m****Grant Management Review***

Work or as designated by key stakeholders, prior to the agency's fiscal officer review;

3. If changes are required, returns draft document(s), with changes noted, to the grant proposal manager for revision.

Agency/Entity's Fiscal Officer and Budget Proposal Manager:

4. Reviews grant submission to ensure that it meets the requirements detailed in the Scope of Work, in collaboration with the agency/entity's BBMR Budget Analyst, prior to senior management review; then,
5. Returns draft document(s) to budget proposal manager for correction, if necessary.

Chairperson Grants Management Committee or Designee:

6. Reviews grant submission to ensure it meets the requirements detailed in the Scope of Work and approves the grant application for delivery;
7. Returns draft document(s) to the appropriate staff member for correction(s), if the draft grant application needs to be changed; and,
8. Records the name of the GMC approver and the date approved on the grant application and in CRM site, at: <https://bmore.crm9.dynamics.com/main.aspx>.

Grant Proposal Manager:

9. Upon receipt of the approved application, delivers/submits grant as detailed in the Notice of Funding Availability (NOFA) or Request for Proposal (RFP).

POLICY OWNER

The grants management office is responsible for all changes and/or updates to this policy.

FLOW PROCESS

Figure 1, below, displays the primary steps followed in the grant management review process.

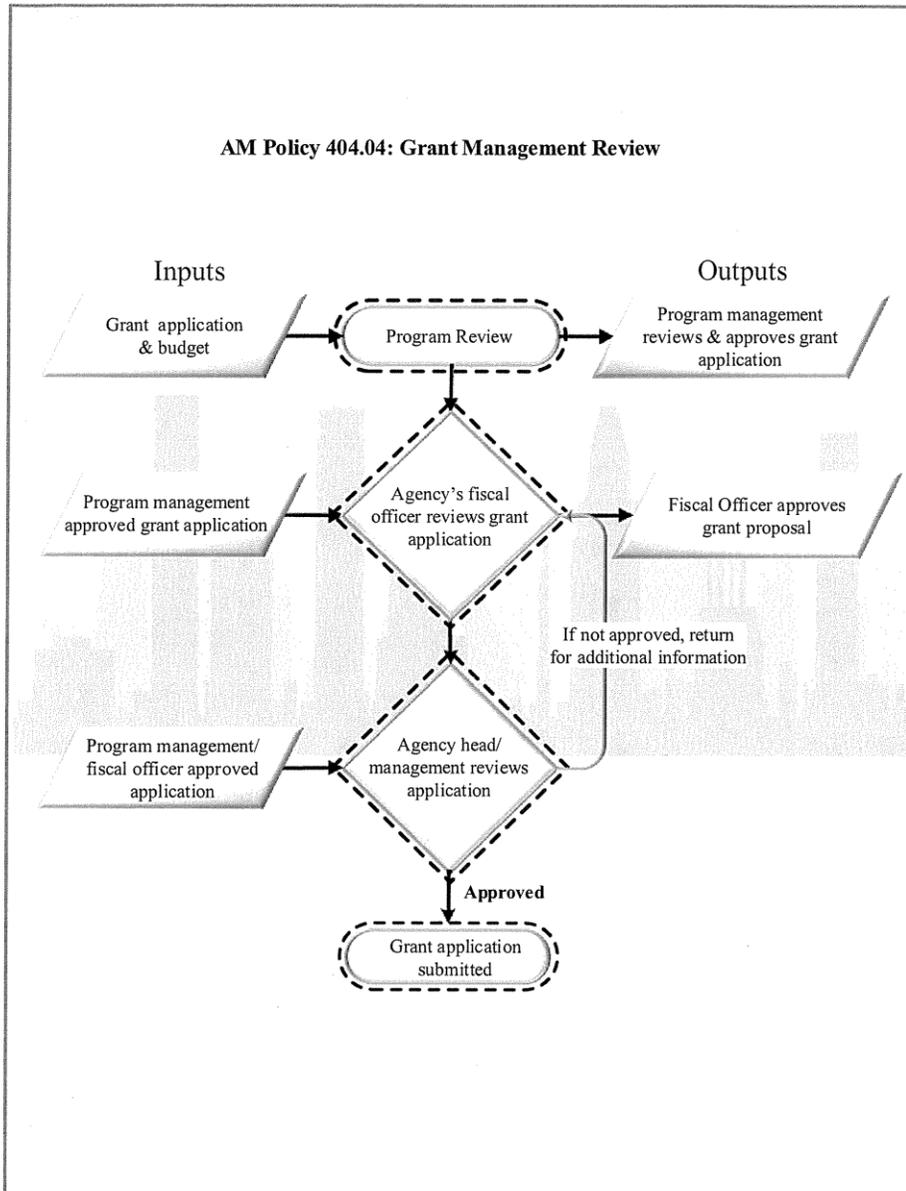
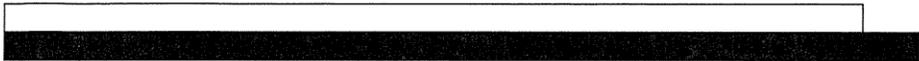


Figure 1: *Grant Management Review* gives management ample opportunity to review all grant submissions to ensure the pre-submission quality of the grant application.



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AM 404-05

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Grant Award

PURPOSE

Expediting the award process, obtaining a project number and establishing a budget account number allows an agency/entity to begin grant operations as soon as possible.

SCOPE

This policy is applicable to all city of Baltimore agencies/entities that use grant funding, as well as any other organizations for which the city serves as a grantee or contributes resources. Moreover, this policy supersedes all city of Baltimore grant-related policies dated prior to 2015, with the exception of *AM 404-04 Outside Audits* and *AM 400-3 Indirect Cost Reimbursement for Federal Grants and Contracts*.

POLICY STATEMENT

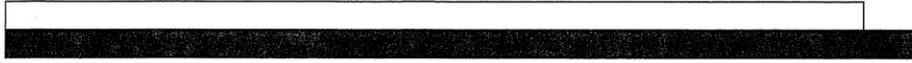
Per **AM 101-1 Request for Board of Estimates Approval**, all third party contracts and/or legal documents which bind the city must be reviewed by the law department. Therefore, after an award and prior to beginning a new grant the law department must review the award for *legal form and sufficiency*; in addition, the Board of Estimates (BOE) must approve the award and sub-recipient award(s), and courtesy copies of the award must be forwarded to the applicable deputy mayor, the auditing department and the Bureau of the Budget & Management Research (BBMR).

PROCEDURE

NOTE

- Procedural items preceded by this symbol  are designated as quality issues. Failure to adhere to this requirement can impact the overall quality of this policy.
- Procedural items preceded by this symbol  are designated as risk issues. Failure to monitor this requirement can create an unwarranted risk.

-  1. After award, an expeditious turnaround of documentation is required so that the grant may begin operating as quickly as possible. The primary risk to this policy is a delay in the post-award approval process.

***a***

AM 404-05

m***Grant Award*****(Agency) Grant Manager:**

2. Upon receipt of grant award updates award information in CRM software. CRM can be accessed at <https://bmore.crm9.dynamics.com/main.aspx>;
3. Forwards copies of the award letter and sub-recipient agreement(s) to the law department for review.

Law Department/Agency Legal Representative:

4. Reviews the grant award within three (3) working days of receipt for legal form and sufficiency. If an award is lacking information, contacts grant manager for the additional information; and,
5. Returns approved grant award - and when applicable sub-recipient agreements - to the grant manager.

(Agency) Grant Manager:

6. Forwards approved grant award notification and sub-recipient agreement(s) to the Board of Estimates (BOE) for approval.
7. Typically, a scope of work (SOW), award letter, and BOE approval are required to obtain a budget account number and begin work. However, occasionally – especially for grants extended beyond their original period of performance – the grantor may delay updating the scope of work. In these cases, the grant manager may begin operating, sans scope of work, so as not to interfere with the continuity of services. However, it is recommended that grant manager work closely with the grantor to obtain a copy of the SOW, within 90-days of the award, and/or document their efforts to obtain the SOW from the grantor.

Board of Estimates:

8. Upon approval, returns grant award and sub-recipient agreements to grant manager.

(Agency) Grant Manager:

9. Forwards BOE-approved grant award letter to accounting; and,
10. Attaches copy of BOE-approved grant award letter into CRM database.



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AM 404-05

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Grant Award

Accounting:

- 11. Sets up grant account number in CRM and CityDynamics within 24-hours of receipt of award notification.

(Agency) Grant Manager:

- 12. Begins operations upon receipt of BOE approval and a grant account number.

 13. Forwards notification of award to the finance department's grants management office and Chief of Public Affairs – in the mayor's office.

- 14. Works with the grants management committee in the event of a non-award to seek a debrief with the funding entity so that appropriate in-house adjustments can be made to future grant applications, therefore optimizing the agency/organization/entity's chances for future awards: see **Grants Management & Administration, AM Policy 404-0, Applications.**

POLICY OWNER

The grants management office is responsible for all changes and/or updates to this policy.

WORKFLOW PROCESS

A flowchart displays workflow graphically, using some or all of the following process symbols.

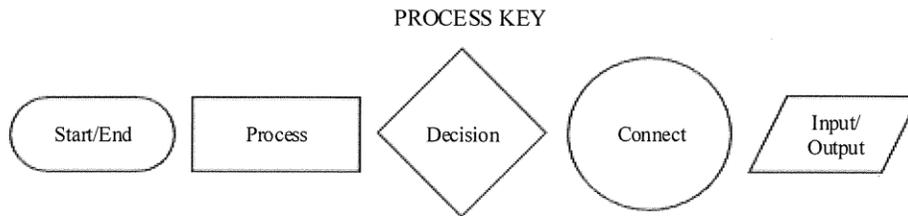


Figure 1, below, graphically displays the primary steps followed in the grant award process.

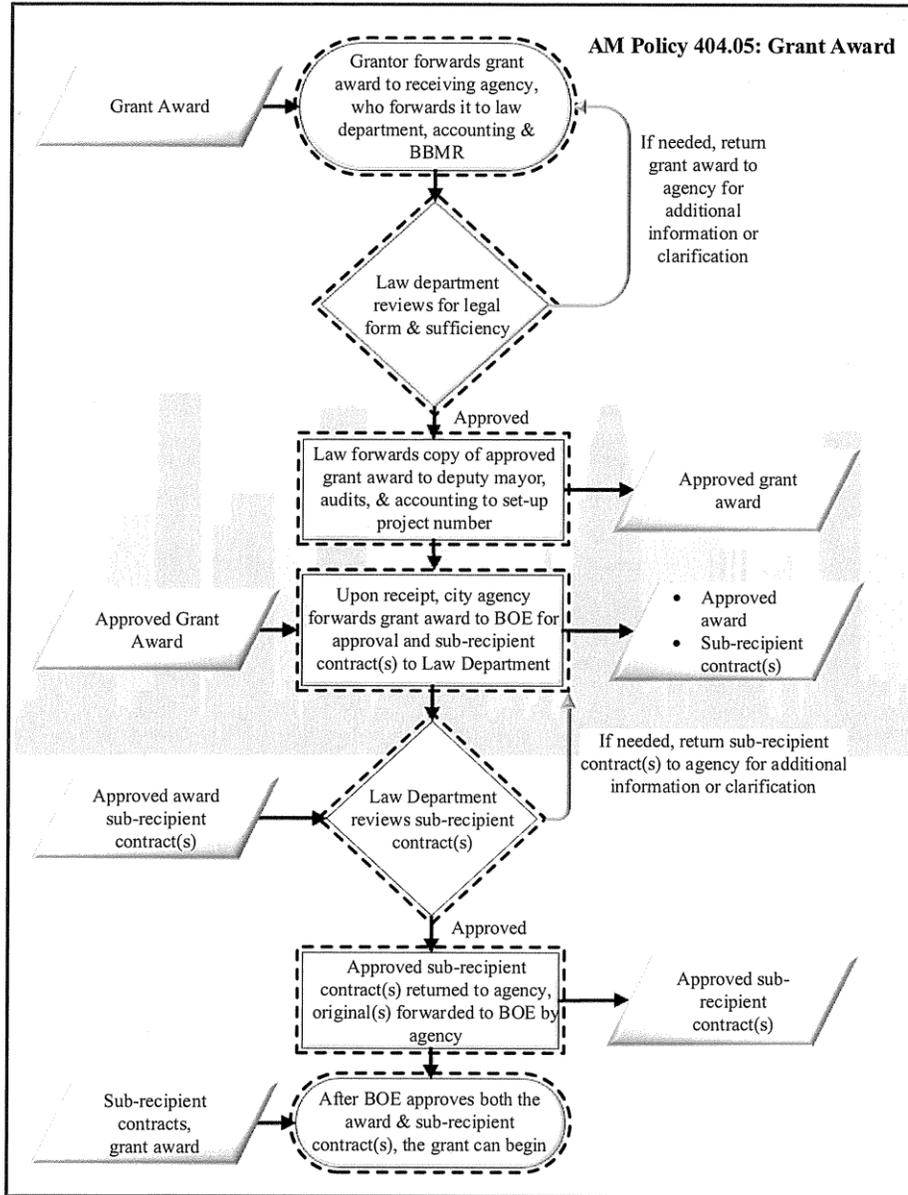


Figure 1: Grant Award details the process an award goes through after initial receipt.



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AM 404-06

m **Grant Documentation**

PURPOSE

Proper documentation is imperative to avoid audit findings, disallowed costs and/or non-compliance issues.

SCOPE

This policy is applicable to all city of Baltimore agencies and/or entities that use grant funding, as well as any other organizations for which the city serves as a grantee or contributes resources. Moreover, this policy supersedes all city of Baltimore grant-related policies dated prior to 2015, with the exception of *AM 404-04 Outside Audits* and *AM 400-3 Indirect Cost Reimbursement for Federal Grants and Contracts*.

POLICY STATEMENT

Conduct ongoing monitoring and control of all grant activities; to include, timely drawdowns, meeting reporting documentation requirements, and the receipt and appropriate deposit of reimbursements until the grant's period of performance ends.

PROCEDURE

NOTE

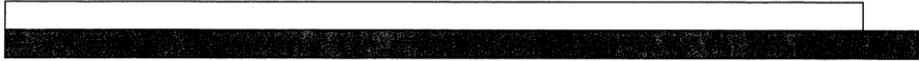
- Procedural items preceded by this symbol  are designated as quality issues. Failure to adhere to this requirement can impact the overall quality of this policy.
- Procedural items preceded by this symbol  are designated as risk issues. Failure to monitor this requirement can create an unwarranted risk.

Accounting:

1. Upon receipt of an approved grant award from the grant manager sets-up grant account and enters grant account number into CRM.

Grants Manager:

2. After grant account is established, completes staff hiring process;
3. Completes applicable procurement/purchasing needs;



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AM 404-06

m

Grant Documentation

4. Notifies stakeholders (sub-recipients) of start date, expectations, and requirements;

	<p>5. Conducts ongoing monitoring and control of all reimbursement receipts and deposits until grant ends; as well as all program and sub-recipient (when applicable) documentation, to include:</p> <ul style="list-style-type: none"> a. Program documentation b. Timesheets c. Deliverables d. Activities e. Vendor payments f. Program data/charts/numbers
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6. Establishes and maintains a hardcopy desk reference audit file. This file should include:

- a. Federal System Registrations: SAM; DUNS #s, Grants.gov information;
- b. Federal Financial Accountability and Transparency (FFATA) information;
- c. FFR Submissions (SF-425 Federal Financial Report);
- d. Grant Agreements; and,
- e. Prior Year Single Audits/Monitoring Reports.

	<p>7. Failure to maintain timely documentation or financial submissions can result in audit findings and/or disallowed costs.</p>
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8. Moves to **AM Policy 404-7, Grant Closeout**, once a grant’s period-of-performance has concluded; or,

9. Returns to **AM Policy 404-1, Grant Identification**, if the grant is going to be renewed.

POLICY OWNER

The grants management office is responsible for all changes and/or updates to this policy.

FLOW PROCESS

Figure 1, below, graphically displays the primary steps followed in the grant documentation process.

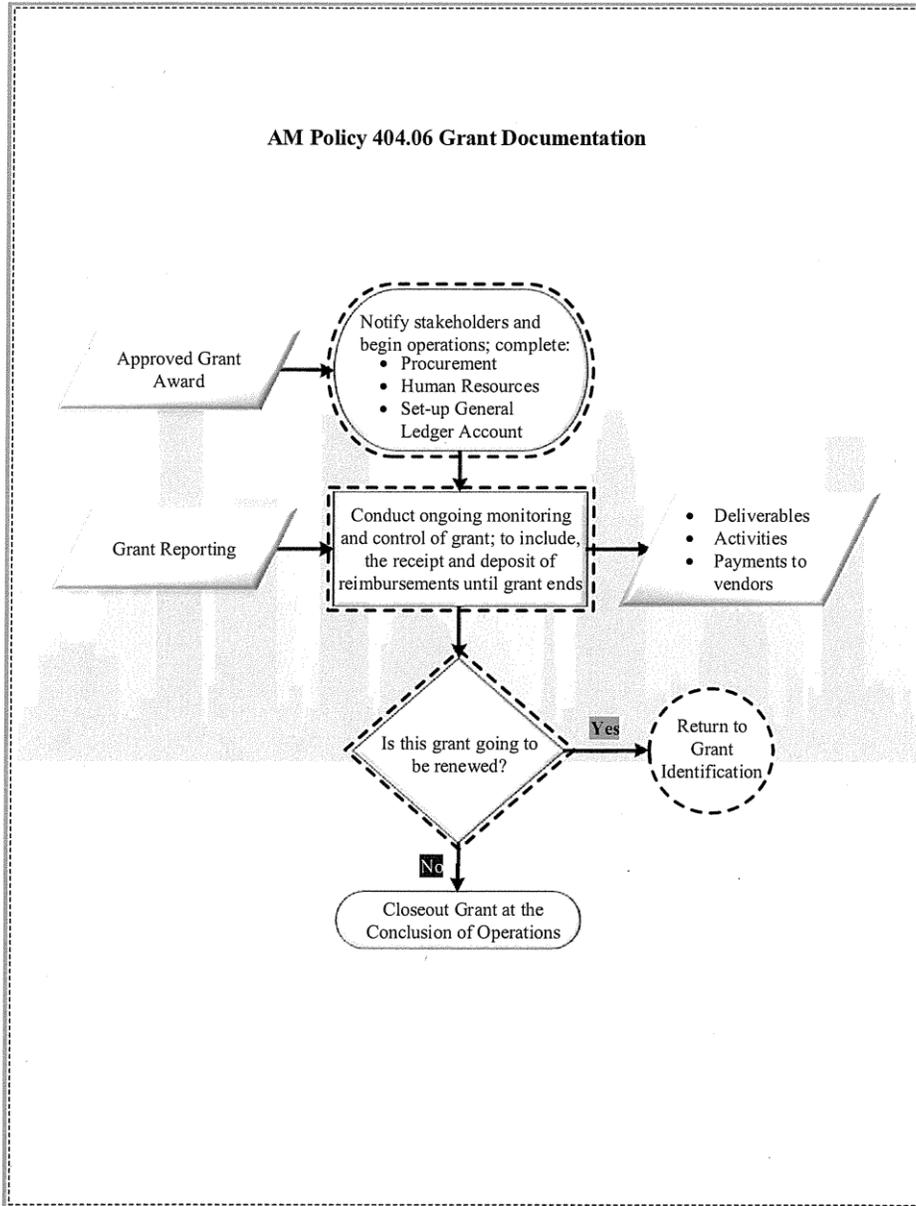


Figure 1 Grant Documentation, proper documentation is imperative to avoid audit findings, disallowed costs, and/or non-compliance issues.



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AM 404-07

m

Grant Closeout

PURPOSE

To ensure a proper and timely closeout of all grants that will be ending and to identify grants that should be renewed.

SCOPE

This policy is applicable to all city of Baltimore agencies/entities that use grant funding, as well as any other organizations for which the city serves as a grantee or contributes resources. Moreover, this policy supersedes all city of Baltimore grant-related policies dated prior to 2015, with the exception of *AM 404-04 Outside Audits* and *AM 400-3 Indirect Cost Reimbursement for Federal Grants and Contracts*.

POLICY STATEMENT

To ensure all primary accounts and subaccounts related to each grant are closed within 45-days following the grant's end-date and that any receipts or invoices received after the grants' ending date occurred within the grant's active period-of-performance.

PROCEDURE

NOTE

- Procedural items preceded by this symbol  are designated as quality issues. Failure to adhere to this requirement can impact the overall quality of this policy.
- Procedural items preceded by this symbol  are designated as risk issues. Failure to monitor this requirement can create an unwarranted risk.

Grant Manager:

1. Determines if a grant will be ending or renewed. For renewals, refer to **AM Policy 404-1, Grant Identification**;
2. Pulls together detail of the grant's financial transactions, program narrative and/or required grantor closeout information. This checklist should include, at a minimum:
 - a. Approved grant budget;
 - b. Grant fund budget analytics (including General Ledger records);
 - c. Copies of invoices, receipts, canceled checks, and/or purchase orders;
 - d. Approved budget reallocations;



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AM 404-07

m

Grant Closeout

- e. Print-out of grantee’s expenditure/receipt reports;
 - f. Grant drawdown records;
 - g. Copies of contracts, invoices, receipts, etc. (sub-recipients/consultants); and,
 - h. Federal financial reports – SF 425s
3. Completes Internal Closeout Checklist to ensure all activities and transmittals have been completed, documented, and submitted timely. The Internal Closeout Checklist should include, at a minimum:
 - a. Copy of executed grant agreement (grantor’s and sub-recipient’s);
 - b. Program performance reports;
 - c. Sub-recipient monitoring reports;
 - d. Financials – SF 425s;
 - e. Environmental Review Records and Clearances; and,
 - f. Davis Bacon documentation and other labor records (if applicable)
 4. Prepares final Grant Summary Report based on Internal Closeout Checklist results/findings;
 5. Submits Grant Summary Report to grantor.

Grantor:

6. Audits grant (as deemed necessary). At the completion of each grants’ period of performance, the city shall submit a Single Audit Report to the appropriate federal agency; i.e.:
 - a. SF-SAC – Federal Audit Clearinghouse Report

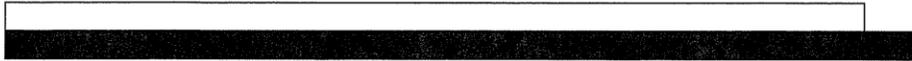
Grant Manager:

7. May receive notification of grant’s ending and/or a final report from the grantor.

Accounting:

8. Makes sure all primary account and subaccounts related to the grant are closed within 45-days following the grant’s end-date. Any receipts or invoices received after the grant’s end-date must have been incurred within the grant’s period of performance;

	<ol style="list-style-type: none"> 9. Maintains ongoing communications between accounting, auditing, and the Bureau of the Budget Management Research (BBMR) to further ensure fiscal integrity;
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AM 404-07

m

Grant Closeout

 10. Deactivates all grant accounts to avoid ongoing charges against a grant that has ended and eliminate the possibility of disallowed costs and/or expenditures; and,

 11. Archives all grant documentation as well as the grant application in CRM and SharePoint, as appropriate.

POLICY OWNER

The grants management office is responsible for all changes and/or updates to this policy.

FLOW PROCESS

Figure 1, below, graphically displays the primary steps followed in the grant closeout process.

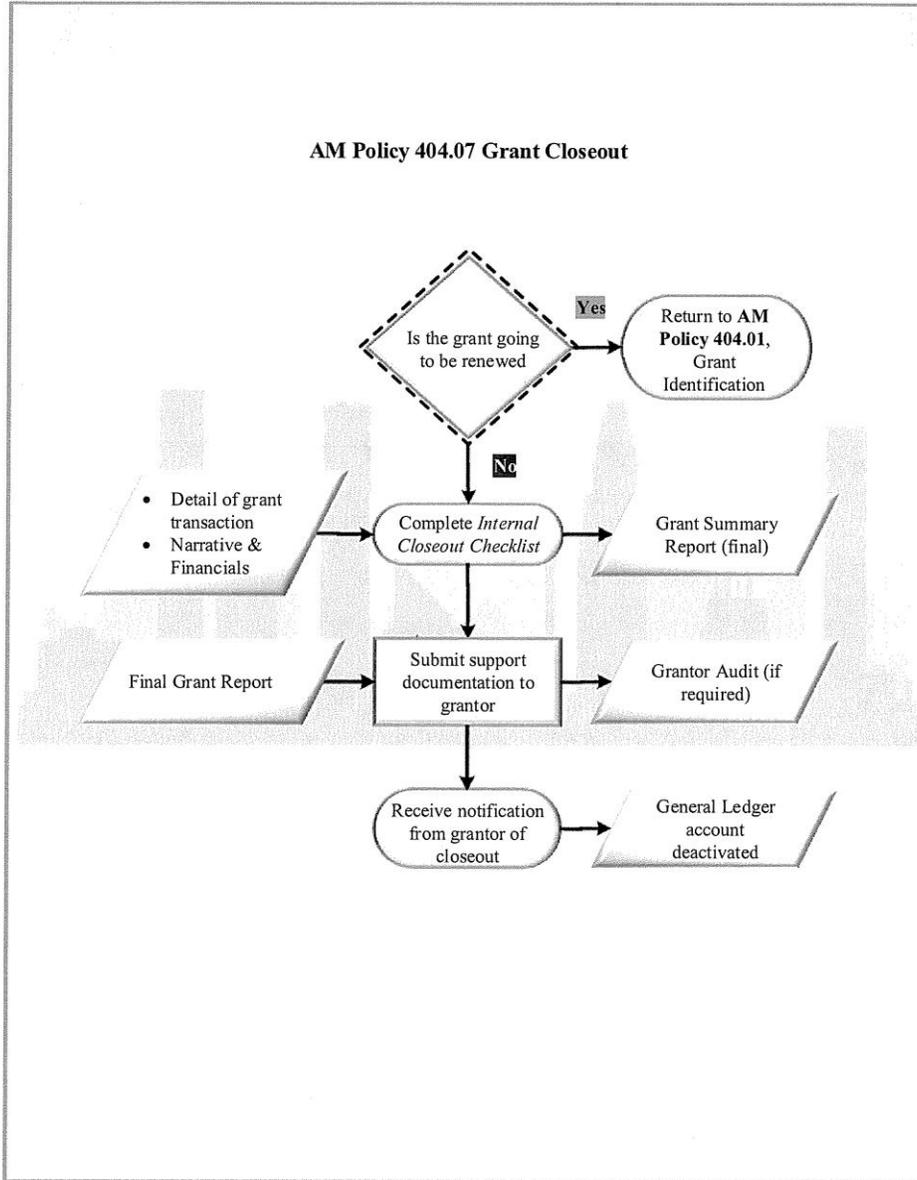


Figure 1: *Grant Closeout*, a timely and thorough closeout of all grants helps to ensure fewer audit findings and better overall compliance.

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Finance - Performance Audits of the Mayor's Office of Information Technology

ACTION REQUESTED OF B/E:

The Board of Estimates is requested to **NOTE** receipt of the Mayor's Office of Information Technology Financial Audit. In accordance with AM Policy 404-5, Quadrennial Audit Policy, the Department of Finance submits to the Board of Estimates the Mayor's Office of Information Technology Quadrennial Performance Audit for Fiscal Years 2010, 2011, 2012, 2013 and 2014.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

Council Bill 12-0053 was enacted on August 15, 2012. The Ordinance amended the City Charter, in Article VII, Section 4.5, to require 13 specific Executive Departments (Principal Agencies) to undergo a quadrennial audit (separate financial and performance audits).

The performance audit reviewed several areas (enterprise IT Delivery Services and Call Center Services). Recommendations were developed for each area and the performance measurement process. The Department concurs with the findings and recommendations. The Department will take appropriate actions to address the issues raised by the audits.

MBE/WBE PARTICIPATION:

N/A

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Finance - Performance Audits of the Baltimore
Police Department

ACTION REQUESTED OF B/E:

The Board of Estimates is requested to **NOTE** receipt of the Baltimore Police Department Quadrennial Performance Audits. In accordance with AM Policy 404-5, Quadrennial Audit Policy, the Department of Finance submits to the Board of Estimates the Baltimore Police Department Quadrennial Performance Audits for Fiscal Years 2010, 2011, 2012 and 2013.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

Council Bill 12-0053 was enacted on August 15, 2012. The Ordinance amended the City Charter, in Article VII, Section 4.5, to require 13 specific Executive Departments (Principal Agencies) to undergo a quadrennial audit (separate financial and performance audits).

The performance audit reviewed several areas (police patrol, homicide clearance rate, target violent crimes, manage police records and evidence control, and crime laboratory). Recommendations were developed for each area and the performance measurement process. The Department concurs with the findings and recommendations and will continue in collaboration with the City of Baltimore's Outcome Stat Process to make efforts to standardize its performance measures recordation methods. The Department will take appropriate actions to address the issues raised by the audits.

MBE/WBE PARTICIPATION:

N/A

AGENDA

BOARD OF ESTIMATES

11/30/2016

Bureau of the Budget and - Grant Award and Appropriation
Management Research Adjustment Order Transfer

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of a grant award from the U.S. Department of Commerce Minority Business Development Agency (MBDA). The period of the grant award is September 1, 2016 through August 31, 2017.

The Board is further requested to approve the Appropriation Adjustment Order within Mayoralty from Service 896 (Permanent Housing for the Homeless) to Service 125 (Executive Direction and Control).

AMOUNT OF MONEY AND SOURCE:

\$250,000.00 - From: 4000-439617-1250-775600-404001
Service 896 (Permanent Housing for the Homeless)

267,693.00 - From: 1001-000000-1250-775600-601001
In-kind Services Recipient Matching Funds

\$517,693.00

BACKGROUND/EXPLANATION:

Under the terms of the grant award, the MBDA will operate the Mid-Atlantic Region MBDA Advanced Manufacturing Project (AMP) Center in the City of Baltimore.

AGENDA

BOARD OF ESTIMATES

11/30/2016

BBMR - cont'd

The City of Baltimore is the only municipality to receive an MBDA grant to operate an AMP Center. This grant facilitates providing minority businesses directly and tangentially in the manufacturing sector with access to capital, access to contracts, and access to strategic consulting.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Funds</u>	<u>Amount</u>
<u>Health Department</u>			
1. Gloria Valentine	Zero to Three Annual Conference New Orleans, LA Dec. 6, - 10, 2016 (Reg. Fee \$780.00)	Federal Funds	\$2,286.51

The subsistence rate for this location is \$220.00 per night. The cost of the hotel is \$199.00 per night plus hotel taxes of \$29.35 per night and \$3.00 per day occupancy tax. The Department is requesting additional subsistence \$19.00 per day for food and incidentals.

The registration fee in the amount of \$780.00 was pre-paid by EA000196615. The disbursement to Ms. Valentine is \$1,506.36.

Baltimore Police Department

2. Kerry Snead Brian Allman	Investigative Travel San Diego, CA Dec. 14, - 15, 2016 (Reg. Fee \$0.00)	General Funds	\$2,015.72
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The airfare in the amount of \$484.46 for each attendee was prepaid using Kerry Snead's credit card. The disbursement to Kerry Snead \$1,492.32 and the disbursement to Brian Allman is \$523.40.

3. Melissa Hyatt Pamela Davis Sheri Sturm	Training Assessment to LAPD Los Angeles, CA Dec. 4 - 7, 2016 (Reg. Fee \$0.00)	General Funds	\$3,500.27
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The transportation costs of \$1,155.24 was prepaid using a City-issued credit card assigned to Mr. Tribhuvan Thacker. Therefore, the disbursement to Ms. Hyatt is \$776.76 and the disbursement to Mses. Davis and Strum is \$784.14.

AGENDA

BOARD OF ESTIMATES

11/30/2016

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Funds</u>	<u>Amount</u>
<u>Baltimore Police Department - cont'd</u>			
4. Ayesha Larkins Francine Ray	American Association for Laboratory Accreditation Internal Auditing Training Course Frederick, MD Dec. 7 - 8, 2016 (Reg. Fee \$795.00 ea.)	Asset Forfeiture Funds	\$2,016.32

The subsistence rate for this location is \$157.00 per night. The cost of the hotel is \$89.00 per night. The hotel taxes in Maryland are non-exempt.

The registration fee for each attendee in the amount of \$795.00 was prepaid on a City-issued credit card assigned to Mr. Tribhuvan Thacker. The Department is requesting additional subsistence in the amount of \$56.16 for mileage for each attendee. Therefore, Mses. Larkins and Ray will be disbursed \$213.16 each.

RETROACTIVE TRAVEL APPROVAL/REIMBURSEMENT

Health Department

5. Leana Wen	Maryland Association of Counties (MACo) Summer Conference Ocean City, MD Aug. 17-19, 2016 (Reg. Fee \$0.00)	General Funds	\$1,335.66
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AGENDA

BOARD OF ESTIMATES

11/30/2016

RETROACTIVE TRAVEL APPROVAL/REIMBURSEMENT

Health Dept. - cont'd

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
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Ms. Wen traveled to Ocean City, Maryland on August 17 - 19, 2016 to attend the MACo Summer Conference.

The subsistence rate for this location was \$276.00 per day. The hotel rate was \$369.00 per night for August 17 and 18, 2016, plus a sales tax of \$22.14 per day and an Ocean City tax of \$19.25 per day \$16.61 per day. The hotel rate for August 19, 2016 was \$389.00, plus a sales tax of \$23.34 and an Ocean City tax of \$17.51.

Ms. Wen personally incurred the costs of the hotel, which includes additional subsistence of \$93.00 per day for Aug. 17 - 18, 2016 and \$113.00 for August 19, 2016 for the hotel, and the sales and Ocean City taxes for the hotel. Therefore, the requested reimbursement amount to Ms. Wen is \$1,245.35

REIMBURSEMENT

\$ 738.00	- Hotel (Aug. 17 and 18, 2016 @ \$369.00 x 2)
44.28	- Sales tax (@ \$22.14 x 2)
33.22	- Ocean City tax (@ \$16.61 x 2)
389.00	- Hotel (Aug. 19, 2016)
23.34	- Sales tax (@ \$23.34)
17.51	- Ocean City tax (@ \$17.51)
<u>\$1,245.35</u>	- Total

This request is late because of delays at the administrative level.

AGENDA

BOARD OF ESTIMATES

11/30/2016

RETROACTIVE TRAVEL APPROVAL/REIMBURSEMENT

Department of Recreation and Parks

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
6. Erik Dihle	Society of Municipal Arborist Conference* and Partners in Community Forestry Conference** Denver, CO Nov. 16 - 17, 2015* Nov. 18 - 19, 2015** (Reg. Fee \$199.00* \$389.00**)	General Funds	\$1,335.66

Mr. Dihle traveled to Denver, Colorado on November 16-17, 2015 to attend the Society of Municipal Arborist (SMA) Conference and the Partners in Community Forestry (PCF) Conference November 18-19, 2015.

The subsistence rate for this location was \$241.00 per day. The hotel rate was \$179.10 per night, plus a State occupancy tax of \$7.16 per day and a City tax of \$19.25 per day.

Mr. Dihle personally incurred the costs of the airfare, the hotel, State occupancy and City taxes for the hotel, and the two conference registration fees. Therefore, the requested reimbursement amount to Mr. Dihle is \$1,335.66.

REIMBURSEMENT

\$ 143.10 - Airfare (United Airlines - Nov. 16, 2015)
199.00 - SMA Conference (Nov. 16 - 17, 2015)
358.20 - Hotel (Nov. 17 - 18, 2015 @ \$179.10 x 2)
14.32 - State occupancy tax (@ \$7.16 x 2)
38.50 - City tax (@ \$19.25 x 2)
389.00 - PCF Conference (Nov. 18 - 19, 2015)
193.54 - Airfare (Jet Blue Airlines - Nov. 19, 2015)
<u>\$1,335.66</u>

This request is late because of delays in the receipt of supporting documentation and additional administrative reviews.

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Finance - First Amendment to Building
Disposition and Land Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the First Amendment to the Building Disposition and Land Lease Agreement (BDA) by and between the Mayor and City Council of Baltimore (City), acting by and through the Department of Finance, the Department of General Services (DGS), the Department of Housing and Community Development (DHCD), and Bromo Seltzer Arts Tower, LLC (Developer). The First Amendment to the BDA will fund a portion of the Façade Project.

AMOUNT OF MONEY AND SOURCE:

\$500,000.00 - City grant

BACKGROUND/EXPLANATION:

The City, the Department of Finance, the DGS, the DHCD, and Bromo Seltzer Arts Tower, LLC wish to amend the agreement to provide for a City grant in the amount of \$500,000.00 to fund a portion of the Façade Project, with all restoration work to be conducted in accordance with the agreement.

To finance these exterior restorations, the Developer applied for City funds. On June 18, 2014, the Mayor signed City Ordinance 14-255 entitled "Bond Issue-Community and Economic Development Loan \$47,000,000.00" that appropriated \$500,000.00 of general obligation bond proceeds to the "Bromo Arts Tower Façade Restoration Project" (Façade Project), and later the City adopted the Ordinance of Estimates for the fiscal year ended June 30, 2016 (CB15-0532) that authorized the appropriation of the grant amount to finance a portion of the Façade Project.

The total cost of the Façade Project is expected to exceed \$900,000.00, only a portion of which will be funded by the City with the grant amount and the balance of the Project Cost will be paid by grants from state funds and charitable contributions.

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Finance - cont'd

On August 16, 2006, the City sold the Bromo-Seltzer Tower (the Structure) and leased the associated land to the Developer, pursuant to the Building Disposition and Land Lease Agreement to allow the Developer to rehabilitate, maintain, and operate the Structure and to further the City's urban Renewal Plan in the manner set forth in the agreement. The City retains an interest in the Structure and ownership will revert to the City at the end of the Lease term.

In accordance with the agreement, the Developer completed interior renovations and has begun renovations to the Structure's roof, façade, and historic clock, all in a manner that preserves the historic Structure that is registered by the National Park Service on the National Register of Historic Places.

MBE/WBE PARTICIPATION:

The Developer agrees that it will make good faith efforts to achieve a goal of at least 27% for MBE participation and a goal of 10% for WBE participation of the total dollar value of all contracts provided directly or indirectly with Baltimore City-certified Minority and Women's Business Enterprises.

In addition, the Developer agrees to execute and deliver the Commitment to Comply affidavit included as Attachment 3 to this Agreement, referencing the Developer's agreement under Section 6. The Attachment 3 will apply to the Façade Project and the Schedule D-2 (City Anti-Discrimination & Equal Employment Opportunity Provisions) to the BDA will not apply to this phase of the renovation work.

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

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Finance - Amendment to the Title Sponsorship Agreement and the Second Amendment to the Revenue Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of 1) the Amendment to the Title Sponsorship Agreement with Two Farms, Inc., t/a Royal Farms and 2) the Second Amendment to the Revenue Agreement for Baltimore Arena Title Sponsorship, Advertising, Manage and Operate (B500002463) with the SMG. These Amendments will extend the period of the Title Sponsorship Agreement and the Revenue Agreement through December 31, 2022, and increase the total fee paid by Royal Farms to the City under the Title Sponsorship Agreement by \$629,583.00.

AMOUNT OF MONEY AND SOURCE:

\$629,583.00 - Additional Revenue

Account Nos.: Various

(The City will pay \$15,833.33 of the additional revenue to the SMG as a negotiation fee as described in the Second Amendment to the Revenue Agreement.)

BACKGROUND/EXPLANATION:

The City solicited a Request for Proposals (RFP) for Baltimore Arena Title Sponsorship, Advertising, Manage and Operate (B50002463), by which the City awarded a Revenue Agreement to the SMG on December 19, 2012 and approved the First Amendment to the Revenue Agreement on September 17, 2014. The period of the Revenue Agreement is January 1, 2013 through December 31, 2017, with five 1-year renewals options. Through this Second Amendment, the City desires to approve all renewals so the term of the Revenue Agreement will end on December 31, 2022.

AGENDA

BOARD OF ESTIMATES

11/30/2016

Department of Finance - cont'd

Pursuant to the RFP, Royal Farms was identified as the Title Sponsor and the City approved a Title Sponsorship Agreement with Royal Farms on September 17, 2014 by which the City would receive \$1,250,000.00. Through this Amendment to the Title Sponsorship Agreement, the City is extending the term to December 31, 2022 and the City will receive larger installment payments from Royal Farms commencing on February 1, 2020 so the total fee under the Title Sponsorship Agreement will increase to \$1,879,583.00.

MBE/WBE PARTICIPATION:

The SMG will follow the goals set by the Minority and Women's Business Enterprise Program of Baltimore City under the Revenue Agreement of 8% MBE and 3% WBE.

(The Amendment to the Title Sponsorship Agreement and the Second Amendment to the Revenue Agreement have been approved by the Law Department as to form and legal sufficiency.)

12:00 NOON

ANNOUNCEMENTS OF BIDS RECEIVED

AND

OPENING OF BIDS, AS SCHEDULED