

## MINUTES

REGULAR MEETING

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

The meeting was called to order by the President.

President: "Good morning. The April 23, 2014 meeting of the Board of Estimates is now called to order. Before we start, I would like to have a moment of silence in honor of Dr. Walter Amprey, former CEO of Baltimore City Public Schools. Thank you. Um -- I would like to offer my condolences to his wife and the family of Dr. Walter Amprey, who led the Baltimore City school system in the 1990s, um -- for six years. Under his tenure, um - he promoted some um innovative ways of teaching our students and the success that we had in the '90s was credited to his great leadership. We lost a, a great man who had a passion for education. Um -- He also served a stint in the Baltimore County Public Schools. So, I'm quite sure that the officials there are offering their condolences as well. Um -- Madam Mayor."

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Mayor: "Uh -- thank you very much, Mr. President. I too, want to offer my condolences. Dr. Amprey was a, a, mentor of mine and someone who spent his whole life giving back, whether it was in education or the work that he did on several boards. Uh -- he helped us in, in Baltimore up until his last days, um as part of the team that helped uh -- do the search for the new school CEO and his passion for education and for the future of Baltimore uh, was evidenced by everything that uh -- he helped me with and I'm, I'm very grateful for the support and the counsel that he has given -- he had given to me in his life, and I'm certainly sending my condolences and prayers for his family."

President: "Madam Comptroller."

Comptroller: "I'd also like to offer condolences to his wife and family. I had an opportunity to work with uh -- Dr. Amprey on a board, and one of my employees ah -- was taught by Dr. Amprey and he was just a great educator and he will sorely be missed."

President: "Thank you. Um, before we um -- go further, I want to recognize Mike Campbell, the President of the Fire Officers Union, who has joined us this morning. I would direct the Board members attention to the memorandum from my office dated April 21, 2014, identifying matters to be considered as routine agenda items together with any corrections and additions that have been

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noted by the Deputy Comptroller. I will entertain a Motion to approve all of the items contained on the routine agenda."

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

Comptroller: "Second."

President: "All those in favor say Aye. All opposed Nay. In the - the routine agenda has been adopted. In the interest of promoting order and efficiency of these hearings, persons who are disruptive to the hearings will be asked to leave the hearing room immediately. Madam Mayor."

## THE DEPARTMENT OF FINANCE

## PRESENTED THE

## PROPOSED ORDINANCE OF ESTIMATES FOR FY 2015

## AND

## AN ORDINANCE TO LEVY AND COLLECT A TAX

## AND

## REQUESTED AUTHORIZATION TO ADVERTISE

## THE ORDINANCE OF ESTIMATES

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Mayor: "Thank you very much, Mr. President. On the routine agenda was the Ordinance of Estimates, the Fiscal 2015, uh -- budget. Uh got it - I think he's got mine - I am sorry, so, it's on the, it's on the, it's on the non-routine. Oh, sorry never mind I'll wait, I thought it was on routine."

President: "Uh -- The first item on the non-routine agenda can be found on Page 1. The Department of Finance will present The Proposed Ordinance of Estimates for Fiscal Year 2015 and the Ordinance to Levy and Collect a Tax and Request Authorization to authorize the Ordinance of Estimates. Budget Director Andrew Kleine, uh -- will you please come forward?"

Mr. Andrew Kleine: "Good morning Mr. President --"

President: "Good morning."

Mr. Kleine: " -- Madam Mayor, Madam Comptroller, members of the Board of Estimates, I'm here today to present the Board with the Proposed Fiscal 2015 Ordinance of Estimates and changes to the Preliminary Plan and the proposed Ordinance to Levy and Collect a Tax. The Proposed Fiscal 2015 Ordinance of Estimates totals \$3.36 billion for all funds. The total includes \$2.47 billion for Operating Expenses, an increase of \$57.8 million, or 2.4%

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from the Fiscal 2014 adopted budget, and \$898 million for capital expenses. For the General Fund, the Proposed Ordinance includes a total of \$1.65 billion, an increase of \$31.1 million, or 1.9% above the Fiscal 2014 level. Of this amount, \$1.62 billion is for Operating Expenses, an increase of \$50.6 million or 3.2% above the Fiscal 2014 level, and \$25.7 million is for Pay As You Go capital. There is only one significant change from the Preliminary Plan. The Federal Fund recommendation is reduced by \$21 million to reflect the new funding structure for Head Start, in which the U.S. Department of Education directly funds for providers, including the City. Previously all Head Start funds flowed through the City. The Proposed Ordinance to Levy and Collect a Tax maintains the City's real property tax rate at \$2.248 per one hundred dollars of assessed value, and the personal property tax rate of \$5.62 for one hundred dollars of assessed value. I ask your Honorable Board to approve these two Proposed Ordinances for consideration by the City Council and to approve the Advertisement of the Ordinance of Estimates in two local newspapers as required by the City Charter. I'd be happy to answer any questions."

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President: "Okay, thank you."

Mayor: "If, I may."

President: "Yes."

Mayor: "Thank you very much, Mr. President, and uh -- Mr. Kleine. Thank you for the presentation. While recovering from the recession, we've made some, what I believe, is incredible progress um -- throughout the City. We've made more progress in cutting property taxes than any time in recent history; provided new uh -- funding for infrastructure investments; invested millions in blight elimination as well as education; we have raised employee pay; reduced the structural deficit by more than half, cutting our unfunded liabilities by more than \$300 million dollars. We've uh -- and we've added employment opportunities uh, for our, our supported employment opportunities for our residents, and we're seeing those numbers increase. We put more money away into our rainy day fund, so if the next recession comes, God forbid, Baltimore will be uh -- better prepared than we were the last time. I think it's hard to find other City in our country that has managed to accomplish half of these things while recovering from the recession. We should be very proud

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that we've been able to do all of these things and done them at the same time. This budget keeps us moving forward and we continue make the right investments that will help grow our City and I want to thank everyone who's worked so hard on this. Thank you very much."

President: "Madam Comptroller, do you have comments?"

Comptroller: "Yes, I have several comments. Um, I have reservations about this because, for two reasons. Um, the administration is allocating \$1.1 million dollars for the agencies in the miscellaneous agency audits, when the Department of Audits has not been funded fully. Um, I know that the Department of Audits can do it less costly and the reason that I believe that is because the Fiscal 2010 CAFR had to be re-stated and the administration estimated that it would cost between \$300,000.00 and \$400,000.00, and it has cost over \$1.1 million dollars, so I, I have reservations about this. In addition, the, we know that the City of Baltimore's telecommunication system is antiquated and in the Mayor's Fiscal 2015 Preliminary Budget on page uh -- numeral -- number 27, under the category of VOIP, it states that the City Comptroller,

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the City Comptroller's Department of Communication and the Mayor's Office of Information Technology, have explored options for new technology to lower the cost per line. The City expects cost savings in Fiscal 2016. However, there is no definite movement or plan. There has been indeterminable delays um -- in moving this forward. And I don't want to take up, I have reservations, but I don't want to continue to take up time at this time, because I'm going to have a press conference after this to explain to the citizens, um -- further what my concerns are and why I have reservations. But, hopefully, um -- we can, we've had numerous meetings over two years and with no resolutions. So, hopefully the administration and the Comptroller's Office can come to some resolution because the City of Baltimore's taxpayers are wasting -- \$400,000.00 per month with this antiquated system and I'll go into this further after this meeting. I don't want to take up any more time at this time."

President: "I'll entertain a Motion."

City Solicitor: "MOVE, um -- Mr. President, I MOVE approval to proceed through the remaining process of the Ordinance of



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Estimates as submitted, including Authorization to Advertise the tax rate at the rate of \$2.248 per one hundred for real property and \$5.162 per one hundred for personal property."

Director Public Works: "Second."

President: "All those in favor say Aye. All opposed NAY. Please note that Council President **ABSTAINS** for this matter is coming before the Council. The Motion carries."

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Department of Planning - Fiscal Year 2015 - 2020 Capital Budget  
and Capital Improvement Program

The Board is requested to **NOTE** receipt of the revised FY 2015 Capital Budget and the FY 2015 - 2020 Capital Improvement Program.

On February 27, 2014, the Planning Commission adopted the recommended Fiscal Year 2015 Capital Budget and FY 2015 - 2020 Capital Improvement Program.

The recommended program totals \$4,251,236,000.00 for capital projects during FY 2015 - 2020, and \$882,227,000.00 to be appropriated in July as part of the FY 2015 budget.

Since the February 27, 2014, Planning Commission approval, the Finance Department recommended the following revisions to the FY 2015 Capital Budget. With these changes, the recommended program totals \$4,267,000,000.00 for capital projects during FY 2015-2020 and \$898,000,000.00 to be appropriated as part of the FY 2015 Budget.

<u>CIP #</u>	<u>Project</u>	<u>Source</u>	<u>Change</u>
206-010	Police Technology Improvements	100-General	\$5,000,000
474-047	Cherry Hill Indoor Pool	100-General	(\$800,000)
588-019	Baltimore Homeownership Incentive Program	100-General	<u>\$2,800,000</u>
	<b>General Funds TOTAL</b>		<b>\$7,000,000</b>
551-553	Annual Facilities Improvements	401-Wastewater Utility Funds	<u>\$4,500,000</u>
	<b>Waste Water Utility Funds TOTAL</b>		<b>\$4,500,000</b>
557-100	Water Infrastructure Rehabilitation	402-Water Utility Funds	<u>\$3,610,000</u>
	<b>Water Utility Funds TOTAL</b>		<b>\$3,610,000</b>

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Dept. of Planning - cont'd

474-047	Cherry Hill Indoor Pool	503-CDBG	\$800,000
588-019	Baltimore Homeownership Incentive Program	503-CDBG	\$300,000
588-986	Housing Repair Assistance Program	503-CDBG	<u>(\$300,000)</u>
	<b>CDBG TOTAL</b>		<b>\$800,000</b>

UPON MOTION duly made and seconded, the Board **NOTED** receipt of the revised FY 2015 Capital Budget and the FY 2015 - 2020 Capital Improvement Program. The President **ABSTAINED**.

**MINUTES**Department of Finance - Six-Year Capital Improvement Program**ACTION REQUESTED OF B/E:**

The Board is recommended to adopt the Six-Year Capital Improvement Program for Fiscal Years 2015 through 2020.

**BACKGROUND/EXPLANATION:**

The Department of Finance completed its review of the Six-Year Capital Improvement Program for Fiscal Years 2015 through 2020.

As required by City Charter, the first year of this program represents the Capital Budget for Fiscal Year 2015 and will be included in Part B of the proposed Ordinance of Estimates.

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

(Dollars in Thousands)

Source	2015	2016	2017	2018	2019	2020	Total
G.O. Bonds	50,000	65,000	65,000	65,000	65,000	65,000	375,000
General Fund	25,700	12,000	18,000	27,000	18,000	13,000	113,700
Revenue Loans	421,432	381,915	285,951	544,556	174,318	167,254	1,975,426
Federal	60,294	57,710	40,424	37,779	37,774	37,729	271,710
State	85,623	64,200	59,340	25,500	26,550	33,650	294,863
Other	255,088	242,619	228,244	372,418	63,320	74,758	1,236,447
<b>TOTAL</b>	<b>898,137</b>	<b>823,444</b>	<b>696,959</b>	<b>1,072,253</b>	<b>384,962</b>	<b>391,391</b>	<b>4,267,146</b>

UPON MOTION duly made and seconded, the Board **ADOPTED** the Six-Year Capital Improvement Program for Fiscal Years 2015 through 2020. The President **ABSTAINED**.

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Board of Finance - Six Year Capital Improvement Program

By City Charter, the review schedule for the Capital Improvement Program (CIP) includes an endorsement by the Board of Finance. At a scheduled meeting on March 24, 2014, the FY2015 Capital budget totaling \$898,137,000, and the FY2015-2020 CIP totaling \$4,267,146,000, as amended by the Department of Finance, was presented to the Board of Finance. Following the presentation, the Board of Finance endorsed the CIP as summarized below:

**Board of Finance Recommended 2015-2020 CIP  
(\$000)**

Source	2015	2016	2017	2018	2019	2020	Total
G.O. Bonds	50,000	65,000	65,000	65,000	65,000	65,000	375,000
General Fund	25,700	12,000	18,000	27,000	18,000	13,000	113,700
Revenue Loans	421,432	381,915	285,951	544,556	174,318	167,254	1,975,426
Federal	60,294	57,710	40,424	37,779	37,774	37,729	271,710
State	85,623	64,200	59,340	25,500	26,550	33,650	294,863
Other	255,088	242,619	228,244	372,418	63,320	74,758	1,236,447
<b>TOTAL</b>	<b>898,137</b>	<b>823,444</b>	<b>696,959</b>	<b>1,072,253</b>	<b>384,962</b>	<b>391,391</b>	<b>4,267,146</b>

UPON MOTION duly made and seconded the Board approved the review schedule for the Capital Improvement Program and the endorsement by the Board of Finance. The Mayor **ABSTAINED**. The President **ABSTAINED**.

**MINUTES**

Bureau of the Budget and - Annual Property Tax Ordinance FY 2015  
Management Research

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the Fiscal 2015 Tax Rate Ordinance for transmittal to the Baltimore City Council.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

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

UPON MOTION duly made and seconded, the Board approved the Fiscal 2015 Tax Rate Ordinance for transmittal to the Baltimore City Council. The President **ABSTAINED**.

**MINUTES**

Bureau of the Budget and - Annual Ordinance of Estimates FY 2015  
Management Research

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the Fiscal 2015 Ordinance of Estimates for transmittal to the Baltimore City Council.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The Ordinance of Estimates totals \$3,363,707,701.00, including \$2,465,570,701.00 for operating expenses and \$898,137,000.00 for capital expenses.

UPON MOTION duly made and seconded, the Board approved the Fiscal 2015 Ordinance of Estimates for transmittal to the Baltimore City Council. The President **ABSTAINED**.

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TRANSFERS OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

1423 - 1426

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.



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TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Housing and Community Development</u>		
1. \$ 97,226.06	9910-907994-9587	9910-910017-9588
Other Fund	Special Capital	Buy Into Baltimore
	Project - Reserve	Program

This transfer will provide funds for Baltimore Housing's Homeownership Incentive's Buy Into Baltimore for fiscal year 2014.

Department of General Services (DGS)

2. \$ 50,000.00	9916-902020-9194	9916-908220-9197
State Slots	Northwest Facility	Northwest Facility
Appropriation	Improvements -	Improvements -
Pimlico Local	Reserve	Active
Impact Aid -		
VLT		

Operations at the Reisterstown Road Library are greatly inhibited due to a lack of adequate parking at the facility. At the request of the community, and in accordance with the requirements of the State Legislation, the Department of Planning has requested that the DGS undertake this project in conjunction with the Department of Real Estate to address this need. This transfer will provide funds to DGS for the investigation, appraisal, subdivision, and expansion of the Reisterstown Road Library Parking Lot in regards to the Pimlico Local Impact Area and all associated in-house costs. The project intends to encompass purchasing a property that is currently a used car lot next to the library.

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TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of General Services (DGS)</u>		
3. <b>\$750,000.00</b>	9916-904845-9194	9916-902957-9197
General Funds	Capital Construction	City Hall Carpet
	& Maintenance -	Replacement -
	Reserve	Active

Within City Hall, the majority of the office areas have carpeting that has reached the end of its useful life and needs to be replaced. The subflooring in multiple locations is inconsistent and uneven. In addition, carpeting in various office entry areas has experienced staining and severe wear and tear which creates tripping hazards. This transfer will provide funds to DGS to install new carpeting on six floors at City Hall and all associated in-house costs. This will include removal of existing carpeting, carpet tile, and waste disposal in accordance with local and federal codes. Surfaces will be required to be smoothed to become even for floor material installation and transition strips will be placed where different surfaces meet. In addition, the existing base will be removed to install a new vinyl base. This will include repairing walls in which the base is removed.

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TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Recreation and Parks</u>		
4. \$ 25,000.00	9938-909018-9475	9938-910018-9474
General Fund HUR	Clifton Park	Clifton Park
Eligible	Roadway Improve-	Roadway Improve-
	ments - Reserve	ments-Active

This transfer will provide funds to cover the costs associated with design services under On-Call Contract No. 1167, Task #17 to Rummel, Klepper & Kahl, LLP.

5. \$25,000.00	9938-901744-9475	9938-904744-9474
Rec & Parks	Clifton Park	Clifton Park
25 <sup>th</sup> Series	Recreation Center	Recreation Center
	Reserve	Active

This transfer will provide funds to cover the costs associated with the percent-for-art design fee reimbursement for the Councilwoman Rita Church Community Center.

6. \$ 20,000.00	9938-901744-9475	9938-904744-9474
Rec.& Parks	Clifton Park	Clifton Park
25 <sup>th</sup> Series	Recreation Center	Recreation Center
	Reserve	Active

This transfer will provide funds to cover the costs associated with design services under On-Call Contract No. 1164, Task #18 to GWWO, Inc.

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TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Bureau of Water and Wastewater</u>		
7. \$19,896,923.00	9960-9558-906133	
Water Revenue	Construction Reserve	
Bonds	Meter Replacement	
19,896,923.00	" "	
Counties		
<u>\$39,793,846.00</u>		
\$36,176,223.70	-----	9960-905647-9557-6 Construction
3,617,622.30	-----	9960-905647-9557-9 Administration
<u>\$39,793,846.00</u>		

The funds are required to cover the cost for the supply of water meters and components associated with AMI/AMR.

**MINUTES**

Baltimore Development - Local Government Resolution  
Corporation

**ACTION REQUESTED OF B/E:**

The Board is requested to approve a Local Government Resolution in support of the Chesapeake Wellness Collaborative and its application to the State of Maryland, Department of Housing & Community Development Neighborhood BusinessWork Program (MD-DHCD, NBWP). A local resolution of support is required for organizations to participate in the program.

**AMOUNT OF MONEY AND SOURCE:**

\$18,100.00 - MD-DHCD, NBWP

**BACKGROUND/EXPLANATION:**

Chesapeake Wellness Collaborative is a minority/women-owned small business that plans to provide a number of programs and services for adults and youth with mental health challenges. The business will provide direct psychiatric rehabilitation services to individuals in Baltimore City and the surrounding areas. Program support services are community-based and will be available on-site, in the community and often in a client's home. The business will impact the neighborhood by supporting and strengthening the most vulnerable population of our society, the mentally ill.

The program loan is for \$18,100.00 to support the business operations with working capital such as rent, promotional items, and insurance. The Chesapeake Wellness Collaborative program office is located at 5900 York Road, Suite 201 in the Govans Retail District. With the assistance of this loan, Chesapeake Wellness will be able to retain one position and create three additional positions.

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BDC - cont'd

UPON MOTION duly made and seconded, the Board approved the Local Government Resolution in support of the Chesapeake Wellness Collaborative and its application to the State of Maryland, Department of Housing and Community Development Neighborhood BusinessWork Program.

**MINUTES**

Baltimore City Fire Department (BCFD) - FY 2014 Marine Fire  
Suppression Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an FY 2014 Marine Fire Suppression Agreement with the Maryland Department of Transportation (MDOT). The period of the Agreement is July 1, 2013 through June 30, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$1,399,940.00 - 1001-000000-2120-502000-401590

**BACKGROUND/EXPLANATION:**

This agreement provides for payment by the Maryland Department of Transportation to the City as reimbursement during FY 2014 for providing waterborne fire protection and related emergency services within the Port of Baltimore. This agreement is similar to those executed in previous years dating back to FY 1983.

The agreement is late because the person responsible for processing it retired. The BCFD is now attempting to correct the lateness and is forwarding the agreement to all parties to approve so that MDOT can pay the City for the services rendered.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the FY 2014 Marine Fire Suppression Agreement with the Maryland Department of Transportation.

**MINUTES**

Bureau of Water and - Amendment No. 1 to Agreement  
Wastewater

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of Amendment No. 1 to Agreement for Project No. 1133E, On-Call Environmental Engineering Services for Hazardous Waste Handling, with Louis Berger Water Services, Inc. The original agreement will expire June 22, 2014. The Amendment No. 1 will extend the agreement for one year.

**AMOUNT OF MONEY AND SOURCE:**

No funds are involved.

**BACKGROUND/EXPLANATION:**

At its various treatment plants, filtration plants, pumping stations, yards and other installation, the Bureau has a need for rapid response for handling hazardous waste materials such as chrome and oil contaminated soils, lead paint, and asbestos. Because of impending environmental tasks, the Bureau wishes to extend the agreement.

**MBE/WBE PARTICIPATION:**

The Consultant will continue to comply with all terms and conditions of the MBE/WBE programs in accordance with Baltimore City Code, Article 5, Subtitle 28.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 1 to Agreement for Project No. 1122E, On-Call Environmental Engineering Services for Hazardous Waste Handling, with Louis Berger Water Services, Inc.



**MINUTES**

Bureau of Water and - Amendment No. 3 to Agreement  
Wastewater

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of Amendment No. 3 to Agreement for Project No. 1170, Design Engineering Project Management Services, with Johnson, Mirmiran, and Thompson, Inc. (JMT).

**AMOUNT OF MONEY AND SOURCE:**

\$ 569,989.98 - Wastewater Revenue Bonds  
330,000.00 - Water Revenue Fund  
**\$ 899,989.98**

**BACKGROUND/EXPLANATION:**

On April 4, 2012, the Board approved the agreement for Project 1170, Design Engineering Project Management Services in the amount of \$899,989.98 effective for one year, plus three additional 1-year options.

Amendment No. 1 exercised the first one-year option in the amount of \$899,989.98 and was approved by the Board on March 20, 2013. Amendment No. 2 in the amount of \$100,000.00 added an additional MBE team member, and was approved by the Board on December 11, 2013. This Amendment No. 3 will exercise the second one-year option in the amount of \$899,989.98 and will continue the consultant services required to assist and support the Department of Public Works, Bureau of Water and Wastewater, and Water and Wastewater Engineering Division (WWED) in two major program components. The two components are General Program Management activities and the EPA and State construction grant/loan applications and required documentation. In addition, the consultant will provide assistance with annual and quarterly reports required by the EPA, State of Maryland, and municipal bond agencies; strategic planning and asset management efforts; and assist the WWED in project monitoring. The Project Management and review activities support the WWED in the review of studies, designs, drawings, specifications, cost estimates, project schedules, and post award services.

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BW&WW - cont'd

**MBE/WBE PARTICIPATION:**

The consultant will continue to comply with all terms and conditions of the MBE/WBE programs in accordance with Baltimore City Code, Article 5, Subtitle 28.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 3 to Agreement for Project No. 1170, Design Engineering Project Management Services, with Johnson, Mirmiran, and Thompson, Inc.

**MINUTES**

Mayor's Office of Employment - Agreement  
Development (MOED)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with The Family League of Baltimore. The period of the agreement is July 1, 2013 through June 30, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$90,000.00 - 4000-809214-6331-456000-404001

**BACKGROUND/EXPLANATION:**

The MOED has received a grant from The Family League of Baltimore City for professional services. The MOED will provide services to youth referred by the Maryland State Juvenile Court system to participate in the Pre-Adjudicated Coordination and Training Program. Services will include individual service planning, intensive case management, educational/vocational support, transportation, crisis intervention, dining and recreational activities.

The Agreement is late because additional time was required to reach a comprehensive understanding that was agreeable to both parties.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with The Family League of Baltimore.

**MINUTES**

Mayor's Office of Employment - Grant Award  
Development (MOED)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize acceptance of a Grant Award from the State of Maryland, Department of Labor, Licensing, and Regulation. The period of the Grant Award is July 1, 2013 through June 30, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$79,387.98 - 5000-502314-6311-483200-405001

**BACKGROUND/EXPLANATION:**

The MOED will utilize the funds to supplement costs associated with the programs funded through the Workforce Investment Act for Adult Learning of the 2013 program year. These costs may have been affected by the 2013 sequestration period and require additional funding to compensate for the reduction.

This Grant Award is late because of late notification of approval from the grantor.

**APPROVED FOR FUNDS BY FINANCE**

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

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the Grant Award from the State of Maryland, Department of Labor, Licensing, and Regulation.

**MINUTES**

Department of Transportation - License Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a License Agreement with the Maryland Stadium Authority. The period of the agreement is effective upon Board approval for three years with two 1-year renewal options.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The Department of Transportation desires to enter into a License Agreement with the Maryland Stadium Authority to secure parking for nearby residents during Phase II and III Snow Emergency. One hundred and seventy-five unmarked parking spaces located at Lot F of the Oriole Park at Camden Yards will be utilized by residents in this area until the snow emergency has been downgraded to Phase I.

UPON MOTION duly made and seconded, the Board approved and authorized execution of a License Agreement with the Maryland Stadium Authority.

**MINUTES**

Department of Transportation - Amendment No. 1 to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of Amendment No. 1 to Agreement for Project No. 1162, On-Call Consultant Services for Reconstruction and Resurfacing Projects, with McCormick Taylor, Inc. This amendment extends the period of the agreement through July 10, 2015.

**AMOUNT OF MONEY AND SOURCE:**

\$500,000.00 - upset limit

**BACKGROUND/EXPLANATION:**

On July 11, 2012, the Board approved the initial agreement in the amount of \$1,000,000.00 with McCormick Taylor, Inc. to assist the Transportation, Engineering, and Construction Division in engineering design services to include, but not limited to: site project support, GIS support, and tasks for various Capital Improvement Projects for a two-year period. The Department is now requesting a one-year time extension to fully complete assigned tasks under Amendment No. 1. This approval is one year with an expiration date of July 10, 2015 and an upset limit of \$1,500,000.00.

**AUDITS NOTED THE TIME EXTENSION AND THE INCREASE IN THE UPSET LIMIT AND WILL REVIEW TASK ASSIGNMENTS.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 1 to Agreement for Project No. 1162, On-Call Consultant Services for Reconstruction and Resurfacing Projects, with McCormick Taylor, Inc.

**MINUTES**

Mayor's Office of Human Services - Employee Expense Statement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the expense statement for Ms. Angela Waddell for the month of October 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$22.60 - 5000-569013-1191-594700-603002  
5.00 - 5000-569013-1191-594700-603001  
**\$27.60** - Mileage

**BACKGROUND/EXPLANATION:**

Ms. Waddell neglected to submit the expense statement and was unable to complete the form in time to stay within 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 MOHS requests the Board's approval to reimburse Ms. Waddell.

The MOHS apologizes for the lateness of this request.

**MWE/WBE PARTICIPATION:**

N/A

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the expense statement for Ms. Angela Waddell for the month of October 2013.

**MINUTES**

Mayor's Office of Human - Emergency Solution Grants  
Services (MOHS) Grants Program Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an Emergency Solution Grants Program Agreement with The Salvation Army, a Georgia Corporation for the Salvation Army, Baltimore (The Salvation Army). The period of the Agreement is July 1, 2013 through June 30, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$74,070.00 - 4000-480014-3572-333630-603051

**BACKGROUND/EXPLANATION:**

The Salvation Army will use the funds for one or more of the following services: operating emergency shelters, street outreach for the homeless, homelessness prevention, and rapid re-housing assistance. The organization will serve 245 clients.

The Emergency Solution Grants Program Agreement is late because of delays in negotiating the contract terms with the Salvation Army.

**MWBOO GRANTED A WAIVER.**

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Emergency Solution Grants Program Agreement with The Salvation Army, a Georgia Corporation for the Salvation Army, Baltimore.



## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONSVENDOR AMOUNT OF AWARD AWARD BASISBureau of Purchases

1. DESIGN PLASTIC SYSTEMS, INC. \$ 37,698.00 Low Bid  
Solicitation No. 07000 - Storage Tanks for Odor Control  
Chemical - Department of Public Works - Req. No. R659916
2. APPLIED TECHNOLOGY  
SERVICES, INC. \$226,420.00 Selected Source  
Solicitation No. 06000 - License Plate Readers - Baltimore  
Police Department - Req. No. R662287

The vendor is the authorized representative of the manufacturer in the State of Maryland. The Departments of Transportation and General Services have procured the same equipment from the vendor. For compatibility of equipment, the Baltimore Police Department wants to procure the same equipment. 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.

3. HD SUPPLY WATERWORKS,  
LIMITED PARTNERSHIP \$900,000.00 Renewal  
Contract No. B50002341 - Multi Sizes Fire Hydrants &  
Replacement Parts - Department of Public Works, Bureau of Water  
& Wastewater - P.O. No. P520646

On May 23, 2012, the Board approved the initial award in the amount of \$740,000.00. The award contained three 1-year renewal options. On December 18, 2013, the Board approved an increase in the amount of \$150,000.00. This renewal in the amount of \$900,000.00 is for the period May 23, 2014 through May 22, 2015, with two 1-year renewal options remaining. The above amount is the City's estimated requirement.

**MWBOO GRANTED A WAIVER.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONSVENDOR AMOUNT OF AWARD AWARD BASISBureau of Purchases

4. RHYTHM ENGINEERING, First Amendment  
 LLC \$211,900.00 to Agreement  
 Contract No. 08000 - InSync Adaptive Signal Control Technology  
 Service - Department of Transportation - Req. No. R654546

The Board is requested to approve and authorize execution of an Amendment to Agreement. The contract expires on July 31, 2014.

On July 31, 2013, the Board approved the initial award and executed the original agreement in the amount of \$246,700.00. Authority is requested to approve an amendment to the agreement to expand the technology to Russell Street.

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. PICTOMETRY INTERNATIONAL Sole Source/  
 CORP. \$288,864.00 Agreement  
 Solicitation No. 08000 - Pictometry Imagery Agreement - Mayor's  
 Office of Information Technology - Req. No. R654949

The Board is requested to approve and authorize execution of an Agreement with Pictometry International Corp. The period of the Agreement is effective upon Board approval for six years.

This new agreement will ensure that the City's geographical information systems mapping and imagery database system remains current. The vendor is the sole provider of the licenses, maintenance and technical support required, which enables users to work with their oblique images within ESRI solutions. The vendor is the only company that offers web access to a main server of all existing imagery, allowing for back up and redundancy.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONSVENDOR AMOUNT OF AWARD AWARD BASISBureau of Purchases

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

## 6. HIGHLANDER CONTRACTING

COMPANY, LLC	\$2,000,000.00	Increase
Contract No. B50002414 - Fiber Optic Cable Installation, Maintenance and Repair Services - Mayor's Office of Information Technology - P.O. No. P520882		

On July 11, 2012, the Board approved the initial award in the amount of \$190,950.00. The award contained two 1-year renewal options. On March 25, 2013, the City Purchasing Agent approved an increase in the amount of \$49,999.00. Subsequent actions have been approved. This increase in the amount of \$2,000,000.00 is necessary to cover the \$754,000.00 installation of fiber optic cabling infrastructure on Warner and Stockholm Streets for the Baltimore City Police Department to establish appropriate security measures for the Horseshoe Casino, and also for phased installation of fiber required to complete the Overbuild project connecting Baltimore City to the State Inter-County Broadband Network. This increase in the amount of \$2,000,000.00 will make the total award amount \$4,540,949.00.

**MWBOO SET GOALS OF 17% MBE AND 8% WBE.**

<b>MBE:</b> A-Connection, Inc.	\$ 6,095.00	
CI Contracting Company	3,500.00	
DM Enterprises of Baltimore, LLC	42,541.00	
Machado Construction Co., Inc.	23,056.95	
	<u>\$75,192.95</u>	<b>17.63%</b>

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
<u>Bureau of Purchases</u>		
<b>WBE:</b> Cuddy & Associates, LLC	\$18,350.00	
Sunrise Safety Services, Inc.	<u>26,890.49</u>	
	<b>\$45,240.49</b>	<b>10.60%</b>

**MWBOO FOUND VENDOR IN COMPLIANCE.**

President: "The second item on the non-routine agenda can be found on pages 25-26, Informal Awards, Renewals, and Increases to Contracts and Extensions, Item 6, Contract B50002414, Fiber, Fiber Optic Cable Installation, Maintenance and Repair Services. Will the parties please come forward?"

Mr. Tim Krus: "Tim Krus, City Purchasing Agent. This is a \$2,000,000.00 increase to this contract, to Highlander Contracting Company."

President: "Hold on for a minute. Okay, alright, go ahead."

Mr. Krus: "Um, this is a \$2,000,000.00 increase to Highlander Contracting Company for fiber optic cable installation, maintenance, and repair and covers all work done on the City's fiber optic network."

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

President: "Madam Comptroller."

Comptroller: "I have some questions. Um -- I received your responses last evening and I'm still reviewing them, but I have several other questions that I hope you can --"

Mr. Krus: "We did receive them, Madam Comptroller, and we're still working on them, the additional questions that you sent."

Comptroller: "Okay. Okay. I just like to have them reflected in the record. You're not able to answer these questions?"

Mr. Krus: "Not right now."

Comptroller: "Okay. Well, let me just state what my questions are. For the \$2,179,490.53 spent by MOIT, the following questions I needed answered: How much is allocated on upgrading the City fiber network for voice-over IP? Uh, how much was spent on discovering the City fiber? How much was allocated to increase the capacity of the City fiber in CORE downtown buildings? Provide records on how this contract was supervised

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

By the City. For the ICBN fiber project that was managed by KCI Technologies and sub-contracted to Highlander, please respond to the following: What was the total funding allocated to the City for ICBN? When was this funding made available? How much was spent by KCI Technologies of the portion of the grant money allocated to the City and Question 3, for the \$754,000.00 allocated for installation of the fiber optic cables infrastructure on Warner and Stockholm Streets, provide a detailed Statement of Work for this project with cost breakdown. Also has MWBOO reviewed the \$2,372,367.00 that has been authorized for spending under this contract to date?"

City Solicitor: "For the record, Mr. Krus, when did, when did those questions remain pending and waiting for answers, is that right?"

Mr. Krus: "Correct. We received them at nine --"

City Solicitor: "When did you receive them?"

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Mr. Krus: "Correct. We received them at nine p.m. yesterday evening, which is why we are still working on the responses to those."

City Solicitor: "Thank you."

President: "I would entertain a Motion."

City Solicitor: "MOVE approval of the item contained on Page 25, Number six, as requested by the Bureau of Purchases."

Director of Public Works: "Second."

President: "All those in favor say Aye. All opposed Nay."

Comptroller: "Nay."

President: "Please note the Comptroller votes **Nay**. The Motion carries."

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

7. FIRST CALL

ROOFING AND SUSTAINABLE SYSTEMS, INC.	\$ 500,000.00	
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SECOND CALL

SIMPSON OF MARYLAND, INC.	500,000.00	
	<u>\$1,000,000.00</u>	Increase

Contract No. B50002314 - On-Call Roofing Services - Department  
of General Services - P.O. Nos. Various

On June 6, 2012, the Board approved the initial award in the amount of \$700,000.00. The award contained two 1-year renewal options. The contract expires on June 5, 2015. On January 9, 2013, the Board approved an additional vendor in the amount of \$500,000.00. On September 10, 2013, the City Purchasing Agent approved an increase in the amount of \$45,000.00. On November 6, 2013, the Board approved an increase in the amount of \$700,000.00. Due to unexpectedly high usage an increase in the amount of \$1,000,000.00 is necessary. The City is currently reviewing its requirements based on these usage patterns and is considering whether a new solicitation is warranted in lieu of renewal. The above amount is the City's estimated requirement.

**MWBOO SET GOALS OF 10% MBE AND 5% WBE.**

ROOFING AND SUSTAINABLE SYSTEMS, INC.

**MBE:** Global Roofing & Construction, Inc. 0%

**WBE:** Innovative Building Solutions, Inc. 0%

**MWBOO FOUND VENDOR IN NON-COMPLIANCE.**

MWBOO found vendor non-compliant on April 9, 2014. Roofing and Sustainable Systems, Inc. has been given an extension of time to June 2, 2014 to come into compliance.



## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of PurchasesSIMPSON OF MARYLAND, INC.

<b>MBE:</b> Stokit Supply Company	\$10,050.05	2.08%
L & J Waste Recycling, LLC	<u>1,403.15</u>	<u>0.29%</u>
	<b>\$11,453.20</b>	<b>2.37%</b>
<b>WBE:</b> Colt Insulation, Inc.	\$11,707.50	2.42%

**MWBOO FOUND VENDOR IN NON-COMPLIANCE.**

MWBOO found vendor non-compliant on March 24, 2014. Simpson of Maryland, Inc. has been given 60 days after Board approval to come into compliance and permitted to replace L & J Waste Recycling, LLC with another MBE firm.

**A PROTEST WAS RECEIVED FROM L & J WASTE RECYCLING, LLC.**

President: "The third item on the non-routine agenda can be found on pages 26-27, Informal Awards, Renewals and Increases to Contracts and Extensions, Item 7, Contract B50002314 On-Call Roofing Services. Will the parties please come forward? Are the parties here?"

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Mr. Tim Krus: "Tim Krus, City Purchasing Agent. This is On-Call Roofing Services, and an increase in this contract to the First Call vendor Roofing and Sustainable Systems for \$500,000.00 and the Second Call vendor, Simpson of Maryland, for \$500,000.00."

President: "You guys, -- talk into the mic."

Mr. Lenzie Johnson "I'm sorry. Good morning, Board."

President: "Good morning."

Comptroller: "Good morning."

Mr. Johnson: "I'm Lenzie Johnson, COO of L&J Waste Recycling. We're here today because we filed a protest in reference to Simpson of Maryland. Um, looking at the past performance we submitted services to them, but they did not meet the MBE participation and we reached-out to them several times to ask them how did the ball fall and we have not gotten a response back from them."

Mr. Thomas Corey: "Good morning, uh -- Thomas Corey, Chief of the Minority and Women's Business Opportunity Office, we found uh -- yeah, thank you, Simpson, uh - um -- non-compliant because

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

at the time, back in October, they reported to us uh through the Bureau of Purchases and some of our own investigations, that uh, they were not using L&J, -- Waste Recycling because they said uh -- Mr. Johnson's company was not responding to calls because he was out sick. We've since learned in talking to Mr. Johnson, and uh -- investigating this matter, -- it was really a question of miscommunication, and uh -- had the two companies really communicated with each other, we wouldn't be here today. So, that means that not -- we're not opposed to Mr. Johnson's company remaining on this contract because this is a communication error. My understanding is that he's doing work with Simpson Company on another contract, and he's meeting those demands. So, it's a communication error and it can be easily corrected. We're going to let, prefer that he continue on the contract."

President: "Any questions? Um -- I'll entertain a Motion."

City Solicitor: "I would MOVE approval of the item as described in the agenda with the proviso as Mr. Corey has indicated, that L&J would remain on the contract and not need to be replaced."

Director Public Works: "Second."

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

President: "All those in favor say Aye. All opposed Nay. Please note that Council President votes **YES**. I was a **NO** on this initially, because I had concerns about uh -- the MBE and non-compliance. The Comptroller **ABSTAINED** on Simpson of Maryland only. The Comptroller voted **NO** for Roofing and Sustainable Systems, Inc. only. Thank you. The motion carries."

President: "Um -- the third item on the non-routine agenda --"

City Solicitor: "Um -- just to clarify, am I correct that the Comptroller is a recorded **"NO"** vote?"

Comptroller: "I **ABSTAINED**. -- For RSSI - For RSSI, I voted **NO**, but, for this one, I **ABSTAINED**."

President: "Um -- you have the right, Madam Comptroller."

Comptroller: "Yes, I do."

President: "Thank you. The Motion carries."

\* \* \* \* \*

*Robert Fulton Dashiell, Esq. P.A.*

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Senchal Dashiell Barrolle  
Partner  
sbarrolle@dashiell-lawoffice.com  
MD, DC, NY

April 22, 2014

Honorable Members of Baltimore City Board of Estimates  
100 Holliday, Suite 204  
Baltimore, Maryland 21202

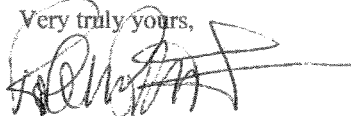
Stephanie Rawlings-Blake, Mayor  
Joan Pratt, Comptroller  
Bernard "Jack" Young, President City Council  
George Nilson, City Solicitor  
Rudy Chow, Director, Public Works  
C/o Harriett Taylor, Secretary/Deputy Comptroller

Re: Bureau of Purchases/Informal Award #7/ Simpson of Maryland-second call vendor-pgs.26-27

Dear Board Members:

L&J Waste Recycling, LLC, through its undersigned counsel, hereby protests the recommendation of the MWBOO to permit Simpson of Maryland, the Second Call vendor, to satisfy all or part of the contract's MBE participation goal by substituting another MBE for the dollar value of work allocated in its bid to L&J. Prior to its publication in the Board agenda L&J had no knowledge of Simpson's substitution request and L&J has never advised Simpson that it was unable or unwilling to perform the work as agreed and it is ready, willing and able to so do. Under these circumstances MWBOO's approval of Simpson's request is in direct contravention of the applicable provisions of the MBE Ordinance.

Very truly yours,



Robert Fulton Dashiell

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

## 8. LILITH, INC.

d/b/a JIM ELLIOTT'S

TOWING \$100,000.00

AARON'S TOWING, LLC 100,000.00

MCDEL ENTERPRISES, INC. 200,000.00

\$400,000.00

Increase

Contract No. B50002397 - Citywide Violation Towing Services -  
Department of Transportation - P.O. Nos. Various

On November 21, 2012, the Board approved the initial award in the amount of \$498,000.00. Lilith, Inc. d/b/a Jim Elliott's Towing and Aaron's Towing, LLC were awarded on April 10, 2013. The award contained two 1-year renewal options.

Due to increased usage an increase in the amount of \$400,000.00 is necessary. This increase in the amount of \$400,000.00 will make the total award amount \$1,355,150.00. The above amount is the City's estimated requirement.

**MWBOO SET GOALS OF 10% MBE AND 3% WBE.**LILITH, INC. d/b/a JIM ELLIOTT'S TOWING

<b>MBE:</b> McDel Enterprises, Inc.	\$ 6,895.50	8.02%
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## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

WBE: Doug's Auto Recycling, Inc.	\$ 106.00	0.12%
The Baltimore Auto Supply Co.	321.24	0.37%
	<u>\$ 427.24</u>	<u>0.49%</u>

**MWBOO FOUND VENDOR IN NON-COMPLIANCE.**

Vendor will be given 60 days to come into compliance.

AARON'S TOWING, LLC

MBE: N/A

WBE: N/A

**MWBOO FOUND VENDOR IN COMPLIANCE.**

The vendor has performed \$25,000.00. MBE/WBE goals not applicable at this time.

MCDEL ENTERPRISES, INC.

MBE: Diamond Ironwork, Inc. \$ 505.00 0.11%

WBE: Cherry Hill Fabrication & Machine Shop, Inc. \$1,350.26 0.29%

**MWBOO FOUND VENDOR IN NON-COMPLIANCE.**

Vendor will be given 60 days to come into compliance.

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

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

## Kim A. Trueheart

April 22, 2014

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of a lack of vision, poor fiscal planning and management and failure to capitalize on strategic investment opportunities in our youth by the Mayor of Baltimore City and the MWBOO staff.

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

1. Whom you represent: Self
2. What the issues are:
  - a. Page 27, Item 8, Bureau of Purchases, RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS - B50002397 – Citywide Violation Towing Services, if approved:
    - i. Before Board consideration, this item should be moved to the non-routine agenda;
      1. This action clearly depicts the arbitrary and capricious decision making of the chief of the MWBOO who has, since 2013, mis-applied participation goals for similar purchases;
        - a. Participation goals for this award are:
          - i. MWBOO SET GOALS OF 10% MBE AND 3% WBE.
        - b. Participation goals for a similar award B50003073 to The Auto Barn, Inc. and Frankford Towing, Inc. 09/25/2013 were:
          - i. MWBOO SET GOALS OF 5% MBE AND 5% WBE.
        - c. Participation goals for a similar award B50001009 to The Auto Barn, Inc. and TED'S TOWING SERVICE, 04/24/2013 were:
          - i. MWBOO SET GOALS OF 5% MBE AND 0% WBE.
2. The MWBOO lacks standard policy and procedures in writing;
  - a. The MINORITY AND WOMEN'S BUSINESS ENTERPRISES LAW, ART. 5, clearly states that the

Email: [ktrueheart@whatfits.net](mailto:ktrueheart@whatfits.net)

5519 Belleville Ave  
Baltimore, MD 21207



office will produce written policy and procedures which shall be filed with the Legislative Reference Office, which HAS NOT BEEN ACCOMPLISHED!!!

3. This MWBOO participation decision fails to uphold the MINORITY AND WOMEN’S BUSINESS ENTERPRISES LAW;
4. This action clearly puts the entire MWBOO in jeopardy of NOT meeting the judicial test of constitutional strict scrutiny;
- b. How the protestant will be harmed by the proposed Board of Estimates’ action:  
As a citizen I am experiencing a significant financial burden with annual tax increases, sewer and water service increases, user fee increases, parking meter rate increases and significantly reduce services as a resident. This action fails to aid in the elimination of business discrimination against M/WBEs in the private sector of the City of Baltimore’s market area. This already onerous burden will be exacerbated by this arbitrary practice which has failed to facilitate contract disbursements to all segments of the minority and women’s business market place.
3. The remedy I seek and respectfully request is that this action be moved to the non-routine agenda, and the MWBOO provide a detailed overview of their procedures for setting participation goals in a public presentation before the board and attending public.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on April 23, 2014.

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

Sincerely,  
Kim Trueheart, Citizen & Resident

5519 Belleville Ave  
Baltimore, MD 21207

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

9. GREENWOOD TOWING, INC.	\$ 400,000.00	
UNIVERSAL TOWING, LLC	500,000.00	
MCDEL ENTERPRISES, INC.	400,000.00	
	<u>\$1,300,000.00</u>	Increase

Contract No. B50002251 - Citywide Police Requested Towing Services - Department of Transportation, Police Department - P.O. Nos. Various

On August 15, 2012, the Board approved the initial award in the amount of \$1,800,000.00. The contract expires on August 31, 2015 with two 1-year renewal options. On April 10, 2013, the Board approved termination and substitution of vendors in the amount of \$1,200,000.00. Subsequent actions have been approved. Due to increased usage, an increase in the amount of \$1,300,000.00 is necessary. This amount is the City's estimated requirement. This increase in the amount of \$1,300,000.00 will make the total award amount \$7,000,000.00.

**MWBOO SET GOALS OF 10% MBE AND 3% WBE.**GREENWOOD TOWING, INC.

<b>MBE:</b> Hopkins Fuel Oil Company	\$18,486.26	10%
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## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

WBE: Maryland Reprographics, Inc.	\$ 3,329.86	
Viking Chemicals, Inc.	1,376.29	
	<u>\$ 4,706.15</u>	3%

**MWBOO FOUND VENDOR IN COMPLIANCE.**UNIVERSAL TOWING, LLC

MBE: JJ Adams Fuel Oil Co.	\$ 8,400.00	2.48%
WBE: Tote-It, Inc.	\$ 3,048.00	0.90%

**MWBOO FOUND VENDOR IN NON-COMPLIANCE.**

Vendor will be given 60 days to come into compliance.

MCDEL ENTERPRISES, INC.

MBE: Diamond Ironwork, Inc.	\$505.00	0.28%
WBE: Anne Tisdale & Associates, Inc.	\$ 0.00	0%

**MWBOO FOUND VENDOR IN NON COMPLIANCE.**

Vendor will be given 60 days to come into compliance.

10. LIFESTAR RESPONSE OF MARYLAND, INC.	\$ 43,140.00	Ratification
	96,900.00	Selected Source
	<u>\$140,040.00</u>	

Solicitation No. 06000 - Emergency Medical Technician - Health Department - Req. No. R661179

The Health Department is in urgent need of Emergency Technician

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Services. Due to the sudden loss of the Program Director the contract has expired. The current provider has agreed to continue providing the services while the solicitation is advertised and a new award is made. The above amount is the City's estimated requirement.

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

**MWBOO GRANTED A WAIVER.**

UPON MOTION duly made and seconded, the Board approved the abovementioned informal awards, renewals, increases to contracts and extensions. The Board further approved and authorized execution of the First Amendment to Agreement with Rhythm Engineering, LLC (item no. 4) and the Agreement with Pictometry International Corp. (item no. 5). The Board **DEFERRED** item nos. 8 and 9 for one week.

MINUTES

PERSONNEL MATTERS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

the Personnel matters

listed on the following pages:

1457 - 1472

All of the Personnel matters have been approved

by the EXPENDITURE CONTROL COMMITTEE.

All of the contracts have been approved

by the Law Department

as to form and legal sufficiency.

The Mayor **ABSTAINED** on Page 1461 item nos. 10 - 12.

The President **ABSTAINED** on Page 1459 item no. 7.

## MINUTES

PERSONNEL

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Health Department</u>		
1. <b>CARL J. JOHNSON</b>	\$20.00	<b>\$23,000.00</b>

Account: 5000-530315-3041-605800-601009

Mr. Johnson, retiree, will continue to work as a Tobacco Control Enforcement Officer. He will be responsible for enforcing tobacco control laws for Baltimore City regarding tobacco retailers and product placement, illegal sales to youth under age 18, illegal sales of individual cigarettes, and issuing citations to violators of tobacco control laws. Mr. Johnson will also work with the student transport vendor and public school students to conduct compliance checks of underage purchase of tobacco products. In addition, he will conduct routine field inspections and investigations regarding tobacco control code violations.

Mr. Johnson will also conduct face-to-face group education for residents, retailers, restaurants, retailers, restaurant owners, police officers, youth, and others regarding the City's tobacco control laws and citations for violations. Mr. Johnson will also maintain data records and evidence files on field inspections and citations, testify in adjudicative Environmental Control Board hearings when violators appeal citations, complete other tobacco enforcement activities, and maintain time-and-effort activities for payroll documentation. The period of the agreement is July 1, 2014 through June 30, 2015.

## MINUTES

PERSONNEL

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Health Department - cont'd</u>		
1. <b>JOHN LAWS NICKENS, JR.,</b>	\$66.00	<b>\$85,800.00</b>
<b>D.D.S.</b>		

Account: 1001-000000-3030-271993-601009

Mr. Nickens will continue to work as a Contract Services Specialist II. He will provide general dentistry procedures i.e., diagnostic, preventive, periodontal, restorative, and fixed prosthodontics. In addition, he will provide minor oral surgery treatment and on-site supervision over public health hygienist and clinic staff. The period of the agreement is July 1, 2014 through June 30, 2015.

2. <b>JAMIKA L. YOCHIM,</b>	\$45.00	<b>\$81,900.00</b>
<b>RDH</b>		

Account: 6000-624010-3030-273200-601009

Ms. Yochim will continue to work as a Contract Services Specialist II (Clinical Dental Hygienist) for the Dental Program. She will be responsible for providing services within the Eastern and Druid Dental clinics and at designated outreach facilities and events. Ms. Yochim will provide diagnostic, preventive, and periodontal dental care to clinic patients. She will also provide oral health education to clinic patients, outreach to participants, participant family members, and facilities' staff. Ms. Yochim will also serve as a patient referral source for clinic services, and monitor outreach activities, off-site activities, and outcomes. The period of the agreement is July 1, 2014 through June 30, 2015.

3. Create the following position:

81322 - Program Assistant I  
Grade: 080 (\$29,920.00 - \$35,208.00)  
Job No.: To be determined by BBMR

Cost: \$47,505.00 - 5000-535414-3044-273300-601001

**MINUTES****PERSONNEL**Hourly RateAmountHealth Department - cont'd4. Create the following four positions:

81171 - Social Services Coordinator  
 Grade: 084 (\$34,180.00 - \$40,794.00)  
 Job No.: To be determined by BBMR

Cost: \$212,060.00 - 5000-532814-3044-273300-601001

Department of Public Works

5. **CHERYL CARLEY-STEWART** \$32.91 **\$62,726.46**

Accounts: 2070-000000-5541-399300-601009	\$20,908.82
2071-000000-5541-398600-601009	\$20,908.82
1001-000000-1901-191200-601009	\$20,908.82

Ms. Carley-Stewart will work as a Contract Services Specialist II (Public Relations Officer). She will be responsible for developing, recommending and implementing marketing strategies to promote and educate the public on environmental/health related issues and customizing marketing strategies in accordance with neighborhood issues. Ms. Carley-Stewart will develop press release pamphlets, signs, banners, and website content, utilize various types of mass informational media including radio, television, print, and social media. She will establish and maintain effective working relationships with community associations and work with the liaison unit to promote agency programs and initiatives. In addition, she will develop responses to inquiries from the media, elected officials and businesses, arrange public appearance events, educational lectures, tours and other outreach vehicles to promote services awareness and current issues, partner with advertising agencies to develop promotional campaigns, and coach managers and staff in effective communication methods for internal and external matters. The period of the agreement is effective upon Board approval for one year.



## MINUTES

PERSONNEL

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Department of Public Works - cont'd</u>		
<u>Office of the President</u>		

6. **THOMAS A. PHILLIPS, III**                      \$20.98                      **\$27,274.00**

Account: 1001-000000-1000-104800-601009

Mr. Phillips will continue to work as a Contract Services Specialist II (Community Outreach Liaison). His duties will include, but are not limited to informing the Director of the Office of Neighborhood Relations of issues and concerns among communities. Mr. Phillips will serve as a point of contact for neighborhood referrals, developing ideas for legislation, attend regular meetings and special events of the Office of Neighborhood Relations, and represent the City Council President at events or meetings. The period of the agreement is effective upon Board approval for one year.

Department of General Services

7. **SAMUEL SAVIN**                                      \$18.00                      **\$35,000.00**

Account: 1001-000000-1981-194600-601009

Mr. Savin will work as a Contract Services Specialist II (Special Properties Associate). His duties will include, but will not be limited to assisting with the management of special, miscellaneous, or atypical properties operated by the Department of General Services that are historic in nature.

## MINUTES

PERSONNELHourly RateAmountDepartment of General Services - cont'd

Mr. Savin will administer rental of the War Memorial by scheduling, recording, and processing space rental requests and processing War Memorial records requests from the general public. He will manage, maintain, and oversee the valuation of artifacts and archive the collection of historic documents on repository and assist the War Memorial Manager with curating the public museum exhibits.

In addition, Mr. Savin will maintain the security of the exhibits and also revitalize and interpret such exhibits on a regular basis to ensure accurate assessment and relevancy to the general public. He will also develop and engage event programming for the veteran's community and educational institutions and provide community outreach and support to veterans and veteran's organizations. The period of the agreement is effective upon Board approval for one year.

8. **JANICE BROWN-HYATT** \$20.76 **\$38,061.00**

Account: 1001-000000-1981-194600-601009

Ms. Brown-Hyatt, retiree, will continue to work as a Contract Services Specialist I (Special Communications Coordinator). Her duties will include, but will not be limited to conducting site surveys, reviewing blueprints and floor plans pertaining to the installation of communication equipment and services. Ms. Brown-Hyatt will also serve as liaison with the Department of Communication Services regarding relocations, new installations, disconnections and other routine agency transactions involving the municipal telephone system. The period of the agreement is effective upon Board approval for one year.

## MINUTES

PERSONNEL

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Board of Liquor License Commissioners for Baltimore City</u>		
9. <b>CLEVELAND BRISTER</b>	\$15.00	<b>\$ 3,600.00</b>
10. <b>TOM KARANIKOLIS</b>	\$15.00	<b>\$ 3,600.00</b>
11. <b>SYLVIA WILLIAMS</b>	\$15.00	<b>\$ 3,600.00</b>

Account: 1001-000000-2501-259500-601063

Mr. Brister, retiree, Mr. Karanikolis, and Ms. Williams will each continue to work as part-time Contract Service Specialist II (Liquor Board Inspectors). Mr. Brister's salary is in compliance with AM 212-1, Part I. Their duties will include, but will not be limited to visiting locations that have been issued special or one-day licenses, monitoring the sale and service of alcohol at the one-day licensed events or extensions of licenses, participating in undercover investigations, and completing inspection reports for licensed premises in the City of Baltimore. The period of the agreement is effective upon Board approval for one year.

Law Department

12. <b>STEPHEN J. CAMPBELL</b>	\$22.85	<b>\$40,000.00</b>
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Account: 1001-000000-1761-175200-601009

Mr. Campbell will work as a Contract Services Specialist II (MBE Compliance Officer). He will be responsible for reviewing and analyzing bidder compliance documents; reviewing and analyzing MBE and WBE certification applications; compiling statistical reports; monitoring Minority/Women Business Opportunity Office compliance on private development projects and creating and maintaining various software databases. The period of the agreement is effective upon Board approval for one year.

## MINUTES

PERSONNEL

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Law Department - cont'd</u>		
13. <b>M. JENNIFER LANDIS</b>	\$36.20	<b>\$47,060.00</b>

Account: 1001-000000-8620-175200-601009

Ms. Landis will work as a Contract Services Specialists II (Special Assistant Solicitor). The salary is a 1% increase from the previous contract. Her duties will include, but are not limited to reviewing City Council bills for form and legal sufficiency; assisting in the drafting of City Council bills and amendment; attending City Council hearings and committee hearings and testifying at committee hearings. She will also assist in reviewing of State legislation referred by the Mayor's Office of Governmental Relations; draft testimony on State legislation; respond to requests for advice from Mayor's Office, City agencies and the City Council, etc. The period of the agreement is effective upon Board approval for one year.

Office of the State's Attorney

14. <b>DENISE LESNIEWSKI</b>	\$29.47	<b>\$35,364.00</b>
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Account: 1001-000000-1150-118000-601009

Ms. Lesniewski, retiree, will continue to work as a Contract Services Specialist I (Secretary). She will be responsible for managing a database that tracks lab results from the Police Department to assure that prosecutors throughout the Office of the State's Attorney know the status of each request in preparing for trial. She will also track lab reports for every trial, post conviction petitions, DNA post conviction petitions, Actual Innocence petitions, and motions to reopen petitions and various new trial motions. The period of the agreement is May 11, 2014 through May 10, 2015.

## MINUTES

PERSONNEL

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Police Department</u> - cont'd		
15. <b>SHARON M. MARKOV</b>	\$14.42	<b>\$30,000.00</b>

Account: 1001-000000-2042-198100-601009

Ms. Markov, retiree, will continue to work as a Contract Services Specialist I - Validations Unit. She will be responsible for reviewing original National Crime Information Center (NCIC) entries, reports, and documents. She will also contact victims, complainants and the court for follow-up information; accessing local, state, and federal databases for additional information; and updating databases and NCI to reflect changes. In addition, she will prepare supplemental reports and assist the Crime lab for NCIC hit confirmations on recovered guns. The agreement is for the period May 22, 2014 through May 21, 2015.

16. <b>CELIO OLIVERAS, JR.</b>	\$14.42	<b>\$30,000.00</b>
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Account: 1001-000000-2042-198100-601009

Mr. Oliveras, retiree, will continue to work as a Contract Services Specialist I - Warrant Section. He will be responsible for reviewing original National Crime Information Center (NCIC) entries, warrants and supporting documents; contacting appropriate sources for follow-up information; accessing local, state, and federal databases for additional information and updating databases and NCIC to reflect changes, and preparing reports. The agreement is for the period May 22, 2014 through May 21, 2015.

## MINUTES

PERSONNEL

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Police Department</u>		
17. <b>WALTER G. HEUER</b>	\$14.42	<b>\$30,000.00</b>

Account: 1001-000000-2042-198100-601009

Mr. Heuer, retiree, will continue to work as a Contract Services Specialist I - Uniform Crime Reporting (UCR) Section. He will be responsible for verifying information on Offense Reports to ensure it matches Record Management System database; and maintaining records for juvenile/adult arrestees and monthly clearance offenses. He will also complete the Uniform Crime Reporting Statistical Crime & Arrest Data Book and deliver the monthly UCR Statistical Crime & Arrest Book. The agreement is for the period May 22, 2014 through May 21, 2015.

18. <b>LAVINIA M. DAVIS</b>	\$14.42	<b>\$30,000.00</b>
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Account: 1001-000000-2042-198100-601009

Ms. Davis, retiree, will continue to work as a Contract Services Specialist I - Professional Development and Training Academy. She will be responsible for scheduling sworn members for range related training to include yearly qualification, shotgun qualification, less lethal qualification, and Taser training. She will assist in ensuring members meet annual firearms qualification and maintain a thorough updated database. The agreement is for the period May 22, 2014 through May 21, 2015.

## MINUTES

PERSONNEL

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Police Department - cont'd</u>		
19. <b>EUGENE J. CASSIDY</b>	\$14.42	<b>\$30,000.00</b>

Account: 1001-000000-2042-198100-601009

Mr. Cassidy, retiree, will continue to work as a Contract Services Specialist I - Professional Development and Training Academy. He will be responsible for educating, instructing, and coordinating courses in criminal and constitutional law, victimology, post-shooting trauma and learning techniques. He will also be responsible for advising and supervising recruit classes in professional and personal matters and also serve as the BPD intern liaison with other colleges and places and evaluate interns in BPD. The period of the agreement is May 22, 2014 through May 21, 2015.

20. <b>ALLAN D. CARREIRA</b>	\$14.42	<b>\$67,600.00</b>
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Account: 4000-474014-2252-694200-601009

Mr. Carreira will serve as a Contract Services Specialist II - Court Operations Specialist. He will be responsible for tracking and updating all felony gun cases for Gun Stat, overseeing the Civil Citation Pilot Program, reviewing and analyzing the Criminal Citation Program, working extensively with civil and criminal citations, assisting the Baltimore Police with warrant projects, tracking failure to appears and conducting court and case disposition research. The period of the agreement is June 1, 2014 through May 31, 2015.

## MINUTES

PERSONNEL

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Police Department - cont'd</u>		
21. <b>PATRICIA A. D. DAVIS</b>	\$14.42	<b>\$30,000.00</b>

Account: 1001-000000-2042-198100-601009

Ms. Davis, retiree, will continue to work as a Contract Services Specialist I - Evidence Control Section Unit. She will be responsible for the entry timely and accurate retention of all property that is retained by the department and several surrounding agencies; releasing property for the examination or evidence for court with appropriate changes of location for chain of custody and documentation of location. The agreement is for the period May 22, 2014 through May 21, 2015.

Fire Department

22. <b>MARY G. LESSER</b>	\$14.71	<b>\$17,657.76</b>
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Account: 4000-471312-2023-212602-601009

Ms. Lesser, retiree, will continue to work as a Contract Services Specialist I Special Advisor. The salary is a 2% decrease from the previous contract in compliance with AM 212-1, Part I. She will be responsible for scheduling and attending meetings, assembling materials, taking and transcribing minutes, and producing and managing documents. The period of the agreement is May 25, 2014 through May 24, 2015.

23. Reclassify the following position 13153:

From: 41208 - Fire Emergency Vehicle Driver  
Grade: 318 (\$36,632.00 - \$59,202.00)

To: 41240 - Senior Fire Operations Aide, ALS  
Grade: 373 (\$55,986.00 - \$68,007.00)

Costs: \$13,912.00 - 1001-000000-2101-225900-601061



## MINUTES

PERSONNELFire Department - cont'd24. a. Create the following new classification:

41259 - Battalion Fire Chief Special Operations  
Grade: 343 (\$69,425.00 - \$86,738.00)

b. Reclassify position number 12609:

From: 41243 - Battalion Fire Chief, EMS EMT-P  
Grade: 383 (\$73,521.00 - \$90,938.00)

To: 41259 - Battalion Fire Chief Special Operations  
Grade: 343 (\$69,425.00 - \$86,738.00)

Costs: (\$6,636.00) - 1001-000000-2121-226400-601061

25. a. Create the following new classification:

41250 - Fire Lieutenant Special Operations, DIVE  
Grade: 340 (\$54,408.00 - \$66,387.00)

b. Reclassify position number 12773:

From: 41212 - Fire Lieutenant, Suppression  
Grade: 338 (\$59,901.00 - \$73,090.00)

To: 41250 - Fire Lieutenant Special Operations, DIVE  
Grade: 340 (\$54,408.00 - \$66,387.00)

Costs: (\$10,591.00) - 1001-000000-2121-226400-601061

26. Reclassify the position: 12833

From: 41249 - Fire Lieutenant, ALS  
Grade: 373 (\$55,986.00 - \$68,007.00)

To: 41212 - Fire Lieutenant Suppression, ALS  
Grade: 338 (\$59,901.00 - \$73,090.00)

Costs: \$8,328.00 - 1001-000000-2121-226400-601061

## MINUTES

PERSONNELHourly RateAmountFire Dept. - MOEM27. Create the following position:

00142 - Executive Level I

Grade: 948 (\$56,300.00 - \$101,200.00)

Job No. to be assigned by BBMR

Costs: \$126,460.00 - 4000-470922-2123-212612-601109

28. Reclassify the following position 2023-12578

From: 72492 - Building Project Coordinator

Grade: 093 (\$48,945.00 - \$59,678.00)

To: 00142 - Executive Level I

Grade: 948 (\$56,300.00 - \$101,200.00)

Costs: \$12,519.00 - 4000-471312-2023-212602-601001

Mayor's Office of Information Technology (MOIT)29. **EMMANUEL ABBEY, III** \$26.25 **\$54,600.00**

Account: 1001-000000-1472-165800-601009

Mr. Abbey, will continue to work as a Jr. Data Analyst in the Mayor's Office of Information Technology. This salary is a 5% increase from the previous contract. Mr. Abbey's duties will include but not be limited to working with Application Support group/developers to troubleshoot and diagnose production issues. He will track and resolve database related incidents, requests and resolve incidents in the Enterprise. In addition, Mr. Abbey will initiate and perform changes on production system and proactively escalate any issues that cannot be resolved within the established timeframes. Mr. Abbey will maintain database security, integrity, and availability, database capacity planning, implementation and support, as well as, the SQL

## MINUTES

PERSONNEL

	<u>Hourly Rate</u>	<u>Amount</u>
<u>MOIT</u> - cont'd		

Server installation, replication, high availability, and disaster recovery options. Mr. Abbey has taken on additional duties that consist of creating database objects and structures including databases, tables, indexes, views, snapshots, stored procedures, triggers, functions and cursors, database maintenance, management and performance monitoring with native and third party tools. The period of the agreement is effective upon Board approval for one-year.

30. <b>IAN POTTS</b>	\$25.50	<b>\$53,040.00</b>
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Account: 1001-000000-1471-165700-601009

Mr. Potts will continue to work as a Graphic Web Designer. This salary is a 2% increase from the previous contract. His duties will include, but are not limited to leverage understanding of user experience principles, graphic design standards, trends and techniques for web and mobile platforms to re-design, enhance, and create graphic art for website, advertisement, promotional, presentational, and other use. In addition, he will be responsible for data visualization and representation, creating graphic design, site navigation, and content layout prototypes for web-based applications and sites, and standardize design for applications and sites. The period of the agreement is effective upon Board approval for one-year.

Department of Recreation and Parks

31. a. Reclassify the following six positions to Tree Trimmer:

Job Nos.: 24249, 44643, 24231, and 24243

From: 52931 - Laborer  
Grade: 482 (\$13.61 - \$14.06 Hourly)

To: 53651 - Tree Trimmer  
Grade: 429 (\$30,867.00 - \$34,004.00)

## MINUTES

PERSONNELDept. of Recreation and Parks- cont'db. Job Nos.: 24183 and 24192

From: 54411 - Motor Vehicle Driver  
 Grade: 487 (\$14.43 - \$15.08 Hourly)

To: 53651 - Tree Trimmer  
 Grade: 429 (\$30,867.00 - \$34,004.00)

Costs: \$34,399.00 - 1001-000000-4811-364500-601001  
 1001-000000-4811-364600-601001

32. Reclassify the following position:

From: 83120 - Recreation Program Asst.  
 Grade: 084 (\$34,180.00 - \$40,794.00)  
 Job No.: 49440

To: 71430 - Park Administrator  
 Grade: 110 (\$40,800.00 - \$57,900.00)

Costs: \$8,496.00 - 6000-680413-4731-363400-601001

Department of Transportation:

	<u>Hourly Rate</u>	<u>Amount</u>
33. <b>MAXWELL V. FRYE, III</b>	\$30.16	<b>\$50,186.24</b>

Account: 1001-000000-1952-194100-601009

Mr. Frye will continue to work as a Contract Services Specialist II (Special Investigator). This salary is a 4% increase from the previous contract. He will create and maintain files on all Trespass Towing Companies, BPD Medallion Towing Companies, and Peak Hour Towing Companies to include mandatory background records for each company's personnel and vehicle records for each licensed truck.

## MINUTES

PERSONNELDept. of Transportation - cont'dHourly RateAmount

He will receive and process complaints made against Trespass Towing Companies, initiate investigations pertaining to complaints, attempt mediated remedies between the complainant and Trespass Towing Company, and present unresolved complaints to the Trespass Towing Board for resolution. He will also coordinate regular Trespass Tow Board hearings for Trespass Towing Companies to be held on a quarterly basis. He will schedule hearings, prepare agendas, attend hearings, and document minutes. He will establish and ensure the integrity of a credentialing system, and investigate claims pertaining to integrity failures and damages resulting from negligence or abuse at the Department's Towing Facility. Mr. Frye's additional duties include conducting investigations for Towing Company office locations and storage facilities upon submission of license application, receipt of citizen complaint and at routine intervals, to ensure compliance with Rules and Regulations pertaining but not limited to security of stored vehicles, required signage, accessibility, proper zoning, customer safety and proper operation of machines used by the public for payment of assessed towing fees. The agreement is effective upon Board approval for one year.

## MINUTES

BOARDS AND COMMISSIONS1. Prequalification of Contractors

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

Axis Company, Inc.	\$ 1,500,000.00
Baltimore Pile Driving & Marine Construction, Inc.	\$ 4,374,000.00
Boulevard Contractors Corp.	\$ 2,115,000.00
Chesapeake Containment Systems, Inc.	\$ 8,000,000.00
Debra's Glass, Inc.	\$ 4,509,000.00
Harris Brothers Construction Co., Inc.	\$ 243,000.00
John W. Brawner Contracting Company, Inc.	\$ 5,409,000.00
Joseph B. Fay Co.	\$231,300,000.00
Judlau Contracting, Inc.	\$465,030,000.00
Midwest Mole, Inc.	\$ 40,806,000.00
Talley Interior Exterior Painting	\$ 360,000.00
Utilities Unlimited, Inc.	\$ 5,382,000.00

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:

AB Consultants, Inc.	Landscape Architect Engineer Land Survey
Faisant Associates, Inc.	Engineer

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

## MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Dept. of Housing and Community Development - Options</u>			
1. Domino Financial Corporation	1702 Crystal Ave.	G/R \$120.00	\$ 1,000.00
Funds are available in account 9910-905507-9588-900000-704040, AG Demolition Project.			
2. Goldye Abramson	1902 N. Longwood St.	G/R \$ 96.00	\$ 640.00
Funds are available in account 9910-908044-9588-900000-704040, North Avenue Gateway Project.			
3. Cav Commercial, LLC	958 N. Collington Ave.	G/R \$ 48.00	\$ 440.00
Funds are available in account 9910-906416-9588-900000-704040, EBDI Phase II Project.			
4. Marion I. and Henry J. Knott Foundation	925 N. Collington Ave.	G/R \$ 90.00	\$ 600.00
Funds are available in account 9910-906416-9588-900000-704040, EBDI Phase II Project.			
5. Gregory J. Summons and Penny A. Summons	2000 E. Chase St.	L/H	\$99,000.00
Funds are available in account 9910-906409-9588-900000-704040, EBDI Project, Phase II.			
6. Kimberly Mims	4816 Park Heights Ave.	L/H	\$27,250.00
Funds are available in account 9910-903180-9588-900000-704040, Park Heights Site.			

## MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Options - cont'd</u>			
7. Russell Jones and Valerie Jones (Deceased)	2240 E. North Ave.	F/S	\$12,000.00

Funds are available in account 9910-905507-9588-900000-704040,  
AG Demolition Project.

8. Solomon Galloway	1812 N. Rosedale St.	F/S	\$34,000.00
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Funds are available in account 9910-905507-9588-900000-704040,  
AG Demolition Project.

DHCD - Rescission and Approval

9. M-A Funding, Inc. (f/k/a Mid-Atlantic Funding Corporation)	912 N. Broadway	G/R \$120.00	\$ 1,000.00
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Funds are available in account 9910-908044-9588-900000-704040,  
Undesignated Project.

On December 18, 2013, the Board approved the acquisition of the ground rent interest, by condemnation, in 912 N. Broadway for \$800.00. Since the original Board approval, the owner has negotiated a sale price and would like to proceed with a voluntary settlement. Therefore, the Board is requested to rescind the prior approval in the amount of \$800.00 and approve the acquisition of the \$120.00 ground rent interest in 912 N. Broadway for \$1,000.00.

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



## MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Condemnations</u>			
10. Ethel and John Thomas	958 N. Chester St.	G/R \$36.00	\$ 240.00

Funds are available in account 9910-906409-9588-900000-704040, EBDI Project.

The Board is requested to approve acquisition of the ground rent interest by condemnation, or in the alternative may, SUBJECT to the prior approval of the Board, make application to the Maryland Department of Assessments and Taxation to redeem or extinguish the ground rent interest for these properties.

11. Glenn H. Goldberg	933 N. Castle St.	G/R \$30.00	\$ 200.00
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Funds are available in account 9910-906409-9588-900000-704040, EBDI Phase II Project.

UPON MOTION duly made and seconded, the Board approved and authorized the foregoing options, condemnations, and quick-takes.

**MINUTES**Office of the Comptroller - Employment of Outside Counsel**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize the employment of outside counsel.

**AMOUNT OF MONEY AND SOURCE:**

\$2,000.00 - Not to exceed

No funds are requested at this time

**BACKGROUND/EXPLANATION:**

Pursuant to the Baltimore City Charter, Article VII, §24, the Board is requested to authorize the employment of outside counsel by the Comptroller for a pending Board of Ethics investigation.

The employment of outside counsel will be in an amount not to exceed \$2,000.00, payable upon services rendered, and presentation of an invoice. As required by Baltimore City Charter, the City Solicitor has given written notice that representation by the Law Department will present a conflict of interest.

President: "Okay. The fourth item on the non-routine agenda can be found on page 53, Office of the Comptroller, Employment of Outside Counsel. Yes, I have a question. Um -- Madam Comptroller, what is this for?"

Comptroller: "Um -- this is --"

President: "Because, I thought the Law Department represents um --"

## MINUTES

Comptroller: "Mr. Nilson and I agreed that the Department of Law cannot represent me, and I was given two options: I was given an option of engaging counsel to represent me and um -- pay for it, and then the Board would approve it at a later date; the other option I was given was to have it brought before the Board and it be approved, and in the spirit of um -- transparency and accountability, I thought it was best that I brought this item before the Board so the citizens would know what they were paying for."

President: "Okay. Alright. I would entertain a Motion."

City Solicitor: "MOVE approval of the item as requested."

Director Public Works: "Second."

President: "All those in favor say Aye. All opposed Nay. The Motion carries. The Comptroller **ABSTAINED.**"

\* \* \* \* \*

**MINUTES**

Mayor's Office of Information - Expenditure of Funds  
Technology (MOIT)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an Expenditure of Funds to pay Port Networks.

**AMOUNT OF MONEY AND SOURCE:**

\$154.70 - 1001-000000-1474-165700-603080

**BACKGROUND/EXPLANATION:**

Port Networks installed point-to-point connection from the Ravens Stadium to the Baltimore Animal Rescue & Care Shelter (BARCS) in order to obtain MOIT network connectivity. The connection was needed for the Grand Prix event. Initially, a Change Order was submitted to the Bureau of Purchases to cover additional costs of \$1,604.70 for the grounding project which in turn closed out the P.O. P524435. However, MOIT received a final invoice in the amount of \$154.70 for minor supplies related to that project after the P.O. was closed. Therefore, Port Networks is due \$154.70.

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

UPON MOTION duly made and seconded, the Board approved an Expenditure of Funds to pay Port Networks.

**MINUTES**

Mayor's Office - Governmental/Charitable  
Solicitation Application

**ACTION REQUESTED OF B/E:**

The Board is requested to endorse a Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City for donations for the Baltimore City Youth Commission. The solicitation will be on an ongoing basis and not specific to a particular event. The period of the campaign will be effective upon Board approval through December 31, 2014.

**AMOUNT OF MONEY AND SOURCE:**

No general funds are involved in this transaction.

**BACKGROUND/EXPLANATION:**

The Baltimore City Youth Commission will be soliciting funding and sponsorships to help support The Baltimore City Youth Commission's operations and events.

The purpose of the Youth Commission is to allow youth the opportunity to provide advice, recommendations, and information for the Mayor, the City Council, and municipal agencies on the development of community and government policies, programs, and services that support children, youth, and their families.

The Youth Commission is comprised of 17 voting members and 14 non-voting members. The 17 voting members include one young person from each of the 14 council districts and 3 at-large seats.

Baltimore City Code Article 8, Section 6-26, prohibits solicitation or facilitating the solicitation of a gift.

## MINUTES

Mayor's Office - cont'd

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

UPON MOTION duly made and seconded, the Board endorsed a Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City for donations for the Baltimore City Youth Commission. The solicitation will be on an ongoing basis and not specific to a particular event. The Mayor

**ABSTAINED.**

## MINUTES

Enoch Pratt Free Library - TRANSFER OF LIFE-TO-DATE SICK  
LEAVE - WAIVER OF MAXIMUM DAYS

The Board is requested to approve a waiver/exception from the AM 203-3 policy, which allows a maximum of 30 days of sick leave transfer, and grant an additional 48 days for a total of 77 LIFE-TO-DATE sick leave days from the listed City employees to the designated employee, Ms. Leslie Nord.

The transfer of sick leave days is necessary in order for the designated employee to remain in pay status with continued health coverage. The City employees have asked permission to donate the sick leave days that will be transferred from their LIFE-TO-DATE sick leave balances as follows:

Shaileen S. Beyer	1
Nathaniel E. Smith	5
Danielle Ford	1
Shannon Hersey	1
Darcell Graham	1
Sheila Ricks	1
Kennard Hopkins	5
Sarah McRae	1
Lorraine M. Godfrey	2
Eric Thornton	2
Jamillah Abdul-Saboor	2
Judith C. Cooper	5
Helen Townsend	5
Barbara B. Collins	3
Wendy L. Allen	3
Carolyn Lee	5
Alice F. Gamble	5
James W. Grant, Jr.	5
Eva Slezak	3
Jerome G. Teagle	5
Pamela Potter-Hennessey	2

## MINUTES

Enoch Pratt Free Library - cont'd

John A. Richardson	1
John Damond	3
Ruby L. Robinson	2
Devon Ellis	1
Ann H. Stanton	5
Nyilah Covington	2
	<u>77</u>

The Library is requesting a total of 77 days due to Ms. Nord's extensive medical circumstances. The employees listed above have generously donated an additional 48 days to keep Ms. Nord in pay status during recovery. The additional donated days will assist the Library's retention efforts for this valued employee. Ms. Nord is expected to return to work by June 30, 2014.

**THE LABOR COMMISSIONER RECOMMENDED APPROVAL**

UPON MOTION duly made and seconded, the Board approved a waiver/exception from the AM 203-3 policy, which allows a maximum of 30 days of sick leave transfer, and grant an additional 48 days for a total of 77 LIFE-TO-DATE sick leave days from the listed City employees to the designated employee, Ms. Leslie Nord.



**MINUTES**

Bureau of the Budget and - Supplementary General Fund  
Management Research      Operating Appropriation

**ACTION REQUESTED OF B/E:**

The Board is requested to approve a Supplementary General Fund Operating Appropriation to the Police Department (Service 622, Police Patrol) for new crime fighting initiatives.

**AMOUNT**

\$1,239,800.00

**SOURCE:**

General Fund Drug and Gambling  
Contraband Revenue in excess of the  
revenue relied on by the Board of  
Estimates in determining the tax levy  
required to balance the budget for Fiscal  
Year 2014

**BACKGROUND/EXPLANATION:**

In an effort to reduce violent crime, the City will test several new crime prevention strategies which will be evaluated in Fiscal 2015. The Police Department will deploy surges at locations determined by command staff based on the most current crime trends. The funding will cover both Fiscal 2014 and 2015.

**MBE/WBE PARTICIPATION:**

N/A

**APPROVED FOR FUNDS BY FINANCE****A PROTEST WAS RECEIVED FROM KIM TRUEHEART.**

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

**MINUTES**

BBMR - cont'd

UPON MOTION duly made and seconded, the Board approved a Supplementary General Fund Operating Appropriation to the Police Department (Service 622, Police Patrol) for new crime fighting initiatives. The President **ABSTAINED.**

## Kim A. Trueheart

April 22, 2014

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of a lack of vision, poor fiscal planning and management and failure to capitalize on strategic investment opportunities in our youth by the Mayor of Baltimore City and the various Departments and Agencies.

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

1. Whom you represent: Self
2. What the issues are:
  - a. Pages 59 & 60 - Bureau of the Budget and Management Research - Supplementary General Fund Operating Appropriation(s), if approved:
    - i. Fails to utilize the General Fund Drug and Gambling Contraband Revenue in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2014 to satisfy emergent, funding priorities outlined by Baltimore citizens, for our children;
    - ii. These uncommitted, available funds could be better spent if they were reallocated to meet the emergent deficit of \$27M being projected by the BCPSS in FY2015;
    - iii. Allocates millions of our scarce municipal funds for unproven and yet to be defined measureable outcomes;
    - iv. Fails to consider the lost opportunity costs associated with the continued DISS-Investment in our growing underserved youth population;
    - v. Continues to further the FLAWED budgetary priorities of this seemingly self serving, special interest focused and highly politically motivated administration.
    - vi. This General Fund revenue category does NOT appear in any budget documents available to the public and appears to be new.
      1. Please provide access to inspect the credits, credits and the current account balance associated with this never heard of revenue source.
3. How the protestant will be harmed by the proposed Board of Estimates' action: The funds proposed to support these actions will exacerbate an already untenable DISS-Investment in Baltimore's most precious resource, our youth. As a citizen I am

Email: [ktrueheart@whatfits.net](mailto:ktrueheart@whatfits.net)

5519 Belleville Ave  
Baltimore, MD 21207

significantly impacted by our underserved youth, who because they observe the lack of concern for and investment in their positive development, make everyday life choices which often result in grave harm to others, as evidenced by my own family tragedies. The school system has projected a \$27M shortfall which should be closed before these funds are allocated elsewhere.

4. The remedy I seek and respectfully request is that this action be withdrawn and the entire amount identified to support this action be reallocated to close the gap in funding identified for our schools and to invest in our youth to double after-school programming and double the number of YouthWorks jobs.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on April 23, 2014.

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

Sincerely,  
Kim Trueheart, Citizen & Resident

5519 Belleville Ave  
Baltimore, MD 21207

**MINUTES**

Bureau of the Budget and      - Supplementary General Fund  
Management Research (BBMR)      Operating Appropriation

**ACTION REQUESTED OF B/E:**

The Board is requested to approve a Supplementary General Fund Operating Appropriation to the Mayor's Office of Criminal Justice (Service 758, Coordination of Public Safety Strategy) for new crime fighting initiatives.

**AMOUNT****SOURCE:**

\$950,800.00

General Fund Drug and Gambling  
Contraband Revenue in excess of the  
revenue relied on by the Board of  
Estimates in determining the tax levy  
required to balance the budget for Fiscal  
Year 2014

**BACKGROUND/EXPLANATION:**

In an effort to reduce violent crime, the City will test several new crime prevention strategies which will be evaluated in Fiscal 2015. The funding will cover both Fiscal 2014 and 2015.

Operation Cease Fire (\$415,800.00): The National Network for Safe Communities at John Jay College will work with Baltimore to institutionalize a comprehensive violence prevention program. Research and field study from other cities has demonstrated that these interventions can lead to sharp reductions in violent crime.

Milwaukee Homicide Review (\$195,000.00): Baltimore will review and implement the model established by the Milwaukee Homicide Review Commission (MHRC). The MHRC is a multi-disciplinary group in Milwaukee that identifies and implements crime prevention methods from both a public health and criminal justice perspective.

Unity (\$85,000.00): Unity will support Baltimore in building, developing, and evaluating effective and sustainable youth violence prevention efforts.

**MINUTES**

BBMR - cont'd

Gun Reward Program (\$60,000.00): The City, in conjunction with Metro Crime Stoppers, will offer rewards for tips that lead to the recovery of illegal firearms.

Youth Connection Center (\$195,000.00): The Connection Center will allow youth that are in violation of curfew laws to be transported to a safe, non-punitive environment until their parents or guardians arrive for pick-up.

**MBE/WBE PARTICIPATION:**

N/A

**APPROVED FOR FUNDS BY FINANCE**

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

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

UPON MOTION duly made and seconded, the Board approved a Supplementary General Fund Operating Appropriation to the Mayor's Office of Criminal Justice (Service 758, Coordination of Public Safety Strategy) for new crime fighting initiatives. The President **ABSTAINED**.

# Kim A. Trueheart

April 22, 2014

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

Dear Ms. Taylor:

Herein is my written protest of the item described below from this week's Board of Estimates agenda and my request for information under the Maryland Public Information Act, State Government Article §§10-611 to 628.

The following details are provided to initiate this action as required by the Board of Estimates and I fully understand that the details in paragraphs 1-4 are NOT required by the Maryland Public Information Act:

1. Whom you represent: Self
2. What the issues are:
  - a. Page 66, Bureau of the Budget and Management Research – Supplementary General Fund Operating Appropriation, if approved:
    - i. This action fails to follow the legislatively enacted procurement policy for Baltimore City;
    - ii. This action outlines multiple sole source procurement actions, yet offers no justification to substantiate subverting the competitive process as mandated in municipal legislation;
    - iii. This action fails to state that each procurement over \$50,000.00 will comply with the legislatively mandated Minority/Women Business Opportunity law;
    - iv. This action fails to state that each vendor will comply with the Employ Baltimore executive order;
    - v. An informal inquiry earlier this year asked violence prevention advocates “what would you do if you had \$1M”, yet this proposed \$1M action does NOT include any of the alternatives that were provided in response to that inquiry.
3. How the protestant will be harmed by the proposed Board of Estimates' action: The continued mismanagement of major projects by City agencies is disgracefully wasteful. This action subverts the official checks and balance imposed in procurement law and policy without specific substantiating data. The out-of-control violence in my home town is NOT a new phenomenon and while exceptional protocols are warranted, subverting the law is NOT an acceptable approach. In addition to the procurement and minority/women's business opportunity law, the full force and effect of the Mayor's Employ Baltimore executive order

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5519 Belleville Ave  
Baltimore, MD 21207

must be codified in law to ensure it will NOT be arbitrary applied at the convenience of the mayor. Lastly this experimental test of alternatives MUST be expanded to include one or more of the alternatives provided in response to that inquiry. As a citizen I am experiencing a significant financial burden with annual tax increases, sewer and water service increases, user fee increases, parking meter rate increases and significantly reduce services as a resident. This already onerous burden could be exacerbated by the appropriation of scarce funds to an agency with questionable business management and administrative practices.

4. Remedy I desire: The remedy I seek and respectfully request is that this action be delayed until this agency provides greater public transparency into measureable outcomes to be used to assess the effectiveness of each proposed test initiative and that all applicable laws and regulations be imposed.

If all or any part of this request is denied, I request that I be provided with a written statement of the grounds for the denial. If you determine that some portions of the requested records are exempt from disclosure, please provide me with the portions that can be disclosed.

I also anticipate that I will want copies of some or all of the records sought. Therefore, please advise me as to the cost, if any, for obtaining a copy of the records and the total cost, if any, for all the records described above. If you have adopted a fee schedule for obtaining copies of records and other rules or regulations implementing the Act, please send me a copy. Electronic copies are acceptable.

I look forward to reviewing disclosable records promptly and, in any event, to a decision about all of the requested records within 30 days. Thank you for your cooperation.

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

Sincerely,  
Kim Trueheart, Citizen

5519 Belleville Ave  
Baltimore, MD 21207



## MINUTES

Department of Audits - Audit Report and Related Audit Digest

The Board is requested to **NOTE** receipt of the following Audit Report and Related Audit Digest:

1. Audit of the Department of Recreation and Parks a Primary Government Unit of the City of Baltimore, Maryland Fiscal Report for the Fiscal Year Ended June 30, 2012.

President: "The fifth item on the non-routine agenda can be found on Page 62, Department of Audits, Audit Report and Related Audit Digest. Will the parties please come forward?"

Mr. Bob McCarty: "Good morning Mr. President, and members of the Board. I'm Bob McCarty, City Auditor. Uh, the Department of Audits has completed its Audit of the Baltimore City Department of Recreation and Parks, or BCRP, for the Fiscal Year ending June 30, 2012. We have issued an unqualified opinion which states that their financial statements present fairly in all material respects the financial position of the BCRP for the Year ended June 30, 2012 in conformity with generally accepted accounting principles. The BCRP services are reported in the government funds of the City and it presents its financial information in government fund financial and budgetary statements."

## MINUTES

Department of Audits - cont'd

The City maintains four major governmental funds: General, Motor Vehicle, Grant Revenue and Capital Projects. Uh -- the BCRP also maintains an accessory fund to account for fee-based transactions associated with the community centers and recreational activities. We've also included a separate report, required by both Generally Accepted Auditing Standards and Government Auditing Standards that addresses the BCRP's compliance with certain laws and regulations and the internal control over financial reporting. The BCRP had five significant deficiencies in internal control over financial reporting for Fiscal Year 2012. A deficiency in internal control exists when a design or operation of a control does not allow management or employees to prevent or detect and correct misstatements on a timely basis. The first finding, Finding 2012-1, is considered to be a material weakness. A material weakness is a deficiency or a combination of deficiencies in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements would not be prevented or detected and corrected in a timely basis.

## MINUTES

**Finding 2012-1:** The Department of Finance and Recreation and Parks did not initially provide adequate financial, I'm sorry, accurate financial statements of the financial activity of the BCRP for Fiscal Year '12. The Bureau of Accounting and Payroll Services, or BAPS, prepared in December '12, financial statements containing the financial activity of BCRP, which did not agree to the underlying financial activity as recorded in the City's accounting system, which is City Dynamics. The BCRP subsequently developed separate financial statements which, after numerous revisions by the BCRP agreed to the City's accounting records. We recommend that BAPS, in conjunction with other City agencies, establish written policies and procedures for the development and preparation of financial statements that agree with the financial activity recorded on the City's accounting system. We also recommend that BCRP develop a manual to provide guidance to its accounting staff regarding the development of its annual financial statements. The Finance Department and BCRP agree with our recommendations. The following four are significant deficiencies. A significant deficiency in internal control is a deficiency or a combination

## MINUTES

of deficiencies in internal control that is less severe than a material weakness, yet important enough to merit attention with those charged with governance, which is the Board of Estimates. We consider the following four deficiencies to be significant deficiencies.

**Finding 2012-2:** The BCRP's Financial Service Division and recreation centers did not consistently adhere to the policies and procedures established by the City for recording time and attendance in the City's Enterprise E-Time System, or E-Time. We noted that the time and attendance posted on E-Time was not consistently verified against supporting documentation. Some examples are that the supporting documentation was not properly authorized or signed off; did not support the entered information, and/or did not validate the employee's attendance. We recommend that BCRP establish and implement written procedures which will assure adherence to the City's procedures for the E-Time system. We also recommend that the entry of the employee's time in the E-Time system be taken from records that document an employee's absence or actual time in attendance.

## MINUTES

The BCRP agreed with our recommendations and said that immediate steps have been taken to improve the consistency of the time and attendance data on both the supporting documents and in E-Time.

**Finding 2012-3:** The BCRP did not have standard operating policies and procedures to guide, direct and instruct its employees on the cash handling function. We found inconsistencies among the recreation centers in how to account for tickets or support the collection and recording of cash for activities. These policies and procedures should agree with the City's Administrative Manual, but also provide more in-field direction and instruction. We recommend that BCRP develop standard operating policies and procedures to provide uniformity in the handling of cash collections, recording and reporting. These standard operation policies and procedures should, at a minimum, include direction in cash handling; cash collection and disbursement; payroll time and attendance; financial and program recording; required documentation for activities, and the reconciliation of the tickets.

## MINUTES

The BCRP stated in their response that there are individual policies, procedures and directives in place to execute select administrative functions and that staff members are currently going through the process of developing an administrative manual for all areas of operation as part of a certification process. Additionally, BCRP stated that newly written and updated policies and procedures will be immediately implemented when and where necessary.

**Finding 2012-4:** The BCRP's Financial Service Division did not consistently use the appropriate revenue accounts for recording its revenues. We found instances where the financials, I'm sorry, where the Fiscal Service Division was depositing revenue funds into an expense account. Offsetting revenues against expenditures can understate the actual expenditures and revenues reported in their financial statements. We recommend that BCRP use the proper account to record the receipt of revenues. If necessary, BCRP should contact BAPS for assistance in establishing the appropriate revenue accounts. We also recommend that BCRP establish policies and procedures that require periodic supervisory review of all account activity. The BCRP stated in their response that they are taking steps to improve the accounting of all revenues.

## MINUTES

Our last finding is Finding 2012-5: The BCRP did not maintain support for inter-agency billings related to capital project expenditures. Included in their task of capital projects were inter-agency expenditures that were not documented in BCRP's project files. These transactions were related to services provided by the Department of Public Works, but authorization and other supporting documentation for the transactions were not being maintained by BCRP. We recommend that BCRP establish a system by which the Fiscal Service Division insures the proper accounting approvals and monitoring of authorized capital expenditures, I'm sorry, capital project expenditures. We also recommend that a review be conducted at least quarterly by the Fiscal Service Division to insure that proper approval and support has been obtained for all capital project expenditures. BCRP stated in their response that new policies and procedures to approve, improve the capital expenditure approval process are currently being formulated for implementation. We did not audit the Department of Recreation and Parks responses and accordingly, we express no opinion on them. As part of obtaining assurance about whether the Department of Recreation and Parks financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws and regulations, contracts and grant agreements. Uh, the

## MINUTES

results of the test disclose no instances of non-compliance or other matters that are required to report, -- to be reported under government auditing standards. I would just like to take a moment to, to thank Rec and Parks. Um -- it was, it was a initial audit, which is always more difficult, um -- as we start these things, and we thank them for their cooperation and assistance in completing this audit."

President: "Mr. McCarty, um, Mr. McCarty, um -- did I understand you to say that you looked at the internal controls?"

Mr. McCarty: "Internal controls as related to financial reporting."

President: "Okay. You didn't look at it for a total audit of the Department?"

Mr. McCarty: "We looked at it as a financial audit. Uh -- if we had found something in internal controls unrelated to financial statements, financial reporting, we would have noted that too."

President: "Okay."

Comptroller: "I'd like to um -- recommend that, within the next three months, um, they could come back and um, um, follow-up on the findings and recommendations that the Department of Audits has made, to see if they're in compliance."

Mr. McCarty: "And report back?"

Comptroller: "And report back to the Board in three months."



## MINUTES

City Solicitor: "I'm sorry, was that two or three months?"

Comptroller: "Three months."

City Solicitor: "Three months."

President: "I'll entertain a Motion."

Mayor: "Is that, is that time sufficient?"

Mr. Harry Black: "Uh, yes, good morning Honorable Board. I'm Harry Black, the Director of Finance; I'm accompanied by Ernest Burkeen, the Director of the Department of Recreation and Parks. Uh, we uh, jointly accept all of the recommendations of the audit and are currently taking steps to act on those recommendations. The three months is a reasonable time frame."

Comptroller: "Thank you."

President: "Madam Mayor."

Mayor: "Um, did you have anything, Mr. Burkeen? No, did you have anything before I said something? Okay. Um, thank -- I want to uh -- thank you Mr. President, I wanted to uh -- thank the Department of Audits for their diligence throughout this process. I think uh, they uh, as the Finance Director said, offered some constructive guidance that could improve operations. I also want to thank uh, Recreation and Parks um, and Director Burkeen, who has uh --taken the helm, and um, beyond efforts to improve um, the service delivery, he's also

**MINUTES**

taken significant efforts to improve operations. I want to thank you for that leadership."

President: "The audit was noted. Thank you."

The Board **NOTED** receipt of the Audit Report and related Audit Digest.

\* \* \* \* \*

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

\* \* \* \* \*

On the recommendations of the City agency

hereinafter named, the Board,

UPON MOTION duly made and seconded,

awarded the formally advertised contracts

listed on the following pages:

1499 - 1523

to the low bidders meeting the specifications,

and rejected the bid as indicated

for the reasons stated.

The Transfer of Funds was approved

SUBJECT to receipt of a favorable report

from the Planning Commission,

the Director of Finance having reported favorably

thereon, as required by the provisions

of the City Charter.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Water & Wastewater

1. SC 933, High Level Proven Management, \$3,894,473.00  
 Interceptor Cleaning Inc.

**DBE/MBE:** Riviera/ReiDrayco \$663,500.00 17.04%

**DBE/MBE:** A2Z Environmental Group \$623,500.00 16.01%

The lowest bidder, Video Pipe Services, Inc. was non-responsive on Bid Item 801 (Large Diameter Pipe Cleaning and CCTV/Sonar Inspection). Therefore, the Bureau of Water & Wastewater is recommending the award to the second lowest bidder, Proven Management, Inc.

2. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$3,640,704.00	9956-904440-9549	
Wastewater	Construction Reserve	
Revenue Bonds	Hawkins Point	
1,500,000.00	9956-933001-9549	
<u>State Revenue</u>	Construction Reserve	
<b>\$5,140,704.00</b>	Unallocated	
\$ 389,447.00	-----	9956-905620-9551-2
		Extra Work
389,447.00	-----	9956-905620-9551-3
		Design
233,668.50	-----	9956-905620-9551-5
		Inspection
3,894,473.00	-----	9956-905620-9551-6
		Construction
233,668.50	-----	9956-905620-9551-9
<u>\$5,140,704.00</u>		Administrative

The transfer of funds is needed to award SC 933, High Level Interceptor Cleaning.

**A PROTEST WAS RECEIVED FROM VIDEO PIPE SERVICES, INC.**

## MINUTES

President: "The sixth item on the non-routine agenda can be found on Page 64, Recommendations for Contract Awards/Rejections, Items 1, SC 933, How-- High Level Interceptor Cleaning and Item 2, the related Transfer of Funds. Will the parties please come forward?"

Mr. Kumasi Vines: "Mr. President, um -- yes. Madam Mayor, Madam Comptroller, Mr. President, Honorable Board, good morning. My name is Kumasi Vines, I am the Acting Bureau Head for Water and Wastewater and the Bureau is recommending Contract SC 933 be recommended to Proven Management, Inc., which is the second lowest bidder, um -- at a bid of \$3,894,473.00. The lowest bidder, Video Pipe Services, um -- is not being recommended for award, due to the amount of risk we found in its bid. Um -- the major line item that caused us concern is line item 801 and that involves CCTV and sonar work as well as large diameter pipe cleaning. Uh -- the engineer's estimate for that work is \$2,340,000.00 dollars. The Video Pipe Services bid was for \$200,000.00 and given the drastic difference and what VPS bid versus what we expected, um -- our engineers felt it would be taking on a great risk to engage with this company for this project, and it's just not a level of risk we're willing to accept um - in the Bureau -- "

## MINUTES

Mr. John Scaldara: "Um -- my name is John Scaldara, I --."

City Solicitor: "Mr. Scaldara, preliminarily, so I have to inquire as to whether you've registered with our friends upstairs at the Ethics Board as a procurement lobbyist."

Mr. Scaldara: "I have not."

City Solicitor: "You, you need to do that in the next five days is time enough. Check in with Mr. Aisenstark or his office. This is the section of the Ethics code that's referred to in the Board's new regulations, Paragraph five. "It's a simple process."

Mr. Scaldara: "And I will do so."

City Solicitor: "Okay. Thank you."

Mr. Scaldara: "Thank you. Uh, Mr. President, my name is John Scaldara. I'm an attorney at Offit Kurman, and I represent Video Pipe Services, which was the second lowest bidder, and uh, I have --."

## MINUTES

Mayor: "You have to speak in the mic, sir."

Mr. Scaldara: "I, I'm sorry, the first lowest bidder on this contract, and you'll notice that there is a differential of \$1,200,000.00 between our bid, Video Pipe Services, and the bid of Proven, who was the second lowest bidder. Um, my point is, I would like to uh, query Mr. Wazir if I may, with regard to uh, some of the matters that are contained in his recommendation letter."

President: "You can address the Board."

Mr. Scaldara: "Oh, okay. Um, first of all, I, I'm making the assumption that Mr. Wazir is familiar with a certain group of documents, uh, which I am about to hand to him um and uh, Mr. Wazir, um, first of all, let me ask you this - are you familiar with the Request for Proposal?"

City Solicitor: "You're going to allow him to --"

President: "No, no. You can ask the questions to us."

Mr. Scaldara: "Um, I'd like to know if Mr. Wazir is familiar with the Request for Proposal."

## MINUTES

President: "State your name."

Mr. Wazir Qadri: "Uh, Wazir Qadri."

City Solicitor: "Don't talk too close to it, because it (mic) doesn't have its little protective hood."

President: "Do you want to ask all the questions and then he can respond to them?"

Mr. Scaldara: "Well, I have a number of questions for him, and I'll have a number of documents to talk with him about, so it may be better --"

President: "Okay, alright."

Mr. Qadri: "Wazir Qadri, with the Department of Public Works. I'm not aware of any proposal."

Mr. Scaldara: "You're not aware of the Request for Proposal in this matter?"

Mr. Qadri: "Which proposal are you referring to?"

City Solicitor: "The one issued by the City. The one issued by the City."

Mr. Scaldara: "The one issued by the City? Yes."

Mr. Qadri: "The advertisement for this contract?"

Mr. Scaldara: "Yes."

Mr. Qadri: "Oh, yes. Yes, I'm aware of them."



## MINUTES

Mr. Scaldara: "And, and you're aware of the specifications of the City for uh, general specifications for contracts?"

President: "He can hear him --"

Comptroller: "Talk into the mic. Can you pull the mic down?"

City Solicitor: "Don't talk too close to it, because it doesn't have its little protective hood."

Mr. Qadri: "Yes, that is correct."

Mr. Scaldara: "And are you aware of contract drawings?"

President: "Are you aware of the drawings?"

Mr. Qadri: "I'm aware of the drawings."

Mr. Scaldara: "And uh, are you aware of our protest?"

Mr. Qadri: "Yes I'm aware of the protest."

Mr. Scaldara: "And you have familiarized yourself with our protest, I take it?"

Mr. Qadri: "Yeah, I read it. Yes."

Mr. Scaldara: "Um, Mr. Wazir, if I understand it correctly, um -- the purpose of, of the um -- Board, uh, I'm sorry, the Department of Public Works, is to uh -- take a bid and uh, to make sure that the bidder is um, is, is a responsible bidder, is that correct?"

## MINUTES

Mr. Qadri: "That is correct."

Mayor: "If I may, Mr. President, I'm, I'm confused, this is a protest that, my, my understanding of a protest is for the protestant to state to the Board the nature of your protest and let the uh, agency respond. This is not, this is not court questioning. So, I'm not -- I don't know if you're familiar with the Board of Estimates procedures, but this isn't how we do things."

City Solicitor: "No."

Mr. Scaldara: "No, procedurally, and the only reason I spoke up was because he did uh -- speak to the issue."

City Solicitor: "Well, we would like you to identify and particularize the basis for your protest now, above and beyond what you said in the letter, because the presentation on behalf of the agency has been essentially, and forgive me for using a term of art, that this particular bid - the bid of your client is unbalanced to an extreme degree on the item that was referred to in the presentation, and on behalf of the agency."

Mr. Scaldara: "Yes."

City Solicitor: "So, if you would address that and tell us the reasons why you disagree with that perspective and the basis for your protest."

## MINUTES

Mr. Scaldara: "We, we are talking about Item uh, uh, 801 and Item 802, uh, in the uh bid items, and uh we -- what, what is of concern to the uh, uh Department of Public Works is that in Item 801 we bid a low number and in Item 802, we uh bid a substantial amount of money, and the reason uh for our bidding of \$42.00 a ton in Item 801, is that we had completed the contract in um, um, for uh, sanitary uh, uh, uh, for a Sanitary Contract for job 876, and we were able to determine in job 876, that the estimates of the Board uh or rather the Department of Public Works, when it estimates how much debris is to be removed, are uh, uh, substantially flawed. It's my understanding that those estimates are essentially based on sonar inspections which have been done on these uh, on, on these pipelines uh, five to seven years ago, and we learned when we did job 876, that, that the amount that was estimated by the Department was, uh, is, essentially uh it had estimated 3,500 uh tons of debris in that particular job, and in fact, we only uh, took out 1,400 tons. So when we uh, essentially were asked to bid um on this matter, we believed that the total of 4,800 or rather 4,682 tons of material, of, of debris, uh was way over what the debris would be in this particular um, 12,000 uh, linear feet, uh, uh, of pipe cleaning.

## MINUTES

Um, we had um lost um, substantial contracts with um, the City over a period of time because we uh have been uh not the uh, lowest bidder. Where in fact, by bidding our big money in Item 802, which is not Heavy Cleaning, but which essentially is the cleaning of the um, siphons, uh we were able to reduce our bid by \$240,000.00. Um, the way we proved out that um, the uh, the, the Department's method of estimating the amount of tonnage of the debris was flawed, is we went to all of the manholes that are covered in the 12,300 foot area, and we were able to determine by uh, checking those manhole -- manholes, that in fact, uh, instead of the 4,682 tons that was bid, um, or that was given to us as the estimate of the uh Department of Public Works, our calculations were that there were 3800 tons of debris. So, we made the uh, decision to transfer the value from bid Item 801, Heavy Cleaning, to bid Item 802, Cleaning Siphoning, thus reducing our bid, uh, total bid to the City by \$240,000.00. Um, would you like me uh, to uh, address --"

President: "I want, I want the uh Water Department to respond."

Mr. Vines: "Uh, again, Kumasi Vines, um and if you have more technical questions, we do have Mr. Qadri here for that."

## MINUTES

Uh, when we receive the bids, we can't make guesses and assumptions and play guessing game on how they're going to use um, their, their, their cost. When we expected, I believe, again the cost of line item 801 to be over \$2.3 million, and we receive a bid at \$200,000.00, uh, we don't play a guessing game on what they plan on doing with that. We have to evaluate it and see that it's not significant enough, um, for what we estimate the, the work to be, uh and I'm not uh truly sure how relevant the other projects uh that you referenced are in this particular case in reviewing the bids, but if you have any technical questions, uh Mr. Qadri can answer those."

President: "I, I just have --"

Director Public Works: "May I ask a question?"

President: "Uh, Mr. Chow."

Director Public Works: "Mr. Vines."

Mr. Vines: "Yes sir."

Director Public Works: "-- uh, During the bidding stage, did uh, Video Pipe send any clarification questions clarifying the difference between 801 and 802?"

Mr. Vines: "No, they did not."

Director Public Works: "Okay, thank you."

## MINUTES

President: "Um, uh, I just, I just have a simple um, comment. Um -- Why didn't we just award it to them and "hold their feet to the fire" to do the work that we um, that they said they could do?"

Mr. Vines: "Um--."

President: "We could have easily done that."

Mr. Vines: "Yes, um -- and chime in there, it would be a significant amount of risk. I understand what you're saying, "hold them to the fire" but in that hold them to the fire we do take on the risk of not being able to get the work done and then going through significant amount of change orders to get it back up to a higher price."

City Solicitor: "And, and I would say that --"

President: "What I was saying was that the price that they quoted was the price they had to do it for, and if they didn't, we'd drag them into court."

Comptroller: "And the other thing that I'm concerned --"

President: "I'm saying --"

## MINUTES

Comptroller: "-- and the other thing that I'm concerned about it appears that this company did substantial due diligence in looking at the manholes, and I know you said that it may not be relevant on the other contract, but if the City overstated the amount of work to be done in the past, could the City be making a mistake in estimating the amount today? It is a, a, a \$1.2 million dollar differential."

Mr. Vines: "Yes, it is a difference, however, the other bidders found that and we don't know anything about their due diligence, um, and I would imagine the other bidders who were closer to the engineer's estimates also did their fair amount of due diligence, as well. Um, so it would be asking a lot of the City to just take their word um based on what information they found."

City Solicitor: "I would also just point out in response to some of the questioning about the award and hold their feet to the fire. We've done that before when we've been presented with unbalanced bids like this and are then confronted with a whole barrage of change orders and lots of pressure to settle at high numbers, and at the end of the day, our experience in the past has been we get hurt significantly and the work costs a lot more than the bid would indicate it was going to cost when those change orders come flooding in."

## MINUTES

So, we've had bad experiences with biting the bullet and going ahead and taking our chances in the past."

Mr. Scaldara: "Can -- I would like to respond to that."

City Solicitor: "Sure."

Mr. Scaldara: "First of all, let me say that the City is at zero risk. Zero risk. We have a performance bond, right now, in place, for \$2,600,000.00. What they are talking about which is the amount of our current bid. We are willing to increase that bond to \$3,800,000.00, which is the amount of the second lowest bidder."

City Solicitor: "That's a newly articulated suggestion, right?"

Mr. Scaldara: "Well --"

City Solicitor: "That wasn't on the table last week or yesterday."

Mr. Scaldara: "It was not on the table last week, but, okay, it is part of the Request for Production, because, I'm sorry, not the Request for Production but the Request for Proposal, because if you look at the Request for Proposal, it says that the City can come back to us, and request okay additional indemnification, and additional confirmation from our vendors. We have stated in our protest, that we are willing to up our bond, okay, if the City asks us to do that, to \$3,908 -- \$3,900,000.00, alright. Now, let me tell you what it is the



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Department of Public Works is saying. The Department of Public Works is saying 'if you do uh -- the work in the sequence in what you uh, in, in, in what you uh -- have to do in accordance with the contract, that a, at our bid, you're not going to be able to have enough money left to finish off that contract'. Well, we have a performance bond in place alright, because a portion of the project that they are most concerned about is the last 5,000 linear feet of the job. They say that the bulk of the debris, okay, is in that last 5,000 feet. Well, if we increase the amount of the bond and we were to default, you would have a \$3,900,000.00 performance bond sitting there to do less than 40% of the work on this entire project, and if you divide that number by the City's estimate, which we think is terribly high, of 4,682 linear, I'm sorry tonnage, and we think that's way out of the ballpark, because when we did our testing and our testing is far better than the City's testing, because we went to strategic manholes. That the City says -- is what the Department of Public Works says, is that they, they did their testing by a sonar inspection, which is five to seven years old. Let me tell you the difference between what they did and what we did."

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City Solicitor: "I understand you, you performed on the prior contract so you're, your estimate was based on your own experience and I would like to know whether your client, realizing that as the bid process was underway here, made a conscious decision not to bring that information to the attention of the City so that your client could enjoy a competitive advantage, by having that information rather than correcting the information and giving other competitors the same, the same level playing field."

President: "You have to talk in the mic, sir."

Mr. Scaldara: "Yes. Let me respond to that, okay. There was no pre-sonar inspection require, requirement in this contract."

City Solicitor: "I understand."

Mr. Scaldara: "And the reason there was no pre uh -- sonar inspection is because the City wants the contractors to do their own inspection. If we're going to do our own inspection, we're certainly aren't going to share it with our competitors. But our inspection was a much more thorough inspection than what the City did because you have to remember that the City is operating off of, alright, a sonar --"

City Solicitor: "I understand that. I think your answer is that your client had the accurate information because of its own inspection and chose not to share it."

## MINUTES

Mr. Scaldara: "Yes."

City Solicitor: "Okay."

Mr. Scaldara: "Right, for obvious reasons."

City Solicitor: "Right, for competitive reasons."

Mr. Scaldara: "Yes, and we're not telling competitors what we think, alright. But, let me tell you the way we did ours and the way they did --"

City Solicitor: "Well you're now moving on to another, another point, so let's, other members of the Board may have different questions for you."

Mr. Scaldara: "Oh, okay."

President: "Would you all like to speak? Um -- Comptroller."

Comptroller: "Yes, I would, um I would just like to um, have reflected in the record, and I'm quoting from a notification letter dated April 15, 2014 from the City, um, and I quote "There is a significant, there is a significant concern that little incentive remains for VPS to clean and/or capture the debris in the last mile of the pipe. And their response is regarding the incentive to clean, the contract requires the contractor to post-sonar each pipe segment to verify it has been cleaned."

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To ignore this requirement would put VPS in default of the contract, and their response is "Pre-sonar the pipe segment beyond the end of the contract to determine the debris levels before the start of work. This shall be completed at no charge to the City." Bullet point, the next bullet point says "Post-sonar the pipe segment beyond the end of the contract to determine the debris level after the work is completed. This shall be completed at no additional charge to the City. Should the post-sonar show additional debris accumulation, VPS shall clean this pipe segment to pre-sonar level at no additional cost to the City, and in addition, VPS shall bond the job equal to the second bid of \$3,894,473.00". I'd just like the record reflect that."

Mr. Michael Mullen: "I'd like to respond, Michael Mullen, of the Law Department. All of those proposals were made after the fact. There were additions to the bid. None of the other contractors were given an opportunity to provide that same kind of protection to the City. So, I would suggest that those are irrelevant to the discussion here this morning, which is looking at the cost of 801, and the concern that our engineering staff has is this is not going to be contractually finished properly."

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The VPS bid \$42 per ton on 801; the next closest contractor bids \$285 per ton and they go up to \$760 per ton. The total amount that they bid for that item is \$196,000."

City Solicitor: "And, and that raises my question, which is, if, if the basis for what Mr. Scaldara has been saying has to do, is everything about their estimate of the volume of material, how, how do you explain the significant disparity in unit cost?"

Mr. Mullen: "Now, that's my concern. And, that's what the engineer's concern is, as well and is reflected by the fact that they were so substantially low on Item 801 in comparison to all the other bidders, and in comparison to our engineer's estimate, and with all respect to opposing counsel, I would suggest that our engineering staff does know what their looking for the prior contract that they reference is a very different contract -- the pipes were a smaller diameter, it was not this same system, there may have been more sediment, less sediment, in this case we have to rely on our engineer's estimate. That is the standard by which we look at these types of unbalanced bids and there is a risk to the City in these unbalanced bids, and you have to carefully look at that to determine whether the risk is worth it or not. In this case, the engineering staff and DPW are convinced and have presented solid evidence that there is a

## MINUTES

concern, and therefore this Board has the authority to reject the bid and avoid the risk that we feel is there."

President: "I want to hear from the um, the bidder who won the contract. Um, any comments you might have."

Mr. William Gilmartin: "Good morning ladies and gentlemen. My name is William Gilmartin and I'm with ProVen Management, I was the estimator on the project. Um, I think it's important to take a step back and realize something that uh -- the bid documents do call out very specifically the specific elevation of debris that is anticipated inside the pipeline. Uh, there is an engineer's estimate; the math works, um and so to suggest that the quantity is so severely less than the stated engineer's estimate would uh, it's, it's the obligation of the contractor to submit an RFI upon noticing a discrepancy in the bid documents such as that, so that the -- excuse me, an RFI is a request for Information in the bidders' question process. Um, additionally, um -- the argument that we're hearing today from Video Pipe Services is essentially an acknowledgment of submission of an unbalanced bid, which is unlawful. It's a very conscious decision to deceive the client by way of transferring cost to an item where there's no intent for that cost to remain, and so, um, by them acknowledging this, I don't, I'm not sure

## MINUTES

how the Board of Estimates could accept a bid from a contractor that acknowledges submission of an unbalanced bid."

Mr. Joe Kovars: "My name is Joe Kovars, I'm with the law firm of Ober|Kaler, uh -- we represent ProVen Management."

City Solicitor: "And just if I may procedurally, you need to follow Mr. Scaldara to the sixth floor, if you haven't already been there."

Mr. Kovars: "Yes, thank you."

City Solicitor: "Thank you."

Mr. Kovars: "Um -- to, to follow on the comments that uh -- Mr. Gilmartin made, um, the contract documents very clearly say in the Invitation to Bids that an unbalanced bid may be rejected by the agency, and they have the perfect power and right to do so, and I think in this case it makes a lot of sense fiscally for them to do so because when a bid is unbalanced so badly as this bid was, you don't really know who is the low bidder. It's not really, it's based on actual units spent, you won't know until the end of the job whether they were in fact a million dollars low, it could be a far, far difference. What they did here was they shifted the cost from the 801 unit price, where on the last job that they said was very similar, they did \$475.00 per ton, now they're bidding \$42.00 per ton."

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I mean they, they admitted that they've unbalanced their bid, they shifted that money. So, where did that money actually go? It wasn't like the City is getting the benefit of that money. The money got shifted into the other line item, 802, which is cleaning uh, these um, siphons, and that number is now \$1.9 million, when we believe the actual cost of that number is really only about \$300,000.00. And what we think is really the reason for them doing that shifting, is real -- this is kind of a smoke screen for what's happening --, it's not really because there's a problem with the quantities. But, because it's front-loading we believe that has gone on by that bid, because that siphon is an early work item, that can be done first and if you're only spending \$300,000.00 in costs to do that item, you've, now pulled out \$1.6 million dollars of the City's money upfront that you haven't actually spent in cost, and that money has to then, sit in their pockets and they're, uh -- and you'll, the City will hope at the end of the job that they will have the money, that they won't spend it other places. That they'll have the money to do the work that is really the heart of the job, which is the 801 item, which is cleaning the sewers, which is 80% of the job, so they've, they've shifted it off to a very early item, they've front-loaded their bid, and that's a very good reason why the City should reject the bid.



## MINUTES

It's not just your right to do so, but I think it's fiscally prudent also to do so."

City Solicitor: "Mr., Mr. Mullen, could you comment on the adequacy or inadequacy of a, of a spiked performance bond to protect the City against a situation like this? Is that as comforting as having a company with a balanced bid and on the line to do the work?"

Mr. Mullen: "I would say no it is not because we have no idea what the risk is in this circumstance. This is an unbalanced bid, it is very clearly an unbalanced bid. The \$42.00 per ton in line item 801 is so far off what anyone else, any of the other bidders submitted or our own estimate, that there's substantial risk here that's been pointed out by the engineering staff. So, the increased bond, which of course comes after the fact of the bid being submitted, and bids are irrevocable once they've been submitted, uh -- I don't even think that this Board can consider that frankly. Uh, the concern that the Law Department has is that there's a long history of what happens with unbalanced bids, and I went back into the Solicitor's opinions from a long time ago, and I found an opinion by former Solicitor Sobeloff, who later becomes chief judge of the 4<sup>th</sup> Circuit Court of

## MINUTES

Appeals, and he says "that every unbalanced bid should admonish us to give it careful scrutiny to guard against any concealed danger of loss to the City, and if there is doubt, it is best for the Board to reject the bid. This is Solicitor's opinion number 45 at 68, 1946, and so the Board clearly has the power to reject this bid and award -- the City. The engineering staff has demonstrated clearly to the Law Department's satisfaction that there is substantial risk here, and it is our recommendation, along with DPW's, that the Board reject this bid, as being unbalanced and creating too much of a risk for the City."

President: "I entertain a Motion."

City Solicitor: "I MOVE to deny uh -- the bid protest and approve the recommendation of the agency."

Director Public Works: "Second."

President: "All those in favor say "aye.""

"Aye".

President: "All opposed "nay." The Motion carries. Please note the Comptroller **ABSTAINS**. The Motion carries."

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

3. B50003342, Latex and Nitrile Gloves  
(Police Department)
- REJECTION:** Vendors were solicited by posting on CitiBuy and in local newspapers. In the process of evaluation, it was discovered that a significant element of the agency's detailed specifications was not included in the solicitation. Specifications will be reviewed and re-bid at a later date.

**MINUTES****TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Mayor's Office of Minority &amp; Women-Owned Business Development</u>			
1. Sharon R. Pinder	National Organization of Black County Officials 30 <sup>th</sup> Annual Economic Development Conference Tunica, MS April 23-26, 2014	General Funds	\$ 949.67

The airfare was purchased using a City issued credit card assigned to Ms. Sharon R. Pinder. Therefore, the disbursement amount to the representative will be \$468.17.

Office of the President

2. Sharon Middleton Helen Holton	2014 National Assn. of Counties Annual Conference & Expo. New Orleans, LA July 10 - 15, 2014 (Reg. Fee \$490.00 ea.)	General Funds	\$4,274.66
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The subsistence rate for this location is \$179.00 per night per person. The hotel cost is \$174.00 per night, not including hotel taxes of \$28.67 per night. The Office of the President is requesting additional subsistence of \$35.00 per day for food and incidentals. The registration fee was prepaid using a City issued credit card assigned to Mr. Hosea Chew. The disbursement amount to each attendee will be \$1,647.33.

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

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

**MINUTES****TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Department of Finance/Office of Risk Management</u>			
3. Charmaine T. McDaniel	Risk and Insurance Management Society 2014 Annual Conference & Exhibition Denver, CO April 27 - May 1, 2014 (Reg. Fee \$1,140.00)	Internal Service Fund	\$2,797.22

The subsistence rate for this location is \$222.00 per night. The hotel cost is \$192.00 per night, not including hotel taxes in the amount of \$114.04. The hotel is eight miles from the conference site. The cost of taxi service from the hotel to the conference site is \$35.00 one way, which would cost the attendee \$280.00 to travel to and return from the conference site. Therefore, the Department is requesting approval for a rental car in the amount of \$107.73, which has been included in the total cost of travel and additional subsistence of \$40.00 for food and incidentals. The registration was prepaid by City-issued card assigned to Mr. Meir Goldman. The amount to be disbursed to the attendee will be \$1,657.22.

The Board, UPON MOTION duly made and seconded, approved the Above-listed travel requests. The President **ABSTAINED** on Page 1523, item no. 2.

## Kim A. Trueheart

April 22, 2014

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of a lack of vision, poor fiscal oversight and a failure to capitalize on strategic investment opportunities in our youth by the Baltimore City Council.

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

1. Whom you represent: Self
2. What the issues are:
  - a. Page 66, item #2, Office of the President - "Travel Requests", if approved:
    - i. This request fails to identify the location of the planned travel;
    - ii. This request fails to identify an outcome budgeting goal this travel will support;
    - iii. This request fails to identify the taxpayer benefit as a result of this travel.
3. How the protestant will be harmed by the proposed Board of Estimates' action: This actions spends scarce municipal funds for an unspecified outcome by council members who have routinely voted to underfund, cut or eliminate critical programs and services for our children. The City Council has failed to demand greater transparency in municipal spending and this action is a clear example of their duplicitous leanings. The municipal budget is expected to have a \$20M deficit in FY2015 and funding this travel does not purport sound and prudent fiscal stewardship of taxpayer funds. This action appears to be frivolous and is a direct affront to hard working taxpayers like myself.
4. The remedy I seek: is that this action be disapproved.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on April 23, 2014.

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

Sincerely,  
Kim Trueheart, Citizen & Resident

Email: [ktrueheart@whatfits.net](mailto:ktrueheart@whatfits.net)  
5519 Belleville Ave  
Baltimore, MD 21207

**MINUTES**

Baltimore Office of Promotion & the Arts - Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an Agreement with the Baltimore Office of Promotion & The Arts (BOPA). The period of the Agreement is July 1, 2014 through June 30, 2019, with two additional 5-year renewal periods under the same terms.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

In 1977, the Baltimore Office of Promotion & Tourism was created as a program of Charles Center Inner Harbor Management, a non-profit predecessor to the Baltimore Development Corporation (BDC), to produce special events, festivals, and promotions to attract residents and tourists downtown. In 1989, the tourism responsibilities were transferred to the Baltimore Convention and Visitors Association and the Baltimore Office of Promotion (BOP) continued to serve as the City's "special events" agency.

In 2002, at the City's request, the BOP assumed responsibility for programs handled until that time by the Mayor's Advisory Committee on Art & Culture (including serving as the City's designated arts council) and became BOPA. Two years later, BOPA assumed responsibility for the Baltimore Film Commission, a task formerly assigned to the Department of Transportation.

By 2004, BOPA had assumed administrative and financial oversight for Artscape, the School 33 Art Center, The Cloisters, the Bromo Seltzer Arts Tower, public murals, public art, and a school/community-based arts education program and was newly serving as the City's "one stop shop" for film production, permits, and promotion. In addition, BOPA continued its longstanding management and operation of the Top of the World Observation Level, the Farmers' Market & Bazaar, and dozens of annual City events, festivals, fireworks, and parades.

**MINUTES**

BOPA - cont'd

BOPA's expanded mission and assumption of additional responsibilities required changes to its longstanding governance and management structure. A management contract was initiated with the City in 2006 when BOPA's classification as a BDC program was no longer in effect. That contract and its annual renewals expired in 2012.

This proposed agreement includes:

- the scope of services to be performed by BOPA, including responsibilities conveyed under both City Council Resolution and Public Ordinance,
- the scope of services and funding to be provided by the City in furtherance of BOPA's role, and
- the terms and conditions for contract renewal and/or termination.

The management terms include:

- the initial term to commence on July 1, 2014 and end on June 30, 2019, with up to two additional five-year renewal periods under the same terms.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of an agreement with the Baltimore Office of Promotion & the Arts.



## MINUTES

PROPOSALS AND SPECIFICATIONS

1. Department of Public Works/ - RP 14805, Howards Park  
Department of Recreation Dog Park Construction  
and Parks  
**BIDS TO BE RECV'D: 05/28/2014**  
**BIDS TO BE OPENED: 05/28/2014**
  
2. Department of Public Works/ - SC 924, Arc Flash Hazard  
Bureau of Water & Wastewater Improvements at the Patapsco  
Wastewater Treatment Plant  
**BIDS TO BE RECV'D: 05/28/2014**  
**BIDS TO BE OPENED: 05/28/2014**
  
3. Department of Public Works/ - SC 925, Arc Flash Hazard  
Bureau of Water & Wastewater Improvements at the Back  
River Wastewater Treatment  
Plant  
**BIDS TO BE RECV'D: 05/28/2014**  
**BIDS TO BE OPENED: 05/28/2014**

There being no objections, the Board, UPON MOTION duly made and seconded, approved the above-listed Proposals and Specifications to be advertised for receipt and opening of bids on the dates indicated.

President: "There being no more business before this Board, the Board will recess until bid openings at 12 Noon."

\* \* \* \* \*

**MINUTES**

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

**BIDS, PROPOSALS, AND CONTRACT AWARDS**

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

Department of Recreation  
and Parks

- RP 12813, CC Jackson Recreation Center  
**BIDS TO BE RECV'D: 04/30/2014**  
**BIDS TO BE OPENED: 04/30/2014**

Bureau of Purchases

- B50003458, T-Shirts, Caps & Other Active Wear  
**BIDS TO BE RECV'D: 04/30/2014**  
**BIDS TO BE OPENED: 04/30/2014**

**MINUTES**

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

Bureau of Water & Wastewater      -    SC 882, Enhanced Nutrient  
Removal at the Back River  
Wastewater Treatment Plant  
Project 2, Activated Sludge  
Plant No. 4  
**BIDS TO BE RECV'D: 04/23/2014**  
**BIDS TO BE OPENED: 04/23/2014**

Archer Western Contractors, LLC  
American Infrastructure/Cianbro,  
A Joint Venture

**MINUTES**

There being no objections, the Board, UPON MOTION duly made and seconded, adjourned until its next regularly scheduled meeting on Wednesday, April 30, 2014.

JOAN M. PRATT  
Secretary