

MINUTES**REGULAR MEETING**

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

President: "Good Morning. The No-- November 4, 2000 meeting--
2015 meeting of the Board of Estimates is now called to order.
Madam -- um-- first of all -- In the interest of promoting the
order and efficiencies of these hearings, persons who are
disruptive to the hearing will be asked to leave the hearing
room. Meetings of the Board of Estimates are open to the public
for the duration of the meeting. The hearing room must be
vacated at the conclusion of the meeting. Failure to comply may
result in a charge of trespassing. I will direct the Board
members attention to the memorandum from my office dated
November 2, 2015, identifying matters to be considered as
routine agenda items together with any corrections and additions
that have been noted by the Deputy Comptroller. I will entertain
a Motion to approve all of the items contained on the routine
agenda."

MINUTES

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

Comptroller: "Second."

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

The Motion carried. The routine agenda has been adopted."

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

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

Autumn Contracting Inc.	\$ 8,000,000.00
Brasfield & Gorrie, LLC	\$2,013,903,000.00
Conewago Enterprises, Inc.	\$ 176,472,000.00
Covington Machine & Welding, Inc.	\$ 1,500,000.00
Gaines & Company, Inc.	\$ 101,628,000.00
Humanim, Inc.	\$ 101,736,000.00
Lynchburg Steel & Specialty Company	\$ 6,759,000.00
Miller, Long & Arnold Co., Inc.	\$ 200,097,000.00
Northeast Remsco Construction, Inc.	\$ 75,006,000.00
Partition Plus, Inc.	\$ 1,500,000.00
Piping & Corrosion Specialties, Inc.	\$ 8,000,000.00
Power Component Systems, Inc.	\$ 8,000,000.00
Reviera Enterprises, Inc. T/A REI/Drayco	\$ 8,000,000.00
Site Work	\$ 225,000.00
T.E. Jeff, Inc.	\$ 1,500,000.00
William T. King, Inc.	\$ 1,287,000.00

There being no objection, the Board, UPON MOTION duly made and seconded, approved the Prequalification of Contractors.

MINUTES

EXTRA WORK ORDERS

* * * * *

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders

listed on the following pages:

4017 - 4018

All of the EWOs had been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

MINUTES

EXTRA WORK ORDERS

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

Department of Transportation

1. EWO #003, \$834,599.10 - TR 12314, Roland Avenue and Northern Parkway Improvements and Traffic Calming

\$3,899,000.00	\$1,305,659.51	M. Luis Construction Co., Inc.	-	-
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This authorization is to provide additional curb and gutter work on Roland Avenue. This work will correct the drainage and safety issues preventing ponding at the intersections.

2. EWO #005, \$0.00 - TR 05308, Dundalk Avenue Streetscape

\$14,163,131.25	\$7,747,783.63	Civil Construction LLC	90	-
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This authorization is for a ninety (90) day time extension needed for administrative purposes only. The additional time will not be utilized by the contractor but for the purpose of conducting the closeout process. The contract expires on October 13, 2015 with a new completion date of January 11, 2016.

Department of Public Works/Office of Engineering & Construction

3. EWO #002, \$12,924.00 - SC 886R, Improvements to Sludge Blending Tanks at Patapsco Wastewater Treatment Plant

\$5,435,000.00	\$26,850.00	Ulliman Schutte Construction LLC	-	-
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4. EWO #003, \$0.00 - SC 886R, Improvements to Sludge Blending Tanks at Patapsco Wastewater Treatment Plant

\$5,435,000.00	\$39,774.00	Ulliman Schutte Constr. LLC	24	-
			CCD	

The current end date of this project is May 21, 2015. The new completion date is June 4, 2015.

MINUTES

EXTRA WORK ORDERS

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

Department of Public Works/Office of Engineering & Construction

5.	EWO #004, \$240,103.95 - S.C. 886R, Improvements to Sludge Blending Tanks at Patapsco Wastewater Treatment Plant				
	\$5,435,000.00	\$39,774.00	Ulliman Schutte	72	-
			Constr. LLC	CCD	

The current completion date is June 4, 2015. The new completion date is August 15, 2015.

6.	EWO #038, \$191,222.99 - W.C. 1160R, Montebello Plant 2 Finished Water Reservoir Cover				
	\$36,922,950.00	\$6,671,087.48	Alan A. Myers,	-	-
			LP		

MINUTES

Employees' Retirement System - Subscription Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Subscription Agreement with Warburg Pincus Private Equity XII, L.P. managed by Warburg Pincus LLC.

AMOUNT OF MONEY AND SOURCE:

\$5,000,000.00 - approximately of ERS funds

Management Fees - an average of 1.2% plus an additional 20% profits share

No General Fund monies are involved in this transaction.

BACKGROUND/EXPLANATION:

Warburg Pincus Private Equity XII, L.P. is a limited partnership that makes globally-diversified private equity investments.

The ERS investment consultant, Marquette Associates, has recommended that the ERS increase its interest in private equity investments to meet its target percentage. Upon Marquette's recommendation, the Board of Trustees voted unanimously to invest in Warburg Pincus Private Equity XII, L.P.

MWBOO GRANTED A WAIVER.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Subscription Agreement with Warburg Pincus Private Equity XII, L.P. managed by Warburg Pincus LLC.

The Comptroller **ABSTAINED**.

MINUTES

Department of Real Estate - Assignment of Lease

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Assignment of Lease between C & F Development LLC, Assignor and Peterbilt of Baltimore LLC, Assignee, for the rental of a part of the unimproved property being the southernmost portion of 1701-1715 Poncabird Pass.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On July 29, 2015, the Board approved a lease agreement with C & F Development LLC, Tenant, for the rental of a part of the unimproved property being the southernmost portion of 1701-1715 Poncabird Pass. The leased premises were used by patrons of the adjoining Ponca Bird Pub and the Snack Shack owned by C & F Development LLC. C & F Development LLC is selling its property at 1715-1719 Poncabird Pass to Peterbilt of Baltimore, LLC.

A condition of this sale is that C & F Development LLC can obtain permission from the City to assign the Lease Agreement to Peterbilt of Baltimore LLC. Peterbilt of Baltimore LLC has reviewed the Lease Agreement approved by the Board on July 29, 2015, and is familiar with and accepts the rental terms and conditions of the Agreement.

MINUTES

Department of Real Estate - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Assignment of Lease between C & F Development LLC, Assignor and Peterbilt of Baltimore LLC, Assignee, for the rental of a part of the unimproved property being the southernmost portion of 1701-1715 Poncabird Pass.

MINUTES

TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

4023 - 4025

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

MINUTES**TRANSFERS OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Baltimore Development Corporation</u>		
1. \$ 175,000.00	9910-907062-9600	9910-908102-9601
24 th Econ.	Constr. Reserve	S. Baltimore
Dev. Fund	Carroll Camden	Industrial and
	Industrial Park	Commercial
	Façade	

This transfer will provide funds for the Carroll Camden Façade Improvement Grants Program to assist businesses located in the Carroll Camden Industrial Area. This program is an effort to revitalize the business district and to enhance the visibility and exterior aesthetics of individual businesses in the area.

Department of Housing and Community Development

2. \$2,800,000.00	9910-903963-9587	9910-903183-9588
Pimlico Local	Park Heights	Park Heights - Major
Impact Aid -	Redevelopment -	Redevelopment
Video Lottery	Reserve	
Terminal		

The purpose of this transfer is to move appropriations that will be used to continue acquisition, relocation, and demolition within the 62 acre major redevelopment area in accordance with the Park Heights master plan. To date, over 80% of the site has been acquired. The majority of the funds will be used to support the remaining relocation and demolition efforts.

MINUTES

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Mayorality-Related/Department of Planning</u>		
3. \$ 20,000.00	9904-906788-9129	
4 th Walters	Walters Art Gallery	
Art Museum		
Loan		
300,000.00	" "	
5 th Walters		
Art Museum		
Loan		
470,000.00	" "	
6 th Walters		
Art Museum		
Loan		
<u>\$ 790,000.00</u>	-----	9904-909788-9127
		Walters Art
		Gallery-
		Active

This transfer will provide funds to the Walters Art Museum located at 600 N. Charles Street for a wide range of capital improvements to the five buildings on its campus. The replacement and renovation work will include a new fire detection system and fire suppression system campus wide; electrical and mechanical upgrade work on Hackermam House; mechanical and system upgrades to the Centre Street building; and build out and safety for 100 W. Centre Street for office swing space.

MINUTES

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Mayorality-Related/Department of Planning - cont'd</u>		
4. \$2,000,000.00	9904-920027-9129	9904-923027-9127
Mayor and City Council Revenue	Property Acqui- sition - Reserve	Eaton Street Connection - Active

This transfer will fund costs associated with the award of Project TR 16006, Eaton Street Connection. The project will increase roadway capacity, provide vehicle access from Boston Street to O'Donnell Street, and improve vehicle operation issues associated with Canton Crossing retail stores. The extension will include three lane roadway, access to Toone Street, turnouts for future parking lots, and storm drain inlets.

MINUTES

Office of the State's Attorney for Baltimore City - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Agreement with the Baltimore Child Abuse Center, Inc. The period of the agreement is July 1, 2015 through June 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$50,000.00 - 1001-000000-1151-117900-603026

BACKGROUND/EXPLANATION:

The mission of the Baltimore Child Abuse Center, Inc. is to provide all reported victims of child sexual abuse in Baltimore City and their non-offending caretakers with comprehensive interviews, medical treatment, referrals, and crisis counseling services. The goal is to prevent future sexual child abuse. The funds will support the salary of one forensic interviewer.

The Agreement is late because it was recently received.

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 Agreement with the Baltimore Child Abuse Center, Inc.

MINUTES

Office of the State's Attorney for Baltimore City - Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of a Grant Award from the Department of Justice entitled, "Smart Prosecution Initiative." The period of the grant award is October 1, 2015 through September 30, 2017.

AMOUNT OF MONEY AND SOURCE:

\$425,000.00 - 4000-400016-1150-122700-607004

BACKGROUND/EXPLANATION:

The Office of the State's Attorney for Baltimore City will use the grant funds to develop an automated evidence-based assessment tool to evaluate pre-trial offenders. This tool will allow the Office of the State's Attorney for Baltimore City to make evidence-based release recommendations to reduce unnecessary incarceration and related costs, identify offenders eligible for diversion and alternatives to incarceration programs, and to identify and resolve inefficiencies in current internal Office of the State's Attorney for Baltimore City processes.

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 Grant Award from the Department of Justice entitled, "Smart Prosecution Initiative."

MINUTES

Mayor's Office of Employment - Memorandum of Understanding
Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Memorandum of Understanding (MOU) with Jane Addams Resource Corporation-Baltimore. The period of the Memorandum of Understanding is July 1, 2015 through June 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$50,000.00 - 2025-000000-6301-735400-603050

BACKGROUND/EXPLANATION:

The MOU will secure the services of a service provider who will provide welding and Computer Numerical Control machinist related training with a defined manufacturing-based curriculum, as well as a bridge program to enhance math and reading skills designed for seven residents from the Park Heights neighborhood.

The funds for this MOU will not exceed \$50,000.00 of Pimlico Impact funds.

The MOU is late because of the additional time necessary to reach a comprehensive understanding that was agreeable to both parties.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION

MINUTES

Mayor's Office of Employment - cont'd
Development

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Memorandum of Understanding with Jane Addams Resource Corporation-Baltimore.

MINUTES

Department of Communication Services - Amendment #2 to MICTA
Participation Contract

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Amendment #2 to the MICTA Participation Contract with MCI Communications Services, Inc. d/b/a Verizon Business Network Services, Inc. (Verizon). The Amendment #2 to MICTA Participation Contract makes the period of the agreement thirty-six months effective upon Board approval.

AMOUNT OF MONEY AND SOURCE:

\$12,000.00 - 1001-000000-2043-219800-603005
(Monthly Recurring Charge)

BACKGROUND/EXPLANATION:

The costs for services were projected in the Centrex contract with Verizon. The costs will be charged to the agency account, subject to budget approval.

As a result of the merger between MCI Communications Services, Inc. (MCI) and Verizon, some services and/or upgrades to services which were in the past provided under the City's contract with Verizon for Centrex, now must be procured through Verizon on behalf of MCI. On April 1, 2009, the Board approved the MICTA Participation Contract. This amendment will allow the City to add services provided through the MCI division of Verizon for the Police Department. This amendment provides for the upgrade of dedicated Internet IDE port services and Ethernet access at speeds of 1000 MB, for service at 601 E. Fayette Street, Baltimore MD 21202. Customers will receive a discount of 85% off the standard VBS III, monthly rates in effect during the term of the contract for Internet IDE port services.

APPROVED FOR FUNDS BY FINANCE

MINUTES

Department of Communication Services - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Amendment #2 to the MICTA Participation Contract with MCI Communications Services, Inc. d/b/a Verizon Business Network Services, Inc.

MINUTES

Health Department - Agreements

The Board is requested to approve and authorize execution of the various Agreements. The period of the Agreement is July 1, 2015 through June 30, 2016, unless otherwise indicated:

1. **FAMILY HEALTH CENTERS OF BALTIMORE, INC.** **\$260,047.00**

Account: 4000-430512-3160-308600-603051

The organization will continue to implement the Safe Streets Program Maintenance model, using the Cure Violence (formerly CeaseFire) techniques with fidelity. The Cure Violence/Safe Streets model is a public derived strategy aimed at reducing gun violence. The target populations are individuals at high-risk of involvement in shootings and killings in and around Baltimore City Police Post 924.

The agreement is late because budget review and revisions delayed processing.

MWBOO GRANTED A WAIVER.

2. **VICTOR A. FERRANS, M.D.** **\$ 20,000.00**

Account: 4000-425516-3110-306700-603018

Mr. Ferrans will provide comprehensive reviews and complete the Pre-Admission Screening and Resident Review (PASRR) certification on each evaluation conducted by the Adult Evaluation and Review Services (AERS) multi-disciplinary team. He will also consult with the AERS multi-disciplinary team and the client's private physicians and/or nursing home professional staff for clarification of mental health treatment plan/needs. At the request of the AERS team, he will provide an on-site psychiatric evaluation of nursing home residents.

The agreement is late because the Department was waiting for signatures.

MINUTES

Health Department - cont'd

3. **LIVING CLASSROOMS FOUNDATION, INC.** **\$236,026.00**

Account: 4000-430512-3160-308600-603051

The organization will provide the Safe Streets Program. The services will stop or, if that is not possible, reduce the shootings and killings occurring in Baltimore City. The five components of the model are as follows: Community Mobilization, Public Education, Cooperation with Law Enforcement, Outreach, and Faith-based involvement. The services will focus on what has been shown as most effective in reducing shootings and homicides in Baltimore, mediations.

The agreement is late because budget review and revisions delayed processing.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing agreements. The Mayor **ABSTAINED** on item no. 3. The President **ABSTAINED** on item no. 3.

MINUTES

Health Department - Notice of Grant Awards and Cooperative
Agreements

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of the initial Notice of Award (NoA) and Cooperative Agreements and the Revised NoA for the Project: "Baltimore Projects to Reduce HIV Infections and Improve Engagement in HIV Medical Care Among Men Who Have Sex with Men and Transgender Persons (Project)." The Grant Award is for the period September 30, 2015 through September 29, 2016.

AMOUNT OF MONEY AND SOURCE:

\$3,711,455.00 - Initial award
788,545.00 - Revised Award
\$4,500,000.00 - 4000-484716-3023-513200-404001

BACKGROUND/EXPLANATION:

On September 2, 2015, the Department received the initial NoA for the Project in the amount of \$3,711,455.00. On September 18, 2015, the Department received the revised NoA for additional funding in the amount of \$788,545.00, making the total award amount \$4,500,000.00.

The NoA are late because a budget account number needed to be established for the grants.

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

Health Department - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the initial Notice of Award (NoA) and Cooperative Agreements and the Revised NoA for the Project: "Baltimore Projects to Reduce HIV Infections and Improve Engagement in HIV Medical Care Among Men Who Have Sex with Men and Transgender Persons)."

MINUTES

Health Department - Amendment to Grant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Amendment to Grant Agreement with the Baltimore City Board of School Commissioners, Baltimore City Public School System (BCPSS).

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On February 25, 2015, the Board approved the original Grant Agreement for the School Health Electronic Record System in the amount of \$258,080.00 for the period of September 1, 2014 through August 31, 2015.

The Department is extending the period of the Grant Agreement to September 1, 2015 through January 31, 2016. The extension will allow the BCPSS to complete its conversion of the school health electronic health record system at the school health suites.

APPROVED FOR FUNDS BY FINANCE**AUDITS NOTED THIS NO-COST TIME EXTENSION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Amendment to Grant Agreement with the Baltimore City Board of School Commissioners, Baltimore City Public School System (BCPSS).

MINUTES

Health Department - Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of the Grant Award from the Abell Foundation. The period of the Grant Award is July 1, 2015 through November 1, 2015.

AMOUNT OF MONEY AND SOURCE:

\$3,200.00 - 6000-626616-3080-292300-406001

BACKGROUND/EXPLANATION:

The Department will use the grant funds to conduct activities to reduce teen births. The activities will make age appropriate and evidenced-based health education accessible to young people. Other services will include purposeful community engagement to help them grow as civic leaders.

This grant award is being presented at this time because it was received June 18, 2015, and delayed during the administrative review process.

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 acceptance of the Grant Award from the Abell Foundation.

MINUTES

Health Department - Correction to Grant Period

ACTION REQUESTED OF B/E:

The Board is requested to approve a correction to the period of the Grant with the Leonard and Helen R. Stulman Charitable Foundation.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On October 7, 2015, the Board approved the Grant Agreement in the amount of \$80,000.00 for a two-year period (\$40,000.00 for the FY'15 and \$40,000.00 for FY'16).

Due to a typographical error, the grant award period August 1, 2015 through June 30, 2017 was incorrect on the Department's memorandum. The correct grant period is August 1, 2015 through July 31, 2017. All other terms and conditions of the Grant Agreement will remain unchanged.

APPROVED FOR FUNDS BY FINANCE

AUDITS NOTED THE CORRECTION.

UPON MOTION duly made and seconded, the Board approved the correction to the period of the Grant with the Leonard and Helen R. Stulman Charitable Foundation.

MINUTES

Health Department - Reimbursement

ACTION REQUESTED OF B/E:

The Board is requested to approve reimbursement to the Senior Care Services Program. The period of the reimbursement is July 1, 2015 through June 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$294,499.00 - 5000-535416-3044-273300-607001

Upon receipt of monthly invoices, reimbursement payments will be made on an ongoing basis, provided funds are available.

BACKGROUND/EXPLANATION:

The Adult Day Care providers provide medical day care services to ill, frail or disabled elderly persons age 65 and older. The City will pay the provider the set rate of \$74.50 per day for approved recipients based on the number of days of service.

The Board is requested to authorize payment to providers by Expenditure Authorization to the below listed medical adult day care centers:

A. Providence Adult Day Care, Inc.
AAA Management, LLC/Raven's Medical Adult Day Care Center
Active Day, Inc.
Adult Medical Day Care of Overlea, Inc.
Associated Catholic Charities, Inc./St. Ann's Adult Day Care
Easter Seal Society for Disabled Children & Adults, Inc.
Extended Family Adult Day Care, Inc.
Payne Memorial Outreach, Inc./Golden Pond Adult Day Program
Happy Days of Maryland, LLC/Happy Days Adult Day Care
Heritage Adult Day Care, Inc.

MINUTES

Health Department - cont'd

Keswick Multi-Care Center, Inc.
Levels Medical Adult Day Care, Inc.
Levindale Hebrew Geriatric Center and Hospital, Inc./Levindale
Adult Day Care (Belvedere)
Levindale Hebrew Geriatric Center and Hospital, Inc./Levindale
Adult Day Care (Pikesville)
LIFE, Inc. Adult Medical Day Care
Maryland Avenue Adult Daycare Center, Inc.
Paradise Adult Medical Day Care, Inc.
Sunrise Adult Medical Day Care Inc.
Team 2 Inc. d/b/a Phoenix Adult Medical Center
The League for People with Disabilities, Inc.
Today's Care & Family, Inc.

The City will pay all the providers under the Adult Medical Day Care Program a collective amount not-to-exceed \$294,499.00 based upon the set rate and the approved number of days. The approved number of recipients and days may fluctuate based upon recipient preference and City approval, and payments will only be made upon approved invoices for approved recipients. Regardless of the amount of funding available for the program, the provider will not receive payment in excess of the number of participants allowed by provider's license, and days approved by the City.

Each Adult Day Care provider will develop an appropriate care plan for each recipient in accordance with policies as specified in COMAR 10.12.04, Day Care for the Elderly and Medically Handicapped Adults, and COMAR 10.09.07, Medical Care Program.

This item is late because the Department was waiting on final total amount of funding.

MWBOO GRANTED A WAIVER.

MINUTES

Health Department - cont'd

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved the reimbursement to the Senior Care Services Program.

MINUTES

Mayor's Office of Human Services/ - Agreements
Office of Human Services (MOHS)

The Board is requested to approve and authorize execution of the Agreements. The period of the Agreement is July 1, 2015 through June 30, 2016, unless otherwise indicated.

1. **FUSION PARTNERSHIPS, INC.** **\$198,567.56**

Account: 1001-000000-3571-780400-401002

The organization will act as the Fiscal Agent for the Ingoma Foundation, who will operate the Mayoral Youth Fellows (MYF) Program. The MYF Program will provide workplace experience and mentoring to youth with limited employment opportunities, with a focus on those involved in child welfare and/or juvenile justice systems. The funding will support 17 youth interns for 36 weeks, as well as staff and administrative costs.

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

2. **STRONG CITY BALTIMORE, INC.** **\$154,279.00**

Account: 4000-407116-3571-760000-603051

The organization will use funds to operate their youth emergency shelter. The organization will serve 25 to 35 homeless youth per day. The organization will provide clients with intensive support four days a week at the comprehensive resource center and day shelter.

The agreement is late because of the delays in obtaining all required documents from the organization.

MINUTES

MOHS - cont'd

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 above Agreements. The City Solicitor **ABSTAINED** on item no. 2.

MINUTES

DHCD - cont'd

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Agreements. The City Solicitor **ABSTAINED** on item no. 1.

MINUTES

Department of Housing and - Local Government Resolution
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Local Government Resolution in support of the City's Fourth Modification Request to the State's Sustainable Communities Program. A Local Resolution of Support is required for organizations or jurisdictions to participate in any State-funded programs.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

In 2010, the Maryland General Assembly approved the Sustainable Communities Act, which requires that jurisdictions be approved as a Sustainable Community in order to qualify for State Housing Grant Programs. The City's Sustainable Communities Plan was approved by the State in 2012 and is based on six strategies:

1. Support Main Streets and Commercial Areas by Targeting Investments in Middle Market Neighborhoods,
2. Support Healthy Neighborhoods,
3. Target Investment Along Major Transit Routes,
4. Target Investment in Arts and Entertainment Districts,
5. Invest in Anchor Institutions and Major Redevelopment Areas, and
6. Target Greening Strategies in Distressed Areas.

Under State law, the City can request a modification to its Sustainable Community Area twice within a 12-month period. In 2013, the Board approved Modifications 1 and 2 which added 13 areas and Strategy No. 7: Support the City's Health Enterprise Zone. In 2014, the Board approved Modification 3 which added 9 areas to the City's Sustainable Community Area.

MINUTES

DHCD - cont'd

This Fourth Modification Request will add the following locations to the Sustainable Community Area.

1. Abell, Okenshawe, Wyman Park. (Homewood Community Partnership Initiative). Supports Strategy No. 2: Support Healthy Neighborhoods and Strategy No. 5: Invest in Anchor Institutions and Major Redevelopment Areas.
2. Bayview. Supports Strategy No. 2: Support Healthy Neighborhoods.
3. Brooklyn/Curtis Bay. Supports proposed Strategy No. 10: Create Regional Connections and proposed Strategy No. 11: Support Diverse Housing Opportunities.
4. Greater O'Donnell Heights. Supports proposed Strategy No. 10: Create Regional Connections.
5. Greater Rosemont and Mondawmin Area Master Plan. Supports Strategy No. 3: Target Investment Along Major Transit Routes, Strategy No. 6: Target Greening Strategies in Distressed Areas, proposed Strategy No. 8: Reduce Food Deserts and proposed Strategy No. 11: Support Diverse Housing Opportunities.
6. Irvington. Supports Strategy No. 1: Support Main Streets and Commercial Areas and proposed Strategy No. 11: Support Diverse Housing Opportunities.
7. Little Italy/Jonestown. Supports Strategy No. 1: Support Main Streets and Commercial Areas and proposed Strategy No. 11: Support Diverse Housing Opportunities.
8. Medfield/Hoes Heights/Woodberry/36th Street Commercial District/Falls Road Corridor. Supports Strategy No. 1: Supports Main Streets and Commercial Areas and proposed Strategy No. 9: Leverage City-Owned Assets to Promote Revitalization and Economic Competiveness.

MINUTES

DHCD - cont'd

9. Morgan Mile. Supports Strategy No. 5: Invest in Anchor Institutions and Major Redevelopment Areas, proposed Strategy No. 8: Reduce Food Deserts, proposed Strategy No. 9: Leverage City-Owned Assets to Promote Revitalization and Economic Competiveness, and proposed Strategy No. 11: Support Diverse Housing Opportunities.
10. Penn North: North Fulton Avenue, Clifton Avenue, Retreat Street, Old Lane, Bruce Street. Supports Strategy No. 5: Invest in Anchor Institutions and Major Redevelopment Activities, Strategy No. 6: Target Greening Strategies in Distressed Areas, proposed Strategy No. 8: Reduce Food Deserts, and proposed Strategy No. 9: Leverage City-Owned Assets to Promote Revitalization and Economic Competiveness.
11. Perkins Choice Neighborhoods Planning Area. Supports Strategy No. 5: Invest in Anchor Institutions and Major Redevelopment Areas and proposed Strategy No. 11: Support Diverse Housing Opportunities.
12. Pimlico-One-Mile Radius Area. Supports Strategy No. 1: Support Main Streets and Commercial Areas, Strategy No. 6: Target Greening Strategies in Distressed Areas, proposed Strategy No. 9: Leverage City-Owned Assets to Promote Revitalization and Economic Competiveness, and proposed Strategy No. 11: Support Diverse Housing Opportunities.
13. Promise Zone Initiative. Supports Strategy No. 1: Support Main Streets and Commercial Corridors, Strategy No. 4: Target Investment in Arts & Entertainment Districts, Strategy No. 5: Invest in Anchor Institutions and Major Redevelopment Areas, Strategy No. 6: Target Greening Strategies in Distressed Areas, proposed Strategy No. 8: Reduce Food Deserts, proposed Strategy No. 9: Leverage City-Owned Assets to Promote Revitalization and Economic Competiveness, and proposed Strategy No. 11: Support Diverse Housing Opportunities.

MINUTES

DHCD - cont'd

14. Proposed Ferry Stops. Supports Strategy No. 3: Target Investment Along Major Transit Routes.
15. Rental Assistance Demonstration Program Sites. Supports Strategy No. 5: Invest in Anchor Institutions and Major Redevelopment Areas and proposed Strategy No. 11: Support Diverse Housing Opportunities.
16. Saint Helena. Supports Strategy No. 1: Support Main Streets and Commercial Areas and proposed Strategy No. 10: Create Regional Connections.
17. South Baltimore Gateway Master Plan Area. Supports Strategy No. 1: Support Main Streets and Commercial Areas, Strategy No. 3: Target Investment Along Transit Routes, Strategy No. 6: Target Greening Strategies in Distressed Areas, proposed Strategy No. 9: Leverage City-Owned Assets to Promote Revitalization and Economic Competiveness, and proposed Strategy No. 11: Support Diverse Housing.
18. Southwest Partnership Planning Area. Supports Strategy No. 6: Target Greening Strategies in Distressed Neighborhoods, proposed Strategy No. 8: Reduce Food Deserts, proposed Strategy 9: Leverage City-Owned Assets to Promote Revitalization and Economic Competiveness, and proposed Strategy No. 11: Support Diverse Housing Opportunities.
19. Transit Oriented Development (Subway/light rail). Supports Strategy No. 3: Target Investment Along Major Transit Routes.

MINUTES

DHCD - cont'd

The Modification also proposes to add four new strategies:

Strategy No. 8: Reduce Food Deserts. Revitalization Goals: Promote community health and economic opportunities by reducing food deserts.

Strategy No. 9: Leverage City-Owned Assets to Promote Revitalization and Economic Competiveness. Revitalization Goals: Use the City's 21st Century School initiative to support neighborhood revitalization efforts.

Strategy No. 10: Create Regional Connections. Revitalization Goals: Create or build on existing planning and revitalization efforts in city neighborhoods with adjacent communities in surrounding counties.

Strategy No. 11: Support Diverse Housing Choices. Revitalization Goals: Support efforts underway that help residents maintain their homes, increase housing values, leverage other resources and address vacant properties to create sustainable communities in neighborhoods classified as Middle Market and Middle Market Stressed by the 2014 Housing Market Typology and properties selected for participation in the Department of Housing and Urban Development (HUD) Rental Assistance Demonstration (RAD) Program.

UPON MOTION duly made and seconded, the Board approved and adopted the foregoing Local Government Resolution in support of the City's Fourth Modification Request to the State's Sustainable Communities Program.

MINUTES

Department of General Services - Right-of-Entry Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Right-of-Entry Agreement with 1840's Corporation, Grantor.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The Department of General Services, Grantee, wishes to enter onto the property known as 50 Albemarle Street for the purpose of installing 4 air handler units and piping as part of the City Contract No. GS-14813, Carroll Mansion HVAC Upgrade. This right-of-entry is being granted at no cost to the City.

The City needs access and permission to enter onto private property to make the repairs and complete the work.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Right-of-Entry Agreement with 1840's Corporation, Grantor.

MINUTESDepartment of Transportation - Developers' Agreements

The Board is requested to approve and authorize execution of the various Developers' Agreements.

	<u>DEVELOPER</u>	<u>NO.</u>	<u>AMOUNT</u>
1.	1209 ROSE LLC	1356	\$29,000.00

1209 Rose LLC would like to install new water service to their proposed new building located in the vicinity of 1209 North Rose Street. This agreement will allow the organization to perform its own installation in accordance with Baltimore City Standards.

A Performance Bond in the amount of \$29,000.00 has been issued to 1209 Rose LLC, which assumes 100% of the financial responsibility.

2.	HARBOR QUAY, LLC	1396	\$15,095.00
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Harbor Quay, LLC would like to install new water service to their proposed new building located in the vicinity of 707-709 William Street. This agreement will allow the organization to perform its own installation in accordance with Baltimore City Standards.

A Letter of Credit in the amount of \$15,095.00 has been issued to Harbor Quay, LLC, which assumes 100% of the financial responsibility.

MBE/WBE PARTICIPATION:

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the above listed Developers' Agreements.

MINUTES

Department of Transportation (DOT) - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 4 to KCI/STV Joint Venture under Project No. 1190, On-Call Consultant Engineering Design, Review and Evaluation Services - Conduit.

AMOUNT OF MONEY AND SOURCE:

\$241,601.99 - 9950-905876-9508-900020-705032
241,601.98 - 9950-947010-9514-900020-705032
\$483,203.97

BACKGROUND/EXPLANATION:

This authorization provides for engineering design services which includes the development of concept plans for a salt barn and a salt brine facility along with related site improvements at a closed maintenance yard located at 560 W. North Avenue.

MBE/WBE PARTICIPATION:

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

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

MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

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

MINUTESDOT - cont'd**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$266,215.88	9950-923013-9509	9950-905876-9508-5
GF (HUR)	Constr. Reserve - Facilities Master Plan (Falls)	Inspection Brine Facility & Building Improvement

This transfer will partially fund the costs associated with Task No. 4 on Project 1190, On-Call Consultant Engineering Design, Review and Evaluation Services with KCI/STV Joint Venture.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 4 to KCI/STV Joint Venture under Project No. 1190, On-Call Consultant Engineering Design, Review and Evaluation Services - Conduit. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter.

MINUTES

Department of Transportation (DOT) - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 6 to Whitman, Requardt & Associates, under Project No. 1113, On-Call Consultant Services for Federal Aid Resurfacing and Reconstruction Projects.

AMOUNT OF MONEY AND SOURCE:

\$286,744.72 - 9950-905627-9527-900010-703032

BACKGROUND/EXPLANATION:

The Consultant will provide additional engineering services for the Park Circle Intersection Improvement Project. The scope of service includes landscape architectural design services.

DBE PARTICIPATION:

The Consultant will comply with Title 49 of the Federal Regulations parts 26 and the goal established in the original agreement.

DBE: 25%

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

DOT - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$357,095.87 FED	9950-902627-9528 Constr. Reserve - Park Circle Inter- section Improvements	
89,273.97 <u>MVR</u>	9950-902627-9528 Constr. Reserve - Park Circle Inter- section Improvements	
\$446,369.84	-----	9950-905627-9527-3 Design DOT Park Circle Intersection

This transfer will cover the deficit and fund the costs associated with Task No. 6 on Project 1113, On-Call Consultant Services for Federal Aid Resurfacing and Reconstruction Projects with Whitman, Requardt & Associates.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 6 to Whitman, Requardt & Associates, under Project No. 1113, On-Call Consultant Services for Federal Aid Resurfacing and Reconstruction Projects. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter.

MINUTES

Department of Transportation - FY 2016 Capital Grant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a FY 2016 Capital Grant Agreement with the Maryland Department of Transportation and the Maryland Transit Administration. The period of the Agreement is September 21, 2015 through October 31, 2019.

AMOUNT OF MONEY AND SOURCE:

\$1,015,497.00 - 9950-908109-9527-000000-490360 - Revenue

BACKGROUND/EXPLANATION:

The Department is a recipient of the Federal Transit Act Grant to fund capital expenses associated with the provisions of transportation services for the Baltimore City Harbor Connector. The purpose of this grant is for the undertaking of capital purchase(s), and/or public transportation capital improvement/acquisition projects with financial assistance. The assistance provided by this grant consists of a combination of federal, state, and local funds.

The Capital Grant Agreement is late because of a delay in the administrative review process.

MBE/WBE PARTICIPATION:

N/A

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

MINUTES

Department of Transportation - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the FY 2016 Capital Grant Agreement with the Maryland Department of Transportation and the Maryland Transit Administration.

MINUTES

Department of Transportation - LED Luminaire Conversion
Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Baltimore City LED Luminaire Conversion Agreement with Baltimore Gas and Electric Company (BGE). The period of the agreement is effective upon Board approval for six months.

AMOUNT OF MONEY AND SOURCE:

\$465,500.00 - 1001-000000-5000-381800-603016

BACKGROUND/EXPLANATION:

The City will convert approximately 3,500 high intensity discharge luminaires within the boundaries of the City and BGE will provide the services to complete the conversion of the high intensity discharge luminaires to Light Emitting Diode luminaires. The City will procure, pay for, and supply to BGE, LED luminaires as approved and evaluated by BGE prior to installation. The City will also supply the hardware and materials required for the permanent installation of the LED luminaires as specified and approved by BGE.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Baltimore City LED Luminaire Conversion Agreement with Baltimore Gas and Electric Company.

MINUTES

Department of Transportation - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an agreement with Norfolk Southern Railway Company (Railway). The period of the agreement is effective upon Board approval for one year.

AMOUNT OF MONEY AND SOURCE:

\$9,709.00 - 9950-904078-9512-900020-706099

BACKGROUND/EXPLANATION:

The Department will install and maintain an advance warning sign with flashing lights at the intersection of Macon St. and O'Donnell Street located adjacent to the intersection of Railway's track and O'Donnell St.

In the interest of public convenience, Railway will install, maintain, operate, and remove a base mounted control box to be located near Railway's right-of-way at the sole cost and expense of the City. The agreement is for the purpose of connecting the Railway's cable.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with Norfolk Southern Railway Company.

MINUTES

Fire Department - Sub-Recipient Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Sub-Recipient Agreement with the Maryland Emergency Management Agency (MEMA) for the FY 2015 Emergency Management Performance Grant Program (EMPG). The period of the agreement is October 1, 2014 through June 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$235,850.00 - 1001-000000-1930-262100-401220

BACKGROUND/EXPLANATION:

This is a federal grant administered through MEMA. The funds will be matched dollar-for-dollar with local in-kind assistance. The grant is provided to enhance and strengthen emergency management capabilities at the state and local level.

The agreement is late because the award letter and Sub-Recipient Agreement from MEMA were received by the Department on October 20, 2015.

MBE/WBE PARTICIPATION:

N/A

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 Sub-Recipient Agreement with the Maryland Emergency Management Agency for the FY 2015 Emergency Management Performance Grant Program.

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 - cont'd

- | | | |
|--|-------------|---------|
| 5. EDWIN ELLIOTT & CO. | \$90,000.00 | Renewal |
| Contract No. 08000 - Rotork Actuator Parts - Department of Public Works, Bureau of Water and Wastewater - P.O. P525850 | | |

On December 16, 2013, the City Purchasing Agent approved the initial award in the amount of \$20,000.00. The award contained two 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$90,000.00 is for the period December 19, 2015 through December 18, 2016. The above amount is the City's estimated requirement.

- | | | |
|---|----------------|---------|
| 6. DUKES ROOT CONTROL, INC. | \$1,000,000.00 | Renewal |
| Contract No. B50002616 - Chemical Root Application and CCTV Inspections for Sanitary Sewer Systems - Department of Public Works, Bureau of Water and Wastewater - Utility Engineering Div. - P.O. No. P522405 | | |

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

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

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 - cont'd

- | | | |
|---|--------------|---------|
| 9. GEIGER PUMP AND
EQUIPMENT COMPANY | \$100,000.00 | Renewal |
| Contract No. 08000 - KSB OEM Pumps and Parts for KSB
Submersible Pumps - Department of Public Works/Waste Water
Division - P.O. No. P525707 | | |

On November 27, 2013, the Board approved the initial award in the amount of \$250,000.00. The award contained two 1-year renewal options. This renewal in the amount of \$100,000.00 is for the period November 27, 2015 through November 26, 2016, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

- | | | |
|---|--------------|---------|
| 10. LABORATORY CORPORATION
OF AMERICA | \$160,000.00 | Renewal |
| Contract No. B50002125 - Cytology Testing Services - Health
Department - P.O. Nos. P521531 and P521564 | | |

On December 7, 2011, the Board approved the initial award in the amount of \$86,000.00. The award contained four 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$160,000.00 is for the period January 1, 2016 through December 31, 2016. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

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 - cont'd

11. BOUND TREE MEDICAL, LLC
MIDWEST MEDICAL SUPPLY
CO., L.L.C.
MOORE MEDICAL LLC

\$275,000.00

Renewal

Contract No. B50002139 - Emergency Medical Supplies -
Baltimore City Fire Department - P.O. Nos. P518749, P518750
and P518751

On November 23, 2011, the Board approved the initial award in the amount of \$550,000.00. The award contained four 1-year renewal options. Subsequent actions have been approved. This renewal in the amount of \$275,000.00 is for the period November 23, 2015 through November 22, 2016, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

12. PITNEY BOWES,
INC.

Ratification and
Renewal of
Cooperative Purchase

\$ 62,948.00

Contract

Contract No. ADSP011-00000411-7 - Mailing Equipment,
Supplies and Maintenance - Department of Public Works,
Water and Wastewater, Revenue Measuring and Billing - P.O.
No. P533214

On July 16, 2014, the Board approved the initial award in the amount of \$171,789.00. The award contained four 1-year renewal options. A ratification is necessary due to an administrative oversight.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases - cont'd

The renewal is necessary to continue to provide the necessary annual maintenance of the mail inserter machine. This renewal in the amount of \$62,948.00 is for the period September 1, 2015 through August 31, 2016, with three 1-year renewal options remaining. The above amount is the City's estimated requirement.

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

- 13. ROLLING DOORS OF MARYLAND, INC.
ALL ABOUT DOORS, INC.
THE OVERHEAD DOOR COMPANY OF BALTIMORE, INCORPORATED

\$250,000.00	Increase
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Contract No. B50001811 - Repair and Installation Services - Department of General Services - P.O. Nos. P517070, P517071 and P517072

On May 11, 2011, the Board approved the initial award in the amount of \$600,000.00. The award contained four 1-year renewal options. All renewals have been exercised. This increase is necessary for the urgent/emergency Overhead Door Repairs at various City locations. This increase in the amount of \$250,000.00 will make the award amount \$1,150,000.00.

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 - cont'd

The contract expires on June 2, 2016. The above amount is the City's estimated requirement.

14. XEROX CORPORATION	\$ 99,727.20	Sole Source
Contract No. 08000 - Digital Conversion of Historical Records - Board of Liquor License Commissioners - Req. No. R710439		

The Board of Liquor License Commissioners for Baltimore City is required to digitally convert, store records and provide the records for public access per the Alcoholic Beverages Act of 2014 (Act). Specifically within the Act, the Board of Liquor License Commissioners for Baltimore City was required to digitize and post online "all records for public review." Art. 2B §10-202(a)(4)(VIII). This project is to acquire proprietary Xerox Doc/Share licenses as well as to do the initial conversion of all historical and current records. This is a one-time project that the Board will then do in-house for on-going requirements, using the acquired perpetual Doc/Share licenses. This requirement is urgently needed to comply with the Act.

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 necessary.

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 - cont'd

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|---|--------------|-----------|
| 15. BLUESKY SAFEGUARD, A
SOLE PROPRIETORSHIP | \$200,000.00 | Agreement |
| Contract No. 08000 - Body Worn Camera Redaction Services -
Baltimore Police Department and State's Attorney Office | | |

The Board is requested to approve and authorize execution of an Agreement with BlueSky Safeguard, a sole proprietorship. The period of the agreement is effective upon Board approval through June 30, 2016, with four 1-year renewal options.

The City and the Baltimore Police Department (BPD) are implementing a Body Worn Camera Program for the BPD and will be required to comply with public access laws, including the Maryland Public Information Act, and therefore, must ensure that public record requests are fulfilled, while at the same time, and to the extent permitted by law, exclude or redact certain video images from disclosure to protect privacy concerns and investigations. BlueSky Safeguard is the sole source provider of law enforcement video redaction services. 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 necessary.

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 - cont'd

16. RSM US, LLP	\$1,427,634.00	Second Amendment to Agreement
Contract No. BP-07105 - Local Government Integrated Financial Systems - Department of Finance - P.O. No. P532176		

The Board is requested to approve and authorize execution of a Second Amendment to Agreement (Amendment) with RSM US, LLP. The contract expires on October 2, 2017, with two 5-year renewal options remaining.

On October 3, 2007, the Board approved the initial award in the amount of \$5,441,471.00. The award contained three 5-year renewal options. Subsequent actions have been approved. This Amendment is for the hosting of the Microsoft Dynamics AX upgrade approved by the Board on March 25, 2015. This Amendment includes the specific clause "the City reserves the right to renew the hosting portion of said contract for additional one-year periods under the same terms and conditions, as may be amended by the Parties from time to time." The above amount is the City's estimated requirement.

MWBOO SET GOALS OF 3% MBE AND 2% WBE.

On August 21, 2013, MWBOO waived the goals for the remainder of the contract term due to the nature of the contract which resulted in no further opportunity for subcontracting.

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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Department of General Services

17. JOHNSON CONTROLS, INC.	\$ 24,280.00	Low Bid
GS 15831 - Empowerment Academy Boiler Burner Replacement - Department of General Services		

In August 2015, the Department of General Services received two informal bids to replace the oil fired burner on the Empowerment Academy backup boiler. Johnson Controls, Inc. was the low bidder to replace the existing burner at The Empowerment Academy.

UPON MOTION duly made and seconded, the Board approved informal awards, renewals, increases to contracts and extensions. The Board further approved and authorized execution of the Agreement with Bluesky Safeguard, A Sole Proprietorship (item no. 15), and the Second Amendment to Agreement with RSM US, LLP (item no. 16). The Comptroller **ABSTAINED** on item no. 17.

MINUTES

Baltimore Police Department - Reimbursement of Grant Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize Reimbursement of Grant Funds to the U.S. Department of Justice, Office of Community Oriented Policing Services.

AMOUNT OF MONEY AND SOURCE:

\$128,319.00 - 1001-000000-2041-196000-602096

BACKGROUND/EXPLANATION:

On October 7, 2009, the Board approved the Grant No. 2009-RJ-WX-0051 for the Cops Hiring Recovery Program. During an audit it was discovered that the Baltimore Police Department was reimbursed for unallowable cost in accordance with the Final Funding Memo. As a result, the Baltimore Police Department is required to return the unallowable cost.

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

UPON MOTION duly made and seconded, the Board approved and authorized Reimbursement of Grant Funds to the U.S. Department of Justice, Office of Community Oriented Policing Services.

MINUTES

Mayor's Office on Criminal Justice - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the agreement with House of Ruth Maryland, Inc. The period of the agreement is July 1, 2015 through June 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$500,000.00 - 6000-613116-2252-247800-600000

BACKGROUND/EXPLANATION:

Baltimore City Code, Article 5, Section 48-1 (2014 Edition) requires the Clerk of the Circuit Court for Baltimore City to collect an additional \$75.00 for the issuance of marriage licenses in the City and to transmit the proceeds from this additional fee to the City on a monthly basis into a special fund (up to maximum of \$500,000.00). Monies collected benefit domestic violence shelter programs and are distributed to the organization in proportion to the number of domestic violence victims served. The Baltimore Police Department is the City agency designated to administer and disburse the funds.

The agreement is late due to the administrative process.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board **DEFERRED** this item for one week.

MINUTES

Baltimore Development Corporation (BDC) - Land Disposition
Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Land Disposition Agreement with Howard Street Incubator, LLC, Developer, for the Purchase and redevelopment of multiple City-owned parcels, located at 408-410, and 412 N. Howard Street.

AMOUNT OF MONEY AND SOURCE OF FUNDS:

\$100,000.00 - Purchase price

BACKGROUND/EXPLANATION:

The Developer will pay \$50,000.00 at settlement and the City will take back a Purchase Money Mortgage for the remaining \$50,000.00.

On February 19, 2014, the BDC released a Request for Proposal for the properties and received a single response from the Developer. The Developer entered into an Exclusive Negotiating Privilege Agreement with the BDC on November 7, 2014.

Named the "Howard Street Incubator," the development is designed to be a collaborative that combines arts, culture, and community development. The project will include a multi-theater ground floor, a ground-floor café, and flexible retail space, in addition to educational, office co-working space, and artist live/work units.

This Project will restore over 21,700 square feet of the two historic buildings by utilizing Historic Tax Credits.

MINUTES

BDC - cont'd

MBE/WBE PARTICIPATION:

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Land Disposition Agreement with Howard Street Incubator, LLC, Developer, for the Purchase and redevelopment of multiple City-owned parcels, located at 408-410, and 412 N. Howard Street.

MINUTES

Baltimore Development Corporation - Land Disposition Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Land Disposition Agreement with Liberty Park Development, LLC, Developer, for the Purchase and redevelopment of City-owned properties located at 142 and 144 W. Fayette Street, and 102, 104, and 106 N. Liberty Street (Ward 4, Section 10, Block 621, Lots 1, 2, 16, 17, and 18).

AMOUNT OF MONEY AND SOURCE:

\$831,623.00 - Purchase price

BACKGROUND/EXPLANATION:

The Developer will pay \$83,162.00 at settlement and the City will take a Purchase Money Mortgage in the amount of \$748,461.00 with a 30-year amortization at an interest rate of 4% per annum.

The Developer seeks to purchase the properties for the purpose of developing a mixed-income residential apartment building with ground floor retail. The project will also include the historic rehabilitation of a privately-owned property located at 111 Park Avenue.

Sixty percent of the proposed residential units will be rented at market rate and 40% of the units will be affordable to individuals and families with incomes below 50% of the Area Median Income. Approximately 6,500 square feet of ground floor retail will be included along W. Fayette Street and Park Avenue.

The Board is requested to waive its twelve-month appraisal requirement and to consider the sales prices as equal to the appraised value.

MINUTES

BDC - cont'd

MBE/WBE PARTICIPATION:

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Land Disposition Agreement with Liberty Park Development, LLC, Developer, for the Purchase and redevelopment of City-owned properties located at 142 and 144 W. Fayette Street, and 102, 104, and 106 N. Liberty Street (Ward 4, Section 10, Block 621, Lots 1, 2, 16, 17, and 18).

MINUTES

Department of Public Works - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve the Expenditure of Funds for the renewal of the annual membership for the Maryland Association of Municipal Wastewater Agencies (MAMWA).

AMOUNT OF MONEY AND SOURCE:

\$18,960.00 - FY 2016 Dues
22,631.11 - Assessment for ongoing technical research support
\$41,591.11 - 2070-000000-5501-397101-603022

BACKGROUND/EXPLANATION:

The MAMWA is an association of City and County utilities in Maryland that operate wastewater collection systems and treatment plants. The organization exists to share information regarding regulatory efforts and funding opportunities that benefit the operation of these facilities. The organization is a strong advocate on the local level for appropriate and common sense regulations governing point source discharges.

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

UPON MOTION duly made and seconded, the Board approved the Expenditure of Funds for the renewal of the annual membership for the Maryland Association of Municipal Wastewater Agencies.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Amendment No. 1 to Agreement with Whitman, Requardt & Associates, LLP under Project 1182W, On-Call Environmental Engineering Services. The Amendment No. 1 to Agreement extends the period of the agreement through December 10, 2016 or until the upset limit is reached, whichever occurs first.

AMOUNT OF MONEY AND SOURCE:

\$375,000.00 - No funds are required at this time.

BACKGROUND/EXPLANATION:

On December 11, 2013, the Board approved the original agreement for Project 1182W, On-Call Environmental Engineering Services with Whitman, Requardt & Associates, LLP, in the amount of \$750,000.00 for a period of two years. The original agreement expires on December 10, 2015.

The Department is in need of additional services from Whitman, Requardt & Associates, LLP in order to complete several on-going capital projects. This Amendment No. 1 to Agreement will extend the period of the agreement through December 10, 2016 and increase the upset limit by \$375,000.00 for a total upset limit amount of \$1,125,000.00. All other terms and conditions of the original agreement remain unchanged.

MINUTES

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

MBE/WBE PARTICIPATION:

The On-Call Consultant will comply with Article 5, Subtitle 28 of the Baltimore City Code and the Minority and Women's Business Opportunity goals established in the original agreement.

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Amendment No. 1 to Agreement with Whitman, Requardt & Associates, LLP under Project 1182W, On-Call Environmental Engineering Services. The President Voted **NO**.

MINUTES

Mayor's Office on Criminal Justice - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Agreement with The Johns Hopkins Hospital. The period of the agreement is July 1, 2015 through June 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$110,000.00 - 4000-477515-2252-688000-607001

BACKGROUND/EXPLANATION:

On February 25, 2015, the Board approved and authorized acceptance of a grant award for the "Citywide Child Protection Review" Program. On July 29, 2015, the Board approved a Grant Adjustment Notice (GAN) No. 1 extending the program through September 30, 2015 and the GAN No. 2 extending the program through June 30, 2016.

This agreement provides funding for The Johns Hopkins Hospital, a sub-recipient, to administer and review cases to identify and properly refer potential abused children to the necessary services. The funding supports a part of the salary of a Medical Director, Child Protection Team, and the Coordinator of the Child Protection Team.

The agreement is late because of delays in the administrative process.

MBE/WBE PARTICIPATION:

N/A

MINUTES

Mayor's Office on Criminal Justice - cont'd

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 Agreement with The Johns Hopkins Hospital. The President **ABSTAINED**.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

* * * * *

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

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

4084 - 4125

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

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

The Comptroller **ABSTAINED** on item nos. 3, 9, and 12.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation

1. TR 15018R, Conduit System New Construction at Various Locations Citywide Highlander Contracting Company \$922,715.00

MBE: Machado Construction Company, Inc. \$82,144.50 9%

WBE: Cuddy & Associates, LLC \$18,254.50 2%

MWBOO FOUND VENDOR IN COMPLIANCE.

2. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$1,157,258.00	9962-941002-9563	
Other	Construction Reserve- Conduit Replacement Program	
\$ 922,715.00	-----	9962-907066-9562-6 Structure & Improvements
92,271.50	-----	9962-907066-9562-5 Inspection
<u>142,271.50</u>	-----	9962-907066-9562-2 Contingencies
\$1,157,258.00		Conduit System Construction

This transfer will fund the cost associated with the award of Project TR 15018R, Conduit System New Construction at Various Locations Citywide to Highlander Contracting Company, Inc.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSDepartment of Transportation

3. TR 15008RR, Urgent Need Contract Citywide M. Luis Construction Co., Inc. \$1,644,010.00

MBE: Manuel Luis Construction Company, Inc.	\$154,375.00	9.40%
J. Villa Construction, Inc.	125,900.00	7.65%
Hammer Head Trucking, LLC.	10,732.50	0.65%
Powell's Trucking Company, Inc.	10,732.50	0.65%
Dough Boy Hauling	13,356.00	0.81%
	\$315,096.00	19.16%

WBE: Sunrise Safety Services, Inc.	\$ 20,000.00	1.21%
Rowen Concrete, Inc.	40,000.00	2.43%
Ball & Breckenridge Trucking, Inc.	10,732.50	0.65%
Julian Trucking, LLC.	10,732.50	0.65%
J&M Sweeping, LLC.	20,000.00	1.21%
	\$101,465.00	6.17%

MWBOO FOUND VENDOR IN COMPLIANCE.Department of Public Works,
Office of Engineering & Construction

4. WC 1310R, AMI/R Urgent Need Metering Infrastructure Repair & Replacement, Various Locations, (3" & larger Water Services) Metra Industries, Inc. \$6,579,450.00

MBE: JJ Adams Fuel Oil Company, Inc.	\$263,178.00	4%
Machado Construction Company, Inc.	\$723,739.50	11%

WBE: R&R Contracting Utilities, Inc.	\$328,972.50	5%
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MWBOO FOUND VENDOR IN COMPLIANCE.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

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

5. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$4,452,698.50	9960-906133-9558	
Water Revenue	Construction Reserve	
Bonds	Meter Replacement	
4,452,698.50	" " "	
Counties		
<u>\$8,905,397.00</u>		
\$ 657,945.00	-----	9960-911613-9557-2
		Extra Work
657,945.00	-----	9960-911613-9557-3
		Engineering
615,290.00	-----	9960-911613-9557-5
		Inspection
6,579,450.00	-----	9960-911613-9557-6
		Construction
394,767.00	-----	9960-911613-9557-9
<u>\$8,905,397.00</u>		Administration

The funds are required to cover the cost for the award of WC 1310R, AMI/R Urgent Need Metering Infrastructure Repair/Replacement at Various Locations.

6. SC 919, Improvements AM-Liner East, \$19,872,493.80
to Sanitary Sewers Inc.
in the Outfall Sewershed

DBE/MBE: P&P Sewer Techs	\$3,378,323.95	17.00%
DBE/WBE: R&R Contracting Utilities	\$1,254,199.20	6.31%
TFE Resources	397,449.88	2.00%
M. Luis Construction	993,624.69	5.00%
Advantage Manhole & Concrete	569,174.81	3.00%
	<u>\$3,214,448.58</u>	<u>16.31%</u>

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

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

7. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$11,966,788.92	9956-909612-9549	
Baltimore County	Construction Reserve	
13,938,099.08	Sewer System Rehab-	
Wastewater	Main Outfall	
Revenue Bonds		
\$25,904,888.00		
\$ 1,987,249.00	-----	9956-908614-9551-2
		Extra Work
1,987,249.00	-----	9956-908614-9551-3
		Design
865,546.20	-----	9956-908614-9551-5
		Inspection
19,872,493.80	-----	9956-908614-9551-6
		Construction
1,192,350.00	-----	9956-908614-9551-9
\$25,904,888.00		Administration

The funds will cover the cost of SC 919, Improvements to Sanitary Sewers in the Outfall Sewershed.

Bureau of Purchases

8. B50004195, Roll-Off THC Enterprises, Inc. \$ 60,000.00
 Container Rehab & t/a Mid-Atlantic
 Repair Waste Systems

(Dept. of Public Works, Bureau of Solid Waste)

MWBOO SET MBE AND WBE GOALS AT 0%.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

9. B50004267, Rollout Containers with RFID Schaefer Systems International, Inc. \$ 8,940,727.50

(Dept. of Public Works, Bureau of Solid Waste)

MBE: L&J Waste Recycling, LLC 4%

WBE: Britt's Industries, Inc. 2%

MWBOO FOUND VENDOR IN COMPLIANCE.

A PROTEST WAS RECEIVED FROM TOTER, LLC.



BUILT FOR EXTREMES™

November 3, 2015

Clerk
Board of Estimates
City of Baltimore, MD

Ref: Protest of Recommendation of Award to Schaefer Systems for Bid B50004267

Dear Sir or Madam,

Toter, LLC is the City's provider of the 2014 Refuse Cart Pilot Program and submitted a responsive bid to the City's recent Bid 50004267 for Rollout Containers with RFID. Per the Board's rules for conduct of its meetings, Toter protests the recommendation for award of the aforementioned contract to Schaefer Systems and requests permission to speak to this protest during the Board's November 4, 2015 meeting.

Toter will be represented by James W. Pickett, Vice President, Sales, who requests permission to speak before the Board.

These are the facts that support our protest – After reviewing Schaefer Systems' bid from cover to cover we are confused. The bid specifications require bidders to submit printed, color literature for the products being bid, specifications for the products being bid, and American National Standards (ANSI) test copies for the products being bid. Schaefer failed to provide the required correct bid documents for any of the three cart sizes in the City's bid. The table below summarizes the mix of documents submitted by Schaefer Systems. The relevant bid documents submitted by Schaefer are attached for reference:

<i>Cart Size</i>	<i>Quantity</i>	<i>Model in Schaefer's Bid Literature</i>	<i>Schaefer Specs in Bid</i>	<i>Schaefer ANSI Tests</i>
65 Gallon	207,000	New 2010 vintage carts (Attachment 1)	Old USD-65 dated 1998/99 (Attachment 3)	Old USD - 65 Tests dated 2004 (Attachment 6)
35 Gallon	2,900	New 2010 vintage cart (Attachment 1)	Old USD-35 dated 1998/99 (Attachment 2)	Old USD - 35 Tests dated 2004 (Attachment 5)
95 Gallon	100	New 2010 vintage cart (Attachment 1)	New 95 Gal cart dated 2010 (Attachment 4)	Old USD-95 Tests dated 2004 (Attachment 7)

Page 2
Baltimore Board of Estimates
November 3, 2015


How is the City to know what products Schaefer bid? The documents submitted for EACH size cart are a mixture of 2004 product specifications, 2010 product specifications, literature on a new cart introduced in 2010, and ANSI cart testing conducted in 1998 and 1999 on Schaefer's old cart models. Is the bid for Schaefer's old USD-35, USD-65 and USD-95 carts or is it for new carts shown in the 2010 literature? The mixing of documentation for two completely different models of carts is a misrepresentation to the City. The failure to submit the required documentation for the products bid, regardless of their prices, makes the Schaefer bid impossible to evaluate, and non-responsive.

We have not been made aware if Schaefer was allowed to clarify or repair its non-responsive bid. It would seem that could only be accomplished by asking Schaefer "which cart models did you mean to bid?" As a responsive bidder who submitted a properly documented bid, we protest any such opportunity for Schaefer to repair its defective bid. Why? First, bids are required to be complete and meet specifications at the time of their opening. Second, because Schaefer had the benefit of knowing each bidder's prices and models bid after the public bid opening, it is unfair and improper for them to be given a second chance to choose the model that best suits them based on knowledge of the bid results.

As the City's current cart supplier and a responsive bidder to this bid, Toter would be harmed by an award to Schaefer based on a defective, non-responsive bid. Toter is the lowest responsive and responsible bidder meeting specification, has the capability in all respects to perform fully the contract requirements, and the experience, reliability, capacity, facilities, equipment and credit which will assume good faith performance. Further, Toter's bid conforms in all material respects to the requirements set forth in the Bid.

We thank the Clerk and the members of the Board of Estimates for your consideration of this protest. Best wishes to the City of Baltimore for the implementation of this important new program. Should you have any questions, please feel free to contact me.

Sincerely,

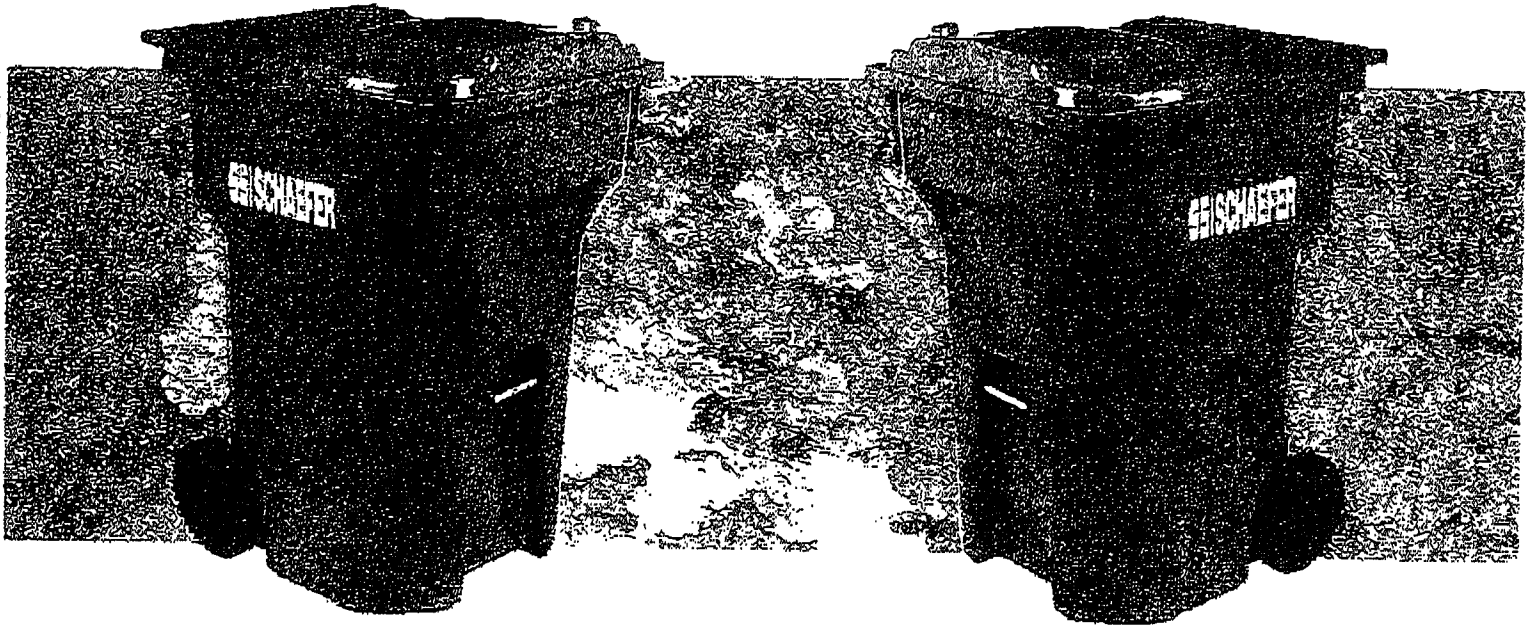

James W. Pickett
Toter, LLC

JWP/kkc

SSI SCHAEFER

The only surprise will be how effortless we are to work with.

The highest quality. The industry's best service. Managed distribution and assembly. RFID-enabled cart management. One company gives you everything you expect (and more). **SCHAEFER.**



what you order

what we deliver



www.ssi-schaefer.us

P. 704.944.4500



ATTACHMENT 3 - Schaefer Product Specifications for Its
USD-65 Gallon Cart



TECHNICAL SPECIFICATIONS

65-Gallon Universal Container

INSTRUCTIONS: Bidders are to fill out this form completely, noting any and all discrepancies. If a clause is met exactly, so state. If an OR EQUAL and/or EXCEPTION are being proposed, mark an EXCEPTION for that item and state specifically on the EXCEPTION SHEET what is being offered. Manufacturers' brochures WILL NOT SUFFICE.

GENERAL:

The container shall be designed for the collection of solid waste material. The container shall meet ANSI Z245.30-1999 and ASNI Z245.60-1999 Type Bar/Grabber specifications. The container must be manufactured under strict ISO 9001 Certification guidelines. This specification has been selected by the department for the following reasons:

(1) Durability (2) Stability in windy conditions (3) System wide aesthetics (all sizes the same basic design (4) Ergonomics (Efficient footprint to allow for easy garbage storage and passage through doorways and gates) (5) Molding Process – Injection Molded Only.

COMPLY
yes no
 x

Bid container must be manufacturer's latest design.

COMPLY
yes no
 x

The container shall be provided with adequate wheels and handle to permit pushing or pulling with little effort.

COMPLY
yes no
 x

The Container shall be designed to dump into standard rear load garbage truck, manual side loader, front load garbage truck, fully automated refuse vehicle, or a recycling vehicle meeting ANSI approved lifters.

COMPLY
yes no
 x

ATTACHMENT 4 - Schaefer Product Specifications for Its USD-95 Gallon Cart

The Container shall be designed to dump into standard rear load garbage truck, manual side loader, front load garbage truck, fully automated refuse vehicle, or a recycling vehicle meeting ANSI approved lifters.

COMPLY

yes no

 x

MATERIALS:

The body and the lid of the container shall be formed from the same molding process using first quality high-density polyethylene. Polyethylene resin shall be one hundred percent (100%) virgin material. Off-Spec or Wide-Spec material is not acceptable. Bidder must submit manufacturer's material specification with bid. If specified herein, the container may be manufactured with up to 15% recycled polyethylene or as specified by the bid document.

COMPLY

yes no

 x

All material must be **hot compounded** and is the only acceptable procedure. Dry blending of material is unacceptable. Bidder must supply name, address and serial number of equipment.

COMPLY

yes no

 x

Material must be **UV stabilized** for maximum protection. No less than .5% (one half of one percent) Tinuvin\Chimassorb 783 or the approved equivalent. Bidder must supply manufacturer's sheet detailing UV stabilization.

COMPLY

yes no

 x

ATTACHMENT 5 - ANSI Documentation for USD35B

TESTING REPORT

DATE: 9 February 1999

PRODUCT IDENTIFICATION: Schaefer Systems International, Inc. - Model USD 35B

TEST: **SLOPE STABILITY**

TEST DESCRIPTION: This test checks the static stability of an empty and loaded cart on a defined slope (5 degrees).

MINIMUM PERFORMANCE STANDARD: ANSI Z245/SC3 N14 (September 23, 1998) requires that the cart must stand, without tipping or moving, in three different orientations on a defined slope. ANSI Z245.60 establishes dimensional requirements for the cart.

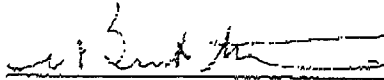
TEST PROCEDURE (Meets the requirements of ANSI Z245/SC3 N14):

1. Prepare a ramp with a slope of 5 degrees. The ramp must be of sufficient size that a cart can be moved onto the cart with no portion of the cart overhanging the edges of the ramp.
2. There is to be no wind.
3. Move an empty cart onto the ramp and orient the cart with the front of the cart facing up the ramp. Note any tipping or movement. Turn the cart so that the front of the cart is facing sideways on the ramp. Note any tipping or movement. Turn the cart so that the front of the cart is facing down the ramp. Note any tipping or movement.
4. Repeat step two with the cart loaded to the standard loading as specified in the ANSI standard. The loading material to occupy at least 70% of the capacity of the cart.

TEST RESULTS:

	<u>Orientation</u>	<u>Result</u>
Empty	Front facing upward	Stable
	Front facing sideways (right)	Stable
	Front facing sideways (left)	Stable
	Front facing downward	Stable
Filled	Front facing upward	Stable
	Front facing sideways (right)	Stable
	Front facing sideways (left)	Stable
	Front facing downward	Stable

SUMMARY: The cart passed the ANSI Z245/SC3 N14 and Z245.60 standards since non-movement in three orientations is met.



A. Brent Strong
 Professor of Manufacturing
 Brigham Young University
 265 CTB
 Provo, UT 84602

TESTING REPORT

DATE: 18 December 1998

SUBJECT: Trash carts

PRODUCT IDENTIFICATION: Schaefer Systems International, Inc. - Model USD65B

*predates the introduction of new cart bid by 12 years
not the cart shown in Schaefer's literature in its bid*

TEST: DURABILITY DURING PULLING

TEST DESCRIPTION: This test determines whether the cart's handles, wheels, and axles will withstand the repeated pulling forces experienced during normal 10-year useful life.

MINIMUM PERFORMANCE STANDARD: The ANSI standard Z245.30 requires that after testing the handles, wheels, axles, their attachments to the container, and the container itself must remain functional. ANSI Z245.60 establishes dimensional requirements for the cart.

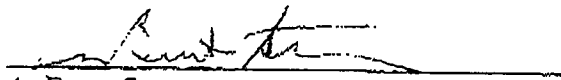
TEST PROCEDURE (Meets the requirements of ANSI Z245.30):

1. The cart is loaded with a standard load (according to the ANSI standard) with the volume of material occupying at least 70% of the total capacity of the cart.
2. Using the cart's handles, the loaded cart is pulled off a curb. The curb height to be 5.5 inches. The cart is then repositioned at the top of the curb. The test is repeated for 520 cycles (drops).
3. Using the cart's handles, an unloaded (empty) cart is pulled up a curb. The curb height to be 5.5 inches. The cart is repositioned at the bottom of the curb. The test is repeated 520 cycles (lifts).
4. The carts are set down onto a concrete surface.
5. The temperature to be normal room temperature (73 degrees F).

TEST RESULTS:

<u>Test Condition</u>	<u>Result</u>
Push off of full cart	Axle and wheels still in very good condition.
Pull up of empty cart	No significant damage

SUMMARY: The cart passed the ANSI Z245.30 and Z245.60 standards for minimum performance.



A. Brent Strong
Professor, Manufacturing Engineering and Technology
Brigham Young University
435 CTB
Provo, UT 84602

ATTACHMENT 7 - ANSI Documentation for USD95B
TESTING REPORT

DATE: 9 February 1999

PRODUCT IDENTIFICATION: Schaefer Systems International, Inc. - Model USD 95B

TEST: SLOPE STABILITY

TEST DESCRIPTION: This test checks the static stability of an empty and loaded cart on a defined slope (5 degrees).

MINIMUM PERFORMANCE STANDARD: ANSI Z245/SC3 N14 (September 23, 1998) requires that the cart must stand, without tipping or moving, in three different orientations on a defined slope. ANSI Z245.60 establishes dimensional requirements for the cart.

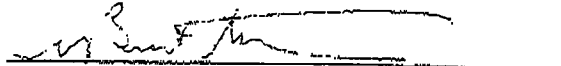
TEST PROCEDURE (Meets the requirements of ANSI Z245/SC3 N14):

1. Prepare a ramp with a slope of 5 degrees. The ramp must be of sufficient size that a cart can be moved onto the cart with no portion of the cart overhanging the edges of the ramp.
2. There is to be no wind.
3. Move an empty cart onto the ramp and orient the cart with the front of the cart facing up the ramp. Note any tipping or movement. Turn the cart so that the front of the cart is facing sideways on the ramp. Note any tipping or movement. Turn the cart so that the front of the cart is facing down the ramp. Note any tipping or movement.
4. Repeat step two with the cart loaded to the standard loading as specified in the ANSI standard. The loading material to occupy at least 70% of the capacity of the cart.

TEST RESULTS:

	<u>Orientation</u>	<u>Result</u>
Empty	Front facing upward	Stable
	Front facing sideways (right)	Stable
	Front facing sideways (left)	Stable
	Front facing downward	Stable
Filled	Front facing upward	Stable
	Front facing sideways (right)	Stable
	Front facing sideways (left)	Stable
	Front facing downward	Stable

SUMMARY: The cart passed the ANSI Z245/SC3 N14 and Z245.60 standards since non-movement in three orientations is met.



A. Brent Strong
Professor of Manufacturing
Brigham Young University
265 CTB
Provo, UT 84602

MINUTES

President: "The first item on the non-routine agenda can be found on page 64, item #9, Recommendation for Contract Awards/Rejection, B50004267, Rollout Containers with RFID. Will the parties please come forward?"

Mr. Tim Krus: "The Board is requested to approve an award of solicitation of B50004267, Rollout Containers with RFID. I'm Tim Krus, the City Purchasing Agent. The award is to Schaefer Systems International for \$8,940,700 -- \$8,940,727.50."

President: "You want to come up and state your name."

Mr. James Pickett: "Good morning members of the Board. My name is James Pickett. I'm Vice President of Sales for Toter, LLC from Statesville, North Carolina. By introduction we are the current supplier of the City's Refuse Cart Pilot Program that was implemented in 2014. uh -- As a responsive bidder to this bid, we have filed a protest simply on the grounds that the recommended bid included confusing and contradictory information about the products of the company Schaefer Systems, Incorporated. I included information on a product line that they introduced approximately 1990 and routinely sell. I also included literature on a new product line they introduced approximately 2010 of the bid required submission of color literature on the exact product bid."

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

Bureau of Purchases - B50004267 - cont'd

Uh -- bid specifi-- product specifications and American National Standard Institute or ANSI test data for those carts which is routine in this industry. Uh -- the bid that we reviewed uh -- at the bid opening and then received a copy of from the Purchasing Department shows that the literature shows a 2010 cart bid by photograph of the color literature yet the ANSI specs were dated uh -- 1998 and 1999 which is the uh -- previous brand of cart made by Schaefer and the product specs were dated 2004, again for the previous line of carts. So, frankly we're confused at what was being bid and uh -- we find it uh -- that make -- in our opinion that makes the bid non-responsive because uh -- instead of bidding one product, there's a mix of two. And I'm not aware of how uh -- that might have been determined which product Schaefer did in fact bid by any method other than having to ask them after the fact. And in our opinion, if they were asked after the fact once they knew the pricing from the public bid opening, uh -- they were given a second shot at a bid that in our understanding is a one-time event based on uh -- what is proposed at the time of bid opening."

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

Bureau of Purchases - B50004267 - cont'd

Mr. Tim Krus: "Tim Krus, Bureau of Purchases, uh -- we took a careful look at all the specifications and standards that were submitted in the Schaefer bid uh -- in collaboration with the Department of Public Works. We were not confused about what we saw, ANSI or American National Standards Institute standards can last for a very long time. Uh -- ANSI 1999 standards were applicable here and we're convinced that the products bid by Schaefer Systems were compliant with that. Uh -- the City is able to seek clarification about products during the evaluation process. It's clearly stated in the solicitation. Um -- that an offeror agrees to provide samples upon request during the evaluation process for inspection and/or testing, or make them locally available for inspection if too large to reasonably and easily deliver. Uh -- Schaefer Systems provided sample products to both the Bureau of Purchases and the Department of Public Works for evaluation during this period. Schaefer Systems is here today if you need to hear anything further from them."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004267 - cont'd

President: "Anybody want to hear -- Madam Mayor, do you want to hear from Schaefer?"

Mayor: "Do you have any questions for them?"

President: "No, okay."

Mr. Pickett: "If -- if I may? I go back to there's no doubt that Schaefer Systems is a regular manufacturer of products. It's no doubt that they've got two product lines and from the documents I included in our protest, it's clear that they mixed the product information in the bid. And it's our contention that that should have been clear -- should have been correct at the time of the bid and that their opportunity then to clarify later um -- hint -- had the benefit of knowing the prices that were bid uh -- by other companies. And our company and two or three of the other bidders have multiple product lines. None of these companies submitted confusing bids for a mixed product information and uh -- our only point is we believe that makes their bid non-responsive."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004267 - cont'd

Mr. Krus: "Tim Krus, Bureau of Purchases. The uh -- the only clarification that we did was to have Schaefer submit actual samples of the products for both the Bureau of Purchases and the Department of Public Works to review. Uh -- we did not ask them to give us different information as it applied to their submission."

President: "Okay."

Mayor: "I just have one -- and it's -- I know that uh -- we were able to move forward with the City-wide distribution based on the PILOT. Is there any uh -- reason, any reason, any red flags, any concerns that the products that um - that we're supplying for the City-wide rollout would be inconsistent with what we used in the PILOT or -- or uh -- not be able to uh -- meet what we're saying is our stated goal of being able to supply a City -- an effective City-wide municipal trash can program?"

Mr. Krus: "Madam Mayor, we do not have any concerns in the Bureau of Purchases, Department of Public Works might wish to uh -- answer that as well."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004267 - cont'd

President: "You got to come up."

Mayor: "--and don't forget to give your name."

President: "State your name."

Mayor: "I'm sorry."

Ms. Valentina Ukwuoma: "No Madam Mayor --"

Comptroller: "State your name."

President: "State your name."

Ms. Ukwuoma: "I'm sorry, Valentina Ukwuoma, Head Bureau of Solid Waste. Um -- no, Madam Mayor, we don't think so."

Mayor: "You -- explain what you mean."

Ms. Ukwuoma: "What I mean, based on the sample that they got um -- and the sample that we had, um -- there maybe -- maybe be slight variations but we think without them, we'll still be able to withstand what we're -- what we're trying to accomplish, which is a durable tight fitting can for the citizens of Baltimore."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004267 - cont'd

Mayor: "Okay, thank you."

President: "Okay, any -- anything else?"

Mr. Pickett: "My last -- my last comment was again the ability to even submit a sample after having submitted essentially partial bids for two different products. We think this constitutes what you might call a do-over. Uh -- that once the prices were disclosed, they know what the competitors have offered, delivery times and so on, they've benefited from information at a public bid opening that is -- was not available to them uh -- when they should have submitted a complete and clear bid."

Mr. Krus: "As I said earlier the offeror agrees to provide samples upon request during the evaluation process. That language clearly is written in the solicitation. There is no problem whatsoever with asking for those samples."

President: "I will entertain a Motion."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004267 - cont'd

City Solicitor: "Based on the language of the uh -- solicitation and the information provided by Mr. Krus, I Move approval of the recommendation of Bureau of Purchases."

Director of Public Works: "Second."

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

Mr. Pickett: "Thank you very much."

President: "Alright."

* * * * *

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of PurchasesK&K ADAMS, INC.

MBE: K&K Adams, Inc.*	\$ 381,476.00	6.7%
JJ Adams Fuel Oil Company, LLC.	286,824.00	5%
Spence Trucking, Inc.	458,918.00	8%
Solomon's Termite & Pest Control	57,365.00	1%
	<u>\$1,184,583.00</u>	<u>20.7%</u>
WBE: Ball & Breckenridge Trucking Inc.	\$ 229,460.00	4%
The Dirt Express Company	344,189.00	6%
	<u>\$ 573,649.00</u>	<u>10%</u>

*Indicates Self-Performing

MWBOO FOUND VENDOR IN NON-COMPLIANCE.

Bidder did not achieve the MBE goal. K&K Adams, Inc. failed to properly fill out the Statement of Intent to Self-Perform. K&K Adams listed their total dollar amount of self-performance on the contract as \$762,952.00. Only 50% of that dollar amount can be counted towards the MBE goal.

A PROTEST WAS RECEIVED FROM P&J CONTRACTING COMPANY, INC.

Robert Fulton Dashiell, Esq. P.A.

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Robert Fulton Dashiell · Managing Partner
Senchal Dashiell Barrolle, Member
**also admitted in DC & NY*

VIA HAND DELIVERY

Ms. Harriet Taylor, Deputy Comptroller
Secretary
Baltimore City Board of Estimates
City Hall
100 N. Holliday Street, Suite 204
Baltimore, Maryland 21202

November 3, 2015

Re: B50004150

Dear Honorable Board Members:

This protest is filed on behalf of P&J Contracting Company, Inc. ("P&J"). Pursuant to the terms of the Request for Bids¹ award is to be made "to the lowest, qualified, responsive bidder or bidders... based on total price". Work is to be assigned first to the lowest bidder unless unable to perform. P&J is the second low bidder and, therefore, stands in line to be next offered work rejected by K&K, the apparent low bidder. This protest is to insure that, if K&K is selected as a vendor for this contract, the Bureau of Purchase assigns it work based upon the unit prices contained in its bid, without modification.

The contract is to be awarded "to the lowest, qualified, responsive and responsible bidder of bidder(s)...based on the total bid price." The total price is an aggregate of the units prices submitted. **"In the event of a discrepancy between a unit price (s) and/or the total prices, the unit prices shall prevail, and the total prices will be adjusted accordingly"**. Attached hereto

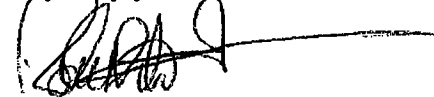
¹ This solicitation is styled a request for bids for a requirements contract. However, paragraph F of the Statement of Work, page 5, states, "Price shall not be the sole factor in determining award". The Statement of Work continues through the top of page 7 to set out the other terms to be considered in selecting the successful vendor(s). The effect of these deviations from the utilization as the sole determining factor among responsive bids submitted by responsible bidders is that the solicitation is really a request for competitive sealed proposals. Whether the City charter permits solicitation of construction by competitive sealed proposal is itself questionable. It is clear, however, that the competitive sealed proposal methodology is generally not preferred and should be used only where specifications cannot be prepared that permit an award based upon the most favorable price. COMAR 21.05.01.02A. Further, the Board of Estimates has not passed a resolution that permits City departments, agencies or bureaus to establish their prequalification requirements in addition to those adopted by the Board in its Contractor Qualification Program.

as Exhibit 1 is a chart showing a discrepancy of \$3,538,596.60 between the actual total of K&K's unit prices and the the amount set forth in its bid as its total price. The dollars amounts set forth on page 65 of your Agenda to demonstrate K&K's failure to comply with the M/WBE requirements show that the Bureau of Purchases has itself adjusted or permitted K&K to adjust its unit prices to match its total price, rather adjust its total price in accordance with its unit prices, as required by the bid documents as required.

The adjustment made or permitted not only contradicts the terms of the solicitation, but also constitutes a violation of hornbook procurement law because it amounts to an impermissible reformation of the bid based on a **unilateral**, rather than mutual mistake. The only relief available to a bidder that has submitted a bid containing a material mistake is permission to withdraw. **Baltimore v. De Luca-Davis Construction Company, 210 Md. 518 (1955); Maryland Port Administration v. John Brawner Contracting Co., 303 Md. 44 (1985)**. It is manifest to that there cannot be reformation unless there was either a mutual mistake, or fraud, duress or unlawful inducement. **Phelps, Juridical Equity, Sec. 227; Dulany v. Rogers, 50 Md. 524, 533 [(1879)]; Stiles v. Willis, 66 Md. 552 [, 8 A. 353 (1887)]; Miller v. Stuart, 107 Md. 23 [, 68 A. 273 (1907)]; White v. Shaffer, 130 Md. 351, 360, 361 [, 99 A. 66 (1917)]; England v. Gardiner, 154 Md. 510, 514, 515 [, 142 A. 625 (1928)]; Brockmeyer v. Norris, 177 Md. 466 [, 10 A.2d 326 (1940)]; Hoffman v. Chapman, 182 Md. 208 [, 34 A.2d 438 (1943)]**. None of those reasons exists here.

Accordingly, should you decide to affirm K&K's selection, the award must be based upon the unit prices **as submitted**, not as revised.

Very truly yours



Robert Fulton Dashiell

ITEM I

	Quantity in Multiples of Hundred	Unit	Unit Price/100 CF	Bidder's Amount	Actual Amount
A1	34,320	CF	0.82	2,814,240.00	28,142.40
A2	1,850	CF	0.05	9,025.00	90.25
	TOTAL OF A ITEMS			2,825,265.00	28,232.65
B1	4,310	CF	0.38	163,780.00	1,637.80
B2	225	CF	0.03	675.00	6.75
	TOTAL OF B ITEMS			164,455.00	1,644.55

TOTAL of Item I (A & B) \$2,987,720.00 \$29,877.20

ITEM II

	Quantity in Multiples of Hundred	Unit	Unit Price/100 CF	Bidder's Amount	Actual Amount
C1	5,425	CF	0.83	450,275.00	4,502.75
C2	280	CF	0.03	840.00	8.40
	TOTAL OF C ITEMS			451,115.00	4,511.15
D1	605	CF	0.30	18,150.00	181.50
D2	35	CF	0.03	153.00	1.05
	TOTAL OF D ITEMS			18,255.00	182.55

TOTAL of Item II (C & D) \$ 469,370.00 \$ 4,693.70

ITEM III

	Quantity in Multiples of Hundred	Unit	Unit Price/100 CF	Bidder's Amount	Actual Amount
E1	900	CF	0.84	75,600.00	756.00
E2	490	CF	0.05	41,650.00	416.50
	TOTAL OF E ITEMS			117,250.00	1,172.50

TOTAL of Item III (E) \$117,250.00 \$1,172.50

ITEM IV (Adjacent Property Wall Work Construction)

F	Quantity in Multiples of Hundred	Unit Price	Bidder's Amount	Actual Amount
F1-F13 (see attached)	Various	Various	1,902,297.00	1,902,297.00

TOTAL of Item IV (F) \$1,902,297.00 \$1,902,297.00

ITEM V

G	Quantity in Multiples of Hundred	Unit Price	Bidder's Amount	Actual Amount
G1-G9 (see attached)	Various	Various	54,662.50	54,662.50

TOTAL of Item V (G) \$54,662.50 \$54,662.50

ITEM VI 20 x 2,000 \$40,000.00 \$40,000.00

ITEM VII 70 x 1,285 \$89,950.00 \$89,950.00

ITEM VIII \$75,230.00 \$75,230.00

TOTAL OF ITEMS I thru VIII \$5,736,479.50 \$2,197,882.90

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004150 - cont'd

President: "The second item on the non-routine agenda can be found on page 64-65 item 12, Recommendation for Contract Awards/Rejections, B50004150, Baltimore City Building Demolition. Will the parties please come forward?"

Mayor: "I thought he had forgotten about us."

Mr. Robert Dashiell: "Good morning."

Comptroller: "Good morning."

Mr. Tim Krus: "Tim Krus, Bureau of Purchases. This is the award of solicitation number B50004150, Baltimore City Building Demolition to two bidders, um -- K&K Adams, Inc. and P&J Contracting Inc. for a total of \$11,692,424.50."

Mr. Dashiell: "Good Morning Mr. President, Madam Mayor, Mr. Nilson, other members of the Board. This is -- my name is Robert Dashiell, I represent P&J Contractors, one of the two vendors selected for award of this contract. And this is kind of an unusual protest because we're not actually challenging the selection of -- of the other contractor, we simp -- we are in fact insisting that the award be made on the basis of the contractors bid as submitted as opposed to as it -- as it may have been modified."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004150 - cont'd

If you look at the um -- chart that's attached to the uh -- protest that I submitted, you will see that there is a discrepancy between the total price indicated in K&K's bid and the total price that's arrived at by actually using the unit prices that are set forth in the bid. The bid specifications, using Mr. Krus's words, clearly provide that unit prices control and that total price will be adjusted in accordance with the unit prices. If you do that, the total price that's submitted by K&K is not what's claimed \$5,736,479.50, in fact its \$2,197,882.90. As long as the award to K&K is made based upon his actual unit prices, we don't make -- we don't care. Uh -- but what we don't want is for someone after the fact to allow K&K to adjust its unit prices to fit its total price when the bid doc - the bid document says it's supposed to happen exactly in reverse order. Now you might say, well why is this important to P&J since it's going to get potentially some of the work anyway? Well, it's very important because as the second bidder, P&J only gets work if K&K rejects it, or if K&K for some reason is not selected.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004150 - cont'd

Uh, the fact of the matter is if K&K is required to do the work at its bid price, we think it's very likely it to -- it to -- that it's going to reject the work and it's going to result in more work for P&J, it's just that simple. You can't do something for 82 cent for every hundred cubic yards, if it really -- 82 cents -- for every hundred cubic yards --"

Director of Public Works: "Cubic feet."

Mr. Dashiell: "--cubic feet, whatever it is, you can't do it for 82 cents if it really cost you 82 dollars. You just can't, so -- so that means -- that means more likely than not, you're going - you're going to ask to be excused from the bid. Now, the uh -- and that's not the kind of mistake, it's not -- it's not minor, its -- its not something that the bidder can be permitted to correct after the fact. It's a unilateral mistake. There's no mistake in the bid documents, there's no confusion about the units or the quantities that are -- the prices are requested on. And so under those circumstances legally, the only relief that a bidder is entitled to is the -- is the opportunity to withdraw its bid.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004150 - cont'd

You're not entitled to the opportunity to change your bid after the fact. And so -- and the reason I think that may have happened here, because you can't tell from the -- from the agenda item as it appears. But, if you look at the agenda -- the page that talks about the minority participation, I deduce from the numbers that are stated there, the dollar values that those dollar values could only be arrived at if you in fact use the adjusted unit prices and not the unit prices that are actually in the bid. Now, I could be wrong, I mean, I could be wrong, I'm not, but it's possible. But uh -- uh -- but that's the only way you could get those dollar values is if you adjusted those unit prices first. And we think that's wrong, we think that's illegal, we think that's contrary to the bid documents and all we are asking is that give it to him, but give it to him at the price he bid and not at the adjusted price after the bid. Thank you."

Mr. Tim Krus: "Tim Krus, Bureau of Purchases. The unit prices were bid in the multiple of a hundred -- of hundreds.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004150 - cont'd

K&K Adams merely misplaced the decimal points. The extended bid prices as well as the total bid prices were absolutely correct. And we do have the ability and have many times in the past um -- determined on our own without having to get clarification from the bidder that the actual unit price intended uh -- was carried out throughout the entire bid. Uh -- the precedent that we go -- that we work on is 'If upon the face of the bid without any outside evidence, you can clearly see that a mistake was made and can also clearly see what the bidder really intended. You should read this bid according to their real intention.' Um -- this was clearly um -- 82 cents where it should have been 82 dollars. The 82 dollars was reflected in the amounts on each line of the bid. Um -- the correct calculation for 82 dollars was reflected on each line of the bid uh -- and the correct calculation with 82 dollars was reflected in the total amount of the bid."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004150 - cont'd

City Solicitor: "I should add that the language that Mr. Krus just used to describe the circumstances under which um - we're - - that we're being guided by here, uh -- that language goes back to a City Solicitor's opinion that is 102 years old, before either Mr. Dashiell or I walked the planet or were a gleam in anybody's eye. And it's been consistently applied ever since, and I quote, 'If upon the face of a bid without any outside evidence you can clearly see that a mistake was made and you can also clearly see what the bidder really intended, you should read this bid according to its real intention, and that's exactly what we're doing here.'"

Mr. Dashiell: "Well, I'm unfortunately -- I'm not as nearly as clairvoyant as either you or Mr. Krus. I don't know that point 82 didn't mean 8 point 2 as opposed to 82 point, that's my -- that is the point. It is not -- it is not obvious unless there is no - unless the conclusion you reach is the only reach -- is the only one you could come to."

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

Bureau of Purchases - B50004150 - cont'd

With that multiple conclu-- it didn't have to be 82 dollars, it could have been 8 dollars and 20 cents. Somebody decided to make it 82 dollars. That is an after the fact change. I mean, look, either these documents - either -- either the bid documents are going to be applied and enforced -- it clearly has a mistake, that's not the issue. That is not the issue. The issue is the bid documents say unit price is controlled. You don't go to the total price and then back into the unit price, that's what -- is what you're suggesting can be done here, because that's the only way you can do it. But that's not what the document says. The document says that the unit price is controlled and there is no way you can look at that and say that number should have been 82 dollars versus 8 dollars and 20 cents, versus point 825 or whatever you conclude. You just can't do that. It's -- it's a mistake, it's an unfortunate mistake but the fact of the matter is the law is clear. You cannot allow that kind of unilateral mistake to change or alter the ultimate bid price.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004150 - cont'd

And that's -- you know -- the only thing that is consistent here is that when this mistake happened some years ago, involving a firm that you have some familiar with which was Potts & Callahan, you took exactly the position that I'm arguing for today. You threw the bid out because they had misplaced the decimal point. And no one -- at that time, was willing to move it for them. I'm done."

President: "Madam Mayor."

Mayor: "Two questions. Um -- I -- I don't know if the -- Potts & Callahan bid that Mr. Dashiell um -- mentioned was referenced in his uh -- protest so I don't know if you have information about that."

Mr. Krus: "I do not."

Mayor: "-- that um -- so I'll uh -- give -- just go to directly to the question at hand. Um -- based on the 102 year old um -- opinion from the City Solicitor, where it says that um -- you can clearly see based on the information, what -- what information are you basing uh -- the um -- determination that it was a uh -- an error basically a typo?"

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004150 - cont'd

Mr. Krus: "We -- we have a quantity that we put on the pricing page of the solicitation. So, on one line that I'm looking at that quantity is 34,320 cubic feet. Um -- then we ask for a unit cost and a total dollar amount. The unit cost says 82 cents, the total dollar amount is \$2,814,240.00 on that line. The only way that you get \$2,814,240.00 is with an 82 dollar -- 82 dollars in a unit cost. So there is no way--"

Mayor: "Is there--"

Mr. Krus: "--no way it could have been 8 dollars and 20 cents."

Mayor: "--is there any way to get -- is there any way to get to that number with any of the numbers that Mr. Dashiell's mentioned?"

Mr. Krus: "No -- not certainly not 8 dollars and 20 cents which is the other -- other number Mr. Dashiell has mentioned. The only way that you get to the exact total amount by line and the total in the solicitation is moving the decimal point two places to the right for 82 dollars and then all of the math in the solicitation works."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004150 - cont'd

All the way up to the total amount bid. And what this -- what this is doing is uh -- essentially putting K&K Adams in a first call position on this contract. Uh -- P&J and K&K Adams have been on this contract for a very long time. P&J has traditionally won the first call. This is the first time that K&K Adams has won the first call."

Mr. Dashiell: "Madam Mayor, I'm going to say this and then I'm going let Mr. Jones speak. The -- the matter in which Mr. Krus determined it is exactly the problem. You're not supposed to determine the unit price by taking the total cost price and dividing it by the quantities given. It's supposed to go the reverse order. According to the bid document, you do it in exactly the reverse order. You're supposed to adjust the total price based upon the unit price, not -- not the reverse. And the only way you can get the unit price is exactly as he said. You start with the total price and divide it by the quantities, then you can come up with a unit price to make sense.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004150 - cont'd

But that's not what the bid document says you're supposed to do. You're supposed to do it the reverse order. Now if you want -- if you're going to disregard that, fine, but don't say -- you can't stand there and say you are doing it the proper way based on a 102 year old legal principle. Legal principles have to be applied based upon the facts that you're -- that you're applying them to. Standing out there alone, they mean nothing until they are applied to a particular set of facts."

Mayor: "I'm just curious, when you said that it could be 8 dollars and something, what are you basing that on?"

Mr. Dashiell: "I'm basing it on the fact that if you move the decimal point one point, you got 8 dollars and 20 cents, you move it two points, you got 82 dollars. You take it as is, you got 82 cents."

Mayor: "But you said -- by saying that you're suggesting that by making it 8 dollars, you come up with the same number?"

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004150 - cont'd

Mr. Dashiell: "No -- no - no -- I'm disregarding the total price completely because I believe that's what the bid document requires. I believe that the bid documents require that you adjust the total price based upon the unit prices, not the reverse. So, arriving at my total price, I use the 82 cents that's there. I was just responding to Mr. Krus's argument that 82 cents necessarily means 82 dollars. He can only say that when you start with the total price already in hand."

Mayor: "Is the -- if I may?"

President: "Yes, Madam Mayor."

Mayor: "Is the uh -- correct price anywhere in the -- in the document?"

Mr. Krus: "The correct extended price is throughout the document and consistent. The only -- the only inconsistency is the 82 cents, rather than 82 dollars."

Mayor: "But they're -- they're using the total price throughout?"

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004150 - cont'd

Mr. Krus: "Correct, correct -- only on the bid price sheet where you actually make the calculation can you see that the only way that the totals work out by line and for the total of the solicitation is by using 82 dollars rather than 82 cents."

President: "Mr. Jones."

Mr. Pless B. Jones: "Thank you Mr. President, Madam Mayor, members of the Board, you treading--"

Comptroller: "State your name first."

Mr. Jones: "Pless B. Jones, Senior President, P&J Contracting. The Board has never looked at a bid this way. And you're treading -- you're opening up new grounds. Let's say I bid a contract to do side walk by the square feet. And I put in my unit price 7 dollars, now you can -- I can make a mistake in the multiplication but the unit price cannot be changed. In this bid, it clearly states A times B equal C, meaning the quantities times the unit price you put down equals the total. None of the extended prices are correct."

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

Bureau of Purchases - B50004150 - cont'd

Now, the Bureau of Purchases was supposed to multiply the unit prices times the quantity and come up with a total. They didn't do that, they decided to change the unit price. You can never change a contractor's unit price. If you do, I can bid 7 dollars, and then it come back, look, we want to change it to 9 dollars because that can't be changed. Okay, the same as this can't be changed. I mean, it's -- it's the principle that you're going to draw a line and people are going to start changing prices. You can't do that."

Mr. Dashiell: "What you're doing, you're inviting -- you're inviting contractors to deliberately introduce a discrepancy between the unit price and the total. I -- I -- In effect, I get two bites of the apple because I can put in -- I can put in a correct or an incorrect unit price but if I know you're going to back into my unit price, by looking at my total price, then I put a total price in, that's completely unrelated.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004150 - cont'd

As long as you can get to it by using a multiple of the unit price that I used. That's why -- that's why the bid document says that you use the unit price to determine the total price and not the reverse. You can always by using math get to a unit price by -- by dividing the total price by the quantities, we know that. But the -- but the reason, the unit price, Madam Mayor, never changes throughout this bid. The correct unit price that Mr. Krus uses is nowhere in this bid at all. Nowhere in the bid did the bidder use 82 dollars, its 82 cents everywhere you look."

Mr. Krus: "The unit cost in the price sheet in the solicitation says unit cost dollars per hundred cubic feet. We determined that when the vendor put in 82 cents, he was putting in a price per cubic foot rather than per hundred cubic feet. And based on looking at the way that calculation extended and the other totals in the bid, we determined that 82 dollars was indeed the unit price."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004150 - cont'd

Mr. Jones: "And Potts and Callahan did that before exact identical same thing and they withdrew their bid because the City said we going to have to give it to you at your unit price."

Mr. Michael Schrock: "Michael Schrock, Baltimore City Law Department. I can't really comment on what the City's done over the last 30 years but I can say even though this doesn't control the State of Maryland does allow a confirmation of bid which seems similar to this situation before us. Um -- I'll give you all this -- and also the case I'm going to cite from the MSBCA. Um -- if you look at the COMAR 21.05.02-12, A Confirmation of a Bid, basically this talks about mistakes discovered before opening of the -- I mean this mistakes discovered when you get the bid, 'If the procure -- procurement officer knows or has reason to conclude that a mistake has been made, the bidder may be requested to confirm the bid. Situations in which confirmations should be requested include obvious apparent errors on the face of the bid or a bid unreasonably lower than the other bids submitted."

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

Bureau of Purchases - B50004150 - cont'd

If the bidder alleges mistake, the bid may be corrected or withdrawn upon written approval from the Office of Attorney General if any of the following conditions have been met.' The first one states the condition, 'If the mistake and the intended correction are clearly evident on the face of the bid document, the bid shall be corrected to the intended correct bid and may not be withdrawn. Examples of mistakes that may be clearly evident on the face of a bid document or typographical errors, errors on extended unit prices and so forth.' That's what we're talking about here, and there's actually a case, MSBCA 230, which I have given to the other side Flippo Construction Company, Inc., where this has actually happened. Where the protestant said in the bid documents, there are conditions in there that said, um -- in this case, it talked more about lump sum prices. But they also talk about other conditions and bids such as like unit prices, where the first thing is you have to say is there obvious error, an obvious mistake? If that's the case, you don't even get into revising the document based on those general conditions where unit prices control, it's obvious.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004150 - cont'd

And you can see from the face of the document. So, the procurement official does have the right to confirm the bid and make that correction. And we've seen that the total award is not changing. It's clear what the total award, what the vendor wanted. Um -- they just made a mistake in the math. I mean, if we went to the IRS, we filled out an IRS form, and you do the calculations, you go to the IRS table and it says you owe them \$5,000.00 in taxes, you put down \$5,000.00 in taxes due to the IRS, the IRS takes your paper form that you submit, looks at all the little things you filled out -- you've made some mistakes in the calculations, I think you're still paying \$5,000.00. You're not paying \$2,500.00 because they're going to revise based on your mistakes and make you pay twenty five hundred, no you're paying 5,000.00. So, that's all I have to say."

President: "Okay. Anything else?"

Mr. Dashiell: "You want to give me a chance to read the case and regulation while I'm standing here?"

President: "I just asked you did you have anything else, Mr. Dashiell."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004150 - cont'd

Mr. Dashiell: "I would say this -- I would say this -- there is no -- the evidence relating to how this change occurred, so far as I know, has not been presented to the Board. This whole -- this situation starts off talking about the bidder may correct mistakes discovered before the time of bid. And then it goes, into, if procurement officer knows or has reason to conclude. We've been presented with no evidence that there was ever any request that the bidder to correct anything. I don't know when this happened, I don't know who made the determination, and I don't know how they determined that 82 dollars versus 8 point -- 8 dollars and 20 -- in other words, the case, I haven't even read it, but I guarantee you that the correction in this case was the only other option that there was after you've discovered the mistake. It was not a situation where there were multiple options available, so no matter -- this -- this whole process is so utterly lacking in transparency here -- that word has become fashionable these days -- but this whole process is so utterly lacking in transparency and so utterly full of the opportunity for mischief because of these options that nobody knows about.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004150 - cont'd

That this -- even -- even the business of presenting a case and a COMAR regulation at 9:35 on the day of the argument -- this -- this -- this process is wrong. This process is what lacks -- is what leads people to have lack of confidence and lack of faith in the integrity of the bidding process itself. No I -- if I had a contractor, and I've had this happen before -- where I've had a bidder, a contractor submitted a bid that was unreasonably low. I had to go -- I had to jump through hoops to get the City to agree to withdraw the bid. Never did anybody volunteer to change it for them. And that's what's happened here. I mean you talk about consistency, that's what's inconsistent. And -- and when you do it and who you do it for is -- and the fact that you don't do it on a regular basis and it's not -- COMAR is not in your bid documents. That COMAR provision is not part of the City procurement law, it's not even in your bid documents, there's no reference to it. There's no indication in the bid documents that you will use that as a basis for reference. And ordinarily when someone quotes COMAR to you, you turn around and say we're not bound by it. So, I -- I -- you know, I really -- I don't like repeating myself so I'm going to shut up."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004150 - cont'd

Mr. Krus: "If I could just respond. Tim Krus, Bureau of Purchases. There was no mischief involved here. The Bureau of Purchases looked at this submission, made this calculation, based on the precedent that we have in the original Solicitor's opinion, and the kind of precedence that Department of Law has brought to the Board today, in response to the protest that we received yesterday at noon. Everything is in order."

President: "Mr. Jones."

Mr. Jones: "Pless Jones, P&J Contracting. Maybe there's no mysteries, and you know Keith - we're both competitors, we are friends, so it's not against Keith, it's against the process. And I called the Bureau of Purchases many times. They would not even discuss with me. I called them yesterday because it wasn't on the agenda yet. And they -- I mean, they could have said to me, okay, this is how we see it, okay and if I agree, I agree, but they wouldn't even communicate at any time. When you talk to the people in the Bureau of Purchases, they act like they were afraid to talk about it, so they make it seem like it was something going on. So, that's why I'm here today."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004150 - cont'd

Mr. Krus: "There was no fear involved in that. We do not discuss with vendors what is going on in our deliberative process when we are assembling a response to a protest."

Mr. Jones: "That was af--"

Mr. Krus: "That protest was received by the deadline. We had a limited amount of time to work through that, and we do not negotiate with vendors what we're going to say during that process."

Mr. Jones: "This was before the protest because I wasn't even going to protest. This was before the protest that you wouldn't give any information -- you had already analyzed your bid, it was supposed to be going on the website. Okay, so you make it -- it's not transparent with the Bureau of Purchases. Okay, and not just this case, but there's many cases, okay, that's not transparent."

Mr. Krus: "This is the way our process has worked for decades--
"

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004150 - cont'd

Mr. Jones: "But -- but you was negotiating--"

Mr. Krus: "--in terms of solicitation."

Mr. Jones: "But you was negotiating for K&K because you changed the unit price, he didn't change it, you changed it."

Mr. Krus: "We are not negotiating for K&K--"

Mr. Jones: "There's nobody else did it."

Mr. Krus: "We're doing what we needed to do--"

President: "Hold up, we only can have one person speaking at one time."

Mr. Jones: "Go ahead, I'm sorry."

Mr. Krus: "We were doing what we needed to do as part of the procurement evaluation process based on what we saw as our obligation to determine whether or not this bid could go forward in the best interest to the City."

Mr. Jones: "Did you call K&K and let them know that you was going to change the unit price? Did somebody from your department do that?"

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004150 - cont'd

Mr. Krus: "We -- we made the change -- we didn't change the unit price, we calculated what this was going to be and determined that only a unit price calculation of 82 dollars would work in this formula."

Mr. Jones: "So, you changed the unit price. Instead of 82 cent, you made it 82 dollars, that's how you came to the calculation."

Mr. Krus: "We calculated--"

Mr. Jones: "So therefore, you're negotiating for K&K --"

Mr. Krus: "We're not negotiating for K --"

Mr. Jones: "You changed his number, you're bidding for him."

Mr. Krus: "We had -- we had a specific way that we carried this out, we looked at the extended price, we looked at the total price of the bid and on face value, 82 dollars was the price."

President: "Let me -- let me ask you a question Mr. Krus. Um -- based on um -- item number 1, A1, 34,320 c.f. times 82 cents, then it equals \$2,814,240.00 --"

Mr. Krus: "Correct."

President: "So, that's what you based it on?"

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004150 - cont'd

Mr. Krus: "Correct, so if -- if --"

Mr. Jones: "No, he did not"

President: "Wait a minute, wait a minute, I'm just asking a question."

Mr. Krus: "Okay um -- so that's the actual bid sheet and the first -- the first line that you see is the line that you're talking about right where the yellow arrow is."

President: "Right --"

Mr. Krus: "So, if you put 82 dollars, if you move that decimal point two places to the right --"

President: "It came up to the 2 million."

Mr. Krus: "It comes to exactly the extended amount there which is consistent with the total amount of the bid."

President: "Okay, so this if -- if it was 82 cent, it would be equal to the \$28,142.00?"

Mr. Krus: "Correct. You would see -- you would see the calculation that Mr. Jones has presented."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004150 - cont'd

President: "Which um -- would have meant that each one of those trash cans would have been 82 cents?"

Mr. Jones: "Yes."

Mr. Krus: "Well, actually, this is uh -- cubic feet of building demolition. Correct."

President: "Okay, give me this -- okay, Mr. Chow."

Director of Public Works: "Mr. Krus, um -- would you say the 82 cents for a hundred cubic yards is a reasonable price?"

Mr. Krus: "No, it is not."

Director of Public Works: "Would you say the uh -- the bidders, the bid amount, the \$2,814,240.00 a reasonable price?"

Mr. Krus: "It is."

Director of Public Works: "Thank you."

President: "Okay, any -- anymore -- I entertain a Motion."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50004150 - cont'd

City Solicitor: "I Move that we deny the protests and accept the recommendation of Bureau of Purchases on this item."

Director of Public Works: "Second."

President: "All those in favor say AYE. Any opposed? The Motion carries."

* * * * *

MINUTES

PERSONNEL MATTERS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

all of the Personnel matters

listed on the following page:

4127

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.

MINUTES**PERSONNEL**Department of Recreation and Parks

	<u>Hourly Rate</u>	<u>Amount</u>
1. WALLY STEPHENSON	\$43.50	\$82,950.00

Account: 1001-000000-4803-371400-601009

Mr. Stephenson will continue to work as a Contract Services Specialist II (Facility Maintenance Coordinator). His duties will include, but are not limited to monitoring the building maintenance budget, preparing expenditure status reports for program administration and evaluation, performing, and maintaining a comprehensive analysis of the Department's facilities. He will make suggestions on maintenance improvements, long and short term, and prioritizing building maintenance projects based on the Department's priorities and project cost/benefit to achieve the most efficient/effective utilization of the maintenance budget. This is a 5% increase in the hourly rate from the previous contract period. The period of the agreement is effective upon Board approval through October 28, 2016.

Office of Civil Rights & Wage Enforcement

2. TALEA GILLESPIE	\$33.65	\$35,000.00
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Account: 1001-000000-1562-171500-601009

Ms. Gillespie will work as a Contract Services Specialist II (Mediation Coordinator). She will be responsible for coordinating the mediation between the Civilian Review Board complainants, Baltimore City Police Officers, and the organization providing the mediators. The period of the Mediation Coordinator Services Agreement is effective upon Board approval for one year.

MINUTES

Department of Planning - Baltimore City Public School System
Capital Improvement Program for
FY 2017-2022

ACTION REQUESTED OF B/E:

The Board is requested to **NOTE** the report of the Planning Commission on the Baltimore City Public School System's (BCPSS) Capital Improvement Program (CIP) for FY 2017-2022.

AMOUNT OF MONEY AND SOURCE:

\$537,138,000.00 - FY 2017-2022 (of which \$102,000,000.00 is City General Obligation (G.O.) bond funds, and \$435,498,000.00 is State funds)

\$112,681,000.00 - FY 2017 Request (of which \$17,000,000.00 is City General Obligation (G.O.) bond funds and \$95,681,000.00 is State funds)

BACKGROUND/EXPLANATION:

Annually the BCPSS must submit an updated and detailed CIP for the upcoming fiscal year and the forthcoming five years to the State of Maryland. This CIP submission receives approval from the Board of School Commissioners, the City of Baltimore Planning Commission, Board of Finance, and the Board of Estimates.

On October 8, 2015, the Planning Commission approved the BCPSS CIP for FY 2017-2022.

The requested funding will provide resources to create an educational environment that encourages the highest caliber of teaching, learning, and facility utilization.

MINUTES

Department of Planning - cont'd

The Board of Estimates' support of this plan will assist the BCPSS' effort to provide enhanced learning environments as it continues to improve educational opportunities for the children of Baltimore City.

The Board **NOTED** the report of the Planning Commission on the Baltimore City Public School System's (BCPSS) Capital Improvement Program (CIP) for FY 2017-2022.

MINUTES

Board of Finance - Baltimore City Public School System
 Capital Improvement Program,
 FY 2017 - 2022

ACTION REQUESTED OF B/E:

The Board is requested to approve the Baltimore City Public School System (BCPSS) Fiscal Year 2017-2022 Capital Improvement Program (CIP).

BACKGROUND/EXPLANATION:

Procedures for administration of the school capital program require that the BCPSS submit annually an updated detailed capital program for the upcoming year and ensuing five fiscal years to the State Interagency Committee on School Construction. As a condition of receiving State school construction aid, the BCPSS is required to submit the CIP by the end of November of each year.

This action requires approval of this program by the appropriate local governing body. As a condition of gaining approval of this local government, a review process has been established that includes the School Board, Planning Commission, Board of Finance, and the Board of Estimates, to serve as the means by which the Mayor will support and endorse the program.

The Board of Finance, at a scheduled meeting on October 26, 2015, considered and endorsed the FY2017 Capital Budget totaling \$112,681,000, and the FY2018-2022 CIP totaling \$424,457,000.00. Annual program distributions are as follows:

BCPSS Fiscal Year 2017 - 2022
Capital Improvement Plan (\$000)

Source/FY	2017	2018	2019	2020	2021	2022	Total
State	95,681	55,957	71,641	69,913	71,349	70,597	435,138
City	17,000	17,000	17,000	17,000	17,000	17,000	102,000
Total	112,681	72,957	88,641	86,913	88,349	87,597	537,138

MINUTES

Board of Finance - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Baltimore City Public School System Fiscal Year 2017-2022 Capital Improvement Program.

MINUTES

Department of Finance - PILOT Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the PILOT Agreement (PILOT) with CHAI-Fallstaff Limited Partnership, Developer. The period of the PILOT Agreement is effective upon Board approval and will remain in effect for as long as the property remains housing for low-income households.

AMOUNT OF MONEY AND SOURCE:

No City Funds are requested at this time.

Debt Service Financing

\$ 375,000.00 - TRF - Senior Debt
\$ 395,000.00 - TRF - Subordinate Debt

Cash Flow Financing and Grants

\$1,815,000.00 - Rental Housing Funds (Maryland Department of
Housing and Community Development-MD DHCD)
\$ 550,000.00 - Baltimore City Bond Funds
\$ 87,000.00 - EMPOWER (MD DHCD)
\$ 10,000.00 - Lead Paint Abatement (MD DHCD)

Equity

\$ 364,723.00 - Deferred Developer's Fee
10,000.00 - Interim Income
7,500.00 - Contribution for Tenant Services
\$3,614,223.00

BACKGROUND/EXPLANATION:

The PILOT will support the redevelopment of the Fallstaff Apartments, a 16-unit building, to 14 low-income apartments and two market rate apartments (the Project). The Developer is an entity controlled by Comprehensive Housing Assistance, Inc. (CHAI), a 501 (C)(3) non-profit which is the affordable housing arm of The Associated Jewish Community Federation of Baltimore.

MINUTES

Department of Finance - cont'd

The estimated annual amount of taxes to be paid under the PILOT is approximately \$20,400.00 per year. The PILOT Agreement will run for as long as the property remains housing for low-income households.

The Fallstaff Apartments, located at 3800-3810 Fallstaff Road, were built approximately 40 years ago. The Fallstaff Apartments is an important neighborhood asset in CHAI's service area. CHAI acquired the building through a competitive bidding process in 2014 to ensure site control. The Project will provide much needed mixed-income rental housing, including 4 units with Project-Based Section 8 subsidies in the form of Project-Based Housing Choice Vouchers (PBV) for a minimum of 15 years. Two of the PBV units will be for Non-Elderly Persons with Disabilities, one of the PBV units will be a Bailey Long-term Affordable "UFAS" unit, and one of the PBV units will be targeted and restricted to an individual or family who is suffering from chronic homelessness.

This rehabilitation project will result in the conversion of a market rate apartment building to a primary affordable family housing project. The Project will consist of the preservation and rehabilitation of 16 rental units, of which 14 units (Affordable Units) will be affordable to families with incomes at or below 60% of the Area Median Income (AMI) adjusted for family size, and two market rate units. The rehabilitation will stabilize and improve conditions at the Project while retaining most of the current tenants, and maintaining the current property manager and its important asset. CHAI purchased the property on March 31, 2014 with the goal of pursuing a refinance and rehabilitation of the property.

MINUTESDepartment of Finance - cont'd

- 1) Actual payments on an annual basis will be the lesser of the following:
 - a) actual assessed taxes for the entire property,
 - b) the sum of the following:
 - i) 10% of the "shelter rent" (the tenant paid a portion of the rent) for those 14 units governed by the MD DHCD rent restrictions (families with incomes at or below 60% of the ARI adjusted for family size), plus
 - ii) 10% of the "market rent" for the two market rate units, which will yield approximately \$2,400.00 per year.

Given the terms of the PILOT Agreement and that it will create 14 units of affordable housing, the PILOT Committee believes that the PILOT proposed is necessary to support both the capital and operating needs of the Project.

MBE/WBE PARTICIPATION:

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the PILOT Agreement (PILOT) with CHAI-Fallstaff Limited Partnership, Developer.

MINUTES

Department of Finance - PILOT Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Payment In Lieu of Taxes (PILOT) Agreement with Bolton North LLC, current Owner.

AMOUNT OF MONEY AND SOURCE:

No City funds are requested at this time

CDA/Tax Exempt Bonds	\$22,200,000.00
4% LIHTC	10,675,938.00
Deferred Fee	<u>625,000.00</u>
	\$33,500,938.00

BACKGROUND/EXPLANATION:

The estimated annual amount of the base payment in lieu of taxes is approximately \$100,000.00 plus other potential payments. The Agreement will continue to run for as long as the property remains housing for low income households.

At the time of closing on the financing, the Owner will transfer the property to a related entity to be established. The PILOT is to support the redevelopment and preservation of 209 (208 one-bedroom and one 2-bedroom) rental units known as the Bolton North Apartments and two commercial spaces. All 208 one-bedroom units now carry project-based Section 8 subsidies targeted to senior citizens (age 62+) with incomes of less than 50% Area Median Income (AMI). The two bedroom unit serves a household of 60% AMI. An existing Section 8 contract was renewed on September 1, 2011 and runs for a period of 20 years. Under the Section 8 program, tenants pay 30% of their income towards the established contract rent and the subsidy pays the difference between the tenant contribution and the contract rent.

MINUTES

Department of Finance - cont'd

The building was constructed in 1975 and has only been periodically updated since that time. The project will consist of the rehabilitation of the units, building systems, infrastructure, amenities, and safety features of the building. The rehabilitation will stabilize and improve conditions at the project while retaining all of the current tenants, maintaining the current property manager and this important community asset.

Department of Finance - cont'd

All of the units are currently affordable to individuals whose incomes are 60% or less of the AMI through a Housing Assistance Payment (HAP) contract. Upon financial closing of the redevelopment, the owner will enter into a Low Income Housing Tax Credit Restrictive Covenant which will restrict all of the units to occupancy by households earning 60% or less of AMI.

The terms of the PILOT were negotiated with the Owner and the Department of Finance and are as follows:

- the project is to be occupied by tenants whose incomes do not exceed the standards limits as required by the tax code covenant with the Department of Housing and Community Development or the State of Maryland,
- the annual amount of the base PILOT will be \$100,000.00,
- the Owner will make additional payments to the City of 25% of cash flow after payment of debt, operating expenses, reserves, investor fees and payment of deferred development fees. In the event that the interest rates drop ten basis points or more from the estimated 4.35%, the City will receive a priority cash flow payment of \$25,000.00 plus 25% of the remaining cash flow,

MINUTES

Department of Finance - cont'd

- the City will receive 25% of the Net Proceeds of sale or Refinance after (i) payoff of the remaining balance of the debt service, (ii) payment of an amount that would cause the developer to have received an annual return of three percent on the equity as defined in the PILOT Agreement paid in minus the distributions paid out, for the period that the equity is or was invested, not to exceed \$3,000,000.00 of cumulative Net Cash Flow to the Owner, (iii) payment of all costs or expenses paid or payable in connection with the sale or refinancing transaction, which are reasonable, necessary and related to the sale or refinancing, including all transaction costs such as brokerage, legal, accounting and other customary fees and expenses,
- the PILOT will only continue so long as the general partner of the ownership is controlled by a nonprofit entity, and
- the units are subsidized by a HAP contract which the owner will renew on an annual basis so long as such renewals are available from HUD.

Given the extreme need and age of the current facility and the need of the City for affordable housing, the PILOT Committee believes that the PILOT is necessary to support both the capital and operating needs of the project.

MBE/WBE PARTICIPATION:

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

MINUTES

Department of Finance - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Payment In Lieu of Taxes Agreement with Bolton North LLC, current Owner.

MINUTES

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

ACTION REQUESTED OF B/E:

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

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

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

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

Due to the current high demand for parking at the Penn Station Garage, the PABC staff developed the submitted rate adjustment recommendation. This rate adjustment was unanimously approved by the PABC Board of Directors.

MINUTES

PABC - cont'd

Location	Proposed Transient Rate Changes			Proposed Monthly Rate Changes			
Penn Station Garage	Regular Transient Rates			Rate Monthly Rate			
		Current Rate	Proposed Rate	Last Rate Change	Current Rate	Proposed Rate	Last Rate Change
	9-14 hour rate	\$17.00	\$18.00	May 2015	No proposed rate adjustments		

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

Parking Authority of - Amendments to Parking Facility
Baltimore City (PABC) Operations and Management Agreements

The Board is requested to approve and authorize execution of the following Amendments to Parking Facility Operations and Management Agreements:

<u>Operators</u>	<u>Facility/ies</u>
1. IMPARK/DANAS PARKING LLC	Arena Garage Marriott Garage Penn Station Garage Redwood Garage
<u>Arena Garage:</u>	
<u>Amendment</u>	<u>Original Agreement</u>
\$429,905.00	\$397,299.00
3,600.00	3,600.00
<u>108,000.00</u>	<u>96,000.00</u>
\$541,505.00	\$496,899.00
	Account Number
	2075-000000-2321-407200-603016 Maintenance and Repair
	2075-000000-2321-407200-603026 Management and Incentive
	2075-000000-2321-407200-603038 Security

Marriott Garage:

<u>Amendment</u>	<u>Original Agreement</u>	<u>Account Number</u>
\$396,754.00	\$367,050.00	2075-000000-2321-407000-603016 Maintenance and Repair
3,600.00	3,600.00	2075-000000-2321-407000-603026 Management and Incentive
<u>60,000.00</u>	<u>60,000.00</u>	2075-000000-2321-407000-603038 Security
\$460,354.00	\$430,650.00	

MINUTESPABC - cont'dPenn Station Garage:

<u>Amendment</u>	<u>Original Agreement</u>	<u>Account Number</u>
\$476,966.00	\$450,425.00	2075-000000-2321-407600-603016 Maintenance and Repair
3,600.00	3,600.00	2075-000000-2321-407600-603026 Management and Incentive
<u>75,000.00</u>	<u>84,000.00</u>	2075-000000-2321-407600-603038 Security
\$555,566.00	\$538,025.00	

Redwood Garage:

\$378,534.00	\$362,550.00	2076-000000-2321-253900-603016 Maintenance and Repair
3,600.00	3,600.00	2076-000000-2321-253900-603026 Management and Incentive
<u>60,000.00</u>	<u>60,000.00</u>	2076-000000-2321-253900-603038 Security
\$442,134.00	\$426,150.00	

The original agreement was approved by the Board on July 24, 2013 for the period of August 1, 2013 to July 31, 2014. The agreement included an option to extend the agreement for one additional year, from August 1, 2014 to July 31, 2015. This Amendment will extend the contract through July 31, 2016. The compensation to Impark/Danas Parking LLC for the extension will be based upon the original compensation structure.

MBE/WBE PARTICIPATION:Arena, Penn, Marriott, and Redwood Garages

MBE: Xecutive Security Investigation, Inc.	27%	\$237,290.00	33%
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MINUTES

PABC - cont'd

WBE: AJ Stationers, Inc.	\$ 13,222.54	1.8%
Tote-It, Inc.	27,205.00	3.8%
Jan Ferguson, Inc.	42,528.37	5.9%
Sign Solutions, Inc.	<u>6,676.81</u>	<u>0.9%</u>
d/b/a Sign-A-Rama		
Total	10% \$ 89,632.72	12.4%

MWBOO FOUND VENDOR IN COMPLIANCE.

Operators

Facility/ies

2. **LANDMARK PARKING, INC.**

Fleet and Eden Garage

<u>Amendment</u>	<u>Original Agreement</u>	<u>Account Number</u>
\$269,003.00	\$256,286.00	2075-000000-2321-408300-603016
		Maintenance and Repair
72,000.00	72,000.00	2075-000000-2321-408300-603026
		Management and Incentive
<u>5,000.00</u>	<u>4,000.00</u>	2075-000000-2321-408300-603038
<u>\$346,003.00</u>	<u>\$332,286.00</u>	Security

The original agreement was approved by the Board on November 12, 2014 for the period of July 1, 2014 to June 30, 2015. This Amendment will extend the contract through June 30, 2016. The compensation to Landmark Parking, Inc. will be based upon the original compensation structure.

MINUTES

PABC - cont'd

MBE/WBE PARTICIPATION:

Fleet and Eden Garage

MBE: Evergreen Landscape & Design Corp.	\$1,750.00	5.30%
Grady Environmental Service	2,650.00	8.00%
Ageis Mechanical Corp.	1,905.00	5.70%
Total	17%	19.00%
	\$6,305.00	
WBE: Sue-Ann's Office Supply	\$4,454.00	13.00%
Signs Solutions dba Sign-A-Rama	568.00	2.00%
Total	9%	15.00%
	\$5,022.00	

MWBOO FOUND VENDOR IN COMPLIANCE.

Operators

Facility/ies

3. **PMS PARKING, INC. AND LAZ PARKING MID-ATLANTIC, LLC (PMS/LAZ)**

St. Paul Garage

<u>Amendment</u>	<u>Original Agreement</u>	<u>Account Number</u>
\$254,755.00	\$252,839.00	2075-000000-2321-408100-603016 Maintenance and Repair
84,210.00	84,210.00	2075-000000-2321-408100-603026 Management and Incentive
6,000.00	6,000.00	2075-000000-2321-408100-603038 Security
<u>\$344,965.00</u>	<u>\$343,049.00</u>	

MINUTES

PABC - cont'd

The original agreement was approved by the Board on November 12, 2014 for the period of July 1, 2014 to June 30, 2015. This Amendment will extend the contract through June 30, 2016. The compensation to PMS/LAZ will be based upon the original structure.

MBE/WBE PARTICIPATION:

MBE: Watkins Security Agency	\$1,250.00	0.8%
T.E. Jeff, Inc.	<u>2,321.00</u>	<u>1.4%</u>
Total	17% \$3,571.00	2.2%
WBE: Sue-Ann's Office Supply, Inc.	\$ 694.00	0.4%
Copy Cat Acquisition Co., LLC	<u>80.00</u>	<u>0.1%</u>
Total	9% \$ 774.00	0.5%

MWBOO FOUND VENDOR IN COMPLIANCE.

Operators

Facility/ies

4. **PMS PARKING, INC.**

Caroline Street Garage

<u>Amendment</u>	<u>Original Agreement</u>	<u>Account Number</u>
\$229,790.00	\$214,874.00	2075-000000-2321-408200-603016 Maintenance and Repair
64,872.00	64,872.00	2075-000000-2321-408200-603026 Management and Incentive
<u>7,500.00</u>	<u>4,000.00</u>	2075-000000-2321-408200-603038 Security
\$302,162.00	\$283,746.00	

MINUTES

PABC - cont'd

The original agreement was approved by the Board on November 12, 2014 for the period of July 1, 2014 to June 30, 2015. This Amendment will extend the contract through June 30, 2016. The compensation to PMS Parking, Inc. will be based upon the original structure.

MBE/WBE PARTICIPATION:

MBE: Watkins Security Agency	\$ 490.00	1%
T.E. Jeff, Inc.	<u>1,900.00</u>	<u>4%</u>
Total	17%	<u>\$2,390.00</u>
WBE: Sue-Ann's Office Supply, Inc.	\$1,411.00	3%
Sign Solutions, Inc. dba Sign-A-Rama	1,340.00	3%
The Fireline Corp.	<u>377.00</u>	<u>1%</u>
Total	9%	<u>\$3,128.00</u>

MWBOO FOUND VENDOR IN COMPLIANCE.

The PABC, through the Bureau of Purchases on April 15, 2015, solicited bids for the management of the above-listed Garages. The bids were opened by the Board on May 27, 2015 and the lowest compliant bid/s were presented to the Board for approval on June 17, 2015.

The Board rejected the bids on July 1, 2015. Therefore, the PABC must extend the Parking Facility Operations and Management Agreements until they can be rebid.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTES

PABC - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Amendments to Parking Facility Operations and Management Agreements with Impark/Danas Parking LLC, Landmark Parking, Inc, PMS Parking, Inc. and LAZ Parking Mid-Atlantic, LLC, and PMS Parking, Inc.

MINUTES

Department of Housing and - Community Development Block Grant
Community Development Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Community Development Block Grant (CDBG) Agreement with St. Ambrose Housing Aid Center, Inc. The period of the agreement is July 1, 2015 through June 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$136,450.00 - 2089-208916-5930-436191-603051
 49,440.00 - 2089-208916-5930-434191-603051
136,490.00 - 2089-208916-5930-436191-603051
\$322,380.00

BACKGROUND/EXPLANATION:

The Subgrantee will provide one-on-one pre-purchase counseling to potential homeowners and one-on-one default housing counseling services to low and moderate-income persons who are in danger of losing their homes. The Subgrantee will also provide housing counseling, referrals, and home assessments to match homeowners with existing space in their homes with tenants seeking affordable housing under the Homesharing Program.

FOR FY 2016, MBE AND WBE PARTICIPATION GOALS FOR THE ORGANIZATION WERE SET ON THE AMOUNT OF \$71,250.00, AS FOLLOWS:

MBE: \$19,238.00

WBE: \$ 7,125.00

MINUTES

Department of Housing and - cont'd
Community Development

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

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

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

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Community Development Block Grant Agreement with St. Ambrose Housing Aid Center, Inc.

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

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Department of Housing and Community Development - Condemnation</u>			
1. Barl El Real Estate, LLC	2706 Reisterstown Road	F/S	\$3,000.00

Funds are available in account 9910-908044-9588-90000-704040, Enterprise Reisterstown Road Project.

The fair market value is substantiated in appraisals made by independent appraisers contracted by the City. This will permit the City to have title to, and if necessary immediate possession of, the subject property interest in conformity with the requirements of the applicable law.

UPON MOTION duly made and seconded, the Board approved the above condemnation.

MINUTES

Department of Public Works (DPW) - Second Renewal Option
of Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize the second renewal option of the agreement with the Waterfront Partnership of Baltimore, Inc. The period of the renewal is July 17, 2015 through July 16, 2016.

AMOUNT OF MONEY AND SOURCE:

\$19,870.20 - 2070-000000-5501-397210-603016

BACKGROUND/EXPLANATION:

On July 17, 2013, the Board approved the original agreement with the Waterfront Partnership of Baltimore, Inc. to provide ongoing cleaning and greening services to the DPW Eastern Avenue Pumping Station, located east of the Inner Harbor. These services will create and maintain a more attractive, safer, and enjoyable waterfront area for local residents and visitors.

The original agreement included two 1-year renewal options. The DPW and the Waterfront Partnership of Baltimore, Inc. are requesting to enter into the second renewal of the agreement.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized the second renewal option of the agreement with the Waterfront Partnership of Baltimore, Inc.

MINUTES

Police Department - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Agreement with the Research Foundation of City University of New York on Behalf of John Jay College (Research Foundation). The period of the Agreement is January 1, 2014 through December 31, 2015.

AMOUNT OF MONEY AND SOURCE:

\$415,000.00 - 1001-000000-2252-728900-603026

BACKGROUND/EXPLANATION:

Under the terms of this Agreement, the Research Foundation will focus on reducing serious violence in Baltimore City utilizing four components; group violence intervention, intensive technical assistance, facilitating peer-to-peer and collaborative learning opportunities for the citizens of Baltimore, and supporting Baltimore in applying innovative approaches to address specific community and law enforcement dynamics.

The Agreement is late because the documents were recently received.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTES

Police Department - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Agreement with the Research Foundation of City University of New York on Behalf of John Jay College (Research Foundation).

MINUTES

TRAVEL REQUEST

<u>Name</u>	<u>To Attend</u>	<u>Funds</u>	<u>Amount</u>
<u>Fire Department</u>			
1. Anthony Smith*	International Assoc-	FY2014	\$5,392.64
Donald Gerkin**	iation of Emergency	Urban	
	Managers Conference	Area	
	Las Vegas, NV	Security	
	Nov. 13 - 19, 2015*	Initiative	
	Nov. 12 - 19, 2015**	Grant	
	(Reg. Fee \$595.00 ea.)		

The subsistence rate for this location is \$167.00 per night for each attendee.

The cost of the hotel for Mr. Smith is \$129.00 per night plus hotel taxes of \$15.48 per night. The airfare in the amount of \$502.00 and the registration fee in the amount of \$595.00 for Mr. Smith were pre-paid on a City-issued credit card assigned to David McMillan.

The Department is requesting additional subsistence of \$2.00 per day for meals and incidentals for Mr. Smith. Mr. Smith will be disbursed \$1,166.88.

The cost of the hotel for Mr. Gerkin is \$159.00 per night for November 12, 13, 17, and 18, 2015, plus hotel taxes of \$19.08 per night. The cost of the hotel for November 14, 2015 is \$349.00 plus hotel taxes of \$41.88. The cost of the hotel for November 15, 2015 is \$289.00 plus hotel taxes of \$34.68 per night. The cost of the hotel for November 16, 2015 is \$199.00 plus hotel taxes of \$23.88. The registration fee in the amount of \$595.00 was pre-paid on a City-issued credit card assigned to David McMillan.

MINUTES**TRAVEL REQUEST**

<u>Name</u>	<u>To Attend</u>	<u>Funds</u>	<u>Amount</u>
<u>Fire Department</u> - cont'd			

The Department is requesting additional subsistence of \$336.00 to cover the total cost of the hotel and a total of \$248.00 for meals and incidentals for Mr. Gerkin. Mr. Gerkin will be disbursed \$2,533.76.

RETROACTIVE TRAVEL APPROVAL

Department of Finance

2.	Beverly Crosby	Utility Payment Conference Atlanta, GA Sept 20 - 24, 2015 (Reg. Fee \$450.00)	General Funds	\$1,430.23
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On September 20 - 24, 2015, Ms. Crosby traveled to Atlanta, GA to attend the Utility Payment Conference. The allowed subsistence rate for this location is \$191.00 per day. The hotel rate was \$159.00 per night. The occupancy and state room taxes were \$12.72 per night, plus a state hotel fee of \$5.00 per night. The registration costs of \$450.00 were prepaid using EA000165093. Therefore, the reimbursement to Ms. Crosby is \$980.23.

This request is late because of an attempt to locate lower airfare. The Department requests retroactive travel approval. The requested travel reimbursement is as follows:

MINUTES**TRAVEL REIMBURSEMENT**

Department of Finance - cont'd

\$203.00	-	Transportation
19.47	-	Shuttle
636.00	-	Hotel
121.76	-	Hotel Tax
<u>450.00</u>	-	Registration
\$1,430.23		

UPON MOTION duly made and seconded, the Board approved the travel request, the retroactive travel approval, and the travel reimbursement.

MINUTES

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART FOR ALL ITEMS ON THE AGENDA.

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.

Kim A. Trueheart

November 3, 2015

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 questionable management and administration within the various boards, commissions, agencies and departments of the Baltimore City municipal government.

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 1 - 91, City Council President and members of the Board of Estimates, BOE Agenda dated November 4, 2015, if acted upon:
 - i. The proceedings of this board often renew business agreements without benefit of clear measures of effectiveness to validate the board's decision to continue funding the provider of the city service being procured;
 - ii. The Baltimore City School Board of Commissioners routinely requires submissions for board consideration to include details of the provider's success in meeting the objectives and/or desired outcomes delineated in the previously awarded agreement;
 - iii. The members of this board continue to fail to provide good stewardship of taxpayers' funds as noted by the lack of concrete justification to substantiate approval of actions presented in each weekly agenda;
 - iv. This board should immediately adjust the board's policy to ensure submissions to the board include measures of effectiveness in each instance where taxpayer funds have already been expended for city services;
 - v. In the interest of promoting greater transparency with the public this board should willing begin to include in the weekly agenda more details which it discusses in closed sessions without benefit of public participation.
 - vi. Lastly this board should explain to the public how, without violating the open meeting act, a consent agenda is published outlining the protocols for each week's meeting prior to the board opening its public meeting.

Email: kimtrueheart@gmail.com
5519 Belleville Ave
Baltimore, MD 21207

3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed what appears to be a significant dearth in responsible and accountable leadership, management and cogent decision making within the various agencies and departments of the Baltimore City municipal government which potentially cost myself and my fellow citizens excessive amounts of money in cost over-runs and wasteful spending.

4. Remedy I desire: The Board of Estimates should immediately direct each agency to include measures of effectiveness in any future submissions for the board's consideration.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on November 4, 2015.

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

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

* * * * *

MINUTES

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

BIDS, PROPOSALS, AND CONTRACT AWARDS

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

Department of Transportation - TR 10318, Rehabilitation of Roadways Around East Baltimore Life Science Park, Phase 2A
BIDS TO BE RECV'D: 11/18/2015
BIDS TO BE OPENED: 11/18/2015

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

Department of Public Works - WC 1301R, On-Call Large Water Main Repairs

Spiniello
 J. Fletcher Creamer & Son, Inc.
 R.E. Harrington Plumbing & Heating, Inc.
 Anchor Construction Corp.
 Metra Industries

MINUTES

Bureau of Purchases - B50004299, OEM Parts and Service for Fuso Mitsubishi Trucks

Waste Equipment Sales & Services, LLC
American Truck & Equipment Co.

Bureau of Purchases - B50004338, Furnish and Install Carpet and Floor Tile


JD Carpets, Inc.
Jostes Carpets, Inc.
Tito Contractors, Inc.
L&R Enterprises, t/a L&R Floors
JB Contracting, Inc.

Bureau of Purchases - B50004351, Truck Accessories

Keystone Automotive/A&A Auto Parts Store, Inc.
Acres Automotive
Edgewater Tires d/b/a Admiral Tires

* * * * *

There being no objections, the Board UPON MOTION duly made and seconded, the Board adjourned until its next regularly scheduled meeting on Wednesday, November 11, 2015.


JOAN M. PRATT
Secretary