

MINUTES

REGULAR MEETING

Bernard C. "Jack" Young, President
Stephanie Rawlings-Blake, Mayor
Joan M. Pratt, Comptroller and Secretary
George A. Nilson, City Solicitor
David E. Ralph, Deputy City Solicitor
Alfred H. Foxx, Deputy Director of Public Works
Ben Meli, Deputy Director of Public Works
Bernice H. Taylor, Deputy Comptroller and Clerk

The meeting was called to order by the President.

Deputy Comptroller: "I would like to announce that the Board of Estimates will be in recess on December 1, 2010. The Board will not receive or open bids on December 1, 2010. The Board of Estimates will reconvene on December 8, 2010. Mr. President, members of the Board those are the changes."

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President: "Before we go any further, I wanted to acknowledge the presence of Councilman Curran who has joined us this morning. Welcome."

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MINUTES

BOARDS AND COMMISSIONS1. 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:

M. Davis & Sons, Inc.	\$ 8,000,000.00
J.F. Fischer Inc.	\$45,765,000.00
Power and Combustion, Inc.	\$ 8,649,000.00
Top Roofing Inc.	\$ 1,500,000.00
X-Treme Painting General Contracting, LLC	\$ 414,000.00

2. Prequalification of Architects and Engineers

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

Harris-Kupfer Architects, Inc.	Architect
Latis Associates, LLC	Engineer
Simpson Gumpertz & Heger, Inc.	Architect Engineer

UPON MOTION duly made and seconded, the Board approved and authorized execution of the prequalification of contractors and architects and engineers.

MINUTES

CITY COUNCIL BILLS:

10-0598 - Franchise - Private Fuel Pipeline Under and Across a Portion of the Frankfurst Avenue Right-of-Way for the purpose of granting a franchise to Apex Oil Company to construct, use, and maintain a private fuel pipeline under and across a portion of the 1800 block of Frankfurst Avenue right-of-way, connecting facilities located on the properties known as NuStar - LP Terminal pier and Center Point Terminal on Vera Street, subject to certain terms, conditions, and reservations; and providing for a special effective date.

IN ACCORDANCE WITH THE MINOR PRIVILEGE SCHEDULE OF CHARGES AND REGULATIONS AS ESTABLISHED BY THE BOARD OF ESTIMATES, THE DEPARTMENT OF GENERAL SERVICES RECOMMENDS AN ANNUAL FRANCHISE FEE OF \$210.00 FOR THIS TYPE OF ENCROACHMENT INTO THE PUBLIC WAY.

THE PLANNING COMMISSION RECOMMENDS APPROVAL, SUBJECT TO THE COMMENTS FROM THE DEPARTMENT OF GENERAL SERVICES.

THE DEPARTMENT OF TRANSPORTATION TAKES NO POSITION ON THE PASSAGE OF CITY COUNCIL BILL 10-0598, AND DEFERS TO THE DEPARTMENT OF GENERAL SERVICES.

ALL REPORTS RECEIVED WERE FAVORABLE.

10-0611 - Franchise - Private 115 kV Conduit Under and Across Portions of the West Patapsco Avenue, Potee Street, Hanover Street, Baltic Avenue, Second Street, Frankfurst Avenue, Frankfurst Avenue Relocated, Shell Road and East Patapsco Avenue Rights-of-way for the purpose of granting a franchise to Energy Answers International, Inc., to construct, use, and maintain a private 115 kV cable conduit system under and across portions of the West Patapsco Avenue, Potee Street, Hanover Street, Baltic Avenue, Second Street, Frankfurst Avenue, Frankfurst Avenue Relocated, Shell Road, and East Patapsco Avenue rights-of-way, to

MINUTES

CITY COUNCIL BILLS - cont'd

connect a Fairfield Alternative and Renewable Energy Project located on the property known as 1701 E. Patapsco Avenue with the Pumphrey Substation located in Anne Arundel County, Maryland, subject to certain terms, conditions, and reservations; and providing for a special effective date.

THE DEPARTMENT OF GENERAL SERVICES RECOMMENDS SEVERAL TECHNICAL AMENDMENTS THAT ARE NECESSARY TO CORRECT CERTAIN REFERENCES AND CERTAIN ALIGNMENT DESCRIPTIONS. THE AMENDMENTS AND CORRECTIONS ARE AS FOLLOWS:

Amendment No. 1

On page 1, line 10 and on page 2, lines 7 and 17, correct the location of the Pumphrey Substation from "Anne Arundel County, Maryland" to "Baltimore County, Maryland".

Amendment No. 2

On page 2, beginning on line 13, correct the word "consist" to "consisting", correct the number of conduit rows from "two" to "three" and increase the minimum cover from "3 foot" to "4 foot", so that it reads:

"...a private 115kV cable conduit system consisting of ~~two~~ **three** rows of three conduit and one row of two communications conduit measuring 2 feet wide by 3 feet deep, with a minimum of 3 **4** foot cover, ..."

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CITY COUNCIL BILLS - cont'dAmendment No. 3

On page 2, line 44, between "Route I-895" and "Westbound" insert the phrase "at the conduit alignment centerline station of 354+83, said point being at the I-895", so that it reads:

"...Maryland Route I-895 at the conduit alignment centerline station of 354+83, said point being at the I-895 Westbound Exit Ramp to Frankfurst Avenue."

Amendment No. 4

On page 3, line 12 correct the centerline alignment station from "401+64" to "410+64" and on line 16 correct the centerline alignment station from "397+75" to "412+44", so that it reads:

"...said point being at the conduit alignment centerline station of 401+64 410+64, thence running southeasterly through the right-of-way of East Patapsco Avenue 180 feet to the Eastbound Side, Southerly right-of-way line of East Patapsco Avenue, 1436 feet Easterly of Shell Road, said point being at the conduit alignment centerline station of ~~397+75~~ 412+44."

IN ACCORDANCE WITH THE MINOR PRIVILEGE SCHEDULE OF CHARGES AND REGULATIONS AS ESTABLISHED BY THE BOARD OF ESTIMATES, THE DEPARTMENT OF GENERAL SERVICES RECOMMENDS AN ANNUAL FRANCHISE FEE OF \$73,662.62 FOR THIS TYPE OF ENCROACHMENT INTO THE PUBLIC WAY.

THE PLANNING COMMISSION RECOMMENDS THAT THE BILL BE AMENDED TO REPLACE ALL REFERENCES OF ANNE ARUNDEL COUNTY WITH BALTIMORE COUNTY, AND RECOMMENDS APPROVAL, SUBJECT TO THE COMMENTS FROM THE DEPARTMENT OF GENERAL SERVICES.

MINUTES

CITY COUNCIL BILLS - cont'd

10-0515 - An Ordinance concerning Sale of Property - Former Beds of Woodall Street and Clemm Street for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain parcels of land known as the former beds of (1) Woodall Street, extending from Fort Avenue southwesterly to Clemm Street, and (2) Clemm Street, extending from Key Highway, southeasterly to the southeasternmost extremity, thereof, and no longer needed for public use; and providing for a special effective date.

THE DEPARTMENT OF GENERAL SERVICES SUPPORTS PASSAGE OF CITY COUNCIL BILL NO. 10-0515 PROVIDED THE CLOSING ORDINANCE IS APPROVED.

THE DEPARTMENT OF REAL ESTATE SUPPORTS BILL NO. 10-0515, SUBJECT TO ANY EXISTING UTILITIES EASEMENTS NEEDED BY THE CITY.

ALL REPORTS RECEIVED WERE FAVORABLE.

10-0572 - An Ordinance concerning Sale of Property - Former Bed of Diamond Street for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in a certain parcel of land known as the former bed of Diamond Street, extending from Fayette Street northerly 220.2 feet, more or less, to Shad Alley and no longer needed for public use; and providing for a special effective date.

ALL REPORTS RECEIVED WERE FAVORABLE.

MINUTES

CITY COUNCIL BILLS - cont'd

10-0580 - An Ordinance concerning Sale of Property - Former Beds of Bruce Street and Two Ten-foot alleys Lying Within the Penn North Housing and Community Development Project for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain parcels of land known as the former beds of (1) Bruce Street, extending from Clifton Avenue, Southerly and Southeasterly 400.4 feet, more or less, (2) a ten-foot alley located on the west side of Bruce Street, distant 106.0 feet, more or less, southerly from Clifton Avenue, and extending westerly 52.0 feet, more or less, and (3) a ten-foot alley located on the east side of Bruce Street, distant 82.0 feet, more or less, southerly from Clifton Avenue, and extending easterly 35.0 feet, more or less, and lying within the Penn North Housing and Community Development Project and no longer needed for public use; and providing for a special effective date.

ALL REPORTS RECEIVED WERE FAVORABLE. THE DEPARTMENT OF REAL ESTATE SUPPORTS BILL NO. 10-0580, SUBJECT TO ANY EXISTING UTILITIES EASEMENTS NEEDED BY THE CITY.

UPON MOTION duly made and seconded, the Board approved City Council Bill nos. 10-0598, 10-0515, 10-0572, 10-0580, and 10-0611 and set the Franchise Fee for City Council Bill 10-0611 at \$73,662.52 upon the recommendation of the Department of General Services and directed that the bills be returned to the City Council with the recommendation that they also be approved and passes by that Honorable Body. The President **ABSTAINED**.

MINUTES

Department of Recreation and Parks - Grant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a grant agreement with Tuerk House. The period of the agreement is effective upon Board approval for one year.

AMOUNT OF MONEY AND SOURCE:

\$52,250.00 - G294-500-046-00-326

BACKGROUND/EXPLANATION:

Tuerk House is a non-profit corporation, whose mission is to empower recovering addicts and alcoholics to live in abstinence-based recovery. The Tuerk House OPEN DOORS Program endeavors to beautify Baltimore City's buildings, streets, neighborhoods, parks, etc., while providing educational training and living wage employment for its clientele.

Under this agreement, the Department of Recreation and Parks will provide a grant to Tuerk House to compensate its Open Doors crew members for park maintenance services rendered to the Department.

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 grant agreement with Tuerk House.

MINUTES

Department of Recreation & - Deed of Easement &
Parks (Rec. & Parks) Conditional Security Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution a Deed of Easement and Conditional Security Agreement with the State of Maryland acting by and through the Board of Public Works, The Maryland State Department of Education and the Maryland Zoological Society Inc. (MZS), grantors and the Maryland Historical Trust (the Trust), grantee, concerning the improvements known as 1876 Mansion House Drive (Property), which is a portion of Druid Hill Park, located at 2700 Madison Avenue.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On July 8, 1992 the Board approved a long term lease of the Baltimore Zoo located in Druid Hill Park and its contents to the State of Maryland, which lease was subsequently approved by the State Board of Public Works and dated October 6, 1992. The said lease was further amended by Supplemental Lease Agreement No. 1 dated April 13, 2005, the original lease as amended is hereinafter called the "Zoo Lease". Pursuant to the terms of the Zoo Lease the State of Maryland assumed operational responsibility for the Baltimore Zoo (Zoo). By sublease dated October 6, 1992 The State Department of Education, the State's managing agency, subleased the Zoo to the MZS. Under the terms of the sublease the MZS assumed the operational management of the Zoo.

The improvements located on the Property are of historic significance and are known as the Maryland Building. The Maryland Building was the State's exhibit at the 1876 Centennial Exhibition held in Philadelphia and was dismantled and reconstructed at the Property. The Trust pursuant to the terms

MINUTES

Department of Recreation and Parks - cont'd

of a Grant Agreement dated June 30, 2004 made available to the MZS, \$50,000.00 to be used to stabilize the exterior of the Maryland Building. A condition of the Grant Agreement is that the Property be subject to a deed of easement and conditional security agreement in favor of the Trust.

(FILE NO. 54996)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Deed of Easement and Conditional Security Agreement with the State of Maryland acting by and through the Board of Public Works, The Maryland State Department of Education and the Maryland Zoological Society Inc., grantors and the Maryland Historical Trust, grantee, concerning the improvements known as 1876 Mansion House Drive, which is a portion of Druid Hill Park, located at 2700 Madison Avenue.

MINUTES

Mayor's Office of Employment - Agreements and Amendment
Development (MOED) No. 2 to Agreement

The Board is requested to approve and authorize execution of the various agreements and amendment no. 2 to agreement.

AGREEMENTS

1. **THE FAMILY LEAGUE OF BALTIMORE** **\$139,853.00**
CITY, INC.

Account: 4000-809211-6331-466705-603051

Under the terms of this grant award agreement, The Family League of Baltimore City, Inc. will provide services at the Westside Youth Opportunity Center for youth referred by the Department of Juvenile Services. The Family League of Baltimore City, Inc. will provide the youth with an Individual Service Plan, intensive case management, educational/vocational support, transportation, crisis intervention, dinner meals, and recreational activities. The period of the agreement is October 1, 2010 through July 31, 2011.

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

2. **SINAI HOSPITAL OF BALTIMORE, INC.** **\$ 13,883.50**

Account: 4000-805310-6310-464205-603051

Sinai Hospital of Baltimore, Inc. will provide 257 hours of training for 84 incumbent employees through an initiative known as Maryland Business Works. The employees will receive the following training from the Community College of Baltimore: elementary algebra, intermediate algebra, ACCUPLACER preparation, anatomy and physiology, reading essentials, math essentials concepts and application, and School-at-Work. The period of the agreement is October 4, 2010 through June 30, 2011.

The agreements are late because additional time was required to reach a comprehensive understanding between the parties.

MINUTES

MOED - cont'd

AMENDMENT NO. 2 TO AGREEMENT

- 3. **TOWSON UNIVERSITY - DIVISION OF** **\$ 27,000.00**
ECOMONIC AND COMMUNITY OUTREACH
(TOWSON UNIVERSITY)

Accounts: 4000-807510-6310-467253-603051
4000-806710-6310-467253-603051
5000-585410-5750-467253-603051
4000-807511-6312-467253-603051
4000-806711-6312-467253-603051
4000-897509-6310-467253-603051
4000-896709-6310-467253-603051
5000-585210-5750-649886-603051
4000-894109-6330-467253-603051

On December 9, 2009, the Board approved the original agreement, in the amount of \$12,000.00, for Towson University to train four participants in areas specified on the Maryland Higher Education Commission (MHEC) list.

On June 16, 2010, the Board approved amendment no. 1 which increased the agreement by \$24,000.00 and extended the period of the agreement through June 30, 2011, to allow Towson University to provide training for 12 additional participants in areas specified on the MHEC list.

Under the terms of amendment no. 2, an increase in the amount of \$27,000.00 will allow Towson University to provide training for five additional participants in areas specified on the MHEC list. This will make the total number of participants 21 and the total amount of the agreement \$63,000.00. All other terms and conditions of

MINUTES

MOED - cont'd

the original agreement remain unchanged.

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 various agreements and amendment no. 2 to agreement.

MINUTES

Department of Housing and Community - Agreement and Memoranda
Development/Baltimore Homeless of Understanding
Services (BHS)

The Board is requested to approve and authorize execution of the agreement and memoranda of understanding.

AGREEMENT

- 1. METROPOLITAN BALTIMORE QUADEL/ \$190,117.00
 QUADEL CONSULTING CORPORATION
 (QUADEL)

Account: 4000-490811-3573-333600-603051

The Quadel will provide two full-time equivalent inspectors to complete housing inspection work in accordance with 24 CFR 982.401 inspection work. The Quadel will be responsible for providing appropriate training, supervision and management for all inspectors. The period of the agreement is October 1, 2010 through June 30, 2011.

AUDITS REVIEWED AND HAD NO OBJECTION.

MEMORANDA OF UNDERSTANDING

- 2. CARROLL COUNTY HEALTH DEPARTMENT \$ 68,028.00

Account: 4000-490911-3572-333677-603051

The Carroll County Health Department will provide comprehensive diagnostic and treatment services, and education and intensive case management services to approximately 10-15 HIV/AIDS clients. In addition, the agency will also provide direct client assistance to include but not be limited to short term rent, mortgage, security deposit, utilities, food vouchers, funds for transportation, and nutritional supplements. The period of the agreement is July 1, 2010 through June 30, 2013.

The memorandum of understanding is late because of the delay at the provider level.

MWBOO GRANTED A WAIVER.

MINUTES

BHS - cont'd

3. **THE MARYLAND DEPARTMENT OF HUMAN RESOURCES, OFFICE OF GRANT MANAGEMENT (DHR)** **\$754,116.00**

Account: 5000-586709-3570-405001

The DHR will provide funds for the distribution of food from the United States Department of Agriculture to low income persons in Baltimore City in compliance with Federal Regulation 7 C.F.R. 251.2(2). The period of the agreement is October 1, 2008 through September 30, 2011.

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

The memorandum of understanding is late because in September 2008 it was inadvertently signed-off by the Director of BHS and Board approval was not sought at that time.

APPROVED FOR FUNDS BY FINANCE

The Board is requested to approve and authorize execution of the agreement and memoranda of understanding.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement and memoranda of understanding.

MINUTES

DHCD - cont'd

3. **CASA DE MARYLAND, INC.** **\$150,000.00**

Account: 2089-208911-5930-426426-6093051

The organization will provide a variety of public services to day labors and low-wage workers, including permanent and temporary employment placement services, educational programs, information and referral services and legal services, representation and workshops. The services will be provided through the agency's Baltimore Workers' Employment Center located at 2224 E. Fayette Street in Baltimore City. The period of the agreement is July 1, 2010 through June 30, 2011.

FOR THE FY 2010, MBE AND WBE PARTICIPATION GOALS FOR THE ORGANIZATION WERE SET ON THE AMOUNT OF \$16,659.00, AS FOLLOWS:

MBE: \$ 2,498.00

WBE: \$ 833.00

On June 30, 2010, 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 2010 Annual Action Plan for the following formula programs:

1. Community Development Block Grant (CDBG)
2. HOME Investment Partnership Act (HOME)
3. Emergency Shelter Grant Program (ESG)
4. Housing Opportunity for People with AIDS (HOPWA)

MINUTES

DHCD - cont'd

The DHCD began negotiating and processing the CDBG agreements effective July 1, 2010 and beyond, as outlined in the Plan, pending approval of the Resolution. Consequently, the agreements were 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 grant agreements.

MINUTES

Department of Housing and - First Amendment to Grant Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the first amendment to the Weatherization Assistance Program (WAP) grant agreement with the Maryland Department of Housing and Community Development (MD-DHCD). The period of the agreement is April 1, 2009 through March 31, 2012.

AMOUNT OF MONEY AND SOURCE:

\$320,000.00 - 5000-585911-5971-439500-405001
 Maryland Energy Assistance Program (MEAP)

250,000.00 - 5000-586011-5971-439500-405001
\$570,000.00 Regional Greenhouse Gas Initiative (RGGI)

BACKGROUND/EXPLANTION:

On July 9, 2009, the Board approved the initial WAP grant agreement in the amount of \$15,713,551.00 from the American Recovery and Reinvestment Act of 2009 (ARRA). The funds were awarded through the Department of Energy (DOE).

The Baltimore City WAP has been operating for many years with federal funding passing through the State of Maryland. The ARRA greatly expanded funding for this program nationally as part of the national effort to reduce the impacts of economic recession, to stimulate the economy and increase energy conservation. The ARRA dramatically increased funding for weatherization in Maryland and Baltimore City with \$15,700,000.00 over three years.

The Department of Energy does not provide funding for furnace and heating system replacements when they are needed as part of an overall weatherization plan for households. In the standard WAP, furnace and heating system replacements were funded by other sources. The State of Maryland is offering an amendment to

MINUTES

DHCD - cont'd

the ARRA stimulus-funded weatherization that will provide \$570,000.00 in support from MEAP and RGGI that will complement the current ARRA funded DOE program. This amendment will enable the City to weatherize more houses with more comprehensive energy conservation services.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

(FILE NO. 57087)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the first amendment to the Weatherization Assistance Program (WAP) grant agreement with the Maryland Department of Housing and Community Development.

MINUTES

Office of the State's Attorney (OSA) - Grant Awards

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of the grant awards from The State of Maryland, Governor's Office of Crime Control and Prevention.

1. **THE JUVENILE COURTS VICTIM SPECIALIST PROGRAM** **\$ 45,000.00**

Account: 4000-402711-1151-544100-601001

The Juvenile Courts Victim Specialist Program assists and addresses the needs of victims of juvenile crime. The Juvenile Court Division prosecutes the cases of all juveniles who are charged with committing delinquent acts. The grant funds provide salary support for the Victim Specialist. The period of the grant award is October 1, 2010 through September 30, 2011.

2. **THE FAMILY BEREAVEMENT CENTER (FBC)** **\$210,000.00**

Account: 4000-4030-1151-117900-601001

The FBC provides a variety of services to families and friends traumatized by the murder of a loved one. The FBC is the only center in the State that provides grief counseling for homicide survivors five days a week with a full-time staff.

The nature of the client population, the complexities of the criminal justice agencies involved in homicide, and the composite social needs a family faces in the aftermath of a homicide, requires coordination of services. The OSA and the Police Department are primary linkages to the FBC. Other important linkages to the FBC are the Criminal Injuries Compensation Board and Office of the Medical Examiner. These linkages provide channels in which sensitive and effective communication between the police

MINUTES

SAO - cont'd

and the victim's families about stages and status of the homicide investigation and the court process. Funding for this service was previously provided by the State of Maryland's Department of Human Resources.

The grant award is late because of the late receipt of the grant award from the State of Maryland.

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 the acceptance of the grant awards from The State of Maryland, Governor's Office of Crime Control and Prevention.

MINUTES

TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

4179 - 4180

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**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Baltimore Development Corporation (BDC)</u>		
1. \$ 14,962.22 M&CC	9911-903859-9600 Constr. Res. BDC Econ. Dev.	9910-905852-9601 Econ. Dev. Incent.
267.91 M&CC	9910-902483-9600 Constr. Res. S. Balto. Ind. & Coml. Dev.	9910-903483-9601 S. Balto. Ind. & Coml. Dev.
557.49 M&CC	9910-903354-9600 Constr. Res. W. Balto. Ind. & Coml. Dev.	9910-904354-9601 W. Balto. Ind. & Coml. Dev.
854.25 M&CC	9910-904115-9600 Constr. Res. West Side Initiative	9910-905825-9603 West Side Downtown
179.15 M&CC	9910-904982-9600 Constr. Res. Coml. Rev. Program	9910-902879-9601 Coml. Rev.
4,001.44 M&CC	9910-905575-9600 Constr. Res. E. Balto. Ind. & Coml. Dev.	9910-906575-9601 E. Balto. Ind. & Coml. Dev.
6,025.00 M&CC	9910-905575-9600 Constr. Res. E. Balto. Ind. & Coml. Dev.	9910-902879-9601 Coml. Rev.
1,000.00 20th EDF	9910-901870-9600 Constr. Res. Bus. Ctrs. - Capital Repairs	9910-902870-9601 Bus. Incubators & Centers

MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
BDC - cont'd		
1,825.00 20th EDF	9910-905575-9600 Constr. Res. E. Balto. Ind. & Coml. Dev.	9910-906575-9601 E. Balto. Ind. & Coml. Dev.
5,265.00 22nd EDF	9910-903354-9600 Constr. Res. W. Balto. Ind. & Coml. Dev.	9910-904354-9601 W. Balto. Ind. & Coml. Dev.
17,003.00 22nd EDF	9910-904115-9600 Constr. Res. West Side Initiative	9910-905825-9603 West Side Downtown
13,358.33 22nd EDF	9910-904982-9600 Constr. Res. Coml. Rev. Program	9910-902879-9601 Coml. Rev.
<hr/> \$ 65,298.79		

This transfer will provide funds to reimburse the BDC for eligible capital expenses for the month ending September 30, 2010.

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Dept. of Housing and Community Development (DHCD) - Options</u>			
1. Barbara Wallach	2761 Tivoly Ave.	G/R \$90.00	\$ 600.00
2. Fred Nochumowitz, Trustee under the Paul Wye Nochumowitz deed of Trust for Jayne Hope Nochumowitz	2775 Tivoly Ave.	G/R \$90.00	\$ 750.00

Funds are available in Account No. 9990-908326-9593-900001-704040, Coldstream Homestead Montebello Project.

(FILE NO. 57066)

3. Linda T. Lapidus	2004 Greenmount Ave.	G/R \$45.00	\$ 375.00
4. Shan Kun Chen and Yan Hong Li	2006 Greenmount Ave.	F/S	\$ 55,000.00

Funds are available in Account No. 9912-910713-9591-900000-704040, Barclay Project.

(FILE NO. 57188)

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Rescissions and Approval of Option</u>			
5. Shirley Lowenthal and Charles Muskin, Trustees of the Estate of Lillian Braverman	1308 Wirton St.	G/R \$48.00	\$ 440.00

On November 04, 2009, the Board approved by condemnation procedures, the acquisition of the ground rent interest in 1308 Wirton Street in the amount of \$320.00. However, since the original approval, the Department has negotiated an offer price acceptable to both parties, and would like to proceed

(FILE NO. 57070)

DHCD - Rescissions and Approval of Option - cont'd

with a voluntary settlement. Therefore, the Board is requested to rescind its previous approval and approve acquisition of the property interest by option for the amount of \$440.00.

Funds are available in City Bond Funds, account No. 9910-904714-9588-900000-704040, Hoffman Street Site Assembly Project.

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

UPON MOTION duly made and seconded, the Board approved the options and the rescissions and Approval of Options.

MINUTES

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

The Board is requested to approve a refund of real property taxes for Mr. Hollis Porter for his property located at 607 West Lafayette Avenue.

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

<u>Property</u>	<u>Taxable Year</u>	<u>Amount</u>
607 West Layette Avenue	2009/2010	\$ 303.64
	2008/2009	285.89
	2007/2008	<u>242.76</u>
	Total Refund	\$ 832.29

Pursuant to the Tax Property Article, Section 208(h)(2) it is required that interest shall be paid at the rate the county or municipal corporation charges on overdue taxes and that the interest shall accrue from the date the application is filed with the county or municipal corporation. Mr. Porter filed his application on October 26, 2010. In order to avoid interest being paid, the claimant's application for a refund must be made within 60 days of the application.

UPON MOTION duly made and seconded, the Board approved the refund of real property taxes for Mr. Hollis Porter for his property located at 607 West Lafayette Avenue.

MINUTES

Law Department - Claim Settlements

The Board is requested to approve and authorize execution of the settlement agreements of the listed claims. The settlements have been reviewed and approved by the Settlement Committee of the Law Department.

1. Diane C. Watson v. Gregory Fisher \$50,000.00

Account: 1001-000000-2041-195500-603070

2. Nationwide Property and Casualty Insurance Co. Inc. as subrogee for Randiford & Terri Anderson v. Mayor & City Council of Baltimore \$45,000.00

Account: 2036-000000-1750-177755-603070

UPON MOTION duly made and seconded, the Board approved and authorized execution of the settlement agreements of the above claims.

MINUTES

Department of Law - Settlement Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a settlement agreement with STV Incorporated and SRH Jackson's Wharf, LLC in connection with repairs of a portion of the Waterfront Promenade known as Fells Landing and located in the 1400 - 1500 block of Thames Street.

AMOUNT OF MONEY AND SOURCE:

\$225,000.00 - 1001-000000-1220-147000-603070

BACKGROUND/EXPLANATION:

The estimated cost of the promenade repairs is \$1,300,000.00. The City is recovering \$740,000.00 from STV Incorporated, and the balance of the cost of the repairs will be paid by the property owner, SRH Jackson's Wharf, LLC. The City is contributing \$225,000.00 to the costs of construction to cover its interest in the promenade. The exact amount of the repairs will not be known until they are completed.

In 2003-2004, using a State Highway Administration grant, the City erected a bulkhead and promenade on property owned by SRH Jackson's Wharf, LLC. The design was supplied by STV Incorporated. The promenade has partially collapsed into the mud beneath as a result of a failure to include piles in the design to support the promenade. This presents a safety hazard to the public. An investigation conducted by the City confirmed the presence of a layer of undetected soft soils which led to settlement of the promenade. An engineering firm retained by the City developed a repair plan which calls for removal of the promenade, the driving of piles through the layer of soft soils and replacement of the promenade and brick pavers. The property

MINUTES

Department of Law - cont'd

owner, SRH Jackson's Wharf, LLC, will be responsible for contracting repair work under the supervision of the Department of Transportation. As part of the settlement discussions, the owner agreed to be responsible for maintaining the structural integrity of the promenade in the future. The parties to the settlement will release each other from any future liability for the costs of repair. The City and the SRH Jackson's Wharf, LLC will assign any claims they may have against any third parties to STV Incorporated.

APPROVED FOR FUNDS BY FINANCE

(FILE NO. 55950)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the settlement agreement with STV Incorporated and SRH Jackson's Wharf, LLC in connection with repairs of a portion of the Waterfront Promenade known as Fells Landing and located in the 1400 - 1500 block of Thames Street.

MINUTES

Health Department - Amendment to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an amendment to agreement with Baltimore Health Care Access, Inc. (BHCA).

AMOUNT OF MONEY AND SOURCE:

\$2,134.65 - 4000-422411-3031-579200-603051

BACKGROUND/EXPLANATION:

On March 31, 2010, the Board approved the original agreement in the amount of \$17,866.40, with the BHCA to provide Peer Educator/Promotores Program services. Under the terms of this amendment to agreement, the funds will be used to compensate the BHCA for additional services. All other terms and conditions of the original agreement remain unchanged.

The amendment to agreement is late because the amendment was overlooked and recently processed. The Department apologizes for this oversight.

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 amendment to agreement with Baltimore Health Care Access, Inc.

MINUTES

EXTRA WORK ORDERS AND TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders and Transfers of Funds

listed on the following pages:

4189 - 4190

All of the EWOs had been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

The Transfer of Funds was approved

SUBJECT to receipt of a favorable report

from the Planning Commission,

the Director of Finance having reported favorably

thereon, as required by the provisions

of the City Charter.

The President **ABSTAINED** on item no. 5.

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>

Bureau of Water and Wastewater

5.	<u>EWO #022, \$0.00 - WC 1175, Water Appurtenance Installation</u>		
	\$3,786,300.00	\$2,593,452.24	Spiniello Companies 0 100%

THE OVER RUNS AND UNDERRUNS CANCELLED EACH OTHER OUT.

MINUTES

Bureau of Water and Wastewater - Agreement for On-Call
Project No. 1131

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an agreement with EA Engineering, Science and Technology for Project No. 1131, On-Call Value Engineering Services. The period of the agreement is effective upon Board approval for three years, or until the upset limit is reached, whichever comes first.

AMOUNT OF MONEY AND SOURCE:

\$750,000.00 - Upset limit

BACKGROUND/EXPLANATION:

The consultant will perform urgent need value engineering services, as needed, in support of ongoing projects at the Water and Wastewater Treatment facilities.

The consultant has been approved by the Office of Boards and Commissions.

MBE/WBE PARTICIPATION:

The consultant will comply with Article 5, Subtitle 28 of the Baltimore City Code and the Minority and Women's Business Enterprise goals established in this agreement.

MBE: EBA Engineering, Inc.	\$165,073.06	22.00%
Dhillon Engineering, Inc.	37,513.88	5.00%
Total	\$202,586.94	27.00%

MINUTES

Bureau of Water and Wastewater - cont'd

WBE: PEER Consultants, PC \$ 67,504.77 9.00%

MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

AUDITS NOTED THIS ON-CALL AGREEMENT AND WILL REVIEW TASK ASSIGNMENTS.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with EA Engineering, Science and Technology for Project No. 1131, On-Call Value Engineering Services. The President **ABSTAINED**. The Comptroller **ABSTAINED**.

MINUTES

Bureau of Water and Wastewater - Amendment to Agreement
for Project No. 1032

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an amendment to agreement with URS Corporation for Project No. 1032, On-Call Gwynns Falls Collection System Evaluation and Sewershed Plan. The amendment extends the period of the agreement through December 19, 2011, or until the upset limit is reached, whichever comes first.

AMOUNT OF MONEY AND SOURCE:

No additional funds are requested.

BACKGROUND/EXPLANATION:

On June 20, 2007, the Board approved an agreement with URS Corporation to provide on-call engineering services under Project 1032, Gwynns Falls Collection System Evaluation and Sewershed Plan for a period of 42 months. This amendment will extend the period of the agreement through December 19, 2011 to allow the consultant more time to provide additional services.

The consultant has been approved by the Office of Boards and Commissions and the Architectural and Engineers Awards Commission.

MBE/WBE PARTICIPATION:

The consultant will comply with all terms and conditions of Article 5, Subtitle 28 of the Baltimore City Code and the Minority and Women's Business Enterprise goals established in the original agreement.

AUDITS NOTED THE TIME EXTENSION.

UPON MOTION duly made and seconded, the Board approved and

MINUTES

Bureau of Water and Wastewater - cont'd

authorized execution of the amendment to agreement with URS Corporation for Project No. 1032, On-Call Gwynns Falls Collection System Evaluation and Sewershed Plan. The President

ABSTAINED.

MINUTES

Bureau of Water and Wastewater - Joint Funding Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a joint funding agreement with the United States Geological Survey (USGS). The period of the agreement is October 1, 2010 through September 30, 2011.

AMOUNT OF MONEY AND SOURCE:

\$110,500.00	-	2071-000000-5181-399800-603026	(Water Utility)
43,050.00	-	2070-000000-5181-399700-603026	(Wastewater Utility)
3,400.00	-	2071-000000-5521-632620-603026	(Water Utility)
\$156,950.00			

BACKGROUND/EXPLANATION:

The purpose of this agreement is for the continued operation and maintenance of 13 flow gauging stations. The stations are located within Prettyboy, Loch Raven and Liberty Reservoir Watersheds, Moores Run and Stony Run in Baltimore City.

The USGS has been under contract to operate the City's Reservoir Stream Gauging Network since 1982. The data collected is used to estimate pollutant loadings and flow to the reservoirs and is vital to the City's Reservoir Management Program.

The Moores Run station is required under the National Pollution Discharge Elimination System Permit program and has been in service since 1995.

The station on Stony Run will help the City monitor the effect of sanitary sewer discharges on receiving waters and document improvements to sanitary sewer infrastructure repairs as required by the Consent Decree between the City and the US Department of Justice.

The agreement is late because the original agreement was received in mid-September and needed to be revised to add additional services. Once the document was forwarded through the approval process, a section of the document was misplaced.

MINUTES

DGS - cont'd

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the joint funding agreement with the United States Geological Survey (USGS). The President **ABSTAINED**.

MINUTES

Department of Transportation - Amendment No. 2 to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of amendment no. 2 to agreement with Jacobs Engineering Group, Inc. for Project No. 1007, Dundalk Streetscape. The amendment no. 2 extends the agreement through October 11, 2012.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANTION:

On October 11, 2006, the Board approved the initial agreement in the amount of \$518,077.84, through October 10, 2008, for rehabilitation and repair in the residential communities of Dundalk Avenue Streetscape from Eastern Avenue Northward to City Line.

On November 1, 2007, the City approved Change Order No. 1 in the amount of \$66,494.75 for additional service to include Storm Water Management as well as noise analysis.

On October 20, 2008, the City approved Change Order No. 2 in the amount of \$15,886.31 to provide conduit duct bank design.

On December 31, 2008, the City approved Change Order No. 3 in the amount of \$43,267.25 for conduit duct bank design.

On July 15, 2010, the City approved Change Order No. 4 in the amount of \$63,625.63 for additional duck bank design.

On September 10, 2008, the Board approved amendment no. 1 to agreement to allow a two-year time extension to complete extra work. Under amendment no. 2 to agreement, the Department is requesting a two-year extension to finish the project and post award services. The total agreement amount is \$707,351.78. All other terms and conditions of the agreement will remain unchanged.

MINUTES

Department of Transportation - cont'd

MBE/WBE PARTICIPATION:

The consultant will continue to adhere to the established goal of 28.42% MBE and 7.12% WBE.

AUDITS NOTED THE TIME EXTENSION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment no. 2 to agreement with Jacobs Engineering Group, Inc. for Project No. 1007, Dundalk Streetscape.

MINUTES

Department of Transportation - Traffic Mitigation Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a traffic mitigation agreement with Volunteers of America Chesapeake.

AMOUNT OF MONEY AND SOURCE:

\$12,500.00 - 6000-617411-2303-248700-600000

BACKGROUND/EXPLANATION:

Volunteers of America Chesapeake proposes to perform the scope of work to include the reuse of a 43,555 square foot industrial building for a Residential Re-Entry Center, including 16,590 square feet for housing for 150 residents at 4900 East Monument Street.

Under the terms of this agreement, Volunteers of America Chesapeake will pay a one-time contribution of \$12,500.00 to fund multimodal transportation improvements in the immediate vicinity of 4900 East Monument Street.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the traffic mitigation agreement with Volunteers of America Chesapeake.

MINUTES

Department of General Services - Developers' Agreements

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

	<u>DEVELOPER</u>	<u>NO.</u>	<u>AMOUNT</u>
1.	POPPLINGTON PARTNERS II, LP	1129	\$354,783.00

The organization would like to install various utilities and services to its proposed new development bounded by Baltimore City block nos., 187, 188, 202 and 203.

A performance bond in the amount of \$354,783.00 has been issued to Poppleton Partners II, LP, which assumes 100% of the financial responsibility.

(FILE NO. 56381)

2.	HTA DEVELOPMENT, LLC	1056	\$ 28,705.00
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The developer would like to install various utilities to its proposed construction located in the vicinity of 301 West Madison Street.

A Performance Bond in the amount of \$28,705.00 has been issued to HTA Development, LLC, which assumes 100% of the financial responsibility.

The developers' agreements will allow the organizations to do their own installations, in accordance with Baltimore City standards.

MBE/WBE PARTICIPATION:

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

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

MINUTES

Department of General Services - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an agreement with the State Center, LLC., for Project PBE 10849, Redevelopment of Offices at Howard Street and Martin Luther King, Jr. Boulevard. The period of the agreement is effective upon Board approval for 180 days.

AMOUNT OF MONEY AND SOURCE:

\$351,254.00 - 9916-913900-9197-910015-703032

BACKGROUND/EXPLANTION:

The consultant will evaluate the technical, financial, and regulatory considerations in developing a Heating District as part of the project.

The redevelopment will result in approximately 2,000,000 sq ft of office space, 250,000 sq ft of retail space, up to 1,500 residential units and over 350,000 sq ft of civic space. The City approved a PUD for the project. The Energy Office will use Federal funds to contract with the State-approved developer to evaluate the existing power plant to determine if a Heating District can be created. If feasible, this district will extend the benefits to surrounding neighborhoods and institutions.

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

(FILE NO. 57204)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with the State Center, LLC., for Project PBE 10849, Redevelopment of Offices at Howard Street and Martin Luther King, Jr. Boulevard.

MINUTES

Department of General Services - Agreement for Energy Performance Contracting, Phase II - Constellation-PBE 10820 - Baltimore Convention Center

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an agreement for energy performance contracting phase II with Constellation Energy Projects & Services Group, Inc. The period of the agreement is effective upon the issuance of the Notice to Proceed and will remain in effect for 15 years.

AMOUNT OF MONEY AND SOURCE:

\$530,949.00 - 2093-793240-7930-724001-301035

The total cost of the construction project is \$530,949.00. The Baltimore Convention Center (BCC) will utilize existing funds from their capital budget to fully cover the project cost. This includes \$505,665.00 of capital cost for equipment and work performed by Constellation Energy Projects & Services Group, Inc. and \$25,283.00 for the Energy Office, and for the Department of General Services to manage performance and inspect quality of work during the period of design and construction.

There will be \$969,050.00 guaranteed savings over 15 years by reducing energy consumption and claiming BGE rebates through implementing the scope as proposed by Constellation Energy Projects & Services Group, Inc.

BACKGROUND/EXPLANATION:

On April 28, 2010, the Board approved Phase I - Energy Performance Contract with Constellation Energy Projects & Services Group, Inc. to provide a detailed energy audit and guaranteed savings program to reduce the City's energy consumption and maintenance costs at the BCC, Ballroom 400.

MINUTES

Department of General Services - cont'd

This agreement will provide for implemented Energy Conservation Measures 1A and Facility Improvement Measures 1A, guarantee the resultant savings, and provide maintenance for all installed equipment for the life of the contract, which is 15 years after the completion of construction.

MBE/WBE PARTICIPATION:

MBE: Hunt Consulting \$328,431.00 65%

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

(FILE NO. 56334)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement for energy performance contracting phase II with Constellation Energy Projects & Services Group, Inc. The Mayor **ABSTAINED**.

MINUTES

Department of General Services - Minor Privilege Permit Applications

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

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
1. 1727 N. Charles St.	Bowling, Inc.	Two roll-up awnings 16' x 1' one banner sign 8'x 2', two spot reflectors
Annual Charge: \$407.20		
2. 1802 Eastern Ave.	Ubalдина Montes	Retain one flat sign 7' x 2' one spot reflector
Annual Charge: \$ 52.80		
3. 1730 N. Charles St.	Joy A. Martin	Retain two flat signs 15' x 2' one cornice sign 5'x 1½' five gooseneck lamps
Annual Charge: \$379.20		

MINUTES

DGS - cont'd

	<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
4.	1711 Eastern Ave. Annual Charge: \$ 35.20	Robert M. Klein	One flat sign 7' x 2'
5.	904 N. Charles St. Annual Charge: \$589.50	Charles 900, LLC	Outdoor seating 24.5' x 4'
6.	509 S. Broadway Annual Charge: \$2,745.50	Linda Lee Buck, LLC	Outdoor seating 42' x 6'
7.	1019 S. Charles St. Annual Charge: \$211.20	1019 South Charles Street, LLC	Three cornice signs two @ 5'x 5', one @ 3' x 6' six spot reflectors
8.	6102 Danville Ave. 6104 Danville Ave.	Frank D. Scarfield, Sr. " "	One 4" conduit @ 4' per \$3.50 linear ft. One 4" conduit @ 4' per \$3.50 linear ft.

MINUTES

DGS - cont'd

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
6106 Danville Ave.	" "	One 4" conduit @ 4' per \$3.50 linear ft.
6108 Danville Ave.	" "	One 4" conduit @ 4' per \$3.50 linear ft.

Annual Charge: \$ 114.00

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

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

MINUTES

Mayor's Office of Minority and Women-Owned Business Development - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve an expenditure of funds to pay the Baltimore Times, Inc.

AMOUNT OF MONEY AND SOURCE:

\$1,500.00 - 1001-000000-1250-152802-603008

BACKGROUND/EXPLANTION:

The Baltimore City Vendor Development Seminar will be advertised in The Baltimore Times, Inc. The Baltimore City Vendor Development Seminar series for Minority and Women Business will be advertised for eights weeks. The seminar series will be held on Mondays: November 1, 8, 15, 22, and 29, 2010 at the Small Business Resource Center.

The Mayor's Office of Minority and Women-Owned Business Development and the Small Business Resource Center will host this seminar series. This seminar series will expose minority-owned and women-owned businesses to the proper policies, procedures and processes, including the law for conducting business with the City of Baltimore.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to pay the Baltimore Times, Inc. The Mayor

ABSTAINED.

MINUTES

Bureau of the Budget and - Fiscal 2012 Budget Calendar
Management Research

In accordance with Article VI, Section 2, of the Charter of Baltimore City (1996 Edition), the submitted schedule for preparing the Fiscal Year 2012 Budget is recommended for adoption by the Honorable Board.

<u>DATE</u>	<u>ACTION</u>
12/03/2010	Agency transmittal of final Outcome Budgeting operating budget proposals
03/23/2011	Transmittal of Department of Finance recommendations to Board of Estimates
03/30/2011	Board of Estimates reviews the Department of Finance recommendations through
04/06/2011	Hearings by Board of Estimates with City Council members, agency heads, and private citizens and associations
4/13/2011	Taxpayer's Night - 6:00 P.M.
04/20/2011	Board of Estimates adopts proposed Ordinance of Estimates
04/21/2011	Publication of copy of proposed Ordinance of Estimates in two daily Baltimore City newspapers

MINUTES

Bureau of the Budget and - cont'd
Management Research

05/02/2011 Introduction of proposed Ordinance of Estimates
to City Council

05/03/2011 City Council review of proposed Ordinance of
Estimates

through City Council schedules public hearings

06/20/2011 Passage of Ordinance of Estimates for fiscal
year ending June 30, 2012

UPON MOTION duly made and seconded, the Board approved the
Fiscal 2012 Budget Calendar.

MINUTES

Parking Authority for - Parking Facility Operations and
Baltimore City (PABC) Management Agreements

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the parking facility operations and management agreements. The period of the agreement is July 1, 2010 through December 31, 2010.

<u>VENDOR</u>		<u>FACILITY</u>
1. REPUBLIC PARKING		ARENA GARAGE 99 S. HOWARD STREET
\$201,014.00 - 2075-000000-5800-407200-603026		Maint. and Repair
54,000.00 - 2075-000000-5800-407200-603016		Mgmt. & Incentive
75,000.00 - 2075-000000-5800-407200-603038		Security
<u>\$330,014.00</u>		
MBE: TGM, Inc.	\$22,000.00	38.11%
AJ Stationers	2,454.00*	4.25%*
	<u>\$24,454.00</u>	<u>42.36%</u>
WBE: Herbert Electric Co.	\$ 9,000.00	15.59%
Fitch Dustdown	1,299.00	2.25%
	<u>\$10,299.00</u>	<u>17.84%</u>

*Expenditures from non-manufacturing suppliers are limited to 25% of each MBE and WBE goal. Therefore, the amount allowed has been applied.

MWBOO FOUND THE VENDOR IN COMPLIANCE.

2. REPUBLIC PARKING		REDWOOD STREET GARAGE 11 S. EUTAW STREET
\$152,422.00 - 2076-000000-2320-253900-603016		Maint. and Repair
21,000.00 - 2076-000000-2320-253900-603026		Mgmt. & Incentive
30,000.00 - 2076-000000-2320-253900-603038		Security
<u>\$203,422.00</u>		

BOARD OF ESTIMATES

11/24/10

MINUTES

PABC - cont'd

MBE: TGM, Inc.	\$22,000.00	53.08%
WBE: Herbert Electric, Co.	\$ 9,000.00	21.71%
AJ Stationers	933.00	2.25%
Fitch Dustdown	<u>See note below*</u>	<u>0</u>
	\$ 9,933.00	23.96%

*Expenditures from non-manufacturing suppliers are limited to 25% of each MBE and WBE goal. Therefore, the amount allowed has been applied.

MWBOO FOUND THE VENDOR IN COMPLIANCE.

**3. LAZ PARKING MID-ATLANTIC
LLC AND PMS PARKING INC.**

**MARRIOTT GARAGE
405 W. LOMBARD STREET**

\$162,204.00	- 2075-000000-5800-407000-603016	Maint. and Repair
26,687.00	- 2075-000000-5800-407000-603026	Mgmt. & Incentive
<u>56,160.00</u>	- 2075-000000-5800-407000-603038	Security
\$245,051.00		

MBE: TGM, Inc.	\$ 2,280.00	5.38%
G.E. Thompson	8,400.00	19.82%
Admiral Elevator	<u>17,734.00</u>	<u>41.85%</u>
	\$28,418.00	67.05%
WBE: BFPE	\$ 5,400.00	12.74%
Sign A Rama	2,150.00	5.07%
Sue Ann's Office Supply	<u>953.00*</u>	<u>2.25%</u>
	\$ 8,508.00	20.06%

*Expenditures from non-manufacturing suppliers are limited to 25% of each MBE and WBE goal. Therefore, the amount allowed has been applied.

MWBOO FOUND THE VENDOR IN COMPLIANCE.

BACKGROUND/EXPLANATION:

These six-month interim agreements will allow the Parking Authority to finalize the process of awarding a new agreement for the operation and management of the above listed garages.

MINUTES

PABC - cont'd

When the previous agreement expired on July 1, 2010, the PABC was without a contract for the operation of the above listed facilities. The vendors continued to provide quality management services and have been working with the PABC to maintain the services until a new contract is awarded.

The PABC attempted to amend the previous agreements after they expired but was advised that amending the expired agreements was not possible, leading to new agreements submitted late for Board approval.

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 parking facility operations and management agreements.

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:

4214 - 4241

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 President **ABSTAINED** on item nos. 3 and 4.

The Comptroller **ABSTAINED** on item nos. 8 and 9.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:

Department of Recreation and Parks

1. RP 10808, Woodberry Park Improvements Mirabile Construction Co., Inc. \$499,485.30

MBE: Priority Construction Corp. \$154,828.20 31.00%

WBE: Hardscapes Construction, Inc. \$ 34,908.00 7.00%

MWBOO FOUND VENDOR IN COMPLIANCE.

2. **TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$188,000.00	9938-901749-9475	
State	Reserve	
	Community Parks	
	and Playgrounds FY08	
315,000.00	9938-905793-9475	
Rec. & Pks.	Reserve	
<u>25th Series</u>	City Park Maintenance	
\$503,000.00	-----	9938-904749-9475
		Active
		Community Parks and
		Playgrounds FY08

This transfer will provide funds to cover costs associated with the award of RP 10808, Woodberry Park Improvements, to Mirabile Construction Co., Inc.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:

Bureau of Water and Wastewater

- 3. WC 1168, Deer Creek Pumping Station Improvements Ulliman Schutte Construction, LLC \$23,320,000.00

MWBOO SET GOALS OF 15% MBE AND 5% WBE.

MBE: Hi-Mark Construction Group, Inc. \$3,498,000.00 15.00%

WBE: Roanne's Rigging & Transfer Co., Inc. \$1,166,000.00 5.00%

MWBOO FOUND VENDOR IN COMPLIANCE.

4. **TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$11,203,223.70	9960-905727-9558	
Counties	Constr. Res.	
	Deer Creek Pumping	
	Station Improvements	
19,579,176.30	" "	
Water Revenue		
Bonds		
\$30,782,400.00		
\$ 2,332,000.00	-----	9960-904727-9557-2
		Extra Work
2,332,000.00	-----	9960-904727-9557-3
		Engineering
1,399,200.00	-----	9960-904727-9557-5
		Inspection
23,320,000.00	-----	9960-904727-9557-6
		Construction
1,399,200.00	-----	9960-904727-9557-9
\$30,782,400.00		Administration

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RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:

Bureau of Water and Wastewater - cont'd

TRANSFER OF FUNDS

This transfer will provide funds to cover costs associated with the award WC 1168, Deer Creek Pumping Station Improvements.

A LETTER OF PROTEST HAS BEEN RECEIVED FROM OBER, KALER, GRIMES & SHRIVER REPRESENTING THE WHITING-TURNER CONTRACTING COMPANY.

CORRESPONDENCE HAS BEEN RECEIVED FROM ROBERT FULTON DASHIELL REPRESENTING ULLIMAN SCHUTTE CONSTRUCTION, LLC.

A LETTER OF PROTEST HAS BEEN RECEIVED FROM FRU-CON CONSTRUCTION COMPANY.

President: "The first and second items on the non-routine agenda are located on pages 52-53, items nos. 3 and 4, Deer Creek Pumping Station Improvements and the associated Transfer of Funds. There were two protests submitted. One from Whiting-Turner Contracting and one from Fru Con Construction. Will the parties please come forward? Good morning. Okay."

Mr. John Friesner: "Good morning Mr. President. My name is John Friesner. I am with the Department of Public Works, Contract Administration, and we are here recommending award of the Deer Creek Pumping Station Improvement Project, WC 1168 to the lowest bidder, Ulliman Schutte. There were seven bidders on this project and Ulliman's price was the lowest."

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President: "Okay. Good morning."

Mr. Robert Dashiell: "Good morning."

President: "You can turn that around. Please state your name."

Mr. Dashiell: "Good morning, Mr. President and Happy Thanksgiving everybody. My name is Robert Dashiell. I represent the lowest responsive and responsible bidder, Ulliman Schutte, and we urge the Board to accept the recommendation from the Department of Public Works and I would reserve further comment depending upon what arguments are advanced by the protestors."

Mr. Paul Sugar: "Good morning Mr. President. My name is Paul Sugar. I represent Whiting-Turner. I have with me Cal Disney, Vice President of Whiting-Turner. I do have a few comments that I would like to make this morning to explain why Ulliman Schutte is not the lowest responsive bidder and that the contract should be awarded to Whiting-Turner. Do you want me to proceed? Okay. The essence of the argument and why Ulliman Schutte's bid is non-responsive, is in our bid protest papers, which hopefully you have, but the essence of it is that the bid book, the Green (Book) and the bid specifications require that all bidders submit only items that are specified in the bid book. In this situation, Ulliman Schutte elected to submit on a warranty form, not what was specified for pump and motors, but to submit what

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we presumed were to be considered as "or equal" items. For that reason, the bid is non-responsive and should be rejected and indeed, I will point in a minute that the bid book itself says that if the form is not completed correctly; that is the warranty form, that the bid has to be rejected. Now, the Green Book requires that only named items be bid and it states point blank 'all bids shall be based on the named items, equipment or materials so specified without exception'. Also, the Green Book allows an "or Equal" to be submitted for approval only after the contract is awarded and in that situation, when it is submitted you have to submit detailed information. There is a practical reason for this. You want all bidders to be bidding on the same thing. The bid documents included in the form have this warranted efficiency pumping unit and it requires that each of the bidders submit certain technical information for the pumps and the motors and importantly the names of the manufacturers. There were seven bidders. Six of the seven bidders submitted named manufacturers, only Ulliman Schutte submitted "or equal". I think this tells you something. This is precisely, the exception that the General Conditions prohibit. The exception being all bids shall be based on the named items, equipment or materials so specified, without exception. This is that

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exception, its prohibited. It is also contrary to the General Conditions that US provided no information with its bid concerning the "or equal" item. Without it and if it would be - - the Board accepts their bid, this would indicate that in the future you are prepared to accept "or equal" items that may or may not comply with the requirements of the contract and basically have different bidders bidding on different items. You will not be able to compare the items. Now, what my understanding of Ulliman Schutte's argument is that in its response to our bid protest and relying on a point that it had to warrant on the efficiency form the pumps to be installed, it contends and this is a quote, 'it is quite apparent from the bid specifications that the performance of the equipment and not the identity of the supplier is the critical factor'. And it also points out that, the City be entitled to a credit if an "or equal" is selected, and from this it concludes that it was okay to submit an "or equal". Now, regardless of what may have been apparent to US that was not apparent to six other bidders. All of whom named the brand specifications, and even if the performance of the equipment is a critical factor as Ulliman contends, the warranty form did not change the requirements of the General Conditions. No where does the form say a bidder can

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submit an "or equal". Nowhere does the form say that the manufacturer is not critical. To the contrary, if you look at the form it says that the bidder shall list the manufacturers' names and this is a quote 'for the pumps and motors indicated'. Indicated can only mean those that are named in the specifications. Moreover, the form itself states that and this a quote again 'failure to submit this information as required at the time that the bids are submitted, will be considered a material error and the bids will be rejected'. The name of the manufacturers is information required by the form. It is not submitted, and that requires that the bid be rejected. Now, there is nothing in the bid documents that alerts bidders that the Department may be allowed them to submit "or equals". There is nothing in the bid documents that says that the General Conditions were not to apply to the pumps and motors. The form itself indicates to the contrary. Now if the Department of Public Works was willing to accept "or Equals", it could have simply said so, but it didn't. What Ulliman is arguing is that well you can infer it. It is not a problem. It is okay to do it. But, everything points to the contrary. Everything says to the contrary. This is the way you have always done business. This is the way the bidders would expect you to continue to do

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business. Indeed, the Department of Public Works made clear during the question and answer sessions that the substitution provisions of the Green Book continues to apply. If you take a look at their answers to questions 66 and 79, you will see, in particular 79, a potential bidder asks, 'can you please provide a bid item substitution form? We would like to bid an alternative valve to the one specified'. And what was the response? "It is not permitted by the City. Please refer to standard specs section and the referred to the 'or equal' specifications." So, and there is another one just like that. So, it is clear that at least during pre-bid, the Department of Public Works was not prepared to accept 'or equals'. And that was what was communicated to all of the bidders. Now, from the General Conditions, the forms and the questions and answers, a reasonable bidder can conclude only one thing, objectively - - looking the contract objectively, reading what it says, you can only conclude that an "or equal" specification or an "or equal" submission is not permitted with the bid and that only manufactured -- only items that specified in the bid book can be submitted with the bid. For this reason, we think that the Ulliman bid was non-responsive. The bid documents themselves said 'under those circumstances the bid has to be rejected'. We

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would submit then that Whiting-Turner is the lowest responsive and responsible bidder and we request that its bid protest be sustained and it be awarded the contract. Thank you."

Ms. Leslie Winner, Chief, Law Department: "I will talk for a short time and then Mr. Dashiell, who represents the low bidder can speak, and Mr. Donaldson, our Consulting Engineer, is here who was at the meeting and can discuss this pump. I agree with what Mr. Sugar said, except he did not read the entire sentence to you from the Green Book. He stopped where he wanted to stop. The entire sentence says, 'All bids shall be based on the named items, equipment or materials so specified without exception'. That is where Mr. Sugar stopped. But, then there is a comma, and it says 'and any credit authorized and directed by the engineer for approval of any "or equal" or substitute item, equipment or material may be calculated on such use in the contractor's bid regardless of whether the contractor did in fact base its bid on the named item, equipment or materials'. So, "or equal" is allowed in the Green Book. "or equal" appears in all of our bid documents and it has been the policy of the City for many years when we name equipment to allow the bidder to also substitute an "or equal" item, if the bidder chooses to do so. Also it says, where it names the items to be used it

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says, 'premium motors shall be -- or excuse me, electric motors', where it names the manufacturers 'shall be premium efficiency motors, manufactured by Siemens, General Electric, Toshiba, or approved Equal. Again, they are telling all the bidders that they can do Approved "Equal". Again, in the bid documents it says, 'pumps shall be horizontal, single stage, double suction, dual volute, I am probably pronouncing that incorrectly - - split case, centrifugal pump designed for heavy-duty municipal raw water service as manufactured by the Patterson Pump Company, Flowserve, Ebara Corporation, or, approved equal, and that is over and over again in the City's specifications. So, if a bidder comes along, as this particular bidder did, and puts in an item he considers to be "or equal", it is acceptable by the City. Once a bid is awarded, if it is awarded to a bidder who bid "or equal", at that time the bidder must submit all of the specs and I will let the engineer who is here with us speak to that, - - uhm I am going to say qualifications of the pump and if it is acceptable to the City, they use it. If it is not acceptable to the City, then they have to use another pump, but they may not change their bid at all in any way even if it costs them more to do it. So, they do not have to give that information until a later time."

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City Solicitor: "Just to clarify the other - - if they're approved equal submittal is not approved, again, this is after the bid has been awarded, then they fall back to one of the items specified in the bid or they submit another approved equal?"

Ms. Winner: "Yes sir."

City Solicitor: "Either way."

Ms. Winner: "Yes sir."

City Solicitor: "Thank you."

Ms. Winner: "And as to the question that was raised at the pre-bid meeting about can you please provide a bid item substitution form, Mr. Donaldson, who is a Consulting Engineer for the City is here and he was at that meeting and he can explain how that answer was given. Mr. Donaldson."

Mr. Donaldson: "Would you like me to come up?"

Ms. Winner: "Yes sir."

City Solicitor: "Over to the microphone"

Ms. Winner: "Would you please identify yourself for the record?"

Mr. Donaldson: "I am Frank Donaldson with Patton Harris Rust & Associates. We are a joint venture partner with Patton Harris Rust Hazen & Sawyer, and we are the designer of record for the

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City of Baltimore for this contract. Yes I was at the pre-bid meeting. The question number 79 that was asked it says, 'can you please provide a bid' -- this was the question that was asked 'can you please provide a bid item substitution form?' We would like to bid an alternate valve to the one specified. The reply was, 'It is not permitted by the City', meaning there is no - - during the bidding process you cannot bid substitutes. That was the intent. You are to base your bid on the named items. Now, the named item in this case sets the quality of what is expected. The specifications do not. They elaborate and a fair amount of detail, the requirements on a particular piece of equipment, but another reason for mentioning a named item is this sets the quality. And there is a working drawing process that you all are probably not familiar with, but once this job is awarded, the contractor has to submit drawings and technical specifications -- technical information on every equipment item. And that is a rather elaborate process, and the Green Book spells out all of the steps that are involved in that, but the whole item Ms. Winner mentioned; the whole item is the contractor is to base his bid on what is specified and again if you say named item that sets the quality. So, now the --."

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Ms. Winner: "Can I interrupt you for a second? When they asked you can you please provide a bid form substitution, what was your response?"

Mr. Donaldson: "There is no bid substitution form."

Ms. Winner: "Okay."

Mr. Donaldson: "It is not permitted during the bid. If the contractor wants to substitute something other than the named item, there is a process after the contract is awarded. But the whole premise here, the whole premise is that he must give you the same quality for what he has put his price in for."

Ms. Winner: "Okay. Thank you."

Mr. Donaldson: "And like I said the presumption is that this particular product in the contractor's mind met those qualifications. The proof in the pudding is when he submits after the contract is awarded."

President: "Thank you. Madam Mayor."

Mayor: "My question is, you said that you don't bid substitutions, My question is - - my understanding of it was that once the bid process started we don't provide information about what those substitutions are that would give an advantage."

Mr. Donaldson: "Your understanding is absolutely correct."

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Mayor: "So, it is not that you can't - -maybe my understanding is incorrect, but it is not that you can't, in your bid, include a substitution, it is just that we are not going to tell you, we are not going to give anyone an advantage and answer okay, is this an okay substitution or if it is not when the standard has been set with the pre-bid?"

Ms. Winner: "That is correct."

Mr. Donaldson: "You said it much better than I did."

Mr. Dashiell: "Again, Robert Dashiell, representing the lowest responsive and responsible bidder, and I neglected to introduce my client, which I should do if I want to get compensated."

City Solicitor: "Absolutely right, rule two and rule one."

Mr. Dashiell: "Ned Ulliman the Senior Vice President of Ulliman Schutte. I agree with Ms. Winner that Whiting-Turner has misread the bid specifications and with Mr. Donaldson. But frankly, they misread them in a way that is far more fundamental than what is being discussed. We never submitted a request for an approved equal of an item. Our response in the warranty form was that we would submit a pump and a motor meeting precisely the specifications and we warranted that fact. The only thing that is there is the name of a different supplier. However, that is immaterial, because even with the respect to Siemens,

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General Electric, and the other supplier, there were no model numbers given, so the City had not determined in advance that a specific model, a specific pump produced by either of those manufacturers would be sufficient. They simply said these are three manufacturers who as of this date we believe may supply a piece of a pump or a motor that fits our specifications. But, the obligation is that you supply a pump or a motor meeting the specifications. We never submitted an alternative to that. We said under our warranty form that we would supply a pump or a motor specifically meeting the City's specifications. The provisions referred to by Mr. Sugar of approval of a substitute item are totally inapplicable. Because that is not what we did. We have never said that the City should accept a pump different from the one that is specified. We have never suggested that the City should accept a motor different from the one specified. As I said, there were no models given to the three manufacturers. This is a perfect example, if I may, and I obviously love the profession of law - - but this is a perfect example of that joke you sometimes hear that three lawyers up to their neck in sand and saying what's missing more sand. This is all to do about nothing. We don't know until after the submittals whether General Electric, Siemens, the supplier's

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named or any of them actually manufacture a unit at that time that meets the specifications. That's why it is not until after those submittals that the City has reserved the right to make that determination and has been pointed out by Ms. Winner and I think Mr. Nilson, as well. This bid document - - although somebody said that it wasn't pristine - I think was quite ingenious in the way it was done. What happens is, if the supplier that my client has named submits a specification either a pump or a motor that actually meets the specifications that the City determines that the one of the other that was named has the same model meeting the specification more we've got, the City gets that credit. If on the other hand our supplier is approved but is disapproved but the pump or motor that would be acceptable is only available for one of the three names and it costs more, we eat it. So, in reality the City has reserved to itself not just the right ultimately to decide which pump or motor works, but to reserve to itself the benefit of getting a difference in terms of a credit based upon whatever your bid may have been. So, the Department of Public Works is correct. I believe Ms. Winner is correct. I believe the recommendation is correct. Thank you."

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President: "Before we hear any rebuttals. Clay Andrew Settle needs to move his car. Whoever that is. Okay."

Mr. Sugar: "And I agree with that. With very little we are set. Let me respond to Mr. Dashiell first. It is not what the -- this is not the pump they are going to submit. This is not the --."

Mayor: "Use the microphone please."

Mr. Sugar: "This is not --."

President: "Use the microphone."

Mayor: "Use the microphone."

Mr. Sugar: "Oh I am sorry. This is not the pump or the motor they are going to submit. But the form says the following. In addition each bidder shall list the manufacturer's name and other pertinent data stipulated below for the pump and motors indicated, that the bidder intends to the employ in the project. For which he has included a price in the applicable lump sum proposal. This is what he proposes to supply. This is not permitted in the specifications. I have read you the section. Ulliman also did not submit as required by the specifications the pertinent data necessary for the City to evaluate. You said well, we can do this after the fact and everything is okay. But then you have different bidders bidding on the different things."

MINUTES

You need to set a base line, and the base line is to name manufacturers. That is why you changed your Green Book general conditions a few years ago to make sure you did this. What you have done regularly is if you want us to have or equals, is you have the bidder submit the or equal ahead of time, before the bid opening, maybe on a form, they are examined and then if the City thinks that they are appropriate they will then issue an addendum. They will say, okay, you can bid on this item as well. In that fashion everyone can bid on the same thing."

Mayor: "Mr. Chair."

President: "Leslie do you have any --."

Mayor: "I have a question."

President: "Madam Mayor."

Mayor: "Isn't that the process that happens after?"

Mr. Friesner: "Yes Madam Mayor."

Mr. Disney: "May I respond to that?"

President: "You have to state your name."

Mr. Calvin Disney: "Calvin Disney, Vice President of Whiting-Turner. In the 42 years that I have done City contracts, if you want to use an approved equal, you submit it before the bid so that all the bidders have all the opportunity to avail themselves."

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Mayor: "We are not talking about if we want an approved equal, we are talking about two different things. You are talking about an approved equal and that is not what we are discussing here. We are talking about a bidder who put in an 'or equal' and that 'or equal' was assessed afterwards. Have you participated in that process?"

Mr. Disney: "Never."

Mayor: "So you have never submitted."

Mr. Disney: "Never submitted."

Mayor: "So you --."

Mr. Disney: "Never named a party and then changed it later."

Mayor: "So lets just be clear, from today on, you can understand that when it says 'or equal' in the bid packet, you can substitute an 'or equal' if you feel it is on par product or service, correct? And after the bid, if you are the lowest bidder, the City makes a determination if that 'or equal' if we agree that it is 'or equal'. So, while for whatever reason, I am not sure why you thought that process had to be done ahead of time, that is not the case."

Mr. Disney: "The case is that because the reason that it has to be done after is so that the City can accrue a credit for the substitution. The only reason for substituting an 'or equal' is

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because it is a lower price. It isn't because it is a better pump or a better motor, it is a lower price, and you lose all capabilities of getting a credit once he's used that low price in his estimate. The problem with that is that is unfair to all the bidders allow. If you are going to do that, if you are going to use that system, you no longer need to name manufacturers. You can just tell us to write in whomever we want to use on the bid in the future. This particular pump station is critical. I mean this is supplying City water in a drought situation and if they are going to be allowed to just pick any pump manufacturer then all bidders in the future will do exactly the same."

City Solicitor: "But they are clearly not allowed to submit any manufacturer or any product they want because it is going to have to satisfy the basic quality criteria that are embodied in the specified items and it is going to have to get approved by the City and it won't get approved by the City in this painstaking after bid process if it doesn't satisfy those criterias. So, the bidder who relies on an as equal product takes a chance, that his as equal product may not get approved. So, I don't really see the unfairness and it is a very different

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system and set of risks than what you just described, respectfully."

Mr. Donaldson: "May I respond to your point Mr. Nilson? The issue then becomes as soon as it gets rejected he then shops that price with the named manufacturers, and you will have vendors here in front of you protesting that kind of a process. Vendors won't put their best price out on the street if they know it is going to get shopped later on. This is a very delicate situation among contractors and that is why six of us followed the rules."

President: "Okay. We will give you the last closing comments and then we are going to move on."

Ms. Winner: "Thank you. I believe there have been cases in the past where the City named an item and said you must use this. This was not the case here. This was an 'or equal', and so, the bidders took their chance when they named an 'or equal' it could go up or it could go down in price if the City did not agree with the fact that it met the specifications. But that all happens after the bid is awarded and there is no guarantee when they put in their bid, that they would be the low bidder, because at that time they have no idea who will be the low bidder. So, they took a chance the same as every other bidder

MINUTES

who bid whether they bid this product or another product, and I would ask the Board to award the contract to Ulliman who was the low bidder."

Director of Public Works: "Just one comment on that. The contractor or the bidder takes a huge risk. I understand what you are saying and just write down any name. But, when the City reviews the specs of that item and determine or disapprove that the risk is on the contractor to satisfy the City, and then as Ms. Ah ah--."

Ms. Winner: "Winner."

Director of Public Works: "Ms. Winner. I am sorry. As Ms. Winner pointed out that the bid price does not change. So it is incumbent upon the bidder when they use that 'or equal' to make sure that they have a product that is of the quality of the named item. So, there is a lot of risks placed on the bidder when they use that 'or equal'."

President: "That was the last comment. I will entertain a Motion."

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

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Comptroller: "Second."

President: "All those in favor say AYE. All opposed NAY.
Please note that I Abstain. The Motion carries."

Mr. Sugar: "Thank you very much for considering our bid
protest."

President: "Thank you."

Mr. Dashiell: "Have a good Thanksgiving."

* * * * *

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:Bureau of Purchases

5. B50001546, Provide Janitorial Services for the Department of General Services, Area A Associated Building Maintenance Co., Inc. \$ 461,556.00

MBE: CJ Maintenance, Inc. \$ 78,464.52 17.00%

WBE: My Cleaning Service, Inc. \$ 41,540.04 9.00%

MWBOO FOUND VENDOR IN COMPLIANCE.

6. B50001547, Provide Janitorial Services for the Department of General Services, Area B Associated Building Maintenance Co., Inc. \$ 388,032.00

MBE: CJ Maintenance, Inc. \$ 65,965.44 17.00%

WBE: My Cleaning Service, Inc. \$ 34,922.88 9.00%

MWBOO FOUND VENDOR IN COMPLIANCE.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:Bureau of Purchases

7. B50001548, Provide Associated Build- \$ 408,924.00
 Janitorial Services ing Maintenance
 for the Department of Co., Inc.
 General Services,
 Area C

MBE: CJ Maintenance, Inc. \$ 69,517.08 17.00%

WBE: My Cleaning Service, \$ 36,803.16 9.00%
 Inc.

**A LETTER OF PROTEST HAS BEEN RECEIVED FROM OFFIT/KURMAN,
 ATTORNEY AT LAW, ON BEHALF OF MULTICORP, INC.**

THE PROTEST FROM MULTICORP, INC. WAS WITHDRAWN.

8. B50001347, Occupational Mercy Medical \$16,189,827.08
 Health Clinic Services Center, Inc.

MWBOO SET MBE GOALS AT 10% AND WBE GOALS AT 5%

MBE: SPRC, LLC 0.40%
 Neo Technologies, Inc. 0.03%
 Walters Relocation, Inc. 1.53%
 Burs & Garrett Physical Therapy Assoc. 1.53%
 Dr. Cheung/OEM Advisor, LLC 0.40%
 RGH Enterprises, Inc. 2.50% ¹
 6.39%

¹ Not more than 25% of each MBE or WBE goal may be attained by expenditures to MBE/WBE suppliers who are not manufacturers: therefore, the maximum value allowed has been applied.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:Bureau of Purchases

WBE: Professional Employment, Inc.	3.37%
Flowers by Chris	0.25%
Nelson White System	See note below ²
Baltimore Fire Protection & Equipment	0.40%
Sahara Communications	0.37%
	<u>4.39%</u>

MWBOO FOUND VENDOR IN NON-COMPLIANCE.

THIS RECOMMENDED AWARD IS SUBJECT TO THE VENDOR COMING INTO MBE/WBE COMPLIANCE WITHIN 10 DAYS OF THE AWARD.

² Nelson White System is not certified as a WBE with Baltimore City.

9. B50001596, Supply, Delivery, and Installa- tion of Furniture for the Fallsway Housing and Service Center	Category I American Office Equipment, Inc.	\$ 208,234.00
	Category II, IV, V MOI, Inc.	
	Category III Maryland Correctional Enterprises	
	Category VI Glover Equipment Sales Group, LLC	
	Category VII Rudolph's Office Supply	

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:

Bureau of Purchases

Maryland Correctional Enterprises

MBE: Elite Office Installations, LLC	5%
WBE: T. Shafer Services, LLC	2%

Rudolph's Office Supply

MBE: Allen & Son Moving/Storage, Inc.	5%
WBE: All-Pro Placement Service, Inc.	2%

MWBOO FOUND MARYLAND CORRECTIONAL ENTERPRISES AND RUDOLPH'S OFFICE SUPPLY IN COMPLIANCE.

MBE: TGI Installers	6%
WBE: W-Cubed, LLC	.038%

MWBOO FOUND AMERICAN OFFICE, GLOVER EQUIPMENT, AND MOI, INC. IN NON-COMPLIANCE.

THESE BIDDERS HAVE AGREED TO REMEDY THE ERRORS IN THEIR SUBMISSIONS AND COME INTO COMPLIANCE WITHIN TEN DAYS OF AN AWARD.

10. B50001610, Supply and Deliver Lockers	P.J. & Company, LLC	\$	29,267.08
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MWBOO SET MBE AND WBE GOALS AT 0%

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:Bureau of Purchases

11. B50001659, Pharmaceuti- cals for the Fire Dept.	Citizens Pharmacy Services	\$	300,000.00
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MWBOO GRANTED A WAIVER.

12. B50001682, Traffic Signal Cable	Power & Telephone Supply Co.	\$	225,000.00
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MWBOO GRANTED A WAIVER.

MINUTES

PERSONNEL MATTERS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

all of the Personnel matters

listed on the following pages:

4243 - 4253

All of the Personnel matters have been approved

by the EXPENDITURE CONTROL COMMITTEE.

All of the contracts have been approved

by the Law Department

as to form and legal sufficiency.

The Comptroller **ABSTAINED** on item no. 21.

MINUTES

PERSONNELHealth Department

	<u>Hourly Rate</u>	<u>Amount</u>
1. KILDIA CEPEDA	\$39.00	\$ 8,424.00

Account: 4000-436111-3255-316200-601009

Ms. Cepeda will continue to work as a Family Caregiver Training Instructor for the National Family Caregivers Program. Her duties will include but are not limited to providing training and education classes for family caregivers, volunteers and grandparents of Hispanic ethnicity. She will maintain personal and confidential files. The period of the agreement is effective upon Board approval through September 30, 2011.

2. STEPHANIE S. REGENOLD	\$36.05	\$28,119.00
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Account: 5000-530010-3080-295000-601009

Ms. Regenold will continue to work as a Senior Health Advisor for the Bureau of Maternal and Infant Care. She will be responsible for analyzing epidemiologic data related to birth outcomes for improved program decision-making, preparing relevant materials for and actively participating in Fetal and Infant Mortality Review. The period of the agreement is effective upon Board approval through June 30, 2011.

MINUTES

PERSONNELHealth Department - cont'd

	<u>Hourly Rate</u>	<u>Amount</u>
3. DONTE' WYLIE	\$15.00	\$3,900.00
Account: 6000-627811-3080-294400-601009		
4. ELIZABETH FERNANDEZ	\$15.00	\$3,900.00
5. PRECIOUS ANN VENTURA FORTES	\$15.00	\$3,900.00

Account: 6000-625211-3080-289400-601009

These individuals will continue to work as Youth Development Aides/Tutors for After-School Programs. Mr. Wylie will provide homework assistance, tutorial and college preparation assistance. He will provide individual instruction to participants with specific deficits in high level Math and English such as; Algebra, Geometry, Trigonometry, Calculus, and English I - IV. He will also maintain folders/records on individual students to assist in skill building, help build educational resources and update educational records quarterly, and participate in workshops. Ms. Fernandez and Ms. Fortes will assist teens with homework, plan and lead computer classes, provide mentoring services, and work with parents. The period of the agreement is effective upon Board approval through June 30, 2011.

AMENDMENT TO AGREEMENT

6. LEONA L. TRUELOVE	\$35.00	\$ 3,640.00
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Account: 4000-493510-3040-657600-601009

On June 23, 2010, the Board approved the original agreement with Ms. Truelove, a retiree, to work as Program Administrator III for the Health Disparities, Cardiovascular Disease and Diabetes Program. The hourly rate of the agreement was \$35.00 per hour for a maximum of 700 hours for a total of \$24,500.00 for the period July 1, 2010 through June 30, 2011.

MINUTES

PERSONNEL

Health Department - cont'd

Hourly Rate Amount

This amendment to agreement is necessary to provide additional services for the Cardiovascular Disease Prevention Program and increases the amount of the hours to 804 hours and the maximum contract amount to \$28,140.00. All other terms and conditions remain unchanged.

7. a. Create the following three positions:

61252 - Community Health Educator II
Grade 085 (\$33,884.00 - \$40,828.00)
Job Nos. to be assigned by BBMR

Cost: \$4,728.00 - 1001-000000-4800-371500-601001

b. Reclassify the following position:

Job No. 3022-48684

From: 61111 - Health Program Administrator I
Grade 111 (\$41,700.00 - \$60,500.00)

To: 61112 - Health Program Administrator II
Grade 113 (\$46,700.00 - \$65,500.00)

Costs: \$ 51,574.00 - 1001-000000-3041-274000-601001
51,574.00 - 5000-521110-3040-278200-601001
51,574.00 - 5000-521110-3040-278201-601009
5,913.00 - 6000-623511-3041-268400-601001
\$160,635.00

MINUTES**PERSONNEL**Department of General Services (DGS)8. Reclassify the following position:

From: 52315 - Welder Supervisor
Grade 088 (\$38,175.00 - \$46,251.00)
Job No.: 1890-19898

To: 52115 - Automotive Maintenance Supervisor I
Grade 090 (\$41,438.00 - \$50,364.00)

Costs: \$5,445.00 - 2030-000000-1890-189401-601001

9. Reclassify the following positions:

a. From: 52341 - Machinist
Grade 434 (\$34,504.00 - \$38,970.00)
Job No.: 1890-19900

To: 52341 - Welder
Grade 434 (\$34,504.00 - \$38,970.00)

Abolish the following class:

b. 52341 - Machinist
Grade 434 (\$34,504.00 - \$38,970.00)

There are no costs associated with this action.

MINUTES

PERSONNELLaw Department

	<u>Hourly Rate</u>	<u>Amount</u>
10. ASHLEA HOWARD BROWN	\$32.00	\$ 41,600.00

Account: 1001-000000-1762-608200-601009

Ms. Brown will continue to work as a Special Assistant Solicitor in the Law Department's Opinions and Advice Practice Division. She will provide legal services. The period of the agreement is January 1, 2011 through December 31, 2011.

Police Department

11. SHEREE D. PETERSON	\$14.42	\$30,000.00
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Ms. Peterson, retiree, will serve as a Contract Service Specialist I in the Central Records Section, Validation Unit. She will be responsible for reviewing original NCIC entry, police report and supporting documents, contacting victims, complainant, court, individual and sources for follow-up, accessing local, state, and federal databases for information, updating records on local databases/NCIC to reflect changes and preparing police supplement reports.

12. JOSEPHINE V. KENNEDY	\$14.42	\$30,000.00
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Ms. Kennedy, retiree, will serve as a Contract Service Specialist I in the Inspection Section, District Court Liaison Office. She will be responsible for coordinating and assisting with scheduling court dates, contacting police officers for court appearances, and retrieving police reports, LIMS reports and drug analysis reports required for Assistant State's Attorney court dockets.

MINUTES

PERSONNELPolice Department

	<u>Hourly Rate</u>	<u>Amount</u>
13. CHARLES WILLIAMS	\$14.42	\$30,000.00

Mr. Williams, retiree, will serve as a Contract Service Specialist I in the Internal Investigation Division. He will be responsible for relating statistical analysis including identifying complaint trends, and mapping complaints. He will also prepare the weekly Citi-Stat package, monitor, correct, and modify ID databases and run weekly IAS-STAT meetings.

14. ESSEX R. WEAVER	\$14.42	\$30,000.00
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Mr. Weaver, retiree, will serve as a Contract Services Specialist I in the Property Section, Inventory Unit. He will be responsible for receiving property/evidence submission from police officers and lab personnel to ensure accuracy/completeness of paperwork and enter evidence into tracking system. He will release property for court and maintain chain of custody, release property to the public and document release into the computer.

15. DUANE A. JEFFERSON	\$14.42	\$30,000.00
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Mr. Jefferson, retiree, will serve as a Contract Services Specialist I for the Sex Offender Registry Unit. He will be responsible for registering convicted sex offenders under Megan's Law. He will be a liaison between the Police Department and other agencies. He will register offenders and update changes in their information. He will also be responsible for record keeping and field inquiries from other agencies regarding offenders.

16. JOHN D. RICE	\$14.42	\$30,000.00
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Mr. Rice, retiree, will serve as a Contract Specialist I, in the Property Section, Inventory Control Unit. He will be responsible for assisting with the inventory and the accountability of all Department equipment.

Account: 1001-000000-2042-198100-601009

MINUTES

PERSONNEL

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Police Department</u>		
17. ANTHONY PAUL ARMETTA	\$14.42	\$30,000.00

Account: 4000-468211-2022-693700-601009

Mr. Armetta will serve as an Administrator for the Baltimore's Offender Registry. He will be responsible for collecting court forms identifying gun offenders from court liaisons, entering information from court forms and gun offenders in the Gun Offender database, maintaining and updating the gun offender database, obtaining all appropriate information from gun offenders subject to the reporting requirements, verifying and updating information in the Gun Offender Database using CJIS, JIS and other criminal justice information systems, and providing timely information for the Gun Trace Task Force for enforcement and follow-up. The period of the agreement is January 1, 2011 through December 31, 2011.

On January 3, 1996, the Board approved a waiver of Administrative Manual Policy AM 212-1, which allowed the Baltimore Police Department to hire retired police officers as contract employees. The period of the agreement is effective upon Board approval for one year

18. Create the following class:

- a. 52725 - Aviation Mechanic Supervisor
Grade 120 (\$64,800.00 - \$91,100.00)

Create the following one position:

- b. 52725 - Aviation Mechanic Supervisor
Grade 120 (\$64,800.00 - \$91,100.00)
Job No. to be assigned by BBMR

Cost: \$0.00 - 1001-000000-6400-643100-601001

MINUTES

PERSONNEL

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Bureau of Solid Waste</u>		
19. MAXINE ERLWEIN	\$24.55	\$45,000.00

Account: 1001-000000-5132-385800-601009

Ms. Erlwein will work as a Grant Administrator. Her duties will include, but are not limited to coordinating all Bureau of Solid Waste grant activities including overseeing contracts with third parties involved in the CDBG grants. She will also provide periodic project progress reports, monitoring program budget, alerting the Bureau Head when problems arise, maintaining project files and filing quarterly reports as required under the terms of the grants. The period of the agreement is effective upon Board approval for one year.

Department of Transportation

20. PAULA POLLACK	\$20.00	\$22,869.60
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Account: 3001-000000-2301-249300-601009

Ms. Pollack, a retiree will work as a Special Contract Administrator. She will be responsible for performing in-depth audits on completed construction contracts, check to see that all contractors adhered to all applicable local, state and federal guidelines in all contracts. Ms. Pollack will also review Extra Work Orders, contract specifications, plans, Inspector's Daily Reports and Time Charges for compliance, and act as a liaison between the Contractor and the Department to resolve quantity disputes. The period of the agreement is effective upon Board approval for one year.

MINUTES

PERSONNEL

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Employees' Retirement System (ERS)</u>		
21. JOANNE PASCOE	\$26.11	\$31,327.00

Account: 6000-604008-1520-169600-601009

Ms. Pascoe, retiree, will work as a Special Benefits Analyst. She will be responsible for assisting in documenting Employees' Retirement System processes, calculations and systems, training entry-level benefit analysts in the processing of applications for ERS service, disability and death benefits. The period of the agreement is January 23, 2011 through December 31, 2011.

Mayor's Office of Human Services22. Create the following one position:

00419 - Homeless Program Coordinator
 Grade 088 (\$38,175.00 - \$46,251.00)
 Job No. to be assigned by BBMR

Cost: \$55,792.00 - 6000-685211-3573-327200-601001

Department of Finance, Bureau of Accounting and Payroll Services23. Reclassify the following position:

From: 33213 - Office Assistant III
 Grade 078 (\$27,410.00 - \$31,609.00)
 Job No. 1424-12421

To: 33501 - Purchasing Assistant
 Grade 081 (\$29,630.00 - \$35,104.00)

Costs: \$1,123.64 - 2073-000000-1424-160800-601001

MINUTES**PERSONNEL**Department of Finance24. Reclassify the following vacant position:

From: 33591 - Inventory and Purchasing Administration
Manager
Grade 118 (\$58,800.00 - \$83,800.00)

To: 31102 - Administrative Officer II
Grade 115 (\$51,000.00 - \$72,200.00)

Costs: (\$12,487.40) - 1001-000000-1441-161800-601001

Fire Department25. Transfer the following four positions:

a. Job No. 2101-47124
10212 - Fire Command Staff I
Grade 964 (\$92,000.00 - \$111,500.00)

From: 1001-000000-2101-225900-601061
To: 1001-000000-2112-226000-601061

b. Job No. 3191-13748
41210 - Fire Fighter/Paramedic
Grade 312 (\$34,459.00 - \$54,994.00)

From: 1001-000000-3191-308700-601061
To: 1001-000000-2111-226100-601061

c. Job No. 3191-13380
41210 - Fire Fighter/Paramedic
Grade 312 (\$34,459.00 - \$54,994.00)

From: 1001-000000-3191-308700-601061
To: 1001-000000-2111-225900-601061

MINUTES

PERSONNEL

- d. Job No. 3191-13619
 41210 - Fire Fighter/Paramedic
 Grade 312 (\$34,459.00 - \$54,994.00)

From: 1001-000000-3191-308700-601061
 To: 1001-000000-2111-225900-601061

There are no costs associated with the transfer between budget accounts.

	<u>Hourly Rate</u>	<u>Amount</u>
<u>State's Attorney's Office</u>		
26. CAROLYN L. SALLEY	\$25.88	\$44,788.00

Account: 1001-000000-1150-117900-601009

Ms. Salley, a retiree, will work as an Investigator. Her duties will include, but not be limited to researching the whereabouts of and locating parties relevant to prosecution of cases, providing location information to attorneys and the Warrant Apprehension Task Force so that arrests can be made. She will also provide witnesses and victims with status and trial date information. The period of the agreement is December 16, 2010 through December 15, 2011.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

- | | | |
|---|-------------|----------|
| 1. HEYWARD INCORPORATED OF
VIRGINIA, INC. | \$14,309.00 | Only Bid |
| Solicitation No. 07000 - Settling Tank Parts - Department of
Public Works - Req. No. R559849 | | |

The price is considered fair and reasonable.

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|---|-------------|---------|
| 2. MARYLAND FIRE
EQUIPMENT CO. | \$ 8,221.00 | Low Bid |
| Solicitation No. B50001709 - Hazmat Leak Kits - Fire
Department - Req. No. R559624 | | |

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|---|-------------|-----------------|
| 3. TANEN HAT COMPANY | \$10,050.00 | Selected Source |
| Solicitation No. 06000 - Dress Uniform Caps - Fire Department
- Req. No. R561172 | | |

The requested model is currently being used throughout the Fire Department and the agency desires to maintain uniformity. The prices offered are considered fair and reasonable.

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|--|-------------|---------|
| 4. NATIONAL CAPITAL
INDUSTRIES, INC. | \$21,000.00 | Low Bid |
| Solicitation No. B50001706 - Construction Roll-Up Signs -
Department of Transportation - Req. No. R554038 | | |

The period of the award is November 17, 2010 through November 16, 2011.

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|---|-------------|----------|
| 5. MILL SUPPLY COMPANY, INC. | \$ 5,415.00 | Only Bid |
| Solicitation No. 07000 - Solenoid Valves - Department of
Public Works - Req. No. R561577 | | |

The price is considered fair and reasonable.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

- | | | |
|---|-------------|---------|
| 6. MM&P MATES PROGRAM D/B/A
MARITIME INSTITUTE OF
TECHNOLOGY | \$6,900.00 | Low Bid |
| Solicitation No. 07000 - Rental Conference Room Space and Food
- Mayor's Office of Employment Development - Req. No. R557172 | | |
| 7. PREFERRED CLEANING, INC. | \$10,800.00 | Low Bid |
| Solicitation No. B50001669 - Janitorial Services - Enoch Pratt
Free Library - Req. No. R558489 | | |

The period of the award is December 1, 2010 through November 30, 2011 with three 1-year renewal options.

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|--|-------------|---------------------------|
| 8. MOORE MEDICAL, LLC | \$ 6,607.95 | Low Bid |
| Solicitation No. 07000 - Rabavert Vaccine - Health Department
- Req. No. R556999 | | |
| 9. ATLANTIC MACHINERY,
INC. | \$20,000.00 | Sole Source/
Agreement |
| Solicitation No. 08000 - CUES Camera Repair - Department of
Public Works - Req. No. R552881 | | |

The Board is requested to approve and authorize execution of an agreement with Atlantic Machinery, Inc. The period of the agreement is effective upon Board approval for one-year with two 1-year renewal options.

The vendor is the sole source of replacement parts and repairs for cameras used by the Department of Public Works.

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

10. MEIER DIESEL FILTER, INC., d/b/a WARD DIESEL FILTER SYSTEMS	\$120,000.00	Sole Source/ Agreement
Solicitation No. 08000 - OEM Parts and Service for Ward Diesel Filters - Department of General Services - Req. No. R554358		

The Board is requested to approve and authorize execution of an agreement with Meier Diesel Filter, Inc. d/b/a Ward Diesel Filter Systems. The period of the agreement is effective upon Board approval for three years, with two 1-year renewal options.

The vendor is the manufacturer and sole distributor of the Ward Diesel filtration systems required by the City's fleet.

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

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

11. ATLANTIC TACTICAL	\$110,553.80	Sole Source
Solicitation No. 08000 - Tactical Body Armor for SWAT - Police Department - Req. No. R561384		

The requested armor model is currently in use by the Police Department's SWAT Team and is needed to maintain uniformity of equipment and training. The vendor is the manufacturer's sole state-wide distributor of this product. Pricing is considered fair and reasonable in comparison to existing regional contracts.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

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

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|--|--------------|--------------|
| 12. FERGUSON ENTERPRISES INC. | \$100,000.00 | Sole Source/ |
| d/b/a FRISCHKORN INC. | | Agreement |
| Solicitation No. 08000 - Chesterton Mechanical Seals -
Department of Public Works, Bureau of Water and Wastewater -
Req. No. Various | | |

The Board is requested to approve and authorize execution of an agreement with Ferguson Enterprises, Inc. d/b/a Frischkorn, Inc. The period of the agreement is effective upon Board approval for three years with one 2-year renewal option.

The vendor is the manufacturer's sole authorized source of these products which must be compatible with currently installed equipment.

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

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

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|---|--------------|---------|
| 13. IRVIN H. HAHN CO. INC. | \$125,000.00 | Renewal |
| Solicitation No. B50000784 - Police Badges and Insignias -
Police Department - Req. Nos. Various | | |

On December 15, 2008, the Board approved the initial award in the amount of \$125,000.00. The award contained two 1-year renewal options at the sole discretion of the City. This renewal in the amount of \$125,000.00, for the period December 16, 2010 through December 15, 2012, with one 1-year renewal option remaining.

MWBOO GRANTED A WAIVER.

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|--|--------------|---------|
| 14. PL CUSTOM BODY &
EQUIPMENT CO., INC. | \$ 36,369.51 | Renewal |
| Solicitation No. 08000 - O.E.M. Parts and Service for PL
Custom Equipment - Department of General Services - Req. Nos.
Various | | |

On March 19, 2008, the Board approved the initial award in the amount of \$75,000.00. The award contained two 1-year renewal options at the sole discretion of the City. This renewal in the amount of \$36,369.51 is for the period March 12, 2011 through March 11, 2012, with one 1-year renewal option remaining.

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|--|---------|---------|
| 15. HD SUPPLY
WATERWORKS, LTD | \$ 0.00 | Renewal |
| Solicitation No. B50000304 - Multi-Size Fire Hydrants -
Department of Public Works, Bureau of Water and Wastewater -
Req. Nos. Various | | |

On February 6, 2008, the Board approved the initial award in the amount of \$500,000.00. The award contained renewal

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

options at the sole discretion of the City. Subsequent actions have been approved. This is the final 1-year renewal for the period January 29, 2011 through January 30, 2012.

MWBOO GRANTED A WAIVER.

16. WASTE MANAGEMENT

<u>RECYCLING AMERICA</u>	<u>Revenue Contract</u>	<u>Renewal</u>
Solicitation No. B5000103 - Single Stream Recycling - Department of Public Works, Bureau of Solid Waste - Req. Nos. Various		

On November 7, 2007, the Board approved the initial award. The award contained three 1-year renewal options at the sole discretion of the City. Subsequent actions have been approved. This is the final renewal for the period January 8, 2011 through January 7, 2012.

<u>17. ATLANTIC TACTICAL, INC.</u>	<u>\$120,000.00</u>	<u>Renewal</u>
Solicitation No. B5000729 - Police Duty Belts and Accessories - Police Department - P.O. No. P505340		

On January 21, 2009, the Board approved the initial award in the amount of \$117,951.00. Subsequent actions were approved. This is the second of four one-year renewal options. The renewal is for the period December 31, 2010 through December 30, 2011.

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>
<u>Bureau of Purchases</u>		
18. SUBURBAN SALES & RENTAL, INC.	\$ 50,000.00	Extension
MILL SUPPLY INC.	<u>100,000.00</u>	Extension
	<u>\$150,000.00</u>	

Solicitation BP 05087 - Hand and Power Tools - Agencies
Various - P.O. Nos. P501370, P501381, & P501376

On January 12, 2005, the Board approved the initial award in the amount of \$350,000.00. Subsequent actions were approved. This is a three-month extension to allow time to re-bid this requirement. The period of the agreement is December 31, 2010 through March 31, 2011.

MWBOO GRANTED A WAIVER.

19. DEPENDABLE RELIABLE SERVICE PERSONAL TOUCH HOME AIDES OF BALTIMORE, INC.	\$ 21,300.00 26,000.00	
PB HEALTH HOME CARE AGENCY, INC.	<u>20,250.00</u>	
	<u>\$ 67,550.00</u>	Extension

Solicitation No. B50000747 - Provide In-home Personal
Care/Homemaker Services - Commission on Aging and Retirement
Education (CARE) - P.O. Nos. P510613, P510614, P510684

On November 26, 2008, the Board approved the original award in the amount of \$505,000.00. On April 7, 2010, the Board approved an increase in the amount of \$232,057.00. This extension, in the amount of \$67,550.00, is requested pending the exercise of the remaining renewal options to allow CARE time to reassess how this contract will be administered. The period of the original award is November 26, 2008 through November 26, 2010, with two one-year renewal options remaining after this requested action. The period of the extension is November 26, 2010 through March 1, 2011.

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

20. <u>INTERNATIONAL SALT CO., LLC</u>	\$ 0.00	Renewal
Solicitation No. B50000222 - Furnish and Deliver Salt - Departments - Various - Req. Nos. Various		

On February 6, 2008, the Board approved the original award in the amount of \$1,000,000.00. The award contained an option to renew at the sole discretion of the City. Subsequent actions were approved. This no cost renewal is the final one-year renewal option. The period of the renewal is January 29, 2011 through January 28, 2012.

MBE: L&J Construction Services, Inc. 5%

WBE: Morgan Construction Services, Inc. 2%

MWBOO FOUND THE VENDOR IN COMPLIANCE.

21. <u>COMCAST BUSINESS SERVICES</u>	\$ 10,873.20	Ratification
	21,746.40	Award
	<u>\$ 32,619.60</u>	

Solicitation No. 06000 - Internet Service - Fire Department -
Req. No. R556272

The requested service is currently installed in the City's fire stations. The Department desires to maintain uniformity in the services. The vendor is the provider's sole distributor in Maryland. A ratification is needed to cover services ordered by the Department prior to submitting a requisition and to cover the period during which the requisition was processed to an award recommendation.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

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

MWBOO GRANTED A WAIVER.

(FILE NO. 53405A)

22. BALTIMORE GAS AND ELECTRIC CO.	\$2,100,000.00	Sole Source/ Agreement
Solicitation No. 08000 - Requirements for Street Lights Rehabilitation - Department of Transportation - Req. No. R556430		

The Board is requested to approve and authorize execution of an agreement with Baltimore Gas and Electric Co. (BGE). The period of the agreement is November 5, 2010 through November 4, 2011.

The BGE has a proprietary obligation to provide designated services and no other company is able to provide them at this time. The prices are set in accordance with the Retail Electric Service Tariff approved by the Maryland Public Service Commission.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

It is hereby certified that the 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 (d) (i) of the City Charter, the procurement of this service is recommended.

Bureau of General Services

- | | | |
|---|-------------|---------|
| 23. CB FLOORING, INC. | \$ 8,788.00 | Low Bid |
| IC 541 - Installation of Fritz Marble Tile for the 1 st Floor Rear Hallway, 100 N. Holliday Street | | |
| 24. COLOSSAL CONTRACTORS, INC. | \$ 5,950.00 | Low bid |
| IC 540 - Exterior Painting for Engine 31, 3123 Greenmount Avenue | | |

UPON MOTION duly made and seconded, the Board approved the informal awards, renewals, increases to contracts and extensions. UPON FURTHER MOTION duly made and seconded, the Board approved and authorized execution of the agreements with Atlantic Machinery, Inc., (item no. 9), the Meier Diesel Filter, Inc. d/b/a Ward Diesel Filter Systems, (item no. 10), and the Ferguson Enterprises, d/b/a Frischkorn Inc., (item no. 12) The President **ABSTAINED** on item nos. 12 and 15. The Comptroller **ABSTAINED** on item no. 20. Item no. 22 was **WITHDRAWN**.

MINUTES

Bureau of Water and Wastewater - Amendment to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an amendment to the agreement for Project No. 1096K, Engineering Support Services with KCI Technologies, Inc. (KCI).

AMOUNT OF MONEY AND SOURCE:

\$248,347.73 - 9956-904531-9551-900020-703032

BACKGROUND/EXPLANATION:

On June 17, 2009, the Board approved the agreement with KCI to provide engineering support services to the Utility Geographic Information Systems (GIS). The City desires to continue providing engineering support services for the wastewater, water and including storm-water features that were revised by the Consent Decree work and geographic information systems features.

The KCI will continue providing engineer support services for the utility GIS.

The consultant was approved by the Architectural and Engineering Awards Commission.

MBE: GeographIT	\$34,745.74	13.99%
WBE: Mercado Consultants	\$32,343.15	13.02%
WBE: JK Data Consultants, Inc.	\$22,423.75	9.03%

MWBOO FOUND THE VENDOR IN COMPLIANCE

MINUTES

Bureau of Water and Wastewater - cont'd

APPROVED FOR FUNDS BY FINANCE.

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

(FILE NO. 56533)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment to the agreement for Project No. 1096K, Engineering Support Services with KCI Technologies, Inc. (KCI). The President **ABSTAINED**.

MINUTES

PERSONNEL MATTERS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

all of the Personnel matters

listed on the following pages:

4267 - 4271

All of the Personnel matters have been approved

by the EXPENDITURE CONTROL COMMITTEE.

All of the contracts have been approved

by the Law Department

as to form and legal sufficiency.

The President **ABSTAINED** on item no. 3 and 4.

The Comptroller **ABSTAINED** on items no. 21.

MINUTES**PERSONNEL**

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Department of General Services</u>		
1. JAMES M. FRASER	\$57.00	\$71,250.00

Account: 9916-903158-9197-900000-703009

The Board is requested to approve and authorize execution of an employment agreement with Mr. James M. Fraser to provide engineering and infrastructure project coordination for Property Management and Permit Processing Section in the Design and Construction Division of the Department of General Services. The term of the agreement is one year, effective upon the Board approval.

The Department of General Services (DGS) is requesting to hire Mr. Fraser because of his extensive experience working with right of way protocol and practices and his broad range of expertise in utility/roadway trench restoration requirements and construction practices. In addition to his Master's degree in Business Administration with a concentration in Environmental Engineering, he is LEED accredited with experience in Real Estate Development, Real Estate Finance, Land Development, Permit Processing, Civil and Environmental Engineering and Project Management data base development. The Department experienced significant difficulty recruiting an engineer with a broad technical background utilizing cutting edge techniques in the engineering field. The Department currently does not have this broad level of expertise internally.

The services provided by Mr. Fraser will enable the DGS to efficiently facilitate and coordinate all infrastructure projects within the public right-of-way. He will coordinate and restructure the existing units of the Section into a cohesive working environment to integrate autonomy of internal processes. Mr. Fraser will be specifically tasked with addressing the geographical and temporal construction conflicts between the various utilities (gas, water, sewer, storm drain, electric, steam and cool water), road and bridge work enabling the City to expedite the completion of

MINUTES

PERSONNELHourly RateAmountDepartment of General Services - cont'd

projects in a timely manner, eliminate duplication of review, and avoiding cost overruns.

This position's duties encompass the criteria for several different specialty classifications because the role is multifaceted. Mr. Fraser will develop and implement throughout the Real Property Engineering and Management Section new, real-time, interactive, web-based information systems for the communication and coordination of infrastructure construction and traffic control, interagency conflict resolution is a must at this early stage of the City's new business model. This role is a new one in the industry and results from dramatic advances in information sharing technology. Mr. Fraser's background bridges the engineering, information technology and construction fields that will enable him to deliver on the demands of the position.

A consultant currently performs much of this work to assist the current Engineering and Property managers who do not possess the necessary range of knowledge or skills to perform this necessary restructuring and implementation. However, the consultant is not experienced with the information technology enough to make full use of the tool and is a costly option. By comparison, the City stands to save money by eliminating the consultant support. This is a critical mission and saves the City hundreds of thousands of investment dollars from not trenching newly paved roads by utility construction due to poorly communicated construction scheduling times.

The Department will be creating a classification and permanent position in FY 12 and it will be filled through the City's open recruitment and competitive interview process.

MINUTES

PERSONNEL

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Department of General Services - cont'd</u>		
2. LAURIE I. ANSLEY	\$40.91	\$75,000.00

Account No. 9916-903845-9197-910098-703009

The Board is requested to approve and authorize execution of an employment agreement with Ms. Laurie I. Ansley to provide architectural and construction project management and services for the Design and Construction Division of the Department of General Services. The term of the agreement is one year, effective upon the Board approval.

The Department of General Services (DGS) is requesting to hire Ms. Ansley because of her extensive experience in working with complex architectural and construction projects management, and expertise in master planning and use programming. Ms. Ansley's national certification in planning and project management through the National Charrette Institute includes a high level of education in data management and project planning and organization. Her background indicates a strong concentration in establishing work flow processes and database systems for complex and multiple architectural design and construction projects throughout Maryland and Virginia. The services provided by Ms. Ansley will provide the DGS with efficient management of multiple, specialized architectural design and construction projects and master planning to save money and time in this process. In addition to her Bachelor's degree in Architecture, she is LEED certified, which is critical to the DGS' future goal of defining and creating green energy designs and construction in both existing and new City buildings.

MINUTES

PERSONNELDepartment of General Services - cont'd

Greater design review and cost and schedule control is needed in the area of construction contract administration in the DGS as a whole. With the Department changing the entire way it is managing its facility portfolio - away from property management to asset management - it is critical to have efficient, well-established business processes from the design phase through the construction phase and into final commissioning. Solid development and thorough review of project plans and specifications are essential in order to meet required design and construction deadlines and avoid cost overruns. Ms. Ansley's background and experience will serve the City well by creating electronic tracking of all design and construction projects, monitoring and oversight of the database and establishing specific architectural design and construction project specifications to support and maintain this process. This will allow the DGS to provide much improved feedback to other agencies and clients for which we are performing projects and utilizing their funds.

With the tremendous increase in volume of work in the Capital construction program, it is critical to have these processes established immediately. The current staffing is not able to support the new and expanded mission of the Department and in fact, the DGS must establish it's own Contract Administration Section to support itself for these very reasons.

The Department will be addressing this need in FY 12 by requesting to create 3 new positions in pending personnel actions. These will staff the new Contract Administration Section, whose duties are currently being performed by

MINUTES**PERSONNEL**Department of General Services - cont'd

Department of Public Works as a support service to the Department of General Services. These actions are a continuing part of creating the new Department and its own administrative, fiscal, human resources and support staff so that it becomes completely independent of DPW. The creation of the new Department of General Services was mandated under the administration of Mayor Sheila Dixon and is supported by the existing administration of Mayor Stephanie Rawlings-Blake.

MINUTES

PROPOSAL AND SPECIFICATIONS

Department of
Recreation and Parks

- RP 10821 Cloverdale Basket-
ball Court Improvements and
Field House Renovations
BIDS TO BE RECV'D: 12/22/2010
BIDS TO BE OPENED: 12/22/2010

Department of General Services

- PB 09829R, Elevator Upgrade
and Modernization at Court-
house East - 111 North
Calvert Street
BIDS TO BE RECV'D: 12/22/2010
BIDS TO BE OPENED: 12/22/2010

Bureau of Water and Wastewater -

- SC 871R - Improvements to
Herring Run Interceptors -
Phase I - from Argonne Drive
to 675 Feet Southeast of
Harford Road
BIDS TO BE RECV'D: 1/12/2011
BIDS TO BE OPENED: 1/12/2011

Bureau of Water and Wastewater -

- SC 894 - Cleaning of Outfall
Sewershed 99-Inch and Outfall
Interceptor (from North Bond
Street to 6300 Block of East
Lombard Street)
BIDS TO BE RECV'D: 1/12/2011
BIDS TO BE OPENED: 1/12/2011

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Proposals and

MINUTES

PROPOSALS AND SPECIFICATIONS - cont'd

Specifications to be advertised for receipt and opening of bids on the dates indicated.

* * * * *

President: "I want to wish everybody a Happy Thanksgiving Holliday. Madam Mayor, do you have any comments about wishing a Happy Thanksgiving?"

Mayor: "Happy Thanksgiving to all. May every turkey you eat have no calories?"

City Solicitor: "Eat in moderation."

Comptroller: "Happy Thanksgiving and everybody be safe."

President: "There being no more business before the Board. The meeting will recess until bid opening at 12:00 noon. Thank you."

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MINUTES

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

* * * * *

BIDS, PROPOSALS AND CONTRACT AWARDS

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

Bureau of Purchases - B50001702, Hazmat Response Vehicle
BIDS TO BE RECV'D: 12/08/2010
BIDS TO BE OPENED: 12/08/2010

Bureau of Purchases - B50001664, Management services for the Harry & Jeanette Weinberg & Housing & Resource Center
BIDS TO BE RECV'D: 12/15/2010
BIDS TO BE OPENED: 12/15/2010

Bureau of Purchases - B50001663, Bike Sharing System
BIDS TO BE RECV'D: 12/08/2010
BIDS TO BE OPENED: 12/08/2010

MINUTES

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

Department of Transportation - TR 09005, Reconstruction
of Footways Citywide

Romano Concrete Construction,
Inc.
P. Flanigan & Sons, Inc.
M. Luis Construction Co. Inc.
Civil Construction, LLC
Santos Construction Co., Inc.
Machado Construction Co., Inc.
P & J Contracting Co.

Department of Transportation - TR 11003, Material Testing
2011 Various Citywide
Projects

Hillis-Carnes Engineering Associates
Froehloing & Robertson, Inc.
EBA Engineering, Inc.

Bureau of Purchases - B50001694, Uniforms for the
Fire Department

MACS
Maryland Fire Equipment Corp.
F&F and A. Jabobs & Sons, Inc.
F.L. Anderson Co.
Howard Uniform Company
Atlantic Tactical
F&F and A. Jabobs & Sons, Inc.

MINUTES

Bureau of Purchases - B50001700, Aluminum Sheets

Newman Signs, Inc.
Vulcan Aluminum
Garden State Highway
Custom Products Co.
US Standard Sign

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There being no objections, the Board UPON MOTION duly made and seconded, the Board adjourned until its next regularly scheduled meeting on Wednesday, December 8, 2010.



JOAN M. PRATT
Secretary