

MINUTES**REGULAR MEETING**

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

President: "Good Morning. The December 9, 2015 meeting of the Board of Estimates is now called to order. In the interest of promoting the order and efficiencies of these hearings, persons who are disruptive to the hearing will be asked to leave the hearing room immediately. Meetings of the Board of Estimates are open to the public for the duration of the meeting. The hearing room must be vacated at the conclusion of the meeting. Failure to comply may result in a charge of trespassing. I will direct the Board members attention to the memorandum from my office dated December 7, 2015, identifying matters to be considered as routine agenda items together with any corrections and additions that have been noted by the Deputy Comptroller.

MINUTES

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

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

Comptroller: "Second."

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

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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:

Adams-Robinson Enterprises, Inc.	\$ 105,255,000.00
AES Electrical d/b/a Freestate Electrical Construction Co.	\$ 161,955,000.00
American Siteworks, LLC	\$ 6,192,000.00
Anchor Construction Corporation	\$ 91,125,000.00
Archer Western Construction, LLC	\$1,170,639,000.00
BMW Construction Specialists, Inc.	\$ 6,651,000.00
C & W Construction Company, Inc.	\$ 1,500,000.00
Durex Coverings, Inc.	\$ 8,000,000.00
Guardrails, etc., Inc.	\$ 8,000,000.00
National Service Contractors, Inc.	\$ 8,000,000.00
Retro Environmental, Inc.	\$ 8,000,000.00
SECA Underground Corporation	\$ 4,185,000.00
Shade Construction Co., Inc.	\$ 8,000,000.00
The Lane Construction Corporation	\$1,415,160,000.00
The Poole and Kent Corporation (Work Capacity Rating Underwritten by Blanket Guarantee of \$50,000,000.00 from the Parent Corporation EMCOR Group, Inc.)	\$ 100,000,000.00
Window Consultants, Inc.	\$ 2,349,000.00

MINUTES**BOARDS AND COMMISSIONS** - cont'd2. 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:

A S Architects, Inc.	Architect
Arora Engineers, Inc.	Engineer
Chester Engineers, Inc.	Engineer
ECS Mid-Atlantic, LLC	Engineer
Foundation Test Group, Inc.	Engineer
Gipe Associates, Inc.	Engineer
Glyndon Engineering & Technology Co.	Engineer
Kimley-Horn & Associates, Inc.	Landscape Architect Engineer
PRIME AE Group, Inc.	Engineer Architect Landscape Architect
Spartan Engineering, LLC	Engineer

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

STV, Incorporated

Land Survey
Landscape Architect
Architect
Engineer

Symbiosis, Inc.

Landscape Architect

There being no objection, the Board, UPON MOTION duly made and seconded, approved the Prequalification of Contractors and the Prequalification of Architects and Engineers for the listed firms.

MINUTES

EXTRA WORK ORDERS

* * * * *

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders

listed on the following page:

4419

All of the EWOs had been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

MINUTES

EXTRA WORK ORDERS

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

Department of Transportation/Engineering & Construction

- | | | | | |
|----|---|---------------|-----------------|----|
| 1. | EWO #001, \$0.00 - TR 11320R, Greyhound Intermodal Terminal,
2110 Haines Street, Baltimore, Maryland | | | |
| | <u>\$6,694,743.95</u> | <u>\$0.00</u> | Commercial | 60 |
| | | | Interiors, Inc. | - |

This authorization is for a 60-day time extension for administrative purposes only. This time will be used to resolve contract matters so that adequate time is furnished to complete the project. The Notice to Proceed was issued on November 5, 2014, with a contract completion date of November 5, 2015. The additional time will extend the completion date to January 4, 2016.

- | | | | | |
|----|--|---------------------|------------------------|----|
| 2. | EWO #003, \$0.00 - TR 14009, Conduit System Reconstruction at
Various Locations, Citywide | | | |
| | <u>\$2,651,455.00</u> | <u>\$607,000.00</u> | Highlander | 60 |
| | | | Contracting
Company | - |

This authorization is for a 60-day time extension in order to complete work for Contract TR 14009 - Conduit System Reconstruction at Various Locations Citywide. The additional time will also afford the BGE to have uninterrupted service in order to repair the conduit systems. This will avoid power failures and maintain continuity of duct banks for electric cabling and fiber-optic installations throughout Baltimore, Citywide. The contract expired on October 29, 2015 with a new completion date of December 29, 2015.

MINUTESHealth Department - Agreements

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

NURSE MONITOR AGREEMENTS

- | | | |
|----|----------------------------------|--------------------|
| 1. | QUIEBONNIE MCDONALD, R.N. | \$60,500.00 |
| 2. | COLLEEN A. RAMSAHOYE | \$60,500.00 |

Account: 4000-426216-3110-306800-603018

The Maryland State Department of Health and Mental Hygiene (DHMH) is designated as the single State agency to administer all aspects of the Maryland Medical Assistance Program (MMAP). The Department has an agreement with the DHMH to participate in the MMAP as the local health department coordinating nurse monitoring services to eligible participants of the Medical Assistance Personal Care (MAPC) through September 30, 2015, and Community Personal Assistance Services (CPAS) and Community First Choice (CFC) Nurse Monitors through the full term of this agreement.

The Nurse Monitor will exercise independent professional judgment and carry professional liability insurance. Each Nurse Monitor will be an independent contractor and not an employee of the City.

The Nurse Monitor will be responsible for providing personal assistance services for the MAPC participants through September 30, 2015, and providing oversight and quality monitoring of personal assistance services for CFC/CPAS participants through the full term of this agreement. They will make home visits, maintain clinical records, and utilize the Long Term Services and Support (LTSS) Maryland Tracking System, as required.

MINUTES

Health Department - cont'd

The agreements are late because of changes made to the MAPC Program. The template was revised to include the new billing procedure codes and reimbursement rates for personal medical assistance services.

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

MINUTES

Health Department - Agreements

The Board is requested to approve and authorize execution of the agreements and the renewal of an agreement.

1. **HEALTHCARE ACCESS MARYLAND, INC. (HCAM) \$109,492.00**

Account: 4000-498816-3080-284000-603051

The HCAM was established to assist City residents in the transition from Medicaid "fee-for-service" to a Managed Care System called HealthChoice. The HCAM employees connect clients to needed services and help them navigate the Managed Care System.

In an effort to be the single point-of-entry for all pregnant women and infants in the City, the HCAM will provide data entry support, ensuring that all related referrals outreached by other HCAM programs are entered into the Insight database. This database is used by the Department's Maternal and Child Health and Maternal Infant Nursing programs. The period of the agreement is July 1, 2015 through June 30, 2016.

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

MWBOO GRANTED A WAIVER.

2. **CHASE BREXTON HEALTH SERVICES, INC. \$ 97,000.00**

Account: 4000-499015-3023-513201-603051

Chase Brexton Health Services, Inc. will provide routine HIV testing to at least 2,000 clients. Services include testing, counseling, linkage to care, and referral for partner services and prevention services. The period of the agreement is January 1, 2015 through December 31, 2015.

MINUTES

Health Department - cont'd

The agreement is late because of an administrative oversight. The Department apologizes for the lateness.

MWBOO GRANTED A WAIVER.

- | | | | |
|----|--|----|------|
| 3. | THE CATHOLIC UNIVERSITY OF AMERICA,
SCHOOL OF NURSING | \$ | 0.00 |
|----|--|----|------|

The Department contracts with various universities to provide field experience in public health care related to Community Health Nursing services.

The opportunity provides real clinical rotations in the Department's clinics located in the City. The Catholic University of America, School of Nursing agrees to assign appropriate, fully qualified students in the Registered Nurse, and Family Nurse Practitioner Programs.

The University will provide a course description prior to rotation and all students are required to sign confidentiality forms. The period of the agreement is November 1, 2015 through October 31, 2020.

The agreement is late because revisions delayed its processing.

- | | | | |
|----|--|----|---------------|
| 4. | BALTIMORE CITY PUBLIC SCHOOLS
BOARD OF SCHOOL COMMISSIONERS | \$ | 12,526,689.00 |
|----|--|----|---------------|

Account: 6000-624916-3100-295900-406001

The Baltimore City Public School System with the assistance of the Baltimore City Health Department will continue to provide School Health Suite services to students.

MINUTES

Health Department - cont'd

On June 24, 2015, the Board approved the initial agreement in the amount of \$12,565,878.00, for the period of July 1, 2014 through June 30, 2015, with the option to extend the term for 2 additional one-year periods.

The Board is requested to approve the first one-year renewal for the period of July 1, 2015 through June 30, 2016.

The request is late because the Department was waiting on the award letter from the Baltimore City Public Schools Board of School Commissioners.

5. **MEDSTAR HEALTH, INC.** **\$25,000.00**

Account: 6000-629016-3100-295900-406001

Medstar Health, Inc. will donate physician services and also provide funding for a part-time Nurse Practitioner as part of its community service.

The Medstar Health, Inc. pediatricians will provide on-site consultation and patient evaluation at the School-Based Health Centers at a minimum of one-half day per week, and be accessible by telephone for consultation with the practitioner in the Carter G. Woodson School during hours of operation, Monday through Friday, 7:30 a.m. to 3:30 p.m., and New Era Academy/Maritime Industrial Academy High School, School-Based Health Centers during hours of operation, Monday through Friday, 8:00 a.m. to 4:00 p.m. The period of the agreement is September 1, 2015 through August 31, 2016.

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

MINUTES

Health Department - cont'd

6. **FAMILY HEALTH CENTERS OF BALTIMORE, INC.** **\$50,000.00**

Account: 5000-520116-3030-702900-603051

Family Health Centers of Baltimore, Inc. will provide access to reproductive health services to the uninsured and underinsured citizens of the City. Services include, but are not limited to education, contraception, screening, and referral of reproductive-related cancers, and education and screening of sexually transmitted infection. The period of the agreement is July 1, 2015 through June 30, 2016.

This agreement is being presented at this time due to the delay in receiving an acceptable budget and scope of work from the organization.

MWBOO GRANTED A WAIVER.

7. **UPTON PLANNING COMMITTEE, INC. (UPC)** **\$48,000.00**

Account: 4000-494416-3030-295900-603051

The UPC will recruit, organize, and evaluate youth groups for the Personal Responsibility Education Program. The period of the agreement is July 1, 2015 through June 30, 2016.

This agreement is late due to a delay during the administrative review process.

MINUTES

Health Department - cont'd

8. **JAMES MORLICK** **\$ 1,160.00**

Account: 1001-000000-3252-316200-603018

On July 29, 2015, the Board approved the original agreement in the amount of \$30,305.00. The Department is requesting approval of an additional amount of \$1,160.00 for additional services, making the total amount \$31,465.00.

Mr. Morlick will provide technical support to Maryland Access Point staff, participate in workgroups sponsored by the Maryland Department of Aging. In addition he will make recommendations as warranted and assist with data collection for reports. The period of the agreement is July 1, 2015 through June 30, 2016.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

MINUTES

Health Department - Employee Expense Statement

ACTION REQUESTED OF B/E:

The Board is requested to approve the expense statement for Ms. Cindy Carr for the month of July 2015.

AMOUNT OF MONEY AND SOURCE:

\$66.13 - 4000-422515-3030-271500-603002

BACKGROUND/EXPLANATION:

Ms. Carr failed to submit her expense statement form on time. The expense statement is now outside of the guidelines set forth by AM 240-11.

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

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

UPON MOTION duly made and seconded, the Board approved the expense statement for Ms. Cindy Carr for the month of July 2015.

MINUTES

Health Department - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize the purchase of gift cards as incentives from Rite Aid Corporation, Walgreens, and CVS/Pharmacy for the HIV/STD Prevention Program.

AMOUNT OF MONEY AND SOURCE:

\$30,000.00	-	6,000 Rite Aid gift cards @ \$5.00 ea.
30,080.00	-	6,000 Walgreens gift cards @ \$5.00 ea. + \$80.00 for shipping
<u>30,000.00</u>	-	6,000 CVS/Pharmacy gift cards @ \$5.00 ea.
\$90,080.00	-	4000-499015-3023-513200-604051

BACKGROUND/EXPLANATION:

The incentive cards will be distributed as incentives to help reduce the number of new HIV infections and improve the health of persons living with HIV/AIDS. Also, to enhance staff ability to attract those encountered to receive counseling and testing on the STD/HIV testing van.

The STD/HIV Prevention Program adheres to all policies associated with usage of incentives and has sufficient procedures in place to address the safeguarding and accountability of incentives.

The Health Department adopted a consolidated policy for the purchase, distribution, and documentation of all incentive cards. The central tenants of this policy account for: 1) a single means of procuring all incentive cards through the Board of Estimates; 2) the documentation of each incentive card and its recipient; 3) a monthly reconciliation for all purchases that account for all distributed and non-distributed cards, and; 4) periodic internal reviews of programs' activity vis'-a-vis' the internal policy, which are to be shared with the Department of Audits.

MINUTES

Health Department - cont'd

This policy has been reviewed by both the Solicitor's Office and by the Department of Audits. Consistent with the original Board of Estimates approval, all requests for payment for the above incentive cards will be subject to the Department of Audits approval.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized the purchase of gift cards as incentives from Rite Aid Corporation, Walgreens, and CVS/Pharmacy for the HIV/STD Prevention Program.

MINUTES

Health Department - Notification of Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of the Notification of Grant Award (NGA) from the Maryland Department of Aging (MDoA). The period of the NGA is July 1, 2015 through June 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$1,309,951.00 - 5000-535416-3044-273300-405001

BACKGROUND/EXPLANATION:

The approval of this NGA will allow the Department to accept and utilize funds received from the MDoA for State funded programs. These funds will provide a variety of services for older adults residing in Baltimore City.

The NGA is late because it was recently received from the MDoA.

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 acceptance of the Notification of Grant Award (NGA) from the Maryland Department of Aging.

MINUTES

Mayor's Office Human - Grant Agreement
Services (MOHS)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Grant Agreement with Associated Catholic Charities, Inc. The period of the agreement is July 1, 2015 through June 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$200,000.00 - 4000-407116-5940-760500-603051

BACKGROUND/EXPLANATION:

The organization will use funds to offset a portion of the operating costs to run their day shelter named My Sister's Place Women's Center (MSPWC). MSPWC is a comprehensive day shelter and resource center for homeless women and their children (clients). The organization will serve an average of 50 clients per day.

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

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Grant Agreement with Associated Catholic Charities, Inc.

MINUTES

Mayor's Office on Criminal - Grant Award
Justice (MOCJ)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of a Grant Award from the Living Cities, Inc. The period of the grant award is July 1, 2015 through December 31, 2015.

AMOUNT OF MONEY AND SOURCE:

\$25,000.00 - 6000-604416-2252-688000-600000

BACKGROUND/EXPLANATION:

This grant will provide funding to the MOCJ for Phase I of the Baltimore City Accelerator Project. This project focuses on improving the communication and connectivity of services available to individuals returning from incarceration by attempting to identify communication and coordination gaps and to address these deficiencies through a series of focus groups with returned citizens.

The grant award is late because of the late receipt of grant award documents.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

MOCJ - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the Grant Award from the Living Cities, Inc.

MINUTES

Mayor's Office on Criminal - Inter-governmental Agreement
Justice (MOCJ)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Inter-governmental Agreement with the Office of the State's Attorney. The period of the Inter-governmental Agreement is July 1, 2015 through June 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$78,000.00 - 5000-597516-2252-690703-607001

BACKGROUND/EXPLANATION:

On August 9, 2015, the Board authorized acceptance of the grant award for the "HYPER Coalition" grant in the amount of \$221,000.00. The grant funds a juvenile-based program that addresses high incidents of crime in Baltimore City. The program tracks juvenile offenders by utilizing a security integration model of multi-agency collaboration with state and local law enforcement agencies, public safety agencies, and community partners and includes holding high-risk juveniles accountable. The funds will also be utilized for the services of one full-time Assistant State's Attorney to focus on enhanced and collaborative prosecution efforts of juveniles who are under the supervision of the Department of Juvenile Services Violence Prevention Initiative.

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

MINUTES

MOCJ - cont'd

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Inter-governmental Agreement with the Office of the State's Attorney.

MINUTES

Mayor's Office of Employment - Individual Training Account
Development (MOED) Agreements

The Board is requested to approve and authorize execution of the Individual Training Account Agreements. The period of the agreements is August 1, 2015 through June 30, 2016.

1. **COMMUNITY COLLEGE OF BALTIMORE COUNTY** **\$14,900.00**

Accounts: 4000-807516-6312-467253-603051
 4000-806716-6312-467253-603051

2. **TOWSON UNIVERSITY** **\$30,400.00**

Accounts: 4000-807516-6312-467253-603051
 4000-806716-6312-467253-603051
 4000-807115-6312-467253-603051

The organizations will provide training in those areas specified on the Maryland Higher Education Commission list. The training will consist of the program(s) described in the Workforce Innovation and Opportunity Act training programs outline and will include any participant attendance policies, academic benchmarks and the means of measuring achievements, completion standards, and the total hours of each course in a certificate program. The maximum length of time a participant can remain in training is one year.

The funds will be drawn from different accounts. The accounts and the amounts drawn from those accounts cannot be determined until the participants are registered.

The Individual Training Account Agreements are late because additional time was needed to reach a comprehensive understanding between the parties.

MINUTES

MOED - cont'd

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Individual Training Account Agreements.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve a Supplementary General Fund Appropriation to the Police Department (Service 621, Administration - Police).

AMOUNT OF MONEY AND SOURCE:

\$8,400,000.00 - Assigned General Fund Balance

BACKGROUND/EXPLANATION:

On September 9, 2015, a settlement in the amount of \$6,400,000.00 was approved by the Board of Estimates for the family of Freddie Gray. In addition, the Law Department estimates outside legal expenses of \$2,000,000.00 in Fiscal 2016 for the Freddie Gray case and the ongoing Department of Justice review of the Police Department.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved the Supplementary General Fund Appropriation to the Police Department (Service 621, Administration - Police). The President Voted **NO**.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve a Supplementary General Fund Operating Appropriation for new CSX settlement initiatives in the following agencies and services:

- Mayor's Office of Human Services (Service 895: Temporary Housing for the Homeless & Service 356: Administration - Human Services: \$1,265,000.00),
- Planning (Service 761 - Development Oversight and Project Support - \$500,000.00),
- Miscellaneous General Expenses (Service 122 - Miscellaneous General Expenses - \$500,000.00),
- Police (Service 642 - Crime Laboratory \$346,923.00),
- Office of Civil Rights (Service 848 - Police Community Relations - \$186,248.00), and
- Health (Service 716 - Animal Services - \$54,000.00)

AMOUNT OF MONEY AND SOURCE:

\$2,852,171.00 - General Fund CSX Settlement Revenue

BACKGROUND/EXPLANATION:

The following initiatives will be funded with this supplemental funding:

MINUTES

BBMR - cont'd

Mayor's Office of Human Services/Homeless Services: \$800,000.00 will maintain the Baltimore Station overflow shelter for 125 men; \$365,000.00 will be utilized to pilot a low barrier shelter where individuals can receive services while being with their partners, pets, and working on their addictions and mental health challenges; \$100,000.00 will support the Journey Home Director position, which was previously privately funded.

Planning - Community Greening Projects: \$500,000.00 will support community greening projects in targeted neighborhoods throughout the City.

CSX Resident Claims: Following the collapse of a portion of East 26th Street in April 2014, the City and CSX agreed to a settlement to settle claims for personal injuries, property damage, loss of use and enjoyment damages, and/or economic losses from area residents. The City's portion of this settlement is \$500,000.00, and will be appropriated from Miscellaneous General Expenses.

Crime Lab Staffing: \$246,923.00 will support ten new contractual Police Department positions in Fiscal 2016; this is expected to address the higher service demand levels, reduce backlogs, improve clearance rates for property and violent crime, and improve the success rate for prosecution of cases. \$100,000.00 will be used for equipment and supplies needed for evidence processing.

Office of Civil Rights Contractual Positions: \$186,248.00 will support four contractual positions within Police Community Relations. These positions will allow the Civilian Review Board to better serve the public by increasing the Office's capacity to conduct independent investigations and administer greater outreach towards improving community-police relations.

Health - BARCS: \$54,000.00 will support half the cost of a full-time veterinarian position at BARCS.

MINUTES

BBMR - cont'd

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved the Supplementary General Fund Operating Appropriation for new CSX settlement initiatives in the foregoing agencies and services. The President Voted **NO**.

MINUTES

Department of Transportation - Minor Privilege Permit Applications

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

	<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
1.	1000 S. Ellwood Avenue	F M Harvey Construction, LLC	Three sets of steps 7'2" x 3'6"
	Annual Charge:	\$105.60	
2.	13 W. Centre Street	13 Centre, LLC	One bracket sign 6.25 sq. ft., one flat sign 10 sq. ft.
	Annual Charge:	\$ 70.30	
3.	606 N. Eutaw Street	Rishan Habemichael	One awning w/signage 20' x 2'
	Annual Charge:	\$182.30	
4.	101 W. Cross Street	Stadium Square 1, LLC	One ADA Ramp, two sets of stairs, four planters, two @ 12 sq. ft., one @ 13 sq. ft., one @ 65 sq. ft.
	Annual Charge:	\$751.50	

MINUTES

DOT - cont'd

	<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
5.	1302 Fleet Street	1100 Fleet Street, LLC	One single face electric sign 23.3 sq. ft.
	Annual Charge: \$ 70.30		
6.	1920 Greenmount Avenue	Housing Authority of Baltimore City	One canopy 7 sq. ft.
	2000 Greenmount Avenue	Housing Authority of Baltimore City	One canopy 22 sq. ft.
	2026 Greenmount Avenue	Housing Authority of Baltimore City	One canopy 27 sq. ft., one ADA ramp
	Annual Charge: \$281.20		

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

There being no objection, the Board, UPON MOTION duly made and seconded, approved the Minor Privilege Permit Applications.

MINUTES

Department of Transportation (DOT) - Employee Expense Statement

ACTION REQUESTED OF B/E:

The Board is requested to approve the Expense Statement for Ms. Iantha McCallum for the month of August 2015.

AMOUNT OF MONEY AND SOURCE:

\$44.00 - Mileage

Account: 1001-000000-5011-382900-603003

BACKGROUND/EXPLANATION:

The DOT TEC Division received Ms. McCallum's expense report past the established submission period. The DOT apologizes for the lateness.

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

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

UPON MOTION duly made and seconded, the Board approved the Expense Statement for Ms. Iantha McCallum for the month of August 2015.

MINUTES

Department of Transportation - Developers' Agreements

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

<u>DEVELOPER</u>	<u>NO.</u>	<u>AMOUNT</u>
1. THE JOHNS HOPKINS UNIVERSITY	1384	\$4,386,953.00

The Johns Hopkins University would like to install new roadway, sidewalk, lighting, conduit, storm drain, and landscaping improvements to its proposed construction located in the vicinity of 3400 North Charles Street. This agreement will allow the organization to perform its own installation in accordance with Baltimore City Standards.

A Performance Bond in the amount of \$4,386,953.00 has been issued to The Johns Hopkins University, which assumes 100% of the financial responsibility.

2. BANNER HILL APARTMENTS, LP	1416	\$ 257,985.00
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Banner Hill Apartments, LP would like to install new water service to its proposed new building located in the vicinity of 611 South Charles Street. This agreement will allow the organization to perform its own installation in accordance with Baltimore City Standards.

A Performance Bond in the amount of \$257,985.00 has been issued to Banner Hill Apartments, LP, which assumes 100% of the financial responsibility.

MINUTES

Department of Transportation - cont'd

<u>DEVELOPER</u>	<u>NO.</u>	<u>AMOUNT</u>
3. ST. JAMES APARTMENTS, LP	1422	\$39,755.00

St. James Apartments, LP would like to install new water service to its proposed new building located in the vicinity of 807 N. Arlington Avenue. This agreement will allow the organization to perform its own installation in accordance with Baltimore City Standards.

A Performance Bond in the amount of \$39,755.00 has been issued to St. James Apartments, LP, which assumes 100% of the financial responsibility.

4. BROKEN WING II, LLC	1424	\$78,486.00
-------------------------------	-------------	--------------------

Broken Wing II, LLC would like to install new water service to its proposed new building located in the vicinity of 2121 Wicomico Street. This agreement will allow the organization to perform its own installation in accordance with Baltimore City Standards.

A Performance Bond in the amount of \$78,486.00 has been issued to Broken Wing II, LLC, which assumes 100% of the financial responsibility.

MBE/WBE PARTICIPATION:

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

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

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

MINUTES

Department of Transportation - Fiscal Year 2016
Operating Grant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Fiscal Year 2016 Operating Grant Agreement with the Department of Transportation, Maryland Department of Transportation (MDOT) and the Maryland Transit Administration (MTA). The period of the grant agreement is July 1, 2015 through June 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$2,000,000.00 - 5000-580816-2303-248700-405001

BACKGROUND/EXPLANATION:

The Department has received a Federal Transit Act grant to fund operating expenses associated with the provisions of transportation services for the Charm City Circulator (Large Urban Operating, Circulator).

The purpose of this grant is to provide for the undertaking of a public transportation service with financial assistance under the MTA's public transportation program. This grant consists of a combination of federal, state, and local funds.

The Fiscal Year 2016 Operating Grant Agreement is late because of delays in obtaining approval from the external agency.

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

Department of Transportation - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Fiscal Year 2016 Operating Grant Agreement with the Department of Transportation, Maryland Department of Transportation (MDOT) and the Maryland Transit Administration (MTA).

MINUTES

Department of Transportation - Amendment No. 1 to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Amendment No. 1 to Agreement with Prime AE Group, Inc. and Hardesty & Hanover, LLC, a Joint Venture, for Project No. 1175, On-Call Bridge Design Services.

AMOUNT OF MONEY AND SOURCE:

No funds are required at this time.

BACKGROUND/EXPLANATION:

On February 13, 2013, the Board approved the agreement in the amount of \$2,000,000.00 to assist the Transportation, Engineering & Construction Division in bridge design services to include, but not limited to bridge inspection, attending meetings, plans, specifications and cost estimates.

Under Amendment No. 1, the Department is now requesting an additional one-year time extension to complete assigned tasks.

MBE/WBE PARTICIPATION:

The Consultant will comply with Article 5, Subtitle 28 of the Baltimore City Code and the MBE goal of 27% and the WBE goal of 10% established in the original agreement.

AUDITS NOTED THE TIME EXTENSION AND WILL REVIEW TASK ASSIGNMENTS.

MINUTES

Department of Transportation - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Amendment No. 1 to Agreement with Prime AE Group, Inc. and Hardesty & Hanover, LLC, a Joint Venture, for Project No. 1175, On-Call Bridge Design Services. The President Voted **NO**.

MINUTES

Department of Transportation - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the Assignment of Task No. 1, to Whitman, Requardt & Associates, LLP, under Project No. 1191, On-Call Design Consultant Services for Federal Aid Resurfacing and Reconstruction Projects.

AMOUNT OF MONEY AND SOURCE:

\$965,283.10 - 9950-905023-9508-900010-705032

BACKGROUND/EXPLANATION:

This authorization will provide for revised price proposal for Construction Phase Services for Central Ave. Streetscape & Harbor Point Connection Bridge (Design-Build) projects. The Consultants will review plans for compliance with respect to the City and State Highway Administration standards and specifications as outlined in contract documents. Sub-consultants will be responsible for roadway drainage, stormwater management, erosion, sediment control reviews, landscaping reviews, along with structural reviews for Fleet Street, Aliceanna Street, and Harford Run structures.

DBE PARTICIPATION:

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

DBE: 25%

MINUTES

Department of Transportation - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 848,718.73 FED	9950-914021-9509 Constr. Reserve Central Ave, Phase II	
212,179.68 <u>Other</u>	" "	
\$1,060,898.41	-----	9950-905023-9508-5 Inspection Central Ave. Phase II

This transfer will fund the costs associated with Task No. 1, Project 1191, "On-Call Design Consultant Services for Federal Aid Resurfacing and Reconstruction Projects" with Whitman, Requardt & Associates LLP.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Assignment of Task No. 1, to Whitman, Requardt & Associates, LLP, under Project No. 1191, On-Call Design Consultant Services for Federal Aid Resurfacing and Reconstruction Projects. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter. The President Voted **NO**.

MINUTES

Baltimore City Fire Department - Fiscal Year 2016 Advanced Life Support Education Grant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of the Fiscal Year 2016 Advanced Life Support Training Grant. The period of the agreement is November 16, 2015 through June 15, 2016.

AMOUNT OF MONEY AND SOURCE:

\$18,665.00 - 5000-558316-3191-309500-405001

BACKGROUND/EXPLANATION:

The purpose of the grant is to enable the Baltimore City Fire Department to complete the Fiscal Year 2016 Advanced Life Support training courses. There are no future obligations of the Department or the City as a result of the receipt of the grant.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved acceptance of the Fiscal Year 2016 Advanced Life Support Training Grant.

MINUTES

TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

4455 - 4458

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 Mayor **ABSTAINED** on item no. 1.

MINUTES**TRANSFERS OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Mayorality-Related/Department of Planning</u>		
1. \$200,000.00	9904-902152-9129	9904-901152-9127
24 th Econ.	Balto. City	Balto. City
Dev. Loan	Heritage Area	Heritage Area

This transfer will provide funds to National Baltimore Heritage for the Baltimore City Heritage Area's Capital Grants Program. Grants provide support for heritage tourism capital projects in order to make sites more visitor-ready and friendly. To be eligible, projects must be consistent with the recommendations of the Baltimore National Heritage Area Management Plan.

Department of Housing and Community Development (DHCD)

2. \$500,000.00	9910-919017-9587	9910-908044-9588
1 st . Comm. &	Reserve - City-	Acquisition &
Econ. Dev.	wide Acquisition	Relocation
Bonds	& Relocation	

This transfer will provide appropriations approved in the FY 2016 Ordinance of Estimates for acquisition and relocation costs related to properties not within defined project areas.

3. \$ 14,500.00	9910-995001-9587	9910-906041-9588
28 th Comm.	Unallocated Reserve	SELP Admin.
Dev. Bonds		

This transfer will provide funding for the SELP Administration Fees account to cover ongoing expenditures related to the loan servicer.

MINUTES**TRANSFERS OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>DHCD</u> - cont'd		
4. \$250,000.00 31 st CDB	9910-913015-9587 31 st Comm. Dev. Reserve - Plan & Dev. Project Management	9910-908113-9588 31 st Comm. Dev. Project - Staff Costs FY 16

This transfer will move appropriations in accordance with the FY 2016 Ordinance of Estimates for staff costs directly providing capital support for planning and development related to the implementation of capital projects.

Department of Recreation and Parks

5. \$ 10,000.00 General Fund	9938-913038-9475 Reserve - Latrobe Park Field House	9938-915038-9474 Active - Latrobe Park Field House
--	---	--

This transfer will provide funds to cover the costs associated with advertising the Latrobe Park Field House project for construction.

Baltimore Development Corporation

6. \$ 125.00 22 nd EDF	9910-903354-9600 Constr. Reserve W. Balto. Ind. & Coml. Dev.	9910-907104-9601 W. Balto. Ind. & Coml. Dev.
3,000.00 22 nd EDF	9910-913990-9600 Constr. Reserve Commercial Revitalization	9910-921101-9601 Commercial Revitalization

MINUTES**TRANSFERS OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
17,042.00 24 th EDF	9910-917016-9600 Constr. Reserve Holabird Ind. Pk.	9910-907104-9601 W. Balto. Ind. & Coml. Dev.
7,220.00 24 th EDF	9910-919026-9600 Constr. Reserve Liberty Heights Plan	9910-921101-9601 Commercial Re- vitalization
\$ 27,387.00		

This transfer will provide funds to reimburse Baltimore Development Corporation for eligible capital expenses for the month ending August 31, 2015.

Baltimore Development Corporation

7. \$ 3,231.03 20 th EDF	9910-902873-9600 Constr. Reserve Brownfield Incentive Fund	9910-911103-9601 Brownfield Incentive Fund
2,568.97 22 nd EDF	9910-902873-9600 Constr. Reserve Brownfield Incentive Fund	9910-911103-9601 Brownfield Incentive Fund
4,000.00 22 nd EDF	9910-904115-9600 Constr. Reserve West Side Initiative	9910-906835-9603 Westside Project Initiative
3,953.26 24 th EDF	9910-914022-9600 Constr. Reserve WS Historic Prop.	9910-906835-9603 Westside Project Initiative

MINUTES

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
3,594.00 24 th EDF	9910-917016-9600 Constr. Reserve Holabird Ind. Pk.	9910-907104-9601 W. Balto. Ind. & Coml. Dev.
4,180.00 24 th EDF	9910-919026-9600 Constr. Reserve Liberty Heights Plan	9910-921101-9601 Commercial Re- vitalization
<u>\$ 21,527.26</u>		

This transfer will provide funds to reimburse Baltimore Development Corporation for eligible capital expenses for the month ending September 30, 2015.

MINUTES

Department of Real Estate - Deed

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Deed with Stadium Square I, LLC to convey the Bed of Creek Alley extending west from West Street northeasterly 330 feet, more or less to West Cross Street, as shown on Plat 257-A-39A in the Office of the Department of General Services, which street bed has been legally closed.

AMOUNT OF MONEY AND SOURCE:

\$277,199.00

BACKGROUND/EXPLANATION:

The Bed of Creek Alley as described above has been closed pursuant to Ordinance 15-332 and is being sold by the Comptroller pursuant to Ordinance 15-333 for the purchase price of \$277,199.00. The closing and sale of the street bed will allow the development of a three phase project in Sharp Leadenhall with Phase I being a multi-story market rate apartment building with 300 residential units, 12,000 sq. ft. of retail along with a 450 car parking garage. The approximate development cost of the first phase is \$90,000,000.00. The purchase price was established by an appraisal for \$370,000.00 less \$92,081.00 to remediate environmental issues at the site.

MINUTES

Department of Real Estate - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Deed with Stadium Square I, LLC to convey the Bed of Creek Alley extending west from West Street northeasterly 330 feet, more or less to West Cross Street, as shown on Plat 257-A-39A in the Office of the Department of General Services, which street bed has been legally closed.

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

The Board is requested to approve and authorize execution of a Lease Agreement with the City, Landlord, and Clear Channel Outdoor, Inc., Tenant, for the rental of a portion of the property known as 1930 Annapolis Road, consisting of approximately .395 acres. The period of the agreement is January 1, 2016 through December 31, 2025, with an option to renew for an additional ten year term.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Quarterly Rent</u>
\$1,000.00	\$250.00

BACKGROUND/EXPLANATION:

The Leased Premises will be used for an Outdoor Advertising Display for designated billboard panels. The Landlord will have the right to terminate the lease if the leased property is improved by permanent construction other than an Outdoor Advertising Display. The Tenant will be responsible for accepting the Leased Premises in an "as is" condition and maintaining the area in a clean condition. The Tenant will also maintain a Liability Insurance Policy.

The Space Utilization Committee approved this Lease Agreement on December 1, 2015.

MINUTES

Space Utilization Committee - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Lease Agreement with the City, Landlord, and Clear Channel Outdoor, Inc., Tenant, for the rental of a portion of the property known as 1930 Annapolis Road, consisting of approximately .395 acres.

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

The Board is requested to approve and authorize execution of a Lease Agreement with the City, Landlord, and Clear Channel Outdoor, Inc., Tenant, for the rental of a portion of the property known as 1818 Annapolis Road, consisting of approximately 2.317 acres. The period of the agreement is January 1, 2016 through December 31, 2025, with an option to renew for an additional ten year term.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Quarterly Rent</u>
\$1,000.00	\$250.00

BACKGROUND/EXPLANATION:

The Leased Premises will be used for an Outdoor Advertising Display for designated billboard panels. The Landlord will have the right to terminate the lease if the leased property is improved by permanent construction other than an Outdoor Advertising Display. The Tenant will be responsible for accepting the leased premises in an "as is" condition and maintaining the area in a clean condition. The Tenant will also maintain a Liability Insurance Policy.

The Space Utilization Committee approved this Lease Agreement on December 1, 2015.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Lease Agreement with the City, Landlord, and Clear Channel Outdoor, Inc., Tenant, for the rental of a portion of the property known as 1818 Annapolis Road, consisting of approximately 2.317 acres.

MINUTES

Fire and Police Employees' - Independent Auditor's Report
Retirement System (F&P)

The Board is requested to **NOTE** receipt of the following Audit Report from CliftonLarsonAllen LLP.

1. The Independent Auditor's Report of the Baltimore City Fire and Police Employees' Retirement System for FY ended June 30, 2015.
2. The Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters.
3. The 2015 Baltimore City Fire and Police Employees' Retirement System's Comprehensive Annual Financial Report (CAFR).

President: "-- Fire and Police, you could come on, because I did not have that down here."

Comptroller: "Yeah, just Note it."

Mr. Henry Raymond: "Again, good morning, I'm Henry Raymond, Director of Finance. Um -- the Fire and Police Audit report for um -- calendar 15 has been submitted uh -- to the Board. The audit was prepared by the audit firm CliftonLarsen. This was a clean audit, it's an unqualified opinion. On behalf of um -- the Fire and Police Board of Trustees, the Board Chair, Peter Keith, the Executive Director, Anthony Calhoun, the Deputy Director, David Randall and the F and P staff, we would like to commend them for their diligent efforts over the past year that has resulted in this clean audit."

MINUTES

F&P - Independent Auditor's Report - cont'd

And, uh -- we're very happy that um -- that this was an excellent audit, on behalf of the Fire and Police uh -- Retirement System."

President: "Okay."

Comptroller: "You Note it."

President: "Thank you, please note that this um -- audit has been NOTED."

UPON MOTION duly made and seconded, the Board **NOTED** receipt of the foregoing Audit Report from CliftonLarsonAllen LLP. The Comptroller **ABSTAINED**.

MINUTES

Wage Commission - Living Wage Recommendation for FY 2017

The Wage Commission, in accordance with Article 5, Subtitle 26, Baltimore City Code (Living Wage), is required to recommend to the Board of Estimates, on or before December 15, of each calendar year a revised Living Wage Rate for the City of Baltimore service contracts for the coming fiscal year.

The Wage Commission reviewed the yearly revision of the U.S. Bureau of Census Poverty threshold for a family of four. After careful consideration of the Bureau of Census poverty level threshold, currently set at \$24,230.00 for a family of four, and other wage data, the Commission is recommending to the Board of Estimates that the Living Wage be increased from the current hourly rate of \$11.46 to \$11.65. This pay rate will apply to City of Baltimore service contracts as recommended by the City Purchasing Agent and designated by the Board of Estimates.

Methodology for calculation:

\$24,230.00 divided by 2,080. (a 40 hour week x 52) = \$11.65

UPON MOTION duly made and seconded, the Board approved the recommendation that the Living Wage for FY 2017 be increased from the current hourly rate of \$11.46 to \$11.65. The President Voted **NO**.

MINUTES

Wage Commission - Prevailing Wage Rate Recommendation 2016

ACTION REQUESTED OF B/E:

The Board is requested to approve the recommended Prevailing Wage Rates in accordance with Article 5, Subtitle 25, Baltimore City Code, to be paid to laborers, mechanics, and apprentices on all Prevailing Wage projects awarded by the Mayor and City Council of Baltimore. It is recommended that the rates become effective for contracts that are advertised on or after December 31, 2015.

BACKGROUND/EXPLANATION:

The submitted recommended Prevailing Wage rates represent an average increase of 0.01% for classes 1, 2, 3 and 5 (\$16.95 is the dollar amount increase).

Class 1	Building Construction	0.01%
Class 2	Highways	0.00%
Class 3	Utility	0.00%
Class 5	Purchases, etc.	0.00%

0.01 Average Increase

The Wage Commission completed its annual study of the City's Prevailing Wage rates.

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

MINUTES

Wage Commission - cont'd

Classification 4 is not included in this calculation since this residential category applies to federally funded HUD projects and has no impact on the City's general funds. For this reason the Wage Commission adopted the US DOL wage rates for this category.

UPON MOTION duly made and seconded, the Board approved the recommended Prevailing Wage Rates in accordance with Article 5, Subtitle 25, Baltimore City Code, to be paid to laborers, mechanics, and apprentices on all Prevailing Wage projects awarded by the Mayor and City Council of Baltimore to become effective for contracts that are advertised on or after December 31, 2015.

MINUTES

Department of Planning - Report on Previously
Approved Transfers of Funds

At previous meetings, the Board of Estimates approved Transfers of Funds subject to receipt of favorable reports from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the provisions of the City Charter. Today, the Board is requested to **NOTE 20** favorable reports by the Planning Commission on November 19, 2015 on Transfers of Funds approved by the Board of Estimates at its meetings on November 4 and 18, 2015.

UPON MOTION duly made and seconded, the Board **NOTED 20** favorable reports by the Planning Commission on November 19, 2015 on Transfers of Funds approved by the Board of Estimates at its meetings on November 4 and 18, 2015.

MINUTES

Department of Planning - 2016 Loan Authorization Program

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize the 2016 Loan Authorization Program.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The 2016 Loan Authorization Program will enable the City to issue \$130,000,000.00 in General Obligation Bonds, \$65,000,000.00 for fiscal year 2018 and \$65,000,000.00 for fiscal year 2019.

General Obligation Bonds are borrowed funds that must be reviewed and approved by the Planning Commission, Board of Finance, Board of Estimates, City Delegation to the Maryland General Assembly, the City Council, and the voters of Baltimore.

This loan package will go to referendum in November 2016 and must be approved by a majority of the voters before funds can be appropriated and expended. This fund source is secured by the full faith and credit of the City and, therefore, comprises a portion of the City's annual debt.

The Planning Commission recommended approval of the 2016 Loan Authorization Program on November 19, 2015. The Board of Finance recommended approval on November 23, 2015.

UPON MOTION duly made and seconded, the Board approved and authorized the 2016 Loan Authorization Program.

MINUTESBoard of Finance - 2016 Loan Authorization Program

The Board is requested to approve the endorsement of the Board of Finance.

The review schedule for the 2016 Loan Authorizations includes an endorsement submitted by the City of Baltimore Board of Finance. The Board of Finance, at a scheduled meeting on November 23, 2015, endorsed the 2016 Loan Authorizations totaling \$130 million. Following the presentation, the Board of Finance endorsed the Loan Authorization program as summarized below:

Board of Finance Recommended 2016 Loan Authorizations

• Parks and Public Facilities	\$45 million
• Community and Economic Development	\$45 million
• Schools	\$34 million
• Affordable Housing	\$6 million
Total (CIP -FY18 and FY19)	\$130 million

UPON MOTION duly made and seconded, the Board approved the endorsement of the Board of Finance.

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:

4472 - 4506

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 Board **DEFERRED** item no. 6 for 1 week.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Public Works/Office of Engineering & Construction

1. WC 1295R, Towson	Cianbro Corporation	\$6,928,385.00
Generator and		
Main Substation		
MBE: Tissa Enterprises, Inc.	\$2,000,000.00	28.86%
WBE: Moisture Proof &	\$ 340,000.00	4.91%
Masonry, Inc.		
The Dirt Express Co.	142,000.00	2.05%
William T. King, Inc.	15,000.00	.22%
Sunrise Safety Services,	20,000.00	.29%
Inc.		
Excel Painting Co., Inc.	41,000.00	.59%
	<u>\$ 558,000.00</u>	<u>8.05%</u>

MWBOO FOUND VENDOR IN COMPLIANCE.

2. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$9,590,127.65	9960-907713-9558	
County	Constr. Reserve	
Appropriations	Towson Finished	
	Water Reservoir	
86,831.35	" "	
Water Revenue		
Bonds		
<u>\$9,676,959.00</u>		

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSDPW/Office of Engineering & Construction - cont'd

\$ 692,839.00	-----	9960-909728-9557- 900020-2, Extra Work
1,046,850.00	-----	9960-909728-9557- 900020-3, Engineering
590,145.00	-----	9960-909728-9557-
6,928,385.00	-----	9960-909728-9557- 900020-6, Constr.
<u>418,740.00</u>	-----	9960-909728-9557-
\$9,676,959.00		900020-9, Admin.

The funds are required to cover the cost of the award for WC 1295, Towson Generator and Main Substation.

A PROTEST WAS RECEIVED FROM THE WHITING-TURNER CONTRACTING COMPANY.

THE WHITING-TURNER CONTRACTING COMPANY

ENGINEERS AND CONTRACTORS

CONSTRUCTION MANAGEMENT
GENERAL CONTRACTING
DESIGN-BUILD
SPECIALTY CONTRACTING
PRECONSTRUCTION
BUILDING INFORMATION MODELING
INTEGRATED PROJECT DELIVERY

300 EAST JOPPA ROAD
BALTIMORE, MARYLAND 21286
410-821-1100

INSTITUTIONAL
COMMERCIAL
CORPORATE
TECHNOLOGY
INDUSTRIAL/PROCESS
INFRASTRUCTURE
SUSTAINABILITY

October 9, 2015

Board of Estimates
c/o Harriet Taylor
Clerk to the Board of Estimates
Room 204 , City Hall
100N. Holliday Street
Baltimore , MD 21202

RE: Protest of Award for WC 1295R for
Towson Generator and Substation

Dear Ms. Taylor

This letter is to protest a pending award to the apparent low bidder, Cianbro Corporation, of the Water Contract 1295R Towson Generator and Substation.

On September 23, 2015 the City opened and read aloud the bids for the above mentioned Contract. Cianbro Corporation was the apparent low bidder with a price of \$6,928,395.00. Whiting-Turner Contracting Co. was second with a price of \$7,028,000.00. However, Cianbro Corporation's bid is non-conforming, and contains egregious errors, alterations and irregularities and therefore should be found non-responsive.

The specific reasons for the protest are as follows:

1) Non-conforming MBE/WBE submission

In the Contract documents, MBE and WBE Participation Commitment Forms ; Part A: Instructions, requires the bidder to be responsible to verify the Certification (Section 2. as referenced on top of form "B") of the MBE or WBE. The MBE or WBE named "must be certified to provide services that they are listed to perform". On the form "Part B: MBE/WBE and Prime Contractor's Statement of Intent" submitted by Cianbro for Sunrise Safety Services, WBE is circled however, at the signature at the bottom of the form "MBE" is circled. Also, both fields for work/ services and material/ supplies are filled in. Therefore it is ambiguous as to whether the participation is that of a subcontractor or material supplier relevant to the MBE/WBE goal. See Exhibit "A"

- **The discrepancy shows that there was not a "verification" of work / services between the two parties relevant to the scope of work of this project and therefore the agreement is not valid.**

- **The discrepancy to this form make the form ambiguous and therefore non-responsive.**

2) Non-conforming MBE/WBE submission

In addition, on the form “Part B: MBE/WBE and Prime Contractor’s Statement of Intent” submitted by Cianbro for Excel Painting Co., the description work/service to be performed does not match with descriptions provided by the City and includes what appear to be references to specification sections (“ Painting 9800,9900”) neither of which are included in the project scope. The narrative description does not match the services listed to be performed nor is the work included in the documents.

- **The discrepancy shows that there was not a “verification” of work/services between the two parties relevant to the scope of work of this project and therefore the agreement is not valid.**

3) Non-conforming MBE/WBE submission

On the form Part B: MBE/WBE and Prime Contractor’s Statement of Intent. In the beginning of the line for the name of the MBE/WBE (Moisture Proof and Masonry Inc.) there is a line out without correction required by the form. A recent Addenda release for the Water Contract No. 1173R (see addendum #2, page 4 of 17) the City representative stated, citing recent rejection of bids for the Water Contract 1295, that “All modifications to the bid documents be made by crossing out items (single line through the item being modified) – Contractor and the impacted Subcontractor must initial all edits.” See Exhibit “C”.

- **The form does not conform to requirements set forth by the City.**

4) Non-conforming affidavit

On the Affidavit forms for the Cianbro Corporation Inc., Section 8. Certification of Corporation Registration and Tax Payment, the certification indicates the company as a Foreign corporation. Available public information indicates they are a U.S. Based corporation with corporate offices in Pittsfield, Maine. See Exhibit “D”.

- **The Affidavit form is submitted with an egregious error and misrepresentation and is therefore not admissible and non-responsive.**

In closing, the bid submitted by Cianbro Corporation, Inc. contains errors and irregularities that, in the recent past, have resulted in rejection by The Board. To award the project would set precedence that such errors and high quantity of errors are immaterial and not important to the process of bidding City projects.

As shown herein, an award of this project to Cianbro Corporation, Inc. would be a violation of law, inconsistent with past precedence set by The Board, and fundamentally unfair. Whiting-Turner therefore requests that the Board reject Cianbro’s bid and award the Contract to Whiting-Turner as the qualified low bidder with a responsive bid.

Very truly yours,

THE WHITING-TURNER CONTRACTING COMPANY

Bernard LaHatte

Bernard LaHatte

Vice President

Cc: Towson protest file
Michael Mullen , C.O.B.

PART B: MBE/WBE AND PRIME CONTRACTOR'S STATEMENT OF INTENT

COMPLETE A SEPARATE FORM FOR EACH MBE AND WBE NAMED IN THIS BID.

(Make additional copies of this form as needed)

PART A: INSTRUCTIONS MUST BE REVIEWED BEFORE COMPLETING THIS FORM, WITH PARTICULAR ATTENTION PAID TO SECTIONS 2, 3a and 3f

Name of Prime Contractor: Liabio Corporation

Name of MBE or WBE (circle one): WBE Sunrise Safety Services Inc

Brief Narrative Description of the Work/Service to be performed by MBE or WBE:
Maintenance of Traffic, Furnish, Install and Remove temp items

Materials/Supplies to be furnished by MBE or WBE:
Signs, Cones

Subcontract Dollar Amount: \$ 20,000 (If this is a requirements contract, the subcontract dollar amount may be omitted; however, the subcontract percentage must be included.)

Subcontract percentage of total contract: .29 % (This is not considered material information for lump sum contracts.)

(If MBE sub-goals apply, please indicate the sub-goal covered by this Statement of Intent.)

African American: _____ % Asian American: _____ %
Hispanic American: _____ % Native American: _____ %

The undersigned Prime Contractor and Subcontractor agree to enter into a contract for the work/service indicated above for the dollar amount or percentage indicated to meet the MBE/WBE participation goals, subject to the Prime Contractor's execution of a contract with the City of Baltimore. The Subcontractor is currently certified as an MBE or WBE with the City of Baltimore Minority and Women's Business Opportunity Office to perform the work described above.

Paul J. Sun
Signature of Prime Contractor (REQUIRED)

9/22/15
Date

Paul Beatty Estimator
Signature of MBE or WBE (REQUIRED)

09/22/15
Date

CHANGES TO INFORMATION ON THIS FORM THAT ARE MATERIAL TO THE AGREEMENT BETWEEN THE PRIME CONTRACTOR AND MBE OR WBE MUST BE INITIALED BY BOTH PARTIES.

CITY OF BALTIMORE
DEPARTMENT OF LAW
MINORITY AND WOMEN'S
BUSINESS OPPORTUNITY OFFICE

Printed Results from Search

Company	Cert No	Type
<i>Sunrise Safety Services, Inc.</i>		
Address: 6711 Bay Meadow Drive, Suite D Glen Burnie, Md 21060- Title: Ms. Margaret K. Vogel E-Mail: JGroncki@sunrisesafetyservices.com Phone: Phone: (410)590-3905 Fax: (410)590-3906 Fax: (410)590-3906 Certified Date: Jul 10 2014 Expiration Date: Jul 9 2016 Extension Date: Services: MAINTENANCE OF TRAFFIC--RENTAL, SALES & SERVICES; SIGN FABRICATION & INSTALLATION; PERMANENT & TEMPORARY TAPE AND ALL OTHER TRAFFIC DEVICES	95-002928	WBE- White

Exhibit B

WATER CONTRACT NO. 1295 R

PART B: MBE/WBE AND PRIME CONTRACTOR'S STATEMENT OF INTENT

COMPLETE A SEPARATE FORM FOR EACH MBE AND WBE NAMED IN THIS BID.

(Make additional copies of this form as needed)

PART A: INSTRUCTIONS MUST BE REVIEWED BEFORE COMPLETING THIS FORM, WITH PARTICULAR ATTENTION PAID TO SECTIONS 2, 3a and 3f

Name of Prime Contractor: Cianbro Corporation
Name of MBE or WBE (circle one): Excel Painting Co., Inc.

Brief Narrative Description of the Work/Service to be performed by MBE or WBE:
Painting 9800, 9900

Materials/Supplies to be furnished by MBE or WBE:

Subcontract Dollar Amount: \$ 41,000 (If this is a requirements contract, the subcontract dollar amount may be omitted; however, the subcontract percentage must be included.)

Subcontract percentage of total contract. .59 % (This is not considered material information for lump sum contracts.)

(If MBE sub-goals apply, please indicate the sub-goal covered by this Statement of Intent.)

African American: _____ % Asian American: _____ %
Hispanic American: _____ % Native American: _____ %

The undersigned Prime Contractor and Subcontractor agree to enter into a contract for the work/service indicated above for the dollar amount or percentage indicated to meet the MBE/WBE participation goals, subject to the Prime Contractor's execution of a contract with the City of Baltimore. The Subcontractor is currently certified as an MBE or WBE with the City of Baltimore Minority and Women's Business Opportunity Office to perform the work described above.

Frank J. Sani
Signature of Prime Contractor (REQUIRED) Frank J. Sani Date 9/23/15
Linda Georgopolis
Signature of MBE or WBE (REQUIRED) Linda Georgopolis Date 9/23/15

CHANGES TO INFORMATION ON THIS FORM THAT ARE MATERIAL TO THE AGREEMENT BETWEEN THE PRIME CONTRACTOR AND MBE OR WBE MUST BE INITIALED BY BOTH PARTIES.

CITY OF BALTIMORE
DEPARTMENT OF LAW
MINORITY AND WOMEN'S
BUSINESS OPPORTUNITY OFFICE

Printed Results from Search

Company	Cert No	Type
<i>Excel Painting Co., Inc.</i>		
Address: 8380 Old Philadelphia Road Baltimore, Md 21237-	15-364649	WBE- White
Title: Ms. Linda Georgopolis E-Mail: georgoexcelpt@yahoo.com		
Phone: Phone: (410)682-8989 Fax: (410)682-5117 Fax: (410)682-5117		
Certified Date: Aug 21 2015		
Expiration Date: Aug 20 2017		
Extension Date:		
Services: PAINTING		

PART B: MBE/WBE AND PRIME CONTRACTOR'S STATEMENT OF INTENT

COMPLETE A SEPARATE FORM FOR EACH MBE AND WBE NAMED IN THIS BID.

(Make additional copies of this form as needed)

PART A: INSTRUCTIONS MUST BE REVIEWED BEFORE COMPLETING THIS FORM, WITH PARTICULAR ATTENTION PAID TO SECTIONS 2, 3a and 3f

Name of Prime Contractor: Cranbro Corporation

Name of MBE or WBE (circle one): Moisture Proof & Masonry, Inc

Brief Narrative Description of the Work/Service to be performed by MBE or WBE: MASONRY

Materials/Supplies to be furnished by MBE or WBE:

Subcontract Dollar Amount: \$ 340,000 (If this is a requirements contract, the subcontract dollar amount may be omitted; however, the subcontract percentage must be included.)

Subcontract percentage of total contract: 4.91 % (This is not considered material information for lump sum contracts.)

(If MBE sub-goals apply, please indicate the sub-goal covered by this Statement of Intent.)

African American: _____ % Asian American: _____ %
Hispanic American: _____ % Native American: _____ %

The undersigned Prime Contractor and Subcontractor agree to enter into a contract for the work/service indicated above for the dollar amount or percentage indicated to meet the MBE/WBE participation goals, subject to the Prime Contractor's execution of a contract with the City of Baltimore. The Subcontractor is currently certified as an MBE or WBE with the City of Baltimore Minority and Women's Business Opportunity Office to perform the work described above.

Signature of Prime Contractor (REQUIRED): Frank J. Sini Date: 9/23/15
Frank J. Sini
Vice President

Signature of MBE or WBE (REQUIRED): Marco Marston Date: 9/17/15
Marco Marston
PRESIDENT

CHANGES TO INFORMATION ON THIS FORM THAT ARE MATERIAL TO THE AGREEMENT BETWEEN THE PRIME CONTRACTOR AND MBE OR WBE MUST BE INITIALED BY BOTH PARTIES.

Hsiao Chin Hwang	Cianbro	443-829-3306	hhwang@cianbro.com
Denny Brice	National Concrete	410-367-7075	dbrice@natlcon.com
Gauri Chicker	Judlau Contracting	718-554-2907	gchicker@jadlau.com
Russell Cooper	Nicholson Construction	412-677-2244	Russell.Cooper@nicholsonconstruction.com
Greg Peitz	Moretreach	412-443-7833	gpeitz@moretreach.com
Dan Beatty	Judlau Contracting	718-554-2902	dbeatty@jadlau.com
Chris Collins	Whiting-Turner	410-821-1100	chris.collins@whitingturner.com
Will Cooksey	Preload	251-709-5734	wcooksey@preloadinc.com
Steven Dudle	Preload	845-664-4371	sid@preloadinc.com
Steve Puopolo	DN Tanks	781-224-5161	steve.puopolo@dntanks.com
Frank Houston	DN Tanks	717-521-7595	frank.houston@dntanks.com
Brian Walker	PC Construction	802-651-1254	bwalker@pcconstruction.com
Erica Croker	PC Construction	802-651-1238	ecroker@pcconstruction.com
Kyle Hislop	PC Construction	802-651-1331	khislop@pcconstruction.com
Pless B. Jones, Sr	P&J Contracting Co. Inc.	410-367-2475	pless.jones@pandjcontracting.com
Paul Sherman	Oldcastle Precast	540-295-1596	paul.sherman@oldcastle.com
Brian Hanna	Oldcastle Precast	540-834-6097	brian.hanna@oldcastle.com
Annamarie Hyrb	Dutchland, Inc.	717-442-1462	ahyrb@dutchlandinc.com
Mark Suchy	Wagman	410-365-0727	msuchy@wagman.com
Mike Silver	Horton Mechanical	410-866-4900	msilver@mechcont.com

The following was presented:

Introduction of DPW Team and attendees:

1. Remi Urbonas, City Project Manager, gave a brief overview of the project and wanted everyone to pay particular attention to the Scope of Work. All questions shall be submitted in writing with to Remi Urbonas with copies to John Boyle, Jeremy Hise and Frank Donaldson. Mr. Urbonas then introduced key project team members.
2. Doreen Diamond, the Contract Administrator, is responsible for sending out all required documents and addendums for the project. Ms. Diamond stressed that all documents submitted with the Bid must be signed prior to submission to the City. She further directed that all attendees sign today's Pre-Bid Meeting sign-in sheet, in the event that Addenda are issued via email.
3. Tameka Holness (MWBOO) confirmed that the City will no longer accepts modifications on bid documents that have corrections made in white-out. It is the Prime Contractor's sole responsibility to confirm that all of their team members are certified with the City and their certifications have not expired. Contractor's may contact the MWBOO office to confirm expiration dates, if necessary prior to bidding. All modifications to the bid documents must be made by crossing out items (single line through the item being modified) – both the Prime

ADDENDUM NO. 2

Contractor and the impacted Subcontractor must then initial all edits. Scans of the Subcontractor's initialed changes are acceptable.

4. Rosalind Howard confirmed that the City's Local Hiring Law is in effect for this Contract which requires 51% of new hires to be City residents. Initial job postings will be for 7 days and must be exclusively posted on the City's MOED website. Contractors are required to submit a Local Hiring Law Monthly Report by the 5th of each month. If the report has not been received by the 10th of each month, City staff will be notified of the Contractor's non-compliance.
5. Larisa Feldsher, Section Chief Water Facilities Engineering, introduced herself to the meeting attendees.
6. Remi Urbonas requested each of the meeting attendees identify themselves and the firm that they are representing. Mr. Urbonas informed the prospective bidders that the site was open and could be inspected at any time.
7. John Boyle (Joint Venture Design Consultant) noted several items of importance to the potential bidders:

- Advised potential bidders to fully review Division 01 of the Contract Specifications – Contractors were briefed on the high level of community involvement anticipated during construction, which is outlined in Division 01.
- Offsite Contractor Parking and Material Storage will be required. The potential bidders were instructed not to contact Loyola University about parking. The University has informed the City that there is no available space to provide parking on the Loyola University campus at this time.
- Potential bidders will be required to provide coordination of Water Contract No. 1173R with Water Contract No. 1120. Water Contract No. 1173R will begin construction prior to Water Contract No. 1120.
- Coordination of 48-inch Bypass Main Construction/Guilford Pumping Station Operations: The Guilford Pumping Station is to remain operational at all times. Only short station outages are permitted as set forth in the Contract Documents for Water Contract No. 1120.
- With regard to the presentation of Alternative Designs the following specification sections were referenced:

Section 00 21 13.08, Paragraph E of the City's Standard Specifications states " Bids shall be submitted for the entire contract as specified and/or shown." The Bids will be evaluated by what is required by the Contract Documents.

ADDENDUM NO. 2

municipal corporation or a political subdivision of the State, during a calendar year in which the person receives in the aggregate \$100,000 or more shall file with the State Board of Elections a statement disclosing contributions in excess of \$500 made during the reporting period to a candidate for elective office in any primary or general election.

8. CERTIFICATION OF CORPORATION REGISTRATION AND TAX PAYMENT

I FURTHER AFFIRM THAT:

(1) The business named above is a (domestic _____) (foreign XX) corporation registered in accordance with the Corporations and Associations Article, Annotated Code of Maryland, and that it is in good standing and has filed all of its annual reports, together with filing fees, with the Maryland State Department of Assessments and Taxation.

(If not applicable, so state). _____

(2) Except as validly contested, the business has paid, or has arranged for payment of, all taxes due the City of Baltimore and the State of Maryland and has filed all required returns and reports with the Comptroller of the Treasury, the State Department of Assessments and Taxation, the Department of Labor, Licensing, and Regulation and the City of Baltimore, as applicable.

(3) If awarded the contract resulting from this Bid/Proposal, the business shall remain in full compliance with all requirements of this §8 during the term, and any extensions thereof, of the said contract.

9. CONTINGENT FEES

I FURTHER AFFIRM THAT:

The business has not employed or retained any person, partnership, corporation, or other entity, other than a bona fide employee, bona fide agent, bona fide salesperson, or commercial selling agency working for the business, to solicit or secure the Contract, and that the business has not paid or agreed to pay any person, partnership, corporation, or other entity, other than a bona fide employee, bona fide agent, bona fide salesperson, or commercial selling agency, any fee or any other consideration contingent on the making of the Contract.

10. CERTIFICATION OF WORK CAPACITY AND PREQUALIFICATION CLASSIFICATIONS

I FURTHER AFFIRM THAT:

We hold Certificate No. 1225 which expires on 7/22/2016.

We have the Work Capacity to perform this contract as provided in the Standard Specifications and in accordance with the rules, regulations and requirements of the Baltimore City Contractors' Qualification Committee.

Furthermore, our current Certificate of Prequalification includes work Classifications covering Contract Items to a total of at least Fifty Percent (50%) of the Aggregate Amount Bid.

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

DPW/Office of Engineering & Construction - WC 1295R - cont'd

President: "The first item on the non-routine agenda can be found on page 47-48, item 1 to 2, Recommendation for Contract Award and Rejections, Department of Public Works/Office of Engineering and Construction, um -- WC 1295R, Towson Generator and Main Substation. Will the parties please come forward? Good Morning."

Mr. Art Shapiro: "Good Morning."

President: "Who's going to start first? You want to start?"

Mr. Shapiro: "Good morning."

President: "Okay."

Mr. Shapiro: "I'm Art Shapiro, representing the Office of Engineering and Construction, uh -- this is in reference to contract WC 1295R, Towson Generator and Main Substation. The project was originally advertised on September 11, 2015 and bids were received and opened on September 23, 2015. The engineer's estimate was 6.399 million. We received three bids. The low bid from Cianbro was at 6,928,385.00."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW/Office of Engineering & Construction - WC 1295R - cont'd

The next bid from Whiting-Turner was 7,028,000.00, and the third bidder was from William Schlosser at 7.44 million. The bids were uh within 10% -- uh -- the low bid I should say was within 10% of the engineer's estimate and after review of the bid documents, the Office of Engineering and Construction, Department of Public Works recommends that the Bo -- Board of Estimates consider awarding the contract to the low bidder, uh - - that's Cianbro."

President: "Okay."

Ms. Amy Garber: "Good Morning, I -- Amy Garber, on behalf of Cianbro. Uh -- we're here in response to the protest that was lodged by Whiting-Turner. Uh -- is it appropriate to address that at this point? Uh -- well -- uh -- does everyone have a copy of the reply that--"

President: "We have the replies--"

Ms. Garber: "--we filed. Okay, thank you."

President: "--we read them."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW/Office of Engineering & Construction - WC 1295R - cont'd

Ms. Garber: "Uh -- the protest alleges several uh -- alleged deficiencies in the award in the uh -- submission of Cianbro. Uh -- these are minor, minor, minor aspects of the document and do not constitute any type of material deficiency. Uh -- to -- to go through them uh -- one by one, the first is the uh -- Sunrise Safety Services Statement of Intent uh -- where there's an allegation of that the signature uh -- circled uh -- MBE in the signature block which was -- which was an inaccuracy or inconsistent with what was circled previously on the form. Uh -- we have a statement from Sunrise Safety. The signatory on that document was uh -- Mr. Josh Beaty whose last name ends in a Y. uh -- when he signed that signature block, the Y happened to encircle MBE. Uh -- the signature block did not require uh -- any -- any designation to be circled between MBE or WBE. This was simply his signature uh -- and so we argue there's no deficiency there -- there's no discrepancy. It was simply his signature and where the Y in his name happen to cross over on the signature block.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW/Office of Engineering & Construction - WC 1295R - cont'd

Uh -- secondly, the Excel Painting Company Statement of Intent uh -- there's a contention that the Statement of Intent form is invalid because the uh -- work in services to be performed don't match what was in the specification sections. Um, the Statement of Intent form only requires bidders to verify that they're certified to listed -- to be -- to perform the services they've listed to perform, uh -- which is what Excel Painting did. And the services must be part of the work of the contract. Uh -- the work of this contract was painting and the Statement of Intent states under the brief narrative description of the work and services to be performed that Excel Painting Company will be performing painting services. Um, next we have uh -- the Moisture Proof and Masonry Statement of Intent. Uh -- on that form there is merely a pen mark, a stray pen mark next to one of the signatures of the name. This wasn't a cross out, this wasn't a modification, this wasn't a change to any uh -- material aspect of the document, simply a stray pen mark, um -- and that's all that is. Uh -- we -- we would argue that there's no reason to remotely consider throwing out a bid document because of a stray pen mark on that document.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW/Office of Engineering & Construction - WC 1295R - cont'd

Uh -- finally, there was an allegation with regards to the certification of corporate registration and tax payment uh -- where Cianbro states that it is a foreign corporation. Um, Cianbro, as -- as stated in uh -- Whiting-Turner's protest is indeed a foreign corporation. Um -- under Maryland law, in that it is not a Maryland corporation, and that was what was designated on the form. Uh -- to the extent that this is an inconsistent with any of the terms or intent of the affidavit, this isn't an egregious error or a misrepresentation. Cianbro was merely expressing that it is not a Maryland corporation, and that is Cianbro's response to Whiting-Turner's protest. Thank you."

President: "Okay, uh -- Whiting-Turner?"

Mr. Bernie LaHatte: "Sure, good morning, my name is Bernie LaHatte, uh -- I'm Vice President of Whiting-Turner and I signed the bid for Whiting-Turner and I submitted the protest letter. Um -- I'm here, obviously to protest the award but I'd like to explain why we're protesting this.

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

DPW/Office of Engineering & Construction - WC 1295R - cont'd

This starts probably about six or eight months ago with the original bid for this project. Uh -- Whiting-Turner was the low bidder on that effort and uh -- what happened after that is Cianbro, the same contractor protested Whiting-Turner for two or three minor, very minor discrepancies on our uh -- bid form. Um -- what happened after that is uh -- the City agencies reviewed it. We were in fact, recommended for award, uh -- as evidence by the uh -- meeting minutes and also Whiting-Turner was requested to submit a work capacity statement. The Board of Estimates then chose to throw out all the bids and re-bid the project. Uh -- so at that point in time, it appears that the standard that the Board set for the -- for all the bids is that they must be perfect, no discrepancies, not even minor discrepancies. They then put it out to re-bid. We would like to submit that if you look at our bid, it -- it does in fact meet those standards of a perfect bid, and if you take a look at Cianbro's bid by their own admission, there are several items on that bid, whether they be minor discrepancies or discrepancies, they are none-the-less discrepancies.

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

DPW/Office of Engineering & Construction - WC 1295R - cont'd

So, they've -- I was going to recount the uh -- various items. Uh -- we have a little different approach on some of the items. We do understand their rebuttal as far as the signature and the circling. Uh -- the second item, uh -- they did not, as they said, the narrative description that they have on the Statement of Intent does not match the narrative description that MWBOO has certified the uh -- subcontractor for. And in fact, they've listed several specification items in that description that don't even exist for this project. Uh -- they said that -- that I believe their attorney says uh -- in fact, the bidders need not recite these services verbatim however, on numerous instances the City of Baltimore has in fact and MWBOO has said that the contractors and the bidders are all recommended to in fact, stick to the exact description of work that's listed in their scope -- in the services that MWBOO provides.

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

DPW/Office of Engineering & Construction - WC 1295R - cont'd

And if all you need to do is be close on those description of services, it kind of renders useless, the whole process that MWBOO has done and performed to establish a certification, a description of services for each of these subjects are certified for. Uh -- one of the other items that they refer to, there was scratching out on the bid form, uh -- it was actually on the Statement of Intent and again, the City of Baltimore and MWBOO at various pre-bids and even with certain addendums that have been issued in writing uh -- is very explicit on the instructions of what to do if there's a modification on the Statement of Intent. Um -- they didn't follow those instructions and in fact that's one of the items that they pointed out for the original bid that Whiting-Turner submitted was low, that there was a modification on that form and I would submit that is a white-out different than a -- than a total obli-- obliteration, which is the issue that was brought up before.

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

DPW/Office of Engineering & Construction - WC 1295R - cont'd

So, that brings us to the point that if you take a look at the standards that Whiting-Turner was held to for this original bid, they don't appear to be the same standards that are being used at this point in time. Um, and also if there are different stand -- if there is a perfect set of standards that was established for the first bid, why is that set of standards not being established and enforced here? Because if in fact it is, then Cianbro fails to meet those standards. So, understand also there's been some discussion that maybe the rules have changed. If the rules have changed, then they've been changed mid-stream. It's the same bid, it's the same contractors, why are the rules different at this point in time? If they are, then it becomes an issue of fundamental fairness. Why is a certain set of rules and a certain set of standards established for one contractor and then not enforced with another contractor?

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW/Office of Engineering & Construction - WC 1295R - cont'd

That is in fact why we protest this because we feel that the uh - the set of standards that are being used now, if they were used on the original bid, Whiting-Turner would in fact have been the low bidder, there would have been no re-bid on this project. That's our protest. Thank you for your time."

Mr. Courtney Billups: "Courtney Billups, Chief of the Minority and Women's Business Opportunity Office. Uh -- let me first say uh -- the same standards were applied on this evaluation as they were on the previous evaluation. Um -- Cianbro brought a similar -- similar type of protest on that solicitation as well and we made the same determination we made in this case. Uh -- specifically the um -- the first issue with respect to uh -- Sunrise Safety Services, the signature line just lists signature of the MBE or WBE. It's not required to identify whether MBE/WBE. On that Statement of Intent form, you are required to identify a MBE/WBE which they properly did. They circled WBE uh -- they uh -- Cianbro also stated that the signature of the individual, the "Y" was actually just his signature and he didn't intend to circle anything down there.

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

DPW/Office of Engineering & Construction - WC 1295R - cont'd

But in any event, that's irrelevant, immaterial, you're not required to circle MBE or WBE on the signature line. Uh -- the second issue, Excel Painting -- Excel Painting is certified with the City to provide painting, painting services. That is what they listed with respect to their um -- the scope of services that they were intending to perform. The numbers 900 -- 9900, uh -- I do not know specifically what they refer to but for our purposes of review and compliance, it's - it's irrelevant to us. The services that were listed were painting, that's what Excel was certified for. Uh -- the last issue was the uh -- Moisture Roof and Masonry Incorporated. It appears that to the left of that name there is a letter that was scratched out. That, first of all that is not a material part of the contract. What's a material part of the contract are the Scope of Services that the MBE or WBE is going to perform and the subcontract dollar amount or the percentage amount if it's a requirements contract, uh -- that was just a listing of the name of the firm which they did.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW/Office of Engineering & Construction - WC 1295R - cont'd

Uh -- if in fact there was another firm listed there and that firm was scratched out and another firm is inserted, at that point you could make the argument that that was a change in the Statement of Intent form. But that's not the case here, which what appears to be just one letter that scratched out. But clearly, it's uh -- moisture -- Moisture Roof and Masonry were listed MBE and that was very clear from the form."

President: "Okay, anything else? Um -- I just like to make a statement. If we all know that these white-outs and these cross-outs are the major problems, why don't we have two copies and when you make the changes where you found out that you had to white something out, have a clean copy that you submit. And then we wouldn't have to be standing up here every Board of Estimate talking about white-out and scratch-out. It's frustrating for me. I mean, something as simple as having an extra packet, so when you make a mistake, you clean it up on a brand new packet instead of we coming in here every Board of Estimate arguing about scratch-outs and white-outs.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW/Office of Engineering & Construction - WC 1295R - cont'd

It's simple for everybody to do. Have an extra packet and you fill out that extra packet after you done decided what mistakes you made and have a clean copy coming before the Board of Estimates, so that we won't have to be dealing with this stuff week after week after week, about scratch-outs and white-out. Simple. I entertain a Motion."

City Solicitor: "Move to deny the protest and approve the recommendation of the agency."

Comptroller: "Second."

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

* * * * *

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW/Office of Engineering & Construction - cont'd

3. WC 1173R, Guilford Allan Myers MD, Inc. \$54,444,777.00
 Finished Water
 Reservoir Improve-
 ments

MWBOO SET MBE GOALS OF 13% AFRICAN AMERICAN (AA), 3% HISPANIC AMERICAN (HA), AND 1% ASIAN AMERICAN (ASA) AND WBE GOALS AT 5%.

MBE: Load Runner Trucking, Inc. (AA)	\$ 773,000.00	1.42%
Bryant Concrete Construction, Inc. (AA)	3,300,000.00	6.06%
Samuel Trucking, Inc. (AA)	690,000.00	1.26%
National Construction, Inc. d/b/a National Concrete (AA)	1,300,000.00	2.38%
Brick House Brown, Inc. (AA)	216,000.00	.39%
Professional Maintenance Systems, Inc. (AA)	799,000.00	1.46%
	<u>\$7,078,000.00</u>	<u>13.00%</u>
W Concrete, Inc. (HA)	\$1,635,000.00	3.00%
Nasir & Associates, LLC (AsA)	\$ 135,000.00	.24%
Sabra, Wang, & Associates, Inc. (AsA)	50,000.00	.09%
Soil and Land Use Technology, Inc. (AsA)	360,000.00	.66%
	<u>\$ 545,000.00</u>	<u>1.00%</u>

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW/Office of Engineering & Construction - cont'd

WBE: Foundation Test Group, Inc.	\$ 550,000.00	1.01%
Barbies Recycling & Hauling, Inc.	1,390,000.00	2.55%
Aaron's Concrete Pumping, Inc.	350,000.00	.64%
J&M Sweeping, LLC	100,000.00	.18%
Native Terrain Restoration Services, Inc.	335,000.00	.61%
	<u>\$2,725,000.00</u>	<u>5.00%</u>

MWBOO FOUND VENDOR IN COMPLIANCE.

4. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$41,072,280.00	9960-910714-9558	
County	Constr. Reserve	
Appropriations	Guilford Water	
	Reservoir Improv.	
24,903,720.00	" "	
Water Revenue		
Bonds		
2,982,255.98	9960-910300-9558	
County	Constr. Reserve	
Appropriations	Water Facilities	
2,908,850.02	" "	
Water Revenue		
Bonds		
<u>\$71,867,106.00</u>		

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW/Office of Engineering & Construction - cont'd

TRANSFER OF FUNDS - cont'd

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 5,444,478.00	-----	9960-903710-9557- 900020-3, Engineering
5,444,478.00	-----	9960-903710-9557-
3,266,686.50	-----	9960-903710-9557- 900020-3, Engineering
54,444,777.00	-----	9960-903710-9557- 900020-3, Engineering
<u>3,266,686.50</u>	-----	9960-903710-9557-
\$71,867,106.00		900020-3, Engineering

The funds are required to cover the cost of the award of WC 1173, Guilford Finished Water Reservoir Cover.

A PROTEST WAS RECEIVED FROM RIFKIN WEINER LIVINGSTON LEVITAN & SILVER LLC REPRESENTING ULLIMAN SCHUTTE CONSTRUCTION, LLC.

A RESPONSE TO THE PROTEST OF RIFKIN WEINER LIVINGSTON LEVITAN & SILVER LLC REPRESENTING ULLIMAN SCHUTTE CONSTRUCTION, LLC. WAS RECEIVED FROM ALEXANDER & CLEAVER REPRESENTING ALLAN MEYERS MD, LLC.

RIFKIN WEINER LIVINGSTON LEVITAN & SILVER LLC

ATTORNEYS AT LAW

WWW.RWLLS.COM

Alan M. Rifkin
 Arnold M. Weiner
 Scott A. Livingston (MD, DC)
 Laurence Levitan
 Edgar P. Silver†
 Michael V. Johansen
 Joel D. Rozner (MD, DC)
 Richard K. Reed
 M. Calista Bruce (MD, DC)
 Jamie Eisenberg Katz (MD, DC, NY)
 Charles S. Fax (MD, DC, NY)
 Patrick H. Roddy
 Eric L. Bryant
 Michael D. Brennan (MD, DC)
 Joyce E. Smitzhey (MD, DC, NH)
 Alan B. Sternstein (MD, DC)
 Barry L. Gogel
 Aron U. Raskas (MD, DC)
 Michael S. Nagy (MD, VA)
 Liesel J. Schopler (MD, DC)
 Christopher L. Hatcher
 Michael A. Miller
 Joy K. Weber
 Rick Abbruzzese†
 Betina Miranda (NJ, PA only)
 Brad J. Rifkin
 Isabella C. Demougeot
 Melvin A. Stalnbaum†
 Lori J. Webb†
 Lance W. Billingsley†
 Elizabeth K. Miller†
 † Of Counsel

7979 Old Georgetown Road, Suite 400
 Bethesda, Maryland 20814
 (301) 951-0150 • (301) 951-0172 fax

226 Duke of Gloucester Street
 Annapolis, Maryland 21401
 (410) 269-5066 • (410) 269-1285 fax

2002 Clipper Park Road, Suite 106
 Baltimore, Maryland 21211
 (410) 769-8080 • (410) 769-8811 fax

14601 Main Street
 Upper Marlboro, Maryland 20772
 (801) 345-7700 • (301) 345-1204 fax

Dec. 8, 2015

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TO:

1. Name: Honorable President and Members Fax Number: 410.685.4416
 Of the Board of Estimates
 c/o Clerk, Board of Estimates Fax Number:
 City Hall, Room 204
3. Name: George Nilson Fax Number: 410.547.1025

Company:

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RIFKIN WEINER LIVINGSTON
LEVITAN & SILVER LLC

ATTORNEYS AT LAW

WWW.NWL.LS.COM

Alan M. Rifkin
Arnold M. Weiner
Scott A. Livingston (MD, DC)
Laurence Levitan
Michael V. Johnson
Juel D. Rosner (MD, DC)
Richard K. Reed
M. Colgate Bruce (MD, DC)
Joyce E. Smithley (MD, DC, NH)
Janet Eisenberg Katz (MD, DC, NY)
Charlea S. Fox (MD, DC, NY)
Patrick H. Roddy
Eric L. Bryant
Michael D. Berman (MD, DC)
Alan H. Sternstein (MD, DC)
Barry I. Gogol
Aron U. Raskaa (MD, DC)
Michael S. Nagy (MD, VA)
Liesel J. Schopler (MD, DC)
Christopher L. Hatcher
Michael A. Miller
Russell Gray (MD, DC)
Joy K. Weber
Nick Abbruzzese
Brad L. Rifkin
Isabella C. Deming
Reuben W. Wolfson (MD, DC)
Lori J. Wahl
Lance W. Billingsley
Elizabeth H. Miller
John C. Reith (Nonlawyer/Consultant)
† Of Counsel
Edgar P. Silver (1928-2014)

7979 Old Georgetown Road, Suite 400
Bethesda, Maryland 20814
(301) 951-0150 • (301) 951-0172 fax

225 Duke of Gloucester Street
Annapolis, Maryland 21401
(410) 269-5066 • (410) 269-1235 fax

2002 Clippier Park Road, Suite 108
Baltimore, Maryland 21211
(410) 760-8080 • (410) 760-8811 fax

14760 Main Street, Suite 204
Upper Marlboro, Maryland 20772
(301) 345-7700 • (301) 345-1104 fax

November 25, 2015

VIA OVERNIGHT COURIER

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

RE: **BID PROTEST & REQUEST TO APPEAR AT BOARD OF
ESTIMATES MEETING
Department of Public Works ("DPW")
Water Contract No. 1173R
Guilford Finished Water Reservoir Improvements**

This law firm represents Ulliman Schutte Construction, LLC ("Ulliman Schutte"), the lowest responsive and responsible bidder for DPW Water Contract No. 1173R (the "Contract" or "1173R"). The purpose of this letter is to protest (1) DPW's recommendation that the Board of Estimates ("Board") award the Contract to Allan Myers MD, Inc. ("Allan Myers"). Ulliman Schutte protests the award of the Contract to any party *other than* the lowest responsive and responsible bidder; namely, Ulliman Schutte.

Allan Myers submitted a bid that is front-loaded and grossly mathematically unbalanced. Award will lead to a significant risk that the contractor will not fully and properly complete the work. Award will expose the City to the serious risk that surcity's obligations under the performance bond will be discharged to the extent of any advance payments or overpayments.

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 November 25, 2015
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DPW should reject Allan Myers' bid and recommend that the Board award the Contract to the lowest responsive and responsible bidder, Ulliman Schutte. Alternatively, DPW (and/or Board) should reject all bids. If so, the new Invitation for Bids should specify a percentage cap for the Mobilization bid item.

I. Factual Background

On September 23, 2015, bids were opened on DPW Water Contract No. 1173R. Allan Myers' total bid price was \$54,444,777, the lowest among four bids. The second-lowest bid from Ulliman Schutte at \$58,713,000. The Contract's completion date was 1350 calendar days (or 3.7 years) after Notice to Proceed.

Among the line items set forth in the Schedule of Prices, bidders were required to include a lump sum amount for Item No. 101, "MOBILIZATION." According to DPW Specification 01 71 13A, "Mobilization," the work corresponding to this line item consists of "construction preparatory operations, including the movement of personnel and equipment to the project site and for the establishment of the Contractor's offices, buildings and other facilities necessary to begin Work." The lump sum amounts bid by Allan Myers and Ulliman Schutte for Mobilization are as follows:

	<u>Bid Total</u>	<u>Mobilization</u>	<u>% of Total</u>
Allan Myers	\$ 54,444,777.00	\$ 12,557,125.66	23.1%
Ulliman Schutte	\$ 58,713,000.00	\$ 5,600,000.00	9.5%

In addition, bidders were required to include a lump sum amount for Item No. 102, "TEMPORARY FACILITIES." Allan Myers bid a lump sum of \$450,000 for this item, and Ulliman Schutte bid only \$30,000.

In addition to these two items, the following items would likely be completed within the first six (6) months from Contract Notice to Proceed:¹

- 107 – SALVAGE EXISTING ORNAMENTAL FENCE
- 108 – SALVAGE RESERVOIR STONE ARMOR
- 109 – SALVAGE STONE FOUNTAIN
- 506 – TEMPORARY PARKING

Allan Myers' total price for these six (6) items (Nos. 101, 102, 107, 108, 109, & 506) was \$13,443,126—which was \$7,378,126 higher than Ulliman Schutte's prices for these items.

¹ No other items in the Schedule of Prices would likely be completed within the first six (6) months of contract performance.

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November 25, 2015
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II. The Board of Estimates Should Not Award the Contract Based Because It Is Materially and Mathematically-Unbalanced Bid.

It appears DPW is going to request Board approval for the award of the Contract to Allan Myers. Should the Board award the Contract to Allan Myers, the Board will be exposing the City to a significant unnecessary risk, and setting a precedent which will cost the City large sums of money in the future.

Award would send a terrible signal to bidders; namely, the City might not reject a bid that is front-end loaded. This would undermine the principle that payment should be measured on the basis of value received by the City. A crafty bid would yield gain funds --early in contract performance -- to which the contractor is not entitled if payment is to be measured on the basis of value received. Myer's bid is materially and mathematically unbalanced. Award of the Contract will result in an advance payment, akin to an interest-free loan. Allan Myers would have a significantly lower incentive to properly complete contract work after such an advance payment.

Thanks to excessive prices for the Mobilization and Temporary Facilities items, the City will pay millions of dollars to Allan Myers -- early in contract performance -- that will not be commensurate value received by the City. DPW Specification 01 71 13D, "Mobilization" provides payment of fifty percent (50%) of the mobilization item will be made in the first monthly estimate after the Contractor has established the necessary facilities. The remaining fifty percent (50%) will be prorated and paid in equal amounts on each of the next five (5) monthly estimates.

There are several problems caused by Allan Myers' bid for the Mobilization item. First, the City would be obligated to pay \$12,557,125 (*i.e.* 23% of total \$ 54,444,777) within the 6 months. Allan Myers will gain 23% of the total funds after the passage of 13% of the time for completion. It increases the risk that the surety will defend against an action of the performance bond -- in the event of default -- by claiming that the overpayment reduced the contractor's incentive to complete the project.

Second, the Temporary Facilities required by the Contract are little more than a few temporary office trailers at the work site. Allan Myers' \$450,000 price for these temporary field offices is more suitable for buying a four-bedroom home with two-car garage in Roland Park than the placement and utility hook-up of mobile trailer at the work site.

Third, award of Contract would undermine the City's traditional practice that the City pays only for the "proportional value of the Work," rather than an advance payment for promised work. The standard -- and wise -- practice is pay for satisfactory work performed rather spend money with mere expectation of future work. To illustrate, DPW Specification 01 29 76A, "Progress Payment Procedures," provides that on the first day of each month the Engineer will make an estimate of the *proportionate value* of the Work done up to and including the last day of the previous month. DPW Specification 01 29 76G states that the contract value of work

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satisfactorily performed within the preceding month will be paid to the contractor minus 10% retainage, until 5% of the contract value has been retained.

Fourth, on the date of the sixth (6th) progress payment, the City will have paid Allan Myers the amounts set forth on its bid for Item Nos. 101-102, 107-109, and 506 (less 10% retainage) for a total of \$11,706,413.² In comparison, the City would have paid Ulliman Schutte only \$5,458,500 by this point. Six months into contract performance, the City will have paid Allan Myers in excess of \$6.6 million more than it would have paid Ulliman Schutte in the same timeframe. Measured against the value offered by Ulliman Schutte, this \$6.6 million constitutes an improper "advance payment" that "would provide funds to the contractor early in contract performance to which it is not entitled if payment is to be measured on the basis of value received." See *Edgewater Machine & Fabricators, Inc.*, B-219828, 85-2 Comp. Proc. Dec. ¶ 630 (Dec. 5, 1985).

Authoritative legal tribunals have recognized significant pitfalls resulting from "advance payments" caused by unbalanced bidding. As explained in the analogous Comptroller General's opinion of *ACC Construction Co., Inc.*, B-250688, 93-1 Comp. Proc. Dec. ¶ 142 (Feb. 16, 1993). In *ACC Construction*, the low bidder included a price that was 163% higher than the estimate for a single lump sum item that occurred early in contract performance. The Comptroller General found that the agency was correct to reject this bid as "materially unbalanced." In sustaining the contracting officer's rejection of ACC's bid, the Comptroller General cited two concerns:

First, where during performance the bidder will receive progress payments based on inflated prices for bid items for which it will receive payment early in the performance of the contract, there is a legitimate concern that the bidder has received an improper competitive advantage. By accepting such a grossly unbalanced bid, *the bidder is afforded an advantage not enjoyed by its competitors for the award--the use of interest-free money.* Second, by receiving early payments which exceed the value of work performed, *the contractor will have a reduced incentive to properly complete the work.*

Id. at 4 (emphasis added); see also *Edgewater Machine & Fabricators, Inc.*, B-219828, 85-2 Comp. Proc. Dec. ¶ 630 (Dec. 5, 1985) (holding that "even if a bid offers the lowest price to the government but is grossly unbalanced mathematically, it should be viewed as materially unbalanced since acceptance of the bid would result in the same evils as an advance payment").

² DPW solicited bids based on the IFB payment provisions, including timing of Mobilization payments, so it would be unlawful to modify the pay provisions as a condition of contract award. It would undermine procurement integrity if the City calls on Allan Myers', as prospective awardee or contractor, suddenly to modify the payment schedule per Specification Q1 71 13D. It is elementary that the government cannot solicit bids on one basis and negotiate award on another basis. Besides, it was wrongful for Alan Myers to submit the unbalanced bid and it is inequitable to allow a person to benefit from his own wrongdoing.

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The Board should reject Allan Myers unbalanced bid on the grounds that it is non-responsive. Similar to the circumstances in *ACC Construction*, Allan Myers' up-front mobilization payment would be nearly 2½ times the initial mobilization amount the City would pay Ulliman Schutte; Allan Myers would have a substantially reduced incentive to properly complete Contract work in a timely manner in order to receive sizable progress payments.

There is yet another danger to the City stemming from such overstated Mobilization and Temporary Facilities payments. The surety is normally not allocated the risk the City (as "obligee") would overpay the contractor. The surety reasonably expects payments to be made in a manner (and amounts) commensurate with the value received and actual costs incurred by that point. The City should eliminate the risk that the Contractor file for bankruptcy -- and call upon the surety to assume performance -- the City will need to compensate the surety in the amount of any improper "advance payment" due to overpayment at the beginning of the Contract.

In other words, if Allan Myers walks away from the Contract after the first six (6) months of performance, the City may owe the surety another \$6.6M+ to cover the amount paid for work not yet to be performed. See *Continental Ins. Co. v. City of Virginia Beach*, 908 F. Supp. 341, 347 (E.D. Va. 1995) (citing *Southwood Builders, Inc. v. Peerless Ins. Co.*, 235 Va. 164, 366 S.E.2d 104 (1988)) (holding that "payments of substantial sums before they are due . . . are generally held to be such variations in the terms of the contract as will discharge the surety from its obligations to the owner."); see also *Nat'l Union Indem. Co. v. G. E. Bass & Co.*, 369 F.2d 75, 77 (5th Cir. 1966) (stating that the "modern rule" allows a surety to be discharged from its performance bond obligations to the extent that it suffers injury as a result of the obligee's overpayments).

The Mayor, City Council, and Comptroller have done a good job restoring the City of Baltimore's bond rating to AA2, and City leadership is to be commended for its handling of the looming structural deficit. However, the City should not be in the habit of borrowing (via municipal bonds) and then handing a contractor more than \$6.6M for work which may not be performed for another three (3) years, at a cost to City taxpayers of (a) annual 5% coupon bond interest payments upon that borrowed amount; and (b) the risk that the City may eventually need to pay that amount *yet again* to a surety.

The City should only pay contractors monies they are entitled to. Such amounts are measured on the basis of the value received for the work actually done. These principles represent a safeguard against misuse of funds. The City should not send a signal to bidders that the City is willing to pay nearly a quarter of the contract value in Mobilization within the first six (6) months of 44 months of contract performance.

III. Conclusion

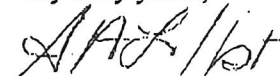
Given the significant risks outlined above, the Board should reject Allan Myers' unbalanced bid. The Contract should be awarded to Ulliman Schutte, the lowest responsive and

Harricte Taylor
November 25, 2015
Page 6 of 6

responsible bidder for the Contract. Alternatively, all bids should be rejected. The IFB can be revised and contain a cap (expressed as a reasonable percentage of the contract price) for the lump sum Mobilization item. This would protect the City from the nefarious practice of unbalanced bidding. This would ensure that bidders are competing on relatively equal footing with regard to the up-front payments made by the City. This would not undermine incentives for the contractor to fully perform the work throughout contract prosecution.

In the event this Contract is on the Board Agenda for approval of award to Allan Myers, Ulliman Schutte hereby protests and request the opportunity to be heard by the Board at any upcoming meeting at which award of this Contract will be considered.

Very truly yours,


Scott A. Livingston

cc: George Nilson via email (george.nilson@baltimorecity.gov)

ALEXANDER & CLEAVER

ATTORNEYS AT LAW

Professional Association

Gary R. Alexander *MD DC VA FL*

James A. Cleaver *MD DC*

Denise M. Bowman *MD DC*

Robert J. Garagiola *MD DC*

Todd K. Pounds *MD DC*

Jason A. DeLoach *MD DC*

James K. McGee *MD DC*

Lorenzo M. Bellamy *MD DC*

Whitney Cleaver Smith *MD DC VA*

Camille G. Fesche *MD DC NJ NY*

David N. Hruda *MD*

Admitted to Practice in State

Maryland • District of Columbia • Virginia

Tele: (301) 292-3300 Fax: (301) 292-3264

www.alexander-cleaver.com

Toll Free: (800) 292-LAWS

11414 Livingston Road
Fort Washington, MD 20744-5146

Offices:

Annapolis, MD

Rockville, MD

Cumberland, MD

La Plata, MD

Alexandria, VA

Government Relations Consultants:

Casper R. Taylor, Jr.

Lyle W. Fowlkes

Hannah Powers Garagiola

Kerry R. Watson, Jr.

Tyler W.

Bennett

Moira R. Moynihan

December 8, 2015

VIA E-MAIL

Ms. Harriette Taylor, Deputy Comptroller
Secretary
Baltimore City Board of Estimates
City Hall
100 North Holliday St Suite 204
Baltimore, Maryland 21202

RE: **Department of Public Works ("DPW")
Water Contract No. 1173R
Guilford Finished Water Reservoir Improvements**

The undersigned represents the interest of Allan Meyers MD, LLC ("Allan Meyers"). Allan Myers is the lowest, responsive and responsible bidder for DPW Water Contract No. 1173R (the "Contract"), and offers this response to Ulliman Schutte Construction, LLC's ("Ulliman Schutte") protest.

The basis of Ulliman Schutte's protest is that it is somehow the lowest, responsive and responsible bidder, even though the City would be required to pay Ulliman Schutte **\$4.2 million** more than the amount the City would be required to pay Allan Myers to perform the same scope of work. As demonstrated below, Ulliman Schutte's position is without basis, and serves only to delay the City's ability to meet its obligations under the pending consent decree. Allan Myers therefore respectfully requests that the Board of Estimates deny Ulliman Schutte's protest and confirm the award of the Contract to Allan Myers.

1. Allan Myers' Bid is Not Unbalanced.

Ulliman Schutte attacks Allan Myers proposal as unbalanced. In doing so, Ulliman Schutte only highlights the many ways in which it underbid or otherwise unbalanced its own bid. The unbalanced allegation is without merit.

Ulliman Schutte first addresses Item No. 101 "Mobilization". It claims that because Allan Myers bid more for mobilization than Ulliman Schutte, Allan Myers' bid must be front loaded and is otherwise materially and mathematically unbalanced. Given that Ulliman Schutte cites the

wrong specification section governing mobilization for this project, it should be no surprise that Ulliman Schutte underbid the mobilization number and its number is therefore less than that offered by Allan Myers. Section 00250 "Measurement and Payment" supplements the standard specifications with the following:

Item 101- MOBILIZATION Supplement 01.71.13 of the Standard Specifications with the following:

Mobilization shall consist of all work and operations necessary for the assembling and setting up for the project, including the initial movement of personnel and equipment to the project site, the establishment of the Contractor's and Engineer's offices, shops, plants, storage areas, sanitary and any facilities required by the Specifications of the Contract as well as by local or State laws and regulations, and all other work and operations which must be performed prior to beginning work on compensable items of work at the project sites. The cost of required insurance and bonds and any other initial expense required for the start of work shall be included in this item. The determination of the adequacy of the Contractor's facilities, except as noted above, shall be made by the Contractor.

Mobilization also includes:

- The furnishing, installing and removal of such materials as are required by the Contractor that are not to be a part of the completed Contract.
- All maintenance of traffic necessary for the moving on and off site all equipment and materials.
- Furnish, install and maintain the project information signs at the locations ordered by the Engineer.
- All survey work necessary to locate and construct the work according to the Contract Drawings.
- Construction photographs.

This item will not be measured but will be paid for at the Contract lump sum price bid for "MOBILIZATION".

Basis for payment will be as specified in SECTION 01 71 13 of the Standard Specifications.

Bidders were therefore instructed to include in their mobilization item for this project more than what was suggested by Ulliman Schutte in its protest. The City placed no percentage limit on this item. The City also identified additional items of work, but did not provide a corresponding line item on the bid sheet. Consequently, bidders reasonably determined that this work should be included in the lump sum items.

Allan Myers complied with these instructions. Based on our means and methods, as well as the requirements of the contract documents, we included in Item 101 items such as the mobilization of people and equipment – not only for ourselves but for our subcontractors as well, establishment of offices, facilities and other work operations to be performed at the outset of the job, insurance and bonding, shoring design/construction, staging and security, stabilization, necessary asbestos abatement and other items that will be required but not part of the completed contract, adequate support for the project and subcontractors to help them meet their obligations, and other relevant items. The fact that Ulliman Schutte chose to do something differing, and otherwise did not understand the scope of the mobilization item to support a project of this scope and length, does not mean that Allan Myers somehow unbalanced or front loaded this item. Our bid is wholly consistent with the specifications.

Ulliman Schutte then attempts to characterize Allan Myers' bid for Item No. 102, "Temporary Facilities" as similarly unbalanced. Once again it points to its own bid in an effort to support this claim. This attach is similarly flawed.

In our 75 years in this business, we are baffled how Ulliman Schutte contends it will provide and support its trailer, the engineer's trailer, the compaction shed, all utilities, computers, water, toiletries and other supplies associated with these items, as well as portable toilets and dumpsters, for \$30,000. The project duration is 1350 days. Therefore, Ulliman Schutte somehow believes it can support this requirement by expending no more than \$22.23 per day. Just the multiple trailers alone will run a cost of approximately \$5,000 to \$6,000 per month for establishing two office trailers in addition to mobile housing unit including compaction shed and tools, along with all maintenance, cleaning, hookup costs, furniture, file cabinets, copier, phones, fax, refrigerator, H2O cooler, rent, unlimited internet access, and supplies. Ulliman's Schutte's claims are therefore incredible, and certainly do not support a finding that Allan Myers unbalanced this bid item.

2. Exercising its Discretion, the City Determined that Allan Myers' Bid is in the Best Interests of the City as the Lowest, Responsive and Responsible Bid.

Even if we were to assume for a moment that Allan Myers' bid is unbalanced, the City has the discretion to determine whether or not to accept the bid. (See City of Baltimore Specifications Section 00 51 00.05.) Here, the City has thoroughly reviewed Allan Myers' submission. It has had every opportunity to ask questions and otherwise examine the bid. Ultimately, the City determined that Allan Myers' bid is in the best interests of the City. It is not hard to see why it reached this conclusion, given that Allan Myers's bid will save the City in excess of \$4.2 million over Ulliman Schutte's bid.

Tellingly, Ulliman Schutte never confronts the fact that its bid is over \$4.2 million more than the Allan Myers bid. Nor does it offer any explanation as to how the City will pay more for the Allan Myers bid. Indeed, even if the City were to borrow funds at 5%, as suggested by Ulliman

Schutte, it still cannot erase the fact that Ulliman Schutte will charge the City millions more if it is awarded the Contract.¹

3. Ulliman Schutte's Claim that Allan Myers will Abandon the Project is Simply False.

In a final effort to convince the City that it must reject Allan Myers's bid, Ulliman Schutte resorts to scare tactics. It suggests that the City must reject the bid because Allan Myers *may* receive money in advance of performing the services, and *may* abandon the job as a result, and therefore *may* leave the City fighting with Allan Myers' surety. The claim is nonsense.

Allan Myers has been in business for over 75 years. It has been recognized nationally in its industry for quality, safety and excellence. Allen Meyers is ranked in the Top 25 Heavy contractors in the U.S. with over 2,000 employees throughout the Mid-Atlantic. It has successfully completed billions of dollars for public entities over its history. Allen Meyers has never been debarred, nor has it ever been terminated for default. Allen Meyers has never abandoned a project.

Allen Meyers has a deep and long standing investment in Maryland. It employs more than 500 residents, maintains an office in Fallston, maintains and operate a quarry in Elk Mills, maintains and operates three asphalt plants in Elkton, Aberdeen and Jessup.

Further, Allen Meyers is a proven partner of the City of Baltimore. It has performed over \$97 million in contracts in Baltimore in the last 10 years, and is currently performing over \$59 million in work for the City.

Allan Meyers has never failed to finish a project for the City nor has it ever been declared in default. And, it certainly have never abandoned the City. Most recently, Allan Myers partnered with the City on the emergency contract for the Monument Street Emergency Repairs Project, successfully completing the contract ahead of schedule under extremely tough conditions. On the Monument Street project, Allan Myers worked around the clock within a congested urban environment to repair a storm sewer failure that had caused a large sinkhole. This sinkhole severed all utilities for two city blocks. Restoring vital services to the community was of utmost importance, and Allan Myers' performance on this contract embodies our commitment to the City and its citizens. Allan Myers is also working in conjunction with the Reservoir project, which award is currently pending on the Guilford Pump Station project at \$18,942,500.00.

You do not need to take our word for our commitment to the City. The following are a selection of comments from the City on its dedication and success:

¹ The Comptroller General decisions cited by Ulliman Schutte as supposed precedent do not change this conclusion. These cases look to items where payment is to be measured on the basis of value received. Under the Project Specifications, both the Mobilization item and Temporary Facilities Item "will not be measured, but will be paid for at the Contract lump sum price bid . . ." There is no unfair competitive advantage in Allan Myers reliance on this system, as all bidders received the benefit of the approach detailed by the City. The City reviewed and evaluated Allan Myers bid in the context of these specifications, and concluded that Allan Myers was the lowest, responsive and responsible bidder. The Board should not override this exercise of discretion.

- “[Allan Myers] has exceeded our expectations. Their quality of work has exceeded our expectations. Their quality of work has been excellent on a project that is ahead of schedule and below budget.” (Timothy Dominick, Construction Project Supervisor, City of Baltimore).
- The Argonne Drive Bridge reconstruction over Herring Run was capably completed by [Allan Myers] seven months earlier than was projected by engineers, and reopening the new structure was a major restoration of vehicular infrastructure for the citizens of the City of Baltimore. The completed superstructure has drawn much praise for its aesthetic appeal as well as the quality of construction.” (Chuck Biondo, City of Baltimore)
- “From day one I have been impressed with the professional manner with which [Allan Myers] has approached each task in the construction.” (Tim Bradin, Water Treatment Assistant Manager, City of Baltimore)

As its history with the City demonstrates, Ulliman Schutte’s comments amount to nothing more than speculation, and are simply false.

4. Conclusion

Allan Myers is the lowest, responsive and responsible bidder. Its bid is consistent with the contract documents, and the City reasonably exercised its discretion in recommending award to Allan Myers. Ulliman Schutte’s scare tactics are do not serve this City or its needs to complete this project. Instead, they risk further delay under the consent decree and would require the City to spend millions more to complete the work. The protest should be denied.

Very truly yours,


Denise Bowman


Lorenzo Bellamy

DMB;cc

cc: Nunzio Ruggeri, General Council
Allen Meyers
Jack Young, President Baltimore City Council
Andrew Smullian, Deputy Mayor and Liaison to Board of Estimates
Art Shapiro, Board of Public Works

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW/Office of Engineering & Construction - WC 1173R - cont'd

President: "The second item on the non-routine agenda can be found on page 48-50 items 3 to 4, Recommendation for Contract Awards/Rejection, Department of Public Works/Office of Engineering and Construction, WC 1173R, Guilford Finished Water Reservoir Improvement. Will the parties please come forward? Normally, the City is on this side --"

City Solicitor: "Yeah, yeah right."

President: "--so please --"

Mr. Art Shapiro: "You fooled me there."

President: "I mean, I let it go the first time."

City Solicitor: "--that's the bride side,

President: "--on this side."

City Solicitor: "--that's the groom side."

President: "Okay."

Mr. Shapiro: "Good morning, Art Shapiro, representing the Office of Engineering and Construction, the Department of Public Works and we're here to present Water Contract 1173R, the um -- covered reservoir project for Guilford."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW/Office of Engineering & Construction - WC 1173R - cont'd

The project was advertised on July 17, 2015 and the um -- bids were um -- received and opened on September 23, 2015. The engineer's estimate for this project was \$58,638,046.00. The low bid -- bids were received uh -- from four firms. The low bid uh -- of \$54,444,777.00 from Allan Myers was approximately 7½% below the engineer's estimate. The uh -- second low bid from Ulliman Schutte corporation -- uh -- construction was \$58,713,000.00. It was approximately .13% over the engineer's estimate. The back -- the remaining bids um -- were all within 2% of the -- 2% -- or less than 2% over the engineer's estimate. The review of the bid documents and the um -- costs that were submitted, both internally as well as by our consulting engineering team, were performed and the results of the review indicated to us that the bids were in total reasonable and the low bid was considered to be responsive and responsible. And the agency recommends award made to the low bidder, Allan Myers."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW/Office of Engineering & Construction - WC 1173R - cont'd

City Solicitor: "In conducting that review you just summarized and described, did you consider that the possibility that the low bid was imbalanced as is claimed by the protestant?"

Mr. Shapiro: "Yes, we -- we -- the consulting engineering team was asked to take a look at the bid documents as I mentioned before and we have Frank -- pardon me, Frank Donaldson, with PHRA, who's the consulting engineer on record for the project representing the City."

Mr. Frank Donaldson: "We evaluated it from uh --"

Comptroller: "State your name."

Mr. Donaldson: "My name is Frank Donaldson, I'm Project Director from the joint venture PHRA Hazen Sawyer and we've been the consultant for this project. We evaluated -- we always evaluate the bids from standpoint of looking at unbalances. It is our opinion that the bid is not unbalanced. This is an extremely complicated project and there was some 54 bid items on this project. In reviewing all the bid items, there were three that showed some variance and that is mobilization, and Tank 1 work and Tank 2 work which were bid items 101, 405 and 406."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW/Office of Engineering & Construction - WC 1173R - cont'd

There -- in our opinion, and these were the three -- okay, these were the three largest bid items. They represented approximately 60% of the work -- of the total bid. So, we looked at that and it's our -- it's our engineering judgement that's very difficult to separate the mobilization by itself, and the mobilization showed associated with Tank 1 work and the Tank 2 work. So, it was our opinion, that we aggregate these three bid items together, which we did in our analysis. When we aggregate them together, they all -- the variance basically went away. It was very minor, it ranged anywhere from uh -- 50, let's see, 55%, not the variance, but 55% to 67% of the total bid of each of the bidders. Interestingly enough, the low bidder for these three items total some 32 million dollars which was the lowest of all four bidders. So, in our opinion, we -- from an engineering standpoint, we recommended that the project be awarded to Allan Myers."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW/Office of Engineering & Construction - WC 1173R - cont'd

President: "Okay."

Mr. Donaldson: "Thank you."

Mr. Scott Livingston: "Good -- good morning, my name is Scott Livingston, I'm an attorney, and I'm here representing my client that's represented in turn by Allan McCulloh. I represent Ulliman and Schutte. It's a contractor that's been in this business for many, many years. The purpose of the bid protest is to protect the procurement and integrity of Baltimore City. Speaking generally, when an RF -- an invitation for bids goes out, the solicitation has a cap on mobilization. Mobilization is the money gets paid the first month, half of that first month, and then its get spread out over the next four or five months. So, what happened here is that Allan Myers has taken advantage of the City's mistake. In general, DPW usually has a cap on mobilization, it didn't here. And everyone's respective capacity as a prospective bidder, not a contractor, bidders don't have to call up and say hey you made a mistake."

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

DPW/Office of Engineering & Construction - WC 1173R - cont'd

But they shouldn't be taking advantage of it. So you're going to give an interest free loan to Allan Myers. If everybody knew that they can bid up 23% on mobilization, you'd get different prices. But we didn't know that. We bid at with about 9% mobilization. That's -- that's on the high side of reasonable. But, this at 23% puts Baltimore City at risk. Suppose you actually paid that. First of all, you have to pay that because that's what the contract documents say. It's illegal for these folks to make -- negotiate a deal where they are going to spread out the mobilization over a longer period of time just to accommodate this bid protest. That's impermissible. So, if you find out that's what's happened, then the City Council should be noticeably unhappy. Next, the 20 -- the roughly 12 million dollars that Allan Myers is going to get in the first six months puts you all at risk. Usually, DPW is very tough on this.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW/Office of Engineering & Construction - WC 1173R - cont'd

Usually, DPW only pays money in exchange for value received, not promised to be performed later. You are not going to have 23% of the project done by the time you spend 23% of the money, you'll have 13% of the project done. So here's what happened, that statistic Sir, is uh -- expressed, uh -- I think it's on--"

Comptroller: "Let me -- let me ask you a question right there.

Mr. Livingston: "--on page 3."

Comptroller: "It's my understanding that they're not going to get the 23% of 12 million that they're going to get 50% of the 12 million minus 10% for retainage so they're not going to get the entire 12 million?"

Mr. Livingston: "Yeah, the retainage works just like you said. Fifty percent gets paid on the first month and the remaining 50% gets spread out over the next six months, or five months. And then it's also true that if a contractor performs 100 hours' worth of work in the first half of the project, he gets paid 90. The other 10% being kept as retainage. That's -- that's right."

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

DPW/Office of Engineering & Construction - WC 1173R - cont'd

Comptroller: "Okay."

Mr. Livingston: "And so with that -- it -- DPW as far as I know, always has a cap on mobilization. This one slipped through. So, why would -- why does Baltimore City have that practice? Oh, I know why, because it doesn't want to give a disincentive to the contractor to walk away. I'm not saying Allan Myers will do that. Secondly, it wants to not make interest free loans to contractors. You all borrow money, you go to the New York -- you know about this more -- the New York houses and they look at your debt, and they look at your spending practices and that's why you have a terrific credit rating, that's part of the reason. But you don't borrow money on municipal bonds and then lend it to a contractor, at least historically you don't. This time, you're poised to do that. That can't be a good practice. So, what we think you should do is reject all proposals and then tell everybody, look, there are no interest free loans for mobilization."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW/Office of Engineering & Construction - WC 1173R - cont'd

The cap is such and such percentage, 5 or 10 percent, and that way we will all be competing on equal footing. Nobody taking advantage of the City's mistake. So, that's what I think you should do. It seems like a lot of money to go pay 54 million dollars versus 58 to pay 58 million for it -- so we're not particularly recommending award to us, because we were not all competing on equal footing, and when that happens normally, you -- you reject all bids and you try again."

City Solicitor: "Mr. Livingston, would you concede or accept the proposition that the mobilization effort for this particular contract is unusually complicated and not a standard mobilization where you're doing a project out in the middle of a vacant lot, you are doing it rather in the middle of a neighborhood pursuant to a MOU that's taken a couple of years to negotiate involving the utilization of property owned by Loyola College to the north of the site, that this a different and more complicated mobilization undertaking than normal, would you agree with that?"

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

DPW/Office of Engineering & Construction - WC 1173R - cont'd

Mr. Livingston: "It's a complicated project--"

City Solicitor: "I'm talking about the mobilization in particular."

Mr. Livingston: "It took a long time -- yeah, the mobilization? I don't know if that is or is not but that -- if that were true, what should have happened is that should have been disclosed described in mobilization and you still should have had a cap on it. Maybe the cap would have been 25% and then my client would have bid --hey, we're going to get an interest free loan for the first several months, great."

City Solicitor: "I assume the MOU was a part of the contract documents?"

Mr. Livingston: "I don't know if it was or not, even if it--"

City Solicitor: "I'm -- the agency says yes, it was."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW/Office of Engineering & Construction - WC 1173R - cont'd

Mr. Livingston: "Good.

City Solicitor: "Outlining all of the complicated and negotiated things that impact mobilization that were negotiated with Loyola and the residential neighborhood around the reservoir."

Mr. Livingston: "That's a good thing because if you negotiated all the complicated things in advance, which is a smart thing for a government to do, there's not much for us to do other than what we're told."

City Solicitor: "To comply with the complicated arrangements?"

Mr. Livingston: "Well sure."

City Solicitor: "Okay."

Mr. Livingston: "We complied with the specifications, that's standard fare. He was my boss 35 years ago, so I'm not exactly - anyway uh --"

City Solicitor: "We've both traveled a lot since then, right?"

Mr. Livingston: "You didn't have gray hair."

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

DPW/Office of Engineering & Construction - WC 1173R - cont'd

City Solicitor: "Neither did you."

Mr. Livingston: "Right, so, I think that Baltimore City has a decent procurement system and it ought to use the same procurement system that it usually does, have a cap on mobilization. Otherwise, you're vulnerable for taking -- being taken advantage of. So, under that circumstance, I recommend that the reject -- the City reject all propo -- all bids or proposals, whichever -- all bids, and then re-solicit. Now, you've already done that once in this project. Um -- there was a -- this project contemplates a particular specialty item with huge tanks -- concrete tanks that go underground. Thousands -- numerous tons of um -- dirt that comes back in and the idea was well, let's just award it to the guy who going to be doing the fancy sub -- subcontract work. Well, that didn't work out. There were a bunch of reasons for that. So, now it's been re-bid."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW/Office of Engineering & Construction - WC 1173R - cont'd

So, this is not a project that it has particularly have to start immediately, it's a project that ought to be put out for bid, with parties competing on equal footing -- all knowing the complicated uh -- MOU, Memorandum of Understanding with the neighbors and all restricted to mobilization and no more than a precise X percent. I don't know the Deputy DPW person yet but you ask her. Typically, do you have a cap on mobilization? I'm speculating she's going to say yeah, we always do."

Dale Thompson: "I would not really know, I'm not an Engineer."

Mr. Livingston: "Alright."

President: "Okay."

Michael Mullen: "Michael Mullen from the Law Department. I -- I disagree with a comment about the cap. There was no cap on this project at all and there's a good reason why there was none. It's because of the complicated mobilization that Mr. Nilson just talked about. The MOU is in fact part of the contract. The mobilization document was a special condition of the contract. It lists a laundry list of items that are included in the mobilization process."

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

DPW/Office of Engineering & Construction - WC 1173R - cont'd

President: "So -- so you're saying that um -- both companies had the same information?"

Mr. Mullen: "Yes."

President: "--and it was all on equal footing?"

Mr. Mullen: "Absolutely Mr. President, they have the same--"

President: "I will entertain a Motion."

City Solicitor: "I -- I Move denial of the bid protest and acceptance of the recommendation of the agency to award to the low bidder."

Comptroller: "Second."

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

Mr. Mullen: "Thank you."

President: "Thank you."

Comptroller: "You want me to say it now?"

President: "Yeah, go ahead."

MINUTES

Comptroller: "I would like to record to reflect that I omitted to announce that Dale Thompson -- Dale Thompson is sitting in for Director Rudy Chow, with the Department of Public Works."

* * * * *

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**DPW/Office of Engineering & Construction - cont'd

5. SC 939R, Maiden's Choice Pressure Sewer Condition Assessment & Uplands Sewer Replacement **REJECTION** - On Wednesday, August 12, 2015, the Board opened two bids for the subject project. The bids ranged from a low of \$2,225,954.00 to a high of \$2,963,320.00. Both bids were significantly over the Engineer's Estimate. The Department feels the rejection of all bids is in the best interest of the City and will request permission to re-advertise the solicitation at a later date.

Bureau of Purchases

6. B50004022, Mowing, Maintenance & Landscaping Services for Clusters Lorenz Lawn & Landscape, Inc. \$ 569,792.00

(Dept. of Recreation & Parks and all City agencies)

MWBOO SET GOALS OF 27% MBE AND 9% WBE.

MBE: 4 Evergreen Lawn Care \$153,845.00 27%

WBE: Fouts Lawn Care Corp., Inc. \$ 51,300.00 9%

MWBOO FOUND VENDOR IN COMPLIANCE.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

- | | | | |
|----|--|------------------------------------|----------------|
| 7. | B50004271, Baltimore
City Weatherization
Assistance Program -
HVAC 2015 | TRA Preventive
Maintenance, LLC | \$7,000,000.00 |
|----|--|------------------------------------|----------------|

(Dept. of Housing &
Community Development)

MWBOO SET GOALS OF 27% MBE AND 2% WBE.

MBE:	TRA Preventive Maintenance, LLC*	35%
	King Mechanical Co., Inc.**	<u>27%</u>
	Total	62%

WBE:	Absolute Supply & Services, LLC	2%
-------------	---------------------------------	----

*Indicates Self-Performing

**The MBE subcontractor is not in good standing with the Department of Assessment and Taxation. The bidder will be allowed to substitute an approved MBE if King Mechanical Company, Inc. is not in good standing at the time of award.

MWBOO FOUND VENDOR IN COMPLIANCE.

- | | | | |
|----|---|---|----------------|
| 8. | B50004299, O.E.M.
Parts and Service
for FUSO Mitsubishi
Trucks | Waste Equipment Sales
and Service, LLC | \$4,000,000.00 |
|----|---|---|----------------|

(Dept. of General Services,
Fleet Management)

MWBOO GRANTED A WAIVER.

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**Bureau of Purchases

9. B50004356, Leasing All Car Leasing, Inc. \$ 700,000.00
4x4 Sport Utility d/b/a Nextcar
Vehicles

(Dept. of Transportation)

MWBOO GRANTED A WAIVER.

Bureau of Purchases

10. B50004310, Uniform **REJECTION** - Vendors were solicited
Jackets for Fire by posting on CitBuy, eMaryland
Department Marketplace and in local news-
papers. Three bids were received
and opened on October 28, 2015.
Two bidders were found non-respon-
sive due to submitting unbalanced
pricing, and one bidder was found
non-responsive due to failure to
submit required bid forms. It is
therefore in the best interest of
the City to reject all bids.

MINUTES

Department of Public Works/Office - Final Release of Retainage
of Engineering & Construction

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Final Release of Retainage agreement with The Whiting-Turner Contracting Company for Sanitary Contract No. 870, Scum/Grease System Improvements at the Back River Wastewater Treatment Plant.

AMOUNT OF MONEY AND SOURCE:

\$534,950.00 - 9956-902685-9551-000000-200001

BACKGROUND/EXPLANATION:

The Whiting-Turner Contracting Company has completed 100% of all work for SC 870. The Contractor has requested a Final Release of Retainage for \$534,950.00. Currently the City is holding \$534,950.00 in retainage for the referenced project and the contractor is requesting to reduce the amount of retainage to \$0.00.

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 Final Release of Retainage agreement with The Whiting-Turner Contracting Company for Sanitary Contract No. 870, Scum/Grease System Improvements at the Back River Wastewater Treatment Plant.

MINUTES

Department of Public Works/Office - Partial Release of Retainage
of Engineering & Construction

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Partial Release of Retainage agreement with Ulliman Schutte Construction, LLC for Sanitary Contract No. 868, Liquid Oxygen Plant Improvements at Patapsco Wastewater Treatment Plant.

AMOUNT OF MONEY AND SOURCE:

\$283,642.64 - 9956-903552-9551-000000-200001

BACKGROUND/EXPLANATION:

Ulliman Schutte Construction, LLC, as of August 14, 2015, has completed 100% of all work for SC 868. The Contractor has requested a Partial Release of Retainage for \$283,642.64. Currently the City is holding \$298,571.20 in retainage for the referenced project and the contractor is requesting to reduce the amount of retainage to \$14,928.56. The remaining amount of \$14,928.56 is sufficient to protect the interest of the City.

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 Partial Release of Retainage agreement with Ulliman Schutte Construction, LLC for Sanitary Contract No. 868, Liquid Oxygen Plant Improvements at Patapsco Wastewater Treatment Plant.

MINUTES

Department of Public Works (DPW) - Amendment No. 2 to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Amendment No. 2 to Agreement with Whitman, Requardt & Associates, LLP, under W.C. 1160, Montebello Plant 2 Finished Water Reservoir Cover, Post Award Services. The Amendment No. 2 extends the period of the agreement through December 24, 2016.

AMOUNT OF MONEY AND SOURCE:

\$0.00 - 9960-904694-9557-900020-703032

BACKGROUND/EXPLANATION:

On March 4, 2010, the Board approved an agreement with Whitman, Requardt & Associates, LLP to provide post award services for the construction of Montebello Plant 2 Finished Water Reservoir.

The Department would like to extend the original agreement for an additional year. The Consultant will provide assistance with judgments against the City for remaining construction claims.

MBE/WBE PARTICIPATION:

The consultant will continue to comply with all terms and conditions of the Minority and Women's Business Enterprise programs, in accordance with Article 5, Subtitle 28 of the Baltimore City Code.

APPROVED FOR FUNDS BY FINANCE

AUDITS NOTED THE TIME EXTENSION.

MINUTESDepartment of Public Works - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Amendment No. 2 to Agreement with Whitman, Requardt & Associates, LLP, under W.C. 1160, Montebello Plant 2 Finished Water Reservoir Cover, Post Award Services.

MINUTES

Department of Public Works/Office - Task Assignment
of Engineering & Construction

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 8, to Louis Berger Water Services, Inc., under Project No. 1405, (SC 877) Construction Management Assistance Services Inspection Services.

AMOUNT OF MONEY AND SOURCE:

\$1,087,205.07 - 9956-904564-9551-900010-705032

BACKGROUND/EXPLANATION:

The Office of Engineering & Construction is in need of continued assistance from Louis Berger Water Services, Inc., to provide on-site inspection services on S.C. 877 Enhanced Nutrient Removal Process at the Back River Wastewater Treatment Plant for the Bureau of Water & Wastewater, Department of Public Works.

MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 8, to Louis Berger Water Services, Inc., under Project No. 1405, (SC 877) Construction Management Assistance Services Inspection Services. The President Voted **NO**.

MINUTES

Department of Public Works/Office - Task Assignment
of Engineering & Construction

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 14, to Hazen & Sawyer, P.C., under Project 1406, (SC 920) Project and Construction Management Assistance Services.

AMOUNT OF MONEY AND SOURCE:

\$235,330.00 - 9956-904623-9551-900020-705032

BACKGROUND/EXPLANATION:

The Office of Engineering & Construction is in need of assistance from Hazen & Sawyer, P.C. to provide continued on-site inspection services on S.C. 920, Improvements to Gwynns Falls Sewershed Collection System-Area A.

MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 14, to Hazen & Sawyer, P.C., under Project 1406, (SC 920) Project and Construction Management Assistance Services. The President Voted **NO**.

MINUTES

Department of Public Works/Office - On-Call Agreement
of Engineering and Construction

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the On-Call Agreement with Hazen and Sawyer, P.C., under Project 1502, On-Call Project and Construction Management Assistance Services. The period of the agreement is for four years upon Board approval, or until the upset limit is reached, whichever occurs first.

AMOUNT OF MONEY AND SOURCE:

\$4,000,000.00 - Upset limit

BACKGROUND/EXPLANATION:

The Construction Management Division is in need of assistance from Hazen and Sawyer, P.C. to provide construction monitoring and inspection, preparation of daily reports, maintenance of project records and documentation, review of contractor's application for payment, attendance at progress meetings, preparation of record drawings, and review of contract claims and supports, estimating, scheduling, project engineering, constructability reviews, submittal reviews and responses, RFI reviews and responses, and construction contract administrative support under this on-call agreement.

This on-call agreement is necessary to provide services related to Consent Decree projects and other infrastructure related to projects and will allow great latitude in staffing and funding availability to ensure that the requirements and deadlines for those projects are met.

The consultant was approved by the Architect and Engineering Awards Commission procedures, under AEAC Project No. 1230.

MINUTES

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

MBE/WBE PARTICIPATION:

MBE: Transviron, Inc.	\$1,080,000.00	0-27%
Savin Engineer, P.C.	\$1,080,000.00	0-27%
Techno Consultant, Inc.	\$1,080,000.00	0-27%
Total Aggregate	\$1,080,000.00	0-27%
WBE: Albrecht Engineering, Inc.	\$ 400,000.00	0-10%
Ross Technical Services, Inc.	\$ 400,000.00	0-10%
Total Aggregate	\$ 400,000.00	0-10%

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the On-Call Agreement with Hazen and Sawyer. P.C., under Project 1502, On-Call Project and Construction Management Assistance Services. The President Voted **NO.**

MINUTES

Department of Finance - Department of Transportation
Quadrennial Performance Audit for
Fiscal Years 2010, 2011, 2012, and 2013

ACTION REQUESTED OF B/E:

The Board is requested to **NOTE** the Department of Transportation Quadrennial Performance Audit for Fiscal Years 2010, 2011, 2012, and 2013.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

In accordance with AM Policy 404-5, Quadrennial Audit Policy, the Department submits to the Board, the Department of Transportation Quadrennial Performance Audit for Fiscal Years 2010, 2011, 2012, and 2013.

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

Pursuant to the audit findings, a Quadrennial Audit Committee will be established to address findings that are of a corporate entity-wide nature, and not limited to a specific Principal Agency.

The purpose of the Quadrennial Audit Committee will be to develop, implement, and evaluate policies designed as Corrective Action Plans for audit findings that are corporate entity-wide.

MINUTES

Department of Finance - Quadrennial Audit - cont'd

MBE/WBE PARTICIPATION:

N/A

President: "The third item on the non-routine agenda can be found on page 61, Department of Finance, Department of Transportation, Quadrennial Performance Audit for Fiscal Year 2010, 2011, 2012, 2013. Will the parties please come forward? Okay, hello"

Ms. Melissa Hamilton: "Good morning, I'm Melissa Hamilton with Hamilton Enterprises. We're the independent accounting firm that performed the audit on the Department of Transportation Performance Audit. Um -- we did this audit as part of the Council Bill 12-53 which amended the Charter to require all principal agencies to undergo a performance audit once every four years. The objectives of our audit were to assess the reliability, validity, relevance of five performance measures concerning program effectiveness and efficiency during the fiscal year ending June 30, 2010 through June 30, 2013. Um -- we found instances where the DOT was unable to provide supporting documentation to substantiate the amounts reported for the target or actual performance measures within a review scope of our audit.

MINUTES

Department of Finance - Quadrennial Audit - cont'd

Um -- additionally, we found, during the period of our audit, DOT did not maintain adequate policies, procedures, or internal controls related to measurement of evaluation and reporting of the measures. Um -- and we did not see that they demonstrated a system of accountability and oversight for the measures."

President: "Okay."

Mr. William Johnson: "Good morning Mr. President."

President: "Good morning."

Mr. Johnson: "Members of the Board, my name is William Johnson, Director of the Department of Transportation for the City of Baltimore. DOT has reviewed the uh -- audit and the findings of the audit and we are in agreement with the uh -- findings of the audit. DOT will work with the Finance Department at CitiStat and other agencies uh -- to provide uh -- or develop uh -- citywide policies for document retention. Not only in terms of the time of retention but also the type of documentation that would be uh -- retained to support uh -- performance measures going forward."

MINUTES

Department of Finance - Quadrennial Audit - cont'd

In addition, I'd like to point out that DOT, does undergo routine audits both by the State and the Federal government in relation to all of the funding received by DOT for the maintenance of our roadway system as well as for the bridges, streetlights, etcetera and would point out that these audits have consistently come back with no significant findings and no issues related to our financial performance or our management and -- and execution of projects uh -- that we're entrusted with for the City. Thank you."

President: "Okay, so the assurances you're giving us, is that you're going to work with um -- the Finance Department to put proper procedures in place that these things will be addressed in future audits?"

Mr. Johnson: "Yes, sir."

President: "Okay, um - and -- and the Department of Transportation will take ownership of this, right?"

MINUTES

Department of Finance - Quadrennial Audit - cont'd

Mr. Henry Raymond: "Good morning Mr. President, Madam Mayor, Honorable members of the Board, I'm Henry Raymond, Director of Finance. To address your question, uh -- the Finance Department will be convening a Quadrennial Audit Committee to develop policies, procedures, guidelines, etcetera uh -- to address the findings with the Department of Transportation. And the purpose of this committee is really to address issues, findings from all of the quad audits that uh -- cut across City agencies. So, because this is related to performance metrics and budgeting process and outcome status as well as CitiStat, we will take the lead on convening this. My final comment regarding uh -- this audit is that this audit resulted in uh -- nothing related to waste, fraud, and abuse, no misappropriation of funds, no intentional uh -- negligent behavior on behalf of the agency, this is uh -- administrative matters. And I guess the final comment is that um -- at the time of this audit period, we did not have um -- requirements for agencies to retain the type of documentation that they've been cited for. So, all of this will be reviewed with the uh -- Quadrennial Audit Committee."

MINUTES

Department of Finance - Quadrennial Audit - cont'd

President: "Okay."

Mr. Raymond: "Thank you."

President: "Well um -- I will just ask that um -- the Department of Transportation come back um -- in six months and give us an update on their progress. Um -- are you satisfied with the findings um -- and the remedies that Department of Transportation have -- have just addressed?"

Ms. Hamilton: "We've seen that they have already started to take action on the findings and so we think they're progressing in the right direction."

President: "Okay, um -- did you want to wait until after Joan?"

Mayor: "Um --"

President: "Comptroller."

Comptroller: "Basically, you -- you answered my question. So these um -- corrective actions will be implemented during Fiscal 2016. The other question I was -- I was concerned about, of the remaining 11 services, do you believe that it will be the same type of comments for the other remaining services that DOT offers, with lack of sufficient documentation?"

MINUTES

Department of Finance - Quadrennial Audit - cont'd

Ms. Hamilton: "If that question is directed to me, I can't answer that question without actually--"

Comptroller: "Okay, Mr. Johnson?"

Mr. Johnson: "Madam Comptroller, I believe that because there was no policy for retention and collection of this type of supporting documentation at that time, it's highly likely that it's a similar finding across the rest of DOT and possibly other agencies as well."

Comptroller: "Okay."

President: "Okay. Thank you, Madam Mayor."

Mayor: "Thank you very much. I just have a few comments I wanted to share. I welcome the findings--"

President: "You want me to do that before I make Note --"

MINUTES

Department of Finance - Quadrennial Audit - cont'd

Mayor: "Yes."

President: "Okay."

Mayor: "I welcome the findings of the audit and any opportunity that we have to improve the processes of government. We take very very seriously the central finding of the lack of a clear process for keeping documents that support performance data. That's why we will be creating, as the Director of Finance said, a Quadrennial Audit Committee to generate recommendations for a city-wide policy governing the maintenance of document -- documents supporting reported performance data. This key finding in the audit is not a surprise. We've been proactive in taking measures to address issues identified in the audit long before the *-audit report existed. Specific to supporting documentation for performance measures, we've been requesting source documentation for data through our budget process starting the beginning of Fiscal Year 2015. We've also begun efforts to create a data warehouse, which is intended to automate data collection."

MINUTES

Department of Finance - Quadrennial Audit - cont'd

The data warehouse will remove the manual aspect of retention of supporting documents and this will allow us to improve the reliability of the data, while saving time and energy that is currently required of staff in order to meet all the documentation retention standards cited in the audits. The audit also generally highlights as a historical gap in data being collected by our performance management wing in CitiStat and our Finance team through our Outcome uh -- Budgeting process. This gap between performance management and resource allocation is specifically why I pushed to create an OutcomeStat model. OutcomeStat will connect our goals, strategies and implementation efforts, so that as a government we understand whether our -- whether our strategies are being implemented effectively on a day to day basis, whether the strategy itself is effective in moving our City toward our long-range goals. This synchronization between CitiStat and Budgeting is something that has never existed in the City before, but it is the direction I chose because I felt that we needed to give the City of Baltimore more cutting-edge government and more innovation around management and outcomes.

MINUTES

Department of Finance - Quadrennial Audit - cont'd

Again, I want to thank the audit team for its work and I look forward with working -- to working with our team to implement recommendations and making the necessary improvements."

President: "Thank you, um--"

Comptroller: "I'd like -- I would like to request that the Comptroller also sit on that Quadrennial Committee, Audit Committee."

President: "Okay, the audit has been NOTED."

* * * * *

UPON MOTION duly made and seconded, the Board **NOTED** the Department of Transportation Quadrennial Performance Audit for Fiscal Years 2010, 2011, 2012, and 2013.

MINUTES

Mayor's Office of Information - Consultant Agreement
Technology (MOIT)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Consultant Agreement with Metrix Technology Engineering, LLC. The period of the consultant agreement is effective upon Board approval for one year.

AMOUNT OF MONEY AND SOURCE:

\$48,000.00 - 1001-000000-1512-167700-601001

BACKGROUND/EXPLANATION:

Metrix Technology Engineering, LLC (CRM Technology Engineer) will perform duties that will include, but will be not limited to the following:

a. Assisting with planning activities:

Given the importance, size, and complexity of the 3-1-1 Customer Resource Management (CRM) technology refresh project, it is likely that the City will be guided by an overall strategic plan which maps the intended improvements and investments in the enhanced 3-1-1 technology to the strategic goals of the Mayor and City Council of Baltimore (City). Such a plan could be exemplified by a model that has been submitted, which shows in a very straightforward fashion how the 3-1-1 CRM technology acts as the core of the entire municipal ecosystem and easily describes the 3-1-1 upgrade mission to all City stakeholders. The Consultant has adapted this plan for clients such as Philadelphia, Mobile, Sarasota County, and Birmingham (UK), and can customize it for use in the City, as well. In addition, the Consultant is prepared to develop financial models that show the fiscal impact of the new 3-1-1 technology investment and return on investment (ROI) to the municipal enterprise,

MINUTES

MOIT - cont'd

- b. Assisting with project management activities:

The Consultant will provide project management and quality assurance support throughout the life-cycle of the 3-1-1 CRM technology refresh project associated with major activities, including procurement, vendor selection, application con-figuration, data conversion, agency implementation, existing systems integration, change management, training, and on-going operations and maintenance,

- c. Assisting with procurement activities:

The Consultant will assist MOIT and the Bureau of Purchases with the continuing solicitation process associated with the Request for Proposals (RFP) to provide a 3-1-1 CRM System currently underway. In close concert with the City's Bureau of Purchasing and MOIT, the Consultant can also serve as a "problem-solving" agent for correcting specific issues as they arise,

- d. Assisting with business process re-engineering activities:

The Consultant can instruct and assist City agencies in the area of the business process re-engineering activities in support of the enhanced capabilities and features offered by the new CRM solution (e.g., improvements to service request identification and definition, process flow mapping, service request target durations, knowledge-based FAQs, and citizen communication channels, etc.),

- e. Assisting with CitiStat integration activities:

The Consultant will work together with City agencies, CitiStat analysts, and the CRM system technical staff to develop more integrated and/or automated service request report templates that delineate real-time performance, backlog and overdue workload, and adherence to duration targets, trends, etc.,

MINUTES

MOIT - cont'd

- f. Assisting with marketing and public relations activities:

The Consultant will assist the City with the preparation of a 3-1-1 marketing and public relations program for internal and external customers which "extols" the significance of the "new and improved" 3-1-1 CRM system,

- g. Assisting with GIS activities:

The Consultant will inventory current capabilities and features associated with the legacy CRM system, and assist City GIS staff to achieve equivalent or better GIS functionality in the refreshed 3-1-1 system. The Consultant may also work with the City GIS staff to assure sufficient readiness for the new 3-1-1 system "go-live,"

- h. Assisting with stakeholder training and change management activities:

The Consultant can specify and outline appropriate training courses for general operating personnel and supervisors that correspond to the new CRM technology, and

- i. Assist with agency "go live" planning and execution activities:

The Consultant will assist agencies with its specific implementation and "go live" planning, which could include consideration for new service request generation, enhancement to existing service requests, work-flow validation, data conversion, interface development, and testing. The development may also assist with planning for and executing "day 1" cutover, including facilitating the required support for a smooth transition.

MINUTES

MOIT - cont'd

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Consultant Agreement with Metrix Technology Engineering, LLC.

MINUTES

Department of Housing and - Acquisition by Gift
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve the acquisition of the property fee simple interest, in 2633-37 Frederick Avenue as a gift from Max Daddy LLC, **SUBJECT** to all municipal liens, interest, penalties, other than water bills that may accrue prior to recording of a deed.

AMOUNT OF MONEY AND SOURCE:

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

BACKGROUND/EXPLANATION:

The DHCD's Land Resources Division strategically acquires and manages vacant or abandoned properties, ultimately enabling these properties to be returned to productive use and improving Baltimore's neighborhoods.

Max Daddy LLC has offered to donate title to the property located at 2633-37 Frederick Avenue. The City will receive clear and marketable title to the property **SUBJECT** only to certain City liens. The City's acceptance of this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain. The liens for 2633-37 Frederick Avenue are itemized as follows:

Tax Sale Cert. #297119	Tax Sale Date: 05/18/2015	\$ 5,734.37
Tax Sale Cert. #270697	Tax Sale Date: 10/24/2012	3,489.25
Rental Registration	Registration #004660	672.90
Environmental Fine	Citation #53229555	1,500.00
Environmental Fine	Citation #5403401	50.00
Real Property Taxes	Tax Year 2015/2016	24.06
Real Property Taxes	Tax Year 2012/2013	495.17

MINUTES

DHCD - cont'd

Miscellaneous Bills	Bill #6657282	265.19
Miscellaneous Bills	Bill #6741474	262.61
Miscellaneous Bills	Bill #6761357	494.08
Miscellaneous Bills	Bill #6912489	158.89
Miscellaneous Bills	Bill #6912794	153.58
Miscellaneous Bills	Bill #6930739	188.33
Miscellaneous Bills	Bill #6931745	153.58
Miscellaneous Bills	Bill #7007842	155.44
Miscellaneous Bills	Bill #7008295	160.81
Miscellaneous Bills	Bill #7286461	198.96
Miscellaneous Bills	Bill #7287568	267.70
Miscellaneous Bills	Bill #7362007	238.49
Total:		\$14,663.41

The listed municipal liens, other than current water bills, will be administratively abated after settlement.

UPON MOTION duly made and seconded, the Board approved the acquisition of the property fee simple interest, in 2633-37 Frederick Avenue as a gift from Max Daddy LLC, **SUBJECT** to all municipal liens, interest, penalties, other than water bills that may accrue prior to recording of a deed.

MINUTES

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

ACTION REQUESTED OF B/E:

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

AMOUNT OF MONEY AND SOURCE:

\$46,750.00 - 2089-208916-5930-437191-603051

BACKGROUND/EXPLANATION:

CHAI will assist low- and moderate-income households in purchasing a home for owner-occupancy by providing home buying education and counseling services. CHAI will also provide default and delinquency counseling to assist low- and moderate-income existing homeowners with foreclosure prevention and in obtaining mortgage modifications.

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

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

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

MINUTES

DHCD - cont'd

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Community Development Block Grant Agreement with Comprehensive Housing Assistance, Inc. (CHAI).

MINUTES

Department of Housing and - Land Disposition Agreement
Community Development (DHCD)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Land Disposition Agreement with Ethan Kennedy Investments, LLC, Developer, for the sale of the City-owned property located at 119 S. Calhoun Street.

AMOUNT OF MONEY AND SOURCE:

\$5,000.00 - Purchase Price

BACKGROUND/EXPLANATION:

The project will consist of the rehabilitation of the vacant property for sale to a homeowner. The Developer plans to invest a total of \$80,000.00 in rehabilitation costs for this project. The project will be privately financed.

The property was valued pursuant to the appraisal policy of Baltimore City through the Waiver Valuation Process. The Waiver Valuation price for 119 S. Calhoun Street was \$5,000.00 and the purchase price will be \$5,000.00.

MBE/WBE PARTICIPATION:

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

MINUTES

DHCD - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Land Disposition Agreement with Ethan Kennedy Investments, LLC, Developer, for the sale of the City-owned property located at 119 S. Calhoun Street.

MINUTESDepartment of Human Resources - Personnel Matters

The Board is requested to approve the Personnel matters below:

Department of Recreation and Parks

	<u>Hourly Rate</u>	<u>Amount</u>
1. ALEXIA CLIFTON	\$60.00	\$62,400.00

Account: 1001-000000-4803-371400-601009

Ms. Clifton will work as a Contact Services Specialist II, Health and Wellness Instructor. She will be responsible for providing fitness instruction and curriculum to part-time Departmental fitness instructors, providing new or different ideas by programming or suggestions to increase participation and decrease underutilization of Department's Recreation Centers. She will also assist with advertising strategies or other grassroots attempts to increase recognition or market value in City communities, and will provide safe and effective exercise instruction and demonstrating proper use and form on exercise equipment. The period of the agreement is effective upon Board approval for one year.

Office of Civil Rights & Wage Enforcement

2. ELIZABETH ROBIN MORSE	\$33.65	\$35,000.00
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Account: 1001-000000-1562-171500-601009

Ms. Morse will work as a Contract Services Specialist II, Mediation Coordinator. She will be responsible for coordinating the mediation process between the Civilian Review Board complainants, Baltimore City Police Officers, and the organization providing mediators. She will also conduct initial intakes with complainants as well as the police officers and all correspondence from the City to parties involved. The period of the agreement is effective upon Board approval through June 30, 2016.

MINUTES

DHR - cont'd

Mayor's Office of Information Technology

	<u>Hourly Rate</u>	<u>Amount</u>
3. PATRICIA FULLER	\$50.00	\$95,300.00

Account: 9903-928007-9116-900000-708096

Ms. Fuller will work as a Contract Service Specialist II, Business Analyst/Web Coordinator. Her duties will include, but are not limited to becoming proficient in Drupal content management and editing, using Drupal content management skills to coordinate and conduct training for content editors, creating and maintaining a Drupal training materials library. She will also document requirements from agencies for new and revised Web pages, coordinate with Webmaster and other Web Developers to implement revisions, communicate project status and website policies and guidelines. In addition she will make additions and changes to the website, record and track errors and deficiencies, participate in drafting and publishing website policies and guidelines, and assist the Citywide Website Project Manager in creating project plans and schedules. The period of the agreement is effective upon Board approval for one year.

4. SAMUEL BOWDEN	\$28.19	\$33,831.00
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Account: 2042-000000-1474-165700-601001

Mr. Bowden, retiree will work as a Contract Service Specialist I, Information Security Analyst. His duties will include, but are not limited to, assisting the Security Engineer with incident response management, assisting with the modification of computer security files to incorporate new software, correct errors, or change individual access status, conferring with users to discuss issues such as computer data access needs, security violations, and programming changes.

MINUTES

DHR - cont'd

Mayor's Office of Information Technology - cont'd

He will also coordinate the implementation of computer plans with enterprise personnel and outside vendors, develop and implement IT Security plans, policies and standards. In addition, he will develop security awareness by providing orientation, educational programs, and on-going communication to ensure system and to improve server and network efficiency, document computer security and emergency measures policies, procedures, and performing testing; establishing computer and terminal physical security by developing standards, policies, and procedures, etc.

THE PERSONNEL MATTERS HAVE BEEN APPROVED BY THE EXPENDITURE CONTROL COMMITTEE.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Personnel Matters.

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

Due to an administrative oversight the contract lapsed prior to renewal. This renewal in the amount of \$0.00 is for the period December 10, 2015 through December 9, 2016, with two 1-year renewal options remaining.

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|---|---------------------|----------------|
| 4. <u>QIAGEN, INC.</u> | <u>\$ 60,000.00</u> | <u>Renewal</u> |
| Contract No. 08000 - DNA Lab Consumables - Police Department - P.O. No. P522068 | | |

On December 5, 2012, the Board approved the initial award in the amount of \$60,000.00. The award contained three 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$60,000.00 is for the period January 1, 2016 through December 31, 2016. The above amount is the City's estimated requirement.

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|---|----------------|----------------|
| 5. <u>LIFE TECHNOLOGIES, CORPORATION</u> | <u>\$ 0.00</u> | <u>Renewal</u> |
| Contract No. 08000 - DNA Investigator Kits - Police Department - P.O. No. P522067 | | |

On December 5, 2012, the Board approved the initial award in the amount of \$181,000.00. The award contained three 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$0.00 is for the period January 1, 2016 through December 31, 2016. The above amount is the City's estimated requirement.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR AMOUNT OF AWARD AWARD BASIS

Bureau of Purchases

6. EXCEL STAFFING AND PERSONNEL SERVICES, INC. \$7,400,000.00 Renewal
 Contract No. B50002453 - Providing Temporary Nursing Services

On December 5, 2012, the Board approved the initial award in the amount of \$1,500,000.00. The award contained one 1-year renewal option. Subsequent increases have been approved.

This sole renewal in the amount of \$7,400,000.00 is for the period January 1, 2016 through December 31, 2018. The above amount is the City's estimated requirement.

MWBOO SET GOALS OF 15% MBE AND 8% WBE.

	<u>Commitment</u>	<u>Performed</u>
MBE: Trustworthy Staffing Solutions	15%	\$313,828.50 15.3%
WBE: Dependable Nursing Services	8%	\$423,857.25 20.7%

MWBOO FOUND VENDOR IN COMPLIANCE.

7. LAWMEN SUPPLY COMPANY, INC. \$ 0.00 Item 16
 HOWARD UNIFORM COMPANY 280,000.00 Items 2-4, 7, 10 & 15
 F&F AND A. JACOBS & SONS, 310,000.00 Items 1, 5, 6,
 INC. 8, 9, 11-14, & 16

\$ 590,000.00 Renewal
 Contract No. B50003266 - Police Uniforms - Police Department - P.O. Nos. P526078, P526079, and P526080

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

On January 8, 2014, the Board approved the initial award in the amount of \$670,000.00. The award contained five 1-year renewal options. On November 26, 2014, the Board approved the first renewal in the amount of \$590,000.00. This renewal in the amount of \$590,000.00 is for the period January 8, 2016 through January 7, 2017, with three 1-year renewal options remaining. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

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|----|---|---------------------|----------------|
| 8. | <u>SMITH-BLAIR, INC.</u> | <u>\$ 50,000.00</u> | <u>Renewal</u> |
| | Contract No. B50003308 - Couplings - Department of Public Works - Bureau of Water and Wastewater - P.O. No. P526172 | | |

On January 29, 2014, the Board approved the initial award in the amount of \$36,136.53. The award contained three 1-year renewal options. On November 26, 2014, the Board approved the first renewal in the amount of \$30,000.00. This second renewal in the amount of \$50,000.00 is for the period January 22, 2016 through January 21, 2017, with two 1-year renewal options remaining. The above amount is the City's estimated requirement.

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|----|--|---------------------|----------------|
| 9. | <u>DRAEGER SAFETY, INC.</u> | <u>\$150,000.00</u> | <u>Renewal</u> |
| | Contract No. B50002662 - Thermal Imaging Cameras - Baltimore City Fire Department - P.O. No. P522273 | | |

On December 19, 2012, the Board approved the initial award in the amount of \$225,000.00. The award contained four 1-year renewal options. Subsequent actions have been approved.

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

This renewal in the amount of \$150,000.00 is for the period December 19, 2015 through December 18, 2016, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

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|--|--------------|---------|
| 10. NORTH EAST TECHNICAL
SALES, INC. | \$140,000.00 | Renewal |
| Contract No. B50002727 - Instrumentation Parts & Equipment
- Department of Public Works, Bureau of Water and
Wastewater - P.O. No. P522417 | | |

On January 30, 2013, the Board approved the initial award in the amount of \$180,000.00. On August 12, 2015, the Board approved an increase in the amount of \$80,000.00.

This sole renewal in the amount of \$140,000.00 is for the period February 1, 2016 through January 31, 2018. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

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|---|--------------|----------|
| 11. KEY RECYCLING, LLC
PATUXENT MATERIALS, INC. | \$100,000.00 | Increase |
| Contract No. B50003473 - Recycling of Milled Asphalt -
Department of Transportation - P.O. Nos. P527031 and
P527032 | | |

On April 30, 2014, the Board approved the initial award in the amount of \$100,000.00. The award contained three 1-year renewal options. On August 13, 2015, the City Purchasing Agent approved an increase in the amount of \$50,000.00.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Due to increased usage an increase in the amount of \$100,000.00 is necessary. This increase will make the award amount \$250,000.00. The contract expires April 30, 2016 with three 1-year renewal options remaining. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

12. DONALD B. RICE TIRE CO., INC.	\$1,500,000.00 Cars - 1 st Call Trucks & Hvy. Equip. - 2 nd Call	
EDGEWATER TIRE CENTER, INC.	No Funds Requested Cars - 2 nd Call Trucks & Hvy. Equip. - 1 st Call	
SERVICE TIRE TRUCK CENTER, INC.	No Funds Requested Cars - 3 rd Call Trucks & Hvy. Equip. - 3 rd Call	
	<u>\$1,500,000.00</u>	Increase
Contract No. B50003065 - Vehicle Tires: Cars, Trucks & Heavy Equipment - General Services - Fleet Management - P.O. No. P525025		

On September 18, 2013, the Board approved the initial award in the amount of \$1,198,000.00. On June 18, 2014, the Board approved an increase in the amount of \$600,000.00. On October 22, 2014, the Board approved an increase in the amount of \$1,400,000.00. The increase is requested due to increased usage.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

This increase in the amount of \$1,500,000.00 will make the total award amount \$4,698,000.00. The contract expires on September 30, 2016, with two 1-year renewal options remaining. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

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|-----|--|---------|-----------|
| 13. | EXCALIBUR COMPUTER SYSTEM | \$ 0.00 | Extension |
| | Contract No. 08000 - Maintenance for IVIC Database - Department of Transportation - P.O. No. P525500 | | |

On November 13, 2013, the City Purchasing Agent approved the initial award in the amount of \$16,000.00. Subsequent actions have been approved. This extension is necessary to continue the transition to the new towing management system. The period of the extension is January 1, 2016 through June 30, 2016.

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

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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|--|---------|-----------|
| 14. AMAZING SECURITY AND INVESTIGATIONS, L.L.C. | \$ 0.00 | Extension |
| Contract No. B50001173 - Armed Security Guards, Uniformed and Non-Uniformed - Department of Recreation and Parks, Health Department - P.O. No. P511351 | | |

On November 25, 2009, the Board approved the initial award in the amount of \$155,000.00. The award contained two 1-year renewal options. Subsequent actions have been approved. To avoid a lapse in service an extension is necessary to allow sufficient time to award a new contract. The above amount is the City's estimated requirement.

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|--|--------------|-----------|
| 15. ASSOCIATED BUILDING MAINTENANCE CO., INC. | \$170,000.00 | Extension |
| Contract No. B50001548 - Provide Janitorial Services for the Department of General Services Area C - Department of General Services - P.O. No. P515613 | | |

On November 24, 2010, the Board approved the initial award in the amount of \$408,924.00. The award contained two renewal options. Both renewals have been exercised and subsequent actions have been approved. This extension is necessary to allow time for the agency to revise the scope of janitorial services and to award to a new vendor. The period of the extension is December 3, 2015 through April 30, 2016. The above amount is the City's estimated requirement.

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

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

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

MWBOO FOUND VENDOR IN COMPLIANCE.

16. GREIBO K DESIGNS, First Amendment
 LLC \$535,500.00 to Agreement
 Contract No. 06000 - African American Festival - Mayor's
 Office of Minority and Women Owned Business Development -
 Req. No. N/A

The Board is requested to approve and authorize execution of a First Amendment to Agreement with greiBO K Designs, LLC. The Amendment to Agreement extends the period through December 31, 2016.

Greibo K Designs, LLC will continue to provide consulting services for the African American Festival for the Mayor's Office of Minority and Women Owned Business Development.

On January 30, 2013, the Board approved the initial award in the amount of \$1,305,500.00, for the period January 30, 2013 through December 31, 2015

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

The African American Festival is a celebration of the cultural heritage and diversity of Baltimore's African Americans and their descendants. Recognized on a national level, it is a celebration of life, music, and culture over the last 30 years and has been the largest African American Festival on the east coast.

Upon approval of the Board of Estimates, the City of Baltimore will disburse grant funds to the Baltimore City Foundation, Inc. in the amount of \$535,500.00 for the consultant, greiBO K Designs, LLC for the preparation of the 2016 African American Festival.

The funding will be utilized to offset the entertainment fees, event producer's fee, and marketing and infrastructure expenses. The requested funds will be available to allow greiBO K Designs, LLC to provide the talent and vendor deposits needed for scheduling entertainment. The contract includes a minimum fundraising goal of \$850,000.00 for a festival that should result in the attendance of at least 400,000 people.

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

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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<u>Bureau of Purchases</u>		
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UPON MOTION duly made and seconded, the Board approved the informal awards, renewals, increases to contracts and extensions. In addition, the Board approved and authorized execution of the First Amendment to Agreement with Greibo K. Designs, LLC (item no. 16.) The President **ABSTAINED** on item no. 16.

MINUTESDepartment of Human Resources (DHR) - Consultant Agreements

The Board is requested to approve and authorize execution the following Consultant Agreements:

	<u>Rate of Pay</u>	<u>Amount</u>
1. THOMAS PETER BERNIER	\$230.00 for the first session, \$192.50 for each succeeding session (session lasting no more than 3 hours) and \$330.00 for each written report	\$7,000.00
2. JOHN WOODS	\$230.00 for the first session, \$192.50 for each succeeding session (session lasting no more than 3 hours) and \$330.00 for each written report	\$7,000.00

Account: 1001-000000-1603-172500-603026

The cost incurred for each hearing is charged to the appellant's agency.

Messrs. Bernier and Woods will continue to work as Hearing Officers. Mr. Bernier will also work as a Chief Hearing Officer. The Baltimore City Charter permits an investigation for employees discharged, reduced, or suspended for more than 30 days after termination of the probationary period. The Hearing Officers preside over these investigations and submits a recommendation to the Civil Service Commissioners for approval.

MINUTES

DHR - cont'd

As the Chief Hearing Officer, Mr. Bernier will review Reconsideration requests received and assist staff as issues arise out the hearing process. He will be paid at a rate of \$75.00 per hour. The period of the agreement is effective upon Board approval for one year.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Consultant Agreements.

MINUTES**CITY COUNCIL BILL:**

15-0565 - An Ordinance concerning Personal Property Tax Credits for the purpose of establishing a tax credit against the personal property tax imposed on qualified supermarkets in Food Desert Incentive Areas; imposing certain limitations, conditions, and qualifications for credit eligibility; providing for the amount, duration, and administration of the credit; defining certain terms; providing for a special effective date; and generally relating to a personal property tax credit for certain supermarkets.

The Md. Ann. Code Tax Property Art. §9-304(h) gives the Mayor and City Council the authority to enact a personal property tax credit for certain supermarkets that qualify under the law. To qualify, the supermarket must have all major food departments, more than 50% of sales from food and more than 50% of total floor spaces dedicated to food sales. The supermarket must be located in a food desert incentive area and must complete eligible construction. Eligible construction is defined in §9-304(h) as construction of a new supermarket or any substantial renovation of an existing market. "Food desert incentive area" is defined in Bill 15-0565 as a food desert (also defined in the bill) or within 1/4 mile of a food desert. The bill also provides that the supermarket must have expended \$150,000.00 or \$25.00 per square foot of total floor space on new personal property, have at least 500 square feet dedicated to fruits and vegetables and at least 500 square feet dedicated to sale of other perishable goods.

The Law Department recommends several amendments to make the bill consistent with the enabling legislation and accomplish its goals.

MINUTES

CITY COUNCIL BILL NO. 15-0565: - cont'd

First, the definition of "food desert incentive area" should be amended to include areas that would be a food desert but for the presence of a certain supermarket.

Second, the definition of "qualified supermarket" should be amended to track the language of the enabling legislation by including as qualified only newly "substantially" renovated supermarkets. Third, in (c), it should be clarified that the credit is for "qualified" supermarkets in order to clearly incorporate the definition of "qualified supermarket." Finally, on page 3, strike lines 14-15 as unnecessary due to the amendment of the definition of "food desert incentive area."

The proposed amendments are as follows:

Amendment 1

On Page 2, after "desert" on line 19 insert, "; or" and after line 19 insert "Any area that would be a food desert but for the presence of a qualified supermarket".

Amendment 2

On Page 2, line 28 after "newly" insert "substantially".

Amendment 3

On Page 3, line 11 after "A" insert "qualified".

Amendment 4

On Page 3, strike lines 14-15.

ALL OTHER REPORTS RECEIVED WERE FAVORABLE.

MINUTES**CITY COUNCIL BILL NO. 15-0565:** - cont'd

UPON MOTION duly made and seconded, the Board approved Bill No. 15-0565 and directed that the bill be returned to the City Council with the recommendation that it also be approved by that Honorable Body. The President **ABSTAINED.**

MINUTES

CITY COUNCIL BILL:

15-0564 - An Ordinance concerning Waterfront Management District - Extension of District for the purpose of extending the Waterfront Management District to encompass certain adjoining blocks; modifying the criteria for local businesses, organizations, and residents to be represented on the Board of Directors of the Waterfront Management Authority; correcting, clarifying, and conforming related language; making this ordinance subject to certain contingencies; providing for a special effective date; and generally relating to the Waterfront Management District and Authority.

The Law Department is favorable with amendments.

With regard to the extension of the District borders, Council Bill 15-0564 inserts a map which shows the proposed additions to the District. The bill also incorporates the special election process required by Article II, Section 63(k) of the Charter and Article 14, Section 8-15 of the City Code. In order to more clearly define the District boundaries, the Law Department recommends that: (1) the map on page three of the bill be deleted; (2) the current metes and bounds description be restored; and (3) new language be inserted to define more specifically the additions to the District. The Law Department has submitted its proposed language, and is working with the Department of Legislative Reference to provide this language in proper amendment form. The bill also comports with Section 63(c)(4) Charter requirement that the majority of the members of the board shall be owners or representatives of the owners of properties in the districts that are subject to taxes or charges.

MINUTES

CITY COUNCIL BILL NO. 15-0564:- cont'dLaw Department Amendments

(a) In general.

(1) There is a community benefits district, to be known as the Waterfront Management District (the "District") **{eliminate []}**, within the following boundaries: **{eliminate}.**

(2) i. {RESTORE ORIGINAL METES AND BOUNDS LANGUAGE HERE}; AND

ii. BEGINNING AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SOUTHBOUND SOUTH PRESIDENT STREET AND EASTERN AVENUE AND RUNNING EAST ALONG THE SOUTH SIDE OF EASTERN AVENUE TO THE SOUTHWEST CORNER OF THE INTERSECTION OF EASTERN AVENUE AND SOUTH CAROLINE STREET; THEN RUNNING SOUTH ALONG THE WEST SIDE OF SOUTH CAROLINE STREET TO THE SOUTHWEST CORNER OF THE INTERSECTION OF SOUTH CAROLINE STREET AND ALICEANNA STREET; THEN RUNNING WEST ALONG THE SOUTH SIDE OF ALICEANNA STREET TO THE SOUTHWEST CORNER OF THE INTERSECTION OF ALICEANNA STREET AND SOUTH CENTRAL AVENUE; THEN RUNNING NORTH ALONG THE WEST SIDE OF SOUTH CENTRAL AVENUE TO THE SOUTHWEST CORNER OF THE INTERSECTION OF SOUTH CENTRAL AVENUE AND FLEET STREET; THEN RUNNING WEST ALONG THE SOUTH SIDE OF FLEET STREET TO THE SOUTHWEST CORNER OF THE WESTERN MOST INTERSECTION OF FLEET STREET AND SOUTHBOUND SOUTH PRESIDENT STREET, THEN NORTH ALONG THE WEST SIDE OF THE WESTERN MOST SECTION OF SOUTHBOUND SOUTH PRESIDENT STREET TO THE BEGINNING POINT AT THE SOUTHWEST CORNER OF THE INTERSECTION

MINUTES**CITY COUNCIL BILL NO. 15-0564:-** cont'd

OF SOUTHBOUND SOUTH PRESIDENT STREET AND EASTERN AVENUE. CONTAINING AND COMPRISED OF CITY BLOCKS 1439, 1440, 1441, 1442, 1443, 1804, AND 1805 IN THEIR ENTIRETIES; AND

iii. THE BOUNDARIES OF BLOCK 1818, AS BOUNDED BY LANCASTER STREET TO THE NORTH, SOUTH BOND STREET TO THE EAST, THAMES STREET TO THE SOUTH, AND SOUTH CAROLINE STREET TO THE WEST; BUT LIMITED TO THE INDIVIDUAL INTERNAL BOUNDARIES OF LOTS 030, 030A, 043D, 044A, 044B, 044C, 044D, 044E, 055, AND 057 EXCLUSIVELY.

ALL OTHER REPORTS RECEIVED WERE FAVORABLE.

UPON MOTION duly made and seconded, the Board approved Bill No. 15-0564 and directed that the bill be returned to the City Council with the recommendation that it also be approved by that Honorable Body. The President **ABSTAINED**.

MINUTES**PROPOSALS AND SPECIFICATIONS**

1. Dept. of Public Works/Office - WC 1342, AMI/R Urgent Need
of Engineering & Construction Metering Infrastructure
 Repair and Replacement
 Various Locations
BIDS TO BE RECV'D: 12/23/15
BIDS TO BE OPENED: 12/23/15

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

* * * * *

President: "There being no more business before the Board -- Oh, we do? The FOP, um -- Fire and Police, you could come on -- you can come on, because I didn't have that down here."

(Clerk's Note: Please see page 4464 for discussion on Fire and Police Employees' Retirement System Audit.)

MINUTES

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

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MINUTES

Comptroller: "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 Comptroller announced that the following agencies had issued addenda extending the dates for receipt and opening of bids on the following contract. There were no objections.

Department of Public Works - SC 901R, Patapsco Residuals Transfer Station at the Patapsco Waste - water Treatment Plant
BIDS TO BE RECV'D: 12/23/2015
BIDS TO BE OPENED: 12/23/2015

Department of Public Works - SC 930, Clinton Street Sewerage System Improvements
BIDS TO BE RECV'D: 12/23/2015
BIDS TO BE OPENED: 12/23/2015

Department of Public Works - WC 1190, Montebello Filtration Plant I Electrical Improvements Distribution
BIDS TO BE RECV'D: 12/16/2015
BIDS TO BE OPENED: 12/16/2015

Bureau of Purchases - B50004268, 311 Customer Resources Management (CRM) System
BIDS TO BE RECV'D: 01/13/2016
BIDS TO BE OPENED: 01/13/2016

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 Public Works/Department - RP 15826, Radecke Park
of Recreation and Parks Toilet
Facility Building

JLN Construction Services, LLC
 C and N Associates, LLC
 Trionfro Builders, Inc.
 DSM Properties, LLC

Bureau of Purchases - B50004287, Hazardous
 Material Abatement
Services

C & W Construction
 Retro Environmental, Inc.
 First Potomac Environmental Corporation, Inc.
 PJC Construction
 BMW Construction Specialist, Inc.
 Abscope Environmental, Inc.
 Allec, LLC

MINUTES

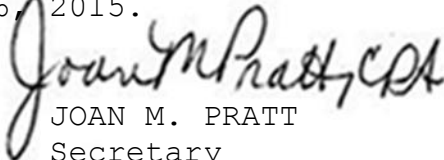
Bureau of Purchases

- B50004355, Master Planning Services for a City-Wide Green Network Plan

Mahan Rykiel Associates, Inc.
AECOM Technical Services, Inc.
Land Collective
Design Workshop, Inc.
Wallace Roberts & Todd, LLC
Biohabitats, Inc.
Johnson, Mirmiran & Thompson, Inc.
Marks, Thomas Architects

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There being no objections, the Board, UPON MOTION duly made and seconded, adjourned until its next regularly scheduled meeting on Wednesday, December 16, 2015.


JOAN M. PRATT
Secretary