

## 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  
Alfred H. Foxx, Director of Public Works  
David E. Ralph, Deputy City Solicitor  
Ben Meli, Deputy Director of Public Works  
Bernice H. Taylor, Deputy Comptroller and Clerk

The meeting was called to order by the President.

President: "Good morning. The November 6, 2013 meeting of the Board of Estimates is now called to order. "I will direct the Board members attention to the memorandum from my office dated November 4, 2013, identifying matters to be considered as routine agenda items, together with any corrections and additions that have been noted by the Deputy Comptroller. I will entertain a Motion to approve all of the items contained on the routine agenda."

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

Comptroller: "Second."

President: "All those in favor, say Aye. All opposed, Nay. The Motion carries. The routine agenda has been adopted."

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

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

Abhe & Svoboda	\$162,936,000.00
DN Tanks, Inc.	\$505,278,000.00
Hempt Bros., Inc.	\$ 63,108,000.00
Industrial Monitoring and Control Systems, Inc.	\$ 603,000.00
Miller, Long & Arnold Co., Inc.	\$183,177,000.00
Moisture Proof & Masonry, Inc.	\$ 1,152,000.00
Morgan-Keller, Inc.	\$ 97,128,000.00
R.E. Harrington Plumbing & Heating Co., Inc.	\$ 19,638,000.00
Trionfo Builders, Inc.	\$ 8,000,000.00

2. Prequalification of Architects and Engineers

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

Chester Engineers, Inc.	Engineer
Development Facilitators, Inc.	Landscape Architect Engineer Land Survey
Freeman Architecture	Architect
George, Miles & Buhr, LLC	Engineer
Lardner Landscape Architecture P.C.	Landscape Architect

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

McLaren Engineering Group	Engineer
Spartan Engineering, LLC	Engineer

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

## MINUTES

CITY COUNCIL BILL:

13-0236 - A Resolution of the Mayor and City Council concerning Charter Amendment - City Council - Independent Counsel for the purpose of authorizing the City Council to retain the services of independent legal counsel; providing for the qualifications and term of that counsel; specifying the duties of that counsel; providing for the counsel's compensation and expenses; and submitting this amendment to the qualified voters of the City for adoption or rejection.

**THE LAW DEPARTMENT PROPOSES THAT THE BILL BE AMENDED TO ADOPT A MODEL THAT RECOGNIZES THE CITY COUNCIL IS NOT A SEPARATE LEGAL ENTITY THAT CAN SUE OR BE SUED OR ENTER INTO CONTRACTS BUT THAT STILL PROVIDES THE CITY COUNCIL LEGAL ASSISTANCE CONSISTENT WITH THE DUTIES OF THAT BODY AS PROVIDED IN THE CITY CHARTER.**

**IF THE BILL WAS AMENDED AS INDICATED ABOVE, THE LAW DEPARTMENT COULD APPROVE CITY COUNCIL BILL 13-0236 FOR FORM AND LEGAL SUFFICIENCY.**

UPON MOTION duly made and seconded, the Board approved Bill No. 13-0236 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

TRANSFERS OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following page:

4472

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

## MINUTES

TRANSFERS OF FUNDS

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
1.	<b>\$750,000.00</b> 31 <sup>st</sup> CDB FY 2014	9910-912932-9587 Poppleton - Reserve	9910-901780-9588 Poppleton Phase I

This transfer will provide funding for the Poppleton redevelopment project for acquisition, relocation, and demolition activities in the Poppleton neighborhood to assemble a 13.5 acre new housing site. The funds will also be used to relocate utilities on site to prepare for new construction.

2.	<b>\$2,000,000.00</b> General Fund	9903-951002-9117 Replace Mainframe	9903-952002-9116 Mainframe Modernization
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MOIT is looking to begin the mainframe modernization project in FY 14. This transfer will move appropriations to the mainframe modernization account allowing MOIT to start the project on schedule.

3.	<b>\$591,000.00</b> 31 <sup>st</sup> CDB FY 2014	9910-901926-9587 Coldstream/Home- stead/Montebello - Reserve	9910-904326-9588 Coldstream/Home- stead/Montebello
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This transfer will provide funding for the Coldstream/Homestead/Montebello for acquisition and blight elimination efforts, in particular, completing the acquisition on Tivoly Avenue is critical as the 2700 block is mostly vacant and the remaining occupants are living among severe blight.

**MINUTES**

Bureau of Water and Wastewater (BW&WW) - Employee Expense Statement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve a reimbursement to Mr. Frank Thompson for the expense incurred for the renewal of his Environmental Operator Distribution License in April 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$75.00 - 2071-000000-5521-632440-603022

**BACKGROUND/EXPLANATION:**

The BW&WW agrees the employee is entitled to reimbursement for the license renewal based on the provision in the AFSCME Council 67 and Local 44, Contract Article 18E, 19D, "The Department of Public Works will reimburse employees for permanent certification once every three years by paying the applicable certificate fee for Water and Wastewater operators. Employees holding temporary or limited certifications will not be reimbursed."

Mr. Frank Thompson failed to submit a cash receipt or a cancelled check prior to 40 working days after April 30, 2013.

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.**

**MINUTES**

Bureau of Water and Wastewater - cont'd

UPON MOTION duly made and seconded, the Board approved the reimbursement to Mr. Frank Thompson for the expense incurred for the renewal of his Environmental Operator Distribution License in April 2013.



**MINUTES**

Baltimore Police Department - Expenditure of Funds

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an expenditure of funds to purchase United States postage from Pitney-Bowes for a Pitney-Bowes meter.

**AMOUNT OF MONEY AND SOURCE:**

\$5,000.00 - 1001-000000-2041-195500-603009

**BACKGROUND/EXPLANATION:**

Because the Department has a Pitney-Bowes postal meter, Pitney-Bowes is the sole source of postage for the Police Department's official mailings to courts, private sector citizen, and other local and state agencies. Without these funds, the Police Department's U.S. mail operations will cease.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to purchase United States postage from Pitney-Bowes for a Pitney-Bowes meter.

**MINUTES**

Police Department - Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with the Mr. Peter Bellmio, contractor. The period of the agreement is effective upon Board approval for three months.

**AMOUNT OF MONEY AND SOURCE:**

\$16,276.00 - 6000-611214-2013-197500-603026

**BACKGROUND/EXPLANATION:**

The contractor agrees to use data collected to develop a business case and cost-saving for patrol redeployment; to work with the Department and the City to clearly identify specific financial implication of moving to a new schedule and revamping patrol boundaries; identify agencies outside the Department that can play a major role in achieving efficiencies and cost-savings in delivering police services.

The contractor will use information collected to determine if costs of patrol services can be reduced by patrol deployment improvements; will identify minimum staffing levels based on workload and safety and the potential impact of expanding alternatives to dispatching units to non-emergency calls; and provide the City with tangible costs and savings for various iterations of revised patrol staffing schedule.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with the Mr. Peter Bellmio, contractor. The President Voted **NO**.

**MINUTES**

Police Department - Expenditure Authorization

**ACTION REQUESTED OF B/E:**

The Board is requested to approve payment by expenditure authorization to American Eurocopter, LLC. The service is scheduled for the period November 5 - 8, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$17,100.00 - 6000-611214-2013-197500-603024

**BACKGROUND/EXPLANATION:**

The funding will cover the costs of training for seven Flight Officers.

All portions of the requested training are mandatory to meet risk management requirements and uphold and improve the Department's high safety standards. Seven Flight Officers will receive annual EC-120 recurrent training. The training will reduce the risk of injury, death, and liability to the Department and civilian population.

The recurrent pilot training will be conducted at Martin State Airport, utilizing the Aviation Unit facility on November 5 - 8, 2013. Flight Officers, Cory Grochowski, Matthew Hart, Floyd S. Werner, Renonzo L. Belcher, Arnold P. Russo, David J. Muller, and Thomas P. Davis will participate in the training.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved the payment by expenditure authorization to American Eurocopter, LLC.

**MINUTES****TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Employees' Retirement System (ERS)</u>			
1. Joan Pratt Roselyn Spencer	Institutional Investor Roundtable San Francisco, CA Dec. 1 - 5, 2013 (Reg. Fee \$295.00 ea.)	Special Funds - ERS	\$2,677.48

The subsistence rate for this location is \$255.00 per day. The hotel rate is \$219.00 per night per person not including occupancy taxes in the amount of \$35.22 per day. The ERS is requesting an additional \$4.00 per day for each person to cover meals and incidentals.

Department of Transportation

2. Khadriah Ward Evan Smith	2013 Disadvantaged Business Enterprise Training Las Vega, NV Nov. 11 - 13, 2013 (Reg. Fee \$625.00 ea.)	General Funds	\$3,315.20
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Police Department

3. Craig J. Stackewicz Errol E. Etting	Harford County Sheriff SWAT School Harford Co., MD Nov. 4 - 22, 2013	N/A	\$ 0.00
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**MINUTES****TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Office of the President</u>			
4. Cailin McGough Benson Michelle Wirzberger	National League of Cities Congress of Cities & Expo. Seattle, WA Nov. 12 - 16, 2013 (Reg. Fee \$405.00 ea.)	Gen. Funds	\$3,524.60

The subsistence rate for this location is \$208.00 per day. The hotel cost is \$179.00 per night, plus taxes in the amount of \$119.70. The President's Office is requesting additional subsistence of \$11.00 per day for each representative for the cost of meals and incidentals. The additional funds have been included in the total amount.

The President's Office has paid the cost of registration in the amount of \$405.00, airfare in the amount of \$327.60, and hotel costs in the amount of \$835.70 for a total of \$1,568.30 with a City-issued credit card assigned to Mr. Hosea T. Chew. Therefore, the disbursement to Ms. Benson and Ms. Wirzberger will be in the amount of \$194.00 each.

UPON MOTION duly made and seconded, the Board approved the travel requests. The Comptroller **ABSTAINED** on item no. 1. The President **ABSTAINED** on item no. 4.

## MINUTES

Department of Housing and - Community Development Block  
Community Development      Grant Agreements (CDBG)

The Board is requested to approve and authorize execution of the various agreements:

1. **BALTIMORE GREEN SPACE (BGS):** **\$ 25,000.00**  
**A LAND TRUST FOR COMMUNITY-**  
**MANAGED OPEN SPACE, INC.**

Account: 2089-208914-5930-705980-603051

The purpose of this agreement is to provide community development block grant funds to subsidize the BGS's operating expenses for one year. The BGS will maintain a database of vacant lots and community-managed open spaces (CMOS) in the City to assist in planning and policy efforts to increase the number of sustainable CMOS in the City. The BGS will coordinate with the Mayor's Power in Dirt Initiative, provide technical assistance to and educational workshops for community greeners and organizations that wish to develop and maintain a CMOS. The period of the agreement is October 1, 2013 through September 30, 2014.

2. **THE DEVELOPMENT CORPORATION OF** **\$ 34,780.00**  
**NORTHWEST BALTIMORE, INC.**

Account: 2089-208914-5930-429591-603051

The purpose of this agreement is to provide community development block grant funds to subsidize the operating costs of the subgrantee to provide housing counseling services, housing workshops, and other aspects of home-ownership to eligible low- and moderate-income persons. The period of the agreement is September 1, 2013 through August 31, 2014.

**MINUTES**

DHCD - cont'd

On June 26, 2013, the Board approved the Resolution authorizing the Commissioner of the Department of Housing and Community Development (DHCD), on behalf of the Mayor Council, to file a Federal FY 2013 Annual Action Plan for the following formula programs:

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

Upon approval of the resolution, the DHCD's Contract Section began negotiating and processing the CDBG agreements as outlined in the Plan effective July 1, 2013 and beyond. Consequently, the agreements were delayed due to final negotiations and processing.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

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

**MINUTES**

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

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a grant agreement with the Healthy Neighborhoods, Inc. (HNI). The period of the agreement is effective upon Board approval for 18 months.

**AMOUNT OF MONEY AND SOURCE:**

\$400,000.00  
 250,000.00  
40,000.00 - reallocated from HNI FY 10 Operating Agreement  
**\$690,000.00**

**BACKGROUND/EXPLANATION:**

These funds will be used to provide capital and operating support for approximately 13 non-profit organizations that implement the healthy neighborhood approach.

The HNI was established in 2004 to help the City's strong but undervalued neighborhoods increase home values, market their communities to create demand for homeownership and build neighborhood confidence. The HNI currently works in more than 40 citywide middle-market neighborhoods, making them more desirable places to live and has generated more than \$100,000,000.00 of private and public capital.

In partnership with resident leadership, neighborhood organizations and small developers, the HNI maintains and improves neighborhoods by increasing property values, creating demand for homeownership and building neighborhood confidence. The HNI's goal is to support real estate markets that generate sustainable equity for homeowners, create a strong social fabric for all residents, provide a growing tax base for Baltimore, and attract new homeowners as part of the Mayor's Grow Baltimore initiative.



**MINUTES**

DHCD - cont'd

Since its inception, the HNI has provided \$63,000,000.00 of below-market loans, grants for capital improvements of public spaces, funds for marketing, support for high performing schools that are community assets, and operating support for its neighborhood partners. The HNI has played a critical role in reducing vacant properties first through its award of \$26,000,000.00 in Neighborhood Stabilization Program 2 funds from the Department of Housing and Urban Development, and more recently as the recipient of \$750,000.00 from funds provided through a Collaboration Agreement between the City and Wells Fargo Bank, N.A.

To ensure the HNI's continued success, HCD is providing \$690,000.00 to support capital and operating efforts; \$400,000.00 will be used to support the efforts of the 13 non-profit organizations that directly implement the Healthy Neighborhood approach in more than 40 neighborhoods; \$50,000.00 will be used to provide architectural services for owner occupants who utilize the HNI loan products to help plan improvements; and, \$5,000.00 will be awarded competitively as grants not-to-exceed \$5,000.00 for block-based projects that add curb appeal. An additional \$100,000.00 will be awarded competitively as grants not-to-exceed \$20,000.00 to community associations for neighborhood-wide capital improvements. The remaining \$40,000.00 is being reallocated from the HNI's FY 10 Operating Agreement to provide support for development efforts in Reservoir Hill. The funds were not previously spent due to soft-market conditions.

**MBE/WBE PARTICIPATION:**

The HNI has signed the Commitment to Comply and will meet with MWBOO to establish specific participation rates.

**AUDITS REVIEWED AND HAD NO OBJECTION.**

## MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$400,000.00	9910-902935-9587	9910-907036-9588
General Funds	Healthy Neighbor-	Healthy Neigh-
Revenue	hoods - Reserve	borhoods
250,000.00	9910-902935-9587	9910-907036-9588
28 <sup>th</sup> Comm.	Healthy Neighbor-	Healthy Neigh-
Dev. Bonds	hoods - Reserve	borhoods
<u>\$650,000.00</u>		

This transfer will provide appropriations approved in the FY 2013 Ordinance of Estimates supporting the Healthy Neighborhoods Program.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the grant agreement with the Healthy Neighborhoods, Inc. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter.

**MINUTES**

Health Department - Employee Expense Statement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the expense statement for Ms. Wilma Jewel Brown for the month of July 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$107.10 - Mileage

Account- 5000-532814-3044-273300-603002

**BACKGROUND/EXPLANATION:**

Ms. Brown neglected to submit the expense statements in a timely manner because of overwhelming unit responsibilities. Ms. Brown has been advised that she must make an effort to submit statements timely to avoid this problem.

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

The Department apologizes for the lateness of this request.

**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. Wilma Jewel Brown for the month of July 2013.

**MINUTES**

Health Department - Revised Notice of Award and Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the revised notice of award (NoA) and agreement with the Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for HIV, Viral, Hepatitis, STDS and TB Prevention.

**AMOUNT OF MONEY AND SOURCE:**

No additional funding is associated with this revision.

**BACKGROUND/EXPLANATION:**

On October 3, 2012, the Board approved the original NoA for the project entitled "STD Surveillance Network", in the amount of \$149,417.00 for the budget period of September 30, 2012 through August 31, 2013.

On February 27, 2013, the Board approved the revised NoA in the amount of \$84,494.00 for the budget period of September 30, 2012 through August 31, 2013 and the project period of September 30, 2012 through August 31, 2013.

This revised NoA and agreement corrects the budget period to reflect September 30, 2012 through September 29, 2013 and the

**MINUTES**

Health Department - cont'd

project period to September 30, 2008 through September 29, 2013. All other terms and conditions of the original agreement remain unchanged.

**MBE/WBE PARTICIPATION:**

N/A

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS NOTED THE GRANT REVISION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the revised notice of award and agreement with the Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for HIV, Viral, Hepatitis, STDS, and TB Prevention.

## MINUTES

Health Department - Agreements

The Board is requested to approve and authorize execution of the various agreements. The period of the agreement is July 1, 2013 through June 30, 2014, unless otherwise indicated.

1. **INDEPENDENT LIVING FOUNDATION, INC. (ILF)**                   **\$ 211,572.00**

Account: 4000-424514-3023-599611-603051

The ILF will provide Oral Health Services for the Ryan White Part B Program. The dental services will include but not be limited to preventive dental care; periodontal gum care; restorative dental care, endodontic therapies (root canals) surgical procedures, and prosthetics care. The ILF will also provide health education to every new client, periodic sessions with continuing clients, and reduce personal barriers such as fear and indifference to receiving dental care.

**MWBOO GRANTED A WAIVER.**

2. **JOHNS HOPKINS UNIVERSITY (JHU)**                               **\$ 56,566.00**

Account: 4000-424514-3023-599617-603051

The JHU's Pediatric and Adolescent HIV/AIDS Program will provide non-medical case management services for the Ryan White Part B Program. The services will provide peer support and advocacy to the increasing number of HIV positive youth, adolescents, and young adults, by providing advice and assistance with obtaining needed community, social support, financial insurance, and other identified resources.

**MWBOO GRANTED A WAIVER.**

## MINUTES

Health Department - cont'd3. **JOHNS HOPKINS UNIVERSITY (JHU)** **\$ 30,606.00**

Account: 4000-424514-3023-599631-603051

The JHU's Pediatric and Adolescent HIV/AIDS Program will provide psychosocial service for the Ryan White Part B Program. The JHU will provide a child life specialist in the intensive Pediatric Care Clinic to continue and expand the provision of needed psychosocial support services for youth, children, and young adults living with HIV.

4. **JOHNS HOPKINS UNIVERSITY (JHU)** **\$ 169,064.00**

Account: 4000-424514-3023-599624-603051

The JHU will provide a comprehensive treatment adherence for HIV-infected children and youth. The Intensive Primary Care Clinic of the JHU Pediatric and Adolescent HIV/AIDS Program will provide intensive medical case management and collaborative treatment planning, social work services, and Child Life Specialist services.

**MWBOO GRANTED A WAIVER.**

5. **LIGHT HEALTH AND WELLNESS** **\$ 61,000.00**  
**COMPREHENSIVE SERVICES, INC.**

Account: 4000-424514-3023-599606-603051

The organization will provide HIV Non-Medical Case Management (Client Advocacy) services to 45 low-income individuals who are infected with HIV/AIDS. The Client Advocacy services will consist of providing advice and assistance to People Living with HIV/AIDS in obtaining medical, social, community, legal, financial, and other needed services. The Client Advocate will also make sure that the client has access to special HIV resources not offered by other service providers.

**MWBOO GRANTED A WAIVER.**

**MINUTES**Health Department - cont'd

The agreements are late because of the delay in receiving an acceptable budget and scope of services.

**6. PARK WEST HEALTH SYSTEMS, INC.** **\$ 32,849.00**

Account: 4000-424514-3023-599609-603051

The Park West Health Systems, Inc. will provide primary medical care services for the Ryan White Part B Program.

The services will include a comprehensive physical examination, updated labs, sub-specialty care referrals, and follow-up in a timely manner for HIV positive clients residing in Baltimore City.

The agreement is late because the Infectious Disease and Environmental Health Administration (IDEHA) program-matically manages Ryan White Part B services. The IDEHA selects the providers through a competitive Request for Proposal process. The providers are asked to submit a budget, budget narrative, and scope of services. The Health Department thoroughly reviews the entire package before preparing a contract and submitting it to the Board. These budgets are often revised because of inadequate information from the providers. This review process is required to comply with the grant requirements.

**7. ANGEL'S COVE ASSISTED LIVING FACILITY, INC./5404 BELAIR ROAD** **\$ 39,000.00**

Account: 5000-534014-3044-273302-603051

The Department will disburse State Subsidized Assisted Housing Funds to low income residents at the organization's facility. This facility is enrolled in the Senior Assisted Living Group Home Subsidy Program, and will provide subsidized senior assisted housing services for individuals aged 62 and over, who have temporary or periodic difficulties with the activities of daily living. The



## MINUTES

Health Department - cont'd

individuals require assistance in performing personal and household functions associated with complete independence as per the provisions of Article 70B, Section 4 of the Annotated Code of Maryland. Senior Assisted residents receive shelter, meals, housekeeping, personal care services, and 24-hour on-site supervision.

This agreement is late because the Department was awaiting grant information and the required signatures from the provider.

8. **AAA MANAGEMENT, LLC, T/A RAVEN'S MEDICAL ADULT DAY CARE CENTER** **\$ 38,140.80**

Account: 4000-433314-3254-316200-603051

9. **THE LEAGUE FOR PEOPLE WITH DISABILITIES, INC. D/B/A THE LEAGUE ADULT DAY SERVICES FOR SENIORS** **\$ 26,698.56**

Account: 4000-433314-3254-316200-603051

The above-listed organizations (item nos. 8 and 9) will provide adult medical day care services to ill, frail, or disabled elderly persons who are eligible to receive Office of Health Services grant funding from the City.

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

**MINUTES**

Health Department - cont'd

These agreements are late because the Department was awaiting grant information and the required signatures from the providers.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing agreements. The President **ABSTAINED** on item nos. 2-4.

**MINUTES**

Department of Recreation and Parks - Donation Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a donation agreement with the Cylburn Arboretum Association, Inc. (CAA). The period of the agreement is effective upon Board approval and will end upon final acceptance of the project by the City.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The CAA is a non-profit 501(c)(3) organized under the laws of Maryland, which was formed to work collaboratively with the City to preserve, promote and improve the Cylburn Arboretum. The CAA desires to donate to the City in-kind services of up to \$25,900.00 for construction of certain trail improvements and up to \$7,184.00 for the construction of an ADA-compliant Gravel-Lok path at the properties, and has selected their own contractors to construct the improvements. The Capital Development Division of the Department will provide oversight and guidance throughout the project.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the donation agreement with the Cylburn Arboretum Association, Inc.

**MINUTES**

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

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with the State of Maryland, Department of Labor, Licensing and Regulation. The period of the agreement is July 1, 2013 through December 31, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$284,053.00 - 4000-809914-6312-456000-404001

**BACKGROUND/EXPLANATION:**

Under this agreement MOED will administer a highway or capital transit related training and workplace-life-skills program for low-skilled, unemployed or underemployed Baltimore City residents. The training program will consist of hands-on, project-based highway and capital transit construction-related occupational training, job readiness and life skills training, and comprehensive case management and employment services.

This agreement is late because additional time was required in reaching a comprehensive understanding between the City and State.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with the State of Maryland, Department of Labor, Licensing and Regulation.

## MINUTES

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

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The Board is requested to approve the transfer of LIFE-TO-DATE sick leave days from the listed City employees to the designated employee, Ms. Patricia Fauntleroy.

The Board is also requested to grant a waiver/exception from the policy, AM-203-03, which allows a maximum of 30 days of sick leave transfer, to grant an additional 23 days for a total of 53 sick leave days.

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

<u>NAMES</u>	<u>DAYS</u>
Deborah Dickerson	1
Cynthia Jones	1
Charles Parham	1
Linwood Burley	2
Evelyn Barnhart Wallace	3
James Carlton	2
Eric Thornton	3
Felicia Thomison	4
Stefanie R. Thomas	4
Monica Bobbitt	5
Derek A. Fauntleroy	5
Julia C. Johnson	5
Jeffrie Thomas	5
Kennard Hopkins	5
Matlyn Boyd	1
Gregory Fromme	2
Frances P. Spears	2
Clarence E. Smith	<u>2</u>
	<b>53</b>

**MINUTES**

Enoch Pratt Free Library - cont'd

**APPROVED FOR FUNDS BY FINANCE**

**THE LABOR COMMISSIONER RECOMMENDED APPROVAL.**

UPON MOTION duly made and seconded, the Board approved the transfer of LIFE-TO-DATE sick leave days from the listed City employees to the designated employee, Ms. Patricia Fauntleroy.

**MINUTES**

Department of Transportation - Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with WJZ-TV, A CBS Corporation Television Station (WJZ-TV). The period of the agreement is effective upon Board approval for three years.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

WJZ-TV in cooperation with the Department of Transportation, has agreed to donate use of equipment and personnel necessary to clear snow from public roadways in the vicinity of Television Hill during adverse weather conditions. The City will in turn agree to sell WJZ-TV road salt from its inventory on an "as-needed" basis at or about the City's actual cost.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with WJZ-TV, A CBS Corporation Television Station.

## MINUTES

Department of Transportation - TRANSFER OF LIFE-TO-DATE  
SICK LEAVE

The Board is requested to approve the transfer of LIFE-TO-DATE sick leave days from the listed City employees to the designated employee, Mr. Donald R. Todd.

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

<u>NAMES</u>	<u>DAYS</u>
Myra Rohoblt	5
Brenda Dandridge	5
Alfred Malone	5
Anthony Williams	5
Paul W. Tolle	3
John Caldwell	3
John McLaughlin	2
Bridget Vandevander	1
Tina M. Arizzi	<u>1</u>
	<b>30</b>

**THE LABOR COMMISSIONER RECOMMENDED APPROVAL.**

UPON MOTION duly made and seconded, the Board approved the transfer of LIFE-TO-DATE sick leave days from the listed City employees to the designated employee, Mr. Donald R. Todd.



## MINUTES

Department of General Services - Minor Privilege Permit Application

The Board is requested to approve the following application for a Minor Privilege Permit. The application is 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. 3500 Pulaski Highway	Security Public Storage-Baltimore, LLC	One double face electric sign 36.12 sq. ft., six canopies 10' x 5' each
Annual Charge:	\$821.44	
2. 3300 E. Pratt St.	St. Paul Evangelical Lutheran Church	Handicap ramp 167.75 sq. ft.
Annual Charge:	\$ 70.30	
3. 3404 Eastern Ave.	Fastax Properties of Baltimore, LLC	Retain single face electric sign 15' x 2'
Annual Charge:	\$140.60	
4. 2701 Broening Highway	Le Petpomane XXIII, Inc.	Four monitoring wells
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 privileges.

**MINUTES**

Department of Planning - Historic Artifact Loan Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an historic artifact loan agreement with the Maryland Historical Society. The period of agreement is effective upon Board approval through September 30, 2023.

**AMOUNT OF MONEY AND SOURCE:**

None

**BACKGROUND/EXPLANATION:**

The Mayor and City Council of Baltimore, acting through the Commission for Historical and Architectural Preservation within the Department of Planning, previously restored the Baltimore Battle Monument to honor the Bicentennial of the Star Spangled Banner/War of 1812. The Baltimore Battle Monument is a National and Baltimore City landmark, as well as the image represented on the City Seal. This legacy restoration project included creating and installing a reproduction of the original "Lady Baltimore" statue atop the monument, as well as the plans to permanently preserve the original statue by relocating it indoors to prevent further deterioration. The Maryland Historical Society (MHS) has agreed to accept the statue for its installation and exhibition on the second floor area of its building located at 201 West Monument Street. The MHS will display the "Lady Baltimore" statue in connection with its War of 1812 exhibits and will conserve it accordingly. This agreement sets forth the terms under which the statue will be loaned to the MHS.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the historic artifact loan agreement with the Maryland Historical Society.

**MINUTES**

Baltimore City Fire Department - Subaward Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a subaward agreement with the Maryland Institute for Emergency Medical Services Systems for a FY 2014 Maryland Bioterrorism Grant Subaward. The period of the subaward agreement is October 15, 2013 through January 06, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$8,000.00 - 4000-459214-3190-309800-604009

**BACKGROUND/EXPLANATION:**

The award amount is \$8,000.00 with no matching fund requirement. This is a federal grant administered through the Maryland Institute for Emergency Medical Services Systems.

This subaward grant will provide the Baltimore City Fire Department with the ability to upgrade devices and software which enable local emergency medical services, and healthcare providers to interface with the Maryland Institute for Emergency Medical Services Systems electronic patient tracking application.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the subaward agreement with the Maryland Institute for Emergency Medical Services Systems for a FY 2014 Maryland Bioterrorism Grant Subaward.

**MINUTES**

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

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a subscription agreement with Aether Real Assets III, L.P.

**AMOUNT OF MONEY AND SOURCE:**

\$20,000,000.00 - approximately of F&P funds

No general fund monies are involved in this transaction.

**BACKGROUND/EXPLANATION:**

F&P funds of approximately \$20,000,000.00 will be managed by Aether Investment Partners, LLC, in Aether Real Assets III, L.P, a fund-of-funds focusing on private natural resources.

The F&P Board of Trustees conducted a search for a natural resources fund-of-funds vehicle in which to invest F&P's 2013 natural resources allocation and, as a result of that search, selected Aether Real Assets III, L.P.

The search and selection process was conducted with the assistance and advice of the F&P System's investment advisor, Summit Strategies Group.

On July 11, 2012, the Board approved an earlier \$20,000,000.00 investment of F&P funds in the predecessor to this fund-of-funds, Aether Real Assets II, L.P.

**MWBOO GRANTED A WAIVER.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the subscription agreement with Aether Real Assets III, L.P. The Comptroller **ABSTAINED**.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

- |  |             |         |
|--|-------------|---------|
| 1. BUCKSTAFF PUBLIC SAFETY, INC. DBA HANDCUFF WAREHOUSE  | \$33,250.00 | Low Bid |
| Solicitation No. B50003199 - Monadnock Double Cuffs - Police Department - Req. No. R645442                         |             |         |
| 2. HD SUPPLY WATERWORKS, LIMITED PARTNERSHIP   | \$25,000.00 | Renewal |
| Solicitation No. B50002128 - CI Fittings, Flanged Tees, and Elbows - Department of Public Works - Req. No. P518326 |             |         |

On September 23, 2011, the City Purchasing Agent approved the initial award in the amount of \$15,000.00. The award contained two 1-year renewal options. On September 26, 2012, the City Purchasing Agent approved a renewal in the amount of \$0.00. This final renewal in the amount of \$25,000.00 is for the period November 16, 2013 through November 15, 2014.

- |  |             |         |
|--|-------------|---------|
| 3. PREFERRED CLEANING, LLC   | \$ 8,400.00 | Renewal |
| Solicitation No. B50001650 - Janitorial Services - Department of Housing and Community Development - Req. Nos. R588687 and P518550 |             |         |

On November 17, 2010, the City Purchasing Agent approved the initial award in the amount of \$8,400.00. The award contained three 1-year renewal options. On October 24, 2011, the City Purchasing Agent approved the first renewal in the amount of \$8,400.00. On November 14, 2012, the Board approved the second renewal in the amount of \$8,400.00. This final renewal in the amount of \$8,400.00 is for the period December 1, 2013 through November 30, 2014.

## 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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|--|--------------|----------|
| 4. RENOLD INC.   | \$200,000.00 | Increase |
| Contract No. 08000 - Renold/Carter Drive Parts - Department of Public Works, Bureau of Water and Wastewater - P.O. No. P519331 |              |          |

On February 1, 2012, the Board approved the initial award in the amount of \$200,000.00. Due to an increase in usage of the contract, an increase in the amount of \$200,000.00 is necessary. This increase in the amount of \$200,000.00 will make the award amount \$400,000.00. The contract expires on January 31, 2015, with one 2-year renewal option.

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

- |   |         |         |
|---|---------|---------|
| 5. J.J. ADAMS FUEL OIL COMPANY, L.L.C.  | \$ 0.00 | Renewal |
| Contract No. B50001178 - Diesel Fuel for Generators - Agencies - Various - P.O. No. P514636 |         |         |

On November 18, 2009, the Board approved the initial award in the amount of \$100,000.00. The award contained two 1-year renewal options. On January 31, 2012, the City Purchasing Agent approved an increase in the amount of \$50,000.00. The first renewal was approved on November 7, 2012 in the amount of \$200,000.00. This final renewal in the amount of \$0.00 is for the period December 1, 2013 through November 30, 2014.

## 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 7% MBE AND 0% WBE.**

<b>MBE:</b> Time Printers, Inc.	\$299.98	7%
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**MWBOO FOUND VENDOR IN COMPLIANCE.**

## 6. ALLIED CONTRACTORS,

INCORPORATED	\$200,000.00	Increase
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Contract No. B50001768 - Requirements for Concrete Sidewalk and Other Structural Repairs at Various Locations - Recreation and Parks, etc. - P.O. No. P516895

On April 20, 2011, the Board approved the initial award in the amount of \$344,300.00. The award contained two 1-year renewal options. On March 20, 2013, the Board approved the first renewal in the amount of \$0.00.

Due to increased usage, an increase in the amount of \$200,000.00 is necessary. This increase in the amount of \$200,000.00 will make the award amount \$544,300.00. The contract expires on April 19, 2014 with two 1-year renewal options remaining.

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

<b>MBE:</b> JM Murphy Enterprises, Inc.	\$2,764.79	27%
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<b>WBE:</b> S & L Trucking, LLC	\$ 0.00	10%
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**MWBOO FOUND VENDOR IN COMPLIANCE.**

**A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTOR'S ASSOCIATION.**

**MMCA- Maryland Minority Contractors Association, Inc.**  
A Chapter of the American Minority Contractors and Businesses Association, Inc.-AMCBA  
Baltimore, Maryland 21210  
443-413-3011 Phone  
410-323-0932 Fax

November 5, 2013

Via Facsimile 410-685-4416

Honorable Bernard "Jack" Young  
President, Baltimore City Board of Estimates  
City Hall-Room 204  
Baltimore, MD 21202  
**ATTN: Ms. Bernice Taylor, Esquire, Clerk to the Board**

Dear Mr. President:

I represent the Maryland Minority Contractors Association ("MMCA"), its members, clients, and constituents.

We herein respectfully submit protests related to the following identified proposed contract awards, increases, etc., contained on Your Honorable Board's 11/06/2013 public meeting agenda.

These protests agenda items are:

- (1) Item No. 6, contained on page 35, which is a proposed \$200,000.00 contract price increase to the incumbent contractor under Bureau of Purchases' contract solicitation N0-50001768-concrete sidewalk and other repairs. Our concern and basis of our protest is that the proposed \$200,000.00 contract price increase violates the City's "mandatory" competitive bidding charter provision, Article VI, Section 11 et. seq.
- (2) Item No. 16, contained on page 39 of Your Honorable Board's 11/06/2013 public meeting agenda. Our concern or basis for our protest is that the City Purchasing Agent allegedly, on November 10, 2010, unilaterally approved an increase in the amount of \$50,000.00 to allegedly an addition vendor. This \$50,000.00 contract increase by the City Purchasing Agent was totally ultra vires and unlawful, inasmuch as Article VI, Section 11 et. seq., gives sole and exclusive power and authority to award City public contracts greater than \$50,000.00 to the Board of Estimates.



- (3) Item No. 17, contained on Your Honorable Board's 11/06/2013 public meeting agenda, which is a proposed \$700,000.00 contract increase by the City Purchasing Agent to City contract solicitation No. B50002314, on-call roofing services. Our concern and basis for our protest is that the proposed \$700,000.00 contract price increase constitutes a flagrant violation of the City's "mandatory" competitive bidding charter provision-Article VI, Section 11 et. seq.
- (4) Item No. 18, contained on pages 41-42 of Your Honorable Board's 11/07/2013 public meeting agenda, which is a proposed \$10,264,687.91, non-bid, non-competitive contract award to SRI International Corporation, pursuant to Maryland State Contract DoIT-Solicitation No. 060B2490024-Microsoft Software and Service Large Account Reseller Contract. Our concern and basis for our protest herein is that the Bureau of Purchases' reliance on Article VI, Section 11(e)(i), of the City Charter to justify its complete dispensation of the City's formal competitive bidding process as required by Article VI, Section 11(h)(1)(ii), of the City Charter, is patently misplaced and moreover, is of absolutely no import to its proposed legal justification for dispensing with the City's formal contract competitive bidding requirement of publicly advertising and awarding all City public contracts greater than \$50,000.00 to "the lowest responsive and responsible bidder or shall reject all bids," as therein delineated.

Importantly, while the Court of Appeals has approved the City's power and authority to completely dispense with its formal competitive bidding requirements in very extremely limited and circumscribed "unique" factual circumstances, these "unique" factual circumstances are clearly not in any way present in this Bureau of Purchases' proposed non-bid, non-competitive City contract award. see Hylton v. City of Baltimore, 268 Md. 266 (1973). (Holding that Baltimore City can lawfully dispense with its "mandatory" formal contract competitive bidding process only and indeed, only in cases where the particular item purchased by the City is of such a "unique nature" that it would be "futile" to engage in competitive bidding because only one contractor can in fact meet the City's contract bid specification. Also, the Court of Appeals based its ultimate decision to agree with and sanction the City's decision to completely dispense with its formal competitive bidding charter requirements mainly because, unlike in the Bureau of Purchases' case herein; (1) there was no evidence of favoritism by the City and, "the circumstances presented not only the clear impracticality; (2) but the virtual impossibility of competitive bidding; and (3) that the [important] policy behind the [City's] competitive bidding statute-avoidance of corruption and economy to the taxpayers of Baltimore had been met "without" competitive bids." see Id. at 280. Importantly, these specifically identified unique factual circumstances present and controlling in Hylan, which made a strong case for the court to fully approve the City's completely dispensing with its formal competitive contract award process are totally and absolutely lacking, absent and missing in the Bureau of Purchases' proposal to completely dispense with the City's "mandatory" formal

competitive bidding process as specifically required of the City in Article VI, Section 11(h)(1)(ii), of its charter.

- (5) Item No. 6, contained on page 46, which is a proposed contract award of City DOT contract TR14006-Resurfacing to bidder, P. Flanigan & Son at its low bid price of \$1, 959,886.65. Our concern and basis of our protest is that the proposed contract awardee has violated the spirit and intent of the City's M-WBE Ordinance by unlawfully subcontracting with non-Black or African American M-WBE firms for over 98% of the contract established total 22% MBE participation goal. Plain and simple, the City's M-WBE Ordinance was enacted and intended to benefit certified Black or African American M-WBE firms. It makes absolutely no sense to unintentionally and purposely exclude M-WBE firms owned by Black or African persons.

Item No. 8, contained on page 47, which is a proposed \$81,397.913.20 contract award to bidder, Itron, Inc., for Bureau of Purchases' Contract Solicitation No. B50002877-"Advanced Metering Infrastructure and Water Meter System Installation."

Our concern and protest are predicated on several fundamental deficiencies and improprieties contained in the contract's bidding process which clearly render the entire bidding process relative to this Bureau of Purchases' contract solicitation totally ultra vires, unlawful and void ab initio.

Importantly, bidder Itron, Inc.'s total contract bid price was \$81,397.913.20; however, the Bureau of Purchases for absolutely no good and lawful reason(s) proposes to also allow and indeed, award Itron, Inc., an additional \$2,118,720.60, allegedly to cover the cost of certain "hardware support" and "maintenance" services associated with the contract, which will make the contract's total bid price \$83, 516,633.80. Pursuant to fundamental competitive bidding principles and law, inasmuch as this added \$2,118,720.60 contract money price was not in any way included or otherwise reflected in bidder Itron, Inc.'s original bid price, it would be totally unlawful for Your Honorable Board to now approve the addition of these new and added City funds to Itron, Inc.'s contract.

Moreover, the City's arbitrary and unlawful outright disqualification and "rejection" of bidder Aclara Technology, Inc.'s bid proposal.

Moreover, the City's ultra vires, arbitrary and unlawful disqualification and outright "rejection", of bidder, Aclara Technology's, bid proposal for no good and lawful reason(s), completely limits and constrains its right or discretion to approve this proposed contract award to bidder, Itron, Inc., for its basic and fundamental municipal competitive bidding law that in cases where a municipal corporation like the City herein, "rejects" less than all of the bids, as the City has so

clearly and undisputedly done with this City Water Metering contract herein, the right or discretion to “reject” less than all of the bids is more limited and circumscribed see *Platt Electric Supply v. City of Seattle*, 555 P.2d 421 (1975) Holding that, “when rejection of less than all the bids is permitted by the applicable law and the terms of the invitation to bid, the rejection cannot be done arbitrarily or in bad faith.” see 555 P.2d at 429, citing 64 Am. Jur. 2d Public Works and Contracts Sec. 76 (1972); 10 E. McQuillin, Municipal Corporations 29.77 (3d ed. Rev. 1966); *Bellingham American Publishing Co. v. Bellingham Publishing Co.*, 145 Wash 25, 258 P. 836 (1927). When it is the low bid which is rejected, particularly close scrutiny of the reasons given for rejection is warranted. 10 E. McQuillin, Municipal Corporations Sec. 29.73, at 421 (3d ed rev. 1966). Also, the bidder Itron, Inc. proposes to subcontract with only one MBE subcontractor for the entire 11% MBE goal that happens to be non-Black or African American completely without granting any of the contract set 11% MBE goal to Black or African American-owned MBE subcontractors. This is totally wrong and discriminatory against Black or African American-owned subcontractors. It makes no sense in a majority African American City to leave the African American contractor out of this important City contract. Importantly, the City’s MWBOO unlawfully failed and refused to set appropriate MBE sub-goals for this contract, which resulted in the prime contractor, Itron Inc., being able to completely pass over and exclude our qualified and interested Black or African-owned subcontractors.

- (6) Item contained on page 48, which is a proposed \$1,115,734.00 non-bid and non-competitive contract award to CAM Construction Co. of Maryland for 4601 East Monument Street, Building renovations for the City’s DGS. Our concern and protest is based upon the fact that this proposed City contract is predicated upon the Baltimore City Public Schools contract No. BCS 10042 as approved by Your Honorable Board on October 9, 2013, pursuant to an IDQ contract GS 1B810. We strongly believe that Your Honorable Board’s original October 9, 2013 approval of the IDQ arrangement was then completely bogus and in direct violation of the City’s competitive bidding charter provision. Today, we still believe the same insofar as the entire IDQ arrangement does not pass the very specific test for dispensing with or waiving the City’s “mandatory” formal competitive bidding process required in Article VI, Section 11(h)(1)(ii), as specifically articulated by the Court of Appeals in Hylton.

MMCA’s members, clients and constituents will be injured if the proposed contract increases and renewal are approved by Your Honorable Board.

Thank you for your kind and favorable consideration of these items.

Respectfully Submitted,

*Arnold M. Jolivet*

Arnold M. Jolivet  
Managing Director

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

President: "The first item on the non-routine agenda can be found on Page 35, Informal Awards, Renewals, and Increases to Contracts and Extensions, Item number 6. Will the parties please come forward?"

Tim Krus, Bureau of Purchases: "Tim Krus, City Purchasing Agent. This is the increase to a requirements contract for Concrete Sidewalk and Other Structural Repairs at Various Locations. The amount of the increase is \$200,000.00."

Mr. Arnold M. Jolivet: "Mr. President, good morning."

President: "Good morning."

Mr. Jolivet: "Members of the Board, Arnold M. Jolivet."

City Solicitor: "Mr. Jolivet, I'm sorry, are you speaking just for the Association or are you also representing a bidder?"

Mr. Jolivet: "I'm sorry. Say that again."

City Solicitor: "I'm sorry, are you speaking just for the Association or are you also representing a bidder on this matter?"

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Mr. Jolivet: "No. I'm not representing a bidder."

City Solicitor: "Okay."

Mr. Jolivet: "Uh, thank you. I sent you a Brief and I've discussed this with the Board many times, so therefore I, I don't think it necessitates a lot of further discussion, but the point I'd like to get across to the Board this morning is that uh, when, first of all, what Mr. Krus is doing here is essentially making a completely new contract, and in making a completely new contract, uh, my contentions are that the Bureau of Purchases are required to engage in a completely new independent line of competitive bidding. That has been the law of this state for years and I protested because when these kinds of contracts are extended or increased, that hurts the small minority firm, particularly the African-American firm who wants an opportunity to bid these jobs and what I'm saying to this Board, I would ask this Board in its wisdom to not to support and approve these kinds of contracts, because what it does, it

## 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

literally excludes the smaller minority firm from being able to bid. If assuming that, uh, Mr. Krus wanted to continue to do additional work, then what he should probably do is put the contract out for new bids. That's the proper procedure and then everyone would have an equal opportunity to bid, so I, I, I think I've laid this case before and I don't care to put any additional--."

President: "I entertain a Motion."

City Solicitor: "I MOVE that the Board act as it has in the past on this issue and deny the bidder and approve the request of the agency to go forward."

President: "All those in favor, say Aye. All opposed, Nay. The Motion carries."

\* \* \* \* \*

## 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

## 7. KEYSTONE AUTOMOTIVE

INDUSTRIES, INC.	\$ 40,000.00	Increase
Contract No. 06000 - Aftermarket Body and Fender Parts - Department of General Services - P.O. No. P517203		

On April 6, 2011, the Board approved the initial award in the amount of \$75,000.00. The award contained two 1-year renewal options. Due to increased usage, an increase in the amount of \$40,000.00 is necessary. This increase in the amount of \$40,000.00 will make the award amount \$115,000.00. The contract expires on April 30, 2014, with two 1-year renewal options remaining.

The solicitation was advertised and posted on CitiBuy, but no bids were received.

Therefore, pursuant to Article VI, Section 11 (e)(i) of the City Charter, the procurement of the equipment and/or service is recommended.

8. DRIVECAM, INC. \$394,241.23 Sole Source  
Contract No. 08000 - DriveCam System - Fire Department - Req. No. R640718

Notice of Intent to Waive Competition B50003218 was posted in CitiBuy and no responses were received. DriveCam, Inc. is the only vendor to offer event-based vehicle camera monitoring with a managed service department and has extended GSA pricing to the City for its proprietary software systems, licenses, hardware, installation and training.

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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Bureau of Purchases

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|--|--------------|-------------|
| 9. AMES, INC.  | \$200,000.00 | Sole Source |
| Contract No. 08000 - Aurora Pumps and Parts - Department of Public Works, Water and Wastewater - Req. Nos. R644539 and R644645 |              |             |

This requirement is for replacement of installed Aurora pumps and for OEM parts required for the maintenance of Aurora pumps which are critical for the operation of the wastewater treatment plants. The vendor is the sole distributor of the manufacturer's OEM pumps and parts.

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.

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|---|--------------|---------|
| 10. MJACH DESIGNS LIMITED   | \$ 10,000.00 | Renewal |
| Contract No. 06000 - Marketing Services for the Water Taxi Harbor Connector - Department of Transportation - P.O. No. P519032 |              |         |

On December 21, 2011, the Board approved the initial award in the amount of \$65,000.00. The award contained one 1-year renewal option. This sole renewal in the amount of \$10,000.00 is for the period December 21, 2013 through December 20, 2014.

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.

**MWBOO GRANTED A WAIVER.**



## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

- |   |              |         |
|---|--------------|---------|
| 11. THE BALTIMORE AUTO<br>SUPPLY COMPANY  | \$ 30,000.00 | Renewal |
| Contract No. B50002645 - Truck Chains and Links - Fire<br>Department - P.O. No. P522007 |              |         |

On November 21, 2012, the Board approved the initial award in the amount of \$30,000.00. The award contained two 1-year renewal options. This renewal in the amount of \$30,000.00 is for the period November 21, 2013 through November 20, 2014, with one 1-year renewal option remaining.

- |  |         |         |
|--|---------|---------|
| 12. FIRE LINE EQUIPMENT,<br>LLC  | \$ 0.00 | Renewal |
| Contract No. B50001730 - OEM Parts and Service for LTI Trucks<br>- Department of General Services - P.O. No. P515955 |         |         |

On January 19, 2011, the Board approved the initial award in the amount of \$200,000.00. The award contained two 1-year renewal options. This renewal in the amount of \$0.00 is for the period January 19, 2014 through January 18, 2015, with one 1-year renewal option remaining.

**MWBOO GRANTED A WAIVER.**

- |  |              |         |
|--|--------------|---------|
| 13. CITIZENS PHARMACY<br>SERVICES, INC.  | \$ 50,000.00 | Renewal |
| Contract No. 08000 - Labeled Medications - Health Department -<br>P.O. No. P515281 |              |         |

On November 3, 2010, the Board approved the initial award in the amount of \$50,000.00. The award contained three 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$50,000.00 is for the period November 3, 2013 through November 2, 2014.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

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

14. RALPH WISMER d/b/a  
ZENMAR POWER TOOL AND  
HOIST SYSTEMS \$ 25,000.00 Renewal  
Contract No. B50002634 - Repair Air Operated Tools -  
Department of Public Works, Bureau of Water and Wastewater -  
P.O. No. P521753

On October 17, 2012, the Board approved the initial award in the amount of \$40,000.00. The award contained three 1-year renewal options. This renewal in the amount of \$25,000.00 is for the period December 1, 2013 through November 30, 2014, with two 1-year renewal options remaining.

**MWBOO GRANTED A WAIVER.**

15. D-S STEEL SUPPLY, LLC \$ 50,000.00 Extension  
Contract No. B50000766 - Steel Products - Department of  
General Services, Fleet Management - P.O. No. P505768

On December 10, 2008, the Board approved the initial award in the amount of \$200,000.00. The award contained two 1-year renewal options. Subsequent actions have been approved. On February 13, 2013, and on June 17, 2013, the City Purchasing Agent approved increases in the amount of \$20,000.00, \$10,000.00, respectively.

This extension in the amount of \$50,000.00 is necessary to allow time to complete solicitation for a new contract.

## 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 period of the extension is December 10, 2013 through April 30, 2014.

**MWBOO GRANTED A WAIVER.**

## 16. THE BEST COMPANY, INC.

PASCO HOLDINGS LLC

HARRIS BATTERY COMPANY, INC.	\$ 0.00	Extension
Contract No.B50000822 - Automotive Batteries - Department of General Services - P.O. Nos. P506064, P506065 and P506066		

On December 24, 2008, the Board approved the initial award in the amount of \$3,000,000.00. The award contained two 1-year renewal options. Subsequent actions have been approved. On November 10, 2010, the City Purchasing Agent approved an increase in the amount of \$50,000.00 to add an additional vendor. This extension in the amount of \$0.00 is necessary to allow time to complete the solicitation process for a new contract. The period of the extension is November 30, 2013 through February 28, 2014.

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

**A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTOR'S ASSOCIATION.<sup>1</sup>**

Clerk: "The Board will not hear the protest on this item. The Board has determined that this item is for no additional funds and it is an extension of a contract that has expired and the sole purpose of the extension is to allow for the preparation of a new solicitation.

<sup>1</sup> See protest letter following Page #4505

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

17. **FIRST CALL**

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

SIMPSON OF MARYLAND, INC.	200,000.00	
	<u>\$700,000.00</u>	

Increase

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

On June 6, 2012, the Board approved the initial award in the amount of \$700,000.00. The award contained two 1-year renewal options. An additional vendor in the amount of \$500,000.00 was approved by the Board on January 9, 2013. On January 10, 2013, the City Purchasing Agent approved an increase in the amount of \$45,000.00.

Due to the need for several large repair jobs that have become urgently needed, an increase in the amount of \$700,000.00 is necessary. This increase in the amount of \$700,000.00 will make the award amount \$1,945,000.00. The contract expires on June 5, 2015 with two 1-year renewal options remaining.

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

Roofing and Sustainable Systems, Inc.

<b>MBE:</b> Global Roofing & Construction	10%
---	-----

<b>WBE:</b> Innovative Building Solutions,	\$40,918.68	5%
--	-------------	----

**MWBOO FOUND ROOFING AND SUSTAINABLE SYSTEMS, INC. NON-COMPLIANT ON JUNE 13, 2013.**

Because Roofing and Sustainable Systems, Inc. has not been assigned work since that time, this increase is recommended on the condition that Roofing and Sustainable Systems, Inc. comes into compliance within 60 days of Board approval.

## 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

Failure to cure will be grounds for termination of Roofing and Sustainable Systems, Inc. contract for default.

**MWBOO FOUND SIMPSON OF MARYLAND, INC. IN COMPLIANCE ON OCTOBER 13, 2013.**

Simpson of Maryland, Inc.

<b>MBE:</b> Stokit Supply Company	\$2,346.31	2.50%*
L & J Waste Recycling, LLC	<u>See note below**</u>	<u>6.25%</u>
	<b>\$2,346.31</b>	<b>8.75%</b>
<b>WBE:</b> Colt Insulation, Inc.	0.00	5.00%

\*Although Stokit Supply Company was paid \$9,000.00, only 25% of the MBE goals can be credited for MBE participation.

\*\*Per contracting agency, both L & J Waste Recycling, LLC and Colt Insulation, Inc. failed to respond to the contractor's calls. L & J Waste Recycling, LLC confirmed that they were out sick for some time.

**A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTOR'S ASSOCIATION.<sup>2</sup>**

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<sup>2</sup> See protest letter following Page #4505

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

President: "The second item on the non-routine agenda can be found on Page 40, Informal Awards, Renewals, and Increases to Contracts and Extensions, Item number 17. Will the parties please come forward?"

Mr. Krus: "Tim Krus, City Purchasing Agent. This is a increase for On-Call Roofing Services to the two vendors to which this was originally awarded. The amount is \$700,000.00."

Mr. Jolivet: "Mr. President, if I can --"

City Solicitor: "I'm sorry, you need to identify yourself again."

Mr. Jolivet: "Oh, Arnold M. Jolivet."

Mr. Krus: "And if I may point out, this is also a requirements contract."

President: "Okay."

City Solicitor: "And if I could just ask you one question for all of the matters today, so all of the matters that you're appearing on today, you're appearing on behalf of the Association and not bidders, is that right?"

## 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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Mr. Jolivet: "No bidders."

City Solicitor: "No bidders. Thank you."

Mr. Jolivet: "No bidders. Uh, Mr. President, I uh, I would like to incorporate the argument contained in my Brief, and the argument I made for the last item, into this item as a basis for the Board to reject the recommendation of the Bureau of Purchases, in order to save time."

President: "Okay. I'll entertain a Motion."

City Solicitor: "I MOVE that denial of the bid protest and acceptance of the recommendation to proceed by the agency."

President: "All those in favor, say Aye. All opposed, Nay. The Motion carries."

\* \* \* \* \*

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
18. SHI INTERNATIONAL CORPORATION	\$10,264,687.91	Agreement
Maryland State Contract DoIT - Solicitation No. 060B2490024 - Microsoft Software and Services Large Account Reseller Contract - Mayor's Office of Information Technology - Req. Nos. Various		

The Board is requested to approve and authorize execution of an agreement with SHI International Corp. The period of the agreement is November 6, 2013 through October 16, 2015, with two 2-year renewal options.

Vendors were solicited nationwide by the Maryland State Department of Information Technology (DoIT) via posting on eMaryland Marketplace and DoIT websites. A total of two bid proposals were received. Bids were based upon a discount percentage off of Microsoft retail pricing to be applied to all purchases.

This agreement will provide Microsoft Enterprise and Select software licenses. The contract is expected to provide a cost savings in purchase price and administrative burden.

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.

**MWBOO GRANTED A WAIVER.**

**A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION.<sup>3</sup>**

<sup>3</sup> See protest letter following Page #4505



## 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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President: "The third item on the non-routine agenda can be found on Page 41-42, Informal Awards, Renewals, and Increase to Contracts and Extensions, Item 18. Will the parties please come forward?"

Mr. Krus: "Tim Krus, City Purchasing Agent. This is the award of Microsoft Software and Services Large Account Reseller contract to SHI, for \$10.2 million dollars. It is "piggybacked" off of the State of Maryland contract for the same items, and it is being funded on the Master Lease."

Comptroller: Inaudible

Mr. Krus: "Correct. This will help the City come into better compliance with software licensing and also help the City to upgrade its software and improve its security "posture" across the network."

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Purchases - cont'd

Arnold M. Jolivet: "Uh, Arnold M. Jolivet again. Uh, I noticed that Mr. Krus makes no allegations or assertions that this bid or the quality or the nature of the bid is of such uniqueness that only one bidder can perform it and uh, I'm astounded because, uh, Mr. Nilson knows the law. He knows that the Court of Appeals has not interpreted the competitive bidding exemption in the Charter to allow these kinds of contracts to be approved, and I'm, I'm somewhat puzzled that these contracts continue to come before this Board uh, on the premise, on the false premise that it is not advantageous to the Board, uh, to the City, nor is it practical to the City, for the City to obtain competitive bidding. That is just totally not true. I mean it's just -- it is absurd, in the sense, it's totally absurd, that they would make that allegation when we got bidders. If the City were to put this bid out for public, competitive bidding pursuant to our competitive bidding Charter, I would venture to say that we would get at least 10-15 bids on it, and so they come to the

## 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

Board with, uh, on the false premise that the contract that has been awarded by the Maryland Department of Information Technology has already been bid, so therefore the City can take advantage of the competitive bidding, but that is as false a premise as you're ever going to get because the fact of the matter is if a bidder gives the State a price, that doesn't mean the City will get the same price. If the City would bid this contract independent of the State contract, I would venture to say that the City would get a more advantageous and lower price. So, the premise under which they, uh, present this contract is false, and it's just bogus, and I would like to see this Board take some responsibility for what's going on. Again, what happens in these kind of cases is that the smaller or heretofore, minority, particularly African-American, uh, firm that wants to break in on all these kinds of contracts, is excluded, is literally effectively excluded and they're making a sheltered market for minority, non-minority contractors and I just feel I have a responsibility Mr. Nilson, and you know, you

## 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

know it's not right. You just absolutely know the law and I cannot sit by and let you get away with that."

President: "Uh, Mr. Krus, um, under the um, with the State's um, bidding process, they have minorities, MBEs, this contract, does it have any MBEs and WBEs?"

Mr. Krus: "I don't believe that it does because it's strictly a commodities contract for software licenses. There are actually only a limited number of vendors who can bid as "large account resellers" for Microsoft. I do believe that this firm, um, is an MBE with the State of Maryland. Um, Mr. Corey had. . ."

Mr. Corey: "Good morning. Um, Thomas Corey, Chief of the Minority and Women's Business Opportunity Office. Uh, I just wanted to make sure, make a correction. SHI is not actually certified by the State. I talked with them, they asserted that they were. I checked the statements. They're not certified as an MBE or DBE with the State of Maryland. Uh, I just wanted to make sure --"

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

President: "Comptroller."

Comptroller: "Um, in my briefing you informed me that when he mentioned the price, that because of the economies of scale, that the City of Baltimore would get as low a price as the State. Is that correct?"

Mr. Krus: "Correct. And the State of Maryland, although it's a small state, has a considerably larger government than the City of Baltimore. When it goes out for bids, it is able to benefit from much higher volumes in getting its pricing, so we are convinced that this is a fair and reasonable price, and I would point out that the State only received two bids on this contract, supporting my assertion that only a limited number of companies can bid."

Mr. Jolivet: "Mr. President, if I can just, uh -- I know the day's late, and there are, there are items the Board needs to uh, tend to, but I want to just say that Mr. Krus's uh, assertion that even raising the issue of whether this firm is an MBE is immaterial."

## 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

My whole contention is not that this contract doesn't have MBE, because typically, uh, contrary to public belief, the State program, the minority program, is totaled, it doesn't, as much as I criticize the City's MBE program, the State program is even worse. So, it's not surprising, it's not surprising to me, that this project, or this contract, does not have MBE participation. But, I want to make sure that the Board doesn't confuse my issue. The Board should not confuse what I'm asking the Board today and what uh, the, what my concern would be is that Mr. Corey's, uh, assertion, while meaningful and relevant, it doesn't have anything to do with my issue that I brought and put in my brief. Nothing at all. So, my point is, if the Board sees fit that the procurement as brought forth by Mr. Krus, intrinsically violates the State's, the City's MBE, not only MBE, but the Charter provision, what I'm saying is the Board should not unilaterally and surreptitiously approve it. That's all I'm saying."

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Mr. Schrock: "Michael Schrock, Baltimore City Law Department. Um, Mr. Jolivet, uh that we've been up here the last number of weeks on similar occasions about inter-government cooperative purchasing agreements, and we've put forward that in the State law and in the State Finance and Procurement Article, which I did give you a copy of that, um, that this is allowed, that this is a traditional procurement method, where the State goes out and advertises for bids and they go through their process, competitively bidding, and they select certain vendors and they put in their RFP or in their contracts that local governments, other state governments can use this contract, um, that, that is the law. We at the city level, have also the Charter, and we took the exception little (i) under Article VI, that it's unpractical, there's no advantage for us to go out and competitively bid this again since that State's already done that and the State law allows us to piggyback on their contract, so I, I, I just want to bring that up, that we do believe that we have done this correctly."

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Mr. Jolivet: "Would you kindly also tell the Board that you and I didn't agree on that? That that is something that I'm not agreeing --"

Mr. Schrock: "That is true."

Mr. Jolivet: "-- and also --"

City Solicitor: "We understand that. We do truly understand that."

Mr. Jolivet: "And I don't agree with you either."

City Solicitor: "I know that."

Mr. Jolivet: "And, and, but the point I want to make, and Mr. Schrock, it, it, it's, it is just extraordinary that the City Solicitor is reading and destroying and applying the competitive bidding law totally contrary to the Court of Appeals decision in Hylton. Mr. President, I've made my case."

President: "I entertain a Motion."

City Solicitor: MOVE to deny the protest and approve the recommendation of the Bureau of Purchases."

President: "All those in favor, say Aye. All opposed, Nay. The Motion carries."

\* \* \* \* \*



## 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

- |  |              |            |
|--|--------------|------------|
| 19. ACCESS LIMOUSINE<br>SERVICE, INC.  | \$ 50,000.00 | Rescission |
| Solicitation No. B50003063 - General Charter Bus<br>Transportation Service - Department of Recreation & Parks,<br>etc. - Req. Nos. Various |              |            |

On September 4, 2013, the Board approved the contract to Access Limousine Service, Inc. as the second call. However, Access Limousine Service, Inc. did not provide current insurance and therefore is non-compliant with the contract requirements.

All efforts to contact the vendor were unsuccessful. Woodlawn Motor Coach, Inc. is the first call vendor and American Limousines, Inc., the third call vendor, will now be changed to second call vendor.

**MWBOO GRANTED A WAIVER.**

UPON MOTION duly made and seconded, the Board approved the informal awards, renewals, increases to contracts and extensions, and the rescission of award for Access Limousine Service. In addition, the Board approved and authorized execution of item no. 18, the agreement with SHI International Corporation. The Comptroller **ABSTAINED** on item no. 17.

**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:

4529 - 4587

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

The Board further approved and authorized  
execution of Item No. 8, the agreement  
with Itron, Inc.

The President Voted **NO** on item no. 1.

The Comptroller Voted **NO** on item no. 1.

The Comptroller **ABSTAINED** on item no. 8.

The Board **DEFERRED** item nos. 6 and 7 for one week.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

- |    |  |                              |                |
|----|--|------------------------------|----------------|
| 1. | B50003166, Tasers<br>& Related Equipment | Taser International,<br>Inc. | \$1,500,000.00 |
|----|--|------------------------------|----------------|

(Police Department)

**MWBOO GRANTED A WAIVER.**

- |    |   |  |               |
|----|---|--|---------------|
| 2. | B50003165, Supply<br>& Deliver Trees,<br>Planting & Maintenance | Lorenz Lawn &<br>Landscape, Inc.<br>d/b/a Lorenz, Inc. | \$ 272,721.00 |
|----|---|--|---------------|

(Dept. of Recreation  
& Parks)

**MWOO SET GOALS OF 10% MBE AND 0% WBE:**

**MBE:** Tony Bernard Burton d/b/a 10%  
Evergreen Lawn Care

**MWBOO FOUND VENDOR IN COMPLIANCE.**

- |    |   |   |               |
|----|---|---|---------------|
| 3. | B50003172, Vertical<br>Scissor Lift Truck | Chapman Chevrolet,<br>LLC d/b/a Chapman<br>Auto Group | \$ 136,659.00 |
|----|---|---|---------------|

(Dept. of General  
Services, Fleet Mgnt.)

**MWBOO GRANTED A WAIVER.**

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Water and Wastewater

4. S.C. 868, Liquid Oxygen Plant Improvements Pataspco Wastewater Treatment Plant Ulliman Schutte Construction, LLC \$5,970,000.00

**MWBOO SET GOALS AT 7% FOR MBE AND 2% FOR WBE.**

**MBE:** Hi-Mark Construction Group, Inc. \$420,000.00 7.03%

**WBE:** Roane's Rigging & Transfer Co. \$120,000.00 2.01%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

5. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNTS:</u>
\$2,506,013.44	9956-903585-9549	
Wastewater	Construc. Res.	
Revenue Bonds	Rehab LOX Plant	
	@ Patapsco	
5,325,278.56	" "	
<u>County Approp.</u>		
<b>\$7,831,292.00</b>		
\$ 597,000.00	-----	9956-903552-9551-2
		Extra Work
597,000.00	-----	9956-903552-9551-3
		Design
309,092.00	-----	9956-903552-9551-5
		Inspection

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Water and Wastewater - cont'd

5,970,000.00	-----	9956-903552-9551-6 Construction
<u>358,200.00</u>	-----	9956-903552-9551-9 Administration
<b>\$7,831,292.00</b>		

This transfer will provide funds to cover the award of S.C. 868, Liquid Oxygen Plant Improvements, Patapsco Wastewater Treatment Plant.

Department of Transportation

6. TR 14006, Resurfacing P. Flanigan & Sons \$1,959,886.65  
Highways at Various Inc.  
Locations, Sector II

<b>MBE:</b> Priority Construction Corp.	\$316,200.00	16.13%
L&J Construction Services, Inc.	2,000.00	0.10%
AJO Concrete Construction, Inc.	<u>113,097.00</u>	<u>5.77%</u>
	<b>\$431,297.00</b>	<b>22.00%</b>

**MBE:** River Transport, Inc. \$156,900.00 8.00%

**MWBO FOUND VENDOR IN COMPLIANCE.**

7. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 157,880.98	9950-903550-9509	
State Constr.	Construction Reserve	
	Neighborhood Street	
	Reconstruction	
1,900,000.00	9950-904214-9514	
State Constr.	Local Resurfacing-NW	
201,988.67	9950-904214-9514	
<u>GF (HUR)</u>	<u>Local Resurfacing-NW</u>	
<b>\$2,259,869.65</b>		

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - cont'd

\$1,959,886.65	-----	9950-905866-9514-6
		Structure & Improvements
201,988.67	-----	9950-905866-9514-5
		Inspection
97,994.33	-----	9950-905866-9514-2
<u>\$2,259,869.65</u>		Contingencies
		Resurfacing Highways at
		Various-NW II

This transfer will fund the costs associated with the award of project TR 14006, Resurfacing Highways at Various Locations-NW II with P. Flanigan & Sons, Inc.

**CORRESPONDENCE WAS RECEIVED FROM MS. ALIMAY KENDRICK. A PROTEST WAS RECEIVED FROM MANUEL LUIS CONSTRUCTION, INC. A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTOR'S ASSOCIATION.<sup>4</sup>**

UPON MOTION duly made and seconded, the Board **DEFERRED** item nos. 6 and 7 for one week.

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<sup>4</sup> See protest letter following Page #4505

**Karin Marie Kendrick  
3814 Callaway Avenue  
Baltimore Maryland 21215-7148  
410-542-8693  
kkmkendri@verizon.net**

**FACSIMILE COVER SHEET**

To: *The Honorable Bernard C. Young  
The Honorable Sharon H. Appleton*  
Fax No.: *410-539-0647  
410-244-5343*  
No. of Pages: *015*  
(incl. this page)

From: Karin Marie Kendrick

Date: *November 4, 2013*

If you do not receive all pages or have any problems with the transmission of this facsimile, please call (410)-542-8693

Notes/Comments:

*Regarding contract No TK.14006  
and 3814 Callaway Avenue*

CONFIDENTIALITY NOTICE:

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**ALIMAY T. KENDRICK  
3814 CALLAWAY AVENUE  
BALTIMORE, MARYLAND 21215-7148**

**November 4, 2013**

The Honorable Bernard C. Young  
President, Baltimore City Council  
ROOM 400  
100 N. Holliday Street  
Baltimore, Maryland 21202

Dear Mr. President:

I am writing you this letter regarding **CONTRACT NO.TR-14006 RESURFACING HIGHWAYS AT VARIOUS LOCATIONS SECTOR II**. On October 27, 2013, MISS UTILITY laid yellow and red flags the length of **CALLAWAY AVE** from **LIBERTY HEIGHTS** To **BELLE AVENUE**.

I asked my daughter, Karin Marie Kendrick an attorney, to investigate the flags and when she went online at the DOT website and input **CALLAWAY AVENUE** and she discovered that an **EXCEL** spreadsheet, prepared by DOT listed **KENDRICK RESIDENCE**, with no other information.

I asked her to further investigate and she contacted the Honorable Sharon Greene Middleton, DOT and MOED personnel but as of today there is no explanation as to the **KENDRICK RESIDENCE** reference.

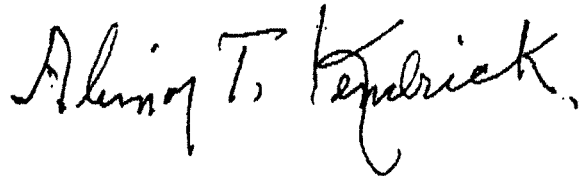
I am sending you by fax the following documents;

1. DOT SPREADSHEET
2. FY 14 J.O.C. PROJECTS
3. BLOCK PLAT FOR 2940, WARD 15, SECTION 22
4. BLOCK PLAT FOR 3123, WARD 15, SECTION 22
5. PERMIT SEARCH FOR BLOCK 2940 , THREE PAGES
6. PERMIT SEARCH FOR BLOCK 3123, FOUR PAGES



I have asked my daughter to attend the BOE hearings on the proposed CONTRACT NO. TR-14006 this week. We have lived at 3814 Callaway Avenue for almost 55 years and would like to know what plans DOT has for the property.

Respectfully submitted,

A handwritten signature in black ink that reads "Alimay T. Kendrick". The signature is written in a cursive style with a large, looped initial "A".

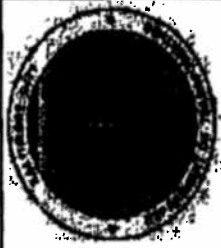
Alimay T. Kendrick

Cc The Honorable Stephanie Rawlings -Blake  
The Honorable Joan Pratt  
The Honorable Sharon G. Middleton  
Mr. George Nilson  
Col. Alfred H. Foxx, Jr  
MR. William Johnson  
Ms. Heather Hudson  
Mr. Kevin Livingston



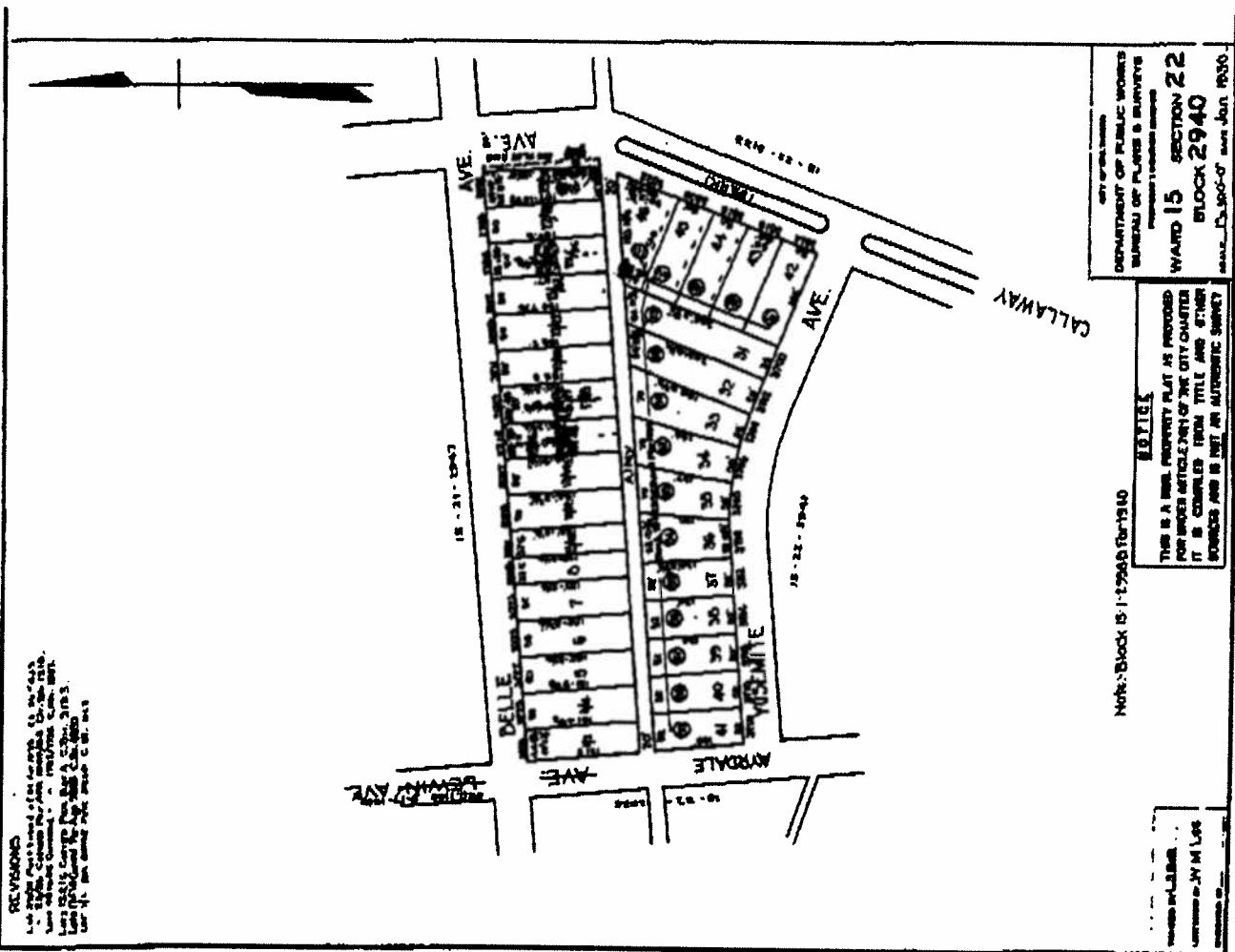


# FY14 J.O.C. PROJECTS



NW	Violet	Reisterstown Road	Overview	\$87,100				
NW	Manchester	Beaufort	Reisterstown Road	\$111,500				
NW	Virginia	Reisterstown Road	Dead End	\$68,640				
NW	Callaway	Liberty Heights	Belle Ave.	\$762,750				
			<b>Total</b>	<b>\$1,973,240</b>	<b>0.00</b>	<b>0.00</b>	<b>0</b>	

SW	Coleen	S. Beechfield	Frederick Ave.	\$300,000				
SW	Yale Ave.	Beechfield	Frederick Ave.	\$700,000				
SW	Glyndon	Carey	Ostend	\$60,000				
SW	Bayard	Hemiker	Washington Blvd.	\$150,000				
SW	Hemiker	Bayard	S. Carey	\$100,000				
SW	Ramsay St.	S. Poppleton	W. Cross	\$85,000				



REVISIONS  
 1. 11/05/2013  
 2. 11/05/2013  
 3. 11/05/2013  
 4. 11/05/2013  
 5. 11/05/2013  
 6. 11/05/2013  
 7. 11/05/2013  
 8. 11/05/2013  
 9. 11/05/2013  
 10. 11/05/2013

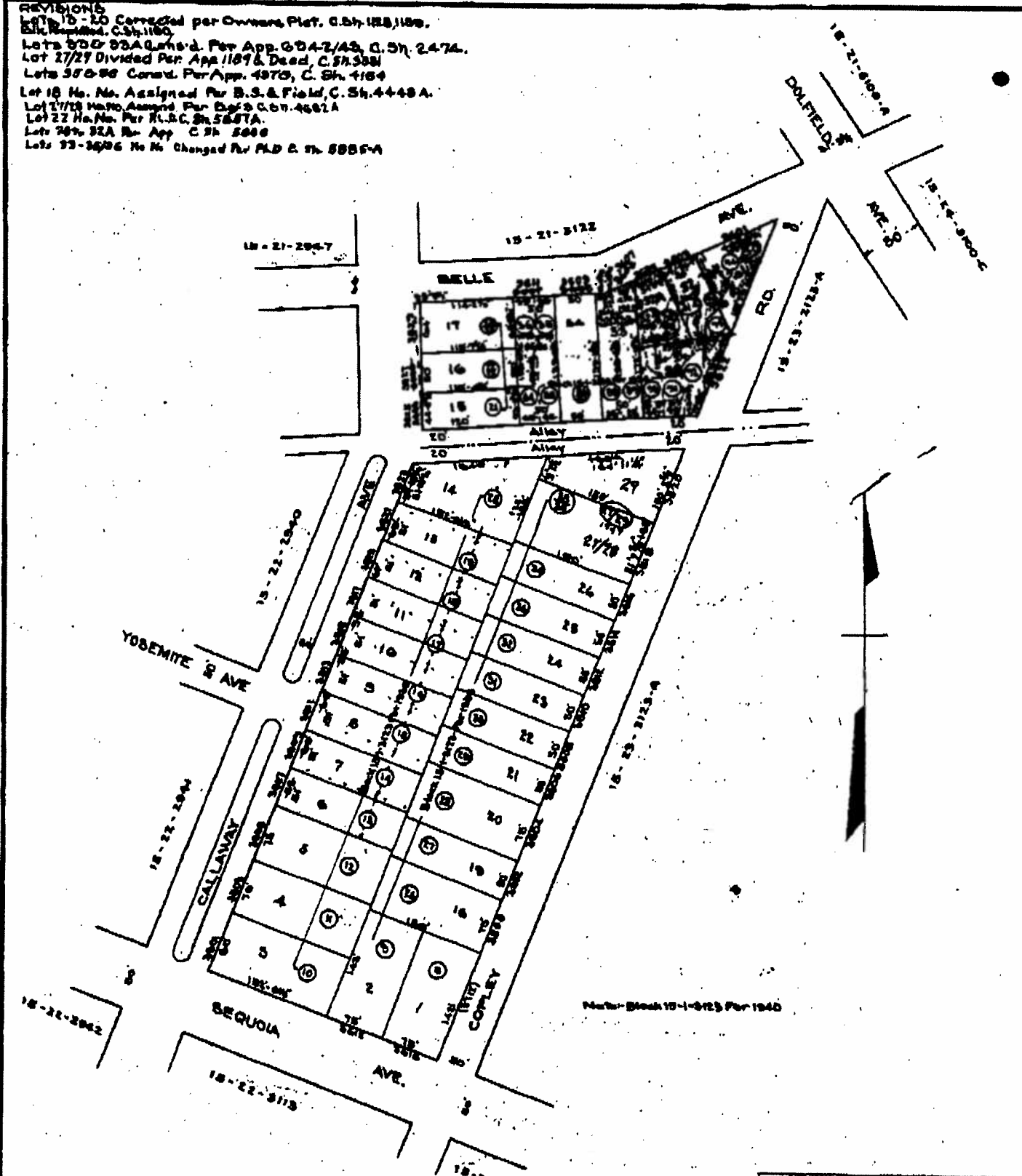
CITY OF KANSAS  
 DEPARTMENT OF PUBLIC WORKS  
 BUREAU OF PLANS & SURVEYS  
 WARD 15 SECTION 22  
 BLOCK 2940  
 DATE: 11-05-13

NOTICE  
 THIS IS A FINAL PROPERTY PLAT AS PROVIDED  
 FOR UNDER ARTICLES OF THE CITY CHARTER.  
 IT IS CORRECTED FROM THE ORIGINAL  
 RECORDS AND IS NOT AN AUTOMATIC SURVEY

Note: Block 15-12908 for 1910

REVISIONS

Lot 15 - 20 Corrected per Owners Plat. C.Sh. 128,129.  
 Etk. Replat. C.Sh. 1160.  
 Lots 300-324 Cont'd. Per App. 6242/43, C.Sh. 2474.  
 Lot 27/28 Divided Per App. 1187 & Deed, C.Sh. 5838.  
 Lots 325-36 Cor'd. Per App. 4870, C.Sh. 4164.  
 Lot 18 No. No. Assigned Per B.S. & Field, C.Sh. 4448 A.  
 Lot 27/28 No. No. Assigned Per Deed C.Sh. 4501 A.  
 Lot 27 No. No. Per R.L.S.C. Sh. 5657 A.  
 Lots 26 & 32A No. App. C.Sh. 5686.  
 Lots 33-36/36 No. No. Changed Per P.L.D. C. Sh. 5885-A



TRACED BY: G.R.M.  
 LETTERED BY: G.R.M.  
 DRAWN BY:

**NOTICE**  
 THIS IS A REAL PROPERTY PLAT AS PROVIDED FOR UNDER ARTICLE 76(H) OF THE CITY CHARTER. IT IS COMPILED FROM TITLE AND OTHER SOURCES AND IS NOT AN AUTHENTIC SURVEY.

CITY OF BALTIMORE  
 DEPARTMENT OF PUBLIC WORKS  
 BUREAU OF PLANS & SURVEYS  
 PROPERTY LOCATION DIVISION  
**WARD 15 SECTION 22**  
**BLOCK 3123**

CCE



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User ID:LeeC(ZON-35)

[Question/Suggestion](#)

**Permit Search Page**

Permit Search 
  Parcel Search 
  People Search 
  Inspection Search 
  Inspection Tool

- > My Task
- > Search
- > WWP
- > Report

By Permit Number   
 By Plan Number Year  Num   
 By Address House Number  1/2  Dir  Street Name   
 By Block/Lot Block  Lot   
 By District   
 By Neighborhood (Select One)   
 By Issue Date From  To   
 By PaymentID   
 By Applicant/Owner First Name  Last Name

Record Count: 64

1	2	3	4	5	6	7	8	9	10
Plan Num	Permit Description	Permit Issue	Permit Final	Address	Block Lot	Status	Frozen	Drawing	
USE2013-04018	use as a single family dwelling			3716 YOSEMITE AVE	2940 039	VOI	F		
USE2013-03869	use premises as a single family dwelling			3716 YOSEMITE AVE	2940 039	INS	N		
COM2013-19372	installing a new tub faucet, repiping water lines in the basement with cpvc. installing a new boiler and 11 radiators as per code.	09/12/2013		3716 YOSEMITE AVE	2940 039	INS	N		
COM2012-02560	tear off shingled roof. furnish and install 30 yr architectural shingles on roof. furnish and install gutters and sownspouts to home. furnish and install skylight into existing skylight as per code.	02/06/2012		3708 YOSEMITE AVE	2940 035	INS	N		
USE2011-03087	(use) continue to use entire premises for a single family dwelling unit (owner occupied)			3702 YOSEMITE AVE	2940 032	INS	N		
COM2011-08527	fixture exchange. replace existing fixtures with new fixtures - 8 fixtures as per	04/18/2011		3702 YOSEMITE AVE	2940 032	INS	N		

CCE

Page 2 of 3

<u>COM2011-07440</u>	code. add receptacles and fixtures 150 amp service as per code	04/05/2011		3702 YOSEMITE AVE	2940 032	INS	N	
<u>COM2011-06789</u>	replace water pipes in house including risers to 2nd floor. tie into existing fixtures as per code.	03/29/2011	04/08/2011	3818 CALLAWAY AVE	2940 044	FNL	F	
<u>COM2011-06199</u>	replace gas boiler. install back flow device . same size/location as per code.	03/22/2011		3818 CALLAWAY AVE	2940 044	INS	N	
<u>PLM2011-00386</u>	water heater replacement	02/16/2011	04/08/2011	3818 CALLAWAY AVE	2940 044	FNL	F	
<u>COM2010-05220</u>	remove and replace 1 window same size and same location. replace about 36 linear feet of gutters and downspout ( as per code ).	03/18/2010	08/10/2010	3818 CALLAWAY AVE	2940 044	INS	N	
<u>COM2009-28432</u>	amend permit#com2009-26378, issued on 11/12/09 to add contractors as listed above original permit description: (com2009-26378) install 38,000-btu unvented gas log in existing fireplace of sfdu as per code modification approval dated 10/21/09.	12/10/2009		3703 BELLE AVE	2940 027	INS	N	
<u>PRJ2009-04097</u>	install 38,000-btu unvented gas log in existing fireplace of sfdu as per code modification approval dated 10/21/09.			BELLE AVE	2940 027	ISS	N	
<u>COM2009-26378</u>	install 38,000-btu unvented gas log in existing fireplace of sfdu as per code modification approval dated 10/21/09.	11/12/2009		3703 BELLE AVE	2940 027	ISS	N	
<u>ELE2009-00349</u>	control/comm wiring			3818 CALLAWAY AVE	2940 044	ISS	N	
<u>ELE2009-00284</u>	control/comm wiring			3816 CALLAWAY AVE	2940 043	ISS	N	
<u>ELE2009-00127</u>	alarm system		01/29/2009	3816 CALLAWAY AVE	2940 043	FNL	F	
<u>COM2008-13513</u>	replace front porch 8' x 26' consisting of removal and replacement of decking surface framing and columns same size and location as per	05/12/2008	05/28/2008	3703 BELLE AVE	2940 027	FNL	F	

CCE

	code							
COM2008-03656	original permit description: (com2006-33197) 200 amp temp service 17 circuits as per code	02/08/2008		3727 BELLE AVE	2940 005	INS	N	
COM2008-03071	original permit description: (com2006-33379) installing two heat pump systems with some & duct work one 24,000 btu's one 36,000 btu's	02/04/2008	02/13/2008	3727 BELLE AVE	2940 005	FNL	F	
1 2 3 4								



CCE



**BALTIMORE HOUSING**

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User ID: LeeC(ZON-35)

[Question/Suggestion](#)

- > **My Task**
- > Search
- > WWP
- > Report

## Permit Search Page

Permit Search
  Parcel Search
  People Search
  Inspection Search
  Inspection Tool

By Permit Number   
 By Plan Number Year  Num   
 By Address House Number  1/2  Dir  Street Name   
 By Block/Lot Block  Lot   
 By District   
 By Neighborhood (Select One)   
 By Issue Date From  To   
 By PaymentID   
 By Applicant/Owner First Name  Last Name

Record Count: 136

1	2	3	4	5	6	7			
Plans Num	Permit Description	Permit Issue	Permit Final	Address	Block Lot	Status	Frozen	Drawing	
USE2012-04818	use portion of premises 1st floor apt as 1du with 4 unrelated persons send to housing for space and occupancy	01/09/2013		3812 COPLEY ROAD	3123 024	FNL	F		
USE2012-04063	use as a single family dwelling and a home office for a wholesale car dealership. no inventory kept at the property	09/20/2012		3804 COPLEY ROAD	3123 020	FNL	F		
COM2012-10876	replace damaged plaster walls and ceilings with 5/8" drywall. replace damaged kitchen floor with vinyl sheet good flooring. install kitchen cabinets as they existed prior to fire. instal a new kitchen sink and faucet. replace insulation r13 in walls on first floor kitchen and in the walls and r38insulation in ceiling of second floor kitchen and rear bedroom. replace 15 double hung vinyl windows throughout first and	05/21/2012		3825 CALLAWAY AVE	3123 015	INS	N		



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User ID: LeeC(ZON-35)

[Question/Suggestion](#)

**My Task Permit Search Page**

- Permit Search**
- Parcel Search**
- People Search**
- Inspection Search**
- Inspection Tool**

- WWP**
- Report**

By Permit Number   
 By Plan Number Year  Num   
 By Address House Number  1/2  Dir  Street Name   
 By Block/Lot Block  Lot   
 By District   
 By Neighborhood (Select One)   
 By Issue Date From  To   
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 By Applicant/Owner First Name  Last Name

Record Count:136

1	2	3	4	5	6	7			
Plans Num	Permit Description	Permit Issue	Permit Final	Address	Block Lot	Status	Frozen	Drawing	
USE2012-04918	use portion of premises 1st floor apt as 1du with 4 unrelated persons send to housing for space and occupancy	01/09/2013		3812 COPLEY ROAD	3123 024	FNL	F		
USE2012-04063	use as a single family dwelling and a home office for a wholesale car dealership. no inventory kept at the property	09/20/2012		3804 COPLEY ROAD	3123 020	FNL	F		
COM2012-10876	replace damaged plaster walls and cellings with 5/8" drywall. replace damaged kitchen floor with vinyl sheet good flooring. install kitchen cabinets as they existed prior to fire. instal a new kitchen sink and faucet. replace insulation r13 in walls on first floor kitchen and in the walls and r38insulation in ceiling of second floor kitchen and rear bedroom. replace 15 double hung vinyl windows throughout first and	05/21/2012		3825 CALLAWAY AVE	3123 015	INS	N		

		second floor. replace entry door on first and second floor. windows and doors same size and location.						
<u>COM2012-08102</u>		Interior work (126 sq ft)/exterior work - repairs to fire damage - emergency demolition and framing repairs in 1st floor kitchen and 2nd floor right rear bedroom. remove and replace damaged framing, sheathing, and cementitious siding and right side and exterior rear wall where fire damaged only. replace rear entry door on rear side. replace existing 200 amp service and 3 cts. studs will be 2"x4"x10 spaced 16" apart as per code.	04/19/2012		3825 CALLAWAY AVE	3123 015	INS	N
<u>COM2012-02412</u>		Interior work - install 200 amp service with back up generator as per code. * gas by others *	02/03/2012		3611 BELLE AVE	3123 035	INS	N
<u>COM2012-02194</u>		run gas line to 220,000 btu generator as per code.	01/31/2012		3611 BELLE AVE	3123 035	INS	N
<u>PLM2011-02583</u>		sewer pipe replacement	11/18/2011		3807 CALLAWAY AVE	3123 006	INS	N
<u>PLM2011-02580</u>		sewer pipe replacement	11/18/2011		3807 CALLAWAY AVE	3123 006	INS	N
<u>PLM2011-02110</u>		water heater replacement	09/16/2011		3816 COPLEY ROAD	3123 026	ISS	N
<u>COM2011-14865</u>		original permit description: (com2005-28936) construct a single family rancher on lot located at 3804 copley rd as per plans. c/o required on separate form. separate permit is required for electrical, mechanical and plumbing work.	07/08/2011		3804 COPLEY ROAD	3123 020	INS	N
<u>USE2011-03130</u>		(use0 use entire premises as a single-family dwelling,	07/22/2011		3804 COPLEY ROAD	3123 020	FNL	F
<u>COM2011-14525</u>		exterior work - non-structural alterations - replacement concrete driveway - same size & location. no work to apron or public sidewalk. 4" thick	07/08/2011		3827 CALLAWAY	3123 016	INS	N

CCE

Page 3 of 4

		concrete, 3" thick crushed stone base and wire mesh reinforcement. size 10'x45' repair existing brick front steps as per code.			AVE				
<u>COM2011-04379</u>		non-structural alterations - install gas boiler and backflow device. install gas pipe from meter and boiler (same size and location) for single family dwelling as per code.	03/03/2011		3607 BELLE AVE	3123 033	INS	N	
<u>ROW2011-00533</u>		directional bore and install approximately 90' of new 2" plastic low pressure gas service pipe at 3804 copley rd. 3'x4' access pit in sidewalk required for service connection at main.	03/01/2011		3804 COPLEY ROAD	3123 020	ISS	N	
<u>COM2011-00223</u>		request for time extension on permit # com2005-28936 issued on 4-3-06 with original completion date of 4-3-07. original permit description: (com2005-28936) construct a single family rancher on lot located at 3804 copley rd as per plans. c/o required on separate form. separate permit is required for electrical, mechanical and plumbing work.	01/04/2011		3804 COPLEY ROAD	3123 020	INS	N	
<u>COM2010-28838</u>		original permit description: (com2007-15390) install gas line for new store. reconstruct water and waste. install 3 1/2 baths with 9 plumbing fixtures. as per code	12/28/2010		3804 COPLEY ROAD	3123 020	INS	N	
<u>PRJ2010-03656</u>		install gas line for new store. reconstruct water and waste. install 3 1/2 baths with 9 plumbing fixtures. as per code			COPLEY ROAD	3123 020	EXP	N	
<u>COM2010-23778</u>		8 point(s) of protection for low voltage security equipment as per code	10/25/2010		3810 COPLEY ROAD	3123 023	INS	N	
<u>COM2010-23067</u>		install a 200amp - 220 volt service 20 ckts and 15 low voltage devices. work done to code.	10/14/2010		3804 COPLEY ROAD	3123 020	FNL	N	
<u>COM2010-23066</u>			10/14/2010		3804 COPLEY ROAD	3123 020	INS	N	

CCE

1 2 3 4 5 6 7

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

1498 Reisterstown Road, Suite 334 · Baltimore, Maryland 21208 · url: rfdlawfirm.com

Robert Fulton Dashiell  
robertdashiell@dashiell-lawoffice.com

Tel.: (410) 547-8820  
Fax: (443) 637-3718

---

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

**VIA HAND DELIVERY**

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

November 5, 2013

RE: **MANUEL LUIS CONSTRUCTION, INC/BID PROTEST/TR-14006**

To the Honorable President and Members:

The lowest bid for the above referenced contract (the "Contract") was submitted by my client, M. Luis Construction, Inc. ("M. Luis"). M. Luis' bid was \$66,212.65 lower than that of the firm recommended to you for award of the Contract. The Department of Transportation, however, found that M. Luis' bid was non responsive because it failed to acknowledge an addendum. We submit that the addendum that our client failed to acknowledge did not contain material terms that affected either price, quality or scope of work and, therefore, would not prejudice other bidders if waived as a minor irregularity. We, therefore, urge you to do so.

This is a requirements type contract for resurfacing highways at various locations in Sector II (Northwest) of the City. The scope of necessary repairs, reconstruction, removal and/or resurfacing at any particular location is determined upon investigation by the City Engineer and representatives of the Department of Transportation, Maintenance and Engineering Sections (SC, 01 11 00, p.26). The actual location of the work could be anywhere within the Sector and could involve an area as small as 300 square yards to full blocks of roadway. The addendum in question here named certain streets, **within Sector II**, but does not specify the type or quantity of work on either of the streets named. <sup>1</sup> Thus, there is nothing in the addendum that makes a

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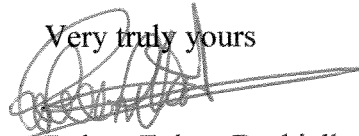
<sup>1</sup> Contrast this with Tr.12303, resurfacing in Sector II, the Southwest section of the City, where the bid documents specified the work to be performed on the streets identified in the bid.(Exh.1).

material change to the contents of the base bid documents. In other words, the addendum does not affect the price or scope of work.

Under an advertised procurement all qualified bidders must be given an equal opportunity to submit bids which are based upon the same specifications and to have such bids evaluated on the same basis. However, the guarantee of an equal opportunity to compete and equal treatment in the evaluation of bids does not confer upon bidders the right to insist upon enforcement of bid provisions, the waiver of which would not result in unfair advantage to other bidders. **40 Comp.Gen.321, 324.** In such circumstances it is only the interest of the City, not that of other bidders that is at issue. Not awarding the Contract to, M. Luis, the lowest responsive and responsible bidder would not serve the City's interest as it would violate the City Charter.

For the foregoing reasons we urge you to reject the recommendation of the Department of Transportation and, as duty bound, award the Contact to M. Luis, the lowest responsive and responsible bidder.

Very truly yours

A handwritten signature in black ink, appearing to read 'Robert Fulton Dashiell', is written over a horizontal line. The signature is somewhat stylized and overlaps the line.

Robert Fulton Dashiell

# Exhibit 1



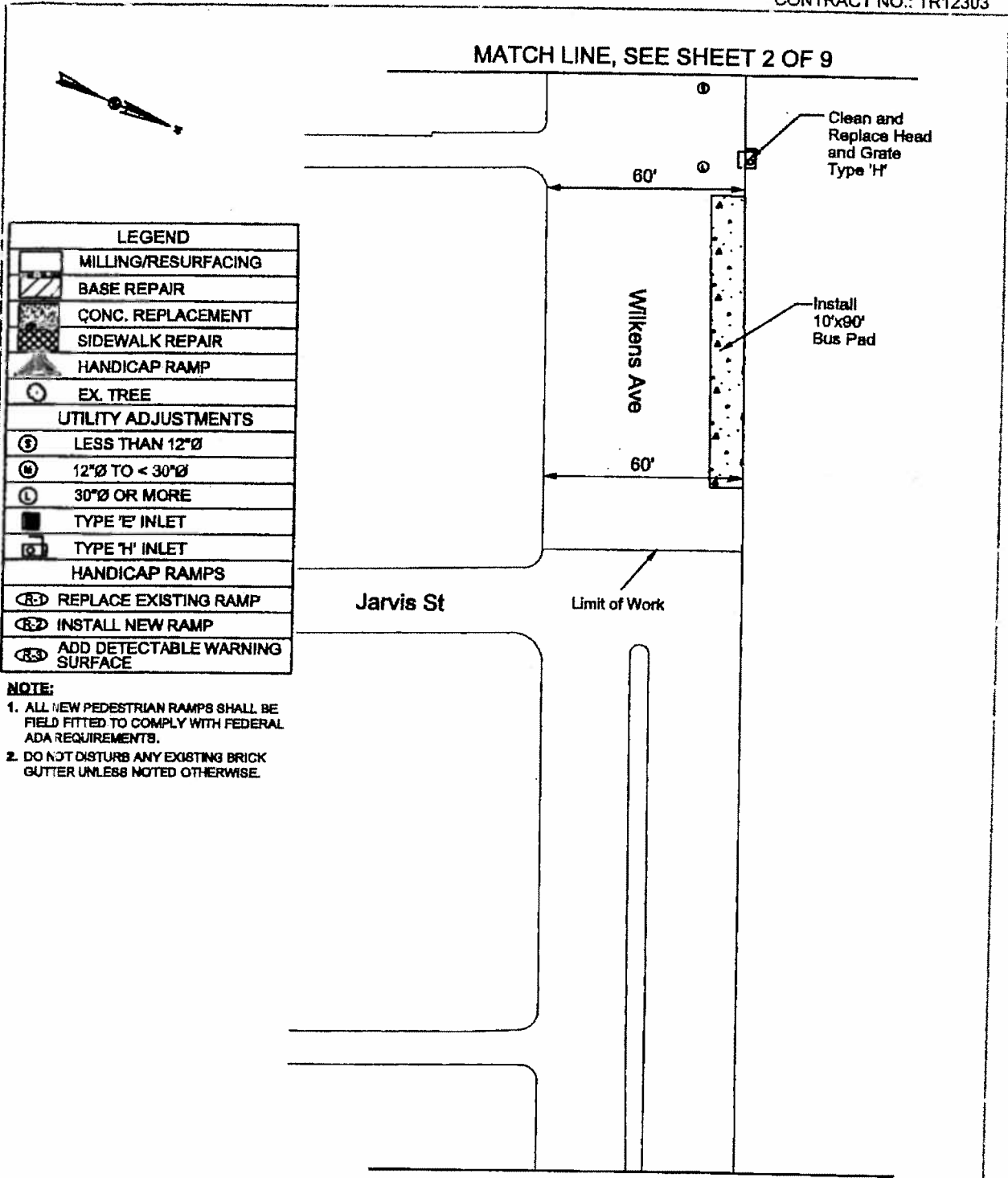
**CITY OF BALTIMORE**

14



**F.A.P. NO.: STP-000A (861)E**  
**S.H.A. NO.: BC 315-115-815**  
**CONTRACT NO.: TR12303**

**RESURFACING HIGHWAYS AT VARIOUS  
LOCATIONS  
SOUTHWEST - SECTOR III**



LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
	12"Ø TO < 30"Ø
	30"Ø OR MORE
	TYPE 'E' INLET
	TYPE 'H' INLET
HANDICAP RAMPS	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
	ADD DETECTABLE WARNING SURFACE

**NOTE:**

- ALL NEW PEDESTRIAN RAMPS SHALL BE FIELD FITTED TO COMPLY WITH FEDERAL ADA REQUIREMENTS.
- DO NOT DISTURB ANY EXISTING BRICK GUTTER UNLESS NOTED OTHERWISE.

**ROADWAY PLANS**

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III**  
 WILKENS AVENUE  
 FROM: JARVIS STREET  
 TO: DESOTO ROAD  
 CITY OF BALTIMORE

DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 2,850 L.F.  
 SHEET NO.: 1 OF 8  
 SCALE: NTS

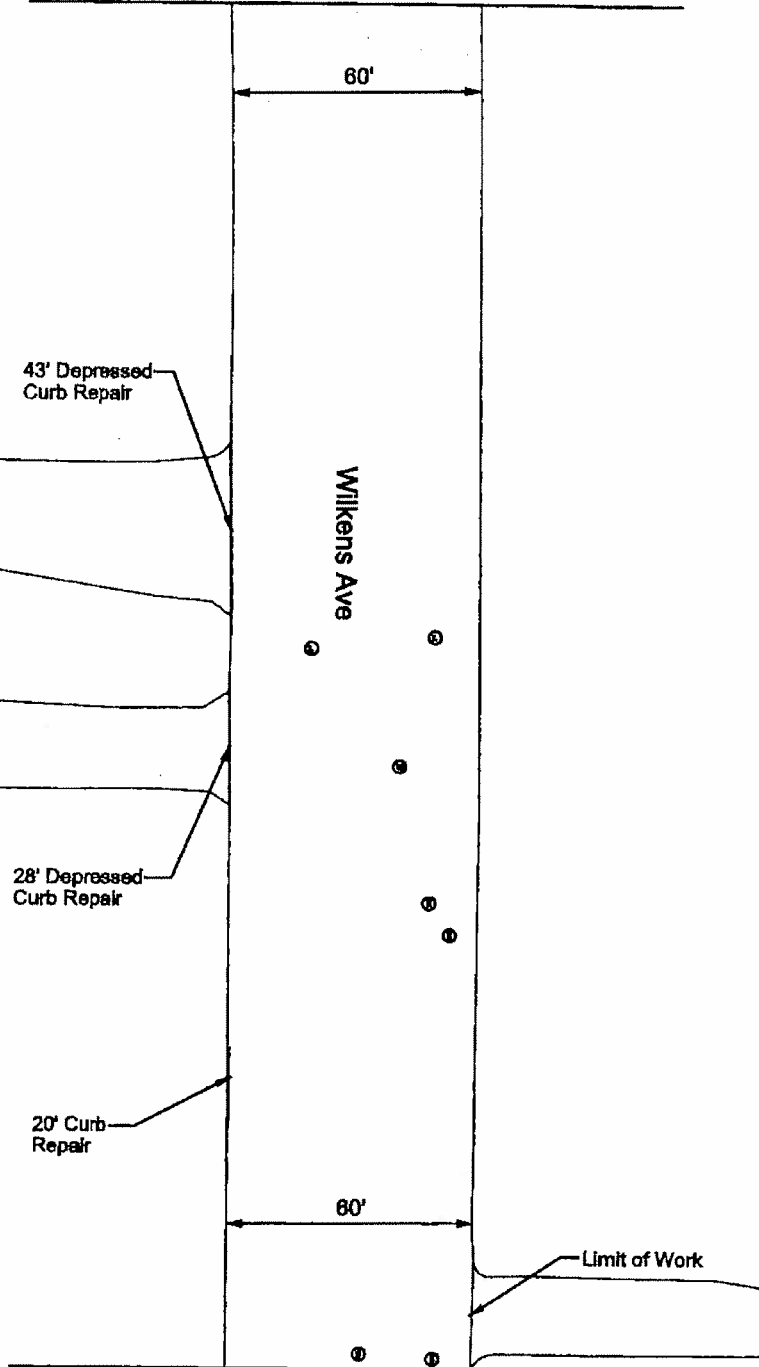
MATCH LINE, SEE SHEET 3 OF 9



LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
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HANDICAP RAMPS	
	REPLACE EXISTING RAMP
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**NOTE:**

- ALL NEW PEDESTRIAN RAMPS SHALL BE FIELD FITTED TO COMPLY WITH FEDERAL ADA REQUIREMENTS.
- DO NOT DISTURB ANY EXISTING BRICK GUTTER UNLESS NOTED OTHERWISE.



MATCH LINE, SEE SHEET 1 OF 9

**ROADWAY PLANS**

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III  
 WILKENS AVENUE  
 FROM: JARVIS STREET  
 TO: DESOTO ROAD  
 CITY OF BALTIMORE**

DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 2,850 L.F.  
 SHEET NO.: 2 OF 9  
 SCALE: NTS

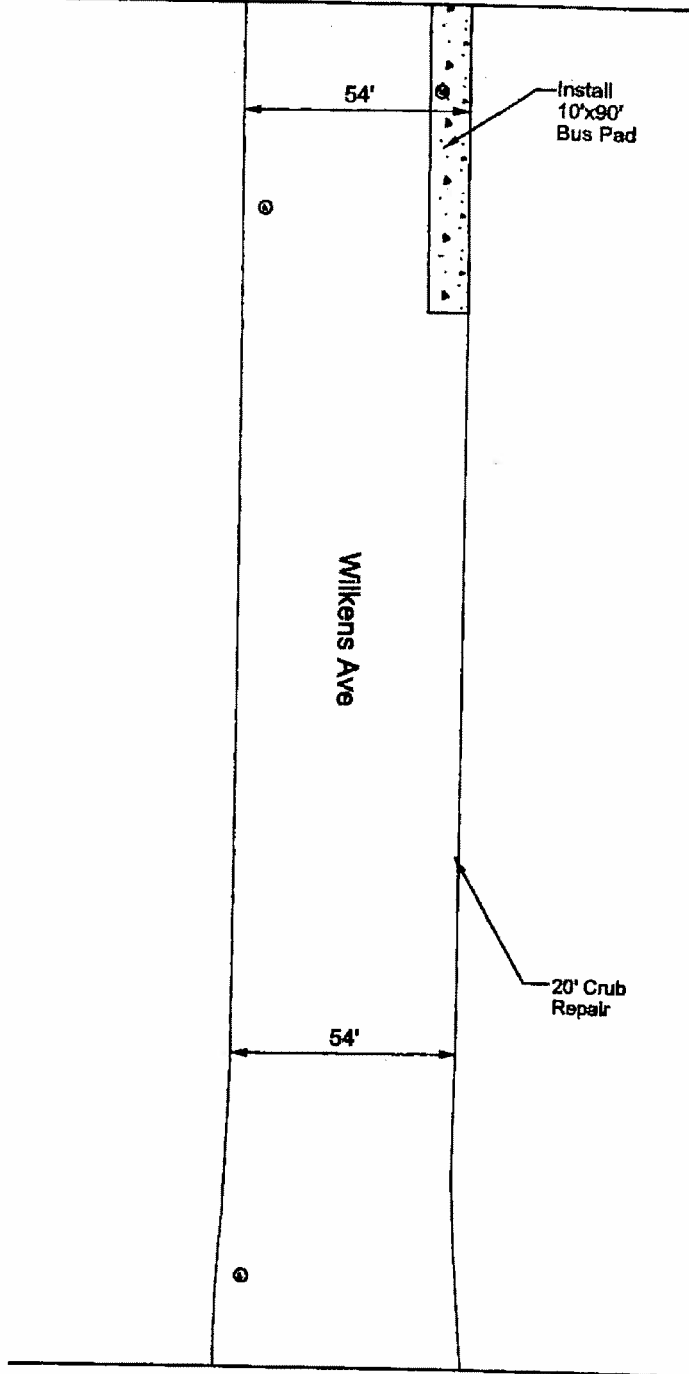
MATCH LINE, SEE SHEET 4 OF 9



LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
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	TYPE 'E' INLET
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HANDICAP RAMPS	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
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**NOTE:**

- ALL NEW PEDESTRIAN RAMPS SHALL BE FIELD FITTED TO COMPLY WITH FEDERAL ADA REQUIREMENTS.
- DO NOT DISTURB ANY EXISTING BRICK GUTTER UNLESS NOTED OTHERWISE.



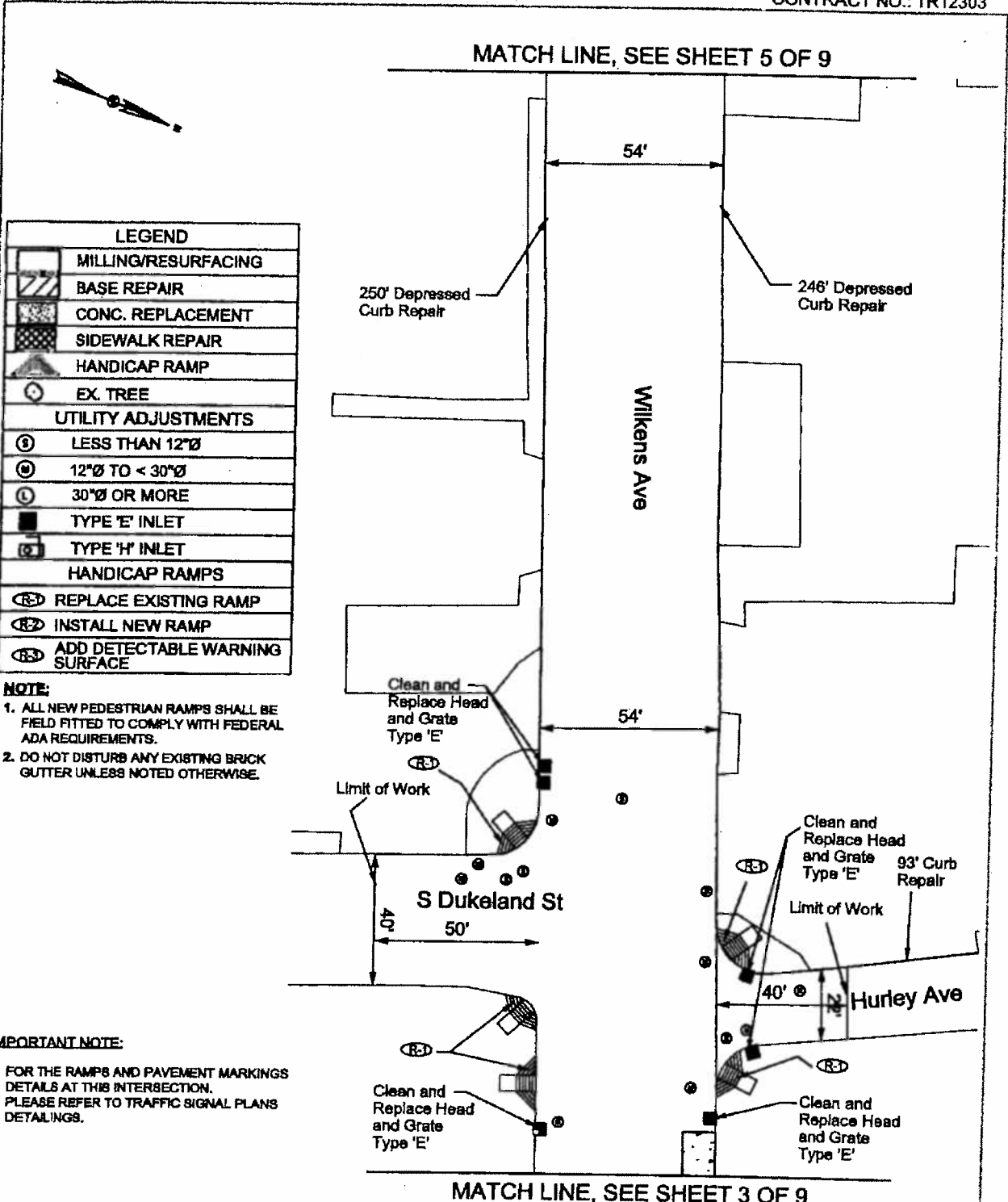
MATCH LINE, SEE SHEET 2 OF 9

**ROADWAY PLANS**

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III  
 WILKENS AVENUE  
 FROM: JARVIS STREET  
 TO: DESOTO ROAD  
 CITY OF BALTIMORE**

DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 2,850 L.F.  
 SHEET NO.: 3 OF 9  
 SCALE: NTS



LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"
	12" TO < 30"
	30" OR MORE
	TYPE 'E' INLET
	TYPE 'H' INLET
HANDICAP RAMPS	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
	ADD DETECTABLE WARNING SURFACE

**NOTE:**  
 1. ALL NEW PEDESTRIAN RAMPS SHALL BE FIELD FITTED TO COMPLY WITH FEDERAL ADA REQUIREMENTS.  
 2. DO NOT DISTURB ANY EXISTING BRICK GUTTER UNLESS NOTED OTHERWISE.

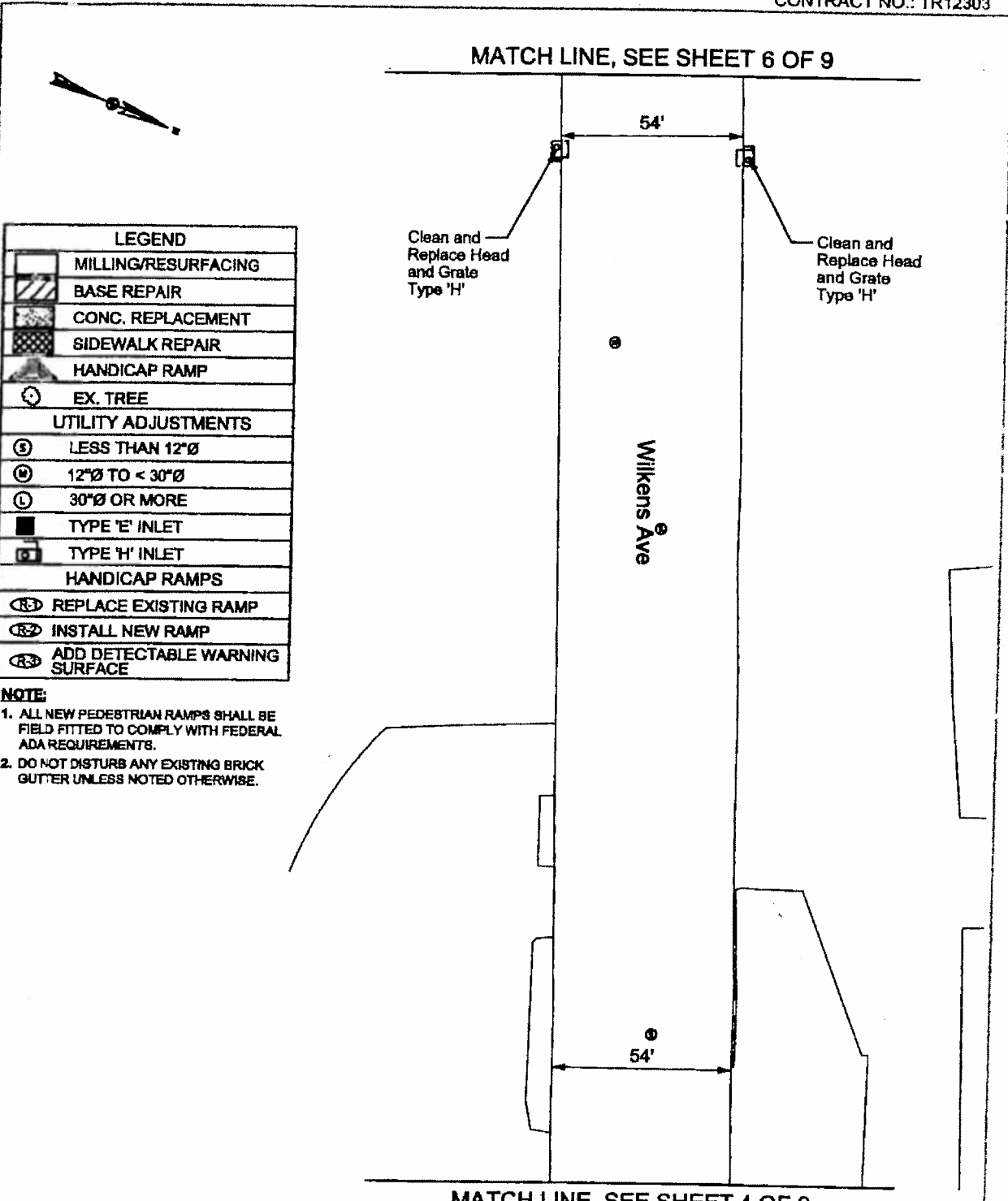
**IMPORTANT NOTE:**  
 1. FOR THE RAMPS AND PAVEMENT MARKINGS DETAILS AT THIS INTERSECTION, PLEASE REFER TO TRAFFIC SIGNAL PLANS DETAILINGS.

**ROADWAY PLANS**

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III  
 WILKENS AVENUE  
 FROM: JARVIS STREET  
 TO: DESOTO ROAD  
 CITY OF BALTIMORE**

**DEPARTMENT OF  
 TRANSPORTATION**  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 2,650 L.F.  
 SHEET NO.: 4 OF 8  
 SCALE: NTS

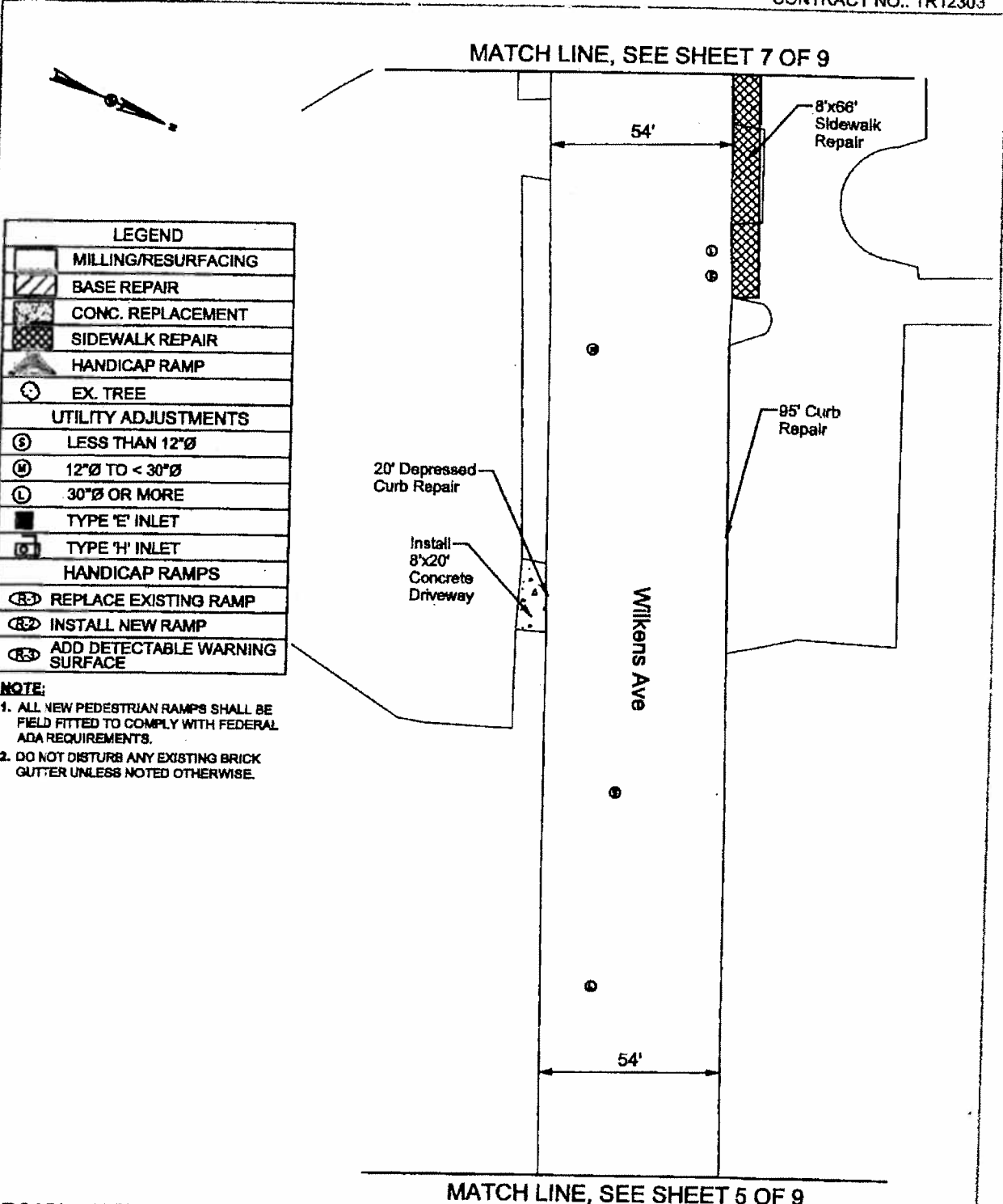


LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
	12"Ø TO < 30"Ø
	30"Ø OR MORE
	TYPE 'E' INLET
	TYPE 'H' INLET
HANDICAP RAMPS	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
	ADD DETECTABLE WARNING SURFACE

**NOTE:**  
 1. ALL NEW PEDESTRIAN RAMPS SHALL BE FIELD FITTED TO COMPLY WITH FEDERAL ADA REQUIREMENTS.  
 2. DO NOT DISTURB ANY EXISTING BRICK GUTTER UNLESS NOTED OTHERWISE.

**ROADWAY PLANS**

INSPECTED BY: <u>U.K./K.L.</u> DRAWN BY: <u>U.K./K.L.</u> EXAMINED BY: <u>K.G.</u>	<b>RESURFACING HIGHWAYS          SOUTHWEST, SECTOR - III          WILKENS AVENUE          FROM: JARVIS STREET          TO: DESOTO ROAD          CITY OF BALTIMORE</b>	DEPARTMENT OF TRANSPORTATION BALTO. CITY NO: TR12303 PROJECT LENGTH: 2,860 L.F. SHEET NO.: 5 OF 9 SCALE: NTS
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LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
	12"Ø TO < 30"Ø
	30"Ø OR MORE
	TYPE 'E' INLET
	TYPE 'H' INLET
HANDICAP RAMPS	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
	ADD DETECTABLE WARNING SURFACE

**NOTE:**  
 1. ALL NEW PEDESTRIAN RAMPS SHALL BE FIELD FITTED TO COMPLY WITH FEDERAL ADA REQUIREMENTS.  
 2. DO NOT DISTURB ANY EXISTING BRICK GUTTER UNLESS NOTED OTHERWISE.

**ROADWAY PLANS**

INSPECTED BY: <u>U.K./K.L.</u> DRAWN BY: <u>U.K./K.L.</u> EXAMINED BY: <u>K.G.</u>	<b>RESURFACING HIGHWAYS          SOUTHWEST, SECTOR - III          WILKENS AVENUE          FROM: JARVIS STREET          TO: DESOTO ROAD          CITY OF BALTIMORE</b>	DEPARTMENT OF TRANSPORTATION BALTO. CITY NO: TR12303 PROJECT LENGTH: 2,850 L.F. SHEET NO.: 6 OF 9 SCALE: NTS
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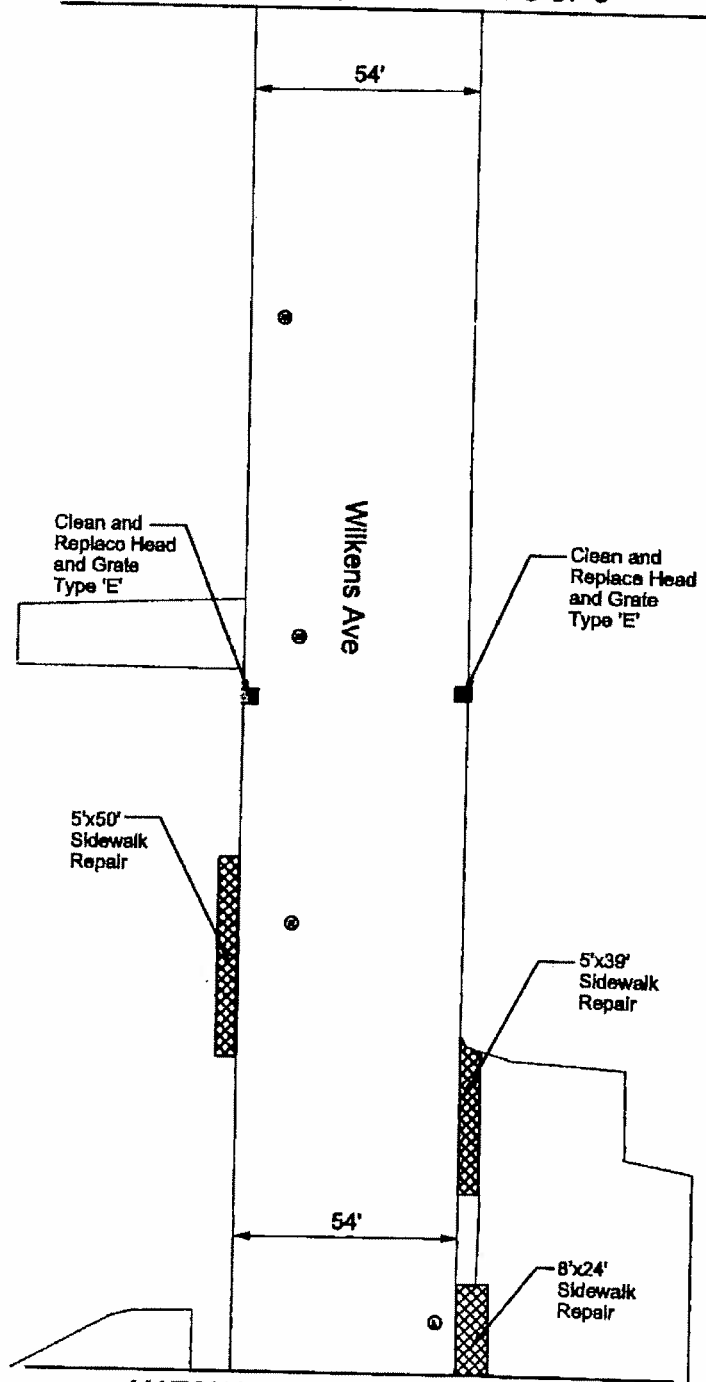


MATCH LINE, SEE SHEET 8 OF 9

LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
	12"Ø TO < 30"Ø
	30"Ø OR MORE
	TYPE 'E' INLET
	TYPE 'H' INLET
HANDICAP RAMPS	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
	ADD DETECTABLE WARNING SURFACE

**NOTE:**

1. ALL NEW PEDESTRIAN RAMPS SHALL BE FIELD FITTED TO COMPLY WITH FEDERAL ADA REQUIREMENTS.
2. DO NOT DISTURB ANY EXISTING BRICK GUTTER UNLESS NOTED OTHERWISE.



MATCH LINE, SEE SHEET 6 OF 9

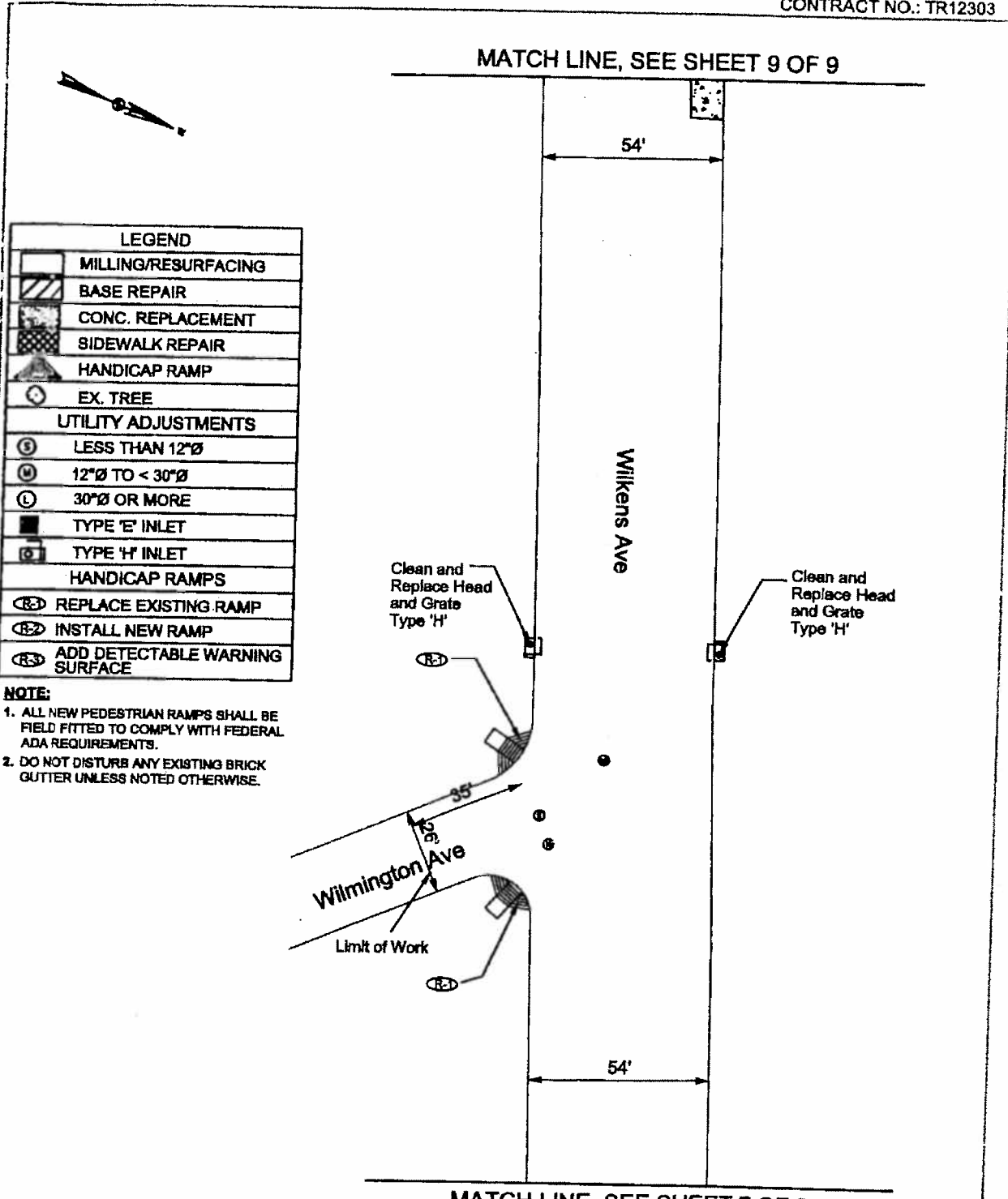
**ROADWAY PLANS**

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III  
 WILKENS AVENUE  
 FROM: JARVIS STREET  
 TO: DESOTO ROAD  
 CITY OF BALTIMORE**

**DEPARTMENT OF  
 TRANSPORTATION**  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 2,850 L.F.  
 SHEET NO.: 7 OF 9  
 SCALE: NTS





**ROADWAY PLANS**

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

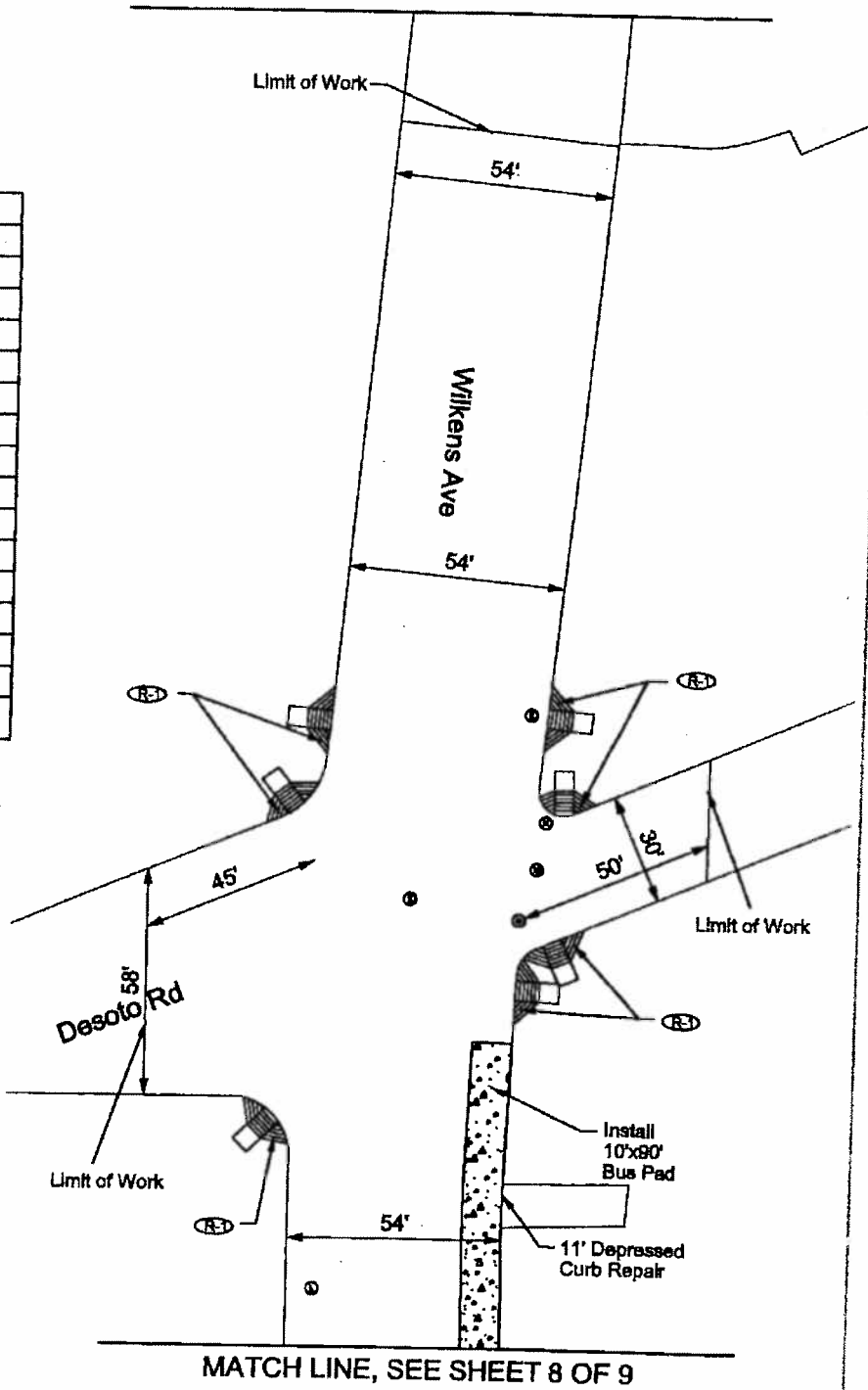
**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III  
 WILKENS AVENUE  
 FROM: JARVIS STREET  
 TO: DESOTO ROAD  
 CITY OF BALTIMORE**

DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 2,850 L.F.  
 SHEET NO.: 8 OF 9  
 SCALE: NTS

LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
	12"Ø TO < 30"Ø
	30"Ø OR MORE
	TYPE 'E' INLET
	TYPE 'H' INLET
HANDICAP RAMPS	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
	ADD DETECTABLE WARNING SURFACE

**NOTE:**

1. ALL NEW PEDESTRIAN RAMPS SHALL BE FIELD FITTED TO COMPLY WITH FEDERAL ADA REQUIREMENTS.
2. DO NOT DISTURB ANY EXISTING BRICK GUTTER UNLESS NOTED OTHERWISE.

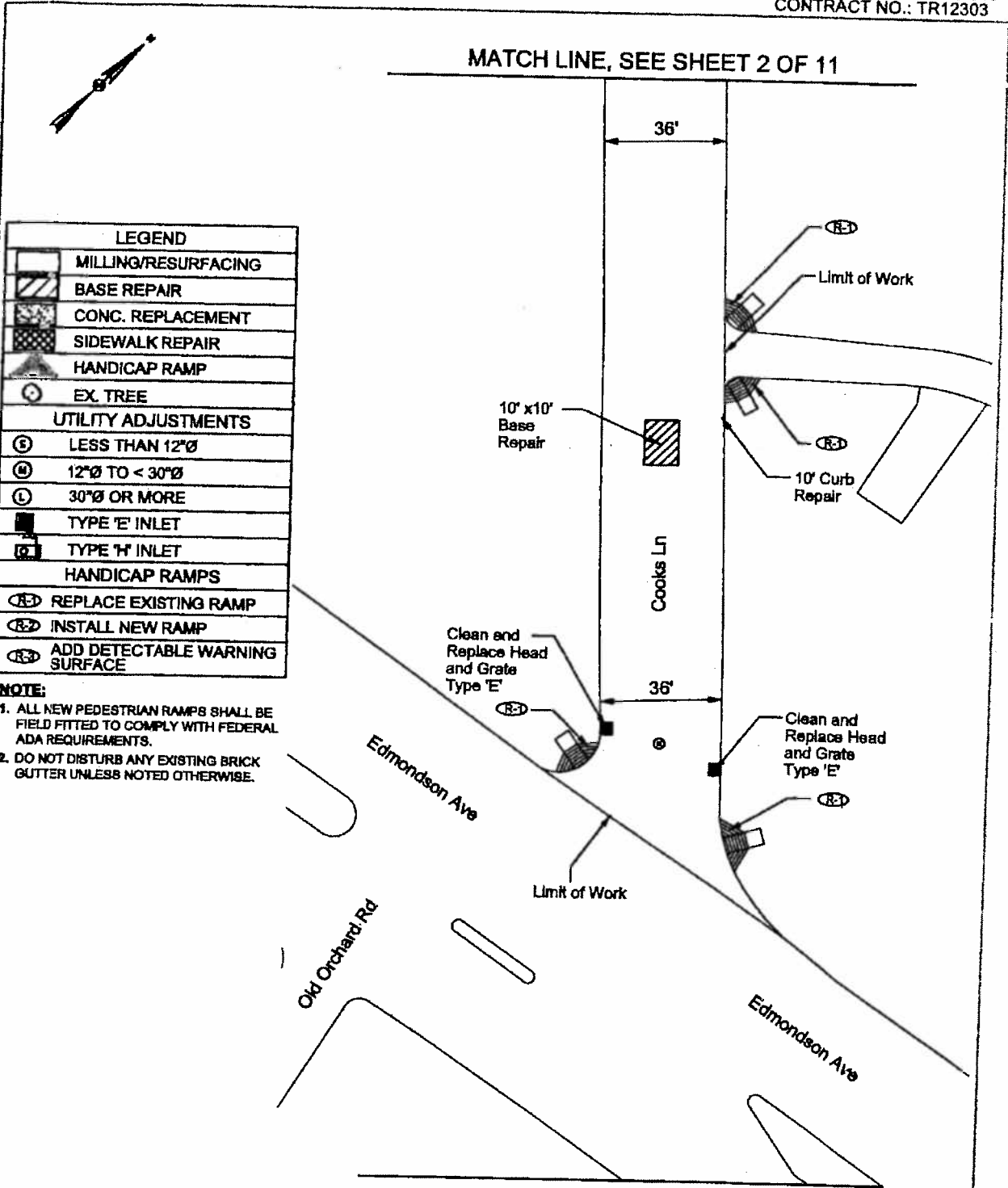


**ROADWAY PLANS**

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III  
 WILKENS AVENUE  
 FROM: JARVIS STREET  
 TO: DESOTO ROAD  
 CITY OF BALTIMORE**

DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 2,850 L.F.  
 SHEET NO.: 9 OF 9  
 SCALE: NTS



LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
	12"Ø TO < 30"Ø
	30"Ø OR MORE
	TYPE 'E' INLET
	TYPE 'H' INLET
HANDICAP RAMPS	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
	ADD DETECTABLE WARNING SURFACE

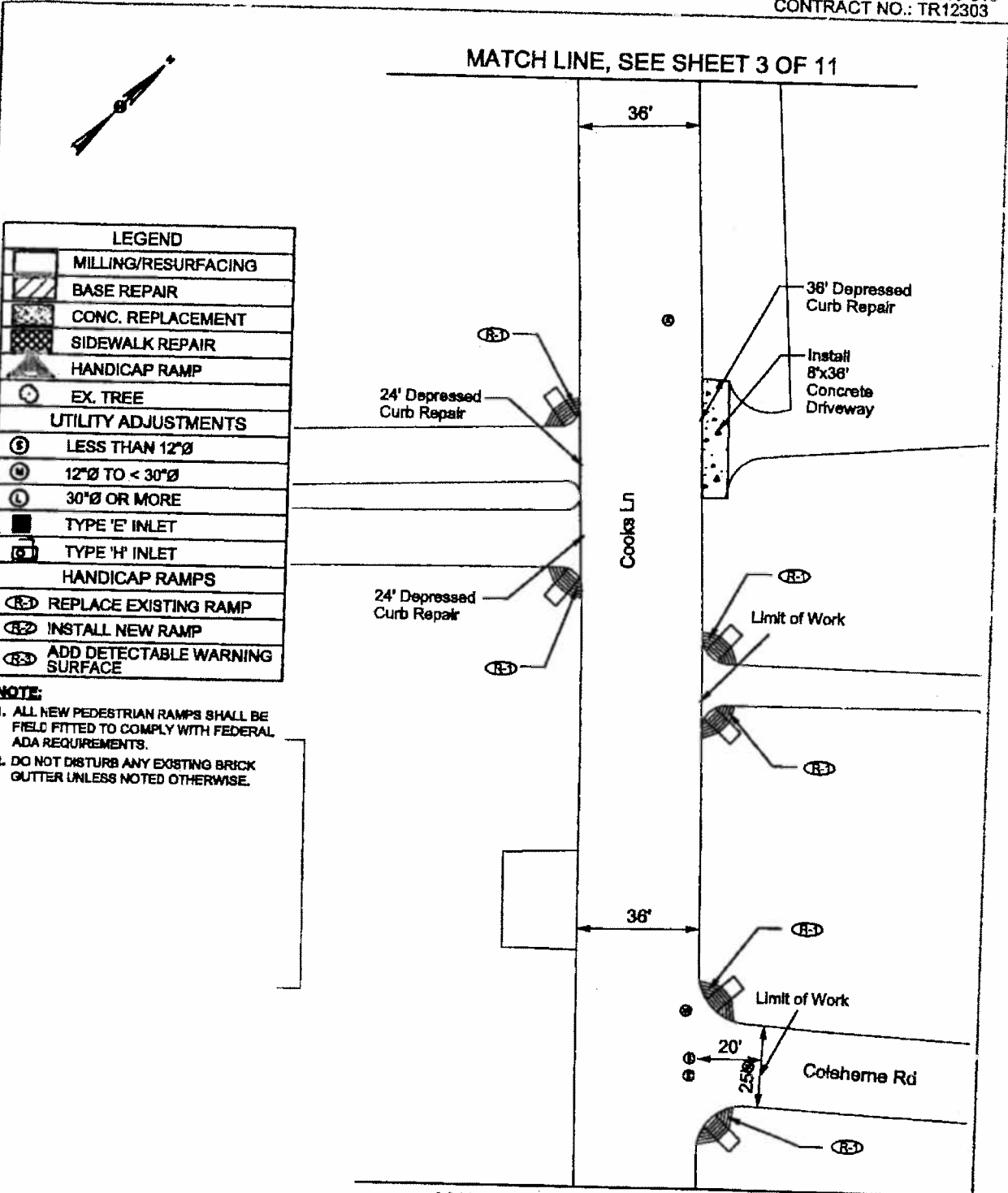
- NOTE:**
- ALL NEW PEDESTRIAN RAMPS SHALL BE FIELD FITTED TO COMPLY WITH FEDERAL ADA REQUIREMENTS.
  - DO NOT DISTURB ANY EXISTING BRICK GUTTER UNLESS NOTED OTHERWISE.

**ROADWAY PLANS**

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III  
 COOKS LANE  
 FROM: EDMONDSON AVENUE  
 TO: THE CITY LINE  
 CITY OF BALTIMORE**

DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 3,800 L.F.  
 SHEET NO.: 1 OF 11  
 SCALE: NTS



LEGEND	
[Pattern]	MILLING/RESURFACING
[Pattern]	BASE REPAIR
[Pattern]	CONC. REPLACEMENT
[Pattern]	SIDEWALK REPAIR
[Pattern]	HANDICAP RAMP
[Symbol]	EX. TREE
UTILITY ADJUSTMENTS	
[Symbol]	LESS THAN 12"Ø
[Symbol]	12"Ø TO < 30"Ø
[Symbol]	30"Ø OR MORE
[Symbol]	TYPE 'E' INLET
[Symbol]	TYPE 'H' INLET
HANDICAP RAMPS	
[Symbol]	REPLACE EXISTING RAMP
[Symbol]	INSTALL NEW RAMP
[Symbol]	ADD DETECTABLE WARNING SURFACE

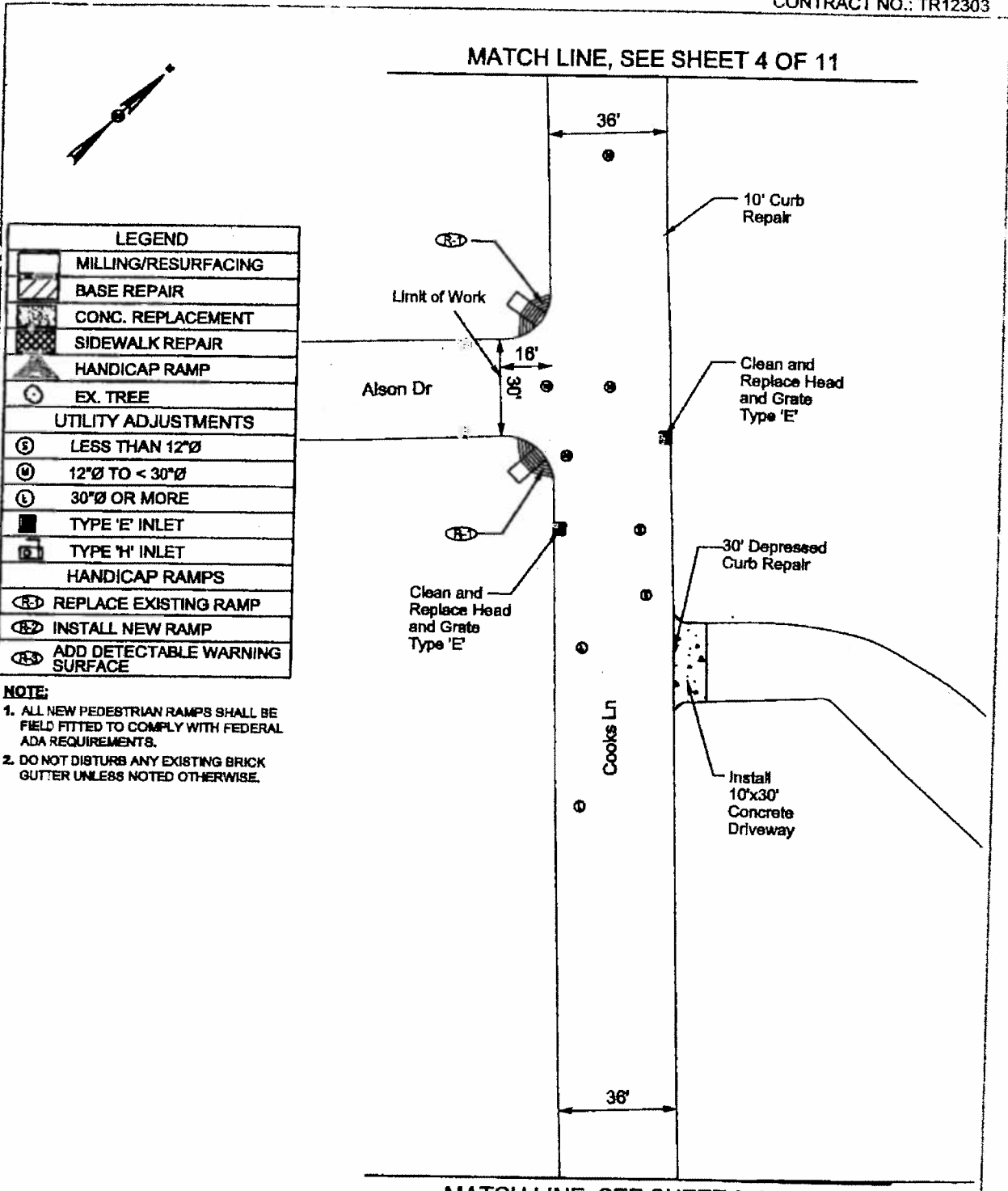
**NOTE:**  
 1. ALL NEW PEDESTRIAN RAMPS SHALL BE FIELD FITTED TO COMPLY WITH FEDERAL ADA REQUIREMENTS.  
 2. DO NOT DISTURB ANY EXISTING BRICK GUTTER UNLESS NOTED OTHERWISE.

**ROADWAY PLANS**

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

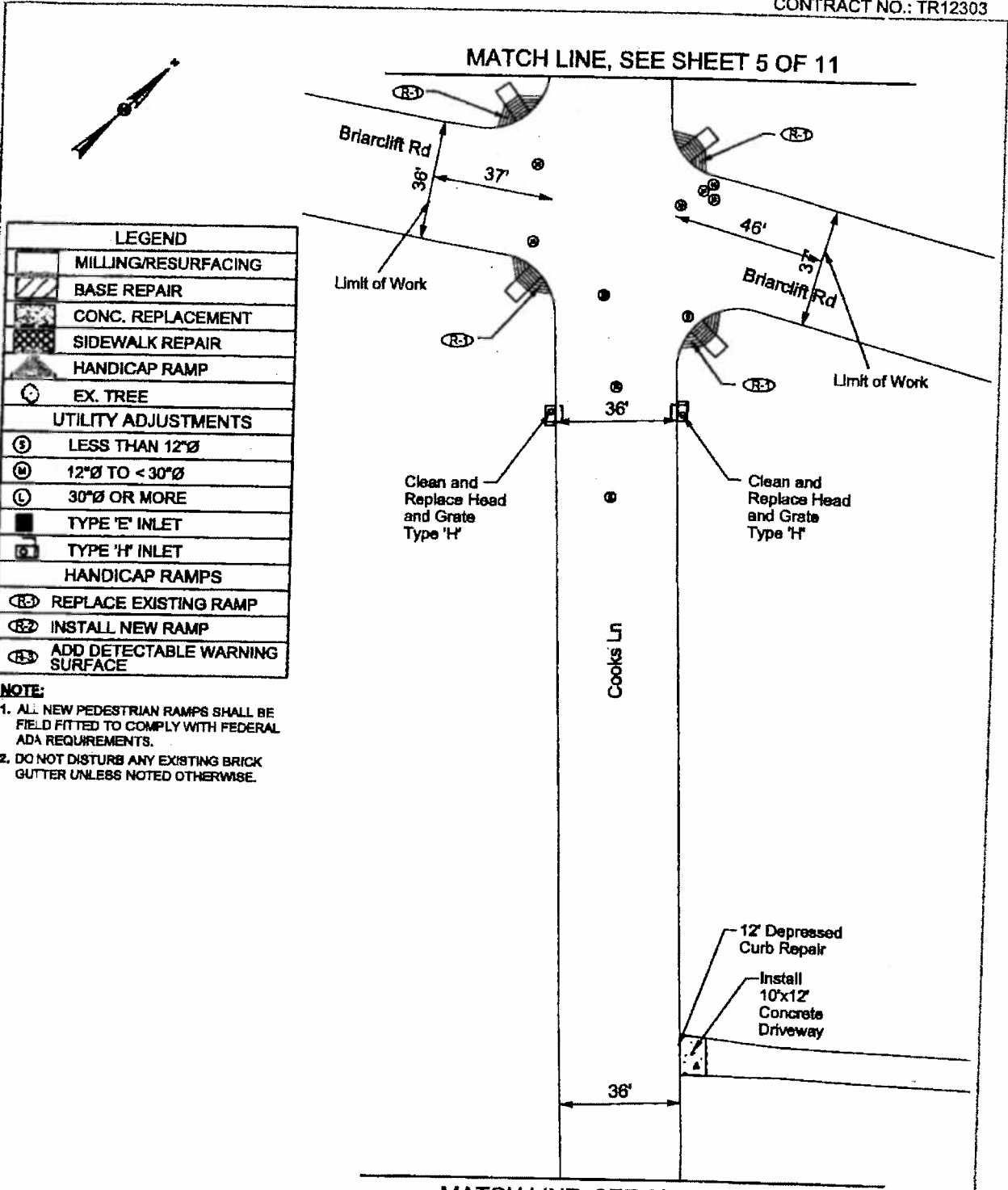
**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III  
 COOKS LANE  
 FROM: EDMONDSON AVENUE  
 TO: THE CITY LINE  
 CITY OF BALTIMORE**

DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 3,600 L.F.  
 SHEET NO.: 2 OF 11  
 SCALE: NTS



**ROADWAY PLANS**

INSPECTED BY: <u>U.K./K.L.</u> DRAWN BY: <u>U.K./K.L.</u> EXAMINED BY: <u>K.G.</u>	<b>RESURFACING HIGHWAYS          SOUTHWEST, SECTOR - III</b> <b>COOKS LANE</b> FROM: EDMONDSON AVENUE TO: THE CITY LINE <b>CITY OF BALTIMORE</b>	DEPARTMENT OF TRANSPORTATION BALTO. CITY NO: TR12303 PROJECT LENGTH: 3,600 L.F. SHEET NO.: 3 OF 11 SCALE: NTS
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LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
	12"Ø TO <30"Ø
	30"Ø OR MORE
	TYPE 'E' INLET
	TYPE 'H' INLET
HANDICAP RAMPS	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
	ADD DETECTABLE WARNING SURFACE

**NOTE:**

1. ALL NEW PEDESTRIAN RAMPS SHALL BE FIELD FITTED TO COMPLY WITH FEDERAL ADA REQUIREMENTS.
2. DO NOT DISTURB ANY EXISTING BRICK GUTTER UNLESS NOTED OTHERWISE.

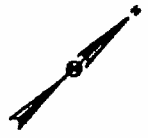
**ROADWAY PLANS**

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III  
 COOKS LANE  
 FROM: EDMONDSON AVENUE  
 TO: THE CITY LINE  
 CITY OF BALTIMORE**

**DEPARTMENT OF  
 TRANSPORTATION**

BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 3,600 L.F.  
 SHEET NO.: 4 OF 11  
 SCALE: NTS

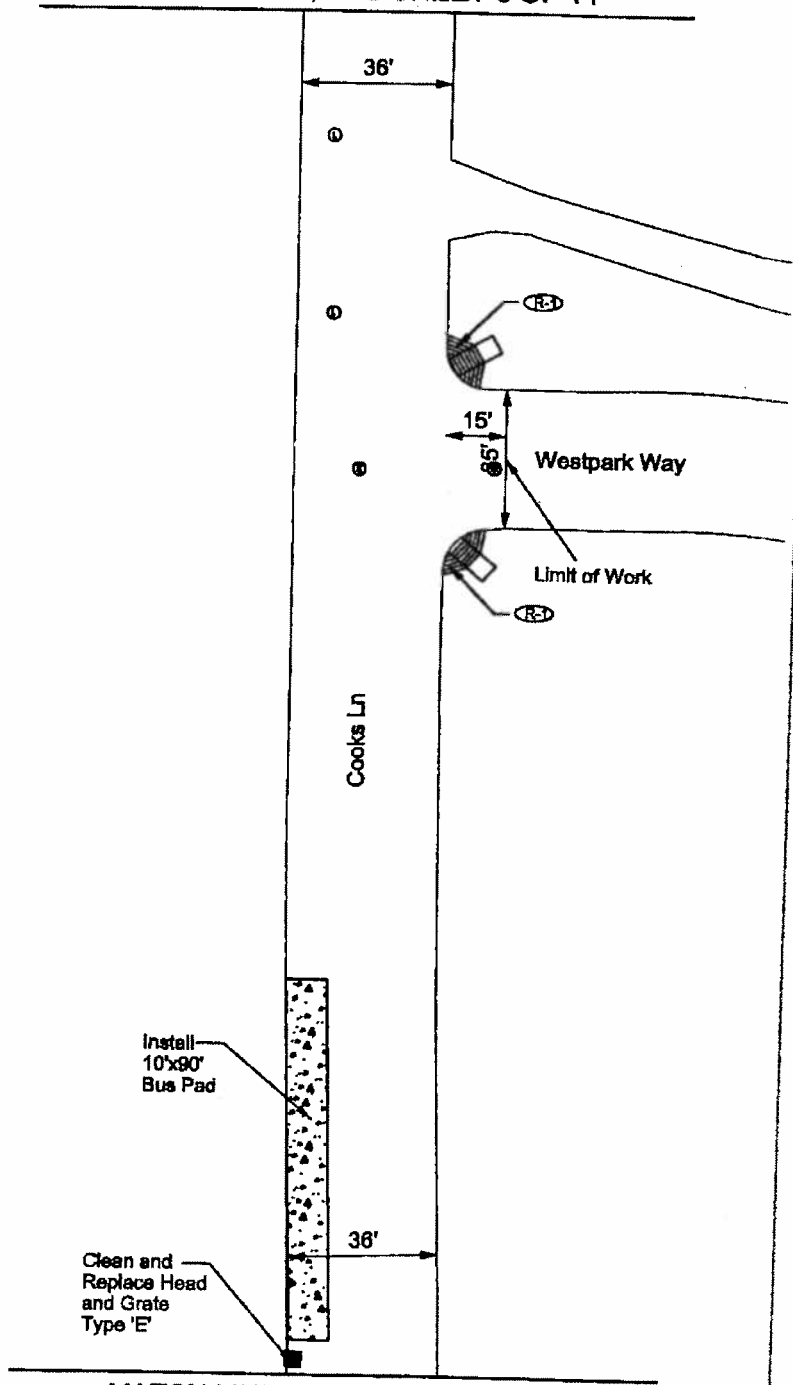


MATCH LINE, SEE SHEET 6 OF 11

LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
	12"Ø TO < 30"Ø
	30"Ø OR MORE
	TYPE 'E' INLET
	TYPE 'H' INLET
HANDICAP RAMPS	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
	ADD DETECTABLE WARNING SURFACE

**NOTE:**

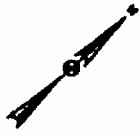
1. ALL NEW PEDESTRIAN RAMPS SHALL BE FIELD FITTED TO COMPLY WITH FEDERAL ADA REQUIREMENTS.
2. DO NOT DISTURB ANY EXISTING BRICK GUTTER UNLESS NOTED OTHERWISE.



MATCH LINE, SEE SHEET 4 OF 11

**ROADWAY PLANS**

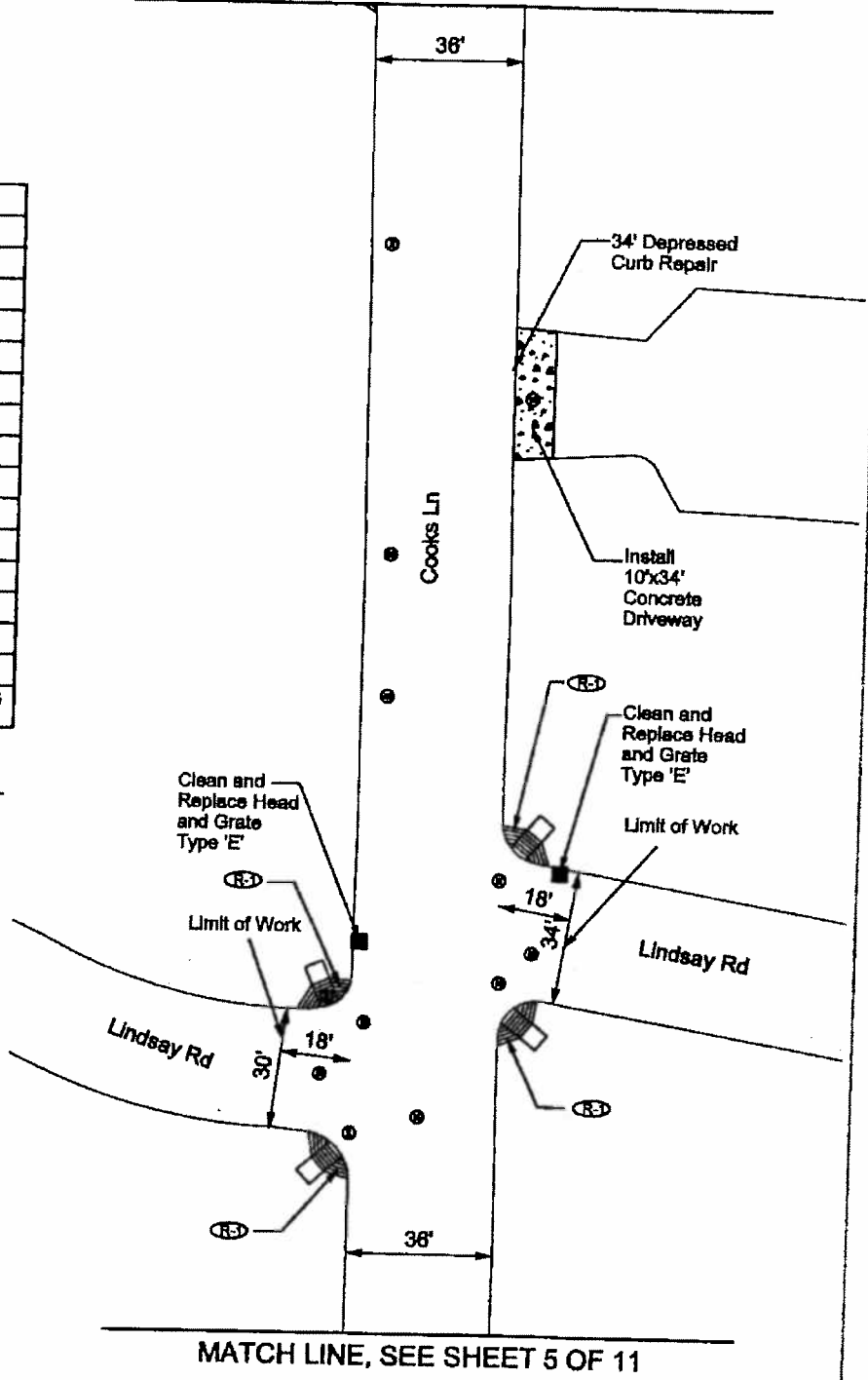
INSPECTED BY: <u>U.K./K.L.</u> DRAWN BY: <u>U.K./K.L.</u> EXAMINED BY: <u>K.G.</u>	<b>RESURFACING HIGHWAYS          SOUTHWEST, SECTOR - III</b> <b>COOKS LANE</b> FROM: EDMONDSON AVENUE TO: THE CITY LINE <b>CITY OF BALTIMORE</b>	DEPARTMENT OF TRANSPORTATION BALTO. CITY NO: TR12303 PROJECT LENGTH: 3,600 L.F. SHEET NO.: 5 OF 11 SCALE: NTS
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MATCH LINE, SEE SHEET 7 OF 11

LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
	12"Ø TO < 30"Ø
	30"Ø OR MORE
	TYPE 'E' INLET
	TYPE 'H' INLET
HANDICAP RAMPS	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
	ADD DETECTABLE WARNING SURFACE

**NOTE:**  
 1. ALL NEW PEDESTRIAN RAMPS SHALL BE FIELD FITTED TO COMPLY WITH FEDERAL ADA REQUIREMENTS.  
 2. DO NOT DISTURB ANY EXISTING BRICK GUTTER UNLESS NOTED OTHERWISE.



MATCH LINE, SEE SHEET 5 OF 11

**ROADWAY PLANS**

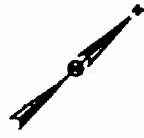
INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III**  
 COOKS LANE  
 FROM: EDMONDSON AVENUE  
 TO: THE CITY LINE  
 CITY OF BALTIMORE

DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 3,800 L.F.  
 SHEET NO.: 6 OF 11  
 SCALE: NTS



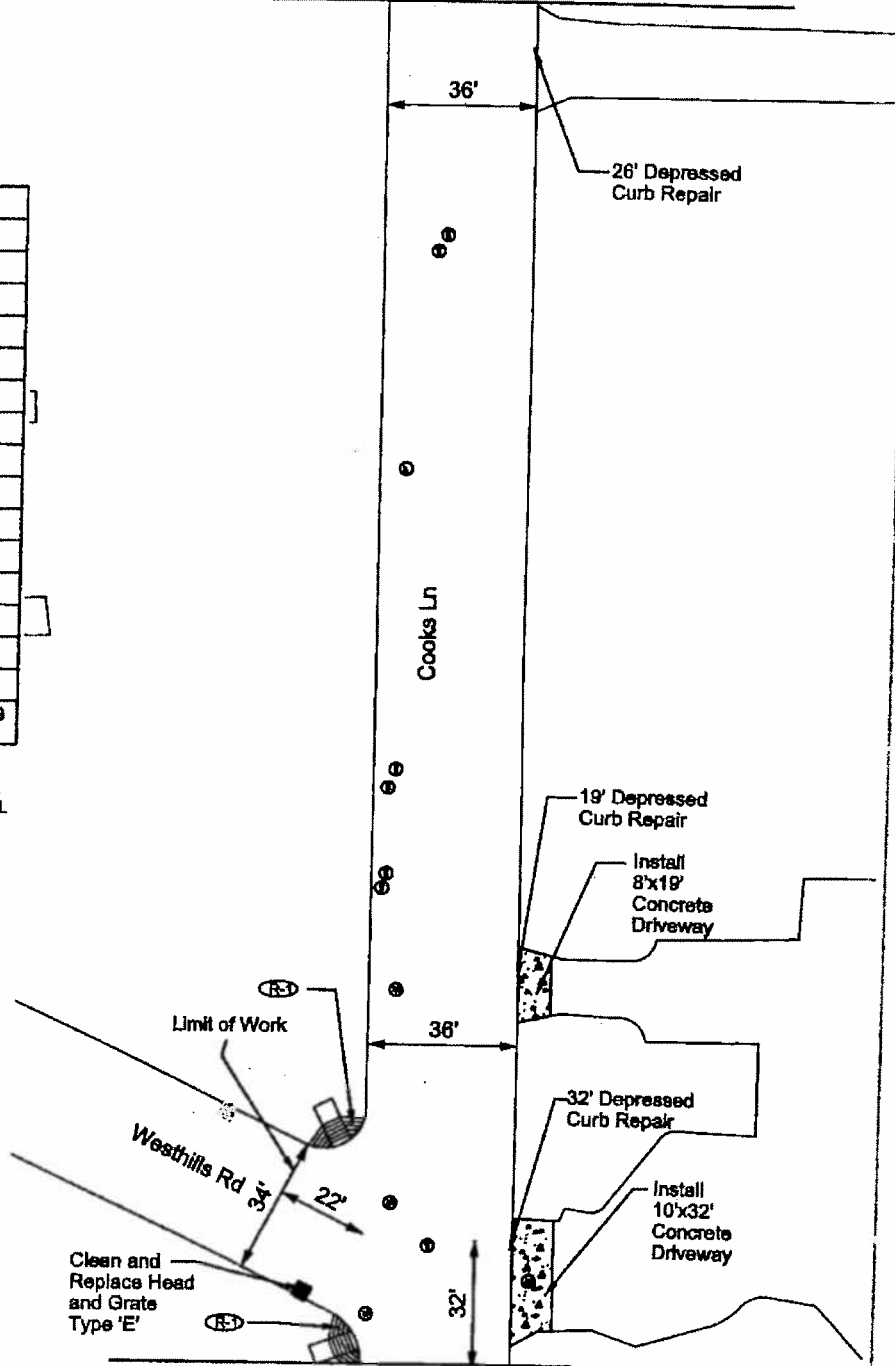
MATCH LINE, SEE SHEET 8 OF 11



LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
	12"Ø TO < 30"Ø
	30"Ø OR MORE
	TYPE 'E' INLET
	TYPE 'H' INLET
HANDICAP RAMPS	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
	ADD DETECTABLE WARNING SURFACE

**NOTE:**

- ALL NEW PEDESTRIAN RAMPS SHALL BE FIELD FITTED TO COMPLY WITH FEDERAL ADA REQUIREMENTS.
- DO NOT DISTURB ANY EXISTING BRICK GUTTER UNLESS NOTED OTHERWISE.



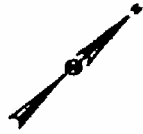
MATCH LINE, SEE SHEET 6 OF 11

**ROADWAY PLANS**

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III  
 COOKS LANE  
 FROM: EDMONDSON AVENUE  
 TO: THE CITY LINE  
 CITY OF BALTIMORE**

DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 3,600 L.F.  
 SHEET NO.: 7 OF 11  
 SCALE: NTS

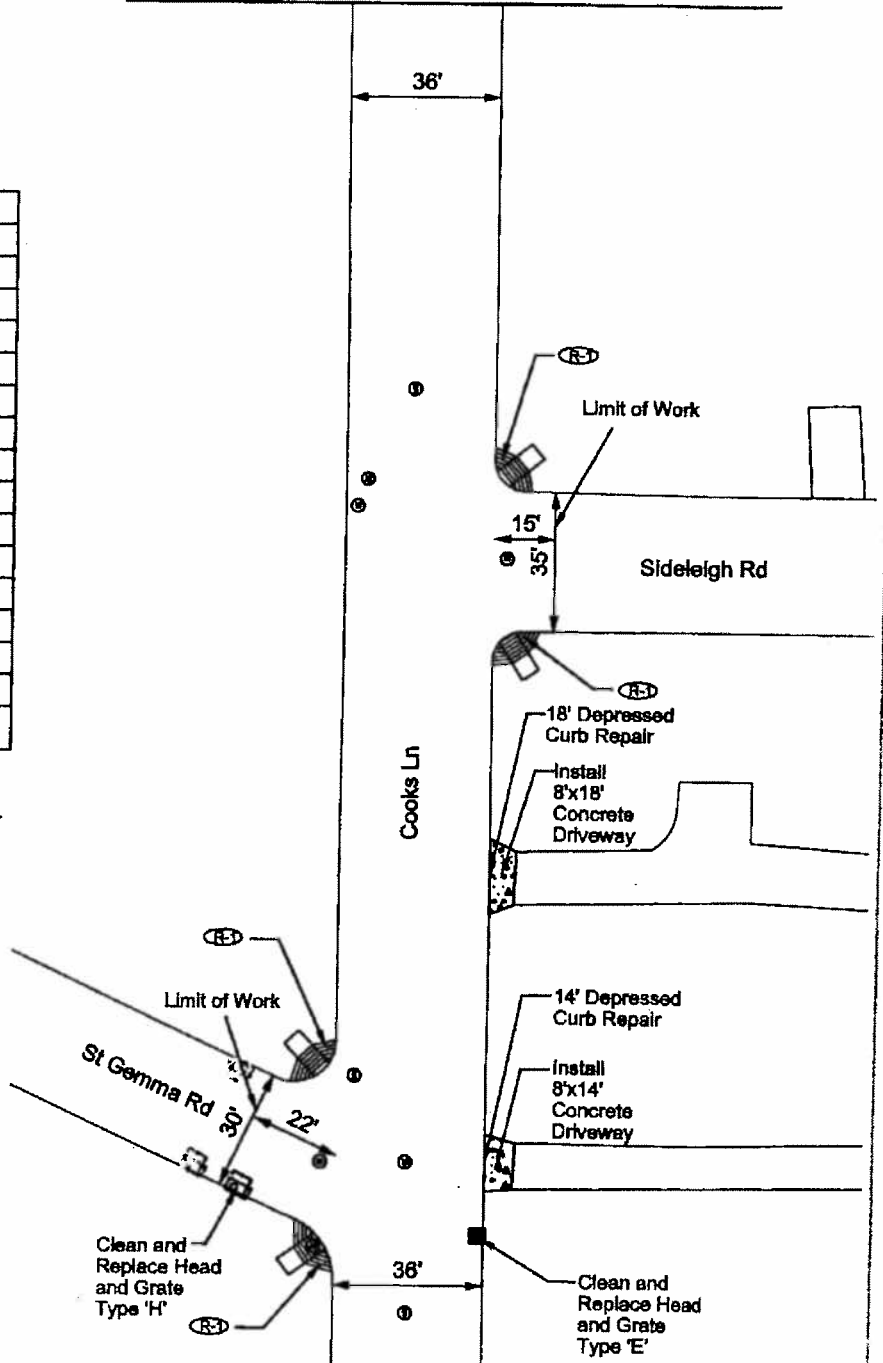


MATCH LINE, SEE SHEET 9 OF 11

LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
	12"Ø TO < 30"Ø
	30"Ø OR MORE
	TYPE 'E' INLET
	TYPE 'H' INLET
HANDICAP RAMPS	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
	ADD DETECTABLE WARNING SURFACE

**NOTE:**

1. ALL NEW PEDESTRIAN RAMPS SHALL BE FIELD FITTED TO COMPLY WITH FEDERAL ADA REQUIREMENTS.
2. DO NOT DISTURB ANY EXISTING BRICK GUTTER UNLESS NOTED OTHERWISE.



MATCH LINE, SEE SHEET 7 OF 8

**ROADWAY PLANS**

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III  
 COOKS LANE  
 FROM: EDMONDSON AVENUE  
 TO: THE CITY LINE  
 CITY OF BALTIMORE**

DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 3,600 L.F.  
 SHEET NO.: 8 OF 11  
 SCALE: NTS

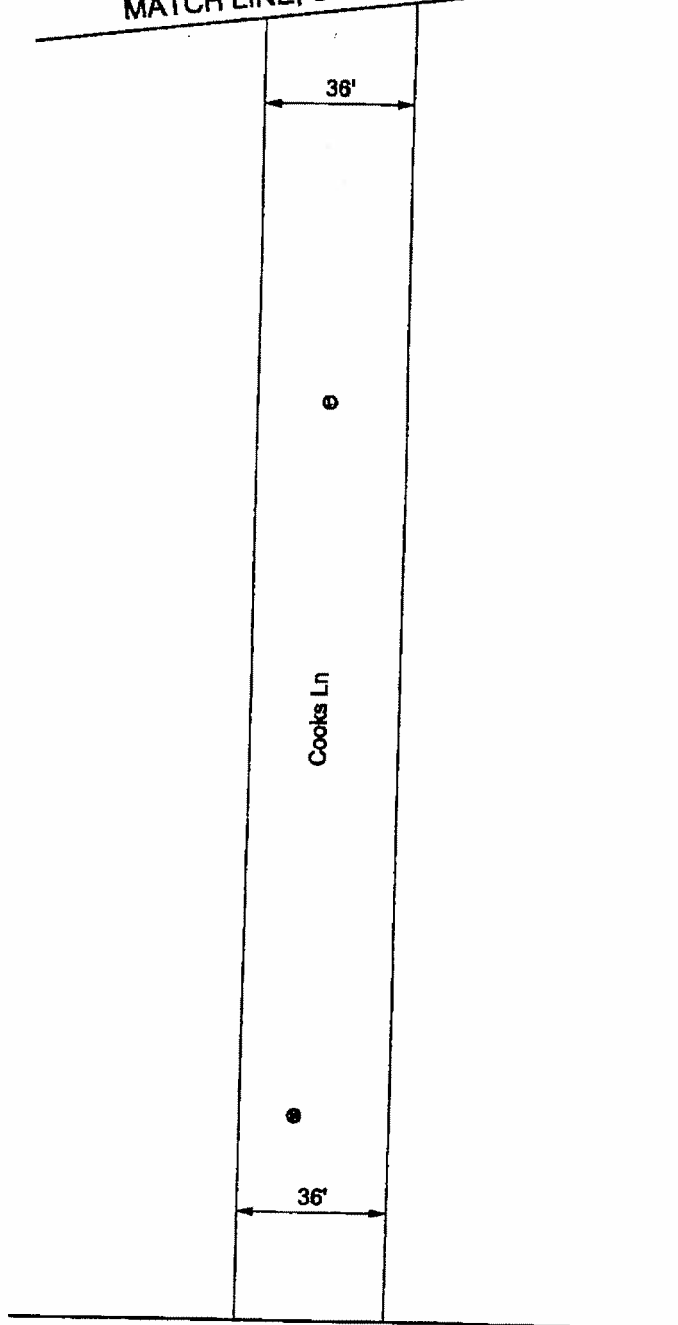


MATCH LINE, SEE SHEET 10 OF 11

LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
	12"Ø TO < 30"Ø
	30"Ø OR MORE
	TYPE 'E' INLET
	TYPE 'H' INLET
HANDICAP RAMPS	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
	ADD DETECTABLE WARNING SURFACE

**NOTE:**

1. ALL NEW PEDESTRIAN RAMPS SHALL BE FIELD FITTED TO COMPLY WITH FEDERAL ADA REQUIREMENTS.
2. DO NOT DISTURB ANY EXISTING BRICK GUTTER UNLESS NOTED OTHERWISE.



MATCH LINE, SEE SHEET 9 OF 11

**ROADWAY PLANS**

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III**  
 COOKS LANE  
 FROM: EDMONDSON AVENUE  
 TO: THE CITY LINE  
 CITY OF BALTIMORE

DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 3,600 L.F.  
 SHEET NO.: 9 OF 11  
 SCALE: NTS

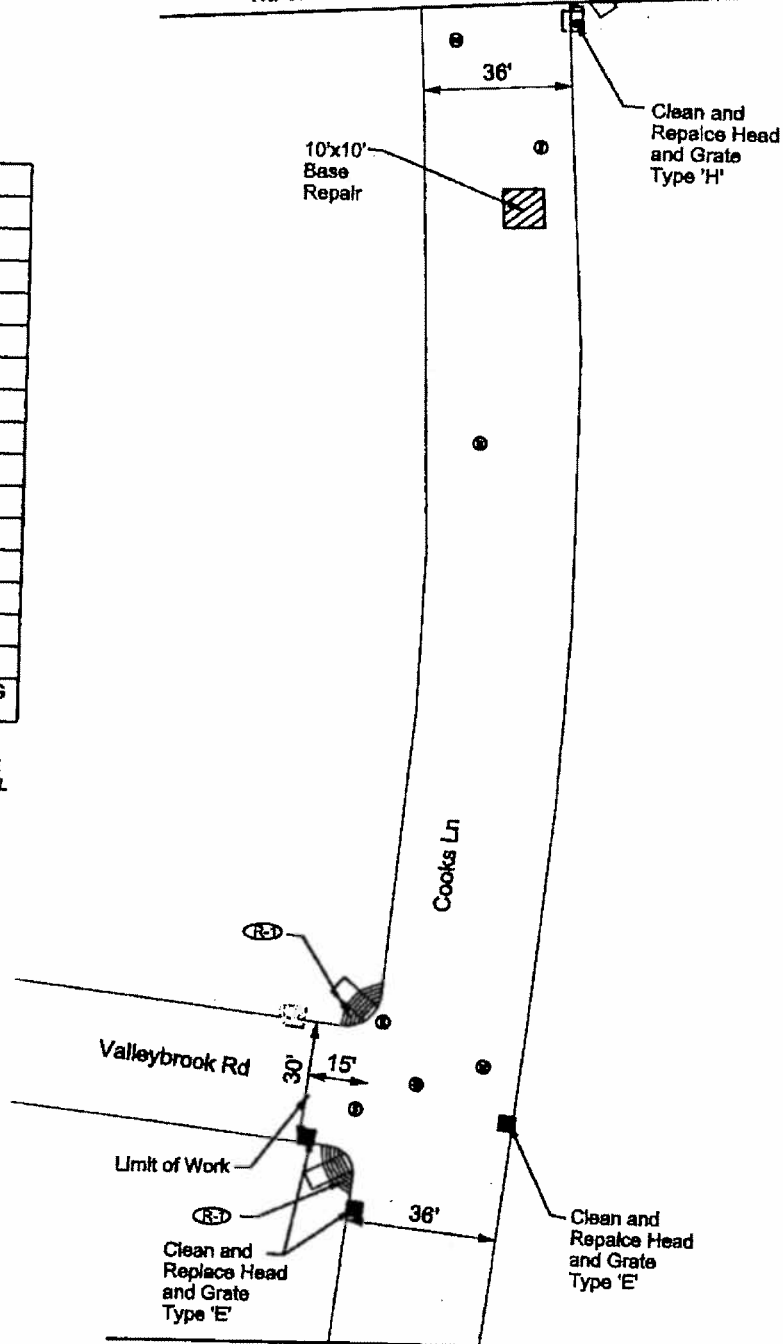


MATCH LINE, SEE SHEET 11 OF 11

LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
	12"Ø TO < 30"Ø
	30"Ø OR MORE
	TYPE 'E' INLET
	TYPE 'H' INLET
HANDICAP RAMP	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
	ADD DETECTABLE WARNING SURFACE

**NOTE:**

1. ALL NEW PEDESTRIAN RAMP SHALL BE FIELD FITTED TO COMPLY WITH FEDERAL ADA REQUIREMENTS.
2. DO NOT DISTURB ANY EXISTING BRICK GUTTER UNLESS NOTED OTHERWISE.



MATCH LINE, SEE SHEET 9 OF 11

**ROADWAY PLANS**

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

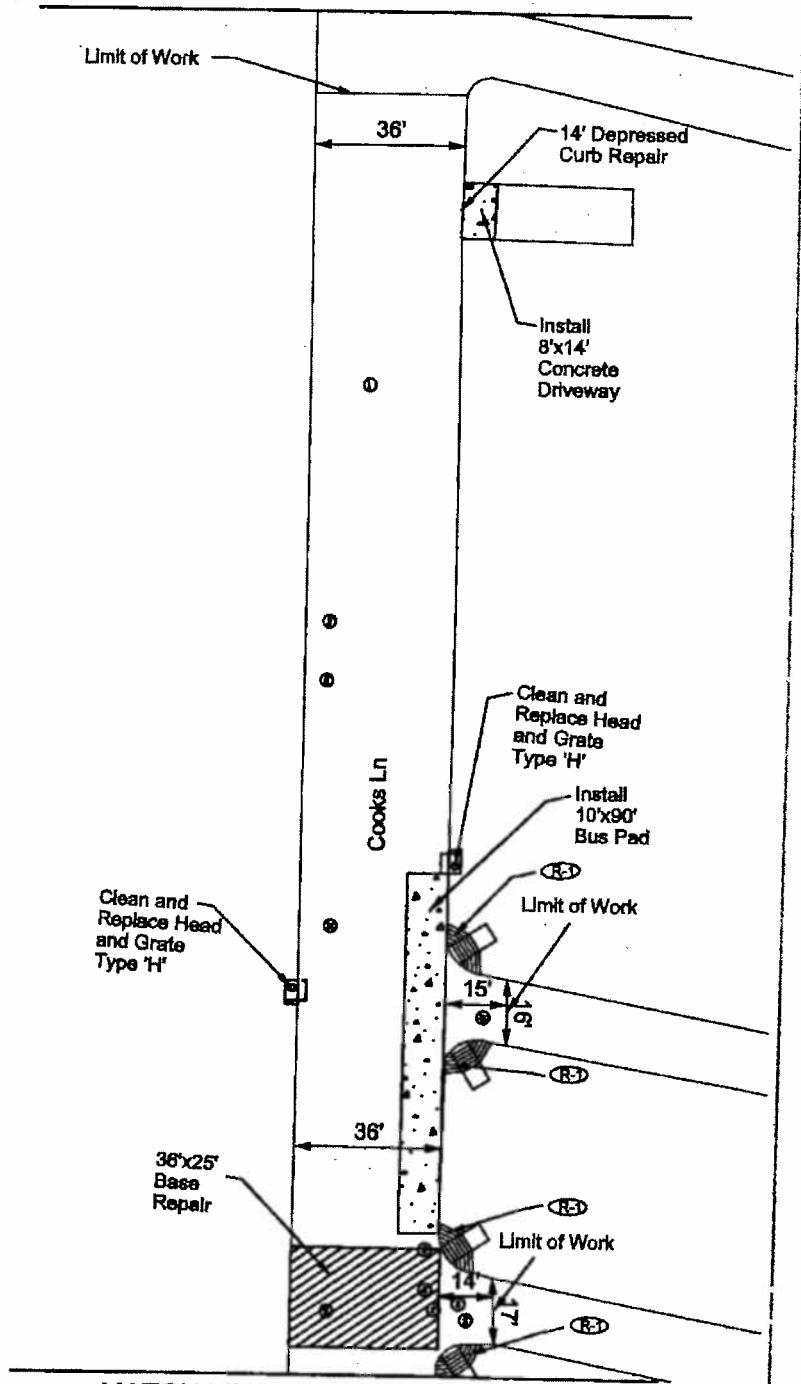
**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III  
 COOKS LANE  
 FROM: EDMONDSON AVENUE  
 TO: THE CITY LINE  
 CITY OF BALTIMORE**

DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 3,800 L.F.  
 SHEET NO.: 10 OF 11  
 SCALE: NTS

LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
	12"Ø TO < 30"Ø
	30"Ø OR MORE
	TYPE 'E' INLET
	TYPE 'H' INLET
HANDICAP RAMPS	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
	ADD DETECTABLE WARNING SURFACE

**NOTE:**

1. ALL NEW PEDESTRIAN RAMPS SHALL BE FIELD FITTED TO COMPLY WITH FEDERAL ADA REQUIREMENTS.
2. DO NOT DISTURB ANY EXISTING BRICK GUTTER UNLESS NOTED OTHERWISE.



MATCH LINE, SEE SHEET 10 OF 11

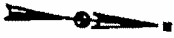
**ROADWAY PLANS**

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III  
 COOKS LANE  
 FROM: EDMONDSON AVENUE  
 TO: THE CITY LINE  
 CITY OF BALTIMORE**

DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 3,800 L.F.  
 SHEET NO.: 11 OF 11  
 SCALE: NTS

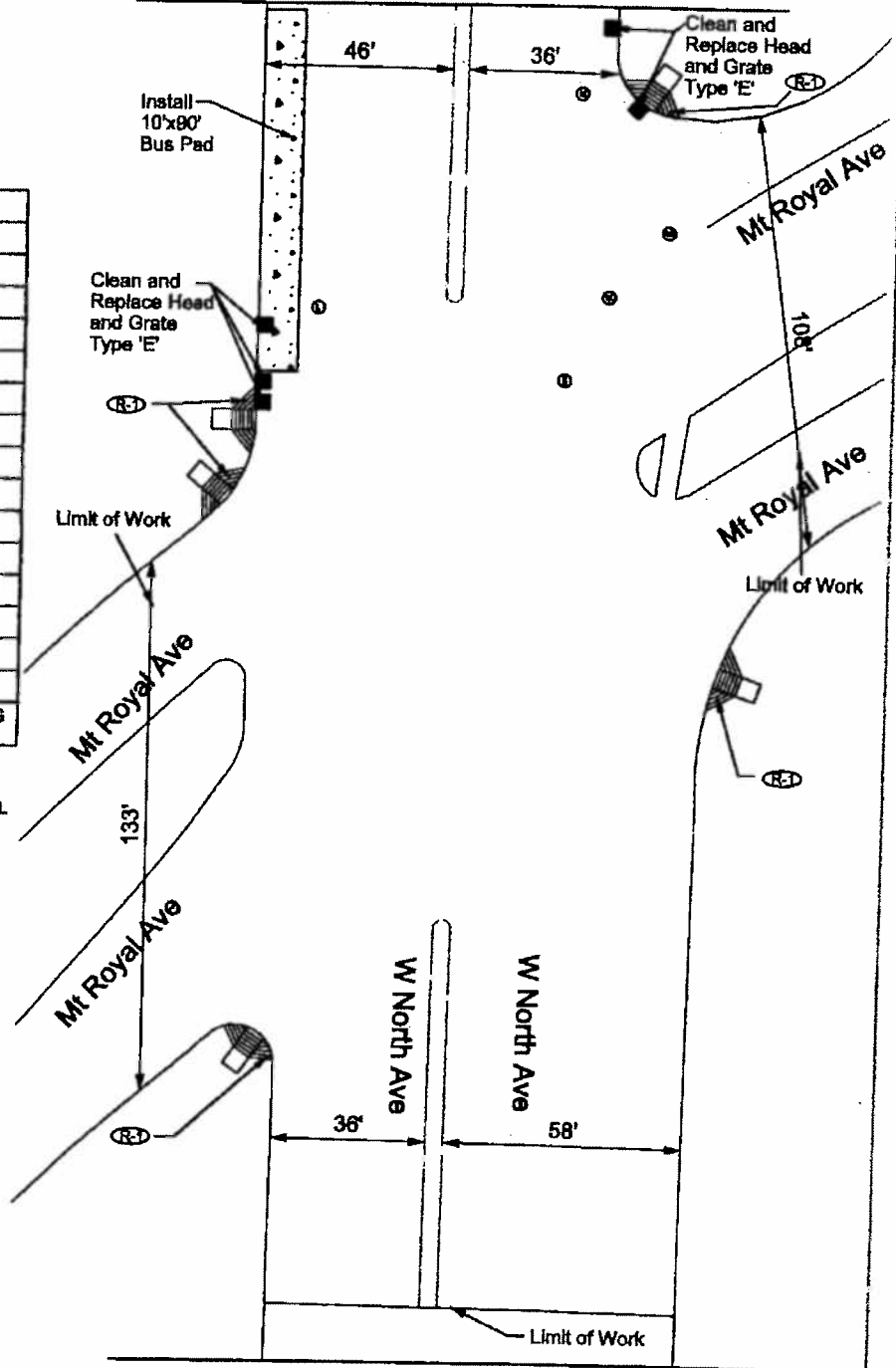
MATCH LINE, SEE SHEET 2 OF 16



LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
	12"Ø TO < 30"Ø
	30"Ø OR MORE
	TYPE 'E' INLET
	TYPE 'H' INLET
HANDICAP RAMP	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
	ADD DETECTABLE WARNING SURFACE

**NOTE:**

1. ALL NEW PEDESTRIAN RAMP SHALL BE FIELD FITTED TO COMPLY WITH FEDERAL ADA REQUIREMENTS.
2. DO NOT DISTURB ANY EXISTING BRICK GUTTER UNLESS NOTED OTHERWISE.



**ROADWAY PLANS**

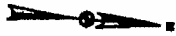
INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III**  
 NORTH AVENUE  
 FROM: MOUNT ROYAL AVENUE  
 TO: PENNSYLVANIA AVENUE  
 CITY OF BALTIMORE

DEPARTMENT OF  
 TRANSPORTATION

BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 5,200 L.F.  
 SHEET NO.: 1 OF 16  
 SCALE: NTS

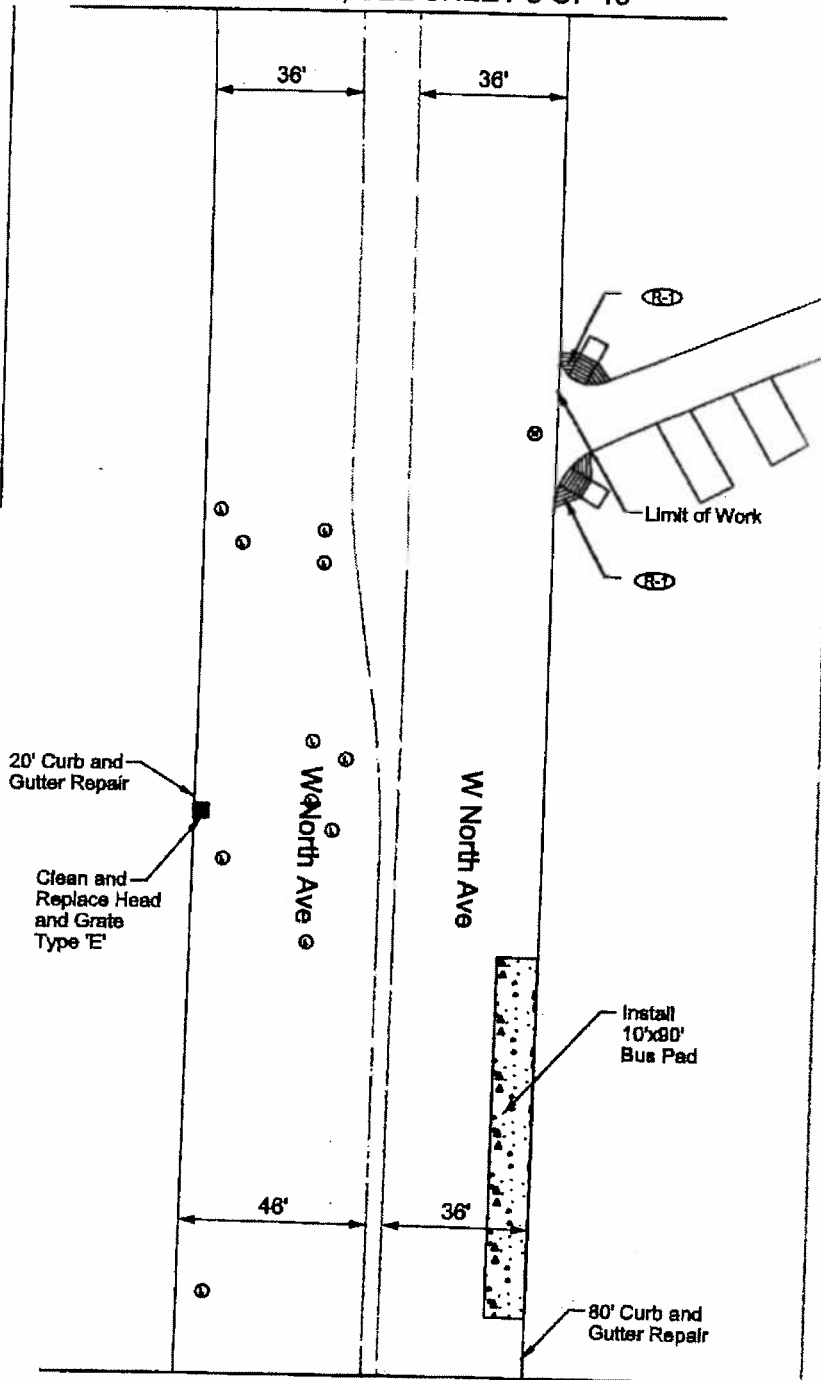
MATCH LINE, SEE SHEET 3 OF 16



LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
	12"Ø TO < 30"Ø
	30"Ø OR MORE
	TYPE 'E' INLET
	TYPE 'H' INLET
HANDICAP RAMPS	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
	ADD DETECTABLE WARNING SURFACE

**NOTE:**

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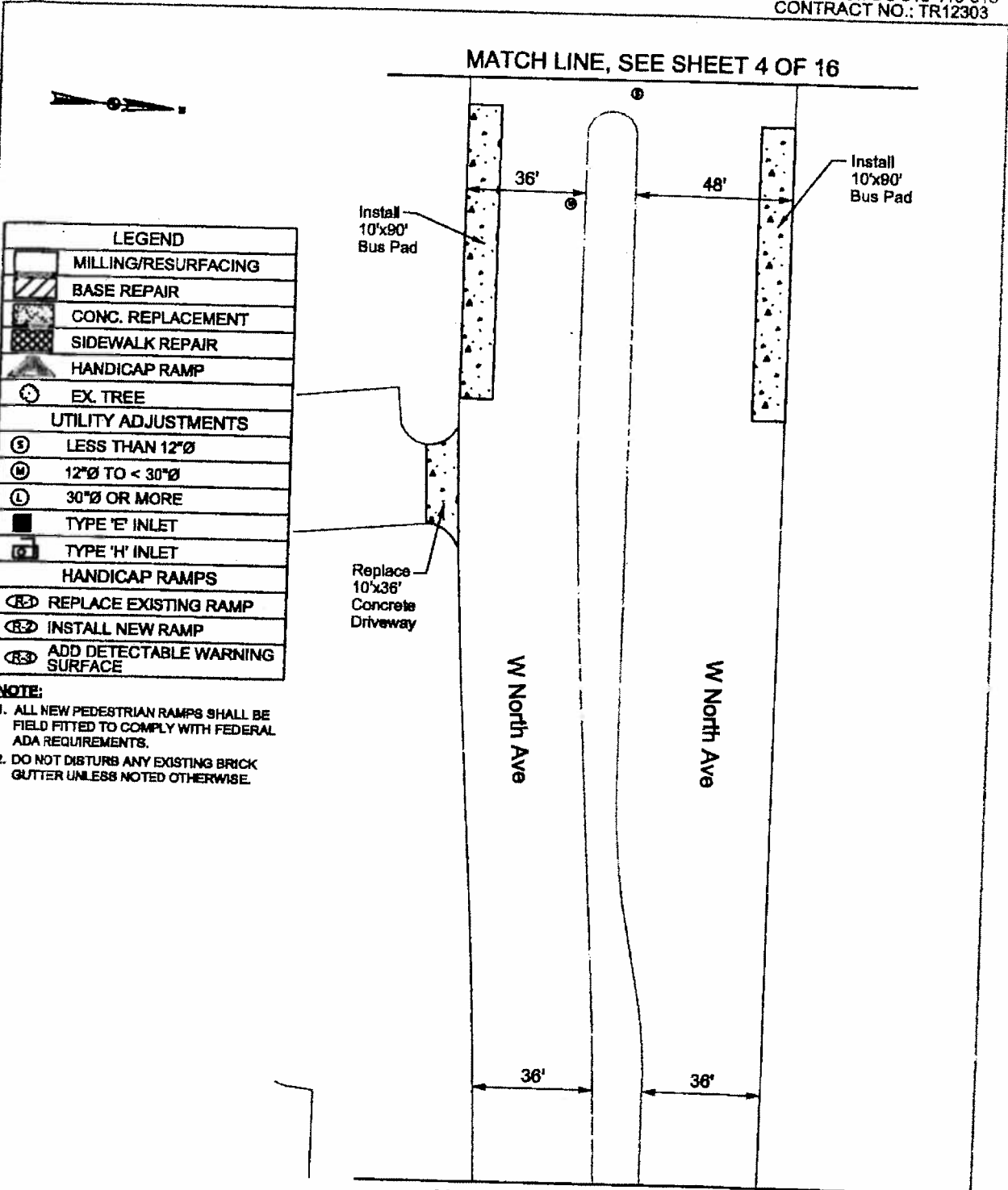
MATCH LINE, SEE SHEET 1 OF 16

**ROADWAY PLANS**

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III**  
 NORTH AVENUE  
 FROM: MOUNT ROYAL AVENUE  
 TO: PENNSYLVANIA AVENUE  
 CITY OF BALTIMORE

DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 5,200 L.F.  
 SHEET NO.: 2 OF 16  
 SCALE: NTS



LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
	12"Ø TO < 30"Ø
	30"Ø OR MORE
	TYPE 'E' INLET
	TYPE 'H' INLET
HANDICAP RAMPS	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
	ADD DETECTABLE WARNING SURFACE

**NOTE:**  
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 2. DO NOT DISTURB ANY EXISTING BRICK GUTTER UNLESS NOTED OTHERWISE.

**ROADWAY PLANS**

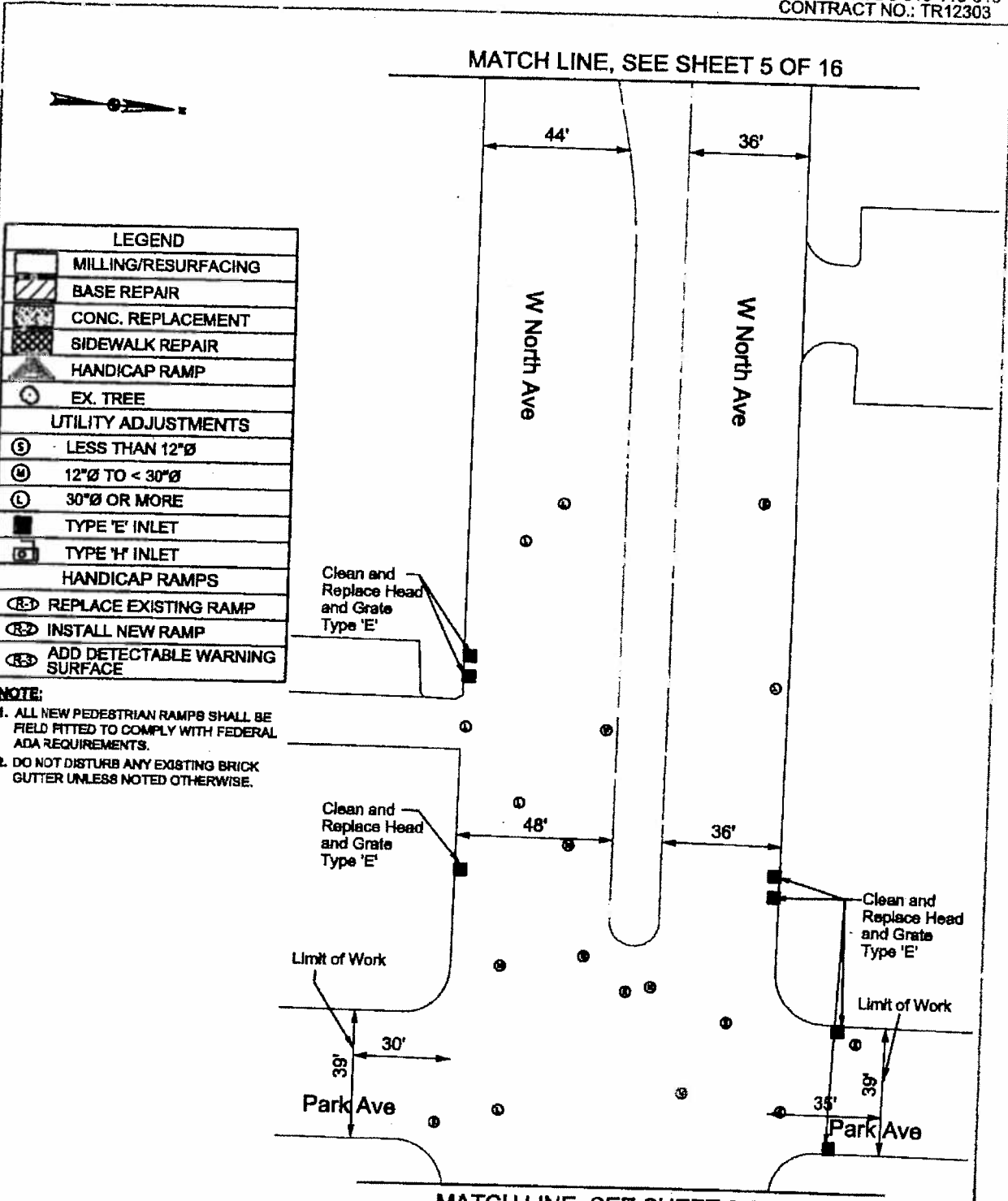
MATCH LINE, SEE SHEET 2 OF 16

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III  
 NORTH AVENUE  
 FROM: MOUNT ROYAL AVENUE  
 TO: PENNSYLVANIA AVENUE  
 CITY OF BALTIMORE**

DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 5,200 L.F.  
 SHEET NO.: 3 OF 18  
 SCALE: NTS





LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
	12"Ø TO < 30"Ø
	30"Ø OR MORE
	TYPE 'E' INLET
	TYPE 'H' INLET
HANDICAP RAMPS	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
	ADD DETECTABLE WARNING SURFACE

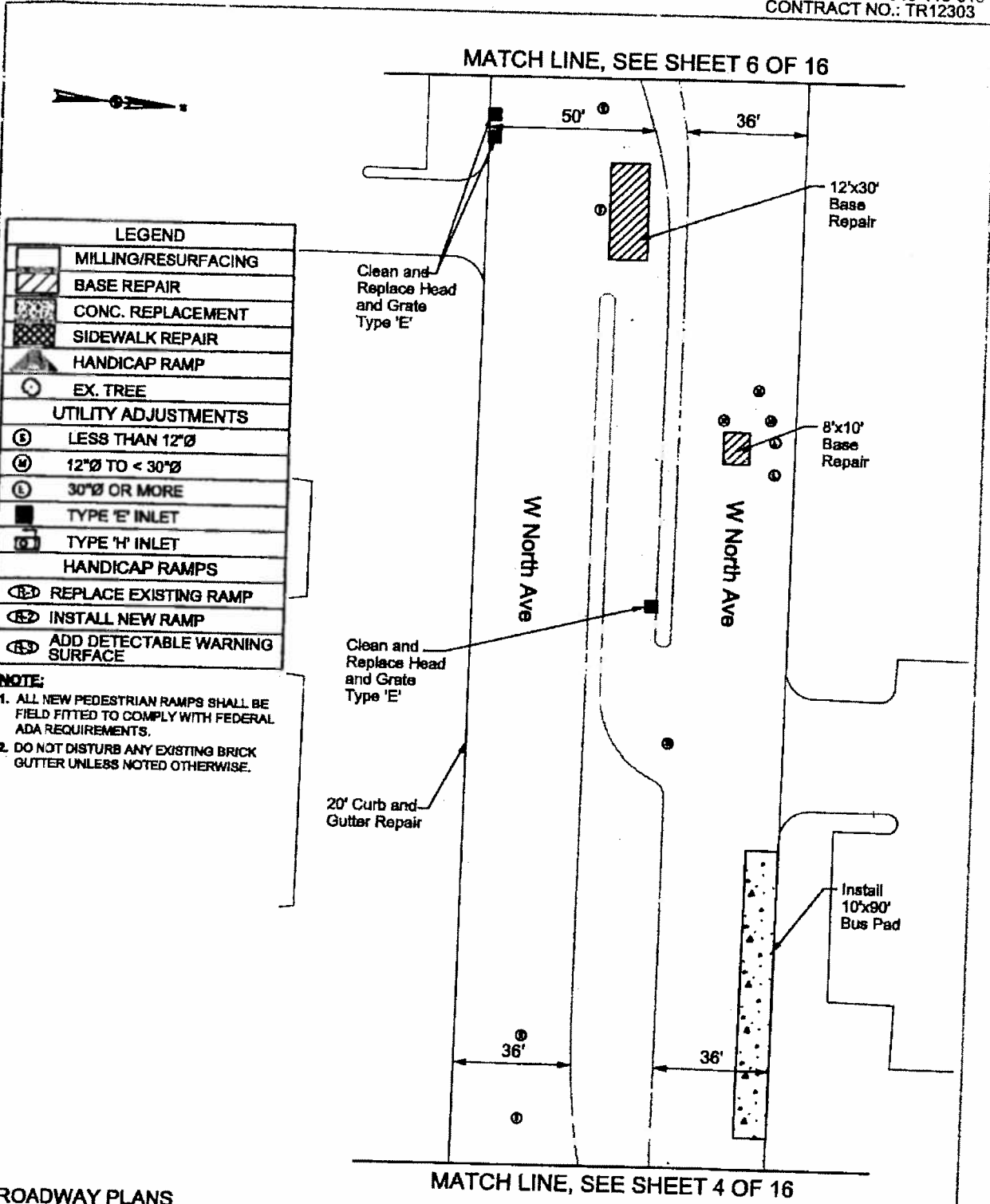
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**ROADWAY PLANS**

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III  
 NORTH AVENUE  
 FROM: MOUNT ROYAL AVENUE  
 TO: PENNSYLVANIA AVENUE  
 CITY OF BALTIMORE**

**DEPARTMENT OF  
 TRANSPORTATION**  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 5,200 L.F.  
 SHEET NO.: 4 OF 16  
 SCALE: NTS



LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
	12"Ø TO < 30"Ø
	30"Ø OR MORE
	TYPE 'E' INLET
	TYPE 'H' INLET
HANDICAP RAMPS	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
	ADD DETECTABLE WARNING SURFACE

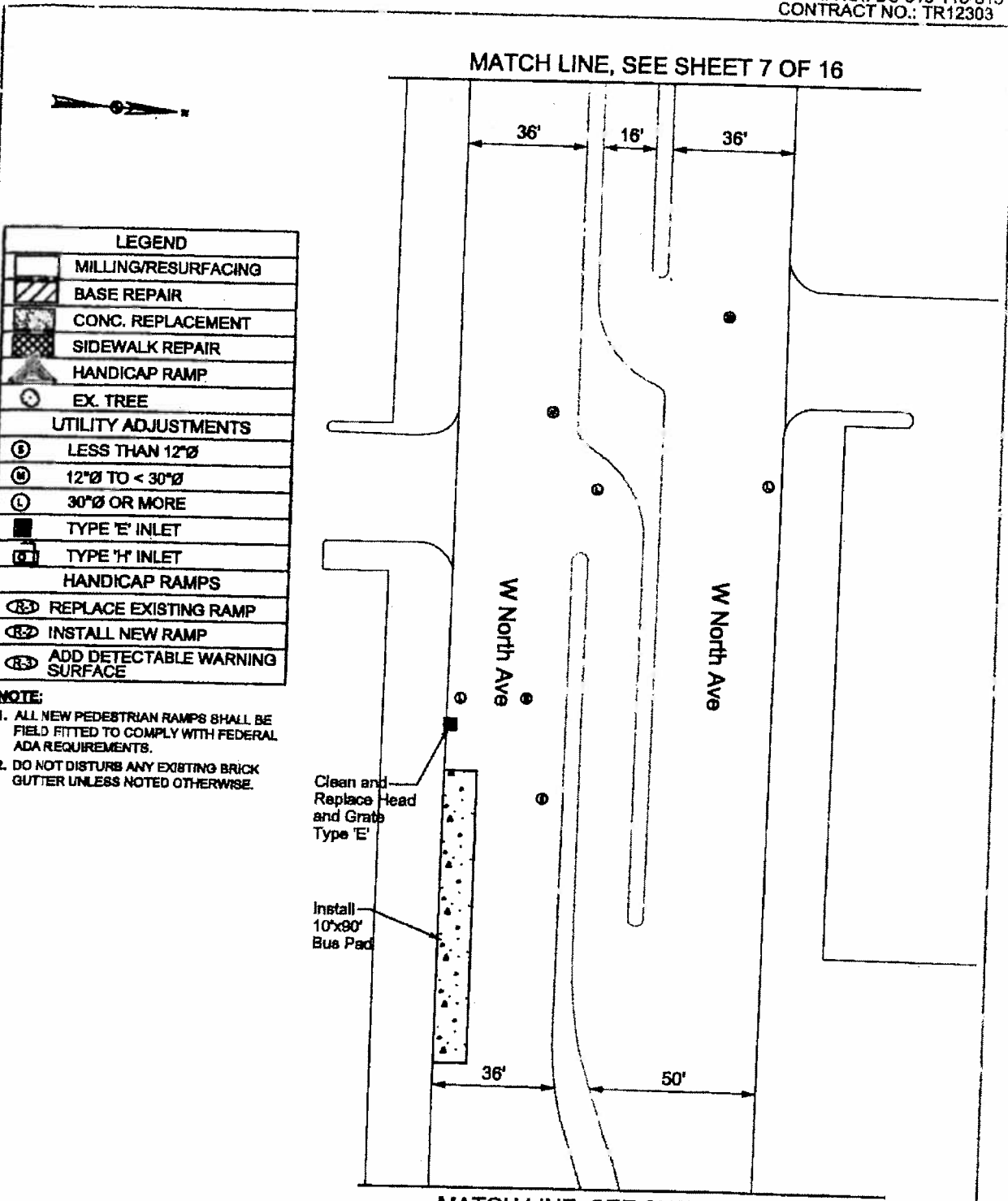
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**ROADWAY PLANS**

INSPECTED BY: U.K.K.L.  
 DRAWN BY: U.K.K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III  
 NORTH AVENUE  
 FROM: MOUNT ROYAL AVENUE  
 TO: PENNSYLVANIA AVENUE  
 CITY OF BALTIMORE**

DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 5,200 LF.  
 SHEET NO.: 5 OF 16  
 SCALE: NTS



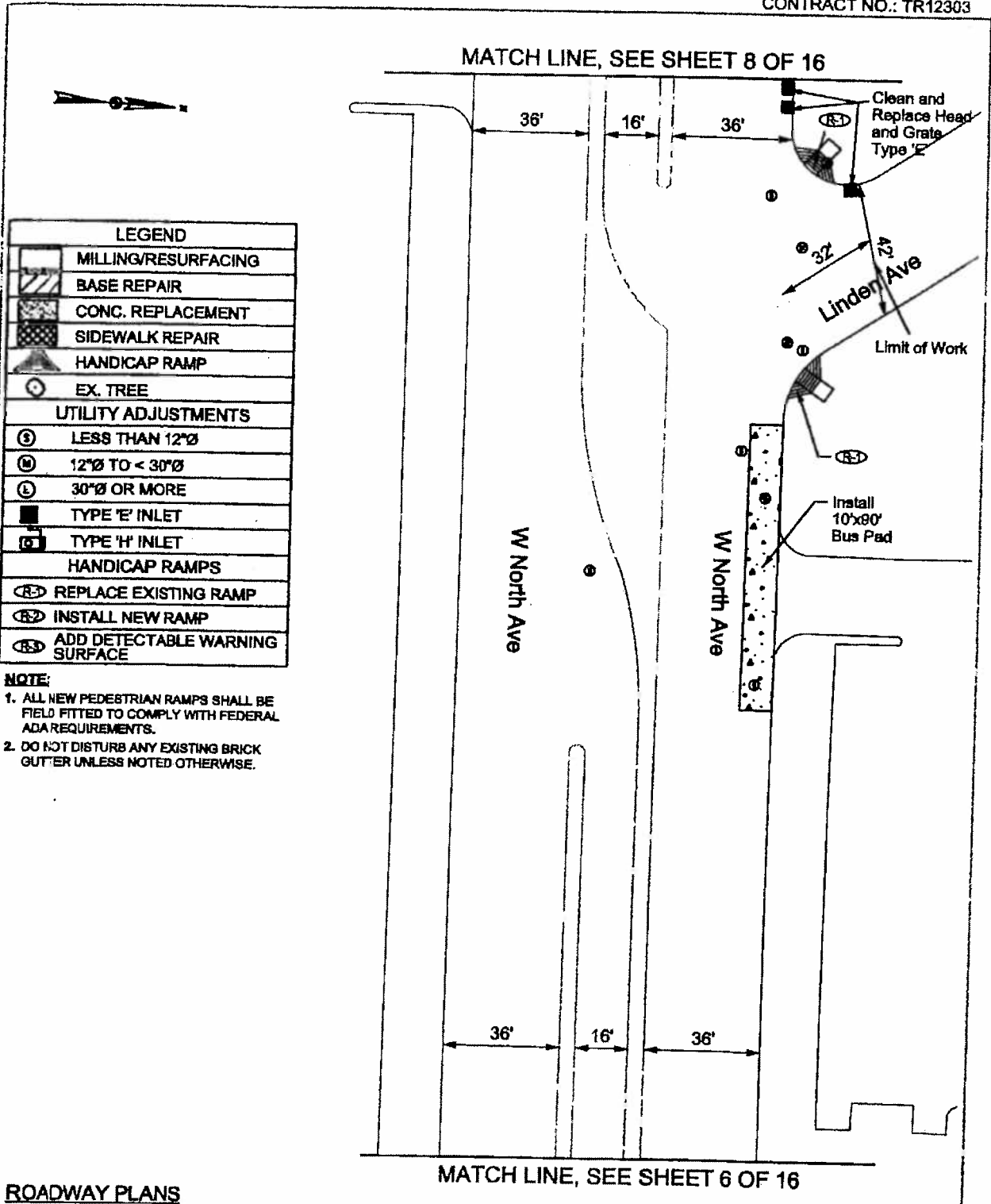
**ROADWAY PLANS**

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III  
 NORTH AVENUE  
 FROM: MOUNT ROYAL AVENUE  
 TO: PENNSYLVANIA AVENUE  
 CITY OF BALTIMORE**

DEPARTMENT OF  
 TRANSPORTATION

BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 5,200 L.F.  
 SHEET NO.: 8 OF 18  
 SCALE: NTS



LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
	12"Ø TO < 30"Ø
	30"Ø OR MORE
	TYPE 'E' INLET
	TYPE 'H' INLET
HANDICAP RAMPS	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
	ADD DETECTABLE WARNING SURFACE

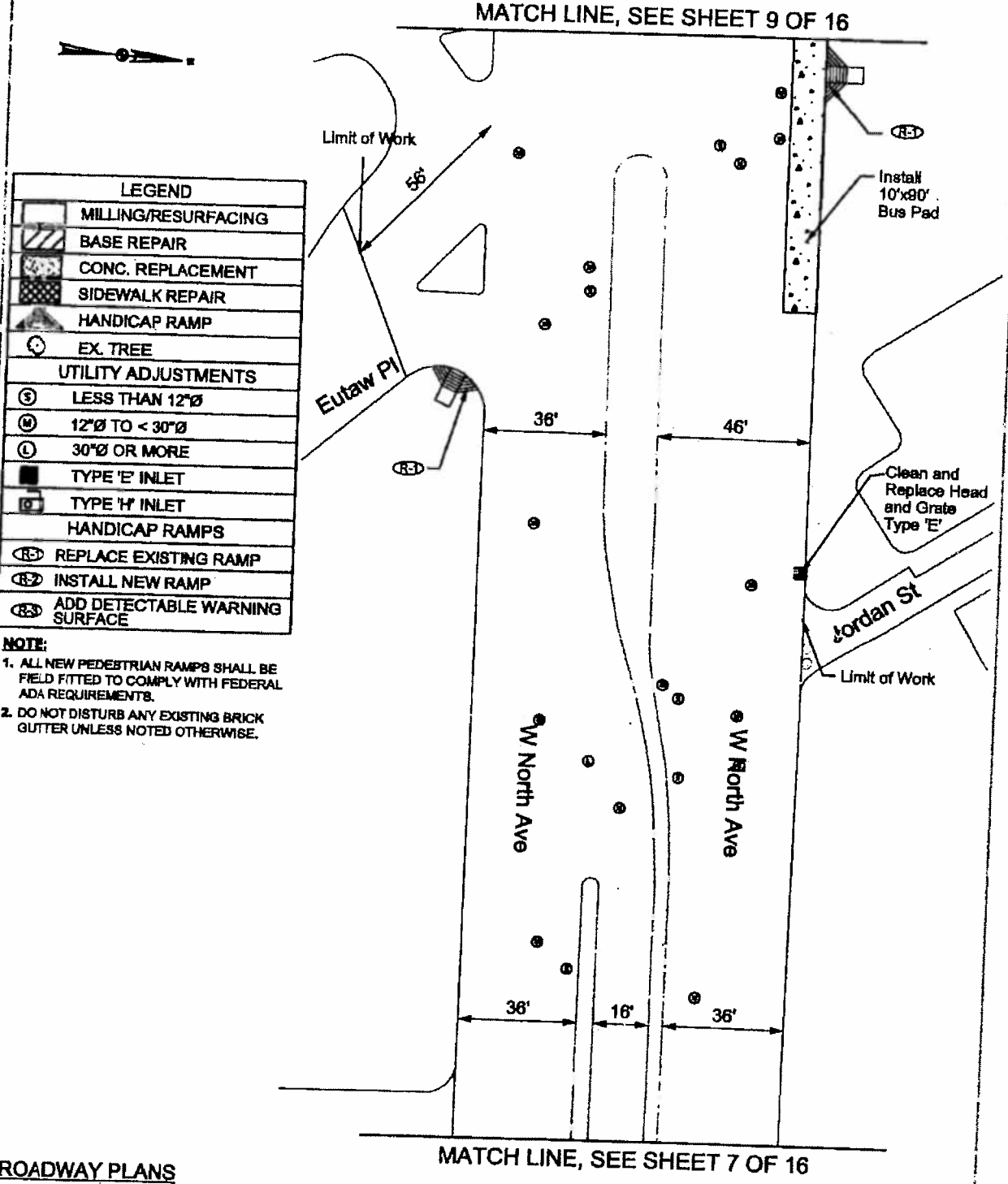
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**ROADWAY PLANS**

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III  
 NORTH AVENUE  
 FROM: MOUNT ROYAL AVENUE  
 TO: PENNSYLVANIA AVENUE  
 CITY OF BALTIMORE**

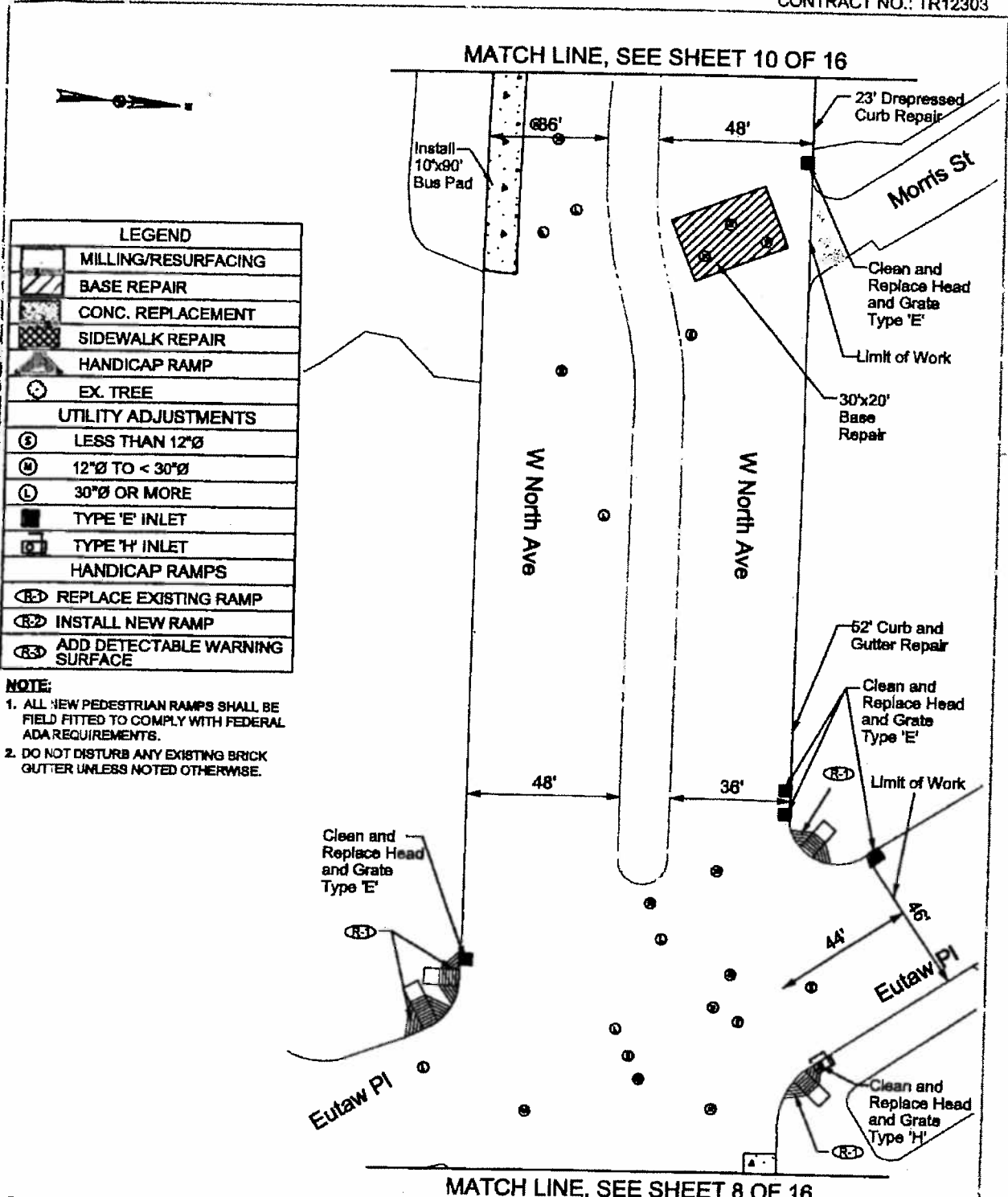
DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 5,200 L.F.  
 SHEET NO.: 7 OF 18  
 SCALE: NTS



INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III  
 NORTH AVENUE  
 FROM: MOUNT ROYAL AVENUE  
 TO: PENNSYLVANIA AVENUE  
 CITY OF BALTIMORE**

DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 5,200 L.F.  
 SHEET NO.: 8 OF 16  
 SCALE: NTS



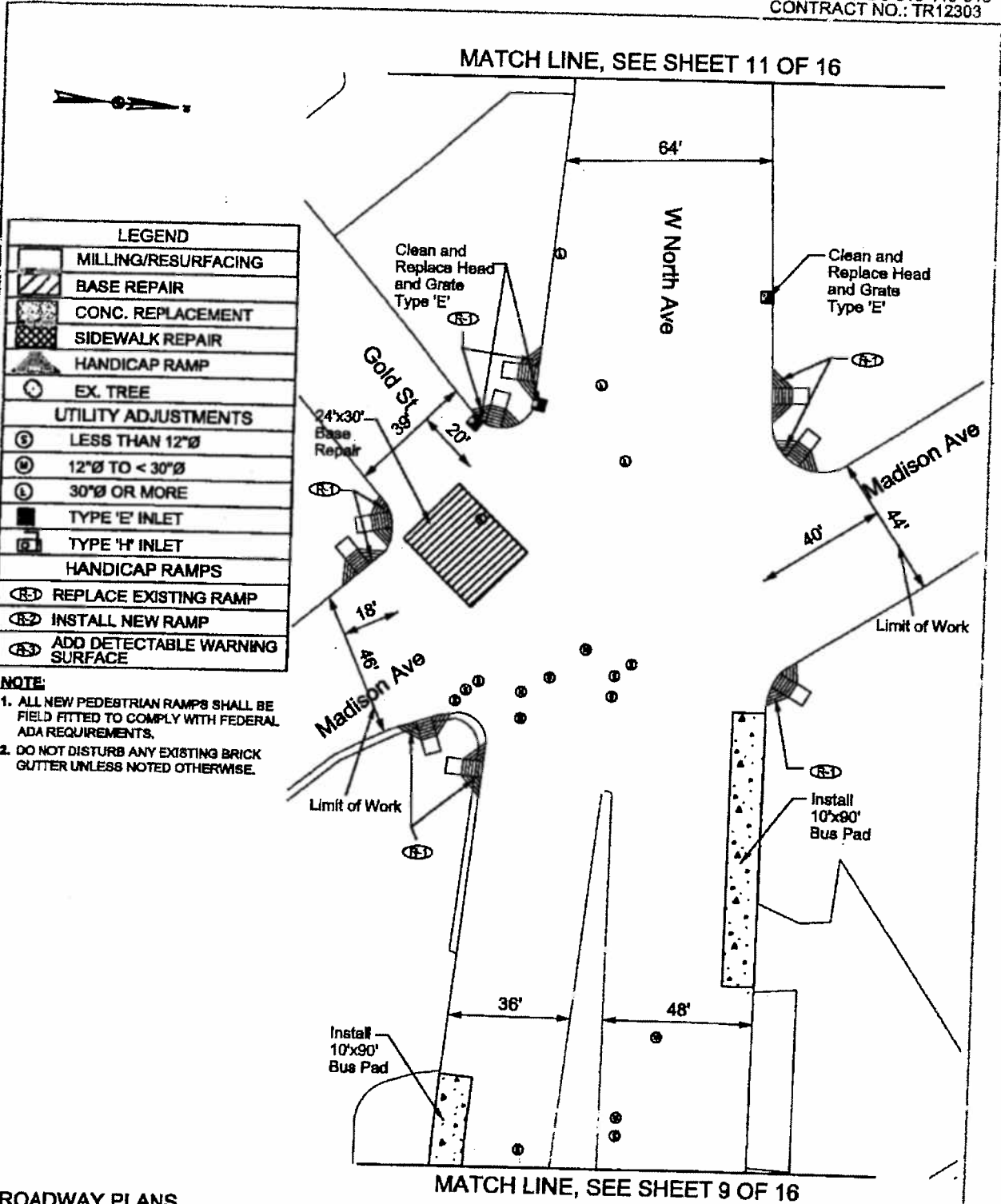
ROADWAY PLANS

MATCH LINE, SEE SHEET 8 OF 16

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III**  
 NORTH AVENUE  
 FROM: MOUNT ROYAL AVENUE  
 TO: PENNSYLVANIA AVENUE  
 CITY OF BALTIMORE

DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 5,200 L.F.  
 SHEET NO.: 9 OF 18  
 SCALE: NTS



LEGEND	
[Pattern]	MILLING/RESURFACING
[Pattern]	BASE REPAIR
[Pattern]	CONC. REPLACEMENT
[Pattern]	SIDEWALK REPAIR
[Pattern]	HANDICAP RAMP
(T)	EX. TREE
UTILITY ADJUSTMENTS	
(G)	LESS THAN 12"Ø
(M)	12"Ø TO < 30"Ø
(L)	30"Ø OR MORE
[Symbol]	TYPE 'E' INLET
[Symbol]	TYPE 'H' INLET
HANDICAP RAMPS	
(RE)	REPLACE EXISTING RAMP
(RN)	INSTALL NEW RAMP
(RW)	ADD DETECTABLE WARNING SURFACE

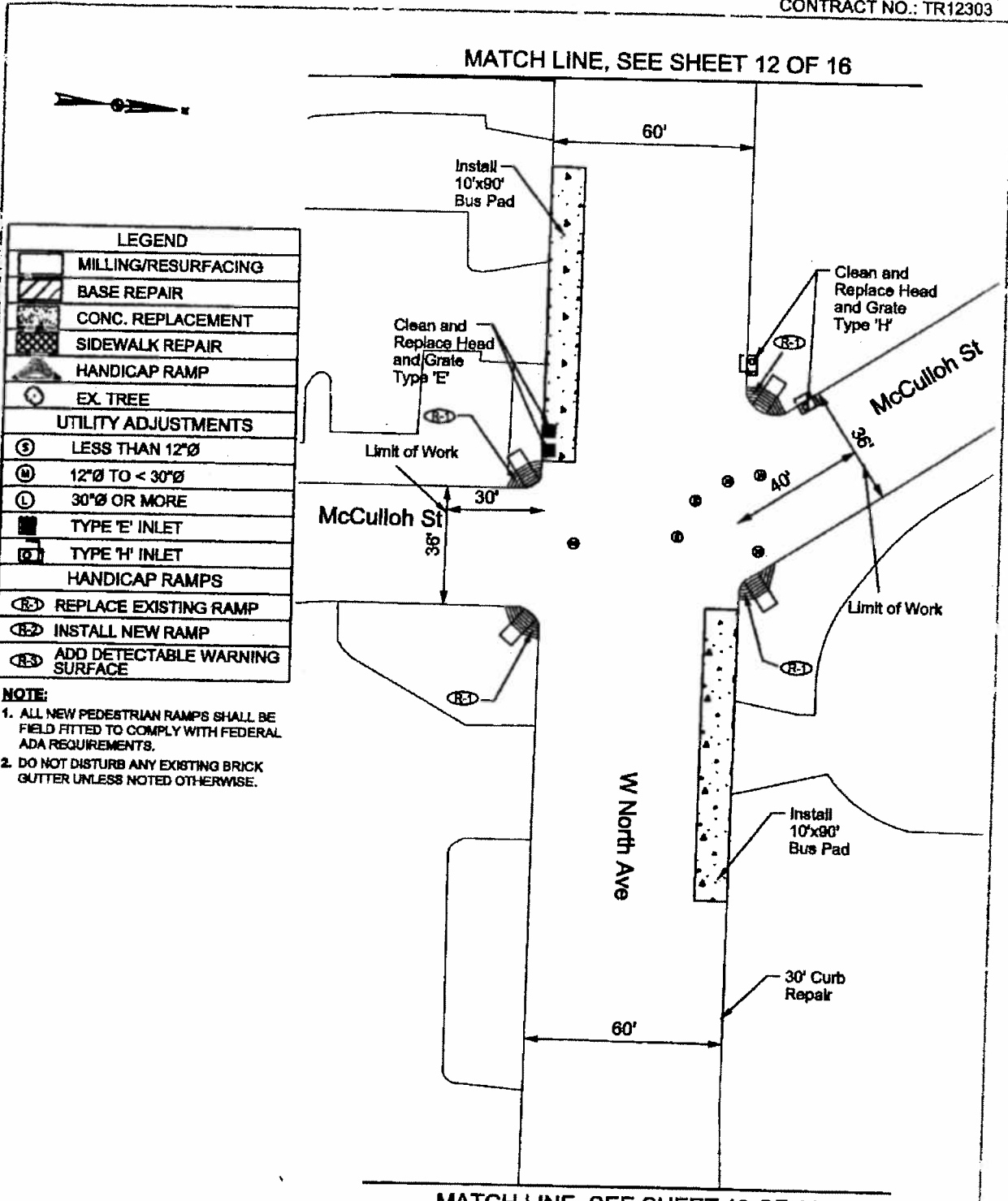
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**ROADWAY PLANS**

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III  
 NORTH AVENUE  
 FROM: MOUNT ROYAL AVENUE  
 TO: PENNSYLVANIA AVENUE  
 CITY OF BALTIMORE**

DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 5,200 L.F.  
 SHEET NO.: 10 OF 16  
 SCALE: NTS



LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
	12"Ø TO < 30"Ø
	30"Ø OR MORE
	TYPE 'E' INLET
	TYPE 'H' INLET
HANDICAP RAMP	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
	ADD DETECTABLE WARNING SURFACE

**NOTE:**  
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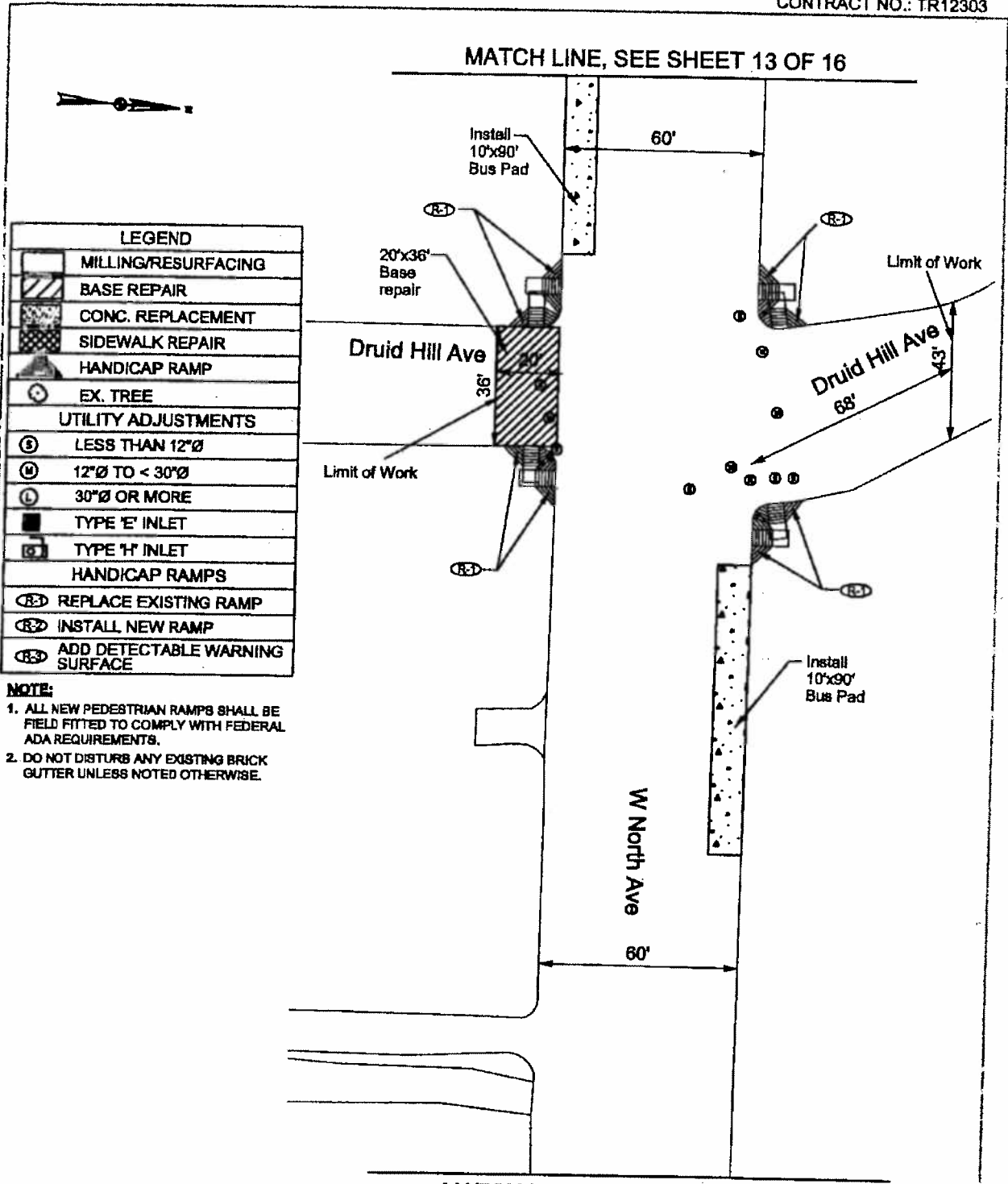
**ROADWAY PLANS**

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III**  
 NORTH AVENUE  
 FROM: MOUNT ROYAL AVENUE  
 TO: PENNSYLVANIA AVENUE  
 CITY OF BALTIMORE

DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 6,200 L.F.  
 SHEET NO.: 11 OF 18  
 SCALE: NTS





LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
	12"Ø TO < 30"Ø
	30"Ø OR MORE
	TYPE 'E' INLET
	TYPE 'H' INLET
HANDICAP RAMPS	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
	ADD DETECTABLE WARNING SURFACE

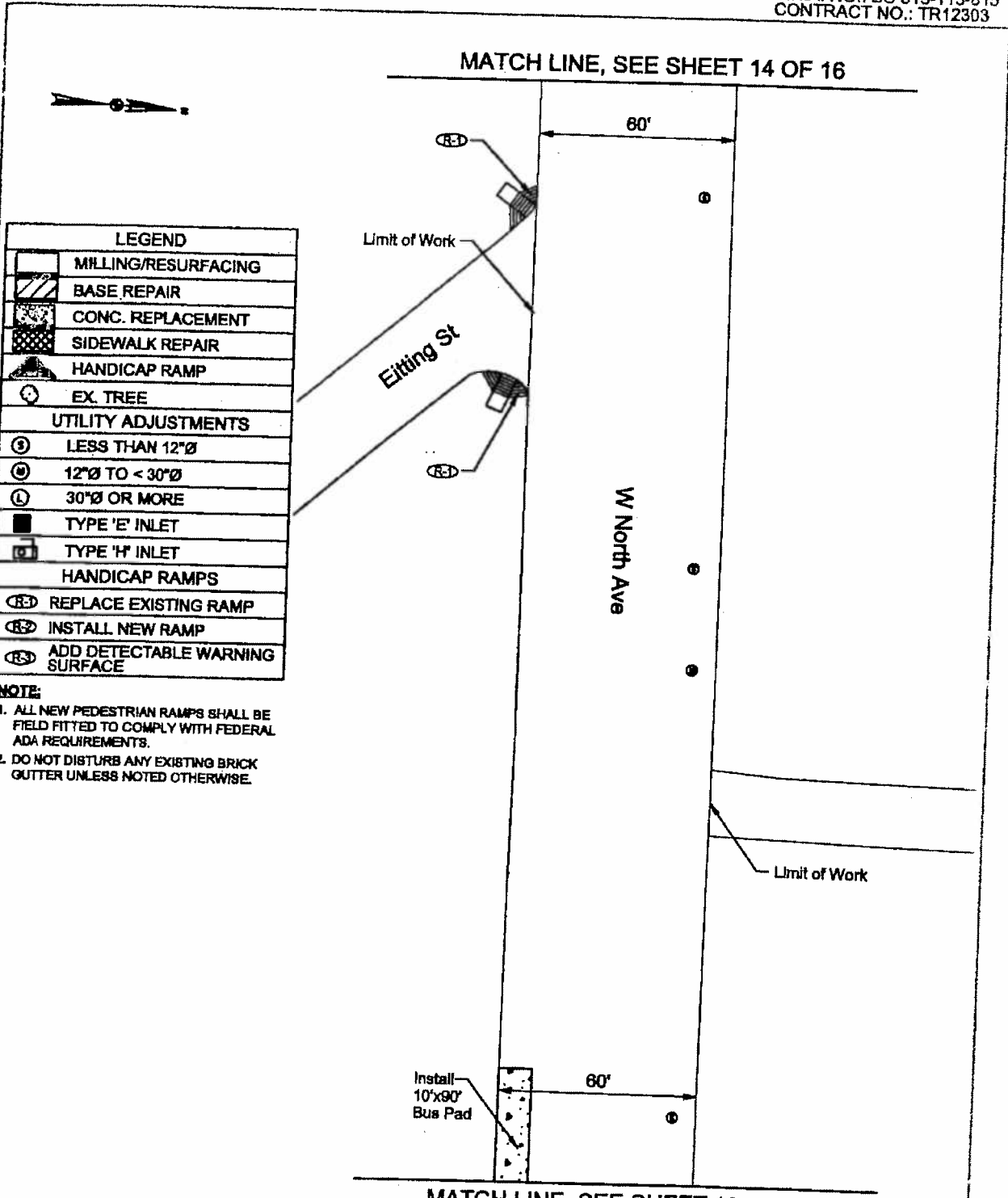
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**ROADWAY PLANS**

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III**  
 NORTH AVENUE  
 FROM: MOUNT ROYAL AVENUE  
 TO: PENNSYLVANIA AVENUE  
 CITY OF BALTIMORE

DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 5,200 L.F.  
 SHEET NO.: 12 OF 18  
 SCALE: NTS



LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
	12"Ø TO < 30"Ø
	30"Ø OR MORE
	TYPE 'E' INLET
	TYPE 'H' INLET
HANDICAP RAMPS	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
	ADD DETECTABLE WARNING SURFACE

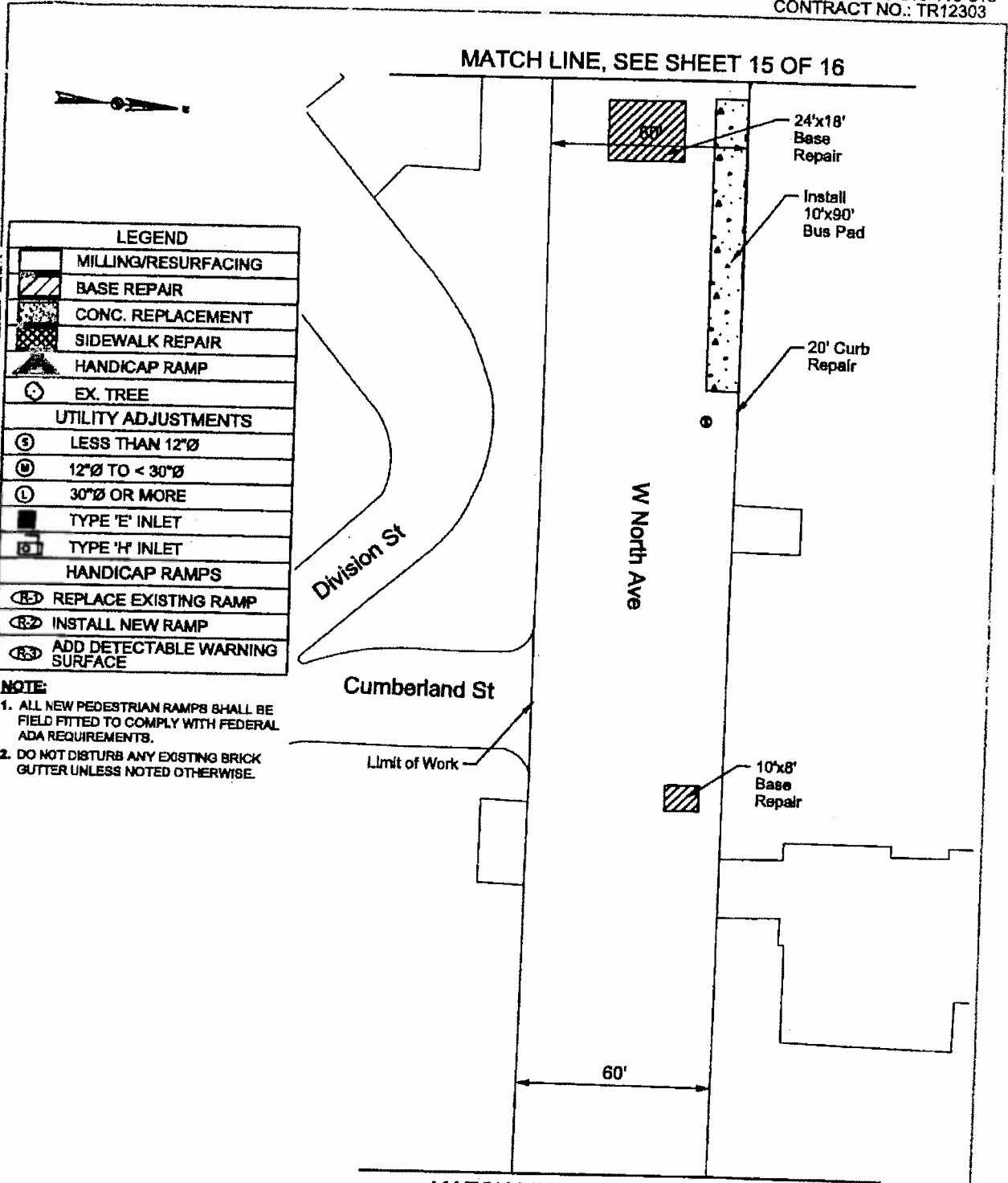
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  2. DO NOT DISTURB ANY EXISTING BRICK GUTTER UNLESS NOTED OTHERWISE.

**ROADWAY PLANS**

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III  
 NORTH AVENUE  
 FROM: MOUNT ROYAL AVENUE  
 TO: PENNSYLVANIA AVENUE  
 CITY OF BALTIMORE**

DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 5,200 L.F.  
 SHEET NO.: 13 OF 18  
 SCALE: NTS

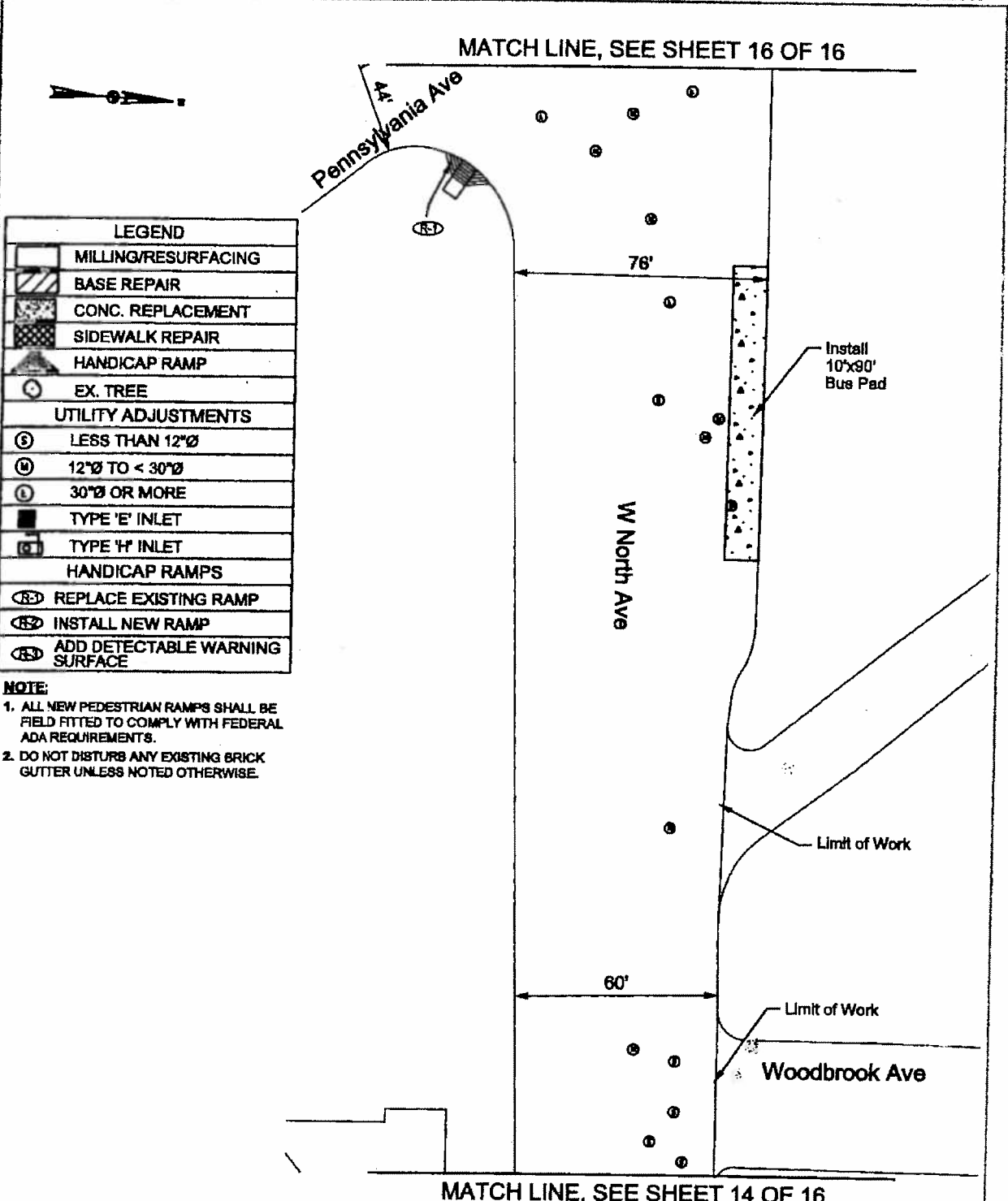


**ROADWAY PLANS**

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III  
 NORTH AVENUE  
 FROM: MOUNT ROYAL AVENUE  
 TO: PENNSYLVANIA AVENUE  
 CITY OF BALTIMORE**

DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 5,200 L.F.  
 SHEET NO.: 14 OF 18  
 SCALE: NTS



LEGEND	
[Pattern]	MILLING/RESURFACING
[Pattern]	BASE REPAIR
[Pattern]	CONC. REPLACEMENT
[Pattern]	SIDEWALK REPAIR
[Pattern]	HANDICAP RAMP
(○)	EX. TREE
UTILITY ADJUSTMENTS	
(⊖)	LESS THAN 12"Ø
(⊕)	12"Ø TO < 30"Ø
(⊙)	30"Ø OR MORE
[Symbol]	TYPE 'E' INLET
[Symbol]	TYPE 'H' INLET
HANDICAP RAMP	
(R)	REPLACE EXISTING RAMP
(R)	INSTALL NEW RAMP
(R)	ADD DETECTABLE WARNING SURFACE

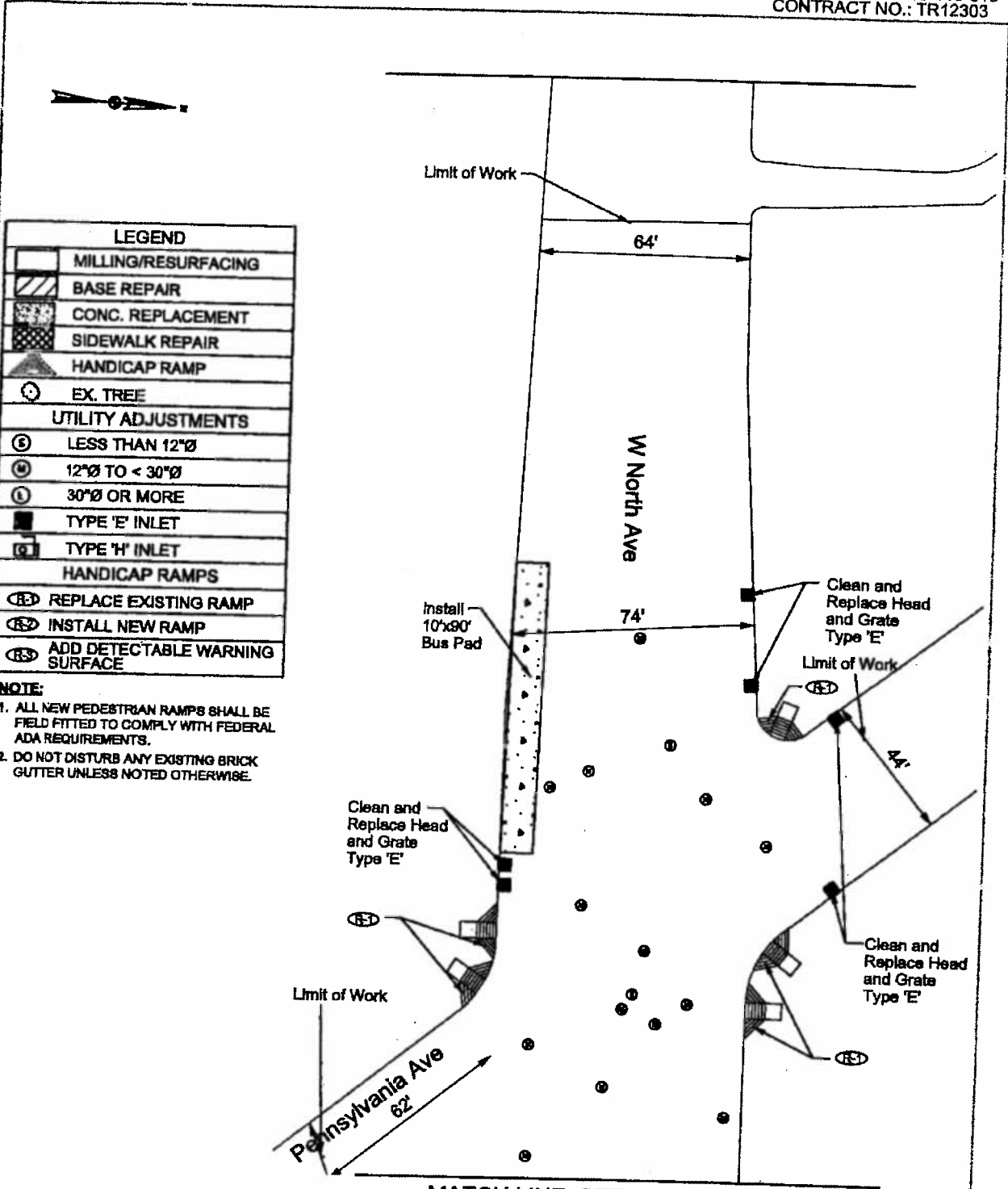
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**ROADWAY PLANS**

INSPECTED BY: U.K./K.L.  
 DRAWN BY: U.K./K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III**  
 NORTH AVENUE  
 FROM: MOUNT ROYAL AVENUE  
 TO: PENNSYLVANIA AVENUE  
 CITY OF BALTIMORE

DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 5,200 L.F.  
 SHEET NO.: 15 OF 16  
 SCALE: NTS



LEGEND	
	MILLING/RESURFACING
	BASE REPAIR
	CONC. REPLACEMENT
	SIDEWALK REPAIR
	HANDICAP RAMP
	EX. TREE
UTILITY ADJUSTMENTS	
	LESS THAN 12"Ø
	12"Ø TO < 30"Ø
	30"Ø OR MORE
	TYPE 'E' INLET
	TYPE 'H' INLET
HANDICAP RAMP	
	REPLACE EXISTING RAMP
	INSTALL NEW RAMP
	ADD DETECTABLE WARNING SURFACE

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**ROADWAY PLANS**

MATCH LINE, SEE SHEET 15 OF 16

INSPECTED BY: U.K.K.L.  
 DRAWN BY: U.K.K.L.  
 EXAMINED BY: K.G.

**RESURFACING HIGHWAYS  
 SOUTHWEST, SECTOR - III  
 NORTH AVENUE  
 FROM: MOUNT ROYAL AVENUE  
 TO: PENNSYLVANIA AVENUE  
 CITY OF BALTIMORE**

DEPARTMENT OF  
 TRANSPORTATION  
 BALTO. CITY NO: TR12303  
 PROJECT LENGTH: 5,200 L.F.  
 SHEET NO.: 16 OF 16  
 SCALE: NTS

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

- |   |             |   |
|---|-------------|---|
| 8. B50002877, Advanced<br>Metering Infrastruc-<br>ture and Water Meter<br>System Installation | Itron, Inc. | \$ 81,397,913.20<br>(Current Amount<br>Requested) |
|---|-------------|---|

(Dept. of Public Works,  
Bureau of Water and Wastewater)

The Board is requested to approve and authorize execution of an agreement with Itron, Inc. The period of the agreement is November 6, 2013 through January 1, 2018. Twenty years of annual software and hardware support and maintenance is available after this action.

The above amount is the City's estimated requirement for the project implementation and perpetual software licenses; however, the vendor will supply the City's entire requirement, be it more or less.

After the City finally accepts the installed AMI/AMR, software and hardware, which is expected to be approximately 18 months after Board approval, additional approval for the software and hardware support and maintenance funds will be sought, in the total amount of \$2,118,720.60 which will make the total award amount \$83,516,633.80. Approval for support and maintenance will be sought from the Board annually.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002877 - cont'd

**MWBOO SET GOALS OF 11% MBE AND 1% WBE.**

<b>MBE:</b> Riviera Enterprises	11.00%
CR Dynamics & Associates, Inc.	<u>.03%</u>
	11.03%

<b>WBE:</b> Sahara Communications, Inc.	1.00%
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**MWBOO FOUND VENDOR IN COMPLIANCE.**

**A PROTEST WAS RECEIVED FROM DYN SIS, LLC., MR. JERMAINE JONES, THE MARYLAND MINORITY CONTRACTOR'S ASSOCIATION<sup>5</sup>, AND MS. KIM TRUEHEART.**

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

President: "The fourth item on the non-routine agenda can be found on Page 47, Recommendations for Contract Awards and Rejections, item number 8. Will the parties please come forward?"

Mr. Krus: "Tim Krus, City Purchasing Agent. This is the award of Advanced Metering Infrastructure and Water Meter System installation to Aclara for a total current amount and future support of \$83,516,000.00. Excuse me, I didn't mean to say

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<sup>5</sup> See protest letter following Page #4505

**MINUTES****RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

Bureau of Purchases - B50002877 - cont'd

Aclara, to Itron, I was looking at something else, to Itron for \$83.5 million dollars. Um, before we proceed with the protest, Mr. Chow, Chief of the Bureau of Water and Wastewater, would like to put this into perspective with other projects."

President: "Okay."

Mr. Krus: "Thank you."

Mr. Chow: "Good morning. Rudy Chow, I'm the Bureau Head of Water and Wastewater. Good morning Mr. President, Madam Mayor, Madam Comptroller and Honorable Members of the Board. Before I start, I want to introduce our partners from the Baltimore County, Public Works Director Mr. Adams, he's sitting in the audience, along with a couple of his staff, Mr. Mazoric and Mr. Ali. We're here today to keep a very public promise that we had made to our customers almost two years ago. We are here after extensive research, expert engineering analysis and many marathon work sessions, over many months, to begin the physical work on a new water metering system. This promise we made to our citizens was to provide the most accurate water meter readings possible. This is a promise about to be kept, if the Honorable Board awards this contract. Everybody in this room is aware of



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the challenges we face with our underground infrastructure. That extends to the water meters. Aging pipes are tied into aging mains. In addition, we have been doing our meter reading in an aged fashion. Ours is a proactive stance, just like our proactive water main replacement program. We will not just wait for the next water mains to break; we will work to avoid that break by prioritizing and replacing that at-risk main. It is the same situation with the water metering and billing. We are moving, this day, beyond the risks of faulty readings and estimated bills, into the well-tested AMI/AMR technologies. We are moving into instant communication between the metering and billing systems that will remove mis-reads, transcription errors and the resulting erroneous bills. What we are doing will absolutely benefit our customers in other ways. Most importantly it will help in leak detection. Through instantaneous communication between the meter and DPW, we will be able to pinpoint those spikes which may mean a hidden or below ground water leak. That will save money for the individual customers and it will save all of our customers by reducing unaccounted for water. Ultimately we plan for customers to

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monitor their own water usage, whenever they choose, through their PC or tablet with the intent to be more conservation oriented. DPW has made great strides over that last year in improving customer service, training staff, eliminating ARB meters and bring estimated bills to an all-time low. But better is not what our customers want, need or deserve. That is why we are here, to provide quality water and quality service through accurate metering. That is a promise we intend to keep. At this time, I would like to turn the mic over to our partner in the Purchasing Bureau. Thank you."

Mr. Krus: "Tim Krus, City Purchasing Agent. I'd like to point one more thing out. This is for an advanced metering infrastructure and the installation of water meters that the City has already purchased in a separate procurement."

President: "Um, Comptroller."

Comptroller: "I just want to make sure that the briefing I had was correct. I was told in my briefing that this is a fixed price and that whoever is awarded the contract, would not have change orders, there would be no increase in price to the City

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unless there are more than 400,000 meters that need to be installed. Is that correct?"

Mr. Krus: "The City has obtained fixed prices from the awardee for 150 line items that are related to this project. So that if there were, it's not a fixed price contract in the traditional sense, where there could be no change orders, but there are fixed prices for everything that needs to be done, so that if there were ever discussion about that, the price for the particular item has already been set. For example, if we have over 400,000 locations and we go out there and somehow it would grow to 600,000 locations, --"

Comptroller: "Right."

Mr. Krus: "-- the prices for those locations are already fixed in the contract."

Comptroller: "And also that Baltimore County does not want AMI, they want AMR even though it --"

Mr. Krus: "Baltimore County will have some AMI and they will have AMR that is migratable to AMI in other locations in the County. The County did a very close look at what their needs

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were and how they wanted us to proceed and we proceeded in line with what they requested."

Comptroller: "And also, we have not purchased the software, but we are, we've been assured that the software that we will purchase will interface with accurate reading and billing in real time once the meters have been installed."

Mr. Krus: "Correct. Because we have not yet acquired the system to do that billing and we would clearly make it a requirement that that occur, plus the um, the type of system that is being installed here, has been installed in many other places by the awardee."

Comptroller: "The deadline for the installation for the City is 2016."

Mr. Krus: "Correct."

Comptroller: "Okay. And the, and the last question that I have for right now is that the, are the citizens are aware that they should purchase insurance because the City will not, uh, if there are damages, the City will not honor those claims so the citizens of Baltimore should purchase their own insurance in case while these meters are being installed that there are damages?"

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Mr. Krus: "The, it is possible that that could occur from the meter to the house. We are putting out a solicitation shortly to enable the citizens to buy insurance through the City's buying power to cover what we all know can be a several thousand dollar repair if you have a very old line that would break in the process."

Comptroller: "Okay."

President: "Okay Mr. Jolivet".

Mr. Jolivet: "Mr. President, Arnold M. Jolivet again. May I uh, have this introduced and distributed to the Board? If you have an extra copy for Mr. Krus of course he should have it. Is there a need for another copy?"

President: "No thank you."

Mr. Krus: "We're sharing."

Mr. Jolivet: "Okay, thank you. I sent you a memo, uh and I would like, if possible, to "re-hash" uh -- the fact that, early on in the process, uh -- the City, for whatever reason, disqualified and rejected the bid proposal from one of the bidders, Aclara Technologies. Now, uh -- importantly, Aclara Technologies bid, was in fact, it turned out to be, Aclara was

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the lowest dollar bidder. Now you ask how do I know that.

City Solicitor: "Well, yes, you read the Baltimore Brew."

Mr. Jolivet: "Absolutely."

Mayor: "Mr. President, before we continue, I know that, I'm not 100% sure that you identified yourself on this, um, on this matter and uh, stated who you represent on this matter."

Mr. Jolivet: "Uh, I thought I did."

Mayor: "You might have, I didn't hear it."

City Solicitor: "Are you again not representing any bidder in particular-- not representing Aclara, whose bid you're talking about, but only representing the Association? Is that what you're telling us?"

Mr. Jolivet: "Uh, I just thought I made that extremely extraordinarily clear."

President: "You may have on the other two, but not on this one."

City Solicitor: "Well I -- just to clarify, I meant my last question to apply to everything you are saying today, including this one, you're representing that you're speaking for the Association, not any bidders, is that right?"

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Mr. Jolivet: "Uh, was my answer to the other one so evasive and unclear --"

City Solicitor: "No, I thought it was --"

Mr. Jolivet: "-- that"

City Solicitor: "I just wanted to make sure I understood it correctly."

Mr. Jolivet: "Do I need to answer that?"

City Solicitor: "Yes, probably."

Mr. Jolivet: "Well let me answer that because it's no secret. Why don't I just say yes?"

President: "You answered yes."

Mr. Jolivet: "I represent the Association, only the Association and no other bidder and make that clear. Let the record show that."

City Solicitor: "Thank you."

Mr. Jolivet: "Thank you Mr. Nilson for helping me to clarify that."

Mr. Krus: "If I may clarify one thing. We did notify Aclara that this award was taking place today. Uh -- it appears that

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they have chosen not to appear to discuss this letter. Is someone here from Aclara?"

Unidentified audience member: (Inaudible)

President: "You can't speak from the back, sir. If you're going to be a part of this, you're welcome to come up front um."

Mr. Jolivet: "May I present my case? Uh, the, the, the, the two salient points that I would like to make to the Board this morning, and hopefully the Board will see that this procurement was so convoluted, and conducted so out of the ordinary and conducted in such an arbitrary and flagrant abusive way, that the Board has no other discretion than to simply reject it and put it out for new bids. And let me point this out, and I, and I, I asked the Board to review the letter that was sent from the City to Aclara uh, effectively rejecting Aclara's bid, but more importantly the manner in which, the arbitrary manner in which the rejection was facilitated. It, it really is very troubling because I have been before this Board for 30 years, Madam Mayor, and I have always respected the Board's procedure, of the Board, allowing the contractor to come before the Board and make its case, that if there is an irregularity or any other kind of



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impediment with the bid, the Board has always has, had, a very excellent record of allowing the contractor whose bid is questioned as to whether or not the bid is valid, or has irregularities that renders the bid -- bid void, but I want to make the point this morning, that in this case, the Board, and one member of the Board, without the Board in public session, making a detailed consideration of the bidder and if assuming the bidder had irregularities in, contained in the bid, Mr. Nilson knows that there are, just because a bidder has irregularities in his bid, doesn't mean that the bid should be thrown out. In this case, this case, everything that happens normally when we have an irregularity in the bid, went out the window, and the bidder never actually got, I know Mr. Nilson's going to counter that, and say "Well, the bidder had a chance to contest the uh, the rejection when they opened the price proposals", but that's beside the point. The fact of the matter is, I want to make the point, and put it on the record, that the manner in which the Law Department singlehandedly rejected Aclara's bid was totally improper and what it effectively did, Mr. Nilson, by rejecting Aclara's bid, they effect, effectively

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disbarred, debarred Aclara, without a hearing, without uh -- due process. And, and it's not right what they did. So, my contentions are that the arbitrary -- first of all I would maintain that the Law Department unilaterally, even the Comptroller's Office, unilaterally, does not have the authority to reject any bid. That authority of course it rests with the Board. I would, I would concede that that authority rests solely and exclusively with the Board. Mr. Nilson, you know that."

President: "Um --"

Mr. Jolivet: "Are you going to let me finish?"

President: "I want to let him respond first."

Mr. Jolivet: "Fine. Go ahead."

Mr. Krus: "Thank you. Um, I think it would be fair to say that the Office of the Comptroller has an excellent record of spotting bid irregularities that need to be referred to the Law Department."

Mr. Jolivet: "Beside the point."

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Mr. Krus: "After those irregularities were identified by the Comptroller, that technical proposal was sent to the Law Department for further review and found to be non-responsive on the grounds that we have typically found many other bidders non-responsive."

City Solicitor: "And, and I, I might add --"

Mr. Krus: "And the Law Department is here to speak to that."

City Solicitor: "I might add that when that matter was discussed before the Board, the Board said to Aclara, if you wish to object to that decision, you can come at the time of bid award --"

Mr. Jolivet: "No, you said at the time of opening of the bid, or price proposals. That's what you said. I remember that."

City Solicitor: "Actually, I don't think I was even at the meeting --"

Mr. Jolivet: "No I."

City Solicitor: "I didn't say anything, but --"

Mr. Jolivet: "The record will show that, that, it was asserted to Aclara that they can come at the time that they will open the

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price proposals. That is the proper thing that needs to be put on the record."

City Solicitor: "They have the opportunity to raise the issue today and they're present but apparently not addressing it so."

Mr. Jolivet: "That's beside the point, Mr. Nilson!"

City Solicitor: "And, and we are asked all the time, with some regularity, there's nothing unusual here, we are asked to consider bids that are referred to us by the Comptroller's Office, on the grounds of potential deficiencies of the bid and so we do often, what we did in this particular case, which is, answered those questions."

Mr. Jolivet: "But the point is, that only the Board as a unit, as the Board acting pursuant to a public meeting, can make that judgment, Mr. Nilson. You're missing the point."

President: "Mr. Jolivet, can you uh, um, come on and make your point, so we can get to the other people who want to speak?"

Mr. Jolivet: "Uh, yes, thank you Mr. President."

President: "Thank you."

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Mr. Krus: "Uh, Mr. Jolivet, if I can interrupt just one minute."

Mr. Jolivet: "No."

Mr. Krus: "I do want to make a point."

Mr. Jolivet: "Mr. President, I have the floor. I have the floor. I have the floor."

President: "Let him go and then you can --"

Mr. Jolivet: "I have the floor."

President: "Mr. Jolivet, please come on."

Mr. Jolivet: "I would hope that he would respect that."

President: "You have the floor."

Mr. Krus: "Please proceed."

President: "You have it."

Mr. Jolivet: "I have the floor."

President: "Go ahead."

Mr. Jolivet: "I have the floor, and I would just hope that anyone would respect it. Uh, the point I'd like to make, Mr. President, and, and, I don't want to beat a dead horse. But, it is so disturbing to see such an irregularity in the way this bid

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was handled. Now my concern was because of the irregularity in the way the Board treated this particular bid, let's assume that the bid did have some irregularities or deficiencies in it like it is contended. As a rule, the Board does not, per se, disqualify a bid merely because it has irregularities, and under the current standards that the Board has been using for years, as articulated in the City Solicitor's opinion and Fullerton Mahone, all of these cases give the Board considerable discretion whether or not to reject the bid. But, nonetheless the real issue appears to be that the Board rarely rejects a bid for irregularities, if the alleged irregularity does not go to the heart -- first of all it has to be material, and it has to go to the heart of the bid, and it has to give the bidder, uh, an undue advantage over other bidders, and I know whether or not the irregularities contained in Aclara's bid did all of that, or complied with that rule!"

President: "Mr. Jolivet, you said you were here representing the organization --"

Mr. Jolivet: "Yes."

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President: "-- and not the uh, Aclara --"

Mr. Jolivet: "Has nothing to do with it. Aclara, Aclara comes up merely because --"

President: "--what you said, you are not speaking for Aclara--"

Mr. Jolivet: "I am not."

Mr. Jolivet: "What I'm saying -- The fact that I mentioned and allude to what happened to Aclara simply is part of the record, and part of my argument, because what happened to Aclara seems to offend the propriety of the bid process, Mr. President. That's all I'm saying. It has nothing to do with my representation of Aclara."

President: "Okay."

City Solicitor: "Anything you have to say on the merits of the determination --"

Mr. Jolivet: "Yes --"

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City Solicitor: "-- by the Law Department before you turn over the microphone to --"

Mr. Jolivet: "Yes. Yes, I do and let me be clear on that. I uh, I did send you a memo, and what it was, and what it said is the -- uh -- Mr. Nilson, I would expect you to know the law in this."

President: "Mr. Jolivet, can you make your argument and stop lecturing um -- Mr. Nilson? Make your argument."

Mr. Jolivet: "Well, Mr. President, in all due respect --"

President: "In all due respect, you constantly do this, let's stick to the point."

Mr. Jolivet: "In all due respect, Mr. President, would you allow me to present my case?"

President: "I don't want to hear about Mr. Nilson, I want to hear your argument."

Mr. Jolivet: "Would you just allow me to present my case?"

President: "Yes, if you would."

Mr. Jolivet: "Well, my point is, when the City rejects less than all of the bids, the City obviously has a fundamental right



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and discretion to reject bids, all of the bids. That's stated in the Charter, Article VI, Section 11, but it is very well established that when the City rejects less than all of the bidders, as I stated in my brief, when the City rejects less than all of the bidders, the City's right and discretion to reject, to make the award, is extremely limited and constrained. So, therefore my contentions are that by rejecting Aclara, without rejecting all of the bids, by rejecting Aclara and obviously rejecting less than all of the bids. That's the law. I'm not making this up, that is the law of municipalities, and I'm, I'm not making this up. So, what I'm saying to this Honorable Board, given that fact, this Board should honorably reject all of the bids, which would be the proper thing to do and allow this bid to go out for new bids. Now the other, the other point I would like to make right brief, if I can ask the Board to uh, review that submission, uh, and I, I submit that to you because part of the uh, part of the basis of my protest, uh, part of the basis of my protest, was on the concern that the City's MWB00 did not, for whatever reason, place "sub" goals

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on the contract. So, effectively we're having an \$83 million contract that's being awarded without any African-American participation and I would submit to this Honorable Board, that that's just not good nor is it acceptable. Just, I submitted that to you because in, when that contract was awarded in August, that is a reflection, again, I believe we had a \$260 million contract and the African-American participation was minimal. So, what I submit that for you -- to you -- is for you to be sensitive that we're not enforcing the City's MBE program in a fair and equitable way. It makes no sense at all to have a \$260 million contract and have one percent African-American. I makes no sense whatsoever to have an \$83 million contract and have no African-American participation, none whatsoever. And I for one, I for one, will not accept it. I just can't accept that. It's not fair and it's a perversion of the City's MBE program. That's what it is, it's a total perversion of the City's MBE program."

President: "Okay Mr. Corey, can you speak to that?"

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Mr. Corey: "Um, Yes, Mr. President. Thomas Corey, Chief of the Minority and Women's Business Opportunity Office. With all due respect to Aclara's attorney, uh, this is a service."

Mr. Jolivet: "I'm not, I'm not --"

Mr. Corey: "contract"

President: "Can, can we listen to him, Mr. Jolivet?"

Mr. Jolivet: "I'm not, I'm not --"

President: "Mr. Jolivet, I listened to you. Tom Corey, can you --"

Mr. Jolivet: "I ask that Tom Corey's statement be taken off the record."

President: "Mr. Jolivet."

Mr. Jolivet: "That is made clear, Mr. President, that he made that statement deliberately and purposely, and that is not right."

President: "Mr. Corey can you --"

Mr. Jolivet: "That is not right. I made it very clear."

President: "Can I hear from him? Mr. Corey."

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Mr. Corey: "Uh, this is a service contract. The law, under Article V, Section 28, allows sub goals to uh, be placed on construction contracts and A&E contracts, and this is not either one of those types of contracts."

Mr. Jolivet: "Mr. Corey, have you ever put sub goals on non-construction contracts? Have you ever done that?"

President: "Please, um, Miss Trueheart, please have a seat, please. Ms. Trueheart, please, I mean -- Miss Trueheart, please have a seat. You finished Mr. Corey?"

Mr. Corey: "Yes, um, as I said --"

President: "Do you have anything else?"

Mr. Corey: "Uh, "sub" goals are allowed on construction contracts and A&E contracts only, not service contracts."

Mr. Jolivet: "That's not my question."

Mr. Corey: "That's the law."

Mr. Jolivet: "That's not my question. My question is, have you ever, despite notwithstanding the law, have you ever put, has MWBOO ever put, placed "sub" goals on service contracts?"

Mr. Corey: "No, not to my knowledge, ever."

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Mr. Jolivet: "Are you sure you want to leave that answer on the record?"

Mr. Corey: "Sure."

Mr. Jolivet: "Okay."

President: "Uh, Mr. Jones, can you come forward please? Mr. Jones, would you please come forward?"

Ms. Trueheart: "My name is Kim Trueheart."

President: "Ms. Trueheart, you are out of order."

Ms. Trueheart: "I am a citizen of Baltimore, I have filed a protest --"

President: "You are out of order Ms. Trueheart. I am asking you to please -- we're not hearing yours --"

Ms. Trueheart: "-- and I would like to be heard."

President: "I'm asking you to take a seat."

Ms. Trueheart: "And I'm asking you to reconsider that."

President: "I'm not. I'm not going to reconsider it. Mr. Jones, would you please come to the mic?"

Ms. Trueheart: "As the President --"

President: "Ms. Trueheart, you are out of order."

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Ms. Trueheart: "As the President of the City Council, your presidency, I think is in jeopardy. Okay. Now as the President --"

President: "Ms. Trueheart, you are out of order."

Miss Trueheart: "-- of City Council and the President of this Board, you need to allow citizens --"

President: "You are out of order --"

Ms. Trueheart: "-- to be heard, and for some reason because you want to circumvent the ability of citizens --"

President: "Do we have, um -- Mr. Jones, would you come forward please?"

Miss Trueheart: "-- to be heard --"

President: "Mr. Jones, would you come forward please? This mockery of this system by Ms. Trueheart is really getting tiresome. Mr. Jones?"

Mr. Jones: "Yes. Um, my name's Jermaine Jones, I'm the Business Manager of Construction Laborers Local 710 in Baltimore. We represent over 700 construction workers throughout Baltimore, in Baltimore City, who live and work here

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and throughout the Baltimore region. The reason for my protest is simple. I won't take up much time, but uh, basically long story short, a contract of this size and length, one thing that should be considered is, uh, is, is the portion of the, the local hiring commitment from the contractor. Um, so based upon, because a lot of my members do this type of work, a majority of my members perform this type of work, and just based upon the history of the City, and there is a need to hire locally, and uh, just based upon the legislation you've introduced in the past, I believe that is something we should continue to focus on and a contract of this size is something that, that you should focus on as well. So, my recommendation would be that, you know, you go back, that you go back instead of awarding something today, you go back and consider the uh, the, the commitment to hire locally, that each contractor has, because that also benefits the City not only money-wise, but also help the citizens of the City as well."

President: "Madam Comptroller."

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Comptroller: "During my briefing, you told me that um, it wasn't highly skilled, we didn't need engineers to do this, and that we could use persons that were not engineers. Is that true?"

Mr. Krus: "That is correct. We know that the Mayor's Executive Order to "Employ Baltimore", is in effect on this contract. The awardee will have to meet with the Mayor's Office of Employment Development to hear what they have available to them to help them hire local residents in any areas in which they need to. The local hiring ordinance does not take effect until the end of December. Uh, we are confident uh, that the vendor, uh, will have a fruitful discussion with the Mayor's Office of Employment Development and consider all opportunities that they place before them."

Mr. Jones: "I would say that the, the, under the Executive Order "Employ Baltimore", while that it has great intentions and it's looking to do uh -- great things that our City needs, unfortunately it doesn't actually require a contractor to hire any City residents. Um, I, I've worked through the employment through the Mayor's Office of Employment Development before on



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other water waste contracts um, and uh, we've sent members, we've sent people who've done this work had over 20 interviews and waited months and haven't heard anything. Because long story short, they don't have to hire anyone and I think that was one of the reasons behind the local hiring legislation you introduced as well. Unfortunately some, some executives have great intentions, but unless people are really are going to do what they want to do, unless people have the best intentions, sometimes they can circumvent the process and not put in fruition, you know, what it's looking to do. So, I wouldn't look for, I wouldn't rely on that Executive Order to get that accomplished."

President: "Okay. Sir, are you coming up to speak?"

Unidentified male voice: "Yes sir."

President: "Then would you come up and identify yourself? Come on."

City Solicitor: "He represents the --"

President: "Uh, Mr. Nilson, um, Mr. Nilson -- Sir, can you state your name and speak who you represent?"

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Mr. Paul Caiola: "Good morning Mr. President, good morning Madam Mayor, Madam Comptroller and members of the Board. My name is Paul Caiola, um, I represent Dynis LLC in this matter, and Dynis requests today that this contract not be awarded today. Instead Dynis asks the City to clarify the price aspects of the RFP and then permit both Itron and Dynis to re-price the project based on those clarifications. Clarification is needed in this matter because the RFP had several substantial flaws as to price. We believe clarification and re-pricing would provide the best opportunity for a successful conversion to smart meters in Baltimore. The flawed nature of the RFP can be seen just by looking, comparing the bids, the price bids in this RFP to other RFPs in other comparable cities. Uh, Dynis partners with Sensus, which is a national player just as Itron is, and they compete in, in RFPs all across the country. In the last several years they've competed and the prices are always hotly contested. In all of the information that we were able to gather, over all 10 of the RFPs where they've competed head-to-head in the last few years, the price, the aggregate price

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differed by less than one half of one percent, and yet in this RFP, the price differential, Dynis's price is 221% higher than Itron's."

Unidentified audience member: "Why is that?"

Mr. Caiola: "This price differential is, is simply unprecedented, and we believe it's because of the flaws in the RFP. The flaws in the RFP and the requested clarifications are set forth in our bid protest letter, but I want to highlight a few of them. First, the RFP included an Urgent Needs work, which was not priced as an option, was to be included as part of the evaluation. This work created confusion, there were not uh, um, specifications issued for the materials in the work, and it led to very divergent prices for this Urgent Needs work. Dynis asked questions during the RFP process on CitiBuy and the City did not provide substantive responses. For example, there were, there was one particular line item asked for installation of pipes of multiple sizes. Dynis asked for clarification which size should be priced, could they price different um, uh, sizes with different prices and was told no, they had to provide one

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price. In that particular line item, the bid difference between Dynis and Itron was more than \$14 million. Itron's price on that line item equated to the cost of the materials only. Dynis had done the due diligence and the line item required a submission of both cost and labor; and Itron included a \$3.5 million bid, which was equivalent to just the cost of the material. There is simply no possible way that that work could be performed for \$3.5 million. The City has since indicated it may release a separate RFP for that "urgent needs" work, which makes a lot of sense, but it's unfair to use the "urgent needs" work, the bid price on the urgent needs work, as part of the evaluation when that work is going to be pulled out, and frankly, it has nothing, very little to do here with the main bid here AMI and AMR infrastructure. Overall, the price delta on the "urgent needs" work alone was more than \$33 million between these two parties. That clarification, with -- by, by removing the "urgent needs" work, that clarification would permit the parties to submit bids that would be much closer together just with that change alone. Next, the RFP failed to provide for specific prevailing wage rates, which would apply.

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Dynis raised this issue with the City, explaining that if one party bid unskilled labor and the other party bid uh -- skilled labor, the prices would vary widely. Dynis was told not to worry by the City, that this is not a low bid contract, and that the use of skilled laborers was, was, would be seen as a positive um, uh, attribute because the important thing was to get the system right for the citizens of Baltimore. Yet, what has occurred is that Dynis bid skilled laborers for the installation work and Itron apparently did not, and now the price differential between the two has become the critical factor in awarding this bid to Itron instead of Dynis. The City could clarify by specifying what labor, what specific prevailing wage be used, and then require the parties to re-submit a bid, applying those prevailing rates. Simply stated, the Dynis and Itron bid is not an apples to apples comparison, it's an apples to oranges and the City should correct that by having the job re-priced after providing clarification consistent with the Dynis bid protest letter. Now if the City determines to award the contract today, it should find Itron non-responsive,

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and there are several reasons laid out in the bid protest letter, but I would like to highlight just a few. First, Itron plans to operate in an unlicensed frequency, and cannot satisfy the RFP that systems in unlicensed frequencies, shall operate regardless of other devices within the radio frequency band for the life of the system. The life of the system in this case, is expected to be 20 years. It is highly unlikely that Itron's network can operate in this unlicensed frequency for the, for the next 20 years. Problems are likely to occur in the next few years. For example, BGE is installing smart meters in the same unlicensed frequency. They are installing them in the next few years in all of the homes and all of the small businesses in the region. There will be much more traffic after this implementation has been completed in this unlicensed frequency than there is today, and it's not just BGE. EZ Pass uses these same frequencies; hearing aids use them; cordless phones use these same frequencies, and we've listed several others that use these unlicensed frequencies in our protest letter. Itron

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itself has acknowledged the problem with the unlicensed frequency. It has recently purchased a, a company that has access to a private frequency like the one Sensus has access to. They've applied to have this new one-way frequency convert to a two-way frequency. They recognize that in the future they are going to need a private exclusive frequency to operate. But, unfortunately that application can give no benefit to Baltimore. First of all, it won't be completed for several years, and it's not necessarily clear that they'll get approved for the use of a private frequency, but even when, if they do get approved, Baltimore's infrastructure will already be installed, and it would be an entirely new RFP that would be required, it would be tens of millions of dollars to retrofit the Itron product for use on a, on a, an exclusive frequency. Next, Itron's bid is unresponsive because it would be, it would produce an unfair burden to Baltimore County rate payers. Itron's existing propagation plan shows that it can cover only 26% of Baltimore County with respect to AMI. Now in this procurement, the County is looking for AMR, but the County has indicated that they may

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want to upgrade in the future to AMI. The reason Itron cannot cover the County for AMI is that the FCC limits the, the wattage of the transmitters for those operating on that unlicensed frequency. So, the transmitters that Itron plans to use are not powerful enough to communicate directly and cover the, the geographic area of the County. This will burden County rate payers if they decide to upgrade to AMI in the future. They will need to be a, a, retrofit of each transmitter and all of the infrastructure would have to be changed. Whereas, with respect to uh, the, the Dynis bid, it would be a seamless transition for Baltimore County and Dynis covers 100% of the County. Next, Itron failed to bid commercial meter installations responsibly. Now, Madam Comptroller asked a question earlier in this proceeding about whether the bid would be, could be increased, whether Itron's bid for doing this work could be increased. Well, there, it would be virtually impossible for Itron to install the commercial meters at the bid prices that they've proposed. Itron has proposed to install a 140-pound commercial meter at the exact same price as a 1,600-pound commercial meter. They've proposed to install a 275-pound



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meter at the exact same price as a 2,900-pound meter. These larger meters require specialized equipment and large crews, and there's simply no possible way that the price to install the smaller meters and these very large meters can be similar, and yet Itron bid them at the exact same price. One of the clarifications on the RFP as to price we've requested, relates to the commercial meters. By contrast, Dynis's bid price for the 140-pound meter is very similar to, to Itron's but the bid price for the 2,500-pound meter is far, far higher, which we contend is more realistic and we contend that the Itron bid price is simply commercially unreasonable and should be rejected because it's impossible. Next, Itron failed to identify a sub-contractor for design of its smart meter grid, despite the requirement that it do so in the RFP. This is very technological work and you need to have an engineer, and the Board should have the benefit of understanding who the engineer for the network would be, and yet Itron has not identified that um, particular sub-contractor. Finally, Itron failed to establish that they will be able to meet the MBE goal of 11% in

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this project. Ninety-nine point seven percent (99.7%) of the MBE goal, Itron proposes to satisfy through Riviera Enterprises, trading as REI Drayco. REI Drayco is identified as having three roles in this project. One of the roles is as a Itron sales rep. None of that work should count towards Itron's goal in this project because Itron is the prime contractor in this bid. There simply is no commercial usefulness to having a pass through entity that would be paid as a sales rep. for Itron's materials. There's just no value added given that Itron's the prime contractor and has the best familiarity with this. Once you take whatever portion, and by the way, Itron has not identified what portion of, of, um, uh, REI Drayco's work will be this "pass through" function and if, IF it were more than 25%, it will not qualify under the MBE rules anyway. But, if any of the bid, if any of it is in this "pass through", it does not provide commercial usefulness, then, then Itron's bid goes, or their, their MBE goal goes below 11% and they don't meet it. Finally, Dynis asked the Board to consider and investigate Itron's performance history in Houston, in Charlotte and even in

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Baltimore before awarding a bid to Itron. In Houston, Itron was awarded a bid in 1999 and still has yet to, to, to have a functioning a, a, a system. There have been lawsuits between the city and, and Itron in that, in that, in that jurisdiction. In Charlotte, soon after installing its system, Itron needed to replace 68,000 transmitters. In Baltimore, Itron was part of a team that was hired for a pilot project to consider moving towards AMR 10 years ago, and the project was never even completed. These performance failures should raise concerns in the Board about whether Itron's low bid is simply too good to be true. In closing, Dynis wishes that the Board would not act today, but instead would provide clarification, which would allow the parties to re-price the job and we believe that that would benefit the citizens because you wouldn't have a, a, a bid that was superficially low and cannot be achieved and is destined to fail. Thank you."

President: "Uh, Madam Comptroller."

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Comptroller: "Yes, I'm very concerned about the price, and I'm hearing something different. Is it a fact that, based on the briefing that you gave me, that the City will not get, that if this contract is awarded to Itron, that it will not cost the City more than the \$81 million unless, unless, there are more than 400,000 meters that need to be installed?"

Mr. Krus: "Unless for some reason this goes beyond the scope of the solicitation, we have approximately 150 very detailed line items in which Itron has committed a price for the installation. That's the basis in which any scope discussions would occur, even if, even if, scope exceeded where we are in Itron's bid by 25% --"

Comptroller: "You mean four hundred thousand?"

Mr. Krus: "Right, right. Even if the scope of the project exceeded what was in the bid by 25%, Itron would still be within nine percent of the engineer's estimate."

Comptroller: "I understand that, but my concern is --"

Mr. Krus: "We hoped that it would not, but --"

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Comptroller: "I understand that, but my concern is, if there are, based on the information you gave me, that there are 400,000 meters that need to be installed that the price will not escalate. I understand that if the, if it's found that there are more than 400,000 meters, that they will honor the unit price that they said, but if there are only 400,000 the City will not pay any more money."

Mr. Krus: "There are different things that can cause the scope of a contract to increase. I can't make a commitment for any vendor in that regard, nor could Dynis make that commitment --"

Comptroller: "Let me ask you a question --"

Mr. Krus: "-- because this was not a firm, fixed price contract."

Comptroller: "Are you talking about --?"

Mr. Krus: "We have firm unit prices."

Comptroller: "When you briefed me, you said it was fixed."

Mr. Krus: "Firm fixed prices for all of the installation parameters on that price sheet, right."

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Comptroller: "For 400,000 --"

Mr. Krus: "So we know exactly, Madam Comptroller, we know exactly what everything costs in the solicitation. So, if Itron comes to us and says, 'You have more of these?' Uh, we can have a discussion about whether or not that is a legitimate cause for a Change Order."

Comptroller: "Right, but when you briefed me, you told me that unless there were more than 400,000 meters to be installed, that the price would not change. That's what you told me in my briefing."

Mr. Krus: "If, if everything looks as it is in the price sheet, in which we had over 400,000 meters --"

Comptroller: "Right."

Mr. Krus: "um, we shouldn't see much of a change in price."

Comptroller: "Right. Okay. Look, let me ask you another question. So, --"

Mr. Krus: "Could I give Mr. Chow a chance to, to add to that?"

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Mr. Chow: "The pricing on the 154 items are unit pricing. Those are fixed. However, let's say that we have done our best in terms of observation, inspection and we identified a particular meter instead of simply taking the meter out and replacing it in place, let's just say hypothetically, we say there are 10 of them in our system out of 400,000, the cost for excavation, and it turns out that there are 11. So, that extra one, that excavation cost, the unit pricing in the bid already, so we know exactly, if that goes from 10 to 11, we know exactly how much more we need to pay Itron because the unit cost is fixed."

Comptroller: "Now the other question -- a gentleman just said that the price for the smaller meters and the larger meters were bid at the same price. So, if it is discovered that larger meters are needed, is that price going to be the same or is there going to be a price differential?"

Mr. Krus: "Everything would be considered in relation to everything else. So for example, even, even in Mr. Chow's

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example, the -- if we had an increase of five large meters here but a decrease of 10 small meters over here, there might not be any need for price escalation."

Mrs. Erin Sher-Smyth: "Hello, Erin Sher-Smyth, Bureau of Purchases. Um, just to give a little more information on that, the ranges and sizes that Dynis is referencing are actually really small. In no line item does it exceed two inches, so he uses words we have found no evidence that the rates quoted are accurate in comparing them with specs on the meters that we've purchased. Um, there is a weight difference, but each line item has no more than a two inch spread in meter size, and for the smaller ones, it's only one-eighth of an inch, so he's making a lot more of the spread than really exists, uh, and I think it's misleading."

Mr. Caiola: "May I address that?"

Comptroller: "Yes."

Mr. Caiola: "They're not, these different weights are not on the same line item. But, what -- what Itron did, is they bid the same price across several line items which have different sizes



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and different weights for commercial meters."

Comptroller: "Is that true?"

Mr. Krus: "They have the right to price different weight meters at the same price if that occurs."

Comptroller: "My, my question is this, based on what I'm hearing him say, if a larger meter, if Itron bid on a small meter hypothetically \$100.00 and they need a larger meter which we know could possibly cost more, they're only charge the City \$100.00. Is that true?"

Mrs. Sher-Smyth: "That is true, and I do want to clarify once again, they did not bid the same price for various line items for different sizes; they bid the same price for all 6-8" meters. Some types of meters do weigh more than others, but they only bid the same price for all 6-8" meters, not 2-4", 4-6" and 6-8", so that's an overly broad statement that they bid the same price. They only bid the same price for different types of meters in the same size. So --"

Comptroller: "They have a different price for larger meters?"

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Mrs. Sher-Smyth: "Correct."

Mr. Caiola: "Madam Comptroller, that is incorrect that they didn't, that they have bid the same price for the same size meters. Itron in this matter bid 1,600-pound commercial meters, which require um, um, um a lot of complicated equipment to install, at the same price as a 120-pound commercial meter."

Comptroller: "Is that true?"

Mr. Caiola: "We are happy to submit proof --"

Mr. Krus: "It is true that Itron submitted very detailed prices for the installation of these meters and they will be held to these very detailed unit prices for the installation of these meters. I should make, if I may make one overall comment about this because we've heard a lot of very specific things. Um, the City does not believe that this solicitation was flawed in any way. Itron is a qualified responsive responsible bidder and we did not find defects in what they submitted to us."

Comptroller: "I have another question. Is it true, did the City check the references in Texas and Charlotte?"

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Mr. Krus: "Excuse me please."

Comptroller: "You said yes?"

Mr. Krus: "No."

Comptroller: "Did the City check the references in --?"

Mr. Krus: "The City checked references during this process; uh, we actually checked a reference in Houston and got a good reference from Houston; um, all of the references checked out well during the evaluation process for Itron --"

Comptroller: "Another question I have mentioned um is the unlikely --"

Mr. Caiola: "Madam Comptroller, may I address that point?"

Comptroller: "Okay."

Mr. Caiola: "Dynis has had contact with officials responsible for the uh, installation in Houston. The gentleman who is responsible um, uh, has indicated that he would be happy to write a letter or speak with someone from the City. He has not been contacted by the City."

Comptroller: "Can you state for the record his name, and Mr. Krus, could you state for the record who gave the reference that

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was good?"

Mr. Krus: "I don't have the person who gave the exact reference to us during the evaluation process, and it would not be proper to begin to open this evaluation process to what Mr. Caiola is suggesting."

Mr. Caiola: "It's Kayola."

Mr. Krus: "Kayola"

Comptroller: "Kayola. Okay Good. Thank you. Another question -  
-"

Mr. Krus: "They get my name wrong all the time too. Heh heh. It happens every day."

Comptroller: "The other question I have is it is mentioned that the unlicensed frequency, is that an issue, if so --"

Mr. Krus: "No it is not. The City is well aware that unlicensed frequencies might be used; there is no problem with the way that they use the unlicensed frequencies in the Itron bid."

Mayor: "Do you need any clarification on that?"

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Comptroller: "No. You're saying for the record that's not going to be a problem?"

Mr. Krus: "No it is not."

Comptroller: "And it is true that it will not cost additional monies to retrofit?"

Mr. Krus: "Correct. We plan to use the unlicensed frequency throughout because it is more than workable and it is not an issue and your cell phone will not prevent meters from being read."

Comptroller: "Not an issue."

Mr. Caiola: "Madam Comptroller, because you've asked about additional price, I want to make two additional points. One, in San Diego, between award and contract, Itron's price went up 20%, so, and so, at a minimum if this contract is awarded to Itron, the Board should be clear that it's only authorizing a contract in the precise amount that, that the bid occurred, and did not permit Itron to up the price between award and contract. Secondly, this award includes \$10 million for this "Urgent Needs" work that the City's planning to, we understand, to issue

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a new RFP for. So in other words, there may be a, there will be a new RFP for the "Urgent Needs" work and a new award, so there's \$10 million that would be awarded to Itron here that could be "sucked up" for work that has been underbid by Itron, if this, if an RFP is issued on the "Urgent Needs" work, an issue to some other bidder."

Mr. Krus: "Tim Krus, City Purchasing Agent, and I'm glad to hear that Dynis agrees with us that "Urgent Needs" were not included in the solicitation, even though they have commented that they were."

Mr. Caiola: "Well, they absolutely were."

Mr. Krus: "They were not. They were explicitly excluded."

Comptroller: "What I would like to see is an update quarterly given to this Board, uh, on installation, because I was told in my briefing that the meters would be installed by 2016 and I was also told, and convinced, that there would be no price increase. So, so if they're running behind on installation, I would like to know that, and also I would like to know if there are any

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price increases that that be brought back to the Board."

Mr. Krus: "Madam Comptroller, the Bureau of Purchases has submitted this award letter. Any changes to the pricing in this would come to the Board."

Comptroller: "Okay."

Mr. Krus: "-- in an increase Board letter --"

Comptroller: "Okay --"

Mr. Krus: "-- and I'm sure the Bureau of Water and Wastewater would be more than happy to um, give progress reports on these installations."

Comptroller: "Okay, I would like them to come to this Board quarterly. Okay?"

Mr. Caiola: "This is an important point. The admission has just occurred that the Urgent Needs work is apparently not part of the bid. But, yet the award is for the \$83 million, which includes \$10 million for the Urgent Needs work, so that, it, it, if if if the Urgent Needs work from this RFP, then the award should be for \$73 million, which would be the amount that approved on the line items that don't include the Urgent Needs."

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Ms. Sher-Smyth: "Erin Sher-Smyth. Uh, that is incorrect. The items that are constantly referenced as "Urgent Needs" items are not urgent needs. They are contingency items required or that may be required from time to time in installing the meters. Urgent Needs is a completely separate contract that will be let, and in fact, it will allow us to control change orders if there is anything that comes up that we did not anticipate it will not be done under this contract. The Urgent Needs contractor will take it. The items --"

President: "Can you, can you --"

Ms. Sher-Smyth: "For, for instance, if, if a, a meter that is in a vault that needs to be rebuilt, the vault will not be rebuilt under this one, it was not part of this contract. It was purely for the AMI/AMR project, the "Urgent Needs" contractor will do that under the unit pricing --"

President: "Can you continue?"

Mrs. Sher-Smyth: "So, several of the items that they mention are flanges used to attach the meter; they are reducers that are needed to help the meter that is required for that location. Actually --"



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President: "Ma'am would you please give us respect at this Board? I call for um, a vote. I move"

Comptroller: "I have one more question."

President: "Get your question."

Comptroller: "You were describing-- can you give a simple definition between the difference between Urgent Needs and contingency, because you said urgent needs is not part of the contract?"

Ms. Sher-Smyth: "Correct."

Comptroller: "So, what's the difference urgent need and contingency? Give me an example of an urgent need versus a contingent need."

Ms. Sher-Smyth: "Okay, and I may have to pass this off to Mr. Chow but I will attempt to answer it. Um, as I was saying, if a vault on a, um, let's say a larger commercial meter, which are often in deeper vaults, actually there is damage to a vault, it's an old brick vault that is collapsing, that is not part of this contract, and we don't intend this contractor to do that."

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That would then be placed on a separate list on at the um, monthly meetings, weekly meetings and then that would be passed to the Urgent Needs contractor, which is why the RFP specifically said that the contractor awarded this has to coordinate with the "Urgent Needs" contractor so that the work can progress quickly and doesn't get held up when a problem is noted. It's instantly noted, it's taken off the install list and gets passed back to the City for a correction under a separate contract. Now, the items that um, Dynis has stated are "Urgent Needs" are actually just small contingency items. For instance, the copper piping, they've made much of the amount. It amounts to no more than one linear foot per meter and so if it, if an extra six inches of pipe is needed to make the meter that we're putting in fit that is already priced out. That would actually control costs, so we don't have these unanticipated small items that are \$20.00, \$15.00, adding up on such a large number of quantity. So, um, all of the items that are expected to be required in a standard meter install, are included as line items to help us control costs and these items

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are not Urgent Needs contract. Urgent Needs contracts are totally separate and that is what is going to allow us to control costs here."

President: "I entertain a Motion."

City Solicitor: "I MOVE, I MOVE that the Board approve the recommendation of the Bureau of Purchases and that the contract be awarded to Itron, and that the bid--"

President: "Do we have a "Second?"

City Solicitor: "-- and, and that the bid protest presented orally be denied."

President: "Is there a "Second"? All those in favor say aye. Aye."

President: "All those opposed, NAY."

Comptroller: "I **ABSTAIN** because in my briefing I was told it was fixed, it would be \$83 million and, and um, it's too, it's too much confusion for me, so I **ABSTAIN**."

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President: "The Motion carries. Please note that the  
Comptroller **ABSTAINS.**"

\* \* \* \* \*

## **Solicitation B50002877 - Advanced Metering Infrastructure and Water Meter System Installation**

Ryan J. Potter [rpotter@gejlaw.com]

**Sent:** Monday, November 04, 2013 10:45 AM

**To:** Pratt, Joan

**Cc:** escott@dynis.com; Paul Caiola [pcaiola@gejlaw.com]

**Attachments:** Nilson 110413 - Solicitati~1.pdf (758 KB)

Madam Comptroller, for your consideration, please see the attached correspondence, submitted on behalf of Dynis, LLC.

Thank you.

**Ryan J. Potter**

TEL: 410 951 1404 / FAX: 410 468 2786

218 N Charles Street, Suite 400, Baltimore, MD 21201

rpotter@gejlaw.com

**GALLAGHER EVELIUS & JONES LLP**

ATTORNEYS AT LAW

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November 4, 2013

**Via Email (George.Nilson@baltimorecity.gov)**  
**and Hand Delivery**

George A. Nilson, Esq.  
City Solicitor  
City Hall, Room 101,  
100 North Holliday St.,  
Baltimore, MD 21202  
(410) 396-3297

*Re: Request for Proposals for Advanced Metering Infrastructure and Water Meter System Installation; Water Contract No. 1223; Solicitation No. B50002877*

Dear Mr. Nilson,

This firm represents Dynis, LLC. I write to request that the City exercise its right to provide clarification to the bidders and seek revised bids consistent with such clarification. As described below, such clarification would correct for several substantial flaws in the RFP relating to price, and provide the best opportunity for a procurement that will result in a successful conversion to smart metering for Baltimore City, Baltimore County, and their citizens. I also write to bring to the City's attention substantial technical deficiencies in Itron's bid that render the bid non-responsive, including its use of unlicensed radio frequencies that may not function properly and its failure to offer Baltimore County adequate coverage for conversion to AMI. Finally, the City must consider the performance history of Itron before awarding it the bid. Itron failed to complete a pilot project for an AMR smart meter system in Baltimore ten years ago, and has been unable to deploy a successful system in Houston that it began in 1999.

**A. PRICING CONFUSION AND RESULTING DISPARITIES IN BIDS**

The City's Request for Proposal contemplates further bidding or clarification if needed. Section GC13 of the RFP, titled "Clarification of Proposals," permits the City at its discretion to request that offerors "explain and/or make clear" the "meaning or understanding" of portions of the bid. Clarification is commonly provided in complex procurement projects, and ensure that the bidding process is fair and obtains the best result for the City. See In re: Accenture, MSBCA Docket Nos. 2640, 2669 (2009) (describing two rounds of clarification and best and final offers

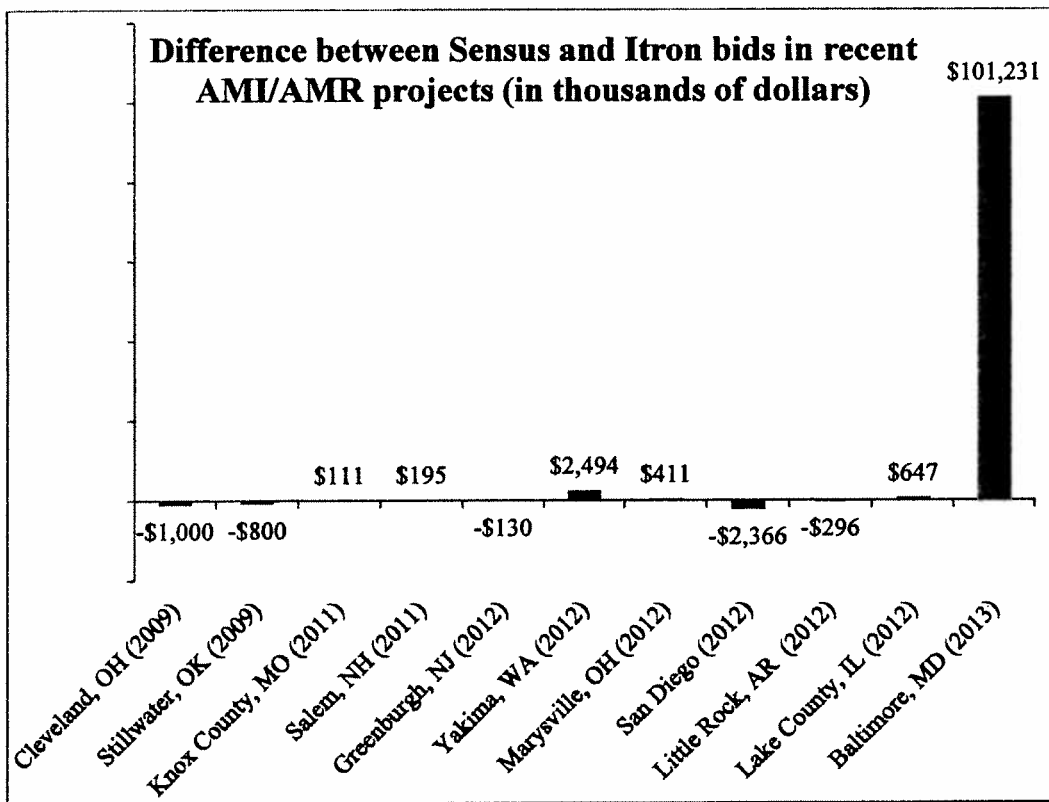
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to address artificially low bids). For the reasons described below, this procurement would benefit from clarification and further bidding as to price.

The extreme disparity in price between the Dynis and Itron bids is unprecedented among AMI/AMR smart metering procurements, and alone demonstrates substantial flaws in the procurement. In this procurement, Dynis's bid price is 221% of Itron's bid price. Dynis is partnering with Sensus, a company that provides advanced metering solutions and smart grid technology to utilities throughout the world. Sensus and Itron are frequent opponents in similar procurements. In ten AMR/AMI procurements since 2009, the aggregate bids involving Sensus and Itron technology have been separated by just 0.43% in the aggregate. The difference between individual bids involving Sensus and Itron technology is shown below:



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The unprecedented disparity between the bids in this procurement is traceable to a lack of clarity in the RFP and shortcomings in Itron's price sheet. For example, the City requested a bid for "urgent needs" items, including the provision and replacement of varying diameters of copper pipe. This type of work is not typically included in an AMR/AMI conversion contract. Making matters worse, the City did not provide clear specifications for this material and work, leaving the parties to speculate and causing widely divergent pricing. Before submitting its bid, Dynis asked several questions about the urgent needs work on Citi Buy, including whether the bid for this work should be considered optional pricing (not used to calculate the bid price) to account for the possibility the City would not require the performance of the work. The City declined to respond to these Citi Buy questions in a manner that would resolve the concerns and provide clarity.

Itron, as if aware this work would not be included in any contract flowing from an award, did not provide a credible bid for this work. On several lines in which the parties were required to bid the cost of labor and materials, Itron's bid appears to reflect the cost of materials alone. For example, Item 11.01 required "supply and install 3/4" to 1" copper pipe," but Itron's \$3.5 million bid for this item appears to capture only the cost of material. Dynis's bid for this item exceeded \$17.7 million, reflecting the cost of material and installation. The price delta for this line alone exceeded \$14.2 million, and the delta across the urgent needs items exceeded \$33 million. In sum, including these items above the line created confusion and led to divergent pricing. The City cannot fairly evaluate the proposals so long as the urgent needs pricing is included in the parties' bids.

In addition, because of the importance of providing a living wage and ensuring the work is performed by qualified subcontractors, the City should have specified which of the prevailing wage rates it provided should be used in the bids for installation personnel. RFPs for AMR/AMI conversion projects typically include specified prevailing wages and require specific qualifications for subcontractors that will be performing the work. During talks with the City prior to release of the contract RFP documents, Dynis raised questions about prevailing wages, explaining that if wage rates were not specified, the parties' labor projections could diverge substantially if one party based its price on the use of skilled laborers while the other did not. The City explained that this is not a low bid procurement, and that a party's planned use of skilled contractors would be considered in the evaluation of bids. Dynis is committed to use the proper number of skilled laborers in an effort to ensure quality performance of the work, and this commitment is reflected in its price. Itron's current price does not, in the view of Dynis and industry professionals, reflect the use of the proper volume of skilled workers at prevailing wage rates necessary to accomplish this project successfully and within the timelines established by



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Baltimore City. See, for example, Items 2.01-2.16, 3.01-3.16, 4.01-4.03, 6.01-6.03, 7.01-7.09, 8.01-8.03, 11.01-11.05, 12.01-12.02, 13.01-13.03, 14.01-14.04, 15.01-15.015, and 16.01-16.03.

The Maryland State Board of Contract Appeals has affirmed an agency’s rejection of a “low” bid on the grounds that the bidder did not account for sufficient staffing required by the project. See In re: Accenture, MSBCA Docket Nos. 2640, 2669 (2009). Similarly, the MSBCA has affirmed an agency’s rejection of a “low” bid that was imbalanced and could have led to increased future costs. See in re Brawner Builders, Inc., MSBCA Docket Nos. 2770, 2771 (2011).

Further, the RFP requested bids for installation of water meters in confined spaces. See Item 6.01. National safety standards for commercial meter installation require two-person crews for work in confined spaces, with one person outside to monitor and provide support. These requirements are key to protecting workers and compliance with OSHA standards. Yet Itron’s bid includes pricing consistent with single-person crews for confined-space installations. In this regard, Itron’s proposal does not appear to comply with national safety requirements and may endanger work crews. Concerns over worker safety are appropriate grounds for rejecting a bid as nonresponsive. Dow Elec., Inc. v. United States, 98 Fed. Cl. 688, 697 (Fed. Cl. 2011) (affirming agency decision that bid was nonresponsive because it did not adequately provide for safety for workers installing energy panels in “dark and cramped conditions”). The City can clarify this requirement and ask the parties to adjust their bids accordingly.

Below, Dynis lists these requested clarifications and several others. Providing these bid clarifications to the parties and instructing them to submit revised bids in conformity with the clarifications will greatly enhance the prospect for a successful conversion to AMI/AMR, and will cost the City nothing.

Requested Clarification to Bid Price Sheet	Comments
Removal of urgent needs material from price sheet (Items 11.01-15.14)	- DYNIS pricing included material and prevailing wage labor and it appears Itron does not - No material specification provided, which resulted in inconsistent pricing - Requested Clarification in CitiBuy, to no avail - This alone closes price delta by more than \$30M - City has indicated it will issue separate RFP for this work

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<p>Re-Price commercial meter installation consistent with commercial standards</p>	<p><u>Items 2.05 thru 2.08</u></p> <p>- Itron's price is identical for installation of 50 lb. to 433lb. commercial meters, which is wholly unrealistic. The latter requires specialized equipment and larger work crews, as compared to the former.</p> <p><u>Items 2.09 thru 2.12</u></p> <p>- Itron's price is identical for installation of 140 lb. to 1602lb. commercial meters, which is wholly unrealistic. The latter requires specialized equipment and larger work crews, as compared to the former.</p> <p><u>Items 2.13 thru 2.16</u></p> <p>- Itron's price is identical for installation of 275 lb. to 2925lb. commercial meters, which is wholly unrealistic. The latter requires specialized equipment and larger work crews, as compared to the former.</p>
<p>Require 2-person crew for installation in confined spaces as required by OSHA</p>	<p>- OSHA requires a 2 person crew for confined space installation, and price sheet should reflect this</p> <p>- Itron price for low-side fire service meters in confined space does not appear to reflect prevailing wage for 2 person crew</p>
<p>Remove Scrap Credit (Items 9.01-9.19, and 10.01-10.06)</p>	<p>- City has the option to keep the material and scrap itself.</p> <p>- This item should be considered optional pricing (not used to calculate the bid price) since the City may/may not decide to accept this line.</p>

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Require parties to include cost of material for radio transmitter retrofit (Item 4.01-4.03)	- Price sheet instructions stated provide material and installation, but Itron did not include cost of material
Specify number of dual port transmitters required for residential meters (Item 5.02); dual ports not merely for commercial meters	- Price sheet does not include residential dual port transmitter application - It is understood that there could be up to 50K residential dual port capable meter pits
Meter to Transmitter Connection	- Existing meter contract includes Sensus Meter Touch Coupler and provision for Nicor or other connector at additional cost, per city correspondence of \$9.00 per meter.
Specify 2-person crews must be used to install residential meters	- Realistic requirement to complete project within budgeted timeframe - Imperative for installers' safety - Reduces material shrinkage in the field

Dynis is also concerned that the City has failed to consider in its evaluation criteria for the bids the enormous economic benefit of Sensus iPERL advanced Electromagnetic Flow Meters ("iPERL Meters"). Dynis's distribution and logistics partner, LB Water, was awarded the group 1 meters (5/8" thru 1") on bid number B50002280 for the Supply of Water Meters and Components. That award included Sensus SRII-G Low Lead water meters with 8-wheel encoder registers. As an alternate to bid B50002280 LB Water included a bid for iPERL Meters. The LB Water bid for the awarded SRII-G meters was \$24,681,549.60. The LB Water bid included an alternate proposal for the iPERL Meters at a total of \$32,847,850.06. If Dynis is awarded B50002877 LB Water is offering to supply the iPERL Meters as bid for the same price as the SRII-G meters. This represents a savings to Baltimore in the amount of \$8,166,300.40.

The iPERL Meters represent a significant opportunity for the City of Baltimore. LB Water has demonstrated to Baltimore 20-year revenue increases of \$159,938,165. This is due to the increased accuracy and extended flow ranges that the iPERL Meter offers. The savings indicated are based upon conservative water rates and no future rate increases. With over 1,000,000 iPERL Meters successfully deployed to date, Baltimore will realize proven reliability.

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**B. DEVIATIONS FROM DETAILED TECHNICAL SPECIFICATIONS**

In addition to substantial confusion relative to the price sheet as described above, significant questions and several apparent deviations from the RFP's Detailed Technical Specifications further counsel in favor of a more measured approach, pursuant to which the City should make inquiry of the bidders, provide further clarity, and request revised bids consistent with such clarification. Dynis offers relevant examples below:

**1. Itron's proposed use of unlicensed radio frequencies might interfere with BGE smart-meters and may not function properly.**

The RFP requires that a system operating in unlicensed frequency function and operate seamlessly despite noise and interference with other devices operating in the same band for the life of the system. See DS17.D.2. This provision is significant, as Itron proposes to read water meters and submit information over the unlicensed radio spectrum. Itron's system operates in the unlicensed ISM band between 902-928 Mhz. By FCC regulations these unlicensed systems must accept interference.

Itron is not alone in proposing to use the unlicensed spectrum, which is gaining users because of the low (zero) cost and ease of entry from a variety of industries. BGE uses the same frequencies for its new Smart Grid meters. This frequency is also used by the following devices, among others:

- Fixed wireless broadband service
- Radio frequency identification devices used to track assets and supply chains
- EZ Pass equipment for electronic toll roads, tunnels, and bridges
- Traffic control systems
- Parolee location devices
- Wireless consumer products, including:
  - Hearing aids
  - Emergency call pendants
  - Home and business alarm systems
  - Cordless telephones and headsets
  - Baby and other medical monitoring equipment
  - Garage door openers
- Higher-powered Multilateration Location and Monitoring Service ("M-LMS") licensed users

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- Vehicle location services
- Indoor position location services for wireless service callers to E911
- Many other industrial, scientific, and medical devices

Itron proposes to add approximately 404,000 devices to this already crowded frequency. Itron's deployment is likely to interfere with BGE's current smart meter infrastructure and in turn reduce efficacy. This problem cannot easily be addressed after the fact because Itron will already have deployed its network assets. See DS18.F.3.c. Dynis/Sensus would operate on FCC Licensed Spectrum at 901 Mhz – a spectrum owned by Sensus. This exclusive frequency ensures that the water meters are free of interference and able to function properly.

The procurement process involved an RFQ whereby the city approved AMR and AMI technologies. As part of this RFQ, Itron submitted their Choice Connect AMR/AMI system, involving the supply of Itron 100W ERTs and Choice Connect network infrastructure. Recently, Itron purchased a one-way FCC-licensed spectrum. Were Itron to migrate to an FCC-licensed system, the migration would not extend to the Baltimore project without the investment of significant additional capital resources. This transition would require replacement of not only all 100W ERTs, but network infrastructure as well. Moreover, Choice Connect is the only system approved by the City in the RFQ process.

## **2. Itron's proposal saddles Baltimore County ratepayers with an old technological solution and no readily available mechanism to upgrade.**

Another unrelated but similarly troubling technical deficiency is reflected in Itron's acknowledgment that its existing propagation plan can cover only 26% of Baltimore County meters in an AMI setting, thereby burdening County ratepayers with legacy technology and no attractive vehicle to upgrade in the future without a substantial effort to build new infrastructure. While the RFP contemplates AMR technology in Baltimore County at the outset, it also contemplates a future migration to an AMI system, which the Dynis proposal could accommodate seamlessly. If and when Baltimore County determines to convert to 100% AMI coverage, the installation process would be expensive and burdensome under Itron's proposal.

## **3. Itron's proposal fails to identify with specificity which qualified subcontractors will perform crucial deployment tasks and it may fail to meet MBE participation requirements.**

The RFP requires that bidders identify "a complete list of all subcontractors proposed or anticipated to be used in the performance of the contract," and to "describe the services that each

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subcontractor will provide.” See SM7.A.4.a. This requirement is material for determining whether a bid is responsive and a bidder is responsible. Itron’s response fails to identify a firm with engineering or deployment expertise to design and implement the new multi-jurisdictional smart grid network that this project requires. Dynis, by contrast, has a wealth of experience in this capacity and is a recognized leader in complex communications network engineering and construction. In addition, Itron’s response fails to identify which of its subcontractors will install commercial meters, whereas Dynis has selected Vanguard Utility Service, the City’s current commercial meter contractor. This specialized task requires unique experience and capabilities beyond those of a residential meter installer.

Itron’s failure to identify specific tasks also calls into question its ability to meet MBE requirements. Itron’s sole MBE is Riviera Enterprises, Inc., t/a REI/Drayco, which it lists as being responsible for selling Itron’s AMI equipment, installing meters, and installing networks. The installation services provided by REI/Drayco appear to constitute only a small percentage of the contract, and it is not evident that this will satisfy the MBE requirements attendant to this project. Any “reselling” of Itron’s AMI equipment by REI/Drayco is equivalent to a “pass through” service and should not be counted towards Itron’s MBE requirement. See U.S. ex rel King v. F.E. Moran, Inc., 00 C 3877, 2002 WL 2003219 (N.D. Ill. Aug. 29, 2002) (holding that plaintiff stated valid claims regarding defendant’s use of “pass-through” or “storefront” MBE entities to meet minority business requirements); RJB Props., Inc. v. Bd. of Educ. of City of Chicago, 468 F.3d 1005, 1010 (7th Cir. 2006) (finding that city’s refusal to permit use of “pass through” minority businesses was proper and rejecting claims brought by business).

Dynis lists below these and other deviations from the RFP’s detailed technical specifications, each of which warrants investigation and should render Itron’s bid non-responsive.

Detailed Specification from RFP	Comments
DS17 AMI/AMR System General	
D. FCC Approval	
2. For an unlicensed system the system shall operate regardless of other devices operating within the RF band for the life of the system.	- The existing unlicensed spectrum is gaining users because of the low (zero) cost and ease of entry from a variety of industries. Silver Spring Networks

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	<p>utilizes the same unlicensed frequency for the BGE Smart Grid deployment.</p> <p>- Itron recently purchased a one-way FCC License spectrum, and is currently asking for a waiver. The following is a link to this issue:  <a href="http://www.fcc.gov/document/itron-seeks-waiver-part-22-paging-rules-comments-requested">http://www.fcc.gov/document/itron-seeks-waiver-part-22-paging-rules-comments-requested</a></p>
<p>E. Radio Transmitters</p>	
<p>1. The radio transmitter shall be migratable and seamlessly transition from AMR to AMI and from AMI to AMR without the need to manually reprogram the device.</p>	<p>- The Flexnet network proposed by Dynis is a true 2-way communication infrastructure that will allow the software to change the mode from AMR to AMI without a visit to the transmitter.</p> <p>- Itron's Response: The 100W+ ERT can be changed from AMR (Mobile) mode to AMI (Fixed Network) mode remotely through the Mobile Collector. During the normal drive route, each selected endpoint will be notified via two-way communication from the mobile collector as soon as its bubble-up is heard, and once the command is received it will migrate from mobile to fixed network mode.</p> <p>If Itron is supplying a true 2-way communication infrastructure to the transmitter, as required by the RFP, why is a Mobile Collector needed to go from AMR to AMI?</p>
<p>2. Radio transmitters shall be two-way devices that are capable of transmitting and receiving data through the data collection devices.</p>	<p>By Itron's response above, they have demonstrated that they are not capable of having the radio transmitter receive data through their fixed network data collection device.</p>

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<b>I. Wiring Connections</b>	
<p>3. Where the Contractor proposes a different type of wiring connection that allows the radio transmitter to communicate with the meter register, then the Contractor shall include all costs and equipment to successfully pair the radio transmitter to the meter register. The Contractor shall be responsible for supplying and shipping the wiring connection to the various water meter manufacturers.</p>	<p>- Itron's response includes only the cost of shipping connectors to meter vendors, but it does not include the cost to "successfully pair the radio transmitter to the meter register", as the RFP required.</p>
<b>DS18. ADVANCED METERING INFRASTRUCTURE (AMI) REQUIREMENTS</b>	
<b>C. AMI Radio Transmitters Functional Requirements</b>	
<p>4. The radio transmitter shall be able to receive user commands through the AMI software including any firmware updates.</p>	<p>- The Flexnet network proposed by Dynis meets this requirement. - Itron, however, requires its mobile collector (AMR software) to migrate from AMR to AMI. It cannot complete a firmware upgrade.</p>
<b>D. AMI Data Collection Equipment</b>	
<b>3. Power Requirements</b>	
<p>a. AMI Data Collection Equipment shall utilize either 120V AC or a solar panel (with City approval) as a power source depending on power source availability at the site in question. The Data Collection Equipment shall have an automatically rechargeable battery that can supply backup power for a period of at least 8 hours.</p>	<p>- The Flexnet network proposed by Dynis meets this requirement. - Itron's response indicates that its lead acid battery backup provides only 90 minutes of backup power.</p>



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4. Functional Requirements	
a. Data Collection Equipment shall provide two-way communication between the proposed AMI software and the radio transmitter. At a minimum, readings shall be transferred to the AMI meter reading software twice per day.	- The Sensus Flexnet network meets this requirement. - Itron's solution does not meet this requirement.
b. Data Collection Equipment shall be capable of receiving all firmware updates remotely.	- The Sensus Flexnet network meets this requirement. - Itron's solution does not meet this requirement.
F. Fixed Area Network Design	
1. City Post-award Propagation Study	
b. Within the City, the Contractor shall ensure that each radio transmitter can be heard by at least two data collectors at any given time.	- The Flexnet network proposed by Dynis meets this requirement. - Itron reduced the number of collectors it proposed from the earlier RFQ to the current RFP, while redundancy requirements were added in the RFP. It appears that Itron has defined redundant coverage with the use of repeaters, which cannot receive communication from a collector. Therefore, it should not be used as a point of redundancy.
2. County Post-award Propagation Study	
b. Within the County the Contractor's propagation study shall clearly indicate which locations (meters) will be heard by a single collector and which locations (meters) will have redundant coverage. Also propagation maps should include a color-coded legend to show signal strength.	- The Flexnet network proposed by Dynis meets this requirement. - Itron's Response: <b>By using only the sites provided, Itron estimates 26% of the County's meters can be covered by the Fixed Network.</b> The network infrastructure consists of 20 Collectors. Please refer to the propagation study map and associated equipment list included as

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	<p>an attachment to this section for the detailed information requested. Itron estimates 52,000 of the County's 202,864 meters would be covered by the network. All endpoints under the network would achieve the RSR and approximately 5,000 endpoints could be covered by 2 or more Collectors.</p>
<p>H. Data Collector Installations</p>	
<p>1. General Installation Requirements</p>	
<p>d. It is the responsibility of the Contractor to ensure that any transmission from the proposed Data Collectors will not interfere with existing antenna signals or equipment users at the sites.</p>	<p>By FCC rules, systems using the unlicensed ISM band, which Itron uses, it is understood that your system will create interference and that you must accept the interference created by others using this band.</p>

Concerns over Itron's performance are warranted in view of its performance history in Baltimore and other jurisdictions. The City of Houston awarded Itron a contract to implement an AMR smart meter system, and Itron has been attempting to deploy an effective system there since 1999. The Houston Chronicle has reported that when the city had spent \$47 million (almost twice the amount originally envisioned) installing Itron's smart meter system, it had not reaped any promised savings and acknowledged that more than 200,000 of the installed devices needed to be replaced.

Baltimore City in 2003 requested bids for a 5000 end-point pilot for an AMR smart meter system, contract BP-03067. The City intended to move toward a full deployment if the pilot project was successful. AMCO (American Meter Company, now Elster) was the low bidder and awarded the pilot. At the time AMCO did not have an AMR system and routinely partnered with Itron, which does not manufacture meters. AMCO also engaged REI/Drayco as a subcontractor to install the Itron AMR devices and AMCO meters. This pilot project was never completed because of substantial problems.

In this procurement, Itron has proposed a price that is inconsistent with commercial industry standards. Given its prior performance in Baltimore and elsewhere, the City should, in a measured and deliberate fashion before awarding the bid, investigate whether Itron can and will

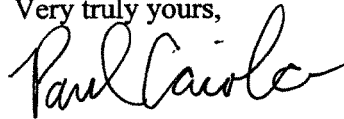
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complete the work in a satisfactory manner at the current price, if at all. Concerns over a low bidder's ability to complete a project are legitimate grounds for rejecting a low bid. See J.G.B. Enters., Inc. v. United States, 921 F. Supp. 91, 93 (N.D.N.Y. 1996) (rejecting appeal by low bidder because the agency correctly determined that the low bid was commercially unrealistic).

Moreover, the City should provide clarification regarding the bid sheet and project expectations as described above, and offer both bidders an opportunity to re-price the work consistent with the clarification. Dynis has invested significant time and financial commitment in this procurement, and looks forward to the next steps in this process as it seeks to help Baltimore move forward with this complex communication infrastructure deployment for the benefit of the region's taxpayers and ratepayers.

Very truly yours,



Paul S. Caiola

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Khalil Zaied [Khalil.Zaied@baltimorecity.gov](mailto:Khalil.Zaied@baltimorecity.gov)  
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# Jermaine Jones

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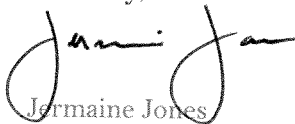
Date: November 5, 2013

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

To Whom It May Concern:

My name is Jermaine Jones Business Manager of Construction Laborers Local 710 in Baltimore. I represent over 700 construction workers throughout Baltimore City and the greater Baltimore area. In addition we partner with hundreds of contractors throughout the city and country in effort to raise working standards and promote responsible contractor practices that would benefit the contractor, the owner and employee as well. The reason for my letter is to formally pretest the Board of Estimates recommendation to award contract **B50002877, Advanced Metering Infrastructure and Water Meter System Installation to Itron, Inc.** To my understanding there were and there still are other qualified contractors who are willing to perform this work at a much lower cost, which will save taxpayers money. Additionally a contract of this magnitude should include some form of local hiring requirement to guarantee a portion of city residents are put to work.

Sincerely,

  
Jermaine Jones

## Kim A. Trueheart

November 5, 2013

Board of Estimates

Attn: Clerk

City Hall, Room 204

100 N. Holliday Street,

Baltimore, Maryland 21202

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of questionable management and administration within the Department of Public Works.

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

1. Whom you represent: Self
2. What the issues are:
  - a. Page 47, Item #8 Purchasing Department B50002877, Advanced Metering Infrastructure and System Installation award to Itron, Inc., if approved:
    - i. This purchase will waste scarce tax-payer funds;
    - ii. This purchase is excessive and completely unjustified, unnecessary, unwarranted, overreaching, significantly technically over specified and will clearly demonstrate malfeasance, if approved;
      1. The inability of the city to accurately, efficiently and effectively bill water usage does NOT require a gold-plated solution when a more cost effective and less technically risky solution will suffice;
      2. The board members and public should be provided a program risk matrix that highlights the technical, schedule and financial high risk aspects of the procurement for consideration in voting;
      3. The technical specification appears to be Cadillac-like, and failed to present a risk mitigation based procurement strategy, which reduces risks and includes program milestones with entry and exit criteria to assist in managing program success and/or failure.
      4. The arbitrary disqualification of bidders and the perceived conflicts of interests by at least two board members provide sufficient justification for this award recommendation be rejected and the procurement reinitiated from the beginning.
    - iii. The Minority/Women-owned business participation goals failed to achieve the maximum allowed as a direct result of the poor administrative execution of the program by the MWBOO;
    - iv. The lack of multiple qualified and certified minority/women-owned businesses directly contributed to the setting of low goals and is a clear

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

5519 Belleville Ave  
Baltimore, MD 21207

failure by the MWBD office to fulfill its mission and purpose regarding outreach, engagement and development;

1. It has been well document that this market segment represents the largest taxpayer expenditure area for Baltimore City for the foreseeable future and the absence of a targeted minority/women vendor development program appears to be intentional and serves to enrich the favored non-minority contractors of this administration to the detriment of local minority and women-owned businesses.
- v. In May 2012 our mayor was given a special award for her leadership of the US Conference of Mayors Urban Water Council and if this outrageous procurement is approve she should immediately return that special award;
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed what appears to be a significant dearth in leadership, management and cogent decision making within the Department of Public Works, which potentially cost myself and my fellow citizens excessive amounts of money in cost over-runs and wasteful and mismanaged spending.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on November 5, 2013.

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

Sincerely,  
Kim Trueheart, Citizen & Resident

5519 Belleville Ave  
Baltimore, MD 21207

## **RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

Bureau of Purchases

8. B50002877, Advanced Itron, Inc. \$ 81,397,913.20 Metering Infrastruc- (Current Amount ture and Water Meter Requested) System Installation (Dept. of Public Works, Bureau of Water and Wastewater)

The Board is requested to approve and authorize execution of an agreement with Itron, Inc. The period of the agreement is November 6, 2013 through January 1, 2018. Twenty years of annual software and hardware support and maintenance is available after this action.

The above amount is the City's estimated requirement for the project implementation and perpetual software licenses; however, the vendor will supply the City's entire requirement, be it more or less. After the City finally accepts the installed AMI/AMR, software and hardware, which is expected to be approximately 18 months after Board approval, additional approval for the software and hardware support and maintenance funds will be sought, in the total amount of \$2,118,720.60 which will make the total award amount \$83,516,633.80. Approval for support and maintenance will be sought from the Board annually.

**MWBO SET GOALS OF 11% MBE AND 1% WBE.**

**MBE:** Riviera Enterprises 11.00% CR Dynamics & Associates, Inc. .03% 11.03% **WBE:** Sahara Communications, Inc. 1.00%

**MWBO FOUND VENDOR IN COMPLIANCE.**

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

5519 Belleville Ave  
Baltimore, MD 21207

**MINUTES**

Department of General Services - Indefinite Quantity Contract  
GS 13810 - Task No. GS 13819

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the award of Task No. GS 13819, 4601 East Monument Street Building Renovation to CAM Construction Co. of Maryland, Inc. and to approve a waiver of the \$1,000,000.00 upset limit for task under GS 13810.

**AMOUNT OF MONEY AND SOURCE:**

\$ 115,734.00 - 1001-000000-3572-327200-603051  
1,000,000.00 - 9910-903977-9588-900000-706063  
**\$1,115,734.00**

**BACKGROUND/EXPLANATION:**

On October 09, 2013, the Board approved the contract with various contractors for Indefinite Quantity Contract GS 13810 using the Baltimore City Public Schools Contract No. BCS 10042.

On Wednesday, October 23, 2013, the Board received bids for Task No. GS 13819. Award is recommended for the lowest bidder. The lowest bidder is higher than estimated as a result of the tightened construction schedule and increased material prices.

On August 14, 2013, the Board authorized an upset limit of \$1,000,000.00 for tasks awarded using the BSC 10042. The Department of General Services is requesting a waiver of the upset limit because of the unique circumstances described above. The task is expected to be the largest task and the Department does not anticipate future tasks to exceed the \$1,000,000.00 upset limit.



## MINUTES

Department of General Services - cont'd

**MBE/WBE PARTICIPATION:****MWBOO SET MBE GOALS AT 27% AND WBE GOALS AT 9%**

<b>MBE:</b> A/C Power, Inc.	\$241,000.00	21.60%
Spears Mechanical Contractors, Inc.	<u>176,825.00</u>	<u>15.85%</u>
	<b>\$417,825.00</b>	<b>37.45%</b>
<b>WBE:</b> Eastwood Painting & Contracting, Inc.	\$ 39,400.00	3.53%
Moisture Proof & Masonry, Inc.	80,500.00	7.22%
Signs and Wonder, Inc.	<u>*See note below</u>	<u>0%</u>
	<b>\$119,900.00</b>	<b>10.75%</b>

\*Signs and Wonders, Inc. is not certified with Baltimore City.

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**APPROVED FOR FUNDS BY FINANCE**

**A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTOR'S ASSOCIATION.<sup>6</sup>**

Clerk: "The Board has determined it will not hear the protest because this item was previously protested when the Board approved it on August 14, 2013, as well as on October 23, 2013. At that time it was determined that this item, after approval by the Board, would come forward with additional tasks. This item on today's agenda is a task under that item, which is an Indefinite Quantities Contract, GS 13810, Task No. GS 13819, therefore the Board will not hear the protest."

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<sup>6</sup> See protest letter following Page #4505

**MINUTES**

Department of General Services - cont'd

UPON MOTION duly made and seconded, the Board approved the award of Task No. GS 13819, 4601 East Monument Street Building Renovation to CAM Construction Co. of Maryland, Inc. and to approve a waiver of the \$1,000,000.00 upset limit for task under GS 13810.

**MINUTES**

Department of General Services (DGS) - Consultant Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a consultant agreement with Northeast Energy Services, LLC. The period of the agreement is October 1, 2013 through March 31, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$49,000.00 - 2051-000000-1981-718200-603018

**BACKGROUND/EXPLANATION:**

This consultant will complete key financial analyses and technical support for the development of the Energy Assurance Plan, the City's Climate Action Plan, and Residential Aggregation and Conservation Projects. Northeast Energy Services, LLC provides specialized analysis pertaining to energy efficiency projects both underway and in development by the DGS's Energy Division, specifically relating to combined heat and power plants.

Northeast Energy Services, LLC, under its Managing Partner, Mr. Steve Wood, began working with Baltimore City (City) in 2008 under South River Consulting, for a feasibility study for a residential electric aggregator and City-owned utility. In the study, it was recommended that the City generate its own power.

Mr. Wood, a previous Vice President of Consolidated Edison Energy Company, holds decades of experience in financial analysis and renewable energy development. Since 2010, Mr. Wood has continued to work with the DGS following recommendations from the residential electric aggregator study, with the focus on generation from combined heat and power plants.

**MINUTES**

DGS - cont'd

Mr. Wood has specialized skills with the analysis and implementation of combined heat and power plants and renewable energy production. With the opportunities awarded to the City from the Public Service Commission and Constellation, Northeast Energy Services, LLC will be assisting in the financial analysis of solar and combined heat and power projects.

The most recent contract between Northeast Energy Services, LLC and the DGS's Energy Office expired on September 31, 2013. An amendment was not completed timely therefore; the DGS seeks the approval of a new agreement effective October 1, 2013.

**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 execution of the consultant agreement with Northeast Energy Services, LLC.

**MINUTES**

Department of Planning - Baltimore City Public School System  
Capital Improvement Program for  
FY 2015-2020

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**ACTION REQUESTED OF B/E:**

The Board is requested to **NOTE** the report of the Planning Commission on the Baltimore City Public School System's (BCPSS) Capital Improvement Program (CIP) for FY 2015-2020 in the amount of \$470,414,000.00.

**AMOUNT OF MONEY AND SOURCE:**

The total request for FY 2015 is \$72,612,000.00, of which \$17,000,000.00 is City General Obligation (G.O.) bond funds, and \$55,612,000.00 is State funds.

The BCPSS CIP for FY 2015 - 2020 totals \$470,414,000.00. The CIP includes \$102,000,000.00 in City G.O. bonds and \$368,414,000.00 in State funds.

**BACKGROUND/EXPLANATION:**

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

On September 24, 2013, the Board of School Commissioners approved the CIP. On October 17, 2013, the Planning Commission approved the BCPSS CIP FY 2015-2020.

The requested funding will provide resources to create an educational environment that encourages the highest caliber of teaching, learning, and facility utilization. The Board of Estimates' support of this plan will assist the BCPSS' effort to

**MINUTES**

Department of Planning - cont'd

provide enhanced learning environments as it continues to improve educational opportunities for the children of Baltimore City.

The Board **NOTED** the report of the Planning Commission on the Baltimore City Public School System's Capital Improvement Program for FY 2015-2020 in the amount of \$470,414,000.00.

**MINUTES**

Board of Finance - Baltimore City Public School System  
Capital Improvement Program FY 2015-2020

**ACTION REQUESTED OF B/E:**

The Board is requested to **NOTE** the Board of Finance's endorsement of the Baltimore City Public School System (BCPSS) fiscal year 2015-2020 Capital Improvement Program (CIP).

**BACKGROUND/EXPLANATION:**

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

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

The Board of Finance, at a scheduled meeting on October 28, 2013, considered and endorsed the FY 2015 - 2020 CIP totaling \$470,414,000.00. The CIP includes \$102,000,000.00 in City bond funds and \$368,414,000.00 in State funds. Annual program distributions are as follows:

## MINUTES

Board of Finance - cont'd

BCPSS Fiscal Year 2015 - 2020  
Capital Improvement Plan (\$000)

Source/FY	2015	2016	2017	2018	2019	2020	Total
State	55,612	53,000	61,454	65,000	65,000	68,348	368,414
City	17,000	17,000	17,000	17,000	17,000	17,000	102,000
<b>Total</b>	72,612	70,000	78,454	82,000	82,000	85,348	470,414

The Board **NOTED** the Board of Finance's endorsement of the Baltimore City Public School System fiscal year 2015-2020 Capital Improvement Program. The Mayor **ABSTAINED**.



**MINUTES**

Department of Public Works (DPW) - Employee Expense Statement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the expense statement to reimburse Ms. Kimberly Morton for cash payments she made to Wheyich Grilled Cheese and Miss Twist Ice Cream on July 27, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$220.00 - 1001-000000-1901-190300-604014

**BACKGROUND/EXPLANATION:**

On July 27, 2013, Ms. Morton paid Wheyich Grilled Cheese and Miss Twist Ice Cream \$110.00 cash each for food services rendered for DPW's Liberty Day.

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 to reimburse Ms. Kimberly Morton for cash payments she made to Wheyich Grilled Cheese and Miss Twist Ice Cream on July 27, 2013.

**MINUTES**

Health Department - Transportation Funds for Senior Centers

**ACTION REQUESTED OF B/E:**

The Board is requested to subsidize transportation funds for various Senior Centers in Baltimore City for the period of July 1, 2013 through June 30, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$222,467.00 - 1001-000000-3254-316400-603041

**BACKGROUND/EXPLANATION:**

This expenditure will provide funds to allow the Department to subsidize transportation program services for seniors.

The Department will provide funds to subsidize transportation services for the following Senior Centers: Action-in-Maturity, Allen Senior Center, Cherry Hill Senior Center, Greenmount Senior Center, and the Govans Ecumenical Development Corporation. The Senior Centers will transport seniors to and from special events and activities throughout the City.

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

UPON MOTION duly made and seconded, the Board approved the subsidy of transportation funds for various Senior Centers in Baltimore City for the period of July 1, 2013 through June 30, 2014.

MINUTES

PERSONNEL MATTERS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

all of the Personnel matters

listed on the following pages:

4600 - 4602

All of the Personnel matters have been approved

by the EXPENDITURE CONTROL COMMITTEE.

All of the contracts have been approved

by the Law Department

as to form and legal sufficiency.

**MINUTES****PERSONNEL**Department of Recreation and Parks

	<u>Hourly Rate</u>	<u>Amount</u>
1. <b>COURTNEY EVANDER</b>	\$32.00	<b>\$12,800.00</b>

Account: 6000-680513-4711-363400-601009

Ms. Evander will continue to work as an Ice Skating Instructor. She will provide instructions in figure skating skills for participants in the "Learn to Skate" and summer camp programs, which includes skills that are the basis for the U.S. Figure Skating National Proficiency Tests. Ms. Evander will also evaluate student performance to determine mastery of specific skills and advancement to the next level, assist students in planning an individual presentation program set to music, and provide skating instructions to members of the Youth and Adult Performance Troupes. In addition, she will provide instructions to all levels of the Adult Skating Seminar. The period of the agreement is effective upon Board approval through October 15, 2014.

2. <b>WILLIAM S. RUSKIN</b>	\$26.00	<b>\$32,448.00</b>
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Account: 5000-578713-4713-361800-601009

Mr. Ruskin, retiree, will continue to work as a Civil Engineer. His duties will include, but are not limited to developing engineering plans, specifications and cost estimates for Capital Projects. Mr. Ruskin will also design utility systems and act as liaison between the Department, local utility companies, and State and City agencies. This contract includes a 4% increase in the hourly rate from the previous contract. His additional duties will include reviewing and preparing reports and plans, processing estimates, and assisting with testing and certifications.

**MINUTES****PERSONNEL**Department of Recreation and Parks - cont'dHourly RateAmount

In addition, Mr. Ruskin will coordinate with various departments and consultants and assist with closing out Federal and State projects. The period of the agreement is effective upon Board approval for one year.

**A WAIVER IS REQUESTED OF THE NUMBER OF HOURS A RETIREE MAY WORK AS STIPULATED IN AM 212-1 PART I OF THE ADMINISTRATIVE MANUAL.**

Fire Department

3.	<b>RYAN D. McBYRNE</b>	\$31.22	<b>\$64,950.00</b>
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Account: 2071-000000-5521-394300-601009

Mr. McByrne will work as an Emergency Planner for the Office of Emergency Management. He will be responsible for analyzing and providing recommendations for Public Works emergency plans; managing short and long-term projects such as hazard and vulnerability analysis for water system critical infrastructure; collaborating with and advising public and private partners on emergency planning initiatives. The period of the agreement is effective upon Board approval for one year.

4.	<b>BARBARA J. HEMBERGER</b>	\$32.35	<b>\$23,290.75</b>
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Account: 1001-000000-2101-225900-601009

Ms. Hemberger, retiree, will work as a Contract Services Specialist I. Her duties will include, but are not limited to screening all mail, telephone calls, faxes, visitors, directing comments and complaints from the public and

**MINUTES****PERSONNEL****Fire Department - cont'd**

taking appropriate action to resolve. She will also track mail and special assignments and monitor status to ensure completion; maintain confidential appointment schedule and arrange conferences and meetings; represent the Fire Chief at various meetings; collect information from the Fire Chief; review all correspondence and reports prepared by staff prior to being submitted; take and transcribe minutes for weekly staff meetings; and etc. The period of the agreement is November 6, 2013 through November 5, 2014.

**A WAIVER IS REQUESTED OF THE NUMBER OF HOURS A RETIREE MAY WORK AS STIPULATED IN AM 212-1 PART I ON THE 90 CALENDAR DAYS A RETIREE MUST WAIT BEFORE RENDERING SUCH SERVICES AND THE HOURLY RATE MAXIMUM.**

**MINUTES****TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Mayor's Office of Information Technology</u>			
1. Christopher D. Tonjes Jeffrey Newball Andrew Nebus	AWS Invent 2013 Conference Las Vegas, NV Nov. 11 - 16, 2013 (Reg. Fee \$1,299.00 each)	General Funds	\$8,732.60

The subsistence rate for this location is \$170.00 per night for a total of \$850.00 for each participant.

The hotel rate for Mr. Tonjes is \$179.00 per night for a total of \$895.00. The occupancy tax is \$21.48 per day for a total of \$107.40. The Department is requesting additional subsistence of \$9.00 per day to cover the cost of the hotel, for a total of \$45.00 and additional subsistence of \$40.00 per day for a total of \$200.00 to cover the costs of food and incidentals and additional subsistence of \$20.00 per day for a total of \$100.00 to cover the cost of the resort fee.

The hotel rate for Messrs. Newball and Nebus are \$175.00 per night for November 11<sup>th</sup> - 13<sup>th</sup> for a total of \$525.00, the cost for November 14<sup>th</sup> is \$100.00, and the cost for November 15<sup>th</sup> is \$210.00 for a total of \$835.00 for each participant. The occupancy tax is \$21.00 per day for November 11<sup>th</sup> - 13<sup>th</sup> for a total of \$63.00, \$12.00 for November 14<sup>th</sup>, and \$25.20 for November 15<sup>th</sup> for a total of \$100.20 for each participant.

For Messrs. Newball and Nebus, the Department is requesting additional subsistence of \$185.00 to cover the costs of food and incidentals and \$28.00 per day for a total of \$140.00 to cover the costs of the resort fees for each participant.

## MINUTES

TRAVEL REQUESTS - cont'dMayor's Office of Information Technology - cont'd

The airfare and registration fee for each participant has been pre-paid on a City issued credit card assigned to Mr. Christopher Tonjes.

The total reimbursement to Mr. Tonjes is \$1,362.40. The total reimbursement to for Messrs. Newball and Nebus is \$1,335.80 each.

UPON MOTION duly made and seconded, the Board approved the foregoing travel requests.

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

\* \* \* \* \*



**MINUTES**

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

**BIDS, PROPOSALS AND CONTRACT AWARDS**

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

Department of Transportation - TR 05309, Reisterstown Road  
Streetscape: Northern Parkway  
to the City Line  
**BIDS TO BE RECV'D: 11/13/2013**  
**BIDS TO BE OPEDED: 11/13/2013**

## MINUTES

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

Bureau of Water & Wastewater - SC 913, Improvements to the  
Western Portion of the Sanitary  
Sewers in the Low Level  
Sewershed

Spiniello Infrastructure Worldwide  
AM-Liner East, Inc.  
Inland Waters Pollution Control  
Anchor Construction Corp.  
Metra Industries

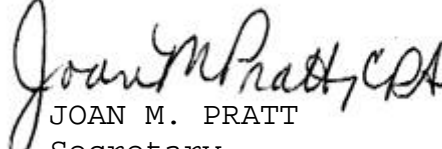
Bureau of Purchases - B50003075, City of Baltimore  
Web Site Redesign and Hosting

CivicLive  
Pro Site Builder, LLC  
Strativia Software  
Interpersonal Frequency, LLC  
Mirage Software, Inc. d/b/a  
Bourntec Solutions, Inc.  
The Canton Group  
TISTA Science & Technology  
Corporation  
Eco-Consulting, Inc.

MINUTES

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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, November 13, 2013.

  
JOAN M. PRATT  
Secretary