

MINUTES**REGULAR MEETING**

Stephanie Rawlings-Blake, President
Sheila Dixon, Mayor
Joan M. Pratt, Comptroller and Secretary
George A. Nilson, City Solicitor
Donald Huskey, Deputy City Solicitor
David E. Scott, Director of Public Works
Ben Meli, Deputy Director of Public Works
Bernice H. Taylor, Deputy Comptroller, and Clerk

The meeting was called to order by the President.

ANNOUNCEMENT

Deputy Comptroller: "Anyone with a protest on any item that appears on today's Agenda. The protest deadline is normally Tuesday's by 12:00 noon. However, the City offices were closed on Monday. So, if there is anyone here with a protest, if you would come forward I will take representation for a protest only. Thank you."

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

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

Amber E. Enterprises, Inc.	\$ 5,688,000.00
Anchor Construction Corporation	\$ 63,072,000.00
Arbor Glenn Nurseries, Inc.	\$ 8,000,000.00
Brophy Enterprises, LLC	\$ 171,000.00
Brown Contracting Co., Inc.	\$ 7,200,000.00
Chereco Company, Inc.	\$ 3,357,000.00
Commercial Fuel Systems, Inc.	\$ 8,000,000.00
Fox Industries, Inc.	\$ 5,412,000.00
Fallsway Construction Company, LLC	\$ 1,728,000.00
J.C. Ehrlich Co.	\$ 4,500,000.00
MRP Contractors, LLC	\$ 8,000,000.00
Reglas Painting Company, Inc.	\$ 1,500,000.00
Spectraserv, Inc.	\$108,225,000.00

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:

Bohler Engineering	Engineer
	Landscape Architect
	Survey

MINUTESPrequalification of Architects and Engineers - cont'd

BrightFields, Inc.	Engineer
Environmental Consulting & Technology, Inc.	Engineer
Freemen Architecture	Architect Engineer
Hill International, Inc.	Engineer
HydroQual, Inc.	Engineer
So-Deep, Inc./So-Deep US, P.C.	Engineer Land Survey Property Line Survey
VHB, Inc.	Landscape Architect Engineer Survey

There being no objections, the Board, UPON MOTION duly made and seconded, approved the prequalification of contractors and architects and engineers for the listed firms.

MINUTESDepartment of General Services - Minor Privilege Permit Applications

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

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
1. 110 N. Howard Street	Dae H. Kang	Retain roll up awning 18' 8" x 1½', one single face electric sign 14' x 2'
Annual Charge: \$800.52		
2. 3132 W. North Avenue	Hamayoon Ayubi	Retain awning with signage 18' 9" x 1½', three spot reflectors
Annual Charge: \$189.96		
3. 426 S. Newkirk Street	Emmanuel Karekas	Retain mansard cornice with four recessed lights, one flat sign 6½' x 1', one stack vent
Annual Charge: \$794.07		
4. 1727 N. Charles Street	Bowling, Inc.	Retain two banner signs, 12' x 1½', one handicap ramp 20' 7" x 4'
Annual Charge: \$211.10		

MINUTESBGS - cont'd

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
5. 2300 Boston Street	Kevin Luke Reeder	Retain double face electric sign 5' x 4', one handicap ramp 22' x 4', one stack vent, one exhaust vent, one egress stairway, one display case 1'4" x 2 ½', two dumpsters 6' x 4'
Annual Charge: \$2,048.84		
6. 1718 Thames Street	RR1 Investment, LLC	Outdoor seating 14' x 4'
Annual Charge: \$337.50		
7. 1111 W. 36 th Street	Marie Triantos	Retain awning with signage 20' x 2', three spot reflectors
Annual Charge: \$292.40		

MINUTESBGS - cont'd

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
8. 401 S. Broadway	401 S. Broadway, LLC	Retain awning with signage 16'7" x 2', three single face electric signs 4' x 2½', one exhaust vent, four spot reflectors

Annual Charge: \$717.23

9. 3400 Eastern Avenue	X-Treme Properties, LLC	Retain awning 5½' x 3', flat sign 8½' x 2', four spot reflectors
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Annual Charge: \$299.03

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

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

MINUTES

EXTRA WORK ORDERS AND TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders and Transfers of Funds

listed on the following pages:

3773 - 3774

All of the EWOs have been reviewed and approved

by the Department of Audits, CORC, and MWBOO,

unless otherwise indicated.

MINUTES**EXTRA WORK ORDERS**

<u>Contract</u>	<u>Prev. Apprvd.</u>	<u>Contractor</u>	<u>Time</u>	<u>%</u>
<u>Awd. Amt.</u>	<u>Extra Work</u>		<u>Ext.</u>	<u>Compl.</u>
<u>Bureau of Water and Wastewater</u>				
1. EWO #039, \$ 84,213.55 - S.C. 791, Eastern Avenue Pumping Station Improvements				
\$22,677,334.00	\$ 344,076.64	Whiting-Turner Contracting Co., Inc.	0	71
2. EWO #020 \$147,884.52 - S.C. 812, Improvements to the Lower Gwynns Run Interceptor				
\$21,206,342.00	\$2,496,531.24	Carp Seca Corporation	0	99
3. EWO #008 \$360,000.00 - W.C. 1193, Repaving Utility Cuts @ Various Locations				
\$ 2,793,512.50	\$1,011,358.72	Monumental Paving & Excavating Inc.	0	66.20
4. EWO #032 \$ 60,281.60 - S.W.C. 7751, West Branch Moores Run Storm Drain Improvements - Section 1				
\$ 7,790,007.00	\$1,219,957.14	V&S Contractors, Inc.	50	99 CCD
5. EWO #016 \$ 0.00 - W.C. 1156, Locust Point Area Infrastructure Rehabilitation				
\$ 7,883,300.00	\$3,061,030.61	Spiniello Com-panies	56	80
6. EWO #009 \$ 21,160.00 - S.C. 827, Cleaning and Inspection of Sanitary Sewer Siphons at Various Locations				
\$ 261,516.00	\$ 265,927.21	Mobile Dredging and Pumping Co.	0	99
7. EWO #001 \$ 90,746.49 - S.C. 846, Gravity Sludge Thickener at Patapsco Wastewater Treatment Plant				
\$5,667,000.00	\$ 0.00	Ulliman Schutte Construction LLC	0	40

MINUTES**EXTRA WORK ORDERS**

	<u>Contract</u>	<u>Prev. Apprvd.</u>		<u>Time</u>	<u>%</u>
	<u>Awd. Amt.</u>	<u>Extra Work</u>	<u>Contractor</u>	<u>Ext.</u>	<u>Compl.</u>
<u>Department of Transportation</u>					
8.	EWO #001 \$	0.00	- TR 08001, Reconstruction of Foot-		
	<u>ways Citywide</u>				
	\$ 880,681.25	\$ 0.00	Machado Construc-	0	0
			tion Co., Inc.		
THE OVERRUNS AND UNDERRUNS CANCEL EACH OTHER OUT.					
9.	EWO #27 \$663,000.00	- TR 04308R, Charles Street Resurfacing & Streetscape from Madison Street to North Avenue			
	<u>\$9,095,012.75</u>	<u>\$ 678,961.05</u>	Civil Construc-	70	-
			tion, LLC		
10.	EWO #005 \$102,644.00	- TR 08033, Conduit System Repairs at Various Locations Citywide (JOC)			
	<u>\$2,237,275.00</u>	<u>\$1,154,862.50</u>	Allied Contractors, -	-	
			Inc.		
11.	EWO #003 \$ 96,527.38	- TR 07016, Resurfacing Highways at Various Locations JOC - X			
	<u>\$1,418,693.00</u>	<u>\$ 365,449.75</u>	P. Flanigan & Sons, -	-	
			Inc.		
12.	EWO #038 \$ 28,837.07	- TR 06012R, New East Baltimore Community Phase 1A/1B			
	<u>\$13,665,417.99</u>	<u>\$3,719,502.44</u>	Monumental Paving -	-	
			& Excavating Inc.		

MINUTES

Circuit Court for Baltimore City - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an agreement with the Family League of Baltimore City (Family League). The period of the agreement is July 1, 2009 through June 30, 2010.

AMOUNT OF MONEY AND SOURCE:

\$112,158.00 - 5000-539210-1100-668100-405001

BACKGROUND/EXPLANATION:

The Circuit Court for Baltimore City received a grant award from the Administrative Office of the Courts - Office of Problem Solving Courts to pay for 2 staff positions in the Family League's Family Recovery Program (FRP), the family dependency treatment court of Baltimore City. The Circuit Court will enter into an agreement with the Family League for the salary and benefits of two full time staff positions; the FRP Court Coordinator at \$67,000.00, and the FRP Reengagement Specialist at \$45,158.00. The staff positions will be managed and supervised by the Family League.

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 Family League of Baltimore City.

MINUTES

Department of Recreation and Parks - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize payment to Waste Management, Inc.

AMOUNT OF MONEY AND SOURCE:

\$1,801.28	1001-000000-4710-362200-603026
755.42	1001-000000-4800-372049-603026
1,603.92	1001-000000-4780-365100-603026
77.94	1001-000000-4800-372034-603026
536.58	1001-000000-4800-372054-603026
606.20	1001-000000-4800-372055-603026
693.72	1001-000000-4800-372041-603026
<u>2,044.00</u>	<u>1001-000000-4800-372043-603026</u>
\$8,119.06	

BACKGROUND/EXPLANATION:

Waste Management, Inc. supplies dumpsters at the Department's various recreation centers and facilities. Authorization is requested to pay a backlog of invoices, dated December 2008 through July 2009, for services provided without a valid purchase order. The amount owed the vendor exceeds the limit for payment via Expenditure Authorization.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board deferred this item for one.

MINUTES

Police Department - Grant Award Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of a grant award from the U.S. Department of Justice, Community Oriented Policing Services, "COPS Hiring Recovery Program". The period of the award is July 1, 2009 through June 30, 2012.

AMOUNT OF MONEY AND SOURCE:

\$10,131,050.00 - 4000-485310-5750-647600-600000

BACKGROUND/EXPLANATION:

The U.S. Department of Justice, COPS recently awarded the grant under Award # 2009RJWX0051. The grant funds are provided to the Baltimore Police Department to hire 50 new police officers. This funding supports their salaries and fringe benefits for three years.

This request is late because the grant was just received.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the grant award from the U.S. Department of Justice, Community Oriented Policing Services, "COPS Hiring Recovery Program".

MINUTESPolice Department - Renewal Employment Agreement

The Board is requested to approve and authorize execution of an employment agreement. The period of the agreement is effective upon Board approval for one year.

<u>Name</u>	<u>Hourly Rate</u>	<u>Amount</u>
JOHN R. DOLLY, JR.	\$14.42	\$30,000.00

Account: 1001-000000-2010-197600-601009

On January 3, 1996, the Board approved a waiver of Administrative Manual Policy AM 212-1, which allowed the Baltimore Police Department to hire retired Police Officers as contract employees.

The retiree will perform a variety of tasks, previously performed by full-duty Police Officers, which are supportive in nature. This will allow the Department to continue to assign active Police Officers to crime fighting duties.

The retiree will receive no benefits other than workmen's compensation and F.I.C.A.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the employment agreement with John R. Dolly, Jr.

MINUTES

Mayor's Office of International - Inter-Governmental Agreement and Immigrant Affairs

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an inter-governmental agreement with the Maryland State Department of Human Resources, Maryland Office for Refugees and Asylees. The period of the agreement is October 15, 2009 through September 30, 2010.

AMOUNT OF MONEY AND SOURCE:

\$332,600.00 - 5000-535910-3530-326300-603026

BACKGROUND/EXPLANATION:

The funds for the Agreement originate from the Federal Office of Refugee Resettlement (ORR) for the Targeted Assistance Grant (TAG) program, and are designated for vocational training and employment services for hard to place refugees/asylees in the Baltimore metropolitan area. The Mayor's Office of International and Immigrant Affairs administers the funds allocated for the Baltimore metropolitan area on behalf of the Maryland Department of Human Resources. The contract period will be one year with two, one-year renewals, pending receipt of funds from the ORR.

In June 2009, the Mayor's Office of International and Immigrant Affairs started the RFP process for the TAG through the Bureau of Purchases. As a result, Lutheran Social Services of the National Capital Area was selected as the contractor. The award was approved by the Board on September 16, 2009.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the inter-governmental agreement with

MINUTES

International and Immigrant Affairs - cont'd

the Maryland State Department of Human Resources, Maryland
Office for Refugees and Asylees.

MINUTES

Office of the State's Attorney - Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of an award from The State of Maryland - Governor's Office of Crime Control and Prevention entitled, "Finding Words Forensic Training." The period of the grant award is August 1, 2009 through July 31, 2010.

AMOUNT OF MONEY AND SOURCE:

\$2,078.00 - 4000-404410-1150-117575

BACKGROUND/EXPLANATION:

The Office of the State's Attorney Domestic Violence Division has been awarded these funds to cover the complete costs of attending the Finding Words Forensic Training. Costs include both tuition and mileage reimbursement for travel to and from the training.

This request is late because the grant award was not issued until one month after the commencement of the fiscal year and subsequent internal processing was required.

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

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the award from the State of Maryland Governor's Office of Crime Control and Prevention entitled, "Finding Words Forensic Training."

MINUTES

CARE - cont'd

The agreement is late because of the late notification of approved funding from the Maryland Office on Aging and for the Subsidized Assisted Housing Program.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

MINUTES**TRANSFER OF FUNDS**

* * * * *

UPON MOTION duly made and seconded,

the Board approved the

transfers of funds

listed on the following page:

3785

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

MINUTES**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Transportation</u>		
1. \$ 27,285.72 MVR	9950-903550-9509 Const. Res. Neighborhood Street Reconstruction	9950-902550-9508-3 Design & Studies Neighborhood Street Reconstruction

This transfer will cover the cost associated with the assignment of Task No. 6 on project 1074 (B/D # 08040) to Sabra, Wang & Associates, Inc. for the engineering support to setup a storm water banking system.

2. \$ 55,406.66 MVR	9950-901540-9507 Const. Res. - Hanover Street	9950-901884-9508-3 Design & Studies On-Call Erosion & Sediment Control
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This transfer will fund the costs associated with Project 1074, Task No. 8 assigned to KCI Technologies, Inc. for hiring certified consultants for environmental reviews for erosion and sediment control permits, and storm water management reports.

Baltimore Development Corporation

3. \$ 799.98 M&CC	9911-903859-9600 Const. Res. BDC Economic Development	9910-905573-9601 Fayette/Lombard Street Corridor
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This transfer will provide funds for the quarterly water meter charge for 1107 - 1131 East Fayette Street for September 2009 by the Department of Public Works.

MINUTES

Baltimore Development - Land Disposition Agreement
Corporation (BDC)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a land disposition agreement (LDA) with JBL Real Estate, LLC., developer, for the property located at 4500-04 Harford Road.

AMOUNT OF MONEY AND SOURCE:

\$100,000.00 - Purchase Price

BACKGROUND/EXPLANATION:

The developer will pay a good faith deposit of \$10,000.00 within ten days of the execution of the LDA.

In 2004, the BDC acquired 4500-04 Harford Road on behalf of the City. The purpose of the acquisition was to eliminate a blighting influence and create an opportunity for development that would enhance the Lauraville Business District, both functionally and aesthetically.

The BDC issued a Request for Proposals (RFP) for the Site in September 2004, for which there were no responses. The BDC issued a second RFP in July 2005 and received three responses. The BDC worked with the selected developer until June 2007, when it became apparent that the selected developer would not be able to proceed.

In June 2007, the BDC issued a third RFP and received three proposals. After careful consideration, the BDC recommended, and the Mayor approved, working with the JBL Great Baltimore Properties, a partnership between JBL Real Estate, LLC, and Alpha Omega Services, LLC. In May 2009, Alpha Omega Services, LLC. relinquished its role in the project. The BDC determined that this change does not change the developer's capacity to complete the Project.

The developer proposes to purchase the site from the City in fee and construct a retail development, totaling approximately 8,000 square feet and 23 parking spaces. The Project is estimated to cost approximately \$1,121,185.00.

MINUTES

BDC - cont'd

Given the time it took to negotiate the terms of this agreement, the BDC requests a waiver of the appraisal policy. The appraisal is dated August 18, 2008.

STATEMENT OF PURPOSE AND RATIONALE:

Under the terms of the LDA, the Developer will purchase the Site from the City for \$100,000.00. The appraised value is \$400,000.00. The sale of the property for less than the appraised value is justified because it will provide a specific benefit to the community by creating a more pedestrian-friendly environment; enhance the physical connectivity between the southern and central portions of the Lauraville Business District, and diversifying the mix of businesses in the Hamilton-Lauraville Main Street. The project will generate at least 50 construction and 33 permanent FTE jobs and City tax revenues of \$936,814.00 over a 20-year period.

In addition, the properties were in disrepair and presented ongoing maintenance problems and environmental hazards. Located in a prominent spot in the heart of the Lauraville Business District, the properties hindered commercial revitalization efforts and detracted from the health of surrounding neighborhoods.

MBE/WBE PARTICIPATION:

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with JBL Real Estate, LLC., developer, for the property located at 4500-04 Harford Road.

MINUTES

Baltimore Development - Amendment to Lease Agreement
Corporation (BDC)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an amendment to a lease agreement with the SEED School of Maryland, Inc. located at 200 Font Hill Avenue.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The Board of Estimates approved the lease for the SEED School of Maryland in August 2007, with a term of 99 years and an annual rent of \$1.00 per year. In May 2007, the Baltimore City Public School System Board approved a resolution declaring the Southwestern High School property surplus. On June 28, 2007, the Interagency Committee on School Construction recommended that the transfer of the ownership of the property from the State to the City and waived the outstanding bond debt on the property. The recommendations were approved by the Maryland State Board of Public Works on July 11, 2007.

This amendment amends Section 2.2 giving the City an easement on the SEED School site for the sewer line that runs along the west and north perimeter of the property and restates and makes typographic corrections. The City does not reserve an easement for the sewer line that enters the property at the south-east corner that only serves the building. All other terms and conditions of the lease remain unchanged.

(FILE NO. 56490)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment to a lease agreement with the SEED School of Maryland, Inc. located at 200 Font Hill Avenue.

MINUTES

Department of Finance - Grant

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize a grant to the Basketball Academy.

AMOUNT OF MONEY AND SOURCE:

\$20,000.00 - 1001-000000-1220-146500-607001

BACKGROUND/EXPLANATION:

The Basketball Academy is a three-day program for nearly 600 middle and high school student athletes. In addition to visiting cultural enrichment sites and earning service-learning credits, the students will attend workshops that highlight topics such as SAT Prep, college admissions, financial literacy, health awareness, and National Collegiate Athletic Association guidelines. The scholarships will be awarded to deserving students.

The Basketball Academy is based in Baltimore and has a collaborative partnership with the Baltimore City Public School System, the 100 Black Men of Baltimore, and the Baltimore Metropolitan Alumnae Chapter of Delta Sigma Theta Sorority, Inc.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the grant to the Basketball Academy.

MINUTES

Department of Finance - Grant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a grant agreement with Teach for America - Baltimore. The period of the agreement is effective upon Board approval for one year.

AMOUNT OF MONEY AND SOURCE:

\$50,000.00 - 1001-000000-5920-512100-607001

BACKGROUND/EXPLANATION:

Teach for America is the national corps of outstanding recent college graduates who commit to teach for two years in urban and rural public schools. In the 2007-2008 school year, Teach for America - Baltimore placed more than 150 corps members in 50 public schools to service nearly 13,000 students in the Baltimore City Public School System.

This agreement will document the responsibilities of Teach for America - Baltimore, the recipient of this grant. The funds are to be used solely for the general operating expenses of recruiting, selecting and training these college graduates, who commit two years to the program.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the grant agreement with Teach for America - Baltimore.

MINUTES

Health Department - Agreements, Grant Agreement and
Amendment to Grant Agreements

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize the various agreements, grant agreement and amendment to grant agreement. The period of the agreements is July 1, 2009 through June 30, 2010, unless otherwise indicated.

AGREEMENTS

1. **AIDS ACTION BALTIMORE, INC.** **\$65,000.00**

Account: 4000-418710-3030-273110-603051

The AIDS Action Baltimore, Inc. will provide services in the area of Non-Racially Targeted Rewriting Inner Scripts. The organization will provide traditional case management and client centered prevention counseling to provide highly individualized and intensive support for behavioral change. The targeted population is high-risk transgender persons, especially African American transgender women.

2. **CHASE BREXTON HEALTH SERVICES,
INC. (CBHS)** **\$10,000.00**

Account: 4000-427709-3040-278126-603051

The CBHS will provide enhancement of Clinical Quality Management services for the Ryan White Part A Program. The organization will implement the T-Spot TB Test on the results rate for HIV+ for the targeted population. Specifically, the Plan-Do-Study-Act process (PDSA) improvement project will be completed at the CBHS Mt. Vernon Center in downtown Baltimore. The goal of the PDSA is to improve the rate of tuberculosis screening being annually for HIV+ in order to meet the standard of care and to assure that patients are treated for TB when appropriate. The period of the agreement is September 1, 2009 through February 28, 2010.

The agreements are being presented at this time because of the delay in receiving an acceptable scope and budget.

MINUTESHealth Dept. - cont'd

3. **CHEMICAL PEOPLE TASK FORCE OF** **\$ 77,018.00**
CHERRY HILL, INC.

Account: 4000-423010-3100-297100-603051

The organization will provide services to children of low-income families who are at risk of having poor outcomes related to behavioral and adjustment problems, health problems, substance abuse and poor academic achievement at the Arnett J. Brown School #180 and Southside Academy #181. Services will also include after school Cultural Arts Program, African Drum and Dance, Academic Enrichment Program, homework assistance, and computer and Internet access.

The agreement is late because it was just finalized.

4. **JAMES MICHAEL BOECK** **\$ 10,000.00**

Account: 4000-493209-3050-656000-3050-603018

Mr. Boeck, a consultant, will provide design, development, and implementation of city-wide structural and turf/landscape pest management policies services to the Department's Healthy Homes Division. The services will also include technical specifications, guidelines, and strategies for delivery of effective pest control with minimal impact on human health and the environment in Baltimore City in line with the City's overall pesticides and toxics reduction mission and goals. The period of the agreement is July 1, 2009 through April 13, 2010.

The agreement is late because budget revisions delayed processing.

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTESHealth Dept. - cont'dGRANT AGREEMENT

5. **MARYLAND COMMUNITY HEALTH RESOURCES** **\$250,000.00**
COMMISSION

Account: 5000-520010-3030-660800-603026

The grant provides funds to support "Baltimore's Integrated Care Initiative" for clients with co-occurring disorders. The Department will collaborate with Baltimore Substance Abuse Systems, Inc. and Baltimore Mental Health Systems, Inc. to implement the Integrated Treatment for Dual Disorders treatment model, with the goal to provide integrated substance abuse and mental health services to clients who have co-occurring substance abuse and mental health disorders. The period of the grant agreement is July 10, 2009 through June 30, 2012.

The grant agreement is being presented at this time because it was just received.

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

AMENDMENTS TO GRANT AGREEMENTS

6. **U.S. ENVIRONMENTAL PROTECTION** **\$** **0.00**
AGENCY (EPA)

On November 19, 2008, the Board approved the original Notice of Award for the term beginning October 1, 2008 through September 30, 2009, in the amount of \$250,000.00.

The amendment reflects a revision to the budget and a no-cost time extension. The budget and project period are amended to October 1, 2008 through March 31, 2010.

AUDITS NOTED THIS NO-COST TIME EXTENSION.

MINUTES

Health Dept. - cont'd

7. **JOHNS HOPKINS BLOOMBERG SCHOOL OF PUBLIC HEALTH** **\$ 147,422.00**

Account: 4000-425007-3080-291800-404001

On April 11, 2007, the Board approved the Subaward Agreement for the period of September 1, 2006 through August 31, 2007 in the amount of \$93,474.00. On April 15, 2009, the Board approved ratification of Amendment No.1 which changed the period of performance to September 1, 2006 through August 31, 2008; and increased the award to \$129,253.00 and Amendment No. 2 which reduced the award to \$110,349.00. This Amendment No. 3 increases the total amount funded for the period of performance, September 1, 2008 through August 31, 2009 to \$253,445.00.

The Amendment No. 3 is being presented at this time because it was received on August 10, 2009.

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

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the various agreements, grant agreement and amendment to grant agreement. The President ABSTAINED on item No. 5.

MINUTES

Health Department - Termination of Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize termination of Contract no. 33170 with Alexis M. R. Mitchell.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On March 18, 2009, the Board approved the consultant agreement for Alexis M. R. Mitchell, Baltimore City Animal Response Teams (BCART) Coordinator, in the amount of \$30,000.00 for the period of January 1, 2009 through June 30, 2010.

The Department has decided to terminate the agreement pursuant to Section G. - "Termination for Convenience" effective October 1, 2009.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the termination of Contract no. 33170 with Alexis M. R. Mitchell.

MINUTES

Department of Housing and - Local Government Resolutions
Community Development

The Board is requested to approve and authorize execution of the listed local government resolutions.

The organizations are applying to the State of Maryland's Community Investment Tax Credit Program (CITCP). A local government resolution of support is required by the State for all applications to the program for funding.

	<u>Organization</u>	<u>Amount</u>
1.	MUSLIM COMMUNITY SUPPORT SERVICES INC.	\$ 50,000.00 (CITCP)

The Muslim Community Support Services, Inc. (MCSS) located at 1502 Woodlawn Drive, Suite 100 proposes the MCSS Shelter for Homeless Women and Children Program. This facility is located at 321 S. Pulaski Street. The project will provide shelter, food and vocational training to those women and children who have been dislocated from their actual homes. The reasons for these women needing housing could be domestic disputes, physical abuse or financial problems, loss of job or foreclosure of their home.

2.	RENEWING LIFE FAMILY CENTER, INC.	\$ 30,000.00 (CITCP)
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The Renewing Life Family Center, Inc. located at 3333 Alto Road, proposes the Friends in Action Baltimore Project. This project will match teams of trained volunteer mentors from various backgrounds and professions with low-income Baltimore families with children. Each family is provided with multiple mentors selected to match their specific needs and goals. Mentors will counsel, coach and support each family member as they pursue academic, economic, and self-development goals they have set for themselves in order to achieve sustainable, independent, self-sufficient lives.

MINUTES

DHCD - cont'd

Many of the families are newly homeless due to the economic crisis and have never found themselves in this position before. Each family will receive a structured program that helps to identify their strengths and develop attainable and manageable goals that will guide them toward personal well-being and financial independence.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the listed local government resolutions.

MINUTES

Department of Housing and Community Development/Baltimore Homeless Services - Grant Agreements and Amendment No. 1 to Grant Agreement

The Board is requested to approve and authorize execution of the various grant agreements and amendment no. 1 to grant agreement. The period of the agreements is July 1, 2009 through June 30, 2010, unless otherwise indicated.

GRANT AGREEMENTS

1. **WOMEN'S HOUSING COALITION, INC.** **\$ 85,083.00**
(WHC)

Account: 4000-496210-3570-591435-603051

The WHC will provide Single Room Occupancy (SRO) Housing and supportive services to 22 homeless, very low income women. Supportive services will include comprehensive case management and referral services, life skills, employment, and education services provided within the case management framework. The period of the agreement is August 14, 2009 through August 13, 2011.

2. **PROJECT PLASE, INC.** **\$221,443.00**

Account: 4000-490910-3570-333626-603051

Project PLASE, Inc. will hire the services of Aftercare/Outreach Counselors to provide transition, aftercare follow-up services and outreach to formerly homeless people with HIV/AIDS. The services to be provided will include but not be limited to case management, counseling and support to previously homeless men and women with HIV/AIDS.

MINUTESDHCD/BHS - cont'd

3. **ST. VINCENT DE PAUL (SVDP)** **\$271,459.00**
SARAH'S HOPE

Account:	4000-492910-3750-333629-603051	126,689.00
	5000-529110-3570-333729-603051	144,770.00

The SVDP will provide comprehensive emergency shelter and supportive services to approximately 75 homeless women and children at the Sarah's Hope, Mount Street Shelter, located at 1114 Mount Street.

4. **ST. VINCENT DE PAUL (SVDP)** **\$ 40,660.00**
FREDERICK OZANAM HOUSE TRANSITIONAL FACILITY

Account: 5000-529110-3570-333729-603051

The SVDP will provide housing and supportive services to 20 residents of the Frederick Ozanam House Transitional facility, located at 400 S. Bond Street. The program will serve homeless men in recovery who are determined to be employable. The program will provide a stable place to live, life skills training, and employment support.

5. **ST. VINCENT DE PAUL (SVDP)** **\$ 59,715.00**
BEANS AND BREAD CENTER

Account: 5000-529110-3570-333729-603051

The SVDP will hire the services of a case manager to provide outreach services to homeless men, women and families at the Beans and Bread Center, located at 400 S. Bond Street. The SVDP will ensure that all clients are formerly homeless and very low income.

The grant agreements are being submitted at this time because of a delay in the administrative process.

MINUTESDHCD/BHS - cont'd**6. ST. VINCENT DE PAUL (SVDP) \$ 82,528.00**

Accounts: 5000-529110-3570-333729-603051	\$ 20,958.00
5000-523110-3570-333729-603051	\$ 27,768.00
5000-525110-3570-333729-603051	\$ 33,802.00

The SVDP will provide outreach services to approximately 32 chronically homeless men and women and assist them in accessing housing and services. Funds under the term of this agreement will be utilized to provide emergency services, counseling, crisis-intervention, information, health services and mental health services, referrals, and meal programs to chronically homeless individuals in the City. The period of the agreement is July 1, 2009 through June 30, 2010.

7. JOBS, HOUSING AND RECOVERY, INC. (JHR) \$ 97,861.00

Account: 4000-496210-3570-591458-603051

The JHR will provide permanent housing and supportive services to approximately 16 homeless and disabled individuals who will be housed in scattered site units owned and operated by the JHR. The period of the agreement is August 1, 2009 through July 31, 2010.

8. JOBS, HOUSING AND RECOVERY, INC. (JHR) \$208,930.00

Account: 4000-496210-3570-591458-603051

The JHR will operate a 29-unit transitional housing program, located at 3500 Clifton Avenue. The organization will provide stable housing and supportive services to approximately 29 homeless men who are chronic substance abusers and assist them to obtain permanent housing. The goal of the program is to assist the men to achieve and maintain economic, residential, and emotional stability. The period of the agreement is January 1, 2010 through December 31, 2010.

MINUTESDHCD/BHS - cont'd

9. **PROJECT PLASE, INC.** **\$230,283.00**

Account: 4000-496210-3570-591426-603051

Project PLASE, Inc. will provide housing and supportive services to approximately 115 individuals and/or families whose heads of household are previously homeless, mentally ill drug abusers, developmentally disabled, have physical health issues, or have HIV/AIDS related illnesses. These services will include, but will not be limited to case management, counseling, alcohol and drug treatment counseling, transportation, and relocation assistance. The period of the agreement is July 1, 2009 through June 30, 2010.

10. **ST. VINCENT DE PAUL (SVDP)** **\$142,160.00**

Accounts: 5000-523110-3570-333729-603051	\$ 88,352.00
5000-525110-3570-333729-603051	\$ 53,808.00

The organization will provide supportive services that will assist approximately 28 chronically homeless men and women to access and sustain permanent housing settings. These services will include, but will not be limited to identifying affordable housing units, accessing housing subsidies, assisting with lease agreements, and securing furniture, etc. The period of the agreement is July 1, 2009 through June 30, 2010.

The grant agreements are late because of delays at the administrative level.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTES

DHCD/BHS - cont'd

AMENDMENT NO. 1 TO GRANT AGREEMENT

11. **ST. VINCENT DE PAUL (SVDP)** **\$ 36,256.89**

Account: 1000-357-003-29-351

On December 17, 2008, the Board approved a three year agreement, in the amount of \$251,372.00, with St. Vincent De Paul, designating it to be the Emergency Feeding Organization. This amendment no. 1 will increase the contract amount by \$36,256.89 to provide additional food and services to homeless individuals in Baltimore City. This will make the total contract award \$287,628.89. All other terms and conditions remain unchanged.

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the various grant agreements and amendment no. 1 to grant agreement.

MINUTES

Department of Housing and - Land Disposition and Acquisition
Community Development Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a land disposition and acquisition agreement with Neighborhood Rental Services of Baltimore, to exchange 215 N. Duncan Street for 211 N. Castle Street.

AMOUNT OF MONEY AND SOURCE:

\$600.00 - 9910-908087-9588-900000-704044

BACKGROUND/EXPLANATION:

<u>OWNER</u>	<u>PROPERTY</u>	<u>BLOCK/LOT</u>
Neighborhood Rental Services for Baltimore	215 N. Duncan St.	1687 072

In exchange for:

<u>OWNER</u>	<u>PROPERTY</u>	<u>BLOCK/LOT</u>
M&CC	211 N. Castle St.	1886 047

The City has agreed to pay for title work and associated settlement costs on the property the City is receiving, not to exceed \$600.00.

Neighborhood Rental Services of Baltimore has received notice of the City's intent to demolish its property at 215 N. Duncan Street, which is part of an odd side block demolition on the 200 block of Duncan Street that will facilitate the development of the area. Because Neighborhood Rental Services of Baltimore has rehabilitated the property, a swap was proposed of the 215 N. Duncan Street property with a comparable City owned property that is located in an area better suited for rehabilitation.

MINUTES

DHCD - cont'd

The City will convey 211 N. Castle Street, which will contribute to the revitalization of the Middle East community. As a condition of the exchange, Neighborhood Rental Services of Baltimore has agreed to rehabilitate the property at 211 N. Castle Street within 18 months of the date of transfer.

The City will receive clear and marketable title to the property located at 215 N. Duncan Street, in exchange for the comparable City property at 211 N. Castle Street.

The property exchange is less costly than acquiring the property through tax sale foreclosure or eminent domain. This action will further the City's effort to eliminate blight and protect the health and safety of its citizens.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition and acquisition agreement with Neighborhood Rental Services of Baltimore, to exchange 215 N. Duncan Street for 211 N. Castle Street.

MINUTES

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the land disposition agreement with Tadesse & Associates, Inc., developer, for the sale of the property located at 878 Washington Boulevard.

AMOUNT OF MONEY AND SOURCE:

\$21,000.00 - Purchase price

BACKGROUND/EXPLANATION:

The developer has paid a good faith deposit of \$1,000.00.

Tadesse & Associates, Inc. continues to purchase one "Rolling Bid" property after another. The vacant lot has an assessed value of \$40,000.00 and appraised for \$20,000.00. After each approved Land Disposition Agreement, the developer moves quickly to build brand new single family houses that sell just as fast once they hit the real estate market. Recently, the developer sold a newly constructed house built on a vacant lot purchased from the City at 853 W. Lombard Street.

Tadesse & Associates, Inc. will invest approximately \$150,000.00 of private funding to erect a new single-family house on the vacant lot. The sale of this property will generate an estimated \$3,832.00 in combined City and State tax revenue.

MBE/WBE PARTICIPATION:

The property is not subject to Article 5, Subtitle 28 of the Baltimore City Code because it will be sold at market value.

(FILE NO. 56666)

UPON MOTION duly made and seconded, the Board approved and

MINUTES

DHCD - cont'd

authorized execution of the land disposition agreement with Tadesse & Associates, Inc. The President ABSTAINED.

MINUTES

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the land disposition agreement with Ibrahim A. Aboutaleb developer, for the sale of the property located at 436 South Payson Street.

AMOUNT OF MONEY AND SOURCE:

\$7,000.00 - Purchase price

BACKGROUND/EXPLANATION:

The appraised value of the property is \$7,000.00.

The developer has paid a good faith deposit of \$1,000.00.

The developer will rehabilitate the house for use as a rental property. Mr. Aboutaleb has been buying and renovating properties in Baltimore City since 2004. He has renovated and rented out several houses on the 2000 block of Wilkens Avenue. Mr. Aboutaleb intends to replicate his Wilkens Avenue success with 436 South Payson Street. The house will be rehabilitated and used as a rental property. The sale of this property will generate an estimated \$1,060.00 in combined City and State tax revenue.

MBE/WBE PARTICIPATION:

The property is not subject to Article 5, Subtitle 28 of the Baltimore City Code because it will be sold at market value.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with

MINUTES

DHCD - cont'd

Ibrahim A. Aboutaleb developer, for the sale of the property located at 436 South Payson Street.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an intergovernmental agreement for land disposition with the Housing Authority of Baltimore City (HABC) for the properties located at 2112, 2114, 2116, and 2118 Barclay Street.

AMOUNT OF MONEY AND SOURCE:

\$1.00 - 2112 Barclay Street
 1.00 - 2114 Barclay Street
 1.00 - 2116 Barclay Street
 1.00 - 2118 Barclay Street
\$4.00 - Purchase Price

BACKGROUND/EXPLANATION:

Four dollars will be paid by the HABC at the time of settlement. The properties were appraised for \$15,100.00 per property, for a total of \$60,400.00 for the four properties.

The HABC is in the process of redeveloping its inventory of 102 scattered-site public housing units in the Barclay neighborhood and the Barclay townhouses, a 91-unit affordable rental housing development purchased from the U.S. Department of Housing and Urban Development. In order to enhance the revitalization of the neighborhood, the DHCD and the HABC have identified properties owned by the City for inclusion in the Barclay redevelopment project.

The HABC issued a Request for Qualifications in 2005 seeking qualified development teams to manage the redevelopment of the Barclay neighborhood. The HABC selected Telesis Corp. (developer) as the development team for this project. Upon selection, Telesis Corp. worked with the community, the HABC, the DHCD, and the Department of Planning to create a neighborhood revitalization plan to develop a total of 306 units - 199 rental units, and 107 homeownership units. The project will include a mix of rehabilitated row houses and new construction, as well as a mix of affordable and market-rate

MINUTES

DHCD - cont'd

rental and homeownership units. The redevelopment project will proceed in four phases. The total project cost is estimated to be \$90,000,000.00. The total cost of the first rental phase is \$18,400,000.00. The first rental phase will create three full-time property management positions, four part-time property management and tenant service positions, five temporary professional construction management jobs, and 175 temporary trade jobs.

The properties located at 2112, 2114, 2116, and 2118 Barclay Street are included the first phase of the project along with 42 properties currently owned by the HABC.

The four listed properties will be cleared for new construction of affordable rental housing. The improvements will be cleared as part of a green deconstruction job training initiative. An additional 26 properties owned by the City will be submitted to the Board for approval to convey to the HABC at a later date.

The first phase will produce a total of 72 affordable rental units, of which 53 will be public housing units. In addition, 38 vacant buildings will be renovated for homeownership opportunities. The developer has received an award of Low-Income Housing Tax Credits from the State of Maryland Department of Housing and Community Development Administration and intends to begin construction in February 2010.

STATEMENT OF PURPOSE AND RATIONAL FOR SALE BELOW THE APPRAISED VALUE:

The properties are to be conveyed to the Housing Authority of Baltimore City for below the appraised value to allow for the construction of 72 units of affordable rental housing. This sale will provide the following benefits:

- The community will receive the benefit of the development of 72 affordable rental units. These units will be affordable to households earning 60% or less of the Area Median Income and will remain affordable for no less than 40 years.

MINUTES

DHCD - cont'd

- If the properties were sold for appraised value, an additional subsidy from the HABC would be required to subsidize the construction of the units. The HABC is currently contributing \$7,600,000.00 in public housing capital to the first phase of this project.
- This development will eliminate neighborhood blight caused by the City-owned vacant buildings and revitalize the Barclay neighborhood. The vacant buildings will be demolished for the construction of new housing.

MBE/WBE PARTICIPATION:

The developer is required to comply with the HABC's goals for the participation of Minority and Women's Business Enterprises. The HABC and the developer have agreed to use all reasonable good faith efforts to meet the City's current goals for MBE/WBE utilization.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the intergovernmental agreement for land disposition with the Housing Authority of Baltimore City for the properties located at 2112, 2114, 2116, and 2118 Barclay Street.

MINUTES

Fire and Police - Investment Advisory Agreement
Retirement System (F&P)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an investment advisory agreement with Summit Strategies, Inc. (d/b/a Summit Strategies Group). The period of the agreement is effective upon Board approval through September 30, 2014 with two successive 1 year renewal options at the sole option of the F&P.

AMOUNT OF MONEY AND SOURCE:

No general funds are involved in this transaction.

\$280,000.00 - \$330,000.00 - per year

BACKGROUND/EXPLANATION:

Summit Strategies Group will be the Investment Advisor for the F&P's assets, which presently approximate \$1,900,000,000.00. Fixed compensation under the five year contract with two 1-year renewal options is set between \$280,000.00 and \$330,000.00 annually. After conducting a comprehensive nationwide search, the Board of Trustees of the F&P selected Summit Strategies Group to serve as its Investment Advisor. Summit Strategies Group has demonstrated its expertise and ability in providing proficient investment services to the F&P since 2002.

MWBOO GRANTED A WAIVER

UPON MOTION duly made and seconded, the Board approved and authorized execution of the investment advisory agreement with Summit Strategies, Inc. d/b/a Summit Strategies Group.

MINUTES

1. Baltimore Municipal Golf - Financial Statements Corporation

The Board is requested to Note receipt of the financial statements for the Baltimore Municipal Golf Corporation for the three months ended March 31, 2009 and 2008.

2. Department of Planning - Report on Previously Approved Transfers of Funds

At previous meetings, the Board of Estimates approved Transfers of Funds subject to receipt of favorable reports from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the provisions of the City Charter. Today, the Board is requested to **NOTE 25** favorable reports on Transfers of Funds approved by the Board of Estimates at its meetings on September 16 and 23, 2009.

UPON MOTION duly made and seconded, the Board Noted receipt of the financial statements for the Baltimore Municipal Golf Corporation for the three months ended March 31, 2009 and 2008. The Board also noted the 25 favorable reports on Transfers of Funds approved by the Board of Estimates at its meetings on September 16 and 23, 2009. The Comptroller ABSTAINED.

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

The Board is requested to approve a refund of real property taxes for Mr. Adam K. Harding, Sr., claimant for his property at 4124 The Alameda.

It is the opinion of the Law Department that Mr. Harding meets the qualifications for a real property tax exemption for blindness, and that he is eligible to receive a refund of taxes paid since he met the status of a blind individual and resided in a dwelling occupied by not more than two families during the period in question. It has been determined that Mr. Harding is entitled to a refund of real property taxes paid within three years of his application for a refund on March 20, 2009.

<u>Property</u>	<u>Taxable Year</u>	<u>Amount</u>
4124 The Alameda	2006/2007	\$ 360.00
	2007/2008	357.00
	2008/2009	25.28
	2009/2010	32.94
		<u>\$ 775.22</u>

UPON MOTION duly made and seconded, the Board approved the refund of real property taxes for Mr. Adam K. Harding, Sr., claimant for his property at 4124 The Alameda.

MINUTES

Department of Housing and - Contract of Sale
Community Development (DHCD)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a contract of sale with the Housing Authority of Baltimore City (HABC). The Board is also requested to approve the acquisition of these properties subject to all municipal liens, interest and penalties that may accrue. These properties are presently free of all liens.

AMOUNT OF MONEY AND SOURCE:

\$1.00 - 128 N. Amity Street
 1.00 - 1100 W. Fayette Street
 1.00 - 1118 W. Saratoga Street
1.00 - 1123 W. Saratoga Street
\$4.00 - 9910-908087-900000-704040

Funds will be transferred prior to settlement into City Bond funds, account 9910-908087-9588-900000-704040.

BACKGROUND/EXPLANATION:

The City is purchasing in fee simple the properties located at 128 N. Amity Street, 1100 W. Fayette Street, 1118 W. Saratoga Street, and 1123 W. Saratoga Street for resale to third parties through the planning and development efforts of the DHCD.

Pursuant to the provisions of Article 13, Section 2-7 of the Baltimore City Code (2000 Edition) and subject to the prior approval of the Board of Estimates, the DHCD may acquire, for and on behalf of the Mayor and City Council of Baltimore, any single-family or multiple-family dwelling unit or other structure or lot within the City, for development and redevelopment. The Commissioner of Housing has made the required determination with regard to these properties.

MINUTES

DHCD - cont'd

The HABC's Board of Commissioners approved the disposition of these vacant properties. The U.S. Department of Housing and Urban Development approved disposition in accordance with 24 CFR, Part 970.

The HABC is exempt from Real Estate Taxes. Therefore, no taxes are included in the figures. All of the liens are miscellaneous bills for cleaning, boarding, demolition and/or stabilization. Properties that presently are free of liens are included, in case a lien is posted before a deed can be recorded.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the contract of sale with the Housing Authority of Baltimore City, and the acquisition of these properties **SUBJECT** to all municipal liens, interest and penalties that may accrue before the deed was recorded.

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

<u>Owner/s</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Department of Housing and Community Development - Options</u>			
1. Fairway Woods, LLC	249 Aisquith Street	G/R \$50.00	\$ 333.00

The funds will be transferred prior to settlement into account 9910-908087-9588-900000-704040, Miscellaneous Project.

DHCD - Recission and Approval

2. Turf, LLC	2030 E. Hoffman Street	G/R \$ 48.00	\$ 320.00
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Funds will be transferred prior to settlement into account 9910-908097-9588-900000-704040, Miscellaneous Project.

On August 19, 2009, the Board approved the acquisition in the ground rent interest in the property located at 2030 E. Hoffman Street, by a voluntary agreement, for the amount of \$320.00. The previous owner Mr. Edward Morris, Personal Representative of the Estate of Moses Morris, Jr., sold the ground rent. Therefore, the Board is requested to rescind the prior approval and approve the purchase by voluntary agreement of the \$48.00 ground rent interest in 2030 E. Hoffman Street under its new ownership, Turf, LLC.

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

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

<u>Owner/s</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Condemnation</u>			
3. Ross Partners, Inc.	1208 N. Bond Street	G/R \$240.00	\$ 1,600.00

The funds will be transferred prior to condemnation into account 9910-906460-9588-900000-704040, Oliver Project.

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

Baltimore Development Corporation (BDC) - Settlement

4. Sang Kyu Kim & Ok Kim	511-513½ Oldtown Mall	F/S	\$55,300.00
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On October 29, 2008, the City filed a condemnation suit to acquire the fee simple interest in 511-513½ Oldtown Mall. The Board previously approved \$212,000.00 on September 10, 2008, based upon the City's highest appraisal. The prior owner made a demand of \$400,000.00. The City updated its original appraisal resulting in a valuation of \$243,000.00. On September 2, 2009, the parties met in a pre-trial conference before the Circuit Court for Baltimore. After several days of reflection, the parties agreed to settle the condemnation suit for 10% more than the updated appraisal (i.e., \$243,000.00 plus \$24,300.00 or a total of \$267,300.00). Therefore, the Board is requested to approve payment of the balance in the amount \$55,300.00.

MINUTES

BDC - cont'd

5. **TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$55,300.00	9910-905575-9600	9910-902879-9601
22 nd EDF.	Constr. Res.	Commercial Re-
	E. Balto. Ind. &	vitalization
	Coml. Dev.	

This transfer will provide funds to cover the balance agreed upon in the Circuit Court of Baltimore City for the settlement of the condemnation of the fee simple interest in 511-513½ Oldtown Mall.

(In accordance with Charter requirements, a report has been requested from the Planning Commission, the Director of Finance having reported favorably thereon.)

UPON MOTION duly made and seconded, the Board approved the options, condemnations/quick-takes. 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, as required by the provisions of the City Charter.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACT & EXTENSIONS

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

1. STARK COMPANY	\$ 7,218.00	Low Bid
Solicitation No. 07000 - Fire Training Burning Material - Fire Department - Req. No. R533134		

2. KAREN FRANCES	\$24,865.00	Selected Source
Solicitation No. 06000 - Freelance Production Services - Mayor's Office of Cable and Communications - Req. No. R532460		

The vendor was selected to provide artistic continuity to City programming.

3. SHI INTERNATIONAL CORP.	\$ 5,061.50	Low Bid
Solicitation No. 07000 - Adobe Acrobat Licenses - Department of Finance - Req. No. R527212		

4. DATA NETWORKS	\$10,969.00	Low Bid
Solicitation No. 07000 - Dell Extended Warranties - Department of Finance - Req. No. R533094		

5. CITIZENS PHARMACY	\$20,648.78	Low Bid
Solicitation No. B50001202 - Various Medications - Health Department - Req. NO. R530238		

6. CAS SEVERN, INC.	\$17,736.37	Sole Source
Solicitation No. 08000 - IBM Hardware Maintenance - Department of Public Works - Req. No. R533249		

The vendor is the supplier of the original hardware and is needed to provide continuity of maintenance service.

7. GEIGER PUMP & EQUIPMENT CO.	\$ 6,682.00	Sole Source
Solicitation No. 08000 - Bell Housing for Sludge Conveyor - Department of Public Works - Req. No. R532930		

The vendor is the sole authorized distributor for Baltimore for the needed piece of equipment.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACT & EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
---------------	------------------------	--------------------

Bureau of Purchases

- | | | |
|---|-------------|-------------|
| 8. SELECTRON TECHNOLOGIES,
INC. | \$14,085.00 | Sole Source |
| Solicitation No. 08000 - Renewal of Support and Maintenance for Products and License for PremierPro Enhanced Services for IVR System - Department of Housing and Community Development - Req. No. R532886 | | |

The vendor is the sole source provider of these licenses and support services.

- | | | |
|--|-------------|-------------|
| 9. XEROX CORPORATION | \$20,000.00 | Sole Source |
| Solicitation No. 08000 - Provide Consumable Xerox Supplies - Department of Finance, Bureau of Purchases - Req. No. R532418 | | |

The agency uses Xerox equipment that includes warranties that must be preserved; for that reason, the consumable supplies must be purchased from the manufacturer of the equipment.

- | | | |
|--|-------------|-----------------|
| 10. THE MARKIN
MULTIMEDIA GROUP | \$12,500.00 | Selected Source |
| Solicitation No. 06000 - Cable Television Series Production Services - Mayor's Office of Cable and Communications - Req. No. R532448 | | |

Due to the time sensitivity of this scheduled programming, it is not practical to obtain this service through informal bids.

- | | | |
|--|-------------|-----------------|
| 11. EARLY MORNING SOFTWARE | \$19,924.30 | Selected Source |
| Solicitation No. 06000 - Software Support for 3PAR Enterprise Storage Solution - Mayor's Office of Information Technology - Req. No. R533569 | | |

The vendor is the only authorized reseller of 3PAR products and solutions for the City of Baltimore.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACT & EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
---------------	------------------------	--------------------

Bureau of Purchases

- | | | |
|---|-------------|---------|
| 12. ROBNET, INC. | \$20,000.00 | Renewal |
| Solicitation No. B50000745 - Railroad Spikes - Department of Public Works - Req. Nos. Various | | |

On October 1, 2008, the Board approved the initial award in the amount of \$20,000.00. The award contained two 1-year renewals at the sole discretion of the City. This is the first 1-year renewal for the period October 9, 2009 through October 8, 2010.

- | | | |
|--|--------------|-------------|
| 13. TIBURON, INC. | \$215,932.00 | Sole Source |
| Solicitation No. 08000 - Annual Maintenance for Computer Aided Dispatch (CAD) Software - Mayor's Office of Information Technology - Req. No. R530702 | | |

The CAD software is proprietary and is used by the Fire Department to dispatch its emergency response vehicles. The vendor is the sole provider of the annual maintenance.

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

- | | | |
|--|---------|---------|
| 14. MARTEL LABORATORIES
INC. | \$ 0.00 | Renewal |
| Solicitation No. B50000839 - Analytical Services for Wastewater Treatments Plants and Environmental Programs - Department of Public Works, Bureau of Water and Wastewater - Req. No. R511475 | | |

On November 26, 2008, the Board approved the initial award to Martel Laboratories Inc. in the amount of \$529,932.55. The award contained four 1-year renewal options at the sole discretion of the City. This is the first renewal for the period December 2, 2009 through December 1, 2010.

MWBOO GRANTED A WAIVER.

MINUTES**INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACT & EXTENSIONS**

VENDOR	AMOUNT OF AWARD	AWARD BASIS
---------------	------------------------	--------------------

Bureau of Purchases

- | | | |
|--|----------------|---------|
| 15. DIGICON CORPORATION | \$4,000,000.00 | Renewal |
| Solicitation No. BP-06162 - Citywide Network and Systems Support - Mayor's Office of Information Technology - Req. No. Various | | |

On November 15, 2006, the Board approved the initial award in the amount of \$7,561,033.30. The award contained two 1-year renewal options at the sole discretion of the City. This is the first 1-year renewal for the period November 15, 2009 through November 14, 2010.

MWBOO SET GOALS AT 40% MBE AND 9% WBE.

MBE: Early Morning Software	\$ 1,723,142.79	26.55%
DevNix Data Management	\$ 467,733.42	7.21%
Integrated Network	\$ 79,393.91	1.22%
WBE: Applied Technology Services	\$ 611,963.45	9.43%

MWBOO FOUND VENDOR IN COMPLIANCE.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACT & EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
<u>Bureau of Purchases</u>		
16. KUEHNE CHEMICAL	\$ 500,000.00	Ratification
COMPANY	100,000.00	Increase and
INC.	<u>1,900,000.00</u>	Renewal
	<u>\$2,500,000.00</u>	

Solicitation No. B50000675 - Liquid Chlorine - Department of Public Works, Bureau of Water and Wastewater - Req. Nos. Various

On October 15, 2008, the Board approved the initial award in the amount of \$791,500.00. The award contained three 1-year renewal options at the sole discretion of the City. On February 11, 2009, the Board approved the addition of a vendor. Due to a technical problem in CitiBuy the Board authority was overspent by \$500,000.00. In addition, due to an increase in demand, an increase in the amount of \$100,000.00 is necessary to complete the current period of the contract. The ratification and increase is for the period June 24, 2009 through October 31, 2009. The renewal is for the period November 1, 2009 through October 31, 2010.

MWBOO GRANTED A WAIVER.

UPON MOTION duly made and seconded, the Board approved the informal awards, renewals, increases to contracts and extensions. The Mayor ABSTAINED on item nos. 11 and 15.

MINUTES

PERSONNEL MATTERS

* * * * *

UPON MOTION duly made and seconded,
the Board approved all of the Personnel matters
listed on the following pages:

3825 - 3826

All of the Personnel matters have been approved
by the EXPENDITURE CONTROL COMMITTEE.

All of the contracts have been approved by
the Law Department as to form and legal sufficiency.

The President ABSTAINED on item No. 2.

MINUTES**PERSONNEL**Department of Recreation and Parks

	<u>Hourly Rate</u>	<u>Amount</u>
1. STEPHANIE P. BROWN	\$38.72	\$46,464.00

Account: 5000-577710-4710-362600-601009

Ms. Brown, retiree, will continue to work as a Grant Management Assistant. Her duties will include, but are not limited to monitoring the Department's capital expenditures, preparing monthly financial reports, renewing and analyzing financial data on Level II and III's on a monthly basis. Ms. Brown will also ensure the accuracy between budget appropriation and funding sources, assist in the preparation of the capital projects budget, and analyze monthly expenditures for capital accounts and operating budget accounts on a monthly basis. The period of the agreement is October 26, 2009 through October 25, 2010.

Baltimore Convention Center

2. Abolish the following six positions - four vacant and two filled
-

07342 - Plumber
Grade 429 (\$29,662.00 - \$32,683.00)
Job No. 5310-16164 (Vacant)

07350 - Electrical Supervisor
Grade 086 (\$35,242.00 - \$42,511.00)
Job No. 5310-16142 (Vacant)

07380 - Audio Service Coordinator
Grade 086 (\$35,242.00 - \$42,511.00)
Job No. 5310-16143 (Vacant)

07386 - Carpenter, Convention Center
Grade 427 (\$28,405.00 - \$30,700.00)
Job No. 5310-42413 (Vacant)

MINUTES**PERSONNEL**Baltimore Convention Center

00707 - Office Assistant II
Grade 075 (\$25,800.00 - \$29,326.00)
Job No. 5310-16181

07103 - PC Support Technician
Grade 087 (\$36,674.00 - \$44,331.00)
Job No. 5310-47385

Savings: \$270,000.00 - 1001-000000-5310-391600-601001
1001-000000-5310-391300-601001

MINUTES

Department of Transportation - Amendment No. 1 to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an amendment no. 1 to agreement with STV, Incorporated/PB America, Inc. a Joint Venture for Project No. 1037, 2007 Bridge Inspection Program. This amendment no. 1 extends the period of the agreement through October 3, 2010 or until the upset limit is reached, whichever occurs first.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On October 3, 2007, the Board approved a two-year agreement with STV, Incorporated/PB America, Inc. a Joint Venture, in the amount of \$2,299,996.87, to inspect 296 bridges in Baltimore City and the surrounding areas. This amendment no. 1 to the agreement extends the period of the agreement through October 3, 2010, to allow additional time to complete the inspections. All other terms and conditions of the agreement remain unchanged.

DBE PARTICIPATION:

STV, Incorporated/PB America, Inc. a Joint Venture will continue to adhere to the established 23% Disadvantaged Business Enterprise goal for this project.

AUDITS NOTED THE TIME EXTENSION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 1 to agreement with STV, Incorporated/PB America, Inc. a Joint Venture for Project No. 1037, 2007 Bridge Inspection Program.

MINUTES

Space Utilization Committee - First Amendment to Lease
Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the first amendment to lease agreement with Nextel Communications of the Mid-Atlantic, Inc., a Delaware Corporation, lessee, for the rental of a portion of the tower and storage space located at 2801 St. Lo Drive.

AMOUNT OF MONEY AND SOURCE:

The annual rent will increase by \$7,200.00 during the placement of the additional equipment on the tower.

BACKGROUND/EXPLANATION:

On August 4, 1999, the Board approved the original lease agreement with Nextel Communications for the rental of a portion of the tower and property located at 2801 St. Lo Drive. The demised premises are being used for cellular telephone communication.

The amendment to lease agreement will allow for three additional microwave antennas to be installed at an existing site, two are not to exceed two feet in diameter and one is not to exceed one foot in diameter, along with mounting hardware coaxial cables. The amendment will also allow the lessor to terminate the lease if the leased premises are needed for public use.

All other terms and conditions remain unchanged.

(FILE NO. 55568)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the first amendment to the lease agreement with Nextel Communications of the Mid-Atlantic, Inc. for the rental of a portion of the tower and storage space located at 2801 St. Lo Drive.

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:

3830 - 3858

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

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

The Mayor recused herself on item nos. 5 and 6.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:

Department of Public Works(DPW)

1. SWC 7757, Storm Monumental Paving & \$209,136.40
 Drainage Improvements Excavating, Inc.
 at Annapolis Road

MBE:	K-O Construction, Inc.	\$15,886.00	7.60%
	Priority Construction Corp.	3,550.00	1.70%
	Phipps Construction	<u>30,775.00</u>	14.72%
		\$50,211.00	

WBE:	Dirt Express Company	\$ 3,060.00	1.46%
	Haines Industries, Inc.	13,083.70	6.26%
	William T. King, Inc.	3,000.00	1.43%
	McCall Trucking, Inc.	<u>6,000.00</u>	2.87%
		\$25,143.70	12.02%

MWBOO FOUND VENDOR IN COMPLIANCE.

2. **TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$328,000.00	9958-522-711	
MVR	Const. Reserve	
	Emergency Flood	
	Mitigation	
\$ 21,000.00	-----	9958-906450-9520-2
		Extra Work
71,863.60	-----	9958-906450-9520-3
		Design
13,000.00	-----	9958-906450-9520-5
		Inspection

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:

DPW - cont'd

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
209,136.40	-----	9958-906450-9520-6 Contract
13,000.00	-----	9958-906450-9520-9 Administration
<u>\$328,000.00</u>		

This transfer will provide funds to cover the costs of the award of SWC7757, Storm Drain Improvements at Annapolis Road to Monumental Paving & Excavating, Inc. and to clear the current account deficit (B/D 10757).

Department of Recreation and Parks

- 3. RP 09817, Fort Corman Marine Construc- \$390,900.00
Armistead Break- tion, Inc.
Water Replacement
FY'09

MBE: Genesis Steel Service, Inc. \$36,071.00 9.23%
WBE: K.L. Phillips Trucking, LLC \$ 4,800.00 1.23%

MWBOO FOUND VENDOR IN COMPLIANCE.

4. **TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$400,000.00	9938-901768-9475	9938-901768-94974
State	Reserve - Waterway	Active - Waterway
	Improv. Prog. FY'09	Improv. Prog. FY'09

This transfer will provide funds to cover costs associated with the award of RP 09817, Fort Armistead Breakwater Replacement FY'09 to the Corman Marine Construction, Inc.

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:**Bureau of Water and Wastewater

5. SC 852, Denitrification Filters and Related Work for the Enhanced Nutrient Removal Facilities at the Patapsco Wastewater Treatment Plant
- REJECTION** - On June 24, 2009, nine bids were received and bids ranged from a low of \$115,372,012.00 to a high of \$149,777,000.00. The low bid was materially defective and therefore non-responsive. The second bid, at \$122,724,000.00 was also found to contain an error. The third bid amount is \$126,724,000.00 (\$11,351,988.00 above the low bid). The Department of Public Works, Bureau of Water and Wastewater feels that rejection of all bids and immediate re-advertisement is in the best interest of the City. **THE BOARD IS REQUESTED TO AUTHORIZE ADVERTISEMENT ON OCTOBER 13, 2009.**

LETTERS OF PROTEST HAVE BEEN RECEIVED FROM RIFKIN, LIVINGSTON, LEVITAN & SILVER, LLC, AND ROBERT FULTON DASHIELL, REPRESENTING FRU-CON CONSTRUCTION CORPORATION, OBER, KALER, GRIMES & SHRIVER REPRESENTING THE WHITING-TURNER CONTRACTING CO.

President: "This is Page 63 #1."

Mr. John Friesner, Dept. of Public Works: "Good morning Madam President and members of the Board. The item that you are speaking about is WC 1160."

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President: "We are going to get you a special mic."

Mr. Friesner: "I will stoop a little. The Montebello Plant 2 Finished Reservoir Cover. The project was advertised on January 16, 2009."

Deputy Comptroller: "Excuse me. The first on is SC 852."

City Solicitor: "Sorry. We are on 852."

President: "Yes."

Mr. Friesner: "You said item two. My apology."

President: "Before you start can I just back up so that we talk about process a little bit. So, we are here for the two protests today and they both concern -- well several protestants on two different issues, and they both concern a rejection of all bids and a rebid. So, the Board is -- we are listening to protests on a very limited basis of the best interest of the City. As everyone here knows and you know probably most of all since that was what your argument was limited to, that the Board has very wide discretion to reject all bids and rebid. Your argument will be limited to the best interest of the City. The rejection of the bids -- by rejecting all bids, the Board is not acting in the best interest of the City. So, we are going to keep it

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tailored to that, because we know that there are lots of issues that you would probably like to bring up, but that is not before us today. So we will proceed today with all the protestant's who have filed a timely protest will be given exactly three minutes to argue that case before the Board. That time limit and the scope of the protest was communicated to all of the appropriate parties yesterday by my office. Also, I would like to note that we have had numerous briefings on this award and I believe that I can speak for the Board to say that we have reviewed, further reviewed all of the written materials. Again, please tailor the scope of your argument to what is before the Board of Estimates today, which is the rejection of all bids. You then bear of the burden of demonstrating why you believe that rejection is not in the best interest of the City. The Board will not entertain and I am trying to be as clear as possible arguments on the responsiveness of any particular bid. Thank you. If you could just identify yourself again."

Mr. Friesner: "Certainly. My name is John Friesner. I represent the Department of Public Works. We are here this morning to start talking about SC 852. The bids were received

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on June 24, 2009. Nine bids were received. The bids ranged from \$115,372,012.00 to a high of \$149,777,000.00 even. The low bids was found to be materially defective and therefore non-responsive. The second bid at \$122,724,000.00 was also found to contain an error. The third bid amount is \$126,724,000.00, that bid is \$11,351,988.00 above the low bid. Because of the tight deadlines imposed by the State because of stimulus funds, DPW had originally considered making a recommendation to the Board that it waive its requirements. However, given the extenuating circumstances, the State extended the submitted deadlines, allowing us to follow standard legal practice ensuring compliance with City policies. Therefore, we are recommending rejection of all bids and authorize to re-advertise."

President: "Thank you very much. Do you need to add anything?"

Ms. Leslie Winner, Chief City Solicitor: "No, I can close."

President: "Thank you."

Mr. Ross Myers, CEO Allan A. Myers, Inc.: "I am here today to talk briefly about the MBE program in Baltimore City. I believe that the intent of your MBE program is to create legitimate businesses that are sustainable. Over the last two years, we

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have been working extensively with the people in Baltimore. The minority businesses in Baltimore to create trust between our two companies. Together we worked and put together the only responsible bid you had for the Patapsco Treatment Plant. We are the lowest responsible bidder, and if you --."

President: "I feel like I might need to review the rules with you. Do I?"

Mr. Myers: "No you don't."

President: "He has used up a minute --."

Mr. Thurman Zollicoffer: "Good morning. I have only got about 45 seconds Madam President, Madam Comptroller, Madam Mayor, esteemed Board."

Comptroller: "State your name."

Mr. Zollicoffer: "My name is Thurman Zollicoffer, I represent Allan A. Myers Company. The issue that I see, is that in stating the rejection of the bid, the City has missed the mark. You say that you have a low of \$11,351,988.00, which is incorrect. You have a non-responsive bid. So, you cannot take a non-responsive bid and use that as the low bid and for the reason for the rejection. Is not a bid. It is not a conforming bid. The only

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conforming bid that you have is at \$126,724,000.00. To say that you have a first and second non-conforming bid is
It is not non-conforming, it is therefore not a bid. So to reject all bids on that rationale is incorrect, and to do so will hurt the City, because when you have individuals who have an expenditure of time, an expenditure of money to participate in the City's bidding process and then you make a rationale which is incorrect, it is going to harm the competition for the City. You may think that your saving money on this bid, but you are going to loose prime contractors and sub-contractors who depend on this work and the rationale and the methodology of the City in it's awarding of contracts. So, I would ask the Board to rethink the logic in its rationale for the rejection. Because you cannot have a non-conforming bid and use that as the rationale for saving money. It is not a bid. Thank you."

President: "Thank you, and thank you for sticking to our time limits."

Mr. Robert Fulton Dashiell: "Age before beauty."

Mr. Paul Sugar: "I am here behalf of Whiting Turner Contracting Company. I have with me today Mr. Bernard LaHatte, Vice

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President of Whiting Turner. Madam President, as you said yesterday we did receive a phone call about our three minute limit and what we are supposed to focus on. Thus far, we have not had this much atmosphere since I thought we would have from the newspaper article from the many people here today. But what I am asking you to do is to focus on what you have come here asked us to do. What's in the best interest of the City. You obviously have the discretion to reject all bids. There is no question about that, and I don't think anybody will get up here and argue to the contrary with a straight face. But are you exercising your discretion properly? And our view would be, if you are not going to award to Whiting Turner for the reasons stated, we are not going to dispute that you aren't properly exercising your discretion, and you are doing this for two reasons. For the two most important reasons. For time and for money. Money that will have to get into details of the economic distress that the City and the State and the country are going into right now. We submitted a bid that was \$115,372,012.00 and was rejected because of a \$20,000.00 mistake that we made on the item. Okay. You have the discretion to do that if you want to.

MINUTES

But that shows that on the table, there is the possibility of receiving a bid that is materially lower than what the City has determined thus far to be the lowest responsive bid. I might add that the lowest responsive bid that the City has determined may not in fact be a responsive bid. But that is not before you today. So, there is 11,000,000,000 reasons money wise, why the bid should be rejected and rebid. It is also important because there is State money involved. There is Federal money involved and if you can understand this a little bit, county money involved. The second reason has to do with time. There is a lot--."

President: "Are you trying to convince us that it is a good thing to rebid?"

Mr. Sugar: "I think so."

President: "Alright. I think we are pretty convinced."

Mr. Sugar: "The second thing has to do with time and that is, there are lawyers here that are loaded for bear, I do not know what will happen if you do not decide to rebid today or you seek to award to another contractor. I can say this, if it does go to litigation, this will extend materially the amount of time

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before you are ultimately able to award contract. Those are my comments. Thank you very much."

President: "Thank you."

Mr. Dashiell: "Madam President, my name is Robert Fulton Dashiell --."

President: "Wait one second, let me reset. Give you your full time."

Mr. Dashiell: "Madam President, my name is Robert Fulton Dashiell. I along with my colleagues, Scott Livingston, on this particular procurement ---."

(Beeping)

President: "Sorry. Technology. Go ahead. Don't take it as a slight. You will get your own three minutes, not three seconds."

Mr. Dashiell: "You were very welcome at our church on Sunday. I hope you will take the Pastor's message and get some fulfillment."

President: "You were there?"

Mr. Dashiell: "It is my church."

President: "It was a very nice service, thank you."

MINUTES

Mr. Dashiell: "I was in the back as you were introduced. He is a great guy. I am going to say one thing, and I am going to reserve, I am going to use the three minutes, my other three minutes for my other client in this matter Kinsley on WC 1160, which I assume will be next. I am going to turn it over to Scott. But I want to leave you with one thought, because this is going to be a recurring theme, when I do speak to you more extensively, and that is. Having the right or the might don't make it right."

Mr. Scott Livingston: "Good morning. Madam President, I am here on behalf of Fru-Con Construction. Fru-Con competed, followed the rules at least as we understood them. Put in a bid and we were satisfied that we had appropriately put in all the documents. Here is that famous, a replica of the famous brown craft, clasped envelope. We saw the bid, and the invitation for bid. We saw where we were supposed to tell you all about things that we wrote. Part C, please see the completed bid, completed forms in the enclosed envelope. That was this ---."

President: "I think you are speaking to the responsiveness of the bid, and I might remind you of the scope of the argument."

MINUTES

Mr. Livingston: "I appreciate that. You have an opportunity, an opportunity to sell the world that the way Baltimore City induces competitors to compete vigorously, is by treating them fairly. When I say fairly, I mean you look at what the rules are. It is appropriate to have rejected one other bidder, the low bidder, because his bid was incomplete, and when you come to our bid, the appropriate thing is to award it. If you don't, here is what happens. All these big companies who compete, look around and they say, 'shall I really dedicate lots of resources to competing?' If they definitely follow the rules, why bother. So it is in the best of the City to have a really strong reputation, that when the Law Department says something, it is right. Here the Law Department said on September 14, that our bid was acceptable. It is in the best interest of the City, you should seize this opportunity. You don't know how many of these folks here are subs with Whiting-Turner versus subs with Fru-Con. We have 19 MBE's. All of these folks would be out there working by Thanksgiving. But as a consequence of rejecting all bids, that is quite at risk. Because if you get to rebid soon who knows whether there will be protests then. In my view, you

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should award the contract to Fru-Con that it would be in the best interest to the City to do so."

President: "Thank you sir."

Ms. Leslie Winner, Law Department: "There is really only issue before the Board of Estimates today, and that is, does the Board of Estimates have the authority to acting in the best interest of the City and that is what it is, the best interest of the City to reject all bids. Going back to 1909, which was the earliest case in Baltimore, the answer is found to be emphatically yes. The Board of Estimates has wide discretion to base its decisions or excuse me, that it's decisions will not be controlled by the Courts, except for arbitrary exercise, collusion or fraud. An absent arbitrary exercise collusion and fraud the decision of the Board would be final, and the Law Department believes that in the instance before the Board today, the best move for the Board of Estimates and for the City of Baltimore acting in the best interest of the citizens and the taxpayers would be to reject all bids. Thank you."

President: "Thank you. Any questions? Is there a Motion?"

MINUTES

Director of Public Works: "I would like to MOVE approval of item number 5, Page 63 SC 852, Denitrification Filters for the Bureau of Water and Wastewater. Approval of the recommendation to reject all bids and also reauthorize re-advertisement on October 13, 2009."

Comptroller: "Second."

President: "All those in favor say AYE. All Opposed. Do I have to note the abstentions or do you take care of that, Madam Deputy? You already took care of the abstention?"

Deputy Comptroller: "Yes."

President: "Do I need to announce that?"

Deputy Comptroller: "I do want to note that you do have a request on the re-advertisement."

President: "Yes. I will get to that. It is not until Page."

Deputy Comptroller: "So, in your Motion you want to approve the advertisement."

President: "Sorry."

Director of Public Works: "I would like to amend my Motion."

President: "If we could just bring Mr. Jolivet up to speak to that and get it out of the way. Where is Mr. Jolivet?"

MINUTES

Ms. Winner: "Let the record reflect that Mr. Jolivet is not in the room."

President: "His is at the end so, I thought we would save time by bringing him, to let that Motion stand. Two in one. We would have to redo it anyway?"

Deputy Comptroller: "Yes."

President: "Then never mind. Then you are going to redo the Motion."

Mr. Dashiell: "Madam President, I would like the record to be corrected to delete the reference to the Maryland Minority Contractors Association, as the party protesting. That is my client and Mr. Jolivet is not associated with that organization."

President: "Okay. Do you want to renew the Motion?"

Director of Public Works: "Madam President, I would like to MOVE approval of item no. 5 Page 63, Bureau of Water and Wastewater recommendation SC 852 rejecting all bids and authorizing the Department to re-advertise on October 13, 2009."

Comptroller: "Second."

MINUTES

President: "All those in favor say AYE. Opposed. Motion carries. Thank you."

* * * * *

MINUTES

6. WC 1160, Montebello
Plant 2 Finished
Reservoir Cover
- REJECTION** - On April 22, 2009, ten bids were received and opened. Bids ranged from a low of \$39,181,250.00 to a high of \$58,178,000.00. The following bids, in order, were found to be non-compliant with Article 5, Subtitle 28 of the Baltimore City Code; Kinsley Construction, Inc. (\$39,181,250.00), Whiting Turner Contracting Co. (\$39,497,000.00), Allan A. Myers Inc. (\$40,317,600.00), Pizzagalli Construction (\$40,339,000.00), Archer Western Contractors (\$42,022,945.00), Clark Construction Co. (\$47,873,000.00), Fru-Con Construction (\$48,327,000.00). The Department of Public Works, Bureau of Water and Waste water feels that rejection of all bids and immediate re-advertisement is in the best interest of the City.
- THE BOARD IS REQUESTED TO AUTHORIZE ADVERTISEMENT ON OCTOBER 13, 2009.**

LETTERS OF PROTEST HAVE BEEN RECEIVED FROM TYDINGS & ROSENBERG LLP REPRESENTING FRU-CON CONSTRUCTION CORPORATION, OBER, KALER, GRIMES & SHRIVER REPRESENTING THE WHITING-TURNER CONTRACTING CO., VENABLE LLP REPRESENTING PIZZAGALLI CONSTRUCTION COMPANY AND ROBERT FULTON DASHIELL, ESQ., P.A. REPRESENTING KINSLEY CONSTRUCTION CO., INC. AND THE MARYLAND MINORITY CONTRACTORS ASSOCIATION, INC.

President: "The next item is Page 63 - 64 #6. The same rules apply, do I need to repeat?"

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Deputy Comptroller: "Mr. Jolivet, there are not ready for you yet, they were earlier."

Mr. John Friesner, representing the Dept. of Public Works: "The issue before you is WC 1160, Montebello Plant 2 Finished Reservoir Cover. The project was advertised on January 16, bids were open on April 22, ten bids were received. The bids ranged from \$39,181,250.00 to \$58,178,000.00 even. We are here today because of the type -- the low bid. I am sorry. Let me do it again. We are here today requesting rejection of all bids, the same basis as the previous project, because of the tight deadlines imposed by the State for stimulus funds. The Department of Public Works has originally considered making a recommendation to the Board that it waive its requirements. However, given the extenuating circumstances, the City extended the submitted deadlines allowing us to follow standard legal practice ensuring compliance with City policies. Therefore, we are recommending rejection of all bids and authorization to re-advertise."

President: "Thank you very much."

Mr. Robert Fulton Dashiell: "I represent the low bidder on this

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contract Kinsley Construction Company. Kinsley has representatives here who are seated in the rear of the room. Madam President, as I said earlier, having the right or the might does not make it right and what I mean by that is, we don't question the law that Ms. Winner has found. That is absolutely no question but that this Board does have wide authority and wide discretion and as to the issue of rejection of all bids, that is an area where your discretion is probably broader than in any other. But there are six reasons, six good reasons, why rejecting all bids is not a tool that ought to be relied upon and ought not be used in this particular instance. I am mindful of my time and so unlike what I normally do so to speak from the heart, I took the time to write these things down. So, I am going to go real quickly through them. Number one, it places scarce government resources at risk of reallocation. Here I am talking specifically about the risk that is involved with the stimulus funding and perhaps even other funding associated. I know that we have an agreement to an extension. I know it was a painful and arduous process to get it, but it is at risk. Number two, it encourages

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unsuccessful bidders to search out and attempt to explore any and all conceivable errors in the bids of others in hope of obtaining a second or third bite of the apple. What do I mean by that? I am not a perfect lawyer and I assure you that there are no perfect contractors. I assure you that you have never a gotten bid on any contract that did not have some mistake in it. If you turn this process into one, where every lawyer can look at everybody's bid and create enough noise and throw enough stuff against the wall, that you create enough confusion that you then think your only effective option in the public interest is to rebid we are never going to get a contract awarded on time. Number three it increases the time and expense of procurement for government and bidders. I think that is obvious. Number four, it undermines the confidence and the competitive bidding process that, bidders need as an inducement to offer the best price. I already talked about that. Number five; it delays the start and completion of critical public improvement. That does not need an explanation and number six; it exchanges known facts for un-numeral future expectations. What do we know here? We know what the bids are on 1160. We know that Kinsley's bid

MINUTES

was the lowest. We know that none of the seven bidders who submitted bids at or below the engineer's estimate were in compliance. So everybody is equal. On that basis there is no disadvantage. There is no unfairness. There is absolutely nothing wrong by doing what this Board has done countless times in the past, say we will give it to the low bidder at \$3 or \$400,000.00 less and you have to come into compliance within a certain period of time. That is what we know today. We don't know what is going to happen on October 28, 2009. We don't know who is going to bid. We know that the circumstances under which this is done are more likely or not to create the same sort of controversy that we have. Finished. For these reasons, those reasons and more, rebidding as a means of resolving disputes is bad policy. Thanks."

Mr. Paul Sugar: "Madam President, Paul Sugar for Whiting Turner Contracting Company, for the reasons stated in the prior bid process concerning the Patapsco Wastewater Treatment Plant. We would support the Board's discretion and decision to rebid to reject all bids and to rebid the water procurement. Thank you."

MINUTES

President: "Thank you. We received two additional protests. Fru-Con and Pizzagalli. Anybody?"

Mr. Robert Fulton Dashiell: "The protest from Fru-Con has been withdrawn."

President: "Thank you. Is there a Motion? Did you need to respond?"

Ms. Leslie Winner, Chief, City Solicitor: "I just wanted to say one thing."

President: "Just pull the mic real close to you."

Ms. Winner: "Thank you Madam President. With all due respect to Mr. Dashiell, many contracts that come in are fine when they come in. We have very few protests. So, I wanted to correct the record in that. But the Law Department's reiterating the argument that we made for SC 852."

President: "Additionally, I don't know if I mentioned it, but the scope on the rebid."

Ms. Winner: "The scope -- it is my understanding that the scope --."

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Mr. Friesner: "The Scope of Work is being revised for both bids."

President: "I just wanted to make sure that we go that on the record."

Director of Public Works: "Madam President, I would like to make a Motion that the Board approve the Department's recommendation on item number 6, Page 63, WC 1160 rejected all bids and authorize the Department to re-advertise."

Deputy Comptroller: "Just to reject all bids."

Director of Public Works: "Just to reject all bids. Thank you. To reject all bids on item WC 1160, Page 63, item 6."

Comptroller: "Second."

President: "All those in favor say AYE. Opposed. Motion carries. Thank you."

* * * * *

MINUTESBureau of Purchases

- | | | | |
|----|--|-----------------------------------|--------------|
| 7. | B50001201, Supply
Polymeric Flocculant,
Centrifuge Dewatering
for the Back River
Wastewater Treatment
Plant | Ciba Specialty
Chemicals Corp. | \$485,385.42 |
|----|--|-----------------------------------|--------------|

MWBOO GRANTED A WAIVER.

- | | | | |
|----|---|---|--------------|
| 8. | B50001077, Automatic
Vehicle Wash System | Mid-Atlantic Car
Wash Technologies
t/a WashTech | \$122,561.00 |
|----|---|---|--------------|

MWBOO GRANTED A WAIVER.

A LETTER OF PROTEST WAS RECEIVED FROM THE MARYLAND PUMP AND TANK.

President: "The next item is Page 64, #8. Automatic Vehicle Wash System."

Mr. Joe Mazza: "Good morning, my name is Joe Mazza, I am the --
."

President: "Is the protestant here? We received a protest on behalf Maryland Pump and Tank. Is Maryland Pump and Tank here? Maryland Pump and Tank? Is there Motion?"

City Solicitor: "No representative on behalf of Maryland Pump and Tank?"

MINUTES

President: "Maryland Pump and Tank. Page 64, item 8. Maryland Pump and Tank."

City Solicitor: "Move approval of the item as recommended on Page 64, item 8."

Director of Public Works: "Second."

President: "All those in favor say AYE. Opposed? Motion carries."

* * * * *

MINUTES**TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Amount</u>
<u>Department of Public Works</u>		
1. David Watts	Water Environment Federation 2009 Annual Technical Exhibition and Conf. Orlando, FL October 10 - 15, 2009 (Reg. Fee \$1,050.00)	\$2,339.12

The allowed per diem for this area is \$158.00 per day. The hotel rate is \$150.00 plus \$36.23 in taxes and fees. The Department requests and additional \$32.00 per day to cover meals and incidental expenses. The additional amounts have been added to the total.

2. David Scott	Water Environment Federation 2009 Annual Technical Exhibition and Conf. Orlando, FL October 12 - 13, 2009 (Reg. Fee \$620.00)	\$1,128.80
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The allowed per diem for this area is \$158.00 per day. The hotel rate is \$160.00 plus \$21.60 in taxes. The Department requests and additional \$50.00 to cover the cost of the room and food. The additional amount has been added to the total.

State's Attorney's Office

3. Patricia C. Jessamy	National District Attorney's Association Board Meeting Denver, CO October 14-18, 2009	\$1,127.20
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MINUTES**TRAVEL REIMBURSEMENTS**Health Department4. Juanette Reece \$926.72

Ms. Reece traveled to Atlanta, GA to attend the TB Education and Training, Recipes for Success Conference from July 27 through July 30, 2009. The subsistence rate for this location is \$190.00 per day. The Department is requesting reimbursement for \$13.01 over the allowable subsistence rate for meals and incidental expenses. The registration cost of \$50.00 was paid by Expenditure Authorization. The request is being processed at this time due to the lack of support staff to prepare the request prior to travel.

Airfare	\$339.21
Marta Shuttle	\$ 4.50
Hotel Cost	\$482.22
Food	\$100.79

5. Marietta Farrell \$67.20

On June 10, 2009, the Board approved a travel request for Ms. Farrell to attend the N.A.S.N. 41st Annual Conference in Boston, MA from June 24, through June 28, 2009. The subsistence rate for this location is \$267.00 per day. The Department is requesting reimbursement for an increase to the airfare and transportation expenses. Airfare in the amount of \$129.00 was previously approved. However, at the time of travel the airfare was increased to \$174.20. Reimbursement is also being requested for cab fare to and from the hotel in the amount of \$22.00.

Airfare	\$45.20
Parking	\$22.00

MINUTESHealth Department - cont'd

6. Carolyn Nganga-Good \$1,638.92
 Tanya Myers

Ms. Nganga-Good and Ms. Myers traveled to Atlanta, GA to attend the 2009 National HIV Prevention Conference from August 22 through August 26, 2009. The subsistence rate for this location is \$190.00 per day. The Department is not requesting reimbursement over the allowable subsistence rate. The registration cost of \$450.00 for each attendee was paid by Expenditure Authorization. The request is being processed at this time due to the lack of support staff to prepare the request prior to travel.

Carolyn Nganga-Good

Airfare	\$259.21
Food	72.33
Hotel	486.45
Marta Shuttle	2.25
Total	<u>\$820.24</u>

Tanya Myers

Airfare	\$259.21
Hotel	486.45
Food	73.02
Total	<u>\$818.68</u>

UPON MOTION duly made and seconded, the Board approved the travel requests and travel reimbursements.

MINUTES

Department of Public Works - Amendment No. 2 to Post Award
Services Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of amendment no. 2 to the post award services agreement with George, Miles & Buhr LLP under W.C. 8652, Renovation of Ashburton Filtration Plant.

AMOUNT OF MONEY AND SOURCE:

\$854,519.00 - 9960-904432-9557-900020-703032

BACKGROUND/EXPLANATION:

On August 4, 2004, the Board approved a five-year consulting agreement, in the amount of \$3,596,270.14, with George, Miles & Buhr LLP to provide post award services under W.C. 8652, Renovation of Ashburton Filtration Plant.

On July 15, 2009, the Board approved amendment no. 1 to the agreement to extend the period of the agreement only through February 3, 2011 because completion of the work on the instrumentation and control system was delayed.

Under the terms of amendment no. 2 to the agreement, George, Miles & Buhr LLP will conduct additional site visits to assist the contractor with start-up of the new instrumentation and control system. The consultant will also provide DVD recordings of all training sessions to the City, develop standard operating procedures for all newly installed equipment, and redesign some of the chemical containment systems. The consultant will also provide additional engineering services during the one year warranty period after all construction activities have been completed. All other terms and conditions of the agreement remain unchanged.

MINUTES

Department of Public Works - cont'd

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 2 to the post award services agreement with George, Miles & Buhr LLP under W.C. 8652, Renovation of Ashburton Filtration Plant. The Director of Public Works ABSTAINED on item nos. 1 and 2. The Comptroller ABSTAINED on item no. 2.

MINUTES

Department of Public Works - Amendment No. 2 to Post Award Services Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of amendment no. 2 to the post award services agreement under S.C. 839RR, Improvements to Lower Stony Run Interceptor, with Rummel, Klepper & Kahl, LLP.

AMOUNT OF MONEY AND SOURCE:

\$473,605.77 - 9956-901591-9551-900020-703001

BACKGROUND/EXPLANATION:

On November 15, 2006, the Board approved the post award services agreement under S.C. 839, Improvements to Lower Stony Run Interceptor, with Rummel, Klepper & Kahl, LLP to provide engineering services during construction. On November 26, 2008, the Board approved amendment no. 1 to the post award services agreement under S.C. 839, to extend the time to provide engineering services during construction as a result of rebidding SC 839 for construction as SC 839RR. SC 839R was subsequently rebid as SC 839RR.

Under the terms of amendment no. 2 to the agreement, Rummel, Klepper & Kahl, LLP will provide engineering services during the construction of S.C. 839RR. During the construction phase, there were several events that occurred due to unforeseen site conditions, which resulted in additional engineering and inspection services. The SC services include repairing of the existing Stony Run sewer at various locations, realignment of lateral sewer on the property of Johns Hopkins University and a time extension of the contract. In addition, this contract required three total bids due to two bids protests before being awarded to the second low bidder as S.C. 839RR.

Under this amendment, the consultant will provide full-time inspection, design and realignment of lateral sewer, including plans, specifications, costs estimates, borings and surveys, emergency repair design for existing Stony Run sewers, attend meetings, review RFIs and PCOs, inspection of approximately 5,800 feet of pipe, bid phase services, and site visits to resolve construction problems.

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DPW - cont'd

MBE/WBE PARTICIPATION:

MBE: E2CR	\$143,114.88	30.22%
WBE: Phoenix Engineering	\$ 33,279.02	7.03%

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 2 to the post award services agreement under S.C. 839RR, Improvements to Lower Stony Run Interceptor, with Rummel, Klepper & Kahl, LLP.

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Bureau of Water & Wastewater - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize an expenditure of funds to pay CSX Transportation.

AMOUNT OF MONEY AND SOURCE:

\$34,153.88 - 9958-903127-9520-900200-706099

BACKGROUND/EXPLANATION:

The expenditure of funds will cover Invoice No. 9105224, dated June 10, 2009 for Project 193080.

Under Storm Water Contract No. 7754 and Agreement No. 042271, CSX Transportation provided flagmen, supervisors, construction workers, project managers etc. working at mile post BBO #0.88 site in Fairfield for the installation and maintenance of a 48" storm water pipeline via jack and bore crossing CSX Transportation tracks.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the expenditure of funds to pay CSX Transportation.

MINUTES

Bureau of Water and Wastewater - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 036 to Johnson, Mirmiran & Thompson, Inc., under Project No. 1030-O/C W.C. 1198, Urgent Need Work Infrastructure Rehabilitation Various Locations.

AMOUNT OF MONEY AND SOURCE:

\$145,354.00 - 9960-903682-9557-900020-705002

BACKGROUND/EXPLANATION:

Johnson, Mirmiran & Thompson, Inc. will provide construction management services on W.C. 1198, Urgent Need Work Infrastructure Rehabilitation Various Locations.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 036 to Johnson, Mirmiran & Thompson, Inc., under Project No. 1030-O/C W.C. 1198, Urgent Need Work Infrastructure Rehabilitation Various Locations.

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Office of the Mayor - Article 36(B)-Notice Pursuant to FY09
Memoranda of Understanding (MOU), Baltimore
Fire Officers, Local 964, IAFF and
Baltimore Fire Fighters Local 734, IAFF

The Board is requested to note receipt of the notice of the Mayor reopening the MOU and recent Interest Arbitration Award as to wages only due to a substantial and material change to the General Fund.

Article 36(b) of the MOU with Local 964, noted on May 28, 2008 and Local 734, noted on July 30, 2008, respectively, require that the Mayor's notice be noted in the minutes of the Board of Estimates.

On September 30, 2009 under the authority of the Mayor, the Labor Commissioner sent correspondence to the Baltimore Fire Officers, Local 964 and the Baltimore Fire Fighters, Local 734 to initiate discussions to cover the Fiscal Year 2010 budget deficit created by State reductions and City revenue shortfalls.

UPON MOTION duly made and seconded, the Board noted receipt of the notice of the Mayor reopening the MOU and recent Interest Arbitration Award as to wage.

MINUTES

Department of Audits - Status Report on the Audit of the Liquor Board for Fiscal Years ending 2005, 2006 and 2007

On September 2, 2009, the Department of Audits presented the Audit of the Board of Liquor License Commissioners for Baltimore City for fiscal years ending 2005, 2006 and 2007. The Board requested that the Liquor Board report back to the Board on October 7, 2009 on the status of the two audit findings presented in the Audit. The findings and recommendation were:

1. The Liquor Board's underlying time reports did not fully support payroll attendance report information. This finding was also included in our previous audit report. We recommended that the Liquor Board implement procedures to provide a positive time-keeping system to support the attendance of all its employees.
2. The Liquor Board's procedures for performing monthly reconciliations of receipts were not adequate. We recommended that the Liquor Board develop appropriate reconciliation procedures that include preparing correcting journal entries for those transactions identified as part of the reconciliation process that were posted to incorrect account numbers.

The Liquor Board is to provide a Status Report to the Board on the above findings and recommendation after it meets with representatives of the Office of the Labor Commissioner, the Department of Law, the Department of Human Resources, and the Department of Finance, Bureau of Accounting and Payroll Services on resolution of these two findings.

The Liquor Board met with the Labor Commissioner on October 5, 2009. The Labor Commissioner stated that a meeting with the Liquor Board, the Department of Law, the Department of Human Resources and the Department of Finance will be set up for the week of October 13, 2009. Audits will be available to attend

MINUTES

Department of Audits - cont'd

this meeting. The Liquor Board is therefore requesting an extension of three weeks, to October 28, 2009, to report back to the Board, and Audits concurs with the Liquor Board's request for an extension.

UPON MOTION duly made and seconded, the Board approved the three week extension for the report.

MINUTES**PROPOSALS AND SPECIFICATIONS**

Department of Transportation - TR 08314, Installation of
Vehicle Detection Devices
Citywide
BIDS TO BE RECV'D: 12/09/2009
BIDS TO BE OPENED: 12/09/2009

Bureau of Water and Wastewater - 852R, Denitrification Filters
and Related Work for the
Enhanced Nutrient Removal
Facilities at the Patapsco
Wastewater Treatment Plant
BIDS TO BE RECV'D: 10/28/2009
BIDS TO BE OPENED: 10/28/2009

Bureau of Water and Wastewater - WC 1160R, Montebello Plant 2
Finished Reservoir Cover
BIDS TO BE RECV'D: 10/28/2009
BIDS TO BE OPENED: 10/28/2009

President: "Page 75 items two and three. We received a protest
letter from Mr. Jolivet."

Mr. Arnold M. Jolivet, Maryland Minority Contractors Assoc.

Inc.: "Good morning. You have actually heard my issues and I
don't think I can articulate any better than what I have already
told you. Again, I just would like to respectfully ask the
Board to reconsider the policy of putting possibly
\$200,000,000.00 worth of contracts. Construction contracts out

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for public bid without requiring sub goals. My concern as I said to you before it is not in the best interest of the City to put that amount of contracts out for public bid without putting and requiring relevant sub goals for all of the numerated groups that that are in the Ordinance. I think it makes sense. I also submit to you that it is already provided for in the Ordinance, and I don't, I am having difficulty comprehending and understanding why aren't we following the mandate of the Ordinance. It is rather clear that in order for the Ordinance to be administered fairly and equitably, that we need to have sub goals. I would ask you to look at this and to vote appropriately so that when these contracts come back to this Board, that there would be a sufficient number of minority firms that represents the number of firms that are qualified, willing and able to do business in the City and there should not be any un-equitable distribution of the legalization here, and if we don't do that, we could face a possibility that one contractor or may be several can come in and put in a bid where there are absolutely no African Americans. You are saying that is not going to happen, but I submit to you that can happen, and it

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already happened about a month ago, where we had a \$33,000,000.00 contract. Because the MWBOO did not set relevant sub goals, the African American participation was literally non-existent. That is all that I want to say. I think I made my case. I think it is provided for in the Ordinance, and I would ask you to enforce the Ordinance as it is."

City Solicitor: "I would like to respectfully suggest in response to Mr. Jolivet's comments and suggest to the Board, that we informally ask the MWBOO directed by Ms. Williams to proceed and develop a set of rules and regulations to govern the setting of sub goals, and return to the subject when those regulations have been prepared. In the meantime, we will proceed, recognizing that we don't have rules and regulations and that before we start exercising the discretion that the Ordinance gives us, we should have rules and regulations in place. That is my suggestion, Madam President."

Mr. Jolivet: "Madam President, in all due difference and respect to the Solicitor, that is not good enough. We are going to have a bid in two weeks. The MWBOO is very much experienced in setting goals. It wouldn't take a day for them to set the

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relevant goals for this project. To put several projects of this size out for public bid without relevant sub goals, I would say is irresponsible. Irresponsible, and there is no compelling reason to do it. It seems to me that is what you would want to do. To enforce the Ordinance in the way that it was designed to be enforced. I am finished."

President: "Ms. Williams, are you working on the rules and regulations?"

Ms. Shirley Williams, Chief, MWBOO: "Yes we are."

President: "Thank you. Is there a Motion?"

Director of Public Works: "Madam President, I MOVE approval or recommend moving approval of the Department's recommendation on Page 75, items number -- on Page 63, item number --."

President: "75."

Director of Public Works: "Sorry. Page 75."

President: "Two and three."

Director of Public Works: "Two and three. Re-advertisement of projects 852R, and WC 1160R."

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Comptroller: "Second."

President: "All those in favor say AYE. Opposed. Motion carries."

* * * * *

MINUTES**ACKNOWLEDGEMENT**

President: "Madam Mayor."

Mayor: "Thank you Madam President. Before we recess I wanted to acknowledge three organizations in the Park Heights community for first of all some extraordinary work. We are very fortunate in the Northwest community to have organizations who work with our office of Fire Department along with our medic unit and I would like to ask the organizations to come up to acknowledge the fact that you know, they were able to save a life. I think it is so important and significant to honor these individuals. I know you and myself have attended many of their ceremonies and the number of people who have been participating in this. So I would like to have representatives from the Hatzalah to come up. Mr. Sauer would you come up as well as Mr. Rosebluth as well as Mr. Margolese. I wanted to acknowledge you for your outstanding work. I know that representatives from the Fire Department."

President: "You helped in situations but you are afraid to come up to the front."

MMCA-MARYLAND MINORITY CONTRACTORS ASSOCIATION, INC.

A Chapter of American Minority Contractors and Businesses Association, Inc.

Baltimore, MD 21210

443-413-3011

410-323-0932 Fax

arnoldmjolivet@starpower.net

October 6, 2009

VIA FACSIMILE 410-685-4416

The Honorable President and Members

Baltimore City Board of Estimates

Second Floor, City Hall

Baltimore, Maryland 21202

Attention: Ms. B. Harriett Taylor, Esquire
Clerk to the Board

**Subject: Protest Against Various Contract Awards and
Readvertisements-Board of Estimates' Agenda, October 7, 2009**

Dear Madam President:

I represent the Maryland Minority Contractors Association, Inc. (MMCA) in its own independent right, and its members and constituents in protesting Your Honorable Board's approval of the above referenced Board Agenda items. It is well settled that an association, like MMCA herein, possesses the requisite standing to represent its members, its constituents and itself:

"[A]n Association [like MMCA] has standing to bring suit on behalf of its members when:

- (a) its members would otherwise have standing to sue in their own rights;
- (b) the interest it seeks to protect are germane to the organization's purpose; and
- (c) neither the claim asserted nor relief requested requires the participation of individual members in the lawsuit."

See Hunt v. Washington Apple Advertising Commission, 432 U. S., 333, 343 (1977); See also NAACP v. Button, 371 U.S. 415 (1963). ("An association and its members are one and the same.")

We herein protest the following described proposed contracts or readvertised agenda items contained on the Board's 10/7/2009 agenda:

1. **The item on page 10, which is a request to pay an ultra vires purchases from Waste Management.**
Protest is based on the fact that the proposed purchase violates
The competitive bidding mandate in Article 6 § 11 of City Charter.

President and Members
Baltimore City Board of Estimates
October 6, 2009

2. **The item on page 37, which is a Land Disposition Agreement with Tadesse & Associates, Inc.**

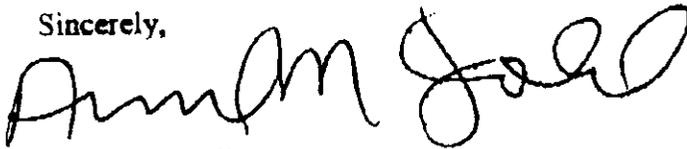
Protest is based on the fact that the subject Agreement should rightfully Comply with the M/WBE Utilization requirements mandated by the provisions of Article 5, Subtitle 28 of the City Code. The agency has completely misconstrued the mandate of this subtitle.

3. **The requests on page 75 to advertise ^{re-}contracts 852R, Denitrification Filters and related work for the enhanced Nutrient removal Facilities at the Patapsco Wastewater Treatment Plant; and contract WC 1160R, Montebello Plant 2 and Finished Reservoir Cover.**

Protest is based on the fact that the City's MWBOO has failed to establish and place appropriate MBE sub-goals on the subject contracts as provided for in Article 5, Subtitle 28 of the City Code.

Thank you for your kind consideration of the above stated items.

Sincerely,



Arnold M. Jolivet
Managing Director

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Mayor: "This was a very serious situation. This particular incident was an accident that could have been even worse, and the fact that we have citizens in the Northwest community who are able to be out in the community and be involved in what takes place. I know the individual whose life could have been taken who was saved as a result of these work that you did, and I really wanted to acknowledge that work and we want to continue to build. I know the Chief was here earlier, but with so many interesting other efforts going on at the Board this morning, we may be should have done this first, because you would have had even a bigger audience involved in this. But I wanted to present to you these certificates on behalf on the citizens of Baltimore, and it is a Certificate of Recognition for your tireless work in providing immediately emergency medical care to our City. Your dedication and commitment is just not only a blessing to all of us but we really appreciate what you do. I know the Fire Department in partnership really loves this program. I know there is an effort even to expand the efforts here. We have representatives from the Fire Department that are here as well."

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President: "In uniform."

Mr. Roman Clark, Special Asst. to C.F.D: "Chief Clack had to leave."

Mayor: "I understood that."

Mr. Clark: "He sends his apology. But he does has full support with the Hatzalah and we do thank you for all that you do."

Mayor: "Thank you for being here."

President: "Congratulations again."

(Applause)

President: "Councilwoman Spector was very instrumental in making the partnership work between the Fire Department and Hatzalah. So thank you for being here representing Councilwoman Spector. Don't leave, I forgot the Comptroller wanted to say something to you come on. Back again. This is my virtual call to your radio."

Comptroller: "I just want to thank you also. I just want to thank the President of Hatzalah, Vice President Shomrim and the Vice President of Chaverim for your swiftness, your compassion, your expertise and your skill in handling this emergency. Your

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intervention stabilized a life and prevented further injury. I just want to thank you for that."

Mr. Abraham Sauer, President, Hatzalah: "Thank you."

(Applause)

President: "They are a great organization. Anything else for the good of the body? If there is no business before the Board, the meeting will recess until bid opening at 12:00 noon. Thank you."

* * * * *

12:00 NOON

ANNOUNCEMENT OF BIDS RECEIVED

AND

OPENING OF BIDS, AS SCHEDULED

MINUTES

THE CLERK ANNOUNCED THAT THE BOARD OF ESTIMATES MEETING WAS RESUMED FOR THE OPENING AND RECEIVING OF BIDS AS SCHEDULED.

BIDS, PROPOSALS, AND CONTRACT AWARDS

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

Bureau of Purchases

-B50001173 Provide Non-
Uniformed Armed Security Guards
BIDS TO BE RECV'D: 10/21/2009
BIDS TO BE OPENED: 10/21/2009

MINUTESBureau of Purchases

- B50001208, 2010 Chevrolet Impala
Police Cars

Hertrich Fleet Services

Winner Ford

Fairfax Hyundai, Inc.

Chapman Auto Group

Apple Ford L/M Inc.

Fords National Automart Inc./Motors Fleet

Criswell Chevrolet, Inc.

Bob Bell Chevrolet of Belair, Inc.

Bureau of Purchases

- B50001210, 2010 Cars & Trucks

Criswell Chevrolet Inc.

Chapman Nissan

Bob Bell Ford

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There being no objections, the Board UPON MOTION duly made and seconded, the Board adjourned until its next regularly scheduled meeting on Wednesday, October 14, 2009.

JOAN M. PRATT

Secretary