

**MINUTES****CLERK ANNOUNCEMENT ON SUBMISSION OF PROTESTS**

Deputy Comptroller: "Good morning, may I have your attention please. Yesterday, the City offices, rather on Monday they were closed, for observance of Dr. Martin Luther King's birthday and I wanted to check to see if there is anyone here who has a protest that they would like to file, that they did not file previously?" (No Response)"Thank you very much."

\* \* \* \* \*

**REGULAR MEETING**

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

\* \* \* \* \*

Pursuant to Article VI, Section 1(c) of the revised City Charter effective July 1, 1996, the Honorable Mayor, Stephanie Rawlings-Blake, in her absence during the meeting, designated Mr. Edward J. Gallagher, Director of Finance, to represent the Mayor and exercise her power at this Board meeting.

\* \* \* \* \*

## MINUTES

The meeting was called to order by the President.

\* \* \* \* \*

President: "I will direct the Board members attention to the memorandum from my office dated January 17, 2012, identifying matters to be considered as routine agenda items, together with any corrections and additions that have been noted by the Deputy Comptroller. I will entertain a motion to approve all of the items contained on the routine agenda."

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

Comptroller: "Second."

President: "All those in favor say 'AYE'. Those opposed 'NAY'. The routine agenda has been adopted."

\* \* \* \* \*

## MINUTES

BOARDS AND COMMISSIONS1. 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:

|   |                  |
|---|------------------|
| Adrian L. Merton, Inc.                          | \$116,226,000.00 |
| Advanced Fire Protection Systems, LLC           | \$ 8,000,000.00  |
| American Paving Fabrics, Inc.<br>and Subsidiary | \$ 8,000,000.00  |
| Asbestos Specialists, Inc.                      | \$ 8,000,000.00  |
| Autumn Contracting, Inc.                        | \$ 8,000,000.00  |
| His Way Electric, LLC                           | \$ 1,500,000.00  |
| Hunt Valley Contractors, Inc.                   | \$ 1,500,000.00  |
| J.A. Argetakis Contracting Co., Inc.            | \$ 7,713,000.00  |
| J.M. Murphy Enterprises, Inc.                   | \$ 603,000.00    |
| JRCruz Corporation                              | \$ 53,181,000.00 |
| Jay Cashman, Inc.                               | \$ 94,900,500.00 |
| McDonnell Landscape, Inc.                       | \$ 8,000,000.00  |
| Monumental Paving & Excavating, Inc.            | \$ 62,073,000.00 |
| The Fishel Company and Subsidiaries             | \$307,125,000.00 |
| The Six-M Company, Inc.                         | \$ 62,289,000.00 |

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:

|                           |                       |
|---------------------------|-----------------------|
| George, Miles & Buhr, LLC | Architect<br>Engineer |
|---------------------------|-----------------------|



## MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

| <u>Owner(s)</u>   | <u>Property</u>    | <u>Interest</u> | <u>Amount</u> |
|---|--------------------|-----------------|---------------|
| <u>Dept. of Housing and Community Development (DHCD) - Options</u>                                  |                    |                 |               |
| 1. Tridack, LLC   | 3506 Woodland Ave. | G/R<br>\$96.00  | \$ 880.00     |
| 2. Paul J. Segraves   | 3205 Woodland Ave. | G/R<br>\$75.00  | \$ 500.00     |
| 3. Madison & Bradford<br>Savings and Loan<br>Association, Inc.<br>a/k/a Madison Bank<br>of Maryland | 3028 Woodland Ave. | G/R<br>\$90.00  | \$ 750.00     |
| 4. Mamie V. Worrell,<br>Gerald M. Worrell<br>and Nell E.<br>Worrell                                 | 3401 Woodland Ave. | F/S             | \$30,000.00   |
| 5. Collette Attenoukon  | 3417 Woodland Ave. | L/H             | \$24,000.00   |

Funds are available in account no. 9910-903187-9588-900000-704040, Park Heights Demo-Woodland/Virginia Avenue Corridor.

**(FILE NO. 57083)**

|  |                   |     |             |
|--|-------------------|-----|-------------|
| 6. Patricia Lee and<br>Dante Lee,<br>Personal Represent-<br>atives of the Estate<br>of Russell Lindsey | 4988 Denmore Ave. | F/S | \$12,100.00 |
|--|-------------------|-----|-------------|

Funds are available in 9910-903180-9588-900000-704040, Park Heights Demo-Woodland/Virginia Corridor.

**(FILE NO. 57083)**

## MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

| <u>Owner(s)</u>                                | <u>Property</u>    | <u>Interest</u> | <u>Amount</u> |
|--|--------------------|-----------------|---------------|
| <u>DHCD - Options - cont'd</u>                 |                    |                 |               |
| 7. Miriam Winder<br>and MWK Trust              | 322 E. Biddle St.  | G/R<br>\$72.00  | \$ 660.00     |
| 8. Glenn H. Goldberg<br>and Stevan<br>Weinberg | 426 E. Biddle St.  | G/R<br>\$90.00  | \$ 825.00     |
| 9. Jessica L.<br>Waicker                       | 914 E. Preston St. | G/R<br>\$90.00  | \$ 825.00     |
| 10. Fred Nochumowitz,<br>Trustee               | 706 Mura St.       | G/R<br>\$36.00  | \$ 330.00     |

Funds are available in account no. 9990-907714-9593-900001-704040, Johnston Square Project.

**(FILE NO. 57070)**

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

DHCD - Condemnations

|                                   |                   |                |           |
|-----------------------------------|-------------------|----------------|-----------|
| 11. Richard and Mabel<br>A. Logue | 4980 Denmore Ave. | G/R<br>\$90.00 | \$ 750.00 |
| 12. Lynn Realty, Inc.             | 4932 Denmore Ave. | G/R<br>\$90.00 | \$ 750.00 |

## MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

|                                      | <u>Owner(s)</u>  | <u>Property</u>                   | <u>InterestAmount</u> |
|--------------------------------------|------------------|-----------------------------------|-----------------------|
| <u>DHCD - Condemnations - cont'd</u> |                  |                                   |                       |
| 13.                                  | Queen Anne Corp. | 3337 Woodland Ave. L/H            | \$4,034.00            |
| 14.                                  | Thomas Harris    | 4992 Woodland Ave. G/R<br>\$90.00 | \$ 600.00             |

Funds are available in account no. 9910-903187-9588-900000-704040, Park Heights Demo-Woodland/Virginia Avenue Corridor.

**(FILE NO. 57083)**

UPON MOTION duly made and seconded, the Board approved and authorized the foregoing options, and condemnations.

MINUTES

TRANSFERS OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,  
the Board approved  
the Transfers of Funds  
listed on the following pages:

166 - 168

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 Recreation and Parks</u> |                       |                     |
| 1. \$37,500.00                            | 9938-902722-9475      |                     |
| State                                     | Reserve               |                     |
|   | Park & Playground     |                     |
|   | Renovation FY07       |                     |
| 12,500.00                                 | " "                   |                     |
| Rec. & Pks.                               |                       |                     |
| <u>23<sup>rd</sup> Series</u>             |                       |                     |
| <b>\$50,000.00</b>                        | -----                 | 9938-901722-9474    |
|   |                       | Active              |
|   |                       | Park & Playground   |
|   |                       | Renovation FY07     |

This transfer will provide funds to cover the costs associated with the design services under Contract No. 1167, Task No. 3 to Greenman-Pedersen, Inc. to reconcile the account's deficit.

|                         |                     |                     |
|-------------------------|---------------------|---------------------|
| 2. <b>\$25,000.00</b>   | 9938-903777-9475    | 9938-904777-9474    |
| Rec. & Pks.             | Reserve             | Active              |
| 26 <sup>th</sup> Series | Park Rehabilitation | Park Rehabilitation |
|                         | Program FY12        | Program FY12        |

This transfer will provide funds to cover the costs associated with design under On-Call Contract No. 1167, Task No. 4 to Greenman-Pedersen, Inc.

|                         |                  |                  |
|-------------------------|------------------|------------------|
| 3. <b>\$ 9,828.17</b>   | 9938-902457-9475 | 9938-901457-9474 |
| Other                   | Reserve          | Active           |
| Rec. & Pks.             | Critical Areas   | Critical Areas   |
| 25 <sup>th</sup> Series | Mitigation       | Mitigation       |

This transfer will provide funds to reconcile the account's deficit.

## MINUTES

TRANSFER OF FUNDS

| <u>AMOUNT</u>                                      | <u>FROM ACCOUNT/S</u> | <u>TO ACCOUNT/S</u> |
|--|-----------------------|---------------------|
| <u>Department of Recreation and Parks - cont'd</u> |                       |                     |
| 4. \$ 40,000.00                                    | 9938-902742-9475      | 9938-901759-9474    |
| Rec. & Pks.  | Reserve               | Active              |
| 25 <sup>th</sup> Series                            | Park & Recreation     | Park & Recreation   |
|  | Facility Improve-     | Facilities Reno-    |
|  | ment FY08             | vation FY09         |

This transfer will provide funds to cover the costs associated with Change Order Nos. 2 & 3 for the HVAC Upgrade Phase II at Chick Webb Recreation Center, Contract RP 07836.

Department of Transportation

|                 |                  |                    |
|-----------------|------------------|--------------------|
| 5. \$ 64,461.00 | 9950-917001-9507 | 9950-902378-9508-2 |
| MVR             | Constr. Reserve  | Contingency        |
|                 | Highways Federal | Primavera Contract |
|                 |                  | Manager            |

This transfer will cover the deficit in the account and fund the cost associated with BD No. 34064, Project No. 1161, Task No. 4 for Primavera Contract Manager Information Technology Review with Louis Berger Water Services, Inc.

|                  |                     |                     |
|------------------|---------------------|---------------------|
| 6. \$ 294,163.00 | 9950-903550-9509    | 9950-904641-9508-3  |
| MVR              | Constr. Reserve     | Design and Study    |
|                  | Neighborhood Street | Feasibility Studies |
|                  | Reconstruction      |                     |

This transfer will cover the deficit in the account and fund the cost related to Task No. 5, Project No. 1123, for design and analysis for the Southeast Baltimore Project by McCormick Taylor, Inc.

## MINUTES

TRANSFER OF FUNDS

| <u>AMOUNT</u>                         | <u>FROM ACCOUNT/S</u> | <u>TO ACCOUNT/S</u> |
|---------------------------------------|-----------------------|---------------------|
| <u>Bureau of Water and Wastewater</u> |                       |                     |
| 7. <b>\$1,500,000.00</b>              | 9956-933001-9549      | 9960-903709-9557-6  |
| State Revenue                         | Constr. Reserve       | Construction        |
|                                       | Unallocated -         |                     |
|                                       | Wastewater            |                     |

The funds are required to properly account for a State grant under WC 1164, Towson Finished Water Reservoir Cover.

Department of Housing and Community Development

|                        |                  |                   |
|------------------------|------------------|-------------------|
| 8. <b>\$ 48,000.00</b> | 9910-926010-9609 | 9910-933010-9610  |
| Federal                | Reserve          | Settlement Grants |
| Home FY10              |                  |                   |

This transfer will provide Federal HOME funds for the Settlement Expense Program to assist low-income first-time home buyers in Baltimore City.

## MINUTES

Department of General Services - Minor Privilege Permit Applications

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

|    | <u>LOCATION</u>           | <u>APPLICANT</u>                              | <u>PRIVILEGE/SIZE</u>   |
|----|---------------------------|---|---|
| 1. | 4515 Harford Rd.          | A. Eric Dott                                  | One double face non-illuminated sign 3.5' x 3.4'                                    |
|    | Annual Charge: \$70.40    |   |   |
| 2. | 516 S. Broadway           | 516 S. Broadway, LLC                          | Retain cornice Sign 10' x 2½'   |
|    | Annual Charge: \$35.20    |   |   |
| 3. | 100 E. Pratt St.          | 100 East Pratt Street Business Trust          | Outdoor seating 21.5' x 15.66'  |
|    | Annual Charge: \$3,931.16 |   |   |
| 4. | 710 S. Central Ave.       | Harbor East-Office, LLC                       | Two planters @ 4.75' x 7.5'<br>One planter @ 3' x 5.5'<br>One planter @ 12' x 2.25' |
|    | Annual Charge: \$624.10   |   |   |
| 5. | 100-04 W. Lexington St.   | Central United Management Limited Partnership | One 3 sided electric sign 4' x 4', two S/F electric signs 16.75' x 3.66'            |
|    | Annual Charge: \$1,108.40 |   |   |

## MINUTES

DGS - cont'd

|    | <u>LOCATION</u>          | <u>APPLICANT</u>               | <u>PRIVILEGE/SIZE</u> |
|----|--------------------------|--------------------------------|-----------------------|
|    |                          |                                | Bus Shelters          |
| 6. | 223-225 N. Howard<br>St. | Mass Transit<br>Administration | One 40'8" x 10'5",    |
|    | 228 W. Lexington<br>St.  |                                | One 33'4" x 10'5",    |
|    | 300 W. Lexington<br>St.  |                                | One 25'3" x 10'5"     |

The State of Maryland and City connected agencies are exempt from minor privilege tax charges.

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

## MINUTES

TRAVEL REQUESTS

| <u>Name</u>                             | <u>To Attend</u>  | <u>Fund Source</u> | <u>Amount</u> |
|---|---|--------------------|---------------|
| <u>Baltimore City Police Department</u> |   |                    |               |
| 1. Frederick H. Bealefeld, III          | Winter Meeting of the Major Cities Chiefs Assoc. Las Vegas, NV Feb. 01 - 04, 2012 | Asset Forfeiture   | \$1,225.24    |

The allowed per diem for this area is \$170.00 per day for a total of \$510.00. The total hotel cost is \$437.00 plus taxes of \$59.64. After the hotel cost has been paid, \$73.00 will remain for meals. Therefore, the Department is requesting an additional \$47.00 for food. The additional amount has been included in the total.

**(FILE NO. 56519)**Department of Public Works

|   |   |            |            |
|---|---|------------|------------|
| 2. Rudolph S. Chow<br>Blake Bornkessel*<br>Shaaron Phillips | The Utility Mgmt. Conf. Miami, FL<br>Jan. 29 - Feb. 03, 2012<br>(Reg. Fee \$800.00 ea.)<br>(Reg. Fee \$870.00)* | Gen. Funds | \$7,892.05 |
|---|---|------------|------------|

The allowed subsistence rate for this location is \$218.00 per day. The hotel costs are \$188.20 per night. The Department is requesting an additional \$10.20 per day for each representative to cover meals and incidentals.

Furthermore, the Department is requesting an additional \$583.26 for a rental van, and \$20.00 per day for valet parking. The Department anticipates that the cost of a van rental will be far less than taxi rides from the Ft. Lauderdale airport to Miami and return, as well as travel to and from the conference center.

**MINUTES****TRAVEL REQUEST** - cont'd

AM-240-8 - If official City business at the event site will require extensive inspection trips, tours, or other unusual but necessary land travel, the Board of Estimates must approve funds for such expenses in advance of the trip.

The Board, UPON MOTION duly made and seconded, approved the travel request. The President **ABSTAINED** on item no. 2.

**MINUTES**

Department of General Services - Mutual Non-Disclosure Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a mutual non-disclosure agreement with the Bloom Energy Corporation. The period of the agreement is effective upon Board approval for five years.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The Bloom Energy Corporation has a proprietary technology that uses fuel cells to generate electricity. The City would like Bloom Energy Corporation to provide cost and price estimates for possible installations in City buildings, because if successful, it has the potential to save the City substantial costs in electricity. This agreement requires the City of Baltimore to keep in confidence information that is proprietary to Bloom Energy Corporation.

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the mutual non-disclosure agreement with the Bloom Energy Corporation.

**MINUTES**

Department of General Services - Temporary Construction Easement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a temporary construction easement with Brunswick, LLC. The period of the agreement is effective upon the date of the physical entry of the City's contractor for one year.

**AMOUNT OF MONEY AND SOURCE:**

\$2,049.00 - 9956-905641-9551-900020-704001

**BACKGROUND/EXPLANATION:**

The Department of Public Works, Bureau of Water and Wastewater, is proposing to temporarily divert three above ground sewer pipes on property owned by Brunswick, LLC located at 480 Brunswick Street. This temporary construction easement will allow the City's contractor to divert the sewer pipes in conjunction with the Department of Public Works Sanitary Sewer Project No. 875, Southwest Diversion Sewer Rehabilitation Phase III.

The Department of Public Works, Bureau of Water and Wastewater has determined the fair market value of the Temporary Construction Easement to be \$2,049.00.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the temporary construction easement with Brunswick, LLC. The President **ABSTAINED**.

**MINUTES**

Department of General Services - Right-of-Entry Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a right-of-entry agreement with Patapsco Master Business Trust.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The Department of Transportation is proposing a project to replace the Annapolis Road Bridge over I-295. In the design of this project, it was determined that the existing driveway serving 3101 Annapolis Road will need to be relocated to accommodate the construction.

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the right-of-entry agreement with Patapsco Master Business Trust.

**MINUTES**

Department of General Services - Amendment No. 1 for Project 617

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of Amendment No. 1 for Project 617 with Environmental Resources Management. This amendment extends the period of the agreement through December 31, 2012.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On December 24, 2008, the Board approved a three-year agreement with Environmental Resources Management to provide environmental and regulatory consultant services to the Department of General Services and the Law Department for City property located at 2000 Race Street. Because of continued requirements from the Maryland Department of the Environment, additional work is required of Environmental Resources Management through the 2012 calendar year.

**AUDITS NOTED THE TIME EXTENSION.**

UPON MOTION duly made and seconded, the Board approved and authorized the execution of amendment no. 1 for Project 617 with Environmental Resources Management.

## MINUTES

Health Department - Ratification of Agreement and Agreements

The Board is requested to ratify an agreement and approve and authorize execution of the below-listed agreements. The period of the agreement is July 1, 2011 through June 30, 2012, unless otherwise indicated.

RATIFICATION

1. **BALTIMORE HEALTH CARE ACCESS, INC./** **\$ 17,203.00**  
**HEALTHCARE ACCESS MARYLAND, INC.**

Account: 4000-422712-3080-271200-603051

The initial agreement was prepared on July 06, 2011 and was misplaced during routing to the provider. The second agreement was prepared and signed but delayed further due to budget revisions. On December 2, 2011, the Department was notified that the name was changed to Health Care Access Maryland, Inc. The agreement expired on December 31, 2011; the Department is requesting the agreement be ratified, as well as, permission to pay the organization for its services. The organization provided a Hispanic Administrative Liaison for Clinic Interpretation Services. The period of the agreement was July 1, 2011 through December 31, 2011.

AGREEMENTS

2. **JOHNS HOPKINS UNIVERSITY (JHU)** **\$ 73,352.00**

Account: 1001-000000-3100-295901-603051

The JHU will provide physician services to the schools located at the Baltimore Talent Development No. 428, Augusta Fells Savage Institute No. 430, Baltimore Freedom Academy Middle/High No. 423, the former Lake Clifton campus: Heritage High No. 425 and REACH SCHOOL Middle/High No. 341, Dunbar No. 414, Digital Harbor No. 416, and Patterson No. 405 Senior High School-Based Health Centers.

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

## MINUTES

Health Department - cont'd

3. **CHASE BREXTON HEALTH SERVICES, INC.** **\$ 50,508.00**

Account: 4000-424512-3023-274416-603051

The organization will continue to coordinate the care of HIV infected inmates and provide linkage and referral services to HIV medical care, case management, housing, and drug treatment services. Transitional case management services, now Minority AIDS Initiative (MAI), will establish or reestablish linkages to HIV care and treatment services in community-based systems of care for incarcerated persons prior to release from custody. This program will provide support to the patients with the goal to assist them to develop a long-term relationship with a medical provider/facility to increase overall healthy outcomes.

4. **CHASE BREXTON HEALTH SERVICES, INC.** **\$ 78,000.00**  
**(CBHS)**

Account: 4000-424512-3023-274428-603051

The organization will provide HIV treatment adherence services for the Ryan White Part B Program. Patients receiving HIV medical care at CBHS will be referred to the Medication Support Team when beginning an HIV medication regimen for the first time or when the medication regimen is changed. The clinical pharmacists and mental health provider will educate the patient about HIV disease, the benefits of medications and the importance of adherence to medications and medical appointments.

5. **CHASE BREXTON HEALTH SERVICES, INC.** **\$ 67,542.00**

Account: 4000-424512-3023-274418-603051

The organization will provide medical case management services for the Ryan White Part B Program. Services will be provided to 180 clients, including 30 new clients. Case Managers will be responsible for completing initial intakes, care planning, ongoing monitoring and follow-up with all HIV-positive clients.

## MINUTES

Health Dept. - cont'd

6. **CHASE BREXTON HEALTH SERVICES, INC.** **\$ 79,487.00**

Account: 4000-424512-3023-274436-603051

The organization will provide HIV mental health services for the Ryan White Part B Program. Services will include psychiatric assessments, medication treatment recommendations, individual counseling sessions and group sessions to eligible clients.

7. **CHASE BREXTON HEALTH SERVICES, INC.** **\$ 49,348.00**

Account: 4000-424512-3023-274419-603051

The organization will provide HIV substance abuse counseling, outpatient services to individuals living with HIV/AIDS in Baltimore. Services will include psychiatric substance abuse assessment, treatment recommendation to 30 unduplicated eligible HIV positive clients, 100 addictions psychiatry follow-up appointments to 30 eligible clients, 50 individual recovery-oriented counseling sessions (based on one hour sessions) to 12 eligible clients and 45 recovery-oriented group sessions lasting 90 minutes each.

8. **CHASE BREXTON HEALTH SERVICES, INC.** **\$320,585.00**

Account: 4000-424512-3023-274403-603051

The organization will provide ambulatory care services which include medical care and management through physicians or nurse practitioners who are certified through the American Academy of HIV medicine as HIV specialists.

**MINUTES**Health Dept. - cont'd

The agreements (item nos. 2-8) are late because the Infectious Disease and Environmental Health (IDEHA) Administration programmatically manages all Ryan White Part B services. Providers are selected through the Request for Proposal process. The Department prepares the agreements after receipt of an approved budget and scope of services and processes payments following approval.

**MWBOO GRANTED A WAIVER****APPROVED FOR FUNDS BY FINANCE****AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board ratified the agreement no. 1 and approved and authorized the execution of the aforementioned agreements. The President **ABSTAINED** on item no.

2.

## MINUTES

Department of Audits - Audit Report and Related Audit Digest

The Board is requested to **NOTE** receipt of the following Audit Report and Related Digest:

Audit of the City of Baltimore Maryland 9-1-1 Emergency Number System Program Actual Receipts and Expenditures Report for the Fiscal Year Ended June 30, 2011.

The Board **NOTED** receipt of the Audit report and related digest.

## MINUTES

Circuit Court for Baltimore City - Grant Agreements

The Board is requested to approve acceptance of the various grant awards.

**1. STATE OF MARYLAND JUDICIARY CHILD WELFARE GRANT PROGRAM - PLANNING PERMANENT CONNECTION** **\$ 39,775.00**

Account: 5000-544112-1100-119600-405001

Under the terms of this award, the funds will be used to cover the contractual salary cost and fringe for a Social Worker position. The Social Worker will provide administrative and direct services to children, adults, and volunteers in the Child Welfare Program implemented by the Juvenile Court. The period of the award is October 1, 2011 through June 30, 2012.

**2. STATE OF MARYLAND JUDICIARY CHILD WELFARE GRANT PROGRAM - LINKS PROJECT** **\$ 43,000.00**

Account: 5000-500212-1100-116800-405001

Under the terms of this award, the funds will be used to cover the contractual salary, fringe, and operating cost for a Case Manager. The Case Manager will provide administrative and direct services specifically to court identified child-in-need-of-assistance cases. The period of the award is October 1, 2011 through June 30, 2012.

The grant awards are late because the notification of the award was recently received.

## MINUTES

Circuit Court for Baltimore City - cont'd

3. **BALTIMORE SUBSTANCE ABUSE SYSTEMS, INC.** **\$432,620.00**

Account: 4000-400612-1100-119600-404001

The grant will provide funding for salaries and other operating costs associated with the Addiction Assessment Unit. The program provides substance abuse assessments ordered by the court to released defendants to determine their substance abuse and educational needs. The period of the agreement is July 1, 2011 through June 30, 2012.

The agreement is late because the Circuit Court thought it had been previously submitted and approved. A process has been put in place to eliminate this type of oversight going forward.

**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 the acceptance of the foregoing grant awards. Acting on behalf of the Mayor, Mr. Gallagher **ABSTAINED** on item no. 3. The President **ABSTAINED** on item no. 3.

**MINUTES**

Employees' Retirement System (ERS) - Computer Consulting Services Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Computer Consulting Services Agreement with Sona Networks, LLC. The period of the agreement is effective upon Board approval for three years with an option for two 1-year renewals.

**AMOUNT OF MONEY AND SOURCE:**

\$85,000.00/year - 6000-604012-1520-169800-605008

No General Fund monies are involved in this transaction. All funds and expenses will be expended from the Employees' Retirement System. The amount of compensation to Sona Networks, LLC. under this contract is not expected to exceed \$85,000.00 per year.

**BACKGROUND/EXPLANATION:**

In October 2010, the Board approved a one-year agreement with Fed Computer Services, LLC to provide the Employees' Retirement System time to conduct a search for a long-term information technology consultant. In August 2011, the Employees' Retirement System issued an RFP for computer consulting services and received four responses. Two firms were selected as finalists and interviewed. Sona Networks, LLC. impressed the selection committee as having the expertise, experience, responsiveness, and pricing that best suits the computer consulting needs of the Employees' Retirement System.

**MWBOO GRANTED A WAIVER****APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the Computer Consulting Services Agreement with Sona Networks, LLC. The Comptroller **ABSTAINED**.

**MINUTES**

Mayor's Office of Human Services - Agreement  
Homeless Services Program

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with Jobs, Housing and Recovery, Inc. (JHR). The period of the agreement is December 15, 2011 through March 31, 2012.

**AMOUNT OF MONEY AND SOURCE:**

\$95,105.00 - 4000-492911-3572-333658-603051

**BACKGROUND/EXPLANATION:**

The JHR operates and manages the Harry and Jeanette Weinberg Housing Resource Center located at 620 Fallsway. The center is a 24-hour, seven day a week facility. Due to the frequent demand exceeding shelter capacity, JHR will provide on the first floor dayroom of the shelter an additional 25 women's and 50 men's emergency shelter beds per night.

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

**MWBOO GRANTED A WAIVER.**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the agreement with Jobs, Housing and Recovery, Inc.

**MINUTES**

Mayor's Office of Human Services/ - Expenditure of Funds  
Homeless Services Program

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an expenditure of funds to pay for services already provided by Durham School Services to transport homeless individuals for the period of July 2011 through December 2011. The Board is also requested to authorize services and payments pending an award for transportation services.

**AMOUNT OF MONEY AND SOURCE:**

|                           | <u>Invoice #</u>                 | <u>Services Rendered</u> |
|---------------------------|----------------------------------|--------------------------|
| \$ 9,503.30               | 8043187                          | July 2011                |
| 11,098.00                 | 8045165                          | August 2011              |
| 11,098.00                 | 8046248                          | September 2011           |
| 11,098.00                 | 8047778                          | October 2011             |
| 11,098.00                 | 8048632                          | November 2011            |
| 11,098.00                 | 8049415                          | December 2011            |
| <b><u>\$64,993.30</u></b> | - 1001-000000-3572-327200-603051 |                          |

**BACKGROUND/EXPLANATION:**

The Durham School Services (Durham) provided transport for homeless individuals.

The Mayor's Office of Human Services (MOHS) funds the operation of an overflow shelter for men. The protocol for the operation of the shelter is that clients are not allowed to walk to the shelter, but rather must be provided transportation. This requirement reduces the amount of loitering in the area as people are transported from the area in the morning. The provision of transportation and the requirement to use the transportation to access the shelter also ensures that the 100 men who ride the bus will be able to secure a bed when they arrive at the facility.

## MINUTES

MOHS/Homeless Services - cont'd

The services provided by Durham were initiated as a need for the safety of the homeless clients as of July 2011. As a result of these daily service needs, six months of outstanding invoices have accrued for the period of July 2011 to December 2011.

The MOHS chose Durham because they had a prior contract to do business with the City of Baltimore; they have experience with servicing this population and the capability to ensure the safety of the clients.

When the MOHS contacted Durham, the MOHS expected the same per-day-rates as charged for the services last winter. The projected cost for this continued service did not exceed the requirement for a bid proposal, based upon historical data. However, the received quote for services from the provider was higher than expected due to the increased number of clients, the increased number of required number of pickups, and the increased mileage rate due to the cost of gas, which in turn, increased the overall costs.

While this overflow shelter provides, essentially, the same services as previous overflow shelters, the location has changed, the intake process has changed, and the vendor for those services has changed necessitating smaller numbers of clients per transport. All these changes have produced a more streamlined and efficient intake of clients.

When the MOHS identified the increased costs, MOHS immediately began to work with the Bureau of Purchases to develop a new bid proposal when it was evident that the costs for the required services would exceed the procurement policy for services that must go out for bid.

**MINUTES**

MOHS - cont'd

The bid proposal will be released in January 2012. The MOHS is therefore requesting the Board's permission to continue to utilize and pay Durham until a contract is awarded and the Bureau of Purchases issues a purchase order for these services to the successful bidder.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION SUBJECT TO ITS REVIEW OF THE INVOICES PRIOR TO PAYMENT.**

UPON MOTION duly made and seconded, the Board approved and authorized the expenditure of funds to pay for services provided by Durham School Services to transport homeless individuals for the period of July 2011 through December 2011. The Board further approved and authorized services and payments pending an award for transportation services.

## MINUTES

Police Department - Grant Awards and Agreements

The Board is requested to approve and authorize execution of the following grant award agreements.

GRANT AWARDS

1. **GOVERNOR'S OFFICE OF CRIME CONTROL** \$ **20,000.00**  
**AND PREVENTION/ BALTIMORE**  
**METROPOLITAN REGION WARRANT INITIATIVE**

Account: 4000-470812-2021-213300-601065

On December 21, 2011, the Board approved the acceptance of a grant award for the Baltimore Metropolitan Region Warrant Initiative based on a Letter of Intent. The Baltimore Metropolitan Region Warrant Initiative helps to reduce existing gaps in services and fosters collaboration and cooperation among partner agencies and stakeholders through Maryland. The program provides support to the Department to aid the Baltimore County Police Department in the service of warrants for violent crime offenders who committed their offenses in Baltimore County, but reside in Baltimore City. The grant funds provide overtime for members of the Department. The period of the agreement was November 1, 2011 through December 31, 2011.

2. **MARYLAND HIGHWAY SAFETY OFFICE, STATE** \$ **190,900.00**  
**HIGHWAY ADMINISTRATION/TRAFFIC**  
**SAFETY ENFORCEMENT PROGRAM**

Account: 4000-471012-2032-6196300-600000

The Department will use funds provided through this award to participate in annual state-wide traffic safety programs including the Maryland Law Enforcement Challenge, Buckle Up Religiously, and Click it Or Ticket. The Department, through enforcement and education, will continue to focus on decreasing pedestrian injuries and fatalities, reducing the number of impaired and aggressive driving related crashes, increasing the use of occupant protection devices, as well as encourage compliance with the rules of the road. Activities will include participating in the Walk to School Day and the

## MINUTES

Police Department - cont'd

Smooth Operator, and Street Smart campaigns targeting aggressive drivers and pedestrians. In addition the Department will conduct data driven enforcement initiatives in aggressive and impaired driving areas that have a high incident of crime. The period of the agreement is October 1, 2011 through September 30, 2012.

The grant awards are late because they were just received.

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

AGREEMENTS

3. **UNIVERSITY OF MARYLAND, UNIVERSITY COLLEGE** **\$125,000.00**

Account: 6000-611212-2013-197500-603026

The Baltimore Police Department desires to increase the leadership skills of selected police officers by having them participate in an undergraduate Criminal Justice Leadership Certificate Program (Program) at the University. The University will develop and deliver the Program to 25 participants in each cohort. The University may increase the number of program participants by mutual agreement of the parties. The period of the agreement is effective upon Board approval for one-year.

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

**MBE/WBE GOALS NOT APPLICABLE**

## MINUTES

Police Department - cont'd

4. **OFFICE OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT** **\$160,000.00**

Account: 4000-470012-2252-694201-607001

The City will use the funds from the grant award from the U.S. Department of Justice Programs, Bureau of Justice Assistance to continue supporting the crime reduction and prevention strategy. The City's public safety strategy is to reduce violent crime and strengthen public trust through targeted enforcement, community engagement and building strong partnerships. The services will allow the Department of Housing and Community Development to move forward in a better direction and utilize technology to better streamline resources available to the staff to improve upon the success of prosecutions. The period of the agreement is July 1, 2012 through June 30, 2013.

5. **HOUSE OF RUTH MARYLAND, INC.** **\$160,370.00**

Account: 4000-470212-2021-212600-607001

The City will use the funds from the grant award from the U.S. Department of Justice Programs, Office of Violence Against Women to increase the Department's Family Crime Unit capacity to conduct home visits to "high danger" domestic violence victims, serve protective orders in instances where there is "high danger" and reduce the current backlog of domestic violence warrants. Funding will also be used to hire a legal advocate at the organization who would work with "high danger victims" and prosecutors in an effort to achieve better court outcomes. The period of the agreement is January 1, 2012 through December 31, 2012.

## MINUTES

Police Department - cont'd

6. **HOUSE OF RUTH MARYLAND, INC.** **\$ 60,613.00**

Account: 4000-470612-2252-248100-607001

The City will use the funds from the grant award from the Governor's Office of Crime Control and Prevention for the "STOP Violence Against Women" Program. The funds will provide salary support for a full-time Project Coordinator, a part-time Data Entry Assistant, equipment, and operating expenses for the House of Ruth Maryland, Inc. The period of the agreement is October 1, 2011 through June 30, 2012.

7. **THE COMMUNITY LAW IN ACTION, INC.** **\$ 52,400.00**  
**(CLIA)**

Account: 5000-509912-2252-690709-607001

The City will use the funds from the grant award from the Governor's Office of Crime Control and Prevention for CSAFE-VPI - Violence Prevention Initiative. The CLIA will provide a continuum of supportive reentry services to juveniles living in West Baltimore who have come in contact with the Department of Juvenile Services (DJS) or the Department. The CLIA will create and facilitate two series of Youth Justice Workshops, one for youth in the Violence Prevention Initiative at DJS and one for youth in the Diversion Program. The period of the agreement is September 1, 2011 through June 30, 2012.

## MINUTES

Police Department - cont'd

8. **CENTER FOR RESEARCH ON INSTITUTIONS AND SOCIAL POLICY** **\$ 55,350.00**

Account: 6000-611212-2013-197500-603026

The organization will provide training development and consultant services to the Department. The organization will specifically focus on the Independent Review Board training recommendations to provide technical assistance and planning for Command and Control Training Courses. The organization will develop and provide instructors and curricula for specialized Command and Control Training to meet the needs of the Department to respond to both preplanned and unexpected incidents. There will be one three-day Leadership Training and two five-day Command and Control Training sessions provided. The organization will be responsible for providing all instructors and subject matter experts to provide the specific training modules and the agreement will include all per diem expenses. The period of the agreement is effective upon Board approval for one year.

**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 the execution of the foregoing grant award agreements.

**MINUTES**

Bureau of Water and Wastewater - Agreement for Sanitary  
Contract 903

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with Whitman, Requardt and Associates, LLP. for sanitary contract 903, Wastewater Engineering Service for the Improvement of Patapsco Sewershed. The period of the agreement is effective upon Board approval for five years, or until the upset limit is reached, whichever occurs first.

**AMOUNT OF MONEY AND SOURCE:**

1,330,919.07 Baltimore City Wastewater Revenue Bonds (79.69%)  
 339,201.49 Anne Arundel County (20.31%)  
\$1,670,120.56 - 9956-907603-9551-900020-703032

**BACKGROUND/EXPLANATION:**

Whitman, Requardt and Associates, LLP, will provide engineering services necessary to evaluate, prepare design memorandum, develop contract documents including plans and specification, and post award services for this project. The improvements include rehabilitation/replacement of approximately 95,000 feet of sanitary sewer ranging from 8" to 33" and 428 manholes. Whitman, Requardt and Associates, LLP will also provide certain engineering services during consultation, review submittals, RFI's, change orders, provide technical consultation, attend progress meetings, review CCTV negotiations, and perform conditional and final inspections. Whitman, Requardt and Associates, LLP was approved by the Architectural and Engineering Awards Commission.

|                                       |                     |               |
|---------------------------------------|---------------------|---------------|
| <b>MBE:</b> EBA Engineering, Inc.     | \$180,000.12        | 10.78%        |
| Savin Engineering, P.C                | 88,000.92           | 2.87%         |
| Enterprise Information Solution, Inc. | 48,014.90           | 5.27%         |
| Tech International, Inc               | 134,999.77          | 8.08%         |
|                                       | <u>\$451,015.71</u> | <u>27.00%</u> |
| <b>WBE:</b> Robert B. Balter Company  | \$ 72,006.02        | 4.31%         |
| Phoenix Engineering, Inc.             | 79,000.00           | 4.73%         |
|                                       | <u>\$151,006.02</u> | <u>9.04%</u>  |

MINUTES

Bureau of Water and Wastewater - cont'd

MWBOO FOUND VENDOR IN COMPLIANCE.

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

(FILE NO. 57080)

TRANSFER OF FUNDS

| <u>AMOUNT</u>         | <u>FROM ACCOUNT/S</u> | <u>TO ACCOUNT/S</u> |
|-----------------------|-----------------------|---------------------|
| \$1,354,730.00        | 9956-919616-9549      |                     |
| Wastewater            | Constr. Reserve       |                     |
| Revenue Bonds         | Sewer Rehabilitation  |                     |
|                       | -Patapsco             |                     |
| 345,270.00            | " "                   |                     |
| Counties              |                       |                     |
| <u>\$1,700,000.00</u> | -----                 | 9956-907603-9551-3  |
|                       |                       | Engineering         |

This transfer is required to fund the award of an engineering services contract for SC 903, Improvements to the Patapsco Sewershed Collection System.

(FILE NO. 57080)

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the agreement with Whitman, Requardt and Associates, LLP. for sanitary contract 903, Wastewater Engineering Service for the Improvement of Patapsco Sewershed. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter. The President **ABSTAINED**.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- |   |         |         |
|---|---------|---------|
| 1. ALLIED WASTE/<br>BFI WASTE SERVICES  | \$ 0.00 | Renewal |
| Solicitation No. B50001769 - Rental of Vertical Baler -<br>Baltimore Convention Center - Req. No. P516182 |         |         |

On February 9, 2011, the Board approved the initial award in the amount of \$31,650.00. The award contained four 1-year renewal options. This renewal is for the period February 9, 2012 through February 8, 2013, with three 1-year renewal options remaining.

- |  |             |         |
|--|-------------|---------|
| 2. PREFERRED CLEANING LLC  | \$16,024.80 | Renewal |
| Solicitation No. B50001717 - Janitorial Services Dukeland<br>Child Care Center - Department of Housing and Community<br>Development - Req. No. P515900 |             |         |

On January 26, 2011, the Board approved the initial award in the amount of \$16,024.80. The award contained three 1-year renewal options. This renewal in the amount of \$16,024.80 is for the period February 1, 2012 through January 31, 2013, with two 1-year renewal options remaining.

- |   |             |         |
|---|-------------|---------|
| 3. INGOLDS HICO, INC.   | \$25,785.00 | Low Bid |
| Solicitation No. 07000 - Tilt Containers - Department of<br>Public Works - Req. No. R586762 |             |         |

- |  |         |         |
|--|---------|---------|
| 4. HAVIS-SHIELDS<br>EQUIPMENT CORPORATION  | \$ 0.00 | Renewal |
| Solicitation No. 06000 - OEM Parts for Prisoner Inserts -<br>Department of General Services - Req. No. P501981 |         |         |

On April 16, 2008, the Board approved an award in the amount of \$24,000.00. The award contained two 1-year renewal options. On December 22, 2010, the Board approved the first renewal in the amount of \$16,549.04. This renewal is for the period April 10, 2012 through April 9, 2013. This is the final renewal.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- |  |             |         |
|--|-------------|---------|
| 5. BMR, INC.   | \$24,000.00 | Renewal |
| Solicitation NO. B50001024 - OEM Parts for Small John Deere Tractors - Department of General Services - Req. No. P507718 |             |         |

On April 15, 2009, the Board approved the initial award in the amount of \$24,000.00. The award contained two 1-year renewal options. This renewal in the amount of \$24,000.00 is for the period April 15, 2012 through April 14, 2013, with one 1-year renewal option remaining.

- |   |         |         |
|---|---------|---------|
| 6. SUNBELT RENTALS, INC.  | \$ 0.00 | Renewal |
| Solicitation No. B50000172 - Provide Temporary Bypass Pumping Systems - Department of Public Works, Bureau of Water and Wastewater - P.O. No. P501329 |         |         |

On January 30, 2008, the Board approved the initial award in the amount of \$649,990.00. The award contained two 1-year renewal options. On December 08, 2008 the Board approved the first renewal. This renewal is for the period January 9, 2012 through January 8, 2013 and is the final renewal.

**MWBOO SET GOALS OF 14% MBE AND 0% WBE.**

**MBE:** R.E. Harrington Plumbing & Heating, Inc. 14%

This is a requirements contract, therefore dollar amounts will vary.

**MWBBO FOUND VENDOR IN COMPLIANCE.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

| <u>VENDOR</u>                                    | <u>AMOUNT OF AWARD</u>           | <u>AWARD BASIS</u>     |
|--|----------------------------------|------------------------|
| <u>Bureau of Purchases</u>                       |                                  |                        |
| 7. APPLIED TECHNOLOGY SERVICES                   | <u>Item Nos.</u><br>1, 2, 3, & 7 | \$ 200,000.00          |
| CARAHSOFT TECHNOLOGY CORP.                       | 12                               | 150,000.00             |
| CAROUSEL INDUSTRIES OF NORTH AMERICA CORPORATION | 1                                | 0.00                   |
| COMMUNICATIONS SUPPLY CORP.                      | 8 & 9                            | 0.00                   |
| USC CANTERBURY CORPORATION                       | 3, 7, 8, 9, & 12                 | 2,200,000.00           |
| DATA NETWORKS                                    | 1-5, 7, 11, & 12                 | 3,000,000.00           |
| DALY COMPUTERS                                   | 1-5, 7                           | 500,000.00             |
| DIGICON CORPORATION                              | 1-5, 7, 9 & 12                   | 3,200,000.00           |
| ePLUS TECHNOLOGY, INC.                           | 2,4,8,9,11, & 12                 | 100,000.00             |
| EN NET SERVICES, LLC                             | 2,4,5,7,9,& 12                   | 240,000.00             |
| HARTFORD COMPUTERS                               | 1-3, & 5                         | 100,000.00             |
| PC MALL GOV, INC.                                | 11                               | 510,000.00             |
| SHI INTERNATIONAL CORP.                          | 11 & 12                          | 1,800,000.00           |
| SOFT NET SOLUTIONS                               | 9                                | 0.00                   |
|  |                                  | <u>\$12,000,000.00</u> |

Increase

Solicitation No. B500001422 - Computer Hardware, Software and Related Items - Agencies - Various - Req. Nos. Various

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

On August 11, 2010, the Board approved the initial award in the amount of \$5,000,000.00. The award was an estimate based on the previous computer hardware and software contract expenditures. However, due to a substantial increase in demand for computer hardware and software commodities resulting from network growth and an upsurge in needs by the various end user agencies, an increase is needed for the remainder of the contract term. The contract expires on August 11, 2013.

**MWBOO GRANTED A WAIVER.**

**(FILE NO. 57264)**

- 8. a. AJ STATIONERS, INC.
  - b. AMERICAN DESIGN ASSOCIATES
  - c. AMERICAN OFFICE EQUIP. CO.  
INC.
  - d. BERCO, INC.
  - e. BRET FORD MANUFACTURING,  
INC.
  - f. CAPITAL OFFICE SYSTEMS, INC.
  - g. CLARIN, A DIVISION OF  
GREENWICH IND.
  - h. DOURON, INC.
  - i. ERGONOMIC CONCEPTS, INC.
  - j. GLOVER EQUIPMENT SALES  
GROUP, LLC
  - k. INDIANA FURNITURE  
INDUSTRIES, INC.
  - l. RUDOLPH'S OFFICE SUPPLY
  - m. SITONIT, INC.
  - n. STUDIO Q FURNITURE
  - o. THE MARVEL GROUP, INC.
  - p. TRENDWAY CORPORATION
  - q. WRIGHT LINE, LLC \$ 0.00 Correction
- 
- BRCPC Solicitation No. 2008-01 - Office Furniture and Equipment - Agencies - Various - P.O. Nos. Various

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

This request is to make a correction to the Board's approval on February 27, 2008. On February 27, 2008, the Board approved the initial award in the amount of \$4,000,000.00. On December 21, 2011, the Board approved the first one year renewal in the amount of \$1,000,000.00. Due to a clerical error, the number of renewal options listed in the initial award recommendation was four. The correct number should be five.

Because this is a requirements contract, the dollar amounts will vary.

**MWBOO SET GOALS OF 5% MBE AND 0% WBE.**AJ Stationers, Inc.

**MBE:** Sue Ann's Office Supply, Inc. 5%

American Design Associates

**MBE:** Walter's Relocation, Inc. 5%

American Office Equipment Co., Inc.

**MBE:** Walter's Relocation, Inc. 5%

Berco, Inc.

**MBE:** Walter's Relocation, Inc. 5%

Bretford Manufacturing, Inc.

**MBE:** Sebree & Associates, Inc. 5%

Capital Office Systems, Inc.

**MBE:** Allen & Son Moving & Storage, Inc. 5%

Clarín, a Division of Greenwich Ind.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

|                                       |    |  |
|---------------------------------------|----|--|
| <b>MBE:</b> Sebree & Associates, Inc. | 5% |  |
|---------------------------------------|----|--|

Douron, Inc.

|                                       |    |  |
|---------------------------------------|----|--|
| <b>MBE:</b> Walter's Relocation, Inc. | 5% |  |
|---------------------------------------|----|--|

Ergonomic Concepts, Inc.

|                                       |    |  |
|---------------------------------------|----|--|
| <b>MBE:</b> Sebree & Associates, Inc. | 5% |  |
|---------------------------------------|----|--|

Glover Equipment Sales Group, LLC

|                                     |    |  |
|-------------------------------------|----|--|
| <b>MBE:</b> Priority Couriers, Inc. | 5% |  |
|-------------------------------------|----|--|

Indiana Furniture Industries, Inc.

|                                       |    |  |
|---------------------------------------|----|--|
| <b>MBE:</b> Sebree & Associates, Inc. | 5% |  |
|---------------------------------------|----|--|

Rudolph's Office Supply

|                                       |    |  |
|---------------------------------------|----|--|
| <b>MBE:</b> Walter's Relocation, Inc. | 5% |  |
|---------------------------------------|----|--|

SITONIT, Inc.

|                                       |    |  |
|---------------------------------------|----|--|
| <b>MBE:</b> Sebree & Associates, Inc. | 5% |  |
|---------------------------------------|----|--|

Studio Q Furniture

|                                       |    |  |
|---------------------------------------|----|--|
| <b>MBE:</b> Walter's Relocation, Inc. | 5% |  |
|---------------------------------------|----|--|

The Marvel Group, Inc.

|                                       |    |  |
|---------------------------------------|----|--|
| <b>MBE:</b> Sebree & Associates, Inc. | 5% |  |
|---------------------------------------|----|--|

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

Trendway Corporation

**MBE:** Walter's Relocation, Inc. 5%

Wright Line, LLC

**MBE:** Roanne's Rigging & Transfer Co., Inc. 5%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

UPON MOTION duly made and seconded, the Board approved the foregoing informal awards, increases and extensions to contracts. Acting on behalf of the Mayor, Mr. Gallagher **ABSTAINED** on item no. 1. The President **ABSTAINED** on item no. 6. The Comptroller **ABSTAINED** on item no. 8(f).

**MINUTES**

Mayor's Office of Employment - Governmental/Charitable  
Development (MOED) Solicitation Application

**ACTION REQUESTED OF B/E:**

The Board is requested to endorse a governmental/charitable solicitation application that has been approved by the Board of Ethics of Baltimore City for solicitation for donations for MOED's 2012 YouthWorks Program. The period of the campaign will be effective upon Board approval through December 28, 2012.

**AMOUNT OF MONEY AND SOURCE:**

No general funds are involved in this transaction.

**BACKGROUND/EXPLANATION:**

The Board of Ethics of Baltimore City approved the application on January 11, 2012. The MOED will be soliciting donations for its 2012 YouthWorks Program.

Baltimore City Code Article 8, Section 6-26, prohibits solicitation or facilitating the solicitation of a gift. An exception was enacted in 2005 to permit certain solicitations that are for the benefit of an official governmental program or activity, or a City-endorsed charitable function or activity that has been pre-approved by the Ethics Board. Ethics Regulation 96.26B sets out the standards for approval, which includes the requirement that the program, function, or activity to be benefited and the proposed solicitation campaign must be endorsed by the Board of Estimates or its designees.

**(FILE NO. 57133)**

UPON MOTION duly made and seconded, the Board endorsed the governmental/charitable solicitation application that was approved by the Board of Ethics of Baltimore City for solicitation for donations for MOED's 2012 YouthWorks Program.

**MINUTES**

Department of Housing and - Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with the Baltimore Green Space: A Land Trust for Community-Managed Open Space, Inc. (BGS). The period of the agreement is October 1, 2011 through September 30, 2012.

**AMOUNT OF MONEY AND SOURCE:**

\$25,000.00 - 2089-208912-5930-705980-603051

**BACKGROUND/EXPLANATION:**

Under the terms of this agreement, the funds will be used to subsidize the operating expenses of the BGS. The BGS will update its database of vacant lots and community-managed open spaces (CMOS) in the City to assist in planning and policy efforts to increase the number of sustainable CMOSs in the City, such as coordinating with the Mayor's Power in Dirt Initiative. The BGS will also provide technical assistance to and educational workshops for community greeners and organizations that wish to develop and maintain a CMOS.

On June 22, 2011, the Board approved the Resolution authorizing the Commissioner of the Department of Housing and Community Development (DHCD), on behalf of the Mayor and City Council, to file a Federal FY 2011 Annual Action Plan for the following formula programs:

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

## MINUTES

DHCD - cont'd

The DHCD began negotiating and processing the CDBG agreements effective July 1, 2011 and beyond, as outlined in the Plan, pending approval of the Resolution. Consequently, this agreement was delayed due to final negotiations and processing.

**MBE/WBE PARTICIPATION:**

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

(FILE NO. 56683)

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the agreement with the Baltimore Green Space: A Land Trust for Community-Managed Open Space, Inc.

**MINUTES**

Department of Housing and Community Development - FY12 Head Start and Early Head Start Supplemental Continuation Grant Award Agreement

---

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the FY12 Head Start and Early Head Start Supplemental Continuation Grant award agreement. The period of the grant is October 1, 2011 through September 30, 2012.

**AMOUNT OF MONEY AND SOURCE:**

\$564,340.00 - Baltimore City Head Start  
 30,371.00 - Martin Luther King, Jr./Early Head Start (MLK)  
\$594,711.00 - 5000-586812-6051-449900-603051

**BACKGROUND/EXPLANATION:**

Maryland State funds are awarded to supplement Federal Head Start funds for the following purposes:

- to serve children who are currently enrolled in the Baltimore City Head Start Program who may be homeless, have special needs, or parents who work full-day, year-round, or are attending an educational or job training program;
- to enhance the school readiness of Head Start and Early Head Start children by providing summer programming to eligible children, from birth to five years of age, who are eligible, are currently enrolled in, or are scheduled to enter an Early Head Start or Head Start Program, and will attend kindergarten in the fall of the following year;
- to implement quality improvement measures for accreditation;
- to ensure curricular and instructional alignment with the Head Start Child Outcomes Framework and the Maryland Model for School Readiness; and

## MINUTES

DHCD - cont'd

- to provide a mechanism for eligible families to apply for subsidy funding from the local Department of Social Services for reasons such as, if there is a delay in receiving a voucher, or an inability to comply with the subsidy co-payment requirement.

Baltimore City Head Start will use the State allocation amount of \$564,340.00 to continue to provide summer programming to approximately 267 three and four year old children currently enrolled in the Baltimore City Head Start Program. The families will be provided with six to eight weeks of summer programming that will operate five days per week, six hours per day.

The Martin Luther King, Jr. Early Head Start Program will use the allocated amount of \$30,371.00 to serve approximately 178 zero to three year old children currently enrolled in the Baltimore City Head Start Program. The program will acquire the appropriate staffing levels to ensure that all MLK classrooms remain compliant with the Maryland State Department of Education guidelines. The program intends to utilize a partnership with the Baltimore City Public Schools and the School and Community Partnership Program to acquire students who are enrolled in the Vocational Tech Child Development Program to work in MLK classrooms during non-school hours. The program has developed a successful partnership with Carver Vocational Tech, Edmondson Westside Skills Center, and Mergenthaler Vocational Tech Program.

**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 the execution of the FY12 Head Start and Early Head Start Supplemental Continuation Grant award agreement. The President **ABSTAINED**.

MINUTES

Department of Housing and - Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with The Johns Hopkins Hospital (JHH). The period of the agreement is July 1, 2011 through June 30, 2012.

**AMOUNT OF MONEY AND SOURCE:**

\$2,636,472.00 - 4000-486512-6051-452400-603051  
66,537.00 - 4000-486112-6051-452400-603051  
**\$2,703,009.00**

**BACKGROUND/EXPLANATION:**

The JHH is the delegate agency for the Martin Luther King, Jr./Early Head Start Program. The program will provide Head Start Services to 184 children and their families in Baltimore City. The agreement is late because of the delays in the administrative review process.

**MBE/WBE Participation:**

|             |                            |                    |              |
|-------------|----------------------------|--------------------|--------------|
| <b>MBE:</b> | C & T Transportation, Inc. | \$ 5,000.00        | 0.18%        |
|             | DSQ Solutions, LLC         | 18,000.00          | 0.67%        |
|             | E Jackson & Son, Inc.      | 10,000.00          | 0.37%        |
|             | Sparks Quality Fence Co.   | 5,000.00           | 0.18%        |
|             | Time Printers, Inc.        | 3,000.00           | 0.11%        |
|             |                            | <u>\$41,000.00</u> | <u>1.51%</u> |
| <b>WBE:</b> | Flowers by Chris, Inc.     | \$ 1,000.00        | 0.04%        |
|             | Sandra B. Appel, Special   | 20,000.00          | 0.74%        |
|             | Education Consultant       | <u>\$21,000.00</u> | <u>0.78%</u> |

A LARGE PORTION OF THE FUNDS ARE FOR ITEMS THAT ARE PROPRIETARY AND NON-SEGMENTABLE. OF THE CONTRACT AMOUNT, \$2,571,962.00 IS EXEMPT. MWBOO SET GOALS ON THE NON-EXEMPT AMOUNT OF \$131,047.00.

MWBOO GRANTED A WAIVER OF THE BALANCE OF THE MBE/WBE GOALS.

MWBOO FOUND VENDOR IN COMPLIANCE.

## MINUTES

Department of Housing and - cont'd  
Community Development

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the agreement with The Johns Hopkins Hospital. The President **ABSTAINED**.

**MINUTES**

Department of Real Estate - Deed

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize the execution of a deed with Greektown, LLC, for the closing and conveyance of a portion of Fait Avenue and a portion of Foster Avenue between Oldham Street and the CSX Railroad, which has been legally closed.

**AMOUNT OF MONEY AND SOURCE:**

\$12,000.00 - appraised value

**BACKGROUND/EXPLANATION:**

On May 19, 2011, the City entered into a closing agreement with Greektown, LLC for the closing and conveyance of a portion of a 10 foot portion of the south side of Foster Avenue between Oldham Street and Macon Street and a 7 foot portion of the north side of Fait Avenue between Oldham Street and the CSX Railroad. Greektown, LLC is building 139 new townhomes at this site and needs the portions of Fait Avenue and Foster Avenue for this project. In the closing agreement, Greektown, LLC agreed to pay the fair market value for the property.

The sale of the public right-of-way was authorized by means of sales Ordinance No. 11-500 approved on October 26, 2011. The street closing process is intricate, involves public notice and other procedures before the deed can be prepared for submission to the Board for approval. The process has now concluded and the deed was recently submitted by the Department of General Services to the Law Department. The Law Department has completed its review of the deed, and therefore it is being submitted to the Board of Estimates.

**(FILE NO. 56664)**

UPON MOTION duly made and seconded, the Board approved and authorized the execution of a deed with Greektown, LLC, for the closing and conveyance of a portion of Fait Avenue and a portion of Foster Avenue between Oldham Street and the CSX Railroad, which has been legally closed.

**MINUTES**Space Utilization Committee - Transfer of Jurisdiction**ACTION REQUESTED OF B/E:**

The Board is requested to approve the transfer of jurisdiction for the properties located at: 1.) 802 E. Lombard Street, Block 1358, Lot 12, 2.) 4601 E. Monument Street, Block 6169, Lot 1F, and 3.) 801 Fleet Street, Block 1799, Lot 3 from the inventory of the Department of Housing and Community Development (DHCD) to the inventory of the Department of General Services.

**BACKGROUND/EXPLANATION:**

In accordance with the authority granted to the new Department of General Services by the City Charter Art VII, Sec. 132, the Department of General Services is now responsible for all municipal buildings, unless otherwise provided by the Charter. Transferring municipal buildings currently registered under the DHCD is in keeping with this new mission.

**(FILE NO. 56665)**

UPON MOTION duly made and seconded, the Board approved and authorized the transfer of jurisdiction for the properties located at: 1.) 802 E. Lombard Street, Block 1358, Lot 12, 2.) 4601 E. Monument Street, Block 6169, Lot 1F, and 3.) 801 Fleet Street, Block 1799, Lot 3 from the inventory of the Department of Housing and Community Development to the inventory of the Department of General Services.

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

The Board is requested to approve and authorize execution of a lease agreement with Michelle Fenney, lessee, for the rental of a portion of the property known as School 33, Studio #105, located at 1427 Light Street, 1<sup>st</sup> floor. The period of the agreement is January 1, 2012 through December 31, 2012, with one 1-year renewal option.

**AMOUNT OF MONEY AND SOURCE:**

| <u>Annual Rent</u> | <u>Monthly Rent</u> |
|--------------------|---------------------|
| \$ 3,900.00        | \$325.00            |

**BACKGROUND/EXPLANATION:**

The lessee will use the leased premises as an artist's studio. The lessee will be responsible for content insurance, janitorial, trash receptacles and security. The lessor will be responsible for heat, electricity and water.

The Space Utilization Committee approved this lease at its meeting on January 10, 2012.

**(FILE NO. 56001)**

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the lease agreement with Michelle Fenney, lessee, for the rental of a portion of the property known as School 33, Studio #105, located at 1427 Light Street, 1<sup>st</sup> floor.

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

The Board is requested to approve and authorize execution of a lease agreement with Kathryn Grauer, lessee, for the rental of a portion of the property known as School 33, Studio #107, located at 1427 Light Street, 1<sup>ST</sup> floor. The period of the agreement is January 1, 2012 through December 31, 2012, with one 1-year renewal option.

**AMOUNT OF MONEY AND SOURCE:**

| <u>Annual Rent</u> | <u>Monthly Rent</u> |
|--------------------|---------------------|
| \$ 3,900.00        | \$325.00            |

**BACKGROUND/EXPLANATION:**

The lessee will use the leased premises as an artist's studio. The lessee will be responsible for content insurance, janitorial, trash receptacles and security. The lessor will be responsible for heat, electricity and water.

The Space Utilization Committee approved this lease at its meeting on January 10, 2012.

**(FILE NO. 56001)**

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the lease agreement with Kathryn Grauer, lessee, for the rental of a portion of the property known as School 33, Studio #107, located at 1427 Light Street, 1<sup>ST</sup> floor.

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

The Board is requested to approve and authorize execution of a lease agreement with Lawrence Irvine, lessee, for the rental of a portion of the property known as School 33, Studio #205, located at 1427 Light Street, 2<sup>nd</sup> floor. The period of the agreement is January 1, 2012 through December 31, 2012, with one 1-year renewal option.

**AMOUNT OF MONEY AND SOURCE:**

| <u>Annual Rent</u> | <u>Monthly Rent</u> |
|--------------------|---------------------|
| \$ 3,900.00        | \$325.00            |

**BACKGROUND/EXPLANATION:**

The lessee will use the leased premises as an artist's studio. The lessee will be responsible for content insurance, janitorial, trash receptacles and security. The lessor will be responsible for heat, electricity and water.

The Space Utilization Committee approved this lease at its meeting on January 10, 2012.

**(FILE NO. 56001)**

UPON MOTION duly made and seconded, the Board approved and authorized the execution of a lease agreement with Lawrence Irvine, lessee, for the rental of a portion of the property known as School 33, Studio #205, located at 1427 Light Street, 2<sup>nd</sup> floor.

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

The Board is requested to approve and authorize execution of a lease agreement with L & J Waste Recycling, LLC, tenant, for the rental of an approximately 45,945 square foot lot located at 225 Franklinton Road. The period of the agreement is December 1, 2011 through November 30, 2013.

**AMOUNT OF MONEY AND SOURCE:**

Annual Rent

\$1.00

**BACKGROUND/EXPLANATION:**

The tenant will use the premises to house the tenant's trash containers. The annual rent takes into consideration the cost of \$49,187.50 incurred by the tenant to clean up the premises and make it acceptable for the storing of trash containers. The tenant provided a copy of the receipt for the cleanup which totaled \$49,187.50. The lease is subject to early termination should the City determine the site is needed for the Red Line. The tenant reserves the first right of refusal should the City determine that it has no further use of the premises and offers it for disposition.

The tenant will be responsible for maintaining the premises in first class condition and making all repairs at its sole cost and expense as well as complying with all applicable, federal state and local laws, ordinances, rules and regulations.

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

The Space Utilization Committee approved this lease at its meeting on January 10, 2012.

## MINUTES

Space Utilization Committee - cont'd

(FILE NO. 57011)

UPON MOTION duly made and seconded, the Board approved and authorized the execution of a lease agreement with L & J Waste Recycling, LLC, tenant, for the rental of an approximately 45,945 square foot lot located at 225 Franklinton Road.

MINUTES

Space Utilization Committee - Lease Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a lease agreement with the State of Maryland, lessee, for the rental of the property known as 501 E. Fayette Street, consisting of approximately 42,192 square feet along with six reserved and ten use-in-common parking spaces located at the rear of the property. The period of the agreement is March 10, 2012 through March 9, 2022 with an option to renew for one additional five-year term.

**AMOUNT OF MONEY AND SOURCE:**

|             | <u>Annual Rent</u> | <u>Monthly Rent</u> |
|-------------|--------------------|---------------------|
| Year 1 - 5  | \$662,414.40       | \$55,201.20         |
| Year 6 - 10 | \$675,072.00       | \$56,256.00         |

After the initial term of the lease the renewal will be at a negotiated rate.

**BACKGROUND/EXPLANATION:**

The demised premises will be used for courtrooms and offices of the Judiciary of Maryland, District Court.

The lessor will be responsible for structural interior and exterior of building, replacing of air filters, Capital improvements with an annual \$100,000.00 allowance, utilities, janitorial services, trash removal, pest control, landscaping, if applicable, painting with mutual determination, and snow removal.

The lessor will complete unit ventilator replacements, window trim and ceiling repairs, hallway fans, ADA lift, roof repairs and repair to Courtroom 7 within 90 days after the Board of Public Works approval of the lease agreement,

The lessee will be responsible for telephones and other electronic or communication equipment, installation and payment of security to demised premises, as well as a security guard at the demised premises. The lessee will not make any alterations, additions or improvements without the lessor's written consent.

## MINUTES

Space Utilization Committee - cont'd

The Space Utilization Committee approved this lease agreement at its meeting of January 10, 2012.

**(FILE NO. 57292)**

UPON MOTION duly made and seconded, the Board approved and authorized the execution of a lease agreement with the State of Maryland, lessee, for the rental of the property known as 501 E. Fayette Street, consisting of approximately 42,192 square feet along with six reserved and ten use-in-common parking spaces located at the rear of the property.

MINUTES

Space Utilization Committee - Interdepartmental  
Lease Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an interdepartmental lease agreement between the Department of Finance, landlord, and the Mayor's Office of Employment Development (MOED), tenant, for the rental of the property known as 3001 E. Madison Street, consisting of approximately 27,169 square feet more or less. The period of the interdepartmental lease agreement is October 1, 2011 through September 30, 2021, with one five-year renewal option at a negotiated rental rate.

**AMOUNT OF MONEY AND SOURCE:**

| <u>Annual Rent</u> | <u>Monthly Rent</u> |
|--------------------|---------------------|
| \$138,882.52       | \$11,573.54         |

Account: 4000-807012-6312-458205-603013 (25%)  
1001-000000-6311-458515-603013 (75%)

**BACKGROUND/EXPLANATION:**

For the past several years the MOED has been leasing space at 3001 E. Madison Street for its Eastside Career Center. There was a Right to Purchase clause in the lease agreement. The owner, decided to sell the property and the City exercised its Right to Purchase.

The Department of Real Estate received approval from the Department of Finance to move forward with negotiations to purchase the property and the City settled on the property on September 30, 2011.

After settlement, an interdepartmental lease agreement was prepared between the Department of Finance and the MOED. The rental amount that the MOED would have been paying to the landlord will be used to offset the mortgage. The MOED will make payments to the Department of Finance through Journal Entry.

## MINUTES

Space Utilization Committee - cont'd

The landlord will be responsible for repairs of the interior and exterior of the building including the foundations, roof, walls, gutters, downspouts, air conditioning, ventilating and heating systems, and all water, electrical and plumbing supply lines, except damage caused by the sole negligence of the tenant.

The tenant will be responsible for minor improvements, painting and carpeting, telephone and computers services, routine maintenance of electric power, as well as air conditioning, heat and maintenance of the air filters for the HAVC system and sewer and water. In addition, the tenant will be responsible for security, lighting, fire extinguishers, janitorial and trash removal, pest control and snow removal.

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

The Space Utilization Committee approved the interdepartmental lease agreement at its meeting on December 6, 2011.

**(FILE NO. 55171)**

UPON MOTION duly made and seconded, the Board approved and authorized the execution of an interdepartmental lease agreement between the Department of Finance, landlord, and the Mayor's Office of Employment Development, tenant, for the rental of the property known as 3001 E. Madison Street, consisting of approximately 27,169 square feet more or less.

## 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:

222 - 232

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

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

The President voted **NO** on the MOTION TO  
REJECT ALL BIDS on item no. 3.

The Comptroller **ABSTAINED**

on item nos. 1 and 2.

The Comptroller voted **NO** on the MOTION TO  
REJECCT ALL BIDS on item no. 3.

MINUTES

**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:**

Department of Recreation and Parks

|      |   |                             |                |
|------|---|-----------------------------|----------------|
| 1.   | RP 11837, Baltimore<br>Playlot Project<br>FY'11 | P. Flanigan & Sons,<br>Inc. | \$436,000.00   |
| <br> |   |                             |                |
|      | <b>MBE:</b> Priority Construction Corporation   | \$28,350.00                 | \$6.50%        |
|      | L & J Construction Services, Inc.               | 2,180.00                    | .50%           |
|      |   | <u>\$30,530.00</u>          | <u>\$7.00%</u> |
| <br> |   |                             |                |
|      | <b>WBE:</b> William T. King, Inc.               | \$ 5,500.00                 | 1.26%          |
|      | Morgan Construction Services, Inc.              | 3,226.40                    | .74%           |
|      |   | <u>\$ 8,726.40</u>          | <u>2.00%</u>   |

**MWBOO FOUND VENDOR IN COMPLIANCE.**

2. **TRANSFER OF FUNDS**

| <u>AMOUNT</u>                 | <u>FROM ACCOUNT/S</u>              | <u>TO ACCOUNT/S</u>                |
|-------------------------------|------------------------------------|------------------------------------|
| \$330,000.00                  | 9938-908808-9475                   |                                    |
| State                         | Reserve                            |                                    |
|                               | Community Park & Playgrounds FY'11 |                                    |
| 110,000.00                    | 9938-902811-9475                   |                                    |
| Rec. & Pks.                   | Reserve                            |                                    |
| <u>25<sup>th</sup> Series</u> | Park Master Plan Implementation    |                                    |
| <b>\$440,000.00</b>           | -----                              | 9938-907808-9474                   |
|                               |                                    | Active                             |
|                               |                                    | Community Park & Playgrounds FY'11 |

This transfer will provide funds to cover the costs associated with the award of Baltimore Playlot Project FY'11 Contract No. RP 11837 to P. Flanigan & Sons, Inc.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:Bureau of Purchases

- |    |  |                           |              |
|----|--|---------------------------|--------------|
| 3. | B50002197, Street<br>Tree Supply, Delivery,<br>Planting & Maintenance<br>Spring 2012 | Holmes Lawn<br>Care, Inc. | \$ 99,425.00 |
|----|--|---------------------------|--------------|

**MWBOO GRANTED WAIVER****A PROTEST WAS RECEIVED FROM LORENZ, INC.**

\* \* \* \* \*

President: "The first item on the non-routine agenda can be found on Page 58, item no. 3, B50002197, Street Supply, Delivery, Planting and Maintenance. Good morning."

Mr. Mazza: "Good morning Mr. President, members of the Board. My name is Joe Mazza. I am the City Purchasing agent, and the Bureau of Purchases recommends the award of Solicitation No. B50002197, Street Tree Supply, Delivery, Planting and Maintenance to Holmes Lawn Care in the amount of \$99,425.00."

Mr. Miller: "Mr. President. Mike Miller on behalf of Lorenz. This is Joe Lorenz again, we were here last week and I appreciate the Board deferring until this week, so we could get another look at the law and we submitted another protest with an update of what we found. My concern is that what the Bureau of Purchases wants you to do today is one of three things. One, they either want you to award the contract to a contractor who is going to be in violation of law when he performs the contract

## MINUTES

or a vendor who is going to be in violation of the specifications of the contract, when they perform the work or both, and here is how that works. One, there is a violation here of the Maryland Roadside Tree Law. We had some confusion this week over "Well, does the Roadside Tree Law really require a licensed tree expert to be on the job when you are doing work on Roadside Trees in the City of Baltimore?" I think it does. There is nothing in the State law that exempts Baltimore from the Roadside Tree law. It does say however, that local laws can be more stringent, and in this case, we think that the Roadside Tree Expert, rather the Licensed Tree Expert has to be on the job overseeing the tree care crew. Second of all, there's a Pesticide's Applicators License. That law is pretty clear. If you are going to apply pesticides on any tree in Maryland, you have got to have the Pesticide Applicator's License. Secondly, the violation of the specifications, so even if you don't think there is a violation of law, the specifications themselves say one, the contractors has got to perform the majority of the work themselves, with their forces. Two, they also say that the contractor has to supervise all of the work themselves. If that's the case, how can somebody who doesn't have Tree Expert license, doesn't have a Pesticide Applicator's license supervise all the work that needs to have a Tree Expert license and a

## MINUTES

Pesticide Applicators license. That is what we don't understand. So, you know, Joe Lorenz has had his Tree Expert license for years. He has been told for years by SHA and other counties and cities that you got to have Tree Expert license to do work on roadside trees. So, he has it. He's been doing this work for a while and it is just surprising to us that all of a sudden Baltimore City would say, no you don't have to have the Tree Expert license. In fact, you can just find some guy that will come out on the job site every once in a while and he will do the supervision for you even though the contract says, the contractor must employ a Maryland Tree Expert and the contractor shall supervise all work of its employees and agents. That's our concern. We don't want the City to violate the law and violate the specifications by awarding to Holmes."

President: "Okay."

City Purchasing Agent: "I agree with Mr. Livingston that a Tree Expert license is needed for this work. I wasn't sure about that in our last session, that is one of the reasons that we deferred, and that license is required. However, it is not required that the company hold that license. Only that the person supervising the work hold that license, and we checked with the Department of Natural Resources and we have some case law, I guess, regulations to the effect that that is not only

## MINUTES

allowed but is very common in practice and the State even has a procedure for it. If a company does not hold someone with that license and they bring someone else in, they have to inform the Department of Natural Resources of that, so that the DNR can make sure that they have the proper insurance, which is likely more stringent than it would be if they were performing that sort of work. So, we agree that it is required, but we don't agree that Holmes does uh - not meet that requirement. We think it does meet that requirement. He is not just going out getting somebody off the street to show up every once in a while. That person will be there, will supervise that work, as is required by law. As to the 51% rule obviously if that person is supervising Mr. Holmes employees, Mr. Holmes will be doing most of the work and I don't think it is even conceivable that that wouldn't be at least 51% of the work. Finally, whether the supervisor has to be an employee of the company that was included in the RFP but only to ensure the City's intention in including that was only to ensure that a supervisor was there; was present. The fact that we said the word employee was probably un-artful, but our intention was that the person, that the supervisor be present, and the Board has the authority to waive minor and non-material irregularities, in this case we don't consider this material. It doesn't affect the bid prices

## MINUTES

and it doesn't disadvantage any bidder. Therefore, I would urge the Board to uh- proceed with the award to Holmes."

President: "Comptroller."

Comptroller: "I have a couple of questions. The - Lorenz has a licensed expert. He has a licensed expert - - Tree Expert."

Mr. Miller: "That is correct. Joe Lorenz himself is."

Comptroller: "And doesn't City hold the prime contractor responsible for the contracts that we award?"

City Purchasing Agent: "Yes we do. And that's ---."

Comptroller: "But, the question is the Chesapeake would not be an employee of Holmes and there is a big difference between an employee and a subcontractor or independent contractor. So, I don't see how we can award this to if the RFP said it has to be an employee, Chesapeake wouldn't be an employee of Holmes."

City Purchasing Agent: "Right, the RFP does say that."

Comptroller: "No. We need to abide by what is in writing."

City Purchasing Agent: "Well, yes. Normally we accept that the Board has the authority to waive non-material irregularities. If the City had a benefit, if there was some benefit that the City would get by ensuring this person is an employee then I would agree that we ought to do. But, the City gets no benefit and no one is disadvantaged and the City gets the advantage of the low bid."

## MINUTES

Comptroller: "But, we have a company who has the license that we need. - -"

City Purchasing Agent: "Yes."

Comptroller: "and that he would be responsible."

City Purchasing Agent: "Yes."

Comptroller: "There have often been times where this Board has awarded and paid more because for various reasons. So, to use the reasoning that we get the lowest bid, I can't agree with that. I just feel that we have a company, that has a licensed Tree Expert and we should use that company."

City Purchasing Agent: "Well we also have a company the recommended bidder who also has a licensed Tree Expert. Now whether or not that person is an employee of that company --."

Comptroller: "He's not an employee."

City Purchasing Agent: "Has a --."

Comptroller: "He's not an employee. There's a big difference between an employee and an independent contractor or subcontractor."

City Purchasing Agent: "Yes ma'am. I agree there is a big difference. But I don't think that that difference affects the City in any way. In other words, we are not disadvantaged and no other bidder is advantaged."

Comptroller: "But, being a subcontractor, he has really no

## MINUTES

control like if they were an employee."

City Purchasing Agent: "No. The prime is always responsible for the work.

Comptroller: "Right."

City Purchasing Agent: "But we have subcontractors all the time on contracts and the prime is still responsible whether or not that subcontractor is his employee."

Comptroller: "But, there is a difference between a degree of control of an employee and an independent contractor, and therefore, it should be awarded to the company that has the license, that is a tree expert."

City Purchasing Agent: "Yes ma'am. I understand your position."

Mr. Miller: "If I could just for a minute. I think this is important. The specifications say the contractor shall have a employee who --"

Comptroller: "Right."

Mr. Miller: "who is currently a Maryland licensed Tree Expert. A specification is important part of the contract."

Comptroller: "That's right."

Mr. Miller: "What Mr. Mazza is asking you to do is ignore the specifications of the contract and the RFP. That is like saying well you know, the RFP says that there is a MBE goal of 14% and

## MINUTES

you got 10% and well that's nice that the specifications says that, but we are just going to waive that now because you know the Bureau of Purchases says to do so. That is not a good idea. We've gone over that before in front of the Board of Estimates, that hasn't happened because the specifications say, what the specifications say. It's nice that the Bureau of Purchases tells us now they didn't mean that. That they mean something else now and that they have some different intention. We didn't know that at bid opening. If that's the case, you might have had somebody else offering to do this contract at an even lower price."

Comptroller: "True."

Mr. Miller: "But they probably saw this here saying well I got to have an employee who is a licensed Tree Expert so, I am not going to bid it. The City doesn't know."

City Solicitor: "Well, your last comment sort of invites the optional course of action for the Board to take which is to throw all of the bids out and re-advertise. Because it is clear, it is clear that the City people responsible for the procurement and who are and who need the work performed are telling us that the City gains no benefit and no advantage by strictly enforcing the provision of the RFP that says that the licensed individual who is supposed to be on the job supervising

## MINUTES

the work every day be an employee of the company as opposed to a subcontractor and in response to the discussion with the Comptroller, I mean we do all the time have contractors using subcontractors and consultants in very important roles on City work. And what the City is telling us here is that there is no benefit from requiring that this license be held by an employee and that it was simply you know it was a word with no advantage to the City. So, we do have I'm sure you would agree the option of throwing all the bids out."

Mr. Miller: "You have that option. I don't think that is a good option here where you have a contractor who can perform the work for the planting season that is coming up."

City Solicitor: "For more money. I mean the City often, the City not regularly but fairly often will throw all bids out when the alternative is to award the contract to somebody at a significantly higher percentage. Here the number difference is not great, the percentage is significant. It is half again as expensive."

President: "What's the difference in price?"

City Purchasing Agent: "The difference, the low bid was \$99,425.00. The protestors bid were \$142,021.00 and that is a \$42,000.00 -- \$42,600.00 difference which is 43% more expensive."

## MINUTES

City Solicitor: "Okay. We are not talking millions but there is almost again as much."

President: "I know but --."

City Solicitor: "But I would just again still ---."

President: "Excuse me for one minute Mr. Nilson."

City Solicitor: "Sure."

President: "Since I've been the President of Board of Estimates, lots of contracts have come before this Board that were lower yet we awarded to the highest awardee."

Comptroller: "Hundreds of thousands."

President: "Yes, hundreds of thousands and this gentleman has his license. Has everything in place --."

Comptroller: "Right."

President: "Now, we want to say oh no, the other company can hire someone. I'm ready to call this to vote and you - can vote it up or down."

Comptroller: "It's wrong."

President: "So I will entertain a Motion."

City Solicitor: "Well I will make a Motion that we **REJECT ALL BIDS** and direct the contract to be rebid."

Comptroller: "It's wrong."

Director of Public Works: "Second."

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

## MINUTES

Comptroller: "I oppose."

President: Please note that Council President votes **NO** too.

Thank you."

**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:**

|    |                                       |                     |                 |
|----|---------------------------------------|---------------------|-----------------|
| 4. | B50002089, Draw-<br>bridge Operations | Cianbro Corporation | \$ 2,447,640.00 |
|----|---------------------------------------|---------------------|-----------------|

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

|    |                                |                              |                      |
|----|--------------------------------|------------------------------|----------------------|
| 5. | B50002107, Snow<br>Contractors | M. Luis Constr. Co.,<br>Inc. | 50,000.00            |
|    |                                | Hawkeye Construction,<br>LLC | 50,000.00            |
|    |                                | Allied Contractors,<br>Inc.  | 50,000.00            |
|    |                                |                              | <u>\$ 150,000.00</u> |

**MWBOO GRANTED A WAIVER.**

|    |                           |                                       |              |
|----|---------------------------|---------------------------------------|--------------|
| 6. | B50002225, Bleach<br>Tank | Environmental Solutions<br>-CBR, Inc. | \$ 43,258.00 |
|----|---------------------------|---------------------------------------|--------------|

**MWBOO GRANTED A WAIVER.**

|    |                               |                                |                      |
|----|-------------------------------|--------------------------------|----------------------|
| 7. | B50001886, Vehicle<br>Leasing | Acme Auto Leasing<br>HRAL, LLC | \$ 186,009.00        |
|    |                               |                                | 186,009.00           |
|    |                               |                                | <u>\$ 372,018.00</u> |

**MWBOO GRANTED A WAIVER.**

# RIFKIN, LIVINGSTON, LEVITAN & SILVER, LLC

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January 17, 2011

(NONLAWYER/CONSULTANT)  
JOSH M. WHITE

## VIA HAND DELIVERY

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

RE: **BID PROTEST**  
**Bureau of Purchases Solicitation No. B50002197**  
**Street Tree Supply, Delivery, Planting & Maintenance – Spring 2012**

This law firm represents Lorenz, Inc. (“Lorenz”), the lowest responsive and responsible bidder for Bureau of Purchases Solicitation No. B50002197, “Street Tree Supply, Delivery, Planting & Maintenance - Spring 2012” (the “Request for Bids” or “RFB”). The purpose of this letter is to protest award to any party other than Lorenz. As explained below, the low bidder, **Holmes Lawn Care, Inc. (“Holmes”), remains unqualified to perform the services set forth in the RFB.** Lorenz requests the Board of Estimates reject Holmes’ bid and award the contract to Lorenz, the low responsive and responsible bidder.

## I. BACKGROUND

On January 11, 2012, the Board of Estimates deferred action on Solicitation No. B50002197 for one week. This deferral came as a result of Lorenz’ January 10, 2012 Protest, which explained how, upon information and belief, Holmes did not meet the definitive responsibility criteria of the Solicitation; namely, that Holmes lacked a Maryland Tree Expert License and Pesticide Applicator License. The Board of Estimates deferred the matter for further investigation by the Bureau of Purchases and Law Department.

COMPT/BOE JAN 17 '12 04:11:15



**Maryland Licensed Tree Expert** on site at all times when work is being performed.

(emphasis added). This means that Holmes – the Contractor – must have an employee who is currently a Maryland Licensed Tree Expert. Chesapeake Conservation Service, Inc. is not the Contractor. See RFB Section SW27.C., which defines “Offeror” as “the legal entity preparing and submitting an ‘Offer’ in response to this solicitation . . . . May also be referred to as ‘contractor’ upon award of a ‘Contract’.”

It was suggested at the January 11, 2012 Board of Estimates meeting that perhaps Holmes would hire Chesapeake to supervise all work requiring a Tree Expert License. Even if this arrangement was acceptable under RFB § DS9.D, it would still violate RFB § DS12.A(1), which requires the Contractor itself to supervise all work performed on the job pursuant to, including any work performed by “agents and/or volunteers.” **Chesapeake may not supervise any work performed under this contract.**

Under any reasonable reading of the RFB, Lorenz remains the only responsive and responsible bidder.

**2. Holmes May Not Perform Or Supervise Work On Trees Within The Public Right-Of-Way.**

With regard to the requirement for a Tree Expert for any work done within the public right-of-way, RFB § DS4.A (p. 14) sets forth,

All work shall be done as directed by the City Arborist and in conformance with the Maryland Department of Natural Resources Roadside Tree Law.

As noted on the Maryland Department of Natural Resources’ (“DNR’s”) website for the Roadside Tree Law, “[a]ny work (including the removal of a tree having a permit) performed on a street tree must be done by a Licensed Tree Care Expert.”<sup>4</sup> COMAR 08.07.02.02B(13) defines a “tree care crew” as “a unit from a public or private entity whose purpose is to maintain roadside trees as defined in §B(10) of this regulation, characterized by a service truck and supervised by a licensed tree expert.” “Roadside Tree” is defined in §B(10) as “a plant that has a woody stem or trunk that grows all, or in part, within the right-of-way of a public road.”

All of the maintenance of trees within the public right-of-way will require a Maryland Tree Expert License, regardless of whether those trees are more than 20-feet tall. In addition, the planting of many trees in the public right-of-way will require removal of various stumps—again, requiring a Maryland Tree Expert License.

---

<sup>4</sup> <http://www.dnr.state.md.us/forests/programapps/newrtrlaw.asp>. (emphasis added). See also State Highway Administration, “Maryland’s Roadside Tree Law Summary” at <http://sha.maryland.gov/index.aspx?PageId=221>.

Holmes may not perform nor supervise any of this work. As a result, Lorenz remains the only responsive and responsible bidder.

**3. Holmes May Not Supervise Pesticide Application As Required By The RFB.**

As noted above, RFB § DS12.A(1) requires the Contractor to supervise all work performed under the Contract, including the work performed by the Contractor's "employees, agents and/or volunteers." RFB Section DS10.D. (p. 19) sets forth,

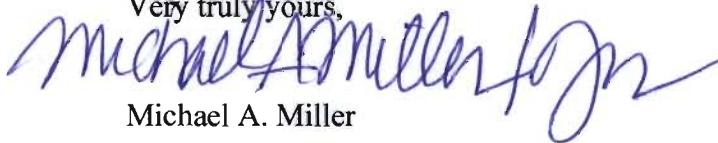
All pesticide applications shall conform to the Maryland Pesticide Applicator's Law and manufacturer's recommendations.  
(1) All application work shall be conducted under the supervision of a certified applicator of pesticides (Category III A or VI).

Holmes does not have a Category III A or VI Pesticide Applicator License. Holmes may not perform nor supervise pesticide application work under the Contract.

**III. CONCLUSION**

For the reasons set forth above, Lorenz requests the Board of Estimates reject the Bureau of Purchases' recommendation of award to Holmes. The Board of Estimates should award the Contract to Lorenz, the low responsive and responsible bidder for the Contract.

Very truly yours,



Michael A. Miller

cc: Erin Sher, Esq., Department of Law (via email to [erin.sher@baltimorecity.gov](mailto:erin.sher@baltimorecity.gov))

# RIFKIN, LIVINGSTON, LEVITAN & SILVER, LLC

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January 10, 2012

(NONLAWYER/CONSULTANT)  
JOSH M. WHITE

## VIA HAND DELIVERY

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

RE: **BID PROTEST**  
**Bureau of Purchases Solicitation No. B50002197**  
**Street Tree Supply, Delivery, Planting & Maintenance – Spring 2012**

This law firm represents Lorenz, Inc. (“Lorenz”), the lowest responsive and responsible bidder for Bureau of Purchases Solicitation No. B50002197, “Street Tree Supply, Delivery, Planting & Maintenance - Spring 2012” (the “Request for Bids” or “RFB”). The purpose of this letter is to protest award to any party *other than* Lorenz. As explained below, the low bidder, Holmes Lawn Care, Inc. (“Holmes”), is not qualified to perform the services set forth in the RFB.

### **I. Background**

On or about November 21, 2011, the Baltimore City Department of Finance, Bureau of Purchases (“Bureau”) issued the Request for Bids. In general, the RFB’s scope of work as set forth in Section DS10 is the installation and maintenance of trees, including application of pesticides, for a period of up to two (2) years. With regard to the qualification of bidders, RFB Section SW16 sets forth, in relevant part:

A. Responsiveness: Anyone bidding on this solicitation shall properly complete and sign all bid documents contained herein in Section 'B',

beginning on page B-1, and including all pages and forms that follow thereto, and provide all other required and/or requested valid information and documents, in order to be considered responsive. Refer to paragraph SM2B. Use additional sheets as necessary.

B. Qualification: During the bidding process, the bidder shall also provide all of the additional required and/or requested valid documents and information identified in paragraph SM2.C to demonstrate, to the City's satisfaction, that the bidder is qualified to provide/perform the product(s)/service(s).

C. Refer to paragraph SM2 for a complete list of documents and information to be submitted, and the format that it is to be submitted in.

RFB Section DS11, "Bidder/Prosper Response," required a bidder submit – with its bid – a "copy of license [sic] from the State of Maryland" and "copy of Maryland Tree Expert from the Maryland Department of Natural Resources."

RFB Section SW23.A. sets forth that the City intends to make one award to the lowest responsive and responsible bidder. Pursuant to RFB Section SW6.A., Bidders are required to perform at least 51% of the goods and services specified in the solicitation with their own forces rather than by subcontract.

At bid opening, on December 14, 2011, the bids were as follows:

| <b>Bidder</b>          | <b>Price</b>  |
|------------------------|---------------|
| Holmes Lawn Care, Inc. | \$ 99,425.00  |
| Lorenz, Inc.           | \$ 142,021.00 |

As shown on the agenda for the January 12, 2012 Board of Estimates Meeting, the Bureau of Purchases recommends the Board award Contract No. B50002197 to Holmes.

## **II. Holmes Is Not A Qualified Bidder**

Holmes is ineligible for award of the Contract by failing to meet the definitive responsibility criteria; namely, Holmes is not qualified to perform the services set forth in the RFB's scope of work. Proper licensure and experience to perform the scope of work outlined in the contract are definitive responsibility criteria which must be met and are mandatory conditions.<sup>1</sup> Failure to meet a definitive responsibility criterion renders a firm non-responsible.<sup>2</sup>

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<sup>1</sup> See *Michael Scott Cohen LLC*, 5 MSBCA ¶ 492 at pp. 3-4 (2001). In *Michael Scott Cohen*, the MSBCA found that a Procurement Officer erred in waving an RFP mandatory provision requiring two (2) years of legal practice, and that such a requirement was a "mandatory condition to the acceptability of a proposal."

<sup>2</sup> *D.H. Kim. Enters., Inc.*, B-255124, 94-1 CPD ¶86 at 2 (Feb. 8, 1994).

Reasonable definitive responsibility criteria may not be waived by the Procurement Officer. An offeror must show compliance with definitive responsibility criteria as a precondition to award.<sup>3</sup>

**A. Holmes is not licensed to apply pesticides.**

The Maryland Department of Agriculture issues licenses under the Maryland Pesticide Applicator's Law<sup>4</sup> to persons engaged in the business of pest control. The Pesticide Applicator's Law sets forth the following requirements:

When a pesticide is applied, or at the time a customer enters into a contract with a licensee for pest control or fertilization, a licensee shall provide a customer with the following written information:

(1) Name of licensee;

(2) **Maryland pesticide business license number;**<sup>5</sup> ...

(Emphasis added). The term "pesticide" is defined as "any substance or mixture of substances used for (1) [p]reventing, destroying, repelling or mitigating any pest; (2) [u]se as a plant regulator, defoliant, or desiccant; or (3) [u]se as a spray adjuvant such as a wetting agent or adhesive."<sup>6</sup> "Pest control" is defined as:

engaging in, or **offering to engage in**, recommending, advertising, soliciting the use of, supervising the use of, or using, a pesticide or a device for the identification, control, eradication, mitigation, detection, inspection, or prevention of a pest in, on, or around any house, building, water, air, land, plant, structure, or animal.

(Emphasis added).<sup>7</sup> Pursuant to this language, prior to offering pest control services a firm must be licensed by the Department of Agriculture.

A Maryland Department of Agriculture Pesticide Business License is required to perform the work described in RFB Section DS10.D., "Pesticide Application," which sets forth, "[a]ll application work shall be conducted under the supervision of a certified applicator of pesticides (Category III A or VI)."

As noted above, the RFB set forth as a mandatory condition that an offeror to hold a current Maryland Pesticide Business License, and a copy of the bidder's license or license number must be submitted with the bid. A search of the Maryland Department of Agriculture's

---

<sup>3</sup> See *Pond Security Group Italia, JV*, B-400149.3, (Dec. 22, 2008) (holding that definitive responsibility criteria, including possession of required licenses, must be demonstrated prior to award).

<sup>4</sup> Md. Code Ann., *Agric.* §§ 5-201 – 5-211 (2010).

<sup>5</sup> Md. Code Ann., *Agric.* § 5-208(a) (2010) (emphasis added).

<sup>6</sup> Md. Code Ann., *Agric.* § 5-101(l) (2010).

<sup>7</sup> Md. Code Ann., *Agric.* § 5-101(i) (2010).

Business License database returns no records for Holmes.<sup>8</sup> On the contrary, Lorenz possesses the required “3A – Ornamental Exterior” pesticide license as shown on Lorenz’ record from the same database.<sup>9</sup>

Pursuant to RFB Section SW16, the Bureau of Purchases was required to disqualify as non-responsive any bid that did not “provide all other required and/or requested valid information and documents.” Holmes could not provide a valid Pesticide License as required by RFB Section DS11. As a result, the Board of Estimates should reject Holmes’ bid as non-responsive and award the Contract to Lorenz, the low responsive and responsible bidder.

**B. Holmes is not licensed to perform tree expert services.**

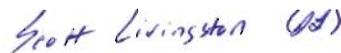
Pursuant to Md. Code Ann., *Nat. Res.* § 5-417, all tree care professionals practicing in Maryland must obtain a Tree Expert license from the Department of Natural Resources. Without a Tree Expert license, they may not practice or advertise tree care services in the state.<sup>10</sup>

Pursuant to RFB Section SW16, the Bureau of Purchases was required to disqualify as non-responsive any bid that did not “provide all other required and/or requested valid information and documents.” Upon information and belief, Holmes does not possess a valid Tree Expert License as required by RFB Section DS11. As a result, the Board of Estimates should reject Holmes’ bid as non-responsive and award the Contract to Lorenz, the low responsive and responsible bidder.

**III. Conclusion**

For the reasons set forth above, Lorenz requests the Board of Estimates reject the Bureau of Purchases’ recommendation of award to Holmes. The Board of Estimates should award the Contract to Lorenz, the low responsive and responsible bidder for the Contract.

Very truly yours,



Scott A. Livingston

Enclosures

cc: Leslie S. Winner, Esq., Department of Law (via email to [leslie.winner@baltimorecity.gov](mailto:leslie.winner@baltimorecity.gov))

---

<sup>8</sup> See <http://www.kellysolutions.com/MD/searchbyconame.asp>. (Exhibit 1). According to the website, this database was last updated on October 31, 2011.

<sup>9</sup> Exhibit 2.

<sup>10</sup> See *Nat. Res.* § 5-423.



# Maryland Department of Agriculture

## Business License Searches

Enter the Name (or part of the name) of the Business to find:  and

| Name                 | City | County | Expiration Date |
|----------------------|------|--------|-----------------|
| No records returned. |      |        |                 |

Total number of Applicators matching Criteria: 0

If you have suggestions for new features, please E-Mail us at [developer@kellyreg.com](mailto:developer@kellyreg.com).

If you find erroneous data, please e-mail the department at [HowardDW@mda.state.md.us](mailto:HowardDW@mda.state.md.us). We will respond to all inquiries as soon as possible.

Date Last Updated: 10/31/2011

[Home](#) [KellySolutions.com](#) Search By: [Business License](#) [Company Name](#) [Business License Category](#)

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# Maryland Department of Agriculture

## Business License Searches

**Business Name:** LORENZ INC  
**Business License:** 28661

**Division:**  
**Address Line 1:** 8711 LIBERTY ROAD  
**Address Line 2:**  
**City, State, Zip:** RANDALLSTOWN, MD 21133  
**County:** Baltimore

**Year Expired:** 6/30/2012

**Categories:**

- 3A Ornamental - Exterior
- 3B Ornamental - Interior
- 3C Turf (e.g., weed, insect or disease control to lawns)
- 6\* Right-Of-Way and Weed (e.g., treatment of roadsides or utilities)

If you have suggestions for new features, please E-Mail us at [developer@kellyreg.com](mailto:developer@kellyreg.com).

If you find erroneous data, please e-mail the department at [HowardDW@mda.state.md.us](mailto:HowardDW@mda.state.md.us). We will respond to all inquiries as soon as possible.

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# Tree Experts List



DNR Home

Outdoor Activities What's Going On?

Resource Management

Access DNR Inside DNR



## Welcome to the Tree Experts List

All tree care professionals practicing in Maryland must obtain a license. Without a license, they may not practice or advertise tree care services in the state. As a

public service we make the names and addresses of licensed tree experts available on DNR Online.

### Search type:

- Company
- County
- Last Name
- LTE Number

### Search for:

holmes

\* No Data Found \*

Submit Query

### Instructions:

To locate a tree expert first select the **search type**, company, county or last name. Then type in whatever additional information you would like to specify in the **search for** box. Then hit the **submit query** button.

**NOTE: We use popup windows to give you this fast, easy self-service feature. To use this feature, you must first disable your popup blocker before doing a search. We only use popup windows to bring you the best possible customer service on DNR Online.**

Search

Email us with questions, comments, and suggestions  
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DNR Privacy Policy



**MARYLAND DEPARTMENT OF NATURAL RESOURCES  
LICENSE TREE EXPERT SEARCH**

**Forestry Service**

**Maryland LTE Listing**

Company = Lorenz, Inc.

---

**LORENZ, INC.**

Mr. Joseph T. Lorenz, IV  
512 Roland Avenue  
Baltimore, MD 21208  
410-486-0425

*Exhibit 4*



**MINUTES**Department of Transportation - Expenditure of Funds**ACTION REQUESTED OF B/E:**

The Board is requested to approve an expenditure of funds to pay H & M Supply.

**AMOUNT OF MONEY AND SOURCE:**

\$10,116.00 - 3001-000000-0000-000000-170020

**BACKGROUND/EXPLANATION:**

In October 2008, the Bureau of Purchases created a Master Purchase Order for the Department of Transportation to utilize for various poles and arms. This contract expired in September 2011.

On September 12, 2011, the vendor finally sent the remaining poles that were on order. H & M Supply consistently had some problems with their personnel and did a re-organization at its company. They came across an invoice that was still owed by the Department.

This request is late because of delays in the receipt of billing information from the vendor.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to pay H & M Supply.

**MINUTES**

Department of Transportation - Expenditure of Funds

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize an expenditure of funds by Expenditure Authorization to pay the Transportation Research Board for the 91<sup>st</sup> Annual Meeting. The expenditure is for training to be held on January 23 - 24, 2012 in Washington, D.C. for registration fees for 12 attendees.

**AMOUNT OF MONEY AND SOURCE:**

\$5,940.00 - 3001-000000-5011-382900-603020

**BACKGROUND/EXPLANATION:**

This expenditure of funds will pay for the registration of 12 staff to attend training sessions on various transportation related subject areas at a cost of \$495.00 per attendee.

The subject areas consists of but are not limited to bridges & other structures, construction design, education and training, environment, highways, maintenance and preservation, operations and traffic management, pavements, pedestrians and bicyclists, planning and forecasting, safety and human factors, and security and emergencies. The travel to the meeting will be submitted on an Employee Expense Report by each employee.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized the expenditure of funds by Expenditure Authorization to pay the Transportation Research Board for the 91<sup>st</sup> Annual Meeting.

MINUTES

PRESIDENT: "The Board is in recess until twelve o'clock noon  
for the opening and receiving of bids."

\* \* \* \* \*

## MINUTES

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

**BIDS, PROPOSALS AND CONTRACT AWARDS**

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

|   |  |
|---|--|
| <u>Bureau of Water &amp; Wastewater</u> - | WC 1203, Various Locations,<br>Infrastructure Rehabilitation<br>for the Mayor & City Council<br>of Baltimore<br><b><u>BIDS TO BE RECV'D: 02/01/2012</u></b><br><b><u>BIDS TO BE OPENED: 02/01/2012</u></b> |
| <u>Bureau of Water &amp; Wastewater</u> - | WC 1225, W. Forest Park Ave.<br>and Keswick Road Water Main<br>Replacements<br><b><u>BIDS TO BE RECV'D: 01/25/2012</u></b><br><b><u>BIDS TO BE OPENED: 01/25/2012</u></b>                                  |
| <u>Bureau of Water &amp; Wastewater</u> - | SC 8526, Sludge Digester<br>Facilities at the Back River<br>Wastewater Treatment Plant<br><b><u>BIDS TO BE RECV'D: 01/25/2012</u></b><br><b><u>BIDS TO BE OPENED: 01/25/2012</u></b>                       |
| <u>Bureau of Purchases</u>                | B50002194, Management &<br>Operation of Recreation<br>Centers<br><b><u>BIDS TO BE RECV'D: 01/25/2012</u></b><br><b><u>BIDS TO BE OPENED: 01/25/2012</u></b>  |

## MINUTES

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

Department of Transportation - TR 12005, Reconstruction of  
Alleys Various Locations

Santos Construction Co., Inc.  
M. Luis Construction Co., Inc.  
Machado Construction Co., Inc.  
P. Flannigan & Sons, Inc.  
Anchor Construction Corp.

Department of Transportation - TR 12009, Dredging the  
Inner Harbor Water Channels

Corman Marine Construction  
Great Lakes Dredge & Dock Co., LLC  
McLean Contracting Co.  
Weeks Marine, Inc.

Department of Transportation - TR 12010, Conduit System  
Reconstruction at Various  
Locations Citywide (JOC)

Allied Contractors, Inc.  
Civil Construction, LLC  
Flippo Construction Co., Inc.  
Anchor Construction Corp.

Bureau of Purchases - B50002202, Quality Management  
Software System for Environ-  
mental Health

Jadian Enterprises, Inc.  
Steton Technology  
CMO Compliance, LLC

## MINUTES

Bureau of Purchases

- B50002210, Single Stream  
Recycling

BFI Waste Services LLC d/b/a  
Allied Waste Services of Balto.  
Waste Management Recycle  
America, LLC

Bureau of Purchases

- B50002231, Pedestrian Traffic  
Signal Assemblies

General Traffic Equipment  
Corp.

**MINUTES**

There being no objections, the Board UPON MOTION duly made and seconded, the Board adjourned until its next regularly scheduled meeting on Wednesday, January 25, 2012.

JOAN M. PRATT  
Secretary