

**MINUTES****REGULAR MEETING**

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

The meeting was called to order by the President.

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

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

Abel Recon, LLC	\$	6,984,000.00
Boblits Enterprises, LLC	\$	3,996,000.00
DC 10 Landscaping, Inc.	\$	747,000.00
K-O Construction, Inc.	\$	1,660,000.00

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:

Brasher Design, Inc.	Architect, Landscape Architect
Bryant Associates	Engineer
Engineering & Software Consultants, Inc.	Engineer
Kumi Construction Management Corporation	Engineer
McKissack & McKissack of Washington, Inc.	Architect Engineer
Urban Engineers, Inc.	Engineer

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

**MINUTES**Law Department - Claim Settlement

The Board is requested to approve the settlement of the following claim. The settlement has been reviewed and approved by the Settlement Committee of the Law Department.

1. Kimberley Harris v. \$145,000.00  
Mayor and City Council  
of Baltimore City et al.

Account: 2036-000000-1750-177199-603070

UPON MOTION duly made and seconded, the Board approved settlement as requested by the Law Department.

**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 Colin Campbell, lessee, for rental of the property located at 1427 Light Street, known as School 33, Studio No. 106. The period of the agreement is February 1, 2010 through January 31, 2011, with an automatic renewal of one year, unless the lease is terminated during the renewal term by the City giving a 60-day notice to lessee.

**AMOUNT OF MONEY AND SOURCE:**

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

**BACKGROUND/EXPLANATION:**

The demised premises will be utilized as an artist's studio. The lessor will be responsible for heat, electricity, and water.

The lessee will be responsible for content insurance, janitorial, trash receptacles, and security. The rent paid will include lessee's share of air conditioning, heat, electricity, and water.

The Space Utilization Committee approved this lease at its meeting on March 9, 2010.

This lease is late because of the delay in getting the lessee's signature, notary, and personnel changes at School 33.

**(FILE NO. 56338)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the lease agreement with Colin Campbell, lessee, for rental of the property located at 1427 Light Street, known as School 33, Studio No. 106.

**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 Ryan Murray, lessee, for rental of the property located at 1427 Light Street, known as School 33, Studio No. 201. The period of the agreement is February 1, 2010 through January 31, 2011, with an automatic renewal of one year, unless the lease is terminated during the renewal term by the City giving a 60-day notice to lessee.

**AMOUNT OF MONEY AND SOURCE:**

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

**BACKGROUND/EXPLANATION:**

The demised premises will be utilized as an artist's studio. The lessor will be responsible for heat, electricity, and water.

The lessee will be responsible for content insurance, janitorial, trash receptacles, and security. The rent paid will include lessee's share of air conditioning, heat, electricity, and water.

The Space Utilization Committee approved this lease at its meeting on March 9, 2010.

This lease is late because of the delay in getting the lessee's signature, notary, and personnel changes at School 33.

**(FILE NO. 56338)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the lease agreement with Ryan Murray, lessee, for rental of the property located at 1427 Light Street, known as School 33, Studio No. 201.

**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 Laurie Flannery, lessee, for rental of the property located at 1427 Light Street, known as School 33, Studio No. 205. The period of the agreement is February 1, 2010 through January 31, 2011, with an automatic renewal of one year, unless the lease is terminated during the renewal term by the City giving a 60-day notice to lessee.

**AMOUNT OF MONEY AND SOURCE:**

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

**BACKGROUND/EXPLANATION:**

The demised premises will be utilized as an artist's studio. The lessor will be responsible for heat, electricity, and water.

The lessee will be responsible for content insurance, janitorial, trash receptacles, and security. The rent paid will include lessee's share of air conditioning, heat, electricity, and water.

The Space Utilization Committee approved this lease at its meeting on March 9, 2010.

This lease is late because of the delay in getting the lessee's signature, notary, and personnel changes at School 33.

**(FILE NO. 56338)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the lease agreement with Laurie Flannery, lessee, for rental of the property located at 1427 Light Street, known as School 33, Studio No. 205.

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

The Board is requested to approve and authorize execution of a lease agreement with Crown Atlantic Company, LLC, a Delaware Limited Liability Company, licensee, for rental of tower and storage space located at 6201 E. Lombard Street. The period of the license agreement is effective upon Board approval for five years.

**AMOUNT OF MONEY AND SOURCE:**

<u>Year</u>	<u>Annual Rent</u>	<u>Monthly Rent</u>
1	\$48,000.00	\$4,000.00
2	\$49,920.00	\$4,160.00
3	\$51,916.80	\$4,326.40
4	\$53,993.47	\$4,499.46
5	\$56,153.21	\$4,679.43

The rent will continue to escalate annually by 4% over the amount of the rental payments for the proceeding year. In addition, the City will receive 10% of the revenue received by the licensee from any subtenants added to the site after execution of the agreement.

**BACKGROUND/EXPLANATION:**

The demised premises will be utilized for cellular telephone communication. The licensor will be responsible for the maintenance of the site. The licensee will be responsible for liability insurance, utilities, maintenance and repairs to their equipment and compliance with all FCC and FAA rules and regulations.

**MINUTES**Space Utilization Committee - cont'd

The Space Utilization Committee approved this license agreement at its meeting on March 9, 2010.

**(FILE NO. 55895)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the lease agreement with Crown Atlantic Company, LLC, a Delaware Limited Liability Company, licensee, for rental of tower and storage space located at 6201 E. Lombard Street.

**MINUTES****PROPOSALS AND SPECIFICATIONS**

There being no objections, the Board, UPON MOTION duly made and seconded, approved the following Proposals and Specifications to be advertised for receipt and opening of bids on the dates indicated:

Department of Transportation - TR 09302, Construction of  
Traffic Signals Citywide - JOC  
**BIDS TO BE RECV'D: 04/14/2010**  
**BIDS TO BE OPENED: 04/14/2010**

**MINUTES**

Space Utilization Committee - Second Amendment to Lease Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a second amendment to a lease agreement with APC Realty and Equipment Company, LLC, a Delaware Limited Liability Company, Lessee, for rental of a portion of tower and storage space located at 6201 E. Lombard Street.

**AMOUNT OF MONEY AND SOURCE:**

Annual Rent

\$4,200.00

**BACKGROUND/EXPLANATION:**

The initial agreement was approved for five years on April 17, 2002 with a commencement date of July 1, 2002. The lessee has an option to renew for two additional five year terms. The lease was amended on September 2, 2009 allowing lessee to add two microwave antennas in return for additional yearly rent of \$4,800.00.

**MINUTES**Space Utilization Committee - cont'd

This second amendment to agreement allows the lessee to install an additional antenna for a total of three at an existing site not-to-exceed two and one half feet in diameter, along with mounting hardware and coaxial cables. During the period of time the microwave equipment is installed on the tower, the lessee will pay the lessor additional yearly rent of \$4,200.00. All other terms and conditions of the lease and first amendment will remain unchanged.

**(FILE NO. 55895)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the second amendment to the lease agreement with APC Realty and Equipment Company, LLC, a Delaware Limited Liability Company, Lessee, for rental of a portion of tower and storage space located at 6201 E. Lombard Street.

**MINUTES****PERSONNEL MATTERS**

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

all of the Personnel matters

listed on the following pages:

720

All of the Personnel matters have been approved

by the EXPENDITURE CONTROL COMMITTEE.

All of the contracts have been approved

by the Law Department

as to form and legal sufficiency.

**MINUTES****PERSONNEL**Department of Finance

	<u>Hourly Rate</u>	<u>Amount</u>
1. <b>TIMOTHY KRUS</b>	\$45.07	<b>\$78,873.00</b>

Account: 1001-000000-1440-162102-601001

Mr. Krus, a retiree, will continue to work as a Special Project Assistant. His duties will include, but are not limited to doing project management tasks in relation to upcoming financial systems implementation, serving as a liaison with system vendors and perform special management analysis studies. The period of the agreement is March 19, 2010 through March 18, 2011.

**THE DEPARTMENT OF FINANCE IS REQUESTING A WAIVER OF THE SALARY CAP AND OF THE NUMBER OF HOURS A RETIREE MAY WORK AS STIPULATED IN AM 212-1 OF THE ADMINISTRATIVE MANUAL TO ALLOW MR. KRUS TO WORK FULL-TIME. MR. KRUS WILL NOT RECEIVE SICK LEAVE, COMPENSATORY TIME, PERSONAL LEAVE, OR HEALTH INSURANCE, BUT WILL RECEIVE WORKER'S COMPENSATION COVERAGE. THE DEPARTMENT OF HUMAN RESOURCES DEFERS A RECOMMENDATION ON THIS PORTION OF THE EMPLOYMENT CONTRACT.**

Baltimore City Fire Department

2. <b>MARY G. LESSER</b>	\$30.00	<b>\$18,390.00</b>
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Accounts: 4000-453908-2010-210702-601009  
4000-454208-2010-210702-601009

Ms. Lesser, a retiree, will continue to work as a Special Advisor. She will be responsible for assisting and coordinating documentation and analyzing information for Homeland Security and various government agencies associated with emergency planning operations. The period of the agreement is effective upon Board approval for one year.

**MINUTES****EXTRA WORK ORDERS**

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders

listed on the following pages:

722

All of the EWOs had been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

**MINUTES****EXTRA WORK ORDERS**

<u>Contract</u>	<u>Prev. Apprvd.</u>	<u>Time</u>	<u>%</u>
<u>Awd. Amt.</u>	<u>Extra Work</u>	<u>Contractor</u>	<u>Ext. Compl.</u>
<u>Bureau of Water and Wastewater</u>			
1. EWO #028, \$ 28,883.04 - WC 1156, Locust Point Area <u>Infrastructure Rehabilitation</u>			
\$ 7,883,300.00	\$ 4,321,141.27	Spiniello Companies	5 91
2. EWO #030, \$210,875.00 - WC 1156, Locust Point Area <u>Infrastructure Rehabilitation</u>			
\$ 7,883,300.00	\$ 4,373,191.99	Spiniello Companies	0 98
3. EWO #002, \$ 92,232.93 - WC 1195, Water Appurtenance <u>Installations</u>			
\$ 3,986,701.00	\$ 0.00	R.E. Harrington Plumbing & Heating	0 30.55
4. EWO #016, \$393,629.49 - SC 843, Improvements to Lower <u>Portion of Moore's Run Interceptor-Phase II</u>			
\$16,974,770.00	\$ 746,459.11	Corman Construction	0 99
<u>Department of Transportation</u>			
5. EWO #001, \$ 31,948.34 - Project No. 1011, Wilkens Avenue <u>Streetscape from Dukeland Street to Fulton Avenue</u>			
\$ 278,183.02	-	STV, Inc.	- -

This authorization provides for engineering design services for resurfacing Wilkens Avenue from West of Brunswick Street to Fulton Avenue. The design service includes, but is not limited to, providing traffic improvements, landscaping, design of three additional traffic signal replacements, additional milling and resurfacing and preparation of pavement marking plans.

The Transfer of Funds for Change Order No. 1, Project No. 1011 was approved by the Board on February 3, 2010.

**MINUTES**Department of Planning - Report on Previously  
Approved Transfers of Funds

At previous meetings, the Board of Estimates approved Transfers of Funds subject to receipt of favorable reports from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the provisions of the City Charter. Today, the Board is requested to **NOTE 14** favorable reports on Transfers of Funds approved by the Board of Estimates at its meetings on February 24 and March 3, 2010.

UPON MOTION duly made and seconded, the Board **NOTED** receipt of the **14** favorable reports.

**MINUTES**

Circuit Court - Cooperative Reimbursement Grant Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a cooperative reimbursement agreement with the State of Maryland, Department of Human Resources, Child Support Enforcement Administration. The period of the agreement is October 1, 2009 through September 30, 2010.

**AMOUNT OF MONEY AND SOURCE:**

\$183,564.00 - 66% Federal participation  
94,564.00 - 34% Local participation  
**\$278,128.00** - 4000-401510-1100-116800-404001

**BACKGROUND/EXPLANATION:**

The Domestic Relations Cooperative Reimbursement Grant Agreement will continue to provide funds for operational costs and salary/OPC expenditures for the Domestic Relations Masters Program on a 34% to 66% basis. Prior to Fiscal Year 1998, the City provided all funding for child support and custody enforcement, as required under spousal support obligations under this 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 execution of a cooperative reimbursement agreement with the State of Maryland, Department of Human Resources, Child Support Enforcement Administration.

**MINUTES**

Fire Department - Matching Grant Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a matching grant agreement with the Maryland Institute for Emergency Medical Services System (MIEMSS). The period of the grant agreement is effective upon Board approval through May 21, 2010.

**AMOUNT OF MONEY AND SOURCE:**

\$21,192.00 - 5000-558610-3190-309500 (State Funds)  
21,192.00 - 1001-000000-3190-308700 (City Matching Funds)  
**\$42,384.00 - Total**

**BACKGROUND/EXPLANATION:**

The grant funding will allow the Medical Bureau to purchase four 12-Lead Monitor Defibrillators. All purchases must be completed by May 14, 2010 and invoices must be submitted to the MIEMSS for reimbursement by May 21, 2010.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of a matching grant agreement with the Maryland Institute for Emergency Medical Services System (MIEMSS).

**MINUTES****TRAVEL REQUESTS**Fire & Police Employees' Retirement System (F&P)

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
1. Milton Skopinski Veronica Stull	PRISM Annual Conference Louisville, KY (April 17 - 21, 2010) (Reg. - \$550.00 ea.)	Special Funds F&P	\$2,915.80
2. Thomas P. Taneyhill David A. Randall	104 <sup>th</sup> Annual Government Finance Officers Conf. Atlanta, GA (June 4 - 9, 2010) (Reg. - \$370.00 ea.)	Special Funds F&P	\$3,230.80

**MINUTES****TRAVEL REIMBURSEMENTS**Department of Transportation

3. Justin Reynolds	Traffic Safety Program	\$873.29
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On September 13 through 17, 2009 Mr. Reynolds attended the Maryland Chiefs of Police Association, Inc. Annual Training Seminar in Ocean City, Maryland. The subsistence rate for this location is \$245.00 per day. The hotel cost was \$134.00 per night not including occupancy taxes. The travel expenses incurred for this employee included lodging, meals and registration fees.

Hotel	\$592.28
Meals	31.01
Registration	<u>250.00</u>
	<b>\$873.29</b>

The Board, UPON MOTION duly made and seconded, approved the travel requests and travel reimbursements. The Comptroller ABSTAINED on item No. 1 and 2.

**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 Ms. Marian E. Harris.

**AMOUNT OF MONEY AND SOURCE:**

This right-of-entry is being granted to the City at no cost.

**BACKGROUND/EXPLANATION:**

The City is proposing to make repairs and replacement of a sanitary connection located at 3025 Wolcott Avenue on the property of Ms. Harris as part of Sanitary Contract 873, Repair and Replacement of Existing Sanitary Sewers at Various Locations. The right-of-entry will allow the City's contractor to enter on to Ms. Harris' property to complete the construction.

**MBE/WBE PARTICIPATION:**

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of a right-of-entry agreement with Ms. Marian E. Harris.

**MINUTES**Department of General Services - Minor Privilege Permit Applications

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

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
1. 325 Park Avenue	Chinese Merchants Assn. of Baltimore City, Inc.	Retain one canopy with staunches, two flat signs 10'2" x 2', 30'x 2', and 2 fluorescent tubes, four spot reflectors
Annual Amount: \$783.40		
2. 5115 Roland Ave.	Roland Park Roads and Maintenance Corp.	Neighborhood identification sign 4'x 6'4"
Annual Amount: \$0.00		

Roland Park Roads and Maintenance Corp. is requesting permission to install an identification sign in the median in University Parkway, near the north side of 40<sup>th</sup> Street. The Association is a non-profit entity and it has been the Department's practice not to charge for these signs.

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

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

**MINUTES**

Department of General Services - Amendment No. 1 to  
On-Call Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 1 to the agreement with EBA Engineering, Inc./Kennedy, Porter & Associates, a joint venture, for Project 1099E, Civil/Structural Engineering Services.

**AMOUNT OF MONEY AND SOURCE:**

\$250,000.00 - Various accounts depending on assigned tasks.

**BACKGROUND/EXPLANATION:**

On July 29, 2009, the Board approved the original agreement in the amount of \$750,000.00.

The amendment to the agreement is necessary and will increase the agreement by \$250,000.00. With the increase the upset limit will be \$1,000,000.00. The on-call consultant will be assigned additional extra work. All other terms and conditions of the agreement will remain unchanged.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS NOTED THE INCREASE IN THE UPSET LIMIT AND WILL REVIEW TASK ASSIGNMENTS.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 1 to the agreement with EBA Engineering, Inc./Kennedy, Porter & Associates, a joint venture, for Project 1099E, Civil/Structural Engineering Services.

**MINUTES**Department of Audits - Board of Liquor License Commissioners  
Status Report

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On September 2, 2009, Board **NOTED** receipt of the Audit of the Board of Liquor License Commissioners for Baltimore City (Liquor Board), for fiscal years ending 2005, 2006 and 2007. The Board requested that the Liquor Board report back with a Status Report on the audit findings and recommendations presented in the Audit. The Liquor Board was to present a Status Report after meeting with representatives of the Office of the Labor Commissioner, the Department of Law, the Department of Human Resources and the Department of Finance, Bureau of Accounting and Payroll Services.

On January 13, 2010, the Board received and **NOTED** a Letter of Understanding with the Liquor Board which, when implemented would address the Department of Audits audit findings and recommendations. Per the Letter of Understanding, the Liquor Board needed to meet with the Department of Human Resources (DHR), the Department of Finance, Bureau of Accounting and Payroll Services (BAPS) to finalize the implementation of the understanding.

The Department of Audits and the Labor Commissioner were to report back to the Board in 60 days from January 13, 2010 on the status of reaching an agreement regarding part-time inspectors, appellate counsel and Commissioners on how E-Time has been updated to accommodate the terms of the Letter of Agreement.

While significant progress has been made, the Department of Audits and the Labor Commissioner request a three-week extension to allow the Liquor Board, DHR and BAPS to reach a final agreement and complete this process.

The Board **NOTED** receipt of the Board of Liquor License Commissioners Status Report.

**MINUTES****OPTIONS/CONDEMNATIONS/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. Carol Joan Jacobs	515 Robert St.	G/R \$80.00	\$ 533.33
2. Marc Grosman	1925 Etting St.	G/R 36.00	\$ 240.00
3. Joan Merowitz Jacobs	1926 Etting St.	G/R \$25.00	\$ 166.66

In the event that the option agreement/s fail/s and settlement cannot be achieved, the Department will cancel the acquisition.

Funds will be transferred prior to settlement into Account no. 9910-907079-9588-900000-704040, Scattered Site Ground Rent Acquisition Project.

4. The Marion I. and Henry J. Knott Foundation	321 E. 24 <sup>th</sup> St.	G/R \$75.00	\$ 625.00
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Funds will be transferred prior to settlement into Account No. 9912-910713-9591-900000-704040, Barclay Project.

**(FILE NO. 57066)**

5. Mark B. Lapidus	934 W. Lexington St.	G/R \$25.00	\$ 229.00
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Funds will be transferred prior to settlement into Account No. 9910-901780-9588-900000-704040, Poppleton Project.

**(FILE NO. 57069)**

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

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
DHCD - <u>Options</u> - cont'd			
6. Helen Sinkler	2038 E. Eager St.	L/H	\$51,700.00
Funds are available in Account No. 9910-904415-9588-900000-704040, EBDI Project, Phase II.			

**(FILE NO. 56017)**

7. Charles Warren, Jr.	1800 E. Chase St.	F/S	\$57,200.00
Funds are available in Account No. 9910-904415-9588-900000-704040, EBDI Project, Phase II.			

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 for an amount equal to or lesser than the option amounts.

**(FILE NO. 56017)**

8. Henry Caplan, deceased and Arnold Caplan Personal Representative	936 N Castle St.	L/H	\$ 6,800.00
9. David Kuperhand	2024 Ashland Ave.	L/H	\$24,000.00

Funds are available in Account No. 9910-904415-9588-900000-704040, EBDI Phase IIF Project.

**(FILE NO. 56017)**

**MINUTES**DHCD - Condemnations and Quick-Takes

10. Rose L. Stanley      2019 E. Eager St.      F/S      \$12,000.00

Funds are available in Account No. 9910-904415-9588-900000-704040, EBDI Phase II Project.

**(FILE NO. 56017)**

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

**MINUTES**

Police Department - Memorandum of Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a memorandum of agreement (MOA) with the Maryland Emergency Management Agency (MEMA). The period of the agreement is July 1, 2007 through June 30, 2010.

**AMOUNT OF MONEY AND SOURCE:**

\$50,000.00 - 4000-413910-2010-680700-600000

**BACKGROUND/EXPLANATION:**

The FY 2007 Homeland Security Grant Program, Award No. 2007-GE-T7-0040 is one tool among a comprehensive set of measures to help strengthen the nation and Maryland against risks associated with potential terrorist attacks. The Emergency Health Preparedness and Response program is a regionally collaborative UASI Project that allocates homeland security grant funds to local jurisdictions, including Baltimore City for the purpose of preparing for, responding to, and recovering from the effects of a biological emergency event, such as H1N1 or other flu virus.

Under this program, MEMA awarded the Baltimore City grants funds in the amount of \$50,000.00 for "Regional Emergency Health Preparedness and Response."

This MOA is late because it was recently received from the grantor.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of a memorandum of agreement (MOA) with the Maryland Emergency Management Agency (MEMA).

**MINUTES**

Police Department - Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with Mr. Earl W. Maisel. The period of the agreement is effective upon Board approval through March 31, 2011.

**AMOUNT OF MONEY AND SOURCE:**

\$35,000.00 - 1001-000000-2000-195600-603026

**BACKGROUND/EXPLANATION:**

It has been the policy of the Department to polygraph every applicant before completing their hiring process. Mr. Maisel is retired from the National Security Agency as Chief of the Polygraph Division.

The Department is currently sharing his services with the United States Capital Police and he has been with Personnel Section of the Department since October 30, 2002. He has been helping the Department tremendously in accomplishing its hiring goals this year. The Department wishes to continue his services.

Mr. Maisel will be paid based upon the number of examinations performed, at the rate of \$200.00 per scheduled examination, \$100.00 for each scheduled examination that does not occur because of "no show."

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of an agreement with Mr. Earl W. Maisel.

**MINUTES**

Police Department - No-Cost Time Extensions

The Board is requested to approve the no-cost time extensions for grants from the Governor's Office of Crime Control and Prevention for the indicated services. The no-cost time extension extends the grant awards through December 31, 2010.

<u>SERVICES</u>	<u>AMOUNT</u>
1. <b>CRIME ANALYSIS EXPANSION-LETR</b>	<b>\$0.00</b>

On September 2, 2009, the Board approved the original award in the amount of \$119,600.00, for the period August 1, 2009 through June 30, 2010.

The grant provides for enhancement of law enforcement efficiency and/or capability by providing two crime analyst positions.

2. <b>CRIME CAMERA EXPANSION-LETR</b>	<b>\$0.00</b>
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On September 2, 2009, the Board approved the original award in the amount of \$332,943.00, for the period August 1, 2009 through June 30, 2010.

This grant funds are used to provide CCTV technology in East Baltimore and uses crime analysis to direct camera monitoring services.

On September 2, 2009, the Board approved the original award in the amount of \$119,600.00, for the period August 1, 2009 through June 30, 2010.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS NOTED THIS NO-COST TIME EXTENSIONS.**

UPON MOTION duly made and seconded, the Board approved and authorized the no-cost time extensions for grants from the Governor's Office of Crime Control and Prevention for the indicated services.

**MINUTES**Police Department - Payment of Back Salary

The Board is requested to approve and authorize payment of back salary for Mr. Hikeen D. Crampton. Pursuant to Article 16(A)(2) of the Memorandum of Understanding between the Baltimore Police Department and the Fraternal Order of Police Lodge No. 3, Mr. Crampton is entitled to receive back pay for the period he was suspended without pay.

1. Hikeen D. Crampton	\$11,435.96
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Account: 1001-000000-2010-197600-601062

The back pay represents the amount of salary that Mr. Crampton would have earned for the period September 9, 2009 through November 30, 2009.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized payment of back salary for Mr. Hikeen D. Crampton.

**MINUTES**

Department of Transportation - Amendment No. 3 to  
On-Call Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 3 with EA Engineering, Science and Technology, Inc. for Project No. 1058, On-Call Construction Management Services for the Conduit Division. The period of the agreement is effective upon Board approval for one year or until the upset limit is reached, whichever occurs first.

**AMOUNT OF MONEY AND SOURCE:**

\$100,000.00 - Upset limit

**BACKGROUND/EXPLANATION:**

On March 26, 2008, the Board approved the original agreement with EA Engineering, Science and Technology, Inc. to provide conduit services under Project No. 1058, in the amount of \$200,000.00. On February 25, 2009 the Board approved amendment no. 1 to extend the period of the agreement for one additional year and increase the upset by \$100,000.00.

On April 22, 2009, the Board approved amendment no. 2 to increase the upset limit by \$300,000.00 to fully complete the conduit work and repairs on various manholes on Lombard Street, between President Street and Martin Luther King Boulevard.

This amendment no. 3 will extend the period of the agreement for one additional year and increase the upset by \$100,000.00 to allow additional time to continue work and repairs on the various manholes in Baltimore City.

**MINUTES**

Department of Transportation - cont'd

**MBE/WBE PARTICIPATION:**

The consultant will continue to adhere to the established goals of 21.26% for MBE and 7.00% for WBE.

**AUDITS NOTED THE TIME EXTENSION AND THE INCREASE IN THE UPSET LIMIT AND WILL REVIEW TASKS ASSIGNMENTS.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 3 with EA Engineering, Science and Technology, Inc. for Project No. 1058, On-Call Construction Management Services for the Conduit Division. The Comptroller ABSTAINED on this item.

**MINUTES**

Department of Transportation - Amendment No. 2 to the  
Memorandum of Understanding

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 2 to the memorandum of understanding (MOU) with the Maryland Department of Transportation for the development of the East Baltimore Biotechnology Park (Life Science Park), Phase IC.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On May 16, 2007 the Board approved a MOU for the design and reconstruction of roads and utility upgrades within the Phase IC limits, to support the new East Baltimore Biotechnology Park. On February 6, 2008 the Board approved amendment no.1 for the revisions to the project description that included the design and reconstruction of roads and utility upgrades within East Baltimore Biotechnology Park, which is contained in the blocks bordered by North Broadway, Madison Street, North Patterson Park Avenue and the Amtrak right-of way north of Preston Street. This amendment no. 2 to the MOU will add sidewalk reconstruction, lighting and landscaping within the project.

**(FILE NO. 56017)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 2 to the memorandum of understanding (MOU) with the Maryland Department of Transportation for the development of the East Baltimore Biotechnology Park (Life Science Park), Phase IC.

**MINUTES**

Department of Transportation - Partial Release of Retainage  
Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a partial release of retainage agreement to M. Luis Construction Company, Inc. for Contract No. TR 08037.

**AMOUNT OF MONEY AND SOURCE:**

\$91,378.69 - 9950-514-779

**BACKGROUND/EXPLANATION:**

All work on Contract No. TR 08037 is substantially completed, except items on the punch list. The contractor has requested a partial release of retainage in the amount of \$91,378.69. The City holds \$93,378.69 in retainage. The remaining \$2,000.00 is sufficient to protect the interests of the City. Pursuant to Section 10.04-81 of the Specifications, a "Conditional Inspection" for the Contract No. 08037 - Resurfacing Various Locations, Southwest JOC CC was held on April 15, 2009.

**MBE/WBE PARTICIPATION:**

M. Luis Construction Company, Inc. has demonstrated a good faith effort towards achieving both the MBE and WBE goals. MWBOO approved this release of retainage.

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of a partial release of retainage agreement to M. Luis Construction Company, Inc. for Contract No. TR 08037.

**MINUTES**

Department of Transportation - Rescission of Second Amendment  
No. 3 to On-Call Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to rescind the second submission of an amendment numbered as amendment no. 3 to agreement with Gannett Fleming, Inc. for Project No. 976, On-Call Bridge Design Engineering Services.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On March 23, 2005 the Board approved an agreement with Gannett Fleming Inc., in the amount of \$500,000.00. On December 20, 2006, the Board approved amendment no. 1 to extend the period of the agreement for an additional year through March 23, 2008 or until the upset limit of \$500,000.00 is reached, whichever comes first, at no additional cost to the City. This amendment allowed for the completion of the Howard Street Arch Removal Project and the investigation of the Fells Landing Bulkhead failure.

On April 4, 2007, the Board approved amendment no. 2 to extend the period of the agreement for an additional year through March 23, 2009 and increase the upset limit by \$250,000.00. On August 6, 2008, the Board approved amendment no. 3 to increase the upset limit by \$250,000.00 to complete ongoing design tasks.

On March 25, 2009, a second amendment numbered as no. 3 for a two-year time extension through March 23, 2011 and an increase to the upset limit by \$300,000.00 was submitted in error by the Department of Transportation. The Board is requested to rescind its approval of March 25, 2009.

**MINUTES**

Department of Transportation - cont'd

The total upset limit of this contract at this time will be \$1,000,000.00.

**MBE/WBE PARTICIPATION:**

Gannett Fleming, Inc. will continue to adhere to the established goals of MBE 13% and WBE 4%.

UPON MOTION duly made and seconded, the Board approved and authorized rescinded the second submission of the amendment numbered as amendment no. 3 to agreement with Gannett Fleming, Inc. for Project No. 976, On-Call Bridge Design Engineering Services.

**MINUTES**

Department of Transportation - Traffic Impact Study Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a traffic impact study (TIS) agreement with Proutt Consulting. The period of the agreement is effective upon Board approval for 60 business days after the initial payment is made, unless the parties agree in writing that additional time is needed.

**AMOUNT OF MONEY AND SOURCE:**

\$44,465.79

**BACKGROUND/EXPLANATION:**

Baltimore City Ordinance 06-345, approved on November 11, 2006, requires a TIS before permits may be approved for projects, as determined by the Director of the Department of Transportation.

Under the terms of this agreement, a TIS will be performed for the development of the parcel at 5700 Loch Raven Boulevard, for the Huber Memorial Church. The applicant has applied for or intends to apply for a building permit in Baltimore City to perform the scope of work for a new 1,500 seat Church with 427 parking spaces.

**MBE/WBE PARTICIPATION:**

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of a traffic impact study (TIS) agreement with Proutt Consulting.

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

The Board is requested to approve and authorize execution of an agreement among the City acting through the Department of Transportation (DOT), the Mayor's Office of Employment Development (MOED), and the Federal Highway Administration (FHA). The period of the agreement is effective upon Board approval for one year.

**AMOUNT OF MONEY AND SOURCE:**

\$357,915.00 - 4000-418410-2300-249600-600000  
89,479.00 - 3001-000000-2300-249600-603026  
**\$447,394.00**

**BACKGROUND/EXPLANATION:**

The DOT, in conjunction with the FHA has agreed to fund the MOED's Youth Opportunity Urban Youth Corps Program. This program is designed to provide high-risk inner City youth with job training experience in highway maintenance and construction. The program also provides academic assistance, life skills training and positive social outlets to assist youth in their development. The program primarily benefits disadvantaged youth in Sandtown-Winchester by providing approximately 20 teenagers with on-the-job training conducted by personnel from the DOT.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of an agreement among the City acting through the Department of Transportation, the Mayor's Office of Employment Development, and the Federal Highway Administration.

**MINUTES**

Bureau of Water and - Agreement  
Wastewater (BW&WW)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with Patton Harris Rust and Associates, Inc., for WC 1199, Study of Ashburton Pumping Station Improvements. The period of the agreement is effective upon Board approval for one year or until the upset limit is reached, whichever occurs first.

**AMOUNT OF MONEY AND SOURCE:**

\$ 313,407.64 - Baltimore City Water Revenue Bonds  
226,950.36 - Baltimore County  
**\$ 540,358.00** - 9960-901918-9557-900020-703031

**BACKGROUND/EXPLANATION:**

The consultant will provide engineering services for the study of Ashburton Pumping Station Improvements. The consultant will investigate and evaluate the current condition of the existing facility, prepare a design report for the necessary improvements and costs associated with it. The consultant will also manage and implement community outreach activities in concert with the City's Public Information Office. The consultant has been approved by the Office of Boards and Commission and the Architectural Awards and Engineering Commission.

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

<b>MBE:</b>	Shah & Associates, Inc.	\$ 82,087.00	15.19%
	C.C. Johnson & Malhotra, P.C.	42,042.00	7.78%
	Savin Engineers, P.C.	21,907.00	4.05%
		<u>\$146,036.00</u>	<u>27.02%</u>
<b>WBE:</b>	Prime Engineering & Architecture, Inc.	\$ 38,760.00	7.17%
	The Robert B. Balter Co.	20,847.00	3.86%
	Mahan Rykiel Associates, Inc.	13,246.00	2.45%
	C.L. Warfield & Associates, Inc.	12,560.00	2.32%
		<u>\$ 85,413.00</u>	<u>15.80%</u>

**MINUTES**

BW&WW - cont'd

**MWBOO FOUND VENDOR IN COMPLIANCE.**

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

**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 375,588.20	9960-902917-9558	
Revenue Bonds	Constr. Res.	
	Water Pumping	
	Station Improv.	
274,411.80	" "	
<u>Counties</u>		
<b>\$ 650,000.00</b>		
\$ 575,000.00	-----	9960-901918-9557-3
		Engineering
75,000.00	-----	9960-901918-9557-9
<u>\$ 650,000.00</u>		Administration

The transfer will provide funds to cover the costs associated with WC 1199, Study of Ashburton Pumping Station Improvements and to alleviate the current account deficit.

UPON MOTION duly made and seconded, the Board approved and authorized execution of an agreement with Patton Harris Rust and Associates, Inc., for WC 1199, Study of Ashburton Pumping Station Improvements. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter.

**MINUTES**

Bureau of Water and Wastewater - Amendment to On-Call Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize an amendment to the agreement with EA Engineering, Science, and Technology, Inc. for Project No. 1084E, Environmental Restoration Design and Engineering Services. The amendment extends the period of the agreement through January 27, 2012.

**AMOUNT OF MONEY AND SOURCE:**

\$500,000.00 - Various depending on individual tasks assigned.

**BACKGROUND/EXPLANATION:**

On January 28, 2009 the Board approved the original agreement in the amount of \$500,000.00 for two years or until the upset limit was reached. The consultant has exhausted the \$500,000.00 upset limit under the agreement. The amendment will increase the upset limit by \$500,000.00. The consultant will provide On-Call Environmental Restoration Design and Engineering Services. Additional support services will be needed to assist the City in implementing the new requirements of its next storm water permit which will at least triple the number of restoration projects over the next five-year permit term.

Additional work will include providing post award services for Powder Mill Run Environmental Restoration Project #1, stream restoration design review and emergency stream assessments. All other terms and conditions of the agreement remain in effect.

**MINUTES**

Bureau of Water and Wastewater - cont'd

**MBE/WBE PARTICIPATION:**

The consultant will comply with Article 5, Subtitle 28 of the Baltimore City Code and MBE and WBE goals established in the original agreement.

**AUDITS NOTED THE INCREASE IN THE UPSET LIMIT AND WILL REVIEW THE TASK ASSIGNMENTS.**

UPON MOTION duly made and seconded, the Board approved and authorized an amendment to the agreement with EA Engineering, Science, and Technology, Inc. for Project No. 1084E, Environmental Restoration Design and Engineering Services.

**MINUTES**

Department of Recreation and Parks - Memorandum of Understanding

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Memorandum of Understanding (MOU) with the Maryland Transportation Authority (MDTA). The period of the MOU is effective upon Board approval for two years.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

In order to satisfy the Maryland Reforestation Law Mitigation requirement for forest impacts incurred during highway construction, the MDTA has agreed to plant individual trees throughout five City parks. The park sites include, Carroll, Druid Hill, Farring-Baybrook, Joseph Lee and Patterson Parks.

This MOU will allow right-of-entry access to the MDTA and its contactor to complete the planting over the next ten months and perform maintenance as required for an additional one-year.

**(FILE NO. 55752)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of a Memorandum of Understanding (MOU) with the Maryland Transportation Authority (MDTA).

**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:

753 - 763

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.

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

1. B50001330, Tactical  
Face Masks

**REJECTION** - Vendors were solicited by posting on CitiBuy and in local newspapers. On February 24, 2010, two proposals were received and opened. The solicitation was flawed in that the using agency requested a certification that was found to be outdated. This requirement will be re-bid.

**A LETTER OF PROTEST HAS BEEN RECEIVED FROM FEDERAL RESOURCES SAFE MEASURES.**

President: "Page 38, item no. 1, B50001330, Tactical Face Masks. Is anyone from Safe Masters here? Madam Deputy Comptroller will now read the request from Purchases into the record".

Deputy Comptroller: "Okay".

Jeremy Graham: "We are here form National Safety Measures".

Deputy Comptroller: "Okay, come forward please sir".

Jeremy Graham: "Good morning my name is Jeremy Graham from National Safety Supply. Do we have a chance to address the Board on any of this issue?"

President: "You can address the Board but I want you to keep your comments focused because they are rejecting the Bids".

Jeremy Graham: "Okay".

George Gianfaccaro: "Good morning, my name is George Gianfaccaro

**MINUTES**Bureau of Purchases - cont'd

with Immutex USA, we are the manufacturer of the garments that went out for bid. My first comment is that you are in very good company by selecting our garment on the bid. The people that are also wearing this suit are the United States Air Force, New York City Police Department, New York Fire Department, New Jersey State Police, etc. So you are in good company. The issue I believe was that - - they want - - We have been working on this Bid for five years and we worked with the City Police. We sent in samples, they liked the samples and they went out for bid. Another company "Federal Resources" who is issuing the protest has said that they -- bid a less. They said they Bid an equal and really, it was less. It was not an equal - - so their bid was thrown out. The Vice President from "Federal Resources" called me the day after the bid; now we are the manufacturer, and asked that we set him up as a distributor. I told him that we already have ten distributors in the Baltimore area, there is no reason to set him up, and his comment was "Well, if you don't set us up , we are going to make sure this bid get thrown out". And so they are using the City of Baltimore and the police to force them into an item that they are not interested in buying.

**MINUTES**Bureau of Purchases - cont'd

As I mentioned the suit has already been sampled, tested, approved, and that is something that we would like to - - I think that throwing it out is really starting everything back over from square one".

Joseph Mazza: "Joseph Mazza, Acting City Purchasing Agent, Good Morning. The reason this Bid was thrown out was not because of the protest itself. It was because the protest caused the Police Department to reexamine what they had asked for in the first place and the specifications that they provided - - the certification that they asked for was an outdated certification they did not realize it apparently at the time. Once it was brought to their attention that there was a more current certification, they said that they said that they would prefer a suit that meet that more recent standard and therefore we are rebidding for that purpose and not because of the protest itself".

President: "Thank you, Madam Deputy Comptroller would you read into the record, the request from Purchasing".

Deputy Comptroller: "Yes, the Board is requested to **REJECT** all Bids for Solicitation No. B50001330, Tactical Face Masks. Background Explanation: Vendors were solicited by posting on CitiBuy and in local newspapers. The two bids received were

**MINUTES**

Bureau of Purchases - cont'd

opened on February 3, 2010. The solicitation was flawed in that the using agency requested a certification that was found to be outdated. This requirement will be re-bid".

President: "Is there a Motion?"

Solicitor: "Move that the recommendation from Mr. Mazza for the reason he stated, **REJECT** all Bids".

President: "All in favor say "AYE" "AYE", All apposed "NAY", the motion carries, this item has been approved".

2. B50001346, Asphalt Compactor	Road Machinery, Inc. d/b/a Volvo Construction Equipment & Services	\$ 88,806.00
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**MWBOO GRANTED A WAIVER.**

3. B50001324, Cisco Wireless Hardware	En Pointe Technology Sales, Inc.	\$ 46,061.37
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**MWBOO GRANTED A WAIVER.**

4. B50001353, Concrete Mixer Truck	<b>REJECTION</b> - On February 24, 2010, five proposals were received and opened. A change in requirements has resulted in bids that will not meet the City's needs. Therefore, it is recommended that all bids be rejected as not being in the best interest of the City. The specifications will be revised and this requirement will be re-bid at a later date.	
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**MINUTES**

**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:**

Department of Recreation and Parks

5. RP 08835R, Edgewood Recreation Center Gym Expansion	JLN Construction, Services, Inc.	\$1,289,995.00	
<b>MBE:</b> Harvey Harris Contractors, Inc.		\$128,999.50	10.00%
Bey Refrigeration & Heating Co., Inc.		<u>219,299.15</u>	<u>17.00%</u>
		<b>\$348,298.65</b>	<b>27.00%</b>
<b>WBE:</b> Design Plus Sprinkler Systems, Inc.		\$38,699.85	3.00%
Amaric Interiors, LLC		<u>38,699.85</u>	<u>3.00%</u>
		<b>\$77,399.70</b>	<b>6.00%</b>

**MWBOO FOUND VENDOR IN COMPLIANCE.**

6. **TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 125,000.00	9938-913001-9475	
State	Reserve - Unallotted	
794,000.00	9938-903695-9475	
Rec & Parks	Reserve - Lyndhurst	
24 <sup>th</sup> Series	Edgewood Recreation	
	Center Gymnasium	
482,000.00	" " "	
<u>State</u>		
<b>\$1,401,000.00</b>	-----	9938-903695-9474
		Active - Lyndhurst
		Edgewood Recreation
		Center Gymnasium

This transfer will cover the cost associated with the award of RP 08835R, Edgewood Recreation Center Gymnasium Expansion to JLN Construction Services, Inc.

**MINUTES**Department of Transportation

7. TR 08318, Installation of Fiber Optic & Copper Communications Systems Citywide JOC
- REJECTION** - On February 3, 2010, the board opened six bids for this project. Bids ranged from a low of \$2,164,095.85 to a high of \$3,598,961.97. In order to amend the scope of the project, the Department has decided to re-advertise at a later date. Therefore, the Department recommends that all bids be rejected.

**A PROTEST HAS BEEN RECEIVED FROM LAI CONSTRUCTION SERVICES, INC.**

President: "Will the parties for the protest on Page 40, item no. 7, rejection of bids for TR 08318, Installation of Fiber Optic & Copper Communications Systems Citywide, please come forward. The Board is being asked to reject all bids, therefore I would ask that you keep all of your comments focused on why the Board should not approve the rejection."

John Themelis: "Good Morning, for those who do not know I am John Themelis and I am retired from the Circuit Court. I am not a Circuit Court Judge now. I represent LAI in this case who was the low bidder under contract TR 08318. The next closest bidder was \$300,000.00 above their contractual bids. The remaining contract bids were substantially higher than that than LAI. The effect of resubmitting bids on addendum no. 3, as is evident on this chart, there were only two Department of Transportation -

**MINUTES**

cont'd

contractors who failed to bid and who say they failed to get addendum no. 3 which had four changes and they are indicated as Midasco and KCH - - KCI, I'm sorry. I followed the freedom of information act and it was the quickest response I have ever had in my life or ever seen in my life, the response was faxed to me. I filed the notice of protest and a freedom of information act for information concerning anyone, public figure or otherwise who filed a protest directly or indirectly or contacted the Department of Transportation, directly or indirectly through any party and my response was from Director Foxx that there have been no e-mails, letters or formal protests from any contractor or anyone working on behalf of a contractor regarding the receipt or non-receipt of addendums issued on behalf of the contract. Now, apparently on it's own initiative, and in a situation where the environmental impact on the City following the snow storm is very economically harsh, the Department on its own, evidently without any protests whatsoever has decided to re-let the contract for additional bids. Which is only going to have an adverse impact on the economy and our citizenship. I don't think that is correct, the bid would only add to the \$300,000.00 difference. It is impossible to be cheaper when its \$300,000.00 more - - the others - - the least

**MINUTES**

Department of Transportation - cont'd

expensive bid with regard to addendum no. 3, with regard to those who bid was around \$300,000.00. So, we would be widening the gap, even if the lowest bid, next bid figures were used, by another \$300,000.00, which would make it a \$600,000.00 difference and I don't think that rests in the best interest of the citizens of Baltimore City to re-bid this contract. And that is basically my argument."

President: "Jamie?"

Jamie Kendrick: "Good morning, Mr. President, members of the Board Jamie Kendrick Deputy Director, Department Transportation. I am joined by Brenda Simmons from our Contract Administration Office and Leslie Winner from the Law Department. It is unfortunate today that we bring to you this recommendation to reject all bids because of an administrative oversight which was only compounded by the snow storm which began the day after the bids were due. Frankly, what happened in this case was that the contract administrator failed to mail certified the addendum no. 3 to several of the bidders, of which two - - excuse me several of the bid list holders; the people who come and purchase the books from the Department and thus several vendors did not have the opportunity to have the full information on this project.

**MINUTES**

Department of Transportation - cont'd

It is correct though that only two of the firms that bid on the project in the end, did not receive the addendum. But, even still we are concerned that this then creates a playing field that is not level for all potential bidders and with that we ask that the Board sustain the Department's recommendation to REJECT."

John Themelis: "President Young, if I may add one thing. Midasco is not a naive and new contractor. According to my research, he won last year a major contract and had won bids on other contracts in the past. He knew very well how to file a protest and failed to do so and I think it is unconscionable for the Department of Transportation to file a protest on his behalf, saying that it is in the best interest of the citizens of Baltimore City."

President: "Okay, response."

Jamie Kendrick: "Mr. President if I may, respectfully. The Department is acting in the best interest of the citizens of Baltimore. We are not acting in the best interest of any individual vendor, when we discovered the oversight, we proceeded to bring the recommendation to the Board. It is unfortunate that we had to do this; we do not take pride in that fact. We do intend to rebid this project in about three weeks

**MINUTES**

Department of Transportation - cont'd

and again I would ask that the Board sustain."

President: "Was any of the addendums sent out to any of the companies?"

Jamie Kendrick: "Yes Sir. There were three addendums on the project, there were thirty-one plan holders, so on the third addendum it appears that, and I do not have the exact number - - six or seven of the bidders were not sent the addendum by certified mail. That is evidenced by the fact that we did not receive back a green certified mail slip from those vendors."

President: "But were they mailed out to all of them?"

Jamie Kendrick: "No. We do not have any evidence of that and the contract administrator, in fact, believes that she did make a mistake in not mailing to all thirty-one on the third addendum, on the other two, yes."

Ms. Leslie Winner: "Leslie Winner in the Law Department, It is a foundation of legal bidding that the City maintains and that all offerors maintain a level playing field. We do not have that here, inadvertently, the Department of Transportation, when it amended the contract failed to notify all bidders, and with all due respect to Mr. Themelis it is only conjecture that other people did not bid when he cites Midasco. We have no idea who might have bid on this contract if everyone had received the

**MINUTES**

addendum, and it was not just one bidder it was many. It was

Department of Transportation - cont'd

inadvertent, it was an accident, it rarely if ever happens, but it did happen in this case."

John Themelis: "What is conjecture? It's a \$300,000.00 difference, that's a lot of money."

Leslie Winner: "We don't know it, we don't know if every bidder was on a level playing field and knew what the bid was, knew what the terms were, and knew what the bid items were; We don't know what the bid would have been, because it was not a level playing field. We have told some bidders how to bid, others not and this is not sustainable."

President: "Okay, is there a motion?"

City Solicitor: Move to accept the recommendation to REJECT all bids.

Director of Public Works: "Second."

President: "All those in favor say "AYE"? "AYE". All opposed "NAY". Motion carries, the item has been approved. Thank you."

**MINUTES**

Bureau of Purchases - Acceptance of Technical Proposals and Opening of Price Proposals for B50001328

**ACTION REQUESTED OF B/E:**

The Board is requested to accept the technical proposals and authorize the opening of the price proposals and WBE/MBE packages from the bidders that have met or exceeded the minimum technical score for solicitation B50001328, Provide Electrical, Compressed Air, and Water Services for Baltimore Convention Center. It is also requested that the price proposals and WBE/MBE packages from the vendors that did not score the minimum required points, be returned unopened.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On February 03, 2010, the Board opened four technical proposals for contract B50001328. The technical proposals received were evaluated, and it is recommended that the technical bids from the following three bidders be accepted:

Edlen Electrical Exhibition Services, Inc.;  
Hi-Tech Electric, LLC; and  
Freeman.

Having met or exceeded the minimum technical score, it is recommended that the three price proposals and WBE/WBE packages submitted from the three bidders listed above be opened.

The technical proposal from GES did not score the minimum required points. Therefore, it is requested that the price proposal and MBE/WBE package from GES be returned unopened.

**MINUTES**Bureau of Purchases - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the technical proposals and authorized the opening of the price proposals and WBE/MBE packages from the bidders that have met or exceeded the minimum technical score for solicitation B50001328, Provide Electrical, Compressed Air, and Water Services for Baltimore Convention Center. The Board also approved the request to return unopened the price proposals and WBE/MBE packages from the vendors that did not score the minimum required points. The Mayor **ABSTAINED**.

**MINUTES**

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

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with Poly-Seal Corporation, Inc. The period of the agreement is February 15, 2010 through May 1, 2010.

**AMOUNT OF MONEY AND SOURCE:**

\$25,000.00 - 4000-805310-6310-462005-603051

**BACKGROUND/EXPLANATION:**

The Poly-Seal Corporation, Inc. will provide 164 hours of training for 37 incumbent employees of the Poly-Seal Corporation, Inc. through an initiative known as Maryland Business Works.

The incumbent employees will receive the following training: Process Optimization, Husky GRS Runner, Master Molder, RJS System and Injection Molding On-Line.

The amount of the agreement will not exceed \$25,000.00 of federal funds. The cost represents 50% of the total cost of the training.

The agreement is late due to an extended negotiation process.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of an agreement with Poly-Seal Corporation, Inc.

**MINUTES**

Mayor's Office of Employment - Intergovernmental Agreements  
Development (MOED)

The Board is requested to approve and authorize execution of the intergovernmental agreements with the Maryland State Department of Human Resources, Baltimore City Department of Social Services for the following services:

<u>SERVICES</u>	<u>AMOUNT</u>
1. <b>TEMPORARY CASH ASSISTANCE (TCA)</b>	<b>\$1,188,436.00</b>

Account: 4000-808410-6390-456000-404001

Under the New Beginnings Program, the funds will be used to enhance the employability skills and job readiness of TCA customers. The period of the agreement is July 1, 2009 through June 30, 2010.

2. <b>TEMPORARY CASH ASSISTANCE (TCA)</b>	<b>\$5,155,878.00</b>
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Account: 4000-808210-6390-456000-404001

The purpose of this employment continuum agreement is to assist enrolled TCA applicants and recipients to actively participate in programs and services leading to full-time unsubsidized employment. The period of the agreement is July 1, 2009 through June 30, 2011.

The intergovernmental agreements are late because they were recently received from the State of Maryland.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the intergovernmental agreements with the Maryland State Department of Human Resources, Baltimore City Department of Social Services for the foregoing services.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

- |    |   |                    |                        |
|----|---|--------------------|------------------------|
| 1. | <u>SHI</u>  | <u>\$ 7,155.28</u> | <u>Low Bid</u>         |
|    | Solicitation No. 07000 - SQL Server 2008 Software - Mayor's Office of Information Technology - Req. No. R541639                             |                    |                        |
| 2. | <u>GALLS</u>  | <u>\$21,821.50</u> | <u>Low Bid</u>         |
|    | Solicitation No. 07000 - USAR Rescue Uniforms - Fire Department - Req. No. R539994  |                    |                        |
| 3. | <u>IMACS</u>  | <u>\$ 5,830.00</u> | <u>Selected Source</u> |
|    | Solicitation No. 06000 - Configure Server and Workstations to Existing SCADA System - Department of Public Works - Req. No. R534636         |                    |                        |
|    | The vendor was responsible for the programming code and installation of the existing system and is best positioned to perform this service. |                    |                        |
| 4. | <u>GEIGER PUMP &amp; EQUIPMENT CO.</u>  | <u>\$ 6,214.00</u> | <u>Low Bid</u>         |
|    | Solicitation No. 07000 - Vacuum Regulator - Department of Public Works - Req. No. R540481   |                    |                        |
| 5. | <u>PC MALL GOV, INC.</u>  | <u>\$ 8,832.69</u> | <u>Low Bid</u>         |
|    | Solicitation No. B50001399 - Lenovo ThinkPad SL510 Notebook Computers - Department of Transportation - Req. No. R515752                     |                    |                        |
| 6. | <u>AMERICAN WORDATA</u>   | <u>\$ 5,296.00</u> | <u>Low Bid</u>         |
|    | Solicitation No. B50001365 - Computer Hardware and Peripherals - Police Department - Req. No. R541136                                       |                    |                        |

## 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. <u>GIESERLAB, INC.</u>	<u>\$18,000.00</u>	<u>Sole Source</u>
Solicitation No. 08000 - Evidence Drying Cabinets - Police Department - Req. No. R542067		
The vendor is the manufacturer and sole distributor of these cabinets needed by the Police Department.		
8. <u>AMERICAN WORDATA</u>	<u>\$ 5,491.00</u>	<u>Low Bid</u>
Solicitation No. B50001357 - Microsoft and ArcServe Licenses - Police Department - Req. No. R539904		
9. <u>ZENMAR POWER TOOL &amp; HOIST SYSTEMS</u>	<u>\$11,389.10</u>	<u>Low Bid</u>
Solicitation No. 07000 - Rock Drill Shank - Department of Public Works - Req. No. R541324		
10. <u>STANLEY CONVERGENT SECURITY SOLUTIONS, INC.</u>	<u>\$11,740.00</u>	<u>Sole Source</u>
Solicitation No. 08000 - Fire Alarm System Upgrade - Mayor's Office of Employment Development - Req. Nos. R542731/R542735		
The vendor is the sole provider of upgrades to this proprietary system.		
11. <u>EDRICH LUMBER, INC.</u>	<u>\$ 7,998.00</u>	<u>Low Bid</u>
Solicitation No. 07000 - Mulch - Department of Recreation and Parks - Req. No. R542043		
12. <u>W.W. GRAINGER, INC.</u>	<u>\$13,125.00</u>	<u>Low Bid</u>
Solicitation No. 07000 - First Alert Carbon Monoxide Detectors - Health Department - Req. No. R539956		

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

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|--|-------------|---------------------|
| 13. ALTY CLEANING  |             | Ratification        |
| SERVICE INC.   | \$11,880.00 | Term Purchase Order |
| Solicitation No. 06000 - Janitorial Services - Enoch Pratt |             |                     |
| Free Library - Req. Nos. Various                           |             |                     |

On January 17, 2007, the Board approved the initial award in the amount of \$11,880.00. The award contained renewal options at the sole discretion of the City. Subsequent renewals have been approved. Janitorial Services for Branch #4 expired on January 31, 2010 with a one-year renewal option remaining. The vendor was not in good standing with the Maryland Department of Assessment and Taxation. The vendor continued to meet the City's needs and has brought his status to good standing with the State of Maryland. The Board is requested to ratify the expenditures for the services provided for the period February 1, 2010 through March 16, 2010 and approve a term purchase order for the period March 17, 2010 to January 31, 2011.

- |  |             |                     |
|--|-------------|---------------------|
| 14. ALTY CLEANING  |             | Ratification/       |
| SERVICE, INC.  | \$ 5,941.04 | Term Purchase Order |
| Solicitation No. 06000 - Janitorial Services - Enoch Pratt |             |                     |
| Free Library - Req. Nos. Various                           |             |                     |

On January 17, 2007, the Board approved the initial award in the amount of \$5,941.04. The award contained renewal options at the sole discretion of the City. Subsequent renewals have been approved. The vendor was not in good standing with the Maryland Department of Assessment and Taxation, but continued to meet the City's needs and has brought his status to good standing with the State of Maryland. The Board is requested to ratify the expenditures for the services provided for the period February 1, 2010 through March 16, 2010 and approve a term purchase order for the period March 17, 2010 through January 31, 2011.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

- |     |  |                     |                        |
|-----|--|---------------------|------------------------|
| 15. | <u>THE GARRISON COMPANY</u>  | <u>\$ 17,079.00</u> | <u>Low Bid</u>         |
|     | Solicitation No. B50001317 - Mowing and Landscaping Service<br>- Enoch Pratt Free Library - Req. No. R536562 |                     |                        |
| 16. | <u>MODERN EQUIPMENT SALES<br/>&amp; RENTAL CO.</u>   | <u>\$ 17,900.00</u> | <u>Selected Source</u> |
|     | Solicitation No. 06000 - Reconditioned/Used Fork-Lift -<br>Department of Finance - Req. No. R537404          |                     |                        |

The Digital Documents Division is renting a forklift and does not have the funds to purchase a new one. By purchasing a reconditioned model, the Department will save approximately \$20,000.00 over the cost of a new forklift, as well as the rental costs currently being incurred. The price is considered fair and reasonable by the Fleet Management Division.

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|-----|---|--------------------|--------------------|
| 17. | <u>RENOLD, INC.</u>   | <u>\$10,928.00</u> | <u>Sole Source</u> |
|     | Solicitation No. 08000 - Renold Carter Parts - Department of<br>Public Works - Req. No. R539617 |                    |                    |

This is for the procurement of miscellaneous Renold Carter parts. The vendor is the original equipment manufacturer and only authorized supplier and distributor of parts listed. Authority is requested for this sole source procurement.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
<u>Bureau of Purchases</u>		
18. <u>CITRIX SYSTEMS, INC.</u>	<u>\$ 7,500.00</u>	<u>Sole Source</u>
Solicitation No. 08000 - Technical Support - Mayor's Office of Information Technology - Req. No. R543569		
This is for the procurement of technical support. The vendor is the sole provider of technical support for the Enterprise Citrix Server System. The period of the award is March 17, 2010 through March 16, 2011.		
19. <u>HD SUPPLY</u>	<u>\$13,692.00</u>	<u>Low Bid</u>
Solicitation No. 07000 - Roadway Boxes - Department of Public Works - Req. No. R540909		
20. <u>GEIGER PUMP &amp; EQUIPMENT COMPANY</u>	<u>\$ 13,218.15</u>	<u>Low Bid</u>
Solicitation No. 07000 - Pulsar Chemical Feed Pump Parts - Department of Public Works - Req. No. R542884		
21. <u>PC MALL GOV, INC.</u>	<u>\$ 7,920.00</u>	<u>Low Bid</u>
Solicitation No. 07000 - 2GB Flash Drives - Enoch Pratt Free Library - Req. No. R541354		
22. <u>PITNEY BOWES</u>	<u>\$ 16,000.00</u>	<u>Sole Source</u>
Solicitation No. 08000 - Pitney Bowes Lease - Sheriff's Department - Req. No. R541666		

This request will provide the remainder of funds for the Pitney Bowes Inserting Mailing System for the duration of the original 60-month lease that began in October 2007. The equipment and service is available only from Pitney Bowes. The period of the award is March 17, 2010 through November 30, 2011.

## 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>		
23. <u>OBVERSE, INC.</u>	<u>\$ 24,901.14</u>	<u>Low Bid</u>
Solicitation No. 07000 - Licensed Clinical Social Worker (Certified, Supervisor) - Health Department - Req. No. R539912		
24. <u>CITIZENS</u>		
<u>PHARMACY SERVICES</u>	<u>\$ 8,861.44</u>	<u>Low Bid</u>
Solicitation No. 07000 - Smoking Cessation Products (Commit Lozenges) - Health Department - Req. No. TBDL		
25. <u>DUROBAG MANUFACTURING</u>		
<u>COMPANY</u>	<u>\$ 60,265.00</u>	<u>Increase</u>
B50000414 - Paper Lawn and Leaf Bags - Agencies - Various - PO No. P502286		

On May 21, 2008, the Board approved the initial award in the amount of \$120,530.00. Because of the higher than anticipated demand for these products, an increase in the amount of \$60,265.00 is necessary, making the total award amount \$180,795.00.

**MWBOO GRANTED A WAIVER.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

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|--|--------------|-------------|
| 26. SALAMANDER TECHNOLOGIES  | \$ 45,578.00 | Sole Source |
| Solicitation No. 08000 - Asset Management and Tracking System - Fire Department - Req. No. R542535 |              |             |

This system is used to identify and track equipment during emergency situations. The Baltimore Urban Area Security Initiative has recommended this system for all seven jurisdictions, including Baltimore City. Salamander Technologies is the sole provider of this proprietary software.

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

- |  |              |         |
|--|--------------|---------|
| 27. SWARCO INDUSTRIES, INC.  | \$ 38,750.00 | Renewal |
| Solicitation No. B50001075 - Glass Beads Used in Traffic Paints to Reflecterize - Department of Transportation - Req. Nos. Various |              |         |

On June 17, 2009, the Board approved the initial award in the amount of \$38,750.00. The award contained two one-year renewal options at the sole discretion of the City. Authority is requested to exercise the first one-year renewal option in the amount of \$38,750.00. The period of the award is July 1, 2010 through June 30, 2011.

**MWBOO GRANTED A WAIVER.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

- |     |  |                     |                |
|-----|--|---------------------|----------------|
| 28. | <u>ITRON INCORPORATED</u>  | <u>\$ 43,257.60</u> | <u>Renewal</u> |
|     | Solicitation No. 08000 - Technical Support/Maintenance for the Hardware and Software Updates - Department of Public Works, Revenue Measures and Billing - Req. No. R542167 |                     |                |

On August 30, 2006, the Board approved an agreement in the amount of \$40,194.00. The agreement contained two 1-year renewal options at the sole discretion of the City. Subsequent actions have been approved. This renewal in the amount of \$43,257.60 is for the period July 1, 2010 through June 30, 2011.

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

- |     |                         |                     |                |
|-----|-------------------------|---------------------|----------------|
| 29. | <u>TRIDENT BUILDING</u> |                     |                |
|     | SERVICES                | \$100,000.00        |                |
|     | VIP SPECIAL SERVICES,   | 100,000.00          |                |
|     | LLC                     | <u>\$200,000.00</u> | <u>Renewal</u> |

Solicitation No. BP-07137 - Requirements for Windows and Trusses Cleaning, Washing, and Related Work - Agencies - Various - Req. Nos. Various

On April 18, 2007, the Board approved the initial award in the amount of \$350,000.00. The award contained two 1-year renewal options at the sole discretion of the City. Subsequent actions have been approved. This renewal in the amount of \$200,000.00, is for the period April 16, 2010 through April 15, 2011.

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

**MINUTES**

**INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS**

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

- |   |              |                               |
|---|--------------|-------------------------------|
| 30. MAGOTHY TECHNOLOGY, LLC   | \$875,000.00 | Agreement/<br>Selected Source |
| Solicitation No. 06000 - IT Services Agreement - Fire and Police Employees' Retirement System (F&PERS) - Req. No. R537703 |              |                               |

The Board is requested to approve and authorize execution of an agreement with Magothy Technology, LLC. The period of the agreement is effective upon Board approval through March 9, 2015.

Magothy Technology, LLC served as a minority subcontractor during the previous IT contract with the F&PERS and took the lead on several projects, including the development and implementation of F&PERS's website, implementation of its state-of-the-art Cisco firewalls, security, and IT assessments, and a due-diligence risk assessment of its current IT local area network. As a result, Magothy Technology, LLC is uniquely positioned to assist in maintaining continuity of the existing systems and supporting the planning, transition and installation of the integrated IT records management and benefits administration packages.

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

<b>MBE:</b> Platinum Integrated Solutions, LLC	\$140,000.00	16%
<b>WBE:</b> Plexus Installation, Inc.	\$ 52,500.00	6%

**MWBOO 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>
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Bureau of Purchases

31. WOODLAWN MOTOR COACH  
SIVELS TRANSPORTATION,  
INC.  
FUTRANET, INC. \$750,000.00 Renewal  
B50000406 - General Charter Bus Transportation - Various  
Agencies - Req. Nos. Various

On June 25, 2008, the Board approved the initial award in the amount of \$1,500,000.00. The Board is requested to approve the first one-year renewal in the amount of \$750,000.00 for the period of June 26, 2010 through June 25, 2011.

**MWBOO GRANTED A WAIVER.**

32. LONG FENCE COMPANY \$150,000.00 Extension  
BP 07103 - Requirements to Furnish and Install Various Types  
of Fence Systems - Various Agencies - Req. Nos. Various

On March 14, 2007, the Board approved the initial award in the amount of \$427,868.24. Subsequent actions have been approved.

**MINUTES****INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS**

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

Although a one-year renewal option remains, the Bureau of Purchases recommends that the renewal not be granted because of the vendor's failure to meet its MBE/WBE goals. Instead, the Board is requested to approve the final renewal option in the amount of \$150,000.00 to cover the period of March 26, 2010 to June 30, 2010 to allow time for this requirement to be re-bid.

**MWBOO SET MBE GOALS AT 15% AND WBE GOALS AT 3%**

**MBE:** Pioneer Contracting Co., Inc. 15%

**WBE:** Warwick Supply & Equipment Co., Inc. 3%

**THE CONTRACTOR HAS NOT SHOWN GOOD FAITH EFFORTS TO UTILIZE MBE AND WBE FIRMS.**

**MWBOO FOUND VENDOR NON-COMPLIANT**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

- |   |                                     |            |
|---|-------------------------------------|------------|
| 33. HERBERT ELECTRIC<br>COMPANY   | No additional<br>funds are required | Term Order |
| Solicitation No. 06000 - Provide Alteration and Repair to<br>City-Owned Lighting System - Various Agencies - Req. Nos.<br>Various |                                     |            |

On March 14, 2007, the Board approved the original award in the amount of \$336,250.00. Subsequent actions have been approved. Solicitation No. BP 07123-Alterations and Repair to City Owned Lighting Systems expired on March 07, 2010, with a one-year renewal option remaining because of delays in confirming MBE/WBE compliance. As a result, the Board is requested to approve a term order, under the same terms and conditions as BP 07123, for the period of March 17, 2010 through 03/07/2011 to insure an uninterrupted supply of services.

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

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

**MWBOO SET MBE GOALS AT 17% AND WBE GOALS AT 8%**

**MBE:** Mace Electric Co., Inc. 17%

**WBE:** Electric Masters Services, Inc. 8%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

UPON MOTION duly made and seconded, the Board approved the foregoing informal awards and increases and extensions to contracts. The President ABSTAINED on item No. 18. The Comptroller ABSTAINED on item No. 30.

**MINUTES**

Department of Housing and - Head Start Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the Head Start agreement with the Associated Catholic Charities, Inc., delegate agency for the St. Jerome Head Start Program. The period of the agreement is October 1, 2009 through September 30, 2010.

**AMOUNT OF MONEY AND SOURCE:**

\$44,998.00 - 5000-586810-6050-449900-603051

**BACKGROUND/EXPLANATION:**

Under the terms of this agreement, the St. Jerome Head Start Program will institute a six-week summer program that will provide a continuum of services for 54 children from June 7, 2010 through July 16, 2010. Education Coordinators will be responsible for monitoring the outcomes of each summer program classroom. Two teachers and two assistant teachers, as well as a custodian will be hired to ensure the successful implementation of the program.

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

**MWBOO GRANTED A WAIVER.**

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Head Start agreement with the Associated Catholic Charities, Inc., delegate agency for the St. Jerome Head Start Program.

**MINUTES**

Department of Housing and - Amendment to Head Start  
Community Development      Consultant Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the amendment to the Head Start consultant agreement with Ms. Marilyn Stack-Gill.

**AMOUNT OF MONEY AND SOURCE:**

\$15,000.00 - 4000-486310-6050-452399-603018

**BACKGROUND/EXPLANATION:**

On September 23, 2009, the Board approved an agreement, in the amount of \$23,985.00, with Ms. Stack-Gill to provide screening and special services to children with disabilities in the Head Start Program. This amendment to the agreement will provide funds to cover the additional hours of service provided by Ms. Stack-Gill. All other terms and conditions remain unchanged.

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment to the Head Start consultant agreement with Ms. Marilyn Stack-Gill.



**MINUTES**DHCD - cont'd**4. HOUSE OF RUTH MARYLAND, INC. \$ 196,972.00**

Accounts: 5000-529110-3570-333718-603051  
 5000-525610-3570-333718-603051

The House of Ruth Maryland, Inc. will provide 45 emergency shelter beds to homeless women and children in Baltimore City. Under the terms of this agreement, the funds will be used to offset the cost of providing sleeping accommodations for three to 24 months and case management services to help homeless individuals achieve stable, permanent housing and self-sufficiency. The period of the agreement is July 1, 2009 through June 30, 2010.

**5. HOMELESS PERSONS REPRESENTATION \$ 110,760.00  
PROJECT, INC. (HPRP)**

Account: 4000-496210-3570-591445-603051

The HPRP will provide legal assistance services to approximately 24 families and 51 individuals, who have been referred from other homeless services providers and through outreach places where homeless individuals congregate. The period of the agreement is January 1, 2010 through December 31, 2010.

**6. MARIAN HOUSE, INC. \$ 200,947.00**

Account: 4000-496311-3570-591219-603051

Marian House, Inc. will provide housing, in conjunction with supportive services to 15 homeless clients. The services will include, but will not be limited to monthly rental assistance payments for rental subsidies, security deposits and/or payment for damage to the property/ies (if applicable). The period of the agreement is April 1, 2010 through March 31, 2011.

**MINUTES**DHCD - cont'd**7. WOMEN'S HOUSING COALITION, INC.                   \$ 107,404.00**

Account: 4000-496311-3570-591235-603051

The Women's Housing Coalition, Inc. will provide housing, in conjunction with supportive services to eight homeless and disabled clients. The services will include monthly rental assistance payments for monthly rental subsidies, security deposits and/or payment for damage to the property/ies (if applicable). The period of the agreement is March 15, 2010 through March 14, 2011.

**8. PROJECT PLASE, INC.                                       \$ 72,239.00**

Account: 4000-496210-3570-591426-60351

Project Plase, Inc. will provide housing and supportive services to approximately ten homeless men and women with HIV/AIDS related illnesses and/or dually diagnosed. Housing will be provided in ten Single Room Occupancy units at the permanent housing facility located at 1814 Maryland Avenue. The services will include, but not be limited to teaching, supporting, and reinforcing daily living skills, and providing medication.

In addition, Project Plase, Inc. will provide behavior management for particular problem behaviors that could affect the client's relationship with a housemate or the client's ability to work or live in independent housing and assist the client in procuring employment and/or training. The period of the agreement is October 1, 2009 through September 30, 2010.

**9. PROJECT PLASE, INC.                                       \$ 170,955.00**

Account: 4000-496210-3570-591426-60351

Project Plase, Inc. will provide transitional housing and supportive services to approximately 12 single, medically fragile homeless individuals at the transitional housing facility located at 1814 Maryland Avenue. The services

**MINUTES**DHCD - cont'd

will enable these individuals to become stable, connect with resources in the community and access long-term or permanent housing. The targeted population will be men and women, who in addition to having HIV/AIDS related illnesses, also have a history of substance abuse and/or chronic mental illness. The period of the agreement is October 1, 2009 through September 30, 2010.

AMENDMENT NO. 2 TO GRANT AGREEMENT

10. **JOBS, HOUSING AND RECOVERY, INC.** **\$ 33,994.00**  
**(JHR)**

Account: 5000-585210-5750-649858-603051

On July 1, 2009, the Board approved the one-year grant agreement, in the amount of \$2,580,667.00, with the JHR to provide overnight accommodations and supportive services for the homeless at 210 Guilford Avenue.

On January 27, 2010, the Board approved amendment no. 1 to the grant agreement, in the amount of \$93,898.00, to provide funds for 60 overflow beds at the Walter P. Carter Center, located at 630 W. Fayette Street.

This amendment no. 2, in the amount of \$33,994.00, will increase the funding to provide 20 additional overflow beds at the Walter P. Carter Center for homeless men, women, and families. These accommodations were necessary because of the unusually harsh winter conditions. The period of amendment no. 2 is December 18, 2009 through March 31, 2010.

**MINUTES**DHCD - cont'dMEMORANDA OF UNDERSTANDING11. **CARROLL COUNTY** **\$ 58,677.00**

Account: 4000-490911-3570-333677-603051

Carroll County, through its Department of Health, will be responsible for direct client assistance services. The services will include, but will not be limited to short term rent, mortgage, security deposits, utilities, food vouchers, and funds for transportation. The period of the MOU is July 1, 2009 through June 30, 2012.

12. **CARROLL COUNTY** **\$ 59,346.00**

Account: 4000-490910-3570-333677-603051

Carroll County, through its Department of Health, will provide comprehensive diagnostic and treatment services, education and intensive case management services to approximately 10-15 clients with HIV/AIDS related illnesses. In addition, the organization will provide direct client assistance that will include, but will not be limited to short term rent, mortgage, security deposits, utilities, food vouchers, and funds for transportation, and nutritional supplements. The period of the MOU is July 1, 2008 through June 30, 2011.

The grant agreements, the amendment to agreement, and the MOU are late because of delays at the administrative level.

**MINUTES**

DHCD - cont'd

**MWBOO GRANTED A WAIVER.**

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED (EXCEPT ITEM NOS. 11-12) AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing grant agreements, amendment no. 2 to grant agreement, and memoranda of understanding (MOU).

**MINUTES**

Department of Housing and Community Development - American Recovery and Reinvestment Act of 2009 (ARRA), Community Development Block Grant Recovery (CDBG-R) Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an ARRA, CDBG-R agreement with the Marian House, Inc. The period of the agreement is October 1, 2009 through September 30, 2010.

**AMOUNT OF MONEY AND SOURCE:**

\$85,350.00 - 4000-485710-5750-643800-603051

**BACKGROUND/EXPLANATION:**

The ARRA of 2009 made over \$6,200,000.00 in one-time funding of additional CDBG funds available to the City to carry out, on an expedited basis, eligible activities under the CDBG program in order to stimulate the local economy.

Under the terms of this agreement, the Marian House, Inc. will use the funds to acquire 939 Gorsuch Avenue, a vacant property in the Waverly area. Upon the completion of the rehabilitation of the property, the organization will provide housing for homeless women with substance abuse addiction.

On May 27, 2009, the Board approved a Resolution authorizing the Department of Housing and Community Development (DHCD), on behalf of the Mayor and City Council, to accept American Recovery and Reinvestment Act of 2009 (ARRA) funds for the Community Development Block Grant Recovery (CDBG-R) Program.

**MINUTES**

DHCD - cont'd

Upon receipt of the Housing and Urban Development grant agreement for the CDBG-R funds on July 24, 2009, the DHCD's Contract Section began negotiating and processing CDBG-R agreements as awarded in the Substantial Amendment to the 2008 Annual Action Plan to be effective beginning October 1, 2009 and beyond. Consequently, the agreement was delayed due to final negotiations and processing.

**MWBOO GRANTED A WAIVER.**

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of an ARRA, CDBG-R agreement with the Marian House, Inc.

**MINUTES**

Department of Housing and                    - Acquisition by Gift  
Community Development (DHCD)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the acquisition of the leasehold interest of 1510 N. Port Street as a gift from William Seruck Herriott **SUBJECT** to municipal liens, accrued interest, and penalties, other than water bills through settlement.

**AMOUNT OF MONEY AND SOURCE:**

No City funds will be expended.

**BACKGROUND/EXPLANATION:**

The owner agrees to pay for any title work and all associated settlement costs, not to exceed \$600.00 total.

The DHCD's Land Resources Division, strategically acquires and manages vacant or abandoned properties, which enables these properties to be returned to productive use and improve neighborhoods in Baltimore City.

**MINUTES**

DHCD - cont'd

Mr. Herriott will pay all current water bills up through the date of settlement. The City's acceptance of this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain. The liens for 1510 N. Port St. are itemized as follows:

Cumulative Real Property Taxes 2007-2010

\$	214.20	- Total Tax
	70.89	- Interest/Penalties
	52.45	- Other
	0.00	- Tax Sale Interest
	11,454.48	- Miscellaneous Bills
	0.00	- Metered Water (Tax Sale)
	<u>120.30</u>	- Rental Registration
	<b>\$11,912.32</b>	<b>- Total Municipal Liens</b>

UPON MOTION duly made and seconded, the Board approved and authorized the acquisition of the leasehold interest of 1510 N. Port Street as a gift from William Seruck Herriott **SUBJECT** to municipal liens, accrued interest, and penalties, other than water bills through settlement.

**MINUTES**

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

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement and release with the following Arabbers: Mr. James Chase, Mr. Donald Savoy, Jr. and Mr. Dante Miller, The Humane Society of the United States (HSUS), and Days End Farm Horse Rescue, Inc. The period of the agreement is effective upon Board approval for one year, unless terminated earlier in writing by the parties.

**AMOUNT OF MONEY AND SOURCE:**

\$20,000.00 - 1001-000000-1770-179999-603070

**BACKGROUND/EXPLANATION:**

On November 9 and 10, 2009 the City, with the assistance of the HSUS, seized and impounded 19 horses from certain Arabbers in Baltimore City due to allegations of neglect and improper care (lack of food, water, veterinary care, and waste removal) and other alleged violations. The City notified the five horse owners of the removal of these horses. The three Arabbers who are a party to this agreement own 17 of the horses and responded to the City's notifications. Negotiations followed which resulted in this mutual agreement. The other two Arabbers, Mr. Tyrone Burgess and Mr. Antwan Dunaway who own the other two horses have not responded to the City's notifications; and thus, their two horses are considered abandoned and shall be transferred and become the property of the HSUS.

In return for the 17 horses Messrs. Chase, Savoy and Miller agreed to certain corrective actions such as monthly reporting and quarterly meetings with the HSUS, training, and inspections of the horses. The City and the HSUS agreed to share the costs of care for the horses during the impound, which

**MINUTES**

DHCD - cont'd

was over \$40,000.00. The City will hold in abeyance certain environmental citations against Messrs. Chase, Savoy, and Miller related to the subject matter of this agreement during the term of this Agreement unless there is a future breach/violation by the Arabbers. The parties have agreed to mutually release each other from all claims, liabilities, and actions related to the removal and retention of the horses.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of an agreement and release with the foregoing Arabbers: Mr. James Chase, Mr. Donald Savoy, Jr. and Mr. Dante Miller, The Humane Society of the United States and Days End Farm Horse Rescue, Inc.

**MINUTES**

Department of Housing and Community Development (DHCD) - Memorandum of Understanding

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Memorandum of Understanding (MOU) with East Baltimore Development, Inc. (EBDI). The period of the agreement is effective upon Board approval for 24 months.

**AMOUNT OF MONEY AND SOURCE:**

\$5,000,000.00 - 9910-906416-9588

**BACKGROUND/EXPLANATION:**

This MOU identifies activities that will be funded by 2009 State Revitalization Funds, provides a budget for the State Funds, and delineates responsibilities.

The EBDI is managing the redevelopment of an 88-acre site in East Baltimore. The site includes new biotech space, commercial and retail space, and over 2,100 units of mixed-income housing. The State of Maryland has played a critical role in realizing this vision through its approval of State Revitalization Funds, which support acquisition of properties by the DHCD, site improvements, and private acquisition of property by the EBDI.

The 2009 General Assembly approved \$5,000,000.00 to advance development efforts within the EBDI's boundaries. These are matching funds and require that the City provide a one-for-one match before State funds are made available.

The entire \$5,000,000.00 will be used by the DHCD to acquire property on behalf of the EBDI within Phase II of the EBDI footprint, predominantly on the proposed site for the new Department of Health and Mental Hygiene headquarters. These properties have been identified and approved for acquisition in the Land Disposition and Development Agreement (LDDA). The LDDA was approved by the Board on April 28, 2004 and amended on December 19, 2007.

**MINUTES**

DHCD - cont'd

Under the MOU that the Board of Estimates is requested to approve, the DHCD will acquire properties using temporary staff provided by the EBDI. The properties may be acquired through settlement, tax sale, or under the power of eminent domain when appropriate. The EBDI is responsible for all relocation activities and for all relocation costs.

**MBE/WBE PARTICIPATION:**

The EBDI will comply with Article 5, Subtitle 28 of the Baltimore City Code and MBE and WBE goals established in the original LDDA.

(FILE NO. 56017)

**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<b>\$5,000,000.00</b>	9910-904979-9587	9910-906416-9588
State Revit.	East Baltimore	EBDI - Acquisition
Funds FY 2007	Redevelopment	

This transfer will provide State Revitalization funding for acquisition of costs for the East Baltimore Development Initiative for fiscal year 2010.

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

**MINUTES**

DHCD - cont'd

**(FILE NO. 56017)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of a Memorandum of Understanding (MOU) with East Baltimore Development, Inc. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter.

**MINUTES**

Department of Housing and Community Development (DHCD) - Estoppel Certificate and Mortgagee's Rights Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the Estoppel Certificate and Mortgagee's Rights Agreement (estoppel) between the City, the Bank of America, N.A. (Bank), and Penn North Partners, LLLP for the properties located at Block 3400 Lot 129; 2645, 2650, 2652, 2655 Bruce Street; 1601, 1603, 1605, 1607, 1609, 1611, 1613, 1615, 1617 Clifton Avenue; 2632, 2638, 2644, 2648, 2652, 2656, 2662, 2668, 2674, and 2676 Pennsylvania Avenue (properties).

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On October 10, 2007, the Board approved the land disposition agreement (LDA) by and between Mayor and City Council of Baltimore, a body corporate and politic, and a political subdivision of the State of Maryland (City), acting by and through the DHCD, and Penn North Developers, LLC (developer) conveying the above listed properties to be developed into 91 units of affordable housing.

The LDA allowed the developer to create a separate company to do the actual construction. Subsequently, the developer created Penn North Partners, LLLP (builder) to construct the buildings. The builder will construct three apartment buildings totaling 91 units, in accordance with the LDA.

The bank has agreed to lend the builder \$2,000,000.00 for a construction loan. In the event the builder defaults under the LDA after settlement, this estoppel will give the bank 120 days to cure the builder's defaults, before the City re-enters the property and takes possession, in order to re-vest title in the City.

**MINUTES**

DHCD - cont'd

The bank requires this estoppel because of the risk of a default and the City's re-vesting rights. This estoppel will give the bank added security and confidence in providing the builder with the construction loan. The DHCD recommends that the Board approve this estoppel because of this project's tremendous benefits to the community, which include:

- creation of 91 units of affordable housing;
- elimination of long-term blighting factors;
- further stabilization of housing available in the community;
- construction job opportunities; and
- a substantial increase in property taxes.

**(FILE NO. 56505)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Estoppel Certificate and Mortgagee's Rights Agreement between the City, the Bank of America, N.A. (Bank), and Penn North Partners, LLLP for the properties located at Block 3400 Lot 129; 2645, 2650, 2652, 2655 Bruce Street; 1601, 1603, 1605, 1607, 1609, 1611, 1613, 1615, 1617 Clifton Avenue; 2632, 2638, 2644, 2648, 2652, 2656, 2662, 2668, 2674, and 2676 Pennsylvania Avenue.

**MINUTES**Baltimore Development Corporation - Fifth Modification Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the Fifth Modification Agreement with the Baltimore Children's Museum, Inc. This fifth modification to agreement will extend the maturity on the two remaining City Notes to December 31, 2012.

The Board is also requested to authorize the Director of Finance to execute certificates, affidavits, consents and ancillary documents as set forth in the Promissory Note; none of which will impose any obligation upon the City.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND AND EXPLANATION**

Baltimore Children's Museum, Inc. is a not-for-profit corporation that operates a children's museum at 35 Market Place, known as Port Discovery (the Museum). The \$32,000,000.00 facility for the education and entertainment of children and their families opened in December 1998, funded by a combination of Federal, State, City, Foundation and private resources.

The City provided \$5,000,000.00 under three separate City loans (City Notes) as part of the total project financing, which was approved by the Board of Estimates on April 1, 1998.

The repayment plan for Note I permitted the principal balance and accrued interest to be forgiven, on a dollar for dollar basis, provided that the Museum raised new capital or endowment funds from non-City sources.

**MINUTES**

BDC - cont'd

Since June 2005, the Museum has collected approximately \$984,000.00, which was used to retire the balance of Note I, effective September 25, 2009.

The City loans are summarized below:

	<b>Note I</b>	<b>Note II</b>	<b>Note III</b>
Origination Date	04/01/98	04/01/98	04/01/98
Original Amount	\$2,000,000	\$2,500,000	\$500,000
Current Balance	-0-	\$2,500,000	\$500,000
Interest Rate	--	Non-Interest bearing	Non-Interest Bearing
Repayment Schedule	--	Principal Due at maturity	Principal due at maturity
Maturity Date (or Payoff Date)	09/25/09	12/31/09	12/31/09

Under the Fifth Modification the City will extend the maturity on the two remaining City Notes to December 31, 2012. All outstanding principal will be due at that time. All other terms and conditions of the City Loan Documents will remain unchanged.

**MINUTES**

BDC - cont'd

**MBE/WBE PARTICIPATION:**

N/A

**(FILE NO. 55403)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Fifth Modification Agreement with the Baltimore Children's Museum, Inc. The Board also approved and authorized the Director of Finance to execute certificates, affidavits, consents and ancillary documents as set forth in the Promissory Note. The Mayor **ABSTAINED**.

**MINUTES****CITY COUNCIL BILL**

08-0055 - For the purpose of expressly authorizing the establishment of 1 or more continuing, non-lapsing funds to be used for promoting sustainability and a clean and safe environment in the City and for related purposes; and submitting this amendment to the qualified voters of the City for adoption or rejection.

**Environmental Sub-Cabinet**

THE ENVIRONMENTAL SUB-CABINET (ESC) CANNOT SUPPORT THIS BILL AT THIS TIME. THE ESC HAS TAKEN INTO ACCOUNT ALL RELEVANT AGENCY RESPONSES IN ITS DETERMINATIONS. THE PRINCIPLE CONCERNS RAISED ABOUT THE BILL INCLUDE THE POTENTIAL THAT:

- SPECIFIC FUND DESIGNATION THAT COULD LIMIT THE ALLOCATION OF FUNDS FOR CURRENT OR FUTURE ADMINISTRATION PRIORITIES AND POSSIBLY IMPERIL THE CITY'S FUTURE OPERATING BUDGET;
- IT CONFLICTS WITH THE POWER OF THE BOARD OF ESTIMATES TO PREPARE THE ANNUAL ORDINANCE OF ESTIMATES BY AUTHORIZING THE CITY COUNCIL AUTHORITY TO DESIGNATE FUNDS.

ADDITIONALLY, THE COMMISSION ON SUSTAINABILITY HAS DEFERRED COMMENT ON THE BILL FOR THE TIME BEING. WITHOUT THE COLLECTIVE INPUT OF THE SUSTAINABILITY COMMISSION AND THE DEVELOPMENT OF THE CITY SUSTAINABILITY PLAN, IT SEEMS PREMATURE FOR THE ESC TO LEND SUPPORT BILL #08-0055.

**Department of Finance**

THE DEPARTMENT OF FINANCE DOES NOT SUPPORT BILL NUMBER 08-0055 FOR TWO PRIMARY REASONS. FIRST, THE DESIGNATION OF FUNDS FOR A PARTICULAR PURPOSE, IN THIS CASE TO SUPPORT SUSTAINABILITY EFFORTS, LIMITS THE FLEXIBILITY OF CURRENT OR FUTURE ADMINISTRATIONS TO ALLOCATE RESOURCES ACCORDING TO CURRENT PRIORITIES.

**MINUTES****CITY COUNCIL BILL****Department of Finance** - cont'd

THE DEPARTMENT OF FINANCE BELIEVES THAT DECISIONS REGARDING THE ALLOCATION OF RESOURCES AMONG PRIORITIES, INCLUDING SUSTAINABILITY EFFORTS, OUGHT TO BE PART OF THE ANNUAL BUDGET PLANNING PROCESS RATHER THAN ADDING LANGUAGE TO THE CITY CHARTER OR CODE TO COMMIT FUNDS TO ONE PURPOSE OR ANOTHER FOR THE PRESENT AND YEARS INTO THE FUTURE. SECOND, TO THE EXTENT, THIS BILL PROVIDES THE CITY COUNCIL THE AUTHORITY TO DEDICATE PROCEEDS FROM FINES, FEES, AND PROGRAMS TO THIS FUND BY ORDINANCE, THIS COULD POTENTIALLY PUT THE CITY'S OPERATING BUDGET AT RISK DURING THE COURSE OF A GIVEN FISCAL YEAR. FOR THESE REASONS, THE DEPARTMENT OF FINANCE OPPOSES BILL NUMBER 08-0055.

**ABOVE REPORTS RECEIVED WERE UNFAVORABLE**

**Commission on Sustainability**

THE COMMISSION ON SUSTAINABILITY (COMMISSION) DEFERS COMMENT ON THIS BILL. THE COMMISSION WAS SWORN-IN BY MAYOR DIXON ON APRIL 2, 2008 AND WILL CONVENE ITS FIRST OFFICIAL MEETING ON APRIL 22, 2008. AS THE COMMISSION HAS YET TO MEET, ANY RESPONSE TO CITY COUNCIL BILL # 08-0055 WOULD BE PREMATURE. THE COMMISSION ANTICIPATES REVIEWING AND COMMENTING ON PROPOSED LEGISLATION AFTER HAVING MADE A SUFFICIENT AMOUNT OF PROGRESS IN DEVELOPING THE LARGER BALTIMORE SUSTAINABILITY PLAN RECOMMENDATIONS, INCLUDING ADEQUATE PUBLIC INPUT ON MAJOR ENVIRONMENTAL ISSUES.

**MINUTES**

THE COMMISSION REOPENED DISCUSSION ON BILL #08-0055 AT THE JANUARY 26, 2009 MEETING. CITY COUNCIL BILL # 08-0055 ESTABLISHES A CONTINUING, NON-LAPSING FUND TO SUPPORT THE GOALS OF THE SUSTAINABILITY PLAN THROUGH THE OFFICE OF SUSTAINABILITY. IN ORDER TO BROADEN THE ELIGIBLE USES OF THE FUNDS, THE COMMISSION SUGGESTED CHANGING THE WORD "ADMINISTERING" IN ARTICLE 1. §11. A(1) TO "SUPPORTING". IT WAS THE CONSENSUS OF THE COMMISSION TO SUPPORT CITY COUNCIL BILL #08-0055, WITH THE PROPOSED VERBIAGE CHANGE, AT THE JANUARY 26, 2009 MEETING.

**FAVORABLE REPORT****Law Department**

THE LAW DEPARTMENT'S FIRST CONCERN ABOUT THE BILL HAS BEEN ADDRESSED BY THE AMENDMENTS THAT MORE CLEARLY DEFINE THE USES OF THE FUND AND THAT STRIKES THE GENERAL LANGUAGE ON PAGE 2, LINE 2. THE LAW DEPARTMENT RECOMMENDS THAT DUE THE DELETION OF PAGE 2, LINE 2 THAT THE LANGUAGE "AND FOR RELATED PURPOSES" ON PAGE 1, LINE 5 BE STRICKEN AS WELL.

THE LAW DEPARTMENT'S SECOND CONCERN HAS ALSO BEEN ADDRESSED BY THE REMOVAL OF THE LANGUAGE PAGE 2, LINES 7-8. THIS PORTION OF THE BILL APPEARS TO AUTHORIZE THE CITY COUNCIL TO, BY ORDINANCE, DEDICATE THE PROCEEDS FROM FINES, FEES, AND PROGRAMS TO A SUSTAINABILITY FUND. THE LANGUAGE CAN BE INTERPRETED AS GIVING THE CITY COUNCIL THE AUTHORITY TO DESIGNATE THE PROCEEDS FROM ANY FINES, FEES, OR PROGRAMS COLLECTED BY THE CITY TO SUCH A FUND. THIS AUTHORITY WOULD CONFLICT WITH THE POWER OF THE BOARD OF ESTIMATES TO PREPARE THE ORDINANCE OF ESTIMATES WHICH PROVIDES FOR THE FINANCIAL NEEDS OF CITY AGENCIES AND PROGRAMS FOR THE FISCAL YEAR AND FOR THE SOURCE OF FUNDS TO MEET THOSE NEEDS. AS ALREADY STATED IN THE BILL, MONEY CAN BE APPROPRIATED FOR A SUSTAINABILITY FUND IN THE ANNUAL ORDINANCE OF ESTIMATES. TO ALLOW THE CITY COUNCIL TO ENACT AN ORDINANCE DIVERTING FUNDS WHICH ARE ALREADY DEDICATED TO ANOTHER CITY AGENCY OR PROGRAM UNDER THE ORDINANCE OF ESTIMATES TO A SUSTAINABILITY FUND WILL CREATE A DEFICIT IN THE ACCOUNT TO WHICH THE MONEY WAS ORIGINALLY APPROPRIATED. DEPENDING ON THE AVAILABILITY

**MINUTES****CITY COUNCIL BILL****Law Department** - cont'd

OF SURPLUS FUNDS, THE CITY MAY OR MAY NOT BE ABLE TO REMEDY SUCH A DEFICIT. THE AMENDMENT IS SUFFICIENT TO ADDRESS THIS PROBLEM. IF THE AMENDMENTS ARE APPROVED, THE LAW DEPARTMENT WOULD APPROVE THE CITY COUNCIL BILL 08-0055 FOR FORM AND LEGAL SUFFICIENCY.

**THE LAW DEPARTMENT WOULD APPROVE CITY COUNCIL BILL 08-0055 FOR FORM AND LEGAL SUFFICIENCY, IF AMENDMENTS ARE APPROVED.**

President: "The next item on the non-routine is located on 72 - 74, City Council Bill 08-0055 - Charter Amendment Sustainability. Are there any questions from the members of the Board? Is there a motion?"

City Solicitor: "Move that the Board, because of the objections from the Department of Finance, not endorse or support the legislation."

Director of Public Works: "Second"

President: "All those in favor say "AYE"? "AYE". All opposed "NAY". Please note that I **ABSTAINED** on this item. Motion carries. The item has been disapproved. Thank you."

President: "At this time, before we recess, I would like to ask everyone to join me in wishing Mayor Stephanie Rawlings-Blake a Happy Birthday."

**MINUTES**

- APPLAUSE -

Mayor: "Thank you. So much for my calorie counting."

- APPLAUSE, LAUGHTER -

City Solicitor: "I am not sure I would light it after yesterday."

President: "Anyone have a match?"

- APPLAUSE, LAUGHTER -

Mayor: "That's okay; I will take it without the lit candle, and a pink candle, thank you, that's perfect. Thank you."

President: We wish her a happy 29<sup>th</sup>, Birthday.

- APPLAUSE, LAUGHTER -

President: "Comptroller Pratt?"

Comptroller: "Madam Mayor, I would like to present this gift to you for your rest and relaxation."

Mayor: "Thank you, thank you very much. I certainly appreciate all of the well wishes, so far so good. The Birthday has started off, thank you, great. I had a run with an organization called "Back on My Feet" this morning. An organization that helps homeless individuals transition out of homelessness into being self sufficient and we had a great short run this morning, and I survived it. I wanted to thank them and I also wanted to note on today's agenda there is an agreement, a MOU between the Maryland Food Bank that appears and I would like to thank Nancy

**MINUTES**

Smith for being here today. Under this agreement this organization will provide food to homeless shelters throughout the City of Baltimore, the grant will enable those who shelter Baltimore's homeless men and women and children; give them access to much needed food resources, to ensure that they receive high quality meals and to ensure that they do not go hungry. The Maryland Food Bank provides, free and low cost food not only to individuals but to Homeless Service providers and that last year meant that 18,600,000 pounds to persons and organizations in need, were provided. I would like to thank you, Nancy for being here; I want to thank the Food Bank for being here. And I want to thank you for the important role you play in the City of Baltimore. Thank you."

President: "Thank you. Being there is no more business before the Board, the meeting will recess until the bid opening at twelve o'clock noon."

\* \* \* \* \*

**MINUTES**

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

**BIDS, PROPOSALS AND CONTRACT AWARDS**

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

<u>Bureau of Water &amp; Wastewater</u>	- SWC 7761, Drainage Repairs and Improvements at Various Locations <b>BIDS TO BE RECV'D: 03/31/2010</b> <b><u>BIDS TO BE OPENED: 03/31/2010</u></b>
<u>Department of Recreation and Parks</u>	- RP 07825, Roosevelt Park Site Improvements <b>BIDS TO BE RECV'D: 03/24/2010</b> <b><u>BIDS TO BE OPENED: 03/24/2010</u></b>
<u>Bureau of Purchases</u>	- B50001372, Medium Duty Tow Truck <b>BIDS TO BE RECV'D: 03/24/2010</b> <b><u>BIDS TO BE OPENED: 03/24/2010</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:

Bureau of Purchases - B50001231, Grass Mowing

Lorenz, Inc.  
Evergreen Landscape &  
Design Corp.  
H.F. Huber & Son Inc.  
Trugreen Landcare  
Tote-It, Inc.

Bureau of Purchases - B50001349, Computer & Server  
Hardware

USC Canterbury  
SoftNet Solutions, Inc.

Bureau of Purchases - B50001368, Steel Sub base for  
Light Poles

Delta Sales Corporation  
Truck Crane Solutions  
Power-Lite Industries, Inc.  
Kaufman Industrial, LLC  
H&M Supply Co., Inc.  
Bilbrough's Electric, Inc.

Bureau of Purchases - B50001374, One-Ton Enclosed  
Utility Body Pickup Truck

Chas S. Winner d/b/a  
Winner Ford"  
Chesapeake Ford Truck  
Sales, Inc."  
Cowles Parkway Ford, Inc.

Bureau of Purchases - B50001387, Dredging and  
Rehabilitation of Structures at  
Inner Harbor

McLean Contracting Co.

**MINUTES**Bureau of Purchases

- B50001388, Tree and Stump  
Removal: Group V
- 

Asplundh Tree Expert Co.  
Lorena, Inc.  
H.F. Huber & Son  
ABC Professional Tree  
Services, Inc.  
C&D Tree Service, Inc.  
Forest Valley Tree &  
Turf, LLC

Bureau of Purchases

- B50001389, Tree and Stump  
Removal: Group VI
- 

Alplundh Tree Expert Co.  
Lorenz, Inc.  
H.F. Huber & Son Inc.  
ABC Professional Tree  
Services, Inc.  
C&D Tree Service, LLC  
Forest Valley Tree &  
Turf, LLC

Bureau of Purchases

- B50001328, Electrical,  
Compressed Air & Water Services  
for the Baltimore Convention  
Center (PRICE)
- 

Edlen Electrical Exhibit-  
ion Services  
Hi-Tech Electric  
Freeman

**MINUTES**

There being no objections, the Board UPON MOTION duly made and seconded, the Board adjourned until its next regularly scheduled meeting on Wednesday, March 24, 2010.

A handwritten signature in black ink that reads "Joan M. Pratt, CPA". The signature is written in a cursive style with a large initial 'J'.

JOAN M. PRATT  
Secretary