

MINUTES

REGULAR MEETING

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

The meeting was called to order by the President.

President: "I would direct the Board members attention to the memorandum from my office dated January 29, 2014, [sic: January 27, 2014] identifying matters to be considered as routine agenda items together with any corrections and additions that have been noted by the Deputy Comptroller. I will entertain a Motion to approve all of the items contained on the routine agenda."

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

Comptroller: "Second."

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

The routine agenda has been adopted. In the interest of promoting order and efficiency at these hearings, persons who are disruptive to these hearings will be asked to leave the meeting room immediately."

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NOTICE: Resolution effective February 05, 2014.

RESOLUTION
OF
THE BOARD OF ESTIMATES OF BALTIMORE CITY
THE REGULATION OF BOARD OF ESTIMATES MEETINGS AND PROTESTS

WHEREAS, the Mayor and City Council of Baltimore, acting by and through the Board of Estimates (“Board”), pursuant to Article VI, § 1 et seq. of the Charter of Baltimore City, 1996 Edition, as amended (HEREIN after referred to as “Charter”), is responsible for formulating and executing the fiscal policy of the City, approvals of settlements, acquisitions and dispositions of real property, awarding contracts and supervising purchasing by the City; and other duties as prescribed in the Charter; and

WHEREAS, the Board, pursuant to Article VI, § 1 of the Charter is composed of the Mayor, President of the City Council, Comptroller, City Solicitor, and Director of Public Works, and the President of the City Council shall be President of the Board, and one of the members shall act as Secretary; and

WHEREAS, the members of the Board meet in public forum each Wednesday at 9:00 a.m. (unless in periodic recess) in the Hyman Pressman Hearing Room to conduct the business of government; and

WHEREAS, the Board, pursuant to Article VI, § 2 et seq. of the Charter, may promulgate rules and regulations and summon before it heads of departments, bureaus or divisions, municipal officers, and members of commissions and boards; and

WHEREAS, in the interest of promoting better government, order and efficiency the Board wishes to establish certain rules, applicable to all private individuals, business entities, fraternal organizations, special interest groups, associations and other entities, etc. (HEREIN after collectively referred to as “entity”) who wish to speak at the meetings of the Board.

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NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ESTIMATES OF BALTIMORE CITY, that the following rules for the conduct of Board meetings be formally adopted by the Board to apply to all issues to be acted upon, considered, noted, or received at any given meeting:

1. Anyone wishing to speak before the Board, whether individually or as the spokesperson of an entity must notify the Clerk of the Board in writing no later than by noon on the Tuesday preceding any Board meeting, or by an alternative date and time specified in the agenda for the next scheduled meeting. The written protest must state (1) whom you represent and the entity that authorized the representation (2) what the issues are and the facts supporting your position and (3) how the protestant will be harmed by the proposed Board action.

2. Requests to speak on matters submitted to the Board for its information, notation or status report from a previous Board action may be heard at the discretion of the President of the Board. This rule does not preclude the submitting agency from orally presenting the report or matter at the meeting of the Board.

3. Matters may be protested by any entity directly and specifically affected by a pending matter or decision of the Board. The person or entity must submit a written protest of that matter or pending decision. In order for a protest to be considered, the protestant must be present at the Board of Estimates meeting.

4. An entity affected by the disposition of the matter in a way different than an average taxpayer or citizen and who so specifies to the satisfaction of the Board may have their protest heard and considered by the Board. However, the President of the Board reserves the right to call a person or organization to give testimony that he/she determines furthers the effective and fair decision making process of the Board. Protests filed by persons not affected by the disposition of the matter in a way different than an average taxpayer or citizen will be handled and responded to as may be determined by the Clerk of the Board.

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5. Protests may be submitted, orally presented and argued by representatives or entities directly impacted by a matter or pending decision before the Board. A Procurement Lobbyist, as defined by Part II, Sec. 8-8 (c) of The City Ethics Code must register with the Board of Ethics as a Procurement Lobbyist in accordance with Section 8-12 of The City Ethics Code. If any member of the Board has sufficient information to determine that Section 8-12 has not been complied with, he or she may make a complaint to the Board of Ethics.

6. The President of the Board shall have the right to limit all speakers to items and issues on the Board agenda, as well as provide a maximum time limit available to a speaker who wishes to address the Board.

7. In the interest of promoting order and efficiency of hearings, persons who are disruptive to the hearing may be required to leave the hearing room.

8. A copy of this Resolution shall be posted in the Department of Legislative Reference, the President of the Board's web site, and the Secretary to the Board's web site and shall be included in all Solicitations.

9. This Resolution shall apply to all Board meetings which are convened two (2) weeks or more after its formal adoption.

Adopted by the Board of Estimates:

Bernie W. Taylor **JAN 22 2014**
 Clerk Date

Approved As To Form and Legal
 Sufficiency This 14th Day of
January, 2014



 Chief Solicitor

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

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

Adrian L. Merton, Inc.	\$139,347,000.00
Clean Venture, Inc.	\$ 65,241,000.00
Communications Construction Group, LLC	\$ 57,492,000.00
Controlled Demolition, Inc.	\$ 8,000,000.00
Dustin Construction, Inc.	\$ 69,354,000.00
General Paving & Contracting, Inc.	\$ 6,606,000.00
Insituform Technologies, LLC	\$557,784,000.00
Miller Pipeline, LLC	\$487,440,000.00

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:

Adams Design Group, LLC	Architect
ARM Group, Inc.	Engineer
EMA, Inc.	Engineer
JRS Architects, Inc.	Architect
Studio 50 Design, LLC	Architect

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

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Law Department - Settlement Agreement and Release

The Board is requested to approve the Settlement Agreement and Release for the following claim:

1. Loren Brown, et al. vs. \$200,000.00
Officer Gahiji Tshamba, et al.

Account No.: 1001-000000-2041-195500-603070.

The settlement has been reviewed and approved by the Settlement Committee of the Law Department.

UPON MOTION duly made and seconded, the Board approved the Settlement Agreement and Release for the aforementioned claim.

MINUTES

Department of Recreation and Parks - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Agreement with GreenPlay, LLC. The period of the agreement is effective upon Board approval for one year.

AMOUNT OF MONEY AND SOURCE:

\$53,215.00 - 9938-917022-9474-900000-703032

BACKGROUND/EXPLANATION:

GreenPlay, LLC will provide for recreation and open space professional services. GreenPlay, LLC will work with the Department to better define the role of the Department in meeting the recreational needs of the community.

The scope of the agreement includes determining core services and completing an assessment of who is providing programs in Baltimore City, what services are provided, and the gaps and duplication of services. The objective is to reactivate the Department and be more focused and purposeful in the services it is providing.

GreenPlay, LLC operates a consortium of experts providing services nationally for parks, recreation, open space and related agencies. GreenPlay, LLC staff has diverse backgrounds in parks and recreation administration and management.

MBE/WBE PARTICIPATION:

MWBOO set goals of 0% MBE and 0% WBE.

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTESDepartment of Recreation and Parks - cont'd**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$60,000.00	9938-916022-9475	9938-917022-9474
General	Reserve - Community	Active - Community
Fund	Center Master Plan	Center Master Plan

This transfer will provide funds to cover the costs associated with the agreement between the City and GreenPlay, LLC for recreation and open space professional services.

A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION.

UPON MOTION duly made and seconded, the Board **DEFERRED** the agreement with GreenPlay, LLC and the transfer of funds associated with the agreement for one week.

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

January 28, 2014

Via Facsimile 410-685-4416

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

Dear Mr. President:

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

We wish to protest Your Honorable Board's approval for the following named proposed contract awards or proposed contract price "increase", or "term extensions," as they may appear on Your Honorable Board's 1/29/2014 public meeting agenda:

Item No. 1, Item contained on page 4-5, which is a proposed non-bid, non-competitive contract award for ordinary services greater than \$50,000.00, which violates the City's "mandatory" competitive-bidding Charter provision, Article VI, Section 11(h)(1)(ii), which requires Your Honorable Board to first publicly advertise said contract and thereafter award any resulting contract to "the lowest responsive and responsible bidder or reject all bids," as therein delineated.

Item No. 4, contained on page 10, which is a proposed \$500,000.00 contract price increase to Baltimore City contract solicitation No. B50002539-Snow Removal Services Department of Transportation. Original contract was awarded on Nov. 21, 2012, for only \$200,000.00. This proposed price increase will make the total award \$700,000.00. Any proposed dollar price increase greater than %40,000.00 would constitute and amount to a "de facto" sole source contract award which would be completely ultra vires and hence, void ab initio, and thus completely unenforceable. See

Tuxedo Cheverly Vol. Fire Co. v. Prince George's Co., 339 Md. App. At 330 (1978).

Item No. 5, contained on page 11, which is a proposed \$1,000,000.00 contract price increase to Baltimore City contract solicitation No. B50002652-Snow Removal Services, with Lorene Lawn & Landscape, Inc., dba Lorene, Inc. Protestor hereby incorporates the same basis and argument against the proposed contract increase as employed for item No. 2 herein; and \

Items No. 6 and No. 7, contained on page 11, which one proposed 26,000.00 dollar price increase for Item No. 6, and a proposed \$400,000.00 price increase for Item No. 7. Importantly both proposed contract increases clearly violate the City's "mandatory" competitive bidding charter provision-Article VI, Section 11(h)(1)(ii).

Item No. 9, contained on page 12, which is a proposed \$400,000.00 price increase and term extension for Baltimore City contract No. B5000672-Heavy Duty Transmissions. This proposed contract term extension clearly violates the City's "mandatory" competitive bidding charter provision-Article VI, Section 11(h)(1)(ii).

Item No. 11, contained on page 14, which is a proposed \$891,200.00 contract price increase for Baltimore City contract solicitation No. B50002394-Personal Care and Homemaker Services. The proposed contract award violates the City's "mandatory" competitive bidding charter provision-Article VI, Section 11(h)(1)(ii).

Our MBE subcontractor members, clients and constituents would be greatly harmed if Your Honorable Board approves the above referenced City contracts as recommended. Your Honorable Board's kind and favorable approval of these bid protests is greatly appreciated

Respectfully Submitted,

Arnold M. Jolivet

Arnold M. Jolivet
Managing Director

MINUTES

Mayor's Office of Human Services - FY 2014 Head Start/Early Head Start Amended State Supplemental Continuation Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of the FY 2014 Head Start/Early Head Start Amended State Supplemental Continuation Grant Award from the Maryland State Department of Education. The period of the grant is November 1, 2013 through October 31, 2014.

AMOUNT OF MONEY AND SOURCE:

\$913,995.00 - 5000-586814-6051-449900-605001

BACKGROUND/EXPLANATION:

Baltimore City Head Start is using these Head Start Amended State Supplemental Continuation Grant funds to offset position vacancies and restore program services that were eliminated due to the sequestration.

This funding will allow Head Start delegate agencies to mitigate the impact of numerous programmatic changes that were made in July 2013 and to operate at FY 2013 funding levels.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the FY 2014 Head Start/Early Head Start

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Mayor's Office of Human Services - cont'd

Amended State Supplemental Continuation Grant Award from the
Maryland State Department of Education.

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Mayor's Office of Human Services (MOHS) - Head Start Program
Grant Agreements

The Board is requested to approve and authorize execution of the various Head Start Program Grant Agreements. The period of the Agreement is November 1, 2013 through October 31, 2014, unless otherwise indicated.

Baltimore City Head Start is using Head Start State Amended State Supplemental Grant funds to offset position vacancies, and restore services eliminated or reduced due to the FY 2014 sequestration. Baltimore City Head Start/Early Head Start was awarded \$913,995.00 from the Head Start State Amended State Supplemental Grant.

1. **YMCA OF CENTRAL MARYLAND, INC./** **\$ 57,067.00**
EMILY PRICE JONES HEAD START
PROGRAM

Account: 5000-586814-6051-516100-603051

The program will serve 339 children and their families in Baltimore City.

2. **METRO DELTA EDUCATIONAL PROGRAMS,** **\$ 51,645.00**
INC./METRO DELTA HEAD START
PROGRAM

Account: 5000-586814-6051-516300-603051

The program will serve 312 children and their families in Baltimore City.

3. **ST. VINCENT de PAUL OF BALTIMORE,** **\$ 76,000.00**
INC./ST. VINCENT de PAUL HEAD START
PROGRAM

Account: 5000-586814-6051-516700-603051

The program will serve 860 children and their families in Baltimore City.

MINUTES

MOHS - cont'd

4. **DAYSPRING PROGRAMS, INC./DAYSPRING
HEAD START PROGRAM** **\$ 86,841.00**

Account: 5000-586814-6051-515600-603051

The program will serve 11 additional children and their families in Baltimore City.

MWBOO GRANTED A WAIVER.

5. **SAINT BERNARDINE'S ROMAN CATHOLIC
CONGREGATION, INC./ST. BERNARDINE'S
HEAD START PROGRAM** **\$ 31,979.00**

Account: 5000-586814-6051-516410-603051

The program will serve 191 children and their families in Baltimore City.

6. **ASSOCIATED CATHOLIC CHARITIES, INC./
ST. JEROME'S HEAD START PROGRAM** **\$ 46,137.00**

Account: 5000-586814-6051-516600-603051

The program will serve 276 children and their families in Baltimore City.

7. **ST. VERONICA'S ROMAN CATHOLIC
CONGREGATION, INC./ST. VERONICA'S
HEAD START PROGRAM** **\$ 48,614.00**

Account: 5000-586814-6051-515900-603051

The program will serve 289 children and their families in Baltimore City.

MINUTES

MOHS - cont'd

8. **MORGAN STATE UNIVERSITY FOUNDATION** **\$ 37,030.00**
INC./MORGAN STATE UNIVERSITY
HEAD START PROGRAM

Account: 5000-586814-6051-554000-603051

The program will serve 224 children and their families in Baltimore City.

9. **UNION BAPTIST CHURCH-SCHOOL,** **\$ 35,326.00**
INC./UNION BAPTIST-HARVEY JOHNSON
HEAD START PROGRAM

Account: 5000-586814-6051-516000-603051

The program will serve 214 children and their families in Baltimore City.

10. **UNITY METHODIST CHURCH/UMOJA** **\$ 30,885.00**
HEAD START PROGRAM

Account: 5000-586814-6051-517000-603051

The program will serve 187 children and their families in Baltimore City.

The Head Start Program Grant Agreements are late because of delays in the administrative review process.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTES

MOHS - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the abovementioned Head Start Program Grant Agreements. The President **ABSTAINED** on Item no. 3.

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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. LIFE FITNESS, INC. | \$ 30,352.19 | Low Bid |
|-----------------------|--------------|---------|
- Solicitation No. B50003301 - Fitness Equipment at Morrell Park Recreation Center - Department of Recreation and Parks - Req. No. R649764

The period of the award is January 15, 2014 through April 30, 2014.

- | | | |
|----------------------|--------------|---------|
| 2. SMITH-BLAIR, INC. | \$ 36,136.53 | Low Bid |
|----------------------|--------------|---------|
- Solicitation No. B50003318 - Couplings - Department of Public Works - Req. No. R652087

The period of the award is January 22, 2014 through January 21, 2015, with three 1-year renewal options.

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|---------------------------------------|--------------|---------|
| 3. TENNANT SALES AND SERVICES COMPANY | \$ 45,776.00 | Low Bid |
|---------------------------------------|--------------|---------|
- Solicitation No. 07000 - Tennant Scrubber Model No. T20 - Convention Center - Req. No. R651787

- | | | |
|---------------------------|--------------|----------|
| 4. D&B CONSTRUCTION, INC. | \$500,000.00 | Increase |
|---------------------------|--------------|----------|
- Contract No. B50002539 - Snow Removal Services III - Department of Transportation - P.O. No. P522184

On November 21, 2012, the Board approved the initial award in the amount of \$200,000.00. The contract expires on April 25, 2015. The award contained two 1-year renewal options. Due to the increased demand for snow removal, an increase in the amount of \$500,000.00 is necessary. This increase in the amount of \$500,000.00 will make the total award amount \$700,000.00.

MWBOO GRANTED A WAIVER.

A LETTER OF PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION, INC.¹

¹ See protest letter following Page 254.

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INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

President: "The first item on the non-routine agenda can be found on Page 10, Item No. 4, Informal Awards, Renewals, Increases to Contracts and Extensions, Contract No. B50002539, Snow Removal Services III, Department of Transportation. Will the parties please come forward?"

Tim Krus, City Purchasing Agent: "Good morning. Tim Krus, City Purchasing Agent."

President: "Uh, Mr. Krus, um Mr. Jolivet, there are four items on the uh Board's agenda and the agency response is the same, so I'm hoping that you can address all four, um -- arguments at the same time so that we can uh, not be repetitive, okay."

Mr. Arnold M. Jolivet: "Are you asking me?"

President: "I'm asking, I'm asking you to."

Mr. Jolivet: "Put that on the record."

President: "It's on the record. I said it."

Mr. Jolivet: "Thank you."

President: "Um -- you can go ahead."

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Mr. Krus: "This particular increase is for snow removal services. There was a second protest on snow removal services. This is a requirements contract. We've had a lot of snow this winter, and may get more. We needed to increase the amount of money on the contract and have the authority to do so."

Mr. Jolivet: "Good morning. Uh -- Arnold M. Jolivet for the record. Uh -- Mr. President, I happen to agree with you that there is a need for us to discuss these items individually because they're all common issues and I thank you for calling that to my attention. Uh -- I just, because this issue has come before the Board before, uh -- I'm not interested in prolonging the Board's time. Uh - but, I would be interested in conveying to the Board, I, I, my whole contentions, even when I've been before this Board before, is that when the Board, and actually when the agency, proposes to the Board a contract award or a contract increase in an already existing contract, uh -- my

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INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

concern, and one of the things that I've tried to convey to the Board is that this practice hinders, impedes the orderly growth and the ability of our smaller firms, and even firms who did not bid originally, on these types of contracts, and hence it doesn't give everyone a fair and equal playing field, and I, I, I would not be here today if the law, as interpreted by our Court of Appeals wasn't so fundamentally clear that you can't do this. I would, I would gladly, I would gladly, Mr. President, accept the fact that this practice is an acceptable, lawful way of awarding municipal contracts. I would not, I have other things to do; I don't have time to just come here and make arguments which are not grounded in the law. It's not me. I don't do that. And I'm troubled that we continue to do it in Baltimore City, and I am deeply troubled that the law is so fundamentally clear that that's not right. I would ask this Board to, like I've asked this Board

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INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

on other numerous occasions, I would ask this Board to refrain from approving these, uh -- I believe it's four, these four contracts, I would ask this Board respectfully, to refrain and refuse to approve these contracts. Because in approving this contracts, this Board itself puts its stamp of approval on what I would consider an ultra virus, unlawful contract award system and of all things, I believe that the Board has a responsibility, the Board honestly has a responsibility because the voters of Baltimore, have entrusted to this Board, an authority to award contracts. But, that authority is a very limited, constrained authority, and sometimes I get the impression that this Board, and particularly Mr. Nilson, with all due respect, thinks that this Board has unilateral, unfettered, comprehensive, unlimited authority to award City contracts, and that is not the case. That is certainly not the case. This Board can award contracts pursuant to Article 6, Section 11 only after pursuing mandatory competitive bidding and

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INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

in the case of this kind, where Mr. Krus contends, albeit really just unbelievably, with no authority, that because it's a requirements contract, that the Board can extend the contract and unlimited, and that, Mr. President, I believe and I submit to you this morning, It's totally absurd. It is totally -- it goes against every principle of municipal contract law I've ever seen. So I, I just, I don't like coming before this Board every week, to have to make these arguments and - and I'm asking the Board today that this Board will do the right thing. Mr. Krus is merely a facilitator, a functionary; the Board has the ultimate authority to award these kinds of contracts, and I uh -- I want to impress upon the Board that I have ah -- placed lawsuits on other contracts of this kind, and I just -- and this is not a threat, because I don't like to threat, threaten people, but if this Board today, and in the near future, continues to award these kinds of contracts, I have to say, Mr. President, in all due respect, you'll see me in court."

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INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

President: "I'll entertain a Motion."

City Solicitor: "Um -- I would just observe in making the Motion that the fact that this is a snow removal contract really does underscore the point of requirements contracts, which is that it is unpredictable when you let those contracts in a competitive process as we did here, it's unknown how much snow we're going to have to remove in the course of that contract, and against that background I would MOVE that we approve the item four on Page 10 as submitted by the agency."

Mr. Jolivet: "May I comment on that? May I comment, Mr. President? I just feel that if my protest is going to mean anything, I need to comment on that because Mr. Nilson is uniquely and keenly aware that the fact that is a requirements contract and obviously no one can predict Mother Nature, no one can do that, we've not arrived at that level yet, but the Court of Appeals, the Court of Special Appeals says it is immaterial

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Bureau of Purchases

as to why you are not awarding the contract according to -- to the Charter. It, it doesn't even matter if you execute the exception provision and there's a valid exception, yeah, but if you notice on this contract, the Board, Mr. Krus, didn't even bother to execute the exception. There is a valid exception in the Charter in cases where it is not practical, or in an emergency, or where it is needed to award a contract on a -- without a bid. There's a lawful provision for that. Very well established, been in the Charter since 1961, and yet, Mr. Nilson can come before this Board and say that because it is an emergency, or the, or the, or the snow removal exceeded, yes, that is accurate. That is certainly accurate, but when the Bureau of Purchases awards contracts of this kind, when the Bureau of Purchases awards contracts of this kind, they need to provide for contingencies or emergencies or unexpectations, unexpected snowfall, and what they should have done, more properly, they should have awarded the contract with the proper amount of quantities, and in, if it's a true requirements contract, the quantities are used, and if the quantities are not

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Bureau of Purchases

used, the City is not at harm. So, what you see here is a bad case of purchase management, a terrible case of purchase management, and Mr. Nilson is using the law, and Mr. Nilson is using the law to prop the Purchasing manager up, and the Purchasing manager has not done a good job here. We wouldn't be here today, we wouldn't be here today if the Purchasing manager had done the right job and awarded the contracts according to the law, and awarded the contracts to the right persons, -- we've been, we've been through this before."

City Solicitor: "I would ask the Chair to inquire if there's a second?"

President: "Being that there's a Motion. Is there a second?"

Director of Public Works: "Second."

President: "All in favor say aye."

President: "AYE."

President: "All opposed nay."

Comptroller: "I **ABSTAIN.**"

President: "Please note Council, um -- Comptroller Pratt abstains. The Motion carries."

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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

- | | | |
|---|----------------|----------|
| 5. LORENZ LAWN & LANDSCAPE,
INC., d/b/a LORENZ, INC. | \$1,000,000.00 | Increase |
| Contract No. B50002652 - Snow Removal Services - Department of
Transportation - P.O. No. P522527 | | |

On January 9, 2013, the Board approved the initial award in the amount of \$200,000.00 to A Halcon Contractors, Inc., Donald Fritts Home Remodeling, Lorenz, Inc., and M. Luis Construction Company, Inc. The award contained three 1-year renewal options. On March 20, 2013, the Board rescinded the award to Donald Fritts Home Remodeling, and approved an increase in the amount of \$150,000.00 to Lorenz, Inc. Due to an increased demand for snow removal services an increase in the amount of \$1,000,000.00 is necessary. This increase in the amount of \$1,000,000.00 will make the award amount \$1,350,000.00.

MWBOO GRANTED A WAIVER.

A LETTER OF PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION, INC.²

² See protest letter following Page 254.

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INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

President: "The second item on the non-routine agenda can be found on Page 11, Item No. 5, Informal Awards, Renewals, Increases to Contracts and Extensions, Contract No. B50002652, Snow Removal Services, Department of Transportation. Will the parties please come forward? We've heard the argument. I'll entertain the Motion."

City Solicitor: "I MOVE approval of um -- Item 5 on Page 11 and denial of the protest thereto."

President: "Is there a Second?"

Director of Public Works: "Second."

President: "All in favor say aye."

President: "AYE."

President: "All opposed nay."

Comptroller: "I **ABSTAIN.**"

President: "Please note that Comptroller Pratt abstains. The Motion carries."

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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

6. <u>TASER INTERNATIONAL INC.</u>	<u>\$ 26,000.00</u>	<u>Increase</u>
Contract No. B50003166 - Tasers and Related Equipment - Police Department - P.O. No. P516657		

On November 6, 2013, the Board approved the initial award in the amount of \$1,500,000.00. The contract expires on October 29, 2014. The award contained four 1-year renewal options. On December 5, 2013, the City Purchasing Agent approved an increase in the amount of \$15,000.00. This increase in the amount of \$26,000.00 is necessary to utilize new grant funding for required cartridges. This increase in the amount of \$26,000.00 will make the award amount \$1,541,000.00.

MWBOO GRANTED A WAIVER.

A LETTER OF PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION, INC.³

President: "The third item on the non-routine agenda can be found on Page 11, Item No. 6, Informal Awards, Renewals, Increases to Contracts and Extensions, Contract No. B50003166, Tasers and Related Equipment, Police Department. Will the parties please come forward? We already heard the argument. I will entertain a Motion."

³ See protest letter following Page 254.

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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

City Solicitor: "I would um - um -- Mr. Pres., Mr. Council President, that I think that there is, this is not a requirements contract, it's an increase in a prior contract, a \$26,000.00 increase, so I don't know whether Mr. Jolivet, because it's not a requirements contract, whether he has something else he'd like to say on this particular --"

Mr. Jolivet: "Yes I do. The point I'd like to make here is that it appears as though the, it appears as though the, the \$26,000.00, the decision to approve the \$26,000.00 was apparently made unilaterally by Mr. Krus's office and obviously they're bringing it to the Board. But, there have been cases where Mr. Krus has unilaterally made contract increases and I believe that the other contract that is coming up, has that situation, where Mr. Krus himself made a contract increase of \$85,000.00, and that contract increase of \$85,000.00 didn't even, was not even presented to the Board. And, and here's my

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VENDOR	AMOUNT OF AWARD	AWARD BASIS
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concern, uh, I don't believe that the Board, and I am aware, I am aware that the Board has, on certain cases, delegated to Mr. Krus the authority to increase contracts, uh -- but I would submit to the Board it's obvious that this policy has gotten out of hand. There are certain circumstances where Mr. Krus has made an initial award without even bringing it to the Board. Now admittedly, the initial award in some cases has been under the \$50,000.00 threshold, but there are cases where Mr. Krus has made awards, initial awards in excess of \$50,000.00. In addition to that, there have been even though the policy that was promulgated by this Board in 2010 was designed to allow Mr. Krus, in some limited, very limited circumstance, to make contract increases, which I think probably, makes sense. But I don't think that the Board can ever delegate its authority that's granted by the Charter to Mr. Krus or anyone else. It is a basic fundamental municipal law that the Board must exercise that authority, and if Mr. Krus exercises that authority, but

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<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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ultimately brings it to the Board for the Board's ratification, yes that is appropriate policy. But when Mr. Krus gets out here on his own and starts increasing contracts, changing contracts, or deleting contracts, and what is really troubling, is when he begins to award contracts on his own single-handedly, and I say to you, that is a favorite, sure message and avenue, favoritism, corruption, fraud, extravagance -- these are the things that competitive bidding and charter provisions were designed to do. And what I'm seeing here every day, we're opening ourselves up to favoritism, fraud, corruption, extravagance, that's what we're doing, and Mr. Krus is an honorable guy. He's a very honorable guy. But when the Board shirks and abdicates its responsibility, that is what it produces, that is the net end result. And I think the Board, sir, you're, you're, you're not in agreement, and you're not enamored with me, but it's not about me. I'm, I'm an insignificant messenger. I'm, I'm, the

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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

message is the message and not the person. You want to kill the messenger and ignore the message. That is what you're doing."

City Solicitor: "I, I apologize Mr. President. It's been brought to my attention that this actually is a requirements contract even though that's not clear from the agenda, so I'm prepared to make a Motion."

Mr. Jolivet: "Mr. President, let the record show --"

President: "Tim wanted to say something. I had said that from the start, Mr. Nilson and you gave him the opportunity to speak."

City Solicitor: "I, I apologize."

Mr. Krus: "I have to disagree heartily with a lot of what Mr. Jolivet has just said. I have authority that doesn't exceed \$25,000.00 and I am not entering into contracts that exceed that authority. Everything above that authority comes to the Board of Estimates. And just to take, to make one note about these

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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

requirements contracts, snow removal services is an excellent example. You'll see that these have roman numerals II and III. The Bureau of Purchases has facilitated the competitive bidding of five snow removal contracts so that we can move snow and melt snow on the streets of Baltimore. Every last one of them was competitively bid, and no, we couldn't predict exactly how much we were going to need this year, at and at similar rates as well."

Mr. Schrock: "I'd like it, Michael Schrock, Baltimore City Law Department. I'd like it to be clear on the record that requirements contracts are a legal procurement. We have this done at the federal level, the state level and municipal levels. I'm even looking into the United States Court of Appeals for the federal circuit case right here. Glad to share it with you, Mr. Jolivet. It says right here 'both requirements contracts and IDIQ contracts provide the government purchasing flexibility

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

for requirements that they cannot anti, accurately anticipate.' Snow is a great example. 'A requirements contract requires the contracting government entity to fill all of its actual requirements for supplies or services that are specified in the contract during the contract period by purchases from the contract awardee.' So, what we have is, we go out and we ask for the vendors and the contractors and snow removal companies, and we advertise and say, are you interested in doing this requirements contract for snow removal? They have a chance to respond through this public process. Then we get fixed prices from them for the snow services that will last throughout the term of the contract, but the quantity is unknown, and so Tim Krus or the Purchasing Agent, comes forward to the Board of Estimates, to keep approving the amount of money we need to deal with the quantities to come up for the unforeseen amounts of

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INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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snow or other conditions that come across. So, it is a legitimate contracting process. I just want to put that on the record."

Mr. Jolivet: "Mr. President, just, and I know the Board's time is valuable, but I'm aware of this case incidentally. This is not nothing new, but I would like however, to simply point out that that is a federal court interpreting a federal statutory scheme which is vastly, intrinsically, fundamentally different from our municipal Baltimore City uh -- Charter scheme in terms of how we awarded the contract. And, I make my argument on the Court of Appeals decision that says that, essentially, when the durational and term of the contract, or even the, the, the product, the, the, the requirements number of units that are purchased, when those terms expire or are exceeded, that ends the contract, necessitating a new round of competitive bidding.

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INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Mr. Krus, and Mr. Schrock, is aware of this. He knows the law. I've made my point."

President: "I'll entertain a Motion."

City Solicitor: "MOVE approval of Items 6 and 7 on Page 11 of the agenda and denial of the protest, in connection therewith."

Director of Public Works: "Second."

President: "All those in favor say aye."

President: "AYE."

President: "All opposed nay."

Comptroller: "I **ABSTAIN.**"

President: "Please note the Comptroller abstains. The Motion carries."

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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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| 7. MITCHELL PLUMBING &
HEATING, INC. | \$ 400,000.00 | Increase |
| Contract No. B50002088 - Drain Cleaning Services - Department
of General Services - P.O. No. P518386 | | |

On September 14, 2011, the Board approved the initial award in the amount of \$138,230.00. The contract expires on September 13, 2014. The award contained one 2-year renewal option. On March 27, 2013, the Board approved an increase in the amount of \$100,000.00. On August 28, 2013, the Board approved an increase in the amount of \$200,000.00.

Due to increased usage of the contract, an increase in the amount of \$400,000.00 is necessary. This increase in the amount of \$400,000.00 will make the award amount \$838,230.00.

A LETTER OF PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION.⁴

President: "The fourth item on the non-routine agenda can be found on Page 11 and 12, Item No. 7, Informal Awards, Renewals, Increases to Contracts and Extensions, Contract No. B50002088, Drain Cleaning Services, Department of General Services. Will the parties please come forward? We've already heard the arguments. I'll entertain a Motion."

City Solicitor: "MOVE approval of the item as requested and denial of the protest in connection therewith."

⁴ See protest letter following Page 254.

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Director of Public Works: "Second."

President: "All those in favor say aye."

President: "AYE."

President: "All opposed nay."

Comptroller: "I **ABSTAIN.**"

President: "Please note the Comptroller abstains. The Motion carries."

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MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases - cont'd

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| 8. NESTLES WATERS NORTH
AMERICA, d/b/a DEER PARK | \$ 200,000.00 | Renewal |
| Contract No. B50001266 - Bottled Water - Department of
Finance, Various Agencies - Req. Nos. Various | | |

On March 24, 2010, the Board approved the initial award in the amount of \$200,000.00. The award contained two 1-year renewal options. On January 25, 2012, the Board approved the first renewal in the amount of \$200,000.00. This final renewal in the amount of \$200,000.00 is for the period March 24, 2014 through March 23, 2016.

MWBOO GRANTED A WAIVER.

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|--|---------------|-----------|
| 9. HOLABIRD ENTERPRISES
OF MARYLAND, INC. | \$ 150,000.00 | Extension |
| Contract No. B50000672 - Heavy Duty Automatic Transmissions -
Department of General Services - P.O. No. P507501 | | |

On January 28, 2009, the Board approved the initial award in the amount of \$450,000.00. The award contained two 1-year renewal options. Subsequent actions have been approved. This extension in the amount of \$450,000.00 is necessary to allow time to complete the solicitation process for a new contract. This extension in the amount of \$450,000.00 is for the period January 28, 2014 through April 30, 2014.

THE VENDOR COMMITTED TO 5% FOR MBE AND 0% FOR WBE.

MBE: Millennium Auto Parts & Towing & Service Repair	\$ 8,467.90	0.79%
Grady Wright & Associates, Inc.	3,693.50	0.34%
Total	\$12,161.40	1.13%

WBE: N/A

MWBOO FOUND VENDOR IN COMPLIANCE.

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A LETTER OF PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION.⁵

President: The fifth item on the non-routine agenda can be found on Pages 12-13, Item No. 9, Informal Awards, Renewals, Increases to Contracts and Extensions, Contract No. B50000672, Heavy Duty Automatic Transmissions, Department of General Services. Will the parties please come forward?"

Mr. Krus: "Mr. President, Tim Krus, City Purchasing Agent. I'd like to uh -- exercise the exception that it is not practicable to obtain competitive bids while we extend this contract to finish the specifications to allow us to bid."

President: "I'll entertain a Motion."

City Solicitor: "MOVE approval of the matter as Item 9 on Page 12 and denial of the protest therewith."

Director of Public Works: "Second."

President: "All those in favor say aye."

President: "AYE."

President: "All opposed nay. The Motion carries."

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⁵ See protest letter following Page 254.

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

10. GEN-PROBE SALES & SALES SERVICE, INC.	\$ 125,000.00 <u>297,909.00</u>	Ratification and Renewal
	\$ 422,909.00	

Contract No. 08000 - Chlamydia Trachomatis Test Kits - Health Department - P.O. No. P522011

On November 21, 2012, the Board approved the initial award in the amount \$283,000.00. The award contained two 1-year renewal options. The period of the ratification is October 10, 2013 through January 28, 2014. The period of the renewal is January 29, 2014 through February 16, 2015, with one 1-year renewal option remaining.

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

MWBOO GRANTED A WAIVER.

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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>		
11. DEPENDABLE NURSING SERVICES, LLC	\$290,000.00	
PERSONAL TOUCH HOME AIDES OF BALTIMORE, INC.	290,000.00	
TRUSTWORTHY STAFFING SOLUTIONS, LLC	311,200.00	
CHESAPEAKE MEDICAL STAFFING, LLC	0.00	
	<u>\$891,200.00</u>	Increase

Contract No. B50002394 - Personal Care & Homemaker Services - Health Department - P.O. Nos. Various

On October 17, 2012, the Board approved the initial award in the amount of \$432,525.00. The award contained two 2-year renewal options. On May 3, 2013, the City Purchasing Agent approved an increase in the amount of \$33,000.00. On July 3, 2013, the Board approved an increase in the amount of \$353,029.00. On October 3, 2013, the City Purchasing Agent approved an increase in the amount of \$95,300.00. This increase in the amount of \$891,200.00 will be used for the remainder of the fiscal year. The contract expires on October 16, 2014, with two 2-year renewal options remaining.

MWBOO GRANTED A WAIVER.

A LETTER OF PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION.⁶

⁶ See protest letter following Page 254.

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INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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President: "The final item on the non-routine agenda can be found on Page 14, Item No. 11, Informal Awards, Renewals, Increases to Contracts and Extensions, Contract No. B50002394, Personal Care & Homemaker Service, Services, Health Department. Will the parties please come forward? I'll entertain a Motion."

Mr. Jolivet: "I want to be heard."

President: "I said will the uh -- parties please come forward?"

Mr. Jolivet: "I did, but I was, I was preoccupied and I apologize to the Board."

President: "Alright."

Mr. Jolivet: "The uh -- the question I would like to ask is, is this a requirements contract? That that that is the question I would like to ask. It's a fair question."

Mr. Krus: "Yes it is."

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INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Mr. Jolivet: "It is? Can you show me?"

Mr. Krus: "I don't, I don't have the initial Board letter with me, but it is a requirements contract, as it is for personal care and homemaker services and we are not absolutely certain what the agency would need in that area."

Mr. Jolivet: "Mr. President, may I, may I be heard?"

President: "Go ahead."

Mr. Jolivet: "Uh -- I just want to put on the record, Mr. President, that it has been my opinion and it has been my position that the law, City competitive bidding statute, Charter requirement Article VI, Section 11, does not make any distinction regarding requirements contracts, and if it's not a specific exemption in the Charter of awarding these contracts to the lowest responsive responsible bidder, my contention is that the City, and even this Board, however much authority the Charter gives this Board, does not allow you to award a contract

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INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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that is contrary to the law, and I think that's a basic fundamental principle."

Mr. Krus: "This particular requirements contract was awarded in October of 2012. It now involves four vendors to attempt to meet the City's requirements."

Mr. Jolivet: "And Mr. President, I think that's a good thing. I think it's good for the City and when Mr. Krus awards contracts, that he awards to multiple vendors and hopefully in awarding to mul, multiple vendors, he'll have in there some women and minority firms. There are none here I don't believe, but that's all right as long as the process was fair. If the process was open, fair, transparent, and there, for whatever reasons, there are no minorities who end up being awarded, or who don't bid, that would be an appropriate thing. We certainly would like to see any contract result in an award to minority and women firms, yes, but I recognize that there will be occasions when that just won't happen, but if Mr. Krus can say

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INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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to me that when he put this award out, when he put this proposal out that everyone had a fair and equal opportunity, a transparent opportunity to bid, and to put their bid in, then I would be satisfied. I would be the first one to say --."

Mr. Krus: "I can absolutely certify that."

Mr. Jolivet: "Well, Mr. President, I'm satisfied."

City Solicitor: "Is that a withdrawal of the protest, Mr. Jolivet?"

President: "Um -- Council, um -- Comptroller Pratt has a question. Talk in the mic."

Comptroller: "Sure. I'm noticing that there have been three um, three increases, and so do we have a prior history of the services that would be needed?"

Mr. Krus: "Well, I know that on um -- October the, July the third, 2013, we had to add additional vendors to the contract

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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

that the Board had approved, so this is one of those areas where we have temporary services that we are seeking. It's very difficult to estimate exactly how many of these temporary service workers the agencies need."

Comptroller: "But my question is, do we have a history of the services that were required in the past?"

Mr. Krus: "Uh -- I believe that we do on this. I don't know whether this was broken out from an addi, from another temporary contract, or not."

Comptroller: "So, do you know whether or not these increases were they -- taken into consideration when the contract was initially awarded?"

Mr. Krus: "Well, it was definitely initially awarded in the amount of \$432,000.00."

Comptroller: "Right. And my question is, prior to this award did we spend more than \$400,000.00?"

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INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Mr. Krus: "I can't tell you that. I mean, what -- what we try to do when we make awards and when we establish solicitations, is that we establish those solicitations for what we believe the City's requirements will be --"

Comptroller: "Just be careful --"

Mr. Krus: "When we use temporary services, it is very difficult to nail exactly what the City's requirements will be --"

Comptroller: "I would be --"

Mr. Krus: "-- especially in times of tight budget when agencies are not hiring full-time City employees to do this type of work."

Mr. Jolivet: "Mr. President, there's just one final comment that I would like to put on the record, and this is uh - uh -- in all due respect to Mr. Krus, I, I actually think that he's doing his best to do what is obviously a difficult job. But having said that, uh -- I'm troubled by the fact that the policy that this Board incorporated in 2010, had a specific limitation on the amount that Mr. Krus could unilaterally approve, and I think no one would disagree with me on that, and I'm deeply

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INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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troubled that Mr. Krus, in this particular procurement, which is evidenced by the communication to the Board, that on this occasion, Mr. Krus unilaterally, single-handedly, approved a \$95,000.00 increase. Now here's the significance --"

Mr. Krus: "On three separate contracts, Mr. Jolivet."

Mr. Jolivet: "I don't care. I don't care."

Mr. Krus: "That's material--"

Mr. Jolivet: "It's still cumulative. It's still cumulative."

Mr. Krus: "No it is not."

Mr. Jolivet: "It's still cumulative."

Mr. Krus: "It's by the contract that the City lets."

President: "Let him finish."

Mr. Jolivet: "Okay, well, I, I'm not, I'm addressing the Board, and I should not be addressing Mr. Krus. Apology to Mr. Krus.

The point I'm trying to make, plain and simple, is that I think the Board's 19 -- 2010 policy was a fairly sensible policy

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INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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in an attempt to respond to what was obviously a very difficult situation of meeting emergencies, and probably responding to economy of services. That's well respected, that's, well uh -- it's done in a lot of places, but I say to you again that it is quite troubling to see Mr. Krus can approve a \$95,000.00 increase. It's equivalent to a \$95,000.00 purchase, and the Charter says, Article VI, Section 11, that any contract by ordinance established by resolution established by this Board, any contract greater than \$25,000, -- \$50,000.00 rather, must be publicly advertised, bids submitted to the Board of Estimates and publicly opened, and thereafter, must be awarded by this Board to the lowest responsive responsible bidder, or in case of a request of proposals, to the highest scoring responsive responsible bidder. I say to you this practice of authorizing Mr. Krus to award increases is problematic, extremely problematic, and I would submit to this Board it is a blatant violation of Article VI, Section 11."

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INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Comptroller: "I have a question. Mr. Krus, when you added the additional service providers, how were they obtained? Was it put out for bid, or was it, how did they become --?"

Mr. Krus: "I don't, I don't have the letter with me of the addition of the three additional providers that the Board approved, so I don't, and I don't recall at that time, how they were approved."

President: "Can you make sure that we get that information?"

Mr. Krus: "Sure."

President: "Thank you. I'll entertain a Motion."

City Solicitor: "MOVE approval of this particular um -- item as submitted on Page 14, Item No. 11, denial of the protest. Just an observation that if we got specifics of these protests, facts and the law from Mr. Jolivet and others, ahead of time, it would be a lot easier to respond to the kinds of questions that have been presented here."

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INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Mr. Jolivet: "Are you --?"

City Solicitor: "I'm just saying it would be helpful."

President: "Is there a second?"

Director of Public Works: "Second."

President: "All those in favor say aye."

President: "AYE."

President: "All opposed nay."

Comptroller: "I **OPPOSE.**"

President: "Please note that Comptroller Pratt abstains."

Comptroller: "Opposes."

President: "I mean opposes. You vote No."

UPON MOTION duly made and seconded, the Board approved the foregoing Informal Awards, Renewals, Increases to Contracts and Extensions. The Mayor **ABSTAINED** on Item no. 3. The Comptroller **ABSTAINED** on Item nos. 4, 6, and 7. The Comptroller voted **NO** on Item no. 11.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Community Development Block Grant Agreement (CDBG) with Coalition to End Childhood Lead Poisoning, Inc. (CECLP). The period of the CDBG agreement is September 1, 2013 through August 31, 2014.

AMOUNT OF MONEY AND SOURCE:

\$185,400.00 - 2089-208914-5930-436763-603051

BACKGROUND/EXPLANATION:

The CECLP is dedicated to preventing childhood lead poisoning through advocacy, outreach, and education. Working in partnership with the community, the CECLP is committed to ensuring that all children grow up in affordable, lead-safe housing. In addition, the CECLP wants to ensure that community-based solutions for lead-safe housing are implemented which will result in healthier children and healthier communities. Under the terms of this agreement, the CECLP, through its Safe at Home Green and Healthy Homes Program, will implement a comprehensive approach to reduce childhood lead poisoning, asthma episodes, and other home-based environmental health and safety hazards in Baltimore's older, low, and moderate-income communities.

FOR FY 2014, THE MBE AND WBE PARTICIPATION GOALS FOR THE ORGANIZATION WERE SET ON THE AMOUNT OF \$68,500.00, AS FOLLOWS:

MBE: \$18,495.00

WBE: \$ 6,850.00

On June 26, 2013, the Board approved the Resolution authorizing the Commissioner of the Department of Housing and Community

MINUTES

DHCD - cont'd

Development (DHCD), on behalf of the Mayor and City Council, to file a Federal FY 2013 Annual Action Plan for the following formula programs:

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

The DHCD began negotiating and processing the CDBG agreements effective July 1, 2013 and beyond, as outlined in the Plan, pending approval of the Resolution. Consequently, the agreements were delayed due to final negotiations and processing.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Community Development Block Grant Agreement with the Coalition to End Childhood Lead Poisoning, Inc.

MINUTES

Department of General Services (DGS) - Takeover Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Takeover Agreement with Westfield Insurance Company.

AMOUNT OF MONEY AND SOURCE:

\$33,534.10 - 9938-901721-9474-000000-702064

BACKGROUND/EXPLANATION:

The DGS requests the Board's approval of the Takeover Agreement with the Surety for Warren-Ehret Company of Maryland, Inc. (W-E) to ensure completion of Contract No. PB 07813, James Gross and Madison Square Recreation Centers HVAC System Upgrades. Pursuant to this Agreement, the \$33,534.10 remaining due and owing under Contract PB 07813 is to be paid to Westfield Insurance Company and sent to Daniel Pentecost, Surety Claims Counsel, Westfield Group.

By letter of October 25, 2011, the City notified W-E's Surety in writing of W-E's continuing failure to prosecute the work required under the contract and requested that the Surety cure W-E's default by ensuring completion of the Contract. On or about April 5, 2013, the DGS formally terminated for default its contract with W-E and made a demand on the Surety for performance of W-E's remaining obligation under Contract No. 07813. The Surety has advised the DGS that it has engaged a contractor, G.E. Tignall, Inc., to complete the remaining obligations under W-E's contract. The City wishes to enter into a Takeover Agreement with the Surety to formalize the Surety's obligation under the Performance Bond to complete the contractual obligations of W-E.

MINUTES

DGS - cont'd

MBE/WBE PARTICIPATION:

On October 3, 2013, the Chief of MWBOO waived the need to provide further MBE/WBE participation in the performance of this work.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Takeover Agreement with Westfield Insurance Company.

MINUTES

Department of General Services - Easement Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Easement Agreement with Gilman School, Inc.

AMOUNT OF MONEY AND SOURCE:

\$1.00 - if demanded

BACKGROUND/EXPLANATION:

The City, acting by and through its Department of Transportation, is proposing to construct traffic signal equipment and road improvements on a portion of the property owned by Gilman School, Inc., located at 5407 Roland Avenue.

This Easement Agreement will allow the City's contractor to construct roadway improvements and install and maintain signal equipment, in conjunction with the Roland Avenue and Northern Parkway Safety and Roadway Improvement Project, Contract No. TR 12314.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Easement Agreement with Gilman School, Inc.

MINUTES

Department of General Services - Developer's Agreement No. 1320

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Developer's Agreement No. 1320 with Wells CRP Building, LLC, developer.

AMOUNT OF MONEY AND SOURCE:

\$180,374.00

BACKGROUND/EXPLANATION:

The developer would like to install a new water service, sanitary and roadway improvements to its proposed construction located at 2 East Wells Street. This Developer's Agreement will allow the organization to do its own installation in accordance with Baltimore City standards.

An Irrevocable Letter of Credit in the amount of \$180,374.00 has been issued to Wells CRP Building, LLC which assumes 100% of the financial responsibility.

MBE/WBE PARTICIPATION:

City funds will not be utilized for this project. Therefore, MBE/WBE participation is not applicable.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Developer's Agreement No. 132 with Wells CRP Building, LLC.

MINUTESDepartment of General Services - Minor Privilege Permit Applications

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

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
1. 814 N. Calvert St.	Alan A. Gertner	Retain awning 6' x 5'
Annual Charge: \$119.51		
2. 1400 Key Highway	DBF, LLC	Outdoor seating 24' x 4'
Annual Charge: \$561.50		

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 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 for Allied Contractors, Inc., for Contract No. TR 10011RR, Conduit System Repairs at Various Locations Citywide JOC.

AMOUNT OF MONEY AND SOURCE:

\$140,009.09 - 9962-906054-9562-000000-200001

BACKGROUND/EXPLANATION:

All work on Contract No. TR 10011RR is substantially completed and all punch list items are complete. The contractor has requested a Partial Release of Retainage in the amount of \$140,009.09.

The City has \$142,009.09 that it is holding in retainage. The remaining \$2,000.00 is sufficient to protect the interests of the City. Pursuant to Section 10.04-81 of Specifications, a Final Inspection for Contract No. TR 10011RR was held on May 17, 2013.

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Partial Release of Retainage Agreement with Allied Contractors, Inc., for Contract No. TR 10011RR, Conduit System Repairs at Various Locations Citywide JOC.

MINUTES

Department of Transportation - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 19, to Louis Berger Water Services, Inc., under Project 1161, On-Call Construction Project Management Services.

AMOUNT OF MONEY AND SOURCE:

\$56,516.08 - 9950-903378-9508-900020-703032

BACKGROUND/EXPLANATION:

This authorization provides for technology support with Primavera, which is used by the Department to manage both construction and design projects.

MBE/WBE PARTICIPATION:

The consultant will comply with Article 5, Subtitle 28 of the Baltimore City Code and the goals of 27% MBE and 9% WBE established in the original agreement.

MWBOO FOUND VENDOR IN COMPLIANCE.

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

MINUTESDepartment of Transportation - cont'd**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$56,516.08	9950-903378-9509	9950-902378-9508-3
MVR	Constr. Reserve	Design & Study
	Transportation	DOT Archive
	Archive Inventory	Inventory

This transfer will fund the costs associated with Task No. 19, Project No. 1161, On-Call Construction Project Management Services, with Louis Berger Water Services, Inc.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 19, to Louis Berger Water Services, Inc. under Project 1161, On-Call Construction Project Management Services. The Transfer of Funds was approved SUBJECT to receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the City Charter.

MINUTES

Bureau of Water and - Amendment No. 3 to Agreement
Wastewater (BW&WW)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Amendment No. 3 to Agreement with KCI Technologies, Inc., for Project 1118, Improvements to the Wastewater Collection System for Consent Decree Wet Weather Compliance.

AMOUNT OF MONEY AND SOURCE:

\$572,173.54 - Wastewater Revenue Bonds
427,780.22 - Baltimore County
\$999,953.76 - 9956-902588-9551-900020-702064

BACKGROUND/EXPLANATION:

On September 22, 2010, KCI Technologies, Inc. was awarded a contract to provide engineering and technical support for Project 1118, Improvements to the Wastewater Collection System for Consent Decree Wet Weather Compliance for a three year period ending on September 21, 2013. The agreement contained the option to extend the contract duration for five one-year terms.

The Amendment No. 2 was approved on June 5, 2013 and exercised the first option to extend the agreement by 12 months until September 21, 2014. This Amendment No. 3 will increase the total upset limit for this contract to \$6,678,646.23 and will provide funding for the first optional extension approved on June 05, 2013.

During the course of this amendment, KCI Technologies, Inc. will provide additional services including the implementation of the Consent Decree-required fats, oils and grease program (coordination with various agencies, inspection services, and planning of grease abatement treatment). KCI Technologies, Inc. will also provide expanded services within the Utility Asset Management Division which will move the City into a proactive maintenance mode with the goal of solving problems before they become emergencies. Engineering, design, and construction management services relating to the elimination of sanitary sewer overflows and basement backups will be performed. KCI Technologies, Inc. was approved by the Office of Boards and Commissions and the Architectural and Engineering Awards Commission.

MINUTES

BW&WW - cont'd

MBE/WBE PARTICIPATION:

The Consultant will continue to comply with all terms and conditions of the MBE/WBE programs in accordance with Baltimore City Code Article 5, Subtitle 28.

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>
\$ 629,420.00	9956-903627-9549	
Wastewater	Constr. Reserve	
Revenue Bonds	Wet Weather Program	
470,580.00	9956-905410-9549	
<u>Balto. County</u>	Constr. Reserve	
<u>\$1,100,000.00</u>	Herring Run Interceptor	
\$ 999,997.35	-----	9956-902588-9551-3
		Design
100,002.65	-----	9956-902588-9551-9
<u>\$1,100,000.00</u>		Administrative

The funds are needed for Project 1118, Amendment No. 3, Improvements to Wastewater Collection System for Consent Decree Compliance.

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 3 to Agreement with KCI Technologies, Inc. for Project 1118, Improvements to the Wastewater Collection System for Consent Decree Wet Weather

MINUTES

BW&WW - cont'd

Compliance. The Transfer of Funds was approved SUBJECT to receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the City Charter.

MINUTESBureau of Water and Wastewater (BW&WW) - Consultant Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an Consultant Agreement with EBA Engineering, Inc., for Project No. 1180.4, Small Water Main Replacement and Rehabilitation Design at Various, FY 2013 (WC 1284, WC 1285, WC 1286). The Agreement is effective upon Board approval for two years, or until the upset limit is reached, whichever occurs first.

AMOUNT OF MONEY AND SOURCE:

\$900,000.00 - 9960-915617-9557-900020-703032

BACKGROUND/EXPLANATION:

EBA Engineering, Inc. will provide water main design and engineering services related to the existing water infrastructure that has been identified by the City at various locations for replacement and/or rehabilitation. The scope of work includes preparation of contract documents including plans, specifications, cost estimates, permit applications, community outreach meetings, right-of-ways, and etc. The consultant was approved by the Office of Boards and Commissions and Architectural and Engineering Awards Commissions.

MBE/WBE PARTICIPATION:

MBE: Sabra Wang & Associates, Inc.	\$ 90,000.00	10.00%
Dhillion Engineering, Inc.	102,969.26	11.44%
* DM Enterprises of Baltimore, LLC	<u>50,100.00</u>	<u>5.57%</u>
	\$243,069.26	27.01%

*DM Enterprises of Baltimore, LLC is currently not in good standing with the Maryland Department of Assessment and Taxation. If awarded, the bidder will be allowed to substitute an approved MBE, if awarded, DM Enterprises of Baltimore, LLC is not in good standing at the time of award.

MINUTESBW&WW - cont'd

WBE: Phoenix Engineering, Inc.	\$ 48,596.87	5.40%
J A Rice, Inc.	49,948.41	5.55%
Russell Corrosion	20,118.60	2.23%
Consultants, Inc.	<u>\$118,663.88</u>	<u>13.18%</u>

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>
\$1,000,000.00	9960-909100-9558	9960-915617-9557-3
Water Revenue	Constr. Reserve	Design
Bonds	Infrastructure	
	Rehabilitation	

The funds are needed to cover the costs of Project 1180.4, Small Water Main Replacement and Rehabilitation Design - Various Locations.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Consultant Agreement with EBA Engineering, Inc., for Project No. 1180.4, Small Water Main Replacement and Rehabilitation Design at Various, FY 2013 WC 1284, WC 1285 and WC 1286. The Transfer of Funds was 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**CITY COUNCIL BILL:**

13-0296 - An Ordinance concerning the Sale of Property - 3814 Ednor Road for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property known as 3814 Ednor Road (Ward 9, Section 22, Block 3972N, Lot 026) and no longer needed for public use; and providing for a special effective date.

UPON MOTION duly made and seconded, the Board approved City Council Bill 13-0296 and directed that the Bill be returned to the City Council with the recommendation that it be approved and passed by that Honorable Body. The President **ABSTAINED.**

MINUTESPolice Department - Professional Services Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Professional Services Agreement with Ms. Adriana Medina (Contractor). The Agreement is effective upon Board approval for one year.

AMOUNT OF MONEY AND SOURCE:

\$7,000.00 - 6000-611214-2013-197500-603026

BACKGROUND/EXPLANATION:

The Contractor will provide training development in the administration of cultural diversity training programs at the Department's Education and Training Section, with a primary teaching focus on recruit training. The training curriculum will be coordinated with the Director of Education and Training. It is anticipated that the training commitment will be ten hours per session/recruit class. The Department plans to hold seven Academy Classes during the period of the contract. The contractor will be responsible for providing all instructors and subject matter experts to provide specific training modules.

APPROVED FOR FUNDS BY FINANCE.

AUDITS REVIEWED AND HAD NO OBJECTIONS.

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

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

MINUTES

Police Department - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Professional Services Agreement with Ms. Adrian Medina.

Kim A. Trueheart

January 29, 2014

Board of Estimates
Attn: Clerk
City Hall, Room 204
100 N. Holliday Street,
Baltimore, Maryland 21202

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of poor fiscal administration and management by the Mayor of Baltimore City and the various Departments and Agencies under our mayor's leadership and direction.

The following details are provided to initiate this action as required by the Board of Estimates:

1. Whom you represent: Self
2. What the issues are:
 - a. Page 30, Police Department – Professional Services Agreement, if approved:
 - i. This item is long over due;
 - ii. This item appears to be connected to the Law Department's settlement with the family of Tyrone Brown, who was shot and killed by an off-duty Baltimore City police officer;
 - iii. This item fails to disclose whether this training agreement includes renewal option for future years;
 1. Please provide access, for inspection, the document detailing the Departments long term commitment to continue this training in subsequent years.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I am significantly impacted by poor fiscal administration and management within my home town government. Workforce development is a significant deficiency both with my hometown government and the police department, in particular. This opportunity is a welcome addition to the usual wasteful spending contained in the weekly BOE agenda.
4. The remedy I seek and respectfully request is that this contract be detailed more thoroughly before it is approved by this board.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on January 29, 2014.

If you have any questions regarding this request, please telephone me at (410) 205-5114.

Sincerely,
Kim Trueheart, Citizen & Resident

Email: ktrueheart@whatfits.net
5519 Belleville Ave
Baltimore, MD 21207

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

* * * * *

On the recommendations of the City agency
hereinafter named, the Board,
UPON MOTION duly made and seconded,
awarded the formally advertised contracts
listed on the following pages:

316 - 319

to the low bidders meeting the specifications,
and rejected the bid as indicated
for the reasons stated.

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

The Comptroller **ABSTAINED** on Item No. 5

J. F. Fischer, Inc. only.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Water and Wastewater

3. SC 909, Improvements to Sanitary Sewers in the Eastern Portion of the Herring Run Sewershed Inland Waters Pollution Control, Inc. \$11,197,595.89

MWBOO SET THE MBE GOAL OF 10%: African American (AA): 6%
 Asian American (ASA): 1%
 Hispanic American (HA): 3%

MBE: AA: JLN Construction Services, LLC	\$ 671,855.76	6.00%
AsA: Kim Engineering, Inc.	111,975.96	1.00%
HA: Daco Construction Corporation	<u>335,927.88</u>	<u>3.00%</u>
	\$1,119,759.60	10.00%

WBE: Peer Consultants, P.C. \$ 223,951.92 2.00%

MWBOO FOUND VENDOR IN COMPLIANCE.

4. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$10,494,387.17	9956-907624-9549	
Wastewater Revenue Bonds	Constr. Reserve Wastewater Rehab.- Program - Herring Run	
4,286,439.83	" "	
<u>Baltimore County</u>		
\$14,780,827.00		
\$ 1,119,760.00	-----	9956-906652-9551-2
		Extra Work
1,119,760.00	-----	9956-906652-9551-3
		Engineering
671,855.11	-----	9956-906652-9551-5
		Inspection

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Water and Wastewater - cont'd

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
11,197,595.89	-----	9956-906652-9551-6 Construction
<u>671,856.00</u>	-----	9956-906652-9551-9 Administration
\$14,780,827.00		

The funds are needed to cover the costs of SC 909, Improvements to Sanitary Sewers in the Eastern Portion of the Herring Run Sewershed.

Bureau of Purchases

- 5. B50003236, Maintenance \$ 6,000,000.00
& Repair Services for Denver-Elek, Inc.
Plumbing and Heating R.F. Warder, Inc.
Systems J.F. Fischer, Inc.

(Dept. of General Services, DPW, etc.)

This is a requirements contract. However, the vendor will supply the City's requirement be it more or less. Award is recommended to the three low responsive bidders who will be required to submit lump sum quotes for individual assignments based upon the unit bid prices.

MWBOO SET THE MBE GOAL AT 27% AND THE WBE GOAL AT 0%.

DENVER-ELEK, INC.

MBE: Spears Mechanical 30%
Contractors, Inc.

MWBOO FOUND VENDOR IN COMPLIANCE.

R.F. WARDER, INC.

MBE: AWA Mechanical, Inc. 27%

MWBOO FOUND VENDOR IN COMPLIANCE.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases - cont'dJ.F. FISCHER, INC.

MBE:	Horton Mechanical Contractors, Inc.	\$681,700.00	30%
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MWBOO FOUND VENDOR IN COMPLIANCE.

6. B50003292, Vehicle, Motorcycle, Generator and Lawn & Garden Batteries	The Best Battery Company, Inc.	\$ 700,000.00
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(Agencies: Various)

MWBOO GRANTED A WAIVER.

MINUTES**TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Fire & Police Employees' Retirement System</u>			
1. William Hudson	2014 Trustees and Administrators Institutes Lake Buena Vista, FL Feb. 15 - 20, 2014 (Reg. Fee \$1,140.00)	Special Funds- Fire & Police	\$1,919.00

The Board, UPON MOTION duly made and seconded, approved the travel request.

MINUTES

PERSONNEL MATTERS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Personnel matters

listed on the following pages:

322 - 324

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 Human Resources

	<u>Rate of Pay</u>	<u>Amount</u>
1. CARLA MURPHY	\$200.00 for the first session, \$170.00 for each succeeding session (session lasting no more than 3 hours) and \$325.00 for each written report	\$ 7,000.00
2. JOHN WOODS	\$200.00 for the first session, \$170.00 for each succeeding session (session lasting no more than 3 hours) and \$325.00 for each written report	\$ 7,000.00

Account: 1001-000000-1603-172500-603026

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

The above-listed individuals will continue to work as Hearing Officers. Ms. Murphy will also work as a Chief Hearing Officer. The Baltimore City Charter permits an investigation for employees discharged, reduced, or suspended for more than 30 days after the completion of the probationary period. The Hearing Officer presides over these investigations and submits a recommendation to the Civil Service Commissioners for approval. The period of the agreement is effective upon Board approval for one year.

MINUTES**PERSONNEL**Department of Human Resources - cont'd3. Create the following position:

10248 - HR Policy Analyst
 Grade 116 (\$55,000.00 - \$77,500.00)
 Job No.: to be determined by BBMR

Costs: \$98,817.00 - 1001-000000-1601-172500-601001

Department of Recreation and Parks

	<u>Rate of Pay</u>	<u>Amount</u>
4. NANCY JARVIS	\$32.00 per hour	\$ 6,400.00
5. PHYLLIS FRIELLO	\$32.00 per hour	\$ 6,400.00
6. JULIE PITTET	\$32.00 per hour	\$ 6,400.00

Account: 6000-680514-4713-363400-601009

The above listed individuals will continue to work as Contract Services Specialist II (Ice Skating Instructors). Their duties will include, but will not be limited to providing instructions in figure skating skills for participants in the "Learn to Skate" and summer camp programs. The program will include skills that are basic for the U.S. Figure Skating National Proficiency Tests and evaluation of student performance to determine mastery of specific skills and advancement to the next level. These individuals will also assist students in planning an individual presentation program set to music, provide skating instructions to members of the Youth and Adult Performance Troupe, and provide skating instructions to all levels of the Adult Skating Seminar. The period of the agreement is effective upon Board approval for one year.

MINUTES**PERSONNEL**Department of Human ResourcesRate of PayAmountDepartment of General Services

7. JAN WALECKA	\$40.91 per hour	\$75,000.00
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Account: 1001-000000-1982-194700-601009

Ms. Walecka will continue to work as a Contract Services Specialist II (Architectural Project Management Specialist). Her duties will include, but will not be limited to managing multiple and ongoing specialty architectural design and construction contracts for municipal buildings and facilities. Ms. Walecka will also provide direction in master planning, architectural and financial aspects. She will represent the Department with City, State, and Federal agencies by providing architectural project management services on complex LEED certified projects, and submit a progress report on a weekly basis regarding all projects. The period of the agreement is effective upon Board approval for one year.

MINUTES

PROPOSAL AND SPECIFICATIONS

1. Department of Transportation - TR 13305, Resurfacing Highways
at Various Locations, Northwest-
Sector II
BIDS TO BE RECV'D: 02/26/2014
BIDS TO BE OPENED: 02/26/2014

2. Department of Transportation - TR 13306, Resurfacing Highways
at Various Locations, Southeast-
Sector III
BIDS TO BE RECV'D: 02/26/2014
BIDS TO BE OPENED: 02/26/2014

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

* * * * *

MINUTES

ANNOUNCEMENT

President: "Today is Mr. Foxx's last day and I just wanted to tell Mr. Foxx it's been a pleasure working with him as the Director of Public Works and I wish him the best in his endeavors. Um -- you know, he's going to the private sector, so, um -- I just want to wish you the best, and don't forget us here in Baltimore. Um -- Comptroller Pratt."

Comptroller: "Yes, I'd like to present -- this citation to you, and it reads, "Be it known --"

Director of Public Works: "Should I stand?"

Comptroller: "Uh -- yes, please. 'Be it known that this citation is awarded to Alfred H. Foxx, Director of the Department of Public Works in recognition of your outstanding service on behalf of the citizens of Baltimore.'" "'The price of success is hard work, dedication to the job at hand, and the determination that whether we win or lose, we have applied the best of ourselves to the task at hand.' This is a quote by Vince Lombardi. Throughout your career with the City of Baltimore, you have demonstrated exceptional performance. We have good reason to be proud of the successes this City has

MINUTES

achieved, especially when we are blessed with meticulously capable administrators. As such, you are a commensurate leader whose capabilities and accomplishments exemplify hard work, dedication, determination, and applying the best of one's self to the task at hand. We deeply appreciate all that you have done to help make our city great. I applaud your commitment to improving the quality of life for our citizens. Best wishes, uh -- best wishes and continued success.'"

President: "Madam Mayor. Madam Mayor."

Mayor: "Oh. You've been here long enough to know -- you don't just run up to the front. So, on this day, this last Board of Estimates meeting for Col. Foxx, I will keep my word to you, which is just to keep the fanfare to a minimum and just simply say Thank you. I know based on the time that I've spent with you, uh -- there will be a lot of things that you will miss. I know that based on the amount of time I've spent with you during the Board of Estimates in particular, I'm sure there will be things that you won't miss. Um - and u - you've been great, as I said to you before, blessings to me and my administration. I wish you all the luck in the world in the next chapter of your life."

MINUTES

Director of Public Works: "Thank you very much."

City Solicitor: "Um -- Col. Foxx, it's been a pleasure serving with you on this Board, um -- listening to arguments and voting on various matters, including protests. It's been a pleasure providing the Department of Public Works with legal services. You certainly have been a 'fertile' client, kept lawyers in the Law Department more than busy. You've been terrific to work with in all respects. Best of luck in Cincinnati."

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

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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.

THERE WERE NO ADDENDA RECEIVED.

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

Bureau of Water and Wastewater -SC 934, Cleaning of the
Outfall Interceptor &
Relief Sewers - Phase II

Video Pipe Services, Inc.
REI Proven Management JV., Inc.
Metra Industries

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Department of Transportation - TR 13311R, Traffic Signal
Construction & Rewiring
Citywide JOC

Midasco, LLC

Traffic Systems, Inc.

*Bruce & Merrilees Electric Co. - **NON-RESPONSIVE**

Allied Contractors, Inc.

Bureau of Purchases - B50003304, Baltimore
Citizens Planning Survey

The Melior Group

ETC Institute

Schaefer Center for Public
Policy, University of
Baltimore

Bureau of Purchases - B50003298, Various Oils and
Lubricants

PPC Lubricants

Petro Choice

Bureau of Purchases - B50003305, O.E.M. Parts and
Service for Exmark Mowers

Lawn & Power Equipment

Liberty Discount Lawn
Equipment

Hickory International, Inc.

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Bureau of Purchases - B50003283, Fabrication,
 Delivery and Installation
 & Installation of Signs for
Cylburn Park

L & H Companies/L&H Signs, Inc.
 Harmon Sign, Inc.
 Complete Signs
 Weisser Enterprises, LLC
 Color-Ad, Inc.

Bureau of Purchases - B50003276, Building
Deconstruction

D&B Construction, Inc.
 JLN Construction Services
 K&K Adams, Inc.
 P&J Contracting, Co.
 *GOEL Services
 Humanim, Inc.

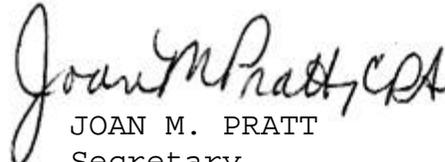
*The Bid of Goel Services, Inc. was returned by the Law Department with the recommendation the Bid may be processed in the normal course of business. The Bid was therefore forwarded to the Bureau of Purchases for award consideration.

UPON FURTHER MOTION duly made and seconded, the Board declared the bid of Bruce & Merrilees Electric, Co. **NON-RESPONSIVE** due to the company's failure to submit the original contract book as required by the contract specifications.

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MINUTES

There being no objections, the Board UPON MOTION duly made and seconded, the Board adjourned until its next regularly scheduled meeting on Wednesday, February 5, 2014.


JOAN M. PRATT
Secretary