

**MINUTES****REGULAR MEETING**

Bernard C. "Jack" Young, President  
Stephanie Rawlings-Blake, Mayor  
Joan M. Pratt, Comptroller and Secretary  
George A. Nilson, City Solicitor  
Rudolph S. Chow, Acting Director, Department of Public Works  
David E. Ralph, Deputy City Solicitor  
Kimberly Morton, Deputy Director, Department 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 February 3, 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."

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 the order and efficiency at these hearings, persons who are disruptive will be asked to leave the hearing room immediately."

\* \* \* \* \*

**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:

A&A Aaron Painting & Abatement Group	\$ 171,000.00
Anchor Construction Corporation	\$61,668,000.00
Autumn Contracting, Inc.	\$24,786,000.00
BMW Construction Specialist, Inc.	\$ 8,000,000.00
Interior Specialists, Inc.	\$ 8,000,000.00
Mainlining Service, Inc.	\$ 7,218,000.00
McNew Excavating, Inc.	\$ 1,500,000.00
Young's Floor Service and Remodeling Company, Inc.	\$ 657,000.00

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:

BLV Engineering Associates, Inc.	Engineer
Jenny Engineering Corporation	Engineer
The Robert B. Balter Company	Engineer
Rummel, Klepper & Kahl, LLP	Landscape Architect Engineer
Spyder Engineers, LLC	Engineer

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

MINUTES

TRANSFERS OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

336 - 337

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

## MINUTES

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of General Services</u>		
1. <b>\$ 80,000.00</b>	9916-904845-9194	9916-903951-9197
5 <sup>th</sup> Public	Capital Constr.	Southwest District
Bldg. Loan	& Maintenance -	Police Station
	Reserve	Improvements -
		Active

The poor conditions of the bathroom fixtures, HVAC, and plumbing systems in the Southwestern District Police Station require immediate improvements in order to adequately serve the Police Department until a study of the police facilities is completed.

2. <b>\$100,000.00</b>	9916-904845-9194	9916-905949-9197
5 <sup>th</sup> Public	Capital Constr.	Central District
Bldg. Loan	& Maintenance -	Police Station
	Reserve	Improvements -
		Active

The poor conditions of the bathroom fixtures, HVAC, and plumbing systems require immediate improvements in order to adequately serve the Police Department until a study of the police facility is completed. A generator is required to provide immediate electrical service to the Central District Police Station during events when electrical outages occur.

3. <b>\$ 80,000.00</b>	9916-904845-9194	9916-902950-9197
5 <sup>th</sup> Public	Capital Constr.	Eastern District
Bldg. Loan	& Maintenance -	Police Station
	Reserve	Improvements -
		Active

The poor conditions of the bathroom fixtures, HVAC, and plumbing systems in the Eastern District Police Station require immediate improvements in order to adequately serve the Police Department until a study of the police facilities is completed.

**MINUTES****TRANSFERS OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of General Services - cont'd</u>		
4. <b>\$250,000.00</b>	9916-905001-9194	9916-907061-9197
1 <sup>st</sup> Public	Constr. Res. -	Engine 44 Roof
Bldg. Loan	Unalloted	Replacement -
		Active

The existing slate roof has surpassed its useful life span and the building is suffering significant water leakage during rain events. This has damaged both the roof structure and interior finishes. Therefore, the roof must be replaced.

Department of Planning

5. <b>\$ 60,000.00</b>	9905-912012-9186	9905-915010-9188
22 <sup>nd</sup> Economic	CHAP Historic District	CHAP Monument
Dev. Loan	Façade - Reserves	Restoration -
		Active

This transfer will move budget appropriations from CHAP Historic District Façade to CHAP Monument Restoration account to cover restoration at various Monuments (Mount Vernon Place, On the Trail, Wallace, Luther, Confederate Soldiers and Sailors Hopkins, Key Monument on Eutaw Place, Star Spangled Banner Centennial in Patterson Park, York Road Veterans Memorial, Mount Royal Terrace Monuments - Watson and Lady) in the City.

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

At previous meetings, the Board of Estimates approved transfers of Funds subject to receipt of favorable reports from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the provisions of the City Charter. Today, the Board is requested to **NOTE** 17 favorable reports on Transfers of Funds approved by the Board of Estimates at its meetings on January 8, 15, and 22, 2014.

The Board **NOTED** 17 favorable reports on Transfers of Funds approved by the Board of Estimates at its meetings on January 8, 15, and 22, 2014.

**MINUTES**

Office of the President - Governmental/Charitable  
Solicitation Application

**ACTION REQUESTED OF B/E:**

The Board is requested to endorse a Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City for Mr. Damion Cooper of the Office of the City Council President to solicit donations from friends, family members, and colleagues to benefit the 501(c)(3) non-profit organization, Beat the Streets - Baltimore. The period of the campaign will be effective upon Board approval through June 30, 2014.

**AMOUNT OF MONEY AND SOURCE:**

No general funds are involved in this transaction.

**BACKGROUND/EXPLANATION:**

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

The Beat the Streets wrestling program of Baltimore is committed to providing a positive environment that nurtures physical and mental development through wrestling, mentoring, and tutoring programs. Its goal is to develop a network of Beat the Streets programs throughout the Greater Baltimore area's schools and communities.

## MINUTES

Office of the President - cont'd

Beat the Streets endeavors to teach its participants the values of Honor, Pride, Dignity, Discipline, Selfless-Service, and Perseverance in their daily practice. With the support of family, community, and sponsorship, they hope to create a system that teaches positive life values through positive life lessons.

UPON MOTION duly made and seconded, the Board endorsed the Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City for Mr. Damion Cooper of the Office of the City Council President to solicit donations from friends, family members, and colleagues to benefit the 501(c)(3) non-profit organization, Beat the Streets - Baltimore. The President **ABSTAINED**.

**MINUTES**

Parking Authority of Baltimore City (PABC) - First Amendment to Maintenance Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the First Amendment to Maintenance Agreement with Cale America, Inc. (Cale).

**AMOUNT OF MONEY AND SOURCE:**

\$129,950.00 - 2075-000000-5800-408700-603026  
(226 meters - Phase I @ \$575.00 per meter)

**BACKGROUND/EXPLANATION:**

On May 26, 2010, the Board approved a Maintenance Agreement with Cale to allow for the upgrade of EZ Park Multi-Space Meters to the most recent Americans with Disabilities Act (ADA) standards, in support of the Parking Meter Accessibility Program (Project SPACE). Cale has provided and installed the EZ Park Meters since 2004 and the meters were ADA compliant until new standards were recently issued. Cale must provide the required parts and services because the equipment is proprietary.

The PABC has been working for a number of years with the Mayor's Commission on Disabilities to improve the parking situation in Baltimore City for people with disabilities. Finding an available parking space on-street in Baltimore can be a daunting task for anyone, particularly for people with mobility-restricting disabilities. In conjunction with the Mayor's Commission on Disabilities, the PABC has developed a program called Project SPACE that will address this problem.

Project SPACE will make all meters ADA compliant and provide hundreds of reserved on-street parking spaces for people with disabilities while requiring all parkers to pay for metered parking, including those displaying a disability placard or

**MINUTES**

PABC - cont'd

license plate. Phase I of Project SPACE will launch in the coming months in the Central Business District (Franklin Street to the North, President Street to the East, Pratt Street/Key Highway to the South, and Martin Luther King, Jr. Boulevard to the West).

Persons that have been abusing disability placards for the free parking that the placards currently provide, will no longer have the incentive to park all day at meters, and will move to off-street parking, making more on-street parking space available for all. Existing EZ Park Meters that serve up to ten parking spaces per block that met ADA requirements when they were installed in 2004.

The PABC would like these meters to be modified to meet the more stringent standards that have been issued. This First Amendment to Maintenance Agreement will allow for upgrades to the existing EZ Park Meters.

**MWBOO GRANTED A WAIVER.**

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the First Amendment to Maintenance Agreement with Cale America, Inc.

## MINUTES

Health Department - Agreements

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

1. **BALTIMORE SUBSTANCE ABUSE SYSTEMS, INC. (BSAS)** **\$400,000.00**

Account: 5000-531114-3070-518500-603051

BSAS will administer treatment services to certain offenders in the criminal justice system referred by the Maryland Department of Public Safety and Correctional Services, Community Supervision (DPSCS/CS). The period of the agreement is July 1, 2013 through June 30, 2014.

The agreement is presented at this time because the Department was waiting for approval of the Memorandum of Understanding from the DPSCS/CS that provides funding to the Department for BSAS.

**MWBOO GRANTED A WAIVER.**

2. **CARSON RESEARCH CONSULTING, INC. (CRC)** **\$ 15,000.00**

Account: 6000-626614-3080-292303-603018

B'More for Healthy Babies - Teen Pregnancy Prevention Initiative (TPPI) works to reduce teen birth by improving young people's access to age appropriate and evidence-based health education, medically appropriate clinical services, and opportunities to engage their communities and grow as civic leaders.

The CRC is responsible for the monitoring and evaluation of the TPPI. The responsibilities include developing evaluation measurement tools, setting up the system for tracking performance measures and indicators, and reporting on program activities. The period of the agreement is November 1, 2013 through September 30, 2014.

This agreement is late because of the delay in receiving required documentation.

## MINUTES

Health Department - cont'd**3. CARSON RESEARCH CONSULTING, INC. (CRC) \$ 6,980.00**

Account: 6000-626614-3080-292303-603018

The CRC will evaluate the effectiveness of the Maternal and Infant Care Program's provider communications as well as interview Maternal and Infant Care staff to assess the quality of their interactions with providers and to establish desired changes. The CRC will provide a final evaluation report and presentation with recommendations for improving the communications system prior to replicating it with other home visiting programs. The period of the agreement is February 1, 2014 through June 30, 2014.

**4. CITIZENS PLANNING AND HOUSING ASSOCIATION, INC. \$ 19,000.00**

Account: 4000-480114-3001-268400-603051

The organization will create a campaign to inform the public on social and physical determinants of health, and communicate how current projects, plans, and proposals may affect health. The organization will bring community members together in forums that allow them to meaningfully contribute to the Health Impact Assessment process. The period of the agreement is September 1, 2013 through August 31, 2014.

The agreement is late because of the delay in receiving the required documentation.

## MINUTES

Health Department - cont'd

## 5. THE JOHNS HOPKINS UNIVERSITY (JHU) \$ 18,555.00

Account: 4000-424514-3023-599629-603051

The JHU AIDS Services will provide comprehensive HIV primary care; train and educate providers in HIV Care, use a standardized framework, and provide the client a foundation to manage systems related to their psychosocial needs. The period of the agreement is for period July 1, 2013 through June 30, 2014.

The agreement is late because of the delay in receiving an acceptable budget and scope of services.

## 6. THE JOHNS HOPKINS UNIVERSITY (JHU) \$ 52,168.00

Account: 4000-424514-3023-599626-603051

The JHU will provide street outreach services that target and engage HIV positive Latinos into Primary Medical Care and enroll them into Maryland AIDS Drug Assistance Program. The period of agreement is July 1, 2013 through June 30, 2014.

**MWBOO GRANTED A WAIVER.**

## 7. TOTAL HEALTH CARE, INC. (THC) \$ 89,064.00

Accounts: 4000-424514-3023-599632-603051

The THC will provide non-medical case management services. The THC will conduct initial assessments; create service care plans; monitor/update service care plans every 90 days; and monitor quarterly patient maintenance/linkage with HIV medical services. It will also provide housing referrals; food assistance referrals; utility assistance; transportation assistance/referral; referral to pharmaceutical patient assistance; and referrals for primary care. The period of the agreement is July 1, 2013 through June 30, 2014.

**MWBOO GRANTED A WAIVER.**

## MINUTES

Health Department - cont'd

The agreements (item nos. 6 and 7) are being presented at this time because the Infectious Disease and Environmental Health Administration programmatically manages Ryan White Part B services. The providers are asked to submit a budget, budget narrative, and scope of services. The Health Department thoroughly reviews the entire package before preparing a contract and submitting it to the Board of Estimates. These budgets are many times revised because of inadequate information from the providers. This review process is required to confirm with the grant requirements.

**8. PLANNED PARENTHOOD OF MARYLAND, INC. (PPM) \$200,000.00**

Account: 5000-530014-3080-595800-603051

The PPM will continue to participate and promote the Babies Born Healthy (BBH) Program Initiatives. The overall goal of the BBH is to ensure that babies of Baltimore City residents are born healthy and have the support needed for a successful and healthy first year of life, and a strong foundation for later school success. The period of the agreement is July 1, 2013 through June 30, 2014.

The agreement is late because budget revisions delayed processing.

**MWBOO GRANTED A WAIVER.**

**9. UNIVERSITY OF MARYLAND, BALTIMORE (UMB) \$ 75,000.00**

Account: 4000-494414-3030-279200-603051

The UMB will provide a process and outcome evaluation for the Baltimore City Teen Pregnancy Prevention Initiative: Out of Home Youth Project. In order to conduct this evaluation, the School of Social Work will serve as a

**MINUTES**Health Department - cont'd

member of the Project Work Group Team; refine process data collection procedures and instruments to document the formative work that will inform the development of a pregnancy prevention curriculum targeting child welfare workers and foster care providers, including document review, interviews, focus groups, and surveys. The period of the agreement is July 1, 2013 through June 30, 2014.

The agreement is late because of revisions to the template.

**MWBOO GRANTED A WAIVER.**

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing agreements. The Mayor **ABSTAINED** on item no. 1. The President **ABSTAINED** on item nos. 5 and 6.

**MINUTES**

Health Department - Notice of Grant Award

**ACTION REQUESTED OF B/E:**

The Board is requested to approve acceptance of the Notice of Grant Award (NGA) from the Maryland Department of Aging (MDoA). The period of the grant award is July 1, 2013 through June 30, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$117,993.00 - 5000-536014-3044-295900-405001

**BACKGROUND/EXPLANATION:**

This NGA provides funds to assist Maryland Access Point (MAP) sites and the Department to realign existing resources and philosophies within their organization.

The MAP's overall objective is to increase consumer knowledge of resources, ensure access to programs and services to older adults and persons with disabilities using the single point of entry "no wrong door" model. Baltimore City MAP will provide long-term services and support to ensure promotion of the State's rebalancing efforts.

The NGA is late because it was prepared by the grantor and revisions to the document delayed processing.

**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 acceptance of the Notice of Grant Award from the Maryland Department of Aging.

**MINUTES**

Health Department - Notice of Award

**ACTION REQUESTED OF B/E:**

The Board is requested to approve acceptance of the Notice of Award (NoA) from the Department of Health and Human Services, Center for Disease Control and Prevention, National Center for HIV, Viral, Hepatitis, STDs, and TB Prevention. The period of the grant is January 1, 2014 through December 31, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$1,937,213.00 - 4000-499014-3023-513200-404001

**BACKGROUND/EXPLANATION:**

Under the terms of this grant, the funds will be used to provide funding for innovative testing activities that increase identification of undiagnosed HIV infections and/or improve the cost effectiveness of HIV testing activities. The grant funds will also enhance linkage to and retention in care for persons with new and prior diagnosis of HIV infection. The project will use programmatic and epidemiologic use of CD4, viral load and other surveillance data to assess and reduce HIV transmission risk.

The NoA is being presented at this time because it was recently received from the grantor.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved acceptance of the Notice of Award from the Department of Health and Human Services, Center for Disease Control and Prevention, National Center for HIV, Viral, Hepatitis, STDs, and TB Prevention.

**MINUTES**

Health Department - Grant Award

**ACTION REQUESTED OF B/E:**

The Board is requested to approve acceptance of the Grant Award from Walmart Foundation through Health Care Access Maryland, Inc. (HCAM), the fiscal agent. The period of the Grant is January 1, 2013 through June 30, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$100,246.00 - 6000-626813-3001-268400-406001

**BACKGROUND/EXPLANATION:**

On May 22, 2013, the Board accepted the initial award of \$100,000.00 from Walmart Foundation for the Virtual Supermarket Program, for the period January 1, 2013 through June 30, 2014.

This award for \$100,246.00 represents the balance of Walmart's commitment to donate a total of \$200,246.00.

Per their policy, Walmart Foundation cannot donate directly to Baltimore City Health Department (BCHD), a governmental entity. The Walmart Foundation granted the funds to the HCAM, a non-profit entity as a pass-through agency. The HCAM deposited the check into its own account, and then directed the funds to the BCHD for the purposes outlined in the grant.

The Walmart Foundation agreed with this arrangement for both awards: the initial award of \$100,000.00 the Board approved on May 22, 2013, and this is the final award of \$100,246.00.

**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 acceptance of the Grant Award from Walmart Foundation through Health Care Access Maryland, Inc., the fiscal agent.

**MINUTES**Health Department - Updated Unified Funding Document**ACTION REQUESTED OF B/E:**

The Board is requested to approve acceptance of the Updated Unified Funding Document (UFD) from the State of Maryland, Department of Health and Mental Hygiene. The UFD is for the period ending November 30, 2013.

**AMOUNT OF MONEY AND SOURCE:**

<u>Grant Description</u>	<u>Type of Action</u>	<u>Amount of Action</u>	<u>Total Award</u>
Improved Pregnancy Outcome	Reduction	(\$31,252.00)	\$ 140,000.00
Cancer Prev. Educ. Screening Diagnosis Non-Clinical	Reduction	(\$48,823.00)	\$ 206,118.00
Cancer Prev. Education Screening-Diag. Clinical	Budget, Correction	\$ 48,823.00	\$1,008,816.00
Child Health Systems Improvement Supplement		<u>1,091,252.00</u>	\$1,813,924.00
Total		<b>\$1,060,000.00</b>	

**BACKGROUND/EXPLANATION:**

As the fiscal year progresses, supplements, modifications, and/or reductions will be processed through the granting administration with revised Unified Funding awards being issued. The most current UFD will be the official award of record.

**MINUTES**

Health Department - cont'd

The Updated UFD is being presented at this time because of the delays at the administrative level.

**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 acceptance of the Updated Unified Funding Document from the State of Maryland, Department of Health and Mental Hygiene.

**MINUTES**

Health Department - Expenditure of Funds

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an expenditure of funds to pay the Maryland Association of County Health Officers (MACHO) and the National Association of County and City Health Officials (NACCHO) for annual membership dues.

**AMOUNT OF MONEY AND SOURCE:**

\$6,262.00 - MACHO  
 1,593.00 - NACCHO  
\$7,855.00 - 1001-000000-3001-599000-603022

**BACKGROUND/EXPLANATION:**

The funds will be used to pay the dues for Ms. Oxiris Barbot for the 2014 annual MACHO membership and 2014 annual NACCHO membership.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to pay the Maryland Association of County Health Officers (MACHO) and the National Association of County and City Health Officials (NACCHO) for annual membership dues.

**MINUTES**

Health Department - Expenditure of Funds for  
Client Incentive Gift Cards

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize an expenditure of funds to purchase gift cards from Rite Aid, Walgreens, and CVS for the HIV/STD Prevention Program.

**AMOUNT OF MONEY AND SOURCE:**

\$10,000.00	-	2,000	-	Rite Aid gift cards @ \$5.00 each
10,020.00	-	2,000	-	Walgreens gift cards @ \$5.00 each + \$20.00 shipping cost
<u>10,000.00</u>	-	2,000	-	CVS gift cards @ \$5.00 each
<b>\$30,020.00</b>	-	4000-499014-3023-513200-604051		

**BACKGROUND/EXPLANATION:**

The funds will be used to purchase client incentive/gift cards from Rite Aid, Walgreens, and CVS for the HIV/STD Prevention Program.

The incentive cards will be distributed to help reduce the number of new HIV infections and improve the health of persons living with HIV/AIDS.

The STD/HIV Prevention Program adheres to all policies associated with the usage of incentives and has sufficient procedures in place to address the safeguarding and accountability of incentives purchased.

The Department has a consolidated policy for the purchase, distribution, and documentation of all incentive cards. The central tenets of this policy account for: 1) a single means of procuring all incentive cards through the Board of Estimates; 2) the documentation of each incentive card and its recipient; 3) a monthly reconciliation for all purchases that account for

**MINUTES**

Health Department - cont'd

all distributed and non-distributed cards, and 4) periodic internal review of programs activity vis-à-vis the internal policy (which are to be shared with the Department of Audits).

This policy has been reviewed by both the Solicitor's Office and by the Department of Audits. Consistent with the original Board of Estimates approval, all requests for payment for the above incentive cards will be subject to the Department of Audits approval.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to purchase gift cards from Rite Aid, Walgreens, and CVS for the HIV/STD Prevention Program.

MINUTES

EXTRA WORK ORDERS AND TRANSFERS OF FUNDS

\* \* \* \* \*

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

357 - 359

All of the EWOs had been reviewed and approved  
by the

Department of Audits, CORC,  
and MWBOO, unless otherwise indicated.

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 provisions  
of the City Charter.

MINUTES

EXTRA WORK ORDERS

<u>Contract</u>	<u>Prev.</u>	<u>Apprvd.</u>	<u>Time</u>	<u>%</u>
<u>Awd. Amt.</u>	<u>Extra Work</u>	<u>Contractor</u>	<u>Ext.</u>	<u>Compl.</u>

Department of Transportation

1. EWO #003, \$112,000.00 - TR 03333, Sinclair Lane Bridge				
<u>Rehabilitation Over CSXT Railroad</u>				
\$5,694,538.15	\$1,725,000.00	Concrete General,	330	-
		Inc.	days	

This EWO is necessary in consideration of the impact of the Red Line Revision No. 2 on the Project completion date.

2. EWO #004, \$ 32,617.20 - TR 03333, Sinclair Lane Bridge				
<u>Rehabilitation Over CSXT Railroad</u>				
\$5,694,538.15	\$1,837,000.00	Concrete General,	-	-
		Inc.		

This EWO provides for costs associated with the delay of the project while Red Line Revisions were developed and approved and the procurement of materials.

3. EWO #005, \$292,300.00 - TR 03333, Sinclair Lane Bridge				
<u>Rehabilitation Over CSXT Railroad</u>				
\$5,694,538.15	\$1,869,617.20	Concrete General,	-	-
		Inc.		

4. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$323,440.00	9950-919001-9509	
FED	Construction Reserve	
	Unallotted	
\$ 80,860.00	9950-902363-9509	
MVR	Sinclair Lane Over CSXT	
<b>\$404,300.00</b>		

MINUTES

EXTRA WORK ORDERS

Contract	Prev.	Apprvd.	Time	%
<u>Awd. Amt.</u>	<u>Extra Work</u>	<u>Contractor</u>	<u>Ext.</u>	<u>Compl.</u>

Department of Transportation - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$404,300.00	-----	9950-901363-9508-2 Contingencies Sinclair Lane Bridge Rehabilitation Over CSXT Railroad

This transfer will fund the costs associated Change Orders No. 3 and 5 for project TR 03333, Sinclair Lane Bridge Rehabilitation Over CSXT Railroad with Concrete General, Inc. in the amount of \$404,300.00

- 5. EWO #007, \$571,689.07 - TR 08046, Rehabilitation of Broening Highway from Holabird Avenue to Colgate Creek  

<u>\$14,700,000.00</u>	<u>\$ 212,533.78</u>	<u>American Infra-</u>	<u>60</u>	<u>-</u>
		structure-MD, Inc.		

This EWO is for the repair work on the Colgate Bridge because of Red Line Revision.

- 6. EWO #004, \$ 54,399.46 - TR 08310, Rehabilitation of Central Avenue & Storm Drain: Eastern Avenue to Madison Street  

<u>\$27,776,125.47</u>	<u>\$ 144,723.90</u>	<u>Monumental Paving</u>	<u>-</u>	<u>-</u>
		& Excavating, Inc.		

## MINUTES

EXTRA WORK ORDERS

<u>Contract</u>	<u>Prev.</u>	<u>Apprvd.</u>	<u>Time</u>	<u>%</u>
<u>Awd. Amt.</u>	<u>Extra Work</u>	<u>Contractor</u>	<u>Ext.</u>	<u>Compl.</u>

Bureau of Water & Wastewater

7. EWO #032, \$763,518.00 - WC 1160R, Montebello Plant 2 Finished Water Reservoir Cover
- |                 |                |                   |     |    |
|-----------------|----------------|-------------------|-----|----|
| \$36,922,950.00 | \$5,855,419.77 | Alan A. Myers, LP | 100 | 98 |
|                 |                |                   | CCD |    |

Connection of the new Montebello Plant 2 Finished Water Reservoir System required the isolation to the water and dewatering of Plant one, two interconnection tunnels. When the tunnel was drained, the 72" sluice gates at Gatehouse T-1 were discovered to be in poor condition and in need of replacement. This work is in progress. The contract completion date for WC 1160R was October 20, 2013. A 100 day time extension of WC 1160R is needed to do this work.

8. EWO #013, \$65,220.85 - WC 1217, Urgent Need Work - Infrastructure Rehabilitation-Variou Locations
- |                 |                |                     |   |     |
|-----------------|----------------|---------------------|---|-----|
| \$ 5,373,325.00 | \$2,893,539.76 | Spiniello Companies | - | 100 |
|-----------------|----------------|---------------------|---|-----|

**MINUTES**Department of General Services - Developers' Agreements

The Board is requested to approve and authorize execution of the various developers' agreements.

	<u>DEVELOPER</u>	<u>NO.</u>	<u>AMOUNT</u>
1.	<b>S &amp; J ELKRIDGE ENTERPRISES, LLC</b>	<b>1342</b>	<b>\$ 15,200.00</b>

S & J Elkridge Enterprises, LLC would like to install upgraded utilities to their proposed new residences located in the vicinity of 1371 Andre Street, Baltimore, Maryland 21230. This agreement will allow the organization to do its own installation in accordance with Baltimore City Standards.

A performance bond in the amount of \$15,200.00 has been issued to S&J Elkridge Enterprises, LLC which assumes 100% of the financial responsibility.

2.	<b>HABITAT FOR HUMANITY OF THE CHESAPEAKE, INC.</b>	<b>1316</b>	<b>\$216,000.00</b>
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Habitat for Humanity of the Chesapeake, Inc. would like to install new utilities, roads, curb, and pavement to their proposed new residences located in the vicinity of 1201-1209 Ward Street, Baltimore, Maryland 21230. This agreement will allow the organization to do its own installation in accordance with Baltimore City Standards.

A performance bond in the amount of \$216,000.00 has been issued to Habitat for Humanity of the Chesapeake, Inc. which assumes 100% of the financial responsibility.

**MINUTES**

Dept. of General Services - cont'd

**MBE/WBE PARTICIPATION:**

City funds will not be utilized for the projects, therefore, MBE/WBE participation is not applicable.

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

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

The Board is requested to approve the following applications for Minor Privilege Permits. 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. 1033 Light Street	Tabet Enterprises	Cornice Sign 10' x 2' three Gooseneck lights
Annual Charge: \$ 88.00		
2. 906 Binney Street	John Koukides	Handicap Ramp 78' x 5'7"
Annual Charge: \$ 70.30		
3. 3101 Eastern Avenue	Gallery Church of Baltimore, Inc.	Two Blade Signs 8'x 2.5'
Annual Charge: \$140.80		

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

There being no objection, the Board, UPON MOTION duly made and seconded, approved the minor privileges.

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

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Dept. of Housing and Community Development - Condemnation</u>			
1. Julius Levin	1711 Barclay St.	G/R \$70.00	\$ 467.00

Funds are available in Account No. 9910-902487-9588-900000-704040, Greenmount West Project.

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

UPON MOTION duly made and seconded, the Board approved the condemnation.

**MINUTES**

Baltimore Development Corporation - Local Government Resolution

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Local Government Resolution in support of Calmi Electric Company's (Calmi) application to the State of Maryland's Neighborhood BusinessWorks Program (NBWP). A Local Government Resolution of support is required by the State for all applications to this program for funding.

**AMOUNT OF MONEY AND SOURCE:**

\$250,000.00

(NBWP)

No City funds are required.

**BACKGROUND/EXPLANATION:**

Calmi, located at 220 North Franklinton Road, is a for-profit entity whose electrical contracting firm provides construction and maintenance services throughout the Baltimore Metropolitan region.

Calmi is currently focused on improving its business in industrial, waste water treatment, and air transportation markets.

Calmi proposes to utilize these funds to support its business growth and sustain employment.

UPON MOTION duly made and seconded, the Board approved and adopted the Local Government Resolution in support of Calmi Electric Company's application to the State of Maryland's Neighborhood BusinessWorks Program.

**MINUTES**

Fire Department - 2013 Sub-Recipient Agreement for  
Emergency Management Performance Grant

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the 2013 Sub-Recipient Agreement for the Emergency Management Performance Grant. The period of the agreement is October 1, 2012 through June 30, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$223,904.00 - 1001-000000-1930-262100-401220

**BACKGROUND/EXPLANATION:**

The Department has received a grant from the Maryland Emergency Management Agency (MEMA) to enhance and strengthen emergency management capabilities at the State and local levels.

This request is late because the grant award letter was recently received from MEMA.

**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 execution of the 2013 Sub-Recipient Agreement for the Emergency Management Performance Grant.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- |   |        |         |
|---|--------|---------|
| 1. FLOW TECH, INC.  | \$0.00 | Renewal |
| Solicitation No. B50002828 - Meter Converters - Department of Public Works - Req. No. P523015 |        |         |

On March 20, 2013, the Board approved the initial award in the amount of \$40,000.00. The award contained one 1-year renewal option. This sole renewal in the amount of \$0.00 is for the period March 20, 2014 through March 19, 2015.

- |   |        |         |
|---|--------|---------|
| 2. US WATER SERVICES, INC.  | \$0.00 | Renewal |
| Solicitation No. B50002804 - Water Boiler Treatment Chemicals - Department of Public Works - Req. No. P522909 |        |         |

On March 13, 2013, the Board approved the initial award in the amount of \$26,060.00. The award contained two 1-year renewal options. This renewal in the amount of \$0.00 is for the period March 28, 2014 through March 27, 2015, with one 1-year renewal option remaining.

- |  |             |         |
|--|-------------|---------|
| 3. SHERWOOD-LOGAN & ASSOCIATES   | \$25,200.00 | Low Bid |
| Solicitation No. B50003338 - Rotary Pump - Department of Public Works - Req. No. R663380 |             |         |

- |  |                |                               |
|--|----------------|-------------------------------|
| 4. MCAFEE ELECTION SERVICES, INC.  | \$1,079,530.00 | Selected Source/<br>Agreement |
| Solicitation No. 06000 - Election Services - Board of Elections - Req. No. R643602 |                |                               |

The Board is requested to approve and authorize execution of an agreement with McAfee Election Services, Inc. The period of the agreement is effective upon Board approval for two years with two 2-year renewal options.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

The Board of Elections desires to engage McAfee Election Services, Inc. to prepare, inspect, and maintain the Diebold touch screen voting units, E-poll books, Judge's Portfolios, and additional services as may be required by the City and the State of Maryland Board of Elections. The contractor has in-depth knowledge of the equipment, State's voting laws, City's voting process, and precinct sites and is considered the best source. The price has been reviewed and deemed fair and reasonable.

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

**MWBOO GRANTED A WAIVER.**

**A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION.**

**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

February 4, 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 increases or request to advertise City bids, as more fully set out and contained in Your Honorable Board's 02/05/2014 Public Meeting Agenda: These protest include the following:

- (1) Item No. 4, on pages 30-31, which is a proposed \$1,079,530.00 non-bid, non-competitive contract for election services on what is a "sole source" basis, that clearly violates the City's "mandatory" competitive bidding charter provision-Article VI, Section 11(h)(1)(ii), and
- (2) Item No. 7, contained on page No. 32, which is a proposed \$500,000.00 contract price increase to City Solicitation No. B50001903-"AssortedLight Bars". This proposed contract price increase constitutes a "de facto" sole source contract which are expressly and implicitly outlawed by the City's "mandatory" competitive bidding charter provision-Article VI, Section 11(h)(1)(ii) and
- (3) Item No. 10, contained on pages 33-34, which is a proposed \$2,000,000.00 price increase for City contract Solicitation No. B50002086-"Salt for Snow Melting." Again, proposed contract

violates the City's "mandatory" competitive bidding charter provision-Article VI, Section 11(h)(1)(ii); and

(4) Item on page No. 46, which is a request to the Board for authorization to open price proposals for City solicitation No. B50003161- "Miss Audits." Objections are based on the facts that the Bureau of Purchases employed the wrong and completely unlawful selection and evaluation standard to select firms for this award.

(5) Item on pages 49-50 which is a proposed \$53,215.00 non-bid non-competitive contract for ordinary services which violates the City's "mandatory" competitive bidding charter provision-Article VI, Section 11(h)(1)(ii), Protestant; and

(6) Item contained on pages 55-56, which is a proposed "Settlement Agreement" with contracting firm, Monumental Paving Inc. for \$161,699.54 as full payment for certain contract work performed at Calvert & Pratt Street, but completely without a formal City authorized contract that was awarded in full conformity with the City's "mandatory" competitive bidding charter provision, Article V, Section 11(h)(1)(ii) and:

(7) Finally, we wish to protest Your Honorable Board Voting to approve the City's DPW's requests to publicly advertise Baltimore City Sanitary Contracts: (1) SC 882-Enhanced Nutrient Removal at Back River; and (2) SC 922R, "Large Diameter Sewer Cleaning." Protest is predicated on the fact that none of these contracts has MBE 'sub-goal's, for Black or African American-owned M-WBE subcontractors as clearly suggested if not mandated by the City's M-WBE Ordinance. This must be fully corrected before bid advertisements and most certainly, before the bids are submitted at the Board of Estimates.

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

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 - Election Services - cont'd

President: "The first item on the non-routine agenda can be found on Pages 30-31, Item 4, Solicitation No. 06000, Election Services. Will the parties please come forward?"

Mr. Krus: "Tim Krus, City Purchasing Agent. This is the award of Election Services to McAfee Election Services in the amount of \$1 million dollars. It is a selected source award to maintain continuity of service while we determine the direction that the State is going to go with election technology in the future."

City Solicitor: "Is it 'selected source' or 'sole source?'"

Mr. Krus: "Selected source."

President: "Mr. Jolivet? Can you talk into the mic?"

Mr. Jolivet: "Of course, of course, I apologize."

President: "Identify yourself."

Mr. Jolivet: "Good morning. Arnold M. Jolivet. I would -- I know it's unusual for me to ask a question -- before I -- before I make a presentation, but would I have permission from the Board to ask Mr. Krus a question, what does he mean by "selected source" because I'm fairly familiar with the City Charter, and

## 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 - Election Services - cont'd

there is absolutely no classification of purchasing or contracting that is or can properly be labeled selected source. There is sole source, where the City gets the Board's permission to dispense with the competitive bidding, but I'm a little lost with the term 'selected source.' May I ask the question?"

President: "You can ask the question."

Mr. Krus: "In a sole source solicitation or award, um -- the City has determined that the vendor being awarded is the only vendor that it, believes can provide the commodity or service; in a "selected source" award, the City is determining that although there may be other vendors that provide similar commodities or services, it is not practical to go forward with the competitive bidding process or in the best interest of the City and we certify as such, when that occurs. The distinction in the City of Baltimore has been made for decades."

Mr. Jolivet: "Uh -- let me say this because I've made the argument before, there is a well-known African-American firm that does this very same, identical work and I would ask the Board in its wisdom to re -- uh -- think uh, this type of award,

## 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 - Election Services - cont'd

because first of all, Mr. Krus, in all due respect, there is no such thing as a selected source in the Charter, and Mr. Nilson, honestly, he's your lawyer, he could tell you that. Absolutely nothing in the Charter which authorizes a selected source award, there is presumably a sole source. But, even a sole source would not, I would have preferred Mr. Krus to say he was awarding the contract pursuant to a sole source, as is somewhat rather limited authorized by the Charter. There are certain circumstances under the Charter where this Board can properly certify that it is an only sole entity that can provide the service, but what I'm submitting to you this morning, Mr. President, I would ask that the Board re-consider this, because when we, when we, including the Board, when the Board in its wisdom awards contracts, I know that the Board probably wants to do the right thing. I'm going to take that position, but what I'm submitting to you um -- and I'm not going to even ask Mr. Nilson to agree with me, but I'm right. I'm right. I am correct. Now maybe at some point Mr. Nilson will agree with me, but he knows Hylton vs. City of Baltimore, Mr. Nilson is very keenly aware of that case, and he knows that we have no absolute

## 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 - Election Services - cont'd

sole source under Maryland law in the City of Baltimore. So what I'm going to do, I'm going to ask the Board, and I have some strong concerns here because if we're going to open up City procurements to everyone, uh -- Mr. President, you cannot have a system that purports to be fair and open but is not in fact. And so, to refrain from having to -- to beat a dead horse, uh -- let me ask the Board, uh -- let me ask the Board if it would be appropriate for the Law Department to, to, to do the research and report back to the Board whether or not this is appro -- because there's absolutely nothing in the Charter that says selected source. None at all and I believe the Board has to bring some integrity to the process, to the competitive bidding process, and if the Board itself is going to be laboring under false assumption, I think it's extraordinarily bad for the City and it throws a whole cloud on the propriety and legality of our system, so that's all I'm saying and I don't want to belabor the point, so --"

## 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 - Election Services - cont'd

Comptroller: "I want to ask Mr. Jolivet in the case he's talking about, I think Mr. Jolivet when you made your statement in the case you're talking about, you said sole source. I think you meant selected source."

Mr. Jolivet: "No, Hylton vs. City of Baltimore is a case that construes and applies uh -- the City's competitive bidding authority, authority contained in the Charter, which authorizes the Board, under certain very limited, extremely circumscribed circumstances, to actually dispense with the Charter totally, and to award contracts without bids, without an -- but that's a very limited, and I knew that was going to come up, and I want just to share this with the Board this morning, because I, I, I know Mr. Nilson knows this. So, it pains me to have to go through the process."

Mayor: "I think the Comptroller was mentioning the fact that while you meant there was nothing in the Charter, that uh -- delineates selective source, you said there's nothing in the Charter that uh -- speaks to sole source in error."

Mr. Jolivet: "No, I knew what I said and I meant what I said."

## 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 - Election Services - cont'd

Mayor: "Make no mistake about it, that the uh -- I couldn't miss it, that you uh -- that you've been very clear, she's just bringing to a point that you made a mistake."

Mr. Jolivet: "No, I didn't make a mistake."

Mayor: "We both heard it."

City Solicitor: "Okay."

Mr. Jolivet: "I, I, she may think I made a mistake, but in fact, I want to assure you that I didn't make a mistake."

Mayor: "So you're saying there's nothing in the Charter that speaks to sole source?"

City Solicitor: "Is that a Motion, Mr. Jolivet that you didn't make a mistake?"

Mr. Jolivet: "Uh -- we don't go, uh -- no, well maybe if I made a mistake, and it's possible, I'm human, I've made a mistake or two in my life, but -- but to -- to clear it up, what I'm saying, there is no -- provision in the Charter for a selected source --"

Mayor: "We understand that's what you meant, but that's not what you said."

## 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 - Election Services - cont'd

Comptroller: "Right. You didn't say --"

Mr. Jolivet: "Okay, if I said that then I made a mistake."

Mayor: "Okay."

Comptroller: "Just to keep the record straight."

Mr. Jolivet: "But there -- there is -- put it on the record, there is an appropriate sole source exception in the Charter."

City Solicitor: "And by the way, Mr. Jolivet is right, the words selected source do not appear in the Charter. The circumstances though that lie behind the Board of Estimates' use of selected source procurement, which has been in place for at least a decade, if not longer, those circumstances are specified in the Charter. The words are selected source, the circumstances are provided for in the Charter and other circumstances that Mr. Krus recited when he introduced this subject for the Board this morning."

President: "Let the Comptroller finish her question first."

Comptroller: "Mr. Krus, are you aware of any other um -- vendors that can provide this service?"

## 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 - Election Services - cont'd

Mr. Krus: "Not this specific service to the City with these specific machines."

Comptroller: "When you say specific, what is --?"

Mr. Krus: "The management of the Board of Elections machines that the City currently uses, uh -- rather than other technology that I believe is provided by Ceridian in other jurisdictions in the State, which those jurisdictions have had difficulty maintaining, and that is part of the reason why for the 2016 Presidential elections, the State is looking at mandating a completely different technology, which it has yet to select."

President: "Alright. I'm going to entertain a Motion."

City Solicitor: "I MOVE the approval of the item recommended by the uh -- the Bureau of Purchases and the denial of protest on this item."

President: "All those in favor say aye. All opposed nay. The Motion carries."

\* \* \* \* \*

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

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|--|---------------------|----------------|
| 5. <u>RUNNERS, INC.</u>  | <u>\$ 43,200.00</u> | <u>Renewal</u> |
| Contract No. B50002714 - Courier Services - Health<br>Department/WIC and BDC Laboratory - P.O. Nos. P522551 and<br>P522555 |                     |                |

On January 30, 2013, the Board approved the initial award in the amount of \$43,200.00. The award contained three 1-year renewal options. This renewal in the amount of \$43,200.00 is for the period February 11, 2014 through February 10, 2015, with two 1-year renewal options remaining. The above amount is the estimated requirement for a period of one year.

- |   |                     |                |
|---|---------------------|----------------|
| 6. <u>S.T.A.R. ASSOCIATES, INC.</u>   | <u>\$ 71,175.00</u> | <u>Renewal</u> |
| Contract No. B50002277 - Provide Shuttle Bus/Van Service -<br>Mayor's Office of Human Services - P.O. No. P519800 |                     |                |

On March 14, 2012, the Board approved the initial award in the amount of \$71,175.00. The award contained three 1-year renewal options. On January 23, 2013, the Board approved the first renewal in the amount of \$71,175.00. This second renewal in the amount of \$71,175.00 is for the period April 1, 2014, through March 31, 2015, with one 1-year renewal option remaining. The above amount is the estimated requirement for a period of one year.

**MWBOO GRANTED A WAIVER.**

- |  |                     |                 |
|--|---------------------|-----------------|
| 7. <u>EAST COAST EMERGENCY<br/>LIGHTING, INC.</u>  | <u>\$500,000.00</u> | <u>Increase</u> |
| Contract No. B50001903 - Assorted Light Bars and Light Sets -<br>Department of General Services Fleet Management - P.O.<br>No. P523572 |                     |                 |

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

8. EAST COAST EMERGENCY

LIGHTING, INC.	\$500,000.00	Increase
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Contract No. B50001903 - Assorted Light Bars and Light Sets - Department of General Services Fleet Management - P.O. No.P523572

On May 25, 2011, the Board approved the initial award in the amount of \$750,000.00. The award contained two 1-year renewal options. On January 30, 2013, the Board approved an increase in the amount of \$750,000.00. Due to unanticipated increase in the agency's need for emergency light bars and related parts for installation on emergency vehicles an increase in the amount of \$500,000.00 is necessary. This increase in the amount of \$500,000.00 will make the award amount \$2,000,000.00. The contract expires on June 30, 2014, with two 1-year renewal options remaining. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION.<sup>1</sup>

<sup>1</sup> See protest letter following Page 367.

## 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 - Contract No. B50001903 - cont'd

President: "The second item on the non-routine agenda can be found on Page 32, Item No. 7, Contract No. B50001903, Assorted Light Bars and Light Sets. Will the parties please come forward?"

Mr. Krus: "Tim Krus, City Purchasing Agent. This is the increase of an award for assorted light bars and light co -- sets to East Coast Emergency Lighting, in the amount of \$500,000.00 due to an unti -- unanticipated in the agency's need for emergency need for light bars and related parts. This is a commodities contract that was competitively bid."

President: "Mr. Jolivet."

Mr. Jolivet: "Yes, Mr. President. Uh -- Arnold again. We, we've made this argument before, so uh -- I, I think it makes no, serves no useful purpose for me to re-hash my arguments, but I would like to put it on the record that uh -- a contract of this kind, where you have an increase in the contract, far beyond of what the original contract was, uh -- is a clear violation of the spirit and intent of the Charter, which says, 'Any contract of these types of services, greater than

## 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 - Contract No. B50001903 - cont'd

\$50,000.00 should be competitively bid.' Uh -- uh -- to make a long story short, I would uh -- I would note on the record, my disagreement with, with what Mr. Krus is doing and let it be."

Comptroller: "Mr. Krus, the contract expires on June 30, 2014, with two one-year renewals remaining. Are you going to put out for bid, or are you going to exercise --?"

Mr. Krus: "No, our intent would be to exercise the renewal options, Madam Comptroller."

President: "I entertain a Motion."

City Solicitor: "MOVE approval of the item as submitted and withdrawal of the protest having been withdrawn, although Mr. Jolivet's objection is noted."

Mr. Krus: "And I would also point out that this increase is at the same rates that were competitively bid. We're not increasing the rates or the prices for these light bars."

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

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

- |                                      |                     |                |
|--------------------------------------|---------------------|----------------|
| 9. <u>LABVANTAGE SOLUTIONS, INC.</u> | <u>\$ 90,597.94</u> | <u>Renewal</u> |
|--------------------------------------|---------------------|----------------|
- Contract No. 08000 - Software Maintenance Agreement - Department of Public Works, Bureau of Water and Wastewater - P.O. No. P516258

On February 13, 2013, the Board approved the initial award in the amount of \$86,283.75. The award contained three 1-year renewal options. This renewal in the amount of \$90,597.94 is for the period February 13, 2014 through February 12, 2015, with two 1-year renewal options 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.

- |  |                     |                  |
|--|---------------------|------------------|
| 10. <u>XYLEM DEWATERING SOLUTIONS.</u> |                     |                  |
| <u>INC. d/b/a GODWIN PUMPS</u>         |                     |                  |
| <u>OF AMERICA</u>                      | <u>\$ 20,000.00</u> | <u>Extension</u> |
- Contract No. 08000 - Service/Labor/Repair Parts for Godwin Pumps - Department of Public Works, Bureau of Solid Waste - P.O. No. P516258

On February 16, 2011, the Board approved the initial award in the amount of \$80,000.00. The award contained two 1-year renewal options. On December 7, 2011, the Board approved the first renewal in the amount of \$130,000.00. On January 23, 2013, the Board approved the final renewal in the amount of \$50,000.00. The extension and amount of \$20,000.00 is

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

requested to allow time to execute a new agreement. The above amount is the City's estimated requirement. The period of the extension is February 14, 2014 through April 30, 2014.

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

- 11. ITEM 1  
EASTERN SALT CO., INC.

<u>ITEM 2</u>		
INTERNATIONAL SALT, CO. INC.	\$2,000,000.00	Increase
Contract No. B50002086 - Salt for Snow Melting - Department of Transportation - P.O. No. P518444		

On October 12, 2011, the Board approved the initial award in the amount of \$6,100,000.00. The contract expires on October 31, 2014. The award contained two 1-year renewal options. Due to the increased demand for road salt, due to this winter season's higher than anticipated snow fall and cold weather, an increase in the amount of \$2,000,000.00 is necessary. This amount is the City's estimated requirement. This increase will make the award amount \$8,100,000.00.

**MWBOO SET GOALS OF 5% MBE AND 2% WBE.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of PurchasesEASTERN SALT COMPANY, INC.

<b>MBE:</b> Jeffreys Trucking, Inc.	See note below	5%
Fallsway Construction Co, LLC	<u>\$121,654.16</u> <b>\$121,654.16</b>	<b>5%</b>
<b>WBE:</b> Valentine Transportation	See note below	2%

Per contracting agency, Jeffreys Trucking, Inc. (MBE) refused the work due to the rate of pay, while the WBE company was unable to provide the service when requested.

**MWBOO FOUND VENDOR IN COMPLIANCE.**INTERNATIONAL SALT COMPANY, LLC

MBE/WBE goals are not applicable at this time. Contractor has done less than \$50,000.00.

International Salt has received less than \$25,000.00 in orders during this contract and was not reviewed.

**MWBOO FOUND VENDOR IN COMPLIANCE.**

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

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<sup>2</sup> See protest letter following Page 367.

## 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 - Contract No. B50002086 - cont'd

President: "The third item on the non-routine agenda can be found on Pages 33-34, Item No. 10, B50002086, Salt for Snow -- for Snow Melting. Will the parties please come forward?"

Mr. Jolivet: "Uh, Mr. President, can I take -- can I offer my-proffer that I would take the same position and would not accept but I would go along with the Board's decision on that?"

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

City Solicitor: "MOVE approval of uh, uh, the item recommended by the Bureau of Purchases for salt for snow removal, uh, for snow melting."

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

UPON MOTION duly made and seconded, the Board approved the informal awards, renewals, increases to contracts and extensions. The Board further approved and authorized execution of item no. 4, the agreement with McAfee Election Services, Inc. The Comptroller **ABSTAINED** on item no. 6.

**MINUTES**Department of Audits - Audit Reports and Related Audit Digests

The Board is requested to **NOTE** receipt of the following Audit Reports and Related Audit Digests:

1. Audit of the Comprehensive Annual Financial Report of the Elected Officials' System Fiscal Year ended 2013 and
2. Audit of the Comprehensive Financial Report of the Employees' Retirement System Fiscal Year ended 2013.

The Board **NOTED** receipt of the above Audit Reports and Related Audit Digests:

**MINUTES**

Department of Real Estate - Lease Agreement Renewal

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize the renewal option of the Lease Agreement with the United States Postal Service (USPS), tenant, for the rental of the property known as 111 N. Calvert Street, being on the 1st floor, containing 1,930 sq. ft. The period of the renewal is February 1, 2014 through January 31, 2019.

**AMOUNT OF MONEY AND SOURCE:**

\$1.00 if demanded.

**BACKGROUND/EXPLANATION:**

On December 10, 2008, the Board approved the Lease Agreement for five (5) years and (1) month, commencing January 1, 2009 through January 31, 2014, with the right to renew for one 5 - year term. The USPS has exercised their renewal option. As additional rental, the USPS will be responsible for paying its proportionate share of the following utilities: heat, air conditioning, electricity, water, sewer, and trash costs. All other rentals, conditions, and provisions of the Lease Agreement dated December 10, 2008 will remain in full force and effect.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the renewal option of the Lease Agreement with the United States Postal Service, tenant, for the rental of the property known as 111 N. Calvert Street, being on the 1st floor, containing 1,930 sq. ft.

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

The Board is requested to approve and authorize execution of a Lease Agreement with the Gay and Lesbian Community Center of Baltimore Limited Inc. (GLCCB), tenant, for the rental of a portion of the property known 861 Park Avenue (aka 1000 Cathedral Street)(Block 504, Lot 1) being on the 3<sup>rd</sup> floor, consisting of 4,700 sq. ft. The period of the Lease Agreement is effective upon Board approval for one year with the option to renew for two 1-year periods.

**AMOUNT OF MONEY AND SOURCE:**

<u>Annual Rent</u>	<u>Monthly Rent</u>
\$30,268.00	\$2,522.33

The rent for the renewal term will be negotiated by the parties ninety (90) days prior to the termination of the existing term.

**BACKGROUND/EXPLANATION:**

The space will be used as a community center to provide services, and outreach programs for the GLCCB. The tenant may use the leased premises in the evening and weekends, with advance written notice and approval of the landlord.

The landlord will have the sole discretion in determining the availability and the fee associated with any rental space that's not included in the leased premises. The landlord is responsible for utilities, snow and ice removal, removal debris, trash removal from exterior of the building; security from 8:00 a.m. to 6:00 p.m., maintenance, changing light bulbs, fixing clogged toilets, repair or replace broken faucets, replace broken windows, change air filters to HVAC system, replace ceiling tiles and provide four (4) parking spaces with daily parking passes.

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

The tenant is responsible for janitorial, trash removal from the interior of the premises, computer and telephone services, necessary license(s) security after 6:00 p.m., improvements with Landlord's approval, and liability insurance.

The Space Utilization Committee approved this Lease Agreement on January 28, 2014.

**A PROTEST WAS RECEIVED FROM THE WAXTER CENTER ADVISORY COUNCIL.**

# Waxter Center Advisory Council

1000 Cathedral Street, Baltimore, MD 21201

Phone: (410) 396-1324

Fax: (410) 396-1330

Lester Buster  
*President*

Carolyn Collins  
*Vice President*

Joanne Harding-Stanton  
*Secretary*

*Council Members*

Sandra Braxton

Marvin Brinkey

Mary Buster

Theodora Butler

Carolyn Clark

Vestina Hardin

Phyllis Owens

Andrew Page

Barbara Reid

Carolyn Simms

Charles Taylor

*Honorary Member*

Adriana Ward

**Date: November 13, 2013**

**To:**

**Ms. Harriette Taylor  
Deputy Clerk, Comptroller's Office  
100 North Holliday Street, Room 204  
Baltimore, Maryland 21202**

**From:**

**Waxter Center Advisory Council  
1000 Cathedral Street  
Baltimore, Maryland 21201**

**Re: Agenda item: Lease between Baltimore City and The Gay and Lesbian Community Center Of Baltimore Limited Inc., (GLCCB)**

The Waxter Center Advisory Council (WCAC) held a Town Hall meeting for members of the Waxter Center for Senior Citizens on Friday November 8, 2013. Mr. Willem Elsevier, Project Manager Architecture and Design Contractual, Department of General Services and Mr. Walter Horton, Real Estate Office, also attended the meeting.

General Services informed our membership that a lease for partial vacant space on the third floor of the Waxter Center would be submitted to the Honorable Board of Estimates on November 19, 2013. Mr. Willem Elsevier stated a 3 year lease was signed between Baltimore City and the GLCCB Community. The Waxter membership strongly objects to the manner in which this project was handled, and the lack of communication between General Services and the Waxter Center.

The Waxter Center Advisory Council requests an opportunity to appear before the Board of Estimates prior to the execution of this lease.



**WCAC President**

## MINUTES

Space Utilization Committee Lease Agreement - cont'd

President: "The fourth item on the non-routine agenda can be found on Pages 37-38, Item No. 10. Will the parties please come forward?"

City Solicitor: "Perhaps we should identify the nature of the item so that the interested parties know? Oh, okay."

President: "Oh, um -- this is a lease agreement, um -- for the third floor of The Waxter Center to the Gay and Lesbian Community Center of Baltimore Limited, Inc."

Mr. Sharkey: "Uh -- uh -- thank you Board. Uh -- just wanted to start off --"

City Solicitor: "Uh -- identify yourself for the record please, Mr. Sharkey."

Mr. Steve Sharkey: "Uh -- Director Steve Sharkey, Department of General Services. Uh -- just wanted to start off by uh -- uh -- mentioning that DGS supports The Waxter Senior Center. Uh -- we've been making small improvements in the building conditions over the past year. Uh -- we're investing greatly though in the upcoming year by spending over a million to repair the elevator. We also have funding and a design to renovate the bathrooms and the gym area, and also I put together enough money to open the pool back up, which would be under construction, which will --"

## MINUTES

Space Utilization Committee Lease Agreement - cont'd

all -- positive changes over the next year. So, these changes will be constructed over the next year. Um -- we've held some meetings with The Waxter Center seniors and we realize that we still have to do better about daily and weekly and monthly maintenance for them, so we've, uh -- put together a uh -- a liaison to directly interface with the seniors to make sure that their concerns are heard, uh -- and I think that this is really going to improve. The liaison really fixed a lot of similar problems with the War Memorial Building, uh -- which is really humming along now. Um -- in regards to the lease, uh -- go ahead I'll talk about it. Okay, are we going? No, I'm sorry, I have to defer to Real Estate on any other -- yes, and if there's any uh -- specific questions on uh -- about the lease, Real Estate can answer those."

President: "But, Mr. Sharkey, I just want to um -- let you know, that I've been getting complaints from the seniors about the condition at The Waxter Center for over two years and I was told that the pool was being taken care of. So, I'm hoping that you can report back to the Board once you start the renovations so that we won't get these complaints from our seniors, and to our seniors, I do understand uh -- your concerns as it relates

## MINUTES

Space Utilization Committee Lease Agreement - cont'd

to The Waxter Center. Um -- third floor as I've been told was also rented out to the University of Maryland, um -- and they will have people coming in and out of the building. Um -- and I do know that the Gay and Lesbian Community um -- will be in there after hours and not during the time that you, you all are utilizing the uh - building. Um -- but we also um -- realize that our Gay and Lesbian community also uh -- have seniors over -- that's seniors who might want to utilize the center, so um -- based on that, I withdrew my um -- um -- I had actually deferred, I withdrew the deferral based on the information that I was given. So I uh -- Mr. Buster."

Mr. Lester Buster: "Good morning, my name is Lester Buster. I'm currently serving as President of the Waxter Advisory Council of the T.J.S. Waxter Center. Our purpose here today, is to object to the accepting of this execution of this contract for one specific reason. For over 40 years, The Waxter Center has been for seniors only. We looked at -- on the internet, and found um -- that the programs that the group coming in would be performing, and one of them is that they'll be dealing with teenagers and our concern is that usually teenagers and older people don't get along too well. Um -- we found this out kinda

## MINUTES

Space Utilization Committee Lease Agreement - cont'd

late because people came from General Services and pretty much told us that the contract was signed and the deal was done. We wrote a letter saying that we really objected and I mean, I understand that this is a City building and there's really nothing that we can do, but we are here to let you know that we are totally against it, and I said to somebody that asked a question, I said there are gays and lesbians over 55, they qualify, they can come into our center. In fact, we have one group of dancers that have been there for 25 years. They're still there. They come in on Tuesdays and Fridays, so it's not that. It's just that we really feel that based on the programming, that the community's going to be doing is going to cause us some issues and concerns, and that's the reason we're here today. We want to see if we can work out something different. One of the other points, since I have the luxury of saying, of speaking to the Board, the other point that I want to make is that, for all these -- Mr. Sharkey is making all these claims, for all these years, we have been asking over and over and over and this is the picture, I mean I just brought -- we sent this out to all our members, that's what the bathrooms look like. Now over the last two weeks they've done something, but

## MINUTES

Space Utilization Committee Lease Agreement - cont'd

for four years the doors on the bathrooms -- only, it's happening and I don't know if it's happening because we're here today or what, but we have to think that perhaps this may have made a change. We want the City and uh -- The Waxter Center to continue working. Years ago, Waxter was known all over the world. People came from all over the world to see the building. It is now down to this, it is now going down and it is going down for a lot of reasons. There are some of us who are still volunteering, who still want to believe that the City will listen to its seniors, but -- in a way that we can co-exist. We're only seeing the members, the program that they are talking about having in the daytime, we are very much concerned about that."

President: "Uh -- can anybody speak to that?"

Mr. Sharkey: "Yes, so um -- we've uh -- there won't be. The teenage program will not be during the day. They'll be in the night and they're only going to be reserved to the third floor. So, any of the -- there is one teen program where the mentors or adults are always there. There'll always be a security guard on staff, and they're only be interacting getting to and from the third floor, um -- from the elevator, and I think that uh -- we'll also just mention one other thing that we'll be having

## MINUTES

Space Utilization Committee Lease Agreement - cont'd

monthly meetings between DGS, the uh -- renting group, as well as the senior, the Waxter Senior Advisory Board. Uh -- We really want to work hard to make sure the security's tight; uh -- that uh -- that we can talk through these issues and make sure the groups come together and can work well --"

City Solicitor: "Yes. I'd like to see --"

President: "Madam Mayor, Madam Mayor."

Mayor: "Um -- thank you. To the, to the concern that Mr. Buster raised about the outreach prior to the lease agreement, what outreach was done with the seniors prior to the announcement of the lease?"

Mr. Sharkey: "So uh -- after the lease, after the um, we received, um -- we had a meeting with Mr. Buster. After we had that meeting with Mr. Buster, he also sent a, right after he sent a um -- a protest, so we've met with the seniors --"

Mayor: "So, that was, that was after the arrangement was already made for the lease?"

Mr. Sharkey: "Yes, but we've met with them since and we've already appointed a liaison with the seniors."

## MINUTES

Space Utilization Committee Lease Agreement - cont'd

Mayor: "So, that's the type of thing we should have done ahead of time, to have the outreach, uh -- to make sure that we were able to air the concerns um -- before we got to the point where an agreement was made. So, uh -- Mr. Buster, the seniors that are here, you know how much I care about The Waxter Center. I've been there several times, participated in all sorts of programs, I have a lot of respect for The Waxter Center and uh -- for the other senior centers that we have in our city and we should have done that outreach ahead of time, so my apologies to you and while I know that we've made the effort to outline a time frame for regular, um -- communications from this point forward. Uh -- I acknowledge that that should have been done ahead of time, and I apologize for that."

President: "Mr. Nilson."

City Solicitor: "I was just going to encourage the effort that you've described to actually take place and to continue, which is to develop a relationship between, assuming if the transaction is approved today, to make sure that the LGBT

## MINUTES

Space Utilization Committee Lease Agreement - cont'd

community new to the third floor and the senior community in the building, do, you know, get together, interact with each other, and perhaps at the end of the day, hopefully sooner rather than later, there'll be a very positive, formative relationship between those two communities."

Mr. Sharkey: "Just to mention, that's in the lease. So, that is part of the lease and has to be met."

City Solicitor: "Good."

Comptroller: "Is that the part that speaks to the quiet enjoyment?"

Mr. Sharkey: "No. Uh -- there's another piece that we've specifically outlines, um -- that specifically outlines the LGBT and DGS and all the tenants in the building will meet once a month at a minimum, so that's something we recently added."

President: "Okay. We have enough --"

Mayor: "Mr. Sharkey, the total invested, I know you mentioned \$1 million dollars for the elevator, do you have a total dollar figure on the uh -- the you know, the investment that's going to be made, uh -- to rehab the senior center?"

## MINUTES

Space Utilization Committee Lease Agreement - cont'd

Mr. Sharkey: "Yes. So uh, we have money for the uh -- it's just under a million for the elevator; we're going to have, we expect between \$280 and \$300,000.00 for the bathrooms and the gym area, and we're also going to spend, between -- I'm not quite sure about the numbers yet, about between 60 and 100 uh -- to get the pool area back up and running."

Mr. Buster: "May I ask just one other question?"

President: "Yes, go ahead."

Mr. Buster: "Uh -- not that I -- Mr. Sharkey and I have been meeting, not that I distrust him, but can we put a timer on this? Is it possible to have some idea as to when these kind of actions will be taken and what we can kind of like check it off as we go along?"

President: "What I would ask is that Mr. Sharkey uh -- will meet with you and the senior group with a checklist of everything that needs to be done with some timelines. Because I know they've been complaining for the last two, three years to my office, and I was told that some of the things were done and they would call me and tell me it hasn't been done. So, I want to make sure that this is actually going to happen, so if you can work with Mr. Buster and his group."

## MINUTES

Space Utilization Committee Lease Agreement - cont'd

Mr. Sharkey: "And listen, Mr. Buster has my number. I definitely understand his concerns. Um, when I saw some of the things, I said 'Guys, uh, we've got the money now to do this. Let's -- let's try to close it out.'"

City Solicitor: "Does he have a number where he can reach you after hours too?"

Mr. Sharkey: "He's got my cell phone, yes."

President: "Mr. Sharkey, I would ask um -- that you come back and report to the Board."

Mr. Sharkey: "Whenever you want, Sir."

President: "Alright. Thank you. Um -- in six months?"

Mr. Sharkey: "Fair enough."

President: "Thank you. I would entertain a Motion."

City Solicitor: "I MOVE approval --"

Deputy Comptroller: "Um, excuse me, Mr. President. Before that Motion, I would like to make a Motion, I'm sorry, not make a

## MINUTES

Space Utilization Committee Lease Agreement - cont'd

Motion, make an announcement. I neglected to announce that Mr. Rudy Chow is sitting as Acting Director. So, I apologize to Mr. Chow. So, before the Motion is taken, please forgive me."

President: "I would entertain a Motion."

City Solicitor: "I MOVE approval of the lease as submitted by the Department of General Services as with the understandings discussed by the Board."

Comptroller: "Second."

President: "All those in favor say Aye. All opposed Nay. The Motion carries. Mr. Buster, thank you for coming."

\* \* \* \* \*

The Board requested that the Department of General Services report back to the Board in six months with a checklist on the repairs that have been completed to the elevator, bathrooms, gym area, and the pool.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Lease Agreement with the Gay and Lesbian Community Center of Baltimore Limited Inc., tenant, for

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

the rental of a portion of the property known 861 Park Avenue (aka 1000 Cathedral Street)(Block 504, Lot 1) being on the 3<sup>rd</sup> floor, consisting of 4,700 sq. ft.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTION

\* \* \* \* \*

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 page:

401 - 407

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. 7.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Water and Wastewater

- 1. SC 886R, Improvement to Sludge Blending Tanks at Patapsco Wastewater Treatment Plant (PWWTP) Ulliman Schutte Construction, LLC \$5,435,000.00
- MBE:** Hi-Mark Construction Group, Inc. \$924,000.00 17.00%
- WBE:** Roane's Rigging & Transfer Co., Inc. \$164,000.00 3.01%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

2. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$2,295,744.00	9956-905533-9549	
Wastewater	Constr. Reserve	
Revenue Bonds	Annual Facilities	
4,878,456.00	" "	
<u>Balto. County</u>		
<b>\$7,174,200.00</b>		
\$ 543,500.00	-----	9956-904539-9551-2
		Extra Work
543,500.00	-----	9956-904539-9551-3
		Design
326,100.00	-----	9956-904539-9551-5
		Inspection
5,435,000.00	-----	9956-904539-9551-6
		Construction
326,100.00	-----	9956-904539-9551-9
<u>326,100.00</u>		Administration
<b>\$7,174,200.00</b>		

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Water and Wastewater

The funds are needed to cover the cost of SC 886R, Improvements to the Sludge Blending Tanks at PWWTP.

- 3. SC 908, Improvements AM-Liner East, Inc. \$11,496,565.50 to Sanitary Sewers in the Herring Run Sewershed

**MWBOO SET MBE GOALS AT 16% AND WBE GOALS AT 6%.**

**SUB-GOALS:** African American (AA): 11% Hispanic American (HA) 5%:  
Asian American 0% Native American: 0%

**MBE:**

<b>AA:</b> R.E. Harrington Plumbing & Heating Co., Inc.	\$1,207,139.38	10.50%
CCTV Master, LLC	57,482.83	.50%
	<u>\$1,264,622.21</u>	<u>11.00%</u>

<b>HA:</b> Daco Construction Corp.	\$ 574,828.28	5.00%
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<b>WBE:</b> TFE Resources, Ltd.	\$ 172,448.48	1.50%
Manuel Luis Construction Co., Inc.	517,345.45	4.50%
	<u>\$ 689,793.93</u>	<u>6.00%</u>

**MWBOO FOUND VENDOR IN COMPLIANCE.**

4. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 8,895,858.76	9956-907624-9549	
Wastewater	Constr. Reserve	
Revenue Bonds	Wastewater Rehab.	
	Program - Herring Run	
6,279,608.24	" "	
Balto. County		
<u>\$15,175,467.00</u>		

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Water and Wastewater - cont'd

\$ 1,149,657.00	-----	9956-907651-9551-2
		Extra Works
1,149,657.00	-----	9956-907651-9951-3
		Engineering
689,793.75	-----	9956-907651-9951-5
		Inspection
11,496,565.50	-----	9956-907651-9551-6
		Construction
689,793.75	-----	9956-907651-9551-9
<u>\$15,175,467.00</u>		Administration

The funds are needed to cover the cost of SC 908, Improvements to Sanitary Sewers in the Herring Run Sewershed.

5. SC 911, Improvements AM-Liner East, Inc. \$6,959,800.30 to Sanitary Sewers in Herring Run Sewershed

<b>MBE:</b>	Daco Construction Corp.	\$ 556,787.62	8.00%
	R.E. Harrington Plumbing & Heating Co., Inc.	<u>626,386.08</u>	<u>9.00%</u>
		<b>\$1,183,173.70</b>	<b>17.00%</b>
<b>WBE:</b>	Manuel Luis Construction Co., Inc.	\$ 347,992.27	5.00%
	Sunrise Safety Services, Inc.	17,399.61	.25%
	TFE Resources, Ltd.	<u>139,196.91</u>	<u>2.00%</u>
		<b>\$ 504,588.79</b>	<b>7.25%</b>

**MWBOO FOUND VENDOR IN COMPLIANCE.**

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Water and Wastewater - cont'd

6. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<b>\$9,186,937.00</b>	9956-907624-9549	
Wastewater	Constr. Reserve	
Revenue Bonds	Wastewater Rehab.	
	Program Herring Run	
\$ 695,980.00	-----	9956-903654-9551-2
		Extra Work
695,980.00	-----	9956-903654-9551-3
		Engineering
417,588.35	-----	9956-903654-9551-5
		Inspection
6,959,800.30	-----	9956-903654-9551-6
		Construction
<u>417,588.35</u>	-----	9956-903654-9551-9
<b>\$9,186,937.00</b>		Administration

The funds are needed to cover the cost of SC 911, Improvements to Sanitary Sewers in the Herring Run Sewershed.

Bureau of Purchases

7. B50003217, Whole Block Building Demolition \$15,000,000.00
- 1<sup>st</sup> Call  
P & J Contracting Co., Inc.
- 2<sup>nd</sup> Call  
K & K Adams, Inc.
- 3<sup>rd</sup> Call  
Potts & Callahan, Inc.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases - cont'dP & J Contracting Co, Inc.

<b>MBE:</b>	Hammer Head Trucking, LLC	18%
	Sparks Quality Fence Co.	<u>9%</u>
		<b>27%</b>

<b>WBE:</b>	Valentine Transportation, Inc.	3%
	Hopkins Fuel Oil Co.	<u>7%</u>
		<b>10%</b>

K & K Adams, Inc.

<b>MBE:</b>	L&J Waste Recycling, LLC	10%
	Spence Trucking, Inc.	10%
	JJ Adams Fuel Co., LLC	6%
	Solomon's Exterminating Inc. d/b/a Solomon's Termite & Control	<u>1%</u>
		<b>27%</b>

<b>WBE:</b>	Ball & Breckenridge Trucking, Inc.	6%
	The Dirt Express Company	<u>4%</u>
		<b>10%</b>

Potts & Callahan, Inc.

<b>MBE:</b>	L&J Waste Recycling, LLC	24.00%
	JLN Construction Services, LLC	<u>3.00%</u>
		<b>27.00%</b>

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases - cont'd

<b>WBE:</b> William T. King, Inc.	1.20%
Morgan Construction Services, Inc.	<u>8.80%</u>
	<b>10.00%</b>

**MWBOO FOUND VENDORS IN COMPLIANCE.**

8. B50003223, Building		\$ 450,000.00
Façade Improvements	Goel Services, Inc.	
	Colossal Contractors,	
(Dept. of Housing &	Inc.	
Community Development)	JLN Construction	
	Services, LLC	

Four bids were received. Award is recommended to the three lowest qualified bidders, subject to them coming into compliance with MBE/WBE requirements.

Goel Services, Inc.

**MBE:** Delaware Cornerstone Builders, Inc.\*  
Ayala Electric, LLC\*

**WBE:** Grady, Wright & Associates, Inc.\*\*

\*The firms named for MBE participation are not certified with Baltimore City.

\*\*Additionally, the WBE firm is not certified to perform the services listed in the Statement of Intent form.

**MWBOO FOUND VENDOR IN NON-COMPLIANCE.**

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases - cont'd

The Bureau of Purchases recommends award to Goel Services, Inc. subject to it coming into compliance within ten days of the award.

Colossal Contractors, Inc.

**MBE:** JLN Construction Services\*

**WBE:** Eastwood Painting & Contracting, Inc.\*

\*Bidder did not specify the services to be performed by the MBE and WBE firms named in the Statement of Intent form.

**MWBOO FOUND VENDOR IN NON-COMPLIANCE.**

The Bureau of Purchases recommends award to Colossal Contractors, Inc. subject to it coming into compliance within ten days of the award.

JLN Construction Services, Inc.

**MBE:** Harvey Harris Contractors, Inc. 27%

**WBE:** Franqui Enterprise, LLC 10%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

The agency requires multiple vendors.

**MINUTES**

Bureau of Purchases - Acceptance of Technical Proposals,  
Open Price Proposals, and Return of  
Unsuccessful Proposals

**ACTION REQUESTED OF B/E:**

The Board is requested to approve acceptance of the technical proposal for Solicitation No. B50003161, Baltimore City Agency and Miscellaneous Audits from the following vendors who achieved the minimum technical score, and open their packages containing their price proposals and MBE/WBE submittals:

CliftonLarsonAllen LLP  
SB & Company LLC  
McGladrey LLP  
Hamilton Enterprises LLC

The Board is also requested to return the price proposals from the other two vendors whose proposals did not meet the minimum technical score:

TG Associates CPAs, PLLC  
CR Williams & Associates LLC

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On December 18, 2013, the Board opened the technical proposals for B50003161. Six technical proposals were received and scored by an evaluation committee. Four proposals received the minimum technical score.

**MBE/WBE PARTICIPATION:**

MWBOO Set goals of 10% MBE and 5% WBE.

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

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<sup>3</sup> See protest letter following Page 367.

## MINUTES

Bureau of Purchases - Solicitation No. B50003161 - cont'd

President: "The fifth item on the non-routine agenda can be found on Page 46, Acceptance of Technical Proposals, Open Price Proposals and Return of Unsuccessful Proposals for B50003161, Baltimore City Agency and Miscellaneous Audits. Will the parties please come forward?"

Mr. Krus: "Tim Krus, City Purchasing Agent. This is the acceptance of technical proposals and the opening of price proposals for Baltimore City Agency and Miscellaneous Audits, a time at which we do not typically, and the Board does not typically accept protests."

Mayor: "Okay."

President: "Mr. Jolivet?"

Mr. Jolivet: "Oh, yeah. I'll be very brief."

President: "Could you um -- state your name for the record?"

## MINUTES

Bureau of Purchases - Solicitation No. B50003161 - cont'd

Mr. Jolivet: "Uh -- Arnold, um -- Arnold M. Jolivet. I, um, I just wanted to say Mr. President, on the record, that I have been following the Bureau of Purchases treatment of contracts that uh, are awarded pursuant to the Request for Proposals. As you know, the Charter authorizes City agencies to award contracts in two distinct ways: one, uh, Number one, Article VI, Section 11, through a Request for Bids or Invitation for Bids; Article VI, Section 11 -- Article IV, Section 11 also authorizes City agencies to award contracts pursuant to a Request for Proposals, and I think that my concern has been that when the City uh -- especially the Bureau of Purchases, awards contracts pursuant to the Request for Proposals concept, or methodology, uh -- I believe that in many instances, we need to re-evaluate that because too many companies, or bidders, take the time to submit their technical proposals, but too many of them also, for whatever reason, get disqualified. There's a high rate of firms that are getting disqualified, and therefore the Board never gets the benefit of even seeing their technical, their price proposals. So, I don't come to the Board this

## MINUTES

Bureau of Purchases - Solicitation No. B50003161 - cont'd

morning knowing a lot about this proposal. But, I had a proposal uh -- some time back where one of my clients was the lowest responsive responsible bidder, but they got disqualified. The Board, and also the taxpayers, never in fact, had the benefit of seeing their proposal. My advice to the Board, a more sensible approach would be to open the proposal, or ask the Board to make it public. At least the Board should know what the price is for this company, and of course, the other thing that I wanted to leave the Board with uh -- there are -- there are case authority that says if a bidder, there are no competitive bidding charter provisions, just like ours, just like in the City of Baltimore, has been construed and applied in such a way, where all bidders are treated equal and there is no such thing as qualities or degrees of qualifications, and what I'm afraid of, what we're doing here, we're -- we're nitpicking and we're engaged in bean counting and we're trying to determine who's the best bidder, and we're losing money. So I, I just want to say that, in all due respect Tim, I hope you get my drift in all due respect."

## MINUTES

Bureau of Purchases - Solicitation No. B50003161 - cont'd

Mr. Krus: "I'd -- I -- I would --"

President: "Madam Comptroller."

Comptroller: "Is it true that before one of the firms are selected, that the contract will come before the Board of Estimates and we will know the price?"

Mr. Krus: "Absolutely, absolutely. It is a common public purchasing practice to do a two-step procurement in which technical proposals are evaluated and then those -- those firms meeting the minimum score then have their prices opened. The other firms' prices are not opened at that point, and this is a common purchasing practice across the United States in every single jurisdiction."

Mr. Jolivet: "Ma -- Madam Comptroller that, which you just described, happens not to be my point. My point is there are too many firms that never make the cut."

Comptroller: "Right."

Mr. Jolivet: "And, and my, my, my, my theory is, rather my

## MINUTES

Bureau of Purchases - Solicitation No. B50003161 - cont'd

observation because I don't think you want to hear my theory, uh, my, my observation is perhaps there's something wrong with our criteria. Perhaps. And I'm saying, if we have a duty imposed upon us by the Charter, then look at everyone. This is an open process. That's what competitive bidding is about."

Comptroller: "But my concern is I want to know how much money the City is spending for the service. That was my point."

Mr. Jolivet: "And your concern is valid, but likewise my concern, perhaps is just as valid as your concern because uh, maybe we, maybe we need to see the prices that Mr. Krus sends back unopened. You got my point?"

Mr. Krus: "If I may, if I may further clarify, the criteria for evaluating technical proposals is clearly set out in every solicitation, and the evaluation committees who perform those evaluations know those criteria and those are enforced. Um -- we do not, we do not open prices for the consideration of awarding to companies who don't meet minimum technical criteria."

Mr. Jolivet: "Mr. President --"

President: "Will you just let him finish, Mr. Jolivet?"

## MINUTES

Bureau of Purchases - Solicitation No. B50003161 - cont'd

Mr. Krus: "The technical proposals themselves are available for anyone to review in the public access copy that the Comptroller's Office keeps."

Mr. Jolivet: "One final comment, and not to belabor the point, I, I just think, I just think that not only does our Charter require us to do that, but it ultimately will end up inuring to the City's economic benefit, because if the City can get better, more competitive prices, which I think we ought to always be doing, uh. And then the other point that I'm very much concerned about, I assume some of the Bureau of Purchases actual evaluation of who is the highest scoring responsive responsible bidder, under Article VI, Section 11, uh, Paragraph h, the Bureau of Purchases is charged with the responsibility of, of, picking the best high scoring responsive responsible bidder, and my assertion to you, is it has not always been fair and square. I just want to make that point, so given that fact alone, the Board should express more interest in how Mr. Krus is doing his

## MINUTES

Bureau of Purchases - Solicitation No. B50003161 - cont'd

work, and I'm not saying that you should micro-manage him, but there's a lot of arbitrariness that's coming before the Board and people are getting excluded."

Mr. Krus: "I would like to express that I heartily disagree."

President: "I would entertain a Motion."

City Solicitor: "I MOVE -- I MOVE that denial of the protest as premature and not sufficiently specific as submitted and approval of the recommended action of the Bureau of Purchases."

Mr. Chow: "Second."

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

UPON MOTION duly made and seconded, the Board approved acceptance of the technical proposal for Solicitation No. B50003161, Baltimore City Agency and Miscellaneous Audits from the following vendors who achieved the minimum technical score, and opened their packages containing their price proposals and

**MINUTES**

Bureau of Purchases - Solicitation No. B50003161 - cont'd

MBE/WBE submittals: CliftonLarsonAllen LLP, SB & Company LLC, McGladrey LLP, and Hamilton Enterprises LLC. In addition, the Board returned the price proposals from the following two vendors whose proposals did not meet the minimum technical score: TG Associates CPAs, PLLC and CR Williams & Associates LLC.

**MINUTES**

Bureau of Purchases - Acceptance of Technical Proposal  
and Open Price Proposal

**ACTION REQUESTED OF B/E:**

The Board is requested to approve acceptance of the technical proposal for Solicitation No. B50003192, Workers Compensation Claims Administrator from the following vendors who achieved the minimum technical score, and open their packages containing their price proposals and MBE/WBE submittals:

Hammerman & Gainer, Inc.  
Tristar Risk Enterprise Management, Inc.  
Johns Eastern Company, Inc.  
CorVel Enterprise Compensation, Inc.  
Key Risk Management Services, LLC

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On December 11, 2013, the Board opened the technical proposals for B50003192. Five technical proposals were received and scored by an evaluation committee. The evaluation committee determined that all five technical proposals met the minimum technical score.

UPON MOTION duly made and seconded, the Board approved acceptance of the technical proposal for Solicitation No. B50003192, Workers Compensation Claims Administrator from the following vendors who achieved the minimum technical score, and opened their packages containing their price proposals and

## MINUTES

Bureau of Purchases - cont'd

MBE/WBE submittals: Hammerman & Gainer, Inc., Tristar Risk Enterprise Management, Inc., Johns Eastern Company, Inc., CorVel Enterprise Compensation, Inc., and Key Risk Management Services, LLC.

**MINUTES**

Department of Public Works (DPW) - Modification Number Four to Memorandum of Understanding

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of Modification Number Four to a Memorandum of Understanding (MOU) with the Department of Natural Resources (DNR). The Modification Number Four to MOU extends the period through September 30, 2014.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On March 19, 2010, the City entered into a MOU regarding assistance in constructing stormwater Best Management Practices (BMP's) in Watershed 263 to treat stormwater run-off. This amendment modifies the scope of work and provides a no-cost time extension to September 30, 2014.

Watershed 263 is a 930-acre stormdrain area located in the west and southwest portion of Baltimore City. In Watershed 263, stormwater runoff travels through a 43-mile stormdrain system before it empties into the mouth of the Gwynns Falls, in the Middle Branch of the Patapsco River before entering the Baltimore Harbor. The proposed stormwater BMP's consist of surface filtration practices and impervious pavement removal. These BMP's will provide methods of pollutant load reduction while decreasing the amount of stormwater runoff and adding aesthetic value to the surroundings.

UPON MOTION duly made and seconded, the Board approved and authorized execution of Modification Number Four to a Memorandum of Understanding with the Department of Natural Resources.

**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.**

## MINUTES

Department of Recreation and Parks - cont'd

**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<b>\$60,000.00</b>	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, INC.<sup>4</sup>**

**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.

UPON MOTION duly made and seconded, the Board DEFERRED this item for 1 week.

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<sup>4</sup> See protest letter following Page 367.

## Kim A. Trueheart

February 4, 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 a lack of vision, poor fiscal planning and management and failure to capitalize on strategic investment opportunities in our youth by the Mayor of Baltimore City and the MWBOO staff.

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 49, Department of Recreation and Parks – Agreement:
    - i. Before Board consideration, this item should be moved to the non-routine agenda and an explanation provided to the citizens of Baltimore by the Department of Recreation and Parks about this selection;
    - ii. This agreement unfairly sets the minority and women participation goals at 0%.
      1. **“MBE/WBE PARTICIPATION: MWBOO set goals of 0% MBE and 0% WBE.”**
    - iii. The fact that this agreement, which will chart the direction of recreation centers into the future, without benefit of minority or women business participation is outrageous!!!
    - iv. The suburban “community” center model strategy currently being implemented by the Department of Recreation and Parks has been flawed from the onset. This action further exacerbates that flawed strategy, unnecessarily and in complete violation of the current Minority/Women Business Opportunity law.
    - v. This selection serves to marginalize the majority pollution of Baltimore City who has traditionally been the chief constituents of municipal recreation centers.
    - vi. This selection clearly demonstrates this administration’s systematic disregard for serving the historically underserved residents of my home town.
3. How the protestant will be harmed by the proposed Board of Estimates’ action: As a citizen I am experiencing a significant financial burden with annual tax increases, sewer

Email: [ktrueheart@whatfits.net](mailto:ktrueheart@whatfits.net)  
5519 Belleville Ave  
Baltimore, MD 21207

and water service increases, user fee increases, parking meter rate increases and significantly reduce services as a resident. This already onerous burden will be exacerbated by this offensive selection that has failed to uphold the laws of this city.

4. The remedy I seek and respectfully request is that this action be solicited again in accordance with the laws of this city.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on February 5, 2014.

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

Sincerely,  
Kim Trueheart, Citizen & Resident

5519 Belleville Ave  
Baltimore, MD 21207

**MINUTES**

Bureau of Water and Wastewater (BW&WW - Amendment No. 1  
to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of Amendment No. 1 to Agreement with KCI Technologies, Inc., under Project No. 1116K, Design of Improvements to the Jones Falls Sewershed Collection System.

**AMOUNT OF MONEY AND SOURCE:**

\$157,583.29 - Wastewater Revenue Bonds  
42,395.51 - Baltimore County  
**\$199,978.80** - 9956-903645-9551-900020-702064

**BACKGROUND/EXPLANATION:**

On August 18, 2010, the Board approved the original agreement with KCI Technologies, Inc. to provide engineering services for the Improvements to the Jones Falls Sewershed Collection System. The original agreement expires on August 17, 2015.

This Amendment No. 1 to Agreement will allow the consultant to provide additional engineering services to complete Post Award Services including, but not limited to monitoring, review and support, and coordination and management of the expanded services for S.C. 899. In addition, the consultant will attend site meetings and technical consultations, provide additional review of submittals and Request for Information, and additional review of pre-construction and CCTV videos. KCI Technologies, Inc. will also evaluate proposed change orders, provide review of post-rehab documentation submittals, final inspection of site restoration work, and review of post-rehab CCTV inspection of CIPP lined sewers and laterals.

KCI Technologies, Inc. was approved by the Office of Boards and Commissions and the Architectural and Engineering and Awards Commission.

**MINUTES**

BW&WW - cont'd

**MBE/WBE PARTICIPATION:**

The consultant will continue to comply with all terms and conditions of the Minority and Women's Business Enterprise Programs, in accordance with Baltimore City Code, Article 5, Subtitle 28.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Amendment No. 1 to Agreement with KCI Technologies, Inc., under Project No. 1116K, Design of Improvements to the Jones Falls Sewershed Collection System.

**MINUTES**

Department of Transportation (DOT) - Grant Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Grant Agreement with the Maryland Department of Transportation (MDOT) and the Downtown Partnership of Baltimore (DPOB) regarding the Baltimore-Pennsylvania Train Station. The period of the agreement is effective upon Board approval through January 1, 2016.

**AMOUNT OF MONEY AND SOURCE:**

\$400,000.00 - 9950-906219-9527-900020-703032

**BACKGROUND/EXPLANATION:**

This Grant Agreement establishes the roles and responsibilities regarding the development of a State of Good Repair Plan in connection with the Baltimore-Pennsylvania Train Station (Penn Station). Amtrak has determined that Penn Station's need of further repairs necessitates creation of a master plan to determine the scope of repairs and improvements needed, establishing priorities, and strategizing to secure capital funds.

The MDOT and the DOT have programmed \$325,000.00 and \$75,000.00, respectively, for the purpose of providing financial assistance for the creation of the State of Good Repair Plan.

Amtrak, the DOT, and the MDOT all mutually agree that the DPOB will procure, manage, and oversee the development of the State of Good Repair Plan.

**DBE/PARTICIPATION:**

N/A

MINUTES

Department of Transportation - cont'd

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 75,000.00 MVR	9950-911032-9528 Constr. Res. - Claremont/Freedom Village	
325,000.00 <u>State</u>	9950-906301-9528 Broening Highways- Infrastructure	
<b>\$400,000.00</b>	-----	9950-906219-9527-3

This transfer will fund the costs associated with the project "State of Good Repair Plan for the Baltimore-Pennsylvania Train Station with the Maryland Department of Transportation and the Downtown Partnership of Baltimore."

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 1 to Agreement with KCI Technologies, Inc., under Project No. 1116K, Design of Improvements to the Jones Falls Sewershed Collection System. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter. The Mayor **ABSTAINED**.

**MINUTES**

Department of Transportation (DOT) - Settlement Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Settlement Agreement with Monumental Paving & Excavating, Inc. (Monumental).

**AMOUNT OF MONEY AND SOURCE:**

\$161,699.54 - 9950-915725-900020-702064

**BACKGROUND/EXPLANATION:**

On or about July 19, 2013, the DOT directed Monumental to perform street repairs, including repairs to the concrete street, patching of pre-existing repairs, re-sealing joints, and reestablishing ravel joints to the street bed at the intersection of Calvert Street and Pratt Street in preparation for the 2013 Grand Prix race (the work). The work was necessary in advance of the Grand Prix so as to ensure public safety, as well as ensure that the lack of repair to the City's streets did not threaten the City's investment in the Grand Prix by having race officials cancel the race out of fears for the safety of the participants, as well as the public at large.

Unfortunately, at that time, the DOT did not have an On-Call or Urgent needs contract in place under which it could direct the work to be performed. Consequently, due to the urgent need for the work to be completed in time for the inspection of the streets by Grand Prix officials (in mid-late August 2013), the DOT directed that Monumental perform the work under an existing written contract between the DOT and Monumental for the Uplands Development. Based on this directive from the DOT, Monumental performed and completed the work, but has not yet been paid.

## MINUTES

Department of Transportation - cont'd

Because Monumental completed the work pursuant to the DOT's direction and Monumental is entitled to be paid, the DOT and Monumental wish to resolve all issues regarding payment to Monumental for the work performed. Accordingly, the DOT has agreed to make payment to Monumental in the amount of \$161,699.54.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

**A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION, INC.<sup>5</sup>**

President: "The sixth and final item on the non-routine agenda can be found on Pages 55-56, Department of Transportation, Settlement Agreement with Monumental Paving & Excavating. Will the parties please come forward?"

Mr. William Johnson: "Good morning."

President: "Good morning."

Mr. Johnson: "William Johnson, DOT Director, City of Baltimore. Um -- this item is to uh -- close out a um -- task that was performed. Um, it was emergency work that had to be performed, um -- by Monumental Paving & Excavation in the amount of \$161,699.00. Uh -- DOT directed Monumental to perform this work

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<sup>5</sup> See protest letter following Page 367.

## MINUTES

DOT - Settlement Agreement - cont'd

um -- in July and at the time DOT did not have an On-Call Emergency contract available to utilize for the work. The work had to be done uh -- overnight due to the traffic impacts and locations where the work was going to be done. It was done on concrete surface, so we had to use a special type of material that could cure within three hours, performed overnight and cured within three hours so that the roads could be reopened uh -- to traffic the next morning."

City Solicitor: "Was it just done over one night or over a series of nights, but in each instance overnight outside of rush hour?"

Mr. Johnson: "Each instance overnight. Each instance overnight."

City Solicitor: "Right."

Mr. Johnson: "Um -- the work was to be performed by a sub-contractor that specializes in utilizing this type of material. Um -- Monumental Paving had them listed as a sub-contractor, so DOT tasked Monumental Paving to gain access to that sub-contractor to perform this work, um -- and this payment finalizes all of the monies owed to Monumental Contracting for the work."

## MINUTES

DOT - Settlement Agreement - cont'd

City Solicitor: "Has the settlement been approved by the settlement committee of the Law Department?"

Mr. Michael Schrock: "Uh -- Michael Schrock, Law Department. Yes it has been."

President: "Mr. Jolivet?"

Mr. Arnold M. Jolivet: "Uh -- I -- I want to -- I want to respond, but in cases like this, the contractor who is given work is usually asked to come here and explain, because there are cases where the Courts have said, 'yes, even though you didn't have a formal contract, uh -- you had all the rudimentary formalities of a contract'. But, it would be impossible for us to even make that judgment without Mr. Mahoney being here this morning, and I'm at a loss. How in the world can the Board decide this case without having the person who presumably made the deal, the unwritten deal, in order to spend the money? I just -- I'm just -- I'm -- the fact that Mr. Mahoney -- that the Board didn't even see fit to have -- that the Board didn't even see fit to have Mr. Mahoney to come here this morning, it's very

## MINUTES

DOT - Settlement Agreement - cont'd

disturbing because it shows -- it evidences that the deal has already been 'cut' and Mr. Mahoney is going to get a windfall of a hundred, how much, two hundred dollars?"

City Solicitor: "It's a quantum, it's a quantum meruit payment. He's getting paid for the work that was done."

Mr. Jolivet: "Yes, but you know that you I, and I have talked about that before, and the fact of the matter, this does not qualify for that because you still have to have under the uh -- Prince George's County vs. Tuxedo, you still have to have a formal contract, so what I want to just say, Mr. President, it makes no sense. The Board is beginning, for the Board to consider this matter without Mr. Mahoney being here this morning, sends a bad signal to the public that the Board just is not interested in following the law. So I'm just going to insist, Mr. President, I'm going to insist, that the Board summon Mr. Mahoney here, because what they've done, what they've done, in all due respect to Mr. Johnson, all due respect to Mr.

## MINUTES

DOT - Settlement Agreement - cont'd

Johnson, I think this is a situation that he came in, that was already in existence when he came here, so I'm not going to hold him accountable for it. But, just to show you Mr. President, in cases like this, just like this, here's what the Court of Appeals said, this is what the Court of Ap -- in a very similar case, all other cases where the person who was claiming a right to be paid, claiming a bona fide right to be paid but could not prove the presence of a formal contract that complied with the formalities of the municipality's charter, and curiously, here's what the Court of Appeals has said in one. The Court of Appeals said the government entity, unlike a private corporation, may never have an obligation imposed upon it to expend public funds except in the formal manner expressly applied by law. Know what that means? That simply means if we don't have a formal contract, according to uh -- the Court of Special Appeals, the City Board of Estimates has no authority to make payments to, to the contractor based on an informal contract or any contract, and the theory that he can get paid in according to a quantum meruit theory, I respect Mr. Nilson, I think he's one of the

## MINUTES

DOT - Settlement Agreement - cont'd

great municipal minds in the State. But, with all due respect, I would have to disagree with him."

President: "Uh -- Mr. Jolivet, I don't think that uh, I've ever seen anyone come before the Board since I've been here, who did work and expected to be paid. I don't see the need for --"

Mr. Jolivet: "You're missing the point."

President: "-- Wait a minute. I don't see the need for Mr. Mahoney to be here. He did the work, the City is paying him. The argument should be with the City, not with Mr. Mahoney."

Mr. Jolivet: "You've missed the point."

President: "I didn't miss the point."

Mr. Jolivet: "You missed the point."

President: "My point is if I did the work, I want to be paid."

Mr. Jolivet: "But you missed the point."

President: "So, go ahead and make your final argument and I'll give you an extra minute, because we need to go forward."

Mr. Jolivet: "Your theory that the City can pay anyone who comes and makes a claim against them --"

President: "I didn't say that."

## MINUTES

DOT - Settlement Agreement - cont'd

Mr. Jolivet: "That's the -- that's the message."

President: "I didn't say that. What I said is they did the work, and --"

Mr. Jolivet: "Well --"

President: "They should be paid because Transportation asked them to do the work."

Mr. Jolivet: "But you missed the point, Mr. President."

President: "I did not miss the point."

Mr. Jolivet: "You missed the point. You missed the point."

President: "Mr. Jolivet, make your final point please."

Mr. Jolivet: "The -- the other thing that I would like to present before this Board, Mr. Johnson said and he talked about uh -- circumstances which would warrant or constitute an emergency, and assuming that was -- that is correct, and I have no reason to believe that he's not accurately stating -- if assuming it was an emergency, the Charter actually provides for a valid situation where that is allowed in an emergency, but the Charter would still require a contract, a formal contract, and I would submit to you that that was not the case here, and it is

## MINUTES

DOT - Settlement Agreement - cont'd

rather disturbing because there are at least 15-20 small minority firms who could have done this job. Pure and simple. There were African-American firms who would have loved to do a job and not have to put up a bid bond -- a performance bond. You know what this is, Mr. President? That is preferential treatment to the white contractors. That's what it is. And I think that you need to get on top of it. It is preferential, set-aside contracts to a -- a -- a very -- well --"

President: "Mr. Jolivet, please conclude."

Mr. Jolivet: "But it's wrong."

President: "Please conclude."

Mr. Jolivet: "I -- I will, but I want to impress upon you that is wrong -- what this Board is doing today. It is wrong what the Department of Transportation did to bring this contract in on the premise that it was an emergency and exclude all other contractors, and that simply means that if you're a small minority contractor in the City, if you're a small --"

President: "Uh -- Miss, you're going to have to leave. You're going to have to leave."

## MINUTES

DOT - Settlement Agreement - cont'd

Mr. Jolivet: "-- If you're a small black contractor --"

President: "You need to leave. You need to leave, Miss, Miss Tru, Ms. Truehart. Please. Please. Please. Mr. Jolivet, please conclude."

Mr. Jolivet: "Okay. The - the -- the point I want to make -- and the point I want to make, Mr. President, is --"

President: "I want you to conclude."

Mr. Jolivet: "-- The deviation, the substantial deviation from well-established City contracting Charter provision is unacceptable, and we're saying we're going to help minorities and to give minority contractors a fair deal, this is the kind of thing that kills and puts minority contractors out of business."

President: "I entertain a Motion."

City Solicitor: "MOVE denial of the protest and approval of the settlement agreement to the contractor who performed the work under written contract with the City and at the direction of --"

## MINUTES

DOT - Settlement Agreement - cont'd

City Solicitor: "-- and at the direction of the City."

Mr. Jolivet: "He did not have a written contract, there's no written contract."

President: "Is there a Second?"

Acting Director: "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."

Mr. Jolivet: "It's a lie."

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Settlement Agreement with Monumental Paving & Excavating, Inc. The Comptroller **ABSTAINED**.

**MINUTES**

Department of Transportation - On-Call Task Assignment

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an assignment of Task No. 14 under Project No. 1162, On-Call Consultant Services for Reconstruction and Resurfacing Projects to Century Engineering, Inc.

**AMOUNT OF MONEY AND SOURCE:**

\$160,087.12 - 1001-000000-6971-659100-603050

**BACKGROUND/EXPLANATION:**

This authorization provides for various traffic engineering analyses and reviews of up to 50 Automated Traffic Violation Enforcement System Portable Control Unit and Red Light Camera Locations. The scope of work will also include conducting field investigation/evaluations and support services as needed.

**MBE/WBE PARTICIPATION:**

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

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the assignment of Task No. 14 under Project No. 1162, On-Call Consultant Services for Reconstruction and Resurfacing Projects to Century Engineering, Inc. The President voted **NO**.

MINUTES

PERSONNEL MATTERS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

the Personnel matters

listed on the following pages:

439 - 453

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 Resources1. Reclassify position No. 20455 as follows:

From: 33684 - Training Officer II  
Grade: 114 (\$49,600.00 - \$70,000.00)

To: 10171 - Division Chief I  
Grade: 943 (\$52,200.00 - \$81,200.00)

Costs: \$3,253.00 - 1001-000000-1604-172500-601001

2. Adjust the salaries for the following classifications:

TITLE	CURRENT GRADE/ SALARY RANGE	PROPOSED GRADE/ SALARY RANGE
ARCHITECT II	112/\$45,200-\$63,900	935/\$41,100-\$62,500
ARCHITECT SUPERVISOR-LICENSE	118/\$60,000-\$85,500	946/\$55,000-\$95,700
ENGINEER I	110/\$40,800-\$57,900	935/\$41,100-\$62,500
ENGINEER I (PE)	111/\$42,500-\$61,700	940/\$49,900-\$68,300
ENGINEER II	113/\$47,600-\$66,800	933/\$34,800-\$70,300
ENGINEER II (PE)	114/\$49,600-\$70,000	943/\$52,200-\$81,200
OPERATIONS ENGINEER	115/\$52,000-\$73,600	938/\$46,100-\$84,600
CIVIL ENGINEER	116/\$55,000-\$77,500	938/\$46,100-\$84,600
ENGINEER III	116/\$55,000-\$77,500	938/\$46,100-\$84,600
ENGINEER III (PE)	117/\$57,100-\$81,000	937/\$45,100-\$86,300
BRIDGE PROJECT ENGINEER	119/\$63,100-\$89,300	946/\$55,000-\$95,700
ENGINEER SUPERVISOR	119/\$63,100-\$89,300	946/\$55,000-\$95,700
ENGINEER SUPERVISOR (PE)	120/\$66,100-\$92,900	948/\$56,300-\$101,200

There are no costs associated with this action.

**MINUTES****PERSONNEL**Department of Transportation

	<u>Hourly Rate</u>	<u>Amount</u>
3. <b>CLARENCE SWANN</b>	\$21.23	<b>\$25,475.00</b>

Account: 2024-000000-5480-395700-601009

Mr. Swann, retiree, will work as a Contract Services Specialist I (Special Street Restoration Manager). His duties will include, but will not be limited to directing and advising staff in proper fill and restoration of street cuts and reporting to and advising superiors of street restoration activities and concerns on various repairs. Mr. Swann will confer with Street Cut staff, contractors, and various other agencies on proper restoration techniques, work with clerical staff to maintain records of all field street cut restoration inspections, and be available for various appeals. In addition, he will serve as a subject matter expert on street cut restorations. The period of the agreement is effective upon Board approval for one year.

4. Reclassify the following vacant position:

Job No. 5033-21638

From: 72113 - Engineer III  
Grade: 116 (\$55,000.00 - \$77,500.00)

To: 72123 - Engineer III (PE)  
Grade: 117 (\$57,100.00 - \$81,000.00)

Costs: \$6,177.00 - 1001-000000-5033-382300-601001

5. a. Abolish the following two positions:

54468 - Tow Manager  
Grade: 117 (\$57,100.00 - \$81,000.00)  
Job No.: 1952-20340

33169 - Chief Technology Services  
Grade: 121 (\$69,900.00 - \$97,600.00)  
Job No.: 2301-49301

MINUTES

PERSONNEL

Department of Transportation - cont'd

b. Create the following two positions:

00143 - Executive Level II  
Grade: 959 (\$78,700.00 - \$135,000.00)  
Job No.: To be determined by BBMR

00142 - Executive Level I  
Grade: 948 (\$56,300.00 - \$101,200.00)  
Job No.: To be determined by BBMR

Costs: \$7,354.00 - 1001-000000-2301-248700-601001

6. Adjust the salary for the following classification:

41617 - Superintendent, Parking Enforcement

From: Grade 114 (\$49,600.00 - \$70,000.00)

To: Grade 116 (\$55,000.00 - \$77,500.00)

Costs: \$7,420.00 - 2076-000000-2351-256200-601001

	<u>Hourly Rate</u>	<u>Amount</u>
7. <b>JEANNE ROBINSON</b>	\$41.32	<b>\$49,584.00</b>

Account: 1001-000000-2391-251900-601009

Ms. Robinson, retiree, will continue to work as a Contract Services Specialist I (Special Transportation Engineer Analyst). She will be responsible for accurate and timely intelligence recommendations for rapid deployment of resources, effective tactics and strategies, and relentless follow-up and assessment to advance the goals of the City's Department of Transportation. Ms. Robinson will develop performance metrics, data collection systems, and data

**MINUTES****PERSONNEL**Department of General Services

	Hourly Rate	Amount
reporting requirements, and perform quality assurance/quality control checks of data accuracy. In addition, she will analyze aggregate and individualized data sets and prepare written reports. The period of the agreement is effective upon Board approval for one year.		

8.	<b>GIA MONTGOMERY</b>	\$18.50	<b>\$35,150.00</b>
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Account: 1001-000000-1911-192100-601002

Ms. Montgomery will work as a Contract Services Specialist III (Program Coordinator). Her duties will include, but will not be limited to performing both coordination between applicants and agencies. Ms. Montgomery will also perform the data entry work of the right-of-way uses across the City as part of a proposed transfer of food and merchant street vendors and food truck licensing and regulatory activity, under the purview of the Right-of-Way Section. The period of the agreement is effective upon Board approval for one year.

9.	<b>LINDA ALLEN</b>	\$30.39	<b>\$36,471.00</b>
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Account: 2051-000000-1981-718200-601009

Ms. Allen, retiree, will work as a Contract Services Specialist I. Her duties will include, but will not be limited to assisting the Energy Office in preparing the annual budget proposals, the appropriation and capital requests and allocating costs to the appropriate account. Ms. Allen will track revenues and expenses, prepare monthly invoices and profit and loss statements, and make recommendations regarding budgetary and fiscal structure with an emphasis on improvements. In addition, she will interact with the Bureau and Budget Management Research,

**MINUTES****PERSONNEL**DHR - Department of General Services

the Bureau of Accounting and Payroll Services, Audits, the Bureau of Treasury Management, CitiStat, and the Board of Estimates. She will assist the Energy Office staff and many outside consultants in preparing financial analyses of potential energy performance contracts and power generation plants. The period of the agreement is effective upon Board approval for one year.

10. a. Reestablish the following Classification:

Superintendent, Public Building  
Repairs and Maintenance  
Job Code: 52982  
Grade: 114 (\$49,600.00 - \$70,000.00)

b. Reclassify the following Position Nos. 49923 and 49924:

From: New Position  
Job Code: 9000  
Grade: 900 (\$1.00 - \$204,000.00)

To: Superintendent, Public Building  
Repairs and Maintenance  
Job Code: 52982  
Grade: 114 (\$49,600.00 - \$70,000.00)

Cost: \$109,301.00 - 1001-000000-1982-192500-601001

DHR - Department of Public Works (DPW)11. Reclassify Vacant Position No. 5471-23647, as follows:

From: Laborer Crew Leader I  
Job Code: 52932  
Grade: 486 (\$29,390.00 - \$30,722.00)

**MINUTES****PERSONNEL**DPW - cont'd

To: Operations Research Analyst  
Job Code: 31314  
Grade: 116 (\$55,000.00 - \$77,500.00)

Cost: \$33,127.00 - 2071-000000-5521-608600-601001

DHR - Enoch Pratt Free Library12. Reclassify to the following Two Positions:

From: Security Officer  
Class Code: 00672  
Grade: 083 (\$32,961.00 - \$39,200.00)  
Job Nos. 4501-47905 and 4501-15892

To: Security Officer Supervisor  
Class Code: 00674  
Grade 086 (\$36,666.00 - \$44,228.00)

Cost: \$18,800.00 - 1001-000000-4501-628600-601001

13. Reclassify the following Position:

From: Librarian I  
Class Code: 00656  
Grade: 087 (\$37,407.00 - \$45,218.00)  
Job No. 4501-46252

To: Librarian II  
Class Code 00657  
090 (\$42,267.00 - \$51,371.00)

Cost: \$5,900.00 - 5000-575414-4501-592800-601001

**MINUTES****PERSONNEL**Baltimore City Fire Department (BCFD)14. Adjust the salary for Grade 830:

From: \$22,938.00

To: \$32,000.00

There are no costs associated with this action.

15. Create the following classification:

- a. 10214 - Fire Command Staff III  
Grade: 963 (\$90,000.00 - \$142,700.00)

Adjust the salary range for Grade 966:

- b. From: \$98,200.00 - \$121,400.00

To: \$98,200.00 - \$130,000.00

Reclassify the position numbers 2121-12595 and 2101-32936

- c. From: 00142 - Executive Level II  
Grade: (\$78,700.00 - \$135,000.00)
- To: 10214 - Fire Command Staff III  
Grade: \$963 (\$90,000.00 - \$142,700.00)

There are no costs associated with this action.

The Department of Human Resources has reviewed a request from the Baltimore City Fire Department for several personnel actions. These actions are being requested based on a prior approval by the Board of Estimates on July 22, 2010, which established a fixed salary relationship between the Battalion Fire Chief positions and the Deputy and Assistant Fire Chief positions. This salary relationship was based on the Battalion Fire Chief's maximum salary plus longevity. The Deputy Fire

## MINUTES

PERSONNEL

BCFD - cont'd

Chief's salary was to be maintained at 115% and the Assistant Fire Chiefs' salary at 125% of the Battalion Fire Chief's maximum salary. This action also specified that this compensation for the Deputy and Assistant Fire Chief positions would be treated as a flat salary rate and would not be eligible for performance-based salary adjustments within the range.

Subsequent to Board of Estimates' action:

- The City and Fire Officers Local 964 negotiated an MOU which caused the need to establish a Battalion Fire Chief Suppression classification.
- The salaries for all Fire classifications received COLA effective January 1, 2014. All Suppression classifications will receive a 14.5% COLA.

The current request from the BCFD is to use the new maximum salary associated with the new Battalion Fire Chief Suppression classification (Job Code 41214, Grade 344, \$112,684.00), in order to maintain this salary relationship. As a result, the salary for the Deputy Fire Chief must be \$129,587.00 (115%) and the Assistant Fire Chief positions must be \$140,844.00 (125%).

Approval of the above-listed personnel actions is requested effective January 1, 2014.

16. a. Create the following new Salary Grades:

#	Grade	Step 1	Step 2	Step 3	Step 4
1	358	\$39,758.00	\$46,010.00	\$61,484.00	\$62,982.00
2	362	\$42,033.00	\$48,916.00	\$65,952.00	\$67,636.00
3	369	\$49,044.00	\$55,816.00	\$72,615.00	\$74,386.00

**MINUTES****PERSONNEL**BCFD - cont'db. Create the following new Classifications:

1. Classification: Fire Operations Aide ALS  
Job Code: 41231  
Grade: 358 (\$39,758.00 - \$62,982.00)
2. Classification: Fire Operations Aide Suppression ALS  
Job Code: 41232  
Grade: 362 (\$42,033.00 - \$67,636.00)
3. Classification: Fire Lieutenant OEM ALS  
Job Code: 41291  
Grade: 373 (\$55,986.00 - \$68,007.00)
4. Classification: Fire Captain OEM ALS  
Job Code: 41292  
Grade: 372 (\$62,564.00 - \$76,841.00)
5. Classification: Fire Lieutenant Urban Search & Rescue ALS  
Job Code: 41257  
Grade: 373 (\$55,986.00 - \$68,007.00)
6. Classification: Fire Captain Urban Search & Rescue ALS  
Job Code: 41258  
Grade: 372 (\$62,564.00 - \$76,841.00)
7. Classification: Marine Engineer Fire Department ALS  
Job Code: 41260  
Grade: 369 (\$49,044.00 - \$74,386.00)
8. Classification: Marine Pilot ALS  
Job Code: 41262  
Grade: 369 (\$49,044.00 - \$74,386.00)
9. Classification: Senior Fire Operations Aide ALS  
Job Code: 41240  
Grade: 373 (\$55,986.00 - \$68,007.00)

## MINUTES

PERSONNELBCFD - cont'dc. Reclassify the following positions:

1. Job Number: 2121-12631

FROM:Classification: Fire Captain  
Suppression

Job Code: 41213

Grade: 341 (\$67,143 - \$82,817)

TO:

Fire Captain Suppression ALS

41279

378 (\$68,881 - \$84,599)

2. Job Number: 2112-13615

FROM:Classification: Fire Emergency  
Services Instructor

Job Code: 41244

Grade: 325 (\$42,967 - \$65,985)

TO:Fire Emergency Services  
Instructor ALS

41246

368 (\$44,545 - \$67,605)

3. Job Number: 2121-13889

FROM:Classification: Marine Engineer  
Fire Department

Job Code: 41261

Grade: 319 (\$47,305 - \$72,647)

TO:Marine Engineer Fire  
Department ALS

41260

369 (\$49,044 - \$74,386)

4. Job Number: 2121-13885

FROM:

Classification: Marine Pilot

Job Code: 41263

Grade: 319 (\$47,305 - \$72,647)

TO:

Marine Pilot ALS

41262

369 (\$49,044 - \$74,386)

5. Job Number: 2121-12968

6. Job Number: 2121-12922

FROM:Classification: Fire Pump Operator  
Suppression

Job Code: 41296

Grade: 335 (\$40,615 - \$65,575)

TO:Fire Pump Operator Suppression  
ALS

41273

355 (\$42,355 - \$67,357)

MINUTES

PERSONNEL

BCFD - cont'd

7. Job Number: 2121-13146

FROM:

Classification: Senior Fire  
Operations Aide

Job Code: 41228

Grade: 340 (\$54,408 - \$66,387)

TO:

Senior Fire Operations Aide  
ALS

41240

373 (\$55,986 - \$68,007)

8. Job Number: 2112-12853

FROM:

Classification: Fire Lieutenant  
Job Code: 41248

Grade: 340 (\$54,408 - \$66,387)

TO:

Fire Lieutenant ALS  
41249

373 (\$55,986 - \$68,007)

9. Job Number: 2023-50250

FROM:

TO:

Classification: Fire Captain Urban  
Search & Rescue

Job Code: 41256

Grade: 342 (\$54,408 - \$66,387)

Fire Captain Urban Search &  
Rescue ALS

41258

372 (\$62,564 - \$76,841)

10. Job Number: 2131-13911

FROM:

Classification: Fire Captain OEM  
Job Code: 41272

Grade: 342 (\$54,408 - \$66,387)

TO:

Fire Captain OEM ALS  
41292

372 (\$62,564 - \$76,841)

There are no costs associated with these actions.

These actions are necessary to implement the new Memorandum of Understanding between the City and the Fire Unions, which provides for a new schedule and salary increases for the Suppression personnel in the Fire Department and will allow the Department to put employees in their proper pay classes.

MINUTES

PERSONNEL

Department of Finance

17. **COMMANDER B. JONES** \$17.17 **\$26,785.20**

Account: 1001-000000-1480-166400-601009

Mr. Jones will work as a Contract Services Specialist II Licensed Inspector. His duties will include but are not limited to conducting city-wide on-site inspections of gas stations, pawnbrokers, open-air garages, massage parlors, theaters, skating rinks, bars, club restaurants, movie houses, amusement arcades and other establishments for a variety of business occupations and amusement type licenses required by Article 15 of the Baltimore City Code. The period of the agreement is effective upon Board approval for one year.

Legislative Reference

18. Reclassify the following positions:

- 1. Position Number 1060-15577
- 2. Position Number 1060-44286

**FROM:**

Classification: Legislative  
Technician  
Code: 34531  
Grade: 110 (\$40,800 - \$57,900)

**TO:**

Legislative Research  
Services Analyst  
34533  
117 (\$57,100 - \$81,000)

- 3. Position Number 1060-15574

**FROM:**

Classification: Executive Level I  
Code: 00142  
Grade: 948 (\$56,300 - \$101,200)

**TO:**

Legislative Services Analyst  
34533  
117 (\$57,100 - \$81,000)

**MINUTES****PERSONNEL**Legislative Reference - cont'd

4. Position Number 1070-33488

**FROM:**

Classification: Archives Technician

Code: 33820

Grade: 078 (\$28,517 - \$32,886)

**TO:**

Archives &amp; Records

Management Officer

33825

113 (\$47,600 - \$66,800)

5. Adjust the salary for the following classifications:

a. Legislative Reference Assistant

**FROM:**

Grade: 084 (\$34,180 - \$40,794)

**TO:**

085 (\$35,253 - \$42,478)

b. Director of Legislative Reference

**FROM:**

Grade: 648 (\$85,400 - \$98,900)

**TO:**

948 (\$56,300 - \$101,200)

Costs: \$17,728.00 - 1001-000000-1060-108400-601001

14,367.00 - 1001-000000-1070-109200-601001**\$32,095.00**Mayor's Office of Human Services19. Reclassify the following position:

From: 00197 - Office Assistant

Grade: 914 (\$27,611.00 - \$37,908.00)

Job No. 3573-46831

To: 33212 - Office Assistant II

Grade: 075 (\$26,842.00 - \$30,511.00)

There are no costs associated with this action.

**MINUTES****PERSONNEL**Mayor's Office of Human Services - cont'd20. Reclassify the following positions:

- a. Position No. 1474-47258
- b. Position No. 1474-47378

From: 33192 - Network Engineer  
Grade: 115 (\$52,000.00 - \$73,600.00)

To: 33159 - Information Technology Specialist  
Grade: 112 (\$45,200.00 - \$63,900.00)

Costs: \$12,973.00 - 1001-000000-1474-167700-601001

These positions are to be considered Positions of Trust.

Department of Planning21. Create the following classification

- a. 33104 - Database Specialist Senior  
Grade: 116 (\$55,000.00 - \$77,500.00)

Reclassify position number 15093 as follows:

- c. From: 33187 - GIS Analyst  
Grade: 114 (\$49,600.00 - \$70,000.00)

To: Database Specialist Senior  
Grade: 116 (\$55,000.00 - \$77,500.00)  
Job Code: To be determined

Cost: \$2,407.00 - 1001-000000-1873-187400-601001

**MINUTES****PERSONNEL**State's Attorney's Office22. Reclassify the following position:

From: 01908 - Fiscal Administrator  
Grade: 119 (\$63,100.00 - \$89,300.00)  
Job No. 1151-24773

To: 00742 - Fiscal Officer  
Grade: 113 (\$47,600.00 - \$66,800.00)

Costs: (\$15,500.00) - 1001-000000-1151-117900-601001

**MINUTES****TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Department of Planning</u>			
1. Holly Freishtat	School Food Focus Conference Oakland, CA Feb. 05 - 08, 2014		\$ 0.00
<u>Mayor's Office of Information Technology</u>			
2. Christopher D. Tonjes	Gartner CIO Leader- ship Forum Phoenix, AZ Feb. 22 - 25, 2014	General Funds	\$1,520.38

The subsistence rate for this area is \$204.00 per day. The Hotel rate is \$289.00 per night plus 12.27% per night hotel tax. The Mayor's Office of Information Technology is requesting additional subsistence in the amount of \$85.00 to cover the hotel accommodations, and \$40.00 per day cover the cost of food. The additional subsistence totaling \$375.00 has been added to the total.

The airfare was purchased using a City issued credit card assigned to Mr. Christopher D. Tonjes. Therefore, the disbursement amount will be \$1,153.38.

**MINUTES****TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Department of Public Works</u>			
3. Madeleine Driscoll	Utility Management Conference Savannah, GA Feb. 25 - 28, 2014 (Reg. Fee \$630.00)	Waste-Water	\$1,551.02

The air transportation in the amount of \$356.00 and the registration fee in the amount of \$630.00 were paid using a City Procurement Card assigned to Mr. Art Shaprio. Therefore, the amount to be disbursed to Ms. Driscoll is \$565.02.

Department of Recreation and Parks

4. David Carter	Athletic Field Construction & Maintenance Course Middlesex Co., NJ (Reg. Fee \$395.00)	General Funds	\$ 713.00
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The registration fee of \$395.00 was paid by Expenditure Authorization No. 000131232. The total amount to be disbursed to Mr. Carter is \$318.00.

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

**MINUTES**

Parking Authority of Baltimore City (PABC) - Parking Facility  
Rate Increase

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize the Parking Facility Rate Increases at the Little Italy and Caroline Street Garages that are managed by the Parking Authority of Baltimore City.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The PABC is charged with managing the City's parking assets. Proper stewardship of those assets requires that the PABC realize the best possible return on the City's parking investments.

Pursuant to Article 31, §13(f)(2) of the Baltimore City Code, subject to the approval of the Board of Estimates, the PABC may set the rates for any parking project. The PABC believes that rate changes at these parking facilities are warranted at this time.

The PABC performed a survey of parking rates in the areas surrounding the Caroline Street and Little Italy Garages. The rate survey confirmed that the fees charged to parkers at these facilities are generally lower than fees charged at other parking facilities within the area. To bring the rates charged at both of these garages in line with their surrounding facilities, the PABC staff developed the proposed rate changes. These rate changes were unanimously approved by the PABC Board of Directors.

MINUTES

PABC - cont'd

Location	Proposed Transient Rate Changes	Proposed Monthly Rate Changes																																				
<b>Little Italy Garage</b>	<p align="center"><b>Regular Transient Rates</b></p> <table border="0"> <tr> <td></td> <td align="center">Current Rate</td> <td align="center">Proposed Rate</td> <td align="center">Last Rate Change May 2011</td> </tr> <tr> <td>Up to 1 hr.</td> <td align="right">\$ 5.00</td> <td align="right"><b>\$ 6.00</b></td> <td></td> </tr> <tr> <td>Up to 2 hrs.</td> <td align="right">\$ 6.00</td> <td align="right"><b>\$ 7.00</b></td> <td></td> </tr> <tr> <td>Up to 3 hrs.</td> <td align="right">\$ 7.00</td> <td align="right"><b>\$ 8.00</b></td> <td></td> </tr> <tr> <td>Up to 4 hrs.</td> <td align="right">\$ 8.00</td> <td align="right"><b>\$ 9.00</b></td> <td></td> </tr> <tr> <td>Up to 5 hrs.</td> <td align="right">\$ 9.00</td> <td align="right"><b>\$10.00</b></td> <td></td> </tr> <tr> <td>6 to 12 hrs.</td> <td align="right">\$12.00</td> <td align="right"><b>\$13.00</b></td> <td></td> </tr> <tr> <td>12 to 24 hrs.</td> <td align="right">\$13.00</td> <td align="right"><b>\$14.00</b></td> <td></td> </tr> <tr> <td>Eves/W eek-ends*</td> <td align="right">\$ 3.00</td> <td align="right"><b>\$ 4.00</b></td> <td></td> </tr> </table> <p><b>*This rate was not previously increased</b></p>		Current Rate	Proposed Rate	Last Rate Change May 2011	Up to 1 hr.	\$ 5.00	<b>\$ 6.00</b>		Up to 2 hrs.	\$ 6.00	<b>\$ 7.00</b>		Up to 3 hrs.	\$ 7.00	<b>\$ 8.00</b>		Up to 4 hrs.	\$ 8.00	<b>\$ 9.00</b>		Up to 5 hrs.	\$ 9.00	<b>\$10.00</b>		6 to 12 hrs.	\$12.00	<b>\$13.00</b>		12 to 24 hrs.	\$13.00	<b>\$14.00</b>		Eves/W eek-ends*	\$ 3.00	<b>\$ 4.00</b>		<p align="center">Regular Rate</p> <p>No recommended changes</p>
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**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Parking Facility Rate Increases at the Little Italy and Caroline Street Garages that are managed by the Parking Authority of Baltimore City.

## MINUTES

PROPOSALS AND SPECIFICATIONS

1. Dept. of Public Works/  
Bureau of Water & Wastewater - SC 882, Enhanced Nutrient  
Removal at the Back River  
Wastewater Treatment Plant  
Project 2, Activated Sludge  
Plant No. 4  
**BIDS TO BE RECV'D: 04/09/2014**  
**BIDS TO BE OPENED: 04/09/2014**
  
2. Dept. of Public Works/  
Bureau of Water & Wastewater - SC 922R, Large Diameter Sewer  
Cleaning in the Low Level  
Sewershed  
**BIDS TO BE RECV'D: 02/26/2014**  
**BIDS TO BE OPENED: 02/26/2014**

A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION, INC.<sup>6</sup> FOR ITEM NOS. 1 AND 2.

THE PROTESTS FOR ITEM NOS. 1 AND 2 WERE WITHDRAWN.

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.

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<sup>6</sup> See protest letter following Page 367.

**MINUTES**

President: "There being no more business before the Board, the meeting will recess until bid openings at 12 Noon."

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

**BIDS, PROPOSALS AND CONTRACT AWARDS**

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

Bureau of Purchases - B50003332, Lead Test Services  
**BIDS TO BE RECV'D: 02/12/2014**  
**BIDS TO BE OPENED: 02/12/2014**

## MINUTES

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

Bureau of Purchases - B50003294, Water Billing Customer Information System (CIS) Selection and Implementation

Itineris N.A.

Bureau of Purchases - B50003316, Monadnock Flex Cuffs

Maryland Police Supply

Bureau of Purchases - B50003161, Baltimore City Agency and Miscellaneous Audits (**PRICE OPENING**)

CliftonLarsonAllen  
SB & Company, LLC  
McGladrey, LLP  
Hamilton Enterprises, LLC

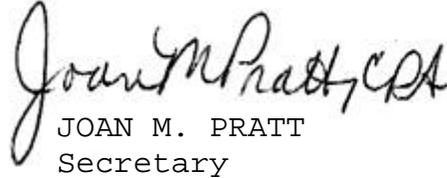
Bureau of Purchases - B50003192, Worker's Compensation Claims Administration (**PRICE OPENING**)

Hammerman & Gainer, Inc.  
Tristar Risk Enterprise Mgt.  
Johns Eastern Company, Inc.  
Corvel Corporation  
Key Risk Management Services, LLC

## MINUTES

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There being no objections, the Board UPON MOTION duly made and seconded, adjourned until its next regularly scheduled meeting on Wednesday, February 12, 2014.

  
JOAN M. PRATT  
Secretary