

## MINUTES

REGULAR MEETING

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

The meeting was called to order by the President.

President: "Good morning. In the interest of promoting the order and efficiency of these hearings, persons who are disruptive to the hearing will be asked to leave the hearing room immediately. I would direct the Board members' attention to the Memorandum from my office dated December 7, 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 approval of all items on the routine agenda."

Comptroller: "Second."

President: "All those in favor, say AYE. All opposed NAY. The Motion carries. The routine agenda has been adopted."

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## MINUTES

BOARDS AND COMMISSIONS1. 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&M Electric, LLC	\$ 1,098,000.00
American Contracting & Environmental Services, Inc.	\$22,464,000.00
C&W Construction Company	\$ 1,500,000.00
Comus Construction, LLC.	\$ 8,000,000.00
G.H. Nitzel, Inc.	\$ 8,000,000.00
Heitkamp, Inc.	\$47,619,000.00
Hempt Bros., Inc.	\$67,835,000.00
Henry H. Lewis Contractors, LLC. d/b/a Lewis Contractors	\$53,775,000.00
Industrial Monitoring and Control System, Inc.	\$ 144,000.00
JC Sons, LLC	\$ 1,008,000.00
McFarland Construction Co.	\$ 180,000.00
Scriba Welding, Inc.	\$ 1,500,000.00
Video Pipe Services, Inc.	\$56,376,000.00
Walter-Higgins Contracting, Inc.	\$ 1,500,000.00

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 firm:

Arcadis U.S., Inc.	Engineer
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There being no objections the Board, UPON MOTION duly made and seconded, approved the forgoing prequalification of contractors and architects and engineers for the listed firms.

## MINUTES

Wage Commission - Living Wage Recommendation for FY 2016

The Wage Commission in accordance with Article 5, Subtitle 26, Baltimore City Code (Living Wage), is required to recommend to the Board of Estimates, on or before December 15, of each calendar year a revised Living Wage Rate for the City of Baltimore service contracts for the coming fiscal year.

The Wage Commission reviewed the yearly revision of the U.S. Bureau of Census Poverty threshold for a family of four. After careful consideration of the Bureau of Census poverty level threshold, currently set at \$23,834.00 for a family of four, and other wage data, the Commission is recommending to the Board of Estimates that the Living Wage be increased from the current hourly rate of \$11.29 to \$11.46. This pay rate will apply to City of Baltimore service contracts as recommended by the City Purchasing Agent and designated by the Board of Estimates.

Methodology for calculation:

\$23,834.00 divided by 2,080 (a 40 hour week x 52) = \$11.46

UPON MOTION duly made and seconded, the Board approved Living Wage Rate for the City of Baltimore service contracts for the fiscal year 2016.

MINUTES

Wage Commission - Prevailing Wage Rate Recommendation 2015

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the recommended Prevailing Wage Rates in accordance with Article 5, Subtitle 25, Baltimore City Code, to be paid to laborers, mechanics, and apprentices on all Prevailing Wage projects awarded by the Mayor and City Council of Baltimore. It is recommended that the rates become effective for contracts that are advertised on or after December 31, 2014.

**BACKGROUND/EXPLANATION:**

The submitted recommended Prevailing Wage rates represent an average increase of less than 0.01% for Classes 1, 2, 3 and 5 (\$23.35 is the dollar amount increase).

Class 1	Building Construction	0.01%	
Class 2	Highways	0.00%	
Class 3	Utility	0.00%	
Class 5	Purchases, etc.	0.00%	
		0.00%	<b>Average Increase</b>

The Wage Commission requested evidence from contracting associations, unions, related trade groups and the general public on work both public and private, in order to establish rates to be recommended to the Board of Estimates.

Classification 4 is not included in this calculation since this residential category applies to federally funded HUD projects and has no impact on the City's general funds. For this reason the Wage Commission adopted the US DOL wage rates for this category.

UPON MOTION duly made and seconded, the Board approved the recommended Prevailing Wage Rates in accordance with Article 5, Subtitle 25, Baltimore City Code, to be paid to laborers, mechanics, and apprentices on all Prevailing Wage projects awarded by the Mayor and City Council of Baltimore.

## 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 - Options</u>			
1. Eutaw Place, LLC	2739 Fenwick Ave.	G/R \$78.00	\$ 650.00
2. Christine M. Barksdale	1032 N. Stricker St.	F/S	\$15,000.00
3. James Martin	1919 Ridgehill Ave.	L/H	\$14,600.00
4. Fraternity Federal Savings & Loan Association	2123 Herbert St.	G/R \$48.00	\$ 440.00

Funds are available in account 9910-910634-9588-900000-704040,  
Whole Block Demo Project.

5. Jeffrey I. Silberman	933 N. Washington St.	G/R \$36.00	\$ 330.00
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Funds are available in account 9910-906409-9588-900000-704040,  
EBDI Project, Phase II.

DHCD - Rescind Condemnation & Approval of Option

6. Fraternity Federal Savings & Loan Association	4728 Park Heights Ave.	G/R \$90.00	\$ 825.00
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On October 15, 2014, the Board approved the acquisition by condemnation of the ground rent interest in the property located 4728 Park Heights Avenue. Since the original Board approval, the owner has agreed to the City's offer price and would like to proceed with a voluntary settlement.

## 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 - Options</u>			

Funds are available in account 9910-903180-9588-900000-704040,  
Park Heights Project.

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

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

MINUTES

TRANSFERS OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

4585 - 4589

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>Baltimore Development Corporation</u>			
1.	\$ 7,000.00	9910-906983-9600	9910-907983-9603
	20 <sup>th</sup> EDF	Constr. Res. Arts & Entertainment Init.	Arts & Entertainment Init.
	125.00	9910-903354-9600	9910-907104-9601
	22 <sup>nd</sup> EDF	Constr. Res. W. Balto. Ind. & Coml.	W. Balto. Ind. & Coml.
	9,073.00	9910-908992-9600	9910-906105-9601
	23 <sup>rd</sup> EDF	Constr. Res. E. Balto. Development	E. Balto. Ind. & Coml.
	7,531.00	9910-917016-9600	9910-907104-9601
	<u>24<sup>th</sup> EDF</u>	Constr. Res. Holabird Ind. Park	W. Balto. Ind. & Coml.
	<b>\$ 23,729.00</b>		

This transfer will provide funds to reimburse Baltimore Development Corporation for eligible capital expenses for the month ending August 31, 2014.

2.	<b>\$ 7,966.45</b>	9910-913990-9600	9910-921101-9601
	23 <sup>rd</sup> EDF	Constr. Res. Coml. Revit.	Coml. Revit.

This transfer will provide funds to reimburse Baltimore Development Corporation for eligible capital expenses for the month ending July 31, 2014.

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

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Baltimore Development Corporation</u>			
3.	\$ 613.74	9910-904115-9600	9910-906835-9603
	19 <sup>th</sup> EDF	Constr. Res.	Westside Project
		Westside Initiative	Initiative
	125.00	9910-903354-9600	9910-907104-9601
	22 <sup>nd</sup> EDF	Constr. Res.	W. Balto. Ind. &
		W. Balto. Ind. &	Coml.
	8,300.00	9910-904115-9600	9910-906835-9603
	22 <sup>nd</sup> EDF	Constr. Res.	Westside Project
		Westside Initiative	Initiative
	1,120.88	9910-906993-9600	9910-909460-9601
	23 <sup>rd</sup> EDF	Constr. Res.	Inner Harbor
		Inner Harbor Area	
	6,240.00	9910-914022-9600	9910-906835-9603
	24 <sup>th</sup> EDF	Constr. Res.	Westside Project
		WS Historic	Initiative
		Prop. Stab.	
	571.00	9910-917016-9600	9910-906105-9601
	24 <sup>th</sup> EDF	Constr. Res.	E. Balto. Ind. &
		Holabird Ind. Park	Coml.
	2,852.00	9910-917016-9600	9910-907104-9601
	<u>24<sup>th</sup> EDF</u>	Constr. Res.	W. Balto. Ind. &
		Holabird Ind. Park	Coml.
	<b>\$19,822.62</b>		

This transfer will provide funds to reimburse Baltimore Development Corporation for eligible capital expenses for the month ending September 30, 2014.

## MINUTES

TRANSFER OF FUNDS

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Recreation and Parks</u>			
4.	<b>\$ 12,000.00</b>	9938-920026-9475 Rec. & Parks 27 <sup>th</sup> Series - Reserve	9938-921026-9474 CC Jackson Pool and Park Improv. - Active

This transfer will provide funds to cover the costs associated with installation of a new telephone service for CC Jackson Community Center.

5.	<b>\$ 10,000.00</b>	9938-933005-9475 Rec. & Parks 26 <sup>th</sup> Series - Reserve	9938-934005-9474 Gwynns Falls Athletic Fields - Active
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This transfer will provide funds to cover the costs associated with design and administration services for roadway improvements at Gwynns Falls/Leakin Park.

6.	<b>\$ 10,000.00</b>	9938-909028-9475 State FY14 MD Community Park and Playgrounds - Reserve	9938-910028-9474 FY14 MD Community Park and Play- grounds - Active
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This transfer will provide funds to cover the costs associated with design services for McKim Park Playground.

7.	<b>\$ 25,000.00</b>	9938-912055-9475 Video Lottery Terminal Revenue FY15 Northwest Park Improvement - Reserve	9938-913055-9474 FY15 Northwest Park Improvement - Active
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This transfer will provide funds to cover the costs associated with design services for Northwest Park Improvement.

## MINUTES

TRANSFER OF FUNDS

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of General Services</u>			
8.	\$ 60,000.00	9916-902304-9194	9916-906305-9197
	3 <sup>rd</sup> Public	Benton Building HVAC	Benton Building
	Building Loan	Improvements - Reserve	Soffit Insulation
			- Active

The 3<sup>rd</sup> floor of the Benton Building is located immediately above the building's outside entry area causing extreme conditions at the City offices on the floor. The new insulation will better retain heat in those offices and help keep employees and citizens comfortable during the winter months.

9.	\$125,000.00	9916-904845-9194	9916-903961-9197
	5 <sup>th</sup> Public	Capital Constr. &	Carroll Mansion
	Building Loan	Maintenance - Reserve	HVAC Replacement -
			Active

The Carroll Mansion is a City-owned facility, which is open to the public for tours and educational programming. This project will create a climate controlled environment, which is essential for continuing operations and the preservation of the building. The Department of General Services is required to perform this work under the terms of a lease agreement with Carroll Museums, Inc. This lease agreement was previously approved by the Board on December 11, 2013.

Department of Housing and Community Development

10.	\$900,000.00	9910-902985-9587	9910-914202-9588
	M&CC	Housing Development	Blight Elimination
		- Reserve	M&CC

This transfer will provide funding in accordance with the FY 2015 Ordinance of Estimates to support Blight Elimination efforts performed by the Land Resources Division.

## MINUTES

TRANSFER OF FUNDS

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>DHCD</u> - cont'd			
11.	<b>\$ 50,000.00</b>	9910-902985-9587 Housing Development - Reserve	9912-905083-9591 Emergency Housing
	UDAG Repay- ment Funds		

This transfer will provide funding for emergency housing costs associated with citizens displaced by fire, flooding, or other hardships.

**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 13** favorable reports on Transfers of Funds approved by the Board of Estimates at its meetings on November 12, and November 19, 2014.

UPON MOTION duly made and seconded, the Board **NOTED** receipt of the **13** favorable reports on Transfers of Funds approved by the Board of Estimates at its meetings on November 12, and November 19, 2014.

## MINUTES

Mayor's Office of Employment Development - Agreements

The Board is requested to approve and authorize execution of the various agreements. The period of the Agreement is September 1, 2014 through June 30, 2015, unless otherwise indicated.

1. **MEDSTAR GOOD SAMARITAN HOSPITAL, INC.** **\$ 70,000.00**

Accounts: 4000-807515-6312-736205-603051  
 4000-806715-6312-736205-603051  
 1001-000000-6331-736215-603051

The organization will provide Patient Care Technician Training for 20 eligible participants enrolled in an on-the-job employer based customized training program. Services will include a customized training plan for each participant prior to training. Patient Care Technician training will include basic personal and medical care such as taking vital signs, transporting, and assisting with physical examinations. Training will also include, pathophysiology of organs, clinical and safety skills. The period of the agreement is November 19, 2014 through June 30, 2015.

**AUDITS REVIEWED AND HAD NO OBJECTION.**

2. **BALTIMORE CITY COMMUNITY COLLEGE** **\$ 66,300.00**

Accounts: 4000-807515-6312-467253-603051  
 4000-806715-6312-467253-603051

3. **COMMUNITY COLLEGE OF BALTIMORE COUNTY** **\$ 4,000.00**

Accounts: 4000-807515-6312-467253-603051  
 4000-806715-6312-467253-603051

Under the agreement, the colleges will provide training on those areas specified on the Maryland Higher Education Commission list. Training will consist of the programs described in the course or certificate curriculum outline and will include any participant attendance policies, academic benchmarks and the means of measuring achievements, completion standards and the total hours of each course in a certificate program.

**MINUTES**

MOED - cont'd

The accounts and amounts cannot be determined until the participants are registered.

The Agreements are late because additional time was necessary to reach a comprehensive understanding that was agreeable to both parties.

**APPROVED FOR FUNDS BY FINANCE**

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

**MINUTES**

Mayor's Office of Employment Development - Grant Award

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize acceptance of a Grant Award from the Governor's Office of Crime Control and Prevention. The period of the Grant Award is July 1, 2014 through June 30, 2015.

**AMOUNT OF MONEY AND SOURCE:**

\$72,731.00 - 5000-509115-6397-483200-405001

**BACKGROUND/EXPLANATION:**

The purpose of this Grant is for MOED to provide services to Baltimore City males ages 14-17 who are on electronic monitoring/community detention, or have been released to their parents while awaiting their court hearing. These services are to include gender specific programming with a focus on the needs of young men in the areas of mental health, education, social and career development.

The Grant Award is late because notification of the award was recently received from the grantor.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the Grant Award from the Governor's Office of Crime Control and Prevention.

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:

4595 -4597

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

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

Department of Public Works/Office of Eng. & Constr.

1. EWO #001, \$2,999,997.00 - W.C. 1239, Water Appurtenance Installation			
<u>\$4,492,050.00</u>	-	R. E. Harrington Plumbing & Heating, Inc.	- -

Additional work scope quantities were needed for the contract because the Utility Maintenance Division could not address the dramatic increase in number and severity of emergency repairs for the numerous water main breaks that occurred during the harsh winter of 2013. Additional monies are needed to provide on-call assistance to utility maintenance and to manage the backlog of hydrant, meter vault, and water service repairs.

Bureau of Water and Wastewater

2. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$1,093,800.00	9960-936001-9558	
County Appro.	Constr. Res. Unallocated	
1,906,200.00	9960-906133-9558	
Water Utility Funds	Constr. Res. Meter Replacement	
<u>\$3,000,000.00</u>	-----	9960-907719-9557-2 Extra Work

The funds are required to cover the cost of extra work for WC 1239, Water Appurtenances Installation.

3. EWO #016, \$145,793.94 - TR 10314, Parcel D, Inner Harbor East Improvements			
<u>\$4,126,171.10</u>	\$658,458.98	Joseph B. Fay Company	- -

MINUTES

EXTRA WORK ORDERS

Contract Awd. Amt.	Prev. Apprvd. Extra Work	Contractor	Time Ext.	% Compl.
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Department of Transportation - cont'd

4. EWO #017, \$56,130.72 - TR 10314, Parcel D, Inner Harbor  
East Improvements

\$4,126,171.10	\$804,252.92	Joseph B. Fay Company	-	-
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5. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 192,000.00 FED	9950-902627-9528 Park Circle Intersection Improvement Constr. Res.	
48,000.00 MVR	9950-904124-9528 North Ave. (Howard St. to Guilford Ave.)	
<u>\$ 240,000.00</u>	-----	9950-904327-9527-2 Contingencies Inner Harbor East - Phase III

This transfer will cover the deficit and fund the costs associated with Change Order Nos. 16 and 17 to the Project No. TR 10314, Parcel D, Inner Harbor Improvements Phase III with Joseph B. Fay Company.

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART FOR ITEM NOS. 4 AND 5.**

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

# Kim A. Trueheart

December 9, 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 questionable management and administration by the Department of Transportation.

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 18, Items #4 and #5, Department of Transportation, TR 10314, TRANSFER OF FUNDS, if approved:
    1. This transfer demonstrates the administration's willful and destructive strategy to divert scarce municipal funds from neighborhoods to the Inner Harbor;
    2. This transfer serves to marginalize the residents of legacy neighborhoods;
    3. This action fails to show benefit for the Park Circle neighborhoods;
    4. This action fails to disclose the impact (positive or negative) on the Park Circle Intersection or North Ave projects.
3. **How the protestant will be harmed by the proposed Board of Estimates' action:** The failed neighborhood development strategy of this administration continues to prioritize the Inner Harbor over neighborhoods. This action clearly demonstrates the continued diversion of scarce municipal funds intended for neighborhood revitalization instead to Inner Harbor development. This failed strategy must end and a new neighborhoods first strategy must be developed and implemented immediately.
4. **The remedy I seek is:** This action should be on the non-routine agenda and the agency should present in the public BOE meeting its plan for Park Circle and North Ave that includes the project(s) completion schedule and cost estimates for the completion of the two projects which are potential victims of this funding transfer if approved.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on December 10, 2014.

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

Sincerely, Kim Trueheart, Citizen & Resident

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

## MINUTES

EXTRA WORK ORDERS

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

Department of Transportation - cont'd

6. EWO #027, \$85,347.43 - TR 10005, Uplands Redevelopment:

Mass Grading & Infrastructure

\$18,279,447.78	\$2,545,156.80	Monumental	-	-
		Paving &		
		Excavating Inc.		

**MINUTES**

Health Department - Update to Unified Grant Award

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize acceptance of the Update to the Unified Grant Award from the State of Maryland Department of Health and Mental Hygiene. The Update to the Unified Grant Award is for the month ending September 30, 2014.

**AMOUNT OF MONEY AND SOURCE:**

<u>Grant Award</u>	<u>Type of Action</u>	<u>Amount of Action</u>	<u>Total Award</u>
Tobacco Use - Cessation	Addition	\$102,998.00	\$187,300.00
Surveillance and Quality Improvement	Addition	\$ 60,000.00	\$191,180.00

**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 Unified Funding Document (UFD) will be the official award of record.

The UFD is presented at this time because of delays in the administrative review process.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the Update to the Unified Grant Award from the State of Maryland Department of Health and Mental Hygiene.

**MINUTES**Health Department - Update to Unified Grant Award**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize acceptance of the Update to the Unified Grant Award from the State of Maryland Department of Health and Mental Hygiene. The Update to the Unified Grant Award is for the month ending October 31, 2014.

**AMOUNT OF MONEY AND SOURCE:**

<u>Grant Award</u>	<u>Type of Action</u>	<u>Amount of Action</u>	<u>Total Award</u>
RW B - Health Support Services	Supplement	\$ 735,347.00	\$3,161,473.00
AIDS Case Management	Addition	\$1,711,511.00	\$1,711,511.00
Maryland Million Hearts	New	\$ 105,896.00	\$ 105,896.00
Tobacco Enforcement	Addition	\$ 115,000.00	\$ 115,000.00

**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 Unified Funding Document (UFD) will be the official award of record.

The UFD is presented at this time because of delays in the administrative review process.

**APPROVED FOR FUNDS BY FINANCE****AUDITS REVIEWED THE SUBMITTED DOCUMENTATION AND FOUND THAT IT CONFIRMED THE GRANT AWARD.**

**MINUTES**

Health Department - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the Update to the Unified Grant Award from the State of Maryland Department of Health and Mental Hygiene.

## MINUTES

Health Department - Agreements

The Board is requested to approve and authorize execution of the various Agreements. The period of the Agreement is July 1, 2014 through June 30, 2015, unless otherwise indicated.

1. **THE UNIVERSITY OF MARYLAND, BALTIMORE (UMB)** **\$ 95,000.00**

Account: 4000-494415-3030-279200-603051

The UMB School of Social Work will provide a process and outcome evaluation for the Baltimore City Teen Pregnancy Prevention Initiative: Out-of-Home Youth Project. The UMB School of Social Work will develop data collection procedures for obtaining information on family planning clinics used by out-of-home youth from the Ahlers system (DHMH Title X clinic database), refine procedures for data management and respond to data requests from the DHMH, analyze the process and outcome evaluation for 80 adults of child welfare and foster care providers curriculum to test procedures and instruments, and present research findings to at least one professional conference.

The Agreement is late because the program was waiting for a revised budget.

**MWBOO GRANTED A WAIVER.**

2. **ARBOR E & T d/b/a CARE RESOURCES** **\$716,254.00**

Accounts: 4000-428215-3080-294312-603051	\$450,187.00
4000-427115-3080-294303-603051	\$200,000.00
4000-499815-3080-284000-603051	\$ 66,067.00

The organization will provide the services of a Speech Language Therapist, a Physical Therapist, an Occupational Therapist, and a Special Instructor to staff the Baltimore Infants and Toddlers Eligibility Center.

## MINUTES

Health Dept. - cont'd

The Agreement is late because the provider signed the Agreement but did not have his signature witnessed or include a corporate seal. It was returned to the corporate office in Louisville, KY and received at the Health Department on November 17, 2014. The Department apologizes for the lateness.

**MWBOO GRANTED A WAIVER.**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

3. **THE HARRY AND JEANETTE WEINBERG FOUNDATION, INC.** **\$ 20,000.00**

Account: 6000-618115-3080-290700-406001

Under this Agreement, the funds will be utilized to support the Preventing Substance Exposed Pregnancies Collaborative, which provides screenings, brief intervention and referral to treatment to women with substance exposed pregnancies. The period of the Agreement is October 1, 2014 through September 30, 2015.

The Agreement is late because the Department's administrative review process delayed processing.

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

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Agreements.

**MINUTES**

Fire Department - Payment of Back Salary

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize payment of back salary for Ms. Chantelle N. Robinson for the payroll periods ending September 23, 2014 through November 4, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$5,304.00 - 1001-000000-2130-228200-601061

**BACKGROUND/EXPLANATION:**

Pursuant to Local 734's Memorandum of Understanding, Article 12 (G), Ms. Robinson is entitled to receive back pay.

The back pay represents the amount of salary that Ms. Robinson would have earned for the period September 23, 2014 through November 4, 2014.

**MBE/WBE PARTICIPATION:**

N/A

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized payment of back salary for Ms. Chantelle N. Robinson for the payroll periods ending September 23, 2014 through November 4, 2014.

**MINUTES**

Mayor's Office of Information Technology - Expenditure of Funds

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an Expenditure of Funds to pay 22<sup>nd</sup> Century Technologies, Inc.

**AMOUNT OF MONEY AND SOURCE:**

\$5,950.00 - 1001-000000-1474-167700-603026

**BACKGROUND/EXPLANATION:**

22<sup>nd</sup> Century Technologies, Inc. was the CATS II vendor that employed Hardik Modi previous to his switch to the City's IT staffing contract with TeleCommunications Inc. The vendor's original invoice charged the City for the entire month of February 2014 (160 hours).

However, after review, it was confirmed that the vendor is only due payment for 70 hours. 22<sup>nd</sup> Century Technologies, Inc. revised its invoice and resubmitted it for payment in the amount of \$5,950.00.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

The Board is requested to approve an Expenditure of Funds to pay 22<sup>nd</sup> Century Technologies, Inc.

**MINUTES**

Fire Department - Memorandum of Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Memorandum of Agreement (MOA) with the Maryland Emergency Management Agency (MEMA). The period of the MOA is September 9, 2014 through September 9, 2017.

**AMOUNT OF MONEY AND SOURCE:**

\$612,910.00 - 4000-476815-2142-225900-404001  
204,303.00 - 1001-000000-2142-225900-606007 - 25% Match  
**\$817,213.00**

**BACKGROUND/EXPLANATION:**

This grant from MEMA will cover expenditures for the installation of emergency power generators for 11 locations under the Hazard Mitigation Grant Program. The cost share for this grant is 75% Federal and a 25% match by the City.

The MOA is late because notification of the grant award was recently received and it was necessary to hold an award briefing meeting with 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 Memorandum of Agreement with the Maryland Emergency Management Agency.

**MINUTES**

Fire Department - Training Grant Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the Training Grant Agreement with the Maryland Institute for Emergency Medical Services System. The period of the Training Grant Agreement is July 1, 2014 through June 15, 2015.

**AMOUNT OF MONEY AND SOURCE:**

\$2,687.00 - 5000-558415-2121-226300-405001

**BACKGROUND/EXPLANATION:**

The purpose of this grant is to provide emergency medical dispatch recertification training for members of the Baltimore City Fire Department. There are no future obligations of the Fire Department or the City as a result of the receipt of this grant.

The Training Grant Agreement is late because notification of the award was recently received.

**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 Training Grant Agreement with the Maryland Institute for Emergency Medical Services System.

**MINUTES**Mayor's Office of Human Services - Agreements

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

1. **GOVANS ECUMENICAL DEVELOPMENT CORPORATION**      **\$ 48,798.00**  
**(GEDCO)**

Account: 4000-490915-3573-333650-603051

The organization will utilize the funds to provide Case Management and other supportive services to homeless clients that participate in GEDCO's housing program. The period of the Agreement is July 1, 2014 through June 30, 2015.

2. **PEOPLE ENCOURAGING PEOPLE, INC.**      **\$584,872.00**

Account: 4000-496214-3573-591486-603051

The organization will provide housing assistance and support services to 44 individuals. The period of the Agreement is October 1, 2014 through September 30, 2015.

**MWBOO GRANTED A WAIVER.**

The Agreements are late because of a delay at the administrative level.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

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

**MINUTES**

Department of Transportation - Amendment No. 2 to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of Amendment No. 2 to Agreement with McCormick Taylor, Inc., for Project No. 1162, On-Call Consultant Services for Reconstruction and Resurfacing Projects. The Amendment No. 2 to Agreement will extend the Agreement for an additional year.

**AMOUNT OF MONEY AND SOURCE:**

No funds are required at this time.

**BACKGROUND/EXPLANATION:**

On July 11, 2012, the Board approved the Agreement in the amount of \$1,000,000.00 to assist the Transportation, Engineering and Construction Division in engineering design services to include, but not limited to: site project support, GIS support and tasks for various Capital Improvement Projects for Project No. 1162, On-Call Consultant Services for Reconstruction and Resurfacing Projects, for a two-year period.

On April 23, 2014, the City approved Amendment No. 1 to allow for a one-year time extension and an increase to the upset limit by \$500,000.00 to fully complete extra work. The Department is now requesting a one-year time extension to fully complete assigned tasks under Amendment No. 2.

**MBE/WBE PARTICIPATION:**

**AUDITS NOTED THE TIME EXTENSION AND WILL REVIEW TASK ASSIGNMENTS.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 2 to Agreement with McCormick Taylor, Inc., for Project No. 1162, On-Call Consultant Services for Reconstruction and Resurfacing Projects.

**MINUTES**

Department of Transportation - Amendment No. 2 to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of Amendment No. 2 to Agreement with T.Y. Lin International, for Project No. 1040, Reconstruction of the Annapolis Road Bridge over the Baltimore Washington Parkway (MD-295). The Amendment No. 2 will extend the period of the Agreement for three years through June 17, 2017.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On June 18, 2008, the Board approved the project in the amount of \$999,821.38, with T.Y. Lin International, to provide engineering design services, for a three year period. On July 29, 2009, the Board approved Change Order No. 1 in the amount of \$342,540.53 to expand the design to include two adjacent bridges, Russell Street and Monroe Street Ramp Bridge into the original scope of the Project.

On July 13, 2011, the Board approved Amendment No. 1 for a three year time extension to permit the completion of the Reconstruction of the Annapolis Road Bridge over Baltimore Washington Parkway (MD 295).

On September 21, 2011, the Board approved Change Order No. 2 in the amount of \$125,214.88 Post Award Services for 1) Coordination meetings with City contractor or construction engineer, 2) Request for Information, 3) review of submittals, and 4) technical assistance during bridge construction. On February 22, 2012, the Board approved Change Order No. 3 in the amount of \$146,835.91, which provided for additional design engineering services in connection with the Reconstruction of Annapolis Road over BW/Parkway. This additional request for an additional three year time extension under Amendment No. 2 is needed to complete extra work for the Reconstruction of the Annapolis Road Bridge over the Baltimore Washington Parkway.

**MINUTES**Department of Transportation - cont'd

It is hereby certified that the above described services of the consultant is of such a nature that no advantage would have resulted in seeking, nor was it practical to obtain competitive bids. Therefore, pursuant to Article VI, Section 11 (e)(i) of the Baltimore City Charter, the ratification of the services of the consultant is recommended to the Board.

**DBE PARTICIPATION:**

The consultant will comply with Title 49 Code of Federal Regulations, Part 26 and the DBE goals established in the original agreement.

DBE: 23.00%

**AUDITS NOTED THE TIME.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 2 to Agreement with T.Y. Lin International, for Project No. 1040, Reconstruction of the Annapolis Road Bridge over the Baltimore Washington Parkway (MD-295).

**MINUTES**

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

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The Board is requested to approve and authorize execution of the various Community Development Block Grant Agreements. The period of the agreement is July 1, 2014 through June 30, 2015, unless otherwise indicated.

1. **ROBERTA'S HOUSE, INC.** **\$100,000.00**

Account: 2089-208915-5930-736126-603051

The organization provides free grief counseling and bereavement support services for low and moderate-income youth and their families who have experienced acute emotional distress related to a death and/or traumatic loss. The funds will be utilized to offset the operating costs.

**THE FY 2015 MBE AND WBE PARTICIPATION GOALS FOR THE ORGANIZATION WERE SET ON THE AMOUNT OF \$62,655.00.**

**MBE: \$16,916.85**

**WBE: \$ 6,265.50**

2. **THE DEVELOPMENT CORPORATION OF NORTHWEST BALTIMORE, INC.** **\$ 34,780.00**

Account: 2089-208915-5930-429591-603051

The organization will provide housing counseling services, housing workshops and other aspects of homeownership to eligible low and moderate-income persons. The funds will be utilized to offset the organization's operating costs. The period of the Agreement is September 1, 2014 through August 31, 2015.

## MINUTES

DHCD - cont'd

3. **PEOPLE'S HOMESTEADING GROUP, INC.** **\$145,000.00**  
**(PHG)**

Accounts: 2089-208915-5930-512662-603051	\$ 92,800.00
2089-208915-5930-512683-603051	\$ 26,100.00
2089-208915-5930-512681-603051	\$ 26,100.00

The organization will utilize the funds to offset the operating costs associated with the rehabilitation of vacant properties for sale to low and moderate-income households. The PHG will also conduct public meetings to deliver specific neighborhood information that will directly support the housing development projects within the Greenmount-Barclay-Midway areas.

**MWBOO GRANTED A WAIVER.**

4. **PARK HEIGHTS RENAISSANCE, INC.** **\$190,650.00**  
**(PHR)**

Accounts: 2089-208915-5930-682126-603051	\$ 21,972.00
2089-208915-5930-682183-603051	\$ 21,972.00
2089-208915-5930-682162-603051	\$ 35,216.00
2089-208915-5930-682191-603051	\$ 55,434.00
2089-208915-5930-682181-603051	\$ 56,056.00

The PHR will administer a rehabilitation deferred loan program for low and moderate-income owner occupant households that reside in the Park Heights Stabilization Area as defined by the Park Heights Master Plan. The PHR will also provide housing counseling workshops and individual counseling. The PHR will sponsor community cleanups and educational events to engage the community and improve physical appearances.

**THE FY 2015 MBE AND WBE PARTICIPATION GOALS FOR THE ORGANIZATION WERE SET ON THE AMOUNT OF \$83,686.00.**

**MBE: \$22,585.22**

**WBE: \$ 8,368.60**

## MINUTES

DHCD - cont'd

5. **SOUTHEAST COMMUNITY DEVELOPMENT CORPORATION, INC.** **\$111,430.00**

Accounts: 2089-208915-5930-437681-603051	\$ 2,200.00
2089-208915-5930-437683-603051	\$ 5,230.00
2089-208915-5930-437691-603051	\$104,000.00

The organization will utilize the funds to continue its Housing Counseling Program and neighborhood outreach activities. The period of the agreement is August 1, 2014 through July 31, 2015.

**THE FY 2015 MBE AND WBE PARTICIPATION GOALS FOR THE ORGANIZATION WERE SET ON THE AMOUNT OF \$52,850.00.**

**MBE: \$14,269.50**

**WBE: \$ 5,285.00**

6. **NEIGHBORHOOD HOUSING SERVICES OF BALTIMORE, INC. (NHS)** **\$346,750.00**

Accounts: 2089-208915-5930-433562-603051	\$140,110.00
2089-208915-5930-433583-603051	\$ 32,658.00
2089-208915-5930-433581-603051	\$ 52,012.00
2089-208915-5930-433591-603051	\$121,970.00

Under this agreement, the organization will utilize the funds to provide public information, housing counseling, and rehabilitation services including owner-occupancy, rehabilitation loan under-writing and the development of rehabilitation specifications. The NHS will service each loan. The period of the agreement is September 1, 2014 through August 31, 2015.

**MWBOO GRANTED A WAIVER**

## MINUTES

DHCD - cont'd

7. **VILLAGE LEARNING PLACE, INC.** **\$ 40,750.00**

Account: 2089-208915-5930-429330-603051

The organization provides free educational and youth programs to low to moderate-income persons in the Greater Charles Village/Barclay area of Baltimore City. The funds will be utilized to subsidize the operating expenses of the Learning Center.

On April 30, 2014, the Board approved the Resolution authorizing the Commissioner of the Department of Housing and Community Development (DHCD), on behalf of the Mayor and City Council, to file a Federal FY 2014 Annual Action Plan for the following formula programs:

1. Community Development Block Grant (CDBG)
2. HOME
3. Emergency Solutions Grant (ESG)
4. Housing Opportunities for Persons with AIDS (HOPWA)

Upon approval of the Resolution, the DHCD's Contracts Section began negotiating and processing the CDBG Agreements as outlined in the Plan effective July 1, 2014 and beyond. Consequently, the Agreements were delayed due to final negotiations and processing.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Community Development Block Grant Agreements. The Comptroller **ABSTAINED** on item no. 1.

**MINUTES**

Department of Housing and - Land Disposition Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Land Disposition Agreement with Mr. Emmanuel Ade Bajulaiye for the sale of the City-owned property located at 4253 Park Heights Avenue.

**AMOUNT OF MONEY AND SOURCE:**

\$4,000.00 - Purchase Price

**BACKGROUND/EXPLANATION:**

The City will convey all of its rights, title, and interest in the property located at 4253 Park Heights Avenue to Mr. Bajulaiye for the price of \$4,000.00, which will be paid at the time of settlement.

The project will consist of the City-owned vacant building being renovated as part of the expansion of Mr. Bajulaiye's existing pharmacy business, located at 4257-4259 Park Heights Avenue. Mr. Bajulaiye has also recently purchased 4255 Park Heights Avenue as part of his expansion goals. The property is located in the Park Heights Neighborhood.

This property was journalized and approved for sale on October 18, 2012.

**STATEMENT OF PURPOSE AND RATIONALE FOR SALE BELOW THE PRICE DETERMINED BY THE WAIVER VALUATION PROCESS:**

In accordance with the Waiver Valuation policy, the DHCD determined the property located at 4253 Park Heights Avenue to be valued at \$4,250.00. The property is being sold for \$4,000.00. This property is in considerably worse condition than many of the comparable property sale prices in the area.

**MINUTES**

DHCD cont'd

The sale of this vacant property at a price below the Waiver Valuation price will be a specific benefit to the immediate community, eliminate blight, create jobs during reconstruction, and the property will be returned to the tax rolls.

**MBE/WBE PARTICIPATION:**

The developer will purchase the property for a price that is less than \$50,000.00 and will receive no City funds or incentives for the purchase or rehabilitation. Therefore, Minority and Women's Business Enterprise participation is not applicable.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Land Disposition Agreement with Mr. Emmanuel Ade Bajulaiye for the sale of the City-owned property located at 4253 Park Heights Avenue.

**MINUTES**

Department of Housing and - Subordination Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve a Subordination Agreement between Enterprise Mortgage Investments, LLC (EMI), a Fannie Mae underwriter, and the City acting through the Department of Housing and Community Development for the entity known as O'Donnell Heights I Associates, LP. The Board is further requested to authorize the Commissioner of the Department of Housing and Community Development to execute any and all documents to effectuate this transaction subject to review and approval for form and legal sufficiency by the Department of Law.

**AMOUNT OF MONEY AND SOURCE:**

No additional funding is required.

**BACKGROUND/EXPLANATION:**

On September 12, 2012, the Board approved a HOME Investment Partnerships Program (HOME) Loan in an amount not to exceed \$1,500,000.00 (the HOME Loan) to O'Donnell Heights I Associates, LP (the Borrower). Proceeds of the HOME loan were used to support a portion of the hard construction costs associated with the O'Donnell Townhomes Phase IA rental project located at 6349 Boston Street.

The Phase IA Project involved the new construction of 76 rental units, of which 75 units are affordable and one unit is the manager's unit. Thirty-nine of the units are deeply subsidized and affordable to households at or below 30% of the Area Median Income (AMI) and are supported by a Housing Choice Voucher Housing Assistance Payment (HAP) contract for rental subsidy from the Housing Authority of Baltimore City (HABC). The remaining 36 units will be affordable to households at or below 50% of the AMI. Of the 39 deeply affordable units, 27 were expected to be made available to current and former O'Donnell Heights residents and 12 units were to be restored for non-elderly persons with disabilities.

## MINUTES

DHCD - cont'd

As part of the original project financing, Bank of America provided a first lien construction loan in the amount of \$3,600,000.00. The Bank of America construction loan has a term of 24 months, requiring payments of interest only until maturity, and accrued interest at a variable-rate (LIBOR plus 250 basis points). Following construction completion, it was anticipated that the Bank of America loan will be repaid by a first lien permanent loan from Enterprise Mortgage Investments, LLC (Enterprise).

The Department's HOME loan is in the fourth lien position during construction and will move to the third position during the permanent loan period. During the construction period, interest was charged at the rate of zero percent. During the permanent loan period, interest will be charged at the rate of one percent and will be amortized on a 40-year term with payments to be made from available cash flow.

O'Donnell Heights 1 Associates, LP (the Borrower) has been working to convert the Bank of America construction loan to a permanent loan with Enterprise. Enterprise has agreed to provide a first lien permanent mortgage in the amount of \$3,600,000.00. The term of the mortgage will be 18 years from the first day of the month following loan closing, amortizing over thirty years with fixed principal and interest payments. The permanent mortgage loan will have an interest rate of approximately 5.5% per annum.

Because the financing from Enterprise Mortgage Investment Services is crucial not only to the Borrower, but also to the project, the subordinate lenders are required to execute a Subordination Agreement, which is common practice for real estate transactions such as this. Without the approved and signed Subordination Agreement, Enterprise Mortgage Investments will be unable to make a loan without having a priority lien position.

**MINUTES**

DHCD - cont'd

The Department has determined that the City's position in the transaction is not materially affected or is otherwise improved for the following reasons:

- The project remains financially feasible and the Borrower has sufficient sources to support the Project.
- The Borrower will not be taking on new debt or otherwise adding any encumbrances.
- The position of the HOME Loan will remain unchanged relative to the other debt.
- No additional City funding is being requested or is needed.

All other terms and conditions of the Board's September 12, 2012 approval will remain in effect.

**MBE/WBE PARTICIPATION:**

Article 5, Subtitle 28 of the Baltimore City Code Minority and Women's Business Program is not applicable.

UPON MOTION duly made and seconded, the Board approved the Subordination Agreement between Enterprise Mortgage Investments, LLC, a Fannie Mae underwriter, and the City acting through the Department of Housing and Community Development for the entity known as O'Donnell Heights I Associates, LP. The Board also approved and authorized the Commissioner of the Department of Housing and Community Development to execute any and all documents to effectuate this transaction subject to review and approval for form and legal sufficiency by the Department of Law.

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

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

	<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
1.	2312 E. Monument St.	Peep Eye Corporation	Awning 20' x 4'6"
	Annual Charge: \$228.40		
2.	2202 Boston St.	Themis N. Smyrnioudis	Retain one single face electric sign 14' x 3', two awnings with signage 12' x 2'8"
	Annual Amount: \$398.40		
3.	324 W. Baltimore St. k/a 11 N. Eutaw St.	FTP Centerpoint, LP	Single face electric sign 141" x 20"
	Annual Charge: \$ 70.30		
4.	1000 Morton St. k/a 10 W. Eager St.	10 W. Eager St., LLC	Two awnings 14' x 2'6"
	Amount Charge: \$203.84		
5.	606 S. Broadway k/a 614 S. Broadway	600 S. Broadway Apartments, LLC	One blade sign 1.75 sq. ft., one flat sign 27.96 sq. ft.
	Amount Charge: \$ 91.85		

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

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

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- |   |             |         |
|---|-------------|---------|
| 1. SHANNON-BAUM SIGNS, INC.   | \$48,000.00 | Renewal |
| Solicitation No. B50002690 - Decals for the Fire Department - Department of General Services - Req. No. P522309 |             |         |

On December 5, 2012, the Board approved the initial award in the amount of \$48,000.00. The award contained two 1-year renewal options. On October 30, 2013, the Board approved the first renewal in the amount of \$0.00. This final renewal in the amount of \$0.00 is for the period January 1, 2015 through December 31, 2016.

- |  |             |         |
|--|-------------|---------|
| 2. GOVERNMENT SCIENTIFIC   |             |         |
| SOURCE, INC.   | \$30,000.00 | Low Bid |
| Solicitation No. B50003790 - Laboratory Supplies - Department of Health - Req. No. R670500 |             |         |

The period of the award is December 10, 2014 through December 9, 2015, with three 1-year renewal options remaining.

- |   |         |         |
|---|---------|---------|
| 3. FIRE LINE EQUIPMENT  |         |         |
| LLC   | \$ 0.00 | Renewal |
| Contract No. B50001730 - OEM Parts and Service for LTI Trucks - Department of General Services - P.O. No. P515955 |         |         |

On January 19, 2011, the Board approved the initial award in the amount of \$200,000.00. The award contained two 1-year renewal options. On November 6, 2013, the Board approved the first renewal in the amount of \$0.00. This final renewal in the amount of \$0.00 is for the period January 19, 2015 through January 18, 2016. The above amount is the City's estimated requirement.

**MWBOO GRANTED A WAIVER.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- |   |              |         |
|---|--------------|---------|
| 4. GovernmentJobs.Com, Inc.   |              |         |
| d/b/a NEOGOV  | \$152,600.00 | Renewal |
| Contract No. B50001787 - State of Oregon Contract No. 107-1815-09 - E-Recruitment Management Systems - Department of Human Resources - Req. No. R682478 |              |         |

On January 19, 2011, the Board approved the initial award in the amount of \$198,100.00. The award contained four 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$152,600.00 is for the period January 19, 2015 through January 18, 2016.

**MWBOO GRANTED A WAIVER.**

- |  |                     |              |
|--|---------------------|--------------|
| 5. ORASURE TECHNOLOGIES,   | \$ 58,125.00        | Increase and |
| INC.   | 60,000.00           | Renewal      |
|  | <b>\$118,125.00</b> |              |
| Contract No. 08000 - Oraquick Advance HIV Test Kits - Health Department - P.O. No. P522548 |                     |              |

On January 24, 2013, the City Purchasing Agent approved the initial award in the amount of \$24,450.00. The award contained three 1-year renewal options. Subsequent actions have been approved. An increase is requested to purchase additional kits for the City rapid HIV testing programs before December 31, 2014. The Maryland Department of Health and Mental Hygiene previously provided the majority of the tests, but the City is now responsible for doing so. This renewal in the amount of \$60,000.00 is for the period February 16, 2015 through February 15, 2016, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

6. ALERE NORTH	\$ 83,875.00	Increase
AMERICA, LLC	<u>60,000.00</u>	and Renewal
	<b><u>\$143,875.00</u></b>	

Contract No. 08000 - Clearview HIV Test Kits - Health Department - P.O. No. P522539

On January 23, 2013, the Board approved the initial award in the amount of \$175,565.00. The award contained three 1-year renewal options. Subsequent actions have been approved. An increase is necessary to purchase additional kits for the City rapid HIV testing programs before December 31, 2014. The Maryland Department of Health and Mental Hygiene previously provided the majority of these tests, but the City is now responsible for doing so. This renewal in the amount of \$60,000.00 is for the period January 16, 2015 through January 15, 2016, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

7. MID ATLANTIC FOUNTAIN	\$ 0.00	Ratification
DESIGN AND MFG. CO. INC.	<u>400,000.00</u>	and Renewal
	<b><u>\$400,000.00</u></b>	

Contract No. B50001980 - Routine and Preventive Maintenance of City-Owned Fountains - Department of Transportation - P.O. No. P518457

On October 12, 2011, the Board approved the initial award in the amount of \$189,142.00. The award contained three 1-year renewal options. Subsequent actions have been approved. There was a delay in the vendor providing necessary information required to complete a compliance review. The above amount is the City's requirement. This renewal in the amount of \$400,000.00 is for the period December 10, 2014 through October 11, 2015 with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

**MWBOO SET GOALS OF 22% MBE AND 7% WBE.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

The dollar amount performed to date is \$413,255.46.

	<u>Commitment</u>	<u>Performed</u>
<b>MBE:</b> C.L. McCoy	11.11%	\$69,739.98 (16.88%)
Plexus Installations	5.58%	\$ 6,959.84 ( 1.68%)
		<b>\$76,699.82 (18.56%)</b>
<b>WBE:</b> The Fitch Dustdown Company, Inc.	1%	<b>\$ 2,861.22 ( .69%)</b>

**MWBOO FOUND VENDOR IN COMPLIANCE.**

8. ROY KIRBY & SONS,  
INC. \$ 38,205.00 Increase  
Contract No. B50003540 - Engine 2 Kitchen Renovations and  
Bathroom Relocation - Fire Department - P.O. No. P522539

On June 11, 2014, the Board approved the initial award in the amount of \$48,313.00. This increase in the amount of \$38,205.00 is necessary to allow additional work to complete the project, including unanticipated requirements and additional items required per inspections. This increase in the amount of \$38,205.00 will make the award amount \$86,518.00.

**MWBOO GRANTED A WAIVER.**

9. LAKESIDE EQUIPMENT  
CORPORATION \$ 75,900.00 Agreement  
Contract No. 08000 - Washer Compactor - Department of Public  
Works, Bureau of Water and Wastewater - Req. No. R678830

The Board is requested to approve and authorize execution of an Agreement with Lakeside Equipment Corporation.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

The Waste Water Facilities Maintenance Division requires a spare Washer Compactor unit for replacement of the installed Washer Compactor at Patapsco Waste Water Treatment Plant. The spare unit must be compatible with the existing installed unit. The manufacturer, Lakeside Equipment Corporation has confirmed that the sole supplier of its equipment in the State of Maryland is Sherwood-Logan & Associates, Inc. Sherwood-Logan & Associates will serve as the supplier for this equipment.

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. THE SHERWIN-WILLIAMS

COMPANY d/b/a DURON	\$100,000.00	Extension
Maryland State Contract No. 001B3400510 - Paint & Chemical Coatings - Department of General Services, etc. - P.O. No. P528664		

On September 12, 2014, the City Purchasing Agent approved the initial award in the amount of \$24,800.00. On October 7, 2014, the City Purchasing Agent approved an increase in the amount of \$12,400.00. City agencies have standardized several of their painting requirements on particular paint products from the vendor. The State of Maryland (State) competitively bid and awarded a statewide contract for paint and chemical coating to this vendor. The State has extended their statewide contract, which the City previously utilized for its paint requirement. The State will include the City's future requirements in its next statewide solicitation. This extension in the amount of \$100,000.00 is for the period December 1, 2014 through February 28, 2015. The above amount is the City's estimated requirement.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

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. ADP,<br>LLC   | \$15,000,000.00 | 2 <sup>nd</sup> Amendment to Master<br>Services Agreement |
| Contract No. 08000 - Human Resource Information, Automatic Processing, E-time, and Enterprise Payroll Systems Licensing - Departments of Finance and Human Resources - P.O. No. P529369 |                 |   |

The Board is requested to approve and authorize execution of a 2<sup>nd</sup> Amendment to Master Services Agreement with ADP, LLC. Previously, the funding requests for each agency were submitted to the Board as separate annual actions. This amendment to agreement is for upgrading various systems to the most recent version beginning January 1, 2015 and extending the current contract for three years with two 1-year renewal options at specified pricing. The above amount is the City's estimated requirement.

On July 25, 2007, the Board approved the initial award in the amount of \$1,600,000.00. Subsequent actions have been approved. The vendor is the sole provider of licensing, maintenance, and support of proprietary software for the Human Resources Information, Automatic Processing, E-time, and Enterprise Payroll Systems.

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.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

<u>Bureau of Purchases</u>		
----------------------------	--	--

UPON MOTION duly made and seconded, the Board approved the foregoing informal awards and increases and Extensions to Contracts. UPON FURTHER MOTION duly made and seconded, the Board approved and authorized execution of the Agreement with Lakeside Equipment Corporation (item no. 9) and the 2<sup>nd</sup> Amendment to Master Service Agreement with ADP, LLC (item no. 11).

**MINUTES**Enoch Pratt Free Library - TRANSFERS OF LIFE-TO-DATE SICK LEAVE

The Board is requested to approve the transfers of LIFE-TO-DATE sick leave days from the listed City employees to the designated employees.

The transfer of sick leave days is necessary in order for the designated employee to remain in pay status with continued health coverage. The City employees have asked permission to donate the sick leave days that will be transferred from their LIFE-TO-DATE sick leave balances as follows:

<u>Designated Employee</u>	<u>Donors</u>	<u>Days</u>
1. <b>Janie Hewlett</b>	Samuel Griffin	5
	Angel Fulton	5
	Eric Thornton	5
	Evelyn Barnhard Wallace	<u>5</u>
	<b>TOTAL</b>	<b>20</b>
2. <b>Elizabeth Keyser</b>	Jasbir Singh	1
	Nathaniel Smith	5
	Judith Avera	1
	Wendy Allen	2
	Lara Spahr	2
	Jennifer Young	2
	Kathleen D' Angelo	<u>2</u>
	<b>TOTAL</b>	<b>15</b>
3. <b>Alexis Young</b>	Vivian Cheatham	5
	Stanley Butler	5
	Carolyn Harnick	<u>5</u>
	<b>TOTAL</b>	<b>15</b>

**THE LABOR COMMISSIONER RECOMMENDED APPROVAL.**

UPON MOTION duly made and seconded, the Board approved the transfers of LIFE-TO-DATE sick leave days from the listed City employees to the designated employees.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

\* \* \* \* \*

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

4330 - 4347

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

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



MINUTES

RECOMMENDATION FOR CONTRACT AWARDS/REJECTIONS

Dept. of Public Works, Office of Engineering & Construction

\$ 153,896.00	-----	9956-907335-9551-2
		Extra Work
153,896.00	-----	9956-907335-9551-3
		Engineering
234,360.00	-----	9956-907335-9551-5
		Inspection
1,538,960.00	-----	9956-907335-9551-6
		Construction
<u>92,338.00</u>	-----	9956-907335-9551-9
<b>\$2,173,450.00</b>		Administration

This transfer will provide funds to cover the costs associated with award for SC 925, Arc Flash Hazard System Improvements at the Back River Wastewater Treatment Plant.

- 3. SC 924, ARC Flash      Enterprise Electric Co.      \$ 999,474.00  
Hazard System at  
Patapsco Wastewater  
Treatment Plant

MWBOO SET GOALS OF 15% MBE AND 3% WBE.

**MBE:** Calmi Electrical Co., Inc.      \$155,000.00      15.50%

**WBE:** Oelmann Electric Supply Co., Inc.      \$ 7,496.05      .75%

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

The Bidder did not achieve the WBE goal. Bidder listed Oelmann Electric Supply Co., Inc. for \$31,800.00. However, not more than 25% of each MBE/WBE goal may be attained by expenditure to MBE/WBE suppliers who are not manufacturers. Therefore, the maximum value has been applied. Additionally, Part C, MBE/WBE Participation Affidavit is not fully completed.

The Department is recommending award subject to the Contractor coming into compliance with the MBE/WBE Program within ten days of award.

MINUTES

RECOMMENDATION FOR CONTRACT AWARDS/REJECTIONS

Dept. of Public Works - Office of Engineering & Construction

4. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 471,353.60	9956-908692-9549	
Water Revenue	Constr. Reserve	
Bonds	Electrical System	
	Upgrade	
1,001,626.40	" "	
Counties		
<u>\$1,472,980.00</u>		
\$ 99,947.00	-----	9956-905334-9551-2
		Extra Work
99,947.00	-----	9956-905334-9551-3
		Engineering
213,643.00	-----	9956-905334-9551-5
		Inspection
999,474.00	-----	9956-905334-9551-6
		Construction
59,969.00	-----	9956-905334-9551-9
<u>\$1,472,980.00</u>		Administration

The funds are required to cover the cost of the award of SC 924, Arc Flash Hazard System Improvements at the Patapsco Wastewater Treatment Plant.

5. GS 14815, Sarah's Citiroof Corp. \$ 319,000.00  
 Hope Roof Replace- (Sole Bidder)  
 ment

MWBOO SET GOALS OF 18% MBE AND 3% WBE.

**MBE:** Innovative Building Solutions\* \*See note below 0.00%

## MINUTES

RECOMMENDATION FOR CONTRACT AWARDS/REJECTIONSDepartment of General Services

<b>WBE:</b> Innovative Building Solutions	**\$2,392.00	.75%
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**MWBOO FOUND VENDOR IN NON-COMPLIANCE.**

Bidder did not achieve the MBE and WBE goal and did not request a waiver.

\*Innovative Building Solutions is certified as a WBE and cannot be used to achieve the MBE goal.

\*\* Additionally, bidder named Innovative Building Solutions for \$66,990.00. However, not more than 25% of each MBE or WBE goal may be attained by expenditures to MBE/WBE suppliers who are not manufacturers. Therefore, the maximum value allowed has been applied.

The Department recommends award subject to the vendor coming into compliance within 14 days of award.

Bureau of Purchases

6. B50003385, Employee Wellness and Health Improvement Program	OptumHealthCare Solutions, Inc.	\$2,524,808.00
--	---------------------------------	----------------

(Department of Human Resources)

MWBOO SET GOALS OF 10% MBE AND 5% WBE.

<b>MBE:</b> Time Printers, Inc.	5%
Camera Ready	5%
<b>WBE:</b> Mary Kraft & Associates, Inc.	2.5%
The Well Workplace, LLC	2.5%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**A PROTEST WAS RECEIVED FROM ACTIVE HEALTH MANAGEMENT, INC.**

# ALEXANDER & CLEAVER

ATTORNEYS AT LAW

*Professional Association*

Gary R. Alexander +\*Δ  
James A. Cleaver +\*  
Denise M. Bowman +\*  
Robert J. Garagiola +\*  
Todd K. Pounds +\*  
Jason A. DeLoach +  
James K. McGee +  
Lorenzo M. Bellamy +\*  
Shara Hendler +  
Whitney Cleaver Smith +\*Δ  
Eliot C. Schaefer + Δ  
Camille G. Fesche +\*●◇  
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TOLL FREE 1-800-292 LAWS

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Fort Washington, MD 20744-5146

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OFFICES:  
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CUMBERLAND, MD  
LA PLATA, MD  
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ALEXANDRIA, VA

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GOVERNMENT RELATIONS CONSULTANTS:

Casper R. Taylor, Jr.  
Robin Fogel Shaivitz  
Lyle W. Fowlkes  
Hannah Powers Garagiola  
Kerry R. Watson, Jr.  
Murray D. Levy  
Tyler W. Bennett

November 5, 2014

ADMITTED TO PRACTICE IN + MD \* DC Δ VA • NJ ◇ NY

Board of Estimates  
c/o Clerk to the Board of Estimates  
Room 204, City Hall  
100 N. Holiday Street  
Baltimore, MD 21202

Re: **PROTEST**  
Solicitation No. B50003385  
Employee Wellness and Health Improvement Program

Dear Honorable President and Members of the Board of Estimates:

The undersigned represents the interests of Active Health Management, Inc. (“Active Health”). We respectfully submit the following protest concerning Solicitation No. B50003385 (“RFP”) and the Board of Estimates’ (“Board”) proposed action to award a contract from the RFP (“Contract”) to OptumHealth Care Solutions, Inc. (“OptumHealth”). If the Board takes its proposed action and awards the Contract to OptumHealth, Active Health will be harmed because it will not be awarded the Contract despite being the lowest responsive and responsible offeror. For the reasons state below, award of a contract to any party other than Active Health would be contrary to the RFP and in violation of the laws of the City of Baltimore (the “City”).

Active Health is the lowest responsive and responsible Proposer and it should have been selected for award of the Contract. As a leader in the wellness industry, Active Health presents the best technical and financial option for the City. The Board must reject the recommendation by the Bureau of Purchases to award the Contract to OptumHealth and award the Contract to Active Health.

Active Health is requesting that the Board defer awarding the Contract at its November 5, 2014 meeting until the November 12, 2014 meeting. In the alternative, Active Health respectfully requests that this protest be heard at the Board's meeting on November 5, 2014, that the Board reject the Bureau of Purchases recommendation of award to OptumHealth, and that the Board award the Contract to Active Health.

**I. The Proposal by Active Health Presented the Best Financial Option for Baltimore City**

Active Health's proposal was the most advantageous proposal to the City. The RFP states that an award will be made to the "responsive and responsible Proposer . . . that receives the highest combined evaluation score for Technical Scoring and Price Scoring." RFP, § SW17(A). Active Health's proposal, when compared to OptumHealth, provides the City **significant savings** and should have been selected as the recommended Contract award.

As required by the RFP, Proposers were required to submit a Price Proposal Sheet that indicated costs for two separate options contemplated by the RFP – Option I: No Spouse Pricing Plan and Option 2: Spouse Pricing Plan. The proposal submitted by Active Health is 35% and 24% less expensive in the respective Options than the price of the selected vendor – which would result in savings of \$888,534 and \$796,600 to the City in each respective Option plan. *See Exhibit 1*, Active Health Proposal Price Sheet and *Exhibit 2*, OptumHealth Proposal Price Sheet. It is clear that Active Health presented the most advantageous price proposal to the City by a wide margin. If the Board awards the Contract to OptumHealth, it will do so at a cost of nearly One Million Dollars (\$1,000,000) to the residents of the City.

While the RFP states that "[p]rice shall not be the sole factor in determining award," the significant cost savings to the citizens of the City must not be overlooked. As stated in the RFP, the "purpose of th[e] solicitation is **to procure the best value for the City.**" RFP, § SW1 (emphasis added). On balance, the proposal submitted by Active Health *is the best deal for the City* and the Contract should be awarded to Active Health.

**II. As a Leader In the Wellness Industry, Active Health's Proposal Had to Be Among the Top Technical Proposals**

Based upon information and belief, Active Health's technical proposal must have been among the top technical proposals submitted. As indicated in its response, Active Health demonstrated that it had the capability to adhere to the critical terms of the RFP. Active Health has been providing the services contemplated by the RFP for over 16 years. Active Health is a leader in the industry and has provided health management solutions to over 22 million members – including members employed by state and local governments.

By any evaluation criteria, Active Health is a qualified and responsible offeror that can handle all of the services contemplated by the RFP. Combined with the most advantageous price proposal to the City, Active Health's experience and technical expertise make it the best option for the City.

### **III. Active Health Should Have Been Provided the Opportunity to Cure Any Defects of Deficiencies in Its Proposal**

Active Health should have been given an opportunity to cure any defects or discrepancies contained in its proposal. While Active Health never received a notice regarding disqualification or that its proposal was non-responsive, a verbal representation was made to Active Health that because its proposal indicated that 10% of the Contract value would be subcontracted to a WBE and 5% to a MBE – rather than 10% to a MBE and 5% to a WBE – Active Health was deemed to be non-responsive. Active Health should have been provided the opportunity to cure this defect in its proposal.

### **IV. The MBE/WBE Participation Waiver Submitted by Active Health Should Have Been Considered**

Even assuming that Active Health should not have been given the opportunity to cure a defect or deficiency in its proposal, Active Health submitted a Part D: MBE/WBE Participation Waiver Request Form ("Waiver") that should have been granted. *See Exhibit 3, Active Health MBE & WBE Participation Commitment Forms.* The agency's failure to consider and grant Active Health's waiver was an abuse of discretion. The explicit terms of the RFP states that "[i]f a bidder is unable to comply with a contract goal, the bidder may submit a waiver request with the bid. . . . No waiver will be granted unless the waiver request includes documentation that demonstrates a good faith effort to comply with the goals." *RFP*, p. B-15.

As indicated in the Waiver, Active Health made numerous good faith efforts to comply with the MBE goal requirements. However, when it was unable to secure a vendor to achieve the MBE participation goal the Waiver was submitted. A waiver should be granted when it is in the government's best interest to do so. With cost savings of almost one million dollars between Active Health's proposal and Optum Health's proposal, it was in the City's best interest to grant the waiver. The procuring agency abused its discretion by failing to consider and grant the Waiver.

In addition, as also indicated in the Waiver, Active Health takes great strides to include minority business owners as partners in all contracts. Active Health detailed its commitment to diversity in detailed explanation contained in the waiver. In fact, Active Health has subcontracted over \$2,000,000 in the State of Maryland to minority- and woman-owned businesses during 2013. Active Health maintains and has continually demonstrated a commitment to diversity. The Waiver and the good faith efforts taken by

Active Health should have been considered. By not granting a waiver to achieve the MBE goals, the procuring agency has acted arbitrarily and capriciously.

**V. Over 20% of the Contract Will Be Paid to MBE and WBE Certified Companies**

In total, over 27% of the Contract value would be subcontracted from Active Health to WBE and MBE companies. As indicated in its proposal, Active Health was to contract with The Well Work Place, LLC (“Well Work”), a certified woman-owned business. Well Work was to perform onsite biometric screenings. Based on the assumed number of plan participants that would receive an onsite biometric screening, the WBE subcontract was to be approximately 22% of the No Spouse Pricing Year 1 proposal. While the MBE/WBE State of Intent for Well Work indicated that 10% of the total contract would be subcontracted, the actual percentage far exceeds the minimum requirement. Combined with the MBE subcontract of 5%, the total MBE and WBE subcontract values exceed 27% of the No Spouse Pricing Year 1 price proposal.

By failing to award the Contract to Active Health, the City will be missing an opportunity to reward a woman-owned business with a significant piece of this Contract. While Active Health did not meet the technical requirements of the MBE/WBE participation requirements, Active Health did make a significant financial commitment that cannot and should not be overlooked.

**VI. Active Health Should Not Have Been Disqualified After Its Financial Proposal Was Opened**

Based upon information and belief, Active Health was disqualified after both the Technical and Financial Proposals were opened due to concerns with Active Health’s MBE/WBE forms. It is grossly inappropriate, and arbitrary and capricious that Active Health’s Financial Proposal was evaluated if there were concerns as to Active Health’s compliance.

Once an offeror’s financial proposal is opened, the procuring agency cannot reevaluate the technical proposal. While the RFP states that “MBE/WBE will only be evaluated for compliance, is a Minimum Requirement, and has no numerical value,” if there was a concern as to whether Active Health met the minimum requirements of the RFP the financial proposal should not have been opened. By opening the financial proposal, the procuring agency waived any issues that it may have had with respect to MBE/WBE requirements.

**VII. Conclusion**

The undersigned respectfully requests that any decision by the Board to award the Contract be deferred until November 12, 2014. In the alternative, the undersigned

Active Health Protest Letter  
November 5, 2014  
Page 5

respectfully requests that this protest be heard at the Board's meeting on November 5, 2014.

Very truly yours,



Eliot C. Schaefer, Esq.

# EXHIBIT 1

## Proposal Price Sheet

Proposal submitted by (name of firm) ActiveHealth Management, Inc.

Address 1333 Broadway

City New York State NY Zip Code 10018

Contact Person Tom Wittick Title Senior Vice President, Sales

Fax 610-873-2643 Phone 610-873-6685 E-Mail twittick@activehealth.net

To The Board of Estimates, City of Baltimore

Gentlemen:

The undersigned agree(s) to provide all labor, materials, services, etc., necessary and incidental to the solicitation indicated at the top of this page, as described herein and at the pricing shown below.

Proposer shall provide a **Employee Wellness and Health Improvement Program** in accordance with the specifications, terms and conditions contained herein.

See Pricing Schedules on Excel Worksheet (No Spouse Pricing Year 1, Spouse Pricing Year 1, years, No Spouse Pricing Year 2 & 3, Spouse Pricing Year 2 & 3).

### Proposers must Bid on Option I and Option II.

#### Option I

A. No Spouse Pricing Year 1 (from Line 81) = \$ 480,271

B. No Spouse Pricing Year 2 & 3 (from Line 82) \$ 584,653 (x) 2 years = \$ 1,169,307

C. Total No Spouse Pricing (Lines A + B) = \$ 1,649,578

#### Option II

D. Spouse Pricing Year 1 (from Line 81) = \$ 700,202

E. Spouse Pricing Year 2 & 3 (from Line 82) \$ 904,524 (x) 2 years = \$ 1,809,049

F. Total Spouse Pricing (Lines D + E) = \$ 2,509,251

1. If there is any discrepancy between the submitted "hard copy" of Exhibit A and the "CD's" of Exhibit A, the "hard copy" shall take precedence.

2.

TERMS: Net 30 days F.O.B. DELIVERED  
(Net 30, UNLESS OTHERWISE INDICATED BY PROPOSER)

*Note: Check each item off as you complete it.*

1. X Bid Bond/Check, attached to "original Submittal".
2. X One "Original" and all required "Duplicate" copies of all completed and signed pages and forms contained in Section 'B'.
3. \_\_\_ Two "Public Access Copies", if required due to confidential information.
4. X Comprehensive information and documents as required in paragraph SM2 and Exhibit A.
5. X Three CD's read only of completed Excel document provided, attached to "original Submittal".

(Affix Corporate  
Seal Here)

---

Signature of Authorized Representative (Sign in blue ink only) 5/7/2014  
Date

---

Chief Financial Officer  
Title

## **EXHIBIT 2**

**B50003385 – Employee Wellness and Health Improvement Program – Due: 5/7/14****Proposal Price Sheet**

Proposal submitted by (name of firm) OptumHealth Care Solutions, Inc.  
 Address 6300 Olson Memorial Hwy  
 City Golden Valley State MIN Zip Code 55427  
 Contact Person Richard Kodora Title Vice President, Sales  
 Fax (763) 797-2450 Phone (763) 724-1217 E-Mail richard.kodora@optum.com

To The Board of Estimates, City of Baltimore

Gentlemen:

The undersigned agree(s) to provide all labor, materials, services, etc., necessary and incidental to the solicitation indicated at the top of this page, as described herein and at the pricing shown below.

Proposer shall provide a **Employee Wellness and Health Improvement Program** in accordance with the specifications, terms and conditions contained herein.

See Pricing Schedules on Excel Worksheet (No Spouse Pricing Year 1, Spouse Pricing Year 1, years, No Spouse Pricing Year 2 & 3, Spouse Pricing Year 2 & 3).

**Proposer must Bid on Option I and Option II.**

Option I

A. No Spouse Pricing Year 1 (from Line 81)	= \$ <u>852,340</u>
B. No Spouse Pricing Year 2 & 3 (from Line 82) \$ <u>842,886</u> (x) 2 years	= \$ <u>1,685,772</u>
C. Total No Spouse Pricing (Lines A + B)	= \$ <u>2,538,112</u>

Option II

D. Spouse Pricing Year 1 (from Line 81)	= \$ <u>1,045,691</u>
E. Spouse Pricing Year 2 & 3 (from Line 82) \$ <u>1,130,080</u> (x) 2 years	= \$ <u>2,260,160</u>
F. Total Spouse Pricing (Lines D + E)	= \$ <u>3,305,851</u>

1. If there is any discrepancy between the submitted "hard copy" of Exhibit A and the "CD's" of Exhibit A, the "hard copy" shall take precedence.

2.

**B50003385 – Employee Wellness and Health Improvement Program – Due: 5/7/14**

TERMS: \_\_\_\_\_ F.O.B. DELIVERED  
(Net 30, UNLESS OTHERWISE INDICATED BY PROPOSER)

*Note: Check each item off as you complete it.*

- 1.   x   Bid Bond/Check, attached to "original Submittal".
- 2.   x   One "Original" and all required "Duplicate" copies of all completed and signed pages and forms contained in Section 'B'.
- 3.   x   Two "Public Access Copies", if required due to confidential information.
- 4.   x   Comprehensive Information and documents as required in paragraph SM2 and Exhibit A.
- 5.   x   Three CD's read only of completed Excel document provided, attached to "original Submittal".

(Affix Corporate Seal Here)




---

Signature of Authorized Representative (Sign in blue ink only) Date

Chief Financial Officer

---

Title

## **EXHIBIT 3**

MAYOR AND CITY COUNCIL OF BALTIMORE  
BALTIMORE CITY CODE, ARTICLE 5, SUBTITLE 28  
MINORITY AND WOMEN'S BUSINESS PROGRAM

MBE AND WBE PARTICIPATION  
COMMITMENT FORMS

Name of Bidder (Proposer) ActiveHealth Management Inc.

Address 1333 Broadway, New York, NY 10018

Contracting Agency: **City of Baltimore, Department of Finance, Bureau of Purchases**

Contract (Project) Title: (See at top of this page.)

**Employee Wellness and Health Improvement Program**

Contract Number: (See at top of this page.) **B50003385**

Bid Due Date: (See at top of this page.) **5/7/2014**

**The Overall MBE goal is ..... 10%      The WBE goal is ..... 5%**

MBE Sub-goals are:

African American .....	N/A%
Asian American .....	N/A%
Hispanic American ....	N/A%
Native American .....	N/A %

**THIS PACKAGE OF MBE AND WBE PARTICIPATION  
COMMITMENT FORMS IS DUE WITH THE BID.**

FOR MORE INFORMATION OR ASSISTANCE WITH THESE FORMS, CONTACT:

Minority and Women's Business Opportunity Office (MWBOO)  
Baltimore City Department of Law  
Room 101, City Hall  
100 N. Holliday Street  
Baltimore, MD 21202  
(410)396-4355

## PART A: INSTRUCTIONS

The requirements of Article 5, Subtitle 28 of the Baltimore City Code (2007 Edition) – Minority and Women’s Business Program are a part of this contract and are incorporated by reference. **THE FAILURE OF ANY BIDDER, CONTRACTOR, OR SUBCONTRACTOR TO COMPLY WITH ARTICLE 5, SUBTITLE 28 SHALL BE A BREACH OF CONTRACT.**

Highlights of the City’s MBE/WBE program are noted below. A complete copy of Article 5, Subtitle 28 of the Baltimore City Code (2007) is available at the website at: [www.baltimorecity.gov/Government/Citychartercodes.aspx](http://www.baltimorecity.gov/Government/Citychartercodes.aspx) or at the MWBOO Office

### 1. BID REQUIREMENTS

Bid must include a commitment to utilize MBEs and WBEs at a percentage that equals or exceeds the contract goals stated above. Bidder must submit the following completed documents **WITH THE BID**:

Part B: Statement of Intent Form(s) – to be signed by Bidder and MBE or WBE

Part C: MBE/WBE Participation Affidavit – to be completed by Bidder

Part D: MBE/WBE Participation Waiver – to be completed and submitted by Bidder if unable to meet the participation goals.

Any bid that does not include signed Statement of Intent Form(s) and the MBE//WBE Participation Affidavit is non-responsive and will be rejected.

Bidder must keep a record of its efforts to obtain MBE and WBE participation.

### 2. VERIFYING CERTIFICATION

**Bidder is responsible for verifying that each MBE and WBE to be used on a contract is certified by the Minority and Women’s Business Opportunity Office (MWBOO) at bid opening. The MBEs and WBEs named must be certified to provide the services that they are listed to perform, and the services must be required as part of the work on this contract.** A directory of certified MBEs and WBEs is available on the website at <http://cityservices.baltimorecity.gov/law/mwboo> or at the offices of MWBOO.

### 3. CONTRACT REQUIREMENTS

During the term of the contract, any unjustified failure to comply with the MBE and WBE participation requirements is a material breach of contract.

Before final payment may be made under the contract, the contractor must submit the Subcontractor Utilization Form with its final payment request. The Subcontractor Utilization Form will include a list of the names of all subcontractors utilized on the contract, both MBE/WBE and

non-MBE/WBE, the total amount paid to each subcontractor, and the owner's race/ethnicity and sex.

#### **4. SUBSTITUTION OF MBE OR WBE**

The Minority and Women's Business Opportunity Office must approve substitution of an MBE or WBE specified at bid opening. Any unjustified failure to comply with this requirement is a material breach of contract.

#### **5. WAIVER REQUESTS**

If a bidder is unable to comply with a contract goal, the bidder may submit a waiver request with the bid. The waiver request must be made on the MBE/WBE Participation Waiver Request Form. No waiver will be granted unless the waiver request includes documentation that demonstrates a good faith effort to comply with the goals.

#### **6. MBE AND WBE PARTICIPATION STANDARDS**

##### 6a. Participation of M/WBEs

**A business enterprise that is certified as both an MBE and WBE (M/WBE) may not be counted toward both the MBE and WBE goals for the same project.** The bidder must select the goal to which the business enterprise is to be counted. (Art. 5, §28-35)

##### 6b. Non-affiliation

A bidder may not use an MBE or WBE to meet a contract goal if:

1. The bidder has a financial interest in the MBE or WBE
2. The bidder has an interest in the ownership or control of the MBE or WBE
3. The bidder is significantly involved in the operation of the MBE or WBE  
(Art. 5, §28-41)

**A bidder that is an MBE or WBE may not use itself to meet a contract goal.**

##### 6c. Commercially Useful Function

The bidder may count toward the contract goals only expenditures to MBEs and WBEs that perform a commercially useful function in the execution of the contract. Commercially useful function means the performance of real and distinct work for which the business enterprise has the skill, expertise, and actual responsibility to perform, manage and supervise. (Art. 5, §28-32).

##### 6d. Subcontracting by MBE or WBE

A bidder may not count toward its contract goal any agreement with a certified MBE or WBE subcontractor who intends to subcontract more than 10% of the dollar amount of the services to be performed under its agreement with the bidder. This restriction does not apply to an MBE's

or WBE's contracts for the purchase of materials, equipment, or supplies that are incidental to the performance of services under its agreement with the bidder. (Art. 5, §28-34)

6e. Suppliers

Manufacturers - A bidder may count toward the contract goal its entire expenditure to a certified MBE or WBE that manufactures the goods supplied. (Art. 5, §28-36)

Non-Manufacturers – **Only 25% of each contract goal may be attained by expenditures to MBEs and WBEs that are non-manufacturing suppliers...**

Example: If the bid amount is \$100,000 and the MBE or WBE goal is 15% or \$15,000; then the limit for the MBE or WBE suppliers that are non-manufacturers is \$3,750 or 25% of the 15% goal.

6f. Joint Ventures

A bidder may count toward the contract goal the portion of its expenditure to a joint venture that is equal to the percentage of the MBE or WBE participation in the joint venture. The MBE or WBE member of the joint venture must have an interest in the control, management, and operation of the joint venture commensurate with the member's percentage of ownership. The MBE or WBE that is a member of the joint venture must be responsible for a clearly defined portion of the work to be performed, equal to its share in the ownership, control, and management of the joint venture. (Art. 5, §28-33)

6g. Insurance Companies and Travel Agents

A bidder may count toward the contract goals only 15% of its expenditure to a MBE or WBE insurance company or travel agent. (Art. 5, §28)

6h. Financial Institutions

A bidder may count toward the contract goals only the fees charged and earned by an MBE or WBE financial institution. (Art. 5, §28-39)

**PART B: MBE/WBE AND PRIME CONTRACTOR'S  
STATEMENT OF INTENT**

COMPLETE A SEPARATE FORM FOR EACH MBE AND WBE NAMED IN THIS BID.  
(Make additional copies of this form as needed.)

PART A: INSTRUCTIONS MUST BE REVIEWED BEFORE COMPLETING THIS FORM,  
WITH PARTICULAR ATTENTION PAID TO **SECTIONS 2, 6a, AND 6e.**

Name of Prime Contract: ActiveHealth Management, Inc.

Name of MBE or WBE: Time Printers, Inc (MBE)

Brief Narrative Description of the Work/Service to be performed by MBE or WBE:

Subcontractor will provide Communications, Printing and Mailing services working in concert with and on behalf of ActiveHealth

Materials/Supplies to be furnished by MBE or WBE:

Communications materials

**Subcontract Amount:** \$ \_\_\_\_\_ (If this is a requirements contract, the subcontract amount may be omitted; however, the subcontract percentage must be included.)

**Subcontract percentage of total contract:** 5 %

**(If MBE sub-goals apply, please indicate the sub-goal covered by this Statement of Intent.)**

African American..... \_\_\_\_\_ %      Asian American ... \_\_\_\_\_ %

Hispanic American..... \_\_\_\_\_ %      Native American .. \_\_\_\_\_ %

The undersigned Prime Contractor and subcontractor agree to enter into a contract for the work/service indicated above for the dollar amount or percentage indicated to meet the MBE/WBE participation goals, subject to the prime contractor's execution of a contract with the City of Baltimore. The subcontractor is currently certified as an MBE or WBE with the City of Baltimore Minority and Women's Business Opportunity Office to perform the work described above.

\_\_\_\_\_  
Signature of Prime Contractor (**REQUIRED**)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of MBE or WBE (**REQUIRED**)

\_\_\_\_\_  
Date

**ANY CHANGES TO THE INFORMATION ON THIS FORM MUST BE INITIALED BY BOTH PARTIES.**

**PART B: MBE/WBE AND PRIME CONTRACTOR'S  
STATEMENT OF INTENT**

COMPLETE A SEPARATE FORM FOR EACH MBE AND WBE NAMED IN THIS BID.  
(Make additional copies of this form as needed.)

PART A: INSTRUCTIONS MUST BE REVIEWED BEFORE COMPLETING THIS FORM,  
WITH PARTICULAR ATTENTION PAID TO **SECTIONS 2, 6a, AND 6e.**

Name of Prime Contract: ActiveHealth Management, Inc.

Name of MBE or WBE: TheWellWorkPlace , LLC DBA WellAdvantage (WBE)

Brief Narrative Description of the Work/Service to be performed by MBE or WBE:

Subcontractor will provide Biometric services and support working in concert with and on behalf of ActiveHealth including processing physician forms, data transfer, education, etc

Materials/Supplies to be furnished by MBE or WBE:

Handouts, Testing Supplies, Testing Equipment

**Subcontract Amount:** \$ \_\_\_\_\_ (If this is a requirements contract,  
the subcontract amount may be omitted; however, the subcontract percentage must be included.)

**Subcontract percentage of total contract:** 10 %

**(If MBE sub-goals apply, please indicate the sub-goal covered by this  
Statement of Intent.)**

African American..... \_\_\_\_\_ %      Asian American ... \_\_\_\_\_ %

Hispanic American..... \_\_\_\_\_ %      Native American .. \_\_\_\_\_ %

The undersigned Prime Contractor and subcontractor agree to enter into a contract for the work/service indicated above for the dollar amount or percentage indicated to meet the MBE/WBE participation goals, subject to the prime contractor's execution of a contract with the City of Baltimore. The subcontractor is currently certified as an MBE or WBE with the City of Baltimore Minority and Women's Business Opportunity Office to perform the work described above.

\_\_\_\_\_  
Signature of Prime Contractor (**REQUIRED**)      Date

\_\_\_\_\_  
Signature of MBE or WBE (**REQUIRED**)      Date

*ANY CHANGES TO THE INFORMATION ON THIS FORM MUST BE INITIALED BY BOTH PARTIES.*

**PART C: MBE/WBE PARTICIPATION AFFIDAVIT**

The Undersigned authorized representative of Contractor does hereby make the following Affidavit: Contractor has read the Bidder Information and Instructions regarding the MBE/WBE Program. Contractor acknowledges the MBE goal of 10% and the WBE goal of 5% for the contract shown at the top of this page. Contractor has achieved the following participation (If this is a requirements contract, the subcontract amount may be omitted; however, the subcontract percentage must be included.):

MBE -\$ \_\_\_\_\_ or 5% and WBE -\$ \_\_\_\_\_ or 10% of the total contract amount which is \$ \_\_\_\_\_.

My firm has made good faith efforts to achieve the MBE and WBE participation goals for this contract. I understand that, if awarded the contract, my firm must submit to the Minority and Women's Business Opportunity Office (MWBOO) copies of all executed agreements with the MBE and WBE firms being utilized to achieve the participation goals and other requirements of Article 5, Subtitle 28 of the Baltimore City Code (2007 Edition). I understand that these documents must be submitted prior to the issuance of a notice to proceed.

I understand that, if awarded the contract, my firm must submit to the MWBOO canceled checks and any other documentation and reports required by MWBOO on a quarterly basis, verifying payments to the MBE and WBE firms utilized on the contract.

I understand that, if I am awarded this contract and I find that I am unable to utilize the MBEs or WBEs identified in my Statements of Intent, I must substitute other certified MBE and WBE firms to meet the participation goals. I understand that I may not make a substitution until I have obtained the written approval of MWBOO.

I understand that, if awarded this contract, authorized representatives of the City of Baltimore may examine, from time to time, the books, records and files of my firm to the extent that such material is relevant to a determination of whether my firm is complying with the MBE and WBE participation requirements of this contract.

I do solemnly declare and affirm under the penalty of perjury that the contents of the foregoing Affidavit are true and correct to the best of my knowledge, information and belief.

**ActiveHealth Management, Inc.** \_\_\_\_\_

Contractor Company Name

\_\_\_\_\_  
Signature

**1333 Broadway, New York, NY 10018** \_\_\_\_\_

Address

\_\_\_\_\_  
Print Name and Title

Sworn and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**PART D: MBE/WBE PARTICIPATION WAIVER REQUEST FORM**

Name of Bidder (Proposer) ActiveHealth Management, Inc.  
Address 1333 Broadway, New York, NY 10018

Contracting Agency: **City of Baltimore, Department of Finance, Bureau of Purchases**  
Contract Number **B50003385** and Title: (See at top of this page.) **Employee Wellness and Health Improvement Program**  
Bid Due Date: (See at top of this page.) **5/7/2014**

Goals on this contract: ..... MBE: **10%** ...and... WBE: **5 %**

African American.....N/A %                      Asian American ..... N/A %

Hispanic American.....N/A %                      Native American ..... N/A %

I have achieved: ..... MBE: 5 % ...and... WBE: 10 %

African American.....\_\_ %                      Asian American ..... \_\_ %

Hispanic American.....\_\_ %                      Native American .... \_\_ %

I am requesting a waiver of:..... MBE: \_\_ % ...and... WBE: \_\_ %

African American.....\_\_ %                      Asian American .... \_\_ %

Hispanic American.....\_\_ %                      Native American .... \_\_ %

I have contacted MWBOO for assistance.  Yes     No    (Check One)

Number of MBE firms contacted: 2 (Attach a list of names.)

Number of WBE firms contacted: 1 (Attach a list of names.)

Explain why waiver is being requested:

Attach documentation of your good faith efforts to secure, contact and negotiate with MBEs and WBEs, including:

- (1) The reasons your company is unable to secure sufficient MBE/WBE participation to meet the stated goals.
- (2) The efforts made by your company to select portions of the contract to be performed by MBEs and WBEs
- (3) For each MBE or WBE that placed a bid that you consider to be unacceptable, a statement that explains the basis for that conclusion.

**The requested MBE goal is 10% and the requested WBE goal is 5%, for a total of 15%. Our proposal will meet the 15% goal with an MBE spend of 5% and a WBE spend of 15%. Please see attached document regarding our good faith efforts.**

\_\_\_\_\_  
Signature of Authorized Company Representative

\_\_\_\_\_  
Date

## MBE/WBE Good Faith Efforts

As stated in the MBE/WBE Participation Waiver Request Form, our proposal will meet the overall objective of 15% with a MBE goal of 5% and a WBE goal of 10%. The RFP outlines an MBE goal of 10% and a WBE goal of 5%. Based on the services requested, ActiveHealth attempted to locate MBEs/WBEs in the proportions outlined in the RFP, but no such firms met the appropriate criteria. The table below documents our good faith efforts to secure, contact and negotiate with MBEs and WBEs in the proportions specified in the RFP, including:

Communication	Date	Time (EST)	Result	Contact Information	Notes
City of Baltimore, Minority and Women's Business Opportunity Office (MWBOO) Search Tool	28-Mar-14	3:30 PM	No results	<a href="http://cityservices.baltimorecity.gov/mwboo/">http://cityservices.baltimorecity.gov/mwboo/</a>	Website error.
MWBOO pdf Alphabetical and List of Services Directory	30-Mar-14	11:00 PM-1:00 AM	Confirmed four of seven companies using MWBOO Alphabetical pdf Search: Curry Printing/Walker Benefits/Wellness Corporate/Human Capital. Other companies were not found and defined as not certified through MWBOO.	cityservices.baltimorecity.gov - PDF	Curry Printing Brenneman Printing Well Advantage Walker Benefits Human Capital
MWBOO Database Services "biometrics" Directory	30-Mar-14	11:00 PM-1:00 AM	Searched for "biometrics", "wellness", "health screening". One IT company found.		One IT company found.
Searched Company websites	30-Mar-14	11:00 PM-1:00 AM	Confirmed company websites	Website <a href="http://www.welladvantage.com/about/">http://www.welladvantage.com/about/</a>	
Searched Company websites	31-Mar-14	11:00 PM-1:00 AM	Confirmed company websites	Website <a href="http://www.walkerbenefitservices.com/top-100-mbe-press-release">www.walkerbenefitservices.com/top-100-mbe-press-release</a>	
Searched Company websites	1-Apr-14	11:00 PM-1:00 AM	Confirmed company websites	Website <a href="http://www.humancapitalllc.com/">http://www.humancapitalllc.com/</a>	
Called Human Capital: MBE Milton Hall	1-Apr-14	1:15 PM	Received copy of certificate and VM confirming MBE status from M. Hall, Owner, Human Capital	410.480.3200, ext. 201	
Called Human Capital: MBE Matt Heffling	1-Apr-14	1:25 PM	Left message	410.480.3200, ext. 202/ 202.601.1074	
Called Well Workplace d/b/a Well Advantage.	1-Apr-14	3:45 PM	Spoke with Kelly, Office Administrator for Well Advantage	(410)795-7579	

LLC - WBE: Jeanne Sherwood, Owner					
Sent E-mail to Jeanne Sherwood, Owner, Well Advantage- WBE	1- Apr-14	3:58 PM	No response; wrong e-mail address.	jeannesherwood@welladvantage.com	
Call to MWBOO	1- Apr-14	4:55 PM	No answer	(410)396-4355	
Call to MWBOO	2- Apr-14	8:45 AM and 11:15 AM	Left Message	(410)396-4355	Confirmed number in RFP as directed by R. Hatcher
Searched MWBOO pdf List of Services Directory for "wellness" to confirm company found 30-Mar-14	2- Apr-14	12:42 PM	Identified one wellness company- confirmed company identified 03/30/14	For My Well-Being Wellness Svcs., Lilac - 13-358357 01/15/2015; <a href="http://www.manta.com/c/mr0grbj/for-my-well-being-wellness-services-l-l-c">http://www.manta.com/c/mr0grbj/for-my-well-being-wellness-services-l-l-c</a>	N/A Services- No website based upon info in Manta.
Searched MWBOO database site for "biometrics" again to confirm company found 30-Mar-14	2- Apr-14	12:45 PM	Identified Bithgroup	<a href="http://cityservices.baltimorecity.gov/mwboo/default.aspx">http://cityservices.baltimorecity.gov/mwboo/default.aspx</a>	
Called Bithgroup -MBE: Dr. Wallace, Owner /Chris Hawkins, Biometrics Program Manager	2- Apr-14	12:50 PM	Left Message for Dr. Wallace and Mr. Hawkins	Office 410.962.1188	
Spoke with Chris Hawkins	2- Apr-14	3:20 PM	Received information about biometrics services -finger printing/background checks	Office 410.962.1189 ; mobile: 443.791.4691	Called Chris Hawkins for more details, PM for Biometrics/Identity Services
Spoke with Shirley Davis, of MWBOO to validate the diversity status of 3 companies	2- Apr-14	3:45 PM	Confirmed certification and diversity status for: Human Capital/Well Advantage/Bithgroup Technologies	City of Baltimore Legal Department, Secretary, MWBOO site	Ask for Shirley Davis, of Legal Dept., for additional/future status or MWBOO program questions
Searched Curry Printing & Copy Center website	2- Apr-14	1:00 PM	Confirmed services and diversity status	<a href="http://curryprint.com/about-us/womens-business-enterprise">http://curryprint.com/about-us/womens-business-enterprise</a>	
Called Well Workplace d/b/a Well Advantage. LLC - WBE	2- Apr-14	4:30 PM	Spoke with Kelly, Office Administrator for Well Advantage, to confirm e-mail address; Kelly provided an updated e-mail address	(410)795-7579; <a href="mailto:jsherwood@welladvantage.com">jsherwood@welladvantage.com</a>	
Sent E-mail to Well Advantage: WBE- Jeanne	2- Apr-14	4:55 PM	No reply.	<a href="mailto:jsherwood@welladvantage.com">jsherwood@welladvantage.com</a>	No reply as of 04/07/14

Sherwood, Owner					
Called Time Printers, Inc.- <b>MBE</b> City Of Baltimore	18-Apr-14	4:53 PM	Spoke with Mr. Al Maddox, owner of Time Printers, Inc. The company has been in the commercial print business for 60 years. Current MBE status.	Office: 410.566.3005	Has experience with other ActiveHealth clients.
Called Sahara Communication-MWBE	18-Apr-14	5:10 PM	Left voice message for Ms. Harley, ext. 210	Office 410.576.7245	
Called Sahara Communication-MWBE	21-Apr-14	10:00 AM	Left voice message for Office Assistant, ext. 200	Office 410.576.7245	No reply as of 04/22/14
Called the City of Baltimore, Minority and Women's Business Opportunity Office (MWBOO) to confirm the diversity status of Time Printers and Sahara Communications	21-Apr-14	4:00 PM	Will call April 22nd.	Office: 410.396.4355	
Called the City of Baltimore, Minority and Women's Business Opportunity Office (MWBOO) to confirm the diversity status of Time Printers and Sahara Communications	22-Apr-14	1:00 PM	Shirley Davis of the MWBOO, confirmed that Time Printers, Inc. is a certified MBE business with the City of Baltimore (MWBOO). Also, Ms. Davis confirmed that Sahara Communications is a certified MWBE with MWBOO, and that the company is listed in the directory as an African-American business. Ms. Davis stated that an entity cannot use both certifications towards the RFP goal and that we must select one of the two certifications. Pam Schevitz, Assistant Chief of the MWBOO confirmed the requirement to select a specific certification for the RFP process.	Office 410.396.4355.	
Called Time Printers, Inc.- <b>MBE</b> City Of Baltimore	23-Apr-14	10:30 AM	Mr. Maddox presented a list of healthcare companies the company supports, including Aetna, as a subcontractor for the State of Maryland.	Office 410.566.3005	Aetna; United HealthCare; Pfizer Permanente; Delta Dental; CareFirst Blue Cross Blue Shield

## ActiveHealth's Commitment to Diversity

We take every opportunity to be inclusive in our sourcing activities. With this understanding, ActiveHealth and our parent company have established proactive efforts to reach diverse suppliers. We are continually engaged in activities whose purpose is to increase what we purchase with certified diverse suppliers directly as well as through our prime suppliers. While we believe we have achieved a level of success purchasing with diverse suppliers in support of our national portfolio, we continue to look for opportunities to improve our utilization on the local and plan sponsor level. The effort to purchase in support of our Plan Sponsors competes with several other corporate cost initiatives but where appropriate we work diligently to meet the objectives as stated in all of our contracts.

As evidence of this commitment, in 2013 our expenses with certified Women-owned, Minority-owned, Lesbian, Gay, Bisexual and Transgender- owned, **Disability-Owned, Veteran-Owned, and Small business enterprises** totaled \$222 million. For your review we have included our Supplier Diversity Program achievements and specifications as evidence of our commitment to diverse spending.

Our Program has two major objectives. The first objective is first tier dollars procured directly with the diverse suppliers. The second objective is second tier purchasing partnerships (in which we encourage our prime suppliers to promote and utilize subcontractors who are diverse suppliers in support of our business needs).

### Certification

In order to validate ownership, Traditionally Underutilized (TUU) suppliers are required to obtain certification through a third party agency. We accept certification from the following:

- National Minority Supplier Development Council (NMSDC)
- Women's Business Enterprise National Council (WBENC)
- National Gay and Lesbian Chamber of Commerce (NGLCC)
- US Business Leadership Network (USBLN)
- US Department of Veterans Affairs

We also accept registration through the Small Business Administration (SBA) for our small business suppliers. We evaluate certification from other third-party organizations on a case by case basis and actively solicit participation from TUU suppliers certified through state, county and city agencies.

### MBE/WBE Community Involvement

Our parent company holds a national corporate membership with the following organizations:

- National Minority Supplier Development Council (NMSDC)
- Women's Business Enterprise National Council (WBENC)
- National Gay And Lesbian Chamber of Commerce (NGLCC)

We also participate on the following boards and councils:

- Board of Directors for the Greater New England Minority Supplier Development Council (GNEMSDC)
- Procurement Council through the National Gay and Lesbian Chamber of Commerce (NGLCC)

### MWBE Expense by State

To further illustrate our commitment, we have provided the following table to create an understanding of where geographically our expense with diverse suppliers resides.

State	2013 Full Year MWBE Expense
AZ	\$ 216,045
CA	\$ 1,208,522
CO	\$ 757,155
CT	\$ 9,846,882
FL	\$ 223,015
GA	\$ 58,458
IL	\$ 3,517,699
IN	\$ 720
MA	\$ 8,065,786
MD	\$ 2,372,985
ME	\$ 179,678
MI	\$ 7,731,854
MN	\$ 316,097
MO	\$ 68,476
NH	\$ 1,299,142
NJ	\$ 19,870,265
NY	\$ 1,650,600
PA	\$ 11,562,624
TN	\$ 31,893
TX	\$ 3,761,573
VA	\$ 6,450,929
WA	\$ 9,832,124
WI	\$ 635,209

### Diversity Awards and Recognition

- We were named, for the fifth straight year, to the "DiversityInc Top 50 Companies for Diversity" list in 2013, moving up to 19th place.
- We were named one of the Top Companies for Executive Women for 2013 by the National Association for Female Executives. The list spotlights corporations that demonstrate women matter to the bottom line. Aetna has been named to the list since 2002.
- We earned the top rating of 100 percent in the 2012 Corporate Equality Index, an annual Human Rights Campaign survey. It's the 10th year we have received a perfect score for service to lesbian, gay, bisexual and transgender employees and consumers.
- Black Enterprise magazine has named Aetna to its 2012 list of the "40 Best Companies for Diversity".

- Diversity Employers magazine has named Aetna to its list of Top 100 Employers for the Class of 2011.
- Our Hispanic Employee Resource Group was recognized by Latina Style as one of the Top Five Employee Resource Groups of 2011.
- We received New York Urban League's Champions of Diversity Award in February 2010. The Champions of Diversity Award salutes companies that understand the need for diversity in the job market.
- We received the 2009 GLMA Achievement Award for its dedication to meeting the health care needs of the LGBT community and for its leadership in promoting an LGBT-friendly workplace.
- We were named to Diversity/Careers in Engineering & Information Technology's list of Best Diversity Companies, 2009, 2008.
- Top 50 Companies for Latinas, Latina Style magazine, 2000-2010.
- We were awarded the 2009 Corporation of the Year distinction from the Greater New England Minority Supplier Development Council for their commitment to integrating minority owned businesses into their supply chain.
- Supplier Diversity received the 2009 Advocate of the Year from the Greater New England Minority Supplier Development Council for her work in promoting the development and utilization of minority owned businesses.
- Supplier Diversity received the 2010 Advocate of the Year distinction from the National Gay and Lesbian Chamber of Commerce for her work in promoting the development and utilization of Lesbian, Gay, Bisexual and Transgender owned businesses.

## MINUTES

President: "The first item on the non-routine agenda can be found on Page 53, Recommendation for Contract Awards and Rejections; Item No. 6, Solicitation No. B50003385, Employee Wellness and Health Improvement Program. Will the parties please come forward?"

Mr. Krus: "Tim Krus, City Purchasing Agent. This is the award of the Employee Health, the Employee Wellness and Health Improvement Program to OptumHealth Care Solutions in the amount of \$2,524,808.00."

Mr. Bellamy: "Good morning Mr. President, Madam Mayor, Madam Comptroller, and other members of the Board, Lorenzo Bellamy on behalf of Active Health. We are here in protest and opposition to the recommended award to Optum. I could take a few minutes also to explain. We had submitted a written uh, protest, that was filed on November fifth. In that written protest, um, I just want to make sure that I clarify um, there was an issue regarding price that we had a problem with. Um, subsequent to our submission of the um, our protest, we discovered that there was a BAFO that we were not a party to obviously, for um, being found non-compliant on the MBE/WBE - WBE issue. The BAFO uh was, the two parties that were invited to the BAFO were OptumHealth and Alere. Um, Alere really isn't a factor here because OptumHealth has agreed to purchase Alere, um, very interesting

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situation there. But, so obviously Alere would not um -- do anything to upset um Optum. But, the price that um, that was finally submitted um, to the Board, was 2. as Mr. Krus said was 2.5 million dollars. Originally it was 3.305, so we're looking at an almost \$800,000.00 reduction, about 25 percent, -- um. Ironically, it's still higher ah than our um - initial, ah -- offer of 2.509, I'm sorry, not 2.509, it was um --"

Comptroller: "That's right."

Mr. Bellamy: "2.509. So, we're thinking that notwithstanding, and my colleague will address the MBE issue, but notwithstanding the fact that we were non allegedly found non-compliant on the MBE/WBE issue, we know that the Board, in the past, it has a history of basically allowing companies to 'cure', especially when the best interest of the City, the best interest of the residents in the City, is at hand here, usually related to cost. Now I know \$800,000.00 initially was our argument, and now we're at \$15,000.00, so that is a big gap, a big variance there. But, still we are we were still found number one financial and it is our understanding that we were number one technical. Uh -- I'm going to turn to Mr. Schaefer to talk a little bit about the uh -- the MBE issue and what our total spend would have been had uh -- we been found um -- compliant."

Mr. Schaefer: "With your permission --"

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Comptroller: "Yes, can -- I want to ask on the price, I'd just like to ask you a question. Um --"

President: "Can you talk into the mic?"

Comptroller: "Okay. The, the recommended awardee, the OptumHealth Care Solutions, um -- bid amount for Option 1, with No Spouse Pricing, was \$2,538,112.00 and Option 2 for Spouse Pricing was \$3,305,851.00. How was, since the bid amounts for Optum for both Option 1 and 2 exceed the award amount, how was the award determined?"

Mr. Krus: "Our 'Best and Final Offer' process was engaged in with Optum and Alere, uh, in which oral presentations were made. The City asked questions of each of the vendors, and after clarifying the answers to those questions, um, they were asked to submit a 'Best and Final Offer' to the City, which ended up being lower."

Comptroller: "But, what were some of the questions that determined?"

Mr. Krus: "I don't have the list of questions that was part of that process. But, it is a very standard process and we do insure whenever we do a 'Best and Final Offer' that we do not engage in any negotiations that would have caused another vendor to bid had they known that the City was willing to do that particular thing."

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So, it is a very restrictive process that we go through with the vendors."

Mr. Bellamy: "Mr. President, Madam Comptroller, I would just um, just like to add that you know, it is, it is interesting though and I know uh, obviously we don't know what those questions were, but it is interesting to go from \$880,000.00 over to just \$15,000.00 and you look at how close they came to our price, \$524, \$2,524,808.00 to \$2,509,000.00, about a \$15,000.00 difference. Um -- you know notwithstanding that, we, we just find, I just find it very, you know, and I'm not accusing anyone here, but I just, I do find it very interesting that, that um, you know, you can go from that number and get so close to our number, even though we were found number one financially and number one technically, as well. I'll have Eliot talk about you know the whole issue of how the uh -- financials, the technical uh -- part of our um, bid was opened first and then found compliant and then the technic and financials were opened and then we were found non-compliant on technical."

Mr. Krus: "That was actually uh -- all done in a one-step process, so that we had all of that information in the beginning. Uh, this is not an uncommon practice in the City's healthcare contracts. We have Best and Final Offer provisions in all of them. Uh -- we typically short list down to a smaller

## MINUTES

number of vendors who make oral presentations and go through that process, and the prices change as a result to insure that we're getting the best value for the City. There's nothing surprising to us."

Comptroller: "Active was not invited in because of their non-compliance."

Mr. Krus: "That is correct, Madam Comptroller."

Mr. Bellamy: "We're going to address that now if you like."

Mr. Schaefer: "Good morning, Eliot Schaefer of Alexander & Cleaver on behalf of Active Health. Um, one of the main issues here, there was a clear lack of transparency with um -- what was going on with our client. They never received a notice of non-compliance, they never received a notice of non-responsiveness um -- from anyone from the City with regard to the proposal. Um -- the bid that they submitted, it did contain, the uh -- solicitation contained a 10 percent MBE goal as well as a five percent WBE goal. The solicitation that our client presented, or, the proposal our client presented, um -- it, it, when you break the numbers down, over 28 percent of the total 'spend' will go to woman-owned businesses, WBE entities. In addition, Active Health submitted a request for a waiver. They made a documented, detailed "good faith" effort to try to find uh -- an MBE enterprise to partner with to reach that 10 percent goal."

## MINUTES

MBE enterprise to partner with to reach that 10 percent goal, uh, they were unable to do so. They have a history of uh, working with minority business enterprises in various jurisdictions all across the state, all across the states, all across the United States, um -- so it wasn't a, a conscious effort to disregard the MBE requirement. They made a "good faith" effort, they submitted a waiver, uh -- nothing was ever, the waiver was never addressed. They weren't um denied, they weren't, received no response with regard to the waiver and we were at, we did reach the five percent MBE. So, um -- the total, if you look at the total amount of the combined, of the combined um 15 percent combined MBE and WBE, our client exceeded it. They were, under Option 2, over 30 percent of the total contract would be going to uh minority and women-owned businesses. Um -- So, we feel that in the interest, combined financial, the initial financial proposal that they submitted, it is in the best interest of the State -- of the City to grant that waiver to allow them to move forward and they should have been part of the BAFO process, um -- and it would have presented the City with the best option."

Mr. Corey: "Good morning Mr. President. Good morning, members of the Board. I'm Thomas Corey, Chief of the Minority and Women's Business Opportunity Office. We reviewed uh, Active

## MINUTES

Health's uh, uh, MBE submission. We found them non-compliant because they failed to achieve the MBE goal of 10 percent, and um -- under this law, each goal must be attained. You must achieve each goal, you cannot mix or match and say, well, the combined total is 15 percent and you should go with that. You must achieve the MBE goal and you must achieve the WBE goal. They're separate goals and each must be achieved. As far as the 28 percent overall 'spend' and that's the, the argument he has presented here. We have no knowledge of that and no proof of that. What we have and what has to be done is that you commit to achieving the goals as it is uh -- published in the RFP um, guidelines. Um -- the other uh, folks who bid on this project or who submitted proposals were able to achieve the goals. We went through their waiver request uh -- and found that uh -- in our estimation, did not make a "good faith" effort to achieve the goals. We called some of the people that were listed on their document to find out if they're ready, willing, and able to participate on the contract. Uh, one said that they were able but there was never no follow-up conversation was ever made. Another said that although it was listed on here, but was never actually called. So, we take those out of the number of people that they say they called was six, so a third of them uh -- could have participated in this contract had they been pursued.

## MINUTES

So, we didn't see that or believe that they made a good faith effort to achieve the goals, and so we found them non-compliant. As for not notifying them about the uh, waiver request, you are notified that the waiver request was denied when you are found non-compliant."

President: "Joan."

Comptroller: "Yes, so what you're saying is the suggestion by Active Health would have affected the City's MBE/WBE program?"

Mr. Corey: "Yes."

Comptroller: "I have a couple questions. Um, what types of services were identified as segmentable that MBE firms could provide under this contract, and how was the MBE goals for this contract determined?"

Mr. Corey: "We look at, uh the agency provides us with a breakdown of what activities in the contract that can be um contracted out, and among those, and these are just suggested ways, the bidder can come up with new and different ways, but some of the ways are um, he could supply advertising help; help write the uh, the literature to, to, to send out to the employees to let them know what the program's all about; there's printing; there's um - um -- in this this instance, one of the things that Active Health was looking at was something called biometrics and they've never pursued that company to, to see

## MINUTES

whether or not they could be used. Uh -- what they did say is that all of the MBEs that they did contact did not fit the appropriate criteria. Now what appropriate criteria --

Comptroller: "What does that mean?"

Mr. Corey: "I don't know. And uh, so there are a number of ways that you can achieve the goals on these things. In printing; ah, there's, um some companies use um other companies to come in and help design what kind of active health programs you're going to pursue, I guess."

Comptroller: "So there were many MBEs/WBEs, MBE-certified firms that provided the service --"

Mr. Corey: "Oh yes, can provide the services."

Comptroller: "Okay."

Mr. Corey: "And all the other bidders were able to find MBEs and WBEs in order to achieve the goals."

Comptroller: "Okay, thanks."

Mr. Schaefer: "I, I will say with respect to the the goals, um, the MBE that OptumHealth, the proposed awardee, what was included in their proposal, it was 10 percent towards communications and marketing, so 10 percent of 2.5 million is going for printing, um, mailings that are going to the employees and the people that participate in the wellness program um -- With regard to biometrics, um, our client, the full full

## MINUTES

biometric screening is going to a woman-owned company, that would be the 28 percent of um, the total contract. Um, but our client, Active Health, they have pre-printed materials, they have materials that is based on their history, their 16-years' experience serving 22 million members, um state and local individuals, they have materials that work. They didn't need to pre-print communication materials, and if they would have gone and done that, they could have passed an additional, they could have added five percent, sure, but it would have passed an additional couple hundred thousand dollars to the City. So, by using their in-house materials, they were able to cut the cost and reduce the cost of the proposal."

City Solicitor: "But at the expense of not being able to meet the MBE goal established in the RFP."

Mr. Schaefer: "And, and they made an effort to reach out to other companies."

City Solicitor: "I know, but the net result of cost savings by using pre-printed material was to short the MBE goal."

Mr. Schaefer: "It - It, they didn't, they didn't utilize a communications company to add - add extra money to the - to the contract, and they did not reach the goal, yes."

Mr. Bellamy: "The, if I may, Mr. President?"

President: "Um hmm."

## MINUTES

Mr. Bellamy: "The actual um, value and um, work that would be performed on this contract, the majority of it, if you segment out the work, would be through biometrics, and not necessarily the printing and copying, and photographing, and that's why we have a higher percentage, and I mean, I think this whole thing is flawed, and that they should have you know, you should really looked at this a little bit differently. If you want pass through you know, funds to an MBE, and I you know I support MBEs, but I mean if there - you know, which companies and which entities are actually going to do the work, I mean this is one of the things we try to avoid in MBE issues, just a pass-through window dressings. We want to make sure that the companies that are doing the business are doing the business and this particular company, the biometrics that particular scope of work for this particular contract, is the majority of the work, not the printing and the copying."

President: "Any more closing arguments? I'll entertain a Motion."

City Solicitor: "MOVE to deny the protest and approve the recommendation of the Bureau of Purchases."

Comptroller: "Second."

President: "All those in favor, say AYE. All opposed, NAY. The Motion carries. Thank you."

## MINUTES

RECOMMENDATION FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

7. B50003634, Sound System Repairs & Upgrades for Baltimore Convention Ctr. Signal Perfection Ltd. \$ 658,679.61

(Baltimore Convention Center)

MWBOO set goals of 3% MBE and 1% WBE.

**MBE:** Not indicated

**WBE:** Oelmann Electric Supply, Inc. .25%\*

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

\*Bidder did not achieve the MBE and WBE goals. Bidder did not name any MBE firm for participation. Additionally, bidder named Oelmann Electric Supply Co., Inc. for 1% and did not give any dollar amount. However, not more than 25% of each goal may be attained by expenditure to MBE/WBE suppliers who are not manufacturer; therefore, the maximum value allowed has been applied.

The Award is recommended on the condition that the vendor comes into compliance within ten days of the award.

8. B50003708, Installation Services for Operable Wall Systems National Airwall Systems, LLC \$ 294,850.00

(Baltimore Convention Center)

MWBOO SET GOALS OF 5% MBE AND 0% WBE.

The vendor requested a waiver however did not make a good faith effort to achieve the MBE goals.

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

The award is recommended on the condition that the vendor comes into compliance within ten days of the award.

## MINUTES

RECOMMENDATION FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

- |   |   |                                 |
|---|---|---------------------------------|
| 9. B50003778, Quali-<br>fication for Printing<br>Services | Katon Printing Corp                                   | \$2,500,000.00<br>Blanket Award |
| (Dept. of Finance)  | Nathaniel D. Holland<br>Jr. d/b/a Superior<br>Designs |                                 |
|   | R.R. Donnelly & Sons<br>Co.                           |                                 |
|   | TrayPML, Inc. d/b/a<br>Tray Inc.                      |                                 |
|   | Corporate Press, Inc.                                 |                                 |
|   | KM Printing, LLC                                      |                                 |
|   | Printing Matters LLC                                  |                                 |
|   | Ridge Printing Corp.                                  |                                 |
|   | Doyle Printing and<br>Offset Co., Inc.                |                                 |
|   | Time Printers, Inc.                                   |                                 |
|   | Cavanaugh Press, Inc.                                 |                                 |
|   | Uptown Press, Inc.                                    |                                 |

**MWBOO GRANTED A WAIVER.**

## MINUTES

RECOMMENDATION FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

- |     |                                   |   |              |
|-----|-----------------------------------|---|--------------|
| 10. | B50003806, Stand<br>Behind Mowers | BMR, Inc. d/b/a Lawn<br>and Power Equipment | \$ 85,200.00 |
|-----|-----------------------------------|---|--------------|

(Dept. of General  
Services, Fleet Mgmt.)

**MWBOO GRANTED A WAIVER.**

- |     |  |   |              |
|-----|--|---|--------------|
| 11. | B50003835, Septic<br>Tank Pumping &<br>Disposal Services | The Good Shepherd<br>Septic Service, Inc. | \$ 60,000.00 |
|-----|--|---|--------------|

(Dept. of Public  
Works, Bur. of Solid  
Waste)

**MWBOO GRANTED A WAIVER.**

- |     |   |                                       |                |
|-----|---|---------------------------------------|----------------|
| 12. | B50003841, Crew<br>Cab Dump Truck<br>(Dept. of General<br>Services) | Norris Chesapeake<br>Truck Sales, LLC | \$1,246,425.00 |
|-----|---|---------------------------------------|----------------|

**MWBOO GRANTED A WAIVER.**

**MINUTES**

Department of Public Works/Bureau - Agreement  
of Water and Wastewater

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an Agreement with Shah & Associates, Inc., under Project No. SC 925, PAS Arc Flash Hazard Improvements at the Back River Wastewater Treatment Plant, Post Award Services. The period of the agreement is 30 months or until the upset limit is reached, whichever occurs first.

**AMOUNT OF MONEY AND SOURCE:**

\$ 55,710.50 - Baltimore City  
55,710.50 - Baltimore County  
**\$111,421.00**

**BACKGROUND/EXPLANATION:**

The Consultant will provide post award engineering services during construction of SC 925-Arc Flash Hazard Improvements at the Back River Wastewater Treatment Plant. Services will include review of shop drawings, respond to request for information, prepare operation and maintenance manuals related to remote breaker control and maintenance switches and record drawings. The consultant will also provide assistance inspection during construction of the reconditioned breakers, maintenance switches, and remote breaker control cabinets at eight of the primary substations, train the plant operation, and maintenance personnel in the operation of remote breaker control and maintenance switches for reducing arc flash hazards. In addition, the Consultant will conduct conditional and final acceptance inspection and prepare punch list items. The Consultant was approved by the Office of Board and Commissions and the Architectural and Engineering Awards Commission to design this project.

**MBE/WBE PARTICIPATION:**

MWBOO SET GOALS OF 10% MBE AND 4% WBE.

<b>MBE:</b> Johnson Consulting Engineers, Inc.	\$ 5,387.00	4.83%
DM Enterprises of Baltimore, LLC	<u>6,011.00</u>	<u>5.39%</u>
	<b>\$11,398.00</b>	<b>10.22%</b>



**MINUTES**

Police Department - Consultant Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Consultant Agreement with Mr. Craig C. Moore. The period of the Consultant Agreement is effective upon Board approval for one year.

**AMOUNT OF MONEY AND SOURCE:**

\$7,000.00 - 6000-603015-8331-731600-603026

**BACKGROUND/EXPLANATION:**

Mr. Moore will administer one 40-hour, one week training course in Basic Bloodstain Pattern Analysis. This basic course provides the foundation of practice in bloodstain pattern analysis by establishing the student's firm understanding of flight characteristics and stain patterns, the examination and identification of bloodstain evidence, and the documentation of bloodstains and their patterns.

The course is a unique blend of theory-enriched study broken down into bloodstain pattern analyst history, bio-chemistry, physics, and trigonometry, with hands-on practical experiments and exercises utilizing mammalian blood. The course establishes connection with "real life" through case presentations.

These courses will help to better prepare the police officers and reduce the Department's and the City's potential risks and liabilities. This is highly technical training that also supports and improves the Safer Streets priority.

**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 Consultant Agreement with Mr. Craig C. Moore.

**MINUTES**

Police Department - Grant Adjustment Notice

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize acceptance of a Grant Adjustment Notice (GAN) from the U.S. Department of Justice, Office of Justice Programs. This GAN extends the period of the grant through March 31, 2015.

**AMOUNT OF MONEY AND SOURCE:**

\$0.00 - 4000-471913-2024-212600-600000

**BACKGROUND/EXPLANATION:**

On August 29, 2012, the Board approved acceptance of the Grant Award for the "2012 DNA Backlog Reduction" program. The Board approved acceptance of a GAN on March 19, 2014 to extend the grant award through September 30, 2014.

This grant funds the contracts of various lab technicians and serologists, as well as equipment, overtime and outsourcing while assisting in the overall effort to reduce DNA backlog and reach the full potential of DNA technology.

This GAN extends the period of the grant from September 30, 2014 through March 31, 2015. All other terms and conditions remain unchanged.

The GAN is late because it was recently received.

**MBE/WBE REQUIREMENT**

N/A

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS NOTED THE TIME EXTENSION.**

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the Grant Adjustment Notice from the U.S. Department of Justice, Office of Justice Programs.

**MINUTES**Police Department - 2014 Sub-Recipient Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the 2014 Sub-Recipient Agreement with the Maryland Emergency Management Agency (MEMA). The period of the 2014 Sub-Recipient Agreement is September 1, 2014 through May 31, 2016.

**AMOUNT OF MONEY AND SOURCE:**

\$271,697.85	-	4000-476415-2023-212600-600000	(Planning)
77,368.28	-	4000-476415-2023-212601-600000	(LE Crime Detection)
69,518.22	-	4000-476415-2023-212602-600000	(Operational Coordination)
20,000.00	-	4000-476415-2023-212603-600000	(Radios)
30,188.65	-	4000-476415-2023-212604-600000	(Mgmt. & Admin.)
30,000.00	-	4000-476415-2023-212605-600000	(Mass Search & Rescue)
40,000.00	-	4000-476415-2023-212606-600000	(On Scene Security Prot.)
30,000.00	-	4000-476415-2023-212607-600000	(Environmental Response)
20,000.00	-	4000-476415-2023-212608-600000	(Risk Management)
<u>15,000.00</u>	-	4000-476415-2023-212609-600000	(Infrastructure Systems)

**\$603,773.00**

**BACKGROUND/EXPLANATION:**

The 2014 Sub-Recipient Agreement with MEMA is for the 2014 State Homeland Security Program, funded by a grant from the U.S. Department of Homeland Security, Award #EMW-2014-SS-00007-S01.

The 2014 State Homeland Security grant provides support for the development and sustainment of core capabilities to fulfill the goal of national preparedness.

**MINUTES**Police Department - cont'd

The funding will be used for costs related to planning, organization, equipment, and training and exercise needs associated with acts of terrorism and other catastrophic events.

The Agreement is late because the award and required documents were recently sent to the City.

**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 2014 Sub-Recipient Agreement with the Maryland Emergency Management Agency.

**MINUTES**

Department of Real Estate - Lease Renewal

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize the Department of Public Works, Bureau of Solid Waste to continue to pay rental by Expenditure Authorization to the BMF Limited Partnership, LLC, Landlord, of the property located at 111 Kane Street. The period of the authorization is November 17, 2014 until settlement which is expected to occur by February 16, 2015.

**AMOUNT OF MONEY AND SOURCE:**

\$30,300.86- monthly rent

Account - 1001-000000-5152-386500-603013

**BACKGROUND/EXPLANATION:**

The Lease Agreement with Landlord expired July 16, 2014. The Landlord and the Tenant are in negotiations for the City to purchase the property located 111 Kane Street. On July 8, 2014, the Board approved payment of rental on a month-to-month basis, from July 17, 2014 to November 16, 2014 at \$30,300.86 per month. The Tenant is now requesting that monthly payments in the amount of \$30,300.86 continue from November 17, 2014 until the expected settlement which will occur on or before February 16, 2015.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized the Department of Public Works, Bureau of Solid Waste to continue to pay rental by Expenditure Authorization to the BMF Limited Partnership, LLC, Landlord, of the property located at 111 Kane Street.

**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 Sandtown-Winchester Senior Center, Inc., landlord for the rental of approximately 11,117 square feet of space, for the property known as 1601 Baker Street. The period of the agreement is December 1, 2014 through November 30, 2018.

**AMOUNT OF MONEY AND SOURCE:**

<u>Annual Rent</u>	<u>Monthly Rent</u>
\$51,585.00	\$4,298.75

Account: 1001-000000-3024-268600-603013

**BACKGROUND/EXPLANATION:**

The leased premises will be used for office and municipal purposes by the Department of Health's Office of Aging and CARE Services.

The landlord will provide all systems in working condition (heating, air conditioning, ventilation, elevators, electrical, plumbing, heating and air-conditioning services) at all times and at no cost to the tenant and will include the changing of air filters for the system. The landlord will maintain the roof, exterior structural elements of the building, walls, gutters, downspouts, air-conditioning, ventilating and heating systems, elevator, and all water, electrical and plumbing supply lines except damage caused by the negligence of the tenant, real estate taxes and fire insurance.

The tenant will be responsible for payment of utilities, water, sewer, gas & electric, telephone, cable and alarm system, janitorial services, security, trash removal, and routine maintenance of the leased premises which will include, changing of light bulbs, clogged toilets, broken faucets, broken windows, cleaning of carpet due to normal wear and tear, repairing of carpet and floor tiles due to normal wear and tear or due to any negligence of the tenant.

## MINUTES

Space Utilization Committee - cont'd

The tenant will also be responsible for keeping sidewalks adjacent to the leased premises and the entrance clear of ice, snow, and debris, and maintain liability insurance, which will be covered under the City's self-insured program.

The Space Utilization Committee approved this lease on December 2, 2014.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the lease agreement with Sandtown-Winchester Senior Center, Inc., landlord for the rental of approximately 11,117 square feet of space, for the property known as 1601 Baker Street.

**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 Loyola University Maryland, Inc., tenant for the rental of approximately 1,220 square feet of space for the property known as 3301 Waterview Avenue. The period of the agreement is July 1, 2014 through December 31, 2014, with an option to renew for one 6-month period.

**AMOUNT OF MONEY AND SOURCE:**

\$757.05 - 6-month rental payment

**BACKGROUND/EXPLANATION:**

The landlord will be responsible for fire insurance.

The tenant must obtain approval from the Facility Administrator prior to making any improvements to the storage space. The tenant must keep the storage area in a good and orderly manner, maintain liability insurance, and may use the weight room at the Facility Administrator's discretion.

The Lease Agreement is late because negotiations of the terms and conditions took longer than anticipated.

The Space Utilization Committee approved this lease on November 18, 2014.

UPON MOTION duly made and seconded, the Board is requested to approved and authorized execution of the lease agreement with Loyola University Maryland, Inc., tenant for the rental of approximately 1,220 square feet of space for the property known as 3301 Waterview Avenue.

**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 Notre Dame Preparatory School, Inc., tenant for the rental of approximately 1,525 square feet of space for the property known as 3301 Waterview Avenue. The period of the agreement is July 1, 2014 through December 31, 2014, with an option to renew for one 6-month period.

**AMOUNT OF MONEY AND SOURCE:**

\$919.50 - 6-month rental payment

**BACKGROUND/EXPLANATION:**

The landlord will be responsible for fire insurance.

The tenant must obtain approval from the Facility Administrator prior to making any improvements to the storage space. The tenant must keep the storage area in a good and orderly manner, maintain liability insurance, and may use the weight room at the Facility Administrator's discretion.

The Lease Agreement is late because negotiations of the terms and conditions took longer than anticipated.

The Space Utilization Committee approved this lease on November 18, 2014.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the lease agreement with Notre Dame Preparatory School, Inc., tenant for the rental of approximately 1,525 square feet of space for the property known as 3301 Waterview Avenue.

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

The Board is requested to approve and authorize execution of an Amendment to Lease Agreement with the Bar Association of Baltimore City, for the rental of a portion of the City-owned property known as 111 N. Calvert Street, being on the 6<sup>th</sup> floor, containing 1,325 square feet.

**AMOUNT OF MONEY AND SOURCE:**

<u>Year</u>	<u>Annual Rent</u>	<u>Monthly Installment</u>
1	\$7,168.25	\$597.35
2	\$7,383.30	\$615.28
3	\$7,604.80	\$633.73
4	\$7,832.94	\$652.75
5	\$8,067.93	\$672.33

**BACKGROUND/EXPLANATION:**

The Amendment to Lease Agreement reduces the rent to amount shown above. The rental amount is being reduced because the tenant performs their own janitorial services. The City has agreed to abate the rent charged from January 1, 2013 to September 30, 2014 in the amount of \$3,866.01 which represents the costs for janitorial services. All other terms and conditions of the original lease agreement dated March 5, 2008 and the renewal option dated November 7, 2012 remain in full force and effect.

The Space Utilization Committee approved the Amendment to Lease on December 2, 2014.

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment to Lease Agreement with the Bar Association of Baltimore City, for the rental of a portion of the City-owned property known as 111 N. Calvert Street, being on the 6<sup>th</sup> floor, containing 1,325 square feet.

**MINUTES**

Department of Public Works/ - Amendment No. 3 to Agreement  
Office of Eng. & Constr. (DPW)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of Amendment No. 3 to Agreement with Patton Harris Rust & Associates/Hazen & Sawyer, a Joint Venture (PHRA/Hazen & Sawyer, a Joint Venture), for Project W.C. 1173, Design of Guilford Finished Water Reservoir Improvements. The Amendment No. 3 to Agreement extends the period of the agreement for nine months through September 14, 2015.

**AMOUNT OF MONEY AND SOURCE:**

\$0.00 - 9960-903710-9557-900020-702064

**BACKGROUND/EXPLANATION:**

On June 18, 2014, the Board approved Amendment No. 2 to Agreement with PHRA/Hazen & Sawyer, a Joint Venture to continue design improvements for the Guilford Reservoir for a period of six months through December 14, 2014. The bids for the construction came in 30% higher than the engineer's cost estimate. As a result, the DPW decided to make changes to the design to reduce construction cost and re-advertise this project. As a result, a nine-month extension is needed to make changes in the design drawings and specs and to re-advertise this project for construction.

The original agreement expires December 14, 2014.

**MBE/WBE PARTICIPATION:**

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

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS NOTED THE TIME EXTENSION.**

**MINUTES**

Department of Public Works/ - cont'd  
Office of Eng. & Constr. (DPW)

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 3 to Agreement with Patton Harris Rust & Associates/Hazen & Sawyer, a Joint Venture, for Project W.C. 1173, Design of Guilford Finished Water Reservoir Improvements.

**MINUTES**

Department of Public Works/ - Amendment No. 3 to  
Office of Eng. & Constr. (DPW) Supplemental Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of Amendment No. 3 (S.C. 935) to the Supplemental Agreement with Whitman, Requardt & Associates, under Project S.C. 877, ENR at Back River Wastewater Treatment Plant. The Amendment No. 3 to Agreement extends the period of the agreement for one-year through January 26, 2016.

**AMOUNT OF MONEY AND SOURCE:**

\$0.00 - 9956-904564-9551-900020-702064

**BACKGROUND/EXPLANATION:**

The current agreement will expire on January 26, 2015. Concurrent with the ENR projects at Back River Wastewater Treatment Plant and various discussions with the Maryland Department of the Environment, the consultant is evaluating a water quality impact on a possible increased discharge to the Back River Wastewater Treatment Plant, which in turn will decrease or possibly eliminate the need to send the effluent to Sparrows Point. This will be achieved by an in stream water quality sampling and monitoring program over a one-year period.

The consultant was approved by the Office of Boards and Commissions and the Architectural and Engineering Awards Commission.

**MBE/WBE PARTICIPATION:**

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

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS NOTED THE TIME EXTENSION.**

**MINUTES**

Department of Public Works/ - cont'd  
Office of Eng. & Constr. (DPW)

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 3 (S.C. 935) to the Supplemental Agreement with Whitman, Requardt & Associates, under Project S.C. 877, ENR at Back River Wastewater Treatment Plant.

**MINUTES**

Department of Public Works/Office - Agreement  
of Engineering Construction

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an Agreement with Gannett Fleming, Inc. under Project No. 1180.3 WC 1282, WC 1283, Small Water Main Replacement and Rehabilitation Design at Various Locations, FY 2013. The period of the agreement is two years.

**AMOUNT OF MONEY AND SOURCE:**

\$900,005.16 - 9960-906618-9557-900020-703032

**BACKGROUND/EXPLANATION:**

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

**MBE/WBE PARTICIPATION:**

<b>MBE:</b> Dhillon Engineering, Inc.	\$100,296.41	11.14%
Sabra Wang Associates	90,016.59	10.00%
Phoenix Engineering, Inc.	35,991.01	3.99%
Sahara Communications, Inc.	29,997.50	3.33%
	<u>\$256,301.51</u>	<u>28.46%</u>
<b>WBE:</b> J.A. Rice, Inc.	\$ 82,092.77	9.12%
Carroll Engineering, Inc,	33,530.18	3.72%
	<u>\$115,622.95</u>	<u>12.84%</u>

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**MINUTES**DPW/OEC - cont'd**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$1,000,000.00	9960-909100-9558	9960-906618-9557-3
Water Rev. Bonds	Constr. Res. Water Infrastructure Rehab.	Design

The funds are needed to cover the cost of Project 1180.3 & WC 1282 & WC 1283, Small Water Main Replacement & Rehabilitation/Design.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Agreement with Gannett Fleming, Inc. under Project No. 1180.3, WC 1282, WC 1283, Small Water Main Replacement and Rehabilitation Design at Various Locations, FY 2013. The period of the agreement is two years. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter.

**MINUTES**

Department of Public Works/Office - Amendment No. 1 to Agreement of Engineering and Construction

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an Amendment No. 1 to Agreement with Sidhu Associates, Inc., under Project 1160.2, On-Call Electrical Services. The Amendment No. 1 to Agreement extends the period of the agreement for two years through December 6, 2016.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On December 7, 2011, the Board approved the original agreement for three years. The project consists of on-call electrical engineering services for various tasks assigned by the City on an as-needed basis. The scope involves electrical consulting for various water and wastewater facilities including water and wastewater treatment plants, water and wastewater pumping stations, and may include planning design and construction phase services. The Bureau has need for these services to address any electrical issues that requires immediate response and cannot be postponed until the customary architect and engineering selection can be executed. The original agreement expired on December 6, 2014.

**MBE/WBE PARTICIPATION:**

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

**AUDITS NOTED THE TIME EXTENSION AND WILL REVIEW TASK ASSIGNMENTS.**

UPON MOTION duly made and seconded, the Board approved and authorize execution of an Amendment No. 1 to Agreement with Sidhu Associates, Inc., under Project 1160.2, On-Call Electrical Services.

**MINUTES**

Department of Public Works/ Office - Task Assignment  
of Engineering & Construction

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 004, to Rummel, Klepper & Kahl, LLP, (RK&K) under Project 1110R, On-Call Environmental Restoration Design and Engineering Services. The duration of this task is approximately six months.

**AMOUNT OF MONEY AND SOURCE:**

\$73,665.98 - 9958-903993-9525-900020-703032

**BACKGROUND/EXPLANATION:**

The RK&K will update mylars for a proposed bio-retention facility at Lanvale Park and a proposed curb bump-out at Bush Street. This project will help the City comply with its MS4 Permit to control stormwater runoff.

**MWBOO FOUND VENDOR IN COMPLIANCE.**

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

MINUTES

DPW/Office of Engineering & Construction - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$303,000.00 State Constr.	9958-909404-9526 Constr. Reserve Neighborhood Greening Project	
51,397.00 <u>State Constr.</u>	9958-906405-9526 Constr. Reserve Citywide Stream Restoration	
<b>\$354,397.00</b>	-----	9958-903993-9525-6 Construction

This transfer will cover the portion of design and construction costs associated with installation of stormwater restoration BMPs in Watershed 263, utilizing available funding through FY 12 County Transportation Bonds. The construction contract is scheduled for advertisement in July 2015. The Board's approval will also serve as the City's approval of changes to the original bond schedule.

UPON MOTION duly made and seconded, the approved the assignment of Task No. 004, to Rummel, Klepper & Kahl, LLP, under Project 1110R, On-Call Environmental Restoration Design and Engineering Services. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter.

**MINUTES**

Department of Public Works/ Office - Task Assignment  
of Engineering & Construction

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 001, to Rummel, Klepper & Kahl, LLP, (RK&K) under Project 1154.2, On-Call Storm Water Study and Engineering Design Services. The project completion date will expire on January 11, 2016.

**AMOUNT OF MONEY AND SOURCE:**

\$125,000.00 - 2072-000000-5181-390700-603018

**BACKGROUND/EXPLANATION:**

The duration of this task is approximately 12 months.

The RK&K will provide technical support services and assistance for immediate response and investigation of storm drain systems throughout the City at the discretion of the Storm Water Engineering Office. The technical service will include determining the hydrological and hydraulics analysis and structural integrity of storm drain structures through field investigation research. In addition, this task will evaluate existing conditions, analyze repair options, and develop concepts for the repair of failures.

**MWBOO FOUND VENDOR IN COMPLIANCE.**

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

UPON MOTION duly made and seconded, the Board is requested to approve the assignment of Task No. 001, to Rummel, Klepper & Kahl, LLP, under Project 1154.2, On-Call Storm Water Study and Engineering Design Services.

**MINUTES**

Department of Public Works/ Office - Task Assignment  
of Engineering & Construction

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 009, to Rummel, Klepper & Kahl, LLP, (RK&K) under Project 1154.2, On-Call Storm Water Study and Engineering Design Services.

**AMOUNT OF MONEY AND SOURCE:**

\$216,700.00 - 9958-906992-9525-900020-703032

**BACKGROUND/EXPLANATION:**

The RK&K will complete the remaining ER 4020 Environmental Restoration at Lower Stony Run design, obtain all necessary permits, and prepare biddable documents. This project will help the City meet its MS4 Permit goals when completed.

**MWBOO FOUND VENDOR IN COMPLIANCE.**

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

**MINUTES**DPW/Office of Engineering & Construction - cont'd**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$220,000.00	9958-906405-9526	9958-906992-9525-3
State Constr.	Construction Reserve	Engineering
	Citywide Stream	
	Restoration	

This transfer will cover the cost of Project 1154.2, Task No. 9, Storm Water Study.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 009, to Rummel, Klepper & Kahl, LLP, under Project 1154.2, On-Call Storm Water Study and Engineering Design Services. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter.

**MINUTES**

Department of Public Works/ Office - Task Assignment  
of Engineering & Construction

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 001, to Whitman Requardt & Associates/Gannett Fleming, Joint Venture (JV) under Project 1403, On-Call Project and Construction Management Assistance Services Inspection Services.

**AMOUNT OF MONEY AND SOURCE:**

\$455,739.62 - 9960-905136-9557-900020-705032

**BACKGROUND/EXPLANATION:**

The Whitman Requardt & Associates/Gannett Fleming, Joint Venture will provide inspection services for W.C. 1245, Westfield Neighborhood Water Main Replacements.

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 001, to Whitman Requardt & Associates/Gannett Fleming, Joint Venture under Project 1403, On-Call Project and Construction Management Assistance Services Inspection Services.

**MINUTES**

Bureau of Water and Wastewater/ - Employee Expense Statement  
Office of Eng. and Construction

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the expense statement for Ms. Charleen Shaw for the month of July 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$125.44 - 9956-907643-9551-900020-705001 (Mileage)

**BACKGROUND/EXPLANATION:**

The originally submitted expense statement for Ms. Shaw, was returned to Ms. Shaw because the expense exceeded the deadline for submission.

The Administrative Manual, in Section 240-11, states that Employee Expense Reports that are submitted more than 40 work days after the last calendar day of the month in which the expenses were incurred require Board of Estimates approval.

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

UPON MOTION duly made and seconded, the Board approved the expense statement for Ms. Charleen Shaw for the month of July 2014.

**MINUTES**

Fire and Police Employees' - Second Amended and Restated Retirement System (F&P) Agreement of Limited Partnership and Subscription Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the Second Amended and Restated Agreement of Limited Partnership and Subscription Agreement with Ares European Real Estate Fund IV, L.P., managed by Ares Management, LLC.

**AMOUNT OF MONEY AND SOURCE:**

No General Fund monies are involved in this transaction.

\$20,000,000.00 - approximately of F&P funds

**BACKGROUND/EXPLANATION:**

The F&P Board conducted a search for a 2014 vintage year, value-added, closed-end, real estate fund allocation and, as a result of that search, selected Ares Management, LLC to receive and allocate approximately \$20,000,000.00 to a European real estate fund under its management, Ares European Real Estate Fund IV, L.P.

The search and selection process was conducted with the assistance and advice of the F&P's investment advisor, Summit Strategies Group.

**MWBOO GRANTED A WAIVER.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Second Amended and Restated Agreement of Limited Partnership and Subscription Agreement with Ares European Real Estate Fund IV, L.P., managed by Ares Management, LLC. The Comptroller **ABSTAINED**.

**MINUTES**Employees' Retirement System (ERS) - Subscription Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Subscription Agreement with Cornerstone Patriot Fund LP, managed by Cornerstone Real Estate Advisors LLC.

**AMOUNT OF MONEY AND SOURCE:**

No General Fund monies are involved in this transaction.

\$17,000,000.00 - approximately of OPEB Trust assets

**BACKGROUND/EXPLANATION:**

The ERS Board, as fiduciary for the OPED Trust, conducted a nationwide search for a commingled real estate investment fund manager, and as a result of that search, selected Cornerstone Real Estate Advisors LLC. The search and selection process was conducted with the assistance and advice of the OPED Trust's investment advisor, Marquette Associates.

**MWBOO GRANTED A WAIVER.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Subscription Agreement with Cornerstone Patriot Fund LP, managed by Cornerstone Real Estate Advisors LLC. The Comptroller **ABSTAINED**.

**MINUTES**Fire and Police Employees' - Independent Auditor's Report  
Retirement System (F&P)

The Board is requested to **NOTE** receipt of the following Audit Report from CliftonLarsonAllen LLP.

1. The Independent Auditor's Report of the Baltimore City Fire and Police Employees' Retirement System for FY ended June 30, 2014.
2. The Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters.
3. The 2014 Baltimore City Fire and Police Employees' Retirement System's Comprehensive Annual Financial Report (CAFR).

UPON MOTION duly made and seconded, the Board NOTED receipt of the three Audit Reports from CliftonLarsonAllen LLP.

**MINUTES**Employees' Retirement System - Disability Hearings Services  
Agreements

The Board is requested to approve and authorize execution of the following

	<u>Rate of Pay</u>	<u>Amount</u>
1. <b>DEVEREAUX E. STERRETTE</b>	\$500.00 per uncontested case	<b>\$20,000.00</b> (not to exceed) and \$200.00 per contested case
2. <b>DORENE ROTHMANN</b>	\$500.00per uncontested case and \$200.00 per contested case	<b>\$20,000.00</b> (not to exceed)
3. <b>DEBRA A. THOMAS</b>	\$500.00 per uncontested case and \$200.00 per contested case	<b>\$20,000.00</b> (not to exceed)
4. <b>EDWARD G. DANIELS</b>	\$500.00 per uncontested case and \$200.00 per contested case	<b>\$20,000.00</b> (not-to-exceed)
5. <b>JUDY G. SMYLIE</b>	\$500.00 per uncontested case and \$200.00 per contested case	<b>\$20,000.00</b> (not-to-exceed)
6. <b>STANLEY C. ROGOSIN</b>	\$500.00 per uncontested case and \$200.00 per contested case	<b>\$20,000.00</b> (not-to-exceed)

Account: 1001-000000-1220-147500-603026

**MINUTES**

ERS - cont'd

The above-listed individuals will each continue to work as a Hearing Examiner for the Employees' Retirement System (ERS), the Fire & Police Employees' Retirement System (F&P), and the Elected Officials' Retirement System (EOS). Each of the Hearing Examiners will be responsible for adjudicating claims for disability retirement, and death benefit cases. The period of the agreement is January 1, 2015 through December 31, 2015.

Under the provisions of Baltimore City Code Article 22§ 9(p), there is a panel of hearing examiners to hear and adjudicate ERS disability and death benefit cases. (Under Article, 22 §§21 (b) and 33(1), the panel also hears disability and death benefits cases under the Elected Officials' Retirement System and the Fire and Police Employees' Retirement System). The panel is appointed on a contract basis by the Board of Estimates and is to be paid under terms established by the Board of Estimates. Under §9(p)(2)(iii) the ERS Board of Trustees may submit to the Board of Estimates recommended candidates for the panel. Within this discretion, the ERS Board respectfully recommends that the hearing examiners be reappointed as hearing examiners, under the terms of the agreement, on the basis of experience and expertise in adjudicating disability and death benefit claims.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Disability Hearings Services Agreements with the Hearing Examiners for the Employees' Retirement System, the Fire & Police Employees' Retirement System, and the Elected Officials' Retirement System.

**MINUTES**Law Department - Claim Settlement**ACTION REQUESTED OF B/E:**

The Board is requested to approve the settlement of a litigation action, Reginald Peakes vs the Mayor and City Council of Baltimore.

**AMOUNT OF MONEY AND SOURCE:**

\$30,000.00 - 2036-000000-1752-175200-603070

**BACKGROUND/EXPLANATION:**

Plaintiff, Reginald Peakes, was traveling northbound on Loch Raven Blvd. when, while in the course of pulling over, his vehicle was struck by a police vehicle in emergency status. As a result of the accident, Mr. Peakes suffered objective injuries. His medical bills totaled \$16,233.26.

In order to resolve this litigation economically and to avoid the expense, time, and uncertainties of further litigation, the parties have agreed to a complete settlement of the case for \$30,000.00.

Based on a review of the emotional and factual issues presented by this claim, the Settlement Committee of the Law Department recommends that the Board of Estimates approve the proposed settlement of this claim.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved settlement of the litigation action, Reginald Peakes vs the Mayor and City Council of Baltimore.

**MINUTES**

Police Department - Expenditure of Funds

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an Expenditure of Funds to pay John E. Reid and Associates, Inc. for training to be provided January 12 - 15, 2015.

**AMOUNT OF MONEY AND SOURCE:**

\$15,000.00 - 1001-000000-2021-212600-603020

**BACKGROUND/EXPLANATION:**

The Department will train 50 Investigators from the Investigations and Intelligence Division in interview and interrogation techniques by contracting with John E. Reid and Associates, Inc. for \$500.00 per student for 30 participants and for 20 students at no-cost. The training is a four-day program.

The first three days consists of these primary topics:

- Behavior Symptoms Analysis,
- The Behavior Analysis Interview,
- The Reid Nine Steps of Interrogation, and
- Advanced Interrogation Techniques.

The fourth day of training will train the Investigators in Advanced Interrogation Techniques. In this segment of the program, the various stages of the interrogation process, including the Defiant Stage, the Neutral Stage, and the Acceptance Stage, as well as how to identify the suspect's needs that may have motivated his commission of the crime (real, impulse, esteem, and lifestyle needs) that in turn, need to be addressed during the interrogation process.

**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 John E. Reid and Associates, Inc.

The President voted **No**.

**MINUTES****PROPOSAL AND SPECIFICATIONS**

- |  |  |
|--|--|
| 1. <u>Office of Engineering &amp; Construction</u> | Department of Public Works/ -<br>WC 1325, Repaving Utility<br>Cuts at Various Locations<br><b>BIDS TO BE RECV'D: 01/14/2015</b><br><b><u>BIDS TO BE OPENED: 01/14/2015</u></b>             |
| 2. <u>Office of Engineering &amp; Construction</u> | Department of Public Works/ -<br>WC 1228, Ashburton Wash-<br>water Lake Dam Stream<br>Stabilization<br><b>BIDS TO BE RECV'D: 02/18/2015</b><br><b><u>BIDS TO BE OPENED: 02/18/2015</u></b> |

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

**MINUTES****CANCELLATION OF PROPOSALS AND SPECIFICATIONS**

The Board is requested to cancel the Proposal and Specifications and Notice of Letting for the following contracts:

1. Department of Public Works/ - WC 1279, Distribution Water  
Office of Engineering & Main Replacement & Rehabili-  
Construction tation - Sefton Area and  
Vicinity

On October 29, 2014, the Board approved the Proposal and Specifications and Notice of Letting for advertisement of WC 1279, Distribution Water Main Replacement and Rehabilitation - Sefton Area and Vicinity. The bids are scheduled to be received and opened on December 10, 2014.

2. Department of Public Works/ - WC 1241, Water Main Replace-  
Office of Engineering & ments, Various Locations  
Construction

On November 12, 2014, the Board approved the Proposal and Specifications and Notice of Letting for advertisement of WC 1241, Water Main Replacements, Various Locations. The bids are scheduled to be received and opened on December 10, 2014.

Because of funding issues it is requested that the Board cancel the Proposals and Specifications and the Notice of Lettings and that bids not be accepted and opened on December 10, 2014. The Office of Engineering and Construction will re-advertise the contracts at a later date.

UPON MOTION duly made and seconded, the Board cancelled the Proposal and Specifications and Notice of Letting for the above-listed contracts.

MINUTES

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART FOR ALL ITEMS ON THE AGENDA.

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.

\* \* \* \* \*

# Kim A. Trueheart

December 9, 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 questionable management and administration within the various boards, commissions, agencies and departments of the Baltimore City municipal government.

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. Pages 1 - 88, City Council President and members of the Board of Estimates, BOE Agenda dated December 9, 2014, if acted upon:
    - i. The proceedings of this board often renew business agreements without benefit of clear measures of effectiveness to validate the board's decision to continue funding the provider of the city service being procured;
    - ii. The Baltimore City School Board of Commissioners routinely requires submissions for board consideration to include details of the provider's success in meeting the objectives and/or desired outcomes delineated in the previously awarded agreement;
    - iii. The members of this board continue to fail to provide good stewardship of taxpayers funds as noted by the lack of concrete justification to substantiate approval of actions presented in each weekly agenda;
    - iv. This board should immediately adjust the board's policy to ensure submissions to the board include measures of effectiveness in each instance where taxpayer funds have already been expended for city services;
    - v. In the interest of promoting greater transparency with the public this board should willing begin to include in the weekly agenda more details which it discusses in closed sessions without benefit of public participation.
    - vi. Lastly this board should explain to the public how, without violating the open meeting act, a consent agenda is published outlining the protocols for each week's meeting prior to the board opening its public meeting.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed what appears to be a significant dearth in responsible and accountable leadership, management and cogent decision making within the various

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

agencies and departments of the Baltimore City municipal government which potentially cost myself and my fellow citizens excessive amounts of money in cost over-runs and wasteful spending.

4. **Remedy I desire:** The Board of Estimates should immediately direct each agency to include measures of effectiveness in any future submissions for the board's consideration.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on December 10, 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

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

\* \* \* \* \*

## MINUTES

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

**BIDS, PROPOSALS, AND CONTRACT AWARDS**

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

Department of Transportation

- TR 11005, Replacement of Bridge No. BC 6523 - Spooks Hill Road Over Cooper's Run  
**BIDS TO BE RECV'D: 12/10/2014**  
**BIDS TO BE OPENED: 12/10/2014**

Department of Transportation

- TR 15015, Brine Facility and Building Improvements  
**BIDS TO BE RECV'D: 12/17/2014**  
**BIDS TO BE OPENED: 12/17/2014**

Department of Transportation

- TR 13302, 33rd Street and Loch Raven Boulevard Geometric Safety Improvement Project CIP  
**BIDS TO BE RECV'D: 01/07/2015**  
**BIDS TO BE OPENED: 01/07/2015**

## MINUTES

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

Department of Transportation - TR 11005, Replacement of Bridge No. BC 6523 - Spooks Hill Road Over Cooper's Run

Allied Contractors, Inc.  
Concrete General, Inc.

Bureau of Water & Wastewater - WC 1241 Water Main Replacements - Various Locations

**BIDS ARE CANCELLED.**

Bureau of Water & Wastewater - WC 1279, Distribution Water Main Replacement and Rehabilitation - Sefton Area and Vicinity

**BIDS ARE CANCELLED.**

Bureau of Water & Wastewater - WC 1307R, AMI/R Urgent Need Metering Infrastructure Repair and Replacement, Various Locations (Up to 2" Water Service)

Spiniello  
Anchor Construction Corp.  
Metra Industries  
R.E Harrington Plumbing & Heating Inc.

## MINUTES

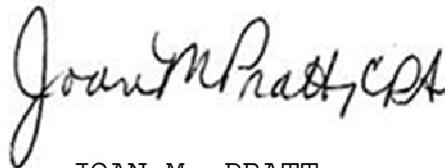
Bureau of Water & Wastewater - WC 1308R, AMI/R Urgent Need  
Metering Infrastructure Repair  
& Replace 2" Water Service

Spiniello  
R.E. Harington Plumbing & Heating Inc.  
Metra Industries

Bureau of Purchases - B50003871, Automotive Hardware  
and Fasteners

Grayson Industries, Inc.  
Robnet, Inc.  
Lawson Products, Inc.  
Fastenal Company  
Prospective Enterprises, Inc.  
B&B Industrial Supply

There being no objections, the Board, UPON MOTION duly made  
and seconded, adjourned until its next regularly scheduled  
meeting on Wednesday, December 17, 2014.



JOAN M. PRATT  
Secretary