

## MINUTES

REGULAR MEETING

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

The meeting was called to order by the President.

President: "I would direct the Board members attention to the memorandum from my office dated June 10, 2013, identifying matters to be considered as routine agenda items together with any corrections and additions that have been noted by the Deputy Comptroller. I will entertain a Motion to approve all of the items contained on the routine agenda."

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

Comptroller: "Second."

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

## 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:

Ahmed Construction & Home Improvement, LLC	\$ 180,000.00
American Infrastructure - MD, Inc. (Work capacity underwritten by Blanket guarantee from the Parent Company, American Infrastructure, Inc.)	\$ 608,075,946.00
Boulevard Contractors, Corp.	\$ 1,500,000.00
Boyer, Inc.	\$ 25,083,000.00
Brasfield & Gorrie, LLC	\$2,041,938,000.00
Calmi Electrical Company	\$ 6,354,000.00
Clyde McHenry, Inc.	\$ 8,000,000.00
D&B Construction, Inc.	\$ 1,575,000.00
Dynatrend Construction, Ltd.	\$ 567,000.00
Fru-Con Construction, LLC	\$ 500,000,000.00
Gradeline Construction., Inc.	\$ 1,500,000.00
Living Classrooms Foundation	\$ 28,026,000.00
MMB Services Corp.	\$ 270,000.00
MSI CONTROLS, INC.	\$ 7,074,000.00
Piping and Corrosion Specialties, Inc.	\$ 8,000,000.00
Plexus Installations Inc. dba Plexus Group	\$ 1,500,000.00

**MINUTES****BOARDS AND COMMISSIONS** - cont'd2. Prequalification of Architects and Engineers

In accordance with the Resolution Relating to Architectural and Engineering Services, as amended by the Board on June 29, 1994, the Office of Boards and Commissions recommends the approval of the prequalification for the following firms:

Albrecht Engineering, Inc.	Engineer
Perkins Eastman	Architect
Phoenix Engineering, Inc.	Engineer Land Survey

There being no objection, the Board, UPON MOTION duly made and seconded, approved the prequalification of Contractors and Architects and Engineers for the listed firms. The Mayor **ABSTAINED** on the Living Classrooms Foundation under item no. 1. The President **ABSTAINED** on the Living Classrooms Foundation under item no. 1.

**MINUTES**

Office of the Labor Commissioner - Exception to AM 203-1

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize an exception to AM 203-1, Organ Donation Leave, for Mr. Aaron Ranson.

**AMOUNT OF MONEY AND SOURCE:**

\$4,124.00 - 1001-000000-5154-388000-601001  
(up to 30 days salary)

**BACKGROUND/EXPLANATION:**

AM 203-1 provides that a permanent employee with the City for at least 12 months immediately preceding the period for which s/he is requesting leave is eligible for organ donation leave for up to 30 days in any 12 month period to be an organ donor. Mr. Ranson has been permanently employed with the Department of Public Works since March 2, 2013. The approval of the exception to the period of employment will grant Mr. Ranson up to 30 days leave with pay in accordance with the AM 203-1, to donate an organ.

The Office of the Labor Commissioner and the Department of Public Works (DPW) are requesting an exception to the Organ Donation Policy, AM 203-1 for Mr. Ranson. Mr. Ranson has two months of permanent service with the City. However, he has continuous service as a Seasonal Maintenance Aide with the DPW since September 14, 2011 until his permanent appointment. In the past, Mr. Ranson has also been a summer youth worker with the City.

UPON MOTION duly made and seconded, the Board approved and authorized the exception to AM 203-1, Organ Donation Leave, for Mr. Aaron Ranson.

MINUTES

EXTRA WORK ORDERS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders and Transfers of Funds

listed on the following pages:

2129 - 2131

All of the EWOs had been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

The President voted **NO** on item no. 2.

## MINUTES

EXTRA WORK ORDERS

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

Department of Transportation

- |   |               |                   |   |
|---|---------------|-------------------|---|
| 1. EWO #006, (\$144.63) - TR 05314, Resurfacing Wilkins Avenue from West of Brunswick Street to Fulton Avenue |               |                   |   |
| \$ 2,437,856.11   | \$ 166,773.89 | M. Luis Construc- | - |
|   |               | tion Co., Inc.    | - |

This extra work is necessary for payment of overruns, deductions of items not paid due to underruns or not used items and to balance the subject contracts.

Department of General Services

- |  |              |                  |    |
|--|--------------|------------------|----|
| 2. EWO #002, \$128,791.67 - GS 11846, Stabilization of Read's Drug Store |              |                  |    |
| \$ 349,000.00  | \$ 10,970.27 | J A Argetakis    | -  |
|  |              | Contracting Co., | 50 |
|  |              | Inc.             |    |

Bureau of Water & Wastewater

- |   |                 |                   |    |
|---|-----------------|-------------------|----|
| 3. EWO #015, \$131,997.61 - WC 1160R, Montebello Plant 2 Finished Water Reservoir Cover |                 |                   |    |
| \$36,922,950.00   | \$ 5,373,903.53 | Alan A. Myers, LP | 0  |
|   |                 |                   | 97 |
| 4. EWO #017, \$ 70,727.89 - WC 1160R, Montebello Plant 2 Finished Water Reservoir Cover |                 |                   |    |
| \$36,922,950.00   | \$ 5,554,080.71 | Alan A. Myers, LP | 0  |
|   |                 |                   | 97 |

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART ON ITEM NOS. 3 AND 4.**

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

## Kim A. Trueheart

June 11, 2013

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 Department of Public Works.

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

1. Whom you represent: Self
2. What the issues are:
  - a. Page 5, Items #3 and #4, Bureau of Water and Wastewater - EXTRA WORK ORDERS - WC 1160R, if approved:
    - i. This award amounts of \$ 5,373,903.53 and 18,773,104.00 fails to:
      1. Disclose the estimate of the number of jobs anticipated;
      2. Impose the maximum MBE/WBE goals allowable under the current law;
    - ii. Please provide access to the document that provides an estimate of the number of jobs anticipated as a result of these contract awards.
    - iii. Please provide access to the decision elements used to substantiate a reduction in the maximum MBE/WBE goals allowed.
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 leadership, management and cogent decision making within the Department of Public Works, which potentially cost me and my fellow citizens excessive amounts of money in cost over-runs and wasteful spending, without benefit of local jobs and minority/women contracts.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on June 12, 2013.

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

Sincerely,  
Kim Trueheart, Citizen & Resident

Email: [ktrueheart@whatfots.net](mailto:ktrueheart@whatfots.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.</u>	<u>Compl.</u>

## Bureau of Water &amp; Wastewater - cont'd

- |    |   |    |              |                                   |           |
|----|---|----|--------------|-----------------------------------|-----------|
| 5. | EWO #026, \$ 59,341.00 - WC 1168, Deer Creek Pumping Station Improvements   |    |              |                                   |           |
|    | \$23,320,000.00   | \$ | 633,415.47   | Ulliman Schutte Construction, LLC | 0 85      |
| 6. | EWO #047, \$1,712,016.00 - SC 829, Primary Settling Tanks Rehabilitation at the Back River Wastewater Treatment Plant |    |              |                                   |           |
|    | \$ 9,720,000.00   | \$ | 2,192,168.72 | Mid Eastern Builders, Inc.        | 300 88.85 |

The contract documents required the renovations of primary settling tanks three, four, five, six, and seven to extend the operational life of the equipment an additional 20-25 years. Upon commencement, advanced deterioration of multiple facets of the equipment, mostly contributed by the excessive build up of Hydrogen Sulfide Gases, was discovered.

The work in each primary settling tank is repetitive and conducted in phases. The issues encountered in Phase I (primary settling tank seven) of the project was encountered again in Phase III (primary settling tanks five and six) and projected for the remaining tanks in Phase IV (primary settling tanks three and four).

The contractor has submitted a lump sum cost proposal for issues as they occurred in the initial phase allowing Construction Management to establish cost projections to complete the project. All costs have been reviewed by the Design Consultant, Whitman Requardt and Associates and found acceptable.



MINUTES

EXTRA WORK ORDERS

The transfer of funds required to cover the cost of extra work for SC. 829, Primary Settling Tanks Rehabilitation at Back River Wastewater Treatment Plant was approved by the Board on March 20, 2013.

## 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. Elaine S. Mintzes and Alvin S. Mintzes (Deceased)	913 N. Madeira St.	G/R \$32.00	\$ 214.00
2. Fred Nochumowitz, Trustee in the Revocable Living Trust Agreement	911 N. Castle St.	G/R \$78.00	\$ 715.00
3. M & E Investments, LLC	936 N. Castle St.	G/R \$30.00	\$ 250.00
4. Eutaw Place, LLC	941 N. Castle St.	G/R \$27.00	\$ 225.00
5. Paul Nochumowitz and Amy S. Nochumowitz	2214 E. Eager St.	G/R \$90.00	\$ 825.00

Funds are available in account 9910-906416-9588-900000-704040, EBDI Phase II Project, Middle East Renewal Plan.

In the event that the option agreements fail 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 amount/s.

## 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 - Condemnations</u>			

6. Arturo Alfaro	968-970 N. Chester St.	L/H	\$5,810.00
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Funds are available in account 9910-906416-9588-900000-704040,  
EBDI Project, Phase II.

7. ESAF LLC	914 N. Port St.	L/H	\$41,400.00
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Funds are available in account 9910-908044-9588-900000-704040,  
Milton-Montford Project.

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

**MINUTES**

Baltimore Convention Center - Second Amendment to Baltimore  
Convention Center Construction,  
Operating and Contribution  
Agreement and Lease

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the second amendment to the Baltimore Convention Center construction, operating contribution agreement and lease with the State of Maryland. This second amendment extends the period of the agreement through 2019.

**AMOUNT OF MONEY AND SOURCE:**

1/3<sup>rd</sup> Operating Deficit - City Obligation  
2/3<sup>rd</sup> Operating Deficit - State Obligation

\$200,000.00 - annual contribution by the City and State  
each to a Capital Improvement Reserve Fund

**BACKGROUND/EXPLANATION:**

The Baltimore Convention Center construction, operating contribution agreement and lease is a part of the enactment of Senate Bill 516 of the 2013 Maryland General Assembly. The City of Baltimore and the State of Maryland adopted an agreement in 1996, at the time of the expansion of the Baltimore Convention Center, which obligates the State to contribute annually two-thirds. Each will contribute \$200,000.00 to a Capital Improvement reserve fund. The first amendment was approved in 2008 and expires in 2013; this second amendment extends the agreement for an additional five years through 2019.

**APPROVED FOR FUNDS BY FINANCE**

**MINUTES**Baltimore Convention Center - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the second amendment to the Baltimore Convention Center construction, operating contribution agreement and lease with the State of Maryland. The Mayor **ABSTAINED**.

**MINUTES****CITY COUNCIL BILLS**

- 13-0196 - An Ordinance concerning Sale of Property - 501 Orkney Road for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property known at 501 Orkney Road (Block 5136A, Lot 11) and no longer needed for public use; and providing for a special effective date.
- 13-0197 - An Ordinance concerning Sale of Property - 2400 Harman Avenue for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property known as 2400 Harman Avenue (Block 7471, Lot 023) and no longer needed for public use; and providing for a special effective date.
- 13-0198 - An Ordinance concerning Sale of Property - 890 Linden Avenue for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all or a portion of its interest in certain property known as 890 Linden Avenue (Block 501, Lots 37/38) and no longer needed for public use; and providing for a special effective date.

**ALL REPORTS RECEIVED WERE FAVORABLE.**

- 13-0179 - An Ordinance concerning the Sale of Properties - Former Beds of Certain Streets and Alleys or Portions of Them for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain parcels of land known as the former beds of certain streets and alleys or portions of Them bounded by North Avenue, Warwick Avenue, Baker Street, and the CSX Transportation, Inc., Railroad Right of Way and no longer needed for public use; and providing for a special effective date.

## MINUTES

CITY COUNCIL BILLS - cont'd

THE DEPARTMENT OF GENERAL SERVICES SUPPORTS PASSAGE OF CITY COUNCIL BILL 13-0179 PROVIDED THE OPENING AND CLOSING ORDINANCES ARE ENACTED.

THE BALTIMORE CITY PARKING AUTHORITY REVIEWED THE PROPOSED LEGISLATION AND DETERMINED THAT THERE WOULD BE NO NEGATIVE IMPACT TO THE PARKING IN THE AREA BECAUSE OF THE PROPOSED PROPERTY SALE. HOWEVER, 20 TO 30 ON-STREET PARKING SPACES WILL BE LOST AS A RESULT OF DEVELOPMENT OF THESE PARCELS, LIKELY DISPLACING THOSE PARKERS ONTO SURROUNDING RESIDENTIAL BLOCKS. BASED ON THE ABOVE COMMENTS, THE BALTIMORE CITY PARKING AUTHORITY SUPPORTS THE PASSAGE OF CITY COUNCIL BILL 13-0179 IF REASONABLE CONSIDERATION (I.E., RESIDENTIAL PERMIT PARKING) IS AFFORDED TO THE NEARBY RESIDENTS TO RELIEVE ANY PARKING CONCERNS.

THE DEPARTMENT OF REAL ESTATE HAS NO OBJECTION TO THE PASSAGE OF CITY COUNCIL BILL 13-0179 ON THE CONDITION THAT ACCOMPANYING CITY COUNCIL BILLS 13-0177 AND 13-0178 ARE ALSO APPROVED AND ENACTED.

ALL OTHER REPORTS RECEIVED WERE FAVORABLE.

13-0182 - An Ordinance concerning the Sale of Properties - Former Beds of a Portion of Fremont Avenue and 2 Portions of Martin Luther King, Jr. Boulevard for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain parcels of land known as the former beds of a portion of Fremont Avenue and 2 portions of Martin Luther King, Jr. Boulevard lying between Fairmount Avenue and Hollins Street and no longer needed for public use; and providing for a special effective date.

## MINUTES

CITY COUNCIL BILLS - cont'd

THE DEPARTMENT OF GENERAL SERVICES SUPPORTS PASSAGE OF CITY COUNCIL BILL 13-0182 PROVIDED THE OPENING AND CLOSING ORDINANCES ARE ENACTED.

THE DEPARTMENT OF REAL ESTATE HAS NO OBJECTION TO THE PASSAGE OF CITY COUNCIL BILL 13-0182 ON THE CONDITION THAT ACCOMPANYING CITY COUNCIL BILLS 13-0180 AND 13-0181 ARE ALSO APPROVED AND ENACTED.

ALL OTHER REPORTS RECEIVED WERE FAVORABLE.

UPON MOTION duly made and seconded, the Board approved Bill Nos. 13-0196, 13-0197, 13-0198, 13-0179, and 13-0182, and directed that the bills be returned to the City Council with the recommendation that it also be approved by that Honorable Body. The President **ABSTAINED**.



**MINUTES**Baltimore Development Corporation (BDC) - Lease Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a lease agreement with Charm City Carousel Entertainment, LLC (Charm City) for the operation of a carousel on City-owned land located on the southwestern end of the Inner Harbor. The period of the agreement is for one five-year term; the first year is abbreviated effective upon Board approval through December 31, 2013. The period of the remaining four years each will be effective January 1<sup>st</sup> through December 31<sup>st</sup> with two five-year renewal options.

**AMOUNT OF MONEY AND SOURCE:**

<u>Annual Rent</u>	<u>Year</u>	<u>Amount</u>
\$38,000.00	1	\$25,000.00 and \$13,000.00 - 2 semi-annual payments
\$50,000.00	2-5	\$8,333.34 each in six payments

**BACKGROUND/EXPLANATION:**

The BDC and the Department of Recreation and Parks jointly issued a Request for Proposal (RFP) for a new Inner Harbor attraction between the Maryland Science Center and Rash Field in 2012. Two vendors responded to the RFP. Charm City was the selected vendor to operate a first-class carousel operation on City-owned land located on the southwestern end of the Inner Harbor.

The attraction will be operational seven days a week from May through August and will have a limited schedule during the rest of the year, weather permitting.

Charm City has over 20-years experience operating carousels and other amusement rides throughout the world. It has operations in other cities such as Brooklyn, NY, Toronto and Montreal, Canada, Vallejo, CA, and Philadelphia, PA.

MINUTES

BDC - cont'd

MBE/WBE PARTICIPATION:

N/A

DEFERRED

UPON MOTION duly made and seconded, the Board DEFERRED the foregoing lease agreement for two weeks.

**MINUTES**

Police Department - Grant Adjustment Notice (GAN)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize acceptance of a GAN from the United States Department of Justice. The GAN extends the period of the award through August 31, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$0.00

**BACKGROUND/EXPLANATION:**

On October 6, 2010, the Board approved a grant award agreement from the United States Department of Justice for the Baltimore City Gun and Gang Impact Program 2010. This GAN will extend the period of the award through August 31, 2014 in order to meet the goals of the grant program. All other terms and conditions of the original agreement remain unchanged.

**MBE/WBE PARTICIPATION:**

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 GAN from the United States Department of Justice.

**MINUTES**Police Department - Acceptance of 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 (GOCCP). The period of the grant award is January 1, 2013 through June 30, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$150,000.00 - 5000-598813-2041-195500-607001

**BACKGROUND/EXPLANATION:**

The Department has received a grant award from the GOCCP in conjunction with the Maryland Safe Streets Program for the Strategic Proficiency Project.

The Department's Strategic Proficiency Program helps reduce existing gaps in services and is designed to foster collaboration and cooperation among partner agencies and stakeholders throughout Maryland. The grant funds provide for contractual services and will allow a consultant to develop a multiyear strategic plan to improve crime fighting from an integral perspective.

The grant award is late because of the delay in the receipt of documents.

**MBE/WBE PARTICIPATION:**

N/A

**APPROVED FOR FUNDS BY FINANCE**

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

## MINUTES

Police Department - cont'd

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

This amendment provides funds to address health and safety issues at one program site to repair a playground. The funds will also be used to purchase classroom materials for nine classrooms at three program sites.

**MINUTES**MOHS - cont'd

The total amount of the award is \$3,666,416.00. On June 27, 2012 the Board approved a two-month advance in the amount of \$606,433.00. On August 29, 2012, the Board approved the remainder of the award in the amount of \$3,059,983.00. On December 19, 2012, the Board approved an amendment in the amount of \$14,250.00. This increase makes the total award \$3,882,356.00.

**MWBOO FOUND THE VENDOR IN COMPLIANCE.**

AGREEMENTS

3. **ST. VINCENT DE PAUL SOCIETY** **\$399,017.00**  
**OF BALTIMORE**

Account: 1001-000000-3572-333229-603051

The organization will provide one of the following services or support to 250 clients: temporary shelter meals, counseling and/or information and referral to the homeless of the City. The period of the agreement is July 1, 2012 through June 30, 2013.

The agreement is late due to a delay at the administrative level.

**MWBOO GRANTED A WAIVER.**

4. **UNITY METHODIST CHURCH/UMOJA** **\$ 37,939.00**  
**HEAD START PROGRAM**

Account: 5000-586813-6051-517000-603051

The Unity Methodist Church is the delegate for the UMOJA Head Start Program. The program will provide services to 40 children and their families during the summer, for five days per week. The funds will be used to expand one classroom to an extended day class, and to provide activi-

**MINUTES**

MOHS - cont'd

ties and field trip opportunities to enhance children's cognitive and social development. The period of the agreement is effective upon Board approval through September 30, 2013.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing amendment to agreements and grant agreements. The President **ABSTAINED** on item no. 3.



**MINUTES**

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

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an amendment to agreement with Second Chance, Inc. The amendment extends the agreement through September 30, 2013.

**AMOUNT OF MONEY AND SOURCE:**

No additional costs

**BACKGROUND/EXPLANATION:**

On February 27, 2013, the Board approved the original agreement, in the amount of \$44,150.00, for the period January 14, 2013 through June 30, 2013.

Under the agreement, Second Chance, Inc. will provide customized on-the-job deconstruction worker training, as well as a customized training plan to be developed for each participant prior to the start of training, and job search skills to enable participants to obtain employment in the deconstruction, construction, and business industry. The training also includes learning safety requirements, deconstruction tool usage, health hazard recognition and prevention and management of salvaged materials. The amendment extends the agreement through September 30, 2013. All other terms and conditions of the agreement will remain unchanged.

**APPROVED FOR FUNDS BY FINANCE****AUDITS NOTED THE TIME EXTENSION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment to agreement with Second Chance, Inc.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- |   |             |         |
|---|-------------|---------|
| 1. CHEMUNG SUPPLY CORP.   | \$26,852.00 | Low Bid |
| Solicitation No. B50002979 - Guardrails - Department of Transportation - Req. No. Various |             |         |

The period of the award is June 12, 2013 through June 11, 2014, with two 1-year renewal options.

- |   |             |         |
|---|-------------|---------|
| 2. PRITCHARD BROWN, LLC   | \$38,764.00 | Low Bid |
| Solicitation No. B50002891 - Mobile Generator Tank Replacements - Department of General Services - Req. No. R623650 |             |         |

- |  |             |              |
|--|-------------|--------------|
| 3. PROMOTIONS UNLIMITED, INC.  | \$27,705.00 | Ratification |
| Solicitation No. 06000 - Promotional Lighting - Health Department - Req. No. R633414 |             |              |

Due to an administrative error, the order was erroneously processed by Baltimore City Health Department on an EA. The product has been delivered and is in use. The period of the ratification of the purchase was April 2, 2013 through April 5, 2013.

- |  |             |         |
|--|-------------|---------|
| 4. ITOTS NETWORKS, LLC   | \$29,482.89 | Low Bid |
| Solicitation No. B50002848 - Citrix Support Renewal Licenses - Mayor's Office of Information Technology - Req. No. R621510 |             |         |

The license renewal includes the reinstatement fee for the period the license was in use prior to June 12, 2013 and is in effect for the remainder of the license term. The period of the award is January 1, 2013 through December 31, 2013.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- |   |             |         |
|---|-------------|---------|
| 5. PETERBILT OF BALTIMORE,<br>LLC   | \$50,000.00 | Renewal |
| Solicitation No. 06000 - OEM Parts, Service and Warranty Repairs for Peterbilt Heavy Trucks - Department of General Services, Fleet Management - P.O. No. P509023 |             |         |

On August 12, 2009, the Board approved the initial award in the amount of \$150,000.00. The award contained two 1-year renewal options. On June 13, 2002, the Board approved the first renewal in the amount of \$0.00. This final renewal in the amount of \$50,000.00 is for the period August 12, 2013 through August 11, 2014.

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

**MWBOO GRANTED A WAIVER.**

- |   |         |           |
|---|---------|-----------|
| 6. GENLYTE THOMAS GROUP,<br>LLC, d/b/a HADCO A PHILLIPS<br>COMPANY  | \$ 0.00 | Extension |
| Solicitation No. B50001104 - Decorative Street Light Fixtures and Poles - Department of Transportation - P.O. No. P508255 |         |           |

On July 15, 2009, the Board approved the initial award in the amount of \$1,558,175.00. On June 15, 2011, the Board approved a renewal in the amount of \$0.00. This three month extension in the amount of \$0.00 is requested to allow time to execute a new competitively bid contract. The period of the extension is July 1, 2013 through September 30, 2013.

**MWBOO GRANTED A WAIVER.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- |   |         |         |
|---|---------|---------|
| 7. CORRELLI INCORPORATED  | \$ 0.00 | Renewal |
| Solicitation No. B50001090 - OEM Parts and Service for Amida Light Towers - Department of General Services - P.O. No. P509147 |         |         |

On July 15, 2009, the Board approved the initial award in the amount of \$75,000.00. The award contained two 1-year renewal options. On June 20, 2012, the Board approved a renewal in the amount of \$25,000.00. This final renewal in the amount of \$0.00 is for the period August 1, 2013 through July 31, 2014.

**MWBOO GRANTED A WAIVER.**

- |  |             |         |
|--|-------------|---------|
| 8. T AND J JEONG, INC.   | \$55,100.00 | Renewal |
| Solicitation No. 06000 - Furnish and Deliver Authentic Korean Meals - Health Department - P.O. No. P514680 |             |         |

On May 26, 2010, the Board approved the initial award in the amount of \$55,100.00. The award contained four 1-year renewal options. Subsequent actions have been approved. This renewal in the amount of \$55,100.00 is for the period June 10, 2013 through June 9, 2014, with one 1-year renewal option remaining.

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

**MWBOO GRANTED A WAIVER.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

## 9. ASSOCIATED BUILDING

MAINTENANCE CO. INC.	\$85,840.00	Increase
----------------------	-------------	----------

Solicitation No. B50001547 - Provide Janitorial Services for Area B - Police Department and Department of General Services - P.O. No. P515603

On November 24, 2010, the Board approved the initial award in the amount of \$388,032.00. The award contained two 2-year renewal options. On June 30, 2011, the City Purchasing Agent approved an increase in the amount of \$25,003.00. Subsequent actions have been approved. Due to additional hours of custodial services at the Police Districts, an increase in the amount of \$85,840.00 is necessary. This increase in the amount of \$85,840.00 will make the total award amount \$1,436,485.00. The contract expires on November 2, 2013, with one 2-year renewal option remaining.

**MWBOO SET GOALS OF 17% MBE AND 9% WBE.**

**MWBOO FOUND VENDOR IN COMPLIANCE.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

## 10. BOB BELL AUTOMOTIVE

GROUP, INC.	\$ 0.00	Renewal
-------------	---------	---------

Solicitation No. B50001092 - O.E.M. Parts and Service for GMC Heavy Duty Trucks - Department of General Services, Fleet Management - P.O. No. P509294

On July 15, 2009, the Board approved the initial award in the amount of \$1,100,000.00. The award contained two 1-year renewal options. On May 31, 2011, the City Purchasing Agent approved an increase in the amount of \$50,000.00. Subsequent actions have been approved. This final renewal is for the period August 1, 2013 through July 31, 2014.

**MWBOO GRANTED A WAIVER.**

UPON MOTION duly made and seconded, the Board approved the informal awards, renewals, increases to contracts, and extensions.

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

The Board is requested to approve the purchase of client incentive gift cards for the HIV/STD Prevention Program and authorize an expenditure of funds to pay Walgreen Co.

**AMOUNT OF MONEY AND SOURCE:**

\$10,000.00 - 1001-000000-3023-271800-604051  
(2,000 cards @ \$5.00 ea.)

**BACKGROUND/EXPLANATION:**

The client incentives/gift cards purchased from Walgreen Co. will be distributed to help reduce the number of new HIV infections and improve the health of persons living with HIV/AIDS. The staff's ability to attract those encountered to receive counseling and testing on the STD/HIV testing van will be enhanced through the use of incentive cards. T-shirts are purchased and provided to the outreach team.

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

The Health Department adopted a consolidated policy for the purchase, distribution, and documentation of all incentives cards. The central tenets of this policy account for: 1) a single means of procuring all incentive cards through the Board of Estimates; 2) the documentation of each incentive card and its recipient; 3) a monthly reconciliation for all purchases that account for all distributed and non-distributed cards; and, 4) periodic internal reviews, which are to be shared with the Department of Audits.

**MINUTES**Health Department - cont'd

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

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

UPON MOTION duly made and seconded, the Board approved the purchase of client incentive gift cards for the HIV/STD Prevention Program and authorized an expenditure of funds to pay Walgreen Co.



**MINUTES**Health Department - Agreements and Amendment to Agreements

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

AGREEMENTSSENIOR COMPANION PROGRAM

- |    |   |                |
|----|---|----------------|
| 1. | <b>PROJECT PLASE, INC.</b>  | <b>\$ 0.00</b> |
| 2. | <b>PRESERVATION MANAGEMENT, INC./<br/>NEW WATERS TOWER APARTMENTS</b> | <b>\$ 0.00</b> |

The agreements are late because the original contracts were returned during the program's move from 1001 E. Fayette Street to 417 E. Fayette Street.

The above-listed organizations will serve as Volunteer Stations for the Retired and Senior Volunteers Program (RSVP). Through a grant from the Corporation for National and Community Services, the Department sponsors the Senior Companion Program. The grant pays for 100% of the cost of Senior Companions to volunteer to assist special needs clients who want to remain in their homes. While the senior volunteers are on duty, the grant provides for their life insurance, transportation and other benefits. The period of the agreement is April 1, 2012 through June 30, 2013.

- |    |                                 |                     |
|----|---------------------------------|---------------------|
| 3. | <b>JOHNS HOPKINS UNIVERSITY</b> | <b>\$ 89,522.00</b> |
|----|---------------------------------|---------------------|

Account: 1001-000000-3100-295901-603051

The Johns Hopkins University, School of Medicine will provide physician services for on-site consultation at a minimum of ten hours and be available at a minimum of ten hours per week for patient evaluation to the school-based health centers located at Baltimore Talent Development #428/August Fells Savage Institute #430, Baltimore Freedom Academy #423/Middle Alternative Program #734, Heritage High

## MINUTES

Health Dept. - cont'd

#425/REACH School Middle/High #341, Dunbar #414, Digital Harbor #416 and Patterson #405 Senior High Schools. The period of the agreement is July 1, 2012 through June 30, 2013.

The agreement is late because budget revisions delayed its processing.

**MWBOO GRANTED A WAIVER.**

AMENDMENTS TO AGREEMENTS

4. **INDEPENDENT LIVING FOUNDATION INC. \$50,000.00**

Account: 4000-424513-3023-599611-603051

On September 26, 2012, the Board approved the original agreement in the amount of \$211,572.00 for the period July 1, 2012 through June 30, 2013. This amendment to agreement will increase the agreement by \$50,000.00 and make the total agreement amount \$261,572.00. The organization will provide support to 30 persons, both new clients and continuing clients who have comprehensive care needs ranging from periodontal, restorative, surgical, and prosthetic.

**MWBOO GRANTED A WAIVER.**

5. **TOTAL HEALTH CARE, INC. \$ 5,000.00**

Account: 4000-424513-3023-599635-603051

On February 6, 2013, the Board approved the original agreement in the amount of \$38,526.00 for the period July 1, 2012 through June 30, 2013. This amendment to agreement proposes to increase the overall group counseling participation, supplying participants with gift cards as attendance incentives and recruiting individuals who are identified at a higher risk of becoming lost to care again as attendance incentive.

## MINUTES

Health Dept. - cont'd

This amendment to agreement will increase the agreement by \$5,000.00 and make the total agreement amount \$43,526.00.

The amendments are late because supplemental awards were received by the Department of Health and Mental Hygiene on April 22, 2013.

6. **CARSON RESEARCH CONSULTING, INC.** **\$10,000.00**

Account: 6000-622513-3080-293601-603018

On October 31, 2012, the Board approved the original agreement in the amount of \$12,500.00 for the period July 1, 2012 through June 30, 2013. On January 16, 2013, the Board approved an amendment in the amount of \$30,000.00. On February 6, 2013, the Board approved an amendment in the amount of \$6,200.00. This amendment to agreement will provide additional services and extends the agreement through November 30, 2013.

The amendment to agreement is late because during the transition in the accounting staff, the amendment was overlooked.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED (EXCEPT ITEM NOS. 1 AND 2) AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing agreements and amendments to agreements. The President **ABSTAINED** on item no. 3.

MINUTES

TRANSFERS OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

2159 - 2161

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**

<b><u>AMOUNT</u></b>	<b><u>FROM ACCOUNT/S</u></b>	<b><u>TO ACCOUNT/S</u></b>
<u>Department of Transportation</u>		
1. <b>\$604,800.00</b>	9950-903550-9509	9950-904981-9508
General Funds	Constr. Res. -	Resurfacing In-
	Neighborhood	House
	Reconstruction	

This transfer will cover the deficit in the account and fund the cost associated with the contractual blanket agreement pursuant to bid/contract B50001348, R633697 by P. Flanigan & Sons, Inc. for the purchase of material and other related cost relating to the project, "Resurfacing In-House."

Department of General Services

2. <b>\$ 70,000.00</b>	9916-904845-9194	9916-916016-9197
General Fund	Capital Constr.	Sarah's Hope
	& Maintenance -	Shelter Renovations
	- Reserve	Active

Sarah's Hope is housed in a former elementary school that was built in 1927. The structure and surrounding site requires major renovations to comply with current building codes, as well as, environmental and efficiency standards. The overall project will be conducted in multiple phases. In this phase, the DGS will abate several environmental issues, and investigate the feasibility of using geothermal to increase energy efficiency. The results of the geothermal investigation will be used to determine the next steps in the overall site master plan.

## MINUTES

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Housing and Community Development</u>		
3. \$ 73,598.00	9991-945002-9587	9997-915411-9593
22 <sup>nd</sup> CDBG	Unallocated Reserve	East Baltimore Development
52,221.00	" "	9999-916411-9593
24 <sup>th</sup> CDBG		East Baltimore Development
60,000.00	" "	9981-912411-9593
26 <sup>th</sup> CDBG		East Baltimore Development
467,766.00	" "	9995-914411-9593
20 <sup>th</sup> CDBG		East Baltimore Development
723,058.00	" "	9982-913411-9593
27 <sup>th</sup> CDBG		East Baltimore Development
623,357.00	" "	9995-914411-9593
20 <sup>th</sup> CDBG		East Baltimore Development
<b>\$2,000,000.00</b>		

This transfer will provide funds to East Baltimore Development, Inc. for demolition and clearance of long term vacant properties in targeted renewal areas in East Baltimore.

## MINUTES

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Housing and Community Development - cont'd</u>		
4. \$ 625,000.00	9910-902985-9587	9910-902197-9588
M&CC Funds	Housing Develop-	Blight Elimination
FY'13	ment - Reserve	Land Sales

This transfer will provide fiscal year 2013 Mayor and City Council Real Property Funds to support operations of Baltimore's Blight Elimination Unit.

5. \$ 185,574.00	9991-945002-9587	9983-909010-9593
28 <sup>th</sup> CDBG	Unallocated Reserve	Direct Homeowner
135,718.00	9991-945002-9587	9991-928010-9593
36 <sup>th</sup> CDBG	Unallocated Reserve	Direct Homeowner
178,708.00	9991-945002-9587	9996-942010-9593
21 <sup>st</sup> CDBG	Unallocated Reserve	Direct Homeowner
<u>\$ 500,000.00</u>		

This transfer will provide community development block grant funds for the Department's Homeownership Incentive Program.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTION

\* \* \* \* \*

On the recommendations of the City agency

hereinafter named, the Board,

UPON MOTION duly made and seconded,

awarded the formally advertised contracts

listed on the following pages:

2163 - 2214

to the low bidders meeting the specifications,

and rejected the bid as indicated

for the reasons stated.

The Transfers of Funds were approved

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having reported favorably

thereon, as required by the provisions

of the City Charter.

The Comptroller voted **NO** on item nos. 2, 3, and 9.



**MINUTES****RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS****Department of General Services**

1. GS 13802, West Street Mid-Atlantic General \$ 358,171.00  
Garage Repairs Contractors, Inc.

**MBE:** KMT Contractors \$ 96,707.00 27.00%  
**WBE:** KL Philips Trucking, LLC \$ 25,072.00 7.00%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**Department of Transportation**

2. TR 13002, Reconstruc- Santos Construction \$ 884,270.00  
tion of Footways Co., Inc.  
Citywide

**MBE:** Machado Construction Co., Inc. \$238,752.90 27.00%  
**WBE:** S&L Trucking, LLC \$ 88,427.00 10.00%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**A PROTEST WAS RECEIVED FROM M. LUIS CONSTRUCTION CO.**

**A RESPONSE TO THE PROTEST FROM M. LUIS CONSTRUCTION WAS  
RECEIVED FROM SANTOS CONSTRUCTION CO., INC.**

**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
3. \$ 399,625.00	9950-903300-9504	
MVR	Construction Reserve	
	Tree Roots/Foot	
203,716.75	9950-904100-9504	
GF (HUR)	Construction Reserve	
	Footway Paving	
413,568.75	9950-904100-9504	
Other	Construction Reserve	
<u>\$1,016,910.50</u>	Footway Paving	

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - TR 13002 - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 884,270.00	-----	9950-905455-9504-6
		Structure & Improvements
88,427.00	-----	9950-905455-9504-5
		Inspection
44,213.50	-----	9950-905455-9504-2
<u>\$1,016,910.50</u>		Contingencies
		Reconstruction of
		Footways Citywide

This transfer of funds will fund the costs associated with the award of Project TR 13002, Reconstruction of Footways Citywide to Santos Construction Co., Inc. in the amount of \$884,270.00.

President: "The first item on the non-routine agenda can be found on page 34, item no. 2, Reconstruction of Footways Citywide. Will the parties please come forward? Before they come forward, I would like to recognize the presence of Councilman Carl Stokes, who has joined us. He's sitting right there."

Ms. Laetitia Griffin: "Good morning Madam Mayor and Board members. Laetitia Griffin for the Department of Transportation

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - TR 13002 - cont'd

and we recommend award of TR 13002, Reconstruction of Footways Citywide, to Santos Construction."

Mr. Robert Dashiell: "Madam Mayor, Mr. President, Madam Comptroller, Colonel Fox, Mr. Nilson, having now appeared before --"

Comptroller: "State your name."

Mr. Dashiell: "My name is Robert Dashiell. Having appeared before this Board now for the fifth -- for over five groups of Board members, it's time that I begin to pass on the torch. I introduce to some and present to others my associate/daughter, Attorney Senchall Barrolle."

Ms. Senchall Barrolle: "Good morning members of the Board."

Comptroller: "State your name again."

Ms. Barrolle: "My name is Senchall Barrolle for M. Luis Construction. Ah -- we were -ah- recommending or requesting that the recommendation be denied -ah- fundamentally on the basis of

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - TR 13002 - cont'd

integrity of the process as well as public uh -- trust. Starting with the bid proposal affidavit, the instructions could not be more clear. It states that the following bid proposal affidavit is a material and integral part of this bid and continues on to state that failure to properly execute this bid proposal will cause your bid to be found non-responsive, and it will be rejected by the Board of Estimates. Uh- We read those to be -- ah -- not permissive, but mandatory instructions. Ah -- with reference to Santos Construction, Inc., which admittedly submitted the lowest bid, it's our position that while their bid was the lowest, it was not responsive. Ah -- again, focusing on the bid proposal affidavit, under the header, 'Authorized Representative', someone, presumably from Santos Construction Company, Inc. filled in "I am the Business Manager/Agent Estimator and duly authorized Representative of Santos Construction Company, Inc." Then five pages later after purporting to make numerous material affirmations, including

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - TR 13002 - cont'd

affirmations as to bribery convictions, other convictions, debarment, collusions, and political contributions, the affidavit is signed under penalty of perjury that its accurate by one Tina Santos, who is not actually the Business Agent/Estimator as she solemnly declared to be under notary seal. Ah -- With that, in our opinion, that can be no question that this bid proposal was not -ah- properly executed. Moreover, we would note that in addition to Tina Santos signing, even though she is not the Business Agent/Estimator, she also did not fill out in the space provided what her title is and so, we point out that technically, she did not sign in a representative capacity, therefore. Turning to other mandatory bid documents, we further protest that Denny Stottlemeyer, who is identified elsewhere as the Business Agent did not submit -ah- legal documentation of his authorization to submit bids on behalf of Santos Construction Company, Inc. The other portions of the bid which he signed without having submitted that -ah- legal

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - TR 13002 - cont'd

documentation include -- ah -- MBE/WBE participation and subcontractor utilization forms which are mandatory and found at Parts B, C, and E, as well as a Part 2 Affidavit. Ah -- our basis for stating that he is required to submit legal documentation of his authority to sign the bid is found in the standard specifications of the -- of the green book -- excuse me --ah- twenty-one, thirteen, ten, which reads 'anyone executing a bid as an Agent of the Corporation shall file -- again -- mandatory language -- with the bid legal evidence of its authority to do so. Ah -- we recognize that per the Corporation's article of the Maryland Code there are three positions which are mandatory office positions for mailroom corporations, those of course being the positions of President, Treasurer, and Secretary. While we did not rely our whole argument upon the position being a mandatory position because there are also permissive positions. We would assert that the position of Business Agent is not a typical position to be found

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - TR 13002 - cont'd

in a corporation. So, we can't infer what the scope of the Business Agent/Estimator's authority would be and for that reason we'd state that anything he signed needs to be considered inaccurate and unauthorized, as per what's inclusive in ah -- Santos' bid."

President: "You have a question?"

Comptroller: "Yes. Mr. Nilson, is it a valid document if the affiant does not sign the affidavit?"

Solicitor: "Well, I think the -- there needs to be some evidence that the signer is authorized and I think we ought to hear from the agency and from the Law Department as to what the facts are before we can wade into the details."

Mr. Michael Schrock: "Michael Schrock for the Baltimore City Law Department. Um -- first off I'd like to say I don't see in your letter of May 20<sup>th</sup> -- or I do not certain it's a real issue anyway -- that Tina Santos' signature was an issue that you brought up her being a Vice President of the corporation -um-

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - TR 13002 - cont'd

not having authority. We did bring up the Business Agent Estimator, which is Mr. Stottlemeyer and you talked about that throughout your protest. But, I don't see Tina Santos or anything about a Vice President being in question. So, I wouldn't even say that should be a part of the consideration. But, even so, a Vice President normally can sign documents um -- for a corporation. We do have a Corporate Resolution that Santos Construction provided Transportation -um- my understanding it was shortly after the bid was received that they have a 1999 - 1992 -uh- Corporate Resolution, that was a continuing resolution that Dennis Stottlemeyer as the Business Agent of Santos Construction Company, Inc. is authorized to file and sign contracts on behalf of the said corporation. Um - I'd further state we had an example -- actually Mr. Dashiell -- that we worked on, I think, back in May of 2011, Cruz Construction, that you filed a protest on with a similar argument on signature authority and at that time I made the same argument uh -- that



## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - TR 13002 - cont'd

that's something that the Board can decide is a -- is a -- can be considered an irregularity, but it's a minor one. It's not a material one that puts any of the bidders in a -ah- -ah- better competitive position. Actually the Federal Court and the Board of Contract Appeals -- though we are the City -- in those cases they've said that -um- they can -- government can accept proof of the authority of an individual to sign a certificate or bid after bid opening. This is the Comptroller General of the United States, which in a memo to Cruz Construction, I did cite authority to that which I believe you're cc'd on Mr. Dashiell. Um -- so there is authority for that. Also, you know there's been the - uh - Court of Appeals -- well not the Court of Appeals -- but the (Board of) Appeals have also stated that a company's offer the issue is whether they can revoke it after this. Does this allow them to revoke with the idea that the person had no authority to sign and in this case, the person did have the authority to sign the resolutions there. The company's

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - TR 13002 - cont'd

making no attempt to revoke their offer and so the bid was responsive to our -ah- solicitation."

Solicitor: "And let me just -- if I could just clarify something. The authorization of this gentleman to sign these kinds of documents - ah - was provided to us after the bids submitted -- bids were submitted, but it was authorization that had been granted to him in writing, previously. Is that right?"

Mr. Schrock: "1992 -- it covers --"

Solicitor: "But was it -- and was -- and it was in effect per the representation of the company when they submitted it to us after the bid documents?"

Mr. Schrock: "And I must say that this company has had this individual -- the Business Estimator, Stottlemeyer sign bid documents in the past that we've accepted that have gone -- approved through the BOE. So, this is a continuing practice of the corporation -- nothing new."

Comptroller: "My question is, how can someone else sign a bid

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - TR 13002 - cont'd

proposal for an affiant? I mean, how can they certify what he knows? And you're saying it's ah -- a minor defect, but the instructions say that, the bid proposal affidavit is material and an integral part of the bid."

Mr. Schrock: "Well, the -- the affidavit is if nobody signed that and didn't bring it in, then you'd have a material problem. But, somebody that did have authority for that company did sign it and submit it with the bid. The irregularity was they -- it would have been good to have the resolution in that packet so there was no question. But, they provided that shortly afterwards. So, it -- its -- "

Comptroller: "But, how can Ms. Santos know what Mr. Stottlemeyer knows?"

Mr. Schrock: "Well, there's a number of people that have signed throughout that document --"

Comptroller: "But, I'm talking about -- but I'm talking about on this specific document because there are a lot of 'I affirms'."

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - TR 13002 - cont'd

Mr. Schrock: "Correct."

Comptroller: "So, how can Ms. Santos affirm something that she thinks that the Business Agent and the Estimator knows? How can she do that?"

Mr. Schrock: "Well, if they're all working together in the company --"

Comptroller: "But she can't -- she can't really know what he knows."

Mr. Schrock: "You have Presidents, Vice Presidents, you have different groups. If they're familiar with those things and can affirm it to it, we take that as accepted --"

Solicitor: "But, we don't --"

Comptroller: "She shouldn't have signed the document --"

Solicitor: "I don't think we look behind -- we don't look behind the individuals."

Mr. Schrock: "We don't look behind -- yeah."

Comptroller: "He should have signed the document."

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - TR 13002 - cont'd

Mr. Schrock: "I mean, we could, you know, if the Board wanted every President to sign every document -- every piece --"

Comptroller: "No not every President, but the person who says 'I affirm' should sign the affidavit. Not every -- I understand that the President may not sign. But, if the affidavit -- its says that the authorized representative -- I hereby affirm."

Ms. Barrolle: "May I respond?"

Comptroller: "Yes."

Ms. Barrolle: "Thank you Comptroller Pratt. As you've recognized, we would take -- certainly take the position that Ms. Santos cannot affirm what someone else knows and we would further point out that while -um- is focus is on the authorization, that is a separate issue that we raised and -ah- with respect to Ms. Santos, it was raised in footnote number one of our protest. Although we thought for the reasons of letting mandatory documents relating to MBE/WBE participation that you might not be able to reach it, we did actually raise it. Um --"

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - TR 13002 - cont'd

that she -- she cannot affirm on someone else's behalf and furthermore she -ah- did not even sign, as we pointed out, in her representative capacity. We know that she's Vice President from other documents. She just signed it Tina Santos. If this particular affidavit in and of itself is material, in and of itself states on its face that your bid will be found non-responsive and that your -ah- bid will be rejected by the Board. Then this particular affidavit has to stand on its own and has to be properly completed and there are multiple reasons why it is not. Because the Business Estimator is referenced in the first paragraph and then also because even if she proposes to sign on anyone's behalf, even her own, she didn't fill in name and title when it was right there to do so. And we have to look outside of the four corners of this document to find out who she is and what authority she would have, even as Vice President. And even taking for granted that as -- ah -- ah -- an unofficial or permissive position within a Maryland corporation she would

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - TR 13002 - cont'd

have the requisite authority."

Mr. Dashiell: "Let me clarify something. Number one, Mr. Sch-- Michael's recollection of what he said and what he told the Board in the Cruz case is better than mine. But ah,-- if in fact it's true that he said what he's saying today, then he was just as wrong then as he is today. The fact of the matter is you cannot rely on a document that exists outside the four corners of the bid. That's the whole purpose of public bidding. I guarantee you I can leave here now and come back with every resolution you want that's dated yesterday. But, you didn't see me -- you didn't see me create it. You didn't see me sign it and you didn't see me date it. That's the whole purpose of having public bids, having public bids opening. You cannot rely upon something that's not in the bid. That's hornbook law. That -- I'm not making it up and you said it yourself, Board, in the standard specifications. You've said it and you've said it over and over and over again. The -- the bid is determined based upon

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - TR 13002 - cont'd

what's in it. Not on the document that's provided afterwards. And there is no authority -- there is no authority under Maryland law under any case, under any case whatsoever where mandatory documents, even the Comptroller's cases, where mandatory documents can be authenticated after the bid -- mandatory documents. We're not talking about something that says I'm going to participate in the BAP Program or something that says I'm going to hire Baltimore -- ah -- Apprentice Program. We're talking about -- we're talking about MBE participation documents. We're talking about MBE participation affidavits. We're talking about documents that -- that -- that afterwards the bid -- the bid would be -- would be rejected on its face. You can't authenticate those after the fact. If you -- if you're going to do that, then forget about public bidding, forget about Charter and we just make the rules up as we go."

Solicitor: "Is there a case that we're aware of, Mr. Dashiell, where a bid has been rejected for want, at the time of the bid



## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - TR 13002 - cont'd

submission, of confirmation of the authority of an individual to sign the documents that are a part of the bid package?"

Mr. Dashiell: "Yes indeed. I --"

Solicitor: "What case is that?"

Mr. Dashiell: "J.B. Mole went to court over that. I sued you on that as you recall -- and you know who won -- right?"

Solicitor: "Not on that issue Mr. Dashiell."

Mr. Dashiell: "Exactly on that issue."

Solicitor: "No Sir."

Mr. Dashiell: "That issue was one where Joint Ventures submitted a bid without authoriza-- without proof that all the members had--"

Solicitor: "Very different."

Mr. Dashiell: " -- had authorized the -- the - the -- member to sign. You said it was okay. I sued you across the street. I won."

Solicitor: "Very different circumstances."

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - TR 13002 - cont'd

Mr. Dashiell: "Sure it is."

Solicitor: "And I think declaring victory is probably an exaggeration."

Mr. Dashiell: "Well, let me put it -- my client got the contract."

President: "Alright, let's -- let's-- let's -- come on. You have anything else to say?"

Mr. Schrock: "Um -- I'm glad to show the May 2011 opinion -um- which you received a copy of - a copy for you here today I can give you. But, in any case I do believe this person both -- Tina that is the V.P. had the authority to sign. We also have a Corporate Resolution that shows the Business Agent had authority to sign. Um -- I do agree with you that I see that you did mention the Vice President in a little footnote here. So -- and the other issue with the Business Agent Estimator on the bid proposal affidavit you were talking about, it does say Business Agent Estimator and the V.P. signed it. So, you have a -ah- you

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - TR 13002 - cont'd

have a minor irregularity there. But, you have somebody that had the authority to sign it. And it -- you know -- I just think that's up to the Board of Estimates to decide if they're going to waive that minor irregu-- irregularity there."

Ms. Barrolle: "May I?"

Comptroller: "Sure."

Ms. Barrolle: "I think ah -- we think rather -- we take the position that Ms. Santos certainly may have had the authority to sign the bid proposal if it had been filled in with the Vice President was attesting to the particular affirmations in the documents and if she actually had been identified as the Vice President even where her signature was required at the close of that document where it states name/title and she signed simply her name after having signed under Business Estimator."

Mr. Schrock: "Well, yeah -- but throughout the document you can see it's - sorry - it's -ah- Tina Santos, Vice President. So, it's just -- I think it's clear what her title is."

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - TR 13002 - cont'd

Solicitor: "You want to do a Motion, Mr. President?"

President: "I'll entertain a Motion."

Solicitor: "I would move that to the extent that there is a minor irregularity we note it and we deny the protest and we appr-- approve the recommendation of the Agency for award."

President: "All those in favor say -- Oh, I need a second."

Director of Public Works: "Second."

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

Comptroller: "Nay, I Vote **NO** because I don't see it as an immaterial defect. I don't see how someone other than the affiant can certify their affidavit."

President: "The Motion carries."

\* \* \* \* \*

*Robert Fulton Dashiell, Esq. P.A.*

1498 Reisterstown Road, Suite 334 · Baltimore, Maryland 21208 · url: rfdlawfirm.com

Robert Fulton Dashiell  
robertdashiell@dashiell-lawoffice.com

Tel.: (410) 547-8820  
Fax: (443) 637-3718

---

Senchal Dashiell Barrolle  
Associate  
sbarrolle@dashiell-lawoffice.com  
MD, DC, NY

May 20, 2013

Honorable Members of Baltimore City Board of Estimates  
100 Holliday, Suite 204  
Baltimore, Maryland 21202

Stephanie Rawlings-Blake, Mayor  
Joan Pratt, Comptroller  
Bernard "Jack" Young, President City Council  
George Nilson, City Solicitor  
Alfred H. Foxx, Jr., Director, Public Works

C/o Harriett Taylor, Secretary/Deputy Comptroller (Hand Delivery)

Re: Tr.13002/M. Luis Construction Company, Inc.

Dear Board Members:

Bids for the above referenced contract were opened on May 13, 2013. I represent M. Luis Construction Company, Inc., ("M. Luis"), which submitted the lowest responsive bid (\$1,223,600.00). The lowest bid (\$884,270.00) was submitted by Santos Construction Co., Inc. ("Santos"), but for the reasons shown below, the Santos' bid was non-responsive and must be rejected.

Each bidder was required to submit as part of its bid Part B, MBE/WBE and Prime Contractor Statements of Intent, Part C MBE/WBE Participation Affidavit, Part E, Subcontractor Utilization Form and Part II, a BAT Program compliance affidavit. Bidders are provided multiple warnings that the omission of either form could be grounds for rejection of the bid. Santos, a Maryland corporation, submitted a bid in which these mandatory forms were signed by a person identified as its "Business Agent/Estimator". (See **Exhibits 1-5**)<sup>1</sup>

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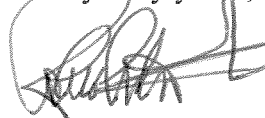
<sup>1</sup> Santos' Bid Affidavit (**Exh.6**), was apparently intended to be signed by the business agent as well, but it was instead signed by an individual who is identified in other documents as the vice president. Having not been signed by the indicated office holder could be construed in a manner that invalidated the Bid Affidavit itself. However, in light of the reasons stated above the Board need not reach that issue.

A business agent/estimator is not one of the corporate offices required by Section 2-412 (a) of the Corporations and Associations Article of the Maryland Code (president, secretary and treasurer) and, therefore, no presumption of authority to act on behalf of or bind the corporation is presumed to be reposed in that position. Rather, the authority of a business agent/estimator must be derived from the corporate by-laws or board of director resolution. **Scotch Bonnett Realty Corp. v. Matthews, 417 Md. 570, 586 (2011).** With respect to City contracts, the requirement to demonstrate agent authority is set forth in Section 21 13.10 B of the Green Book (Standard Specifications made a part of every construction contract), which provides that *“Anyone executing a Bid as an agent of the corporation shall file with the bid, legal evidence of its authority to do so.”* (Emphasis supplied) Santos did not include in its bid either a copy of its bylaws or of a board of director resolution establishing the authority of its business agent/estimator to sign any bid documents, let alone mandatory documents such as those that set forth the commitment for M/WBE participation.

Nor is there another document included in Santos bid signed by an authorized officer that independently confirms and binds Santos to the obligations set forth in the documents signed by the business agent. Bid responsiveness, at least as to mandatory bid requirements, must be determined not from extraneous material or collateral inquiry but solely from the four (4) corners of the bid. **Baltimore Pile Driving & Marine Construction, Inc., State Highway Administration, Docket 2549 (2006).** Likewise, the City’s Standard Specifications (sec.0021.13.08 C) provides that *“No information other than that included in or attached to the original Bid (where such attachment is permitted) will be used in determining award.”* (Emphasis supplied) Adherence to these principles insures a level playing field and protects the integrity of the bidding process by preventing the use of extraneous documents or information to obtain two bites at the apple.

Santos' bid must be evaluated based upon its submission of mandatory documents signed by someone other than an authorized representative, which effectively means that the bid must be viewed as though these mandatory documents were missing altogether. For that reason Santos' bid must be rejected as non-responsive and the contract awarded to M. Luis, the bidder that submitted the lowest responsive bid.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Robert Dashiell', written over a circular stamp or seal.

Robert Fulton Dashiell

CONTRACT NO. TR13002

**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 Contractor: Santos Construction Co., Inc.

Name of MBE or WBE: MACHADO CONSTRUCTION COMPANY, INC.

MBE CERTIFICATION: 91-001811 EXPIRES: 8/29/2014

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

PROVIDES TRANSIT MIX CONCRETE

MANUFACTURES, FURNISHES & DELIVERS

Materials/Supplies to be furnished by MBE or WBE:

PROVIDES TRANSIT MIX CONCRETE

MANUFACTURES, FURNISHES & DELIVERS

Subcontract Amount: \$ 238,752.90 (If this is a requirements  
contract, the subcontract amount may be omitted; however, the subcontract percentage  
must be included.)

Subcontract percentage of total contract: 27 %

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

African American..... % Asian American .. %

Hispanic American... 27 % 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.

COPY

CONTRACT NO. TR13002

**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 6c.Name of Prime Contractor: Santos Construction Co., Inc.Name of MBE or WBE: (WBE) S&L TRUCKINGWBE CERTIFICATION: WBE 07-00485, EXPIRES 9/8/2013Brief Narrative Description of the Work/Service to be performed by MBE or WBE: (WBE)DUMP TRUCK & HAULING RENTALMaterials/Supplies to be furnished by MBE or WBE: (WBE)DUMP TRUCK & HAULING RENTALSubcontract Amount: \$ 88,427.00 (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)

5/1/2013  
Date

Signature of MBE or WBE (REQUIRED)

4/26/13  
DateANY 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 27% and the WBE goal of 10% for the contract shown at the top of this page. Contractor has achieved the following participation:

MBE-\$238,752.00 or 27 % and WBE-\$88,427.00 or 10 % of the total contract amount which is \$ 884,270.00.

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. **Santos Construction Co., Inc.**

Contractor Company Name Santos Construction Company, Inc.  
5711 Woodcliff Road, Suite 101  
 Address Bowie, Maryland 20720

Signature

DENNY STOTTLEMYER, BUS. AGENT  
 Print Name and Title ESTIMATOR

Sworn and subscribed before me this 19<sup>th</sup> day of MAY, in the year 2013.

Adamaria Galeas  
 Notary Public

B-6

ADAMARIA GALEAS  
 NOTARY PUBLIC STATE OF MARYLAND  
 My Commission Expires August 24, 2016

# PART E: SUBCONTRACTOR UTILIZATION FORM

THIS FORM MUST BE INCLUDED WITH REQUEST FOR FINAL PAYMENT.

Prime Contractor's Name: Santos Construction Co., Inc.

Contract Number and Title: TR13002, RECONSTRUCTION OF FOOTWAYS  
CITY WIDE Total Contract Dollar Amount: \$884,270.00

Provide the following information for EACH and EVERY subcontractor, both MBE/WBE and NON-MBE/WBE used on this contract. (Duplicate form if necessary.)

Name of Subcontractor <u>MACHADO CONSTRUCTION COMPANY, INC.</u>	Goods or services provided on subcontract <u>PROVIDE READY-MIX CONCRETE</u>
Race/ethnicity AND sex of subcontractor's owner <u>HISPANIC AMERICAN MALE</u>	Dollar amount of subcontract <u>\$ 238,752.90</u>
Dollar amount paid to date <u>0</u>	If amount paid to date is less than subcontract dollar amount, explain why. <u>BID NOT AWARDED YET</u>

Name of Subcontractor <u>S &amp; L TRUCKING</u>	Goods or services provided on subcontract <u>DUMP TRUCK RENTALS</u> <u>HALL DEBRIS TO DUMP</u>
Race/ethnicity AND sex of subcontractor's owner <u>FEMALE</u>	Dollar amount of subcontract <u>\$ 88,427.00</u>
Dollar amount paid to date <u>0</u>	If amount paid to date is less than subcontract dollar amount, explain why. <u>BID NOT AWARDED YET</u>

Name of Subcontractor	Goods or services provided on subcontract
Race/ethnicity AND sex of subcontractor's owner	Dollar amount of subcontract
Dollar amount paid to date	If amount paid to date is less than subcontract dollar amount, explain why.

[Signature]  
Prime Contractor's signature

5/1/2013  
Date

**PART II. AFFIDAVIT**

The undersigned, being first duly sworn, on oath states to the City of Baltimore on behalf of the bidder as follows:

1. The bidder gives assurance that it will provide opportunity for training and employment for minorities and women in apprenticeship positions, and other positions whether with the bidder or subcontractors, employed on the project.
2. The bidder gives assurance that it will use its best efforts to comply with the BAT Program.
3. The bidder will maintain records in an easily retrievable and understandable form that will document any and all openings and opportunities for apprentice/trainee and, where appropriate, will make these requirements a part of all subcontract agreements on this project.
4. Bidder acknowledges that any and all bids which fail to include this form duly executed and notarized with the M/WBE portion of the bid documents may be declared as non-responsive by the Baltimore City Board of Estimates.
5. The bidder agrees to submit all forms as required in Part I & III of this document.


Santos Construction Co., Inc.

Name of Bidder

RECONSTRUCTION OF FOOTWAYS  
CITYWIDE  
CONTRACT No. TR 13002

Name of Project Contract

By



Title BUSINESS AGENT/ESTIMATOR

Date

5/1/2013

**COPY**

I hereby certify that on this 1st day of MAY, 2013, before me the subscriber,  
a Notary Public of the State of MARYLAND, in and for \_\_\_\_\_

PRINCE GEORGES City or County, personally appeared DENNIS STITTLER

\_\_\_\_\_ who acknowledged himself-herself to be the (title)

BUSINESS AGENT/ESTIMATOR of (company) Santos Construction Co., Inc. and

being duly authorized, executed the foregoing affidavit for the purposes and uses therein contained.

Adamaria Galeas  
Signature of Notary Public

ADAMARIA GALEAS  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires August 24, 2016

(SEAL)

My Appointment Expires

**COPY**

**BID/PROPOSAL AFFIDAVIT**

**INSTRUCTIONS:** The following Bid/Proposal Affidavit is a material and integral part of this Bid. Each Bidder shall read it carefully and enter all information required therein prior to executing it before a Notary Public. Failure to properly complete and execute this Bid/Proposal Affidavit will cause your bid to be found non-responsive and it will be rejected by the Board of Estimates.

**1. AUTHORIZED REPRESENTATIVE**

I HEREBY AFFIRM THAT:

I am the (title) BUSINESS AGENT/ESTIMATOR and the duly authorized representative of (business name) Santos Construction Co., Inc. and that I possess the legal authority to make this Affidavit on behalf of myself and the business for which I am acting.

**2. AFFIRMATION REGARDING BRIBERY CONVICTIONS**

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the above business (as is defined in Section 16-101(b) of the State Finance and Procurement Article of the Annotated Code of Maryland), or any of its officers, directors, partners, controlling stockholders, or any of its employees directly involved in the business's contracting activities including obtaining or performing contracts with public bodies has been convicted of, or has had probation before judgment imposed pursuant to Criminal Procedure Article, §6-220, Annotated Code of Maryland, or has pleaded nolocontendere to a charge of, bribery, attempted bribery, or conspiracy to bribe in violation of Maryland law, or of the law of any other state or federal law, **except** as follows (indicate the reasons why the affirmation cannot be given and list any conviction, plea, or imposition of probation before judgment with the date, court, official or administrative body, the sentence or disposition, the name(s) of person(s) involved, and their current positions and responsibilities with the business):

NONE

**3. AFFIRMATION REGARDING OTHER CONVICTIONS**

I FURTHER AFFIRM THAT:

**COPY**

Neither I, nor to the best of my knowledge, information, and belief, the above business, or any of its officers, directors, partners, controlling stockholders, or any of its employees directly involved in the business's contracting activities including obtaining or performing contracts with public bodies has:

- (1) Been convicted under state or federal statute of:
  - (a) A criminal offense incident to obtaining, attempting to obtain, or performing a public or private contract; or
  - (b) Fraud, embezzlement, theft, forgery, false pretences, falsification or destruction of records or receiving stolen property;
- (2) Been convicted of any criminal violation of a state or federal antitrust statute;
- (3) Been convicted under the provisions of Title 18 of the United States Code for violation of the Racketeer Influenced and Corrupt Organization Act, 18 U.S.C. §1961 et seq., or the Mail Fraud Act, 18 U.S.C. §1341 et seq., for acts in connection with the submission of bids or proposals for a public or private contract;
- (4) Been convicted of a violation of the State Minority Business Enterprise law, §14-308 of the State Finance and Procurement Article of the Annotated Code of Maryland;
- (5) Been convicted of a violation of the City of Baltimore's Minority and Women's and Business Enterprises Law, Baltimore City Code, Article 5, Subtitle 28;
- (6) Been convicted of a conspiracy to commit any act or omission that would constitute grounds for conviction or liability under any law or statute described in subsections (1)-(5) above;
- (7) Been found civilly liable under a state or federal antitrust statute for acts or omissions in connection with the submission of bids or proposals for a public or private contract; or
- (8) Admitted in writing or under oath, during the course of an official investigation or other proceedings, acts or omissions that would constitute grounds for conviction or liability under any law or statute described in §§B and C(1)-(7) above, except as follows (indicate reasons why the affirmations cannot be given, and list any conviction, plea, or imposition of probation before judgment with the date, court, official or administrative body, the sentence or disposition, the name(s) of the person(s) involved and their current positions and responsibilities with the business, and the status of any debarment):

No

**4. AFFIRMATION REGARDING DEBARMENT**

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the above business, or any of its officers, directors, partners, controlling stockholders, or any of its employees directly involved in the business's contracting activities, including obtaining or performing contracts with public bodies, has ever been suspended, or debarred (including being issued a limited denial of participation) by any public entity, except as follows (list each debarment or suspension providing the dates of the suspension or debarment, the name of the public entity and the status of the proceedings, the name(s) of the person(s) involved and their current positions and responsibilities with the business, the grounds of the debarment or suspension, and the details of each person's involvement in any activity that formed the grounds of the debarment or suspension).

NA

**5. AFFIRMATION REGARDING DEBARMENT OF RELATED ENTITIES**

I FURTHER AFFIRM THAT:

(1) The business was not established and it does not operate in a manner designed to evade the application of or defeat the purpose of debarment pursuant to Sections 16-101, et seq., of the State Finance and Procurement Article of the Annotated Code of Maryland and/or Article 5, Subtitle 40, of the Baltimore City Code; and

(2) The business is not a successor, assignee, subsidiary, or affiliate of a suspended or debarred business except as follows (you must indicate the reasons why the affirmation cannot be given without qualification):

No

COPY

**6. AFFIRMATION REGARDING COLLUSION**

I FURTHER AFFIRM THAT:

**COPY**

Neither I, nor to the best of my knowledge, information, and belief, the above business has:

- (1) Agreed, conspired connived, or colluded to produce a deceptive show of competition in the compilation of the accompanying bid or offer that is being submitted;
- (2) In any manner, directly or indirectly, entered into any agreement of any kind to fix the bid price or price proposal of the bidder or offer or of any competitor, or otherwise taken any action in restraint of free competitive bidding in connection with the contract for which the accompanying bid or offer is submitted.

**7. POLITICAL CONTRIBUTION DISCLOSURE AFFIRMATION**

I FURTHER AFFIRM THAT:

I am aware of, and the above business will comply with, Election Law Article, Title 14, Disclosure By Persons Doing Public Business, Annotated Code of Maryland, which requires that every person that enters into contracts, leases, or other agreements with the State of Maryland, including its agencies or a municipal corporation or a political subdivision of the State, during a calendar year in which the person receives in the aggregate \$100,000 or more shall file with the State Board of Elections a statement disclosing contributions in excess of \$500 made during the reporting period to a candidate for elective office in any primary or general election.

**8. CERTIFICATION OF CORPORATION REGISTRATION AND TAX PAYMENT**

I FURTHER AFFIRM THAT:

- (1) The business named above is a (domestic ✓) (foreign       ) corporation registered in accordance with the Corporations and Associations Article, Annotated Code of Maryland, and that it is in good standing and has filed all of its annual reports, together with filing fees, with the Maryland State Department of Assessments and Taxation.

(If not applicable, so state). N/A

- (2) Except as validly contested, the business has paid, or has arranged for payment of, all taxes due the City of Baltimore and the State of Maryland and has filed all required returns and reports with the Comptroller of the Treasury, the State Department of Assessments and Taxation, the Department of Labor, Licensing, and Regulation and the City of Baltimore, as applicable.

- (3) If awarded the contract resulting from this Bid/Proposal, the business shall remain in full compliance with all requirements of this §8 during the term, and any extensions thereof, of the said contract.



**9. CONTINGENT FEES**

I FURTHER AFFIRM THAT:

**COPY**

The business has not employed or retained any person, partnership, corporation, or other entity, other than a bona fide employee, bona fide agent, bona fide salesperson, or commercial selling agency working for the business, to solicit or secure the Contract, and that the business has not paid or agreed to pay any person, partnership, corporation, or other entity, other than a bona fide employee, bona fide agent, bona fide salesperson, or commercial selling agency, any fee or any other consideration contingent on the making of the Contract.

**10. CERTIFICATION OF WORK CAPACITY AND PREQUALIFICATION CLASSIFICATIONS**

I FURTHER AFFIRM THAT:

We hold Certificate No. 2552 which expires on 7/12/2013.

We have the Work Capacity to perform this contract as provided in the Standard Specifications and in accordance with the rules, regulations and requirements of the Baltimore City Contractors' Qualification Committee.

Furthermore, our current Certificate of Prequalification includes work Classifications covering Contract Items to a total of at least Fifty Percent (50%) of the Aggregate Amount Bid.

**11. ACKNOWLEDGEMENT**

I ACKNOWLEDGE THAT this Affidavit shall be included in my Bid/Proposal and that my failure to furnish it will be considered cause for my Bid/Proposal to be rejected. I further acknowledge that this Affidavit is subject to applicable laws of the United States, the State of Maryland and the City of Baltimore, both criminal and civil, and that nothing in this Affidavit or any contract resulting from the submission of this Bid/Proposal shall be construed to supersede, amend, modify or waive, on behalf of the City of Baltimore, the exercise of any statutory right or remedy conferred by the Constitution and the laws of Maryland and terms and covenants undertaken by the above business with respect to (1) this Affidavit, (2) the contract, and (3) other Affidavits comprising part of the contract.

I FURTHER ACKNOWLEDGE THAT if the business is awarded the contract resulting from this Bid/Proposal, this Affidavit shall become a material part of the contract and the Business agrees that it shall remain in full compliance with all Affirmations contained herein during the term of the contract and any and all extensions thereto.

CONTRACT NO. TR13002

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY  
THAT THE CONTENTS OF THIS AFFIDAVIT ARE TRUE AND CORRECT TO THE  
BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

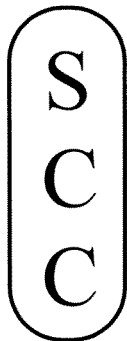
By: Lina Santos  
Name/Title

Subscribed and sworn to me this 1st day of MAY 2013

Adamaria Galeas  
Notary Public  
ADAMARIA GALEAS

My commission expires on \_\_\_\_\_  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires August 24, 2016

**COPY**



*Santos Construction Co., Inc.*

*202 Long Creek Court*

*Stevensville, Maryland 21666*

*410-927-0400*

*FAX #: 301-464-5579*

May 31, 2013

Honorable Members of Baltimore City Board of Estimates  
100 Holliday, Suite 204  
Baltimore, Maryland 21202

Stephanie Rawlings-Blake, Mayor  
Joan Pratt, Comptroller  
Bernard "Jack" Young, President City Council  
George Nilson, City Solicitor  
Alfred H. Foxx, Jr., Director, Public Works

C/o Harriett Taylor, Secretary / Deputy Comptroller (Hand Delivery)

RE: TR13002 M. Luis Construction Company, Inc.

Dear Board Members,

Santos Construction disagrees with the final protest letter filed by Mr Dashiell representing M. Luis Construction, Inc.

Mr. Stottlemeyer is an employee of Santos Construction Company, Inc. for 33 years. During that time, we have performed multiple jobs for the City of Baltimore since the early 80's. All of our bids have followed the same format since that time. Currently, we are performing two projects for the Department of Transportation, TR12005 and TR13004.

Our bid on page 78 clearly enumerates Denny Stottlemeyer as contact person. On page 79, Mr. Stottlemeyer is stated to be "The Duly Authorized Representative" and "possesses the legal authority to make this affidavit", that is acknowledged and signed by Tina Santos, Vice President on page 84.

A review of M. Luis' bid on this project shows Mr. Christopher Baines signed as Contracts Manager on page 78 for Baltimore City Youth Works and also on page 96 on Baltimore Apprentice Training Program (BATP).

In light of these contradictions, it is our opinion that Santos Construction is the lowest responsive bidder and should be awarded the contract for TR13002.

Sincerely,

Santos Construction Company, Inc.

A handwritten signature in black ink, appearing to read 'Tina Santos', with a stylized, cursive script.

Tina Santos  
Vice President

DWS/TS/asg

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSDepartment of Transportation - cont'd

4. TR 13006, Resurfacing Highways at Various Locations Citywide  
Emergency JOC IV M. Luis Construction Co., Inc. \$ 1,841,000.00

<b>MBE:</b> National Construction, Inc.	\$225,000.00	12.22%
d/b/a National Concrete		
Carter Paving & Excavating, Inc.	129,375.00	7.03%
	<b>\$354,375.00</b>	<b>19.25%</b>

<b>WBE:</b> S&L Trucking, LLC	\$152,100.00	8.26%
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**MWBOO FOUND VENDOR IN COMPLIANCE.**

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
5. <b>\$2,117,150.00</b>	9950-903550-9509	
General Fund	Construction Reserve	
	Neighborhood Street	
	Reconstruction	
\$1,841,000.00	-----	9950-904799-9514-6
		Structure & Improvements
184,100.00	-----	9950-904799-9514-5
		Inspection
92,050.00	-----	9950-904799-9514-2
<b>\$2,117,150.00</b>		Contingencies
		Resurfacing Highways at
		Various Locations
		Citywide Emergency
		JOC IV

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSDepartment of Transportation - cont'd

This transfer of funds will fund the costs associated with the award of Project TR 13006, Resurfacing Highways at Various Locations Citywide Emergency JOC IV to M. Luis Construction Co, Inc. in the amount of \$1,841,000.00.

Bureau of Purchases

- |                                      |                        |               |
|--------------------------------------|------------------------|---------------|
| 6. B50002893, Safety Shoes and Boots | Lehigh Outfitters, LLC | \$ 806,074.00 |
|--------------------------------------|------------------------|---------------|

(Department of Finance)

**MWBOO GRANTED A WAIVER.**

- |   |                           |              |
|---|---------------------------|--------------|
| 7. B50002958, Provide Bus/Van Transportation for Children with Disabilities to Camp Variety | American Limousines, Inc. | \$ 92,500.00 |
|---|---------------------------|--------------|

(Department of Recreation & Parks)

**MWBOO GRANTED A WAIVER.**

8. B50002889, Right-of-Way Maintenance

**REJECTION:** The sole bid received was on May 01, 2013 from Evergreen Landscape & Design Corporation, Inc. The bid was for more than \$150,000.00 over the agency's anticipated budget. Therefore, it is recommended to be in the best interest of the City to reject the sole bid and re-solicit with revised specifications.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

9. B50002831, Providing TeleCommunication \$20,000,000.00  
Enterprise Technology Systems, Inc.  
Staffing Support

(MOIT, BCPD, HCD, DOT, DPW, etc.)

**MWBOO SET MBE GOALS AT 24% AND WBE GOALS AT 9%.**

**MBE SUBGOALS:** African American: 17%

Asian American: 3%

Hispanic American: 4%

**MBE:** African American: Bith Technologies, Inc. 24%  
Asian American: \* Serigor, Inc. (see note below) 0%  
Hispanic American: Precision Task Group 4%

**WBE:** \*\*See note below 0%

\* Serigor, Inc. is not certified with Baltimore City.

\*\* Bidder did not achieve the WBE goal. Bidder did not specify whether Realistic Computing, Inc. will be used as MBE or WBE to satisfy the goals.

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

The Board is requested to approve an award to the highest scoring proposer, who will be given the opportunity to come into compliance with MWBOO goals within ten days of the award.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002831 - cont'd

Eight bids were received and opened on May 01, 2013. On May 22, 2013, the Board accepted the technical proposals that met minimum requirements, and opened the associated price proposals submitted by Digicon Corporation; ICS Nett, Inc.; and TeleCommunication Systems, Inc. All three proposals were found non-compliant by MWBOO.

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

**A PROTEST WAS RECEIVED FROM DIGICON CORPORATION.**

**A RESPONSE TO THE PROTEST ON ITEM NO. 9 WAS RECEIVED FROM TELECOMMUNICATION SYSTEMS, INC.**

President: The second item on the non-routine agenda can be found on Page 37 Item 9, Providing Enterprise Technology Staffing Support. Will the parties please come forward?"

Mr. Tim Krus, Bureau of Purchases: "Tim Krus, City Purchasing Agent. This is the award of -um- Bid 2831, Providing Enterprise Technology Staffing Support to Telecommunications Systems for \$20,000,000.00."



## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002831 - cont'd

Mr. Robert Dashiell: "Good morning again -um- Madam Mayor, Mr. President. My name is still Robert Dashiell and I'm still protesting. In this case, it's Digicon and - before -- let me do the easy part first. Let me ah -- I'm going to pass a new first page to the letter. I noticed that there were a couple of errors -- they probably didn't materially affect your -- didn't affect your understanding of what I was trying to say. But, if you look at paragraph two, there's just some -- some grammatical corrections that -- and I want to be -- I want the record to be perfectly clear. As I -- as -- this -- this procurement is fraught with -- um -- with all kinds of problems, to be quite honest with you. Uh, again, I represent Digicon. But, let me start with the last statement that Mr. Krus made. The notion that the contract would be awarded for \$20,000,000.00, even though the bid price of the proposed awardee was \$16,000,000.00. Now, I - I've looked long and hard -- I gotta tell you this -- I have looked long and hard through every case I can come up with and I

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002831 - cont'd

can't find one where a public body ever awarded a contract to somebody for more money than what they bid. I just can't find that and -- the -- the reason that's -- that's offered to this Board for doing it in this case is so that -- so that they don't have to come back to this Board for approval to spend the additional money, in a form of a Change Order. What is -- what is absolutely mind-boggling to me is that the procedure for approving Change Orders was created by the Board itself. This Board created the Change Order Review Committee for this very purpose, to make sure that proposed changes to contracts that would have the effect of adding money were proper -- properly scrutinized. It's a multi-departmental body. We've got representatives from the Law Department, the Audit Department, and other departments and they look at proposed Change Orders and they determine whether or not the work was included in the scope. They determine whether or not the price to be paid was appropriate and they do that to protect the taxpayers. You approve this award and you're encouraging your own departments

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002831 - cont'd

to violate your own rules. It is -- it is absolutely mind-boggling that it would even be proposed to you. But it -- but it is. Secondly, Digicon, contrary to the opinion of my good friend, Tom Corey, the MBE package submitted by Digicon was -- was -- was perfectly compliant, with every requirement of the MBE program. It was compliant with the -- with the -- with the -- with the goals that were established for the various classifications and the -- sub-classifications. It was compliant with the amount of participation that was required. I am as -- I'm gonna assume -- although I don't really know -- that's another -- you know you talk about transparency -- there's very little we know about what happened here. I doubt that all of you even know what the technical scores were. I doubt it and I'm going to get to that in a minute -- the whole business of transparency and the public right to know and that sort of thing. But, getting back to Mr. Corey first, I -- I'm going to assume -- and he can correct me -- that the reason that he found Digicon's bid non-compliant was because the MBE participation

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002831 - cont'd

affidavits were signed by the MBE contractors or the WBE subcontractors and not by the firm itself. I'm assuming that's what he found. But, he can tell me it's something else later. I don't -- I don't really know. The fact -- what I do know cause I reviewed the package very carefully and I'm telling you that based upon what's in the package -- and based upon what has been the practice of M - of this office, and this Board, there is nothing whatsoever in Digicon's MBE submittal that is in -- that is non-compliant. Nothing whatsoever -- nothing whatsoever. Which means, in effect, that of the bidders, Digicon is really the only one that has submitted a proposal that is -- that is compliant in all respects with all the material terms -ah- that -- that the City sought as a part of this -ah- offering. Let me go more to the -- to the -- to the -- what I think the substance of this matter is. This is a staffing contract. It's not fancy. It's not sexy. It's not -- doesn't require -ah- -ah- you know -- a degree in computer technology. It is an ordinary, run of the mill, every day staffing contract. It is not a st-- a contract

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002831 - cont'd

for to a company to provide solutions to a computer problem. It is not a contract to provide solutions to information technology problems. It is a contract that says, 'I need a Computer Engineer. Can you send me one? I need a Programmer, send me one. I need a help desk person, you send me one.' That's all it is. The reality of it is, this contract should have been bid as an ordinary information -- invitation for bids. There is absolutely no reason that it went out as a competitive proposal in the first place, except it allowed the flexibility ultimately of making the award or recommending it to whoever -- whoever you wanted to get it. That's the only reason for it. That is the only reason that it went out as an RFP altogether. And secondly, they changed the terms after the bids were opened. After the -- Nowhere in the RFP is anybody told that you got \$20,000,000.00 to spend. Understand how -- how you get service under this contract. You get service by the number of hours of service that are provided by the employees that the staffing company sends you. The more hours, the more bang you get for the buck.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002831 - cont'd

Now, it makes a difference to a proposer if I know up front how much money you have to spend. Of course that makes a difference because that could affect my hourly rates. If I know up front you have -- how much money you have to spend, that can affect the number of hours that I agree or propose to give you for that amount of money. It is clearly as important as any other estimates that we give in an RFP. The estimates of the hours -- the estimates of the scope of work. The amount of money, I would submit to you, is even more important and let me tell you how it can work to your disadvantage -- otherwise. I've never seen it, but let me tell you how -- how it would work otherwise. Now that I know -- now that I know how much money you have to spend in the -- that you're willing to spend in the contract, if you need somebody who can answer phones and I've got a phone answering person and I've got a Data Computer Programmer, both of them can answer phones. Guess who I'm gonna send to you? The Data Computer Programmer, because he pays more an hour and therefore, I make more an hour in reimbursement. You're --

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002831 - cont'd

you're cutting your own throats by doing this. You're not only -  
- you're telling everybody -- you're changing the books after  
the fact -- given the material term the amount of money  
available -- you're adding it to a contract without ever seeing  
the -- a public body ever award a contract for more than what  
was bid. And you're creating the encouragement for the  
contractor to cut your own throat because now he offer you the  
same service at the higher rate and make more money at your  
expense. It can't be worse than this. I -- you -- you know -- I  
mean -- ah -- I -- you know I been around a long time -- a long  
time. I been doing this for long -- I've seen a lot of contracts  
in a lot of agencies. Don't approve this just because you have  
the authority to. Everybody knows you got the authority.  
Everybody knows you're an elected official. I've never sat in  
one of these seats and probably never will. But, just because  
you have the authority to do something doesn't make it right.  
Thanks."

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002831 - cont'd

Mr. Thomas Corey, Chief MWBOO: "Good morning Mr. President, members of the Board of Estimates, Thomas Corey, Chief of the Minority and Women's Business Opportunity Office. Forgive me for being a little uneasy, but Mr. Dashiell just referred to me as his good friend. I am his friend, but I've never heard him say it publicly. So -- Um -- we found all three of the bidders --"

President: "And -- and -- and just for Mr. Dashiell -- um -- you know we do have the technical scores. Go ahead."

Mr. Corey: "We found all -- all three of the bidders non-compliant and for the very same reason, and that is that they named a company that's certified by our office as a MBE and a WBE. And when you do so, the law requires that you identify -ah- how you're gonna use that company. What goal are you going to use that company to satisfy? On -- all three of the bidders failed to do that and we do not look beyond the four corners of the document to try to determine how you're going to use this company. As Mr. Dashiell so eloquently put it, in the past



## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002831 - cont'd

protest -uh- in public procurement and even in private contract law, you don't look beyond the four corners of the document. They have to state it on the document and they didn't do it and we do not engage in a guessing game to make that determination of how you're gonna to use the company to satisfy the goal."

Solicitor: "Mr. Krus."

Mr. Tim Krus, Bureau of Purchasing: "Tim Krus, City Purchasing Agent. I wanted to point a few things out. First of all, the Change Order Review Committee that Mr. Dashiell refers to in his protest was established for the review of capital projects involving construction, design, and engineering. It is not a committee that the Bureau of Purchases goes to -- to review changes. Um -- the total price requested from bidders is for bid evaluation purposes. We are recommending an award that's different from the total price -uh- because it is our estimate of what the City's requirements may be, be they more or less. This is a very common practice in public procurement and it's been a very common practice in this City. There is no specific

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002831 - cont'd

dollar amount Purchase Order issued to TCS as a result of Board approval of this. They will the agencies will have to determine who they need and do specific release requisitions and Purchase Orders to obtain who they need. The City is not required to provide an exact estimate of its requirement in a given solicitation because this could unduly influence what the bidders come forward with. We do try to have an exact estimate of the types of prices and types of positions that we need from people in this contract. But, we do need the ability to estimate our requirements and -um- as a result of that -um- I want to point out that when we actually get the staff on this contract, the City is very specific about which positions it wants and knows the only way that they will be. The vendor will not have the ability to substitute a Computer Programmer for somebody taking calls in the Call Center."

President: "You have a question?"

Comptroller: "You can go first because I have --"

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002831 - cont'd

Mr. Dashiell: "No, no, I need to respond then I'll turn it over to Mr. Jolivet very briefly. There is nothing in the RFP which prevents what I just told you would happen. There is nothing in the RFP which prevents the bidder from -- from providing a higher qualified employee to perform a lesser duty at a higher price to you and no one has ever sent an employee back because they were too qualified to perform the task. It just doesn't happen. Secondly, Mr. President, I'm glad you do have the technical scores because we haven't been provided those and it wasn't -- it was many, many administrations ago that I asked for it and that administration ultimately did provide it. But, I ask you now, looking at those technical scores can you conclude from the difference in the technical scores of my client and TCS that -- that TCS is materially better qualified to perform this task than -- than -ah- Digicon is? Because -- because if you cannot make that -- you can't make that conclusion, then there is no basis upon which to recommend award at a higher price at all, regardless of the -- not even including the \$20,000,000.00. The

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002831 - cont'd

fact of the matter is the Charter provision that I'm sure Mr. Nilson will point your attention to in just a moment that says you award to the highest scorer in tech -- you gotta to put that in context and give it some common sense interpretation. It doesn't mean that every time somebody gets 99 and the other guy gets 95 that the guy who gets 99 always wins. It presumes that there is an ability objectively to demonstrate a difference in capability as reflected by those scores. Yes, there's a difference between somebody who gets 90 and somebody who gets 45. Yes, there may be a difference between somebody who gets 90 and even somebody who gets 70. But, is there a difference that you can demonstrate objectively between the score of somebody who gets a 95 and somebody who gets a 90? That's I -- I can't argue on the substance because we don't have the benefit of knowing what those scores are and there's a reason for that. Because the last time that the scores were dis -- dis -- disclosed that there was a four point difference for a -- which amounted to a \$400,000.00 a year increase to the cost of the

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002831 - cont'd

taxpayers of the contract. So, they don't want us to see that anymore. But, you see it. You see it. You know what it scores and just ask the Purchasing Department. Ask them to tell you, to demonstrate how it is that the difference in scores reflects an actual difference in the capability of the firms to perform. Tim -- I -- I rec -- I urge you to do that, please."

Mr. Krus: "Tim Krus, Bureau of Purchasing. We do this all the time. We provide solicitations to vendors to respond to in which they know that we are going to score technically. These scores are done by a Technical Evaluation Committee who we ensure is unbiased. Um -- those scores are done without any knowledge of price, which we only ask the Board to open after these companies have qualified and as a matter of fact, we initially had eight companies decide to submit both technical and price proposals on that solicitation. That scoring is worked out with the agency and based on prior history of these contracts it is more than a commodities contract because these individuals will be providing

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002831 - cont'd

critical services to the City that impact everything from its 800 megahertz telephone network to 911, 311, services to the Police Department -um- services that are critical to maintain in a proper fashion. That's why we decided to do a technical evaluation and it was done completely above-board and when prices were -- when formulas were calculated and that's how we award."

President: "Mr. Jolivet."

Mr. Dashiell: "I'm done."

Mr. Arnold Jolivet, Maryland Minority Contractors Association:

"Thank you. Good morning."

Mayor: "Good morning, Jolivet Arnold M. Jolivet and -ah- -if- -- if Mr. Dashiell wouldn't mind, I actually would like to adopt his -ah-in total, his arguments, but I just need to add something to that, Mr. Nilson. But, Mr. Dashiell, in my opinion, just brilliant exposition of what the issues are. I -- I like Mr. Dashiell have been around somewhat -ah- a long time too and I have never seen an agency -- particularly Purchasing -- or any

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002831 - cont'd

other City agency come before the Board and recommend an award to a bidder for a price that exceeds the bidder's price at bid time. That is just extraordinary and I've just never seen that and I -- I still -- I'm not convinced that what Mr. Krus has described is an appropriate way to spend the taxpayers' money and it is not an appropriate way to conduct competitive bidding. It's not competitive. Ah -- the other thing that I would like, if I can -- I know the Board's got a short schedule, but I'd like to pass that out and ask you if -ah- you would allow me to make those arguments -- right briefly I -- the first --"

Solicitor: "Just before we get into the arguments, Mr. Dashiell, do you -- are there any additional facts that you would like to bring to our attention beyond the matters put forward by Mr. Dashiell? Facts."

Mr. Jolivet: "Are you speaking to me?"

Solicitor: "I just asked -- asked if there are any?"

Mr. Jolivet: "But, you said Mr. Dashiell."

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Bureau of Purchases - B50002831 - cont'd

Solicitor: "No. I said are there any beyond the facts that Mr. Dashiell has already put before us? Do you have any additional facts that you'd like to share with us?"

Mr. Jolivet: "I may. I may. I'm -- I'm just not -- I'd like to reserve the right if possible -- if need be to present the facts. But right now I don't know. I just can't tell you that. But, I would like -- I would like to ask the Board to look at my first exhibit and -ah- the argument that I made in my communication to the Board is that I was very much concerned that the -- the procurement was not conducted in accordance with the City's MBE law and the -- the part of the Ordinance which I just submitted to you -ah- makes a requirement on the agency to -to- send, in addition to advertising the project in accordance with Article 6, Section 11, it makes a requirement to advertise the project by sending a notice of -- and a copy of the solicitation to appropriate MBE Trade Associations and Contractors' Associations. I submit to you that was not done.



## MINUTES

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Bureau of Purchases - B50002831 - cont'd

Now, given the fact that when -- given the fact if a important condition precedent is not followed under Maryland Law, the Maryland Courts have said that the con -- that makes the contract null and void and unenforceable. That's one argument I'd like to make and the other argument I would like to make is that I'm very much concerned that Mr. Corey saw the need to establish sub-goals on this project and as this Board knows that I have appeared before this Board -ah- numerous times, convinced Mr. Corey to set sub-goals on construction projects that were in the millions, which were more appropriate than this one. I don't know why Mr. Corey set sub-goals on this. But, I would like for you to see -- I would like for you to see -- in all due respect to Mr. Corey, apparently he hasn't read the Ordinance because the Ordinance, very categorically does not allow the setting of -- the establishment of sub -- sub-goals on contracts other than non - in construction and engineering. This is certainly not a construction nor an engineering contract and I raise this to you --

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002831 - cont'd

to this Board because I'm concerned that the sub-goals were set on this job specifically and intentionally to reach a certain minority sub-contractor and it is very disturbing, because Mr. Corey has not set a sub-goal on a contract like this or any other contract in years. There's not been any sub-goals and the -- the only concern that I have and the very contractor -- the very one contractor -- the contractor is African American and minority, but I am going to oppose this contractor because this contractor did not bid this job in a fair and honorable way. The contract appears to be set and made for one contractor by it first -- by setting the goals -- the sub-goals -- and I think that the Board needs to reject this. The Board needs to reject this. First of all, it's very clear Mr. Corey had no authority to set sub-goals on a non-construction or engineering contract. Ah- unequivocally clear -- he just doesn't have that authority. Now, he does have the authority to set goals -- sub-goals for construction and engineering. But he's -- doesn't ever do that.

## MINUTES

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Bureau of Purchases - B50002831 - cont'd

I can't remember a time in the last two years that he set sub-goals. So, this would suggest to me, in all due respect to Mr. Corey, this was a -- an inappropriate mechanism to steer the contract -- the sub-contract to one firm and it's not right. It's just not right."

Solicitor: "You -- Mr. Dashiell. I'm sorry, Mr. Jolivet."

Mr. Jolivet: "Ah -- I would only ask --"

Mr. Jolivet: "I would only ask you to look at the Board's agenda and see the Board -- the firm that's named for the 24 -- 27 per cent and that firm has -- ah -- that firm has -- ah --"

President: "Okay, let's --"

Solicitor: "I -- I - I understand your answer."

Mr. Dashiell: "I -- I -- I don't want to interrupt, but I just want to -- I want to -- I remembered that I didn't respond to one thing that Mr. Corey said. He did say something different than what I asked him to -- than what I thought he was going to."

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002831 - cont'd

But, he's wrong. He's still wrong. He says -- he says that all three bidders had the same flaw well, that's not true. The fact is TCS -- TCS didn't make the goal at all on some of the parts where they were required to. If you look in -- as far as Digicon is concerned, even though they may not have elected from that one firm where there was a MBE and WBE, if you look down and -- and do the math you can see very clearly that they were counted as a WBE even though they did -- they forgot to check off in the box -- all you got to do is go straight down the column and do the math and you can see that the percentages could only mean -- could only be what they came out to if it was counted as a WBE. And finally, I -- we would have had it either way. We -- we'd have satisfied the goals whether you counted it as a MBE or WBE. So, what am I saying? I'm saying that -- that flaw, if you will, in the case of Digicon was obviously a minor irregularity. It's not the same as somebody who simply doesn't meet the goal at all, which was the case which was the case with TCS and I am really done now, thanks."

## MINUTES

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Bureau of Purchases - B50002831 - cont'd

President: "Comptroller?"

Mr. Jolivet: "Let me just say --"

President: "Comptroller?"

Mr. Jolivet: "Oh, I'm sorry."

Comptroller: "Let him go because I have a different issue."

Mr. Jolivet: "The -- the only other issue that I'd like to sum -  
- sum -- sum -- summarize is that -- ah -- many times in the  
last few years, there've been contractors who for whatever  
reason didn't meet the goal at bid time and I am concerned that  
those contractors, many of them, have been denied the contract  
award -- that bids have been rejected and now to allow an award  
here -- this Board has a duty to be fair and equitable with all  
contractors and the only other argument I'd like to leave with  
the Board is that -- for Mr. Corey to recommend the award to --  
to Telecommunications and also recommend that they be given ten  
days in which to come into compliance, Mr. President, that poses  
a real serious problem because it's gonna discourage bidders  
from coming into Baltimore because there's an un -- un -- un --"

## MINUTES

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Bureau of Purchases - B50002831 - cont'd

unequal playing field. That's the thing I want to leave with the Board because I just think it's unfair. Either we're gonna enforce the Minority Program across the board and make everyone comply or not enforce it at all. And in this case, a contractor is being allowed an award when countless number of other contractors have been denied award and their bids have been rejected. It's not fair. I've made my case."

Comptroller: "Is it true that the company is not in compliance? Because the President said that he was told that they were."

Mr. Corey: "All three of the bidders are not in non-compliance."

Comptroller: "No, now. Is TCS in compliance now?"

Mr. Jolivet: "It's not TCS."

Mr. Corey: "No, uh ah. None of them are in compliance. They're gonna be given ten days to come into compliance if the Board so -- um --"

Comptroller: "Okay. So, can I request that they come back before the Board in two weeks to show that they're in compliance?"

Mr. Corey: "Certainly."

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002831 - cont'd

Comptroller: "Okay. The other thing, I have some -- some facts that are of great concern to me and the taxpayers. I have three invoices from TCS -- um -- where it's almost literally impossible -- um -- I reviewed the invoice for a -- um -- senior application development, who billed the City 1,952 hours from July the 1<sup>st</sup> through September the 30<sup>th</sup>."

Solicitor: "I'm sorry, which year Madame Comptroller?"

Comptroller: "Pardon me?"

Solicitor: "Which year are we talking about?"

Comptroller: "This is -- ah -- from July 1, 2009 through September 30, 2009."

Solicitor: "Okay."

Comptroller: "It would be literally impossible for two employees to work those hours. They would have to work 24.4 hours a day and it's only 24 hours in a day. In addition, I reviewed, in 2010, the Cobalt Programmer worked 424 hours from November 1, 2010 through November 30, 2010, which is -- which they would literally have to work 21.2 hours per day. I also reviewed a

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002831 - cont'd

invoice for a Senior Technician who worked 368 hours from December 1, 2012 through December 28, 2012. That person would literally have to work 18.4 hours a day and a PCT Technician worked 988 hours from December 1, 2012 through December 28, 2012. For two Technicians, they would have to work 24.7 hours per day. So, we really -- Purchases really needs to scrutinize these bills because it's literally impossible for them to work these number of hours. In addition -- a concern that I have -- In January, this Board approved on January 23, 2013 -- we approved for the Mayor's Office of Information Technology for Reclassification of two positions, which was an IT Manager and the salary was adjusted from -- upward to \$119 -- from \$72,800.00 to \$119,000.00. A calculation that I have and I'll -- I'll share this with this Board. If the City were to hire these individuals, the -- the City would be paying, for instance, and I took the -- let's go with the highest. The highest person that the City would have to pay under this contract would be \$162,000.00. This is the highest and we know that the City most



## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002831 - cont'd

likely would not hire -- ah -- an individual at the end of the range. As opposed to this contract, the vendor would be paid \$176,000.00. If we use the lower amount or the mid-range, the City would pay -- uh -- would pay \$74,000.00. This is including fringe benefits and the company that's -- that's probably going to be awarded this contract would be paid \$137,000.00. So, I've been told that the reason that we outsource is because it's cheaper. It is absolutely not cheaper because the City is paying for their fringe benefits, paying for overhead, and paying for -- for profit. Now, if the City over the -- since the inception of this contract -- as I said -- TCS for this one position is paying \$85.33. The City is paying -- we pay substantially much less and it just seems to me that the City should -- ah -- ah -- you've briefed me and you said that there was an abundance. Mr. Tonjes said that there are a lot of IT individuals in the market. That -- it seems that the City should move towards hiring these individuals because we need to staff up our own IT

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002831 - cont'd

Department. Projecting these salaries, the City pays about 39. - 39% in fringe benefits. If this contract is awarded today TCS will have received \$58 million from the inception of their contract with this current \$20,000,000.00 -- ah -- ah -- agreement. Using this approach, TCS has marked up this contract by 94% and you know the City if they had staffed that -- the -- the MOIT -- the City could have saved over this past eight years, \$16 million and if we take a look at what Digicon has been paid over the -- since the inception of their contract, 20 -- almost \$22 million and TCS \$58 million, that's \$80,000,000.00 that the City has paid over the initial awarding of these contracts. The City could have and the taxpayers could have approximately saved \$22 million if the City of Baltimore had the mindset to hire these individuals. One question I wanted to put on the record, 'Is TCS going to use this contract to implement the Voice Over IP'?"

Mr. Krus: "We've requested nothing for Voice Over IP in the solicitation."

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002831 - cont'd

Comptroller: "Well -- well -- Again, my concern is I don't understand why the City of Baltimore is making its taxpayers pay all this money when we could hire the -- the"

Mr. Krus: "Madam Comptroller, clearly that's a much larger question. The whole question of whether or not the City should outsource certain things on contracts."

Comptroller: "It costs too much money."

Mr. Krus: "What those rates are -- What it costs to hire employees -- it's a much larger ques-- question that the City is constantly looking at as it tries to do business. It is certainly not uncommon for the City to pay these types of rates --"

Comptroller: "But, why --"

Mr. Krus: "For highly qualified people --"

Comptroller: "But, why should they when we could grow our own IT Department? I mean these are facts. Even if we hired these individuals at the highest range at \$119,000.00, which the City

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - B50002831 - cont'd

most likely does not bring somebody in at the highest range. We could still save the City and the taxpayers millions of dollars. So, to say that to outsource is cheaper is not true and when I looked at the contract, most of the people that are being hired have high school education. They don't have college degrees. They have certifications."

Mr. Krus: "Madam Comptroller, I understand your point. It's just a much larger question that goes well beyond this solicitation."

President: "I'll entertain a Motion."

Solicitor: "I move to deny the two bid protests and approve the recommendation of the Bureau to proceed this requirements contract."

Director of Public Works: "Second."

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

Comptroller: "I vote **NO** because it's not in the best interest of the City and the taxpayers."

President: "The Motion carries."

\* \* \* \* \*

**MINUTES**

Department of Communication Services - Third Amendment of  
a Service Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the third amendment of a service agreement with Verizon Maryland, Inc. (Verizon). The Board is also requested to authorize payment by Expenditure Authorization. The third amendment extends the period of the agreement through June 30, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$500,000.00 - 2039-000000-1330-158400-603084  
(Estimated Monthly Charge)

**BACKGROUND/EXPLANATION:**

On June 20, 2012, the Board approved for a period of one year, the second amendment to the service agreement signed by the City and Verizon on August 15, 2008. This amendment will provide for continuous Centrex service and additional services, as required by the City.

**MWBOO GRANTED A WAIVER.**

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the third amendment of a service agreement with Verizon Maryland, Inc.

*Robert Fulton Dashiell, Esq. P.A.*

1498 Reisterstown Road, Suite 334 · Baltimore, Maryland 21208 · url: rfdlawfirm.com

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Senchal Dashiell Barrolle  
Associate  
sbarrolle@dashiell-lawoffice.com  
*MD, DC, NY*

June 11, 2013

Honorable Members of Baltimore City Board of Estimates  
100 Holliday, Suite 204  
Baltimore, Maryland 21202

Stephanie Rawlings-Blake, Mayor  
Joan Pratt, Comptroller  
Bernard "Jack" Young, President City Council  
George Nilson, City Solicitor  
Alfred H. Foxx, Jr., Director, Public Works

C/o Harriett Taylor, Secretary/Deputy Comptroller

Re: B50002831- Enterprise Technology Staffing Support

Dear Board Members:

We represent Digicon Corporation, the offeror that submitted the only proposal that satisfies the M/WBE requirements of the RFP and whose proposal, for that reason and others, is most advantageous to the City. Accordingly, we protest the award of the contract to any firm other Digicon.

The sole service to be provided under this is to provide qualified staff to fill certain computer technology positions to support and enhance the work of regular city employees. The reality, then, is that the "expertise" of the vendor is only in being able to identify those persons having the requisite skills; the "work" is simply to provide them in sufficient number. The quantity of services, i.e., number of hours the city receives is a direct function of the hourly rate reimbursed to the vendor for the employee provided to the required services. The lower the hourly rate the more hours of service available. That is critical where, as here, neither the number of positions nor the precise work is guaranteed, but the amount of money available is finite \$20,000,000.00. It is with this background in mind that we urge the Board to review the recommendation for award of the Contract to TCS.

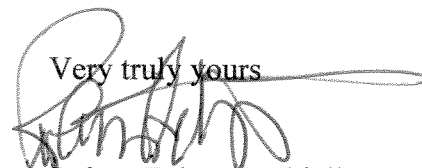
Before addressing that issue let me first point out that MWBOO's finding that our client's proposal does not demonstrate satisfaction of the applicable M/WBE requirements is erroneous. If there is any defect it is a minor irregularity and not a matter of responsiveness because all information needed to demonstrate compliance is found within the four corners of our client's proposal. Digicon is the only offeror that can rightfully lay claim to that fact. Moreover, having been found technically qualified,<sup>i</sup> that is able to discern whether certain individuals have the requisite skills to perform the jobs identified by the City, Digicon is the only offeror that met all of the contract requirements.

Furthermore, the recommendation to award the contract for \$20, 000, 000, \$4,000,000 more than the price bid by the proposed awardee is patently illegal. First, it is a blatant attempt to circumvent the Board's own rules and regulations. The Change Order Review Committee (CORC) was established by this Board to insure that requests for payments in excess of the bid price were evaluated by an independent body with representatives from a number of city departments. It was set up to protect taxpayer dollars. That a city agency or department would unabashedly present a recommendation to the Board for the express purpose of avoiding the oversight mandated by this Board in its creation of CORC is astounding!

Moreover, the availability of \$20,000,000 to pay for the services was not a factor disclosed in the RFP and it creates the potential for significantly changing how the price proposal may have been developed. It represents an "undisclosed" estimate of the amount of services the city may require. In addition, placing the "undisclosed" amount of funds in the contract encourages a vendor to adjust its referrals at the expense of the City by furnishing more highly paid employees to perform the work that could be performed by lower paid persons, thereby obtaining more profits per hour which, simultaneously reduces the quantity of services the City receives. If TCS's price for a labor category is \$30, and Digicon's price for the same labor category is \$25, then the City is spending more than it needs to for the same work.

For all of the above reasons, we urge the Board either to award the contract to Digicon, the only responsive offeror and the offeror whose proposal is most advantageous to the City or, alternatively, to reject all bids.

Very truly yours



Robert Fulton Dashiell

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<sup>i</sup> The city law department maintains that the City charter requires award to the highest point getter. Based upon a common sense, rather than literal reading of the Charter, guided by what most likely was the intent of the authors, that result obtains where the numerical score demonstrates a measurable difference in capability. We cannot analyze that factor here because the City has refused to publish the scores. Again, we request that those scores be made public now so that this Board and the public can have faith in the integrity of this process. That is vitally important here in light of the brazen effort to frustrate the Board's own rules on change order review and approval.

# ***ALEXANDER & CLEAVER***

## **ATTORNEYS AT LAW**

*Professional Association*

Gary R. Alexander \*+Δ

James A. Cleaver \*+

Todd K. Pounds \*+

Denise M. Bowman \*+

Jason A. DeLoach+

James K. McGee+

Lorenzo M. Bellamy \*+

Shara Hendler +

S. Whitney Cleaver +\*Δ

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ISAAC N. MEYER

MURRAY D. LEVY

June 11, 2013

### **VIA HAND DELIVERY**

Honorable President Bernard C. "Jack" Young  
and Members of the Board of Estimates  
c/o Clerk, Board of Estimates  
City Hall, Room 204  
100 N. Holliday Street  
Baltimore, MD 20102

Re: Enterprise Technology Staffing Support - RFP Number B5002831

Dear Mr. President and Honorable Members of the Board:

This letter is in response to the letters sent to the Board of Estimates (Board) dated June 4, 2013 from Maryland Minority Contractors Association, Inc. (MMCA) and June 5, 2013 from Digicon Corporation (Digicon). The letter from the MMCA requests the Board to reject the Bureau of Purchases recommendation to award the above-referenced contract to TeleCommunication Systems, Inc. (TeleCommunication) while the letter from Digicon requests deferment of the award of the contract.

MMCA and Digicon assert various reasons as to why their requests should be granted; however, as this letter will show, their requests should fail and the contract should be awarded to TeleCommunication.

### **1. TeleCommunication's Response Satisfies the MBE and WBE Requirements**

MMCA alleges that Baltimore City's Minority and Women's Business Opportunity Office (MWBOO) found that TeleCommunication was in non-compliance with the contract-set Women Business Enterprise (WBE) goal. This allegation is



blatantly incorrect. TeleCommunication's response meets the WBE and Minority Business Enterprise (MBE) goals set forth in the RFP.

The RFP sets forth participation requirements of 24% MBE and 9% WBE. In addition, the RFP sets forth MBE sub-goals, which are not mandates, of 17% African American, 3% Asian American, and 4% Hispanic American. The TeleCommunication response indicates that the overall participation requirements and the aspirational sub-goals will all be met. As indicated in the Statements of Intent, TeleCommunication has secured agreements with four companies to achieve these goals. BITHGROUP Technologies, Inc., an African American, MBE certified company, will receive a subcontract that is in excess of 24% of the total contract. Realistic Computing, Inc., a WBE certified company, will receive a subcontract that totals 9% of the total contract. In addition, Precision Task Group, Inc., a Hispanic American, MBE certified company will receive 4% of the work share and Serigor, Inc., an Asian American company that is MBE certified by the State of Maryland and whose Baltimore City MBE application has been submitted, will receive 3% of the work share. As TeleCommunication's response indicates, the MBE and WBE participation requirements have been satisfied.

## **2. The RFP Was Advertised in Accordance With the Law**

MMCA alleges two advertising defects: (1) that MBE & WBE trade associations were not apprised of the bid notice of the RFP; and (2) that there is no evidence that the RFP was ever publically advertised in two (2) local daily newspapers. Section 28-69(b) of Article V of the Baltimore City Code (Code) requires that "[a] written notification of contracting opportunities must be sent to minority and women's business trade associations and contractor's associations no less than 10 days before bids are due." In addition, the Baltimore City Charter (Charter) requires that advertisements of RFPs "shall first be published at least twice in two or more newspapers of general circulation published in Baltimore City, and published electronically to the public." City Charter, Art. VI, § 11(c). Both requirements were satisfied.

It is our understanding that the solicitation was posted online at [www.baltimorecitibuy.org](http://www.baltimorecitibuy.org) and was published in three (3) newspapers of general circulation in the City, namely The Baltimore Sun, The Daily Record, and The Baltimore AFRO. All notice requirements were complied with by the City.

## **3. The City Did Not Violate Any Notice Requirements**

Digicon requests that an award of this contract be deferred because the City of Baltimore (City) failed "to provide proper notice of Digicon's alleged failure to be responsive to the RFP." However, Digicon fails to cite any authority that would require the City to notify a non-responsive bidder that the proposal is non-responsive. That is because the Code, Charter, nor the RFP require such notice to a non-responsive bidder. In fact, the RFP states that "[a]ny offer that does not fully respond and comply with all detailed specifications or other requests . . . **may be declared 'non-responsive' by the City and recommended for rejection.**" See Enterprise Technology Staffing Support - RFP Number B5002831, General Condition 10 p. 38 (emphasis added). The RFP further


states that the “City of Baltimore shall not be responsible for any errors or omissions of the Offeror.” *Id.* The RFP makes clear that it is the Offeror’s responsibility to ensure its response is responsive and that no notice is required from the City if the response is non-responsive. The City may unilaterally declare a response “non-responsive” and recommend rejection of the proposal. For the foregoing, the awarding of the contract should not be deferred because of any alleged notice violations by the City.


**4. An Offeror’s Lack of Information to Determine Grounds for a Protest is Not Reason to Defer an Award**

In its letter, Digicon states that it “has received no information on which it can evaluate any ground it may have to protest the Contract award to TeleCommuncion.” This is not a sufficient ground for deferment of the contract award. General Condition 42 of the RFP explicitly provides for the debriefing of an unsuccessful offeror. That condition states that “[w]hen a contract is to be awarded on some basis other than price alone, unsuccessful Offerors shall be debriefed upon written request submitted to the City Purchasing Agent within a reasonable time.” *Id.*, General Condition 42 p. 45. Debriefings will be provided “at the earliest feasible time after contract award.” *Id.* (emphasis original). This provision is applicable to the above-referenced RFP because the contract is being awarded on a basis other than price alone.

The City is under no obligation to provide Digicon with “information on which it can evaluate any ground it may have to protest the Contract award.” The RFP explicitly provides Digicon with the ability to meet with the City and to determine why it was an unsuccessful offeror after the contract award. Deferring the award of this contract will not provide Digicon with the ability to receive information from the City pertaining to grounds “on which it can evaluate any grounds it may have to protest.” The only thing a deferment will do is to provide Digicon with additional time to come up with additional, unfounded grounds to protest. As such, the contract should not be deferred because of this allegation.

Very truly yours,

  
Denise M. Bowman, Esq.

  
Lorenzo M. Bellamy, Esq.

GARY R. ALEXANDER \*\*v

JAMES A. CLEAVER \*\*

TODD K. POUNDS \*\*

DENISE M. BOWMAN \*\*

JASON A. DELOACH \*

JAMES K. MCGEE \*

LORENZO BELLAMY \*

SHARA HENDLER \*

S. WHITNEY CLEAVER \*

ELIOT C. SCHAEFER \*\*v

ADMITTED TO PRACTICE IN \*MD \*DC \*VA

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MURRAY LEVY

June 11, 2013

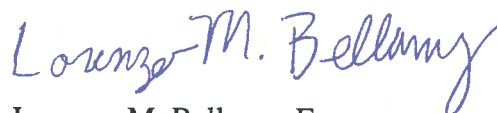
Honorable President Bernard C. "Jack" Young  
and Members of the Board of Estimates  
c/o Clerk, Board of Estimates  
City Hall, Room 204  
100 N. Holiday Street  
Baltimore, MD 20102

Re: Enterprise Technology Staffing Support – RFP Number B5002831

Dear Mr. President and Honorable Members of the Board:

Please be advised that the letter sent earlier today is not to be construed as a protest letter. We are responding only to the June 4<sup>th</sup> and June 5<sup>th</sup> letters submitted by Arnold Jolivet and Lisa Harris Jones.

Sincerely,



Lorenzo M. Bellamy, Esq.

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

June 4, 2013

Via Facsimile 410-685-4416

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

Dear Mr. President:

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

We wish to protest item No. 1, page 68 of Your Honorable Board's 06/05/2013 public meeting Agenda, which is a proposed contract award of Bureau of Purchases Solicitation No.. B50002831- Providing Enterprise Technology Staffing Support for the City's MOIT, BCPD, HCD DOT, PW, etc.

Our complaint is that the proposed contract award evidences all of the relevant factors which the City's competitive bidding process was designed to prevent, i.e., (1) favoritism; (2) extravagance; and (3) collusion. The facts show that the Bureau of Purchases possessed a pre-bid desire to award the subject contract to Telecommunication Systems, Inc., and the relevant bid proposal evaluation criteria were "massaged" and manipulated" to arbitrarily make Telecommunication Systems, Inc. the "highest scoring responsive and responsible bidder," within the meaning of Article VI, § 11 (h0 (1) (ii), of the City charter,

More disturbing is the fact that the bid notice of the subject contract was never sent to the various M-WBE trade associations as was required by the City's M-WBE Ordinance. Additionally, there is no evidence that the subject contract was ever publicly advertised in two (2) local daily newspapers as specifically required by Article VI, § 11 et seq., of the City Charter.

The City's MWBOO specifically found the proposed awardee to be in non-compliance with the contract set WBE goal. This fact would ordinarily render the proposed awardee ineligible for contract award based upon past decisions of this Honorable Board.

### **CONCLUSION**

Accordingly, for the above stated reasons, we respectfully request that Your Honorable Board reject the Bureau of Purchases recommendation to award the contract to Telecommunication Systems, Inc. Having not complied with the contract set WBE goal at bid time, the proposed awardee is clearly ineligible for the contract award based on many past decisions of this Honorable Board.

Respectfully Submitted,

*Arnold M. Jolivet*

Arnold M. Jolivet  
Managing Director

**MINUTES**

Department of Communication Services - Contract Renewal

**ACTION REQUESTED OF B/E:**

The Board is requested to approve a one year contract renewal with Millennium Technologies, LLC. (Millennium). The Board is also required to authorize payment by Expenditure Authorization. The period of the renewal is July 1, 2013 through June 30, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$407,904.00 (\$33,992.00/month - maintenance services)  
7,000.00 (monthly estimated equipment services)  
**\$414,904.00** - 2039-000000-1330-158400-603084

**BACKGROUND/EXPLANATION:**

On June 27, 2012 the Board approved the contract amendment with Millennium. This renewal for one year, July 1, 2013 through June 30, 2014 is for the same amount and terms as the prior year. Millennium has been providing installation of equipment, and changes to equipment, as needed. The City's voice infrastructure is in poor condition in many locations. Millennium has extensive knowledge and experience with the City's voice infrastructure and existing equipment. Continued maintenance and service by this vendor is necessary because of the age of the City's system.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the one year contract renewal with Millennium Technologies, LLC.

**MINUTES**

Department of Communication Services - UMove License Renewal

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the renewal of the UMove License with Siemens Industry, Inc. The Board is also requested to authorize payments by Expenditure Authorization. The period of the renewal is July 01, 2013 through June 30, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$ 9,000.00 - 2032-000000-1360-159115-605001

**BACKGROUND/EXPLANATION:**

On July 28, 2010, the Board approved the UMove Master and Standard Maintenance Agreement with Siemens Industry, Inc. The agreement contained automatic annual renewals for the license fees. On June 06, 2012, the Board approved the renewal of the Umove license with Siemens Industry, Inc., which expires June 30, 2013. A renewal of the UMove license is requested. UMove identifies mail that has been processed on a sorter that contains a change of address filing with the United State Postal Services. UMove attempts to identify and correct any address that has not been updated with the change of address filing. This aids in mail being delivered to the correct address.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved the renewal of the UMove License with Siemens Industry, Inc.

**MINUTES**

Department of Housing and - Community Development Block  
Community Development      Grant (CDBG) Deferred Loan

**ACTION REQUESTED OF B/E:**

The Board is requested to approve a CDBG deferred loan in an amount not to exceed \$240,000.00 to the Common Green LLC (the borrower), an affiliate of the Telesis Baltimore Corporation. 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:****Sources****Uses**

\$ 178,750.00 - The Reinvestment Fund (TRF)	\$ 124,347.00 - Acquisition
516,756.00 - NSP2/Healthy Neighborhoods	727,320.00 - Construction
240,000.00 - CDBG	72,733.00 - Contingency
82,419.00 - HABC Acquisition Forgiveness	18,399.00 - Finance Fee
20,081.00 - HABC/Ground Lease Release Payment	105,000.00 - Development Fee
105,000.00 - Deferred Fee	95,207.00 - Soft Costs
<b><u>\$1,143,006.00</u></b>	<b><u>\$1,143,006.00</u></b>

Account: 9983-912713-9593

**BACKGROUND/EXPLANATION:**

Barclay/Midway/Old Goucher Phase 1D (Barclay Phase 1D) is part of a larger comprehensive community revitalization plan for the Barclay Midway Old Goucher Neighborhood (the BMOG Plan). The BMOG Plan project area is bounded by North Avenue, 25<sup>th</sup> Street, N. Calvert Street, and Greenmount Avenue. The project also includes the Homewood House at 2200 Homewood Avenue.



## MINUTES

DHCD - cont'd

In January 2006, the Telesis Corporation (Telesis) was selected by the DHCD and members of the community to lead the revitalization effort in the area. The primary goal of the BMOG Plan, which followed shortly thereafter, is to transform the neighborhood into a stable, healthy, safe, equitable, and livable neighborhood with quality open spaces, community facilities, and employment opportunities.

Barclay Phase 1A was completed in August 2011 and created 72 units of affordable rental housing, with a mix of new construction and rehabilitation. The Barclay Phase 2 rental, located in the 400 block of both 20<sup>th</sup> Street and 21<sup>st</sup> Street in the southeast corner of the neighborhood, consists of the new construction and substantial rehabilitation of 69 units of affordable rental housing for persons with incomes at 30% - 60% of the Area Median Income (AMI). The construction on the Barclay Phase 2 rentals is anticipated to be completed in the spring of 2014.

In addition to rental units, the BMOG Plan envisions a total of 123 homeownership units, which is comprised of 101 market-rate homeownership units and 22 affordable homeownership units.

Barclay Phase 1B, the first homeownership project, consisted of eight homeownership units and was completed in September 2011. Barclay Phase 1C, was completed in July 2012 and was financed in part by The Reinvestment Fund (TRF) and consisted of 12 homeownership units. All of the units were sold and sale prices ranged from \$199,900.00 - \$249,000.00.

Barclay Phase 1D will represent the third homeownership project in the redevelopment and will consist of 15 homeownership units concentrated in the 2000 block of N. Calvert Street, the 300 block of both 22<sup>nd</sup> Street and 23<sup>rd</sup> Street, and 2232 Guilford Avenue. The CDBG funds in the amount of \$240,000.00 (the CDBG

**MINUTES**

DHCD - cont'd

loan) will be used to support three of the 15 single-family units within Barclay Phase 1D and will be used to finance a portion of the hard construction costs of the for-sale townhouses located at 315 and 317 East 23<sup>rd</sup> Street and 338 East 22<sup>nd</sup> Street. Upon completion, these three units will be affordable for individuals or families earning 80% or less of the AMI.

An appraisal was completed on April 2, 2013 by the Woods Appraisal Group for the borrower and the construction lender. The Estimated Post Rehab Value was determined to be \$170,000.00 - \$225,000.00.

**PARTICIPATING PARTIES:****A. Developer**

Telesis Baltimore Corporation, an affiliate of Telesis, will be the developer of record.

**B. General Contractor/Architect**

Southway Builders will be the general contractor and will post a 100% payment and performance bond. Architectural services will be provided by Marks, Thomas Architects, Inc.

**C. Participating Lenders**

The TRF will provide a construction loan to the borrower in an amount not to exceed \$178,750.00 (the first loan), which will be secured by a first lien on the real estate. The first loan will mature in 24 months. Two days prior to the first day of each calendar month for the term of the loan (each an Interest Reset Date), the TRF will set the annual interest rate of the loan to the then current 30-day LIBOR plus 5.50% rate which will then remain effective for the whole of the succeeding month.

## MINUTES

DHCD - cont'd

Healthy Neighborhoods, Inc. will provide a construction loan from the Neighborhood Stabilization Program 2 funds in an amount not to exceed \$516,756.00 (The HNI loan). The HNI loan will be secured by a second lien on the real estate. The loan term will mature in 24 months from the date of the loan settlement. The interest rate will be at a 0% per annum on sums advanced.

The CDBG loan will have an interest rate of 0% per annum on sums advanced, a loan term not to exceed 24 months and will be secured by a third lien during construction. As the units are sold to qualified buyers (buyer), each buyer will assume a portion of the obligations of the CDBG loan (the buyer's share) and the borrower will be released from a pro rata portion of the CDBG loan. Per unit subsidies for the units will be \$80,000.00.

The buyer's share will be evidenced by a promissory note and other security instruments and structured as a forgivable loan that will be reduced over time if the buyer meets all loan conditions.

The buyer will assume an estimated \$20,000.00 under this loan (the buyer CDBG loan). The remaining \$60,000.00 in CDBG funds will be a development subsidy and permanent write down to the unit. If each buyer complies with all applicable terms and covenants of the buyer CDBG loan documents for a 5-year "period of affordability", the payment of the outstanding principal will be forgiven. In the event of a conveyance occurring during the "period of affordability," such buyer will repay the Department all or a portion of its loan out of net proceeds. The CDBG loan will be non-recourse debt.

## MINUTES

DHCD - cont'd

**MBE/WBE PARTICIPATION:**

Article 5, Subtitle 28 of the Baltimore City Code for Minority and Women's Business Opportunity is fully applicable and no request for a waiver or exception has been made.

**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$240,000.00	9991-945002-9587	9983-912713-9593
28 <sup>th</sup> CBDG	Unallocated Reserve	Barclay Phase 1D Homeownership

This transfer will provide funds to the New Barclay Homes LLC for the construction costs of the Barclay Phase 1D homeownership project.

UPON MOTION duly made and seconded, the Board approved the CDBG deferred loan in an amount not to exceed \$240,000.00 to the Common Green LLC, an affiliate of the Telesis Baltimore Corporation. The Board further 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

## MINUTES

DHCD - cont'd

Department of Law. 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**Circuit Court for Baltimore City - Subrecipient Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the subrecipient agreement with the Baltimore Substance Abuse Systems, Inc. (BSAS). The period of the agreement is July 1, 2012 through June 30, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$432,620.00 - 4000-400613-1100-119600-404001

**BACKGROUND/EXPLANATION:**

The Circuit Court for Baltimore City has received a grant for the Addiction Assessment Unit from the BSAS. The funds will be used for salaries and other operational costs associated with the Addiction Assessment Unit. The program provides substance abuse assessments ordered by the Court to releases defendants to determine their substance abuse and educational needs.

The agreement is late because it was recently received from BSAS.

**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 subrecipient agreement with the Baltimore Substance Abuse Systems, Inc. The Mayor **ABSTAINED**. The President **ABSTAINED**.

**MINUTES**

Bureau of the Budget and  
Management Research (BBMR)

- FY 2014 Budget and Property  
Tax Surcharge Rate - Charles  
Village Community Benefits  
District

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the FY 2014 budget and property tax surcharge rate for the Charles Village Community Benefits District (CVCBD).

**AMOUNT OF MONEY AND SOURCE:**

\$982,285.00 - Estimated Total Revenue

The proposed FY 2014 property tax surcharge rate is \$0.1200 per \$100.00 of assessed property value. The surcharge rate is the same as it was for FY 2013.

**BACKGROUND/EXPLANATION:**

The CVCBD submitted its request for FY 2014 to the Bureau of the Budget and Management Research.

The FY 2014 estimated revenues increased 1.328% or \$8,973.06 to \$684,690.00. The Fiscal 2014 budget shows an \$187,195.00 increase in grant funding awarded to the CVCBD. The grant increase is a result of the receipt of Abell Security Grant 2013-2014 (\$55,000.00) and the Abell Camera Grant (\$132,000.00) for Fiscal 2014.

The management team for the CVCBD has been a positive force in the Charles Village area since it began operations, and it has taken positive steps to assure a sound financial operation. As of April 2013, the CVCBD currently has \$135,875.00 in their reserve balance, which represents a total value of about two months of its annual budget. This reserve funding will not be used to support the CVCBD operations in FY 2014. The BBMR encourages the CVCBD to work towards building a reserve fund at a minimum of approximately three months of its annual budget.

## MINUTES

BBMR - cont'd

<u>Estimated Income</u>		<u>Estimated Expenses</u>	
Prop. Tax Surcharge	\$ 684,690.00	Administration	\$ 60,215.00
Exempt Property	68,000.00	Sanitation	474,341.00
Contribution		Safety	409,094.00
Abell Security Grant	25,195.00	Outreach	38,635.00
2012-2013		<b>Total</b>	<b>\$982,285.00</b>
Abell Security Grant	55,000.00		
2013-2014			
Abell Camera Grant	132,000.00		
Program Revenue	17,400.00		
	<b>\$ 982,285.00</b>		

THE BUREAU OF THE BUDGET AND MANAGEMENT RESEARCH REVIEWED AND RECOMMENDED APPROVAL OF THE BUDGET AND THE PROPERTY TAX SURCHARGE RATE.

PROTESTS HAVE BEEN RECEIVED MR. CHRISTIAN H. WILSON, MS. PAMELA WILSON, MR. STEPHEN GEWIRTZ AND MS. JOAN FLOYD.

President: "The third item on the non-routine agenda can be found on Page 47-48, Bureau of the Budget and Management Research, Fiscal Year 2014 Budget and Property Tax Surcharge -- Surcharge Rate - Charles Village Community Benefits District. Will the parties please come forward?"

Ms. Joan Floyd: "Good Morning."

President: "Make sure when you talk you talk directly into the mic and state your name."



## MINUTES

BBMR - FY 2014 Charles Village Budget - cont'd

Mr. David Hill: "My name is David Hill, Executive Director of Charles Village Benefits District."

Mr. Stephen Gewirtz: "And I'm Stephen Gewirtz -- ah -- and I live in my house on Guilford Avenue since 1970."

Solicitor: "I would ask -- um -- if the protestants could focus given the lateness of the hour and -- um -- the time we've spent on any additional items above and beyond what's in the written protest cause we've -- got the written protest."

President: "Just let them protest."

Mr. Gewirtz: "The key point to me is the fact that we -- now let me say first that the Wilsons wanted to be here but they've -- they've had to attend a funeral on the West Coast. So, ah -- that's why they're not here. My big concern is that we spend so much money with -- this Benefits District that was promised to us as providing us with security. And instead, the majority of the money is being spent on sanitation. We've become trashcan village. We have trashcans all over the place. People have somehow, and a lot of what they collect is just household trash. Meanwhile, we have a -- you know a limited -- ah -- program of Safety Patrols. I'm glad we have what we have than

## MINUTES

BBMR - FY 2014 Charles Village Budget - cont'd

by - ah - you know off-duty City police, riding trikes. But -- ah -- even that -- the big question I have is where are they patrolling? A number of times David Hill has told us that -- ah -- the patrols are throughout the district, but at the -- ah -- we concluded at the -- ah -- public hearing of the budget -- at the -- at the Board meeting in which the -- ah -- Benefits District adopted its budget he said they only patrol south of 27<sup>th</sup> Street. That means that they -- because Hopkins patrols north of there. But that leaves out everything east of -- of Abell Avenue. What about people on Barclay Street? What about Greenmount Avenue where we've had -- ah -- you know a number of murders? Ah -- you know the -- our safe -- our money should be going for that and ah -- I'd like to know which one is correct? Do they patrol throughout the District or just south of 27<sup>th</sup> Street as Mr. Hill said ah -- you know a month ago when the budget was adopted?"

Mr. Hill: "Our patrols ah -- patrol throughout the District um - - just simple as that. I can't say more straightforwardly than that."

## MINUTES

BBMR - FY 2014 Charles Village Budget - cont'd

Mr. Gewirtz: "No, that's not what you said the last time I heard."

Solicitor: "Ms. Floyd?"

Ms. Joan Floyd: "Um -- thank you Board members. Um -- Joan Floyd, I'm - ah -- homeowner in this - ah - in this District boundary. Um -- first of all, this is a non-compliant -- um -- request -- ah -- budget request and tax request. It does not comply with the law -- the mandatory language of the law -- both the code and the bylaws of this group -- ah -- mandate that they -- ah -- bring this request in to you at least two -- um -- two months prior to the beginning of the fiscal year. They did not do that this time um -- So, it's not a compliant request. In addition to that, I was here last year and I asked a question, 'I said, 'How is this constitutional? How is this tax constitutional?' I was told in part because of the makeup of the Benefits District Board. Well, the group sends -- ah -- voting members to the Benefits District Board to impose this surtax on their neighbors are not subject to the Open Meetings Act. They're not subject to the Public Information Act. Any attempt

## MINUTES

BBMR - FY 2014 Charles Village Budget - cont'd

on my part to obtain any information about these groups from the Benefits District yielded ah -- robust refusal. I was not able to obtain from them information on membership criteria, on -- ah -- whether or not they either charge dues and if so, how much -- ah -- what kind of meetings they have, how often the meetings are um -- how they make their decisions. None of these things have been disclosed. This is not information that we are apparently privy to. They don't seem particularly concerned at the Benefits District that we're not privy to this information. Um -- this isn't how we levy tax on property owners in the State of Maryland. Ah - we've been seeing a lot of new and increased fees and rates and even taxes, as our taxes continue to rise because of Homestead Tax Credit - you know -- from year to year. Um -- homeowner's cost are increasing and --"

Solicitor: "I don't think the supplemental -- I don't think that Charles Village charge is increasing under this budget."

Ms. Floyd: "What I'm trying to say is we're seeing a lot of

## MINUTES

BBMR - FY 2014 Charles Village Budget - cont'd

increases. We're all aware of these things. This is not news. And on top of all those increases that the homeowners are -- are receiving -- are facing, frankly, um -- we don't need on top of that, an unconstitutional tax. So, I'm now reviving my question from last year, which is -- because I don't believe it's constitutional, so my question once again is, 'how is this tax constitutional'?"

Solicitor: "Councilman Stokes --"

Mr. Hill: "I'm sorry. Go ahead."

Mr. Stokes: "Thank you Honorable --"

President: "Excuse me -- Excuse me. You can respond."

Mr. Hill: "Let me respond to two points. Ah -- first of all, the process that we use to submit the budget is in compliance. I believe that, what Ms. Floyd is referring to is the requirement that we have a public hearing, no later than April which is two months prior to this meeting. Um -- and then we subsequently submit the approved budget uh -- uh -- to the City for its approval. Regarding the second point that Ms. Floyd made um -- I would only like to say that the Charles Village Benefits

## MINUTES

BBMR - FY 2014 Charles Village Budget - cont'd

District Board does not have taxing power. Ah -- that -- ah -- power resides with the City. We can only make a recommendation and of course that's why we're here today is to see if you approve or disapprove what we recommended. Thank you."

President: "Councilman Stokes."

Ms. Floyd: "May I correct just correct one thing."

President: "Yes. Go ahead."

Ms. Floyd: "Mr. -- um -- Hill is absolutely wrong about the -- the legal provision I'm referring to. He's 100% wrong."

President: "Councilman Stokes."

Councilman Stokes: "Uh -- thank you -- um -- Honorable members of the Board. I'm here today in support of -- of not only the -- uh -- the property owners that are here, but also those who called me, e-mailed me, or talked to me on the street. Uh -- I'm asking uh -- a simple request is that the recommendation that is before you be reconfigured, that is the budget, it's ah -- properly reflect ah -- the intent and the spirit of the law. Ah -- some 20 years ago -- ah -- when I was here -- ah -- the first time around, I was one of the original co-sponsors of this

## MINUTES

BBMR - FY 2014 Charles Village Budget - cont'd

legislation. I also, in full disclosure, live in the Benefits District. I live actually two blocks -- ah -- from the incident that -- that started this entire -- um -- um -- Benefits District, which is that -- ah -- an employee of the Reg -- ah -- Whitman Requardt ah -- Engineering firm -- ah -- was killed on a Christmas Eve ah -- a block and a half from my home. Ah -- let me mention that this year ah -- we've had five murders since November within two blocks of my home, which is in a part of this District. But, it's not personal I'm here. I'm here ah -- because I can tell you that this budget, as it has for the last several years ah -- is out of compliance with both the intent and spirit of the law. It supplants ah -- both ah -- City -- ah -- services as well as -- ah -- property owner responsibility. Ah -- this -- ah -- budget continues -- ah -- to sweep -- ah -- payments for -- ah -- blocks of residents, which is of course personal responsibility of property owners. It sweeps gutters. - Ah -- long story short, is that it is not -- ah -- taking care of the public safety issues that, in fact, this entire Benefits

## MINUTES

BBMR - FY 2014 Charles Village Budget - cont'd

District was set up to do and is the will of over half, per the ah -- past three years, four years of public meetings, when over half the ah the -- the -- residents who come out and property owners say that we want -- ah -- a public safety portion of this expanded. I believe that the budget should be at least 50% ah -- at that point. Um -- I'll withhold any other comments, unless asked. But, so, I'm asking that the recommendation ah -- be a return and that this Honorable Body reconfigure ah -- the current ah -- recommendation so that it more accurately reflects ah -- both the intent, the spirit of the legislation, as well as, that as a majority of the property owners in this particular district."

Mr. Jason Pyeron: "Good morning Mr. President. My name is Jason Pyeron. I'm the current President of the Benefits District. Um - - our needs change in our village. Um -- they continue to change. They will change. They have changed. Um -- our budget presently, is the best compromise that we have to meet the survey of the needs that we have in our in our ah -- constituency. Um -- as far as the member organizations, I would



## MINUTES

BBMR - FY 2014 Charles Village Budget - cont'd

be in support of restructuring -- you know, make them subject to public meetings ah -- make them run directly elected. That's not in our purview though. We work within the confines that we have. Um -- I don't know the membership criteria for the Charles Village Civic Association. I'm not a member of it. As far as the Old Goucher Community Association, the dues are \$10.00. Meetings are the last Monday of every month. Um -- I think that this is the best possible compromise, presently. Next year, hopefully, we'll have even more efficient and better budget that represents all the constituency even better. I'm happy that we're not increasing the tax rate. As a homeowner, I don't want my expenses going up. But you know of the of the members of the community I've surveyed, I've come up with a different sample set than Mr. Stokes has. Um -- and I -- I believe that all of our constituent's concerns are very valid. Uh -- there's a finite amount of money and at this point in time, this is the best that we know how to spend it."

Mr. Stokes: "Uh -- Uh -- thank you. My point ah -- is made. I

## MINUTES

BBMR - FY 2014 Charles Village Budget - cont'd

Don't -- I don't want to argue back and forth. Ah -- I just ah -  
-strongly ah -- restate that the current budget is not in  
compliance with the spirit or intent of the legislation."

President: "Okay. Um -- I call for a Motion."

Solicitor: "Move approval of the budget as submitted."

Director of Public Works: "Second."

President: "All those in favor say AYE. All opposed NAY. Please  
note that I'm Voting **NO** because Councilman Stokes had been  
telling me for the last year almost two years and half about --  
um -- his issues with the Benefits District in terms of the  
legislation saying it's supposed to be public safety. I've  
talked and spoken to many of the residents who said the same  
thing to me that Councilman Stokes had reported to me um - and  
I'm taking the Councilman's word and the word of those citizens  
that have contacted me. So, I'm Voting **NO**."

Comptroller: "I Vote **NO** also because I think residents of  
Baltimore City are more concerned about safety and should be  
more educated on -- on trash. So, I Vote **NO** because I think --  
it -- more money should be appropriated for public safety."

## MINUTES

BBMR - FY 2014 Charles Village Budget - cont'd

President: "I'm hoping that you all could um -- ah - sit down with the residents and because as you know I attend a lot of community meetings and the total community really don't come, cause they feel like their voice is not being heard and this is what I hear from countless citizens all over this City. That um -- they don't go to community organizations because their voices are not heard and the only voices that are heard are those that attend the meetings. So ah -- ah -- I'm hoping that you can get a sampling of the entire community and I hope that you would follow the wishes of the community 'cause they're saying they want more public safety."

Solicitor: "And and I would just ah -- I'd like to add to what the Council President said, a very specific request that next year the budget um -- reflecting maybe some of these ongoing discussions and perhaps repri -- prioritizing and to act on and tendering to us before April 30<sup>th</sup> because that is what your bylaws call for. Uh -- you know I respect your different view but I think we -- we anticipate seeing it under your bylaws --"

## MINUTES

BBMR - FY 2014 Charles Village Budget - cont'd

um -- immediately -- um -- before or on April 30<sup>th</sup>. So, we have plenty of time to react and we're not looking at the budget in the middle of June, as the fiscal year draws to an end."

President: "Okay."

\* \* \* \* \*

# Joan L. Floyd

2828 N. Howard Street - Baltimore, MD 21218

[joanlfloyd@hotmail.com](mailto:joanlfloyd@hotmail.com)

June 11, 2013

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


Re: Protest, June 12, 2013, Charles Village Community Benefits District Surtax

Dear Members of the Board of Estimates:

As a resident owner of property that is subject to the Charles Village Community Benefits District Surtax, I hereby oppose the proposed surtax for FY '14.

The basis of my protest is that this surtax may not be levied under applicable laws.

Sincerely,



Joan L. Floyd  
410-662-9104 (home)  
410-409-2230 (cell)

Christian and Pamela Wilson  
9 East 27<sup>th</sup> Street  
Baltimore, Maryland 21218-4331  
410-889-6277 (home)  
[cwilson@portlightinc.com](mailto:cwilson@portlightinc.com)  
May 21, 2013

Board of Estimates,  
C/o Clerk to the Board of Estimates  
Room 204, City Hall  
100 North Holliday Street  
Baltimore, Maryland 21202

Re: Protest of the proposed FY2014 budget of the Charles Village Community Benefits District

Dear Board of Estimates:

We hereby protest the proposed FY2014 budget adopted by the board of the Charles Village Community Benefits District (CVCBD) on May 14, 2013 for submission to you for your approval. We protest the FY2014 budget because said presentation of this budget is illegal and runs counter to a simple reading of the Baltimore City Code, Art. 14 Section 6-10. Baseline City Services, which states:

6-10. Baseline City Services.

(a) Agreement to maintain.

Prior to imposing and collecting the Supplemental Tax authorized by this subtitle, the Authority shall enter into a memorandum of understanding with the Mayor of the City regarding the level of services to be maintained by the City as the City's partnership obligation to the Authority and the District's taxpayers.

(b) Scope of agreement.

Such a memorandum shall:

- (1) describe the existing levels of service within the District;
- (2) commit the City to the maintenance of such levels of service; and
- (3) outline the further undertakings of the City in response to the initiative represented by the creation of the District (the "Baseline Plus").

( c ) Governing principles.

The maintenance of existing services shall be governed by 2 principles:

Page – 2  
Letter to the Board of Estimates  
May 21, 2013

- (1) No decrease in such services shall occur except as part of an overall decrease in services necessitated by changes in funding, policy, or resources, and then only in proportion to the decrease implemented elsewhere in the City.
- (2) Any increase in such services generally throughout the City shall be matched with increases in such services within the District, in proportion to the increases implemented elsewhere in the City.

(City Code, 1976,83, art. 1, Sec. 260(d).) (Ord. 94-414

Clearly this agreement has not been entered into during the last period after the budget was previously approved and therefore since all of the provisions of the last agreed upon memorandum have dramatically changed and the CVCBD Administrator has not negotiated a new agreement with the city, the budget is therefore invalid.

Inasmuch as the budget is illegal we the undersigned propose that the Benefits District be discontinued immediately.



Christian H. Wilson

Property owners in Charles Village (now called Old Goucher), business owners and tax payers and surtax payers



Pamela J. Wilson

3007 Guilford Avenue,  
Baltimore, MD 21218-3926.  
410-243-1850 (home),  
443-226-3214 (cell)  
[gewirtz@bellatlantic.net](mailto:gewirtz@bellatlantic.net)  
June 4, 2013

Board of Estimates,  
c/o Clerk to the Board of Estimates,  
Room 204, City Hall,  
100 North Holliday Street,  
Baltimore, Maryland 21202.

Re: Protest of the proposed FY2014 budget of the Charles Village Community Benefits District

Dear Board of Estimates:

I hereby protest the proposed FY2014 budget adopted by the board of the Charles Village Community Benefits District (CVCBD) on May 14, 2013 for submission to you for your approval, and I ask to be heard when you consider the proposed budget. I submit below some relevant history followed by several reasons that the budget should be rejected.

1. When CVCBD was created in 1994, we residents were told that it was needed primarily to provide security. Indeed, we were promised 24/7 security patrols. This followed a murder in the 2400 block of Saint Paul Street. Since then, there have been quite a number of murders throughout the district, particularly in Harwood and on Greenmount Avenue.
2. When CVCBD started, it provided security foot patrols by employees of the Wackenhut security firm. Later, those patrols were replaced by patrols in a vehicle by employees of CVCBD.
3. Several years ago, CVCBD Executive Director David Hill stated that the security patrols were "half assed" (his words), and CVCBD ended the patrols and instead expanded its sanitation program and installed a large number of mesh trashcans. After complaints that the mesh cans were feeding rats, those cans were replaced with rat resistant cans. Let me note that most of the trash being picked up in the CVCBD trashcans is household trash that should be put in proper trash cans for the weekly City trash collection.
4. About two years ago, after Midtown had instituted security patrols by off duty Baltimore City police officers, CVCBD instituted a similar program. However, those patrols have been very limited in scope, while CVCBD continues to spend far too much money on sanitation and on maintaining and emptying trashcans.
5. At the April 23 public hearing on the budget, David Hill stated that the security patrols by off duty police officers went throughout the district, and I can recall having heard him say the same thing at the May 1 meeting of the CVCBD Safety Advisory Committee. Yet at the May 14 board meeting at which the budget was adopted, David Hill stated that the patrols operated only south of 27<sup>th</sup> Street because Johns Hopkins University patrolled north of 27<sup>th</sup> Street. I did say to the board and to Mr. Hill that Johns Hopkins University does not patrol east of Abell Avenue.



The proposed budget would spend more on sanitation than on safety. We do not need to be Trashcan Village, and residents are quite capable of putting their trash in proper trashcans for the weekly City trash pickup. Indeed, those of us who do handle our trash properly are paying both for City and CVCBD trash pickups. Moreover, we residents and homeowners are capable of sweeping our own sidewalks and alleys as required by City law. We do not need a nanny state CVCBD to do that for us.

At the same time, we need more security patrols. Those of us who live where Johns Hopkins University patrols (and it does provide excellent security patrols where I live) still should receive some of the security patrols from CVCBD that we are paying for. And when one considers that there have been several murders at Yau Brothers Chinese carryout at 29<sup>th</sup> Street and Greenmount Avenue where neither CVCBD nor Johns Hopkins University patrols, CVCBD should add to the patrols being provided by the Baltimore City Police Department.

For the reasons given above, I strongly urge the Board of Estimates to require CVCBD to rework its spending plans to provide far more security patrols by off duty Baltimore City police officers.

Finally, let me note that the budget apparently has been submitted to you after the deadline set in the City Code and in the CVCBD bylaws. § 6-14 (c) (2) of the City Code states: "Beginning with the Financial Plan for fiscal year 1996, the Board shall submit all materials at least 2 months prior to the proposed effective date of a budget or Supplemental Tax." And according to Article VII Section 2 B of the CVCBD bylaws: "After the Spring Public Meeting presentation of the financial plan and with due consideration for the public input received at the meeting, the Board shall finalize and adopt the financial plan and submit it to the Board of Estimates for approval prior to April 30." Why does CVCBD find it so difficult to obey its enabling legislation and bylaws?

Sincerely,

A handwritten signature in cursive script, appearing to read "Stephen J. Gewirtz".

Stephen J. Gewirtz, Ph.D.,  
Homeowner and CVCBD taxpayer since the inception of CVCBD  
and Coordinator of a Charles Village Court Watch program

**MINUTES**

Department of Housing and - Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with Habitat for Humanity of the Chesapeake, Inc. The period of the agreement is July 1, 2012 through June 30, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$246,573.00 - 2089-208913-5930-431662-603051

**BACKGROUND/EXPLANATION:**

Under this agreement, the funds will be used to subsidize operating expenses. The organization will complete the rehabilitation and sale of 18 vacant properties for first-time owner-occupancy by low- and moderate-income households within the Brooklyn/Curtis Bay, Pen Lucy and Woodbourne-McCabe areas of Baltimore City.

On May 2, 2012, 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 2012 Annual Action Plan for the following formula programs:

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

The DHCD began negotiating and processing the CDBG agreements effective July 1, 2012 and beyond, as outlined in the Plan, pending approval of the Resolution. Consequently, this agreement was delayed due to final negotiations and processing.

## MINUTES

DHCD - cont'd

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with Habitat for Humanity of the Chesapeake, Inc.

**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 Japp Haynes, IV, developer, for the sale of the City-owned vacant building located at 2430 E. Chase Street.

**AMOUNT OF MONEY AND SOURCE:**

\$3,000.00 - Purchase Price

**BACKGROUND/EXPLANATION:**

The project will consist of the City-owned vacant building being totally rehabilitated and returned to residential use for homeownership. The buyer proposed to completely rehabilitate the property as a single family private residence.

The property was journalized and approved for sale on June 16, 2012.

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

The proposed price of \$3,290.00 was determined pursuant to the Waiver Valuation process. The property is being sold below that value for \$3,000.00.

The property is being sold below the price of \$3,290.00 determined in accordance with the Appraisal Policy of Baltimore City for the following reasons:

1. specific benefit to the immediate community of revitalization through residential home ownership,
2. elimination of blight and neighborhood stabilization, and
3. economic development and return of the property to productive use and to the active tax rolls of Baltimore City.

**MINUTES**

DHCD - cont'd

The buyer proposes to spend approximately \$40,300.00, inclusive of acquisition and associated costs to complete the project.

**MBE/WBE PARTICIPATION:**

MBE/WBE is not required for this project because the property is being sold below \$49,999.99.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with Japp Haynes, IV, developer, for the sale of the City-owned vacant building located at 2430 E. Chase Street.

**MINUTES**

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

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a lease agreement with Civic Works, Inc. for the lease of 84 City-owned properties located on the odd and even side of the 1900 block of Perlman Place and the even side of the 1900 block Patterson Park Avenue.

**AMOUNT OF MONEY AND SOURCE:**

\$100.00/year for 84 properties

**BACKGROUND/EXPLANATION:**

In March 2011, the Department of Planning (DOP), in partnership with the DHCD issued an RFQ for farmers to participate in the development of a certain selection of pre-identified city-owned vacant and under-utilized properties throughout the City for the purpose of urban agriculture. This offering was intended to:

- 1) develop successful entrepreneurial urban farms throughout the City,
- 2) ameliorate the problem of food deserts in Baltimore City neighborhoods, and
- 3) transform vacant and unused land to achieve economic, social and environmental benefits.

Real Food Farm is the Civic Works' innovative urban agricultural enterprise engaged in growing fresh produce on six acres of land in Clifton Park in northeast Baltimore. Real Food Farm works toward a just and sustainable food system by improving neighborhood access to healthy food, providing experience-based education, and developing an economically viable, environmentally responsible local agriculture sector.

## MINUTES

DHCD - cont'd

In April 2009, the Civic Works began program development and fundraising for the farm. During that summer, Civic Works partnered with the Safe Healing Foundation, a Baltimore non-profit that provides employment and education opportunities for youth, to put up the first three hoopouses. The hoopouses were erected in October 2009 with technical assistance from the University of Maryland Eastern Shore. Real Food Farm had its first harvest in December 2010 and then began selling produce at neighborhood markets. Harvest and sales have occurred every month since then.

For the past year and half, Real Food Farm has operated as Baltimore's preeminent production-scale vegetable farm, the largest and most publicized. It has worked with the City to examine issues of building permits for agricultural structures, advising on the RFQ process, and considering issues of zoning and promotion of urban agriculture. Real Food Farm has been uniquely positioned to promote and catalyze the urban agriculture development of the city. Two former Americorps members of Real Food Farm are currently farming in Baltimore City or directly outside its borders, and many have attributed their interest in urban agriculture from the reality of the Real Food Farm.

The Real Food Farm's business model relies heavily on low-cost, low-input high tunnels, or "hoopouses." The employed design on the high tunnel does not require additional heating or cooling to produce marketable crops year-round. The Real Food Farm currently is operating five 3,000 square foot high tunnels and a half acre field production. Winter production focuses on leafy greens and root vegetables, while summer production focuses on tomatoes, peppers, potatoes, and berries. 120 fruit trees are currently being raised in a gardener style, which allows for ease of care with high yields. Two bee hives exist on site, with plans to expand.

The proposed site would increase production of its current operation to continue fruit and four-season vegetable production for CSA and Mobile Market sales. Through the Mobile Market, Real

## MINUTES

DHCD - cont'd

Food Farm is addressing bottlenecks that prevent growers from selling in neighborhoods with limited food access and barriers that prevent consumers in Northeast Baltimore from accessing healthy foods. While many small- and medium-scale agriculture enterprises are passionate about increasing food access, they often cannot afford the risk of selling in food desert neighborhoods because there is a significant time investment and a great deal of education and community-based connections required to be successful. Survey participants in the Clifton Park Food Community Assessment identified affordability and accessibility as the two biggest barriers to eating healthy food. Real Food Farm will own and operate the Mobile Market to alleviate these bottlenecks and barriers by purchasing high-demand products from peri-urban and rural growers in the Baltimore region and offering local, healthy foods at reasonable prices in Northeast Baltimore. The target market for this initiative is Clifton Park area residents with limited food access, transportation challenges, and tight food budgets.

In a traditional CSA, a customer pays a lump sum to a farmer at the beginning of a season in exchange for a weekly box containing various produce from the farm. In this model the consumer is partnering with the farmer and joins in the risks for the season but also reaps the rewards - the diversity of products each week will vary depending on availability. Real Food Farm's seasonal CSA will provide weekly shares of produce to Baltimore residents, and customers will pay in full up-front and have the option of buying a full or half share. Neighborhood residents and customers with financial limitations will have priority in joining the CSA, and they will also commit to the entire season but may pay month to month. The farm will educate customers at weekly markets on the benefits of CSA membership and work with partner organizations to publicize the opportunity. Members will be supported with recipes and cooking classes that offer simple ways to use the contents of weekly produce boxes.

Civic Works is in good standing with the Maryland Department of Assessment and Taxation. Civic Works will be responsible for all maintenance and utility costs associated with occupying the properties.



## MINUTES

DHCD - cont'd

The Space Utilization Committee approved the lease at its meeting of March 12, 2013.

ODD SIDE OF PEARLMAN PLACE

<u>Address</u>	<u>Block/Lot</u>
1915 PERLMAN PL	4171 070
1917 PERLMAN PL	4171 071
1921 PERLMAN PL	4171 073
1923 PERLMAN PL	4171 074
1925 PERLMAN PL	4171 075
1929 PERLMAN PL	4171 077
1931 PERLMAN PL	4171 078
1933 PERLMAN PL	4171 079
1935 PERLMAN PL	4171 080
1939 PERLMAN PL	4171 082
1941 PERLMAN PL	4171 083
1943 PERLMAN PL	4171 084
1945 PERLMAN PL	4171 085
1951 PERLMAN PL	4171 088
1953 PERLMAN PL	4171 089
1955 PERLMAN PL	4171 090
1957 PERLMAN PL	4171 091
1959 PERLMAN PL	4171 092
1961 PERLMAN PL	4171 093
1963 PERLMAN PL	4171 094
1965 PERLMAN PL	4171 095
1967 PERLMAN PL	4171 096
1969 PERLMAN PL	4171 097
1971 PERLMAN PL	4171 098
1973 PERLMAN PL	4171 099
1975 PERLMAN PL	4171 100
1977 PERLMAN PL	4171 101
1979 PERLMAN PL	4171 102

## MINUTES

DHCD - cont'dEVEN SIDE OF PEARLMAN PLACE

<u>Address</u>	<u>Block/Lot</u>
1914 PERLMAN PL	4171 110
1916 PERLMAN PL	4171 111
1918 PERLMAN PL	4171 112
1920 PERLMAN PL	4171 113
1922 PERLMAN PL	4171 114
1924 PERLMAN PL	4171 115
1928 PERLMAN PL	4171 117
1930 PERLMAN PL	4171 118
1932 PERLMAN PL	4171 119
1934 PERLMAN PL	4171 120
1936 PERLMAN PL	4171 121
1940 PERLMAN PL	4171 123
1942 PERLMAN PL	4171 124
1944 PERLMAN PL	4171 125
1946 PERLMAN PL	4171 126
1948 PERLMAN PL	4171 127
1950 PERLMAN PL	4171 128
1952 PERLMAN PL	4171 129
1954 PERLMAN PL	4171 130
1956 PERLMAN PL	4171 131
1960 PERLMAN PL	4171 133
1962 PERLMAN PL	4171 134
1964 PERLMAN PL	4171 135
1966 PERLMAN PL	4171 136
1968 PERLMAN PL	4171 137
1970 PERLMAN PL	4171 138
1972 PERLMAN PL	4171 139
1974 PERLMAN PL	4171 140
1976 PERLMAN PL	4171 141
1978 PERLMAN PL	4171 142
1980 PERLMAN PL	4171 143

## MINUTES

DHCD - cont'dEVEN SIDE OF PATTERSON PARK AVE

<u>Address</u>	<u>Block/Lot</u>
1904 N PATTERSON PARK AVE	4171 029
1912 N PATTERSON PARK AVE	4171 033
1914 N PATTERSON PARK AVE	4171 034
1916 N PATTERSON PARK AVE	4171 035
1920 N PATTERSON PARK AVE	4171 037
1922 N PATTERSON PARK AVE	4171 038
1924 N PATTERSON PARK AVE	4171 039
1926 N PATTERSON PARK AVE	4171 040
1928 N PATTERSON PARK AVE	4171 041
1930 N PATTERSON PARK AVE	4171 042
1932 N PATTERSON PARK AVE	4171 043
1934 N PATTERSON PARK AVE	4171 044
1936 N PATTERSON PARK AVE	4171 045
1938 N PATTERSON PARK AVE	4171 046
1940 N PATTERSON PARK AVE	4171 047
1942 N PATTERSON PARK AVE	4171 048
1944 N PATTERSON PARK AVE	4171 049
1946 N PATTERSON PARK AVE	4171 050
1948 N PATTERSON PARK AVE	4171 051
1950 N PATTERSON PARK AVE	4171 052
1956 N Patterson Park Ave	4171 055
1958 N PATTERSON PARK AVE	4171 056
1964 N PATTERSON PARK AVE	4171 059
1966 N PATTERSON PARK AVE	4171 060
1968 N PATTERSON PARK AVE	4171 061

**MINUTES**

DHCD - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the lease agreement with Civic Works, Inc. for the lease of 84 City-owned properties located on the odd and even side of the 1900 block of Perlman Place and the even side of the 1900 block Patterson Park Avenue. The President **ABSTAINED.**

**MINUTES**

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

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize the Parking Facility Rate Increase at three of the City-owned parking facilities that are managed by the Parking Authority of Baltimore City.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The PABC is charged with managing the City's parking assets. Proper stewardship of those assets requires that the PABC realize the best possible return on the City's parking investments. The PABC believes that rate changes at these parking facilities are warranted at this time. The PABC performed a survey of parking rates in the areas surrounding the facilities, (Caroline Street, Little Italy and Marriott garages). The rate surveys confirmed that the fees charged to parkers at these facilities are generally lower than fees charged at other parking facilities within the area. To bring the rates charged at City facilities in line with their surrounding facilities, the PABC developed the proposed rate change recommendations. These rate changes were unanimously approved by the PABC Board of Directors.

## MINUTES

PABC - cont'd

Location	Proposed Transient Rate Changes	Proposed Monthly Rate Changes		
<b>Caroline Street</b>	<b>Regular Transient Rates</b> No proposed transient rate adjustments		Current Rate	Proposed Rate
		Regular Rate	\$110.00	<b>\$120.00</b>
<b>Little Italy</b>	<b>Regular Transient Rates</b> No proposed transient rate adjustments		Current Rate	Proposed Rate
		Regular Rate	\$110.00	<b>\$115.00</b>
<b>Marriott</b>	<b>Regular Transient Rates</b> No proposed transient rate adjustments		Current Rate	Proposed Rate
		Regular Rate	\$160.00	<b>\$165.00</b>
		Hertz Rate	\$300.00	<b>\$320.00</b>

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Parking Facility Rate Increase at three of the City-owned parking facilities that are managed by the Parking Authority of Baltimore City.

**MINUTES**

Bureau of Water and Wastewater - Amendment No. 2 to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 2 for Project 1128R, Urgent Need Water Design and Engineering Services with Rummel, Klepper & Kahl, LLP. The amendment no. 2 to agreement extends the period of the agreement through April 18, 2014.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On January 19, 2011, the Board approved a two year agreement with Rummel, Klepper & Kahl, LLP in the amount of \$748,937.54 to provide urgent need water design and engineering services. On June 6, 2012, the Board approved amendment no. 1 extending the period of the agreement for an additional six months and increasing the upset limit due to a change in scope of the original agreement to provide additional water design services related to the replacement and rehabilitation of the existing water mains at various locations identified by the City.

In order for the consultant to complete the on-going tasks the Bureau is requesting a no-cost extension of the agreement through April 18, 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 as established in the original agreement.

**AUDITS NOTED THE TIME EXTENSION.**

## MINUTES

BW&WW - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 2 for Project 1128R, Urgent Need Water Design and Engineering Services with Rummel, Klepper & Kahl, LLP.



**MINUTES**

Bureau of Water and Wastewater - Amendment No. 1 to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 1 for SC 851 Painting Rehabilitation of Elevated Water Tank and Lox Tanks at the Patapsco Wastewater Treatment Plant with Louis Berger Water Services, Inc.

**AMOUNT OF MONEY AND SOURCE:**

\$ 7,879.49 - Baltimore City  
16,743.91 - Baltimore County  
**\$24,623.40** - 9956-904606-9551-900020-702064

**BACKGROUND/EXPLANATION:**

On July 18, 2012, the Board approved a two year agreement with Louis Berger Water Services, Inc. in the amount of \$84,717.31 to support the construction of SC 851 Painting Rehabilitation of Elevated Water Tank and Lox Tanks at the Patapsco Wastewater Treatment Plant.

SC 851 required the contractor to clean and provide coating both inside and outside of the elevated effluent water tank at the Patapsco Wastewater Treatment Plant. During construction, it was brought to the Bureau's attention that the inside of the tank had significant scaling and possible structural damage. The contractor has requested a certification from the City that it is safe for the contractor to work inside the tank. A structural evaluation needs to be done by the Post Award Services consultant to determine the integrity of the tank repair required for continued use. This will help the contractor to identify the damage to the tank and also provide recommendations for the repairs to help enhance the life of the tank which is critical to WWTP operations. The evaluation will include estimated repair costs and replacement costs if it is determined that the structural deterioration is beyond cost effective repair. The work is anticipated to be completed during three weeks from the Notice to Proceed.

**MINUTES**

BW&WW - cont'd

**MBE/WBE PARTICIPATION:**

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

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 1 for SC 851 Painting Rehabilitation of Elevated Water Tank and Lox Tanks at the Patapsco Wastewater Treatment Plant with Louis Berger Water Services, Inc.

**MINUTES**Department of Transportation - Relinquishment & Termination  
of Easement Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize a relinquishment and termination of easement agreement with PDL Pratt Associates, LLC (PDL).

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

This agreement is associated with TR12007, Demolition of Pratt Street Pedestrian Bridges: Charles and Gay Streets awarded by the Board on May 15, 2013.

The original construction of the City-owned pedestrian bridge is also involved in the execution of a deed agreement with the adjoining property owner. The agreement included stipulations governing the rights of the City and the private property owner, including the reservation of an easement to construct and maintain the bridge. The relinquishment and termination of easement agreement will extinguish the rights and easements associated with the existence of the pedestrian bridge, while holding all provisions of the original deed agreement in full force and effect.

The overall intent of the project is to carry out the recommendations of two studies conducted by Baltimore Downtown Partnership: Open Space Plan for Downtown Baltimore, dated February 25, 2011, Strategic Plan for Downtown Baltimore, dated April 7, 2011 and more specifically, to clear the way for a major building expansion proposed by the PDL.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the relinquishment and termination of easement agreement with PDL Pratt Associates, LLC.

**MINUTES**

Department of Transportation - Right-of-Entry Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize a right-of-entry agreement with PDL Pratt Associates, LLC (PDL) for the property known as 400 E. Pratt Street.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

This right-of-entry agreement is associated with TR12007, Demolition of Pratt Street Pedestrian Bridges: Charles and Gay Streets awarded by the Board on May 15, 2013.

As the City owned pedestrian bridge is attached to the building structure owned by PDL, construction will require removal of the bridge structure supports from the building as well as secure and repair the opening where the bridge is connected to the building.

The overall intent of the project is to carry out the recommendations of two studies conducted by Baltimore Downtown Partnership: Open Space Plan for Downtown Baltimore, dated February 25, 2011, Strategic Plan for Downtown Baltimore dated April 7, 2011 and more specifically, to clear the way for a major building expansion proposed by the PDL.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the right-of-entry agreement with PDL Pratt Associates, LLC for the property known as 400 E. Pratt Street.

**MINUTES**

Department of Transportation - Amendment No. 1 to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 1 to agreement with Sabra Wang & Associates in connection with Project No. 1134, On-Call Traffic Engineering Studies. The amendment extends the period of the agreement through May 17, 2014.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On May 18, 2011, the Board approved the agreement in the amount of \$1,500,000.00 with the Consultant to perform traffic impact studies for proposed development, design traffic, control devices including signals, vehicle detection equipment, signs, pavement marking and traffic installations, perform signal timing analysis, molding optimization, and other related task assignments by the Department for a two-year period.

The Department is now requesting an additional one-year time extension under amendment no. 1. The amendment will allow for the completion of various ongoing design tasks.

**MBE/WBE PARTICIPATION:**

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

**AUDITS NOTED THE TIME EXTENSION AND WILL REVIEW ASSIGNED TASKS.**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment no. 1 to agreement with Sabra Wang & Associates in connection with Project No. 1134, On-Call Traffic Engineering Studies.

**MINUTES**

Department of Transportation - Settlement Agreement and Release

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a settlement agreement and release with M. Luis Construction Co., Inc. in connection with TR-00045, Rehabilitation of Orleans Street from Central Avenue to Wolfe Street.

**AMOUNT OF MONEY AND SOURCE:**

\$250,000.00 - 9950-902255-9508-900010-702064 Federal

**BACKGROUND/EXPLANATION:**

On May 29, 2009, the Board approved the award of TR-00045, Rehabilitation of Orleans Street from Central Avenue to Wolfe Street, with an established completion date of July 29, 2010. During the course of construction, numerous delays occurred because of construction re-phasing. Upon the July 26, 2012 completion of construction, M. Luis assessed a delay claim against the City for \$793,291.68. However, the parties settled the delay claim for \$250,000.00.

**MBE/WBE PARTICIPATION:**

M. Luis Construction Company has complied with the established 30% DBE goal.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the settlement agreement and release with M. Luis Construction Co., Inc. in connection with TR-00045, Rehabilitation of Orleans Street from Central Avenue to Wolfe Street.

**MINUTES**

Department of General Services - Grant

**ACTION REQUESTED OF B/E:**

The Board is requested to approve acceptance of a grant from Mercy Medical Center from the Baltimore Community Foundation, Inc. through the Baltimore City Foundation.

**AMOUNT OF MONEY AND SOURCE:**

\$50,000.00 - 9904-906104-9127

**BACKGROUND/EXPLANATION:**

The Department is making improvements to retired Public School No. 103, attended by the late Supreme Court Justice Thurgood Marshall, under GS 11849, P.S. 103 Stabilization. This is the first step in an effort to revitalize the structure for re-use.

The work involves remediating damage to the building from weather and deterioration suffered while the building was vacant. Mercy Medical Center wishes to contribute \$50,000.00 to the project through its participation in the Baltimore Community Foundation, a philanthropic organization dedicated to making the Baltimore region a better place in which to live. Funds from the Baltimore Community Foundation will be provided to the City through the Baltimore City Foundation.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved acceptance of the grant from Mercy Medical Center from the Baltimore Community Foundation, Inc. through the Baltimore City Foundation.



## MINUTES

Department of General Services - Minor Privilege Permit Application

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

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
1. 1032 Light Street	McHenry Theater, LLC	Retain three cornice signs 2' x 1½' each
Annual Charge: \$105.60		
2. 108 N. Howard St.	M M E Investments, LLC	Retain awning w/signage 2'6" x 3'6"
Annual Charge: \$ 271.20		
3. 806 Stiles Street	Eco World, LLC	Retain show window 28.75', seven spot reflectors, three awnings 13' x 3', 4'6" x 3'4", 5' 10" x 5'
Annual Charge: \$979.60		

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

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

## MINUTES

Department of Human Resources - Personnel Matter

The Board is requested to approve the Personnel matter below:

Department of Human Resources Training Division

Reclassify the following vacant position:

From: 33672 - Training Officer I  
Grade 111 (\$41,700.00 - \$60,500.00)  
Job No.: 1604-34271

To: 33684 - Training Officer II  
Grade 114 (\$48,600.00 - \$68,600.00)

Cost: \$10,530.00 - 1001-000000-1604-172500-601001

**THE PERSONNEL MATTER HAS BEEN APPROVED BY THE EXPENDITURE  
CONTROL COMMITTEE.**

UPON MOTION duly made and seconded, the Board approved the  
above Personnel matter.

**MINUTES**

Fire Department - Equipment Donation

**ACTION REQUESTED OF B/E:**

The Board is requested to approve acceptance of an unsolicited donation of three upright cycles from Gold's Gym in Shrewsbury, PA.

**AMOUNT OF MONEY AND SOURCE:**

\$1,800.00 - estimated value  
(\$600.00/Cycle)

**BACKGROUND/EXPLANATION:**

The three cycles are unencumbered property, given freely, in "as is" condition to the Fire Department should the City choose to accept them. The Fire Department would like to thank Gold's Gym by the Board accepting the equipment which will be placed in service at the Fire Academy for use by trainees and members.

UPON MOTION duly made and seconded, the Board approved acceptance of the unsolicited donation of three upright cycles from Gold's Gym in Shrewsbury, PA.

**MINUTES**Fire Department - Charitable Sponsorship Campaign**ACTION REQUESTED OF B/E:**

The Board is requested to approve the charitable sponsorship campaign to benefit the 30<sup>th</sup> Annual Baltimore City Fire Foundation Benefit Golf Tournament. The period of the solicitation for sponsorships is effective upon Board approval through August 10, 2013.

**AMOUNT OF MONEY AND SOURCE:**

No general funds are involved in this transaction.

The collected funds will be deposited in an account through the Baltimore City Fire Foundation and expenditures will be paid through the Baltimore City Fire Foundation.

**BACKGROUND/EXPLANATION:**

The Baltimore City Fire Department has held a Golf Tournament for the past 29 years to raise funds to benefit the Baltimore City Fire Foundation. In previous years, the funds raised have helped offset the cost of the Department's Free Smoke Alarm Program. In previous years, the event raised approximately \$12,000.00. This year's event will be held at the Mount Pleasant Golf Course, and will benefit the survivors of active fallen firefighters. This is an open event. Sponsorship opportunities will be publicly available to a broad range of potential sponsors.

The Baltimore City Ethics Board has provided an advisory opinion that a sponsorship solicitation campaign for this event does not need to be approved by the Ethics Board as a campaign to solicit charitable donations under Ethics Code Section 6-26 and Ethics Board Regulation R-26.

## MINUTES

Fire Department - cont'd

The Opinion of the Ethics Board states that when sponsorship agreements are entered into under these conditions they should be treated the same as any other contract. Therefore, absent any evidence to rebut an assumption of genuineness, a campaign to solicit sponsorships of City facilities, activities, or event does not need to be approved by the Ethics Board if the campaign:

1. publicly offers the opportunity to become a sponsor to a broad group of potential sponsors;
2. describes any criteria that will be used to select the sponsors or to determine whether certain entities are not eligible to be sponsors; and
3. is approved by the Board of Estimates

Any sponsorship campaign that does not meet the three conditions listed above, however, is not entitled to the presumption that adequate consideration is being offered for the sponsor's payments, and must instead be evaluated in the same way as a campaign to solicit charitable donations under Ethics § 6-26 and Ethics Board regulation R 06.26."

UPON MOTION duly made and seconded, the Board approved the charitable sponsorship campaign to benefit the 30<sup>th</sup> Annual Baltimore City Fire Foundation Benefit Golf Tournament.

**MINUTES**

Department of Real Estate - Lease Renewal

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the lease renewal with the Empowerment Center, Inc., tenant, for the rental of the property located at 801 Braddish Avenue, formerly known as Lafayette Elementary School #202, containing 39,045 sq. ft. The period of the renewal is September 1, 2013 through August 31, 2015.

**AMOUNT OF MONEY AND SOURCE:**

\$1.00, if demanded

**BACKGROUND/EXPLANATION:**

On August 31, 2011, the Board approved the lease agreement with the Empowerment Center, Inc. The lease was for two years effective September 1, 2011 through August 31, 2013, with one 2-year renewal option. The Empowerment Center, Inc. wishes to exercise its renewal option. All other rentals, conditions, and provisions of the original lease remain unchanged.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the lease renewal with the Empowerment Center, Inc., tenant, for the rental of the property located at 801 Braddish Avenue, formerly known as Lafayette Elementary School #202, containing 39,045 sq. ft. The Comptroller  
**ABSTAINED.**

**MINUTES**

Department of Real Estate - Renewal Interdepartmental Lease

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the first renewal option of an interdepartmental lease between the Department of General Services, landlord, and the Department of Finance, Bureau of Accounting and Payroll Services, tenant, for the rental of the property known as 401 E. Fayette Street, being on the 5<sup>th</sup> and 8<sup>th</sup> floors, containing 16,854 square feet. The period of the first lease renewal is July 1, 2013 through June 30, 2014.

**AMOUNT OF MONEY AND SOURCE:**

<u>Annual Rent</u>	<u>Monthly Installment</u>
\$118,652.16	\$9,887.68

**BACKGROUND/EXPLANATION:**

On November 7, 2012, the Board approved the interdepartmental lease. The agreement was for one year, commencing July 1, 2012, and terminating June 30, 2013, with five 1-year renewal periods. The Department of Finance has exercised its first renewal option, commencing July 01, 2013 through June 30, 2014. The annual and monthly installments will be as stated above. All other terms and conditions of the interdepartmental lease will remain in full force and effect.

## MINUTES

Department of Real Estate - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the first renewal option of an interdepartmental lease between the Department of General Services, landlord, and the Department of Finance, Bureau of Accounting and Payroll Services, tenant, for the rental of the property known as 401 E. Fayette Street, being on the 5<sup>th</sup> and 8<sup>th</sup> floors, containing 16,854 square feet.



**MINUTES**

Department of Real Estate - Renewal of Lease

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the renewal option of a lease agreement with Potts and Callahan, Inc., Lessee, for the rental of a rectangular parcel of land adjacent to property the property owned by the lessee, said parcel is situated on the east side of Falls Road directly below 28<sup>th</sup> Street Bridge and containing .2871 acres. The period of the first lease renewal is September 1, 2013 through August 31, 2023.

**AMOUNT OF MONEY AND SOURCE:**

Annual Rent

\$4,400.00

**BACKGROUND/EXPLANATION:**

On September 29, 2004, the Board approved the lease agreement for nine years, commencing September 1, 2004 and terminating August 31, 2013, with the right to renew for one additional 10-year term. Potts and Callahan, Inc. has exercised its renewal option, commencing September 1, 2013 through August 31, 2023. The annual rental will be as stated above. All other terms and conditions of the lease will remain in full force and effect.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the lease agreement with Potts and Callahan, Inc., Lessee, for the rental of a rectangular parcel of land adjacent to property the property owned by the lessee, said parcel is situated on the east side of Falls Road directly below 28<sup>th</sup> Street Bridge and containing .2871 acres.

**MINUTES**

Department of Real Estate - Tax Sale Certificate

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of a Tax Sale Certificate to Wall Street Performance, LLC for an amount that is less than the lien amount for the property located at 500 Sanford Place.

**AMOUNT OF MONEY AND SOURCE:**

<u>Property Address</u>	<u>Assessed Value</u>	<u>Flat Taxes &amp; Water</u>	<u>Total Liens</u>	<u>Assignment Amount</u>
500 Sanford Place	\$3,000.00	\$751.03	\$4,067.68	\$3,000.00

**BACKGROUND/EXPLANATION:**

The City acquired the Tax Sale Certificate for 500 Sanford Place on May 21, 2012 for the total amount of \$4,067.68. Wall Street Performance, LLC has offered to purchase the Tax Sale Certificate for \$3,000.00 cash, file the petition to foreclose, acquire title to the property and return it to productive use. The assignment amount for the Tax Sale Certificate will cover the flat taxes and water bills on that property.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Tax Sale Certificate to Wall Street Performance, LLC for an amount that is less than the lien amount for the property located at 500 Sanford Place.

**MINUTES**

Department of Real Estate - Tax Sale Certificate

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of a Tax Sale Certificate to Mr. Joseph McNeil for an amount that is less than the lien amount for the property located at 5318 Ethelbert Avenue.

**AMOUNT OF MONEY AND SOURCE:**

<u>Property Address</u>	<u>Assessed Value</u>	<u>Flat Taxes &amp; Water</u>	<u>Total Liens</u>	<u>Assignment Amount</u>
5318 Ethelbert Avenue	\$1,000.00	\$1,192.92	\$14,196.58	\$1,192.92

**BACKGROUND/EXPLANATION:**

The City acquired the Tax Sale Certificate for 5318 Ethelbert Avenue on October 24, 2012 for the total amount of \$14,196.58. Mr. McNeil has offered to purchase the Tax Sale Certificate for \$1,192.92 cash, file the petition to foreclose, acquire title to the property and return it to productive use. The assignment amount for the Tax Sale Certificate will cover the flat taxes and water bills on that property.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Tax Sale Certificate to Mr. Joseph McNeil for an amount that is less than the lien amount for the property located at 5318 Ethelbert Avenue.

**MINUTES****TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Fire and Police Employees' Retirement System</u>			
1. Abraham Schwartz	2013 Legal Education Conf. Santa Fe, NM Jun. 25 - Jul. 1, 2013 (Reg. Fee \$895.00)	Special Funds Fire & Police	\$1,890.70
<u>Law Department</u>			
2. Matthew Nayden	Intern'l. Municipal Lawyers Association St. Louis, MO June 14 - 15, 2013 (\$100.00 Reg. Fee)	General Fund	\$ 822.80
<u>Department of Planning</u>			
3. Lauren Schiszik Eric Holcomb	50 <sup>th</sup> International - Making Cities Livable Conference Portland, OR June 22 - 28, 2013 (Reg. Fee \$395.00 ea.)	General Fund	\$1,881.20

## MINUTES

TRAVEL REIMBURSEMENT

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Baltimore City Fire Department</u>			
1. James Clack		General Funds	\$ 214.08

On March 27, 2013, the Board approved the travel request for Mr. Clack to attend the Metropolitan Fire Chief's Conference in Phoenix, Arizona for five days from April 06, 2013 through April 11, 2013 for a total of \$1,993.20. Mr. Clack was scheduled to leave on Saturday, April 06, 2013 for the conference, but was advised that he needed to attend a meeting on Friday, April 05, 2013 at 9:00 AM. This resulted in one additional night's stay at the hotel on Friday, April 05, 2013. The Department is requesting the Board to approve an increase in the cost of the additional night and authorize reimbursement of \$189.00 for the hotel, plus occupancy taxes of \$25.08 for a total of \$214.08.

UPON MOTION duly made and seconded, the Board approved the travel requests and the travel reimbursement. The Comptroller

**ABSTAINED** on item no. 1.

**MINUTES**

Office of the Mayor - Reimbursement for Transitional  
Housing and Related Expenses

**ACTION REQUESTED OF B/E:**

The Board is requested to approve reimbursement to Mr. Ernest W. Burkeen, Jr. for transitional housing, for six months, and related transitional expenses.

**AMOUNT OF MONEY AND SOURCE:**

\$ 6,750.00 - Five month lease  
1,350.00 - Security Deposit - lease  
70.00 - Application fee - lease  
503.60 - Residence Inn by Marriott (12/17/12 - 12/21/12)  
1,225.00 - Packing Service, Inc.  
232.60 - Air Tran Airways  
\$10,131.20 - 1001-000000-4711-361700-603003

**BACKGROUND/EXPLANATION:**

Mr. Burkeen is a new executive level appointment recruited from out-of-state. The City has provided transitional housing for executive level appointments from out-of-state for up to six months.

The Baltimore City Administration recruited for the position of Director of Recreation and Parks and conducted a national search to find the most highly qualified candidate. The position of Director of Recreation and Parks for Baltimore City is a critical position that requires an individual with exceptional qualifications, critical analysis, and problem-resolution skills along with exceptional interpersonal leadership skills to develop and maintain critical relationships with City agencies and staff. In the Administration's judgment, Mr. Ernest W. Burkeen, Jr. possesses the unique combination of skills and attributes critical to success in this role and has offered the position to Mr. Burkeen, who until recently resided in Fort Lauderdale, Florida.

**MINUTES**Office of the Mayor - cont'd

In order to make the transition to Baltimore economically feasible for Mr. Burkeen, the Administration offered, contingent upon Board of Estimates approval, to provide transitional housing for a period not to exceed six months, as well as reimbursement for related transitional expenses.

Mr. Burkeen researched a number of options for housing in and near downtown and the Ralph W. E. Jones Administrative Building (department headquarters), located in Druid Hill Park. Based upon a combination of factors including costs, features and availability Mr. Burkeen entered into a lease agreement for transitional housing for a period of 1 year beginning January 1, 2013. The monthly rate is \$1,350.00. The total cost includes a one-time application fee of \$70.00 and a \$1,350.00 security deposit.

Mr. Burkeen contracted with Packing Service Inc. of Plantation, Florida to pack and deliver clothing. He booked a round trip ticket (leaving Ft. Lauderdale on December 5, 2012 and returning on December 7, 2012) in order to meet with staff prior to his start date of December 17, 2012.

Lastly, Mr. Burkeen stayed at the Residence Inn by Marriott in downtown Baltimore for 4 days (December 17 through 21, 2012).

**APPROVED FOR FUNDS BY FINANCE****AUDITS REVIEWED AND HAD NO OBJECTION.****A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

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

## MINUTES

Office of the Mayor - cont'd

UPON MOTION duly made and seconded, the Board approved the reimbursement to Mr. Ernest W. Burkeen, Jr. for transitional housing, for six months, and related transitional expenses. The Mayor **ABSTAINED.**



## Kim A. Trueheart

June 11, 2013

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 the poor outcomes associated with an untenable an dysfunctional workplace in the front Office of the Baltimore City Mayor.

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 80; Department of Human Resources – Office of the Mayor – Reimbursement for Transitional Housing and Related Expenses, if approved:
    - i. Misrepresents that Mr. Burkeen is the most highly qualified candidate for the position of Director of Recreation and Parks. As a Baltimore City critical position, this position additionally requires an individual with exceptional qualifications, critical analysis, and problem-resolution skills along with exceptional interpersonal leadership skills to develop and maintain critical relationships **BEYOND** City agencies and staff, to include the public. Since December 17, 2012 when Mr. Burkeen arrived there is little to NO evidence that he possesses the requisite skills and/or ability;
    - ii. In this citizen's judgment, Mr. Ernest W. Burkeen, Jr. DOES NOT possess any unique combination of skills and attributes critical to success in this role and should NOT have been offered the position;
    - iii. These expenses exceed those to relocate Dr. Batts by over \$3000.00 and should NOT be approved as the Police Commissioner's position is clearly and significantly more critical than this;
    - iv. Will Mr. Burkeen be bound by a mobility agreement dictating a minimum number of months he must continue to work in the Baltimore City government to assure a reasonable pay-back of this outrageous investment expense by the tax-payers?
    - v. Will Mr. Burkeen be bound by a repayment agreement?
    - vi. Please provide access to inspect the signed mobility and pay-back agreements.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed what appears to be wasteful spending by this administration in

Email: [ktrueheart@whatfits.net](mailto:ktrueheart@whatfits.net)

5519 Belleville Ave  
Baltimore, MD 21207

many critical initiatives. These funds would be more beneficial to all the citizens of Baltimore if they were used to keep one neighborhood recreation center open.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on June 12, 2013.

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

PROPOSALS AND SPECIFICATIONS

1. Department of Transportation - TR 12319, Citywide ADA and Sidewalk Improvements  
**BIDS TO BE RECV'D: 07/17/2013**  
**BIDS TO BE OPENED: 07/17/2013**
2. Department of Transportation - TR 13009, ADA Ramp Replacements and Installs  
**BIDS TO BE RECV'D: 07/17/2013**  
**BIDS TO BE OPENED: 07/17/2013**
3. Department of Transportation - TR 13012, Baltimore Blue Neighborhoods and Alleys Project  
**BIDS TO BE RECV'D: 07/17/2013**  
**BIDS TO BE OPENED: 07/17/2013**
4. Bureau of Water & Wastewater - SC 868, Liquid Oxygen Plant Improvements, Patapsco Wastewater Treatment Plant  
**BIDS TO BE RECV'D: 07/24/2013**  
**BIDS TO BE OPENED: 07/24/2013**

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

**MINUTES**

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

\*\*\*\*\*

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

**BIDS, PROPOSALS AND CONTRACT AWARDS**

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

Bureau of Water and Wastewater - SC 906, Improvements to the Sanitary Sewers in the West Baltimore Region of High Level Sewershed Collection System, Sewer Rehabilitation  
**BIDS TO BE RECV'D: 06/19/2013**  
**BIDS TO BE OPENED: 06/19/2013**

## 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 13307, Resurfacing High-  
Ways at Various Locations  
Southeast - Sector IV

P. Flanigan & Sons, Inc.  
Manuel Luis Construction Co., Inc.

Bureau of Water and Wastewater - SC 877, Enhanced Nutrient  
Removal Process at the Back  
River Waste Water Treatment  
Plant

Oscar Renda Contracting  
Archer Western Contractors, LLC  
Ulliman Schutte Construction, LLC  
American Infrastructure/PC  
Construction Joint Venture  
Fru-Con Construction, LLC

Bureau of Purchases - B50002960, Water Jet Sign  
Cutting

Fox Machinery Associates

Bureau of Purchases - B50002963, Hersey Water  
Meter Repair Parts

Mueller Systems

## MINUTES

Bureau of Purchases- B50002991, Excavator

Jesco, Inc.

Valley Supply and Equipment Co., Inc.

Bureau of Purchases- B50002968, Solar Power Video  
Surveillance System

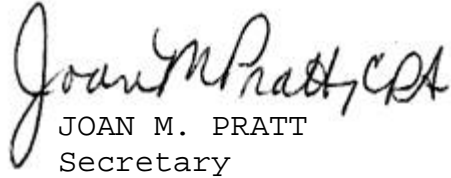
JES Hardware Solutions

Sun Surveillance

## MINUTES

\* \* \* \* \*

There being no objections, the Board, UPON MOTION duly made and seconded, adjourned until its next regularly scheduled meeting on Wednesday, June 19, 2013.



JOAN M. PRATT  
Secretary