

**MINUTES****REGULAR MEETING**

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

The meeting was called to order by the President. Pursuant to Article VI, Section 1(c) of the revised City Charter effective July 1, 1996, the Honorable Mayor, Stephanie Rawlings-Blake, in her absence during the meeting, designated Mr. Harry Black, Director of Finance, to represent the Mayor and exercise her power at this Board meeting.

President: "I will direct the Board members attention to the memorandum from my office dated September 17, 2012, 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."

MINUTES

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

Comptroller: "Second."

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

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

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

Allstate Power Vac, Inc.	\$146,502,000.00
American Siteworks, LLC	\$ 1,500,000.00
Case Foundation Company and Subsidiary	\$151,731,000.00
Chevy Chase Contractors, Inc.	\$ 8,000,000.00
Cianbro Corporation	\$245,421,000.00
Covington Machine & Welding, Inc.	\$ 8,000,000.00
The Dirt Express Company	\$ 3,618,000.00
Energy Systems Group, LLC and Subsidiaries	\$231,678,000.00
Houck Services, Inc.	\$ 30,177,000.00
JLN Construction Services, LLC	\$ 8,000,000.00
Kinsley Construction, Inc. and Subsidiaries	\$629,784,000.00
Lee's Electrical Contracting, Inc.	\$ 1,500,000.00
Ligon & Ligon, Inc.	\$ 40,338,000.00
Meadville Land Service, Inc.	\$ 8,000,000.00
Reviera Enterprises, Inc. T/A REI/DRAYCO	\$ 8,000,000.00
Roy Kirby & Sons, Inc. & Subsidiary	\$ 33,903,000.00
TFE Resources, LTD	\$ 657,000.00
T.E.A.M Service Corporation of New York	\$ 2,691,000.00
Tilt Up Construction, Inc.	\$ 693,000.00

2. Prequalification of Architects and Engineers

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

Arcadis U.S., Inc.	Engineer
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**MINUTES****BOARDS AND COMMISSIONS**- cont'd

CWD Consulting LLC	Engineer
Greenman-Pedersen, Inc.	Landscape Architect Engineer Land Survey
Hardesty & Hanover, LLP	Engineer
Hydrostructres, LLC	Engineer
K. Dixon Architecture PLLC	Architect
Manifold Design	Architect

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

**MINUTES**

Baltimore Development - Third Amendment to Lease Corporation (BDC)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the third amendment to the lease with Harbor Place Associates Limited Partnership, Developer.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

In 1979, the City entered into the original lease with the Developer for a 75-year term, with a maturity date of August 1, 2054. The Developer pays to the City a Base Rent of \$0.67 per gross leasable sq. ft. plus Percentage Rent of 25% of net cash flow. 93.9% of the gross leasable area (149,066 sq. ft.) at Harborplace is leased in 2012. In the past five years (2007 - 2011), the City has averaged \$101,700.00 in annual Base Rent payments. The City has not earned any Percentage Rent under the Lease since its inception.

Under the third amendment to the lease, the City will extend the lease term for an additional 33 years, through 2087 which will reset the lease term back to the original 75 year term. In consideration of this lease extension, the Developer has agreed to undertake a significant capital improvement plan at Harborplace within 36 months after approval of the third amendment to the lease that includes the following improvements:

- a. replace exterior awnings,
- b. upgrade exterior lighting,
- c. upgrade exterior and interior lighting,

**MINUTES**

BDC - cont'd

- d. screen and landscape along the street side of the Light and Pratt Street pavilions,
- e. upgrade, screen and landscape the Trash Compactor Room, and
- f. clean and repair all concrete surfaces on both the Light Street and Pratt Street pavilions and the Pratt Street pedestrian bridges.

Additionally, in consideration for the lease extension, the Developer has agreed to a fixed rent payment of \$262,500.00 per year with a 5% increase beginning in August 2022. The new rent payment is based on 7% of \$3,750,000.00, the fair market value of the City land at Harborplace, established by the June 2012 appraisal. The new Base Rent payment reflects a 158% increase over the average Base Rent earned by the City in the past five years. In 2054 (the first year of the lease extension under the third amendment to lease, the Base Rent will be adjusted and reset by a new appraisal, obtained by the City and the Developer.

**A LETTER OF PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION, AND MS. KIM TRUEHEART.**

The Clerk announced that a protest was received from Ms. Kim Trueheart. That protest was submitted to the Board members, and the Board members have received it and review it. As Ms. Trueheart's interest are not specific, and are not different from other members of the general public, her questions and her protests will not be heard by the Board. However, her letter of protest has been sent to the respective agency that submitted the item, and that agency will be responding directly to Ms. Trueheart.

## MINUTES

BDC - cont'd

(FILE NO. 57275)

President: "The first item on the non-routine agenda can be found on pages 3 to 4, Third Amendment to Lease Agreement. Will the parties please come forward? Good morning."

Mr. Jenkins: "Good morning, members of the Board. My name is Larry Jenkins from the City Law Department. The item before the Board is a request to amend the ground lease for Harbor Place, the Third Amendment and it's in response to a request from General Growth Properties, to extend the lease for a total of 75 years. The existing lease was signed in 2000, I'm sorry in 1979 went to 2054. It will now be extended until 2087. At the time of the request from General Growth Properties, the City secured an appraisal of the property meaning the ground because that's what we own, the buildings are owned by General Growth Properties, and based on the appraisal the value of the land was \$3,750,000.00 and using a 7% cap rate we arrived at a ground rent of \$262,500.00 per year. Under the existing lease, we're

## MINUTES

BDC - cont'd

getting about \$100,000.00 per year which would have gone down to \$88,000.00 in 2014. So, under this change we're going to be getting immediately the \$262,500.00 per year and then after the tenth year every five years it will increase by 5% and then it will reset, meaning based on the new appraisal and the value of the property in 2054 and continue after that. As part of the negotiations we also I guess got a promise from GGP to make certain capital improvements to the property which will improve it. Again, this is their building, the City is not in any way making any concessions as to, they are paying for it on their own. So, that would be request before the Board."

Mr. Jolivet: "Mr. President."

President: "Okay."

Mr. Arnold M. Jolivet MMCA: "Arnold Jolivet. When the uh -- when this lease was originally structured and presented before the Board, and surprisingly I was here at the Board when it was, there was a provision in there surprisingly before we had the City's current MBE Policy but there was a provision in there for providing for participation of minority businesses in the Harbor Place as businesses. There was also a provision in there which

## MINUTES

BDC - cont'd

provided for minority contractors participation on a -- at the time they were actually constructing the project and they were not completely constructing it; but somehow or other when the lease was amended several years ago, that provision for some reason I believe was lost. But under the current City's MBE Policy and Ordinance I believe that it is appropriate for the City, this Board in approving this lease because there will be substantial capital improvements in Harbor Place over the years of the lease and I'm here early this morning to simply suggest or request your Honorable Board to see the propriety of incorporating our MBE Policy our WBE Policy into this lease as we move forward. I think it is a reasonable request. I just certainly don't think it's unreasonable and I wonder why the City doesn't do this on it's their own. I'm perplexed about it, but that's a different issue. So, I would urge this Board in its wisdom, I'm not opposed to the lease. I want the record to show. But in approving this lease which I think the Board would certainly be in their province to do, I would ask this Board to incorporate the City's MBE Policy as a part of this lease and that's a simple request Mr. President. Very extremely, extremely

## MINUTES

BDC - cont'd

simple and consistent with what we do now on other projects."

Mr. Corey: "Good morning Mr. President, members of the Board. Thomas Corey, Chief of the Minority of the Women's Business Opportunity Office. As this third amendment to this lease is presently structured, the City is not providing any financial assistance to CGP. As such, the MBE/WBE law does not apply."

Mr. Jolivet: "Mr. Corey normally comes up with that same argument. Uh, but Mr. President, it is really not about that, that's a technical -- that is actually a technical reading of the City's MBE Ordinance and I can find 50 lawyers who would differ with that. So, we're not it sounds like this is just an effort on the part of Mr. Corey not to comply or not to provide opportunities for our MBE/WBE community. But to say that it doesn't apply begs the issue. Totally begs the issue. He may be right, he may be wrong, but that's not the issue before this Board this morning. Nonetheless, I think I've made a very strong case that this is what we should be doing. When the program -- when Harbor Place was first initiated, it was built on land that was purchased with CDBG funds. So there should be

## MINUTES

BDC - cont'd

a clause in the lease agreement, a provision in the lease agreement because under the CDBG guidelines and under the Title VI, of 1964 Civil Rights Guidelines there is a provision which requires a non-discrimination clause to run with the land, and the City seems to have forgotten about that. Totally forgotten about it."

Deputy City Solicitor: "Excuse me, Mr. Jolivet, let me just ask you a question. Would uh - this proposed change, would you consider that to be a material change to the agreement originally structured back in 1979?"

Mr. Jolivet: "I would say yes, I could make an argument that it is. I certainly can make an argument that it is a material change. But nonetheless I'm not, I'm not I'm just not reading what you are inquiring about."

Deputy City Solicitor: "The reason I'm inquiring about that is because what you are proposing would require a brand new contract, and that is not something that is before the Board at this time. What's before the Board, at this time is an extension as Mr. Corey pointed out and I know that you differ but the MBE law does not apply. The City's receiving money here. The City is not giving any assistance. In fact the City is receiving, in

## MINUTES

BDC - cont'd

my calculations, 122% more in rent than it previously did."

Mr. Jolivet: "That may be true, but keep in mind what you're missing and overseeing is that fact that the policy has also been that when there is construction going on City land and the development land development agreement is structured so that the City's MBE/WBE Ordinance can be incorporated into the land development agreement."

Deputy City Solicitor: "Sure, but let's be fair. This is not an LDA. This is an agreement that was back in 1979 and incorporated existing laws at the time. So, this is -- we're talking about apples and oranges here."

President: "I entertain a Motion."

Deputy City Solicitor: "I would MOVE that the protest be rejected and that the bid be approved as recommended by the agency."

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

\* \* \* \* \*

**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

September 18, 2012

Via Facsimile 410-685-4416

The Honorable President and Members

Baltimore City Board of Estimates

City Hall-Room 204

Baltimore, MD 21202

ATTN: Ms. Bernice Taylor, Clerk to the Board

Dear Mr. President:

I represent the Maryland Minority Contractors Association, Inc. ("MMCA"), its members, clients and constituents. I wish to protest the following listed proposed lease or contract agreements contained in Your Honorable Board's 9-19-2012 public meeting agenda.

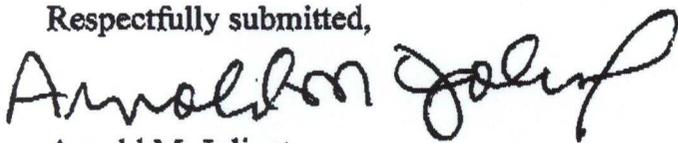
- (1) The third amendment to lease agreement with Harbor Place Associates, Limited Partnership, contained on pages 4-5. The proposed lease amendment violates the City's M-WBE Ordinance in its failure to incorporate such ordinance therein; and
- (2) Item No. 4 on page 15, which is a proposed non-bid, non-competitive \$297,500.00 contract with the Living Classroom Foundation, Inc., allegedly to provide certain ordinary services to the City designed to stop the killing occurring in Baltimore City and, if not possible to stop the killings in Baltimore City, to reduce the shootings and killings occurring in Baltimore city. Our protest is based on the fact that this proposed contract award violates Article VI, Section 11 et seq., of the City's Charter, and is ultra vires and void ab initio; and
- (3) Item No. 4 on page 15, which is a proposed non-competitive contract award to St. Ambrose Housing Aid Center, Inc., for \$322,380.00 to provide homeowners counseling. Our protest is based on the fact that the proposed contract agreement violates both the the City's competitive bidding charter provision, as well as the City's M-WBE Ordinance; and
- (4) Item No. 3 on page 41, which is a proposed federally funded grant agreement for the UMOJA Head Start Program. The City's MWBOO erroneously set the M-WBE goals at 27% MBE and 10% WBE respectively, and also incorrectly granted a partial waiver to the goals; and
- (5) The proposed Developers Agreement No. 1242-A, with Maryland Proton Treatment Centers, LLC. The DPW alleges that the City's M-WBE Ordinance does not apply to the subject agreement

because there is no City funds therein. However, both DPW and MWBOO completely overlooked the important and controlling fact that the development project is being constructed on a land site that was the subject of a City DHCD Land Disposition Agreement with the developer that specifically incorporated and made the City's M-WBE Ordinance bidding and applicable thereto; and

- (6) Item No. 18 on page 59, which is a proposed \$200,000.00 non-bid contract award to Clean Harbors Environment Services, Inc. pursuant to a cooperative contract with the Baltimore Regional Cooperative Purchasing Committee ("BRCPC"). Our protest is based on the fact that the proposed contract is nonetheless a clear violation of the City's "mandatory" competitive bidding charter provision, and is ultra vires and void ab initio; and
- (7) The proposed contract Item No. 9 on page 69, which is a propose \$300,000.00 contract award to Long Fence Company, Inc., for installation of fences for various City agencies. Our protest is based upon the fact that an African American firm was the low dollar bidder for the contract and pursuant to standard City MWBOO policy and practice, this African American bidder should have been provided with additional time (usually two weeks) in which to come into full compliance with the contract's set M-WBE goals. This clearly was not done and is a blatant case of unlawful racial disparate treatment for the African American firm and also violated the City's competitive bidding charter provision's mandate to award such contracts to the "lowest responsive and responsible bidder," as therein delineated.

Thank you for your kind and favorable consideration of these protests.

Respectfully submitted,



Arnold M. Jolivet  
Managing Director

## Kim A. Trueheart

September 18, 2012

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of a lack of vision, poor fiscal planning and management and a complete failure to provide transparent communications about priorities and outcomes by the Mayor of Baltimore City and the Baltimore Development Corporation (BDC).

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 3, Baltimore Development Corporation (BDC) – Third Amendment to Lease, if approved:
    - i. Please provide the original lease agreement and Third Amendment for inspection.
    - ii. The Background/Explanation fails to address fully the potential benefit to the City of Baltimore “The Developer pays to the City a Base Rent of \$0.67 per gross leasable sq. ft. plus Percentage Rent of 25% of net cash flow.”
      1. No benefit has been derived from the “plus Percentage Rent of 25% of net cash flow.”
    - iii. Fails to address the fact that “The City has not earned any Percentage Rent under this Lease Agreement since its inception.”
      1. This statement is absolutely FALSE!
      2. The City has definitely EARNED “Percentage Rent of 25% of net cash flow”, so why has Harbor Place Associates Limited Partnership **FAILED to PAY** the City of Baltimore?
        - a. FAILURE to pay, since 1979, is concrete grounds for termination of this agreement.
        - b. A new RFP should immediately be released for new bids.
    - iv. The information provided fails to address the “Percentage Rent” component of the lease which leads one to conclude that this component may have been removed by the BDC in Amendment 3, please clarify.
    - v. This Lease Agreement clearly demonstrates the inequity of outcomes historically negotiated by BDC, which routinely provides “give-a-ways” that benefit developers, NOT the City of Baltimore.

5519 Belleville Ave  
Baltimore, MD 21207

3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I am experiencing a significant financial burden with annual tax increases, sewer and water service increases, user fee increases, parking meter rate increases and significantly reduce services as a resident. This already onerous burden will be exacerbated by undisclosed material facts and details specific to this lease amendment with Harbor Place Associates Limited Partnership. The Baltimore City Solicitor MUST immediately act to stop and correct the HARM that has been done to the citizens of Baltimore City.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on September 19, 2012.

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

Sincerely,  
Kim Trueheart  
Citizen

5519 Belleville Ave  
Baltimore, MD 21207

by the June 2012 appraisal. The new Base Rent payment reflects a 158% increase over the average Base Rent earned by the City in the past five years. In 2054 (the first year of the lease extension under the third amendment to lease, the Base Rent will be adjusted and reset by a new appraisal, obtained by the City and the Developer. (The third amendment to lease has been approved by the Law Department as to form and legal sufficiency.)

5519 Belleville Ave  
Baltimore, MD 21207

**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. Robert Finley Streett, Trustee	1730 E. Chase St.	G/R \$36.00	\$ 300.00

Funds are available in account no. 9910-906416-9588-900000-704040, EBDI Phase II Project.

**(FILE NO. 56017)**

2. Ground Rents, LLC	904 N. Bradford St.	G/R \$60.00	\$ 500.00
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Funds are available in account no. 9910-904488-9588-900000-704040, Milton/Montford Neighborhood.

3. Chelsea Properties, LLC	2728 Tivoly Ave.	L/H	\$33,000.00
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Funds are available in account no. 9910-904326-9588-900000-704040, Coldstream Homestead Montebello Project.

**(FILE NO. 57188)**

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

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

**MINUTES**

Baltimore Municipal Golf - Balance Sheet and Statement  
Corporation of Income and Expenses

The Board is requested to **NOTE** receipt of the balance sheet and statement of income and expense covering the first six months of 2012 for the Baltimore Municipal Golf Corporation.

UPON MOTION duly made and seconded, the Board **NOTED** receipt of the balance sheet and statement of income and expense covering the first six months of 2012 from the Baltimore Municipal Golf Corporation.

**MINUTES**

Office of the State's Attorney (OSA) - Memorandum of Understanding and Grant Awards

The Board is requested to approve and authorize execution of the memorandum of understanding (MOU) and approve acceptance of the grant awards. The period of the MOU is July 1, 2012 through June 30, 2013.

Memorandum of Understanding

1. **STATE OF MARYLAND, DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES (DPSCS)** **\$194,500.00**

Account: 4000-403713-1150-118100-601001

The DPSCS will reimburse the Office for the salary and benefits of three Assistant State's Attorneys that will work as prosecutors in the Baltimore City Drug Treatment Court.

**AUDITS REVIEWED AND HAD NO OBJECTION.**

Grant Awards

2. **GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION (GOCCP)** **\$605,152.00**

Account: 5000-504913-1150-117900-600000

This grant award renewal is for the Inter-Agency War Room. This project provides focused responses to violent offenders in the City through a comprehensive program of electronic information sharing that identifies, upon arrest, the most violent offenders in Baltimore City. Currently, the program determines and tracks probation and parole status, apprehension and service of search warrants, judicial prioritization, and criminal case flow management. The grant funds provide for ten personnel.

**MINUTES**

OSA- cont'd

3. **GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION (GOCCP)** **\$1,959,195.00**

Account: 5000-501513-1150-118000-600000

These funds will support the Firearms Investigation Violence Enforcement (F.I.V.E.) Unit, which prosecutes non-fatal shootings and recidivist handgun offenders in the Circuit Court for Baltimore City. The F.I.V.E. unit works actively with the Baltimore Police Department Cold Case Unit as well as aids in the supervision of investigations into police involved shootings. Grant funds cover the salary and benefits of 21 full-time employees.

This request is late because it was just received from the State.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the memorandum of understanding and approve acceptance of the grant awards.

**MINUTES**

Mayor's office of Employment - Professional Services Grant  
Development (MOED) \_\_\_\_\_ Agreement \_\_\_\_\_

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a professional services grant agreement with the Baltimore City Board of School Commissioners. The period of the agreement is July 1, 2012 through June 30, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$100,282.00 - 5000-501313-6398-510405-603051

**BACKGROUND/EXPLANATION:**

The MOED has received a grant from the Baltimore City Board of School Commissioners to support the implementation of Strategies to Improve Academic, Social, and Career Pathway outcomes at W.E.B. DuBois High School. The MOED will use its expertise to implement and administer the FUTURES Work dropout prevention program for youth.

The agreement is late because additional time was necessary to reach a comprehensive understanding between the parties.

**APPROVED FOR FUNDS BY FINANCE****A LETTER OF PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

The Clerk announced that a protest was received from Ms. Kim Trueheart. That protest was submitted to the Board members, and the Board members have received it and review it. As Ms. Trueheart's interest are not specific, and are not different

**MINUTES**

MOED - cont'd

from other members of the general public, her questions and her protests will not be heard by the Board. However, her letter of protest has been sent to the respective agency that submitted the item, and that agency will be responding directly to Ms. Trueheart.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the professional services grant agreement with the Baltimore City Board of School Commissioners. The Deputy Director of Public Works **ABSTAINED**.

## Kim A. Trueheart

September 18, 2012

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 school age children of Baltimore City who appear to be victims of a lack of vision, poor fiscal planning and management and a complete failure to provide transparent communications about priorities and outcomes by the Baltimore City Board of School Commissioners.

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 9, Mayor's Office of Employment Development (MOED) – Professional Services Grant, if approved:
    - i. Please provide for inspection documents detailing:
      1. Strategies to Improve Academic, Social, and Career Pathway;
      2. FUTURES Work dropout prevention program.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I am experiencing a significant financial burden with annual tax increases, sewer and water service increases, user fee increases, parking meter rate increases and significantly reduce services as a resident. This already onerous burden will be exacerbated by the continued wasteful spending by the Baltimore City Board of School Commissioners which is NOT adequately serving the educational needs of the children in my neighborhood nor the other 85,000 students enrolled in the BCPSS.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on September 19, 2012.

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

Sincerely,  
Kim Trueheart  
Citizen

5519 Belleville Ave  
Baltimore, MD 21207

**MINUTES**

Department of Public Works - Employee Expense Statement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the expense report from Ms. Saira C. Paredes Eslava for expenses incurred during the month of May 2012.

**AMOUNT OF MONEY AND SOURCE:**

\$134.07 - 1001-000000-1901-191200-604002

**BACKGROUND/EXPLANATION:**

Ms. Eslava purchased items for the new Health Section in the Department of Public Works. This request is late because Ms. Eslava submitted the original paperwork directly to the Bureau of Accounting & Payroll Services, Disbursements which was subsequently returned to Ms. Eslava. The 40-day limit was exceeded by the time Ms. Eslava resubmitted the request. The Department of Public Works, therefore, requests the Board to approve reimbursement in the amount of \$134.07 to Ms. Eslava for the items purchased.

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

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the expense report from Ms. Saira C. Paredes Eslava for expenses incurred during the month of May 2012.

**MINUTES**

Department of Public Works - Ratification of Outstanding Invoice

**ACTION REQUESTED OF B/E:**

The Board is requested to ratify and approve payment of an outstanding invoice from the Highlander Contracting Company, LLC and authorize its payment by Expenditure Authorization.

**AMOUNT OF MONEY AND SOURCE:**

\$400.00 - Invoice #11-089-02 - 1001-000000-1901-190700-603005

**BACKGROUND/EXPLANATION:**

The Department of Public Works' Information Technology Section procured services from the Highlander Contracting Company, LLC to trouble shoot, and install Category-5 cable and a Category-5e data jack at 2331 N. Fulton Avenue.

An Expenditure Authorization was created for these services, as the Department was not aware that the Highlander Contracting Company, LLC had a contract with the City for these items. Subsequently, the invoice could not be paid by Expenditure Authorization without Board approval. Therefore, approval is requested to ratify and approve payment of the outstanding invoice in the amount of \$400.00 to the Highlander Contracting Company, LLC.

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

UPON MOTION duly made and seconded, the Board ratified the payment of the outstanding invoice from the Highlander Contracting Company, LLC and authorized its payment by Expenditure Authorization.

**MINUTES**

Health Department - Employee Expense Statement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the expense statement for Ms. Toni Vaughn.

**AMOUNT OF MONEY AND SOURCE:**

\$116.55 - Uniforms (June 22, 2010)  
13.51 - Uniforms (March 11, 2011)  
8.99 - Uniforms (March 13, 2011)  
22.24 - Uniforms (March 25, 2011)  
26.49 - Uniforms (April 12, 2011)  
14.82 - Uniforms (June 18, 2011)  
**\$200.60** - 4000-425511-3041-268500-604003

**BACKGROUND/EXPLANATION:**

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

Ms. Vaughn's expense statement was lost during the Department's internal routing process. The Department apologizes for the lateness.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the expense statement for Ms. Toni Vaughn.

**MINUTES**

Health Department - Notification of Grant Award

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize acceptance of a notification grant award (NGA) from the Maryland Department of Aging (MDoA). The period of the grant award is March 1, 2012 through June 30, 2012.

**AMOUNT OF MONEY AND SOURCE:**

\$106,700.00 - 5000-533812-3044-273300-404001

**BACKGROUND/EXPLANATION:**

This award will allow the Department to provide funding for services under the Money Follows the Person (MFP) - Options Counseling Program. This program helps seniors transition from a nursing facility to community living.

By acceptance of this grant the Department agrees to abide by the terms of its application for a grant to provide services for the MFP Initiative, as approved by the Department and all applicable Federal and State policies, rules and regulations.

The NGA is late because it was just received from the MDoA.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the notification of grant award from the Maryland Department of Aging.

**MINUTES**Health Department - Agreements

The Board is requested to approve and authorize execution of the various agreements. The period of the agreement is July 1, 2012 through June 30, 2013, unless otherwise indicated.

SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

- |  |                |
|--|----------------|
| 1. <b>HABITAT FOR HUMANITY OF THE CHESAPEAKE, INC.</b> | <b>\$ 0.00</b> |
| 2. <b>THE PEOPLE'S COMMUNITY HEALTH CENTER, INC.</b>   | <b>\$ 0.00</b> |

The above-listed organizations will serve as host agencies for the Senior Community Service Employment Program. This program provides part-time work experience or volunteer service opportunities for persons, aged 55 years or older, with no upper age limitation. The placement of Senior Citizen Aides in non-profit or governmental agencies will allow those agencies to provide services that would otherwise not be available because of the lack of funds.

The agreements are late because they were just returned to the Baltimore City Health Department.

- |  |                    |
|--|--------------------|
| 3. <b>BALTIMORE SUBSTANCE ABUSE SYSTEMS, INC. (BSAS)</b> | <b>\$16,000.00</b> |
|--|--------------------|

Account: 1001-000000-3041-274001-603051

BSAS in conjunction with the Baltimore City Health Department's Needle Exchange Program (NEP) will develop admission criteria and procedures that will be followed by all supportive and recovery housing providers. The NEP staff will refer the client directly to a transitional housing program and submit a verification of authorization and admission form and approve or not approve the client for supportive and recovery housing.

**MINUTES**Health Department- cont'd

BSAS will track the number of client days left on each contract with each supportive and recovery housing provider. If a client completes and/or is terminated from the supportive and recovery housing facility, the facility must notify BSAS and the NEP Drug Treatment Coordinator within five business days and complete the required paperwork. The agreement is late because the Department was waiting for a suitable scope of services.

**4. LIVING CLASSROOMS FOUNDATION, INC. \$297,500.00**

Account: 4000-430512-3160-308600-603051

The Living Classrooms Foundation, Inc. will provide services to stop or if that is not possible reduce the shootings and killing occurring in Baltimore City. The five components to the model are Community Mobilization, Public Education, Cooperation with Law Enforcement, Outreach and Faith-based Involvement.

The agreement is late because the Department was waiting for the signatures and budget revisions.

**MWBOO GRANTED A WAIVER.**

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

**MMCA- Maryland Minority Contractors Association, Inc.**

A Chapter of the American Minority Contractors and Businesses Association, Inc.-AMCBA

Baltimore, Maryland 21210

443-413-3011 Phone

410-323-0932 Fax

September 18, 2012

Via Facsimile 410-685-4416

The Honorable President and Members

Baltimore City Board of Estimates

City Hall-Room 204

Baltimore, MD 21202

ATTN: Ms. Bernice Taylor, Clerk to the Board

Dear Mr. President:

I represent the Maryland Minority Contractors Association, Inc. ("MMCA"), its members, clients and constituents. I wish to protest the following listed proposed lease or contract agreements contained in Your Honorable Board's 9-19-2012 public meeting agenda.

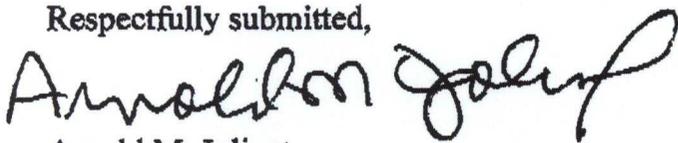
- (1) The third amendment to lease agreement with Harbor Place Associates, Limited Partnership, contained on pages 4-5. The proposed lease amendment violates the City's M-WBE Ordinance in its failure to incorporate such ordinance therein; and
- (2) Item No. 4 on page 15, which is a proposed non-bid, non-competitive \$297,500.00 contract with the Living Classroom Foundation, Inc., allegedly to provide certain ordinary services to the City designed to stop the killing occurring in Baltimore City and, if not possible to stop the killings in Baltimore City, to reduce the shootings and killings occurring in Baltimore city. Our protest is based on the fact that this proposed contract award violates Article VI, Section 11 et seq., of the City's Charter, and is ultra vires and void ab initio; and
- (3) Item No. 4 on page 15, which is a proposed non-competitive contract award to St. Ambrose Housing Aid Center, Inc., for \$322,380.00 to provide homeowners counseling. Our protest is based on the fact that the proposed contract agreement violates both the the City's competitive bidding charter provision, as well as the City's M-WBE Ordinance; and
- (4) Item No. 3 on page 41, which is a proposed federally funded grant agreement for the UMOJA Head Start Program. The City's MWBOO erroneously set the M-WBE goals at 27% MBE and 10% WBE respectively, and also incorrectly granted a partial waiver to the goals; and
- (5) The proposed Developers Agreement No. 1242-A, with Maryland Proton Treatment Centers, LLC. The DPW alleges that the City's M-WBE Ordinance does not apply to the subject agreement

because there is no City funds therein. However, both DPW and MWBOO completely overlooked the important and controlling fact that the development project is being constructed on a land site that was the subject of a City DHCD Land Disposition Agreement with the developer that specifically incorporated and made the City's M-WBE Ordinance bidding and applicable thereto; and

- (6) Item No. 18 on page 59, which is a proposed \$200,000.00 non-bid contract award to Clean Harbors Environment Services, Inc. pursuant to a cooperative contract with the Baltimore Regional Cooperative Purchasing Committee ("BRCPC"). Our protest is based on the fact that the proposed contract is nonetheless a clear violation of the City's "mandatory" competitive bidding charter provision, and is ultra vires and void ab initio; and
- (7) The proposed contract Item No. 9 on page 69, which is a propose \$300,000.00 contract award to Long Fence Company, Inc., for installation of fences for various City agencies. Our protest is based upon the fact that an African American firm was the low dollar bidder for the contract and pursuant to standard City MWBOO policy and practice, this African American bidder should have been provided with additional time (usually two weeks) in which to come into full compliance with the contract's set M-WBE goals. This clearly was not done and is a blatant case of unlawful racial disparate treatment for the African American firm and also violated the City's competitive bidding charter provision's mandate to award such contracts to the "lowest responsive and responsible bidder," as therein delineated.

Thank you for your kind and favorable consideration of these protests.

Respectfully submitted,



Arnold M. Jolivet  
Managing Director

## MINUTES

Health Department- cont'd

5. DENISE D. HAMMOND	\$55.00/case	\$ 49,500.00
	75 cases/month	

Account: 4000-426213-3110-606201-603018

The Maryland State Department of Health and Mental Hygiene is designated as the single State agency to administer all aspects of the Maryland Medical Assistance Program. The Health Department has an agreement with the DHMH to participate in the program as the case monitoring agency, and to contract with case monitors who will supervise personal care services to eligible recipients.

Ms. Hammond will provide individual case monitor - personal care case monitor services in Montgomery County. She will exercise independent professional judgment and carry professional liability insurance. She will be an independent contractor and not an employee of Baltimore City.

She will be responsible for establishing a plan of personal care for each eligible recipient assigned to her in Montgomery County. She will make home visits at least once every 90 days, maintain clinical records, consult with each client's personal physician and other providers in order to develop a care plan, and perform related duties. The period of the agreement is August 1, 2012 through June 30, 2013.

**MINUTES**

Health Department - cont'd

The agreement is late because it was received late in the fiscal year and just finalized.

**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 the various agreements, and deferred action on item no. 4 for one week. In the absence of the Honorable Mayor, Stephanie Rawlings-Blake, Mr. Harry Black acting on behalf of the Mayor, **ABSTAINED** on item no 3 and item no 4. The President **ABSTAINED** on item no. 3.

**MINUTES**

Health Department - No-Cost Extension to Grant

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the no-cost extension to the grant from CareFirst BlueCross BlueShield. The second amendment extends the agreement through December 31, 2012.

**AMOUNT OF MONEY AND SOURCE:**

No additional funds are associated with this no-cost extension.

**BACKGROUND/EXPLANATION:**

On June 24, 2009, the Board approved the initial grant agreement letter from the organization to provide funds to the Department in support of the Improving Birth Outcomes in Baltimore City Initiative for \$3,000,000.00 to be distributed over three years as follows:

- 2009 - \$750,000.00 to be distributed in three installments, May, July, and September,
- 2010 - \$1,100,000.00 distributed in quarterly installments, beginning January 31, 2010; and
- 2011 - \$1,150,000.00 to be distributed in quarterly installments, beginning January 31, 2011. The second and third year was dependent upon the outcomes in previous years.

On June 22, 2011, the Board approved the first no-cost time extension to the grant to June 30, 2012. This second no-cost extension is through December 31, 2012.

**APPROVED FOR FUNDS BY FINANCE**

**MINUTES**

Health Department - cont'd

**AUDITS NOTED THE TIME EXTENSION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the aforementioned agreement.

**MINUTES**

Department of Housing and - Grant Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a grant agreement with St. Ambrose Housing Aid Center, Inc. The period of the agreement is July 1, 2012 through June 30, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$136,450.00	-	2089-208913-5930-436191-603051
136,490.00	-	2089-208913-5930-436191-603051
49,440.00	-	2089-208913-5930-434191-603051
<u>\$322,380.00</u>		

**BACKGROUND/EXPLANATION:**

The organization will provide one-on-one pre-purchase counseling to potential homeowners and one-on-one default housing counseling services to low and moderate-income persons who are in danger of losing their homes. The organization will also provide housing counseling, referrals, and home assessments to match homeowners with space in their homes with tenants seeking affordable housing under the Home sharing Program. The funds will be used to subsidize the agency's operating costs.

**MWBOO GRANTED A WAIVER.**

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

**MINUTES**

DHCD - cont'd

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 Solutions Grant (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, the agreements were delayed due to final negotiations and processing.

**AUDITS REVIEWED AND HAD NO OBJECTION.**

**APPROVED FOR FUNDS BY FINANCE**

President: "Second item on the non-routine agenda can be found on Page 20 to 21, Grant Agreement with St. Ambrose Housing Aid Center. Will the parties please come forward? Okay."

Mr. Thomas Corey, Chief MWBOO: "Good morning Mr. President."

President: "Good morning."

Mr. Corey: "Members of the Board. This grant agreement is an agreement where the City is acting as a pass through of Federal

## MINUTES

DHCD - cont'd

funds. We do look at these grants and place goals on them. In this particular instance what we did we look at the budget and we exclude all the dollars or expenses that are associated with salaries, fringe benefits, rent all those sort of things that can't be subbed out. After we did this --."

President: "20 - 21."

Deputy Comptroller: "Okay good, I wanted to make sure. It's 20 to 21. Go ahead."

Mr. Corey: "After we did that on this particular grant agreement excluding all those items, the amount left was so negligible we did not and could not originally place goals on the balance."

Mr. Arnold M. Jolivet, MMCA: "Mr. President, let me respond to that and I guess my protest is more so that the City is using a grant agreement when they should be using a simple contract, and my sense is they are using a grant agreement and I would admit that in a grant agreement there is more discretion in terms of employing the City's MBE program or any other program that the City has. So my contention is the City is improperly and

## MINUTES

DHCD - cont'd

unlawfully using a grant mechanism in order to avoid the MBE/WBE requirements. It is clear that the MBE/WBE requirements would be applicable had this been a simple contract, and my contentions are that by using the grant agreement the City is circumventing, evading, and violating the City's MBE program and that's -- it's pretty simple. It's clear on the face of what they're doing and I'm calling them to task on it because it's not right. It's not right."

Mr. Corey: "Mr. President, members of the Board, this is a grant agreement from the Federal Government. This direct service provider applies for the grant and granted the money by the Federal Government and the Federal Government uses the City as a pass through. We don't make the determination. When it comes through the City and it has to be approved by this Board, we have taken the liberty of applying goals to it, but it is not within our discretion as to how this money comes in and whatever. This is the Federal Government deciding to grant this direct service provider monies to operate and provide the benefits to the citizens of Baltimore as it -- within its mission."

## MINUTES

DHCD - cont'd

Mr. Jolivet: "Mr. President, not to beat a dead horse, but that's just a completely totally erroneous characterization of the grant. The grant is a CDBG grant. It comes to the City as a whole and the City makes the discretion how it's going to be -- Federal Government has nothing to do with this. Has no involvement, and for Mr. Corey to make that representation is just not right."

Mr. Corey: "Where does the money come from?"

Mr. Jolivet: "The Federal Government --."

President: "We're not going to go back and forth on this."

Mr. Jolivet: "Sends the money to the City, but it does not tell the City how to use the money, and if the City wanted to employ its goals on this job they could do it very easily and there would be no opposition from the Federal Government."

President: "I entertain a Motion. I'm not going back and forth with this."

MINUTES

DHCD - cont'd

Deputy City Solicitor: "I make a Motion to reject the bid and to excuse me reject the protest and accept the bid as recommended by the agency."

President: "All those in favor say AYE. All opposed NAY. The Motion carries. The President **ABSTAINED**."

\* \* \* \* \*

**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 Donna Burkholder, Developer, for the sale of the property located at 318 S. Gilmore Street.

**AMOUNT OF MONEY AND SOURCE:**

\$2,500.00 - Purchase Price

**BACKGROUND/EXPLANATION:**

The Developer will rehabilitate the property. Once the property has been renovated the buyer will consolidate the property with 320 Gilmore Street, which is her primary residence and the adjoining property. Part of the rehabilitated property will be used for storage and the back yard will become a green space housing a vegetable garden. The estimated total cost of the project is approximately \$25,000.00. The developer is a partner in a LLC that owns additional properties on the block at 322 and 324 S. Gilmore Street.

The sale of this property once developed will generate real property taxes to the City. Once transferred and redeveloped the property will be active on the tax roll of Baltimore City thereby preventing tax abandonment.

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

The property was priced at \$6,300.00 pursuant to the appraisal policy of Baltimore City using the Waiver Valuation Process.

**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

September 18, 2012

Via Facsimile 410-685-4416

The Honorable President and Members

Baltimore City Board of Estimates

City Hall-Room 204

Baltimore, MD 21202

ATTN: Ms. Bernice Taylor, Clerk to the Board

Dear Mr. President:

I represent the Maryland Minority Contractors Association, Inc. ("MMCA"), its members, clients and constituents. I wish to protest the following listed proposed lease or contract agreements contained in Your Honorable Board's 9-19-2012 public meeting agenda.

- (1) The third amendment to lease agreement with Harbor Place Associates, Limited Partnership, contained on pages 4-5. The proposed lease amendment violates the City's M-WBE Ordinance in its failure to incorporate such ordinance therein; and
- (2) Item No. 4 on page 15, which is a proposed non-bid, non-competitive \$297,500.00 contract with the Living Classroom Foundation, Inc., allegedly to provide certain ordinary services to the City designed to stop the killing occurring in Baltimore City and, if not possible to stop the killings in Baltimore City, to reduce the shootings and killings occurring in Baltimore city. Our protest is based on the fact that this proposed contract award violates Article VI, Section 11 et seq., of the City's Charter, and is ultra vires and void ab initio; and
- (3) Item No. 4 on page 15, which is a proposed non-competitive contract award to St. Ambrose Housing Aid Center, Inc., for \$322,380.00 to provide homeowners counseling. Our protest is based on the fact that the proposed contract agreement violates both the the City's competitive bidding charter provision, as well as the City's M-WBE Ordinance; and
- (4) Item No. 3 on page 41, which is a proposed federally funded grant agreement for the UMOJA Head Start Program. The City's MWBOO erroneously set the M-WBE goals at 27% MBE and 10% WBE respectively, and also incorrectly granted a partial waiver to the goals; and
- (5) The proposed Developers Agreement No. 1242-A, with Maryland Proton Treatment Centers, LLC. The DPW alleges that the City's M-WBE Ordinance does not apply to the subject agreement

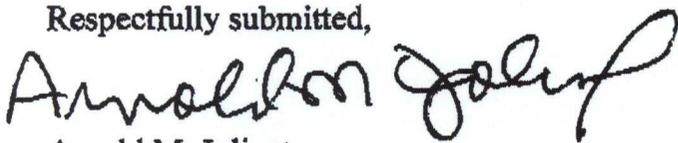
because there is no City funds therein. However, both DPW and MWBOO completely overlooked the important and controlling fact that the development project is being constructed on a land site that was the subject of a City DHCD Land Disposition Agreement with the developer that specifically incorporated and made the City's M-WBE Ordinance bidding and applicable thereto; and

(6) Item No. 18 on page 59, which is a proposed \$200,000.00 non-bid contract award to Clean Harbors Environment Services, Inc. pursuant to a cooperative contract with the Baltimore Regional Cooperative Purchasing Committee ("BRCPC"). Our protest is based on the fact that the proposed contract is nonetheless a clear violation of the City's "mandatory" competitive bidding charter provision, and is ultra vires and void ab initio; and

(7) The proposed contract Item No. 9 on page 69, which is a propose \$300,000.00 contract award to Long Fence Company, Inc., for installation of fences for various City agencies. Our protest is based upon the fact that an African American firm was the low dollar bidder for the contract and pursuant to standard City MWBOO policy and practice, this African American bidder should have been provided with additional time (usually two weeks) in which to come into full compliance with the contract's set M-WBE goals. This clearly was not done and is a blatant case of unlawful racial disparate treatment for the African American firm and also violated the City's competitive bidding charter provision's mandate to award such contracts to the "lowest responsive and responsible bidder," as therein delineated.

Thank you for your kind and favorable consideration of these protests.

Respectfully submitted,



Arnold M. Jolivet  
Managing Director

**MINUTES**

DHCD - cont'd

The property will be sold to Ms. Burkholder for \$2,500.00, which is below the price determined by the Waiver Valuation Process because of the following:

1. the sale and rehabilitation of this property will help to promote a specific benefit to the immediate community,
2. the sale and rehabilitation will continue the elimination of blight, and
3. the sale and rehabilitation promotes economic development through the placement of the property on the City's tax rolls.

**MBE/WBE PARTICIPATION:**

The property is not subject to Article 5, Subtitle 28 of the Baltimore City Code because the property will be sold for less than \$49,999.99.

**(FILE NO. 57211)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with Donna Burkholder for the sale of the property located at 318 S. Gilmor Street.

**MINUTES**

Department of Housing and Community Development (DHCD) - Land Disposition Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a land disposition agreement (LDA) with Mr. Eric Booker, Developer for the property known as 1304 North Broadway (Block 1151, Lot 042).

**AMOUNT OF MONEY AND SOURCE:**

\$3,400.00 - Purchase Price

**BACKGROUND/EXPLANATION:**

The project will consist of the total rehabilitation of a vacant building. The Developer intends to ultimately consolidate the property with his current residence at 1306 North Broadway as an owner-occupied residential dwelling. The property is listed under the Oliver Urban Renewal Plan.

Once transferred and redeveloped the property will be active on the tax rolls of the City thereby preventing tax abandonment.

**STATEMENT OF PURPOSE AND RATIONALE FOR SALE BELOW THE APPRAISED VALUE:**

The subject property was appraised at \$6,000.00 and negotiated to be sold below the appraised value.

The rehabilitation of 1304 North Broadway will be a specific benefit to the immediate community by eliminating blight and returning the property to productive use and the tax rolls. The property has caused considerable damage and continues to be a nuisance to the property that is adjacent to it, which is owned by the Developer. The Developer has supplied photos validating some of the damage caused by the City-owned property and receipts in the amount of \$2,600.00, verifying some of the funds spent to rectify the damage to his property. The subject property is the only remaining vacant on the block.

**MINUTES**

DHCD - cont'd

**MBE/WBE PARTICIPATION:**

The property is not subject to Subtitle 28 of the Baltimore City Code because the property will be sold for less than \$49,999.99 therefore, MBE/WBE is not applicable.

**(FILE NO. 57211)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with Mr. Eric Booker for the property known as 1304 North Broadway. The President **ABSTAINED**. The Comptroller **ABSTAINED**.

**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 the Druid Heights Community Development Corporation, Developer, for the sale of the properties located at 617 Lennox Street, 2430 Linden Avenue, and 2518 Brookfield Avenue.

**AMOUNT OF MONEY AND SOURCE:**

\$10,000.00 - 617 Lennox Street  
 10,000.00 - 2430 Linden Avenue  
10,000.00 - 2518 Brookfield Avenue  
 \$30,000.00 - Purchase Price

**BACKGROUND/EXPLANATION:**

The project will consist of the renovation of the properties into for-sale single family homes. The purchaser plans to invest approximately \$715,000.00 into this project.

The sale of these properties once developed will generate real estate taxes to the City of Baltimore. Once transferred and redeveloped the properties will be active on the tax rolls of Baltimore City.

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

Each property was priced pursuant to the appraisal policy of Baltimore City using the Waiver Valuation process.

Each property was valued at \$16,000.00 and will be sold for \$10,000.00. They will be sold to Druid Heights CDC, below the price determined by the Waiver Valuation Process because of the following:

1. the sale and rehabilitation of this property will help to promote a specific benefit to the immediate community,

**MINUTES**

DHCD - cont'd

2. the sale and rehabilitation will continue the elimination of blight, and
3. the sale and rehabilitation promotes economic development through the placement of the property on the City's tax rolls.

**MBE/WBE PARTICIPATION:**

The properties are not subject to Article 5, Subtitle 28 of the Baltimore City Code because the property will be sold for less than \$49,999.99.

**(FILE NO. 57211)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with the Druid Heights Community Development Corporation for the sale of the properties located at 617 Lennox Street, 2430 Linden Avenue, and 2518 Brookfield Avenue. The Deputy City Solicitor **ABSTAINED**.

**MINUTES**

Department of Housing and - Local Government Resolutions  
Community Development

The Board is requested to approve and authorize execution of the local government resolutions.

The below listed organizations are applying to the State of Maryland's Community Investment Tax Credit Program (CITCP). A local government resolution of support is required by the State for all applications to the program for funding.

1. **ROBERTA'S HOUSE** **\$50,000.00**  
**(CITCP)**

Roberta's House located at 1900 N. Broadway, proposes a project to support Roberta's House Phase II, Capital and Operational Development. This phase of the project will provide pre-development support for architectural and engineering services and site preparation for the new Roberta's House located at 922 - 928 E. North Avenue. The facility will provide a safe facility in the community to promote recovery and healing from the death or loss of someone special and addressing grief as a public health preventive service.

Roberta's House has over 60 trained volunteers and professional staff that carry out the center's mission and work to build a safe environment for grieving families. The March family with the help of numerous community leaders and health care providers are spearheading a \$3,000,000.00 capital campaign to build a state of the art center that will support their programs with art activity rooms, a library resource center, theatre, fitness room, expression room and family counseling rooms.

## MINUTES

DHCD - cont'd

2. **BELAIR-EDISON NEIGHBORHOODS, INC.** **\$ 5,000.00**  
**(CITCP)**

Belair-Edison Neighborhoods, Inc., located at 3412 Belair Road, proposes to fund the installation of security cameras within Belair-Edison Main Street businesses that frequently have problems with shoplifting, burglary and robbery.

Belair-Edison Neighborhoods, Inc., is a non-profit community development organization working to improve the Belair-Edison community by providing free housing counseling, community marketing, community organizing and small business development. Belair-Edison Neighborhoods, Inc.'s mission is to foster an environment in which residents, business owners, and stakeholders feel confident to invest their time, energy, and money in the Belair-Edison community.

3. **BELAIR-EDISON NEIGHBORHOODS, INC.** **\$ 5,000.00**  
**(CITCP)**

Belair-Edison Neighborhoods, Inc. located at 3412 Belair Road proposes to fund the Barbara Aylesbury Legacy Fund. This fund was created to provide closing cost assistance for individuals and families purchasing a home in the Belair-Edison community. The Legacy Fund also provides a savings match for participating residents attempting to build up their personal savings.

Belair-Edison Neighborhoods, Inc. is a non-profit community development organization working to improve the Belair-Edison community by providing free housing counseling, community marketing, community organizing and small business development. Belair-Edison Neighborhoods, Inc.'s mission is to foster an environment in which residents, business owners, and stakeholders feel confident to invest their time, energy, and money in the Belair-Edison community.

## MINUTES

DHCD - cont'd

4. **COMMUNITY CONFERENCING CENTER** **\$ 5,000.00**  
**(CITCP)**

The Community Conferencing Center, a non-profit organization located at 1500 Union Avenue, Suite 2700, Baltimore, MD 21211, proposes to conduct a community-based crime and conflict resolution initiative in Baltimore City designed to prevent and reduce female youth crime through the use of Community Conferencing. The organization has recognized an increasing trend in the number of female youth referred to the program averaging 60% of their intake over the last four years and would like to use the funds raised from this project to help focus on reducing this trend.

The Community Conferencing Center is a conflict transformation and community justice organization that provides ways for people to safely, collectively and effectively prevent and resolve conflicts and crime. The work of the Community Conferencing Center has been recognized nationally and internationally for its use of conflict management strategies in a variety of settings including criminal justice, education, community development and business. The organization's efforts in Baltimore are unique; being the only broad-based conferencing program in a large American inner city, with most services provided at no cost to participants. The Community Conferencing Center also provides training, technical assistance, program development and program evaluation services. Their mission is to provide a highly participatory, community-based process for people to transform their conflicts into cooperation, take collective and personal responsibility for actions and improve their quality of life.

**MINUTES**DHCD - cont'd

5. **LEGAL AID BUREAU, INC.** **\$50,000.00**  
**(CITCP)**

The Legal Aid Bureau, Inc. located at 500 E. Lexington Street, proposes to continue providing high quality, effective civil legal assistance for low-income persons throughout Maryland. The Legal Aid Bureau, Inc. provides legal services through the following programs: Children in Need of Assistance, Title IIIB Projects-Elder Law Representation, Long Term Care Assistance Project, Self-Help and Pro Se Clinics, Ryan White Part A (HIV/AIDS), and Foreclosure Legal Assistance Project, Housing Preservation. The funds will be used to help provide free legal assistance for residents of Baltimore City who are at risk of losing their housing due to eviction or foreclosure.

The Legal Aid Bureau, Inc. was established in 1911 as a Statewide non-profit law firm whose mission is to provide high quality, effective civil legal assistance for low-income persons throughout Maryland. The organization's vision is to protect and advance human rights so as to effect lasting social changes, achieving client goals through a broad continuum of legal services designed to protect the integrity, safety, health and well-being of individuals and families. The Legal Aid Bureau, Inc. maintains 13 offices throughout the state with a staff of 287, including 150 attorneys and 65 paralegals, and a cadre of 72 non-legal staff of executive, finance, human resources, information technology, resource development and administrative employees who provide oversight and support of the organization.

## MINUTES

DHCD - cont'd

6. **FELLS POINT CREATIVE ALLIANCE, INC.** **\$50,000.00**  
**(CITCP)**

The Fells Point Creative Alliance, Inc. located at 3134 Eastern Avenue, proposes an outreach program that will build trusting relationships between neighbors by developing a series of community projects designed and implemented by a group of diverse community members of all ages. The projects will encourage more community members to participate in community and relationship building opportunities that overcome racial, ethnic, age and socio-economic barriers and prioritize the development of youth leadership.

The mission of the Fells Point Creative Alliance, Inc. is to build communities by bringing together artists and audiences from diverse backgrounds to experience spectacular arts and education programs and engage in the creative process. The organization provides support to area artists, and promotes Baltimore as a center for creative production, acts as a positive force in the community and advocates for cultural expression rooted in a sense of place.

The vision of the Fells Point Creative Alliance, Inc. outreach program is for the greater Highlandtown neighborhood to be a peaceful place where racially, economically, and ethnically diverse residents of all ages know, trust, and care for each other and their neighborhood.

7. **MARYLAND NEW DIRECTIONS, INC.** **\$50,000.00**  
**(MND)** **(CITCP)**

The MND located at 2700 N. Charles Street is seeking funding to continue its Career Focus Program. This two-week program offers free case management and support services, employment readiness training, individual counseling, computer literacy training, job search, job placement and follow-up services to low-income Baltimore residents.

## MINUTES

DHCD - cont'd

During the past year, MND enrolled 315 clients in Career Focus. Of those 315, 223 (71%) completed intensive employment training, 147 became job ready and 91 (62%) obtained employment. MND's mission is to provide comprehensive career counseling, employment assistance and post-employment support to people who are in life and career transitions. A 501 (c)(3) private nonprofit organization, MND originally focused on serving women but later expanded to serve all low-income adult residents of Baltimore, Maryland.

Each month, MND enrolls approximately 30 new clients in the Career Focus employment training program. Clients participate in group workshops where they complete career interest assessments, explore career choices and learn about employment related topics such as goal setting, employer expectations and computer literacy. Clients will attend additional supportive workshops and enroll in computer literacy classes.

8. **BANNER NEIGHBORHOODS COMMUNITY CORPORATION** **\$30,000.00**  
(CITCP)

Banner Neighborhoods Community Corporation, located at 2900 E. Fayette Street proposes to acquire 2911 Pulaski Highway and renovate it into a community center. The organization has been renting its current location since its establishment in 1982 and is seeking to expand their space to serve the community in the northern portion of the Patterson Park Neighborhood. The new community center will provide enhanced space for youth programs, offices for staff and volunteers and a meeting space that can be used by the communities they serve.

Banner Neighborhoods Community Corporation is a community based non-profit organization located in southeast Baltimore City. Its mission is to promote resident-based leadership, support neighborhood pride and stability,

## MINUTES

DHCD - cont'd

and provide direct services that contribute to the overall viability throughout the ten communities in southeast Baltimore. The organization was established in 1982 as an experimental project to help senior citizens on a fixed income maintain their homes and live independently in their neighborhood as long as possible. The organization provides home maintenance services to 120 elderly homeowners, out-of-school enrichment activities for more than 300 neighborhood youth and support of neighborhood improvement efforts in the southeastern section of Baltimore City. The organization works in collaboration with other non-profit organizations in the Patterson Park area to maintain and improve the environment.

- |    |  |                                |
|----|--|--------------------------------|
| 9. | <b>BALTIMORE COMMUNITY LENDING, INC.<br/>(BCL)</b> | <b>\$30,000.00<br/>(CITCP)</b> |
|----|--|--------------------------------|

The Baltimore Community Lending, Inc. located at 120 East Baltimore Street, wishes to contribute to and increase the neighborhood revitalization by providing training and technical assistance to individuals new to the process of rehabilitating and financing vacant housing into affordable housing resources. With many homes in Baltimore City classified as vacant and abandoned and residential rehab permits showing an increase over the past decade vacant and abandoned homes contribute to the decline of neighborhoods, limiting the ability to sell homes and stifling housing values. Rehabilitating properties helps to raise housing values, increase tax value and attract new residents.

Many of the purchasers of vacant, abandoned, and foreclosed properties including "mom and pop" investors are new to rehabilitation and need assistance working with contractors and architects, managing a construction bid process and accessing financial assistance for acquisition and construction of other property improvements such as energy

## MINUTES

DHCD - cont'd

efficiency retrofits. The BCL's housing preservation and development services program can address these needs but will require a more robust communications and marketing infrastructure and support for expansion of its services to do so.

Since 1989, the BCL has been revitalizing and strengthening neighborhoods through innovative and flexible financial assistance. Its mission is achieved by financing affordable rental housing and home ownership and fostering community development. These activities have produced 3,750 affordable homes single and multifamily and 450,000 sq. ft. of commercial and community facility space. Funds generated by Community Investment Tax Credits will be used to fund communication, marketing materials and support the provision of discounted services to persons seeking to rehabilitate a vacant Baltimore City home.

10. **HABITAT FOR HUMANITY OF THE CHESAPEAKE** **\$50,000.00**  
**(CITCP)**

Habitat for Humanity of the Chesapeake, located at 3741 Commerce Drive, Suite 309 proposes to build 50 homes in the Brooklyn and Curtis Bay, Edgewater, Mount Winans, Orchard Ridge, Pen Lucy/Waverly, Pigtown/Washington Village neighborhoods. The organization will expand its housing renovation and homeownership programs as part of our City-wide Housing Revitalization Project. Putting faith into action, the organization brings people together to build decent, affordable homes that change lives, empower families and strengthen communities. The goal of the organization is to create affordable homeownership opportunities for families in need while creating self-sustaining homeowner opportunities.

**MINUTES**DHCD - cont'd

The strategy for establishing this project goal is to rehabilitate previously vacant houses and build new homes on vacant lots in partnership with families who will purchase the Habitat homes at a mortgage rate set no higher than 30% of their annual income. This model encourages more homeowners to invest in reemerging neighborhoods and the likelihood is that the neighborhood will experience lasting revitalization.

In the last 30 years, Habitat for Humanity of the Chesapeake has built more than 325 homes, served more than 950 family members, and leveraged more than \$12.5 million mortgage loans. The organization has ensured that affordable housing opportunities remain available in reemerging neighborhoods by either rehabilitating abandoned housing stock or building new homes that are then sold with no-interest mortgages set at 30% of the family's gross annual income.

- |   |                                      |
|---|--------------------------------------|
| 11. <b>JOBS, HOUSING AND RECOVERY, INC.</b><br><b>(JHR)</b> | <b>\$30,000.00</b><br><b>(CITCP)</b> |
|---|--------------------------------------|

The JHR located at 3914 Vero Road is a 501(c)(3) non-profit organization serving the homeless in Baltimore City, since 2002. The mission of the JHR is to provide homeless persons in Baltimore with life-sustaining services and opportunities to rebuild their lives. In 2008, the JHR undertook a major expansion of its transitional housing program at Carrington House, located at 3500 Clifton Avenue by increasing the number of men in the program from 29 to 62. The proposed JHR program is the Carrington House Renovation Project involving much needed capital improvements to Carrington House to accommodate the additional 33 men. The project will add additional lavatories and showers to allow men more access to the

**MINUTES**

DHCD - cont'd

facilities. The requested tax credits will allow JHR to expand its donor base to include individuals and local businesses that support their work and are interested in the tax benefits of the project.

The JHR operates the Homeless Resource Center (Center) which is the largest emergency homeless shelter in Baltimore located in The Harry & Jeanette Housing Resource Center at 620 Fallsway. The Center operates 24 hours per day, seven days per week and accommodates 275 homeless men and women. The JHR provides beds, meals, showers and Homeless Service Coordinators and a Case Manager who work with homeless clients to access services that will help get them off the streets. The JHR also operates a residential substance abuse recovery program for 62 homeless men at Carrington House in West Baltimore. The program is a highly-structured, around-the-clock, recovery based program designed to assist men who want a better life who are willing to do the work necessary to achieve it.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the local government resolutions. The Comptroller **ABSTAINED** on item no. 1 and item no. 5.

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

The Board is requested to approve and authorize execution of a lease agreement with The Family Tree, Inc., landlord, for the rental of a portion of the property located at 2108 N. Charles Street, consisting of approximately 3,309 square feet of space. The period of the agreement is effective upon Board approval for two years, with the option to renew for five 1-year terms.

**AMOUNT OF MONEY AND SOURCE:**

<u>Annual Rent</u>	<u>Monthly Rent</u>
\$24,000.00	\$2,000.00

Account: 5000-516411-2252-690500-603013

**BACKGROUND/EXPLANATION:**

The leased premises will be used by the Mayor's Office on Criminal Justice for Baltimore City's Visitation Center for office space and Visitation Center activities.

The Space Utilization Committee approved this lease at its meeting on September 11, 2012.

**(FILE NO. 57312)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the lease agreement with The Family Tree, Inc., for the rental of a portion of the property located at 2108 N. Charles Street.

**MINUTES**Department of Human Resources - Personnel Matter

The Board is requested to approve the following personnel matter.

Department of Housing and Community Development

1. <b>JAMES M. FRASER</b>	\$80.00	<b>\$8,000.00</b>
Account: 1001-000000-8331-696600-600005		\$4,800.00
1001-000000-2602-261000-603051		\$3,200.00

On November 23, 2011, the Board approved an agreement with Mr. Fraser for 12 months at a rate of \$80.00 per hour, not to exceed \$55,000.00. Mr. Fraser is working as a Project Manager. His duties include scheduling all phases of the E-Plan Review implementation, as well as ensuring all information required by the vendor is provided in a timely manner. In addition, Mr. Fraser is defining and coordinating the resolution of all impacts the E-Plans Review implementation will have on existing personnel, equipment and systems. He is developing and managing a comprehensive training program and schedule for all involved entities. The Department is requesting an amendment to the original agreement for an additional 100 hours at an hourly rate of \$80.00 per hour, not to exceed \$8,000.00.

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

UPON MOTION duly made and seconded, the Board approved the above-listed personnel matter.

**MINUTES**Mayor's Office of Human Services (MOHS) - Agreements

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

1. **MARILYN STACK-GILL** **\$59,280.00**

Account: 4000-486313-6051-452200-603018

This grant agreement will secure a Special Education Consultant for the Baltimore City Head Start Program for the fiscal year beginning July 1, 2012. The consultant will implement the requirements of the Head Start Federal performance standards for services to children with suspected and documented disabilities and their families. The consultant will place emphasis on the use of community resources, early identification and intervention services. The Consultant will also collaborate with the Baltimore City Public Schools to ensure all children are appropriately identified and assessed in accordance with the Statewide Early Childhood Special Education accountability system.

Funding is available under the Head Start Program. All activities under this grant agreement will be monitored by MOHS. The period of the grant agreement is July 1, 2012 to June 30, 2013.

2. **DAYSRING PROGRAMS, INC.** **\$369,816.00**

Account: 4000-496312-3573-591236-603051

The sponsor will provide housing in conjunction with supportive services to four homeless families at the new facilities at Dayspring House at Patterson Park. The period of the grant agreement is August 1, 2011 through July 29, 2016.

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

**MINUTES**MOHS - cont'd**MWBOO GRANTED A WAIVER.****3. UMOJA HEAD START PROGRAM****\$1,092,641.00**

Account: 4000-486313-6051-517000-603051

This grant agreement will provide funding for the operation of the UMOJA Head Start Program. The program will serve 187 children and their families in Baltimore City. On June 27, 2012, the Board approved a two month advance in the amount of \$216,388.00. The total contract amount is \$1,309,029.00. The period of the grant agreement is July 1, 2012 through June 30, 2013.

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

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

<b>MBE:</b>	Charm City Caterers, Inc.	\$135,456.00	10.35%
	Genesis Office Systems, Inc.		*See Note Below
	DSQ Solutions, LLC	\$ 17,220.00	1.31%
<b>WBE:</b>	Naiman& Associates, P.A.	\$ 13,200.00	1.01%

\*Genesis Office Systems, Inc. is not certified as a MBE with Baltimore City.

The provider requested and was granted a waiver of the balance of the MBE/WBE goals. Of the total amount of \$1,309,029.00, \$1,249,846.00 are for items that are proprietary and non-segmentable. The goals were set on the non-exempt amount of \$59,183.00.

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

## MINUTES

MOHS - cont'd

**MWBOO FOUND THE VENDOR IN COMPLIANCE.**

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

President: "The third item on the non routine agenda can be found on Page 41 Agreement with Umoja Head Start will the parties please come forward?"

Mr. Arnold Jolivet, MMCA: "Mr. President you missed 15."

President: "No."

Deputy Comptroller: "It's being deferred."

Mr. Jolivet: "Oh."

Mr. Thomas Corey, MWBOO: "It has been deferred. Good morning Mr. President."

President: "I think I got this."

Mr. Corey: "This is the Umoja Head Start Program which is essentially the same sort of arrangement as uh - the St. Ambrose Housing. It's a federal grant. We do take a look at it and place goals on it. In this particular instance after we excluded salaries, fringe benefits, rent, insurance and all of those items within its budget that cannot be subcontracted out, the balance we place goals on. In this particular instance

## MINUTES

MOHS - cont'd

the balance amounted to something like \$59,183.00. We placed the maximum goals on that of 27 and 10, the Umoja Head Start Program exceeded the MBE goals that we placed on it and I believe the MBE participation that they achieved is \$152,676.00 of MBE participation and \$13,200.00 of WBE participation, so it's a win."

Mr. Jolivet: "Mr. President quite briefly to show you to illustrate how all of us and how arbitrary the goals setting process is, Mr. Corey set a goal under this project of \$59,000.00. This was his assessment to illustrate how arbitrary his assessment is, he sets the goal at \$59,000.00 when the contractor actually comes in with an actual achievement of \$139,000.00. So this tells me, Mr. Corey's goal setting process is just totally outrageous and it's not accurate."

Deputy City Solicitor: "Mr. Jolivet, but what is your protest?"

Mr. Jolivet: "My protest is and I would like to use this protest to settle, if possible, a complaint that we've had with Mr. Corey's longstanding setting of the goals for these type of projects."

## MINUTES

MOHS - cont'd

Deputy City Solicitor: "Mr. Jolivet, what is relevant to your protest here today not policies set by the Minority and Women Business Office. What is your protest for this?"

Mr. Jolivet: "I think I shared in my communication that Mr. Corey erroneously and improperly granted the waiver. There is no real case for a waiver here."

Deputy City Solicitor: "He just said that there were goals set on this and they were exceeded."

Mr. Jolivet: "Yeah but you didn't read the communication. That even after the goals were set there was still a request for partial waiver, point."

Mr. Corey: "Mr. President, members of the Board uh - the Head Start Program does request a waiver of all of those items which can't be subcontracted out. As I stated earlier salaries, fringe benefits, rent, telephone costs, utilities you can't sub those out, and so it's not fair to the recipient to include those in the goal calculation. The balance we did subject it to goal calculation and we applied the maximum goal allowed by this law, which is 27% MBE participation and 10% WBE participation."

## MINUTES

MOHS - cont'd

Mr. Jolivet: "One final comment."

Mr. Corey: "Despite that, this program exceeded those amounts by at least three times."

Mr. Jolivet: "One final comment, Mr. President. I don't want to beat a dead horse, but I think it's the Ordinance requires the goals to be set to be established on the entire dollar value of the contract. Now, what Mr. Corey -- because the way Mr. Corey actually calculates the goal it gives the public an erroneous interpretation of what minority firms are getting. It would be more appropriate for Mr. Corey to set the goals in some sort of lower fashion rather than back it out and still set the goal on what is really what is remaining. Because if you set a 35 -- 27% goal on a reduced amount, you're going to get an amount that is not accurate. Because the Ordinance requires the goal no matter what to be set on the total value of the contract. Now what he should do rather than set them at 27 and 10, he should set them maybe lower at 10 and 5, I don't know. But to set them at 27 and 10, knowing full well that that is not an accurate amount is erroneous."

President: "I'll entertain a Motion."

**MINUTES**

MOHS - cont'd

Deputy City Solicitor: "I Move that the protest be rejected and that the bid be approved as recommended by the agency."

President: "All those in favor --."

Deputy Director of Public Works: "Second."

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

\* \* \* \* \*

UPON MOTION duly made and seconded, the Board approved and authorized execution of the aforementioned agreements. The President **ABSTAINED** on item nos. 1 and 3.

**MINUTES**

Mayor's Office of Human Services (MOHS) - Grant Award Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the grant award agreement with the U.S. Department of Housing and Urban Development (HUD). The period of the agreement is July 1, 2012 through June 30, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$1,821,948.00 - 4000-480013-3571-333600-404001

**BACKGROUND/EXPLANATION:**

On July 12, 2012, the HUD notified the MOHS of its award of the FFY2012 Emergency Solutions Grant No. E-12MC240001, in the amount of \$1,821,948.00. Under the terms of the agreement, the funds will be used to prevent homelessness and help persons experiencing homelessness in the Baltimore Metropolitan area.

The City issues a competitive grant application for City service providers and contracts with the final awardees.

The grant award agreement is late because it was recently received from the HUD.

**MBE/WBE PARTICIPATION:**

N/A

**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 grant award agreement with the U.S. Department of Housing and Urban Development.

**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

September 18, 2012

Via Facsimile 410-685-4416

The Honorable President and Members

Baltimore City Board of Estimates

City Hall-Room 204

Baltimore, MD 21202

ATTN: Ms. Bernice Taylor, Clerk to the Board

Dear Mr. President:

I represent the Maryland Minority Contractors Association, Inc. ("MMCA"), its members, clients and constituents. I wish to protest the following listed proposed lease or contract agreements contained in Your Honorable Board's 9-19-2012 public meeting agenda.

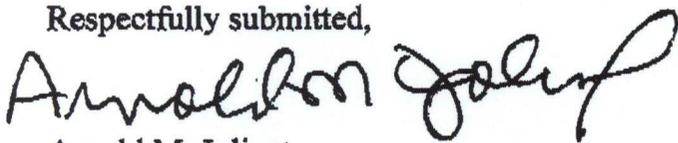
- (1) The third amendment to lease agreement with Harbor Place Associates, Limited Partnership, contained on pages 4-5. The proposed lease amendment violates the City's M-WBE Ordinance in its failure to incorporate such ordinance therein; and
- (2) Item No. 4 on page 15, which is a proposed non-bid, non-competitive \$297,500.00 contract with the Living Classroom Foundation, Inc., allegedly to provide certain ordinary services to the City designed to stop the killing occurring in Baltimore City and, if not possible to stop the killings in Baltimore City, to reduce the shootings and killings occurring in Baltimore city. Our protest is based on the fact that this proposed contract award violates Article VI, Section 11 et seq., of the City's Charter, and is ultra vires and void ab initio; and
- (3) Item No. 4 on page 15, which is a proposed non-competitive contract award to St. Ambrose Housing Aid Center, Inc., for \$322,380.00 to provide homeowners counseling. Our protest is based on the fact that the proposed contract agreement violates both the the City's competitive bidding charter provision, as well as the City's M-WBE Ordinance; and
- (4) Item No. 3 on page 41, which is a proposed federally funded grant agreement for the UMOJA Head Start Program. The City's MWBOO erroneously set the M-WBE goals at 27% MBE and 10% WBE respectively, and also incorrectly granted a partial waiver to the goals; and
- (5) The proposed Developers Agreement No. 1242-A, with Maryland Proton Treatment Centers, LLC. The DPW alleges that the City's M-WBE Ordinance does not apply to the subject agreement

because there is no City funds therein. However, both DPW and MWBOO completely overlooked the important and controlling fact that the development project is being constructed on a land site that was the subject of a City DHCD Land Disposition Agreement with the developer that specifically incorporated and made the City's M-WBE Ordinance bidding and applicable thereto; and

- (6) Item No. 18 on page 59, which is a proposed \$200,000.00 non-bid contract award to Clean Harbors Environment Services, Inc. pursuant to a cooperative contract with the Baltimore Regional Cooperative Purchasing Committee ("BRCPC"). Our protest is based on the fact that the proposed contract is nonetheless a clear violation of the City's "mandatory" competitive bidding charter provision, and is ultra vires and void ab initio; and
- (7) The proposed contract Item No. 9 on page 69, which is a propose \$300,000.00 contract award to Long Fence Company, Inc., for installation of fences for various City agencies. Our protest is based upon the fact that an African American firm was the low dollar bidder for the contract and pursuant to standard City MWBOO policy and practice, this African American bidder should have been provided with additional time (usually two weeks) in which to come into full compliance with the contract's set M-WBE goals. This clearly was not done and is a blatant case of unlawful racial disparate treatment for the African American firm and also violated the City's competitive bidding charter provision's mandate to award such contracts to the "lowest responsive and responsible bidder," as therein delineated.

Thank you for your kind and favorable consideration of these protests.

Respectfully submitted,



Arnold M. Jolivet  
Managing Director

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

The Board is requested to approve the following applications for a Minor Privilege Permit. The applications are in order as 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. 1111 Light Street	1111 Light Street, LLC	Single face electric sign 10' x 12"
Annual Charge: \$70.30		
2. 1111 Light Street	1111 Light Street	Dumpster 6' x 4'
Annual	Charge:	\$336.00
3. 710 S. Central Ave. k/a 1000 Lancaster Street	Harbor East Office, LLC	Handicap ramp 10½' x 3'
Annual Charge: \$70.30		
4. 1434 Fleet Street	DespinaCornias	Handicap ramp 46'11" x 6'2"
Annual Charge: \$70.30		

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

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

**MINUTES**

Department of General Services - Developer's Agreement No.1242-A

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of developer's agreement no. 1242-A with Maryland Proton Treatment Center, LLC, developer.

**AMOUNT OF MONEY AND SOURCE:**

\$301,017.00

**BACKGROUND/EXPLANATION:**

The developer would like to install new water service, storm drain, conduit and various streetscape improvements to its proposed construction located in the vicinity of 850 West Baltimore Street. This developer's agreement will allow the organization to do its own installation, in accordance with Baltimore City standards.

An Irrevocable Letter of Credit in the amount of \$301,017.00 has been issued to the Maryland Proton Treatment Center, LLC which assumes 100% of the financial responsibility.

**MBE/WBE PARTICIPATION:**

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

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

## MINUTES

Department of General Services- cont'd

President: "The fourth item on the non-routine agenda can be found on Page 44, Developer's Agreement No. 1242-A. Will the parties please come forward?"

Mr. Arnold M. Jolivet, MMCA: "What page?"

Mr. Corey: "Mr. President--."

President: "Is that you again?"

Mr. Corey: "Yes."

President: "Okay. Page 44."

Mr. Corey: "Thomas Corey, Chief of the Minority and Women's Business Opportunity Office. In this particular agreement, the developer is not receiving any financial assistance from the City. In fact it's paying off of the cost of this particular new water line and services to the building that's being built. What is important to note I think in this instance is that the building the Proton Center that will be built on this site will have MBE goals or it does have MBE goals on it. In fact we set those goals back in June with the developer and the MBE participation goal on this particular center is \$13,955,000.00 and the WBE participation is \$5,168,000.00 and some odd dollars."

## MINUTES

Department of General Services- cont'd

So, it's always been the intent back when the land was leased to MV that there would be MBE participation on all of the vertical construction on City land, and so as these buildings are coming on line, they're coming in to the MWBOO office and we're setting goals on those, and this particular contract, because as I said earlier, the developer is paying for it."

Comptroller: "When you said MBE goals of approximately \$5 million, were there any WBE goals?"

Mr. Corey: "Yeah the WBE is \$5,000,000,000.00 and the MBE is \$13 million."

Comptroller: "Okay."

Mr. Jolivet: "Mr. President quite briefly. My concern and the intent of my letter was to call the Board's attention to the fact that here we got a part and this part and parcel of the building. This is part and parcel of the development project, but under Mr. Corey's interpretation we exempt this. We exempt this award, the \$301,000.00 worth of work, when it's already been provided for in the Land Disposition Agreement. Mr. Corey's position makes no sense, absolutely none. We're going to exempt

## MINUTES

Department of General Services- cont'd

this when we've already said to the developer we want you to have participation on the entire project. When the Land Disposition Agreement was developed and signed and approved by this Board this was not exempt. It was not exempt. This was intended to be included in the entire dollar value of the project, and I said to you this was just it is just erroneous, it is wrong for Mr. Corey to do this."

President: "Mr. Jolivet you just um Mr. Corey you just said that 13 something million, 13.9 was going to MBE, and 5 million to WBE."

Mr. Corey: "\$13,955,760.00 is the MBE goal. The WBE goal is \$5,168,800.00."

President: "And the developer is spending how much to do the infrastructure with the water?"

Mr. Corey: "On this particular building I don't whether this was anticipated when the LDA was done or when the land was leased to them, but the developer spent \$301,000.00 of its money to provide this new water service to the site."

**MINUTES**

Department of General Services- cont'd

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

Deputy City Solicitor: "I Move that the protest be rejected and that the bid be approved as submitted."

Comptroller: "Second."

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

\* \* \* \* \*

**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

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September 18, 2012

Via Facsimile 410-685-4416

The Honorable President and Members

Baltimore City Board of Estimates

City Hall-Room 204

Baltimore, MD 21202

ATTN: Ms. Bernice Taylor, Clerk to the Board

Dear Mr. President:

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- (1) The third amendment to lease agreement with Harbor Place Associates, Limited Partnership, contained on pages 4-5. The proposed lease amendment violates the City's M-WBE Ordinance in its failure to incorporate such ordinance therein; and
- (2) Item No. 4 on page 15, which is a proposed non-bid, non-competitive \$297,500.00 contract with the Living Classroom Foundation, Inc., allegedly to provide certain ordinary services to the City designed to stop the killing occurring in Baltimore City and, if not possible to stop the killings in Baltimore City, to reduce the shootings and killings occurring in Baltimore city. Our protest is based on the fact that this proposed contract award violates Article VI, Section 11 et seq., of the City's Charter, and is ultra vires and void ab initio; and
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- (4) Item No. 3 on page 41, which is a proposed federally funded grant agreement for the UMOJA Head Start Program. The City's MWBOO erroneously set the M-WBE goals at 27% MBE and 10% WBE respectively, and also incorrectly granted a partial waiver to the goals; and
- (5) The proposed Developers Agreement No. 1242-A, with Maryland Proton Treatment Centers, LLC. The DPW alleges that the City's M-WBE Ordinance does not apply to the subject agreement

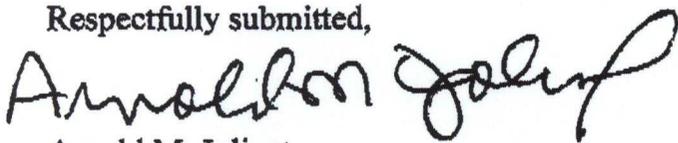
because there is no City funds therein. However, both DPW and MWBOO completely overlooked the important and controlling fact that the development project is being constructed on a land site that was the subject of a City DHCD Land Disposition Agreement with the developer that specifically incorporated and made the City's M-WBE Ordinance bidding and applicable thereto; and

(6) Item No. 18 on page 59, which is a proposed \$200,000.00 non-bid contract award to Clean Harbors Environment Services, Inc. pursuant to a cooperative contract with the Baltimore Regional Cooperative Purchasing Committee ("BRCPC"). Our protest is based on the fact that the proposed contract is nonetheless a clear violation of the City's "mandatory" competitive bidding charter provision, and is ultra vires and void ab initio; and

(7) The proposed contract Item No. 9 on page 69, which is a propose \$300,000.00 contract award to Long Fence Company, Inc., for installation of fences for various City agencies. Our protest is based upon the fact that an African American firm was the low dollar bidder for the contract and pursuant to standard City MWBOO policy and practice, this African American bidder should have been provided with additional time (usually two weeks) in which to come into full compliance with the contract's set M-WBE goals. This clearly was not done and is a blatant case of unlawful racial disparate treatment for the African American firm and also violated the City's competitive bidding charter provision's mandate to award such contracts to the "lowest responsive and responsible bidder," as therein delineated.

Thank you for your kind and favorable consideration of these protests.

Respectfully submitted,



Arnold M. Jolivet  
Managing Director

**MINUTES****TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Mayor's Office</u>			
1. Stephanie Rawlings-Blake Andrew Smullian	U.S. Conference of Mayors - Fall Leadership Meeting Dallas, TX Sept. 22-24, 2012	General Funds	\$2,230.56

The subsistence rate for this location is \$184.00 per day. The hotel cost is \$189.00 per night not including occupancy taxes in the amount of \$57.68 per night. The Office is requesting an additional \$5.00 per day to cover the hotel cost and \$35.00 per day for meals and incidental expenses. The Office will pay the airfare and hotel on a City issued credit card assigned to Ms. Kathe Hammond.

Department of Public Works

2. Rudolph S. Chow* Shaaron Phillips**	84 <sup>th</sup> Annual Water Environmental Federal Technical Exhibition and Conference New Orleans, LA Sept. 29 - Oct. 4, 2012 (Reg. Fee \$775.00* (Reg. Fee \$1,125.00**)	Water	\$5,672.20
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The subsistence rate for this location is \$172.00 per day for the period July 1, 2012 through September 30, 2012 and \$206.00 per day for the period October 1, 2012 through June 30, 2012.

The hotel cost for Mr. Chow is \$245.00 per night, not including occupancy tax of \$33.85 per night. The Department is requesting an additional \$229.00 to cover the cost of the

## MINUTES

TRAVEL REQUESTS - cont'd

hotel as well as \$40.00 per day to cover meals and incidental expenses. The Department has prepaid the registration for Mr. Chow on EA000093814 in the amount of \$775.00 making his disbursement \$1,974.85.

The hotel cost for Ms. Phillips is \$215.00 per night not including occupancy taxes in the amount of \$30.95 per night. The Department is requesting an additional \$79.00 to cover the cost of the hotel as well as \$40.00 per day to cover meals and incidental expenses. The Department has prepaid the registration for Ms. Phillips on EA000099182 in the amount of \$1,125.00 making her disbursement \$1,797.35.

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Baltimore City Health Department</u>			
3. Robert Lukiewski*	Non-Credit Class	Gen.	\$4,521.00
Jessica Novak	East Coast Animal	Funds	
Nathan Jones	Control		Academy
	Westminster,		MD
	09/24/12	-	10/05/12
	(Reg. Fee	\$1,334.00	ea.)
	(Reg. Fee \$1,633.00*)		

The registration fees have been paid on Expenditure Authorization 000100471. The registration fee for Mr. Lukiewski includes a lodging fee in the amount of \$299.00.

Office of the President

4. Rochelle Spector \$201.59

On July 13 - 17, 2012, Ms. Spector attended the 2012 National Association of Counties Conference and Exposition in Pittsburgh, PA. This travel request was for the amount of \$1,690.00. However, the amount of the actual expenses for Ms. Spector exceeded the amount of the request. Therefore, the Office of the President is requesting a reimbursement in the amount of \$201.59 to cover the difference for meals, mileage, and hotel tax that was not initially requested.

**MINUTES****TRAVEL REQUESTS** - cont'd

UPON MOTION duly made and seconded, the Board approved the travel requests. In the absence of the Honorable Mayor, Stephanie Rawlings-Blake, Mr. Harry Black acting on behalf of the Mayor, **ABSTAINED** on item no. 1. The President **ABSTAINED** on item no. 4.

MINUTES

TRANSFERS OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

3777

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****TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Transportation</u>		
1. <b>\$ 70,500.00</b> Federal	9950-917001-9507 Constr. Reserve Highways	9950-911200-9527 Contingencies Star Spangled Heritage Trails

This transfer will cover the costs associated with the Historic Resources in the US 40 West Corridor in Baltimore City.

2. <b>\$500,000.00</b> MVR Inner Harbor	9950-907312-9528 Const. Res. - Infrastructure/UT Infrastructure	9950-906312-9527 Inner Harbor
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This transfer will cover the costs associated with the Inner Harbor Infrastructure project.

**A LETTER OF PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

The Board of Estimates received and reviewed Ms. Trueheart's protest. As Ms. Trueheart's interest are not specific, and are not different from other members of the general public, her questions and her protests will not be heard by the Board. However, her letter of protest has been sent to the respective agency that submitted the item, and that agency will be responding directly to Ms. Trueheart.

3. <b>\$400,000.00</b> HUR Facilities Master Plan (Falls)	9950-923013-9509 Constr. Res. -	9950-902874-9508 DOT Facilities
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This transfer will cover the costs associated with the DOT facilities.

## Kim A. Trueheart

September 18, 2012

Board of Estimates

Attn: Clerk

City Hall, Room 204

100 N. Holliday Street,

Baltimore, Maryland 21202

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of a lack of vision, poor fiscal planning and management and a complete failure to provide transparent communications about priorities and outcomes by the Mayor of Baltimore City and the various Departments and Agencies under our Mayor's leadership and direction.

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

1. Whom you represent: Self
2. What the issues are:
  - a. Page 48, item 2, Department of Transportation - TRANSFER OF FUNDS to 9950-906312-9527, if approved:
    - i. Please provide access to the detailed project plans for "Inner Harbor Infrastructure/UT".
3. How the protestant will be harmed by the proposed Board of Estimates' action: The action demonstrates the City's flawed investment strategy where scarce municipal funds are overwhelmingly directed to the Inner Harbor to the detriment of neighborhoods. The continued mismanagement of major projects by City agencies is disgracefully wasteful and particularly offensive when the funds apply to Inner Harbor related projects. My neighborhood is in great need of infrastructure investments which DO NOT seem to be a priority for this administration. The recent \$11.4M windfall for the Transportation Department was a unique opportunity to demonstrate that neighborhood investments are a priority, however this action shows otherwise to the detriment of me and my neighbors.
4. The remedy I seek and respectfully request is that this action will be disapproved and the Transportation Department be directed to provide a list of planned neighborhood investments to this Board.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on September 19, 2012.

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**

Department of Transportation - Employee Expense Statement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the expense report from Ms. Adrienne Barnes for mileage expenses incurred during the month of March 2012.

**AMOUNT OF MONEY AND SOURCE:**

\$ 46.62 - 1001-000000-2301-248700-603002

**BACKGROUND/EXPLANATION:**

Ms. Barnes is the President of the Conference of Minority Transportation Officials (COMTO) for the State of Maryland, and represents the City of Baltimore at the National meetings which are held three times a year. This reimbursement is for expenses incurred traveling to and from Washington, DC for a mandatory meeting for the Presidents of the 39 states representing COMTO.

The Department of Transportation, Administration Division received the original request in March, which was past the submission deadline to the Department of Finance for reimbursement.

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

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

**MINUTES**

Department of Transportation - cont'd

UPON MOTION duly made and seconded, the Board approved the expense report from Ms. Adrienne Barnes for mileage expenses incurred during the month of March 2012.

**MINUTES**

Department of Transportation - Revised Schedule of Rates  
for City's Conduit Systems

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize the revised schedule of rates for the City's conduit system effective July 01, 2012. The Board is also requested to approve a reduction of the rate for street lighting cable.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On April 9, 2008, the Board approved the agreement with the Baltimore Gas & Electric Company (BGE), setting rates to be paid for the use of the City conduit system. That agreement permitted the City to increase the rates one time during the term of the agreement, but not sooner than July 01, 2012 and by not more than 3%.

Inflationary costs associated with all City services, such as labor rates and other personnel costs, motor fuels, utilities, et cetera, have exceeded 3% in each of the four years since the BGE agreement was approved. In addition, the Department of Transportation has advanced a very aggressive capital program to replace critical sections of the conduit system to achieve a state of good repair. Therefore, the Department of Transportation, in consultation with the Department of Finance, believes it is appropriate to adjust the rates as follows:

Fiscal Year	Currently Approved Rate	Proposed BGE Rate
2013	\$0.90	\$0.927
2014	\$0.95	\$0.9785

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

The BGE agreement requires that the City notify BGE 30 days prior to proposed action by the Board on any rate increase. Notification was made by certified mail on April 9, 2012.

RATE FOR OTHER USERS & MUNICIPAL USERS

Except for BGE, the rate for all other system users will likewise increase from \$0.95 to \$0.9785 cents per linear foot. The Department of Transportation also proposes that the rate for street lighting cable be reduced to zero as the charge is paid to BGE and then charged back to the City. Eliminating fee this will reduce administrative costs on both parties and will have no net budgetary effect.

**A LETTER OF PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART. A LETTER OF PROTEST WAS RECEIVED FROM THE BALTIMORE GAS AND ELECTRIC COMPANY.**

The Clerk announced that a protest was received from Ms. Kim Trueheart. That protest was submitted to the Board members, and the Board members have received it and review it. As Ms. Trueheart's interest are not specific, and are not different from other members of the general public, her questions and her protests will not be heard by the Board. However, her letter of protest has been sent to the respective agency that submitted the item, and that agency will be responding directly to Ms. Trueheart.

UPON MOTION duly made and seconded, the Board deferred this item for two weeks.

**Jeannette M. Mills**  
VP & Chief Customer Officer  
Customer Operations

Baltimore Gas and Electric Company  
110 W. Fayette Street  
Baltimore, Maryland 21201  
(410) 470-6290



September 18, 2012

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

**Re: Department of Transportation Revised Schedule of Rates for the City's Conduit System; Item for Consideration at Board of Estimates' September 19, 2012 Meeting**

Baltimore Gas and Electric Company (BGE) wishes to oppose the Baltimore City Transportation Department's (Department) request for a 3% rate increase to the rates to be paid by BGE for the use of Baltimore City conduit system. The issue presented is whether the increase is justified, as the Department claims, due to an increase in inflationary costs associated with City services, such as labor rates and other personnel costs, motor fuels, utilities. BGE holds that it is not justified.

Costs expended by BGE are ultimately recovered by BGE from its customers. Consequently, in the end, BGE's customers are negatively impacted by the City's rate increase. According to the Department's last audited financials, the Department underspent its budget on BGE conduit-related expenses by \$590,000 in fiscal year 2011. Due to the inability of the Department to use existing funds to its fullest potential, BGE questions of the Department whether a rate increase is truly warranted. In the April 9, 2012 notice, the Department notes that it is undertaking a "very aggressive capital program to replace critical sections of the Conduit system in order to achieve a state of good repair;" however recent history has revealed that the Department's expenditures have been lower than forecasted, which has led to funding not being used within the fiscal year, creating a credit during the reconciliation process. Thus, BGE's current rent is more than adequate to cover the expenses listed in the audited financials; therefore, an increase should not be needed.

BGE opposes the rate increase because it has an obligation to its customers to ensure BGE expenditures are prudent. In principle, BGE is not opposed to the Department spending to improve the conduit system if it benefits BGE customers. However, in this instance, since the City has not demonstrated the ability to spend BGE's allocation of existing funds; BGE cannot support, and indeed, must oppose, the Department's increase request because it unjustifiably adversely affects BGE customers' rates. Such an outcome is not in BGE customers' best

Clerk Board of Estimates  
September 18, 2012  
Page 2

interests. BGE respectfully requests that the Board deny the Department's rate increase. BGE will appear at the Board's September 19, 2012 meeting to articulate these concerns.

Sincerely,

A handwritten signature in blue ink that reads "Jeannette M. Mills / jdb". The signature is written in a cursive style.

Jeannette M. Mills  
Vice President, Customer Operations

cc: Khalil Zaied, Director, Baltimore City Department of Transportation

## Kim A. Trueheart

September 18, 2012

Board of Estimates

Attn: Clerk

City Hall, Room 204

100 N. Holliday Street,

Baltimore, Maryland 21202

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of a lack of vision, poor fiscal planning and management and a complete failure to provide transparent communications about priorities and outcomes by the Mayor of Baltimore City and the various Departments and Agencies under our Mayor's leadership and direction.

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

1. Whom you represent: Self
2. What the issues are:
  - a. Page 48, Department of Transportation - Revised Schedule of Rates for City's Conduit Systems, if approved:
    - i. Misses the opportunity to put the screws to local corporations in the same fashion non-corporate residents have been abused with outrageous fee increases by this administration.
    - ii. Demonstrates out-right corporate favoritism over residents by imposing less than the allowable fee increase for this service.
    - iii. Fails to recoup the full measure of municipal expenses incurred for operations and maintenance of the City's Conduit Systems.
    - iv. Fails to impose the maximum fee allowable under the agreement, thus shifts the burden to tax-payers to cover the actual corporate use expense.
3. How the protestant will be harmed by the proposed Board of Estimates' action: This action presents a NO-Brainer opportunity for the City to recoup expenses for this service, but instead glaringly demonstrates this administration's abusive policy which extends maximum benefit to corporations over citizens/residents. The continued mismanagement of major projects by City agencies is disgracefully wasteful and lacking in actual innovative instances that can generate revenue in light of the City's austere budget outcomes. A complete top to bottom business process reengineering initiative must be initiated to ensure similar cost reimbursement opportunities are NOT passed by.
4. The remedy I seek and respectfully request is that this action be modified to impose the maximum fee allowable under the terms of the agreement.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on September 19, 2012.

5519 Belleville Ave  
Baltimore, MD 21207

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

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

- |  |                    |                |
|--|--------------------|----------------|
| 1. <u>PRODUCTS UNLIMITED</u>   | <u>\$20,000.00</u> | <u>Renewal</u> |
| Solicitation No. B50002143 - Vials and Caps - Police Department - Req. No. R585922 |                    |                |

On October 19, 2011, the Board approved the initial award in the amount of \$26,344.80. The award contained three 1-year renewal options. This renewal in the amount of \$20,000.00 is for the period October 19, 2012 through October 18, 2013, with two 1-year renewal options remaining.

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|--|--------------------|----------------|
| 2. <u>BATTLE AND BATTLE DISTRIBUTORS, INC.</u>   | <u>\$35,515.00</u> | <u>Low Bid</u> |
| Solicitation No. B50002569 - Supply and Deliver a Variety of Batteries - Citywide - Req. No. Various |                    |                |

- |   |                    |                |
|---|--------------------|----------------|
| 3. <u>L/B WATER SERVICE, INC.</u>   | <u>\$20,000.00</u> | <u>Renewal</u> |
| Solicitation No. B50002186 - Roadway Valves Boxes - Department of Public Works - Req. No. P518619 |                    |                |

On November 7, 2011, the Board approved the initial award in the amount of \$22,000.00. The award contained two 1-year renewal options. This renewal in the amount of \$20,000.00 is for the period November 9, 2012 through November 8, 2013 with one 1-year renewal option remaining.

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| 4. <u>ROTORK CONTROLS, INC.</u>  | <u>\$ 0.00</u> | <u>Renewal</u> |
| Solicitation No. 06000 - Rotork Valve Actuator Parts - Department of Public Works - Req. No. P515312 |                |                |

On November 3, 2010, the Board approved the initial award in the amount of \$20,000.00. The award contained two 1-year renewal options. On November 23, 2011, the Board approved the first one-year renewal in the amount of \$20,000.00. This final renewal is for the period November 8, 2012 through November 7, 2013.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

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| 5. <u>FASTENAL COMPANY</u>   | <u>\$ 0.00</u> | <u>Renewal</u> |
| Solicitation No. B50002162 - Railroad Spikes - Department of Public Works - Req. No. P518755 |                |                |

On November 16, 2011, the Board approved the initial award in the amount of \$40,000.00. The award contained two 1-year renewal options. This renewal is for the period November 17, 2012 through November 16, 2013 with one 1-year renewal option remaining.

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|---|---------------------|----------------|
| 6. <u>SYMAGO, LLC,</u>  | <u>\$100,000.00</u> | <u>Renewal</u> |
| Solicitation No. B50000357 - Interactive Voice Recognition System (IVR) - Department of Transportation - P.O. No. P504785 |                     |                |

On October 8, 2008, the Board approved the initial award in the amount of \$50,000.00. The award contained two 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$100,000.00 is for the period October 4, 2012 through October 3, 2013.

**MWBOO GRANTED A WAIVER.**

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|---|---------------------|----------------|
| 7. <u>F.L. ANDERSON COMPANY</u>   | <u>\$ 60,000.00</u> | <u>Renewal</u> |
| Solicitation No. B50001598 - Fire Hose - Fire Department - P.O. No. P515562 |                     |                |

On November 17, 2010, the Board approved the initial award in the amount of \$60,000.00. The award contained two 2-year renewal options. This renewal in the amount of \$60,000.00 is for the period November 22, 2012 through November 21, 2014, with one 2-year renewal option remaining.

**MWBOO GRANTED A WAIVER.**

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

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

8. ORCHID CELLMARK INC.	\$200,000.00	Renewal
Solicitation No. B50002042 - Outsourcing DNA Lab Work - Police Department - P.O. No. P518606		

On November 2, 2011, the Board approved the initial award in the amount of \$200,000.00. The award contained three 1-year renewal options. On May 9, 2012, the Board approved an increase in the amount of \$134,000.00. This renewal in the amount of \$200,000.00 is for the period November 2, 2012 through November 1, 2013, with two 1-year renewal options remaining.

**MWBOO GRANTED A WAIVER.**

9. ANNE ARUNDEL VETERINARY HOSPITAL	\$ 75,000.00	Renewal
Solicitation No. B50000619 - Police K-9 Veterinary Services - Police Department - P.O. No. P505132		

On October 1, 2008, the Board approved the initial award in the amount of \$75,000.00. The award contained two 1-year renewal options. This renewal in the amount of \$75,000.00 is for the period November 5, 2012 through November 4, 2013, with one 1-year renewal option remaining.

**MWBOO GRANTED A WAIVER.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

10. SHANNON-BAUM SIGNS, INC.	\$ 40,000.00	Renewal
Solicitation No. 06000 - Decals and Striping - Police Department, Department of General Services - P.O. No. P511237		

On November 25, 2009, the Board approved the initial award in the amount of \$38,000.00. The award contained two 2-year renewal options. On January 27, 2010, the Board approved an increase in the amount of \$15,000.00. This renewal in the amount of \$40,000.00 is for the period November 30, 2012 through November 29, 2014, with one 2-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.**

11. CITIZENS PHARMACY SERVICES	\$300,000.00	Renewal
Solicitation No. B50001659 - Pharmaceuticals for the Fire Department - Fire Department - P.O. No. P515473		

On November 24, 2010, the Board approved the initial award in the amount of \$300,000.00. The award contained four 1-year renewal options. On October 19, 2011, the Board approved the first 1-year renewal in the amount of \$300,000.00. This renewal in the amount of \$300,000.00 is for the period December 1, 2012 through November 30, 2013, with two 1-year renewal options remaining.

**MWBOO GRANTED A WAIVER.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

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|--|--------------|----------|
| 12. ENVIRONMENTAL SERVICE &<br>EQUIPMENT COMPANY, INC. | \$100,000.00 | Increase |
|--|--------------|----------|
- Solicitation No. 08000 - Wallace & Tiernan Water Technologies  
Parts - Department of Public Works, Bureau of Water and  
Wastewater - P.O. No. P519196

On January 25, 2012, the Board approved the initial award in the amount of \$50,000.00. The award contained one 2-year renewal option. This increase is necessary due to an increase in usage. This increase in the amount of \$100,000.00 will make the award amount \$150,000.00.

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.

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|----------------------|--------------|---------|
| 13. UNIVAR USA, INC. | \$ 50,000.00 | Renewal |
|----------------------|--------------|---------|
- Solicitation No. B50002133 - Sodium Hydroxide (25% Solution)  
- Department of Public Works, Bureau of Water and Wastewater  
- P.O. No. P516589

On October 19, 2011, the Board approved the initial award in the amount of \$122,265.00. The award contained four 1-year renewal options. This renewal in the amount of \$50,000.00 is for the period November 1, 2012 through October 31, 2013, with three 1-year renewal options remaining.

**MWBOO GRANTED A WAIVER.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

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|---|---------------------|----------------|
| 14. <u>SLIGO SYSTEMS</u>  | <u>\$100,000.00</u> | <u>Renewal</u> |
| Solicitation No. 08000 - OEM Sligo Pumps Parts - Department of Public Works, Bureau of Solid Waste - P.O. No. P515361 |                     |                |

On November 17, 2010, the Board approved the initial award in the amount of \$22,000.00. The award contained two 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$100,000.00 will make the total award amount \$212,000.00 and is for the period November 15, 2012 through November 14, 2013.

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.

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|---|---------------------|----------------|
| 15. <u>WEIR SPECIALTY PUMPS</u>   | <u>\$ 30,000.00</u> | <u>Renewal</u> |
| Solicitation No. 08000 - Wemco Pump Parts - Department of Public Works, Bureau of Water and Wastewater P.O. No. P515364 |                     |                |

On November 17, 2010, the Board approved the initial award in the amount of \$20,000.00. The award contained two 1-year renewal options. On September 14, 2011, the Board approved the first renewal in the amount of \$50,000.00. This final renewal in the amount of \$30,000.00 is for the period November 15, 2012 through November 14, 2013.

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

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

16. KEMIRA WATER SOLUTIONS	\$500,000.00	Increase
Solicitation No. B50001140 - Ferric Chloride - Department of Public Works, Bureau of Water and Wastewater - P.O. No. P510045		

On August 26, 2009, the Board approved the initial award in the amount of \$77,825.00. The award contained one 1-year renewal option. Subsequent actions have been approved. This increase is necessary due to an increase in usage of this chemical due to stoppage of RG Steel Plant located in Sparrows Point which has stopped producing/supplying Ferrous Chloride to the Back River Wastewater Plant. This increase in the amount of \$500,000.00 will make the total award amount \$1,327,825.00. The contract will expire on September 30, 2013.

**MWBOO GRANTED A WAIVER.**

17. HOLABIRD ENTERPRISES OF MARYLAND, INC. t/a TRANSTECH TRANSMISSION CENTER	\$300,000.00	Increase
Solicitation No. B50000672 - Heavy Duty Automatic Transmissions - Department of General Services, Fleet Management - P.O. No. P507920		

On January 28, 2009, the Board approved the initial award in the amount of \$450,000.00. The award contained two 1-year renewal options. This increase is necessary due to increased usage of this contract. This increase in the amount of \$300,000.00 will make the award amount \$900,000.00.

**MBE:** Millennium Auto Parts and Services 3%

**WBE:** Grady Wright & Associates 2%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

18. CLEAN HARBORS ENVIRONMENTAL SERVICES, INC.	\$200,000.00	Cooperative Contract
Baltimore Regional Cooperative Purchasing Committee (BRCPC) Contract Number PCR-09-125 - Household Hazardous Waste: Collection and Disposal Services - Department of Public Works, Bureau of Solid Waste - Req. Nos. Various		

The BRCPC through competitive bidding process awarded the Household Hazardous Waste Collection and Disposal Services contract to Clean Harbors Environmental Services, Inc. The City will process its requirements using this contract.

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

President: "The fifth item on the non routine agenda can be found on Page 59, item no. 18 Cooperative Contract with Clean Harbor's Environmental Services, Incorporated. Will the parties please come forward?"

Mr. Tim Krus, Acting City Purchasing Agent: "Tim Krus, Acting City Purchasing Agent. This is a --."

President: "Excuse me, before you start, Madam Deputy Comptroller."

Deputy Comptroller: "Yes."

## MINUTES

Bureau of Purchases - cont'd

President: "Let me go back to the second item on the non-routine agenda with St. Ambrose Housing."

Deputy Comptroller: "Yes."

President: "I have to abstain."

Deputy Comptroller: "Thank you, Mr. President."

President: "Thank you. Alright you're good."

Mr. Krus: "This Household Hazardous Waste Collection contract is a piggyback off a Cooperative contract established by Anne Arundel County for the Baltimore Regional Purchasing Cooperative. It was competitively bid, uh -- and the City has decided that it was in the City's best interest to use it."

President: "Mr. Jolivet."

Mr. Arnold M. Jolivet, MMCA: "Mr. President, quite plain and simple my contentions are that under the City competitive bidding Charter provision Article VI, Section 11, the City plain and simple does not have that discretion. The City cannot elect to award the contract in any other manner other than what's prescribed by its Charter. It's been the law for years and I want to put on the record that we believe it's a violation of the City

MINUTES

Bureau of Purchases - cont'd

competitive bidding uh - Charter provision Article VI, Section 11, and we don't believe that the City can do this illegally in conformity with the City's competitive bidding Charter."

President: "I will entertain a Motion."

Deputy City Solicitor: "Move that the protest be rejected and that the bid be approved as submitted."

Director of Public Works: "Second."

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

\* \* \* \* \*

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- |   |              |                 |
|---|--------------|-----------------|
| 19. CENTER FOR EMERGENCY<br>MEDICINE, STAT MEDEVAC  | \$900,000.00 | Selected Source |
| Solicitation No. Non-Emergent Air Transportation Services -<br>Health Department - Req. No. R612883 |              |                 |

Multi-level Medical Air Transportation services for critical care patients are provided by the Maryland Department of Health and Mental Hygiene (DHMH) through the Transportation Grants Program.

The DHMH protocol states "All air ambulance transport costs for Maryland Medicaid recipients will be paid by the Baltimore City Health Department," through the Transportation Grants Program.

The State of Maryland must license all air ambulance service companies. This vendor is licensed by the State of Maryland. The DHMH protocol further states, "This unit (City Health Department) will screen all calls as to eligibility and medical necessity, and the appropriate transportation will be arranged when approved."

It is in the best interest of the City to engage the vendor for the specialized services required by the Health Department.

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.**

**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

September 18, 2012

Via Facsimile 410-685-4416

The Honorable President and Members

Baltimore City Board of Estimates

City Hall-Room 204

Baltimore, MD 21202

ATTN: Ms. Bernice Taylor, Clerk to the Board

Dear Mr. President:

I represent the Maryland Minority Contractors Association, Inc. ("MMCA"), its members, clients and constituents. I wish to protest the following listed proposed lease or contract agreements contained in Your Honorable Board's 9-19-2012 public meeting agenda.

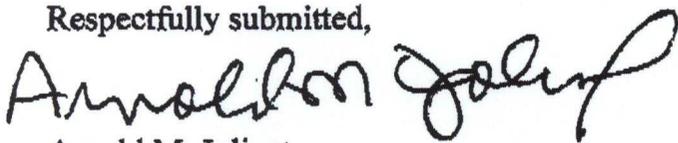
- (1) The third amendment to lease agreement with Harbor Place Associates, Limited Partnership, contained on pages 4-5. The proposed lease amendment violates the City's M-WBE Ordinance in its failure to incorporate such ordinance therein; and
- (2) Item No. 4 on page 15, which is a proposed non-bid, non-competitive \$297,500.00 contract with the Living Classroom Foundation, Inc., allegedly to provide certain ordinary services to the City designed to stop the killing occurring in Baltimore City and, if not possible to stop the killings in Baltimore City, to reduce the shootings and killings occurring in Baltimore city. Our protest is based on the fact that this proposed contract award violates Article VI, Section 11 et seq., of the City's Charter, and is ultra vires and void ab initio; and
- (3) Item No. 4 on page 15, which is a proposed non-competitive contract award to St. Ambrose Housing Aid Center, Inc., for \$322,380.00 to provide homeowners counseling. Our protest is based on the fact that the proposed contract agreement violates both the the City's competitive bidding charter provision, as well as the City's M-WBE Ordinance; and
- (4) Item No. 3 on page 41, which is a proposed federally funded grant agreement for the UMOJA Head Start Program. The City's MWBOO erroneously set the M-WBE goals at 27% MBE and 10% WBE respectively, and also incorrectly granted a partial waiver to the goals; and
- (5) The proposed Developers Agreement No. 1242-A, with Maryland Proton Treatment Centers, LLC. The DPW alleges that the City's M-WBE Ordinance does not apply to the subject agreement

because there is no City funds therein. However, both DPW and MWBOO completely overlooked the important and controlling fact that the development project is being constructed on a land site that was the subject of a City DHCD Land Disposition Agreement with the developer that specifically incorporated and made the City's M-WBE Ordinance bidding and applicable thereto; and

- (6) Item No. 18 on page 59, which is a proposed \$200,000.00 non-bid contract award to Clean Harbors Environment Services, Inc. pursuant to a cooperative contract with the Baltimore Regional Cooperative Purchasing Committee ("BRCPC"). Our protest is based on the fact that the proposed contract is nonetheless a clear violation of the City's "mandatory" competitive bidding charter provision, and is ultra vires and void ab initio; and
- (7) The proposed contract Item No. 9 on page 69, which is a propose \$300,000.00 contract award to Long Fence Company, Inc., for installation of fences for various City agencies. Our protest is based upon the fact that an African American firm was the low dollar bidder for the contract and pursuant to standard City MWBOO policy and practice, this African American bidder should have been provided with additional time (usually two weeks) in which to come into full compliance with the contract's set M-WBE goals. This clearly was not done and is a blatant case of unlawful racial disparate treatment for the African American firm and also violated the City's competitive bidding charter provision's mandate to award such contracts to the "lowest responsive and responsible bidder," as therein delineated.

Thank you for your kind and favorable consideration of these protests.

Respectfully submitted,



Arnold M. Jolivet  
Managing Director



## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

## 22. L &amp; J CONSTRUCTION

SERVICES, INC.

CHERRY HILL HAULING &amp;

TOWING SERVICES, INC. \$300,000.00

Increase

Solicitation No. B50001987 - Hauling of Asphalt - Department  
of Transportation - Req. Nos. Various

On August 24, 2011, the Board approved the initial award. Subsequent actions were approved. This increase is to meet increased demand for the services.

L & J Construction Services, Inc.:**MBE:** G&W Trucking 20.00%**WBE:** Morgan Construction 7.00%

Inc.

Cherry Hill Hauling:**MBE:** Unlimited Trucking, LLC 20.00%**WBE:** S & L Trucking, LLC 7.00%**MWBOO FOUND VENDOR IN COMPLIANCE.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

UPON MOTION duly made and seconded, the Board approved the informal awards, renewals, increases to contracts and extensions, and cooperative contract. The President **ABSTAINED** on item nos. 12, 13, 15, and 16.

**MINUTES**

Bureau of Water and Wastewater (BW&WW) - Employee Expense Statement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the expense statement for Mr. Ricky Bell for mileage for the month of March 2012.

**AMOUNT OF MONEY AND SOURCE:**

\$139.63 - Mileage  
2071-000000-5521-632320-603002

**BACKGROUND/EXPLANATION:**

This employee expense statement is late because it was originally routed for approval on April 14, 2012 with incorrect mileage. The resubmission on May 22, 2012 was after the 40-day work period.

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

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the expense statement for Mr. Ricky Bell for mileage for the month of March 2012. The President **ABSTAINED**.

**MINUTES**

Bureau of Water & Wastewater - Maryland Department of the  
Environment (MDE) Non-Tidal  
Mitigation Invoice

**ACTION REQUESTED OF B/E:**

The Board is requested to approve payment of the invoice to the MDE.

**AMOUNT OF MONEY AND SOURCE:**

\$5,927.00 - 9956-904564-9551-900020-703032

**BACKGROUND/EXPLANATION:**

The payment of this invoice is for the mitigation of the Non-Tidal Wetlands by the MDE for the construction of the Enhanced Nutrient Removal (ENR) Facilities at the Back River Wastewater Treatment Plant (BRWWTP). The construction of S.C. 877 ENR is impacting Non-Tidal Wetlands at the BRWWTP.

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

UPON MOTION duly made and seconded, the Board approved payment of the invoice from the Maryland Department of the Environment. The President **ABSTAINED**.

**MINUTES**

Bureau of Water and Wastewater - Employee Expense Statement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the expense report from Mr. Prakash Mistry for expenses incurred during the month of April 2012.

**AMOUNT OF MONEY AND SOURCE:**

\$36.30	-	3001-000000-5181-390700-603002	mileage
<u>9.00</u>	-	3001-000000-5181-390700-603003	parking/tolls
<b>\$45.30</b>			

**BACKGROUND/EXPLANATION:**

On April 4, 2012, Mr. Mistry attended Stormwater Retrofitting Demystified training for local governments to cost effectively implement retrofits to meet Municipal Separate Storm Sewer Systems (MS-4) permit and Bay Total Maximum Daily Load Requirements. The training was held at the Patuxent Wildlife Refuge Visitor Center, U.S. Fish and Wildlife Service, National Wildlife Visitor Center.

Mr. Mistry incurred parking and mileage expenses and submitted the Expense Report for April 2012 on May 04, 2012. The report was returned from Accounts Payable because the project identification was incorrect.

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

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

**MINUTES**

Bureau of Water and Wastewater - cont'd

UPON MOTION duly made and seconded, the Board approved the expense report from Mr. Prakash Mistry for expenses incurred during the month of April 2012. The President **ABSTAINED**.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

\* \* \* \* \*

On the recommendations of the City agencies  
hereinafter named, the Board

UPON MOTION duly made and seconded,

awarded the formally advertised contracts

listed on the following pages:

3801 - 3823

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

The transfer of funds was approved subject to  
receipt of a favorable report from the Planning  
Commission, the Director of Finance having reported  
favorably thereon, as required by the  
provisions of the City Charter.

The Deputy Director of Public Works **ABSTAINED** on item no. 10.

The President voted **NO** on item no. 9.

The Comptroller voted **NO** on item no. 9.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation

1. TR 12018, Structural	Allied Contractors,	\$1,193,340.00	
Repairs on Bridges	Inc.		
Citywide-JOC			
<b>MBE:</b> Priority Construction Corporation		\$110,000.00	9.22%
JM Murphy Enterprises, Inc.		118,000.00	9.89%
		<u>\$228,000.00</u>	<u>19.11%</u>
<b>WBE:</b> S&L Trucking, LLC		\$ 15,600.00	1.31%
Sunrise Safety Services, Inc.		20,400.00	1.71%
		<u>\$ 36,000.00</u>	<u>3.02%</u>

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**A LETTER OF PROTEST WAS RECEIVED FROM CONCRETE GENERAL INC.**

2. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$1,200,000.00	9950-909755-9507	
23 <sup>rd</sup> EDL	Constr. Res.	
	Annual Bridge Preserve	
	Program	
172,341.00	9950-934003-9507	
23 <sup>rd</sup> EDL	Constr. Res.	
<u>\$1,372,341.00</u>	Russell & Monroe Bridge	
\$1,193,340.00	-----	Structure & Improvements
119,334.00	-----	Inspections
59,667.00	-----	Contingencies
<u>\$1,372,341.00</u>		Structural Repairs on Bridges Citywide JOC 1

This transfer will fund the costs associated with the award for TR 12018 Structural Repairs on Bridges Citywide JOC-1 to Allied Contractors.

**MINUTES**

Department of Transportation - cont'd

President: "The sixth item on the non-routine agenda can be found on Page 66 item no. 1 & 2, TR 12018, Structural Repairs on Bridges Citywide. Will the parties please come forward? Okay."

Mr. Corey: "Good uh - morning Mr. President, members of the Board. This contract is being awarded to Allied Contractors because uh - the protestant Concrete General was found non-compliant. In its Statement of Intent Form that is a material form within the MBE/WBE packet, CGI stated that the MBE would be used to provide equipment for rehab. The MBE sub is not certified to rent equipment. So, uh - the - the bid was found non-compliant. The instructions within the booklet which the uh - bidder submitted on this bid that gives clear instructions on how to fill out the form on Page 218 of this book. It's in bold letters of how the bid of how the Statement of Intent form should be completed. Uh -- that's our position on this."

President: "You're the protestant right?"

Unidentified person: "No indeed, I'm with Allied Contractors."

President: "Oh, well you stood there."

Unidentified person: "Here for informational purposes only."

**MINUTES**

Department of Transportation - cont'd

President: "Okay. Well you stood on the side I thought you were. I'll entertain a Motion. Is the protestant here -- I said that -- from Concrete General?"

Mr. Corey: "Oh, you're good."

President: "I entertain a Motion."

Deputy City Solicitor: "Move that the bid be approved as submitted by the agency."

Comptroller: "Second."

President: "All those in favor say AYE. All opposed NAY. The Motion carries. I thought he was the protestant. Okay."

\* \* \* \* \*

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation

3. TR 13004, Reconstruction Santos Construction \$ 888,435.00  
of Alleys Citywide Co., Inc.

**MBE:** Machado Construction Co, Inc. \$239,877.45 27.00%

**WBE:** S&L Trucking, LLC \$ 44,421.75 5.00%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

4. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 102,281.14	9950-909200-9504	
GF HUR	Constr. Res.-Alley	
	& Footway Unallotted	
466,905.61	9950-909200-9504	
MVR	Constr. Res.-Alley	
	Alley & Footway	
	Unallotted	
452,513.50	9950-909200-9504	
Other	Alley & Footway	
<b>\$1,021,700.25</b>	Unallotted	
\$ 888,435.00	-----	Structure & Improvements
88,843.50	-----	Inspections
44,421.75	-----	Contingencies
<b>\$1,021,700.25</b>		Reconstruction of Alleys Citywide - TR 13004

This transfer will fund the costs associated with the award for TR 12018 Structural Repairs on Bridges Citywide JOC-1 to Santos Construction Co., Inc.

**A LETTER OF PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**



September 11, 2012

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

Re: TR 12018 – Structural Repairs on Bridges

Attn: Clerk:

Concrete General, Inc., is the responsible bidder submitting the lowest responsive bid in response to the Invitation to Bid for contract no. TR 12018. The purpose of this letter is to protest award of the Contract to any party other than CGI.

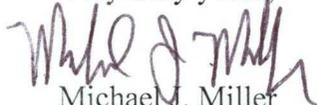
CGI were recently notified that our bid was found non-compliant. The City of Baltimore stated that the WBE we selected "M Luis Construction Company" is not certified with Baltimore City to perform work/service: "Provide equipment for Rehab" as CGI stated on the MBE/WBE Statement of Intent. Concrete General, Inc. disagrees with this decision.

CGI stated M Luis was 'providing equipment for Rehabilitation work' in your 'Brief Narrative Description of the Work/Service to be performed' on the MBE/WBE Statement of Intent. This was only supposed to be a brief description and not the exact description as stated on the form by the City of Baltimore. CGI did not know that the exact description of work/service should be listed on the form for MBE/WBE Statement of Intent. M Luis is providing equipment services as a subcontractor for Rehabilitation work for Concrete and Asphalt Construction, and Bridge Work. This contract is for Structural Repairs on Bridges and M Luis is certified to perform concrete and asphalt construction and bridge work. This is exactly what M Luis Construction Company will be performing and CGI bid should not be found non-compliant.

The City of Baltimore must reject their decision of non-compliant on the grounds that it violates the Maryland Public Ethics Law. The City of Baltimore should award the contract to the responsible bidder submitting the lowest responsive bid that does not violate the Ethics laws; namely, CGI.

If you have any questions concerning this response, please contact me at 301-948-4450 ext 17 or email to [mmiller@concretegeneral.com](mailto:mmiller@concretegeneral.com)

Very truly yours,

  
Michael J. Miller  
Vice President

CITY OF BALTIMORE  
DEPARTMENT OF LAW  
MINORITY AND WOMEN'S  
BUSINESS OPPORTUNITY OFFICE

## Printed Results from Search

Company	Cert No	Type
Extension Date:		

Services: HISTORIC PRESERVATION CONSULTING; HISTORICAL SITE INTERPRETATION; NATIONAL REGISTER NOMINATIONS; HISTORICAL RESEARCH; PRESERVATION PLANNING; HERITAGE PRESERVATION SERVICES; ARCHITECTURAL SURVEY, PHOTOGRAPHY AND CONSERVATION SERVICES

***Manuel Luis Construction Company, Inc.--(M/WBE)--Hispanic American***

Address: 326 St. Paul Place, Suite 200 Baltimore, Md 21202- 04-004495

Title: Ms. Cidalia Luis-Akbar E-Mail: Cidalia@mluisconstruction.com  
Phone: Phone: (410)545-0641 Fax: (410)545-0643 Fax: (410)545-0643

Certified Date: Oct 31 2011

Expiration Date: Oct 30 2013

Extension Date:

Services: ASPHALT MILLING AND PAVING, CONCRETE AND ASPHALT CONSTRUCTION, HAULING, MOT, STRIPPING, MASONRY, STONEMWORK, LANDSCAPING, CONSTRUCTION MANAGEMENT, SNOW REMOVAL, BRIDGE WORK, DEMOLITION, FENCING, SITE PREPARATION

***Maricom Systems, Inc.--(M/WBE)--African American***

Address: 7104 Ambassador Road, Suite 100 Baltimore, Md 21244- 99-003647

Title: Ms. Maria Beckett E-Mail: contracts@maricom.com  
Phone: Phone: (410)298-2770 Fax: (410)298-8135 Fax: (410)298-8135

Certified Date: Dec 8 2010

Expiration Date: Dec 7 2012

Extension Date:

Services: DATA MANAGEMENT, BUSINESS INTELLIGENCE SOLUTIONS, DATA INTEGRATION, MIDDLEWARE MANAGEMENT, SOFTWARE DEVELOPMENT, CALL CENTER

***Marilyn Stack-Gill--(WBE)--White***

Address: 11415 Glen Arm Road Glen Arm, Md 21057- 09-357734

Title: Ms. Marilyn Stack-Gill E-Mail: mstackgill@jhu.edu  
Phone: Phone: (443)632-4600 Fax: (410)661-5171 Fax: (410)661-5171

Certified Date: Oct 31 2011

Expiration Date: Oct 30 2013

Extension Date:

**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: Concrete General Inc

Name of MBE or WBE: MANUEL LUIS CONSTRUCTION CO. INC

Brief Narrative Description of the Work/Service to be performed by MBE or  WBE:  
Provide equipment for Rehab - WBE

Materials/Supplies to be furnished by MBE or WBE:  
\_\_\_\_\_

Subcontract Amount: \$ 33,633.60 (If this is a requirements contract, the subcontract amount may be omitted; however, the subcontract percentage must be included.)

Subcontract percentage of total contract: 3 %

**(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] \_\_\_\_\_ 7/25/2012  
Signature of Prime Contractor (REQUIRED) Date

[Signature] \_\_\_\_\_ 7/24/12  
Signature of MBE or WBE (REQUIRED) Date

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

**MINUTES****RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

For items no. 3 and 4, the Clerk announced that a protest was received from Ms. Kim Trueheart. That protest was submitted to the Board members, and the Board members have received it and reviewed it. As Ms. Trueheart's interest are not specific, and are not different from other members of the general public, her questions and her protests will not be heard by the Board. However, her letter of protest has been sent to the respective agency that submitted the item, and that agency will be responding directly to Ms. Trueheart.

Bureau of Purchases

5. B50001701, Pest Control Services (Various Agencies)	Priority Termite and Pest Control, Inc.	\$ 50,000.00
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**MWBOO GRANTED A WAIVER.**

6. B50002366, General Charter Transportation (Various Agencies)	<u>Item #1B</u> SivelsTransportation, Inc.	\$250,000.00
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	<u>Items #1A &amp; 4A</u> M.R. Hopkins Transportation Services, Inc.	\$250,000.00
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	<u>Items #3A, 5A &amp; 6A</u> Just 4U Transit, LLC	\$250,000.00
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**MWBOO GRANTED A WAIVER.**

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

7. B50001977, Bio-Medical Waste Pickup & Disposal	Biomedical Waste Services, Inc.	\$34,425.00
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(Health Department)

8. B50002523, Refugee Vocational Training & Employment Services	Lutheran Social Services	\$291,650.00
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(Mayor's Office of Neighborhoods)

On June 14, 2012, it was determined that no goals would be set because of no opportunity to segment the contract.

9. B50002530, Various Fencing Systems Installation & Repair (Various Agencies)	Long Fence Co., Inc.	\$300,000.00
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**MWBOO SET GOALS OF 8% MBE AND 1% WBE.****MBE:** Sparks Quality Fence Co. 8%**WBE:** Rowen Concrete, Inc. 1%**MWBOO FOUND VENDOR IN COMPLIANCE.****A LETTER OF PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION.**

## Kim A. Trueheart

September 18, 2012

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of a lack of vision, poor fiscal planning and management and a complete failure to provide transparent communications about priorities and outcomes by the Mayor of Baltimore City and the various Departments and Agencies under our Mayor's leadership and direction.

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

1. Whom you represent: Self
2. What the issues are:
  - a. Page 67, item 3, Department of Transportation - TR 13004, Reconstruction of Alleys Citywide, if approved:
    - i. Please provide the list of alleys for inspection.
    - ii. The following statement noted at the bottom of this item appears to be in error:

“This transfer will fund the costs associated with the award for TR 12018 Structural Repairs on Bridges Citywide JOC-1 to Santos Construction Co., Inc.”
    - iii. Is an affront to property owners who were bamboozled into believing the Mayor's anemic property tax cut would amount to actual out of pocket savings, when the Fees for Reconstruction of Alleys was approved by this Board last week, combined with the 9% water/sewer rate increase, negate any savings homeowners anticipated realizing.
3. How the protestant will be harmed by the proposed Board of Estimates' action: The mere thought of paying higher fees for the abysmal quality of services being provided by City agencies offends me. The continued mismanagement of major projects by City agencies is disgracefully wasteful and any new revenue will only continue to be wasted. A complete top to bottom business process reengineering initiative must precede the approval of any new funding directed to these inextricably broken agencies.
4. The remedy I seek and respectfully request is that this action be delayed until this agency provides greater public transparency into measureable business process outcomes.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on September 19, 2012.

5519 Belleville Ave  
Baltimore, MD 21207

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****RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

Bureau of Purchases - cont'd

President: "The seventh item on the non-routine agenda can be found on Page 69 #9, B50002530, Various Fencing Systems Installation & Repair. Will the parties please come forward?"

Mr. Corey: "Thomas Corey, Chief of the Minority and Women's Business Opportunity Office. The protest alleges that we have, that the Minority and Women's Business Opportunity Office has a policy of granting a bidder two weeks in which to come into compliance after bid submission, and point of fact, MWBOO does not have a policy, practice or procedure to grant a bidder two weeks after bid submission to come into compliance."

President: "But have we ever done that?"

Mr. Corey: "If a Board has awarded contracts to a bidder where there's only one bidder or all the other bidders were non compliance. The Board has awarded the contract and granted the bidder the ten days to come into compliance, but only in those instances where there's only one bidder or all the other bidders were found in non-compliance."

Mr. Jolivet: "That's not true."

Deputy City Solicitor: "If I understand what you're saying,

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - cont'd

you're saying that's in the Board's discretion under those limited circumstances not an MWBOO."

Mr. Corey: "MWBOO does not have the discretion. That's the Board discretion. The agency requests the Board to award the contract contingent upon that particular bidder coming into compliance and the Board has in the past awarded a contract on that contingent basis."

Comptroller: "What has to be done to bring them into compliance, what do they have to do?"

Mr. Corey: "They would have to then if the Board does it, they have to go out and find a certified MBE to participate in the contract."

Comptroller: "Oh okay. I thought they had someone who was coming into compliance. But they have to find someone."

Mr. Corey: "They have to find somebody."

Comptroller: "Okay."

President: "Okay."

Mr. Arnold M. Jolivet: "Mr. President, I will try to be to brief but I want to just if I can I would like you to --."

**MINUTES****RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

Bureau of Purchases - cont'd

Deputy City Solicitor: "Mr. Jolivet, the mic, mic."

President: "You have got to use the mic."

Mr. Jolivet: "I am using the mic."

President: "You're not in the mic."

Mr. Jolivet: "Oh well I'm sorry. But I would just I think it's important that the Board see's the face to the person's whose involved. This is Mr. Sparks who owns the company that was the first actually the low bidder and for some reason the Bureau of Purchases and Mr. Corey saw fit to disqualify him and I just want to take a moment for Mr. Sparks to say hello to the Board."

Mr. Sparks: "Good morning. I'm Mr. Sparks, Sparks Quality Fence. I do a lot of work for the City and I'm prequalified and according to the letter from my WBE, she was certified."

Mr. Jolivet: "She was certified at that time."

Mr. Sparks: "At that time."

Mr. Jolivet: "Bid time."

MR. Corey: "That is not a letter of certification, that's is affirmative action, stating that she has an affirmative action plan that goes to -- that's prequalification. She was not, Cleo

**MINUTES****RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

Bureau of Purchases - cont'd

Enterprise was not certified at the time of bid submission."

Mr. Jolivet: "Mr. President, we admit that is a letter certifying that their Affirmative Action Program and does not bear on the issue here today. But I just want to take one moment to show how arbitrarily Mr. Corey has been with regard to -- he's says that the MWBOO's office doesn't have that policy, but what happens is that he recommends to the Board that the firm be and I counted 17 times in the last six months that Mr. Corey has allowed the company to come into compliance. So, Mr. Corey's argument is just specious. It makes no sense for him to misrepresent to the Board and I have asked the Board to don't take my word for it but to defer this matter until next week, so you can see for yourself that Mr. Corey has consistently made recommendations to the Board under a policy that MWBOO has started. This is not the Board's policy. The Board has obviously gone along with it, but I want to ask this Board to defer this matter so we can look at the full parameter of how Mr. Corey has recommended -- it makes no sense. This man works hard every day. He put in a bid. He has a right to be treated

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - cont'd

just like everyone else. It's called equal protection. That's what's it's called, and you don't seem to know anything about it. It's called equal protection of the law."

Deputy City Solicitor: "Mr. Jolivet let's --."

Mr. Jolivet: "Let me finish. Let me finish."

President: "Go ahead Mr. Jolivet."

Mr. Jolivet: "Let me finish because I'm irate. I'm I'm hurt."

Deputy City Solicitor: "I understand you're irate, but do not -  
-."

Mr. Jolivet: "I am hurt."

Deputy City Solicitor: "Do not impugn Mr. Corey's character."

Mr. Jolivet: "I will impugn if need be. I'm hurt and --."

Deputy City Solicitor: "Make your protest."

Mr. Jolivet: "embarrassed that we have an African American business that put in a bid and Mr. Corey goes out of his way and he doesn't treat this gentleman in the same identical manner that he treated 17 other people in the last seven -- six months, and the Board has the records. It is a matter of public knowledge. The Board actually can take judicial review. You take judicial

**MINUTES****RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**Bureau of Purchases - cont'd

notice of those items that came before the Board and the Board gave the contractor an additional two weeks under a policy started by Mr. Corey. Now that's just one position I have. I wanted just talk one more time under the Article VI, Section 11 of the Charter it mandates that this Board award these contracts to the lowest responsible bidder of the lowest responsive responsible bidder and I am suggesting to you and Mr. Ralph knows the law. He knows the law better than anyone in this house that the City's Board of Estimates including Mr. Corey does not have the authority to take the MBE Ordinance is a very fine Ordinance. It is very necessary, but Mr. President when the Ordinance conflicts with the Charter provisions, Mr. Ralph is familiar with this law. There is strong and compelling reasons to go with the Charter. The Charter says award to the low bidder. The fact that Mr. Sparks is not for whatever reason by Mr. Corey determined to be in terms of with the City's MBE. That's no reason to disqualify him under the law. Under the law adopted by the Board of Contract Appeals, the Maryland Court of Special Appeals, the U.S. General Accounting Office and

**MINUTES****RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

Bureau of Purchases - cont'd

Various Federal Courts, they what have to do as long as he committed to using and meeting the requirements, they have to give him additional time to comply. That has been the law of the land for years, and why now we make that an exception."

Mr. Corey: "Mr. President, let me state for the record that I disagree with everything that he just said. It has been consistently held by this Board and by my office that if you're not in compliance the award, we do not recommend award to the contractor. If a bidder submits a bid wherein one of the MBE subs or WBE subs is not certified at the time of bid submission, we found them in non compliance and the Board has consistently upheld the recommend -- agreed with that recommendation. My last point is this Mr. Sparks are you working as a sub on this contract that is being awarded today?"

Mr. Jolivet: "That has nothing to do with it. Don't answer that. It has nothing to do with it. Nothing, nothing to do with it."

President: "Okay. Alright, alright."

Mr. Sparks: "Can I say something to that?"

**MINUTES****RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

Bureau of Purchases - cont'd

President: "Yes sir. You have got to come and speak into the mic. Identify yourself again."

Mr. Sparks: "Charles A. Sparks, President of Sparks Quality Fence. What they got to remember is the only reason that they put this back out for rebid because Long Fence wasn't compliant to give your MBE's the work. So I bided as a general and also I still bided with them and I even put my MBE participation up to 20% even though it says eight. You know, you just got to give me a fair playing field. You know, I'm not as big as Long but my roots are here in the City. I live in the City. I do all the work in the City. I might not -- and my manpower is all City employees."

President: "Okay."

Comptroller: "I just had a question. You said that this Board has never awarded a contract to a company and uh - they have not been in compliance. That's not true. We have --."

Mr. Corey: "We --."

Comptroller: "Wait a minute. We have awarded to companies and we have let them come into compliance later. But my question is --."

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - cont'd

Mr. Corey: "Yes, I agree with that."

Comptroller: "But you said never."

Mr. Corey: "No, no, no. I said we don't the MWBOO doesn't have a policy the Board has awarded on a number of occasions that folks that are not in compliance have given them ten days to come into compliance. That's happened on a number of occasions."

Comptroller: "Okay, so you're saying he can't come into compliance today."

President: "Please, please Ms. Trueheart. Please do not shout out."

Comptroller: "You're saying that --."

President: "Ms. Trueheart we're not going to accept that, okay. So, I'm going to ask you to please refrain from any comments unless you're up here to testify."

Ms. Trueheart: "Deal with it."

President: "Thank you."

Ms. Trueheart: "Deal with it."

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - cont'd

Comptroller: "You're saying that the reason that Sparks cannot come into compliance because there was more than one bidder."

Mr. Corey: "Yes."

Comptroller: "That's the only reason?"

Mr. Corey: "That's the only reason and it's the Board's discretion on how they want to deal with this particular issue. Our policy and our practice is consistent."

Ms. Trueheart: (Inaudible)

President: "Please, please, please."

Deputy City Solicitor: "The only caveat that I would say uh - Madam Comptroller, the only caveat is that to my recollection the only time the Board has asserted that discretion is where all bidders were not in compliance, so there were no compliant bidders --."

Mr. Jolivet: "Not true."

Deputy City Solicitor: "Or there was only one bidder who was responsive, you know responsible bidder, not where you had responsible other bidders."

Mr. Corey: "We've never recommended anyone for bid award where there's been other bidders and the one is non-compliant. We

**MINUTES****RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

Bureau of Purchases - cont'd

wouldn't do that. That's not within our power to do. We don't make that kind of recommendation. The agency can ask that. But we don't have that and we don't that."

Mr. Jolivet: "Mr. President, one final remark and that is, and I have, I have actually made this argument before to this Board, but I am pained that they see this there appears and I'm going to be nice about it. I'm going to say that there appears to be a preference for contractors that are owned by white persons. I'm going to put out there because --."

Deputy City Solicitor: "Mr. Jolivet, do you have any facts for that?"

Mr. Jolivet: "Let me finish. You can't stop me."

President: "Mr. Jolivet please let him speak and then I'll come back to you."

Mr. Jolivet: "I just want to make one comment, and I want to use this particular, this contractor Long Fence the only reason this contract is before the Board today is because Long defaulted. They didn't meet the minority requirement. They didn't meet the WBE requirements. So therefore to agency credit, the agency was not pleased with the fact that Long had not met

**MINUTES****RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**Bureau of Purchases - cont'd

the MBE requirement. This is actually a second contract. So, the agency to its credit decided to rebid the contract and that was a good decision. But I am very much concerned that even though the agency rebid the contract, they come right back and even in the face of the default; the egregious failure, blatant default on the part of Long, they picked Long over this contractor. Now he's defiant and Mr. Corey's whole endeavor. Mr. Corey and the Bureau of Purchases picks Long for the contract and obviously Long had met their MBE requirement. But here's what they did to illustrate the arbitrariness of what they did. They say why he (Sparks) wasn't eligible to be awarded the contract because his failure to meet the WBE at bid time. They nevertheless put him on the bidders list. If Long is not available for whatever reason, he's the second contractor that they would call. Either you're qualified or you're not qualified, Mr. President. Either you're qualified or you're not qualified. There is something here Mr. President that is amiss and I'm simply asking the Board to defer it till we can look into the facts. Mr. Corey just asserted to the Board that we

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - cont'd

never awarded a contract and given an agency -- or bidder, a contractor additional time to meet their MBE requirement. I submit that that needs to be verified. I'm not going to -- I happen to know in my heart of hearts that that is not the case but I am not going to assert that this morning."

Mr. Corey: "That is not what I said Mr. Jolivet."

Mr. Jolivet: "I am not going to assert that."

President: "Did you have something more?"

Deputy City Solicitor: "No, I just was addressing Mr. Jolivet's statement that there is some kind of preference for majority-owned businesses I wanted to know what facts he had to make such a --."

Mr. Jolivet: "I just told you."

Deputy City Solicitor: "invective."

Mr. Jolivet: "I just told you. I just told you."

Deputy City Solicitor: "That's just not --."

Mr. Jolivet: "I just told you and if you can't see it with your own eyes, then --."

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - cont'd

Deputy City Solicitor: "I didn't hear any facts."

Mr. Jolivet: "Well, I'll give them to you again. I'll give them to you again."

Deputy City Solicitor: "If you have specifics Mr. Jolivet that's what I want specifics."

Mr. Jolivet: "Well obviously you are suggesting that what I have already said was not specifics. So I'm not going to it makes no sense for me to repeat it."

Deputy City Solicitor: "And you said that you believe that the Board has done something different than --."

Mr. Jolivet: "Obviously, yes I do. I have --."

Deputy City Solicitor: "When -- when is it that the Board has done that?"

Mr. Jolivet: "My records indicate very clear --."

Deputy City Solicitor: "When -- when is it that the Board has done that?"

Mr. Jolivet: "My records indicate very clear --."

**MINUTES****RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

Bureau of Purchases - cont'd

Deputy City Solicitor: "When is that? Then you have records, give us the date and time that this has occurred?"

Mr. Jolivet: "I have, but why should I give you the dates when you, the Board can take can take notice of what it has done."

Deputy City Solicitor: "Because you are making the protest."

Mr. Jolivet: "I'm making the protest. But it was my position that the Board should know what it has done and what it has not done. So, I just want to close Mr. President. I want to close."

President: "Thank you."

Mr. Jolivet: "I want to close because I just feel that the Board is not following the law. I want the Board to follow the law and all too often the Board goes off and it does something that is not in conformity with the law. The law is very clear. The Board cannot award this contract. Mr. Spark's company was the lowest responsive. The fact that he met no MBE or WBE requirements does not make him any less of a responsive, responsible bidder because the courts have said that MBE, meeting a MBE and WBE cannot be construed as an element of

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases - cont'd

responsiveness and responsibility. So, the City has got it wrong. The City has just got it wrong, and it looks like we are just going to have to take it up somewhere else. But, the City got it wrong."

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

Deputy City Solicitor: "I make a Motion to reject the protest and to approve the bid as submitted by the agency."

Director of Public Works: "Second."

President: "All those in favor say AYE. Please note that the Council President votes **NO.**"

Comptroller: "And the Comptroller votes **NO.**"

President: "The Motion carries."

\* \* \* \* \*

**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

September 18, 2012

Via Facsimile 410-685-4416

The Honorable President and Members

Baltimore City Board of Estimates

City Hall-Room 204

Baltimore, MD 21202

ATTN: Ms. Bernice Taylor, Clerk to the Board

Dear Mr. President:

I represent the Maryland Minority Contractors Association, Inc. ("MMCA"), its members, clients and constituents. I wish to protest the following listed proposed lease or contract agreements contained in Your Honorable Board's 9-19-2012 public meeting agenda.

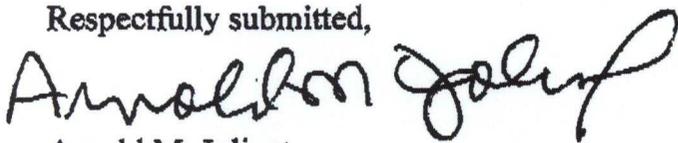
- (1) The third amendment to lease agreement with Harbor Place Associates, Limited Partnership, contained on pages 4-5. The proposed lease amendment violates the City's M-WBE Ordinance in its failure to incorporate such ordinance therein; and
- (2) Item No. 4 on page 15, which is a proposed non-bid, non-competitive \$297,500.00 contract with the Living Classroom Foundation, Inc., allegedly to provide certain ordinary services to the City designed to stop the killing occurring in Baltimore City and, if not possible to stop the killings in Baltimore City, to reduce the shootings and killings occurring in Baltimore city. Our protest is based on the fact that this proposed contract award violates Article VI, Section 11 et seq., of the City's Charter, and is ultra vires and void ab initio; and
- (3) Item No. 4 on page 15, which is a proposed non-competitive contract award to St. Ambrose Housing Aid Center, Inc., for \$322,380.00 to provide homeowners counseling. Our protest is based on the fact that the proposed contract agreement violates both the the City's competitive bidding charter provision, as well as the City's M-WBE Ordinance; and
- (4) Item No. 3 on page 41, which is a proposed federally funded grant agreement for the UMOJA Head Start Program. The City's MWBOO erroneously set the M-WBE goals at 27% MBE and 10% WBE respectively, and also incorrectly granted a partial waiver to the goals; and
- (5) The proposed Developers Agreement No. 1242-A, with Maryland Proton Treatment Centers, LLC. The DPW alleges that the City's M-WBE Ordinance does not apply to the subject agreement

because there is no City funds therein. However, both DPW and MWBOO completely overlooked the important and controlling fact that the development project is being constructed on a land site that was the subject of a City DHCD Land Disposition Agreement with the developer that specifically incorporated and made the City's M-WBE Ordinance bidding and applicable thereto; and

- (6) Item No. 18 on page 59, which is a proposed \$200,000.00 non-bid contract award to Clean Harbors Environment Services, Inc. pursuant to a cooperative contract with the Baltimore Regional Cooperative Purchasing Committee ("BRCPC"). Our protest is based on the fact that the proposed contract is nonetheless a clear violation of the City's "mandatory" competitive bidding charter provision, and is ultra vires and void ab initio; and
- (7) The proposed contract Item No. 9 on page 69, which is a propose \$300,000.00 contract award to Long Fence Company, Inc., for installation of fences for various City agencies. Our protest is based upon the fact that an African American firm was the low dollar bidder for the contract and pursuant to standard City MWBOO policy and practice, this African American bidder should have been provided with additional time (usually two weeks) in which to come into full compliance with the contract's set M-WBE goals. This clearly was not done and is a blatant case of unlawful racial disparate treatment for the African American firm and also violated the City's competitive bidding charter provision's mandate to award such contracts to the "lowest responsive and responsible bidder," as therein delineated.

Thank you for your kind and favorable consideration of these protests.

Respectfully submitted,



Arnold M. Jolivet  
Managing Director

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

10. B50002534, Supply	Shemin Nurseries	\$ 95,000.00
& Deliver Trees	Inc.	

(Department of Recreation and Parks)

**MWBOO GRANTED A WAIVER.**

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

1. Department of Transportation - TR 12015, Reconstruction of Deteriorated Manholes at Various Locations  
**BIDS TO BE RECV'D:10/31/12**  
**BIDS TO BE OPENED:10/31/12**

THERE being no objections, the Board, UPON MOTION duly made and seconded, approved the Proposal and Specifications to be advertised for receipt and opening of bids on the date indicated.

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

**MINUTES**

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

**BIDS, PROPOSALS AND CONTRACT AWARDS**

Prior to the reading of the bids scheduled to be received and opened today, the Clerk to the Board announced that no addenda had been received extending the dates for receipt and opening of bids.

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

Bureau of Water &Wastewater - SC 931, Rehabilitation and  
Improvements to Sanitary  
Sewers at Various Locations  
in Baltimore City

Anchor Construction  
Spinello

Bureau of Water &Wastewater - ER 4019R, Environmental East  
Stony Run Stream Restoration

Monumental Paving & Excavating, Inc.  
Baltimore Pile Driving & Marine Construction

MINUTES

Bureau of Purchases - B50002469, Solar Power Trash Receptacles

Big Belly Solar, Inc.  
Waste Management, Inc

Bureau of Purchases - B50002539, Snow Removal Services III

Allied Contractors, Inc.  
Cherry Hill Hauling & Towing Service, Inc.  
D&B Construction, Inc.  
P&J Contracting Co.

Bureau of Purchases - B50002577, Brass Fittings

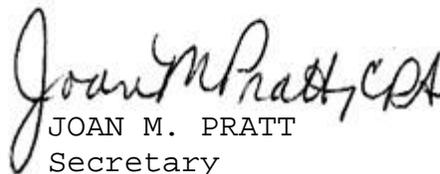
L/B Water Services  
Hd Supply Waterworks Ltd.

Bureau of Purchases - B50002600, Vehicle Upholstery Services

Millenium 2  
Smith Autoglass & Upholstery

\* \* \* \* \*

There being no objections, the Board UPON MOTION duly made and seconded, adjourned until its next scheduled meeting on Wednesday, September 26, 2012.

  
JOAN M. PRATT  
Secretary