

**MINUTES****REGULAR MEETING**

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

The meeting was called to order by the President.

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

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

|   |    |                |
|---|----|----------------|
| Argetakis, J. A. Contracting<br>Company, Inc.       | \$ | 792,000.00     |
| Fallsway Construction, Co., LLC                     | \$ | 2,529,000.00   |
| General Paving & Contracting, Inc.                  | \$ | 5,373,000.00   |
| Molina Construction, Inc.                           | \$ | 3,879,000.00   |
| Professional, LLC                                   | \$ | 1,500,000.00   |
| Schemm Electric Co., Inc.                           | \$ | 8,000,000.00   |
| Sunryse Construction Services, Inc.<br>& Affiliates | \$ | 8,000,000.00   |
| T&P Contractors, Inc.                               | \$ | 2,403,000.00   |
| Video Pipe Services, Inc.                           | \$ | 47,232,000.00  |
| Wagman, G.A. & F.C., Inc.                           | \$ | 344,700,000.00 |

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:

|                                |  |
|--------------------------------|--|
| Fredrick Ward Associates, Inc. | Architect, Landscape<br>Architect, Engineer,<br>Survey |
| MCS Consulting, Inc.           | Engineer   |

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

Law Department - Claim Settlement

The Board is requested to approve and authorize execution of the General Release in the settlement of the below listed claim. The settlement has been reviewed and approved by the Settlement Committee of the Law Department.

1. Kenyatta Kennedy v. Mayor and City Council of Baltimore \$38,500.00

Account: 2036-000000-1750-177999-603070

UPON MOTION duly made and seconded, the Board approved and authorized execution of the General Release in the above-listed claim settlement

**MINUTES**

Mayor's Office of - Amendment No. 1 to Frequency  
Information Technology Reconfiguration Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 1 to frequency reconfiguration agreement with Nextel Communications of the Mid-Atlantic, Inc. (Nextel).

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On December 16, 2009 the Board approved a frequency reconfiguration agreement with Nextel. The period of the agreement was for 660 days. This amendment provides for payment from Nextel to the City in lieu of certain re-banding efforts that are being accomplished and funded by another City project. The agreement represents the scope of work and responsibilities. The City will be reimbursed for all related expenses identified and costs incurred by other contractors will also be covered by Nextel.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 1 to frequency reconfiguration agreement with Nextel Communications of the Mid-Atlantic, Inc. The President **ABSTAINED**.

## 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, 2010 through June 30, 2011, unless otherwise indicated.

ADULT DAY CARE SERVICES AGREEMENTS

- |   |             |
|---|-------------|
| 1. KESWICK MULTI-CARE CENTER  | \$22,000.00 |
| 2. PROVIDENCE ADULT DAY CARE CENTER, INC.   | \$ 8,640.00 |
| 3. THE LEAGUE FOR PEOPLE WITH DISABILITIES, INC./THE LEAGUE ADULT DAY CARE SERVICES FOR SENIORS | \$22,000.00 |
| 4. TODAY'S CARE AND FAMILY SERVICES, INC.   | \$18,320.00 |

Account: 4000-433311-3254-316200-603051

The above-listed organizations will provide adult medical day care services to ill, frail or disabled elderly persons who are eligible to receive Office of Health Services' grant funding from the City. Each service provider will develop an appropriate care plan per recipient in accordance with policies as specified in COMAR 10.12.04, Day Care for the Elderly and Medically Handicapped Adults, and COMAR 10.09.07, Medical Care Program.

- |  |             |
|--|-------------|
| 5. UNIVERSITY OF MARYLAND, BALTIMORE (UMB) | \$25,000.00 |
|--|-------------|

Account: 4000-422711-3080-294088-603051

The UMB will provide reproductive health services to the uninsured and underinsured citizens of Baltimore City at the Adolescent and Young Adult Medicine Clinic.

## MINUTES

Health Department - cont'd

6. **RONA MARTIYAN** **\$ 39,479.00**

Account: 4000-432911-3024-268400-603018

Ms. Martiyan, a Registered Dietitian, will provide consultation services, nutrition monitoring, training and related administrative services for the Baltimore City Health Department (BCHD). These services will be provided to over 4,000 seniors in 60+ congregate nutrition sites in the City and other BCHD programs. Her duties will include follow-up and referral services associated with nutritional screenings of clients. She will also analyze and evaluate nutritional educational materials, and related services. The period of the agreement is October 1, 2010 through September 30, 2011.

**MWBOO GRANTED A WAIVER.**

The agreements are late because the transition between the Commission on Aging and Retirement Education and the Health Department required more time than anticipated.

SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM (SCSEP)

7. **ECHO HOUSE MULTI SERVICE CENTER, INC.** **\$ 0.00**

The organization will serve as host agency for the SCSEP. 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 period of the agreement is October 1, 2010 through September 30, 2011.

## MINUTES

Health Dept. - cont'd

The agreement (item no. 7) is late because it was recently returned from the provider.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED (EXCEPT FOR ITEM NO. 6) AND HAD NO OBJECTION.**

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

**ABSTAINED** on item No. 7.

**MINUTES**

Department of Recreation and Parks - Memorandum of Understanding

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a memorandum of understanding with The Friends of Patterson Park, Inc. The period of the memorandum of understanding is effective upon Board approval for three years.

**AMOUNT OF MONEY AND SOURCE:**

\$25,000.00 - 5000-577709-5050-545000-607001

**BACKGROUND/EXPLANATION:**

The Friends of Patterson Park, Inc. is a non-profit organization that is committed to promoting public interest in Patterson Park's historic, educational, cultural, recreational, and natural assets.

Under this memorandum of understanding, the organization will provide an annual grant to further the goals of sustaining, maintaining and promoting the Patterson Park Pagoda and Historic Marble Fountain, as well as stewardship provided by the Friends of Patterson Park, Inc. through community and youth recreational programming.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the memorandum of understanding with The Friends of Patterson Park, Inc.

MINUTES

TRANSFER OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved the

transfer of funds

listed on the following page:

4027

SUBJECT to receipt of a favorable report

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

## MINUTES

TRANSFER OF FUNDS

| <u>AMOUNT</u>                         | <u>FROM ACCOUNT/S</u> | <u>TO ACCOUNT/S</u> |
|---------------------------------------|-----------------------|---------------------|
| <u>Department of General Services</u> |                       |                     |
| 1. <b>\$200,000.00</b>                | 9916-901710-9194      | 9916-910710-9197    |
| Gen. Fund                             | Reserve - Northwood   | Active - North-     |
|                                       | Little League         | wood Little         |
|                                       | Fields Renovation     | League Fields       |
|                                       |                       | Renovation          |

This transfer will provide funds to cover costs associated with renovating the Northwood Baseball fields.

## MINUTES

Department of Housing and Community Development (DHCD) - Local Government Resolutions

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

The following 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 these programs for funding.

| <u>Organization</u>                           | <u>Amount</u>       |
|---|---------------------|
| 1. <b>SANDTOWN HABITAT FOR HUMANITY, INC.</b> | <b>\$ 50,000.00</b> |
|   | <b>CITCP</b>        |

The Sandtown Habitat for Humanity, Inc., located at 1300 N. Fulton Avenue proposes the 2011 10-Unit Homeownership Project. The project will provide safe, decent, affordable housing for low and very-low income families in the 15-block focus area of the Sandtown-Winchester neighborhood in West Baltimore. Since 1989, Sandtown Habitat for Humanity, Inc. has completed 280 homes. Approximately 80 vacant properties remain in the focus area and several hundred within the Sandtown-Winchester neighborhood.

The purpose of Sandtown Habitat for Humanity, Inc., is to rebuild the vacant housing in Sandtown, increase homeownership and improve the health and stabilization of the community. Sandtown Habitat for Humanity, Inc., works on two fronts: first by constructing or rehabilitating homes to be purchased by low and very low-income families and second by changing conditions which foster poverty and despair.

|                             |                     |
|-----------------------------|---------------------|
| 2. <b>CIVIC WORKS, INC.</b> | <b>\$ 35,000.00</b> |
|                             | <b>CITCP</b>        |

The Civic Works, Inc., located at 2701 St. Lo Drive, proposes the REACH! Partnership School Project. The project is a Baltimore City Transformation School located in Northeast Baltimore's Clifton Park, 2801 St. Lo Drive. The school serves 500 middle and high school students.

## MINUTES

DHCD - cont'd

The REACH! partnership project believes that all children deserve options and can maximize their success by learning a marketable trade/skill while still pursuing college. Students complete a college preparatory curriculum and graduate with training and industry-recognized certifications for healthcare or construction jobs.

Civic Works, Inc. was founded in 1993 with the mission to build a future for Baltimore's youth through community services and skills development. Civic Works, Inc. operates educational, community improvement, and green programs. Every year, over 200 Civic works Americorps members, tutors and mentor students build community parks and gardens, help homeowners conserve energy, recruit volunteers, grow food for low-income residents, rehabilitate abandoned houses, involve parents in Baltimore City Schools, and make homes safer for older adults.

A group of dedicated nonprofit organizations, educational institutions and local employers create opportunities for students to engage in authentic learning through community service, field trips, guest speakers, mentoring, job shadowing, internships, and apprenticeships. AmeriCorps members serve as Advocates for students in building relationships with students and families, tutoring at the school's mandatory summer and after-school programs, and assisting teachers.

- |    |  |                               |
|----|--|-------------------------------|
| 3. | <b>DRUID HEIGHTS COMMUNITY DEVELOPMENT CORPORATION</b> | <b>\$100,000.00<br/>CITCP</b> |
|----|--|-------------------------------|

The Druid Heights Community Development Corporation, located at 2140 McCulloh Street, proposes the 2101-2111 Pennsylvania Avenue Development Project. The project will redevelop and renovate the vacant properties into a restaurant/cultural arts venue, interactive Negro Baseball League Museum, business incubator office, and retail space. The project will have an immediate economic impact on the Druid Heights and Upton Urban Renewal Areas.

## MINUTES

DHCD - cont'd

The completion of the project will provide the "Pennsylvania Avenue Historical District" with an anchor to support future development of small businesses, arts and cultural venues along "The Avenue" business district. In addition, the project will provide employment, educational, and historic preservation opportunities.

4. **JOBS, HOUSING & RECOVERY, INC. (JHR)** **\$ 20,000.00**  
**CITCP**

The JHR, located at 2113 E. Oliver Street, proposes the JHR Lighthouse Community Expansion Project. The JHR has applied to the United States Department of Housing and Urban Development for a grant to expand the program by 16 residential beds located in four 3-bedroom townhouses and one 4-bedroom apartment located at 339 Bloom Street. The project will enable the JHR to provide permanent housing for 16 - 20 men who are recovering from addictions and other disabilities.

The funding will be used to assist with the operating costs of the project and will enable the JHR to expand the donor-base for fundraising purposes to include local businesses.

5. **ROBERTA'S HOUSE, INC.** **\$ 50,000.00**  
**CITCP**

The Roberta's House, Inc., located at 1900 North Broadway, Suite 101, proposes the RH Capital and Operational Development Project. The development will be a new facility located at the intersection of East North Avenue (four abandoned row-house structures, 922 to 928 E. North Avenue) and Cecil Avenue across the street from the Greenmount Cemetery in the Greenmount East/Barclay-Midway community of East Baltimore.

## MINUTES

DHCD/BHS

The structures will be demolished and preliminary plans propose a three-story with basement steel framed building with an exterior skin of masonry and insulated panels. The building will be a green facility with active solar heating technology, as well as a number of passive energy considerations. Also, the building will have a lower basement level and ground floor elevation to accommodate accessibility by people with ambulatory or other impediments.

The building will be a family grief support center for at least 500 urban families annually from East and West Baltimore who seek bereavement support and/or are referred by other agencies. The design will include a large family gathering area, a game room, an expression room, conference rooms, offices, and a resource library for families, students and practitioners.

6. **PROJECT PLASE, INC.** **\$ 50,000.00**  
**CITCP**

Project PLASE, Inc., located at 1814 Maryland Avenue, proposes the Project PLASE Transitional and Permanent Housing Project. The project will continue the transitional and permanent housing programs, which provide a continuum of care addressing the special physical, mental, and emotional needs of the clients. The project's goal is to achieve housing stability and eliminate any reoccurrence of homelessness.

Project PLASE's three transitional housing facilities provide adult men and women with a safe place to address underlying problems contributing to homelessness so that clients will have improved health and move into permanent housing. Residents in the permanent supportive housing program continue to receive individually tailored support from dedicated counselors to prevent relapsing into homelessness. Permanent housing options administered by Project PLASE include the Shelter + Care Program, Single Resident Occupancy Units, and the Calverton Apartments. Project PLASE is well connected with Baltimore's network of housing and services, and actively connects the residents with the necessary housing services.

MINUTES

DHCD/BHS

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

## MINUTES

Department of Housing and - Agreements  
Community Development

The Board is requested to approve and authorize execution of the various agreements. The period of the agreement is July 1, 2010 through June 30, 2011.

1. **EMPIRE HOMES OF MARYLAND, INC.** **\$85,500.00**

Account: 2089-208911-5930-430561-603051

Under the terms of this agreement, Community Development Block Grant funds will be used to support costs associated with acquiring, rehabilitating, and leasing properties as low and moderate-income rental housing, particularly for non-elderly disabled individuals.

**FOR FY 2011, MBE AND WBE PARTICIPATION GOALS FOR THE ORGANIZATION WERE SET ON THE AMOUNT OF \$26,200.00, AS FOLLOWS:**

**MBE:** \$3,930.00

**WBE:** \$1,310.00

2. **BROOKLYN AND CURTIS BAY COALITION, INC.** **\$39,805.00**  
**(BCBC)**

|  |             |
|--|-------------|
| Accounts: 2089-208911-5930-431226-603051 | \$ 8,094.00 |
| 2089-208911-5930-431262-603051           | \$ 8,380.00 |
| 2089-208911-5930-431283-603051           | \$ 4,190.00 |
| 2089-208911-5930-431235-603051           | \$ 5,500.00 |
| 2089-208911-5930-431272-603051           | \$13,641.00 |

Under the terms of this agreement, Community Development Block Grant funds will be used to provide for staff and operating costs associated with the sale of 3717 2<sup>nd</sup> Street to a low and moderate-income household for first-time owner occupancy. The BCBC will also provide homeownership assistance, participate in neighborhood clean-ups, publish/distribute a newsletter to the community, and provide technical assistance to businesses located in the Brooklyn & Curtis Bay designated Main Street area.

## MINUTES

DHCD - cont'd

FOR FY 2011, MBE AND WBE PARTICIPATION GOALS FOR THE ORGANIZATION WERE SET ON THE AMOUNT OF \$11,152.00, AS FOLLOWS:

MBE: \$1,115.00

WBE: \$ 557.00

On June 30, 2010, 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 2010 Annual Action Plan for the following formula programs:

1. Community Development Block Grant (CDBG)
2. Housing Opportunity for People with AIDS (HOPWA)
3. Emergency Shelter Grant Program (ESG)

The DHCD began negotiating and processing the CDBG agreements effective July 1, 2010 and beyond, as outlined in the Plan, pending approval of the Resolution. Consequently, the agreements were delayed due to final negotiations and processing.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

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

## MINUTES

Department of Housing and Community - Agreements  
Development/Homeless Services

The Board is requested to approve and authorize execution of the various agreements. The period of the agreement is January 1, 2011 through December 31, 2011, unless otherwise indicated.

1. **DAYSPRING PROGRAMS, INC. \$284,310.00**

Account: 4000-496211-3573-591436-603051

The organization will hire staff to provide supportive services to 63 families that are residents of Shelter Plus Care housing units. Services will include but not be limited to, assessing individual family needs and referring them to treatment if needed. Comprehensive case management, substance abuse prevention programs and linkages to a range of services will also be provided to families.

2. **VOLUNTEERS OF AMERICA, INC. \$106,436.00**

Account: 4000-496211-3572-591462-603051

The organization will provide housing and supportive services to approximately 35 homeless families with two or more children at the transitional housing facility located at 1701 W. Pratt Street.

3. **ST. VINCENT DE PAUL OF BALTIMORE, INC. \$ 37,220.00**

Account: 4000-496-3571-591429-603051

The organization will hire a Case Manager to provide outreach services to homeless men, women and families at the Beans and Bread Outreach Center, located at 400 South Bond Street. The period of agreement is December 1, 2010 through November 30, 2011.

## MINUTES

DHCD/BHS - cont'd

4. UNIVERSITY OF MARYLAND, BALTIMORE \$ 71,922.00

Account: 4000-431311-3573-333757-603051

The University of Maryland/Office of Substance Abuse studies will provide an Evaluator to provide research and evaluation services for the Substance Abuse and Mental Health Services Administration (SAMHSA) Homeward Bound Housing First Project. The Evaluator will also provide an outcome evaluation of the program. The period of the agreement is September 30, 2010 through September 29, 2011.

**MWBOO GRANTED A WAIVER.**

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

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

**MINUTES**

Mayor's Office of Employment - TRANSFER OF LIFE-TO-DATE  
Development SICK LEAVE

The Board is requested to approve the transfer of LIFE-TO-DATE sick leave days from the listed City employees to the designated employee, Earl Cooper.

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

| <u>NAMES</u>         | <u>DAYS</u> |
|----------------------|-------------|
| Sharon Trogdon       | 5           |
| Deborah Holland-Marx | 5           |
| Roslyn Speed         | 5           |
| Beatrice Kane        | 5           |
| Leslie Saunders, Jr. | 4           |
| Tiera Dorsey         | 3           |
| Patricia Anderson    | <u>3</u>    |
| <b>TOTAL</b>         | <b>30</b>   |

**APPROVED FOR FUNDS BY FINANCE**

**THE LABOR COMMISSIONER RECOMMENDED APPROVAL.**

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

**MINUTES**

Mayor's Office of Employment Development - Correction

**ACTION REQUESTED OF B/E:**

The Board is requested to approve a correction to the Board memo for of the Memorandum of Understanding (MOU) with the Baltimore County Office of Workforce Development, approved on July 15, 2009.

**AMOUNT OF MONEY AND SOURCE:**

\$51,600.00, per year - 4000-807011-6312-457705-601001

**BACKGROUND/EXPLANTION:**

On July 15, 2009, the Board approved the MOU in the amount \$51,600.00 for the period July 1, 2009 through June 30, 2010. The original Board memo did not contain the renewal terms. The MOU contained an automatic renewal clause for one-year terms for up to five additional years, under the same terms and condition of the original agreement.

This request is late because the Department recently discovered the error.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved the correction to the Board memo for of the Memorandum of Understanding with the Baltimore County Office of Workforce Development, approved on July 15, 2009.

**MINUTES**

Police Department - Memoranda of Understanding, Cooperative Agreement, and Grant Adjustment Notification

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize the following memoranda of understanding (MOUs), cooperative agreement, and grant adjustment notification.

**MEMORANDA OF UNDERSTANDING**

- |   |                     |
|---|---------------------|
| 1. <b>MARYLAND OFFICE OF THE PUBLIC DEFENDER</b>                      | <b>\$ 5,540.00</b>  |
| 2. <b>THE DEPARTMENT OF PUBLIC SAFETY &amp; CORRECTIONAL SERVICES</b> | <b>\$ 18,789.00</b> |

Account: 5000-585310-5750-650406-607001

On January 27, 2010, the Board approved the acceptance of a Grant Award from the Governor's Office of Crime Control and Prevention (GOCCP) for the Safe Surrender - JRA program. The Safe Surrender Program offers people with warrants for non-violent offenses the opportunity to surrender at a location other than police headquarters or a courthouse. The multi-agency project reduces the backlog of warrants, decreases the risk inherent in contacts between police and fugitives, and fosters goodwill between the criminal justice system and the community at large. The funds will cover verifiable personnel, equipment and/or operating expenses incurred as a result of participation in the Safe Surrender Program. The period of the agreement is January 1, 2010 through December 31, 2010.

The MOUs are late because the materials were just received.

**COOPERATIVE AGREEMENT**

- |   |                     |
|---|---------------------|
| 3. <b>UNITED STATES DEPARTMENT OF JUSTICE PROGRAMS, NATIONAL INSTITUTE OF JUSTICE</b> | <b>\$469,149.00</b> |
|---|---------------------|

Account: 4000-497711-2024-694600-600000

The cooperative agreement will provide funds to cover the cost of the 2010 Backlog Reduction Program. The goal of this project is to reduce the backlog of DNA evidence awaiting analysis. Through this effort, the Department



**MINUTES**

Office of the State's Attorney - Grant Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a grant agreement with the Parks and People Foundation, Inc. (PPF). The period of the agreement is September 1, 2010 through August 31, 2011.

**AMOUNT OF MONEY AND SOURCE:**

\$25,000.00 - 6000-602511-1151-137700-603026

**BACKGROUND/EXPLANTION:**

The Office of the State's Attorney, The Baltimore Interfaith Coalition, in collaboration with the PPF, wish to assist in creating a Youth Opportunity Fund. Through this fund, small grants will be awarded to innovative community programs which provide services to Baltimore City. Grant awards will range from \$50.00 and not to exceed \$5,000.00 to qualified youth programs.

This grant agreement is being submitted late due to negotiations and acquiring signatures.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

## MINUTES

Mayor: "Thank you very much Mr. President. First, I want to acknowledge that we are joined today by State's Attorney, Patricia Jessamy. Thank you so much. I know that -- I am going to assume, hopefully, correctly so, that you are here as we just approved the grant agreement between the State's Attorney's Office and Parks and Peoples Foundation, which is supporting the interfaith initiative -- community initiative. So, congratulations on that. I know that it took a lot of hard work and collaboration to get the program up and running. I am glad to the grant is going through, so, thank you for joining us."

State's Attorney: "Thank you Madam Mayor and members of this Board. We are not up and running yet, but we hope to be shortly after the new year. So, we would ask everyone's continued support, and thank you for you support thus far."

Mayor: "Thank you."

President: "Thank you. I would like to also welcome State's Attorney, Pat Jessamy and thank you for the great job that you have done as State's Attorney for Baltimore City, and good luck in you future endeavors."

UPON MOTION duly made and seconded, the Board approved and authorized execution of the grant agreement with the Parks and People Foundation, Inc. The Mayor **ABSTAINED**.

**MINUTES**

Office of the State's - Expenditure of Funds  
Attorney (SAO)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize an expenditure of funds to pay Lumension Security.

**AMOUNT OF MONEY AND SOURCE:**

\$13,295.00 - 1001-000000-1151-117900-603026

**BACKGROUND/EXPLANATION:**

The funds are required to pay for a computer security update program and support services which were purchased on an emergency basis.

On May 14, 2010, the SAO's Management Information Services (MIS) Division had to procure new security software and user licenses for the entire agency because the software, Update Expert, and support for it, was suddenly discontinued. This action left the SAO's computer network vulnerable to external breaches, such as computer viruses and spyware. It was imperative to replace the discontinued software immediately and the MIS Division authorized the installation of the new software and agreed to support services without following purchasing protocols. The MIS Division did, however, review products from Microsoft, Savlik, and, Altris before deciding on the Lumension package. The Lumension product was chosen because of its user friendliness and support for many software applications. Pricing for all of the products was fairly similar and thus, was not a factor in the decision.

The MIS Division acted with the overall safety of the network in mind and inadvertently failed to follow protocol.

The request is late because the fiscal office was not aware of the purchase until the vendor sought payment for their services.

## MINUTES

Office of the State's Attorney - cont'd

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the funds to pay Lumension Security.

**MINUTES**

Bureau of Water and Wastewater (BW&WW) - Task Assignment

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an assignment of Task No. 001 to Alpha Corporation under Project No. 1101A, Construction Claims Review Services.

**AMOUNT OF MONEY AND SOURCE:**

|                     |   |                                |
|---------------------|---|--------------------------------|
| \$ 20,000.00        | - | 9960-913631-9557-900020-705032 |
| 55,000.00           | - | 9960-904694-9557-900020-705032 |
| 25,000.00           | - | 9960-904684-9557-900020-705032 |
| 34,999.44           | - | 9960-903683-9557-900020-705032 |
| <b>\$134,999.44</b> |   |                                |

**BACKGROUND/EXPLANATION:**

The BW&WW's facility projects include a large amount of complex electrical and instrumentation systems and processes. The BW&WW wishes to retain the services of the Alpha Corporation, an electrical/instrumentation expert that will assist with constructability reviews, claims reviews, change order evaluations, and related engineering and inspection services specific to the electrical and instrumentation components on its capital projects.

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 001 to Alpha Corporation under Project No. 1101A, Construction Claims Review Services. The President

**ABSTAINED.**

**MINUTES**

Bureau of Water and Wastewater - Amendment No. 4 to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 4 to agreement with Rummel, Klepper & Kahl, LLP (RKK), for S.C. 839, Post Award Services, Lower Stony Run Interceptor. The amendment no. 4 extends the agreement through November 15, 2011.

**AMOUNT OF MONEY AND SOURCE:**

There are no additional funds requested.

**BACKGROUND/EXPLANATION:**

On November 15, 2006, the Board approved the original contract with the RKK to provide engineering services during the construction of SC 839, for 24 months, in the amount of \$531,099.37.

On November 26, 2008, the Board approved amendment no. 1 extending the agreement through November 15, 2010.

On October 7, 2009, the Board approved amendment no. 2 to increase the contract by \$473,605.77. On July 21, 2010, the Board approved amendment no. 3 to increase the contract by \$390,112.41.

The total upset limit for this contract is \$1,394,817.55. In order to continue providing these services, the Bureau is requesting a no-cost time extension agreement from November 15, 2010 to November 15, 2011.

The Consultant has been approved by the Office of Boards and Commissions and Architectural and Engineering Awards Commission.

## MINUTES

Bureau of Water and Wastewater - cont'd

**AUDITS NOTED THE NO-COST TIME EXTENSION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment no. 4 to agreement with Rummel, Klepper & Kahl, LLP, for S.C. 839, Post Award Services, Lower Stony Run Interceptor. The President **ABSTAINED**.

**MINUTES**

Department of Transportation - On-Call Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with KCI Technologies/STV Incorporated, a Joint Venture for Project No. 1136, On-Call Conduit Occupancy Surveys Citywide. The period of the agreement is effective upon Board approval for three years, or until the upset limit is reached, whichever comes first.

**AMOUNT OF MONEY AND SOURCE:**

\$3,000,000.00 - Upset limit

**BACKGROUND/EXPLANATION:**

The Department has negotiated and procured the consulting agreement approved by the Boards and Commissions and the Architectural and Engineering Awards Commissions and now desires to utilize the services of KCI Technologies/STV Incorporated, a Joint Venture.

The cost of services rendered will be on actual payroll rates, not including overhead and burden, times a set multiplier. The payroll rates and multiplier have been reviewed by the Department of Audits.

The consultant will provide engineering services to assist in the development and implementation of an overall plan and program for information management and conduit data automation within the Conduit Division. The work will consist of, but not be limited to manhole data entry, manhole inspection, development and implementation of duct numbering systems, and management of the City's conduit management software program.

## MINUTES

Transportation - cont'd

**MBE/WBE PARTICIPATION:**

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

|   |                            |                      |
|---|----------------------------|----------------------|
| <b>MBE:</b> Sabra Wang Associates, Inc. | \$270,000.00               | 9.00%                |
| EBA Engineering, Inc.                   | 270,000.00                 | 9.00%                |
| JK Datta Consultant, Inc.               | <u>270,000.00</u>          | <u>9.00%</u>         |
| <b>Total</b>                            | <b><u>\$810,000.00</u></b> | <b><u>27.00%</u></b> |

|   |              |        |
|---|--------------|--------|
| <b>WBE:</b> Ross Technical Services, Inc. | \$300,000.00 | 10.00% |
|---|--------------|--------|

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**AUDITS NOTED THIS ON-CALL AGREEMENT AND WILL REVIEW TASK ASSIGNMENTS.**

**(FILE NO. 56533)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with KCI Technologies/STV Incorporated.

**MINUTES**

Department of Transportation - Amendment No. 4 to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 4 to agreement with EA Engineering, Science and Technology, Inc., Project No. 1058, On-Call Construction Management Services for the Conduit Division. The amendment no. 4 to agreement extends the period of the agreement through March 28, 2011.

**AMOUNT OF MONEY AND SOURCE:**

\$100,000.00 - to be determined by each individual task

**BACKGROUND/EXPLANATION:**

On March 26, 2008, the Board approved the original agreement with EA Engineering, Science and Technology, Inc. in the amount of \$200,000.00.

On February 25, 2009, the Board approved amendment no. 1 to extend the contract for one additional year and increased the upset limit by \$100,000.00 to complete ongoing work. On April 22, 2009, the Board approved amendment no. 2 to increase the upset limit amount of \$300,000.00 to fully complete conduit work and repairs on various manholes on Lombard Street between President Street and Martin Luther King Boulevard. On March 17, 2010, the Board approved amendment no. 3 which increased the upset limit by \$100,000.00.

This amendment no. 4 is needed to continue inspection services for existing conduit repairs contracts. This amendment no. 4 will extend the period of the agreement and also increase the contract by \$100,000.00, making the total upset limit \$800,000.00. All other terms and conditions of the agreement will remain unchanged.

**MINUTES**

Department of Transportation - cont'd

**MBE/WBE PARTICIPATION:**

The consultant will continue to adhere to the established goal of 21.27% MBE and 7% WBE.

**AUDITS NOTED THE INCREASE IN THE UPSET LIMIT AND WILL REVIEW THE TASK ASSIGNMENTS.**

**(FILE NO. 56533)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 4 to agreement with EA Engineering, Science and Technology, Inc., Project No. 1058, On-Call Construction Management Services for the Conduit Division. The Comptroller **ABSTAINED**.

**MINUTES**

Department of Transportation - Partial Release of Retainage Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a partial release of retainage agreement to P. Flanigan & Sons, Inc. for Contract No. TR 07020 - JOC Emergency Resurfacing.

**AMOUNT OF MONEY AND SOURCE:**

\$95,544.94 - 9950-902777-9514-000000-200001

**BACKGROUND/EXPLANATION:**

All work on Contract No. TR 07020 is substantially completed and all items on the punch list are complete. The contractor has requested a partial release of retainage in the amount of \$95,544.94. The City holds \$97,544.94 in retainage. The remaining \$2,000.00 is sufficient to protect the interests of the City, pursuant to Section 10.04-81 of the Specifications, a "Conditional Inspection" for Contract No. TR 07020 - JOC Emergency Resurfacing was held on January 8, 2010.

**MBE/WBE PARTICIPATION:**

P. Flanigan & Sons, Inc. has demonstrated a good faith effort towards achieving both the MBE and WBE goals. P. Flanigan & Sons, Inc. achieved 27.68% MBE and 3.00% WBE.

**MWBOO APPROVED THE RELEASE.**

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the partial release of retainage agreement to P. Flanigan & Sons, Inc. for Contract No. TR 07020 - JOC Emergency Resurfacing.

**MINUTES**

Circuit Court for Baltimore City - Sub-recipient Grant  
Award Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a sub-recipient grant award agreement with the Baltimore Substance Abuse Systems, Inc. (BSAS). The period of the agreement is July 1, 2010 through June 30, 2011.

**AMOUNT OF MONEY AND SOURCE:**

\$432,620.00 - 40000-400611-119600-404001

**BACKGROUND/EXPLANATION:**

The Circuit Court has received a grant award from BSAS. The funds are for the Addictions Assessment Unit to provide salaries and other operating costs. The program provides assessments to court ordered and Commissioner released defendants to determine substance abuse educational needs or concerns.

The sub-recipient grant award agreement is late because contract revisions were necessary and there was a delay in obtaining FY 2011 account numbers.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the sub-recipient grant award agreement with the Baltimore Substance Abuse Systems, Inc. The Mayor and the President **ABSTAINED**.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

| <u>VENDOR</u>   | <u>AMOUNT OF AWARD</u> | <u>AWARD BASIS</u>        |
|---|------------------------|---------------------------|
| <u>Bureau of Purchases</u>  |                        |                           |
| 1. MOORE MEDICAL, LLC   | \$17,208.24            | Low Bid                   |
| Solicitation No. B50001621 - Assorted Syringes - Health Department - Req. No. R552388                       |                        |                           |
| 2. SHI  | \$ 9,384.72            | Low Bid                   |
| Solicitation No. B50001684 - BES Server Licensing - Fire Department - Req. No. R560290                      |                        |                           |
| 3. SOUTHEASTERN<br>EMERGENCY EQUIPMENT  | \$ 8,000.00            | Only Bid                  |
| Solicitation No. B50001676 - Oxygen Equipment Repair Parts/Maintenance - Fire Department - Req. No. R559624 |                        |                           |
| 4. MARYLAND INDUSTRIAL<br>TRUCKS, INC.  | \$10,000.00            | Sole Source/<br>Agreement |
| Solicitation No. 08000 - Video Pipeline Inspection Systems - Department of Public Works - Req. No. R552878  |                        |                           |

The Board is requested to approve and authorize execution of an agreement with Maryland Industrial Trucks, Inc.. The period of the agreement is November 15, 2010 through November 14, 2011, with two 1-year renewal options.

The vendor is the sole source of Omni-Eye 2 and 3 replacement parts and repairs by RS Technical Service, Inc. that is already in use at the Bureau of Water and Wastewater.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- |  |                    |                          |
|--|--------------------|--------------------------|
| 5. <u>BARGAINING POWER, INC.</u>   | <u>\$18,500.00</u> | <u>License Agreement</u> |
| Solicitation No. 08000 - Computer Software - Office of Labor Commissioner - Req. R553675 |                    |                          |

The Board is requested to approve and authorize execution of an agreement with Bargaining Power, Inc.

On October 27, 2010, the Board approved an award in the amount of \$18,500.00. Approval is being sought for the license agreement associated with that award.

- |  |                    |                        |
|--|--------------------|------------------------|
| 6. <u>POINT DEFIANCE AIDS PROJECT/NASEN</u>                                    | <u>\$ 7,200.00</u> | <u>Selected Source</u> |
| Solicitation No. 06000 - Silgan Cookers - Health Department - Req. No. R557813 |                    |                        |

This requirement has been competitively bid many times and this vendor's prices are always lower because it is a part of a non-profit buyers club. The club pools the buying power of syringe exchange programs and health departments across the country to drive the cost of supplies down for large and small volume programs alike. The period of the award is November 11, 2010 through November 9, 2011, with two 1-year renewal options.

- |  |                    |                |
|--|--------------------|----------------|
| 7. <u>UNITED RENTAL NORTH AMERICA, INC.</u>  | <u>\$ 5,900.00</u> | <u>Low Bid</u> |
| Solicitation No. B50001690 - Preventative Maintenance Service for Lifts - Baltimore Convention Center - Req. No. R559780 |                    |                |

The period of the award is November 24, 2010 through November 23, 2011, with two 1-year renewal options.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- |  |              |             |
|--|--------------|-------------|
| 8. CARGILL<br>INCORPORATED   | \$ 80,750.00 | Sole Source |
| Solicitation No. 08000 - Furnish and Deliver Clearlane<br>Enhanced De-icer - Agencies - Various - Req. No. R560736 |              |             |

The vendor is the sole producer and provider of this patented product required by the using agencies for de-icing pavements and walkways. The period of the award is November 10, 2010 through April 30, 2011.

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 (d)(i) of the City Charter, the procurement and/or service is recommended.

- |   |              |                           |
|---|--------------|---------------------------|
| 9. HARMON CONTRACT<br>GLAZING, INC. a/k/a<br>HARMON, INC.                                     | \$100,000.00 | Agreement/<br>Sole Source |
| Solicitation No. 08000 - Furnish and Install Glass -<br>Convention Center - Req. Nos. Various |              |                           |

The Board is requested to approve and authorize execution of an agreement with Harmon Contract Glazing, Inc., a/k/a Harmon Inc. The period of the agreement is November 10, 2010 through November 9, 2012.

The vendor is the manufacturer's sole authorized source for providing the patented glass required by the Convention Center to be compatible with glass and fixtures currently installed.

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 (d)(i) of the City Charter, the procurement 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> |
|---------------|------------------------|--------------------|
|---------------|------------------------|--------------------|

Bureau of Purchases

- |   |              |          |
|---|--------------|----------|
| 10. NATIONAL CAPITAL<br>INDUSTRIES  | \$ 60,000.00 | Increase |
| Solicitation No. B50001180 - Revolution Traffic Cones -<br>Agencies - Various - Req. Nos. - Various |              |          |

On September 16, 2009, the Board approved the initial award in the amount of \$46,440.00. On September 22, 2010, the Board approved a renewal. This increase in the amount of \$60,000.00 is necessary due to the increasing demand for this contract, making the total award amount \$106,440.00. The contract expires on September 28, 2011.

**MWBOO GRANTED A WAIVER.**

- |  |              |          |
|--|--------------|----------|
| 11. ENVIRONMENTAL SERVICE<br>AND EQUIPMENT COMPANY,<br>INC.  | \$100,000.00 | Increase |
| Solicitation No. 08000 - Chlorinator Parts and Service -<br>Department of Public Works, Bureau of Water and Wastewater -<br>P.O. No. P510748 |              |          |

On October 14, 2009, the Board approved the initial award in the amount of \$100,000.00. This increase in the amount of \$100,000.00 is necessary, due to the higher than anticipated demand for this contract making the total award amount \$200,000.00.

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 (d)(i) of the City Charter, the procurement 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> |
|---------------|------------------------|--------------------|
|---------------|------------------------|--------------------|

Bureau of Purchases

- |                                   |         |         |
|-----------------------------------|---------|---------|
| 14. POWER AND<br>COMBUSTION, INC. | \$ 0.00 | Renewal |
|-----------------------------------|---------|---------|
- Solicitation No. B50000251 - Provide Boiler Repair and Related Services - Agencies - Various - P.O. P501238

On January 16, 2008, the Board approved the initial award in the amount of \$491,445.00. The award contained two 1-year renewal options at the sole discretion of the City. The period of the first renewal is January 12, 2011 through January 11, 2012, with one 1-year renewal option remaining.

**MWBOO SET GOALS OF 17% MBE AND 0% WBE.**

**MBE:** Horton Mechanical Contractors, Inc. 17%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

- |                            |         |         |
|----------------------------|---------|---------|
| 15. DIGICON<br>CORPORATION | \$ 0.00 | Renewal |
|----------------------------|---------|---------|
- Solicitation No. BP-06162 - Citywide Network and Systems Support - Mayor's Office of Information Technology - Req. Nos. Various

On November 15, 2006, the Board approved the initial award in the amount of \$7,561,033.30. The award contained two 1-year renewal options at the sole discretion of the City. On October 7, 2009, the Board approved the first renewal in the amount of \$4,000,000.00. This is the final renewal for the period November 15, 2010 through November 14, 2011.

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

**MBE:** Early Morning Software, Inc. 17%

**WBE:** Applied Technology Services, Inc. 9%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

|   |             |          |
|---|-------------|----------|
| 16. MULTICORP, INC.   | \$87,000.00 | Increase |
| Solicitation No. BP-06146 - Janitorial Services Area C -<br>Department of General Services - P.O. P509214 |             |          |

On March 22, 2006, the Board approved the initial award in the amount of \$691,476.00. The award contained renewal options at the sole discretion of the City. Subsequent actions have been approved. The contract for Area C requires an increase because unanticipated costs of the swine flu clean-up were processed through this blanket purchase order and the original funds need to be replaced to cover the invoices that are expected to arrive in the coming weeks for services rendered. This increase in the amount of \$87,000.00 will make the total award amount \$3,310,288.00.

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

**MBE:** Loving Touch 17%

**WBE:** My Cleaning Service 9%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

UPON MOTION duly made and seconded, the Board approved the informal awards, renewals, increases to contracts and extensions. The Mayor **ABSTAINED** on item Nos. 7 and 9. The President **ABSTAINED** on item Nos. 4, 11, and 15. The Comptroller **ABSTAINED** on item No. 14.

## 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 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. 415 N. Paca St.               | 415 N. Paca Street, LLC      | Retain one awning with signage 40' x 2' five spot reflectors   |
| Amount: \$470.40 Annual Charge   |                              |  |
| 2. 3029 Dillon St.               | Joseph A. Schultz            | One set of steps 4' x 3'   |
| 3031 Dillon St.                  | Joseph A. Schultz            | One set of steps 4' x 3'   |
| Amount: \$ 70.40 Flat Charge     |                              |  |
| 3. 184 - 188 W. Ostend Street    | Ostend Street Business Trust | One double face electric sign 16' x 3½', one single face electric sign 19' x 3'10", one flat sign 3' x 6'  |
| Amount: \$464.90 Annual Charge   |                              |  |
| 4. 184 - 188 W. Ostend Street    | Ostend Street Business Trust | Nine awnings,<br>three @ 15' x 3'6"<br>one @ 12'7½" x 3'6"<br>one @ 15'8½" x 3'6"<br>one @ 11'4" x 3'6"<br>one @ 12'9½" x 3'6"<br>one @ 11' x 3'6"<br>one @ 12'9" x 3'6" |
| Amount: \$1,005.35 Annual Charge |                              |  |

**MINUTES**

Department of General Services - cont'd

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

There being no objection, the Board UPON MOTION duly made and seconded, approved the Minor Privilege Permits.

**MINUTES**

Department of General Services - Agreement for Energy  
Performance Contracting,  
Phase I - Patapsco Wastewater  
Treatment Plant

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement for energy performance contracting Phase I with Johnson Controls, Inc. (JCI). The period of the agreement is effective upon Board approval and will continue until acceptance or rejection of the Energy Services Company's (ESCO) Phase II Plan proposal, but no later than eight-months following the approval of the Phase I agreement by the Board.

**AMOUNT OF MONEY AND SOURCE:**

None at this time. If the contractor's report and proposal for Phase II, which will include the installation of Energy Conservation Measures (ECMs), is acceptable to the City, the cost of this study, \$184,000.00, will be incorporated into the Phase II cost and a Phase II agreement will be presented to the Board for approval.

The project costs will be financed by the City and paid for by energy savings guaranteed by the contractor, JCI. If the Phase I report and Phase II proposal do not meet the expected guaranteed energy savings and the report is not accepted by the Department of General Services, the City will not be obligated to pay the cost of this study.

**BACKGROUND/EXPLANATION:**

The Energy Office recently solicited competitive proposals from four approved ESCOs to select the best qualified company to complete an energy performance contract project at the Patapsco Wastewater Treatment Plant. The JCI was selected, after detailed the proposals, as the most qualified company for this project. The first step in the process, as with all energy performance contracts projects, is for the City to award a Phase I agreement.

**MINUTES**General Services - cont'd

Under the Phase I agreement, the JCI will provide an engineering audit, survey, cost analysis, and proposal of financing needed to develop a comprehensive energy efficiency and guaranteed savings program to meet the objectives of the City. These objectives are based on a minimum goal of 20% reduction in total annual energy usage for the specified buildings. This work will be done while maintaining or enhancing comfort levels in all parts of assigned buildings affected by the ECMS. The maximum project payback is 12 to 15 years. After completion of Phase I work and acceptance of a complete Phase II proposal to implement selected ECMS, a Phase II contract agreement will be presented to the Board for approval.

**MBE/WBE PARTICIPATION:**

The JCI is required to meet the program goals as established by the Minority and Woman's Business Opportunity Office. Due to the risk associated with the energy savings guarantee and due to the specialized nature of the work, **MWBOO GRANTED A WAIVER** of the MBE/WBE requirements for this Phase I agreement. The JCI will comply with the MBE/WBE requirements for the Phase II work, which will be established by MWBOO upon conclusion of the Phase I study.

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement for energy performance contracting Phase I with Johnson Controls, Inc.

**MINUTES**

Department of General Services - Task Assignment

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an assignment of Task No. 006 to Northpoint Builders, Inc. under Project No. 09802, Indefinite Quality Contract (IQC), Salt Dome Replacement.

**AMOUNT OF MONEY AND SOURCE:**

\$254,400.00 - 9950-902874-9508-900020-706065

**BACKGROUND/EXPLANATION:**

In accordance with the proposal dated October 8, 2010, and the terms of the IQC awarded to Northpoint Builders, Inc. on January 14, 2009 by the Board of Estimates, the Department sought prices from multiple IQC contractors to perform the Salt Dome Replacement at the salt storage facility, located at 4410 Lewin Avenue.

The Department selected North Point Builders, Inc. at its 2<sup>nd</sup> lowest price to perform this work. The first lowest price was OMF Contracting (OMF), but it was excluded because OMF failed to meet the bid due date and time. The work includes a new pre-fabricated salt dome with all the associated construction work, in accordance with the plans and specifications.

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved an assignment of Task No. 006 to Northpoint Builders, Inc. under Project No. 09802, Indefinite Quality Contract, Salt Dome Replacement.

**MINUTES**

Department of General Services - Task Assignment

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an assignment of Task No. 009 to John W. Brawner Contracting Company, Inc. under Project No. 09801, Indefinite Quality Contract (IQC), Office Relocation at Solid Waste Collection Yard.

**AMOUNT OF MONEY AND SOURCE:**

\$414,852.00 - 9948-907022-9517-900020-702064

**BACKGROUND/EXPLANATION:**

In accordance with the proposal dated June 23, 2010, and the terms of the IQC awarded to John W. Brawner Contracting Company, Inc. on January 14, 2009 by the Board of Estimates, the Department sought prices from multiple IQC contractors to perform Office Relocation at the Solid Waste Collection Yard, located at 701 Reedbird Avenue and selected John W. Brawner Contracting Company, Inc.

The Department selected John W. Brawner Contracting Company, Inc. at its low price to perform this work. The work includes a modular building with all the associated foundation work, stairs, ADA ramp, canopy and utilities, site clean-up, and replacement of paving striping, in accordance with the plans and specifications.

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION**

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 009 to John W. Brawner Contracting Company, Inc. under Project No. 09801, Indefinite Quality Contract, Office Relocation at Solid Waste Collection Yard.

MINUTES

EXTRA WORK ORDERS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders listed on the following page:

4068

All of the EWOs have been reviewed and approved

by the Department of Audits, CORC, and MWBOO,

unless otherwise indicated.

The President **ABSTAINED** on item No. 2.

## MINUTES

EXTRA WORK ORDERS

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

Department of Transportation

- |  |              |                           |   |   |
|--|--------------|---------------------------|---|---|
| 1. EWO #006, \$100,113.50 - TR 02394, Rehabilitation of Park Heights Avenue: Northern Parkway to Garrison Avenue |              |                           |   |   |
| \$ 1,472,651.00  | \$124,874.84 | M. Luis Constr. Co., Inc. | - | - |

Bureau of Water & Wastewater

- |  |   |                             |   |    |
|--|---|-----------------------------|---|----|
| 2. EWO #001, \$69,198.39 - S.C. 852R, Denitrification Filters & Related Work for the Enhanced Nutrient Removal Facilities at Patapsco Wastewater Treatment Plant |   |                             |   |    |
| \$115,688,000.00   | - | Fru-Con Constr. Corporation | - | 14 |

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:

4070 - 4081

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.

Item Nos. 3 and 4 were WITHDRAWN.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:Bureau of Purchases

- |   |                                      |               |
|---|--------------------------------------|---------------|
| 1. B50001599, Supply and Deliver Fire-fighter Helmets | Maryland Fire Equip-ment Corporation | \$ 306,518.00 |
|---|--------------------------------------|---------------|

**MWBOO GRANTED A WAIVER.**

- |                                 |  |               |
|---------------------------------|--|---------------|
| 2. B50001637, Truck Accessories | Acres Automotive, Inc.<br><u>Item Nos.:</u> 1, 2, 3, 4, 5, 7, 9, 11, 13, 14, 15, 16 & 17 | \$ 224,000.00 |
|---------------------------------|--|---------------|

|   |              |
|---|--------------|
| Annapolis Discount Tires, Inc.<br><u>Item Nos.:</u> 3, 6, 8, 10, 12, & 18 | \$ 76,000.00 |
|---|--------------|

**MWBOO GRANTED A WAIVER**Bureau of Water & Wastewater

- |   |                                |                |
|---|--------------------------------|----------------|
| 3. SC 867, Rehabilitation/ Replacement of Southwest Diversion Pressure Sewer-Phase II | Cherry Hill Construction, Inc. | \$8,446,777.00 |
|---|--------------------------------|----------------|

|  |                     |               |
|--|---------------------|---------------|
| <b>MBE:</b> Apex Petroleum Corporation | \$350,438.00        | 4.15%         |
| Pioneer Contracting Company, Inc.      | 441,271.00          | 5.22%         |
| C. Jones Trucking, LLC                 | 60,000.00           | 0.71%         |
|  | <u>\$851,709.00</u> | <u>10.08%</u> |

|   |              |       |
|---|--------------|-------|
| <b>WBE:</b> R&R Contracting Utilities, Inc. | \$358,200.00 | 4.24% |
|---|--------------|-------|

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**A PROTEST HAS BEEN RECEIVED FROM SPINIELLO COMPANIES AND THE JOSEPH B. FAY CO.**

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:

Bureau of Water & Wastewater - cont'd

4. TRANSFER OF FUNDS

| <u>AMOUNT</u>          | <u>FROM ACCOUNT/S</u> | <u>TO ACCOUNT/S</u> |
|------------------------|-----------------------|---------------------|
| \$ 2,461,864.14        | 9956-905609-9549      |                     |
| Wastewater             | Constr. Res.          |                     |
| Rev. Bonds             | Southwest Diversion   |                     |
| 8,687,882.86           | Sewer                 |                     |
| Baltimore Co.          |                       |                     |
| <u>\$11,149,747.00</u> |                       |                     |
| <br>                   |                       |                     |
| \$ 844,678.00          | -----                 | 9956-907612-9551-2  |
|                        |                       | Extra Work          |
| 844,678.00             | -----                 | 9956-907612-9551-3  |
|                        |                       | Design              |
| 506,807.00             | -----                 | 9956-907612-9551-5  |
|                        |                       | Inspection          |
| 8,446,777.00           | -----                 | 9956-907612-9551-6  |
|                        |                       | Construction        |
| 506,807.00             | -----                 | 9956-907612-9551-9  |
| <u>\$11,149,747.00</u> |                       | Administrative      |

The funds are required for the award of SC 867, Rehabilitation/Replacement of Southwest Diversion Pressure Sewer-Phase II.

Department of Transportation

5. TR 10011RR, Conduit Systems Repairs at Various Locations Citywide JOC Allied Contractors, Inc. \$2,139,020.00

|                                     |                     |              |
|-------------------------------------|---------------------|--------------|
| <b>MBE:</b> Final Grade & Pave, LLC | \$ 90,000.00        | 4.20%        |
| JM Murphy Enterprises, Inc.         | 85,000.00           | 3.97%        |
|                                     | <u>\$175,000.00</u> | <u>8.17%</u> |

**WBE:** McCall Trucking, Inc. \$ 50,000.00 2.33%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

(FILE NO. 56533)

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:

Department of Transportation - cont'd

6. TRANSFER OF FUNDS

| <u>AMOUNT</u>     | <u>FROM ACCOUNT/S</u> | <u>TO ACCOUNT/S</u>    |
|-------------------|-----------------------|------------------------|
| \$ 2,459,873.00   | 9962-941002-9563      |                        |
| Other             | Constr. Res.          |                        |
|                   | Conduit Replacement   |                        |
|                   | Program               |                        |
| \$ 2,139,020.00   | -----                 | 9962-906054-9562-6     |
|                   |                       | Structures & Improv.   |
| 213,902.00        | -----                 | 9962-906054-9562-5     |
|                   |                       | Inspection             |
| <u>106,951.00</u> | -----                 | 9962-906054-9562-2     |
|                   |                       | Contingencies          |
| \$ 2,459,873.00   |                       | Conduit System Repairs |
|                   |                       | at Various Locations   |

This transfer will cover the cost associated with the award of Contract No. TR 10011RR to Allied Contractors, Inc.

President: "The first and second items on the non-routine agenda are located on page 47 and 48, items number five and six, Conduit System Repair at Various Locations Citywide J-O-C. Will the parties please come forward? You have to come and speak into the mic."

Mr. Patrick J. Madigan: "Pat Madigan on behalf of LAI Construction Services, Inc."

## MINUTES

Mr. Felix Dialoiso: "Felix Dialoiso. LAI Construction."

President: "All of you are together?"

Mr. Dialoiso: "We are all together."

Ms. Shirley Williams: "Shirley Williams. Minority and Women's Business Opportunity Office."

City Solicitor: "And is Mr. Jolivet not participating in this discussion? Is he participating? Other than in spirit?"

Mr. Arnold Jolivet, Maryland Minority Contractors Association, Inc.: "I have talked to counsel for LAI, and it just makes sense that the Board allows me to incorporate and fully adopt the argument from counsel because a lot of our arguments are duplicating, and I would just simply -- in the interest of time, just adopt the arguments of counsel."

City Solicitor: "Terrific. We thank you."

Ms. Williams: "LAI was the low bid on this contract. We found them in non-compliance, because in their MBE packet, there are two MBEs, Machado and Phipps Construction, wherein listing the services, they outline the services in words and in bid items and in doing so, they listed bid items that are not even a part of the bid. If work is not a part of the bid, it cannot be part of the MBE program. There is no way for us to distinguish any

## MINUTES

value, because these are not even line item bids, and for that reason, we found them in non-compliance."

Mr. Madigan: "The bottom line is that LAI is the lowest responsible and responsive bidder in this instance. The error, which is being referred to, is a scrivener's error. It a typographical error that resulted from an office employee transferring some data from one document to another as the bid was pulled and then re-bid. The important point is to remember, with respect to that information, is that it's immaterial, and the reason I say that is because it has no impact on the level of MBE or WBE participation in this particular contract. I outlined this in the letter I submitted yesterday. If you look to the documents and the schedule of values that was submitted with respect to the bid, which is exhibit E, you will note that the numbers 204, 304, and 305, which are the supposedly erroneous entries on the statements of intent, which are exhibits B and C. Those are not accounted for in the schedule of values. So the bottom line is, those entries do not impact the amounts of the sub-contracts. They still remain at the

## MINUTES

\$26,000.00 levels for each of those two sub-contractors reflected by exhibits B and C. So, what we are really looking at here is a situation where we are disadvantaging these minority and women contractors as a result of this scrivener's error. It is an \$85,000.00 additional payment by the City on the contact when a--I am sorry--LAI is the lowest responsive and responsible bidder. I would also just like to, and this is mentioned in the papers as well, we have at least an acknowledgement, a verbal acknowledgement, that this was a scrivener's error. That this was not a material error with respect to the submission of the bids, and for that reason we are asking this Board to recognize the policy set forth in the [Baltimore City] Charter and Code, and utilize the waiver authority that is in Article 28, dash 14 of the Code, which authorizes this Board to waive minor or technical errors in connection with MBE/WBE submissions. We submit that is a minor--this is a scrivener's error. This is not something that is going to cause any level of change with respect to the amounts of minority or women's contract payments in the instance. Therefore, the waiver is appropriate. If in no other situation, this is the reason why that Code provides for such authority of this Board to waive those instances.

## MINUTES

Ms. Williams: "We have no way of knowing that, and there is no acknowledgement from me, that this is a scrivener's error. It is a error--I consider it a technical--I consider it a primary error, because it is a listing of a scope of work that is not in the bid document."

Mr. Madigan: "Which brings me to another point, which is the information that is being referred to, it is my understanding that information was not even necessary to be part of the document. If you look the--again turning back to exhibits B and C, we have the item--the line itemization of the bid items and it includes those numbers. They did not need to put that in there. So, we are talking about an error now involving information that was not required to be there. Quite frankly, my understanding, I have not seen the documents, is that Allied, the successful bidder did not in fact break down those numbers. So, what we have is an office employee, copying information, she included some additional information that was not even necessary for purposes of the bid. It resulted in the rejection of the bid. It is a minor technical scrivener's error, and as a result we are talking about a situation where the City is going to pay

## MINUTES

an additional \$85,000.00 in taxpayer money, when the lowest responsive, responsible bidder is LAI.

City Solicitor: "Can I just ask a clarification question? The sub-contracting work involves, to use the textual description, supply stone and concrete for Machado, and then hauling for Phipps Construction. Is it LAI's contention that those sub-contracts are intended to be with those sub-contractors for all of that work done on this job? So that we--you meant us--you meant to insert or have us read that as if it was every kind of work of that textual description?"

Mr. Madigan: "That is correct. Again, there will be no change. That numbers--the \$26,850.00 in exhibit B, and the \$26,600.00 in exhibit C, those numbers don't change as a result of the mistaken entries on the top of that page. Those numbers stay consistent. The levels of MBE/WBE participation in this contract, is going to be as reflected in exhibit A, which breaks down the percentages. It is 8.48 MBE and 3.0 WBE, which both exceed, not only the minimum amounts for this particular contract, but those amounts employed by Allied, the successful bidder."

## MINUTES

Mr. Dialoiso: "It also--I would like to speak a second. My name is Felix Dialoiso, the owner of LAI Construction. We also had to get letters signed committing that number to the MBE. Again, it was typographical error, the bid being put out three different times. The estimate itself reflects the item numbers, which are in the book, which are also handwritten, reflects the actual amount of the total job. The number, whether it is 1.5% or 10%, the bottom number does not change. Again, when they filled out the final last bid, when we turned it in, to get in down here on 11 o'clock that Wednesday morning, it was basically--they copied from the last bid 201, 202, 203 when some of the items were eliminated, but it did not reflect our original numbers the way it was handwritten and the items described. The same with the minority participation. Nothing changed. The dollar amount is still the same."

Mr. Madigan: "That is why again, to emphasis, the recommendations are not binding. There is a specific provision in the Code allowing the waiver of these types of typographical or minor errors, and we ask that that be exercised in this instance."

President: "Any more discussion? Ms. Williams, you know we are all for saving the City money, and \$85,000.00 in my opinion is a

## MINUTES

lot of money. Have we considered, you know, putting this back out to bid?

Ms. Williams: "This is the third time it been out to bid."

President: "And the third time they made the same errors that you referred to?"

Ms. Williams: "No, I cannot speak to the errors of what happened before."

Mr. Jamie Kendrick: "I am sorry Mr. President; members. Jamie Kendrick for the Department of Transportation. After the first advertisement, the Department--I believe this one was thrown out on the initial advertisement, if I recall correctly. Then we re-bid and in the process of re-bidding, we made a policy decision to add work related to the cleaning of drains on City bridges, which is related to this work. So, we added those items, which is why the document had the contract number followed by the letter R for revised, which should have made it clear to the bidder that there were different bid items to review and bid on in the course of doing so. So at this point, given the necessity for the work related to the safety of our bridges, we had thought about, but decided it was not the best course of action to re-bid at this time."

## MINUTES

President: "O.K. Any other questions? I will entertain a motion to MOVE page 47, item number 5, the contract award. All those in favor say Aye."

Mayor: "Aye."

City Solicitor: "Aye."

President: "All opposed Nay? The MOTION carries."

President: "I will entertain a motion to MOVE page 48, item number 6, the corresponding transfer of funds. All those in favor say Aye."

City Solicitor: "Aye."

President: "All those opposed Nay. The MOTION carries. There being no more business before this Board, we will recess until the bid opening at twelve noon. Thank you."

\* \* \* \* \*

**MINUTES**Department of General Services

7. PB 09829, Elevator Upgrade & Modernization at Courthouse East **REJECTION** - On August 04, 2010, the Board opened four bids for PB 09829. All bidders were found non-compliant. The Department requests permission to re-advertise at a later date.

**CORRESPONDENCE WAS RECEIVED FROM THE NICHOLS CONTRACTING, INC.**

MINUTES

TRAVEL REQUESTS

| <u>Name</u>                   | <u>To Attend</u>                            | <u>Fund Source</u> | <u>Amount</u> |
|-------------------------------|---|--------------------|---------------|
| 1. Derrick E.<br>Mayfield Sr. | Executive Protection<br>Travel<br>Miami, FL | General<br>Funds   | \$ 877.52     |

The Board is requested to approve the travel and the costs expended. Mr. Mayfield traveled to Miami, FL to accompany the Mayor during her stay on July 9 - 12, 2010.

The subsistence rate for this location is \$183.00 per day. The hotel rate is \$109.00 per day. Occupancy taxes in the amount of \$42.51, \$13.61 for meals, \$256.00 for a rental car, and \$33.00 for fuel are included in the total expenditure.

In accordance with AM-240-8, necessary land travel was required.

The Department paid airfare and hotel accommodations and all other expenses for the attendee on a City issued credit card assigned to Mr. Mayfield, which is included in the total. Mr. Mayfield is not entitled to a reimbursement.

| <b>Actual Expenditure</b> |   |
|---------------------------|---|
|                           | \$ 205.40 Airfare   |
|                           | 327.00 Hotel  |
|                           | 13.61 Meals   |
|                           | 42.51 Occup. Taxes  |
|                           | 33.00 Fuel  |
|                           | 256.00 Rental Car   |
| <b><u>Total</u></b>       | <b>\$ 877.52</b> (paid on City issued Credit card assigned to Mr. Mayfield) |

The Police Department was unable to meet the requirements of travel procedures outlined in the Administrative Manual, Section 240 and regrets the late submission of this request. The request for travel approval is late due to a delay in the administrative process.

**MINUTES****TRAVEL REIMBURSEMENT**

| <u>Name</u>              | <u>To Attend</u>  | <u>Fund Source</u>    | <u>Amount</u> |
|--------------------------|---|-----------------------|---------------|
| <u>Health Department</u> |   |                       |               |
| 2. Rebecca Bradley       | 26 <sup>th</sup> National Home & Community Based Services<br>Atlanta, GA<br>Sept. 26 - 29, 2010 | Maryland Access Point | \$ 924.79     |

The subsistence rate for this location is \$196.00 per day. The hotel was \$180.00 per night. The Health Department is requesting an additional \$39.88 for subsistence for meals and incidentals. The occupancy taxes are \$81.00, \$31.50 for ground transportation and \$184.41 for airfare, which are all, included in the total of \$924.79. Ms. Bradley spent \$39.88 over the allowable subsistence rate of \$588.00, which is included in this total. The conference registration in the amount of \$495.00 was prepaid by the Maryland Department of Aging, which will be reimbursed upon receipt of the invoice. The total cost of attending this conference was \$1,419.79. Ms. Bradley is due a reimbursement of \$924.79. The request is late because of the transition between the Commission on Aging and Retirement Education and the Baltimore City Health Department.

|                 |                 |
|-----------------|-----------------|
| Hotel           | \$540.00        |
| Occupancy Taxes | 81.00           |
| Meals           | 87.88           |
| Airfare         | 184.41          |
| Transportation  | 31.50           |
|                 | <u>\$924.79</u> |

## MINUTES

TRAVEL REQUESTSPolice Department

|                    |   |                               |             |
|--------------------|---|-------------------------------|-------------|
| 3. Matthew W. Hart | EC 120 Qualification<br>Training (Pilot<br>Training)<br>Grand Praire, TX<br>Nov. 14 - 19, 2010<br>(Reg. Fee \$9,045.00) | Homeland<br>Security<br>Grant | \$10,628.18 |
|--------------------|---|-------------------------------|-------------|

Mr. Hart will only be disbursed \$1,583.18. The registration fee of \$9,045.00 will be paid upon receipt of the grant funds.

UPON MOTION duly made and seconded, the Board approved the travel request and travel reimbursements. The Mayor **ABSTAINED** on item No. 1.

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

| <u>Owner(s)</u>   | <u>Property</u>                   | <u>Interest</u> | <u>Amount</u> |
|---|-----------------------------------|-----------------|---------------|
| <u>Baltimore Development Corporation (BDC) - Option</u>       |                                   |                 |               |
| 1. BP Products<br>North America, Inc.<br>f/k/a Amoco Oil, Co. | 4601-25 Liberty<br>Heights Avenue | F/S             | \$ 855,000.00 |

The BDC proposes that the City purchase 4601-25 Liberty Heights Avenue, to be included in the Disposition Lot 1 land assembly, in accordance with the Howard Park Business Area Urban Renewal Plan.

The purchase price of the property is proposed for the negotiated price of \$855,000.00, based on a May 5, 2009 appraised value of \$822,500.00 plus approximately 4% by Lipman, Frizzell and Mitchell, LLC.

The property consists of two commercially-zoned lots. The property at 4601 Liberty Heights Avenue contains 30,000± sq. ft. of land area and is improved by a vacant one-story grocery store building. The property at 4625 Liberty Heights Avenue contains 7,500± sq. ft. of land area and is improved by a 4,000± sq. ft. vacant one-story retail building that has been condemned. The property will become part of the land assembly for the Howard Park Grocery Store development.

Funds are available in Account No. 9910-902879-9601, 22<sup>nd</sup> EDF.

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

| <u>Owner(s)</u> | <u>Property</u> | <u>Interest</u> | <u>Amount</u> |
|-----------------|-----------------|-----------------|---------------|
| BDC - cont'd    |                 |                 |               |

2. TRANSFER OF FUNDS

| <u>AMOUNT</u>                            | <u>FROM ACCOUNT/S</u>  | <u>TO ACCOUNT/S</u>                              |
|--|--|--|
| \$177,381.38<br>22 <sup>nd</sup> EDF     | 9910-902483-9600<br>Constr. Res.<br>S. Balto. Ind. &<br>Coml. Dev. |  |
| 460,120.18<br>22 <sup>nd</sup> EDF       | 9910-903354-9600<br>W. Balto. Ind. &<br>Coml. Dev.                 |  |
| 217,498.44<br><u>22<sup>nd</sup> EDF</u> | 9910-904982-9600<br>Commercial Revit.<br>Program                   |  |
| <b>\$855,000.00</b>                      | -----  | 9910-902879-9601<br>Commercial<br>Revitalization |

This transfer will provide funds for the acquisition of properties located at 4601-25 Liberty Heights Avenue that is part of the land assembly needed for the development of the Howard Park Grocery Project. This project proposes the construction of over 65,000 sq. ft. of grocery and retail space for this stable, but underserved community in Northwest Baltimore.

Mayor: I am pleased that we are moving forward with the--on page--I think it is begins on page 51, with the purchase of the

## MINUTES

last remaining properties to complete the site assemblage for the Howard Park grocery site. A total of nineteen properties were needed to be acquired in order for this project to go forward. It was quite a daunting task, but we are getting closer and closer everyday to having a supermarket, a much needed supermarket in that area. Since 2000, when the Super Pride supermarket closed in the Liberty Heights area, the residents of Howard Park, and those neighborhoods that make up the Greater Northwood Community Coalition, have been without a supermarket to serve the needs of that community. Having grown up not too far from that neighborhood--my grandmother's home was right down the street--I know how crucial that commercial corridor is. The unfortunate circumstances that created--excuse me, that unfortunate circumstances created what we call a food desert. Where there is no access to fresh food, and vegetables in that area. So, in an effort to address this tremendous void in this group of neighborhoods, over the past several years, we have been collaborating with the community. Not only to create a site that would accommodate a class-A, full service grocer, but also we have actively engaged in the recruitment of a

## MINUTES

market. We had a false start. The initial assemblage was not large enough to get what the community said that they wanted. The community said they wanted, and we agreed that they should have a full service grocer, and full service means, full supermarket with a pharmacy. In order to get that, that means go back to the drawing table, and acquire homes. Not just the businesses, but homes to make that happen. We--the community agreed that the homes should be acquired, and we went forward and did that. As a result of the efforts that we had to assemble these properties, we are getting closer than ever to getting that supermarket. There was a lengthy legal battle to determine the ownership of some of the parcels. That certainly has added to the process. We got that sorted out and here we are today with the last two parcels. I am confident that we are going to identify a grocer. I am confident that we will bring the much needed services and amenities to that very strong community corridor. So, I am very pleased that we are able to vote on that on the routine agenda today. Thank you."

\* \* \* \* \*

## MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

| <u>Owner(s)</u>   | <u>Property</u> | <u>Interest</u> | <u>Amount</u>  |
|---|-----------------|-----------------|----------------|
| <u>BDC - Special Warranty Deed for Option Agreement</u> |                 |                 |                |
| 3. <b>BP PRODUCTS NORTH AMERICA, INC.</b>               |                 |                 | <b>\$ 1.00</b> |
| <b>f/k/a AMOCO OIL, CO.</b>                             |                 |                 |                |

The Board is requested to approve and authorize execution of a special warranty deed with BP Products North America, Inc. (BP), which pertains to the option agreement for the acquisition of 4601-25 Liberty Heights Avenue.

The current owner of the property located at 4601-25 Liberty Heights Avenue, BP Products North America, Inc., initially had intentions of developing the property into a combination gas station and convenience store. Ultimately, the BP decided not to pursue that development plan, but rather to support its existing gas station across the street from the site.

In an effort to prevent a competitor from one day opening a gas station at this location, the BP included restrictions on the deed that prohibited uses that were auto-related or pertained to the sale and/or use of petroleum-based products for a period of 20 years.

As a condition of the sale of the property, the BP is insisting that these restrictions be recorded with the deed. The uses that are restricted under the terms of the Special Warranty Deed are as follows:

- automobile service station, petroleum station, motor vehicle fueling facility, gasoline station or car wash; and
- automobile repair shops or retail operations, that derive the majority of their gross sales from the sale of petroleum products, automotive parts or accessories, tires, or batteries.

## MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

| <u>Owner(s)</u>  | <u>Property</u> | <u>Interest</u> | <u>Amount</u> |
|--|-----------------|-----------------|---------------|
| <u>BDC - Special Warranty Deed for Option Agreement - cont'd</u> |                 |                 |               |

The special warranty deed goes on further to state that the property will be sold in "as-is, where-is, and with all faults" conditions, and limits the time that claims can be brought against the BP for the warranties and covenants of the BP, to a period of one year from the transfer date. None of the restrictions proposed by the BP will hinder or prevent the development and/or operation of a full-service grocery store at this site.

**(FILE NO. 57085)**

UPON MOTION duly made and seconded, the Board approved the option and the Special Warranty Deed for the option agreement. The Transfer of Funds was approved SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter.

**MINUTES**

Office of the Comptroller/  
Dept. of Communication Services - Agreements

**ACTION REQUESTED OF BOARD OF ESTIMATES**

The Board is requested to approve and authorize execution of the NCOALink Mail Processing Equipment Data User, and Multiline Accuracy Support System (MASS) Certification Agreements with the United States Postal Service (USPS).

**AMOUNT OF MONEY AND SOURCE OF FUNDS**

\$13,750.00 - NCOALink License  
750.00 - MASS Certification

**\$14,500.00** - 2032-000000-1330-158400-605008

**BACKGROUND AND EXPLANATION**

The Department of Communication Services, Municipal Post Office (MPO) will acquire a NCOA Link license and MASS certification from the USPS to provide updated and accurate address information for mail processed by the MPO on behalf of the City. With accurate addresses on mail and mail addressed in conformance with USPS regulations, the City can reduce mailing costs. The data used to update addresses are the exclusive property of the USPS and can only be obtained through their licensed products.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the NCOALink Mail Processing Equipment Data User, and Multiline Accuracy Support System Certification Agreements with the United States Postal Service.

**MINUTES**

Office of the Comptroller/ Telephone Facilities  
Dept. of Communication Services - Letter Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a telephone facilities letter agreement with Verizon-MD (Verizon) for the relocation of telephone facilities and placement of a 200 pair cable to serve 620 Fallsway.

**AMOUNT OF MONEY AND SOURCE:**

\$25,176.52 - 9910-908987-9588-900000-703001

**BACKGROUND/EXPLANATION:**

The Department of General Services is renovating the building facility at 620 Fallsway. The new building will house administrative offices for Homeless Services and the homeless shelter. Verizon will remove the remaining 200 pair cable that was cut inside the duct to the manhole, and place a new 200 pair cable from the manhole to the second floor telephone closet.

Verizon will also place new terminals, splice, and ground and test the cable at the new location. These services can only be provided by Verizon, as it does not permit vendors not affiliated with Verizon to perform work on the servicing of terminals and underground cabling.

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 (d)(i) of the City Charter, the procurement and/or service is recommended.

MINUTES

Dept. of Communication Services - cont'd

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the telephone facilities letter agreement with Verizon-MD for the relocation of telephone facilities and placement of a 200 pair cable to serve 620 Fallsway.

\* \* \* \* \*

PRESIDENT: "The Board is in recess until twelve o'clock noon for the opening and receiving of bids."

**MINUTES**

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

**BIDS, PROPOSALS AND CONTRACT AWARDS**

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

Bureau of Purchases

-B50001663, Bike Sharing System  
**BIDS TO BE RECV'D: 11/24/2010**  
**BIDS TO BE OPENED: 11/24/2010**

Dept. of Transportation

-TR 11304, Resurfacing Highways at  
Various Locations Citywide  
**BIDS TO BE RECV'D: 11/24/2010**  
**BIDS TO BE OPENED: 11/24/2010**

## MINUTES

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

Department of Transportation - TR 07025, Mt. Auburn Cemetery  
Perimeter Rehabilitation

R&F Construction, LTD  
P. Flanigan & Sons, Inc.  
P & J Contracting Co.  
JLN Construction Services, LLC  
Allied Contractors, Inc.

Department of Transportation - TR 09305, Fairfield Ecological  
Industrial Park

Monumental Paving & Excavating, Inc.  
M. Luis Construction Co.,. Inc.  
P. Flanigan & Sons, Inc.  
Concrete General, Inc.  
Machado Construction  
Facchina Construction Co., Inc.  
Civil Construction, LLC  
P&J Contracting Co., Inc.  
Daisy Concrete, Inc. of MD  
Kinsley Construction

Bureau of Purchases - B50001658, Snow Removal Services

HF Huber's Son  
Corporate Maintenance Group, LLC (2env)  
Fritts Remodeling  
P & J Contracting Co.

## MINUTES

Bureau of Purchases

- B50001674, Collection Services:  
Delinquent Parking Fines, Fees  
and Penalties for the Bureau of  
Revenue Collections

Municipal Collection Agency  
Capital Recovery Systems, Inc.  
NCO Financial System, Inc.  
Linebarger Goggan Blair & Sampson, LLP  
Professional Account Management, LLC  
Harris & Harris, Ltd.  
AllianceOne Receivables Management, Inc.  
The Affiliated Group, Inc.  
GC Services, Limited Partnership  
Professional Recovery Services  
Creditech, Inc.  
Windam Professional, Inc.  
Penn Credit Corp.

MINUTES

\* \* \* \* \*

There being no objections, the Board UPON MOTION duly made and seconded, the Board adjourned until its next regularly scheduled meeting on Wednesday, November 17, 2010.



JOAN M. PRATT  
Secretary