

MINUTES

REGULAR MEETING

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

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The meeting was called to order by the President.

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President: "Thank you." "I will direct the Board members attention to the memorandum from my office dated October 15, 2012, identifying matters to be considered as routine agenda items, together with any corrections and additions that have been noted by the Deputy Comptroller. I will entertain a motion to approve all of the items contained on the routine agenda."

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

Comptroller: "Second."

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

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MINUTES

ACKNOWLEDGEMENT

President: "I want to recognize Councilman Curran who has joined us. Where you at Bob?"

Comptroller: "Over there."

President: "Okay. I want to welcome you this morning."

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MINUTES

BOARDS AND COMMISSIONS1. Prequalification of Contractors

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

Abhe & Svoboda, Inc.	\$148,869,000.00
Allied Contractors, Inc. & Subsidiary	\$ 40,329,000.00
Alpha Painting & Construction Co. Inc.	\$ 97,830,000.00
AM-Liner East, Inc.	\$ 92,646,000.00
CitiRoof Corporation	\$ 8,000,000.00
Colossal Contractors, Inc.	\$ 8,000,000.00
F.H. Paschen, S.N. Nielsen & Associates LLC	\$349,461,000.00
High Steel Structures, Inc.	\$103,320,000.00
Lynchburg Steel & Specialty Co. and Affiliate	\$ 6,759,000.00
Machado Construction Co., Inc.	\$ 8,000,000.00
Rustler Construction, Inc.	\$ 39,015,000.00
S.E. Fields, Inc.	\$ 414,000.00

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:

CTI Consultants, Inc.	Engineer
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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

Department of General Services - Developer's Agreement No. 1266

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of developer's agreement no. 1266 with Comprehensive Housing Assistance, Inc. developer.

AMOUNT OF MONEY AND SOURCE:

\$80,682.00

BACKGROUND/EXPLANATION:

The developer would like to install new water service, storm drain and streetscape improvements to its proposed construction located in the vicinity of 4311 Pimlico Road. This developer's agreement will allow the organization to do its own installation, in accordance with Baltimore City standards.

A Performance Bond in the amount of \$80,682.00 has been issued to Comprehensive Housing Assistance, Inc. which assumes 100% of the financial responsibility.

MBE/WBE PARTICIPATION:

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

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the developer's agreement no. 1266 with Comprehensive Housing Assistance, Inc.

MINUTES

TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

4187 - 4189

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter. The President **ABSTAINED** on item no. 4.

MINUTES**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Fire Department</u>		
1. \$ 96,000.00	9920-903006-9209	9920-908207-9208
3 rd Public Bldg.	Fire Academy Mode	Squad 11 Structural
	Reserve	Renovations -
		Active

This transfer will provide funds to the Department of General Services to cover the cost of performing structural renovations at Squad 11 Fire Station as well as all associated in-house cost.

Department of Housing and Community Development

2. \$205,813.59	9910-907994-9587	9910-911074-9588
Mayor & City	Special Capital	Blight Elimination
Real Property	Projects - Reserve	
Funds		

This transfer will provide the Mayor and City Council Real Property funds for the Department's Blight Elimination Program. The funds will be used to support the operations of the Blight Elimination Division.

3. \$550,000.00	9910-902996-9587	9910-911158-9588
30 th CDB	Stabilization	Stabilization
FY 2013	Program - Reserve	FY 2013

This transfer will provide funds for the Department's Stabilization Program for fiscal year 2013. Stabilizations are performed when a property poses a public safety threat.

MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Bureau of Water and Wastewater</u>		
4. \$ 807,073.50	9956-909612-9549	
WW Revenue Bonds	Constr. Res. Sewer System Rehab-Main Outfall	
692,926.50	" "	
<u>Baltimore County</u>		
\$1,500,000.00	-----	9956-908614-9551-6 Construction

The funds are needed to cover the cost of providing sheeting around the sewer line in the bed of Collington Avenue between Ashland Avenue and Eager Street.

Department of Recreation and Parks

5. \$ 120,000.00	9938-901744-9475	9938-904744-9474
Rec. & Parks 25 th Series	Clifton Park Recreation Center	Clifton Park Recreation Center

This transfer will provide funds to cover the costs associated with the construction administration services and security and access control system for Clifton Park Recreation Center.

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

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

MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Recreation and Parks</u>		
6. \$ 51,000.00	9938-908808-9475	
State	Reserve	
	Community Park	
	& Playgrounds	
	FY11	
17,000.00	9938-902811-9475	
Rec. & Parks	Reserve - Park	
<u>25th Series</u>	Park Master Plan	
	Implementation	
\$ 68,000.00	-----	9938-907808-9474
		Active - Community
		Park & Playground
		FY11

This transfer will provide funds to cover the costs associated with the design services under On-Call Contract No. 1167, Task No. 7 to Rummel, Klepper & Kahl, LLP.

Kim A. Trueheart

October 16, 2012

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of questionable management and administration within the Department of Recreation and Parks.

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

1. Whom you represent: Self
2. What the issues are:
 - a. Page 5, Item #5, Department of Recreation and Parks - Transfer of Funds, if approved:
 - i. Please provide the Clifton Park renovation plan for inspection.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed the continued disinvestment in municipal recreation facilities, programs and services. This action services to highlight what I perceive to be disparate policy and practices within the Department of Recreation and Parks which continue to diminish the quality and availability of recreational programs and services available to me and more importantly for our children!

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on October 17, 2012.

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

Sincerely,
Kim Trueheart, Citizen & Resident

5519 Belleville Ave
Baltimore, MD 21207

Department of Recreation and Parks

5. **\$ 120,000.00** 9938-901744-9475 9938-904744-9474 Rec. &
Parks 25th Clifton Park Clifton Park Series Recreation Center
Recreation Center

This transfer will provide funds to cover the costs associated
with the construction administration services and security
and access control system for Clifton Park Recreation
Center.

6. \$ 51,000.00 9938-908808-9475 State Reserve
Community Park

& Playgrounds

FY11

17,000.00 9938-902811-9475

Rec. & Parks Reserve - Park

25th Series Park Master Plan

Implementation

\$ 68,000.00 ----- 9938-907808-9474

Active - Community

Park & Playground

FY11

This transfer will provide funds to cover the costs
associated with the design services under On-Call Contract
No. 1167, Task No. 7 to Rummel, Klepper & Kahl, LLP.

MINUTES

Department of Planning - Report on Previously
Approved Transfers of Funds

At previous meetings, the Board of Estimates approved Transfers of Funds subject to receipt of favorable reports from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the provisions of the City Charter. Today, the Board is requested to **NOTE 7** favorable reports on Transfers of Funds approved by the Board of Estimates at its meetings on September 26, and October 3, 2012.

The Board **NOTED** the **7** reports.

MINUTES

Department of Planning - Memorandum of Understanding

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a memorandum of understanding (MOU) with the State of Maryland Department of Natural Resources. The period of the MOU is November 15, 2012 through September 30, 2013.

AMOUNT OF MONEY AND SOURCE:

\$30,000.00 - 5000-581313-1875

BACKGROUND/EXPLANATION:

Under this MOU, the funds will be used to complete a Climate Adaption Plan to be adopted by the Planning Commission as an official Appendix to the All Hazards Mitigation Plan required by the Federal Emergency Management Administration (FEMA). This will assure that the Adaption Plan recommendations are included in any capital and operating budget decision making processes.

Baltimore is highly vulnerable to many natural hazards, including coastal storms, flooding, extreme heat and high winds. The State Climate Action Plan has noted that these types of extreme events will increase over the coming years. When these extreme events are combined with a projected rise in sea level 1- 2 feet, impacts will be spread over a much larger area of the City and threaten regionally significant utilities such as sewage treatment plants and the Baltimore waste to energy facility. It is imperative that Baltimore prepare for these impacts. By gathering further knowledge about the City's vulnerability, creating an engaged and committed community, and by taking proactive steps to reduce the City's vulnerability, Baltimore will be prepared for increased threats and natural hazard risks.

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 State of Maryland Department of Natural Resources.

MINUTES

Department of Recreation - Right-of-Entry Agreements
and Parks

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the right-of-entry agreements with the Walters Art Museum (Museum) for the below listed locations. The period of the agreement is October 1, 2012 through May 11, 2013, unless otherwise indicated. The Board is also requested to waive any minor privilege fee that may be required for the installments.

BACKGROUND/EXPLANATION:

Under the right-of-way agreements, the Museum will install various reproductions of works of art from its permanent collection in the following six properties located within the City:

	<u>Location</u>	<u>Name of Replica</u>	<u>Amount</u>
1.	CYLBURN ARBORETUM	Springtime	N/A
2.	FEDERAL HILL PARK (side that faces Battery Avenue)	Attack at Dawn	N/A
3.	McKELDIN SQUARE (wall facing Pratt St.)	Shipwreck in a Storm	N/A
4.	O'DONNELL SQUARE (Linwood Avenue entrance)	Lost Illusions	N/A
5.	WYMAN PARK DELL (near center of park)	On the Desert	N/A
6.	PATTERSON PARK (base of hill looking up at Pagoda)	HOPE	N/A

The period of the agreement is September 5, 2012 through May 11, 2013.

MINUTES

Rec. & Parks - cont'd

The Museum will install full-sized, reproduction of a work of art from its Museum's permanent collection, using materials that are waterproof and lightfast. The right-of-entry agreements will grant the Museum and its contractor limited access to install and maintain the replicas.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing right-of-entry agreements.

MINUTES

Health Department - Agreements and Ratification of Agreement

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

1. **UNIVERSITY OF MARYLAND, BALTIMORE** **\$25,000.00**

Account: 5000-520113-3030-702900-603051

The Adolescent and Young Adult of the University of Maryland, Baltimore will provide the uninsured and underinsured citizens of Baltimore City access to reproductive health services. Services will include, but not be limited to education, contraception, screening and referral of reproductive-related cancers and education and screening of sexually transmitted infections.

2. **PLANNED PARENTHOOD OF MARYLAND INC.** **\$70,000.00**

Account: 4000-494413-3030-279200-603051

The Planned Parenthood of Maryland will assist the Health Department with the development and implementation of a health education curriculum for child welfare workers and foster care providers for the Baltimore City Teen Pregnancy Prevention Initiative: Out of Home Youth Project. The goals of this initiative are to educate significant adults working with out of home youth on pregnancy prevention and to develop a curriculum for integration within in-service programs for professionals and providers.

MWBOO GRANTED A WAIVER.

MINUTES

Health Dept. - cont'd

3. HEALTH LEADS, INC. \$72,000.00

Account: 5000-530013-3080-595800-603051

Health Leads, Inc. at the University of Maryland Medical Center Mother-Baby Unit will provide eligible patients with accurate information about key community and government resources assist patients in completing benefit applications and accessing resources, contact agencies and service providers directly on behalf of patients, where appropriate, and assist patients in negotiating barriers they encounter in accessing services.

MWBOO GRANTED A WAIVER.

The agreements are late because they were just received from the provider.

4. CHEMICAL PEOPLE TASK FORCE OF CHERRY HILL, INC. \$77,018.00

Account: 4000-423013-3100-297100-603051

The organization provides services to children of low-income families who are at risk of having poor outcomes related to behavioral and adjustment problems, health problems, substance abuse and poor academic achievement at the Arnett J. Brown School #180/Southside Academy #181. Services will include but are not limited to after-school cultural arts program, African drum and dance, academic enrichment program, homework assistance, computer and internet access, martial arts/karate, arts and crafts, and access to health services as needed through referral services.

MWBOO GRANTED A WAIVER.

The agreement is late because it was just completed.

MINUTES

Health Dept. - cont'd

RATIFICATION OF AGREEMENT

5. **THE JOHNS HOPKINS UNIVERSITY,** **\$ 16,000.00**
BLOOMBERG SCHOOL OF PUBLIC HEALTH (JHU)

Account: 4000-480112-3001-268400-603051

The Board is requested to ratify the agreement with JHU. The Johns Hopkins University, Bloomberg School of Public Health provided training and technical assistance related to Health Impact Assessments, and increased Baltimore City's expertise and capacity to write and use Health Impact Assessments. The period of the agreement was October 1, 2011 through September 30, 2012.

The request to ratify this agreement submitted at this time because of delays in receiving the appropriate budget and supporting documents.

6. **THE JOHNS HOPKINS UNIVERSITY** **\$200,000.00**
(JHU)

Account: 4000-424513-3023-599608-603051

The JHU will increase available mental health services to HIV infected patients. The JHU will provide 1,900 units of service including comprehensive psychiatric services, evaluations, and follow-up visits to patients attending the Johns Hopkins University Moore Clinic.

MWBOO GRANTED A WAIVER.

7. **THE JOHNS HOPKINS UNIVERSITY** **\$231,775.00**
(JHU)

Account: 4000-424513-3023-599656-603051

The JHU will enhance client adherence with medication taking and keeping medical appointments, increase the client's knowledge of HIV, medication taking and symptom management, provide emotional support in the form of peer instruction and guidance and continue with project evaluation to address the question of effectiveness.

MWBOO GRANTED A WAIVER.

MINUTES

Health Dept. - cont'd

8. THE JOHNS HOPKINS UNIVERSITY **\$82,733.00**
(JHU)

Account: 4000-423513-3023-599630-603051

The JHU provides HIV primary care to train and educate providers in HIV care, and conducts research to advance the treatment and prevention of HIV infection. The JHU will also provide substance abuse services to 35 new clients and to 95 unduplicated clients; provide 275 substance abuse visits to therapists, provider clinicians, offer 800 substance abuse counseling visits, and hold 48 substance abuse group counseling sessions.

MWBOO GRANTED A WAIVER.

9. THE JOHNS HOPKINS UNIVERSITY **\$18,555.00**
(JHU)

Account: 4000-424513-3023-599629-603051

The JHU will provide comprehensive, HIV primary care to train and educate providers in HIV care, and to conduct research to advance the treatment and prevention of HIV infection. The JHU will also develop services that are integrated, comprehensive and are adaptive to the changing needs of clients.

The agreements (items 6 - 9) are late because the Infectious Disease and Environmental Health Administration (IDEHA) programmatically manages all Ryan White Part B services. The IDEHA selects providers through the Request for Proposal process. The providers are asked to submit a budget, budget narrative and scope of services. The Department prepares the agreements after receipt of an approved budget and scope of services and processes payments following approval.

MINUTES

Health Dept. - cont'd

The budgets are many times revised because of inadequate information from the providers. This review process is required before submitting the contract to the Board of Estimates.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the foregoing agreements and ratified the agreement. The President **ABSTAINED** on item nos. 5 through 9.

MINUTES

Health Department - Notification of Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of the Notice of Grant Award (NGA) from the Maryland State Department of Education. The period of the grant award is July 1, 2012 through June 30, 2013.

AMOUNT OF MONEY AND SOURCE:

\$505,021.00 - 5000-525713-3100-295900-405001

BACKGROUND/EXPLANATION:

This grant will provide funds to support the Department's School-Based Health Center Program.

The NGA is late because it was just received on September 5, 2012.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved the acceptance of the Notice of Grant Award from the Maryland State Department of Education.

MINUTES

Health Department - Revised Notification of Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of the Revised Notice of Grant Award (NGA) from the Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for HIV, Viral, Hepatitis, STDS and TB Prevention. The period of the grant award is January 1, 2012 through December 31, 2012.

AMOUNT OF MONEY AND SOURCE:

\$435,183.00 - 4000-422512-3030-271500-405001

BACKGROUND/EXPLANATION:

On February 29, 2012, the Board approved the original award in the amount of \$1,021,866.00 for the period January 1, 2012 through December 31, 2013.

This revised NGA in the amount of \$435,183.00 increases the total award amount to \$1,457,049.00.

The funds will be utilized for the following components: Comprehensive STD Prevention Systems, Infertility Prevention Project, and Syphilis Elimination and Gonococcal Isolate Surveillance Project.

The NGA is late because it was issued on July 25, 2012, but was delayed during the Department's administrative review process.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved execution of the revised Notification of Grant Award.

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Department of Housing and Community Development - Options</u>			
1. Leslie Sarkin	2100-2104 Ashland Avenue	G/R \$33.00	\$ 275.00
2. Robert Finley Streett, Trustee for the benefit of Robin Lynn Streett, Stephen Finley Streett, Barry Scott Streett, under Last Testament Will and Testament of Eugene Ogier Streett and George Gover Streett	1716 E. Chase Street	G/R \$32.00	\$ 267.00
3. Samuel Polakoff	956 N. Chester Street	G/R \$96.00	\$ 800.00
4. Tridack, LLC	965 N. Chester Street	G/R \$39.00	\$ 357.50

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

(FILE NO. 56017)

5. Eutaw Place LLC	1105 N. Bradford Street	G/R \$36.00	\$ 240.00
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Funds are available in account 9910-904488-9588-900000-704040, Milton-Montford Project.

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

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Department of Housing and Community Development - Condemnation</u>			
6. Worthington Ridge Realty Partnership	1112 N. Bradford Street	G/R \$58.00	\$ 386.67

Funds are available in account 9910-904488-9588-90000-704040,
Milton-Montford Project.

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

MINUTESDepartment of Finance - Revisions to Innovation Program Policy**ACTION REQUESTED OF B/E:**

The Board is requested to approve revisions to AM-111-1, Innovation Program policy.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The major revision to the Administrative Manual policy on Innovation Program is that the Innovation Program now oversees the Innovation Fund and the Employees Reward Program. The purpose of the Innovation Fund is to provide seed money that will lead to improved results, reduced ongoing operating costs, and/or new revenue.

City agencies or quasi-City agencies may apply for Innovation Fund loans by submitting proposals to the Innovation Program Committee. The policy also defines the rules and procedures in applying for the Innovation Fund.

The Employee Rewards Program is designed to encourage employees to suggest creative and divergent solutions to problems facing the City, formulate improvements to existing operations and procedures, and reward employees whose suggestions are adopted. The policy also defines the rules and procedures for employees to apply for the Employees Rewards Program.

The revisions to AM-111-1 were recommended and reviewed by the Bureau of the Budget and Management Research, Department of Finance, and the Mayor's Office of CitiStat.

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

UPON MOTION duly made and seconded, the Board approved the revisions to AM-111-1, Innovation Program policy.

MINUTES

Bureau of Water & Wastewater - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve an expenditure of funds using a new funding source to pay the Baltimore Harbor Watershed Association.

AMOUNT OF MONEY AND SOURCE:

\$20,800.00 - 1001-000000-5181-390700-603026

BACKGROUND/EXPLANATION:

On January 2, 2009, the Board approved the agreement with the Baltimore Harbor Watershed Association to develop a community based environmental restoration plan for the Harris Creek Watershed. That agreement used Capital Improvement Project account number 9958-525-431-20-332. That account was closed prior to the Department of Public Works receiving the final invoice for the remaining amount. Therefore, the Department of Public Works requests the Board to approve payment to the Baltimore Watershed Association in the amount of \$20,800.00 using account number 1001-000000-5181-390700-603026.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved the expenditure of funds using a new funding source to pay the Baltimore Harbor Watershed Association. The President **ABSTAINED**.

MINUTES

Bureau of Water and Wastewater - Employee Expense Statement

ACTION REQUESTED OF B/E:

The Board is requested to approve the employee expense statement for Mr. Edward Perry, Sr. for the month of June 2012.

AMOUNT OF MONEY AND SOURCE:

\$221.45 - 2071-000000-5471-609200-603002

BACKGROUND/EXPLANATION:

The Division of Revenue Measurement and Billing inadvertently failed to process Mr. Perry's employee expense statement for mileage expenses incurred during the month of June, in time to be received by the Bureau of Accounting and Payroll Services within 40 working days from the last calendar day of the month in which the expenses were incurred.

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

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

UPON MOTION duly made and seconded, the Board approved the employee expense statement for Mr. Edward Perry, Sr. for the month of June 2012. The President **ABSTAINED**.

MINUTES

Mayor's Office of Homeless - Grant Agreement, Amendment to Grant
Services (MOHS) Agreement and Memorandum of
Understanding

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

AGREEMENT**1. SUPPORTIVE HOUSING GROUP, INC. \$169,125.00**

Account: 4000-496212-3572-591492-603051

The organization will provide supportive services and transitional housing for approximately 36 households with dependent children for up to two years.

MWBOO GRANTED A WAIVER.

AMENDMENT TO AGREEMENT**2. AIDS INTERFAITH RESIDENTIAL SERVICES (AIRS) \$ 54,451.00**

Account: 4000-490912-3572-333643-603051

The State grant for Housing Opportunities will increase the grant amount by \$54,451.00. This increase is to be used to operate the People on the Move Program. The Board approved the initial agreement on July 27, 2011.

MEMORANDUM OF UNDERSTANDING**3. BALTIMORE CITY HEAD START POLICY COUNCIL \$ 38,933.00**

Account: 4000-486313-6051-452210-603051

The organization will provide parents the opportunity and experience in planning, developing, and implementing their own projects under the Baltimore City Head Start Program (BCHS). The estimated proposed budget is based on 3,063 children served by the BCHS Program.

MINUTES

MOHS - cont'd

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

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

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

Kim A. Trueheart

October 16, 2012

Board of Estimates

Attn: Clerk

City Hall, Room 204

100 N. Holliday Street,

Baltimore, Maryland 21202

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of a lack of vision, poor fiscal planning and management and failure to capitalize on strategic investment opportunities in our youth by the Mayor of Baltimore City and the various Departments and Agencies under her leadership and direction.

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

1. Whom you represent: Self
2. What the issues are:
 - a. Pages 23 Item #3, Mayor's Office of Homeless Services (MOHS) Baltimore City Head Start Policy Council MOU, if approved:
 - i. Fails to provide access to the MOU for inspection;
 - ii. Fails to identify the members of the Head Start Policy Council;
 - iii. Fails to identify the duties and responsibilities of the Council.
3. How the protestant will be harmed by the proposed Board of Estimates' action: The Head Start Policy Council if well organized can lead the City in reforming city and state agencies to enhance early learning services for our underserved youth.
4. The remedy I seek and respectfully request is that this action be delayed until the membership of the Policy Council has been announced publically.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on October 17, 2012.

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

Sincerely,

Kim Trueheart, Citizen & Resident

5519 Belleville Ave
Baltimore, MD 21207

MINUTESMayor's Office of Homeless Services - Expenditure of Funds**ACTION REQUESTED OF B/E:**

The Board is requested to approve the expenditure of funds to reimburse the Baltimore City Department of Social Services.

AMOUNT OF MONEY AND SOURCE:

\$19,665.00 - 5000-523112-3571-333717-603051

BACKGROUND/EXPLANATION:

The MOHS annually receives the Homelessness Prevention Program (HPP) grant from the State of Maryland, Department of Human Resources. The FY 2012 grant award amount to the City for the MOHS was \$494,700.00. The MOHS allocated 100% of the funding to various non-profit homeless service providers. The Baltimore City Department of Social Services (BCDSS) was awarded \$215,721.00 by the MOHS. The contract was presented to the Board of Estimates on January 11, 2012 in the amount of \$196,056.00. As a result of the incorrect contract awards amount, the BCDSS did not request the allowable reimbursement percentage of salary for two case managers that provided direct services to the HPP grant.

The correct reimbursement percentage for the two positions should have been 79% as opposed to 55% that was presented to the budget submitted with contract no. 34844. The revised budget calculated with the correct percentages reflects a total budget of \$215,721.00. The MOHS is requesting approval to reimburse the BCDSS the variance of \$19,665.99.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to reimburse the Baltimore City Department of Social Services.

MINUTES

Department of Housing and Community Development - Agreements

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

1. **LIVE BALTIMORE HOME CENTER, INC.** **\$304,038.00**
(LBHC)

Account: 1001-000000-8151-700300-603051

The LBHC will utilize the funds to implement programs that will market Baltimore City by promoting the benefits of Baltimore City living to current residents and potential City residents. The LBHC has satisfactorily carried out marketing efforts under previous agreements and desires to continue its marketing and promotional efforts. The period of the agreement is July 1, 2012 through June 30, 2013.

MWBOO GRANTED A WAIVER.

2. **REBUILDING TOGETHER BALTIMORE, INC.** **\$115,155.00**

Accounts: 2089-208912-5930-431155-603051	\$ 48,655.00
2089-208913-5930-431155-603051	\$ 66,500.00

This agreement will provide CDBG funding for Rebuilding Day, (April 27, 2013) to repair housing of low-moderate-income owner-occupied households that reside in a targeted neighborhood within the City that was chosen through a competitive application process. The funds will also be utilized for a "Fix-it Program" to provide urgent and critical repairs for low-moderate-income owner occupants that reside outside of the targeted neighborhood. The period of the agreement is September 1, 2012 through August 31, 2013.

FOR THE FY 2013 MBE AND WBE PARTICIPATION GOALS FOR THE ORGANIZATION WERE SET ON THE AMOUNT OF \$18,000.00 AS FOLLOWS:

MBE: \$4,860.00
WBE: \$1,800.00

MINUTES

DHCD - cont'd

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

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

On May 2, 2012, the Board approved the Resolution authorizing the Commissioner of the Department of Housing and Community Development (DHCD), on behalf of the Mayor and City Council, to file a Federal FY 2012 Annual Action Plan for the following formula programs:

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

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

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTES

DHCD - cont'd

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

Kim A. Trueheart

October 16, 2012

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of questionable management and administration by the Department of Housing and Community Development (DHCD).

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

1. Whom you represent: Self.
2. What the issues are:
 - a. Pages 25, Item #2, Department of Housing and Community Development (DHCD) – REBUILDING TOGETHER BALTIMORE Agreement, if approved:
 1. Please provide access to the attendant documents for inspection.
 - a. Fails to identify the targeted neighborhood within the City.
 2. The public perception of this organization has been that it focuses on one particular neighborhood in Baltimore.
 - a. A competitive selection process would be appreciated and should be widely shared.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed questionable management and stewardship of municipal funds by this Mayoral administration and DCHD/HABC specifically. I seek the dissolution of DHCD and HABC in their current form and the establishment of a new single entity under the direct auspicious of the municipal government of Baltimore City, thus allowing for appropriate levels of oversight and scrutiny by the citizens of Baltimore City and our duly elected representatives.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on October 17, 2012.

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

Sincerely,
Kim Trueheart, Citizen & Resident

5519 Belleville Ave
Baltimore, MD 21207

MINUTES

Department of Housing & - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a land disposition agreement with Church of God and Saints of Christ (Church) for the sale of a vacant lot located at 1608-1610 Ashland Avenue in the Gay Street I Urban Renewal Area.

AMOUNT OF MONEY AND SOURCE:

\$1,000.00 - Sale Price

BACKGROUND/EXPLANATION:

Private owners in the City are given the opportunity to purchase City-owned vacant lots that are adjacent to their properties. The Church's property is located at 1606 Ashland Avenue, next to a City-owned lot at 1608 Ashland Avenue. The vacant lot will be converted into an "urban produce garden." The Church intends to grow and harvest its own locally produced produce that will be mostly vegetables, without spending a lot of money and energy expenditure that is required to import the same types of food from other parts of the country. The conversion of the lot will consist of five garden beds with raised frames of cement blocks. The garden will also be will be surrounded by a fence. The Church plans to invest approximately \$1,750.00 into this project. Much of the labor work will be provided by the Church's members. Once transferred and redeveloped, the lot will be active and will no longer cost the City in maintenance. The redevelopment will also stop the blight influence in the community.

The waiver valuation process was used in lieu of an appraisal. The DHCD has determined the price of the lot using available real estate data. The vacant lot has been priced at \$1,229.00.

MINUTES

DHCD - cont'd

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

The property is being sold for less than the price determined by the Waiver Valuation Process because of these factors:

1. the lot has been vacant for a number of years and the Church has been maintaining it,
2. selling it will save the City the cost of removing the dumped materials on the lot,
3. the lot is located next to the church and creating a blight influence not only on the Church, but also on the community as a whole,
4. the developer is a non-profit organization and the project is one that will benefit the community, and
5. the developer's offer to purchase was the only response to the offer to sell and selling the lot will bring it to a productive use.

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

MINUTES

Department of Housing & - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Land Disposition Agreement with the State of Maryland for use of the University System of Maryland on behalf of its constituent institution, Coppin State University for the sale of a vacant lot located at 1736 N. Warwick Ave.

AMOUNT OF MONEY AND SOURCE:

\$6,200.00 - Sale Price

BACKGROUND/EXPLANATION:

The vacant lot located at 1736 N. Warwick Ave. will be conveyed as part of the assemblage for the site of a new Science and Technology Center. The State of Maryland is in the process of acquiring over 210 properties for this project.

On December 18, 2008, the Board of Estimates previously approved the sale of City-owned properties to the State of Maryland for Coppin State University to erect a Health and Human Services Building. Following the completion of the building, Coppin State University received funding from the State of Maryland to build a new Science and Technology Center.

This property is being sold to the State of Maryland for Coppin State University at the offer price of \$6,200.00. The City acknowledges the Coppin State University will submit the executed Land Disposition Agreement to the State Board of Public Works for approval after approval by the City's Board of Estimates.

The property is being conveyed via Article 13, §2-7(h) of the City Code.

MINUTES

DHCD - cont'd

The property was appraised at \$6,500.00 pursuant to the appraisal policy of Baltimore City. It will be sold for \$6,200.00.

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

The property is being conveyed below the appraised value because of the following factors:

- a) specific benefit to the immediate community;
- b) elimination of blight; and
- c) economic development, creation of jobs, real estate and other taxes .

(FILE NO. 56674)

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the State of Maryland for use of the University System of Maryland on behalf of its constituent institution, Coppin State University for the sale of a vacant lot located at 1736 N. Warwick Ave.

MINUTES

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a land disposition agreement with JG Investor, LLC, Developer, for the properties located at 4000 Springdale Avenue (Block 2726/014) and 4005 Springdale Avenue (2738/006).

AMOUNT OF MONEY AND SOURCE:

\$ 7,000.00 - 4000 Springdale Avenue
6,000.00 - 4005 Springdale Avenue
\$13,000.00 - Purchase Price

BACKGROUND/EXPLANATION:

The properties will be converted into single-family homes to market for sale. The project will consist of the total rehabilitation of both vacant buildings. The developer intends to rehabilitate both properties and sell them through a licensed real estate agent.

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

In accordance with the City's Appraisal Policy, the waiver valuation process was used in lieu of an appraisal, for 4000 Springdale Avenue and 4005 Springdale Avenue. The properties were priced at \$10,000.00 each.

The property located at 4000 Springdale Avenue will be sold for \$7,000.00 and the property located at 4005 Springdale will be sold for \$6,000.00. The properties will be sold below the prices determined pursuant to the Appraisal Policy of Baltimore City because of the following factors:

- 1) the sale will stabilize the immediate community,
- 2) eliminate blight, and
- 3) economic development, creation of jobs, real estate and other taxes.

MINUTES

DHCD - cont'd

The comparables used to substantiate the sales price of 4000 Springdale Avenue (2726/014) and 4005 Springdale (2738/006) are 3309 Oakfield Avenue and 2006 Forest Park Avenue, 5901 Norwood Avenue and 3501 Plateau Avenue.

MBE/WBE PARTICIPATION:

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

(FILE NO. 57211)

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the land disposition agreement with JG Investor, LLC, Developer, for the properties located at 4000 Springdale Avenue (Block 2726/014) and 4005 Springdale Avenue (2738/006).

MINUTES

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a land disposition agreement with Timothy 618, LLC., buyer, for the properties located at 322, 324, 405, 411 and 421 E. Lafayette Avenue.

AMOUNT OF MONEY AND SOURCE:

\$ 4,000.00 - 322 E. Lafayette Avenue
4,000.00 - 324 E. Lafayette Avenue
4,000.00 - 405 E. Lafayette Avenue
4,000.00 - 411 E. Lafayette Avenue
4,000.00 - 421 E. Lafayette Avenue
\$20,000.00 - Purchase Price

BACKGROUND/EXPLANATION:

The project will consist of the five vacant buildings to be totally renovated into single-family homes to be sold to medium-income homeowners. The buyer, is a small Christian oriented development company which has been active in developing properties in the City for the past two years.

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

In accordance with the City's Appraisal Policy, the waiver valuation process was used in lieu of an appraisal. The five properties were priced at \$10,000.00 each and will be sold for \$4,000.00 each.

MINUTES

DHCD - Cont'd

The properties will be sold below the prices determined pursuant to the Appraisal Policy using the waiver valuation process because of the following factors:

1. specific benefit to the immediate community,
2. elimination of blight,
3. economic development, returning the five properties to productive use and to the tax rolls of the City;
4. established decline in the market, and
5. condition of the property.

MBE/WBE PARTICIPATION:

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

(FILE NO. 57211)

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the land disposition agreement with Timothy 618, LLC., buyer, for the properties located at 322, 324, 405, 411 and 421 E. Lafayette Avenue.

MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Funds</u>	<u>Amount</u>
<u>Department of Public Works</u>			
1. Savita Bagal	2012 Water Quality Technology Conf. & Exposition Toronto, Ontario, Canada Nov. 14 - 16, 2012 (Reg. Fee \$820.00)	Water & Waste- water	\$2,456.68

In accordance with AM-240-5 policy, for travel outside the continental United States, each City representative must include a proposed amount for a daily subsistence allowance which the representative believes to be both reasonable and economical. The Department is proposing \$239.00, daily as reasonable and economical. This amount will cover the hotel costs of \$199.00/night not including occupancy tax of \$103.48 and \$40.00/day for meals.

2. Marcia Collins Dana Cooper	Developments in Clean Water Law Seminar: A Seminar for Public Agency Westin Seattle, WA Nov. 13 - 16, 2012 (Reg. Fee \$850.00 ea.)	Utility Fund	\$4,148.84
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The registration fee for Dana Cooper in the amount of \$1,700.00 was paid by Expenditure Authorization No. 000104054.

MINUTES**TRAVEL REQUEST**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Department of Law</u>			
3. Scott Brillman*	Int'l. Assoc. of	FY10 State	\$7,825.26
Connor Scott	Emergency Managers	Homeland	
Chi-Poe Hsai	Conf.	Security	
	Orlando, FL	Program	
	10/25/12 - 11/01/12		
	(Reg. Fee \$852.80)*		
	(Reg. Fee \$556.40)		

The subsistence rate for this location is \$153.00 per day. The hotel costs for Messrs. Brillman and Scott is \$179.00 each, per night plus a 13.5% tax. The hotel cost for Mr. Hsai is \$172.00 per night, plus a 13.5% tax. Therefore, the Department is requesting an additional \$182.00 each for Messrs. Brillman and Scott, and an additional \$133.00 for Mr. Hsai, respectively, to cover the balance of their hotel accommodations. The Department is also requesting an additional \$40.00 per day for each of the representatives for the costs of meals. The additional costs have been included in the total amount.

TRAVEL REIMBURSEMENTBaltimore City Fire Department

4. Stephen Karas \$ 165.39

On May 23, 2012, the Board approved a travel request for Mr. Karas to attend the National Archaeology Society's Sonar Training in Traverse City, Michigan from May 29, 2012 - June 01, 2012.

However, Mr. Karas incurred additional hotel expenses for extended accommodations through June 02, 2012 when his return flight from Traverse City, Michigan was cancelled due to inclement weather from Tropical Storm Beryl. Therefore, the Department is requesting a reimbursement for the amount of \$165.39 to cover the additional hotel fees.

MINUTES

TRAVEL APPROVALBaltimore Police Department

5. Derrick E. Mayfield \$1,284.41

On August 2-5, 2012, Mr. Mayfield accompanied the Mayor to New Orleans, LA for security purposes. The allowed subsistence rate for this location is \$172.00 per day for a total of \$516.00. The Department is requesting approval of the travel costs in the amount of \$517.20 for airfare, \$378.51 for lodging, \$106.32 for meals, \$89.60 for parking, \$49.01 for gas and \$143.77 for a rental car, all totaling \$1,284.41.

The Police Department paid airfare, hotel accommodations, and other expenses using a City issued credit card assigned to Mr. Mayfield. All costs have been included in the total amount. Because all expenditures were covered using the City issued credit card, Mr. Mayfield will not receive any funds.

Due to the nature of the travel, it was necessary for Mr. Mayfield to secure a rental car.

AM-240-8

If official City business at the event site will require extensive inspection trips, tours, or other unusual but necessary land travel, the Board of Estimates must approve funds for such expenses in advance of the trip.

MINUTES**TRAVEL CORRECTION**Department of Communication Services

6. Simon Etta

On September 12, 2012, the Board approved a travel request for Mr. Etta to attend the USAC training in Atlanta, Georgia from September 17-19, 2012. The Board is requested to approve a change in the travel dates to the correct travel dates of October 17-19, 2012.

The Board, UPON MOTION duly made and seconded, approved the travel requests, travel approval, travel reimbursement and travel correction. The Mayor **ABSTAINED** on item no. 5. The President **ABSTAINED** on item nos. 1 and 2.

MINUTES

Department of Transportation - Amendment Number One to the MOU
for Jones Falls Trail Phase IV

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Amendment Number One to the Memorandum of Understanding (MOU) for Jones Falls Trail Phase IV. The period of the MOU is July 15, 2011 through July 15, 2016.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On Wednesday, June 27, 2007, the Board approved a Memorandum of Understanding (MOU) with the Maryland Department of Transportation (MDOT). The original MOU set forth the funding frame work for the construction of an 8-12 foot wide trail that is 2.4 miles in length, from the Woodberry Light Rail Station to the Clyburn Arboretum. Section VII of the original MOU stipulated that the project be advertised by February 28, 2008. However, due to various project delays and multiple agency reviews the project was advertised on July 15, 2011. Therefore, the City and MDOT wish to amend the original MOU to reflect the actual project schedule and to provide for the reimbursement of construction costs by the Federal Highway Administration.

AUDITS NOTED THE AMENDMENT.

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the amendment number one to the memorandum of understanding for Jones Falls Trail Phase IV.

MINUTES

Department of Housing and Community - Reimbursement to State
Development (DHCD) Special Loan Programs

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize a reimbursement to the State Department of Housing and Community Development for non-complying loans in the Special Loan Programs, Lead Hazard Reduction Grant and Loan Program.

AMOUNT OF MONEY AND SOURCE:

\$40,402.00 - 5000-518812-5825-608401-405001

BACKGROUND/EXPLANATION:

The company, Holabird Investments Inc. received funds from the Lead Hazard Reduction Grant and Loan Program, which was administered by the Baltimore City DHCD. Holabird Investments Inc. failed to complete the required lead abatement work on five properties, and the terms of the agreement with the State require the City to compensate the State for those non-complying loans, which total \$40,402.00. The Baltimore City Law Department has begun action to collect these funds from Holabird Investments, Inc. for their breach of contract.

The loans in question were made prior to the Baltimore City DHCD becoming responsible for the Lead Hazard Reduction Program in April 2011. Holabird Investments Inc. had successfully completed lead abatement in 35 properties in recent years but had not completed the lead abatement for five properties with loan amounts totaling \$40,402.00. Repeated and persistent efforts by the Baltimore City DHCD to bring Holabird Investments Inc. into compliance with the loan agreements were not successful. Baltimore City DHCD notified Holabird Investments Inc. that it was in breach of its agreement and must repay the City \$40,402.00.

The City Law Department, Collections Division is pursuing Holabird Investments Inc. to recover those funds. In the City's agreement with the State of Maryland for the administration of

MINUTES

DHCD - cont'd

the Special Loan Programs, which includes the Lead Hazard Reduction Grant and Loan Program, it requires that "all loans which are approved and disbursed, but which fail to comply with Program Requirements...must either be amended to comply with Program Requirements or be purchased from DHCD by the Local Government."

The Baltimore City DHCD will reimburse the State from the funds that the City earned for the administration of the program over the past fiscal year. There is no impact on General Funds or any other City program. The funds recovered from Holabird Investments Inc. by the Law Department, Collections Division will make that account whole.

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

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

UPON MOTION duly made and seconded, the Board approved and authorized the reimbursement to the State Department of Housing and Community Development for non-complying loans in the Special Loan Programs, Lead Hazard Reduction Grant and Loan Program.

Kim A. Trueheart

October 16, 2012

Board of Estimates

Attn: Clerk

City Hall, Room 204

100 N. Holliday Street,

Baltimore, Maryland 21202

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of questionable management and administration by the Department of Housing and Community Development (DHCD).

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

1. Whom you represent: Self.
2. What the issues are:
 - a. Pages 39, Department of Housing and Community Development (DHCD) – Reimbursement to State Special Loan Programs, if approved:
 1. Please provide details of the funds earned by the city for the administration of the program over the past fiscal year for inspection.
 - a. “The Baltimore City DHCD will reimburse the State from the funds that the City earned for the administration of the program over the past fiscal year.”
 2. Provide the impact on this program if the funds are not recovered by the Law Departments.
 - a. “There is no impact on General Funds or any other City program.”
3. How the protestant will be harmed by the proposed Board of Estimates’ action: As a citizen I have witnessed questionable management and stewardship of municipal funds by this Mayoral administration and DCHD/HABC specifically. I seek the dissolution of DHCD and HABC in their current form and the establishment of a new single entity under the direct auspicious of the municipal government of Baltimore City, thus allowing for appropriate levels of oversight and scrutiny by the citizens of Baltimore City and our duly elected representatives.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on October 17, 2012.

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

Sincerely,

Kim Trueheart, Citizen & Resident

5519 Belleville Ave
Baltimore, MD 21207

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- | | | |
|------------------------------|--------------|---------|
| 1. GLOBE ELECTRIC SUPPLY CO. | \$ 14,850.00 | Renewal |
|------------------------------|--------------|---------|
- Solicitation No. B50002130 - Modems for Traffic Signals -
Department of Transportation - Req. No. P518377

On October 3, 2011, the City Purchasing Agent approved the initial award in the amount of \$14,447.70. The award contained two 1-year renewal options. This renewal in the amount of \$14,850.00 is for the period October 17, 2012 through October 16, 2013, with one 1-year renewal option remaining.

- | | | |
|------------------------|--------------|---------|
| 2. CDW GOVERNMENT, LLC | \$ 25,790.80 | Low Bid |
|------------------------|--------------|---------|
- Solicitation No. B50002630 - Gamber Johnson Consoles for Chevy Caprice Police Units - Department of General Services - Req. No. R613342

- | | | |
|---|--------------|---------|
| 3. ZENMAR POWER TOOL &
HOIST SYSTEMS | \$ 40,000.00 | Low Bid |
|---|--------------|---------|
- Solicitation No. B50002634 - Repair Air Operated Tools -
Department of Public Works - Req. No. R613181

The award is for the period December 1, 2012 through November 30, 2013, with three 1-year renewal options remaining.

- | | | |
|----------------|----------------|---------|
| 4. USALCO, LLC | \$2,000,000.00 | Renewal |
|----------------|----------------|---------|
- Solicitation No. B50002185 Aluminum Sulfate for Water
Filtration Plants - Department of Public Works, Bureau of
Water and Wastewater - P.O. No. P518918

On December 7, 2011, the Board approved the initial award in the amount of \$2,000,000.00. The award contained four 1-year renewal options. This renewal in the amount of \$2,000,000.00 is for the period January 1, 2013 through December 31, 2013, with three 1-year renewal options remaining.

MWBOO GRANTED A WAIVER.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- | | | |
|--|--------------|---------|
| 5. SCHNEIDER LABORATORIES,
INC. | \$ 75,000.00 | Renewal |
| Solicitation No. B5000759 - Health Department - Req. No. P505719 | | |

On December 10, 2008, the Board approved the initial award in the amount of \$60,760.00. The award contained two 2-year renewal options. Subsequent actions have been approved. This renewal in the amount of \$75,000.00 is for the period December 10, 2012 through December 9, 2014, with no renewal options remaining.

MWBOO GRANTED A WAIVER.

- | | | |
|---|--------------|---------|
| 6. R & S NORTHEAST LLC | \$ 28,008.69 | Renewal |
| Solicitation No. B50002109 - Provide Epipen Auto Injectors - Health Department - P.O. No. P518331 | | |

On October 19, 2011, the Board approved the initial award in the amount of \$26,553.80. The award contained two 1-year renewal options. On August 8, 2012, the Board approved an increase in the amount of \$26,939.00. This renewal in the amount of \$28,008.69 is for the period October 19, 2012 through October 18, 2013, with one 1-year renewal option remaining.

MWBOO GRANTED A WAIVER.

- | | | |
|--|---------------|----------|
| 7. INDUSTRIAL MONITORING AND
CONTROL SYSTEMS, INC. | \$ 200,000.00 | Increase |
| Solicitation No. 08000 - SACDA i-FIX Hardware & Software Maintenance Agreement - Department of Public Works, Bureau of Water and Wastewater - Req. No. Various | | |

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

On January 11, 2011, the Board approved the initial award in the amount of \$50,000.00. Authority is requested for an increase to cover the remainder of the contract period. This increase in the amount of \$200,000.00 will make the award amount \$250,000.00.

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

- | | | |
|---------------------------|--------------|--------------------|
| 8. JANI-KING OF BALTIMORE | \$482,228.00 | Renewal & Increase |
|---------------------------|--------------|--------------------|
- Solicitation No. B50001751 - Janitorial Service for the Department of General Services Area D - Department of General Services - P.O. No. P518313

On September 21, 2011, the Board approved the initial award in the amount of \$464,880.00. The award contained two 2-year renewal options. On February 12, 2012, the City Purchasing Agent approved an increase in the amount of \$17,347.72. This renewal in the amount of \$482,228.00 is for the period October 16, 2012 through October 15, 2014, with one 2-year renewal option remaining.

This is a requirements contract, therefore, dollar amounts will vary.

MBE: Baltimore Janitorial Services	20%
WBE: Prime Star Industries, Inc.	10%

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

- | | | |
|---|--|---------|
| 9. FCC ENVIRONMENTAL LLC. Revenue Contract | | Renewal |
| Solicitation No. B50001691 - Waste Oil and Related Items
Recovery Services - Department of General Services, Fleet
Management Division - P.O. NO. P515774 | | |

On December 22, 2010, the Board approved the initial award. The award contained four 1-year renewal options. On December 7, 2011, the Board approved the first renewal. This renewal is for the period December 22, 2012 through December 21, 2013, with two 1-year renewal options remaining.

MWBOO GRANTED A WAIVER.**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

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

- | | | |
|---|--------------|---------|
| 10. GREER INDUSTRIES, INC. | | |
| d/b/a GREER LIME COMPANY | \$300,000.00 | Renewal |
| Solicitation No. B50001654 - Quick Lime for Water Filtration
Plants - Department of Public Works, Bureau of Water and
Wastewater - P.O. No. P515526 | | |

Kim A. Trueheart

October 17, 2012

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

Dear Ms. Taylor:

Herein is my written protest of the item described below from this week's Board of Estimates agenda and my request for information under the Maryland Public Information Act, State Government Article §§10-611 to 628.

The following details are provided to initiate this action as required by the Board of Estimates and I fully understand that the details in paragraphs 1-4 are NOT required by the Maryland Public Information Act:

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

1. Whom you represent: Self
2. What the issues are:
 - a. Pages 43, Item# 9, Bureau of Purchases - Solicitation No. B50001691, FCC Environmental, LLC – Revenue Contract, Department of General Services, if approved:
 - i. Fails to disclose the anticipated revenue from this contract.
 - ii. Fails to disclose the current balance of revenue collected under the current contract.
 - iii. Fails to disclose where current and future revenue will be applied;
 - iv. Please provide the solicitation No. B50001691 for inspection;
 - v. Please provide the Req. No. P515774 for inspection;
3. How the protestant will be harmed by the proposed Board of Estimates' action: I am an underserved, disparately treated, over-taxed citizen of Baltimore City and a victim of poor fiscal planning, management an administration by the Finance Department of Baltimore City.
4. The remedy I seek and respectfully request is that this action be withdrawn until the Finance Department discloses to the public the current and anticipated revenue totals the contract.

If all or any part of this request is denied, I request that I be provided with a written statement of the grounds for the denial. If you determine that some portions of the requested records are exempt from disclosure, please provide me with the portions that can be disclosed.

I also anticipate that I will want copies of some or all of the records sought. Therefore, please advise me as to the cost, if any, for obtaining a copy of the records and the total cost, if any, for all the records described above. If you have adopted a fee schedule for obtaining copies of

5519 Belleville Ave
Baltimore, MD 21207

records and other rules or regulations implementing the Act, please send me a copy. Electronic copies are acceptable.

I look forward to reviewing disclosable records promptly and, in any event, to a decision about all of the requested records within 30 days. Thank you for your cooperation.

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

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Sincerely,
Kim Trueheart, Citizen & Resident

5519 Belleville Ave
Baltimore, MD 21207

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

On November 17, 2010, the Board approved the initial award in the amount of \$647,250.00. The award contained two 1-year renewal options. On November 2, 2011, the Board approved the first renewal in the amount of \$300,000.00. This renewal in the amount of \$300,000.00 is for the period January 1, 2013 through December 31, 2013, with one 1-year renewal option remaining.

MWBOO GRANTED A WAIVER.

11. KPMG, LLP	\$176,000.00	Increase
Solicitation No. B50001847 - Audit Financial Statements for the City of Baltimore - Finance Department - P.O. No. P520462		

On April 27, 2011, the Board approved the initial award in the amount of \$779,745.00. Subsequent actions have been approved. This increase is requested for efforts related to the restatement of the City's Fiscal Year 2010 financial statements and other matters affecting the beginning balances of the City's Fiscal Year 2011 financial statements that were not anticipated. This increase will make the award amount \$1,226,145.00.

This is a requirements contract, therefore, dollar amounts will vary.

MBE: King, King & Associates, P.A. 10.0%

WBE: Kahler & Associates 6.0%

MWBOO FOUND VENDOR IN COMPLIANCE.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

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

12. GREAT-WEST LIFE & ANNUITY

<u>INSURANCE COMPANY</u>	<u>(No cost to City)</u>	<u>Renewal</u>
<u>Solicitation No. B50001019 - Provide Deferred Compensation Services - Department of Finance - Req. No. N/A</u>		

On July 15, 2009, the Board approved the initial award. The award contained three 1-year renewal options. The Plan's fee structure is revenue sharing which is funds paid by each of the Plan's investment funds to the Plan Administrator, Great-West Life & Annuity. This renewal is for the period December 1, 2012 through November 30, 2013, with two 1-year renewal options remaining.

This is a requirements contract, therefore, dollar amounts will vary.

MBE: CASI, Inc. 16%

WBE: Anne-Tisdale & Assocs. Inc. 3%

Curry Printing and Copy Ctr. 3%

MWBOO FOUND VENDOR IN COMPLIANCE.

Kim A. Trueheart

October 17, 2012

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

Dear Ms. Taylor:

Herein is my written protest of the item described below from this week's Board of Estimates agenda and my request for information under the Maryland Public Information Act, State Government Article §§10-611 to 628.

The following details are provided to initiate this action as required by the Board of Estimates and I fully understand that the details in paragraphs 1-4 are NOT required by the Maryland Public Information Act:

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

1. Whom you represent: Self
2. What the issues are:
 - a. Pages 44, Item# 11, Bureau of Purchases - Solicitation No. B50001847 – KPMG, LLP, Increase – Finance Department, if approved:
 - i. Fails to disclose unanticipated issues which warranted the increase in the contract ceiling;
 - ii. Please provide the agreement for inspection;
3. How the protestant will be harmed by the proposed Board of Estimates' action: I am an underserved, disparately treated, over-taxed citizen of Baltimore City and a victim of poor fiscal planning, management an administration by the Finance Department of Baltimore City.
4. The remedy I seek and respectfully request is that this action be withdrawn until the Finance Department discloses to the public the unanticipated issues which warrant this increase in funding on this contract. Additionally, the Finance Department should inform the public of corrective actions/measures implemented to ensure these same or similar accounting problems DO NOT recur in future years.

If all or any part of this request is denied, I request that I be provided with a written statement of the grounds for the denial. If you determine that some portions of the requested records are exempt from disclosure, please provide me with the portions that can be disclosed.

I also anticipate that I will want copies of some or all of the records sought. Therefore, please advise me as to the cost, if any, for obtaining a copy of the records and the total cost, if any, for all the records described above. If you have adopted a fee schedule for obtaining copies of

5519 Belleville Ave
Baltimore, MD 21207

records and other rules or regulations implementing the Act, please send me a copy. Electronic copies are acceptable.

I look forward to reviewing disclosable records promptly and, in any event, to a decision about all of the requested records within 30 days. Thank you for your cooperation.

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

Sincerely,
Kim Trueheart, Citizen & Resident

5519 Belleville Ave
Baltimore, MD 21207

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

13. TYLER TECHNOLOGIES, INC.	\$ 0.00	Confidentiality and Non- Disclosure Agreement
Contract No. NJPA013006 - Personal Property Billing System - Finance Department - Req. No. N/A		

The Board is requested to approve and authorize execution of a confidentiality and non-disclosure agreement with Tyler Technologies, Inc. The period of the confidentiality and non-disclosure agreement is effective upon date of original award for five years, with no renewal options.

On March 14, 2012, the Board approved the original award in the amount of \$1,345,550.00.

MWBOO GRANTED A WAIVER.

(FILE NO. 57210)

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

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

Kim A. Trueheart

October 17, 2012

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

Dear Ms. Taylor:

Herein is my written protest of the item described below from this week's Board of Estimates agenda and my request for information under the Maryland Public Information Act, State Government Article §§10-611 to 628.

The following details are provided to initiate this action as required by the Board of Estimates and I fully understand that the details in paragraphs 1-4 are NOT required by the Maryland Public Information Act:

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

1. Whom you represent: Self
2. What the issues are:
 - a. Pages 45, Item# 13, Bureau of Purchases - Contract No. NJPA013006, TYLER TECHNOLOGIES, Inc. Confidentiality and Non-Disclosure Agreement – Finance Department, if approved:
 - i. Fails to disclose the purpose of this agreement;
 - ii. Please provide the agreement for inspection;
3. How the protestant will be harmed by the proposed Board of Estimates' action: I am an underserved, disparately treated, over-taxed citizen of Baltimore City and a victim of poor fiscal planning, management an administration by the Finance Department of Baltimore City.
4. The remedy I seek and respectfully request is that this action be delayed until the public is informed.

If all or any part of this request is denied, I request that I be provided with a written statement of the grounds for the denial. If you determine that some portions of the requested records are exempt from disclosure, please provide me with the portions that can be disclosed.

I also anticipate that I will want copies of some or all of the records sought. Therefore, please advise me as to the cost, if any, for obtaining a copy of the records and the total cost, if any, for all the records described above. If you have adopted a fee schedule for obtaining copies of records and other rules or regulations implementing the Act, please send me a copy. Electronic copies are acceptable.

5519 Belleville Ave
Baltimore, MD 21207

I look forward to reviewing disclosable records promptly and, in any event, to a decision about all of the requested records within 30 days. Thank you for your cooperation.

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

Sincerely,
Kim Trueheart, Citizen & Resident

5519 Belleville Ave
Baltimore, MD 21207

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Department of General Services

14. ARCHITECTURAL PRESERVATION-
 SERVICES, LLC. (APS), A DIVISION Emergency Procurement/
OF WORCESTER EISENBRANT, INC. Selected Source
- a. IC553 - MCKIM CENTER STONE REPAIR - DEPARTMENT OF GENERAL
 SERVICES - AMOUNT: \$45,000.00

The exterior stone pediments of the City-owned McKim Center have developed cracks and chunks of stone have been falling off the building. This Historic circa 1833 building is located at 1120 E. Baltimore Street. It is well known for its Greek Temple style of architecture.

In order to prevent more deterioration of this City landmark building, the Commission for Historic and Architectural Preservation (CHAP) requested that the Department of General Services (DGS) use the historic repair firm of Architectural Preservation Services, LLC (APS) to make the emergency specialized repairs of the deteriorating stone pediments of this building. The DGS received a proposal for \$45,000.00 from Architectural Preservation Services, LLC to repair the stone pediments.

No advantage will result in seeking competitive bids because just the cost of advertising for bids is \$10,000.00, or 22% of the value of the work. Also, the Department of General Services' current On-Call contractors are incapable of providing the required specialized services needed.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Department of General Services - cont'd

- b. EMERGENCY INSPECTION AND MINOR REPAIRS TO THE EXTERIOR OF CITY HALL - DEPARTMENT OF GENERAL SERVICES - AMOUNT: \$59,710.00.

On October 2, 2012, part of the exterior stone pediment at the rear of City Hall fell from the building above the sixth floor and landed in Guilford Avenue. The Department of Transportation immediately closed the sidewalk along Guilford Avenue for the protection of pedestrians.

On October 3, 2012, a street-level visual inspection was made of all four sides of the exterior walls of City Hall by APS. It was noted that some areas of the exterior walls that were not repaired in 2009 have suffered water damage, developed cracks, and are in need of repair. The APS stated that the exterior of the building is in need of a close-up, physical emergency inspection in order to check for loose stones that might fall to the sidewalk or street below, and to make minor repairs and/or limited stone removal to make the building safe for immediate future. The work requires the use of a mobile lift and physical tapping of the stone with a light hammer. The DGS received a \$59,710.00 proposal from the APS to perform the work, which will take about four weeks to complete.

This emergency procurement is necessary to quickly abate the problem so that the sidewalk can reopen for safe use. APS will provide a detailed report outlining required permanent work which will be used to obtain bids pursuant to the normal procurement process.

The Director of Finance approved the emergency procurements.

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

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Department of General Services - cont'd

(FILE NO. 57210)

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

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

UPON MOTION duly made and seconded, the Board approved the foregoing informal awards, renewals, increases to contracts, and extensions. The Board also approved and authorized execution of the confidentiality and non-disclosure agreement with Tyler Technologies, Inc. The President **ABSTAINED** on item nos. 4, 7, and 10. The Comptroller **ABSTAINED** on item nos. 11 and 12.

Kim A. Trueheart

October 17, 2012

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

Dear Ms. Taylor:

Herein is my written protest of the item described below from this week's Board of Estimates agenda and my request for information under the Maryland Public Information Act, State Government Article §§10-611 to 628.

The following details are provided to initiate this action as required by the Board of Estimates and I fully understand that the details in paragraphs 1-4 are NOT required by the Maryland Public Information Act:

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

1. Whom you represent: Self
2. What the issues are:
 - a. Pages 43, Item# 9, Bureau of Purchases - Solicitation No. B50001691, FCC Environmental, LLC – Revenue Contract, Department of General Services, if approved:
 - i. Fails to disclose the anticipated revenue from this contract.
 - ii. Fails to disclose the current balance of revenue collected under the current contract.
 - iii. Fails to disclose where current and future revenue will be applied;
 - iv. Please provide the solicitation No. B50001691 for inspection;
 - v. Please provide the Req. No. P515774 for inspection;
3. How the protestant will be harmed by the proposed Board of Estimates' action: I am an underserved, disparately treated, over-taxed citizen of Baltimore City and a victim of poor fiscal planning, management an administration by the Finance Department of Baltimore City.
4. The remedy I seek and respectfully request is that this action be withdrawn until the Finance Department discloses to the public the current and anticipated revenue totals the contract.

If all or any part of this request is denied, I request that I be provided with a written statement of the grounds for the denial. If you determine that some portions of the requested records are exempt from disclosure, please provide me with the portions that can be disclosed.

I also anticipate that I will want copies of some or all of the records sought. Therefore, please advise me as to the cost, if any, for obtaining a copy of the records and the total cost, if any, for all the records described above. If you have adopted a fee schedule for obtaining copies of

5519 Belleville Ave
Baltimore, MD 21207

records and other rules or regulations implementing the Act, please send me a copy. Electronic copies are acceptable.

I look forward to reviewing disclosable records promptly and, in any event, to a decision about all of the requested records within 30 days. Thank you for your cooperation.

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

Sincerely,
Kim Trueheart, Citizen & Resident

5519 Belleville Ave
Baltimore, MD 21207

MINUTES

Circuit Court for Baltimore City - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to authorize and approve the execution of an agreement with The Family League of Baltimore City, Inc. (Family League). The period of the agreement is July 1, 2012 through June 30, 2013.

AMOUNT OF MONEY AND SOURCE:

\$95,000.00 - 5000-539210-1100-668100-405001

BACKGROUND/EXPLANATION:

The Circuit Court for Baltimore City received a grant award from the Administrative Office of the Courts - Office of Problem Solving Courts to pay for two (2) staff positions in the Family League's Family Recovery Program (FRP), the Family Dependency Treatment Court of Baltimore City. This agreement is for the salary and benefits of the FRP Court Coordinator and the FRP Reengagement Specialist. The parties agree that these staff positions will be managed and supervised by the Family League.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the agreement with The Family League of Baltimore City, Inc.

MINUTES

Circuit Court for Baltimore City - TRANSFER OF LIFE-TO-DATE
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 Paula Shrader.

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:

NAMES	DAYS
Deborah Farmer	5
Lawrence Heller	5
Jay Levinson	5
Brenda Graham	4
Antonio Jackson	3
Brenda S. Harriel	2
Darlene Chavez	3
Dianne Morris	2
Marion Turner	<u>1</u>
	30

APPROVED FOR FUNDS BY FINANCE

THE LABOR COMMISSIONER RECOMMENDED APPROVAL.

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

MINUTES

Baltimore Development Corporation - Local Government Resolution

ACTION REQUESTED OF B/E:

The Board is requested to approve a Local Resolution in support of the City of Baltimore Development Corporation's (BDC) application to the State of Maryland's Strategic Demolition and Smart Growth Impact Fund (SGIF). A local resolution of support is required for organizations or jurisdictions to participate in any State-funded programs.

AMOUNT OF MONEY AND SOURCE:

\$150,000.00 - SGIF

BACKGROUND/EXPLANATION:

The SGIF is seeking to catalyze activities that accelerate economic development, job production and smart growth in existing Maryland communities. The SGIF aims to improve the economic viability of "grey field development" which often faces more barriers than sprawling "green field development." Since funds are limited, awards will focus on those smart growth projects that can have a high economic and revitalization impact in their existing communities. Funds will be made available in the form of grants or loans.

Projects will be located within the City's Sustainable Community area, which was approved by the Board of Estimates in August 2012.

The BDC is seeking \$150,000.00 from the SGIF for the demolition of City-owned buildings on the Liberty Park project site, including 144 W. Fayette Street (façade retention) 142 W. Fayette Street, 102 N. Liberty Street, and 104-106 N. Liberty Street. This project, located adjacent to the Lexington Square project site will spur economic development activity in the Market Center area.

MINUTES

BDC - cont'd

The five City-owned buildings were offered through Request for Proposal (RFP) for redevelopment in 2004, 2010 and again in 2011. The City awarded an Exclusive Negotiating Privilege (ENP) to a developer in 2004, but the developer subsequently withdrew their developmental proposal. The BDC received no response to the 2010 offering and a single proposal to the 2011 RFP. The City awarded an ENP to NUE-C.A. Harrison Liberty Park Development, LLC in July 2012 for a new 14-story mixed-income residential tower that will incorporate historic preservation of the adjacent privately-owned property (111 Park Avenue).

Demolition of the City-owned properties will assist in redevelopment of this highly visible site.

A LETTER OF PROTEST WAS RECEIVED FROM MR. KEFABER AND FRIENDS OF THE SENATOR THEATRE.

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

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

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the Local Resolution in support of the City of Baltimore Development Corporation's application to the State of Maryland's Strategic Demolition and Smart Growth Impact Fund. The Comptroller **ABSTAINED**.

Kim A. Trueheart

October 16, 2012

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of a lack of vision, poor fiscal and asset management and a complete failure by the Mayor of Baltimore City and the Baltimore Development Corporation (BDC) to negotiate development deals on behalf of citizens that provide economic benefit to citizens instead of corporations.

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

1. Whom you represent: Self
2. What the issues are:
 - a. Page 50, Baltimore Development Corporation (BDC) – Local Government Resolution, if approved:
 - i. In April 2012 the BDC sent a recommendation to the Mayor for the \$19M (Liberty Park Redevelopment LLC) Liberty Park Project.
 1. What is the status of the Liberty Park Redevelopment LLC proposal?
 2. How is the proposal impacted by this request?
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I am experiencing a significant financial burden with annual tax increases, sewer and water service increases, user fee increases, parking meter rate increases and significantly reduce services as a resident. This already onerous burden will be exacerbated by this continued monthly sustaining of the NO valued added municipal entity.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on October 17, 2012.

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

Sincerely,
Kim Trueheart, Citizen

5519 Belleville Ave
Baltimore, MD 21207

BOARD OF ESTIMATES 10/17/2012 50 Baltimore Development Corporation - Local Government Resolution

ACTION REQUESTED OF B/E:

The Board is requested to approve a Local Resolution in support of the City of Baltimore Development Corporation's (BDC) application to the State of Maryland's Strategic Demolition and Smart Growth Impact Fund (SGIF). A local resolution of support is required for organizations or jurisdictions to participate in any State-funded programs.

AMOUNT OF MONEY AND SOURCE:

\$150,000.00 - SGIF

BACKGROUND/EXPLANATION:

The SGIF is seeking to catalyze activities that accelerate economic development, job production and smart growth in existing Maryland communities. The SGIF aims to improve the economic viability of "grey field development" which often faces more barriers than sprawling "green field development." Since funds are limited, awards will focus on those smart growth projects that can have a high economic and revitalization impact in their existing communities. Funds will be made available in the form of grants or loans.

Projects will be located within the City's Sustainable Community area, which was approved by the Board of Estimates in August 2012.

The BDC is seeking \$150,000.00 from the SGIF for the demolition of City-owned buildings on the Liberty Park project site, including 144 W. Fayette Street (façade retention) 142 W. Fayette Street, 102 N. Liberty Street, and 104-106 N. Liberty Street. This project, located adjacent to the Lexington Square project site will spur economic development activity in the Market Center area.

BOARD OF ESTIMATES 10/17/2012 50 Baltimore Development Corporation - Local Government Resolution

ACTION REQUESTED OF B/E:

The Board is requested to approve a Local Resolution in support of the City of Baltimore Development Corporation's (BDC) application to the State of Maryland's Strategic Demolition and Smart Growth Impact Fund (SGIF). A local resolution of support is required for organizations or jurisdictions to participate in any State-funded programs.

AMOUNT OF MONEY AND SOURCE:

\$150,000.00 - SGIF

BACKGROUND/EXPLANATION:

The SGIF is seeking to catalyze activities that accelerate economic development, job production and smart growth in existing Maryland communities. The SGIF aims to improve the

5519 Belleville Ave
Baltimore, MD 21207

economic viability of "grey field development" which often faces more barriers than sprawling "green field development." Since funds are limited, awards will focus on those smart growth projects that can have a high economic and revitalization impact in their existing communities. Funds will be made available in the form of grants or loans.

Projects will be located within the City's Sustainable Community area, which was approved by the Board of Estimates in August 2012.

The BDC is seeking \$150,000.00 from the SGIF for the demolition of City-owned buildings on the Liberty Park project site, including 144 W. Fayette Street (façade retention) 142 W. Fayette Street, 102 N. Liberty Street, and 104-106 N. Liberty Street. This project, located adjacent to the Lexington Square project site will spur economic development activity in the Market Center area.

**5519 Belleville Ave
Baltimore, MD 21207**

From: Tom Kiefaber [tom@senator.com]
Sent: Tuesday, October 16, 2012 11:54 AM
To: Pratt, Joan; Mayor Stephanie Rawlings-Blake; City Council President; Foxx, Al; Nilson, George; bernice.taylor@baltimorecity.gov
Subject: protest/ BOE hearing 10/17

October 16, 2012

Board of Estimates, attn: Clerk and Comptroller Pratt
City Hall, Room 204
100 N. Holliday Street
Baltimore, MD 21202

Dear Ms. Taylor and Comptroller Pratt:

I am writing as both a private citizen, as a multi-award winning member of Baltimore's preservation activist community and on behalf of the 2600 member Friends of The Senator organization, which has been active in citizen opposition to the BDC's troubled "Superblock" project.

The specific "Board of Estimates" matter I wish to protest in writing and in person at the 10/17 BOE meeting is the BDC request to approve a Local resolution in support of the City of Baltimore Development Corporation's application to The State of Maryland's Strategic Demolition and Smart Growth Impact Fund. Additional information is listed below.

ACTION REQUESTED OF B/E:

Baltimore Development Corporation - Local Government Resolution

The Board is requested to approve a Local Resolution in support of the City of Baltimore Development Corporation's (BDC) application to the State of Maryland's Strategic Demolition and Smart Growth Impact Fund (SGIF). A local resolution of support is required for organizations or jurisdictions to participate in any State-funded programs.

AMOUNT OF MONEY AND SOURCE:

\$150,000.00 - SGIF

Thank you for noting my written response and permitting my testimony before the BOE on 10/17, regarding this matter.

Sincerely,

Thomas Kiefaber

402 Rosebank Avenue
Baltimore Maryland 21212

410.435.1572

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:

4242 - 4244

to the low bidders meeting the specifications,

or rejected bids on those as indicated

for the reasons stated.

Item no. 2 was **DEFERRED** for two weeks.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

- | | | | |
|----|---|--|---------------------|
| 1. | B50002394, Personal
Care & Homemaker
Services | Chesapeake Medical
Staffing, LLC.

Personal Touch Home
Aides of Baltimore, Inc.

Dependable Services
Group, LLC

Trustworthy Staffing
Solutions, LLC | \$432,525.00 |
|----|---|--|---------------------|

MWBOO GRANTED A WAIVER

- | | | | |
|----|---|---|--|
| 2. | B50002397, Citywide
Violation Towing
Services | Item I - Central Business
District
McDel Enterprises, Inc.

Item II - North Sector
North Side District
Impound, JV

Item III - East Sector
East Side District
Impound, JV

Item IV - West Sector
West Side District
Impound, JV

Item V - Heavy Equipment
& Trucks
Central Business District
Impound, JV | \$936,322.00

498,000.00

148,980.00

119,184.00

107,311.00

62,847.00 |
|----|---|---|--|

DEFERRED

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**MBE/WBE PARTICIPATION:**McDel Enterprises, Inc.**MBE:** Diamond Iron Works, Inc. 10.00%**WBE:** Cherry Hill
Fabrication & Machine Shop 3.00%North Side District Impound, JV**MBE:** Chaudhry Towing Co., Inc. 3.34%
Millennium Auto Parts 3.34%
& Towing Service
Pulaski Towing, Inc. 3.34%
10.02%**WBE:** CC Press Net, Inc. 3.00%East Side District Impound, JV**MBE:** Chaudhry Towing Co., Inc. 3.34%
Millennium Auto Parts & 3.34%
Towing Service
Pulaski Towing, Inc. 3.34%
10.02%**WBE:** CC Press Net, Inc. 3.00%West Side District Impound, JV**MBE:** Chaudry Towing Co., Inc. 3.34%
Millennium Auto Parts & 3.34%
Towing Service
Pulaski Towing, Inc. 3.34%
10.02%**WBE:** CC Press Net, Inc. 3.00%

DEFERRED

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSCentral Business District Impound, JV

MBE: Chaudhry Towing Co., Inc.	3.34%
Millennium Auto Parts & Towing Service	3.34%
Pulaski Towing, Inc.	3.34%
	10.02%

WBE: CC Press Net, Inc. 3.00%

MWBOO FOUND VENDORS IN COMPLIANCE.

A LETTER OF PROTEST WAS RECEIVED FROM JIM ELLIOT'S TOWING, THE AUTO BARN, INC., CENTRAL BUSINESS DISTRICT IMPOUND TOWING, JV and THE MARYLAND MINORITY CONTRACTORS ASSOCIATION.

Bureau of Purchases

3. B50002603 - Installation **REJECTION** - On September 26, 2012, and Maintenance of Stanley the Board opened the only bid Doors (Brand Name Only) received from Atlantic Door Control, Inc. The bid was found non-responsive as the vendor did not complete the bid price sheets per the solicitation requirements.

RIFKIN, LIVINGSTON, LEVITAN & SILVER, LLC

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(301) 345-7700 • FAX (301) 345-1294

October 16, 2012

VIA HAND DELIVERY

Ms. Bernice Harriette Taylor, Deputy Comptroller
Secretary
Baltimore City Board of Estimates
City Hall
100 N. Holliday Street, Suite 204
Baltimore, Maryland 21202

RE: **BID PROTEST**
Department of Finance, Bureau of Purchases
Solicitation No. B50002397
Request for Bids to Provide Citywide Violation Towing Services

Dear Ms. Taylor:

This law firm represents Central Business District Impound Towing, JV ("CBDIT") the lowest responsive and responsible bidder for Solicitation No. B50002397, "Request for Bids to Provide Citywide Violation Towing Services" (the "RFB"). The purpose of this letter is to protest award to any entity other than CBDIT on the grounds that the low bidder, McDel Enterprises, Inc. ("McDel"), failed to achieve the MBE and WBE goals set forth in the RFB and failed to submit required documentation with its bid.

A. BACKGROUND AND SUMMARY

By way of background, the RFB provides an MBE participation goal of 10% and a WBE participation goal of 3%. The RFB and City Charter allow award only to a responsible bidder that submits a responsive bid. Bidders must comply with the MBE/WBE provisions; namely, they must either properly request a waiver of the goals, or submit documentation demonstrating

that the bidder will meet *both* the MBE and WBE participation goals. McDel did not request a waiver. It purported to meet the goals.

In summary, McDel's bid is non-responsive in the following two ways:

1. McDel's bid indicates that it will achieve the 10% MBE participation goal by way of a firm named Diamond Iron Works, Inc. ("Diamond"); however, significantly Diamond is *not* certified for the scopes of work set forth on the Part B Statement of Intent.
2. McDel's bid indicates that it will achieve the 3% WBE participation goal by way of a firm named Cherry Hill Fabrication and Machine Shop, Inc. ("Cherry Hill Fabrication"); however, significantly Cherry Hill Fabrication is *not* certified for the scopes of work set forth on the Part B Statement of Intent.

B. THE CITY MUST REJECT McDEL'S BID AS NON-RESPONSIVE.

Rejection of McDel's bid is required pursuant to Baltimore City Charter, Art. VI § 11(g)(1)(ii), which sets forth,

After opening the bids, the Board of Estimates shall award the contract, as an entirety to the **lowest responsive and responsible bidder** or by items to the respective lowest responsive and responsible bidders, or shall reject all bids.

Accordingly, the Board of Estimates may award only to a "responsive" bidder. As explained below, McDel's bid is non-responsive and therefore may not be awarded a contract.

McDel's bid is non-responsive because it improperly proposes to achieve the full 10% MBE participation goal by way of a subcontract with Diamond but the proposed type of work is outside the type of work for which Diamond is certified. Similarly, McDel's bid is non-responsive because it improperly proposes to achieve the full 3% MBE participation goal by way of a subcontract with Cherry Hill Fabrication but such work falls beyond the scope of work for which Cherry Hill Fabrication is certified.

Pursuant to Art. 5, §28-32 of Baltimore City Code, a bidder may only count toward achievement of the contract MBE participation goal "work for which the business enterprise has the skill, expertise, and actual responsibility to perform, manage, and supervise." The RFB, at page B-18, sets forth:

Bidder is responsible for verifying that each MBE and WBE to be used on a contract is certified by the Minority and Women's Business Opportunity Office (MWBOO) at bid opening. The MBEs and WBEs named must be certified to provide the services that they are listed to perform, and the services must be required as part of the work on this contract.

(emphasis in original, underline added).

McDel's Part B Statement of Intent for Diamond indicates the following scopes of work:

Name of Prime Contractor:	<u>MCDEL ENTERPRISES, INC.</u>
Name of <u>MBE</u> or <u>WBE</u> :	<u>DIAMOND IRON WORKS # 09-005306</u>
Brief Narrative Description of the Work/Service to be performed by <u>MBE</u> or <u>WBE</u> :	<u>FABRICATING plates B wheel lifts, pattern, Safety Reinforcement plates of Towtruck Bed & wheel lift Deck.</u>
Materials/Supplies to be furnished by <u>MBE</u> or <u>WBE</u> :	<u>Plates, welding Rods, FABRICATING Tools.</u> ✓

Diamond is certified by MWBOO only to provide the following areas of work: "WELDING AND FABRICATION OF STEEL PIPES, STAIRWAYS, WINDOWGUARDS, RAILINGS; STRUCTURAL STEEL ERECTION." None of the scopes of work listed on the Part B Statement of Intent for Diamond remotely fall within Diamond's certification. Accordingly, McDel may not count any work to be performed by Diamond towards achievement of the MBE participation goal. McDel's bid is non-responsive by way of failing to request a waiver of the 10% MBE goal, yet achieving 0% MBE participation.

McDel's Part B Statement of Intent for Cherry Hill Fabrication indicates the following scopes of work:

Name of Prime Contractor:	<u>McDel Enterprises, Inc.</u>
Name of <u>MBE</u> or <u>WBE</u> :	<u>Cherry Hill fabrication and Machine Shop Inc</u> <u>DBA - Cherry Hill Fabrication Inc.</u>
Brief Narrative Description of the Work/Service to be performed by <u>MBE</u> or <u>WBE</u> :	<u>Misc. Metal Fabrication + Repairs of</u> <u>Equipment required for towing Services</u> ✓
Materials/Supplies to be furnished by <u>MBE</u> or <u>WBE</u> :	<u>Metal Plates, etc...</u>

Cherry Hill Fabrication is certified by MWBOO only to provide the following areas of work: "FABRICATION OF ORNAMENTAL AND MISCELLANEOUS METALS." While "Misc. Metal Fabrication" may fall within the scope of Cherry Hill Fabrication's certification, "Repairs of Equipment required for towing services" does not fall within Cherry Hill Fabrication's certification. Accordingly, McDel may not count any work to be performed by Cherry Hill Fabrication under this service towards achievement of the WBE participation goal. Because of the terms of this Statement of Intent, it is possible that McDel's will attempt to fulfill the entire 3% WBE participation goal by way of these non-certified services. McDel's bid is

non-responsive by way of failing to request a waiver of the 3% WBE goal, yet failing to clearly commit to 3% WBE participation at bid opening.

The Board of Estimates has recent precedent for rejecting a bid because of a deviation on a Part C Statement of Intent from the language set forth on the MWBOO certification.¹ In Spring 2010, the Baltimore City Department of Transportation ("BDOT") issued an Invitation for Bids for Contract No. TR10011, "Conduit Repairs at Various Locations Citywide." In order to meet the Contract's MBE goal, Flippo Construction Co., Inc. ("Flippo") submitted a Part C MBE Statement of Intent Form indicating an MBE named Machado Construction Company, Inc. ("Machado"). On March 9, 2010, the second low bidder, LAI Construction Services, Inc., protested on the grounds that the Work/Service proposed on the Part C was "not within [Machado's] scope under its MBE status under Cert#91-001811."

On Machado's Part C, the indicated Work/Service to be performed was "Concrete Paving." Machado's MWBOO certification included "CONCRETE, GRADING, PAVING" Although "CONCRETE" and "PAVING" were among these certified service descriptions, BDOT and MWBOO determined that certain line items of the bid intended to be subcontracted were not within the scope of "Concrete Paving." These line items corresponded to supply of recycled concrete (known as "RC-6").

Apparently, BDOT and MWBOO determined that the lack of a *comma* in the Part C Work/Services description rendered Flippo's bid non-responsive. As a consequence, at its May 19, 2010 meeting, the Board of Estimates rejected Flippo's bid and awarded the contract to LAI.

If the Board of Estimates were to award the instant Contract to McDel's, the Board would send a clear message to the contracting community that the Board does not consider MBE/WBE participation provisions to be an important requirement of the procurement process. The Board of Estimates should remain consistent with its long-standing belief that MBE/WBE provisions are of such importance that the Board is willing to accept a slightly higher-priced offer in order to ensure compliance with the MBE/WBE Program. The Board of Estimates should reject McDel's bid and award to the lowest responsive and responsible bidder, CBDIT.

Very truly yours,



Scott Livingston

Enclosure

cc: Erin Sher Smyth, Esq.

¹ See Exhibit 1.

RIFKIN, LIVINGSTON, LEVITAN & SILVER, LLC

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May 18, 2010

(NONLAWYERCONSULTANT)
JOSH M. WHITE

VIA Hand Delivery

Hon. Bernard C. Young, Chair
Baltimore City Board of Estimates
ATTN: Clerk
City Hall
100 N. Holliday Street, Suite 204
Baltimore, Maryland 21202

Re: **BID PROTEST – Dept. of Trans. Contract No. TR 10011 – Conduit System Repairs at Various Locations Citywide**

Dear Mr. Young:

This law firm represents Flippo Construction Company, Inc. (“Flippo”), the lowest responsive and responsible bidder for Baltimore Department of Transportation (“BDOT”) Contract No. TR 10011 (the “Contract”). The purpose of this letter is to protest award of the Contract to any party *other than* Flippo, and to address the apparent concerns of BDOT with regard to Flippo’s bid for the above-referenced solicitation (the “Solicitation”) in response to a bid protest by LAI Construction Services, Inc. (“LAI”).

Flippo would be harmed by the Board’s proposed award because, while Flippo submitted the lowest responsive bid – exceeding the MBE/WBE goals for the contract – the Contract would be awarded to a higher-priced bidder *not* meeting the WBE goal nor requesting a waiver at bid opening.

I. Executive Summary

The issue in this protest is whether Flippo is the lowest responsive and responsible bidder in light of one of Flippo’s Part C MBE and Prime Contractor’s Statement of Intent Forms. The

Hon. Bernard C. Young

May 18, 2010

Page 2

Part C Form at issue indicates an agreement to subcontract between Flippo and a firm certified as an MBE by the Baltimore City Minority and Women's Business Opportunity Office ("MWBOO"); namely, Machado Construction Co., Inc. ("Machado").

The Part C Form, submitted at bid opening, describes the "Work/Service to be performed by the MBE" as "Concrete Paving." Among the various work intended to be performed by Machado, the parties intend for Machado to sell, and Flippo to purchase, approximately 6,200 cubic yards of recycled concrete aggregate that will be used as selected backfill upon which concrete will be placed at various locations. The Part C Form did not prohibit a bidder from using the term "Concrete Paving" to include the materials that are used in performing the work/service.

After bid opening, BDOT's contract administrator asked Flippo to provide a subcontractor breakdown to include the Bid Items, quantity and prices to determine the subcontract amount for each MBE and WBE, including Machado. Flippo was pleased to provide such information which showed, among other things, exactly what Machado and Flippo meant in their Statement of Intent; namely, Machado would supply certain materials in the course of concrete paving work.

LAI, whose bid was \$67,572 (or 2.8%) higher than Flippo's low bid of \$2,421,634, filed a bid protest. LAI protested "the nature and extent" of Machado's participation, its "service description as an MBE," and that Machado was not certified by MWBOO to perform all of the work intended to be subcontracted by Flippo.

Flippo satisfactorily completed the Part C Form. In the alternative, the failure to separately describe the concrete aggregate under a different "work/service" or "supplies/materials" description is a "technical defect" that may be waived by the Board of Estimates if the interest of the City may so require. Even if Flippo's Part C Form varied from the exact requirements of the solicitation, this does not affect the price, quantity, quality or time of delivery of the construction work. It did not give Flippo an unfair competitive advantage.

It is in the City's best interest to save \$67,572 by purchasing the same construction work from Flippo, who, like LAI, intends to subcontract to Machado. It is also in the City's best interest to award the Contract to Flippo, a bidder meeting the MBE/WBE participation goals, rather than LAI, who did not, as described below. Award to Flippo would be consistent with the objectives of the MBE Program and would save precious funding for other projects and personnel. The Board should summarily dismiss LAI's protest and award the Contract to the lowest responsive and responsible bidder, Flippo.

II. Background

On February 17, 2010, the City Board opened bids for the Contract. At bid opening, Flippo submitted the lowest-priced bid at \$2,421,634.00. LAI submitted the second-low bid, \$67,572 higher than Flippo's bid. Flippo's bid indicated that it intended to achieve 7.4% MBE

participation and 2.6% WBE participation, above the respective goals of 7% MBE and 2% WBE shown in the Solicitation.

In its bid package, Flippo submitted a completed MBE/WBE form package, including Part C MBE/WBE Statement of Intent Forms, for each MBE and WBE listed on Part B MBE/WBE Participation Disclosure Forms. Among the various documents was a Part C Form indicating that, if awarded the Contract by the Board, Flippo would enter into a subcontract in the amount of \$157,240 with Machado. The Part C Form was signed by representatives of both Flippo and Machado, and listed the "Work/Service to be performed by MBE" as "Concrete Paving" as shown below:

Contract Number and Title: TR10011, CONDUIT SYSTEM REPAIRS AT VARIOUS LOCATIONS CITYWIDE (JOC)	
Name of Prime Contractor:	<u>FLIPPO CONSTRUCTION Co., INC.</u>
Name of MBE or WBE:	<u>MACHADO CONSTRUCTION CO. INC.</u>
MBE or WBE Certification Number:	<u>91-001811</u> EXTENDED 4/5/2010
Work/Service to be performed by <u>MBE</u> or WBE:	<u>CONCRETE PAVING</u>
Materials/Supplies to be furnished by MBE or WBE:	

On February 26, 2010, Flippo received a letter from Laetitia Griffin, Chief of BDOT's Contract Administration division. This letter set forth:

Dear Mr. Flippo,

To further the consideration of your bid submitted on Wednesday, February 17, 2010, please clarify the following:

- 1.) Provide a subcontractor breakdown, to include the bid items, quantity and price used to determine the subcontract amount for each MBE and WBE included in your package.

On March 1, 2010, Flippo sent an e-mail to Ms. Griffin including attached subcontractor breakdowns showing bid items, quantities and prices used to determine the subcontract amount for each MBE and WBE included in Flippo's bid package. Among the breakdowns was a

spreadsheet showing the various bid items that Flippo intended to subcontract to Machado for MBE participation:

Machado Construction Co. Inc.						
MBE						
Certification Number 91-001811						
Expiration Date 4/5/2010						
SUBCONTRACTOR BREAKDOWN						
					UNIT	
ITEM	DESCRIPTION	UNIT	QUANTITY	PRICE	TOTAL	
505	Patching Exist.Pavement-Mix6	CY	100	\$150.00	\$15,000.00	
506	7" PCC Pavement Mix6	SY	200	\$109.00	\$21,800.00	
601	Std. Type A Curb 8"x18"	LF	100	\$19.00	\$1,900.00	
602	Std.Type A Comb.Curb 8"Gutter	LF	100	\$24.00	\$2,400.00	
603	5" Concrete Sidewalk	SF	1000	\$6.54	\$6,540.00	
604	Detectable Warning Surfaces	SF	100	\$23.50	\$2,350.00	
605	Rem./Reset Ex.Brick/Conc.Pave	SF	500	\$15.80	\$7,900.00	
606	5" Concrete Sidewalk for St.Light	SF	7500	\$6.54	\$49,050.00	
607	Std.Type A Comb.C&G/St.Lite	LF	100	\$24.00	\$2,400.00	
304	Selected Backfill(RC-6)	CY	2900	\$7.50	\$21,750.00	
305	Selected Backfill(RC-6) St.Light	CY	3300	\$7.93	\$26,152.50	
TOTAL					\$157,242.50	

By letter dated March 9, 2010 to the Board (copied to Alfred Foxx, Chief of BDOT), LAI protested award of the Contract to Flippo on the following grounds:

(1)Protesting the nature and extent of the minority participation of Machado Construction Company ,Inc. under Contract No. TR 10011 and it's service description as an MBE under Cert#91-001811,and further,

(2)Protesting the nature and extent of the minority services/work to be performed by Machado Construction Company ,Inc under Contract No. TR 10011as not within its scope under its MBE status under Cert#91-001811 and that what is listed is in fact not ,in whole or in part, "concrete ,Grading ,Paving ,structure, Brick Pavers, Trucking manufacturing of Ready mix concrete and recycled concrete aggregates" and that the documentation provided by Flippo in its submission as to the work to be performed by Machado Construction Company ,Inc was not submitted properly and did not conform to the required method and manner set out in the bid package..

LAI's protest does not allege (i) that Flippo's bid is not responsive, nor (ii) that Flippo is not a responsible bidder. LAI does not assert that it was prejudiced or put at an unfair competitive disadvantage because of alleged non-conformity in Flippo's Part C Form.

Page 18 of the Board's May 19, 2010 meeting agenda includes the following:

<u>RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS</u>			
<u>Department of Transportation</u>			
1.	TR 10011, Conduit Systems Repairs at Various Locations City-wide JOC	LAI Construction Services, Inc.	\$2,489,206.00
MBE:	Priority Construction Corp.	\$120,770.00	4.85%
	Machado Construction Co., Inc.	26,850.00	1.08%
	Phipps Construction Contractors, Inc.	26,630.00	1.07%
		<u>\$174,250.00</u>	<u>7.00%</u>
WBE:	The Barbour Group	\$ 74,615.73	3.00%
MWBOO FOUND VENDOR IN COMPLIANCE.			

The Agenda Item omits the fact that Flippo was the low bidder offering a price \$67,572 lower than LAI.

III. Flippo's Bid Is Responsive.

A. Flippo's Part C Form for Machado generally describes the work/services Machado will perform, and is certified to perform.

In recent days, I spoke with Shirley A. Williams, Esq., Chief of MWBOO, regarding the bid protest. Ms. Williams indicated to me that, apparently, BDOT was concerned about the responsiveness of Flippo's bid. This concern was based upon only one issue: whether the description of "work/services to be performed" indicated on the Part C Statement of Intent Form for Machado rendered Flippo's bid nonresponsive to the solicitation.

In a memorandum dated April 12, 2010 to BDOT, Ms. Williams noted:

Contractor: Flippo Construction Company, Inc.		
Total Contract Amount: \$ 2,421,634.00		
MBE/WBE Firms	Dollar Amount	Percentage
MBE: AJO Concreta Construction, Inc.	\$ 22,140.00	0.91 %
Machado Construction Company, Inc.	<u>109,337.50</u>	<u>4.52 % *</u>
Total MBE:	\$131,477.50	5.43 %
WBE: Haines Industries, Inc.	\$ 5,000.00	0.21 %
Rowen Concrete, Inc.	<u>59,000.00</u>	<u>2.43 %</u>
Total WBE:	\$ 64,000.00	2.64 %
<input type="checkbox"/> Compliant		<input checked="" type="checkbox"/> Non-Compliant
Comments:		
* Based on clarification from the engineer of the contracting agency, Items 304 and 305 cannot be included as part of the MBE participation.		

Of the various bid items listed on the "subcontractor breakdown" submitted to Ms. Griffin, each scope of work falls within Machado's certification, as shown below, copied from the MWBOO Certification Directory:

Machado Construction Company, Inc.--(MBE)--Hispanic American-- Cert#: 91-001811
 ...
 Service Description: CONCRETE, GRADING, PAVING, DRAINAGE STRUCTURES, BRICK PAVERS, TRUCKING, MANUFACTURER OF READY MIX CONCRETE AND RECYCLED CONCRETE AGGREGATES
 Expiration date: Mar 31 2012

As noted in Ms. Williams' memorandum, BDOT's chief concern is that Bid Items 304 and 305 do not fit within the "work/service" description indicated on the Part C Form - namely, "Concrete Paving." This concern is both arbitrary and irrelevant to the responsiveness of Flippo's bid.

The work to be performed by Machado under Bid Items 304 and 305 generally fall within, or are incident to, the category of work described as "concrete paving." Flippo's proposed work for Machado involved providing "Selected Backfill (RC-6)" under Bid Items 304

and 305. "RC-6" is, in fact, recycled concrete pavement aggregate manufactured by Machado for use in paving and concrete work. The recycled concrete aggregate is going to be used as selected backfill in the trenches that will be paved over with concrete after the electrical ducts are repaired. Because the concrete aggregate is integral to the concrete paving, it falls within the description on the Part C Form.

Compare this to LAI's Part C Form for Machado, which the Board is poised to award:

Contract Number and Title: TR10011, CONDUIT SYSTEM REPAIRS AT VARIOUS LOCATIONS CITYWIDE (JOC)	
Name of Prime Contractor: <u>LAI Construction Services, Inc</u>	
Name of MBE or WBE: <u>MACHADO CONSTRUCTION CO. INC.</u>	
MBE or WBE Certification Number: <u>91-001811</u> EXTENDED 4/5/2010	
Work/Service to be performed by MBE or WBE: <u>Manufacture of Concrete</u>	
<u>301, 304, 305, 501, 514, 804, 805, 806, 811, 812, 821</u>	
Materials/Supplies to be furnished by MBE or WBE:	

LAI lists Machado as performing the work under Bid Items 501 and 514 under the work/service area, "Manufacture of Concrete." Bid Items 501 and 514 is listed in the bid as follows:

501	100	TONS OF --- VARIABLE DEPTH SUBBASE USING CRUSHER RUN AT _____ PER TON	CCN 50000				
514	50	SQUARE YARDS OF --- 6 INCH SUBBASE USING CRUSHER RUN FOR STREET LIGHTING AT _____ PER SQ. YD.	CCN 50000				FOR CONCRETE INFORMATION

"Crusher run" is not a concrete product – it is crushed limestone gravel. Apparently, BDOT and MWBOO believe this falls close enough to LAI's description of work for Machado as to be acceptable.

It is arbitrary and capricious for BDOT and MWBOO to accept a *non-concrete* gravel product under the work/service "manufacture of concrete," while recycled concrete backfill,

which is necessary for the Contract's concrete paving work, is not acceptable under "concrete paving." This is particularly so in consideration of Machado's MWBOO certification, which includes "concrete" and "recycled concrete aggregates," yet *does not* include "gravel."

B. Flippo's bid meets the requirements of the Solicitation and applicable law.

Even if a bid item indicated on Flippo's "subcontractor breakdown" for Machado does not fit within the scope of work listed on the Part C Form, Flippo's bid is responsive due to the fact that Flippo met the requirements of the Solicitation; namely, by submitting complete Parts B and C Forms. Page 114 of the Solicitation sets forth:

Bid Requirements

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

- (1) MBE and WBE Participation Disclosure Forms**
- (2) Statement of Intent Form(s) signed by both Bidder and MBE or WBE**
- (3) MBE/WBE Participation Affidavit**

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

Similarly, Page 117 of the Solicitation sets forth "THIS PACKAGE OF MBE AND WBE PARTICIPATION FORMS IS DUE WITH THE BID," and Page 118 of the Solicitation sets forth "ALL FORMS ARE DUE WITH BID." None of the provisions of the Solicitation require a bidder spell out every detail of MBE work by Bid Item. Apparently, it has been satisfactory to merely list a generic explanation of the work/services and materials/supplies to be provided by the MBE/WBE subcontractor, as long as the MBE/WBE is certified in areas reasonably related to the work described on the Part C Form. This makes sense, in light of LAI's inclusion of "crusher run" limestone gravel within the description "manufacture of concrete."

Turning to the Baltimore City Code, Article 5, § 28-48 sets forth, in relevant part:

(c) Participation Affidavit Requirements

- (1) Prior to bid opening, bidders must submit to the City the certified business enterprise participation statement, including executed statements of intent, that specify:
 - (i) the name of each certified business enterprise to whom the bidder intends to award a subcontract;
 - (ii) whether that subcontractor is:
 - (A) a minority business enterprise; or
 - (B) a women's business enterprise.
 - (iii) the dollar value of each subcontract;
 - (iv) the scope of the work to be performed under that subcontract;and

(v) any other information the Office requires to determine whether the contract goals have been satisfied.

These requirements do not state that a bidder must submit forms which detail each Bid Item of work or supply incident to the work to be provided by an MBE. Rather, a bidder must merely “submit [the] completed documents” and specify “the scope of the work to be performed.” Flippo submitted a completed Part C Form that specified the scope of work, as Flippo understood it, to be performed.

The actions of BDOT’s Contract Administration Division further support the position that the information in the “work/services to be provided” blank does not render Flippo’s bid non-responsive. In general, the responsiveness of a bid may only be determined from the face of the bid documents. The fact that Baltimore City requested additional information regarding Machado’s participation in “further ... consideration of [Flippo’s] bid” indicates that the City was attempting to determine Flippo’s *responsibility* (i.e., whether Flippo has the capability in all respects to perform fully the requirements of the contract).

Responsibility may be determined after bid opening prior to contract award and may take into account information submitted after bid opening. This is in line with relevant legal opinions which consider a bidder’s *means* of achieving MBE participation goals to be a matter of responsibility—even though the submission of an MBE *commitment* is a matter of responsiveness. See *Roofers, Inc.*, MSBCA 1284, 2 MSBCA ¶133 (1986) (compliance with affirmative action goals is a matter of responsibility and request for exception did not make bid non-responsive).

C. The alleged error in Flippo’s bid is, at most, a “minor error” or a “technical defect” which the Board should waive in the City’s best interest.

Flippo’s alleged error is a minor error which the Board should waive as it is in the best interest of the City to do so. Article 5, § 28-14(b) of the Code reserves to the Board of Estimates the discretion to “waive minor defects and errors in a bidder’s MBE or WBE submission.” The Solicitation’s Notice of Letting included the following language on Page 1:

The Board of Estimates reserves the right to reject any and all Bids and/or to waive technical defects, if in its judgment, the interest of the Mayor and City Council of Baltimore may so require.

Similarly, Baltimore Dept. of Public Works (“DPW”) Specification 00.51.00.01 sets forth “[t]he Board of Estimates reserves the right and *sole discretion* to reject any and all Bids and/or to waive technical defects, if in its judgment, the interest of the City may so require.” (Emphasis added).

The phrases “minor defects and errors” and “technical defects” are not defined in applicable Baltimore City Code or Specifications. By analogy with State procurement law, COMAR 21.06.02.04, “Minor Irregularities in Bids or Proposals,” sets forth, in relevant part:

A. A minor irregularity is one which is merely a matter of form and not of substance or pertains to some immaterial or inconsequential defect or variation in a bid or proposal from the exact requirement of the solicitation, the correction or waiver of which would not be prejudicial to other bidders or offerors.

B. The defect or variation in the bid or proposal is immaterial and inconsequential when its significance as to price, quantity, quality, or delivery is trivial or negligible when contrasted with the total cost or scope of the procurement.

The alleged minor error at issue here would perfectly fit the definition of a “minor irregularity” in COMAR 21.06.02.04: (i) it pertains to an inconsequential defect from the exact requirement of the solicitation; (ii) the correction of this alleged minor error would not be prejudicial to other bidders, since Machado is certified to do all work indicated on the Part C Form and the “subcontractor breakdown;” and (iii) the alleged minor error has no significance to the price, quantity, quality or time of delivery of services under the Contract.

The Board has waived such minor errors in the past. The alleged minor error in the description of work to be provided by Machado on Form C—where Machado is certified to perform all bid items intended to be subcontracted by Flippo—is exactly the sort of “minor defect” or “technicality” which the Board should waive in the City’s interests of (i) obtaining the lowest price for the Contract, and (ii) assuring achievement of the MBE/WBE goals of the Contract.

IV. LAI’s Bid Is Non-Responsive, Or In The Alternative, Non-Responsible, And May Not Be Awarded The Contract, Rendering LAI Without Standing to Protest.

If the Board considers either (i) the content of the Part C Form or (ii) the submission of a waiver request to be a matter of responsiveness, LAI’s bid is non-responsive. As a result, LAI is not in line for award of the Contract if its protest is upheld. LAI therefore lacks standing to pursue its protest.

LAI submitted, as part of its bid, a WBE Part B Participation Disclosure Form indicating its intent to meet the entire WBE participation goal with a single WBE – The Barbour Group, Inc. (“Barbour”). Barbour is listed on its Part C Form as performing only one scope of “work/service,” “surety bonding,” as well as one scope of “materials/supplies,” namely, “Surety bonding.”¹ The amount of these “services” or “materials/supplies” is listed as 2.99% of the contract, as shown below:

¹ LAI has not explained how “surety bonding” can function as both “work/services” and “supplies/materials” simultaneously.

Name of Prime Contractor: <u>LAI Construction Services, Inc</u>
Name of MBE or WBE: <u>The Barbour Group, Inc.</u>
MBE or WBE Certification Number: <u>09-005285</u>
Work/Service to be performed by MBE or WBE: <u>surety bonding</u>
Materials/Supplies to be furnished by MBE or WBE: <u>surety bonding</u>
Subcontract Amount: \$ <u>74,615.73</u> (If this is a requirements contract, the subcontract amount may be omitted; however, the subcontract percentage must be included.)
Subcontract percentage of total contract: <u>2.99</u> %

The services indicated on the Part C Form do not describe the "work/service" nor the "materials/supplies" to be performed or furnished by Barbour under its subcontract with LAI. As shown on the Affidavit of Individual Surety included in LAI's bid, Barbour is an "Individual Surety Broker," *not* a surety bonding company itself.

Pursuant to Article 5, § 28-38 of Baltimore City Code,

A bidder may count towards the contract goals the *fees or commissions* charged by a certified business enterprise insurance company or travel agent, as long as the fee or commission is reasonable and not excessive as compared with fees or commissions customarily allowed for similar services.

(Emphasis added).

LAI apparently intends to pay Barbour nearly 3% of the contract price to *broker* individual bid surety in the amount of 2% of the total bid price, and a performance bond. This amount is either (i) the actual amount of the various bonds, which Barbour is merely *brokering*, which therefore may not be counted; or (ii) an excessively unreasonable fee or commission. In either scenario, LAI has not properly represented the amount of participation, if any, which may be counted for Barbour's brokering of individual suretyship for the Contract.

Barbour's Part C Form does not represent a valid subcontract commitment, so LAI has not met the WBE goal for the Contract. LAI has failed to request a waiver, which must be

Hon. Bernard C. Young
May 18, 2010
Page 12

submitted at bid opening.² In the event the Board considers a bidder's failure to either meet the WBE goal or request a waiver to be a matter of responsiveness, LAI's bid would be non-responsive and ineligible for award of the Contract.

If the Board considers the content of the Part C Form *as well as* the submission of a waiver request to be matters of responsibility, LAI is not a responsible bidder without (i) a showing of additional information explaining its counting of expenditures with Barbour, or (ii) a completed waiver request meeting the requirements therefor.

Bidders who do not stand to be awarded a Contract may not pursue bid protests. *See MTL*, MSBCA 1725, 4 MSBCA ¶326 (1993) (“[a] bidder not eligible for award in the event its protest is upheld does not have standing to challenge award to the apparent low bidder”). LAI similarly lacks standing to pursue its bid protest. LAI's bid protest must be summarily dismissed.

V. Conclusion

For the reasons stated above, the Board of Estimates should (i) summarily dismiss LAI's bid protest, and (ii) award Contract No. TR 10011 to Flippo Construction Co., Inc., the lowest responsive and responsible bidder.

Please contact me with any questions or concerns you have regarding this matter.

Very truly yours,


Scott A. Livingston

Enclosures

cc: Shirley A. Williams, Esq., Chief, MWBOO
Laetitia Griffin, Chief of Contract Administration, BDOT
Brian Flippo, Vice President, Flippo Construction Co., Inc.

² See Solicitation Page 115, “[i]f a bidder is unable to comply with a contract goal, the bidder may submit a waiver request with the bid. The waiver request must be made on the MBE/WBE Participation Waiver Request Form.”

Jim Elliott's Towing

900 York Road
Baltimore, Maryland 21204
phone:410-583-8888 fax:410-583-7818
email: jelliottstowing@yahoo.com

October 15, 2012

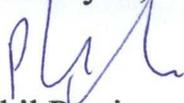
Board of Estimates
City Hall Room 204
100 N. Holiday St
Baltimore, MD 21202

Solicitation #: B50002397
Solicitation Name: Citywide Violation Towing Services

Good Morning Madam Mayor and Board of Estimates

I am here protesting this RFP on the basis that the City of Baltimore is condoning a monopoly in the towing industry. This RFP in conjunction with the 1st RFP is giving 90% of the towing in Baltimore City to two business owners. The definition of a monopoly is 1) Control of a commodity or service in a particular market 2) A company or group that has such control. If you approve this RFP The Board of Estimates is allowing this monopoly to happen. Also, the purpose of both these RFP's was to promote WBE and MBE participation and once again the City is doing the exact opposite. What Transportation has approved here is allowing two business owners and two small companies use seven City certified WBE/MBE companies to meet their requirements. Before the RFP's came out the City of Baltimore had ten companies, if the RFP was written differently you have had 10 companies each using city certified WBE/MBE which means it could have been using up to a total of thirty City certified WBE/MBE's for this RFP. The logic and thinking here makes no sense.

Thank you,


Phil Persing

MINUTES

Police Department - Grant Agreements

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

1. **THE MARYLAND EMERGENCY MANAGEMENT AGENCY (MEMA)** **\$1,476,804.00**

Account 4000-472413-2023-212600-600000	\$ 690,000.00
4000-472413-2023-212601-600000	\$ 49,000.00
4000-472413-2023-212602-600000	\$ 25,000.00
4000-472413-2023-212603-600000	\$ 26,000.00
4000-472413-2023-212604-600000	\$ 119,500.00
4000-472413-2023-212605-600000	\$ 11,463.00
4000-472413-2023-212606-600000	\$ 62,000.00
4000-472413-2023-212607-600000	\$ 210,000.00
4000-472413-2023-212608-600000	\$ 83,841.00
4000-472413-2023-212709-600000	\$ 200,000.00

The agreement with MEMA will provide funds to support the FY'12 Urban Area Security Initiative. The initiative is intended to facilitate and strengthen the nation and Maryland from possible risks associated with potential terrorist attacks, concentrate on developing integrated systems for prevention, protection, response, and recovery. The period of the grant is September 1, 2012 through May 31, 2014.

The grant is late because the Department recently received notice of grant award from grantor.

2. **DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS** **\$ 175,000.00**

Account: 4000-472613-2024-212600-600000

The Department of Justice, Office of Justice Programs has awarded the Department FY12 Paul Coverdell Forensic Sciences Improvement Grant Program funds. The Police Department's Crime Laboratory Enhancement Program will use

The Auto Barn, Inc.
2125 W. Lafayette Avenue
Baltimore, MD 21217
(410)362-0117 Office
(410)362-6415 FAX
License #TS00402

October 16, 2012

Honorable President Jack Young
Members of the Board of Estimates
c/o Clerk, Board of Estimates
City Hall, Room 204
100 N. Holiday Street
Baltimore, MD 21202

Re: Solicitation Number B50002397 – Citywide Violation Towing Services

Dear Mr. President and Members of The Board,

My name is Steve Cline and I represent The Auto Barn, Inc. in protesting what appears to be a policy in Baltimore City's bidding process that is not used in any other jurisdiction—or even here in Baltimore 100 percent of the time. In other words, it is apparently an arbitrary policy.

When The Auto Barn won the bid for Central Garage towing, we had a WBE issue and were allowed to correct the issue and were given several days to do so. I've talked to other contractors for Baltimore City and they have said that when problems with their WBE/MBE have occurred they, also, had the option of correcting them and were given several days to submit the corrections. Having discussed the issues in these bids with other contractors—description not descriptive enough or description not there, but that the certificate describing the WBE/MBE was included—they could not believe that I was not also allowed to correct the issues.

The Auto Barn and our affiliates, including Mr. Showalter's wife's company, Cherry Hill Towing and it's affiliates, had the lowest bids for all four areas and Heavy Duty towing. That would save The City well over \$100,000.00 a year, possibly as much as \$175,000.00 a year. I wasn't aware that The City has such a surplus that it can afford to throw that kind of money away rather than allowing us to correct a few missed descriptions or be more descriptive in descriptions that were actually included in the bids. Surely, we were not trying to get over on anyone. We had our WBE/MBE companies and we had the right percentages and the descriptions of the companies were there. It's almost like someone came in and said that if there is an "i" not dotted or a "t" not crossed, throw it out no matter what it costs the citizens of Baltimore, and it doesn't

matter that The City will pay more for services that they could have received for a lot less. I do not believe that was the intent of the RFP, nor do I believe that it was the intent of those city employees who helped to put it all together.

In addition, on the basis of these rather trivial issues, the result will be the layoff of over a dozen Baltimore City residents in an economic environment that makes it extremely difficult to find other employment.

If someone went into a business and said, "With a pen and one hour I can save you over \$10,000.00," any business owner or manager would say, "Here's a chair. Let's do this." I am saying that, with a pen and one hour, I can save The City over \$100,000.00, or over a half a million dollars over the period of the contract, and The City is saying, "No thank you. We're good."

Thank you for your time, and I hope this board will reconsider what most people in finance would say is a bad decision.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. Cline". The signature is fluid and cursive, with a horizontal line at the end.

Steve Cline
Operations Manager
Showalter Holdings, LLC

MINUTESPolice Department - cont'd

the funds to provide for a contractual lab casework assistant, overtime funding for latent print and firearm examiners, and training necessary to maintain existing accreditation and certification. The period of grant is October 1, 2012 through September 30, 2013.

APPROVED FOR FUNDS BY FINANCE

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

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

MINUTES

Police Department - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve an expenditure of funds to pay Pitney-Bowes.

AMOUNT OF MONEY AND SOURCE:

\$5,000.00 - 1001-000000-2041-195500-603009

BACKGROUND/EXPLANATION:

Pitney-Bowes is the sole source of postage for the Department's official mailings to courts, private sector citizens, and other local and state agencies.

Pitney-Bowes provides United States postage from the Pitney-Bowes stamp meter to accommodate the postal needs of the Police Department's Legal Affairs Section.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved an expenditure of funds to pay Pitney-Bowes.

MINUTES

Police Department - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize an expenditure of funds to pay Deer Park, a Division of Nestle Waters North America, Inc.

AMOUNT OF MONEY AND SOURCE:

\$2,525.79 - 1001-000000-2044-220100-603026

BACKGROUND/EXPLANATION:

The Police Department is requesting permission to pay several invoices in the amount of \$2,525.79 for bottled water utilized at the Police Department's Education and Training facility located at 3500 W. Northern Parkway, Baltimore, which currently does not have safe drinking water.

The water provided on these invoices were not covered by the current purchase order which is handled by Accounts Payable and the Bureau of Purchasing.

The Police Department apologizes for the lateness of this request to the Board.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized the expenditure of funds to pay Deer Park, a Division of Nestle Waters North America, Inc.

MINUTES

Police Department - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize payment to Associated Building Maintenance Co., Inc.

AMOUNT OF MONEY AND SOURCE:

\$27,932.00 - 1001-000000-2044-220100-603080

BACKGROUND/EXPLANATION:

In a continuing effort to foster a strong relationship with the citizens of Baltimore, the Police Department has an annual Community Partnership Night in each District, which allows citizens to interact in a social and friendly atmosphere with both Officers and Commanders.

As part of the preparations for these events, each District conducted a beautification project which included the cleaning and waxing of all floor surfaces. A quotation was received and requisition entered in CitiBuy with the vendor under contract with the City.

While waiting for the purchase order to be released and with the event date fast approaching, the vendor provided the required cleaning services. Unbeknownst to the Police Department, it was discovered that the required services were not part of the current building cleaning and maintenance contract. The vendor acted in good faith and is in need of payment for these services rendered and the Police Department is requesting authorization to make the payment to the vendor.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized payment to Associated Building Maintenance Co., Inc.

MINUTES

Department of Real Estate - Right-of-Entry Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a right-of-entry agreement with the Greater Baltimore Coordinating Council, Grantee, for access into the property known as 2610 Francis Street (aka a portion of 2235 N. Fulton Avenue) at the Westside Elementary School, consisting of approximately 5,776 square feet. The period of the right-of-entry is effective October 1, 2012 and terminating on the day of execution of the Lease Agreement between the City and the Grantee or in sixty (60) days.

AMOUNT OF MONEY AND SOURCE:

\$150.00 per month (payable to the Department of Recreation and Parks)

BACKGROUND/EXPLANATION:

The Grantee is a pending tenant at the same address and needs 60 days to prepare the property to administer the Operation Safe Streets Program, under the direction of the Greater Mondawmin Coordinating Council. The City reserves the right to terminate this right-of-entry agreement at any time for any reason. The Grantee is responsible to procure and maintain insurance during the life of the right-of-entry agreement and during the future lease of the Property. UPON MOTION duly made and seconded, the Board approved and authorized the execution of the

(FILE NO. 57328)

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the right-of-entry agreement with the Greater Baltimore Coordinating Council, Grantee, for access into the property known as 2610 Francis Street (aka a portion of 2235 N. Fulton Avenue) at the Westside Elementary School, consisting of approximately 5,776 square feet.

MINUTES

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 contract. There were no objections.

THERE WERE NO ADDENDA RECEIVED.

MINUTES

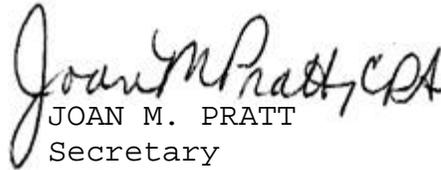
UPON MOTION duly made and seconded, the Board received, opened and referred the foregoing bids to the respective departments for tabulation and report.

Bureau of Purchases - B50002617, Fire Hydrant Parts

Muller Company
US Pipe Valve & Hydrant Division

MINUTES

There being no objections, the Board UPON MOTION duly made and seconded, the Board adjourned until its next regularly scheduled meeting on Wednesday, October 24, 2012.


JOAN M. PRATT
Secretary