

MINUTES**REGULAR MEETING**

Honorable Bernard C. "Jack" Young, President - **ABSENT**

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

The meeting was called to order by the Mayor.

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Mayor: "I would direct the Board members attention to the memorandum from the President's office dated October 29, 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 at this time to approve the items on the routine agenda."

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

Director of Public Works: "Second."

Mayor: "All those in favor say AYE. Opposed? Motion carries."

The routine agenda items have been adopted."

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

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

ACM Services, Inc.	\$	1,500,000.00
Broughton Construction, LLC	\$	1,500,000.00
CPE, Inc.	\$	351,000.00
Caribbean Piping & Welding, Inc.	\$	1,500,000.00
Chasney and Company, Inc.	\$	1,500,000.00
Dixie Construction Company, Inc.	\$	8,000,000.00
Ferguson Enterprises, Inc. & Subsidiary	\$	14,674,689,000.00
Mainlining Service, Inc.	\$	5,472,000.00
Mobile Dredging & Pumping Co.	\$	55,827,000.00
R. E. Harrington Plumbing & Heating Company, Inc. and Affiliate	\$	8,000,000.00
S G K Contracting, Inc.	\$	8,000,000.00
Shoreline Foundation, Inc.	\$	73,683,000.00
Trionfo Builders, Inc. and Subsidiary	\$	8,000,000.00

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:

Brown and Caldwell	Engineer
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MINUTES**BOARDS AND COMMISSIONS** - cont'd

CSA Central, Inc.

Architect
Engineer

Development Facilitators, Inc.

Landscape Ar-
chitect
Engineer
Land Survey

There being no objection, the Board, UPON MOTION duly made and seconded, approved the prequalification of Contractors and Architects and Engineers for the listed firms.

MINUTES

TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following page:

4358

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

MINUTES**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Transportation</u>		
1. \$ 19,000.00 Other	9962-941002-9563 Constr. Reserve - Conduit Replace- ment Program	9962-909052-9562-2 Contingencies Washington Blvd - 1-95 to Monroe
<p>This transfer will fund the cost related to TR 03313, Change Order 14 and 15 Reconstruction of Washington Blvd: Monroe Street to I-95 by Civil Construction, LLC.</p>		
2. \$ 22,314.09 MVR	9950-903550-9509 Constr. Reserve - Neighborhood Street Recon.	9950-912616-9508-1 Constr. Program - West Baltimore Trail

This transfer will cover the costs associated with Project Change Order No. 1 "Rehabilitation of West Baltimore Trail & Implementation of Pedestrian Improvements: Edmondson Avenue & N. Pulaski Street" by Machado Construction Co., Inc. The location is 1100 block of Bryn Mawr Road in front of 1106-1108.

MINUTESHealth Department - Agreements and Grant Agreement

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

AGREEMENTS

1. **GREATER MONDAWMIN COORDINATING COUNCIL, INC.** **\$375,000.00**

Account: 4000-430512-3160-308600-603051

The organization will implement the Safe Streets Program in the Greater Mondawmin area using the CeaseFire Chicago model and all its components with fidelity. The five components to the model are as follows: 1) community mobilization, 2) public education, 3) cooperation with law enforcement, 4) outreach, and 5) faith-based involvement. The agreement is for the period July 1, 2012 through June 30, 2013.

The agreement is late because of budget revisions and waiting on signatures from the provider.

MWBOO GRANTED A WAIVER.

2. **UNIVERSITY OF MARYLAND, BALTIMORE (UMB)** **\$100,000.00**

Account: 4000-499012-3030-513201-603051

The UMB will provide services in the area of Expanded HIV Testing at the Emergency Department (ED) at the University of Maryland Medical System, Mercy Hospital, and Maryland General Hospital. The UMB will complete 1,500 rapid HIV tests during the project period; provide post-test prevention counseling for all the patients newly diagnosed with HIV infection, link all patients newly diagnosed with HIV to medical care, confirm attendance to the first appointment, and refer all patients with HIV for Partner

MINUTESHealth Department - cont'd

Services to the Health Department. The UMB will also provide lab services for syphilis serologies sent with the HIV confirmatory specimen and ensure that HIV-negative pregnant women are linked to prenatal care. The agreement is for the period July 1, 2012 through December 31, 2012.

The agreement is late because of delays in receiving an acceptable scope of service.

MWBOO GRANTED A WAIVER.

3. **HEALTHCARE ACCESS MARYLAND, INC. (HCAM)** **\$109,492.00**

Account: 4000-498813-3080-284000-603051

The HCAM will provide for Nurse Family Partnership Home Visiting Training and Implementation services. The HCAM, formerly known as Baltimore HealthCare Access Maryland, Inc. was established to assist City residents in the transition from Medicaid "fee-for-service" to a Managed Care System called HealthChoice. The HCAM employees connect clients to needed services and help them navigate the Managed Care System.

In an effort to be the single point of entry for all pregnant women and infants in Baltimore City, the HCAM will provide data entry support, ensuring that all related referrals outreached by other HCAM programs are entered into the Insight Database. This database is used by the Health Department's Maternal and Child Health and Maternal and Infant Nursing programs. The agreement is for the period July 1, 2012 through June 30, 2013.

The agreement is late because it was recently returned by the provider.

MWBOO GRANTED A WAIVER.

MINUTESHealth Department - cont'd

4. **THE SHRIVER CENTER AT UNIVERSITY** **\$ 15,040.00**
MARYLAND BALTIMORE COUNTY

Account: 1001-000000-3001-599000-601002

This agreement is a Federal Work Study Partner Agreement for the Shriver Peacework Program. The program supports returned Peace Corps volunteers in a graduate service learning program that includes full-time graduate study, part-time community service work, and an ongoing ethical reflection curriculum designed to integrate study and service.

The Peaceworker assigned to the Health Department will work as a Neighborhood Health Outreach Associate to assist in the conception, development and implementation of community-selected and driven health improvement initiatives designed to improve outcomes and reduce health disparities in Baltimore City. The agreement is for the period August 6, 2012 through June 30, 2013.

The agreement is late because revisions to the template delayed processing and the agreement was just finalized.

GRANT AGREEMENT

5. **THE ANNIE E. CASEY FOUNDATION** **\$ 12,500.00**

Account: 6000-622513-3080-293601-406001

The grant funds will be used to provide support for Baltimore's Reading for Health Initiative. The grant is for the period July 1, 2012 through June 30, 2013.

MINUTES

Health Dept. - cont'd

The grant is late because it was received on August 30, 2012 and routed on September 17, 2012 for the Board's approval.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED (EXCEPT ITEM NO. 4) AND HAD NO OBJECTION.

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

MINUTESLaw Department - Settlement Agreement and Release of All Claims

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

1. **MACONIO ALSTON ET AL. V. BALTIMORE** **\$55,000.00**
CITY BOARD OF SCHOOL COMMISSIONERS

Account: 2049-000000-7490-000000-603101

There being no objection, the Board, UPON MOTION duly made and seconded, approved and authorized execution of the settlement agreement and release of all claims as requested by the Law Department.

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

The Board of Estimates members received and reviewed her protest. As Ms. Trueheart's interests are not specific and are not different from other members of the general public, the Board will not hear her protest and answer her questions. Her protest and correspondence have been sent to the submitting department and that department will respond directly to Ms. Trueheart's questions.

Kim A. Trueheart

October 29, 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 have been victims of the Law Department's request for approval of seeming unending number of legal disputes against the various agencies and departments of the Baltimore City Government.

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

1. Whom you represent: Self
2. What the issues are:
 - a. Page 9 – Law Department – Settlement Agreement and Release of All Claims, if approved:
 - i. Please provide the full list of names of claimants in this settlement;
 - ii. Please provide access to details of other settlements the Law Department has entered into with this same claimant;
 - iii. Please provide access to the complete written settlement agreement.
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 agreement which potentially pays out scarce municipal funds in a settlement which could possibly have been resolved to benefit the citizens of Baltimore City instead of burden US with this questionable expense.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on October 31, 2012.

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

Sincerely,

Kim Trueheart
Citizen

5519 Belleville Ave
Baltimore, MD 21207

MINUTES

Mayor's Office of Homeless - Grant Agreements
Services (MOHS)

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

1. **THE BALTIMORE STATION** **\$144,600.00**

The Baltimore Station will provide transitional housing for 90 chronically homeless men with addictions at its West Street Program.

MWBOO GRANTED A WAIVER.

2. **THE BALTIMORE STATION** **\$ 50,437.00**

The Baltimore Station will provide transitional housing for 90 chronically homeless men with addictions at its Baker Street Program.

MWBOO GRANTED A WAIVER.

Account: 5000-529113-3572-333728-603051

The Baltimore Station will provide the opportunity for chronically homeless men with addictions to end their abuse and address the underlying cause.

3. **AIDS INTERFAITH RESIDENTIAL SERVICES** **\$334,545.00**
INC. T/A AIRS

The AIRS will provide palliative end of life care to 25 individuals with end stage AIDS at a 1 to 4 clinical staff to patient ratio.

Account: 4000-490913-3573-333643-603051

MWBOO GRANTED A WAIVER.

MINUTES

MOHS - cont'd

4. **AIDS INTERFAITH RESIDENTIAL SERVICES** **\$371,520.00**
INC. T/A AIRS

Account: 4000-490913-3573-333643-603051

AIRS will operate and oversee the People on the Move Program to provide persons with HIV/AIDS employment opportunities by gaining expertise in driving passenger vans, obtaining a passenger for hire license and an employment reference. The program will also enable a person with HIV/AIDS to re-enter the work force.

MWBOO GRANTED A WAIVER.

5. **UNIVERSITY OF MARYLAND, BALTIMORE** **\$326,125.00**

Account: 4000-490413-3573-333657-603051

The University of Maryland, Baltimore Institute of Human Virology will provide housing and outreach counseling and case management service to assist HIV positive individuals obtain residential stability and improve the quality of their lives. All clients will be receiving primary medical care at the Evelyn Jordan Medical Center.

MWBOO GRANTED A WAIVER.

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

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

There being no objection, the Board, UPON MOTION duly made and seconded, approved and authorized execution of the foregoing grant agreements.

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.	Ilene H. Powers	1103 N. Bradford Street	G/R \$60.00	\$ 550.00
2.	Jane Forrest, Personal Rep. of the Estate of Irvin A. Forrest (Deceased)	1117 N. Bradford Street	G/R \$42.00	\$ 280.00
3.	Deborah H. Mondell Personal Rep. of the Estate of Priscilla Demb	1123 N. Bradford Street	G/R \$48.00	\$ 320.00
4.	Harvey Richeson and Dorothy Richeson, husband and wife	2400 E. Eager Street	F/S	\$15,000.00
5.	Fred Nochumowitz Trustee	2430 E. Eager Street	G/R \$90.00	\$ 825.00

Funds are available in account 9910-904488-9588-900000-704040,
Milton-Montford Project.

6.	Carolyn Class	918 N. Chester Street	G/R \$36.00	\$ 300.00
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Funds are available in account 9910-906416-9588-900000-704040,
EBDI Phase II Project.

(FILE NO. 56017)

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 (DHCD) - Options</u>			
7. Fairfield, LLC.	905 N. Castle Street	G/R \$30.00	\$ 275.00
8. Jerry R. Engleman and Carol K. Engleman	903 N. Collington Avenue	G/R \$69.00	\$ 632.50
9. Louis Demb (deceased) and Deborah R. Mondell, Personal Rep. of the Estate of Priscilla Demb	905 N. Collington Avenue	G/R \$37.00	\$ 247.00

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

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

(FILE NO. 56017)

Dept. of Housing and Community Development - Condemnations

10. Janice D. Greene	2781 Tivoly Avenue	L/H	\$34,000.00
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MINUTES**OPTIONS/CONDEMNATION/QUICK-TAKES:**

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
11. Carl Schulz	2734 Tivoly Avenue	L/H	\$20,000.00

Funds are available in account 9910-904326-9588-900000-704040, Coldstream Homestead Montebello Project.

DHCD - Rescission and Approval of Option

12. BNL Housing	2768 Tivoly Ave.	L/H	\$33,000.00
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On August 8, 2012, the Board approved the acquisition by condemnation of the leasehold interest in 2768 Tivoly Avenue for \$33,000.00. However, since that time, the owner is once again in good standing with the State Department of Assessments and Taxation. Therefore, the Board is requested to rescind its prior approval and approve acquisition of the property interest by option.

Funds are available in CDBG funds account no. 9910-904326-9588-900000-704040, Coldstream Homestead Montebello Project.

(FILE NO. 57188)

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

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

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| 1. UNITED RENTAL
NORTH AMERICA, INC. | \$15,000.00 | Renewal |
| Solicitation No. B50001690 - Preventative Maintenance Services for Lifts - Baltimore Convention Center - Req. No. P515380 | | |

On November 10, 2010, the City Purchasing Agent approved the initial award in the amount of \$5,900.00. The award contained two 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$15,000.00 is for the period November 7, 2012 through November 6, 2013.

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| 2. LEONARD PAPER CO. | \$ 8,400.00 | Renewal |
| Solicitation No. B50001696 - Supply Paper and Styrofoam Products - Enoch Pratt Free Library - Req. No. P515591 | | |

On December 8, 2010, the Board approved the initial award in the amount of \$8,400.00. The award contained two 1-year renewal options. On December 7, 2011, the Board approved the first renewal in the amount of \$8,400.00. This final renewal in the amount of \$8,400.00 is for the period December 8, 2012 through December 7, 2013.

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| 3. PREFERRED CLEANING, LLC | \$10,800.00 | Renewal |
| Solicitation No. B50001669 - Janitorial Service - Enoch Pratt Free Library - Req. No. P515660 | | |

On November 24, 2010, the Board approved the initial award in the amount of \$10,800.00. The award contained three 1-year renewal options. On November 16, 2011, the Board approved the first renewal in the amount of \$10,800.00. This renewal in the amount of \$10,800.00 is for the period December 1, 2012 through November 30, 2013, with one 1-year renewal option remaining.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

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| 4. <u>EFI, INC.</u> | <u>\$ 9,132.48</u> | <u>Renewal</u> |
| Solicitation No. 08000 - Software License Renewal, Maintenance, and Support - Bureau of Purchases/Digital Document Division - Req. No. R615573 | | |

On April 8, 2011, the City Purchasing Agent approved the initial award in the amount of \$8,866.80. The award contained four 1-year renewal options. On November 22, 2011, the City Purchasing Agent approved the first renewal in the amount of \$8,866.80. This renewal in the amount of \$9,132.48 is for the period January 1, 2013 through December 31, 2013, with two 1-year renewals remaining.

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| 5. <u>DUKE'S SALES & SERVICE, INC.</u> | <u>\$ 24,000.00</u> | <u>Renewal</u> |
| Solicitation No. 08000 - Jet Power II Grease Liquefying Products - Department of Public Works - Req. No. P519036 | | |

On January 9, 2012, the City Purchasing Agent approved the initial award in the amount of \$24,000.00. The award contained two 1-year renewal options. This renewal in the amount of \$24,000.00 is for the period January 11, 2013 through January 10, 2014, with one 1-year renewal option remaining.

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| 6. <u>LIFESTAR RESPONSE OF MARYLAND, INC.</u> | <u>\$159,000.00</u> | <u>Renewal</u> |
| Solicitation No. 06000 - Emergency Medical Technician - Health Department - P.O. No. P515287 | | |

On November 5, 2008, the Board approved the initial award in the amount of \$95,000.00. The award contained three 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$159,000.00 is for the period November 10, 2012 through November 9, 2013.

MWBOO GRANTED A WAIVER.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

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| 7. KEYW CORPORATION | \$ 51,500.00 | Selected Source |
| Solicitation No. 06000 - Vehicle Customization Interior -
Baltimore City Police Department - Req. No. R613485 | | |

The Baltimore City Police Department is requesting the customization of two Chevy Suburbans for the Criminal Investigation Division. The customization will include a complete secondary power system, vehicle command, end-user supplied land mobile radio, RF rail mounting system and law enforcement grade lights and sirens.

The Criminal Investigation Division - Advanced Technical Team requires the KEYW Corporation as the vehicle integrator because the police units' existing surveillance hardware is manufactured by the KEYW Corporation and any additions must be compatible.

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

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| 8. CITIZENS PHARMACY
SERVICES | \$ 50,000.00 | Renewal |
| Solicitation No. 08000 - Labeled Medications - Health
Department - P.O. No. P515281 | | |

On November 3, 2010, the Board approved the initial award in the amount of \$50,000.00. The award contained three 1-year renewal options. This renewal in the amount of \$50,000.00 is for the period November 3, 2012 through November 2, 2013 with one 1-year renewal option remaining.

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

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

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| 9. PSYCHOLOGY CONSULTANTS | \$ 62,672.50 | Ratification & |
| ASSOCIATED, P.A. | 200,000.00 | Term Order |
| Solicitation No. BP-06050 - Psychology for BPD - Baltimore
Police Department - Req. No. None | | |

On January 11, 2006, the Board approved the initial award for the amount of \$365,000.00. However, the Police Department continued to use the Psychology Consultants Associated, P.A. to provide services beyond the term of the initial contract. The Board is therefore, requested to ratify services for the period of June 08, 2012 through October 31, 2012 and approve a term order under the same terms and conditions of the initial contract for the period of November 1, 2012 through January 31, 2013, to allow time for a new contract.

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

MBE: Leonie Brooks, Ph.D	3.68%	
Edward Wai-Ming Lai, Ph.d	3.68%	
Dawn Joseph, LCSW-C	2.00%	

WBE: Jody W. Ginsberg, LCSW-C	6.00%	
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MWBOO FOUND VENDOR IN COMPLIANCE.

A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION.

Mayor: "The first item on the non-routine agenda can be found on page 18 no. 9. Will those parties come forward?"

Mr. Timothy Krus: "Tim Krus, Bureau of Purchases. We're recommending a Ratification and Term Order for Psychology Consultants for the Baltimore City Police Department, while we have time to assemble the specifications and put out a new bid. These consultants are required to provide services to police for the bringing on board of new officers and we can't suffer a break in service while we get the specifications ready."

Mr. Arnold Jolivet, Maryland Minority Contractors: "Good morning."

MINUTES

Bureau of Purchases - Solicitation BP 06050 - cont'd

Mayor: "Good morning."

Mr. Jolivet: "Arnold M. Jolivet and I just want to -- I know Tim says that new time -- additional time is needed in order to develop a new contract, but I'm seeing each week increasingly where contracts that have already expired or due to expire are coming before the Board and -- the -- the City knows that once a contract officially, formally expires - uh - you can't renew a municipal contract that's already expired. I mean I made that argument here -- Mr. Nilson knows that argument. This is a well-accepted argument uh -- well-accepted position. And I would ask the Board to just follow the law. Just follow the law and the law is made clear by the Court of Appeals -- the Court of Special Appeals that once a contract required to be competitively bid in the first instance expires -- it is uh -- the municipality, in this case, the Board of Estimates, is unauthorized to renew the contract or otherwise continue the contract without a new round of competitive bidding. I don't want to belabor the point and I would simply ask the Board, in its wisdom to follow the law and that's all I want to say. And I

MINUTES

Bureau of Purchases - Solicitation BP 06050 - cont'd

just thank you for allowing me to be here to make that presentation. But, I just ask the Board simply to follow the law."

Mr. Krus: "The City makes every effort to avoid this kind of situation, but in some cases it's unavoidable. Our only other solution for services like this would be to come forward with a Select or Sole Source recommendation to give us the time to do it. Uh -- in this case, we believe that it's best to stay with the vendor that we've been using."

Solicitor: "And just a quick question, so the services performed by this -- by the contractor that is recommended would be performed in connection with the recruitment and the - and the bringing on board of new police officers, which is an on-going process every month or every couple of months."

Mr. Krus: "That is correct."

Solicitor: "So, this is really proposed uh -- to cover the period from now until --"

Mr. Krus: "The end of January."

Solicitor: "January while you put together - uh - in conjunction with the Police Department a Request for Proposal for a new robust full contract?"

MINUTES

Bureau of Purchases - Solicitation BP 06050 - cont'd

Mr. Krus: "Correct."

Comptroller: "I have a question. Mr. Nilson, is it a violation of the procurement process?"

Solicitor: "We are supposed to approve contracts before they expire. We have taken action like this in the past. It's subject to the Board's discretion, as long as the extension that we're asking for, as is the case here, is for a shorter period of time as is reasonably appropriate to allow coverage between now and full, complete procurement. As Mr. Krus indicated, the option would be to allow the Sole Source to cover that period of time."

Comptroller: "Thank you."

Mr. Jolivet: "One just final observation and I need to disclose to you. One of the reasons that I filed the protest against this practice because I'm finding that the practice is actually used, I think, as a mechanism and I think illegal mechanism to sustain existing contracts. Now, I don't want to get into an argument uh -- about the validity of that argument, but I'm finding that the Bureau of Purchases, in many instances, will allow a contract to terminate for the sole purpose of retaining the existing

MINUTES

Bureau of Purchases - Solicitation BP 06050 - cont'd

contractor. Mr. Solicitor, I think that is totally wrong because what it does it perpetuates a system of discrimination. But, nonetheless, I don't want to -- today is a good day -- I don't want to belabor the point and I would respect the Board whatever decision it makes."

Solicitor: "I appreciate what Mr. Jolivet has said. I would note that -um- the extension that we're talking about here is a very short duration. It is reasonably tailored only to allow the agency and the Purchasing Department to put together a procurement for a full-term contract and I would also note that this comes from a Department of the City that's critically important. The services are needless to say important critically important and it is a Department that's been in transition over a period of time, from June in the -- I think it was June when the prior contract expired to the present. That transition is now completed and uh -- I think it's appropriate for us to be uh -- somewhat forgiving, if you will, with regard to an agency in transition. So, I would move that the protest be denied and the recommendation be approved."

MINUTES

Bureau of Purchases - Solicitation BP 06050 - cont'd

Director of Public Works: "Second."

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

Comptroller: "I oppose."

Mayor: "The Motion carries. I forgot to acknowledge our colleague, Councilman Curran. Thank you very much for being here."

UPON MOTION duly made and seconded, the Board approved the informal awards, renewals, increases to contracts and extensions. The Mayor **ABSTAINED** on Item No. 1.

MINUTES

Department of Housing and - Side Yard Land Disposition
Community Development Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a side yard land disposition agreement with Mr. William Plater, Jr., purchaser, for the property located at 1807 W. Lexington Street, Block 0178, Lot 004.

AMOUNT OF MONEY AND SOURCE:

\$813.50 - Purchase Price

BACKGROUND/EXPLANATION:

A good faith deposit was not paid by the purchaser. The entire balance will be paid prior to settlement by Cashiers or Certified Check.

The purchaser will be using private funds to pay for the acquisition and maintenance of the property.

The City strategically acquires and manages vacant or abandoned properties, ultimately enabling these properties to be returned to productive use and improving Baltimore's neighborhoods.

In accordance with the City's Side Yard Policy, the City has agreed to convey the property known as 1807 W. Lexington Street (Block 0178, Lot 004) to the adjacent owner-occupied property. As a condition of conveyance, Mr. Plater has agreed to the terms of the Land Disposition Agreement, which prohibits development of the parcel for a minimum of ten years. The property is being sold for \$813.50, in accordance with the City's Side Yard Policy.

(FILE NO. 57242)

MINUTES

DHCD - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the side yard land disposition agreement with Mr. William Plater, Jr., purchaser, for the property located at 1807 W. Lexington Street, Block 0178, Lot 004.

MINUTES

Department of Housing and -
Community Development

Side Yard Land Disposition
Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a side yard land disposition agreement with Mr. James Neal, purchaser, for the sale of the properties known as 431 and 433 E. Lafayette Avenue (Block 1104, Lot 031 and Block 1104, Lot 032, respectively).

AMOUNT OF MONEY AND SOURCE:

\$507.00 - Per Property
Purchase price

BACKGROUND/EXPLANATION:

The DHCD's Land Resources Division strategically acquires and manages vacant or abandoned properties, ultimately enabling these properties to be returned to productive use and improving Baltimore's neighborhoods. The purchaser will be using private funds to pay for the acquisition and maintenance of the property.

In accordance with the City's Side Yard Policy, the City has agreed to convey the properties known as 431 and 433 E. Lafayette Avenue (Block 1104, Lot 031 and Block 1104, Lot 032, respectively) to the owner of the adjacent own-occupied property. As a condition of the conveyance, Mr. Neal has agreed to the terms of the agreement of sale, which prohibits development of the parcel for a minimum of ten years.

(FILE NO. 57242)

MINUTES

DHCD - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the side yard land disposition agreement with Mr. James Neal, purchaser, for the sale of the properties known as 431 and 433 E. Lafayette Avenue (Block 1104, Lot 031 and Block 1104, Lot 032, respectively).

MINUTES

Department of Housing and - Third Amendment to Land
Community Development Disposition Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a third amendment to land disposition agreement with Park Heights Renaissance, Inc. (PHR), and Comprehensive Housing Assistance, Inc. (CHAI), developers.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On October 13, 2010, the Board approved a land disposition agreement with the PHR and CHAI for a parcel now known as 4311 Pimlico Road. A first amendment to the LDA was approved on May 18, 2011 and a second amendment was approved on April 25, 2012. The PHR and CHAI will construct thereon a rental housing complex known as the Renaissance Gardens Project containing 60 one-bedroom rental units which will be affordable to individuals that are 62 years of age or older and with incomes at or below fifty percent of the Area Median Income.

In furtherance of the project, the United States Department of Housing and Urban Development (HUD) has requested that the City and the developers amend the LDA to permit HUD an opportunity to cure a default. This third amendment to the land disposition agreement adds a section allowing HUD an opportunity to cure a default by the developer.

The Department recommends that the Board approve the third amendment to the LDA because of the tremendous benefits of this

MINUTES

DHCD - cont'd

project to the community which includes the creation of 60 units of affordable senior housing, elimination of long-term blighting conditions, stabilization of the community, construction job opportunities, and a substantial increase in property values.

MBE/WBE PARTICIPATION:

N/A

A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION. THE PROTEST WAS WITHDRAWN.

(FILE NO. 57276)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the third amendment to land disposition agreement with Park Heights Renaissance, Inc., and Comprehensive Housing Assistance, Inc., developers.

MMCA- Maryland Minority Contractors Association, Inc.

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

Baltimore, Maryland 21210

443-413-3011 Phone

410-323-0932 Fax

October 30, 2012

Via Facsimile 410-685-4416

The Honorable President and Members

Baltimore City Board of Estimates

City Hall-Room 204

Baltimore, MD 21202

ATTN: Ms. Bernice Taylor, Clerk to the Board

**Re: Protest Against Agenda Items Contained on Your
Honorable Board's October 31, 2012 Public Agenda**

Dear President Young:

I wish to file protests on the following described proposed contract awards or Land Disposition Agreements ("LDA") as stated in your Honorable Board's October 31, 2012 Public Agenda:

- (1) Item No. 9, which is a proposed contract ratification for \$62,672.50, for certain Psychology Consultants Associates, P.A., for the period June 8, 2012 through October 31, 2012, and a "term order" under the same terms conditions of the initial contract, for the period, November 1, 2012 through January 31, 2013. Our protest is based on the fact that both the proposed contract ratification as well as the "term order" violate the City's "mandatory" competitive bidding charter provision – Article VI, Section 11 et seq.; and
- (2) Proposed Third Amendment to Land Disposition Agreement ("LDA"), with Park Heights Renaissance, inc. ("PHR") and Comprehensive Housing Assistance, Inc. ("CHAI"), on pages 21-22, of the Board's October 31, 2012 public agenda.

Our protest against this proposed LDA Amendment is based upon the fact that the proposed Amendment is structured in such a manner that it can very easily be construed and implemented so as to completely absolve the developers from having to comply with applicable City M-WBE utilizations goals; and

- (3) A proposed Land Development and Ground Lease Agreement and Land Disposition Agreement ("LDA") for a related land parcel, both with CBAC Gaming, LLC, ("CBAC"), for Baltimore's already authorized Video Lottery Terminal ("VLT") facility, on pages 47-49, of your Honorable Board's October 31, 2012 public agenda.

Our protest against this proposed city agreement is based on the fact that the developer, CBAC, has engaged in an unlawful racially discriminatory contractor selection process in the advertising, soliciting and selection of the General Contractor ("GC") for the subject Baltimore City VLT Building and Parking Garage facilities. Our primary concern on which our protest is predicated is based upon the fact that the developer, CBAC, selected the Whiting-Turner Contracting Company ("Whiting Turner") as the prime GC for the project without even granting our qualified and interested African American-owned GC firms a fair and equal opportunity to compete for the subject project's prime GC contract. There are a substantial number of well-qualified African American-owned prime GC contractors that are well-qualified and eligible to perform all aspects of this prime GC contract. For example, the Gilford Corporation as well as Smoot Construction Company, both headquartered in the Maryland-DC area possesses the requisite qualifications and other financial resources to successfully perform this contract.

Hence, there are absolutely no justifications for not opening this Baltimore VLT Building and Parking Garage contract to all qualified and interested bidders, to include qualified African American-owned GC contractors.

- (4) Item No. 1-TR12017R – Material Testing 2012 various projects citywide, on pages 52-53. The proposed contractor-award failed to meet the City's MWBE utilization goal. The contracting agency nonetheless recommends the contract award to the contractor, contrary to the City's MWBE's specific finding of "noncompliance" with the contract's WBE goal. Rather, the contracting agency strongly recommends that your Honorable Board approve the contract, subject to the contractor being provided ten (10) days to come into compliance with the contract's WBE goal.

Inasmuch as your Honorable Board has not been very fair and consistent in administering this policy of granting contractors ten (10) days to come into M-WBE compliance, the policy violates fundamental principles of equal protection, as your Honorable Board has a basic and fundamental Fourteenth Amendment imposed equal protection duty to treat all bidders who come before your Honorable Board, under very similar situations and circumstances, in the same identical manner. That is, plain and simple, when bidders that fail to fully meet and comply with applicable City Ordinance required M-WBE utilization goals come before your Honorable Board for ultimate contract award, your Honorable Board cannot implement an arbitrary, dual standard contract award policy, which at times, very arbitrarily excuses some bidders, and at other times, penalizes other bidders for the same or like bid infraction. Indeed, such arbitrary and uneven enforcement and administration of the City M-WBE Ordinance has been a major criticism of the City's M-WBE program's enforcement strategy, and has completely vacated much needed public support for the M-WBE program.

Accordingly, in cases wherein bidders, for any reason(s), fail to fully meet or satisfy City contract M-WBE goals, your Honorable Board must either allow all such bidders a ten (10) day period in which to come into compliance with the contract's M-WBE goals, or allow no bidder a ten (10) day period in which to come into compliance with the contract's required M-WBE goals. In essence, your Honorable Board cannot have it both ways. A fundamental principle and requirement of competitive bidding is that all bidders must be put on equal footing, and hence, must all be treated equally.

Please note that it is not my intent to suggest in any way that the City's policy and practice of granting bidders that fail to meet contract set M-WBE goals at bid time, a ten (10) day period in which to come into compliance,

is a bad or unlawful policy or practice. Indeed, I strongly believe that in view of the City's competitive bidding charter requirement (Article VI, Section 11 et seq.) to award such City contracts "to the lowest responsive and responsible bidder" as therein delineated, the City's ten (10) day window for bidders to come into full M-WBE compliance is the only sensible and lawful policy which this Board can follow. Moreover, the City's ten (10) day window for bidders to come into full M-WBE compliance is strongly supported by the fact that under current Maryland MBE contract decisional law as determined by the Maryland Board of Contract Appeals and the U.S. Comptroller General, the City cannot make City bidders' compliance or lack thereof with City contract M-WBE utilization goals, an element of bidders' "responsiveness." Rather, the City can only consider a bidder's failure to fully comply with City contract set M-WBE goals as an element of a bidder's "responsibility." Thus, the Maryland Board of contract appeals has long ruled that as long as a bidder signs the contract's MBE participation affidavit, and fully commits to meeting and complying with the contract set MBE utilization goals, the bidder's bid is completely "responsive" on all contract MBE issues, and hence, cannot be rejected.

A "responsive" bid is defined in MD Code Ann. State Fin. & Proc. § 11-101 (8) and COMAR 21.01.02.01B (78), as one which conforms in all material respects to the invitation for bids or request for proposals.

Contrary to the City's MWBOO's determinations herein, Maryland law is well-established that satisfaction and compliance with federal, state and municipal governments' sponsored M-WBE utilization contracting programs is a matter solely of a bidder's "responsibility," and not, in any way, a bidder's "responsiveness," as the City's MWBOO has so unauthorizedly and erroneously determined herein.

It is well settled and there are myriad of state and federal administrative decisions in support of the rule that satisfaction of MBE participation goals is a matter of a bidder "responsibility," and not "responsiveness." The Maryland State Board of Contract Appeals has consistently ruled that the failure to submit a completed MBE utilization affidavit and participation schedule as required by COMAR 21.11.03.09C (3) is a matter of a bidder's responsiveness, but that the sufficiency of the requisite MBE Schedule documentation, as is the case herein, is a matter of "responsibility." Roofers, Inc. MSBCA 1284, 2 MSBCA ¶ 133 (1984); Central Data Processing, MSBCA 2084, 5 MSBCA ¶ 450 (1998).

The distinction between "responsiveness" and responsibility" is important because information pertaining to the determination of the bidder's responsibility may be received and evaluated after bids are opened but prior to contract award. Cam Construction Company of Maryland, Inc., MSBCA 1393, 2 MSBCA ¶ 195 (1988) (quoting Aquatel Industries, Inc., MSBCA 1192, 1 MSBCA ¶ 82 (1984)). Thus opposed to "responsiveness," a procurement officer has broad discretion in determining whether a bidder is "responsible," i.e., one who has the capability in all respects to perform fully the contract requirements and possess the integrity and reliability that will assure good faith performance. A procurement office may accept, at any time prior to award, information necessary to establish the bidder's responsibility. Covington Machine and Welding Company, MSBCA 2051, 5 MSBCA ¶ 436 (1998); peninsula General Hospital Medical Center, MSBCA 1248, 1 MSBCA ¶ 109 (1985); Construction Management Associates, MSBCA 1238, 1 MSBCA ¶ 108 (1985).

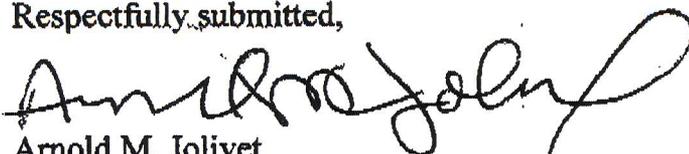
Applicable and controlling federal procurement law is to the same effect. see Paul N. Howard Company, B-199145, 1980 U.S. Comp. Gen., LEXIS 2158, 80-2 CPD ¶ 399 (1980), aff'd on reconstruction, B-199145.2, 60

Comp. Gen. 606, 1981 U.S. Comp. Gen. LEXIS 95, 81-2 CPD ¶ 42 (1981), a case with substantially similar facts as those in this case. In Howard, after the contracting agency deemed a bid to be "non-responsive" because one of the listed subcontractors did not qualify as an MBE, the Comptroller General ruled that satisfaction and compliance with MBE contract goals involves the issue of "responsibility," and that the bidder should have been allowed to cure its bid error and to substitute a new minority subcontractor. In making this decision, the Comptroller general explained that once the bidder has certified, as here, that it will comply with the solicitation's minority subcontractor utilization requirements, the bid is "responsive" on that point. The issue of achieving the MBE goal by using the MBE subcontractors named in the bid or by using an acceptable substitute relates to the bidder's performance, and thus its "responsibility."

Based on the controlling MBE contract precedents cited and relied upon above, it is extremely clear and undisputed that in the field of government contracting, the compliance and satisfaction of M-WE utilization goals is a matter of a bidder's "responsibility," and not "responsiveness," especially in view of the facts in this particular case.

The bidders failure to meet its WBE goals at bid time was not, in any legal way, fatal to the "responsiveness" of its bid proposal, since its bid proposal was "the lowest responsive and responsible bid," within the ambit of Article VI, Section 11(yh)(1)(ii) of the City Charter, notwithstanding its failure to fully meet and comply with the contract's set WBE utilization goal at bid time. See Georgia Branch, AGC of America, Inc., v. City of Atlanta, 253 Ga. 397, 321 S.E. 2d, 325 (1984), and cases cited therein.

Respectfully submitted,



Arnold M. Jolivet
Managing Director

MINUTES

Department of Housing and - Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an agreement with the Greater Baltimore Community Housing Resource Board, Inc. The agreement is for the period October 1, 2012 through September 30, 2013.

AMOUNT OF MONEY AND SOURCE:

\$27,880.00 - 2089-208913-5930-436384-603051

BACKGROUND/EXPLANATION:

The agreement will provide community development block grant funds to procure a consultant to provide fair housing education training and advocacy to the public, relevant non-profit and for-profit organizations, industry, and governmental agencies regarding the City's Fair Housing Ordinance and other fair housing laws. The organization will also provide general fair housing education, fair housing education for persons with disabilities, fair housing advocacy, special fair housing awareness events and curriculum support in Baltimore City schools.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with the Greater Baltimore Community Housing Resource Board, Inc.

MINUTES

Department of Housing and Community Development (DHCD) - Inter-departmental Memorandum of Understanding

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an inter-departmental memorandum of understanding with the Baltimore City Health Department (BCHD). The period of the MOU is July 1, 2012 through June 30, 2013.

AMOUNT OF MONEY AND SOURCE:

\$340,710.00 - 2089-208913-5930-433927-603051

BACKGROUND/EXPLANATION:

Pursuant to guidance from the U. S. Department of Housing and Urban Development, a MOU will henceforth be executed for the utilization of Community Development Block Grant funds to support other City agencies. The DHCD has funded the Commission on Aging and Retirement Education (CARE) for several years. Beginning Fiscal Year 2011, CARE was merged into the BCHD and subsequently integrated with other aging programs under Adult Geriatric Health Services and became the Office of Aging and CARE Services (OACS). The BCHD desires the DHCD to continue funding support for the OACS to provide comprehensive services and programs to the senior citizens of Baltimore City.

MBE/WBE PARTICIPATION:

N/A

MINUTES

DHCD - cont'd

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

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

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

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

The Board of Estimates members received and reviewed her protest. As Ms. Trueheart's interests are not specific and are not different from other members of the general public, the Board will not hear her protest and answer her questions. Her protest and correspondence have been sent to the submitting department and that department will respond directly to Ms. Trueheart's questions.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the inter-departmental memorandum of understanding with the Baltimore City Health Department.

Kim A. Trueheart

October 30, 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 24, Department of Housing and Community Development (DHCD) – Inter-departmental Memorandum of Understanding, if approved:
 1. Please provide access to the MOU for inspection;
 2. Please provide access to the Office of Aging and CARE Services (OACS) mission statement, strategic plan and budget for FY 2012 and FY 2013;
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 31, 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 and - Local Government Resolutions
Community Development

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

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

- | | |
|---|--------------------------------|
| 1. CITIZEN'S PLANNING AND
HOUSING ASSOCIATION, INC. (CPHA) | \$10,000.00
(CITCP) |
|---|--------------------------------|

The mission of CPHA is to bring about a healthy, inclusive Baltimore by bringing together people and neighborhoods to create innovative solutions to challenging, community-wide problems, empowering citizens with information and skills for advocacy and organizing, and championing solutions through legislative and policy reforms.

CPHA located at 3355 Keswick Road, is interested in working with the citizens of the Broadway East and Oliver neighborhoods to increase the level of citizen engagement in the neighborhoods. CPHA and the citizens of Broadway East and Oliver neighborhoods will begin an outreach campaign with the goal to discover new talent that will be trained and mentored to enable the community associations to lead in community revitalization. The project focus is located along North Avenue and Biddle Street. Both neighborhoods are bisected via major roadways, Harford Road in Oliver and Gay Street in Broadway East. Both neighborhoods have strong institutions in the heart of the neighborhood but citizen engagement is lacking.

MINUTESDHCD - cont'd

In Oliver, lies the Oliver Recreation Center which continues to serve the citizens by providing both recreational opportunities and human services. At the center of Broadway East lies a more recent investment, the American Brewery Building now occupied by Humanim Corporation. The CPHA has aggressively tackled key challenges facing the region with the core belief that informed and organized citizens are essential to improving the quality of life for everyone. This belief has taken the organization from issues of slum housing, to preserving parkland, to supporting neighborhoods, to fighting liquor advertising, to combating drug addiction and crime, and addressing broad regional issues affecting neighborhoods throughout the region. CPHA has also supported neighborhood residents in organizing themselves to improve conditions in their own communities, becoming the "neighborhood leader's best friend".

2. EMPIRE HOMES OF MARYLAND (EHM)

State of Maryland Partnership Housing Rental Program	\$	1,350,000.00
State of Maryland Affordable Housing Trust	\$	150,000.00
State of Maryland Lead Paint Abatement Program	\$	72,000.00
State of Maryland Be Smart Energy Grant	\$	59,500.00

EHM is proposing a project involving the acquisition and rehabilitation of 6 buildings which will provide 18 affordable rental units for low income applicants from the Housing Authority of Baltimore City Housing Choice Voucher Program, Non-Elderly Disabled (NED) waiting list. The project will be located at 1623, 1625, 1717, 1802, 1804 and 1808 North Calvert Street.

MINUTES

DHCD - cont'd

The project will be affordable to the tenants and incorporate green features and one mobility impaired unit rehabilitated to Uniform Federal Accessibility Standards (UFAS) and one hearing and visually impaired unit. The project is located within a stable neighborhood and is in walking distance to AIRS/Empire Homes comprehensive social services program and other social service providers.

The project will benefit the community as the buildings have been vacant for some time and require rehabilitation to reach Baltimore City code compliance. The project will also eliminate the further deterioration of the buildings, diminish vandalism and illegal occupancy of the units.

UPON MOTION duly made and seconded, the Board approved and adopted the foregoing local government resolutions.

MINUTES**PROPOSALS AND SPECIFICATIONS**

1. Dept. of General Services - GS 12817, Guilford Avenue
Garage Repairs
BIDS TO BE RECV'D: 12/05/2012
BIDS TO BE OPENED: 12/05/2012

2. Bureau of Water & Wastewater - SC 889, Dundalk Wastewater
Pumping Station Force Main
Replacement
BIDS TO BE RECV'D: 12/05/2012
BIDS TO BE OPENED: 12/05/2012

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

MINUTES

Bureau of the Budget and - Fiscal 2014 Budget Calendar
Management Research

In accordance with Article VI, Section 2, of the Charter of Baltimore City (1996 Edition), the submitted schedule for preparing the Fiscal Year 2014 Budget is recommended for adoption by the Honorable Board. These dates are preliminary and subject to change.

DATE**ACTION**

11/02/2012	Agency transmittal of Outcome Budgeting operating budget proposals
03/20/2013	Transmittal of Department of Finance recommendations to Board of Estimates
03/27/2013	Board of Estimates reviews the Department of Finance recommendations and holds budget hearings.
through	
04/10/2013	
4/10/2013	Taxpayer's Night - 6:00 P.M.
04/24/2013	Board of Estimates adopts proposed Ordinance of Estimates
04/25/2013	Publication of copy of proposed Ordinance of Estimates in two daily Baltimore City newspapers

MINUTES

Bureau of the Budget and - cont'd
Management Research

04/29/2013 Introduction of proposed Ordinance of Estimates
to City Council

05/06/2013 Delivery of Agency Detail Book

05/07/2013 City Council review of proposed Ordinance of
Estimates

through City Council schedules public hearings

06/17/2013 Passage of Ordinance of Estimates for fiscal
year ending June 30, 2014

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

The Board of Estimates members received and reviewed her protest. As Ms. Trueheart's interests are not specific and are not different from other members of the general public, the Board will not hear her protest and answer her questions. Her protest and correspondence have been sent to the submitting department and that department will respond directly to Ms. Trueheart's questions.

UPON MOTION duly made and seconded, the Board approved and adopted the Fiscal Year 2014 Budget as recommended by the Bureau of Budget and Management Research.

Kim A. Trueheart

October 30, 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:

1. Whom you represent: Self
2. What the issues are:
 - a. Page 100, Bureau of the Budget and Management Research - Fiscal 2014 Budget Calendar, if approved:
 - i. Please provide access to each agency transmittal of Outcome Budgeting operating proposals upon submission for inspection;
 - ii. This proposed schedule fails to provide citizens sufficient opportunity for review, comment and engagement with elected officials to facilitate changes or adjustments in the proposed budget;
 - iii. The dates and times of the Board of Estimates budget hearings should be announced and publicized to facilitate public participation;
 - iv. Taxpayer's Night should be announced and publicized to facilitate public participation;
 - v. The agency transmittal of Outcome Budgeting operating budget proposals should be accompanied by the agency transmittal of Outcome Budgeting results for FY 2012 which BBR shall disclose to the public on their web site.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed the continued lack of transparency which pervades this administration. This calendar of events was NOT adhered to in this past fiscal year and without prescriptive direct guidance from the BOE the events will NOT be adhered to in this upcoming fiscal planning cycle. Disrespect is the response to a fervent cry by the citizens of my home town for greater transparency. Our cry has generally been ignored by this administration and the submission of this item for approval without benefit of any adjustments to enhance transparency and citizen engagement is shameful.

5519 Belleville Ave
Baltimore, MD 21207

4. Remedy I desire: BOE should hold approval of this request in abeyance until the issues in paragraph 2, above, are addressed.

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.

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

EXTRA WORK ORDER

* * * * *

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Order

listed on the following page:

4395

The EWO has been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

MINUTES**EXTRA WORK ORDER**

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

Department of General Services

- | | | | | |
|---|--------|------------------------|-----|-----|
| 1. EWO # 001, \$174,187.00 - Energy Performance Contract Phase II - Fire Department - Engine 20 Fire House - 3130 W. North Avenue | | | | |
| \$4,616,678.00 | \$0.00 | Johnson Controls, Inc. | 313 | 100 |

The construction contract was awarded to Johnson Controls, Inc. on 09/22/10.

MINUTES

Department of General Services (DGS) - Energy Efficiency Block Grant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a energy efficiency block grant agreement with Humanim, Inc. The period of the sub-grant agreement is effective upon Board approval through November 30, 2012.

AMOUNT OF MONEY AND SOURCE:

\$2,198.00 - 9916-913900-9197

BACKGROUND/EXPLANATION:

The Department has received an award under the Energy Efficiency and Conservation Block Grant Program from the U.S. Department of Energy for facility upgrades and retrofits that will significantly improve energy efficiency in facilities operated by Baltimore City community non-profits organizations.

The DGS Energy Division and the Department of Planning Office of Sustainability have worked in collaboration to solicit and review "Energy Saver" grant applications from Baltimore non-profits for use of these funds.

Humanim, Inc.'s application was approved by the review committee for proposed energy efficiency upgrades. The total project cost is \$2,198.00.

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 energy efficiency block grant agreement with Humanim, Inc.

MINUTESDepartment of General Services - Minor Privilege Permit Applications

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

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
1. 1202 S. East Avenue	Canton East, LLC	Handicap ramp 5' x 7'
Annual Charge: \$70.30		
2. 101 N. Wolfe Street	JAG Washington Gateway, LLC	Service connec- tion, 339 linear feet of conduit, two canopies, 233 sq. ft., four sets of steps
Annual Charge: \$2,167.90		
3. 2801 O'Donnell Street	Peekaboo, LLC	Two flat signs 6' x 4', one bracket sign 4'2" x 2'
Annual Charge: \$123.10		
4. 2700 Washington Street	Two Farms, Inc.	Service Connection 47' w/3 inner ducts
Annual Charge: \$240.75		
5. 113-131 W. North Avenue	MICA Graduate Studio Center, Inc.	Single face elec- tric sign 51' x 4'2"
Annual Charge: \$1,148.00		

MINUTES

Department of General Services - cont'd

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
6. 7350 Harford Road	7350 Harford, LLC	Single face elec- tric, sign 33'3" x 4'6"
Annual Charge: \$792.88		
7. 1801 Pennsylvania Avenue	Hoo Soon Barbieri	Retain four cornice signs 9' x 1' each, five gooseneck lights
Annual Charge: \$228.00		
8. 1835 Pennsylvania Avenue	Care One Pharmacy, LLC	Retain flat sign 13'8" x 2'
Annual Charge: \$45.00		
9. 1645 Thames Street	Thames Street Associates, LLC	Retain bracket sign 4.6' x 4.3', three cornice signs, one @ 10' x 1', one @ 14' x 1' One @ 8.6' x 1'
Annual Charge: \$176.00		
10. 3107 Saint Paul Street	Brothers V Limited Part- nership	Retain awning w/signage 22'5" x 5'2", one display case 2' x 1'
Annual Charge: \$210.10		

MINUTES

Department of General Services - cont'd

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
11. 1841 Pennsylvania Avenue	Abduls @ Penn-sylvania Avenue, LLC	Retain two cornice signs 15' x 1 1/2'
Annual Charge: \$140.70		
12. 1012 Eastern Avenue	DGPG, LLC	Balcony 35' x 8.6' with outdoor seating 35' x 8.6'
Annual Charge: \$4,424.80		

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

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

MINUTES

Department of 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 14** favorable reports on Transfers of Funds approved by the Board of Estimates at its meetings on October 10 and October 17, 2012.

UPON MOTION duly made and seconded, the Board **NOTED 14** favorable reports on Transfers of Funds approved by the Board of Estimates at its meetings on October 10 and October 17, 2012.

MINUTES

Department of Transportation - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve an expenditure of funds to pay G & K Services. The dates of the invoices are from October 3, 2011 through December 26, 2011.

AMOUNT OF MONEY AND SOURCE:

\$ 151.97	-	2076-000000-2351-256300-604003
782.07	-	1001-000000-1952-194100-604003
<u>1,104.50</u>	-	<u>1001-000000-1952-194100-604003</u>
\$2,038.54		

BACKGROUND/EXPLANATION:

The vendor provided uniform cleaning services on an automatic cycle. The services were provided without an approved purchase order. These inadvertent occurrences were due to the unfortunate death of the person who processed the purchase orders and billing. The Department acknowledges that services were rendered by the vendor and seeks approval for payment.

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

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to pay G & K Services.

MINUTES

Mayor's Office of Information - Expenditure of Funds
Technology (MOIT)

ACTION REQUESTED OF B/E:

The Board is requested to approve the expenditure of funds to pay Rochester Software Associates, Inc. (RSA).

AMOUNT OF MONEY AND SOURCE:

\$ 5,280.00	-	1001-000000-1474-165700-603098
8,505.00	-	1001-000000-1474-165700-603098
5,276.00	-	1001-000000-1474-165700-603080
6,900.00	-	1001-000000-1474-165700-603080
<u>6,000.00</u>	-	<u>1001-000000-1474-165700-603098</u>
\$31,961.00		

BACKGROUND/EXPLANATION:

MOIT submitted a requisition to the Bureau of Accounting and Payroll Services to open a contract with the RSA for maintenance and support. The agreement has been in review with the Law Department for several months. It has not been approved as of this request. In the meantime, the RSA has continued providing support to MOIT. MOIT has five past due invoices that need to be paid as soon as possible. The services received were:

Maintenance Print Software WC7346, 4th Floor
 Maintenance Print Software N3225/2025
 Rack SPARC Servers
 24hr. coverage Bus and Tags
 Maintenance Software License

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTON.

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to pay Rochester Software Associates, Inc.

MINUTES

Bureau of Water and Wastewater - Employee Expense Statement

ACTION REQUESTED OF B/E:

The Board is requested to approve the expense statement for Mr. Kevin Cooper for the month of May 2012.

AMOUNT OF MONEY AND SOURCE:

\$24.42 - 2071-000000-5471-609100-603002

BACKGROUND/EXPLANATION:

The Division of Revenue Measurement and Billing inadvertently failed to have Mr. Cooper's employee mileage expense report processed in time to be received by the Bureau of Accounting and Payroll services, in accordance with AM-240-11.

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

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

UPON MOTION duly made and seconded, the Board approved the expense statement for Mr. Kevin Cooper for the month of May 2012.

MINUTES

Bureau of Water and Wastewater - Amendment to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of amendment no. 1 to agreement with Johnson, Mirmiran & Thompson, Inc., Consultant, for Project 1116J, Design of Improvements to the Jones Falls Sewer Shed Collection System.

AMOUNT OF MONEY AND SOURCE:

\$110,471.73 - Wastewater Revenue Bonds
112,298.45 - Baltimore County
\$222,770.18 - 9956-905644-900020-703032

BACKGROUND/EXPLANATION:

The Consultant will provide additional engineering services for the Upper Jones Falls and Maryland Sub-sewershed in compliance with Paragraph 9 of the Wet Weather Consent Decree for a period of five years. The current agreement expires August 25, 2015.

Under this amendment, the consultant will provide additional design services including preparation of Right-of-Entry Forms, Consent Forms and accompanying exhibits for over 320 impacted properties, design of additional improvements to sanitary house connections after subsequent reviewing of the CCTV videos, including field investigations. In addition, the consultant will prepare utility permits, additional exhibits for the public outreach materials, perform additional design due to the expanded scope, and attend additional meetings.

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

MINUTES

Bureau of Water & Wastewater - cont'd

MBE/WBE PARTICIPATION:

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

TRANSFER OF FUNDS

\$252,050.00	9956-906626-9549	
Wastewater	Constr. Reserve	
Revenue Bonds	Rehabilitation	
	Program Jones	
	Falls	
247,950.00	" "	
County Appro-		
<u>priation</u>		
\$500,000.00	-----	9956-905644-9551-3
		Design

The funds are needed to cover the costs of additional work for Project 1116J, Design Improvements to the Jones Falls Sewershed Collection System.

(FILE NO. 55986A)

MINUTESBureau of Water & Wastewater - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment no. 1 to agreement with Johnson, Mirmiran & Thompson, Inc., Consultant, for Project 1116J, Design of Improvements to the Jones Falls Sewer Shed Collection System. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter.

MINUTESBureau of Water & Wastewater - Task Assignment**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 009 to Louis Berger Water Services, Inc., under Project No. 1143E, On-Call Project Management Scheduling Inspection and Engineering.

AMOUNT OF MONEY AND SOURCE:

\$ 53,331.91 - 9956-904606-9551-900020-703032
\$ 53,331.91 - 9956-905527-9551-900010-703032
\$ 53,331.91 - 9956-902685-9551-900020-703032
\$159,995.73

BACKGROUND/EXPLANATION:

Louis Berger Water Services, Inc. will provide inspection services on SC 845, SC 851, and SC 870 for 12 months from the date of approval. These services are in accordance with the August 11, 2012 Louis Berger Group, Inc. proposal.

MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 009 to Louis Berger Water Services, Inc., under Project No. 1143E, On-Call Project Management Scheduling Inspection and Engineering.

MINUTES

Bureau of Water & Wastewater - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 010 to Louis Berger Water Services, Inc., under Project No. 1143E, On-Call Project Management Scheduling Inspection and Engineering.

AMOUNT OF MONEY AND SOURCE:

\$247,912.70 - 9956-910533-9551-900020-703032

BACKGROUND/EXPLANATION:

Louis Berger Water Services, Inc. will provide inspection services on SC 852, Denitrification Filters and Related work for the Enhanced Nutrient Removal Facilities at the Patapsco Wastewater Treatment Plant for nine months from the date of approval.

MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 010 to Louis Berger Water Services, Inc., under Project No. 1143E, On-Call Project Management Scheduling Inspection and Engineering.

MINUTESBureau of Water & Wastewater - Task Assignment**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 009 to Johnson, Mirmiran & Thompson, Inc. under Project No. 1120J, Master Scheduling and Constructability Review for Projects SC 852R, SC 895, SC 894, SC 849, SC871R, WC 1164, WC 1231, WC 1235, WC 1236, and WC 1237.

AMOUNT OF MONEY AND SOURCE:

\$ 11,224.17	-	9956-910533-9551-900020-703032	-	SC 852R
11,224.17	-	9956-907643-9551-900020-703032	-	SC 895
11,224.17	-	9956-904694-9551-900020-703032	-	SC 894
11,224.17	-	9956-904753-9551-900020-703032	-	SC 849
11,224.17	-	9956-911411-9551-900020-703032	-	SC 871R
11,224.17	-	9960-903709-9557-900020-703022	-	WC 1164
11,224.17	-	9960-906653-9557-900020-703032	-	WC 1231
11,224.17	-	9960-906653-9557-900020-703032	-	WC 1235
11,224.17	-	9960-906653-9557-900020-703032	-	WC 1236
11,224.17	-	9960-906653-9557-900020-703032	-	WC 1237
<u>\$112,241.70</u>				

BACKGROUND/EXPLANATION:

The Department desires to utilize Johnson, Mirmiran & Thompson to provide master scheduling and constructability review services on the above-listed projects.

MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

MINUTES

Bureau of Water & Wastewater - cont'd

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

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 009 to Johnson, Mirmiran & Thompson, Inc. under Project No. 1120J, Master Scheduling and Constructability Review for Projects SC 852R, SC 895, SC 894, SC 849, SC871R, WC 1164, WC 1231, WC 1235, WC 1236, and WC 1237.

MINUTES

Baltimore Development Corporation - Land Development and Ground
Lease Agreement and
Land Disposition Agreement

ACTION REQUESTED OF B/E:

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

- 1) a land development and ground lease agreement for the Video Lottery Terminal Facility (VLT Facility), and
- 2) a land disposition agreement for related parcels (LDA), collectively the Project, with CBAC Gaming, LLC (CBAC), developer.

The Board is further requested to authorize the Commissioner of the Department of Housing and Community Development to execute any and all documents to effectuate this transaction subject to review and approval for form and legal sufficiency by the Department of Law.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

In November 2008, the State of Maryland voters approved a constitutional amendment that authorized a maximum of 15,000 video lottery terminals (VLT) at a maximum of five locations. A VLT Facility was authorized in Baltimore City, if located within one-half mile of Interstate 95 and Interstate 295, on property owned by the City of Baltimore, and not adjacent to or within one-quarter mile of a residential property.

In September 2011, the Board approved a memorandum of understanding (MOU) and, subsequently, in August 2011, a first

MINUTES

BDC - cont'd

amendment to the MOU was approved outlining the terms for the Baltimore City facility. These terms needed to be further documented in a definitive ground lease agreement and other agreements. Subsequent to the September 2011 approval of the MOU, the parties engaged in discussions to locate the VLT Facility on Russell Street and convey other City-owned parcels to provide parking for the Project.

In accordance with the LDA, the CBAC will purchase from the City parcels of land known as 1501-1525 Warner Street, 1601-1625 Warner Street, 1629-1631 Warner Street, 1633-1643 Warner Street, 1645-1725 Warner Street, 2102 Oler Street, 2104 Worcester Street, 2119 Haines Street (garage site), and the associated street beds for construction of an approximately 4,000 space parking garage. The purchase price for the garage site will be \$1,200,000.00 per acre (purchase price). The CBAC will have the option to purchase 701 Ostend Street and 1411 Warner Street for future development to complement the VLT Facility. The option must be exercised within two years of the VLT Facility opening and the purchase price will be the greater of \$1,200,000.00 per acre or the appraised value of the sites.

In accordance with the lease, the CBAC will be leasing 1501-1521, 1525, and 1551 Russell Street for up to 50-years from the City and will pay the City:

1.) 2.99% of the gross gaming revenue with a guaranteed minimum payment of \$8,000,000.00 in year one, \$10,000,000.00 in year two, \$12,000,000.00 in year three, \$13,000,000.00 in year four, \$14,000,000.00 in year five, and thereafter. (Gross gaming revenues will equal the amount of money bet through the video lottery terminals that are not returned to successful players, and which are submitted to the State.)

MINUTES

BDC - cont'd

- 2.) The greater of the property tax payable to the City each year or \$3,200,000.00. If the taxes are less than \$3,200,000.00, then the difference between the \$3,200,000.00 and the taxes is paid as additional rent.

Based upon the mid-range projections by an independent consultant, rent and other benefits from the VLT Facility are estimated to generate a five cent property tax reduction on the Baltimore City tax rate in year one, increasing to a seven cent property tax reduction by year five.

The VLT Facility is expected to generate 1,939 direct and indirect construction jobs and \$119,000,000.00 in wages and benefits annually. Once operational, the VLT Facility will generate 1,894 direct and indirect jobs, and total on-site operational wages and benefits of \$72,000,000.00 annually. The CBAC has committed to the Employ Baltimore Program and will make every effort to employ Baltimore City residents.

In addition, to the revenue received from the sale of the properties, the ground rent calculation, and from the benefits received as a result of this VLT Facility, the City of Baltimore will receive additional funds for education, local impact grants (which will be used to improve infrastructure in the area and to provide services to the communities in the immediate proximity to the VLT Facility), and funds for the redevelopment of the Park Heights area from the State's revenue.

MBE/WBE PARTICIPATION:

The Request for Proposals for a VLT Terminal Facility was issued by the State. The CBAC will comply with the MBE requirements as described in Title 14, Subtitle 3 of the State Finance and Procurement article.

Kim A. Trueheart

October 30, 2012

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

Dear Ms. Taylor:

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

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

1. Whom you represent: Self
2. What the issues are:
 - a. Page 47, Baltimore Development Corporation (BDC) – Land Development and Ground Lease Agreement, if approved:
 - i. Please provide access to the LDA and Ground Lease Agreement for inspection;
 - ii. Please provide access to the reports produced by Christiansen Capital Advisors, an independent consultant;
 - iii. This action fails to address the status of the City’s agreement with Baltimore City Entertainment Group (BCEG) which was approved by the BOE on April 15, 2009.
 - iv. Fails to detail the rationale for the difference in terms and conditions of the agreement with BCEG which seemed more favorable to the citizens than this current agreement offered for BOE approval, for example:
 1. The guaranteed minimum payment stabilizes at \$15,956,000.00 in year 3.
 - v. Fails to address the establishment of the local Development Council and its role in oversight of this agreement;
 - vi. The agreement misrepresents the facts using misleading terminology to describe the City’s anticipated revenue as “Gross Gaming Revenue” when in fact the revenue is an amount substantially less than 2.99% of that total.
3. How the protestant will be harmed by the proposed Board of Estimates’ action: As a citizen I am experiencing a significant financial burden with annual tax increases, sewer and water service increases, user fee increases, parking meter rate increases and significantly reduce services as a resident. This already onerous burden will be exacerbated by undisclosed material facts and details specific to this LDA and Lease.

5519 Belleville Ave
Baltimore, MD 21207

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on October 31, 2012.

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

Sincerely,
Kim Trueheart
Citizen

5519 Belleville Ave
Baltimore, MD 21207

MINUTES

BDC - cont'd

A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION. THE PROTEST WAS WITHDRAWN.

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

The Board of Estimates members received and reviewed her protest. As Ms. Trueheart's interests are not specific and are not different from other members of the general public, the Board will not hear her protest and answer her questions. Her protest and correspondence have been sent to the submitting department and that department will respond directly to Ms. Trueheart's questions.

(FILE NO. 57012)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land development and ground lease agreement for the Video Lottery Terminal Facility, and the land disposition agreement for related parcels), collectively the Project, with CBAC Gaming, LLC, developer. The Board further authorized the Commissioner of the Department of Housing and Community Development to execute any and all documents to effectuate this transaction subject to review and approval for form and legal sufficiency by the Department of Law. The Comptroller voted **NO**.

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTION**

* * * * *

On the recommendations of the City agency

hereinafter named, the Board,

UPON MOTION duly made and seconded,

awarded the formally advertised contracts

listed on the following pages:

4416 - 4418

to the low bidders meeting the specifications,

and rejected the bid as indicated

for the reasons stated.

UPON MOTION duly made and seconded, the

Board further deferred Item Nos. 1, 3, and 4 for one week.

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

1. B50002437, Casting		\$1,745,600.00
Gray Iron Manhole		
Covers & Frame	Neenah Foundry Co.	583,750.00
(Various Agencies)	Capitol Foundry of Virginia, Inc.	1,161,850.00

Pursuant to Article VI, Section 11 (2) (i)(ii) of the City Charter, the Board is requested to accept Neenah Foundry Co.'s corrected bid guarantee by certified check, bank cashier's check, or bank treasurer's check for the amount of \$24,008.00, which is 2% of its total bid amount of \$1,200,150.00. The Department is recommending award on an item-by-item basis to the only two responsive and responsible bidders Capitol Foundry of Virginia, Inc., and the Neenah Foundry Company.

MWBOO GRANTED A WAIVER.Department of Recreation & Parks

2. RP 12805R, Islamic Way Basketball Court Improve- ments	REJECTION - Three bids were received. The first two bids were disqualified and the third bid exceeds the available budget by more than 48%. Therefore, the Department wishes to reject all bids and re-advertise at a later date.
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MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**Department of Transportation

- | | | |
|---|--------------------------------|---------------|
| 3. TR 12017R, Material
Testing 2012 Various
Projects Citywide | Froehling &
Robertson, Inc. | \$ 141,885.00 |
|---|--------------------------------|---------------|

MWBOO SET MBE GOALS AT 15% AND WBE GOALS AT 5%

MBE: Findling, Inc.	\$21,282.00	15.00%
WBE: VE Engineering, Inc.*		

*VE Engineering, Inc. is not certified as a WBE with Baltimore City.

MWBOO FOUND VENDOR IN NON-COMPLIANCE

The Department requests that the Board exercise its discretion to award the contract to Froehling & Robertson, Inc. subject to the firm coming into compliance within ten days of the award. Two bids were received ranging in a low of \$141,885.00 to a high of \$330,998.00. The Department has now bid this work twice. On both occasions, the second low bidder (and only bidder) has been significantly above the expected pricing, and more than double the low bidder's pricing. The Department of Transportation urgently requires materials testing services in order to comply with State and Federal construction specifications and believes that it is in the best interest of the City for the Board to exercise its discretionary authority to award this contract to Froehling & Robertson, Inc.

The Department of Transportation finds the low bidder acceptable and recommends award of this contract to the lowest responsible bidder, Froehling & Robertson, Inc.

A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION.

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**Department of Transportation - cont'd4. **TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$163,167.75	9950-904508-9509	
MVR	Material Testing	
\$141,885.00	-----	9950-907536-9508-6
		Structure & Improvements
14,188.50	-----	9950-907536-9508-5
		Inspections
<u>7,094.25</u>	-----	9950-907536-9508-2
\$163,167.75		Contingencies

This transfer will cover the costs associated with the award of contract no. TR 12017, Material Testing for Various Projects Citywide to Froehling & Robertson, Inc.

A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION.

MINUTES

Bureau of Purchases - Acceptance of Statements of Qualifications

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of statements of qualifications for B50002517, Advanced Metering Infrastructure, and Auto Meter Reading Systems from the following vendors:

Advanced Metering Infrastructure
Aclara Technologies, LLC, Itron, Inc., and Sensus,

Auto Meter Reading Systems
Itron, Inc. and Sensus

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On August 29, 2012, the Board opened statements of qualifications for B50002517. Statements of qualifications were received from five vendors and were scored by an evaluation review committee. It was determined the above-mentioned vendors achieved the required minimum score, and therefore, are recommended to be short-listed for the upcoming Advanced Metering Infrastructure, and Auto Meter Reading Systems installation project.

The statements of qualifications received from Mueller Systems, LLC and Neptune Technology Group, Inc. did not meet the minimum requirements for the Advanced Metering Infrastructure and did not achieve the minimum score for the Auto Meter Reading Systems.

MINUTES

Bureau of Purchases - cont'd

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved the acceptance of statements of qualifications for B50002517, Advanced Metering Infrastructure, and Auto Meter Reading Systems from Advanced Metering Infrastructure, Aclara Technologies, LLC, Itron, Inc., and Sensus, Advadvanced Metering Infrastructure, Auto Meter Reading Systems, Itron, Inc, and Sensus.

MINUTES

PERSONNEL MATTERS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Personnel matters

listed on the following page:

4422

The Personnel matters have been approved

by the EXPENDITURE CONTROL COMMITTEE.

The contract has been approved

by the Law Department

as to form and legal sufficiency.

MINUTES**PERSONNEL**

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Department of General Services</u>		
1. WILLIAM F. MERRITT	\$50.00	\$95,000.00

Account: 9916-913900-9197-910098-703009

Mr. Merritt will continue to work as a Grants Procurement Specialist. His duties will include, but will not be limited to identifying various types of funding sources and determining what sources will best fund the Department's needs. Mr. Merritt will submit a weekly progress report, oversee, coordinate, and provide technical assistance to the City's grant project groups. In addition, he will review, evaluate, modify, and edit all grant applications packages to ensure adherence to funding source guidelines and monitor the status of applications and all grant proposal activity to ensure adherence to Department procedures. The period of the agreement is effective upon Board approval for one year.

Department of Public WorksReclassify the following position:

2. From: 33232 - Secretary II
 Grade: 078 (\$27,958.00 - \$32,241.00)
- To: 33233 - Secretary III
 Grade: 084 (\$33,510.00 - \$39,994.00)

Costs: \$7,231.00 - 1001-000000-1901-190800-601001

MINUTES**TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Funds</u>	<u>Amount</u>
<u>Health Department</u>			
1. Michelle Muhammad	Uniform Admin. Requirements/Cost Principles Tysons Corner, VA Nov. 27 - 30, 2012 (Reg. Fees \$749.00 X 2 = \$1,498.00)	Federal Funds	\$2,363.70

Ms. Muhammad will be attending two different classes. The registration fees were paid by Expenditure Authorization No. 000103627. Therefore, the total disbursement to Ms. Muhammad will be in the amount of \$865.70.

2. Laura Plasencia	Nat'l Healthcare Coalition Pre- paredness Conference Alexandria, VA Nov. 26 - 28, 2012 (Reg. Fee \$425.00)	Base Grant	\$1,091.71
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The registration fee in the amount of \$425.00 was paid on a procurement card issued to Ms. Megan Burasek. Therefore, the total disbursement to Ms. Plasencia will be in the amount of \$666.71.

MINUTES**TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Funds</u>	<u>Amount</u>
<u>Baltimore Police Department</u>			
3. Dennis Bailey Milton F. Scott Dawn M. Swords Misty L. Battle	Child Abuse Inter- view & Interrogation Techniques Seminar Huntsville, AL Nov. 05 - 18, 2012 (Reg. Fee \$425.00 ea.)	Maryland Reimburse- ment Grant	\$5,316.80

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

MINUTESSpace Utilization Committee - Interdepartmental Lease Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a lease agreement between the Department of General Services, landlord and the Department of Housing and Community Development, tenant for the rental of a portion of the property known as 5225 York Road, being on the lower level, containing 3,825 sq. ft. The period of the agreement is July 1, 2012 through June 30, 2013, with an option to renew for five additional 1-year terms.

AMOUNT OF MONEY AND SOURCE:

	<u>Annual Rent</u>	<u>Monthly Rent</u>
Year 1	\$29,911.50	\$2,492.63

Account: 1001-000000-5832-412800-603096

Ninety days prior to the lease termination date, the landlord will determine a rental rate based on the projected operation costs and expenses for the upcoming renewal term.

BACKGROUND/EXPLANATION:

The tenant will use the leased premises for office space for the operation of its Code Enforcement Office.

The landlord will be responsible for maintaining the interior common areas and exterior of the building, providing janitorial and pest control services, and providing and paying for all utilities.

The tenant will be responsible for the cost of improvements, providing equipment for tenant operations, telephone and computer services and providing security to the leased premises.

MINUTESSpace Utilization Committee - cont'd

The lease agreement is late because of the Departments' reviews and administrative processes.

The Space Utilization Committee approved this lease agreement on October 23, 2012.

APPROVED FOR FUNDS BY FINANCE**(FILE NO. 54960)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of a lease agreement between the Department of General Services, landlord and the Department of Housing and Community Development, tenant for the rental of a portion of the property known as 5225 York Road, being on the lower level, containing 3,825 sq. ft.

MINUTESSpace Utilization Committee - Interdepartmental Lease Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a lease agreement between the Department of General Services, landlord, and the Department of Housing and Community Development, tenant, for the rental of the property known as 3939 Reisterstown Road, Suite 206, containing 5,929 sq. ft. The period of the agreement is July 1, 2012 through June 30, 2013, with an option to renew for five additional 1-year terms.

AMOUNT OF MONEY AND SOURCE:

	<u>Annual Rent</u>	<u>Monthly Rent</u>
Year 1	\$35,277.55	\$2,939.80

Account: 1001-000000-5832-412800-603096

Ninety days prior to the lease termination date, the landlord will determine a rental rate based on the projected operation costs and expenses for the upcoming renewal term.

BACKGROUND/EXPLANATION:

The tenant will use the leased premises for office space for the operation of its Code Enforcement Office.

The landlord will be responsible for maintaining the interior common areas and exterior of the building, providing janitorial and pest control services and providing and paying for all utilities.

The tenant will be responsible for the cost of improvements, providing equipment for tenant operation, telephone and computer services and providing security to the leased premises.

MINUTESSpace Utilization Committee - cont'd

The lease agreement is late because of the Departments' review and administrative processes.

The Space Utilization Committee approved this lease agreement on October 23, 2012.

APPROVED FOR FUNDS BY FINANCE**(FILE NO. 57371)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of a lease agreement between the Department of General Services, landlord, and the Department of Housing and Community Development, tenant, for the rental of the property known as 3939 Reisterstown Road, Suite 206, containing 5,929 sq. ft.

MINUTESSpace Utilization Committee - Interdepartmental Lease Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an interdepartmental lease agreement between the Department of General Services, landlord, and the Mayor's Office of Information Technology (MOIT), tenant, for the rental of a portion of the property known as 200 N. Holliday Street, consisting of approximately 7,650 square feet on the fourth floor and lower level 1. The period of the interdepartmental lease agreement is July 1, 2012 through June 30, 2013, with five 1-year renewal terms.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Payment</u>	<u>Monthly Installments</u>
\$64,489.50	\$5,374.13

Account: 1001-000000-1471-165700-603096

The annual rent for the renewal term will be determined based on projected operating costs and expenses for the upcoming renewal term. Based on the determined rental rate, the rental payment will commence on July 1, 2013 and will increase or decrease each year during the renewal terms.

BACKGROUND/EXPLANATION:

The leased premises will be used for the administrative offices for MOIT. The landlord will be responsible for the maintenance of the interior and exterior of the building including the foundations, roof, walls, gutters, downspouts, maintenance and repair of HVAC system (not individual window ventilation systems), cleaning the floors, providing janitorial services, trash removal, pest control, and keeping the sidewalks adjacent to the premises and the entrances clear of ice, snow, and debris. The landlord will be responsible for all interior and exterior lighting of the leased premises.

MINUTESSpace Utilization Committee - cont'd

The tenant will accept the leased premises in its existing condition. The tenant will provide all equipment, if applicable, necessary for the operation of the tenant's programs, including, but not limited to telephone and computer services to the leased premises. The tenant will be responsible for placing debris from the lease premises into trash receptacles, keeping the entrance, passageways, and areas adjoining or appurtenant to their leased premises in a clean and orderly condition, free of rubbish and obstruction.

The Space Utilization Committee approved this interdepartmental lease agreement on October 23, 2012.

APPROVED FOR FUNDS BY FINANCE**(FILE NO. 55704)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of a lease agreement between the Department of General Services, landlord, and the Mayor's Office of Information Technology (MOIT), tenant, for the rental of a portion of the property known as 200 N. Holliday Street, consisting of approximately 7,650 square feet on the fourth floor and lower level 1.

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

The Board is requested to approve and authorize execution of a lease agreement with The Progressive Education Center, Inc., tenant, for the rental of a portion of the property known as 1510 W. Lafayette Avenue, 2nd Level, Courtside, consisting of approximately 2,862 square feet. The period of the lease agreement is September 17, 2012 through September 30, 2013, with an additional one-year renewal option.

AMOUNT OF MONEY AND SOURCE:

<u>Years</u>	<u>Annual Rent</u>	<u>Monthly Rent</u>
1	\$15,600.00	\$1,300.00, plus \$500.00/month for utilities
2	\$16,068.00	\$1,339.00, plus \$500.00/month for utilities

BACKGROUND/EXPLANATION:

The leased premises will be used as a day care center.

The first year annual rent will be \$15,600.00, monthly rent of \$1,300.00 plus \$500.00 per month for utilities. The second year annual rent will be \$16,068.00, monthly rent of \$1,339.00, plus \$500.00 per month for utilities. The utilities are negotiated based on current market rates.

The City will be responsible for maintaining plumbing, air conditioning and heating, and providing pest control, trash, snow, ice, debris removal, and paying utilities. The tenant will pay for janitorial services to the lease premises, telephone and computer services, and securing all day care licensing and liability insurance.

MINUTESSpace Utilization Committee - cont'd

The lease agreement is late because of the Department's review and administrative process.

(FILE NO. 56493)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the lease agreement with The Progressive Education Center, Inc., tenant, for the rental of a portion of the property known as 1510 W. Lafayette Avenue, 2nd Level, Courtside, consisting of approximately 2,862 square feet.

MINUTES

Space Utilization Committee - License Agreement and
Memorandum of Understanding

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a license agreement with Cellco Partnership, a Delaware general partnership d/b/a Verizon Wireless, Licensee, for the placement of a Distributed Antenna System (DAS) and associated equipment at the Baltimore Convention Center (BCC), located at 1 West Pratt Street. The period of the license agreement is effective upon Board approval for 5 years.

The Board is further requested to approve and authorize execution of a Memorandum of Understanding by and among Cellco Partnership, a Delaware general partnership d/b/a Verizon Wireless, and M.C. Dean, Inc.

AMOUNT OF MONEY AND SOURCE:

	<u>Annual Payment</u>	<u>Monthly Installment</u>
1st year	\$ 37,440.00	\$ 3,120.00
2nd year	\$ 38,937.60	\$ 3,244.80
3rd year	\$ 40,495.10	\$ 3,374.59
4th year	\$ 42,114.91	\$ 3,509.58
5th year	\$ 43,799.50	\$ 3,649.65

BACKGROUND/EXPLANATION:

The License Agreement will have three renewal terms of five years each and the rent will continue to escalate annually by an amount equal to 4% over the amount of the rental payments for the preceding year. Furthermore, the Licensee has agreed to pay an additional rent due upon the use of the DAS by co-locators. The additional rent will be the greater of \$500.00 per month or 35% of the rent due from the co-locator.

MINUTESSpace Utilization Committee - cont'd

The BCC entered into an agreement dated, October 25, 1993 with Bell Atlantic Mobile Systems, Inc., a predecessor in interest to the proposed Licensee, to allow the installation of telecommunication equipment to provide an in building radio distribution system at the site.

On June 9, 2010, the City entered into an agreement with M.C. Dean for the exclusive provision of certain telecommunication services at the BCC. The exclusivity granted to M.C. Dean does not apply to the in building radio distribution system.

In 2011, the BCC was approached by a number of telecommunication companies inquiring about installing a DAS at the BCC. The DAS is similar but much more extensive than the building radio distribution system. The DAS has greater coverage and allows for use by co-locators. The BCC requested the Department of Real Estate to evaluate the offers from the telecommunication companies, select the best offer and conduct negotiations with the selected company.

The Cellco Partnership was selected to install the DAS with the understanding that their use of the site would be subject to the rights granted to M.C. Dean and that the DAS would be constructed in a manner that would provide equal access to other telecommunication companies. The previous 1993 agreement with Cellco's predecessor in interest has been terminated.

The Memorandum of Understanding will insure that the DAS will not infringe upon the exclusive rights granted to M.C. Dean to provide telecommunication services to exhibitors at the BCC. In addition, the License Agreement has an expressed provision that states that the Licensee and any co-locator will not provide or market Wi-Fi services at the BCC.

MINUTESSpace Utilization Committee - cont'd

The License Agreement also includes provisions which allow the termination of the agreement if the BCC should be demolished and it grants the Licensee a first right of refusal if the BCC should be redeveloped.

In addition to approval by the Board, the Maryland Stadium Authority, a body corporate and politic, an instrumentality of the State of Maryland, a public corporation, will need to grant its consent to this License Agreement in accordance with Section 2.3.3 of the September 1, 1993 Baltimore Convention Center Construction, Operations and Contribution Agreement and Lease.

The Space Utilization Committee approved this License Agreement on October 23, 2012.

There being no objection, the Board, UPON MOTION duly made and seconded, approved the

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

The Board of Estimates' members received and reviewed her protest. As Ms. Trueheart's interests are not specific and are not different from other members of the general public, the Board will not hear her protest and answer her questions. Her protest and correspondence have been sent to the submitting department and that department will respond directly to Ms. Trueheart's questions.

(FILE NO. 55424)

Kim A. Trueheart

October 29, 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 of resources by the government of Baltimore City.

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

1. Whom you represent: Self
2. What the issues are:
 - a. Page 67, Space Utilization Committee – Lease Agreement and Memorandum of Understanding, if approved:
 - i. Authorizes the installation of a potential human health hazard of unknown consequence within a publically owned and operated facility;
 - ii. Fails to establish a financial threshold that sufficiently mitigates the potentially harmful health hazard to humans who frequent the BCC;
 - iii. Fails to ensure the public users of the BCC are properly informed and notified that the City of Baltimore has entered into this agreement which subjects them to this potentially harmful health hazard to humans;
3. How the protestant will be harmed by the proposed Board of Estimates' action: The Municipality continues to demonstrate practices which routinely produce BAD outcomes for the underserved citizens of Baltimore City. The citizens who frequent the BCC are potentially being harmed by this agreement and the City has done nothing in negotiating this agreement to mitigate the potential harm and done nothing to warn/inform citizens of the potential risks. The underserved citizens deserve better results and this agreement should be withheld until these issues are addressed.
4. Remedy I desire: This agreement should unanimously be DISapproved by this Board.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on October 31, 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

MINUTESSpace Utilization Committee - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the license agreement with Cellco Partnership, a Delaware general partnership d/b/a Verizon Wireless, Licensee, for the placement of a Distributed Antenna System and associated equipment at the Baltimore Convention Center, located at 1 West Pratt Street. The Board further approved and authorized execution of the memorandum of understanding by and among Cellco Partnership, a Delaware general partnership d/b/a Verizon Wireless, and M.C. Dean, Inc. The Mayor **ABSTAINED**.

MINUTES

Department of Real Estate - Deed

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a deed with Old Frederick, LLC, for the closing and conveyance of a portion of five former beds of Fairfield Road, Remley Street, Carbon Avenue, and Tate Avenue all north of Brady Avenue, which has been legally closed.

AMOUNT OF MONEY AND SOURCE:

\$239,400.00 - Purchase Price

BACKGROUND/EXPLANATION:

The Old Frederick, LLC, owns the adjacent property, in which they operate a junk and scrap yard. Old Frederick, LLC is acquiring certain other lots from the City which will ultimately be consolidated with the lots it currently owns and onto which the current scrap yard operations will be expanded. In August, 2005 the Baltimore Development Corporation issued a Request for Proposal which resulted in the properties being awarded to the Old Frederick, LLC. Old Frederick, LLC, offered to pay the City \$90,000.00 an acre for the 2.66 acres of former street beds.

The sale of the public right-of-way was authorized by means of Sales Ordinance No. 12-39, approved on June 21, 2012. The street closing process is intricate and involves public notice and other procedures before the deed can be prepared for submission to the Board for approval. This deed was recently submitted to the Department of General Services and the Law Department for approval.

(FILE NO. 56664)

MINUTES

Department of Real Estate - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of a deed with Old Frederick, LLC, for the closing and conveyance of a portion of five former beds of Fairfield Road, Remley Street, Carbon Avenue, and Tate Avenue all north of Brady Avenue, which has been legally closed.

MINUTES

Mayor: "As there is no more business before the Board, the meeting will recess until bid opening at noon. Thank you."

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

BIDS, PROPOSALS AND CONTRACT AWARDS

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

Bureau of Purchases - B50002616, Chemical Root
Application and CCTV Inspections
for Sanitary Sewer System
BIDS TO BE RECV'D: 11/07/2012
BIDS TO BE OPENED: 11/07/2012

Bureau of Purchases - B50002652, Snow Removal
Services IV
BIDS TO BE RECV'D: 11/07/2012
BIDS TO BE OPENED: 11/07/2012

MINUTES

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

Department of Transportation - TR 12015, Reconstruction of
Deteriorated Manholes at
Various Locations

Allied Contractors, Inc.
Highlander Contracting Company, LLC
Flippo Construction Company, Inc.

Bureau of Water and Wastewater - SC 887, Upgrade of the SCADA
System for the Pumping and
Metering Stations

Optimum Control Corporation

Bureau of Purchases - B50002654, Industrial
Bearings & Related Seals

Applied Industrial Technologies

MINUTES

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There being no objections, the Board UPON MOTION duly made and seconded, the Board adjourned until its next regularly scheduled meeting on Wednesday, November 7, 2012.


JOAN M. PRATT
Secretary