

MINUTES

REGULAR MEETING

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

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The meeting was called to order by the President.

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President: "I will direct the Board members attention to the memorandum from my office dated November 19, 2012, identifying matters to be considered as routine agenda items, together with any corrections and additions that have been noted by the Deputy Comptroller. I will entertain a motion to approve all of the items contained on the routine agenda."

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

Comptroller: "Second."

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

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

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

Alberici Constructors, Inc. and Subsidiaries	\$440,334,000.00
Archer Western Construction, LLC	\$109,188,000.00
Baltimore Contractors, Inc.	\$ 8,000,000.00
Blastech Enterprises, Inc.	\$ 49,815,000.00
Construction Specialties of Zeeland, Inc.	\$ 1,500,000.00
Eastern Gunitite Co., Inc.	\$ 2,169,000.00
Ecological Restoration & Management, Inc.	\$ 8,000,000.00
Fallsway Construction Co., LLC	\$ 2,412,000.00
J.C.M. Control Systems, Inc.	\$ 1,341,000.00
J.F. Fischer, Inc.	\$ 48,447,000.00
Lighting Maintenance Inc.	\$ 8,000,000.00
Midlantic Marking, Inc.	\$ 1,500,000.00
Power and Combustion, Inc.	\$ 9,486,000.00

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:

Chester Engineers, Inc.	Engineer
Floura Teeter	Landscape Architect
O'Brien & Gere Engineers, Inc.	Engineer

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

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Dept. of Housing and Community Development (DHCD) - Condemnations</u>			
1. City Homes East Business Trust	2006 E. Biddle St.	L/H	\$10,708.00
2. City Homes East Business Trust	2022 E. Biddle St.	L/H	\$ 9,250.00

Funds are available in account 9910-908087-9588-900000-704040,
Broadway East Project.

(FILE NO. 57259)

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

MINUTES

TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

4664 - 4667

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>Baltimore Development Corporation</u>			
	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
1.	\$ 214.78	9910-994001-9600	9910-903483-9601
	20 th EDF	Constr. Res.	S. Balto. Ind.
		Unallocated Res.	& Coml. Dev.
	36.71	9910-994001-9600	9910-902879-9601
	20 th EDF	Constr. Res.	Commercial
		Unallocated Res.	Revitalization
	4,844.00	9910-902483-9600	9910-903483-9601
	21 st EDF	Constr. Res.	S. Balto. Ind.
		S. Balto. Ind.	& Coml. Dev.
		& Coml. Dev.	
	3,780.00	9910-902873-9600	9910-902879-9601
	22 nd EDF	Constr. Res.	Commercial
		Brownsfield	Revitalization
		Incentive Fund	
	125.00	9910-903354-9600	9910-904354-9601
	22 nd EDF	Constr. Res.	W. Balto. Ind.
		W. Balto. Ind.	& Coml. Rev.
		& Coml. Rev.	
	396.45	9910-904115-9600	9910-906835-9603
	22 nd EDF	Constr. Res.	Westside Project
		Westside Downtown	Initiative
	2,155.00	9910-913990-9600	9910-902879-9601
	23 rd EDF	Constr. Res.	Commercial
		Commercial	Revitalization
	\$ 11,551.94	Revitalization	

This transfer will provide funds to reimburse the BDC for eligible capital expenses for the month ending September 30, 2012.

MINUTES

TRANSFER OF FUNDSDepartment of Transportation - cont'd

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
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A PROTEST HAS BEEN RECEIVED FROM MS. KIM TRUEHEART.

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

2. \$ 24,000.00	9950-903550-9509	9950-912616-9508-2
MVR	Constr. Res.	Constr. Prog.
	Neighborhood St.	West Baltimore Trail
	Recon.	

This transfer will cover the costs associated with Change Order No. 2 for Project TR 09303, Rehabilitation of West Baltimore Trail and Implementation of Pedestrian Improvements: Edmonson Ave & N. Pulaski Street by Machado Construction Co., Inc.

3. \$200,000.00	9950-903378-9509	9950-903726-9514
Gen. Funds	Constr. Res.	Pavement Management
	Transportation	System
	Archive Inventory	

This transfer of funds will cover the deficit and fund the cost related to the license payment for the use of the Envista program used to operate the Pavement Management System.

MINUTES**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Recreation and Parks</u>		
4. \$ 20,000.00	9938-901744-9475	9938-904744-9474
Rec. & Parks	Clifton Park	Clifton Park Recreation
25 th Series	Recreation Center	Center
	Reserve	Active

This transfer will provide funds to cover the costs associated with the construction administration services and Change Order No. 9 for Contract No. RP 10811, Clifton Park Recreation Center.

Department of Recreation and Parks

5. \$ 5,000.00	9938-933005-9475	9938-934005-9474
Rec. & Parks	Gwynns Falls Athletic	Gwynns Falls Athletic
26 th Series	Fields	Fields
	Reserve	Active
5,000.00	9938-919009-9475	9938-921009-9474
Rec. & Parks	Patterson Park	Patterson Park Court
23 rd Series	Court Resurfacing	Resurfacing
	Reserve	Active
5,000.00	9938-935010-9475	9938-936010-9474
Rec. & Parks	Park Lighting and	Park Lighting and
26 th Series	Signage	Signage
<u>\$ 15,000.00</u>	Reserve	Active

This transfer will provide funds to cover the costs associated with the semi-annual payments for the eBid System.

Kim A. Trueheart

November 20, 2012

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

Dear Ms. Taylor:

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

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

1. Whom you represent: Self
2. What the issues are:
 - a. Page 4, item #2, Baltimore Development Corporation (BDC) – TRANSFER OF FUNDS, if approved:
 - i. This transfer appears to provide scarce tax-payer funds to sustain the monthly expenditure for a municipal entity which has proven to provide NO benefit to the residents of Baltimore City.
 1. Please provide for inspection the documents delineating the “eligible capital expenses for the month ending Sept 30, 2012”
 2. BDC should be tasked by the BOE to develop a strategy to become a self-sustaining entity thus eliminating the use of general funds for its operations.
 3. Please provide for inspection the documents delineating the capital expenses for the BDC for FY 2012 and FY 2013 to date.
3. How the protestant will be harmed by the proposed Board of Estimates’ action: As a citizen I am experiencing a significant financial burden with annual tax increases, sewer and water service increases, user fee increases, parking meter rate increases and significantly reduce services as a resident. This already onerous burden will be exacerbated by this continued monthly sustaining of the NO valued added municipal entity.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on November 21, 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

Dept. of General Services - Minor Privilege Permit Applications

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

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
1. 1517 Pennsylvania Ave.	Western W. Ivey	Single face electric sign 15'6" x 2½'
		\$140.60 Annual Charge
2. 1807-1809 Pennsylvania Ave.	1807-1809 Pennsylvania Avenue, LLC	Retain three cornice signs, one @ 8'4" x 3'6", one @ 8' x 2'6", & one @ 9' x 2'6"
		\$105.60 Annual Charge
3. 415 N. Washington St.	My Son Development, LLC	One canopy 22'5" x 5 ^{3/8} "
		\$173.25 Annual Charge
4. 3702 Eastern Ave.	Tariq Nazir	One flat sign 10' x 2.5'
		\$ 35.20 Annual Charge
5. 5315 York Rd.	PPS Assts, LLC	Five single face electric signs: one @ 8 sq. ft., one @ 9.97 sq. ft., one @ 8.89 sq. ft., one @ 9.03 sq. ft., & one @ 135.11 sq. ft.
		\$597.40 Annual Charge

MINUTES

Dept. of General Services - cont'd

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
6. 1212 S. East Ave. St.	Canton East, LLC	Service connection three ducts @ 40 linear feet
\$420.00 Annual Charge		
7. 4123 Frederick Ave.	Irvington Enter- prises, LLC	Two canopies 16' x 4', two sets of steps
\$409.40 Annual Charge		

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

MINUTES

Department of General Services - Developer's Agreement No. 1238

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of developer's agreement no. 1238 with The Senator Theatre, LLC, developer.

AMOUNT OF MONEY AND SOURCE:

\$34,173.00

BACKGROUND/EXPLANATION:

The developer is renovating its historic building and needs upgraded fire-suppression and domestic water services. This developer's agreement will allow the organization to do its own installation, in accordance with Baltimore City standards.

A Performance Bond in the amount of \$34,173.00 has been issued to The Senator Theatre, LLC which assumes 100% of the financial responsibility.

MBE/WBE PARTICIPATION:

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

(FILE NO. 55561)

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the developer's agreement no. 1238 with The Senator Theatre, LLC, developer.

MINUTES

EXTRA WORK ORDERS

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UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders and Transfers of Funds

listed on the following pages:

4672 - 4673

All of the EWOs had been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

The Transfer of Funds was approved

SUBJECT to receipt of a favorable report

from the Planning Commission,

the Director of Finance having reported favorably

thereon, as required by the provisions

of the City Charter.

The President **ABSTAINED** on item nos. 4 and 5.

MINUTES

EXTRA WORK ORDERS

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

Department of Transportation

1. EWO #005, \$34,118.44 - TR 09302, Construction of Traffic Signals Citywide - JOC

\$ 3,372,645.00	\$ 314,604.57	Midasco, LLC	-	-
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2. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$137,000.00	9950-944002-9507	9950-904076-9512-2
FED	Construction Reserve	Traffic Signals Citywide
	Reserve for Close-	- TR 09302
	outs	

This transfer will cover the costs associated with Change Order #5 under Traffic Signal Installation at Aliceanna and Broadway Avenue Project TR 09302.

3. EWO #022, \$0.00 - TR 03313, Reconstruction of Washington Blvd.

\$ 4,568,865.30	\$ 250,025.56	Civil Construction, LLC	90	-
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Bureau of Water & Wastewater

4. EWO #012, \$ 86,316.26 - Project No. WC 1160R, Montebello Plant 2 Finished Water Reservoir Cover

\$5,178,199.39	\$369,229.50	Alan A. Myers, LP	0	97
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5. EWO #001, \$0.00 - SWC 7765 - Monument Street Sinkhole Emergency Repair Services

\$3,450,288.51	-	American Infra-structure-MD Inc.	120	50
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This time extension is necessary to complete repairs, if low winter temperatures delay the application of permanent paving.

MINUTES

EXTRA WORK ORDERS - cont'd**A PROTEST HAS BEEN RECEIVED FROM MS. KIM TRUEHEART.**

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

Kim A. Trueheart

November 20, 2012

Board of Estimates

Attn: Clerk

City Hall, Room 204

100 N. Holliday Street,

Baltimore, Maryland 21202

Dear Ms. Taylor:

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

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 11, Department of Public Works - Bureau of Water & Wastewater Monument Street Sinkhole Emergency Repair Services, if approved:
 - i. The sinkhole first appeared in late July 2012;
 - ii. Four months after it first appeared this requests seeks a six-month no – cost extension to complete the project which has only vaguely been outlined to the public;
 - iii. Please provide for inspection the documents delineating details of related expenses incurred to date;
 - iv. Please provide for inspection the documents delineating the repair schedule and plans.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed what appears to be a significant dearth in leadership, management and cogent decision making within the Department of Public Works, which potentially cost myself and my fellow citizens excessive amounts of money in cost over-runs and wasteful spending.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on November 21, 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

Bureau of Water & Wastewater

5. EWO #001, \$0.00 - SWC 7765 - Monument Street Sinkhole
Emergency Repair Services

\$3,450,288.51 - American Infrastructure-MD Inc.- 120 50

This time extension is necessary to complete repairs, if low winter temperatures delay the application of permanent paving.

http://articles.baltimoresun.com/2012-07-25/news/bs-md-ci-sink-hole-20120725_1_culvert-gas-lines-crews-work

5519 Belleville Ave
Baltimore, MD 21207

MINUTES

Office of the State's Attorney - cont'd

3. **FAMILY BEREAVEMENT CENTER** **\$178,500.00**

Account: 4000-402313-1156-117900-601001

The Family Bereavement Center addresses the needs of homicide survivors. The program assists with grief and loss and provides grief counseling to family members. The program also provides for a variety of services and liaisons, service providers and criminal justice agencies. The grant funds provide salary support.

A PROTEST HAS BEEN RECEIVED FROM MS. KIM TRUEHEART.

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

4. **OFFICE CONSOLIDATION** **\$500,000.00**

Account: 5000-582413-1151-117900-603013

This award will fund rent for new office space at 120 E. Baltimore Street for one year. Spending on rent will commence in February - March 2013. The period of the grant award is July 1, 2012 through June 30, 2013.

A PROTEST HAS BEEN RECEIVED FROM MS. KIM TRUEHEART.

The Board of Estimates received and reviewed Ms. Trueheart's protest. As Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board

Kim A. Trueheart

November 20, 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 Office of the State's Attorney.

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 13, Item# 3, Office of the State's Attorney - Grant Award Renewal FAMILY BEREAVEMENT CENTER, if approved:
 - i. Please provide for inspection the details of the grant agreement; the Bereavement center policy and procedures for inspection;
3. How the protestant will be harmed by the proposed Board of Estimates' action: I am an underserved, disparately treated, over-taxed citizen of Baltimore City and a victim of violence that resulted in the loss of several family members. I was unaware of these services and how families can avail them selves of the services outlined.
4. 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 approval.
5. The remedy I seek and respectfully request is that this action be delayed until a detailed outreach and communications plan is developed and presented to the public.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on November 21, 2012.

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

Sincerely,

Kim Trueheart, Citizen

Sincerely,

Kim Trueheart, Citizen & Resident

5519 Belleville Ave
Baltimore, MD 21207

MINUTES

Office of the State's Attorney - cont'd

will not hear her protest. Her correspondence has been sent to the appropriate agency and/or committee which will respond directly to Ms. Trueheart.

5. INTER-AGENCY WAR ROOM COORDINATION \$185,583.00

Account: 5000-582513-1150-117900-601001

This project provides a focused response to violent offenders through a comprehensive program of electronic information sharing that identifies the most violent offenders in the City upon arrest. Currently the program determines and tracks probation and parole status, apprehension and service of search warrants, judicial prioritization, and criminal case flow management. The grant funds provide personnel. The period of the agreement is July 1, 2012 through June 30, 2013.

The grant awards are late because they were just received from the State.

APPROVED FOR FUNDS BY FINANCE

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

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

Kim A. Trueheart

November 20, 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 Office of the State's Attorney.

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

1. Whom you represent: Self
2. What the issues are:
 - a. Pages 45, Item# 13, Office of the State's Attorney - Grant Award Renewal FAMILY BEREAVEMENT CENTER, if approved:
 - i. Please provide for inspection the details of the grant agreement; the Bereavement center policy and procedures for inspection;
3. How the protestant will be harmed by the proposed Board of Estimates' action: I am an underserved, disparately treated, over-taxed citizen of Baltimore City and a victim of violence that resulted in the loss of several family members. I was unaware of these services and how families can avail them selves of the services outlined.
4. 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 approval.
5. The remedy I seek and respectfully request is that this action be delayed until a detailed outreach and communications plan is developed and presented to the public.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on November 21, 2012.

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

Sincerely,

Kim Trueheart, Citizen

Sincerely,

Kim Trueheart, Citizen & Resident

5519 Belleville Ave
Baltimore, MD 21207

Office of the State's Attorney - Grant Award Renewal

ACTION REQUESTED OF B/E:

4. OFFICE CONSOLIDATION \$500,000.00

Account: 5000-582413-1151-117900-603013

This award will fund rent for new office space at 120 E. Baltimore Street for one year. Spending on rent will commence in February - March 2013. The period of the grant award is July 1, 2012 through June 30, 2013.

5519 Belleville Ave
Baltimore, MD 21207

MINUTES

Fire Department - FY 2012 Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of a grant award for FY 2012 from the Maryland Emergency Management Agency (MEMA). The period of the grant award is June 1, 2012 through February 28, 2014.

AMOUNT OF MONEY AND SOURCE:

\$219,174.00 - 1001-000000-1930-262100-401220

BACKGROUND/EXPLANATION:

This is a federal grant administered through MEMA.

The grant funds must be matched dollar-for-dollar with local in-kind assistance. The grant is provided to enhance and strengthen emergency management capabilities at the state and local level.

The grant is late because it was recently received from the grantor.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the acceptance of a grant award for FY 2012 from the Maryland Emergency Management Agency.

MINUTES

Police Department - Grant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a grant agreement between the Mayor's Office on Criminal Justice (MOCJ) and the C.A.R.E. Community Association (C.A.R.E.). The period of the agreement is effective upon Board approval through November 30, 2012.

AMOUNT OF MONEY AND SOURCE:

\$2,000.00 - 4000-497411-2252-692900-607001

BACKGROUND/EXPLANATION:

On October 17, 2012, the Board approved a modification to extend the intergovernmental agreement between the Mayor and City Council of Baltimore City for CORPS, acting by and through the MOCJ, and the Maryland Department of Juvenile Services.

This grant agreement funds grant awards to community groups for various projects throughout the City. This award in the amount of \$2,000.00 to C.A.R.E. will fund a community clean-up project centered on the 500 block of North Madeira Street. CORPS youth, who have been recently discharged from a placement or detention, will be participating in the effort.

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 the execution of the grant agreement between the Mayor's Office on Criminal Justice and the C.A.R.E. Community Association.

MINUTESMayor's Office of Human Services - Agreements

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

1. **MANNA HOUSE, INC.** **\$45,000.00**
(MHI)

Account: 5000-529113-3572-333720-603051

The MHI will provide case management to 16 homeless individuals in order to discern immediate, as well as long term needs such as housing, income and employment. The MHI will also provide 50,000 breakfast meals and 6,500 afternoon snacks to the needy of Baltimore and operate a drop-in center Monday through Friday.

2. **ASSOCIATED CATHOLIC CHARITIES, INC.** **\$63,327.00**
(ACC)

Account: 5000-529113-3572-333704-603051

The ACC will utilize the funds to offset the costs of operating a transitional housing facility and provide residential based job readiness, placement and retention services to 100 homeless men of Baltimore City.

MWBOO GRANTED A WAIVER.

3. **ASSOCIATED CATHOLIC CHARITIES, INC.** **\$34,424.00**
(ACC)

Account: 5000-529113-3572-333703-603051

The ACC will provide 27 transitional shelter beds to homeless mentally ill women of Baltimore at My Sister's Place Lodge, 111 W. Mulberry Street. The funds will be utilized to offset the operating costs of the transitional housing facility.

MINUTES

MOHS - cont'd

4. **MARIAN HOUSE, INC.** **\$ 67,609.00**

Account: 4000-496212-3573-591419-603051

The Marian House, Inc. will provide comprehensive supportive services to 12 formerly homeless women and their families in the form of a goals oriented program of personal counseling and education/employment assistance. The funds will be utilized to offset the costs of staff salaries and drug testing supplies. The period of the agreement is September 1, 2012 through August 31, 2013.

MWBOO GRANTED A WAIVER.

5. **MOVEABLE FEAST** **\$115,643.00**

Account: 4000-490913-3573-333670-60351

The organization will utilize the funds to cover the costs of operating a HIV/AIDS drop-in center Food and Nutrition Services Program and supply meals daily to four community resource centers operated by local organizations for homeless people with HIV/AIDS.

MWBOO GRANTED A WAIVER.

6. **HOUSE OF RUTH MARYLAND, INC.** **\$ 10,948.00**

Account: 4000-480013-3571-333618-603051

The House of Ruth Maryland, Inc. will provide 45 emergency shelter beds to homeless women and children of Baltimore City. Shelter services will be provided to a minimum of 200 women and children who have fled a domestic violence situation and have become homeless.

MINUTES

MOHS - cont'd

7. **WOMEN ACCEPTING RESPONSIBILITY, INC.** **\$ 48,831.00**

Account: 4000-496212-3573-591447-603051

The organization will utilize the funds to hire a Social Worker to provide support to a total of eight women and their children who are disabled due to substance abuse and/or HIV/AIDS. The organization will provide intensive case management as well as intermediate or periodic care. The period of the agreement is August 1, 2012 through July 31, 2013.

8. **CHASE BREXTON HEALTH SERVICES, INC.** **\$152,368.00**

Account: 4000-490913-3573-333640-603051

Chase Brexton Health Services, Inc. will utilize the funds to identify 200 homeless HIV/AIDS infected individuals and provide assistance with nutrition, transportation, utilities, medical care, and eviction prevention.

MWBOO GRANTED A WAIVER.

9. **AT JACOB'S WELL, INC.** **\$22,960.00**

Account: 4000-496212-3573-267807-603051

At Jacob's Well, Inc. will provide permanent housing and support services to 20 homeless mentally ill individuals. The funds will be utilized for staff costs to provide support services for the clients of the permanent housing units. The period of the agreement is September 1, 2012 through August 31, 2013.

MINUTES

MOHS - cont'd

10. **GOVANS ECUMENICAL DEVELOPMENT CORPORATION (GEDCO)** **\$93,704.00**

Account: 5000-525113-3573-333750-603051

GEDCO will utilize the funding to pay or offset salaries of staff who provide service linkage and advocacy counseling to 59 men and women residing at GEDCO's Single Room Occupancy shelters.

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 .

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

MINUTES

PERSONNEL MATTERS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

all of the Personnel matters

listed on the following pages:

4684 - 4696

All of the Personnel matters have been approved

by the EXPENDITURE CONTROL COMMITTEE.

All of the contracts have been approved

by the Law Department

as to form and legal sufficiency.

MINUTES

PERSONNELPolice Department

	<u>Hourly Rate</u>	<u>Amount</u>
1. JAMES L. PRICE	\$14.42	\$30,000.00

Account: 1001-000000-2042-198100-601009

Mr. Price, retiree, will work as a Contract Services Specialist I in the Central Records Section. His duties will include but are not limited to the review of original National Crime Information Center (NCIC) entries, original police reports and supporting documents. Mr. Price will be responsible for contact with appropriate sources for follow-up information, accessing local, state and federal databases for information and updates, and preparing police supplemental reports. He will also review, process and follow-up of police reports submitted by Coplogic. The period of the agreement is November 21, 2012 through November 20, 2013.

2. ESSEX R. WEAVER	\$14.42	\$30,000.00
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Account: 1001-000000-2042-198100-601009

Mr. Weaver, retiree, will continue to work as a Contract Services Specialist I in the Property Section - Evidence Control Unit. His duties will include but are not limited to receiving property/evidence submissions from police officers and lab personnel. He will ensure accuracy and completeness of paperwork and enter the items into the evidence tracking system. Mr. Weaver will release property for court and maintain the chain of custody, as well as release property to the public, and document the releases in the computer. The period of the agreement is November 23, 2012 through November 22, 2013.

MINUTES

PERSONNELPolice Department - cont'd

	<u>Hourly Rate</u>	<u>Amount</u>
3. DUANE A. JEFFERSON	\$14.42	\$30,000.00

Account: 1001-000000-2042-198100-601009

Mr. Jefferson, retiree, will continue to work as a Contract Services Specialist I in the Sex Offender Registry Unit. His duties will include but are not limited to explaining requirements to registrants and obtaining signed statements acknowledging receipt of requirements, and photographing registrants at a minimum of every six-months. In addition, he will obtain finger and palm prints and a DNA sample at registration. He will enter DNA sample into the Maryland State Police Crime Lab and submit statement, photos, and fingerprints to the Department of Public Safety and Correctional Services. The period of the agreement is November 23, 2012 through November 22, 2013.

4. CAROLYN C. SMITH	\$14.42	\$30,000.00
5. CLEMENTINE RUSSUM	\$14.42	\$30,000.00

Account: 1001-000000-2042-198100-601009

These retirees will continue to work as a Contract Services Specialists I in the Personnel Section. They will be responsible for conducting pre-employment investigations of sworn and civilian applicants. In addition, they will conduct local, state and national record and warrant checks, investigate references, as well as perform neighborhood canvasses, interview applicants, and gather all vital information. They will summarize the investigation into a pre-employment file. The period of the agreement is December 22, 2012 through December 21, 2013.

MINUTES

PERSONNELPolice Department - cont'd

	<u>Hourly Rate</u>	<u>Amount</u>
6. SHEREE D. PETERSON	\$14.42	\$30,000.00
7. PARTICIA N. COCHRANE	\$14.42	\$30,000.00

Account: 1001-000000-2042-198100-601009

These retirees will continue to work as a Contract Services Specialist I in the Central Records Section. They will be responsible for reviewing original National Crime Information Center entries, police reports and supporting documents. In addition they will contact victims, complainants, courts, individuals and sources for follow-up. They will also access local, state, and federal databases for information, update records in local databases and NCIS to reflect changes and prepare police supplemental reports. The period of the agreement is November 23, 2012 through November 22, 2013 for Ms. Peterson and November 21, 2012 through November 20, 2013 for Ms. Cochran.

8. JOSEPHINE V. KENNEDY	\$14.42	\$30,000.00
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Account: 1001-000000-2042-198100-601009

Ms. Kennedy, retiree, will continue to work as a Contract Services Specialist I, Court Liaison Officer. She will be responsible for ensuring officers are notified to appear in court as well as ensure accuracy and completeness of all paperwork. In addition she will make entries in the FTA system, assist in retrieving analysis reports, operation reports, police reports and drug reports for the State's Attorney and advise the State's Attorney about contact problems. She will also maintain the undeliverable summons file to assist with possible FTA investigations. The period of the agreement is November 23, 2012 through November 22, 2013.

MINUTES

PERSONNELPolice Department - cont'd

	<u>Hourly Rate</u>	<u>Amount</u>
9. CHARLES WILLIAMS	\$14.42	\$30,000.00

Account: 1001-000000-2042-198100-601009

Mr. Williams, retiree, will continue to work as a Contract Services Specialist I in the Internal Investigation Division (IID). He will be responsible for performing statistical analysis including identifying complaint trends, and mapping complaints. He will also prepare the weekly Citi-stat package, monitor, correct and modify IID databases and run weekly IASat meetings. The period of the agreement is November 23, 2012 through November 22, 2013.

10. JOHN D. RICE	\$14.42	\$30,000.00
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Account: 1001-000000-2042-198100-601009

Mr. Rice will continue to work as a Contract Services Specialist I in the Inventory Control Unit. He will be responsible for identifying and labeling all non-expendable property, entering property information into CMR, updating CMR as to the status of any departmental property, and resolving discrepancies between CMR and inventories. Mr. Rice will conduct inventory of various units or upon request of command and ensure that property being disposed of is in keeping with procedures. The period of the agreement is November 23, 2012 through November 22, 2013.

MINUTES**PERSONNEL**Police Department - cont'd

	<u>Hourly Rate</u>	<u>Amount</u>
11. JOHN R. DOLLY, JR.	\$14.42	\$30,000.00

Account: 1001-000000-2042-198100-601009

Mr. Dolly, Jr., retiree, will continue to work as a Firearms Inventory Technician. He will be responsible for retrieving and returning firearms evidence from the Evidence Control Unit for lab analysis as well as perform inventory on firearms to identify model, serial number and other information. He will also examine unfired ammunition to identify manufacturer, caliber and type and test fire suitable non-evidentiary firearms and recover cartridge and bullet specimens for future entry into the IBIS Computer System. Mr. Dolly will also compile, written inventory lists and may testify at trials. The period of the agreement is November 21, 2012 through November 20, 2013.

12. a. Abolish Two Vacant Positions

41779 - Community Service Officer
 Grade 080 (\$29,343.00 - \$34,518.00)
 Job No. 2044-08753 - Vacant
 Job No. 2042-43569 - Vacant

b. Recreate the following Class

34514 - Research Analyst Supervisor
 Grade 115 (\$51,000.00 - \$72,200.00)

MINUTES**PERSONNEL**

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Police Department</u>		
c. <u>Create the Following Position</u>		
34514 - Research Analyst Supervisor		
Grade 115 (\$51,000.00 - \$72,200.00)		
Job number to be assigned by BBMR		
Costs:	\$84,280.00	- 1001-000000-2041-623000-601001
	(48,325.00)	- 1001-000000-2044-219600-601001
	(48,325.00)	- 1001-000000-2042-220000-601001
	(\$12,370.00)	
<u>Amendment to Contract</u>		
13. EARL W. MAISEL, JR.	\$200.00 per scheduled examination, and \$100.00 each scheduled client no-show	\$15,000.00

Account: 1001-000000-2003-195500-603206

On April 25, 2012, the Board approved the original agreement effective upon Board approval through March 31, 2012, not to exceed \$35,000.00. However, on November 1, 2012, an amendment to the agreement for an additional \$15,000.00 with the same hourly rate.

MINUTES**PERSONNEL**Hourly RateAmountPolice Department - cont'd

Mr. Maisel will continue to serve as a Polygraph Examiner in which he will be responsible for consulting with background investigators, assisting in developing an investigative plan for questioning, conducting scheduled polygraph examinations, providing written evaluations of examinations, and developing intelligence liaison with federal, state and local law enforcement agencies concerning the latest polygraph investigative methods.

Department of Recreation and Parks

14. **FRANK LIPSCOMB** \$27.00 **\$31,968.00**

Account: 5000-578713-4711-361840-601009

Mr. Lipscomb will continue to work as a Construction Project Manager for the Capital Development Division. His duties will include, but are not limited to the oversight of the administration and management of all Department Federal Aid construction, supervise the preparation of federal and state reports to ensure grants are reimbursed and required records are maintained. In addition, he will review and process all contractors' monthly payment estimates, contract change orders, and extra work orders. The period of the agreement is November 26, 2012 through November 25, 2013.

MINUTES**PERSONNEL**

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Department of General Services</u>		
15. LAURIE I. ANSLEY	\$40.91	\$75,000.90

Account: 9916-903845-9197-910098-703009

Ms. Ansley will continue to work as an Architectural Construction Projects Management Specialist. Her duties will include but are not limited to developing a computerized listing of all current and planned projects (capital, ESCL, Energy), managing the processing of contracts and tasks for approval, including Architectural Studies and Designs Construction, and Performance Contracts. She will monitor the contract database that is populated by project managers and provide monthly status reports on costs, schedules, MBE/WBE compliance, and process vendor payments. She will develop a reporting process for the close-out of architectural and construction projects that are monitored in the database. In addition, she will oversee the establishment and review of architectural project specifications, meet with architects and project managers periodically to discuss project status and rectify problems and design and manage special architectural and construction projects for the Division. The period of the agreement is effective upon Board approval for one year.

16. WILLEM T. ELSEVIER	\$38.19	\$70,000.00
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Account: 9916-903845-9197-910098-703009

Mr. Elsevier will continue to work as a Special Architectural Project Specialist. His duties will include, but are not limited to managing multiple design and construction contracts for municipal buildings and facilities. He will provide direction in architectural planning and financial matters, and submit progress reports

MINUTES**PERSONNEL**Hourly RateAmountDepartment of General Services cont'd

on a weekly basis. In addition, Mr. Elsevier will represent the Department with City, State, and Federal agencies by providing consultation services to ensure design compliance with applicable standards and specifications. He will interface with representatives of these agencies for the authorization of changes or payment services. The period of the agreement is effective upon Board approval for one year.

Department of Human Resources

17. JEFFREY G. COMEN	\$200.00 for the first session, \$170.00 for each succeeding session \$325.00 for each written report	\$ 7,000.00
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Mr. Comen will continue to work as a Hearing Officer. The Baltimore City Charter permits an investigation for employees discharged, reduced, or suspended for more than 30 days after completion of the probationary period. The Hearing Officer presides over this investigation and submits a recommendation to the Civil Service Commissioners for approval. The cost incurred for each hearing will be charged to the appellant's agency. The period of the agreement is effective upon Board approval for one year.

MINUTES**PERSONNEL**Department of Finance18. Reclassify the following position:

From: 10183 - Senior Program Assessment Analyst
Grade 119 (\$61,900.00 - \$75,500.00)
Job No.: 1401-34807

To: 10140 - Principal Program Assessment Analyst
Grade 122 (\$71,200.00 - \$86,900.00)

Cost: \$19,300.00 - 1001-000000-1401-159700-601001

Enoch Pratt Free Library19. Reclassify the following position:

From: 01964 - Graphic Artist I
Grade 087 (\$37,407.00 - \$45,218.00)
Job No.: 4501-15606

To: 01980 - Graphic Artist II
Grade 090 (\$42,267.00 - \$51,371.00)

Cost: \$5,750.00 - 1001-000000-4501-338900-601001

Mayor's Office of Information Technology (MOIT)20. a. Change class title of the following classification:

From: 33679 - Personnel Administrator
Grade 117 (\$56,000.00 - \$68,500.00)

To: Human Resources Administrator
Grade 117 (\$56,000.00 - \$68,500.00)

MINUTES**PERSONNEL**MOIT - cont'db. Reclassify the following vacant position:

From: 33677 - Personnel Generalist II
 Grade 111 (\$41,700.00 - \$52,200.00)
 Job No.: 1512-49558

To: 33679 - Human Resources Administrator
 Grade 117 (\$56,000.00 - \$68,500.00)

Cost: \$14,300.00 - 1001-000000-1512-167300-601001

Department of Public Works21. a. Upgrade the following classification:

From: 53818 - Assistant Chief, Solid Waste
 Grade 117 (\$56,000.00 - \$68,500.00)

To: 53818 - Assistant Chief, Solid Waste
 Grade 118 (\$58,800.00 - \$72,300.00)

b. Abolish the following vacant position:

52931 - Laborer (Hourly)
 Grade 482 (\$27,747.00 - \$28,662.00)
 Job No.: 5152-35914

Cost: \$16,542.00 - 1001-000000-5152-386500-601001

Health Department22. Create the following position:

81322 - Program Assistant I
 Grade 080 (\$29,343.00 - \$34,518.00)
 Job No. to be assigned by BBMR

Cost: \$48,241.00 - 4000-433512-3254-316200-601001

MINUTES**PERSONNEL**Health Department - cont'd

	<u>Hourly Rate</u>	<u>Amount</u>
23. MELYNDA MAYNARD	\$16.95	\$27,967.28

Account: 4000-433513-3024-268400-601009

Ms. Maynard will work as a Program Assistant II. Her duties will include but not be limited to assisting in the development and implementation of education, health, recreation, social and other programs or program functions. She will also assist in planning and organizing of program procedures and establishing program goals and objectives, promoting and providing information to the community on program activities related to Health Promotion, and educational opportunities for seniors. The period of the agreement is December 1, 2012 through September 30, 2013.

State's Attorney's Office

24. CAROLYN L. SALLEY	\$25.88	\$44,788.00
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Account: 1001-000000-1150-118000-601009

Ms. Salley, retiree, will continue to serve as an Investigator. She will be responsible for researching the whereabouts of and locating parties relevant to prosecution of cases; providing location information to attorneys, and subsequently forwarding that information to the Warrant Apprehension Task Force so that arrests can be made. She will also communicate with witnesses and victims to provide case status and trial date information, prepare subpoenas, ascertain and verify respondents' identify through fingerprint identification documents and investigate findings. Her duties will also include researching the prosecution database and daily news to gain information about persons being sought in prosecution cases, etc. The period of the agreement is December 16, 2012 through December 15, 2013.

MINUTES

PERSONNELFire Department

	<u>Hourly Rate</u>	<u>Amount</u>
25. CALVIN BOWMAN	\$38.41	\$79,900.00

Account: 4000-478911-2015-210711-601009

Mr. Bowman will continue to work as a Policy Analyst for the Office of Emergency Management. His duties will include, but are not limited to serving as Chairman of the Baltimore Urban Area Working group, maintaining, monitoring and updating the MEMA Grant Management System as well as staffing and providing guidance to the UASI Committee Capability Based Committee and sub-committee meetings. He will also coordinate all grant notices between all UASI jurisdictions. The period of agreement is November 23, 2012 through November 22, 2013.

MINUTES

Office of the City Council President - Expense Statements

ACTION REQUESTED OF B/E:

The Board is requested to approve the expense statements for Ms. Susan Lang for the months of May and June 2012.

AMOUNT OF MONEY AND SOURCE:

\$32.75 - May 2012 Mileage
16.10 - June 2012 Mileage
\$48.85 - 1001-000000-1000-104800-603001

BACKGROUND/EXPLANATION:

Susan Lang submitted her May 2012 Employee Expense Statement within the 40-day time limit but was missing the required signatures. When it was returned to the Director of Administration, it was beyond the 40-day period. Ms. Lang later submitted her mileage reimbursement for June in August beyond the 40-day time limit.

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 statements for Ms. Susan Lang for the months of May and June 2012. The President **ABSTAINED**.

MINUTES

Department of Housing and - Local Government Resolutions
Community Development

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

The below listed organizations are applying to the State of Maryland's Community Legacy Program (CLP) or the Neighborhood Business Works Program (NBWP). A local government resolution of support is required by the State for all applications to the programs for funding.

- | | |
|--|---------------------|
| 1. PARK HEIGHTS RENAISSANCE, INC. | \$100,000.00 |
| (PHR) | (CLP) |

The PHR proposes a project "Woodland Gardens Beautification and Expansion Initiative" located at 3206 - 3222 Woodland Avenue. This project will expand the current garden located on the 3300 Block of Woodland Avenue to include the 3200 Block of Woodland Avenue making a contiguous lot and building an additional seven hoop house gardens along with storage and landscaping.

The project is an outgrowth of the mission of the PHR namely to implement the Baltimore City Park Heights Master Plan. The organization was incorporated in 2007 and is a 501 (c) (3) nonprofit organization. The organization currently has 10 staff members and coordinates many volunteers in accomplishing its mission. The organization originated from the efforts of Pimlico Community Development Authority which continues to ensure the objectives of the master plan are implemented.

(FILE NO. 57276)

- | | |
|--------------------------|---------------------|
| 2. BETHAI COMPANY | \$144,000.00 |
| | (NBWP) |

The Bethai Company, located at 1300 Bank Street, #100, proposes to relocate the My Thai Restaurant formerly located at 800 N. Charles Street. The restaurant was

MINUTES

DHCD - cont'd

leasing space in the basement of the Park Plaza building that was destroyed by fire in 2010 displacing all tenants. The owners are seeking funding to rehabilitate a new restaurant site to be located at 1300 Bank Street, Suite 100.

The Bethai Company plans to relocate and recreate the restaurant at the new location containing 5,702 square feet. The 1300 Bank Street location is on the edge of Harbor East and Little Italy neighborhoods. The building is known as the Holland Tack Factory, and sits at the intersection of Bank Street and South Central Avenue. The Harbor East/Little Italy area location is a mix of businesses and residential activity. Many of the historic structures have been rehabilitated and the area continues to attract interest.

The principal owners of the Bethai Company, James and Varattaya Wales, are seeking assistance from the Neighborhood Business Works Program in the amount of \$144,000.00 in order to rebuild their successful business.

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

MINUTES

Department of Housing and Community Development (DHCD) - Deed of Preservation Easement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize the DHCD to enter into a deed of preservation easement with the Maryland Historical Trust (MHT) for 2101 East Biddle Street, also known as the Hoen Lithograph Building. 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:

The easement is a requirement of State Bond Bill funding for this property. As a result of funding received through the State of Maryland Bond Bills from 2001 and 2005, as amended in 2011, the MHT has requested a preservation easement on the Hoen Lithograph Building located at 2101 East Biddle Street. Receipt of the funds, totaling \$800,000.00 for feasibility studies, stabilization, and remediation, is conditional upon the execution of the easement. The DHCD is in the process of completing the remediation.

A preservation easement is a type of conservation easement designed to protect a significant historic, archaeological, or cultural resource. It is a private legal contract between the property owner and the MHT for the purpose of protection of a property's historic value. It is one of the most effective legal tools available for historic preservation. An easement

MINUTES

DHCD - cont'd

provides assurance to the owner that their property's intrinsic values will be preserved with all successive ownerships. Historic preservation easements may also be used to protect a historic landscape, battlefield, traditional cultural place, or archaeological site.

The easement will remain with the property for perpetuity, and will transfer to all subsequent owners. The easement is for the exterior of the building and is a standard form easement that the MHT uses to preserve a variety of representative historic structures throughout the State of Maryland.

(FILE NO. 57344)

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the the DHCD to enter into a deed of preservation easement with the Maryland Historical Trust (MHT) for 2101 East Biddle Street, also known as the Hoen Lithograph Building. 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.

MINUTES

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the land disposition agreement for the sale of the property located at 435 N. Montford Avenue in the McElderry Park Neighborhood to the Habitat for Humanity of the Chesapeake, Developer.

AMOUNT OF MONEY AND SOURCE:

\$5,000.00 - Purchase Price

BACKGROUND/EXPLANATION:

The developer will pay the purchase price in full at settlement.

The Habitat for Humanity of the Chesapeake, a non-profit nationally known organization proposes to demolish and completely rehabilitate the subject property into affordable housing for a low to moderate income earner. The total rehabilitation cost will be \$135,000.00. The project will be fully funded by the Neighborhood Stabilization Program 2.

The sale of this property once developed will generate considerable amount in revenue in the form of real estate property taxes to the City. Once transferred and redeveloped, the property will be active on the tax rolls of the City thereby preventing tax abandonment.

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

In accordance with the City's appraisal policy, the waiver valuation process was used in lieu of an appraisal.

The DHCD determined the proposed price of \$8,500.00 for the property by using comparable properties located at 614 N. Montford Avenue, which sold for \$4,000.00, 223 N. Rose Street, which sold for \$9,900.00, and 2515 Jefferson St., which sold for \$7,000.00.

MINUTES

DHCD - cont'd

The property was priced pursuant to the appraisal policy of Baltimore City at \$8,500.00 and will be sold for \$5,000.00, which is below the price determined by the Waiver Valuation process because of the following factors:

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

MBE/WBE PARTICIPATION:

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

(FILE NO. 57211)

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the the land disposition agreement for the sale of the property located at 435 N. Montford Avenue in the McElderry Park Neighborhood to the Habitat for Humanity of the Chesapeake, Developer.

MINUTES

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the land disposition agreement for the sale of two City-owned vacant lots located at 2319 Linden Avenue and 2321 Linden Avenue to the Affinity Reservoir Hill LLC, Purchaser.

AMOUNT OF MONEY AND SOURCE:

\$ 2,400.00 - 2321 Linden Avenue
2,400.00 - 2319 Linden Avenue
\$ 4,800.00 - Purchase Price

BACKGROUND/EXPLANATION:

The lots will be purchased with private funds.

The project will consist of the two City-owned vacant lots for use as Green Space and garages for the owner and tenants of the adjacent property. The buyer, Affinity Reservoir Hill LLC, is the owner of an apartment building at 2317 Linden Avenue which is currently being rehabilitated next to the subject properties. The subject properties have been journalized and approved for sale on December 5, 2004.

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

Each lot has an assessed value of \$2,400.00 and will be sold at the assessed value of \$2,400.00 for a total of \$4,800.00, pursuant to the City's Appraisal Policy regarding the exception to the appraisal requirement for unimproved property with an assessed value of \$2,500.00 or less.

MINUTES

DHCD - cont'd

MBE/WBE PARTICIPATION:

N/A

(FILE NO. 57211)

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the land disposition agreement for the sale of two City-owned vacant lots located at 2319 Linden Avenue and 2321 Linden Avenue to the Affinity Reservoir Hill LLC, Purchaser.

MINUTES

Department of Housing and Community Development (DHCD) - Subordination Agreement and Consent and Restated and Amended NPDF Promissory Note

ACTION REQUESTED OF B/E:

The Board is requested to approve a.) a Subordination Agreement and Consent with 429 North Eutaw Street Limited Partnership, borrower for the benefit of Fairmount Bank, lender, and b.) an Amended and Restated Note to the Borrower for an existing city loan.

The Board is also 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. It is also requested that the Law Department be permitted to make final changes to the documents with the concurrence of the Commissioner of the DHCD.

AMOUNT OF MONEY AND SOURCE:

No city funds are requested.

BACKGROUND/EXPLANATION:

On December 10, 1987, the DHCD executed a Promissory Note and Deed of Trust for a Neighborhood Progress Development Fund (NPDF) loan in the amount of \$225,000.00 to the 429 North Eutaw Street Limited Partnership, (the Borrower). The NPDF loan funds were used to cover a portion of the rehabilitation costs for the Charles Fish office building located at 429 N. Eutaw Street (the Project). The primary occupant since 1988 is the French Development Company and its affiliate, Towner Management Company. Recently, the Borrower received a commitment from Fairmount Bank which will be used to payoff their existing superior mortgage and to finance improvements to the building. The building contains approximately 12,800 square feet and four of the six leasable spaces are occupied. The first floor is currently unoccupied and the owner is planning to focus renovation efforts on reconfiguring the first floor to create

MINUTES

DHCD - cont'd

larger and more marketable spaces. In addition, the scope of work will include upgrading the HVAC systems, creating a more inviting and secure lobby area and making repairs to the building exterior. The property is located at a prominent intersection on downtown's Westside and is one of several properties in the immediate area that The French Company has developed over the past 25 years.

The proceeds of the new financing will not result in cash back to the Borrower and therefore is not in violation of the terms of the existing NPFD mortgage. The City will be required to execute a Subordination and Consent Agreement to permit the new loan to be secured in a first lien position and will charge a fee for this consent.

It has been determined that the City will require a Restated and Amended Note in order to effectuate this transaction. On November 27, 1996, the Board approved a restructure of the 1987 Note terms to convert the loan from an amortizing, cash flow payment debt to a deferred payment loan due upon sale, with a waiver of all interest. The Law Department will prepare all necessary documents to ensure that the terms approved in 1996 for the NPFD Loan are reflected in a new Amended and Restated Note.

MBE/WBE PARTICIPATION:

No new City funds will be utilized for this project, therefore, Article 5, Subtitle 28 of the Baltimore City Code Minority and Women's Business Programs is not applicable .

(FILE NO. 57348)

UPON MOTION duly made and seconded, the Board approved and authorized the execution of a.) a Subordination Agreement and Consent with 429 North Eutaw Street Limited Partnership, borrower for the benefit of Fairmount Bank, lender, and b.) an

MINUTES

DHCD - cont'd

Amended and Restated Note to the Borrower for an existing city loan.

The Board also 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. It is also requested that the Law Department be permitted to make final changes to the documents with the concurrence of the Commissioner of the DHCD.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize a modification agreement with the Brooklyn and Curtis Bay Coalition, Inc. also known as Brooklyn Green Townhomes. 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:

On December 12, 2007, the Board approved a HOME Investment Partnerships Program loan to the Brooklyn and Curtis Bay Coalition, Inc. (BCBC) in the amount of \$762,000.00 (the Original HOME Loan). The BCBC was established in 2000 to assist in the revitalization of the Brooklyn and Curtis Bay communities in Baltimore City, and is a non-profit organization and was certified as a CHDO.

The proceeds of the Original HOME Loan were used to assist the BCBC with a portion of the construction costs of the Brooklyn Green homeownership project, which consists of eight new units at 3545 to 3563 6th Street (odd side) in the Brooklyn-Curtis Bay community (the Project). The Project incorporated green building features and appliances which are environmentally safe and energy efficient, and each two-story townhome contains approximately 1,280 gross square feet. To date, all eight homes have been built and six of the eight units have been sold to first-time homebuyers. These six units were sold for approximately \$152,000.00 each to families with incomes at or below 80% of the area median income, adjusted for family size (AMI). The remaining two units are 3549 6th Street and 3553 6th Street.

MINUTES

DHCD - cont'd

As with most HOME loans made in connection with for-sale housing, upon the sale of each unit, each purchaser assumed a Proportionate Share, which in this case was \$95,250.00. At this time, the balance of the Original HOME Loan is \$190,500.00.

The Project was financed in part by a first-lien construction loan from Arundel Federal Savings Bank (Arundel Federal) in the original principal amount of \$1,080,400.00 (the Arundel Loan). The balance of the Original HOME Loan is secured in a second-lien position by the remaining two units. The current outstanding balance of the Arundel Loan is approximately \$270,000.00 and the BCBC has pledged certain additional collateral to secure the Arundel Loan.

As currently approved, upon the sale of each unit to a buyer eligible under the terms of the HOME program (each HOME Qualified Buyer), such HOME Qualified Buyer is to assume a proportionate share of the Original HOME Loan (the Buyer's HOME Loan). Concurrently, the Borrower was to be released from an equal amount of the Original HOME Loan and the mortgage securing the Original HOME Loan was released with respect to such purchased unit. Upon the sale of all of the units and compliance with all terms and conditions of the Original HOME Loan, the Borrower's obligations with respect to the Original HOME Loan are to be forgiven.

In order to complete the purchase of an eligible unit, a HOME Qualified Buyer is required to execute a note evidencing the Buyer's HOME Loan, which will have an interest rate of 0%, and execute an agreement (the Buyer Regulatory Agreement) requiring the Borrower to comply with certain restrictions required by the HOME program throughout the "Period of Affordability", which is currently approved at 20 years.

MINUTES

DHCD - cont'd

The primary mortgage holder, Arundel Federal Savings Bank, has issued a "45-day Notice of Intent to Foreclose" to the BCBC. Like many public and private homeownership developments, the Brooklyn Green initiative has suffered from the collapse of the for-sale housing market. Buyers have become extremely cautious and while interest rates are very low, the credit score needed to qualify for a loan has risen dramatically, decreasing the pool of buyers even more. Finally, housing prices have dropped substantially since the peak in 2007 (when these homes were originally priced). As a small community development corporation, the BCBC cannot afford to absorb all of these losses. It also does not have the capacity or the financial resources to convert the remaining two homes into rental units.

The Department is seeking Board approval for a reduction in the number of the original HOME Units, a reallocation of HOME funds and a modification of certain other terms and conditions of the original loan. If approved, the Project will now consist of the six units at 3545 6th Street, 3547 6th Street, 3551 6th Street, 3559 6th Street, 3561 6th Street, and 3563 6th Street. In addition, the Department's total HOME subsidy amount to each of the six units will now be \$127,000.00 per unit or one-sixth of the Original HOME Loan.

Because of the reallocation of funds, the two unsold homeownership units will be deleted from the original scope of the Project and will appear as 100% bank financed units.

The Department is recommending approval of the modification agreement for two other reasons. First, the completed houses should be occupied as soon as possible. Vacant houses become a target for vandalism and the investment in these units can soon be destroyed. The community is in need of new, invested home-

MINUTES

DHCD - cont'd

owners and these houses are ready and available. They will provide two families with safe, high-quality green homes for many years. Second, the remaining balance of the Original HOME Loan is at risk as long as the units remain part of the Original HOME Loan and unoccupied by HOME eligible residents. It is important that the modification agreement be approved in order to meet the objectives and requirements of the HOME program and not be subject to any recapture provisions which could be imposed by HUD.

Shortly after construction completion, problems in the mortgage industry consumed the housing market and impacted the overall economic condition of the project. It is therefore in the best interest of the City to execute the modification agreement in order to prevent the recapture of HOME funds should the bank follow through with its written and oral statements to foreclose in the immediate future. This has been discussed with the local HUD office and they have expressed no objections from their perspective.

MBE/WBE PARTICIPATION:

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

THE DIRECTOR OF FINANCE REVIEWED AND RECOMMENDED APPROVAL.

(FILE NO. 56320)

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the modification agreement with the Brooklyn and Curtis Bay Coalition, Inc. also known as Brooklyn Green Townhomes. 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.

MINUTES

Health Department - Agreements

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

1. **LIGHT HEALTH AND WELLNESS** **\$ 64,500.00**
COMPREHENSIVE SERVICES, INC.

Account: 4000-425613-3023-599608-603051

Under the terms of the agreement, the funds will be used to provide a Youth Services Coordinator for the Ryan White Part D Program. The Coordinator will organize Youth Initiative and Youth Consumer advisory board meetings and other activities, foster collaborative working relationships between funded program sites, and identify and maintain linkages with youth-related agencies/organizations to provide education concerning the Youth Initiative Program.

MWBOO GRANTED A WAIVER.

2. **LIGHT HEALTH AND WELLNESS** **\$ 22,500.00**
COMPREHENSIVE SERVICES, INC.

Account: 4000-425613-3023-599602-603051

Under the terms of the agreement, the organization will administer Ryan White Part D - HIV Psychosocial Services to 15 HIV/AIDS infected individuals. Psychosocial support services include individual and/or group counseling activities such as support group services, caregiver support/pastoral care/bereavement counseling, and nutritional education.

MINUTES

Health Department - cont'd

3. **LIGHT HEALTH AND WELLNESS** **\$ 61,000.00**
COMPREHENSIVE SERVICES, INC.

Account: 4000-424513-3023-599606-603051

Under the terms of the agreement, the organization will administer HIV Non-Medical Case Management (client advocacy) services for the Ryan White Part B Program to 45 low-income individuals who are infected with HIV/AIDS. These client advocacy services will consist of providing advice and assistance to People Living With HIV/AIDS in obtaining medical, social, community, legal, financial, and other needed support services. The Client Advocate will also make sure that the client has access to special HIV resources not offered by other service providers.

MWBOO GRANTED A WAIVER.

The agreements are late because the Infectious Disease and Environmental Health Administration (IDEHA) programmatically manages Ryan White Part B and Part D services. The providers submit a budget, budget narrative, and scope of services. The Health Department thoroughly reviews the entire package before preparing a contract and submitting it to the Board of Estimates. These budgets are many times revised because of inadequate information from the providers. This review process is required to comply with the grant requirements.

4. **LIGHT HEALTH AND WELLNESS** **\$ 24,000.00**
COMPREHENSIVE SERVICES, INC.

Account: 4000-422313-3023-294201-603051

Under the terms of the agreement, the organization will provide health education risk reduction intervention services to high-risk African American women who engage in

MINUTES

Health Department - cont'd

behaviors that put them at risk for becoming HIV infected. The period of the agreement is July 1, 2012 through December 31, 2012.

The agreement is late because it was recently received from the provider.

5. **THE JOHNS HOPKINS UNIVERSITY (JHU) \$ 13,987.00**

Account: 4000-425613-3023-599610-603051

Under the terms of the agreement, the JHU will administer HIV Obstetrical Program - Psychosocial Services for the Ryan White Part D Program. The JHU will provide comprehensive health services to HIV infected women during pregnancy to minimize the risk of mother to child transmission of HIV to the infant with antiretroviral therapy, while maintaining optimal health outcomes for the mother during and after pregnancy.

6. **THE JOHNS HOPKINS UNIVERSITY (JHU) \$ 25,273.00**

Account: 4000-425613-3023-599607-603051

Under the terms of the agreement, the JHU will administer HIV Obstetrical Program - Non-Medical Case Management Services for the Ryan White Part D Program. The JHU will provide comprehensive health services to HIV infected women during pregnancy to minimize the risk of mother to child transmission of HIV to the infant with antiretroviral therapy, while maintaining optimal health outcomes for the mother during and after pregnancy.

MINUTES

Health Department - cont'd

7. **THE JOHNS HOPKINS UNIVERSITY (JHU)** **\$ 34,070.00**

Account: 4000-425613-3023-599609-603051

Under the terms of the agreement, the JHU will administer HIV Obstetrical Program - Medical Case Management Services for the Ryan White Part D Program. The JHU will provide comprehensive health services to HIV infected women during pregnancy to minimize the risk of mother to child transmission of HIV to the infant with antiretroviral therapy, while maintaining optimal health outcomes for the mother during and after pregnancy.

The agreements are late because the Infectious Disease and Environmental Health Administration (IDEHA) programmatically manages Ryan White Part D services. The providers submit a budget, budget narrative, and scope of services. The Health Department thoroughly reviews the entire package before preparing a contract and submitting it to the Board of Estimates. These budgets are many times revised because of inadequate information from the providers. This review process is required to comply with the grant requirements.

8. **THE JOHNS HOPKINS UNIVERSITY SCHOOL OF NURSING (JHU)** **\$ 24,909.00**

Account: 4000-422813-3080-294285-603051

Under the terms of the agreement, the JHU will administer the Fetal and Infant Mortality Review (FIMR) Program. The overall goal of the FIMR Program is to enhance the health and well being of women, infants, and families by improving the community resources and service delivery systems available to them. The FIMR Program will bring together key members of the community to examine individual cases of

MINUTESHealth Department - cont'd

fetal and infant death to identify factors that contributed to those deaths, determine if those factors represent system problems that require change, create recommendations for change, and assist in the implementation of change.

The agreement is late because it was recently completed.

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 the execution of the foregoing agreements. The President **ABSTAINED** on item nos. 5 through 8.

MINUTES

Health Department - Grant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve grant agreement and authorize execution of a grant agreement with the Corporation for National and Community Services. The period of the grant agreement is July 1, 2012 through June 30, 2013.

AMOUNT OF MONEY AND SOURCE:

\$95,736.00 - 4000-423413-3110-569000-404001

BACKGROUND/EXPLANATION:

The Retired and Senior Volunteer Program has been funded since 1982 by the federal government to manage a volunteer program, which serves seniors and retirees throughout Baltimore City. The purpose of this grant is to assist the Health Department in carrying out a national service program as authorized by the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C., Chapter 22).

The grant award is late because it was received on September 5, 2012 and further delays occurred during the administrative review process.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved the grant agreement and authorized execution of a grant agreement with the Corporation for National and Community Services.

MINUTES

Health Department - Intergovernmental Donation

ACTION REQUESTED OF B/E:

The Board is requested to approve an intergovernmental donation to the Maryland Department of Public Safety and Correctional Services.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The Abell Foundation gave a grant to the Health Department for a flat screen HDTV/DVD for health education (B'More for Healthy Babies) and outreach to high risk women detained at the Baltimore Central Booking and Intake Center (BCBIC) for Women.

The Health Department requests approval to donate a flat screen HDTV/DVD and Tilt Monitor to the BCBIC.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved the intergovernmental donation to the Maryland Department of Public Safety and Correctional Services.

MINUTES

Health Department - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize the purchase of gift cards from the Rite Aid Corporation for the HIV/STD Prevention Program.

AMOUNT OF MONEY AND SOURCE:

\$1,050.00 - 4000-498712-3030-274404-604051

(210 cards @ \$5.00 each)

BACKGROUND/EXPLANATION:

These incentive cards will be distributed to help reduce the number of new HIV infections, as part of an integral health education/outreach strategy, and to improve the health of persons living with HIV/AIDS. In addition, the cards will be used to enhance the staff's ability to attract people to receive counseling and testing on the HIV/STD testing van.

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

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

MINUTES

Health Department - cont'd

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

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAS NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized the purchase of gift cards from the Rite Aid Corporation for the HIV/STD Prevention Program.

MINUTES

Health Department - Ratify Purchases and Authorization
of Expenditures

ACTION REQUESTED OF B/E:

The Board is requested to ratify the purchase of clinical and laboratory supplies and approve and authorize payment to Southeastern Emergency Equipment.

AMOUNT OF MONEY AND SOURCE:

\$10,387.58 - 4000-422312-3030-513200-604037

<u>Invoice #</u>	<u>Date of Invoice</u>	<u>Amount</u>
395815	11/22/2011	\$ 756.69
398001	12/09/2011	\$ 75.90
398788	12/16/2011	\$2,477.80
422245	6/05/2012	\$1,401.74
422246	6/05/2012	\$4,934.95
422247	6/05/2012	\$ 740.50

BACKGROUND/EXPLANATION:

On November 15, 2011, a Blanket Purchase Order was created to allow the Department to purchase clinical and laboratory supplies as needed for clinical tests. Orders were incorrectly placed against the Master Blanket Order before a release Purchase Order was processed.

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

UPON MOTION duly made and seconded, the Board ratified the purchase of clinical and laboratory supplies and approved and authorized payment to Southeastern Emergency Equipment.

MINUTES

Baltimore Development Corporation - Micro Revolving Loan Fund
and Resolution

ACTION REQUESTED OF B/E:

The Board is requested to approve a.) the administration of a Micro Revolving Loan Fund (MRLF) by the Baltimore Development Corporation (BDC), and b.) a resolution authorizing an application to the State of Maryland Department of Business and Economic Development (DBED) for a grant of \$250,000.00. The Board is also requested to authorize the Director of Finance to execute any documents that do not substantially change the terms of the documents SUBJECT to review and approval for form and legal sufficiency by the Department of Law.

AMOUNT OF MONEY AND SOURCE:

\$125,000.00 - 1001-000000-5851-417400-607001

BACKGROUND/EXPLANATION:

The BDC on behalf of the City is launching a financing/lending program geared to small, minority and women owned businesses, city wide. The MRLF will offer loans in amounts between \$5,000.00 and \$30,000.00.

The primary objective of the MRLF is to increase and/or create full-time, quality, year round employment opportunities, as well as stabilize existing employment opportunities in the City. In addition, it is an objective of the loan fund to aid in the expansion of small businesses and micro-enterprises.

This program will be capitalized with \$125,000.00 from the City and a grant from DBED in the amount of \$250,000.00. The grant has the following eligible uses: acquisition of commercial property, rehabilitation of existing commercial buildings, leasehold improvements, acquisition of machinery and equipment, contract mobilization, and other costs associated with operating a small business.

APPROVED FOR FUNDS BY FINANCE

THE DIRECTOR OF FINANCE REVIEWED AND RECOMMENDED APPROVAL.

(FILE NO. 57345)

MINUTES

BDC - cont'd

A LETTER OF PROTEST AND CORRESPONDENCE HAS BEEN RECEIVED FROM MS. KIM TRUEHEART.

* * * * *

As Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board will not hear her questions. Her correspondence has been sent to the appropriate agencies and committee which will respond directly to Ms. Trueheart."

* * * * *

UPON MOTION duly made and seconded, the Board approved and authorized the execution of a.) the administration of a Micro Revolving Loan Fund by the Baltimore Development Corporation, and b.) a resolution authorizing an application to the State of Maryland Department of Business and Economic Development for a grant of \$250,000.00. The Board also authorized the Director of Finance to execute any documents that do not substantially change the terms of the documents SUBJECT to review and approval for form and legal sufficiency by the Department of Law.

Kim A. Trueheart

November 20, 2012

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

Dear Ms. Taylor:

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

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

1. Whom you represent: Self
2. What the issues are:
 - a. Page 60, Baltimore Development Corporation (BDC) – Micro Revolving Loan Fund and Resolution, if approved:
 - i. Please provide for inspection the documents delineating the micro Revolving Loan program and application procedures.
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 loan program.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on November 21, 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

60 Baltimore Development Corporation - Micro Revolving Loan Fund and Resolution

ACTION REQUESTED OF B/E:

The Board is requested to approve a.) the administration of a Micro Revolving Loan Fund (MRLF) by the Baltimore Development Corporation (BDC), and b.) a resolution authorizing an application to the State of Maryland Department of Business and Economic Development (DBED) for a grant of \$250,000.00. The Board is also requested to authorize the Director of Finance to execute any documents that do not substantially change the terms of the documents SUBJECT to review and approval for form and legal sufficiency by the Department of Law.

AMOUNT OF MONEY AND SOURCE:

\$125,000.00 - 1001-000000-5851-417400-607001

BACKGROUND/EXPLANATION:

The BDC on behalf of the City is launching a financing/lending program geared to small, minority and women owned businesses, city wide. The MRLF will offer loans in amounts between \$5,000.00 and \$30,000.00.

The primary objective of the MRLF is to increase and/or create full-time, quality, year round employment opportunities, as well as stabilize existing employment opportunities in the City. In addition, it is an objective of the loan fund to aid in the expansion of small businesses and micro-enterprises.

This program will be capitalized with \$125,000.00 from the City and a grant from DBED in the amount of \$250,000.00. The grant has the following eligible uses: acquisition of commercial property, rehabilitation of existing commercial buildings, leasehold improvements, acquisition of machinery and equipment, contract mobilization, and other costs associated with operating a small business.

APPROVED FOR FUNDS BY FINANCE

THE DIRECTOR OF FINANCE REVIEWED AND RECOMMENDED APPROVAL.

(The resolution has been approved by the Law Department as to form and legal sufficiency.)

5519 Belleville Ave
Baltimore, MD 21207

MINUTES

Baltimore Development Corporation - Payment in Lieu of
Taxes Agreement (PILOT)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a PILOT agreement with Lexington Baybridge, LLC, developer, for the property located at 114 East Lexington Street.

AMOUNT OF MONEY AND SOURCE:

Real Property Tax Abatement under the PILOT on the incremental value of the project improvement:

Years 1-10 - 80%

Years 11-15 - 50%

Years 16-20 - declining each year until year 20 when the abatement is 5%

BACKGROUND/EXPLANATION:

This PILOT agreement is for the development of 114 East Lexington Street, which is a 144,404 square foot (SF) residential conversion project proposed for redevelopment by the developer in Baltimore's Central Business District. Built in 1928 for the Federal Reserve, the building which has been mostly vacant for more than five years is proposed to be converted into apartments with ground-level retail space consisting of approximately 102 residential apartments and 10,500 SF of retail/office space. In order to complete the project, the developer has requested a Residential Conversion PILOT.

Tax Property Article of the Maryland Annotated Code, Section 7-504.2 permits the City to exempt vacant and underutilized formerly commercial buildings that are converted to rental residential housing from City real property taxes.

Under the terms of the PILOT agreement, the developer will receive City real property tax abatement on the incremental value of the project improvements based on the following structure: 80% abatement for the first ten taxable years until years 11-15, when the PILOT is 50% abatement, and subsequently declining each remaining year until year 20 when the abatement is 5%. The developer will be required to pay the City the full real property taxes due on the pre-development base value of the

MINUTES

BDC - cont'd

project for the life of the PILOT agreement and the PILOT agreement includes profit sharing provisions.

MBE/WBE PARTICIPATION:

The developer has signed the Commitment to Comply with the Minority and Women's Business Enterprise Program of the City of Baltimore.

THE DIRECTOR OF FINANCE REVIEWED AND RECOMMENDED APPROVAL.

(FILE NO. 55661)

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the PILOT agreement with Lexington Baybridge, LLC, developer, for the property located at 114 East Lexington Street.

MINUTESBaltimore Development Corporation - Lease Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a lease agreement between the Baltimore Development Corporation and the Mayor's Office of Human Services for a lease of the City-owned property known as 7 East Redwood Street consisting of 12,130 square feet (7,670 sq ft on the 5th floor and 4,460 sq ft on the 8th floor). The period of the lease agreement is January 01, 2013 through October 31, 2016.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Monthly Installments</u>	
Free		Jan. 01, 2013 - Mar. 30, 2013
\$118,267.47	\$13,140.83	Apr. 01, 2013 - Dec. 31, 2013
162,420.72	\$13,535.06	Jan. 01, 2014 - Dec. 31, 2014
167,293.32	\$13,941.11	Jan. 01, 2015 - Dec. 31, 2015
<u>143,593.40</u>	\$14,359.34	Jan. 01, 2016 - Oct. 31, 2016
\$591,574.91		

BACKGROUND/EXPLANATION:

The Mayor's Office of Human Services is a City agency that will use the premises for administrative offices. The space is leased on an "as-is" basis and does not require the Baltimore Development Corporation to make any modifications to the space. The Mayor's Office of Human Services will be responsible for any improvements or build-out of the premises.

APPROVED FOR FUNDS BY FINANCE**(FILE NO. 57346)**

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the lease agreement between the Baltimore Development Corporation and the Mayor's Office of Human Services for lease of the City-owned property known as 7 East Redwood Street consisting of 12,130 square feet (7,670 sq ft on the 5th floor and 4,460 sq ft on the 8th floor).

MINUTES

Enoch Pratt Free Library - TRANSFER OF LIFE-TO-DATE
SICK LEAVE

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

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

<u>NAMES</u>	<u>DAYS</u>
Michael Klauda	3
Eunice Anderson	1
Alprescia M. Rivers	5
Rose Anne Ullrich	5
Barbara Collins	3
Devon Ellis	1
Kwabena Sarfo	2
John A. Richardson	1
Veronica W. Young	1
Lisa Greenhouse	1
Phillip A. Ervin	<u>1</u>
	24

APPROVED FOR FUNDS BY FINANCE

THE LABOR COMMISSIONER RECOMMENDED APPROVAL.

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

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

* * * * *

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

UPON MOTION duly made and seconded,
awarded the formally advertised contracts
listed on the following pages:

4730 - 4770

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

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

The Mayor **ABSTAINED** on item no. 6.

The President **ABSTAINED** on item no. 7.

The Comptroller **VOTED NO** on item no. 3.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation

- 1. TR 09028, Replacement of Freyssinet, Inc. \$ 682,680.00
 Two Howard Street Arch
 Bridge Bearings

 DBE: Wilton Corporation \$ 85,690.00 12.55%

2. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 150,189.60	9950-911032-9528	
MVR	Constr. Reserve	
	Claremont/Freedom	
	Village	
600,758.40	9950-903756-9507	
FED	Constr. Reserve	
	Howard Street Arch	
	Bridge Bearings	
	Replacement	
<u>\$ 750,948.00</u>		
\$ 682,680.00	-----	9950-907840-9514-6
		Structure & Improvements
34,134.00	-----	9950-907840-9514-5
		Inspections
34,134.00	-----	9950-907840-9514-2
<u>\$ 750,948.00</u>		Contingencies
		Replacement of Two
		Howard Street Arch
		Bridge Bearings

This transfer will fund the cost associated with the award of TR 09028, Replacement of Two Howard Street Arch Bridge Bearings to Freyssinet, Inc.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases

3. B50002397, Citywide Violation Towing Services-Item I Central Business District	McDel Enterprises, Inc.	\$498,000.00
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(Dept. of Transportation)

MBE: Diamond Iron Works, Inc.	10%
WBE: Cherry Hill Fabrication and Machine Shop	3%

MWBOO FOUND VENDOR IN COMPLIANCE

PROTESTS WERE RECEIVED FROM CENTRAL DISTRICT IMPOUND TOWING, JV; AARON'S TOWING, LLC; THE AUTO BARN, INC.; JIM ELLIOTT'S TOWING, AND THE MARYLAND MINORITY CONTRACTORS ASSOCIATION, INC.

A SUPPLEMENTAL PROTEST HAS BEEN RECEIVED FROM JIM ELLIOT'S TOWING.

A LETTER OF PROTEST AND CORRESPONDENCE HAS BEEN RECEIVED FROM MS. KIM TRUEHEART.

* * * * *

As Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board will not hear her questions. Her correspondence has been sent to the appropriate agencies and committee which will respond directly to Ms. Trueheart."

* * * * *

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President: "The first item on the non-routine agenda can be found on page 67, no. 3, Citywide Violation Towing Services, Item No. 1, Central Business District. Will the parties please come forward? - - Tim?"

Tim Krus: "This is the award of Item 1, Central Business District. I am Tim Krus with the Bureau of Purchases. This is the award of Item 1, Central Business District of the Citywide Violation Towing Services solicitation. It has being awarded to McDel Towing in the amount of \$498,000.00. The other items on this solicitation are still under evaluation and will be coming back to the Board at a later date."

President: "Okay."

Mike Miller, Esq.: "Mr. Chairman, Sorry, Mr. Chairman, Ms. Mayor, Ms. Comptroller, my name is Mike Miller and I am here on behalf of Central Business District Towing. We were one of the bidders for this contract and uh- this is our MBE, Millennium Towing. The reason we are here is to protest against award to

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McDel. We submitted a protest the first time that this was on the agenda. Uh- and the point, the reason why we are here is because as I have been here before the Board I have always argued that the City needs to make sure that we're having legitimate MBE and WBE participation. It is important thing to the City, it is a great program and if we don't have legitimate MBE and WBE participation, the program is going to lack integrity and not only that but we might not see the MBE and WBE participation that the contractor promises in the bid, if they promise something that can't be delivered. So, I just want to point out exactly what is in the Bid of McDel as far as MBE. McDel says that they are going to have 13% of this contract performed by two companies. Diamond Iron Works which is a company that is certified by MWBOO only to do welding and fabrication of steam pipes, stairways, window guards, railings and structural steel erection. The only possible thing I can see on there that can be done on a towing contract would be some sort of welding but they are supposed to do 10% of the work. Now, if McDel says that every tow is going to cost the City \$60.00 that means that \$6.00 of every tow job in the City done by McDel is going to have to be welding work. But, when look at

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what McDel put on their bid, they said that Diamond Iron Works is going to do fabricating plates and wheel lift parts, safety reinforcement plates of tow truck bed and wheel lift decks. Now, I don't, -- I am luckily not in your position,-- I don't have to explain to Baltimore City tax payers and people who get their cars towed how \$6.00 of every tow in Baltimore City is going for go to fabricating metal plates on tow trucks. It just doesn't make any sense and that is why I am here to ask you not to approve award to McDel and rather ask the Law Department, ask Mr. Corey to go back and take a look at exactly what Diamond Auto Works--and this other--Diamond Iron Works and this other company, Cherry Hill Fabrication are really going to do because Cherry Hill Fabrication has the same problem. They're saying miscellaneous metal fabrication and repairs of the equipment required for towing services. Well, we know they are not an auto parts dealer because it is not in their certification. We also know that they are not certified to do auto repairs. That is what this sounds like, so, this Board has routinely, routinely told bidders 'We will reject your bid if we don't think you are going to achieve legitimate MBE commercially useful

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functions on this contract.' and that is what I am here to ask the Board to do here today. Uphold the integrity of the program, don't allow a contractor to do work where the MBE clearly, and the WBE are clearly not going to do commercially useful functions on the contract. That's why we are here. Our MBE's are towing companies, we have towing companies and auto repair companies, that is legitimate. When our towing- tow truck gets banged up we are going to go to the auto parts dealer that is the certified WBE. When we need more towing capacity we go to our MBE's that own tow trucks and do towing work because it is a towing contract. So, that is legitimate MBE and WBE participation, not throwing down 10% and 3% just to meet the goals to get the contract and then coming up with some way you can get metal plates fabricated for \$6.00 and \$2.00 a tow, that doesn't make any sense. So, I would ask that you not award this contract today."

Thomas Corey: "Good morning, My name is Thomas Corey, I am the Chief of the Minority & Women's Business Opportunity Office. We reviewed uh- the submission submitted by McDel and we find that the metal fabrication is directly related to this contract. The

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MBE and WBE that are named in this submission are certified to provide metal fabrication services. What is happening in the statement of intent form is that it specifically defines what sort of metal fabrication they will be doing on this contract. We do not require any company coming in to be certified to list in their profile any possible circumstances in which their services will be used. As far as being a commercially useful function, we do consider it a commercially useful function because metal fabrication is - - can be used on this contract. Uh- we don't look at the equipment of let's say a tower or anybody to assess the condition of the equipment at the time of their contract. We don't know what the maintenance requirements are of the contract or the- the tower's equipment over the three year period. But, what we do have in place is over the life of this contract, for the next three years, if the bidder is not meeting the goals using metal fabrication, then there are at least two opportunities where we will look at and see if you are not making the goals that you either have to substitute MBEs or add MBEs and use different services to meet the goals. But the bottom line is, you have to make the goals and this is the best

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estimate, I am assuming, that this bidder has come up with in order to meet the goals. It is related. There are stretches and we can name some of them in the other submission. Printing would be a stretch, but we would probably allow it, but this we see as a direct - as a service that is directly related to this contract and we uh- do feel that is a commercially useful function.

City Solicitor: "Mr. Corey, when in the course of the three year contract do you first have an opportunity to evaluate how the company -- how the company-- how the vendor is doing in terms of metal-- metal fabrication?"

Thomas Corey: "We usually come back at the end of the year and take a look at--"

City Solicitor: "One year?--"

Thomas Corey: "--yeah and take a look and see how they are doing with the Bureau of Purchases because their office looks, they look at them as well and send over any assessment to our office to see if we concur. Then if we do find if there are some changes should be made, then we go back to the bidder through the Bureau of Purchases and ask the bidder to come up with either new or different services in the MBEs and WBEs to make the goals."

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Comptroller: "I have a question. You said that you -- that you don't have to list all the services that the MBE and WBE has to provide. How would-- how would you know if you are just listing a broad category?"

Thomas Corey: "You list the broad category of metal fabrication, but then metal fabrication has so many ways that they can be used or that you can do metal fabrication so to try to have someone when they come in to be certified to list every possible way that metal fabrication would be used, that is almost impossible and--"

Comptroller: "Let me ask you a question. How can metal fabrication be used to this extent?"

Mike Miller, Esq.: "This is John Dobbins. He is with Millennium. He knows tow trucks."

Comptroller: "Right so--"

Mike Miller, Esq.: "I would like to ask him --"

Comptroller: "Right."

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Mike Miller, Esq.: "How often is metal fabrication really used-
-"

President: "You have to state your name sir."

Comptroller: "State your name."

John Dobbins: "John Dobbins, Millennium Auto Parts and Towing Services. I have been owning a junkyard and tow truck for at least 15 years and we scrap a lot of cars so we do a lot of heavy scrapping of heavy things and within a year I might have maybe two or three times that I will use a welder just to weld the hook on. It is not often that we use a welder because these trucks are built very strong and very seldom that things break on them. These are commercial trucks and uh -- very seldom that they even break and like I said, I have been in business for 15 years and I have been towing and scrapping, which is a heavier objective than just towing a car. Because when you are scrapping you are just throwing heavy metal and things on top of a tow truck."

Comptroller: "Did his mic die down there?"

Thomas Corey: "right and my response to that - -"

Comptroller: "I have a question of them."

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Thomas Corey: "Go ahead."

Comptroller: "Could you come to the mic and tell how he just said how the fabrication and welding would be used? In your estimation, is that true or are there other ways and repairs that would-- that would necessitate a fabrication and a machine and a welding shop? State your name."

Deles Lewis, McDel Enterprises: "My name is Deles Lewis with McDel Enterprises. As far as welding is concerned, it is very lucrative on my end. I own Recovery Solutions truck. It is a \$65,000.00 truck. So, Recovery Solutions is no longer in business. They are a spinoff of a Dynamic, which is another manufacturer of a lift. Everything they did was an eighth to a quarter percent off. Everything I have had to get for that truck pins, plates, jaws, pins everything has to be re-welded. I have pictures on some parts that are with me. I also have invoices from Cherry Hill Fabricator that show welding the toolboxes on-- the storage compartments. There's are a lot of items that need to be welded on. If no one is welding these items, then they are not doing preventive maintenance on their trucks. These invoices I have with me mount up to thousands of dollars."

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Comptroller: "May I see them?"

Deles Lewis: "Now, these invoices are work they have performed with Verizon, Verizon, Verizon trucks, which have--"

Comptroller: "Verizon?"

Dales Lewis: "Verizon Trucks which --."

Comptroller: "What about your trucks?"

Deles Lewis: "They have not started working with us yet, but Diamond has. Now I didn't bring Diamond's stuff with me because they were not able to make it. Verizon-- I mean uh-- Cherry Hill faxed me invoices to show what type of work they have also done that also can be done on my trucks."

Comptroller: "That also can be done, but--."

Deles Lewis: "But, will be done."

City Solicitor: "and needs to be done?"

Deles Lewis: "Yes, needs be done. They say only use once or twice a year. These invoices can prove to you that items that are welded have already been performed on my trucks. Not by this particular company."

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Comptroller: "On your trucks?"

Deles Lewis: "Yes. But not by this particular company, but I am showing you an example of what work has been performed."

Mike Miller, Esq.: "Ms. Comptroller, I understand--"

President: "Can you use the mic please, sir."

Mike Miller, Esq.: "Sure, Mr. Chairman. I understand that we are talking about welding now, but Diamond Iron Works isn't doing any welding. They are not listed for welding on here at all, and not only that but Cherry Hill Fabrication is not certified to do welding. So, if we are talking about Cherry Hill doing welding when they are listed for miscellaneous metal fabrication, that's that's not something that they are certified to do. And not only that, but I was just talking to Mr. Dobbins, and he said that toolboxes and things like this are not welded on they are bolted on or they are pinned on. The welding, again, you have to justify having 13% of this contract, subcontracted for metal fabrication. That's what McDel has to do, and that's \$8.00 a tow. So, every single tow in the City that is picked up on a violation, -- has to -- \$8.00 of that tow has to go to

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metal fabrication. I don't know how anybody can explain that to people who get their car towed."

President: "Mr. Corey."

Thomas Corey: "With metal fabrication, welding would be incidental to -- to performing their job. We are not saying that she has hired them definitely to do welding, but metal fabrication. But in performing the service, there probably is some--there would be some welding and also some using the rivets and bolts and the things like that. That's an incidental part of the whole service. Not the entire service. The metal fabrication is what she is using them for and then is incidental to that, would be the welding."

Tim Krus: "Tim Krus, from the Bureau of Purchases. I would also like to point out that even in cases that might seem more clear cut, compliance reviews are key as the contract goes forward. We could have a situation where Ms. McDel came--where McDel Towing came with tow trucks, and a year down the road we could find out that they had not used those tow trucks as MBEs or WBEs in the contract. So this is MWBOO's best judgment. We'll be reviewing

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it, and if it turns out that this doesn't meet the goals we'll be working with McDel Enterprises to ensure that they do."

President: "Okay, is anybody else protesting on this? Because, if you are, please come on up. Mr. Jolivet."

Arnold M. Jolivet: "Good morning Mr. President and members of the Board. Arnold M. Jolivet and I have uh -- sent you a protest and an amended protest and I would hope that the protest letter would somewhat describe uh--the basis of our protest."

President: "Can I ask you on question Mr. Jolivet?"

Arnold M. Jolivet: "Yes."

President: "When did you send it? It has no date, no time."

Arnold M. Jolivet: "Uh--that protest was the amended."

President: "Yes."

Arnold M. Jolivet: "I sent one on October 16th. That one was actually sent sometime last night."

City Solicitor: "Sometime last night."

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Arnold M. Jolivet: "Yes sir."

City Solicitor: "So, well after the protest submission deadline."

Arnold M. Jolivet: "Well yeah, obviously, but because it's an amended complaint, I would argue that the protest line--deadline would still be met because the original protest was filed timely."

City Solicitor: "Um hmm."

Arnold M. Jolivet: "It's discretionary obviously with the Board whether or not the Board will consider it, but I would argue very strenuously that the protest--"

President: "I don't--I don't know want to hear the argument. Just go ahead."

Arnold M. Jolivet: "Ok, thank you so much. I will be very--"

President: "Because the argument would take longer than the protest."

Arnold M. Jolivet: "No, I don't want to do that. I don't' want to do that. I would ask the Board, if the Board would look at my exhibits and the exhibits simply--"

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Mayor: "Thank you."

Arnold M. Jolivet: "delineate the price--the various price from the various bidders, as the Board knows, the Board has an obligation--"

President: "May I have one?"

Arnold M. Jolivet: "Oh, I am sorry Mr. President. I apologize. I thought I gave you five."

President: "No."

Al Foxx: "Two more."

Arnold M. Jolivet: "You need two more?"

Al Foxx: "That's it."

President: "That's it. Give me one."

Arnold M. Jolivet: "Okay Mr. President. I am sorry. I want to emphasize quite briefly that the document that I have just asked you to review clearly shows that McDel is not the lowest responsive responsible bidder, as uh--is required and delineated in Article VI §11 of the Charter and I think the Board is keenly

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aware that this Board has an obligation to award all contracts of this kind to the lowest responsive responsible bidder, as specifically delineated in Article VI §11. Uh-- there is no question. I believe in my mind that the two bidders, the Auto Barn entities and the Cherry Hill Towing entities uh--have submitted the lowest bid within the meaning of the Charter. I would also argue that the proposed or the recommended disqualification against these two bidders uh--simply is not material or substantial enough to justify the Board in disqualifying and rejecting these bidders. I would ask the Board -- I would ask the Board also to review these exhibits--I would ask the Board also to look at its obligation, mandatory obligation to award the contract to uh-- Auto Barn uh-- and uh-- Cherry Hill Towing. Now, it appears as though that these two bidders have actually submitted identical prices and the Board under the Charter has the discretion to award in cases where bidders submit what is called, identified in the Charter as a tie bid, the Board has the discretion to award the bidder-- uh the bid to either one of the bidders or to both bidders. That's been a long standing duty and obligation of the Board and we don't even contest that. I would ask the Board though to look

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at the monies that are being--the tax dollars that are being saved uh-- by awarding the contract to the Auto Barn entity or/and the Cherry Hill Towing entity. Now, keep in mind, that the MBE program is certainly important in our city. Nobody questions that, but, Mr. President the Board has a responsibility to enforce and administer the MBE program in such a way that it doesn't conflict with the Charter. I support the MBE program, but in this case, I would ask this Board to take a very hard look at how we've been administering the City's MBE program. Uh, the City Solicitor is keenly aware that when a legislative charter uh-- conflicts with its City Ordinance, the Ordinance has to cede to the supremacy of the Charter provision. In this case, I think we are on a dangerous, slippery slope where we are disqualifying bidders for no good reason, other than the fact that they did not meet in the mind of the allegation of the City's MBE Chief. And-- and the thing that's kind of difficult here, that prior to today, the MWBOO nor Bureau of Purchases has informed these bidders the precise reason why their bid is being rejected. Now, we are just here today on the assumption, that it is because of the failure to

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meet MBE/WBE goals. But nonetheless, I want to submit very strongly to the Board, even if the Board has to defer this matter, we need to take a completely independent look at how we administer the MBE program. Because all too often, we are disqualifying bidders for reasons that they did not meet the MBE/WBE goal, when this is not a violation or a a-- variation that is substantial, that is material and nor does it rise up to a violation that necessitates the Board to disqualify the bidder. And I have tried to elaborate to you, in my submission, the conditions, in which it would be appropriate for the Board to disqualify any bidder. Let's forget it's a MBE violation, but it is very clear, very clear, the Court of Appeals has it very extremely extraordinary clear that not all variations in a bidder's submission is justification for disqualification. That's - that's been the law of the land for years, and I would ask the Board to consider this and let's adopt a sensible interpretation of the Ordinance. The Ordinance actually can be compatible with the Charter, but we cannot forget the fact that the Charter is supreme. And whenever there is a conflict with an

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Ordinance provision and the MBE program is an Ordinance provision, the Charter's requirement to award the contract to the lower -- lowest responsive responsible bidder is a Charter provision. And in this case as in many other cases that have come before this Board, I would simply ask this Board to take a new look at how we are doing this is because this is a classic case, where the agency has recommended, both MBWOO and Purchases has recommended that a bid, bids be disqualified for what I would submit to you no good and substantial lawful reason and that's --"

City Solicitor: "Mr. Corey are you finished I'm sorry.--"

Mr Jolivet: "One more - - one more, I need to -"

President: "Mr. Nilson, I would appreciate it if you would let me do my job, please. You got to wrap up."

Mr. Jolivet: "Let me just wrap up, let me wind up. I want to just add that uh-- I have presented to you and I ask the City Solicitor even if this matter has to be deferred, I would recommend very strongly that the City Solicitor and his staff take a strong look, an evaluation of the authorities that I have submitted to the Board this morning because in each and every

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case where there in other jurisdictions - in every other jurisdiction there have been, the Court simply has not upheld the agency when they award a contract under the MBE program against the lowest responsive bidder. In the cases that I have cited, everyone of those cases had a provision in their Charter that was quite similar to our Charter 'lowest responsible responsive bidder'. In every case, Mr. President, without exception, the Court said that the MBE program must cede to the supremacy of the Charter. And the the Baltimore City's MBE program the Baltimore City Charter are no exception. I would like to add also the final argument uh and its--"

President: "I am asking you to wind up Mr. Jolivet--"

Mr. Jolivet: "I am, I am Mr. President--"

President: "We have two other protestors. I am asking you to wind up-- "

Mr. Jolivet: "I am, I am. I uh- I just want to point out. I pointed out in my- conclusion that the City Solicitor is very unique. He is one of the premier municipal attorneys in the

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State. He needs to be aware in cases where the Board - the municipality attempts to reject less than all of the bidders, it is a long standing practice or authority that--the rejection of less than all of the bidders is suspect and it must be done according to the courts with much certain uh-- responsibility because of the purpose of the competitive bidding Charter without exception, is to award the bid to the lowest dollar bidder unless there is some extenuating, substantial material defect in the other bidders' bid and in this case there are no material defects at all--"

President: "Okay, thank you Mr. Jolivet -"

Mr. Jolivet: "Mr. President just -- just one--"

President: "Mr. Jolivet you have to come on and bring it to close--"

Mr. Jolivet: "I will but I have to point out that --"

President: "Mr. Jolivet that's it, that's it Mr. Jolivet, come on, that's it. I think I gave you way more time than I should have, come on."

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David Dembert, Esq.: "Thank you, Madam Mayor, President Young and Distinguished members of this Board, my name is David Dembert. I have been corporate counsel for the Auto Barn for a number of years. I am going to be very brief. Mr. Jolivet has presented some rather compelling legal arguments as to why this protest should be upheld. I look at it rather simply, if you accept the fact that the Auto Barn and Cherry Hill Towing were the low bidders in this particular situation and their application - their bid was otherwise qualified you have to wonder why it was not selected. Why Auto Barn, why Cherry Hill were not selected. You have to really question that. Now, we have some information as to some technical defects perhaps in the bid. I would be happy to address them, if Mr. Corey wants to explain to this Board why it was not awarded to the two low bidders. These are-- you will find that these supposed defects were things that would have been easily cured in a matter of hours. So, I think the Board has a rather compelling obligation to question why the low bidder was not chosen. It's really that simple. Auto Barn and Cherry Hill, especially the Auto Barn has

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been doing business with the City for a number of years. The MBE subcontractors listed in their bids have also been doing business with the City, so there was strong familiarity. That's how I see it. I would respectfully request that this protest be upheld. Thank you for giving me the time."

President: "Thank you. Tim Krus"

Tim Krus: "Tim Krus from the Bureau of Purchases. I just wanted to point out that we are dealing with seven corporate entities that represent Auto Barn and Cherry Hill, not two."

President: "Okay. Uh - Mr. Elliott"

Phil Persing, General Manager: "Good morning Madam Mayor and members of the Board. My name is Phil Persing. I am with Jim Elliott's Towing. I am protesting the solicitation for a number of reasons. Uh, when this RFP was introduced as it was stated as being citywide violation towing, not sector towing services, when Elliott's Towing bid on the RFP, the sectors we bid on and the prices we bid were according to the RFP being awarded all at one time. If there was a possibility the City had intentions of breaking up the items on the RFP, this should have been relayed

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to us through the RFP rules and regulations. This solicitation should have been five solicitations, one for each sector, so that we could have bid on each one separately. Jim Elliott's Towing would have bid much differently if each sector were its own solicitation. Under method of award SW3-G, bidders should carefully consider in their bids all work specified in this contract. No allowance will be made after the bid opening for the contractor's failure to take into account all charges for full compensation for items specifically and clearly identified in the contract specs. This statement is the exact opposite of what we were given if the City allows item one to be procured by its self. When we made the bids in the solicitation, Jim Elliott's Towing carefully considered the work and took into account items specifically and clearly identified in the contract. There was no indication at all of the possibility the City would be breaking up the items separately. This is information that should have been clearly--that should clearly have been included in rules and regulations so that the vendors could have bid on the solicitation properly. Towing requirements DS-5-A12 states, 'Towing Company shall provide services within

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their approved sector as requested in accordance with specifications.' This statement says that companies must stay in their area which means multiple areas being towed from and multiple companies doing the work. This City is holding the vendor to strict consequences if things are not done properly, but why is the City allowed to make up rules as the process moves along, and why is the City exempt from including all information that could affect the outcome of this RFP? Lastly, by awarding the issued--issue--lastly by issuing an award to only McDel for the Central Business District, the City is giving them license to tow for all violation towing, while companies like Jim Elliott's Towing who were a responsible and responsive bidder are being penalized and not given the next item for award. Thank you."

Tim Krus: "Tim Krus, Bureau of Purchases. I have the exact language from the solicitation. 'Bidders shall be awarded no more than one sector. Bureau of Purchases will recommend award to the Board of Estimates in the following fashion: Bid Item 1,' which is what we have come to the Board with today. 'Bids for the Central Business District will be examined first and a

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responsive and responsible bidder, with the lowest total bid price for the Central Business Sec--District Sector will be recommended for award.' That's what we're doing today. 'Bid Item 2, bids from the North Sector will be examined second, and the responsive and responsible bidder, which shall not be a bidder who has been previously determined as the lowest bidder in another sector, with the lowest total bid price for the North Sector will be recommended for award' and so on. The only sector in which a previously awarded bidder could win a second sector would be heavy equipment and trucks, which is the last awarded. So, in the opinion of the Bureau of Purchases, there is no disadvantage to other vendors by bringing this sector for award and we felt that is was crystal clear in the solicitation uh-- that we would be doing it in this way."

President: "Okay, Comptroller?"

Comptroller: "Yes, could you state the reasons why-- uh--you mentioned that there could have been two other bidders who could have won. Could you state why they weren't? He wanted to know, state for the record, why they were not selected?"

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Tim Krus: "In effect--"

President: "You have to come to the mic."

Tim Krus: "Well, I'm sorry. There uh-- well ah-- There was an MWBOO compliance issue--"

Comptroller: "Okay."

Tim Krus: "-- that Tom Corey addressed."

Comptroller: "Okay."

City Solicitor: "Which was what?"

Tim Krus: "Umm, they mentioned -- the mentioned"

Comptroller: "Which was what, can you name--"

Tim Krus: "they mentioned Cherry Hill and Auto Barn."

Comptroller: "Right."

City Solicitor: "Correct."

Tim Krus: "There were actually seven Cherry Hill and Auto Barn entities, which bid. Not two."

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David Dembert, Esq.: "Okay."

Tim Krus: "There were-- I forget whether it was four Cherry Hill and three Auto Barn or in reverse."

David Dembert: "Uh-- What were the defects that your office alleged were in the bids for these--"

Tim Krus: "The non-- the non-responsive portions of those bids came from MWBOO's evaluation of compliance with that legislation-- "

City Solicitor: "Which was what?"

Tim Krus: "and Mr. Corey addressed that."

Thomas Corey: "Thomas Corey, Chief of Minority Women's Business Opportunity Office. The defects in the submission by Auto Barn and Cherry Hill are material and they they are numerous. On each of their MBE submissions, Statement of Intent Form they have at least two and on some three uh-- material defects or omissions on their form."

Comptroller: "State a couple of what they were."

Thomas Corey: "One is that they changed the percentage amount on the form."

Comptroller: "Okay."

Thomas Corey: "Scratched it out, and on the form its say quite clearly, if you make a change both parties have to initial it."

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They did this on several of their submissions and it was not initialed."

Comptroller: "Okay."

Thomas Corey: "The other uh-- uh-- error that they made, is that they named an MBE that was not certified to provide the service for which they were uh-- listed. On the other form--some of the other forms, they didn't list an MBE at all, and then didn't list on another form, they didn't list any service to be provided. Now this Board over the years, in the ten years I have been here, have always judged those defects as material and uh, what you're hearing now, particularly from Mr. Jolivet is a 180 degree turn from his position for the last eight, nine years where he has supported this position."

Mr. Jolivet: "I don't'-- "

President: "You--get on the mic. Yeah, you can respond. Joan are you finished?"

Comptroller: "Yes."

President: "Because the Mayor is next."

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Mr. Jolivet: "Go ahead--No-I--I in all due respect to Mr. Corey, I think the record will show that over the years, I have never supported that position. I certainly would like for when a bidder put his--fills out his MBE, uh schedule, yeah he has to describe -- but the failure for a bidder to do that has never my position that would constitute a violation severe and serious enough that would destroy the bidder's bid. I have never supported that, because I think it totally not in compliance with the applicable law. But Mr. President, on a clearly related item, I just want to respectfully ask the Board to look at my exhibits that I have asked the Board to look at this morning. I have submitted to you a number of exhibits, and the other issue that not has not been addressed here this morning that seriously needs to be addressed, because there's a serious dichotomy in terms of ah -- ah - ah - dual standard where the Board allows-- well actually it is the Board, but its more so generated from the agency, and there is this ten day policy that's being -- uh authorized and pursued in the City. The policy is well established in the City. Its well established in the - there have been in the last year or so, the Board unwittingly has gone

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along with the recommendation of MWBOO and Purchasing to give the bidder ten days in which to correct any deficiency in that bid. Now, I would submit very strongly this morning, that the Board needs to take a completely new look at this ten-day policy. In all due respect again, I know Mr. Corey is probably doing his best to make the Ordinance relevant and effective, but Mr. President you cannot have a program, or a system, or a policy which grants one bidder ten days-- one bidder who allegedly has a defective bid, ten days in which to correct its bid and then on the other hand correspondingly you zap the other bidder and disqualifies that bidder for the same identical reason, and I submitted to you today and at least, I think, five different, independent instances where this Board, in the last year, has allowed a bidder ten days beyond the award in order to come into compliance. Mr. President again, that is a dual standard that does not have any rational basis to it. No rational basis for allowing one bidder, and I would submit very strongly, this Board has a duty to treat all bidders fair. One of the fundamental characteristics of competitive bidding is that all that all bidders must be treated equally."

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President: "Okay."

Mr. Jolivet: "That's all I need to see. I want you to look at that, because I think this ten day rule--"

President: "Okay, the Mayor--because I think the Mayor wants to move a statement."

Mr. Jolivet: "this ten day rule--that we are enforcing here where on the one hand we zap the bidder and on the other hand we appraise a bidder and approve him--"

President: "We heard that Mr. Jolivet--."

Mr. Jolivet: "and give him a \$1,000,000.00 contract."

President: "Alright, we heard you. Thank you."

Mr. Jolivet: "Thank you Mr. President."

President: "Madam Mayor?"

Mayor: "I'm good. I answered it."

President: "Ok. Uh--"

MINUTES

Mike Miller, Esq.: "Mr.--Mr. President can I just--30 seconds really quick?"

President: "Thirty seconds."

Mike Miller, Esq.: "I actually -- I just want to back up what Mr. Corey said. The MWBOO has a long standing policy that you got to get the MBE/WBE right when you submit your bid. This is the first that I heard that MWBOO now is taking a policy that says, well we are will make sure everything is right during the performance of the contract, because I have had a lot of clients whose bids have been rejected for pretty small technical vio-- uh issues with their MWB-- uh MBE/WBE submissions. I support that policy. I think that if that's what the Board believes in, the integrity of the program, you got to get it right at bid opening for the integrity of the program, let's enforce that. Let's continue that policy. I believe Mr. Corey is correct when he says, if there is a scribble and you rewrite the numbers, that's not responsive. He's right about that. I had a client on a--Fru Con came before this Board about two years ago, and they had a number that was one-zero-zero-zero, then they scribbled

MINUTES

out the zero and made it a three, and that bid was rejected as non-responsive. Now, I think that this Board should remain consistent with that, but I think they should remain consistent in all aspects of the MBE/WBE policies. Specifically, saying that if you don't get it right at bid opening, you don't demonstrate that you are going to meet the goals legitimately, then you should not be awarded a contract in this city and that's what I am asking the Board to do today. I just want --"

Mr. Corey: "We have held that McDel is compliant at this point."

President: "Thank you. You are the last one, and then we are going to call for a vote."

Mr. Jolivet: "I should have a right to respond."

President: "No-no-no, come on. Mr. Corey Please."

David Dembert, Esq.: "I just wanted to thank Ms. Pratt for raising these questions, because they are very pertinent. Exactly why was Auto Barn and Cherry Hill's bid rejected. I can address very, very, briefly as to the percentage cross out."

MINUTES

Obviously, the issue there is, is the sub-contractor, are they aware that the percentage has been changed? And the answer in this case was yes. If Mr. Corey needed any evidence of that, that would have been so easy to give and we can certainly submit that. So, there is no prejudice what so ever with respect to that."

City Solicitor: "You do understand that the bid package and the instruction forms indicate very clearly that changes like that have to be initialed by both parties? Both the prime and the sub."

David Dembert, Esq.: "Absolutely right, Mr. Nilson."

City Solicitor: "And that wasn't done in this case, right?"

David Dembert, Esq.: "Absolutely right. It was done internally and you are absolutely right. We submit, that is was a --it was a- an inadvertent error that could have easily, easily been cured and the Board has a lot of discretion within this ten day period. To--"

Mayor: "It's not his job to call you when you don't get your bids right."

MINUTES

David Dembert, Esq.: "There is also Madam Mayor, there was also great familiarity both, with the bidder here and with the sub."

Mayor: "So, for people he likes, he suppose to cut them some slack and let them turn in sloppy contracts?"

David Dembert, Esq.: "Not at all. Mayor, it has nothing to do with who they like. It was familiarity. There's a lot of situations where apparently uh-- people have been given ten days to cure defects--"

City Solicitor: "Under very different circumstances, under specific circumstances. Do you want to address that Mr. Corey?"

Mr. Corey: "Yes, The only time we allow ten days to cure is when there is only one bidder and that bidder submission is incorrect. So, we allow them to cure. The only other circumstance is when all of the bidders are found--or rejected and we allow them to cure."

President: "I call for the question--"

Mr. Jolivet: "Mr. Solicitor-- "

President: "I call for the vote."

MINUTES

City Solicitor: "I would move that all of the bid protest that we have heard this morning be rejected and the agency recommendation to award in the Central District be approved."

President: "All in favor say Aye."

City Solicitor: "Aye."

President: "It was seconded by Mr. Foxx."

President: "All in favor say Aye."

City Solicitor: "Aye."

Comptroller: "I Vote No."

President: "All apposed Nay."

Comptroller: "I vote No. I vote No."

President: "Please note the Comptroller votes No."

Comptroller: "Yes, because welding is pretty permanent and very stable, and can't see welding services needed as much as McDel Enterprises uh-- has stated. So, I vote No."

President: "The motion carries."

* * * * *

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

4. B50002539, Snow Removal Services III		\$ 200,000.00
	P&J Contracting Co., Inc.	50,000.00
	Allied Contractors, Inc.	50,000.00
	D&B Construction, Inc.	50,000.00
	Cherry Hill Hauling & Towing Services, Inc.	50,000.00

(Various Agencies)

MWBOO GRANTED A WAIVER.

5. B50002573, Bio-Diesel & Ethanol Fuels		\$1,400,000.00
	Petroleum Marketing Group, Inc.	500,000.00
	Tri-Gas & Oil Co., Inc.	500,000.00
	James River Solutions	200,000.00
	JJ Adams Fuel Oil Co.	200,000.00

(Various Agencies)

MWBOO GRANTED A WAIVER.

6. B50002609, Installa- tion of Motorized Shades	Boulevard Contractors Corp.	\$ 49,815.00
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(Baltimore Convention Center)

MWBOO GRANTED A WAIVER.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

7. B50002654, Indus-	Applied Industrial	\$ 175,000.00
trial Bearings &	Technologies	
Related Seals II		

(DPW, Bureau of Water & Wastewater)

MWBOO GRANTED A WAIVER.

LAW OFFICES
JACOBS & DEMBERT, P.A.
ONE SOUTH STREET, SUITE 2100
BALTIMORE, MARYLAND 21202-3279

(410) 727-4433
TELECOPIER NO. (410) 752-8105
ddembert@jdlaw.com

TELECOPIER COVER SHEET

DATE: November 20, 2012

TIME: 11:55 AM

TO: Clerk, Board of Estimates
City of Baltimore

FACSIMILE #: 410-685-4416

FROM: David C. Dembert, Esquire

SUBJECT: Solicitation No. B50002397, Citywide Violation Towing
Services - Item I, Central Business District

We are transmitting a total of 3 pages inclusive of this Telecopier Cover Sheet.

MESSAGE: Please accept attached letter as a protest in connection with the
above matter. Thank you.

David C. Dembert

**IF YOU DO NOT RECEIVE ALL OF THESE PAGES OR EXPERIENCE ANY
TRANSMISSION DIFFICULTIES, PLEASE CONTACT ALETHIA AS SOON AS
POSSIBLE AT (410) 727-4433.**

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JAMES S. JACOBS
DAVID C. DEMBERT*
JACOB M. HOROWITZ**

OF COUNSEL
CAROLYN JACOBS

*ALSO ADMITTED IN PA
**ALSO ADMITTED IN DC



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21202-3279

(410) 727-4433 (v)
(410) 752-8105 (f)

November 20, 2012

VIA FACSIMILE: (410) 685-4416

Honorable President and Members
of the Board of Estimates
c/o Clerk, Board of Estimates
City Hall, Room 204
100 North Holiday Street
Baltimore, Maryland 21202

Re: Bid Protest Against Approval of Solicitation
No. B50002397 - Citywide Violation Towing Services

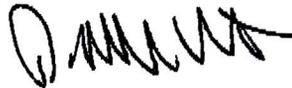
Dear Mr. President and Members of the Board:

Supplementing the protests filed with respect to the above-captioned solicitation number, I am submitting this protest in my capacity as corporate counsel for The Auto Barn, Inc., a Maryland corporation ("Auto Barn"), Cherry Hill Towing, Inc., a Maryland corporation ("Cherry Hill") and affiliated Maryland limited liability companies known as Auto Barn Towing I, LLC, Auto Barn Towing, II, LLC, Auto Barn Towing, III, LLC, Cherry Hill Towing, I, LLC and Cherry Hill Towing, II, LLC (collectively, the "Affiliates"). It is my understanding that the bids submitted on behalf of Auto Barn, Cherry Hill and the Affiliates were the lowest bids submitted with respect to the above-captioned solicitation number. Notwithstanding that fact, the Bureau of Purchases recommended approval of the bid from McDel Enterprises, Inc. ("McDel") for Item I, Central Business District, even though the amount bid on behalf of McDel will result in the City paying somewhere between \$100,000.00 and \$175,000.00 more per year with respect to these services than the amount that would have been paid with respect to the bids submitted by Auto Barn, Cherry Hill and the Affiliates. It is my understanding that the bids submitted on behalf of Auto Barn, Cherry Hill and Affiliates were in compliance with all rules and regulations applicable to the bids including requisite MBE/WBE participation. Notwithstanding that, it is my understanding that two (2) issues may have been raised by the Bureau of Purchases with respect to the bids by Auto Barn, Cherry Hill and the Affiliates, both of which would have been easily remedied within the typical ten (10) day period to bring bids into compliance. Details have been provided and will be provided at the hearing tomorrow.

Clerk, Board of Estimates
November 20, 2012
Page 2

We respectfully request that the McDel bid be rejected and the bids submitted on behalf of the Auto Barn, Cherry Hill and Affiliates be approved by this Honorable Board.

Sincerely yours,



David C. Dembert

DCD/tmh

Enclosure

cc: Mr. Thomas C. Showalter (via fax)
Ms. Ginger Showalter (via fax)

IN ACCORDANCE WITH INTERNAL REVENUE SERVICE RULES, ANY FEDERAL TAX ADVICE PROVIDED IN THIS COMMUNICATION IS NOT INTENDED OR WRITTEN BY THE AUTHOR TO BE USED, AND CANNOT BE USED BY THE RECIPIENT, FOR THE PURPOSE OF AVOIDING PENALTIES WHICH MAY BE IMPOSED ON THE RECIPIENT BY THE IRS. PLEASE CONTACT THE AUTHOR IF YOU WOULD LIKE TO RECEIVE WRITTEN ADVICE IN A FORMAT WHICH COMPLIES WITH IRS RULES AND MAY BE RELIED UPON TO AVOID PENALTIES.

Jim Elliott's Towing

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

November 19, 2012

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

Solicitation #: B50002397
Solicitation Name: Citywide Police Requested Towing Services

Good Morning Madam Mayor and Board of Estimates

I am protesting solicitation # B50002397 for a number of reasons. First, when this RFP was introduced it was stated as being "Citywide Violation Towing" services not "Sector Towing Services". When Jim Elliott's Towing bid on this RFP the sectors we bid on and the prices we bid were priced according to the RFP being awarded at one time. If there was a possibility the City had intentions to break up the items on the RFP this should have been relayed to us through the RFP in rules and regulations. This solicitation should have been five solicitations, one for each sector so that we could have bid on each one separately. Jim Elliott's Towing would have bid much differently, if each sector were its own solicitation. Under Method of Award (SW3.) g "Bidders should carefully consider in their bids all the work specified in this contract. No allowance will be made after the bid opening for the contractors' failure to take into account all charges for full compensation for items specifically and clearly identified in the contract specifications." This statement is the exact opposite of what we were given if the City allows Item 1 to be procured by itself. When we made the bids in this solicitation Jim Elliott's carefully considered the work specified and took into account items specifically and clearly identified in the contract specification. There was no indication at all of the possibility the city would be breaking this up into separate items. This is information that should clearly have been included in rules and regulations so the vendor could have bid on this solicitation properly. Towing requirements DS5(a)12 states "Towing companies shall provide service within their approved sector as requested in accordance with all specifications" This statement says that companies must stay in their area which means multiple areas being towed from and multiple companies

doing the work. This City is holding the vendor to strict consequences if things are not done properly but why is the City allowed to make up rules as their process moves along and why is the City exempt from including all information that could affect the outcome of this RFP.

Lastly, by issuing an award to only McDel's Towing for the Central Business District the City is given them a license to tow for all violation towing while companies like Jim Elliott's Towing who were a responsible and responsive bidder are being penalized and not given the next item for award.

Phil Persing

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

- | | | |
|--------------------------|-------------|----------|
| 1. K. LEMMON & SONS, LLC | \$32,850.00 | Only Bid |
|--------------------------|-------------|----------|
- Solicitation No. B50002655 - Timothy Hay Bales - Police Department - Req. No. R612748

The period of the award is November 22, 2012 through November 21, 2013.

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|---------------------------|-------------|-------------|
| 2. SIEMENS INDUSTRY, INC. | \$28,800.00 | Sole Source |
|---------------------------|-------------|-------------|
- Solicitation No. 08000 - Restock Chain and Scraper System Parts - Department of Public Works - Req. No. R615633

OEM parts, equipment and service at Patapsco Wastewater Treatment Plant. The vendor is the sole authorized supplier/distributor of these items in our area. This will be a one-time shipment to agency.

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| 3. SPARKLE & SHINE
JANITORIAL SERVICE | \$15,708.00 | Renewal |
|--|-------------|---------|
- Solicitation No. B50002196 - Exterior Window Washing - Enoch Pratt Free Library - Req. No. R589313

On December 22, 2011, the City Purchasing Agent approved the initial award in the amount of \$15,708.00. The award contained three 1-year renewal options. This renewal in the amount of \$15,708.00 is for the period January 1, 2013, through December 31, 2013, with two 1-year renewal options remaining.

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| 4. PRODUCTS UNLIMITED | \$23,000.00 | Renewal |
|-----------------------|-------------|---------|
- Solicitation No. B50001754 - HIV Test Kits - Health Department -P515640

On January 12, 2011, the Board approved the initial award in the amount of \$20,440.00. The award contained two 1-year renewal options. On January 25, 2012, the Board approved the first renewal in the amount of \$20,440.00. This final renewal in the amount of \$23,000.00 is for the period January 12, 2013 through January 11, 2014.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

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| 5. THE BALTIMORE AUTO
SUPPLY COMPANY | \$30,000.00 | Low Bid |
| Solicitation No. B50002645 - Truck Chains and Links - Fire
Department - Req. No. R613531 | | |

The period of the award is November 21, 2012 through November 20, 2013, with two 1-year renewal options remaining.

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| 6. BELAIR ROAD SUPPLY
COMPANY, INC. | \$ 0.00 | Renewal |
| Solicitation No. B50002242 - Inlet Head with Galvanized
Facebar - Department of Public Works - Req. No. P519117 | | |

On January 25, 2012, the Board approved the initial award in the amount of \$40,000.00. The award contained two 1-year renewal options. This renewal is for the period January 17, 2013 through January 16, 2014, with one 1-year renewal option remaining.

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| 7. PLAYGROUND SPECIALIST, INC. | \$ 4,582.00 | Increase |
| Solicitation No. B50002365 - Furnish and Deliver Engineered
Wood - Department of Recreation and Parks - Req. No. R598895 | | |

On April 18, 2012, the Board approved the initial award in the amount of \$29,790.00. This increase is necessary due to an increase in usage. This increase in the amount of \$4,582.00 will make the award amount \$34,372.00. The contract will expire on April 29, 2013.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

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| 8. ROUGH BROTHERS, INC. | \$49,580.00 | Selected Source |
| Solicitation No. 06000 - Repair Work at Rawlings Conservatory
- Department of Recreation and Parks - Req. No. TBD | | |

From a competitive bid, the vendor was previously awarded the contract for providing eight windows for the Cupola at the Howard Peters Rawlings Conservatory. While getting an exact measurement of the windows, the vendor found that the wooden casements were deteriorated. To ensure that the windows fit correctly into the casements and the casements will fit smoothly back into the framing, the original vendor is recommended to do the additional work.

- | | | |
|---|-------------|--------------|
| 9. ALLIANT STAFFING | \$11,760.00 | Ratification |
| Solicitation No. 06000 - X-Ray Services - Health Department -
Req. No. R616673 | | |

On June 11, 2011, the Board approved the initial award in the amount of \$20,000.00. This ratification is necessary because the agency continued to use the vendor beyond the term of the original agreement. This ratification in the amount of \$11,760.00 is for the period May 25, 2012 through October 31, 2012, and will make the total contract value \$31,760.00.

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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| 10. SMITH AUTO SERVICE | \$25,000.00 | Increase |
| Solicitation No. B50000002 - Vehicle Upholstery Service -
Department of General Services - P.O. No. P512787 | | |

On September 19, 2007, the Board approved the initial award in the amount of \$200,000.00. Subsequent actions have been approved. This increase is necessary due to unanticipated increased usage of the contract. This increase the amount of \$25,000.00 will make the total award amount \$425,000.00. The contract will expire on December 31, 2012.

MWBOO GRANTED A WAIVER.

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| 11. METRO BOBCAT, INC. | \$75,000.00 | Renewal |
| Solicitation No. 06000 - OEM Parts and Service for Bobcat
Equipment - Department of General Services, Fleet Management
Division - P.O. No. P521442 | | |

On February 4, 2009, the Board approved the initial award in the amount of \$100,000.00. The award contained two 1-year renewal options. This final renewal in the amount of \$75,000.00 is for the period February 4, 2013 through February 3, 2014.

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

MWBOO GRANTED A WAIVER.

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

12. CUMMINS COOLING PRODUCTS
 t/a CUMMINS RADIATOR CO.,
 ABC RADIATOR \$ 0.00 Renewal
 Solicitation No.B50000633 - Automotive Radiators and Heaters -
 Department of General Services, Fleet Management - P.O. Nos.
 P505706 and P505709

On December 10, 2008, the Board approved the initial award in the amount of \$1,000,000.00. The award contained two 1-year renewal options. On February 8, 2012, the Board approved the first renewal. This final renewal is for the period March 1, 2013 through February 28, 2014.

MWBOO GRANTED A WAIVER.

13. SHERWIN-WILLIAMS
 AUTOMOTIVE FINISHES
 CORPORATION \$ 0.00 Renewal
 Solicitation No. B50000843 - Automotive Paint & Supplies -
 Department of General Services - P.O. No. P507774

On March 4, 2009, the Board approved the initial award in the amount of \$500,000.00. The award contained two 1-year renewal options. On February 15, 2012, the Board approved the first renewal. This final renewal is for the period March 4, 2013 through March 3, 2014.

MWBOO GRANTED A WAIVER.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

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|----------------------|---------|---------|
| 14. SMITH-BLAIR INC. | \$ 0.00 | Renewal |
|----------------------|---------|---------|
- Solicitation No. 06000 - Couplings - Department of Public Works, Bureau of Water and Wastewater - P.O. No. P507164

On January 14, 2009, the Board approved the initial award in the amount of \$50,000.00. The award contained four 1-year renewal options. This final renewal is for the period January 22, 2013 through January 21, 2014.

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

MWBOO GRANTED A WAIVER.

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| 15. ARC ENVIRONMENTAL, INC. | \$100,000.00 | Renewal |
|-----------------------------|--------------|---------|
- Solicitation No. B50001310 - Services for Lead Testing - Agencies - Various P.O. No. P512249

On February 17, 2010, the Board approved the initial award in the amount of \$40,950.00. The award contained two 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$100,000.00 is for the period February 15, 2013 through February 14, 2014.

MWBOO SET GOALS OF 0% FOR MBE AND 0% FOR WBE.

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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| 16. TURF EQUIPMENT AND
SUPPLY COMPANY | \$ 0.00 | Renewal |
|--|---------|---------|
- Solicitation No. 08000 - O.E.M. Parts and Service for Toro Equipment - Department of General Services, Fleet Management - P.O. No. P507496

On April 1, 2009, the Board approved the initial award in the amount of \$120,000.00. The award contained two 1-year renewal options. Subsequent actions have been approved. This final renewal is for the period March 24, 2013 through March 23, 2014.

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

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|---------------------------------|--------------|-------------|
| 17. TEACHING STRATEGIES,
LLC | \$ 58,668.00 | Sole Source |
|---------------------------------|--------------|-------------|
- Solicitation No. 08000 - Creative Curriculum Classroom System - Department of Housing and Community Development - Req. No. R617153

On June 20, 2012, the Board approved the original award. The vendor is the developer and copyright holder for the Creative Curriculum System for Pre-school. They are the sole source provider for all products and components associated with the System. The Creative Curriculum is a curriculum guide used by the Baltimore City Head Start Program. This request is for additional English versions of the curriculum guide.

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

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

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|---------------------------------|--------------|---------|
| 18. FULL CIRCLE SOLUTIONS, INC. | \$707,250.00 | Renewal |
|---------------------------------|--------------|---------|
- Contract No. 08000 - Integrated Collection Systems (ICS) Upgrades, Licenses and Support Services - Department of Finance - Req. No. R617279

On December 5, 2007, the Board approved the initial award in the amount of \$1,229,282.00 on a sole source basis. The award contained two 1-year renewal options. Subsequent actions have been approved. The vendor is the sole provider of the proprietary software and the only authorized vendor providing the continued upgrades, licenses and support for this final renewal. This final renewal is for the period January 1, 2013 through December 31, 2013.

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

MWBOO GRANTED A WAIVER.

(FILE NO. 57210)

- | | | |
|------------------------------|----------------|----------|
| 19. GERMAIN HOLDINGS LLC | | |
| d/b/a OVERLEA CATERERS, INC. | \$1,080,000.00 | Increase |
- Solicitation No. B50001206 - Food Services for Eating Together in Baltimore Program - Health Department - P.O. No. P511359

On May 26, 2010, the Board approved the initial award in the amount of \$1,536,150.00. On August 31, 2011, the Board approved an increase in the amount of \$1,536,150.00. This increase is necessary to continue services. This increase in the amount of \$1,080,000.00 will make the total award amount \$4,152,300.00. The contact will expire on May 31, 2013.

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

MBE: Britt's Food Transport 12%

WBE: Shalom Catering Corporation 7%

MWBOO FOUND VENDOR IN COMPLIANCE.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

20. ASG SECURITY	\$1,000,000.00	Renewal
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Solicitation No. B50001367 - Provide Maintenance, Repairs & Installation Services for Electronic Security & Fire Protection Systems - Agencies - Various - P.O. No. P513032

On March 31, 2010, the Board approved the initial award in the amount of \$2,255,220.00. The award contained two 1-year renewal options. This renewal in the amount of \$1,000,000.00 is for the period April 1, 2013 through March 31, 2014, with one 1-year renewal option remaining.

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

MBE: Stronghold Security, LLC 8%

WBE: Cabling Concepts, LLC 4%

MWBOO FOUND VENDOR IN COMPLIANCE.

21. TIDEWATER PRODUCTS, INC.	\$900,000.00	Renewal
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Solicitation No. B50000873 - Polymeric Flocculants, GBT for the Back River Wastewater Treatment Plant - Department of Public Works, Bureau of Water and Wastewater - P.O. No. P505943

On December 24, 2008, the Board approved the initial award in the amount of \$758,835.00. The award contained four 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$900,000.00 is for the period March 1, 2013 through February 28, 2014.

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

22. USALCO, LLC	\$ 0.00	Renewal
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Solicitation No. B50000787 - Polymeric Flocculent - Department of Public Works, Bureau of Water and Wastewater - P.O. No. P519332

On December 10, 2008, the Board approved the initial award in the amount of \$240,524.76. The award contained three 1-year renewal options. Subsequent actions have been approved. This final renewal is for the period February 1, 2013 through January 31, 2014.

MWBOO GRANTED A WAIVER.

23. IRVIN H. HAHN CO., INC.	\$125,000.00	Renewal
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Solicitation No. B50000784 - Police Badges and Insignias - Police Department - Req. Nos. Various

On December 10, 2008, the Board approved the initial award in the amount of \$125,000.00. The award contained two 2-year renewal options. On November 24, 2010, the Board approved the first renewal in the amount of \$125,000.00. This final renewal in the amount of \$125,000.00 is for the period December 16, 2012 through December 15, 2014.

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

- | | | |
|---|-------------|---------|
| 24. SCHAEFER CENTER FOR PUBLIC
POLICY, UNIVERSITY OF
BALTIMORE | \$59,741.00 | Renewal |
| Solicitation No. B50000748 - Baltimore Citizens Planning
Survey - Department of Finance - Req. No. R614445 | | |

On November 26, 2008, the Board approved the initial award in the amount of \$59,741.00. The award contained four 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$59,741.00 is for the period November 26, 2012 through November 25, 2013.

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

MWBOO SET GOALS OF 10% MBE AND 10% WBE. MWBOO GRANTED A WAIVER FOR THE MBE GOAL AND SET THE WBE GOAL AT 17%.

MBE: Waived

WBE: 17.20%

MWBOO FOUND VENDOR IN COMPLIANCE.

A LETTER OF PROTEST AND CORRESPONDENCE HAS BEEN RECEIVED FROM MS. KIM TRUEHEART.

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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As Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board will not hear her questions. Her correspondence has been sent to the appropriate agencies and committee which will respond directly to Ms. Trueheart."

* * * * *

25. THE BEST BATTERY CO, INC.	\$150,000.00	
D.D. & M., INC. d/b/a	0.00	
PASCO INC.		
P AND H AUTO-ELECTRIC, INC.	0.00	
	<u>\$150,000.00</u>	Renewal

Solicitation No. B5000933 - Automotive Starters and Alternators - Department of General Services - P.O. Nos. P506992, P506993 and P506994

On February 25, 2009, the Board approved the initial award in the amount of \$1,115,000.00. The award contained two 1-year renewal options. On February 15, 2012, the Board approved a renewal in the amount of \$300,000.00. This final renewal in the amount of \$150,000.00 is for the period March 13, 2013 through March 12, 2014.

MWBOO GRANTED A WAIVER.

Kim A. Trueheart

November 20, 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 Baltimore City, of which I am a member, in good standing.

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: Page 79, Bureau of Purchases - Solicitation No. B50000748 – Baltimore Citizens Planning Survey – Department of Finance, if approved:
 - a. MWBOO SET GOALS OF 10% MBE AND 10% WBE. MWBOO GRANTED A WAIVER FOR THE MBE GOAL AND SET THE WBE GOAL AT 17%.
 - b. Please provide for inspection the documentation which substantiates the goals being set as noted.
 - c. Deprives the businesses of Baltimore the opportunity to receive the full benefit of the minority and women participation goals as outlined in local policy.
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 onerous burden can only be relieved when the cost saving business practices and participation goals are consistently applied to all procurement actions. This award fails to accomplish that end and will be most costly to the citizens of Baltimore and myself.
4. The Remedy I Seek: This award should NOT be approved and the action should be re-solicited in the interest of true competition.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on November 21, 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

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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| 26. SAFETY LEAGUE, INC.
d/b/a ATLANTIC TACTICAL | \$120,000.00 | Renewal |
| Solicitation No. B50000729 - Police Duty Belts and Accessories
- Police Department - P.O. P505340 | | |

On January 1, 2009, the Board approved the initial award in the amount of \$120,000.00. The award contained four 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$120,000.00 is for the period December 31, 2012 through December 30, 2013.

MWBOO GRANTED A WAIVER.

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|--|--------------|-------------|
| 27. GEN-PROBE, INC. | \$283,000.00 | Sole Source |
| Solicitation No. 08000 - Chlamydia Trachomatis Test Kits -
Health Department - Req. No. R613026 | | |

Gen-Probe, Inc. is the sole manufacturer, distributor and patent-holder of this Chlamydia test kit, which the Health Department has selected as its standard and best meets its needs for a highly sensitive and specific test. Therefore, authority is requested to issue a purchase order in the amount of \$283,000.00.

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

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

UPON MOTION duly made and seconded, the Board approved the foregoing informal awards, renewals, increases and ratification to contracts. The President **ABSTAINED** on item nos. 2, 14, 17, 21, and 22.

MINUTES**TRAVEL REQUESTS**Health Department

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
1. Christian Fuller	Open Forum Meeting for Quality Improvements in Public Health Charlotte, NC Dec. 5 - 9, 2012 (Reg. Fee \$100.00)	General Fund	\$696.89

The subsistence rate for this location is \$148.00 per day. The hotel rate is \$139.00 per night not including \$10.60 per night in occupancy taxes. The Department is requesting an additional \$31.00 per day to cover meals and incidental expenses. The Department has prepaid the airfare in the amount of \$157.70 and registration in the amount of \$100.00 on City issued credit card assigned to Mr. Jerome Chester.

Mr. Fuller will be staying one additional night (December 8 - 9, 2012) at his own expense. The disbursement to Mr. Fuller will be in the amount of \$439.20.

Department of Transportation

2. James Harkness	Transportation Engineering and Safety Conference State College, PA Dec. 4 - 7, 2012 (Reg. Fee \$320.00)	General Funds	\$812.00
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UPON MOTION duly made and seconded, the Board approved the travel requests.

MINUTES

Department of Transportation - Traffic Mitigation Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a traffic mitigation agreement with BCP Investors, LLC for The District at Canton Crossing, located at 3501 Boston Street. The period of the traffic mitigation agreement is effective upon Board approval and termination will be deemed in writing by the Department of Transportation.

AMOUNT OF MONEY AND SOURCE:

\$305,508.60 - 9950-904402-9508-000000-490375

BACKGROUND/EXPLANATION:

The Department of Transportation has determined that a traffic impact study was required for the development at Canton Crossing. BCP Investors, LLC proposes to construct The District at Canton Crossing, located at 3501 Boston Street, which will consist of a 323,993 square foot retail shopping center on Block 6505, Lot 119. The total traffic mitigation payment due from the BCP Investors, LLC is \$455,982.99 less \$150,474.39 that the developer may retain for site access improvements.

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the traffic mitigation agreement with BCP Investors, LLC for The District at Canton Crossing, located at 3501 Boston Street.

MINUTES

Department of Public Works, Bureau - Extension/Relocation
of Water and Wastewater of Contract

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an extension/relocation contract with The BGE, for WC 1168, Deer Creek Pumping Station Improvements.

AMOUNT OF MONEY AND SOURCE:

\$27,461.00 - 9960-904727-9557-900020-706078

BACKGROUND/EXPLANATION:

The BGE will provide electric connection to newly installed 33kv transformers at the Deer Creek Pumping Station Improvements under Contract No. W.C. 1168.

The BGE will begin construction work approximately ten days from receipt of the signed contract, payment, and approved construction print.

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

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the extension/relocation contract with The BGE, for WC 1168, Deer Creek Pumping Station Improvements. The President **ABSTAINED**.

MINUTES

Bureau of Water and - Amendment No. 2 to Agreement
Wastewater (BW&WW)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of amendment no. 2 to agreement with EMA, Inc., for Project 1082, On-Call Process Control and Scada Engineering Services.

AMOUNT OF MONEY AND SOURCE:

\$750,000.00 - various accounts depending on task assignments

BACKGROUND/EXPLANATION:

On July 23, 2008, the Board approved the original agreement in the amount of \$750,000.00 for a three-year period. On March 16, 2011, the Board approved an increase in the amount of \$750,000.00 and extended the agreement through July 23, 2013. The increase in the upset limit from \$1,500,000.00 to \$2,250,000.00 is needed because there have been many additional complexities on this project which required increased coordination with the City and the Baltimore County.

To complete Phase 1, the project has extended to 2013. This increase will allow migration into Phase 2 of the AMI Program including the following tasks:

- increased coordination with the County,
- additional meetings with Zoning, School Board, and General Services,
- greater interface coordination and integration between the CIS Billing System and the AMI System along with migration plans for the implementation of a new CIS Billing System, and

MINUTES

BW&WW - cont'd

- planning and mobilization for moving into Phase 2 of the AMI Program including pre-construction meetings with vendors, development of overall project plan, development of public outreach and education plan.

MBE/WBE PARTICIPATION:

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

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

(FILE NO. 57347)

UPON MOTION duly made and seconded, the Board approved and authorized the execution of the amendment no. 2 to agreement with EMA, Inc., for Project 1082, On-Call Process Control and Scada Engineering Services. The President **ABSTAINED**.

MINUTES

Bureau of Water and Wastewater - Post Award Services Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a post award services agreement with KCI Technologies, Inc., under S.C. 870, Scum/Grease System Improvements at the Back River Wastewater Treatment Plant. The period of the agreement is effective upon Board approval for three years or until the upset limit is reached, whichever occurs first.

AMOUNT OF MONEY AND SOURCE:

\$383,270.54 - Baltimore County
383,270.54 - Baltimore City
\$766,541.08 - 9956-902685-9551-900020-703032

BACKGROUND/EXPLANATION:

Under the terms of this post award services agreement, the consultant will provide post award engineering services during construction of S.C. 870. The services will include engineering information, preparation of operational and maintenance manuals and assistance in training the plant operation personnel in the operation and maintenance of equipment and systems furnished under the contract. The consultant will also process control system consultation, integration and coordination, participate in system start up, develop record drawings, and provide personnel for on-site observation and pile driving monitoring. In addition, the consultant will conduct conditional and final acceptance inspection and prepare list items.

The consultant was approved by the Office of Boards and Commissions and the Architectural and Engineering Awards Commission to design this project.

MINUTES

Bureau of Water and Wastewater - cont'd

MBE: Glyndon Engineering & Technology Co.	\$102,841.16	13.42%
Sidhu Associates, Inc.	97,218.32	12.68%
Leo Matanguihan, Architect	8,712.00	1.13%
Total	\$208,771.48	27.24%
WBE: Carroll Engineering, Inc.	\$ 52,963.30	6.91%
Phoenix Engineering, Inc.	41,452.22	5.41%
Total	\$ 94,415.52	12.32%

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 and authorized the execution of the post award services agreement with KCI Technologies, Inc., under S.C. 870, Scum/Grease System Improvements at the Back River Wastewater Treatment Plant. 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. The President **ABSTAINED**.

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

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MINUTES

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

BIDS, PROPOSALS AND CONTRACT AWARDS

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

THERE WERE NO ADDENDA RECEIVED.

MINUTES

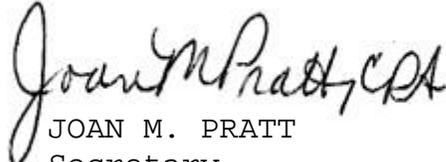
PROPOSAL AND SPECIFICATIONS

1. Bureau of Purchases - B50002684, Backflow
Preventer Service
J. F. Fischer, Inc.
2. Bureau of Purchases - B50002710, Installation
of Stanley Doors "Brand
Name Only"
Atlantic Door Control, Inc.
JLN Construction Services, LLC

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

MINUTES

There being no objections, the Board UPON MOTION duly made and seconded, the Board adjourned until its next regularly scheduled meeting on Wednesday, December 5, 2012.


JOAN M. PRATT
Secretary