

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

The meeting was called to order by the President.

President: "I will direct the Board members attention to the memorandum from my office dated December 10, 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."

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

Mr. Foxx: "Second."

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

MINUTES

BOARDS AND COMMISSIONS1. Prequalification of Contractors

In accordance with the Rules for Prequalification of Contractors, as amended by the Board on October 31, 1991, the following contractors are recommended:

A.L. Ingram Construction LLC	\$	423,000.00
B. Frank Joy, LLC	\$	37,971,000.00
Clark Construction Group, LLC	\$	1,782,441,000.00
Concrete Protection & Restoration, Inc.	\$	8,000,000.00
Ecotone, Inc.	\$	4,491,000.00
General Paving and Contracting, Inc.	\$	7,866,000.00
Judlau Contracting, Inc.	\$	337,212,000.00
Miller, Long & Arnold, Co., Inc.	\$	175,518,000.00
Overhead Door Company of Baltimore, Inc.	\$	7,533,000.00
Riggs Distler & Company, Inc.	\$	1,500,000.00
S. Thomas Contracting, Inc.	\$	3,609,000.00
Sunryse Construction Services, Inc. & Affiliates	\$	8,000,000.00
ValleyCrest Landscape Development, Inc.	\$	861,525,000.00
Weeks Marine, Inc. and Subsidiaries	\$	1,525,779,000.00

MINUTES**BOARDS AND COMMISSIONS** - cont'd2. 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:

Hazen and Sawyer, P.C.	Architect Engineer
Lardner/Klein Landscape Architects, P.C.	Landscape Architect
Marshall Craft Associates, Inc.	Architect
McMahon Associates, Inc.	Engineer Land Survey

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

MINUTES

Baltimore Development - Lease Agreement
Corporation (BDC)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a lease agreement with the Bureau of Water and Waste Water (BW&WW), tenant, for the rental of a portion of the property known as 2901 Druid Park Drive, Suites A101, A103, and A105 also known as the Business Center @ Park Circle, consisting of approximately 4,305 square feet. The period of the agreement is December 1, 2012 through November 30, 2016, with one additional 4-year renewal option.

AMOUNT OF MONEY AND SOURCE:

<u>Year</u>	<u>Annual Rent</u>	<u>Monthly Installments</u>
1	\$51,660.00	\$4,305.00
2	\$53,209.80	\$4,434.15
3	\$54,806.09	\$4,567.17
4	\$56,450.27	\$4,704.19

BACKGROUND/EXPLANATION:

The BW&WW will use the premises for administrative offices.

The space is leased on an "As Is" basis and does not require the landlord to make any modifications. The tenant will be responsible for any additional improvements or build out of the premises.

All other landlord services such as utilities, limited janitorial services, maintenance and repairs to the premises are included in the base rent.

MINUTES

BDC - cont'd

In addition, the tenant, in lieu of providing evidence of Commercial Insurance, the Landlord will permit the tenant to be self insured for any part or all of its Insurance requirements under this agreement.

(FILE NO. 57280)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the lease agreement with the Bureau of Water and Waste Water, tenant, for the rental of a portion of the property known as 2901 Druid Park Drive, Suites A101, A103, and A105 also known as the Business Center @ Park Circle, consisting of approximately 4,305 square feet. The President **ABSTAINED.**

MINUTES

Baltimore Development - Fourth Amendment to
Corporation (BDC) Office Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of 4th amendment to office lease agreement with the Municipal Employees Credit Union of Baltimore (MECU), tenant, for the rental of a portion of the property known as 7 East Redwood Street, 10th floor, consisting of approximately 7,210 square feet. The period of the amendment is January 1, 2013 through July 31, 2016.

AMOUNT OF MONEY AND SOURCE:

<u>Period</u>	<u>Monthly Installments</u>	<u>Annual Rent</u>
01/01/2013 - 02/28/2013		Free
03/01/2013 - 12/31/2013	\$9,012.50	\$ 90,125.00
01/01/2014 - 12/31/2014	\$9,282.88	111,394.56
01/01/2015 - 12/31/2015	\$9,561.37	114,736.44
01/01/2016 - 07/31/2016	\$9,848.21	68,937.48

BACKGROUND/EXPLANATION:

MECU is an existing tenant at 7 E. Redwood Street and needs the additional space for expansion of their existing operations.

The landlord will perform no tenant improvements.

(FILE NO. 56177)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the 4th amendment to office lease agreement with the Municipal Employees Credit Union of Baltimore, tenant, for the rental of a portion of the property known as 7 East Redwood Street, 10th floor, consisting of approximately 7,210 square feet.

MINUTES

EXTRA WORK ORDERS

* * * * *

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders

listed on the following page:

4918

All of the EWOs had been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

The President **ABSTAINED** on item nos. 1-2.

MINUTES

EXTRA WORK ORDERS

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

Bureau of Water and Wastewater

- | | | | | |
|---|-----------------|--------------------------|-----|---|
| 1. EWO #026, \$480,150.00 - WC 1212, Water Appurtenance Installations | | | | |
| \$ 4,997,010.40 | \$ 1,600,552.41 | R.E. Harrington | 180 | - |
| | | Plumbing & Heating, Inc. | | |

The current completion date for this project is December 14, 2012. The new expiration date is June 14, 2013. This extension will allow the City to complete water appurtenance installations with available funds until a new contract can be advertised and awarded.

- | | | | | |
|---|---------------|---------------------|---|---|
| 2. EWO #004, \$421,491.27 - WC 1217, Urgent Need Work - Infrastructure Rehabilitation-Variour Locations | | | | |
| \$ 5,373,325.00 | \$ 350,865.06 | Spiniello Companies | - | - |

Department of General Services

- | | | | | |
|---|---|------------------------|---|----|
| 3. EWO #001, \$41,511.00 - GS 11830, Greyhound Station Demolition | | | | |
| \$ 1,227,000.00 | - | Potts & Callahan, Inc. | - | 50 |

Department of Transportation

- | | | | | |
|--|--------------|------------------------------|---|---|
| 4. EWO #003, (\$ 20.00) - TR 12008, Resurfacing Highways at Various Locations Citywide Emergency JOC - III | | | | |
| \$ 1,429,734.50 | \$ 28,755.94 | P. Flanigan & Sons, Inc. | - | - |
| 5. EWO #001, \$ 4,728.65 - TR 12318, I-83 at 29 th Street Repairs | | | | |
| \$ 1,997,975.00 | - | John Brawner Contracting Co. | - | - |

MINUTES

TRANSFER OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Transfer of Funds

listed on the following page:

4920

SUBJECT to receipt of favorable a report

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Housing and Community Development</u>		
1. \$1,108,949.00 21 st CDBG	9991-945002-9587 Unallocated Reserve	
\$ 908,949.00	-----	9996-938003-9593 Deferred Loan Program
<u>200,000.00</u>	-----	9996-916089-9593 Emergency Roof Repair
\$1,108,949.00		

This transfer will provide funding for the Housing Repair Assistance Programs for fiscal year 2013.

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. 100 E. Pratt St.	100 East Pratt St. Business Trust	One flag pole 50 ft.
Flat Charge: \$ 7.00		
2. 1724 Aliceanna St.	Kenny Kan	One bracket sign 2' x 3', one cornice sign 4' x 1'
Annual Charge: \$ 87.90		
3. 721 S. Broadway	Maria Karabelas	Four spot reflectors
Annual Charge: \$ 84.48		
4. 2111 Ashland Avenue	Roman Catholic Archbishop of Baltimore	Handicap ramp
Annual Charge: \$ 70.30		
5. 1121 Light St.	Reamer Holdings, LLC	One awning 17' x 2'6", one bracket sign 3.5' x 2.5'
Annual Charge: \$145.52		

There are no objections, since no protests were received.

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

MINUTES

Wage Commission - Living Wage Recommendation for FY 2014

The Wage Commission in accordance with Article 5, Subtitle 26, Baltimore City Code (Living Wage), is required to recommend to the Board of Estimates, on or before December 15, of each calendar year a revised Living Wage Rate for the City of Baltimore services contracts for the coming fiscal year.

The Wage Commission reviewed the yearly revision of the U.S. Bureau of Census Poverty threshold for a family of four. After careful consideration of the Bureau of Census poverty level threshold, currently set at \$23,021.00 for a family of four, and other wage data, the Commission is recommending to the Board of Estimates that the Living Wage be increased from the current hourly rate of \$10.73 to \$11.07 beginning July 1, 2013.

Methodology for calculation:

\$23,021.00 divided by 2,080 (a 40 hour week x 52) = \$11.07

UPON MOTION duly made and seconded, the Board approved the Wage Commission in accordance with Article 5, Subtitle 26, Baltimore City Code, as required to recommend to the Board of Estimates, on or before December 15, of each calendar year the revised Living Wage Rate for the City of Baltimore services contracts for the coming fiscal year.

MINUTESWage Commission - Prevailing Wage Rate Recommendation 2013**ACTION REQUESTED OF B/E:**

The Board is requested to approve the recommended Prevailing Wage Rates in accordance with Article 5, Subtitle 25, Baltimore City Code, to be paid to laborers, mechanics and apprentices on all Prevailing Wage projects awarded by the Mayor and City Council of Baltimore. It is recommended that the rates become effective for contracts that are advertised on or after December 31, 2012.

BACKGROUND/EXPLANATION:

The submitted recommended Prevailing Wage rates represent an average increase of 0.01% for classes 1, 2, 3 and 5 (\$32.33 is the dollar amount increase).

Class 1	Building Construction	0.01%
Class 2	Highways	0.01%
Class 3	Utility	0.0%
Class 5	Purchases, etc.	1.01%
		0.01 Average Increase

The Wage Commission completed its annual study of the City's Prevailing Wage rates.

The Wage Commission requested evidence from contracting associations, unions related trade groups and the general public on work both public and private, in order to establish rates to be recommended to the Board of Estimates.

Classification 4 is not included in this calculation since this residential category applies to federally funded HUD projects and has no impact on the City's general funds. For this reason the Wage Commission adopted the US DOL wage rates for this category.

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

Kim A. Trueheart

December 11, 2012

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

Dear Ms. Taylor:

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

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

1. Whom you represent: Self
2. What the issues are:
 - a. Pages 12, Wage Commission – Prevailing Wage Rate Recommendation 2013, if approved:
 - i. Please provide for inspection the following:
 1. The annual study of the City's Prevailing Wage rates;
 2. The notification method use by the Wage Commission to request evidence from contracting associations, unions related trade groups and the general public on work both public and private, in order to establish rates to be recommended to the Board of Estimates.
 3. How the protestant will be harmed by the proposed Board of Estimates' action: The Prevailing Wage Rate must reflect market thresholds to ensure the City remains competitive with commercial employers which will facilitate the highest quality of skilled workers employed on City contracts other tax-payers will NOT benefit to the greatest extent possible and expected when tax-payer funds are expended.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on December 12, 2012.

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

Sincerely,
Kim Trueheart, Citizen & Resident

5519 Belleville Ave
Baltimore, MD 21207

MINUTES

Wage Commission - cont'd

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

UPON MOTION duly made and seconded, the Board approved the recommended Prevailing Wage Rates in accordance with Article 5, Subtitle 25, Baltimore City Code, to be paid to laborers, mechanics and apprentices on all Prevailing Wage projects awarded by the Mayor and City Council of Baltimore.

MINUTES

Mayor' Office of Human Services (MOHS) - Grant 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. **PROJECT PLASE, INC.** **\$159,527.00**

Account: 4000-490913-3573-333626-603051

Project PLASE, Inc. will utilize the funds to provide assistance with transportation, utilities, security deposits, eviction prevention as well as offset some operating costs for supporting 50 homeless men, women and families with HIV/AIDS.

MWBOO GRANTED A WAIVER.

2. **PROJECT PLASE, INC.** **\$ 72,240.00**

Account: 4000-496212-3573-267826-603051

Project PLASE, Inc. will provide housing and supportive services to 10 homeless men and women with HIV/AIDS. The funds will be utilized to offset the cost of staffing who provide service linkages and case management services to the 10 homeless men and women residing at Project PLASE's single occupancy units located at 1814 Maryland Avenue. The period of the agreement is October 1, 2012 through September 30, 2013.

MWBOO GRANTED A WAIVER.

A PROTESTS WERE 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 protests. Her correspondences have been sent to the appropriate agency and/or committee which will respond directly to Ms. Trueheart.

Kim A. Trueheart

December 12, 2012

Board of Estimates

Attn: Clerk

City Hall, Room 204

100 N. Holliday Street,

Baltimore, Maryland 21202

Dear Ms. Taylor:

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

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 Items #1 & 2, Mayor's Office of Homeless Services (MOHS) – Agreements - PROJECT PLASE, INC., if approved:
 - i. Since February 2012 Project Plase, Inc has been awarded over \$3,200,000 in tax-payer funds;
 - ii. Each disbursement has included a determination by the Mayor's Minority and Women's Business Opportunity Office that "MWBOO GRANTED A WAIVER.";
 - iii. This MWBOO determination is out-right discriminatory;
 - iv. The MWBOO determination has remarkably, some how ignored factoring the breath of services rendered by this agency which are varied and diverse across multiple business sectors;
 - v. This action fails to demonstrate that there is a lack of minority businesses available to perform;
 - vi. This action fails to substantiate this outrageous MWBOO determination which clearly discriminates against minority and women owned business for some untold reason.
3. How the protestant will be harmed by the proposed Board of Estimates' action: Project Plase, Inc. is receiving municipal funds and should be required to spend those funds with minority and women owned businesses as outlined in municipal policy. When municipal funds are NOT spent in accordance with municipal policy, members of my community and I suffer unnecessary hardship, unemployment and do not receive desperately needed services.
4. The remedy I seek and respectfully request is that this action be delayed until the MWBOO reassesses and adjusts its determination.

5519 Belleville Ave
Baltimore, MD 21207

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on December 12, 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

homeless individuals at their facility located at 1814 Maryland Avenue. The services will enable these individuals to become stable, connected to resources and access long-term or permanent housing. The period of the agreement is October 1, 2012 through September 30, 2013.

MWBOO GRANTED A WAIVER.

5519 Belleville Ave
Baltimore, MD 21207

MINUTES

MOHS - cont'd

3. **ASSOCIATED CATHOLIC CHARITIES, INC.** **\$290,379.00**
(ACC)

Account: 4000-496212-3572-591404-603051

The ACC will utilize the funds to provide housing and extended supportive services to 27 homeless women with disabilities. Services will include but will not be limited to case management, life skills training, service referrals and counseling. The period of the agreement is February 1, 2012 through January 31, 2013.

MWBOO GRANTED A WAIVER.

4. **ASSOCIATED CATHOLIC CHARITIES, INC.** **\$113,546.00**
(ACC)

Account: 5000-529113-3572-333705-603051

The ACC will utilize the funds to offset the costs of operating 50 day shelter units for homeless women and women with children. Operating costs include the cost of shelter, food, outreach and case management services.

MWBOO GRANTED A WAIVER.

A PROTESTS WERE 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 protests. Her correspondences have been sent to the appropriate agency and/or committee which will respond directly to Ms. Trueheart.

Kim A. Trueheart

December 11, 2012

Board of Estimates

Attn: Clerk

City Hall, Room 204

100 N. Holliday Street,

Baltimore, Maryland 21202

Dear Ms. Taylor:

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

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 14 Item #4, Mayor's Office of Human Services (MOHS) - ASSOCIATED CATHOLIC CHARITIES, INC., if approved:
 - i. Since December 2011 ASSOCIATED CATHOLIC CHARITIES, Inc has been awarded over \$5,500,000 in tax-payer funds;
 - ii. Each disbursement has included a determination by the Mayor's Minority and Women's Business Opportunity Office that "MWBOO GRANTED A WAIVER.";
 - iii. This MWBOO determination is out-right discriminatory;
 - iv. The MWBOO determination has remarkably, some how ignored factoring the breath of services rendered by this agency which are varied and diverse across multiple business sectors;
 - v. This action fails to demonstrate that there is a lack of minority businesses available to perform;
 - vi. This action fails to substantiate this outrageous MWBOO determination which clearly discriminates against minority and women owned business for some untold reason.
3. How the protestant will be harmed by the proposed Board of Estimates' action: ASSOCIATED CATHOLIC CHARITIES, Inc. is receiving municipal funds and should be required to spend those funds with minority and women owned businesses as outlined in municipal policy. When municipal funds are NOT spent in accordance with municipal policy, members of my community and I suffer unnecessary hardship, unemployment and do not receive desperately needed services.
4. The remedy I seek and respectfully request is that this action be delayed until the MWBOO reassesses and adjusts its determination.
- 5.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on December 12, 2012.

5519 Belleville Ave
Baltimore, MD 21207

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

Sincerely,
Kim Trueheart, Citizen & Resident

5519 Belleville Ave
Baltimore, MD 21207

MINUTES

MOHS - cont'd

5. **PEOPLE ENCOURAGING PEOPLE** **\$570,394.00**

Account: 4000-496212-3573-591486-603051

People Encouraging People will utilize the funds to offset the cost of providing permanent housing and case work services for 44 homeless adults with disabilities that include physical, mental or emotional impairment and HIV/AIDS. Services will include but not be limited to referrals, assessment of the conditions that lead to homelessness, assessment of needs and strengths, needs and referrals to assistance for benefits and entitlements. The period of the agreement is October 1, 2012 through September 30, 2013.

MWBOO GRANTED A WAIVER.

6. **WOMEN ACCEPTING RESPONSIBILITY, INC.** **\$ 71,330.00**

Account: 4000-496212-3573-591447-603051

The organization will utilize the funds to hire a licensed Social Worker who will serve as a case manager and provide support services to a total of six women and their children who are disabled due to substance abuse and/or HIV/AIDS. The period of the agreement is August 1, 2012 through July 31, 2013.

MWBOO GRANTED A WAIVER.

7. **MERCY MEDICAL CENTER, INC.** **\$ 92,174.00**

Account: 4000-480013-3571-333665-603051

Mercy Medical Center, Inc. will utilize the funds to offset the cost of a case manager and a resident advocate who will provide homeless support services to clients, as well as offset the cost of eviction prevention grants for eligible clients in Baltimore City.

MWBOO GRANTED A WAIVER.

MINUTES

MOHS - cont'd

8. **AIDS INTERFAITH RESIDENTIAL SERVICES, INC.** **\$ 54,384.00**

Account: 4000-480013-3572-333649-603051

AIDS Interfaith Residential Services, Inc. will utilize the funds to offset the operating costs of their supportive housing program at Carriage House, located at 114 W. 21st Street. Operating costs include but are not limited program staff salaries, supplies, food and other assistance for clients.

MWBOO GRANTED A WAIVER.

9. **MARIAN HOUSE, INC.** **\$ 32,198.00**

Account: 4000-496212-3573-267825-603051

Marian House, Inc. will utilize the funds to offset the cost of one full-time Case Manager who provides case management and support services to 37 clients and their families who have a history of disability due to substance abuse or mental illness. The period of the agreement is June 1, 2012 through May 31, 2013.

10. **WOMEN'S HOUSING COALITION, INC.** **\$ 7,500.00**

Account: 5000-525113-3573-333735-603051

The Women's Housing Coalition, Inc. will utilize the funds to offset the cost of a case manager and computer system required for case management and data management at their Margaret Jenkins House Program in Baltimore City.

The agreements are late because of 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 execution of the aforementioned agreements.

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) - Options</u>			
1. Rebecca Harmatz, (Deceased), Richard B. Jacobs and Jerome Schuman, P.R.	945 N. Castle St.	G/R \$78.00	\$ 520.00
2. William L. Adams (Deceased)	2007 E. Eager St.	G/R \$36.00	\$ 240.00
3. Donald L. Francis	2101 E. Eager St.	G/R \$48.00	\$ 320.00

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

(FILE NO. 56017)

4. John William Chesley, Jr.	2100 N. Calvert St.	G/R \$150.00	\$1,250.00
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Funds are available in account 9910-904713-9588-900000-704040, Barclay Project.

(FILE NO. 57066)

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

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
-----------------	-----------------	-----------------	---------------

Department of Law - Condemnations - Payments of Settlements

- | | | | |
|---|------------------------|-----|-------------|
| 5. William Lewis, Jr.
(previous owner) | 4922 Denmore
Avenue | F/S | \$11,800.00 |
|---|------------------------|-----|-------------|
- Funds are available in Account No. 9910-903187-9588-900000-704040, Park Heights Demo-Woodland/Virginia Avenue Corridor.

On February 15, 2012, the Board approved the acquisition of the fee simple interest in 4922 Denmore Avenue by condemnation for the amount of \$7,700.00. The owner of the property interest valued it at \$27,000.00. The parties agreed to settle the action for \$19,500.00. Therefore, the Board is requested to approve an additional \$11,800.00, the difference between the previous approval of \$7,700.00 and the total settlement of \$19,500.00.

- | | | | |
|---|------------------------|-----|-------------|
| 6. Kenneth B. Mumaw
(previous owner) | 4900 Denmore
Avenue | L/H | \$13,500.00 |
|---|------------------------|-----|-------------|
- Funds are available in Account No. 9910-903187-9588-900000-704040, Park Heights Demo-Woodland/Virginia Avenue Corridor.

On March 28, 2012, the Board approved the acquisition of the leasehold interest in 4900 Denmore Avenue by condemnation for the amount of \$6,000.00. The owner of the property interest valued it at \$27,000.00. The parties agreed to settle the action for \$19,500.00. Therefore, the Board is requested to approve an additional \$13,500.00, the difference between the previous approval of \$6,000.00 and the total settlement of \$19,500.00.

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Department of Law - Condemnations - Payments of Settlements</u>			
7. Celine Bobb Innis (previous owner)	4942 Denmore Avenue	L/H	\$16,300.00
Funds are available in Account No. 9910-903187-9588-900000-704040, Park Heights Demo-Woodland/Virginia Avenue Corridor.			

On February 22, 2012, the Board approved the acquisition of the leasehold interest in 4942 Denmore Avenue by condemnation for the amount of \$3,200.00. The owner of the property interest valued it at \$27,000.00. The parties agreed to settle the action for \$19,500.00. Therefore, the Board is requested to approve an additional \$16,300.00, the difference between the previous approval of \$3,200.00 and the total settlement of \$19,500.00.

8. Lee D. Higginbotham (previous owner)	4938 Denmore Avenue	L/H	\$ 7,300.00
Funds are available in Account No. 9910-903187-9588-900000-704040, Park Heights Demo-Woodland/Virginia Avenue Corridor.			

On February 22, 2012, the Board approved the acquisition of the leasehold interest in 4938 Denmore Avenue by condemnation for the amount of \$12,200.00. The owner of the property interest valued it at \$27,000.00. The parties agreed to settle the action for \$19,500.00. Therefore, the Board is requested to approve an additional \$7,300.00, the difference between the previous approval of \$12,200.00 and the total settlement of \$19,500.00.

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Department of Law - Condemnations - Payments of Settlements</u>			
9. Hallow'd House, LLC (previous owner)	4930 Denmore Avenue	F/S	\$12,000.00
Funds are available in Account No. 9910-903187-9588-900000-704040, Park Heights Demo-Woodland/Virginia Avenue Corridor.			

On January 11, 2012, the Board approved the acquisition of the fee simple interest in 4930 Denmore Avenue by condemnation for the amount of \$7,500.00. The owner of the property interest valued it at \$27,000.00. The parties agreed to settle the action for \$19,500.00. Therefore, the Board is requested to approve an additional \$12,000.00, the difference between the previous approval of \$7,500.00 and the total settlement of \$19,500.00.

(FILE NO. 57083)

UPON MOTION duly made and seconded, the Board approved and authorized the foregoing options, condemnations payments of settlements.

MINUTES

Fire and Police Employees' - Subscription for Additional
Retirement System (F&P) Participating Shares

ACTION REQUESTED OF B/E:

The Board is requested to approve the subscription for additional participating shares in Crown Global Secondaries III PLC, managed by LGT Capital Partners (Ireland) Limited.

AMOUNT OF MONEY AND SOURCE:

\$15,000,000.00

No general funds monies are involved in this transaction. All funds expended will be expended from the F&P.

BACKGROUND/EXPLANATION:

On January 25, 2012, the Board approved a \$10,000,000.00 investment by the F&P in Crown Global Secondaries III PLC, a private equity fund-of-funds focusing on secondary market investment, selected by the F&P Board of Trustees after conducting a search. That search and selection process was conducted with the assistance and advice of the F&P System's investment advisor, Summit Strategies Group, who is now recommending that the F&P invest an additional \$15,000,000.00 in the fund-of-funds for a total of \$25,000,000.00.

MWBOO GRANTED A WAIVER.

UPON MOTION duly made and seconded, the Board approved the subscription for additional participating shares in Crown Global Secondaries III PLC, managed by LGT Capital Partners (Ireland) Limited. The Comptroller **ABSTAINED**.

MINUTES

Fire and Police Employees' - Subscription for Additional
Retirement System (F&P) Participating Shares

ACTION REQUESTED OF B/E:

The Board is requested to approve the subscription for additional participating shares in Crown Asia-Pacific Private Equity II PLC, managed by LGT Capital Partners (Ireland) Limited.

AMOUNT OF MONEY AND SOURCE:

\$10,000,000.00

No general funds monies are involved in this transaction. All funds expended will be expended from the F&P.

BACKGROUND/EXPLANATION:

On January 25, 2012, the Board approved a \$7,500,000.00 investment by the F&P in Crown Asia-Pacific Private Equity II PLC, a private equity fund-of-funds focusing on emerging markets, selected by the F&P Board of Trustees after conducting a search. That search and selection process was conducted with the assistance and advice of the F&P System's investment advisor, Summit Strategies Group, who is now recommending that the F&P invest an additional \$10,000,000.00 in the fund-of-funds for a total of \$17,500,000.00.

MWBOO GRANTED A WAIVER.

UPON MOTION duly made and seconded, the Board approved the subscription for additional participating shares in Crown Asia-Pacific Private Equity II PLC, managed by LGT Capital Partners (Ireland) Limited. The Comptroller **ABSTAINED**.

MINUTES

Employees' Retirement System (ERS) - Investment Management Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an investment management agreement with Herndon Capital Management, LLC (Herndon).

AMOUNT OF MONEY AND SOURCE:

\$20,000,000.00

No general funds monies are involved in this transaction. All funds expended will be expended from the OPEB Trust.

Annual management fee - approximately \$120,000.00 per year

BACKGROUND/EXPLANATION:

The ERS Board, as the OPEB investment fiduciary, conducted a nationwide search for a large cap equity investment manager for a mandate of approximately \$20,000,000.00. The Board narrowed the eligible firms to four finalists and conducted interviews. With the recommendation of the OPEB Trust investment consultant, Herndon was selected.

MWBOO GRANTED A WAIVER.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the investment management agreement with Herndon Capital Management, LLC. The Comptroller **ABSTAINED**.

MINUTES

Police Department - Grant Awards**ACTION REQUESTED OF B/E:**

The Board is requested to approve acceptance of the following grant awards from the Governor's Office of Crime Control and Prevention (GOCCP). The period of the grant award is July 1, 2012 through June 30, 2013, unless otherwise noted.

1. **DRUG INTERDICTION INITIATIVE** **\$2,454,422.00**

Account: 5000-511513-2013-198400-600000

The Department's Violent Crime Reduction through Drug Interdiction Initiative combats violent crime and drug-related violence. The project utilizes a multi pronged, aggressive strategy designed to decrease the occurrence of open-air drug markets and the devastating violence they foster. Program funds provide salaries for seven Detective/Sergeants, 21 Detective Officers, overtime pay and fringe benefits. With these funds the Department significantly curbs drug activity on a prolonged and permanent basis and effectively reduces violent crime caused by these factors.

2. **NEIGHBORHOOD FOOT PATROL PROGRAM** **\$2,763,600.00**

Account: 5000-511213-2041-196700-600000

The Neighborhood Foot Patrol Program increases police presence in high crime areas. The program prevents crime through the utilization of foot patrol, increasing public confidence in the effectiveness of police, reducing fear and enhancing personal security. A police officer's presence is a significant contributor to deterring crime and increasing the public perception of police omnipresence. Grant funds provide salaries, overtime pay, and social security/fringe benefits.

APPROVED FOR FUNDS BY FINANCE.

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

MINUTES

Police Department - cont'd

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

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

UPON MOTION duly made and seconded, the Board approved acceptance of the following grant awards from the Governor's Office of Crime Control and Prevention.

Kim A. Trueheart

December 11, 2012

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

Dear Ms. Taylor:

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

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 24, Item #2, Police Department – Grant Awards - NEIGHBORHOOD FOOT PATROL PROGRAM, if approved:
 - i. The grant funds the Neighborhood Foot Patrol Program which increases police presence in high crime areas.
 - ii. Increased contact with citizens warrants improved decision making by officers which can partly be achieved by raising the academic completion levels of these officers.
 - iii. Please provide access to the budgetary schedule which identifies the portion of this grant which will be allocated for tuition reimbursement and/or advanced academic training of assigned officers.
3. How the protestant will be harmed by the proposed Board of Estimates' action: This action presents a NO-Brainer opportunity for the City to recoup funds for this necessary expense which until now has NOT been funded and thus our patrol officers are unable to fulfill the tenets of the desired “fair and impartial policing strategy” our new Commissioner has pledged to implement.
4. The remedy I seek and respectfully request is that this action be modified to ensure a portion of the funds are allocated for tuition reimbursement and/or advanced academic training for assigned officers.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on December 12 2012.

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

Sincerely,
Kim Trueheart, Citizen & Resident

5519 Belleville Ave
Baltimore, MD 21207

MINUTES

Police Department - Grant Adjustment Notification

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of the grant adjustment notice (GAN) from the United States Department of Justice, Office of Justice Programs, and Bureau of Justice Assistance. The GAN extends the period of the grant award through March 31, 2013.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On December 8, 2010, the Board approved acceptance of a grant award agreement for the 2010 Baltimore Police Department Gun Violence Reduction Strategy. Grant funds are used to enhance monitoring and supervision of gun offenders. An administrative extension is being submitted as a result of Hurricane Sandy.

APPROVED FOR FUNDS BY FINANCE**AUDITS NOTED THE TIME EXTENSION.**

UPON MOTION duly made and seconded, the Board approved acceptance of the grant adjustment notice from the United States Department of Justice, Office of Justice Programs, and Bureau of Justice Assistance.

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:

4940 - 4941

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

The Transfers of Funds were approved
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.

Item no. 3 and 4 was **DEFERRED**.

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

The President **ABSTAINED** on item nos. 1-5.

The Comptroller **ABSTAINED** on item no. 5.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Water and Wastewater

1. WC 1238, Locating and Resetting Meter Vaults and Renew Water Supply Services	K&K Adams, Inc.	\$2,543,711.40	
MBE: Machado Construction Company, Inc.	\$335,900.00		13.21%
WBE: Haines Industries, Inc.	\$ 20,000.00		0.79%
Barbies Recycling & Hauling, Inc.	60,000.00		2.36%
	<u>\$ 80,000.00</u>		<u>3.15%</u>

MWBOO FOUND VENDOR IN COMPLIANCE

2. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Bureau of Water and Wastewater</u>		
\$2,325,542.33	9960-9558133	
Counties	Construction Reserve	
1,032,156.67	Meter Replacements	
<u>Water Rev. Bonds</u>		
\$3,357,699.00		
\$ 254,371.30	-----	9960-915138-9557-2 (Extra Work)
254,371.30	-----	9960-915138-9557-3 (Engineering)
152,622.50	-----	9960-915138-9557-5 (Inspection)
2,543,711.40	-----	9960-915138-9557-6 (Construction)
<u>152,622.50</u>	-----	9960-915138-9557-9 (Administration)
\$3,357,699.00		

The funds are required to cover the cost of the award for WC 1238, Locating and Resetting Meter Vaults and Renew Water Supply Services.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Water and Wastewater - cont'd

3. SC 899, Improvements to Insituform Tech- \$12,161,242.60
 Sanitary Sewers in nologies, LLC
 Western Run Area in the
 Jones Falls Sewershed

MBE: Daco Construction Corporation	\$973,000.00	8.00%
WBE: M. Luis Construction Company, Inc.	\$365,000.00	3.00%
Sunrise Safety Services, Inc.	97,300.00	0.80%
	<u>\$462,300.00</u>	<u>3.80%</u>

MWBOO FOUND VENDOR IN COMPLIANCE

4. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
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Bureau of Water and Wastewater

\$12,649,637.92	9960-906626-9549	
Wastewater	Constr. Res.	
Revenue Bonds	Rehab Program Jones Falls	
3,403,202.08	" " "	
<u>Baltimore County</u>		
\$16,052,840.00		
\$ 1,216,124.00	-----	9956-903645-9551-2 (Extra Work)
1,216,124.00	-----	9956-903645-9551-3 (Engineering)
729,674.70	-----	9960-903645-9551-5 (Inspection)
12,161,242.60	-----	9960-903645-9551-6 (Construction)
729,674.70	-----	9960-903645-9551-9 (Administration)
<u>\$16,052,840.00</u>		

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases - cont'd

The funds are required to cover the cost of the award for SC 899, Improvements to Sanitary Sewers in Western Run Area of the Jones Falls.

A PROTEST WAS RECEIVED FROM SAK CONSTRUCTION, LLC.

PROTESTS WERE RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION AND 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.

5. B50002684, Testing and Repair of Backflow Preventer Devices	J.F. Fischer, Inc.	\$ 150,000.00
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(DPW, Bureau of Water & Wastewater)

MWBOO SET THE MBE GOALS AT 10% AND THE WBE GOALS AT 0%.

MBE: Horton Mechanical Contracting, Inc. \$14,565.00 10%

MWBOO FOUND VENDOR IN COMPLIANCE

6. B50002710, Installation of Stanley Doors	JLN Construction Services, LLC	\$ 100,687.00
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(Baltimore Convention Center)

MWBOO SET MBE AND WBE GOALS AT 0%.

Kim A. Trueheart

December 11, 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 29, Item #3, Bureau of Water and Wastewater - RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS - SC 899, if approved:
 - i. This award in the amount of \$12,161,242.60 fails to:
 1. Disclose the estimate of the number of jobs anticipated;
 2. Impose the maximum MBE/WBE goals allowable under the current law;
 - ii. Please provide access to the document that provides an estimate of the number of jobs anticipated as a result of this contract award.
 - iii. Please provide access to the decision elements used to substantiate a reduction in the maximum MBE/WBE goals allowed.
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 me and my fellow citizens excessive amounts of money in cost over-runs and wasteful spending, without benefit of local jobs and minority/women contracts.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on December 12, 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



SAK
CONSTRUCTION
PIPE REHABILITATION AND
TUNNEL CONTRACTOR

National Headquarters
864 Hoff Rd.
O'Fallon, MO 63366
636.379.2350 telephone
636.379.2461 fax
www.sak-construction.com

Jerry Shaw
President
Robert Affholder
Vice Chairman
Tom Kalishman
Chairman

October 9, 2012

City of Baltimore
Board of Estimates
Room 204, City Hall
Baltimore, Maryland 21202

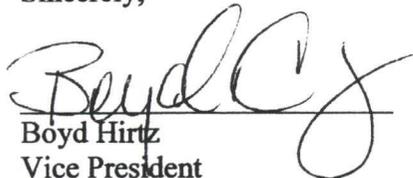
Attention: Ms. Joan M. Pratt, CPA
Comptroller and Secretary to the Board

Project Reference: SC 899, Improvements to Sanitary Sewers in Western Run Area in the Jones Falls Sewershed

Dear Ms. Pratt,

Please be advised that SAK Construction, LLC formally protests the award of the referenced project. We outlined in our letter dated September 14, 2012 (copied enclosed) which was delivered to the City of Baltimore on September 17, 2012 that we did not receive from the City of Baltimore the referenced 'Bid Book' in our bid documents. Your letter dated September 28, 2012 does not reference or mention our letter sent to you, and we are confident that if we had been given the proper bid materials by the City of Baltimore, including the 'Bid Book', SAK would have had the opportunity to be the successful low bidder.

Sincerely,


Boyd Hirtz
Vice President

Copy: Mr. Gary Smith, Lewis Rice Fingeresh

Enclosed: SAK Construction, LLC letter dated September 14, 2012 sent to the City of Baltimore, City of Baltimore letter sent to SAK Construction dated September 28, 2012

CITY OF BALTIMORE

BOARD OF ESTIMATES

Room 204, City Hall
Baltimore, Maryland 21202
410-396-4755



BERNARD C. "JACK" YOUNG
PRESIDENT, CITY COUNCIL

ALFRED H. FOXX
DIRECTOR OF PUBLIC WORKS

STEPHANIE RAWLINGS-BLAKE
MAYOR

GEORGE A. NILSON
CITY SOLICITOR

JOAN M. PRATT
COMPTROLLER

BERNICE H. TAYLOR
DEPUTY COMPTROLLER
AND CLERK TO THE BOARD

September 28, 2012

Mr. Boyd Hirtz, Vice President
SAK Construction, LLC
864 Hoff Road
O'Fallon, Missouri 63366

Re: SC 899, Improvements to Sanitary Sewers in Western Run Area in
the Jones Falls Sewershed

Dear Mr. Hirtz:

Please be advised that your bid, opened on September 12, 2012 on the
above-mentioned contract, was considered **NON-RESPONSIVE** due to your
company's failure to submit a complete original bid book as required
by the bid instructions.

Your firm failed to present the bid as part of the Bid Book as
required and described by the Notice to Bidders. Your firm did not
submit an original bid, but instead submitted two duplicate copies,
and your firm did not include all of the bid pages that were a part of
the bid. Since your bid was not received as outlined in the
solicitation instructions, the City cannot accept your submission.

Please make arrangements to pick-up your bid materials which will be
available in City Hall, Room 204, until **December 26, 2012**. Materials
not picked up by this time will be discarded.

For complete information on all procedures to follow when submitting a
contract for the Bureau of Water & Wastewater, please contact them at
200 N. Holliday Street, Baltimore, MD 21202, Telephone: Area Code 410
396-4041. For contracts other than the Bureau of Water & Wastewater,
please contact the appropriate City Agency.

Sincerely yours,

JOAN M. PRATT, CPA
Comptroller

and

Secretary to the Board



*Cleaner Water.
Safer Pipelines.
Less Disruption.*

National Headquarters
864 Hoff Rd.
O'Fallon, MO 63366
636.385.1000 telephone
636.385.1100 fax
www.sakcon.com

September 14, 2012

Alfred H. Foxx
Director of Public Works
City of Baltimore
600 Abel Wolman Municipal Building
Baltimore, MD 21202

**RE: SAK Construction, LLC Bid Proposal
Sanitary Contracts No. 898 and 899
Bid Date: September 12, 2012**

Dear Mr. Foxx:

SAK Construction, LLC (SAK) respectfully submits this request for understanding in an attempt to comprehend the unusual events that occurred at the bid opening for the two above referenced City of Baltimore projects. SAK has never bid City of Baltimore Projects, and SAK is unfamiliar with the standard documents typically included in the bid documents for the City of Baltimore.

When both of SAK's bids were opened it was stated by a City of Baltimore representative that both SAK bids would be forwarded for "Law Department Review". SAK representatives in attendance had already noticed that after each of the other bidders' bid packages were opened and read, they were then placed on the edge of the platform, and it was clear that each package included a bound document approximately 2 inches to 3 inches in thickness. As a result, our SAK representatives became concerned as SAK never received any such bound document, and therefore we did not have the opportunity to include this information with our two SAK bids. SAK now assumes that the bound document that SAK never received by the City of Baltimore has caused the "Law Department Review" for SAK's bid for Sanitary Projects 898 and 899.

Immediately after all the bid openings, SAK representatives questioned another company's representative that was present at the bid opening regarding the bound document that was turned in with their respective bids. It was quickly determined that SAK never received the full set of bid information. With this knowledge our SAK representative then spoke with personnel at the desk of the City of Baltimore's Plans and Specifications. SAK's employee was shown the plan holders log for each of the contracts 898, 899 and 900, which SAK has a copy. The logs noted that SAK had ordered a set as a prime contractor, they were sent by Federal Express, for what was deemed a "Full Size", on August 6, 2012, by a person with the initials "R.H". For clarification, SAK received incomplete information for contracts 898, 899, and 900, and SAK elected to only bid on contracts 898 and 899.

Since the bid opening, SAK has thoroughly traced our internal receiving and handling of the bid documents that we received from the City of Baltimore that were shipped by Federal Express. We verified our receiving records, including Federal Express receipts.

From our internal investigation we believe the following is factual:

1. After ordering the bid documents for Contract Numbers 898, 899 and 900, SAK received three separate packages from the City of Baltimore.
2. Contract Numbers 898, 899 and 900 were sent in three separate packages. Each of the three packages arrived individually at the same time.
3. The bid documents were not sent to SAK in a Federal Express tube or box which is typical. Rather, each set of bid documents were wrapped in craft paper with a Federal Express label attached to the outside.
4. In transit, the craft paper was damaged, but appeared relatively intact.
5. Each of the three packages appeared to be consistent with its contents. Each package contained a plan set with a stapled set of paper attached to a manila envelope.
6. There was no bound document received in any of the three packages. Again, each of the three separately shipped packages appeared to be consistent with the contents.
7. There was no letter of transmittal in any of the three shipments.
8. The FedEx Tracking Numbers for the three packages are #876709997055, #876709997239 and #876710000143.
9. On the FedEx shipping information it is stated that the 3 packages were sent by 3 different people from the City of Baltimore. SAK can provide these names if needed.

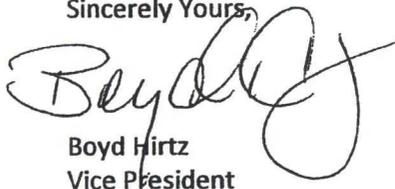
We offer this information so it may provide insight for both SAK and the City of Baltimore to determine what may have happened to the missing bound document that should have accompanied each of the three bid packages. As stated, not until the public bid opening did SAK understand that we received an incomplete set of bid documents from the City of Baltimore. Since SAK had never ordered bid packages from the City of Baltimore in the past, SAK did not know what to expect, and believed that complete bid packages were received from the City to bid from for Contract Numbers 898, 899 and 900. There was no letter of transmittal included in any of the three packages that we received from the City of Baltimore.

Since SAK did not receive any of the bound documents, SAK has no knowledge, even today, of what information each contained. SAK suspects that the information in the missing bound documents may have had a material effect on our bidding of the Contract Numbers 898 and 899. Perhaps there is a section in the bound document that explains the formal process for a bid protest in cases such as this. Please forward this information to me so that SAK can handle this properly. We ask for guidance on this matter, either by providing a copy of the bound document and/or referencing a City of Baltimore Standard so we may research further.

Ultimately after we receive this requested information, SAK will request that the projects for the Contract Numbers 898 and 899 reposted and bid again, as our SAK bids were intellectually and materially incomplete due to the incomplete bid information provided by the City of Baltimore.

Thank you in advance for your guidance on this matter, and I look forward to your prompt response.

Sincerely Yours,



Boyd Hirtz
Vice President

CC: David Ralph

Kim A. Trueheart

December 11, 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 29, Item #3, Bureau of Water and Wastewater - RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS - SC 899, if approved:
 - i. This award in the amount of \$12,161,242.60 fails to:
 1. Disclose the estimate of the number of jobs anticipated;
 2. Impose the maximum MBE/WBE goals allowable under the current law;
 - ii. Please provide access to the document that provides an estimate of the number of jobs anticipated as a result of this contract award.
 - iii. Please provide access to the decision elements used to substantiate a reduction in the maximum MBE/WBE goals allowed.
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 me and my fellow citizens excessive amounts of money in cost over-runs and wasteful spending, without benefit of local jobs and minority/women contracts.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on December 12, 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

MMCA- Maryland Minority Contractors Association, Inc.

A Chapter of the American Minority Contractors and Businesses Association, Inc.-AMCBA
Baltimore, Maryland 21210
443-413-3011 Phone
410-323-0932 Fax

December 11, 2012

Via Facsimile 410-685-4416

The Honorable President and Members

Baltimore City Board of Estimates

City Hall-Room 204

Baltimore, MD 21202

ATTN: Ms. Bernice Taylor, Clerk to the Board

Subject: Bid Protests

Dear Mr. President:

I represent the Maryland Minority Contractors Association, Inc. ("MMCA"), its members, clients and constituents. We wish to file bid protests against the following identified, proposed contract awards contained in Your Honorable Board's 12/12/2012 public meeting agenda:

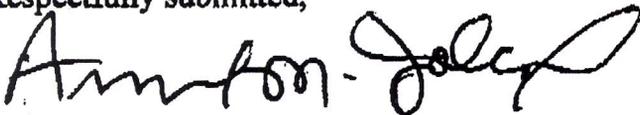
- 1) SC 899 to the bidder, Insituform Technologies, LLC, on page 9;
- 2) Item No. 18, on page 62, which is a proposed \$2,415,743.20 contract award to Digicon Corporation for certain IT support services; and
- 3) Item No. 19 contained on page 63, which is a proposed non-competitive award to Telecommunication Systems, Inc. for certain IT support services.

Our basic concern is that each of these proposed contracts violates the City's M-WBE Ordinance (item no. 1) as well as the City Charter's "mandatory" competitive bidding provision, found in Article VI, Section 11 et seq. Protestant will suffer substantial injury and damage if Your Honorable Board, for any reason(s), approves these proposed contracts.

CONCLUSION

Accordingly, for the above stated reasons, protestant respectfully requests that Your Honorable Board reject each proposed contract identified herein.

Respectfully submitted,



Arnold M. Jolivet
Managing Director

MINUTES

Bureau of Purchases - Acceptance of Technical Proposal
and Opening of Contingency Fees

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of the technical proposals for Solicitation No. B50002330, Marketing Partnership Program, and authorize opening of envelope "B" containing the contingency fees of:

Clear Channel Outdoor,
Legends Sales & Marketing, and
The Superlative Group, Inc.

AMOUNT OF MONEY AND SOURCE:

To be determined.

BACKGROUND/EXPLANATION:

On July 25, 2012, the Board opened four technical proposals received for the above referenced solicitation, with one referred to the Law Department. The three remaining technical proposals were scored by an evaluation committee and all three bidders exceeded the minimum technical requirements.

UPON MOTION duly made and seconded, the Board approved acceptance of the technical proposals for Solicitation No. B50002330, Marketing Partnership Program, and authorized opening of envelope "B" containing the contingency fees of: 1) Clear Channel Outdoor, 2) Legends Sales & Marketing, and 3) The Superlative Group, Inc.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the first amendment to land disposition agreement (LDA) with B&D Phase III, LLC, developer.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On October 12, 2005, the Board approved the original agreement for the sale of certain properties in the Druid Heights Urban Renewal Area for the eighty new construction dwellings to B&D Phase III, LLC.

The City and the developer have agreed to amend the LDA in order to provide for the disposition of properties upon satisfaction of certain sale performance conditions. The first amendment to the LDA will also provide for a time schedule for settlement, allow the improvements to be developed for rental dwelling units, as well as for-sale dwelling units, and modify the provisions relating to general liability insurance.

The sale of the properties once constructed will generate a considerable amount of revenue in the form of real estate property tax to the City.

(FILE NO. 56239)

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

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

MINUTES

DHCD - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the first amendment to land disposition agreement with B&D Phase III, LLC, 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 a land disposition agreement with Mr. Michael Onyenze for the property located at 2001 Homewood Avenue in the East Baltimore/Midway Neighborhood.

AMOUNT OF MONEY AND SOURCE:

\$3,000.00 - Purchase Price

BACKGROUND/EXPLANATION:

The project will consist of the total rehabilitation of the vacant building and its return to residential use for home-ownership. The property will be used as the primary residence of the buyer and his family.

The buyer proposes to spend approximately \$50,000.00 inclusive of acquisition and associated costs to complete the project.

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

The property was assessed at \$4,333.00. It was priced \$6,000.00 pursuant to the waiver valuation process in lieu of an appraisal.

The subject property is being sold below the price determined by the waiver valuation process in accordance with the City Appraisal Policy for the following reasons:

1. the specific benefit to the community by revitalizing the property and homeownership,
2. elimination of blight and neighborhood stabilization, and

MINUTES

DHCD - cont'd

3. economic development; returning the property to productive use and to the active tax rolls of the City.

MBE/WBE PARTICIPATION:

Article 5, Subtitle 28 of the Baltimore City Code, Minority and Women's Business Enterprise Program is not applicable because the property is being sold below \$49,999.99.

(FILE NO. 57211)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with Mr. Michael Onyenze for the property located at 2001 Homewood Avenue in the East Baltimore/Midway Neighborhood.

MINUTES

Department of Housing and - Agreements
Community Development (DHCD)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the following agreements. The period of the agreement is October 1, 2012 through September 30, 2013.

1. **BALTIMORE NEIGHBORHOODS, INC. (BNI)** **\$53,610.00**

Account: 2089-208913-5930-435984-603051

The purpose of this agreement is to subsidize the operating costs for the BNI. The BNI will continue working toward the maintenance of an open housing market, the improvement of tenant/landlord relations and the promotion of affirmative fair housing practices in the sale and rental housing market. The BNI will also provide outreach and education to inform the public about tenant/landlord issues, fair housing statutes and other civil rights concerns and will refer complaints to the Maryland Commission for Human Relations, and monitor the response of that agency to complaints.

MWBOO GRANTED A WAIVER.

2. **BALTIMORE GREEN SPACE: A TRUST FOR** **\$25,000.00**
COMMUNITY - MANAGED OPEN SPACE, INC. (BGS)

Account: 2089-208913-5930-705980-603051

The purpose of this agreement is to subsidize the operating cost for the BGS. The BGS will maintain a database of vacant lots and community managed open spaces (CMOS) in the City to assist in planning and policy efforts to increase the number of sustainable CMOS in the City such as coordi-

MINUTES

DHCD - cont'd

nating with the Mayor's Power in Dirt Initiative. The BGS will also provide technical assistance to and educational workshops for community greeners and organizations that wish to develop and maintain a CMOS.

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

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

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

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

MINUTES

Department of Housing and - Local Government Resolution
Community Development

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

The below listed organization is applying to the State of Maryland's Department of Housing and Community Development or Community Development Administration (CDA). A local government resolution of support is required by the State for all applications to the program for funding.

- | | |
|---|---------------------|
| 1. COMMUNITY HOUSING ASSOCIATES, INC. (CHAI) | \$525,000.00 |
| | (CDA) |

CHAI, a local non-profit organization proposes to develop nine housing units for non-elderly disabled (NED) individuals at 4227 Fredrick Avenue. The project proposes to be financed in part with funds from the State of Maryland.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the local government resolution.

MINUTES**TRAVEL APPROVAL**Police Department

	<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
1.	Warren Smith	US Conference of Mayors Dallas, TX Sept. 21 - 24, 2012	General Funds	\$1,408.68

Mr. Smith accompanied the Mayor for security purposes to the US Conference of Mayors.

In accordance with AM-240-8, Official City business at the event site requiring extensive trips, tours, or other unusual but necessary land travel, advance approval of the expense is required. Due to the nature of the travel it was necessary to secure a rental car.

The Department paid airfare and hotel accommodations and all other expenses for the attendee on a City issued credit card assigned to Mr. Smith.

	Actual Expenditure
	\$ 639.60 Airfare
	458.10 Hotel
	69.70 Occup. Taxes
	54.78 Meals
	36.00 Parking
	42.38 Fuel
	<u>108.12</u> Rental Car
Total	\$1,408.68

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

MINUTES

TRAVEL APPROVALPolice Department

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
2. Derrick Mayfield	US Conference of Mayors Denver, CO Sept. 30 - Oct. 2, 2012	General Funds	\$1,298.74

Mr. Mayfield accompanied the Mayor for security purposes to Denver, CO.

In accordance with AM-240-8, Official City business at the event site requiring extensive trips, tours, or other unusual but necessary land travel, advance approval of the expense is required. Due to the nature of the travel it was necessary for Detective Sgt. Derrick E. Mayfield to secure a rental car.

The Department paid airfare and hotel accommodations and all other expenses for the attendee on a City issued credit card assigned to Mr. Mayfield.

	Actual Expenditure
	\$ 698.60 Airfare
	298.00 Hotel
	43.96 Occup. Taxes
	105.91 Meals
	60.00 Parking
	18.50 Fuel
	72.77 Rental Car
Total	\$1,297.74

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

MINUTES

DHCD - cont'd

UPON MOTION duly made and seconded, the Board approved the aforementioned requests for travel. The Mayor **ABSTAINED** on item nos. 1 and 2.

MINUTES

Fire Department - Expense Statement

ACTION REQUESTED OF B/E:

The Board is requested to approve the expense statement for Mr. Chi-Poe Hsai for the month of August 2012.

AMOUNT OF MONEY AND SOURCE:

\$117.66 - 1001-000000-2131-228200-603001

BACKGROUND/EXPLANATION:

Mr. Chi-Poe Hsai is a Contract Specialist for the Mayor's Office of Emergency Management who uses his own vehicle to conduct City business. His August mileage statement was sent in late.

The Department requests reimbursement for the expenses incurred by the employee for mileage.

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

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved the expense statement for Mr. Chi-Poe Hsai for the month of August 2012.

MINUTES

Fire Department - Memorandum of Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a memorandum of agreement (MOA) with Baltimore Volunteers Unlimited (BVU). The period of the agreement is effective upon Board approval through March 31, 2013.

AMOUNT OF MONEY AND SOURCE:

\$25,500.00 - 4000-478911-2015-210702-404001

BACKGROUND/EXPLANATION:

The MOA is for the FY2010 Urban Area Security Initiative Grant Program for Volunteer Centers. This is a federal grant administered through the Maryland Emergency Management Agency. The grant will be used by the BVU to acquire resources for the development and implementation of policies and procedures and for training to develop a region wide network of volunteer mobilization centers. The grant is late because of delays in working out the wording of the contract.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the memorandum of agreement with Baltimore Volunteers Unlimited.

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. **SINAI HOSPITAL OF BALTIMORE, INC.** **\$ 64,755.00**

Account: 4000-424513-3023-599639-603051

The organization will provide ongoing services to HIV/AIDS positive men and women at Sinai Hospital and in the surrounding communities who are eligible for this service. Medical case management services will be provided to 50 eligible clients who lack insurance or who have private insurance, Maryland Health Insurance Program or Medicare.

MWBOO GRANTED A WAIVER.

2. **FAMILY HEALTH CENTERS OF BALTIMORE, INC.** **\$ 45,115.00**

Account: 4000-424513-3023-599607-603051

The organization will provide case management services to all patients diagnosed with HIV/AIDS. The program will provide case management services and interventions that consist of screening and assessing the patient's needs.

3. **CHASE BREXTON HEALTH SERVICES, INC.** **\$ 49,348.00**

Account: 4000-424513-3023-599619-603051

The organization will reduce the impact of addictions as a barrier to patients establishing and maintaining a positive engagement in their health care.

MINUTES

Health Dept. - cont'd

4. **THE PEOPLE'S COMMUNITY HEALTH CENTER, INC.** **\$ 47,150.00**
(PCHC)

Account: 4000-4245513-3023-599605-603051

The PCHC will provide effective primary medical care and support services to HIV+ infected patients. The PCHC will provide 300 primary medical visits to 60 unduplicated HIV+ infected patients to include updated CD4 and viral load labs.

5. **THE JOHNS HOPKINS UNIVERSITY** **\$236,467.00**
(JHU)

Account: 4000-424513-3023-599604-603051

The JHU will provide comprehensive HIV primary and specialty care to uninsured/underinsured clients in Baltimore.

MWBOO GRANTED A WAIVER.

6. **THE JOHNS HOPKINS UNIVERSITY** **\$ 52,168.00**
(JHU)

Account: 4000-424513-3023-599626-603051

The JHU will provide street outreach services that target and engage HIV positive Latino's into Primary Medical Care and enroll them into the Maryland AIDS Drug Assistance Program, when eligible.

MWBOO GRANTED A WAIVER.

MINUTES

Health Dept. - cont'd

7. **THE JOHNS HOPKINS UNIVERSITY** **\$ 72,048.00**
(JHU)

Account: 4000-424513-3023-599620-603051

The JHU will provide non-medical case management services for patients who are eligible. The patient advocate and case manager will triage the support service needs and link patients with in-clinic case management, mental health and substance abuse services to reduce barriers to care and increase treatment adherence.

MWBOO GRANTED A WAIVER.

8. **THE JOHNS HOPKINS UNIVERSITY** **\$ 48,394.00**
(JHU)

Account: 4000-424513-3023-599625-603051

The JHU, School of Medicine HIV Women's Health Program will enroll HIV infected women receiving perinatal services with co-morbidities of HIV and substance abuse into non-medical care management services during the term of their pregnancy to increase adherence to medical care and HIV antiretroviral treatment ultimately to reduce mother to child transmission.

9. **THE JOHNS HOPKINS UNIVERSITY** **\$ 27,100.00**
(JHU)

Account: 4000-424513-3023-599612-603051

The JHU will provide treatment adherence for HIV infected children and youth. The Intensive Primary Care clinic of the JHU Pediatric and Adolescent HIV/AIDS Program utilizes an interdisciplinary team approach to this challenge. The funds will be utilized to support two nurse medical case managers to provide needed intensive treatment adherence services to clients with the most complex and challenging adherence needs.

MINUTES

Health Dept. - cont'd

10. **THE JOHNS HOPKINS UNIVERSITY** **\$ 56,566.00**
(JHU)

Account: 4000-424513-3023-599617-603051

The JHU will provide peer support and advocacy to the increasing number of HIV positive youth, adolescents and young adults, by providing advice and assistance with obtaining needed community, social support, financial insurance and other identified resources.

MWBOO GRANTED A WAIVER.

The agreements are late because the Infectious Disease and Environmental Health Administration (IDEHA) programmatically manages Ryan White Part B services. The IDEHA selects the providers through a competitive Request for Proposal process. 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 often times revised because of inadequate information from the providers. This review process is required to comply with the grant requirements.

11. **THE JOHNS HOPKINS UNIVERISTY** **\$591,040.00**
(JHU)

Account: 4000-427712-3023-274410-603051

The JHU will provide high quality, easily accessible HIV outpatient medical treatment with the Sexually Transmitted Disease Clinic infrastructure. The period of the agreement is March 1, 2012 through February 28, 2013.

MWBOO GRANTED A WAIVER.

MINUTES

Health Dept. - cont'd

12. **THE JOHNS HOPKINS UNIVERSITY** **\$ 75,000.00**
(JHU)

Account: 4000-427712-3023-606121-603051

The JHU will identify and link to care HIV positive residents of the Baltimore Eligible Area who have HIV but are not in care and test people engaged in high risk activities who do not know their HIV status. The JHU will identify 150 persons who are HIV+ and not in primary medical care, verify through patient self-reporting whether the patients are enrolled in primary medical care and if not refer patients to Part A funded primary medical care. The JHU will refer 100 HIV+ patients to primary medical care and document 70 unduplicated patients who attend an initial primary medical care appointment. The period of the agreement is March 1, 2012 through February 28, 2013.

MWBOO GRANTED A WAIVER.

The agreements are late because after receiving the award for Ryan White Part A grant, providers are selected by the Baltimore City Health Department (BCHD). The providers are asked to submit a budget, budget narrative, and scope of services. The BCHD thoroughly reviews the entire package before preparing a contract and submitting it to the Board of Estimates. These budgets are revised many times because of inadequate information from the providers. This review process is required to confirm with the grant requirements.

13. **FAMILY HEALTH CENTERS OF BALTIMORE, INC.** **\$297,500.00**

Account: 4000-430512-3160-308600-603051

The organization will provide services to implement the Safe Streets Cherry Hill Program using the CeaseFire Chicago model and all its components with fidelity. The five components to the model are as follows: Community Mobilization, Public Education, Cooperation with Law Enforcement, Outreach and Faith-based Involvement.

MINUTES

Health Dept. - cont'd

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

MWBOO GRANTED A WAIVER.

- 14. **BALTIMORE HEALTHY START, INC.** **\$337,600.00**

Account: 5000-530013-3080-595800-603051

The organization will continue to provide home visiting services in the Forest Park/Walbrook, Allendale/Irvington and, Morrell Park/Violetville communities - neighborhoods targeted by B'More for Healthy Babies. The organization will continue to home visit and case-manage the women and families enrolled in the past years and will provide services to an additional 75 women who are eligible for paraprofessional home visiting services as identified through the Vulnerability Index. The organization will serve clients using the Healthy Families America Model.

The agreement is late because the program plan and budget revisions delayed the processing.

MWBOO GRANTED A WAIVER.

- 15. **PROGRESSUS THERAPY, LLC.** **\$244,155.00**

Accounts: 4000-427113-3080-294300-603051	\$167,000.00
4000-498913-3080-294300-603051	\$ 77,155.00

The organization will provide occupational, speech-language pathology therapy and special education services for the Baltimore Infants & Toddlers Program and conduct school readiness orientation, training, documentation and reporting.

The agreement is late because of delays in the completion of the required documentation.

MINUTES

Health Dept. - cont'd

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the various agreements. The President **ABSTAINED** on item nos. 5 - 12.

MINUTESHealth Department - Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with PACT: Helping Children with Special Needs, Inc. (PACT). The period of the agreement is July 1, 2012 through June 30, 2013.

AMOUNT OF MONEY AND SOURCE:

<u>Total</u>	<u># of Visits</u>	<u>Cost per Case</u>
\$ 25,000.00 -	50 visits	\$500.00 - Initial Case Management
27,500.00 -	100 visits	\$275.00 - Individualized Family Service Plan (annual)
<u>60,000.00</u> -	400 visits	\$150.00 - On-going Case Management (visits)
\$112,500.00 -	4000-428313-3080-294391-600000	

BACKGROUND/EXPLANATION:

The PACT will provide health-related early intervention/case management services for eligible patients.

The agreement is late because it was recently finalized.

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with PACT: Helping Children with Special Needs, Inc.

MINUTES

Department of Transportation - Amendment No. 5 to Transit Services Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of amendment no. 5 to transit services agreement with Veolia Transportation, Inc.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On February 11, 2009, the Board approved a five year Transit Service Agreement (TSA) with Veolia Transportation Services, Inc. for the operation of the Charm City Circulator (CCC) under contract B50000482. The service began operations in January 2010, with the acquisition of 21 Design Line Eco Saver IV buses. Subsequent to that initial approval, the Board approved 4 amendments:

- amendment no. 1 on June 17, 2009, which addressed advertising and technical corrections which were required for the document,
- amendment no. 2 on December 16, 2009, which addressed the reassignment of the City's amortization payments for the buses thereby reducing the amount financed from \$6,400,000.00 to \$3,500,000.00,
- amendment no. 3 on April 27, 2011, which addressed Veolia's termination of their contract with Design Line, the short term addition of five Van Hool buses to stabilize the CCC fleet, the agreement with Daimler Buses for the acquisition of eight buses, and the deployment of the East Side Shuttle as a stop gap measure in response to the delayed deployment of the Green Route, and

MINUTES

Dept. of Transportation - cont'd

- amendment no. 4 on May 9, 2012, which provided for the deployment of the fourth CCC route (the Banner Route) which provides service between downtown and Fort McHenry as well as the purchase option of the five Van Hool buses that were procured under a short term lease agreement to provide stability to the CCC fleet.

Amendment no. 5 will permit the City to purchase diesel fuel directly from the vendor, on an existing purchase order, in lieu of reimbursing Veolia following their purchase of the fuel. The buses are owned by the City, and the City, unlike Veolia, is eligible to purchase tax-exempt fuel for the buses. This action will result in a reduction of cost by \$0.52 per gallon, or nearly 14% off current fuel prices. Funding for this fuel purchase will be taken from the purchase order for Veolia that is in effect for the support of CCC operations, thereby reducing that purchase order amount accordingly.

(FILE NO. 57006)

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 5 to transit services agreement with Veolia Transportation, Inc.

MINUTES

Department of Transportation - Task Assignment 001, Project 1135

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 001 under Project No. 1135, On-Call Consultant Services for Federal Aid Projects for Bridges within the City of Baltimore to STV, Inc.

AMOUNT OF MONEY AND SOURCE:

\$1,938,228.20 - 9950-907850-9514-900010-703032

BACKGROUND/EXPLANATION:

Bridge No. BC 5103, Russell Street Over CSX tracks and Bridge No. BC 5221, Southbound Monroe Street Ramp over CSX tracks, both have bridge sufficiency ratings below 50.0 and qualify for replacement by federally mandated guidelines.

This task assignment provides authorization for design engineering services for replacing Bridge No. BC 5103, Russell Street Over CSX tracks and Bridge No. BC 5221, Southbound Monroe Street Ramp over CSX tracks and will include developing contract documents, plans, cost estimates, coordinating with the community and CSX. The services will also provide geotechnical and environmental services, and perform topographic surveys as well as other related services.

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

MINUTES

Department of Transportation - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$1,705,641.00	9950-944002-9507	
FED	Construction Reserve	
	Highway Reserve for	
	Closeouts	
426,410.00	9950-934003-9507	
<u>GO Bond 23rd EDL</u>	Construction Reserve	
\$2,132,051.00	Russell and Monroe	
	Bridge	
\$2,132,051.00	-----	9950-907850-9514-3
		Design & Study
		Russell and Monroe
		Bridge

This transfer will fund the cost associated with Project 1135, On-Call Consultant Services for Federal Aid Project for Bridges by STV, Inc.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 001 under Project No. 1135, On-Call Consultant Services for Federal Aid Projects for Bridges within the City of Baltimore to STV, Inc. 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.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- | | | |
|---|-------------|---------|
| 1. F.L. ANDERSON COMPANY | \$ 5,000.00 | |
| MES/MARYLAND | \$15,000.00 | |
| WITMER ASSOCIATES, INC. | \$25,000.00 | Low Bid |
| Solicitation No. B50002640 - Fire Tools - Fire Department - | | |
| Req. No. R611445 | | |

The period of the award is December 12, 2012 through December 11, 2013, with three 1-year renewals options remaining.

- | | | |
|---|-------------|---------|
| 2. PREFERRED CLEANING, LLC | \$ 8,400.00 | Renewal |
| Solicitation No. B50001697 - Janitorial Services - Department of Housing and Community Development - Req. No. P515564 | | |

On December 8, 2010, the Board approved the initial award in the amount of \$8,700.00. The award contained three 1-year renewal options. On January 3, 2012, the Board approved the first renewal in the amount of \$8,700.00. This renewal in the amount of \$8,400.00 is for the period January 3, 2013 through January 2, 2014, with one 1-year renewal option remaining.

- | | | |
|---|-------------|---------|
| 3. PETE'S CYCLE CO., INC. | \$30,000.00 | Renewal |
| Solicitation No. 06000 - O.E.M. Parts & Service for Dirt Bikes & ATV's - Police Department - P.O. No. P511898 | | |

On January 20, 2010, the Board approved the initial award in the amount of \$30,000.00. The award contained two 1-year renewal options. On August 25, 2010, the Board approved an increase in the amount of \$30,000.00. On October 3, 2012, the City Purchasing Agent approved an increase in the amount of \$10,000.00. This renewal in the amount of \$30,000.00 is for the period January 21, 2013 through January 20, 2014, with one 1-year renewal option remaining.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

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

MWBOO GRANTED A WAIVER.

- | | | |
|--|---------------------|----------------|
| 4. <u>PHYSIO-CONTROL, INC.</u> | <u>\$114,550.51</u> | <u>Renewal</u> |
| Solicitation No. 08000 - Lifepak Defibrillator Maintenance -
Fire Department - P.O. No. P512807 | | |

On April 7, 2010, the Board approved the initial award in the amount of \$114,550.51. The award contained three 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$114,550.51 is for the period January 24, 2013 through January 23, 2014.

It is hereby certified, that the above procurement is of such a nature that 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.

- | | | |
|--|---------------------|-----------------|
| 5. <u>HERSEY METERS COMPANY,</u> | | |
| <u>LLC d/b/a MUELLER</u> | | |
| <u>SYSTEMS, LLC</u> | <u>\$100,000.00</u> | <u>Increase</u> |
| Solicitation No. 08000 - EDC IV Detector Check and FM3
Fireline Meters - Department of Public Works, Bureau of Water
and Wastewater - P.O. No. P519420 | | |

On February 15, 2012, the Board approved the initial award in the amount of \$85,000.00. This increase in the amount of \$100,000.00 is necessary to meet the City's ongoing requirements under this contract. The contract expires on February 14, 2014 with one 2-year renewal option.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

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

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| 6. HD SUPPLY WATERWORKS,
LIMITED PARTNERSHIP,
a/k/a HD SUPPLY | \$ 0.00 | Extension |
| Solicitation No. 06000 - Water Meter Box Lids - Department of Public Works, Bureau of Water and Wastewater - P.O. No. P501266 | | |

On February 6, 2008, the Board approved the initial award in the amount of \$500,000.00. The award contained three 1-year renewal options. On December 14, 2011, the Board approved a renewal. The City will be implementing new AMI/AMR technology for the water meters and that will change the specifications for water meter box lids. The period of the extension is January 1, 2013 through July 31, 2013.

For the interim period until the new water meter installation contract is awarded, an extension of the existing contract is necessary to have a contractual source available to meet the requirements for the items covered by the above contract.

MWBOO GRANTED A WAIVER.

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| 7. INTER ACT 911
MOBILE SYSTEMS, INC. | \$1,125,000.00 | Renewal |
| Solicitation No. 08000 - Pocket Cop Mobile Data System - Police Department - P.O. No. P509065 | | |

On January 13, 2010, the Board approved the initial award in the amount of \$1,547,875.20. The award contained four 1-year

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

renewal options. Subsequent actions have been approved. This renewal in the amount of \$1,125,000.00 is for the period January 13, 2013 through January 12, 2014, with one 1-year renewal option remaining.

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

8. RAYTHEON PROFESSIONAL SERVICES, LLC.	\$ 0.00	Ratification and Term Order
	<u>65,000.00</u>	
	<u>\$65,000.00</u>	

Solicitation No. 06000 - GM Vehicle and Commercial Technical Training - Department of General Services - Fleet Management - P.O. No. P518112

On August 17, 2011, the Board approved the initial award in the amount of \$67,940.00. Due to an administrative error, contract number 08000 for GM Vehicle and Commercial Training expired on August 17, 2012, with three 1-year renewals remaining. The Department of General Services has a continuing need for the services provided under this contract. It is requested that a ratification and term purchase order be approved under the same terms and conditions as contract 08000, including the remaining two 1-year renewal options. The period of the ratification is August 17, 2012 through December 11, 2012. The period of the term purchase order is December 12, 2012 through August 16, 2013, with two 1-year renewal options remaining.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

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

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| 9. ATLANTIC DOOR CONTROL,
INC. | \$ 37,365.00 | Renewal |
| Solicitation No. B50001735 - PM Stanley Doors - Baltimore
Convention Center - P.O. No. P515904 | | |

On January 12, 2011, the Board approved the initial award in the amount of \$21,233.00. The award contained two 1-year renewal options. On December 7, 2011, the Board approved the first renewal in the amount of \$22,000.00. This final renewal in the amount of \$37,365.00 is for the period January 24, 2013 through January 23, 2014.

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| 10. THE GUN SHOP | \$ 43,900.00 | Renewal |
| Solicitation No. B50002221 - Force on Force Marker Rounds -
Police Department - P.O. No. P519089 | | |

On January 11, 2012, the Board approved the initial award in the amount of \$43,900.00. The award contained three 1-year renewal options. This renewal in the amount of \$43,900.00 is for the period January 11, 2013 through January 10, 2014, with two 1-year renewal options.

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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| 11. MASON-DIXON FIRE EQUIPMENT
d/b/a WITMER ASSOCIATES,
LLC | \$120,000.00 | Renewal |
| Solicitation No. B50000736 - Fire Hose - Fire Department -
P.O. No. P506451 | | |

On January 28, 2009, the Board approved an initial award in the amount of \$120,000.00. The award contained two 2-year renewal options. On December 8, 2010, the Board approved the first renewal in the amount of \$120,000.00. This final renewal in the amount of \$120,000.00 is for the period February 1, 2013 through January 31, 2015.

MWBOO GRANTED A WAIVER.

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| 12. ACS STATE AND LOCAL
SOLUTIONS, INC. | \$400,000.00 | Extension and
Increase |
| Solicitation No. BP 07149 - EMS Billing Services - Fire
Department - P.O. No. P509065 | | |

On December 12, 2007, the Board approved the initial award in the amount of \$4,815,000.00. Subsequent actions have been approved. An extension is requested to allow time for ACS State and Local Solutions, Inc. to continue collections for bills issued prior to their billing cutoff date of December 1, 2012. A new contract is in place, however, ACS State and Local Solutions, Inc. is still responsible for the collection of bills issued prior to their end date. This increase makes the total contract amount \$7,415,000.00. The period of the extension is December 31, 2012 through June 30, 2013.

MBE: Kidd International Home Care, Inc. 13.48%

WBE: TRG Networking, Inc. 4.51%

MWBOO FOUND VENDOR IN COMPLIANCE.

(FILE NO. 57093)

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INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
<u>Bureau of Purchases</u>		
13. BALTIMORE AUTO SUPPLY	\$300,000.00	
SALVO LIMITED PARTNERSHIP	0.00	
ROK BROTHERS, INC.	60,000.00	
UNI-SELECT USA, INC.	30,000.00	
QUALITY AUTOMOTIVE WAREHOUSE	250,000.00	
SERVICE PARTS d/b/a PAPA		
AUTO PARTS	0.00	
PARTS AUTHORITY SOUTHERN	0.00	
CRW PARTS	0.00	
FLEETPRIDE, INC.	0.00	
GLOBE ELECTRIC	0.00	
	<u>\$640,000.00</u>	Increase

Solicitation No. B50001427 - Aftermarket Parts and Supplies for Cars and Light Trucks - Department of General Services - P.O. Nos. P514297, P514298, P514299 and P514303

On June 30, 2010, the Board approved the initial award in the amount of \$1,800,000.00. The award contained two 1-year renewal options. Subsequent actions have been approved. Additional funds are required due to an increase in use of aftermarket parts and supplies provided by these vendors. This increase in the amount of \$640,000.00 will make the award amount \$3,216,000.00. The contract expires on July 31, 2013, with two 1-year renewal options.

MWBOO GRANTED A WAIVER.

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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. INTERGRAPH CORPORATION | \$ 158,544.00 | Sole Source Ratification and Award |
| Solicitation No. 08000 - InPursuit Annual Maintenance - Police Department - Req. No. R617728 | | |

Intergraph Corporation is the developer and sole source for maintenance and support of the InPursuit system currently in use by the Police Department. The services required by the Police Department were provided without contract by Intergraph which acquired the previous vendor, Denali Solutions, LLC. This action will ratify coverage received to date, beginning July 1, 2012 and provide a term order for the remaining fiscal year.

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

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| 15. F & F AND A. - Group 1-3
JACOBS AND SONS, INC. | \$ 550,000.00 | |
| F.L. ANDERSON COMPANY | \$ 100,000.00
<u>650,000.00</u> | Renewal |
| Solicitation No. B50001694 - Uniforms for the Fire Department - Fire Department - P.O. Nos. P515884 and P515885 | | |

On January 26, 2011, the Board approved the initial award in the amount of \$650,000.00. The award contained four 1-year renewal options. On December 7, 2011, the Board approved the first renewal in the amount of \$650,000.00. This renewal in the amount of \$650,000.00 is for the period January 12, 2013, through January 11, 2014, with two 1-year renewal options remaining.

MWBOO GRANTED A WAIVER.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

16. WEIR SPECIALTY

PUMPS	\$100,000.00	Increase
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Solicitation No. 08000 - Wemco Pump Parts - Department of Public Works, Bureau of Water and Wastewater - P.O. No. P515364

On November 17, 2010, the Board approved the initial award in the amount of \$20,000.00. The award contained two 1-year renewal options. Subsequent actions have been approved. This increase is necessary due to increased usage of this contract. This increase in the amount of \$100,000.00 will make the award amount \$200,000.00. The contract expires on November 14, 2013.

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

17. MASON-DIXON FIRE

EQUIPMENT d/b/a WITMER ASSOCIATES, LLC	\$275,000.00	Renewal
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Solicitation No. B50001670 - Safety Boots for the Fire Department - P.O. No. P515982

On January 26, 2011, the Board approved the initial award in the amount of \$275,000.00. The award contained four 1-year renewal options. Subsequent actions have been approved. This renewal in the amount of \$275,000.00 is for the period January 26, 2013 through January 25, 2014, with two 1-year renewal options.

MWBOO GRANTED A WAIVER.

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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. DIGICON CORPORATION | \$2,415,743.20 | Renewal |
| Solicitation No. 06000 - Citywide IT Support Staff Services Agreement - Departments Various - Req. Nos. Various | | |

On June 27, 2012, the Board approved the initial award in the amount of \$2,415,743.20. This final renewal option in the amount of \$2,415,743.20 will make the total award \$4,831,486.40. The period of this renewal is January 1, 2013 through June 30, 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.

A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION.

(FILE NO. 57301)

President: "The first item on the Non-routine Agenda can be found on page 62, item 18. The Bureau of purchases, Citywide IT support Staff Services Agreement, will the parties please come forward?"

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Mayor: "Page 62, item --."

President: "62. "

Mayor: "Got it, thanks."

Tim Krus: "Tim Krus, Bureau of Purchases, on June 19, 2012, we came before this Board to extend the services of certain named individuals provided by Digicon in support of IT staff operations in the City. At that point in time, we noted that that six month extension might need to be extended an additional six months in order to continue to support IT operations, while we replace the services of those individuals. We are now before the Board to request that additional six months extension. We are still talking about named individuals on this contract and we -- we request that this be approved today so that we can have this new extension in place by the first of the year to support critical IT operations."

Mr. Jolivet: "Good morning Mr. President and members of the Board."

President: "Can you talk into the mic?"

Mr. Jolivet: "Yes, I am. Ah -- Arnold M Jolivet and I -- I sent you a -- a brief memo ah -- which I am hopeful that you read and

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the thrust of my protest is that we proposed ah -- extension of this non-competitive contract with Digicon -- was in the first place it was extended back in July. Ah -- my contentions are that it was extended improperly because ah -- it is a well established municipal principle that once a municipal contract that was subject to the competitive bidding requirement in the first instance expires the only way that it can be extended, renewed, or continued thereafter is by a completely new round of competitive bidding. This is a fundamental long standing principle of municipal law. Ah -- The City Law Department ought to know about it. Ah -- but, obviously they don't. But, my concern here is that there are a number of minority firms who would love to compete for this job and when the City continues to re -- ah -- renew it and extend it indefinitely as they have done, it actually not only does it violate the Competitive Bidding Charter but it com -- pedes -- impedes public competition from other qualified and interested bidders who would conceptually give the City a better price. How do we know that the price that the City has literally negotiated behind closed doors, how do we know Mr. President if this is a fair

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market price? And, I submit to you that it is probably not. When contracts like this are dis - ah -- negotiated behind closed doors only between the City and the contractor, Mr. President there is no competition here, none and, I am -- I am actually astounded that we went through this same argument in July when this contract was first proposed for extension. So, I -- I am not going to make another argument. I think that the City Solicitor and the Law Department and everyone in the City knows that this is not proper. It is an unlawful contract and it -- it boggles the mind that this thing would come back before the Board particularly with Digicon. All of the different difficulties and embarrassment the City has had with Digicon we would bring another contract back to the Board under the same situation and I -- I just want to ask the Board ah -- impress upon the Board that we need to be more inclusive ah -- when we are awarding contracts like this. And when we continue to award or renew contracts like this to the same entity, without a bid ah I am just wondering where our City is going. I am -- I am - I am just appalled that the Law Department could approve this. I am, I am appalled.

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Tim Krus: "Tim Krus, I would like to make a point."

Mr. Jolivet: "Can you wait until I finish?"

Mr. Krus: "Certainly, Absolutely. I thought you had finished."

Mr. Jolivet: "No, I am not finished."

President: "Come on, Mr. Jolivet. Talk to us"

Mr. Jolivet: "But, I just - I would like Mr."

Mayor: "He has already apologized. Let's keep moving, please."

Mr. Jolivet: "Mr. President, I will -I will summarize my argument and hopefully I will be finished. But, nonetheless, my point is well made. I have documented in my protest letter the case law that would apply to this particular extension of my amended protest letter. And, the City Solicitor and the entire Law Department cannot refute under any circumstances the applicability of this case law to this case and I rest my case, Mr. President. I rest my case."

Mr. President: "Okay, Thank you."

Tim Krus: "Tim Krus, I would like to make a point about what occurred in July. In July the City entered into a brand new agreement with Digicon to extend named employees. Prior to that, we had a much broader agreement with Digicon which allowed them

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to replace uh-- staff who left City service with additional staff. That agreement in July was a new agreement which was very limited to these named individuals."

President: "Okay, Ma'am. Madam Comptroller."

Comptroller: "I have a question, ah -- the contract that was extended in June was it part of the original contract because one of the concerns that I have is that the -- has the MBE/WBE been waived? And if so, why because in the original contract there was participation we ah -- it was said that it couldn't be segmented but we used -- we used Full Circle Solutions which is a minority company and we used the Bith Group which was minority company. So, why is it being waived now?"

Mr. Krus: "There was -- There was a waiver because this was a selected source agreement. The initial agreement Madam Comptroller provided 32% minority participation and 24% participation by WBE's."

Comptroller: "So --

Mr. Krus: "And, we believe that many of those people are still on board in this agreement. I don't' have any percentages but I

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am confident that they exceed the goals on the previous contract."

Comptroller: "So, is it a new contract or is it the same contract?"

Mr. Krus: "This is a new contract."

Comptroller: "So, it's a new contract without being bid?"

Mr. Krus: "The named individuals -- because these are named individuals who was already serving the City. Um --"

Comptroller: "So, Mr. Krus --"

Mr. Krus: "in IT capacity."

Comptroller: "Can we -- This is a new contract. Can we approve a new contract without it being bid? He said it's a new contract."

Tim Krus: "Selected Source in July."

City Solicitor: "And it's actually -- is it not Mr. Krus um -- it is a six year -- six month additional term as your office told the Board was likely to be requested back when we approved the original six month contract. Is that correct?"

Mr. Krus: "That is correct."

Comptroller: "So, if it's an extension it is part of the original contract."

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Mr. Krus: "It is not Madam Comptroller. The -- The -- In July we came to the Board with a new agreement for the Digicon, naming specific individuals who Digicon was not allowed to replace, so that we could continue to supporting IT in the City. You may recall at the time ah -- we did not have ah -- a Chief Information Officer. We had an Acting Chief Information Officer."

Comptroller: "Um -- I have a couple of other questions. Um -- we sent some questions to you on Monday. Ah -- and you sent some responses -- partial responses back on yesterday and I -- and I haven't received the answers to them. Just want to know if you could response to --?"

Mr. Krus: "Madam Comptroller, we did receive some follow-up questions about 8:30 yesterday evening. We haven't really haven't had a chance to go through them and consider them. We would be more than happy to provide answers to them by the end of this week."

Comptroller: "But -- But, Let me ask you a question. The questions that I am asking should readily available."

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Mr. Krus: "I am not suggesting that they aren't available. It's just that we were not able to put answers to those questions together from 8:30 yesterday evening until this morning."

Comptroller: "Okay, well I would -- I would like to put these questions on the record. Ah -- Question one, um -- regarding Digicon staffing um -- my question was please provide the names of the seven Digicon employees that left in their positions. In comparing the list from June and the one you provided today, I was unable to reconcile the seven employees that you reported have left. I compared the names and positions you listed on both lists June 2012 and December and it appears more than seven have left. So, you could response to that? The next question, when did MOIT receive bids from the six CATS II contractors to replace the WAN Engineer, COBAL Programmer, and Application Developer? The next question, when does MOIT expect to make a decision on bids received for the above three positions? Ah -- The next one is, for each other Digicon employees that left please provide his or her name, the position, agency to which he or she was assigned whether MOIT would be -- will be replacing the positions and if so, how City employees CAT II contract and

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when? Also, the agency did not response to my question 1.b. on the transfer of knowledge. For question two on TCS Staffing please provide the following information: the position title for Ms. Hudson, the date of hire for Ms. Hudson, and the agency that hired Ms. Hudson. Also, please provide the name of TCS Staff that was replaced by CATS II Resources as well as the name CATS II resource person and the agency to which she or he has been assigned? You responded that your are working with HR to hire selected positions that you have designated as being core governmental functions. Please provide the following: what date did you submit your request to HR for the core governmental function positions? How many selected positions are you working on with HR to fill? For each of the selected positions, please identify the positions title and the agency to which the position will be assigned. How many core governmental functions have been designated? Please list to find each of the core governmental functions for which you are working with HR to hire selected positions. What is the current status of hiring the selected positions? What is the expected date to complete the hiring of selected positions? And for question 2.b. the transfer

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of knowledge, you did not respond. Also, on the request for proposal what is the scope of the RFP that you are working to create? What relationship will this RFP will have to the CAT II contract? Will it replace the CATS II contract? Have you requested a waiver from the MWBOO? Do you intend to correct -- to request a waiver from MWBOO and if so, why? And on question three -- you -- you admitted that a mistake was made. The Board memo states that at the time the contract was approved in June the agency was working on bringing in three additional TCS Staffers. Therefore, it is unclear on how a mistake was made. Who made the mistake and when did the person leave City employment? How was it possible to make payments to TCS Staff that were not on exhibit A of the contract approved on June 12, 2012? Who was responsible for managing the contract, reviewing the time records, and reconciling payments based upon the contract and TCS Staff listed on schedule -- exhibit A? When was the mistake discovered, by whom, and when did he or she first take action to correct ah -- the mistake? And, also on question four you did not respond. And I requested please provide a breakdown of the costs for the increase for the corrected period of June 12, 2012 through June 30, 2013?"

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City Solicitor: "Just for the record Madam Comptroller because Mr. Krus has indicated that the City would be prepared to provide answers to your questions are those exactly the same questions that you sent to him at 8:00 yesterday evening?"

Comptroller: "Yes."

City Solicitor: "Okay, Thank you. Just wanted to make sure that there weren't anymore."

Comptroller: "Okay. Ah -- also, will the Digicon Staffers and TCS Staff be used by MOIT to continue the efforts of implementing Voice over IP?"

Mr. Krus: "I haven't requested a breakdown of all the duties that they will be attending to."

Comptroller: "Okay and ah -- The June contract was to allow time to transition Digicon and TCS Staff to City employment. How many of the approximately 60 Digicon and TCS Staff has been transferred to City employment over the last six months?"

Mr. Krus: "I believe we've had um -- three people transition to full-time City employment. Um -- One whose come off the new CATS II Contract that we've piggybacked off of from the State, and potentially another nine who would be coming off of that

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contract. But, in these cases um -- a lot of this is to just replace vacancies from people who have left which is why it critical that we continue with the named individuals who are still with us."

Comptroller: "And why aren't we using the CAT II Contract instead of continuing to extend these two contracts?"

Mr. Krus: "Well, we are using the CAT II Program Madam Comptroller. That would get us to about ten people who we brought on board in via that contract. It's a process that we have to go through to hire people on that contract and um -- it takes a while to do the proper due diligence to hire them."

Comptroller: "Okay."

Mr. President: Um -- Madam Mayor.

Mayor: "So -- the Madam Comptroller, the last two questions about the scope of work for the employees with ah -- regard to last two questions you just asked -- were they part of the original -- ?

Comptroller: "Um -- No."

Mayor: "Okay, so Mr. Krus I've heard the questions that were listed and given to my administration I believe last night and based on that um -- I agree with the Comptroller that it

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seems that we should be able to get the answers readily. I would ask that you work to get that by close of business tomorrow."

Mr. Krus: "We will."

Comptroller: "Okay and that --."

Mayor: I am sorry the only reason I'd -- I'd separated those out is because I don't know and you don't know how long it's going to take you to get this other information. So, I know that my request is specifically for the ones that were -- "

Mr. Krus: "What we received yesterday, Madam Mayor?"

Mayor: "Yes, thank you."

Mr. Krus: "We will Madam Mayor."

Comptroller: "And -- And, this might be easier for you also, how many were from Digicon, how many were from TCS and who are the ten people for the CATS II, could you identify those?"

Mr. Krus: "We can."

Comptroller: "Okay."

Mayor: "I sorry, if -- if we could just -- I know that you've -- you've -- I believe e-mailed those -- the original questions -- if you give us those in writing as well just so that we all are on the same page."

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Comptroller: "Okay."

Mayor: I appreciate it. Thank you.

Mr. President: "Good, I'll entertain a motion.

City Solicitor: "Move the approval of the ah -- contract tendered by the Purchasing Department. All in f-- in denial of the protest of Mr. Jolivet and his Association.

Mr. Foxx: "Second."

Mr. President: All in favor say "AYE. All opposed 'NAY'.

Mayor: 'AYE.'

Comptroller: "NAY.

Mr. President: "Please note that Council President Young **ABSTAINS**. Thank you."

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INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
<u>Bureau of Purchases</u>		
19. TELECOMMUNICATIONS	\$ 115,147.00	Ratification
SYSTEMS, INC.	214,396.00	Increase
		First Amendment &
	<u>2,415,743.20</u>	Renewal Agreement
	<u>\$2,745,286.20</u>	

Solicitation No. 06000 - Citywide IT Support Staff Services Agreement - Departments Various - Req. Nos. Various

The Board is requested to approve a ratification, increase and authorize execution of the first amendment and renewal agreement with TeleCommunications Systems, Inc. The period of the ratification is July 1, 2012 through December 11, 2012. The period of the increase is December 12, 2012 through June 30, 2013. The period of the renewal is January 1, 2013 through June 30, 2013 with no renewal options remaining.

On June 27, 2012, the Board approved the initial award in the amount of \$2,415,743.20. Three additional individuals were in the process of being engaged by the vendor when the previous agreement was submitted to the Board for approval. The ratification, increase, and amendment cover the services of these individuals.

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.

(FILE NO. 57301)

MWBOO GRANTED A WAIVER.

A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION.

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Mr. President: "The second item on the Non-Routine Agenda can be found on Page 63, Item 19, Bureau of Purchases, Citywide IT Support Staff Service Agreement."

Mr. Krus: "This is very similar to the agreement that we just discussed. There is an additional ratification and amendment on this agreement based on uh -- approximately three staff who were not picked-up in the initial list. So, we have ratified -- um -- one for the services that they have provided to date and the increased the amount of the contract from the services that will be provided until June."

Mr. President: "Okay. Mr. Jolivet?"

Mr. Jolivet: "Yeah."

Mr. President: "Can you talk into the mic because this is being televised?"

Mr. Jolivet: "Yes. In light of the fact that I've - the argument ah -- which I have made pertaining to the contract of the proposed contract with Digicon is identical to the argument that I would like to make here. So, I am not going to go -- Mr. President --

President: "I am sorry."

Mr. Jolivet: "I am not going to go and present the

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same argument because the argument I've made against the Digicon contract is identical. So, I am going to save the Board's time. But, I do want to ask the City Solicitor to look at the wording of the Charter that purports to exempt this contract from competitive bidding and I -- I stated or I identified it in my brief and it would clearly show that the operative word is that the contract is not practical. It is not practical to submit this -- to take competitive bids for this job but that's -- that's just disingenuous because when this contract was first ah -- solicited I believe in 2006, Mr. President. There were six to seven bidders that submitted on this contract. Now to now assert that if we bid this job or it is impractical to bid it and even if we bid it, there is no competitive advantage to the City, Mr. President it is absurd. Absolutely absurd, makes no sense. Makes absolutely no sense, but in the reading of the Charter impracticability is just wrong, totally wrong on the face of it. In every case that identifies the definition and meaning of the term practical or impractical shows that the City is wrong on this case. So, I am not going to make another argument on it because I made it already. But, the sad thing about

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it is to see - the City Solicitor and the Law Department knows well that that is an improper interpretation of the statute. That's all I want to say."

Mr. President: "Alright, Madam Comptroller."

Comptroller: "Yeah, the same questions that I had regarding the Digicon applies to TCS. So, will the - TCS Staff be used by MOIT to continue the efforts ah -- to implement Voice over IP?"

Mr. Krus: "And, I would have the same answer. That's not something that I asked them about in preparation for today."

Comptroller: "Okay. So, the same questions that I have for Digicon are the same questions that I have for TCS."

Mr. Krus: "Okay."

Mr. President: "Okay, I will entertain a Motion."

City Solicitor: "Ah -- just ah -- preliminarily or as a part of the motion because Mr. Jolivet has um -- made some commentary about the Law Department and that everyone knows. This is a very different contract from your original contract years ago that was competitively bid that was a services contract. This contract like the one that was approved in December ah -- relates to those specific individuals who are currently hard at work

MINUTES

performing critical and important IT functions for the City. It's quite a different situation and I move that we reject the protest and approve the contract tendered.

Mr. Foxx: "Second."

Mr. President: "All those in favor say 'AYE' all opposed 'NAY'."

Comptroller: "NAY".

Mr. President: "Please note that President Council Young **ABSTAINS**. Um -- The Motion carries."

UPON MOTION duly made and seconded, the Board approved the foregoing informal awards and increases and Extensions to Contracts. The Board also approved and authorized execution of the ratification, increase and authorized execution of the first amendment and renewal agreement with TeleCommunications Systems, Inc. (item no. 16). The Mayor **ABSTAINED** on item no. 9. The President **ABSTAINED** on item nos. 5, 6, 16, 18, and 19. The Comptroller voted **NO** on item nos. 18 and 19.

MINUTES

Office of the Mayor - Agreement

ACTION REQUESTED OF B/E:

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

AMOUNT OF MONEY AND SOURCE:

\$5,387,155.00 - 1001-000000-4460-692000-607001

The first installment will be in the amount of \$1,346,788.75 and will be paid to the Family League upon approval of the agreement and \$1,346,788.75 will be paid to the FLBC quarterly for the next three quarters of the period of the agreement.

BACKGROUND/EXPLANATION:

The FLBC is the City of Baltimore's Local Management Board. It is a quasi-governmental non-profit organization that works with a range of partners to develop and implement initiatives that improve the well-being of Baltimore's children, youth, and families. The FLBC's work touches the lives of tens of thousands of Baltimore families each year.

Under the terms of this agreement, the funds will be used to support the administration of Community and School Engagement partnerships consisting of out-of-school time (OST) and community schools programs operated by community-based organizations.

The OST programs support academic skills development of youth and provide enrichment activities in areas such as athletics and the arts. Community resource schools facilitate a network of partnerships between the school and other community resources that promote student achievement and family and community well-being.

MINUTES

Office of the Mayor - cont'd

The programs are expected to have a positive impact on school attendance and reduce incidences of negative behavior for participants. In FY 2013, the funds will support 38 community schools and 48 OST programs. The funds will also support the provision of training and technical assistance to ensure that services are delivered with high quality and with consistency.

The agreement is late because of delays in the administrative review and approval process, subcontractor budgets, and scopes of work.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

(FILE NO. 55358)

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

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

Mr. President: "Madam Mayor."

Mayor: "One more item, the Board approved -- if I may -- the Board approved an agreement between the City and Family League

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of Baltimore. The Family League as you know is our partner in the developing and implementing initiatives to improve the well being for children -- ah -- young people and families, and funding approved will be used to support the administration's community and school engagement partnerships. Ah, as well as it will support the community resource schools um -- at 38 schools being in the City. The program focuses on attendance which is ah -- very -- a very big initiative, academic success, and family and community engagement. At those 38 schools whose running 48 after-school programs that directly serve 3,700 kids ah -- with a number of great programs, sports programs, arts, academics, music, dance, and theatre. And, with the funds we are leveraging by this investment we are also able to serve 8,000 suppers every night to students participating in the afterschool programs uh -- Citywide and If I am correct and um -- um I might be - but, ah -- I know that several schools -- but, if it's the same vendor that provides the uh -- dinners Citywide ah -- they are much better anything I can do because my daughter prefers (laughter) the afterschool dinners to anything I've been able to -- so, inaudible? (laughter) for additional 1500 ah --

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kindergarteners and third-graders in full-day summer programming to improve their reading scores by the end of the third grade. Our efforts are to grow Baltimore by 10,000 families in the next ten years is -- really depends greatly on our ability to make public education better for every child in the City no matter what neighborhood you grew up in. For those currently living in Baltimore that means developing good partnerships like this that allow young people to learn in safe and supportive environments. So, I want to thank again, Kevin Keegan and the Family League for working with us on this and many other efforts to improve and to get our City growing again. Thank you.

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

MINUTES

Department of Finance - Revision to Administrative Manual
AM-500-01, Smoke-Free Workplace

ACTION REQUESTED OF B/E:

The Board is requested to approve the revisions to the Smoke-Free Workplace policy, AM-500-01, dated August 22, 2012.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The major revision made to Smoke-Free Workplace, AM-500-01, is that smoking is now prohibited within 50 feet of the entrance or exit of a City-owned/leased building. The prohibition of smoking within 50 feet of the entrance of a building is recommended by the American Cancer Society. The revised AM-500-01 also states that members of the Baltimore City Police and Fire Departments shall adhere to their departmental policies governing designated smoking areas.

The revisions to AM-500-01 were recommended and reviewed by the Office of the Labor Commissioner, the Law Department, the Department of Human Resources, the Department of Public Works, the Department of General Services, and the Department of Finance.

UPON MOTION duly made and seconded, the Board approved the revisions to the Smoke-Free Workplace policy, AM-500-01, dated August 22, 2012.

MINUTES

Department of Planning - Amendment to Supplemental Agreement
for Professional Services

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an amendment to supplemental agreement for professional services with Camiros, Ltd. The amendment to supplemental agreement extends the period through January 31, 2014.

AMOUNT OF MONEY AND SOURCE:

No additional funds are required

BACKGROUND/EXPLANATION:

On July 16, 2008, the Board approved an agreement with Camiros, Ltd. to assist the City with planning and zoning services necessary to rewrite the existing zoning code. On August 26, 2009, the Board approved Amendment #1, which allowed for further evaluations and studies so the best rewrite could be provided. On January 12, 2011, the Board approved a supplemental agreement that gave the vendor additional time to complete the zoning code rewrite and comprehensive rezoning in three phases. This current amendment is for the purpose of an additional extension to have Camiros, Ltd. services available while the new code goes through the legislative review process.

MBE/WBE PARTICIPATION:

The vendor will comply with all terms and conditions of the MBE/WBE program in accordance with Article 5, Subtitle 28 of the Baltimore City Code.

AUDITS NOTED THE TIME EXTENSION.

(FILE NO. 57074)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment to supplemental agreement for professional services with Camiros, Ltd.

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

The Board is requested to approve and authorize execution of an interdepartmental lease agreement between the Department of General Services, landlord and the Office of the Labor Commissioner, tenant for the rental of a portion of the property known as 417 E. Fayette Street, being on the 14th floor, consisting of approximately 2,564 sq ft. The period of the agreement is July 1, 2012 through June 30, 2013, with an option to renew for five additional 1-year terms.

AMOUNT OF MONEY AND SOURCE:

	<u>Annual Rent</u>	<u>Monthly Rent</u>
Year 1	\$19,804.00	\$1,650.33

Account: 1001-000000-1280-154300-603096

BACKGROUND/EXPLANATION:

The tenant will use the leased premises for office space for the Office of the Labor Commissioner.

The landlord will be responsible for the maintenance of the interior and exterior of the building including the foundations, roof, walls, gutters, downspouts, air conditioning, ventilation and heating system, cleaning the floors, providing janitorial services, trash removal, pest control, and keeping the sidewalks adjacent to the premises and the entrances thereto clear of ice, snow and debris.

The landlord will also furnish and pay for all utilities that are supplied to or used at the Leased Premises, including oil, gas, electric and water.

MINUTESSpace Utilization Committee - cont'd

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

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

The Space Utilization Committee approved this lease agreement on November 27, 2012.

APPROVED FOR FUNDS BY FINANCE**(FILE NO. 57337)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the interdepartmental lease agreement between the Department of General Services, landlord and the Office of the Labor Commissioner, tenant for the rental of a portion of the property known as 417 E. Fayette Street, being on the 14th floor, consisting of approximately 2,564 sq ft.

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

The Board is requested to approve and authorize execution of an interdepartmental lease between the Department of General Services (DGS), and the Baltimore City Health Department (Health Department), tenant, for rental of the property known as 621 N. Eden Street, on the second floor, and consisting of approximately 6,547 square feet. The period of the interdepartmental lease is July 01, 2012 through June 30, 2017, with the option to renew for an additional five one-year periods.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Quarterly Installments</u>	
\$ 41,882.00	\$10,470.50	Year 1
\$ 43,138.46	\$10,784.62	Year 2
\$ 44,432.61	\$11,108.16	Year 3
\$ 45,765.59	\$11,441.40	Year 4
<u>\$ 47,138.56</u>	\$11,784.64	Year 5

\$222,357.22 - 4000-423213-3080-294100-603013

BACKGROUND/EXPLANATION:

The leased premises will be used for administrative and clinical offices for the Health Department's Women, Infant and Children's Program (WIC).

The Department of General Services will maintain the interior and exterior of the building, including the foundation, roof, walls, gutters, downspouts, and repairs of the HVAC system, including individual window ventilation systems, except for damage caused by the sole negligence of the Health Department's employees, guest, agents, invitees, and contractors.

The Department of General Services will provide janitorial services, trash removal, pest control, floor cleaning, snow removal, interior and exterior lighting, sewer/plumbing repairs, electrical repairs, replacement of the air filters every six months for the HVAC system, including individual window ventilation systems, and utilities.

MINUTESSpace Utilization Committee - cont'd

The Health Department accepts the premises in its existing condition, and will not make any alteration, additions, or improvements without DGS's written consent. The Health Department will provide all equipment including refrigerators or any other kitchen appliances, telephone and computer services. The Health Department will remove all debris from the leased premises into trash receptacles, and keep the common break room free of debris that can cause infestation of insects and/or rodents. The Health Department will keep entrances, passageways, and area adjoining to the building in a clean and orderly condition free of the Health Department's equipment and furniture, which will not impede ingress and egress. The Health Department will provide security at the premises, if applicable for its operations.

The Space Utilization Committee approved this interdepartmental lease on November 27, 2012.

APPROVED FOR FUNDS BY FINANCE

(FILE NO. 57336)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the interdepartmental lease between the Department of General Services, and the Baltimore City Health Department, tenant, for rental of the property known as 621 N. Eden Street, on the second floor, and consisting of approximately 6,547 square feet.

MINUTES

Department of Public Works/ - Agreement
Bureau of Water and Wastewater

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an agreement with Louis Berger Water Services, Inc., under Project No. 1172.1, Distribution of Water Main Replacement and Rehabilitation Design at Various Locations. The period of the agreement is effective upon Board approval for two years or until the upset limit is reached, whichever occurs first.

AMOUNT OF MONEY AND SOURCE:

\$999,932.00 - 9960-905668-9557-900020-703032

BACKGROUND/EXPLANATION:

Louis Berger Water Services, Inc. will provide water main design and engineering services related to the existing water infrastructure that has been identified by the City at various locations for replacement and/or rehabilitation. The scope of work includes preparation of contract documents including plans, specifications, cost estimates, permit applications, community outreach meetings, and right-of-ways, etc.

MBE: EBA Engineering, Inc.	\$120,398.21	12.04%
Navarro & Wright Co., Inc.	119,888.34	11.99%
Dhillon Engineering, Inc.	<u>31,269.16</u>	<u>3.13%</u>
Total	\$271,555.71	27.16%
WBE: Ruxton Design Corporation	\$ 91,186.89	9.12%

MWBOO FOUND VENDOR IN COMPLIANCE.

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTES

DPW/BW&WW - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Bureau of Water and Wastewater</u>		
\$1,100,000.00	9960-904689-9558	
Water Revenue	Constr. Res.	
Bonds	Proj. 972 -	
	Urgent Needs	
\$ 999,932.00	-----	9960-905668-9557-900020-3
		Engineering
<u>100,068.00</u>	-----	9960-905668-9557-9000209
		Administration
\$1,100,000.00		

The funds are required to cover the costs of Project No. 1172.1, Distribution of Water Mains.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with Louis Berger Water Services, Inc., under Project No. 1172.1, Distribution of Water Main Replacement and Rehabilitation Design at Various Locations. The transfer of funds was approved SUBJECT to receipt of favorable reports from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the Provisions of the City Charter. The President **ABSTAINED.**

MINUTES

Bureau of Water and Wastewater (BW&WW) - Amendment No. 1 to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an amendment no. 1 to agreement with KCI Technologies, Inc. (KCI), for Project 1118, Improvements to the Wastewater Collection System for Consent Decree Wet Weather Compliance.

AMOUNT OF MONEY AND SOURCE:

\$1,533,190.96 - Wastewater Revenue Bonds (57.23%)
1,145,807.75 - Baltimore County (42.77%)
\$2,678,998.71 - 9956-902588-9551-900020-703032

BACKGROUND/EXPLANATION:

On September 22, 2010, the Board entered into an agreement with the KCI to provide engineering and technology support for Project 1118.

During the course of amendment no. 1 to agreement the consultant will provide additional engineering services including the implementation of the Consent Decree fats, oils, and grease program which involves coordination with various agencies, inspection services, development of educational material, and planning of grease abatement treatment. KCI will assist the City with the implementation of the Utility Asset Management Division which will move the City into a proactive maintenance mode with the goal of solving problems before they become emergencies. Engineering, design and construction management services relating to the elimination of sanitary sewer overflows and basement backup will be performed. The consultant was approved by the Architectural and Engineering Awards Commission.

MBE/WBE PARTICIPATION:

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

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

MINUTES

BW&WW - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$1,716,900.00	9956-903627-9549	
Wastewater	Constr. Reserve	
Revenue Bonds	Wet Weather Program	
1,283,100.00	9956-905410-9549	
Baltimore	Constr. Reserve	
County	Herring Run	
<u>315,450.38</u>	Interceptor	
\$3,000,000.00		
\$2,684,549.62	-----	9956-902588-9551-3
		Design
<u>315,450.38</u>	-----	9956-902588-9551-9
\$3,000,000.00		Administrative

This transfer will provide funds to cover the costs associated with Project 1118, Improvements to the Wastewater Collection System for Consent Wet Weather Decree Compliance.

(FILE NO. 55986A)

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 1 to agreement with KCI Technologies, Inc., for Project 1118, Improvements to the Wastewater Collection System for Consent Decree Wet Weather

MINUTES

BW&WW - cont'd

Compliance. The transfer of funds was approved SUBJECT to receipt of favorable reports from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the Provisions of the City Charter. The President **ABSTAINED.**

MINUTES

Bureau of Water and Wastewater (BW&WW) - Partial Release of Retainage Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a partial release of retainage agreement to Spiniello Companies for Water Contract No. 1198, Urgent Need Work, Infrastructure Rehabilitation Various Locations.

AMOUNT OF MONEY AND SOURCE:

\$628,934.60 - 9960-903682-9557-000000-200001

BACKGROUND/EXPLANATION:

All work on Water Contract No. 1198 was completed on February 24, 2012. The contractor has requested a partial release of retainage in the amount of \$628,934.60. The remaining \$400,000.00 is sufficient to protect the interests of the City.

MWBOO HAS APPROVED THE RELEASE.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the partial release of retainage agreement to Spiniello Companies for Water Contract No. 1198, Urgent Need Work, Infrastructure Rehabilitation Various Locations. The President **ABSTAINED.**

MINUTESBureau of Water and Wastewater - Expense Statements**ACTION REQUESTED OF B/E:**

The Board is requested to approve the following expense statements for mileage during the month July 2012:

1. **MS. DONELL ALLEN** **\$111.00**

Account: 2071-000000-5471-609100-603002 - \$37.75

2071-000000-5471-609200-603002 - \$73.25

2. **MR. BRANDON L. ADAMS** **\$163.17**

Account: 2071-000000-5471-609100-603002

The Department requests reimbursement for the expenses incurred by the employees for mileage. The Division of Revenue Measurement and Billing inadvertently failed to have the employees' expense statements processed in time to be received by the Bureau of Accounting and Payroll Services within the 40 work days after the last calendar day of the month in which they were incurred.

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

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved the following expense statements for mileage during the month July 2012 for the above listed employees. The President **ABSTAINED.**

MINUTES

Department of Public Works/ - Task Assignment
Bureau of Water and Wastewater

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 013 to Johnson, Mirmiran & Thompson, Inc. (JMT), under Project No. 1120J, Construction Scheduling and Analysis Services (W.C. 1164, W.C. 1180, W.C. 1203, S.C. 871R, and S.C. 895). The period of this task is effective upon Board approval through October 5, 2013.

AMOUNT OF MONEY AND SOURCE:

\$ 31,043.51 - 9960-903709-9557-900020-703032 (W.C. 1164)
 31,043.51 - 9960-910703-9557-900020-703032 (W.C. 1203)
 31,043.51 - 9956-911411-9551-900020-703032 (S.C. 871R)
 31,043.51 - 9956-907643-9551-900020-703032 (S.C. 895)
 31,043.50 - 9960-904688-9557-900020-703032 (W.C. 1180)

\$155,217.54

BACKGROUND/EXPLANATION:

The consultant will provide construction scheduling analysis and evaluations on W.C. 1164-Towson Finished Reservoir Cover, W.C. 1180-Falls Road Water Main Replacement, W.C. 1203-Infrastructure Rehab. Various Locations, S.C. 871R-Herring Run Interceptors, and S.C. 895-Improvements to Maryland Avenue Sub-Sewershed Sewers.

MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 013 to Johnson, Mirmiran & Thompson,

MINUTES

BW&WW - cont'd

Inc., under Project No. 1120J, Construction Scheduling and Analysis Services (W.C. 1164, W.C. 1180, W.C. 1203, S.C. 871R, and S.C. 895). The President **ABSTAINED**.

MINUTES

Department of Public Works/ - Task Assignment
Bureau of Water and Wastewater

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 016 to Johnson, Mirmiran & Thompson, Inc. (JMT), under Project No. 1120J Construction Inspection Services (S.C. 855, S.C. 845 and S.C. 852R). The period of this task is effective upon Board approval through October 5, 2013.

AMOUNT OF MONEY AND SOURCE:

\$ 45,530.09 - 9956-904529-9551-900020-703032 (S.C. 855)
 45,530.09 - 9956-905527-9551-900010-703032 (S.C. 845)
 45,530.10 - 9956-910533-9551-900020-703032 (S.C. 852R)
\$136,590.28

BACKGROUND/EXPLANATION:

The Department desires to continue to utilize JMT to continue to provide construction inspection services on S.C. No. 855-Mod to Existing Facilities at Patapsco Wastewater Treatment Plant, S.C. 845-Nitrification Filters & Related Work for ENR at Patapsco Wastewater Treatment Plant, S.C. 852R-Dentrification Filters and Related Work for the Enhanced Nutrient Removal at Patapsco Wastewater Treatment Plant. These services were initially provided under Task 009 and will continue until the expiration date of the agreement.

MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

BW&WW - cont'd

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

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

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 016 to Johnson, Mirmiran & Thompson, Inc., under Project No. 1120J Construction Inspection Services (S.C. 855, S.C. 845 and S.C. 852R). The President **ABSTAINED**.

MINUTES

Department of Public Works/ - Task Assignment
Bureau of Water and Wastewater

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 009 to Rummel, Klepper & Kahl, LLP, under Project No. 1143 Construction Inspection Engineering and Scheduling Services (S.C. 829, S.C. 8526 and S.C. 870). The period of this task is effective upon Board approval for one year.

AMOUNT OF MONEY AND SOURCE:

\$ 41,401.36 - 9956-904561-9551-900020-703032 (S.C. 829)
 41,401.36 - 9956-907526-9551-900020-703032 (S.C. 8526)
 35,486.88 - 9956-902585-9551-900020-703032 (S.C. 870)
\$118,289.60

BACKGROUND/EXPLANATION:

Rummel, Klepper & Kahl, LLP will provide construction inspection services on S.C. No. 829-Primary Settling Tanks Back River Wastewater Treatment Plant, S.C. 8526-Sludge Digester Facilities at the Back River Wastewater Treatment Plant and S.C. 870-Scum/Grease System Improvements at Back River Wastewater Treatment Plant.

MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 009 to Rummel, Klepper & Kahl, LLP, under Project No. 1143 Construction Inspection Engineering and Scheduling Services (S.C. 829, S.C. 8526 and S.C. 870). The President **ABSTAINED.**

MINUTES

Department of Public Works/ - Task Assignment
Bureau of Water and Wastewater

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 007 to Rummel, Klepper & Kahl, LLP, under Project No. 1143 Project Management Services, (S.C. 849, S.C. 871R, S.C. 894 and W.C. 1217). The period of this task is effective upon Board approval for one year.

AMOUNT OF MONEY AND SOURCE:

\$ 54,039.92 - 9956-904753-9551-900020-703032 (S.C. 849)
 54,039.92 - 9956-911411-9551-900020-703032 (S.C. 871R)
 54,039.92 - 9956-904694-9551-900020-703032 (S.C. 894)
54,039.92 - 9960-918701-9557-900020-703032 (W.C. 1217)
\$216,159.68

BACKGROUND/EXPLANATION:

Rummel, Klepper & Kahl, LLP, will provide management services on S.C. No. 849-Locust Point Wastewater Pumping Station Main Replacement, S.C. 871R-Improvement to Herring Run Interceptor, Phase I, S.C. 894-Cleaning of Outfall Sewershed 99-Inch and Outfall Interceptor, W.C. 1217-Urgent Need Infrastructure Rehabilitation.

MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved the

MINUTES

BW&WW - cont'd

assignment of Task No. 007 to Rummel, Klepper & Kahl, LLP, under Project No. 1143 Project Management Services, (S.C. 849, S.C. 871R, S.C. 894 and W.C. 1217). The President **ABSTAINED**.

MINUTES

Department of Public Works/ - Ratification
Bureau of Water and Wastewater

ACTION REQUESTED OF B/E:

The Board is requested to ratify an agreement with Ross Technical Services, Inc. The period of the agreement was October 15, 2012 through December 7, 2012.

AMOUNT OF MONEY AND SOURCE:

\$ 5,627.66 - 2070-000000-5501-396404-603020
 5,627.66 - 2070-000000-5501-630004-603020
 5,627.68 - 2070-000000-5501-396804-603020
\$16,883.00

BACKGROUND/EXPLANATION:

The Baltimore City Joint Apprenticeship Program requires that apprentices assigned to the Waste Water Treatment Plants of Baltimore City be provided with 144 hours of classroom instruction per year for each year of the three years that they are employed to successfully complete the Wastewater Treatment Technician Apprenticeship Program.

Ross Technical Services, Inc. has an extensive background in wastewater treatment training and has provided a custom curriculum that enables apprentices to be exposed to the technical requirements of the program as it relates to the actual work environment of a Water and Wastewater Treatment Plant.

This agreement is for the first year instruction for the class of trainees hired as Wastewater Treatment Apprentices. The training will take place on-site using existing equipment and materials.

MINUTES

BW&WW - cont'd

The agreement is late because of delays in the administrative review process.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved ratification of the agreement with Ross Technical Services, Inc.

The President **ABSTAINED.**

MINUTESDepartment of Human Resources - Personnel Matter

The Board is requested to approve the personnel matter below:

Department of Finance

	<u>Rate of Pay</u>	<u>Amount</u>
1. Geraldine Gentile	\$24.41	\$23,166.00

Account: 1001-000000-1401-159700-601009

Ms. Gentile, retiree will work as a Special Assistant to the Finance Director. Her duties will include, but are not limited to providing support for the Combined Charities Campaign, Deferred Compensation Program and the Board of Estimates agenda items submissions. The period of the agreement is effective upon Board approval through June 4, 2013.

Ms. Gentile's hourly rate is based upon the agreed upon maximum of 949 total hours instead of the 1,200 maximum.

THE DEPARTMENT OF FINANCE IS REQUESTING A WAIVER OF THE HOURLY RATE PORTION, AS OUTLINED IN THE CITY'S ADMINISTRATIVE MANUAL 212-1 PART I - RETIREES.

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

UPON MOTION duly made and seconded, the Board approved and authorized execution the personnel matter for Mr. Gentile.

MINUTES

Bureau of Purchases - Change of Landlord & Payee

ACTION REQUESTED OF B/E:

The Board is requested to approve the change of the landlord/owner and payee from RWN 10 Calvert Street Owner, LLC, (landlord)/B&R 10 N. Borrower, LLC (borrower) to Equitable Holdings, LLC c/o Transwestern for the leased premises located at 10 North Calvert Street.

AMOUNT OF MONEY AND SOURCE:

\$16,525.00 (Arrears)
and annual rental payments for years 2-5, as approved by the Board on October 05, 2011.

BACKGROUND/EXPLANATION:

On December 06, 2006, the City entered in to a lease for 10 N. Calvert Street for suite 915. The lease has since been amended, on July 21, 2010 and on October 20, 2011. The premises are leased on behalf of the Office of Civil Rights and Wage Enforcement.

The current term of the lease is through September 30, 2016. The landlord subsequently entered into transactions with B&R 10 North Borrower, LLC and they have recently assigned to Equitable Holdings Trust all of its rights, title, interest and obligations under the lease. Therefore, the Board is requested to approve the change in the name of the owner and payee.

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.

APPROVED FOR FUNDS BY FINANCE

(FILE NO. 55772)

UPON MOTION duly made and seconded, the Board approved the change of the landlord/owner and payee from RWN 10 Calvert

MINUTES

Bureau of Purchases - cont'd

Street Owner, LLC, (landlord)/B&R 10 N. Borrower, LLC (borrower)
to Equitable Holdings, LLC c/o Transwestern for the leased
premises located at 10 North Calvert Street.

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PROPOSALS AND SPECIFICATIONS

There were no Proposals and Specifications to be advertised
for receipt and opening of bids.

MINUTES

ACKNOWLEDGEMENT

Mr. President: "I would like to recognize Councilman Carl Strokes who has joined us with my tie on. (laughter) - ah -- Madam Mayor.

Mayor: I didn't - I didn't get the yellow tie memo today (laughter). So, thank you very much, Mr. President. We are very happy to announce today the appointment of Tim Krus as the City's Purchasing Agent. He has served the City for 32 years -- is it really 32 years? We have 28 years in that service has been in key roles with the Department of Finance. For the past six years he served in the Bureau of Purchases where he lead the engineering of the City's procurement process ah -- from one based on paper documents and to one when grounded modern and electronic procurement system that we call Citibuy. With this tremendous change that has improved the way the City does business, and he has served as Acting City Purchasing Agent for five months starting, which is a day that I think we all remember on the June 29th, which is a day that the City was hit by the Derecho. So, I am - I am -- It took so long to make up our minds about this official appointment because we did not

MINUTES

know how to take that or is that a good thing - his (laughter) getting a new job or not? But since we haven't had another Derecho since you've taken over I think we are safe. This service during the emergency on the daily challenges of ah -- City procurement and during the second City emergency when Hurricane Sandy hit us, he has been simply outstanding. We look forward to Tim's contributions as the City faces new challenges in months and years ahead. Thank you, very much."

Mr. Krus: "Thank you, Madam Mayor."

Mr. President: "Congratulations."

Mr. Krus: "Thank you."

Mayor: "Thanks."

Comptroller: "Congratulations."

* * * * *

MINUTES

ACKNOWLEDGEMENT

Mr. President: "Thank you. Ah -- I just want to make sure that everyone that's in the Board of Estimates' room knows that we are having Toys for Tots today -

Mayor: "Oh, yes."

Mr. President: "from 5:30 to 9:00. You are invited to come but you have to bring an unwrapped toy. So, again 5 to 8 -- "

Mr. Foxx: "Okay."

President: "Ah -- I am sorry 5:30 til 8:00. I just like to party until 9 (laughter). But anyway, there being no more business before the Board, the Board will recess until bid opening at 12 noon. Thank you."

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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 WERE RECEIVED.

MINUTES

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

Bureau of Water and Wastewater - SC 889, Dundalk Wastewater Pumping Station Force Main Replacement

Northeast Remsco Construction Inc.
Metra Industries
American Infrastructure

Bureau of Purchases - B50002701, Relocation Services (Hotels/Motels) - Lead Hazard Reduction Program

Regent Development Consulting, Inc.
Mount Vernon Hotel

Bureau of Purchases - B50002719, Hosted VoIP system for State Attorney Office

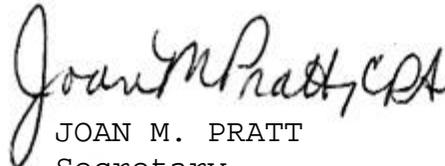
NWN Corporation
iCore Networks
Believe Wireless, LLC
Flying Eagles PC Repair

Bureau of Purchases - B50002330, Marketing Partnership Program (**PRICE**)

Clear Channel Outdoor
Legends Sales & Marketing
The Superlative Group, Inc.

MINUTES

There being no objections, the Board UPON MOTION duly made and seconded, adjourned until its next regularly scheduled meeting on December, 19, 2012.



JOAN M. PRATT
Secretary