

**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 17, 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."

Comptroller: "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 & A Tree Experts, Inc.	\$ 1,359,000.00
Allied Roofing and Sheetmetal, Inc.	\$ 8,000,000.00
Artisan Concrete Services, Inc.	\$ 1,500,000.00
DN Tanks, Inc. and Subsidiaries	\$385,812,000.00
Dissen & Juhn, LLC/Marine Asset Corporation	\$ 18,171,000.00
Electrico, Inc.	\$ 8,000,000.00
Hunt Valley Contractors, Inc. and Affiliates	\$ 5,418,000.00
L.J. Brossoit & Sons, Inc.	\$ 1,500,000.00
Manuel Luis Construction Co., Inc. and Subsidiary	\$ 27,711,000.00
Miller Pipeline, LLC	\$368,667,000.00
Nichols Contracting, Inc.	\$ 8,000,000.00
Power Component Systems, Inc.	\$ 8,000,000.00
Sabre Demolition Corporation	\$ 8,000,000.00
TRIJAY Systems, Inc.	\$ 8,000,000.00
United General Contractors, Inc.	\$ 8,000,000.00
Video Pipe Services, Inc.	\$ 38,376,000.00

**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:

BLV Engineering Associates, Inc.	Engineer
Jason Consultants, LLC	Engineer
KCI Technologies, Inc.	Land Survey Landscape Architect Engineer
Paulco Engineering, Inc.	Engineer
Savin Engineers, P.C.	Engineer

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

**MINUTES**Space Utilization Committee - Amendment to Lease Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an amendment to lease agreement with Notre Dame Preparatory School, Inc., tenant, for the rental of a portion of the property known as the Baltimore Rowing and Water Resource Center, located at 3301 Waterview Avenue, containing 1,525 square feet. The amendment extends the period of the lease agreement through June 30, 2013, with no renewal options remaining.

**AMOUNT OF MONEY AND SOURCE:**

\$919.50 - Six months

**BACKGROUND/EXPLANATION:**

On February 2, 2011, the Board approved the two-year lease agreement with Notre Dame Preparatory School, Inc., for the property located at 3301 Waterview Avenue, for the period January 1, 2011 through December 31, 2012. This amendment extends the period of lease agreement through June 30, 2013, with no renewal options remaining. All other terms and conditions of the original lease agreement remain unchanged.

The Space Utilization Committee approved the amendment to lease agreement on December 11, 2012.

**(FILE NO. 54777)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment to lease agreement with Notre Dame Preparatory School, Inc., tenant, for the rental of a

**MINUTES**Space Utilization Committee - cont'd

portion of the property known as the Baltimore Rowing and Water Resource Center, located at 3301 Waterview Avenue, containing 1,525 square feet.

**MINUTES**Space Utilization Committee - Amendment to Lease Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an amendment to lease agreement with Loyola University of Maryland, Inc., tenant, for the rental of a portion of the property known as the Baltimore Rowing and Water Resource Center, located at 3301 Waterview Avenue, containing 1,220 square feet. The amendment extends the period of the lease agreement through June 30, 2013, with no renewal options remaining.

**AMOUNT OF MONEY AND SOURCE:**

\$735.00 - Six months

**BACKGROUND/EXPLANATION:**

On March 9, 2011, the Board approved the two-year lease agreement with Loyola University of Maryland, Inc., for the property located at 3301 Waterview Avenue, for the period January 1, 2011 through December 31, 2012. This amendment extends the period of lease agreement through June 30, 2013, with no renewal options remaining. All other terms and conditions of the original lease agreement remain unchanged.

The Space Utilization Committee approved the amendment to lease agreement on December 11, 2012.

**(FILE NO. 54777)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment to lease agreement with Loyola University of Maryland, Inc., tenant, for the rental of a

**MINUTES**Space Utilization Committee - cont'd

portion of the property known as the Baltimore Rowing and Water Resource Center, located at 3301 Waterview Avenue, containing 1,220 square feet.

**MINUTES**Space Utilization Committee - Amendment to Lease Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an amendment to lease agreement with Baltimore Rowing Club, tenant, for the rental of a portion of the property known as the Baltimore Rowing and Water Resource Center, located at 3301 Waterview Avenue, containing 3,050 square feet. The amendment extends the period of the lease agreement through June 30, 2013, with no renewal options remaining.

**AMOUNT OF MONEY AND SOURCE:**

\$1,783.50 - Six months

**BACKGROUND/EXPLANATION:**

On February 2, 2011, the Board approved the two-year lease agreement with Baltimore Rowing Club, for the property located at 3301 Waterview Avenue, for the period January 1, 2011 through December 31, 2012. This amendment extends the period of lease agreement through June 30, 2013, with no renewal options remaining. All other terms and conditions of the original lease agreement remain unchanged.

The Space Utilization Committee approved the amendment to lease agreement on December 11, 2012.

**(FILE NO. 55186)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment to lease agreement with Baltimore Rowing Club, tenant, for the rental of a portion of

**MINUTES**

Space Utilization Committee - cont'd

the property known as the Baltimore Rowing and Water Resource Center, located at 3301 Waterview Avenue, containing 3,050 square feet.

**MINUTES**Space Utilization Committee - Amendment to License Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an amendment to license agreement with University of Maryland Baltimore County (UMBC), licensee, for the rental of a portion of the property known as the Baltimore Rowing and Water Resource Center, located at 3301 Waterview Avenue, containing 316 square feet. The amendment extends the period of the license agreement through June 30, 2013, with no renewal options remaining.

**AMOUNT OF MONEY AND SOURCE:**

\$184.00 - Six months

**BACKGROUND/EXPLANATION:**

On February 2, 2011, the Board approved the two-year license agreement with the UMBC, for the property located at 3301 Waterview Avenue, for the period January 1, 2011 through December 31, 2012. This amendment extends the period of license agreement through June 30, 2013, with no renewal options remaining. All other terms and conditions of the original license agreement remain unchanged.

The Space Utilization Committee approved the amendment to license agreement at its meeting on December 11, 2012.

**(FILE NO. 55186)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment to license agreement with University of Maryland Baltimore County (UMBC), licensee, for

## MINUTES

Space Utilization Committee - cont'd

the rental of a portion of the property known as the Baltimore Rowing and Water Resource Center, located at 3301 Waterview Avenue, containing 316 square feet.

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

The Board is requested to approve and authorize execution of a lease agreement with Kolper Properties, Inc., (Kolper) tenant, for the rental of lots known as 3409, 3411 Ash Street, and ES Ash Street NEC Clipper Road (Block 3525B, Lots 2/3, and 5), consisting of approximately 12,917 square feet. The period of the lease agreement is December 01, 2012 through November 30, 2013, with one additional 1-year renewal option.

**AMOUNT OF MONEY AND SOURCE:**

<u>Year</u>	<u>Annual Rent</u>	<u>Monthly Installments</u>
1	\$1,400.00	\$116.67
2	\$1,442.00	\$120.17

**BACKGROUND/EXPLANATION:**

Of the total 12,917 sq. ft., only 5,000 sq. ft. will be used for parking. The remainder of the lots will be used for removable seating in association with the adjoining property known as Birrotecca Restaurant, located at 1520 Clipper Road.

Kolper is responsible for providing landscaping improvements to the land, provided that the plans and specifications for the landscaping is approved by the Department of Planning, including but not limited to the erection or relocation of non-permanent storage sheds, fences, gates, barricades, and roadways must be approved in writing by the Director of the Department of Public Works and the Director of the Department of Planning.

The parking area will be limited to 5,000 square feet and no grading of the area is allowed. Kolper is responsible for all necessary licenses and permits.

## MINUTES

Space Utilization Committee - cont'd

Kolper is responsible for snow and ice removal. Kolper is responsible for all sewer, water, electric, special paving assessments and other utility charges, as well as installation and hook up of disconnection costs.

The Space Utilization Committee approved this lease on December 11, 2012.

**(FILE NO. 57357)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the lease agreement with Kolper Properties, Inc., (Kolper) tenant, for the rental of lots known as 3409, 3411 Ash Street, and ES Ash Street NEC Clipper Road (Block 3525B, Lots 2/3, and 5), consisting of approximately 12,917 square feet.

**MINUTES**

Department of Real Estate - Right-of-Entry Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a right-of-entry agreement with the State of Maryland, for the use of the Maryland Military Department, to enter upon Map 96, Grid 18, Parcel 28, located on North Point Boulevard, Dundalk, in Baltimore County, consisting of approximately 5.74 acres or less. The period of the right of entry agreement is effective upon Board approval through January 15, 2013.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On October 4, 2012, the Board approved the agreement of sale with the State of Maryland for the appraised amount of \$373,000.00. The Military Department is requesting access to the subject property to conduct measurements, evaluate for development design, and perform a soil boring test of no more than ten feet in depth.

**(FILE NO. 57315)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of a right-of-entry agreement with the State of Maryland, for the use of the Maryland Military Department, to enter upon Map 96, Grid 18, Parcel 28, located on North Point Boulevard, Dundalk, in Baltimore County, consisting of approximately 5.74 acres or less.

**MINUTES**

Department of Real Estate - Deed

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Deed with Nitsa Stakias Zdziera, Geneivieve Stakias, and Panagioti Stakias, for the closing and conveyance of a bed of Toone Street approximately 70' wide by 173' and a 7 foot alley at the rear of 1301 S. Ponca Street, which has been legally closed.

**AMOUNT OF MONEY AND SOURCE:**

\$15,000.00 - appraised value

**BACKGROUND/EXPLANATION:**

On November 2, 2011, the City entered into a closing agreement with Nitsa Stakias Zdziera, Geneivieve Stakias, and Panagioti Stakias, for the closing and conveyance of a bed of Toone Street and a 7 foot alley at the rear of 1301 S. Ponca Street. Nitsa Stakias Zdziera, Geneivieve Stakias, and Panagioti Stakias, the adjoining owners are planning to place a fence across Toone Street to prevent illegal dumping and to consolidate the properties.

In the closing agreement Nitsa Stakias Zdziera, Geneivieve Stakias, and Panagioti Stakias, agreed to pay the fair market value for the property.

The sale of the public right-of-way was authorized by means of Sales Ordinance No. 12-37, approved on June 21, 2012. The street closing process is intricate and involves public notice and other procedures before the deed can be prepared for submission to the Board for approval.

**(FILE NO. 56664)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of a Deed with Nitsa Stakias Zdziera,

**MINUTES**

Department of Real Estate - cont'd

Geneivieve Stakias, and Panagioti Stakias, for the closing and conveyance of a bed of Toone Street approximately 70' wide by 173' and a 7 foot alley at the rear of 1301 S. Ponca Street, which has been legally closed.

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

The Board is requested to approve and authorize execution of an interdepartmental lease agreement with the Department of General Services (DGS) landlord, and the Board of Municipal Zoning and Appeals, tenant for the rental of the property known as 417 E. Fayette Street, being on the 14<sup>th</sup> floor, consisting of approximately 2,817 square feet. The period of the lease agreement is July 1, 2012 through June 30, 2013, with the option to renew for five 1-year periods.

**AMOUNT OF MONEY AND SOURCE:**

<u>Annual Rent</u>	<u>Monthly Rent</u>
\$18,060.00	\$1,505.00

Account - 1001-000000-1850-187000-603096

**BACKGROUND/EXPLANATION:**

The leased premises will be used for offices for the Board of Municipal Zoning and Appeals.

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

The landlord will be responsible for all interior and exterior lighting of the leased premises. The landlord will also furnish and pay for all utilities that are supplied to or used at the lease premises, including oil, gas, electric and water.

**MINUTES**Space Utilization Committee - cont'd

The tenant accepts the premises in its current condition. The tenant will provide all equipment if applicable, necessary for the operation of the tenant's programs. The tenant will be responsible for placing debris from the leased premises into trash receptacles. The tenant will keep the entrance, passageways, and areas adjoining its leased premises in a clean and orderly condition, free of rubbish and obstruction.

The interdepartmental lease agreement is late because of administrative delays.

The Space Utilization Committee approved this interdepartmental lease agreement on December 11, 2012.

**APPROVED FOR FUNDS BY FINANCE**

(FILE NO. 57355)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the interdepartmental lease agreement with the Department of General Services landlord, and the Board of Municipal Zoning and Appeals, tenant for the rental of the property known as 417 E. Fayette Street, being on the 14<sup>th</sup> floor, consisting of approximately 2,817 square feet.

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

The Board is requested to approve and authorize execution of an interdepartmental lease agreement with the Department of General Services (DGS) landlord, and the Department of Housing and Community Development (DCHD), tenant for the rental of a portion of the property known as 417 E. Fayette Street, being on the 2<sup>nd</sup>, 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> floors, consisting of approximately 83,218 square feet. The period of the lease agreement is July 1, 2012 through June 30, 2013, with the option to renew for five 1-year renewals.

**AMOUNT OF MONEY AND SOURCE:**

<u>Annual Rent</u>	<u>Monthly Rent</u>
\$533,531.00	\$44,460.92

Account - 1001-000000-1773-179700-603096

**BACKGROUND/EXPLANATION:**

The leased premises will be used for offices for the Department of Housing and Community Development.

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

The landlord will be responsible for all interior and exterior lighting of the leased premises. The landlord will also furnish and pay for all utilities that are supplied to or used at the lease premises, including oil, gas, electric and water.

**MINUTES**Space Utilization Committee - cont'd

The tenant accepts the premises in its current existing condition. The tenant will provide all equipment if applicable, necessary for the operation of the tenant's programs. The tenant will be responsible for placing debris from the leased premises into trash receptacles. The tenant will keep the entrance, passageways, and areas adjoining its leased premises in a clean and orderly condition, free of rubbish and obstruction.

The interdepartmental lease agreement is late because of administrative issues.

The Space Utilization Committee approved this interdepartmental lease agreement on December 11, 2012.

**APPROVED FOR FUNDS BY FINANCE**

**(FILE NO. 57356)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the interdepartmental lease agreement with the Department of General Services (DGS) landlord, and the Department of Housing and Community Development (DCHD), tenant for the rental of a portion of the property known as 417 E. Fayette Street, being on the 2<sup>nd</sup>, 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> floors, consisting of approximately 83,218 square feet.

**MINUTES**

Department of Real Estate - Release of Covenant and  
Escrow Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize a release of covenant and an escrow agreement with the Greens at Logan Field Limited Partnership (Greens at Logan) and the Continental Title Group (escrow agent).

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

In 1947, the City sold a parcel of ground which it owned located in Baltimore County containing 46.2077 acres of land pursuant to a deed dated October 16, 1947 and recorded in the Land Records of Baltimore County in Liber JWB No. 1627, Folio 169. The Deed contained a covenant which read as follows: "The party of the second part its successors and assigns will not erect permit or place in or on the property herein described any structures trees poles or other objects which will reach a height of 45 feet elevation above mean sea level."

At the time of the conveyance, there was a possibility that a small airport would be built nearby, which was the purpose of the height restriction. The City has agreed to release the covenant as it pertains to the remaining portion of the property which contains 3.074 acres. Greens at Logan which is an entity formed by the Enterprise Foundation is developing a 4-story apartment building for the elderly on the property.

The release of covenant will eliminate the covenant relating to the building height restriction contained in the deed for the

**MINUTES**

Department of Real Estate - cont'd

property formerly owned by the City. The escrow agent will hold the release of covenant agreement until Greens at Logan purchases the property. The City has agreed to release the height restriction covenant to allow for the development.

**(FILE NO. 57354)**

UPON MOTION duly made and seconded, the Board approved and authorized the release of covenant and the escrow agreement with the Greens at Logan Field Limited Partnership (Greens at Logan) and the Continental Title Group.

## MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Dept. of Housing and Community Development (DHCD) - Condemnations</u>			

1. Annabell S. Way	3510 Woodland Avenue	G/R \$80.00	\$ 533.33
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Funds are available in account no. 9910-903187-9588-900000-704040, Park Heights Demo-Woodland/Virginia Corridor Project.

**(FILE NO. 57083)**

2. Harry C. Cockrill and Anna K. Cockrill (both deceased)	1125 N. Bradford Street	G/R \$48.00	\$ 320.00
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Funds are available in account no. 9910-904488-9588-900000-704040, Milton-Montford Project.

3. The Estate of Emma C. Backman, (both deceased)	2720 Tivoly Ave.	G/R \$78.00	\$ 520.00
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Funds are available in account no. 9910-904326-9588-900000-704040, Coldstream Homestead Montebello Project.

**(FILE NO. 57188)**

The Board is requested to approve acquisition of the ground rent interest by condemnation, or in the alternative may, SUBJECT to the prior approval of the Board, make application to the Maryland Department of Assessments and Taxation to redeem or extinguish the ground rent interest for these properties.

## MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Condemnations</u> - cont'd			
4. Glenn H. Goldberg and Ronnie Mark Goldberg	2436 E. Eager St.	G/R \$60.00	\$ 500.00

Funds are available in account no. 9910-904488-9588-900000-704040, Milton-Montford Project.

UPON MOTION duly made and seconded, the Board approved for  
aforementioned condemnations.

**MINUTES**

Parking Authority of - Parking Facilities Rate Increases  
Baltimore City (PABC)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the increase in certain rates at four of the City-owned parking facilities that are managed by the PABC.

**AMOUNT OF MONEY AND SOURCE:****Current Rates****Proposed Monthly  
Rate Increases**

		<u>West Street Garage</u>
\$100.00	24/7 Access	\$110.00
\$ 70.00	Merchants	\$ 72.00
\$ 65.00	Restricted (6am-6pm Mon. - Fri.)	\$ 68.00
\$ 55.00	Restricted (4pm-8am Mon. - Fri.)	\$ 60.00
\$ 60.00	Birkhead Lot	\$ 65.00
		<u>Baltimore Street Garage</u>
\$240.00	Reserved Rate	\$245.00
		<u>Marina Garage</u>
\$ 52.50	Marina LLC Rate	\$ 65.00
		<u>Lexington Street Garage</u>
\$ 95.00	MAPS Rate	\$ 98.00

There are no proposed transient rate increases for any of the above locations.

**MINUTES**

PABC - cont'd

**BACKGROUND/EXPLANATION:**

The PABC is charged with managing the City of Baltimore's parking assets. Proper stewardship of those assets requires that the PABC realize the appropriate return on the City's parking investment.

Pursuant to Article 31, §13(f)(2) of the Baltimore City Code, subject to the approval of the Board of Estimates, the PABC may set the rates for any parking project. The PABC believes that rate changes at these parking facilities are warranted at this time.

The rates charged for parking at these City-owned facilities have not been increased since 2007, in many instances. However, operating costs continue to increase. Liability insurance costs, health insurance and payroll costs for staff (all staff at City-owned facilities are paid, at a minimum, the City's living wage), utilities, and improvements to the facilities (better lighting, revenue control equipment, security cameras, etc.) have all contributed to the continuing increase in operating expenses.

The PABC performed a survey of parking rates in the areas surrounding the facilities (Baltimore Street, Lexington Street, the Marina and West Street garages). The rate surveys confirmed that the fees charged to parkers at these facilities are generally lower than fees charged at other parking facilities within the area. To bring the rates charged at City facilities in line with their surrounding facilities, the PABC staff developed the rate changes submitted to the Board. These rate changes were unanimously approved by the PABC Board of Directors.

**APPROVED FOR FUNDS BY FINANCE**

## MINUTES

PABC - cont'd

**(FILE NO. 55987)**

UPON MOTION duly made and seconded, the Board approved the increase in certain rates at four of the City-owned parking facilities that are managed by the PABC.

**MINUTES**

Parking Authority of - System Purchase Agreement  
Baltimore City (PABC)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a system purchase agreement with Scheidt & Bachmann USA Inc. (S&B). The period of the agreement is effective upon Board approval through the earlier of (i) two years from the date of acceptance when the warranty expires, or (ii) upon a written agreement of the parties, or (iii) upon either Party exercising a termination right provided in the agreement.

**AMOUNT OF MONEY AND SOURCE:**

\$31,600.00 - 2075-000000-2321-408600-606007

**BACKGROUND/EXPLANATION:**

Under the terms of this system purchase agreement, the funds will be used to replace the outdated and inoperable parking and access and revenue control equipment at the Marina Parking Garage located at 402 Key Highway. The system will be installed within three months following Board approval.

The parking access and revenue control equipment at the Marina Garage is more than 12 years old and is currently inoperable. The PABC issued an RFP for the replacement of the parking access and revenue control equipment for the Marina Garage and received three responses. The S&B's proposal for the system was responsive and was the least expensive of the proposals received.

The system will integrate seamlessly with the PABC's management software for other City-owned parking facilities and the PABC has been satisfied with similar systems provided by the S&B at those facilities.

MINUTES

PABC - cont'd

**MBE/WBE PARTICIPATION:**

N/A

**APPROVED FOR FUNDS BY FINANCE**

**(FILE NO. 55987)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the system purchase agreement with Scheidt & Bachmann USA Inc.

**MINUTES**

Department of Human Resources - Moving Expenses

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize reimbursement to Mr. Anthony Batts for moving expenses.

**AMOUNT OF MONEY AND SOURCE:**

\$7,896.81 - 1001-000000-2041-195500-603026

**BACKGROUND/EXPLANATION:**

Mr. Batts moved from Marina Del Ray, California to Baltimore, Maryland. The incumbent was hired by the Mayor effective September 25, 2012 and has moved from California to a home in Maryland. Bids were received from Allied Van Lines for the transport of personal items and Dealer to Dealer Auto Transport for the transport of personal vehicles. The Board is requested to approve the expenses with only one bid from Allied because they specialize in the moving of highly sensitive items; firearms; and have an "A" rating. Due to the short notice to secure the contract, Dealer to Dealer Auto Transport was the only vendor agreeable to move the vehicles as quickly as needed. The employee has paid for the services in full and is requesting reimbursement for the combined total charge of \$7,896.81 which includes insurance.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

**(FILE NO. 57314)**

UPON MOTION duly made and seconded, the Board approved and authorized reimbursement to Mr. Anthony Batts for moving expenses.

## MINUTES

PROPOSAL AND SPECIFICATIONS

1. Bureau of Water & Wastewater - WC 1239, Water Appurtenance Installations  
**BIDS TO BE RECV'D: 01/23/2013**  
**BIDS TO BE OPENED: 01/23/2013**
  
2. Bureau of Water & Wastewater - WC 1261, On-Call/Urgent Need Infrastructure Rehabilitation  
**BIDS TO BE RECV'D: 01/23/2013**  
**BIDS TO BE OPENED: 01/23/2013**

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

**MINUTES**

Baltimore Development - Fourth Amendment to Land  
Corporation (BDC) \_\_\_\_\_ Disposition Agreement \_\_\_\_\_

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a.) the fourth amendment to the LDA, b.) Payment in Lieu of Taxes (PILOT) Agreement, with Lexington Square Partners, LLC, developer. The fourth amendment to the LDA extends the termination date to June 30, 2013.

The Board is further requested to approve the execution of certificates, affidavits, consents, ancillary or confirming agreements and the like related to the LDA by the Department of Housing and Community Development and related to the PILOT, by the Director of Finance; none of which will impose any obligation upon the City, SUBJECT to review and approval for form and legal sufficiency by the Department of Law.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The Board previously approved three amendments to the LDA for the Lexington Square Project in an effort to get the project underway. This project has been stymied with numerous lawsuits and the perils of the economic recession of the past few years. The Developer has requested a six month extension through June 30, 2013. The Developer believes that this extension will be the last one that is necessary in order to secure financing for the project. It will continue to be a condition of settlement and conveyance of the site that the Developer provides the City with satisfactory evidence of the existence of financing for the project.

## MINUTES

BDC - cont'd

The Developer will purchase the site for \$12,200,000.00 and will receive the following credits applied towards the purchase price:

- \$2,450,000.00 credit towards the \$2,700,000.00 payment that the Developer will pay for the Carmel Settlement. The City negotiated this settlement, but the LDA requires that the Developer make the out-of-pocket cash payment, and
- \$6,900,000.00 credit for demolition costs and remediation cost, which was originally set at \$10,000,000.00. The City has undertaken some demolition work, which reduced this credit to \$6,900,000.00.

The development is approximately a \$152,000,000.00 project consisting of 296-market rate housing units, 650-space parking garage and 217,444 square feet of retail. Construction is scheduled to begin in the 2<sup>nd</sup> quarter 2013, with a 36-month projected construction period.

The development team has requested a 20-year PILOT for the residential and garage components of the project.

As required under Section 7-504.3 of the Maryland Annotated Code, the PILOT agreement will authorize the rebate of the incremental real property taxes for the rental housing units and parking garage (the PILOT will not be on the retail portion of the project, the Developer will be applying for the Enterprise Zone Credit for this component). The Developer will continue to pay all existing City real property taxes for the site, plus the percentage of the incremental taxes, as shown in the table below:

## MINUTES

BDC - cont'd

	Percentage of the Incremental Paid	Percentage of the Incremental Rebated
Years 1 - 15	5%	95%
Year 16	20%	80%
Year 17	35%	65%
Year 18	50%	50%
Year 19	65%	35%
Year 20	80%	20%
Year 21	Full Taxes	0%

The City Council Resolution 12-10 authorizing the PILOT under Section 7-504.3 was passed on December 11, 2012. The proposed development has met the eligibility criteria defined in Section 7-504.3, as shown below:

1. The proposed development is located in the Market Center Urban Renewal Area, one of the designated urban renewal areas under the PILOT law.
2. The parking garage must be at least 250 spaces.
3. There must be private capital of at least \$5,000,000.00 and the developer must contribute, at a minimum, 10% equity. The development is projected to cost approximately \$32,000,000.00, with Developer's equity expected to exceed 20%. The amount of private investment and the equity in the project will be certified by an independent certified public accountant prior to the commencement of the PILOT.
4. There is a cash flow (profit) sharing agreement between the Developer and the City.

**MINUTES**

BDC - cont'd

**City Benefits**

- Estimated 444 residents, 50% assumed to be incremental City residents
- Estimated 652 jobs for the apartments, retail and parking garage
- Estimated \$605,000.00 in annual piggyback taxes
- Estimated \$121,100.00 in parking taxes (transient parking only) and other City taxes

**MBE/WBE PARTICIPATION:**

The Developer has committed to comply with Article 5, Subtitle 28 regarding participation by Minority Business Enterprises (MBE) and Women's Business Enterprises (WBE) the MBE/WBE in the pre-development/construction phases during redevelopment and in the management and daily operation of the building.

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

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

## Kim A. Trueheart

December 18, 2012

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

Dear Ms. Taylor:

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

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

1. Whom you represent: Self
2. What the issues are:
  - a. Page 23, Baltimore Development Corporation (BDC) – Fourth Amendment to Land Disposition Agreement, if approved:
    - i. Neither this amendment nor the agreement serve to codify the unincorporated hiring/workforce and affordable housing agreements;
    - ii. Fails to acknowledge the existence of either the hiring/workforce agreement nor the affordable housing agreement;
    - iii. Disenfranchises Baltimore's minority and disadvantaged residents by NOT incorporating the independently brokered affordable housing agreement and the local hiring/workforce agreements.
  - b. Please provide access to the profit sharing agreement for inspection.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I am experiencing a significant financial burden with annual tax increases, sewer and water service increases, user fee increases, parking meter rate increases and significantly reduce services as a resident. This already onerous burden will be exacerbated by this approval that serves to disenfranchise underserved citizens like myself.
4. The Remedy I Seek: This item should NOT be approved and the action should be revised to incorporate the outstanding agreements.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on December 19, 2012.

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

Sincerely,  
Kim Trueheart, Citizen

5519 Belleville Ave  
Baltimore, MD 21207

## MINUTES

BDC - cont'd

(FILE NO. 56420)

UPON MOTION duly made and seconded, the Board approved and authorized execution of a.) the fourth amendment to the LDA, b.) Payment in Lieu of Taxes (PILOT) Agreement, with Lexington Square Partners, LLC, developer. The fourth amendment to the LDA extends the termination date to June 30, 2013. UPON FURTHER MOTION duly made and seconded, the Board approved the execution of certificates, affidavits, consents, ancillary or confirming agreements and the like related to the LDA by the Department of Housing and Community Development and related to the PILOT, by the Director of Finance; none of which will impose any obligation upon the City, SUBJECT to review and approval for form and legal sufficiency by the Department of Law. The Comptroller **ABSTAINED**.

**MINUTES**

Baltimore Development Corporation - Option Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize an option agreement with Net Lease Residual Interests, LLC., which donates to the City all interests for the building located at 7 East Redwood Street.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

In 1996, the Board approved the lease/purchase of 7 E. Redwood Street from Orchard Financial Service, Inc. (Orchard Financial), the real estate arm of Legg Mason Wood Walker, Inc. (Legg Mason), at a cost of \$7,200,000.00. The City entered into this transaction in order to retain Legg Mason's corporate headquarters and operations in Downtown Baltimore with its 900 plus jobs. At the time the City was not able to purchase the building outright, so a lease structure was used to effectuate the deal and to keep Legg Mason in the City.

The term was for a period of 20 years, then the building reverts back to Orchard Financial for five years, thereafter the interest in the building would revert back to the City. The option agreement eliminates the five year reversionary requirement and allows the City to take fee simple control of the building in 2016.

**(FILE NO. 55286)**

UPON MOTION duly made and seconded, the Board approved and authorized the option agreement with Net Lease Residual Interests, LLC., which donates to the City all interests for the building located at 7 East Redwood Street.

**MINUTES**

Employees' and Elected Officials' - Retirement System (ERS) - Amendment to Investment Management Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an amendment to investment management agreement with UCM Partners, L.P. (UCM), an investment manager of a portion of ERS assets.

**AMOUNT OF MONEY AND SOURCE:**

No General Funds are involved in this transaction. All funds and expenses will be expended from ERS funds.

**BACKGROUND/EXPLANATION:**

The original agreement was approved on November 5, 1997. The UCM will continue to serve as an investment manager for the ERS assets, and will be investing approximately \$50,000,000.00 of the ERS's assets in fixed income securities with a management fee to UCM of approximately \$150,000.00 per year.

On the recommendation of the ERS investment advisor, the Board approved a change in the objectives of the fixed income portfolio under UCM's management, narrowing its focus to a particular segment (securitized debt) of the fixed income universe. In light of the change in investment objectives, UCM requests an increase in its management fee to a fee more typical of these types of management accounts. On the recommendation of the ERS investment advisor, the Board approved an amendment to UCM's Investment Management Agreement increasing the annual management fee from .08% (8 basis points) to .30% (30 basis points) of assets under management.

**MWBOO GRANTED A WAIVER**

**MINUTES**

ERS - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment to investment management agreement with UCM Partners, L.P., an investment manager of a portion of ERS assets. The Comptroller **ABSTAINED**.

**MINUTES**

Department of Recreation and Parks - Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with the Parks and People Foundation, Inc. The period of the agreement is January 1, 2012 through December 31, 2012.

**AMOUNT OF MONEY AND SOURCE:**

\$18,000.00 - 5000-577712-4781-363900-607001

**BACKGROUND/EXPLANATION:**

The funds will be used to support the Urban Resources Initiative (URI) Program.

The URI Program has been a collaboration between the Department of Recreation and Parks, the Parks and People Foundation, Inc. and several universities since 1989. The Department's contribution will cover part of the cost of the program staff to undertake internship development, recruitment, screening of interns, placement assistance, and ongoing management of the program, including support of the URI Advisory Committee. The program identifies well-qualified graduate and undergraduate college interns to perform internships in natural resource management, and other academic fields that can positively affect the Department.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

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

MINUTES

PERSONNEL MATTERS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

all of the Personnel matters

listed on the following pages:

5073 - 5080

All of the Personnel matters have been approved

by the EXPENDITURE CONTROL COMMITTEE.

All of the contracts have been approved

by the Law Department

as to form and legal sufficiency.

The President **ABSTAINED** on item no. 17.

**MINUTES****PERSONNEL**Department of Recreation and Parks

	<u>Hourly Rate</u>	<u>Amount</u>
1. <b>JEFFREY NOLT</b>	\$40.00	<b>\$11,000.00</b>

Mr. Nolt will continue to work as an Ice Skating Instructor. Mr. Nolt will also serve as Artistic Director of the Youth and Adult Performance Troupe and provide instruction for the spring vacation camp. The period of the agreement is December 22, 2012 through December 21, 2013.

2. <b>JENNIFER KNIGHTON</b>	\$32.00	<b>\$ 6,400.00</b>
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Ms. Knighton will continue to provide instruction in the "Learn to Skate" group skating program for the youngest participants ages 4-6. She will prepare costumes and setting designs for the Youth performance Troupe productions, assist with rehearsals, supervise youth activities in conjunction with the performance Troupe, and supervise parent volunteers who assist in costume production. The period of the agreement is December 22, 2012 through December 21, 2013.

Account: 6000-680513-4711-363400-601009

3. <b>BRIENNE FISKE</b>	\$32.00	<b>\$ 6,400.00</b>
4. <b>PHYLLIS FRIELLO</b>	\$32.00	<b>\$ 6,400.00</b>
5. <b>NANCY JARVIS</b>	\$32.00	<b>\$ 6,400.00</b>
6. <b>JULIE PITTET</b>	\$32.00	<b>\$ 6,400.00</b>
7. <b>COURTNEY EVANDER</b>	\$32.00	<b>\$ 6,400.00</b>
8. <b>BRIDGET CARRIG</b>	\$32.00	<b>\$ 6,400.00</b>
9. <b>MARGARET GOLDBOROUGH</b>	\$32.00	<b>\$ 6,400.00</b>

**MINUTES****PERSONNEL**

Department of Recreation and Parks - cont'd

	<u>Hourly Rate</u>	<u>Amount</u>
10. <b>RACHAEL COX</b>	\$32.00	<b>\$ 6,400.00</b>

Account: 6000-680513-4711-363400-601009

The above listed individuals will continue to work as Ice Skating Instructors. They will provide instructions in figure skating skills for participants in the "Learn to Skate" and summer camp programs. The program will include skills that are basic for the U.S. Figure Skating National Proficiency Tests and evaluation of student performance to determine mastery of specific skills and advancement to the next level. These individuals will also assist students in planning an individual presentation program set to music; provide skating instruction to members of the Youth and Adult Performance Troupes, and provide instruction to all levels of the Adult Skating Seminar. The period of the agreement is December 22, 2012 through December 21, 2013.

**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****PERSONNEL**Department of Recreation and Parks

	<u>Hourly Rate</u>	<u>Amount</u>
11. <b>DENNIS TUTTLE</b>	\$30.00	<b>\$23,400.00</b> (not to exceed)

Account: 1001-000000-4711-361700-601009

Mr. Tuttle will continue to work as a Marketing Manager. His duties will include, but are not limited to utilizing print and web media to promote and advance the mission and activities of the Department. He will also use publishing, web design and electronic media to assist the Department in featuring people, places, events and storylines that define the Department's mission. In addition, Mr. Tuttle will shape and package the information and produce it for delivery through the Department's e-mail newsletter and website, as well as social media such as Facebook and Twitter. Mr. Tuttle's additional duties include working with the City's webmaster to transition the Department's webpage to a new platform and provide current and updated maps, content, and references. The period of the agreement is January 1, 2013 through June 30, 2013.

Health Department

12. <b>DELLA YVONNE DUNCAN</b>	\$13.00	<b>\$ 6,760.00</b>
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Account: 4000-499013-3023-513200-601009

Ms. Duncan will continue to work as a Community Outreach Worker/Special Populations for the STD/HIV Prevention Program. Her duties will include, but will not be limited to STD/HIV testing in community settings with high incidence of syphilis and/or HIV infection, identifying

## Kim A. Trueheart

December 18, 2012

Board of Estimates

Attn: Clerk

City Hall, Room 204

100 N. Holliday Street,

Baltimore, Maryland 21202

Dear Ms. Taylor:

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

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

1. Whom you represent: Self
2. What the issues are:
  - a. Page 31, Items #1-10, Department of Recreation and Parks - Personnel, if approved:
    - i. The hourly rates for the staff listed in items through 10 seem unusually and excessively high;
    - ii. The hourly rates for the staff listed in items through 10 are severely out of range for a poor urban municipal program.
  - b. Please provide access to the documents that describe details about the “Learn to Skate” program and the Youth and Adult Performance Troupe.
  - c. Please provide access to the documents that discloses the numbers of participants and outcomes for participants in the “Learn to Skate” program;
  - d. Please provide access to the documents that discloses the numbers of participants and outcomes for participants in the Youth and Adult Performance Troupe.
3. How the protestant will be harmed by the proposed Board of Estimates’ action: As a citizen I have witnessed the continued disinvestment in municipal recreation facilities, programs and services. This action services to highlight what I perceive to be disparate policy and practices within the Department of Recreation and Parks which continue to diminish the quality and availability of recreational programs and services available to me and more importantly for our underserved children!

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on December 19, 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

PERSONNELHealth Dept. - cont'd

	<u>Hourly Rate</u>	<u>Amount</u>
venues and key community stakeholders to reach priority populations such as youth and Men Who Have Sex with Men. She will also provide client-based health education and risk reduction counseling for STD/HIV prevention. In addition she will complete intake forms, client logs and other paper work associated with the outreach testing program, and assist with the collection of gonorrhoea and chlamydia specimens. The period of the agreement is January 1, 2013 through June 30, 2013.		
13. <b>REGINA WILLIAMS</b>	\$19.04	<b>\$11,424.00</b>

Account: 4000-426212-3110-306800-601009

Ms. Williams, retiree, will continue to work as a Payroll Manager. She will be responsible for preparing financial statements, compiling and assembling financial reports in accordance with standardized accounting procedures. She will be performing calculations to determine wage garnishments, liens, child support and other deductions to be subtracted from an employee's bi-weekly salary, and reconciling and maintaining payroll files, records, ledgers, and journals. The period of the agreement is January 1, 2013 through June 30, 2013.

14. Create the following one position:

31420 - Liaison Officer I  
Grade 90 (\$42,267.00 - \$50,538.00)  
Job No. to be assigned by BBMR

Costs: \$64,364.00 - 6000-626812-3001-268400-601001

**MINUTES****PERSONNEL**Department of Planning15. Reclassify the following filled position:Job No. 1871-15094

From: 74136 - City Planner I  
Grade: 111

To: 74137 - City Planner II  
Grade: 113

Costs: \$2,555.00 - 1001-000000-1873-187400-601001

Department of Finance16. Reclassify the following vacant position:

From: 34293 - Tax Transfer Clerk I  
Grade: 082: (\$31,225.00 - \$36,934.00)  
Job No.: 1480-47107

To: 34254 - Collections Representative II  
Grade: 082 (\$31,225.00 - \$36,934.00)

Costs: \$0.00 - 1001-000000-1480-166400-601001

Office of the City Council President17. Reclassify the following vacant position:Job No. 1000-49561 (vacant)

From: 00708 - Office Assistant III  
Grade: 078 (\$27,958.00 - \$32,241.00)

To: 01190 - Staff Associate President City Council  
Grade: 933 (\$34,100.00 - \$62,600.00)

Costs: \$37,872.85 - 1001-000000-1000-104800-601001

**MINUTES****PERSONNEL**Fire Department18. Reclassify the following vacant position:

From: 72123 - Engineer III PE  
 Grade: 117 (\$56,000.00 - \$79,400.00)  
 Job No. 2132-35180

To: 41221 - Fire Lieutenant Investigation and  
 Prevention Services  
 Grade: 338 (\$51,289.00 - \$62,582.00)

Costs: (\$22,705.00) - 1001-000000-2132-228200-601061

19. Transfer the following filled position:

41296 - Fire Pump Operator  
 Grade: 334 (\$33,659.00 - \$54,567.00)  
 Job No. 2112-12592

Costs: (\$58,251.00) - 1001-000000-2112-226000-601061  
 \$58,251.00 - 1001-000000-2142-229400-601061

20. Transfer the following filled position:

41211 - Firefighter  
 Grade: 334 (\$33,659.00 - \$54,567.00)  
 Job No. 2142-47239

Costs: (\$58,933.00) - 1001-000000-2142-229600-601061  
 \$58,933.00 - 1001-000000-2112-226000-601061

21. Reclassify the following filled position:

From: 41210 - Firefighter/Paramedic  
 Grade 312 (\$35,148.00 - \$56,094.00)

To: 41229 - Fire Operations Aide  
 Grade 336 (\$53,900.00 - \$57,883.00)

Costs: \$2,514.00 - 1001-000000-2142-229500-601061

**MINUTES****PERSONNEL**Fire Department - cont'd22. Upgrade and Re-title the following class:

From: 41293 - Fire Apparatus Coordinator  
Grade: 337 (\$38,947.00 - \$59,590.00)

To: 41293 - Fire Apparatus Officer  
Grade: 338 (\$51,289.00 - \$62,582.00)

Costs: \$3,126.64 - 1001-000000-2142-229400-601061

Department of Transportation23. Reclassify the following vacant position:

From: 72712 - Engineering Associate II  
Grade: 089 (\$40,540.00 - \$49,222.00)  
Job No. 5000-48001

To: 72122 - Engineer II  
Grade: 113 (\$46,700.00 - \$65,500.00)

Cost: \$8,008.00 - 1001-000000-5000-381600-601001

Office of the Inspector General24. Abolish the following vacant position:

a. From: 54432 - Heavy Equipment Operator II  
Grade: 433 (34,044.00 - \$38,261.00)  
Job No. 5011-21219

**MINUTES****PERSONNEL**Office of the Inspector General - cont'dCreate the following position:

b. To: 10210 - OIG Agent  
Grade: 115 (\$51,000.00 - \$72,200.00)

Costs: (\$136.50) - 1001-000000-5011-694700-601001

Job No. 5011-49314 - Heavy Equipment Operator II, class 54432,  
Grade: 433 (\$34,044.00 - \$38,261.00) will be frozen to offset  
the cost of this action.

Department of Public Works25. Reclassify the following position:

From: 53515 - Utilities Installer and Repairer  
Supervisor I  
Grade: 082 (\$31,225.00 - \$36,934.00)

To: 52232 - Cabinetmaker II  
Grade: 432 (\$32,953.00 - \$36,850.00)

Costs: \$2,251.00 - 2071-000000-5521-613100-601001

**MINUTES**

Mayor's Office of Employment - Memorandum of Understanding  
Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a memorandum of understanding (MOU) with CBAC Gaming, LLC (CBAC).

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The City and CBAC entered into a ground lease agreement and a land disposition agreement on October 31, 2012 relating to the development of a casino on property owned by the City from which the City will derive revenue through payment of the ground rent. Paragraph 7.2 of the ground lease agreement which indicates that MOED and CBAC will use good faith efforts to negotiate a MOU within 60 days of October 31, 2012, regarding the process for the promotion and hiring of Baltimore City residents and for monitoring compliance.

The MOU will establish a process for the promotion of the hiring of Baltimore City residents for the Casino Project and for monitoring compliance.

This MOU addresses the hiring of a Community Recruitment Coordinator (CRC) funded by CBAC, the duties of the CRC, the types of employees to which the MOU will apply and the reporting requirements for monitoring compliance.

**MBE/WBE PARTICIPATION:**

The developer has signed the Commitment to Comply with the Minority and Women's Business Enterprise Program of Baltimore as part of its execution of the ground lease agreement.

## MINUTES

MOED - 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.

**(FILE NO. 57012)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the memorandum of understanding with CBAC Gaming, LLC. The Comptroller voted **NO**.

## Kim A. Trueheart

December 18, 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. Page 39, Mayor's Office of Employment Development - Memorandum of Understanding Agreement - with CBAC Gaming, LLC (CBAC), if approved:
    - i. Please provide access to the Memorandum of Understanding Agreement for inspection.
3. How the protestant will be harmed by the proposed Board of Estimates' action: CBAC is receiving municipal funds and should be required to spend those funds with minority and women owned businesses and residents of Baltimore City. 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 unanimously approved!!!

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on December 19, 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

39 Mayor's Office of Employment - Memorandum of Understanding  
Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a memorandum of understanding (MOU) with CBAC Gaming, LLC (CBAC).

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The City and CBAC entered into a ground lease agreement and a land disposition agreement on October 31, 2012 relating to the development of a casino on property owned by the City from which the City will derive revenue through payment of the ground rent. Paragraph 7.2 of the ground lease agreement which indicates that MOED and CBAC will use good faith efforts to negotiate a MOU within 60 days of October 31, 2012, regarding the process for the promotion and hiring of Baltimore City residents and for monitoring compliance.

The MOU will establish a process for the promotion of the hiring of Baltimore City residents for the Casino Project and for monitoring compliance.

This MOU addresses the hiring of a Community Recruitment Coordinator (CRC) funded by CBAC, the duties of the CRC, the types of employees to which the MOU will apply and the reporting requirements for monitoring compliance.

**MBE/WBE PARTICIPATION:**

The developer has signed the Commitment to Comply with the Minority and Women's Business Enterprise Program of Baltimore as part of its execution of the ground lease agreement.

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

5519 Belleville Ave  
Baltimore, MD 21207

MINUTES

TRANSFERS OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

5084 - 5089

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

**MINUTES****TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Baltimore Development Corporation</u>		
1. \$ 36.51 20 <sup>th</sup> . EDF	9910-994001-9600 Constr. Reserve Unallocated Reserve	9910-902879-9601 Commercial Revital- ization
1,590.00 21 <sup>st</sup> EDF	9910-902483-9600 Constr. Reserve S. Baltimore Ind. & Coml. Dev.	9910-903483-9601 S. Baltimore Ind. & Coml. Dev.
125.00 22 <sup>nd</sup> EDF	9910-903354-9600 Constr. Reserve W. Baltimore Ind. & Coml. Dev.	9910-904354-9601 W. Baltimore Ind. & Coml. Dev.
334.72 22 <sup>nd</sup> EDF	9910-904115-9600 Constr. Reserve West Side Initiative	9910-906835-9603 Westside Project Initiative
13,881.00 22 <sup>nd</sup> EDF	9910-905575-9600 Constr. Reserve E. Baltimore Ind. & Coml. Dev.	9910-906575-9601 E. Baltimore Ind. & Coml. Dev.
2,875.00 <u>23<sup>rd</sup> EDF</u>	9910-913990-9600 Constr. Reserve Coml. Revit.	9910-902879-9601 Coml. Revit.
<b>\$ 18,842.23</b>		

This transfer will provide funds to reimburse Baltimore Development Corporation for eligible capital expenses for the month ending October 31, 2012.

MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Transportation</u>		
2. \$ 50,000.00	9950-907146-9528	
State	Constr. Reserve	
	Museum Walk	
	Streetscape Prog.	
21,283.00	9950-905175-9528	
23 <sup>rd</sup> Economic	Constr. Reserve	
<u>Development</u>	Bicycle Network	
	Strategy	
<b>\$ 71,283.00</b>	-----	9950-904180-9527
		Downtown Bicycle
		Network

This transfer will cover the costs associated with Project No. 1134, BD 34056, Task No. 10, On-Call Traffic Engineering Studies for design of the City's bicycle network in the downtown area by Sabra Wang & Associates.

Enoch Pratt Free Library

3. \$ 19,012.39	9936-908200-9458	9936-915050-9457
1 <sup>st</sup> Library Loan	Facilities	Govans Library
	Modernization	
6,953.96	9936-908200-9458	" "
2 <sup>nd</sup> EPFL Loan	Facilities	
	Modernization	
48,664.06	9936-908200-9458	" "
3 <sup>rd</sup> EPFL Loan	Facilities	
	Modernization	

**MINUTES****TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Enoch Pratt Free Library - cont'd</u>		
10,430.94 4 <sup>th</sup> EPFL Loan	9936-908200-9458 Facilities Modernization	9936-915050-9457 Govans Library
114,938.65 5 <sup>th</sup> Public Bldgs. Loan	9936-908200-9458 Facilities Modernization	" "
<b><u>\$200,000.00</u></b>		

The Govans Neighborhood Library built in 1921 is in need of roof replacement in order to provide a safe environment for the public and staff and to protect the investment in collections, furnishings, and equipment. Approval of this request will allow for the awarding of a contract for design and construction administration. The Facilities Modernization Account was created to support renovations in neighborhood libraries and is a holding account until projects are initiated.

Department of General Services

4. \$ 30,000.00 5 <sup>th</sup> Public Bld. Loan	9916-904845-9194 Capital Constr. & Maintenance - Res.	9916-904803-9197 5 <sup>th</sup> Public Bldg. Center Plaza Waterproofing - Active
--	--	---

This transfer addresses the water leak investigation due to a potential claim with a Center Plaza underground garage operator. The cost of the investigation exceeded original estimates, and additional services were needed to provide revised designs that would allow access openings for inspection of the existing waterproofing under the circular stairs.

**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>		
5. <b>\$4,240,000.00</b>	9910-901933-9587	9910-904737-9588
Federal	Uplands Redevelop- ment - Reserve	Uplands - UFG Homeownership I-II Federal Revenue

This transfer will provide HUD Upfront Grant funds to the Uplands redevelopment for the affordable units of the Homeownership Phase I-II Project Account that will allow construction hard costs to be tracked more accurately under the Upfront Grant.

Uplands Homeownership Phase I-II will include 178 mixed income homes (106 affordable from 60% area median income to 115% area median income and 72 market units). The units will be located on Site B of the former Uplands Apartment Site. Unit types will include townhomes and duplexes.

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

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

## Kim A. Trueheart

December 18, 2012

Board of Estimates

Attn: Clerk

City Hall, Room 204

100 N. Holliday Street,

Baltimore, Maryland 21202

Dear Ms. Taylor:

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

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

1. Whom you represent: Self.
2. What the issues are:
  - a. Pages 44, Item #5, Department of Housing and Community Development (DHCD) – Transfer of Funds, if approved:
    1. Please provide rationale for NOT using UFG funds to provide affordable housing units for the development project outlined on page 23 of this week's agenda for the Lexington Square Project.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed questionable management and stewardship of municipal funds by this Mayoral administration and DCHD/HABC specifically. I seek the dissolution of DHCD and HABC in their current form and the establishment of a new single entity under the direct auspicious of the municipal government of Baltimore City, thus allowing for appropriate levels of oversight and scrutiny by the citizens of Baltimore City and our duly elected representatives.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on December 19, 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****TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Recreation and Parks</u>		
6. \$ 200,000.00 MDOT	9938-904757-9475 Reserve State Const. Revenue Herring Run Green- way Phase I	9938-901751-9474 Active Herring Run Green- way Phase I

This transfer will provide funds to cover the costs associated with engineering design services for the Herring Run Greenway.

7. \$ 30,000.00 Rec. & Parks 26 <sup>th</sup> Series	9938-935010-9475 Reserve - Park Lighting and Signage	9938-936010-9474 Active - Park Lighting and Signage
--	---	--

This transfer will provide funds to cover the costs associated with design services under On-Call Contract No. 1167, Task No. 12 to Greenman-Pederson, Inc.

8. \$ 250,000.00 MDOT	9938-902740-9475 Reserve - Jones Falls Greenway Phase V	9938-907740-9474 Active - Jones Falls Greenway Phase V
--------------------------	--	---

This transfer will provide funds to cover the costs associated with engineering design services for the Jones Falls Trail Phase V.

MINUTES

TRANSFER OF FUNDS

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Rec. &amp; Parks</u> - cont'd			
9.	\$ 20,000.00	9938-925004-9475	9938-928004-9474
	State	Reserve	Active
		Stony Run Trail	Stony Run Trail

This transfer will provide funds to cover the costs associated with design services under On-Call Contract No. 1167, Task No. 8 to Rummel, Klepper & Kahl, LLP.

10.	\$ 5,000.00	9938-901011-9475	9938-918011-9474
	Rec. & Parks	Res. - Baltimore	Active - Baltimore
	23 <sup>rd</sup> Series	Play Lot Program	Play Lot Program

This transfer will cover the costs associated with topographic survey for B & O and Elm Avenue Playgrounds.

11.	\$ 30,000.00	9938-902722-9475	
	State	Reserve	
		Park and Play-	
		ground Renovation	

10,000.00  
Rec. & Parks  
23<sup>rd</sup> Series

<u>\$ 40,000.00</u>	-----	9938-901722-9474
		Active
		Park & Playground
		Renovation FY 07

This transfer will provide funds to cover the costs associated with the settlement agreement with AFRAM, Inc., for Contract PB07807 Farring Baybrook Recreation Center Renovation.

**MINUTES**

Department of Transportation - Relocation Contract

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize a relocation contract with the Baltimore Gas and Electric Co. (BGE).

**AMOUNT OF MONEY AND SOURCE:**

\$102,225.00 - 9950-904200-9514-900010-707072

**BACKGROUND/EXPLANATION:**

On July 30, 2012, the Board approved contract TR10301, North Charles Street Reconstruction (BGE Project No. 1947815). The purpose of the contract is to allow the BGE to relocate distribution units located on North Charles Street. These units will be relocated to provide clearance for highway improvements in connection with the referenced contract. The BGE estimates the total cost of the project to be \$204,450.00 of which the City is responsible for 50% of the total cost of the job, which is estimated to be \$102,225.00.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized the relocation contract with the Baltimore Gas and Electric Co. (BGE).

**MINUTES**

Department of Transportation - Grant Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize acceptance and execution of a grant agreement with the Maryland Department of Transportation (MDOT). The period of the agreement is effective upon Board approval.

**AMOUNT OF MONEY AND SOURCE:**

\$310,000.00 - 9950-909710-9514-000000-490358  
(not-to-exceed)

**BACKGROUND/EXPLANATION:**

The MDOT has provided a grant for the construction and improvement of the Kent Street Transit Plaza at the Westport Light Rail Station. The improvements include but are not limited to streetscaping, pedestrian safety improvements, relocation of underground utilities, and bus stop improvements. The MDOT grant is intended to provide the required non-federal matching funds to a Federal Transit Administration livability grant awarded in September 2011.

The MDOT grant is reimbursable upon documentation of eligible expenses.

**APPROVED FOR FUNDS BY FINANCE**

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

**(FILE NO. 56667)**

UPON MOTION duly made and seconded, the Board approved and authorized acceptance and execution of the grant agreement with the Maryland Department of Transportation (MDOT).

**MINUTES**

Department of Transportation - Traffic Impact Study Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a traffic impact study (TIS) agreement with the Maryland Institute College of Art (MICA). The period of the agreement is effective upon Board approval and termination will be deemed in writing by the Department of Transportation.

**AMOUNT OF MONEY AND SOURCE:**

\$7,814.40

**BACKGROUND/EXPLANATION:**

Baltimore City Ordinance 06-345, approved on November 11, 2006, requires a TIS before permits may be approved for projects, as determined by the Director of the Department of Transportation. Under the terms of this agreement, a TIS will be performed for the MICA, where the applicant has applied or intends to apply for a Building Permit in the City to perform the scope of work for MICA Commons II - a 62 unit dormitory. The TIS assesses the development and its relative traffic impacts.

The anticipated cost of \$7,814.40 for the TIS will be covered under Project No. 1134, On-Call Agreement, Task No. 1 approved by the Department of Audits on March 16 2012, with Whitman Requardt & Associates, LLP.

**MBE/WBE PARTICIPATION:**

N/A

## MINUTES

Department of Transportation - 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 and authorized execution of the traffic impact study agreement with the Maryland Institute College of Art.

# Kim A. Trueheart

December 18, 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 49, Department of Transportation - Traffic Impact Study Agreement - MICA, if approved:
    - i. Fails to recoup the full measure of municipal expenses incurred for completion of Traffic Impact Studies;
    - ii. It is NOT clear that the scope of the proposed Traffic Impact Study will include an assessment of the impact on both public and private transportation systems;
    - iii. It is NOT clear how TIS recommendations concerning state or federal transportation systems are addressed.
  - b. Please provide access to the guidelines for conduct of a TIS and the scope of exposure.
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 expenses for this service, but instead glaringly demonstrates this administration's abusive policy which extends maximum benefit to corporations over citizens/residents. The continued mismanagement of major projects by City agencies is disgracefully wasteful and lacking in actual innovative outcomes that can generate revenue in light of the City's austere budget outcomes. A complete top to bottom business process reengineering initiative must be initiated to ensure similar cost reimbursement opportunities are NOT passed by.
4. The remedy I seek and respectfully request is that this action be delayed until a top to bottom business process reengineering initiative is scheduled for DOT.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on December 19, 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**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. 800 N. Charles Street	800 North Charles Street Limited Partnership	Two awnings 1'7" x 4'8" each
Annual Charge: \$140.60		
2. 1622 S. Clinton Street	Petroleum Fuel & Terminal Company	Two pipelines 70' one 18' of caisson
Annual Charge: \$560.30		
3. 401 Yale Avenue	William C. Blockinger	Trash Bin Enclosure 7' x 3'
Annual Charge: \$ 73.50		

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

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

**MINUTES**

Department of General Services - Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to ratify an agreement and mutual confidentiality and nondisclosure agreement with HY-TEK Bio, LLC. The period of the agreement is August 01, 2012 through November 30, 2012. The period of the mutual confidentiality and nondisclosure agreement is effective upon execution by all parties for three years.

**AMOUNT OF MONEY AND SOURCE:**

\$58,760.00 - 9916-913900-9197-910004-703032

**BACKGROUND/EXPLANATION:**

The Department of General Services (DGS) has been provided with funds from the Energy Efficiency Community Block Grant (EECBG), administered by the U.S. Department of Energy (DOE), for a clean energy demonstration project at the Back River Wastewater Treatment Plant (BRWWTP) conducted by HY-TEK Bio, LLC. (HY-TEK).

The DOE has approved the use of EECBG funds for this collaboration and the Board of Estimates approved a contract for this project, in the amount of \$255,000.00, on June 08, 2011. Because of unforeseen technical and supply problems, it has become necessary to extend the project, which to date has utilized only \$196,240.00 of the initial \$255,000.00 award. This agreement is for the unused \$58,760.00, which will be sufficient to complete the work plan.

HY-TEK has developed a revolutionary algae bioreactor system (patents pending) that efficiently scrubs greenhouse gas emissions and other contaminants from the flue exhaust of power plants, while simultaneously generating enough algae on a 24/7/365 basis to serve as seed stock for the production of biofuels, pharmaceuticals and nutraceuticals.

**MINUTES**Department of General Services - cont'd

The DGS contracted HY-TEK, with the Board's approval, to set up a demonstration scale operation at the BRWWTP methane burning 3.0 megawatt power plant. The project is on course to confirm the technology's scrubbing potential and its ability to generate algae seed stock in quantities that will provide substantial biofuels for the City's fleet and oil fired boilers.

One-half of the algae produced during this project will become the property of the Department of General Services for use in the production of biofuels.

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.

**MBE/WBE PARTICIPATION:**

N/A: Sole Source Contract

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved ratification of the agreement and mutual confidentiality and nondisclosure agreement with HY-TEK Bio, LLC.

**MINUTES**

Department of General Services - Amendment No. 3 to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 3 to agreement with Buchart Horn, Inc., for Project 1098B. The amendment no. 3 extends the agreement through December 21, 2014.

**AMOUNT OF MONEY AND SOURCE:**

N/A - Funds will be identified as tasks are processed

**BACKGROUND/EXPLANATION:**

On December 23, 2009, the Board approved the original agreement for two years with an upset limit of \$750,000.00.

On March 9, 2011, the Board approved amendment no. 1 which increased the upset limit to \$1,000,000.00. On October 12, 2011, the Board approved amendment no. 2 that increased the upset dollar amount of \$2,000,000.00 and approved an extension of the contract term for three years. Due to the needed design work and post award services for Contract No. GS 12808, Waverly Library No. 9 Renovations, the Department needs to extend the contract term from December 21, 2012 to December 21, 2014.

**MBE/WBE PARTICIPATION:**

The consultant will comply with the MBE goal of 27% and WBE goals of 9% that was approved in the original agreement for Project 1098B.

**AUDITS NOTED THE TIME EXTENSION AND WILL REVIEW ASSIGNED TASKS.**

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

**MINUTES**

Department of General Services - 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 and authorized execution of amendment no. 3 to the agreement with Buchart Horn, Inc., for Project 1098B.

# Kim A. Trueheart

December 18, 2012

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of Baltimore City, of which I am a member, in good standing.

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

1. Whom you represent: Self
2. What the issues are: Page 53, Department of General Services – Amendment No. 3 to Agreement - with Buchart Horn, Inc., if approved:
  - a. Fails to disclose the estimate of the number of jobs anticipated;
  - b. Fails to impose the maximum MBE/WBE goals allowable under the current law;
  - c. Appears to circumvent competitive procurement procedures and unfairly extends this agreement beyond the original scope of work; adding extensive new work which more appropriately should be competed in a new solicitation to achieve the best value for tax-payer funds.
3. Please provide access to:
  - a. The document that provides an estimate of the number of jobs anticipated as a result of this contract award.
  - b. The document that provides the justification for sole sourcing this procurement.
  - c. The decision elements used to substantiate a reduction in the maximum MBE/WBE goals allowed.
4. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I am experiencing a significant financial burden with annual tax increases, sewer and water service increases, user fee increases, parking meter rate increases and significantly reduce services as a resident. This onerous burden can only be relieved when cost saving business practices are consistently applied to all procurement actions. This award fails to accomplish that end and will be more costly to citizens of Baltimore and myself.
5. The Remedy I Seek: This award should NOT be approved and the action should be re-solicited in the interest of true competition.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on December 19, 2012.

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

Sincerely,  
Kim Trueheart, Citizen

5519 Belleville Ave  
Baltimore, MD 21207

**MINUTES**

Department of General Services - Amendment No. 2 to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 3 to agreement with Environmental Resources Management (ERM), for Project No. 617. The amendment no. 3 extends the agreement through December 31, 2014.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On December 24, 2008, the Board approved a three-year agreement with ERM to provide environmental and regulatory consultant services to the Department and the Law Department for City property located at 2000 Race Street. On January 18, 2012, the Board approved a contract time extension from December 24, 2011 to December 31, 2012. Due to the continued requirements from the Maryland Department of the Environment, additional work is required of ERM through calendar year 2014, when the project design is to be completed.

**AUDITS NOTED THE TIME EXTENSION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 3 to the agreement with Environmental Resources Management, for Project No. 617. The President **ABSTAINED**.

**MINUTES**

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

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with Patton Harris Rust & Associates, Inc. (PHRA), under Project No. 1168 (W.C. 1229), Rehabilitation of Vernon Pumping Station. The period of the agreement is effective upon Board approval for nine months or until the upset limit is reached, whichever occurs first.

**AMOUNT OF MONEY AND SOURCE:**

\$489,245.00 - 9960-11141-9557-900020-703032

**BACKGROUND/EXPLANATION:**

Contract No. W.C. 1229 is for the PHRA to provide design/memorandum for Rehabilitation of Vernon Pumping Station in accordance with its proposal dated May 5, 2012. The consultant will provide the study alternative and give recommendations and preliminary engineering design for the upgrade of the Vernon Pumping Station.

<b>MBE:</b> Shah & Associates, Inc.	\$ 74,120.00	15.15%
C.C. Johnson & Malhotra, P.C.	47,256.00	9.66%
Savin Engineers, P.C.	24,087.00	4.92%
<b>Total</b>	<b>\$145,463.00</b>	<b>29.73%</b>
<b>WBE:</b> The Robert B. Balter Company	\$ 27,497.00	5.62%
C.L. Warfield & Associates, Inc.	22,638.00	4.63%
<b>Total</b>	<b>\$ 50,135.00</b>	<b>10.25%</b>

**MWBOO FOUND VENDOR IN COMPLIANCE.**

MINUTES

DPW/BW&WW - cont'd

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

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$322,359.95	9960-902922-9558	
Water Revenue	Constr. Res. Vernon	
Bonds	PS Rehab	
227,640.05	" "	
<u>Counties</u>		
<b>\$550,000.00</b>		
\$489,245.00	-----	9960-911141-9557-1
		Engineering
<u>60,755.00</u>	-----	9960-911141-9557-9
		Administration
<b>\$550,000.00</b>		

The funds are required to cover the cost of the design for Project No. 1168 (W.C. 1229), Rehabilitation of Vernon Pumping Station.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with Patton Harris Rust &

**MINUTES**

Associates, Inc., under Project No. 1168 (W.C. 1229), Rehabilitation of Vernon Pumping Station. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter. The President **ABSTAINED**.

**MINUTES**

Bureau of Water and - Expenditure of Funds  
Waste Water (BW&WW)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an expenditure of funds to pay Verizon. The invoice is dated January 20, 2012.

**AMOUNT OF MONEY AND SOURCE:**

\$13,071.49 - 9960-904727-9557-900020-706078

**BACKGROUND/EXPLANATION:**

The telephone service relocation was for WC 1168, Deer Creek Pumping Station Improvement Project by Ulliman Schutte Construction, LLC. The telephone service feeder was relocated at the station Job No. 4A07929 by Verizon on Bill no. 301S079260112.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to pay Verizon. The President **ABSTAINED**.

**MINUTES**

Bureau of Water and Wastewater - Amendment No. 1 to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 1 to the emergency procurement agreement with Seismic Surveys, Inc., for Project No. 7765, Monument Street Sinkhole, Pre-Construction Survey, Vibration Monitoring, and Movement Monitoring Services. This amendment no. 1 will increase funds and extend the agreement for 90 days up to February 28, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$63,667.50 - 1001-000000-5181-390516-609036

**BACKGROUND/EXPLANTION:**

On December 5, 2012, the Board approved the original agreement in the amount of \$99,440.00, with an expiration date of November 30, 2012.

Under this amendment no. 1 to agreement, the contractor will continue to provide vibration monitoring and control, movement monitoring, and pre-construction surveying. The Bureau is requesting an increase in the amount of \$63,667.50; making the total agreement \$163,107.50. This amendment will also extend the term of the agreement from November 30, 2012 to February 28, 2013. This increase in the funds and extension of the term will allow the contractor to continue providing the services defined in the original agreement.

**MBE/WBE PARTICIPATION:**

The consultant will continue to comply with terms and conditions established in the original agreement.

## MINUTES

BW&WW - cont'd

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS NOTED THE TIME EXTENSION AND HAD NO OBJECTION SUBJECT TO ITS REVIEW OF THE CONSULTANT RECOMMENDATION AND THE DEPARTMENT OF PUBLIC WORKS' CERTIFICATION OF THE INVOICES PRIOR TO PAYMENT.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 1 to the emergency procurement agreement with Seismic Surveys, Inc., for Project No. 7765, Monument Street Sinkhole, Pre-Construction Survey, Vibration Monitoring, and Movement Monitoring Services. The President **ABSTAINED**.

**MINUTES**

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

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no 1 to agreement with Patton Harris Rust & Associates, for Project No. 1138P, On-Call Environmental Engineering Services. The amendment no. 1 will increase funds and extend the agreement through January 12, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$375,000.00 - various depending on assigned tasks

**BACKGROUND/EXPLANATION:**

On January 12, 2011, the Board approved the original agreement with this consultant for two years, in the amount of \$750,000.00. The City wishes to exercise its option under the original agreement to extend the agreement for one year.

This amendment no. 1 will extend the agreement for one year and increase funds by \$375,000.00; making the total amount of the agreement \$1,125,000.00. All other terms and conditions of the agreement will remain unchanged.

**MBE/WBE PARTICPATION:**

The consultant will continue to comply with all terms and conditions of the Minority and Women Business programs in accordance with Baltimore City Code, Article 5, Subtitle 28 established in the original agreement.

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

**MINUTES**

BW&WW - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no 1 to agreement with Patton Harris Rust & Associates, for Project No. 1138P, On-Call Environmental Engineering Services.

**MINUTES**

Bureau of Water and Wastewater - 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 Johnson, Mirmiran & Thompson, Inc. for Project No. 1138J, On-Call Environmental Engineering Services. The amendment no. 1 to agreement extends the period of the agreement through December 23, 2013 or until the upset limit is reached, whichever occurs first.

**AMOUNT OF MONEY AND SOURCE:**

\$375,000.00

**BACKGROUND/EXPLANTION:**

The City is exercising its option under the original agreement to extend the original agreement for one additional year in the amount of \$375,000.00.

**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 NOTED THE EXTENSION AND INCREASE AND WILL REVIEW TASK ASSIGNMENTS.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 1 to agreement with Johnson, Mirmiran & Thompson, Inc., for Project No. 1138J, On-Call Environmental Engineering Services.

**MINUTES**

Bureau of Water & Wastewater - Amendment to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an amendment to agreement with MWH Americas, Inc./Louis Berger Water Services, Inc., A Joint Venture (JV), under Project No. 1112, Wet Weather Consent Decree Compliance and Program Management Services.

**AMOUNT OF MONEY AND SOURCE:**

\$11,800,234.00 - 9956-902587-9551-900020-703032

**BACKGROUND/EXPLANATION:**

On March 9, 2011, the Board approved the agreement with the JV to provide management services for Project No. 1112, Wet Weather Consent Decree Compliance and Program Management Services through March 8, 2014.

Under the terms of this amendment, the JV will provide additional services including developing an integrated planning framework, which will assist the City in prioritizing projects throughout the BW&WW in order to create a long-term plan for a sustainable utility service. A hydraulic model based on actual rainfall data will be developed in order to determine the optimal level of protection for capacity improvement projects, in accordance with the Consent Decree.

The JV 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.

MINUTES

BW&WW - cont'd

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

**MBE/WBE PARTICIPATION:**

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

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

**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 6,034,600.00	9956-906626-9549	
Wastewater	Constr. Res.	
Revenue Bonds	Jones Falls	
6,965,400.00	" "	
<u>County Appropri.</u>		
\$13,000,000.00		
\$11,800,234.68	-----	9956-902587-9557-3
		Design
<u>1,199,765.32</u>	-----	9956-902587-9551-9
		Administration
<b>\$13,000,000.00</b>		

The funds are needed for Project No. 1112, amendment no. 1 to agreement for Wet Weather Consent Decree Compliance and Program Management Services.

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

## MINUTES

BW&WW - 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.

**(FILE NO. 55986A)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment to agreement with MWH Americas, Inc./Louis Berger Water Services, Inc., A Joint Venture, under Project No. 1112, Wet Weather Consent Decree Compliance and Program Management Services. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter.

# Kim A. Trueheart

December 18, 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 62, BW & W - Amendment to Agreement – Project 1112, if approved:
    - i. This award in the amount of \$11,800,234.00:
      1. Fails to disclose the estimate of the number of jobs anticipated;
      2. Fails to impose the maximum MBE/WBE goals allowable under the current law;
      3. Appears to circumvent competitive procurement procedures and unfairly extends this agreement beyond the original scope of work; adding extensive new work which more appropriately should be competed in a new solicitation to achieve the best value for tax-payer funds.
    - ii. Please provide access to:
      1. The document that provides an estimate of the number of jobs anticipated as a result of this contract award.
      2. The document that provides the justification for sole sourcing this procurement award.
      3. 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 19, 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**

Bureau of Water & Wastewater - Amendment No. 2 to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 2 to agreement with Johnson, Mirmiran & Thompson, Inc. (JMT), under Project No. 1116J (S.C. 895), Design of Improvements to the Jones Falls Sewer Shed Collection System.

**AMOUNT OF MONEY AND SOURCE:**

\$144,772.84 - 9956-907643-9551-900020-703032

**BACKGROUND/EXPLANATION:**

On August 25, 2010, the Board approved the agreement with the JMT to provide engineering services for the Upper Jones Falls and Maryland Avenue Subsewershed, in compliance with Paragraph 9 of the Wet Weather Consent Decree. This agreement expires on August 25, 2015.

On August 22, 2012, the Board approved amendment no. 1 with the JMT to provide additional engineering services for the Upper Jones Falls and Maryland Avenue Subsewershed.

This amendment no. 2 will allow the JMT to provide additional engineering services to complete post award services, including, but not limited to monitoring, review and support, and coordination and management of the expanded services for S.C. 895. The JMT will also attend site meetings and technical consultations, provide additional review of submittals and request for information (RFIs) and additional review of pre-construction CCTV videos. In addition, the JMT will evaluate proposed change orders (PCOs), review post-rehab documentation submittals, provide final inspection of site restoration work, and review of post-rehab CCTV inspection of CIPP lined sewers and laterals.

**MINUTES**

BW&WW - cont'd

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

**MBE/WBE PARTICIPATION:**

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

**APPROVED FOR FUNDS BY FINANCE**

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

**(FILE NO. 55986A)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 2 to agreement with Johnson, Mirmiran & Thompson, Inc. under Project No. 1116J (S.C. 895), Design of Improvements to the Jones Falls Sewer Shed Collection System.

**MINUTES**

Department of Finance - Revisions to Administrative Manual's  
Military Leave Policy, AM-204-11

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the revisions to the Administrative Manual's Military Leave Policy, AM-204-11.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The City's Military Leave Policy, AM-204-11, provides employees with time off from work for military service and helps ensure agency compliance with local, state, and federal laws relating to the employment of individuals in the uniformed services, including the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Heroes Earning Assistance and Relief Tax Act (HEART Act), and MD. CODE ANN., Public Safety § 13-706.

The proposed revisions are intended to bring City policy in line with legal requirements, as well as to convey them in a more user-friendly manner. The proposed policy will provide greater clarity with respect to the administration of military leave and employee rights and responsibilities. The policy also promotes transparency and consistency by creating a uniform approach to the administration of leave and by implementing a new leave tracking system.

The revisions to AM-204-11 were reviewed and recommended by a committee of agency human resources/legal representatives from the Department of Transportation, the Department of Public Works, the Baltimore City Fire Department, the Baltimore City

## MINUTES

Department of Finance - cont'd

Police Department, Recreation and Parks, Enoch Pratt Free Library, Baltimore Convention Center, Fire & Police Employees' Retirement Systems, the Employees' Retirement Systems, and the Office of the Inspector General.

In addition, the policy was reviewed and recommended by the Law Department, the Office of the Labor Commissioner, and the Department of Finance.

UPON MOTION duly made and seconded, the Board approved the revisions to the Administrative Manual's Military Leave Policy, AM-204-11.

**MINUTES**

Department of Finance - Amendment No. 2 to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an amendment no. 2 to agreement with The Segal Company (Eastern States), Inc. The amendment will extend the period of the agreement for six months through June 30, 2013.

**AMOUNT OF MONEY AND SOURCE:**

This is a no cost extension.

**BACKGROUND/EXPLANATION:**

Pursuant to Ordinance 10-306, Section 4, requiring the Taxation, Finance, and Economic Development Committee to have hearings on the feasibility of alternatives to establish a new pension benefit structure for new hires to participate in the Fire and Police Employees' Retirement System (F&P), the City of Baltimore retained The Segal Company, Inc. to undertake the investigation and analysis of alternative pension benefits structures for new hires.

The Board approved the original one year agreement with The Segal Company, Inc. on May 25, 2011. Since the initial date of engagement, The Segal Company, Inc. has met with and received feedback from various stakeholders, including but not limited to the F&P Administration, the F&P Board of Trustees, the F&P Actuary, Baltimore City Council members, members of the Administration, the F&P Union leadership, rank and file members of the F&P unions, and the GBC individuals responsible for compiling a report on the F&P System.

**MINUTES**

Department of Finance - cont'd

This amendment no. 2 to agreement will extend the period of the agreement for six months through June 30, 2013 to allow time for The Segal Company, Inc. to make final presentations to the groups identified above. These final presentations were a part of the original Scope of Work.

All other terms and conditions of the original agreement remain unchanged.

**MBE/WBE PARTICIPATION:**

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of an amendment no. 2 to agreement with The Segal Company (Eastern States), Inc.

**MINUTES**

Health Department - Expense Statement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the expense statement for mileage during the month of August 2012 for:

1. **MR. KENNETH MCNAIR** **\$46.62**

Account: 4000-422512-3030-271525-603002

The Department requests reimbursement for the expenses incurred by the employee for mileage. Mr. McNair's expense form was forwarded to the Fiscal Department, however the original form was lost. As a result, the employee had to resubmit the document which prevented processing of the reimbursement within the time frame and guidelines set forth in AM 240-11.

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

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the expense statement for mileage during the month of August 2012 for Mr. Kenneth McNair.



**MINUTES**

Health Department - cont'd

Americans Act, as amended, and all applicable Federal and State policies. The period of the grant award is June 1, 2012 through May 31, 2013.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized acceptance a notice of grant award and conditions from the aforementioned grantors.

**MINUTES**Health Department - Ratification and Expenditure of Funds**ACTION REQUESTED OF B/E:**

The Board is requested to ratify services recieved and approve an expenditure of funds to pay D.D.C. Total Health & Wellness, LLC. The period of the invoices was February 29, 2012 through December 7, 2012.

**AMOUNT OF MONEY AND SOURCE:**

<u>Amount</u>	<u>Invoice No.</u>	<u>Date of Invoice</u>
\$ 2,875.00	# 1	02/29/12
1,375.00	# 2	03/31/12
1,312.50	# 3	04/30/12
2,687.50	# 4	05/31/12
2,375.00	# 5	06/30/12
3,375.00	# 6	07/31/12
1,125.00	# 7	08/31/12
2,000.00	# 8	09/30/12
3,375.00	# 9	10/31/12
2,125.00	#10	11/30/12
625.00	#11	12/07/12
<b><u>\$23,250.00</u></b>	- 1001-000000-3001-599006-603051	

**BACKGROUND/EXPLANATION:**

The services provided are for consultation services. The expenditure will pay consultant Donovan D. Cox of D.D.C. Total Health & Wellness, LLC, for program planning, research, assessment, and administrative services provided for the Department's Health and Wellness Program.

The Department initiated consulting services with the vendor with the belief that a consultant agreement would be the appropriate instrument for procuring these services. On July 25, 2012, the Department attempted to process a consultant agreement, however, was informed that this type of service should have been procured through the Bureau of Purchasing.

**MINUTES**Health Department - cont'd

The program ended on December 7, 2012. There will be no additional payments due to D.D.C. Total Health and Wellness, LLC.

The Department is processing a purchase requisition through the Bureau of Purchases to correct the path for receipt of services, billing, and payment. The Department apologizes for the error and delays that resulted.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved ratification of services recieved and approved an expenditure of funds to pay D.D.C. Total Health & Wellness, LLC.

**MINUTES**Health Department - Ratification and Expenditure of Funds**ACTION REQUESTED OF B/E:**

The Board is requested to ratify services received and approve an expenditure of funds to pay Hope Health Systems, Inc. The period of service was July 13, 2011 to October 14, 2011.

**AMOUNT OF MONEY AND SOURCE:**

<u>Amount</u>	<u>Invoice No.</u>	<u>Date of Invoice</u>
\$ 137.00	09-11005S	8/15/11 (Employee Parking Pass)
137.00	10-11006S	9/15/11 (Employee Parking Pass)
1,000.00	24129	7/03/11
800.00	24212	7/10/11
1,000.00	24294	7/17/11
1,000.00	24377	7/24/11
1,000.00	24462	7/31/11
1,000.00	24542	8/07/11
900.00	24622	8/14/11
1,000.00	24696	8/21/11
1,000.00	24777	8/28/11
1,000.00	24856	9/04/11
600.00	24946	9/11/11
1,000.00	25041	9/18/11
1,000.00	25139	9/26/11
800.00	25239	10/2/11
<b><u>\$13,374.00</u></b>	- 4000-498210-3160-683000-603051	

**BACKGROUND/EXPLANATION:**

On August 2, 2011, the Department submitted an agreement to Hope Health Systems, Inc. for the period July 1, 2011 through June 30, 2012, in the amount of \$63,249.00.

On September 16, 2011, Hope Health Systems, Inc. returned the signed agreement and notified the Department of its intent to cancel the agreement effective October 1, 2011. As a result, the

**MINUTES**Health Department - cont'd

agreement was not processed for Board approval. However, the provider continued services from July 1, 2011 to September 30, 2011 and incurred personnel expenses.

This request is late because the Department was waiting for final invoices from Hope Health Systems Inc. The Department apologizes for the lateness.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved ratification of services received and approved the expenditure of funds to pay Hope Health Systems, Inc.

**MINUTES**

Health Department - Client Incentive/Gift Cards

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the purchases of client incentive/gift cards from the various vendors.

**AMOUNT OF MONEY AND SOURCE:**

\$ 9,000.00 - Stop, Shop & Save, Inc. (180 cards @ \$50.00 ea.)  
2,500.00 - Downtown Locker Room, Inc. (100 cards @ \$25.00 ea.)  
2,500.00 - Family Dollar Stores of Maryland, Inc.  
(100 cards @ \$25.00 ea.)  
2,000.00 - Subway Restaurants Inc. (200 cards @ \$10.00 ea.)  
3,000.00 - America Multi-Cinema, Inc. Theatres  
(150 cards @ \$20.00 ea.)  
**\$19,000.00** - 4000-428512-3160-308400-604051

**BACKGROUND/EXPLANATION:**

The incentive cards will be distributed to students and participants of the Office of Youth Violence Prevention/Dating Matters Program as incentives for participation in health education sessions. The health education sessions use curricula developed by the Centers for Disease Control and Prevention, and will be delivered at Baltimore City Public Schools. The sessions will be delivered to all students enrolled in participating middle schools and all caregivers of these students. The sessions are designed to improve youth relationships with peers, parents, and other adults leading to healthier and safer schools, homes, and neighborhoods.

**MINUTES**Health Department - cont'd

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

This policy has been reviewed by both the City Solicitor's Office and the Department of Audits. Consistent with the original Board of Estimates approval on November 19, 2008, all requests for payment for the above incentive cards will be subject to the Department of Audit's approval.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the purchases of client incentive/gift cards from the various vendors.

**MINUTES**

Health Department - Ratification of Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to ratify an agreement with The Johns Hopkins University Bloomberg School of Public Health (JHU). The period of the agreement was August 1, 2012 through September 30, 2012.

**AMOUNT OF MONEY AND SOURCE:**

\$6,000.00 - 6000-630713-3030-279200-603051

**BACKGROUND/EXPLANATION:**

The JHU provided a Preventive Medicine Resident to work on projects with specified health professionals in the Health Department. In addition, the Preventive Medicine Resident worked with and received mentoring from the Medical Director of Adolescent and Reproductive Health.

Therefore, the Board is requested to ratify the agreement and authorize the payment to the JHU for services provided from August 1, 2012 through September 30, 2012.

The agreement is late because it was mailed to the JHU and recently returned to the Department.

**MBE/WBE PARTICIPATION:**

N/A

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

## MINUTES

Health Department - cont'd

UPON MOTION duly made and seconded, the Board approved ratification of the agreement with The Johns Hopkins University Bloomberg School of Public Health. The President **ABSTAINED**.

**MINUTES**

Health Department - Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with The Johns Hopkins University Bloomberg School of Public Health (JHU). The period of the agreement was July 1, 2012 through June 30, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$24,600.00 - 4000-422813-3080-294200-603051

**BACKGROUND/EXPLANATION:**

The Department serves as host agency for the Preventive Medicine Fellows Program and provides a Preceptor(s) to mentor selected residents during Fiscal Year 2013.

The Preventive Medicine Fellow worked for and received mentoring from the Deputy Commissioner, Division of Health Promotion & Disease Prevention and/or the Assistant Commissioner, Division of Maternal and Child Health.

The agreement is late because it was mailed to the JHU and recently returned to the Department.

**MBE/WBE PARTICIPATION:**

N/A

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

**MINUTES**

Health Department - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with The Johns Hopkins University Bloomberg School of Public Health. The President **ABSTAINED.**

## MINUTES

Health Department - Agreements

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

1. **THE MARYLAND FOSTER YOUTH RESOURCE CENTER, INC.**      **\$ 21,000.00**

Account: 4000-494413-3030-279200-603051

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

The agreement is late because it was just completed.

2. **V-LINC, INC.**      **\$ 16,550.00**

Account: 4000-428213-3080-294300-603051

The organization will provide early intervention services in natural environments that promote educational opportunities for infants and toddlers with disabilities, their families and professionals serving these children. V-LINC services will focus on assistive technology applications such as software, low-tech communication devices, adaptive toys and equipment for computer access.

## MINUTES

Health Dept.

3. **NURSE-FAMILY PARTNERSHIP** **\$ 16,850.00**  
**(NFP)**

Account: 4000-498613-3080-284000-603051

The Nurse-Family Partnership is an evidenced-based program developed on the basis of randomized controlled trial research to yield certain benefits for low-income, first-time mothers and their children. The NFP will continue to provide support, materials, supervisor training and access to the NFP Efforts to Outcomes proprietary software to help the Health Department implement the NFP Program.

The agreement is late because the NFP agreement template delayed the processing of the agreement.

4. **THE UNION MEMORIAL HOSPITAL, INC. (HOSPITAL)** **\$181,022.00**

Account: 4000-497313-3041-688282-603051

The Union Memorial Hospital, Inc. will provide up to 150 colorectal cancer screening services to patients. The Hospital will provide the following services to clients referred by the Baltimore City Health Department: office visit (pre-consult or physical examination), post colonoscopy visit, Hospital services for colonoscopy, without biopsy or with biopsy, physician services for colonoscopy, without biopsy or with biopsy and/or polypectomy tattoo of colon arthology.

**MWBOO GRANTED A WAIVER.**

## MINUTES

Health Dept. - cont'd

5. **UNIVERSITY OF MARYLAND, BALTIMORE (UMB)** **\$147,881.00**

Account: 4000-427113-3080-294300-603051

The UMB will provide services in the Premature Infant Development Enrichment Program (PRIDE<sup>2</sup>). Maryland's PRIDE<sup>2</sup> program is a collaborative endeavor between the Department of Pediatrics at the University of Maryland, Baltimore and the Baltimore Infants & Toddlers Program (BITP). The purpose of Maryland's PRIDE<sup>2</sup> is to provide a collaborative effort of identifications, evaluation and service coordination for the BITP eligible infants in the University of Maryland Hospital for Children (UMHC) Neonatal Intensive Care Unit (NICU) and Mercy NICU, who attend the UMHC NICU follow-up clinic or who receive primary health care at pediatrics at the Harbor (PATH).

**MWBOO GRANTED A WAIVER.**

The agreements are late because of delays in the completion of the required documentation.

6. **THE JOHNS HOPKINS UNIVERSITY** **\$ 47,142.00**  
**(JHU)**

Account: 4000-427712-3032-273320-603051

The JHU will administer non-medical case management services for the Ryan White Part A program. The JHU will provide client advocacy to HIV-infected persons receiving primary medical care at the Department's Sexually Transmitted Disease clinics to reduce barriers and to increase adherence to continuity of medical care. The period of the agreement is March 1, 2012 through February 28, 2013.

## MINUTES

Health Dept. - cont'd

The agreement is late because after receiving the award for the Ryan White Part A grant, providers are selected by the Department and Associated Black Charities, Inc., Part A Fiscal Agent. 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.

**MWBOO GRANTED A WAIVER.**

7. **ASSOCIATED BLACK CHARITIES, INC.** **\$ 80,000.00**

Account: 4000-498712-3023-274405-603051

The Associated Black Charities, Inc. as Fiscal Agent for Ryan White Part A STD Prevention services. The Baltimore City Health Department will expand the number of HIV positive individuals that are successfully linked to care by better addressing the complex social, logistical, and service barriers faced by clients as they attempt to access health care services. The Baltimore City Health Department will provide counseling and testing services to two full-time STD clinics at various outreach settings throughout Baltimore City, through a harm reduction program and at a gay and lesbian community center. The period of the agreement is March 1, 2012 through February 28, 2013.

8. **ASSOCIATED BLACK CHARITIES, INC.** **\$138,812.00**

Account: 4000-427712-3030-271900-603051

The Associated Black Charities, Inc. as Fiscal Agent for Ryan White Part A provides funding to the Baltimore City

## MINUTES

Health Dept. - cont'd

Health Department to support Ryan White Part A Oral Health services to new and returning low income, uninsured and underinsured persons with HIV/AIDS referred to the Department's dental clinics. The period of the agreement is March 1, 2012 through February 28, 2013.

9. **ASSOCIATED BLACK CHARITIES, INC.** **\$ 58,786.00**

Account: 4000-498712-3023-274404-603051

The Associated Black Charities, Inc. as the Administrative Fiscal Agent for the Ryan White Part A program will provide funds to support underserved minority and hard-to reach populations. The Baltimore City Health Department will utilize the funds to provide outreach services to increase the number of HIV-positive youth that are successfully linked to care by addressing the social, logistical and service barriers to accessing health care services. The Health Department will identify 60 HIV positive youth who need linkages to-care services. The program expects to test 12,000 to 14,000 individuals. The period of the agreement is March 1, 2012 through February 28, 2013.

The agreements are late because of delays in completion of the required documentation.

10. **SINAI HOSPITAL OF BALTIMORE, INC.** **\$120,452.00**

Account: 4000-425613-3023-599606-693051

Sinai Hospital of Baltimore, Inc. will provide medical case management to 50 clients who lack insurance or who are underinsured for this service category. Clients receiving medical case management will be assisted with coordination of their medical care and will be provided treatment adherence counseling, if required in addition to any

## MINUTES

Health Dept. - cont'd

referrals or service coordination to address their psychosocial needs.

**MWBOO GRANTED A WAIVER.**

11. **SINAI HOSPITAL OF BALTIMORE, INC.** **\$ 45,164.00**

Account: 4000-424513-3023-599633-603051

Sinai Hospital of Baltimore, Inc. will provide ongoing services to HIV positive men and women at Sinai Hospital and in the surrounding communities who are eligible for this service. The HIV support services program provides wrap around services to both HIV infected and affected women, children, youth and infants.

12. **CHASE BREXTON HEALTH SERVICES, INC.** **\$ 79,487.00**  
**(CBHS)**

Account: 4000-424513-3023-599636-603051

The CBHS will provide maximum quality of life for individuals living with HIV/AIDS with coordinated, culturally appropriate mental health services that are integrated into the continuum of care with primary care medical services. The CBHS will provide 85 units of psychiatric assessments and medication treatment recommendations based on 30 minute sessions to 24 unduplicated eligible clients, 560 individual counseling sessions based on 60 minute visits to 82 eligible clients and 150 group sessions based on 90 minute sessions to 26 clients.

**MWBOO GRANTED A WAIVER.**

## MINUTES

Health Dept. - cont'd

13. **CHASE BREXTON HEALTH SERVICES, INC.** **\$ 67,542.00**  
**(CBHS)**

Account: 4000-424513-3023-599618-603051

The CBHS will provide ongoing medical case management service to meet psychosocial needs of HIV positive patients receiving medical services. Services will include but not be limited to health-psychosocial assessment, care planning, procurement of services, linkage with services, delivery of services advocacy and ongoing monitoring.

**MWBOO GRANTED A WAIVER.**

14. **CHASE BREXTON HEALTH SERVICES, INC.** **\$ 78,000.00**  
**(CBHS)**

Account: 4000-424513-3023-599628-603051

The CBHS will provide patient adherence to the prescribed treatment regimen by providing education, addressing barriers to care, and monitoring patient adherence to appointments and medication regimens.

**MWBOO GRANTED A WAIVER.**

The agreements are late because the Infectious Disease and Environmental Health Administration (IDEHA) programmically manages Ryan White Part B services. The providers are asked to submit a budget, budget narrative, and scope of services. The Baltimore City 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.

## MINUTES

Health Dept. - cont'd

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the various aforementioned agreements. The President **ABSTAINED** on item nos. 6 and 10. The Comptroller **ABSTAINED** on item no. 7, 8, and 9.

**MINUTES**Health Department - Agreements**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the agreements with the following medical adult day care centers for seniors:

- AAA Management, LLC - t/a Raven's Adult Day Care
- Active Day, Inc.
- Associated Catholic Charities, Inc./St. Ann's Adult Day Care
- The Easter Seal Society for Disabled Children & Adults, Inc.
- Extended Family Adult Day Care, Inc.
- Heritage Adult Day Care, Inc.
- Keswick Multi-Care Center, Inc.
- Levindale Hebrew Geriatric Center and Hospital, Inc./Levindale Adult Day Care (Belvedere)
- Levindale Hebrew Geriatric Center and Hospital, Inc./Levindale Adult Day Care (Pikesville)
- Providence Adult Day Care Center, Inc.
- Today's Care & Family, Inc.

The period of the agreement is July 1, 2012 through June 30, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$331,669.80 - 5000-535413-3044-273300-607001

**BACKGROUND/EXPLANATION:**

The above listed Adult Day Care Providers will provide medical day care services to ill, frail or disabled elderly persons aged 65 and older who are eligible to receive Maryland Department of Aging grant funding from the City. The City will pay the provider the set rate of \$71.79 per day for approved recipients based on the number of approved days of service.

**MINUTES**Health Department - cont'd

The City will pay the provider and all other providers under the Adult Medical Day Care Program a collective amount not to exceed \$331,669.80 based upon the set rate and the approved number of days. The approved number of recipients and days may fluctuate based upon recipient preference and City approval, and payments will only be made upon approved invoices for approved recipients.

**MWBOO GRANTED A WAIVER FOR KESWICK MULTI-CARE CENTER, INC. AND LEVINDALE HEBREW GERIATRIC CENTER AND HOSPITAL, INC./LEVINDALE ADULT DAY CARE (BELVEDERE AND PIKESVILLE).**

**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 agreements with the aforementioned medical adult day care centers for seniors.

## MINUTES

Mayor' Office of Human Services (MOHS) - Grant Agreements and  
Amendment to Grant  
Agreement

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. **AMERICAN RESCUE WORKERS, INC.** **\$112,113.00**  
(ARW)

Account: 4000-480013-3572-333601-603051

The ARW will utilize the funds to offset operation and client support costs at ARW's shelter. Services will include but not be limited to program staff, office supplies, meals, shelter upkeep, and utilities.

**MWBOO GRANTED A WAIVER.**

2. **HEALTH CARE FOR THE HOMELESS, INC.** **\$200,186.00**

Account: 4000-480013-3571-333634-603051

The organization will utilize the funds to offset the costs of supplies and medical staff who will provide supportive services to 250 referred homeless persons who are not sick enough for hospitalization, yet require 24 hour shelter, nursing care and supportive services. Services will include, nursing services, shelter, food and transportation.

**MWBOO GRANTED A WAIVER.**

3. **FUSION PARTNERSHIPS, INC.** **\$100,000.00**  
(FUSION)

Account: 4000-480013-3572-333654-603051

The Fusion will utilize the funds to offset salary and

## MINUTES

MOHS - cont'd

operating costs for their Power Inside program. The program provides outreach, day shelter, referrals and case management services to women cycling between incarceration and homelessness. Fusion serves approximately 300 women per year at their shelter.

**MWBOO GRANTED A WAIVER.**

4. **MARYLAND CENTER FOR VETERANS EDUCATION & TRAINING, INC.** **\$100,000.00**

Account: 4000-480013-3572-333621-603051

The organization will utilize the funds to offset the salaries of staff providing support services to 50 homeless veterans. Services will include but not be limited to outreach, case management, emergency health and mental service, transportation and meals.

**MWBOO GRANTED A WAIVER.**

5. **MARIAN HOUSE, INC.** **\$ 30,397.00**

Account: 4000-496212-3573-591419-603051

The organization will utilize the funds to offset the salary costs for Serenity Place, a permanent housing complex which provides comprehensive supportive services to 19 homeless women. Services will include but not be limited to case management, counseling and linkages to outside programs for addiction, life skills, health and legal services. The period of the agreement is December 1, 2012 through November 30, 2013.

## MINUTES

MOHS - cont'd

6. **UNITED MINISTRIES, INC.** **\$ 24,186.00**

Accounts: 4000-480013-3572-333660-603051 \$ 15,218.00  
 4000-480013-3572-333660-603051 \$ 8,968.00

The organization will utilize the funds to offset staffing costs for their transitional housing program, "Earl's Place". The program will serve single homeless men who are in recovery from drugs and alcohol. Services will include but not be limited to case management, life skills training, service linkages for substance abuse treatment, benefits access assistance and locating permanent housing.

7. **MARYLAND CENTERS FOR VETERANS** **\$1,387,399.00**  
**EDUCATION & TRAINING**

Account: 4000-496212-3572-591421-603051

The organization will use funds to offset operation and salary costs incurred in operating its 120 bed transitional housing facility. The services provided at the facility include but are not limited to case management, counseling services, linkages to addiction counseling, education/literacy resources, life skills training, physical and mental health services and legal services. The period of the agreement is November 1, 2012 through October 31, 2013.

**MWBOO GRANTED A WAIVER.**

8. **THE HOUSE OF RUTH** **\$ 245,751.00**

Account: 4000-496212-3572-591418-603051

The organization will use funds to offset staffing and operating costs of their transitional housing facility for

## MINUTES

MOHS - cont'd

women fleeing domestic violence. Costs to be covered include but are not limited to transportation support, case management services, shelter oversight and meals. The period of the agreement is November 1, 2012 through October 31, 2013.

**MWBOO GRANTED A WAIVER.**

9. **WOMEN'S HOUSING COALITION, INC.** **\$193,800.00**

Account: 4000-496312-3570-591235-603051

The organization will provide rental assistance payments on behalf of 25 homeless clients. The period of the grant agreement is October 1, 2012 through September 30, 2013.

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

**MWBOO GRANTED A WAIVER.**

GRANT AMENDMENT

10. **DAYSPRING PROGRAMS, INC./DAYSPRING** **\$ 14,250.00**  
**HEAD START PROGRAM**

Account: 4000-486313-6051-515600-603051

The organization will install a security system at the Patterson Avenue site and mulch the playground at the Gardenville site to address health and safety issues. A two-month advance in the amount of \$606,433.00 was approved by the Board on June 27, 2012 and the grant agreement in the amount of \$3,059,983.00 was approved by the Board on

**MINUTES**

MOHS - cont'd

August 29, 2012 for a total grant award of \$3,680,666.00. This amendment extends the period of the grant agreement through June 30, 2013.

**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**

Mayor's Office of Human Services (MOHS) - Head Start State  
Supplemental  
Continuation Grant  
Award

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize acceptance of a Head Start State supplemental continuation grant award. The period of the grant is October 1, 2012 through September 30, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$594,711.00 - 5000-586813-6051-449900-605001

**BACKGROUND/EXPLANATION:**

The Baltimore City Head Start program will use the State allocation in the amount of \$594,711.00 to continue to provide summer programming to approximately 773 three and four year old children, currently enrolled in the Baltimore City Head Start Program. Eight Baltimore City Head Start delegates will serve the children for approximately two months, five days per week, not less than six hours per day. These children may be homeless, have special needs and/or have parents who work full-day, year-round or are attending an educational or job training program. Additional children served will be those identified by current Baltimore City Head Start outcome data that identifies children who need additional instruction to become "Ready to Learn" as they enter kindergarten.

The eight Baltimore City Head Start delegates selected to provide summer programming in FY13 are: St. Jerome's Head Start Program (Associated Catholic Charities, Inc.), Dayspring Head Start Program (Dayspring Programs, Inc.), Union Baptist Head Start Program (Union Baptist Church-School, Inc.), Emily Price Jones Head Start Program (YMCA of Central Maryland, Inc.), St.

## MINUTES

MOHS - cont'd

Vincent de Paul Head Start Program (St. Vincent de Paul of Baltimore, Inc.), Umoja Head Start Academy (Unity Methodist Church), Metro Delta Head Start (Metro Delta Educational Programs, Inc.), and Martin Luther King Jr./Early Head Start (The Johns Hopkins Hospital).

Summer programming was determined for expansion based on the current needs and trends identified in the Baltimore City Head Start Community Assessment(s). The programs will assist parents to obtain State subsidy in the form of child care subsidy vouchers.

Summer Camp will provide a safe and nurturing environment for children to continue to receive early childhood services. The children will be able to experience extended academic and social learning activities into the summer months while improving their school-readiness benchmark. The classroom activities using the Creative Curriculum will include circle time, music and movement, language development, everyday math and science, and early literacy activities. Enrichment activities to such venues as the National Aquarium and Science Center will also be provided.

The Martin Luther King Jr./Early Head Start Program (MLK) will use the funds to promote and enhance the quality of services provided to infants and toddlers and their families. The Infant/Toddler Program has a proportionately higher child/staff (EHS) ratio. As a result, the classroom staffing for Early Head Start classrooms is four to one. The Maryland State Department of Education (MSDE) requirement for mixed-aged classrooms (children between the ages of 12-months and/or 18-months and 36-months) is three children for one adult. As a result, the EHS classrooms with children within these age ranges would be out of compliance with MSDE. The program intends to utilize the funding from the State supplemental grant to maintain the appropriate staffing

**MINUTES**

MOHS - cont'd

levels to ensure all MLK classrooms remain compliant with the MSDE guidelines. The program intends to utilize a partnership with the Baltimore City Public Schools, School and Community Partnership Program to acquire students who are enrolled in the Vocational Tech Child Development Program to work in the MLK classroom during non-school hours.

**MBE/WBE PARTICIPATION:**

N/A

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the Head Start State supplemental continuation grant award. The Mayor **ABSTAINED**. The President **ABSTAINED**.

**MINUTES**

Department of Housing and      - Expenditure of Funds  
Community Development (DHCD)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an expenditure of funds to pay the Coldspring Company.

**AMOUNT OF MONEY AND SOURCE:**

\$ 95,648.50	-	5000-585110-5750-648700-603051
48,718.00	-	5000-585110-5750-648700-603051
67,808.00	-	5000-585911-5971-439500-603051
36,315.00		6000-685811-5971-439500-603051
<u>13,130.00</u>	-	5000-594311-5971-439521-603051
<b>\$261,619.50</b>		

**BACKGROUND/EXPLANATION:**

At the start of the stimulus-funded Weatherization Assistance Program in the spring of 2009, the Coldspring Company was already established as the HVAC contractor for cleaning, tuning, repair, and replacement of heating systems for households receiving weatherization. The contract for the Coldspring Company was extended as necessary to provide for a continuing level of essential HVAC services complementary to the weatherization program. Over the past three years, the company has assisted in weatherization services to over 4,000 households and received \$4,000,000.00 in compensation. The company does not now have an open contract, the company's last extension was denied due to problems in MBE/WBE compliance. Consequently, the DHCD is seeking Board approval for this final payment that covers work done while the company had an open and active contract.

## MINUTES

DHCD - cont'd

On November 28, 2012, Mr. Harold Scott, the company president, wrote to the members of the Board and other elected officials asserting that the DHCD had failed to pay the company \$306,460.00 in outstanding invoices. The DHCD painstakingly researched each of the invoices in question. Many had already been paid and the company was given documentation to verify the payments. Many included charges that were not acceptable under program guidelines. Other invoices needed to be corrected. This request to the Board represents the culmination of the research and negotiations with the company to determine which invoices were permissible for work completed by the company but not previously paid.

In addition to the reconciliation of ARRA Weatherization funding, this request includes payments to the Coldspring Company for heating system replacements, charged to complementary funding sources, the Maryland Energy Assistance Program, the Maryland Energy Administration, and the Constellation Energy Group Foundation.

The State of Maryland has set Friday, December 14, 2012 as the last day upon which charges can be made to the stimulus-funded weatherization program. This final payment to the Coldspring Company also includes compensation to the company for personnel expenses related to compliance with the federal Davis-Bacon Act. The Davis-Bacon wage requirements were determined and imposed after the contract was signed. Other weatherization contractors are also receiving Davis-Bacon adjustments this week as part of the final budget reconciliation of the program with the State of Maryland. The Davis-Bacon adjustments for the Coldspring Company and other weatherization contractors have been researched, certified, and presented to the State by the accounting firm of Clifton-Allen.

**MINUTES**

DHCD - cont'd

The adjustment due to Davis-Bacon wage requirements totals \$48,718.00.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to pay the Coldspring Company. The Mayor

**ABSTAINED.**

**MINUTES**

Department of Housing - Agreement  
and Community Development (DHCD)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with Civic Works, Inc. The period of the agreement is October 1, 2012 through September 30, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$ 93,000.00	-	2089-208913-5930-425003-603051
6,313.00	-	2089-208913-5930-425034-603051
30,347.00	-	2089-208913-5930-425034-603051
<u>9,000.00</u>	-	<u>2089-208913-5930-425081-603051</u>
<b>\$138,660.00</b>		

**BACKGROUND/EXPLANATION:**

This agreement will stabilize the operating costs of the Civic Works, Inc. program under their Service Corps AmeriCorps programs which are funded by the Corporation for National and Community Service through the Governor's Office on Service and Volunteerism.

Members of the Community Lot Program will receive landscape training while converting vacant lots in low and moderate-income areas into viable parks and gardens. Members of the Construction Apprentice Program will learn basic housing rehabilitation skills under the on-going direction and supervision of Habitat for Humanity of the Chesapeake's (HFHC) Construction Manager while rehabbing properties owned by HFHC.

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:

**MINUTES**

DHCD - cont'd

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, this agreement was delayed due to final negotiations and processing.

**MBE/WBE PARTICIPATION:**

**FOR THE FY 2013, MBE AND WBE PARTICIPATION GOALS FOR THE ORGANIZATION WERE SET ON THE AMOUNT OF \$88,411.00, AS FOLLOWS:**

**MBE: \$23,870.00**

**WBE: \$ 8,841.00**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with Civic Works, Inc.

**MINUTES**

Department of Housing and - Amendment No. 1 to Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 1 to grant agreement with The Family League of Baltimore City, Inc. (FLBC). The amendment extends the agreement through April 30, 2013.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On April 4, 2012, the Board approved of the agreement in the amount of \$100,000.00 of which \$60,000.00 was allocated to support three schools in the Park Heights community that participated in the community schools program; Pimlico Elementary/Middle School; Edgecombe Middle/Elementary School; and, Northwestern High School. Forty Thousand Dollars was allocated to support professional development and capacity building at a maximum of seven after-school programs in the Park Heights community.

The approved budget included \$43,500.00 to fund the following line items:

\$ 3,500.00 - After-school Coordinator at Edgecombe Circle  
\$12,000.00 - The After-school Institute  
\$28,000.00 - Consultant Services

The grantee has requested that the following funds be allocated as follows:

\$ 3,500.00 - Parent and Community Volunteer Stipends at  
Edgecombe Circle Elementary/Middle School

**MINUTES**

DHCD - cont'd

- \$20,000.00 - Community School Resource Coordinator at Pimlico Elementary/Middle School
- \$20,000.00 - Community School Resource Coordinator at Arlington Elementary/Middle School

The request to reallocate funds is based on the grantee's experience which indicates a greater need to allocate resources to the community school effort.

The FLBC will contract with Park Heights Renaissance to implement the community school programs. In addition to requesting a reallocation of funds, the grantee has also requested that the end of the agreement be extended from December 31, 2012 to April 30, 2013 in order to continue the community school program.

**AUDITS NOTED THE TIME EXTENSION.**

**(FILE NO. 55358)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 1 to grant agreement with The Family League of Baltimore City, Inc.

**MINUTES**

Department of Housing and - Amendment No. 1 to Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 1 to agreement with The Sinai Hospital of Baltimore, Inc. The amendment extends the agreement through January 31, 2013.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On April 4, 2012, the Board approved the agreement in the amount of \$20,000.00 to support a Male Youth Outreach Worker who works in the Park Heights' community middle schools to offer young males alternatives to violence and the drug culture by teaching critical decision making skills, modeling and coaching behaviors and engaging in positive activities.

The term of the agreement expires on December 31, 2012. The outreach worker will be working on the expiration date. The payroll period will not conclude until January 4, 2013. In order to compensate the employees for time worked through December 31, 2012, the Department is requesting an extension of the terms through January 31, 2013.

**AUDITS NOTED THE TIME EXTENSION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 1 to agreement with The Sinai Hospital of Baltimore, Inc.

**MINUTES**

Department of Housing and - Amendment No. 1 to Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 1 to grant agreement with Department of Recreation and Parks. The amendment extends the agreement through April 30, 2013.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On August 15, 2012, the Board approved the grant agreement in the amount of \$9,700.00 for improvements to the Coldspring Newtown Community. Funds were made available in accordance with the Maryland Education Trust Fund - Video Lottery Terminals legislation (2007 SB 3), which requires that 25 percent of the Community Impact Aid received from Video Lottery Terminal (Slots) revenue must be allocated to census tracts that are within a one-mile radius of the Pimlico Racetrack.

In Fiscal Year 12 a total of \$148,475.00 was available for the one-mile radius: \$111,356.00 was allocated to the Northwest Community Planning Forum; \$22,271.00 was allocated to the Northwest Community Roundtable; and, \$14,848.00 was allocated to Coldspring Newtown. Under the terms of the State Legislation, the City is required to prepare a spending plan in consultation with a Local Development Council which in the Pimlico Area, is the Pimlico Community Development Authority. Based on public input, three projects were recommended for funding, one of which is improvements to the public areas of the Coldspring Newtown community.

**MINUTES**

DHCD - cont'd

The community's open space currently includes an asphalt labyrinth, an open field, and an informal walking path through a bird sanctuary. The community is working with the Department of Recreation and Parks to identify future uses and improvements for each of these spaces and how they should relate to each other.

The first phase of these efforts included replacing an existing neighborhood identification sign located at the intersection of Greenspring Avenue and Springarden Lane. The company procured by the community to fabricate and install the sign has been determined to be non-performing; therefore, the community is seeking a new company. In order to accommodate these circumstances, the Department of Recreation and Parks has requested that the end of the term of the agreement be extended from December 31, 2012 to April 30, 2013.

**AUDITS NOTED THE TIME EXTENSION.**

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

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

## Kim A. Trueheart

December 18, 2012

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

Dear Ms. Taylor:

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

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

1. Whom you represent: Self.
2. What the issues are:
  - a. Pages 104 thru 109, Department of Housing and Community Development (DHCD) – Various Park Heights community initiatives & VLT funding, if approved:
    - i. Please provide access to the attendant documents for inspection;
    - ii. Under the terms of the State Legislation, the City is required to prepare a spending plan in consultation with a Local Development Council which in the Pimlico Area, is the Pimlico Community Development Authority.
    - iii. Based on public input, three projects were recommended for funding, one of which is improvements to the public areas of the Coldspring Newtown community.
  - b. Please provide access to the document that designated the Pimlico Community Development Authority as the Local Development Council;
  - c. Please provide access to the Spending Plan;
  - d. Please provide access to the document which delineates the outreach methodology for ensuring affected/eligible neighborhoods are included in the Local Development Council's membership.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed questionable management and stewardship of municipal funds by this Mayoral administration and DCHD/HABC specifically. I seek the dissolution of DHCD and HABC in their current form and the establishment of a new single entity under the direct auspicious of the municipal government of Baltimore City, thus allowing for appropriate levels of oversight and scrutiny by the citizens of Baltimore City and our duly elected representatives.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on December 19, 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**

DHCD - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 1 to the grant agreement with Department of Recreation and Parks. The Mayor **ABSTAINED**.

**MINUTES**

Department of Housing and - Amendment No. 1 to Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 1 to grant agreement with The Park West Medical Center. The amendment extends the agreement through January 31, 2013.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On March 14, 2012, the Board approved the agreement with the Park West Medical Center in the amount of \$37,378.00 in FY12 Video Lottery Terminal (Slots) Revenue. Funds provided a dedicated Outreach Worker to the Park Heights Community as part of its Hidden Gardens Program. The Hidden Gardens uses outreach workers to encourage young males to seek HIV testing and treatment.

The term of the agreement expires on December 31, 2012. The Outreach Worker will be working on the expiration date. The payroll period will not conclude until January 4, 2013. In order to pay employees for time worked through December 31, 2012, the Department is requesting the term of the agreement be extended until January 31, 2013.

**AUDITS NOTED THE TIME EXTENSION.**

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

## Kim A. Trueheart

December 18, 2012

Board of Estimates

Attn: Clerk

City Hall, Room 204

100 N. Holliday Street,

Baltimore, Maryland 21202

Dear Ms. Taylor:

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

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

1. Whom you represent: Self.
2. What the issues are:
  - a. Pages 104 thru 109, Department of Housing and Community Development (DHCD) – Various Park Heights community initiatives & VLT funding, if approved:
    - i. Please provide access to the attendant documents for inspection;
    - ii. Under the terms of the State Legislation, the City is required to prepare a spending plan in consultation with a Local Development Council which in the Pimlico Area, is the Pimlico Community Development Authority.
    - iii. Based on public input, three projects were recommended for funding, one of which is improvements to the public areas of the Coldspring Newtown community.
  - b. Please provide access to the document that designated the Pimlico Community Development Authority as the Local Development Council;
  - c. Please provide access to the Spending Plan;
  - d. Please provide access to the document which delineates the outreach methodology for ensuring affected/eligible neighborhoods are included in the Local Development Council's membership.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed questionable management and stewardship of municipal funds by this Mayoral administration and DCHD/HABC specifically. I seek the dissolution of DHCD and HABC in their current form and the establishment of a new single entity under the direct auspicious of the municipal government of Baltimore City, thus allowing for appropriate levels of oversight and scrutiny by the citizens of Baltimore City and our duly elected representatives.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on December 19, 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

DHCD - 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 and authorized execution of amendment no. 1 to grant agreement with The Park West Medical Center.

**MINUTES**

Department of Housing and - Amendment No. 1 to Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 1 to grant agreement with The Park Heights Community Alliance. The amendment extends the agreement through January 31, 2013.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On April 18, 2012, the Board approved the grant agreement in the amount of \$25,000.00 to launch the Park Heights Healthy Child Outreach, Enrollment and Re-Enrollment Campaign.

Under the terms of the grant agreement, funds are provided on a reimbursement basis subject to the approval of a reimbursement request. The reimbursement request is required for proof of payment, invoices, copies of contracts, and a statement showing how expended funds meet the scope of work and approved budget in the grant agreement. Due to extenuating circumstances the grantee can provide proof of payment and contracts, but is unable to provide copies of invoices and has requested that reimbursement be approved subject to the available documentation. In addition to requesting a modification to the conditions for reimbursement, the Department is requesting that the end of the term of the agreement be extended from December 31, 2012 to January 31, 2013 to allow the grantee time to meet the revised terms of the grant agreement.

**AUDITS NOTED THE TIME EXTENSION.**

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

## Kim A. Trueheart

December 18, 2012

Board of Estimates

Attn: Clerk

City Hall, Room 204

100 N. Holliday Street,

Baltimore, Maryland 21202

Dear Ms. Taylor:

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

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

1. Whom you represent: Self.
2. What the issues are:
  - a. Pages 104 thru 109, Department of Housing and Community Development (DHCD) – Various Park Heights community initiatives & VLT funding, if approved:
    - i. Please provide access to the attendant documents for inspection;
    - ii. Under the terms of the State Legislation, the City is required to prepare a spending plan in consultation with a Local Development Council which in the Pimlico Area, is the Pimlico Community Development Authority.
    - iii. Based on public input, three projects were recommended for funding, one of which is improvements to the public areas of the Coldspring Newtown community.
  - b. Please provide access to the document that designated the Pimlico Community Development Authority as the Local Development Council;
  - c. Please provide access to the Spending Plan;
  - d. Please provide access to the document which delineates the outreach methodology for ensuring affected/eligible neighborhoods are included in the Local Development Council's membership.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed questionable management and stewardship of municipal funds by this Mayoral administration and DCHD/HABC specifically. I seek the dissolution of DHCD and HABC in their current form and the establishment of a new single entity under the direct auspicious of the municipal government of Baltimore City, thus allowing for appropriate levels of oversight and scrutiny by the citizens of Baltimore City and our duly elected representatives.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on December 19, 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

DHCD - 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 and authorized execution of amendment no. 1 to grant agreement with The Park Heights Community Alliance.

**MINUTES**

Department of Housing and - Amendment No. 1 to Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 1 to agreement with The Park Heights Renaissance, Inc. (PHR). The amendment extends the agreement through January 31, 2013.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On March 21, 2012, the Board approved the grant agreement with PHR in the amount of \$41,442.00 in which \$11,926.00 was allocated to support community organizing activities that encouraged and developed broad-based stakeholder participation in activities throughout the Park Heights Master Plan area. The remaining \$29,516.00 was allocated to coordinate community-wide Clean and Green efforts. The PHR allocated \$7,500.00 of the Community Engagement funds to establish a small grants program. Community Associations within the Park Heights Master Plan area were eligible to apply for a maximum \$750.00 grant to support a variety of activities.

The Department is requesting that the end of the term of the agreement be extended from December 31, 2012 to January 31, 2013 to enable community groups that received a grant to complete the expenditure of those funds.

**AUDITS NOTED THE TIME EXTENSION.**

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

## Kim A. Trueheart

December 18, 2012

Board of Estimates

Attn: Clerk

City Hall, Room 204

100 N. Holliday Street,

Baltimore, Maryland 21202

Dear Ms. Taylor:

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

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

1. Whom you represent: Self.
2. What the issues are:
  - a. Pages 104 thru 109, Department of Housing and Community Development (DHCD) – Various Park Heights community initiatives & VLT funding, if approved:
    - i. Please provide access to the attendant documents for inspection;
    - ii. Under the terms of the State Legislation, the City is required to prepare a spending plan in consultation with a Local Development Council which in the Pimlico Area, is the Pimlico Community Development Authority.
    - iii. Based on public input, three projects were recommended for funding, one of which is improvements to the public areas of the Coldspring Newtown community.
  - b. Please provide access to the document that designated the Pimlico Community Development Authority as the Local Development Council;
  - c. Please provide access to the Spending Plan;
  - d. Please provide access to the document which delineates the outreach methodology for ensuring affected/eligible neighborhoods are included in the Local Development Council's membership.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed questionable management and stewardship of municipal funds by this Mayoral administration and DCHD/HABC specifically. I seek the dissolution of DHCD and HABC in their current form and the establishment of a new single entity under the direct auspicious of the municipal government of Baltimore City, thus allowing for appropriate levels of oversight and scrutiny by the citizens of Baltimore City and our duly elected representatives.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on December 19, 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

DHCD - 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.

**(FILE NO. 57276)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 1 to agreement with The Park Heights Renaissance, Inc.

**MINUTES**

Department of Housing and - Amendment No. 2 to Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 2 to grant agreement with the Park Heights Renaissance, Inc. (PHR). The amendment extends the agreement through January 31, 2013.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On May 9, 2012, the Board approved the agreement in the amount of \$491,167.00 in General Revenue Funds. The funds were provided for the PHR's core operating services and selected capital projects. On August 8, 2012, the Board approved amendment no. 1 to the agreement to enable the PHR to submit one invoice for previously incurred expenses rather than on a quarterly basis, as was stipulated in the original agreement.

The Department is requesting that the end term of the agreement be extended from December 31, 2012 to January 31, 2013 to provide sufficient time to complete the invoicing and reimbursement process.

**AUDITS NOTED THE TIME EXTENSION.**

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

## Kim A. Trueheart

December 18, 2012

Board of Estimates

Attn: Clerk

City Hall, Room 204

100 N. Holliday Street,

Baltimore, Maryland 21202

Dear Ms. Taylor:

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

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

1. Whom you represent: Self.
2. What the issues are:
  - a. Pages 104 thru 109, Department of Housing and Community Development (DHCD) – Various Park Heights community initiatives & VLT funding, if approved:
    - i. Please provide access to the attendant documents for inspection;
    - ii. Under the terms of the State Legislation, the City is required to prepare a spending plan in consultation with a Local Development Council which in the Pimlico Area, is the Pimlico Community Development Authority.
    - iii. Based on public input, three projects were recommended for funding, one of which is improvements to the public areas of the Coldspring Newtown community.
  - b. Please provide access to the document that designated the Pimlico Community Development Authority as the Local Development Council;
  - c. Please provide access to the Spending Plan;
  - d. Please provide access to the document which delineates the outreach methodology for ensuring affected/eligible neighborhoods are included in the Local Development Council's membership.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed questionable management and stewardship of municipal funds by this Mayoral administration and DCHD/HABC specifically. I seek the dissolution of DHCD and HABC in their current form and the establishment of a new single entity under the direct auspicious of the municipal government of Baltimore City, thus allowing for appropriate levels of oversight and scrutiny by the citizens of Baltimore City and our duly elected representatives.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on December 19, 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

DHCD - 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.

**(FILE NO. 57276)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 2 to grant agreement with the Park Heights Renaissance, Inc.

**MINUTES**

Department of Housing and - Amendment No. 2 to Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 2 to grant agreement with Healthy Neighborhoods, Inc. The amendment extends the agreement through March 31, 2013.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On September 29, 2010, the Board approved the grant agreement in the amount of \$750,000.00 for operating and capital programs.

Eighty thousand dollars of the capital funds was allocated to activities that would strengthen the residential market in Reservoir Hill, one of the City's approved Healthy Neighborhoods. Due to market conditions, the Board approved an amendatory agreement in December 2011 extending the term of the grant agreement to December 2012 in which to expend the \$80,000.00.

This amendment no. 2 will extend the end of the term of the agreement to March 31, 2013 to allow for the expenditure of funds.

Over the past 12 months, Healthy Neighborhoods, Inc. has worked with the community to identify weak market areas that require targeted intervention strategies. Based on the community's recommendation, Healthy Neighborhoods, Inc. will use up the \$25,000.00 to undertake a development strategy for the 2200 - 2300 blocks of Callow Avenue. The balance of funds will be used to provide secondary financing for owner occupants on other Healthy Neighborhood-designated target blocks.

**AUDITS NOTED THE TIME EXTENSION.**

## MINUTES

DHCD - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 2 to grant agreement with Healthy Neighborhoods, Inc.

**MINUTES**

Department of Housing and        - Agreement  
Community Development (DHCD)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with The Coalition to End Childhood Lead Poisoning (CECLP). The period of the agreement is January 1, 2013 through September 30, 2015.

**AMOUNT OF MONEY AND SOURCE:**

\$247,300.00 - 4000-468513-5825-179400-607001

**BACKGROUND/EXPLANATION:**

This agreement is for outreach, case management, and post remediation education services.

The CECLP will provide case management, education, and family advocacy services for 180 Lead Hazard Reduction Demonstration Grant clients. They will explain the significance of the elevated blood lead levels to the parent or guardian of the child with a blood lead level of 5-9 ug/dl, review lead poisoning prevention educational materials, and encourage the parent or guardian to complete follow-up blood lead testing as appropriate, and provide other lead poisoning prevention information. The organization will also assist the client in sending a Notice of Defect to their rental property owner for the repair of chipping, peeling paint and other defects where applicable. In addition, they will refer the client to other lead poisoning prevention resources where appropriate and provide a lead poisoning prevention cleaning kit to clients.

The CECLP will also conduct 80 outreach and education trainings, presentations, or events reaching 2,000 Baltimore City residents. In addition the CECLP will maintain a HEPA-Vacuum Loan Program for homeowners, rental property owners, tenants, and other Baltimore City residents. They will maintain a 1-(800)

**MINUTES**

DHCD - cont'd

lead poisoning prevention telephone hotline to answer questions and link residents to prevention resources in the City. The organization will maintain a Coalition website that includes lead poisoning prevention information, resources, and a link to the Lead Hazard Reduction Grant Program.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with The Coalition to End Childhood Lead Poisoning.

**MINUTES**

Department of Housing and           - Waiver and Release for  
Community Development (DHCD)    Property

**ACTION REQUESTED OF B/E:**

The Board is requested to approve a waiver and release with Chase Brexton Health Services, Inc., for the property located at 1001 Cathedral Street. The Board is further requested to authorize the Commissioner of the Department of Housing and Community Development (Commissioner) to execute any and all documents to effectuate this transaction subject to review and approval for form and legal sufficiency by the Department of Law.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

Founded in 1978, Chase Brexton Health Services, Inc., a Maryland non-profit corporation, has evolved from a small health clinic serving primarily the gay community into a multi-faceted health center offering a continuum of care to a diverse and often medically underserved community. Clients are often low income, unemployed, working poor, homeless immigrants, individuals at risk for HIV, senior citizens, and college students. The organization, which functions primarily as a "safety net provider", has a proven record of efficiency identifying and addressing health care issues to meet the needs of disenfranchised, high risk patients. The organization serves in excess of 24,000 patients per year representing 130,000 patient visits.

In December 1994, the organization was the recipient of a Community Development Block Grant (CDBG) deferred loan from the City in the amount of \$312,000.00. Deferred loan funds were used to assist with a portion of the acquisition and related costs of

## MINUTES

DHCD - cont'd

a building located at 1001 Cathedral Street that was used as the organization's main facility. The CDBG deferred loan had a 20-year term, an interest rate of zero percent and was secured by a third lien on the property. At the conclusion of the loan period, the outstanding balance of the City's deferred loan, together with any accrued interest would be due payable. However, if the borrower complied with all of the requirements as stated in the Regulatory Agreement, the loan would be forgiven at the maturity date, which is in 2014.

Due to the growth in the need to provide care to the under and uninsured patient populations, the organization intends to sell their current facilities at 1001 Cathedral Street, acquire the Monumental Life Building located at 1111 N. Charles Street and relocate all of their services to the new site in the Spring/Summer of 2013. The 1001 Cathedral Street LLC will purchase the building from Chase Brexton Health Services, Inc. for \$1,650,000.00. The Chase Brexton will use a portion of the proceeds of sale to retire the first debt on 1001 Cathedral Street and use the remainder of the proceeds to assist with a portion of the hard construction costs of the Monumental Life Building. The release and sale will not result in cash back to Chase Brexton, Inc. and therefore should not be considered a violation of the original loan documents concerning the sale/refinancing provisions.

With the implementation of the Affordable Care Act, thousands of Baltimoreans without medical insurance will have access to health care starting in 2014. The expansion of the organization's facilities will be critical to meeting this need. The Department proposes to consent to the transfer and conveyance of the requirements of the CDBG deferred loan from 1001 Cathedral Street to 1111 N. Charles Street contingent upon Chase Brexton Health Services, Inc. It must adhere to two requirements; (i) agree to provide the required services at the new property and use commercially reasonable efforts to provide

**MINUTES**

DHCD - Cont'd

any additional services at the new property, and (ii) require that the use of 1111 N. Charles Street be restricted to the provisions of the CDBG deferred loan agreement, and other services that Chase Brexton may provide in the fulfillment of its mission to provide health care services to the underserved community. The final documents will further provide that Chase Brexton will record among the Land Records of Baltimore City a restrictive covenant restricting the use of the property as aforesaid, the form and content must be approved by the Commissioner and the Law Department.

**MBE/WBE PARTICIPATION:**

N/A

**THE DEPARTMENT OF FINANCE RECOMMENDED APPROVAL.**

**(FILE NO. 55125)**

UPON MOTION duly made and seconded, the Board approved a waiver and release with Chase Brexton Health Services, Inc., for the property located at 1001 Cathedral Street. UPON FURTHER MOTION duly made and seconded, the Board authorized the Commissioner of the Department of Housing and Community Development (Commissioner) to execute any and all documents to effectuate this transaction subject to review and approval for form and legal sufficiency by the Department of Law.

**MINUTES**

Department of Audits - Refunds of Overpayments  
Abandoned Property Report

**ACTION REQUESTED OF B/E:**

The Board is requested to accept the report and approve the recommendations of the Department of Audits on the Abandoned Property Report.

**AMOUNT OF MONEY AND SOURCE:**

\$72,029.27 - refunds of overpayments

**BACKGROUND/EXPLANATION:**

The Department of Finance, Bureau of Revenue Collections sent 707 claim forms to potential claimants listed on the City's Abandoned Property Report for fiscal year 2009, dated July 3, 2012. The claim forms contained instructions to complete and return those forms to the Board of Estimates.

Under the procedures established by the Board of Estimates, 149 requests for refunds totaling \$134,293.02, were received by the Board of Estimates and forwarded to the Department of Audits for review and recommendation. These overpayments were unclaimed after three or more years. The Department of Audits conducted a review of the claims for potential overpayments that remained either unclaimed or unresolved for three years.

The Department determined that \$72,029.27, included in the submitted schedule, represents valid refunds to 89 claimants resulting from duplicate payments, abatements, and tax credits. The Department recommends that these refunds be approved for payment and that \$72,029.27 be removed from the listing of abandoned property to be submitted to the State by the Department of Finance, Bureau of Revenue Collections.

The Department also determined that potential claims received, totaling \$38,854.66 resulted from various clerical or accounting errors and should not have been included in the Abandoned

## MINUTES

Department of Audits - cont'd

Property Report. Therefore, the Department recommends that \$38,854.66 associated with those claims be retained by the City and removed from the listing of abandoned property to be submitted to the State. The balance of \$23,409.09 represents the adjusted amount for abandoned property that will be included in the amount to be remitted to the State.

UPON MOTION duly made and seconded, the Board approved acceptance of the report and approved the recommendations of the Department of Audits on the Abandoned Property Report.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

- |  |                |                |
|--|----------------|----------------|
| 1. <u>BMR, INC.</u>  | <u>\$ 0.00</u> | <u>Renewal</u> |
| Solicitation No. B50001024 - OEM Parts for Small John Deere Tractors - Department of General Services - Req. No. P507718 |                |                |

On April 15, 2009, the Board approved the initial award in the amount of \$24,000.00. The award contained two 1-year renewal options. On January 18, 2012, the Board approved the first renewal in the amount of \$24,000.00. This final renewal is for the period April 14, 2013 through April 13, 2014, with no renewal options remaining.

- |   |                    |                        |
|---|--------------------|------------------------|
| 2. <u>PLAYGROUND SPECIALISTS, INC.</u>  | <u>\$48,909.00</u> | <u>Selected Source</u> |
| Solicitation No. 06000 - Rebuild Harwood Playground - Department of Recreation and Parks - Req. No. R618790 |                    |                        |

Approximately half of the Harwood Playground was destroyed by fire. The selected vendor is the sole distributor of matching equipment in the State of Maryland. The Department of Recreation and Parks is seeking to have the playground reconstructed in the quickest and most economical means possible. The period of the award is December 19, 2012 through May 30, 2013.

- |  |                    |                |
|--|--------------------|----------------|
| 3. <u>MILLS COMMUNICATION, INC.</u>  | <u>\$43,861.00</u> | <u>Low Bid</u> |
| Solicitation No. 07000 - VHF Transmitters - Fire Department - Req. No. R619991, R620033, R620031 |                    |                |

- |   |                    |                |
|---|--------------------|----------------|
| 4. <u>JOHNSON, MIRMIRAN, &amp;<br/>THOMPSON, INC.</u>   | <u>\$44,625.00</u> | <u>Low Bid</u> |
| Solicitation No. 07000 - Enterprise Application Enabler - Department of Public Works - Req. No. R605857 |                    |                |

## 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

- |   |              |         |
|---|--------------|---------|
| 5. STEVE'S CLEANING SERVICES  | \$ 18,000.00 | Renewal |
| Solicitation No. B50001261 - Janitorial Services - Health Department - P.O. No. P516091 |              |         |

On December 23, 2009, the Board approved the initial award in the amount of \$18,000.00. The award contained three 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$18,000.00 is for the period January 4, 2013 through January 3, 2014.

- |  |             |             |
|--|-------------|-------------|
| 6. THE OMEGA GROUP   | \$61,318.00 | Sole Source |
| Solicitation No. 08000 - CrimeWatch Application - Police Department - Req. No. R617927 |             |             |

The Omega Group is the developer and sole provider of support and licenses for the CrimeWatch Application.

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.

- |   |             |         |
|---|-------------|---------|
| 7. STEVE'S CLEANING SERVICES  | \$14,100.00 | Renewal |
| Solicitation No. B50001278 - Janitorial Services - Health Department - P.O. No. P516052 |             |         |

On January 27, 2010, the Board approved the initial award in the amount of \$14,100.00. The award contained three 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$14,100.00 is for the period February 1, 2013 through January 31, 2014.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

## 8. KERSHNER ENVIRONMENTAL

TECHNOLOGIES, LLC	\$300,000.00	Increase
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Solicitation No. 08000 - Furnish and Deliver Chlorination and De-Chlorination Parts - Department of Public Works, Bureau of Water and Wastewater - P.O. No. P519869

On March 28, 2012, the Board approved the initial award in the amount of \$200,000.00. The award contained two 1-year renewal options. Due to increase usage, an increase is required. This increase in the amount of \$300,000.00 will make the award amount \$500,000.00. The contract expires April 7, 2014, with two 1-year renewal options 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 Article VI, Section 11 (e)(i) of the City Charter, the procurement of the equipment and/or service recommended.

## 9. VALLEY CHEVROLET, LLC

\$ 650,000.00	
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APPLE FORD	200,000.00
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HERITAGE DODGE, INC.	750,000.00
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PACKER NORRIS PARTS	200,000.00
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AL PACKER'S WHITE MARSH	200,000.00
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FORD, LLC	
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<b>\$2,000,000.00</b>	
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Renewal
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Solicitation No. B50000665 - Automotive OEM Parts & Service - Department of General Services - Agencies - Various - P.O. Nos. Various

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

On December 10, 2008, the Board approved the initial award in the amount of \$10,000,000.00. The award contained two 1-year renewal options. This final renewal in the amount of \$2,000,000.00 is for the period April 1, 2013 through March 31, 2014.

**MWBOO GRANTED A WAIVER.**

## 10. DYNAMIC INDUSTRIES

NY, INC.	\$ 12,000.00	Increase
Solicitation No. B50001355 - Shop Towels/Wiping Cloths - Department of General Services, Fleet Management - P.O. No. P512385		

On March 3, 2010, the Board approved the initial award in the amount of \$24,000.00. The award contained two 1-year renewal options. Subsequent actions have been approved. Additional funds are required due to increased usage of this contract. This increase in the amount of \$12,000.00 will make the total award amount \$68,000.00. The contract expires on March 10, 2013, with no renewal options remaining.

**MWBOO GRANTED A WAIVER.**

11. W.W. GRAINGER, INC.	\$1,500,000.00	Increase
Solicitation No. BPO-001B1400635 - Maryland State Contract - Maintenance, Repair and Operating Supplies - Citywide - P.O. No. P519531		

On February 29, 2012, the Board approved the initial award in the amount of \$1,500,000.00. The award contained one 3-year renewal option. On November 9, 2012, the City Purchasing Agent approved an increase in the amount of \$40,000.00. On November 26, 2012, the City Purchasing Agent approved an increase in

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

the amount of \$10,000.00. Additional funds are required due to increased usage of this contract. This increase in the amount of \$1,500,000.00 will make the award amount \$3,050,000.00 with one 3-year renewal option remaining.

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

**MWBOO SET GOALS OF 5% MBE AND 0% WBE.**

**MBE:** Marathon, Inc. 5%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

12. FULL CIRCLE SOLUTIONS	\$1,949,040.00	Selected Source/ Agreement
(3 yr. not to exceed amt.)		
Solicitation No. 06000 - Technical Support and System Administration for the Consolidated Collection System - Finance Department - Req. No. R619531		

The Board is requested to approve and authorize execution of an agreement with Full Circle Solutions, Inc. The period of the agreement is December 19, 2012 through December 18, 2015, with two 1-year renewal options.

The Bureau of Treasury Management has requested the services of Full Circle Solutions, Inc., a certified City MBE, for technical support and system administration services for integration of new and current billing systems with the Integrated Collection System. On December 5, 2007, Full Circle Solutions, Inc. was awarded the Upgrades, Licenses and Support Services for the Integrated Collection System. Full

## 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

Circle Solutions, Inc. is the only reasonable vendor because of their intimate knowledge of the current systems and the City's protocols and procedures which would minimize the learning curve and provide a seamless interface and integration with current systems. The pricing has been deemed fair and reasonable.

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

**MWBOO GRANTED A WAIVER.**

**(FILE NO. 57210)**

13. CHESAPEAKE SYSTEM, LLC	\$ 0.00	
PESCO, LLC	\$50,000.00	Increase
<u>Solicitation No. B50001445 - Provide Various Submersible Pumps</u>		
<u>- Agencies - Various - Req. Nos. P514273 and P514274</u>		

On June 30, 2010, the Board approved the initial award in the amount of \$44,098.00. The award contained one 1-year renewal option. Subsequent actions have been approved. This increase is necessary due to increased usage of this contract. This increase in the amount of \$50,000.00 will make the award amount \$144,098.00. The contract expires on June 27, 2014, with no 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

UPON MOTION duly made and seconded, the Board approved the informal awards, renewals, increases to contracts and extensions The Board also approved and authorized execution of the agreement with the Full Circle Solutions (item no. 11). The President **ABSTAINED** on item no. 8.

**MINUTES**

Circuit Court - Approval to Accept Funds

**ACTION REQUESTED OF B/E:**

The Board is requested to authorize acceptance of funds from the Drug Courts Foundation.

**AMOUNT OF MONEY AND SOURCE:**

\$10,000.00 - Funds will be deposited into account no:  
(not to exceed) 6000-6019-1100-109400-406001

**BACKGROUND/EXPLANATION:**

The Drug Courts Foundation is a 501(c)(3), which promotes and assists the City's Circuit and District Adult Drug Courts by raising funds to support programming and services which motivate, encourage and enhance recovery from drugs for the participants in Drug Courts.

The Drug Courts Foundation will award up to \$10,000.00 to the Circuit Court Adult Drug Court to be used for purchasing bus tokens/passes etc. for active participants. The purchase of these items will be overseen by the Circuit Court Drug Court Coordinator.

UPON MOTION duly made and seconded, the Board authorized acceptance of funds from the Drug Courts Foundation.

**MINUTES**

Mayor's Office - Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with Ms. Mary Pat Fannon. The period of the agreement is effective upon Board approval for one year.

**AMOUNT OF MONEY AND SOURCE:**

**\$92,500.00** - 1001-000000-1250-152900-603018

**BACKGROUND/EXPLANATION:**

Ms. Fannon will continue to work as a Senior Advisor for the Mayor's Office of Government Relations. She will be responsible for advising and providing analysis to the Mayor on State legislation, fiscal policy and legislative initiatives and other matters, as well as provide advice to the Mayor's Office of Governmental Relations in reference to the Maryland General Assembly consideration of and adoption of legislation impacting the interests of Baltimore City and other related matters. Ms. Fannon will receive \$70.00 per hour, not to exceed \$87,500.00 plus parking, lodging, food and conference registration costs not to exceed \$5,000.00, for a total maximum amount of \$92,500.00.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with Ms. Mary Pat Fannon. The Mayor **ABSTAINED**.

**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:**

\$840,689.00 - 1001-000000-3850-630500-607001

**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 prenatal home visiting programs for pregnant women with young children at various locations in the City. The FLBC's sub-grantees and affiliated with the B'More for Healthy Babies Initiative (BHB) of the Baltimore City Health Department and will implement the Healthy Families America program, an evidence-based home visiting model. The intended outcomes under this agreement are (1) a reduction in poor birth outcomes of low-birthweight and premature birth and (2) a reduction in the number of infant deaths due to unsafe sleep practices.

The first installment will be in the amount of \$210,172.25 and will be paid to the Family League upon approval of the agreement and \$210,172.25 will be paid to the FLBC quarterly for the next three quarters of the period of the agreement.

**MINUTES**

Office of the Mayor - cont'd

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)**

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

## 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:

5189 - 5216

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.

The President **ABSTAINED** on item nos. 1-6, and 11.

The Comptroller **ABSTAINED** on item no. 8.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:

Bureau of Water and Wastewater

1. SC 899, Improvements to Sanitary Sewers in Western Run Area in the Jones Falls Sewershed	Insituform Technologies, LLC	\$12,161,242.60	
<b>MBE:</b> Daco Construction Corporation		\$973,000.00	8.00%
<b>WBE:</b> 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.

2. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Bureau of Water and Wastewater</u>		
\$12,649,637.92	9960-906626-9549	
Wastewater Revenue Bonds	Constr. Reserve Rehab Program Jones Falls	
3,403,202.08	" " "	
<u>Baltimore County</u>		
<b>\$16,052,840.00</b>		
\$ 1,216,124.00	-----	9956-903645-9551-2 (Extra Work)
1,216,124.00	-----	9956-903645-9551-3 (Engineering)

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:

Bureau of Water and Wastewater - cont'd

729,674.70	-----	9960-903645-9551-5 (Inspection)
12,161,242.60	-----	9960-903645-9551-6 (Construction)
<u>729,674.70</u>	-----	9960-903645-9551-9 (Administration)
<b><u>\$16,052,840.00</u></b>		

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.

**PROTESTS WERE RECEIVED FROM SAK CONSTRUCTION, LLC., 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.

President: "Before we go to the protest, I would like to recognize Councilman Curran who has joined us this morning. Umm the first item on the non-routine agenda can be found on page 127 item 1 and 2, Bureau of Water and Waste Water Improvement

**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 18, 2012

Via Facsimile 410-685-4416

Honorable Bernard "Jack" Young

President, Baltimore City Board of Estimates

City Hall-Room 204

Baltimore, MD 21202

ATTN: Ms. Bernice Taylor, Esquire, Clerk to the Board

**Subject Bid Protest**

Dear Mr. President:

This protest is against item 1 on pages 127-128; item 3 on pages 128-130; and item 5 on pages 129-130, on Your Honorable Board's 12/19/2012 public meeting agenda.

Our protest of these proposed contracts is based upon the fact that they each discriminate unlawfully against certified African American or Black MBE-WBE firms. The proposed contractors' prices, importantly, contain absolutely no proposed subcontract dollars to certified African American or Black M-WBE firms. This unlawful exclusionary practice discriminates against our certified African American or Black M-WBE firms on these large public work contracts and is largely brought about by the failure of the City's MWBOO to set M-WBE subgoals for each MBE subgroup made beneficiaries of the City's M-WBE Ordinance, i.e., to include but not limited to (1) African American; (2) Hispanic Americans; (3) Asian American; and (4) Native Americans. See Art. 5, Section 28-22(c) ("On construction contracts for which the estimate cost is \$1,000,000.00 or more, the Office (MWBOO) may, in consultation with the contracting agency, set goals for MBEs divided into subgoals for African American, Hispanic American, Asian American, or Native American owned firms.").

While Section 28-22(c) employs the term "may", it is nonetheless very clear that given the broad overall intent of the M-WBE Ordinance to provide an M-WBE remedy to each MBE subgroup made beneficiaries thereof, without excluding others, this proposed exclusion of African American M-WBEs on this contract violates the spirit and intent of the M-WBE Ordinance, as well as fundamental equal protection principles. For such reasons, your Honorable Board must summary reject these proposed contract awards. It is just basic and fundamental that the City cannot have a racial-ethnic-gender conscious affirmative action M-WBE program that for whatever reasons excludes and discriminates unlawfully against businesses that are owned by African American or Black persons.

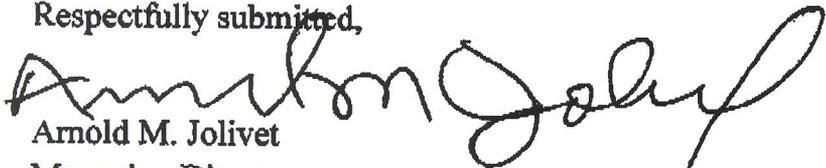
Additionally, we also wish to protest item 8, on page 131, which is a proposed award to bidder SMG, for providing management services associated with the City's Baltimore Arena.

Our protest is based upon the fact the proposed contract award is not in the best interest of the City inasmuch as there was another bidder, whose bid proposal was more advantageous to the City in terms of financial benefits to the City. Such bidder also clearly exhibited a good faith effort to comply with the contract set M-WBE goals. The City's MWBOO should have worked more closely with this bidder in order to assist it in meeting the contract set M-WBE goals, since this contract is revenue generating contract and, as such, it is clear that the City's M-WBE Ordinance does not apply thereto.

MMCA, its members, constituents and clients will suffer injury if Your Honorable Board votes to approve the subject contracts without requiring the using agencies to make relevant corrections in said contracts.

Thank you for your kind consideration of these protests.

Respectfully submitted,



Arnold M. Jolivet  
Managing Director



**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

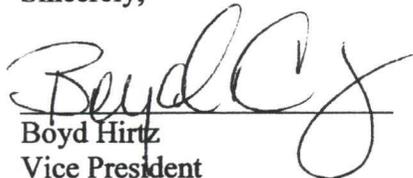
Attention: Ms. Joan M. Pratt, CPA  
Comptroller and Secretary to the Board

**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.

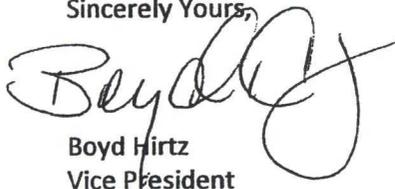
We offer this information so it may provide insight for both SAK and the City of Baltimore to determine what may have happened to the missing bound document that should have accompanied each of the three bid packages. As stated, not until the public bid opening did SAK understand that we received an 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

## MINUTES

Sanitary Sewers in Western Run Areas in the Jones Falls Sewer Shed. Will the parties please come forward?"

Mayor: "Good morning."

President: "Okay."

Mr. Thomas Corey: "Good morning, Mr. President, Madam Mayor and Members of the uh -- Board. My name is Thomas Corey, I'm Chief of the Minority and Women's Business Opportunity Office. Um -- we um -- are asked to respond to a protest which um -- is has a subject as whether or not we should have used subgoals on this particular contract. Um -- we decided against placing subgoals on this contract for these reasons. Subgoals would have excluded one of the protected groups and MBWOO does not favor one group over another. Uh -- by not placing the goals - subgoals on the contract it left open the opportunity for every group to participate on a contract to be named on the contract and that's the reason for not placing subgoals and in addition to that the Law says that the Office has the discretion as to whether or not it places subgoals."

Mr. Arnold Jolivet: "Good morning Mr. President."

## MINUTES

President: "Good morning."

Mr. Jolivet: "Arnold M. Jolivet. Uh -- I never thought there would be a day that we would have a minority women's program that would exclude African Americans. It - it boggles the mind that we would have a program that can be administered in such an arbitrary way that excludes the African American contractors. I have sent you a memo. I've expressed my concerns in the memo. I indicated that the present construction and administration of the Ordinance wherein it excludes African Americans is just on the face of it totally unconstitutional, totally illegal. I am not going to stand here today and belabor the point. I've actually made this point before, Mr. Corey knows that by not putting subgoals in the contract it allows the contractors to be arbitrary and exclude anyone. It just so happens that it excludes the African Americans on this one. But, all I'm saying to the Board, we need to take a new look at how we administer the Ordinance. Mr. Corey elected not to uh -- put the subgoals on this job and unfortunately he has that discretion. The Ordinance allows him very unfortunately, to set subgoals or not

## MINUTES

to set goals because it used the term "may." But I want I wanted to come before the Board because you have over \$30 million worth of contracts that are being awarded here. Mr. President not a dime is going to an African American. It's just not right, but nonetheless I think the Board is well aware of the arbitrariness of this process. Mr. Corey is aware of it. The Law Department is aware of it, but nonetheless we continue to give contracts that come before this Board without any African Americans. Uh, I wanna, I wanna, in order to save the Board time the other two contracts that are similar uh -- that have no minority African American participation uh -- I would like the Board to allow me to incorporate my argument on this contract to be applicable to the other two contracts (P. 128 SC 898, P. 129 SC900) in order to save the Board time but the point is very its very cogently made that this is just not right and the Ordinance can be uh -- the way that the Ordinance is written nonetheless can be administered and enforced in such a way where every group -- that was the purpose of the subgoals Mr. President, -- that was the purpose of the subgoals. The legislative history shows

## MINUTES

that before this provision was put in that required subgoals, there was arbitrariness and the contractors was selected; everyone but African American. Mr. Corey knows that. And I'm not pleased."

President: "Thank you Mr. Jolivet. "

Mr. Nilson: "Uh -- Mr. President um since we're hearing the protests of Mr. Jolivet on page 127; isn't there also a protest from --"

President: "128"

Mr. Nilson: "I'm sorry isn't there also a protest from SAK Construction on this item?"

Mr. President: "Um, are they here?"

Mr. Nilson: "That's what I was wondering is whether a representative from SAK Construction, Mr. Boyd Hirtz or otherwise, are they here?"

President: "Nope. Okay let's go."

Mr. Nilson: "Um -- entertain a motion?"

President: "I will entertain a motion."

MINUTES

Mr. Nilson: "I would move to um -- deny the protest articulated by Mr. Jolivet and in the absence of a representative of SAK Construction to deny their protest, as well and affirm the award recommendation from the agency.

Mr. Foxx: Second

President: "All in favor say "Aye."

President: "All opposed say "Nay" the motion carries."

UPON MOTION duly made and seconded, the Board denied the protest articulated by Mr. Jolivet and in the absence of a representative of SAK Construction denied their protest and affirmed the award recommendation from the agency. The President **ABSTAINED.**

\* \* \* \* \*

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:

3. SC 898, Improvements to Insituform Tech- \$ 9,181,462.30  
 Sanitary Sewers in nologies, LLC  
 Stony Run Area in the  
 Jones Falls Sewershed

<b>MBE:</b>	Daco Construction Corporation	\$459,100.00	5.00%
<b>WBE:</b>	M. Luis Construction Co., Inc.	\$184,000.00	2.00%
	Sunrise Safety Services, Inc.	95,000.00	1.04%
		<u>\$279,000.00</u>	<u>3.04%</u>

MWBOO FOUND VENDOR IN COMPLIANCE

A PROTEST WAS RECEIVED FROM SAK CONSTRUCTION, LLC.

4. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$11,682,015.93	9956-906626-9549	
Wastewater	Constr. Res.	
Revenue Bonds	Rehab. Program	
	Jones Falls	
437,515.07	" " "	
<u>Baltimore County</u>		
<b>\$12,119,531.00</b>		
\$ 918,146.35	-----	9956-907646-9551-2
		(Extra Work)
918,146.35	-----	9956-907646-9551-3
		(Engineering)
550,888.00	-----	9956-907646-9551-5
		(Inspection)
9,181,462.30	-----	9956-907646-9551-6
		(Construction)
550,888.00	-----	9956-907646-9551-9
<u>\$12,119,531.00</u>		(Administration)

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:Bureau of Water and Wastewater - cont'd

The funds are required to cover the cost of the award for SC 898, Improvements to Sanitary Sewers in the Stony Run Area of the Jones Falls.

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

President: "Uh the second item on the non-routine agenda can be found on page 128 items 3 and 4 Bureau of Water and Wastewater, Improvements to Sanitary Sewers in Stony Run Area in the Jones Falls Sewershed. Will the parties please come forward? I will entertain the motion."

Mr. Nilson: "Uh--move denial for the same grounds as on the prior motion of the protest by SAK Construction, since no representative is here and the denial of the protest made by Mr. Jolivet the same grounds for which he as he stated in the previous matter."

Mr. Foxx: "Second"

President: "All in favor say "Aye."

MINUTES

Members: "Aye."

President: "All opposed say "Nay" the motion carries."

UPON MOTION duly made and seconded, the Board denied the protest and approved the award based on the recommendation from the agency. The President **ABSTAINED.**

\* \* \* \* \*

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:

Bureau of Water and Wastewater - cont'd

5.	SC 900, Improvements to Sanitary Sewers in Upper Jones Falls and Maryland Avenue Areas In the Jones Falls Sewershed	Insituform Technologies, LLC	\$14,572,624.80
<b>MBE:</b>		Daco Construction Corp.	\$1,458,000.00 10.00%
<b>WBE:</b>		M. Luis Construction Co., Inc.	\$ 437,200.00 3.00%
		TFE Resources, Limited	145,730.00 1.00%
		Sunrise Safety Services, Inc.	72,853.00 .50%
			<u>\$ 655,783.00 4.50%</u>

**MWBOO FOUND VENDOR IN COMPLIANCE**

6. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 9,696,799.55	9956-906626-9549	
Baltimore County	Constr. Res. Rehab. Program Jones Falls	
9,539,065.45	" "	
Water & Wastewater Revenue Bonds		
<b>\$19,235,865.00</b>		
\$ 1,457,263.00	-----	9956-905644-9551-2 (Extra Work)
1,457,263.00	-----	9956-905644-9551-3 (Engineering)
874,357.20	-----	9956-905644-9551-5 (Inspection)

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:Bureau of Water and Wastewater - cont'd

14,572,624.80	-----	9956-905644-9551-6 (Construction)
<u>874,357.00</u>	-----	9956-905644-9551-9 (Administration)
<b>\$19,235,865.00</b>		

The funds are required to cover the cost of the award for SC 900, Improvements to Sanitary Sewers in Upper Jones Falls and Maryland Avenue Areas in the Jones Falls Sewershed.

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

The third item on the non-routine agenda can be found on page 129-130, item 5 and 6 Bureau of Water and Wastewater, Improvements to Sanitary Sewers in Upper Jones Falls and Maryland Avenue in the Jones Falls Watershed. Will the parties please come forward?"

President: "I will entertain a motion."

Mr. Nilson: "I will make the same motion on this item as I made on the previous item to deny the protest and affirm the recommendation of the agency."

Mr. Foxx: "Again, second."

President: "All those in favor say "Aye."

## Kim A. Trueheart

December 18, 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 129, Item #5, Bureau of Water and Wastewater - RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS - SC 900, if approved:
    - i. This award in the amount of \$14,572,624.80 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 19, 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 18, 2012

Via Facsimile 410-685-4416

Honorable Bernard "Jack" Young

President, Baltimore City Board of Estimates

City Hall-Room 204

Baltimore, MD 21202

ATTN: Ms. Bernice Taylor, Esquire, Clerk to the Board

**Subject Bid Protest**

Dear Mr. President:

This protest is against item 1 on pages 127-128; item 3 on pages 128-130; and item 5 on pages 129-130, on Your Honorable Board's 12/19/2012 public meeting agenda.

Our protest of these proposed contracts is based upon the fact that they each discriminate unlawfully against certified African American or Black MBE-WBE firms. The proposed contractors' prices, importantly, contain absolutely no proposed subcontract dollars to certified African American or Black M-WBE firms. This unlawful exclusionary practice discriminates against our certified African American or Black M-WBE firms on these large public work contracts and is largely brought about by the failure of the City's MWBOO to set M-WBE subgoals for each MBE subgroup made beneficiaries of the City's M-WBE Ordinance, i.e., to include but not limited to (1) African American; (2) Hispanic Americans; (3) Asian American; and (4) Native Americans. See Art. 5, Section 28-22(c) ("On construction contracts for which the estimate cost is \$1,000,000.00 or more, the Office (MWBOO) may, in consultation with the contracting agency, set goals for MBEs divided into subgoals for African American, Hispanic American, Asian American, or Native American owned firms.").

While Section 28-22(c) employs the term "may", it is nonetheless very clear that given the broad overall intent of the M-WBE Ordinance to provide an M-WBE remedy to each MBE subgroup made beneficiaries thereof, without excluding others, this proposed exclusion of African American M-WBEs on this contract violates the spirit and intent of the M-WBE Ordinance, as well as fundamental equal protection principles. For such reasons, your Honorable Board must summary reject these proposed contract awards. It is just basic and fundamental that the City cannot have a racial-ethnic-gender conscious affirmative action M-WBE program that for whatever reasons excludes and discriminates unlawfully against businesses that are owned by African American or Black persons.

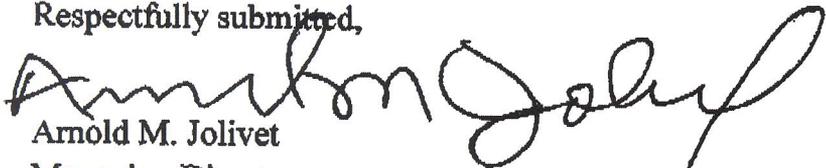
Additionally, we also wish to protest item 8, on page 131, which is a proposed award to bidder SMG, for providing management services associated with the City's Baltimore Arena.

Our protest is based upon the fact the proposed contract award is not in the best interest of the City inasmuch as there was another bidder, whose bid proposal was more advantageous to the City in terms of financial benefits to the City. Such bidder also clearly exhibited a good faith effort to comply with the contract set M-WBE goals. The City's MWBOO should have worked more closely with this bidder in order to assist it in meeting the contract set M-WBE goals, since this contract is revenue generating contract and, as such, it is clear that the City's M-WBE Ordinance does not apply thereto.

MMCA, its members, constituents and clients will suffer injury if Your Honorable Board votes to approve the subject contracts without requiring the using agencies to make relevant corrections in said contracts.

Thank you for your kind consideration of these protests.

Respectfully submitted,



Arnold M. Jolivet  
Managing Director

MINUTES

Members: "Aye."

President: "All opposed "Nay" the motion carries."

UPON MOTION duly made and seconded, the Board denied the protest received from the Maryland Minority Contractors Association and approved the award as recommended by the agency. The President **ABSTAINED.**

\* \* \* \* \*

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:Bureau of Purchases

- |    |  |   |   |
|----|--|---|---|
| 7. | B50002380, Operate<br>and Manage The<br>"Du" Burns Soccer<br>Arena | Coppermine Fieldhouse<br>LLC<br>(Only Bidder) | Revenue<br>Contract<br>\$6,000.00/<br>month |
|----|--|---|---|

(Department of Recreation  
and Parks)

The technical proposal was reviewed by the Evaluation  
Review Committee and met technical requirements.

<b>MBE:</b>	Terry's Vending Co.	8.0%
<b>WBE:</b>	BFPE International	4.5%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**(FILE NO. 54799)**

- |    |  |     |                     |
|----|--|-----|---------------------|
| 8. | B50002463, Baltimore<br>Arena Title Sponsor-<br>ship, Advertising,<br>Manage and Operate | SMG | Revenue<br>Contract |
|----|--|-----|---------------------|

(Finance Dept.)

<b>MBE:</b>	South Mountain Mechanical Contractors, Inc.	7.00%
	Special Events Medical Services, Inc.	1.00%
<b>WBE:</b>	Crown Foods, Inc.	3.00%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

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

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

## MINUTES

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.

**(FILE NO. 54818)**

President: "The fourth item on the non-routine agenda can be found on pages on page 131, Baltimore Arena. Will the parties please come forward?"

Tim Krus Purchases: "We are recommending the award of Title Sponsorship Advertising Management and Operation of the Baltimore Arena to SMG. We received three bids. One was considered non-responsive to MWBOO goals. The other two bids were evaluated, went through best and final offer process and we consider this to be the best value for the City."

President: "Mr. Jolivet."

Mr. Jolivet: "Mr. President Arnold Jolivet again. I sent you a memo and I' m not going to rehash what I said in my memo but the

## Kim A. Trueheart

December 18, 2012

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

Dear Ms. Taylor:

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

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

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

1. Whom you represent: Self
2. What the issues are:
  - a. Page 131, Items# 8, Bureau of Purchases - RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS: B50002463, Baltimore Arena, if approved:
    - i. Fails to disclose the anticipated revenue from this contract.
    - ii. Fails to disclose the current balance of revenue collected under the current contract.
    - iii. Fails to disclose where current and future revenue will be applied;
3. How the protestant will be harmed by the proposed Board of Estimates' action: I am an underserved, disparately treated, over-taxed citizen of Baltimore City and a victim of poor fiscal planning, management an administration by the Finance Department of Baltimore City.
4. The remedy I seek and respectfully request is that this action be withdrawn until the Finance Department discloses to the public the current and anticipated revenue totals of the contract.

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

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

5519 Belleville Ave  
Baltimore, MD 21207

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

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

Sincerely,  
Kim Trueheart, Citizen & Resident

5519 Belleville Ave  
Baltimore, MD 21207

**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 18, 2012

Via Facsimile 410-685-4416

Honorable Bernard "Jack" Young

President, Baltimore City Board of Estimates

City Hall-Room 204

Baltimore, MD 21202

ATTN: Ms. Bernice Taylor, Esquire, Clerk to the Board

**Subject Bid Protest**

Dear Mr. President:

This protest is against item 1 on pages 127-128; item 3 on pages 128-130; and item 5 on pages 129-130, on Your Honorable Board's 12/19/2012 public meeting agenda.

Our protest of these proposed contracts is based upon the fact that they each discriminate unlawfully against certified African American or Black MBE-WBE firms. The proposed contractors' prices, importantly, contain absolutely no proposed subcontract dollars to certified African American or Black M-WBE firms. This unlawful exclusionary practice discriminates against our certified African American or Black M-WBE firms on these large public work contracts and is largely brought about by the failure of the City's MWBOO to set M-WBE subgoals for each MBE subgroup made beneficiaries of the City's M-WBE Ordinance, i.e., to include but not limited to (1) African American; (2) Hispanic Americans; (3) Asian American; and (4) Native Americans. See Art. 5, Section 28-22(c) ("On construction contracts for which the estimate cost is \$1,000,000.00 or more, the Office (MWBOO) may, in consultation with the contracting agency, set goals for MBEs divided into subgoals for African American, Hispanic American, Asian American, or Native American owned firms.").

While Section 28-22(c) employs the term "may", it is nonetheless very clear that given the broad overall intent of the M-WBE Ordinance to provide an M-WBE remedy to each MBE subgroup made beneficiaries thereof, without excluding others, this proposed exclusion of African American M-WBEs on this contract violates the spirit and intent of the M-WBE Ordinance, as well as fundamental equal protection principles. For such reasons, your Honorable Board must summary reject these proposed contract awards. It is just basic and fundamental that the City cannot have a racial-ethnic-gender conscious affirmative action M-WBE program that for whatever reasons excludes and discriminates unlawfully against businesses that are owned by African American or Black persons.

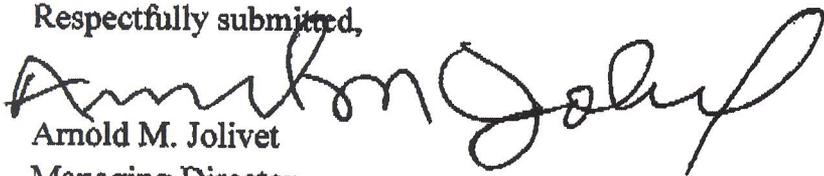
Additionally, we also wish to protest item 8, on page 131, which is a proposed award to bidder SMG, for providing management services associated with the City's Baltimore Arena.

Our protest is based upon the fact the proposed contract award is not in the best interest of the City inasmuch as there was another bidder, whose bid proposal was more advantageous to the City in terms of financial benefits to the City. Such bidder also clearly exhibited a good faith effort to comply with the contract set M-WBE goals. The City's MWBOO should have worked more closely with this bidder in order to assist it in meeting the contract set M-WBE goals, since this contract is revenue generating contract and, as such, it is clear that the City's M-WBE Ordinance does not apply thereto.

MMCA, its members, constituents and clients will suffer injury if Your Honorable Board votes to approve the subject contracts without requiring the using agencies to make relevant corrections in said contracts.

Thank you for your kind consideration of these protests.

Respectfully submitted,



Arnold M. Jolivet  
Managing Director

## MINUTES

point that I would like to get across to this Board is that we continue to see the Bureau of Purchases and other agencies come before the Board and use the fact that a bidder did not comply with the City's MBE/WBE goals as a pretense to go to another bidder whom they may like or prefer more than they did with the bidder who would give the City the better value. Ah -- and I submit to this Board that this is a classic case where the bidder who would give the City better value financially is being arbitrarily excluded on the pretense that it's not complying with the minority business goals that were set with the contract. Now I'm always going to be in support of a bidder that complies fully with the MBE/WBE goals. But, Mr. President what they are doing here is using the MBE Ordinance WBE Ordinance in an arbitrary pretextual way to go to the bidder who they like and prefer over others. That's totally wrong. That is totally wrong and I just wanted to submit to this Board ah -- that in this case it is particularly egregious and wrong because arguably they are disqualifying this bidder, the first bidder or the bidder who conceptually will give them a better financial value, Mr. President, they are disqualifying this bidder and

## MINUTES

when on the pretext of minority participation, ah -- lack of participation. But, in reality the minority participation ordinance does not apply to revenue contracts. It's wrong Mr. President and I, I think the City as just as a City should be fair. We should always look to see if we can get the maximum financial benefits from a contract like this and the Bureau of Purchases here is totally wrong, totally wrong."

Madam Comptroller: "Is it true that the ah MBE/WBE Ordinance does not apply to revenue contracts."

Mr. Corey: "No, it's not true. Mr. President, Members of the Board I'm really perplexed here. We just heard earlier argument where Mr. Jolivet was arguing that no African Americans were named on the contract. Here this bidder did not name any group on this contract."

Mr. Nilson: "By this bidder you mean the bidder on whose behalf he's speaking?"

Mr. Corey: "Yeah, on behalf he's supporting. They were found non-compliant because they failed to identify any group to be used on the contract. They said that they may name somebody

## MINUTES

later and we found them non-compliant that's strictly against the rules. Um -- their bid submission as I said didn't have, they didn't identify anybody."

Mr. Jolivet: "Mr. President I still maintain that my argument and my position are principled and are not in conflict at all with the spirit or intent of the Ordinance. I am concerned that they are using the City's MBE Ordinance in a wrongful, pretextual way and it's wrong. The MBE Ordinance has its proper value in the City. But, it normally should be used to disqualify one bidder over the other and that's my point and Mr. Corey cannot tell me that I'm not right."

Mr. Nilson: "But it happens all the time."

President: "I'll entertain a motion."

Mr. Nilson: "I move to reject the protest and confirm the recommendation of the agency."

Mr. Foxx: "I second."

President: "All those in favor say "Aye."

Members: "Aye."

President: "All opposed "Nay" the motion carries."

MINUTES

UPON MOTION duly made and seconded, the Board rejected the protest and approved the recommendation of the agency to award to SMG. The Comptroller **ABSTAINED**.

\* \* \* \* \*

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:Bureau of Purchases

- |    |  |                             |              |
|----|--|-----------------------------|--------------|
| 9. | B50002494, Extended Diesel Cargo Van with TV Inspection System | RS Technical Services, Inc. | \$138,890.00 |
|----|--|-----------------------------|--------------|

(Department of Public Works, Bureau of Water and Wastewater)

**MWBOO GRANTED A WAIVER.**

- |     |  |  |   |
|-----|--|--|---|
| 10. | B50002513, Mini Excavators with Trailers | <u>Item No. 1</u><br>Correlli, Inc.            | \$187,409.00                            |
|     |  | <u>Item No. 2</u><br>Valley Supply & Equipment | <u>22,044.00</u><br><b>\$209,453.00</b> |

(Department of Public Works, Bureau. of Water and Wastewater)

**MWBOO GRANTED A WAIVER.**

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

## Kim A. Trueheart

December 18, 2012

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of Baltimore City, of which I am a member, in good standing.

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

1. Whom you represent: Self
2. What the issues are: Page 10, Bureau of Purchases - B50002513, Mini Excators with Trailers, if approved:
  - a. Please disclose what a "Mini-Excator" is.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I am experiencing a significant financial burden with annual tax increases, sewer and water service increases, user fee increases, parking meter rate increases and significantly reduce services as a resident. This onerous burden can only be relieved when the cost saving business practices and participation goals are consistently applied to all procurement actions. This award fails to accomplish that end and will be most costly to the citizens of Baltimore and myself.
4. The Remedy I Seek: This award should NOT be approved until the actual item being purchased is defined.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on December 19, 2012.

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

Sincerely,  
Kim Trueheart  
Citizen

5519 Belleville Ave  
Baltimore, MD 21207

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:Bureau of Purchases - 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.

11. B50002616, Chemical Root Application and CCTV Inspections for Sanitary Sewer Systems Duke's Root Control, Inc. (Low Responsive Bidder) \$3,012,300.00

(Department of Public Works, Bureau. of Water and Wastewater - Utility Engineering Division)

**MWBOO SET GOALS OF 12% MBE AND 0% WBE.**

**MBE:** Riviera Enterprises, Inc. 22.65%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**A PROTEST WAS RECEIVED FROM THE MUNICIPAL SALES, INC.**

## MINUTES

Mr. President: The fifth item on the non-routine agenda can be found on pages on page 132, Item # 11, Bureau of Purchases, Chemical Root Application of CCTV Inspection for Sanitary Sewer System. Will the parties please come forward?"

Tim Krus: "Good morning, Tim Krus, Bureau of Purchases, we are recommending this award to Duke's Root Control in the amount of \$3,000,000.00. Two bids were received, the low bidder Municipal Sales was found to be non responsive to the bid solicitation and non-compliant with MWBOO goals."

"It's my understanding -

Madam Comptroller: "What's your name?"

Mark Reynolds: "My name is Mark Reynolds. I'm with Municipal Sales. Yes, it is my understanding in the contract documents that we weren't required to list our MBE subcontractor. We received three bids and we were evaluating those bids uh -- prior to uh - uh -- you know an award and a contract with those folks. Our bid was \$400,000.00 less than the next bidder. We met every single other goal. We have municipalities in the uh - - neighboring Baltimore County that uses our firm and has for

## MINUTES

many years. DC Water and Sewer, uh -- Arlington County, Dalcora, uh -- if somebody could point out to me where it is listed that we're required to list our actual sub, please do so."

Mr. Tom Corey: "It's in Article 5 Subtitle 28 it says you must list the uh -- the MBE/WBE that you plan to use and that you must meet the goals that are established on the contract." I'll be glad to send you a copy--"

Mr. Reynolds: "We indicated that we would meet those goals."

Mr. Corey: "You did, but then your -- your bid submission, your Statement of Intent Form must be signed by both you and your MBE and WBE sub and in the instance of your submission the MBE did not sign the form."

Mr. Nilson: "It may be that the requirements are different or more relaxed in other jurisdictions and you simply assumed that you could submit what you submitted in other jurisdictions whereas our requirements are more specific as Mr. Corey described and we and we uh-- reject unhappily sometimes because we lose low bidders we reject non-compliant forms in exactly the same circumstances that the agency and MWBOO rejected yours in

## MINUTES

this case. So we're act--we're behaving consistently in and accordance with our requirements."

Mr. Reynolds: "If we can supply a document --"

Mr. Nilson: "It's too late."

Mr. Reynolds: "that states that we were told we didn't have to from Purchasing would that suffice?"

Mr. Nilson: "It would be too late. But, I doubt that you could submit such a document but it would be too late."

Mayor: "if you have it we'll look at it."

Mr. Nilson: "You have it here with you?"

Mr. Reynolds: "No I don't. You know the unfortunate thing is we're only notified that --"

Madam Mayor: "I'm sorry excuse me for one second -- you're saying that you - why would you mention the document if you don't have it here?"

Mr. Reynolds: "This is the first I've been aware that's that the reason we were denied."

Tim Krus: "Tim Krus, Bureau of Purchases. There is another fundamental problem with this bid. We specifically stated that"

## MINUTES

products containing the active ingredients metam sodium or copper sulfate are not acceptable. This bid proposed sanifoam vapor odor 2 which has metam sodium 30% and that chemical is biologically unacceptable to Water and Wastewater. So, they were completely non-responsive in the chemical that they bid.

Mr. Reynolds: "Could you tell me why?"

Mr. President: "This is going to be the last argument on this"

Rudy Chow: "Rudy Chow, I'm the Bureau Head for the Water and Waste. Um -- let me state it very simply, based on the EPA Study the chemical that you are submitting, the uh-- metam sodium has a negative impact on biological treatment process, in our waste water treatment plant and that's what it is."

Mr. Reynolds: "Did I submit a treatment plant study to the Bureau of Purchasing that listed all the chemicals including the one you specified that shows the one you specified harms bacteria moreso than our product?"

Mr. Chow: "As I stated you know first of all in the bid document itself the solicitation requested that if you are going to submit anything different than we specifically specify you need

## MINUTES

to have notified us, submit that for approval, needs prior approval before you can bid on it. Neither one of that took place."

Mr. Reynolds: "Uh hum -- It did"

Mr. Chow: "Nor did you attend the pre-bid meeting where you could have voiced, so you had the opportunity..."

Mr. Reynolds: "We did voice in Citibuy."

Mr. Chow: "If you have an objection to an element of the bid specification whether it's over a chemical product like this or anything else the time to resolve that and the time when you have to resolve it is in the bid process not here before the Board when the bid's already been submitted."

Mr. Reynolds: "We tried-- we submitted that data but it was ignored."

Mr. Nilson: "You don't know that it was ignored. It was not found persuasive."

Mr. Reynolds: "Okay, well let me ask you this. If the Board were to recognize that the product you specified was proprietary to one bidder and one bidder only, would you feel comfortable with that?"

## MINUTES

Mr. Chow: "First of all there are other products on the market that we can certainly utilize and unfortunately your product contains the chemical that's not acceptable."

Mr. President: "I'll entertain the motion."

Mr. Nilson: "Entertain a motion Mr. President?"

Mr. President: "Yes"

Mr. Nilson: "Move to deny the bid protest and affirm the recommendation of the Purchasing Bureau."

Director of Public Works: "Second."

Mr. Reynolds: "Thank you."

Mr. President: "All opposed -- all those in favor say Aye"

Mr. President: "All opposed "Nay" motion carries."

Audience: (inaudible)

Mr. President: "M'am you're out of order, you're out of order."

UPON MOTION duly made and seconded, the Board denied the protest received from Municipal Sales, Inc. and approved the award as recommended by the agency. The President **ABSTAINED**.

\* \* \* \* \*

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

12. B50002662, Thermal Imaging Cameras                      Draeger Safety, Inc.                      \$225,000.00

(Fire Dept.)

**MWBOO GRANTED A WAIVER.**

13. B50001663, Bicycle Sharing System                      **REJECTION** - Vendors were solicited by posting on CitiBuy and in local newspapers. Two proposals were opened on December 10, 2010. At the time of advertising, the requirements to use federal funding were not included; therefore, federal funds were not approved. Due to this funding issue, the specifications will be revised and advertised at a later date.

(Department of Transportation)

14. B50002719, Hosted VOIP System for State's Attorney Office                      **REJECTION** - Vendors were solicited by posting on CitiBuy and in local newspapers. Four bids were received on December 12, 2012. Two bids failed to include bid guarantees with their submissions and at the bid opening were referred by the Board to the Law Department for review where this deficiency was confirmed. The other two bids were opened and did not achieve the minimum technical score to qualify for award consideration. The agency has requested that a new solicitation be created and advertised with revised specifications.

(State's Attorney's Office)

**MINUTES****TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Office of the Mayor</u>			
1. Stephanie Rawlings-Blake Arinze Ifekauche	Maryland Assoc. of Counties 2013 Annual Winter Conf. Cambridge, MD Jan. 02 - 04, 2013 (Reg. Fee \$225.00 ea)	Gen. Funds	\$1,455.30

The allowed subsistence rate is \$166.00 per day. The hotel rate is \$172.00 plus tax for each night. The Office of the Mayor is requesting an additional \$40.00 per day for each attendee to cover the cost of meals and incidental expenses and approval of an additional \$6.00 per night for the hotel cost. The additional funds have been included in the total amount.

The Office of the Mayor has paid both the cost of lodging in the amount of \$430.44 and the registration fee in the amount of \$225.00 for each attendee with a City issued credit card assigned to Ms. Kathe Hammond. Therefore, the disbursement to each attendee will be in the amount of \$288.65 each.

Office of the Council President

2. Bernard C. "Jack" Young Carolyn Blakeney*	2012 International Council of Shopping Centers Recon Convention Las Vegas, NV May 17 - 23, 2013* May 18 - 23, 2013 (Reg. Fee \$490.00 ea.)	Gen. Funds	\$5,052.00
---	--	------------	------------

**MINUTES****TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Office of the Council President - cont'd</u>			

The allowed subsistence rate is \$170.00 per day. The hotel rate is \$235.00 plus tax for each night. Therefore, the Office of the Council President is requesting an additional \$325.00 to cover the hotel cost and an additional \$40.00 per day totaling \$200.00 for meals for Mr. Young. An additional \$260.00 is requested to cover the hotel cost and \$40.00 per day totaling \$160.00 for meals for Ms. Blakeney.

The Office of the Council President has paid the cost of registration in the amount of \$490.00 and the cost of airfare in the amount of \$545.60 for both attendees with a City issued credit card assigned to Mr. Hosea T. Chew. Therefore, the disbursement to Mr. Young will be \$1,656.00 and the disbursement to Ms. Blakeney will be \$1,324.80. The additional funds have been included in the total amount.

Mayor's Office of Employment Development

3. Karen Sitnick	US Conference of Mayor's Workforce Development Council (WDC) Board & Annual Winter Meeting Washington, DC Jan. 16 - 17, 2013 (Reg. Fee \$600.00)	Gen. Funds	\$1,156.36
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The allowed subsistence rate for this travel destination is \$254.00 per day. The hotel rate is \$299.00 plus tax for each night. The Mayor's Office of Employment Development is requesting an additional \$45.00 to meet the hotel cost. The

**MINUTES****TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Mayor's Office of Employment Development - cont'd</u>			

Mayor's Office of Employment Development is also requesting an additional \$75.00 for the WDC board dinner, which is an important networking event to discuss best practices with other peers throughout the US. The additional funds have been included in the total amount.

Police Department

4. Kurt F. Roepcke	National Assoc. of Underwater Instructors Oakmont, VA January 4 - 13, 2013 (Reg. Fee \$2,936.00*)	Port Security FY09 Grant	\$2,936.00
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\*The Registration includes books and materials. The attendee will be using a Departmental vehicle for transportation.

**MINUTES****TRAVEL REQUESTS**Dept. of Recreation & Parks

5.	Calvin Ford Mack Allison, Jr.	Regional Silver Gloves Boxing Championships Fort Pierce, FL Jan 2 - 6, 2013 (Reg. Fee \$0.00)	Upton Boxing	\$599.20
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The Department is requesting airfare in the amount of \$599.20.

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

## MINUTES

ANNOUNCEMENT

Mr. President: "I just want to make a brief announcement uhm -- the Board of Estimates will be in recess from December the 26<sup>th</sup> to January the 2<sup>nd</sup> (2013). The next meeting will be January the 9<sup>th</sup>. You have something you want to say Madam Mayor?"

Madam Mayor: "Thank you very much Mr. President and good morning to everyone. This week the newest members of my team officially started their jobs in Baltimore, Brenda McKenzie the new president of Baltimore Development Corporation, please stand and Ernest Burkeen, the new director of Department of Recreation and Parks. Welcome. (*Applause*) Ms. McKenzie comes to us from Boston where she implemented strategies to attract and retain businesses, create jobs as well as energize neighborhoods and she helped generate positive job growth in Boston even at the height of our country's economic difficulties and in Chicago she facilitated billions of dollars in residential and retail investment we're excited to introduce Ms. McKenzie to Baltimore

## MINUTES

and I know she's excited to be here. Mr. Burkeen brings with him a wealth of experience having headed Recreation and Parks Departments in the city of Miami we're hoping that he brings a little bit of that weather with him uh as well as Fort Lauderdale and the City of Detroit. You can leave Detroit's weather in Detroit. He's a nationally recognized leader in the field with a great track record of success in improving parks and recreation opportunities in urban communities and we look forward to working with Ernest and Brenda to help us create new opportunities for our residents. As we continue to work to grow Baltimore by 10,000 families over the next ten years, we need to build strong communities with great recreation and good paying jobs. Both of these individuals Brenda and Ernest are well-suited for that job and have already starting working on behalf of the people of Baltimore, so please again uh-- help me welcome Brenda McKenzie and Ernest Burkeen. Welcome to Baltimore we're looking forward to uh-- working with you. And finally, for me I don't want to say finally for anybody else, today on the Board we approved the MOU between the City and Caesar's Entertainment

## MINUTES

to promote hiring of residents at the new casino. The MOU reflects Caesar's commitment to work collaboratively with the city to implement comprehensive community recruitment, to fully inform Baltimore City residents about employment opportunities uh this project will create throughout all phases as well as to prepare them to qualify for these jobs and to prioritize the hiring of City applicants. The Mayor's Office of Employment Development and Baltimore City's primary workforce development agency will serve as the City's lead entity for coordinating this local hiring project with Caesars. I want to thank Karen Sitnick--I don't know if she's-- yeah, there you are-- and her team for working with the Caesars to ensure that residents can take advantage of these opportunities created by the new casino and I look forward to uh working with Karen, working with Caesars as well as working with the Council President who I know is very focused on Baltimore City hiring as we both strive - the Council President and me both strive to increase employment opportunities for Baltimore City residents. Thank you very much I hope everyone has a happy holiday."

**MINUTES**

President: "Before we end this hearing I want to wish everyone a safe and happy holiday too, and Madam Mayor, Chad uh -- from Caesars is here, as well. Okay and thank you. There being no more business before the Board," the meeting will recess until bid openings 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 Purchases - B50002694, Temporary By-Pass Pumping

Sunbelt Rental, Inc.  
Thompson Pump & Mfg. Co.  
Xylem Dewatering Solutions, Inc.

Bureau of Purchases - B50002695, Survivor LED Flashlights

Maryland Fire Equipment Corp.  
Witmer Public Safety Group, Inc.  
Battle and Battle Distributors Inc.  
Lawmen Supply Company of NJ, Inc.  
USA BlueBook  
Columbus Supply  
Municipal Emergency Services, Inc.  
Atlantic Tactical

Bureau of Purchases - B50002718, Flex Cuffs

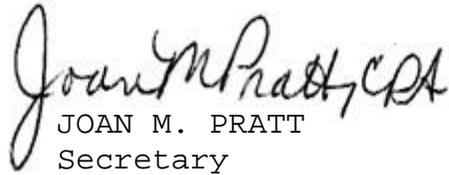
Atlantic Tactical  
The Strong Group, Inc.  
Apex Pinnacle  
Milspec Plastics

## MINUTES

Bureau of Purchases - B50002730, Industrial Cleaning  
Services

Jet Blast Inc.  
Mobile Dredging & Pumping Co.  
HEPACO, LLC  
Reviera Enterprises, Inc. t/a REI/DRAYCO

There being no objections, the Board, UPON MOTION duly made and seconded, adjourned until its next regularly scheduled meeting on Wednesday, January, 9, 2013.

  
JOAN M. PRATT  
Secretary