

**MINUTES****REGULAR MEETING**

Honorable, Stephanie Rawlings-Blake, President  
Honorable, Sheila Dixon, Mayor  
Honorable, Joan M. Pratt, Comptroller and Secretary - **ABSENT**  
George A. Nilson, City Solicitor  
David E. Scott, Director of Public Works  
Donald Huskey, Deputy City Solicitor  
Ben Meli, Deputy Director of Public Works  
Bernice H. Taylor, Deputy Comptroller and Clerk

In the absence of Ms. Joan M. Pratt, Comptroller and Secretary, Ms. Bernice H. Taylor, Deputy Comptroller and Clerk, sat and acted on her behalf.

The meeting was called to order by the President.

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

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

A2Z Environmental Group, LLC	\$ 1,500,000.00
Ackerman & Baynes, LLC	\$ 1,500,000.00
Baldwin Line Construction of MD, Inc.	\$ 8,000,000.00
Banner Masonry Corporation	\$ 8,000,000.00
Bay City Construction, Inc.	\$ 1,500,000.00
Brayman Construction Corporation	\$306,855,000.00
Dixie Construction Company, Inc.	\$ 8,000,000.00
Elevator Control Service	\$ 48,528,000.00
Grizz Custom Cabinets, Inc.	\$ 1,500,000.00
HP Electronics, Inc.	\$ 1,500,000.00
Harford Electrical Testing Co., Inc.	\$ 1,206,000.00
Hostetter Construction Corporation	\$ 8,000,000.00
John C. Appel, Inc.	\$ 1,500,000.00
Lee Foundation Co., Inc.	\$ 8,000,000.00
M.S. Lumbee Contractors, LLC	\$ 1,107,000.00
Mace Electric Company, Inc.	\$ 47,551,000.00
Madison Mechanical, Inc.	\$ 8,000,000.00
CJ Miller, LLC	\$176,751,000.00
Penn Line Service, Inc.	\$145,782,000.00
Pizzagalli Construction Company	\$426,942,000.00
Potts & Callahan, Inc.	\$151,857,000.00
REI/Drayco	\$ 8,000,000.00
Tessa Structures, LLC	\$ 6,030,000.00

**MINUTES****BOARDS AND COMMISSIONS**2. Prequalification of Architects and Engineers

In accordance with the Resolution Relating to Architectural and Engineering Services, as amended by the Board on June 29, 1994, the Office of Boards and Commissions recommends the approval of the prequalification for the following firms:

Arel Architects, Inc.	Architect
Datta Consultants, Inc.	Engineer
Gilbert Architects, Inc.	Architect
Gower Thompson, Inc	Engineer
Human & Rohde, Inc.	Architect
	Landscape Architect
Narasimhan Consulting Services	Engineer
O'Doherty Group Landscape Architecture, PC	Landscape Architect
Purple Cherry Architects, P.C.	Architect
Russell Corrosion Consultants, Inc.	Engineer
Waste Water Management, Inc.	Engineer

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

**MINUTES**

Office of the Labor Commission - Side Letter - Extension of  
 Managerial and Professional  
 Society of Baltimore, Inc.  
Memorandum of Understanding

**ACTION REQUESTED OF B/E:**

The Board is requested to **NOTE** receipt of a Side Letter to extend the Memorandum of Understanding (FY 2008-2009) with the Managerial and Professional Society of Baltimore, Inc. (MAPS) for FY 2010. The extension is for the period July 1, 2009 through June 30, 2010.

**AMOUNT OF MONEY AND SOURCE:**

The wages that were in effect on July 1, 2008 will be continued for employees represented by or receiving the benefits of MAPS in the 100, 600 and 900 series.

**BACKGROUND/EXPLANATION:**

In accordance with the Municipal Employees Relations Ordinance, the Office of the Labor Commissioner concluded the meet and confer process with MAPS. The parties agree to extend the terms and conditions of the MOU (FY 2008-2009) for an additional one year covering FY 2010, from July 1, 2009 through June 30, 2010.

UPON MOTION duly made and seconded, the Board is requested to **NOTE** receipt of a Side Letter to extend the Memorandum of Understanding (FY 2008-2009) with the Managerial and Professional Society of Baltimore, Inc. for FY 2010.

**MINUTES**

Department of Planning - Report on Previously  
Approved Transfers of Funds

At previous meetings, the Board of Estimates approved Transfers of Funds subject to receipt of favorable reports from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the provisions of the City Charter. Today, the Board is requested to **NOTE 19** favorable reports on Transfers of Funds approved by the Board of Estimates at its meetings on June 17 and 24, 2009.

The Board **NOTED** receipt of the **19** favorable reports.

## MINUTES

Department of General Services (DGS) - Developers' Agreements

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

	<u>DEVELOPER</u>	<u>NO.</u>	<u>AMOUNT</u>
1.	OLD TOWN PROPERTIES, LLC,	1114	\$46,600.00

The Old Town Properties, LLC, needs to install new water service and conduit to its proposed construction located in the vicinity of 221-33 North Gay Street. This agreement will allow Old Town Properties, LLC, to do its own installation in accordance with Baltimore City Standards.

An Irrevocable Letter of Credit in the amount of \$46,600.00 has been issued to Old Town Properties, LLC, which assumes 100% of the financial responsibility.

2.	NEW LIGHT CHURCH: MINISTRY OF ST. LUKE 4:18-19, INC.	1138	\$21,895.00
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New Light Church: Ministry of St. Luke 4:18-19, Inc. needs to install new water service to its proposed construction located in the vicinity of 200-210 South Highland Avenue. This agreement will allow New Light Church: Ministry of St. Luke to do its own installation in accordance with Baltimore City Standards.

An Irrevocable Letter of Credit in the amount of \$21,895.00 has been issued to New Light Church: Ministry of St. Luke 4:18-19, Inc., which assumes 100% of the financial responsibility.

**MBE/WBE PARTICIPATION:**

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

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

## BOARD OF ESTIMATES

7/15/09

## MINUTES

Department 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 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. 1301 W. Baltimore Street	Kwok Keung Chiu	Retain awning w/signage 48' x 3'10", ten fluorescent tubes
Annual Charge:	\$1,250.36	
2. 2406-2422 E. Fayette Street	Chesapeake Habitat for Humanity, Inc.	Nine sets of steps 3'x3', one handicap ramp 30' x 3'6"
Annual Charge:	\$ 387.10	
3. 30 Light Street	Lombard Street Lots, LLC	Two double face electric signs 4' x 3'
Annual Charge:	\$ 281.20	
4. 750 E. Pratt Street	750 East Pratt Street, LLC	One double face electric sign 2'6" x 2'6", one double face non-illuminated sign 15' x 8"
Annual Charge:	\$ 211.00	

(FILE NO. 53480)

## BOARD OF ESTIMATES

7/15/09

## MINUTES

Department of General Services - cont'd

	<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
5.	6001 Reisterstown Road	Berney Motors, LLC	Curved canopy 95 sq. ft.
	Annual Charge:	\$ 199.50	
6.	646 Wyeth Street	ECI Holdings, LLC	Service connection, one 4" conduit @ 20'
	Annual Charge:	\$ 70.00	
7.	2844 Hudson Street	2844 Hudson St., LLC	Outdoor  12' x 45" on Hudson St., 20' x 45" on S. Linwood Ave.
	Annual Charge:	\$ 675.00	

## MINUTES

Department of General Services - cont'd

8. Bus Shelters @	CBS Outdoor/Mass Transit Administra- tion (MTA)	Bus shelters
301 President St.	" "	12'9"x 7'
2800 Boston St.	" "	" "
3001 Boston St.	" "	" "
900 Fleet St.	" "	" "
2203 Eastern Ave.	" "	" "
3300 Boston St.	" "	" "
2639 Boston St.	" "	" "

Annual Charge: N/A - There are no funds involved because the MTA is owned by the State of Maryland. State agencies are exempt from Minor Privilege Permit fees.

There being no objections the Board, UPON MOTION duly made and seconded, approved the minor privilege permits. The Mayor **ABSTAINED** on Item No. 4.

**BOARD OF ESTIMATES**

7/15/09

**MINUTES**

Mayor's Office of Employment -  
Development (MOED)

Memorandum of Understanding,  
 Agreements, and Amendment to  
Grant Agreement

The Board is requested to approve and authorize execution of a memorandum of understanding, agreements, and an amendment to a grant agreement.

MEMORANDUM OF UNDERSTANDING (MOU)

1. **BALTIMORE COUNTY, MARYLAND/  
 OFFICE OF WORKFORCE DEVELOPMENT  
 (OWD)** **\$51,600.00**

Account: 4000-803010-6310-457705-601002

The purpose of this MOU is to define the agreement between the MOED and the OWD for the supervision and direction of a Baltimore Regional Workforce Coordinator. The Coordinator will work with both the City and the County to ensure that workforce development activities and initiatives are coordinated with other plans for the region. The period of the agreement is July 1, 2009 through June 30, 2010.

AGREEMENTS

2. **BALTIMORE CITY COMMUNITY COLLEGE  
 (BCCC)** **\$75,000.00**

Accounts: 4000-897509-6310-467253-603051  
 4000-896709-6310-467253-603051  
 6000-605410-6390-467253-603051

The BCCC will provide training for approximately 25 participants only in those areas specified on the Maryland Higher Education Commission list. The period of the agreement is July 1, 2009 through June 30, 2010.

## BOARD OF ESTIMATES

7/15/09

## MINUTES

MOED - cont'd

3. **HISTORIC EAST BALTIMORE COMMUNITY ACTION COALITION, INC. (HEBCAC)** **\$100,993.00**

Account: 4000-898609-6310-475905-603051

HEBCAC will provide comprehensive integrated services for at least 100 youth in foster care, ages 16 - 21, who are out of school and/or aging out of the foster care system. The services will include, but will not be limited to job readiness preparation, career skills training, employment connections, case management, recreational and cultural activities, and other services. The period of the agreement is July 1, 2009 through June 30, 2010.

AMENDMENT TO GRANT AGREEMENT

4. **THE FAMILY LEAGUE OF BALTIMORE CITY, INC.** **\$ 0.00**

On October 15, 2008, the Board approved a one-year grant agreement, in the amount of \$245,488.00, with the Family League of Baltimore City, Inc. to provide Pre-Adjudication Coordination and Transition Center Program services for youth referred by the Department of Juvenile Services. This no-cost amendment to the grant agreement will extend the period of the grant agreement through August 31, 2009.

**AUDITS NOTED THE TIME EXTENSION.**

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED (EXCEPT ITEM NO. 1) AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of a memorandum of understanding, agreements, and an amendment to a grant agreement. The Mayor **ABSTAINED** on Item No. 2.

## BOARD OF ESTIMATES

7/15/09

## MINUTES

OPTIONS/CONDEMNATIONS/QUICK-TAKES:

	<u>Owner/s</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Department of Housing and Community Development - Options</u>				
1.	Alaketu Idowu	812 E. Preston St.	L/H	\$109,600.00
2.	Alaketu Idowu	814 E. Preston St.	L/H	\$ 94,400.00

Funds will be transferred prior to settlement into account 9910-904714-9588-900000-704040, Preston Street RFP Project.

3.	Fred Nochumowitz Trustee under the Amended and Restated Revocable Living Trust Agreement	2732 Tivoly Ave.	G/R \$90.00	\$ 600.00
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Funds will be transferred prior to settlement into account no. 9988-000000-9593-000000-704040, CHM AHP Project.

4.	Stanley S. Goldberg and and Sonia S. Goldberg	2016 Barclay St.	G/R \$84.00	\$ 770.00
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Funds will be transferred prior to settlement into account no. 9912-904713-9591-900000-704040, Barclay Project.

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

## MINUTES

OPTIONS/CONDEMNATIONS/QUICK-TAKES:

<u>Owner/s</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Department of Housing and Community Development - Quick-Take</u>			

5.	Faith Makinde	1108 McDonogh St.	L/H	\$ 25,800.00
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Funds are available in account no. 9910-906416-9588-900000-704040, EBDI Project Phase IIE.

6.	William Brown	430 E. 20 <sup>th</sup> St.	F/S	\$ 32,000.00
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Funds are available in account no. 9912-904713-9591-900000-704040, Barclay Project.

Department of Law - Court Settlements

<u>Previous Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
7.	Skyline Residential 2, 1609 N. Gay St. LP	L/H	\$ 8,100.00

On February 20, 2008 and April 23, 2008, the Board, by condemnation and quick-take, approved the acquisition of the ground rent and leasehold interest respectively, in 1609 N. Gay Street. The ground rent interest was acquired for the amount of \$560.00 and the leasehold interest was acquired for the amount of \$18,340.00 April 23, 2008. Both acquisitions were based upon the highest appraisals obtained by the City. The previous owner's appraiser valued the leasehold and ground rent interest at \$29,000.00. The parties agreed to settle the condemnation suit for \$27,000.00. Therefore, the Board is requested to approve payment of the balance in the amount of \$8,100.00 into the registry of the Circuit Court for Baltimore City in settlement of this case.

Funds are available in account no. 9910-904488-9588-900000-704040.

**(FILE NO. 56448)**

## MINUTES

OPTIONS/CONDEMNATIONS/QUICK-TAKES:Department of Law - Court Settlements

<u>Previous Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
8. Skyline Residential 2, LP	1613 N. Gay Street	F/S	\$11,300.00

On April 23, 2008, the Board, by condemnation and quick-take, approved the acquisition of the fee simple interest in 1613 N. Gay St. for the amount of \$14,200.00, based upon the highest appraisals obtained by the City. The previous owner's appraiser valued the property's interest at \$29,000.00. The parties agreed to settle the condemnation suit for \$25,500.00. Therefore, the Board is requested to approve payment of the balance in the amount of \$11,300.00 into the registry of the Circuit Court for Baltimore City in settlement of this case.

**(FILE NO. 56448)**

9. Skyline Residential 2, LP	1615 N. Gay Street	L/H	\$10,060.00
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On June 25, 2008, the Board, by condemnation and quick-take, approved the acquisition of the leasehold interest in 1615 N. Gay Street for the amount of \$15,440.00, based upon the highest appraisals obtained by the City. The previous owner's appraiser valued the property's interest at \$27,600.00. The parties agreed to settle the condemnation suit for \$25,500.00. Therefore, the Board is requested to approve payment of the balance in the amount of \$10,060.00 into the registry of the Circuit Court for Baltimore City in settlement of this case.

**(FILE NO. 56448)**

Funds are available in account no. 9910-904488-9588-900000-704040

## MINUTES

OPTIONS/CONDEMNATIONS/QUICK-TAKES:Department of Law - Court Settlements

<u>Previous Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
10. Shawn Garrison and Varun Chawla	1730 E. Chase St.	L/H	\$14,300.00

On August 06, 2008, the Board, by condemnation and quick-take, approved the acquisition of the leasehold interest in 1730 E. Chase St. for the amount of \$64,700.00, based upon the highest appraisals obtained by the City. The previous owners obtained an appraisal report that valued the property's interest at \$87,000.00. The parties agreed to mediate the property valuation. The condemnation suit was settled for \$79,000.00. Therefore, the Board is requested to approve payment of the balance in the amount of \$14,300.00 into the registry of the Circuit Court for Baltimore City in settlement of this case.

Funds are available in account no. 9910-907420-9588-900000-704040

11. Shawn Garrison and Varun Chawla	1734 E. Chase St.	F/S	\$14,000.00
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On August 06, 2008, the Board, by condemnation and quick-take, approved the acquisition of the fee simple interest in 1734 E. Chase St. for the amount of \$65,000.00, based upon the highest appraisals obtained by the City. The previous owners obtained an appraisal report that valued the property's interest at \$79,000.00. The parties agreed to settle the condemnation suit for \$79,000.00. Therefore, the Board is requested to approve payment of the balance in the amount of \$14,000.00 into the registry of the Circuit Court for Baltimore City in settlement of this case.

Funds are available in account no. 9910-907420-9588-900000-704040

## MINUTES

OPTIONS/CONDEMNATIONS/QUICK-TAKES:Department of Law - Court Settlements

<u>Previous Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
12. Danny Ely and Rose Ely	4607 Edmondson Ave.	F/S	\$67,650.00

On April 30, 2008, the Board, by condemnation and quick-take, approved the acquisition of the fee simple interest in 4607 Edmondson Ave. for the amount of \$99,000.00. The City requested an updated appraisal which resulted in a valuation of \$151,500.00. The parties agreed to settle the condemnation suit for the updated appraisal amount plus an additional \$15,150.00 or 10%. Therefore, the Board is requested to approve payment of the balance in the amount of \$67,650.00 into the registry of the Circuit Court for Baltimore City in settlement of this case.

Funds are available in account no. 9910-901790-9588-900000-704040

**(FILE NO. 56376)**

13. Spring Mines- Frederick and Princessykhia Mines	924 N. Collington Ave.	L/H	\$15,000.00
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On June 25, 2008, the Board, by condemnation and quick-take, approved the acquisition of the leasehold interest in 924 N. Collington Ave. for the amount of \$63,000.00, based upon the highest appraisals obtained by the City. An updated appraisal was obtained which resulted in a valuation of \$65,000.00. The previous owners obtained an appraisal report that valued the property's interest at \$125,000.00. The parties agreed to settle the condemnation suit for \$78,000.00. Therefore, the Board is requested to approve payment of the balance in the amount of \$15,000.00 into the registry of the Circuit Court for Baltimore City in settlement of this case.

Funds are available in account no. 9910-907420-9588-900000-704040

**MINUTES**

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

## BOARD OF ESTIMATES

7/15/09

## MINUTES

Baltimore Development - Wharfage Agreement Corporation (BDC)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a wharfage agreement with the Baltimore Steamship LLC d/b/a Watermark, (Licensee). The agreement is effective upon Board approval through December 31, 2011. The initial term of five years will begin on the date the vessel first docks at the location which will be no later than 24 months following the effective date. Year one of the initial term will end on December 31, 2011. The wharfage agreement contains two 5-year renewal options.

**AMOUNT OF MONEY AND SOURCE:**

<u>Year</u>	<u>Annual Rent for Interim Term (before Initial Term)</u>
2009	\$10,000.00
2010	\$10,000.00

<u>Year</u>	<u>Annual Rent for Initial Term</u>	<u>Monthly Rent</u>	<u>Additional Rent</u>
1	\$20,000.00	\$1,666.67*	2% of the gross
2	\$20,600.00	\$1,716.67	revenue above
3	\$21,218.00	\$1,768.17	\$500,000.00
4	\$21,854.54	\$1,821.21	(Year 1-5)
5	\$22,510.18	\$1,875.85	

\*The monthly rent will be prorated for the number of full months from commencement of docking.

**BACKGROUND/EXPLANATION:**

The wharfage agreement is for City-owned docking space at the Inner Harbor Finger Pier Marina, located at 555 Light Street.

**MINUTES**

BDC - cont'd

As a result of a Request for Proposal issued in January 2008, the Licensee was selected to construct a new tour vessel for the Inner Harbor and lease docking space at the Inner Harbor on the south side of the Finger Piers. The new vessel will be launched in April 2011.

The agreement includes a two-year interim term for the Licensee to operate a sightseeing cruise boat from the Licensee's existing fleet. The existing cruise boat will operate April through October in 2009 and 2010. During the interim period, the Licensee will design and construct the new vessel. The agreement provides for the ability to extend the interim period if the vessel is not completed and sufficient progress is being made.

**MBE/WBE PARTICIPATION:**

N/A

**(FILE NO. 57034)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of a wharfage agreement with the Baltimore Steamship LLC d/b/a Watermark, (Licensee).

## BOARD OF ESTIMATES

7/15/09

## MINUTES

Baltimore Development - Relocation Expenses  
Corporation (BDC)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the business relocation expenses for Taj Perfumes, LLC move from 124 N. Liberty Street to 225 N. Liberty Street.

**AMOUNT OF MONEY AND SOURCE:**

\$86,950.00 - 9910-905826-9603

**BACKGROUND/EXPLANATION:**

On February 6, 2006, a Notice of Relocation Eligibility Assistance was sent to Taj Perfumes, LLC subsequent to the January 23, 2006 City of Baltimore (City) offer to purchase the 124 N. Liberty Street property in which Taj Perfumes, LLC was a tenant, in accordance with the Market Center Urban Renewal Plan.

This request is for the first claim in the amount of \$86,950.00 for self-move reimbursement and business reestablishment costs to relocate Taj Perfume.

**AUDITS REVIEWED AND HAD NO OBJECTION.**

**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$86,950.00	9910-904115-9600	9910-905826-9603
21 <sup>st</sup> EDF	Constr. Res.	West Side Relocation
	West Side Init.	

**MINUTES**

BDC - cont'd

This transfer will provide funds for the business relocation compensation claim for actual costs to effectuate the relocation of Taj Perfumes, LLC from 124 N. Liberty Street within the Westside redevelopment project, in accordance with the Market Center Urban Renewal Plan.

**(FILE NO. 57033)**

UPON MOTION duly made and seconded, the Board approved and authorized the business relocation expenses for Taj Perfumes, LLC move from 124 N. Liberty Street to 225 N. Liberty Street. The transfer was approved, SUBJECT to receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the Provisions of the City Charter.

## BOARD OF ESTIMATES

7/15/09

## MINUTES

Baltimore Development - Relocation Expenses  
Corporation (BDC)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the relocation expenses for Mr. Ronnie Rose, owner of R&R Towing for its move from 3301 Remley Street to 2253 Kirk Avenue.

**AMOUNT OF MONEY AND SOURCE:**

\$10,400.00 - 9910-903483-9601

**BACKGROUND/EXPLANATION:**

The Board is requested to approve reestablishment payment for Mr. Ronnie Rose, owner of R&R Towing located in the Fairfield Urban Renewal Area. This area has been designated for redevelopment. This claim is for reestablishment expenses.

AUDITS REVIEWED AND HAD NO OBJECTION.

**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$10,400.00	9910-902483-9600	9910-903483-9601
21 <sup>st</sup> . EDF	Constr. Res.	S. Baltimore Ind. &
	S. Ind. & Coml.	Coml. Dev.
	Dev.	

This transfer will provide funds for the relocation costs to R&R Towing Service incurred while moving from 3301 Remley Street to 2253 Kirk Avenue, as part of the Fairfield Renewal area redevelopment.

**MINUTES**

BDC - cont'd

(In accordance with Charter requirements, a report has been requested from the Planning Commission, the Director of Finance having reported favorably thereon.)

**(FILE NO. 56687)**

UPON MOTION duly made and seconded, the Board approved the request for the BDC and authorized execution of the relocation expenses for Mr. Ronnie Rose, owner of R&R Towing for its move from 3301 Remley Street to 2253 Kirk Avenue. The transfer of funds was approved SUBJECT to receipt of favorable reports from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the provisions of the City Charter.

MINUTES

PERSONNEL MATTERS

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UPON MOTION duly made and seconded,

the Board approved

all of the Personnel matters

listed on the following pages:

2608 - 2609

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 Mayor **ABSTAINED** on Item No. 1

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

	<u>Hourly Rate</u>	<u>Amount</u>
1. <b>FRANK LIPSCOMB</b>	\$26.00	<b>\$35,360.00</b>

Account: 5000-577709-4710-362600-601009

Mr. Lipscomb, retiree, will continue to work as a Construction Inspector for the Capital Development Division. His duties will include, but not be limited to the inspection of the construction activities at the Gwynns Falls Trail and Jones Falls Trail projects; inspection of the capital projects under construction, including court resurfacing and utility projects. The period of the agreement is effective upon Board approval for one year.

Commission on Aging & Retirement Education

2. <b>ELAINE RAY</b>	\$10.50	<b>\$17,180.00</b> <b>(includes \$800.00</b> <b>for parking/tolls)</b>
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Account: 5000-533100-3250-319800-601009

Ms. Ray will continue to work as a Paraprofessional. Her duties will include assisting with scheduling medical and community appointments for clients, escorting and transporting clients to medical and community activities, shopping for food and clothes for the clients and relocating clients personal items/possessions to alternate living arrangements.



MINUTES

TRANSFERS OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

2611 - 2614

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

The President **ABSTAINED** on item No. 5.

## MINUTES

TRANSFERS OF FUNDS

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Bureau of Water &amp; Wastewater</u>			
1.	<b>\$350,000.00</b>	9960-558-009	9960-904686-9557-2
	Counties	Constr. Res.	Extra Work
		Mapping Program	

This transfer will provide funds to cover the cost of extra work under WC 1156, Locust Point Area Infrastructure Rehabilitation.

2.	<b>\$200,000.00</b>	9958-522-450	9958-902707-9520-
	MVR	Constr. Res.	900020-2
		Storm Drain	Extra Work
		Annapolis Rd.	

This transfer will provide funds to cover the cost of extra work for contract SWC 7752, Glen Edwards Run Box Culvert Rehabilitation.

Department of Transportation

3.	<b>\$ 12,000.00</b>	9950-904100-9504	9950-906432-9504-3
	MVR	Constr. Res.	Design & Studies
		Footway	Reconstruction of
			Footways-Citywide

This transfer will cover the cost of prints and preliminary expenses necessary to advertise the construction project TR 09002.

**MINUTES****TRANSFERS OF FUNDS**

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of General Services</u>			
4.	<b>\$ 55,000.00</b>	9916-902144-9194	9916-902144-9197
	Gen'l. Funds	Abel Wolman	Abel Wolman
		Basement	Basement
		Structural	Structural
		Repair-Reserve	Repair-Active

This transfer is necessary to abate an existing safety hazard that exists with loose stones on the exterior walls of the Abel Wolman Building. The initial project was limited to the parapet level at three corners of the fourth floor. Existing conditions on the first, eleventh and penthouse roof will be investigated.

5.	<b>\$ 37,000.00</b>	9916-909171-9194	9916-909171-1917
	Gen'l. Funds	Conservatory	Conservatory
		Improvements -	Improvements -
		Reserve	Active

This transfer will provide funds for emergency glass repairs at the Howard P. Rawlings Conservatory located in Druid Hill Park. The transfer will also cover any in-house costs associated with the project.

Department of Housing and Community Development

6.	<b>\$ 70,000.00</b>	9983-904089-9593-	9983-911003-9593-
	28 <sup>th</sup> CDBG	900055-709076	90055-709076
		Emergency Roof	Deferred Loan
		Repair	Program

This transfer will provide additional funds to the Deferred Loan Program from the Emergency Roof Repair Program in FY 2003 Community Development Block Grant Funds.

MINUTES

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>DHCD - cont'd</u>		
7. <b>\$3,911,570.70</b> 35 <sup>th</sup> CDBG	9990-919989-9587- 900000-700000 108 Loan Repayment	
945,338.00	-----	9990-909080-9593- 900000-700000 Public Housing 108 Loan
1,285,437.50	-----	9990-908337-9593 900000-700000 Sandtown Winchester 108 Loan
1,680,795.20	-----	9990-909410-9593- 900000-700000 EBDI 108 Loan
<b><u>\$3,911,570.70</u></b>		

This transfer will provide funding for the 108 loan repayments with Community Development Block Grant funds for fiscal year 2010.

Department of Recreation and Parks

8.   \$ 16,500.00 State	9938-901743-9475 Rec. & Parks Facilities Improv. Reserve	
5,500.00 Rec. & Parks 24 <sup>th</sup> Series	9938-901743-9475 Reserve Rec. & Parks Facilities Improv.	
<b><u>\$ 22,000.00</u></b>	-----	9938-901743-9474 Active Park Perimeter Improv.

## MINUTES

TRANSFERS OF FUNDS

Department of Recreation and Parks - cont'd

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<p>This transfer will provide funds to cover the costs associated with design services under On-Call Contract No. 1066, Task No. 14 assigned to Hord Coplan Macht, Inc.</p>		
9. <b>\$ 20,000.00</b>	9938-901752-9475	9938-901723-9474
Gen. Fund	Reserve	Active
	Various Parks	Major Park
	Improvements	Improvements
<p>This transfer will provide funds to cover the costs associated with Change Order No. 12 for Cylburn Arboretum Orientation and Education Center project under Contract BP-06822R.</p>		
10. <b>\$ 60,000.00</b>	9938-901662-9475	9938-901662-9474
Gen. Fund	Reserve	Active
	Park Rehab.	Park Rehab.
	Program	Program
<p>This transfer will provide funds to cover the costs associated with design services under On-Call Contract No. 1064, Task No. 1 assigned to Johnson, Mirmiran &amp; Thompson.</p>		
11. <b>\$ 23,000.00</b>	9938-901752-9475	9938-901660-9474
Gen'l. Fund	Reserve	Active
	Various Park	Baltimore Playlot
	Improv.	Program
<p>This transfer will provide funds to cover the costs associated with Change Order No. 1 for the Farring Baybrook Site Improvements project under Contract PB-07831.</p>		

BOARD OF ESTIMATES

7/15/09

**MINUTES**

Circuit Court for Baltimore - Agreement  
City (CCBC)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a grant agreement with the Maryland Mediation and Conflict Resolution Office (MACRO). The period of the agreement is July 1, 2009 through June 30, 2010.

**AMOUNT OF MONEY AND SOURCE:**

\$76,977.00 - 6000-600710-1100-112200

**BACKGROUND/EXPLANATION:**

The MACRO grant will provide funding to the CCBC to support and expand conflict resolution programs offered through the CCBC.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of a grant agreement with the Maryland Mediation and Conflict Resolution Office.

**MINUTES**

Circuit Court for Baltimore - Expenditure of Funds  
City (CCBC)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an expenditure of funds to pay the Citizens Planning and Housing Association. The invoice is for the period of April 1, 2009 through June 30, 2009.

**AMOUNT OF MONEY AND SOURCE:**

\$6,315.00 - 5000-540309-1100-116800-603026

**BACKGROUND/EXPLANATION:**

The CCBC received a grant award from the Administrative Office of the Courts, Office of Problem Solving Courts to offer supportive and emergency housing to participants of the Adult Drug Treatment Court Program over the time span of July 1, 2008 through June 30, 2009. Integral to this Supportive Housing Project was the consultant, Citizens Planning and Housing Association, to provide the necessary services.

In reconciling the fiscal matters of this grant at the end of the awarded period, it was determined that additional funds were available which allowed continued service to the clients of the Adult Drug Court beyond the original award amount of \$25,000.00. With approval from the grantor, the Citizens Planning and Housing Association provided services through the end of the 2009 fiscal year, exceeding the original award amount by \$6,315.00.

**MINUTES**

Circuit Court for Baltimore City - cont'd

It is requested that the Citizens Planning and Housing Association be compensated for the additional professional services performed in fiscal year 2009, between April 1, 2009 and June 30, 2009.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized an expenditure of funds to pay the Citizens Planning and Housing Association.

**MINUTES**

Law Department - Letter of Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve a letter of agreement with the Henry Smith, III, Esquire and Smith and Downey. The period of the agreement is effective upon Board approval for one year.

**AMOUNT OF MONEY AND SOURCE:**

\$40,000.00 - 6040-152-801-00-321  
(not-to-exceed)

**BACKGROUND/EXPLANATION:**

The ERS Board has requested the Law Department to approve the engagement of special counsel, Henry Smith, III, Esquire and the Smith and Downey law firm. The firm will assist the ERS in reviewing, drafting, and negotiating investment management agreements; complying with current Internal Revenue Code provisions; and interpreting questions of fiduciary duties and responsibilities. The engagement may also include issues relating to the operation of the Elected Officials' Retirement System and the City's Retiree Benefit Trust. The Pension Protection Act of 2006 and other recent federal tax legislation and regulation have necessitated expert assistance.

The Smith & Downey is a law firm headquartered in Baltimore with a national employee benefits practice. The firm represents governmental, for-profit and tax-exempt employers of all sizes in all areas of the country. Mr. Smith has been engaged as an employee benefits attorney since 1982, representing governmental and non-governmental employers with respect to their qualified defined benefit pension plans and other employee benefit programs. Smith & Downey employs 16 attorneys, each bringing a valuable sub-concentration to the firm.

**MWBOO GRANTED A WAIVER.**

UPON MOTION duly made and seconded, the Board approved a letter of agreement with the Henry Smith, III, Esquire and Smith and Downey.

**MINUTES**

Law Department - Assignment of Tax Sale Deed

**ACTION REQUESTED OF B/E:**

The Board is requested to authorize the Department of Housing and Community Development (DHCD) to accept the assignment, subject to all municipal liens, of a tax sale deed, from Mr. Steven Wayne Burnette (tax sale purchaser), to the real property known as 23 N. Gilmor Street.

**AMOUNT OF MONEY AND SOURCE:**

The property will be assigned to the City for no consideration.

**BACKGROUND/EXPLANATION:**

Mr. Burnette purchased the 2005 tax sale certificate for 23 N. Gilmor Street from the City in October of 2005 for approximately \$17,000.00. Later that year, Mr. Burnette filed an action to foreclose on the absentee owner's right of redemption. On February 24, 2006, the property partially collapsed. The DHCD determined that the building should be razed on an emergency basis. The remaining structure was demolished on March 3, 2006. The City did not provide prior notice to Mr. Burnette.

In April of 2007, Mr. Burnette obtained a final decree granting him fee simple title to the property. In 2008, he sued the City for damages. The Department's Small Settlement Committee recently approved a \$5,000.00 settlement of the court action.

Mr. Burnette has agreed to prepare a tax sale deed to the property and assign fee simple ownership of the vacant lot to the City.

**MINUTES**Law Department - cont'd

The DHCD Property Acquisition and Relocation Division is interested in taking title to the lot. Once the City accepts title, the DHCD will administratively abate the open liens, in the approximate amount of \$58,000.00, of which over \$50,000.00 represents the cost of demolition and construction of the block wall for the adjacent property.

**NOTED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board authorized the Department of Housing and Community Development to accept the assignment of a tax sale deed for 23 N. Gilmor Street from Mr. Steven Wayne Burnette subject to all municipal liens.

## BOARD OF ESTIMATES

7/15/09

## MINUTES

Department of Real Estate - Contracts of Sale, SCOPE Project

The Board is requested to approve and authorize execution of the contracts of sale for various properties.

	<u>Purchaser/s</u>	<u>Properties</u>	<u>Sale Price</u>
1.	ZAHARAZAH MACCAULEY AND UMAR MOULTAALI	1711 GUILFORD AVE.	\$10,000.00
2.	JEAN LEVASSEUR AND JOSETTE LEVASSEUR	1121 N. CAROLINE ST.	\$15,000.00

The purchaser(s) agree to complete the renovation of the properties and obtain a Certificate of Occupancy no later than 18 months from the date of settlement.

On May 28, 2003, the Board approved an agreement with the Baltimore Economy and Efficiency Foundation, Inc. and the Greater Baltimore Board of Realtors, Inc. to allow the sale of City-owned properties under the SCOPE Project, which is an acronym for Selling City Owned Properties Efficiently.

Under this project, real estate brokers are responsible for marketing the properties and providing the City with sale contracts. Upon closing, they will be paid 8% of the sale proceeds, with a \$2,500.00 minimum fee.

**(FILE NO. 56663)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the contracts of sale for foregoing properties.

BOARD OF ESTIMATES

7/15/09

**MINUTES**Police Department - Expenditure of Funds**ACTION REQUESTED OF B/E:**

The Board is requested to approve an expenditure of funds to pay Mr. Andrew M. Strongin, Esq.

**AMOUNT OF MONEY AND SOURCE:**

\$1,832.75 - 1001-000000-2000-195500-603093

**BACKGROUND/EXPLANATION:**

On May 6, 2009, an Arbitration Hearing was held between the City of Baltimore and the City Union of Baltimore, AFT. Mr. Strongin provided arbitrator services for the case. He has submitted an arbitrator's bill in the total amount of \$3,665.50. This cost is to be shared between the City and the City Union of Baltimore, Local 800. The expenditure of \$1,832.75 represents the City's portion of the bill.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized an expenditure of funds to pay Mr. Andrew M. Strongin, Esq.

## BOARD OF ESTIMATES

7/15/09

## MINUTES

Police Department - Payment of Back Wages

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the payment of back wages to Police Officer Robert H. Gordon for the period March 19, 2009 through April 27, 2009.

**AMOUNT OF MONEY AND SOURCE:**

\$4,432.27 - 1001-000000-2010-197600-601062

**BACKGROUND/EXPLANATION:**

On March 18, 2009, Officer Gordon was suspended from duty without pay.

Pursuant to Article 16(A)(2) of the Memorandum of Understanding between the Baltimore Police Department and the Fraternal Order of Police Lodge #3, Officer Gordon is entitled to receive back pay for the period he was suspended without pay.

The back pay represents the wages he would have earned for the period March 19, 2009 through April 27, 2009.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized the payment of back wages to Police Officer Robert H. Gordon for the period March 19, 2009 through April 27, 2009.

## BOARD OF ESTIMATES

7/15/09

## MINUTES

Police Department - Payment of Back Wages

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the payment of back wages to Police Officer Haywood Bradley the period February 25, 2008 through January 29, 2009.

**AMOUNT OF MONEY AND SOURCE:**

\$35,844.69 - 1001-000000-2010-197600-601062

**BACKGROUND/EXPLANATION:**

On February 25, 2008, Officer Bradley was suspended from duty without pay.

Pursuant to Article 16(A)(2) of the Memorandum of Understanding between the Baltimore Police Department and the Fraternal Order of Police Lodge #3, Officer Bradley is entitled to receive back pay for the period he was suspended without pay.

The back pay represents the wages he would have earned for the period February 25, 2008 through January 29, 2009.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized the payment of back wages to Police Officer Haywood Bradley for the period February 25, 2008 through January 29, 2009.

## BOARD OF ESTIMATES

7/15/09

## MINUTES

Police Department - Employment Agreement

The Board is requested to approve and authorize execution of the following agreements. The period of the agreement is effective upon Board approval for one year.

	<u>Name</u>	<u>Hourly Rate</u>	<u>Amount</u>
1.	CHARLENE SHARP	\$14.42	\$30,000.00
2.	CYNTHIA L. PHILLIPS-MOORE	\$14.42	\$30,000.00
3.	KENNETH C. EYSTER	\$14.42	\$30,000.00
4.	DONALD K. MATTHEWS	\$14.42	\$30,000.00
5.	EDWARD V. O'HALLORAN	\$14.42	\$30,000.00
6.	EDNA M. PRICE	\$14.42	\$30,000.00
7.	LAWRENCE A. BANKS, SR.	\$14.42	\$30,000.00

Account: 1001-000000-2010-197600-601009

On January 3, 1996, the Board approved a waiver of Administrative Manual Policy AM 212-1, which allowed the Baltimore Police Department to hire retired Police Officers as contract employees.

The retirees will perform a variety of tasks, previously performed by full-duty Police Officers, which are supportive in nature. This will allow the Department to continue to assign active Police Officers to crime fighting duties.

The retirees will receive no benefits other than workmen's compensation and F.I.C.A.

**APPROVED FOR FUNDS BY FINANCE**

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

**MINUTES**Police Department - Expenditure of Funds

The Board is requested to approve the following expenditure of funds:

<u>Vendor</u>	<u>Amount</u>
1. <b>NEXTCAR RENT-A-CAR</b>	<b>\$27,563.32</b>

Account: 1001-000000-2010-197600-603067

The Department leased vehicles from the above vendor and assigned them to various units for police operations. Vehicle accidents occurred while the vehicles were operated in an official capacity.

Under the current agreement, the City is obligated to compensate the vendor for all damages to the vehicle and any diminished value that resulted while the vehicle was under the Department's control.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized the foregoing expenditure of funds.

**MINUTES**

Health Department - Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with Charles Street Health Care, LLC. The period of the agreement is July 1, 2009 through June 30, 2010.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The organization will serve as a volunteer station for the Senior Companion Program. The Baltimore City Health Department is awarded a grant from the Corporation of National and Community Services. The grant pays for 100% of the cost for Senior Companions to volunteer to assist special needs clients who want to remain in their homes. While the Senior Companions are on duty, the grant provides for their life insurance, transportation and other benefits.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of an agreement with Charles Street Health Care, LLC.

**MINUTES**

Health Department - 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 May 1, 2009 through July 31, 2009.

**AMOUNT OF MONEY AND SOURCE:**

\$100,000.00 - 6000-626309-3080-294900-603051

**BACKGROUND/EXPLANATION:**

The FLBC will provide services to support the development of training materials for the Baltimore City Health Department Birth Outcomes Program, a community-based approach to measurably improve birth outcomes in the City.

The FLBC will hire personnel; participate in the Advisory Committee, Core Implementation Team and other working groups. In collaboration with the Core Implementation Team, and the communications vendor, the FLBC will identify selected community/ies to be targeted for first year community program grants. The FLBC will participate in the design of a resource development strategy to ensure adequate funding for community-based and city-wide education programs.

Through a Request for Proposal (RFP) process, the FLBC will select a vendor to design a city-wide education/communications campaign and community-based program model; and, serve as the fiscal agent for monitoring and evaluation of the entire program.

**MINUTES**Health Department - cont'd

The agreement with the FLBC is being presented at this time because the grant agreement from CareFirst BlueCross BlueShield was approved by the Board on March 4, 2009 and the Department was waiting for a suitable scope of services and budget.

**MWBOO GRANTED A WAIVER.**

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

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

**MINUTES**

Department of Transportation - Traffic Mitigation Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a traffic mitigation agreement with the Madison Street Properties, Inc. The period of the agreement is effective upon Board approval.

**AMOUNT OF MONEY AND SOURCE:**

\$25,000.00 - 9950-909980-9508-000000-4000

**BACKGROUND/EXPLANATION:**

The Madison Street Properties, Inc. proposes to construct an interior fit out of 42,000 square feet of administrative and research space at 716 N. Broadway.

Under the terms of this agreement, the developer will make a contribution of \$25,000.00 towards the operation of publicly-available shuttle bus service in downtown Baltimore near the development.

The developer agrees to pay the City for the shuttle contribution, upon billing by the City.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of a traffic mitigation agreement with the Madison Street Properties, Inc.

**MINUTES**

Department of Housing and - Land Disposition Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a land disposition agreement with Johnny Witherspoon and Alice Witherspoon for the property located at 1302 North Chester Street in the Broadway East Urban Renewal Area.

**AMOUNT OF MONEY AND SOURCE:**

\$2,000.00 - Sale Price

**BACKGROUND/EXPLANATION:**

The property at 1302 North Chester Street is a two-story row-home with lot dimensions of 13'6" x 71' or 958.50 square feet. This property's assessed value is \$3,000.00. The appraisal completed on January 13, 2009 estimated the market value of this property at \$13,800.00.

This property will be completely rehabilitated and offered for homeownership.

The project's total estimated permit, transfer, recording and construction payroll taxes are \$614.00. The project's total estimated annual property taxes are \$1,610.00.

The City will convey all of its rights, title and interest in the property located at 1302 North Chester Street to Johnny and Alice Witherspoon for \$2,000.00. A good faith deposit has been received in the amount of \$1,000.00. The City will receive \$1,000.00 at settlement.

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

This property is being sold for less than appraised value because it is deteriorated and in need of significant repair.

**MINUTES**DHCD - cont'd

The roof is severely water damaged which indicates potential flooring and foundation damage. Water has leaked into this property and damaged the buyer's property located at 1300 North Chester Street. Selling this property will save the City significant expense to stabilize the party walls. An interior inspection could not be conducted due to safety concerns for the appraiser and apparent instability of structure. The economic development benefits offered by completion of this project include:

- elimination of long-term blighting factors,
- further stabilization of housing available in the community,
- construction job opportunities, and
- a substantial increase in property taxes.

**MBE/WBE PARTICIPATION:**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of a land disposition agreement with Johnny Witherspoon and Alice Witherspoon for the property located at 1302 North Chester Street in the Broadway East Urban Renewal Area.

BOARD OF ESTIMATES

7/15/09

**MINUTES**

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

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a side-yard land disposition agreement with Ms. Arnetra Barrera for the sale of the City-owned property located at 1402 E. Biddle Street.

**AMOUNT OF MONEY AND SOURCE:**

\$2,500.00 - Sale Price

**BACKGROUND/EXPLANATION:**

The vacant City-owned lot located at 1402 E. Biddle Street will be maintained as a side-yard or to expand the adjacent property. The adjacent property owners are given the opportunity to purchase City-owned vacant lots that adjoin their property as a side-yard. Ms. Arnetra Barrera, a Baltimore City resident, owns 1400 E. Biddle Street (known as 1201 N. Eden St.) which qualifies her, the recipient to purchase 1402 East Biddle Street.

The construction of a six-foot security fence around the perimeter of the lot will abate loitering and illegal dumping of trash.

The vacant lot at 1402 E. Biddle Street was appraised for \$8,000.00. The sale price was reduced to \$2,500.00. A good faith deposit of \$1,000.00 has been paid to the City. The remaining balance of \$1,500.00 will be due at the time of settlement.

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

The rationale for selling the lot below the appraised value is due to the buyer's cost for providing private funds for lawn services and trash removal.

**MINUTES**

DHCD - cont'd

The buyer will be using private funds to finance and secure the perimeter of the lot.

The City will benefit through the elimination of an underutilized vacant lot that attracts illegal dumping of trash and debris in the community. Further, the City will benefit from returning a non-productive property back to the tax roll.

**MBE/WBE PARTICIPATION:**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of a side-yard land disposition agreement with Ms. Arnetra Barrera for the sale of the City-owned property located at 1402 E. Biddle Street.

BOARD OF ESTIMATES

7/15/09

**MINUTES**

Department of Housing and                    - Community Services Block  
Community Development (DHCD)            Grant Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the community services block grant agreement with the State of Maryland Department of Housing and Community Development, Division of Neighborhood Revitalization. The period of the grant agreement is October 1, 2008 through September 30, 2009.

**AMOUNT OF MONEY AND SOURCE:**

\$2,858,256.00 - 5000-586208-1190-144000-405001

**BACKGROUND/EXPLANATION:**

The grant award supports operating a community anti-poverty program. The City's DHCD's, Division of Human Services is a public Community Action Agency that provides services and addresses the needs of low-income individuals in Baltimore City.

These Federal funds will provide some administrative support to maintain centralized office space for the agency. This space will be used to plan, develop, coordinate and evaluate all programs and activities designed to assist low-income citizens of Baltimore.

The agreement is late because the DHCD recently received the grant award.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the community services block grant agreement with the State of Maryland Department of Housing and Community Development, Division of Neighborhood Revitalization.

**BOARD OF ESTIMATES**

7/15/09

**MINUTES**Office of the Mayor - Consultant Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a consultant agreement with Ms. Mary Pat Fannon. The period of the agreement is July 10, 2009 through July 9, 2010.

**AMOUNT OF MONEY AND SOURCE:**

\$76,250.00 - 1001-000000-1270-154100-603018

**BACKGROUND/EXPLANATION:**

Ms. Fannon will serve as a Senior Advisor to the Mayor on fiscal policy and legislative matters. In addition, she will provide advice to the Mayor's Office of Government Relations in reference to the Maryland General Assembly's consideration and adoption of legislation impacting the interests of Baltimore City and other related matters. The amount includes up to \$5,000.00 for reimbursable expenses at rates allowable under the Administrative Manual for parking, lodging, food and conference registration.

**MBE/WBE PARTICIPATION:**

N/A

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

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

**MINUTES**

Office of the Mayor - Expenditure of Funds

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an expenditure of funds to pay the Hilton Baltimore for a Team Builder lunch to be held on July 22, 2009.

**AMOUNT OF MONEY AND SOURCE:**

\$1,771.20 - 1001-000000-1250-152802-604014

**BACKGROUND/EXPLANATION:**

On July 22, 2009, the Mayor's Commission on Disabilities (Commission) will hold a Team Builder lunch at the Hilton Baltimore. The Hilton Baltimore is the caterer for the facility and will provide lunch for the participants on July 22, 2009 for this culminating event of the Commission's work.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized an expenditure of funds to pay the Hilton Baltimore for a Team Builder lunch held on July 22, 2009.

The Mayor, President and Comptroller **ABSTAINED** on this item.

## BOARD OF ESTIMATES

7/15/09

## MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Amount</u>
<u>Baltimore Police Department</u>		
1. John T. Brown Jimmy J. Hampton	American Polygraph's Assoc. 44 <sup>th</sup> Annual Training Nashville, TN August 02 - 08, 2009 (Reg. Fee \$350.00 ea.)	\$3,472.00
2. Sharon S. Talmadge Elizabeth K. Stasik	2009 International Assoc. for Identification Annual Conference Tampa, FL August 16 - 22, 2009 (Reg. Fee \$295.00)	\$3,136.00
3. Gregory W. Ostrander Scott Schneider Donna L. White	Reid Technique of Interview and Interrogation Seminar Ellicott City, MD October 06 - 09, 2009 (Reg. Fee \$605.00 ea.)	\$1,815.00
4. Gisselle A. Fredericks Carl E. Buchanon Joseph P. Harant	Trace Evident Symposium Pinellas, FL August 03 - 07, 2009	\$2,924.40
5. Sean s. Messner Quinn G. Gooden	i2 iBase User Training Course Fairfax, VA July 13 - 17, 2009 (Reg. Fee \$950.00 ea.)	\$3,732.00
6. Sean S. Messner Quinn G. Gooden	i2 iBase Designer Training Course Fairfax, VA July 20 - 24, 2009 (Reg. Fee \$1,240.00 ea.)	\$4,312.00

## BOARD OF ESTIMATES

7/15/09

## MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Amount</u>
<u>Department of General Services</u>		
7. Khalil Zaied	Maryland Assoc. of Counties Summer Conf. Ocean City, MD August 12 - 15, 2009 (Reg. Fee \$285.00)	\$1,088.00
<u>Circuit Court for Baltimore City</u>		
8. Tonia Johnson Samara Scott	Believing in the Magic of Families Atlanta, GA August 01 - 05, 2009 (Reg. Fee \$480.00 ea.)	\$3,109.00
<u>Mayor's Office of Government Relations</u>		
9. Diane Hutchins Janelle Mummey	MD Assoc. of Counties Summer Conf. Ocean City, MD August 12 - 15, 2009 (Reg. Fee \$285.00 ea.)	\$2,363.40
<u>Baltimore City Sheriff's Office</u>		
10. Deborah R. Claridy	33 <sup>rd</sup> Annual Training Conf. National Organization of Black Law Enforcement Executives Norfolk, VA July 24 - 30, 2009 (Reg. Fee \$600.00)	\$1,295.92

The Board, UPON MOTION duly made and seconded, approved the foregoing travel requests. The Mayor **ABSTAINED** on item No. 9.

**MINUTES**

Fire Department - Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with Cygnus Expositions. The period of the agreement is July 21, 2009 through July 22, 2009.

**AMOUNT OF MONEY AND SOURCE:**

No funds are requested from the City.

**BACKGROUND/EXPLANATION:**

This training site agreement provides indemnification to the City and the Fire Department during site preparations, training sessions and clean-up periods in conjunction with Cygnus Expositions' training activities during this year's Firehouse Expo. The locations covered in this agreement are known as the Baltimore City Fire Academy, located at 6720 Pulaski Highway and the Urban Search and Rescue sites located at 6210 and 6708 Pulaski Highway. These sites are owned by the City. The agreement also lays out specific requirements for site safety, site preservation, and stipulates other requirements conducive to good practices and learning.

Firehouse Magazine and Cygnus Expositions will bring the 26<sup>th</sup> Annual Firehouse Exposition to the City of Baltimore. With the exception of several years, every Firehouse Expo has been held in Baltimore. As reported by the Baltimore Area Convention and Visitors Association, this expo accounts for approximately \$15,100,000.00 in direct spending with more than 16,000 attendees. It is the third largest show of this demographic in the country.

**MINUTES**Fire Department - cont'd

In recent years, in an effort to bolster training opportunities for attendees, the managers of the Firehouse Expo have forged working relationships with surrounding Fire Departments to explore mutually beneficial opportunities that would include training for the local departments.

Firehouse Expo will conduct the training sessions on City property using nationally recognized experts as instructors. Members of the Baltimore City Fire Department and the mutual aid Fire Departments can participate in this training at no cost.

UPON MOTION duly made and seconded, the Board approved and authorized execution of an agreement with Cygnus Expositions.

**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:

2643 - 2655

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 Comptroller **ABSTAINED** on Item No. 7 and No. 13

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Water and Wastewater (BW&WW)

1. WC 1198, Urgent Spiniello Companies \$10,473,325.00  
 Need Work  
 Infrastructure  
 Rehabilitation at  
 Various Locations

<b>MBE:</b>	Collazo Contractors, Inc.	\$1,126,000.00	12.03%
<b>WBE:</b>	M. Luis Construction Co., Inc.	\$ 315,000.00	3.00%
	R & R Contracting Utilities, Inc.	<u>210,000.00</u>	<u>2.01%</u>
		<b>\$525,000.00</b>	<b>5.01%</b>

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**A LETTER OF PROTEST WAS RECEIVED FROM J. FLETCHER CREAMER & SON, INC.**

President: "First being pages 52 and 53, Recommendations for Contract Awards, Rejections and Transfer of Funds. This is the Infrastructure Rehabilitation, Urgent Work Needed. We received a letter from J. Fletcher Creamer & Son. If you would like to be heard on the protest, How are you?"

Mr. John Newbery: "John Newbery, J. Fletcher Creamer & Sons, I'm fine."

President: "Good, Good Morning."

Mr. John Friesner: "DPW Contract Administration, We are here on Water Contract 1198, Urgent Need Infrastructure Rehabilitation."

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Water and Wastewater - cont'd

The project was advertised on March, 27 2009, Bids were opened on April 29, 2009, four Bids were received, Spiniello Company was the low bidder and J. Fletcher Creamer was second bidder followed by Metra Industries and Heitkamp, Inc. The low bidder Spiniello was found to be compliant by the Minority Women's Business Office on May 26, 2009 and their work capacity was then requested, reviewed and found to be acceptable on May 28, 2009, and we received the protest from J. Fletcher Creamer & Sons on May 6, 2009 regarding our recommendation, or rather the Bureau of Water and Wastewater recommendation to award to Spiniello."

President: "Thank you Mr. Friesner. Just state your name before you start. Did you need to say anything Mrs. Williams?"

Ms. Shirley Williams, Chief MWBOO: "I will wait."

Mr. John Newbery: "John Newbery, J. Fletcher Creamer & Sons, we submitted our protest on two points. The first point was the breakdown of the MBE, there percentage was fine to Collazo Construction, but they were submitting them to be used for doing work on the job, which they were qualified to do but also supplying material. They are a non-manufacturing supplier of that material, they stated

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Water and Wastewater - cont'd

that they were supplying valves, pipes, and fittings and in our estimation the value of that material was well over \$2,000,000.00 which would greatly exceed the 25% cap for non-manufacturing suppliers of materials. There was no breakdown, we were instructed during the pre-bidding conference to properly fill out the commitment form, for the minority participation, and there was no breakdown. So their 12% you didn't know by looking at the form whether that 12% was going to be for doing work on the job such as excavation or cleaning pipe or was it for the supply of the material from the non-manufacturing supplier. The second point was in the special conditions we were instructed to include a letter. Complying with Article 529-16, it was to be included with the bid."

President: "We understand that the letter was only required if you have had an infraction within 5 years. Do you have any proof that the awardees has had an infraction in the last 5 years?"

Mr. John Newbery: "We did not read it that way."

President: "That's what it says though."

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Water and Wastewater - cont'd

Mr. John Newbery: "We read that letter to state whether you had or had not had any infractions."

President: "Ms. Williams would you read it."

Ms. Shirley Williams: "The section cited is from the Commercial Discrimination Law and it states 'As part of its bid or proposal, bidders shall provide to the City a list of all instances within the past 5 years where there has been a final adjudication determined in a legal or administrative proceeding.' It says - - 'Shall provide if there has been' it does not require a submission if there has not been an adjudicated determination."

Mr. John Newbery: "Fair enough."

President: "Thank you very much Ms. Williams. So to the first point."

Ms. Shirley Williams: "As to the issue regarding Collazo - - the material cited -- pipes, valves and fittings are materials that are incidental to the work that Collazo is performing and in that instance we do not separate the price of the supplies from the materials. The contractor or the sub-contractor is not

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Water and Wastewater - cont'd

performing (providing) supplies that he is not installing or integrating into the work."

Mr. John Newbery: "Over two million dollars worth of materials is in our opinion, not incidental."

Ms. Shirley Williams: "But, we are not assuming that Collazo is going to be doing all of that. Collazo will be using the pipes, fitting, and valves that are necessary when the main has to be cleaned and there is the need for them, that's when they will be used. That's does not necessarily mean that that is all of them that is required on the job."

Mr. John Newbery: "It just was not clear in the breakdown."

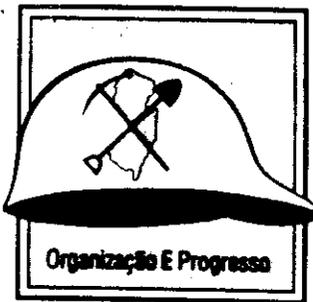
President: "Are there anymore questions for the protestant? Is there a motion?"

Mr. George A. Nilson, City Solicitor: "I Move to deny the protest and affirm the proposed award to Spiniello."

Director of Public Works: "Second"

President: "All those in favor say 'AYE.' AYE. All those Opposed. Motion carries."

\* \* \* \* \*



# J. FLETCHER CREAMER & SON, INC.

CONTRACTORS

101 EAST BROADWAY • HACKENSACK, NEW JERSEY 07601-6846 • (201) 488-9842 • FAX (201) 488-9828  
www.jfcon.com

May 6, 2009

City of Baltimore  
Board of Estimates  
c/o Clerk to the Board of Estimates  
Room 204, City Hall  
100 N. Holiday Street  
Baltimore, MD 21202

RE: Urgent Need Work Infrastructure Rehabilitation  
Water Contract No. 1198  
Bid Date April 29, 2009

Dear Sir or Madam;

My company submitted a bid for the above contract.

Based on review of the bids, my company protests any award to Spiniello Companies, the lowest numerical bidder, for the following reasons.

First, the bid by Spiniello Companies named Collazo Contractors, Inc. as its MBE for excavating, equipment rental and cleaning of water mains to comply with the MBE goal of 12% of the total bid amount. In addition to the work on site, Spiniello also stated that Collazo Contractors, Inc. would be supplying pipe, valves and fittings. Collazo is a non-manufacturing supplier. The value for this material should exceed \$2,200,000. There was no breakdown of how much of the MBE commitment would be for excavating, etc. and how much would be for materials supplied, even though bidders were instructed by a representative of the Minority and Woman's Business Opportunity Office at the pre-bid meeting on April 8, 2009 to properly complete the M/WBE Statement of Intent forms, and failure to do so could result in a rejection of the bid. Based on a breakdown with material at \$2,200,000.00, the commitment amount of 12% of the bid would be substantially reduced because materials from non-manufacturing suppliers can only count toward 25% of the MBE goal.

J. FLETCHER CREAMER & SON, INC.

May 6, 2009  
Page 2

Second, in the Special Conditions, SC-2, bidders were instructed to include a letter as part of their bid or proposal under Article 5 § 29-16. I have been advised that, upon reviewing all of the bidders' documents, it appears that J. Fletcher Creamer & Son, Inc. was the only bidder to comply with this requirement which required time and effort for compliance. The other bidders appear to have avoided the cost of that effort.

For the above reasons, the bid from Spiniello Companies is non-responsive and should be rejected.

My company will be harmed if an award is made to the lowest numerical bidder instead of my company since the bid submitted by my company complies in all material respects with the instructions to bidders issued by the City and is within the advertised budget of \$10M to \$15M. In addition, our MBE and WBE subcontractors listed in our bid have complied with the regulations and laws of the City of Baltimore and will also be harmed by losing the opportunity to perform their work.

Respectfully,

J. FLETCHER CREAMER & SON, INC.



Richard D. McLaughlin, Esq.  
General Counsel

Certified Mail, RRR/7007 1490 0001 6954 5631

cc: Thomas Corey, Room 408, City Hall  
Certified Mail, RRR/7007 1490 0001 6954 5648

RDM:ks

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Water and Wastewater2. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 1,022,076.00	9960-558-101	
Water Revenue	Constr. Res.	
Bonds	Small Water Main	
	Program	
691,239.55	9960-558-100	
Balto. Co.	Constr. Res.	
	Small Water Main	
	Program	
3,483,059.00	9960-558-100	
Water Revenue	Water Infra-	
Bonds	structure Rehab.	
3,620,686.02	9960-558-001	
Water Revenue	Unallocated	
Bonds		
585,000.00	9960-558-130	
Water Revenue	Cathodic Pro-	
Bonds	tection	
1,538,863.28	9960-558-158	
Water Revenue	Eartherm Dam	
Bonds	Improvements	
339,344.01	9960-557-690	
Water Revenue	Liberty Dam	
Bonds	Restoration	
1,780,383.39	9960-558-702	
Water Revenue	Water Facilities	
Bonds	Data Acquisition	
764,139.75	9960-558-726	
Water Revenue	Leakin Park Water	
Bonds	PS	
<u>\$13,824,791.00</u>		

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Water and Wastewater- cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 1,047,333.00	-----	9960-903682-9557-2 Extra Work
1,047,333.00	-----	9960-903682-9557-3 Design
628,400.00	-----	9960-903682-9557-5 Inspection
10,473,325.00	-----	9960-903682-9557-6 Construction
628,400.00	-----	9960-903682-9557-9 Administrative
<u>\$13,824,791.00</u>		

This transfer will provide funds to cover the cost of award of WC 1198, Urgent Need Work Infrastructure Rehabilitation at Various Locations.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSDepartment of General Services

3. PB 08820R, Fallsway Housing & Service Center Roy Kirby & Sons, Inc. \$6,937,000.00

<b>MBE:</b> M & R Drywall & Metal Stud, Inc.	\$ 667,407.00	9.62%
Top Roofing, Inc.	340,580.00	4.91%
Personal Electric, LLC	450,000.00	6.49%
Roane's Rigging & Transfer Co., Inc.	323,000.00	4.66%
	<u>\$1,780,987.00</u>	

<b>WBE:</b> Design Plus Sprinkler Systems, Inc.	\$ 86,000.00	1.24%
Annapolis Contracting, Inc.	79,988.00	1.15%
Moisture Proof & Masonry, Inc.	332,871.00	4.80%
Colt Insulation, Inc.	80,000.00	1.15%
	<u>\$ 578,859.00</u>	

**MWBOO FOUND VENDOR IN COMPLIANCE.****A PROTEST WAS RECEIVED FROM THE MICHAEL GROUP**

President: "The second protest is page 54, Item No. 3., Fallsway Housing and Service Center. We received a protest letter from The Michael Group."

John Friesner: "DPW Contract Administration, Good Morning again. The Fallsway Housing and Service Center Project No. 08820R was advertised on May 29, 2009. Bids were received on June 24, 2009. Five bids were received; Roy Kirby was the low bidder."

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Water and Wastewater - cont'd

Towson Mechanical, March Westin Company was next, The Michael Group and Whiting-Turner Contracting. The low bidder was reviewed by the Minority and Women Business Opportunity Office and found compliant on June 30, 2009. Their work capacity statement was received and reviewed on July 2, 2009 and found to be within the requirements of the prequalification limit and we received the protest from the Michael Group on July 1, 2009."

President: "Thank you, anything else from the Administration."

George Nilson, City Solicitor: "Is there anyone here from the Michael Group here."

President: "I thought one of you was from the Michael Group?"

George Nilson, City Solicitor: "No"

President: "No, I mean, I thought maybe one person was from the Michael Group, lets just check, I'm sorry."

George Nilson, City Solicitor: "Is there anyone here from the Michael Group here."

President: "We're just going to check out in the hallway, I'm sorry. Sorry I didn't do that ahead of time. -- Nope, I apologize I should have called ahead of time, when everyone got up I just assumed that one of you might have been from The Michael Group. Is there a motion?"

**MINUTES****RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

Bureau of Water and Wastewater - cont'd

George Nilson, City Solicitor: "I would move to deny the written bid protest by The Michael Group. On the grounds that it is, as to the first part untimely and as to the second part it is insufficiently specific, and finally for the abandonment of the protest by the failure of a representative to appear in support of the protest."

David E. Scott: "I second."

President: "All those in favor say 'AYE'. AYE. All those opposed. Motion carries." Thank you. Sorry about the confusion. Anything else from the government body, anything, anything?"

\* \* \* \* \*

Wednesday, July 01, 2009  
The Honorable President and  
Members of the Board of Estimates  
C/O Clerk  
Board of Estimates  
City Hall Room 204  
100 N Holliday Street  
Baltimore MD 21202

RE: Bid Protest Fallsway Housing  
Bureau of General Services Contract PB08820

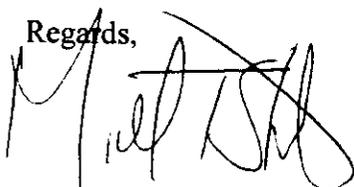
We would like congratulate the city on successfully "auctioning" the Fallsway project and sullyng the integrity of the competitive bid process. Rebidding this project for a minor technicality on a bid form is inconsistent with any legal precedent we were able to uncover. In *Massman Construction Co. v United States*, the courts opined that public exposure of bids without award compromised the competitive system. Furthermore, sufficient reasons for rejecting all bids would be for compelling reasons such as the services are no longer being required or for a lack of funds. The city's position that MBE forms were completed incorrectly by all bidders would not seem to fit into the category of "sufficient". The fact of the matter is that completing those forms for a nine month schedule or a twelve month schedule would not have any impact on the amount of MBE/WBE participation, which is ultimately the goal of the process.

What the city managed to accomplish by rebidding, was to squander the hard work and research of our company in preparing our initial bid. Allowing the other bidders to see our exact bid price, our named vendors/ and subcontractors prior to a second bid is ultimately like cheating during an exam or copying another's homework. How would you explain a contractor bidding the exact same project on two occasions with two different bid prices and the second significantly lower? I believe the answer is that he had the advantage of knowing the bid price and vendors on the second occasion. A very clear example is that the apparent low bidder lowered his price several hundred thousand dollars on the re-bid and named our proposed vendor on his second bid and not his initial bid.

Wednesday, July 01, 2009  
The Honorable President and  
Members of the Board of Estimates

We believe that in the most recent bid, all bidders' submissions excepting ours were incomplete as not all the required forms were completed or were completed incorrectly. Please consider this a formal protest should the city elect to award this project to anyone other than The Michael Group Inc. in the amount of our original bid.

Regards,



Michael Shacklette  
President

Cc:

Mr. George Neilson  
Baltimore City Solicitor  
100 Holiday Street  
Baltimore MD 21202

The Honorable Sheila Dixon  
City Hall Room 250  
100 N Holliday St.  
Baltimore MD 21202

Ms Diane Glauber President  
Baltimore City Homeless Services  
210 Guilford Avenue 2<sup>nd</sup> Floor  
Baltimore MD 21202



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Robert C. Douglas  
robert.douglas@dlapiper.com  
T 410.580.4141  
F 410.580.3141

July 14, 2009  
Via Hand Delivery

The Honorable President and  
Members of the Board of Estimates  
c/o Clerk – Board of Estimates  
City Hall Room 204  
100 N. Holliday Street  
Baltimore, MD 21202

**Re: Bureau of General Services Contract PB08820R  
Fallsway Housing and Service Center**

Dear Madam President and Members of the Board of Estimates:

I write on behalf of my client, Roy Kirby & Sons, Inc., in regards to the bidding process for the Fallsway Housing and Service Center ("Fallsway Center"). Specifically, I wish to respond to the July 1, 2009 letter of Michael Shacklette on behalf of Michael Group Inc. in which he questions the integrity of that bidding process and claims that the re-bidding "sull[ied] the integrity of the competitive bid process." Contrary to that contention, it is clear that re-bidding was necessary due to multiple flaws in each of the original bidding applications. In light of these repeated errors, the Baltimore City Board of Estimate's decision to re-bid the Fallsway Center project was proper. The Board of Estimates adhered to the provisions of both the Maryland Code and the Baltimore City Charter concerning government procurement and the right to address procedural errors in a bidding procedure.

The Maryland Code specifically addresses the right to reject flawed bids in the context of government procurement, stating that "[i]f, with approval of the Board, a unit determines that it is fiscally advantageous or otherwise in the best interests of the State, the unit may: . . . (2) reject all bids or proposals." MD. CODE ANN., STATE FINANCE AND PROCUREMENT § 13-206(b)(2). Further, MD. CODE ANN., STATE FINANCE AND PROCUREMENT § 13-103(3) provides that "[a]fter competitive sealed bids have been opened, a procurement officer may award a procurement contract on the basis of revised bids if: (1) all bids are rejected under § 13-206 of this title; . . . or (3) with approval of the head of the unit or a designee, the procurement officer determines that all bids are unreasonable as to at least 1 requirement . . ." This is consistent with the Baltimore City Charter which notes that "[a]fter opening the bids, the Board of Estimates shall award the contract . . . or shall reject all bids." BALT. CTY CHARTER, ART. VI, § 11(g)(ii).

In this instance, the Baltimore City Board of Estimates recognized material errors in each of the originally-submitted bids. Rather than ignoring those errors and attempting to proceed despite flaws in the original process, the Board of Estimates followed the statutorily-prescribed process to re-bid the Fallsway Center project. Mr. Shacklette has chosen to ignore this fact and instead has alleged unsubstantiated ulterior



motives. There is no reason to believe that the re-bidding process was intended to convey an unfair advantage upon other parties.

Mr. Shacklette's real argument is with the City's procurement process. He contends that it is unfair for original bids to be made public prior to a re-bidding process. This contention has little merit. In *Hess Const. Co. v. Board of Educ. Of Prince George's Cty*, 341 Md. 155, 669 A.2d 1352 (Md. 1996), the Maryland Court of Appeals addressed a petitioner's argument that "the goals of competitive bidding are defeated if a public body, after the bids are opened and announced, is permitted to reject all bids and call for re-bidding after the low bid is known." *Id.* at 170-71, 669 A.2d at 1359. The Maryland Court of Appeals ruled against the petitioner's argument, finding that the process was legal and that any policy change of this nature would need to come from a legislative body. *Id.* at 171, 669 at 1359.

Not stated in Mr. Shacklette's letter is that he too had access to all the original bids. In other words, he was privy to the underpinnings of all other bidders and could have used that information to improve his revised bid. In fact, he lowered his bid in his re-submittal and did not complain as he lowered his bid that it was unfair to review the other bids.

In light of these facts, Roy Kirby & Sons, Inc. asks that the Board of Estimates reject the theories propounded by Mr. Shacklette. They amount to little more than "sour grapes" and do not provide a legal basis to overturn the legitimate results of a statutorily-prescribed procurement process. The Board of Estimates acted properly under both the Maryland Code and the Baltimore City Charter and the results of the Fallsway Center re-bidding should be upheld.

Respectfully,

A handwritten signature in black ink, appearing to read 'Bob Douglas'.

Robert C. Douglas

## BOARD OF ESTIMATES

7/15/09

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

- |    |   |                             |              |
|----|---|-----------------------------|--------------|
| 4. | B50001065, Street<br>and Stump Removal<br>Group I | Asplundh Tree Expert<br>Co. | \$ 28,918.76 |
|----|---|-----------------------------|--------------|

**MWBOO SET GOALS OF 27% MBE AND 0% WBE.**

<b>MBE:</b>	L. Johnson Tree Service, Inc.	\$7,808.07	27.00%
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**MWBOO FOUND VENDOR IN COMPLIANCE.**

- |    |  |                                      |               |
|----|--|--------------------------------------|---------------|
| 5. | B50001081, Marine<br>Repair Service,<br>Maintenance and<br>Parks | Marcon Engineering<br>Services, Inc. | \$ 700,000.00 |
|----|--|--------------------------------------|---------------|

**MWBOO GRANTED A WAIVER.**

- |    |   |               |              |
|----|---|---------------|--------------|
| 6. | B50001090, O.E.M.<br>Parts and Service<br>for Amida Light<br>Towers | Correlli Inc. | \$ 75,000.00 |
|----|---|---------------|--------------|

**MWBOO GRANTED A WAIVER.**

- |    |  |   |  |
|----|--|---|--|
| 7. | B50001091, O.E.M.<br>Parts and Service<br>for Cummins<br>Engines | Beltway International<br>Harbor Truck Sales<br>Service, Inc. t/a<br>Baltimore Freightliner<br>Cummins Power Systems,<br>LLC | \$ 70,000.00<br><br>20,000.00<br><br><u>10,000.00</u><br>\$ 100,000.00 |
|----|--|---|--|

**MWBOO GRANTED A WAIVER.**

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

8.	B50001092, O.E.M. Parts and Service for International GMC Heavy Duty, and Mack Trucks	Bob Bell Automotive Group Beltway International	\$ 600,000.00 <u>500,000.00</u> \$1,100,000.00
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**MWBOO GRANTED A WAIVER.**

9.	B50001098, O.E.M. Parts and Service for Detroit Engines and Allison Transmissions	Harbor Truck Sales & Service, Inc. Chesapeake Ford Truck Sales, Inc. Johnson & Towers, Inc.	\$ 100,000.00 70,000.00 <u>30,000.00</u> \$ 200,000.00
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**MWBOO GRANTED A WAIVER.**

10.	B50001104, Decorative Street Light Fixtures and Poles	Hadco	\$1,558,175.00
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**MWBOO GRANTED A WAIVER.**

11.	B50001108, Smoke and Fire Alarms	Universal Security Instruments, Inc.	\$ 105,804.00
-----	----------------------------------	--------------------------------------	---------------

**MWBOO GRANTED A WAIVER.**

12.	B50001052, Pneumatic Tire Forklift	<b>REJECTION</b> - Four bids were received and opened on June 3, 2009. A change in the City's requirements resulted in bids that will not meet the Department's needs. It is recommended that all bids be rejected as not being in the best interest of the City. The specifications will be revised and re-bid at a later date.	
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## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

- |     |  |  |                           |
|-----|--|--|---------------------------|
| 13. | B50001019, Provide<br>457 Deferred<br>Compensation<br>Services | Great-West Life &<br>Annuity Insurance Co. | No Cost<br>to the<br>City |
|-----|--|--|---------------------------|

The Plan's fee structure is comprised of an administrative cost and revenue sharing. The administrative cost is the per participant fee the City pays the vendor for each of the approximately 9,200 Plan participants. The proposal submitted by Great-West Life & Annuity Insurance Co. eliminates this fee. The revenue sharing is funds paid by each of the Plan's investment funds to the Plan administrator. The City does not pay the estimated \$1,700,000.00 of revenue sharing during this three-year period.

The above amount is the City's estimated requirement; however, the vendor will supply the City's entire requirement, be more or less.

**MWBOO SET GOALS OF 16% MBE AND 6% WBE.**

<b>MBE:</b>	CASI, Inc.	\$285,033.00	16.00%
<b>WBE:</b>	Anne-Tisdale & Associates, Inc.	\$106,887.00	6.00%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**MINUTES**

Bureau of Water and Wastewater - Amendment No. 1 for On-Call  
Consultant Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve amendment no. 1 to the on-call consultant agreement with George, Miles & Buhr, LLP for WC 8652, Ashburton Filtration Plant Renovation. The period of the amendment extends the agreement through February 3, 2011.

**AMOUNT OF MONEY AND SOURCE:**

No additional funds are requested.

**BACKGROUND/EXPLANATION:**

On August 4, 2004, the Board approved a five-year on-call consultant agreement with George, Miles & Buhr, LLP, in the amount of \$3,596,270.14, for post-award services for WC 8652, Ashburton Filtration Plant Renovation.

During the construction, there were several unforeseen conditions that could not be evaluated during the design of the project that caused some delays in construction. In addition, the work on the instrumentation and control system has extended past the original completion date of July 3, 2008. This amendment no. 1 to the on-call consultant agreement will extend the agreement through February 3, 2011.

**AUDITS NOTED THE TIME EXTENSION.**

UPON MOTION duly made and seconded, the Board approved and authorized amendment no. 1 to the on-call consultant agreement with George, Miles & Buhr, LLP for WC 8652, Ashburton Filtration Plant Renovation.

**MINUTES**

Bureau of Water and Wastewater - Amendment to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an amendment to agreement with EBA Engineering, Inc. for Project No. 1042E. The amendment to agreement extends the period of the agreement through June 19, 2010.

**AMOUNT OF MONEY AND SOURCE:**

No additional funds are requested.

**BACKGROUND/EXPLANATION:**

The Board approved the agreement with the Consultant on June 20, 2007 for 24 months with the option of extending the time period to three years. To continue providing engineering services to rehabilitate and improve the City's sanitary sewer system, the Bureau of Water and Wastewater is recommending the extension of the agreement to June 19, 2010. The Consultant was originally approved by the Office of Board and Commissions and AEAC.

**AUDITS NOTED THIS TIME EXTENSION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment to agreement with EBA Engineering, Inc. for Project No. 1042E.

**MINUTES**

Bureau of Water and Wastewater - Amendment to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an amendment to agreement with Patton Harris Rust & Associates, Inc. /Hazen and Sawyer, a Joint Venture for Project No. 1019. The amendment to agreement extends the period through June 05, 2010.

**AMOUNT OF MONEY AND SOURCE:**

No additional funds are requested.

**BACKGROUND/EXPLANATION:**

On December 6, 2006, the Board approved an agreement with the Patton Harris Rust & Associates/Hazen and Sawyer, a Joint Venture to study improvements to the Guilford Finished Water Reservoir.

The recommendation during the draft report resulted in a series of meetings with the City leaders and community representatives, which resulted in significant project delays. A community outreach meeting was scheduled on April 22, 2009. The results of those discussions during this meeting are being incorporated in the final report.

On April 2, 2008, the Board of Estimates approved a time extension to the agreement until May 7, 2009. The Bureau of Water and Wastewater recommends the extension of the Agreement to June 5, 2010.

**AUDITS NOTED THIS TIME EXTENSION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment to agreement with Patton Harris Rust & Associates, Inc./Hazen and Sawyer, a Joint Venture for Project No. 1019.

## BOARD OF ESTIMATES

7/15/09

## MINUTES

Bureau of Water and Wastewater - 2009 Sewer Surcharge Adjustment

**ACTION REQUESTED OF B/E:**

The Board is requested to concur with the 2009 Sewer Surcharge Adjustment for Mid Atlantic Baking Company. The Board is also requested to rescind any interest/penalties that have accrued since the original surcharge invoice issued in February 2009.

**AMOUNT OF MONEY AND SOURCE:**

\$0.00

**BACKGROUND/EXPLANATION:**

Article 25 of the Baltimore City Code (2000 ed., as amended), grants the City the authority to assess industries a sewer surcharge for industrial waste. Industries are billed in advance each January covering the period of January 1 through December 31, of each billing year. Mid Atlantic Baking Company was originally assessed \$53,678.54 for Calendar Year 2009. However, in an email dated June 19, 2009, the company requested that the surcharge be reconsidered because the sewer use consumptions for the quarters ending January 1, 2008 and April 8, 2008 were adjusted by the City's Utility Billing Section on June 19, 2009 as a result of an appeal hearing that occurred on April 21, 2009.

The Bureau agreed that reconsideration was warranted and utilized the adjusted sewer use consumptions calculated by Utility Billing for the quarters ending January 22, 2008 and April 30, 2008 to recalculate the 2009 surcharge assessment. This resulted in a revised assessment of \$42,495.27 and

**MINUTES**Bureau of Water and Wastewater - cont'd

represents a reduction of \$11,183.27. As Mid Atlantic Baking Company has paid the revised amount, a refund will not be necessary.

**NOTED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board concurred with the 2009 Sewer Surcharge Adjustment for Mid Atlantic Baking Company. The Board also rescinded any interest/penalties that accrued since the original surcharge invoice issued in February 2009.

**MINUTES**

Department of Finance - Liability Insurance Renewal

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize renewal of the City Aircraft Hull and Liability Insurance policy. The policy renewed on July 1, 2009.

**AMOUNT OF MONEY AND SOURCE:**

\$122,062.00 - 1001-000000-2010-197800-603014

**BACKGROUND/EXPLANATION:**

This insurance policy provides both liability and coverage for the Police Department's fleet of helicopters. Coverage is being renewed with the incumbent carrier, Global Aerospace. The renewal premium represents an 11% decrease.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized renewal of the City Aircraft Hull and Liability Insurance policy.

## BOARD OF ESTIMATES

7/15/09

## MINUTES

Department of Housing and Community - Two-Month  
Development/Baltimore Homeless Services (BHS) Advance of Funds

**ACTION REQUESTED OF B/E:**

The Board is requested to approve two months of advance funding for the BHS to continue services provided to the homeless by various organizations.

**AMOUNT OF MONEY AND SOURCE:**

\$ 161,658.00	- 4000-492910-3570
278,082.00	- 5000-529110-3570
254,871.00	- 4000-490910-3570
54,563.00	- 5000-525110-3570
69,356.00	- 5000-525610-3570
82,450.00	- 5000-523110-3570
<b>\$ 900,980.00</b>	

**BACKGROUND/EXPLANATION:**

Funding is provided through grants from the State of Maryland Department of Human Resources, Office of Grant Management and provides shelter and assistance to homeless individuals in Baltimore City through the Emergency Shelter Grants, Emergency Transitional Housing and Services, Housing Opportunities for Persons with AIDS, Service Linked Housing, Homeless Women Crisis Shelter Program, and Homeless Prevention Program.

Approval is requested for a two month advance of funding effective July 1, 2009 for the below listed organizations, pending finalization of the agreements with the organizations.

**AGENCY****2 Month Advance**

AIRS, Inc. - Don Miller House	\$ 51,556.00
Amer. Rescue Workers	23,543.00
At Jacob's Well, Inc.	10,590.00
Balto. Health Care Access, Inc.	6,669.00

## BOARD OF ESTIMATES

7/15/09

## MINUTES

BHS - cont'd

<u>AGENCY</u>	<u>2 Month Advance</u>
BCDSS/Evic. Prev.	32,676.00
BCDSS/Motel	3,620.00
Bon Secours of MD Foundation	5,707.00
Baltimore Outreach Services/Xt. Lutheran	16,698.00
Baltimore Outreach Services/Xt. Lutheran	11,116.00
Catholic Charities/MSP	21,027.00
Catholic Charities/CP	11,727.00
Catholic Charities/HOLDEN HALL	4,875.00
Catholic Charities/MSPL	6,375.00
Chase-Brexton	25,395.00
Collington Square/Mattie B. Uzzle	54,217.00
Community Housing Associates., Inc.	6,894.00
Echo House	6,267.00
Family and Children Services of Central MD	11,898.00
Franciscan Center	3,333.00
Fusion Partnership, Inc./Outreach	16,667.00
GEDCO/Harford/Micah Houses	16,683.00
GEDCO/S+C	4,065.00
Healthcare for the Homeless, Inc./CONCARE	16,193.00
Healthcare for the Homeless, Inc./CONNECT	4,167.00
House of Ruth, MD	36,476.00
Jobs, Housing & Recovery, Inc.	30,747.00
Joseph Richey Hospice	9,771.00
Manna House, Inc./Soup Plus Drop-In	15,000.00
Marian House, Inc.	36,057.00
MCVET, Inc./EMERG./THP/SRO	39,909.00
MCVET, Inc. SLH	7,008.00
Mercy Medical Center	15,362.00
Moveable Feast - Drop-In Center	18,911.00

## BOARD OF ESTIMATES

7/15/09

## MINUTES

BHS - cont'd

<u>AGENCY</u>	<u>2 Month Advance</u>
Moveable Feast - People On the Move	37,847.00
Prisoner's Aid of MD, Inc. - Park Hgts. Women's	3,651.00
Prisoner's Aid of MD, Inc./RW Emerg. Men's	9,024.00
Patrick Allison House, Inc.	5,390.00
Paul's Place	1,667.00
Project PLASE, Inc./PHP/NURSE	36,907.00
Project PLASE, Inc./THP.	17,397.00
Public Justice Center	3,792.00
St. Vincent de Paul of Baltimore/HC I (PHP)	23,693.00
St. Vincent de Paul of Baltimore/HC II (PHP)	13,755.00
St. Vincent de Paul of Baltimore/Mount Street	45,243.00
St. Vincent de Paul of Baltimore/B&B	9,953.00
St. Vincent de Paul of Baltimore/FOH	6,777.00
The Baltimore Station/SBHS	16,753.00
The Baltimore Station/SETON	8,527.00
The Salvation Army	13,106.00
United Ministries, Inc.	7,445.00
Univ. of MD - EJC	54,354.00
Women's Housing Coalition, Inc./Jenkins House	2,500.00
Women's Housing Coalition, Inc./Susanna Wesley	2,000.00
<b>TOTAL</b>	<u>900,980.00</u>
	<b>\$ 900,980.00</b>

**BOARD OF ESTIMATES****7/15/09****MINUTES**BHS - cont'd**APPROVED FOR FUNDS BY FINANCE****AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized two months of advance funding for Baltimore Homeless Services to continue services provided to the homeless by various organizations.

## 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. HACH COMPANY   | \$ 9,700.00 | Sole Source |
| Solicitation No. 08000 - Hach Training and Programming -<br>Department of Public Works - Req. No. R526496 |             |             |

The vendor is the sole manufacturer and distributor of the required services.

- |   |             |                 |
|---|-------------|-----------------|
| 2. DUMOR, INC.  | \$15,240.00 | Selected Source |
| Solicitation No. 06000 - Replacement Park Benches and Tables -<br>Department of Recreation and Parks - Req. No. R526605 |             |                 |

The benches are replacements for the Carroll Park Field House. The original benches were destroyed by a fire. These benches will match the existing benches located in the park.

- |   |             |             |
|---|-------------|-------------|
| 3. CDP, INC.  | \$ 8,125.00 | Sole Source |
| Solicitation No. 08000 - P6 Training Manuals - Department of<br>Transportation - Req. No. R526518 |             |             |

The vendor is the sole authorized supplier of this item in the Baltimore area.

- |  |             |             |
|--|-------------|-------------|
| 4. HACH COMPANY  | \$13,337.80 | Sole Source |
| Solicitation No. 08000 - Hach Communication Cables & SC 100 -<br>Department of Public Works - Req. No. R526454 |             |             |

The vendor is the sole source and manufacturer of this proprietary software.

- |   |             |             |
|---|-------------|-------------|
| 5. XEROX CORPORATION  | \$ 5,348.70 | Sole Source |
| Solicitation No. 08000 - Annual Software - Department of<br>Finance, Bureau of Purchases - Req. No. R526998 |             |             |

The vendor is the sole provider of these software updates.

## BOARD OF ESTIMATES

7/15/09

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
6. CITIZENS PHARMACY	\$12,688.60	Low Bid
Solicitation No. B50001095 - Recombivax Vaccine - Department of Health - Req. No. R522481		
7. SOUTHEASTERN EMERGENCY EQUIPMENT	\$ 6,354.34	Low Bid
Solicitation No. B50001118 - Medical Supplies - Department of Health - Req. No. R523390		
8. MILL SUPPLY CO., INC.	\$11,005.00	Low Bid
Solicitation No. 07000 - Various Ceiling Tiles, Wall Angel, Etc. - Department of Public Works - Req. No. R523944		
9. PARAGARD DIRECT	\$13,894.53	Sole Source
Solicitation No. 08000 - Intrauterine Copper Contraceptive - Department of Health - Req. No. R525470		
The vendor is the sole source of this product.		
10. SOUTHEASTERN EMERGENCY EQUIPMENT	\$ 6,838.72	Low Bid
Solicitation No. B50001097 - Medical Supplies - Department of Health - Req. No. R524192		
11. FOSTER AND FREEMAN	\$12,596.64	Sole Source
Solicitation No. 08000 - Crime Light - Police Department - Req. No. R524895		
The vendor is the manufacturer and sole distributor of this product.		
12. M.E.S. MARYLAND	\$15,825.00	Sole Source
Solicitation No. 08000 - Pass Devices - Fire Department - Req. No. R527555		

This item is only available from this vendor.

## BOARD OF ESTIMATES

7/15/09

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
13. KAPLAN EARLY LEARNING CO.	\$15,895.00	Selected Source
Solicitation No. 06000 - Creative Curriculum Training - Department of Housing and Community Development - Req. No. R526726		
This vendor has provided successful training to the teachers of Baltimore City Head Start in the past and is needed for continuity and consistency.		
14. PRESIDIO	\$ 6,319.92	Sole Source
Solicitation No. 08000 - Software Updates - Enoch Pratt Free Library - Req. No. R523730		
The vendor is the developer of this proprietary software.		
15. ENERGY CONSERVATORY	\$16,537.50	Sole Source
Solicitation No. 08000 - Blower Door Systems - Department of Housing and Community Development - Req. No. R526694		
The vendor is the manufacturer and the sole provider of the system.		
16. F.L. ANDERSON	\$10,000.00	Low Bid
Solicitation No. 07000 - Fire Hose Repair - Fire Department - Req. No. R527524		
17. KOHLER EQUIPMENT	\$ 8,892.00	Low Bid
Solicitation No. B50001123 - Lawnmowers - Department of Public Works - Req. No. R525522		
18. TENNANT SALES AND SERVICE COMPANY	\$24,000.00	Sole Source
Solicitation No. 08000 - OEM Parts and Service for Tennant Sweepers and Scrubbers - Department of Public Works - Req. No. R525153		

The OEM parts and repair service are only available directly  
from the manufacturer.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
19. <u>BMR, INC.</u>	<u>\$ 6,656.00</u>	<u>Low Bid</u>
Solicitation No. B50001124 - Toro Z-Master 48" Riding Mower - Department of Public Works - Req. No. R526534		
20. <u>CORRELLI, INC.</u>	<u>\$ 6,098.00</u>	<u>Low Bid</u>
Solicitation No. B50001126 - Low Angle Tilt Flatbed Trailer - Department of Public Works - Req. No. R525235		
21. <u>CDW GOVERNMENT, INC.</u>	<u>\$ 6,707.28</u>	<u>Low Bid</u>
MD State Contract #060B9800011 - Adobe Software - Department of Recreation and Parks - Req. No. R525448		
22. <u>VERIZON BUSINESS</u>	<u>\$13,362.00</u>	<u>Selected Source</u>
Solicitation No. 06000 - Internet Access Licenses - Mayor's Office of Employment Development (MOED) - Req. No. R525926		
This vendor provides the leasing services for the double T1 data line installed at MOED.		
23. <u>INGERSOLL RAND COMPANY</u>	<u>\$15,950.00</u>	<u>Sole Source</u>
Solicitation No. 08000 - Air Compressors - Department of Public Works - Req. No. R525733		
Ingersoll Rand Company is the only factory-owned, direct sales office for the existing equipment that is already at the agency.		
24. <u>SHAFER, TROXELL, &amp; HOWE, INC.</u>	<u>\$12,323.40</u>	<u>Sole Source</u>
Solicitation No. 08000 - Yeomans Pump - Department of Public Works - Req. No. R526407		

The vendor is the sole source of this OEM equipment which is  
already established at the agency.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
25. RADIO ONE, INC. Solicitation No. 06000 - Radio Advertisements - Department of Health - Req. No. R503846	\$11,700.00	Selected Source
This radio station will effectively reach the widest age targeted population of recipients within Baltimore City.		
26. GUARDRAILS, ETC., INC. Solicitation No. 07000 - Guardrail Panels and 8 Splice Bolts - Department of Transportation - Req. No. R526481	\$ 7,700.00	Low Bid
27. MARYLAND INDUSTRIAL TRUCKS, INC. Solicitation No. 08000 - Tilt Zoom Mainline Camera - Department of Public Works - Req. No. R526331	\$18,675.00	Sole Source
The vendor is the sole source supplier of these cameras in the Baltimore region.		
28. COMMERCIAL LIGHTING SALES, INC. Solicitation No. 07000 - Breakaway T Base - Department of Transportation - Req. No. R523296	\$24,500.00	Low Bid
29. SHAFER, TROXELL & HOWE, INC. Solicitation No. 08000 - Yeoman Pump Replacement Parts and Spare Pump - Department of Public Works, Bureau of Water and Wastewater - Req. No. R525743	\$46,411.07	Sole Source

These parts are specific and unique because they must be compatible and interchangeable with existing equipment. The vendor is the sole source provider of these items.

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 (d)(i) of the City Charter, the procurement and/or service is recommended.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
30. CHAPMAN CHEVROLET	\$64,131.75	Vendor Change
Solicitation No. B50000975 - 2009 Cars and Trucks - Department of General Services - Req. No. R509175		
31. CHAPMAN CHEVROLET	\$99,414.00	Vendor Change
Solicitation No. B50000617 - Pickup Trucks with Omaha Standard Stake Body - Department of General Services - Req. No. R509551		
32. CHAPMAN CHEVROLET	\$41,430.00	Vendor Change
Solicitation No. B50000928 - Wheelchair Lift Van - Department of Recreation and Parks - Req. No. R513784		

On December 17, 2008, the Board approved an award to Northeast Auto Outlet for three 2009 Jeep Liberty SUVs. On January 14, 2009 and March 18, 2009, the Board approved an award to Northeast Auto Outlet for one pickup truck with Omaha standard stake body, and one wheelchair lift van, respectively. On June 22, 2009, the Fleet Management Division was notified that due to General Motors' reduction of dealers, Chapman Chevrolet has acquired Northeast Auto Outlet. Both Chapman Chevrolet and General Motors have agreed to honor the submitted bid price. Therefore, the Board is requested to approve a change in vendor from Northeast Auto Outlet to Chapman Chevrolet.

**MWBOO GRANTED A WAIVER.**

33. ORACLE, INC.	\$79,135.52	Sole Source
Solicitation No. 08000 - Oracle Software Updates - Department of Public Works - Req. No. R526183		

The vendor is the developer and sole source for this proprietary software.

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 (d)(i) of the City Charter, the procurement and/or service is recommended.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
34. U.S. PEROXIDE, LLC	\$50,000.00	Renewal
Solicitation No. B50000090 - Liquid Hydrogen Peroxide - Agencies - Various - Req. Nos. Various		

On October 10, 2007, the Board approved the initial award in the amount of \$45,000.00. On October 1, 2008, the Board approved the first renewal in the amount of \$55,000.00. Authority is being requested to exercise the second renewal in the amount of \$50,000.00 making the award amount \$150,000.00.

**MWBOO GRANTED A WAIVER.**

35. RSM McGLADREY, INC.	\$15,000.00	Increase
Solicitation No. BP-07105 - Local Government Integrated Financial Systems - Department of Finance - Req. No. NA		

On October 3, 2007, the Board approved the initial award in the amount of \$5,441,471.00. On May 15, 2009, the City Purchasing Agent approved an increase in the amount of \$45,000.00. Due to the unanticipated implementation costs, the first year of hosting and a new server associated with the City Dynamics Financial System an increase in the amount of \$15,000.00 is necessary making the total award amount \$5,501,471.00.

**MBE:** Full Circle Solutions, Inc. 3%

**WBE:** Aggarwal d/b/a New Horizon  
Computer, Inc. 2%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
<u>Bureau of Purchases</u>		
36. MULTICORP, INC.	\$ 507,522.00	Increase
Solicitation No. 06000 - Janitorial Services for Area A - Department of General Services - Req. Nos. Various		

On March 28, 2007, the Board approved the initial award in the amount of \$426,450.00. Subsequent actions have been approved. This increase in the amount of \$507,522.00 is necessary because the initial award did not include funding for the full scope of services covered in the contract, making the total award amount \$2,751,990.00.

**MBE:** Building One Services 17%

**WBE:** My Cleaning Services 9%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

37. TRANSVIRON, INC.	\$1,118,000.00	Sole Source
Solicitation No. 08000 - City Street Sign Field Data and Geo-Coding Services - Department of Transportation - Req. No. R528256		

The requirements for these services are specific and unique to the proprietary City Street Sign Program Software developed by the vendor.

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 (d)(i) of the City Charter, the procurement and/or service is recommended.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

38. MID-ATLANTIC WASTE SYSTEMS	\$169,882.00	Increase
Solicitation No. B5000269 - Chain Hoist Lift Truck - Department of Public Works, Bureau of Water and Wastewater - Req. No. R519234		

On April 2, 2008 the Board approved the initial award in the amount of \$166,732.00. The Department is requesting an increase to purchase an additional truck at the original price. The price includes added optional equipment. This increase will make the total award amount \$336,614.00

**MWBOO GRANTED A WAIVER.**

39. AFFILIATED COMPUTER SERVICES	\$571,000.00	Revenue
Solicitation No. BP 03124 - False Alarm Reduction Program - Baltimore Police Department - Req. No. to be determined later		

On July 16, 2003, the Board approved the initial award for five years, with an additional three 1-year renewal option. This request is for the second of three 1- year renewal options.

**MWBOO SET GOALS OF 13% MBE AND 3% WBE.**

<b>MBE:</b> Kidd's International Home Care, Inc.	\$182,239.19	6.39%
<b>WBE:</b> NRCS, Inc.	\$ 12,090.00	.43%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

Per the contracting agency, the services of the WBE (public information & education) were only required during the first year. The contractor achieved 43% MBE participation during the first year.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

- |  |              |             |
|--|--------------|-------------|
| 40. EXCALIBUR COMPUTER<br>SYSTEMS AND SOFTWARE   | \$ 30,000.00 | Sole Source |
| Solicitation No. 08000 - Software Maintenance - Department<br>of Transportation - Req. No. R522045 |              |             |

The vendor is the sole proprietor for the software application "Impounded Vehicle Inventory Control" that is already established at the Department of Transportation.

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 (d)(i) of the City Charter, the procurement and/or service is recommended.

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|--|----------------|---------|
| 41. ENTERPRISE LEASING CO.<br>OF BALTIMORE<br>ACME AUTO LEASING, LLC<br>NEXCAR ALL VEHICLE<br>RENTAL<br>ALLSTATE LEASING, INC. | \$4,000,000.00 | Renewal |
| Solicitation No. BP 05165 - Provide Rental of Various<br>Passenger Vehicles - Agency Various - Req. Nos. Various               |                |         |

On August 3, 2005, the Board approved the initial award for three years, with the option to renew for four additional one-year renewal terms. Authority is requested to approve the fourth and final renewal option for the period August 3, 2009 through August 10, 2010.

**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

42. MOTOROLA, INC.	\$189,873.00	Extension
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Solicitation No. 06000 - Furnish Computerized Asset Management Application Software, Implementation and Application Services for CityWorks - Department of Public Works (DPW), EDP Center - Req. No. R527277

On June 16, 2004, the Board approved the initial award in the amount of \$578,449.00. Subsequent actions have been approved. The contract expires on October 15, 2009. This CityWorks hosting contract is closely linked with the CSR contract used by the 311 Call Center. This extension of the contract, in the amount of \$189,873.00, for the period October 15, 2009 through June 30, 2010, will synchronize the end dates of both contracts and give the DPW time to decide if self-hosting is the best way to proceed and, if not, CityWorks hosting can be combined with the CSR hosting Request for Proposal.

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 (d)(i) of the City Charter, the procurement of the equipment and/or service is recommended.

**MWBOO GRANTED A WAIVER.**

**(FILE NO. 55919)**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

43. CHESAPEAKE FORD TRUCK SALES	\$105,523.00	- Prior Award	Vendor Change/
		467.00 - Increase	Increase
	<u>\$105,990.00</u>		

Solicitation No. B50000836 - Six Wheel Dump Truck with Snow Plow and Salt Spreader - Department of General Services - Req. No. R507533

On January 28, 2009, the Board approved the initial award to Bob Bell Pontiac GMC, in the amount of \$105,523.00. On June 11, 2009, the Fleet Management Division was informed by the vendor that General Motors had discontinued manufacturing medium duty trucks. Therefore, the second lowest bidder, Chesapeake Ford Truck Sales is being recommended for an award. Authority is requested to transfer the Purchase Order originally awarded to Bob Bell Pontiac GMC to Chesapeake Ford Truck Sales, and to increase the award amount by \$467.00 for the revised award amount to \$105,990.00, which is the bid amount of Chesapeake Ford Truck Sales.

**MWBOO GRANTED A WAIVER.**Bureau of General Services

44. COLOSSAL CONTRACTORS INC.	\$ 16,900.00	Low Bid
IC 510 - Interior Painting Project at The Animal Shelter		

UPON MOTION duly made and seconded, the Board approved the foregoing informal awards and increases and extensions to Contracts. The Comptroller **ABSTAINED** on item No. 36.

**MINUTES****TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Amount</u>
<u>Department of Public Works</u>		
1. David E. Scott	CMAA Water Summit 2009 Construction Management Assn. of America Las Vegas, NV July 19 - 21, 2009	\$ 633.00

The subsistence rate for this location is \$169.00 per day, the Department is requesting an additional \$40.00 to cover the cost of meals as Mr. Scott will be in transit through midnight of July 21, 2009.

The Board, UPON MOTION duly made and seconded, approved the travel request. The Director of Public Works **ABSTAINED** on this item.

MINUTES

PROPOSALS AND SPECIFICATIONS

Department of Public Works/ -  
Department of Recreation  
and Parks

RP 09819 Community Parks and  
Playgrounds - FY 09  
**BIDS TO BE RECV'D: 08/12/2009**  
**BIDS TO BE OPENED: 08/12/2009**

There being no objections, the Board, UPON MOTION duly made and seconded, approved the Proposals and Specification to be advertised for receipt and opening of bids on the date indicated.

\* \* \* \* \*

President: "The Board is in recess until twelve o'clock noon for the opening and receiving of bids."

**MINUTES**

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

**BIDS, PROPOSALS AND CONTRACT AWARDS**

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

- |                            |   |   |
|----------------------------|---|---|
| <u>Bureau of Purchases</u> | - | B50001020 RFP To Manage,<br>Operate and Maintain<br>Telecommunications Systems For<br>The Baltimore Convention Center<br><b><u>BIDS TO BE RECV'D: 07/22/2009</u></b><br><b><u>BIDS TO BE OPENED: 07/22/2009</u></b> |
| <u>Bureau of Purchases</u> | - | B50001105, Jones Falls<br>Waterway Cleaning Pilot Project<br><b><u>BIDS TO BE RECV'D: 07/29/2009</u></b><br><b><u>BIDS TO BE OPENED: 07/29/2009</u></b>   |
| <u>Bureau of Purchases</u> | - | B50001115, Environmental<br>Emergency Response Services<br><b><u>BIDS TO BE RECV'D: 07/29/2009</u></b><br><b><u>BIDS TO BE OPENED: 07/29/2009</u></b>   |

**BOARD OF ESTIMATES**

7/15/09

**MINUTES**

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

Bureau of Water & Wastewater - SC 876, Rehabilitation of Lower Jones Falls Sewer

Compliance Enviro Systems, LLC  
Video Pipe Services, Inc.  
Monumental Paving & Excavating,  
Inc.  
Reivera Enterprises, Inc.  
(REI/Drayco)

Bureau of Purchases - B50001099, Refugee Vocational Training and Employment Services

Lutheran Social Services of the  
National Capital Area  
International Rescue Committee

Bureau of Purchases - B50001110, Provide Clarifier Repairs Services

EMH Environmental, Inc.

Bureau of Purchases - B50001119, Aftermarket Parts and Services for Detroit Engines

**NO BIDS RECEIVED**

Bureau of Purchases - B50001129, Cisco Hardware for IT Service and Infrastructure

Terecai Corporation  
Digital Intelligence Systems  
Corp.  
GovConnection, Inc.  
DIGicon Corp.

**MINUTES**

There being no objections, the Board UPON MOTION duly made and seconded, the Board adjourned until its next regularly scheduled meeting on Wednesday, July 22, 2009.

JOAN M. PRATT  
Secretary