

MINUTES**REGULAR MEETING**

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

The meeting was called to order by the President.

President: "I will direct the Board members attention to the memorandum from my office dated July 18, 2011, identifying matters to be considered as routine agenda items, together with any corrections and additions that have been noted by the Deputy Comptroller. I will entertain a motion to approve all of the items contained on the routine agenda."

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

Comptroller: "Second."

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

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MINUTES

BOARDS AND COMMISSIONS1. Prequalification of Contractors

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

American Tennis Courts, Inc.	\$ 1,500,000.00
Bensky Construction Co., LLC	\$ 6,633,000.00
Work Capacity rating underwritten by blanket guarantee of \$6,633,000.00 from the parent corporation, Bensky Contractors, Inc.	
Dutchland, Inc.	\$ 8,000,000.00
G.E. Tignall & Co., Inc.	\$126,540,000.00
Henry H. Lewis Contractors, LLC.	\$128,755,000.00
d/b/a Lewis Contractors	
Work Capacity rating underwritten by blanket guarantee of \$100,000,000.00 from the parent corporation, Stewart & Tate, Inc. and \$28,755,000.00 from Henry H. Lewis Contractors, LLC	
JNA Painting & Contracting Co., Inc.	\$ 711,000.00
Marine Technologies, Inc.	\$ 8,000,000.00
Phillips Way, Inc.	\$ 8,000,000.00
Professional Maintenance Systems, Inc.	\$ 1,500,000.00
Solara Flooring Group, Inc.	\$ 5,877,000.00
Temp Air Company, Inc.	\$ 6,399,000.00
Titan Industrial Services, Inc.	\$ 65,295,000.00
Total Contracting, Inc.	\$ 52,263,000.00
Tuckman-Barbee Construction Co., Inc.	\$ 8,000,000.00

MINUTES**BOARDS AND COMMISSIONS** - cont'd2. Prequalification of Architects and Engineers

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

Brian Dietz, Inc.	Survey
Tuhin Basu & Associates, Inc.	Engineer
Whitman, Requardt and Associates, LLP	Architect Landscape Architect Engineer Survey

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

MINUTES

Space Utilization Committee - First Amendment to License Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a first amendment to license agreement with Cellco Partnership, d/b/a Verizon Wireless, a Delaware general partnership, Licensee, for the rental of a portion of the tower and storage space located at 501 N. Athol Avenue.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On December 8, 2010, the Board approved a license agreement with the Cellco Partnership. There were a number of factual errors in the license agreement. The purpose of this first amendment to the license agreement is to correct those errors.

Specifically, the height of the licensee's beta sector antennas will be corrected from 78 feet to 86 feet and a scrivener's error referencing the licensee's internal contract number will be changed from Contract No. NG553 to Contract No. NG4132. These are technical corrections that generate no material effect on the economic and legally binding terms of the agreement.

The Space Utilization Committee approved this First Amendment to the Communications License Agreement on July 12, 2011.

(FILE NO. 55899)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the first amendment to the license agreement with Cellco Partnership, d/b/a Verizon Wireless, a

MINUTES

Space Utilization Committee - cont'd

Delaware general partnership, Licensee, for the rental of a portion of the tower and storage space located at 501 N. Athol Avenue.

MINUTES

Department of Communication Services - UMove License Renewal

ACTION REQUESTED OF B/E:

The Board is requested to approve the renewal of the UMove license with Siemens Industry, Inc. The period of the renewal is September 1, 2011 through June 30, 2012.

AMOUNT OF MONEY AND SOURCE:

\$5,811.44 - 2032-000000-1360-159115-605001

BACKGROUND/EXPLANATION:

On July 28, 2010, the Board approved the UMove Master and Standard Maintenance Agreement with Siemens Industry, Inc. The agreement contained automatic annual renewals for the license fees. UMove identifies mail that has been processed on a sorter that contains a change of address filing with the USPS. UMove attempts to identify and correct any address that has not been updated with the change of address filing. This aids in mail being delivered to the correct address.

The current license expires on August 30, 2011. The annual license fees are being prorated to June 30, 2012.

APPROVED FOR FUNDS BY FINANCE

(FILE NO. 57255)

UPON MOTION duly made and seconded, the Board approved the renewal of the UMove license with Siemens Industry, Inc.

MINUTES

Space Utilization Committee - Transfer of Jurisdiction

ACTION REQUESTED OF B/E:

The Board is requested to approve the transfer of jurisdiction for the property located at 414 Worsley Street, Block 3805, Lot 62 from the inventory of the Department of Real Estate to the inventory of the Department of Housing and Community Development.

BACKGROUND/EXPLANATION:

The property is in the middle of a block that is being assembled for new construction of affordable housing by the Department of Housing and Community Development (DHCD) and the Housing Authority of Baltimore City (HABC). The DHCD and HABC have acquired 52 properties on this block to assemble a new development site. The block was offered and awarded to Telesis Corp. by HABC to redevelop and revitalize the Barclay neighborhood. This vacant lot in the middle of the block is needed to complete the assemblage of the development site. The HABC intends to demolish the remaining structures on the block later this year and construction will commence in 2012.

(FILE NO. 56665)

UPON MOTION duly made and seconded, the Board approved the transfer of jurisdiction for the property located at 414 Worsley Street, Block 3805, Lot 62 from the inventory of the Department of Real Estate to the inventory of the Department of Housing and Community Development. The President **ABSTAINED**.

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

The Board is requested to approve and authorize execution of a lease agreement with Park Heights Renaissance, Inc. lessee, for the rental of a portion of the property known as 3939 Reisterstown Road, a/k/a Lower Park Heights Multipurpose Center, being on the 2nd floor, containing 2,109 sq. ft. The period of the agreement is July 1, 2011 through June 30, 2014, with an option to renew for two additional years.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Monthly Rent</u>
\$13,488.00	\$1,124.00

BACKGROUND/EXPLANATION:

The lessee will use the leased premises for office space to provide community-based planning, human development, and housing services.

The landlord will be responsible for the parking area, exterior of the building, all common areas, all equipment and systems serving the building, trash and snow removal and the payment of utilities such as water, gas and electric.

The lessee will be responsible for liability insurance, security, janitorial services and the payment of utilities.

The Space Utilization Committee approved this lease agreement on July 12, 2011.

(FILE NO. 55724)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the lease agreement with Park Heights

MINUTESSpace Utilization Committee - cont'd

Renaissance, Inc. lessee, for the rental of a portion of the property known as 3939 Reisterstown Road, a/k/a Lower Park Heights Multipurpose Center, being on the 2nd floor, containing 2,109 sq. ft. The Mayor **ABSTAINED**.

MINUTES

Department of Real Estate - Renewal of Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve the renewal option of the lease agreement with Russell Street Data Center, LLC, lessee, for a portion of the property under the Russell Street viaduct directly adjacent to 1401 Russell Street, consisting of approximately 1,960 square feet. The period of the renewal is October 15, 2011 through October 14, 2016, with two 1-year renewal options remaining.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Effective</u>	<u>Equal Monthly Installments</u>
\$11,288.85	October 15, 2011	\$ 940.74
\$11,627.51	October 15, 2012	\$ 968.96
\$11,976.33	October 15, 2013	\$ 998.03
\$12,335.61	October 15, 2014	\$1,027.97
\$12,705.67	October 15, 2015	\$1,058.81

BACKGROUND/EXPLANATION:

The Board approved the lease agreement with the 1401 Fiber Group, LLC, lessee, on October 10, 2001 and a Landlord's Consent for the Assignment and Assumption of Lease Agreement between 1401 Fiber Group, LLC, Assignor and the Russell Street Data Center, LLC Assignee, on November 2, 2005. The agreement was for a five-year term, commencing on October 15, 2001 and terminating on October 14, 2006, with the option to renew for two additional five-year terms.

Russell Street Data Center, LLC, has exercised their second renewal option, commencing on October 15, 2011 and terminating October 14, 2016. The annual rent will be as stated as above. All other rentals, conditions, and provisions of the lease agreement dated October 10, 2001 and the Landlord's Consent of Assignment of Lease Agreement dated November 2, 2005 will remain in full force and effect.

MINUTES

Department of Real Estate - cont'd

UPON MOTION duly made and seconded, the Board approved the renewal option of the lease agreement with Russell Street Data Center, LLC, lessee, for a portion of the property under the Russell Street viaduct directly adjacent to 1401 Russell Street, consisting of approximately 1,960 square feet.

MINUTES**OPTIONS/CONDEMNATION/QUICK-TAKES:**

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Dept. of Housing and Community Development - Condemnation</u>			
1. Beam Enterprises, Inc.	1614 Harlem Avenue	G/R \$ 96.00	\$ 600.00

Funds are available in City Bond Funds, Account No. 9910-908087-9588-900000-704040, Wylie Funeral Home Project.

UPON MOTION duly made and seconded, the Board approved the condemnation. The Comptroller **ABSTAINED**.

MINUTES

Baltimore City Fire Department - Memorandum of Understanding
Intra-Agency/Intergovernmental
Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Memorandum of Understanding (MOU)/Agreement with the Maryland Department of Health and Mental Hygiene. The period of services under the MOU/Agreement is June 22, 2011 through September 30, 2011.

AMOUNT OF MONEY AND SOURCE:

\$117,574.50 - 5000-518112-2132-228200-405001

BACKGROUND/EXPLANATION:

This grant will provide for the purchase of an oxygen generating system for the Emergency Medical Services Section of the Fire Department.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Memorandum of Understanding/Agreement with the Maryland Department of Health and Mental Hygiene.

MINUTES

Mayor's Office of Employment Development (MOED) - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an agreement with Baltimore Mental Health Systems, Inc. The period of the agreement is July 1, 2011 through June 30, 2012.

AMOUNT OF MONEY AND SOURCE:

\$ 70,000.00 - 1001-000000-6331-478005-603051

BACKGROUND/EXPLANATION:

The organization will provide mental health assessment, treatment and psychiatric consultations for at least 70 youth referred by the MOED Youth Opportunity Centers. Services will include but are not limited to mental health screenings, on-going mental health services both individual and group sessions, and training MOED staff to make initial assessments.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with Baltimore Mental Health Systems, Inc.

MINUTES

TRANSFER OF FUNDS

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UPON MOTION duly made and seconded,
the Board approved the
transfers of funds
listed on the following pages:

2335 - 2336

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 Mayor **ABSTAINED** on item no. 2.

The President **ABSTAINED** on item no. 3.

MINUTES**TRANSFER OF FUNDS**

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Baltimore Development Corporation (BDC)</u>			
1.	4,300.00	9910-903354-9600	9910-902879-9601
	20 th EDF	Const. Res. W. Balto. Ind. & Coml. Dev.	Coml. Revitalization
	18,730.41	9910-902483-9600	9910-902879-9601
	21 st EDF	Const. Res. S. Balto. Ind. & Coml. Dev.	Coml. Revitalization
	4,677.00	9910-905575-9600	9910-906575-9601
	21 st EDF	Const. Res. E. Balto. Ind. & Coml Dev.	E. Balto. Ind. & Coml. Dev.
	132.50	9910-903354-9600	9910-904354-9601
	22 nd EDF	Const. Res. W. Balto. Ind. & Coml. Dev.	W. Balto. Ind. & Coml. Dev.
	3,028.00	9910-904115-9600	9910-905825-9603
	22 nd EDF	Const. Res. West Side Initiative	West Side Downtown
	2,450.00	9910-904982-9600	9910-902879-9601
	22 nd EDF	Const. Res. Coml. Rev. Prog.	Coml. Revitalization
	\$ 33,317.91		

This transfer will provide funds to reimburse the BDC for eligible capital expenses for the month ending May 31, 2011.

MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of General Services</u>		
2. \$ 65,597.55	9916-902204-9194	9916-904935-9197
1 st Public	Reserve	Active
Building	Wahl Bldg. Roof	Convention Ctr.
Loan	Replacement	Terrace Roof
		Rehab.

This transfer will provide funds for Change Order/EAR No. 015 to replace a strip of granite pavers, concrete topping, and roofing membrane along the length of the terrace roof between the north exterior glass wall and an area just outside the exterior columns, and revise the waterproofing details associated with the granite over the raised exhibit hall roof tension slabs, all on a time and materials basis.

3. \$190,500.00	9916-909015-9194	9916-911015-9197
Fed. Rev.	Climate Showcase	Climate Showcase
	Program - Reserve	Program - Active

The Department of General Services has been successful in obtaining a grant from the United States Environmental Protection Agency to provide energy audits for non-profit organizations. The audits will be conducted by Johns Hopkins University (JHU) students and the Energy Division and the Office of Sustainability will coordinate the project with the JHU.

MINUTES

Police Department - Payment of Back Salary

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize payments of back salary for Mr. Tyrone S. Francis, Baltimore City Police Officer.

AMOUNT OF MONEY AND SOURCE:

\$31,810.37 - 1001-000000-2041-195500-601062

BACKGROUND/EXPLANATION:

Pursuant to Article 16(A)(2) of the Memorandum of Understanding between the Baltimore Police Department and the Fraternal Order of Police Lodge No. 3, Mr. Francis is entitled to receive back pay for the period he was suspended without pay.

The back pay represents the amount of salary that Mr. Francis would have earned for the period May 5, 2010 through May 5, 2011, less other salary he earned during this period.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized payments of back salary for Mr. Tyrone S. Francis, Baltimore City Police Officer.

MINUTES

Health Department - Amendment to Exhibit E of the
Operating Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an amendment to Exhibit E of the operating agreement with the Baltimore Animal Rescue and Care Shelter, Inc. (BARCS).

AMOUNT OF MONEY AND SOURCE:

\$62,358.00 - 1001-000000-3021-268800-603051

BACKGROUND/EXPLANATION:

On August 12, 2009, the Board approved the initial operating agreement for the period July 1, 2009 through June 30, 2010, in the amount of \$1,073,530.00 with four 1-year renewal options.

On September 22, 2010, the Board approved the first renewal option for the term of July 1, 2010 through June 30, 2011, in the amount of \$1,149,898.00.

Approval of this amendment to Exhibit E of the operating agreement will allow the Department to reimburse BARCS for hiring an Animal Control Investigator. All other terms and conditions of the original agreement will remain in full force and effect.

This amendment to Exhibit E of the operating agreement is late because funding for this position was just approved.

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment to Exhibit E of the operating agreement with the Baltimore Animal Rescue and Care Shelter, Inc.

MINUTESHealth Department - Agreements

The Board is requested to approve and authorize execution of the various agreements. The period of the case monitoring agreement is July 1, 2011 through June 30, 2012.

CASE MONITOR AGREEMENTS

The Maryland State Department of Health and Mental Hygiene (DHMH) is designated as the single State agency to administer all aspects of the Maryland Medical Assistance Program. The Health Department has an agreement with the DHMH to participate in the program as the case monitoring agency and to contract with Case Monitors who will supervise personal care services to eligible recipients.

The Case Monitors will exercise independent professional judgment and carry professional liability insurance. Each case monitor will be an independent contractor and not an employee of the City.

The Case Monitors will be responsible for establishing a plan of personal care for each eligible recipient assigned to him/her in Baltimore City. They will review and/or revise the plan at least once every 90 days, or more if necessary and supervise the personal care providers. The Case Monitors will make home visits as often as the Department's nurse supervisor determines to be necessary, but not less than every 90 days; maintain a clinical record on each recipient case monitored; and provide other case monitoring services, as required.

The Case Monitor may not exceed a maximum of 75 cases at any time, unless a waiver is received.

<u>Case Monitor Name</u>	<u>Rate of Pay</u>	<u>Amount</u>
1. JACQUELINE S. GAUGHAN, R.N.	\$45.00 per case per month	\$ 67,500.00

Ms. Gaughan has received a waiver to increase her caseload to 125 cases.

MINUTES

Health Dept. - cont'd

<u>Case Monitor Name</u>	<u>Rate of Pay</u>	<u>Amount</u>
2. TIFFANY M. GRAY, R.N.	\$45.00 per case per month	\$ 54,000.00

Ms. Gray has received a waiver to increase her caseload to 100 cases.

3. DENISE D. HAMMOND R.N.	\$45.00 per case per month	\$ 54,000.00
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Ms. Hammond has received a waiver to increase her caseload to 100 cases.

4. ELAINE POMPEI, R.N.	\$55.00 per case per month	\$ 76,560.00
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Ms. Pompei has received a waiver to increase her caseload to 116 cases.

5. HELEN CROSBY, R.N.	\$45.00 per case per month	\$ 40,500.00
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6. ALLA KAPLAN R.N.	\$45.00 per case per month	\$ 81,000.00
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Ms. Kaplan has received a waiver to increase her caseload to 150 cases per month.

7. LOUISE REED, R.N.	\$45.00 per case per month	\$ 40,500.00
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8. JANICE NICKENS, R.N.	\$55.00 per case per month	\$ 49,500.00
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MINUTES

Health Department - cont'd

9. **DYNAMIC MEDICAL** \$55.00 per case **\$158,400.00**
 SUPPORT SERVICES, INC. per month

Dynamic has received a waiver to increase its caseload to 240 cases per month, but may not exceed 75 cases in the State of Maryland at one time.

Account: 4000-426212-3110-306800-603018

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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

MINUTESHealth Department - Agreements

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

SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

- | | | |
|----|---|---------------|
| 1. | DESTINY'S PLACE, INC. | \$0.00 |
| 2. | HISTORIC EAST BALTIMORE COMMUNITY
ACTION COALITION, INC. | \$0.00 |

The above-listed organizations will serve as host agencies for the Senior Community Service Employment Program. This program provides part-time work experience or volunteer service opportunities for persons, aged 55 years or older, with no upper age limitation. The placement of Senior Citizen Aides in non-profit or governmental agencies will allow those agencies to provide services that would otherwise not be available because of the lack of funds. The period of the agreement is July 1, 2011 through June 30, 2012.

- | | | |
|----|---|--------------------|
| 3. | JULES K. DUNHAM HOWIE
d/b/a JUL ENTERPRISE | \$38,750.00 |
|----|---|--------------------|

Account: 4000-498811-3080-284000-603051

The organization will conduct focus groups for healthcare providers, home visitors and consumers to assess knowledge, satisfaction and areas of improvement around home visiting programs. The period of the agreement is May 1, 2011 through June 30, 2011.

The agreement is late because the Department received the grant in April because of numerous budget revisions.

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

MINUTES

Health Department - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the various agreements. The Comptroller

ABSTAINED on item no. 3.

MINUTES

Department of Recreation & Parks - Supplemental and Amendment Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a supplemental and amendment agreement with the Living Classrooms Foundation. The supplemental and amendment agreement extends the period of the agreement through September 01, 2011.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On June 16, 2010, the Board approved and authorized the execution of a grant agreement with the Living Classrooms Foundation. Under the agreement, the Living Classrooms Foundation agreed to reimburse the City for a portion of its renovation costs for the City Springs Football Field and other improvements in the park. The City was not able to complete the project on schedule, and the term of the original agreement expired on December 31, 2010. Therefore, the Board is requested to approve a supplemental and amendment agreement to allow for the completion of the project.

AUDITS NOTED THE NO-COST TIME EXTENSION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the supplemental and amendment agreement with the Living Classrooms Foundation. The Mayor **ABSTAINED**.
The President **ABSTAINED**.

MINUTES

EXTRA WORK ORDER

* * * * *

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Order

listed on the following page:

2346

The EWOs has been reviewed and approved
by the Department of Audits, CORC, and MWBOO,

unless otherwise indicated.

The President **ABSTAINED** on item no. 1.

MINUTES**EXTRA WORK ORDERS**

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

Bureau of Water and Wastewater

1. EWO #001, \$	0.00	- WC 1184, Replacement of Freight Elevators at Montebello Plant 1 and 2		
\$ 1,319,635.00	-	Elevator Control Service	180	30.0
			CCD	

In order for the new elevator equipment to meet the current specifications and Code requirements with existing conditions of the elevator hoistways and retained equipment, it was necessary to incorporate design changes by the contractor, consultant engineers, and vendors into the contract documents during the submittal stages of the project.

This caused an erosion of contract time to fabricate the new elevator equipment for Plant 1 and Plant 2. The 180 consecutive calendar days, non-compensable time extension will extend the contract from May 2, 2011 to October 29, 2011.

MINUTES

Office of Civil Rights & Wage Enforcement - Award/Contract
Baltimore Community Relations Commission

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an award/contract between the Baltimore Community Relations Commission (BCRC) and the Equal Employment Opportunity Commission (EEOC). The period of the award/contract is October 01, 2010 through September 30, 2011.

AMOUNT OF MONEY AND SOURCE:

\$28,750.00 - 4000-405110-1561-172400-603013

BACKGROUND/EXPLANATION:

This contract is a continuation of a contractual relationship that the BCRC has had with the EEOC since 1975. The contract covers the Federal Fiscal year of October 01, 2010 through September 30, 2011, and contains no language that would alter the past relationship with the EEOC.

This contract requires the BCRC, which is a 706 Federal deferral agency, to complete the 45 Title VII, the Age Discrimination in Employment Act, and the Americans with Disabilities Act charges at the price of \$600.00 per charge, provide intake services for five charges with affidavits at a rate of \$50.00 per intake, and supply travel and other costs related to attendance at EEOC's EEOC/Fair Employment Practices Agencies Annual Conference and EEOC sponsored training in the amount of \$1,500.00.

This contract is being submitted late because it was just received May 27, 2011, even though the contract period began October 1, 2010.

APPROVED FOR FUNDS BY FINANCE

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

MINUTES

Office of Civil Rights & Wage Enforcement - cont'd
Baltimore Community Relations Commission

UPON MOTION duly made and seconded, the Board approved and authorized execution of the award/contract between the Baltimore Community Relations Commission and the Equal Employment Opportunity Commission.

MINUTES

Office of Civil Rights and
Wage Enforcement, Baltimore
Community Relations Commission

- Governmental/Charitable
Solicitation Application

ACTION REQUESTED OF B/E:

The Board is requested to endorse a governmental/charitable solicitation application that has been approved by the Board of Ethics of Baltimore City for donations for the 2011 International Festival. The period of the campaign will be effective upon Board approval through August 31, 2011.

AMOUNT OF MONEY AND SOURCE:

No general funds are involved in this transaction.

BACKGROUND/EXPLANATION:

The Board of Ethics for Baltimore City approved the application on June 16, 2011. The Office will be soliciting corporations for donations to help pay for the festival costs.

The Board of Ethics of has agreed to waive the 45-day lead-time requirement of Ethics Board Regulation 06.26(c)(1).

The Board of Ethics was made aware of the fact that solicitations for this event have already been sent out, and were sent out prior to the date of the solicitation application. Because of the Office's inexperience with the solicitation application process, and the possibility that there may have been a mistaken belief that this solicitation campaign was covered by a previous approval for another campaign sent to the Mayor's Office, the Board has agreed to approve the application.

Baltimore City Code Article 8, Section 6-26, prohibits solicitation or facilitating the solicitation of a gift. An exception was enacted in 2005 to permit certain solicitations that are for the benefit of an official governmental program or activity, or a City-endorsed charitable function or activity that has been pre-approved by the Ethics Board. Ethics Regulation 96.26B sets out the standards for approval, which includes the requirement that the program, function, or activity to be benefited and the proposed solicitation campaign must be endorsed by the Board of Estimates or its designee.

MINUTES

Office of Civil Rights and - cont'd
Wage Enforcement, Baltimore
Community Relations Commission

UPON MOTION duly made and seconded, the Board endorsed the governmental/charitable solicitation application that was approved by the Board of Ethics of Baltimore City for donations for the 2011 International Festival.

MINUTES

Mayor's Office of Human Services(MOHS) - Ratification of
Homeless Services Program Expired Grant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to ratify an expired grant agreement with the University of Maryland. The period of the agreement was July 1, 2010 through June 30, 2011.

AMOUNT OF MONEY AND SOURCE:

\$326,125.00 - 4000-490811-3573-333657-603051

BACKGROUND/EXPLANATION:

The organization provided housing outreach counseling and case management services to assist HIV positive individuals to obtain residential stability and improve the quality of their lives. All of the individuals were receiving primary medical care for their HIV disease at the Evelyn Jordan Medical Center. The organization hired an Outreach Counselor and a Case Manager to provide outreach services and address the housing needs of homeless HIV/AIDS individuals.

MWBOO GRANTED A WAIVER

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board ratified the expired grant agreement with the University of Maryland.

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

The Board is requested to approve and authorize execution of a lease agreement with Johnson's Total Services, Inc. tenant, in Suite 300, containing approximately 680 square feet of space, at the Business Center @ Park Circle located at 2901 Druid Park Drive. The period of the agreement is effective upon Board approval through July 31, 2013, with one 2-year renewal option.

AMOUNT OF MONEY AND SOURCE:

	<u>Annual Rent</u>	<u>Monthly Installments</u>
Year 1	\$ 8,840.00	\$ 736.67
Year 2	\$ 9,193.60	\$ 766.13

BACKGROUND/EXPLANATION:

The lessee is a contracting company that provides various services including maintenance, janitorial, snow removal, and other related services. The leased premises will be used as an administrative office.

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

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

In addition, the tenant is obligated to maintain and keep in force general public liability, contractual liability and property damage insurance protection for the premises and name the City as additionally insured under the insurance policies.

(FILE NO. 57266)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the lease agreement with Johnson's Total

MINUTES

Baltimore Development Corporation - cont'd

Services, Inc. tenant, in Suite 300, containing approximately 680 square feet of space, at the Business Center @ Park Circle located at 2901 Druid Park Drive.

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

The Board is requested to approve and authorize execution of a lease agreement with John F. Mitchell & Associates, P.A. Inc. tenant, in Suite 102, containing approximately 912 square feet of space, at the Business Center @ Park Circle located at 2901 Druid Park Drive. The period of the agreement is effective upon Board approval through July 31, 2013, with one 2-year renewal option.

AMOUNT OF MONEY AND SOURCE:

	<u>Annual Rent</u>	<u>Monthly Installments</u>
Year 1	\$13,680.00	\$1,140.00
Year 2	\$14,227.20	\$1,185.60

BACKGROUND/EXPLANATION:

The tenant will use the premises for his law practice. He has been practicing in the field of personal injury law since 1976. The tenant is admitted to practice in Maryland, the District of Columbia and has actively been practicing in the Baltimore area since 2001.

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

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

In addition, the tenant is obligated to maintain and keep in force general public liability, contractual liability and property damage insurance protection for the premises and name the City as additionally insured under the insurance policies.

(FILE NO. 57265)

MINUTES

Baltimore Development Corporation - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the lease agreement with John F. Mitchell & Associates, P.A. Inc. tenant, in Suite 102, containing approximately 912 square feet of space, at the Business Center @ Park Circle located at 2901 Druid Park Drive.

MINUTESDepartment 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 22** favorable reports on Transfers of Funds approved by the Board of Estimates at its meetings on June 22, 2011 and June 29, 2011, and **1** transfer of funds **SUBJECT** to revision and further Board of Estimates approval.

The Planning Commission had concerns about item #5 on the June 29, 2011 Board of Estimates meeting agenda, which is shown below:

AGENDA

BOARD OF ESTIMATES

06/29/2011

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of General Services</u>		
5. \$ 85,000.00	9916-902204-9194	9916-903204-9197
1 st Public	Wahl Building	Wahl Building
Building GO	Roof Replacement	Roof Replacement
Bond	Reserve	Active

This transfer will provide funds to cover the costs associated with completion of the roof improvements made to the Baltimore Convention Center.

The request was to move funds from the Wahl Building Roof reserve account to a corresponding Wahl Building active account, but the specific use of the funds was for the Baltimore Convention Center Roof. The Planning Commission requested a separate account be setup for the Baltimore Convention Center.

MINUTES

Department of Planning - cont'd

The Planning Commission's requested change is as follows:

<u>AMOUNT</u>	<u>"APPROVED"</u> <u>FROM ACCOUNT/S</u>	<u>"WRONG"</u> <u>TO ACCOUNTS/S</u>
5. \$ 85,000.00	9916-902204-9194	9916-903204-9197
1 st Public Building Loan	Wahl Building GO Roof Replacement Reserve	Wahl Building Roof Replacement Active
<u>NEW AMOUNT</u> \$ 65,597.55		<u>NEW CORRECT</u> <u>TO ACCOUNT</u> 9916-904935-9197
1 ST Public Building Loan		Convention Ctr. Roof-Replacement Active

This transfer will provide funds to cover the costs associated with completion of the roof improvements made to the Baltimore Convention Center.

This new account will accurately reflect the use of funds, consistent with longstanding capital accounting practice and policy.

The Planning Commission has voted to conditionally approve this revised transfer subject to the Board of Estimates' approval with the new account number. Per the approved Planning Commission motion, no other action will be required by Planning Commission. Therefore, the total number of approved transfers is 23 by the Board of Estimates at the meetings of June 22, 2011 and June 29, 2011.

The Board **NOTED 22** favorable reports on Transfers of Funds approved by the Board of Estimates, and approved the revision to

MINUTES

Department of Planning - cont'd

the transfer of funds as recommended by the Planning Commission on item 5. The Mayor **ABSTAINED** on item no. 5.

MINUTES

Department of General Services - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 005 to Buchart-Horn, Inc. (Buchart-Horn) under Project 1098 B, Waverly Library No. 9 Renovations.

AMOUNT OF MONEY AND SOURCE:

\$312,057.80 - 9936-906060-9457-900000-703032

BACKGROUND/EXPLANATION:

This task assignment utilizes Buchart-Horn to design alterations to the existing Waverly Library Branch No. 9, which is located at 400 East 33rd Street.

MBE: Sidhu Associates	\$78,609.49	25.16%
AB Consultants	\$27,477.74	8.80%
WBE: Carroll Engineering	\$36,711.74	11.77%

MWBOO FOUND VENDOR IN COMPLIANCE

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

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 005 to Buchart-Horn, Inc. under Project 1098 B, Waverly Library No. 9 Renovations.

MINUTES

Department of General Services - Amendment No. 1 Energy
Performance Contract Phase II
- Downtown Buildings

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize amendment no. 1 energy performance agreement, phase II with Johnson Controls, Inc. (JCI).

AMOUNT OF MONEY AND SOURCE:

\$ 900,000.00 - Sunburst Grant
3,268,580.00 - Master Lease, Bureau of Treasury Management
\$4,168,580.00 - Total Project Cost

BACKGROUND/EXPLANATION:

On September 22, 2010, the Board approved the original agreement. This amendment allows the inclusion of a scope of work to be completed at the Back River Wastewater Treatment Plant. The JCI will be installing megawatt (MW) of solar photo voltaic, a renewable energy source at the plant. In addition, the JCI will provide monitoring services to verify the resultant energy savings. The JCI will also provide system and equipment maintenance services on the solar voltaic system. The implementation of this project will allow the City to reduce its utility usage, expand the use of renewable energy, reduce the City's carbon footprint and align with the goals of the City's Sustainability Plan.

The total cost of the project is \$4,168,580.00, which includes construction and in-house project management costs. The project cost will be financed by the City through the "Master Lease" provided through the City's Office of Treasury Management. In addition, the City will be utilizing a Sunburst Grant from the Maryland Energy Administration in the amount of \$900,000.00. The grant funding has strict time sensitive guidelines which must be met by the City in order to have access to this funding. The amount to be financed by the Master Lease is \$3,268,580.00. The annual loan payments will be made by the City utilizing funds that will be saved by the reduction of energy consumption through implementing the scope as proposed by the JCI.

MINUTES

DGS - cont'd

Additional funds to make the loan payments will come from the City's sale of the renewable energy credits associated with this project. In addition the project will fund a fifteen-year maintenance and services agreement for \$260,385.00 and a ten year monitoring and verification agreement for \$73,942.00. The amount of energy savings as related to this solar installation is guaranteed for the life of the contract which is 10 years after the completion of construction.

MWBOO SET GOALS OF 14% MBE AND 4% WBE.

AUDITS REVIEWED AND HAD NO OBJECTION SUBJECT TO THE REQUIREMENT THAT AN AUDIT BE PERFORMED BY AN INDEPENDENT CPA OR ENERGY AUDITOR AT THE CONCLUSION OF THE FIRST YEAR.

A PROTEST WAS RECEIVED FROM MR. ARNOLD JOLIVET, MARYLAND MINORITY CONTRACTOR'S ASSOCIATION.

(FILE NO. 56030)

President: "The first item on the non-routine agenda can be found on pages 31 to 32, Amendment No. 1 Energy Performance Contract Phase II Downtown Buildings. Will the parties please come forward? Good morning."

Ms. Williams: "Good morning. Shirley Williams from the Minority and Women's Business Opportunity Office. This contract was originally awarded in September, with goals of 14% minority participation and 4% Women's Business Enterprise participation. The current amendment is for solar panels. Currently, we don't have any MBE's to supply panels and we don't have any certified

MINUTES

to do the work. So, on this particular amendment, we had to establish -- we had to waive the goals. That does not waive the goals on the overall contract, but it does reduce the current goals from the 14% and 4% that was achieved at the time of award to now 8 and 2. The Department of General Services, Bureau of Energy under the Energy office will talk to the contractor in an effort to increase the minority participation but we had no choice but to grant a waiver on this particular portion, because we had no one who could perform the services."

President: "Thank you. Mr. Jolivet."

Mr. Jolivet: "Good morning, Mr. President and other members of the Board. I ah,--I have tremendous respect for Mrs. Williams and I have worked with her over the years. So, I actually don't have any fundamental reasons to contest or dispute her analysis after all she has been hired to do this job. But, in all due respect, I would simply like to put on the record, while everything that Ms. Williams has articulated is absolutely true I think that there are firms; minority firms who specialize in general contracting and who have the skills of installing who could possibly do this work, and I would ask Ms. Williams if she has not already investigated this possibility would she

MINUTES

investigate further to see if there are minority firms who may be doing other related work would possibly qualify to do this work? But, now that is not my only issue here, I uh,--I have a real problem with the avoidance and the circumvention of the competitive bidding requirement. I don't have to tell the Board, the Board -- the City Solicitor knows the law better than I am going to ever know it. That this contract was initially awarded and at that time it did not contemplate an amendment of this duration and an amendment of this size and it really should have been put out on a separate distinct contract. If we would follow the law, as written and as interpreted by the Court of Appeals, that this should have been a separate contract, separate distinct contract. So, I am going to ask the City Solicitor if, and I know he is familiar with the Hanna v. Board of Education versus Wicomico County. I have actually personally argued that principle of that case and I am going to ask the City Solicitor if he would take a look; a more in depth look as to what is being done here whether or not it comports with the Article VI, Section 11 of the Charter, and I think that is a fair request. Because what happens is, that when you continue to award a contract even through an amendment without a bid, the City is obviously paying tremendously substantially

MINUTES

more monies than what the City would have been paying had the City put it out for competitive bid. So, I want to make a long story short and ask that request from the City Solicitor and I ask it in the idea that I know the City Solicitor is familiar with this principle. Perhaps the City Law Department has not reviewed this contract for purposes for determining whether or not it comports with the City's competitive bidding Charter provision, Article VI, Section 11. I would ask the City Solicitor -- I would ask this Board to defer this matter to allow the City Solicitor to take a look at that in light of the fundamental principles established by the Board of Education of Wicomico County."

President: "Do you have anything to say Ms. Williams?"

Ms. Williams: "Let me explain, just a little about the contract overall. The work to be performed is part of an energy performance contract and the way that the City has operated for years with these contracts, there is a Phase I where a study is done. If the City accepts Phase I, then the vendor is allowed to proceed with Phase II and I think that is what is happening here, but Ms. Winner can explain that more."

MINUTES

Ms. Leslie Winner, Law Department "Right. This is an Energy Performance Contract. In Phase I the contractor here, Johnson Controls, went out and did a complete survey of the buildings that he was asked to look at and determined what needed to be done to save the City money for energy performance. If the City accepts his study we go to Phase II and we do not pay for that study. If we do not accept the study it is my understanding that we reimburse him for that. Phase II, he goes in and he completes all of the energy savings work for the City which is guaranteed. If he does not hit his guarantee he owes the City money. He has people standing behind him guaranteeing that the City will be saving money. That is why it is called an energy performance contract, and solar is part of that. The Convention Center is part of that. The other buildings are part of that, whether it is in Back River or downtown or some place else. The City has all of these different buildings under the energy performance contract and if you are interested more in the discussion of energy performance I would prefer Ted Atwood or Marwan spoke to that because they deal with that on a daily basis. This is Phase II."

MINUTES

City Solicitor: "And I think respectfully to Mr. Jolivet while I understand your basic point that sometimes amendments may be inappropriate ways to contract for additional or further work, I am not sure this is a good example of the problem that you are talking about. So, I would not be in favor of deferring this item while we --."

Mr. Jolivet: "Well, hear me out before you make that determination. Everything Ms. Williams and Ms. Winner has said is correct except that in the first contract-the first contract specifically delineated the energy work to be performed on Downtown buildings. Now if you look here they have taken that and stretching it to Back River. I would say that that is inappropriate because it was never contemplated assuming Back River was contemplated in the first original contract, I would agree. But, by not putting it in the original contracts all bidders did not have equal opportunity. But I would agree with everything that Ms. Winner said, everything. But you are not going to get me to agree with this because it is inappropriate and it is not correct. But, anyway, my initial premise is to ask the City Solicitor to take a new look at it because clearly on the face of what they are doing here it's not in comport with

MINUTES

Article VI, Section 11. I don't want to belabor the point, I would simply respectfully ask you to consider what I have asserted and I would appreciate it if you would just follow the law. Follow the law, that is all I am asking."

President: "I will entertain a Motion."

City Solicitor: "Move to approve the agency recommendation and deny the bid protest on this item."

Comptroller: "Second."

President: "All those in favor say AYE. All opposed NAY. The Motion carries."

* * * * *

MMCA- Maryland Minority Contractors Association, Inc.

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

Baltimore, Maryland 21210

443-413-3011 Phone

410-323-0932 Fax

July 19, 2011

VIA Facsimile 410-685-4416

The Honorable President and Members

Baltimore City Board of Estimates

Attention: Clerk to the Board

City Hall-Room 204

Baltimore, MD 21202

Re: Protest

Dear Mr. President:

I wish to respectfully protest Your Honorable Board approving the following described two (2) proposed contract awards, which are contained on pages 31-32 and pages 50-52 of the Board of Estimates' 07/20/2011 Agenda.

The proposed contract amendment on pages 31-32 involves Amendment No. 1 to an Energy Performance Contract, Phase 11, and Downtown Buildings. The original contract was awarded to Johnson Controls, Inc., on September 22, 2010, for services related to energy performance on downtown buildings. The proposed contract amendment allows the inclusion of a scope of work to be completed at the city's Back River Wastewater Treatment Plant.

There has been no competitive bids taken for this proposed contract and nor has there been any M/WBE utilization goals established for this proposed contract amendment.

The other proposed contract contained on pages 50-52 is a \$104,000,000.00 city contract with the Northeast Maryland Waste Disposal Authority (NMWDA) for the benefit of the wheelabrator waste-to-energy (WTE) plant in Baltimore.

There has been no competitive bidding for this proposed contract and the proposed M/WBE utilization goals set for the contract are unacceptably too low and unfair.

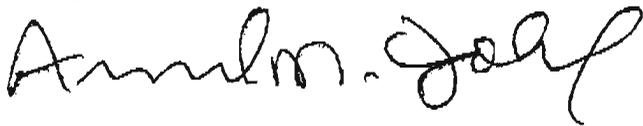
The issue presented is that both of these proposed contracts violate the mandatory competitive bidding provision of the city charter, Article VI, § 11 et seq.

Moreover, both of these proposed contracts violate the spirit and intent of the city's M/WBE Utilization Ordinance.

Both MMCA and its members will suffer economic injury if Your Honorable Board votes to approve these contracts.

Thank you for your kind and favorable consideration of this protest, and I look forward to appearing at your public meeting on 07/20/2011.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Arnold M. Jolivet". The signature is written in a cursive style with a large, sweeping initial "A".

Arnold M. Jolivet
Managing Director

MINUTESLaw Department - Claim Settlement Agreement and Release

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

1. Lornell Felder v. Ronnie Waters, Jr. et al. \$100,000.00

Account: 1001-000000-2041-195500-603070

UPON MOTION duly made and seconded, the Board approved the settlement agreement and release of the aforementioned claim.

The President voted **NO**.

MINUTES

Office of the Labor Commissioner - Memorandum of Understanding

ACTION REQUESTED OF B/E:

The Board is requested to **NOTE** the following memorandum of understanding with The American Federation of State, County and Municipal Employees AFSCME Council 67 and Local 558 for FY 2011-2012.

AMOUNT OF MONEY AND SOURCE

For FY 2012, the wages of each bargaining unit member will be increased by 2%. Effective July 1, 2011, employees FY 2012 salaries will be reduced by \$7.00 per pay and such reduction will continue through June 30, 2012. Wage increases for FY 2012 will be included in the budget for those fiscal years. Wage increases will be covered in accordance with the fiscal plan for FY 2011. Wage increases for FY 2011 and 2012 will be included in the budget for those years.

BACKGROUND/EXPLANATION:

In accordance with the Municipal Employees Relations Ordinance, the Office of the Labor Commissioner has concluded the negotiations with AFSCME Council 67 and Local 558. The results of these negotiations have been reduced to writing in the form of the submitted memoranda of understanding for Fiscal Years 2011-2012.

UPON MOTION duly made and seconded, the Board **NOTED** the aforementioned memorandum of understanding with The American Federation of State, County and Municipal Employees AFSCME Council 67 and Local 558 for FY 2011-2012.

MINUTES

Department of Housing and Community Development (DHCD) - First Amendment to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a first amendment to agreement with The Moulden Group, Inc. The first amendment to agreement will extend the period of the agreement through September 8, 2011.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On June 9, 2010 the Board approved a contract with The Moulden Group, Inc. With funding still remaining on the original contract, this first amendment to agreement will allow the consultant to complete certain tasks that they have begun.

The Moulden Group, Inc. will continue to provide technical support consulting services to the former residents of the Uplands Apartments.

In 2004, the City purchased the former Uplands Apartments located on Edmondson Avenue from the U.S. Department of Housing and Urban Development (HUD). The former residents (Plaintiff Class) filed suit against HUD and the City claiming that the sale was improper and that the relocation of residents by HUD did not follow federal guidelines. The lawsuit was resolved in a Settlement Agreement that was approved by the Board in January 2009 and subsequently approved by the court in October 2008.

Under the terms of the settlement agreement, the City must contract with a third-party consultant to provide technical assistance to former resident representatives to allow them the opportunity to make their participation informed, meaningful and effective.

AUDITS NOTED THE NO-COST TIME EXTENSION

MINUTES

DHCD - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the first amendment to agreement with The Moulden Group, Inc.

MINUTES**TRAVEL REQUESTS**Department of Recreation and Parks

	<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
1.	Jabari Bush Vaughn DeVaughn Alicia Williams LaToya A. Brown	Amateur Athletic Union Junior Olympic Games New Orleans, LA July 30, 2011 - August 7, 2011	Track and Field	\$24,681.00
	Jerry Molyneaux Mary Haynes Etosha Bakari Lutola Bakari	July 29, 2011 - August 7, 2011		

The Department is renting a Motor Coach Bus to transport all attendees to and from the event. The Woodlawn Motor Coach, Inc. will provide the motor coach for \$16,400.00.

If official City business at the event site will require extensive inspection trips, tours, or other unusual but necessary land travel, the Board of Estimates must approve funds for such expenses in advance of the trip. (AM-240-8)

Department of Public Works

2.	Rudolph S. Chow	Int'l Public Works Congress & Exposition Denver, CO Sept. 18, 2011 - Sept. 21, 2011 (Reg. Fee \$625.00)	Water	\$ 1,731.14
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UPON MOTION duly made and seconded, the Board approved the travel requests.

MINUTES

Department of Public Works/ - Developer's Agreement No. 1149
Bureau of General Services

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of developer's agreement no. 1149 with West Read, LLC, developer.

AMOUNT OF MONEY AND SOURCE:

\$4,175.00

BACKGROUND/EXPLANATION:

The developer would like to install new water service to its proposed construction located in the vicinity of 12 West Read Street. This developer's agreement will allow the organization to do its own installation, in accordance with Baltimore City standards.

An Irrevocable Letter of Credit in the amount of \$4,175.00 has been issued to West Read, LLC, which assumes 100% of the financial responsibility.

MBE/WBE PARTICIPATION:

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the developer's agreement no. 1149 with West Read, LLC, developer.

MINUTES

Bureau of Water and Wastewater - Single Bond for Drain
Layers #11-02911-LP

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of the Single Bond for Drain Layers #11-02911-LP for the firm, Economic International Construction Company, Inc. The period of the bond will continue until either the firm or the surety gives notice of its termination.

AMOUNT OF MONEY AND SOURCE:

\$10,000.00 Bond

BACKGROUND/EXPLANATION:

The firm, Economic International Construction Company, Inc. occasionally obtains permits from the City to perform drainages, to excavate in streets, alleys, lanes, footways, thoroughfares, highways, and City of Baltimore rights-of-way for which they are obligated to give bonds. The firm desires to provide one bond to cover all permits that may be issued instead of being obligated to give a separate bond or money in each case.

(FILE NO. 57082)

UPON MOTION duly made and seconded, the Board approved the acceptance of the Single Bond for Drain Layers #11-02911-LP for the firm, Economic International Construction Company, Inc. The President **ABSTAINED**.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- | | | |
|--|-------------|--------------|
| 1. DURHAM SCHOOL SERVICES | \$10,534.42 | Ratification |
| Solicitation No. 07000 - Shuttle Service - Health Department -
Req. No. P515565 | | |

On December 28, 2010, the Board approved the initial award in the amount of \$14,956.00. The contract expired on March 15, 2011. The agency had requested a one month extension, but due to an administrative error the request was overlooked. The ratification in the amount of \$10,534.42 is for the period March 15, 2011 through April 15, 2011.

- | | | |
|--|-------------|---------|
| 2. RGA, INC. | \$37,095.00 | Low Bid |
| Solicitation No. B50002029 - Test Equipment for Traffic
Signals - Department of Transportation - Req. No. R579027 | | |

- | | | |
|--|-------------|----------|
| 3. WATEC CO. | \$13,000.00 | Increase |
| Solicitation No. B50001401 - Water Boiler Treatment -
Department of Public Works - Req. No. R540193 | | |

On March 31, 2010, the Board approved the initial award in the amount of \$24,927.50. On March 29, 2011, the City Purchasing Agent approved a renewal in the amount of \$3,000.00. This increase in the amount of \$13,000.00 is necessary due to an increase in usage and will make the total award amount \$40,927.50.

- | | | |
|---|-------------|---------|
| 4. SPARKLE & SHINE
JANITORIAL SERVICES | \$12,969.00 | Renewal |
| Solicitation No. B50001109 - Janitorial Service - Department
of Housing and Community Development - Req. No. R578204 | | |

On July 29, 2009, the Board approved the initial award in the amount of \$10,596.00. The award contained three 1-year renewal options. Subsequent actions have been approved. This renewal in the amount of \$12,969.00 is for the period August 1, 2011 through July 30, 2012, with one 1-year renewal remaining.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

5. AMERICAN EUROCOPTER

CORPORATION	\$450,000.00	Increase
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Solicitation No. 08000 - Police Helicopter Maintenance and Repair - Police Department - P.O. No. P177210

On February 7, 2001, the Board approved the initial award in the amount of \$11,215,000.00. This increase in the amount of \$450,000.00 is necessary to meet the City's requirements for the remainder of the initial term. This increase will make the total award amount \$11,665,000.00.

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

6. HONEYWELL BUILDING

SOLUTION, INC.	\$1,000,000.00	Increase
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Solicitation No. BP 05061 - Provide Annual Service and Repairs for Honeywell Life Safety and Facility Management System at Baltimore Convention Center - Convention Center - P.O. No. P501561

On December 8, 2004, the Board approved the initial award in the amount of \$1,080,000.00. Subsequent actions have been approved. This increase in the amount of \$1,000,000.00 is necessary due to increased use of this contract. This increase will make the total award amount \$4,500,000.00.

MWBOO SET GOALS OF 17% MBE AND 1% WBE.

MBE: Horton Mechanical \$87,830.00 17.3%

WBE: Letke Security Contractors 0%
 ABBY Enterprises, LLC 0%

MWBOO FOUND VENDOR IN COMPLIANCE.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

7. PHI AIR MEDICAL

TRANSPORTATION	\$100,000.00	Increase
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Solicitation No. 06000 - Multi-level Medical Air
Transportation Services - Health Department - P.O. No. P514104

On June 25, 2008, the Board approved the initial award in the amount of \$250,000.00. Subsequent actions have been approved. This increase in the amount of \$100,000.00 is necessary due to increased use of this contract. This increase will make the total award amount \$1,450,000.00.

MWBOO GRANTED A WAIVER.

8. ASSOCIATED BUILDING

MAINTENANCE CO. INC.	\$ 88,000.00	Increase
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Solicitation No. B5001547 - Provide Janitorial Services for
Area B - Agencies Various - Req. Nos. Various

On November 24, 2010, the Board approved the initial award in the amount of \$388,032.00. On June 30, 2011, the City Purchasing Agent approved an increase in the amount of \$25,003.00. This increase in the amount of \$88,000.00 is necessary due to increased use of this contract. This increase will make the total award amount \$501,035.00.

MBE: CJ Maintenance 17%

WBE: My Cleaning Service 9%

MWBOO FOUND VENDOR IN COMPLIANCE.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

9. DALLAS AVIONICS	\$243,033.25	Sole Source
Solicitation No. B50002041 - Technisonic Radios for BCPD Helicopters - Police Department - Req. No. R579061		

These radios are currently the standardized system used within the Police Department's Aviation Unit. This equipment is only available through the sole authorized North American distributor.

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 equipment and/or service is recommended.

UPON MOTION duly made and seconded, the Board approved the informal awards, renewals, increases to contracts and ratification. The Mayor **ABSTAINED** on item no. 6. The Comptroller **ABSTAINED** on item no. 6.

MINUTES

Parking Authority of - Parking Facility Operations and
Baltimore City (PABC) Management Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the parking facility operations and management agreements with LAZ Parking Mid-Atlantic, LLC. and PMS Parking, Inc. (LAZ/PMS). The period of the agreement is August 1, 2011 through July 31, 2013.

AMOUNT OF MONEY AND SOURCE:**Arena Garage**

<u>Year 1</u>	<u>Year 2</u>	
\$ 27,703.00	\$ 28,917.00	- 2075-000000-2321-407200-603026 Mgt. & Incent. Fees
489,236.00	498,882.00	- 2075-000000-2321-407200-603016 Oper. Exp.
<u>82,020.00</u>	<u>82,020.00</u>	- 2075-000000-2321-407200-603038 Security Exp.
<u>\$598,960.00</u>	<u>\$609,820.00</u>	

Redwood Street Garage

<u>Year 1</u>	<u>Year 2</u>	
\$ 18,149.00	\$ 21,064.00	- 2076-000000-2321-253900-603026 Mgt. & Incent. Fees
391,207.00	402,130.00	- 2076-000000-2321-253900-603016 Oper. Exp.
<u>54,120.00</u>	<u>54,120.00</u>	- 2076-000000-2321-253900-603038 Security Exp.
<u>\$463,476.00</u>	<u>\$477,314.00</u>	

Marriott Garage

<u>Year 1</u>	<u>Year 2</u>	
\$ 24,878.00	\$ 40,868.00	- 2075-000000-2321-407000-603026 Mgt. & Incent. Fees
408,456.00	418,876.00	- 2075-000000-2321-407000-603016 Oper. Exp.
<u>37,090.00</u>	<u>37,090.00</u>	- 2075-000000-2321-407000-603038 Security Exp.
<u>\$470,424.00</u>	<u>\$496,834.00</u>	

MINUTES

PABC - cont'd

BACKGROUND/EXPLANATION:

Baltimore City through the PABC and other contracting agencies prior to PABC's existence contracted with various management companies for the management of parking facilities owned by the City. The PABC is responsible for the management, supervision and auditing of those contractual relationships.

The PABC solicited proposals from parking management firms for the operation of the Arena Garage, the Redwood Street Garage and the Marriott Garage as a group or "Block 4". The Hilton Garage was included with this RFP to create cohesive management of City facilities in the area, but the agreement for the operation of the Hilton Garage with LAZ/PMS was executed separately with the Baltimore Hotel Corporation.

Six proposals were received in response to the RFP. The proposals were reviewed by a six-person independent panel made up of Peggy Daidakis, Executive Director of the Baltimore Convention Center, Dawn Taylor, Otis Warren Real Estate Services; Kirby Fowler, Executive Director of Downtown Partnership; Irvin Mallory, Senior Vice President, The Harbor Bank of Maryland; Herman Williams Retired Chief, Baltimore Fire Department and Tom Noonan, President & CEO, Visit Baltimore.

The evaluation criteria provided to the management firms as part of the RFP was utilized by the panel for review in scoring the proposals. The panel evaluated each proposal and ranked the proposals accordingly. The firms that submitted the three top scoring proposals were invited by the panel to give brief presentations on their firm and answer outstanding questions on their proposal. The panel then revisited and finalized their rankings. The recommendation of LAZ/PMS was submitted to the PABC's Board of Director for review and approval, and it approved the recommendation.

MINUTES

PABC - cont'd

MBE/WBE PARTICIPATION:**MWBOO SET MBE GOALS OF 27.0% MBE AND WBE 10.0% WBE.**

MBE: Xective Security Investigating	\$600,000.00	44.60%
G.E. Thompson	<u>7,500.00</u>	<u>0.55%</u>
	\$607,500.00	45.16%
 WBE: Sue Ann's Office Supply	 \$ 33,625.00	 2.50%*
Letke Security Contracting	51,000.00	3.79%
Cyantif*k, LLC	20,400.00	1.52%
B&B Lighting Supply	See note below*	0%
BFPE	3,500.00	0.26%
Gee's Professional Cleaning Svc.	<u>12,000.00</u>	<u>0.89%</u>
	\$120,525.00	8.96%

*Expenditures from non-manufacturing suppliers are limited to 25% of each goal. Therefore, the amount allowed has been applied.

THE PABC IS RECOMMENDING AWARD TO LAZ/PMS.

The initial MBE/WBE package submitted by LAZ/PMS with their proposal fell short in WBE participation and LAZ/PMS has committed to comply with all the terms and conditions of the Minority and Women's Business Program in accordance with Article 5, Subtitle 28 of the Baltimore City Code and has agreed to present a plan to the Minority and Women's Business Opportunity Office, per the Office's specifications and come into compliance within 10 days of the Board's approval.

A PROTEST WAS RECEIVED FROM REPUBLIC PARKING SYSTEM.

MWBOO FOUND VENDOR IN NON-COMPLIANCE.

AUDITS REVIEWED AND HAD NO OBJECTION.

APPROVED FOR FUNDS BY FINANCE

MINUTES

PABC - cont'd

President: "The third item on the non-routine agenda can be found on pages 43 to 45, Parking Authority of Baltimore City parking Facility Operations and Management Agreement. Will the parties please come forward? Is there anybody here from the Republic Parking System? Anybody? (No response) I will entertain a Motion."

City Solicitor: "Move to deny the protest and approve recommendation of the Parking Authority."

Comptroller: "Second."

President: "All those in favor say AYE. All opposed NAY. The Motion carries."

* * * * *



July 19, 2011

Clerk
Board of Estimates
City of Baltimore, Maryland

Dear Madam or Sir,

I have listed a few new concerns as well as the impact the loss of these two locations will have on Republic Parking System.

1. As noted in the agenda, LAZ/PMS did not meet the WBE requirements at the time the initial bid documents were submitted. This being the case, how were they not deemed non-responsive and disqualified from the process?
2. As noted in the agenda document, Cyantif*k, LLC is listed as a WBE with 1.52% participation. It is my understanding that Cyantif*k is no longer in business. Therefore, LAZ/PMS continues to not be compliant with the WBE participation codes per Baltimore City law.
3. The budgeted amount shown for security at the Arena garage is well below the current annual costs to provide the service. I would suggest the board request the staffing plan and budget calculations used for this expenditure before issuing the award.
4. With the award of these facilities to LAZ/PMS, Republic Parking System will lose two-thirds of its PABC portfolio and one-third of its entire Baltimore City portfolio. This will impact over 15 jobs.

Aside from these concerns, I have attached a copy of the formal protest letter that was submitted to the parking authority. We have yet to receive any of the requested documents for the Block 4 RFP.

Republic Parking System greatly appreciates your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Jack Skelton".

Jack Skelton
Vice President
Republic Parking System

COMPT/BOE JUL 19 '11 AM11:37



June 24, 2010

Mr. David G Rhodes Jr.
General Counsel
Parking Authority of Baltimore City
200 W. Lombard Street, Suite B
Baltimore, MD 21201

RE: FORMAL PROTEST OF BLOCK 4 RFP AWARD

Dear David:

Please accept this letter as Republic Parking System's Formal Protest of the Parking Authority's decision to award the Block 4 RFP to LAZ/PMS. We are requesting that the RFP award be dismissed and the entire process be reviewed, and, or repeated.

It is with regret that it is necessary for Republic Parking to file this protest; however, under the circumstances we strongly believe that the Block 4 RFP and final selection was a flawed and unjust process. The following are the primary areas of concern and the basis of our protest. We are also requesting additional information regarding this RFP process which may raise other concerns.

- Item 19 of the "Parking Garage Operator Review" sheet included in the RFP requires the Panel of Review to evaluate the "Vendor's Expertise and Experience". The particular item on the score sheet is rated the fourth most important of the 19 criteria. With this being the case, the Authority did not include a single person on the Panel of Review from the 1st Mariner Arena, Redwood Towers, or the Marriott Hotel. These three entities are the primary generators for the Arena, Redwood and Marriott garages respectively and are in the ideal position to evaluate the past performance of Republic Parking and LAZ/PMS. To not include representatives from these entities in the selection process is counter intuitive to evaluating these companies "Expertise and Experience". To not include these entities on the Selection Committee implies that the Authority values references from other cities more than that of the City of Baltimore.
 - Further on this point, it was disclosed at the Parking Authority board meeting of June 23, 2010, that after the Panel of Review made its recommendation, the Authority Director sought out input from the 1st



Rhodes, June 24, 2010, pg. 2

Mariner Arena. The 1st Mariner Arena informed the Authority Director that it was very pleased with Republic Parking's performance. This information was not shared with the Selection Committee to include in their recommendation and not presented to the Board as part of the written recommendation. How the opinion of the primary generator for the largest revenue producing parking facility for the Authority was not included in this process is very difficult to understand and presents the appearance of impropriety.

- At the June 23, 2010, Board meeting the Panel of Review explained their selection of LAZ/PMS was due in part to LAZ/PMS having a more effective marketing plan for the Convention Center. The RFP did not request a marketing plan assisting the Convention Center, nor is the marketing plan listed in the 19 Criteria for selection. In this case we do not believe the RFP was properly adhered to during the selection process.
- Prior to the formal presentations a member of the Panel of Review toured the Arena Garage and requested information from Republic Parking's Manager, Stephen Marindany. One inquiry from the Panel member was to the racial makeup of Republic Parking's executive team. Nowhere in the RFP documents is the racial makeup of a company's executive team mentioned as an area of interest in this process, nor is it included in the 19 Criteria stated in the selection process. This inquiry from a Panel member and the ultimate award to a company with a minority owner presents the appearance of impropriety in the selection process.
- In July 2006 Republic Parking assumed the management of the Redwood garage from LAZ/PMS. Republic Parking through effective management and revenue control was able to significantly decrease ticket loss and improve transient revenue from the Redwood garage. It is troubling and confusing to now see the Authority return the Redwood garage management contract to the very company that clearly underperformed in the past, particularly so in these troubling economic times. Revenue control represents two of the 19 Criteria that were to be used in the selection process, item 16- Daily Auditing Program and item 17- Internal Auditing Program.



Rhodes, June 24, 2010, pg. 3

- Also of concern is that the award was made to a company that clearly has a conflict of interest with the management of the four facilities in Block 4. LAZ/PMS manages the Days Inn and Holiday Inn parking facilities that are direct competitors of the Hilton, Arena, Redwood and Marriott garages for parking revenue. Clearly one would expect concern as to whose financial interest LAZ/PMS will prioritize, particularly with the current downturn in the downtown parking market and the increased competition for event, daily and monthly parking revenue.
- It is also troubling that the Block 4 RFP process would come to final conclusion prior the Block 3 RFP which was issued on September 23, 2009, some four months prior to the issuance of the Block 4 RFP. LAZ/PMS is the current operator of the St. Paul garage which was included in the Block 3 RFP. The Authority additionally has other RFP's that were issued prior to even the Block 3 RFP that have not been resolved, including one where the process was protested by LAZ/PMS.
- An additional concern is that the initial date of the presentation for Block 4 was changed with less than 24 hours notice. No official reason was given for the postponement, however, we understand that the postponement was at the request of LAZ/PMS giving an additional appearance of impropriety.
- Contrary to prior practice of the Authority no advance notice was given that the Block 4 selection was being presented to the Authority Board on June 23rd. Republic Parking learned of the action only hours before the Board meeting from one of our competitors. We expected, as was the practice in past RFP processes, for the opportunity to present any concerns with the Authority prior to Board action. We are requesting to know if any of the companies participating in the Block 4 RFP process were given advance notice of the selection presentation to the Board by any member of the Authority.
- Additionally, we are requesting copies of the final Parking Garage Operator Proposal Review from from the Panel of Review for Block 4.

Republic Parking greatly appreciates its relationship with the Parking Authority of Baltimore City which dates back to October 2004. During our tenure of management of the Authority parking facilities we have produced positive financial results and provided



Rhodes, June 24, 2010, pg. 4

quality stable management. It is our goal to continue our relationship with the Authority in the management of the Redwood and Arena garages. We trust that the Authority understands our concerns and appreciates our position on this matter.

Please let us know what further action is required in this matter. We will be consulting with our legal counsel on this matter shortly. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Jack Skelton".

Jack Skelton
Vice President

Copies to:

Parking Authority of Baltimore City Board-

Keiffer J. Mitchell, Jr., Managing Partner & Founder - Board Chair
The Mitchell London Group, LLC
1722 Linden Ave., 3rd Fl.
Baltimore, MD 21217

Peter E. Auchincloss, President
Watermark Corporation
2427 Pickwick Road
Baltimore, MD 2120

Pierce J. Flanigan, IV, President
P. Flanigan & Sons Inc.
2444 Loch Raven Road
Baltimore, MD 21218

Edward Gallagher, Director of Finance
Room 469, City Hall
100 N. Holliday Street
Baltimore, MD 21202



Rhodes, June 24, 2010, pg. 5

Councilwoman Sharon Green Middleton, District 6 – Board Secretary
Room 516, City Hall
100 N. Holliday Street
Baltimore, MD 21202

Copies to (continued):

The Honorable Stephanie Rawlings-Blake
Mayor, City of Baltimore
City Hall Room 250
100 N. Holliday St.
Baltimore, MD 21202

Mr. Christopher Thomaskutty
Deputy Mayor, Public Safety and Operations
City Hall Room 250
100 N. Holliday St.
Baltimore, MD 21202

Mr. Bernard C. "Jack" Young
City Council President
City Hall Suite 400
100 N. Holliday St.
Baltimore, MD 21202

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:

2384 - 2386

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

The Transfer of Funds was approved

SUBJECT to receipt of a favorable report

from the Planning Commission,

the Director of Finance having reported favorably

thereon, as required by the provisions

of the City Charter.

The President **ABSTAINED** on item nos. 3 and 4.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:Department of Transportation

1. TR 11011, Citywide P. Flanigan & Sons, \$1,419,704.80
Traffic Calming Inc.
JOC

MBE: Priority Construction Corp. \$255,700.00 18.01%

WBE: Rowen Concrete, Inc. \$ 18,000.00 1.27%
River Transport, Inc. \$110,000.00 7.75%
\$128,000.00 9.02%

MWBOO FOUND VENDOR IN COMPLIANCE.

2. TR 11009, Guilford Avenue Bike Boulevard **REJECTION** - On June 15, 2011, the Board received and opened one bid in the amount of \$460,398.05 for TR 11009. The sole bid well exceeded the Department of Transportation's expected budget. Therefore, the Department of Transportation believes that it is in the best interest of the City to reject the sole bid.

Bureau of Water and Wastewater

3. SC 896, Repair and Replacement of Existing Sanitary Sewers at Various Locations R.E. Harrington Plumbing & Heating, Inc. \$4,286,825.00

MBE: P&J Contracting Company, Inc. \$287,217.00 6.70%
The Final Grade & Pave, LLC 102,883.00 2.40%
JJ Adams Fuel Oil Company, LLC 42,868.00 1.00%
\$432,968.00 10.10%

WBE: K.L. Phillips Trucking, LLC \$128,604.00 3.00%

MWBOO FOUND VENDOR IN COMPLIANCE.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:

Bureau of Water and Wastewater - cont'd

4. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$1,342,340.00	9956-904401-9549	
WW Utility Funds	Constr. Res.	
	Sewer Replacement Proj.	
2,250,000.00	9956-902403-9549	
WW Utility Funds	Constr. Res.	
	Small Sewer Extension	
1,245,967.32	9956-904404-9549	
WW Utility Funds	Constr. Res.	
	Inflow and Infiltration	
821,613.68	9956-905410-9549	
WW Utility Funds	Constr. Res.	
	Herring Run Interceptor	
 <u>\$5,659,921.00</u>		
 \$ 428,781.00	-----	9956-906342-9551-2
		Extra Work
428,782.00	-----	9956-906342-9551-3
		Engineering
257,269.00	-----	9956-906342-9551-5
		Inspection
4,287,820.00	-----	9956-906342-9551-6
		Construction
257,269.00	-----	9956-906342-9551-9
<u>\$5,659,921.00</u>		Administration

The funds are needed to cover the cost of the award for SC 896, Repair/Replacement of Existing Sanitary Sewers at Various Locations.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:Bureau of Purchases - cont'd

5. B50001988, Repair and Maintenance Services for Electric Motors above 300 H.P.	TEAM Service Corporation	\$ 500,000.00
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MBE: Universal Electric Service	4.00%
--	-------

WBE: Electric Master Service, Inc.	1.75%
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Baltimore Electric Service, Inc.	<u>0.25%</u>
----------------------------------	--------------

	2.00%
--	-------

MWBOO FOUND VENDOR IN COMPLIANCE.

MINUTES

Bureau of Solid Waste - Subdivision User Contract and Hawkins
Hawkins Point Disposal Contract

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of two contracts with the Northeast Maryland Waste Disposal Authority (NMWDA):

1. **Subdivision User Contract** for the City to dispose of approximately 200,000 tons annually of waste materials at the Wheelabrator Waste-to-Energy (WTE) Plant and
2. **Hawkins Point Disposal Contract** for the City to accept the ash produced at the WTE plant at the Quarantine Road Landfill.

The period of the agreements are for ten-year terms commencing on January 1, 2012 and ending on December 31, 2021.

AMOUNT OF MONEY AND SOURCE:

\$104,000,000.00 - 1001-000000-5161-389700-603097 - Subdivision
User Contract estimated expenses
(\$42,000,000.00) - Hawkins Point Disposal Contract Estimated
Revenue

The submitted chart shows the expenses and revenues.

BACKGROUND/EXPLANATION:**Subdivision User Contract**

The City has utilized the Wheelabrator WTE plant through contracts with the NMWDA since 1984. The current contract with Wheelabrator through the NMWDA for waste disposal expires on December 31, 2011. The proposed contract will commence on January 1, 2012 and ends on December 31, 2021, a total of ten years. Wheelabrator's WTE facility is expected to continue to operate at its current level through 2020 at a minimum. The plant is the only permitted WTE facility in the City. By continuing to utilize this facility for about 200,000 tons annually of collected waste, the City saves valuable landfill space while also contributing to vital, alternative energy production. This method of disposal is an integral part of the City's mandated **Ten-Year Solid Waste Management Plan**. The

MINUTES

Bureau of Solid Waste - cont'd

tipping fee rates over the term are favorable, and the contract will provide revenues from property taxes, a site lease, host fees, and the solid waste surcharge. Utilizing the Wheelabrator plant is in accord with the City's "sustainability goals"

because the facility generates "green" renewable energy, providing a net carbon reduction and recovery of metals from the waste stream. Additionally, this new agreement allows for the City to purchase power beginning on July 1, 2011, at rates that will save \$1,800,000.00 annually over the first five years of the contract. The combined aspects of reliable, cost-effective waste disposal and below market energy costs provide operational efficiencies and much needed revenue to the City.

Hawkins Point Disposal Contract:

This accord also dates to the early 1980's and will lapse on December 31, 2011. The proposed contract would mirror the **Subdivision User Contract** in contract start and end dates. This contract is for the City to accept the ash generated at the Wheelabrator WTE plant for disposal. This contract is a revenue source only. The City pays nothing to receive the ash, but rather is paid a per ton ash fee. The revenues projected from the ash acceptance agreement are expected to exceed \$42,000,000.00 over the term of the contract. Along with the revenues associated with the **Subdivision User Contract**, the City will receive an estimated \$112,000,000.00 over the ten-year term, as well as the additional benefit of the energy purchase savings.

	<u>Costs</u>	<u>Revenues</u>	<u>Savings</u>
Subdivision User Contract			
Tipping Fees Paid	\$104M		
Property Taxes, Host Fees, Site			
Lease, Solid Waste Surcharge		\$70M	
Energy Purchase [DGS]			\$9M
Hawkins Point Disposal Contract			
Tipping Fees Received		\$42M	

MINUTES

Bureau of Solid Waste - cont'd

MBE/WBE PARTICIPATION:

MBE AND WBE PARTICIPATION GOALS FOR THE ORGANIZATION WERE SET ON THE AMOUNT OF \$21,079,541.60, AS FOLLOWS: MBE 7.00% AND WBE 3.00%. The goals were based upon total annual projected expenditures of \$21,079,541.60 for outsourced services for each year of the contract.

MBE:	Spence Trucking	7.00%
	Bishop & Associates, Inc.	<u>0.05%</u>
		7.05%
WBE:	Maryland Chemical Co.	3.00%
	Cardinale Construction, Inc.	0.05%
	Robnet, Inc.	0.05%
	BFPE International, Inc.	<u>0.05%</u>
		4.05%

MWBOO FOUND VENDOR IN COMPLIANCE.

AUDITS REVIEWED AND HAD NO OBJECTION

A PROTEST WAS RECEIVED FROM MR. ARNOLD JOLIVET, MARYLAND MINORITY CONTRACTOR'S ASSOCIATION.

President: "The second item on the non-routine agenda can be found on Pages 50 - 52 Bureau of Solid Waste Subdivision User Contract and Hawkins Point Disposal Contract. A protest was received by the Maryland Minority Contractors Association as well."

MINUTES

Mr. Arnold Jolivet, MD Minority Contractors Assoc.: "Mr. President I had a chance to talk to Colonel Foxx and Ms. Williams prior to the Board convening and while I don't agree with their explanation, I think their explanation is plausible and I would respectfully ask the Board to allow me to withdraw my protest."

President: "Thank you."

City Solicitor: "So moved."

President: "Do we have a Second?"

Comptroller: "Second."

President: "All in favor say AYE."

City Solicitor: "To withdraw the protest and I would move to approve the agency recommendation in the absence of a protest."

Comptroller: "Second."

President: "All in favor say AYE. Those opposed NAY. The Motion carries."

* * * * *

MMCA- Maryland Minority Contractors Association, Inc.

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

Baltimore, Maryland 21210

443-413-3011 Phone

410-323-0932 Fax

July 19, 2011

VIA Facsimile 410-685-4416

The Honorable President and Members

Baltimore City Board of Estimates

Attention: Clerk to the Board

City Hall-Room 204

Baltimore, MD 21202

Re: Protest

Dear Mr. President:

I wish to respectfully protest Your Honorable Board approving the following described two (2) proposed contract awards, which are contained on pages 31-32 and pages 50-52 of the Board of Estimates' 07/20/2011 Agenda.

The proposed contract amendment on pages 31-32 involves Amendment No. 1 to an Energy Performance Contract, Phase 11, and Downtown Buildings. The original contract was awarded to Johnson Controls, Inc., on September 22, 2010, for services related to energy performance on downtown buildings. The proposed contract amendment allows the inclusion of a scope of work to be completed at the city's Back River Wastewater Treatment Plant.

There has been no competitive bids taken for this proposed contract and nor has there been any M/WBE utilization goals established for this proposed contract amendment.

The other proposed contract contained on pages 50-52 is a \$104,000,000.00 city contract with the Northeast Maryland Waste Disposal Authority (NMWDA) for the benefit of the wheelabrator waste-to-energy (WTE) plant in Baltimore.

There has been no competitive bidding for this proposed contract and the proposed M/WBE utilization goals set for the contract are unacceptably too low and unfair.

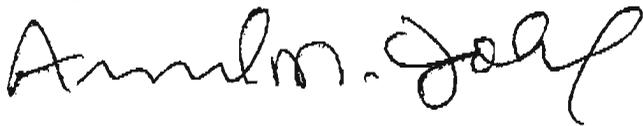
The issue presented is that both of these proposed contracts violate the mandatory competitive bidding provision of the city charter, Article VI, § 11 et seq.

Moreover, both of these proposed contracts violate the spirit and intent of the city's M/WBE Utilization Ordinance.

Both MMCA and its members will suffer economic injury if Your Honorable Board votes to approve these contracts.

Thank you for your kind and favorable consideration of this protest, and I look forward to appearing at your public meeting on 07/20/2011.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Arnold M. Jolivet". The signature is written in a cursive, flowing style.

Arnold M. Jolivet
Managing Director

MINUTES**ACKNOWLEDGEMENT**

President: "Madam Mayor."

Mayor: "Thank you very much Mr. President. I would now like to ask we have several students here from Carver Vocational Technical High School, MICA and Morgan State. I would ask them to come up and stand along the front."

APPLAUSE

Just give us a little space, so you stop right there sweetie. Right, yes, good alright. So, I want to thank and welcome home these eight Chinese language students from Carver and two local college students representing Baltimore City Public Schools Channel 77. These students returned just -- home just two days ago correct? Am I correct? Are you still jet lagged? -- from a ten day trip to China organized by the Baltimore-Xiamen Sister City Committee and Carver Vo-Tech High School. With the Sister City Committee's guidance, these Student Ambassadors represented Baltimore at the Carver's Sister School, the Fujian Xiamen Electronic Vocational School, and I would like to thank the following sponsors for making this happen. The Baltimore Xiamen Sister City Committee, Maritime Applied Physics Corporation,

MINUTES

Active Minerals International, Maryland Chemical Co., Sun Automation Group, McCormick & Company, Northrop Grumman, the Carver Alumni Association and many others. This collection of individuals and companies and groups organized and raised more than \$40,000.000 to make this trip possible. In addition, they were fully representing Baltimore as Baltimore's Under Armour provided all of these students with a complete line of sports wear for the trip and -- so this was an amazing public private partnership that expanded the world in which our young people live. I had the opportunity to see the world when I was a young adult and I know what an impact it had on me and I know what an impact it can make on a young life. Mark Twain one said that Travel is the antidote to prejudice, bigotry and narrow-mindedness. And I would like to commend all of you and hope -- my hope for each of you is that this trip will inspire a thirst for more travel in the future and you will be making many more trips and representing us well with your Under Armour gear. So, I want to thank Ian Anderson, Rasheed Beasley, Samuel Cornish, Daireese Dunaway, Nyshe--I am saying that right? Nyshe Gross, Marquis Holmes, Kyle Johns, Kazzmine Moses, Larry Jackson from

MINUTES

MICA, Toroes Thomas from Morgan State, and I want to thank all of you for representing Baltimore and highlighting the diversity that we have in our country. I want again to thank the sponsors for this amazing opportunity and thank the Baltimore-Xiamen Sister City Committee for their continued commitment to strengthening our Sister City relationship and congratulations and I feel like you have something for me.

APPLAUSE

Mr. Marquis Holmes, Carver High School: "Is a gift from the Director of Foreign Affairs."

Mayor: "It looks just like me, wonderful."

Mr. Holmes: "And this right here is a gift for your daughter."

Mayor: "She loves these little eggs."

APPLAUSE

President: "That is beautiful. That is pretty. That is really pretty."

Mayor: "My daughter has a collection and they didn't even know it. She has a Ukrainian egg and now this."

MINUTES

President: "It is beautiful."

Mayor: "Thank you. Thank you very much."

(Applause/photo opportunity)

President: "Thank you, Madam Mayor. I had told the Mayor ten days sure goes by real fast, because I was privileged to eat lunch with some of these students before they took their trip and they are back so quick. But, any way thanks for all that you do Xiamen-Baltimore Sister City and all of the sponsors that made this possible for our young people."

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There being no more business before the Board, the meeting will recess until bid opening at twelve noon, thank you."

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MINUTES**PROPOSALS AND SPECIFICATIONS**Department of Transportation

- TR 11019, Citywide Sidewalk Rehabilitation
BIDS TO BE RECV'D: 08/24/2011
BIDS TO BE OPENED: 08/24/2011

Department of Transportation

- TR 08310, Rehabilitation of Central Avenue and Storm Drain, From Eastern Avenue to Madison Street
BIDS TO BE RECV'D: 09/14/2011
BIDS TO BE OPENED: 09/14/2011

Bureau of General Services

- GS 11825, Howard Park Grocery-Demolition
BIDS TO BE RECV'D: 08/31/2011
BIDS TO BE OPENED: 08/31/2011

Bureau of Solid Waste

- Solid Waste Contract 12310, Quarantine Road and Millennium Landfills Comprehensive Erosion and Sediment Control Improvements
BIDS TO BE RECV'D: 08/24/2011
BIDS TO BE OPENED: 08/24/2011

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

President: "If there is no further business, the Board is in recess until twelve o'clock noon for the receiving and opening 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 **NO ADDENDA HAD BEEN RECEIVED** extending or modifying the dates for receipt and opening of bids. There were no objections.

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

Department of Transportation - TR 11018, Resurfacing Highways
At Various Locations Emergency
JOC - Part I

Civil Construction, LLC
M. Luis Construction Co., Inc.
Machado Construction
P. Flannigan and Sons, Inc.

MINUTES

Department of Recreation & Parks - RP 10811, Clifton Park Rec. Center

- Orfanos Contractors
- The Michael Group
- JLN Construction Services, LLC
- Mid Atlantic General Contractors
- Armada Hoffler Construction Company of Virginia
- Towson Mechanical, Inc.
- Commercial Interiors, Inc.
- E. Pikounis Construction Co.

Bureau of Purchases - B50001970, Transportation Career Development Innovation Program

- Morgan State University
- You Know How/Fusion Partnerships, Inc.
- Baltimore City Public Schools
- Light Health & Wellness Comprehensive Services, Inc.
- Bon Secours Community Works

Bureau of Purchases - B50002027, 2011 Air Compressors by Airman

Correlli, Inc.

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There being no objections, the Board UPON MOTION duly made and seconded, adjourned until its next scheduled meeting on Monday, July 27, 2011.

JOAN M. PRATT
Secretary