

MINUTES

REGULAR MEETING

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

Pursuant to Article VI, Section 1(c) of the revised City Charter effective July 1, 1996, the Honorable Mayor, Stephanie Rawlings-Blake, in her absence during the meeting, designated Mr. Edward J. Gallagher, Director of Finance, to represent the Mayor and exercise her power at this Board meeting.

In the absence of Mr. George A. Nilson, City Solicitor, Mr. David Ralph, Deputy City Solicitor, sat and acted on his behalf.

In the absence of Mr. Alfred H. Foxx, Director of Public Works, Mr. Ben Meli, Deputy Director of Public Works, sat and acted on his behalf.

The meeting was called to order by the President.

President: "I will direct the Board members attention to the memorandum from my office dated September 19, 2011 identifying matters to be considered as routine agenda items together with

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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."

Mr. Ralph: "Move the approval of the items on the routine agenda."

Comptroller: "Second."

President: "All those in favor AYE all opposed NAY. The motions carried. The routine agenda has been adopted."

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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:

Admiral Elevator Company, Inc.	\$ 3,780,000.00
Allstate Floors & Construction, Inc.	\$ 8,000,000.00
Amtrac Railroad Contractors of Maryland, Inc.	\$ 37,980,000.00
Archer Western Construction, LLC	\$ 44,910,000.00
B&B Technologies, Inc.	\$ 1,017,000.00
Construction Trades Services, Inc.	\$ 1,500,000.00
The Dirt Express Company	\$ 1,500,000.00
E. Pikounis Construction Co., Inc.	\$ 36,036,000.00
Ecotone, Inc.	\$ 1,500,000.00
Energy Systems Group, LLC and Subsidiaries	\$215,586,000.00
Huber Welding Services, LLC	\$ 756,000.00
JLN Construction Services, LLC	\$ 8,000,000.00
Lee's Electrical Contracting, Inc.	\$ 1,500,000.00
Ligon & Ligon, Inc.	\$ 36,081,000.00
Roy Kirby & Sons, Inc. and Subsidiary	\$ 37,692,000.00
Structural Restoration Services, Inc.	\$ 8,000,000.00
Tilt Up Construction, Inc.	\$ 477,000.00

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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:

Aero-Metric, Inc.	Survey
Aresolve Engineering, Inc.	Engineer Survey
Blazosky Associates, Inc.	Engineer
Hardesty & Hanover, LLP	Engineer
Henry Adams, LLC	Engineer
MCS Consulting, Inc.	Engineer
The Wilson T. Ballard Company	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.

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EXTRA WORK ORDERS AND TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders and Transfers of Funds

listed on the following pages:

3030 - 3031

All of the EWOs had been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

Acting on behalf of the Mayor, Mr. Gallagher **ABSTAINED**

on item no. 2 on her behalf.

The President **ABSTAINED** on item nos. 2 and 4 - 7.

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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>

Department of Transportation

- | | | | | |
|----|--|--------------|-------------------|-----|
| 1. | EWO #002, \$125,214.88 - Project 1040, Reconstruction of the
<u>Annapolis Road Bridge over the Baltimore-Washington Pkwy.</u> | | | |
| | \$ 999,821.38 | \$342,540.53 | T.Y. Lin Interna- | - - |
| | | | tional | |

(FILE NO. 56136)

- | | | | | |
|----|---|--------------|--------------------------|-------|
| 2. | EWO #013, (\$230.56) - TR 02368, Reconstruction of Bulkhead
Promenade, Pier & Marine Railway at the Living Classroom
Foundation | | | |
| | \$2,924,742.50 | \$109,232.36 | Cianbro Corp. | - - |
| 3. | EWO #017, (\$27,204.25) - TR 97339, Gwynns Falls Greenway
Phase I | | | |
| | \$1,395,965.00 | \$316,787.84 | Beka Industries,
Inc. | 0 100 |

Bureau of Water & Wastewater

- | | | | | |
|----|---|--------------|---------------------------------------|------|
| 4. | EWO #025, \$46,500.00 - S.C. 878, Repair and Replacement of
<u>Existing Sanitary Sewers at Various Locations</u> | | | |
| | \$2,893,528.30 | \$317,744.41 | R.E. Harrington
Plumbing & Heating | - - |
| 5. | EWO #030, \$36,330.12 - S.C. 878, Repair and Replacement of
<u>Existing Sanitary Sewers at Various Locations</u> | | | |
| | \$2,893,528.30 | \$373,130.68 | R.E. Harrington
Plumbing & Heating | 0 95 |

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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 & Wastewater

- | | | | | |
|----|--|--------------|--------------------|--------|
| 6. | EWO #035, \$0.00 - S.C. 878, Repair and Replacement of
<u>Existing Sanitary Sewers at Various Locations</u> | | | |
| | \$2,893,528.30 | \$417,424.09 | R.E. Harrington | 180 96 |
| | | | Plumbing & Heating | |

The 180 day non-compensable time extension is requested to allow the Bureau to complete sanitary repairs with available funds until a new contract can be advertised and awarded.

- | | | | | |
|----|--|----------------|------------------|-------|
| 7. | EWO #292, \$0.00 - W.C. 8652, Ashburton Filtration Plant
<u>Renovations</u> | | | |
| | \$48,209,401.00 | \$4,173,806.29 | Poole & Kent Co. | 0 100 |

The overruns and underruns cancel each other out.

MINUTESHealth Department - Agreements

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

SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

- | | | |
|----|--|----------------|
| 1. | STATE OF MARYLAND DEPARTMENT OF
LABOR, LICENSING AND REGULATION | \$ 0.00 |
|----|--|----------------|

The above-listed organization will serve as host agency 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 agreement is late because it was just finalized.

- | | | |
|----|----------------------------------|-------------------|
| 2. | STERLING HOSPITALITY, LLC | \$7,800.00 |
|----|----------------------------------|-------------------|

Account: 5000-534012-3044-273302-603051

Under this agreement, the Health Department will disburse State Subsidized Assisted Housing Funds to low income residents at Sterling Hospitality, LLC, located at 7015 Park Heights Avenue. This facility is enrolled in the Senior Assisted Living Group Home Subsidy Program. This program provides subsidized senior assisted housing services that include shelter, meals, housekeeping, personal care services and 24 hour on-site supervision for individuals age 62 and over who have temporary or periodic difficulties with the activities of daily living and who require assistance in performing personal and household functions associated with complete independence.

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Health Dept. - cont'd

The agreement is late because of the delay in receipt of grant information and FY'12 budget account numbers and the signature from the provider.

3. **JOHNS HOPKINS UNIVERSITY BLOOMBERG** **\$ 48,691.00**
 SCHOOL OF PUBLIC HEALTH (JHU)

Account: 5000-585310-5750-679998-603051

The organization will collect and analyze data on homicides and nonfatal shootings from the Baltimore City Police Department in order to estimate the effects of Safe Streets on these outcomes through December 31, 2010.

The analysis will contrast changes in these outcomes in police posts implementing Safe Streets with posts that have not implemented the program while controlling for factors such as police arrest for weapon carrying offenses, police arrests for drug offenses, deployment of the Violent Crime Impact Division, other neighborhood-focused interventions and month of the year. The period of the agreement is March 1, 2011 through September 30, 2011.

The agreement is late because it was misplaced during the routing process in March. A new agreement was prepared and resubmitted to the JHU to sign.

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and second, the Board approved and authorized execution of the aforementioned agreements. The President **ABSTAINED** on item no. 3.

MINUTES

Office of the City Council President - 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. Council President Bernard C. "Jack" Young wishes to serve as Honorary Co-Chairperson of the Bnai Zion Foundation's dinner. The period of the campaign will be effective upon Board approval through November 30, 2011.

AMOUNT OF MONEY AND SOURCE:

No general funds are involved in this transaction.

BACKGROUND/EXPLANATION:

The Board of Ethics of Baltimore City approved the application on September 8, 2011. Donations will be solicited from Baltimore-area business and civic leaders. A potential donor list will be compiled by Bnai Zion Foundation and will not be compiled by the City. It therefore will be based upon records regarding persons who may not be controlled donors.

In order to avoid any suggestion that contributors might receive special access or favored treatment by an agency or public servant of the City, the solicitation will be by letter, and with an appearance by the Council President at the Award Dinner without opportunity for access to the Council President. Additionally, the letter will be signed by Dr. Lorretta Johnson, last year's guest of honor and Chairperson of the dinner. This year the Distinguished Humanitarian Award will be presented to Chief Herman Williams.

Bnai Zion Foundation is dedicated to assisting those in need with humanitarian projects in both Israel and America. Now in its second century, the organization has completed hundreds of initiatives for the people of Israel and for Jewish people worldwide. Bnai Zion Foundation strongly supports the significant, enduring tie between America and Israel and is continuing its projects toward the advancement of the physical, mental and social wellbeing of the citizens of Israel.

MINUTES

Office of the City Council President - cont'd

Proceeds from the dinner will be used to endow a project at Ahava Village for Children & Youth in Kiryat Bialik, a residential campus providing housing, education, therapy and treatment for worst-case abused and neglected children aged 6 to 18. Ahava, which means 'love' in Hebrew, gives traumatized children from dysfunctional backgrounds a caring, nurturing environment to transcend their past and become fulfilled, productive adult members of Israeli society.

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 designees.

(FILE NO. 57133)

UPON MOTION duly made and seconded, the Board endorsed the governmental/charitable solicitation application that has been approved by the Board of Ethics of Baltimore City. The President **ABSTAINED.**

MINUTES

Department of Finance - Grant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a grant agreement with the State of Maryland.

AMOUNT OF MONEY AND SOURCE:

\$2,500,000.00 - 9910-903419-9588

BACKGROUND/EXPLANATION:

The State of Maryland has provided Capital Funds to the City as part of its long standing commitment to the revitalization of East Baltimore. The 2011 Maryland General Assembly approved \$2,500,000.00 in State Capital Funds to be used for demolition in the East Baltimore Biotechnology Project area. There is a 1:1 match requirement. The State funds are appropriated in the Department of Housing and Community Development's Capital Budget.

The State of Maryland requires that the City execute a grant agreement before funds can be made available. Once the grant agreement is executed by the City and approved by the State's Department of Public Works, the City will execute a separate grant agreement with the East Baltimore Development, Inc. (EBDI) regarding specific uses and conditions for the State funds.

MBE/WBE PARTICIPATION:

Minority and Women's Business participation requirements are established as part of an approved Land Disposition and Development agreement with EBDI.

APPROVED FOR FUNDS BY FINANCE

(FILE NO. 56017)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the grant agreement with the State of Maryland.

MINUTES

Department of Planning - Report on Previously
Approved Transfers of Funds

At previous meetings, the Board of Estimates approved Transfers of Funds subject to receipt of favorable reports from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the provisions of the City Charter. Today, the Board is requested to **NOTE 41** favorable reports on Transfers of Funds approved by the Board of Estimates at its meetings on August 10, 17, 24 and 31, 2011.

The Board **NOTED** receipt of the **41** favorable reports.

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Department of Planning - 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 Edgar Allan Poe House and Museum. The period of the campaign is August 17, 2011 through August 17, 2012.

AMOUNT OF MONEY AND SOURCE:

No general funds are involved in this transaction.

BACKGROUND/EXPLANATION:

The Board of Ethics of Baltimore City approved the application on September 8, 2011. The Edgar Allan Poe House and Museum, a National Historic Landmark and Baltimore City Landmark, is operated and maintained by the Commission for Historic and Architectural Preservation (CHAP). It is necessary to immediately solicit funding support for the Poe House because, after over 30 years of annual funding, the City ended its General Fund support. The Poe House is in danger of closing if alternative funding sources are not sought, including charitable donations.

Efforts are underway to prepare an "Operating, Business and Finance Plan" that will serve as a blueprint for the future of the Poe House. On August 24, 2011, the Board approved a consultant agreement with Cultural Resources Management Group (CRMG) to develop a plan that will highlight a practical blueprint to insure the Poe House's financial sustainability. This plan is to be completed by the end of December 2012. However, funds are needed in the meantime to help support continuing operations.

The CHAP and the Department applied for and received approval from the Board of Finance to open a dedicated "Poe House Trust" account operated within the City Treasury for the purpose of receiving contributions. All contributions will be deposited in the dedicated Treasury "Poe House Trust" account.

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Department of Planning - cont'd

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 designees.

(FILE NO. 57133)

UPON MOTION duly made and seconded, the Board endorsed the governmental/charitable solicitation application that has been approved by the Board of Ethics of Baltimore City for donations for the Edgar Allan Poe House and Museum.

MINUTES

Mayor's Office of Employment - Agreements
Development

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

1. **HOUSING AUTHORITY OF BALTIMORE CITY** **\$222,738.00**
 (HABC)

Account: 4000-806412-6313-688500-603051

The HABC will recruit at least 50 Baltimore City youth and young adults age 16 to 21 who are economically disadvantaged, at risk and do not live in the empowerment zone. After recruitment, the HABC will provide specific occupational skills training and/or apprenticeships leading to certifications, job placement and job retention services. The period of the agreement is July 1, 2011 through June 30, 2012.

The agreement is late because of the late submittal of information by the subcontractor required to complete the agreement.

2. **BALTIMORE CITY COMMUNITY COLLEGE** **\$ 2,940.00**
 (BCCC)

Account: 1001-000000-6331-468700-603051

The BCCC will manage and administer computer-aided instruction leading to a high school diploma, using the APEX instructional program. This program will be provided to youth enrolled in the City's initiative known as Youth Opportunity System. The period of the agreement is September 1, 2011 through June 30, 2012.

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MOED - cont'd

3. VSP AT SINAI HOSPITAL OF BALTIMORE \$336,218.00

Account: 4000-806412-6313-497805-603051

The organization will recruit at least 60 Baltimore City youth and young adults ages 18 to 21 years who are eligible under the Workforce Investment Act to prepare and/or transition those youth to employment and/or post-secondary training in the Healthcare Industry career path. The period of the agreement is July 1, 2011 through June 30, 2012.

The agreement is late because of the late submittal of information by the vendor

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

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the aforementioned agreements. The President **ABSTAINED** on item no. 1.

MINUTES

Mayor's Office of Information - Agreement
Technology (MOIT)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an agreement with the Buan Consulting, Inc. The agreement is effective upon Board approval for 30 days.

AMOUNT OF MONEY AND SOURCE:

\$14,995.00 - 1001-000000-1472-165800-603018
(not-to-exceed)

BACKGROUND/EXPLANATION:

Buan Consulting, Inc. is a highly specialized Maryland corporation in the business of Customer Relation Management business analysis, knowledge management and portal experts with more than 60 years of combined experience in integrating technology solutions that increases customer efficiencies and effectiveness.

MOIT wishes to retain the services of the Buan Consulting, Inc. The vendor will review City of Baltimore's current Constituent Services processes, and determine which businesses processes and areas of the system could use improvement or enhancement.

MOIT has agreed to reimburse the vendor in an amount not to exceed \$14,995.00 for performance of the work. The invoices will reflect the actual costs incurred in terms of billable hours for each member of the consultant team at \$150.00 per hour and actual expenses.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with the Buan Consulting, Inc. The President **ABSTAINED.**

MINUTES

CITY COUNCIL

09-0378 - An Ordinance concerning City Property - Grant of Easement - Robert E. Lee Park for the purpose of authorizing the Mayor and City Council of Baltimore to grant a drainage and utility easement through Robert E. Lee Park for the property known as 6608 Falls Road, Baltimore County; and providing for a special effective date.

09-0379 - An Ordinance concerning City Property - Grant of Easement - 116 Siegwart Lane for the purpose of authorizing the Mayor and City Council to grant an easement through 116 Siegwart Lane for the installation of electrical service conduits for 117 S. Morley Street and 119 S. Morley Street; and providing for a special effective date.

ALL REPORTS RECEIVED WERE FAVORABLE.

UPON MOTION duly made and seconded, the Board approved bills no. 09-0378 and no. 09-0379 and directed that the bills be returned to the City Council with the recommendation that they also be approved and passed by that Honorable Body. The President **ABSTAINED.**

MINUTES

Mayor's Office of Human Services/ - Agreements and Memorandum of
Homeless Services Program Understanding

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

AGREEMENTS

1. **HARFORD COUNTY, MARYLAND** **\$ 181,046.00**

Account: 4000-490912-3573-333676-603051

Harford County through the Harford County Housing Agency will provide housing assistance to eligible Harford County residents living in the Baltimore Metropolitan Statistical Area. The Harford County Housing Agency will be responsible for administering tenant-based rental assistance and contracting with individual property owners to participate in the Housing Opportunities for Persons With AIDS program in order to provide 18 housing units to eligible program participants. The period of the agreement is July 1, 2011 through June 30, 2014.

The agreement is late because of a delay by HUD in granting the award.

MWBOO GRANTED A WAIVER.

2. **GOVANS ECUMENICAL DEVELOPMENT** **\$ 40,037.00**
CORPORATION (GEDCO)

Account: 4000-490912-3573-333634-603051

GEDCO will provide services to at least 26 people living with HIV/AIDS and/or other disabilities in order to move them from homelessness to permanent housing and to maintain their housing status. Services will include but not be limited: to resource identification, to establish, develop and coordinate housing assistance resources for eligible persons and placement in permanent housing. The period of the agreement is July 1, 2011 through June 30, 2012.

MWBOO GRANTED A WAIVER.

MINUTES

Mayor's Office of Human Services/ - cont'd
Homeless Services Program

3. **GOVANS ECUMENICAL DEVELOPMENT CORPORATION (GEDCO)** **\$ 33,524.00**

Account: 4000-496211-3573-267850-603051

GEDCO will hire the services of one FTE Case Manager to provide case management services to 30 individuals with HIV/AIDS who are housed in Shelter Plus Care housing units or are currently homeless. The Case Manager will screen clients to ensure that they meet the criteria for the Shelter Plus Care Housing Program and provide intake assessment for all new clients after checking eligibility to enter the program. The period of the agreement is August 1, 2011 through July 31, 2012.

MWBOO GRANTED A WAIVER.

4. **COMMUNITY HOUSING ASSOCIATES, INC.** **\$ 33,450.00**

Account: 5000-525112-3573-333755-603051

The organization will oversee and operate a Tenant Advocacy Project and provide resource development, service referral and tenant rights training to poor tenants and tenant organizations. Services will include but not be limited to prevention of unnecessary or unjust evictions and the preservation and expansion of affordable housing. The period of the agreement is July 1, 2011 through June 30, 2012.

MWBOO GRANTED A WAIVER.

5. **BALTIMORE HEALTH CARE ACCESS, INC. (BHCA)** **\$124,459.00**

Account: 4000-480012-3571-333610-603051

The BHCA will provide targeted outreach to 50 unduplicated long-term shelter dwellers of the City's 24-hour emergency shelter and/or other community homeless shelters. Thirty unduplicated long-term dwellers will obtain permanent or

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Mayor's Office of Human Services/ - cont'd
Homeless Services Program

transitional housing. The 50 unduplicated long-term shelter dwellers will be linked to services such as health insurance, health care, mental health treatment and substance abuse treatment. The period of the agreement is July 1, 2011 through June 30, 2012.

MWBOO GRANTED A WAIVER.

MEMORANDUM OF UNDERSTANDING

6. **BALTIMORE COUNTY, HEALTH DEPARTMENT** **\$1,103,518.00**

Account: 4000-490912-3573-333678-603051

Baltimore County through its Health Department will provide tenant-based and project-based rental assistance by engaging Baltimore County's Office of Community Conservation to contract with individual property owners to participate in the Housing Opportunities for Persons With AIDS program. Services will also include supportive services, including but not limited to health, mental health, assessment, permanent housing placement and drug and alcohol abuse treatment and counseling. The period of the memorandum of understanding is July 1, 2011 through June 30, 2014.

MWBOO GRANTED A WAIVER.

The agreements and the memorandum of understanding are late because of a delay at the administrative level.

AUDITS REVIEWED (EXCEPT FOR ITEM NOS. 1 AND 6) AND HAD NO OBJECTION.

APPROVED FOR FUNDS BY FINANCE

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

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Mayor's Office of Human Services/ - Ratification of Grant
Homeless Services Program Agreement

ACTION REQUESTED OF B/E:

The Board is requested to ratify a grant agreement with Women Accepting Responsibility, Inc. (WAR). The period of the agreement was April 4, 2011 through June, 26 2011.

AMOUNT OF MONEY AND SOURCE:

\$45,085.00 - 4000-496311-3570-591447-603051

BACKGROUND/EXPLANATION:

WAR provided tenant based housing in conjunction with supportive services to at least six homeless clients. WAR provided monthly rental assistance payments for monthly rental subsidies, security deposits and/or payment for damage to the property for the benefit of the homeless clients.

The grant agreement is submitted late for Board approval because of a delay of the United States Department of Housing and Urban Development in awarding these funds.

MWBOO GRANTED A WAIVER

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved ratification of the grant agreement with Women Accepting Responsibility, Inc.

MINUTES

Department of Housing and - Head Start Agreements
Community Development

The Board is requested to approve and authorize execution of the various Head Start agreements. The period of the agreement is July 1, 2011 through June 30, 2012, unless otherwise indicated.

1. **DAYSPRING PROGRAMS, INC./DAYSPRING HEAD START PROGRAM** **\$1,850,700.00**

Account: 4000-486312-6051-515600-603051

The organization will provide Head Start services to 309 children and their families in Baltimore City. A two-month advance of funds in the amount of \$370,140.00 was approved by the Board on July 13, 2011. The total amount of the agreement is \$2,220,840.00.

MWBOO SET GOALS OF 27% FOR MBE AND 10% FOR WBE. OF THE TOTAL CONTRACT AMOUNT OF \$2,220,840.00, \$2,086,592.00 IS FOR ITEMS THAT ARE PROPRIETARY AND NON-SEGMENTABLE.

MBE: Sue-Ann's Office Supply	\$2,000.00	.09%
Expressly Yours, Gloria, Inc.	<u>500.00</u>	<u>.02%</u>
	\$2,500.00	.11%

WBE: McEnroe Voice & Data Corp.	\$1,440.00	.06%
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2. **SAINT BERNARDINE'S ROMAN CATHOLIC CONGREGATION, INC./ST. BERNARDINE'S HEAD START PROGRAM** **\$1,121,285.00**

Account: 4000-486312-6051-516410-603051

The organization will provide Head Start services to 191 children and their families in Baltimore City. A two-month advance of funds in the amount of \$224,257.00 was approved by the Board on July 13, 2011. The total amount of the agreement is \$1,345,542.00.

MWBOO SET GOALS OF 27% FOR MBE AND 10% FOR WBE. OF THE TOTAL CONTRACT AMOUNT OF \$1,345,542.00, \$1,228,438.00 IS FOR ITEMS THAT ARE PROPRIETARY AND NON-SEGMENTABLE.

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DHCD - cont'd

MBE: Rufus Ingram, PA	\$9,200.00	.68%
Time Printers, Inc.	500.00	.04%
	<u>\$9,700.00</u>	<u>.72%</u>

WBE: Andrea Morris*

*Andrea Morris is not certified as a WBE with Baltimore City.

3. **SAINT PAUL COMMUNITY OUTREACH CENTER, INC./ST. PAUL COMMUNITY HEAD START PROGRAM** **\$1,181,464.00**

Account: 4000-486312-515800-603051

The organization will provide Head Start services to 202 children and their families in Baltimore City. A two-month advance of funds in the amount of \$236,293.00 was approved by the Board on July 13, 2011. The total amount of the agreement is \$1,417,757.00.

MWBOO SET GOALS OF 27% FOR MBE AND 10% FOR WBE. OF THE TOTAL CONTRACT AMOUNT OF \$1,417,757.00, \$1,340,323.00 IS FOR ITEMS THAT ARE PROPRIETARY AND NON-SEGMENTABLE.

MBE: Rufus Ingram, P.A.	\$15,000.00	1.06%
Citywide Bus Co.		See Note below ¹
Solomon's Termite & Pest Control	2,000.00	.14%
John Salvage		See Note below ²
Isaacs & Simmons, P.C.	9,600.00	.68%
	<u>\$26,600.00</u>	<u>1.88%</u>
WBE: BFPE International, Inc.	\$ 250.00	.02%

¹Citywide Bus Co. is not certified as a MBE with the City of Baltimore.

²John Salvage is not certified as a MBE with the City of Baltimore.

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DHCD - cont'd

- 4. **UNION BAPTIST CHURCH SCHOOL, INC./** **\$1,238,276.00**
HARVEY JOHNSON HEAD START CENTER

Account: 4000-486312-515600-603051

The organization will provide Head Start services to 214 children and their families in Baltimore City. A two-month advance of funds in the amount of \$247,655.00 was approved by the Board on July 13, 2011. The total amount of the agreement is \$1,485,931.00.

MWBOO SET GOALS OF 27% FOR MBE AND 10% FOR WBE. OF THE TOTAL CONTRACT AMOUNT OF \$1,485,931.00, \$1,337,721.00 IS FOR ITEMS THAT ARE PROPRIETARY AND NON-SEGMENTABLE.

MBE: Time Printers, Inc.	\$ 2,000.00	.13%
Rufus Ingram, P.A.	14,000.00	.94%
B&B Lighting Supply, Inc.	2,500.00	.17%
Sue-Ann's Office Supply, Inc.	<u>14,000.00</u>	<u>.94%</u>
	\$32,500.00	2.18%

WBE: Expressly Yours, Gloria, Inc. \$ 2,000.00 .13%

- 5. **UNITY METHODIST CHURCH/** **\$1,081,940.00**
UMOJA HEAD START PROGRAM

Account: 4000-486312-517000-603051

The organization will provide Head Start services to 187 children and their families in Baltimore City. A two-month advance of funds in the amount of \$216,388.00 was approved by the Board on July 13, 2011. The total amount of the agreement is \$1,298,328.00.

MWBOO SET GOALS OF 27% FOR MBE AND 10% FOR WBE. OF THE TOTAL CONTRACT AMOUNT OF \$1,298,328.00, \$1,225,878.00 IS FOR ITEMS THAT ARE PROPRIETARY AND NON-SEGMENTABLE.

MBE: DSQ Solutions, LLC	\$ 17,220.00	1.33%
Genesis Office Systems Inc.		See note below ¹
	<u>135,456.00</u>	<u>10.43%²</u>
Charm City Caterers	\$152,676.00	11.76%

MINUTES

DHCD - cont'd

WBE: Naiman & Associates, P. A. \$ 12,600.00 .97%

¹Genesis Office Systems, Inc. is not certified as a MBE with Baltimore City.

²Charm City Caterers is not in good standing with the Maryland Department of Assessments and Taxation. The contractor will be allowed to substitute an approved MBE if Charm City Caterers is not in good standing at the time of award.

6. **ST. VERONICA'S ROMAN CATHOLIC CONGREGATION, INC./ST. VERONICA'S HEAD START PROGRAM** **\$1,705,030.00**

Account: 4000-486312-519000-603051

The organization will provide Head Start services to 289 children and their families in Baltimore City. A two-month advance of funds in the amount of \$341,006.00 was approved by the Board on July 13, 2011. The total amount of the agreement is \$2,046,036.00.

MWBOO SET GOALS OF 27% FOR MBE AND 10% FOR WBE. OF THE TOTAL CONTRACT AMOUNT OF \$2,046,036.00, \$1,763,902.00 IS FOR ITEMS THAT ARE PROPRIETARY AND NON-SEGMENTABLE.

MBE: E. Jackson & Son, Inc.	\$ 6,000.00	.29% ¹
Rufus Ingram, P.A.	15,600.00	.76%
Missouri Landscaping	1,500.00	.07%
DSQ Solutions, LLC.	22,800.00	1.11% ²
	\$45,900.00	2.23%

¹E. Jackson & Son, Inc. is not in good standing with the Maryland Department of Assessments and Taxation. The contractor will be allowed to substitute an approved MBE if E. Jackson & Son, Inc. is not in good standing at the time of award.

MINUTES

DHCD - cont'd

²DSQ Solutions, LLC. is not in good standing with the Maryland Department of Assessments and Taxation. The contractor will be allowed to substitute an approved MBE if DSQ Solutions, LLC is not in good standing at the time of award.

- 7. **ST. VINCENT DE PAUL OF BALTIMORE, INC./ST. VINCENT DE PAUL HEAD START PROGRAM** **\$5,095,001.00**

Account: 4000-486312-519000-603051

The organization will provide Head Start services to 877 children and their families in Baltimore City. A two-month advance of funds in the amount of \$1,023,199.00 was approved by the Board on July 13, 2011. The total amount of the agreement is \$6,118,200.00.

MWBOO SET GOALS OF 27% FOR MBE AND 10% FOR WBE. OF THE TOTAL CONTRACT AMOUNT OF \$6,118,200.00, \$5,324,942.00 IS FOR ITEMS THAT ARE PROPRIETARY AND NON-SEGMENTABLE.

MBE:	Time Printers, Inc.	\$ 1,500.00	.02%
	E. Jackson & Son, Inc.	3,500.00	.06% ¹
	C&T Transportation, Inc.	<u>6,000.00</u>	<u>.10%</u>
		<u>\$11,000.00</u>	<u>.18%</u>

¹E. Jackson & Son, Inc. is not in good standing with the Maryland Department of Assessments and Taxation. The contractor will be allowed to substitute an approved MBE if E. Jackson & Son, Inc. is not in good standing at the time of award.

MWBOO GRANTED A WAIVER OF THE BALANCE OF THE MBE/WBE GOALS.

MWBOO FOUND VENDORS IN COMPLIANCE.

The agreements are late because of the delays in the administrative review process.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTES

DHCD - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the aforementioned Head Start agreements. The President **ABSTAINED**.

MINUTES

Department of Housing and - Local Government Resolution
Community Development

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

The organization is applying to the State of Maryland's Community Investment Tax Credits (CITC) Program. A local government resolution of support is required by the State for all applications to this program for funding.

<u>Organization</u>	<u>Amount</u>
1. MARYLAND INSTITUTE COLLEGE OF ARTS (MICA)	\$50,000.00 (CITC)

The funds will be used to support the development of MICA's Studio Center facility, a 120,000 square foot project located at 113-131 W. North Avenue, a former industrial building acquired by MICA. The Studio Center will include space for both the public and MICA students and faculty. The public space is planned to consist of public galleries, a café' and auditorium. When complete, the renovations will represent a \$20,000,000.00 investment in the Station North Arts and Entertainment District.

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

MINUTES

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the land disposition agreement with GBAHC Park Heights Homes LLC, developer, for the sale of the property located at 2620, 2622 and 2625 Violet Avenue.

AMOUNT OF MONEY AND SOURCE:

\$10,500.00 - Sale price

BACKGROUND/EXPLANATION:

A good faith deposit of \$1,050.00 has been made.

The properties are being conveyed to a private non-profit housing developer that provides affordable and quality housing to low and moderate-income families.

The project will consist of a complete rehabilitation for each of the properties and make them available for homeownership. The Valuation Waiver was used in determining the price for these properties. 2620 Violet Avenue was priced at \$3,000.00; 2622 Violet Avenue was priced at \$3,000.00 and 2625 Violet Avenue was priced at \$4,500.00. The developer agreed to pay the prices that were established by the Valuation Waiver that totals \$10,500.00. Comparables used to substantiate the sale price of the Violet Avenue properties are 3406 W. Belvedere Avenue; 2814 Boarman Avenue; and 4410 Daytona Avenue.

MBE/WBE PARTICIPATION:

The properties are not subject to Article 5, Subtitle 28 of the Baltimore City Code because they will be sold at market value.

A LETTER OF PROTEST HAS BEEN RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION, INC.

(FILE NO. 57251)

MINUTES

President: "The first item on the non-routine agenda can be found on page 28, Department of Housing and Community Development Land Disposition Agreement. Will the parties please come forward?"

Comptroller: "Mr. Jolivet."

Ms. Day: "Good morning, Mr. President."

President: "Good morning."

Ms. Julie Day, Deputy Commissioner of Housing and Community Development: "Good morning, Mr. President, my name is Julie Day. I am the Deputy Commissioner of Housing. I am here to defend the protest that's found on page 28."

President: "Mr. Jolivet."

Mr. Jolivet: "Good Morning. Um, I sent you a letter."

President: "Can you state your name for the record?"

Mr. Jolivet: "Oh, Arnold M. Jolivet and it's a very simple proposition ah -- unfortunately the City has taken a position that the Ordinance has a \$25,000.00 threshold and if assuming that there isn't a \$25,000.00 value involved the Ordinance is not applicable. I, of course, uh, have disagreed with that over the years and I would ask the Board to look at the plain and unambiguous language of the Ordinance and it does say very, very clearly that if -- in this case the City is not technically

MINUTES

transferring actual cash to the developer but there is a value. There is a value in the property that the City is selling to the developer but even assuming there isn't a \$25,000.00 value the Ordinance specifically says that this subtitle applies - uh - Article 5, Subsection 28(4a) it says that 'this supplies applies to all contracts awarded to the City'. Now, in a legal since this is a contract that the City is awarding to this developer to develop these properties and the City Solicitor has over the years taken a position, well and it's not applicable. But, what happens is that the developer will take these properties, develop these properties, and make some assumable - will make a profit. So, the City is actually giving, - uh -, or granting the developer, uh, a value or benefit, or an advantage which is contemplated in the Ordinance. To make a long story short, I would urge this Board uh to -- even if you don't agreed with me this morning to have the City Solicitor to --, to investigate or research this because I have found that over the years the Minority contracting community is losing out on a number of benefits on a number of contracts because the City takes a very lackadaisical approach or interpretation of the expansiveness of the Ordinance. So, even if assuming that you don't agree with my interpretation - uh - I would feel more comfortable if the City would - uh - if this Board would at least see fit to asking the

MINUTES

City Solicitor to take a new different look - it's not a different look but a new look at it because clearly the \$25,000.00 threshold ah that the City Solicitor has uh, over the years suggested is applicable. It's certainly is not applicable and I don't know where that comes come. But, Mr. President that's really all I want to say."

President: "Thank you. Ms. Williams can you explain it?"

Ms. Williams: "I can offer a quick explanation."

President: "Please, thank you."

Ms. Williams: "Shirley Williams with the Minority and Women's Business Opportunity Office. If you look at -- that language is there, Third Party Contracts, and it says 'Whenever the City provides fiscal assistance the contract must comply with the terms of the subtitle'. If you go further into the subtitle around 28, 46-48, you will see several sub-divisions and what is noted is that a goal is not established on anything until it gets to \$25,000.00 and that's what we are talking about. The - when is it appropriate to establish a goal and the Ordinance clearly shows the \$25,000.00 mark."

President: "Thank you. Okay."

Julie Day: "I will defer to Ms. Williams."

President: "Okay."

MINUTES

Mr. Ralph: "My understanding is that Mr. Jolivet had two problems with the particular bid in question. The other problem was that you believe that the MBE goals should apply because the fact that this was a below market rate property. So, there are two reasons why your protest, ah, ah, is -- has some problems because in fact the market - this was a market-rate sale. Isn't that correct, Mr. Jolivet?"

Mr. Jolivet: "Correct. It's not withstanding the assertion here that it is below market value. I happened to have -- I happened know that it's in fact is. I like - I didn't come here today to argue whether it is or not but I believe that I have sufficient evidence to establish the fact that the properties are being offered to the developer -- "

Mr. Ralph: "at market rate?"

Mr. Jolivet: "No, below market rate."

Mr. Ralph: "All right, well--"

Mr. Jolivet: "Right."

President: "Well, well since I've been over that way - um, those properties on Violet Avenue, uhm if they are the same ones that I've seen they are in very poor condition --"

Ms. Day: "Yes."

Mr. Ralph: "Yes."

Ms. Day: "Yes sir."

MINUTES

President: "- - have been in poor condition for years. The community has been really, really beaten up housing and the Elected Officials about the conditions over there."

Julie Day: "Definitely."

President: "So, uhm, my main concern is to make sure that the vacant properties throughout the City are rehabbed so that people can be in them to make them safe and viable communities. So, what's different from this process and the other ones that have come before the Board where they were sold even below that amount."

Ms. Day: "Thank you, your Honor for your commitment to eliminating blight. We are working very hard to do that every day. We have, my name is Julie Day, I am Deputy Commissioner of Housing. These properties were priced in accordance with the approved appraisal policy and are being conveyed to Greater Baltimore AHC at fair market value. They are non-profit provider of affordable housing. They have other units in that area and are continuing their work in that neighborhood."

President: "Thank you, I entertain a motion."

Mr. Ralph: "Move the approval of the LDA with GBAHC Park Heights Homes LLC as set forth on page 28 of the agenda."

Comptroller: "Second."

MINUTES

President: "All those in favor say Aye. All opposed say Nay. The motion carries."

Ms. Day: "Thank you."

MINUTES

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the land disposition agreement with Ms. Gladys M. Edmonds, developer, for the sale of the property located at 2500 E. Eager Street.

AMOUNT OF MONEY AND SOURCE:

\$1,000.00 - Sale price

BACKGROUND/EXPLANATION:

On September 29, 2010, the Board approved the sale of 28 properties to Eager Street Development 28, LLC. One of the properties identified for sale was 2500 E. Eager Street. The Department requested approval to remove the property from the list of the 28 properties that were previously approved for sale to Eager Street Development 28, LLC and to be allowed to sell it to Ms. Gladys M. Edmonds.

Ms. Edmonds, will be sponsored by Adopt-A-Block, a local non-profit organization, which proposes to gut and rehabilitate the vacant property into a single family residential unit in the Milton-Montford Neighborhood. This will be part of the Adopt-A-Block Annual Give-A-Way to low income families in the Milton-Montford Neighborhood. The estimated total rehab cost will be \$40,000.00 in private funding. The buyer will invest at least 330 hours of "sweat equity" on the home. Adopt-A-Block will facilitate the rehabbing of the house and Ms. Edmonds will reside at the property as her primary residence.

MINUTES

DHCD - cont'd

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

The property was priced at \$3,800.00 pursuant to the appraisal policy and the Valuation Waiver was used.

The property will be sold to Ms. Edmonds for less than the proposed price of \$3,800.00 via Valuation Waiver because of the following factors:

1. the removal of blight influence through the sale and rehabilitation,
2. the condition of the subject property requires remediation because of structural damage and deterioration, and
3. the sale and rehabilitation promotes economic development through the subject property being placed on the City's tax rolls.

MBE/WBE PARTICIPATION:

N/A

(FILE NO. 57107)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with Ms. Gladys M. Edmonds, developer, for the sale of the property located at 2500 E. Eager Street.

MINUTES

Department of Housing and - Reduction to Period of
Community Development Affordability

ACTION REQUESTED OF B/E:

The Board is requested to approve a reduction to the Period of Affordability from 20 years to 15 years for the TRF-Oliver Phase IA homeownership project.

The Board is further requested to authorize the Commissioner of the Department of Housing and Community Development to execute any and all documents to effectuate this transaction subject to review and approval for form and legal sufficiency by the Department of Law.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On July 23, 2008, the Board approved a HOME Investment Partnership Program Loan in the amount of \$1,150,000.00 (original Home Loan) to TRF Development Partners-Oliver, LLC (TRF-Oliver) to assist with a portion of the construction costs associated with a 30 unit for-sale homeownership project (the original Phase IA Project), such units to be sold to first-time buyers earning up to 80% of the Area Median Income (AMI).

On September 2, 2009, the Board approved two amendments to its initial approval. The first amendment approved a name change to the borrowing entity from TRF Oliver to TRF Development Partners-Baltimore, LLC (TRF Baltimore). This action was taken to comply with the community housing development organization rules under the HOME program. The second amendment authorized TRF Development to select the final 30 units that would make up the original Phase IA Project from a group of 45 addresses, as set forth in the approved memorandum.

MINUTES

DHCD - cont'd

On December 8, 2010, the Board approved two additional modifications to its approval: a supplemental loan in the amount of \$150,000.00 to TRF Baltimore (the supplemental HOME Loan, and together with the original HOME Loan, the TRF HOME Loan) and a change in scope from developing 30 newly-constructed units to developing 20 rehabilitated homeownership units (the New Phase IA Project) at the following addresses:

- 1604, 1607, 1609, 1611, 1613, 1615 E. Preston Street
- 1204, 1219, 1223, 1225, 1227, 1229, 1233, 1237, 1239 N. Bond Street
- 1516, 1518, 1520, 1522 E. Biddle Street, and
- 1325 N. Caroline Street.

The proceeds of the Supplemental HOME Loan were used to write down an additional portion of the sales price of 15 units within the New Phase IA Project. The additional five units that constitute the Revised Project had already been constructed and sold. This shift from new construction to rehabilitation plus the additional funds from the Supplemental HOME Loan are allowing the Borrower to market the units for an approximate base price of \$100,000.00, which is more consistent with the current market demand.

As currently approved, upon the sale of each New Phase IA Project unit to a buyer eligible under the terms of the HOME program (each, HOME Qualified Buyer), such HOME Qualified Buyer will assume a portion of obligations of the original HOME Loan (the Buyer's HOME Loan), the Borrower will be released from an equal amount of the TRF HOME Loan. Concurrently, any lien of the TRF HOME Loan with respect to such purchased unit, if applicable, will also be released. Upon the sale of all the units within the New Phase IA Project and compliance with all terms and conditions of the TRF HOME Loan, the Borrower's obligation under the TRF HOME Loan will be forgiven.

MINUTES

DHCD - cont'd

In order to complete the purchase an eligible unit, a HOME Qualified Buyer is required to execute a note evidencing the Buyer's HOME Loan, which will have an interest rate of 0%, and agree to certain affordability and other restrictions required by the HOME program (the HOME Regulatory Restrictions) that are to last throughout the Period of Affordability, which is currently approved at 20 years.

In the event a conveyance or a refinancing occurs during the Period of Affordability, the HOME Qualified Buyer is required to repay the Department all or a portion (depending on how long such Home Qualified Buyer has lived in the unit) of the Buyer's HOME Loan out of net proceeds. Upon any other event of default under the documents evidencing the Buyer's HOME Loan, the HOME Qualified Buyer may be required to repay the Department all or a portion of the Buyer's HOME Loan. If a HOME Qualified Buyer complies with all applicable HOME Regulatory Requirements through the Period of Affordability, the Buyer's HOME Loan will be forgiven in its entirety.

In order to help the Borrower to better market the completed units, the Department is requesting the Board's approval to modify the Period of Affordability from 20 years to 15 years. The Department believes that potential buyers will be more apt to agree to a 15-year term rather than a 20-year term.

MBE/WBE PARTICIPATION:

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

THE DEPARTMENT OF FINANCE RECOMMENDED APPROVAL.

(FILE NO. 56462)

UPON MOTION duly made and seconded, the Board approved a

MINUTES

DHCD - cont'd

reduction to the Period of Affordability from 20 years to 15 years for the TRF-Oliver Phase IA homeownership project. UPON FURTHER MOTION duly made and seconded, the authorized the Commissioner of the Department of Housing and Community Development to execute any and all documents to effectuate this transaction subject to review and approval for form and legal sufficiency by the Department of Law.

MINUTES

Department of General Services - Developers' Agreements

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

	<u>DEVELOPER</u>	<u>NO.</u>	<u>AMOUNT</u>
1.	800 NORTH CHARLES LIMITED PARTNERSHIP, LLLP	1236	\$ 16,715.00

The organization would like to install new water service to its renovated building located at 800 North Charles Street. This agreement will allow the organization to perform its own installation in accordance with Baltimore City Standards.

An Irrevocable Letter of Credit in the amount of \$16,715.00 has been issued to 800 North Charles Limited Partnership, LLLP which assumes 100% of the financial responsibility.

2.	SAKI, LLC	1232	\$ 20,995.00
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The organization would like to install new water service and abandon two existing services to its proposed construction located in the vicinity of 310 South Broadway. This agreement will allow the organization to perform its own installation in accordance with Baltimore City Standards.

A Performance Bond in the amount of \$20,995.00 has been issued to Saki, LLC, which assumes 100% of the financial responsibility.

MBE/WBE PARTICIPATION:

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

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

MINUTESDept. of General Services - Minor Privilege Permit Applications

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

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
1. 411-417 W. Baltimore Street	Balti-West 400, LLC	Service connection three 5" conduit @ 15'
Annual Charge: \$315.00		
2. 818 N. Linwood Avenue	Joseph Bey	Wheel Chair Lift
Flat Charge: \$70.30		

There are no objections, since no protests were received.

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

MINUTES

Department of General Services - Agreement

The Board is requested to approve and authorize execution of the agreement with the below listed community non-profit organization. The period of the agreement is effective upon Board approval for one year.

1. **BALTIMORE POLYTECHNIC INSTITUTE** **\$25,000.00**
FOUNDATION, INC.

Account: 9916-913900-9197-910017-703032

The Department has received an award under the Energy Efficiency and Conservation Block Grant Program from the U.S. Department of Energy for youth educational programs regarding energy initiatives.

The Baltimore Polytechnic Institute Foundation, Inc. a non-profit organization that raises funds for the school, has applied for a grant to develop an energy course to allow students to study and analyze energy systems as a vehicle to educating students about chemistry, physics, and engineering principles. The Department has reviewed the proposal and found it to be worthy of a grant. This award will provide the Baltimore Polytechnic Institute the ability to establish an energy course that will not only improve its curriculum, but will educate students in the importance of energy conservation. Three Baltimore Polytechnic Institute teachers will develop the coursework. The grant also includes funds to procure laboratory and field equipment for students to conduct energy-related experiments as part of the coursework.

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with the above-listed community non-profit organization.

MINUTES

Department of General Services - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an agreement with Washington Gas Energy Services, Inc., under the Baltimore Regional Cooperative Purchasing Committee's (BRCPC) Energy Supply Contract (RFP P-030). The period of the agreement is effective upon Board approval for one year, with four one-year renewal options.

AMOUNT OF MONEY AND SOURCE:

The contract is for current and future power purchases which will be funded through budgeted monthly bill payments.

\$0.80 per MWh - transaction fee

BACKGROUND/EXPLANATION:

Washington Gas Energy Services, Inc. will purchase blocks of power (PJM hedge, day ahead, and real time markets) as directed by the BRCPC energy consultant EnerNOC and in compliance with the BRCPC procurement policy. The transactional fee is \$0.80 MWh which will be paid to Washington Gas Energy Services, Inc. for performing the transactional services. The contract is to enable current power purchases and long term hedge purchases of power for the BRCPC group as a part of the overall BRCPC electricity procurement plan. Baltimore County Purchasing Division is the lead jurisdiction for this procurement for the twenty BRCPC participating jurisdictions.

AUDITS REVIEWED AND HAD NO OBJECTION

(FILE NO. 56372)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with Washington Gas Energy Services, Inc., under the Baltimore Regional Cooperative Purchasing Committee's Energy Supply Contract.

MINUTES

Department of General Services - Agreement for Energy Performance Contracting

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize and agreement with Constellation New Energy, Inc. (CNE) for the construction of Energy Conservation Measures (ECMs) and Facility Improvement Measures (FIMs). The period of the agreement is effective upon Board approval and will continue for fifteen years from the date of final completion.

AMOUNT OF MONEY AND SOURCE:

\$ 1,020,000.00 - BGE Rebates
9,122,760.00 - City Master Lease
\$10,142,760.00 - Total Project Cost

BACKGROUND/EXPLANATION:

On April 28, 2010, the Board approved Phase I - Energy Performance Contract with CNE formally known as Constellation Energy Projects & Services Group, Inc. to provide a detailed energy audit and guaranteed savings program to reduce the City's energy consumption and maintenance costs at the Baltimore Convention Center (BCC). This agreement will provide for the implementation for such energy savings measure, guarantee the resultant savings and provide maintenance for installed equipment for the life of the contract.

The scope of work will be performed at the BCC. The CNE will also provide fifteen-years of monitoring services to verify the resultant energy savings in addition to system and equipment maintenance and repair services.

MINUTES

DGS - cont'd

The project cost includes capital costs for construction, project inspection, and oversight. 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 of work as proposed by the CNE. The amount of energy savings as related to each implemented ECM and FIM is guaranteed by the CNE for the life of the contract, which is 15 years after the completion of construction, which will be documented by a Certificate of Substantial Completion. In addition, the energy and operational savings will fund a fifteen-year maintenance and services agreement of \$45,718.00 and fifteen-year monitoring and verification agreement for \$687,005.00.

MBE/WBE PARTICIPATION:

MWBOO SET GOALS OF 16% FOR MBE AND 8% FOR WBE.

MBE:	Hunt Consulting	\$2,818,688.00	27.79%
WBE:	Energy & Environmental Consultants, Inc.	\$ 675,185.10	6.66%
	Oelmann Electric Supply	<u>202,855.00</u>	<u>2.00%</u> *
		\$ 878,040.10	8.66%

*Not more than 25 % of each MBE or WBE goal may be attained by expenditures to MBE/WBE suppliers who are not manufacturers. Therefore the maximum value allowed has been applied.

MWBOO FOUND THE VENDOR IN COMPLIANCE.

AUDITS REVIEWED AND HAD NO OBJECTION.

(FILE NO. 56334)

A LETTER OF PROTEST HAS BEEN RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION, INC.

President: "The second item on the non-routine agenda can be found on pages 38 and 39. Department of General Services

MINUTES

Agreement for Energy Performance Contracting. Will the parties, please come forward?"

Mr. Jolivet: "Mr. President, if I may at this time, I have since learned that this particular project is subject to litigation and I have been asked not to get involved in it and if with the Board's permission I would request that the Board, respectively allow me to withdraw my protest on this.

President: "I entertain a motion."

Mr. Ralph: "Move the approval of the purchases of -- excuse me Bureau of Purchases rescind of the award of Merit Building Contracting and re-award to Dazer --"

Comptroller: "Dazer."

President: "No, no, no, he is withdrawing his motion."

Mr. Ralph: "I am sorry, move the approval of the item as set forth on the agenda."

Comptroller: "Second."

President: "All those in favor say AYE. Those opposed NAY. The motion carries. In the absence of the Mayor, Mr. Gallagher **ABSTAINED** on her behalf."

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

September 20, 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

Dear Mr. President:

I represent the Maryland Minority Contractors Association, Inc. ("MMCA"). I also represent Mr. Josh Matthews and JCM Controls, Inc., a State and City certified MBE firm.

I wish to respectfully protest Your Honorable Board's approvals for the following cited proposed contract awards contained on the Board's 09/21/2011 agenda:

- 1) A proposed \$3,000,000.00 contract award to the ARM Group, Inc., for Project No. 1157.1-On Call Waste Facilities Management Services.

The basis of the protest is that the proposed contract award violates both the spirit and intent of the City's M-WBE Utilization Ordinance by completely discriminating against and excluding qualified African American-owned MBE firms from the schedule of participating firms for the subject City project.

- 2) A proposed \$10,142,760.00 so-called energy performance contract with Constellation New Energy, Inc. ("CNE") for the design and construction of certain energy conservation matters ("ECMs") and facility improvement measures ("FIMs").

The basis of the protest is that the proposed contract clearly violates the mandatory competitive bidding requirement contained in Article VI, § 11 et seq., of the City

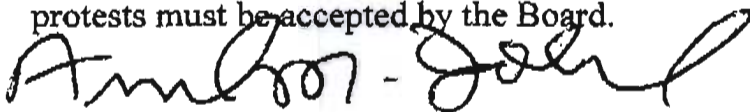
Charter. The record shows that neither the April 28, 2011 initial energy contract with CNE nor this proposed contract with CNE have been the subject of any competitive bidding as is specifically required by Article VI, § 11 of the City Charter. Additionally, this proposed contract is defective inasmuch as it proposes and, in fact, incorporates a separate "fifteen-year monitoring and verification agreement for \$687, 205.00," with CNE, specifically designed and intended to monitor and verify the actual energy savings which CNE achieves under the contract. This has not been done on past City energy performing contracts. Indeed, it has been customary standard practice (without exception) for a CPA or other independent auditing entity to monitor, audit and verify the actual energy savings achieved under these kinds of energy savings contracts.

- ✓
- 3) Agenda item contained on page 28, which is a proposed Land Disposition Agreement ("LDA") with GBAHC Park Heights Homes, LLC, developer for the sale of the City-owned properties located at 260, 2622, and 2625 Violet Avenue.

Inasmuch as these City properties are being sold at below market price, clearly, the developer must be made to comply fully with the City's M-WBE Ordinance (Art. 5, subtitle 28 of the Baltimore City Code). The plain and unambiguous language and legislative history and purpose of the subject M-WBE Ordinance clearly show that the customary \$25,000.00 necessary to invoke the M-WBE Ordinance does not apply under cases like this one.

MMCA, its members, clients and constituents will suffer injury if Your Honorable rejects the above protests.

Thank you for your favorable consideration of these protests, and I look forward to appearing at the Bard's 09/21/2011 public meeting to give oral argument as to why these protests must be accepted by the Board.



Arnold M. Jolivet
Managing Director

cc: Mr. Josh Matthews, President
JCM Controls, Inc.

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 - Options</u>			
1. S. Goldberg Properties, LLC	1616 Harlem Ave.	G/R \$90.00	\$1,125.00
2. S. Goldberg Properties, LLC	1624 Harlem Ave.	G/R \$90.00	\$1,125.00
3. Marshall R. Reif and Sheryl L. Reif, Co-Trustees of the Norma T. Reif Revocable Trust	1612 Harlem Ave.	G/R \$72.00	\$ 480.00

Funds are available in Account No. 9910-907079-9588-900000-704040, Wylie Funeral Home Project.

4. John W. Kennedy, P.R. of Nettie Kennedy (deceased)	1208 N. Gay St.	L/H	\$5,167.00
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Funds are available in Account No. 9910-906416-9588-900000-704040, EBDI Project Phase II.

(FILE NO. 56017)

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

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Condemnation</u>			
5. Michael L. Rottenberg	715 N. Mount St.	G/R \$78.00	\$ 520.00

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

UPON MOTION duly made and seconded, the Board approved and authorized the foregoing options, condemnations, and quick-takes. The Comptroller **ABSTAINED** on item nos. 1 - 3 and item no. 5.

MINUTES

Mayor's Office of Employment - Amendments to Agreements
Development

The Board is requested to approve and authorize execution of the following amendments to agreements. The amendment extends the agreements through October 31, 2011.

1. **BALTIMORE CITY BOARD OF SCHOOL** **\$0.00**
COMMISSIONERS (BCBSC)/W.E.B. DUBOIS
HIGH SCHOOL

Account: 5000-501311-6398-667505-601002

On April 13, 2011, the Board approved a grant agreement with the BCBSC to support the implementation of strategies to improve Academic, Social, and Career Pathway outcomes of 11th and 12th grade students at W.E.B. DuBois High School. The purpose of the amendment is to extend the period of the agreement.

2. **BALTIMORE CITY BOARD OF SCHOOL** **\$0.00**
COMMISSIONERS (BCBSC)/W.E.B. DUBOIS
HIGH SCHOOL

Account: 5000-501311-6398-510405-603051

On April 6, 2011, the Board approved a grant agreement with the BCBSC to support the implementation of Strategies to Improve Academic, Social and Career Pathway outcomes at W.E.B. DuBois High School.

The amendments to agreements are late because of the late submission of information by the BCBSC that was needed to complete the agreement.

APPROVED OF FUNDS BY FINANCE

AUDITS NOTED THE AMENDMENTS.

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

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. RALPH ANDERSON AND ASSOCIATES | \$ 60,000.00 | Increase |
|----------------------------------|--------------|----------|
- Solicitation No. B500001429 - Executive Search Consulting Services - Department of Human Resources - Req. No. to be determined

On May 19, 2011, the Board approved the initial award in the amount of \$60,000.00. This request is for two additional executive searches at the contracted rate of \$30,000.00 each. This increase in the amount of \$60,000.00 will make the total award amount \$120,000.00.

- | | | |
|------------------------------------|--------------|-----------------|
| 2. ALL RECREATION OF VIRGINIA INC. | \$ 68,446.00 | Selected Source |
|------------------------------------|--------------|-----------------|
- Solicitation No. 06000 - Park Benches - Department of Recreation and Parks - Req. No. R583100

The vendor has provided the existing park benches throughout the City and is needed to ensure uniformity of appearance.

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

MWBOO GRANTED A WAIVER.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
--------	-----------------	-------------

Bureau of Purchases

- | | | |
|---|----------------|---------------------------|
| 3. AMERICAN EUROCOPTER CORPORATION | \$9,498,454.00 | Sole Source/
Agreement |
| Solicitation No. 08000 - Police Headquarters - Police Department - Req. No. R582609 | | |

The Board is requested to approve and authorize execution of an agreement with the American Eurocopter Corporation. The period of the agreement is September 21, 2011 through September 20, 2012.

The American Eurocopter Corporation is the manufacturer and sole distributor of the EC120B helicopters required, which are the only ones compatible with the parts and maintenance equipment stocked and in place at the Police Department's Aviation Unit. This award will eliminate the need to replace the current parts and equipment inventory. Further, Aviation Unit pilots, crewmembers, and maintenance personnel are trained and qualified to operate and maintain this type of helicopter, eliminating retraining costs.

These four helicopters will replace the City's current four of the same type that have reached the end of their economical service life and have a total trade-in value of \$1,660,000.00.

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 the equipment and/or service is recommended.

(FILE NO. 57249)

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- | | | |
|--|---------------------|-----------------|
| 4. <u>TIPCO TECHNOLOGIES, INC.</u> | <u>\$ 50,000.00</u> | <u>Increase</u> |
| Solicitation No. B50001058 - Various Hoses and Accessories - Agencies - Various - P.O. No. P508818 | | |

On June 24, 2009, the Board approved the initial award in the amount of \$100,000.00. Due to an increase in usage of this contract, an increase in the amount of \$50,000.00 is necessary and making the total award amount \$150,000.00.

MWBOO GRANTED A WAIVER.

- | | | |
|--|---------------------|------------------|
| 5. <u>ONCO DIAGNOSTIC SERVICES, INC.</u> | <u>\$ 50,000.00</u> | <u>Extension</u> |
| Solicitation No. BP 06165 - Cytology Testing Services - Health Department - Req. No. P510464 | | |

On August 30, 2006, the Board approved the initial award in the amount of \$49,700.00. Subsequent actions have been approved. An extension is needed while the replacement contract (B50002125 with bids due on October 26, 2011) is evaluated and an award is made. This extension in the amount of \$50,000.00 is for the period October 1, 2011 through December 31, 2011, and makes the total award \$484,300.00.

MWBOO GRANTED A WAIVER.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Item Nos.

6. GRAVES UNIFORM CO.	2	\$ 50,000.00
HOWARD UNIFORM CO.	3, 4, 6, 9 and 13	150,000.00
F & F AND A. JACOBS & SONS	1, 5, 7, 8, 10, 11, 12, 14, 15, and 16	600,000.00
		<u>\$800,000.00</u>

Renewal

Solicitation No. B50001072 - Police Uniforms - Police Department - P.O. Nos. - Various

On September 23, 2009, the Board approved the initial award in the amount of \$800,000.00. The award contained one 1-year renewal options. This renewal in the amount of \$800,000.00 is for the period September 22, 2011 through September 21, 2013.

MWBOO GRANTED A WAIVER.

7. SERVICE TIRE TRUCK CENTER	\$ 0.00	Correction
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Solicitation No. B50000620 - New Tires, Retreads and Roadside Service for Cars and Trucks - Department of General Services, Fleet Management Division - P.O. No. P507169

This request is to make a correction to the Board's approval on August 24, 2011.

On September 3, 2008, the Board approved the initial award in the amount of \$22,000,000.00. On March 18, 2009, the Board approved an addition and increase in the amount of

BOARD OF ESTIMATES

09/21/2011

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

\$2,000,000.00. On August 24, 2011, the Board approved a renewal, however, the submission to the Board inadvertently omitted Service Tire Truck Center. Therefore, it is requested that this vendor be included in the approved renewal.

MWBOO SET GOALS OF 5% MBE AND 0% WBE FOR ROADSIDE SERVICE AND RETREADS AND 0% MBE AND 0% WBE FOR NEW TIRES. SERVICE TIRE CENTER IS SUPPLYING ONLY NEW TIRES SO NO COMPLIANCE IS REQUIRED.

UPON MOTION duly made and seconded, the Board approved the aforementioned informal awards, renewals, and increases and Extensions to Contracts. UPON FURTHER MOTION duly made and seconded, the Board approved and authorized execution of the agreement with the American Eurocopter (item no. 3).

MINUTES

Bureau of Solid Waste - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an agreement with the ARM Group, Inc., for Project No. 1157.1 On-Call Solid Waste Facilities Management Services. The period of the agreement is effective upon Board approval for four years or until the upset limit is reached, whichever occurs first.

AMOUNT OF MONEY AND SOURCE:

\$3,000,000.00 - Upset limit
(not to exceed)

BACKGROUND/EXPLANATION:

The Bureau of Solid Waste has a need for rapid response for Solid Waste Facilities Management Services such as follows:

- designing landfill cells, leachate collection system and remediation, sediment and erosion control, stormwater management, landfill gas collection system and landfill fencing;
- providing environmental monitoring services for Title V landfill and preparing reports to the Maryland Department of the Environmental (MDE);
- providing study of waste-to-energy ash impacts on the leachate collection/transport system and resolution;
- providing study of airborne ash particle impacts on the environment;
- providing operation and maintenance services to landfill gas collection, leachate pumps/transport and storage systems;

MINUTES

Bureau of Solid Waste - cont'd

- sampling and analysis of groundwater, surface water, leachate, air, hazardous waste, and other materials, and MDE reporting;
- preparing reports and interpreting federal, state, and local regulations; which may include representing the City's interest to various MDE programs;
- oversight of construction projects;
- preparing engineering designs and specifications, bid documents, and cost estimates;
- performing field surveys, preparing property and right of way plats, taking aerial photos, preparing photogrammetric topography, performing landfill volume calculations and landfill volume reporting to MDE; and
- any other task to be assigned by the Bureau of Solid Waste.

Tasks will be assigned as needs are identified. The costs of services rendered will be on a negotiated not-to-exceed price for each task assigned. Fees will be based on actual payroll rates not including overhead and burden times a set multiplier. The payroll rates and multiplier have been reviewed by the Department of Audits.

The Consultant has been approved by the Office of Boards and Commissions and Architectural and Engineering Awards Commission.

MBE/WBE PARTICIPATION:

The Consultant will comply with Article 5, Subtitle 28 of the Baltimore City Code. MWBOO set goals of 26% MBE AND 7% WBE, respectively.

MBE:	E2CR, Inc.	\$ 90,000.00	3.00%
	Tidewater, Inc.	480,000.00	16.00%
	EBA Engineering, Inc.	210,000.00	7.00%
		<u>\$780,000.00</u>	<u>26.00%</u>

MINUTES

Bureau of Solid Waste - cont'd

WBE: The Robert B. Balter \$210,000.00 7.00%
Co., Inc.

APPROVED FOR FUNDS BY FINANCE

AUDITS NOTED THIS ON-CALL AGREEMENT AND WILL REVIEW TASK ASSIGNMENTS.

A LETTER OF PROTEST HAS BEEN RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION, INC.

President: "The fourth item on the non-routine agenda can be found on pages 46 and 48, Bureau of Solid Waste agreement, will the parties please come forward? Okay."

Ms. Williams: "Shirley Williams, Minority and Women's Business Opportunity Office. The consultant on the named contract has used certified minority firms. Therefore, the Consultant was found to be in compliance. So, I really need to hear from Mr. Jolivet's arguments before I can respond to them."

President: "Okay."

Mr. Jolivet: "Well, that's not fair. She needs to have her own independent judgment on this."

Ms. Williams: "I made the judgment that they were in compliance."

Mr. Jolivet: "Okay, well that's fine. I--"

President: "She said that she needs to hear what you have to say."

MINUTES

Mr. Jolivet: "Well, I will tell her."

(Laughter)

Mr. Ralph: "Lord, Jesus."

President: "All right go ahead."

Mr. Jolivet: "In all seriousness, I ah - I want to put on the record that the minority program was passed in 1986 and perhaps the thing that drove me to file this complaint is that we are finding that the -- particularly the construction industry with regard to City contracts is fine. There is a fair and equitable representation of African Americans firms in the construction. But, I just need to present before this Board and it's no reflection on Ms. Williams because technically in a sense what she's saying is, 'well when the consultant responds to a request from Consultant Evaluation Board for a proposal' -- with a proposal, the consultant names in the proposal the specific M/WBEs that they propose in their contract and what Ms. Williams is saying well as long as they meet the City goals I am powerless and I am not speaking to you, Ms. Williams

Ms. Williams: "I appreciate that."

Mr. Jolivet: "But, I hope that I am understanding you in a way -- in a reasonable way but I understand her argument. But, to make a long story short I am here today because all too often particularly with the consultants -- the consultants are

MINUTES

responding without any American American MBEs and I might add that the Ordinance specifically contemplated that by having a provision in there which doesn't require but it gives the City's MWBOO the discretion of putting a separate sub-goal for African Americans and any other enumerated groups that are made a part of the Ordinance. Now this -- anytime a contract is over \$1,000,000.00. I guess my concern is all too often the consultant contracts are coming before this -- this Board without any African Americans. Part of the purpose of the Ordinance was to also include African Americans and it's not happening. It is not happening, so I thought that I would alert the Board that this is but one of many of consultant engineering contracts that come before this Board every week and the African Americans engineering, architectural firms are not part of this tapestry and we need to change that Mr. President. We need to change it. The Ordinance needs to be effectuated and administrated in a fair and equitable way where no one of the enumerated groups is excluded and this is what's happening and I urge this Board to take a look at -- a re-look at what we are doing and I am not against the other minority groups that are named in this Ordinance. But we got -- we cannot continue to discriminate against the African Americans and this is what's happening. That's all I want to say."

MINUTES

Ms. Williams: "This is an on-call contract."

President: "Can you talk into the mic?"

Ms. Williams: "Shirley Williams, this is an on-call contract from the Bureau of Solid Waste. There will be two on-call contracts. I don't know why the second didn't make it to the Board but it will. There is an African American consulting firm on that panel. But, the thing you need to keep in mind about consulting contracts as Mr. Jolivet said the team is named when the proposal is submitted. But contracts are advertised early on. In April of this year, there was an advertisement in the African American, the Daily Record, the Sun, and the Baltimore Times that this issue was coming before the A and E Awards Commission. Now, what the Commission does is give the agency the authority to negotiate the contract what's before you today with a particular firm. At that time, no African American firm came forward to say that I was discriminated against. Mr. Jolivet did not come forward. In the intervening for months no one has come forward. We cannot assume that because there is no African Americans on a particular panel that there has been discrimination. That is just an erroneous assumption and we should not even start to do that. We have a program that's open to minority firms under certain circumstances we can designate sub-goals. We have not done it in a lot instances because very

MINUTES

honestly we have more problems with people meeting the goals when we do the sub-goals than when we don't."

Mr. Jolivet: "Mr. President, in all due respect to Ms. Williams. I think that is an totally over simplified version because what happens when the larger prime consultant submits their MBE-WBE sub-consultants there ought to be a process with that process is inclusive. What happens, Ms. Williams tends to feel that there is just because you don't see the African Americans as a part of it that does not in and of itself and obviously it doesn't. But, the larger picture is that if African Americans continuously every week each week this Board meets are not a part of the schedule than Ms. Williams' theory is thrown out of the window because that in and of itself only on its face shows that African Americans are not being part of the process. So, I am not, I don't a feel comfortable debating Ms. Williams before this Board because that's not in my nature. But, I want - - I want to ask this Board to take a new look at -- at what we are doing. If African Americans continuously every week are not part of the mix and you are telling me that that's, okay. Ms. Williams is suggesting that that's okay because that's not evidence of discrimination. But, to make a long story short, I ask the Board to take a new look at it and I am finished with it."

MINUTES

President: "Okay. Well, I just have a question for you, Mr. Jolivet because I support minority firms and especially African Americans ones, why haven't they bid on these projects?"

Mr. Jolivet: "Well, the fact of the matter that a --"

President: "I would just like to know."

Mr. Jolivet: "That's a very good question and there is a real plausible answer for that is that ah because over the years other people will give you perhaps a response that perhaps may differ from my analysis. But, I believe I am right. Ah -- what happens -- over the years the minority firms particularly architectural, and engineering firms tend to be relatively small because they have suffered from a lack of work. They they've not been able to develop the diversity in the staff and the necessary cash flow to perhaps bid and finance a job of this size and the fact Mr. President that they are not responding to a job of this size directly as a prime is in and of itself evidence that they have not had the opportunity to develop themselves to get jobs and even as sub-consultants to develop themselves to the point where they can do a \$1,000,000.00 job on their own without having to be a sub. Now there is nothing intrinsically wrong with being a sub-consultant a lot of the minority contractors who are doing construction started as sub-contractors and they developed themselves to the level of prime

MINUTES

contractors. But, they have not been able to do this in the area of architecture and engineering because for some reason the City's architectural and engineering - uh - field contracts have been very exclusive. The contracts tend to go the same people. There's one guy who has gotten \$10,000,000.00 worth of sub-consultant work in the last two years and there is some who have gotten nothing. So, this just shows you the dichotomy of what's happening to the program. The program needs serious revision. It is not working as the way it should and when it comes up for renewal, if it comes up next year it expires on June 30, we are going to recommend very strongly that the Council take a completely new look at what -- how the contract -- who's getting the business and once we find that certain groups even though named in the Ordinance as beneficiaries, they are not getting any work Mr. President. They are not getting any work. So, if assuming that we can show that a certain group -- no matter what the group is, subgroup rather is being excluded even with the Ordinance then we need to change it we renew it after June 30 of next year. But, Mr. President I want you to know how privileged I feel at - to be able to come before this Board and articulate what's really happening to us in the minority business community because there are times when you will never know that there are certain - even with the existence of the Ordinance, there are

MINUTES

certain groups, subgroups who are still being excluded. So, Ms. Williams is not going to tell you that. No one in the Law Department or in the City's Wastewater and Public Works or housing is going to tell you that. But, I am unafraid, I will tell you. I will tell you, but thank you for allowing me to be here this morning Mr. President and would only ask you ah -- to take a new -- and you don't technically have to take my word for it. I would suggest the facts are there. The Council can do an investigation. The Council can do its own investigation of who's getting the contracts and I would suggest to you very inexplicably that the African American are not. Thank you, Mr. President.

President: "Thank you. I will entertain a motion."

Mr. Ralph: "Move the approval of the agreement with ARM Group, Inc. as set forth in pages 46 to 48 of the agenda."

Comptroller: "Second."

President: "All those 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

September 20, 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

Dear Mr. President:

I represent the Maryland Minority Contractors Association, Inc. ("MMCA"). I also represent Mr. Josh Matthews and JCM Controls, Inc., a State and City certified MBE firm.

I wish to respectfully protest Your Honorable Board's approvals for the following cited proposed contract awards contained on the Board's 09/21/2011 agenda:

- 1) A proposed \$3,000,000.00 contract award to the ARM Group, Inc., for Project No. 1157.1-On Call Waste Facilities Management Services.

The basis of the protest is that the proposed contract award violates both the spirit and intent of the City's M-WBE Utilization Ordinance by completely discriminating against and excluding qualified African American-owned MBE firms from the schedule of participating firms for the subject City project.

- 2) A proposed \$10,142,760.00 so-called energy performance contract with Constellation New Energy, Inc. ("CNE") for the design and construction of certain energy conservation matters ("ECMs") and facility improvement measures ("FIMs").

The basis of the protest is that the proposed contract clearly violates the mandatory competitive bidding requirement contained in Article VI, § 11 et seq., of the City

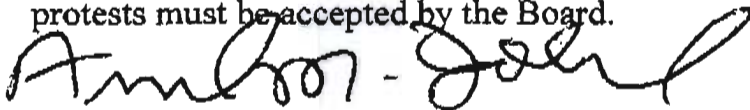
Charter. The record shows that neither the April 28, 2011 initial energy contract with CNE nor this proposed contract with CNE have been the subject of any competitive bidding as is specifically required by Article VI, § 11 of the City Charter. Additionally, this proposed contract is defective inasmuch as it proposes and, in fact, incorporates a separate "fifteen-year monitoring and verification agreement for \$687, 205.00," with CNE, specifically designed and intended to monitor and verify the actual energy savings which CNE achieves under the contract. This has not been done on past City energy performing contracts. Indeed, it has been customary standard practice (without exception) for a CPA or other independent auditing entity to monitor, audit and verify the actual energy savings achieved under these kinds of energy savings contracts.

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- 3) Agenda item contained on page 28, which is a proposed Land Disposition Agreement ("LDA") with GBAHC Park Heights Homes, LLC, developer for the sale of the City-owned properties located at 260, 2622, and 2625 Violet Avenue.

Inasmuch as these City properties are being sold at below market price, clearly, the developer must be made to comply fully with the City's M-WBE Ordinance (Art. 5, subtitle 28 of the Baltimore City Code). The plain and unambiguous language and legislative history and purpose of the subject M-WBE Ordinance clearly show that the customary \$25,000.00 necessary to invoke the M-WBE Ordinance does not apply under cases like this one.

MMCA, its members, clients and constituents will suffer injury if Your Honorable rejects the above protests.

Thank you for your favorable consideration of these protests, and I look forward to appearing at the Bard's 09/21/2011 public meeting to give oral argument as to why these protests must be accepted by the Board.



Arnold M. Jolivet
Managing Director

cc: Mr. Josh Matthews, President
JCM Controls, Inc.

MINUTES

Bureau of Water and - Employee Expense Report
Wastewater (BW&WW)

ACTION REQUESTED OF B/E:

The Board is requested to approve the expense report for Mr. Don Lambrow for the month of April 2011.

AMOUNT OF MONEY AND SOURCE:

\$113.73 - April 2011 - 9956-910533-9551-900010-705050

BACKGROUND/EXPLANATION:

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

The request is late because the original expense report was returned for corrections. The resubmitted request exceeded the forty day limit for acceptance and approval of employee expense reports.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved the expense report for Mr. Don Lambrow for the month of April 2011.

The President **ABSTAINED.**

MINUTES

Bureau of Water and - Employee Expense Report
Wastewater (BW&WW)

ACTION REQUESTED OF B/E:

The Board is requested to approve the expense report for Ms. Angela Cornish the month of May 2011.

AMOUNT OF MONEY AND SOURCE:

\$55.08 - May 2011 - 9956-904529-9551-900010-705050

BACKGROUND/EXPLANATION:

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

The request is late because the original expense report was returned for corrections. The resubmitted request exceeded the forty day limit for acceptance and approval of employee expense reports.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved the expense report for Ms. Angela Cornish the month of May 2011. The President **ABSTAINED.**

MINUTES

Bureau of Water and Wastewater - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve an expenditure of funds to pay Amtrak, for S.C. 876 Engineering and Protection Services.

AMOUNT OF MONEY AND SOURCE:

\$11,483.62 - 9956-906622-9551-900020-703032

BACKGROUND/EXPLANATION:

Amtrak provided engineering and protection services on Sanitary Contract No. 876. While working in the vicinity of Amtrak's active railways, it was necessary for Amtrak to provide engineering and protective services.

The Bureau of Water and Wastewater recently received the invoice from Amtrak. This request is for the final payment to Amtrak for services performed under S.C. 876.

APPROVED FOR FUNDS BY FINANCE

(FILE NO. 55173)

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to pay Amtrak, for S.C. 876 Engineering and Protection Services. The President **ABSTAINED**.

MINUTES

Bureau of Water & Wastewater - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve task assignment no. 002, to KCI Technologies, Inc., (KCI) for Project No. 1133K, Engineering and Environmental Science Services, 68th Street Sites Project.

AMOUNT OF MONEY AND SOURCE:

\$103,252.10 - 9916-902830-9197-000000-703032

BACKGROUND/EXPLANATION:

As a member of the 68th Street Sites Coalition, (Coalition) the City is working jointly with over twenty property owners and waste contributors to develop a cleanup plan for a number of contiguous properties located in the Rosedale area of Baltimore City/Baltimore County. The Coalition is now in the process of establishing allocation of the project costs among the Coalition members. Both the Energy Division and the Law Department are in need of engineering and environmental science support to ensure that the City's costs are minimized. Under Project 1067K, Task No. 10, the consultant provided expertise in EPA CERCLA requirements, risk assessment, review of environmental studies and documents, and costs allocation analysis as needed to protect the City's interests and minimize the City's costs in the project. Under this task, KCI will continue to provide engineering and regulatory services as-needed by the Department of General Services and the Law Department.

APPROVED FOR FUNDS BY FINANCE

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

(FILE NO. 57079)

UPON MOTION duly made and seconded, the Board approved task assignment no. 002, to KCI Technologies, Inc., for Project No.

MINUTES

Bureau of Water & Wastewater - cont'd

1133K, Engineering and Environmental Science Services, 68th
Street Sites Project. The President **ABSTAINED.**

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of amendment no. 2 to agreement with Johnson, Mirmiran & Thompson, Inc. (JMT), for Project 1096J, Engineer Services. The amendment no. 2 will extend the period of the agreement through November 3, 2012.

AMOUNT OF MONEY AND SOURCE:

\$374,615.49 - 9960-906531-9557-900020-703032

BACKGROUND/EXPLANATION:

On November 4, 2009, the Board approved the original agreement with the consultant to provide engineering services for the Wastewater, Water and Utility easement/ROW, as well as geographic information systems (GIS) features.

On March 2, 2011, the Board approved amendment no. 1 for additional funding to allow the JMT to continue their work. No additional time was requested as part of amendment no. 1. The original agreement expires on November 3, 2011.

Amendment No. 2 will allow provide additional funding in the amount of \$374,615.49 and extend the agreement for one year.

MBE/WBE PARTICIPATION:

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

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

MINUTES

BW&W - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$250,000.00	9960-907099-9558	9960-906531-9557-
Water Utility	Constr. Reserve	900020-3
Funds	Catholic Protection	Engineering

The funds are required to cover the costs associated with Project 1096J, Amendment No. 2.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment no. 2 to agreement with Johnson, Mirmiran & Thompson, Inc., for Project 1096J, Engineer Services. The transfer of funds was approved SUBJECT to receipt of favorable reports from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the Provisions of the City Charter. The President **ABSTAINED**.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/RESCISSIONS/REJECTIONS

* * * * *

On the recommendations of the City agency

hereinafter named, the Board,

UPON MOTION duly made and seconded,

awarded the formally advertised contracts

listed on the following pages:

3101 - 3103

to the low bidders meeting the specifications,

and rejected the bid as indicated

for the reasons stated.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Solid Waste

- | | | | |
|----|---|--|----------------|
| 1. | S.W.C. 12310,
Quarantine Road
and Millennium
Road Landfills
Comprehensive
Erosion & Sediment
Control Improvements | American Infrastructure
Maryland, Inc.
(2 nd lowest bidder) | \$3,877,777.00 |
| | MBE: C. Jones Trucking, LLC | \$349,000.00 | 9.00% |
| | WBE: Haines Industries, Inc. | \$233,000.00 | 6.00% |

MWBOO FOUND VENDOR IN COMPLIANCE.Bureau of Purchases

- | | | | |
|----|---|--|--|
| 2. | B50001826, Web
Hosting Services | REJECTION - On June 15, 2011, the Board opened bids for this contract. During the review of the bids received, it was determined that the solicitation will need to be revised and re-bid to best meet the needs of the City. | |
| 3. | B50002076, Fall
2011 Tree
Baltimore | Item nos. 1-69,
<u>except no. 22</u>
Shemin Nurseries | \$ 84,907.00 |
| | | <u>Item Nos. 22 & 70</u>
Lorenz Lawn &
Landscape, Inc. | <u>1,316.69</u>
\$ 86,223.69 |

MWBOO GRANTED A WAIVER.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/RESCISSIONS/REJECTIONS:Bureau of Purchases

- 4a. B50001751, Janitorial Services for the Department of General Services Area D
- RESCIND AWARD** - On July 13, 2011, the Board approved the award of B50001751 to Merit Building Contracting Services (Merit). The award was recommended after the Bureau of Purchases had requested best and final offers from the three highest scoring proposers. Because Merit raised its bid, rather than lowering it, in its final offer, Merit's higher offer was not accepted and the award was made based on Merit's original price. Subsequently Merit declined to perform the work at the original bid price, saying that its original bid became moot when the higher offer was made. The Bureau of Purchases agrees that Merit is not bound by its original bid, but only by its higher offer and based on that offer Merit is no longer the highest scoring proposer.
- b. B50001751, Janitorial Services for the Department of General Services Area D
- RECOMMENDATION TO RE-AWARD**
 Dazer-Bal Corp. \$464,880.00
 d/b/a Jani-King
 of Baltimore
 (highest scoring
 proposal)

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/RESCISSIONS/REJECTIONS:Bureau of Purchases

MBE:	Baltimore Janitorial Services	\$92,976.00	20%
WBE:	Prime Star Industries, Inc.	\$46,488.00	10%*

*Prime Star Industries, Inc. is not in good standing with the Maryland Department of Assessments and Taxation. The contractor will be allowed to substitute an approved WBE if Prime Star Industries, Inc. is not in good standing at the time of award.

MWBOO FOUND VENDOR IN COMPLIANCE.

A LETTER OF PROTEST HAS BEEN RECEIVED FROM THE MERIT BUILDING CONTRACTING SERVICES.

President: "Ah, the fifth item on the - well, this will be the fourth item on the non-routine agenda found on page 57, item 4a and 4b, rescinding of award and recommendation to re-award for B50001751, Janitorial Services for the Department of General Services Area D, will the parties please come forward?"

(No response)

President: "No parties? I'll entertain a motion.

Mr. Ralph: "Move approval of the item as set forth in the agenda."

Comptroller: "Second."

President: "All those in favor say 'AYE', all opposed 'NAY'.
The motion carries."

Merit Building Contracting Services



September 20, 2011

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

Re: Protest, Solicitation Number B50001751 – Janitorial Services for the Department of General Services Area D, to be Considered for Re-award on September 22, 2011 to Dazser-Bal Corp., D/B/A Jani-King of Baltimore for \$464,880.00

Dear President and Members of the Board:

I am protesting the above-referenced award because of the following facts:

The initial bid of my company, Merit Building Contracting Services, was \$269,757.00, which was the lowest of the three bids for the above-referenced contract. My bid was accepted by the Bureau of Purchases.

On June 10, 2011, Sue Ziegler of the Bureau of Purchases contacted me by e-mail to request a "best and final" offer on this contract. In my phone conversations with Ms. Ziegler regarding this matter, I informed her that my best and final offer would be higher than my original bid. On June 14, 2011, I submitted my best and final offer of \$369,757.00 to Ms. Ziegler by e-mail at her request.

On Friday, July 8th, Ms. Ziegler called and informed me that the Bureau of Purchases had decided to recommend to the Board of Estimates that my company's bid for the contract be accepted. However, I was not given the date or time when the matter would be brought to the Board.

On Friday, July 22nd, I received the award agreement for the above-referenced solicitation by mail from the Board of Estimates, but I noticed that the amount of the award was the amount of my original bid, \$269,757.00, not the amount of my best and final offer of \$369,757.00. I promptly contacted Ms. Ziegler by phone and by e-mail on Monday, July 25th regarding the incorrect award amount, and she told me by phone that she would work on making the correction. However, on July 29th, Ms. Ziegler contacted me again by phone and informed me that she was told by Mr. Joseph Mazza in the Bureau of Purchases that they could not accept my best and final offer of \$369,757.00, because it was higher than my initial bid of \$269,757.00.

Merit Building Contracting Services



It is my position that the Bureau of Purchases should have clarified any issues with my bid before making a recommendation to the Board of Estimates. If there was a problem with my best and final offer of \$369,757.00, which is still the lowest bid on this contract by nearly \$100,000, the Bureau of Purchases should have told me about it before presenting its recommendation to the Board. Also, I should have been notified of the date and time when the contract recommendation was to be made to the Board for approval, so I would have the opportunity to address any discrepancies before the award was made. There is something very flawed about this entire process.

Please grant my request to either suspend the award and reconsider, or hold a conference with both parties involved — the Bureau of Purchases and Merit Building Contracting Services — to determine how best to resolve this matter.

Sincerely,

Joan Addison
Owner, Merit Building Contracting Services

Enclosures:

E-mail chain with heading "Contract Award Amount – Contract Amount Error"

E-mail chain with heading "Re: Area D"

From: Joan Addison <meriti@aol.com>
To: Sue.Ziegler <Sue.Ziegler@baltimorecity.gov>
Cc: Meriti <Meriti@aol.com>
Subject: Contract Award Letter - Contract Amount Error
Date: Mon, Jul 25, 2011 7:55 am

Ms. Ziegler,

Good morning. I received an award notification letter for Area D on Friday from the Bureau of Purchases. However, the contract amount in the letter is incorrect. My final bid was \$369,757.00, and the amount in the letter is \$269,757.00. Please see the message below for my final bid.

Please contact me as soon as possible regarding the correction of this error.

Thank you very much, and I hope to hear from you soon.

Joan Addison
Owner
Merit Building Contracting Services
(410) 419-2578

-----Original Message-----

From: Joan Addison <meriti@aol.com>
To: Sue.Ziegler <Sue.Ziegler@baltimorecity.gov>
Cc: vsmith <vsmith@baltimorecity.gov>
Sent: Tue, Jun 14, 2011 11:46 am
Subject: Re: B50001751

Ms. Ziegler,

My company's offer for this second round of bidding is \$369,757.00. Please contact me by phone or e-mail if you have any questions.

Joan Addison
Owner
Merit Building Contracting Services
(410) 419-2576 - cell

-----Original Message-----

From: Ziegler, Sue <Sue.Ziegler@baltimorecity.gov>
To: Joan Addison <meriti@aol.com>
Cc: Smith, Vernon <vsmith@baltimorecity.gov>
Sent: Fri, Jun 10, 2011 2:02 pm
Subject: B50001751

Ms. Addison- your company is in the top 3 for the bid for Janitorial Services for Area D. We are asking the top 3 to come back to us with their "Best & Final" offer.

If you would like to revise your dollar amount, you may email me back with that. If you want to stay firm with what you bid, just let me know that. Please submit your answer no later than Tuesday, June 14th at noon. Remember you are not to talk to anyone with the City except for me regarding the bid. Thanks.

Sue Ziegler, CPPO, Procurement Supervisor.
410-396-5736
410-396-1822 fax

From: Ziegler, Sue <Sue.Ziegler@baltimorecity.gov>

To: Joan Addison <meriti@aol.com>

Subject: RE: AREA D

Date: Thu, Aug 11, 2011 8:15 am

Your bid of \$269,757. has already been accepted and approved by the Board of Estimates. If the City accepted \$369,757. we would have to go back to the Board for approval and the Board will not approve it since it is an increase.

I was told by the City Purchasing Agent that we do not accept higher bids for the Best & Final offers. That was my mistake and I do apologize, however, this is out of my hands.

If you would like to discuss it with my Supervisor, the City Purchasing Agent, Joe Mazza, you may call 410-396-5700 and ask for him after 8:30.

Sue Ziegler, CPPO, Procurement Supervisor

410-396-5736

410-396-1822 fax

From: Joan Addison [mailto:meriti@aol.com]

Sent: Thursday, August 11, 2011 2:28 AM

To: Ziegler, Sue

Subject: Re: AREA D

Ms. Ziegler,

I decline the contract for Area D at the price stated below. However, I feel that I am entitled to be awarded the contract for the amount of my final and best bid that you requested, which was \$369,757.00.

Thank you and best regards,

Joan Addison

Owner, Merit Building Contracting Services

(410) 419-2576 - ph

(410) 486-6613 - fx

-----Original Message-----

From: Ziegler, Sue <Sue.Ziegler@baltimorecity.gov>

To: Joan Addison <meriti@aol.com>

Sent: Wed, Aug 10, 2011 11:16 am

Subject: AREA D

I need to know if you intend to take over on August 16th for janitorial services for Area D for \$269,757.00. If not, I need to line up another vendor from the bid. You need to email me back by 9:00 am tomorrow morning at the latest. Thanks.

Sue Ziegler, CPPO, Procurement Supervisor

410-396-5736

410-396-1822 fax

MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Police Department</u>			
1. Carl E. Buchanan	Forensic Paint Identification and Comparison Westmont, Illinois Sept. 11 - 16, 2011	N/A	\$ 0.00
Funding will be provided by the National Institute of Justice.			
2. Vermont Lee	United States Conf. on AIDS, Nat'l Minority Aids Council Chicago, IL Nov. 9 - 12, 2011 (Reg. Fee \$560.00)	Federal	\$1,671.30
<u>Bureau of Water and Wastewater</u>			
3. Rudolph S. Chow	WEFTEC 2011 Annual Technical Conf. & Exhibiting Los Angeles, CA Oct. 15, - 20, 2011 (Reg. Fee \$1,150.00)	Waste water Facilities Engineering and Waste Water Utility Engineering	\$2,667.09
<u>Department of Transportation</u>			
4. Laetitia Griffin Evan Smith	Nat'l DBE Training Institute, DBE/DBELO UCP Training Las Vegas, NV Oct. 31 - Nov. 4, 2011 (Reg. Fee \$650.00 ea.)		\$3,820.00

The Board, UPON MOTION duly made and seconded, approved the

MINUTES**TRAVEL REQUESTS** - cont'd

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

In the absence of Mr. Alfred Foxx, Mr. Meli **ABSTAINED** on his behalf on item no. 3.

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 1603 N. Castle Street (Block 1469, Lot 67) from the inventory of the Department of Real Estate to the inventory of the Department of Housing and Community Development.

BACKGROUND/EXPLANATION:

This 14' x 87' vacant lot is in the footprint of a pending development project for new construction of the Mary Harvin Transportation Center.

The lot is critical in the development of this project.

The Space Utilization Committee approved this transfer of jurisdiction on September 13, 2011.

(FILE NO. 56665)

UPON MOTION duly made and seconded, the Board approved the transfer of jurisdiction for the property located at 1603 N. Castle Street (Block 1469, Lot 67) from the inventory of the Department of Real Estate to the inventory of the Department of Housing and Community Development.

MINUTES

Space Utilization Committee - Transfer of Jurisdiction

ACTION REQUESTED OF B/E:

The Board is requested to approve the transfer of jurisdiction for the properties located at 400, 426, 428 Worsley Street (Block 3805, Lots 69, 56, 55) and 310 E. 20½ Street (Block 3806, Lot 85) from the inventory of the Department of Real Estate to the inventory of the Department of Housing and Community Development.

BACKGROUND/EXPLANATION:

The four properties are in the middle of two blocks that are being assembled for new construction of affordable rental and homeownership housing by the Department of Housing and Community Development (DHCD) and the Housing Authority of Baltimore City (HABC).

The DHCD and the HABC have acquired the remainder of the blocks to assemble a new development site. The blocks were offered and awarded to Telesis Corp. by the HABC to redevelop and revitalize the Barclay neighborhood.

The three lots and one vacant house are in the middle of blocks that are needed to complete the assemblage of the development site. The HABC intends to demolish the remaining structures on the block later this year and for construction to commence in 2012.

The Space Utilization Committee approved this transfer of jurisdiction on September 13, 2011.

(FILE NO. 56665)

UPON MOTION duly made and seconded, the Board approved the transfer of jurisdiction for the properties located at 400, 426, 428 Worsley Street (Block 3805, Lots 69, 56, 55) and 310 E. 20½ Street (Block 3806, Lot 85) from the inventory of the Department

MINUTES

Space Utilization Committee - cont'd

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 Wach Valve and Hydrant Services, LLC. d/b/a Wachs Utility Services, Lessee, for rental of approximately 34,271 square feet of space located at 219 Burke Avenue, Towson, Maryland. The period of the agreement is September 1, 2011 through August 31, 2012, with an option to renew for one year.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Equal Monthly Installments</u>
\$3,324.00	\$277.00

BACKGROUND/EXPLANATION:

On September 22, 2010, the Board approved a one year renewal of the lease for the period September 1, 2008 through August 31, 2011.

Pursuant to this new lease, the Lessee will be using the lease premises for storage and as a staging area. The lessee will be responsible for liability insurance, security, janitorial, snow removal grass cutting, trash removal, and payment of the utilities.

(FILE NO. 56170)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the lease agreement with Wach Valve and Hydrant Services, LLC. d/b/a Wachs Utility Services, Lessee, for rental of approximately 34,271 square feet of space located at 219 Burke Avenue, Towson, Maryland.

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

The Board is requested to approve and authorize execution of a lease agreement with Joseph S. McNeal, tenant, for the rental of 4601 Bucks Schoolhouse Road, consisting of a one-story dwelling and 165 acres. The period of the agreement is July 1, 2011 through June 30, 2012, with an option to renew for two additional 1-year terms.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Monthly Rent</u>
\$ 9,900.00	\$ 825.00

BACKGROUND/EXPLANATION:

The tenant will be responsible for maintenance and repairs or the interior and exterior of the dwelling, real estate taxes, fire insurance and snow removal. The tenant will also be responsible for telephone services to the leased premises and liability insurance in compliance with the lease agreement.

The lease agreement is late because of a delay in the tenant's response in returning the lease.

The Space Utilization Committee approved this lease agreement on September 13, 2011.

(FILE NO. 55519)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the lease agreement with Joseph S. McNeal, tenant, for the rental of 4601 Bucks Schoolhouse Road, consisting of a one-story dwelling and 165 acres.

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

The Board is requested to approve and authorize execution of a lease agreement with Glass Substance Abuse Systems, tenant, for the rental of the property known as 2490 Giles Road, Cherry Hill Multi Purpose Center, consisting of 16,598 sq. ft. The period of the agreement is June 1, 2011 through May 31, 2016, with an option to renew for an additional five year term.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Monthly Rent</u>
\$60,304.00	\$5,025.34

BACKGROUND/EXPLANATION:

The tenant will use the leased premises as a substance abuse, counseling and management program. The tenant will be responsible for the cleaning and replacement of the carpet, securing the appropriate license to operate the leased premises, window treatments, janitorial services and security system.

The lease agreement is late because of a delay in the tenant's response in returning the lease.

The Space Utilization Committee approved this lease agreement on September 13, 2011.

(FILE NO. 57250)

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

MINUTES

Space Utilization Committee - cont'd

Abuse Systems, tenant, for the rental of the property known as
2490 Giles Road, Cherry Hill Multi Purpose Center, consisting of
16,598 sq. ft.

MINUTES

Baltimore Development - First Amendment to Grant Agreement Corporation (BDC)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the first amendment to a grant agreement with the Downtown Partnership of Baltimore (DPOB).

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

This first amendment to grant agreement increases the maximum amount of Facade Improvement Grants from up to \$20,000.00 to up to \$50,000.00. In addition the first amendment to grant agreement also changes the State Westside Revitalization Project funding years for the grant from FY 2007 (Acts 2006) and FY 2008 (Acts 2007) to Westside Funding as approved by the Maryland Department of General Services.

On July 14, 2010, the Board approved the original grant agreement with a 2-year term in the amount of \$900,000.00 for facade grants and \$90,000.00 for the DPOB administration.

The proposed increase will allow grant funding of up to \$20,000.00 for applicants seeking to complete facade improvements which included the activation of upper levels as residential units, preservation of historical elements, addition of sustainability elements, or improvements to more than one visible facade such as a corner property.

The DPOB through the BDC is required to report to the Board annually the number of businesses that have been subject to grants of more than \$25,000.00 and are subject to MBE/WBE participation.

MINUTES

BDC - cont'd

All supporting documentation and marketing materials will be revised to reflect the proposed increased maximum amount of grant funds. The DPOB will administer the program as set forth in the original agreement.

MBE/WBE PARTICIPATION:

Grant awards equal to or greater than \$25,000.00 will be subject to the Minority and Women Business Enterprise requirements of Article 5, Subtitle 28 of the Baltimore City Code.

(FILE NO. 56327)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the first amendment to the grant agreement with the Downtown Partnership of Baltimore. In the absence of the Mayor, Mr. Gallagher **ABSTAINED** on her behalf.

MINUTES

Department of Transportation - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve task assignment no. 11, to Whitman, Requardt and Associates, LLP/Johnson, Mirmiran & Thompson, for Project No. 1081, On-Call Bridge Design.

AMOUNT OF MONEY AND SOURCE:

\$406,398.65 - 9960-909633-9557-900000-703032

BACKGROUND/EXPLANATION:

This authorization provides for design services in connection with a replacement bridge carrying Spooks Hill Road over Cooper's Run (BC6523.). The design services will include but will not be limited to boring, geotechnical reports, historical investigation, design of the replacement structure, and retaining walls beginning with the preliminary investigation.

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

MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$288,043.00	9960-902070-9558	
Revenue Bonds	Constr. Reserve	
	Watershed Road &	
	Bridge Repairs	
211,957.00	" "	
Counties		
<u>\$500,000.00</u>	-----	9960-909633-9557-3
		Engineering

The funds are required to cover the cost of the design services for the replacement of TR 11001, Spook Hill Bridge performed under Project 1081, On-Call Bridge Design Services.

UPON MOTION duly made and seconded, the Board approved task assignment no. 11, to Whitman, Requardt and Associates, LLP/Johnson, Mirmiran & Thompson, for Project No. 1081, On-Call Bridge Design. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter.

MINUTES

PROPOSALS AND SPECIFICATIONS:

1. Dept. of Public Works/Dept. - RP 11848, Riverside Park
of Recreation & Parks Pathway Improvements
BIDS TO BE RECV'D: 11/02/11
BIDS TO BE OPENED: 11/02/11

UPON MOTION duly made and seconded, the Board approved the above Proposals and Specifications to be advertised for receipt and opening of bids on the dates indicated.

* * * * *

President: "There being no more further business before the Board the meeting will recess until the bid opening at 12:00 noon, Thank you."

MINUTES

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

BIDS, PROPOSALS AND CONTRACT AWARDS

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

<u>Department of Recreation & Parks</u>	- RP 09816, Morrell Park Recreation Center BIDS TO BE RECV'D: 10/05/2011 <u>BIDS TO BE OPENED: 10/05/2011</u>
<u>Bureau of Water and Wastewater</u>	- WC 1217, Urgent Need Infra- structure Rehabilitation BIDS TO BE RECV'D: 09/28/2011 <u>BIDS TO BE OPENED: 09/28/2011</u>
<u>Bureau of Purchases</u>	- B50002089, Drawbridge Operations BIDS TO BE RECV'D: 10/12/2011 <u>BIDS TO BE OPENED: 10/12/2011</u>

MINUTES

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

Department of Transportation - TR 10319, York Road
Rehabilitation 43rd Street
to Glenwood Ave - Federal

M. Luis Construction Co., Inc.
Machado Construction Co., Inc.
Civil Construction, LLC
Concrete General, Inc.
P. Flannigan and Son's, Inc.

Bureau of Purchases - B50002047, Personal
Ballistic Soft Body Armor

Galls- An Aramark Company LLC
Lawmen Supply Company of
New Jersey, Inc.
Southern Police Supply, Inc.
*Protective Products Enterprise

*UPON FURTHER MOTION, the Board found the bid of Protective Products Enterprise **NON-RESPONSIVE** because of the company's failure to submit a duplicate bid book as required in the bid instructions.

MINUTES

Bureau of Purchases- B50002090, Caterpillar
Maintenance & Repair

*Correlli, Inc.

**Alban Tractor Co., Inc.

Bureau of Purchases- B50002091, Interactive
Kiosks for the City
of Baltimore Department of
Transportation's Water Taxi
Harbor Connector landingsIonescu Technologies, LLC
Bureau of Purchases- B50002106, MJ Gate ValvesHD Supply Waterworks Ltd.
L/B Water Service, Inc.Bureau of Purchases- B50002113, Crew Cab Truck
with Utility Body, Snow
Plow and Transfer TankChapman Nissan
Chas S. Winner d/b/a
Winner Ford

* UPON FURTHER MOTION, the Board found the bid of Correlli, Inc. **NON-RESPONSIVE** because of the company's failure to proffer the bid guarantee in the form mandated by the City Charter.

UPON FURTHER MOTION, the Board found the bid of Alban Tractor Co., Inc. **NON-RESPONSIVE because of the company's failure to submit the unit prices on the Public Access Copies.

MINUTES

There being no objections, the Board UPON MOTION duly made and seconded, the Board adjourned until its next regularly scheduled meeting on Wednesday, September 28, 2011.

JOAN M. PRATT
Secretary