

## MINUTES

REGULAR MEETING

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

The meeting was called to order by the President.

President: "I will direct the Board members attention to the memorandum from my office dated May 6, 2013, identifying matters to be considered as routine agenda items, together with any corrections and deferrals -- corrections and additions that have been noted by the Deputy Comptroller. I will entertain a motion to approve all of the items contained on the routine agenda."

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

Comptroller: "Second."

President: "All those in favor say AYE. Those opposed NAY. The routine agenda has been adopted. Before we go any further, I'd like to recognize the presence of Councilman Robert Curran, who has joined us."

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

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

Ammka International, Inc.	\$ 936,000.00
Armond Cassil Railroad Construction, Inc.	\$115,065,000.00
Chesapeake Containment Systems, Inc.	\$ 8,000,000.00
DM Enterprises of Baltimore, LLC	\$ 558,000.00
Debra's Glass, Inc.	\$ 5,688,000.00
Furbish Company, LLC	\$ 1,500,000.00
Harris Brothers Construction Co., Inc.	\$ 63,000.00
Hawkeye Construction, LLC	\$ 7,758,000.00
John H. Hampshire, Inc.	\$ 8,000,000.00
Joseph B. Fay Co.	\$167,670,000.00
Midasco, LLC	\$ 68,607,000.00

**2. Prequalification of Architects and Engineers**

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

Baker Engineering Services, Inc.	Engineer
Coastal Resources, Inc.	Engineer Landscape Architect

## MINUTES

BOARDS AND COMMISSIONS - cont'd

Crabtree, Rohrbaugh & Associates, Architects	Architect
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CSA Central, Inc.	Architect Engineer
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Morabito Consultants, Inc.	Engineer
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Penza Bailey Architects	Architect
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RMF Engineering, Inc.	Architect Engineer
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There being no objection, the Board, UPON MOTION duly made and seconded, approved the prequalification of Contractors and Architects and Engineers for the listed firms.

**MINUTES**

Department of Planning (DoP) - 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 Department of Natural Resources Critical Area Commission. The period of the grant agreement is July 1, 2013 through June 30, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$11,000.00 - 5000-507414-1875-517600-600000

**BACKGROUND/EXPLANATION:**

This grant agreement will extend the State's support for the City's Critical Area Management Program. The State has provided support for this project since 1988 and there is no local match required. The funds will be used to help offset the operating costs incurred by the DoP in ensuring the City's compliance with the State Chesapeake Bay Critical Area Protection Law.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the grant agreement with the State of Maryland Department of Natural Resources Critical Area Commission.

## MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Dept. of Housing and Community Development (DHCD) - Options</u>			
1. Donovan Williams	924 N. Bradford St.	L/H	\$10,440.00
2. Ground Rents, LLC	924 N. Bradford St.	G/R	\$ 770.00
			\$84.00
Funds are available in City Bond Funds, account no. 9910-908044-9588-900000-704040, Milton-Montford Project.			
3. Linwood R. Stokes, Jr.	1738 E. Preston St.	L/H	\$ 9,260.00
4. Morents, LLC	2228 E. Madison St.	Sub-G/R	\$ 1,847.07
			\$240.00
5. Fairfield, LLC	2205 Ashland Ave.	G/R	\$ 1,100.00
			\$120.00

Funds are available in account no. 9910-906416-9588-900000-704040, EBDI Phase II Project.

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

## MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Department of Law - Payment of Settlement</u>			
6. Noam Harel and Phyllis E. Harel (Previous Owners)	941 N. Chester St.	G/R \$34.50	\$ 29.00

On July 25, 2012, the Board approved the acquisition by condemnation of the ground rent interest in 941 N. Chester Street for the amount of \$288.00. The owner of the property interest initially demanded \$500.00 for the property, but agreed to settle the condemnation case for the amount of \$317.00, an additional 10% of the previously approved valuation.

Therefore, the Board is requested to approve an additional \$29.00 to settle this case.

Funds are available in State funds, account no. 9910-906416-9588-900000-704040.

UPON MOTION duly made and seconded, the Board approved the options and the payment of settlement.

## MINUTES

Law Department - Settlement Agreements and General Release  
of All Claims and Settlement Agreement

The Board is requested to approve and authorize execution of the agreement for the following claims:

Settlement Agreements and General Release  
of all claims on behalf of the Office of  
Legal Counsel for the Baltimore City  
Board of School Commissioners

1. David Leety v. Baltimore City Board of School Commissioners, et al. \$ 70,000.00

Account: 2036-000000-1752-175200-603070

2. Lisa Avery v. Baltimore City Board of School Commissioners, et al. \$100,000.00

Account: 2036-000000-1752-175200-603070

Settlement Agreement

3. HealthCare Access Maryland, Inc./ The Baltimore City Health Department \$194,393.55

Account: 1001-000000-3252-316200-603013

The settlement of these claims have been reviewed and approved by the Settlement Committee of the Law Department.

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

**MINUTES**Department of Audits - Expenditures of Funds**ACTION REQUESTED OF B/E:**

The Board is requested to approve an expenditure of funds to pay the Association of Government Accountants (AGA). The expenditure is for training on May 8, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$ 3,900.00 - 1001-000000-1310-157800-603020

**BACKGROUND/EXPLANATION:**

These expenditures of funds will pay for the registration of 30 auditors to attend a one-day fraud seminar sponsored by the AGA on May 8, 2013.

Government Audit Standards require that each auditor obtain 80 hours of CPE every two years. The foregoing program is part of the Department's scheduled training for this year. The average cost per staff training hour will be approximately \$20.00, which is below the industry average in relation to other training of this nature.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to pay the Association of Government Accountants).



**MINUTES**

Mayor's Office of                      - Employee Expense Statement  
Employment Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the expense statement for Ms. Patricia Morfe for the month of September 2012.

**AMOUNT OF MONEY AND SOURCE:**

\$ 72.60 - 4000-807013-6312-457105-603001 (Hotel)  
  126.25 - 4000-807013-6312-457105-603002 (Mileage and Tolls)  
**\$198.85 - Total**

**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 it was delayed in the administrative review process.

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

UPON MOTION duly made and seconded, the Board approved the expense statement for Ms. Patricia Morfe for the month of September 2012.

**MINUTES**

Department of General Services - Developer's Agreement No. 1302

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of developer's agreement no. 1302 with 239 West Richmond Limited Partnership.

**AMOUNT OF MONEY AND SOURCE:**

\$15,425.00

**BACKGROUND/EXPLANATION:**

The developer would like to install a new valve at 879 North Howard Street. This agreement will allow the organization to do its own installation in accordance with Baltimore City standards.

A performance bond in the amount of \$15,425.00 has been issued to the developer who assumes 100% of the financial responsibility.

**MBE/WBE PARTICIPATION:**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the developer's agreement no. 1302 with 239 West Richmond Limited Partnership.

**MINUTES**

Department of General Services - Perpetual Easement Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a perpetual easement agreement with Reisterstown Plaza Associates, LLC.

**AMOUNT OF MONEY AND SOURCE:**

\$8,507.00 - 9950-902454-9508-900020-704040

**BACKGROUND/EXPLANATION:**

The Department of Transportation is proposing to install signal equipment on a portion of the property owned by Reisterstown Plaza Associates, LLC located at 6512 Reisterstown Road. The perpetual easement agreement will allow the City's contractor to install and maintain signal equipment in conjunction with the Department of Transportation Project No. TR-05309, Reisterstown Road Streetscape.

**MBE/WBE PARTICIPATION:**

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the perpetual easement agreement with Reisterstown Plaza Associates, LLC.

## MINUTES

Dept. of General Services - Minor Privilege Permit Applications

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

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
1. 3201 Saint Paul St.	CVE Retail, LLC	Outdoor seating 28' x 3.5'
Annual Charge: \$ 589.50		
2. 1201 N. Charles St.	1201 N. Charles Association, LLC	Outdoor seating 53' x 3.5'
Annual Charge: \$1,814.50		
3. 1111 W. 36 <sup>th</sup> St.	Marie Triantos	Single face electric sign 13'6" x 19'
Annual Charge: \$ 70.30		
4. 4700 Belair Rd.	Belair Road RE Holdings, LLC	Flat sign 8' x 4'
Annual Charge: \$ 44.80		
5. 3224 Fait Ave.	3224 Fait Avenue, LLC	Garage extension 17' x 2.66'
Annual Charge: \$ 158.27		

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Dept. of General Services - cont'd

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
6. 1116 Light St.	Max Properties, Inc.	Retain awning with signage 11'9" x 4'10"
Annual Charge: \$ 154.38		
7. 1118-A Light St.	Max Properties, Inc.	Retain awning with signage 19'3" x 2'
1118-B Light St.	Max Properties, Inc.	Retain awning with signage 26'7" x 2'
1118-F Light St.	Max Properties, Inc.	Retain awning with signage 7'8" x 2'
Annual Charge: \$ 412.70		

There are no objections, since no protests were received.

There being no objection, the Board, UPON MOTION duly made and seconded, approved the minor privilege permit applications.

**MINUTES**

Department of General Services (DGS) - Expenditure of Funds

**ACTION REQUESTED OF BOE:**

The Board is requested to approve an expenditure of funds to pay Dolphin Associates, Inc. and Air to Air Combat, LLC.

**AMOUNT OF MONEY AND SOURCE:**

\$257,615.00 - Dolphin Associates, Inc.  
102,645.00 - Air to Air Combat, LLC  
**\$360,260.00** - 9950-902416-9506-900020-704046

**BACKGROUND/EXPLANATION:**

This expenditure of funds will pay Dolphin Associates, Inc. and Air to Air Combat, LLC for relocation expenses and reestablishment allowances.

On December 8, 2010, the Board approved the Standard Highway Option to purchase the fee simple interest in 2800 Hawkins Point Road for use as right-of-way and storm water management for the proposed Department of Transportation Project No. TR-00073. The DGS has secured estimates for relocation assistance, as required, to be in compliance with the requirements of the Uniform Relocation Act and Real Property Acquisition Policies Act of 1970, as amended.

Dolphin Associates, Inc. and Air to Air Combat, LLC are the tenants of the property located at 2800 Hawkins Point Road. An estimate has been obtained from T.F. Hearn & Company for relocation expenses and reestablishment allowances for Dolphin Associates, Inc. and Air to Air Combat, LLC.

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DGS - cont'd

**MBE/WBE PARTICIPATION:**

N/A

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to pay Dolphin Associates, Inc. and Air to Air Combat, LLC.

**MINUTES**

Department of Recreation and Parks - City Funding Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a City funding agreement with the Cal Ripken, Sr. Foundation, Inc. (Foundation). The period of the agreement is effective upon Board approval and will end upon final acceptance of the Project by the City.

**AMOUNT OF MONEY AND SOURCE:**

\$1,400,000.00 - 9938-906888-9474-900000-706063

**BACKGROUND/EXPLANATION:**

The Foundation was founded in 2001 to help build character and teach critical life lessons to disadvantaged young people, living in America's most distressed communities, through baseball and softball themed programs. The Foundation is collaborating with the Department to design and facilitate the creation of a Cal Ripken, Sr. Foundation Youth Development Park as part of the City's Park Heights Master Plan. This multipurpose, synthetic turf, low-maintenance facility is designed to provide a cohesive recreational and educational experience for children, particularly in at-risk communities. The complex is part of a larger seven-acre project to construct two athletic fields and amenities on City property at C.C. Jackson Recreation Center and immediate environs (Project).

As a condition of the Foundation's donation of \$600,000.00 toward the Project, the Foundation requires that it will act as the fiscal agent for funding of the Project and that it will engage its preferred contractor, Henry H. Lewis Contractors, LLC, to perform the work so as to maintain quality/industry standards on the Project, which will be associated with the Ripken name.



## MINUTES

Rec. & Parks - cont'd

The funding agreement provides for funding the construction of the Project by the Foundation's contractor on City park property under the custody of the Department. The total construction cost is estimated at approximately \$2,000,000.00 and the Foundation has agreed to donate \$600,000.00 to the cost of the Project.

The balance of \$1,400,000.00 is derived from City funding sources: \$700,000.00 from two State Program Open Space (POS) grants and \$700,000.00 from the State of Maryland Slots revenue appropriated by the City for use in implementing the Park Heights Master Plan. The City's grant of \$1,400,000.00 will be provided to the Foundation solely on a reimbursement basis after the Foundation has expended its donation for the Project, in accordance with the construction estimate, and subject to the Foundation's monthly submission of requisitions. Upon completion of the Project, the improvements become the sole property of the City and available to the Park Heights residents and the public.

The Department hereby certifies that it has provided written notice to the Director of Finance that the requirement for formal advertisement may be dispensed with in accordance with Article VI § 11(e)(i) of the Baltimore City Charter, as the public work provided pursuant to this funding agreement are of such a nature that no advantage will result in seeking, or it is not practicable to obtain, competitive bids. The reasons for this exception include:

1. that in accordance with the City's Park Heights Master Plan, which includes development of a seven-acre community (public) park, the Project creates a unique Astro Turf field sponsored under the Ripken name that will be substantial and beneficial to the taxpayers and the community of Park Heights;

**MINUTES**Recreation and Parks - cont'd

2. that the Foundation has agreed to donate \$600,000.00 to the cost of the Project on the condition that 1) the Foundation act as the fiscal agent for the funding of the project, and 2) the Foundation engage its preferred contractor to perform the work and oversee construction of the Project according to an agreed upon plan so as to maintain quality standards on the Project which will be associated with the Ripken name;
3. that the State of Maryland has earmarked \$800,000.00 to the City (of which \$700,000.00 will be expended under the terms of the funding agreement) on the condition that the City partner with the Foundation on the Project, which funding will revert to the State unless it is spent specifically as the State has designated;
4. that upon comparison of the City/its consultant's estimate of the cost of the Project with the cost provided by the Foundation's contractor, the Project is not for the benefit or enrichment of the Foundation or its contractor, but for the best work at the lowest price practicable; and
5. that there is no evidence to suggest that the Project is influenced by favoritism, improvidence, extravagance, fraud, or corruption.

**MBE/WBE PARTICIPATION:**

The Foundation has signed the commitment to comply with the Minority and Women's Business Enterprise Program of Baltimore City and that it will achieve 9% MBE and 2% WBE.

**APPROVED FOR FUNDS BY FINANCE**

## MINUTES

TRANSFER OF FUNDSRecreation and Parks - cont'd

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$1,039,000.00	9938-905888-9475	
State	Reserve - Cal Ripken	
	Park Heights Youth	
	Development Park	
400,000.00	9938-913001-9475	
<u>State</u>	Reserve - Unalloted	
<b>\$1,439,000.00</b>	-----	9938-906888-9474
		Active - Cal Ripken
		Park Heights Youth
		Development Park

This transfer will provide funds to cover the costs associated with the funding agreement between the City and the Cal Ripken, Sr. Foundation, Inc.

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

**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

May 7, 2013

Via Facsimile 410-685-4416

Honorable Bernard "Jack" Young

President, Baltimore City Board of Estimates

City Hall-Room 204

Baltimore, MD 21202

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

Dear Mr. President:

I represent the Maryland Minority Contractors Association ("MMCA"), its members, clients and constituents.

We wish to file protest against Your Honorable Board approving the following described proposed contract and grant awards as contained on Your Honorable Board's 05/08/2013 public meeting agenda:

- 1) Item contained on pages 59-60, which is a proposed \$1,100,000.00 City grant to EBDI, for development purposes.

Our protest is based on the fact that EBDI has contracting policies and practices that discriminate against qualified minority and women-owned construction contracting firms on the basis of race and color, and this Board cannot use public funds to fund unlawful racial exclusion contracting practices.

- 2) Item on pages 14-18, which is a proposed City Funding Agreement with the Cal Ripken, Sr. Foundation, Inc., with the City contributing \$1.4 million and the Foundation \$600,000.00, in order for the Cal Ripken Sr. Foundation to design and construct a youth development park as part of the City's Park Heights Master Plan.

The total cost of the proposed Park will be over \$2 million, but the Ripken, Sr. foundation will contribute only \$600,000.00, and will be granted the right to perform the total design and construction work. This is a blatant and egregious violation of the City's "mandatory" competitive bidding charter provision as found in Article VI, § 11 et seq. Inasmuch as the City

is the real owner and majority funding agent for the proposed public park, the City cannot evade and circumvent the City's competitive bidding requirement merely by accepting the Ripken Sr. Foundation's \$600,000.00 grant and very arbitrarily turning over to and allowing the Ripken, Sr. Foundation to assume full control of the construction work. Also, the proposed project's agreement proposes only 9% MBE and 2% WBE participation and is highly unlawful and does not comport with the City's M-WBE Ordinance. Plain and simple, the subject project clearly lends itself to substantially more than 9% MBE and 2% WBE participation therein.

Your Honorable Board's approval of this proposed item will cause cognizable injury to our MMCA's members, clients and constituents.

Respectfully Submitted,

*Arnold M. Jolivet*

Arnold M. Jolivet  
Managing Director

## MINUTES

Recreation and Parks - City Funding Agreement - cont'd

President: "The first item on the non-routine agenda can be found on pages 14 to 17, Department of Recreation and Parks, City Funding Agreement. Will the parties please come forward? Good morning. Okay."

Mr. Schrock: "Hello, I'm Michael Schrock, I represent the Law Department, Chief Solicitor of the Contracts Division. I'm here to discuss the Ripken Funding Agreement. I'd like to first state off that uh - when this first came to me a request from the Ripken Foundation, I did have some initial questions that Jolivet has raised today, but we've done an in depth analysis of this looking at it legally, and to have found that there is an exception in the City Charter that allows this to be um -- not competitively bid. There's no advantage going out for bid and it's not practical in this specific case. We're actually relying on the unique factual situation here and there's a similar case that we looked at the Hylton Case vs. Maryland and City Council and there's a statutory interpretation issue. When you look at this, if we did not take the funds that are condi-

## MINUTES

Recreation and Parks - City Funding Agreement - cont'd

tioned by Ripken, on using their contractor and also allowing them to be the fiscal agent for that, the City would be at an economic disadvantage here that would clearly hurt the City and the City residents. Um -- first off, as you have in the Board of Estimates agenda we go through some of the factors that were specific to this determination that it would not be practical or advantage to do that, and one thing is, the City is getting a unique Astro Turf field what's going to be associated with the Ripken name and that we get we're able to use the Foundation logo on this field. So, it's not a generic baseball field. Ripken is being associated with this, actually over a 20 year use term in the agreement. Um-- further, there are these conditions that Ripken when they came with the proposal to the City required for us to get the \$600,000.00 grant from them and this project is a \$2,000,000.00 project and I'll explain the um -- monies that are coming into that. But the \$6,000.00 grant from Ripken --."

City Solicitor: "\$600,000.00 right?"

Mr. Schrock: "\$600,000.00 grant from Ripken was conditioned on

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Recreation and Parks - City Funding Agreement - cont'd

them being the fiscal agent for the project and also the um-- that that they would be able to use their preferred contractor on the project to maintain the quality of the project and the name Ripken to be associated with they wanted to have that quality assurance, and we have here today, Carrie LeBow, V.P. at the Cal Ripken Senior Foundation that can confirm that. Um -- finally, if you look at the funding for the project, again it's a \$2,000,000.00 project which Ripken is contributing \$600,000.00. There is also another \$700,000.00 coming from the State of Maryland which is Project Open Space funds and it actually was written in that from the State of Maryland in the grant as a condition for the City in order to get this money and use it or lose it, we have to develop an athletic complex in partnership with the Cal Ripken Senior Foundation at the C.C. Jackson Park. So we would not only lose the \$600,000.00 from the Ripken Foundation um -- if we didn't go through this process. But, we would also potentially lose the \$700,000.00 from the State, that's \$1.3 million out of the \$2,000,000.00 which is basically 65% of the funding of the project. Further,



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Recreation and Parks - City Funding Agreement - cont'd

we looked at the factors under the Hylton case and we looked at the estimate that RK&K and the City put together on what we thought the project would cost versus the actual budget that was proposed in this agreement. The um-- contractor in this project is actually 5% less their budget than what we estimated and the RK&K consultant on this. Finally, there's no evidence that this was influenced by favoritism and improvidence, extravagance, fraud or corruption. I mean the Ripken name is known for integrity in the City. We've got a contractor that they are going to use that signed a City affidavit that there's no bribery or collusion or debarment on this project and we've put in City requirements that you'd normally find even, if we would've competitively bid this. They have prequalified the contractors, we've got MBE/WBE, there's prevailing wage, there's Employ Baltimore, so I think you can feel pretty comfortable about that. Um -- I think that's really all at this point."

City Solicitor: "Could we turn this for a minute. You mentioned some of those requirements that I know that Mr.

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Recreation and Parks - City Funding Agreement - cont'd

Jolivet has raised a question about the MBE/WBE requirements. Tom -- Mr. Corey -- would you address that as set forth in Mr. Jolivet's correspondence?"

Mr. Corey: "Certainly. Thomas Corey, Chief of the Minority and Women's Business Opportunity Office. With regards to the MBE/WBE goals that are set on this, we use our usual process in determining the goals. But, what should be noted is that \$1,000,000.00 of the construction budget is excluded from the calculation of the goals, simply because this contract requires that there's some uh-- synthetic turf that has to be laid, we don't have anybody that's certified to supply and install this type of turf. Uh-- there's also the uh -- situation in which there's a storm water management piece in it that requires some specialists in terms of wetland planning that those dollars were also excluded and on the WBE side the goals are low simply because there are not many WBE firms certified to provide the trades that are associated with this particular contract. So, the goals are set as high as we could legally and that's what we have."

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Recreation and Parks - City Funding Agreement - cont'd

City Solicitor: "So the goals look low, if you are looking at the whole price of \$2,000,000.00. But, if you look at the price after the exclusions they are actually higher."

Mr. Corey: "They're actually higher because he didn't' put participation as far as we're concerned."

Mr. Jolivet: "Good morning."

Mayor: "Morning."

Comptroller: "Good morning."

Mr. Jolivet: "I sent you a letter --."

Comptroller: "State your name?"

Mr. Jolivet: "Arnold M. Jolivet and I'm not going to rehash my uh -- contentions that are included in my letter. But, what I would like to say is that there is nothing unique uh -- about this project that any contractor couldn't perform. Uh -- Ripken obviously has his reason why he, has the Foundation has selected the lowest contractor, that's a decision that they made probably before, this project was ever envisioned. But I want you to know that synthetic turf tracks and facilities-- recreational

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Recreation and Parks - City Funding Agreement - cont'd

facilities have been all over the country and we are doing one right now up at the Frederick Douglass High School; a synthetic track, and the contractor is not the lowest contractor. So, I just want it's been represented that this contractor has a unique ah-- ability or expertise to perform this work, that's simply not the case, and to get an exemption under Article VI, Section 11, the facts of this case don't mirror the facts in the Hilton case. Just don't at all. So, I don't know where the City Solicitor is coming from on that, but what I would like to ask the Board ah -- in its wisdom to reconsider this matter because yes, we want this park in Park Heights, yeah we need this park. It would be a great asset. But there's no reason to just give it unconditionally to the Foundation and allow the Foundation to be the uh -- steward of the funds. The Charter and the City taxpayers have entrusted the stewardship of these funds to the Board of Estimates and to the City Department of Recs. and there is nothing, nothing, absolutely nothing I have seen thus far that would justify this Board of the City of

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Recreation and Parks - City Funding Agreement - cont'd

Baltimore to entrust these funds to the Ripken Foundation and the Ripken Foundation has built a great name in the country and in the City, but that's no justification at all for the City particularly, this Board to approve given these funds and entrusting the stewardship of these funds to the Ripken Foundation and I want to, I want to emphasize that and I want to ask the City Solicitor to look at the case uh -- that was a -- the Baltimore City uh -- Mayor and City Council was a party to and it involved the application of Article VI, Section 11 of the City Charter. It was then -- it was then Article VI, Section IV of the Charter and the language has not changed at all. But anyway, the City and Environ -- where the facts clearly show that the City and Environ had reached this non-competitive agreement to process wet sludge at the Back River Wastewater Treatment Plant and the City contended that the City had the absolute authority under that Charter provision same Charter provision that we are dealing with today to award the contract without the empowerment of a competitive bidding process, and

## MINUTES

Recreation and Parks - City Funding Agreement - cont'd

the Court of Appeals rejected that contention. Rejected it outright and it held that any private agreement which tends to promote -- promote favoritism and prohibit competition violates the Charter and is contrary to the public policy of the State. Uh -- The City Solicitor is uniquely familiar with this case and I would ask this Board to follow the law. To follow the competitive bidding Charter provision, and if the City through this Board complies with the Charter provision it is in the best interest of the City to do that. The taxpayers for all we know for all this Board knows, we don't know the actual price the dollar price that it would cost us to build this facility. It may very well be if there were competition that we may be able to build this facility for less than what's the agreement provides for and that's the burden, that's the difficulty and that's the problem when you use negotiation for doing these kinds of contracts."

City Solicitor: "For the benefit of the Board members, Mr. Jolivet has urged me to read the case that he cites, I've read that probably five, six, seven times in the years that I've been

## MINUTES

Recreation and Parks - City Funding Agreement - cont'd

in this job, and I've read it in connection with this matter. It was considered as a part of our analysis of this project. The facts are grammatically different."

Mr. Jolivet: "Can you read it an eighth time --?"

City Solicitor: "No, I don't need to read it an eighth time."

Mr. Jolivet: "It sounds like you need to read it an eighth time."

City Solicitor: "I don't think so, and -- and by on that last point there is a million three that is available to this project ump you know --."

Mr. Jolivet: "Where did you hear that?"

City Solicitor: "Well, I think it's a million three that is available to this project only if the City does it collaborately with the Ripken Foundation."

Mr. Jolivet: "But there is nothing that says that the City could not do it collaboratively, but my point is, the City is in a unique position to insist that there be some competition for the contractor. Yes, the legislation suggests that the City should do it in collaboration and that's fine. I have no objection."

## MINUTES

Recreation and Parks - City Funding Agreement - cont'd

That's not part of my objection. I think it's a fine idea to collaborate with Ripken, but I don't think it's a fine idea to allow the Ripken Foundation to use and to quote and quote the language in the Board of Estimates Agenda a preferred contractor."

City Solicitor: "Right."

Mr. Jolivet: "A preferred contractor means uh -- anybody but minority contractors."

City Solicitor: "No, it doesn't."

Mr. Jolivet: "It does. But nonetheless Mr. President, I want to thank you for allowing me to present uh -- my concerns this morning and I believe very strongly that the Board is acting ultra- virously. I believe that the Board does not have the authority not withstanding Article VI, Section 11-- the exception provision. I don't think the Board has the authority and nor should the Board. It's not good public policy for the Board to award contracts of any kind without the mandatory competitive bidding provisions specifically stated in the Article VI, Section 11 and that's my case."



## MINUTES

Recreation and Parks - City Funding Agreement - cont'd

President: "Thank you, I will entertain a Motion."

City Solicitor: "MOVE to deny the bid protest and accept the recommendation of the Department of Recreation and Parks to move forward as outlined in the communication to the Board."

Comptroller: "Second."

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

\* \* \* \* \*

UPON MOTION duly made and seconded, the Board approved and authorized execution of the City funding agreement with the Cal Ripken, Sr. Foundation, Inc. The transfer of funds was approved subject to receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the provisions of the City Charter.

**MINUTES**Fire Department - Grant Award Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize acceptance of a grant award agreement from the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security. The period of the grant award is April 12, 2013 through April 11, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$1,449,600.00 - 4000-458313-2121-226400-404001 (Grant)  
362,400.00 - 1001-000000-3191-308700-605031 (City Match)  
\$1,812,000.00

**BACKGROUND/EXPLANATION:**

The grant will allow for the purchase of 75 Life Packs, 15 Adaptive Biphasic Fully Escalating (to 360 jules) Multi-parameter Monitor/Defibrillator with power supply, Filterline Set including airway adaptor, Infant, Child and Adult Cuffs Rainbow DCI ADT reusable Sensors, Carrying bag with top and rear compartments for use by ALS providers and 225 spare batteries. The project cost includes a federal share of 80% with a City match of 20%.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the grant award agreement from the Federal Emergency Management Agency and the Department of Homeland Security.

**MINUTES**

Fire Department - Appropriation Adjustment Order

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an appropriation adjustment order (AAO) to transfer funds from program 2101 to program 2121.

**AMOUNT OF MONEY AND SOURCE:**

<u>Amount</u>	<u>From</u>	<u>To</u>
\$147,600.00	4000-400013-2101- 225900-607004 Federal Unallocated	4000-458313-2121- 226400-605007

**BACKGROUND/EXPLANATION:**

The AAO will provide for the receipt of the FFY12 Fire Act Grant which was awarded on April 12, 2013.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved the appropriation adjustment order to transfer funds from program 2101 to program 2121.

**MINUTES**

Department of Transportation - Traffic Mitigation Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the traffic mitigation agreement with Englewood, LLC., developer. The agreement is effective upon Board approval and termination will be deemed in writing by the Department.

**AMOUNT OF MONEY AND SOURCE:**

\$112,588.12 - 9950-912087-9512-000000-490375

**BACKGROUND/EXPLANATION:**

Baltimore City Ordinance 06-345, approved on November 11, 2006, determined that a Traffic Impact Study was required for the development. The developer proposes to perform the scope of work for Baltimore Harbor East Hyatt Place (511 South Central Avenue) for a 208 room hotel and approximately 14,203 square feet of retail/restaurant and a parking garage with 63 parking spaces. The developer agrees to make a one-time contribution in the amount of \$112,588.12 to fund the City's multimodal transportation improvements in the project's vicinity.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the traffic mitigation agreement with Englewood, LLC., developer.

**MINUTES**

Department of Transportation - First Amendment to the Memorandum  
of Understanding for Baltimore  
Waterfront Promenade - Inner  
Harbor East

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**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the first amendment to the memorandum of understanding (MOU) for Baltimore Waterfront Promenade - Inner Harbor East with the Maryland Department of Transportation acting for and on behalf of the State of Maryland by and through the State Highway Administration. The period of the first amendment to the MOU for Baltimore Waterfront Promenade - Inner Harbor East will be September 14, 2012 through September 14, 2017.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On May 23, 2012, the Board approved the original MOU for the Baltimore Waterfront Promenade - Inner Harbor East with the Maryland Department of Transportation, which provided that under Section VII, the project would be advertised for bids by August 5, 2013.

The subject contract was advertised on September 14, 2012. Therefore, both parties now wish to amend the original agreement to denote the actual advertisement date for the subject contract. The project term will be from September 14, 2012 to September 14, 2017.

MINUTES

Department of Transportation - cont'd

**MBE/WBE PARTICIPATION:**

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the behalf of the State of Maryland by and through the State Highway Administration.

**MINUTES**

Department of Transportation - First Amendment to  
Pier Lease Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the first amendment to the pier lease agreement with Baltimore Harborview Marine Center, LLC.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On August 18, 2010, the Board approved the pier lease agreement with Baltimore Harborview Marine Center, LLC for the use of a marina slip for the development of a landing for the expanded operations of the Water Taxi Harbor Connector.

Subsequent to the execution of that agreement, it was mutually determined by the Department of Transportation, the operator of the Water Taxi Harbor Connector, and the Harborview Marina that the planned location presented operational and safety hazards and that overall the operations of the Water Taxi Harbor Connector would be better served at a different location within the Marina, which will now be on Pierside Drive.

The City will construct ADA access and passenger waiting area improvements and the City will continue to enjoy, in common with other users, access to the Marina area at which the Water Taxi landing is being located, to embark and disembark passengers.

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the first amendment to the pier lease agreement with Baltimore Harborview Marine Center, LLC.

**MINUTES**

Department of Transportation - Bikesharing Grant  
Project Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a bike sharing grant project agreement with the Maryland Department of Transportation, Office of Planning and Capital Programming (MDOT/OPCP). The period of the agreement is July 1, 2012 through June 29, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$881,300.00 - 9950-919011-9508-000000-490358

**BACKGROUND/EXPLANATION:**

The MDOT/OPCP coordinates statewide planning studies as well as serving as lead for the Department on coordination with local and regional transportation planning organizations.

Under the terms of this bikesharing grant project agreement, the Department will receive grant funds from the MDOT/OPCP to implement Phase I of Baltimore's bike share system, which includes furnishing, installing, and operating a system of bicycle stations throughout the City from which bicycles may be rented on a short-term basis. The bicycle share program will provide convenient transportation while reducing traffic congestion and improving environmental and public health.

The bikesharing grant project agreement is late because of negotiations with external parties.



**MINUTES**

Department of Transportation - cont'd

**DBE PARTICIPATION:**

Disadvantaged Business Enterprise participation will be applicable to the vendor selected to administer this program.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the bike sharing grant project agreement with the Maryland Department of Transportation, Office of Planning and Capital Programming.

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

The Board is requested to approve and authorize the purchase of client incentive gift cards for the HIV/STD Prevention Program and authorize an expenditure of funds to pay Rite Aid Headquarters, Corp.

**AMOUNT OF MONEY AND SOURCE:**

\$11,950.00 - 4000-422313-3023-274200-604051  
2,390 cards @ \$5.00 ea.

**BACKGROUND/EXPLANATION:**

The client incentives/gift cards purchased from Rite Aid Headquarters, Corp. will be distributed to help reduce the number of new HIV infections and improve the health of persons living with HIV/AIDS. The staff's ability to attract those encountered to receive counseling and testing on the STD/HIV testing van will be enhanced through the use of incentive cards. T-shirts will be purchased and provided to the outreach team.

The STD/HIV Prevention Program adheres to all policies associated with the usage of incentives and has sufficient procedures in place to address the safeguarding and accountability of incentives purchased.

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

**MINUTES**Health Department - cont'd

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

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

UPON MOTION duly made and seconded, the Board approved the purchase of client incentive gift cards for the HIV/STD Prevention Program and authorized the expenditure of funds to pay Rite Aid Headquarters, Corp.

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

The Board is requested to approve and authorize execution of a grant agreement with the U.S. Environmental Protection Agency (EPA). The period of the grant agreement is October 1, 2012 through September 30, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$60,000.00 - 4000-499513-3031-579200-404001

**BACKGROUND/EXPLANATION:**

The grant will be used for the project titled, Regional Indoor Environments: Reducing Asthma in Baltimore.

The grant will provide funding to improve environmental health outcomes for individuals/families that are disproportionately impacted by indoor environmental health risks.

The grant agreement is late because the EPA had changes in the outcome measures from the Department. The Department needed to first determine if it could make those changes before accepting the funding and the EPA accepted the changes to the outcome measures. The EPA is very eager for the signed grant agreement from the Department. The process took longer than anticipated due to multiple staffing changes within the Office of Chronic Disease Prevention within the Division of Health Promotion and Disease Prevention.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the grant agreement with the U.S. Environmental Protection Agency.

## MINUTES

Health Department - Agreements

The Board is requested to approve and authorize execution of the various agreements. The period of the agreement is March 1, 2013 through August 31, 2013, unless otherwise indicated.

1. **MORGAN STATE UNIVERSITY** **\$ 0.00**  
**(MSU)**

The MSU through its Registered Nurse and Family Practitioner Programs will assign various nursing students to the Baltimore City Health Department to gain field experience in public health care.

The primary care field experience authorized by the MSU as part of the education of students in the Registered Nurse and Family Nurse Practitioner Programs will be supervised by a registered nurse and/or physician or nurse practitioner preceptor. The MSU will provide the course description prior to rotation. The period of the agreement is March 1, 2013 through February 28, 2018.

The agreement is late because revisions to the agreement delayed processing.

2. **ASSOCIATED BLACK CHARITIES, INC.** **\$ 56,352.00**  
**(ABC)**

Account: 4000-427713-3030-271900-600000

As the Administrative Fiscal Agent for the Ryan White Part A Program, the ABC provides funds to the Baltimore City Health Department to support HIV health care services to underserved minority and hard-to reach populations.

The Health Department Dental Clinic staff will provide urgent and comprehensive dental care to 135 new and returning patients.

## MINUTES

Health Dept. - cont'd

3. **ASSOCIATED BLACK CHARITIES, INC.** **\$ 27,851.00**  
**(ABC)**

Account: 4000-498713-3023-274405-404001

As the Administrative Fiscal Agent for the Ryan White Part A Program, the ABC provides funds to the Baltimore City Health Department to support HIV health care services to underserved minority and hard-to reach populations.

Under this agreement, the funds will enable the Baltimore City Health Department (BCHD) to increase the number of HIV-positive youth linked to care. The Department will address the complex, social, logistical and service barriers faced by our youth as they attempt to access health care services. Clients will be tested through HIV screening activities conducted by the BCHD outreach team at youth venue sites.

4. **ASSOCIATED BLACK CHARITIES, INC.** **\$ 827,963.00**  
**(ABC)**

Accounts: 4000-498713-3023-606102-603051	\$ 781,965.00
4000-498713-3023-606101-603051	\$ 45,998.00

**MWBOO GRANTED A WAIVER.**

5. **ASSOCIATED BLACK CHARITIES, INC.** **\$6,103,776.00**  
**(ABC)**

Accounts: 4000-427713-3023-273303-603051	\$5,897,704.00
4000-427713-3023-273302-603051	\$ 206,072.00

**MWBOO GRANTED A WAIVER.**

The ABC will utilize the funds to provide day-to-day fiscal administration, contracting, and monitoring of provider expenditures to ensure reasonableness of reimbursements requested and the compliance to contractual fiscal requirements.



## MINUTES

Health Dept. - cont'd

8. **TOTAL HEALTH CARE, INC.** **\$100,000.00**

Account: 4000-424513-3023-599610-603051

The organization will provide site based outreach, linkage to pharmacy assistance programs, primary medical care and support services, specialized case management, HIV education and prevention for positives, and HIV counseling. The period of the agreement is July 1, 2012 through June 30, 2013.

**MWBOO GRANTED A WAIVER.**

9. **CHASE BREXTON HEALTH SERVICES, INC.** **\$ 50,000.00**

Account: 4000-424513-3023-599634-603051

The organization will provide Supporting Positive Living and Sexual Health (SPLASH) for the Ryan White Part B Program. Services will include the reduction of high-risk behaviors related to the transmission of HIV to seropositive men and women engaged in HIV primary care. The period of the agreement is January 1, 2013 through June 30, 2013.

**MWBOO GRANTED A WAIVER.**

The agreements are late because the Infectious Disease and Environmental Health Administration (IDEHA) programmatically manages Ryan White Part B services. The IDEHA selects the providers through a competitive Request for Proposal process. The providers are asked to submit a budget, budget narrative, and scope of services. The Health Department thoroughly reviews the entire package before preparing a contract and submitting it



**MINUTES**

Health Dept. - cont'd

to the Board. These budgets are often revised because of inadequate information from the providers. This review process is required to comply with the grant requirements.

**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 foregoing agreements. The President **ABSTAINED** on item nos. six and seven. The Comptroller **ABSTAINED** on item nos. 2-5.

**MINUTES**Department of Real Estate - Report on the Hollywood Diner**ACTION REQUESTED OF B/E:**

The Board is requested to **NOTE** receipt of the Report on the Hollywood Diner.

**BACKGROUND AND EXPLANATION:**

On September 12, 2012, the Board of Estimates approved an 18 month lease with Thomasino's Pizza, Subs, and Pasta, LLC (Thomasino's) at 400 E. Saratoga Street known as the Hollywood Diner. On October 24, 2012, Thomasino's opened for business. The Board requested a report within six months on the status of the student training program, financials, revenue generated, capital improvements made or needed, and a review of land issues for the site. Thomasino's has been in operation for six months and the Department of Real Estate is hereby reporting to the Board on the requested matters:

**STUDENT TRAINING PROGRAM:**

One of the requirements of the Request for Proposal was the development of a youth training program in the culinary arts field. This requirement was imposed to maintain the original purpose of the Kids Diner (now the Hollywood Diner) which was designed as a vocational training program and not for making a profit for the City of Baltimore.

Thomasino's has established a four-month training program with an emphasis on food services. Since opening in October 2012, Thomasino's has partnered with two Youth Training Programs; YO Baltimore and Chesapeake Center for Youth Development (CCYD). In addition to partnering with the Youth Training Programs, Thomasino's is also working with the State of Maryland Department of Education, Division of Rehabilitation Services and Maryland Unemployment Back to Work Program in an effort to train and help citizens return to the work force. The Department of Real Estate reviewed the submitted training program, observed the students in training, and reviewed written evaluations of

**MINUTES**Dept. of Real Estate - cont'd

the students. The Department of Real Estate obtained feedback from the participating programs on the effectiveness of the training programs. The Maryland Department of Education, Division of Rehabilitation Services, and CCYD stated that the training program at the Hollywood Diner was doing very well. As of March 31, 2013 the participation is depicted below:

<b>Thomasino's Training Partners</b>	<b>Referred for Training</b>	<b>Currently in Training</b>	<b>Completed Training</b>
YO Baltimore	2	0	2
CCYD	2	2	0
Division of Rehabilitation Svcs	2	1	1
Maryland Unemployment Back to Work Program	1	0	1
<b>TOTAL</b>	<b>7</b>	<b>3</b>	<b>4</b>

**FINANCIAL INFORMATION ON OPERATION (10/24/12 - 3/31/2013):**

Thomasino's has been in operation at the Diner for six months. During the period of October 24, 2012 to March 31, 2013, it has reported revenue of \$18,902.57 and expenses of \$24,629.12. For a small start-up business it's not uncommon that full viability is not achieved in the first six months of operation without established financial and marketing resources and support.

It will be a challenge for this business to maintain itself without adequate finances. Thomasino's is commended for its commitment to the original purpose of the "Kids Diner" and its efforts to maintain the operations. The business has applied for grants to support its programming; however, decisions on those applications have not been received as of this report.

**MINUTES**

Dept. of Real Estate - cont'd

**CAPITAL IMPROVEMENTS:**

No capital improvements have been reported and no capital improvement needs have been identified. However, routine repairs such as replacement of belts for the HVAC system, repairs to the neon sign, and replacement of the refrigerator were performed at the expense of the business. These repairs were necessary for the Hollywood Diner to operate.

**REVIEW OF USE/SALE RESTRICTIONS OF THE DINER AND LAND:**

a. RFP:

The RFP offered the Hollywood Diner site for lease. This was in conformance with the original purpose to return the diner to the City of Baltimore to be used for a City vocational program. Throughout its use the diner has been used for vocational programming and has always remained under the ownership of the City. After the review of the response to the RFP, questions were raised about selling the diner instead of leasing. In order to determine if there were any requirements or conditions for the sale of the land or the diner, a review was performed to determine how the land was acquired (i.e., source of funds), and if the donor of the diner placed any restrictions on the future use of the diner.

b. Donation of the Diner to the City:

It was a commonly held belief that the donor of the diner to the City of Baltimore was Baltimore native, Barry Levinson who directed the movie, "The Diner". The Department of Real Estate's research found that the diner was donated to the City by WBAL Radio. The Department researched Board minutes and was unable to locate information specific to the use of the diner after it was donated. Request for information from WBAL on the use or restrictions are pending as of the date of this report.

## MINUTES

Dept. of Real Estate - cont'd

c. Acquisition of the Land:

The Department of Real Estate reviewed the records maintained by the City of Baltimore's Survey and Records Office/Property Location Section for the site's previous address 307/311 N. Holliday Street (now known as 400 E. Saratoga Street). The records reflect that the site was acquired on June 18, 1970 in fee simple for the Jones Falls Expressway. This site became part of the street bed for I-83. In September 1984 the site was subdivided and designated as Block 1265B Lot 1. This subdivision appears to have been done for the placement of the diner after it was donated to City of Baltimore. Federal Highway Administration (FHWA) funds were used for acquisition of the land for I-83. The regulations applicable to FHWA funding require that the land acquired with FHWA funds, if later sold, must be sold for fair market value by the local government, and the revenue from the sale must be used for transportation purposes.

**CONCLUSION:**

The food business is very complex and the lack of adequate funding or the reliance on personal funds makes the challenge even greater.

There is great value in offering productive training plans for the City's youth. Prior history of the diner included City subsidy and contributions from the private sector for the operation of the training programs. The future of the diner as a vocational opportunity for youth will likely require some subsidy and/or grant funding to support its operations.

The Board **NOTED** receipt of the Report on the Hollywood Diner.

**MINUTES****COURSE DESCRIPTION**

The Food Service Training Program prepares students for employment in a wide variety of food service operations to include the following: restaurants, hotels, hospitals, nursing homes, dining establishments, colleges and universities. The types of job titles include but not limited to: Utility worker, Dish room person, Prep Person, Line Server, Bus Person, Salad Maker, Storeroom Person and Sandwich Maker.

The four month course includes both classroom and practical experience. All students are required to rotate through each food service position. This allows the student to gain practical experience cleaning and maintaining the dining room, sweeping and mopping floors, washing dishes, pots and pans, basic food preparation, and serving food on the cafeteria serving line. The students also have classroom instruction on the fundamentals of food service operations.

**SCHEDULE FOR THE FOOD SERVICE TRAINING PROGRAM**

- A. Orientation to the Food Service Department**
- B. Employee Serv-Safe**
  - 1. Proper Hygiene
  - 2. Cleaning, Sanitizing and Maintaining the Dining Room
  - 3. Controlling Time & Temperature
  - 4. Preventing Cross-Contamination
- C. Customer Service Skills**
  - 1. Initiative and Attitude toward Work
  - 2. Interpersonal Skills
  - 3. Delivering Exceptional Service
  - 4. Dealing with the Un-Happy Customer
  - 5. Working on the Serving Line and on a Tray Line
- D. Kitchen Operations and Safety**
  - 1. Proper Food Handling Techniques
  - 2. Dish Machine and Three Compartment Sink
  - 3. Portion Control and Common Utensils
  - 4. Basic Cost Containment Issues
  - 5. Basic Food Service Safety
  - 6. Career Outlook and Employer Expectations
- C. Basic Cooking Skills, Cooking Terms, Use of Spices and Methodology of Cooking**

Additional classroom topics will be chosen or revisited depending on the needs of the students. These subjects may not occur in the order listed due to when the student is admitted, but will be covered while they are in the training program.

## MINUTES

Department of Real Estate - cont'd

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

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

**A PROTEST WAS RECEIVED FROM MR. RICHARD WHITE, JR.**

**THE BOARD, AFTER ANNOUNCEMENT, ALLOWED MR. WHITE TO ADDRESS THE BOARD.**

President: "The second item on the non-routine agenda can be found on Page 32 - 36, Department of Real Estate, Report on Hollywood Diner. Will the parties please come forward?"

Deputy Comptroller: "I thought we weren't going to hear that?"

President: "Go ahead."

Mr. Horton: "Good morning members of the Board of Estimates, I'm Walter Horton, Department of Real Estate. Before you is a report from the Department of Real Estate on the operations of the Diner over the past six months. As read into the minutes,

## MINUTES

Department of Real Estate - Hollywood Diner - cont'd

there's a paragraph that's being deleted in reference to the termination for convenience."

Comptroller: "First of all why --."

President: "State your name, go ahead."

Comptroller: "I'd like to speak. I'd just like to commend you for you know for the work that you're doing training the students and you know -- if your employees could stand, because I think that you're doing a fine job."

Mr. White: "I wanted them to come so that you would have a chance to meet them."

Comptroller: "Yes, I just want to commend you for your hard work, the training that you're doing because I believe that you learn as you do and I really look forward to continuing to work with you and you turned your situation around and continue to train other students."

Mr. White: "Yes, ma'am."

Comptroller: "So thank you for all your hard efforts."

Mr. White: "Um -- If I --."



## MINUTES

Department of Real Estate - Hollywood Diner - cont'd

President: "State your name and speak into the mic."

Mr. Richard White: "I'm Richard White. I'm currently the operator of the Hollywood Diner. The reason why I still wanted to speak is because um -- I believe that what we're doing at the Hollywood Diner is necessary. It's been a vision of the City in that Diner since the late great Donald Schaefer. I was one of those students who was in that vocational program, who was an at risk troubled youth in these streets of Baltimore City. Now I'm a Pastor that goes into the streets to try to save young people from gangs. Get them out of gangs, get them vocational training, get them job readiness training. It was a daunting task to come into that and I knew that. I wasn't afraid of the work and I still am not afraid of the work. All I'm asking from the Board is to support that which you own. We need your support to empower our young people. That's why I brought them today. That's what I'm asking for. Another thing that I'm asking for is for some kind of relief or deferment until the uh -- funds that we are going after are acquired. Because we know

## MINUTES

Department of Real Estate - Hollywood Diner - cont'd

that there is a grant in funding that's necessary to be able operate there. The history of the prior operators has faced the same things that I have faced. The only thing that they did that I'm not willing to do is to leave and give up on the Diner or the young people that can -- their lives can be impacted in that place. So, what I'm asking for is from the support of the Board. Madam Mayor, I love you. Please come get a sandwich or a bottle of water. Jack Young, President Jack Young, I love you. Come get a bottle of water, come -- stop in and say hello to us. Let us know that we have your support. I believe that we do, but let them know that they have your support, that's what I'm asking."

City Solicitor: "They serve good sandwiches by the way."

Mr. White: "Thank you so much."

City Solicitor: "From personal experience."

Mr. White: "I'm glad to hear that, and what we're trying to do, we know that that is a task that is very trying, but I am one of those people to where I have had to come up against obstacles

## MINUTES

Department of Real Estate - Hollywood Diner - cont'd

all of my life and what you see standing before you right now is someone who did not give up and there were some people who believed in me and did not give up on me. So, I would never give up on them. What I'm asking for is to consider a deferment only until we acquire the funds. We have already submitted paperwork for funds. I ask that you do that. There were other organizations that have been in that Diner to where you entertained that and you gave that to them, uh -- not charging them a certain amount of money and I must say the little bit of time that I've been in the Diner I can say that the success of our program, they didn't really produce that much and they were still given that given. I'm asking for you to consider that. I'm not saying for a lifetime, but let us continually -- continue to grow, not only the business at the Hollywood Diner but to grow the training program. So, with that being said, I thank you for the time and opportunity to be able to speak. Uh --Comptroller Pratt, I look forward to working with you because I need to work with everyone that's on this Board, to be truthfully honest because it's not about me. I'm not trying to

## MINUTES

Department of Real Estate - Hollywood Diner - cont'd

turn a profit for myself. What I'm trying to do is empower their lives so they don't turn to gangs, so they don't go to drug dealing, so they don't become homeless, so they don't live in poverty or be destitute all their lives. We're trying to empower their lives and to be truthfully honest I can't do it without you all. So, with that being said, I thank you for the opportunity to speak and it is my prayer that uh-- you will consider what I'm saying and um -- you know put some power and strength behind me what I'm trying to do with your support. Thank you."

President: "Okay. The report has been NOTED. Thank you."

\* \* \* \* \*

Board of Estimates  
C/O Clerk of the Board of Estimates  
Room 204, City Hall  
100 N. Holliday Street  
Baltimore, MD 21202

May 7, 2013

Re: Letter of Protest –Hollywood Diner Page 32-36

To the Board of Estimates Committee:

My name is Richard T. White, Jr. and I am the current operator of The Hollywood Diner. I am writing this letter of protest with regard to the agenda minutes that are being reviewed on Wednesday May 8, 2013.

I have at no time conveyed that I will terminate my lease at the Diner as stated on page 35 of your agenda. I have met the terms of my lease which are to operate the Diner and to train youth in the food facility field. This program is an ongoing program and many young people are being affected.

Termination of my lease would have a devastating impact on the youth and young adults in my program and those who are scheduled to work at this site during the summer. These young people are learning much more than just how to properly prepare food, they are getting life skills as well. So many have turned their backs on our youth and this program is giving them the necessary tools to grow.

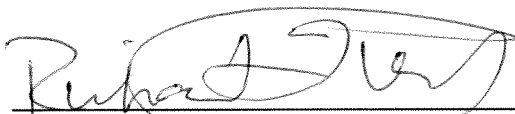
The Diner has a reputation for being closed more than it is open and we are gradually removing that stigmatism from the minds of people in the community. Our sales are growing monthly and it is not uncommon for a start-up business to be in a deficit the first few years.

Not only have I not agreed to terminate my lease, I have also asked for a reduction in the rent of the property. Page 32 states that the Diner was designed as a vocational training program and not for making a profit for the City of Baltimore. I would like to have that request considered.

We have put in place the tools necessary to request viable funding to help us support the operation of the Diner. Fusion Partnership has agreed to be our Fiscal Sponsor and we have begun the process of requesting funding for the program.

I am requesting that this protest be heard and that I am allowed to complete the term of my lease with Baltimore City.

Thank you,



Richard T. White, Jr.

## Kim A. Trueheart

May 7, 2013

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City neighborhoods who have historically been recipients of poor quality services from the Department of Recreation and Parks.

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

1. Whom you represent: Self
2. What the issues are:
  - a. Page 32, Department of Real Estate– Report on Hollywood Diner, if approved:
    - i. Demonstrates a lack of will by my home town government to promote positive outcomes for small businesses and our youth;
    - ii. Demonstrates a failure to maximize the investment opportunity on hand to produce successful outcomes for our underserved at-risk youth enrolled in this positive youth development program;
    - iii. Failed to reinvest the monthly rent from this lease agreement into funding/partially or otherwise the cost of this “specialized educational program”.
    - iv. I proposing the following again!
      1. If the rent from this lease is being proposed to fund this “specialized educational program” will a unique or special BOE/City Council authorization be required to divert the rent from the general fund?
    - v. Please explain why the subsidies provided to previous operators were NOT provided to this new operator.
    - vi. Please explain why the Real Estate Department has delivered this questionable report to the BOE for consideration.
3. How the protestant will be harmed by the proposed Board of Estimates’ action: As a citizen I am experiencing a significant financial burden with annual tax increases, sewer and water service increases, user fee increases, parking meter rate increases and significantly reduce services as a resident. This already onerous burden will be exacerbated if this agreement is NOT used as a best practice model and NOT unanimously approved for immediate implementation to support the continuity of services and programs for our most vulnerable residents, children and seniors, myself included.

5519 Belleville Ave  
Baltimore, MD 21207

I look forward to addressing this matter at your upcoming Board of Estimates meeting on May 8, 2013.  
If you have any questions regarding this request, please telephone me at (410) 205-5114.

Sincerely,  
Kim Trueheart, Citizen

5519 Belleville Ave  
Baltimore, MD 21207

**MINUTES**

Department of Real Estate - Right-of-Entry Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize a right-of-entry agreement with the Maryland Jockey Club of Baltimore City, Inc., grantee for the right to enter upon a portion of the property known as 3500 W. Northern Parkway a/k/a the Baltimore City Public Safety Training Center. The period of the right-of-entry agreement is May 18, 2013 at 12:01 a.m. through May 18, 2013 at 11:59 p.m.

**AMOUNT OF MONEY AND SOURCE:**

\$10,000.00

**BACKGROUND/EXPLANATION:**

The grantee is allowed to enter upon the property for the sole purpose of parking approximately 750 cars and 30 busses.

The grantee will be responsible for maintaining liability insurance during the term of the right-of-entry. The grantee agrees that upon termination of the right-of-entry agreement, all the material and equipment used or generated during the term of the right-of-entry agreement will be removed and the property will be returned to its original condition.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the right-of-entry agreement with the Maryland Jockey Club of Baltimore City, Inc., grantee for the right to enter upon a portion of the property known as 3500 W. Northern Parkway a/k/a the Baltimore City Public Safety Training Center.



## MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Office of the Mayor</u>			
1. Colin Tarbert	2013 International Council of Shopping Centers Recon Convention Las Vegas, NV May 19 - 23, 2013	Gen. Funds	\$ 934.80

The Office of the Mayor has paid the cost of transportation in the amount of \$714.80 with a City issued credit card assigned to Ms. Kathe Hammond. The hotel costs were paid by the Baltimore Development Corporation. The Office of the Mayor is requesting subsistence in the amount of \$40.00 per day for meals and incidentals. The disbursement to Mr. Tarbert will be in the amount of \$220.00.

Fire Department

2. John Blake	Medical Special	FY 11	\$5,091.36
Jennifer Triaca	Operations Train-	USAR	
John Cvach	ing - USAR	Funds	
Kimberly Webb	New York, NY		
	May 16-19, 2013		
	(Reg. Fee \$225.00 ea.)		

The Department has prepaid the registration of \$225.00 for each participant for a total of \$900.00 on a City Purchasing Card issued to Mr. Scott Merbach. The disbursement to each participant will be in the amount of \$1,047.84 for a total of \$4,191.36.

## MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Office of the President</u>			
3. Sharon Green Middleton	National Organization of Black County Officials Detroit, MI May 16 - 19, 2013 (Reg. Fee \$150.00)	Gen. Funds	\$1,035.85

The allowed subsistence for Detroit is \$147.00 per day. The hotel accommodations cost \$129.00 per night excluding taxes. The Office of the President is requesting additional subsistence of \$22.00 per day to cover the cost of meals and incidental expenses. The additional funds have been included in the total.

4. Jim Kraft	Maryland Municipal League Summer Conference Ocean City, MD June 23 - 26, 2013 (Reg. Fee \$420.00)	Elected Officials Expense Account	\$1,560.26
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The subsistence rate for this location is \$266.00 per day. The hotel cost is \$257.00 per night not including occupancy taxes and fees in the amount of \$28.47 per night. The Office of the President is requesting additional subsistence in the amount of \$31.00 for meals and incidental expenses.

**MINUTES****TRAVEL REQUESTS**Office of the President - cont'd

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
5. Edward Reisinger	2013 International Council of Shopping Centers Recon Convention Las Vegas, NV May 19 - 21, 2013 (Reg. Fee \$530.00)	Elected Officials Expense Account	\$2,088.40

The subsistence rate for this location is \$170.00 per night. The hotel rate is \$235.00 per night (plus \$25.00/night resort fee) not including taxes of \$31.20 per day. The Office of the President is requesting additional subsistence of \$90.00 per day for the hotel cost and \$40.00 per day to cover meals and incidental expenses. The registration costs in the amount of \$530.00, airfare in the amount of \$514.80, and membership fee in the amount of \$50.00 have been paid on the City issued procurement card assigned to Mr. Hosea T. Chew. The amount of the disbursement to Mr. Reisinger is \$993.60.

## MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Department of General Services</u>			
6. Jason Mathias	EnergyCap Catalyst	Federal	\$2,916.93
Ermias Woldemariam	Conference	Energy	
Marie Chen*	State College, PA	Efficiency	
Alena Toropova*	May 13 - 16, 2013	& Conserva-	
	May 14 - 16, 2013*	tion Block	
	(Reg. Fee \$247.50 ea.)	Grant	

The subsistence rate for this location is \$144.00 per day. The hotel cost is \$129.00 per night not including occupancy taxes in the amount of \$4.20 per night. The Department is requesting additional subsistence in the amount of \$25.00 per day, for each representative, to cover meals and incidental expenses.

The Department has prepaid the registration using a City issued credit card assigned to Mr. David Cunningham. Therefore, Mr. Mathias and Mr. Woldemariam will receive a disbursement for the amount of \$519.60, Ms. Chen will receive a disbursement for the amount of \$541.33, and Ms. Toropova will receive a disbursement for the amount of \$346.40.

## MINUTES

TRAVEL INCREASEDepartment of Finance

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
7. Andrew Kleine	107 <sup>th</sup> GFOA Annual Conf. San Francisco, CA May 31 - June 05, 2013 (Reg. Fee \$505.00)	Gen. Fund	\$159.95

On March 13, 2013, the Board approved the travel request in the amount of \$2,279.40. The Department paid the registration fee in the amount of \$505.00 with the City issued credit card assigned to Mr. Andrew Kleine. The disbursement to Mr. Kleine was in the amount of \$1,774.40. The original cost of the airfare was \$410.83, the Department is requesting approval of an increase of \$159.95 to cover the charges incurred because of a change in the connecting flight on Mr. Kleine's return from Los Angeles, CA. The additional expenditure was paid on the City issued credit card assigned to Mr. Kleine.

**MINUTES****TRAVEL APPROVAL/REIMBURSEMENT**Health DepartmentAPPROVAL

8.	Rosalee Velenovsky	Stepping On Leader Training Salisbury, MD Jan. 30 - Feb. 2, 2013 (Reg. Fee \$0.00)	Senior Center Operating Funds	\$321.26
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Ms. Velenovsky attended the Stepping On Falls Prevention Conference for certification as a Stepping On Leader. The subsistence rate for this location was \$166.00 per day. Ms. Velenovsky is requesting reimbursement as follows:

REIMBURSEMENT

Hotel	\$165.60 (\$55.60/night)
Occ. Taxes	19.86 (\$6.62/night)
Tolls	10.00
Mileage	125.80 (222.66 miles roundtrip)
<b>Total:</b>	<b>\$321.26</b>

UPON MOTION duly made and seconded, the Board approved the travel requests, the travel increases, the travel approval, and the travel reimbursement. The Mayor **ABSTAINED** on item no. 1. The President **ABSTAINED** on item nos. 3-5.

## MINUTES

Mayor's Office of Human Services (MOHS) - Grant Agreements

ACTION REQUESTED OF B/E:

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

<u>Grantee</u>	<u>No. of Clients</u>	<u>Amount</u>
1. <b>YWCA OF GREATER BALTIMORE AREA, INC.</b>	23 homeless families	<b>\$162,806.00</b>
Account: 4000-496212-3572-591461-603051		
The period of the agreement is February 1, 2013 through January 31, 2014.		
2. <b>DAYSPRING PROGRAMS, INC.</b>	45 homeless clients	<b>\$876,572.00</b>
Account: 4000-496313-3573-591236-603051		
The period of the agreement is April 1, 2013 through March 31, 2014.		
3. <b>MARIAN HOUSE, INC.</b>	15 homeless clients	<b>\$225,975.00</b>
Account: 4000-496313-3573-591219-603051		
The period of the agreement is April 1, 2013 through March 31, 2014.		

The organizations will provide housing in conjunction with supportive services. The services will include monthly rental assistance payments for monthly rental subsidies, security deposits and/or payment for damage to the property.

## MINUTES

MOHS - cont'd

	<u>Grantee</u>	<u>No. of Clients</u>	<u>Amount</u>
4.	<b>ST. VINCENT DE PAUL SOCIETY OF BALTIMORE</b>	28 homeless persons and/or families	<b>\$355,418.00</b>

Account: 4000-496212-3573-267829-603051

The organization will operate a program to provide permanent housing for persons and/or families with disabilities that include physical, mental or emotional impairment and HIV/AIDS. The period of the agreement is January 1, 2013 through December 31, 2013.

The grant agreements are late because of a delay in the receipt of grant funding.

5.	<b>JOBS HOUSING AND RECOVERY, INC.</b>	34 homeless men	<b>\$481,670.50</b>
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Account: 4000-496212-3572-591458-603051

The organization will provide transitional housing and supportive services to meet the client's needs, including case management, addiction recovery support, GED preparation, job preparedness and training, as well as job placement. In addition, the organization will provide life skills enhancement including parenting skills and physical well-being. The period of the grant agreement is March 1, 2013 through February 28, 2014.

The grant agreement is late because of a delay at the administrative level.



## MINUTES

MOHS - cont'd

6. AT JACOB'S	20 homeless	\$243,797.00
WELL, INC. (AJW)	persons and/or	
	families	

Account: 4000-496313-3573-591207-603051

The organization will provide clients with serious mental illness rental assistance in scattered apartments in the City. In addition the AJW will provide access to healthcare, substance abuse and mental health treatment, case management, housing placement, and entitlements. The period of the agreement is April 1, 2013 through March 31, 2014.

**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 foregoing grant agreements.

**MINUTES**

Bureau of Water and Wastewater - Employee Expense Statement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the expense statement for Mr. Anthony Cianferano for the month of January 2013 for mileage.

**AMOUNT OF MONEY AND SOURCE:**

\$463.87 - 9958-906101-9520-900020-705050

**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 expense statement was returned for corrections and inaccuracies in the data. The resubmitted request exceeded the time limit.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the expense statement for Mr. Anthony Cianferano for the month of January 2013 for mileage.

**MINUTES**Bureau of Water & Wastewater - Joint Funding Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Joint Funding Agreement with the Department of the Interior, United States Geological Survey (USGS). The period of the agreement is October 01, 2012 through September 30, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$110,500.00	-	2071-000000-5181-399800-603026	(Water Utility)
43,050.00	-	2070-000000-5181-399700-603026	(Wastewater Utility)
2,100.00	-	2071-000000-5521-632620-603026	(Water Utility)
<u>\$155,650.00</u>			

**BACKGROUND/EXPLANATION:**

The agreement provides authorization for the continued operation and maintenance of flow gauging stations located within Prettyboy, Loch Raven and Liberty Reservoir Watersheds, Moores Run, and Stony Run in Baltimore City. Because the USGS's fiscal year does not align with the City's fiscal year, payments will need to be made over 2 fiscal years.

The USGS has been under contract to operate the City's Reservoir Stream Gauging Network since 1982. The data collected is used to estimate pollutant loadings and flow to the reservoirs and is vital to the City's Reservoir Management Program.

The Moores Run station is required under the National Pollution Discharge Elimination System Permit program and has been in service since 1995. The station on Stony Run will help the City monitor the effect of sanitary sewer discharges on receiving waters and document improvements to sanitary sewer infrastructure repairs as required by the Consent Decree between the City and U.S. Department of Justice.

## MINUTES

Bureau of Water & Wastewater - cont'd

## STREAM-GAGING OPERATIONS AND MAINTENANCE

	Operation & Maintenance Cost Funding	
<u>STATIONS</u>	<u>BALTIMORE CITY</u>	<u>USGS</u>
Gunpowder Falls at Hoffmanville	\$ 14,350.00	\$ 0.00
Grave Run near Beckleysville	14,350.00	0.00
Georges Run near Beckleysville	14,350.00	0.00
Gunpowder Falls near Parkton	16,450.00	0.00
Little Falls at Blue Mount	7,750.00	5,480.00
Gunpowder Falls at Glencoe	14,350.00	0.00
Western Run at Western Run	7,750.00	5,480.00
Beaverdam Run at Cockeysville	7,750.00	5,480.00
Herring Run at Sinclair Lane at Baltimore	0.00	11,175.00
Moores Run tributary at Baltimore	14,350.00	0.00
Moores Run at Baltimore	14,350.00	0.00
Beaver Run near Finksburg	7,750.00	5,480.00
Morgan Run near Louisville	7,750.00	5,480.00
Stony Run at Baltimore	14,350.00	0.00
	<u>\$155,650.00</u>	<u>\$38,575.00</u>

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 Joint Funding Agreement with the Department of the Interior, United States Geological Survey.

**MINUTES**

Department of Public Works (DPW) - Request for Information  
Bureau of Water and Wastewater (BW&WW) for Consultant on Operational Efficiencies

**ACTION REQUESTED OF B/E:**

The Board is requested to approve a request for information (RFI) from qualified parties concerning consulting services regarding identifying and implementing enhancements to the operation and maintenance of the water and wastewater system (the Utility) of the City.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

Based on internal review of the system's operation conducted over the past year by the BW&WW leadership, a formalized Operating Efficiency Program has been identified.

The major objectives of the DPW in seeking consulting services are to procure the services of a contractor(s) that will:

1. evaluate the BW&WW's current operating processes, reviewing all aspects of the Utility's current responsibilities for potential improvements, but with a particular focus on the areas of energy usage and production opportunities, chemical usage and pricing, customer satisfaction, and labor efficiencies,
2. recommend implementable measures for DPW to improve and/or streamline operating processes, increasing efficiencies and reducing costs,
3. prepare a report summarizing the findings and present analysis and recommendations to the BW&WW and the DPW,

## MINUTES

DPW/BW&WW - cont'd

4. support public outreach, legislative initiatives, and/or other processes required to implement recommendations, and
5. work with the BW&WW staff to develop staff capabilities and manage implementation of the recommended initiatives.

Through the issuance of this RFI, the DPW is seeking input from respondents as to their potential interest in participating in the implementation of the program and as to the project delivery method that they would prefer the City to employ. All program delivery methods must maintain existing organizational authority. Input concerning the scope, extent, nature and schedule for the program is also being sought.

The City expects that through the issuance of this RFI and the associated exchanges of the information between the City and potentially interested firms, prior to the commencement of any formal procurement process, the City will be able to obtain useful information regarding private sector participation in the program in an organized and systematic fashion. The City also intends to utilize the RFI process to familiarize the market with the contracting opportunities which are expected to emerge from the program, and to invite comments as to the private sector's requirements and preferences regarding potential participation in the program.

As a result, the structuring of the planned project procurements should be improved through greater understanding of the objectives and requirements of the companies participating in the market of these services.

The City is also aware of the heightened interests of financial firms in providing private financing for public infrastructure. Given the extent of the capital needs of the Utility with the projected \$5,000,000,000.00 costs of the City's capital improvement program, this RFI is also intended to invite input

## MINUTES

DPW/BW&WW - cont'd

from financial institutions as to potential private project financing approaches that the City may wish to consider in today's marketplace.

The City, accordingly, invites participation in this RFI process of all private sector firms that may wish to participate in any aspect of the program, whether for any or all of the particular projects under consideration. Such firms are expected to include companies with expertise in the design, construction, operation, maintenance, repair, management, and financing of wastewater and power infrastructure facilities, as well as residuals management and services.

This RFI does not constitute the formal commencement of any procurement process under applicable State law. Participation by interested firms is strictly voluntary, and any information obtained by the City may be freely used in any manner the City deems appropriate. The election not to respond to this RFI will not disqualify or disadvantage any firm in the procurement process for any planned project once the process is formally commenced by the City.

This RFI does not obligate the City in any manner with respect to the program. The respondents will bear all costs relating to their participation in the RFI process, without any reimbursement by the City.

UPON MOTION duly made and seconded, the Board approved the request for information from qualified parties concerning consulting services regarding identifying and implementing enhancements to the operation and maintenance of the water and wastewater system of the City.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- |  |             |         |
|--|-------------|---------|
| 1. HARLEY DAVIDSON OF BALTIMORE  | \$30,000.00 | Low Bid |
| Solicitation No. B50002913 - Harley Davidson Electra Glide Police Motorcycles - Department of General Services - Req. No. R625065 for 2 police motorcycles |             |         |
| 2. HD SUPPLY   | \$ 0.00     | Renewal |
| Solicitation No. B50001992 - Various Water Tools - Department of Public Works - Req. No. P517287   |             |         |

On June 13, 2011, the City Purchasing Agent approved the initial award in the amount of \$20,000.00. On April 25, 2012, the Board approved a renewal in the amount of \$20,000.00. This final renewal is for the period June 13, 2013 through June 12, 2014.

- |  |              |         |
|--|--------------|---------|
| 3. JOHNSON & TOWERS, INC.  | \$400,000.00 | Renewal |
| Solicitation No. 08000 - OEM Parts and Service for Allison Transmissions - Department of General Services, Fleet Management Division - P.O. No. 508438 |              |         |

On June 3, 2009, the Board approved the initial award in the amount of \$400,000.00. The award contained two 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$400,000.00 is for the period June 4, 2013 through June 3, 2014.

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

**MWBOO GRANTED A WAIVER.**



## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- |  |         |         |
|--|---------|---------|
| 4. VERMEER MID ATLANTIC  | \$ 0.00 | Renewal |
| Solicitation No. 08000 O.E.M. Parts & Service for Vermeer Equipment - Department of General Services, Fleet Management Division - P.O. No. P508457 |         |         |

On June 3, 2009, the Board approved the initial award in the amount of \$75,000.00. On February 29, 2012, the Board approved a renewal. This final renewal is for the period June 4, 2012 through June 3, 2014.

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

**MWBOO GRANTED A WAIVER.**

- |  |              |         |
|--|--------------|---------|
| 5. GERMAIN HOLDINGS, LLC d/b/a<br>OVERLEA CATERERS, INC.   | \$900,000.00 | Renewal |
| Solicitation No. B50001206 - Food Services for Eating Together in Baltimore Program - Health Department - P.O. No. P511359 |              |         |

On May 26, 2010, the Board approved the initial award in the amount of \$1,536,150.00. The award contained two 1-year renewal options. Subsequent actions have been approved. This renewal in the amount of \$900,000.00 is for the period June 1, 2013 through May 31, 2014, with one 1-year renewal option remaining.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

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

**MWBOO SET GOALS OF 12% AND 7% WBE.**

<b>MBE:</b> John W. Britt, d/b/a Britt's Food Transport	12%
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<b>WBE:</b> Shalom Catering Corporation	7%
---	----

**MWBOO FOUND VENDOR IN COMPLIANCE.**

- |                    |              |         |
|--------------------|--------------|---------|
| 6. MJM INNOVATIONS | \$496,860.00 | Renewal |
|--------------------|--------------|---------|
- Solicitation No. B50001205 - Management Services for Eating  
Together in Baltimore Program - Baltimore City Health  
Department - P.O. No. P513722

On May 12, 2010, the Board approved the initial award in the amount of \$496,860.00. The award contained two 1-year renewal options. Subsequent actions have been approved. This renewal in the amount of \$496.860.00 is for the period June 1, 2013 through May 31, 2014, with one 1-year renewal option remaining.

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

**MWBOO SET GOALS OF 10% MBE AND 2% WBE.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

Vendor did not utilize Forum Caterers due to budget limitations. (Because this is a requirements contract amounts will vary.)

<b>MBE:</b> Sue Ann's Office Supply	.43%
Forum Caterers	0%

<b>WBE:</b> Curry Printing & Copy Center	.85%
Jodi M. Stappler, CPA	.85%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

## 7. HIGHLANDER CONTRACING

COMPANY, LLC	\$300,000.00	Renewal
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Solicitation No. B50002414 - Fiber Optic Cable Installation, Maintenance and Repair Services - Mayor's Office of Information Technology - P.O. No. P520882

On July 11, 2012, the Board approved the initial award in the amount of \$190,950.00. The award contained two 1-year renewal options. On March 25, 2013, the City Purchasing Agent approved an increase in the amount of \$49,999.00. This renewal in the amount of \$300,000.00 is for the period July 11, 2013 through July 14, 2014, with one 1-year renewal option remaining.

**MWBOO SET GOALS OF 17% MBE AND 8% WBE.****MWBOO FOUND VENDOR IN NON-COMPLIANCE.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

On March 26, 2013, MWBOO found vendor in non-compliance as a result of not meeting goals and not showing a good faith effort to achieve goals. A letter informing the vendor that it is a breach of a material term of the contract has been sent. Because Highlander is the only vendor fully conversant with the City's Fiber Optic System and it is necessary at this time to utilize the services, the vendor will be required to come into compliance during the 120 day probation period.

- |   |              |           |
|---|--------------|-----------|
| 8. EASTBANC TECHNOLOGIES, LLC   | \$ 78,600.00 | Agreement |
| Solicitation No. 06000 - Microsoft SharePoint Developers Agreement - MOIT - Req. Nos. Various |              |           |

The Board is requested to approve and authorize execution of an agreement with EastBanc Technologies, LLC. The period of the agreement is effective upon Board approval for two months.

The City of Baltimore Development team, a division of MOIT is responsible for developing and maintaining a broad portfolio of applications for agencies and departments including customized applications, third party commercial off the shelf solutions, and Application Programming Interfaces with externally hosted and internally managed resources. Over the past year, the Development team's number of personnel resources has been reduced from 15 to 4 due to circumstances and constraints outside of MOIT's control. The demand for service has remained constant and as such MOIT is faced with the expectation that it will deliver critical services even though it does not have the resources.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

Additionally, several of these services have operational or compliance deadlines that if missed, would have a severe impact on the City as a whole. In order to mitigate the severity of these issues, MOIT seeks to temporarily augment its development resources with two senior SharePoint developers, thereby ensuring operational continuity and the ability to meet critical deadlines. EastBanc Technologies, LLC was selected as it is currently satisfactorily providing SharePoint developers on a separate competitively bid contract, and was able to provide additional developers in the timeframe required.

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

**MWBOO GRANTED A WAIVER.**

- |                       |                        |
|-----------------------|------------------------|
| 9. CHAPMAN AUTO d/b/a | #1a-#1h Chevrolet/GM   |
| CHAPMAN AUTO GROUP    | #2a-#2e, #2g, #2h Ford |
|                       | #3a-#3d, #3g, #3h      |
|                       | Chrysler/Jeep/Dodge    |
| CRISWELL CHEVROLET    | #1a-#1h Chevrolet/GM   |

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

AL PACKER's WHITE MARSH FORD	#2a-#2h Ford	
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APPLE FORD INC.	#2a-#2h Ford	
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KING BUICK GMC, LLC	#1a-#1h Chevrolet/GM	
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HERTRICH FLEET	#1a-#1h Chevrolet/GM #2a-#2h Ford #3a-#3h Chrysler/Jeep/Dodge	
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CRISWELL PERFORMANCE CARS d/b/a CRISWELL CHRYSLER JEEP DODGE	#3a-#3h Chrysler/Jeep/Dodge	
--	-----------------------------	--

\$ 0.00	Request to use additional funding sources
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Solicitation No. B50002786 - Quality Dealers for Cars and Trucks - Department of General Services - P.O. No. P522846

On February 27, 2013, the Board approved the initial award in the amount of \$22,000,000.00. At the time of the award, the Board letter indicated that the total award amount would be financed through the City's master lease program.

However, it has been determined that additional funding sources may be utilized in making purchases from this contract, with the purchases requiring prior approval from the Director of Finance. The period of the award is March 1, 2013 through February 29, 2016, with two 1-year renewal options.

**MWBOO GRANTED A WAIVER.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

10. TOTAL CONTRACTING, INC.	\$ 0.00	
CB FLOORING, LLC	100,000.00	
	<u>\$100,000.00</u>	Renewal
Solicitation No. B50001765, Furnish and Install Carpet - Agencies: Various - Req. No. P516836 & P516837		

On March 09, 2011, the Board approved the initial award for the amount of \$500,000.00. On April 04, 2012, the Board approved the renewal for the first year. This renewal in the amount of \$100,000.00 is for the period May 1, 2013 through April 30, 2014, with two 1-year renewal options remaining.

**MWBOO SET MBE GOALS OF 10% MBE AND 15% WBE.**

CB Flooring, LLC

**MWBOO FOUND VENDOR IN COMPLIANCE.**

Total Contracting, Inc.

**MWBOO FOUND VENDOR IN NON-COMPLIANCE.**

CB Flooring, LLC was found compliant on February 08, 2013. Total Contracting, Inc. was found non-compliant on February 12, 2013 by MBWOO; however, MWBOO has approved steps that will allow them to come into compliance, and found them compliant on April 30, 2013.

## 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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<u>Bureau of Purchases</u>		
----------------------------	--	--

UPON MOTION duly made and seconded, the Board approved the informal award, the request to use additional sources, and the renewals. The Board further approved and authorized execution of the agreement with EastBanc Technologies, LLC. The Board further DEFERRED item no. seven for one week.



**MINUTES**

Department of Housing and - Grant Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a grant agreement with the East Baltimore Development, Inc. (EBDI). The period of the grant agreement is effective upon Board approval for one year.

**AMOUNT OF MONEY AND SOURCE:**

\$1,100,000.00 - 9910-907424-9588

**BACKGROUND/EXPLANATION:**

The EBDI is managing the redevelopment of an 80-acre site that includes new biotech space, commercial and retail space and over 2,100 units of mixed-income housing. Under the terms of a Land Development and Disposition Agreement (LDDA) approved by the Board on April 22, 2004 and amended on December 9, 2007, the EBDI is charged with providing services associated with acquisition, implementing development and maintaining the Project area. In the LDDA, the City also committed to provide funding to assist the EBDI in developing and maintaining the Project area.

The EBDI is seeking to use \$1,100,000.00 to undertake two activities, of which \$500,000.00 will be used to offset costs associated with stabilizing 50 vacant properties, thereby preserving these properties for redevelopment as homeownership units. The properties are located on preservation blocks including: 1700 block East Chase Street, 1100 block McDonogh Street, 1100 block Rutland Avenue, 1000 block N. Washington Street, and the 800 block North Patterson Park Avenue.

The remaining \$600,000.00 will be provided by the EBDI to TRF Development Partners, Inc. (TRF DP) for redevelopment of six vacant properties in the 1200 block North Broadway and the 1500 block East Biddle Street, specifically: 1510, 1605, East Biddle Street; 1226, 1242, 1246, and 1254 North Broadway.

**MINUTES**DHCD - cont'd

In January 2011, the EBDI and TRF DP formed a partnership for the purpose of applying for Neighborhood Stabilization Program 3 (NSP3) funds from the Maryland Department of Housing and Community Development. The EBDI agreed to serve as the fiscal agent and TRF DP as the developer. All properties under the NSP3 program are developed either as affordable rental or for homeownership.

State applications require that the applicant provide matching funds from sources other than State funds. To meet this requirement the EBDI is providing \$600,000.00 from its existing General Obligation Bond funds to TRF DP for the Project. Under the terms of the grant agreement, funds will be made available to TRF DP only when units are complete and a use and occupancy permit has been made available. Upon completion, properties will be leased to households that meet the NSP3 income guidelines.

**MBE/WBE PARTICIPATION:**

TRF Development Partners, Inc. has signed a Commitment to Comply with Article 5, Subtitle 28 of the Baltimore City Code (2007 ed.) regarding participation by Minority Business Enterprises and Women's Business Enterprises in the Project.

**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Housing and Community Development</u>		
1. \$ 163,408.59	9910-9588-906423	
29 <sup>th</sup> Community	EBDI	
Development	Acquisition Cost	
Bonds FY'12		
35,361.19	9910-9588-904418	
General Fund	EBDI Demolition	
Revenue		

## MINUTES

DHCD - cont'd

31,450.07	9910-9588-904414	
20 <sup>th</sup> Econ.	EBDI Phase I	
Development	Infrastructure	
Bonds FY'03		
29,780.15	9910-9588-904414	
26 <sup>th</sup> Community	EBDI Phase I	
Development	Infrastructure	
Bonds FY'09		
840,000.00	9910-9587-904979	
28 <sup>th</sup> Community	East Baltimore	
Development	Redevelopment	
Bonds FY'11		
<u>\$1,100,000.00</u>	-----	9910-9588-907424
		EBDI/TRF Partner-
		ship

This transfer will provide funds to reimburse EBDI for costs associated with stabilizing 50 vacant buildings and to assist with the redevelopment of six vacant properties in partnership with TRF Development Partners, Inc.

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

**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

May 7, 2013

Via Facsimile 410-685-4416

Honorable Bernard "Jack" Young

President, Baltimore City Board of Estimates

City Hall-Room 204

Baltimore, MD 21202

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

Dear Mr. President:

I represent the Maryland Minority Contractors Association ("MMCA"), its members, clients and constituents.

We wish to file protest against Your Honorable Board approving the following described proposed contract and grant awards as contained on Your Honorable Board's 05/08/2013 public meeting agenda:

- 1) Item contained on pages 59-60, which is a proposed \$1,100,000.00 City grant to EBDI, for development purposes.

Our protest is based on the fact that EBDI has contracting policies and practices that discriminate against qualified minority and women-owned construction contracting firms on the basis of race and color, and this Board cannot use public funds to fund unlawful racial exclusion contracting practices.

- 2) Item on pages 14-18, which is a proposed City Funding Agreement with the Cal Ripken, Sr. Foundation, Inc., with the City contributing \$1.4 million and the Foundation \$600,000.00, in order for the Cal Ripken Sr. Foundation to design and construct a youth development park as part of the City's Park Heights Master Plan.

The total cost of the proposed Park will be over \$2 million, but the Ripken, Sr. foundation will contribute only \$600,000.00, and will be granted the right to perform the total design and construction work. This is a blatant and egregious violation of the City's "mandatory" competitive bidding charter provision as found in Article VI, § 11 et seq. Inasmuch as the City

is the real owner and majority funding agent for the proposed public park, the City cannot evade and circumvent the City's competitive bidding requirement merely by accepting the Ripken Sr. Foundation's \$600,000.00 grant and very arbitrarily turning over to and allowing the Ripken, Sr. Foundation to assume full control of the construction work. Also, the proposed project's agreement proposes only 9% MBE and 2% WBE participation and is highly unlawful and does not comport with the City's M-WBE Ordinance. Plain and simple, the subject project clearly lends itself to substantially more than 9% MBE and 2% WBE participation therein.

Your Honorable Board's approval of this proposed item will cause cognizable injury to our MMCA's members, clients and constituents.

Respectfully Submitted,

*Arnold M. Jolivet*

Arnold M. Jolivet  
Managing Director

## MINUTES

DHCD - EBDI - cont'd

President: "The third item on the non-routine agenda can be found on Page 59 - 61, Department of Housing and Community Development Grant Agreement, will the parties please come forward? What? Where's Stacey?"

Ms. Freed: "Good morning I'm Stacey Freed with Baltimore housing and Mr. Jolivet, here's a written response to your protest. -- No"

Mr. Jolivet: "I don't want it."

Ms. Freed: "Okay. Um -- There's a couple of things we would like the Board to take note of. The first is that, under the --"

Mayor: "Let me see it? Thanks."

Ms. Freed: "Under the Land Development and Disposition Agreement between the City and EBDI, which the Board approved back in 2004, Section 6 establishes um -- Minority and Women Business Participation rates by allowing EBDI to create um -- an internal economic inclusion policy. EBDI reviews and updates the policy annually. Um -- The Grant Agreement includes language that says that Minority and Women Business Participation is subject to EBDI's economic inclusion policies. Moreover, um Mr. Jolivet has alleged that EBDI discriminates

## MINUTES

DHCD - EBDI - cont'd

Against businesses based on certain um -- based on race. EBDI like any organization that we do business with is subject to federal, state, and local hiring laws, all of which prohibit discrimination of anybody based on race and nobody has filed a complaint against EBDI. Um -- EBDI through their economic inclusion policy um -- at least within minority business contract um -- 41% or \$123,000,000.00 of the \$301.00 that they received in construction contracts were awarded to minority businesses. Mr. Jolivet is a member of EBDI's economic inclusion policy and I've got Chris Shea here with me who can talk more about the role of the Committee and establishing policy."

Mr. Jolivet: "Mr. President, if I can speak?"

President: "If you can speak into the mic, yes."

Mr. Jolivet: "EBDI is way off on the -- that is not my--."

President: "Can you restate your name?"

Mr. Jolivet: "Arnold M. Jolivet. What they're -- What EBDI is talking about now is not a part of my complaint. I'm for the purpose of the record I would even concede whatever they have

## MINUTES

DHCD - EBDI - cont'd

asserted as is correct. That is not a part of my complaint. My complaint is EBDI now currently has a contract on the street for bid for Roadway and Curb and Gutter and site work which essentially is funded through EBDI's regular funding, and my concern is EBDI did something on that contract to steer it in the way of large and non-minority contractors that I thought was unacceptable. They advertised the contract one day, had a prebid a mandatory prebid --."

President: "Mr. Jolivet - Mr. Jolivet is that dealing with what we have before us?"

Mr. Jolivet: "Yes, of course -- of course it is."

President: "This has nothing to do with roads. These are vacant houses."

Mr. Jolivet: "Mr. President, would you hear me out?"

President: "I'm going to hear you out, but it has nothing to do with these vacant houses. You're talking about roads."

Mr. Jolivet: "But I think it comports and it's relative and it's consistent with my allegation that EBDI should not get these funds because it discriminates in other activities that



## MINUTES

DHCD - EBDI - cont'd

it does. That is my point. And my point is, and I want you to hear me out on this and you can vote however the way you want, I can't dictate that. But my concern is when EBDI advertises its contracts to the public, it doesn't give minority firms a fair and equal opportunity to be real active bidders. And in this case I mentioned to you the fact that EBDI puts a contract, advertises a contract on one day, has a mandatory prebid for the next day and expects minority contractors to comply. Larger contractors could possibly do that. But, it's just not practical to have minority contractors to respond on a one day notice and they know this is wrong. Chris knows this is wrong but they nonetheless continue to do that and it is not right and they claim they want to work with minority firms and give them a fair opportunity but as long as they follow these inordinate, unfair, arbitrary bidding practices minority firms won't have never will have an equal opportunity to be a part of the bidding process. Now, you say it's not related to that but Mr. President it's related to an overall policy and practice that EBDI to exclude African American and other minority contractors, that's my point."

## MINUTES

DHCD - EBDI - cont'd

President: "Are you going to speak to the housing now?"

Mr. Jolivet: "Uh -- I think I already have."

President: "Are you ready for this?"

Mr. Jolivet: "I think I already have."

President: "I heard you talk about roads."

Mr. Jolivet: "I think I already have."

President: "Okay. I entertain a Motion."

City Solicitor: "MOVE to deny the bid protest as non-specific and not germane to the subject before the Board and to accept the recommendation to move forward with the project."

Director of Public Works: "Second."

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

\* \* \* \* \*

UPON MOTION duly made and seconded, the Board approved and authorized execution of the grant agreement with the East Baltimore Development, Inc. The transfer of funds was approved subject to receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the provisions of the City Charter.

**MINUTES**

Department of Housing and - Local Government Resolution  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a local government resolution to approve the application to modify a designated sustainable community to the State of Maryland's Sustainable Communities Program.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

In 2010, the Maryland General Assembly approved the Sustainable Communities Act, which is replacing the existing Community Legacy Program. Under the Sustainable Communities Act, all Community Legacy areas are required to be re-certified as a Sustainable Community (SC).

In order to be designated as a Sustainable Community, State Law requires local jurisdictions to submit a Sustainable Communities Plan. The City's Sustainable Communities Plan (SC) was approved by the State in November 2012 and is comprised of approximately 20,308 acres. The Sustainable Communities area includes 3 Arts & Entertainment Districts, the City's 10 designated Main Streets, 5 commercial corridors, 10 designated Healthy Neighborhood Areas, 9 Transit-Oriented Development sites, and 16 Major Redevelopment and Adjoining Development Area.

The approved SC plan also included five revitalization goals and six strategies as outlined below:

## MINUTES

DHCD - cont'd

Strategy No. 1: Support Main Streets and commercial areas by  
by targeting investments in Middle Market  
Neighborhoods

Revitalization Goal: Enhance economic competitiveness by  
improving the City's ability to attract new and expanded  
businesses, by providing quality services and products that are  
regionally competitive.

Strategy No. 2: Healthy Neighborhoods

Revitalization Goal: Value communities and neighborhoods by  
building upon existing strengths, assets and amenities.

Strategy No. 3: Target investment along major transit routes

Revitalization Goal: Support transportation efficiency to  
improve air quality, promote access to employment opportunities,  
and increase connections to transit.

Strategy No. 4: Target Investment in Arts and Entertainment  
Districts

Revitalization Goal: Support and build upon existing cultural  
assets and strengths; enhance economic competitiveness.

Strategy No. 5: Invest in anchor institutions and major  
redevelopment areas

Revitalization Goal: Support existing economic and business  
development around anchor institutions; promote access to  
quality affordable housing developments, increase housing  
choices through redevelopment of quality mixed-income housing;  
and, utilize targeted code enforcement to encourage existing  
owners to maintain and occupy properties.

Strategy No. 6: Targeting greening strategies in distressed  
areas near strong housing markets

Revitalization Goal: Enhance communities and remove blighted  
and unsafe structures to promote market-based efforts, target  
demolition in areas as future holding strategies or to provide  
access for urban agriculture.

## MINUTES

DHCD - cont'd

Under State Law, the City can request modifications to its approved Sustainable Community Plan annually. In the modification, the City is seeking to add a total of 13 new Sustainable Community areas and one new strategy. These changes are being proposed as Modified Area 1 and Modified Area 2.

Modified Area 1 proposes adding the following two locations to the approved Sustainable Community Plan:

1. The Mount Winans Community (Supports Strategy No. 5 Invest in anchor institutions and major redevelopment areas and Strategy No. 6 Target greening strategies in distressed areas near strong housing markets.)
2. East Fayette Street between President Street and Broadway. (Supports Strategy No. 1 Support Main Streets and commercial areas by targeting investments in Middle Market Neighborhoods.)

Modified Area 2 proposes adding the following 11 locations and one new strategy to the approved Sustainable Community Plan:

1. Charles Street Corridor: The east half of the Charles Street commercial district from Pratt Street north to Franklin Street. (Supports Strategy No. 1: Support Main Streets and commercial areas by targeting investments in Middle Market neighborhoods.)
2. Central Business District: Guilford to President Street: The area of Downtown Baltimore east of Charles Street to President Street from Pratt Street north to Franklin Street. (Supports Strategy No. 1: Support Main Streets and commercial areas by targeting investments in Middle Market Neighborhoods.)
3. Mary Harvin Transformation Center: The area bounded by Sinclair Avenue, North Wolfe Street and North Gay Street. (Supports Strategy No. 5: Support investments in anchor institutions and major redevelopment areas.)

## MINUTES

DHCD - cont'd

4. Greenmount Avenue Corridor: East North Avenue to East 25<sup>th</sup> Street: The east half of the Greenmount Avenue commercial district from East North Avenue to East 35<sup>th</sup> Street (Supports Strategy No. 3: Target investment along major transit routes.)
5. -7 Waverly Main Street: The east half of Greenmount Avenue in Waverly Main Street from East 35<sup>th</sup> south for one-half block, and the parcel bordered by Merrymans Lane, Brentwood Avenue, East 32<sup>nd</sup> Street and Barclay Street (Supports Strategy No. 1: Support Main Streets and commercial areas by targeting investments in Middle Market neighborhoods.)
8. Brewers Hill: The property located at 601 S. Conkling Street is being used to ensure that opportunities for revitalization are made accessible to the entire commercial district. (Supports Strategy No. 1: Support Main Streets and commercial areas by targeting investments in Middle Market neighborhoods.)
9. Southwest Baltimore Revitalization: This area includes Hollins Market public market, the Mount Claire Junction Shopping Center, the B&O Railroad Museum and the Hollins Roundhouse historic district and several stops along the planned Red Line. (Supports Strategy No. 3: Target investment along major transit routes, Strategy No. 5, Investment in anchor institutions and major redevelopment areas, and Strategy No. 6, Target greening strategies in distressed areas near strong housing markets.)
10. Northwood Shopping Center: The Northwood Shopping Center located at 1500-1590 Havenwood Avenue (Supports Strategy No. 1: Support Main Streets and commercial areas by targeting investments in Middle Market neighborhoods and Strategy No. 5, Investment in anchor institutions and major redevelopment areas.)

## MINUTES

DHCD - cont'd

11. Vacants to Value Duncan Street Corridor area: The area bounded by East Monument Street, East Baltimore Street, North Patterson Park Avenue and North Washington Street (Supports Strategy No. 5, Investment in anchor institutions and major redevelopment areas and Strategy No. 6: Target greening in distressed areas near strong housing markets.)

Strategy No. 7: Supports the City's Health Enterprise Zone located in zip codes 21216, 21217, 21223, and 21229.

Revitalization Goal: Supports efforts to reduce health disparities in West Baltimore through the integration of physical development, land use, enhanced accessibility, community engagement and new health-related programs. In the first year, the area around the West Baltimore MARC station is targeted based on its proximity to existing and planned transit.

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

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

UPON MOTION duly made and seconded, the Board approved and adopted the foregoing local government resolution to approve the application to modify the designated sustainable community to the State of Maryland's Sustainable Communities Program.

Kim A. Trueheart

May 7, 2013

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

Dear Ms. Taylor:

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

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

1. Whom you represent: Self.
2. What the issues are:
  - a. Pages 62, Department of Housing and Community Development (DHCD) – Local Government Resolution, if approved:
    - i. Please provide access to the Sustainable Communities Plan for inspection;
    - ii. Please provide access to the document which defines “Middle Market Neighborhoods as used in this item;
    - iii. Please disclose how the elements of this plan are aligned and reported with our Mayor’s FY 2014 outcome based budgeting goals.
3. How the protestant will be harmed by the proposed Board of Estimates’ action: As a citizen I have witnessed questionable management and stewardship of municipal funds by this Mayoral administration and DCHD/HABC specifically. I seek the dissolution of DHCD and HABC in their current form and the establishment of a new single entity under the direct auspicious of the municipal government of Baltimore City, thus allowing for appropriate levels of oversight and scrutiny by the citizens of Baltimore City and our duly elected representatives.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on May 8, 2013.

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

Sincerely,  
Kim Trueheart, Citizen & Resident

5519 Belleville Ave  
Baltimore, MD 21207



## MINUTES

Department of Human Resources - Personnel Matter

The Board is requested to approve the listed Personnel matter below:

Department of General Services

	<u>Hourly Rate</u>	<u>Amount</u>
1. DANIEL NOBLE	\$45.00	\$54,000.00

Account: 2030-000000-1890-189900-601009

Mr. Noble will work as an Enterprise System Administrator. Mr. Noble's duties will include but are not be limited to administering the FASTER and EJ Ward Systems including backup and recovery, security management, and database performance and running, troubleshooting database issues, network communication, workstation, and printing issues. In addition, he will interact with FASTER and EJ Ward representatives, apply patches and new software releases as provided by software suppliers as well as maintain detailed documentation of all activities and provide documentation as issues are resolved.

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with Daniel Noble.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTION

\* \* \* \* \*

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:

1747 - 1750

to the low bidders meeting the specifications,

and rejected the bid as indicated

for the reasons stated.

The Transfer of Funds was approved

SUBJECT to receipt of a favorable report

from the Planning Commission,

the Director of Finance having reported favorably

thereon, as required by the provisions

of the City Charter.

The Comptroller **ABSTAINED** on item nos. 7 and 8.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

1. B50002837, Furnish and Deliver Black Fill Mix      Perma-Patch, Inc.      \$200,000.00

(DPW, Bureau of Water & Wastewater)

**MWBOO GRANTED A WAIVER.**

**A PROTEST WAS RECEIVED FROM SEABOARD ASPHALT PRODUCTS COMPANY.**

President: "The fourth item on the non-routine agenda can be found on Page 69 item no. 1, Furnish and Deliver Black Fill Mix. Will the parties please come forward? I entertain a Motion."

City Solicitor: "MOVE to deny the protest. The protestant not being here to speak to the protest and to accept the recommendation of the Bureau of Purchases."

Comptroller: "Second."

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

\* \* \* \* \*

# Seaboard Asphalt Products Company



410-355-0330  
410-355-0331

1-800-536-0332  
FAX: 410-355-5864

3601 FAIRFIELD ROAD  
BALTIMORE, MARYLAND 21226  
WWW.SEABOARDASPHALT.COM

March 14, 2013

City of Baltimore  
Office of Comptroller  
100 North Holliday Street  
Baltimore, MD 21202

REF: Bid Protest  
Solicitation # B500002837  
Furnish & Deliver Black Fill Mix

Attention: Board of Estimates

I am writing to protest Solicitation # B500002837 Furnish and Delivery Black Fill Mix.

PROTEST CLAIMANT: Seaboard Asphalt Products Company  
3601 Fairfield Road  
Baltimore, MD 21226  
Shawn Campbell  
410-355-0330

BID PROTESTED: Solicitation # B500002837 Furnish and Deliver Black Fill Mix

BUYER: Abraham Bey, Engineer III

## PROTEST DETAILS:

The product offered by Perma Patch is not in compliance with specifications for the Term of Agreement.

1. The Term of Agreement under Section SW2.B. of the solicitation is for three years from the effective date.
2. The Maryland Department of Environment Division of Air Quality defines asphalt cutbacks as asphalt mixed with VOC (petroleum distillate) under Specification Section 26.11.11.02 (See Attachment #1).

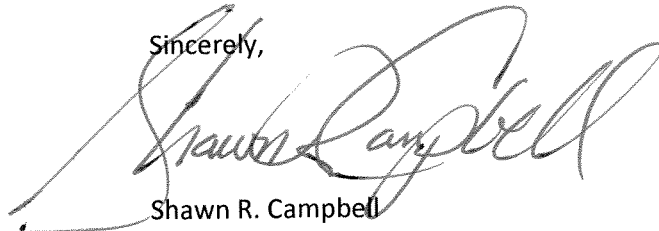
3. The Maryland Department of Environment Air Quality Regulation 26.11.11.02 currently states under Specification Section 02.C.2. ( See Attachment #1) that asphalt cutbacks can only be utilized from October 15<sup>th</sup> through April 15<sup>th</sup> if necessary under the applications as requested in this solicitation.
4. The Perma Patch product offered is an asphalt cutback as listed on their company material safety data sheet (See Attachment #2). The Perma Patch product offered; to be in compliance with Maryland State Environmental Regulations, would place a condition or qualification on their bid submittal; which was not provided in their bid offer. The Perma Patch bid offer would violate the General Conditions of Bid, Proposal and Contract of this solicitation under Section GC10 by placing a condition on when the product could be used during the Term of Agreement.
5. The product offered from Perma Patch cannot be supplied or used during the complete Term of the Agreement.

RELIEF REQUESTED:

The bid offer from Perma Patch should be rejected because the product offered cannot be supplied during the Term of Agreement as stated in Solicitation # B500002837; therefore placing a condition on their submittal without an approved written addendum of the General Conditions of Bid, Proposal and Contract under Section GC10. The remedy under Section GC10 states that a bid offer “..which does not meet legal requirements shall be declared as a qualified, conditional, or non-responsive proposal and shall be rejected without further consideration.”

I would thank you for review of our protest. If the Board of Estimates has any additional questions or would like clarification on any points; please do not hesitate to contact me at 410-355-0330 or via email at [sales@seaboardasphalt.com](mailto:sales@seaboardasphalt.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn R. Campbell", written over a horizontal line.

Shawn R. Campbell

# MD Regulation

Page 1 of 1  
**Attachment**  
**# 1**

26.11.11.02

## **02 Asphalt Paving.**

### **A. Definitions.**

(1) "Asphalt" means a black to dark brown solid or semisolid material which liquefies when heated and the predominating constituents of which are bitumens which occur in the solid or semisolid form in nature or are obtained by petroleum refining.

(2) "Asphalt paving" means the applying of an asphaltic material to a surface.

(3) "Cutback asphalt" means an asphalt cement which has been liquefied by blending with VOC.

(4) "Emulsified asphalt" means a suspension or emulsion of asphalt and water as designated in ASTM or AASHTO Specifications as amended through November 14, 1980.

(5) "Penetrating prime coat" means an application of liquid asphalt to prepare an untreated base for an asphalt paving operation.

B. A person may not cause or permit the use or application of cutback asphalt for asphalt paving. Emulsified asphalt or other materials upon approval of the Department is acceptable.

C. Exemptions. The provisions of §B of this regulation do not apply to the use or application of cutback asphalt where:

- (1) Long-life stockpile storage is necessary;
- (2) The use or application from October 15 through April 15 is necessary; or
- (3) Cutback asphalt is used solely as a penetrating prime coat.

Attachment  
#2

## MATERIAL SAFETY DATA SHEET

PERMA-PATCH®

### MATERIAL INFORMATION BULLETIN

(Approved-"Essentially similar" to Form OSHA 20 and OSHA 174 Material Safety Data Sheet)

**IDENTITY** (As used on Label and List)  
PERMA-PATCH

**MANUFACTURER'S NAME**

Perma-Patch, Inc.  
6115 Oakleaf Ave.  
Baltimore, Maryland 21215  
Emergency Phone: Chemtrec 800-424-9300  
Telephone for information: 410-764-7117  
Date: 01/09

**TYPICAL COMPOSITION**

**OSHA PEL**

**ACGIH PEL**

**%**

Petroleum Asphalt  
with Petroleum  
Distillate  
Limestone  
Additives

None  
Established  
  
15 mg/cu.m  
Non-established by OSHA

5 mg/cu.m  
  
10 mg/cu.m  
94  
1

**PHYSIOLOGICAL AND  
HEALTH EFFECTS**

**EMERGENCY AND FIRST AID  
PROCEDURES**

**EYES**

Expected to cause no more than minor  
eye irritation.

Wash eye with fresh water for at least  
15 minutes. If irritation continues, see  
a doctor.

**SKIN**

Expected to produce no more than minor irritation,  
but prolonged or frequently repeated skin contact  
may be harmful. See additional health data.

Remove heavily contaminated clothing  
and wash skin thoroughly with soap  
and water. DO NOT use solvents or  
thinners to remove materials from skin.  
Asphalt can be removed with vegetable  
oil or mineral oil.

**INGESTION**

Not expected to be acutely toxic by ingestion.  
NOTE TO PHYSICIAN: This material contains  
light hydrocarbon liquid and an aspiration  
hazard may exist.

If a large volume of this material is swallowed  
give a large amount of water to drink, induce  
vomiting and call a doctor.

## MATERIAL SAFETY DATA SHEET

PAGE 2

### SPECIAL PROTECTIVE INFORMATION

**Eye Protection:** Avoid contact with eyes. Eye contact can be avoided by wearing chemical safety goggles.

**Skin Protection:** Avoid prolonged or frequently repeated skin contact with this material. Skin contact can be minimized by wearing impervious protective clothing including rubber gloves. If skin contact occurs, a washing facility should be available nearby.

**Ventilation:** Use adequate ventilation to keep the airborne concentrations of this material below the exposure standard.

### ENVIROMENTAL PROTECTION

**Environmental Impact:** This material is not expected to present environmental problems.

**Precautions if Material is Released or Spilled:** Eliminate open flames in vicinity of spill or released vapor. Clean up spills as soon as possible, observing precautions in Special Protective Information and product label. Place spilled material in disposable containers. Hydrocarbons material such as kerosene or mineral oil can be used to dissolve any remaining material; and this material may be absorbed with clay or diatomaceous earth.

**Water Disposal Methods:** Place contaminated material in disposal containers and bury in approved dumping area.

**Reactivity Data:** Stability (Thermal, Light, etc.) Stable.

Petroleum Asphalt with Petroleum Distillate:

### SPECIAL PRECAUTIONS

See page Three (3)

**Incompatibility (Materials to Avoid):** May react with strong oxidizing materials.

**Hazardous Decomposition Products:** Normal combustion forms carbon dioxide and water vapor, and may produce oxide sulfur, incomplete combustion can produce carbon monoxide.

**Hazardous Polymerization:** Will not occur.

**Solubility:** Soluble in most halogenated hydrocarbons and benzene; insoluble in water and alcohols.

**Appearance: (Color, Odor, etc):** Oily smelling, black viscous liquid.

**Initial Boiling Point:** 270 F (Min)

Melting Point: N/A

Specific Gravity: 0.98 @ 15.6/15.6C

Vapor Pressure: 2 mm Hg @ 100 F

Vapor Density: (Air=1):NDA

Percent Volatile (Volume 96): 25 %

Evaporation:(=1): N/A

Viscosity: 250-500 cSt 2

140 F

N/A=Not Available

NDA= No Data Available



## **MATERIAL SAFETY DATA SHEET**

PAGE 3

The information listed on the previous page is based on data of which we are aware and is believed to be correct as of date hereof. Since the information contained herein may be applied under conditions beyond our control and with which we may be unfamiliar and since data made available subsequent to the date hereof may suggest modifications of the information, we do not assume any responsibility for the results of its use. The information is furnished upon the condition that the person receiving it shall make his/her own determination of the suitability of the material for his/her particular purpose.

### **Additional Health Data**

Sign and symptoms of ventral nervous system depression may include one or more of the following: headache, Dizziness, loss of appetite, weakness and loss of coordination. Affected persons usually experience complete Recovery when removed from the exposure area.

No association has been established between industrial exposure to petroleum asphalt and cancer in humans. Asphalts contain small amounts of polynuclear aromatic hydrocarbons (ONS's) which when concentrated, have been shown to cause skin cancer in mice after prolonged and frequent contact. Studies in which mice were exposed to a variety of whole asphalts did not result in any increased cancer rate. Brief or intermittent skin contact with this asphalt product is not expected to produce any serious effects. While normal handling of this product is not likely to cause cancer in humans, skin contact and breathing of mists, fumes or vapors should be reduced to a minimum. We strongly recommend that the precautions outlined in this bulletin be followed when handling this material.

### **SPECIAL PRECAUTIONS**

READ AND OBSERVE ALL PRECAUTIONS ON PRODUCT LABEL.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

2. B50002744, Health  
Improvement and Wellness  
Program.

**REJECTION:** On January 30, 2013, the Board received and opened two proposals for this solicitation. The proposal submitted by CareFirst of Maryland, Inc. was deemed to be non-responsive due to non-compliance with MBE and WBE goal requirements. After the Evaluation Committee reviewed the sole proposal by OptumHealth Care Solutions, Inc., they determined the proposal was technically deficient, and did not meet the needs of the City. Therefore, it is recommended to be in the best interest of the City to reject the sole proposal and re-solicit the solicitation with revised specifications.

(Dept. of Human Resources)

- |   |                                    |              |
|---|------------------------------------|--------------|
| 3. B50002868, Pneumatic<br>Tire Forklift Trucks | Vince's Sales and<br>Service, Inc. | \$119,935.00 |
|---|------------------------------------|--------------|

(DGS, Fleet Management Division)

**MWBOO GRANTED A WAIVER.**

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

4. B50002870, Provide Bus/  
Van Transportation for  
Children with Disabili-  
ties to Camp Variety
- REJECTION:** On April 03, 2013,  
the Board received and opened  
two proposals for this solicitation.  
Rejection of both bids is  
recommended as being in the best  
interest of the City. This will  
allow the agency to revise the  
specifications to accommodate  
modified needs, and to re-advertise.

(Dept. of Recreation & Parks)

5. B50002874, Paper Lawn &      Dano Enterprises,      \$275,000.00  
Leaf Bags for all      Inc.  
Baltimore City Agencies

(Dept. of Recreation & Parks)

**MWBOO GRANTED A WAIVER.**

Department of General Services

6. EPFL - Library No. 22      Bob Andrews      \$192,400.00  
Roof Replacement      Construction, Inc.

**MBE:** Dy Construction, Inc.      \$32,200.00      16.76%

**WBE:** Applied Building Technologies, Inc.      \$ 3,000.00      1.56%  
Cherry Hill Fabrication, Inc.      2,500.00      1.30%  
\$ 5,500.00      2.86%

**MWBOO FOUND THE VENDOR IN COMPLIANCE.**

## MINUTES

## RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Public Works/  
Department of Recreation & Parks

7. RP12821, Court Resurfacing FY2012	P. Flanigan & Sons, Inc.	\$206,000.00
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<b>MBE:</b> Priority Construction Corporation	\$19,776.00	9.60%
L & J Construction Service, Inc.	6,077.00	2.95%
Powell's Trucking Company, Inc.	3,000.00	1.45%
	<u>\$28,853.00</u>	<u>14.00%</u>

<b>WBE:</b> Morgan Construction Services, Inc.	\$10,300.00	5.00%
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**MWBOO FOUND THE VENDOR IN COMPLIANCE.**

## 8. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNTS:</u>
\$145,000.00	9938-908764-9475	9938-907764-9474
Rec. & Parks 24 <sup>th</sup> Series	Reserve - Park & Playgrounds Reno- vation FY09	Active - Park & Playground Renova- tion FY09
95,000.00	9938-919009-9475	9938-921009-9474
Rec. & Parks 23 <sup>rd</sup> Series	Reserve - Patterson Park Court Resur- facing	Active - Patterson Park Court Resur- facing
<u>\$240,000.00</u>		

This transfer will provide funds to cover costs associated with the award of the Court Resurfacing FY2012, Contract No. RP 12821 to P. Flanigan & Sons, Inc.

MINUTES

TRANSFERS OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

1752 - 1754

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

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

<b><u>AMOUNT</u></b>	<b><u>FROM ACCOUNT/S</u></b>	<b><u>TO ACCOUNT/S</u></b>
<u>Department of Transportation</u>		
1. <b>\$ 100,067.90</b> GF(HUR)	9950-901838-9514 Redline Project Development	9950-911852-9514 Redline Project Development

This transfer will move the funds from the inactive account of the Redline Project Development to the newly setup account and fund the cost associated with the Redline Project Development.

2. <b>\$1,200,000.00</b> General Funds Highway User Revenue	9950-903550-9509 Constr. Reserve Neighborhood Street Reconstr.	9950-904981-9508 Resurfacing In- House
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This transfer will cover the deficit in the account and fund the cost associated with the contractual blanket agreement pursuant to bid/contract B50001348, P512618 by P. Flanigan & Sons, Inc. for the purchase of material and other costs relating to the project, Resurfacing In-House.

Department of Housing and Community Development

3. <b>\$ 300,000.00</b> 28 <sup>th</sup> CDB	9910-921007-9588 Planned Demolition FY13	9910-927004-9588 Emergency Demo- lition FY13
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This transfer will provide funding to the Emergency Demolition account that will allow demolitions to continue during the current fiscal year.

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

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>DHCD</u> - cont'd			
4.	\$ 600,000.00	9910-902985-9587	9910-915021-9588
	M&CC Revenue	Housing Devel. (Reserve)	Uplands Program Income Account
	800,000.00	9910-905733-9588	9910-995001-9587
	Other Fund	Uplands Other	Unallocated
	Revenue	Revolving Master	Reserve
	<b><u>\$1,400,000.00</u></b>		

This transfer is necessary to establish a program income account for the Uplands Project and move \$600,000.00 of M&CC real property appropriation into it to match the receipt of \$600,000.00 from the sale of property and to transfer \$800,000.00 in Other Funds appropriation from an account entitled Uplands Other Revolving Master to the Unallocated Reserve account. This account is not needed and will be closed.

**Baltimore Development Corporation (BDC)**

5.	\$ 1,479.00	9910-902483-9600	9910-903483-9601
	21 <sup>st</sup> EDF	Constr. Res. S. Balto. Ind. & Coml. Dev.	S. Balto. Ind. & Coml. Dev.
	125.00	9910-903354-9600	9910-904354-9601
	22 <sup>nd</sup> EDF	Constr. Res. W. Balto. Industrial	W. Balto. Ind. & Coml. Dev.

## MINUTES

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
2,350.00	9910-905575-9600	9910-906575-9601
22 <sup>nd</sup> EDF	Constr. Res.	E. Balto. Ind. &
	E. Balto. Ind. &	Coml. Dev.
	Coml. Dev.	
18,684.00	9910-913990-9600	9910-902879-9601
23 <sup>rd</sup> EDF	Constr. Res.	Commercial Revi-
<u>\$ 22,638.00</u>	Commercial	talization
	Revitalization	

This transfer will provide funds to reimburse Baltimore Development Corporation for eligible capital expenses for the month ending March 31, 2013 in accordance with Paragraph 6(a) of the contract dated December 31, 1975, by and between the Mayor and City Council of Baltimore and the Baltimore Economic Development Corp., as amended, and in accordance with Paragraph 5(b) of the contract dated September 1, 1965 by and between the Mayor and City Council of Baltimore and Charles Center-Inner Harbor Management, Inc.



## MINUTES

PROPOSALS AND SPECIFICATIONS

1. Bureau of Water & Wastewater - SC 906, Improvements to the Sanitary Sewers In the West Baltimore Region of High Level Sewershed Collection System, Sewer Rehabilitation  
**BIDS TO BE RECV'D:06/12/2013**  
**BIDS TO BE OPENED:06/12/2013**
  
2. Department of Transportation - TR 13307, Resurfacing Highways at Various Locations Southeast - Sector IV  
**BIDS TO BE RECV'D:06/12/2013**  
**BIDS TO BE OPENED:06/12/2013**

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

President: "There being no more business before this Board, we will recess until bid opening at twelve 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 agency had issued an addendum extending the dates for receipt and opening of bids on the following contract. There were no objections.

Bureau of Water and Wastewater - WC 1251, Repaving Utility Cuts  
at Various Locations  
**BIDS TO BE RECV'D: 05/15/2013**  
**BIDS TO BE OPENED: 05/15/2013**

## 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 Recreation  
and Parks

- RP 12820, Baltimore  
Playground Project - FY'12

Allied Contractors, Inc.  
P. Flanigan & Sons, Inc.

Bureau of Water and Wastewater

- SC 886, Improvements to  
Sludge Blending Tanks  
at Patapsco Wastewater  
Treatment Plant

W.M. Schlosser Company, LLC  
Fru-Con Construction, LLC

Bureau of Purchases

- B50002856, Scrap Metal Pick  
Up and Removal

Auston Contracting, Inc.

Bureau of Purchases

- B50002893, Safety Shoes and  
Boots

Safety Solutions Inc.  
Lehigh Outfitters, LLC

## MINUTES

Bureau of Purchases

- B50002898, Flexible Spending  
Account Administration

Automatic Data Processing, Inc.

Fringe Benefits Management Co.

A Division of WageWorks

ConnectYourCare

Benefit Resource, Inc.

Chard Snyder

Discovery Benefits, Inc.\*

Vantagen, LLC

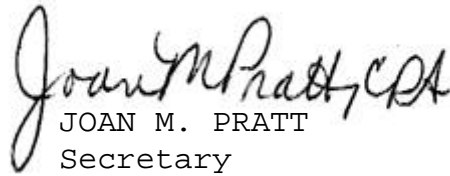
CBIZ Benefits & Insurance

\*UPON FURTHER MOTION duly made and seconded, the Board declared the bid of Discovery Benefits, Inc., Inc. **NON-RESPONSIVE** due to the company's failure to proffer a bid guarantee as mandated by the solicitation's instructions and the City Charter.

## MINUTES

\* \* \* \* \*

There being no objections, the Board, UPON MOTION duly made and seconded, adjourned until its next regularly scheduled meeting on Wednesday, May 15, 2013.



JOAN M. PRATT  
Secretary