

**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  
Rudolph S. Chow, Director of Public Works  
David E. Ralph, Deputy City Solicitor  
Dale Thompson, Deputy Director of Public Works  
Bernice H. Taylor, Deputy Comptroller and Clerk

The meeting was called to order by the President.

President: "I would direct the Board members attention to the memorandum from my office dated June 16, 2014, identifying matters to be considered as routine agenda items together with any corrections and additions that have been noted by the Deputy Comptroller. I will entertain a Motion to approve all of the items contained on the routine agenda."

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

Comptroller: "Second."

President: "All those in favor say AYE. All opposed NAY. The Motion carries. The routine agenda items have been adopted. In the interest of promoting the order and efficiency in these hearings, uh persons who are disruptive to the hearings will be asked to leave the hearing room immediately."

## MINUTES

BOARDS AND COMMISSIONS1. Prequalification of Contractors

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

ACM Services, Inc.	\$ 1,500,000.00
Admiral Elevator Company, Inc.	\$ 522,000.00
Advanced Government and Industrial Security, Inc.	\$ 90,000.00
Brandenburg Industrial Service Company	\$ 375,822,000.00
Bristol Environmental, Inc.	\$ 8,000,000.00
Caplan Bros., Inc.	\$ 8,000,000.00
Chilmar Corporation	\$ 8,000,000.00
Clark Construction Group, LLC	\$1,002,879,000.00
Eastern Glass & Glazing	\$ 1,500,000.00

## MINUTES

BOARDS AND COMMISSIONS - cont'd

Galway Bay Corporation	\$ 76,914,000.00
Kiewit Infrastructure Co.	\$ 206,343,000.00
MRP Contractors, LLC.	\$ 4,356,000.00
P & J Contracting Company, Inc.	\$ 20,979,000.00
RWC Contracting, LLC	\$ 8,000,000.00
Sunrise Safety Services, Inc.	\$ 1,500,000.00
Titan Industrial Services, Inc.	\$ 77,364,000.00
Traffic Systems, Inc.	\$ 8,000,000.00

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

## MINUTES

OPTIONS/CONDEMNATIONS/QUICK-TAKES:

<u>Owner(S)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Department of Housing and Community Development - Options</u>			
1. Charles Muskin, Trustee	2000 Ashland Ave.	G/R \$48.00	\$ 440.00
2. Charles Muskin Trustee	2006 Ashland Ave.	G/R \$42.00	\$ 385.00
3. Charles Muskin Trustee	2008 Ashland Ave.	G/R \$42.00	\$ 385.00
4. Charles Muskin, Trustee	2030 Ashland Ave.	G/R \$42.00	\$ 385.00
5. Charles Muskin, Trustee	2038 Ashland Ave.	G/R \$36.00	\$ 330.00
6. Charles Muskin, Trustee	970 N. Chester St.	G/R \$36.00	\$ 330.00
7. Charles Muskin, Trustee	930 N. Duncan St.	G/R \$22.00	\$ 202.00
8. Mindy Fishkind, Trustee for Scott Jeremy Fishkind	939 N. Chester St.	G/R \$66.00	\$ 440.00

Funds are available in Account No. 9910-906409-9588-900000-704040, EBDI Phase II Project.

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

OPTIONS/CONDEMNATIONS/QUICK-TAKES:

<u>Owner(S)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Options</u>			
9. Eutaw Place, LLC.	542 Baker St.	G/R \$55.00	\$ 458.00
10. Eutaw Place, LLC.	1410 N. Gay St.	G/R \$65.00	\$ 542.00
Funds are available in Account No. 9910-910634-9588-900000-704040, Whole Block Blight Elimination Project.			
11. M & E Invest- ments, LLC	1356 N. Calhoun St.	G/R \$64.00	\$ 586.00
12. Barry M. Wasserman & Vera S. Wasserman	1114 N. Milton Ave.	G/R \$90.00	\$ 750.00
Funds are available in Account No. 9910-910634-9588-900000-704040, Whole Block Demolition Project.			
13. Ground Rents LLC.	4743 Reisterstown Rd.	G/R \$120.00	\$1,100.00
14. William A. Grant	2600 Rosewood Ave.	G/R \$72.00	\$ 660.00
15. Turf LLC.	2608 Rosewood Ave.	G/R \$90.00	\$ 825.00

Funds are available in Account No. 9910-903180-9588-900000-704040, Park Heights 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 interests in the aforementioned above property/ies by condemnation proceedings for an amount equal to or lesser than the option amount/s.

## BOARD OF ESTIMATES

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## MINUTES

OPTIONS/CONDEMNATIONS/QUICK-TAKES:

<u>Owner(S)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Condemnations</u>			
16. Victor Posner Foundation, Inc.	1711 Brentwood Ave.	L/H	\$ 1,480.00
Funds are available in Account No. 9910-902487-9588-900000-704040, City Arts II.			
17. Marcellus Boles	1408 N. Gay St.	F/S	\$21,000.00
18. Carl A. Boyd	3016 Herbert St.	F/S	\$16,000.00
19. Ljaz Usman & Tahir Chaudhry	1114 N. Milton St.	L/H	\$16,900.00
Funds are available in Account No. 9910-910634-9588-900000-704040, Whole Block Demolition Project.			
20. Robert P. Bedford	Descriptive Lot - Blk. 3307B, Lot 031	F/S	\$1,250.00
21. James E. Henderson & Beatrice Taylor Joint Tenants	Descriptive Lot - Blk. 3307B, Lot 032	F/S	\$ 600.00
Funds are available in Account No. 9910-903180-9588-900000-704040, Park Heights Project.			
The Board is requested to approve acquisition of the below-listed ground rent interests by condemnation, or in the alternative may SUBJECT to the prior approval of the Board, make application to the Maryland Department of Assessments and Taxation to redeem or extinguish the ground rent interest/s for the property/ies.			
22. Emma L. Harris	1002 N. Castle St.	G/R \$42.00	\$ 280.00

## BOARD OF ESTIMATES

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## MINUTES

OPTIONS/CONDEMNATIONS/QUICK-TAKES:

<u>Owner(S)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Condemnations - cont'd</u>			
23. August & Theresia Hannemann	1105 Rutland Ave.	G/R \$37.50	\$ 313.00
Funds are available in Account No. 9910-906409-9588-900000-704040, EBDI Project.			
24. George P. Mahoney, Trustee	1111 Rutland Ave.	G/R \$60.00	\$ 500.00
25. The Malden Company	1113 Rutland Ave.	G/R \$37.50	\$ 313.00

Funds are available in Account No. 9910-906409-9588-900000-704040, EBDI Project.

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

## MINUTES

Mayor's Office of Human Services - Agreements

The Board is requested to approve and authorize execution of the various Agreements. The period of the Agreement is January 1, 2014 through June 30, 2015.

1. **THE FAMILY LEAGUE OF BALTIMORE CITY, INC.** **\$120,000.00**

Account: 1001-000000-3571-327200-603051

The organization will provide evaluation and monitoring services for youth projects funded through the Video Lottery Terminal grant funds, as appropriated through the Park Heights Master Plan.

The agreement is late because of a delay in funding availability.

**MWBOO GRANTED A WAIVER.**

2. **SINAI HOSPITAL OF BALTIMORE, INC. (SINAI)** **\$139,858.00**

Account: 2025-000000-3571-727716-603051

Sinai will work with a local organization to develop a center (Kujichagulia Center) for youth development and violence prevention in the Baltimore City Park Heights community. Sinai will use the funds to run the Center and provide curriculum, promotional, and instructional materials during the 18-month agreement.

The agreement is late because of various delays with administrative processes and obtaining funding for this project.

**MWBOO GRANTED A WAIVER.**

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

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



## MINUTES

Mayor's Office of Human Services - cont'd

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

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

## Kim A. Trueheart

June 17, 2014

Board of Estimates

Attn: Clerk

City Hall, Room 204

100 N. Holliday Street,

Baltimore, Maryland 21202

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of a lack of vision, poor fiscal planning and management and failure to capitalize on strategic investment opportunities in our youth by the Mayor of Baltimore City and the various Departments and Agencies.

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

1. Whom you represent: Self
2. What the issues are:
  - a. Page 7, Item #1, Mayor's Office of Human Services – Agreements - Family League of Baltimore City, Inc. (FLBC), if approved:
    - i. Fails to address the promise to double the funding for after school programs made by Mayor Rawlings-Blake on the evening of August 29, 2011 at the St. Francis Xavier Catholic Church on Oliver Street at approximately 7pm;
    - ii. Please provide access to the list of youth projects that will be evaluated and monitored;
      1. Will FLBC be further tasked to evaluate and monitor all youth projects funded with municipal funds, if so when?
      2. Will the reports and/or results produced be made available to the public?
3. How the protestant will be harmed by the proposed Board of Estimates' action: The Family League of Baltimore City, Inc. must be provided adequate funding to effectively evaluate and monitor all youth projects, not just those funded with VTL funding. The lack of effective evaluation and monitoring potentially results in questionable program outcomes and wasteful expenditures of scarce tax dollars. Our children will continue to be underserved, disadvantaged and deprived of positive youth development opportunities to develop. The resulting hopelessness and opportunity-less future ensures our children will make bad choices and produce unacceptable outcomes in my community and surrounding neighborhoods.
4. The remedy I seek and respectfully request is that this action be delayed until a comprehensive strategic plan for our youth is developed and implemented.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on June 17, 2014.

5519 Belleville Ave  
Baltimore, MD 21207

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

Sincerely,  
Kim Trueheart, Citizen & Resident

5519 Belleville Ave  
Baltimore, MD 21207

## Kim A. Trueheart

June 17, 2014

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of a lack of vision, poor fiscal planning and management and failure to capitalize on strategic investment opportunities in our youth by the Mayor of Baltimore City and the various Departments and Agencies.

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

1. Whom you represent: Self
2. What the issues are:
  - a. Page 7, Item #1, Mayor's Office of Human Services – Agreements - SINAI HOSPITAL OF BALTIMORE, INC. (Sinai), if approved:
    - i. The \$139,858.00 agreement appears to be a worthwhile initiative;
    - ii. This action appears to be done in isolation and should more appropriately be executed in concert with a comprehensive strategy for positive youth development across the city;
      1. The fact that a comprehensive strategic plan for youth does not exists must become to priority for this administration;
    - iii. While youth in the Park Heights community will benefit from this action, the majority of youth in other communities remain underserved;
    - iv. This action fails to identify the number of youth who will be served;
    - v. Please provide access to the curriculum, promotional, and instructional materials and measures of effectiveness for this initiative for inspection;
    - vi. Will additional funding be allocated to establish similar facilities in other neighborhoods, if so, how much and which neighborhoods;
3. How the protestant will be harmed by the proposed Board of Estimates' action: Positive youth development programming must be well researched, documented and assessed to ensure our children are nurtured and exposed to well rounded opportunities to develop and thrive. To my dismay, continued DIS-Investment in our youth produces hopelessness and opportunity-less futures for them who often turn to make bad choices and produce unacceptable outcomes in my community and surrounding neighborhoods.
4. The remedy I seek and respectfully request is that this action be included in the development of a comprehensive strategic plan, which must become a high priority for this administration, which will serve every child in Baltimore City.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on June 18, 2014.

5519 Belleville Ave  
Baltimore, MD 21207

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

Sincerely,  
Kim Trueheart, Citizen & Resident

5519 Belleville Ave  
Baltimore, MD 21207

**MINUTES**

Health Department - Revised Notice of Award

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the Revised Notice of Award (NoA) from the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA). The period of the Revised NoA is March 1, 2014 through February 28, 2015.

**AMOUNT OF MONEY AND SOURCE:**

\$10,024,239.00 - 4000-427714-3023-606100-404001  
1,169,135.00 - 4000-498714-3023-606100-404001  
**\$11,193,374.00**

**BACKGROUND/EXPLANATION:**

On March 5, 2014, the Board approved the initial FY2014 NoA issued January 23, 2014, from the HRSA for the period of March 1, 2014 through February 28, 2015, in the amount of \$5,802,179.00.

This Revised NoA, in the amount of \$11,193,374.00, supersedes the award notice dated January 23, 2014 and provides the balance of the FY2014 funding based on final FY2014 HRSA appropriations and includes the remainder of the Ryan White Part A reporting requirements. This makes the total amount for FY2014 \$16,995,553.00.

The Revised NoA is late because it was recently received.

**MBE/WBE PARTICIPATION:**

N/A

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved the Revised Notice of Award from the U.S. Department of Health and Human Services, Health Resources and Services Administration.

**MINUTES**

Health Department - Employee Expense Statement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the expense statement for Ms. Online Johnson for mileage for the month of January 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$52.08 - 4000-499014-3023-513200-603002

**BACKGROUND/EXPLANATION:**

Ms. Johnson submitted her Employee Expense Statement on time, but it was lost during routing for the supervisor's signature. During the inquiry regarding payment to the employee, the original expense could not be found. The expense statement is now outside of the guidelines set forth in AM 240-11.

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

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the expense statement for Ms. Online Johnson for mileage for the month of January 2014.

**MINUTES**

Health Department - Expenditure of Funds

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize the purchase of gift cards as incentives for the Operation Safe Kids Program.

**AMOUNT OF MONEY AND SOURCE:**

\$ 1,500.00	-	150 Subway gift cards @ \$10.00 each
2,500.00	-	500 McDonald's Corporation gift cards @ \$5.00 each
2,500.00	-	100 Target gift cards @ \$25.00 each
2,500.00	-	100 Walmart gift cards @ \$25.00 each
2,000.00	-	80 AMC gift cards @ \$25.00 each
1,995.00	-	266 AMC Movie Passes @ \$7.50 each
1,000.00	-	40 Down Town Locker Room gift cards @ \$25.00 each
1,000.00	-	100 GameStop gift cards @ \$10.00 each
1,000.00	-	40 Golden Corral gift cards @ \$25.00 each
1,500.00	-	30 Food Depot gift cards @ \$50.00 each
<b>\$17,495.00</b>	-	5000-518614-3160-308000-604051

**BACKGROUND/EXPLANATION:**

The incentive cards will be distributed to youth in the Office of Youth Violence Prevention/Operation Safe Streets program as a way of rewarding them for achievements such as, progress in school, compliance with court ordered mandates, etc. The cards will also be given to youth to help with their living situation such as purchase of hygienic products, clothing, etc. as needed.

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;



**MINUTES**

Health Dept. - cont'd

4) periodic internal reviews of programs' activity vis-à-vis the internal policy, which are to be shared with the Department of Audits. This policy has been reviewed by both the Solicitor's Office and by 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 and authorized the purchase of gift cards as incentives for the Operation Safe Kids Program.

## BOARD OF ESTIMATES

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## MINUTES

Health Department - Agreements and Amendment to Agreements

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

AGREEMENTS

1. **ELLA'S IN HOME CARE, INC.** **\$23,400.00**  
3007 Belair Road
2. **STERLING HOSPITALITY, LLC.** **\$ 7,800.00**  
7015 Park Heights Ave.

Account: 5000-534015-3044-273300-603051

The above facilities are enrolled in the Senior Assisted Living Group Home Subsidy Program, and will provide subsidized senior assisted housing services for individuals age 62 and over, who have temporary or periodic difficulties with the activities of daily living. These individuals require assistance in performing personal and household functions associated with complete independence as per the provisions of Article 70B, Section 4 of the Annotated Code of Maryland. The Senior Assisted residents receive shelter, meals, housekeeping, personal care services, and 24-hour on-site supervision. The period of the Agreement is July 1, 2014 through June 30, 2015.

3. **HOPESPRINGS, INC.** **\$ 80,000.00**

Account: 4000-499014-3023-513200-603051

The organization will focus on increased outreach and marketing efforts to implement a pilot program utilizing volunteers from the faith-based community to help HIV positive people remain in medical care. The period of the Agreement is January 1, 2014 through December 31, 2014.

The Agreement is late because of the delay in receiving an acceptable scope and budget.

**MWBOO GRANTED A WAIVER.**

## MINUTES

Health Department - cont'd

4. **MARYLAND ASSOCIATION OF NON-PROFIT ORGANIZATIONS, INC.** **\$ 8,750.00**

Account: 6000-619713-3001-599000-603051

The organization will draft an annex to the Baltimore City Health Department Strategic Plan to fulfill the Public Health Accreditation Board requirements for accreditation. The period of the Agreement is March 1, 2014 through June 30, 2014.

The Agreement is late because the Department was waiting for budget information.

5. **TOTAL HEALTH CARE, INC. (THC)** **\$122,220.00**

Account: 4000-499014-3023-513200-603051

The THC will recruit and retain adult persons (ages 18 and older) who are seeking medical care at the THC and at-risk of being exposed to or contracting HIV/AIDS. The persons recruited will reside in high HIV incidence areas of 21215, 21216, 21217, 21218, and 21223. The period of the Agreement is January 1, 2014 through December 31, 2014.

The Agreement is late because of the delay in receipt of required documentation from provider.

**MWBOO GRANTED A WAIVER.**

6. **SCIMETRIKA, LLC.** **\$ 50,000.00**

Accounts: 1001-000000-3021-268600-607016	\$ 20,000.00
5000-520114-3030-702900-603051	\$ 30,000.00

SciMetrika, LLC. will provide an analysis of the Department's current electronic health records (EHR) and billing infrastructure for clinical services. It will also make recommendations on the design and implementation of billing and EHR processes that will span all clinical services that occur in the Department clinics.

**MWBOO GRANTED A WAIVER.**

## MINUTES

Health Department - cont'd

**7. UNIVERSITY OF MARYLAND,  
BALTIMORE (UMB)**

**\$194,000.00**

Account: 4000-499014-3023-513201-603051

The UMB will complete at least 6,467 HIV tests at the following sites: University of Maryland Medical Systems, through the JACQUES Initiative, University of Maryland Medical Center, Mercy, and the School of Dentistry. The services will include testing, counseling, linkage to care, and referrals for partner services and prevention services. The period of the Agreement is January 1, 2014 through December 31, 2014.

The Agreement is late because of a delay in the completion of the required documentation.

**MWBOO GRANTED A WAIVER.**

AMENDMENT TO AGREEMENTS

**8. HEARING AND SPEECH AGENCY OF  
METROPOLITAN BALTIMORE, INC.**

**\$ 5,850.00**

Account: 4000-428214-3080-294312-603051

On December 11, 2013, the Board approved the original agreement in the amount of \$74,140.00 for the period of July 1, 2013 through June 30, 2014.

Under the terms of this Amendment to Agreement, the funds will support additional services at the Baltimore Infants & Toddlers Program's Eligibility Center. This Amendment to Agreement increases the agreement amount by \$5,850.00 for a total award of \$79,990.00. All other terms and conditions of the original agreement remain unchanged.

**MWBOO GRANTED A WAIVER.**

## MINUTES

Health Department - cont'd**9. SISTERS TOGETHER AND REACHING  
INCORPORATED** **\$ 37,676.00**

Account: 4000-424514-3023-599615-603051

On January 15, 2014, the Board approved the original agreement in the amount of \$29,764.00 for the period of July 1, 2013 through June 30, 2014.

The Department has received supplemental funding for the period January 1, 2014 through June 30, 2014 to provide additional Supporting Positive Attitudes services for the Ryan White Part B Program. This Amendment to Agreement increases the agreement amount by \$37,676.00 for a total award of \$67,440.00. All other terms and conditions of the original agreement remain unchanged.

**MWBOO GRANTED A WAIVER.**

**10. TOTAL HEALTH CARE, INC.** **\$ 30,925.00**

Account: 4000-424514-3023-599635-603051

On January 8, 2014, the Board approved the original agreement in the amount of \$38,526.00 for the period of July 1, 2013 through June 30, 2014.

The Department has received supplemental funding for a six month period to provide additional Ryan White Part B psychosocial services. This Amendment to Agreement increases the agreement amount by \$30,925.00 for a total award of \$69,451.00. All other terms and conditions of the original agreement remain unchanged.

MINUTES

Health Department - cont'd

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 aforementioned Agreements and Amendment to Agreements.

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

Bureau of Accounting and - Revised Rental Schedules FY 2015  
Payroll Services

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the revised schedule of Payment in Lieu of Taxes (PILOT) payments for FY 2015.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

Whenever there is a change in the rental schedule of an apartment house built under Section 202, National Housing, or any subsequent section which accomplishes the same purpose of Section 202, the owners of such property will furnish the revised schedules of rents to the Department of Finance.

The actual amount of change of PILOT payments for the fiscal year 2014-2015 will be as follows:

	<u>Increase (Decrease)</u>	<u>New Pilot</u>
Advent Senior Housing	\$ 336.00	\$ 31,752.00
Bradford St. Development Corp.	\$ 2,259.60	\$ 19,596.00
Christ Church Harbor Apartments	\$ 3,096.72	\$ 141,927.84
Epiphany	\$ 1,056.14	\$ 25,014.50
Greater New Hope Towers	\$ 1,560.00	\$ 130,728.00
Homes for Arundel, Inc.	(\$ 294.00)	\$ 2,800.80
Micah House	\$ 542.28	\$ 23,277.00

## BOARD OF ESTIMATES

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## MINUTES

Bureau of Accounting & Payroll Services - cont'd

	Increase (Decrease)	<u>New Pilot</u>
Naomi Project Ltd. Part.	(\$ 454.32)	\$ 22,067.88
New Waters Tower Apartments	(\$ 5,455.40)	\$ 250,444.10
O'Donnell Square	\$ 392.76	\$ 11,418.36
St. James Terrace	\$ 1,179.36	\$ 87,598.80
St. Mary's (East & West)	\$ 3,854.16	\$ 139,951.44
Westminster House Apartments	\$ 2,512.80	\$ 127,380.96

UPON MOTION duly made and seconded, the Board approved the revised schedule of Payment in Lieu of Taxes payments for FY 2015.



**MINUTES**

Office of the Labor Commissioner - FY 2014-2015 Wage Scales

**ACTION REQUESTED OF B/E:**

The Board is requested to **NOTE** receipt of the Wage Scales for FY 2014-2015 for the City Union of Baltimore (CUB), Units I and II.

**AMOUNT OF MONEY AND SOURCE:**

Retroactively to January 1, 2014, employees represented by CUB Units I and II will receive a 1% across the Board wage increase.

Effective July 1, 2014, employees represented by CUB Units I and II will receive a 2% across the Board wage increase.

Wage increases for both fiscal years have been budgeted.

**BACKGROUND/EXPLANATION:**

In accordance with the Municipal Employees Relations Ordinance (MERO), negotiations with CUB Units I and II have concluded and resulted in multi-agreements covering Fiscal Years 2014-2016.

To facilitate the January 1, 2014 retroactive payments and the July 1, 2014 wage increases the Board is requested to approve the wage scales before the Memoranda of Understanding are submitted for notation.

UPON MOTION duly made and seconded, the Board **NOTED** receipt of the Wage Scales for FY 2014-2015 for the City Union of Baltimore, Units I and II.

**MINUTES**

Office of the Labor Commissioner - FY 2014-2015 Wage Scales

**ACTION REQUESTED OF B/E:**

The Board is requested to **NOTE** receipt of the Wage Scales for FY 2014 - 2015 for the Baltimore City Lodge No. 3 Fraternal Order of Police, Inc. (FOP) Units I and II.

**AMOUNT OF MONEY AND SOURCE:**

Retroactively to July 1, 2013, employees represented by FOP Units I and II and who were on the Police Department payroll the date that the tentative agreement was ratified by the membership will receive a 2% across the board wage increase. Wages for both fiscal years are included in the Baltimore Police Department's budget for FY 2014-2015.

Effective July 1, 2014, employees represented by FOP Units I and II will receive a 5% across the board wage increase.

In addition, effective July 1, 2014, employees who have completed seven years of service will receive a 3% longevity step. Employees who have completed 15 years of service will receive a 3% longevity step.

**BACKGROUND/EXPLANATION:**

In accordance with the Municipal Employees Relations Ordinance (MERO), negotiations with FOP Units I and II have concluded and resulted in multi-agreements covering Fiscal Years 2014-2016. To facilitate the July 1, 2013 retroactive payments and the July 1, 2014 wage increases, the Board is requested to approve the wage scales before the Memoranda of Understanding are submitted for notation.

UPON MOTION duly made and seconded, the above was **WITH-DRAWN.**

## MINUTES

Department of Planning - Report on Previously  
Approved Transfers of Funds

At previous meetings, the Board of Estimates approved Transfers of Funds subject to receipt of favorable reports from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the provisions of the City Charter. Today, the Board is requested to **NOTE 24** favorable reports on Transfers of Funds approved by the Board of Estimates at its meetings on May 28, 2014 and June 4, 2014.

UPON MOTION duly made and seconded, the Board **NOTED** receipt of the 24 favorable reports.

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

Baltimore Development Corporation (BDC) - Parking Lot Lease**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Parking Lot Lease for the City-owned parking lot located at 701 W. Ostend Street with Baltimore Ravens Limited Partnership (BRLP). The period of the Parking Lot Lease is June 1, 2014 through May 31, 2015.

**AMOUNT OF MONEY AND SOURCE:**

<u>Installment Payments</u>	<u>Payment Dates</u>
\$ 40,000.00	November 10, 2014
40,000.00	January 10, 2015
40,000.00	May 15, 2015
<b><u>\$120,000.00</u></b>	

**BACKGROUND/EXPLANATION:**

The City of Baltimore is the owner of the parcel located at 701 W. Ostend Street in the Carroll Camden Industrial Area of Baltimore City. The parcel, also known as Lot O, is a 4 +/- acre lot at the intersection of Ostend and Ridgley Streets. In the past, Lot O has been used for stadium parking and the staging of special events.

In May 2013, the BDC, on behalf of the Mayor and City Council of Baltimore (M&CC), issued a Request for Proposals (RFP), seeking written proposals from qualified respondents for the operation and use of Lot O for the purpose of providing a venue to host activities that support and enhance the events held at the M&T Bank Stadium. Through that process, the BRLP was selected as one of two operators who would be granted rights to utilize Lot O. The other operator is the CBS Radio Stations, Inc. The BRLP entered into a Parking Lot Lease for the property with the BDC that expired May 31, 2014. The activities will include automobile parking, tailgating, catering, broadcasting, vending, and other similar uses.

**MINUTES**

BDC - cont'd

The M&CC is proposing to renew last year's lease for a portion of 701 W. Ostend Street, consisting of the entire parking facility (approximately 550 parking spaces) minus 44 spaces on the Ostend and Ridgely Streets corner of the lot and 44 spaces outside the fence, to the BRLP for \$120,000.00 for Ravens home scheduled football games and for other special events for the period of June 1, 2014 through May 31, 2015.

The lease payments will be made in three installments. The first installment of \$40,000.00 will be paid by November 10, 2014, the second installment of \$40,000.00 will be paid by January 10, 2015, and the final installment of \$40,000.00 will be paid by May 15, 2015.

The BRLP will be responsible for keeping, maintaining, repairing and making replacements to the leased premises for any damages that occur during the leased times to ensure that the premises are in good condition and repair. Additionally, the BRLP will be responsible for counting tickets, removing trash and snow, procuring restroom facilities, and finding and employing staff to park vehicles during the term of the lease.

The BRLP will pay all taxes and assessments levied upon or assessed against the leased premises. The BRLP will pay all City parking taxes in accordance with the utilization of the leased premises.

**MBE/WBE PARTICIPATION:**

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Parking Lot Lease for the City-owned parking lot located at 701 W. Ostend Street with Baltimore Ravens Limited Partnership.

**MINUTES**

Baltimore Development Corporation (BDC) - Parking Lot Lease

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Parking Lot Lease for the City-owned parking lot located at 701 W. Ostend Street with CBS Radio Stations, Inc. (CBS Radio). The period of the Parking Lot Lease is June 1, 2014 through May 31, 2015.

**AMOUNT OF MONEY AND SOURCE:**

\$10,000.00

**BACKGROUND/EXPLANATION:**

The City of Baltimore is the owner of the parcel located at 701 W. Ostend Street in the Carroll Camden Industrial Area of Baltimore City. The parcel also known as Lot O is a four +/- acre lot at the intersection of Ostend and Ridgley Streets. In the past, Lot O has been used for stadium parking and the staging of special events.

In May 2013, the BDC, on behalf of the Mayor and City Council of Baltimore (M&CC), issued a Request for Proposals (RFP), seeking written proposals from qualified respondents for the operation and use of Lot O for the purpose of providing a venue to host activities that support and enhance the events held at the M&T Bank Stadium. Through that process, CBS Radio was selected as one of two operators who would be granted rights to utilize Lot O. The other operator is the Baltimore Ravens Limited Partnership. CBS Radio entered into a Parking Lot Lease for the property with the BDC that expired May 31, 2014. The activities will include automobile parking, tailgating, catering, broadcasting, vending, and other similar uses.

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

BDC - cont'd

The M&CC is proposing to lease a portion of 701 West Ostend Street, consisting of 44 spaces on the Ostend and Ridgely Streets corner of the parking facility and 44 spaces outside of the fence to CBS Radio for \$10,000.00 for Ravens home scheduled football games and for other special events for the period of June 1, 2014 through May 31, 2015.

The lease payment will be made in one installment of \$10,000.00 to be paid by November 10, 2014. CBS Radio will be responsible for keeping, maintaining, repairing, and making replacements to the leased premises for any damages that occur during the leased times to ensure that the premises are in good condition and repair.

Additionally, CBS Radio will be responsible for counting tickets, removing trash and snow, procuring restroom facilities, and finding and employing staff to park vehicles during the term of the lease.

CBS Radio will pay all taxes and assessments levied upon or assessed against the leased premises. CBS Radio will also pay all City parking taxes, in accordance with the utilization of the leased premises.

**MBE/WBE PARTICIPATION:**

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Parking Lot Lease for the City-owned parking lot located at 701 W. Ostend Street with CBS Radio Stations, Inc. (CBS Radio).

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

Baltimore Development Corporation - Land Disposition Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Land Disposition Agreement with 106-110 Eutaw St., L.L.C., developer, for the sale of the City-owned property located at 106-110 N. Eutaw Street (Ward 4, Section 7, Block 0618, Lots 30, 31, and 32).

**AMOUNT OF MONEY AND SOURCE:**

\$30,000.00 - Purchase price

**BACKGROUND/EXPLANATION:**

The developer seeks to purchase the property for the purpose of developing residential housing units, ground floor commercial space, and restaurant space. The developer agrees to a profit sharing payment if the property is transferred to an unaffiliated third-party within 60-months of the settlement date.

**MBE/WBE PARTICIPATION:**

The developer has signed the Commitment to Comply with the Minority and Women's Business Enterprise Program of the City of Baltimore, Article 5, Subtitle 28 of the Baltimore City Code.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Land Disposition Agreement with 106-110 Eutaw St., L.L.C., developer, for the sale of the City-owned property located at 106-110 N. Eutaw Street (Ward 4, Section 7, Block 0618, Lots 30, 31, and 32).



**MINUTES**

Baltimore Development Corporation - Land Disposition Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Land Disposition Agreement with 416 Howard St., L.L.C., developer, for the sale of the City-owned property located at 416 N. Howard Street (Ward 4, Section 2, Block 0562, Lot 12).

**AMOUNT OF MONEY AND SOURCE:**

\$15,000.00 - Purchase price

**BACKGROUND/EXPLANATION:**

The developer seeks to purchase the property for the purpose of developing residential housing units and ground floor commercial space. The developer agrees to a profit sharing payment if the property is transferred to an unaffiliated third-party within 60-months of the settlement date.

**MBE/WBE PARTICIPATION:**

The developer has signed the Commitment to Comply with the Minority and Women's Business Enterprise Program of the City of Baltimore, Article 5, Subtitle 28 of the Baltimore City Code.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Land Disposition Agreement with 416 Howard St., L.L.C., developer, for the sale of the City-owned property located at 416 N. Howard Street (Ward 4, Section 2, Block 0562, Lot 12).

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

\* \* \* \* \*

On the recommendations of the City agencies

hereinafter named, the Board,

UPON MOTION duly made and seconded,

awarded the formally advertised contracts

listed on the following pages:

2237 - 2260

to the low bidders meeting the specifications,

or rejected bids on those as indicated

for the reasons stated.

The Transfers 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.

UPON FURTHER MOTION duly made and seconded,

the Board **DEFERRED** Item No. 4 until June 25, 2014

The President vote **No** on Item No. 5.

The Comptroller vote **No**. on Item No. 5.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Water & Wastewater

1. WC 1254, Water Infra-structure Rehabilitation Various Locations
- REJECTION** - On February 12, 2014, the Board opened four bids for WC 1254. The bids ranged from a low of \$3,382,763.81 to a high of \$5,393,275.00. The apparent low bidder's bid was determined to be unbalanced. The second lowest bidder is over their pre-qualified work capacity limit. The two remaining bidders were over the allowable percentage of the engineer's estimate. The Bureau requests that all bids be rejected. Permission to re-advertise will be requested at a later date.
2. WC 1226, McElderry and Various Street Water Main Replacement & Relocation
- |             |                                      |                     |               |
|-------------|--------------------------------------|---------------------|---------------|
|             | Monumental Paving & Excavating, Inc. | \$3,954,122.85      |               |
| <b>MBE:</b> | T.E. Jeff, Inc.                      | \$344,000.00        | 8.70%         |
|             | P&J Contracting Co., Inc.            | 90,975.00           | 2.30%         |
|             |                                      | <u>\$434,975.00</u> | <u>11.00%</u> |
| <b>WBE:</b> | Priceless Industries, Inc.           | \$ 12,532.50        | 0.32%         |
|             | S&L Trucking, LLC                    | 66,575.00           | 1.68%         |
|             |                                      | <u>\$ 79,107.50</u> | <u>2.00%</u>  |

**MWBOO FOUND VENDOR IN COMPLIANCE**3. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$5,219,443.00	9960-909100-9558	
Water Revenue Bonds	Construction Reserve	
	Water Infrastructure Rehabilitation	

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Water & Wastewater - cont'dTRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 395,412.00	-----	9960-905659-9557-2 Extra Work
395,412.00	-----	9960-905659-9557-3 Engineering
237,248.15	-----	9960-905659-9557-5 Inspection
3,954,122.85	-----	9960-905659-9557-6 Construction
<u>237,248.00</u>	-----	9960-905659-9557-9 Administration
<b>\$5,219,443.00</b>		

The funds are required to cover the cost of the award for construction of WC 1226, McElderry & Various Street Water Main Replacement and Relocations.

Bureau of Purchases

4. B50003300, Hackathon  
Events Support

**REJECTION** - On February 12, 2014, the Board opened two bids for B50003300. In the process of evaluation, the Bureau determined that an award would not be in the best interest of the City and revised specifications would be required. The Bureau requests the Board to reject all bids received. This requirement will be revised and re-bid at a later date.

(Mayor's Off. of Information Technology)

**A PROTEST WAS RECEIVED FROM DIGITAL HARBOR FOUNDATION.**



Digital Harbor Foundation  
1045 Light Street  
Baltimore, MD 21230

June 17, 2014

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

Dear Ms. Taylor:

I am writing to protest the proposed rejection of the Hackathon Events Supports bid before the Board of Estimates.

Details as required by the Board of Estimates are as follows:

1. Whom you represent: Digital Harbor Foundation, Inc. (DHF)
2. What the issues are: Page 30, Bureau of Purchases - Solicitation No. B50003300 – Hackathon Events Support rejection.
  - a. The Bureau recommends the rejection all bids while at the same time proposing the bid be re-issued and re-opened;
  - b. No reason for why this would be “in the best interest of the City” is given;
  - c. This is the second time the process has, without stated cause, been canceled and re-issued.
3. How the protestant will be harmed by the proposed Board of Estimates’ action: As a member of the technology community and the executive director of the Digital Harbor Foundation, a local non-profit which created the DHF Tech Center to serve hundreds of youth from around Baltimore City and teach them valuable technology-related skills, this action is cause for significant concern. The bid process has been released, canceled, re-issued, delayed, and is now proposed to be canceled again, re-issued, re-opened and re-evaluated. It is my opinion that these actions are wasteful of tax dollars as they require Baltimore City government employees to unnecessarily go through the entire lengthy advertising, bidding, and evaluation process yet again. Additionally, this repeated delay lessens the field of competent bidders who

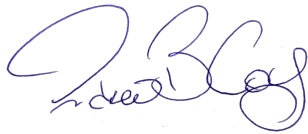
have to unnecessarily repeat the efforts of bid submission at their own expense for reason not disclosed.

4. The Remedy I Seek: Any of the following actions would be acceptable:
  - a. the bid moving forward under the previous evaluation of submissions and award based on the technical merits of the proposals as outlined in the bid documents and scoring rubric;
  - b. delayed decision for a week to allow for representatives from the City to meet and discuss my response to the proposal;
  - c. allow bidders to address specific questions and answer any additional specifications before bid is canceled, re-issued, and re-opened.

Unfortunately I will not be able to address this matter in person at your upcoming meeting of the Board of Estimates on June 18, 2014 as myself and a student from the DHF Tech Center will be presenting our work at the first ever White House Maker Faire.

If you have any questions regarding this request, please feel free to call me at (410) 402-4189.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew Coy".

Andrew Coy  
Executive Director

Digital Harbor Foundation

Bureau of Purchases

4. B50003300, Hackathon Events Support

**REJECTION** - On February 12, 2014, the Board opened two bids for B50003300. In the process of evaluation, the Bureau determined that an award would not be in the best interest of the City and revised specifications would be required. The Bureau requests the Board to reject all bids received. This requirement will be revised and re-bid at a later date.

(Mayor's Off. of Information Technology)

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

5. B50003417, On-site Columbia Fleet \$2,000,000.00  
Preventative Maintenance Service, Inc.  
for Heavy Duty Vehicles

(Dept. of General Services, Fleet Mgmt.)

The above is the City's estimated requirement.

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

**MBE:** See note below\* 0

\*Bidder did not achieve the MBE goal. WM. J. Gleason & Sons, Inc. named for MBE participation is not certified as MBE with Baltimore City.

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

Three bids were received and opened on April 9, 2014. The bid from Middleton Meads was found non-responsive. Both responsive bids were found in non-compliance by MWBOO.

The Bureau recommends that the low bidder be given 10 days to come into compliance.

**A PROTEST WAS RECEIVED FROM FLEETPRO, INC.**

**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.

President: The first item on the non-routine agenda can be found on Page 31, Item 5, B50003417, On-site Preventative Maintenance for Heavy Duty Vehicles. Will the parties please



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## MINUTES

come forward?"

Mr. Tim Krus: "Tim Krus, City Purchasing Agent. This is the award of On-site Preventative Maintenance for Heavy Duty Vehicles to Columbia Fleet Foot, -- Fleet Service, Inc. for \$2,000,000.00."

Mr. Robert Fulton Dashiell: "Good morning Mr. President, Madam Mayor and other members of the Board, my name is Robert Fulton Dashiell and I represent the lowest responsive and responsible bidder, Fleetpro, along uh, with the representatives of the company, who got me sort of surrounded here, uh, and we protest the recommendation for award to Columbia Fleet Services for a number of reasons, uh, and it would be easiest for me to do this, if I, because I have sev--, several documents, if I hand you some documents and explain. -- They're not the lowest bidder, let me just say that upfront. They are not the lowest bidder, uh, but I need to explain how we come to that conclusion. There are other deficiencies in the bid apart from price that my client noted in his protest letter. I'm going to hand you first, just a chart identifying things such as not using the right certificate of insurance; things such as not providing the references that are required; things that are not showing that they have a training program for the technicians as required; all of those things were missing from Columbia Fleet

## MINUTES

Service's bid, and all of those things should have resulted in it not being non-responsive on the face of it. But, those are covered in this chart that I will give you; but more importantly, more importantly, I want to share, I want to share with you, I want to tell you that their price is not the lowest for the reasons that I will indicate."

Mr. Krus: "Mr. Dashiell, were these submitted with the protest?"

Mr. Dashiell: "Uh, No. They weren't submitted with the protest. They were taken from, they were taken from the bid documents that were submitted by my client as well as the other bidder. It should have been part of your analysis. This is a, this is an analysis, the bid documents require that each bidder submit a bid price list. This is an analysis of the price list for the specific parts that were submitted by both Columbia Fleet Service and my client. The significance of that is that the recommendation for award is based upon an erroneous, an erroneous uh, uh, factor. The recommendation for award here -- hold on a second -- is based upon, pass those out if you would --"

Mr. Krus: "Mr. Dashiell --"

Mr. Dashiell: "-- by, by, by the way, let me correct one thing. Mr. Krus, everything that, all of the information that's

## BOARD OF ESTIMATES

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## MINUTES

included in these charts, was given to you and your agency previously when my client sent in, sent in a letter of concern. All this stuff was documented in it. All I've done is reformatted it for the ease of consideration by the Board."

Mr. Krus: "Now, I would have to disagree that."

Mr. Dashiell: "Well -- okay. The, the, if you look, if you look -- members of the Board, at the two price sheets -- the last item that I just gave you, you will see that, that the, on the second sheet is an analysis of the total bid and the first sheet is the analysis of the prices that were submitted for parts. The problem is this, the bidders were asked to state their mark-up on a on the costs, without identifying what they were buying so that, so that, for example, for the \$95,000.00 uh, we don't know, we have to assume that the bidder's only buying one item and therefore if you multiply 75 percent times that item, being my client's mark-up, obviously it's going to be larger than somebody who bid 17 percent mark-up. But, you're not told what you're buying, and you're only buying one item because that's the only thing that keeps the bids the same. In order for you to know the actual final cost to the City of the item, you have to go to the bidder's price sheets, which were also required to be submitted. The, I have copies of the price sheets here, but the, the bid, the document that I gave you to compare the price

## BOARD OF ESTIMATES

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## MINUTES

sheets, shows you that for the items the City is buying, the prices submitted by my client are actually lower. Those, that, that's it. There's an aggregate price for my client of \$41.00 for the actual stuff that you're buying versus \$42.00 from Columbia Fleet Service. Now, those prices were taken from the price sheets that were submitted by the bidders. I don't know, I don't know why Purchasing used this artificial mechanism of using these \$95,000.00, I don't even know what those numbers stand for. They're not the actual cost to the bidder because, because you're not told what you're buying. And here's the difference, members of the Board, the first number is \$95,000.00. If, if, if my mark-up on \$95,000.00 is 75 percent, it's going to be larger than somebody whose mark-up is 17 percent. But, what if I'm buying, what if I'm furnishing more than one item for that \$95,000.00? What if I'm furnishing 1,000 items for that \$95,000.00 and they're only furnishing two? That takes my, that effectively reduces my mark-up significantly. That's why those num, that's why those artificial numbers don't make any sense. The only way to determine how much you're actually spending, how much the contract is costing, is by looking at the final cost to you of the item that you're buying. When you look at the final cost to you of the item that you're buying, my client's bid is sig -- is lower than that

## MINUTES

submitted by Columbia Fleet Service. And there really can't be no, there's no, because when you get ready to pay them, you're not paying off, off the bid sheet, you're paying off the price list. That's why the price list had to be submitted and interestingly enough, Columbia Fleet Service didn't even give you a price for the item that's the highest volume - oil. Why do you want to buy a whole bunch of filters for all these vehicles and you're not buying oil? If you look at their price sheet, which I have and I can give to you, they don't even quote a price for oil, and that is the product that you buy the most of. That, that, that should have been rejected for that reason. When it -- hold, hold, hold, hold it. Don't, okay. So, so when -- my client's, they, they've been doing this work for the City for a long time and they've been doing it very well, and this is their only contract, so they're getting a little exuberant in their expression interrupting their attorney. So in any event, the uh, the price for the parts from my client is lower than the, the price from Columbia Fleet Service. The difference that the Purchasing suggests to you is purely artificial, irrelevant and completely meaningless because it doesn't equate to the price you pay for the product itself. Similarly, on the labor side, you will see that there is a differential there, and, and

## MINUTES

supposedly a differential in the price, in the labor charge from uh, from Columbia Fleet Service and the labor charge from my client. Well that's not, let me give you these. Here's the analysis of that. I'm sorry. That's not true either. And here's the reason -- the bid document, and remember here, that there was no pre-bid meeting here, and my client attempted to get answers and clarification on those things, I've got a list of questions that was submitted, and the answers that they got didn't clarify anything, but we tried to get this stuff clarified prior to the bid as best we could and they didn't get answers. The problem is the bid document says you can price your labor in two different ways. You either use a cap, which is to say that for each service we give you a cap for changing oil, three hours, two hours, whatever it may be. Or on a different page, it says utilize your actual hours that you'd take, that you would take to perform the service. Well, my client used the uh, cap because the answer to the question that they got in response to the questions was, 'use the cap'. There was no way that Columbia Fleet Service could have come up with the hourly labor rate that they had if they had done anything other than used what they thought was the actual service hour. If my client had used the actual service hour, which it knows better than anybody else, having done it for 10 years, the labor charges

## MINUTES

would have been significant, would have been \$88,000.00 lower than the price submitted by Columbia Fleet Service. That, that analysis is also there. I'm not, and what I think happened here, and I'm not questioning anybody's integrity or impugning or any of that kind of stuff. What I think happened here is that Purchasing just didn't do a very good job of, of, one, preparing the bid documents and, and or of evaluating the responses that they got. They just made a mistake. They just, they calc, -- they, they used the wrong figure to make the calculation. They used an arbitrary figure that did not in fact uh, relate at all to the actual cost of the item that they're purchasing. That's a mistake, it's not, it's not, you know; I don't impugn anybody, and it's a mistake, there's no way it can be justified. Thank you."

City Solicitor: "I have a question. Uh -- Do you say that you provided all of these sheets and this factual information to Purchasing prior to today and prior to your bid protest letter?"

Mr. Dashiell: "We, we, we submitted all of the documentation from which the charts were derived. I did not, I did not perform the analysis for them prior to today because, you see, --"

City Solicitor: "So, the analysis is new to the City now?"

Mr. Dashiell: "Yes, now the analysis is new."

City Solicitor: "Thank you."

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Mr. Dashiell: "The analysis is new. The facts and the data and the information is all included in the information that my client submitted beforehand, and anybody who looked at it, could have done the same analysis and would have come to the same conclusions that I came to. But you have to understand, you know, Purchasing has this thing and I will say this - and it's all I am going to say -- Purchasing has this thing that 'we're going to do what we're going to do and we'll tell you why we did it later.' I didn't even know, for example, that my client supposedly failed in its MBE compliance until I read it in the agenda. Every other City agency, whether it's the Department of Public Works or Recreation and Parks or Transportation or whoever, if you are non-compliant with the MBE, they send you a notice and tell you that you are. DPW even has a special form letter. It says 'It is not our policy to recommend the award of the contract to a bidder who does not achieve the required MBE participation.' That's what the letter says. They say that. We never got, we never got a word from, from, from Purchasing about this, so yes, did I do an analysis for them, Mr., Mr., Mr. Nilson? No, I didn't do it for them, but I did it based upon the facts and the data that's in the bid documents and in the bid book and it was available for anybody to do."

President: "Okay, Mr. Krus."



## BOARD OF ESTIMATES

06/18/2014

## MINUTES

Mr. Krus: "Tim Krus, Bureau of Purchases. Um, The Bureau of Purchases has been following the same practices for decades in terms of notification vendor non-compliance. Um, this is no different than what we have done; our process is not the same as the processing Department of Public Works, who is over the control of procurements from cradle to grave because they are doing procurements for work that they need to have done and uh. As far as the price list were concerned, bidders were not required to submit a full price list, they were requested to submit a representative price list of the most often provided parts, but those prices were not used in the direct evaluation of the bid. Columbia Fleet Services price list response was considered complete. Fleetpro um, has talked about the change in the way we handled the mark-up. We used to do this contract with a discount off the list price. We determined that the best way to proceed with this contract is with a cost plus mark-up and that cost plus mark-up is based on the fact that we would easily be able to audit the costs that were marked-up for the contract. As Fleetpro mentions, this is a rather large contract even for them and we are confident that any company who is awarded this contract would be able to avail themselves of the same cost discounts that Fleetpro is able to avail itself of now as a result of being the incumbent in the contract. As far as the

## BOARD OF ESTIMATES

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## MINUTES

hourly rates are concerned, we actually worked with fleet management and their technicians to determine the number of hours that it would take certain regularly provided services and put those hours in the bid, again to make sure that the City had the correct price. Um, the, Mr. Dashiell mentioned that at one point one change would have changed the result by \$88,000.00 and I would like to point out to the Board that Columbia Fleet Services amount was \$1,756,417.00 while Fleetpro's bid was \$2,545,680.00. I'd also like to point out that Middleton and Mead, even though their bid was found non-responsive for other reasons and is not protesting, bid \$1,787,589.00, so even though they were not found non-responsive, we had another bid that was very close to the bid amount of the awardee, with Fleetpro being the outlier by \$800,000.00."

Mr. Dashiell: "Mr. President, Mr. Krus is again being misleading. What he didn't address is how that, that spread got to be. He didn't get to that number by, by marking up the actual cost of anything. They arbitrarily printed I'm going to buy \$95,000.00 of something from Ford. A brand name. I'm going to buy \$150,000.00 of something from General Motors. A brand name. That's not the cost of anything. That's in the reality of, I suspect, I don't know, I suspect, that is the amount that the City probably pays for an item, for that type of item over a

## MINUTES

period of time, but that's not the bidder's cost. The bidder's cost was required to be submitted, the top 100 items, including oil, was required to be submitted because that's what you bill against. You bill against the final cost to the City, not against the arbitrary number that was set up for brand name products of a particular manufacturer. That's not, that's not what you, that's not, so if you take that arbitrary number away and look at the cost of the items that you're required to submit a price for, that evaporates the difference in the prices between Columbia and Midland or whoever it is and my client. It goes away."

Mr. Krus: "The Bureau of Purchases attempted to structure this solicitation so that we could actually evaluate vendors without having the pricing power of incumbency even if its -- for evaluation, and what we've come up with is what we believe a legitimate award that saves the City almost \$800,000.00."

Mr. Dashiell: "And, and that is false because you only pay the final cost of the item. It doesn't make any difference what the award amount is. When the contractor bids for the item, he bids the final cost based upon the price sheet that was mandatory to be submitted. You would never pay \$3.25 million dollars. You don't do that. You pay for the item based upon the final cost from the price list, and Mr. Krus knows that."

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President: "Madam Mayor."

Mayor: "I just wanted to back up to the issue of uh, um, compliance with MBE/WBE. I know that you had an issue with the notification. Do you dispute the compliance?"

Mr. Dashiell: "I, I don't know, I don't know what the non-compliance is."

Unidentified voice: "

Mr. Dashiell: "Hold, hold, gentlemen, gentlemen, please."

President: "If you're going to speak, you need to talk into the mic and identify yourself."

Mr. Dashiell: "Gentlemen, the agenda indicates that all the bidders were found to be non-compliant, which includes you. The Mayor asked do I know, do I question whether or not if you were in compliance. My response is I don't know because I don't know how you were determined to be in non-compliance."

President: "Madam Comptroller."

Mr. Krus: "Mr. Dashiell is correct. All the bidders were found to be non-compliant."

Comptroller: "Right, but, but, your letter says --"

President: "Talk into the mic please."

Comptroller: "Your letter says that the award is recommended to the lowest responsive and responsible bidder, yet um, they were not in compliance with MWBOO and my concern is that it appears

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that what we're doing is diminishing the participation of MBE/WBE because it says that if they're not able to retain, if they're not able to meet this goal, then Purchasing would ask for a waiver or a partial waiver."

Mr. Krus: "Well that's another possibility. Purchasing has, you asked about the options that Purchasing has if the awardee was not compliant within the 10-day period. Um, um a waiver or a partial waiver are two of the options. Another option is to consider another bidder going to. But, we would have to have a long conversation with Fleet about that because of the large discrepancy in the price from Fleetpro. So, the other thing that can occur is in a situation like this, is that when that 10-day period occurs, MWBOO may end up talking with the vendor about the reasons they were non-compliant and could potentially recommend a waiver or partial waiver themselves."

Comptroller: "But um, the contractor uh -- Fleetpro, on the MBE, the, their percentage is 3.6, so they almost made the five percent, and --"

Mr. Krus: "As you know Madam Comptroller, almost does not count when you're looking at goals."

Comptroller: "I understand that, but then with Middleton and Meads, they did meet the five percent, so I don't --"

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Mr. Krus: "Middleton and Meads was found non-responsive on other terms."

Comptroller: "I understand that, but I'm talking about MBE/WBE and so, if a company can -- if, if Middleton can meet it and Fleetpro can almost meet it, why would Purchasing ask for a waiver or a partial waiver?"

Mr. Krus: "We haven't decided what we would do. You asked what our options would be if Fleetpro, if the awardee Columbia, were not found compliant in 10 days."

City Solicitor: "Is the 10 days compliance, um, situation um, generally invoked in these circumstances, where all bidders --"

Mr. Krus: "We're invoking, we're invoking 10-day compliance as we have done hundreds of times before."

City Solicitor: "-- or is it something unusual?"

President: "Any follow-up?"

Comptroller: "No."

Mr. Dashiell: "I, I just want you to understand that the award to Fleetpro would not be, or even if the award was two and a half million dollars, that's not what you would spend, and Mr. Krus is misleading. What you pay for the part comes off the bidder's parts price list, where the mandatory, they were required to submit the top 100 items. The top 100 items of Columbia Fleet Service doesn't even include oil and oil is the

## BOARD OF ESTIMATES

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largest product that you buy. You don't even know how much you would pay for it. This thing needs to be re-done, Mr. President."

Mr. Krus: "If I may point out, we did not put a specific price list of items in this bid asking for specific prices for those particular items."

President: "Madam Mayor."

Mayor: "That was my question. The, the notion that Mr. Dashiell is mentioning about oil being included or not included, is that relevant to the consideration?"

Mr. Krus: "We do not believe it is relevant to the consideration because this is a cost plus mark-up. We are telling the vendors that based on having this contract um, we expect to know their mark-up from cost and that's completely auditable, and we know that the contract has a certain volume that should enable any vendor who is awarded the contract, to get comparable prices on oil or other parts. We asked for the price lists so we could determine whether or not the vendors looked like they were in the ballpark on price, and that was acceptable to us."

Mayor: "Mr. President, so, um, was the vendor's mark-up across the board, a consideration?"

Mr. Krus: "Absolutely. The actual mark-up"

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Mayor: "Each vendor was evaluated on their mark-up?"

Mr. Krus: "Right. The cost plus mark-up."

City Solicitor: "And am I right in understanding that this is a different format or a different approach to the bid than has been employed in the past?"

Mr. Krus: "Absolutely."

City Solicitor: "Could you explain for us --?"

Mr. Krus: "-- discount off the manufacturer's list, which is more difficult to determine."

City Solicitor: "And, and just explain for us, if you could, why we chose this different approach --"

Mr. Krus: "We chose cost plus because it is something very easy to audit, because we are able to go to the vendors and determine their actual cost once they get started with the work, and hold them to that exact mark-up. Rather, than a discount off manufacturer's list price, which can be, at the time of bid, different for different vendors because they don't all have the same level of business at the time of their bid. We understand that Fleetpro may receive from vendors a higher discount off manufacturer's list price currently because they have the City contract. We also understand that Columbia or Middleton and Mead, had they been the awardee, would have benefitted from that same volume, um, if they were the incumbent. So we tried to



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establish a solicitation that allowed for fair and open competition and that took the advantages of the incumbency out of the equation."

Mr. Dashiell: "Madam Mayor, Mr. President, and I'm going to say this one final time, the issue is not cost, plus, the issue is what you apply the plus to. They applied the percentage to arbitrary numbers, not to the cost of the product, that's what I'm trying to tell you. They applied the mark-up to these arbitrary figures, which represent some purchase of something from these brand names - \$95,000.00 from Ford; \$150,000.00 from General Motors; - we don't know what that's buying. We don't know how many. If you wanted to have a level playing field, you either give the vendor an assumed quantity or you give what you assume is the fair and reasonable price or you ask them for the price list. That's what they did. They did the third thing -- they asked for the price list. They asked for the price list of your 100 top items and that was mandatory. That wasn't discretionary. And Mr. Krus can stand here all day long and talk about cost plus, but it's cost plus the price from that list, not the arbitrary number that's on the bid tab sheet which doesn't really mean anything and it's because of that arbitrary numbers the only reason why my client's price is higher apparently than the apparent low bidder, but that's not what you

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would pay. You would only pay the final price for the specific item, Mr. Nilson, that's what I'm trying to say."

Mr. Krus: "If I, if I may quote from some of the prices and percentages that we received, uh, the standard labor rate um, for Columbia Fleet Service was \$83.50; Middleton and Mead bid \$89.00; Fleetpro bid \$112.81; the labor rate for non-standard hours Middleton and Mead bid \$89.00; Columbia Fleet Service bid \$93.50 and Fleetpro \$112.81. The parts mark-up over cost for Columbia Fleet Service was 17 percent; Middleton and Mead was 18 percent and Fleetpro was 75 percent."

Mr. Dashiell: "And the cost of a filter from my client was \$4.00 and \$4.25 from Columbia Fleet Service. That's the difference. You're bidding on, you are buying the final part, and with respect to the labor cost, and Mr. Krus skipped that because he doesn't want to talk about the parts pricing any more, with respect to --"

Mr. Krus: "I apologize."

Mr. Dashiell: "-- the labor cost, the problem is that the bid document asked for the labor cost to be computed two different ways. On way page it said assume this to be a cap. We took the cap and we divided that by the actual labor cost, which produced a higher number. We think that other people bid, used the actual hours, which was a much larger number, divided that into labor,

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which gives you a lower, gives you a lower per hour rate. We gave you that analysis. If you make the adjust, if you compare apples to apples our hourly rate is no higher, in fact it's lower than the recommended bidder. Go ahead, I'm sorry."

Comptroller: "If you had an option -- if you had an option, and said they've been doing it for years, why didn't they use the actual instead of the cap?"

Mr. Dashiell: "Because they asked the question, they asked the question prior to the bid, and the answer that they got, I got the answers here from the City, they were told to use the cap."

Comptroller: "So, they were told to use the cap?"

Mr. Dashiell: "They were told to use the cap. They weren't told to --"

Mr. Krus: "-- We are very concerned about the cost of labor on this contract, and that is why we involved the technicians and fleet management to determine the number of hours that certain categories of repair would take. As you all are well aware from having your own cars repaired, uh, if you use book rates for some of these repairs, the hours can differ substantially."

President: "Okay. I'm going to entertain a Motion."

City Solicitor: "MOVE to approve the recommendation of the Bureau of Purchases and deny the bid protest."

Mayor: "Second."

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President: "All those in favor say AYE. All opposed NAY. Please note Council President Young votes **No**. The Motion carries."

Comptroller: "I vote **No**."

President: "Please note the Comptroller votes **No**. The Motion carries."

\* \* \* \* \*



June 16, 2014

Board of Estimates c/o  
Ms. Harriett Taylor, Deputy Comptroller, Clerk to the Board of Estimates  
City of Baltimore  
Office of the City Comptroller  
Room 204, City Hall, 100 North Holiday Street  
Baltimore, MD 21202

Dear Ms. Taylor,

This letter provides notice that Fleetpro is formally protesting the Bid Submission by Columbia Fleet Service, for Solicitation # B50003417, Fleet Management Division. Mr. Timothy M. Krus, CPPO is the City Purchasing Agent.

Fleetpro believes the Columbia Fleet Service's bid should be disqualified for the following reasons:

1. Columbia Fleet Service did not submit information that clearly demonstrates that the bidder either has on-hand adequate labor and equipment resources to perform the requested services or has immediate committed access to such resources. (SW3 C pg 4).
2. Columbia Fleet Service did not submit the three required references (SW26 A 4) pg 12.
3. Columbia Fleet Service did not submit information that demonstrates that it meets the Insurance Requirements in three areas, specifically; the \$3,000,000 Aggregate Commercial General Liability; the On-Hook coverage, (SW12 A 1 & 4) pg 8 and pg. B9, and the proof that coverage is either currently in place or will be provided.
4. Columbia Fleet Service Price List was incomplete.
5. Fleetpro believes Columbia Fleet Service based their hourly rate on the assumption that actual time versus the capped time could be billed to the City, as specified in SW5 F 4. Fleetpro used the labor caps stated in DS 2 Q, pgs, 17R and 18R, at the direction of Procurement.

In addition to the above issues the bid pricing methodology used in this Solicitation (B50003417) Item # 1: OEM Parts pg B5 – **does not** reflect the actual price to be charged by the vendors to the City for parts. The bid form states an assumed cost amount and then the City's Final Cost is calculated by adding the Mark Up % bid by the vendor. The fact is that each vendor has different cost for parts. As a result including Item #1 in the Basis for Award is seriously flawed and does not reflect actual costs to the City for parts

or oil. Fleetpro's analysis of the parts prices shows that Fleetpro's purchasing price for filters and oil is substantially less than those from the other bidders. The result is that Fleetpro's bid is unfairly computed as high and noncompetitive.

Furthermore, the method and amounts to be invoiced to the City are defined in SW5 F 4 pg 6 which allows the vendor to charge for actual time up to book time as a max. This paragraph takes precedence over the cap times stated in *DS 2 Q, pgs, 17 R and 18 R. For the above reasons Fleetpro requests the bid to be redone.*

### **Details of Deficiencies in the Bid Submission by Columbia Fleet Service**

1. The Solicitation states at SW3. C. pg 4 "In order to be considered eligible for award, a bidder **must submit information that clearly demonstrates that the bidder either has on-hand labor and equipment resources to perform the requested services or has immediate committed access to such resources.**" [emphasis added]

- a. DS2 K, pg 15, "The Contractor shall train its technicians to be able to perform the required services. The training shall include an annual refresher training consistent with the following: . . ." *Columbia Fleet Service did not submit information that clearly demonstrates that it meets this requirement.*
  - i. "Annotated Code of Maryland, Transportation Article, Title 23, Subtitle 3, Code of Maryland Regulations (COMAR) 11.22 – Preventive Maintenance Program." *Columbia Fleet Service did not submit information that clearly demonstrates that it and/or its on-hand labor meets this requirement.*
  - ii. "North American Commercial Vehicle Safety Alliance (CVSA), Out-of-Service Criteria." *Columbia Fleet Service did not submit information that clearly demonstrates that it and/or its on-hand labor meets this requirement.*
  - iii. "Department of Transportation, Federal Highway Administration, Title 49 Code of Federal Regulation, Part 393 – Parts and Accessories Necessary for Safe Operations" *Columbia Fleet Service did not submit information that clearly demonstrates that it and/or its on-hand labor meets this requirement.*
  - iv. "Department of Transportation, Federal Highway Administration, Title 49 Code of Federal Regulations, Part 396 – Inspection Repair and Maintenance" *Columbia Fleet Service did not submit information that clearly demonstrates that it and/or its on-hand labor meets this requirement.*
  - v. "Department of Transportation, Federal Highway Administration, Title 49 Code of Federal Regulations, Appendix G to Subchapter B – Minimum Periodic Inspection Standards" *Columbia Fleet Service did not submit information that clearly demonstrates that it and/or its on-hand labor meets this requirement.*
- b. DS2 D, pg 14, "The Contractor shall provide services including service history tracking, scheduling, dispatch, travel, exception reporting and waste disposal." *Columbia Fleet Service did not submit information that clearly demonstrates*

*that it meets the requirement to provide or has the equipment resources to provide any of these required services.*

- c. DS2 O, pg 15, "The Contractor shall follow procedures and guidelines set forth by the North American Commercial Vehicle Safety Alliance (CVSA) Out of Service Criteria, Federal Highway Administration 396.17, State of Maryland, and COMAR11.22 for all inspections in order to identify and report mechanical deficiencies, unsafe or restricted operating conditions on all vehicles." *Columbia Fleet Service did not submit information that clearly demonstrates that it and/or its on-hand labor meets this requirement.*
  - d. DS2 M, pg 15, "The Contractor shall maintain and manage actual and projected expected vehicle usage and develop a PM Service schedule which identifies vehicles due for service. The PM Service Schedule shall have the capability to schedule all vehicle components individually based upon time, miles or hours. Development and implementation of all check sheets are the responsibility of the contractor." *Columbia Fleet Service did not submit information that clearly demonstrates that it meets the requirement to provide or has the labor and/or equipment resources to provide any of these required services.*
2. SW26 A. pg 12, "The following items must be submitted with the bid package or the bid will be considered non-responsive, and the bid will be disqualified:" . . . "(4) List of References (minimum of three (3) references)" *Columbia Fleet Service did not provide the three (3) required references.*
3. SW12 A. pg 8, "The following coverage(s) shall be provided:"
- a. "1. Commercial General Liability at \$1,000,000 per occurrence; \$3,000,000 Aggregate." And, Bid Documents, pg B-8, second to last sentence, "Regardless of the method used, the form must be complete, must show that all limits of insurance are or will be met, and must be signed by the Agent." *Columbia Fleet Service, on its submitted "Certificate of Insurance Coverage" did NOT offer the \$3,000,000 Aggregate as required.*
  - b. "4. Garage Keeper's Direct Primary, \$1,000,000, including On Hook Coverage" and Bid Documents, pg B-8, second to last sentence, "Regardless of the method used, the form must be complete, must show that all limits of insurance are or will be met, and must be signed by the Agent." *Columbia Fleet Service, on its submitted "Certificate of Insurance Coverage" excluded the On Hook Coverage required by the Solicitation.*
  - c. Bid Documents, Insurance, pg B-8, third sentence "Proof that coverage is either currently in place or will be provided must be submitted with the bid.", and pg B-8, second to last sentence, "Regardless of the method used, the form must be complete, must show that all limits of insurance are or will be met, and must be signed by the Agent." *Columbia Fleet Service did not submit a Certificate of Insurance, or B9 form from this Solicitation, rather they submitted a form from a different bid i.e.: B50003329, that has different Insurance requirements. Also, Columbia Fleet Service, on its submitted "Certificate of Insurance Coverage" did NOT "Check the appropriate box(s) below." In the third box for "Policy will be obtained before contract signed" as required by the Solicitation.*

4. Page B4, Bid Price Sheet, last paragraph, "Attach two (2) copies of the manufacturer's current suggested cost price list". . "this list should be for the top 100 selling parts." *Engine Oil is the highest volume part used in these services. Columbia Fleet Service did not submit a price or a markup for engine oil.*
5. SW5 F 4 pg 6, "An itemized list of all repairs. Labor charges shall be listed separately with the labor per hour cost multiplied by the amount of hours spent on the repair. An example is 4.5 hrs. x \$65.00/hr. The City will pay actual time, not to exceed book time." Furthermore, SW4 E, "The City will pay, and the Contractor shall accept, the applicable unit price stipulated in the specifications and bid/proposal sheets attached hereto as full compensation for furnishing and delivering the product(s)/service(s)." *Fleetpro used the labor caps stated in DS 2 Q , pgs, 17 R and 18 R and fit the average Actual Time experienced for the services into the Caps. Fleetpro's Average Actual Time based on 10 years experience delivering these services to Baltimore City - includes the benefit of Fleetpro specially designed Trucks, Equipment Systems, Computer Systems, Remote Labor Management Systems, Training & Certification Programs. This makes the Fleetpro labor rate higher than the other bidders. Had Fleetpro used the cap hours and relied on Section SW4 E & SW5 F 4 for payment and invoicing instructions, our Labor Rate would have been significantly lower than either Columbia Fleet Service.*

We believe the issues outlined with this letter, are major deficiencies in the bid response and in meeting the City's expectations in executing the required services.

Thank you for your time and consideration.

Sincerely Yours,



Kieran (K.J.) Reynolds  
Vice President

Fleetpro, Inc.  
1540 Caton Center Drive Ste A  
Baltimore, MD 21227  
410-247-1310



## Kim A. Trueheart

June 17, 2014

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of a lack of vision, poor fiscal planning and management and failure to capitalize on strategic investment opportunities in our youth by the Mayor of Baltimore City and the MWBOO staff.

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

1. Whom you represent: Self
2. What the issues are:
  - a. Page 31, Item #5, Bureau of Purchases, RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS - Columbia Fleet Service, Inc. \$2,000,000.00, if approved:
    - i. Before Board consideration, this item should be moved to the non-routine agenda;
      1. This action clearly depicts the arbitrary and capricious decision making of the chief of the MWBOO who has in the past offered the following "... are recommended on the condition that the vendor will come into compliance within 10 days of Board approval, or be terminated for default";
      2. The MWBOO recommendation in this action reflects a contradiction from recent MWBOO decisions which allowed the vendor 60 days to come into compliance;
      3. The MWBOO lacks written standard policy and procedures;
        - i. The MINORITY AND WOMEN'S BUSINESS ENTERPRISES LAW, ART. 5, clearly states that the office will produce written policy and procedures which shall be filed with the Legislative Reference Office, which HAS NOT BEEN ACCOMPLISHED!!!
      4. This award is recommended on the condition that the vendor will come into compliance within 10 days of Board approval, or be terminated for default and reflects a grossly shorter allowance in the conditions set for vendor compliance than has been routine in recent board actions;

Email: [ktrueheart@whatfits.net](mailto:ktrueheart@whatfits.net)

5519 Belleville Ave  
Baltimore, MD 21207

- a. This gross allowance deprives minority and women owned businesses of the total contract dollar value, unfairly and capriciously.
5. This action should also include sanctions for vendors who have been found non-compliant.
  - a. If the findings regarding noncompliance warrant Board action, in accordance with the MINORITY AND WOMEN'S BUSINESS ENTERPRISES LAW, ART. 5, § 28-87.(b)(2) (2) The Board of Estimates may impose sanctions in accordance with Part XI of this subtitle.
6. This action potentially reduces the pool of eligible minority and women owned businesses without providing desperately needed mentoring and technical assistance to this vendor to bring them into compliance.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I am experiencing a significant financial burden with annual tax increases, sewer and water service increases, user fee increases, parking meter rate increases and significantly reduce services as a resident. This already onerous burden will be exacerbated by this abusive practice which has failed to facilitate contract disbursements to all segments of the minority and women's business market place.
4. The remedy I seek and respectfully request is that this action be moved to the non-routine agenda, that sanctions be imposed by the Board and the WMBOO and MWBD offices be directed to provide mentoring, counseling and technical assistance to the noncompliant vendor and its subcontractors.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on June 18, 2014.

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

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

6. B50003465, TV25 Storage      Chesapeake      \$ 72,290.00  
Area Network (SAN)      Systems, Inc.  
Equipment

(Mayor's Office of Cable & Communications)

**MWBOO GRANTED A WAIVER.**

7. B50003470, Hook Lift      Waste Equipment Sales      \$752,164.00  
Trucks      & Services, LLC

(Dept. of General Services, Fleet Mgmt.)

The above is the City's estimated requirement.

**MWBOO GRANTED A WAIVER.**

8. B50003483, Marine      Marcon Engineering      \$1,500,000.00  
Skimmers Maintenance      Services, Inc.  
and Repair Parks and  
Service

(Dept. of General Services, Fleet Mgmt.)

The above amount is the City's estimated requirement.

**MWBOO GRANTED A WAIVER.**

9. B50003523, Zamboni      J&C Ice Technologies,      \$ 99,960.00  
Ice Resurfacing Machine      Inc.

The above amount is the City's estimated requirement.

(Dept. of General Services, Fleet Mgmt.)

**MWBOO GRANTED A WAIVER.**

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

Department of Housing and                    - Agreement  
Community Development (DHCD)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with Jubilee Baltimore, Inc. The period of the Agreement is January 1, 2014 through December 31, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$39,330.00 - 2089-208914-5930-436466-603051

**BACKGROUND/EXPLANATION:**

This Agreement will provide Community Development Block Grant funds to subsidize subgrantee's staff and overhead costs directly related to carrying out a historic preservation activity. The subgrantee will complete the historic rehabilitation of The Centre, located at 10 E. North Avenue into a mixed-use commercial space. The project was awarded Maryland Sustainable Communities Tax Credits for committing to restore the building envelope and structure per State and Federal historic preservation guidelines and meeting Baltimore City Green Building Standards.

**MBE/WBE PARTICIPATION:**

N/A

On June 26, 2013, the Board approved the Resolution authorizing the Commissioner of the Department of Housing and Community Development (DHCD), on behalf of the Mayor and City Council, to file a Federal FY 2013 Annual Action Plan for the following formula programs:

1. Community Development Block Grant (CDBG)
2. HOME Investment Partnerships (HOME)
3. Emergency Solutions Grant (ESG)
4. Housing Opportunities for Persons with AIDS (HOPWA)

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

DHCD - cont'd

Upon approval of the resolution, the DHCD's Contract Section began negotiating and processing the CDBG agreements as outlined in the Plan effective July 1, 2013 and beyond. Consequently, this agreement was delayed due to final negotiations and processing.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of an agreement with Jubilee Baltimore, Inc.

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

Department of Housing and Community Development (DHCD)	- Strategic Demolition and Smart Growth Impact Funds (SD-SGIF)
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The Board is requested to approve and authorize execution of the SD-SGIF agreements with the Maryland Department of Housing and Community Development.

The SD-SGIF Agreements will allow the City to receive the SD-SGIF for the former New Psalmist Baptist Church and Mt. Winans School sites. The SD-SGIF provides funds for projects that will have a catalytic affect on revitalization efforts.

1. **NEW PSALMIST BAPTIST CHURCH** **\$650,000.00**

Account: 9910-911018-9588-900000-704045

In 2013, the DHCD applied for and was awarded \$650,000.00 from the SD-SGIF program for the demolition of the former New Psalmist Baptist Church located at 4501 Old Frederick Road. The former church is part of the Uplands redevelopment initiative. Infrastructure planning will add value to the site and make it more attractive to potential developers.

2. **MT. WINANS SCHOOL** **\$400,000.00**

Account: 9910-920016-9588-900000-704045

In 2012, the DHCD applied for and was awarded \$400,000.00 from the SD-SGIF program to assist with the redevelopment of the former Mt. Winans School located at 2400 Harman Avenue. The funds will be used to assist with the mass grading to prepare the site for future redevelopment. The School was repeatedly identified by the community as an eyesore and was demolished in December 2013.

**APPROVED FOR FUNDS BY FINANCE**

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

MINUTES

DHCD - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the SD-SGIF agreements with the Maryland Department of Housing and Community Development.

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

Department of Housing and                    - Land Disposition Agreement  
Community Development (DHCD)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Land Disposition Agreement with Baltimore Green Space, developer (a Land Trust for community-managed space), for the sale of the City-owned property located at 104 S. Duncan Street.

**AMOUNT OF MONEY AND SOURCE:**

\$1.00 - Purchase price

**BACKGROUND/EXPLANATION:**

The DHCD's Land Resources Division, on behalf of the Mayor and City Council of Baltimore, strategically acquires and manages vacant or abandoned properties, ultimately enabling these properties to be returned to productive use and improving Baltimore's neighborhoods.

In an effort to further the Mayor's Cleaner Greener Initiative, as well as the new Sustainability Plan, which calls for the City to "develop and support a Land Trust to help communities retain control of appropriate open space upon the communities' commitment to maintain the space", the DHCD is seeking approval for the transfer of the community-managed open space located at 104 S. Duncan Street, which has been used by the Butcher's Hill community for the past five years as a community garden.

The transfer of the property located at 104 S. Duncan Street into a land trust represents a cost-effective way to provide neighborhoods with amenities such as community gardens and other beautification and recreational spaces. Through their own labor and investments, as well as outside funding, residents increase property values while creating social and environmental benefits.

104 S. Duncan Street was journalized on December 12, 2012.



**MINUTES**

DHCD - cont'd

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

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The assessed value of the property located at 104 S. Duncan Street is \$118,200.00. The sale of this property for a price below the appraised value to a Land Trust, whose sole purpose is to ensure the preservation of the community-managed open space, is reflective of the City's understanding that community-managed open spaces serve a specific benefit to the immediate community by elimination of blight and by providing the neighborhoods with amenities such as community gardens and other beautification and recreational spaces.

**MBE/WBE PARTICIPATION:**

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Land Disposition Agreement with Baltimore Green Space, developer (a Land Trust for community-managed space), for the sale of the City-owned property located at 104 S. Duncan Street.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- |   |         |           |
|---|---------|-----------|
| 1. EXCALIBUR COMPUTER<br>SYSTEMS, LLC   | \$ 0.00 | Extension |
| Solicitation No. 08000 - Maintenance for IVIC Database -<br>Department of Transportation - Req. No. P525500 |         |           |

On November 13, 2013, the City Purchasing Agent approved the initial award in the amount of \$16,000.00. On January 18, 2014, the Board approved an increase in the amount of \$16,000.00. This extension in the amount of \$0.00 is for the period July 1, 2014 through June 30, 2015.

- |  |             |         |
|--|-------------|---------|
| 2. CONTRACT VIDEO SPECIALISTS,<br>INC.   | \$30,672.00 | Low Bid |
| Solicitation No. B50003516 - Audio Video Equipment Installation<br>for City Council Chambers - Mayor's Office of Cable and<br>Communication - Req. No. R661922 |             |         |

The period of the award is June 18, 2014 through June 17, 2015.

- |   |             |         |
|---|-------------|---------|
| 3. EMH ENVIRONMENTAL, INC.  | \$32,301.00 | Low Bid |
| Solicitation No. 07000 - Service for Potable Water Supply for<br>Sulfur Dioxide Building - Department of Public Works - Req. No.<br>R665178 |             |         |

- |   |             |         |
|---|-------------|---------|
| 4. CHESAPEAKE UNIFORM   | \$17,000.00 | Renewal |
| Solicitation No. B50003011 - Mat Cleaning Services - Department<br>of Recreation and Parks - Req. No. R629922 |             |         |

On June 13, 2013, the Board approved the initial award in the amount of \$7,516.60. The award contained two 1-year renewal options. On October 4, 2013, the Board approved an increase in the amount of \$1,073.28. On January 16, 2014, and April 14, 2014 the City Purchasing Agent approved an increase in the amount of \$1,600.00 and \$802.00, respectively. This renewal in the amount of \$17,000.00 is for the period June 13, 2014 through June 12, 2015, with one 1-year renewal option remaining.

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

## 5. LORENZ LAWN &amp; LANDSCAPE

INC. d/b/a LORENZ, INC.	\$765,000.00	Renewal
Contract No. B50001934 - Mowing of Grass Medians - Department of Transportation - P.O. No. P517625		

On July 13, 2011, the Board approved the initial award in the amount of \$887,939.49. The award contained one 2-year renewal option. Two subsequent increases have been approved. This sole renewal in the amount of \$765,000.00 is for the period July 15, 2014 through July 14, 2016. The above amount is the City's estimated requirement.

**MWBOO SET GOALS OF 27% MBE AND 10% WBE.**

<b>MBE:</b> 4 Evergreen Lawn Care	\$225,673.04	27%
<b>WBE:</b> Fouts Lawn Care	\$102,489.85	11%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

## 6. TERRY L. BRUNNING

d/b/a BUSINESS SERVICES	\$ 28,000.00	Increase
Contract No. B50002556 - Major Appliances - Fire Department, DPW, etc.		

On October 10, 2012, the Board approved the initial award in the amount of \$41,265.18. The award contained two 1-year renewal options. On October 9, 2013, the Board approved the first renewal in the amount of \$41,265.18. This increase is necessary because of increased usage by the Department of Public Works and to make certain that adequate funding authorization level is maintained to meet the needs of the Fire Department and various other City agencies through-out the duration of the contract year. This increase in the amount of \$28,000.00 will make the award amount \$110,530.36 and is for the period October 10, 2013 through October 9, 2014, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

- |  |              |          |
|--|--------------|----------|
| 7. CRIBS FOR KIDS, INC.  | \$ 29,181.00 | Increase |
| Contract No. 07000 - Portable Cribs - Health Department - P.O. No. P521056 |              |          |

On August 8, 2012, the Board approved the initial award in the amount of \$48,991.00. The award contained two 1-year renewal options. On September 18, 2013, the Board approved a renewal in the amount of \$26,446.00. Due to a shortage of cribs needed for families in the Maternal and Infant Care Program an increase in the amount of \$29,181.00 is necessary. This increase in the amount of \$29,181.00 will make the award amount \$104,618.00. The contract expires on August 7, 2014, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

- |  |              |          |
|--|--------------|----------|
| 8. TATE ENGINEERING, SERVICES, INC.  | \$100,000.00 | Increase |
| Contract No. 08000 - Cleaver Brooks Boilers Maintenance - Department of Public Works, Bureau of Water and Wastewater - Req. Nos. Various |              |          |

On January 26, 2011, the Board approved the initial award in the amount of \$70,000.00. Subsequent increases have been approved. This increase in the amount of \$100,000.00 is necessary for the continuity of required maintenance services, and unexpected boiler repairs. This increase will make the award amount \$400,000.00. The contract expires January 25, 2016.

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.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

## 9. AIR LIQUIDE INDUSTRIAL

U.S. LP	\$150,000.00	Renewal
Contract No. B50002343 - Liquid Oxygen - Department of Public Works, Bureau of Water and Wastewater - P.O. No. P520756		

On June 27, 2012, the Board approved the initial award in the amount of \$40,035.00. The award contained four 1-year renewal options. Subsequent actions have been approved. This renewal in the amount of \$150,000.00 is for the period July 15, 2014 through June 14, 2015, with two 1-year renewal options remaining.

**MWBOO GRANTED A WAIVER.**

## 10. LAWRENCE SCRIBER JR. d/b/a

I GIVE QUALITY NOT QUANTITY

FLOOR CLEANING SERVICE	\$ 1,800.00	Extension
Contract No. B50001475 - Janitorial Services for the Zeta Center - Health Department - P.O. No. P513547		

On June 9, 2010, the Board approved the initial award in the amount of \$10,800.00. The award contained three 1-year renewal options. All renewal options have been exercised. A 60-day extension is requested to provide time to solicit bids and award a new contract. This extension in the amount of \$1,800.00 will make the award amount \$45,000.00 and is for the period July 1, 2014 through August 31, 2014. The above amount is the City's estimated requirement.

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.

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

## 11. MANUFACTURERS &amp; TRADERS

TRUST COMPANY, d/b/a M&amp;T

BANK	\$ 0.00	Extension
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Contract No. B50000011 - Provide Credit Card Services -  
Department of Finance - Req. No. N/A

On January 9, 2008, the Board approved the initial award. The award contained three 1-year renewal options. Subsequent actions have been approved and the final renewal was approved on December 5, 2012. Solicitation No. B50003351 General Banking Services opened on March 19, 2014 with four responses which incorporated the Credit Card Services. This request for an extension is to allow the necessary time to evaluate the submittals and negotiate the required agreements with the recommended awardee. The period of the extension is July 1, 2014 through September 30, 2014.

**MWBOO GRANTED A WAIVER.**

## 12. MANUFACTURERS &amp; TRADERS

TRUST COMPANY, d/b/a M&amp;T

BANK	\$100,000.00	Extension
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Contract No. B50000362 - Banking/Safekeeping Services, Payroll Services and Online Payment Transfer Services - Finance Department - P.O. Nos. P524069 and P524070

On May 21, 2008, the Board approved the initial award in the amount of \$1,061,673.82. The award contained two 1-year renewal options. Subsequent actions have been approved. Solicitation No. B50003351 General Banking Services opened on March 19, 2014 with four responses. This request for an extension is to allow the necessary time to evaluate the submittals and negotiate the required agreements with the recommended awardee. The above amount is the City's estimated requirement. The period of the extension is July 1, 2014 through September 30, 2014.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

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.**

## 13. C.N. ROBINSON LIGHTING

SUPPLY COMPANY	\$100,000.00	Extension
Baltimore Regional Cooperative Purchasing Committee (BRCPC) Contract Number 4719 - Lamps and Ballasts, Large and Specialty - Departments of General Services and Recreation and Parks, etc. - P.O. No. P507739		

On April 15, 2009, the Board approved the initial award in the amount of \$300,000.00. The award contained three 1-year renewal options. The final renewal was approved on February 13, 2013. The BRCPC issued a solicitation for Lamps and Ballasts, Large and Specialty for which all bids were determined to be non-responsive. On May 8, 2014, the BRCPC, through lead procuring entity Anne Arundel County, Maryland executed Contract No. 4719 at the same prices, specification, terms and conditions as Contract 09-005 for requirement products while a new solicitation is prepared and awarded, in which the City's requirements will be included. An extension is requested to allow time for the BRCPC to issue and implement a new contract. The period of the extension is April 22, 2014 through March 31, 2015. The above amount is the City's estimated requirement.

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

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

14. VERIZON MARYLAND INC.	\$ 938,000.00 234,060.00 <b>\$1,172,060.00</b>	Renewal and Ratification
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Contract No. 08000 - Enhanced 911 Service - Mayor's Office of Information Technology - P.O. No. P519088

On April 16, 2014, the Board approved the initial award in the amount of \$767,855.00. The Board is requested to exercise the annual 12-month renewal option and approve ratification expenditures for previously unpaid balances due to the vendor. The period of the ratification is July 1, 2013 through June 30, 2014. The period of the renewal is July 1, 2014 through June 30, 2015 with annual 12-month renewals. The above amount is the City's estimated requirement.

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.

15. WEISSER ENTERPRISES d/b/a CREATIVE IMPRESSIONS	\$ 88,081.64	Award
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Contract No. B50003283 - Fabrication, Delivery and Installation of Signs for Cylburn Park - Department of Recreation and Parks - Req. No. R648415

Vendors were solicited by posting on Citibuy, eMaryland Marketplace, and in local newspapers. Five offers submitted were opened on January 29, 2014. The offer submitted by the lowest bidder was found to be conditional and non-responsive. The offer submitted by the second lowest bidder was found to be responsive and responsible.



BOARD OF ESTIMATES

06/18/2014

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Purchases**MWBOO SET GOALS OF 3% MBE AND 2% WBE.**

MWBOO found the recommended vendor non-compliant on March 6, 2014. MWBOO found the other responsive bidders non-compliant on March 19, 2014. Vendor will be given ten days to come into compliance.

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

President: "The second item on the non-routine agenda can be found on Page 44-45, Item No. 15, B50003283, Fabrication, Delivery, and Installation of Signs for Cylburn Park. Will the parties please come forward?"

Comptroller: "I, I had some questions."

President: "Madam Comptroller."

Comptroller: "Um, My concern is that the answer that I got was, was that all of the bidders were non-compliant because MWBOO compliance is determined by a separate office. Yet you're recommending this and you're giving um, Weisser Enterprises, LLC 10 days to come into compliance, so --"

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

Timothy Krus, Bureau of Purchases: "That's our standard practice."

Comptroller: "-- so, Purchasing, so a company can be non-compliant and Purchases will say that it is the lowest and the uh, --"

Mr. Krus: "That it is the lowest responsive and responsible bidder, pending coming into compliance."

Comptroller: "Well okay, if Weisser's granted a partial waiver, what would that entail?"

Mr. Krus: "A partial waiver could potentially entail the reduction of goals; a full waiver of course, would entail the elimination of goals. In this case, the MBE set goals are three percent and two percent."

Comptroller: "And would Purchases be required to check that a bidder has met all the requirements?"

Mr. Krus: "For the goals?"

Comptroller: "Yes."

Mr. Krus: "MWBOO would check that and confirm it, and then monitor it."

Comptroller: "And how many MBEs do we have that can perform the required work on this contract?"

Mr. Krus: "I don't know, Madam Comptroller."

Comptroller: "You don't know."

## MINUTES

Mr. Krus: "We leave that to MWBOO to determine, because not only does the company have to be an MBE or a WBE certified by the City, but they have to be certified in the area of work, um, that they have proposed. So, for example, um, if somebody is installing, is a window installer, an MBE for the City, based on the installation of windows, they would not be able to be used on the sign contract."

Comptroller: "Okay. And your instructions state here that any bid that does not include a signed statement of intent form and the MBE/WBE participation affidavit is not responsive and will be rejected, but Purchasing is, they were non-compliant, they were all non-compliant but --"

Mr. Krus: "Correct."

Comptroller: "-- but, you're going to award to this company."

Mr. Krus: "Correct. Pending coming into compliance within 10 days."

President: "Okay, um, well, I would like for you to report back to the Board whether they met that um, -- compliance. I'll entertain a Motion."

City Solicitor: "MOVE approval of the recommendation of the Bureau of Purchases."

MINUTES

Director of Public Works: "Second."

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

Comptroller: "**NAY.**"

President: "Please note the Comptroller votes **NAY**. The Motion carries."

\* \* \* \* \*

## Kim A. Trueheart

May 13, 2014

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of a lack of vision, poor fiscal planning and management and failure to capitalize on strategic investment opportunities in our youth by the Mayor of Baltimore City and the MWBOO staff.

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 44, Item #15, Bureau of Purchases - WEISSER ENTERPRISES, if approved:
    - i. This action clearly depicts the arbitrary and capricious decision making of the chief of the MWBOO who has, since 2013, misinterpreted participation goals for numerous contracts;
      1. The MWBOO lacks standard policy and procedures in writing;
        - a. The MINORITY AND WOMEN'S BUSINESS ENTERPRISES LAW, ART. 5, clearly states that the office will produce written policy and procedures which shall be filed with the Legislative Reference Office, which HAS NOT BEEN ACCOMPLISHED!!!
      2. This MWBOO participation decision fails to uphold the MINORITY AND WOMEN'S BUSINESS ENTERPRISES LAW;
      3. This action clearly puts the entire MWBOO in jeopardy of NOT meeting the judicial test of constitutional strict scrutiny;
    - b. 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 action fails to aid in the elimination of business discrimination against M/WBEs in the private sector of the City of Baltimore's market area. This already onerous burden will be exacerbated by this arbitrary practice which has failed to facilitate contract disbursements to all segments of the minority and women's business market place.

Email: [ktrueheart@whatfits.net](mailto:ktrueheart@whatfits.net)

5519 Belleville Ave  
Baltimore, MD 21207

3. The remedy I seek and respectfully request is that this action be moved to the non-routine agenda, and the MWBOO provide a detailed overview of their procedures for setting participation goals in a public presentation before the board and attending public.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on May 14, 2014.

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

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
16. EDGEWATER TIRE CENTER INC. d/b/a ADMIRAL TIRE CARS - 2 <sup>nd</sup> Call TRUCKS & HEAVY EQUIP. - 1 <sup>st</sup> Call	DONALD B. RICE TIRE CO., INC. CARS - 1 <sup>st</sup> Call TRUCKS & HEAVY EQUIP. - 2 <sup>nd</sup> Call No add'l. funds	SERVICE TIRE TRUCK CENTER, INC. CARS - 3 <sup>rd</sup> Call TRUCKS & HEAVY EQUIP. - 3 <sup>rd</sup> Call No add'l. funds

**\$600,000.00**

Increase

Contract No. B50003065 - Vehicle Tires: Cars, Trucks & Heavy Equipment - Department of General Services, Fleet Management - P.O. No. P525024

On September 18, 2013, the Board approved the initial award in the amount of \$1,198,000.00. The award contained two 1-year renewal options. This increase is needed to continue tire service for the City Fleet of cars, trucks, heavy equipment and heavy trucks through the end of this contract term. This increase in the amount of \$600,000.00 will make the award amount \$1,798,000.00.

The above amount is the City's estimated requirement. The contract expires on September 30, 2016, with two 1-year renewal options remaining.

**MWBOO GRANTED A WAIVER.**

UPON MOTION duly made and seconded, the Board approved the foregoing Informal Awards and Increases and Extensions to Contracts. The President **ABSTAINED** on Item No. 2. The Comptroller vote **NO** on Item No. 15.

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

Department of Finance/Office - Insurance Renewal  
of Risk Management

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**ACTION REQUESTED OF B/E:**

The Board is requested to approve the FY 2015 Insurance Renewal for Mayor's Office of Employment Development (MOED) Worker's Compensation with the Chesapeake Employers Insurance Company (previously IWIF, a state agency). The renewal is for the period July 1, 2014 through June 30, 2015.

**AMOUNT OF MONEY AND SOURCE:**

\$66,251.00 - 4000-806415-6313-460205-603017

**BACKGROUND/EXPLANATION:**

The coverage provides Workers' Compensation benefits for the MOED trainees program.

MOED receives federal grant money, a requirement of which is the purchase of Worker's Compensation Insurance for the participants in its various programs. MOED has completed its 19<sup>th</sup> year under the Chesapeake Employer Insurance (IWIF) Program. The rate/premium offered by Chesapeake Employers Insurance is favorable again this year. A 40% credit was negotiated due to Good Loss Experience.

UPON MOTION duly made and seconded, the Board approved the FY 2015 Insurance Renewal for Mayor's Office of Employment Development Worker's Compensation with the Chesapeake Employers Insurance Company (previously IWIF, a state agency).



## BOARD OF ESTIMATES

06/18/2014

## MINUTES

Department of Finance/Office - Insurance Renewal  
of Risk Management

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the renewal of the School Bus Automobile Liability Insurance Policy through the incumbent carrier, Scottsdale Insurance. The policy renewed on July 1, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$381,779.00 - 2043-000000-1450-162900-603014

**BACKGROUND/EXPLANATION:**

The commercial market for School Bus Automobile Liability remains very limited. The total of 293 buses is being covered under this policy. The renewal rate is \$1,303.00 per year per bus, which represents a 5% rate decrease.

This policy is purchased on behalf of the Baltimore City Public School System for its School Bus Contractors. The City will be reimbursed for the premium in accordance with the July 1, 2006 Memorandum of Understanding concerning Self Insurance between the Mayor and City Council of Baltimore and the Baltimore City Public School System.

UPON MOTION duly made and seconded, the Board approved the renewal of the School Bus Automobile Liability Insurance Policy through the incumbent carrier, Scottsdale Insurance.

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

Circuit Court of Baltimore City - Consultant Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Consultant Agreement with Mr. Andre Cherry. The period of the Agreement is July 1, 2014 through June 30, 2015.

**AMOUNT OF MONEY AND SOURCE:**

\$ 30,000.00	-	1001-000000-1100-109501-603026
63,600.00	-	4000-401514-1100-116800-603026
13,500.00	-	5000-500715-1100-117400-603026
<u>\$107,100.00</u>		

The rate of pay is \$61.20 per hour.

**BACKGROUND/EXPLANATION:**

The Fiscal Administration/Grant Accountant manages the Circuit Court's general fund appropriation and grants on a daily basis to ensure fiscal accuracy and proper reporting. Under the direction of the Administrative Judge, this position is the first point of contact on all fiscal matters related to Circuit Court's general fund appropriations and grants received from external organizations.

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Consultant Agreement with Mr. Andre Cherry.

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

Department of General Services - Minor Privilege Permit  
Applications

The Board is requested to approve the following applications for a Minor Privilege Permit. The applications are in order as 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. 3419 Belair Road	Anchor Loan Company, Ltd.	Retain awning w/ signage 20' x 2'
Annual charge: \$162.80		
2. 1100 E. Fort Avenue	William Gardner	Dumpster 6.33' X 4.16'
Annual charge: \$368.65		
3. 2312 Boston Street	C & C Boston, LLC	Retain two single face electric signs 18' x 1½' and 3' x 3', one flat sign 10½' x 7", four spot reflectors
Annual charge: \$398.90		
4. 761 Washington Boulevard	Baltic Gold, LLC	Bracket sign 5.75 sq. ft.
Annual charge: \$ 52.70		
5. 502 S. Sharp St.	Federal Reserve Bank of Richmond	One 4" duct @ 6 linear ft.
Annual charge: \$ 21.00		

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

DGS - cont'd

	<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
6.	1818 Pennsylvania Avenue	O & N Enterprise, Inc.	Awning 6' x 3'

Annual charge: \$ 70.30

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

UPON MOTION duly made and seconded, the Board approved the Minor Privilege Permit.

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

Department of General Services - Developers' Agreements

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

	<u>DEVELOPER</u>	<u>NO.</u>	<u>AMOUNT</u>
1.	MT. VERNON MANSION, LLC	1329	\$150,000.00

Mt. Vernon Mansion, LLC would like to install streetscape and lighting improvements to their proposed construction located at 1125-1129 North Calvert Street. This agreement will allow Mt. Vernon Mansion, LLC to do its own installation in accordance with Baltimore City Standards. An irrevocable letter of credit in the amount of \$150,000.00 has been issued to Mt. Vernon Mansion, LLC which assumes 100% of the financial responsibility.

2.	330-332 SAINT PAUL, LLC	1347	\$ 17,715.00
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330-332 Saint Paul, LLC would like to install upgraded utilities to their proposed new building located in the vicinity of 330-332 Saint Paul Place. This agreement will allow the 330-332 Saint Paul, LLC to do its own installation in accordance with Baltimore City Standards.

An irrevocable letter of credit in the amount of \$17,715.00 has been issued to 330-332 Saint Paul, LLC which assumes 100% of the financial responsibility.

MBE/WBE PARTICIPATION:

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

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

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

Department of General Services - MD Energy Administration  
MD Smart Energy Communities  
Grant Program Grant Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the Maryland Energy Administration Maryland Smart Energy Communities Grant Program Grant Agreement with the Maryland Energy Administration. The period of the grant agreement is effective upon Board approval through June 30, 2015.

**AMOUNT OF MONEY AND SOURCE:**

\$262,500.00 - 5000-584214-1981-194608-6000

**BACKGROUND/EXPLANATION:**

The funds will be used to implement projects to decrease energy and petroleum fuel usage in the City. The grant will provide funding to conduct an LED pilot lighting program on street, park and/or other City lights, perform and evaluate an electric vehicle pilot project, and conduct retro-commissioning in three City facilities: the Benton Building, Oliver Multi-Purpose Center, and the Orleans Street Library.

**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 Maryland Energy Administration Maryland Smart Energy Communities Grant Program Grant Agreement with the Maryland Energy Administration.

**MINUTES**Department of General Services - Employee Expense Reports**ACTION REQUESTED OF B/E:**

The Board is requested to approve the expense reports for the following employees:

1. **ROBERT RYNES** **\$135.60**

Account:	9936-905058-9457-900000-705050	79.69
	1001-000000-5921-422300-603016	55.91

Mr. Rynes, a Construction Building Inspector, is submitting his November 2013 mileage expense report late because of delays in the approval process.

2. **CARLO PANICCIA** **\$ 54.24**

Account:	2075-000000-5800-408600-603016	26.50
	9936-906060-9457-900000-705050	15.25
	1001-000000-3572-377200-603051	12.49

Mr. Paniccia, a Construction Electrical Inspector, is submitting his March 2014 mileage expense report late because of delays in the approval process.

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

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the expense reports for the above-listed employees.

**MINUTES**

Space Utilization Committee - Lease Agreement Renewal

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Lease Agreement Renewal with Mr. Andrew J. Bartenfelder, tenant, and the Mayor and City Council of Baltimore, landlord, for the rental of a portion of the property known as 4566 Ridge Road, consisting of approximately 20-acres of farmland. The period of the Lease Agreement is July 1, 2014 through June 30, 2015.

**AMOUNT OF MONEY AND SOURCE:**

Annual Rent

\$1,391.13

**BACKGROUND/EXPLANATION:**

The leased premises will be used for agricultural purposes of growing crops.

The landlord will not be responsible for damages because of interruption in utility services. The lessee will be responsible for furnishing, maintaining and paying for all utilities including such services as electrical power, heat, sewer services, and water.

UPON MOTION duly made and seconded, the Board approved and authorized execution of a Lease Agreement Renewal with Mr. Andrew J. Bartenfelder, tenant, and the Mayor and City Council of Baltimore, landlord, for the rental of a portion of the property known as 4566 Ridge Road, consisting of approximately 20-acres of farmland.



**MINUTES**Department of Real Estate - Renewal of License Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize the seventh renewal option of the License Agreement with The Towers of Harbor Court Condominium, Licensors, and the City, Licensee, for the rental of a portion of the premises located at 10 E. Lee Street, being the roof of the East Tower Building consisting of approximately 841 square feet. The period of the License Agreement is effective October 1, 2014 for one year.

**AMOUNT OF MONEY AND SOURCE:**

<u>Annual Rent</u>	<u>Monthly Rent</u>
\$73,801.56	\$6,150.13

Account: 2042-000000-1474-165700-603013

**BACKGROUND/EXPLANATION:**

The demised premises are used for the operation and maintenance of antennas, in conjunction with the 800 Megahertz system for the Fire and Police Departments of Baltimore City.

The Board originally approved the License Agreement with the Licensors for an initial term of one year effective September 30, 1997 with an option to renew for nine terms of one year.

A new License Agreement was approved by the Board on November 21, 2007 for an initial term of one year effective on October 1, 2007 with an option to renew for nine terms of one year.

This renewal is for the seventh term which will begin on October 1, 2014. The Licensors will be responsible for maintenance and repairs, roof and all common areas of the building and utilities. The Licensee will be responsible for liability insurance, maintenance, and repairs to equipment.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and

**MINUTES**

Department of Real Estate - cont'd

authorized the seventh renewal option of the License Agreement with The Towers of Harbor Court Condominium, Licensor, and the City, Licensee, for the rental of a portion of the premises located at 10 E. Lee Street, being the roof of the East Tower Building consisting of approximately 841 square feet.

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

Department of Transportation - Extension Agreement Regarding  
City Conduit System

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an Extension Agreement Regarding City Conduit System with the Baltimore Gas and Electric Company. The agreement extends the period through September 30, 2014.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The purpose of this Extension Agreement Regarding City Conduit System is to allow the City and the Baltimore Gas and Electric Company to work towards the preparation of a Master Conduit Lease Agreement. The parties do not believe that they will complete such an agreement by the end of the City's FY 2014, which is June 30, 2014. The parties agree to work in good faith toward an agreement regarding the municipal conduit system by September 30, 2014.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Extension Agreement Regarding City Conduit System with the Baltimore Gas and Electric Company.

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

Department of Transportation - Traffic Mitigation Agreements

The Board is requested to approve and authorize execution of the various Traffic Mitigation Agreements. The agreement will commence upon Board of Estimates' approval and termination will be deemed in writing by the Department of Transportation.

<u>DEVELOPER</u>	<u>LOCATION</u>	<u>AMOUNT</u>
1. 111 HEATH LOFTS, LLC	HEATH STREET LOFTS AT WEST HEATH STREET	\$ 9,598.42 Revenue

Account: 9950-911085-9512-000000-490375

Baltimore City Ordinance 11-529, approved on November 22, 2011, determined that a Traffic Impact Study was required for the Development. The Developer proposes to perform the Scope of Work for the Heath Street Lofts located at 111 West Heath Street, constructing 59 apartment units. The Developer agrees to make a one-time contribution in the amount of \$9,598.42 to fund the City's multimodal transportation improvements in the project's vicinity.

2. EQUITABLE DEVELOPMENT, LLC	10 NORTH CALVERT STREET AT 12 NORTH CALVERT STREET	\$12,519.65 Revenue
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Account: 9950-906082-9512-000000-490375

Baltimore City Ordinance 11-529, approved on November 22, 2011, determined that a Traffic Impact Study was required for the Development. The Developer proposes to perform the Scope of Work for 10 North Calvert Street at 12 North Calvert Street constructing 188 apartment units. The Developer agrees to make a one-time contribution in the amount of \$12,519.65 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 various Traffic Mitigation Agreements.

**MINUTES**

Department of Transportation - Task Assignment

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 7, to McCormick Taylor, Inc., under Project 1162, On-Call Consultant Services for Reconstruction and Resurfacing.

**AMOUNT OF MONEY AND SOURCE:**

\$49,862.41 - 9950-905627-9527-900020-703032  
49,862.40 - 9950-902323-9527-900020-703032  
\$99,724.81

**BACKGROUND/EXPLANATION:**

This authorization provides for Project Management, full-time on-site engineering support on various tasks for the Transportation Engineering and Construction Division.

**MWBOO SET GOALS OF 27% MBE AND 9% WBE.**

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**MBE/WBE PARTICIPATION:**

The consultant will comply with Article 5, Subtitle 28 of the Baltimore City Code and MBE and WBE goals established in the original agreement.

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

## MINUTES

Department of Transportation - cont'd

**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 54,848.65	9950-902627-9528	
MVR	Construction Reserve	
	Park Circle Intersection	
	Improvements	
76,551.68	9950-903323-9528	
MVR	Construction Reserve	
	Key Highway/Inner Harbor	
	Intersection	
<b>\$131,400.33</b>		
\$ 54,848.65	-----	9950-905627-9527-3
		Design and Study
		DOT Park Circle
		Intersection
76,551.68	-----	9950-902323-9527-3
		Design and Study
<b>\$131,400.33</b>		Key Highway

This transfer will cover the deficit and fund the costs associated with expenses related to Task No. 7, under Project No. 1162 for On-Call Consultant Services for Reconstruction and Resurfacing with McCormick Taylor, Inc.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 7, to McCormick Taylor, Inc., under Project 1162, On-Call Consultant Services for Reconstruction and Resurfacing. 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, in accordance with the provisions of the City Charter.

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

Department of Transportation - Amendment No. 1 to Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of Amendment No. 1 for Project No. 1142, On-Call Traffic Signals & I.T.S. and Traffic Engineering Design Services with Sabra Wang & Associates, Inc. This Amendment No. 1 to Agreement extends the period of the agreement through June 7, 2016 or until the upset limit is reached, whichever occurs first.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On June 8, 2011, the Board approved the original agreement in the amount of \$1,000,000.00 with Sabra Wang & Associates, Inc. to assist the Traffic Division for a three-year period. Amendment No. 1 to Agreement will allow for a two-year time extension to complete ongoing assigned tasks. This Amendment No. 1 to Agreement will expire on June 7, 2016. All other terms and conditions of the original agreement remain unchanged.

**DBE PARTICIPATION:**

The Consultant will comply with Title 49 Code of the Federal Regulations, Part 26 and the DBE goals of 23% established in the original.

**AUDITS NOTED THE TIME EXTENSION AND WILL REVIEW THE TASK ASSIGNMENTS.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 1 for Project No. 1142, On-Call Traffic Signals & I.T.S. and Traffic Engineering Design Services with Sabra Wang & Associates, Inc.

MINUTES

TRANSFERS OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

2296 - 2298

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.



## MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Housing and Community Development (DHCD)</u>		
1. <b>\$4,854,842.00</b> Pimlico Local Impact Aid - Video Lottery Terminal	9910-903963-9587 Park Heights Redevelopment - Reserve	9910-903183-9588 Park Heights - Major Redevelopment
This transfer will move appropriations to support major redevelopment in the Park Heights Community.		
2. <b>\$1,500,000.00</b> State Funds	9910-995001-9587 Unallocated Reserve	9910-903180-9588 Park Heights - Acquisition
This transfer of funds is necessary to increase appropriation to match the grant award from the State. Funds will be used for acquisition in the Park Heights Community.		
3. <b>\$ 325,000.00</b> 31 <sup>st</sup> Comm. Development Bonds	9910-902985-9587 Housing Develop- ment	9910-931003-9588 Capital Project Support
This transfer will provide appropriation for staff costs directly related to the management of capital projects and programs within the DHCD.		

## MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>DHCD</u> - cont'd		
4. \$ 500,000.00	9910-949002-9587	
31 <sup>st</sup> Comm.	Urgent Need	
Development	Stabilization -	
	Reserve	
\$ 200,000.00	-----	9910-913074-9588
		Urgent Need
		Stabilization
300,000.00	-----	9910-907115-9588
<u>\$ 500,000.00</u>		Urgent Demolition

This transfer will move appropriations from the reserve account to the active account as approved in the FY2014 Ordinance of Estimates, for the use in urgent demolition and urgent stabilization.

5. \$ 150,000.00	9910-902985-9587	9910-904434-9588
31 <sup>st</sup> CD Bonds	Housing Develop-	Park View at
	ment	Ashland
150,000.00	9910-904434-9588	9910-995001-9587
Federal	Park View at	Unallocated Reserve
<u>\$ 300,000.00</u>	Ashland	

On August 16, 2006, the Board approved a transfer in the amount of \$150,000.00 in Federal funds to the Park View at Ashland account. However, the funding source should have been Community Development Bonds rather than Federal. The error was recently discovered during preparation of a grant inventory report requested by the Department of Audits as part of the FY2013 Single Audit. This transfer corrects the funding source error by swapping Federal Funds with Community Block Bonds Funds.

## MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Recreation and Parks</u>		
6. \$ 25,000.00 State	9938-917027-9475 Reserve - Clifton/ Wegworth Parks Courts	9938-919027-9474 Active - Clifton/ Wegworth Parks Courts
This transfer will provide funds to cover the costs associated with design services under On-Call Contract No. 1167, Task No. 18 to Rummel, Klepper & Kahl, LLP.		
7. \$ 2,500.00 General Fund	9938-913001-9475 Reserve - Unallotted	9938-901759-9474 Active - Park & Recreation Facil. Renovation FY09
This transfer will provide funds to cover the costs associated with Change Order No. 23 for Morrell Park Recreation Center, Contract RP 09816.		
<u>Baltimore Development Corporation (BDC)</u>		
8. \$900,007.19 23 <sup>rd</sup> Econ. Dev. Funds	9910-908991-9600 Constr. Reserve West Baltimore Development	9910-903490-9601 North Avenue Streetscape
This transfer will provide funds for the construction of streetscape elements on North Avenue between Greenmount and Howard Streets. This project is being coordinated with the Department of Transportation.		

**MINUTES**

Department of Real Estate - Option Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an Option Agreement with Harry Ratrie, III and Elizabeth Weise Ratrie for the fee simple interest in the property known as Lot 21A containing 11,242 square feet, on the final subdivision plat known as 610 Saint John Road, Ward 27, Section 14, Block 4923, Lot 1.

**AMOUNT OF MONEY AND SOURCE:**

\$10,000.00 - 9938-928004-9474-900010-704040

**BACKGROUND/EXPLANATION:**

This acquisition is necessary to ensure the continuity of the Nature Trail that runs along the Stony Run Stream, in accordance with the Greater Roland Park Master Plan of 2011.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of an Option Agreement with Harry Ratrie, III and Elizabeth Weise Ratrie for the fee simple interest in the property known as Lot 21A containing 11,242 square feet, on the final subdivision plat known as 610 Saint John Road, Ward 27, Section 14, Block 4923, Lot 1.

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

Bureau of Water and Wastewater - Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement for Project No. 1185.6, WC 1314 and WC 1315 Small Water Main Replacement and Rehabilitation Design at Various Locations FY 2014 with Transviron, Inc. The agreement is effective upon Board approval for two years, or until the upset limit is reached, whichever occurs first.

**AMOUNT OF MONEY AND SOURCE:**

\$1,000,000.00 - Upset Limit  
(Not-to Exceed)

**BACKGROUND/EXPLANATION:**

Under this agreement, Transviron, Inc. will provide engineering services for the development of contractor documents for the replacement and rehabilitation of small diameter water distribution mains and appurtenances in the designated areas, as identified by the City of Baltimore.

**MBE/WBE PARTICIPATION:**

MBE: EBA Engineering, Inc.	\$ 56,271.27	5.63%
Chester Engineers, Inc.	213,187.00	21.32%
<b>Total</b>	<b>\$269,458.27</b>	<b>26.95%</b>

WBE: Axiom Engineering, Design, LLC	\$100,025.00	10.00%
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MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

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

## MINUTES

BW&amp;WW - cont'd

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$1,100,000.00	9960-909100-9558	
Water Rev. Bonds	Const. Res. Water	
	Infrastructure	
	Rehabilitation	
\$1,000,000.00	" "	9960-911610-9557-3
		Engineering
100,000.00	" "	9960-911601-9557-9
		Administration
<u>\$1,100,000.00</u>		

The funds are required to cover the cost of the award for Project 1185.6 WC 1314 and 1315 Small Main Replacements and Rehabilitation.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement for Project No. 1185.6, WC 1314 and WC 1315 Small Water Main Replacement and Rehabilitation Design at Various Locations FY 2014 with Transviron, 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, in accordance with the provisions of the City Charter.

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

Bureau of Water and Wastewater - Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with Ross Technical Services, Inc. The first session will be held June 9, 2014 through June 20, 2014 and the second session will be held July 14, 2014 through July 25, 2014 (excluding Saturday, Sunday and legal holidays.)

**AMOUNT OF MONEY AND SOURCE:**

\$ 5,627.66 - 2070-000000-5501-396404-603020  
5,627.66 - 2070-000000-5501-630004-603020  
5,627.68 - 2070-000000-5501-396804-603020  
**\$16,883.00**

**BACKGROUND/EXPLANATION:**

Ross Technical Services, Inc. will conduct the third year of a three-year Wastewater Treatment Technician Apprenticeship Training Program for the Bureau of Water and Wastewater.

The Baltimore City Joint Apprenticeship Program requires that apprentices assigned to the Wastewater Treatment Plants of Baltimore City be provided with 144 hours of classroom instruction for each year of the three years that they are employed to successfully complete the Wastewater Treatment Technician Apprenticeship Program.

Ross Technical Services, Inc. has an extensive background in Wastewater Treatment Training and has provided a custom curriculum that enables the apprentices to be exposed to the technical requirements of the program as they relate to the actual work environment of a Waste and Wastewater Treatment Plant.

This request is for the third year of the three-year instruction

BOARD OF ESTIMATES

06/18/2014

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

of the class of trainees hired as Wastewater Treatment Technician Apprentices. The training will take place on-site using existing equipment and materials.

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the aforementioned agreement with Ross Technical Services, Inc.



**MINUTES**

Bureau of Water and Wastewater - General Consent Letter

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a General Consent Letter with the National Railroad Passenger Corporation (Amtrak).

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The City acting through the Department of Public Works, Bureau of Water and Wastewater desires to install an additional existing 36 inch ductile iron sanitary sewer pipe under Amtrak right-of-way, as part of the Quad Avenue Pumping Station Improvement Project, Sanitary Contract 890.

Upon approval, the letter will be inserted into the specification book for the contract and will become a special condition of the contract, namely that the contractor once awarded and provided a notice to proceed will need to adhere to the conditions and requirements indicated in the General Consent Letter.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the General Consent Letter with the National Railroad Passenger Corporation.

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

Bureau of Water and - Amendment to Agreement  
Wastewater

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of Amendment No. 1 to Agreement with Rummel, Klepper & Kahl, LLP, under Project 1154.2, On-Call Storm Water Study and Engineering Design Services. The Amendment No. 1 extends the Agreement for one year.

**AMOUNT OF MONEY AND SOURCE:**

No Funds are being requested.

**BACKGROUND/EXPLANATION:**

On January 11, 2012, the Board approved the original agreement for three years, in the amount \$1,500,000.00. The current contract expires January 11, 2015.

The Storm Water Engineering Division Office requires immediate and emergency civil engineering services to study, investigate, and propose recommendations that will modify, upgrade, and repair the storm water drain systems. The work involves the inspections, serviceability assessment, and structural assessment of various drains to determine the impacts of failure and the structural conditions of the drains and to determine a plan for maintenance and rehabilitation as part of a Capital Improvement Project. The work will also involve the determination of a failure impact rating score, completion of a study area surface investigation, development of an inspection plan, completion of an electronic drain inspection, completion of a walk-through drain inspection, completion of a geo-technical assessment, completion of a structural assessment, completion of a serviceability assessment, determination of a drain condition rating score, and completion of a maintenance and rehabilitation plan of the drain within the limits of the study areas.

**MINUTES**

BW&WW - cont'd

**MBE/WBE PARTICIPATION:**

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

**AUDITS NOTED THE TIME EXTENSION AND WILL REVIEW TASK ASSIGNMENTS.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 1 to Agreement with Rummel, Klepper & Kahl, LLP, under Project 1154.2, On-Call Storm Water Study and Engineering Design Services.

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

Bureau of Water and - Amendment to Agreement  
Wastewater

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of Amendment No. 2 to Agreement with Patton Harris Rust & Associates (PHRA)/Hazen & Sawyer, Joint Venture, under Project WC 1173, Design of Guilford Finished Water Reservoir Improvement. The current Agreement expires on June 14, 2014. The Amendment No. 2 extends the Agreement through December 13, 2014.

**AMOUNT OF MONEY AND SOURCE:**

No Funds are being requested.

**BACKGROUND/EXPLANATION:**

On December 15, 2010, the Board approved the agreement in the amount of \$1,803,353.00, for three years.

The Joint Venture has been providing engineering services for a period of three years. The design is completed, drawings were signed and sealed by the designer; however, the BW&WW need additional time to complete bid services and process Change Order No. 1. In addition, time is needed to finalize the Memoranda of Understanding between the Guilford Community, Loyola University, and Baltimore City before the construction will commence. This amendment extends the period for six months.

**MBE/WBE PARTICIPATION:**

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

**AUDITS NOTED THE TIME EXTENSION AND WILL REVIEW TASK ASSIGNMENTS.**

**MINUTES**

Bureau of Water and Wastewater - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 2 to Agreement with Patton Harris Rust & Associates (PHRA)/Hazen & Sawyer, Joint Venture, under Project WC 1173, Design of Guilford Finished Water Reservoir Improvement.

**MINUTES**Law Department - Settlement Agreements and Releases

The Board is requested to approve the settlement agreements and releases for the following claims:

1. **HARRY SINGLETON, ET AL. v.** **\$50,000.00**  
**BALTIMORE CITY SCHOOL**  
**BOARD COMMISSIONERS**

Funds are available in account no. 2049-000000-7490-000000-603101.

The Law Department, on behalf of the Legal Counsel for the Baltimore City Board of School Commissioners, requests authorization to approve this settlement.

2. **JONATHAN HUNT v.** **\$60,000.00**  
**TIMOTHY BEALE, ET AL.**

Funds are available in account No. 1001-000000-2041-195500-603070.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved the settlement agreements and releases for the above claims. The President vote **NO** on Item No. 2.

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Fund</u> <u>Source</u>	<u>Amount</u>
<u>Police Department</u>			
1. Leo Furman	FLETC UCOS Mandatory Training Program Glynco, GA June 17 - 26, 2014		\$ 0.00

The training is free. The Department will not incur any costs.

Mayor's Office of Information Technology

2. L. Jerome Mullen	Gartner Security & Risk	General	\$1,283.00
Gayle Guilford	Management Summit 2014	Funds	
	National Harbor, MD		
	June 23 - 26, 2014		

Mr. Mullen will be driving his personal car to and from the event each day. Ms. Guilford is requesting hotel accommodations.

Breakfast and lunch are provided. However, the sessions run into the early evening. The Department is requesting \$40.00 to each representative for evening meals.

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Mayor's Office</u>			
3. Stephanie Rawlings-Blake	United States Conference of Mayors Dallas, TX	General Funds	\$4,762.00
Andrew Smullian	June 19 - 24, 2014 (Reg. Fee \$750.00 ea.)		

The subsistence rate for this location is \$194.00 per night. The cost of the hotel is \$199.00 per night. The airfare, registration fee, and hotel cost for each attendee was pre-paid on a City-issued credit card assigned to Ms. Kathe Hammond. The Mayor's Office is requesting additional subsistence in the amount of \$5.00 per day to cover the cost of the hotel, which has been included in the total, and \$40.00 per day to cover the costs for meals and incidental expenses. Therefore, the amount to be disbursed to Ms. Rawlings-Blake will be \$200.00 and the amount to be disbursed to Mr. Smullian will be \$260.00.

RATIFICATION OF TRAVEL REQUESTMayor's Office of Criminal Justice

4. Heather Brantner	International Conf. on Sexual Assault, etc. Seattle, WA April 21 - 25, 2014 (Reg. Fee \$445.00)	Grant Funds	\$1,597.22
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This request was not submitted for Board of Estimates' approval prior to travel because the agency did not anticipate the expenditures exceeding \$800.00 and prompting the requirement for Board approval.

Transportation	\$ 377.00
Hotel	710.84
Meals & Incidentals	64.38
Registration Fee	445.00
	<u>\$1,597.22</u>



**MINUTES****RATIFICATION OF TRAVEL REQUEST**Mayor's Office of Criminal Justice - cont'd

The airfare and hotel accommodation were paid using a City-issued credit card assigned to Ms. Kathe Hammond. The registration fee was paid under expenditure authorization EA000131668. Therefore, the reimbursement to Ms. Brantner will be \$64.38.

**TRAVEL APPROVAL AND REIMBURSEMENTS**Department of Planning

5. Thomas J. Stosur	Dialogues for Change	General	\$1,306.36
	Workshop #4	Funds	
	Dallas, TX		
	Bottrop, Germany		
	Mar. 23 - 26, 2014		

Mr. Stosur traveled to Bottrop, Germany to attend the Dialogues for Change workshop on March 23 - 26, 2014.

The airfare in the amount of \$1,104.80 was prepaid on a City-issued credit card assigned to Jaime Cramer. The airfare was partially reimbursed in the amount of \$950.00 by the German Marshall Fund of the United States. The out-of-pocket expenses for which reimbursement is requested total \$194.56.

Pursuant to AM 240-3, the Board of Estimates must take action on a Travel Request form if the trip will require travel outside the continental United States regardless of source of funds, cost of trip, or length of absence.

The request is late because there was insufficient time to submit the request to the Board for approval before the travel date.

**TRAVEL REIMBURSEMENT**

\$ 65.14	- Meals
<u>129.42</u>	- Taxi Service and Foreign Transaction Fee
<b>\$194.56</b>	

**MINUTES**

UPON MOTION duly made and seconded, the Board approved the travel requests, the ratification of travel, and approved travel and reimbursement. The Mayor **ABSTAINED** on item No. 3. The Comptroller **ABSTAINED** on item no. 2.

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

The Board is requested to approve and authorize execution of a Lease Agreement Renewal with Park Heights Renaissance, Inc., tenant, for the rental of approximately 2,359 square feet of space located at 3939 Reisterstown Road, Suites 268 and 283, a/k/a Lower Park Heights Multipurpose Center. The period of the Lease Renewal is July 1, 2014 through June 30, 2016.

**AMOUNT OF MONEY AND SOURCE:**Annual Rent

\$15,548.88

Monthly Rent

\$1,295.74

**BACKGROUND/EXPLANATION:**

The tenant will be using the leased premises as office space to provide community-based planning, human development, and housing services.

The tenant will be responsible for liability insurance, security of the leased premises, janitorial in the leased premises, and payment of utilities used in the leased premises.

The landlord will be responsible for the parking area, exterior of the building, trash and snow removal and providing for utilities such as water, gas, and electric.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Lease Agreement Renewal with Park Heights Renaissance, Inc., tenant, for the rental of approximately 2,359 square feet of space located at 3939 Reisterstown Road, Suites 268 and 283, a/k/a Lower Park Heights Multipurpose Center.

## MINUTES

PROPOSAL AND SPECIFICATIONS

- |   |   |
|---|---|
| 1. Department of Public Works/ -<br><u>Bureau of Water &amp; Wastewater</u> | WC 1307, AMI/R Urgent Need<br>Metering Infrastructure<br>Repair and Replacement,<br>Various Locations (Up to 2"<br>Water Service)<br><b><u>BIDS TO BE RECV'D: 07/16/2014</u></b><br><b><u>BIDS TO BE OPENED: 07/16/2014</u></b> |
| 2. Department of Public Works/ -<br><u>Bureau of Water &amp; Wastewater</u> | WC 1308, AMI/R Urgent Need<br>Metering Infrastructure<br>Repair and Replacement,<br>Various Locations (Up to 2"<br>Water Service)<br><b><u>BIDS TO BE RECV'D: 07/16/2014</u></b><br><b><u>BIDS TO BE OPENED: 07/16/2014</u></b> |
| 3. Department of Public Works/ -<br><u>Bureau of Water &amp; Wastewater</u> | WC 1311, AMI/R Urgent Need<br>Pavement and Sidewalk<br>Restoration, Various<br>Locations<br><b><u>BIDS TO BE RECV'D: 07/16/2014</u></b><br><b><u>BIDS TO BE OPENED: 07/16/2014</u></b>  |
| 4. Department of Public Works/ -<br><u>Dept. of Recreation &amp; Parks</u>  | RP 11821, Caroline & Hoffman<br>Park Basketball Improvements<br><b><u>BIDS TO BE RECV'D: 07/23/2014</u></b><br><b><u>BIDS TO BE OPENED: 07/23/2014</u></b>  |

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

MINUTES

ACKNOWLEDGMENT

President: "Before um, I go any further with the rest of the agenda, I want to recognize Councilman Carl Stokes, where'd he go? Okay. I just want to recognize Councilman Stokes."

\* \* \* \* \*

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

## BOARD OF ESTIMATES

06/18/2014

## MINUTES

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

**BIDS, PROPOSALS AND CONTRACT AWARDS**

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

<u>Bureau of Water and Wastewater</u>	-	SC 923, Roof Replacement at Various Facilities at the Patapsco Wastewater Treatment Plant
		<b>BIDS TO BE RECV'D: 06/25/2014</b>
		<b><u>BIDS TO BE OPENED: 06/25/2014</u></b>

## BOARD OF ESTIMATES

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## 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:

<u>Dept. of Transportation</u>	- TR 13305, Resurfacing Highways at Various Locations <u>Northwest Sector II</u>
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Civil Construction Co., Inc.  
Manuel Luis Construction  
Co., Inc.  
P. Flanigan & Sons, Inc.  
Machado Construction Co., Inc.

<u>Bureau of Purchases</u>	- <u>B50003519, Hauling &amp; Asphalt</u>
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JM Trucking LLC

<u>Bureau of Purchases</u>	B50003494, Landscaping & Maintenance Services for <u>Exterior and Interior Plants</u>
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Jan Ferguson, Inc.

<u>Bureau of Purchases</u> -	<u>B50003573, OEM Parts and Service for Mack Trucks</u>
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Columbia Fleet Service

<u>Dept. of General Services</u>	GS 11805R, Renovations to <u>Engine House 45</u>
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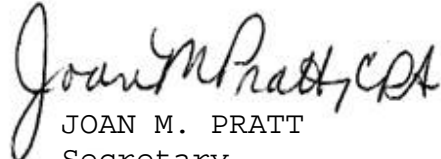
Boulevard Contractors, Corp.  
JLN Construction Services, LLC

## BOARD OF ESTIMATES

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## MINUTES

There being no objections, the Board UPON MOTION duly made and seconded, the Board adjourned until its next regularly scheduled meeting on Wednesday, June 25, 2014.



JOAN M. PRATT  
Secretary