

**MINUTES****REGULAR MEETING**

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

The meeting was called to order by the President.

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**ANNOUNCEMENT**

The Clerk announced that the Board of Estimates will be in recess on September 9, 2009. The Board will not meet on that date at 9:00 a.m. or 12:00 noon. The Board will not receive or open bids on September 9<sup>th</sup>. The Board will reconvene on September 16, 2009.

## MINUTES

BOARDS AND COMMISSIONS1. Prequalification of Contractors

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

Corning Construction Company	\$ 15,300,000.00
A.C. Dellovade, Inc.	\$ 108,630,000.00
Caribbean Piping & Welding, Inc.	\$ 1,500,000.00
EPOM, Inc.	\$ 1,500,000.00
WM. J. Gleason & Sons, Inc.	\$ 1,500,000.00
Gray & Sons, Inc.	\$ 193,968,000.00
Johnston Construction Company	\$ 41,373,000.00
The Matricciani Company	\$ 8,000,000.00
E. Pikounis Construction Company, Inc.	\$ 23,094,000.00
S & R Corporation	\$ 24,255,000.00
Schnabel Foundation Company	\$ 238,527,000.00
Superior Painting & Contracting Co., Inc.	\$ 8,000,000.00
Turner Electrical Enterprises, Inc.	\$ 180,000.00

2. Prequalification of Architects and Engineers

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

ACS/Hydrostructures of VA, LLC	Engineer
Brown Craig Turner	Architect
Hardesty & Hanover, LLP	Engineer

## MINUTES

BOARDS AND COMMISSIONS - cont'd

J.A. Rice, Inc.	Survey
Mahan Rykiel Associates, Inc.	Landscape Architect
Savin Engineers, P.C.	Engineer
Vista Design, Inc.	Architect

There being no objections, the Board, UPON MOTION duly made and seconded, approved the prequalification of contracts and architects and engineers.

## MINUTES

Department of Housing and Community - Grant Agreements  
Development/Baltimore Homeless Services

The Board is requested to approve and authorize execution of the various grant agreements. The period of the agreement is July 1, 2009 through June 30, 2010, unless otherwise indicated.

1. **COMMUNITY HOUSING ASSOCIATES** **\$ 41,366.00**

Account: 5000-525110-3570-333755-603051

The organization will oversee and operate a Tenant Advocacy Project. Services to be provided will include resource development and service referral and tenants' rights training to poor tenants and tenant organizations.

2. **MANNA HOUSE, INC.** **\$ 90,000.00**

Account: 4000-492910-3570-333620-603051

The organization will operate a drop-in center Monday through Friday from 8:30 a.m. to 4:00 p.m. at 435 E. 25<sup>th</sup> Street and provide 25 day-shelter units to homeless individuals and/or families in Baltimore City.

3. **AMERICAN RESCUE WORKERS, INC.** **\$141,259.00**

Accounts: 4000-492910-3570-333601-603051  
 5000-529110-3570-333701-603051

The organization will provide 30 emergency shelter beds to homeless men at 1401 S. Hanover Street. The funds will be used to offset the operating costs of the emergency shelter.

## MINUTES

DHCD/BHS - cont'd

4. **SUPPORTIVE HOUSING GROUP, INC.** **\$169,125.00**

Account: 4000-496210-3570-591492-603051

The organization will provide supportive services to approximately 36 homeless families that are participants of the Family Recovery Program of the Family League of Baltimore City, Inc. The program ensures that the participants receive intensive services and close supervision prior to re-uniting with their children.

5. **ASSOCIATED CATHOLIC CHARITIES, INC.** **\$ 29,250.00**

Account: 5000-525110-3570-333751-603051

The organization will hire the services of a Case Manager to provide services to approximately 14 residents of the Holden Hall Single Room Occupancy located at 761 West Hamburg Street. Services will include but are not limited to assisting residents to make a successful transition from homelessness.

6. **GEDCO, INC.** **\$100,100.00**

Account: 5000-525110-3570-333750-603051

The organization will provide services to approximately 26 residents of the Harford Road Single Room Occupancy located at 1517 E. North Avenue and approximately 33 residents of the Micah House located at 5207 York Road.

## MINUTES

DHCD/BHS - cont'd

7. **MANNA HOUSE, INC.** **\$ 76,875.00**

Account: 4000-496209-3570-591418-5603051

The organization will operate a drop-in center Monday through Friday. The funds will be used to hire the services of a Client Homeless Advocate/Case Worker. This individual will assist clients in sorting out their difficulties, identifying problems and finding possible solutions. The period of the agreement is February 1, 2009 through January 31, 2010.

8. **MUNICIPAL INFORMATION SYSTEMS, INC. (MISI)** **\$ 88,280.00**

Account: 4000-496210-3570-591494-603051

The funds will be used to maintain the server that houses the homeless tracking system used by Baltimore Homeless Services. The MISI will also evaluate, select and subcontract with a qualified Internet Service Provider to provide local Internet access to users of the data system and provide four on-site training sessions to staff during the period of the agreement. The period of the agreement is April 1, 2009 through March 31, 2010.

9. **ST. AMBROSE HOUSING AID CENTER, INC.** **\$104,156.00**

Account: 4000-496309-3570-591217-603051

The organization will provide monthly rental assistance payments for monthly rental subsidies, security deposits and/or payment for damage to the property if applicable. The period of the agreement is March 15, 2009 through March 14, 2010.

## MINUTES

DHCD/BHS - cont'd

10. **BALTIMORE OUTREACH SERVICES, INC.** **\$ 66,694.00**

Account: 5000-525610-3570-333764-603051

The organization operates a 40 bed emergency shelter in the basement of Christ Lutheran Church, which houses women and their children. Services to be provided include, but are not limited to providing a pediatric nurse and a pediatric social worker. These individuals will provide therapy for children and families and an after school homework help program for children.

**MWBOO GRANTED A WAIVER.**

11. **WOMEN'S HOUSING COALITION, INC.** **\$ 12,000.00**

Account: 5000-525109-3570-333735-603051

The organization will provide services to approximately nine families of the Susanna Wesley House located at 607-609 Park Avenue. The services to be provided will include but are not limited to assessing clients' needs and abilities, assisting clients in developing individualized goals and action plans, case management, and health care screening and referrals.

12. **ASSOCIATED CATHOLIC CHARITIES** **\$290,379.00**

Account: 5000-525110-3570-333751-603051

The organization will provide housing and extended supportive services to approximately 27 homeless mentally ill women in Baltimore City. The goal of the program is to assist women to achieve and maintain economic, residential

## MINUTES

DHCD/BHS - cont'd

and emotional stability. The period of the agreement is February 1, 2009 through January 31, 2010.

**MWBOO GRANTED A WAIVER.**

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

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

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

**MINUTES**

Department of Housing and Community  
 Development/Baltimore Homeless  
 Services (BHS) - Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with the United Way of Central Maryland, Inc. (United Way). The period of the agreement is effective upon Board approval through March 31, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$ 119,048.70 - fiscal agent administrative fee  
8,769,604.00 - disbursement for providers  
 \$8,888,652.70 - 4000-485910-5750-643400-603051

**BACKGROUND/EXPLANATION:**

On July 21, 2009, the Board of Estimates accepted HUD's award to the BHS in the amount of \$9,523,896.00 for Homelessness Prevention and Rapid Rehousing (HPRR) funds for a three-year term beginning July 14, 2009. The submitted agreement establishes a structure for disbursing this money to homeless service providers through the United Way which will act as Fiscal Agent. The agreement provides for the United Way to receive an administrative fee of \$119,048.70 for its fiscal management and resource allocation services.

This fee will be paid out in quarterly payments. This administrative fee represents the total to be paid to the United Way for the entire three year term of the grant.

The agreement specifies that the United Way will distribute the HPRR funds of \$8,769,604.00, in monthly payments to the homeless service providers selected by the BHS.

**MINUTES**

BHS - cont'd

The United Way will enter into sub-grant agreements with these service providers specifying how the funds are to be used, as well as providing for insurance, bonding, liability requirements, and reporting requirements in compliance with the HPRR specifications. The United Way will provide the BHS with quarterly financial reports documenting the distribution of funds. The BHS will monitor the homeless service providers to ensure they use funds to supply the services they agree to provide.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with the United Way of Central Maryland, Inc.

**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 the of land disposition agreement (LDA) with Mr. Eric Scott, purchaser, for a property located at 804 North Broadway.

**AMOUNT OF MONEY AND SOURCE:**

\$12,000.00 - Purchase Price

**BACKGROUND/EXPLANATION:**

A good faith deposit has been received in the amount of \$1,000.00. The balance of \$11,000.00 will be paid in full at the time of settlement.

The City will convey all of its rights, title and interest in the property located at 804 North Broadway to Mr. Scott

804 North Broadway was appraised on March 9, 2009. The appraisal estimated the market value of this property at \$24,000.00. The property will be sold for \$12,000.00. The project will be financed with private funds.

The purchaser plans to fully rehabilitate this property. The property will be split into 2 two-bedroom units. Each unit will be offered as a market-rate rental apartment to medical student(s) at nearby Johns Hopkins University and Hospital.

The total private investment for this property is estimated to be \$102,245.00 with hard costs representing \$99,165.00. The project will employ several subcontractors. It is projected that the total estimated permit, transfer, recording, construction, and payroll taxes will be \$934.00 and estimated annual property taxes are \$1,997.00.

## MINUTES

DHCD - cont'd

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

This property is being sold for less than the appraised value because it is a deteriorated building in need of significant repair. Interior inspection could not be conducted due to the safety of the appraiser and the apparent instability of structure.

The purchaser provided pictures of the rooftop showing an open skylight and open three-foot seam, which has allowed rain and snow to enter the property. This has resulted in damage to the purchaser's personal residence located next door at 802 North Broadway. It is evident from the pictures that substantial renovation is required to all interior components.

The economic development benefits offered by completion of this project include:

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

**MBE/WBE PARTICIPATION:**

N/A

**(FILE NO. 57064)**

UPON MOTION duly made and seconded, the Board approved and authorized execution the of land disposition agreement with Mr. Eric Scott, purchaser, for a property located at 804 North Broadway.

**MINUTES**

Department of Housing and Community Development (DHCD) - Restructuring of HOME Loan

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the restructuring of the HOME loan to Lakewood Apartments Limited Partnership (Borrower).

The Board is also requested to authorize the Commissioner of the Department of Housing and Community Development and the Director of Finance to execute any and all additional documents required to effectuate the transaction subject to review and approval by the Department of Law.

**AMOUNT OF MONEY AND SOURCE:**

No further city funds are requested.

**BACKGROUND/EXPLANATION:**

On June 6, 2007, the Board of Estimates approved the initial HOME loan in the principal amount of \$1,500,000.00 to the Borrower to support a portion of the hard costs for the development/rehabilitation of 102 affordable elderly rental housing units (the "Project"). The Project was also financed in part by a first priority bridge loan from Wachovia Bank in the principal amount of \$4,000,000.00. As indicated in the prior approval, the Borrower repaid the Wachovia Loan with a loan from the Baltimore Community Lending, Inc. (BCL) in the amount of \$4,000,000.00 (the BCL First Lien Loan), which was entered into on or about September 18, 2008.

The current terms of the HOME loan are: 1) during the construction loan period, which was not to exceed 18 months from the date of the loan closing, interest did not accrue and no payments were due and 2) during the permanent loan period, which is a 30-year period commencing at the end of the construction loan period, the HOME loan accrues interest at three percent per

## MINUTES

DHCD - cont'd

annum and amortizing principal and interest payments were required to be made out of surplus cash as defined by the HOME loan documents. The HOME loan is currently secured by a second priority lien on the property.

Currently, the Borrower desires to refinance the BCL First Lien Loan with a loan from CW Capital LLC (the "HUD Lender") in an amount not to exceed \$4,400,000.00 (the "HUD loan"). The HUD loan will be insured by the FHA. The HUD Lender's loan commitment has been received by the City.

No more than \$4,000,000.00 of the proceeds of the HUD Loan will be used to payoff the BCL First Lien Loan and pay associated costs of the transaction. No more than \$400,000.00 of the proceeds from the HUD loan will be used to reimburse the Borrower for unpaid developer's fees, management fees, and other outstanding costs.

To induce the City to enter into this transaction, the Borrower has agreed to pay interest accrued from the end of the construction loan period (as defined by the HOME loan documents) to the date of closing.

In order to close, the terms of the HUD loan must meet HUD's statutory and regulatory requirements, including the subordination of the HOME loan to the HUD loan in accordance with HUD requirements and ensuring the HUD loan's priority rights in regards to issues including (but not limited to) flow of funds, use of insurance proceeds, and rights during foreclosure.

HUD will also require the HOME loan to be amended so that its maturity date is no earlier than the maturity date of the HUD loan. In accordance with HUD requirements, no payments can be made on the HOME loan except out of HUD-defined "surplus cash."

**MINUTES**

DHCD - cont'd

**MBE/WBE PARTICIPATION:**

Article 5, Subtitle 28 of the Baltimore City Code Minority and Women's Business Programs is not applicable.

**THE DIRECTOR OF FINANCE REVIEWED AND RECOMMENDED APPROVAL.**

**(FILE NO. 56452)**

UPON MOTION duly made and seconded, the Board approved the restructuring of the HOME loan to Lakewood Apartments Limited Partnership. The Board is also authorized the Commissioner of the Department of Housing and Community Development and the Director of Finance to execute any and all additional documents required to effectuate the transaction subject to review and approval by the Department of Law.

**MINUTES**

Department of Housing and                    - Technical Amendments to a  
Community Development (DHCD)            HOME Loan

**ACTION REQUESTED OF B/E:**

The Board is requested to approve two technical amendments to a HOME loan for the Oliver Phase IA Project.

**AMOUNT OF FUNDS AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On July 23, 2008, the Board approved a HOME Investment Partnerships Program Loan (Home loan) in an amount not to exceed \$1,150,000.00 to TRF Development Partners - Oliver, LLC (TRF Oliver). The HOME loan will assist with the new construction of the 30 for-sale homeownership units within the Oliver community of East Baltimore. The 2008 Memorandum contained the expected addresses of the units to be financed by the HOME loan. In the interim, certain details of the HOME loan have changed that require technical amendments to the original approval.

First, TRF Development Partners, Inc. (TRF Development), a Pennsylvania non-profit corporation established by The Reinvestment Fund, has received approval from HUD to designate TRF Development Partners - Baltimore, LLC ("TRF Baltimore") as a Certified Housing Development Organization (CHDO) on the grounds that TRF Development is the sole member of TRF Baltimore.

This amendment to the Board's original approval will allow the Department to make a loan first to TRF Baltimore and then have TRF Baltimore simultaneously enter into a loan of the HOME funds to TRF Oliver. This technical amendment is required to meet the HOME requirements. This amendment will not have any substantive effect on the purpose of, terms of, or the security for the HOME loan.

Second, because of the uncertainty as to the timing and details of the property acquisition process, TRF Development is not able at this time to designate the final addresses of the units

## MINUTES

DHCD - cont'd

financed in part by the HOME loan. Thus, the Department is requesting a revision to the original approval to allow the HOME loan to finance 30 units out of a larger project that is expected to consist of 45 total units, such units to be built on the following addresses:

- 1607, 1609, 1611, 1613, and 1615 East Preston Street;
- 1513, 1515, 1517, 1519, 1521, 1523, 1525, 1527, 1529, and 1531 East Preston Street;
- 1209, 1211, 1213, and 1215 North Bond Street;
- 1204, 1212, and 1214 North Caroline Street;
- 1316, 1318, 1320, 1322, 1324, 1326, 1328, 1330, 1332, 1334, and 1336 North Bond Street;
- 1301, 1303, 1305, 1307, 1309, 1311, 1313, 1315, 1317, 1319, 1321, 1323, 1325, 1327, and 1329 North Bond Street; and
- 1627, 1629, and 1631 East Preston Street.

This second technical amendment will also have no substantive effect on the purpose of, the terms of, or the security for the HOME Loan.

**MINUTES**

DHCD - cont'd

**MBE/WBE PARTICIPATION:**

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

**THE DIRECTOR OF FINANCE REVIEWED AND RECOMMENDED APPROVAL.**

**(FILE NO. 56462)**

UPON MOTION duly made and seconded, the Board approved two technical amendments to the HOME loan for the Oliver Phase IA Project.

**MINUTES**

Department of Housing and - Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with Live Baltimore Home Center, Inc. (LBHC). The period of the agreement is July 1, 2009 through June 30, 2010.

**AMOUNT OF MONEY AND SOURCE:**

\$350,000.00 - 1001-000000-5920-422199-603051  
100,000.00 - 9910-902078-9588-900000-709044  
**\$450,000.00**

**BACKGROUND/EXPLANATION:**

Under the terms of this agreement, the funds will be used by the LBHC to implement programs that will market Baltimore City by promoting the benefits of Baltimore City living to current residents and potential City residents. The LBHC will also implement an initiative to market Baltimore City living benefits to potential transferees under the Base Realignment and Closure (BRAC) Initiative. The LBHC has satisfactorily carried out marketing efforts under a previous agreement and desires to continue its marketing and promotional efforts.

On May 13, 2009, 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 2009 Annual Action Plan for the following formula programs:

1. Community Development Block Grant (CDBG),
2. HOME Investment Partnership Act (HOME),
3. American Dream Downpayment Initiative (HOME),
4. Housing Opportunity for People with AIDS (HOPWA), and
5. Emergency Shelter Grant Program (ESG)

## MINUTES

DHCD - cont'd

The DHCD began negotiating and processing the CDBG agreements effective July 1, 2009 and beyond, as outlined in the Plan, pending approval of the Resolution. Consequently, the agreements were delayed due to final negotiations and processing.

**FOR THE FY 2009, MBE AND WBE PARTICIPATION GOALS FOR THE ORGANIZATION WERE SET ON THE AMOUNT OF \$26,417.00, AS FOLLOWS:**

**MBE:** \$3,963.00

**WBE:** \$1,585.00

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<b>\$100,000.00</b>	9910-907994-9587-	9910-902078-9588-
29 <sup>th</sup> CDB Bonds	900000-700000	900000-700000
FY 2010	Special Capital	Live Baltimore
	Projects	

This transfer will provide funds to Live Baltimore Home Center that will implement programs that will market Baltimore City and promote the City's neighborhoods to residents and potential future residents.

**(FILE NO. 56297)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with Live Baltimore Home

**MINUTES**

DHCD - cont'd

Center, Inc. The transfer of funds was approved subject to receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the provisions of the City Charter. The President **ABSTAINED.**

**MINUTES**

Department of Housing and - Land Disposition Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the land disposition agreement with Community Solutions, LLC, developer, for the sale of the property located at 3411, 3423, 3433, 3437, 3514, 3623 Park Heights Avenue, and 3407, 3409, 3528 3617 Reisterstown Road.

**AMOUNT OF MONEY AND SOURCE:**

\$ 4,250.00	-	3411 Park Heights Avenue
4,250.00	-	3423 Park Heights Avenue
4,250.00	-	3433 Park Heights Avenue
4,250.00	-	3437 Park Heights Avenue
4,250.00	-	3514 Park Heights Avenue
4,250.00	-	3623 Park Heights Avenue
4,450.00	-	3407 Reisterstown Road
4,450.00	-	3409 Reisterstown Road
4,450.00	-	3528 Reisterstown Road
<u>4,450.00</u>	-	<u>3617 Reisterstown Road</u>
<b>\$43,300.00</b>	-	<b>Sale Price</b>

**BACKGROUND/EXPLANATION:**

A good faith deposit in the amount of \$10,000.00 has already been received from the developer. The balance of \$33,300.00 will be paid at settlement.

The project will consist of the conversion of the aforementioned properties into affordable housing for middle-income homeownership. The developer plans to invest approximately \$1,698,840.00 into this project. The developer has already established good standing in the Park Heights community by purchasing and rehabilitating 3512, 3518, 3612, 3620, 3622, and 3723 Oakmont Avenue, among other projects also in the area, for homeownership.

## MINUTES

DHCD - cont'd

Once developed, the sale of these properties could generate an estimated \$1,711.00 each in real estate property taxes to the City of Baltimore. Once transferred and redeveloped the properties will be active on the tax rolls of Baltimore City thereby preventing tax abandonment.

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

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Due to the conditions of the properties and structural deterioration, which occurred subsequent to the appraisals, it was necessary to reduce the sale prices of the properties. Several of these homes have extensive interior damage due to a collapsed roof and second floors. In addition, it would eliminate blight and establish a specific benefit to the immediate community.

The appraised value for the properties located on Park Heights Avenue is \$8,500.00 each and the properties located on Reisterstown Road appraised at \$8,900.00 each. The sale price for the Park Heights Avenue properties was reduced to \$4,250.00 each and the properties on Reisterstown Road were reduced to \$4,450.00 each. The reasons for reducing the sales price is as follows: the properties are located in a distressed area and renovating them would provide a specific benefit to the immediate community and provide a continued foundation for development in the Park Heights area.

**MBE/WBE PARTICIPATION:**

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

**(FILE NO. 56637)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the land disposition agreement with

MINUTES

DHCD - cont'd

Community Solutions, LLC, developer, for the sale of the property located at 3411, 3423, 3433, 3437, 3514, 3623 Park Heights Avenue, and 3407, 3409, 3528 3617 Reisterstown Road.

**MINUTES**

Department of Housing and - Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with the Community Law Center, Inc. (CLC). The period of the agreement is July 1, 2009 through June 30, 2010.

**AMOUNT OF MONEY AND SOURCE:**

\$103,100.00 - 2089-208910-5930-423629-603051

**BACKGROUND/EXPLANATION:**

The CLC will direct legal services and technical assistance to community-based and faith-based organizations in Baltimore. The CLC will assist organizations to bring houses and buildings up to housing code standards to remedy code violations. In addition, the CLC will devise comprehensive anti-drug strategies that focus on reducing the blighting influences from the pervasive use and occupancy of real property in low and moderate-income neighborhoods for drug activity. The CLC will also provide real estate research and analysis to devise strategies for the reduction of foreclosures and real estate scams.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with the Community Law Center, Inc.

## MINUTES

Circuit Court for Baltimore City (CCBC) - Grant Awards

The Board is requested to approve acceptance of the various grant awards from the Administrative Office of the Courts, Office of Problem Solving Courts for the listed CCBC court programs. The period of the agreement is July 1, 2009 through June 30, 2010, unless otherwise indicated.

<u>Program</u>	<u>Amount</u>
<u>GRANT AWARDS</u>	
1. <b>JUVENILE DRUG COURT PROGRAM</b>	<b>\$169,000.00</b>
Account: 5000-540010-1100-116800-405001	
The funds will be used for salaries and other costs related to operating the Juvenile Drug Court Program.	
2. <b>FAMILY DEPENDENCY DRUG COURT PROGRAM (FDDCP)</b>	<b>\$112,158.00</b>
Account: 5000-539210-1100-668100-405001	
The funds will be used to assist the FDDCP with personnel costs. The program provides a broad spectrum of substance abuse supportive services to help enable parents maintain their sobriety. The program also assists parents in securing mental health medication assistance, mental health assessments, transportation, day care, job readiness, and other supportive services.	
3. <b>ADULT DRUG COURT PROGRAM</b>	<b>\$284,409.00</b>
Account: 5000-540310-1100-116800-405001	
The funds will be used for salaries and other cost related to operating the program. The grant will also fund cost in the State's Attorney Office and District Court through pass through funds.	

## MINUTES

CCBC - cont'd

<u>Program</u>	<u>Amount</u>
4. <b>FOSTER CARE COURT IMPROVEMENT PROJECT - BALTIMORE ACHIEVING YOUTH PROGRAM</b>	<b>\$ 30,000.00</b>

Account: 5000-540810-1100-116900-405001

The funds will be used to assist the CCBC Juvenile Division, with costs related to seminars geared to preparing youth in the area of educational training, job preparedness, and social skills. In addition, the training will be provided to court staff and social workers affiliated with juvenile services.

5. <b>FOSTER CARE COURT IMPROVEMENT PROJECT - COMPREHENSIVE TRAINING</b>	<b>\$ 2,500.00</b>
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Account: 5000-541010-1100-590500-405001

The funds will be used to assist the CCBC Juvenile Division with costs related to training and space rental for interdisciplinary workshops.

6. <b>FOSTER CARE COURT IMPROVEMENT PROGRAM - VIDEO CONFERENCING AWARD</b>	<b>\$ 28,860.00</b>
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Account: 5000-539710-1100-668100-405001

The funds will be used to assist the CCBC Juvenile Division in providing video conferencing for litigants unable to appear in court.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved

## MINUTES

CCBC - cont'd

acceptance of the foregoing grant awards from the Administrative Office of the Courts, Office of Problem Solving Courts for the listed CCBC court programs.

## MINUTES

Mayors Office of Employment      - Agreements and Corrections  
Development (MOED)                      to Agreements

**ACTION REQUESTED OF B/E:**

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

1. **LVI, LLC** **\$1,000.00**

LVI, LLC will provide 40 hours of training for ten incumbent employees of LVI, LLC, through an initiative known as Maryland Business Works. The incumbent employees will receive ServSafe training. The amount of this agreement will not exceed \$1,000.00 of federal funds. This cost represents 50% of the total cost of the training, and covers the period from August 19, 2009 through August 26, 2009.

Account:      4000-805310-6310-656805-603051

2. **TERRALOGOS GREEN HOME SERVICES, INC.** **\$2,195.00**

TerraLogos Green Home Services, Inc. will provide 140 hours of training for two incumbent employees of TerraLogos Green Home Services, Inc., through an initiative known as Maryland Business Works. The incumbent employees will receive In-house Inspector, Saturn On-Line Training and Multi-Family Building Analyst Training. The amount of this agreement will not exceed \$2,195.00 of federal funds. This cost represents 50% of the total cost of the training, and covers the period from August 7, 2009 through December 31, 2009.

Account:      4000-805310-6310-588305-603051

## MINUTES

MOED - cont'd

3. **SECOND CHANCE, INC.** **\$31,030.00**

Second Chance, Inc. will provide deconstruction training for seven participants enrolled in WIA Adult, WIA Dislocated, and Youth Opportunity Programs. The money will be drawn from four different accounts. The amounts drawn from those accounts cannot be determined until the participants are registered. The amount of this agreement will not exceed \$31,030.00 of federal funds. The period of the agreement is August 10, 2009 through January 31, 2010.

Accounts: 4000-807510-6310-465905-603051  
 4000-806710-6310-465905-603051  
 4000-806410-6310-465905-603051  
 6000-601510-6390-465905-603051

**AUDITS REVIEWED AND HAD NO OBJECTIONS.**

CORRECTIONS TO AGREEMENTS

4. **ALL-STATE CAREER, INC.** **\$0.00**

On July 1, 2009, the Board approved an agreement with All-State Career, Inc. The agreement authorized All-State Career, Inc. to provide training on areas specified on the Maryland Higher Education Commission list. Payment for the training was to be divided and drawn from three accounts. One of the submitted account numbers was incorrect.

Incorrect Account: 6000-605408-6390-500253-603051  
 Correct Account: 6000-605410-6390-467253-603051

## MINUTES

MOED - cont'd

5. **GITECH, INC. AND THE CREDIT UNION FOUNDATION OF MARYLAND AND THE DISTRICT OF COLUMBIA, INC.** **\$5,056.00**

Accounts: 8975-631-491-05-351  
 8967-631-491-05-351  
 6815-639-491-05-351  
 8964-631-491-05-351

On July 29, 2009, the Board approved an agreement with GITECH, Inc. and the Credit Union Foundation of Maryland and the District of Columbia, Inc. The agreement authorized GITECH, Inc. and the Credit Union Foundation of Maryland and the District of Columbia, Inc. to provide training for eligible participants who will upon completion be employed by the Credit Union Foundation of Maryland and the District of Columbia, Inc. The Board approved the contract amount of \$38,847.00. Inadvertently, the cover memorandum contained an error in the amount. In addition, the term of the agreement was incorrect.

Therefore, the Board is requested to approve an increase in funds by \$5,056.00 to make the total amount \$43,903.00. Approval of this request will correct the amount to reflect the amount in the agreement and to encumber funds for the agreement. The approved agreement also contained an incorrect term. The approved term was April 20, 2009 through August 17, 2009. The correct term is August 17, 2009 through November 13, 2009. All other terms and conditions of the agreement will remain unchanged.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS NOTED THE CORRECTIONS.**

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

## MINUTES

Police Department - Grant Award Agreements**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the various grant award agreements with the Governor's Office of Crime Control and Prevention (GOCCP) and the U.S. Department of Justice, Bureau of Justice Assistance (BJA).

<u>PROGRAM</u>	<u>AMOUNT</u>
1. <b>LETHALITY ASSESSMENT PROJECT</b>	<b>\$ 91,029.00</b>

Account: 5000-585310-5750-650400-600000

Under the terms of this grant agreement with the GOCCP, the grant funds will be used to provide salary support for a full-time project coordinator, a part-time data entry assistant, equipment, and operating expenses. The project will provide Officers responding to domestic calls with an additional tool to evaluate potential danger to domestic violence victims. By using this tool, the officers connect victims with needed support and services in order to decrease domestic violence fatalities. The period of the grant agreement is July 1, 2009 through December 31, 2010.

The grant award agreement is late because notification of the award was recently received from the GOCCP.

2. <b>CRIME ANALYSIS EXPANSION PROGRAM</b>	<b>\$119,600.00</b>
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Account: 5000-585310-5750-650402-600000

Under the terms of this grant agreement with the GOCCP, the grant funds will be used to support two Crime Analyst positions. The Crime Analysts will assist sworn officers in gathering intelligence information which leads to prevention of violent crimes. The period of the agreement is August 1, 2009 through June 30, 2010.

## MINUTES

Police Department - cont'd

<u>PROGRAM</u>	<u>AMOUNT</u>
3. <b>FY2009 RECOVERY ACT JUSTICE ASSISTANCE GRANT PROGRAM</b>	<b>\$5,275,246.00</b>

Account: 4000-485010-5750-644501-600000

Under the terms of this grant agreement with the BJA, the grant funds will be used to increase the Department's capacity to reduce and prevent crime, enhance investigations and prosecutions, upgrade technology, and increase crime prevention programs. The period of the agreement is March 1, 2009 through February 28, 2013.

The grant award agreement is late because notification of the award was recently received.

4. <b>CRIME CAMERA EXPANSION PROGRAM</b>	<b>\$ 332,943.00</b>
--	----------------------

Account: 5000-585310-5750-650403-600000

The program provides Closed Circuit Television (CCTV) technology in East Baltimore and uses crime analysis to direct camera monitoring services. Under the terms of this grant agreement with the GOCCP, the grant funds will be used to support a crime analyst to examine crime patterns and the installation of five additional CCTV cameras and fiber connection to the Citiwatch Center. The period of the agreement is August 1, 2009 though June 30, 2010.

**APPROVED FOR FUNDS BY FINANCE**

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

President: "I am glad to see that we have the Police

## MINUTES

Police Department - cont'd

Commissioner here as well as our Fire Chief. On Page 27 as you know, Mr. Commissioner, we have Item No. 4 the Grant Award Agreement from the Governor's Office of Crime Control and Prevention to expend the City's Police Department Network of CCTV's. This technology will be expanding into East Baltimore as partnership with EBDI, East Baltimore Development Incorporated, to install ten cameras and the cable that is required to network those cameras into our City atrium, City Center Citiwatch. The \$332,943.00 grant will cover equipment, purchases, installation costs and a crime analyst position, which is very much needed to work in concert with the technology that we have. Fiber Optic cabling works, we know that. But it is very expensive to dig up the streets, and once we have camera location, based on the cable location, that's it. It is not moveable, and we know that crime does not stay in one location. So my hope is, that we will with new high speed and high speed definition wireless technology, they will be better soon and readily available, so we can supplement what we have with the stationary cameras and add to our fleet of cameras some mobile technology that will really help be a tool in real time for the Police to use as crime moves throughout the City. So, I applaud

## MINUTES

Police Department - cont'd

the work of Sharon Goldstein as well as the Department for working with the State to make this happen. It is definitely the right thing to do to expand the number of cameras that we have and I am keeping my fingers crossed for the 'techies' to get it right with wireless so that we can really get some speed behind growing our number of cameras. As, you know, if we have to depend on tunneling and laying cable we will moving at a snails pace. So thank you very much."

\* \* \* \* \*

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing grant award agreements with the Governor's Office of Crime Control and Prevention and the U.S. Department of Justice, Bureau of Justice Assistance.

## MINUTES

Police Department - Expenditure of Funds

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an expenditure of funds to pay Nextcar Rent-a-Car.

**AMOUNT OF MONEY AND SOURCE:**

\$18,411.12 - 1001-000000-2010-197600-603067

**BACKGROUND/EXPLANATION:**

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

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

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to pay Nextcar Rent-a-Car.

**MINUTES**

Police Department - Expenditure of Funds

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize payment to Howard Uniform Company by Expenditure Authorization.

**AMOUNT OF MONEY AND SOURCE:**

\$128,083.95 - 1001-000000-2040-220100-604003

**BACKGROUND/EXPLANATION:**

The funds will cover outstanding invoices for purchase orders that were used to outfit the Department with uniforms. The submitted invoices were forwarded to the Department subsequent to Purchase Order no. 502880 closing on April 8, 2009.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTIONS.**

UPON MOTION duly made and seconded, the Board approved and authorized payment to the Howard Uniform Company by Expenditure Authorization.

**MINUTES**

Police Department - Employment Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an employment agreement with Mr. David M. Werner, retiree. The period of the agreement is effective upon Board approval for one year.

**AMOUNT OF MONEY AND SOURCE:**

\$30,000.00 - 1001-000000-2010-197600-601009

**BACKGROUND/EXPLANATION:**

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

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

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

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the employment agreement with Mr. David M. Werner, retiree.

**MINUTES**

Police Department - Ratification of a Lease

**ACTION REQUESTED OF B/E:**

The Board is requested to ratify a lease and approve payment by expenditure authorization to Altec Capital Services, L.L.C. The lease was for the period December 2008 through June 2009.

**AMOUNT OF MONEY AND SOURCE:**

\$11,583.60 - 1001-000000-2020-213700-603041

**BACKGROUND/EXPLANATION:**

The Department's Criminal Intelligence Section leased a bucket truck from the Altec Capital Services, L.L.C.

The Department wanted to explore other options with different companies that would offer a similar vehicle on a month-to-month lease. Realizing this was not the most cost effective way to continue to perform the daily operations of the Criminal Intelligence Section, the Department has since borrowed trucks from different City agencies that have comparable vehicles needed to perform the tasks required. The return of the rental will save the Department over \$1,654.80 a month without effecting operations of the Department.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved the Ratification of the lease and approved payment by expenditure authorization to Altec Capital Services, L.L.C.

MINUTES

PERSONNEL MATTERS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

all of the Personnel matters

listed on the following pages:

3339 - 3340

All of the Personnel matters have been approved

by the EXPENDITURE CONTROL COMMITTEE.

All of the contracts have been approved

by the Law Department

as to form and legal sufficiency.

## MINUTES

PERSONNELDepartment of General Services

	<u>Hourly Rate</u>	<u>Amount</u>
1. <b>PAUL SKOROCHOD</b>	\$25.00	<b>\$47,500.00</b>

Account: 2051-000000-1980-654800-601009

Mr. Skorochod will work as a Grants Procurement Analyst. His duties will include, but are not limited to conducting analysis of business and revenue opportunities, submitting a weekly progress report, identifying possible resources both governmental and non-governmental for financing various energy related projects, and assisting City personnel in applying for funding. The period of the agreement is effective upon Board approval for one-year.

2. <b>WILLIAM F. MERRITT</b>	\$50.00	<b>\$95,000.00</b>
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Account: 2051-000000-1980-654800-601009

Mr. Merritt will work as Grants Procurement Specialist. His duties will include, but are not limited to identifying various types of funding sources and determining what sources will best fund the Department's needs, submitting a weekly progress report, overseeing, coordinating, and providing technical assistance to the City grant project groups. The period of the agreement is effective upon Board approval for one year.

**MINUTES****PERSONNEL**Department of General Services

	<u>Hourly Rate</u>	<u>Amount</u>
3. <b>MAURICE MEAD</b>	\$39.4737	<b>\$75,000.00</b>

Account: 1001-000000-1980-194900-601009

Mr. Mead will work as a Licensed Architect in the Project Management Section, Design and Construction. His duties will include, but are not limited to managing multiple and ongoing design and construction contracts for municipal buildings and facilities, providing direction in architectural, planning and financial aspects and submitting a progress report on a weekly basis regarding all projects. The period of the agreement is effective upon Board approval for one year.

## MINUTES

Enoch Pratt Free Library - TRANSFER OF LIFE-TO-DATE  
SICK LEAVE

The Board is requested to approve the transfer of LIFE-TO-DATE sick leave days from the listed City employees to the designated employees.

The transfer of sick leave days is necessary in order for the designated employee to remain in pay status with continued health coverage. The City employees have asked permission to donate the sick leave days that will be transferred from their LIFE-TO-DATE sick leave balances as follows:

1. Employee - Carolyn Ray

<u>NAME</u>	<u>DAYS</u>
Vanessa Williams	2
Angela Bailey	1
Julie C. Johnson	1
Stuart Ragland	1
Kennard Hopkins	5
Linnette Johnson	2
Kellie-Michelle Hines	1
Vivian Cheatham	2
Ny'lah N. Covington	1
Sylvia Coker	1
Lorraine Godfrey	2
Dorothy I. Reed	1
Eunice Anderson	2
Carolyn M. Harnick	5
Mable D. White	2
Dwayne Armstead	<u>1</u>
	<b>30</b>

## MINUTES

Enoch Pratt Free Library - cont'd2. Employee - Tonia Georgia

Julie C. Johnson	2
Deborah Dickerson	1
Kennard Hopkins	5
Jan Westervelt	2
Willie Johnson, Jr.	2
Kelly Burden	2
Eric Thornton	2
Sylvia Coker	1
Mary Peterson	2
Eunice Anderson	2
Mable D. White	2
Ruth Johnson	1
Barbara B. Collins	1
Devon Ellis	1
Marilyn Smith-Brown	1
Charles Lane, Jr.	1
Florence Daughton	1
Zandra Campbell	<u>1</u>
	30

**THE LABOR COMMISSION REVIEWED AND RECOMMENDED APPROVAL.**

UPON MOTION duly made and seconded, the Board approved the transfer of LIFE-TO-DATE sick leave days from the aforementioned listed City employees to the designated employees.

## MINUTES

Health Department - Agreements**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the various agreements. The period of the agreements is July 1, 2009 through June 30, 2010.

SENIOR COMPANION PROGRAM

- |    |  |               |
|----|--|---------------|
| 1. | <b>CANTON HARBOR HEALTHCARE CENTER, INC.</b> | <b>\$0.00</b> |
| 2. | <b>KESWICK MULTI-CARE CENTER, INC.</b>       | <b>\$0.00</b> |

The above-listed organizations will serve as a volunteer station for the Senior Companion Program. The Senior Companion Program has been funded by the federal government. The grant pays 100% of the cost for senior companions to volunteer to assist special needs clients who want to remain in their homes.

SENIOR COMMUNITY SERVICE EMPLOYEES PROGRAM (SCSEP)

- |    |  |               |
|----|--|---------------|
| 3. | <b>BELAIR EDISON HEALTHY COMMUNITY COALITION, INC./NEW LIFE FAMILY ASSET CENTER, LLC</b> | <b>\$0.00</b> |
|----|--|---------------|

The SCSEP provides part-time work and experience training opportunities for low income residents of Baltimore City, aged 55 years and older with no upper age limit. Program participants are placed in social, health, welfare, educational, legal and other similar services.

The SCSEP seeks new Host agencies throughout the fiscal year to facilitate placement of its participants in non-profit/governmental agencies to provide services which would otherwise not be met due to a lack of funds.

## MINUTES

Health Department - cont'd

The agreements are being presented at this time because they were just returned.

**APPROVED FOR FUNDS BY FINANCE**

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

## MINUTES

Department of General Services - Developer's Agreement No. 1165

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of developer's agreement no. 1165 with Tsunami, LLC, developer.

**AMOUNT OF MONEY AND SOURCE:**

\$19,780.00

**BACKGROUND/EXPLANATION:**

The developer would like to install new water service, to its proposed construction located in the vicinity of 5820 York Road. This developer's agreement will allow the organization to do its own installation, in accordance with Baltimore City standards.

An Irrevocable Letter of Credit, in the amount of \$19,780.00, has been issued to Tsunami, LLC which assumes 100% of the financial responsibility.

**MBE/WBE PARTICIPATION:**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the developer's agreement no. 1165 with Tsunami, LLC, developer.

**MINUTES**

Department of General Services - On-Call Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the on-call agreement for Project No. 1100, Mechanical/Electrical Design Services, with Whitman, Requardt and Associates, LLP. The period of 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:**

\$750,000.00 - Upset Limit

**BACKGROUND/EXPLANATION:**

Various City agencies, on a continuing basis, require architectural design services to modify, upgrade or repair their facilities. Typically, the work involved is limited in scope or of an urgent nature, which in either case, should not be postponed until the customary Mechanical/Electrical Design process can be executed.

To accommodate this type of work, the Department wishes to establish an on-call Mechanical/Electrical Design with Whitman, Requardt and Associates, LLP. The cost of services rendered will be negotiated on a not-to-exceed price for each task assigned. Fees will be based on actual payroll rates, not including overhead and burden, times a set multiplier. The payroll rates and multiplier have been reviewed by the Department of Audits.

The period of the project will be two years. However, projects started within the two year period may continue beyond the two year time frame until completion.

The Consultant was selected pursuant to the Architectural and Engineering Awards Commission's (AEAC) procedures, Under AEAC Project No. 1100 W.

## MINUTES

General Services - cont'd

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

MBE: Shah and Associates, Inc.	\$202,500.00	27.00%
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WBE: Carroll Engineering, Inc.	\$ 67,500.00	9.00%
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MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the on-call agreement for Project No. 1100, Mechanical/Electrical Design Services, with Whitman, Requardt and Associates, LLP.

**MINUTES**

Department of General Services - Trigen Franchise Amendment -  
Time Extension

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an amendment to the agreement with Thermal Resources of Baltimore, Inc. (Trigen). The period of the franchise agreement will be extended for one year through August 31, 2010.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On September 1, 1984, the City through Ordinance No. 171, issued a franchise to Trigen. The Ordinance established a franchise term of 25 years, and provided for renewals of the franchise which do not exceed the aggregate 25 years. The initial term of the agreement will expire on August 31, 2009. The Department, with the assistance of the Law Department, began negotiating the terms of a renewed agreement with Trigen in January. However, because the new agreement is much more comprehensive than the current one, more time is required to finalize the new agreement to the satisfaction of both parties.

**(FILE NO. 57101)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment to the agreement with Thermal Resources of Baltimore, Inc.

**MINUTES**

Department of General Services - Renewable Energy  
Credit Sales Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a renewable energy credit sales agreement with Constellation Energy Commodities Group, Inc.

**AMOUNT OF MONEY AND SOURCE:**

\$8,625.00 - revenue

**BACKGROUND/EXPLANATION:**

The production of electric power from the renewable resource of the digest gas produced at Back River Waste Water Treatment Plant qualifies for the sale of Renewable Energy Credits. The Northeast Maryland Waste Disposal Authority is handling the sale on behalf of the City. If approval of the sale has not occurred by September 2, 2009, the City will lose \$8,625.00 in revenue.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the renewable energy credit sales agreement with Constellation Energy Commodities Group, Inc.

**MINUTES**

Department of General Services - Indefinite Quantity Contracts

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize an increase to the upset limit under the Indefinite Quantity Contract (IQC) for General Construction Work and Related Services for the following contractors:

1. **OMF CONTRACTORS, INC.**
2. **JOHN W. BRAWNER CONSTRUCTION CO., INC.**
3. **NORTH POINT BUILDERS, INC.**
4. **WARWICK SUPPLY AND EQUIPMENT CO., INC.**

**AMOUNT OF MONEY AND SOURCE:**

<u>Original amount for each contract</u>	<u>Increase in upset limit for each contract</u>	<u>Total for each contract</u>
\$750,000.00	\$750,000.00	\$1,500,000.00

**BACKGROUND/EXPLANATION:**

On January 14, 2009, the Board approved the awards for the above listed contractors under the IQC for General Construction Work and Related Services. Each contract was setup with an amount 'Not to Exceed \$750,000.00 and to 'piggy-back' off of the State of Maryland Department of General Service's IQC's until the Department establishes its own Job Order Contracts. A one-year term was established for each IQC. This one-year term remains in effect.

**MINUTES**

Department of General Services - cont'd

Based on the seven months of project task activities since the contracts were executed, the Department seeks to increase the upset limit of each of the contracts to respond to projects of an 'urgent need' during the remainder of the 12 month contract period. All other terms and conditions of the IQC remain in full effect.

Through contract advertisement, the Department has proceeded with steps to establish a new job order contracting program.

**MBE/WBE PARTICIPATION:**

All established contract goals remain unchanged and the aggregate 25% MBE/WBE participation, established by the MWBOO, applies equally to the increased amount.

UPON MOTION duly made and seconded, the Board approved and authorized the increase to the upset limit under the Indefinite Quantity Contract for General Construction Work and Related Services for the foregoing contractors.

**MINUTES**

Space Utilization Committee - First Amendment to Lease Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the first amendment to lease agreement with APC Reality and Equipment Company, LLC (APC), lessee, for a portion of the tower and property located at 6201 E. Lombard Street.

**AMOUNT OF MONEY AND SOURCE:**

\$4,800.00 - increase in annual rent

**BACKGROUND/EXPLANATION:**

On April 17, 2002, the Board approved the initial agreement with APC. The property is being used for cellular telephone communication.

This amendment to lease agreement allows APC to install additional antennas at the site. The lessee is also permitted to add two microwave antennas not to exceed 2 feet in diameter, along with mounting hardware and coaxial cables. During the period the microwave equipment is installed on the tower, the lessee will pay an additional yearly rent of \$4,800.00. All other terms and conditions of the lease remain unchanged.

**(FILE NO. 55895)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the first amendment to lease agreement with APC Reality and Equipment Company, LLC, lessee, for a portion of the tower and property located at 6201 E. Lombard Street.

**MINUTES**

Department of Transportation - Traffic Mitigation Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a traffic mitigation agreement with South Broadway Properties, LLC.

**AMOUNT OF MONEY AND SOURCE:**

\$89,248.00 - 9950-907074-9512-000000-490375

**BACKGROUND/EXPLANATION:**

South Broadway Properties, LLC proposes to construct a maximum of 159 dwelling units and 35,600 square feet of retail space as a Planned Unit Development (PUD) in the Marketplace at Fells Point.

Under the terms of this agreement, South Broadway Properties, LLC will pay a traffic impact fee to the City in two installments of \$44,624.00 each, as a condition precedent to the issuance of the first and second building permits associated with any parcel included in the PUD Ordinance.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the traffic mitigation agreement with South Broadway Properties, LLC.

## MINUTES

Department of Audits - Audit Report and Related Audit Digest

The Board is requested to **NOTE** receipt of the following Audit Report and Related Audit Digest.

Audit of the Board of Liquor License Commissioners for Baltimore City for the Fiscal Years Ended June 30, 2007, 2006 and 2005.

President: "Moving to the first item on our non routine agenda and that is the Department of Audits, Liquor Board. Good morning."

Mr. Bob McCarty, City Auditor: "Good morning Madam President, members of the Board. The Department of Audits Financial Audit of the Comparative Statements of Revenues and Expenditures Arising from the Cash Transactions of the Board of Liquor License Commissioners for Baltimore City for fiscal years 2007, 2006 and 2005 disclosed that the financial statements were reliable in all material respects. Our report included two findings that are considered significant deficiencies in internal control over financial reporting. A significant deficiency is a controlled deficiency that adversely affects the Liquor Board's ability to initiate, authorize, record, process or report financial data reliably in accordance with general accepted accounting principles. Such that there is a possibility that an immaterial misstatement of financial statements will not be prevented or detected by the Liquor

## MINUTES

Board's Internal Control. The significant deficiencies are as follows: Number one, the Liquor Board's underlying time records do not fully support payroll attendance report information. This finding was also included in our previous audit report. We recommend that the Liquor Board implement procedures to provide a positive timekeeping system to support the attendance of all of its employees. We additionally recommend that the Liquor Board seek the assistance of the Office of the Labor Commissioner, the Department of Law, the Department of Human Resources and the Department of Finance, Bureau of Accounting and Payroll Services to develop appropriate payroll and attendance procedures that address issues that are unique to the staffing of the Liquor Board. Number two, the Liquor Board's procedures for performing monthly reconciliations of receipts were not adequate. We recommend that the Liquor Board develop appropriate reconciliation procedures that include preparing correct journals entries. For those transactions identified as part of their reconciliation process that were posted to incorrect account numbers. Transactions that were not identified in the City's records should be actively pursued with the Department of Finance and timely resolved. The significant deficiencies previously described are not considered material

## MINUTES

weaknesses. A material weakness is a significant deficiency that results in a possibility that a material misstatement of the financial statements will not be prevented or detected by the Liquor Board's internal controls. Our audit disclosed no material instances of non-compliance with laws, regulations, contracts or grants. The Liquor Board's response to our audit is included in our audit report. The Liquor Board agrees with the audit findings and stated they are in the process of making improvements in these areas."

President: "Thank you very much. Good morning."

Samuel Daniels: Mr. Samuel T. Daniels, Jr. Executive Secretary  
Baltimore City Liquor Board: "Good morning. We met with the auditors on enumerable occasions over approximately a two-year period, before this was completed, and many of the earlier problems that are reflected in the 2005 and 2006 we've actually corrected. As far as item two, the reconciliation, there seems to be some breakdown between what we turn over to -- at the Wolman Building and their reporting. We are working with them and all appropriate agencies to correct that. I take it would appear that perhaps our problems are greater than they are. There is a problem when we do make deposits on occasion, that those deposits are not reflected. We make the deposits. I want

## MINUTES

to state that clearly, so there is no error or any nefarious activity in that regard. As far as item one, the time, this has been an ongoing conflict, which I believe we will resolve in the next 30 days. Our interest has always been in providing night compliant service to the citizens of Baltimore. Our difficulty has been in whether it would be easy and whether e-time is adaptive to the kind of schedule that is required, so that we can provide nighttime servicing to complaints and staffing. That does not require a huge number of our staff. In terms of the other corrections that we have made, and the continual progress of the administration and the application of the agency and its responsibilities, we have focused more on that. But it has been impressed upon us by the auditors, by your office, the Mayor's office and all appropriate people that we should come in line with regard to time reporting. Again, that is another issue that looks like or could be suggested that there are greater problems than there actually are. It is simply bringing -- what we do that we support and can support in our fashion into conformance with the fashion that is acceptable completely to the E-time structure."

Mayor: "Well, the other agencies that have night crews as well so, they also operate on their system. I think that the

## MINUTES

recommendation that audits has made with the Bureau of Accounting, Department of Human Resources and Finance, that the Liquor Board get with them and meet with them right away and then I would like to see them report back, since this has been a long process. It seems like it is recurring so that they can help them create the system. Because the other night, agencies that work at night."

President: "I have spoken to the Department of Audits as well as the Liquor Board to ask that they return in 30 days with an update of the findings, number one and two."

Mr. Daniels: "And so we shall."

City Auditor: "That be October 7<sup>th</sup>?"

President: "That meeting yes. Sounds good. Just as the Mayor pointed out, this is I think namely a technology fix, you know, finding a way with the E-time software to reflect the hours that your inspectors work and I think if we all sit down at the table, or you all sit down at the table that issue can be resolved."

Mr. Daniels: "I am confident that you are correct. Thank you."

City Auditor: "Our understanding is that E-time can be adaptable to this situation."

MINUTES

President: "Any questions? Thank you. The audit is accepted and we will see you on October 7."

The Board **NOTED** receipt of the Audit Report and Related Audit Digest.

\* \* \* \* \*

## MINUTES

Law Department - Claim Settlements

The Board is requested to approve the settlement of the following claims. The settlements have been reviewed and approved by the Settlement Committee of the Law Department.

1. Samuel Bowden v. BPD, et al. \$ 75,000.00

Account: 1001-000000-1220-145900-603070

2. Michael Andrew v. BPD, et al. \$120,000.00

Account: 1001-000000-1220-145900-603070

3. Cynthia Duvall v. Mayor & City Council  
of Baltimore, et al. \$ 45,000.00

Account: 1001-000000-2100-224900-603021

UPON MOTION duly made and seconded, the Board approved the settlement of the above listed claims.

**MINUTES**

Department of Law - Memorandum of Understanding

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a memorandum of understanding (MOU) among the City, the Circuit Court for Baltimore City and the Maryland Stadium Authority (MSA).

**AMOUNT OF MONEY AND SOURCE:**

\$150,000.00 - 1001-585-018  
50,000.00 - 1001-110-002  
100,000.00 - 1001-122-009  
**\$300,000.00**

**BACKGROUND/EXPLANATION:**

Under the terms of the MOU, the funds will be used to pay the City's share of the costs of a feasibility study of the City's courthouses. The City's contribution to pay for a portion of the study will be charged to the above listed accounts and transferred to the MSA for payment of invoices in connection with the feasibility study.

The MSA, the City and the Circuit Court for Baltimore City have agreed to work together to obtain a feasibility study of the potential renovation of the two existing courthouse buildings to the west of City Hall and for the potential construction of a new courthouse. The MSA issued a request for proposals from firms to perform the study, supervising the preparation of the study, and paying all invoices in connection with the preparation of the study.

The three participating governmental entities have selected the firm, AECOM, Inc., to do the work. This firm was chosen from among a group of a dozen firms invited to submit competitive proposals.

**MINUTES**

Department of Law - cont'd

The City will contribute \$300,000.00 (of which \$50,000.00 comes from a Circuit Court account) and the Circuit Court will contribute an additional \$400,000.00 to pay for the costs of the study.

**THE DIRECTOR OF FINANCE REVIEWED AND RECOMMENDED APPROVAL.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the memorandum of understanding among the City, the Circuit Court for Baltimore City and the Maryland Stadium Authority.

MINUTES

TRANSFERS OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

3364 - 3365

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

## MINUTES

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Recreation and Parks</u>		
1. <b>\$ 35,000.00</b> 25 <sup>th</sup> Series	9938-904793-9475 Reserve City Park Maintenance	9938-904793-9474 Active City Park Maintenance

The transfer will provide funds to cover the costs associated with the installation of the concrete pads for benches at four city parks under Contract No. TR09001.

Department of Housing and Community Development

2. <b>\$ 25,000.00</b> 27 <sup>th</sup> CDB	9910-904023-9588- 900000-600000 Youth Centers	9910-904760-9588- 900000-600000 Westport Community Center
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This transfer will provide funds for the Westport Community Center to be used for determining the cost to remediate a blighted property and to appropriately plan for this site.

Bureau of Water and Wastewater

3. <b>\$100,000.00</b> MVR	9958-526-646 Constr. Res. Stream and Watershed Restoration Study	9958-902646-9525- Engineering
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The NPDES permit for stormwater requires Baltimore City to maintain completed restoration projects. The consultant under Task No. 2, Project 1084E, National Pollutant Discharge Elimination Support will provide engineering support to achieve these objectives.

## MINUTES

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Finance</u>		
4. <b>\$150,671.00</b>	9904-902002-9129	9904-901002-9127
Gen. Funds	Gen. Funds -	Gen. Funds -
	Reserve	Active

This transfer from the Reserve Account to the Active Account is necessary to provide reimbursement for construction of the Zeta Senior Center.

## MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Dept. of Housing and Community Development - Options</u>			
1. Myrtle E. Wakeman, n/k/a M. Virginia Price	1303 Greenmount Ave.	G/R \$ 56.00	\$ 467.00
2. Myrtle E. Wakeman, n/k/a M. Virginia Price	1309 Greenmount Ave.	G/R \$ 56.00	\$ 467.00

Funds will be transferred prior to settlement into, Account No. 9910-904714-9588-900000-704040, Johnston Square Project.

**(FILE NO. 57070)**

Dept. of Housing and Community Development - Rescission/Re-Approval

3. Jeb Stuart Fries, and Mary B. Buonanno	2210 E. Lanvale St.	G/R \$160.00	\$ 1,333.00
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Funds will be transferred prior to settlement into, Account No. 9910-904488-9588-900000-704040

On April 1, 2009 the Board approved the purchase by condemnation of the \$160.00 ground rent interest in 2210 E. Lanvale Street for \$1,067.00. Since then the owners have signed an option agreement. The Department is requesting that the Board rescind the prior approval and approve the purchase by voluntary agreement.

**(FILE NO. 57092)**

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

## MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Dept. of Housing and Community Development - Quick takes</u>			
4. Estate of Israel Braverman	1605 N. Gay St.	G/R \$42.00	\$ 350.00

Funds will be transferred prior to condemnation into, Account No. 9910-904488-9588-900000-704040, American Brewery Project.

**(FILE NO. 57092)**

5. The Paradigm Group, LLC	1145 W. Saratoga Street	L/H	\$85,000.00
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Funds are available in Account No. 9910-901780-9588-900000-704040, Poppleton Project.

**(FILE NO. 57069)**

UPON MOTION duly made and seconded, the Board approved the options, rescission/re-approval, and the condemnation/quick-takes.

**MINUTES**

Bureau of Water and Wastewater - Expenditure of Funds

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an expenditure of funds to pay CSX Transportation (CSX).

**AMOUNT OF MONEY AND SOURCE:**

\$16,655.23 - 2071-000000-5460-394601-603026

**BACKGROUND/EXPLANATION:**

On April 29, 2009, the CSX performed restoration work on site after a repair by the Water Maintenance personnel of a 16" water main break at Clarke Avenue and Washington Boulevard.

While the 16" water main break was being repaired by the City personnel, the CSX representative determined the restoration to repack the railroad bed and set the rail ties in place was specialty work. If this work is done incorrectly, it might cause a catastrophic incident for which the City could be held liable. The restoration was completed by the CSX.

The 16" water main is located on Washington Boulevard in Baltimore County and generally, based on the agreement with Baltimore County, the City fixes the main and the County pays for the restoration. In this case, Baltimore County assigned all such liability and costs to Howard County. Since an agreement was not reached between Howard County and the City on a compensation method to the CSX during the incident, it was decided the City would cover the costs and then recover them from Howard County.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to pay CSX Transportation.

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

The Board is requested to approve and authorize execution of a settlement agreement with the Maryland Department of the Environment (MDE). The period of the agreement is effective upon Board approval through December 31, 2018.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The Environmental Protection Agency promulgated the Long Term 2 Enhanced Surface Water Treatment Rule (LT2) in January 2006 requiring systems using open finished water storage facilities to: 1) cover the facilities; 2) provide treatment of the discharge from those facilities; or 3) enter into a State-approved schedule to meet the conditions of items 1 or 2 by April 1, 2009.

On April 1, 2009, the Maryland Department of the Environment approved the City's proposed schedule for covering the Montebello Plant 2, Towson, and Guilford Reservoirs and to provide UV post-treatment facilities at the Druid Lake and Ashburton Lake facilities with a final completion date of December 31, 2018.

In order to complete the requirements established under the Federal 40 CFR 141.714, the LT2 Rule, the proposed schedule must be incorporated into a formal agreement. This settlement agreement serves this purpose of incorporating the proposed compliance schedule into a formal agreement.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the settlement agreement with the Maryland Department of the Environment.

**MINUTES**

Bureau of Water and Wastewater - Amendment to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize an amendment to an agreement with KCI Technologies, Inc. for Project 1067K, On-Call Environmental Engineering Services. The period of the agreement will be extended until March 18, 2011 or until the upset limit is reached whichever comes first.

**AMOUNT OF MONEY AND SOURCE:**

\$500,000.00 - various accounts depending on individual tasks

**BACKGROUND/EXPLANATION:**

On March 19, 2008, the consultant was awarded an agreement to provide on-call environmental engineering services with an upset limit of \$500,000.00. The consultant has exhausted the \$500,000.00 limit under the on-call agreement. In accordance with the terms and conditions of the original agreement, the Department requests an increase to the upset limit in the amount of \$500,000.00 for a total upset limit of \$1,000,000.00 and to extend the duration of the original agreement to March 18, 2011, or until the upset limit is reached whichever comes first.

**AUDITS NOTED THE INCREASE IN THE UPSET LIMIT AND THE TIME EXTENSION AND WILL REVIEW THE TASK ASSIGNMENTS.**

**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.

UPON MOTION duly made and seconded, the Board approved and

**MINUTES**

Bureau of Water and Wastewater - cont'd

authorized the amendment to an agreement with KCI Technologies, Inc. for Project 1067K, On-Call Environmental Engineering Services.

**MINUTES**

Bureau of Water and Wastewater - Instrumentation Technician  
Training Program Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an agreement with ALMAC Enterprises (ALMAC) to conduct the fourth year of the instrumentation technician training program for the Bureau of Water and Wastewater. The period of the agreement is October 05, 2009 through November 03, 2009.

**AMOUNT OF MONEY AND SOURCE:**

Water Utility	2071-000000-5520-397926-603020	\$ 6,966.40
	2071-000000-5520-398012-603020	2,985.60
	2071-000000-5520-398140-603020	2,488.00
Wastewater Utility	2070-000000-5500-397001-603020	6,220.00
	2070-000000-5500-397101-603020	6,220.00
		<u>\$24,880.00</u>

**BACKGROUND/EXPLANATION:**

The Baltimore City Joint Apprenticeship Program requires that apprentices assigned to the Water Treatment Plants of Baltimore City be provided with 168 hours of classroom instruction for each year of the four years that they are employed to successfully complete the Instrumentation Technician Apprenticeship Program.

**MINUTES**

Bureau of Water and Wastewater - cont'd

ALMAC has an extensive background in Instrumentation Technician 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 Water and Wastewater Treatment Plant.

**APPROVED FOR FUNDS BY FINANCE.**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the agreement with ALMAC Enterprises.

**MINUTES**

Bureau of Water Wastewater - Extension/Relocation Contract

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the BGE Extension/Relocation Contract No. 1349381 for Eastern Avenue Pumping Station Improvement, Sanitary Contract No. 791.

**AMOUNT OF MONEY AND SOURCE:**

\$103,713.00 - 9956-905444-9551-900020-703001

**BACKGROUND/EXPLANATION:**

Under Sanitary Contract No. 791 for the Eastern Avenue Pumping Station Improvement, the BGE will be relocating Primary Distribution Metering equipment.

**APPROVED FOR FUNDS BY FINANCE.**

**(FILE NO. 57155)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the BGE Extension/Relocation Contract No. 1349381 for Eastern Avenue Pumping Station Improvement, Sanitary Contract No. 791.



## MINUTES

Department of Finance - BPW Capital Grant Agreements

The Board is requested to approve and authorize execution of the Capital Grant Agreements with the State of Maryland acting through the Board of Public Works.

Pursuant to Chapter 485 of the 2009 laws of Maryland authorizing the creation of a State debt to be known as the Maryland Consolidated Capital Bond Loans. The loans will be used for the following projects:

1. **EAST BALTIMORE BIOTECHNOLOGY PARK** **\$5,000,000.00**

The funds will be used for property acquisition, demolition and site improvement in the East Baltimore Biotechnology Park area.

2. **HOUSING AND RESOURCE CENTER** **\$2,000,000.00**

The funds will be used for the construction and capital equipping of a new homeless shelter and resource center.

3. **PARK HEIGHTS REVITALIZATION PROJECT** **\$1,500,000.00**

The funds will be used for property acquisition, demolition and site improvement for the Park Heights Revitalization Project.

4. **WESTSIDE REVITALIZATION PROJECT** **\$2,000,000.00**

The funds will be used for property acquisition, demolition and site improvement for the Westside Revitalization Project.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Capital Grant Agreements with the State of Maryland acting through the Board of Public Works.

## MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Amount</u>
<u>Mayor's Office of Information Technology</u>		
1. Raymond Schreiner	MOTOROLA CSR Conference	\$3,232.24
Ronald Christmas	Summerlin, NV	
	September 20 - 24, 2009	
	(Reg. Fee \$495.00) ea.	

TRAVEL REIMBURSEMENTS - Fire Department

2. James Potteiger	\$5,921.46
Peter Hanna	

On July 11 - 18, 2009, Mr. Potteiger and Mr. Hanna attended the ESRI Homeland Security and International Training Conferences held in San Diego, California. The subsistence rate for this location is \$211.00 per day. The hotel cost was \$250.00 per day not including occupancy taxes. The occupancy tax was \$31.40 per day. The Department is requesting reimbursement for hotel, mileage and food. The travel request exceeds the subsistence rate allowable in the amounts in the Administrative Manual. Additional hotel expenses were incurred because Mr. Potteiger required an Internet connection in his room for City work at \$27.90 per day. Parking expenses also exceeded the amount of the Administrative Manual.

Mr. Potteiger

Hotel	\$2,053.50
Parking	109.00
Airfare	658.20
Food	216.03
	<u>\$3,036.73</u>

## MINUTES

TRAVEL REIMBURSEMENTSFire Department - cont'dMr. Hanna

Hotel	\$1,968.80
Parking	80.00
Airfare	658.20
Food	177.73
	<u>\$2,884.73</u>

AUDITS DEFERS TO THE BOARD OF ESTIMATES ON THE WAIVER OF THE ADMINISTRATIVE MANUAL PER DIEM TRAVEL ASSISTANCE POLICY. AUDITS HAS REVIEWED THE SUPPORTING DOCUMENT THAT AGREES WITH THE AMOUNT REQUESTED.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing travel requests and the travel reimbursements.

## 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. <u>FINCH SERVICES, INC.</u>  | <u>\$19,462.24</u> | <u>Low Bid</u> |
| Solicitation No. 07000 - Flail Mowers - Department of Transportation - Req. No. R528628                 |                    |                |
| 2. <u>AMERISOCHI</u>  | <u>\$ 6,272.00</u> | <u>Low Bid</u> |
| Solicitation No. B50001144 - RPR Antigen - Health Department - Req. No. R526646                         |                    |                |
| 3. <u>DE VROOMEN HOLLAND</u>  | <u>\$20,771.50</u> | <u>Low Bid</u> |
| Solicitation No. 07000 - Tulip Bulbs 2009 - Department of Recreation and Parks - Req. No. R528911       |                    |                |
| 4. <u>PEST X CORP.</u>  | <u>\$11,988.00</u> | <u>Renewal</u> |
| Solicitation No. 07000 - Termite and Pest Control Service - Enoch Pratt Free Library - Req. No. R529741 |                    |                |

On August 6, 2008, the Board approved the initial award in the amount of \$11,988.00. The award contained an option to renew at the sole discretion of the City. The Board is requested to approve a renewal in the amount of \$11,988.00, making the award amount \$23,976.00.

- |  |                    |                    |
|--|--------------------|--------------------|
| 5. <u>AGILENT TECHNOLOGIES</u>   | <u>\$ 8,161.00</u> | <u>Low Bid</u>     |
| Solicitation No. 07000 - Oxygen Equipment Supplies - Fire Department - Req. No. R530831      |                    |                    |
| 6. <u>AGILENT TECHNOLOGIES</u>   | <u>\$ 8,161.00</u> | <u>Sole Source</u> |
| Solicitation No. 08000 - Instrument Maintenance Items - Police Department - Req. No. R530763 |                    |                    |

The vendor is the sole source supplier of maintenance and repair items for the equipment used in Police Department crime labs.



## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- |  |             |             |
|--|-------------|-------------|
| 12. FOCUS CAMERA, INC.   | \$13,355.00 | Low Bid     |
| Solicitation No. B50001161 - Digital Cameras - Department of Housing and Community Development - Req. No. R528250          |             |             |
| 13. CORRECT RX PHARMACY SERVICES, INC.   | \$ 6,598.06 | Low Bid     |
| Solicitation No. B50001155 - Various Medications - Health Department - Req. No. R527623                                    |             |             |
| 14. LKA COMPUTER CONSULTANTS, INC.   | \$ 6,446.00 | Low Bid     |
| Solicitation No. B50001155 - Provide and Install Projector and Screen - Health Department - Req. No. P509811               |             |             |
| 15. ASPEX CORPORATION  | \$16,550.00 | Sole Source |
| Solicitation No. 08000 - Lab Section - Police Department - Req. No. R531997  |             |             |
| The vendor is the sole source for testing, maintenance and repairs to the Police Department scanning electron microscopes. |             |             |
| 16. ROBERTS OXYGEN   | \$23,250.00 | Low Bid     |
| Solicitation No. 07000 - Lab Gases - Police Department - Req. No. R531271  |             |             |
| 17. SHAFER, TROXELL & HOWE, INC.   | \$ 7,183.57 | Sole Source |
| Solicitation No. 08000 - Replacement Parts for Yeoman's Pumps - Department of Public Works - Req. No. R530399              |             |             |

The vendor is the sole authorized provider for Maryland for these parts.

## 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

- |  |                     |                    |
|--|---------------------|--------------------|
| 18. <u>CROSS WIPING CLOTH CO.</u>  | <u>\$12,466.00</u>  | <u>Low Bid</u>     |
| Solicitation No. B50001157 - Various Paper Products -<br>Department of Housing and Community Development - Req. No.<br>R522454 & R522448 |                     |                    |
| 19. <u>WINDSOR INDUSTRIES</u>  | <u>\$10,242.20</u>  | <u>Low Bid</u>     |
| Solicitation No. 07000 - Chariot iVac Deluxe - Baltimore<br>Convention Center - Req. No. R530839   |                     |                    |
| 20. <u>APPLIED BIOSYSTEMS</u>  | <u>\$ 65,391.62</u> | <u>Sole Source</u> |
| Solicitation No. 08000 - DNA Analyzer Testing and Related<br>Services - Police Department - Req. No. R529974                             |                     |                    |

The vendor currently supplies this service to the Police Department, which must be uniform and consistent to ensure reliable results. The vendor is the sole manufacturer and sole distributor for Maryland.

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

- |   |                     |                        |
|---|---------------------|------------------------|
| 21. <u>PLAYGROUND SPECIALISTS, INC.</u>   | <u>\$ 56,518.58</u> | <u>Selected Source</u> |
| Solicitation No. 06000 - Replace and Install Playground<br>Equipment - Department of Recreation and Parks -Req. Nos.<br>R529418 |                     |                        |

Certified installers are needed to complete the work of restoring the Elmley playground to its original design. The vendor installed the original equipment and will restore the playground with equipment that conforms to its original design and function.

## 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

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

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

- |   |                     |                    |
|---|---------------------|--------------------|
| 22. <u>TIBURON INCORPORATED</u>   | <u>\$ 91,521.00</u> | <u>Sole Source</u> |
| Solicitation No. 08000 - Maintenance and Support for Tiburon Software - Fire Department - Req. Nos. R530629 |                     |                    |

The vendor is the sole source provider for this proprietary software.

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

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|--|---------------------|--------------------|
| 23. <u>PROMEGA CORPORATION</u>   | <u>\$132,000.00</u> | <u>Sole Source</u> |
| Solicitation No. 08000 - DNA Database Software, Training and Support - Police Department - Req. Nos. R530685 |                     |                    |

This is a one-time purchase for software, training and one year of maintenance training support. The vendor is the sole distributor of this proprietary software needed by the Police Department Crime Lab.

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

## 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

24. ASPEX CORPORATION	\$ 71,250.00	Sole Source
Solicitation No. 08000 - Aspex Electron Microscope Service Contract - Police Department - Req. Nos. R530225		

The vendor is the only authorized maintenance source for this equipment already in place at the Police Department.

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

25. APPLIED BIOSYSTEMS	\$260,000.000	Sole Source
Solicitation No. 08000 - DNA Reagents and Consumables - Police Department - Req. No. R531452		

The requested DNA reagents are currently being used by the Police Department's Crime Lab and are needed to maintain conformity with the laboratory's quality assurance and technical protocols. The vendor is the manufacturer and sole distributor in Maryland.

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

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

26. <u>AGILENT TECHNOLOGIES</u>	<u>\$267,185.00</u>	<u>Sole Source</u>
Solicitation No. 08000 - Crime Lab Equipment - Police Department - Req. Nos. R530611		

The vendor is the sole manufacturer and sole provider of the proprietary software and maintenance for these systems.

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

27. <u>DATA UNLIMITED</u>		
<u>INTERNATIONAL, INC.</u>	<u>\$336,595.80</u>	<u>Sole Source</u>
Solicitation No. 08000 - Data Processing Support for Laboratory Information Management System - Police Department - Req. No. R530217		

The vendor is the manufacturer and sole distributor of the Laboratory Information Management System currently being used by the Police Department Crime Lab.

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

## 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

28. <u>BELL TECHLOGIX</u>	<u>\$ 28,447.65</u>	<u>Sole Source</u>
Solicitation No. 08000 - Annual Software License Renewal - Enoch Pratt Free Library - Req. No. R529614		

The vendor is the sole provider of software license renewals for the computers installed in the Enoch Pratt Free Library system.

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

29. <u>WARD DIESEL FILTER</u>	<u>\$272,125.00</u>	<u>Increase</u>
<u>SYSTEMS</u> Solicitation No. 08000 - Ward No-Smoke Diesel Exhaust Removal Systems - Fire Department - Req. Nos. R510813 and R513013		

On November 19, 2008, the Board approved the initial award in the amount of \$296,750.00. The Fire Department is requesting an additional 35 systems at the original contract price of \$272,125.00.

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

## 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

30. VALLEY EQUIPMENT & SUPPLY CO., INC.	\$150,000.00	Selected Source
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Solicitation No. 06000 - O.E.M. Parts and Service for JCB & Lee Boy Equipment - Department of General Services - Req. No. R530516

The vendor is the only authorized JCB and Lee Boy equipment distributor in Maryland to offer the full range of services needed by the Department of General Services.

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

**MWBOO GRANTED A WAIVER.**

31. MOTOROLA, INC.	\$32,984,191.00	Selected Source/ Agreement
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Solicitation No. 06000 - 800 MHz Communication System Upgrade- Mayor's Office of Information Technology - Req. No. R531247

The Board is requested to approve and authorize execution of a communication system agreement with Motorola, Inc. The period of the agreement is August 26, 2009 through August 25, 2012.

The City requires direct radio-to-radio interoperability with all its neighboring jurisdictions. Because they also use Motorola equipment, the City's first responders can communicate directly with the radio systems of Baltimore, Harford, Anne Arundel, Howard, and Carroll Counties and the City of Annapolis with no loss in public safety features, and through Central Maryland Area Radio Communications, with Frederick County and the State of Maryland as well. No other

## 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

vendor can provide that capability for the City.

Contracting with Motorola allows the City to re-use the existing dispatch consoles (which would otherwise cost approximately \$1,000,000.00) and fully integrate them into the new radio system with no need to re-train dispatchers; this will ensure there is no disruption or degradation of this vital public safety system.

Baltimore County has also contracted with Motorola to upgrade its radio system, which creates a unique opportunity for the City and Baltimore County to collaborate in the development of a regional system redundancy strategy.

**MWBOO SET GOALS OF 17% MBE AND 9% WBE, AND FOUND VENDOR COMPLIANT ON AUGUST 26, 2009 BASED ON A GOOD FAITH EFFORT (PERCENTAGES BASED ON \$8,100,000.00 OF NON-PROPRIETARY WORK.)**

<b>MBE:</b>	CommDEX Consulting	\$2,018,460.00	24.92%
	Brown's Communications	938,517.00	11.59%
	Intelect Corp	630,577.00	7.78%
		<u>\$3,587,554.00</u>	<u>44.29%</u>
<b>WBE:</b>	BEE Trained	\$ 11,040.00	.14%

**MWBOO FOUND VENDOR IN COMPLIANCE.  
(FILE NO. 55919)**

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

President: "Moving toward the protests, the first item is Page 71 #31 and this, the Motorola contract. If you are here on that matter please come forward."

## MINUTES

Bureau of Purchases - cont'd

Mr. Arnold Jolivet: "Madam President, after hearing --."

President: "You have to give your name."

Mr. Arnold Jolivet, Maryland Minority Contractors Assoc. Inc.:

"Ms. Taylor, the Clerk to the Board kind of by giving the additional information and clarifying how the goal was computed, it kind of satisfies my concerns. So, with the Board's approval I would like to respectfully ask the Board to allow me to drop my protest. Because I now understand the details of the process and the manner in which the goal was computed. I don't agree with it, but I would accept it for the time being."

President: "Great."

Mr. Wayne Frazier, Maryland Washington Minority Contractors

Assoc.: "I to will consider withdrawing my protest. However, my concern in addition is the timing of this very large transaction. A \$34,000,000.00 transaction is significant for the City to spend, and as a representative of the minority business community, we always like to take advantage of opportunities that come down. Finding out in the eleventh hour that this

## MINUTES

Bureau of Purchases - cont'd

particular procurement was about to take place and then understanding that Motorola is a sole provider of this equipment, pretty much a monopoly and there has been no mechanism's in place to prepare minority businesses in this town for this particular opportunity, I have a difficulty with that. I think that the City could do a much better job in forecasting these opportunities, so the minority business community can take advantage of it, and then finally, I have not been comforted with the maintenance of this monopoly over the next three, four, five years. Will there be MBE participation on that, and what will the goals be? Perhaps if we can't make it up on this particular one with the 17% and 9% WBE and MBE, perhaps we can make the maintenance 100%. Those are my issues."

President: "Is that, you said that you would consider withdrawing."

Mr. Frazier: "Yes."

President: "Is that a request that your protest be withdrawn?"

Mr. Frazier: "Only after I get the response on both the forecasting as well as the maintenance. Yes, I would consider that."

## MINUTES

Bureau of Purchases - cont'd

Mr. Cecil Moore, City Purchasing Agent: "Good morning. Mr. Frazier, your point is well taken in terms of getting information out about this project. Although, I would have to say that it is typically not our process, but I think we probably could have done a better job in informing people about this opportunity. I think that is one of the reasons the Mayor was kind of dissatisfied that we had not done that as well. But, due to the timeframe in which we have to work, we needed to move forward with this project in trying to get equipment ordered. There is no lead-time on this equipment, if you don't get it ordered in a certain timeframe, the price goes up and all this. So, your point is well taken there. In terms of the maintenance and services going forward on the contract, Motorola has committed to 19.7% and said they would try to do even better than that. So, we are hopeful that they will do a little better on that."

Mr. Frazier: "With the maintenance, is it so specialized that only they can provide?"

## MINUTES

Bureau of Purchases - cont'd

City Purchasing Agent: "It is not. Again, there will be some minority participation on the maintenance and services going forward."

Mr. Frazier: "But Motorola committed to 19, we the City, we are the ones who paying Motorola, can't we tell or maybe suggest that they consider going to 100%?"

President: "Isn't this -- I am just wondering is this the kind conversation that we should be having or you should be having not as a part of a protest conversation, but a meeting with MWBOO and Ms. Williams?"

Mayor: "What I would also suggest and I think Mr. Jolivet and Mr. Frazier raised some good questions and I had some concerns as well. I think it would also behoove both of your organizations to meet with the City and Motorola about the standards of getting qualified to be able to apply and be a part of this technical aspect that is required, because I think that is where a number of minorities did not have certain information

## MINUTES

Bureau of Purchases - cont'd

to know how they could apply and be a part of it. It think and I want to thank Motorola, because they did go back to the table and open it up even more. I guess my question is the maintenance piece. Is that separate from this piece?"

City Purchasing Agent: "Yes it is."

Mayor: "Okay."

City Purchasing Agent: "Separate in part, we will be bringing another item to the Board for that."

Mayor: "So, is there an opportunity now to begin those discussions in reference to the maintenance piece of it? Since we had to go back and revisit this piece and they expanded that as well."

City Purchasing Agent: "Let me bring the Motorola rep up here to explain that. Dee would you come up please?"

Mayor: "Because the numbers were even less than they are even now."

City Solicitor: "It seems to me also respectfully and I appreciate the point of the 100% observation. Obviously, this

## MINUTES

Bureau of Purchases - cont'd

is not to say the setting, the time or the place to set those percentages under an ordinance that has an elaborate process for that, that you know has been set up to withstand Court scrutiny and we want to make sure that our ordinance and its process is upheld if it ever gets challenged. So, I think we need to deal with that issue as we go forward with the maintenance contract, but I hear your pain. I think we all do and we know what you are going to be saying. We think when the maintenance contract comes up, if it is not up to quite where you think it should be, and that would be totally appropriate, and we are certainly going to work and the MWBOO office will work to do as well as we can with Motorola and the minority business community on the maintenance contract."

Ms. Dee Freeman, Senior Acct. Manager, Motorola: "We have already started our outreach on the maintenance, even though we currently have a maintenance contract with the City for the existing system and Mr. Moore identified what our current

## MINUTES

Bureau of Purchases - cont'd

percent is. The City will receive, first of all the implementation is approximately 18 months, and then the City receives a 1-year warranty and the maintenance would potentially start after that. So, we are talking 2½ years, and based on meetings with the Mayor's Office, MWBOO, MOIT and Purchasing, we have already started that outreach and will work to increase the 19%."

Mr. Frazier: "Very good. I will respectfully withdraw. Thank you."

President: "Thank you, and I think we will respectfully accept. Is there a Motion?"

City Solicitor: "I MOVE to approve the item that has been under discussion Pages 71 to 72, Item No. 31."

Director of Public Works: "Second."

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

\* \* \* \* \*

## MINUTES

ACKNOWLEDGEMENT

President: "I was trying to catch Cecil or Mr. Moore before you sit down, can you come back up for me? We are in trouble. I just wanted to make sure on your last Board of Estimates meeting that you knew how much we appreciated the work that you have done and we'll certainly miss you. You have made a tremendous impact in your brief time here and I have a City Council Resolution for you. Be it hereby known to all that the City Council of Baltimore offers its sincerest congratulations to Cecil S. Moore, Department of Finance, Bureau of Purchases. In recognition of your brief but significant service to Baltimore City. Thank you for your dedication, professionalism and constant commitment to getting the City the best bang for the buck. The entire membership extends best wishes on this memorable occasion and directs this Resolution be presented on this second day of September 2009. It is signed by myself and all members and we will certainly miss you, and again thank you for all of your work."

(Applause)

City Purchasing Agent: "Thank you Madam President."

## MINUTES

Mayor: "Madam President, the only thing that I would like to add to that is that Mr. Moore has come on board here and he is going back home, but he has created a beginning of a great processing system that has not been in place for the Department of Purchasing which has been a challenge for a number of years. So, I think he has laid the great foundation in this transition process that has taken place with all of our agencies in creating a more effective and efficient effort. So, we will make sure that he has laid the seed and his process that he has put in place will help to take the agency to even more greater heights."

Comptroller: "I would just like to say thank you Mr. Moore for service and I really appreciate you working with the Office of the Comptroller, resolving those issues that have been a concern to us and I wish you well."

President: "Anything for the good of the body? Hearing nothing. As there is no more business before the Board, the meeting will recess until bid opening at 12:00 noon thank you."

\* \* \* \* \*

## 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

32. W. W. GRAINGER, INC.	\$ 95,000.00 <u>505,000.00</u> <b>\$600,000.00</b>	Ratification & Increase
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Solicitation No. BPO-001B8900505 (Maryland State) - Supplies for Maintenance, Repair and Operations - Agencies Various - Req. No. Various

On March 25, 2009, the Board approved the initial award of \$500,000.00, however due to an administrative error, purchase orders were issued in the combined amount of \$595,000.00, which resulted in an over expenditure of \$95,000.00. The increase in the amount of \$505,000.00 is needed because of increased usage.

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

**MBE:** Configuration, Inc.

33. <u>MOTION INDUSTRIES</u>	<u>\$ 60,000.00</u>	<u>Increase</u>
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Solicitation No. B50000417 - Industrial Bearings and Related Seals - Department of Public Works, Bureau of Water and Wastewater - Req. No. R502417

On July 30, 2008 the Board approved the initial award to Motion Industries in the amount of \$60,000.00. Additional funds are needed to meet increased demand for these items. This increase in the amount of \$60,000.00 will make the total award \$120,000.00. The contract expires on July 31, 2010, with one two-year renewal option remaining.

**MWBOO GRANTED A WAIVER.**

**MMCA-MARYLAND MINORITY CONTRACTORS ASSOCIATION, INC.**

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

Baltimore, MD 21210

443-413-3011

410-323-0932 Fax

arnoldmjolivet@starpower.net

Connected Copy

September 1, 2009

VIA FACSIMILE 410-685-4416

The Honorable President and Members

Baltimore City Board of Estimates

Second Floor, City Hall

Baltimore, Maryland 21202

Attention: Ms. B. Harriett Taylor, Esquire

Clerk to the Board

**Subject: Protest Against Various Contract Awards-  
Board of Estimates' Agenda, September 2, 2009**

Dear Madam President:

I represent the Maryland Minority Contractors Association, Inc. (MMCA) in its own independent right, and its members and constituents in protesting Your Honorable Board's approval of the above referenced Board Agenda items. It is well settled that an association, like MMCA herein, possesses the requisite standing to represent its members, its constituents and itself:

- "[A]n Association [like MMCA] has standing to bring suit on behalf of its members when:
- (a) its members would otherwise have standing to sue in their own rights;
  - (b) the interest it seeks to protect are germane to the organization's purpose; and
  - (c) neither the claim asserted nor relief requested requires the participation of individual members in the lawsuit."

See Hunt v. Washington Apple Advertising Commission, 432 U. S., 333, 343 (1977); See also NAACP v. Button, 371 U.S. 415 (1963). ("An association and its members are one and the same.")

I am protesting the following described items that are contained on your 9/2/2009 agenda:

P.P. 71-72 Item No. 31 - which is a proposed \$32,984,191.00 non-bid contract with Motorola, Inc., for an 800MHz Communication System. My protest is based on the fact that the proposed contract violates Article VI, § 11 of the City Charter for failure to satisfy mandatory competitive bidding requirement. Moreover, the City's M/WBOO established goals of 17% MBE and 9% WBE participation. The record reflects, however,

President and Members  
Baltimore City Board of Estimates  
September 1, 2009

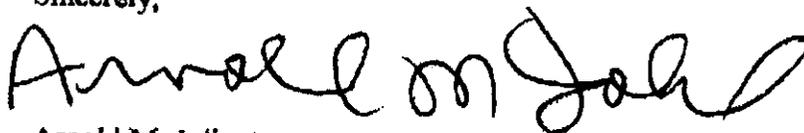
that the proposed contractor has failed to meet these established goals. The 44.29% MBE utilization stated in the Board's 9/2/2009 agenda, page 72, is definitely inflated and misstated; and is based on a base contract amount of less than \$32,984,191.00, which is the value of the base contract.

Item No. 32 - page 72 of Board's 9/2/2009 agenda is a proposed expansion of an earlier awarded \$500,000.00 no-bid contract with W.W. Grainger, Inc. This proposed expansion also violates the City Charter and the M/WBE Utilization Ordinance.

If these proposed contracts are approved by Your Honorable Board, both MMCA and its members will suffer harm and injury.

Accordingly, for the above stated reasons, I respectfully request that Your Honorable Board refrain from approving the proposed subject contracts.

Sincerely,



Arnold M. Jolivet  
Managing Director



1107 North Point Blvd. | Baltimore, MD 21224  
 Phone: (410) 282-6101 | Fax: (410) 282-6102  
 Email: [wrf@mwmca.org](mailto:wrf@mwmca.org)

Visit our website at [www.mwmca.org](http://www.mwmca.org)

The Honorable Board  
 of Estimates Baltimore City  
 Attn: Clerk  
 Room 204, City Hall  
 100 North Holiday Street  
 Baltimore, MD 21202

Ref: Solicitation #06000 - 800 MHz Communication  
 System Upgrade - Mayor's office of Informational Technology - Reg #R531247

Dear Clerk:

Please allow me to speak in front of the Honorable Board of Estimates on September 2, 2009 regarding the potential award of referenced contract.

MWMCA is a minority business and contracting advocacy concern and upon reviewing said procurement on the Bureau of Purchases website several issues arosed. Specially, confusion on method or approach on how minority and women owned business goals were set; how were they calculated, as a percentage of the total contract spending; and minority and women owned business utilization over the life of the contract.

It is our belief upon reviewing said structure that minority and women owned business enterprises will be vastly short changed if award presented is approved. Much appreciation for allowing time to speak.

Sincerely,

Wayne Frazier Sr.  
 President

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

34. GEIGER PUMP & EQUIPMENT COMPANY	\$ 26,539.65	Sole Source
Solicitation No. 08000 - Hydraulic Power Unit - Department of Public Works, Bureau of Water and Wastewater - Req. No. R530379		

The requested unit must be compatible and interchangeable with the existing equipment without any changes. The vendor is the sole distributor. This is a one-time purchase.

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

35. ASSOCIATED BUILDING MAINTENANCE, INC.	\$387,986.24	Increase
Solicitation No. BP-04161 - Provide Facility Management and Maintenance Services for Facility Group "D" - Department of General Services - Req. No. R531418		

On September 15, 2004, the Board approved the initial award to the above vendor, in the amount of \$2,740,838.60. Subsequent actions were approved. Additional funds are needed to complete the current term of the contract. This increase in the amount of \$387,986.24 makes the total award \$5,813,033.86. The contract expires on October 31, 2009 with 4 one-year renewal options remaining.

**MWBOO SET GOALS OF 17% MBE AND 9% WBE.**

<b>MBE:</b> C & J Maintenance, Inc.	17%
<b>WBE:</b> My Cleaning Services	9%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

## 36. PRESIDIO NETWORKED

SOLUTION	\$ 33,167.70	Sole Source
Solicitation No. 08000 - Maintenance and Software Support for Nortel Parts - Enoch Pratt Free Library - Req. No. R529614		

The vendor is the sole provider of software support and maintenance for Nortel parts on equipment installed in the Enoch Pratt Free Library system. This is a one-time purchase for a yearly license.

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

## 37. EARLY MORNING SOFTWARE \$ 27,615.80 Sole Source

Solicitation No. 08000 - 3PAR Drive Magazines - Mayor's Office of Information Technology - Req. No. R529817	\$ 27,615.80	Sole Source
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Upgraded 3PAR drive magazines are needed to accommodate an increased demand for data storage requirements for the Department of Public Works. Early Morning Software is the sole authorized reseller of 3PAR products for Baltimore.

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

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

- |  |              |             |
|--|--------------|-------------|
| 38. ALBAN TRACTOR  | \$150,000.00 | Sole Source |
| Solicitation No. 08000 - O.E.M. Parts and Service for Caterpillar Equipment - Department of General Services - Req. No. R5304890 |              |             |

The vendor is the manufacturer's sole authorized dealer for Maryland.

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

- |  |              |         |
|--|--------------|---------|
| 39. FABRICATING ARTIST   |              |         |
| MIKE MASH  | \$ 70,000.00 | Low Bid |
| Solicitation No. 07000 - Fabricate and Install Ground Mosaic Work - Department of Recreation and Parks - Req. No. R50372 |              |         |

Three artists were solicited by the design planner to fabricate and install ground mosaic work in front of the Howard Peters Rawlings Conservatory located in Druid Hill Park. Two bids were received on August 3, 2009. Authority is requested to award the contract to the low bidder.

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

## 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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Department of General Services

40. YOUNG'S FLOOR & REMODELING COMPANY	\$ 11,117.78	Low Bid
IC 516 - Installation of Decorative Vinyl Plank Flooring at 88 State Circle		
41. CHARLES H. HODGES & SON, INC.	\$ 12,696.00	Low Bid
IC 513 - Replacement of Book Lift at the Enoch Pratt Free Library - Central Branch		

UPON MOTION duly made and seconded, the Board approved the foregoing informal awards, renewals, increases to contracts and extensions. The Mayor **ABSTAINED** on item no. 37. The President **ABSTAINED** on item nos. 19 and 39. The Comptroller **ABSTAINED** on item no. 35. The Protest from the Maryland Minority Contractors Associations for item no. 32 was **WITHDRAWN**.

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:

3404 - 3405

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

for the reasons stated.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:Bureau of Purchases

- |    |  |                                   |              |
|----|--|-----------------------------------|--------------|
| 1. | B50001156, Dell<br>Power Vault TL4000<br>Dell Power Edge | Data Networks of<br>America, Inc. | \$ 33,065.00 |
|----|--|-----------------------------------|--------------|

**MWBOO GRANTED A WAIVER.**

- |    |  |                                  |              |
|----|--|----------------------------------|--------------|
| 2. | B50001159,<br>Pneumatic Tire<br>Forklift | Vince Sales and<br>Service, Inc. | \$ 58,884.00 |
|----|--|----------------------------------|--------------|

**MWBOO GRANTED A WAIVER.**

- |    |   |   |                     |
|----|---|---|---------------------|
| 3. | B50001127, Waste<br>Wood Removal from<br>Camp Small                           | Recycled Green<br>Industries, LLC   | Revenue<br>Contract |
| 4. | B500001026, Provide<br>Temporary Personnel<br>(Item 17, Registered<br>Nurses) | <u>3<sup>rd</sup> Call, Item 17</u><br>Dependable Nursing<br>Services         | \$ 0.00             |
|    |   | <u>4<sup>th</sup> Call, Item 17</u><br>Arbor E&T, LLC d/b/a<br>Care Resources | \$ 0.00             |

On July 29, 2009, the Board approved the initial award to eight vendors to meet the City's needs for temporary employees. The awarded vendors have been able to fill the required public school Registered Nurse positions, however, there is an insufficient pool of replacement nurses should those assigned fail to perform at the level needed in the complex and fast-paced atmosphere of providing nursing services in a public school environment. The added vendors, Dependable Nursing Services and Arbor E&T, LCC d/b/a Care

## MINUTES

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

Resources, have comprehensive experience in successfully filling these challenging positions and can provide replacement of RN's on short notice should the need arise, without the need for extensive orientation or training.

**MWBOO SET GOALS OF 15% MBE AND 15% WBE.**Dependable Nursing Services, LLC

**MBE:** Magnificus Corp.  
Elite Healthcare Nursing Services, Inc.

**WBE:** Community Care Nursing Services, Inc.  
Trustworthy Staffing Solutions  
Lacy's Professional Nursing Services, Inc.

**MWBOO FOUND VENDOR NON-COMPLIANT. PART C: STATEMENT OF INTENT FORM IS INCOMPLETE. THE NAME OF THE MBE/WBE FIRM IS NOT FILLED IN. ALSO, THE FORM IS MISSING THE REQUIRED SIGNATURE OF THE MBE/WBE SUBCONTRACTOR.**

Arbor E&T, LLC d/b/a Care Resources

**MBE:** 1<sup>st</sup> Choice Staffing Agency, LLC

**WBE:** Mary Kraft & Associates, Inc.  
Kennedy Personnel Services, Inc.  
Staff Quest, Inc. 3.00%  
Sigman & Summerfield Associates, Inc.

**MWBOO FOUND VENDOR NON-COMPLIANT. PART C: STATEMENT OF INTENT FORM IS INCOMPLETE. THE BIDDER DID NOT INDICATE THE SUBCONTRACT AMOUNT OR THE SUBCONTRACT PERCENTAGES OF TOTAL CONTRACT.**

**MWBOO FOUND THE VENDORS IN NON-COMPLIANCE ON JULY 22, 2009 AND JULY 29, 2009, RESPECTIVELY. HOWEVER, THE VENDORS HAVE AGREED TO COME INTO COMPLIANCE WITHIN 10 DAYS OF AWARD.**

**MINUTES**

Department of Housing and - Grant Award Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a grant award agreement with the Maryland State Department of Housing and Community Development. The period of the agreement is July 1, 2009 through September 30, 2010.

**AMOUNT OF MONEY AND SOURCE:**

\$4,606,217.13 - 5000-585210-5750-649800-600000

**BACKGROUND/EXPLANATION:**

The American Recovery and Reinvestment Act of 2009 (Recovery Act) was signed into law by President Obama on February 17, 2009. The City of Baltimore, through the Department of Housing and Community Development, is eligible to receive funding under this Act. The goals of the Recovery Act are to preserve and create jobs, provide assistance to those most impacted by the recession, long-term economic enhancement through investments in technology and infrastructure, and stabilization of State and local government budgets.

These resources will be allocated in a manner to focus on activities that will primarily benefit low to moderate-income individuals.

**APPROVED FOR FUNDS BY FINANCE**

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

**(FILE NO. 57087)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the grant award agreement with the Maryland State Department of Housing and Community Development.

## MINUTES

PROPOSALS AND SPECIFICATIONS

Bureau of Water and Wastewater - SC 849, Locust Point Wastewater  
Pumping Station Force Main  
Replacement  
**BIDS TO BE RECV'D: 10/14/2009**  
**BIDS TO BE OPENED: 10/14/2009**

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

\* \* \* \* \*

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

## MINUTES

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

**BIDS, PROPOSALS AND CONTRACT AWARDS**

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

Bureau of Purchases - B50001050, Manage and Operate  
the Food and Beverage Services  
for Baltimore Convention Center  
**BID TO BE RECV'D: 9/16/2009**  
**BID TO BE OPENED: 9/16/2009**

## MINUTES

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

Department of Recreation - RP 09821, Swann Park Trees-  
and Parks Fall 2009

Herring Run Watershed Association  
H.F. Huber & Son Inc.  
EQR LLC  
Bensky Construction Co., LLC

Bureau of Purchases - B50001175, Provide Loan Servicing

AmeriNational Community  
Services, Inc.

Bureau of Purchases - B50001176, Provide Driver  
Motor Vehicle Information

Pinkerton Consulting  
and Investigations  
Data Ticket, Inc.

Bureau of Purchases - B50001181, Request for Bids/  
Proposals for Trees for  
Fall 2009 and Spring 2010

Shemin Nurseries, Inc.  
John Deere Landscapes  
Waynesboro Nurseries, Inc.  
Gilmore Plant and Bulb  
Co., Inc.  
Westminister Wholesale  
Nurseries  
Lorenz, Inc.  
Schichtels Nursery  
The Davey Tree Expert Co.  
C&D Tree Service, Inc.  
Trugreen Landcare

MINUTES

Bureau of Purchases - B50001185, Pedestrian Signal  
Assemblies

\*RGA Inc.  
J. O. Herbert Co., Inc.  
General Traffic Equipment  
Lighting Technologies

\*UPON FURTHER MOTION duly made and seconded, the Board declared the bid of RGA, Inc. **NON-RESPONSIVE** since the since the bid was not accompanied by a bid deposit check or an annual bid bond as required by the provisions of the City Charter and as set forth in the bid specifications.

\* \* \* \* \*

There being no objections, the Board UPON MOTION duly made and seconded, the Board adjourned until its next regularly scheduled meeting on Wednesday, September 16, 2009.

JOAN M. PRATT  
Secretary