

NOTICE:

1. On January 22, 2014, the Board of Estimates approved the Resolution on the Regulation of Board of Estimates Meetings and Protests, effective February 05, 2014. Pursuant to the Resolution:

a. Anyone wishing to speak before the Board, whether individually or as the spokesperson of an entity must notify the Clerk of the Board in writing no later than by noon on the Tuesday preceding any Board meeting, or by an alternative date and time specified in the agenda for the next scheduled meeting. The written protest must state (1) whom you represent and the entity that authorized the representation (2) what the issues are and the facts supporting your position and (3) how the protestant will be harmed by the proposed Board action.

b. Matters may be protested by a person or any entity directly and specifically affected by a pending matter or decision of the Board. In order for a protest to be considered, the protestant must be present at the Board of Estimates meeting.

c. A Procurement Lobbyist, as defined by Part II, Sec. 8-8 (c) of The City Ethics Code must register with the Board of Ethics as a Procurement Lobbyist in accordance with Section 8-12 of The City Ethics Code.

The full text of the Resolution is posted in the Department of Legislative Reference, the President of the Board's web site, (http://www.baltimorecitycouncil.com/boe_agenda.htm) and the Secretary to the Board's web site (<http://www.comptroller.baltimorecity.gov/BOE.html>).

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

BOARD OF ESTIMATES' AGENDA – MARCH 30, 2016

**THE DEPARTMENT OF FINANCE
WILL PRESENT THE
PRELIMINARY BUDGET RECOMMENDATIONS FOR FY 2017
TO THE BOARD OF ESTIMATES**

AGENDA

BOARD OF ESTIMATES

03/30/2016

BOARDS AND COMMISSIONS

1. Prequalification of Contractors

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

Access Demolition Contracting, Inc.	\$ 1,500,000.00
Bay Country Professional Concrete, LLC	\$ 8,000,000.00
CCTV Master, LLC	\$ 1,500,000.00
Colt Insulation, Inc.	\$ 2,223,000.00
Fresh Air Concepts, LLC	\$ 2,439,000.00
Living Classrooms Foundation	\$ 50,220,000.00
MRP Contractors, LLC	\$ 2,547,000.00
Nichols Contracting, Inc.	\$ 8,000,000.00

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:

Accumark, Inc.	Engineer Land Survey
Daniel Consultants, Inc.	Engineer
Design Collective, Inc.	Architect Landscape Architect

AGENDA

BOARD OF ESTIMATES

03/30/2016

Department of Law - Settlement Agreement and Release

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Settlement Agreement and Release for the action brought by Plaintiffs Jean Williams, G. M. and Y. M. against Officer James Bradley for alleged assault, battery, negligence/gross negligence, intentional infliction of emotional distress, and civil conspiracy and violations of the Maryland Declaration of Rights.

AMOUNT OF MONEY AND SOURCE:

\$125,000.00 - 1001-000000-2041-716700-603070

BACKGROUND/EXPLANATION:

In March of 2012, members of a taskforce with the DEA were conducting an investigation centered on Robert Moore and Sarah Hooker's family. In 2012, Robert Moore was arrested, leaving Ms. Hooker as the sole parental guardian of minor Plaintiffs G. M. and Y. M. On March 9, 2012, Ms. Hooker was arrested, the Department of Social Services (DSS) filed an emergency Children in Need of Assistance Petition and through that petition obtained a Shelter Care Order concerning minor Plaintiffs G. M. and Y. M. on March 12, 2012. The Shelter Care Order placed the children in the care and custody of DSS. The DSS consulted Defendant Detective Bradley to inquire whether the children had any family members with whom they could be placed and Defendant Detective Bradley identified the minors' paternal grandmother, Plaintiff Williams. The minors were then temporarily placed with Plaintiff Williams, pending a DSS investigation.

Following Ms. Hooker's arrest, the Detectives continued the ongoing investigation into Ms. Hooker. Defendant Detective Bradley contends that he warned Plaintiff Williams to keep the children away from areas of the City involved in Ms. Hooker's

AGENDA

BOARD OF ESTIMATES

03/30/2016

Dept. of Law - cont'd

illicit activities. The surveillance team conducting the investigation on Ms. Hooker saw Ms. Williams with the children in an area that the taskforce considered to be unsafe. The Plaintiff Williams admits to taking the children to that location approximately once a week, but denies being told it was unsafe. On April 6, 2012, pursuant to a Shelter Care Order, Detective Bradley removed the minor plaintiffs from temporary placement with Plaintiff Williams' care and delivered them to the Baltimore County Social Services Office. Plaintiff Williams' house is documented to be a safe environment and a good place to raise the grandchildren. Plaintiff Williams has a Foster Care and Assisted Living license. On August 31, 2012, Plaintiff Williams eventually regained custody of Plaintiffs G. M. and Y. M.

As a result of these occurrences, the Plaintiffs filed suit for compensatory and punitive damages in an amount in excess of \$75,000.00 for each claim. Because of conflicting factual issues, questions regarding the basis for the removal of the children from Plaintiff Williams' care, and given the uncertainties and unpredictability of jury verdicts, the parties propose to settle the matter for a total sum of \$125,000.00 in return for a dismissal of the litigation.

Based on a review of the facts and legal issues specific to this case, the Settlement Committee of the Law Department recommends that the Board of Estimates approve the settlement of this case as set forth herein.

APPROVED FOR FUNDS BY FINANCE

(The Settlement Agreement and Release has been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

03/30/2016

Parking Authority of - Parking Facility Rate Adjustment
Baltimore City (PABC)

ACTION REQUESTED OF B/E:

The Board is requested to approve an adjustment to the transient rates at the City-owned Arena Garage that is managed by the PABC. The Parking Facility Rate Adjustment is effective upon Board approval.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The PABC is charged with managing the City of Baltimore's parking assets. Proper stewardship of those assets requires that the PABC realize the best possible return on the City's parking investments.

Pursuant to Article 31, §13(f)(2) of the Baltimore City Code, subject to the approval of the Board of Estimates, the PABC may set the rates for any parking project. The PABC believes that the rate adjustment at this parking facility is warranted at this time.

To bring the transient rates charged at the Arena Garage in line with its surrounding facilities, the PABC staff developed the submitted rate adjustment recommendation. The rate adjustments were unanimously approved by the PABC Board of Directors.

AGENDA**BOARD OF ESTIMATES****03/30/2016**PABC - cont'd

Location	Proposed Transient Rate Changes				Proposed Monthly Rate Changes
Arena Garage	Regular Transient Rates				Regular Monthly Rate
		Current Rate	Proposed Rate	Last Rate Change	No proposed changes
	4 – 12 Hour Rate	\$16.00	\$17.00	March 2015	
	13–24 Hour Rate	\$17.00	\$18.00	March 2015	

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

EXTRA WORK ORDERS

* * * * *

The Board is requested to approve the

Extra Work Orders

as listed on the following pages:

8 - 9

The EWOs have been reviewed and approved

by the Department of

Audits, CORC, and MWBOO

unless otherwise indicated.

AGENDA**BOARD OF ESTIMATES****03/30/2016****EXTRA WORK ORDERS**

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

Department of Transportation

1. EWO #001, \$.00 - TR 15014, Resurfacing Highways at Various Locations, Southeast, Sector IV

\$2,363,000.00	-	Manuel Luis Construction Co., Inc.	90 70
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This authorization was requested by the prime contractor for a 90-day non-compensatory, time extension due to the winter months that have impeded construction for concrete and asphalt. The Notice-to-Proceed was effective July 20, 2015 with a completion date of March 16, 2016. This request will extend the contract to June 14, 2016. There were no previous time extensions and the Engineer's Certificate of Work Completion has not been provided to the contractor.

2. EWO #001, (\$119,674.00) - TR 15016, Salt Facility and Site Improvements

\$2,258,936.25	-	P. Flanigan & Sons, Inc.	60 65
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This authorization is requested on behalf of the contractor and provides for a 60-day non-compensatory time extension. The 120-day consecutive calendar day construction duration was very aggressive for the scope of work and the contractor experienced an historically record snow fall during the performance of the work. In an attempt to help the City with snow removal, the Contractor totally focused on trying to complete the erection of the Salt Barn before the first snow fall by surgically performing site demolition to fast track construction of the Salt Barn. The Contractor reached 80% construction completion of the Salt

AGENDA

BOARD OF ESTIMATES

03/30/2016

EXTRA WORK ORDERS

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

Department of Transportation - cont'd

Barn and additional time is needed to complete the site improvements portion of the contract. The Notice-to-Proceed was effective November 19, 2015 with a completion date of March 18, 2016. The time extension will result in a new completion date of May 17, 2016. Also incorporated in this change order are Value Engineering scope work reductions accepted by the Department of Transportation which includes the elimination of the overhead door and asphalt in lieu of concrete for the Salt Barn interior slab. As a result, it is a net of a 60-day construction schedule savings of minus 15 days. Work requested under this change order has not been completed. An Engineer's Certificate of completion of work has not been completed.

Department of Public Works/Office of Eng. & Constr. (DPW)

3.	EWO #039,	\$38,280.74	-	WC 1160R,	Montebello	Plant 2
	<u>Finished Water Reservoir</u>					
	\$36,922,950.00	\$6,862,310.47		Alan A. Myers, -	-	
				LLP		

Water Contract 1160 at Montebello Plant 2 included connection of newly installed 96-inch pipe to the existing interconnection main, which was shown on the contract documents to be 96-inch interior diameter. The existing main was a 1930's formed-in-place concrete tunnel, not fabricated pipe. When the existing main was saw cut, it was discovered to be 92-inch interior diameter. In order to seal the connection point of these two different diameter mains, additional interior seals were needed to bridge and overlap the 96-inch to 92-inch transition. This work required the Montebello Plant 1 Finished Water Reservoir to be taken out of service, and was delayed until the Winter 2015 shutdown period. The contractor submitted a lump sum cost proposal which has been reviewed by the engineer and was found to be acceptable.

AGENDA

BOARD OF ESTIMATES

03/30/2016

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Dept. of Housing and Community Development - Option</u>			
1. Shvitz Properties, Inc.	1127 N. Bradford Street	G/R \$58.00	\$ 387.00

Funds are available in account 9910-908044-9588-900000-704040.

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

Department of Housing and Community Development - Condemnation

2. The Savings Bank of Baltimore	2901 Norfolk Ave.	G/R \$85.00	\$ 708.33
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Funds are available in account 9910-903183-9588-900000-704040, Park Heights Project.

AGENDA

BOARD OF ESTIMATES

03/30/2016

Space Utilization Committee - Sublease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Sublease Agreement with Total Health Care, Inc., Subtenant, for the property known as 1515 W. North Ave. consisting of approximately 4,000 sq. ft. The period of the agreement is December 1, 2015 through November 30, 2018.

AMOUNT OF MONEY AND SOURCE:

\$1.00, if demanded

BACKGROUND/EXPLANATION:

On September 9, 2015, the Department of General Services and the Baltimore City Health Department entered into a Interdepartmental Lease Agreement for "Druid Health District Building" located at 1515 W. North Avenue consisting of approximately 41,678 sq. ft. The Health Department wishes to sublease a portion of the building, approximately 4,000 sq. ft. to Total Health Care, Inc. The space will be used for the operation of a Men's Health Center providing primary health care for non-insured and under-insured men.

The Sub-landlord will be responsible for maintaining the exterior and interior of the building. The sub-landlord will also be in charge of utilities, janitorial duties and debris removal. The Sub-tenant accepts the leased premises in its current existing condition and will be responsible for telephone charges, internet service fees, removal of medical waste, and liability insurance requirements.

The Space Utilization Committee approved this Sublease Agreement on December 1, 2015.

The Sublease Agreement is late due to administrative delay.

(The Sublease Agreement has been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

03/30/2016

Space Utilization Committee - Transfer of Building
Jurisdiction

ACTION REQUESTED OF B/E:

The Board is requested to approve the transfer of building jurisdiction for the property known as 1501 N. Gay Street (Block 1481, Lot 001) from the inventory of the Department of Housing and Community Development to the inventory of the Department of Recreation and Parks.

BACKGROUND/EXPLANATION:

This property is part of the Growing Green Initiative and is ready to be transferred to the Department of Recreation and Parks for a passive recreation space with pathways, benches, and trees.

The Space Utilization Committee approved this transfer of jurisdiction on March 22, 2016.

AGENDA**BOARD OF ESTIMATES****03/30/2016**Department of Transportation - Minor Privilege Permit Applications

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

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
1. a. 3020 Elliott St.	Donovan Development Group, LLC	One set of steps 20 sq. ft., one oriel window 15 sq. ft.
b. 3022 Elliott St.	Donovan Development Group, LLC	One set of steps 20 sq. ft., one oriel window 33.5 sq. ft.
Annual Charge: \$412.33		
2. 5904 York Rd.	The Senator Theatre, LLC	Outdoor seating 20'x4'
Annual Charge: \$337.50		
3. 642 Melvin Drive	Christiana Trust	One set of steps 6'10"x3'
Flat Charge: \$ 35.20		
4. 850 W. Baltimore Street	Maryland Proton Treatment Center, LLC	One double face non-illuminated sign 16.4 sq. ft.
Annual Charge: \$ 35.20		

AGENDA**BOARD OF ESTIMATES****03/30/2016**Department of Transportation - cont'd

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
5. 32 N. Chester Street	32 North Chester Street, LLC	Outdoor seating 20'x4'
Annual Charge: \$337.50		
6. 1012 Morton Street	1020 MSP, LLC	One bracket sign 2'x1'
Annual Charge: \$ 52.70		
7. 875 Hollins Street	875 Hollins CSP, LLC	One ramp & landing 37.5', one ramp & landing 25 sq. ft.
Annual Charge: \$281.20		
8. 10 Light Street	Metropolitan Baltimore, LLC	Two metal canopies w/staunches
Annual Charge: \$703.20		

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

AGENDA

BOARD OF ESTIMATES

03/30/2016

Department of Transportation (DOT) - Funding Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve the Funding Agreement with Downtown Sailing Center (DSC) and the Baltimore Museum of Industry.

AMOUNT OF MONEY AND SOURCE:

\$10,009.00 - 1001-000000-5011-383900-600000

BACKGROUND/EXPLANATION:

The DSC is demolishing dilapidated piers in the water owned by the City located at 1407 Key Highway. It is estimated that 200 cubic yards of debris will be placed on the DSC contractor's barge and removed from the Harbor.

The DSC will be cleaning sections of the Harbor waterfront and has requested that the Department assist in pickup and haul away of debris from 1437 Key Highway waterfront all at the sole cost of the DSC. The DOT has estimated and agreed to a hauling cost of \$10,009.00.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

(The Funding Agreement has been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

03/30/2016

Department of Transportation/Office - Task Assignment
of Engineering and Construction

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 1 to Rummel, Klepper & Kahl, LLP under Project 1209, On-Call Traffic Engineering Services.

AMOUNT OF MONEY AND SOURCE:

\$328,739.40 - 9950-905190-9527-900020-703032

BACKGROUND/EXPLANATION:

This authorization provides for the Consultant to assist the City with the development of a bicycle network plan, a plan for implementing Bike Share stations and a City transit system plan and near term route design for the Charm City Circulator. This will create a plan that will assist the City in implementing projects that encourage bicycle and transit mobility through the City.

MBE/WBE PARTICIPATION:

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

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

MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

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

AGENDA

BOARD OF ESTIMATES

03/30/2016

Department of Transportation - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$333,059.28	9950-921019-9509	9950-905190-9527-3
GF (HUR)	Constr. Reserve -	Design Downtown
	Bike Master Plan	Bicycle Network

This transfer will fund the cost associated with Task No. 1 on Project #1209 "On-Call Traffic Engineering Services" with Rummel, Klepper & Kahl, LLP.

(In accordance with Charter provisions reports have been requested from the Planning Commission, the Director of Finance having reported favorably thereon).

AGENDA

BOARD OF ESTIMATES

03/30/2016

Health Department - Extension of Grant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve an extension of the Grant Agreement with United Way of Central Maryland, Inc. (UWCM). The extension extends the period of the Grant Agreement through June 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$11,000.00 - 6000-618515-3001-268400-603051

BACKGROUND/EXPLANATION:

On May 6, 2015, the Board approved the 2015 Grant Agreement with the UWCM in the amount of \$23,500.00 for the period January 1, 2015 through December 31, 2015.

The UWCM extended the Grant Agreement term for six months, beginning January 1, 2016 through June 30, 2016 and increased the funding by \$11,000.00. This increase to the grant will make the total amount of the Grant \$34,500.00. All other terms and conditions of the grant will remain unchanged.

APPROVED FOR FUNDS BY FINANCE

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

(The terms and conditions of the Grant Award has been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

03/30/2016

Health Department - Agreements

The Board is requested to approve and authorize execution of the various Agreements. The period of the agreement is September 30, 2015 through September 29, 2016.

1. **THE JOHNS HOPKINS UNIVERSITY** **\$ 177,408.00**

Account: 4000-484716-3023-513200-603051

The Johns Hopkins Harriet Lane Clinic is one of the primary providers for pre-exposure prophylaxis (PrEP) and treatment for high-risk HIV-negative and HIV-positive men who have sex with men and transgender women. It participates with the REACH Institute in providing training on best practices for providing PrEP, and hires peer navigators to assist clients in accessing services and ensuring obstacles to care are overcome.

The agreement is late because this is a new grant from the Department of Health and Human Services, Centers for Disease Control and Prevention and approved by the Board on November 4, 2015. Awards to sub-grantees were made in late November, 2015. The sub-grantees were asked to submit a budget, budget narrative and scope of services. The BCHD thoroughly reviews the entire package before preparing a contract and submitting it to the Board. These budgets are many times revised because of inadequate information from the providers. This review process is required to comply with the grant.

2. **THE JOHNS HOPKINS UNIVERSITY (JHU)** **\$ 156,528.00**

Account: 4000-422616-3030-271500-603051

The JHU School of Medicine will provide scientific guidance and oversight in all aspects of the STD Surveillance Network, including coordination and development of the grant application.

AGENDA

BOARD OF ESTIMATES

03/30/2016

Health Department - cont'd

It coordinates across all agencies and facilities collaborating on the network and serves as principal liaison with project officers at the Centers for Disease Control.

The agreement is late because budget revisions delayed its processing.

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

(The Agreements have been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

03/30/2016

Health Department - Revised Notification of Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve the revised Notification of Grant Award (NGA) from the Maryland Department of Aging (MDoA). The period of the NGA is October 1, 2015 through September 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$1,036,084.00	-	4000-433516-3024-761400-404001
1,371,163.00	-	4000-432916-3255-761200-404001
710,926.00	-	4000-434316-3255-761600-404001
44,525.00	-	4000-436216-3255-761800-404001
458,574.00	-	4000-436116-3255-761700-404001
44,558.00	-	4000-433916-3044-761500-404001
12,808.00	-	4000-433916-3044-761500-404001
\$3,678,638.00	-	Total

BACKGROUND/EXPLANATION:

The original NGA was approved on February 24, 2016, in the amount of \$692,933.00. This revised NGA will reflect an increase of \$3,678,638.00 making the total NGA award amount \$4,371,571.00.

This grant is contingent upon approval of the FY16 Federal Appropriation of funds for the Administration of the Older Americans Act. Approval of this NGA will allow the BCHD to provide coordinated and accessible services for seniors in the City.

AGENDA

BOARD OF ESTIMATES

03/30/2016

Health Department- cont'd

The NGA is late because it was just received on February 16, 2016.

APPROVED FOR FUNDS BY FINANCE

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

(The Revised Notification of Grant Award has been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

03/30/2016

Mayor's Office of Employment - Customized Training
Development (MOED) Agreements

The Board is requested to approve and authorize execution of the Customized Training Agreements. The period of the agreement is February 8, 2016 through July 31, 2016, unless otherwise indicated.

1. **DETAILS, A DIVISION OF HUMANIUM, INC.** **\$36,914.00**

Accounts: 4000-807516-6312-672005-603051
4000-806716-6312-672005-603051
4000-806416-6313-672005-603051
1001-000000-6331-672015-603051
4000-807115-6312-672005-603051

This agreement authorizes Details, a Division of Humanim, Inc., to provide Deconstruction Worker training for ten eligible City residents enrolled in an on-the-job employer based customized training program. Upon successful completion of the training program, participants are expected to become full-time employees, with health benefits, in the occupation for which they are trained. The funds will be drawn from five different accounts. The accounts and amounts drawn from those accounts cannot be determined until participants are registered.

2. **SECOND CHANCE, INC.** **\$48,227.50**

Accounts: 4000-807516-6312-672005-603051
4000-806716-6312-672005-603051
4000-806416-6313-672005-603051
4000-807115-6312-672005-603051

This agreement authorizes Second Chance, Inc. to provide Deconstruction Worker training for ten eligible City residents enrolled in an on-the-job employer based

AGENDA

BOARD OF ESTIMATES

03/30/2016

MOED - cont'd

customized training program. Upon successful completion of the training program, participants are expected to become full-time employees, with health benefits, in the occupation for which they are trained. The funds will be drawn from four different accounts. The accounts and amounts drawn from those accounts cannot be determined until participants are registered. The period of the agreement is February 8, 2016 through August 31, 2016.

The agreements are late because MOED is producing a greater than normal volume of contracts to secure various services associated with its employment and training initiatives.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

(The Customized Training Agreements have been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

03/30/2016

Department of Public Works - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize an expenditure of funds to pay the membership and first year of dues in the American Water Works Association (AWWA).

AMOUNT OF MONEY AND SOURCE:

\$10,000.00 - 2071-000000-5541-398600-603022

BACKGROUND/EXPLANATION:

The AWWA is the largest non-profit, scientific, and educational association dedicated to managing and treating water, the world's most important resource. The AWWA provides solutions to improve public health, protect the environment, strengthen the economy, and enhance our quality of life. The benefits of membership include standing with the water community to influence government regulations and legislation, learning about issues before they become full-blown crises, professional development opportunities to staff, and improving day-to-day operations.

The AWWA dues are based on customer service connections. As the Department serves over 150,000 water customer service connections, the normal dues would be \$19,439.00. The AWWA has offered the City a first year credit in the amount of \$9,439.00 resulting in a first year membership cost of \$10,000.00.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

AGENDA

BOARD OF ESTIMATES

03/30/2016

Department of Public Works/Office - Task Assignment
of Engineering & Construction

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 012 to Johnson, Mirmiran & Thompson, Inc., under Project 1401, (WC 1173R, WC 1120R, SC 882, SC 877, WC 1262, SC 902) On-Call Project and Construction Management Assistance Inspection Services.

AMOUNT OF MONEY AND SOURCE:

\$ 94,518.76 - 9960-903710-9557-900020-706063
94,518.76 - 9960-901917-9557-900020-706063
94,518.75 - 9956-905565-9551-900010-706063
94,518.75 - 9956-904564-9551-900020-706063
94,518.76 - 9960-905136-9557-900020-706063
94,518.75 - 9956-909602-9551-900020-706063
\$567,112.53

BACKGROUND/EXPLANATION:

The Office of Engineering & Construction is requesting Johnson, Mirmiran & Thompson, Inc., to provide construction management assistance services on various projects. This work will be performed on, but will not be limited to the following projects: WC 1173R, Guilford Finished Water Reservoir Improvements, WC 1120R, Guilford Pumping Station Rehabilitation, SC 882, ENR at the Back River Wastewater Treatment Plant Project 2, Activated Sludge No. 4, SC 877, ENR Modifications Phase II-Demolition of Existing Facilities at Back River Wastewater Treatment Plant, WC 1262, East Baltimore Midway Neighborhood & Vicinity-Water Main Replacement, and SC 902, Improvements to Sanitary Sewers in the Dundalk Sewershed for the Bureau of Water and Wastewater, Department of Public Works.

MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

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

AGENDA

BOARD OF ESTIMATES

03/30/2016

Department of Public Works/Office - Task Assignment
of Engineering and Construction

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of Task No. 4 to Hill/KCI Technologies, Inc. a Joint Venture under Project 1404, On-Call Project and Construction Management Assistance Services.

AMOUNT OF MONEY AND SOURCE:

\$715,627.81 - 9956-907603-9551-900020-705032

BACKGROUND/EXPLANATION:

The Office of Engineering and Construction is in need of assistance from Hill/KCI Technologies, Inc. a Joint Venture, to provide on-site inspection services on SC 903, Improvements of Patapsco Collection System for the Bureau of Water & Wastewater, Department of Public Works.

APPROVED FOR FUNDS BY FINANCE

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

AGENDA

BOARD OF ESTIMATES

03/30/2016

PROPOSALS AND SPECIFICATIONS

1. Department of Public Works/ - WC 1343, Water Appurtenances
Office of Engineering and Installations and Small
Construction Main Repairs & Installations
at Various Locations
BIDS TO BE RECV'D: 04/27/2016
BIDS TO BE OPENED: 04/27/2016

AGENDA

BOARD OF ESTIMATES

03/30/2016

RETROACTIVE TRAVEL APPROVAL/REIMBURSEMENT

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Health Department</u>			
1. Paulette Williams	18 th Annual NPWH Premier Women's Healthcare Conference Salt Lake City, UT Oct. 13 - 17, 2015 (Reg. Fee \$815.00)	General Funds	\$2,351.98

Ms. Williams traveled to Salt Lake City, Utah on October 13 - 17, 2015 for the 18th Annual Nurse Practitioners in Women's Health Premier Women's Healthcare Conference.

The subsistence rate for this location was \$167.00 per day. The hotel rate was \$219.00 per night, plus \$12.59 per night for hotel taxes, and \$15.00 per night for State sales tax.

The registration fee in the amount of \$815.00 was prepaid on a City-issued credit card assigned to Ms. Whitney Tantleff. Ms. Williams personally incurred the costs of the airfare, taxi, hotel, hotel taxes, the State sales taxes, and meals. Therefore, Ms. Williams requests reimbursement of \$1,536.98.

TRAVEL REIMBURSEMENT

\$ 432.00	- Airfare
32.50	- Taxi
876.00	- Hotel (@ \$219.00 x 4)
50.36	- Hotel Tax (@ \$12.59 x 4)
60.00	- State Sales Tax (@ \$15.00 x 4)
86.12	- Meals
(815.00)	- Registration (Prepaid)
\$1,536.98	- Total Reimbursement

The retroactive travel approval is late because there was not enough time for administrative review and approval prior to travel. The Department apologizes for the late submission of this request.

AGENDA

BOARD OF ESTIMATES

03/30/2016

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- | | | |
|---|-------------|--|
| 1. ENERGYCAP, INC. | \$37,995.00 | 1 st Amendment to Agreement |
| Contract No. 08000 - Agreement Amendment to add Bill Capture Enrollment Fee and Services to EnergyCaps Master Blanket No. P533179, Req. No. R721964 | | |

The Board is requested to approve and authorize execution of an Amendment to Agreement with EnergyCap, Inc. The amendment is for the period January 1, 2016 through July 31, 2016, with four 1-year renewal options remaining.

On October 16, 2015, the City Purchasing Agent approved the initial award in the amount of \$8,365.00. This amendment adds the EnergyCap Bill Capture Enrollment Fee and Services to the current agreement for EnergyCap, Inc. Enterprise software, which monitors and manages energy usage and optimization.

(The Amendment to Agreement has been approved by the Law Department as to form and legal sufficiency.)

- | | | |
|--|---------|---------|
| 2. AIRGAS USA, LLC | | |
| d/b/a AIRGAS AND ROBERTS | | |
| OXYGEN COMPANY, INC. | \$ 0.00 | Low Bid |
| Contract No. 07000 - Compressed Gases including Acetylene and Argon for Welding & Hydrochloric Shop - P.O. No. P522842 and P522843 | | |

On March 1, 2013, the City Purchasing Agent approved the initial award in the amount of \$8,384.72. The award contained two 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$0.00 is for the period March 6, 2016 through March 5, 2017.

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- | | | |
|---|----------------|---------|
| 3. FOREST VALLEY TREE & TURF, LLC | \$2,010,000.00 | Renewal |
| Contract No. B50002697 - Tree Pruning & Removal - Department of Recreation and Parks - P.O. No. P523003 | | |

On March 27, 2013, the Board approved the initial award in the amount of \$2,000,000.00. The award contained two 1-year renewal options. Subsequent actions have been approved. This renewal in the amount of \$2,010,000.00 is for the period April 1, 2016 through March 31, 2017, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

MWBOO SET GOALS OF 10% MBE AND 0% WBE.

	<u>Commitment</u>	<u>Performed</u>
MBE: L. Johnson Tree Service, LLC	49%	\$572,005.50 46%
WBE:	N/A	

MWBOO FOUND VENDOR IN COMPLIANCE.

- | | | |
|---|--------------|---------|
| 4. PATRIOT POOL SERVICE, L.L.C. | \$150,000.00 | Renewal |
| Contract No. B50003895 - Provide Public Swimming Pool Maintenance, Repair Services & New Replacement Parts - Department of Recreation and Parks, Various - P.O. No. P530733 | | |

On April 8, 2015, the Board approved the initial award in the amount of \$150,000.00. The award contained three 1-year renewal options. This renewal in the amount of \$150,000.00 is for the period April 8, 2016 through April 7, 2017, with two 1-year renewal options remaining. The above amount is the City's estimated requirement.

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

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- | | | |
|---|------------------|---------|
| 5. AUSTON CONTRACTING,
INC. | Revenue Contract | Renewal |
| Contract No. B50002856 - Scrap Metal Pick Up and Removal -
Department of Public Works - P.O. No. P523766 | | |

On July 17, 2013, the Board approved the initial award. The award contained two 1-year renewal options. This renewal is for the period July 1, 2016 through June 30, 2017, with one 1-year renewal option remaining.

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

- | | | |
|--|--------------|----------|
| 6. CENTRAL POLY-BAG CORP. | \$150,000.00 | Increase |
| Contract No. B50003274 - Polyethylene Liners for all
Baltimore City Agencies - Department of Recreation and
Parks, etc. Req. No. Various | | |

On April 2, 2014, the Board approved the initial award in the amount of \$258,420.00. Due to the size of the polyethylene liners being added to the contract an increase in the amount of \$150,000.00 is necessary. This increase will make the award amount \$408,420.00. The contract expires on April 1, 2017. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

- | | | |
|---|--------------|----------|
| 7. COWLES FORD, INC. | \$202,800.00 | Increase |
| Contract No. B50004224 - Crew Cab Trucks with a Utility
Body - Department of General Services - Req. No. R726365 | | |

On November 4, 2015, the Board approved the initial award in the amount of \$135,200.00. This increase in the amount of \$202,800.00 is necessary to purchase three additional

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

trucks to replace older units in the City's fleet as part of Fleet Management's planned replacement program. This increase will make the award amount \$338,000.00. The contract expires on November 4, 2016.

MWBOO GRANTED A WAIVER.

- | | | |
|--|----------------|---------------------------|
| 8. ITINERIS NA,
INC. | \$2,337,849.36 | Amendment to
Agreement |
| Contract No. B50003294 - Water Billing Customer Information System (CIS) - Department of Public Works - P.O. No. P529219 | | |

The Board is requested to approve and authorize execution of an Amendment to Agreement with Itineris NA, Inc. The contract expires on the latter of October 31, 2024, or ten years after System Acceptance.

On October 29, 2014, the Board approved the initial award and agreement with Itineris NA, Inc. The City's decision to delay the CIS operational date and add additional scope of work for additional interface development and system configuration requires the contract be amended.

MWBOO SET GOALS OF 4% MBE AND 2% WBE.

	<u>Commitment</u>	<u>Performed</u>
MBE: Full Circle Solutions, Inc.	4%	0
WBE: Applied Technology Services, Inc.	2%	\$178,957.43 8.3%

MWBOO FOUND VENDOR IN NON-COMPLIANCE.

On February 23, 2016, MWBOO approved vendor's plan to come into compliance.

(The Amendment to Agreement has been approved by the Law Department as to form and legal sufficiency.)

Baltimore Development - Local Government Resolution
Corporation (BDC)

ACTION REQUESTED OF B/E:

The Board is requested to approve a Local Government Resolution in support of Hamilton-Lauraville Main Street, Inc. and its application to the Maryland Department of Housing and Community Development's Strategic Demolition and Smart Growth Investment Fund (SD-SGIF). A Local Government Resolution of support is required for organizations to participate in the program.

AMOUNT OF MONEY AND SOURCE:

\$225,000.00 - State of Maryland - Department of Housing and
Community Development - SD-SGIF

No City funds are requested at this time.

BACKGROUND/EXPLANATION:

Hamilton-Lauraville Main Street, Inc. is a 501 (c)(3) nonprofit organization that utilizes the Main Street Four Point Approach to economic revitalization. The organization works extensively to offer residents and visitors a comprehensive shopping and dining experience. Hamilton-Lauraville Main Street, Inc. is seeking funding in an effort to assist the Strand Theater Company, Inc. with the purchase and revitalization of the property located at 5426 Harford Road in the Hamilton neighborhood of Baltimore. The purpose of the project is to create an active and sustainable performing arts venue in the neighborhood and to directly address the current lack of community engagement and entertainment options in the area.

The Strand Theater Company has been operating in the city of Baltimore since 2007 as a community theater, working to embrace diversity in the arts. The Strand Theater Company, Inc. is a leader in the community and strives to illuminate the voices and

BDC - cont'd

talents of its artists and staff.

The funding will enable Hamilton-Lauraville Main Street, Inc. to not only further the arts in the area, but also to increase the quality of life of residents in the surrounding community. Existing businesses will be strengthened through collaboration with the arts and increased patronage due to added arts programming. Patrons of the arts will now be attracted to the business district as a cultural destination.

Department of Housing and - Expenditure of Funds
Community Development (DHCD)

ACTION REQUESTED OF B/E:

The Board is requested to approve an expenditure of funds to pay to the Housing Authority of Baltimore City (HABC) the DHCD's share to renew software licenses. The period of the renewal is March 1, 2016 through February 28, 2018.

AMOUNT OF MONEY AND SOURCE:

\$ 95,072.01 - Year one
95,072.01 - Year two
\$190,144.02 - 1001-000000-1773-179900-603080

BACKGROUND/EXPLANATION:

The DHCD is requesting approval to pay the HABC \$190,144.02 for the renewal of Microsoft Select and Enterprise Software Licenses to be provided by Software House International for a period of two years. Each year will cost \$95,072.01 and the payment will support the DHCD's share of the cost only.

The HABC is procuring the license renewals in accordance with the agreement entered into between the HABC and the City of Baltimore, acting through the DHCD, and approved by the Board of Estimates on February 27, 2013.

This agreement permits the HABC to procure contracts on behalf of both the HABC and the DHCD where the service is considered Shared Ordinary Operating Services. Shared Ordinary Operating Services are limited to those services where the DHCD and the HABC anticipate 20% or more of the benefit of such services and will be paying 20% or more of their costs.

DHCD - cont'd

The services covered under the Microsoft Select and Enterprise Software License, EA No. 8034575 were procured by the HABC under federal guidelines.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

AGENDA

BOARD OF ESTIMATES

03/30/2016

Department of Public Works/Office - Agreement
of Engineering & Construction

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Agreement with Gannett Fleming, Inc. under WC 1295R, PAS Towson Generator and Main Substation Construction. The period of the agreement is effective upon Board approval for three years or until the upset limit is reached, whichever occurs first.

AMOUNT OF MONEY AND SOURCE:

\$ 7,244.26 - Baltimore City Water Revenue
800,096.48 - Baltimore County
\$807,340.74 - 9960-909728-9557-900020-703032

BACKGROUND/EXPLANATION:

During the Post Award Services Phase, the Consultant will provide coordination and management of all the Consultants engineering disciplines and sub-consultants required to perform the scope of services.

The Consultant was approved by the Office of Boards and Commissions and Architectural and Engineering Award Commission.

MBE/WBE PARTICIPATION:

The Consultant will continue to comply with all terms and conditions of the Minority and Women's Business Enterprise Programs, in accordance with the Baltimore City Code, Article 5, Subtitle 28.

AGENDA

BOARD OF ESTIMATES

03/30/2016

DPW/Office of Eng. & Constr. - cont'd

MWBOO SET GOALS OF 24% MBE AND 2% WBE.

MBE: Shah & Associates, Inc.	\$557,100.00	69%
WBE: Carroll Engineering, Inc.	\$ 23,143.58	2.9%
Phoenix Engineering, Inc.	\$ 19,100.00	2.4%
	\$ 42,243.58	5.3%

MWBOO FOUND VENDOR IN COMPLIANCE.

APPROVED FOR FUNDS BY FINANCE

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

(The Agreement has been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

03/30/2016

Department of Transportation - Developer's Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of Developer's Agreement No. 1007 with Skyview Development Corporation, developer.

AMOUNT OF MONEY AND SOURCE:

\$206,785.00

BACKGROUND/EXPLANATION:

Skyview Development Corporation desires to install various utilities to its new residential housing development in the vicinity of 4201 Hickory Avenue, Baltimore Maryland 21210. 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 \$206,785.00 has been issued to Skyview Development Corporation 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.

(The Developer's Agreement has been approved by the Law Department as to form and legal sufficiency.)

PERSONNEL MATTERS

* * * * *

The Board is requested to approve
all of the Personnel matters
listed on the following pages:

42 - 44

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.

AGENDA

BOARD OF ESTIMATES

03/30/2016

PERSONNEL

Baltimore Police Department

1. Create the following ten positions:

Classification: Crime Lab Technician II
(8 positions)

Job Code: 71131

Grade: 091 (\$46,767.00 - \$56,927.00)

Position No.: To be assigned by BBMR

Classification: Crime Lab Technician Supervisor
(2 positions)

Job Code: 71135

Grade: 907 (\$53,100.00 - \$85,100.00)

Position No.: To be assigned by BBMR

Cost: \$115,245.00 - 1001-000000-2042-220000-601001

These positions are to be considered Positions of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

2. a. Abolish the following three positions:

Classification: Community Service Officer
(3 positions)

Job Code: 41179

Grade: 080 (\$31,142.00 - \$36,634.00)

Position No.: 2042-40929; 2042-44247; 2032-40100

b. Create the following position:

Classification: Social Program Administrator II

Job Code: 81152

Grade: 927 (\$60,800.00 - \$97,300.00)

Position No.: To be assigned by BBMR

AGENDA

BOARD OF ESTIMATES

03/30/2016

PERSONNEL

Baltimore Police Department - cont'd

Cost: \$115,245.00 - 1001-000000-2042-220000-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

3. Abolish the following four positions:

- a. Classification: Firearms Examiner
Job Code: 71151
Grade: 927 (\$60,800.00 - \$97,300.00)
Position No.: 2024-19516
- b. Classification: Forensic Artist
Job Code: 71117
Grade: 088 (\$41,326.00 - \$50,069.00)
Position No.: 2024-19555
- c. Classification: Latent Print Examiner
Job Code: 71142
Grade: 927 (\$60,800.00 - \$97,300.00)
Position No.: 2024-33536
- d. Classification: Office Support Specialist II
Job Code: 33212
Grade: 078 (\$27,929.00 - \$31,746.00)
Position No.: 2024-19559

Cost: (\$220,710.00) - 1001-000000-2024-200000-601001

AGENDA

BOARD OF ESTIMATES

03/30/2016

PERSONNEL

Baltimore Police Department - cont'd

4. Create the following three positions:

Classification: Crime Lab Assistant
(3 positions)

Job Code: 33216

Grade: 082 (\$33,140.00 - \$39,199.00)

Position No.: To be assigned by BBMR

Cost: \$161,913.00 - 1001-000000-2024-200000-601001

These positions are to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

5. Create the following four positions:

Classification: Computer Operator III
(3 positions)

Job Code: 33132

Grade: 086 (\$38,152.00 - \$46,019.00)

Position Nos.: To be assigned by BBMR

Classification: Research Analyst II
(1 position)

Job Code: 34512

Grade: 927 (\$60,800.00 - \$97,300.00)

Position No.: To be assigned by BBMR

Cost: \$353,082.40 - 1001-000000-2041-744200-601001

These positions are to be considered Positions of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

* * * * *

The Board is requested to
approve award of
the formally advertised contracts
listed on the following pages:
46 - 49
to the low bidder meeting specifications,
or reject the bids on those as indicated
for the reasons stated.
In connection with the Transfers of Funds,
reports have been requested
from the Planning Commission,
the Director of Finance having reported favorably
thereon, as required by the provisions
of the City Charter.

AGENDA

BOARD OF ESTIMATES

03/30/2016

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases

- | | | | |
|----|---|--|----------------|
| 1. | B50004394, Pharmaceuticals for the Baltimore City Fire Department | Citizen Pharmacy Services
Bound Tree Medical, LLC | \$4,821,118.00 |
|----|---|--|----------------|

(Fire Department)

MWBOO GRANTED A WAIVER.

- | | | | |
|----|---|---------------------------------|----------------|
| 2. | B50003985, Telecommunication Improvement & Procurement Project (TIPP) | Arrow Systems Integration, Inc. | \$5,063,326.43 |
|----|---|---------------------------------|----------------|

(Municipal Telephone Exchange)

MWBOO SET GOALS OF 6% MBE AND 2% WBE.

MWBOO FOUND VENDOR IN NON-COMPLIANCE.

	<u>Dollar Amount</u>	<u>Percentage</u>
MBE:	See note below	0
WBE: McEnroe Voice & Data Corp.	See note below	0

Bidder did not commit to any MBE goal and did not request a waiver. Additionally, bidder did not specify the dollar amount for it's named WBE. This is not a requirement contract.

AWARD IS RECOMMENDED SUBJECT TO THE VENDOR COMING INTO COMPLIANCE IN TEN DAYS.

AGENDA**BOARD OF ESTIMATES****03/30/2016****RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS****Department of Transportation/Engineering & Construction**

3. TR 10318, Rehabili- Monumental Paving \$4,469,920.31
 tate Roadways Around & Excavating, Inc.
 East Baltimore Life
 Science Park -
 Phase 2A

DBE: Just Drafting & Con-	\$ 24,584.56	0.55%
struction		
T.E. Jeff, Inc.	459,954.80	10.29%
Priority Construction	364,745.50	8.16%
Corp.		
P&J Contracting Co.	186,842.67	4.18%
Priceless Industries,	14,303.74	0.32%
Inc.		
Janis Rehaliata	11,621.79	0.26%
William T. King, Inc.	33,524.40	0.75%
Shannon Baum Signs	21,902.62	0.49%
Inc.	<u>\$1,117,480.08</u>	<u>25.00%</u>

4. **TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$2,956,148.13	9950-903335-9528	
FED	Constr. Res.	
\$2,570,563.59	-----	9950-916051-9527-6
		Struc. & Improvs.
257,056.36	-----	9950-916051-9527-5
		Inspection
<u>128,528.18</u>	-----	9950-916051-9527-2
		Contingencies
\$2,956,148.13		E. Baltimore Life
		Science Park 2A

This transfer will partially fund the costs associated with the award of Project No. TR 10318, Rehabilitate Roadways Around East Baltimore Life Science Park Phase 2A, with Monumental Paving & Excavating, Inc.

AGENDA

BOARD OF ESTIMATES

03/30/2016

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Public Works/office of Eng. & Constr. - cont'd

5. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 461,625.00	9960-910101-9558	
Water Rev. Bonds	Constr. Res.	
	Small Water Mains	
 \$ 346,716.12	-----	9960-908500-9557-6
		Construction
<u>114,908.88</u>	-----	9960-908500-9557-9
		Administration
\$ 461,625.00		
 \$1,201,200.00	9956-906626-9549	
Wastewater Rev.	Constr. Res.	
Bonds	Rehab-Jones Falls	
 \$ 909,999.70	-----	9956-905648-9551-6
		Construction
<u>291,200.30</u>	-----	9956-905648-9551-9
		Administration
\$1,201,200.00		

The funds are required to assist in funding the award of TR 10318, Rehabilitation of Roadways Around East Baltimore Life Science Park Phase 2A.

AGENDA

BOARD OF ESTIMATES

03/30/2016

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Housing and Community Development

6. **TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 322,780.87	9910-904979-9587	9910-907979-9588
Motor Vehicle	East Baltimore	EBDI - Phase 2A
Fund Revenue	Redevelopment	
	Reserve	

This transfer will provide funding to support site improvements to public areas and rights-of-way within the 88-acre East Baltimore redevelopment area. This work will be managed by the Department of Transportation.

AGENDA**BOARD OF ESTIMATES****03/30/2016****TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Department of Public Works</u>			
1. Pamela Beckham*	SHRM 2016	General	\$3,472.00
Vanessa Garret-Ingram	Annual Conference Washington, D.C. June 20 - 22, 2016	Funds	
	*(Reg. Fee \$1,700.00)		
	(Reg. Fee \$1,520.00)		

The registration costs of \$1,700.00 for Ms. Beckham and \$1,520.00 for Ms. Garret-Ingram were prepaid using a City-issued credit card assigned to Ms. Tianna Haines. Therefore, the disbursement to both Ms. Beckham and Ms. Garrett-Ingram is \$126.00.

Health Department

2. Stephanie Smiley	Contraceptive Technology Forum Boston, MA April 23 - 27, 2016 (Reg. Fee \$515.00)	MD State, DHMH, HIV	\$2,265.87
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The registration cost of \$515.00 and transportation cost of \$282.95 were prepaid using a City-issued credit card assigned to Mr. Ryan Hemminger. Therefore, the disbursement to Ms. Smiley is \$1,467.92.

3. Ebony Alderman-McCauley	2016 Atlantic National Services Training Conf. Corp. Springfield, MA May 1 - 4, 2016 (Reg. Fee \$150.00)	Federal Grants Unknown Health Services Aging	\$1,086.53
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The airfare in the amount of \$326.96 and registration fee in the amount of \$150.00 were paid by a City-issued procurement card assigned to Mr. Ryan Hemminger. Therefore, the disbursement to Ms. Alderman-McCauley is \$609.57.

AGENDA**BOARD OF ESTIMATES****03/30/2016****TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Fire and Police Retirement System</u>			
4. Paul DeSimone	Trustee Educational Seminar & 2016 Annual Conference & Exhibition San Diego, CA May 13 - 19, 2016 (Reg. Fee \$1,200.00)	Special Funds Fire & Police	\$3,573.96

The subsistence rate for this location is \$217.00 per night. The cost of the hotel is \$265.00 per night. The Department is requesting additional subsistence of \$48.00 per night to cover the cost of the hotel and \$40.00 per day for meals and incidentals.

5. Victor Gearhart	Trustee Educational Seminar & 2016 Annual Conference & Exhibition San Diego, CA May 13 - 19, 2016 (Reg. Fee \$1,200.00)	Special Funds Fire & Police	\$3,475.96
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The subsistence rate for this location is \$217.00 per night. The cost of the hotel is \$265.00 per night. The Department is requesting additional subsistence of \$48.00 per night to cover the cost of the hotel and \$40.00 per day for meals and incidentals.

AGENDA**BOARD OF ESTIMATES****03/30/2016****TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Baltimore Police Department</u>			
6. Jennifer Ingbreston	Multiple Firearms Manufactures for Training Newbury, NH, Springfield, MA, Herkimer, NY, Harford, CT, & New Haven CT April 10 - 15, 2016	General Funds	\$1,561.91

AGENDA

BOARD OF ESTIMATES

03/30/2016

Department of Transportation (DOT) - Central Avenue Streetscape
and Harbor Point Connector
Bridge - TR 12317

ACTION REQUESTED OF B/E:

The Board is requested to: 1) approve the use of the Office of Boards and Commission/Architectural and Engineering Awards Commission (A/E) process for the evaluation of proposals received for TR 12317, FAP No. STP-SHA No. BC410004, Central Avenue Streetscape & Harbor Point Connector Bridge (Central Avenue Project), 2) approve the award of the Central Avenue Project 3057(6)N to Allan Myers MD, Inc. as the leader of the design build team, and 3) approve and authorize execution of a Design Build Agreement for Central Avenue Streetscape & Harbor Point Connector Bridge with Allan Myers MD, Inc. The Design Build Agreement is effective upon Board approval for five years.

AMOUNT OF MONEY AND SOURCE:

\$46,777,777.00 - 9950-905023-9508-900010-706063

BACKGROUND/EXPLANATION:

The Central Avenue Project will be designed and constructed according to the Maryland Department of Transportation's Standard Specifications for Construction and Materials.

As required by the Resolution for the Utilization of the Design-Build Method of your Honorable Board, dated November 2, 2011 (DB Resolution), establishing the Design Build Procedures, the DOT presented the Central Avenue Project to the Design Build Executive Committee (DBEC) in 2012. The DBEC approved TR 12317 to be the City's first design-build project and directed the DOT to conform to the procurement process utilized by the Office of Boards and Commissions (OBC) for A/E contracts, which differed from the procedure adopted by the DB Resolution.

AGENDA

BOARD OF ESTIMATES

03/30/2016

Department of Transportation - cont'd

The DOT substantially complied with the OBC process in soliciting Statements of Qualifications and creating a Reduced Candidates List (RCL) of those qualified proposers who would be allowed to bid on the Project. All seven proposers were carefully evaluated by Proposal Evaluation Teams (PETs) comprised of City and non-City representatives. There were minor differences between the procedures that the DOT used to create the RCL and OBC's A/E process. The procedure that DOT used also varied in limited respects from the procedures adopted by the DB Resolution.

The DOT used multiple PETs to evaluate different selection criteria and create the RCL. OBC does not create the RCL, it sends the long list of approved proposers to the using agency. The DOT concluded that the modified process employed assured fairness and impartiality, resulting in the creation of a RCL comprised of three well qualified firms.

On May 22, 2015, the DOT issued a Request for Proposals to the firms on the RCL. The proposals were evaluated by three PETs comprised of City and non-City representatives. The use of multiple PETs was a departure from OBC's A/E process. Proposers were scored numerically in accordance with the procedures outlined in the RFQ and RFP. Determination of the highest scoring proposer was made in accordance with the Best Value procedure mandated by the DB Resolution. Price was weighted at 60% and technical at 40% as required by the DB Resolution. Allan Myers MD, Inc. was determined to be highest scoring proposer.

As this is the City's first design build project, the DBEC and the DOT modified the selection process slightly to assure fairness and impartiality. Several possible changes to the Resolution process have been identified by DOT and will be presented to the DBEC for later consideration.

For this Project only, the DOT requests that your Honorable Board approve the selection process used by DOT and award the design build contract to Allan Myers MD, Inc., the highest scoring proposer.

AGENDA

BOARD OF ESTIMATES

03/30/2016

Department of Transportation - cont'd

DBE PARTICIPATION:

Allan Myers MD, Inc. will comply with 49 CFR Part 26 of the Disadvantaged Business Enterprise and the established 30% DBE goal, by utilizing the following companies.

J&M Sweeping	\$ 250,000.00
Barbie's Recycling & Hauling, Inc.	\$1,200,000.00
Load Runner	\$1,200,000.00
Quarry Products Unlimited, Inc.	\$ 93,000.00
Machado Construction Co. Inc.	\$4,400,000.00
Priceless Industries, Inc.	\$ 145,000.00
Native Terrain Restoration Services	\$ 290,000.00
Traffic Systems, Inc.	\$2,650,000.00
Road Safety, LLC.	\$ 200,000.00
Nasir and Associates, LLC.	\$1,500,000.00
Mohawk Bridge & Iron Inc.	\$ 700,000.00
Wilton Corporation	\$ 200,000.00
Athavale, Lystad & Associates*	\$ 428,500.00
Floura Teeter Landscape Architects, Inc.*	\$ 62,000.00
J.K. Datta Consultants, Inc.*	\$ 206,500.00
Findling, Inc.*	\$ 299,500.00
Synterra Ltd.*	\$ 82,900.00
Albrecht Engineering, Inc.*	\$ 62,000.00
Remline Corporation.	\$ 82,900.00

TOTAL CONSTRUCTION DBE PARTICIPATION	\$12,910,900.00 (28%)
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TOTAL ENGINEERING DBE PARTICIPATION*	\$ 1,141,400.00 (2%)
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TOTAL DBE PARTICIPATION	\$14,052,300.00 (30%)
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(The Design Build Agreement has been approved by the Law Department as to form and legal sufficiency.)

AGENDA**BOARD OF ESTIMATES****03/30/2016**Department of Transportation - cont'd**1. TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$34,837,144.41	9950-914021-9509	
FED	Construction Reserve	
	Central Ave Phase II	
6,562,621.00	" " "	
Other		
333,778.14	9950-944002-9507	
FED	Construction Reserve	
	Reserve for Closeouts	
<u>\$41,733,543.55</u>		
\$35,911,777.00	-----	9950-905023-9508-6
		Structure & Improvements
3,881,177.70	-----	9950-905023-9508-5
		Inspection
1,940,588.85	-----	9950-905023-9508-2
<u>\$41,733,543.55</u>		Contingencies
		Central Ave Phase II

This transfer of funds will partially fund the costs associated with Award of project TR 12317, Central Ave Phase II with Allan Myers, MD Inc. in the amount of \$46,777,777.00.

2. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 7,849,000.00	9960-907101 -9558	
Water Revenue	Construction Reserve	
Bonds	Small Water Mains	

AGENDA**BOARD OF ESTIMATES****03/30/2016**Department of Transportation - cont'd

\$ 580,000.00	-----	9960-904597-9557-2 (Extra Work)
773,000.00	-----	9960-904597-9557-3 (Engineering)
348,000.00	-----	9960-904597-9557-5 (Inspection)
5,800,000.00	-----	9960-904597-9557-6 (Construction)
348,000.00	-----	9960-904597-9557-9 (Administration)

\$ 7,849,000.00

The transfer of funds is required to cover the cost for the Design Build of TR 12317, Central Avenue II.

3. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 2,000,000.00	9962-941002-9563	
Other	Construction Reserve	
	Conduit Replacement	
	Program	
900,000.00	9962-903521-9563	
Other	Construction Reserve	
	Conduit Manhole	
	Reconstruction	
\$ 2,900,000.00	-----	9962-926020-9562-6 Structure & Improvements Central Avenue Phase II Conduit

The transfer of funds will partially fund the costs associated with Award of project TR 12317, Central Ave Phase II with Allan Myers-MD Inc. in the amount of \$46,777,777.00.

AGENDA

BOARD OF ESTIMATES

03/30/2016

Department of Planning - Fiscal Year 2017 - 2022 Capital Budget and Capital Improvement Program

On March 10, 2016, the Planning Commission adopted the recommended Fiscal Year (FY) 2017 Capital Budget and FY 2017 - 2022 Capital Improvement Program.

The recommended program totals \$3.422 billion for capital projects during FY 2017 - 2022, and \$525,000,000.00 to be appropriated in July as part of the FY 2017 budget.

The Board is requested to **NOTE** receipt of the recommended FY 2017 Capital Budget and the FY 2017 - 2022 Capital Improvement Program and to **REFER** both to the Director of Finance and the Board of Finance for review and to make a report and recommendations to the Board of Estimates.

AGENDA

BOARD OF ESTIMATES

03/30/2016

Department of Housing and - Acquisition by Gift
Community Development (DHCD)

ACTION REQUESTED OF B/E:

The Board is requested to approve the acquisition by gift of the simple/leasehold interests in the below listed properties from the KMS Property 2, LLC, Owner, **SUBJECT** to municipal liens, interest, and penalties, other than water bills.

1239 N. Patterson Park Avenue	Block 1536 Lot 088	Leasehold
2038 E. Preston Street	Block 1517 Lot 020	Leasehold
1137 N. Milton Avenue	Block 1556 Lot 019	Leasehold
2711 Hugo Avenue	Block 3938 Lot 006	Fee Simple
2742 Fenwick Avenue	Block 3936 Lot 095	Leasehold

AMOUNT OF MONEY AND SOURCE:

The Owner agrees to pay for any title work and all associated settlement costs, \$600.00 for each property, not to exceed \$3,000.00 total. Therefore, no City funds will be expended.

BACKGROUND/EXPLANATION:

The DHCD, Land Resources Division strategically acquires and manages vacant or abandoned properties, which enables these properties to be returned to productive use and improve neighborhoods in Baltimore City.

The KMS Property 2, LLC has offered to donate to the City, title to the properties located at 1239 N. Patterson Park, 2038 E. Preston Street, 1137 N. Milton Avenue, 2711 Hugo Avenue, and 2742 Fenwick Avenue. With the Board's approval, the City will receive clear and marketable title to the property, subject only to certain City liens. The City's acceptance of this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain.

The DHCD will acquire the properties subject to all municipal liens, other than water bills, and all interest and penalties that may accrue prior to recording a deed. A list of open municipal liens accrued through April 18, 2016, other than water bills, is as follows:

AGENDA**BOARD OF ESTIMATES****03/30/2016**DHCD - cont'd1239 N. Patterson Park Avenue

Miscellaneous Bills	#7603855	\$ 183.32
Miscellaneous Bills	#7725468	252.39
Environmental Fine	#54071618	515.00
Total Taxes Owned		\$ 950.71

2038 E. Preston Street

Miscellaneous Bills	#7682727	\$ 219.47
Miscellaneous Bills	#7886682	122.96
Environmental Fine	#7890940	204.97
Environmental Fine	#54069166	515.00
Total Taxes Owned		\$1,062.40

1137 N. Milton Avenue

Miscellaneous Bills	#7606536	\$ 147.56
Miscellaneous Bills	#7652712	222.37
Miscellaneous Bills	#7688518	140.16
Miscellaneous Bills	#7736143	250.26
Miscellaneous Bills	#7789753	228.74
Miscellaneous Bills	#7945884	201.70
Environmental Fine	#54068754	515.00
Total Taxes Owned		\$1,705.79

AGENDA**BOARD OF ESTIMATES****03/30/2016**DHCD - cont'd2711 Hugo Avenue

Miscellaneous Bills	#7636459	\$ 230.01
Miscellaneous Bills	#7745961	213.67
Miscellaneous Bills	#7762891	134.61
Miscellaneous Bills	#7785553	227.30
Miscellaneous Bills	#7896871	130.32
Miscellaneous Bills	#7896889	129.06
Environmental Fine	#54069661	515.00
Property Registration	#421965	145.60
Total Taxes Owned		<u>\$1,725.57</u>

2742 Fenwick Avenue

Real Property Taxes	2015 - 2016	\$ 141.86
Miscellaneous Bills	#7035561	234.40
Miscellaneous Bills	#7415920	251.37
Miscellaneous Bills	#7494776	277.97
Miscellaneous Bills	#7637838	230.48
Miscellaneous Bills	#7699390	150.09
Miscellaneous Bills	#7753049	381.89
Miscellaneous Bills	#7821093	204.97
Miscellaneous Bills	#7901408	205.40
Environmental Fine	#54071816	515.00
Property Registration	#426663	145.60
Total Taxes Owned		<u>\$2,739.03</u>

Total taxes owned on all properties:	\$8,183.50
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AGENDA

BOARD OF ESTIMATES

03/30/2016

Department of Housing and - Acquisition by Gift
Community Development (DHCD)

ACTION REQUESTED OF B/E:

The Board is requested to approve the acquisition of the leasehold interest in the property located at 2201 Poplar Grove Street, (Block 3031, Lot 001) by gift from The Bank of New York Mellon, owner, **SUBJECT** to municipal liens, interest, and penalties, other than water bills.

AMOUNT OF MONEY AND SOURCE:

The Bank of New York Mellon, owner agrees to pay for any title work and all associated settlement costs, not to exceed \$600.00 total. Therefore, no City funds will be expended.

BACKGROUND/EXPLANATION:

The DHCD, Land Resources Division strategically acquires and manages vacant or abandoned properties, which enables these properties to be returned to productive use and improve neighborhoods in Baltimore City.

The Bank of New York Mellon has offered to donate to the City, title to the property located at 2201 Poplar Grove Street. With the Board's approval, the City will receive clear and marketable title to the property, subject only to certain City liens. The City's acceptance of this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain.

The DHCD will acquire the property subject to all municipal liens, other than water bills, and all interest and penalties that may accrue prior to recording a deed. A list of open municipal liens accrued through April 18, 2016, other than water bills, is as follows:

Real Property Tax	Date: 2015/2016	\$	0.00
Miscellaneous Bills			0.00
	Total Taxes Owed:	\$	0.00

AGENDA

BOARD OF ESTIMATES

03/30/2016

Department of Housing and - Acquisition by Gift
Community Development (DHCD)

ACTION REQUESTED OF B/E:

The Board is requested to approve the acquisition of the leasehold interest in the property located at 3333 Elmora Avenue, (Block 4178F, Lot 017) by gift from US Bank, N.A., Trustee, **SUBJECT** to municipal liens, interest, and penalties, other than water bills.

AMOUNT OF MONEY AND SOURCE:

US Bank, N.A., Trustee, owner agrees to pay for any title work and all associated settlement costs, not to exceed \$600.00 total. Therefore, no City funds will be expended.

BACKGROUND/EXPLANATION:

The DHCD, Land Resources Division strategically acquires and manages vacant or abandoned properties, which enables these properties to be returned to productive use and improve neighborhoods in Baltimore City.

US Bank, N.A., Trustee has offered to donate to the City, title to the property located at 3333 Elmora Avenue. With the Board's approval, the City will receive clear and marketable title to the property, subject only to certain City liens. The City's acceptance of this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain.

The DHCD will acquire the property subject to all municipal liens, other than water bills, and all interest and penalties that may accrue prior to recording a deed. A list of open municipal liens accrued through April 18, 2016, other than water bills, is as follows:

Real Property Taxes	2015-2016	\$0.00
Miscellaneous Bills		0.00
Total Taxes Owed:		\$0.00

AGENDA

BOARD OF ESTIMATES

03/30/2016

Department of Housing and Community Development (DHCD) - Acquisition by Gift

ACTION REQUESTED OF B/E:

The Board is requested to approve the acquisition of the fee simple interest in the property located at 2106 Whittier Avenue, (Block 3265B, Lot 004) by gift from US Bank, N.A., Trustee, **SUBJECT** to municipal liens, interest, and penalties, other than water bills.

AMOUNT OF MONEY AND SOURCE:

US Bank, N.A., Trustee, owner agrees to pay for any title work and all associated settlement costs, not to exceed \$600.00 total. Therefore, no City funds will be expended.

BACKGROUND/EXPLANATION:

The DHCD, Land Resources Division strategically acquires and manages vacant or abandoned properties, which enables these properties to be returned to productive use and improve neighborhoods in Baltimore City.

US Bank, N.A., Trustee has offered to donate to the City, title to the property located at 2106 Whittier Avenue. With the Board's approval, the City will receive clear and marketable title to the property, subject only to certain City liens. The City's acceptance of this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain.

The DHCD will acquire the property subject to all municipal liens, other than water bills, and all interest and penalties that may accrue prior to recording a deed. A list of open municipal liens accrued through April 18, 2016, other than water bills, is as follows:

Real Property Taxes	2015-2016	\$ 0.00
Miscellaneous Bills		\$ 0.00
Total Taxes Owed:		\$ 0.00

AGENDA

BOARD OF ESTIMATES

03/30/2016

Department of Housing and - Acquisition by Gift
Community Development (DHCD)

ACTION REQUESTED OF B/E:

The Board is requested to approve the acquisition of the leasehold interest in the property located at 2603 Rosewood Avenue, (Block 3307A, Lot 040) by gift from US Bank, N.A., Trustee, **SUBJECT** to municipal liens, interest, and penalties, other than water bills.

AMOUNT OF MONEY AND SOURCE:

US Bank, N.A., Trustee, owner agrees to pay for any title work and all associated settlement costs, not to exceed \$600.00 total. Therefore, no City funds will be expended.

BACKGROUND/EXPLANATION:

The DHCD, Land Resources Division strategically acquires and manages vacant or abandoned properties, which enables these properties to be returned to productive use and improve neighborhoods in Baltimore City.

US Bank, N.A., Trustee has offered to donate to the City, title to the property located at 2603 Rosewood Avenue. With the Board's approval, the City will receive clear and marketable title to the property, subject only to certain City liens. The City's acceptance of this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain.

The DHCD will acquire the property subject to all municipal liens, other than water bills, and all interest and penalties that may accrue prior to recording a deed. A list of open municipal liens accrued through April 18, 2016, other than water bills, is as follows:

Real Property Taxes	2015-2016	\$	0.00
Miscellaneous Bills			0.00
Total Taxes Owed:		\$	0.00

AGENDA

BOARD OF ESTIMATES

03/30/2016

Department of Housing and - Land Disposition Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Land Disposition Agreement with Ms. Yekaterina Bogush, Developer, for the sale of the City-owned property located at 523 E. 21st Street.

AMOUNT OF MONEY AND SOURCE:

\$5,000.00 - Purchase price

BACKGROUND/EXPLANATION:

The City will convey all of its rights, title, and interest in 523 E. 21st Street to Ms. Bogush for the price of \$5,000.00, which will be paid to the City at the time of settlement. The developer will be using private funds.

The project will involve the rehabilitation of the vacant building for use as a rental property.

The property was journalized and approved for sale on May 11, 2015.

STATEMENT OF PURPOSE AND RATIONALE FOR SALE BELOW THE PRICE DETERMINED BY THE WAIVER VALUATION PROCESS:

In accordance with the Waiver Valuation process the property located at 523 E. 21st Street was valued at \$8,500.00; however, it will be sold for \$5,000.00.

The property is being sold to Ms. Bogush below the price determined by the Waiver Valuation process because the sale and rehabilitation of the property will be a specific benefit to the immediate community, it will eliminate blight, create jobs during reconstruction, and the property will be returned to the

DHCD - cont'd

tax rolls of Baltimore City.

MBE/WBE PARTICIPATION:

The developer will purchase the property for a price that is less than \$50,000.00 and will receive no City funds or incentives for the purchase or rehabilitation, therefore MBE/WBE is not applicable.

(The Land Disposition Agreement has been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

03/30/2016

Department of Law - Settlement Agreement and Release

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Settlement Agreement and Release for the action brought by Plaintiffs Raymond and Sheri Gray against Officer William Scott Kern for alleged false imprisonment, violation of Articles 19, 24, and 26 of the Maryland Declaration of Rights, battery, assault, intentional infliction of emotional distress, gross negligence, negligence, Section 1983 claims for excessive force, deprivation of federal rights and failure to train, and loss of consortium.

AMOUNT OF MONEY AND SOURCE:

\$200,000.00 - 1001-000000-2041-716700-603070

BACKGROUND/EXPLANATION:

This incident involves the well-publicized, but unfortunate, training accident at the Rosewood facility in Owings Mills, MD (Rosewood). On February 12, 2013, the Plaintiff, Raymond Gray, a University of Maryland Police trainee, participated in a training exercise at the Rosewood facility with members of the Baltimore Police Department (BPD). Rosewood is a closed mental health facility. Former Officer William Scott Kern was leading the training, which involved the replication of real-life scenarios using simunition firearms along with Officer Efren Edwards. Simunition firearms are designed to closely resemble and feel like duty weapons of officers while firing non-lethal training ammunition, similar to paint balls. On the date of this incident, former Officer Kern decided to wear his live service weapon as well as his simunition weapon during the simunitions training, in violation of the BPD training protocols strictly prohibiting live weapons in such trainings. Officer Edwards, on the other hand, properly secured his live weapon. Former Officer Kern

AGENDA

BOARD OF ESTIMATES

03/30/2016

Department of Law - cont'd

brought his live service weapon into the simunitions training because in his view, Rosewood was not secure. However, Officer Edwards was unaware of former Officer Kern's concerns with the security of Rosewood.

At some point in the training, prior to the incident with the Plaintiff, former Officer Kern removed his service weapon from its holster. Former Officer Kern contends that he removed his service weapon in order to demonstrate how to tell if a weapon is loaded, upon a trainee's inquiry. During the exercise with other trainees, Plaintiff Raymond Gray was standing near a window in a door waiting for his next exercise. Former Officer Kern intended to fire a simunition round at Plaintiff Gray in order to teach Plaintiff Gray a lesson about standing in the potential line of fire such as a window. According to former Officer Kern, it is customary for training officers to shoot simunition rounds at trainees who accidentally stand in the zones of danger in order to get the message across that officers must always be cognizant of potential threats. Former Officer Kern's service weapon was near his simulated weapon in his holster and in his attempt to grab his simunition gun, former Officer Kern accidentally removed his service weapon and fired it at Plaintiff Gray causing him to sustain serious injuries.

As a result of the incident, former Officer Kern was charged with assault and reckless endangerment and found guilty at trial in Baltimore County Circuit Court of reckless endangerment. The BPD training protocols, which were ignored by former Officer Kern, were put into place specifically to avoid the type of accident that injured Plaintiff Gray. All parties who were responsible for the accident have been appropriately dealt with through the BPD's administrative disciplinary process.

In the civil proceeding, the Plaintiffs are seeking \$270,000,000.00 in compensatory damages and \$120,000,000.00 in

AGENDA

BOARD OF ESTIMATES

03/30/2016

Department of Law - cont'd

punitive damages from all defendants jointly and severally. After finding that former Officer Kern did not intentionally injure Plaintiff Gray and did not act with malice towards Plaintiff Gray, the United States District Court Judge dismissed all of the Plaintiffs' claims except assault, battery, gross negligence, intentional infliction of emotional distress, and loss of consortium.

The Defendants desire to offer judgment on the remaining civil claims along with payment of the \$200,000.00 cap into the registry of the court to resolve the litigation proceedings. This is the maximum amount that Plaintiff Gray can recover for his remaining claims against former Officer Kern.

Based on a review of the facts and legal issues specific to this case, the Settlement Committee of the Law Department recommends that the Board of Estimates approve the settlement of this case as set forth herein.

(The Settlement Agreement and Release has been approved by the Law Department as to form and legal sufficiency.)

12:00 NOON

ANNOUNCEMENTS OF BIDS RECEIVED

AND

OPENING OF BIDS, AS SCHEDULED