

April 6, 2011

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P R E S E N T

GOVERNOR MARTIN O'MALLEY, Presiding;

HONORABLE PETER FRANCHOT, Comptroller;

HONORABLE NANCY KOPP, Treasurer;

SHEILA C. MCDONALD, Secretary, Board of
Public Works;

ALVIN C. COLLINS, Secretary, Department
of General Services;

T. ELOISE FOSTER, Secretary, Department
of Budget and Management;

BEVERLEY SWAIM-STALEY, Secretary, Department of

MEREDITH LATHBURY, Director, Land
Acquisition and Planning, Department of
Natural Resources;

LUWANDA JENKINS, Special Secretary,
Governor's Office of Minority Affairs;

MARY JO CHILDS, Procurement Advisor, Board
of Public Works; and,

MARION BOSCHERT, Recording Secretary,
Board of Public Works.

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P R O C E E D I N G S

GOVERNOR O'MALLEY: Welcome, everyone.

Today is April 6, 2011 at the Board of Public Works for the State of Maryland. I'd like to ask the Comptroller or the Treasurer if they have any opening thoughts as we begin this Agenda?

COMPTROLLER FRANCHOT: Governor, I -- Madam Treasurer, if it's okay? I just wanted to, I'm lucky to have some members of my family with me and my mother is joining us today, visiting me from Georgia. And she was another member of that greatest generation from World War II. Mom was an original Rosie the Riveter, worked in the Sikorsky Aviation Factory up in Connecticut. And I said, "Mom, did you really put rivets in the planes?" And she said, "Well, actually I made the windshields."

(Laughter)

COMPTROLLER FRANCHOT: But I am very proud of her for being up here and I often tell the story when I'm with my family, or remind my brother, older brother, of about fifty years ago we were at our summer home in Vermont and I challenged my older

brother to a race, he was fifteen, I was, I think, thirteen, to a stone wall about a hundred yards away. And we were giving each other a lot of trash talk, standing up there, who was fastest. Right at the end, just before we started my dad said, "Hey, why don't you let your mother run, too?" Well, we rolled our eyes and say, "Okay, come on up." Well, we took off and she beat us to the stone wall by ten yards, and was twenty yards ahead by the time we got back. And it's a very humbling experience.

(Laughter)

COMPTROLLER FRANCHOT: But Governor, I'm, you know, happy to just comment briefly if I could on the fact that it is Opening Day. I took Mom to the Opening Day of the Nationals game. And I think that was about the coldest we've ever been, weather-wise. But we then went Monday to the Os. And that was 75 degrees, and sunny, and the Os won spectacularly. And hope springs eternal. I think even people that root for teams like the Houston Astros are optimistic, although they have not won a single game the whole year. But for us, it's a great part of springtime.

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Unfortunately, it coincides with tax time. We have a date of April 18th. We've processed almost 1.3 million tax returns so far, given out 1.1 million refunds. It's a very successful year that we're having right now, or tax season. Governor, we've given almost \$1.2 billion back to Marylanders in refunds. We're encouraging everyone to e-file. Keeping a very close eye on the federal government, because there's a lot of talk about government shutdown. And we want to know whether the IRS is also included in that, or whether they are exempted. But I just want to make sure everybody realizes that whatever happens in Washington we are open for business in Maryland. We are processing tax returns, and encouraging people to e-file. And we will get the job done regardless of events at the national level.

But thank you all for letting me comment, and thank you for welcoming my mom.

GOVERNOR O'MALLEY: Madam Treasurer?

TREASURER KOPP: Well I, as the only mom sitting up here, also welcome you. Good to see you again, and especially in the beautiful springtime. I

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was looking, I apologize looking in my mail for a note that I just received about our wonderful prepaid college program. As you know, it's one of the best in the nation. And governor, the prepaid college trust enrollment period ended yesterday and we have over 2,000 new enrollments, 400 more than our goal. So I think that with the springtime coming, despite all the problems of our economy, all the problems our families are seeing, the fact that more and more people are finding their way to save for their children's education, recognizing how our future depends on that, I think is just a wonderful thing. Unexpected, and really a great inspiration, I believe.

We have had a very busy week. I was in Washington with the other state treasurers trying to figure out what the impact of this potential shutdown in Washington is going to make on us and where we are going. I was very pleased to see that Maryland is moving along smoothly, making very tough decisions, again looking forward. Unfortunately, many of the states and the federal government that don't seem to be following our lead, but I hope that they, I hope

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that they will. I congratulate you for getting thus far so much hard work done and behind us. The Session is not over yet, but it looks like it will be. And in a relatively timely fashion. And I know it was very difficult. And things are going to be difficult going into the future. But I must say, taking a great deal of pride to know that at least we were doing our job, and doing what we were supposed to do, while these other people sort of stick around and take pokes at each other. And with that, it's very good to be back. It's good to see the sun. Good to be home in Maryland. Good morning.

GOVERNOR O'MALLEY: All right. Well we now go to the Secretary's Agenda. Ms. McDonald?

SECRETARY MCDONALD: Good morning, Governor, Madam Treasurer, Mr. Comptroller. We have nine items on the Secretary's Agenda. We are withdrawing Item 7, which will return at a later date.

GOVERNOR O'MALLEY: Okay. Any questions on the Secretary's Agenda? Mr. Comptroller?

COMPTROLLER FRANCHOT: Item 9, please?

SECRETARY MCDONALD: Mr. David Bezanson is here from the Department of Public Safety. This is the proposal for the Dorsey Run Correctional Facility in Jessup, phase one and part of phase two.

MR. BEZANSON: Good morning. I'm David Bezanson, here to answer your questions, Mr. Comptroller.

COMPTROLLER FRANCHOT: Thank you. I just wanted to ask about the bidding process here. Because it strikes me that the preemptive winner of the contract, which is a Maryland-based company which I appreciate, bid \$2.9 million higher, almost 15 percent higher, than the low bidder, the Hunt Construction Group. And I don't have any problems with the award going to a Maryland-based company. I think that's terrific. But apparently it is because P.J. Dick came in with a much higher technical score than Hunt. And I'd like to just get a few details of how the scoring system works, because the low bidder, Hunt, when you google them they have done a lot of work in prison construction, and government facilities, etcetera. So I'm interested as to whether, or how you make a

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decision that a company that bids 15 percent higher than another company is, I take it you are awarding it to them on technical grounds?

MR. BEZANSON: We are awarding it equally on technical scoring and price scoring. And within the RFP process this was a competitive sealed proposal. All seven firms were brought in, given written proposals against the RFP requirements, gave oral presentations against the RFP requirements, and the technical scores were arrived at blind of opening a sealed price proposal.

The firm Hunt Construction Group does have correctional experience. But in this RFP did not meet the requirements the State of Maryland put forth for this facility. When we evaluated it with the Department of Corrections on its design, because it was a partial design competition, it created more operating posts with a higher operating cost than other proposals. And that was part of the technical score of the design. Furthermore, the amount of site that they used to create the compound and the area for the second compound was extremely tight, very small.

And there's 560 men incarcerated in this compound and they were pushed together and very close to the perimeter fence. So it was a perceived security risk. As a result, their technical score was significantly lower in the group of technical scores.

When we opened the price proposals we were pleased to see that the lowest Maryland firm had the highest technical price, meeting all the RFP requirements. And therefore we came to this recommendation.

We welcome Hunt to compete on future correctional facilities if they provide a low price. But it's not quite apples and apples, it's more like apples and oranges. Because their price was dependent on less building with higher risk, and design features that created more posts. So that's why we had the score we had.

COMPTROLLER FRANCHOT: Well that's very helpful and very interesting. But I didn't realize when we put items out to bid that the respondents are changing the design? Or adjusting the number of security stations?

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MR. BEZANSON: We set forth some design requirements. And all firms had the same design requirements. This was a design/build minimum security compound. And we told them what we wanted, and they all came forward with slightly different solutions because they had to design the site work and the buildings. And as part of this cost they are providing the full design and the construction bid. So it's a combination of design/bid and a competitive sealed RFP.

COMPTROLLER FRANCHOT: And you gave equal weight to the technical versus the price?

MR. BEZANSON: Yes, we did.

COMPTROLLER FRANCHOT: And that's interesting. Because I didn't realize there was that much flexibility in these construction contracts, where you in effect have, I take it, a different design being proposed by one group and you then get to judge, I guess, whether that design is appropriate?

MR. BEZANSON: In most of our correctional construction in Maryland we do a traditional design and we have bidders competitively bid and we select

the low bidder. In this case it was a fast track project, minimum security. We gave them a prototypical design and a site. And they came forward with solutions. So we are pleased --

COMPTROLLER FRANCHOT: Okay.

MR. BEZANSON: -- that the prices we received in Maryland were all competitive, and we were pleased that we got the firm we did.

COMPTROLLER FRANCHOT: Thank you, Governor.

GOVERNOR O'MALLEY: Thank you, Mr.

Comptroller. Any other questions? Treasurer?

Comptroller? Hearing none, the Comptroller moves approval, seconded by the Treasurer. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed, "Nay."

(No response.)

GOVERNOR O'MALLEY: The ayes have it. We move on now to Program Open Space. No items, we go right through Program Open Space to the Department of Budget and Management. DBM.

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MS. FOSTER: Governor, Madam Treasurer, Mr. Comptroller, good morning. There are nine items on the Department of Budget and Management's Agenda for today. And I'll be happy to answer any questions you may have.

GOVERNOR O'MALLEY: I see that one of them has to do with the Department of Education. And let me just join all of those who are thanking Dr. Nancy Grasmick for her committed service to the citizens and the students of our State over these many years. Our school system, number one public schools in America three years in a row. And Dr. Grasmick has every reason to be very, very proud of Maryland's accomplishment and her years of service. Any other questions on the Department of Budget and Management Agenda?

TREASURER KOPP: I have one question, actually. That I did ask a little earlier of the Department, but it's Item 7 dealing with DHR work placement for TCA customers. And here's my concern. I have no problem with this item, with this contract whatsoever. But I know that it was decided a couple

of years ago in order to focus resources to follow people up for a period, as I read here, of about twelve weeks in the private sector to make sure that people got off our latest version of public assistance and into the workplace, could stay in a job, have the support they need in a job, and we have done that. We have monitored that. We have a good track record in that regard. No problem at all.

But in this economy these are often the most vulnerable of new workers, I would think. I would think, but I don't know. And the question is, do we follow up after that to make sure that in fact this is not a revolving door? That people really are able to stay in the workplace for a permanent, or semi-permanent, normal period of time?

MS. FOSTER: We have Jonathan Thompson, who is from the Baltimore City Department of Social Services.

TREASURER KOPP: Mr. Thompson?

MR. THOMPSON: Jonathan Thompson, Work Program and Contracts Administration for Baltimore City Department of Social Services. As we indicated,

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we do follow in our contracts that customer who is placed in employment for up to twelve weeks. That's one of the requirements involved of our provider of services.

TREASURER KOPP: Right.

MR. THOMPSON: That they do track that customer for that period of time. We have found that, you know, over the years that a customer who actually maintains employment for three months usually, you know, continue in employment for a substantial amount of time. The actual tracking, though, from that period on is actually done by the Department of Human Resources and is one of our Management For Results requirements. They use the DLLR system to track customers who leave employment and then where they are twelve months after they leave. I'm sorry, the customer who leaves cash assistance, and twelve months after they leave cash assistance. And our goal is 70 percent of our, our Management for Result goal is 70 percent. We are at 71 percent. And over the last quarter that was measure, January to March, you know, we were at 81 percent. That's the only measurement

that we have, we have not done the, we do not have the information to the detail that I think you are asking for, Madam Treasurer.

TREASURER KOPP: So what we know is that at least 75 percent of the people who are placed in jobs through TCA stay in a job for at least a year?

MR. THOMPSON: Yes --

TREASURER KOPP: Stay in one or more jobs that are recorded in DLLR for at least a year?

MR. THOMPSON: That's correct.

TREASURER KOPP: Is, are there any studies, or anything that compared this with a non-TCA recipient in, with a comparable amount of training, experience, etcetera? I don't mean studies by your Department, necessarily. This may not be your field of, and I, I would be interested if the Department could get back to me with something on that. Because it would show that the TCA program indeed is effective in getting people into the job market in a way that is comparable to those who have not gone through the experience of being penniless, and on public assistance.

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MR. THOMPSON: We will look into that. I know that Dr. Cathy Born of the University of Maryland --

TREASURER KOPP: Ah, yes. Dr. Cathy Born would be the --

MR. THOMPSON: -- does do a study, does do a study --

TREASURER KOPP: -- yes.

MR. THOMPSON: -- of welfare leavers, and she does have information. But they are information that is available that we can --

TREASURER KOPP: We are hearing sometimes from Washington and elsewhere that these program are not worth it and that they are giveaways. I have never thought that. And it would be good to get some more up to date information than I have. Thank you.

MR. THOMPSON: Mm-hmm. Thank you.

GOVERNOR O'MALLEY: All right, Treasurer moves approval, seconded by the Comptroller. All in favor --

TREASURER KOPP: One, one, one more question.

GOVERNOR O'MALLEY: I'm sorry.

TREASURER KOPP: One more question, I'm prompted by the Colonel. Item 9?

MS. FOSTER: Item 9 is, Item 9 extends the pharmacy benefits management contract --

TREASURER KOPP: Right. Right. Right.

MS. FOSTER: -- for up to twelve months to allow time for the protest to proceed to the Board of Contract Appeals.

TREASURER KOPP: Do we have any idea how much more this is costing us than if we had accepted your proposal last time?

MS. FOSTER: The contract last time, if it had been awarded it would have been a savings of \$16 million for fiscal year 2012. That's what we had estimated.

TREASURER KOPP: But this may in fact come to a conclusion before the end of the next fiscal year?

MS. FOSTER: It has been filed, and I guess both sides are preparing to go to the Board.

TREASURER KOPP: Okay. Thank you.

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MS. FOSTER: You're welcome.

GOVERNOR O'MALLEY: The Comptroller moves approval, seconded by the Treasurer. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed?

(No response.)

GOVERNOR O'MALLEY: The ayes have it. We now move on to the Department -- University System of Maryland.

MR. EVANS: Good morning. Joe Evans representing the University System of Maryland. We have twelve items on the Agenda today, here to answer any questions.

GOVERNOR O'MALLEY: Questions? Mr. Comptroller?

COMPTROLLER FRANCHOT: Yes. I had a question about Item 2-C?

MR. EVANS: Yes, sir?

COMPTROLLER FRANCHOT: Just tell us what we're doing here.

MR. EVANS: Item 2-C is a mod to the contract for the structural steel, concrete, and site excavation. The structural steel is a long lead item, and that's why we have this as an early packet. And the site excavation is, we want to take advantage of the campus being closed during the summer months.

COMPTROLLER FRANCHOT: Okay. But it's a \$12.1 million modification on a \$60 million project?

MR. EVANS: Yes, sir. We have approximately two more GMP that we would be bringing down to the Board.

COMPTROLLER FRANCHOT: That's a pretty big jump.

MR. EVANS: Yes, sir.

COMPTROLLER FRANCHOT: And also this project is one that's generated quite a bit of anxiety between the community and the university administration. I'd like to just make sure that you're keeping the neighborhood and all of the residents around this building fully informed as to the pace and schedule and details of the construction project? Are they

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getting opportunities for input that they request?

And need?

MR. EVANS: I would like to bring up Jim Sheehan, who is the Vice President for Administration for Towson, to address that.

COMPTROLLER FRANCHOT: Good. Terrific, I didn't know he was here. Great university.

MR. SHEEHAN: Thank you. Good morning. My name is Jim Sheehan, I'm the Vice President at Towson. And to answer your question, yes, we are working very hard to maintain good relationships with the neighborhood. And on this particular project in February we met with, had an open meeting, and invited the neighborhood association to attend. And we gave them a view of the final plans of the building. We tried to answer all of their, we did answer all of their questions and addressed their concerns.

COMPTROLLER FRANCHOT: Good. Well I don't want to reopen old wounds there.

MR. SHEEHAN: I appreciate that.

COMPTROLLER FRANCHOT: I like the fact that you are soliciting additional input. I would like to ask, since you're up here --

MR. SHEEHAN: Mm-hmm.

COMPTROLLER FRANCHOT: -- about a project that's not on our Agenda right now. But it also is on your radar screen, and that's the new two-story, 20,000-square-foot public safety building on the northwest side of West Towsontown Boulevard.

MR. SHEEHAN: Yes.

COMPTROLLER FRANCHOT: And that also is a project that the citizens and the community obviously have an interest in.

MR. SHEEHAN: Right.

COMPTROLLER FRANCHOT: Since it's on the edge of the residential area. Are you in touch with them about the aesthetics, and preserving the character of the neighborhood?

MR. SHEEHAN: Yeah. Again, we're working with them. This is a different neighborhood association, but nonetheless we, two weeks ago we had a meeting with the association. We went over the

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plans. They expressed their concerns. We are addressing their concerns, and we will continue to work with them to make sure. As I say, we worked hard to establish and now we need to work hard to maintain a good relationship with the neighborhoods and the neighborhood associations.

COMPTROLLER FRANCHOT: Well you are a great university and I think one example is that your president has been recruited to run the whole system up in Massachusetts.

MR. SHEEHAN: Massachusetts, yeah.

COMPTROLLER FRANCHOT: And --

MR. SHEEHAN: We hate to lose him.

COMPTROLLER FRANCHOT: Well and I don't want to get in the middle of some of these battles up there. But to the extent you can be inclusive, as difficult as it is sometimes, I would really appreciate that. Because I think it would lower the temperature a little bit as far as --

MR. SHEEHAN: It will, and it has. And so I think we're on the right track.

COMPTROLLER FRANCHOT: But thank you, very much. And Governor I also, just before I close, I notice that Meredith Lathbury is back. I understand you had a daughter?

MS. LATHBURY: I did.

GOVERNOR O'MALLEY: Congratulations, Meredith.

MS. LATHBURY: Thank you very much.

COMPTROLLER FRANCHOT: Yeah, no, that's lovely. What's her name?

MS. LATHBURY: Grace Jackson Gerrard. She was born on January 8th. Seven pounds, thirteen ounces.

GOVERNOR O'MALLEY: Good name, Grace.

TREASURER KOPP: That's great.

MS. LATHBURY: She's delightful.

GOVERNOR O'MALLEY: That's great.

TREASURER KOPP: That's great. Congratulations. But it's also good to have you back.

MS. LATHBURY: Thank you very much.

TREASURER KOPP: Could I just pile on for a second to the gentleman from Towson? And suggest, we

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have all been following these projects, that you have very strong and good leaders in your legislative delegation. Delegate Lafferty, and the others, who have been following this of course with great interest.

MR. SHEEHAN: Yes.

TREASURER KOPP: And I am sure myself would be very good ambassadors between you and the community.

MR. SHEEHAN: They have been.

TREASURER KOPP: I urge you to call on them.

MR. SHEEHAN: We've worked with them.

TREASURER KOPP: I say this, I'm an honorary alumna of a few decades ago of Towson. So I take a personal interest in your succeeding well with our neighbors.

MR. SHEEHAN: Thank you very much. Come back.

TREASURER KOPP: But I do think they stand ready to do all they can to help both the community and the university.

MR. SHEEHAN: They have been very helpful.
Thank you.

GOVERNOR O'MALLEY: Anything from anyone
else? The Comptroller moves approval, the Treasurer
seconds. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed?

(No response.)

GOVERNOR O'MALLEY: We move on now to the
Department of Information Technology.

MR. SCHLANGER: Good morning, Governor,
Madam Treasurer, Mr. Comptroller. Elliot Schlander,
Department of Information Technology. This morning we
have two items on our Agenda. And I'll be happy to
address any questions at this time.

GOVERNOR O'MALLEY: Hearing none?

TREASURER KOPP: Could I just say that you
all, your staff has done a terrific job, continues to
do a terrific job in responding to the concerns that
we have and questions we have. And I thank you, and
trust that will continue even when it is not the
Colonel asking the questions but just me.

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MR. SCHLANGER: We are happy to respond and thank you for the compliment.

GOVERNOR O'MALLEY: All right. The Treasurer moves approval, seconded by the Comptroller. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed, "Nay."

(No response.)

GOVERNOR O'MALLEY: And the ayes have it.

MR. SCHLANGER: Thank you.

GOVERNOR O'MALLEY: We move on now to the Department of Transportation.

MS. SWAIM-STALEY: Good morning, Governor, Madam Treasurer, Mr. Comptroller. For the record, Beverley Swaim-Staley representing the Department of Transportation. We have twelve items on the Agenda today and we're happy to answer any questions.

GOVERNOR O'MALLEY: Anyone? The Treasurer moves approval, seconded by the Comptroller. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed, "Nay."

(No response.)

GOVERNOR O'MALLEY: We move to the Department of General Services.

MR. COLLINS: Good morning, Governor, Madam Treasurer, and Mr. Comptroller. The Department of General Services has twenty items on our Agenda, and we'd be glad to answer any questions that you have on any of these items.

TREASURER KOPP: I just have one general question about these dams?

MR. COLLINS: Yes, ma'am.

TREASURER KOPP: There are a lot of these dams. I remember we heard about one several month ago, and I know Mr. Klasmeier has raised an issue, or the Comptroller has. Are we doing all that we can, or can you think of anything else we should be doing, in order to assure public safety with these --

MR. COLLINS: Yes --

TREASURER KOPP: -- some of which are in the public sector and some of which, as I recall, are in the private sector. But --

MR. COLLINS: That's correct --

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TREASURER KOPP: -- nonetheless potentially dangerous.

MR. COLLINS: That's correct. But Maryland has a very aggressive dam safety program. So I think we are. And just as an example of a routine replacement work that we had to do here at Calvert Cliffs, just an example of how in Maryland we stay on top of all of these arrangements.

TREASURER KOPP: I know the Comptroller has been following it with some concern.

COMPTROLLER FRANCHOT: Yeah. Governor, I appreciate the Treasurer bringing it up because we have about 15,000 of these --

MR. COLLINS: That's correct.

COMPTROLLER FRANCHOT: -- privately owned dams around the State. And apparently quite a few of them are in need of repair. And there's always a danger of system failure. So maybe with the Governor's permission you could just advise us at a future meeting about --

MR. COLLINS: Sure.

COMPTROLLER FRANCHOT: -- whether or not it

would be appropriate to set up a revolving fund that these dam, the property owners where these dams are when they need a small project done could basically receive a loan and then pay it back to the State. And obviously the Legislature and the Governor would determine whether that's a wise direction to go in, but with so many of them it strikes me that this is something that we, you, or someone should actually consider.

MR. COLLINS: Sure.

COMPTROLLER FRANCHOT: If you could come back to us at the next meeting and just let me know whether a \$1 million or \$2 million revolving loan fund won't make sense, since most of these small projects are in the \$50,000 range. And I notice that the Treasurer is interested also.

MR. COLLINS: Sure.

COMPTROLLER FRANCHOT: And it would be terrific.

MR. COLLINS: We'd be glad to pursue the question with the Maryland Department of the Environment, which basically does dam management. But

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we certainly would lead on getting you a response.

COMPTROLLER FRANCHOT: Yeah, and I don't, I just want you to --

MR. COLLINS: No problem at all.

COMPTROLLER FRANCHOT: -- give us some information and see where it leads. Thank you.

MR. COLLINS: Sure. Be glad to.

GOVERNOR O'MALLEY: Okay. The Comptroller moves approval -- we'll have that report back from you, you'll let us know?

MR. COLLINS: Next time we'll bring it back, Governor.

GOVERNOR O'MALLEY: Okay. The Comptroller moves approval, seconded by the Treasurer. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed, "Nay."

(No response.)

GOVERNOR O'MALLEY: The ayes have it. We wish Takirra Winfield a Happy Birthday today --

COMPTROLLER FRANCHOT: Really? Wow.

GOVERNOR O'MALLEY: -- on behalf of the

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Board of Public Works. And that concludes our meeting. Thank you.

(Whereupon, at 11:37 a.m., the meeting was concluded.)

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