

MINUTES
OF THE
MEETING OF THE
BOARD OF PUBLIC WORKS

November 16, 2011

BOARD OF PUBLIC WORKS

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NOVEMBER 16, 2011

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**MINUTES OF THE MEETING OF
THE BOARD OF PUBLIC WORKS, NOVEMBER 16, 2011**

The Board of Public Works met in the Governor's Reception Room, State House, Annapolis, Maryland, on Wednesday, November 16, 2011.

Board Members present:

The Honorable Martin O'Malley, Governor
The Honorable Nancy K. Kopp, Treasurer
The Honorable Peter Franchot, Comptroller

Also present:

Al Collins, Secretary, Department of General Services
T. Eloise Foster, Secretary, Department of Budget & Management

CONSTRUCTION:

General Construction Project Contingency Fund 1988
Maryland Consolidated Capital Bond Loan of 2004
Maryland Consolidated Capital Bond Loan of 2005
Maryland Consolidated Capital Bond Loan of 2006
Maryland Consolidated Capital Bond Loan of 2007
Maryland Consolidated Capital Bond Loan of 2008
Maryland Consolidated Capital Bond Loan of 2009
Maryland Consolidated Capital Bond Loan of 2010
Maryland Consolidated Capital Bond Loan of 2011

On items where payments are to be made from proceeds of the above listed bond issues, full regard is given to the provisions of each Act and its prospective amendments.

Except as otherwise provided in these Acts, before the State agency or institution responsible for an individual item may begin work with funds secured under the Act, the agency or institution shall provide satisfactory assurances to the Board of Public Works that the work described in the individual items can be completed with the funds specified for that item.

If federal funds are available to help accomplish any project identified in these Acts, the State agency or institution responsible for the project shall make efforts through proper administrative procedures to obtain these federal funds. Before spending any funds secured under these Acts, the agency or institution shall certify its efforts to the Board of Public Works and state the reason for any failure to obtain federal funds. If federal funds are obtained, they shall be used to defray the costs of the project described in these Acts, not to expand its scope.

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

SECRETARY'S AGENDA

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1. DEPARTMENT OF AGRICULTURE
Maryland Agricultural Cost-Share Program Grant Requests

Recommendation: That the Board of Public Works approve funding a total of 28 individual grants under the Maryland Agricultural Cost-Share Program.

Total submission amount: \$137,300.

Agreement # Amount	Recipient	County	
AT-2011-2330	RUSSELL T. HOWARD, JR	Charles	10,500
AT-2012-1956	HERSCHELL B. CLAGGETT, SR	Kent	1,400
AT-2012-1957	ALBERT A. BENNETTA	Kent	800
AT-2012-1963	PAULK FAMILY FARM, LLC	St. Mary's	4,100
AT-2012-1982	ZHIAN T. TAVAKOLI	Queen Anne's	3,600
AT-2012-2049-B	JIN Y. KIM	Dorchester	35,000
AT-2012-2052	HANDLEY FARMS, INC.	Dorchester	600
AT-2012-2077	JOSEPH J. MAHONEY	Cecil	4,800
AT-2012-2078	JOSEPH J. MAHONEY	Cecil	8,200
CH-2011-1935-R	THOMAS E. KUNES	Queen Anne's	1,600
CH-2012-1958	ALBERT A. BENNETTA	Kent	500
CH-2012-1960	ALBERT A. BENNETTA	Kent	2,600
CH-2012-1961	ALBERT A. BENNETTA	Kent	1,300
CH-2012-1962	ALBERT A. BENNETTA	Kent	600
CH-2012-1985	WILLIAM R. DARLING, JR.	Queen Anne's	11,800
CR-2012-2051	HANDLEY FARMS, INC.	Dorchester	3,900
CR-2012-2073	HELEN M. MALKUS	Dorchester	600
LS-2012-2070	DELL CREEK FARM LLC.	Baltimore	3,000
MP-2012-1882	KENNETH M. HUBBARD, SR	Frederick	4,800
MP-2012-1967	EDWARD M. KELLY, JR	Carroll	11,800
MP-2012-2057	SUSAN V.M. MAHARAJ	Frederick	8,800
MP-2012-2058	SUSAN V.M. MAHARAJ	Frederick	700
MP-2012-2065	ERIC A. BRAUNING	Carroll	3,800
PR-2012-2037	WILLIAM W. BEAUCHAMP, III	Somerset	5,400
RS-2012-2061	WILLIAM M. HERBERT	Carroll	2,400
RS-2012-2062	DONALD E. LIPPY	Carroll	2,000
RS-2012-2063	DONALD E. LIPPY	Carroll	1,200
RS-2012-2064	DONALD E. LIPPY	Carroll	1,500

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

SECRETARY'S AGENDA

1. DEPARTMENT OF AGRICULTURE (cont'd)
Maryland Agricultural Cost-Share Program Grant Requests

Fund Source: MCCBL of 2010/Item 10077: *Provide funds for assistance for the implementation of best management practices that reduce soil and nutrient runoff from Maryland farms.*

Authority: "Cost-Sharing - Water Pollution Control" Sections 8-701 to 8-705, Agricultural Article, Maryland Code; COMAR 15.01.05

Remarks: The Maryland Department of Agriculture has determined that each of these projects is eligible for cost-share funds. Each project has received technical certification from the appropriate Soil Conservation District Office. The farmer has signed the requisite cost-share agreement and accepts the grant conditions.

BOARD OF PUBLIC WORKS ACTION: THE ABOVE REFERENCED ITEM WAS:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

SECRETARY'S AGENDA

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2. DEPARTMENT OF AGRICULTURE

Maryland Agricultural Cost-Share Program Additional Funding Requests

Recommendation: That the Board of Public Works approve **ADDITIONAL FUNDING** of 4 individual grants under the Maryland Agricultural Cost-Share Program.

Total submission amount: \$7,371.02.

<u>Agreement #</u>	<u>Recipient</u>	<u>County</u>	<u>Amount</u> \$
MP-2009-3337	CHARLES R. KRIETZ	Frederick	4,144.88
MP-2011-1783	JOHN E. WILLIAMS, JR	Frederick	1,629.88
MP-2011-2333	NORMAN E. BRUNNER	Carroll	860.58
MP-2012-1507	CAROLYN ANN BARKDOLL	Washington	735.68

Fund Source: MCCBL of 2010/Item 10077: *Provide funds for assistance for the implementation of best management practices that reduce soil and nutrient runoff from Maryland farms.*

Authority: "Cost-Sharing - Water Pollution Control" Sections 8-701 to 8-705, Agricultural Article, Maryland Code; COMAR 15.01.05

Remarks: The Maryland Department of Agriculture has determined that each of these projects is eligible for cost-share funds. Each project has received technical certification from the appropriate Soil Conservation District Office. The farmer has signed the requisite cost-share agreement and accepts the grant conditions.

Additional funds are requested for these projects to offset additional costs realized at the completion of the project. These additional costs are a result of design changes required based on site conditions encountered during construction, design changes to improve project effectiveness, or because the level of co-cost share funding originally anticipated was not available when the project was completed.

BOARD OF PUBLIC WORKS ACTION: THE ABOVE REFERENCED ITEM WAS:

APPROVED
 DISAPPROVED
 DEFERRED
 WITHDRAWN
 WITH DISCUSSION
 WITHOUT DISCUSSION

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

SECRETARY'S AGENDA

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3. **BOARD OF PUBLIC WORKS**
Office of the Attorney General
Settlement Agreement (in Lieu of Debarment)
- *Environmental & Demolition Services, Inc.*
 - *Alonso Bernate*

Recommendation: The Attorney General recommends that the Board of Public Works approve an agreement in lieu of debarment with Environmental & Demolition Services, Inc. (EDS) and its president, Alonso Bernate, that relates to contracting practices. The recommended agreement incorporates, and is co-terminus with, a settlement agreement currently in effect between EDS, Mr. Bernate, and the United States government.

Background: EDS is a Maryland corporation which specialized in hazardous materials remediation services. From approximately 1998 until 2007, EDS participated in the federal Small Business Administration Section 8(a) Business Development Program, under which the company was eligible to receive government assistance, including help in receiving federal contracts. In violation of federal law, however, EDS ceded control of significant portions of its business to two non-disadvantaged individuals.

NOTE: One of those individuals, Scott Reiter, engaged in similar unlawful activities with C&R Environmental Associates, a participant in the Section 8(A) program that ceded control of significant portions of its business to him. In response to a recommendation from the Attorney General in that matter, the Board:

- Debarred Reiter for an indefinite period. (Sec. Item 3, 5/4/2010)
- Approved a settlement agreement in lieu of debarment with C&R (Sec. Item 4, 5/4/2010)

Alonso Bernate, EDS president, pleaded guilty to the federal charge of conspiring to defraud the SBA and was sentenced to prison, ordered to pay a fine, and to serve probation. Mr. Bernate is eligible for debarment under the State Procurement Law: A person may be debarred from entering into a contract with the State if the person . . . has been convicted of a conspiracy to commit [fraud]. *State Finance and Procurement Article, Annotated Code of Maryland, §16-203(a)(5)*.

If the Board debarred Mr. Bernate, any business in which he is an officer, director, controlling shareholder, or partner, or an employee directly involved in the process of obtaining contracts with public bodies, would be debarred to the same extent as the person debarred by the Board. *State Finance and Procurement Article, §16-307(b)*.

In January 2010, the U.S. Army entered into an agreement with Mr. Bernate and EDS that sets forth specific steps for Mr. Bernate and EDS to take that are designed to assure federal procurement authorities that the parties possess integrity standards required of government contractors. Under the agreement, Mr. Bernate and EDS must implement an employee training program, a code of business ethics and conduct, and a hotline. In addition, the federal agreement requires Mr. Bernate and EDS to employ an ombudsman whose responsibilities include submitting a semi-annual report to the U.S. Army procurement authority relating to the company's compliance efforts.

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

SECRETARY'S AGENDA

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- 3. **BOARD OF PUBLIC WORKS (cont'd)**
Office of the Attorney General
Settlement Agreement (in Lieu of Debarment)
 - *Environmental & Demolition Services, Inc.*
 - *Alonso Bernate*

Background (continued): The State Procurement Law provides that in making a determination whether the integrity of the contracting process and the best interests of the State would be served by debarring a person from entering into contracts with applicable public bodies, the Board of Public Works shall consider relevant factors, including, among others, the nature and seriousness of the act involved, the time the act occurred, whether the person cooperated with authorities in their investigation, conditions under which the person cooperated, and the conduct of the person since the act occurred. State Finance & Procurement Article, §16-306.

Settlement Agreement In Lieu of Debarment: The U.S. Army determined that its agreement with Mr. Bernate and EDS provides adequate assurance of the parties' present responsibility and that the federal government's best interests will be served making the debarment of the company and its officers unnecessary. Mr. Bernate's and EDS's proposed agreement with the State requires the company to submit compliance reports to the State. If either the State agreement or the federal agreement is breached, the State may seek debarment of the company. The State agreement will run concurrently with the federal agreement and will expire in January 2013. The Attorney General recommends that the proposed settlement agreement will protect the integrity of the contracting process and serve the best interests of the State.

BOARD OF PUBLIC WORKS ACTION: THE ABOVE REFERENCED ITEM WAS:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

SECRETARY'S AGENDA

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4. BOARD OF PUBLIC WORKS
Final Action on State Procurement Regulations
COMAR 21.11.03

Recommendation That the Board of Public Works take final action to adopt amendments to COMAR Title 21 that will implement changes to the State's MBE Laws.

Background: The Board approved proposing the regulatory amendments at its July 27, 2011 meeting (Secretary's Agenda, Items 6 and 7). The proposal was published in the September 23, 2011 *Maryland Register*. No public comments were received. This recommendation is to adopt the regulations as proposed.

A. *Changes by the 2011 General Assembly:*

(1) **Chapters 252 and 253, Laws of 2011** enacted various changes to the Minority Business Enterprise law. The changes require the Governor's Office of Minority Affairs to establish guidelines for setting subgoals that will be set on a procurement-by-procurement basis. The legislation codifies MBE waiver reporting requirements and clarifies that MBE participation may be counted only for those MBEs who are performing a commercially-useful function on a contract. Additionally, agencies, after consultation with GOMA, may exclude contracts that would typically have an MBE goal as from MBE requirements.

COMAR 21.11.03.01 requires agencies to follow guidelines established by GOMA when setting MBE subgoals. The regulation requires agencies to work with GOMA to designate that certain contracts be procured without MBE goals.

COMAR 21.11.03.09 reiterates that agencies are to follow GOMA guidelines when setting MBE subgoals.

COMAR 21.11.03.12-1 clarifies that MBE participation may be counted toward meeting a goal only if the MBE is performing a commercially-useful function. The regulation defines the term "commercially-useful function."

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

SECRETARY'S AGENDA

**4. BOARD OF PUBLIC WORKS (cont'd)
Final Action on State Procurement Regulations
*COMAR 21.11.03***

(2) **Chapter 254, Laws of 2011** authorizes bidders/offerors to notify a procuring agency within 72 hours after discovering that an MBE listed as a participant in a bid or proposal is ineligible or unavailable for the work proposed.

COMAR 21.11.03.12 authorizes bidders/offerors to request an amendment to the MBE participation schedule after bid/proposal submission if the MBE is unavailable or ineligible to do the work required. The bidder has 72 hours to notify the agency after they make the determination that an MBE is unavailable or ineligible. Bidders/offerors may submit an amended MBE participation schedule for the agency to consider.

B. The following amendments are necessary to reflect recent State court decisions and current procurement practices:

(1) **COMAR 21.11.03.14: REPEALED.** Regulation that prohibited protests of agency MBE decisions is repealed in accordance with *Salisbury University v. Zimmerman*.

(2) **COMAR 21.11.03.08 and .09: UPDATED.** Solicitation notice distribution to GOMA and obsolete references deleted.

BOARD OF PUBLIC WORKS ACTION: THE ABOVE REFERENCED ITEM WAS:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

SECRETARY'S AGENDA

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**5. BOARD OF PUBLIC WORKS
*Procurement Agency Activity Report***

Submission of the Procurement Agency Activity Reports (PAARs) by the Department of Transportation to the Board of Public Works in accordance with COMAR 21.02.01.05:

- January 2011
- March 2011
- April 2011
- May 2011
- June 2011
- July 2011
- August 2011

There were no transactions to report in February 2011.

BOARD OF PUBLIC WORKS ACTION: THE ABOVE REFERENCED ITEM WAS:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

SECRETARY'S AGENDA

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6. **BOARD OF PUBLIC WORKS**
Wetlands Licenses

Approval is requested of the following applications for wetlands licenses for projects involving dredging or filling or both in the navigable waters of Maryland. The Board of Public Works' Wetlands Administrator recommends that a license be granted as indicated. The Department of the Environment fully concurs with this recommendation.

Authority: Title 16, Environment Article, Maryland Code; COMAR 23.02.04.

VARIOUS COUNTIES

11-0924 **MD DEPT. OF INFORMATION TECHNOLOGY** – To install fiber optic cable: aerially in conduits attached to existing structures; by directionally bore method; and in an existing underground conduit – Counties include: Cecil, Caroline, Worcester, Somerset, St. Mary's Calvert, Charles, Anne Arundel and Baltimore

ANNE ARUNDEL COUNTY

11-0713 **SHIRLEY IRVING**
 11-0719 **JOHN SCHLAGER**
 To maintenance dredge a spur channel and slip area and provide for a 6-year dredging period; construct a pier, walkway, and mooring pies – Duvall Creek, South River
 (Note: The main channel license (Anne Arundel County DPW, 10-0904, was approved by the Board on September 7, 2011, Secretary's Agenda, Item 3.)

07-1073(R) **EASTPORT YACHT CLUB** - To construct a timber-slotted wave screen and emplace concrete/metal (Reef-Maker) and trays set with oyster spat. This three-year Re-authorization period will begin February 27, 2011 (the date the original three-year term expired) - Severn River
 (Reauthorization)

WORCESTER COUNTY

10-0448 **MOORE BOATS LLC** – To maintenance dredge an area – Saint Martin River, Bishopville

*NOTE: In FY2012, BPW has approved 1.65 acres of living shoreline.

BOARD OF PUBLIC WORKS ACTION: THE ABOVE REFERENCED ITEM WAS:

APPROVED**DISAPPROVED****DEFERRED****WITHDRAWN****WITH DISCUSSION****WITHOUT DISCUSSION**

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

SECRETARY'S AGENDA

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7. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

RECOMMENDATION: That the Board of Public Works approve releasing the deed of trust on one property that received a loan from DHCD's Down Payment and Settlement Expense Loan Program. The deed of trust is a second mortgage; the borrowers are selling the property in lieu of foreclosure to pay off the first mortgage owed to DHCD, and the borrowers have requested a release of the deed of trust securing the second mortgage on the basis of a hardship (e.g., loss of income due to unemployment or illness). Borrowers have/will sign a promissory note in the amount of the outstanding principal of the second mortgage.

LOAN AUTHORITY: Down Payment and Settlement Expense Loan Program
Housing and Community Development
Article §§ 4-301-4-309, Maryland Code

AUTHORITY TO RELEASE SECURITY INTEREST: State Finance and Procurement
Article §§ 10-305, Maryland Code

Loan Recipient: Joseph and Maureen Reinsel
1206 West 41st Street, Baltimore, MD 21211
Baltimore City

Original Loan: \$10,000
Current Balance: \$10,000
Type: Second Mortgage

BOARD OF PUBLIC WORKS ACTION: THE ABOVE REFERENCED ITEM WAS:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

SECRETARY'S AGENDA

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8. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
Neighborhood BusinessWorks Program – Fiscal Year 2011

Recommendation: The Department of Housing and Community Development recommends that the Board of Public Works approve the use of general obligation bond proceeds to **fund the capital improvement portion** of one loan in the amount of \$330,722 for Fiscal Year 2011.

PROGRAM	BORROWER	DESCRIPTION	LOAN AMOUNT
Loan	Verde Corporation	Purchase and renovation of a restaurant to operate as a Neapolitan Pizzeria in Canton. \$330,722 of the total project costs of \$430,722 will be for capital improvements	\$330,722
		1 LOAN (Capital Only)	\$330,722

Fund Source: MCCBL of 2010: *Provide funds for grants and loans to fund community-based economic development activities in revitalization areas designed by local governments.* Item SA24(B).

Authority:

- ◆ The Budget Reconciliation and Financing Act of 2010 (Chapter 484, 2010 Maryland Laws).
- ◆ Section 8-301, State Finance and Procurement Article, Annotated Code of Maryland
- ◆ Article – Housing and Community Development, §§6-301 through 6-311
- ◆ COMAR 05.13.01

Background: The Neighborhood Business Development Program, operating as Neighborhood BusinessWorks (NBW), was established in 1995 to provide flexible gap financing for small businesses starting up or expanding in locally designated neighborhood revitalization areas throughout Maryland. Loans are made to Maryland-based local development corporations, microenterprises, nonprofit organizations, or small businesses. Loans and grants are made to these organizations whose activities contribute to the broader revitalization of the designated neighborhood (e.g., reuse of vacant/underutilized buildings or providing needed goods or services to area residents). Financing ranges from \$1,000 up to the lesser of (i) \$500,000 or (ii) 50 % of total project costs. Loan applicants must provide a cash contribution of at least 5% of the total project cost.

BOARD OF PUBLIC WORKS ACTION: THE ABOVE REFERENCED ITEM WAS:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

SECRETARY'S AGENDA

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9. MORGAN STATE UNIVERSITY
Surveillance Camera Network

CONTRACT ID: MSU10126

CONTRACTOR: Orion Systems Group
 Fairfax, VA 22030

CONTRACT DESCRIPTION:

- (1) Analyze existing University Surveillance System to determine status and functionality;
- (2) Design, implement, configure new system to include upgrade of existing system and installing 110 new cameras at various campus locations;
- (3) Replace inoperable Verinit Black Box Systems with video encoders including cameras that are full featured IP-Based, vandal resistant, fixed dome or PTZ dome;
- (4) Provide preventive and corrective maintenance services for system.

TERM: November 17, 2011 – November 16, 2014
 3 year initial term with five 1-year renewals

AMOUNT: \$789,000.00

PROCUREMENT METHOD: Competitive Sealed Proposal

BIDS/PROPOSALS:	Technical Score	Price	Ranking
Orion Systems Group	65.8	\$ 789,000.00	1
Ingersoll Rand Security Technology	59.8	\$ 750,862.00	2
Honeywell	67.6	\$1,115,052.00	3
Johnson Control	57.4	\$1,135,045.55	4

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

SECRETARY'S AGENDA

9. MORGAN STATE UNIVERSITY (cont'd)
Surveillance Camera Network

MBE PARTICIPATION: 30%

PERFORMANCE BOND: N/A

REMARKS:

The outcome is to move the campus closer to a pure network video environment. The solicitation was advertised on *eMarylandMarketplace*.

Seven proposals were received in response to the RFP. Three of the seven did not meet the minimum score qualification to move forward to the financial evaluation phase.

The Morgan State University Department of Physical Plant will manage the contract with support provided by the University's Department of Procurement.

FUND SOURCE: Current Unrestricted/Admin Services-Institutional Support-Finance and Management will provide funds for the maintenance, replacement and purchase of the surveillance camera equipment at Morgan State University.

MD TAX CLEARANCE: 11-2587-1111

RESIDENT BUSINESS: Yes

BOARD OF PUBLIC WORKS ACTION: THE ABOVE REFERENCED ITEM WAS:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

SECRETARY'S AGENDA

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10. MORGAN STATE UNIVERSITY

*Center for Built Environment and Infrastructure Studies (CBEIS)
 Capital Equipment*

Recommendation: That the Board of Public Works approve the use of General Obligation Bond funding proceeds for the following capital equipment purchases totaling **\$63,976.00**.

Authority: State Finance and Procurement Article, Annotated Code of Maryland, § 8-301

Morgan State University

Center for Built Environment and Infrastructure Studies (CBEIS). The School of Architecture and Planning has reviewed the equipment specifications and approved the acquisition.

Description:	Furnish and install scientific equipment Techno Isel CNC-LCPlus Router System RFB No.: 12/COM-0008
Procurement Method:	Competitive Sealed Bid
Award:	Diversified Educational Systems, Inc. PO Box 358 205 E. Washington Street Middleburg, VA 20118
Amount:	\$63,976.00
Fund Source:	MCCBL of 2011, Item 072 – <i>Provide funding to equip the New Center for Built Environment and Infrastructure Studies Building at Morgan State University</i>
MD Tax Clearance:	11-2652-1111
Resident Business:	No

BOARD OF PUBLIC WORKS ACTION: THE ABOVE REFERENCED ITEM WAS:

APPROVED**DISAPPROVED****DEFERRED****WITHDRAWN****WITH DISCUSSION****WITHOUT DISCUSSION**

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

SECRETARY'S AGENDA

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11. **STATE PUBLIC SCHOOL CONSTRUCTION PROGRAM**
Public School Construction Projects
Sales and Use Tax – Alcoholic Beverages – Supplementary Appropriation FY 2012
Northeast Region

Recommendation: Cecil County and Harford County recommend that the Board of Public Works approve a grant to the Northeast Region in the amount of \$1,250,000 for the following public school construction projects:

A. Cecil County:

<u>North East High School</u> Track Replacement	\$265,000
<u>North East High School</u> Field House Roof Replacement	\$65,000
<u>Elkton Middle School</u> Stairwell Tread Replacement	\$14,000
<u>Cecil Manor Elementary School</u> Media Center Carpet	\$11,000
<u>North East Middle School</u> Carpet Replacement	\$61,250
<u>Cecil County SubTOTAL</u>	<u>\$416,250</u>

B. Harford County:

<u>Havre de Grace Elementary School</u> Central Cooling Plant Upgrades	\$333,750
<u>Church Creek Elementary School</u> Central Cooling Plant Upgrades	\$500,000
<u>Harford County SubTotal</u>	<u>\$833,750</u>
<u>Northeast Region Total:</u>	<u>\$1,250,000</u>

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

SECRETARY'S AGENDA

11. **STATE PUBLIC SCHOOL CONSTRUCTION PROGRAM** (cont'd)
Public School Construction Projects
Sales and Use Tax – Alcoholic Beverages – Supplementary Appropriation FY 2012
Northeast Region

Authority: *Sales and Use Tax – Alcoholic Beverages – Supplementary Appropriation: Chapter 572 (2011 Laws of Maryland) [House Bill 1213 (2011)].*

Fund Source: D06E0202

Background: In enacting the State's Fiscal Year 2012 budget, the Governor and the General Assembly dedicated a supplementary appropriation of \$47.5 million to school construction projects. This is in addition to the \$264.6 million that funds the State's Public School Construction Capital Improvement Program for Fiscal Year 2012. See Secretary's Agenda Item 18 (May 4, 2011) (approving the FY 2012 State Capital Improvement Program).

The General Assembly authorized the Board of Public Works to approve individual public school improvement projects that meet a school or community need. The General Assembly allocated each county or region a specific sum for which local matching funds are not required. The FY 2012 supplementary appropriation allocated to the Northeast Region is \$1,250,000. The Northeast Region comprises Harford and Cecil Counties

The Board may approve individual projects that meet a school or community need. The General Assembly instructed the Board – in evaluating the recommendations submitted by local jurisdictions – to consider projects that:

- Benefit older school buildings
- Benefit schools with high proportions of children eligible for free and reduced meals
- Can be completed within one year
- Eliminate or reduce the use of relocatable classrooms
- Are designated A or B by the Interagency Committee on School Construction but were not fully funded in the FY 2012 Capital Improvement Program
- Reduce energy consumption or incorporate high performance/green building principles

Public School Construction Program: The Public School Construction Program has reviewed the requests from Cecil County and Harford County and states that all of the projects submitted would be eligible for funding under the Capital Improvement Program and the Aging Schools Program. Harford County and Cecil County have worked cooperatively to apportion the FY 2012 Supplementary Appropriate allocation for the Northeast region between the two jurisdictions.

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

SECRETARY'S AGENDA

11. **STATE PUBLIC SCHOOL CONSTRUCTION PROGRAM** (cont'd)
Public School Construction Projects
Sales and Use Tax – Alcoholic Beverages – Supplementary Appropriation FY 2012
Northeast Region

Grant Administration: Upon Board of Public Works approval, the Public School Construction Program will administer the grant. COMAR 23.03.03 – Construction Procurement Method (including procurement methods, the Minority Business Enterprise program, prevailing wage requirements) applies to this grant. Technical review, payment, financial reporting, and audit procedures will be as set forth in the Administrative Procedures Guide of the Public School Construction Program or the Administrative Procedures Guide of the Aging School Program, as applicable.

BOARD OF PUBLIC WORKS ACTION: THE ABOVE REFERENCED ITEM WAS:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

SECRETARY'S AGENDA

Contact: Charles C. Jackson 240-895-4412
ccjackson@smcm.edu

12. **ST. MARY'S COLLEGE OF MARYLAND**
Disposition of Campus Electrical Distribution System

Recommendation: That the Board of Public Works approve the sale of St. Mary's College of Maryland's on-campus primary voltage electrical distribution system.

Authority: Section 10-305, State Finance and Procurement Article, Maryland Code

Transferor: St. Mary's College of Maryland

Transferee: Southern Maryland Electric Cooperative (SMECO)

Consideration:

- (1) SMECO relieves the College from, and accepts for itself, total liability – financial and otherwise – for safely and reliably operating the on-campus primary electrical distribution system in accordance with Public Service Commission rules and regulations.
- (2) SMECO provides \$760,820 of specified upgrades to the on-campus primary electrical distribution system (to which the College will contribute \$51,998).

Remarks: The College requires reliable electric service. Currently, SMECO distributes electricity to the campus boundary; the College-owned on-campus distribution system takes the electricity from there and distributes it around the campus. That the College owns the on-campus distribution system makes the College responsible for emergency repairs to high voltage distribution systems on a round-the-clock basis, a duty far outside the College's expertise. The College contracts with SMECO to obtain such services but some time ago, SMECO notified the College that it could not continue providing that contractual service to the College-owned system. Without that service, the College is not able to provide reliable electrical distribution services for the campus.

In September 2006, even before SMECO notified the College that it would no longer be providing contract services to it, the College commissioned the engineering firm Sebesta Blomberg to devise an effective strategy for providing reliable electric service for the campus. The study reported that privatizing the College's primary distribution system is the most cost effective strategy to provide long-term reliable electric service to the College.

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

SECRETARY'S AGENDA

Contact: Charles C. Jackson 240-895-4412
ccjackson@smcm.edu

12. **ST. MARY'S COLLEGE OF MARYLAND (continued)**
Sale of Campus Electrical Distribution System

Remarks (continued): In October 2006, the College invited competitive proposals, asking interested parties to make offers to the College to operate the primary electrical distribution system, to privatize the ownership, or any combination thereof. The College received only one proposal – from SMECO – in response. The College and SMECO jointly commissioned Sebesta Blomberg to engage in a due-diligence study to determine the condition and the book value of the College's primary distribution system. Sebesta Blomberg's completed study was accepted by SMECO and the College in December 2009.

Since then, the College and SMECO have been negotiating a contract through which the College will transfer full ownership of the on-campus primary electrical distribution system to SMECO in exchange for SMECO's assumption of that ownership; specifically, SMECO and not the College will now be responsible for providing safe and reliable electrical service to each campus building instead of its responsibility stopping at the campus boundary. In addition, SMECO has agreed to fund \$708,822 of needed upgrades to the campus system to which the College will contribute an additional \$51,998 for upgrades totaling \$760,820 (SMECO's rate structure cannot support the latter amount).

The Sebesta Blomberg study assigned a current net book value of \$622,040 to the existing distribution system. The College estimates that its annual electric costs may increase by 2 to 3%. However, it will no longer incur operational costs for the on-campus distribution system.

The College will grant SMECO an easement to the existing distribution system to allow repairs and future upgrades. SMECO will accept total liability, financial and otherwise, for the reliable operation of the distribution system in accordance with the rules and regulations of the Maryland Public Service Commission. The College will be billed for electrical distribution services using a secondary metering system which will replace the primary metering system now in place. This agreement in no way restricts the College from purchasing competitive power supply from another licensed electricity supplier under the Customer Choice Act.

BOARD OF PUBLIC WORKS ACTION: THE ABOVE REFERENCED ITEM WAS:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION ✓

WITHOUT DISCUSSION

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

SECRETARY'S AGENDA

Contact: Michael J. Frenz 410.333.1560
mfrenz@mdstad.com

13. **MARYLAND STADIUM AUTHORITY**
Camden Yards Sports Complex
Series 2011A and Series 2011B

Recommendation: That the Board of Public Works:

1. Authorize the Authority to issue up to \$105.2 million lease revenue refunding bonds with the proceeds to be used to:
 - terminate the Interest Rate Swap Agreements with AIG-FP;
 - pay the termination fees associated with terminating the agreements;
 - refund the existing Series 1998A taxable bonds;
 - refund the existing Series 1999 tax exempt bonds; and
 - Pay costs related to the issuance of the bonds.
2. Approve the Amended Comprehensive Plan of Financing submitted on September 9, 2011 to the General Assembly fiscal committees. By correspondence dated November 3, 2011, the fiscal committees approved the Plan of Financing.
3. Approve a form of the Thirteenth Supplemental Master Lease and Fourteenth Supplemental Sublease Lease.
4. Execute and deliver on behalf of the State of Maryland the Thirteenth Supplemental Master Lease and Fourteenth Supplemental Sublease Lease.
5. Approve the Board of Public Works Resolution on these matters.
6. Require the Authority to update the Board of Public Works of the results of the bond sale authorized herein or, alternatively, any Authority decision to materially defer the sale.

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

SECRETARY'S AGENDA

13. MARYLAND STADIUM AUTHORITY (cont'd)
Camden Yards Sports Complex
Series 2011A and Series 2011B

Background: The Maryland Stadium Authority issued two series of variable rate debt in accordance with forward starting Interest Rate Swap Agreements with AIG-FP in October 1993. In 1995, AIG-FP paid the Stadium Authority a total of \$16,393,662 under the Interest Rate Swap Agreements.

The *Series 1998A Bonds* were originally issued as taxable variable-rate demand bonds for the purpose of partially refinancing the costs of acquiring certain properties located at the Camden Yards Sports Complex (Camden Yards) in Baltimore City by refunding the outstanding principal amount of the Authority's Taxable Sports Facilities Lease Revenue Notes, Series 1989C on the earliest date on which the notes could be redeemed. The amortization of the swap is contemporaneous with the amortization of the 1998A Bonds to create a synthetic fixed rate obligation.

The *Series 1999 Bonds* were originally issued as variable-rate demand bonds subject to the alternative minimum tax for the purpose of partially refinancing the costs of constructing the baseball stadium at Camden Yards by refunding the outstanding principal amount of the Authority's Tax-Exempt Sports Facilities Lease Revenue Notes, Series 1989D on the earliest date on which the notes could be redeemed. The amortization of the swap is contemporaneous with the amortization of the 1999A Bonds to create a synthetic fixed rate obligation.

The proceeds received from the forward starting interest rate swaps were vital to the construction of the football stadium at the Camden Yards Complex. Yet it is apparent that variable rate transactions and swaps contain several risks outside the Authority's control. Potential risks are:

1. **Basis Risk.** This is when the payment from the swap counterparty does not equal the variable rate payment due the bond holder. A remarketing agent sets the variable rate the Authority pays each week using market and other conditions. The swap counterparty pays the Authority a weekly rate of LIBOR or SIFMA + 15 basis points. If there is a difference between what the Authority pays bondholders and what the swap counterparty pays the Authority, the Authority bears that cost.

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

SECRETARY'S AGENDA

13. MARYLAND STADIUM AUTHORITY (cont'd)
Camden Yards Sports Complex
Series 2011A and Series 2011B

- 2. Remarketing Risk. When bonds are remarketed under certain market conditions, there is a risk that no investors would purchase the bonds at the market rate determined by the remarketing agent; this is called "failed remarketing." These bonds are then "put" back to the liquidity provider, at a higher interest rate under the contract.
- 3. Credit and Counterparty Risk. This is the risk that the LOC/swap provider will fail to make timely payments on the swap or liquidity facility.
- 4. Renewal Risk. A liquidity facility is typically a one- to three-year agreement and does not coincide with the bond issue's final maturity. This leaves issuers exposed to the risk that the credit enhancement facility provider would not renew its commitment or that there would no such facility available while bonds were still outstanding.

During the past several months, the financial conditions of the swap-counterparty, AIG-FP, and the liquidity provider, Dexia Credit Local, have created an opportunity to refund these two bond series and return to a fixed-interest rate debt. Based on current market conditions, a termination fee estimated at approximately \$24.8 million will be due to AIG-FP, but the current low interest rates and the potential for a discount on the termination fee should result in the annual debt service for the new bonds being approximately the same as the existing variable rate debt and fees. The Authority will limit its net present value total cost of the transaction to 7.5% of the existing bonds' annual debt service and fees.

Completing the refunding will stabilize the Authority' overall portfolio and eliminate the risks outlined above.

Legal Authority: Subject to the approval of the Board of Public Works, the Stadium Authority may borrow money from any source for any corporate purpose and, more specifically, for refunding outstanding bonds issued to finance and refinance the acquisition and construction of Oriole Park at Camden Yards and related expenses. Sections 10-628(b) and 10-636(a) of the Economic Development Article of the Annotated Code of Maryland.

BOARD OF PUBLIC WORKS ACTION: THE ABOVE REFERENCED ITEM WAS:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN ✓

WITH DISCUSSION

WITHOUT DISCUSSION

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

SECRETARY'S AGENDA

Contact: Patti Konrad (410)260-7920
pkonrad@treasurer.state.md.us

14. STATE TREASURER

Amendment to November 2011 Energy Performance Contract Lease-Purchase Financing

RECOMMENDATION: The State Treasurer recommends that the Board of Public Works approve an amendment to the November 2011 Energy Performance Contract Lease-Purchase Financing Agreement with JPMorgan Chase Bank, N.A. The amendment will extend to December 8, 2011 the period by which the lease-financing must be provided for the acquisition by the Maryland Port Administration ("MPA") of certain energy systems and equipment.

BACKGROUND: Reference is made to Secretary's Agenda Item 13 of the Board of Public Works November 2, 2011 meeting. This request is being made only with respect to the portion of the November 2011 Energy Lease awarded to JPMorgan Chase Bank, N.A. to provide financing for \$4,212,327 in Tax-Exempt Alternative Minimum Tax (AMT) obligations. It does not impact the portions of the November 2011 Energy Lease awarded to SunTrust Equipment Finance & Leasing Corp., which will close as scheduled on November 17, 2011.

The term of the Lease-Purchase Financing Agreement with JPMorgan Chase Bank, N.A. provides that the lease-financing shall be provided by November 17, 2011; however, in order for interest on this private activity lease to qualify as tax-exempt under the Internal Revenue Code, the State must conduct a public hearing as required under the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA"). The requested extension of the term of the Lease-Purchase Financing Agreement is intended to provide the additional time necessary to complete the TEFRA hearing.

BOARD OF PUBLIC WORKS ACTION: THE ABOVE REFERENCED ITEM WAS:

APPROVED	DISAPPROVED	DEFERRED	WITHDRAWN
	WITH DISCUSSION ✓		WITHOUT DISCUSSION

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

SECRETARY'S AGENDA

APPENDIX

Report of emergency contracts awarded by various agencies in accordance with **COMAR 21.05.06** (Title 21 - State Procurement Regulations) and reported in accordance with **COMAR 21.02.01.05(A)(3)**.

Individual reports enclosed.

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

APPENDIX**SECRETARY'S AGENDA**

Contact: John Thornton (410) 385-4850
jthornton@marylandports.com

REPORT OF EMERGENCY PROCUREMENT**ITEM:** Appendix 1

DEPARTMENT OF TRANSPORTATION
Maryland Port Administration

CONTRACT TITLE: Upgrade CCTV Antenna System
212012-IT
ADPICS No. BP000351

CONTRACT TYPE: Equipment

DESCRIPTION: Upgrade transmitters and cables in the antennas of the closed circuit television camera perimeter security system at Dundalk, Fairfield, and North Locust Point Marine Terminals.

PROCUREMENT METHOD: Emergency

DATE EMERGENCY DECLARED: September 15, 2011

BIDS:

Skyline Network Engineering, LLC \$55,674
Eldersburg, MD

Communications Electronics, Inc. \$61,500
Timonium, MD

Global Networks, Inc. \$70,812
Odenton, MD

AWARD: Skyline Network Engineering, LLC

AMOUNT: \$55,674

AWARD DATE: October 21, 2011

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

APPENDIX

SECRETARY'S AGENDA

REPORT OF EMERGENCY PROCUREMENT

ITEM: Appendix 1 (continued)

TERM: October 21, 2011 (8-10 weeks from NTP)

MBE PARTICIPATION: 0% (single element of work)

FUND SOURCE: 100% Special Funds Budgeted to MPA

APPROPRIATION CODE: J03D00021420201499

REMARKS:

Nature of Emergency: MPA discovered that antennas in its terminal perimeter security system were malfunctioning, preventing the transmission of signal from security cameras to monitors. This posed a risk to property of the State and private companies on the terminals and to the safety of individuals working on the terminals. The malfunction also exposed MPA to the risk of enforcement action by the U.S Coast Guard, which could be both costly to the State and disruptive to terminal business. To avoid serious damage to public safety and welfare posed by these risks, MPA awarded the contract to Skyline as an emergency contract based on the three quotations received, to avoid the additional delays required to develop a detailed solicitation, advertise it, and have an award approved by the Maryland Port Commission and the Board of Public Works.

Basis for Selection: Lowest bid

TAX COMPLIANCE NO.: 11-2564-1111

RESIDENT BUSINESS: Yes

BOARD OF PUBLIC WORKS ACTION:

REPORT ACCEPTED WITH DISCUSSION

WITHOUT DISCUSSION

REPORT REMANDED TO DEPT./AGENCY

REMARKS:

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

APPENDIX

SECRETARY'S AGENDA

Contact: Joselyn M. Hopkins (410) 339-5013
 jmhopkins@dpscs.state.md.us

REPORT OF EMERGENCY PROCUREMENT

ITEM: **Appendix 2**

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Maryland Correctional Diagnostic and Classification Center - Baltimore

CONTRACT TITLE: MRDCC Chiller Rental, ADPICS No. 0P2402664
 MRDCC Chiller #2 Repair, ADPICS No. Q00P2402675

CONTRACT TYPE: Maintenance

DESCRIPTION: Materials, equipment, and labor to repair two existing chillers and install a temporary rental chiller at the Maryland Reception Diagnostic and Classification Center located.

PROCUREMENT METHOD: Emergency

DATE EMERGENCY DECLARED: September 9, 2011

BIDS:

Johnson Controls, Sparks, MD	\$ 59,120.00
John J. Kirlin, Rockville, MD.	\$ 66,725.00

AWARD: Johnson Controls

AMOUNT: \$ 59,120.00
 \$ 48,872.03 Modification #1
 107,992.03 Total Request

CONTRACT AWARD DATE: September 9, 2011

TERM: 9/9/11 – 10/9/11

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

APPENDIX

SECRETARY'S AGENDA

REPORT OF EMERGENCY PROCUREMENT

ITEM: Appendix 2(cont'd)

MBE PARTICIPATION: 0%

FUND SOURCE: 100% General Funds
Appropriation Code: 35.02.03 B4140 8020

REMARKS:

Nature of Emergency: Chiller #1 was not operational. During the solicitation process to repair Chiller #1, Chiller #2 became completely non-operational. Temperatures within the Institution were averaging 91 degrees making this unsafe for inmates and employees. Therefore an emergency was declared in order to procure a rental chiller and repair Chillers #1 and #2.

Basis for Selection: DPSCS selected Johnson Controls because they submitted the lowest bid and were able to respond within days of the award.

Modification: During the repair, additional deficiencies were discovered.

TAX COMPLIANCE NO.: 11-2449-111

RESIDENT BUSINESS: Yes

BOARD OF PUBLIC WORKS ACTION:

REPORT ACCEPTED

WITH DISCUSSION

WITHOUT DISCUSSION

REPORTED REMANDED TO DEPT./AGENCY

REMARKS:

BOARD OF PUBLIC WORKS

NOVEMBER 16, 2011

APPENDIX

SECRETARY'S AGENDA

Contact: Cheryl Hill (410) 545-0433
 chill@sha.state.md.us

REPORT OF EMERGENCY PROCUREMENT**ITEM:** Appendix 3

DEPARTMENT OF TRANSPORTATION
 State Highway Administration

CONTRACT TITLE: Slope Repairs near Upper Marlboro
 MD725MP103
 ADPICS No. MD725MP103

CONTRACT TYPE: Maintenance

DESCRIPTION: Install super nail, galvanized wire mesh, and shotcrete to stabilize failed slope along MD 725 roadway.

PROCUREMENT METHOD: Emergency

DATE EMERGENCY DECLARED: September 8, 2011

BIDS:

Soil Nail Launcher Inc Grand Junction, CO 81501	\$99,940
Geo Constructors, Inc Purcellville VA 20132	\$183,206
Berkel & Company Contractor Inc. Silver spring, MD 20910	\$225,000

AWARD: Soil Nail Launcher Inc

AMOUNT: \$99,940

BOARD OF PUBLIC WORKS

November 16, 2011

APPENDIX

SECRETARY'S AGENDA

REPORT OF EMERGENCY PROCUREMENT

ITEM: Appendix 3 (cont'd)

CONTRACT AWARD DATE: September 19, 2011

TERM: September 20, 2011 – September 30, 2011

MBE PARTICIPATION: 0%

FUND SOURCE: 100 % Special Funds Budgeted to SHA
Appropriation Code: J02B0102

REMARKS: *Nature of Emergency:* Ten feet of rain during Tropical Storm Lee caused severe ground washout on the slope of MD 725 at MP 1-03. The slope is approximately 25 feet in height. The approximate length of the failed section is 80 to 95 ft and adjacent to wet area at the slope toe. The pavement near the failed area shows distresses (2~3 inch longitudinal cracks) indicating another rain event would affect the travel roadway. The soils from the exposed slope surface are composed of silty sand and sandy silt soils (erosion prone).

Basis for selection: Low bid.

TAX COMPLIANCE NO.: 11-2438-0000

RESIDENT BUSINESS: No

BOARD OF PUBLIC WORKS ACTION:

REPORT ACCEPTED

WITH DISCUSSION ✓

WITHOUT DISCUSSION

REPORT REMANDED TO DEPT./AGENCY

REMARKS:

SUPPLEMENT A
DEPARTMENT OF NATURAL RESOURCES REAL PROPERTY
ACTION AGENDA

November 16, 2011

ITEM 1A
PROGRAM OPEN SPACE LOCAL SHARE

Contact: James W. Price
cprice@dnr.state.md.us
(410) 260-8426

Recommendation: Approval to commit \$120,000.00 for the following **development** project.

Westminster Community Trail - Section 1 - \$120,000.00
Carroll County
POS #5915-6-320
MD20110826-0691

Background: Develop a 750 foot bike/pedestrian trail and construct a pedestrian bridge.

Fund Source: Program Open Space Local Share allocated to Carroll County:

Program 81.20.04 Item 806 \$41,914.54

Program Open Space Local Share allocated to Carroll County:

Program 81.20.04 Item 906 \$41,462.38

MCCBL of 2011: Program Open Space, Local Capital Development
and Land Acquisition Grants, Carroll County:

Program 89.22.51 Item 051 \$36,623.08

Board of Public Works Action: The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

**SUPPLEMENT A
DEPARTMENT OF NATURAL RESOURCES REAL PROPERTY
ACTION AGENDA**

November 16, 2011

**ITEM 2A
PROGRAM OPEN SPACE LOCAL SHARE**

Contact: James W. Price
cprice@dnr.state.md.us
(410) 260-8426

Recommendation: Approval to commit \$623,127.56 for the following **development and acquisition** projects.

1. ***Woodland Park Development - \$1,455.00***
Town of Thurmont, Frederick County
POS #5762-10-303
MD20110920-0748

Background: Install picnic table and playground safety borders at 2± acre park (borders maintain proper mulch depth for safety purposes).

Fund Source: MCCBL of 2011: Program Open Space, Local Capital Development and Land Acquisition Grants, Frederick County:
Program 89.22.51 Item 051 \$1,455.00

2. ***Offutt Property Acquisition - \$621,672.56***
Frederick County
POS #5914-10-318
MD20110919-0746

Background: Acquire 199.59 acres for new district/regional park located near Point of Rocks and Adamstown communities.

Appraised Value: J. Hunter Pugh, Jr. SRA \$1,500,000.00
Brady Appraisal Services \$1,250,000.00

Property Cost: \$1,540,000.00

Incidental Costs: \$ -0-

**SUPPLEMENT A
DEPARTMENT OF NATURAL RESOURCES REAL PROPERTY
ACTION AGENDA**

November 16, 2011

ITEM 2A (con=t)

PROGRAM OPEN SPACE LOCAL SHARE

Fund Source: MCCBL of 2010: Program Open Space, Local Capital Development and Land Acquisition Grants, Frederick County:
Program 89.22.49 Item 056 \$295,785.62

MCCBL of 2011: Program Open Space, Local Capital Development and Land Acquisition Grants, Frederick County:
Program 89.22.51 Item 051 \$95,333.50

MCCBL of 2011: Program Open Space, Local Capital Development and Land Acquisition Grants, Frederick County:
Program 89.22.52 Item 052 \$230,553.44

Board of Public Works Action: The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

**SUPPLEMENT A
DEPARTMENT OF NATURAL RESOURCES REAL PROPERTY
ACTION AGENDA**

November 16, 2011

**ITEM 3A
PROGRAM OPEN SPACE LOCAL SHARE**

Contact: James W. Price
cprice@dnr.state.md.us
(410) 260-8426

Recommendation: Approval to commit \$47,200.00 for the following **development** projects.

1. ***Potterfield Pool Double Tube Slide - \$13,500.00***
City of Hagerstown, Washington County
POS #5918-21-257
MD20110919-0745

Background: Install double-tube pool slide at Claude M. Potterfield municipal pool facility.

Fund Source: MCCBL of 2011: Program Open Space, Local Capital Development
and Land Acquisition Grants, Washington County:
Program 89.22.52 Item 052 \$13,500.00

2. ***University Plaza Stationary Stage - \$9,000.00***
City of Hagerstown, Washington County
POS #5919-21-258
MD20110920-0749

Background: Construct 10' x 20' covered stationary stage to replace portable stage.

Fund Source: Program Open Space Local Share allocated to Washington County:
Program 81.20.04 Item 921 \$3,439.66

MCCBL of 2010: Program Open Space, Local Capital Development
and Land Acquisition Grants, Washington County:
Program 89.22.49 Item 056 \$5,560.34

**SUPPLEMENT A
DEPARTMENT OF NATURAL RESOURCES REAL PROPERTY
ACTION AGENDA**

November 16, 2011

ITEM 3A (cont'd)

PROGRAM OPEN SPACE LOCAL SHARE

3. ***University Plaza Portable Shade Canopy - \$10,800.00***
City of Hagerstown, Washington County
POS #5920-21-259
MD20110920-0752

Background: Install portable shade canopy for relief from sun/inclement weather within University Plaza.

Fund Source: Program Open Space Local Share allocated to Washington County:
 Program 81.20.04 Item 121 \$17.76

MCCBL of 2010: Program Open Space, Local Capital Development
 and Land Acquisition Grants, Washington County:
 Program 89.22.49 Item 056 \$10,782.24

4. ***Veterans Park Pavilion Upgrade - \$13,900.00***
Town of Smithsburg, Washington County
POS #5921-21-260
MD20110920-0751

Background: Install roll-up doors on existing park pavilion. Addition of doors will allow pavilion use during cold/inclement weather.

Fund Source: MCCBL of 2010: Program Open Space, Local Capital Development
 and Land Acquisition Grants, Washington County:
 Program 89.22.49 Item 055 \$416.31

MCCBL of 2010: Program Open Space, Local Capital Development
 and Land Acquisition Grants, Washington County:
 Program 89.22.49 Item 056 \$13,483.69

Board of Public Works Action: The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

**SUPPLEMENT A
DEPARTMENT OF NATURAL RESOURCES REAL PROPERTY
ACTION AGENDA**

November 16, 2011

**ITEM 4A
SALE OF FOREST PRODUCTS**

Contact: Robert Feldt
rfeldt@dnr.state.md.us
(410) 260-8529

RECOMMENDATION: Approve timber sale as described.

PROJECT NAME: Chesapeake State Forest - Worcester County
CF-13-12
38 acres / Compartment # 24

DESCRIPTION: This is final harvest of 45-year old planted loblolly pine; seed trees to be retained. Hardwoods in the mid to upper canopy will be retained for Delmarva Fox squirrel habitat and for forest interior nesting bird species. This sale includes 692,316 board feet of sawtimber and 40 cords. No bond money was used to purchase the real property.

METHOD: Competitive Sealed Bid via the one-step method (BPW Advisory 2005-2)

BIDS RECEIVED:

Beauchamp Logging, Inc.	(MD)	\$112,000.00
Paul M. Jones Lumber Co., Inc.	(MD)	\$107,300.00
Dorchester Lumber Co., Inc.	(MD)	\$ 86,600.00
Millville Lumber Co., Inc.	(MD)	\$ 86,000.00

AWARD: Beauchamp Logging, Inc.

AMOUNT: \$112,000.00

ESTIMATED VALUE: \$ 97,000.00

* Prices are on a \$/ton basis for: pine pulpwood, hardwood pulpwood, and sawtimber respectively.

Board of Public Works Action: The above referenced item was:

Approved
 Disapproved
 Deferred
 Withdrawn

With Discussion
 Without Discussion

SUPPLEMENT A
DEPARTMENT OF NATURAL RESOURCES REAL PROPERTY
ACTION AGENDA

November 16, 2011

Contact: Lisa Ward (410) 260-8450
lward@dnr.state.md.us

ITEM 5A
RURAL LEGACY PROGRAM
CONSERVATION EASEMENT AMENDMENT

RECOMMENDATION: That the Board of Public Works approve an amendment to a conservation easement held by the Department of Natural Resources.

GRANTOR: Grasslands Plantation, Inc.

CO-GRANTEES: The State of Maryland, to the use of the Department of Natural Resources and The County Commissioners of Queen Anne's County

PROPERTY: 3,612 +/- acres

CONSIDERATION: \$-0-

EASEMENT APPROVED: Program Open Space Agenda Item 17A (Sept. 19, 2001). The Board of Public Works approved the State's acquisition of a perpetual conservation easement in the Foreman Branch Rural Legacy Area (then known as the Chino Farms Rural Legacy Area). The fee simple property owner is now Grasslands Plantation, Inc. and DNR holds the easement jointly with Queen Anne's County, on numerous parcels of land comprising approximately 3,612 ± acres.

BACKGROUND: The 2001 conservation easement allows for agricultural, residential, and research uses of the real property. The easement established several sub-dividable parcels for residential use and further allows for the fee simple owner, Grasslands, to donate parcels to Washington College for use as research facilities.

In September 2011, Grasslands requested approval from the Rural Legacy Program to construct solar panels on two 2-acre eased sites for agricultural, residential, and research activities as allowed in the easement. The easement includes language adequate to allow the solar panels to serve the agricultural and residential activities; however, facilities related to research activities are restricted to 2,500 square feet on the research parcels. This aspect of the current easement prohibits the allowed research facilities from benefiting from the energy produced by the solar panels.

PROPOSED AMENDMENT: The amendment adds language to Article II.P. that supports the use of solar panels to power all the allowed uses on the eased properties. (The current Rural Legacy Program model easement template contains standard language to this effect.) The recommended amendment will not create or extinguish any development rights and will have no effect on the conservation purpose protected by the easement.

Board of Public Works Action: The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

**SUPPLEMENT A
DEPARTMENT OF NATURAL RESOURCES REAL PROPERTY
ACTION AGENDA**

November 16, 2011

Contact: Lisa Ward
lward@dnr.state.md.us
(410) 260-8450

**ITEM 6A
PROGRAM OPEN SPACE
CONSERVATION RESERVE ENHANCEMENT PROGRAM FUNDS**

Recommendation: Approval to grant to Lower Shore Land Trust \$365,961.91 for the following project from Program Open Space Stateside Funds.

Project Name: Carmack CREP Easement, Wicomico County

Amount: \$365,961.91

Authority: Program Open Space Agenda Item 9A (Sept. 16, 2009). In that Item, the Board of Public Works approved the Conservation Reserve Enhancement Program to acquire permanent easements on stream side forests, natural areas and wetlands as set forth in the *Revision to the Agreement Between the U.S. Department of Agriculture, the Commodity Credit Corporation, and the State of Maryland Concerning the Implementation of the Maryland Conservation Reserve Enhancement Program* dated April 24, 2009, including the use of bond funds issued under the Program Open Space Land Acquisition Opportunity Loan Act of 2009 (Chapter 419, 2009 Maryland Laws) for property that has extraordinary ecological value and will help provide clean air, clean water and wildlife habitat.

Project Description: Acquisition of this 91.294-acre CREP easement located in Wicomico County permanently protects water quality through riparian buffers along 13,921 linear feet of Truitt Branch and unnamed tributaries to the Pocomoke River. This easement will be co-held by Lower Shore Land Trust and the Department of Natural Resources.

Easement Value: \$344,269.67 [\$3,770.99 per acre]

Total Other Costs: \$ 21,692.24

Administrative:	\$10,328.09
Incidental:	\$ 6,200.10
Compliance:	\$ 5,164.05

Total Amount Requested: \$365,961.91

**SUPPLEMENT A
DEPARTMENT OF NATURAL RESOURCES REAL PROPERTY
ACTION AGENDA**

November 16, 2011

ITEM 6A (con't)

PROGRAM OPEN SPACE

CONSERVATION RESERVE ENHANCEMENT PROGRAM FUNDS

Fund Source: Program 81.20.03 Item 447 \$ 21,692.24 (FY 2010)

Program Open Space Acquisition Opportunity Loan 2009

Program 89.22.45 Item 500 \$344,269.67 (FY 2010)

CREP Targeting: The CREP easement program focuses its efforts on Target Level 1 and Target Level 2 counties where the easement practices will have the greatest impact on water quality. Targeting for CREP is a multiagency and conservation partnership organization effort that uses nine high priority, science based, data sets and areas of special consideration developed from the past ten years of research of water quality and natural resource conditions in the State's 134 watersheds. Wicomico County is a Target Level 1 county.

Easement Valuation System: DNR uses an easement evaluation system based on: (1) whether the property is located within a Target Level 1 or Target Level 2 county; (2) the width of the buffers; and (3) the amount of land in the CREP contract that will be covered by the easement. The program seeks to retain conservation practices beyond the 10- to 15-year contract period available under the federal CREP rental program. The easement acquires development rights and a portion of the agricultural production value beginning at the end of the federal contract term and continuing into perpetuity.

Board of Public Works Action: the above referenced item was

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

**SUPPLEMENT A
DEPARTMENT OF NATURAL RESOURCES REAL PROPERTY
ACTION AGENDA**

November 16, 2011

Contact: Lisa Ward
lward@dnr.state.md.us
(410) 260-8450

**ITEM 7A
PROGRAM OPEN SPACE
CONSERVATION RESERVE ENHANCEMENT PROGRAM FUNDS**

Recommendation: Approval to grant to Wicomico County \$958,962.97 for the following project from Program Open Space Stateside Funds.

Project Name: Tracey CREP Easement, Wicomico County.

Amount: \$958,962.97

Authority: Program Open Space Agenda Item 9A (Sept. 16, 2009). In that Item, the Board of Public Works approved the Conservation Reserve Enhancement Program to acquire permanent easements on stream side forests, natural areas and wetlands as set forth in the *Revision to the Agreement Between the U.S. Department of Agriculture, the Commodity Credit Corporation, and the State of Maryland Concerning the Implementation of the Maryland Conservation Reserve Enhancement Program* dated April 24, 2009, including the use of bond funds issued under the Program Open Space Land Acquisition Opportunity Loan Act of 2009 (Chapter 419, 2009 Maryland Laws) for property that has extraordinary ecological value and will help provide clean air, clean water and wildlife habitat.

Project Description: Acquisition of this 237.80-acre CREP easement located in Wicomico County permanently protects water quality through riparian buffers along 52,414 linear feet along Peter's Creek, Quantico Creek, Dennis Creek and unnamed tributaries and drainage ditches. These drainages are part of the Nanticoke Creek Watershed. This easement will be co-held by Wicomico County and the Department of Natural Resources.

Easement Value: \$896,886.48 [\$3771.60 per acre]

Total Other Costs: \$ 62,076.49

Administrative:	\$26,906.59
Incidental:	\$21,716.60
Compliance:	\$13,453.30

Amount Requested: \$958,962.97

**SUPPLEMENT A
DEPARTMENT OF NATURAL RESOURCES REAL PROPERTY
ACTION AGENDA**

November 16, 2011

ITEM 7A (con't)

PROGRAM OPEN SPACE

CONSERVATION RESERVE ENHANCEMENT PROGRAM FUNDS

Fund Source: Program 81.20.03 Item 447 \$ 62,076.49 (FY 2010)

Program Open Space Acquisition Opportunity Loan 2009

Program 89.22.45 Item 500 \$896,886.48 (FY 2010)

CREP Targeting: The CREP easement program focuses its efforts on Target Level 1 and Target Level 2 counties where the easement practices will have the greatest impact on water quality. Targeting for CREP is a multiagency and conservation partnership organization effort that uses nine high priority, science based, data sets and areas of special consideration developed from the past ten years of research of water quality and natural resource conditions in the State's 134 watersheds. Wicomico County is a Target Level 1 county.

Easement Valuation System: DNR uses an easement evaluation system based on: (1) whether the property is located within a Target Level 1 or Target Level 2 county; (2) the width of the buffers; and (3) the amount of land in the CREP contract that will be covered by the easement. The program seeks to retain conservation practices beyond the 10- to 15-year contract period available under the federal CREP rental program. The easement acquires development rights and a portion of the agricultural production value beginning at the end of the federal contract term and continuing into perpetuity.

Board of Public Works Action: the above referenced item was

Approved

Disapproved

Deferred

Withdrawn

With Discussion ✓

Without Discussion

**SUPPLEMENT A
DEPARTMENT OF NATURAL RESOURCES REAL PROPERTY
ACTION AGENDA**

November 16, 2011

ITEM 8A

Contact: Lisa Ward
lward@dnr.state.md.us
(410) 260-8450

**PROGRAM OPEN SPACE
CONSERVATION RESERVE ENHANCEMENT PROGRAM FUNDS**

Recommendation: Approval to grant to Lower Shore Land Trust \$301,586.73 for the following project from Program Open Space Stateside Funds.

Project Name: Bowman CREP Easement, Wicomico County

Amount: \$301,586.73

Authority: Program Open Space Agenda Item 9A (Sept. 16, 2009). In that Item, the Board of Public Works approved the Conservation Reserve Enhancement Program to acquire permanent easements on stream side forests, natural areas and wetlands as set forth in the *Revision to the Agreement Between the U.S. Department of Agriculture, the Commodity Credit Corporation, and the State of Maryland Concerning the Implementation of the Maryland Conservation Reserve Enhancement Program* dated April 24, 2009, including the use of bond funds issued under the Program Open Space Land Acquisition Opportunity Loan Act of 2009 (Chapter 419, 2009 Maryland Laws) for property that has extraordinary ecological value and will help provide clean air, clean water and wildlife habitat.

Project Description: Acquisition of this 98-acre CREP easement located in Wicomico County permanently protects water quality through riparian buffers along 18,646 linear feet of unnamed tributaries feeding Wetipquin Creek, a tributary to the Nanticoke River. This CREP easement will be co-held by Lower Shore Land Trust and the Department of Natural Resources.

Easement Value: \$275,175.93 [\$2,807.92 per acre]

Total Other Costs: \$ 26,410.80

Administrative:	\$ 8,255.28
Incidental:	\$14,027.88
Compliance:	\$ 4,127.64

Total Amount Requested: \$301,586.73

**SUPPLEMENT A
DEPARTMENT OF NATURAL RESOURCES REAL PROPERTY
ACTION AGENDA**

November 16, 2011

**ITEM 8A (con't)
PROGRAM OPEN SPACE (CREP) FUNDS**

Fund Source: Program 81.20.03 Item 447 \$ 26,410.80 (FY 2010)

Program Open Space Acquisition Opportunity Loan 2009
Program 89.22.45 Item 500 \$275,175.93 (FY 2010)

CREP Targeting: The CREP easement program focuses its efforts on Target Level 1 and Target Level 2 counties where the easement practices will have the greatest impact on water quality. Targeting for CREP is a multiagency and conservation partnership organization effort that uses nine high priority, science based, data sets and areas of special consideration developed from the past ten years of research of water quality and natural resource conditions in the State's 134 watersheds. Wicomico County is a Target Level 1 county.

Easement Valuation System: DNR uses an easement evaluation system based on: (1) whether the property is located within a Target Level 1 or Target Level 2 county; (2) the width of the buffers; and (3) the amount of land in the CREP contract that will be covered by the easement. The program seeks to retain conservation practices beyond the 10- to 15-year contract period available under the federal CREP rental program. The easement acquires development rights and a portion of the agricultural production value beginning at the end of the federal contract term and continuing into perpetuity.

Board of Public Works Action: the above referenced item was

Approved	Disapproved	Deferred	Withdrawn
	With Discussion ✓		Without Discussion

**SUPPLEMENT A
DEPARTMENT OF NATURAL RESOURCES REAL PROPERTY
ACTION AGENDA**

November 16, 2011

ITEM 9A

Contact: Lisa Ward
lward@dnr.state.md.us
(410) 260-8450

**PROGRAM OPEN SPACE
CONSERVATION RESERVE ENHANCEMENT PROGRAM FUNDS**

Recommendation: Approval to grant to Worcester County \$78,165.46 for the following project from Program Open Space Stateside Funds.

Project Name: Collins CREP Easement, Worcester County

Amount: \$78,165.46

Authority: Program Open Space Agenda Item 9A (Sept. 16, 2009). In that Item, the Board of Public Works approved the Conservation Reserve Enhancement Program to acquire permanent easements on stream side forests, natural areas and wetlands as set forth in the *Revision to the Agreement Between the U.S. Department of Agriculture, the Commodity Credit Corporation, and the State of Maryland Concerning the Implementation of the Maryland Conservation Reserve Enhancement Program* dated April 24, 2009, including the use of bond funds issued under the Program Open Space Land Acquisition Opportunity Loan Act of 2009 (Chapter 419, 2009 Maryland Laws) for property that has extraordinary ecological value and will help provide clean air, clean water and wildlife habitat.

Project Description: Acquisition of this 29.82-acre CREP easement located in Worcester County permanently protects water quality through riparian buffers along 3,600 feet of unnamed tributaries to Porter Creek. Porter Creek is part of the Newport Bay Watershed. (As part of the transaction, the landowner will donate a conservation easement on the remaining 13.21 acres of property to Worcester County.) The CREP easement will be co-held by Worcester County and the Department of Natural Resources.

Easement Value: \$73,059.00 [\$2,450.00 per acre)

Total Other Costs: \$ 5,106.46

Administrative:	\$2,191.77
Incidental:	\$1,818.80
Compliance:	\$1,095.89

Amount Requested: \$78,165.46

**SUPPLEMENT A
DEPARTMENT OF NATURAL RESOURCES REAL PROPERTY
ACTION AGENDA**

November 16, 2011

ITEM 9A (con't)

PROGRAM OPEN SPACE

CONSERVATION RESERVE ENHANCEMENT PROGRAM FUNDS

Fund Source: Program 81.20.03 Item 447 \$ 5,106.46 (FY 2010)

Program Open Space Acquisition Opportunity Loan 2009

Program 89.22.45 Item 500 \$ 73,059.00 (FY 2010)

CREP Targeting: The CREP easement program focuses its efforts on Target Level 1 and Target Level 2 counties where the easement practices will have the greatest impact on water quality. Targeting for CREP is a multiagency and conservation partnership organization effort that uses nine high priority, science based, data sets and areas of special consideration developed from the past ten years of research of water quality and natural resource conditions in the State's 134 watersheds. Worcester County is a Target Level 2 county.

Easement Valuation System: DNR uses an easement evaluation system based on: (1) whether the property is located within a Target Level 1 or Target Level 2 county; (2) the width of the buffers; and (3) the amount of land in the CREP contract that will be covered by the easement. The program seeks to retain conservation practices beyond the 10- to 15-year contract period available under the federal CREP rental program. The easement acquires development rights and a portion of the agricultural production value beginning at the end of the federal contract term and continuing into perpetuity.

Board of Public Works Action: the above referenced item was

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

**SUPPLEMENT A
DEPARTMENT OF NATURAL RESOURCES REAL PROPERTY
ACTION AGENDA**

November 16, 2011

ITEM 10A

Contact: Lisa Ward
lward@dnr.state.md.us
(410) 260-8450

**PROGRAM OPEN SPACE
CONSERVATION RESERVE ENHANCEMENT PROGRAM FUNDS**

Recommendation: Approval to grant to Eastern Shore Land Conservancy \$149,648.92 for the following project from Program Open Space Stateside Funds.

Project Name: Christopher CREP Easement, Caroline County

Amount: \$149,648.92

Authority: Program Open Space Agenda Item 9A (Sept. 16, 2009). In that Item, the Board of Public Works approved the Conservation Reserve Enhancement Program to acquire permanent easements on stream side forests, natural areas and wetlands as set forth in the *Revision to the Agreement Between the U.S. Department of Agriculture, the Commodity Credit Corporation, and the State of Maryland Concerning the Implementation of the Maryland Conservation Reserve Enhancement Program* dated April 24, 2009, including the use of bond funds issued under the Program Open Space Land Acquisition Opportunity Loan Act of 2009 (Chapter 419, 2009 Maryland Laws) for property that has extraordinary ecological value and will help provide clean air, clean water and wildlife habitat.

Project Description: Acquisition of this 61.2-acre CREP easement located in Caroline County permanently protects water quality through riparian buffers along 3,100 feet of Faulkner Branch. Faulkner Branch is part of the Nanticoke River Watershed. This CREP easement will be co-held by the Eastern Shore Land Conservancy and the Department of Natural Resources.

Easement Value: \$137,241.00 [\$2,242.00 per acre]

Total Other Costs: \$ 12,407.92

Administrative:	\$4,117.23
Incidental:	\$6,232.07
Compliance:	\$2,058.62

Amount Requested: \$149,648.92

**SUPPLEMENT A
DEPARTMENT OF NATURAL RESOURCES REAL PROPERTY
ACTION AGENDA**

November 16, 2011

ITEM 10A (con't)

PROGRAM OPEN SPACE

CONSERVATION RESERVE ENHANCEMENT PROGRAM FUNDS

Fund Source: Program 81.20.03 Item 447 \$ 12,407.92 (FY 2010)

Program Open Space Acquisition Opportunity Loan 2009
Program 89.22.45 Item 500 \$137,241.00 (FY 2010)

CREP Targeting: The CREP easement program focuses its efforts on Target Level 1 and Target Level 2 counties where the easement practices will have the greatest impact on water quality. Targeting for CREP is a multiagency and conservation partnership organization effort that uses nine high priority, science based, data sets and areas of special consideration developed from the past ten years of research of water quality and natural resource conditions in the State's 134 watersheds. Caroline County is a Target Level 2 county.

Easement Valuation System: DNR uses an easement evaluation system based on: (1) whether the property is located within a Target Level 1 or Target Level 2 county; (2) the width of the buffers; and (3) the amount of land in the CREP contract that will be covered by the easement. The program seeks to retain conservation practices beyond the 10- to 15-year contract period available under the federal CREP rental program. The easement acquires development rights and a portion of the agricultural production value beginning at the end of the federal contract term and continuing into perpetuity.

Board of Public Works Action: the above referenced item was

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

SERVICES CONTRACT

ITEM: 1-S **Agency Contact:** James L. Knighton
410-767-0802
jknighton@mta.maryland.com

DEPARTMENT/PROGRAM Transportation (MDOT)
Maryland Transit Administration (MTA)
Office of Planning

CONTRACT ID: MTA-1336;
Capital Projects Prioritization Process
ADPICS NO. J05B2400009

CONTRACT DESCRIPTION: Develop a Capital Improvement Program optimization process that efficiently and effectively evaluates and prioritizes projects and allocates financial resources to achieve the maximum benefit for the State's investment in each capital project.

AWARD: Decision Lens, Inc.
Arlington, VA

TERM: 12/1/2011 – 11/30/2014 (w/2 one-year renewal options)

AMOUNT: Section I: Annual Service Fees
\$393,750 Est. (3 Years, Base Term)
\$137,812 Est. (1 Year, Renewal Option)
\$137,812 Est. (1 Year, Renewal Option)
\$669,374 Est. Total (5 Years)

Section II: Optional Service Fees, if utilized
\$390,000 Est. (3 Years, Base Term)
\$136,500 Est. (1 Year, Renewal Option)
\$136,500 Est. (1 Year, Renewal Option)
\$663,000 Est. Total (5 Years)

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 1-S (Cont.)

Total Contract Amount (Sections I & II):
\$ 783,750 Est. (3 Years, Base Term)
\$ 274,312 Est. (1 Year, Renewal Option)
\$ 274,312 Est. (1 Year, Renewal Option)
\$1,332,374 Est. Grand Total (5 Years)

PROCUREMENT METHOD: Competitive Sealed Proposals
BIDS OR PROPOSALS: See Attachment
MBE PARTICIPATION: None (See Requesting Agency Remarks below)
INCUMBENT: N/A

REQUESTING AGENCY REMARKS: A notice of the availability of the Request for Proposals (RFP) was advertised on *eMarylandMarketplace.com* and MTA's website. (Copies of the solicitation notice were downloaded from the MTA website by interested Offerors which created a "planholders" list for future direct contact.) A copy of the solicitation was also sent to the Governor's Office of Minority Affairs and the MTA Office of Fair Practice

Two proposals were received in response to the RFP, and both were deemed to be reasonably susceptible of being selected for award as indicated in the Attachment. Decision Lens, Inc. was ranked overall #1 with the higher ranked technical offer and the lower price. Therefore, Decision Lens, Inc. is recommended for contract award.

The MTA Office of Planning desires to implement a Capital Improvement Program optimization process that efficiently and effectively evaluates and prioritizes projects and allocates financial resources to achieve the maximum benefit for the State's investment in each capital project. MTA's capital program includes more than 300 projects, provides funding over a six-year cycle and utilizes funds from several different sources, primarily State and federal grants. The Office of Planning maintains a capital program project inventory database that houses both funded and unfunded capital projects. Projects in the database are fully described and justified and include cost estimates and funding schedules. The cost estimates and supporting cash flow are updated quarterly.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 1-S (Cont.)

The scope of services for the Capital Improvement Program include the development of a process to engage decision makers in the identification and evaluation of capital projects and the subsequent prioritization of those projects in light of agency wide strategic goals and objectives, as well as the development of a comprehensive, well-defined set of project ratings criteria. The services will also include support to MTA's Quarterly Capital Programming Process.

The underlying objective of the prioritization process is to create a service that will be capable of performing highly complex optimization routines and analysis and provide graphic representations of the prioritized rankings. The prioritization process must also be capable of report generation and the storage of data.

Due to the specialized, single element of work described in the scope of services for this contract, it was determined that there were no subcontracting opportunities available. Therefore, no MBE participation goal was established for this solicitation. The MTA Office of Fair Practice concurs with the goal-setting decision.

FUND SOURCE: 100% Special (Transportation Trust Fund)
APPROP. CODE: J05H01.05
RESIDENT BUSINESS: No
MD TAX CLEARANCE: 11-2482-0010

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION ✓

WITHOUT DISCUSSION

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ATTACHMENT

ITEM: 1-(Cont.)

BIDS OR PROPOSALS (Cont.):

OFFERORS	TECH. RANK	FINANCIAL PRICE - 3 YRS. BASE TERM	FINANCIAL PRICE - 1 YR. RENEWAL OPTION	FINANCIAL PRICE - 1 YR. RENEWAL OPTION	TOTAL FINANCIAL PRICE / RANK	OVERALL RANK
Decision Lens, Inc. Arlington, VA	1	\$783,750	\$274,312	\$274,312	\$1,332,374 (1)	1
The Louis Berger Group, Inc. New York, NY	2	\$1,649,415	\$643,386	\$0	\$2,283,701 (2)	2

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

SERVICES CONTRACT

ITEM: 2-S **Agency Contact:** Richard Garrett
410-673-2467
rgarrett@dnr.state.md.us

DEPARTMENT/PROGRAM: Natural Resources (DNR)
Forest Service (MFS)

CONTRACT ID: K00B2400055;
Ayton State Tree Nursery Labor Contract
ADPICS NO. K00B2400055

CONTRACT DESCRIPTION: Provide seasonal management and nursery labor for seedling harvest, processing, packaging and seed bed weeding of the John S. Ayton State Tree Nursery.

AWARD: Garcia Forest Service, LLC
Rockingham, NC

TERM: 12/1/2011 – 11/30/2016

AMOUNT: \$770,588 (5 Years)

PROCUREMENT METHOD: Competitive Sealed Bidding
(Small Business Reserve)

BIDS OR PROPOSALS: Only One Bid Received

MBE PARTICPATION: 0% (See Requesting Agency Remarks below)

INCUMBENT: Same

REQUESTING AGENCY REMARKS: A notice of the availability of the Invitation for Bids (IFB) was advertised on *eMarylandMarketplace.com*. Copies of the solicitation notice were mailed directly to three prospective vendors, one of which is a Maryland firm and included no MBEs. A copy was also sent to the Governor's Office of Minority Affairs.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 2-S (Cont.)

Only one bid was received in response to this solicitation from the incumbent. The recommended bidder, Garcia Forest Service, LLC, is responsible, and its bid meets the technical requirements set forth in the IFB. Moreover, the price has been deemed fair and reasonable. It was also determined that other prospective bidders had a reasonable opportunity to respond to the solicitation.

The John S. Ayton State Tree Nursery (the Nursery) takes much pride in its contributions to the overall mission of The Department of Natural Resources Forest Service to restore, manage and protect Maryland's trees, forests, and forested ecosystems to sustain our natural resources and connect people to the land. This in turn supports the Department of Natural Resources mission to preserve, protect, enhance and restore Maryland's natural resources for the wise use and enjoyment of all citizens.

The Nursery is important to the ecological restoration of Maryland's forested landscapes. The Nursery consists of 300 acres with 45 acres of production beds in southern Caroline County, Maryland. Annual production varies from three million seedlings to six million seedlings. The Nursery currently produces 40 to 50 conifer and deciduous species of trees for conservation purposes, the chief purpose among them is to provide wildlife habitat, watershed and soil protection, windbreaks, sound barriers, forest products and stream buffer stabilization.

This contract is essential to the spring seasonal operations of the Nursery, which has utilized seasonal labor contracts since 2000. Prior to using a labor contractor the turnover rate of local seasonal laborers was extremely high. Typically 80 to 100 people per season were hired in order to keep a labor staff of 20 to 25 at any one time. This was hindering the operations of the Nursery because the process of advertising, interviewing, hiring and training new laborers is very time consuming and all nursery responsibilities are interdependent and must be completed timely in order to produce high quality viable tree seedlings.

Due to the inability to hire sufficient seasonal local labor DNR opted to attempt to use a seasonal labor contractor. On the completion of the first season, the benefits of utilizing a labor contractor were clear. The contract foreman proved reliable and worked diligently with a sufficient amount of skilled laborers to successfully complete the job in a timely manner. After switching to seasonal labor contracting the Nursery operations became much more efficient, thus saving the Nursery in excess of \$8,000 in overtime labor costs annually and allowed the Nursery's full time employees to focus on their main responsibilities which are important to the continued success and growth of the Nursery.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 2-S (Cont.)

The operations of the Nursery directly supports many Federal and State Legislative Initiatives, such as the Federal Conservation Reserve Enhancement Program (CREP), Public Law 96-451, U.S. Fish and Wildlife Service (USFWS), Environmental Quality Incentives Program (EQIP), Woodland Incentive Program (WIP), Reforestation/timber Stand Improvement Tax Deduction (TAXMOD) and the Forest Conservation and Management Program (FCMA).

There was no MBE goal established for this contract because a search of the State's MBE Directory by the Department using Labor, Farm Labor, Nursery and Nursery Labor as the search categories found no certified MBEs for this service. One MBE appeared under the Labor category that explicitly excluded Farm Labor.

FUND SOURCE: 100% Special (State Forest & Parks Service Reserve Fund)
APPROP. CODE: K00A02.09
RESIDENT BUSINESS: No
MD TAX CLEARANCE: 11-2480-0001

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

SERVICES CONTRACT

ITEM: 3-S **Agency Contact:** Sandy Johnson
410-767-7408
SJohnso5@dhr.state.md.us

DEPARTMENT/PROGRAM: Department of Human Resources (DHR)
Baltimore City Department of Social Services
(BCDSS)
Family Investment Administration (FIA)

CONTRACT IDS: See Attachment 1;
Work Participation, Placement and Support
Services
ADPICS #: See Attachment 1

CONTRACT DESCRIPTION: Three Contracts to provide Work Participation,
Placement, and Support Services for Baltimore City Temporary Cash Assistance (TCA)
customers, both current recipients and those applying for TCA benefits. The goal is to serve
approximately 3,000 TCA recipients.

AWARDS: See Attachment 1

TERM: 12/1/2011 – 11/30/2013 (w/one 2-year renewal
option)

AMOUNT: \$10,172,350 (2 Years; Base Contract)
\$10,877,805 (2 Years; Renewal Option)
\$21,050,155 Total (4 Years)

PROCUREMENT METHOD: Competitive Sealed Proposals

BIDS OR PROPOSALS: See Attachment 2

MBE PARTICIPATION: 25%

PERFORMANCE SECURITY: None

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 3-S (Cont.)

HIRING AGREEMENT ELIGIBLE: Yes for all

INCUMBENTS: See Attachment 1

REQUESTING AGENCY REMARKS: A notice of the availability of the Request for Proposals (RFP) was advertised on *eMarylandMarketplace.com* and the DHR website. A Notice of Intent was mailed directly to 73 potential vendors, of which 71 are Maryland firms and 16 are MBEs. A copy of the solicitation was also sent to the Governor's Office of Minority Affairs.

Nine proposals were received in response to this solicitation. Two proposals were determined to be not reasonably susceptible of being selected for award. One offeror requested to withdraw its proposal and was allowed to do so. This left six proposals that were determined to be reasonably susceptible of being selected for award (see Attachment 2). Awards are recommended to the three offerors with the highest overall ranked proposals: Goodwill Industries of the Chesapeake, Inc. (#1), KRA Corporation (#2), and America Works of Maryland, Inc. (#3). Goodwill Industries of the Chesapeake, Inc. and KRA Corporation had the two lowest prices in addition to having the second and third ranked technical proposals. America Works of Maryland, Inc. had a slightly higher price (5% and 13% respectively) than the prices of the #4 and #5 ranked offerors. However, those lower prices that did not offset the #1 ranked technical proposal of America Works of Maryland, Inc.; therefore, it was ranked #3 overall.

As stated in the RFP, multiple awards would be made to acquire the services of enough Contractors to provide Work Participation, Placement, and Support Services for up to 3,000 Baltimore City Temporary Cash Assistance (TCA) customers, both current recipients and those applying for TCA benefits. The Contractors will provide a variety of welfare-to-work services designed to enable TCA customers to achieve Federal Work Activity Participation Requirements (WAPR); enter full-time unsubsidized employment; and, remain employed for at least twelve consecutive weeks.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 3-S (Cont.)

The contracts resulting from this solicitation are pay for performance contracts based on a Fixed Unit Price per Customer to be paid on achievement of the following milestones:

- Payout Point #1 - 45% of the fixed unit price for successful completion of monthly work participation requirements (payable at 1/6 per month for a maximum of 6 months over the life of the Contract);
- Payout Point #2 - 35% of the fixed unit price for eight consecutive weeks of full-time employment; and
- Payout Point #3 - 20% of the fixed unit price for completion of Payout #2 and successful completion of four additional consecutive weeks, for a total of 12 consecutive weeks of full-time employment.

Contractors are also expected to maintain a monthly Work Activity Participation Rate (WAPR) of 70% for actively enrolled customers. The WAPR is determined by the percentage of work eligible individuals who participate in countable work activities for the required hours each week as specified in Payout #1. The WAPR is calculated based on the number of weekly-enrolled customers in the program who met the work activity participation requirement divided by the total number of customers enrolled in the program for the month. The Baltimore City Department of Social Services (BCDSS) will refer customers to Contractors to supplement enrollments which may be reduced due to attrition, to support the Contractors in achieving the overall goal.

Contractors will provide a variety of services that meet the requirements of Maryland's Family Investment Program, Maryland RISE (Reaching Independence and Stability through Employment), and the Federal Temporary Assistance to Needy Families (TANF) Program, the federal equivalent to Maryland's TCA.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 3-S (Cont.)

Services to be provided for work-eligible TCA customers enrolled in a Contractor's program include, but may not be limited to:

- Barrier removal activities;
- Work experience activities;
- Community service activities;
- On-the-job training opportunities;
- Educational opportunities;
- Job specific skill training opportunities;
- Internships;
- Subsidized Employment; and
- Unsubsidized Employment.

FUND SOURCE: 100% Federal (TANF)
APPROP. CODE: N00G0010
RESIDENT BUSINESS: Yes for all
MD TAX CLEARANCES: See Attachment 1

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 3-S (Cont.) ATTACHMENT 1

AWARDS (Cont.):

Contractors	Number of Customers			Base Contract Amount	Renewal Option Amount	Total Amount
	Base	Option	Total			
BCDSS/FIA-12-063 America Works of Maryland, Inc. * Baltimore, MD 21202 MBE Participation: 25% MD Tax Clearance: 11-2317-0111 ADPICS BPO NO: N00B2400194	1500	1500	3000	\$4,987,500	\$4,987,500	\$9,975,000
BCDSS/FIA-12-062 Goodwill Industries of the Chesapeake, Inc. * Baltimore, MD 21202 MBE Participation: 25% MD Tax Clearance: 11-2318-1110 ADPICS BPO NO: N00B2400193	825	825	1650	\$1,586,650	\$1,665,898	\$3,252,548
BCDSS/FIA-12-061 KRA Corporation Silver Spring, MD 20910 MBE Participation: 25% MD Tax Clearance: 11-2332-1111 ADPICS BPO NO: N00B2400192	960	1105	2065	\$3,598,200	\$4,224,407	\$7,822,607
Grand Total	3285	3430	6715	\$10,172,350	\$10,877,805	\$21,050,155

Note: * INCUMBENTS. The third incumbent was Career T.E.A.M., LLC that did not submit a proposal in response to the RFP.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 3-S (Cont.) ATTACHMENT 2

BIDS OR PROPOSALS (Cont.):

Offerors	Technical Rank	Financial Price		Overall Rank
		EPPP*	Rank	
Goodwill Industries of the Chesapeake, Inc. Baltimore, MD	2	\$4,354	1	1
KRA Corporation Silver Spring, MD	3	\$4,951	2	2
America Works of Maryland, Inc. Baltimore, MD	1	\$5,938	5	3
Business Interface of Maryland, LLC. Mitchellville, MD	4	\$5,629	4	4
Scarlet Covering, Inc. Baltimore, MD	5	\$5,160	3	5
Baltimore Healthy Start, Inc. Baltimore, MD	6	\$11,335	6	6

Note: * EPPP = Effective Price Per Person for 12 Consecutive Weeks of Fulltime Unsubsidized Employment.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

SERVICES CONTRACT RENEWAL OPTION

ITEM: 4-S-OPTION **Agency Contact:** Paul Althoff
410-970-7058
AlthoffP@dhhm.state.md.us

DEPARTMENT/PROGRAM: Health and Mental Hygiene (DHMH)
Springfield Hospital Center (SHC)

CONTRACT ID: DHMH/OPASS 11-10549-1;
Psychiatrist Services
ADPICS NO. M00B2400271

CONTRACT APPROVED: 12/15/2010 DBM BPW Agenda Item 3-S

CONTRACTORS: The Healing Staff
San Antonio, TX

Locum Leaders
Alpharetta, GA

Kaleidoscope Family Solutions, Inc.
Columbia, MD

CONTRACT DESCRIPTION: Multi-Award Contract to provide Psychiatry services for the patients and residents at Springfield Hospital Center due to the retirement or leave of absence of three psychiatrists in October 2010.

OPTION DESCRIPTION: Approval request to exercise the first of two one-year renewal options as contained in the original contract.

TERM OF ORIGINAL CONTRACT: 1/1/2011 – 12/31/2011 (w/2 one-year renewal options)

TERM OF OPTION: 1/1/2012 – 12/31/2012

AMOUNT OF ORIGINAL CONTRACT: \$343,200 Est. (1 Year)

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 4-S-OPTION (Cont.)

AMOUNT OF OPTION: \$353,600 Est. (1 Year)

PRIOR MODIFICATIONS/OPTIONS: None

REVISED TOTAL CONTRACT AMOUNT: \$696,800 Est.

ORIGINAL PROCUREMENT METHOD: Competitive Sealed Bidding

MBE PARTICIPATION: None

REQUESTING AGENCY REMARKS: Request for approval to exercise the first of two one-year renewal options as contained in the original contract to provide psychiatric services for the patients at Springfield Hospital Center (SHC). The Contractors provide SHC with safe and effective psychiatric services to individuals who have serious mental illness and to individuals referred by legal authority.

The Contractors' provided Psychiatrist:

- Function as the treatment team leader in coordinating clinical services to assigned patients and advise other health care support staff of appropriate treatment techniques needed for individual cases;
- Provide full psychiatric services to assigned patients as directed by the Clinical Director;
- Provide medication management;
- Provide individual, family and group therapy;
- Order necessary lab tests;
- Review results and assess and modify patient treatment accordingly;
- Screen for medical complaints and medical emergencies and make necessary referrals to the hospital's primary care physicians, contracted specialty or outside hospital services;
- Review patient records and complete medical record documentation on patients in a timely manner to ensure documentation adequacy and compliance with hospital procedures;
- Attend medical staff meetings and other meetings and participate in diagnostic and treatment discussions, lectures, seminars, and case presentations;
- Attend Clinical Forensic Review Board meetings in reviewing patient treatments;
- Meet with patients and their families to discuss treatment plans and address concerns;
- Attend to Patients; and

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 4-S-OPTION (Cont.)

- Answer questions regarding patient grievances and management variance reports.

It is the best interest to the State to exercise the first of the two available renewal options to allow the SHC patients to continue to receive the necessary psychiatric services from the Contractors' Psychiatrists. In addition, two of the Contractors agreed to reduce or maintain the base term hourly rates, foregoing the increase established for the renewal option.

FUND SOURCE: 100% General

APPROP. CODE: M00L0801

RESIDENT BUSINESSES: Yes for Kaleidoscope; No for The Healing Staff, Inc. & Locum Leaders

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

SERVICES CONTRACT MODIFICATION

ITEM: 5-S-MOD **Agency Contact:** Anne Timmons
410-767-4710
atimmons@dbm.state.md.us

DEPARTMENT/PROGRAM: Budget and Management (DBM)
Office of Personnel Services and Benefits
Employee Benefits Division (EBD)

CONTRACT ID: F10B7200016;
Consultant and Actuarial Services for State
Employee and Retiree Benefits Program
ADPICS # F10B1400002; COE02790

CONTRACT APPROVED: 11/15/2006 DBM BPW Agenda Item 1-S

CONTRACTOR: Gabriel, Roeder, Smith & Co. (GRS)
Irving, Texas

CONTRACT DESCRIPTION: Provide consultant and actuarial services to
support the administration of State Employee and Retiree Health Benefits Programs.

MODIFICATION DESCRIPTION: Approval request to extend the contract term
by six months in order to allow sufficient time to resolve an appeal to a protest denial in response
to the new contract award recommendation and to continue services necessary for rate setting
and consulting services in support of State Employee and Retiree Health Benefits Programs.

TERM OF ORIGINAL CONTRACT: 12/1/2006 – 11/30/2009 (w/2 one-year renewal
options)

TERM OF OPTION/MODIFICATION: 12/1/2011 – 5/31/2012

AMOUNT OF ORIGINAL CONTRACT: \$2,592,000 (3 Years)

AMOUNT OF MODIFICATION: \$200,000 NTE (6 Months)

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 5-S-MOD (Cont.)

PRIOR MODIFICATIONS/OPTIONS: \$2,409,544 (See Attachment)

REVISED TOTAL CONTRACT AMOUNT: \$5,251,544

PERCENT +/- (THIS MODIFICATION): +7.71%

OVERALL PERCENT +/-: +5.78%

ORIGINAL PROCUREMENT METHOD: Competitive Sealed Proposals

MBE PARTICIPATION: 27%

REQUESTING AGENCY REMARKS: Request for approval to extend the contract by six months in order to allow sufficient time to resolve the appeal of the protest denial in response to the new contract award recommendation and to continue the important consultant and actuarial services necessary in support of the State employee and retiree benefit programs.

The Request for Proposals (RFP) was published on 4/14/2011 with proposals due on 5/20/2011. Four proposals were received in response to the RFP, all of which were deemed to be reasonably susceptible of being selected for award. Award was recommended to the Offeror with the best overall ranked proposal, which was ranked #2 technically and had the second lowest price. The #1 ranked technical Offeror was notified on 9/26/2011 that it was not being recommended for award because it was ranked #3 overall. A timely protest was received on 10/3/2011. DBM held a debriefing with this Offeror on 10/7/2011, at which time it learned that it was ranked #1 technically. On 10/14/2011, the Offeror filed a supplemental protest in response to the new contract award recommendation to another vendor. DBM is finalizing the denial of both protests.

At this time, DBM is anticipating this Offeror to file an appeal with the Maryland State Board of Contract Appeals (MSBCA). Until the appeals process has been completed, consulting and actuarial services are needed with the current Contractor, Gabriel, Roeder, Smith & Co. (GRS). GRS has provided excellent services for the State during the current contract. This modification is in the best interest of the State.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 5-S-MOD (Cont.)

It is estimated that a total of \$645,000 NTE will be necessary for consulting and actuarial fees for this six month extension based upon a model of hours estimated. This modification is requesting approval for only \$200,000 because there will be approximately \$445,000 of available funding left on the current renewal option amount at the end of the option period.

FUND SOURCE: 100% Reimbursable

APPROP. CODE: F10A0202

RESIDENT BUSINESS: No

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 5-S-MOD (Cont.) ATTACHMENT

PRIOR MODIFICATIONS/OPTIONS (Cont.):

Option/Mod #1	\$1,235,544	Exercised the first of two one-year renewal options and modified the contract language to reflect a reduction in the Fixed Actuarial Fee and a reduction in the hourly labor rate categories and changed the manner in which payments are made (\$25,721) for the period of 12/1/2009 – 11/30/2010. Approved on the 11/18/2009 DBM BPW Agenda, Item 4-S-MOD.
Option/Mod #2	\$1,174,000	Exercised the second and final one-year renewal option and modified the contract language to reflect a reduction in the Fixed Actuarial Fee and hourly labor rate categories, and to change the manner in which payments are made (\$24,491) for the period of 12/1/2010 – 11/30/2011. Approved on the 10/6/2010 DBM BPW Agenda, Item 3-S-MOD.
Total	<u>\$2,409,544</u>	

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

SERVICES CONTRACT MODIFICATION

ITEM: 6-S-MOD **Agency Contact:** Doline M. Serra
410-767-8009
dserra@psc.state.md.us

DEPARTMENT/PROGRAM: Public Service Commission

CONTRACT ID: PSC #07-01-11;
Evaluation of RFP for Generating Capacity
Resources Under Long Term Contract
ADPICS # COE01971

CONTRACT APPROVED: 9/7/2011 BPW Secretary's Agenda,
Appendix 1

CONTRACTOR: Boston Pacific Company, Inc.
Washington, DC

CONTRACT DESCRIPTION: To obtain available and reliable generation capacity for Maryland consumers in the 2015 - 2016 delivery year, the Public Service Commission (PSC) seeks to identify a private entity to build new electricity-generating facilities in Maryland in time for the entity to bid in the Pennsylvania-New Jersey-Maryland Interconnection (PJM) 2012 Base Residual Auction (May 2012). That entity would provide another source from which Maryland electric distribution utilities could buy their electricity. It also would provide an alternative to constructing additional electric transmission lines for electricity delivery to Maryland electric distribution companies. The Commission could accomplish the task of identifying an entity or entities that are able and willing to undergo this project immediately by putting out a public request for proposals (RFP). The Commission does not have experience, expertise, or staff to draft such an RFP in the necessary time. Consequently, the Commission engaged in this procurement on an emergency basis to obtain a consultant who could provide those services.

MODIFICATION DESCRIPTION: Approval request to modify the contract to provide additional consulting services to assist in the evaluation of the proposals received from the acquired RFP in the original scope of work.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 6-S-MOD (Cont.)

TERM OF ORIGINAL CONTRACT: 6/17/2011 – 6/30/2012
TERM OF MODIFICATION: 11/17/2011 – 12/31/2012
AMOUNT OF ORIGINAL CONTRACT: \$270,390 (1 Year; 14 Days)
AMOUNT OF MODIFICATION: \$221,234 (1 Year; 1 Month; 14 Days)
PRIOR MODIFICATIONS/OPTIONS: N/A
REVISED TOTAL CONTRACT AMOUNT: \$491,624
OVERALL PERCENT +/- (THIS MOD): + 81.82%
ORIGINAL PROCUREMENT METHOD: Emergency Procurement
MBE PARTICIPATION: None
(See Requesting Agency Remarks below)

REQUESTING AGENCY REMARKS: Request for approval to modify the contract to provide additional consulting services to assist the Commission in the evaluation of the proposals received from the acquired RFP. The final RFP was issued on 10/7/2011, and a pre-proposal conference was held on 10/21/2011. The existing contract covers the consultant's participation in the conference and responding to questions received from this conference.

The original contract and this modification are in response to Case No. 9214 which resulted in the Commission issuing a Request for Proposals for Generation Capacity (RFP GC) resources under a long-term contract. All proposals received must be vetted in time for the Pennsylvania-New Jersey-Maryland Interconnection 2012 Base Residual Auction (PJM/BRA) scheduled for March 2012. There will be several other PJM/BRA deadlines that must be met through 2012.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 6-S-MOD (Cont.)

Through this modification, Boston Pacific Company, Inc. (Boston Pacific) will provide the following additional consulting services:

- Assist the Commission with assessing bidder eligibility;
- Assess the minimum threshold criteria;
- Evaluate the RFP submissions for the Initial and Final shortlists;
- Participate in the hearing scheduled for January 31, 2012 to determine whether new generation is needed to meet long-term anticipated demand in Maryland; and,
- If the Commission elects to move forward, assist the Commission in the final evaluation of the bids through production edit modeling.

In addition, if the Commission directs the Electrical Distribution Companies (EDCs) to sign contracts with the recommended awardee(s), Boston Pacific will assist the Commission in all steps needed to ensure that the winning Offeror(s) make it through to the final step of signing a contract(s) with an EDC.

It is in the best interest of the State to modify the existing contract with Boston Pacific, who assisted the Commission in the engineering and publication of the RFP GC, because it will provide consistent consulting services to the Commission for the entire RFP GC process from the planning stage through the execution of the contracts. This knowledge of the RFP GC is needed to ensure that the qualified company(s) for constructing long-term generating facilities make it through the long and audacious process of achieving a signed contract with an EDC(s).

No subcontracting opportunities were available for this contract or modification due to the determination by the Commission that the involved nature of and the specified expertise needed for this RFP GC required one consultant to provide all aspects of the work product. Therefore, no MBE participation goal was established.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 6-S-MOD (Cont.)

FUND SOURCE: 100% Special
(Public Utility Regulation Fund)

APPROP. CODE: C90G0001

RESIDENT BUSINESS: No

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 7-S-MOD **Agency Contact:** James L. Knighton
410-767-0820
jknighon@mta.maryland.gov

DEPARTMENT/PROGRAM: Maryland Department of Transportation
Maryland Transit Administration
Office of Safety/Transit Insurance Group

CONTRACT ID: MTA-1321
Transit Insurance Group (TIG) Professional
Independent Claims Adjusters
ADPICS CO NO. COD99932

CONTRACT APPROVED: 4/20/2011 DBM BPW Agenda Item 2-S

CONTRACTOR: Johns Eastern Company, Inc.
Lakewood Ranch, FL (Local Offices in
Columbia and Chestertown, MD)

CONTRACT DESCRIPTION: Provide a Professional Independent Claim
Adjuster of transit liability claims to provide experienced and professional claims adjusting staff
to thoroughly investigate, document and settle claims stemming from incidents, for which the
MTA may be deemed legally responsible under Maryland Tort Law.

MODIFICATION DESCRIPTION: Approval request to increase the available
funding to provide two Medicare Data Entry Staff in order to meet Medicare Reporting
Requirements applicable to Liability Insurers and Self-Insurers.

TERM OF ORIGINAL CONTRACT: 4/25/2011 – 4/24/2014 (w/1 two-year
renewal option)

TERM OF MODIFICATION: 11/21/2011 – 4/24/2014

AMOUNT OF ORIGINAL CONTRACT: \$6,743,514

AMOUNT OF MODIFICATION: \$292,285

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

PRIOR MODIFICATIONS/OPTIONS: None

REVISED TOTAL CONTRACT AMOUNT: \$7,035,799

OVERALL PERCENT +/- (THIS MOD): +4.33%

ORIGINAL PROCUREMENT METHOD: Competitive Sealed Proposals

MBE PARTICIPATION: 18%

REQUESTING AGENCY REMARKS: Request for approval to increase the available funding for the contract in order to provide two Medicare Data Entry Staff.

In the day-to-day operations of the MTA's bus and rail operations, incidents arise that create automobile, bodily injury, general liability and property damage claims against the MTA. Johns Eastern Company, Inc. (Johns Eastern) provides the services necessary to act as a Professional Independent Claims Adjuster (PICA) for transit liability claims against the MTA.

The MTA was informed that the Medicare Reporting Requirements applicable to Liability Insurers and Self-Insurers was amended by the Medicare, Medicaid, and State Children's Health Insurance Program (SCHIP) Extension Act (MMSEA) of 2007, which amended the Medicare Secondary Payer Act and imposed significant new reporting obligations upon insurers. Its purpose is to permit Medicare to track the resolution of liability claims that are subject to Medicare with the intent to reduce overall costs to Medicare.

Under this Federal law, all liability insurers are required to determine whether any individual who files a claim against the insurer would be entitled to Medicare benefits. If so, the insurer must provide Medicare with the individual's identity and other required information. The Transit Claims Group (TCG) is currently using: (1) the Insurance Service Office (ISO) Claim Search which is the leading claims databases for property, casualty, and auto insurance; (2) the Index System (Casualty); (3) the Property Insurance Loss Register (PILR); and (4) vehicle databases formerly administered by the National Insurance Crime Bureau (NICB). If an insurer fails to notify Medicare according to the reporting guidelines, a civil penalty of \$1,000 per day will be charged per claimant.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

At the time of contract award, MTA was in the process of obtaining a new claims database that was capable and compatible with the new Federal Medicare reporting requirements to enable MTA to meet the reporting requirements. Unfortunately, the funding for the new claims database was cut in August, 2011, which meant the level of reporting generated by this new requirement could not be met with the current staff. All four databases listed above must be maintained in order to meet the reporting requirements. It was not known prior to the original contract award that this additional workload would need to be performed by the Contractor. MTA requests approval of this modification due to these new reporting requirements. It is in the best interest of the State to utilize Johns Eastern for this work since it handles all other liability claims.

FUND SOURCE: 100% Special (Transportation Trust Fund)
APPROP. CODE: J05H0101
RESIDENT BUSINESS: Yes

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

SERVICES CONTRACT MODIFICATION

ITEM: 8-S-MOD **Agency Contact:** Robert Gaudette
410-260-8462
bgaudette@dnr.state.md.us

DEPARTMENT/PROGRAM: Department of Natural Resources
Boating Services

CONTRACT ID: 91 BOA 002;
Fort Washington Marina Management
ADPICS #: K00B2400072

CONTRACT APPROVED: 1/8/1992 DBM BPW Agenda, Item 5-S

CONTRACTOR: Coastal Properties Management, Inc.
Annapolis, MD

CONTRACT DESCRIPTION: Contractor shall aid the Department of
Natural Resources in the management, operation and development of the Fort Washington
Marina.

MODIFICATION DESCRIPTION: Approval request to modify the contract by
extending the term of the contract until October 4, 2016 to align the contract term with the ending
date of the first term of a cooperative agreement between DNR and the National Park Service for
the use of the marina property.

TERM OF ORIGINAL CONTRACT: 1/8/1992 – 12/31/2011 (Approx. 20 Years)

TERM OF MODIFICATION: 1/1/2012 – 10/4/2016 (4 Years; 10 Months)

AMOUNT OF ORIGINAL CONTRACT: \$12,328,950 Actual Gross Revenue to the
Contractor
\$1,730,399 Actual Revenue Generated to the
State (15% of gross revenue, but no less than
\$60,000 annually payable DNR)

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 8-S-MOD (Cont.)

AMOUNT OF MODIFICATION: \$3,525,160 Est. Gross Revenue to the Contractor
\$528,774 Est. Revenue Generated to the State (15% of gross revenue, but no less than \$60,000 annually payable DNR)

PRIOR MODIFICATIONS/OPTIONS: None

REVISED TOTAL CONTRACT AMOUNT: \$15,854,110 Est. Gross Revenue to the Contractor
\$2,262,873 Est. Revenue Generated to the State (15% of gross revenue, but no less than \$60,000 annually payable DNR)

OVERALL PERCENT+/- (THIS MOD): + 28.6% (Gross Revenue to Contractor)
+ 30.6% (Revenue Generated to the State)

ORIGINAL PROCUREMENT METHOD: Competitive Sealed Proposals

MBE PARTICIPATION: None

REQUESTING AGENCY REMARKS: Request for approval of a modification to extend the term of the contract to have the expiration date coincide with the ending of the first term of the cooperative agreement that the Department has with the National Park Service for the use of the marina property.

The extension is in the best interest of the State due to the economic climate for marinas and the limited competition available at this time for the short contract term – start-up costs for vendor, less revenue for the State, etc. Approval of the modification will ensure the Department will continue to collect and deposit revenues into the Department's Waterway Improvement Fund. The Fund is used to complete public boating access projects and supports the Department's operating budget. These revenues are important given the current shortfall in vessel excise revenues for the Fund. In addition, the extension will ensure that staff experienced in marina operations will continue to manage and oversee this facility for the Department.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 8-S-MOD (Cont.)

Coastal Properties Management operates the Fort Washington Marina for the State of Maryland as Fort Washington Management, Inc. The company is responsible for not only the day to day operations of the marina which includes slip leases, fuel sales, boat hauling, washing and dry storage and general maintenance and repair of the facility. It also oversees the busiest boat ramp on the upper Potomac. The marina subleases space to a restaurant, a fiberglass repair company, a marine engine repair company, as well as a kayak leasing and tour company. It is also home to the Prince George's County Fire Rescue Squad. The facility also provides dockage to the Maryland Natural Resources Police.

The Department of Natural Resources is very pleased with the performance of the management services by Fort Washington Management, Inc. throughout the term of this contact. In a generally down market for the pleasure boat business, the marina has maintained a good slip lease rate and made it a popular destination for boaters traveling to and from Washington D.C.

It is the Department's intent to solicit a new Request for Proposals to manage the marina at the end of the extended contract period.

FUND SOURCE:	100% Special (Revenue Generating) (0342) – Waterway Improvement Fund
APPROP. CODE:	K00A11.01
RESIDENT BUSINESS:	Yes
MD TAX CLEARANCE:	11-2183-0111

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

SERVICES CONTRACT MODIFICATION

ITEM: 9-S-MOD **Agency Contact:** Joselyn Hopkins
410-339-5013
jmhopkins@dpsc.state.md.us

DEPARTMENT/PROGRAM: Public Safety & Correctional Services
(DPCS)
Office of the Secretary

CONTRACT ID: Q0010006;
DPCS Temporary Office Help
ADPICS No. COE01241

CONTRACTS APPROVED: 8/26/2009 DBM BPW Agenda Item 6-S

CONTRACTORS: See Attachment

CONTRACT DESCRIPTION: Multiple award contracts to 24 vendors to
provide temporary Office Help in six office classifications in six regions of the State.

MODIFICATION DESCRIPTION: Approval request to increase the available
funding for the contracts due to the increased need for temporary office help within the
Department.

TERM OF ORIGINAL CONTRACT: 9/1/2009 – 8/31/2012 (w/2 one-year
renewal options)

TERM OF MODIFICATION: 11/17/2011 – 8/31/2012

AMOUNT OF ORIGINAL CONTRACT: \$5,088,000 NTE (3 Years)

AMOUNT OF MODIFICATION: \$2,000,000 NTE (9 Months; 14 Days)

PRIOR MODIFICATIONS/OPTIONS: None

REVISED CONTRACT AMOUNT: \$7,088,000 NTE

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 9-S-MOD (Cont.)

OVERALL PERCENT +/- (THIS MOD): +39.3%

ORIGINAL PROCUREMENT METHOD: Competitive Sealed Bidding
(Small Business Reserve)

MBE PARTICIPATION: 13 of the 24 Contractors are Maryland
Certified MBEs

REQUESTING AGENCY REMARKS: Request for approval to increase the not-to-exceed (NTE) amount available for the contracts by \$2,000,000 due to the increased need for temporary office help within the Department.

The Board of Public Works approved a multiple award contract to 24 vendors to provide temporary office help in six office classifications in six regions throughout the State. It was estimated that approximately \$1.7M would be spent per year. However, in FY2010 the Department used almost \$2.1M and in FY2011 almost \$2.6M was utilized. To date for FY2012, an estimated \$500,000 has been encumbered. Therefore, in order to maintain the necessary level of temporary office help to assist the Department during the period remaining on the base contract term, the increase of \$2M is needed.

The temporary office help provided by the Contractors has been satisfactory in meeting the requirements of the scope of work in the contracts.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 9-S-MOD (Cont.)

FUND SOURCE: 89% General; 9% Special (Inmate Welfare Fund); and 2% Special (Drinking Driver Monitoring Program Fund)

APPROP. CODES: Q00A0101; Q00A0102; Q00A0109;
Q00B0301; Q00B0303; Q00B0304;
Q00B0501; Q00B0601; Q00B0612;
Q00C0201; Q00C0202; Q00C0203;
Q00D0001; Q00P0001; Q00P0003;
Q00P0004

RESIDENT BUSINESSES: Yes, except for Diversity Search Group & Ark Temporary Staffing

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 9-S-MOD (Cont.) ATTACHMENT

CONTRACTORS (Cont.):

ADNET/Accountnet, Inc. *
Columbia, MD

All-Pro Placement Services, Inc. *
Cockeysville, MD

America On Demand of MD, Inc.
Baltimore, MD

Ark Temporary Staffing, LLC *
Lawrenceville, GA

Athena Consulting, LLC *
Darnestown, MD

Beacon Staffing Alternatives, Inc. *
Aberdeen, MD

CDIM, LLC
Clinton, MD

CMT Service, Inc. *
Bowie, MD

Consolidated Services, Inc.
Abingdon, MD

Cypress Tech Solution, Inc.
Bryans Road, MD

Hutch Staffing, Inc.
College Park, MD

JPEX Corporation, Inc.
Towson, MD

Kennedy Personnel Services *
Baltimore, MD

LBH Consultants, LLC
Germantown, MD

MJS-Lynn Sisters, Inc.
Annapolis, MD

Mary Kraft & Associates, Inc. *
Lutherville, MD

Proper Staffing, Inc. *
Baltimore, MD

Quality Staffing Services, Inc. *
Salisbury, MD

SunPLus Data Group, Inc.
Lawrenceville, GA
(Local Office in Baltimore, MD)

Symphony Placements, Ltd *
Timonium, MD

Note: * Contractor is a Maryland Certified MBE.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 9-S-MOD (Cont.) ATTACHMENT

CONTRACTORS (Cont.):

Diversity Search Group
Pickerington, OH

The A.E. Brodhurst Corporation
Glen Burnie, MD

Excel Staffing and Personnel Services, Inc. *
Pikesville, MD

Handy Business Solutions, LLC *
Largo, MD

Note: * Contractor is a Maryland Certified MBE.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

GENERAL MISCELLANEOUS

ITEM: 10-GM **Agency Contact:** Margaret Embardino
410-767-4483
membardi@dbm.state.md.us

DEPARTMENT/PROGRAM: Budget and Management (DBM)
Office of Personnel Services and Benefits
(OPSB) Employee Medical Services Unit

AMOUNT: \$279,625 NTE (5 Years)

DESCRIPTION: Request for approval to correct an error to the original agenda item submitted on the 7/22/2009 DBM BPW Agenda as Item 3-S for a services contract with Phamatech, Inc. to provide forensic toxicology lab testing of specimens to determine the illegal use of drugs by applicants and employees for the State of Maryland.

FUND SOURCE: 100% Non-Budgeted

APPROP. CODE: F10A0201

REQUESTING AGENCY REMARKS: The agenda item that was submitted to the BPW for approval on July 22, 2009 had a contract amount of \$111,850 for the five year contract term. However, this amount was only the bid amount, which was for a two year bid price.

The five year contract amount should have been \$279,625 not-to-exceed (NTE) or \$55,925 per year for an estimated 6,317 drug tests to be performed each year, as stated in the original agenda item.

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

CONSTRUCTION CONTRACT MODIFICATION

ITEM: 1-C MOD

Agency Contact: James Salt
301-445-1987
jsalt@usmd.edu
USM Rep: Joe Evans

INSTITUTION:

University of Maryland, Baltimore for
the University of Maryland, Baltimore County

CONTRACT ID:

Construction Management at Risk Services for the Terrace
& Hillside Apartment Renovations and Community Center,
RFP 10-128 AF

CONTRACT APPROVED:

USM Item 1-C (6/01/11)

CONTRACTOR:

Plano-Coudon, LLC
Baltimore, MD 21230

CONTRACT DESCRIPTION: Professional management and construction services during pre-construction and construction for renovations to the Terrace & Hillside Apartments and construction of a new community center at the University of Maryland, Baltimore County. The Terrace & Hillside Apartments' renovation comprises sixteen buildings with 170 apartment units totaling 32,000 square feet. Modifications to the apartments will include mechanical and electrical upgrades, life safety upgrades, site improvements, and upgrades for ADA access. The new 10,000 square foot community center will house offices for Residential Life staff, conference room space, living room space, storage space, shop space, and a laundry room.

MODIFICATION DESCRIPTION: Award GMP#1 for construction which includes demolition, concrete, pre-fabricated stairs, windows, CM allowances, CM general conditions, CM contingency, and CM construction fee.

ORIGINAL CONTRACT TERM:

Fourteen months from issuance of pre-construction notice to proceed. Twenty-one months from construction notice to proceed.

ORIGINAL CONTRACT AMOUNT:

\$65,000 (pre-construction fees only)

MODIFICATION AMOUNT:

\$ 4,961,296

REVISED TOTAL CONTRACT AMOUNT:

\$ 5,026,296

MBE PARTICIPATION:

25%

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

ITEM: 1-C MOD (Continued)

PERFORMANCE SECURITY: A 100% performance bond is required.

ORIGINAL PROCUREMENT METHOD: Competitive Sealed Proposals

REQUESTING INSTITUTION REMARKS: This item recommends modifying Plano-Coudon's contract to award GMP# 1 for demolition, concrete, pre-fabricated stairs, windows, CM allowances, CM general conditions, CM contingency, and CM construction fee. There will be at least two additional GMPs for the remainder of the trades. The estimated construction cost for this project is \$19,000,000. The contract has an MBE goal of 25%. This GMP represents MBE participation of 5%.

FUND SOURCE: USM Academic/Auxiliary Facility Revenue Bonds

RESIDENT BUSINESS: Yes

MD TAX CLEARANCE: 11-1245-1111

BOARD OF PUBLIC WORKS ACTION – THE ABOVE REFERENCED ITEM WAS:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

CONSTRUCTION CONTRACT OPTION

ITEM: 2-C OPT

Agency Contact: James Salt
301-445-1987
jsalt@usmd.edu
USM Rep: Joe Evans

INSTITUTION: University of Maryland, Baltimore

CONTRACT ID: On Call Interior Demolition and Hazardous Materials Abatement for the University System of Maryland institutions in the Baltimore Region
RFP 86348JK

CONTRACT APPROVED: USM Item 1-C (12/01/10)

CONTRACTORS: Asbestos Specialists, Inc.
Linthicum Heights, MD 21090-0368

LVI Services, Inc.
Gaithersburg, MD 20879

Barco Enterprises, Inc.
White Marsh, MD 21162

NCM Demolition and Remediation, LP
(formerly Marcor Environmental, LP)
Baltimore, MD 21227

CONTRACT DESCRIPTION: Labor, materials, equipment, and supervision necessary for abatement construction projects on an on-call basis for the Offices of Facilities Management at the University System of Maryland institutions in the Baltimore Region.

OPTION DESCRIPTION: This is the first renewal option.

ORIGINAL CONTRACT TERM: 12/01/2010 - 11/30/2011 (with 4 one-year renewal options)

OPTION TERM: 12/01/2011 - 11/30/2012 (1st of four one-year renewal options)

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

ITEM: 2-C OPT (Continued)

ORIGINAL CONTRACT AMOUNT: \$2,000,000 (annual estimate)
No single project to exceed \$500,000

OPTION AMOUNT: \$2,000,000 (annual estimate)
No single project to exceed \$500,000

ORIGINAL PROCUREMENT METHOD: Competitive Sealed Proposals

MBE PARTICIPATION: 15% on Task Orders up to \$50,000
25% on Task Orders over \$50,000

PERFORMANCE SECURITY: Bond required for task order over \$100,000

REQUESTING INSTITUTION REMARKS: This renewal is the first renewal option for the On-Call Interior Demolition and Hazardous Materials Abatement contract. Renewal is recommended for the four firms based on satisfactory performance. Pricing under the original contract is unchanged for this option period. These firms will be required to use the fixed hourly rates as well as material mark-up, sub-contractor mark-up, and equipment rental mark-up they quoted as part of this procurement. The percentage mark-up for material, subcontractors, and equipment rental will remain the same in the renewal option terms. As projects arise, the University will bid each project among the four awarded On-Call Interior Demolition and Hazardous Materials Abatement contracting firms.

Marcor Environmental, LP has merged with NCM Demolition and Remediation, LP with the surviving company being NCM Demolition and Remediation, LP. A Novation Agreement assigning Marcor's contract with the University to NCM Demolition and Remediation, LP is attached.

FUND SOURCE: Various Institutional Funds

RESIDENT BUSINESSES: Yes

MD TAX CLEARANCE: 11-2461-0111 Asbestos Specialists, Inc.
11-2463-1111 LVI Services, Inc.
11-2452-0111 Barco Enterprises, Inc.
11-2453-0111 NCM Demolition and Remediation, LP

BOARD OF PUBLIC WORKS ACTION: THE ABOVE REFERENCED ITEM WAS:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA

GENERAL MISCELLANEOUS

ITEM: 3-GM

Agency Contact: James Salt
301-445-1987
jsalt@usmd.edu
USM Rep: Joe Evans

Recommendation: That the Board of Public Works approve the use of general obligation bond funding proceeds for the following contracts totaling \$700,876.84.

Authority: State Finance and Procurement Article, Annotated Code of Maryland, § 8-301

A. **University of Maryland, Baltimore**

UMB School of Pharmacy, Addition to Pharmacy Hall

1. **Description:** 1 ea. Rotovapor R-210 Evaporation System
Purchase Order 846393
Procurement Method: Competitive Sealed Proposals
Award: Fisher Scientific
Houston, TX 77038
Amount: \$3,998.06
Fund Source: MCCBL 2009: *Provide funds to equip an addition and renovation to the School of Pharmacy.* Item 052
MD Tax Clearance: 11-2558-1110
Resident Business: No

2. **Description:** 1 ea. Automated Flash Purification System
Purchase Order 846222
Procurement Method: Sole Source
Award: Biotage
Charlotte, NC 28269
Amount: \$18,312.38
Fund Source: MCCBL 2009: *Provide funds to equip an addition and renovation to the School of Pharmacy.* Item 052
MD Tax Clearance: 11-2611-0110
Resident Business: No

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

GENERAL MISCELLANEOUS

ITEM: 3-GM (continued)

3. Description: 1 ea. Avanti J-26 XPI Centrifuge and Rotor
Purchase Order 846394
Procurement Method: Competitive Seal Proposals
Award: VWR International
Bridgeport, NJ 08014
Amount: \$30,200.00
Fund Source: MCCBL 2009: *Provide funds to equip an addition and renovation to the School of Pharmacy.* Item 052
MD Tax Clearance: 11-2617-1110
Resident Business: No

**B. University of Maryland, Baltimore
Coppin State University, Science & Technology Center**

Description: Printing of design and construction documents
Purchase Order 86956
Procurement Method: Simplified Acquisition
Award: CMC Repro & Associates
Towson, MD 21286
Amount: \$23,074.40
Fund Source: MCCBL 2009: *Provide funds for site acquisition and preliminary design for the new Science and Technology Center.* Item 058
MD Tax Clearance: 11-2540-0001
Resident Business: Yes

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

GENERAL MISCELLANEOUS

ITEM: 3-GM (continued)

**C. University of Maryland, College Park:
Bowie State University, Fine and Performing Arts Center**

- 1. Description:** Pottery/Ceramic Equipment
Purchase Order G156588

Procurement Method: Simplified Procurement

Award: The Kiln Doctor, LLC (State Certified Small Business)
202 East Main Street
Front Royal VA 22630

Amount: \$18,077

Fund Source: MCCBL of 2010: *Provide funds to equip the Fine and Performing Arts Center at Bowie State University.* Line 903

MD Tax Clearance: 11-2571-1001

Resident Business: No

- 2. Description:** Bandsaw and Cabinet Saw
Purchase Order G156579

Procurement Method: Simplified Procurement

Award: Woodcraft
6123 Backlick Road
Springfield VA 22150

Amount: \$9,198

Fund Source: MCCBL of 2010: *Provide funds to equip the Fine and Performing Arts Center at Bowie State University.* Line 903

MD Tax Clearance: N/A

Resident Business: No

SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA

GENERAL MISCELLANEOUS

ITEM: 3-GM (continued)

3. **Description:** Cold Saw
Purchase Order G156580
- Procurement Method:** Simplified Procurement
- Award:** Midwest Technologies
2600 Bridgeport Drive
Sioux City IA 51102
- Amount:** \$23,126
- Fund Source:** MCCBL of 2010: *Provide funds to equip the Fine and Performing Arts Center at Bowie State University.* Line 903
- MD Tax Clearance:** 11-2572-0000
- Resident Business:** No
- *4. **Description:** Purchase 32 Steinway/Steinway-Boston and Steinway Essex pianos. By becoming an *All Steinway School*, BSU will attract the highest quality professors, students of music, and performers.
Purchase Order N155083
- Procurement Method:** Exempt from USM Procurement Policies and Procedures. Single source procurement from the nearest authorized Steinway distributor, who will also handle warranty matters as needed.
- Award:** Steinway Piano Gallery
Rockville, MD 20852
- Amount:** \$553,264
- Fund Source:** MCCBL of 2010: *Provide funds to equip the Fine and Performing Arts Center at Bowie State University.* Item 903
- MD Tax Clearance:** 11-2035-1010
- Resident Business:** Yes
- Remarks:** This item was previously submitted to the Board as USM Item 1-GM C.4. on the 9/7/11 BPW Action Agenda. It was withdrawn pending resolution of a bid protest. The protest was subsequently denied by the procurement officer and was not appealed by the protestor.

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

GENERAL MISCELLANEOUS

ITEM: 3-GM (continued)

5. Description:	Furnish and install a Front Loader Compactor Equipment RJ250
Procurement Method:	Simplified Procurement
Award:	Big Stuff, Inc. 1301 Ritchie Road Capitol Heights, Maryland 20743
Amount:	\$21,627.00
Fund Source:	MCCBL of 2010: <i>Provide funds to equip the Fine and Performing Arts Center at Bowie State University.</i> Item 903
MD Tax Clearance:	11-2636-1111
Resident Business:	Yes

BOARD OF PUBLIC WORKS ACTION – THE ABOVE REFERENCED ITEM WAS:

APPROVED*

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

*** - Item approved. Comptroller Franchot voted "NO" on Item 3-GM(C)(4).**

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

CONSTRUCTION CONTRACT MODIFICATION

ITEM: 4-C MOD

Agency Contact: James Salt
301 445-1987
jsalt@usmd.edu
USM Rep: Joe Evans

INSTITUTION:

University of Maryland, College Park

CONTRACT ID:

Design/Build w/ Guaranteed Maximum Price (GMP)
Oakland Hall Dormitory with Satellite Central Utility
Building (SCUB)
Contract No. B-142490-K
Project No. 08-344-782-00

CONTRACT APPROVED:

Pre-Approval for Design-Build (USM Item 8-C, 10/15/08)
Design/Pre-Construction Award (USM Item 2-C, 12/17/08)
GMP #1 (USM Item 1-C MOD, 08/05/09)
GMP #2 (USM Item 2-C MOD, 10/21/09)
Denton Site Improvements (USM Item 4-C MOD, 09/01/10)

CONTRACTOR:

Clark Design/Build, LLC
Bethesda, MD

ORIGINAL CONTRACT DESCRIPTION: Design and construction management services for the New Residence Hall (Oakland Hall) with a Satellite Central Utilities Building (SCUB). The project is to provide a 650-bed undergraduate student residence hall. The SCUB will be incorporated within the residence hall structure serving the new residence hall and future buildings in the vicinity with steam and chilled water. The estimated total project cost for design and construction of this facility is \$83 million.

MODIFICATION DESCRIPTION: The University requests that the Board approve various change orders to the contract, including a credit reflecting partial distribution of shared GMP savings.

ORIGINAL PROCUREMENT METHOD: Competitive Sealed Proposals

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

ITEM: 4-C MOD (cont'd)

ORIGINAL CONTRACT TERM: 28 months from design thru construction completion (12/17/08 – 4/19/11)

MODIFICATION TERM: No change. Much of this work has been completed and the building was occupied by student residents commencing Fall semester 2011.

ORIGINAL CONTRACT AMOUNT: \$ 2,957,946

PREVIOUS MODIFICATIONS: \$71,117,997

THIS MODIFICATION AMOUNT: (\$341,488)

REVISED CONTRACT AMOUNT: \$73,734,455

MBE PARTICIPATION: 30% (Design Phase)
35% (Construction Phase)

Actual MBE participation to date is 36.3% for the design and 36.8% for construction, exceeding the established goals for the project.

PERFORMANCE BOND: Equal to contract amount

REQUESTING INSTITUTION REMARKS:

The proposed modification is a net credit change, but includes the following items:

1. Provide and install four additional domestic hot water heaters (+\$550,981)
2. Miscellaneous site work changes, Denton site, including bike shelter, additional irrigation work security cameras, curb, gutter, sidewalk, etc. (+\$289,703)
3. Changes to main lobby (+\$67,828)
4. 50% share of GMP savings (-\$1,250,000)

The added work has proceeded at the contractor's risk, in the interest of ensuring habitability for Fall 2011 occupancy. The savings credit represents a 50% share of the \$2.5 million savings (to date) associated with this project. The estimated savings overall, pending closeout of any remaining items of work, is \$3.8 million, which will be apportioned on a 50% - 50% basis as specified in the contract.

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

ITEM: 4-C MOD (continued)

REQUESTING INSTITUTION REMARKS: (continued) Facilities Management/
Department of Capital Projects at the University of Maryland, College Park will manage the
Design/Builder's work with procurement support from the University's Department of
Procurement and Supply.

FUND SOURCE: Dormitory: \$80 million – UMCP Plant Funds
SCUB: \$ 8million – USM Academic/Auxiliary
Facility Revenue Bonds

APPROP CODE: R30B22

RESIDENT BUSINESS: Yes

MD TAX CLEARANCE: 11-2623-1111

BOARD OF PUBLIC WORKS - THE ABOVE REFERENCED ITEM WAS:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

REAL PROPERTY: Acquisition by Purchase

ITEM: 5-RP

Agency Contact: James Salt
301-445-1987
(jsalt@usmd.edu)
USM Rep: Joe Evans

INSTITUTION: Coppin State University

DESCRIPTION: Purchase property for the proposed Science and Technology Center.

PROPERTY: 1702 Thomas Avenue, Baltimore

GRANTOR: Loretta Jordan-El, Personal Representative of Estate of Delores Young

GRANTEE: State of Maryland to the use of the University System of Maryland on behalf of its constituent institution Coppin State University.

APPRAISED VALUE:	Lipman, Frizzel & Mitchell	\$34,000.00
	Colliers Pinkard	\$30,500.00

FUND SOURCE: MCCBL 2010: *Provide funds for site acquisition and detailed design for the new Science and Technology Center. Item 050.*

PRICE:	Acquisition:	\$ 30,500.00
	Ground Rent:	\$ 1,600.00 *
	Relocation:	\$ 67,946.00 **
	Total:	\$ 100,046.00

- * In addition, to obtain fee simple title, the underlying ground rent will be redeemed.
- ** The tenant(s) will receive relocation assistance.

REMARKS: This is property being purchased in support of the growth at Coppin State University and to provide a site for the construction of the new Science and Technology Center. This project will be constructed adjacent to the recently completed Health and Human Services Building. This acquisition was approved by the University System of Maryland Board of Regents at its meeting on October 17, 2008.

BOARD OF PUBLIC WORKS - THE ABOVE REFERENCED ITEM WAS:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

REAL PROPERTY: Acquisition by Purchase

ITEM: 6-RP

Agency Contact: James Salt
301-445-1987
(jsalt@usmd.edu)
USM Rep: Joe Evans

INSTITUTION: Coppin State University

DESCRIPTION: Purchase property for the proposed Science and Technology Center.

PROPERTY: 1708 Thomas Avenue, Baltimore

GRANTOR: PEHNFA, LLC

GRANTEE: State of Maryland to the use of the University System of Maryland on behalf of its constituent institution Coppin State University.

APPRAISED VALUE:	Woodley Appraisal Group	\$38,200.00
	Concord Appraisal Co.	\$37,000.00

FUND SOURCE: MCCBL 2010: *Provide funds for site acquisition and detailed design for the new Science and Technology Center. Item 050.*

PRICE:	Acquisition:	\$ 38,200.00
	Ground Rent:	\$ 1,800.00 *
	Relocation	<u>\$ 38,127.60</u>
	Total	\$ 78,127.60

- * In addition, to obtain fee simple title, the underlying ground rent will be redeemed
- ** The tenant(s) will receive relocation assistance.

REQUESTING INSTITUTION REMARKS: This property is being purchased in support of the growth at Coppin State University and to provide a site for the construction of the new Science and Technology Center. This project will be constructed adjacent to the recently completed Health and Human Services Building. This acquisition was approved by the University System of Maryland Board of Regents at its meeting on October 17, 2008.

BOARD OF PUBLIC WORKS

THE ABOVE REFERENCED ITEM WAS:

APPROVED **DISAPPROVED**
WITH DISCUSSION

DEFERRED **WITHDRAWN**
WITHOUT DISCUSSION

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

REAL PROPERTY: Acquisition by Purchase

ITEM: 7-RP

Agency Contact: James Salt
301-445-1987
(jsalt@usmd.edu)
USM Rep: Joe Evans

INSTITUTION: Coppin State University

DESCRIPTION: Purchase property for the proposed Science and Technology Center.

PROPERTY: 1602 Thomas Avenue, Baltimore

GRANTOR: Richard Anthony Czapski

GRANTEE: State of Maryland to the use of the University System of Maryland on behalf of its constituent institution Coppin State University.

APPRAISED VALUE: Lipman, Frizzel & Mitchell \$45,500.00
Grubb & Ellis Landauer \$43,000.00

FUND SOURCE: MCCBL 2010: *Provide funds for site acquisition and detailed design for the new Science and Technology Center. Item 050.*

PRICE:

Acquisition:	\$ 50,300.00 *
Ground Rent:	\$ 1,500.00 **
Relocation:	\$ 00.00
Total:	\$ 51,800.00

* The acquisition price includes an administrative settlement of \$4,800.00 (see remarks).

** In addition, to obtain fee simple title, the underlying ground rent will be redeemed.

REQUESTING INSTITUTION REMARKS: This is property being purchased in support of the growth at Coppin State University and to provide a site for the construction of the new Science and Technology Center. This project will be constructed adjacent to the recently completed Health and Human Services Building. This acquisition was approved by the University System of Maryland Board of Regents at its meeting on October 17, 2008.

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

ITEM: 7-RP (continued)

REQUESTING INSTITUTION REMARKS: (continued) The acquisition price for this property includes an administrative settlement because the amount of the mortgage exceeds the fair market value, but the homeowner is not in default and could continue to pay the mortgage while prices stabilize. In these cases, litigation would be required to acquire the property and as a result, the federal government has instituted a waiver that accommodates the use of administrative settlements to avoid litigation in this era of deflated property values. Administrative settlements are justified when the amount paid for the property is in rough equivalence with the probable ultimate cost to the agency after factoring in litigation costs and a likely jury verdict. Administrative settlements avert litigation and are cost effective for the acquiring agency.

BOARD OF PUBLIC WORKS - THE ABOVE REFERENCED ITEM WAS:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 1-IT MOD

Agency Contact:

David McGlone (410) 767-2483

dmcglone@dllr.state.md.us

Robert Krysiak (410) 260-7179

Robert.Krysiak@doit.state.md.us

DEPARTMENT/PROGRAM:

Labor, Licensing and Regulation (DLLR)
Division of Unemployment Insurance (UI)

CONTRACT ID:

P00B6200129;
Interstate Connection Network (ICON)
ADPICS CO NO. COE02039

CONTRACT APPROVED:

2/01/2006 DBM BPW Agenda Item 10-IT

CONTRACTOR:

ACS State and Local Solutions, Inc.
Washington DC

CONTRACT DESCRIPTION: Contract to assure functional and operational responsibility for the unemployment insurance Interstate Connection (ICON) network that provides unemployment information and services to 53 State workforce agencies. Maryland has been deemed the ICON administrative lead state under the terms of a five-year agreement with the US Department of Labor (see Requesting Agency Remarks below).

MODIFICATION DESCRIPTION: Continue services by extending the contract for one-year to allow time for a new procurement.

TERM OF ORIGINAL CONTRACT:

2/1/2006 – 1/31/2011

TERM OF MODIFICATION:

2/1/2012 – 1/31/2013

AMOUNT OF ORIGINAL CONTRACT:

\$28,246,488.00

AMOUNT OF MODIFICATION:

\$6,599,413.00

PRIOR MODIFICATIONS:

\$6,899,413.00 (See Attachment 1)

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 1-IT MOD (Cont.)

REVISED TOTAL CONTRACT AMOUNT	\$41,745,314.00
PERCENT +/- (THIS MODIFICIATION):	+23.4%
OVERALL PERCENT +/-:	+47.8%
ORIGINAL PROCUREMENT METHOD:	Competitive Sealed Proposals
MBE PARTICIPATION:	25%
FUND SOURCE:	100% Fed.
PERFORMANCE BOND:	None
APPROP. CODE:	P00H01

REMARKS: In July 2010, the Maryland Department of Labor, Licensing and Regulation (DLLR) and the U.S Department of Labor, (USDOL) requested and received the initial extension to the information technology services contract P00B6200129 (ICON) with Affiliated Computer Services, Inc. (ACS), to manage the national data hub for Unemployment Insurance. The current contract ends on February 1, 2012. The original extension was needed to allow USDOL to gather additional requirements for inclusion in the Request for Proposal (RFP). USDOL highlighted the critical importance of program integrity and added the State Information Data Exchange System (SIDES) as a new requirement to the RFP, which is now in the review process.

The first one year extension was approved by the BPW on 7/28/2010 as DoIT Item 2-IT MOD. The Department of Labor (DOL) notified DLLR to extend the current contract in order to allow time for new UI projects and technologies to be incorporated into a new RFP.

DLLR is requesting a second extension of the existing contract in order to prepare a new RFP and complete the procurement process. If the extension is not granted, ACS stops operation. The nation's unemployment insurance data exchange stops providing data to over 53 State Workforce Agencies with a potential result of millions of dollars in unemployment insurance overpayments.

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 1-IT MOD (Cont.)

DLLR has received concurrence from USDOL to fund a second extension of the existing contract. The total cost of this contract modification is \$6,599,413.00. This is the same value as the extension requested in July 2010.

Originally a 25% MBE goal was established. Even though, the contractor is running at just over a 23% MBE participation rate thus far in calendar year 2011, their MBE performance is 18.5% for the total contract value. In their Corrective Action Plan, the contractor plans to continue to increase their MBE spending in order to reach of the 25% goal for the total contract value. MBE participation will be increased through additional IT product support, midrange and security services support, and applications development and maintenance.

FUND SOURCE:	100% Fed.
APPROP. CODE:	P00H01
RESIDENT BUSINESS:	Yes
MD TAX CLEARANCE:	11-2036-1111

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

ITEM: 1-IT MOD (Cont.)

ATTACHMENT 1
PRIOR MODIFICATIONS /OPTIONS

Amount

\$300,000.00

DBM BPW Agenda Item 12-IT MOD
on the 3/12/2008 Agenda
Provide an assessment of the current
Unemployment Insurance Interstate
Connection Network (UI-ICON) system and the
development of a modernization plan for UI-ICON
applications

\$6,599,413.00

DoIT BPW Agenda 2-IT MOD
on the 7-28-2010 Agenda
Extension from 2/1/2011 to 1/31/2012

\$6,899,413 Total

SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA

ITEM: 2-IT

Agency Contact:

Elliot Schlanger (410) 260-2994
ESchlanger@doit.state.md.us
Robert Krysiak (410) 260-7179
Robert.Krysiak@doit.state.md.us

DEPARTMENT/PROGRAM:

Department of Information Technology
(DoIT)
Networks Division

CONTRACT ID:

060B1400058
State Long Distance Calling Services
ADPICS NO. 060B1400058

CONTRACT DESCRIPTION: Contract to provide Statewide long distance calling services.

AWARD:

AT&T Corporation, Inc.
Hanover, MD

TERM:

12/1/2011 - 11/30/2014
(W/ two 1-year renewal options)

AMOUNT:

\$3,000,000 NTE. Base Period
\$1,000,000 NTE. (Option Yr. 1)
\$1,000,000 NTE. (Option Yr. 2)
\$5,000,000 Total

PROCUREMENT METHOD:

Competitive Sealed Proposals

BIDS OR PROPOSALS:

See Attachment 1

MBE PARTICIPATION:

None (see REMARKS)

INCUMBENT:

Verizon Select Services, Inc.
Linthicum, MD

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 2-IT (Cont.)

REMARKS: A notice of the availability of the Request for Proposals was advertised on *eMarylandMarketplace.com* and the DoIT website. Through *eMarylandMarketplace.com*, 60 prospective firms were solicited; ten of these are MBE firms. In addition, eight firms that were known to have offered similar services were emailed the RFP directly. Of these firms, none are certified Minority Business Enterprises and six are Maryland firms. A copy of the RFP was sent to the Governor's Office of Minority Affairs.

A total of five proposals were received for this contract, all of which were reasonably susceptible of being selected for award, as indicated in the Attachment. Financial offers were based upon a model in the RFP for evaluation purposes that had a fixed price component and a fixed unit price component at estimated quantities.

Award is recommended to AT&T Corporation, Inc. ("AT&T"). AT&T's offer was deemed to be the most advantageous to the State. AT&T was ranked number one for both their technical offer and their financial offer.

The *Award Amount* shown above is estimated and is based upon firm-fixed unit prices established in the contract. Cost is based on vendor-provided cost for a weighted-average model in the RFP. Each vendor provided costs for the categories of Intra-state and Inter-state calls. Payment will be made only for the actual amount of services provided.

The Procurement Review Group (PRG) determined that this is a commodity purchase procurement and there are no opportunities for MBE subcontracting. Therefore, the MBE goal is zero.

FUND SOURCE:	Various
APPROP. CODE:	Various
RESIDENT BUSINESS:	Yes
MD TAX CLEARANCE:	11-2365-1111

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

ITEM: 2-IT (Cont.)

ATTACHMENT 1

**Long Distance Calling Services
RFP #060B1400058 Evaluation Ranking**

Vendor	Technical Ranking	Cost*	Financial Ranking	Overall Ranking
AT&T Corporation Hanover, MD	1	\$450,420.00	1	1
Qwest Communications Company, LLC Washington, DC	3	\$533,950.00	2	2
PAETEC Communications, Inc. Baltimore, MD	2	\$746,730.00	4	3
Level 3 Communications, LLC Bloomfield, CO	4	\$575,390.00	3	4
Verizon Business Services Linthicum, MD	5	\$950,520.00	5	5

* Cost is based on vendor-provided cost for a weighted-average model in the RFP. Each vendor provided costs for the categories of Intra-state and Inter-state calls. The cost in the above table reflects the weighted-average of those costs. Also, technical factors had greater weight than financial factors in the overall award determination.

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 3-IT Option

Agency Contact:

Joy Abrams (410) 865-1130
jabrams@mdot.state.md.us
Robert Krysiak (410) 260-7179
Robert.Krysiak@doit.state.md.us

DEPARTMENT/PROGRAM:

Maryland Department of Transportation,
The Secretary's Office

ORIGINAL CONTRACT ID:

MDOT-OEP-10
Financial Management Information System
ADPICS CO NO.COE02061

CONTRACTOR:

Deloitte Consulting LLP
Baltimore, Maryland

ORIGINAL CONTRACT APPROVED:

November 16, 2005; Item 3-IT

CONTRACT DESCRIPTION:

Contract to provide maintenance and task order technical and business support for the State's two Financial Management Information Systems (FMIS) operated by the Maryland Department of Transportation (MDOT) and the Department of Information Technology (DoIT).

OPTION DESCRIPTION:

Exercise the second of five one year renewal options.

TERM OF ORIGINAL CONTRACT:

1/1/2006-12/31/2010
(W/five one- year renewal options)

TERM OF OPTION:

01/01/2012 -12/31/2012

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 3-IT OPTION (CONT.)

AMOUNT OF ORIGINAL CONTRACT: \$31,000,000 NTE (Base Period)
 \$7,000,000 NTE (1st Renewal Option)
 \$7,000,000 NTE (2nd Renewal Option)
 \$7,000,000 NTE (3rd Renewal Option)
 \$7,000,000 NTE (4th Renewal Option)
 \$7,000,000 NTE (5th Renewal Option)
 \$66,000,000 NTE Total (10 Years)

AMOUNT OF OPTION: \$7,000,000

PRIOR MODIFICATIONS/OPTIONS: \$7,000,000
DoIT Agenda Item 1-IT Option on the
11/17/2010 BPW

REVISED TOTAL CONTRACT AMOUNT: \$45,000,000.00

ORIGINAL PROCUREMENT METHOD: Competitive Sealed Proposals

MBE PARTICIPATION: 25%

REQUESTING AGENCY REMARKS: On November 16, 2005, the Board of Public Works approved the award of a contract to BearingPoint Inc. to provide maintenance and task order technical and business support for the State's two Financial Management Information Systems (FMIS) operated by the Maryland Department of Transportation (MDOT) and the Department of Information Technology (DoIT). The contract was assigned to Deloitte Consulting LLP effective May 8, 2009. The assignment was pursuant to an order of the United States Bankruptcy Court for the Southern District of New York, dated April 17, 2009, in the Chapter 11 bankruptcy proceeding of BearingPoint, Inc., et al. (Chapter 11 Case No. 09-10691 (REG) (Jointly Administered)).

The STATE FMIS is a comprehensive system of integrated software applications, business procedures and network technology, which supports agency-based accounting, purchasing and asset management within the State of Maryland government. The system serves all Maryland State agencies and all State administrative employees, including service to the highest levels of management. FMIS's R*STARS and ADPICS applications are the State's official Accounting

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 3-IT OPTION (CONT.)

and Procurement systems. These two systems are mission critical and must be available to approximately 65 agencies and 7,000 on-line users (not including MDOT users). The two systems access over 400 files and use over 2,500 computer programs, which contain over 3.9 million lines of code. The reliability and stability of these two systems and the accuracy of its data must be maintained 24 hours by 7 days per week to ensure State leaders are making accurate assessments of the State of Maryland's financial situation.

The MDOT FMIS similarly is a comprehensive system of integrated software applications, business practices and network technology, which supports MDOT specific agency-based accounting, purchasing, billing and asset management functions. FMIS is the hub of MDOT's financial management infrastructure. MDOT FMIS has approximately 2,400 users who use the system to aid in administering an organization with a \$3.6 billion budget, \$1 billion in Consolidated Transportation Bonds and \$18 billion in capital assets. This mission-critical system must continue to remain stable, reliable, available, efficiently run, and responsive to the Department's users and management.

Deloitte continues to provide excellent, quality, consistent and innovative service to the State of Maryland. The FMIS systems are reliable, stable, consistently available, efficiently run, and responsive to the user's needs. The collective institutional knowledge of the team is impressive. This stability and experience reduces risk to the State. If the State or MDOT were not to have access to the services performed via this contract, the systems would be at great risk, and accordingly, the data and integrity of the information provided by FMIS could be compromised

Deloitte has achieved 27.05% MBE participation to date, exceeding the 25% MBE participation goal.

FUND SOURCE: 15% Gen; 80% Spec.; 5% Re-imb.

APPROP. CODE: J01A0107 (MDOT); F50B0403 (DOIT);
Various (Re-imb. Agencies)

RESIDENT BUSINESS: Yes

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA

4-IT ITEM: **Agency Contact:**
Ronald Brothers (410) 585-3100
rcbrothers@dpscs.state.md.us
Robert Krysiak (410) 260-7179
Robert.Krysiak@doit.state.md.us

DEPARTMENT/PROGRAM: Public Safety & Correctional Services (DPSCS)
Information Technology & Communications
Division (IT&CD)

CONTRACT ID: Q00SO285033
Electronic Tracking of Offenders
ADPICS Q00B2400070

CONTRACT DESCRIPTION: Contract to provide offender electronic tracking services and equipment for both Radio Frequency (RF) and Global Positioning Systems (GPS).

AWARD: B I Incorporated
Boulder, Colorado

TERM: 01/01/2012 -12/31/2014
(W/2 one year options)

AMOUNT: \$2,567,667.00 (Base period)
\$855,889.00 (Option Year 1)
\$855,889.00 (Option Year 2)
\$4,279,445.00 (Total)

PROCUREMENT METHOD: Competitive Sealed Proposals

BIDS OR PROPOSALS: See Attachment 1

MBE PARTICIPATION: None

MBE WAIVER: 2%

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 4-IT (Cont.)

INCUMBENT:

Previous RF Contractor
BI Incorporated
Boulder, Colorado

Previous GPS Contractor
Pro Tech Monitoring Inc.
Odessa, Florida

REMARKS: A notice of the availability of the Request for Proposals was advertised in eMarylandMarketplace.com. A copy of the RFP was sent to the Governor's Office of Minority Affairs. Thirty prospective firms were solicited. A total of five proposals were received for this contract, four of which were reasonably susceptible of being selected for award. One was not reasonably susceptible of being selected for award.

DPSCS recommends that the award be issued to Behavioral Intervention Incorporated (BI) as they ranked number one both technically and financially. BI is the only company that offers a state of the art device that can handles both RF and GPS system

The department currently has two contracts for Electronic Tracking of offenders. One contract is for the Radio Frequency System and the other contract is for the Global Positioning System. Current technology has advanced since the last contract was bid and there is now a device that handles both RF and GPS technology in one product. Having this one product allows DPSCS to have a wider area of coverage given the fact that both RF and GPS systems are working hand in hand. It also increases the likeliness of locating an offender in case of one system failing.

The Maryland Division of Parole and Probation supervises approximately 53,400 offenders who have been released to the community by the courts on probation supervision, by the Maryland Parole Commission under parole supervision, and by the Division of Correction under mandatory release supervision. The Division also monitors approximately 15,400 offenders who have been placed in the Drinking Driver Monitor Program due to alcohol-related motor vehicle violations. These offenders are supervised and monitored by the Division's 1400 employees located in 47 offices throughout the State of Maryland.

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 4-IT (Cont.)

The Division of Parole and Probation provides electronic tracking services and equipment for RF and GPS systems to monitor and/or track the following groups of offenders that have varied supervision requirements under the Division's authority:

1. Offenders assigned to the Correctional Home Detention Unit (CHDU) are inmates who are nearing release to the community, parole violators who have been assigned to the program as an alternative to incarceration, and pre-trial offenders. The program utilizes RF technology to restrict the offender's movement and allow access to the community only on an as-needed basis with prior approval by Division staff. Division personnel actively monitor offender compliance on twenty-four hours per day, seven days per week basis and respond immediately to violation alerts.
2. Parolees are assigned to the Night watch/Curfew program as a sanction for violations of the rules and conditions of community supervision. The program utilizes RF technology to enforce curfew restrictions. Division personnel monitor compliance on a passive basis and follow-up within designated time frames on reported program violation alerts.
3. Violent offenders deemed at high risk to commit a violent offense based on the Division's risk screening instrument are assigned to GPS tracking under the Violence Prevention Initiative (VPI) for specific periods of time.
4. Sexual Offenders are assigned to GPS tracking for specific periods of time.
5. The Division imposes restrictions on the time violent and sexual offenders spend in the community, and may also establish inclusion and exclusion zones for these offenders. The Division utilizes passive tracking to monitor an offender's activity and, with the exception of certain violations, Division personnel respond to alerts within specified time frames following a review of the reports that monitor a subject's compliance with special conditions of supervision as well as his or her whereabouts.

Currently, the Division utilizes approximately 250 RF units (cellular and landline) and approximately 250 GPS units to support the above programs on a daily basis. DPSCS expects these numbers to increase to approximately 336 RF units (cellular and landline) and approximately 335 GPS units.

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 4-IT (Cont.)

The Maryland Department of Public Safety and Correctional Services (DPSCS) has conducted a thorough review of and performed due diligence on BI, Inc.'s Statement of Good Faith Effort (GFE) in support of its request for a waiver of the MBE requirements of the above referenced contract. The DPSCS has determined that BI's good faith efforts have met the requirements of COMAR 21.11.03.11.

FUND SOURCE: 100% General Funds
APPROP. CODE: Q00A0102
RESIDENT BUSINESS: No
MD TAX CLEARANCE: 112491111

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

ITEM: 4-IT (Cont.)

ATTACHMENT 1

**Electronic Tracking of Offenders
RFP #Q00SO285033 Evaluation Ranking**

Vendor	Technical Ranking RF and GPS	Financial Ranking RF and GPS	Overall Ranking RF and GPS	RF Annual Pricing 336 Units	GPS Annual Pricing 335 Units	Combined Cost per Year RF and GPS
BI Incorporated Boulder, Co.	1	1	1	\$398,580	\$457,308.5	\$855,888.5
Pro Tech Monitoring, Inc. Odessa, Florida	2	3	2	\$459,900	\$519,668.75	\$979,569
G4S Justice Services, LLC Richmond, Virginia	3	2	3	\$447,241.80	\$458,531.25	\$905,773 .05
Secure Alert Sandy, Utah	4	4	4	\$684,331.20	\$523,337	\$1,207,668.2

SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA

ITEM: 5-IT Option

Agency Contact:

Ronald Brothers (410) 585-3100
rbrothers@dpscs.state.md.us
Robert Krysiak (410) 260-7179
Robert.Krysiak@doit.state.md.us

DEPARTMENT/PROGRAM:

Public Safety & Correctional Services
(DPSCS)
Information Technology and
Communications Division (IT&CD)

CONTRACT ID:

DPSCS IT&CD 2008-30
Offender Case Management System
ADPICS COE02833

CONTRACT APPROVED:

12/17/2008 DoIT Agenda Item 2-IT

CONTRACTOR:

Business and Decision, North America, Pa.
Inc.
Wayne, Pa.

CONTRACT DESCRIPTION: Procurement and implementation of a Statewide Offender Case Management System (OCMS).

OPTION DESCRIPTION: Exercise the first of five one-year renewal options.

TERM OF ORIGINAL CONTRACT:

12/01/2008-11/30/2011
(W/5 one-year renewal options)

TERM OF OPTION:

12/01/2011-11/30/2012

AMOUNT OF ORIGINAL CONTRACT:

\$9,274,197.00	12/01/2008-11/30/2011
\$650,000.00	12/01/2011-11/30/2012
\$650,000.00	12/01/2012-11/30/2013
\$650,000.00	12/01/2013-11/30/2014
\$650,000.00	12/01/2014-11/30/2015
<u>\$650,000.00</u>	<u>12/01/2015-11/30/2016</u>
\$12,524,197.00	Total

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 5-IT Option (Cont.)

AMOUNT OF OPTION:	\$650,000.00
PRIOR MODIFICATION/OPTIONS:	None
REVISED TOTAL CONTRACT AMOUNT	\$9,924,297.00
ORIGINAL PROCUREMENT METHOD:	Competitive Sealed Proposals
MBE PARTICIPATION:	35%

REMARKS: The original procurement used the Competitive Sealed Proposal Procurement Method and was approved by the BPW on 12/017/2008 as item 2-IT. Business and Decisions, North America, Pa. Inc. was the number one financial proposal and was ranked number one overall.

Over the past three years DPSCS procured hardware, software, implementation support, training services and systems support to implement a browser-based, web-enabled OCMS to provide accurate and timely access to integrated data captured throughout the lifecycle of an offender from arrest booking, pretrial investigations through termination of supervision (i.e., release) to Department agencies, law enforcement and community supervised constituents. OCMS will be used by all elements of the Department to manage offenders in accordance with its business rules and to obtain management information and reports.

The procured OCMS is being used to standardize business rules and processes across the Department for effective and efficient offender management. This new system has enabled a single point of entry for offender data and has captured tracked, maintained and performed searches and matches on all offenders that have had contact with the State of Maryland criminal justice system.

Business and Decisions, North America, Pa. Inc. has provided excellent service and fulfilled its contractual obligations.

The contractor has achieved 35.2% MBE participation against a MBE goal of 35%.

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 5-IT Option (Cont.)

FUND SOURCE: General
APPROP. CODE: Q0012769
RESIDENT BUSINESS No

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

Angelo Perseghin (410) 385-4833
aperseghin@marylandports.com

BPW – 11/16/11

**DEPARTMENT OF TRANSPORTATION
ACTION AGENDA**

CONSTRUCTION CONTRACT

ITEM: 1-C

MARYLAND PORT ADMINISTRATION

CONTRACT ID: 511905
Agency Wide Deck Repairs
ADPICS NO. P511905

CONTRACT DESCRIPTION: This contract is for concrete deck repairs at all Maryland Port Administration terminals including repairs to expansion joints, mooring hardware and below slab deck repairs.

AWARD: Rubino Enterprises, Inc.
Linthicum Heights, Maryland

AMOUNT: \$678,241

TERM: 24 Months from Notice to Proceed

PROCUREMENT METHOD: Competitive Sealed Bidding
(Small Business Reserve)

BIDS:	
Rubino Enterprises, Inc. Linthicum Heights, MD	\$678,241
Garcete construction Co., Inc. Bladensburg, MD	\$813,223
MTI Management Services, Inc. Baltimore, MD	\$845,700
International Restoration Services, LLC Landover, MD	\$877,990
Structural Restoration Services, Inc. Loganville, PA	\$1,080,134

MBE PARTICIPATION: 0% (Single Element of Work)

PERFORMANCE SECURITY: Performance and Payment Bonds at 100% of the Contract Amount

ITEM: 1-C (Continued)

BPW – 11/16/11

REMARKS: The Engineer’s Estimate for this contract was \$780,250.00.

This Solicitation was advertised on eMaryland Marketplace. Eighteen contractors received bid packages, 14 were Maryland firms. Five responsive and responsible bids were received.

100% of the work will be performed by a certified Small Business Enterprise.

The work to be performed under this contract consists of the furnishing of all labor, equipment, and materials necessary for repair and replacement of existing deteriorated concrete decks, walls, existing expansion joints, mooring hardware and all related work at terminals agency wide. The repairs will be done on an as-needed, task order basis.

FUND SOURCE: 100% Special Funds Budgeted to MPA

APPROPRIATION CODE: J03D0002

RESIDENT BUSINESS: Yes

MD TAX CLEARANCE: 11-2511-0111

BOARD OF PUBLIC WORKS ACTION– THE ABOVE-REFERENCED ITEM WAS:

APPROVED	DISAPPROVED	DEFERRED	WITHDRAWN
WITH DISCUSSION		WITHOUT DISCUSSION	

James L. Knighton 410-767-0820
jknighton@mta.maryland.gov

BPW -- 11/16/11
 REVISED

DEPARTMENT OF TRANSPORTATION
 ACTION AGENDA

CONTRACT MODIFICATION: (Maintenance)

ITEM: 2-M-MOD

MARYLAND TRANSIT ADMINISTRATION

CONTRACT ID: T-1233 A & B
 On Call Multi Media Environmental Response,
 Remediation and Waste Management Services
 ADPICS NO. CO279025 & CO279026

ORIGINAL CONTRACT APPROVED: Item 3-M, DOT Agenda 10/17/07

ORIGINAL PROCUREMENT METHOD: Competitive Sealed Bidding

MODIFICATION: Change Order No. 4 extends the contract duration
 by 12 months and increases the amount of Contract A by \$300,000 to continue services on existing and
 new tasks required for compliance with EPA Standards.

CONTRACTOR:

Clean Venture Elizabeth, New Jersey	(Contract A)
Total Environmental Concepts Montgomery Village, Maryland	(Contract B)

AMOUNT: \$300,000 (Contract A)
 \$0 (Contract B)

ORIGINAL AMOUNT: \$973,730 (Contract A)
 \$1,115,065 (Contract B)

REVISED CONTRACT AMOUNT: \$ 1,273,730 (Contract A)
 \$ 1,115,065 (Contract B)

PERCENTAGE INCREASE: 31% (Contract A)
 0% (Contract B)

TERM: 10/24/07-10/23/10 (Original)
 10/23/10-3/25/11 (CO #1), MDOT Approval
 3/25/11-9/23/11 (CO #2), MDOT Approval
 9/23/11-11/23/11 (CO #3), MDOT Approval
 11/24/11-11/23/12 (CO #4)

ITEM: 2-M-MOD (Continued)

BPW – 11/16/11
REVISED

ORIGINAL MBE PARTICIPATION: 25%

REMARKS: These contracts are for Environmental/Hazardous Materials support for conducting “On-call” Multi-Media Environmental Emergency Response, Remediation, and Waste Management Services at MTA facilities. The work is performed to maintain all applicable State and Federal Environmental Laws, regulations, permits, and orders, and support efforts to identify and correct causes of any areas of noncompliance. Specifically, this work is necessary to ensure MTA’s compliance with a Consent Agreement with the U.S. Environmental Protection Agency (EPA). MTA was able to enter into this Consent Agreement following approval of a Settlement Agreement for payment of administrative fines. This Settlement Agreement was approved by the BPW on 8/10/11 (DBM Agenda, Item 10-GM).

Contracts T-1233 A and B expire on November 23, 2011. The modification MTA is requesting would extend the expiration date of both contracts to November 22, 2012. These contracts were originally approved by the Board on October 17, 2007, as Item 3-M on the MDOT Agenda. MTA has previously extended these contracts three times, twice for a period of six months each and once for a period of sixty days. All extensions were necessary due to delays in the process of procuring a new contract for these services.

Many of MTA’s day-to-day operations (vehicle fueling, materials storage, construction, and vehicle/facilities maintenance) entail compliance with environmental law. For this work, MTA must deploy resources from an outside contractor with Environmental Protection Agency/Maryland Department of Environment (EPA/MDE) training certifications and qualifications. This Contract allows for access to outside resources (certified and/or accredited) in support of ongoing compliance activities as well as response to environmental incidents should the need arise.

MTA’s existing fueling systems have electronic monitoring devices installed for items such as ‘leak detection’. Maintenance, inspection, testing, and calibration of these devices are required to ensure the systems are functioning properly. These activities require properly trained and accredited personnel. For example: a system “in alarm” (i.e., communicating notification of an issue to be addressed) requires quick response by appropriately trained personnel to mitigate any potential environmental damage.

In addition, periodically construction projects may uncover asbestos, lead-based paint, or hazardous materials that require removal in accordance with EPA/MDE requirements. These abatement activities require properly trained and accredited personnel. Instances where these materials are ‘uncovered during construction’ may result in delays and/or change orders thereby increasing project schedules and costs.

In the case of operating transit service, certain operational activities by their nature require storage, transport and disposal of hazardous and non-hazardous waste in compliance with EPA/MDE regulations. Vehicle maintenance activities require used fluids and lubricants to be treated as hazardous materials for purposes of management and disposal.

The new solicitation was originally developed for advertisement as an ancillary contract and was developed in accordance with new policies MTA implemented to improve the ancillary contract process. As the solicitation proceeded, however, it became clear based on questions received from potential bidders that the new contract had more of the characteristics of a maintenance contract than a construction contract, and ancillary contracts are treated as construction contracts in terms of required

ITEM: 2-M-MOD (Continued)

**BPW – 11/16/11
REVISED**

contract provisions and expectations and requirements for potential bidders. Accordingly, out of concerns of fairness to potential bidders, MTA cancelled the solicitation in August 2011 and is currently developing new specifications for a second procurement which we expect to advertise in November 2011. For these reasons, the MTA will need to extend these contracts to allow time to solicit and award new contract and will need to increase the contract amount for Contract A to allow ongoing services while the new contract is procured.

FUND SOURCE:	100% Special Funds Budgeted to MTA
APPROPRIATION CODE:	J05H0105
RESIDENT BUSINESSES:	No (Clean Venture) Yes (Total Environmental Concepts, Inc)

BOARD OF PUBLIC WORKS ACTION - THE ABOVE-REFERENCED ITEM WAS:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

ATTACHMENT I

MTA-1233 A

	Amount	Term	BPW/DCAR Date	Reason
Original Contract	\$973,730	3 years	10/17/2007	
Modification #1	0.00	6 months	10/24/2010	
Modification #2	0.00	6 months	2/23/2011	
Modification #3	0.00	2 months	9/23/11	
Modification #4	\$300,000	12 months	11/16/2011	Extend contract to allow time to solicit and award new contract and increase contract amount to allow ongoing services while new contract is procured.
Revised Amount	\$1,273,730			

MTA-1233 B

	Amount	Term	BPW/DCAR Date	Reason
Original Contract	\$1,115,065	3 years	10/17/2007	
Modification #1	0.00	6 months	10/24/2010	
Modification #2	0.00	6 months	2/23/2011	
Modification #3	0.00	2 months	9/23/2011	
Modification #4	0.00	12 months	11/16/11	Extend contract to allow time to solicit and award new contract.
Revised Amount	\$1,115,065			

Cheryl Hill 410-545-0402
 chill@sha.state.md.us

BPW – 11/16/11

**DEPARTMENT OF TRANSPORTATION
 ACTION AGENDA
 ARCHITECTURAL/ENGINEERING SERVICES**

ITEM: 3-AE

STATE HIGHWAY ADMINISTRATION

CONTRACT ID: BCS 2010-05 E
 Plat Preparation and Metes and Bounds Survey Services,
 Statewide
 ADPICS NO. SBCS1005E

CONTRACT DESCRIPTION: This is the last of six (6) open-end task order contracts to provide highway related metes and bounds surveying and right-of-way plat preparation services, Statewide.

PROCUREMENT METHOD: **Maryland Architectural and Engineering Services Act;**
 recommendation approved by the Transportation
 Professional Services Selection Board on July 7, 2011.

AWARD: STV, Incorporated
 Baltimore, MD

AMOUNT: \$2,000,000

TERM: Six (6) Years (ending November 1, 2017)

DBE PARTICIPATION: 21%

PROPOSALS:

	<u>Technical Proposal Rating (Max 670)</u>	<u>Technical Ranking</u>	<u>NTE Price</u>
Johnson, Mirmiran & Thompson Sparks, MD	463	1	Contract A Approved by BPW 10/19/11
Wallace, Montgomery & Associates Towson, MD	451	2	Contract B Approved by BPW 10/19/11
The Wilson T. Ballard Company Owings Mills, MD	440	3	Contract C Approved by BPW 10/19/11
KCI Technologies, Inc. Sparks, MD	433	4	Contract D Approved by BPW 8/10/11
STV Incorporated Baltimore, MD	430	5	\$2,000,000
Century Engineering, Inc. Hunt Valley, MD	405	6	Contract F Approved by BPW 9/19/11

ITEM: 3-AE (Continued)

BPW – 11/16/11

PROPOSALS (Cont'd):

	<u>Technical Proposal Rating (Max 670)</u>	<u>Technical Ranking</u>	<u>NTE Price</u>
A.Morton Thomas & Associates Rockville, MD	397	7	N/A
URS Corporation Hunt Valley, MD	385	8	N/A
Whitman, Requardt & Associates Baltimore, MD	385	9	N/A
Rummel, Klepper & Kahl, LLP Baltimore, MD	382	10	N/A
AB Consultants, Inc. Lanham, MD	379	11	N/A
Greenman-Pedersen, Inc./ Whitney, Bailey, Cox & Magnani Annapolis Junction, MD	365	12	N/A
EBA Engineering, Inc. Baltimore, MD	339	13	N/A
George W. Stephens, Jr., & Associates, Inc. Belcamp, MD	300	14	N/A

REMARKS: The Solicitation was advertised in The Daily Record, eMarylandMarketplace and SHA web page. A total of fourteen (14) engineering consultant firms submitted technical proposals for this project, all of which are Maryland firms.

The consultant shall perform right-of-way plat preparation and metes and bounds field surveys. The assignments may include both activities.

This contract includes a provision authorizing an extension for a reasonable, limited and defined time to spend funds remaining on the contract as provided in Board Advisory 1995-1.

FUND SOURCE: Federal and Special Funds Budgeted to SHA
APPROPRIATION CODE: B0101
MD TAX CLEARANCE: 11-2583-1110
RESIDENT BUSINESS: Yes

BOARD OF PUBLIC WORKS ACTION - THE ABOVE REFERENCED ITEM WAS:

APPROVED
 DISAPPROVED
 DEFERRED
 WITHDRAWN

 WITH DISCUSSION
 WITHOUT DISCUSSION

Cheryl Hill 410-545-0402
chill@sha.state.md.us

BPW -- 11/16/11

DEPARTMENT OF TRANSPORTATION
ACTION AGENDA

CONTRACT MODIFICATION: (Architectural/Engineering)

ITEM: 4-AE-MOD

STATE HIGHWAY ADMINISTRATION:

CONTRACT NO. & TITLE: BCS 2006-05 A
Geotechnical Engineering Services, Statewide
ADPICS NO. CO278937

ORIGINAL CONTRACT APPROVED: Item 2-AE, DOT Agenda 10/17/07

ORIGINAL PROCURMENT METHOD: Maryland Architectural and Engineering Services Act

CONTRACTOR: Schnabel Engineering, LLC
Baltimore, MD

MODIFICATION: Modification No. 2 is for an eighteen-month extension to provide geotechnical services, conduct surface and sub-surface investigations, and perform geotechnical evaluations.

TERM: 10/17/2007-10/01/2011 (Original)
10/2/11 – 12/1/11 (Modification No. 1)
12/2/11 – 6/1/13 (Modification No. 2)

AMOUNT: \$0

ORIGINAL CONTRACT AMOUNT: \$1,000,000

REVISED CONTRACT AMOUNT: \$1,000,000

PERCENTAGE INCREASE: 0%

DBE PARTICIPATION: 20%

REMARKS: This contract provides investigations for highway projects and makes evaluations of slope failures, landslides of all types, rock fall, sinkholes and abandoned underground mines. SHA is requesting to extend this contract until a new contract is in place. The replacement contract, BCS 2011-06, is in the early stages of the procurement process and has a projected Notice to Proceed date of April, 2013. A 60-day bridge letter was executed to allow on-going tasks to continue until this time extension request could be presented to the Board of Public Works.

FUND SOURCE: Federal and Special Funds Budgeted to SHA

APPROP CODE: J02B0101

RESIDENT BUSINESS: Yes

BOARD OF PUBLIC WORKS ACTION - THE ABOVE REFERENCED ITEM WAS:

APPROVED	DISAPPROVED	DEFERRED	WITHDRAWN
WITH DISCUSSION	WITHOUT DISCUSSION		

Cheryl Hill 410-545-0402
chill@sha.state.md.us

BPW -- 11/16/11

DEPARTMENT OF TRANSPORTATION
 ACTION AGENDA

MAINTENANCE CONTRACT

ITEM: 5-M

STATE HIGHWAY ADMINISTRATION

CONTRACT ID: 5281531413
 Maintenance and Repairs to Highway Street Lighting at
 Various Locations in Montgomery County
 ADPICS NO. 5281531413

CONTRACT DESCRIPTION: This Contract is for the maintenance and repair of street
 lighting at various locations in Montgomery County.

AWARD: Lighting Maintenance, Inc.
 Rockville, MD

AMOUNT: \$1,146,783 NTE

TERM OF CONTRACT: November 28, 2011 through December 31, 2013

PROCUREMENT METHOD: Competitive Sealed Bidding

BIDS:

Lighting Maintenance, Inc. Rockville, MD	\$1,146,783
Rommel Engineering & Construction, Inc. Odenton, MD	\$1,170,703
Midasco, LLC Elkridge, MD	\$1,227,019
Fort Myer Construction Corp Washington, DC	\$1,955,071

MBE PARTICIPATION: 100%

PERFORMANCE SECURITY: Payment & Performance Bonds for 100% of the award
 amount exist on this contract

REMARKS: The Solicitation was advertised on eMaryland Marketplace and SHA's Internet Web
 Page. One-hundred twelve (12) contractors were notified for this project on eMaryland Marketplace;
 Twelve (12) of which were MDOT Certified MBE's.

ITEM: 5-M (Continued)

BPW -11/16/11

All bids are a result of Contractor submitted unit prices or labor rates extended by SHA estimated quantities.

This work involves the repair and maintenance of lighting that was designed in accordance with AASHTO standards for roadway lighting. The illumination standards are established by the Illumination Engineering Society. For street lighting SHA uses full "luminaire cutoffs" there is only a 3% spillover at 80% axis. Those full cutoffs are usually less glaring to drivers, yet they distribute full intensity light to the ground. Highmast lighting is designed as straight "down lighting" and is used on major highways.

The MBE Goal established for this contract was 2%. 100% of the work will be performed by A Certified Minority Business / Small Business Enterprise.

FUND SOURCE: 100% Special Funds Budgeted to SHA

APPROPRIATION CODE: J02B0102

RESIDENT BUSINESS: Yes

MD TAX CLEARANCE: 11-2327-1111

BOARD OF PUBLIC WORKS ACTION - THE ABOVE REFERENCED ITEM WAS:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

Cheryl Hill 410-545-0402
chill@sha.state.md.us

BPW -- 11/16/11

**DEPARTMENT OF TRANSPORTATION
 ACTION AGENDA**

MAINTENANCE CONTRACT

ITEM: 6-M

STATE HIGHWAY ADMINISTRATION

CONTRACT ID: 5281631413
 Maintenance and Repairs to Highway Street Lighting at
 Various Locations in Prince George's County
 ADPICS NO. 5281631413

CONTRACT DESCRIPTION: This Contract is for the maintenance and repair of highway
 street lighting at various locations in Prince George's County.

AWARD: Rommel Engineering & Construction, Inc.
 Odenton, MD

AMOUNT: \$1,038,120 NTE

TERM OF CONTRACT: November 28, 2011 through December 31, 2013

PROCUREMENT METHOD: Competitive Sealed Bidding

BIDS:

Rommel Engineering & Construction, Inc. Odenton, MD	\$1,038,120
Lighting Maintenance, Inc. Rockville, MD	\$1,148,828

MBE PARTICIPATION: 2%

PERFORMANCE SECURITY: Payment & Performance Bonds for 100% of the award
 amount exist on this contract

REMARKS: The Solicitation was advertised on eMaryland Marketplace and SHA's Internet Web Page. One-hundred twelve (12) contractors were notified for this project on eMaryland Marketplace; Twelve (12) of which were MDOT Certified MBE's.

All bids are a result of Contractor submitted unit prices or labor rates extended by SHA estimated quantities.

ITEM: 6-M (Continued)

BPW – 11/16/11

This work involves the repair and maintenance of lighting that was designed in accordance with AASHTO standards for roadway lighting. The illumination standards are established by the Illumination Engineering Society. For street lighting SHA uses full “luminaire cutoffs” there is only a 3% spillover at 80% axis. Those full cutoffs are usually less glaring to drivers, yet they distribute full intensity light to the ground. Highmast lighting is designed as straight “down lighting” and is used on major highways.

FUND SOURCE: 100% Special Funds Budgeted to SHA

APPROPRIATION CODE: J02B0102

RESIDENT BUSINESS: Yes

MD TAX CLEARANCE: 11-2403-0111

BOARD OF PUBLIC WORKS ACTION - THE ABOVE REFERENCED ITEM WAS:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

Cheryl Hill 410-545-0402
chill@sha.state.md.us

BPW -- 11/16/11

DEPARTMENT OF TRANSPORTATION
ACTION AGENDA

REAL PROPERTY CONVEYANCE

ITEM: 7-RP MMC# 09-2247

STATE HIGHWAY ADMINISTRATION: Northbound of MD 150 adjacent to the Amtrak-Northeast Corridor at MD 43 Extension, in Baltimore County

EXPLANATION: In accordance with COMAR 14.24.05, approval is requested to dispose of a parcel of land, as described, which is excess to the needs of SHA.

The property to be conveyed consists of ± 3.7261 acres and is being conveyed to Maryland Transit Administration by the terms in an Memorandum of Understanding (MOU) between SHA and MTA dated July 16, 2003 for the MD 43 Extension Project.

SPECIAL CONDITIONS: None

GRANTOR: State of Maryland, State Highway Administration

GRANTEE: Maryland Transit Administration

CONSIDERATION: \$0.00

APPRAISED VALUE: Exempt (see remarks)

REMARKS: Approval of conveyance is requested in accordance with the Section 8-309 (G)(1) of the Transportation Article, Annotated Code of Maryland. There is no exchange of funds nor need for an appraisal as in accordance with Section 10-304 of the MD State Finance and Procurement, Annotated Code of Maryland.

This property being conveyed is part of a MOU between MTA and SHA for the MD 43 Extended Project from US 40 to MD 150 in Baltimore County. The MOU included as part of the MD 43 project a expanded MTA parking lot which was funded and designed by MTA. The expanded parking lot underlying fee is hereby being conveyed to MTA from SHA.

The Deed has been forwarded to the Executive Secretary, Board of Public Works for execution.

BOARD OF PUBLIC WORKS ACTION - THE ABOVE-REFERENCED ITEM WAS:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

Cheryl Hill 410-545-0402
chill@sha.state.md.us

BPW -- 11/16/11

**DEPARTMENT OF TRANSPORTATION
ACTION AGENDA**

REAL PROPERTY CONVEYANCE

ITEM: 8-RP MMC# 11-2320

STATE HIGHWAY ADMINISTRATION: Old roadbed located within existing Valley Road, north of its present intersection with MD 6, Port Tobacco Rd, 0.3 mile north of Port Tobacco, Charles County, MD

EXPLANATION: In accordance with COMAR 14.24.05, approval is requested to dispose of a parcel of land, as described, which is excess to the needs of SHA.

The interest to be conveyed consists of ± 0.379 acres (2200 sq. ft.) and is being conveyed at a nominal cost to clear existing title issues

SPECIAL CONDITIONS: None

GRANTOR: State Highway Administration

GRANTEE: County Commissioners of Charles County

CONSIDERATION: \$1

APPRAISED VALUE: N/A

REMARKS: Approval of conveyance is requested in accordance with the Section 304(a)(2) of the Transportation Article of the Annotated Code of Maryland.

This is a conveyance of a roadbed of old MD 6 that was abandoned by the SHA in 1954 and is now part of Valley Road which is owned and maintained by Charles County. The SHA does not have fee title to the roadbed only a prescriptive easement. Conveyance of the roadbed will resolve the existing cloud on title.

Parcel B-2 (Item No. 9) adjoins the roadbed and is being conveyed as a separate transaction to the adjoining owner.

SHA is concurrently requesting permission to dispose and execution of the Deed. The Deed has been forwarded to the Executive Secretary, Board of Public Works for execution.

BOARD OF PUBLIC WORKS ACTION - THE ABOVE-REFERENCED ITEM WAS:

APPROVED	DISAPPROVED	DEFERRED	WITHDRAWN
WITH DISCUSSION		WITHOUT DISCUSSION	

Cheryl Hill 410-545-0402
chill@sha.state.md.us

BPW -- 11/16/11
REVISED

DEPARTMENT OF TRANSPORTATION
ACTION AGENDA

REAL PROPERTY CONVEYANCE

ITEM: 9-RP MMC# 11-2314

STATE HIGHWAY ADMINISTRATION: An old roadbed of Md. Rte. 6 located between Valley Road, and the relocated Md. Rte. 6, Port Tobacco Rd, 0.3 mile north of Port Tobacco, Charles County, MD

EXPLANATION: In accordance with COMAR 14.24.05, approval is requested to dispose of a parcel of land, as described, which is excess to the needs of SHA.

The interest to be conveyed consists of ± 0.2292 acres (9985 sq. ft.) and is being conveyed at the fair market value to the sole adjoining owner as part of a negotiated sale.

SPECIAL CONDITIONS: None

GRANTOR: State Highway Administration

GRANTEE: Charles F Richardson and Joan M Richardson as tenants by the entireties

CONSIDERATION: \$4,100

APPRAISED VALUE: \$4,100, Melville Peters, fee appraiser. Reviewed and approved by William Caffrey, Chief Appraisal Review Division

REMARKS: Approval of conveyance is requested in accordance with the Section 8-309(f)(1)(ii) of the Transportation Article of the Annotated Code of Maryland.

This is a conveyance of the old roadbed of MD 6 that was abandoned by the SHA in 1954. The SHA does not have fee title to the roadbed only a prescriptive easement.

Parcel B-1 (Item No. 8) adjoins this roadbed and is being conveyed as a separate transaction to the County Commissioners of Charles County.

SHA is concurrently requesting permission to dispose and execution of the Deed. The Deed has been forwarded to the Executive Secretary, Board of Public Works for execution.

BOARD OF PUBLIC WORKS ACTION - THE ABOVE-REFERENCED ITEM WAS:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CONSTRUCTION CONTRACT

ITEM 1-C

DEPARTMENT OF NATURAL RESOURCES Dan's Mountain Wildlife Management Area
(Allegany County)

CONTRACT NO. AND TITLE Project No. P-053-020-010;
Access Road and Storage Facility
ADPICS NO. 001B2400256

DESCRIPTION Contract approval for improvements to approximately 1.7 miles of existing stone access road. This includes installation of drainage culverts and sediment/stormwater controls, and construction of a pre-engineered metal storage building.

PROCUREMENT METHOD Competitive Sealed Bids

<u>BIDS OR PROPOSALS</u>	<u>AMOUNT</u>
Harbel, Inc. Cumberland, MD	\$318,969.11
Braddock Construction, LLC. Frostburg, MD	\$367,527.50
Excavating Associates, Inc. Ellerslie, MD	\$368,789.00
Mann's Construction, Inc. Hancock, MD	\$490,540.00

AWARD Harbel, Inc.
Frostburg, MD

AMOUNT \$318,969.11

TERM 365 Calendar Days

MBE PARTICIPATION 15%

PERFORMANCE BOND 100% of full contract amount

REMARKS A notice of availability of a Invitation for Bids (IFB) was posted on DGS's Web Site, Bid Board and *eMaryland Marketplace.com* July 19, 2011 with bids taken on September 9, 2011. Four bids were received.

The award amount includes construction of a 1,000 square foot pre-engineered metal building including water and electric utilities for use as a DNR maintenance storage facility.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CONSTRUCTION CONTRACT

ITEM 1-C (Cont.)

Dan's Mountain WMA encompasses 9,625 acres of forested land in Southwestern Allegany County. It is a popular destination for hunters, hikers and wildlife watchers. DNR also supervises logging activity within the area. The existing area access to the area is a logging road which intersects with U.S. Route 220. This access road is in a deteriorated condition with some sections almost impassable. It is important to improve this road to ensure safe access for the public and DNR wildlife management personnel.

The work involved with this project will include clearing the existing road of overgrown brush, re-grade the road to level surface, and add an overlay of stone aggregate as well as install drainage structures as necessary to comply with storm water control regulations.

A second project to construct approximately one mile of new roadway to intersect a secondary public access road near the top of the mountain will be bid in 2012 so that its construction may begin upon completion of the existing road work specified with this contract.

FUND SOURCE

MCCBL 2010/Item 011 (Provide funds to design, construct, and equip capital development projects on DNR property in accordance with 5-903 (G) of the Natural Resources Article)

RESIDENT BUSINESS

Yes

TAX COMPLIANCE NO.

11-2241-1111

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CONSTRUCTION CONTRACT

ITEM 2-C

DEPARTMENT OF HEALTH AND MENTAL HYGIENE Deer's Head Hospital Center
Salisbury, MD
(Wicomico County)

CONTRACT NO. AND TITLE

Project No: H-453-100-001;
New Kidney Dialysis Addition and
Renovate Unit 1 North
ADPICS NO. 001B2400255

DESCRIPTION

Approval requested for the construction of a new, one-story, brick veneer addition over a crawlspace and partial mechanical basement attached to the hospital existing Unit 1 North. This new building will be approximately 7,870 gross square feet (gsf.) The addition contains 27 dialysis stations and ancillary spaces. The renovation consists of approximately a 6,710 gsf portion of the vacated Unit 1 North into dialysis administrative and support areas.

PROCUREMENT METHOD

Competitive Sealed Bids

BIDS OR PROPOSALS

<u>BIDS OR PROPOSALS</u>	<u>AMOUNT</u>
Suffolk Const Company, Inc. Falls Church, VA	\$4,762,108.00
J M Zimmer, Inc. Salisbury, MD	\$4,981,600.00
J Vinton Schafer & Sons, Inc. Abingdon, MD	\$5,012,535.00
Nason Construction, Inc. Salisbury, MD	\$5,020,500.00
Shade Const Company, Inc. Baltimore, MD	\$5,125,100.00
Gillis Gilkerson, Inc. Salisbury, MD	\$5,281,750.00
Harkins Contracting, Inc. Salisbury, MD	\$5,450,700.00
Benaka, Inc. New Brunswick, NJ	\$5,936,700.00

AWARD

Suffolk Construction Company, Inc.
Falls Church, VA

AMOUNT

\$4,762,108.00

TERM

550 Calendar Days

MBE PARTICIPATION

23.74%

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CONSTRUCTION CONTRACT

ITEM 2-C (Cont.)

PERFORMANCE BOND 100% of full contract amount

REMARKS A notice of availability of an Invitation for Bids (IFB) was posted on *eMaryland Marketplace.com*. Nine bids were received of which eight were under the project estimate.

The project MBE participation goal was 35%. Eight of the nine vendors did not meet the MBE goal. The lowest bidder's waiver request was evaluated and denied and as a result, the bid was rejected. The second lowest bidder's waiver was evaluated and accepted with a 23.74% MBE participation.

The existing dialysis area does not meet regulatory requirements for square footage and access to stations. The existing site ramp does not meet ADA design requirements.

This project will be constructed in two phases. In Phase 1, a new addition and covered ramp will be constructed adjacent to the existing Unit 1 North Hospital Wing. When the addition achieves substantial completion and is fully functional, the dialysis treatment activities will be relocated to the new space. Phase II will consist of the renovation of the existing Unit 1 North to accommodate the dialysis administrative activities. This project will rectify both the dialysis station size and patient access shortcomings.

FUND SOURCE MCCBL 2011/Item 011 (Provide funds to complete design and construct a new kidney dialysis unit and renovate the existing kidney dialysis unit for administrative purposes at the Deer's Head Center)

RESIDENT BUSINESS No

TAX COMPLIANCE NO. 11-2185-0111

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN ✓

WITH DISCUSSION ✓

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CONSTRUCTION CONTRACT MODIFICATION

ITEM 3-C-MOD

MARYLAND SCHOOL FOR THE DEAF

Frederick Campus
Frederick, MD

ORIGINAL CONTRACT NO. AND TITLE

Project No. A-600-080-001;
New Cafeteria
ADPICS NO. COE02783

ORIGINAL CONTRACT APPROVED

10/21/2009 DGS BPW Item 1-C

ORIGINAL PROCUREMENT METHOD

Competitive Sealed Bids

CONTRACTOR

Albecon Development Corp
(dba- March-Westin)
Baltimore, MD

CONTRACT DESCRIPTION

Approval for a contract to construct a new cafeteria and dining hall to serve middle and high school students. The new facility will be located on the main campus at the site currently occupied by both Barry Hall and the steam plant/central laundry building. Demolition of both buildings is in the scope of work for this project.

MODIFICATION DESCRIPTION

This change order is for a credit to the contract for unused Unit Price Items: See Remarks below.

TERM OF ORIGINAL CONTRACT

24 Months from NTP

TERM OF MODIFICATION

Same

AMOUNT OF ORIGINAL CONTRACT

\$3,382,184.10

AMOUNT OF MODIFICATION

(\$76,762.50)

PRIOR MODIFICATIONS/OPTIONS

\$151,618.17

REVISED TOTAL CONTRACT AMOUNT

\$3,457,039.77

PERCENT +/- (THIS MODIFICATION)

(2.26%)

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

A/E SERVICE CONTRACT

ITEM 4-AE

DEPARTMENT OF GENERAL SERVICES

CONTRACT NO. AND TITLE

Project No. DGS-11-009-IQC;
Professional Services Agreement to Provide
Civil Investigative, Design and Engineering
Services and Land Surveying Services for
Multiple Construction Projects with Fees
Greater than \$25,000.00 and Less than
\$200,000.00
ADPICS NO. See below:

DESCRIPTION

Approval is requested for an Indefinite
Quantity Contract (IQC) to provide civil investigative, design and engineering services and land
surveying to the Maryland Department of General Services on an as needed basis. The proposed
agreement will be effective for 2 years with 1 two-year renewal option. Individual projects
awarded under this agreement may not exceed \$200,000.00; however, the selected firms may be
awarded more than one project. The aggregate fee for the total of projects awarded to any firm
may not exceed \$400,000.00

PROCUREMENT METHOD

Maryland Architectural and Engineering
Services Act

<u>BIDS OR PROPOSALS</u>	<u>Qualification & Tech. Scores</u>	<u>Project Limit</u>	<u>Contract Limit</u>
Whitman, Requardt & Associates, LLP. Baltimore, MD	128.2/92%	\$200,000.00	\$400,000.00
Gannett Fleming, Inc. Baltimore, MD	126.6/90%	\$200,000.00	\$400,000.00
Whitney, Bailey, Cox & Magnani, LLC. Baltimore, MD	125.2/89%	\$200,000.00	\$400,000.00
Rummel, Klepper & Kahl, LLP. Baltimore, MD	125/89%	\$200,000.00	\$400,000.00
Brudis & Associates, Inc. Columbia, MD	124.8/89%	\$200,000.00	\$400,000.00
Wallace, Montgomery & Associates, LLP. Towson, MD	124.6/89%	\$200,000.00	\$400,000.00

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

A/E SERVICE CONTRACT

ITEM 4-AE (Cont.)

<u>BIDS OR PROPOSALS (Cont.)</u>	<u>Qualification & Tech. Scores</u>	<u>Project Limit</u>	<u>Contract Limit</u>
Morris & Ritchie Associates, Inc. Abington, MD	123.8/88%	N/A	N/A
Johnson, Mirmiran & Thompson Sparks, MD	123.5/88%	N/A	N/A
EBA Engineering, Inc. Baltimore, MD	123.3/88%	N/A	N/A
Davis, Bowen & Friedel, Inc. Salisbury, MD	122.5/87%	N/A	N/A
A. Morton Thomas and Associates, Inc. Rockville, MD	122.2/87%	N/A	N/A
RJM Engineering, Inc. Ellicott City, MD	121.2/87%	N/A	N/A
Century Engineering, Inc. Hunt Valley, MD	119.5/85%	N/A	N/A
KCI Technologies, Inc. Sparks, MD	108.4/77%	N/A	N/A
Hatch Mott MacDonald, LLC. Millburn, NJ	107.4/77%	N/A	N/A
The EADS Group, Inc. Cumberland, MD	107.2/77%	N/A	N/A
KHAFRA Baltimore, MD	100.6/72%	N/A	N/A
BRINJAC Engineering, Inc. Hunt Valley, MD	98.9/71%	N/A	N/A

AWARDS

Whitman, Requardt & Associates, LLP.
Baltimore, MD
Gannett Fleming, Inc. Baltimore, MD
Whitney, Bailey, Cox & Magnani, LLC.
Baltimore, MD
Rummel, Klepper & Kahl, LLP.
Baltimore, MD
Brudis & Associates, Inc. Columbia, MD
Wallace, Montgomery & Associates, LLP.
Towson, MD

AMOUNT

\$400,000.00 Est. Per Firm (1/7/12-1/6/14)
\$400,000.00 Est. Per Firm (1/7/14-1/6/16)
 \$800,000.00 Total Est. Per Firm

 \$2,400,000.00 Est. Total Contract Base
\$2,400,000.00 Est. Total Renewal Option
 \$4,800,000.00 Est. Total Contract

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

A/E SERVICE CONTRACT

ITEM 4-AE (Cont.)

At the 10/4/2011 public meeting of the Board and the Chairman of the Negotiation Committee certified the negotiations were conducted in accordance with the regulations governing the Negotiation Committee and that the price proposals were determined to be fair, competitive, and reasonable.

The price proposals and the scope of services represented by the price proposals were reviewed by the Board. The price proposals were accepted by the General Board as fair, competitive, and reasonable as required by Title 13-308 of the State Finance and Procurement Article, Annotated Code of Maryland.

The Negotiation Committee's recommendation was approved by the General Professional Services Selection Board on October 4, 2011 and is recommended to the Board of Public Works for approval.

FUND SOURCE

Using agency funds

RESIDENT BUSINESSES

Yes for all

TAX COMPLIANCE AND ADPICS NOS.

<u>Contractor</u>	<u>Tax Compliance No.</u>	<u>ADPICS No</u>
Whitman, Requardt & Associates, LLP.	11-2422-1111	001B2400273
Gannett Fleming, Inc.	11-2423-0110	001B2400274
Whitney, Bailey, Cox & Magnani, LLC.	11-2421-1111	001B2400275
Rummel, Klepper & Kahl, LLP.	11-2420-1111	001B2400276
Brudis & Associates, Inc.	11-2424-0111	001B2400277
Wallace, Montgomery & Associates, LLP.	11-2419-1111	001B2400278

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

MAINTENANCE CONTRACT**ITEM** 5-M**DEPARTMENT OF GENERAL SERVICES**Annapolis Public Buildings & Grounds
Annapolis, MD**CONTRACT NO. AND TITLE**Elevator Maintenance Service;
ADPICS NO. 001B2400224**DESCRIPTION**Approval requested for a contract to provide
elevator maintenance services for the Annapolis Public Buildings & Grounds State Office
Complex.**PROCUREMENT METHOD**

Competitive Sealed Bids

BIDS OR PROPOSALSDelaware Elevator Service, Salisbury, MD
Schindler Elevator Corp., Baltimore, MD
Elcon Enterprises Inc., Upper Marlboro, MD**AMOUNT**\$579,443.00
\$772,554.76
\$774,895.00**AWARDS**Delaware Elevator Service
Salisbury, MD**AMOUNT**\$579,443.00 (3 year base contract)
\$193,147.67 (1st one-year renewal option)
\$193,147.67 (2nd one-year renewal option)
\$965,738.34 Total 5 Years**TERM**12/15/2011-12/14/2014 (W/2 one-year
renewal options)**MBE PARTICIPATION**

10%

PERFORMANCE BOND

Yes

HIRING AGREEMENT ELIGIBLE

No

REMARKSA notice of availability of a Invitation for
Bids (IFB) was posted on DGS's Web Site, Bid Board and *eMaryland Marketplace.com*. Three
bids were received.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

EQUIPMENT CONTRACT**ITEM** 6-E (Revised)**DEPARTMENT OF HEALTH AND**
MENTAL HYGENEOffice of Chief Medical Examiner
Baltimore, MD**CONTRACT NO. AND TITLE**Office Furniture;
ADPICS NO. 001B2400281**CONTRACT DISCRPTION**

Retroactive approval requested for a one-time purchase of office furniture with capital funding for the Office of Chief Medical Examiner (OCME), at 900 W. Baltimore St. Baltimore, MD 21223, pursuant to 11-204(c) State Finance & Procurement Article.

PROCUREMENT METHOD

Preferred Provider

BIDS OR PROPOSALSMaryland Correctional Enterprises (MCE)
Baltimore, MD**AMOUNT**

\$369,357.00

AWARD

(MCE)

Maryland Correctional Enterprises

Baltimore, MD

AMOUNT

\$369,357.00

TERM

30 days

MBE PARTICIPATION

0%

REMARKS

Capital funding was appropriated by DBM for this furniture as part of the capital project. Due to the unfamiliarity with the standard operating procedures for the purchase of furniture with capital funds, OCME did not follow DGS procedures for their purchase. We are now providing this action to the Board for approval in order to make payment to MCE.

FUND SOURCE

MCCBL 2009/Item 021 (Provide funds to equip the new Forensic Medical Center)

RESIDENT BUSINESS

Yes

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

GENERAL MISCELLANEOUS

ITEM 7-GM (Cont.)

CONTRACT NO. & TITLE

Project No. SW-000-112-901;
Replace Underground Storage Tank

PROCUREMENT METHOD

Maryland Architectural and Engineering
Services Act

AWARD

CECA, LLC.
Lanham, MD

AMOUNT

\$24,650.00

FUND SOURCE

MCCBL 2009/Item 007 (Capital Facility
Renewal Program)

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

GENERAL MISCELLANEOUS

ITEM 8-GM

REFERENCE

In accordance with provisions of the State Finance and Procurement Article, Section 8-301, Annotated Code of Maryland, the Board of Public Works approval is requested for the use of General Obligation Bond funding for the contract(s) noted below. Any modifications listed below reflect the change in funding from POS funds to General Obligation Bond funds (MCCBL) also noted below. Total amount of funds used is \$69,230.00 (2 items).

The two fund sources for any particular item will be designated as either:
MCCBL 2010/Item 016 (Provide funds to construct capital improvements such as planned Maintenance and repair projects at public use facilities on State-Owned property)
MCCNL 2011/Item 008 (Provide funds to construct capital improvements such as planned Maintenance and repair projects at public use facilities on State-Owned property)

Department of Natural Resources

A. Cub Hill Ranger Station, Madonna Work Center, Cecil County Project Office
(Baltimore, Harford and Cecil Counties)

DESCRIPTION

Approval for a contract to remove and replace five fuel pumps on above ground storage tanks and the removal of existing gasoline and diesel pumps, Gasboy Compact 9123F/9123FVR, hoses, nozzles and set-up for a Phase I & II vapor recovery systems.

REMARKS

Additional work includes the installation of a new gas pump, Gasboy ASTRA 9823K/diesel pump ASTRA 9823K, hoses, nozzle, etc., setup for a Phase I & II vapor recovery system. Remove concrete filled steel pipe bollard and concrete slab around bollard. Install new 3'x 6'x 12" or 6" (depending on location) concrete pad for installation of pedestal mount dispensing units. Install 2 concrete filled steel pipe bollards. Provide electrical hook-ups to provide required electric service for pumps.

Removed equipment is to be taken off of State property and disposed of except one complete gasoline pump from Cecil County Project Office.

CONTRACT NO. & TITLE

Project No. G-003-110-010;
Fuel Pump Replacements

PROCUREMENT METHOD

Small Procurement

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

REAL PROPERTY**ITEM** 9-RP (revised)**DEPARTMENT OF AGRICULTURE**

Maryland Agricultural Land Preservation
Foundation (MALPF)
Agricultural Land Preservation Easements
(Various Properties)

REFERENCE

Approval is requested for the Maryland
Agricultural Land Preservation Foundation, Department of Agriculture, to accept option
contracts for the purchase of agricultural preservation easements on the following properties:

SPECIAL CONDITIONS

Grantor relinquishes all rights to develop or
subdivide the land for industrial, commercial, or residential use. Land shall be preserved solely
for agricultural use in accordance with provisions of the Agricultural Article. No commercial
signs or bill boards are permitted, and there shall be no dumping on land except as is necessary
to normal farming operations. Grantor shall manage the property in accordance with sound
agricultural practices. Grantee shall have the right to enter land for inspection. No public rights
are granted. The term of these easements shall be in perpetuity pursuant to Agriculture Article
Section 2-514.1.

A) As to items 1 through 3, pursuant and subject to the provisions of Agriculture Article Section
2-513, Grantor has elected to reserve the right to apply for release of a lot to convey to himself or
his children for the purpose of constructing a dwelling for personal use as follows: one lot of one
acre or less if the subject property is at least 20 acres, but less than 70 acres, two lots of one acre
or less if the subject property is at least 70 acres, but less than 120 acres, or three lots of one acre
or less if the subject property is 120 acres or more.

B) As to item 4, the Grantor is waiving the right to request any additional lots.

Grantor**FAMILY LOTS****Property****Price****Baltimore County**

1. Bruce Gapsis
03-11-03

66.58 Ac

\$524,640.00

Less 1 acre

\$ 8,000.00/acre

Per dwelling

(Appraised Value)

(Agricultural Value)

(Easement Value)

a. Muller (fee)

\$787,000.00

\$47,610.21

\$739,389.79

b. Hentschel (fee)

\$650,000.00

\$47,610.21

\$602,389.79

Review Appraiser: Kelleher

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

REAL PROPERTY**ITEM** 9-RP (Cont.) (Revised)**Baltimore County**

2. Coblentz-Oakland Farm, LLC 10-11-01	185.93 Ac Less 1 acre Per dwelling	\$1,035,600.28 \$ 5,599.93/acre		
	(Appraised Value)	(Agricultural Value)	(Easement Value)	
a. Randall (fee)	\$1,294,000.00	\$159,869.60	\$1,134,130.40	
b. Belinko (fee)	\$1,608,900.00	\$159,869.60	\$1,449,030.40	

Review Appraiser: Beach

Queen Anne's County

3. Raymond Smith 17-08-02	111.062* Ac Less 1 acre Per dwelling	\$493,077.76 \$ 4,480.00/acre		
	(Appraised Value)	(Agricultural Value)	(Easement Value)	
a. Cadell (fee)	\$680,000.00	\$156,838.35	\$523,161.65	
b. Cline (fee)	\$660,000.00	\$156,838.35	\$503,161.65	

Review Appraiser: Andrews

LOTS WAIVED**Anne Arundel County**

4. James and Janet Ross 02-11-01	177 Ac Less 1 acre Per dwelling	\$1,991,197.50 \$ 11,313.62/acre		
	(Appraised Value)	(Agricultural Value)	(Easement Value)	
a. Muller (fee)	\$2,112,000.00	\$120,802.50	\$1,991,197.50	
b. Cline (fee)	\$2,112,000.00	\$120,802.50	\$1,991,197.50	

Review Appraiser: Kelleher

FUND SOURCES

\$ 558,355.27	615 09501 AY 09
\$2,001,940.89	615 10075 AY 10
\$1,484,219.38	L00 A11.11 County SF12
\$4,044,515.54	Total

TOTAL ACRES (TA)

562.892**

TA LESS DWELLINGS

558.892

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

REAL PROPERTY**ITEM** 9-RP (Cont.) (revised)**AVERAGE PRICE PER ACRE** \$7,236.67**REMARKS**

1. The Department of Agriculture recommends acceptance of these contracts.
2. The Department of General Services has reviewed the appraisals and has recommended that each appraisal "a." listed above be the appraised value of the land on which the easement is to be acquired.
3. *As to #3 Smith acquisition, an Easement will be acquired over 133.382 acres, but purchase price reflects payment for only 111.062 acres, less one acre for one existing dwelling. 22.322 acres are already restricted from development. An Easement over the total 133.382 acres will require the total farm to remain in common ownership, unless otherwise approved by MALPF.
4. ** Total acres reflects 133.382 acres being acquired over the Smith Farm.

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

TENANT LEASE**ITEM** 11-LT**DEPARTMENT OF THE JUDICIARY**District Court
Baltimore City, MD**Landlord**Greenwald & Company, Inc.
t/a Arrow Parking
250 W. Pratt St., Suite 850
Baltimore, MD 21201**Property Location**200 E. Lombard St.
Baltimore, MD 21202**Space Type** Garage Parking**Duration** 2 Years**Annual Rent** \$28,800.00**Lease Type** New**Effective** 12/1/2011**Rate/Space/Month** \$120.00**Number of Spaces**

20

Utilities Responsibility

Landlord

Custodial Responsibility

Landlord

Previous Board Actions

None

Fund Source

100% General 10 00004 01 AOBJ 1301

Remarks

1. These spaces are used by District Court employees located at 501 E. Fayette St., Baltimore City.
2. This location replaces the parking of 20 cars from 310-314 N. Guilford Ave. garage.
3. The number of spaces comply with the 1:3 ratio established for this area.
4. This space was acquired by sole source in accordance with the DGS Space Management Manual, Paragraph 6-605 E., as authorized by COMAR 21.02.05.05. The Department of General Services, in conjunction with the using Agency, recommends the approval of this item.

 Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

TENANT LEASE**ITEM** 12-LT-OPT

DEPARTMENT OF PUBLIC SAFETY AND Parole & Probation and Drinking Driver
CORRECTIONAL SERVICES Monitor Program
(Baltimore County) Dundalk, MD

Landlord Logan Village Center, LLC.
9654-A Belair Rd.
Baltimore, MD 21236

Property Location 3413 Dundalk Ave.
Dundalk, MD 21222

<u>Space Type</u>	Office	<u>Lease Type</u>	Renewal	<u>Square Feet</u>	6,125
<u>Duration</u>	5 Years	<u>Effective</u>	12/1/2011		
<u>Annual Rent</u>	\$77,971.25	<u>Square Foot Rate</u>	\$12.73 avg.		
		<u>Prev. Sq. Ft. Rate</u>	\$12.65 avg.		
		<u>Eff. Square Foot Rate</u>	\$15.94 avg.		
		<u>Prev. Eff. Sq. Foot Rate</u>	\$15.78 avg.		

Utilities Responsibility Tenant
Custodial Responsibility1 Tenant
Previous Board Action(s) 4/10/96 - 26-L; 7/19/00 - 13-L; 6/7/06 - 12-L
Fund Sources 100% General Funds
35.03.02 PCA 32110 AOBJ 1310 62% \$48,342.17
35.03.02 PCA 32213 AOBJ 1310 30% \$23,391.38
35.03.02 PCA 32310 AOBJ 1310 8% \$ 6,237.72

Special Conditions

1. The lease contains escalations/de-escalations for real estate taxes.
2. The lease incorporates common parking spaces into the lease agreement.

Remarks

1. This space has been used since 1996 as administrative and client contact offices for the Division of Parole and Probation, Office of Criminal Supervision and the Drinking Driver Monitor Program. The Office of Criminal Supervision is responsible for monitoring and supervising the activities of those persons under the court's supervision residing in the community. The Drinking Driver Monitor Program Office supervises and administers breathalyzer tests to those persons mandated to participate in the program by the courts. This space will also serve as a urinary collection site.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

TENANT LEASE

ITEM 12-LT-OPT (Cont.)

- 2. The lease contains a termination for convenience clause.
- 3. This space was acquired by sole source in accordance with the DGS Space Management Manual, Paragraph 6-605 E., as authorized by COMAR 21.02.05.05. The Department of General Services in conjunction with the using Agency, recommends the approval of this item.

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

TENANT LEASE**ITEM** 13-LT-OPT**MARYLAND STATE DEPARTMENT OF EDUCATION**

Office of Child Care

Towson , MD (Baltimore County)

Landlord

Fallston Medical Complex, Banker's Alley, LLC.
c/o CCI Management, Inc.
409 Washington Ave.
Towson, MD 21204

Property Location

409 Washington Ave., Ste. LL8
Towson, MD 21204

<u>Space Type</u>	Office	<u>Lease Type</u>	Renewal	<u>Square Feet</u>	4,479
<u>Duration</u>	10 Years	<u>Effective</u>	12/1/2011		
<u>Annual Rent</u>	\$85,101.00 (Avg.)	<u>Square Foot Rate</u>	\$19.00 (Avg.)		
		<u>Previous Sq. Ft. Rate</u>	\$19.00		

Utilities Responsibility

Landlord

Custodial Responsibility

Landlord

Previous Board Action(s)

8/14/91-30-L, 7/31/96-42-L, 6/21/00-23-L, 8/9/06-17-LT

Fund Source

100% Federal R00A0110

Special Conditions

The lease provides for escalations on increases in real estate taxes, utilities and cleaning services.

Remarks

1. This agency has utilized this space since 8/15/1991. This space is used as the Baltimore County Office of Child Care to license day care homes, investigate complaints on unregistered day care providers and provide continuing education and training for child care providers.
2. The rental rate for lease years 1-5 is \$18.50 per net usable square foot increasing to \$19.50 per net usable square foot for lease years 6-10 for an average term rental rate of \$19.00 per net usable square foot.
3. The lease contains a termination for convenience clause.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

TENANT LEASE

ITEM 13-LT-OPT (Cont.)

4. This space was acquired by sole source in accordance with the DGS Space Management Manual, Paragraph 6-605 E., as authorized by COMAR 21.02.05.05. The Department of General Services, in conjunction with the using Agency, recommends the approval of this item.

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

TENANT LEASE**ITEM** 14-LT-OPT**MARYLAND STATE DEPARTMENT OF EDUCATION**

Division of Rehabilitation Services

Baltimore City, MD

Landlord

901, LLC
c/o David S. Brown Enterprises
100 Painters Mill Rd., Suite 900
Owings Mills, MD 21117

Property Location

1010 Park Ave., Suites 102 and 110
Baltimore, MD 21201

<u>Space Type</u>	Office	<u>Lease Type</u>	Renewal	<u>Square Feet</u>	4,814
<u>Duration</u>	5 Years	<u>Effective</u>	12/1/2011		
<u>Annual Rent</u>	\$103,501.00	<u>Square Foot Rate</u>	\$21.50		
		<u>Previous Sq. Ft. Rate</u>	\$20.50		
		<u>Effective Sq. Ft. Rate</u>	\$24.00		
		<u>Prev. Eff. Sq. Ft. Rate</u>	\$23.00		

Utilities Responsibility

Tenant

Custodial Responsibility

Landlord

Previous Board Action(s)

6/21/2006 Item 13-L`

Fund Source

20% General; 80% Federal Program R00A01.21 in PCA
U3751, Fund 5681

Special Conditions

1. This lease contains escalations/de-escalations for real estate taxes and custodial services.
2. This lease provides 18 use in common garage parking spaces free of charge.

Remarks

1. The space will be used to provide services for handicapped individuals which include: interviewing, testing, counseling and coordinating their activities so they may return to gainful employment.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

TENANT LEASE

ITEM 14-LT-OPT (Cont.)

- 2. The new lease rate of \$21.50 provides an annual savings of \$14,442.00 from the stated option rate of \$24.50 provided in the current lease. Over the 5 year term of the lease, the total savings is \$72,210.00.
- 3. This lease gives contains a termination for convenience clause.
- 4. This space was acquired by sole source in accordance with the DGS Space Management Manual, Paragraph 6-605 E., as authorized by COMAR 21.02.05.05. The Department of General Services, in conjunction with the using Agency, recommends the approval of this item.

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

TENANT LEASE**ITEM** 15-LT-OPT**COMPTROLLER OF MARYLAND**Revenue Administration
Hagerstown, MD (Washington County)**Landlord**Professional Arts Associates, LLC.
5 Public Square
Suite 211
Hagerstown, MD 21740**Property Location**5 Public Square, First Floor and Suite 212
Hagerstown, MD 21740

<u>Space Type</u>	Office	<u>Lease Type</u>	Renewal	<u>Square Feet</u>	1,813
<u>Duration</u>	5 Years	<u>Effective</u>	12/1/2011		
<u>Annual Rent</u>	\$27,195.00	<u>Square Foot Rate</u>	\$15.00		
		<u>Prev. Sq. Ft. Rate</u>	\$15.00		

Utilities Responsibility

Landlord

Custodial Responsibility

Landlord

Previous Board Action(s)5/19/10-16-LT; 4/1/09-11-L; 3/12/08-5-LT; 12/20/06-12-L;
10/3/01-21-L; 2/28/96-12-L; 9/5/90-54-L; 02/25/87-6-L;
12/18/85 – 30-L**Fund Source**

100% General Fund E00A04011304101301

Special Conditions

1. The lease contains two (2) renewal options for five (5) years. Terms and conditions of the lease shall be negotiated.
2. Lease contains escalations/de-escalations for real estate taxes, utilities, and janitorial expenses.

Remarks

1. This agency has utilized this space since July, 1985 to provide taxpayer services such as audits, collection activities, and investigations of local individuals and businesses to ensure compliance with State of Maryland revenue laws for the Washington County.
2. The space was re-measured in conformity with the State of Maryland space measurement requirements. The re-measurement increased the net usable square feet (nurf) from 1,784 net usable square feet to 1,813 new usable square feet.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

TENANT LEASE

ITEM 15-LT-OPT (Cont.)

3. Through negotiations the Department of General Services was able to renew the lease and secure a rental rate of \$0.88 per nuse below the average market lease rate. The approximate cost avoidance is \$7,977.20 over the term of the lease.
4. The lease contains a termination for convenience clause.
5. This space was acquired by sole source in accordance with the DGS Space Management Manual, Paragraph 6-605 E., as authorized by COMAR 21.02.05.05. The Department of General Services in conjunction with the using Agency, recommends the approval of this item.

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

TENANT LEASE**ITEM** 16-LT-MOD**COMPTROLLER OF MARYLAND**Revenue Administration
Elkton, MD (Cecil County)**Landlord**Red Leaf – Dairy Corner LLC.
c/o Red Leaf Development and Investment Associates, Inc.
P.O. Box 10655
Towson, MD 21285**Property Location**103 Chesapeake Boulevard, Suite D
Elkton, MD 21921

<u>Space Type</u>	Office	<u>Lease Type</u>	Extension	<u>Square Feet</u>	1,695
<u>Duration</u>	2 years	<u>Effective</u>	12/1/2011		
<u>Annual Rent</u>	\$33,476.25	<u>Square Foot Rate</u>	\$19.75		
		<u>Prev. Sq. Ft. Rate</u>	\$19.50		

Utilities Responsibility

Lessee

Custodial Responsibility

Lessor

Previous Board Action(s)

4/18/2004 - 20-L

Fund Source

100% General E00A0401

Background

The Agency requested a short renewal extension to accommodate an effort to relocate this office further south into Harford County to provide assistance to a larger number of Maryland constituents from Harford, Cecil and northern Baltimore County. In addition an office in Harford County would more efficiently serve an influx of residents due to the BRAC initiative at Aberdeen Proving Grounds.

Remarks

1. This agency has utilized this space since 6/11/2001. It has provided taxpayer services primarily to residents of Elkton and Delaware which includes audits, collection activities, and investigations for compliance with the State of Maryland.
2. Through negotiations the Department of General Services was able to extend the existing term and secure a rental cost avoidance of \$7,627.50 over the term of the lease by reducing the Landlord's stated renewal rental rate of \$22.00 by \$2.25 per nuf.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

TENANT LEASE

ITEM 16-LT-MOD (Cont.)

- 3. The lease contains a termination for convenience clause.
- 4. This space was acquired by sole source in accordance with the DGS Space Management Manual, Paragraph 6-605 E., as authorized by COMAR 21.02.05.05. The Department of General Services, in conjunction with the using Agency, recommends the approval of this item.

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 17-CGL

RECOMMENDATION That the Board of Public Works certify matching funds, enter into a grant agreement, and authorize that funds be encumbered for the following grant:

Bay District Volunteer Fire Department (St. Mary's County)
Bay District Volunteer Fire Department
“For capital projects of the Bay District Volunteer Fire Department, located in St. Mary's County.”

\$150,000.00

Maryland Consolidated Capital Bond Loan of 2008 (LHI - Chapter 336, Acts of 2008 and as amended by Chapter 372, Acts of 2010)
DGS Item G215, (SL-091-080-038)

MATCHING FUND The MCCBL requires the grant recipient to provide a matching fund no later than June 1, 2012 and the Board of Public Works to certify a matching fund. The Bay District Volunteer Fire Department has submitted evidence in the form of canceled checks and invoices that it has \$366,041.00 in eligible expenditures to meet the matching fund requirement for this project. BPW approval is also requested to reimburse the Bay District Volunteer Fire Department \$150,000.00 for eligible expenditures.

BACKGROUND

Total Project	\$370,503.86
08-G215 (This Action)	\$150,000.00
Local Cost	\$220,503.86

REMARKS

- (1) This action is in accordance with the enabling legislation and complies with the tax-exempt bond provisions of the Internal Revenue Code.
- (2) The grant recipient shall consult with the Maryland Historical Trust pursuant to Sections 5A-325 to 328, State Finance and Procurement Article, Annotated Code of Maryland, and convey a perpetual preservation easement pursuant to the terms of the enabling legislation.
- (3) The Comptroller may not disburse State funds until after the Comptroller verifies that the grant recipient has expended the matching fund and the required amount for reimbursement.

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 18-CGL

RECOMMENDATION That the Board of Public Works authorize that funds be encumbered for the following grant:

Board of Directors of The Metropolitan Center for the Visual Arts, Inc. (Montgomery County)

Metropolitan Center for the Visual Arts (formerly known as the Rockville Arts Place)

"For the construction and capital equipping of a new visual arts center to house the Metropolitan Center for the Visual Arts, located in Rockville."

\$5,000.00 - encumber \$5,000.00

*Maryland Consolidated Capital Bond Loan of 2006 (LSI - Chapter 046, Acts of 2006)
DGS Item G106, (SL-091-050-038)*

MATCHING FUND 6/11/08 Agenda, Item 25-CGL J.

BACKGROUND

Total Project	\$3,300,000.00
06-G106 (This Action)	\$ 5,000.00
05-G126 (Prior Action)	\$ 200,000.00
Local Cost	\$3,095,000.00

(Prior Actions: 5/9/07 Agenda Item 14-CGL, 9/7/11 Agenda Item 25 CGL)

REMARKS

- (1) This action is in accordance with the enabling legislation and complies with the tax-exempt bond provisions of the Internal Revenue Code.
- (2) The grant recipient shall consult with the Maryland Historical Trust pursuant to Sections 5A-325 to 328, State Finance and Procurement Article, Annotated Code of Maryland, and convey a perpetual preservation easement pursuant to the terms of the enabling legislation.
- (3) The Comptroller may not disburse State funds until after the Comptroller verifies that the grant recipient has expended the matching fund and the required amount for reimbursement.

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 19-CGL

RECOMMENDATION That the Board of Public Works certify matching funds, enter into a grant agreement, and authorize that funds be encumbered for the following grant.

*Board of Governors of the National Aquarium in Baltimore, Inc. (Baltimore City)
National Aquarium in Baltimore Infrastructure Improvements*

“To assist in infrastructure improvements.”

\$1,000,000.00

*Maryland Consolidated Capital Bond Loan of 2011 (Chapter 396, Acts of 2011)
DGS Item G013, SL-002-100-038*

MATCHING FUND The MCCBL requires the grant recipient to provide a matching fund no later than June 1, 2013 and the Board of Public Works to certify a matching fund. The Board of Governors of the National Aquarium in Baltimore, Inc. has submitted documentation that it has \$7,520,001.59 in a financial institution to meet the matching fund requirement for this project.

<u>BACKGROUND</u>	Total Project	\$8,000,000.00
	11-G013 (This Action)	\$1,000,000.00
	10-G011 (Prior Action)	\$3,500,000.00
	06-G200 (Prior Action)	\$1,000,000.00
	06-G010 (Prior Action)	\$1,500,000.00
	Local Cost	\$1,000,000.00

(Prior actions: 9/1/10 Agenda, Item 30-CGL; 2/13/08 Agenda, Items 12-CGL.H, I; 11/18/09 Agenda, Item 18-CGL)

REMARKS

- (1) This action is in accordance with the enabling legislation and complies with the tax-exempt bond provisions of the Internal Revenue Code.
- (2) The grant recipient shall consult with the Maryland Historical Trust pursuant to Sections 5A-325 to 328, State Finance and Procurement Article, Annotated Code of Maryland, and convey a perpetual preservation easement pursuant to the terms of the enabling legislation.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 19-CGL (Cont.)

(3) The Comptroller may not disburse State funds until after the Comptroller verifies that the grant recipient has expended the matching fund and the required amount for reimbursement.

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 20-CGL

RECOMMENDATION That the Board of Public Works certify matching funds, enter into a grant agreements, and authorize that funds be encumbered for the following grants:

Mayor and City Council of the City of Salisbury (Wicomico County)
Salisbury Zoological Park Animal Health Clinic

“For the construction and capital equipping of the Salisbury Zoological Park Animal Health Clinic, located in Salisbury.”

\$10,000.00

Maryland Consolidated Capital Bond Loan of 2010 (LSI - Chapter 483, Acts of 2010 and as amended by Chapter 396, Acts of 2011)

DGS Item G094

\$150,000.00

Maryland Consolidated Capital Bond Loan of 2010 (LHI - Chapter 483, Acts of 2010 and as amended by Chapter 396, Acts of 2011)

DGS Item G156

\$200,000.00

Maryland Consolidated Capital Bond Loan of 2011 (LHI - Chapter 396, Acts of 2011)
DGS Item G149, (SL-063-070-038)

MATCHING FUND The MCCBL requires the grant recipient to provide a matching fund no later than June 1, 2012 for the 2010 grants and June 1, 2013 for the 2011 grant and the Board of Public Works to certify a matching fund. The Mayor and City Council of the City of Salisbury has submitted documentation that it has committed \$500,000.00 for this project to meet the matching fund requirement.

BACKGROUND

Total Project	\$1,416,406.00
11-G149 (This Action)	\$ 200,000.00
10-G156 (This Action)	\$ 150,000.00
10-G094 (This Action)	\$ 10,000.00
07-G089 (Prior Action)	\$ 100,000.00
Local Cost	\$ 956,406.00

(Prior Action: 5/6/09 Agenda, Item 34-CGL)

REMARKS

(1) This action is in accordance with the enabling legislation and complies with the tax-exempt bond provisions of the Internal Revenue Code.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 20-CGL (Cont.)

(2) The grant recipient shall consult with the Maryland Historical Trust pursuant to Sections 5A-325 to 328, State Finance and Procurement Article, Annotated Code of Maryland, and convey a perpetual preservation easement pursuant to the terms of the enabling legislation.

(3) The Comptroller may not disburse State funds until after the Comptroller verifies that the grant recipient has expended the matching fund and the required amount for reimbursement.

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 21-CGL

RECOMMENDATION That the Board of Public Works certify matching funds, enter into a grant agreement, and authorize that funds be encumbered for the following grant:

*Anne Arundel County Board of Education (Anne Arundel County)
Southern and Broadneck High School Field Lights*

“For the acquisition, construction, renovation, reconstruction, and capital equipping of field lights at Southern and Broadneck High Schools, located in Anne Arundel County.”

\$375,000.00

*Maryland Consolidated Capital Bond Loan of 2010 (LHI - Chapter 483, Acts of 2010 and as amended by Chapter 396, Acts of 2011)
DGS Item G101, (SL-050-100-038)*

MATCHING FUND The MCCBL requires the grant recipient to provide a matching fund no later than June 1, 2012 and the Board of Public Works to certify a matching fund. The Anne Arundel County Board of Education has submitted documentation that it has appropriated \$675,000.00 in its Fiscal Years 2010 and 2011 budgets to meet the matching fund requirement for this project.

<u>BACKGROUND</u>	Total Project	\$750,000.00
	10-G101 (This Action)	\$375,000.00
	Local Cost	\$375,000.00

REMARKS

- (1) This action is in accordance with the enabling legislation and complies with the tax-exempt bond provisions of the Internal Revenue Code.
- (2) The grant recipient shall consult with the Maryland Historical Trust pursuant to Sections 5A-325 to 328, State Finance and Procurement Article, Annotated Code of Maryland, and convey a perpetual preservation easement pursuant to the terms of the enabling legislation.
- (3) The Comptroller may not disburse State funds until after the Comptroller verifies that the grant recipient has expended the matching fund and the required amount for reimbursement.

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 22-CGL

RECOMMENDATION That the Board of Public Works certify matching funds, enter into a grant agreement, and authorize that funds be encumbered for the following grant:

*Board of Trustees of the Living Classrooms Foundation, Inc. (Baltimore City)
The Powerhouse*

“For the planning, design, construction, repair, renovation, reconstruction, and capital equipping of a community center, to be located in Baltimore City.”

\$125,000.00

*Maryland Consolidated Capital Bond Loan of 2006 (Chapter 046, Acts of 2006;
amended by Chapter 219, Acts of 2008 and Chapter 396, Acts of 2011)
DGS Item G138, (SL-083-060-038)*

MATCHING FUND The MCCBL requires the grant recipient to provide a matching fund no later than December 1, 2012 and the Board of Public Works to certify a matching fund. The Board of Trustees of the Living Classrooms Foundation, Inc. has submitted evidence in the form of canceled checks and invoices that it has spent \$263,827.00 in eligible expenditures to meet the matching fund requirement for this grant. Board of Public Works approval is also requested to reimburse the Board of Trustees of the Living Classrooms Foundation, Inc. \$125,000.00 for eligible expenditures.

BACKGROUND

Total Project	\$500,000.00
06-G138 (This Action)	\$125,000.00
06-G049 (Prior Action)	\$125,000.00
Local Cost	\$250,000.00
(Prior Action: 9/7/11 Agenda, Item 29-CGL)	

REMARKS

(1) This action is in accordance with the enabling legislation and complies with the tax-exempt bond provisions of the Internal Revenue Code.

(2) The grant recipient shall consult with the Maryland Historical Trust pursuant to Sections 5A-325 to 328, State Finance and Procurement Article, Annotated Code of Maryland, and convey a perpetual preservation easement pursuant to the terms of the enabling legislation.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 22-CGL (Cont.)

(3) The Comptroller may not disburse State funds until after the Comptroller verifies that the grant recipient has expended the matching fund and the required amount for reimbursement.

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 23-CGL

RECOMMENDATION That the Board of Public Works certify matching funds, enter into a grant agreement, and authorize that funds be encumbered for the following grant:

Board of Directors of the Everyman Theatre, Inc. (Baltimore City)

Town Theatre Renovation

“For the acquisition, design, construction, renovation, reconstruction, and capital equipping of the Town Theatre, located in Baltimore City.”

\$60,000.00

Maryland Consolidated Capital Bond Loan of 2011 (LSI - Chapter 396, Acts of 2011)

DGS Item G045, SL-056-080-038

MATCHING FUND The MCCBL requires the grant recipient to provide a matching fund no later than 6/1/2013 and the Board of Public Works to certify a matching fund. The Board of Directors of the Everyman Theatre, Inc. has submitted evidence in the form of canceled checks and invoices that it has \$269,710.60 in eligible expenditures to meet the matching fund requirement for this project.

BPW approval is also requested to reimburse the Board of Directors of the Everyman Theatre, Inc. \$60,000.00 for eligible expenditures.

BACKGROUND

Total Project	\$13,363,080.00
11-G045 (This Action)	\$ 60,000.00
08-G034 (Prior Action)	\$ 50,000.00
08-G135 (Prior Action)	\$ 50,000.00
Local Cost	\$13,203,080.00

REMARKS

(1) This action is in accordance with the enabling legislation and complies with the tax-exempt bond provisions of the Internal Revenue Code.

(2) The grant recipient shall consult with the Maryland Historical Trust pursuant to Sections 5A-325 to 328, State Finance and Procurement Article, Annotated Code of Maryland, and convey a perpetual preservation easement pursuant to the terms of the enabling legislation.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 23-CGL (Cont.)

(3) The Comptroller may not disburse State funds until after the Comptroller verifies that the grant recipient has expended the matching fund and the required amount for reimbursement.

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 24-CGL

RECOMMENDATION That the Board of Public Works certify matching funds, enter into grant agreements, and authorize that funds be encumbered for the following grants:

*Tri-County Council for the Lower Eastern Shore of Maryland, Inc.
(Wicomico County)*

Tri-County Multi-Purpose Center

“For the renovation of the Tri-County Multi-Purpose Center, located in Salisbury.”

\$30,000.00

*Maryland Consolidated Capital Bond Loan of 2011 (LSI - Chapter 396, Acts of 2011)
DGS Item G092*

\$270,000.00

*Maryland Consolidated Capital Bond Loan of 2011 (LHI - Chapter 396, Acts of 2011)
DGS Item G150, (SL-011-110-038)*

MATCHING FUND The MCCBL requires the grant recipient to provide a matching fund no later than June 1, 2013 and the Board of Public Works to certify a matching fund. The Tri-County Council for the Lower Eastern Shore of Maryland, Inc. has submitted evidence in the form of canceled checks and invoices that it has \$774,721.01 in eligible expenditures to meet the matching fund requirement for this project.

Board of Public Works approval is also requested to reimburse the Tri-County Council for the Lower Eastern Shore of Maryland, Inc. \$300,000.00 for eligible expenditures.

BACKGROUND

Total Project	\$3,500,000.00
11-G092 (This Action)	\$ 30,000.00
11-G150 (This Action)	\$ 270,000.00
Local Cost	\$3,200,000.00

REMARKS

- (1) This action is in accordance with the enabling legislation and complies with the tax-exempt bond provisions of the Internal Revenue Code.
- (2) The grant recipient shall consult with the Maryland Historical Trust pursuant to Sections 5A-325 to 328, State Finance and Procurement Article, Annotated Code of Maryland, and convey a perpetual preservation easement pursuant to the terms of the enabling legislation.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 24-CGL (Cont.)

(3) The Comptroller may not disburse State funds until after the Comptroller verifies that the grant recipient has expended the matching fund and the required amount for reimbursement.

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 26-CGL

RECOMMENDATION That the Board of Public Works certify matching funds, enter into a grant agreement, and authorize that funds be encumbered for the following grant:

Board of Directors of the Unified Committee for Afro-American Contributions, Inc. and the Board of County Commissioners of St. Mary's County (St. Mary's County) United States Colored Troops Memorial Monument

"For the acquisition, planning, design, construction, and capital equipping of the United States Colored Troops Memorial Monument, The Memorial Park, and a Memorial Interpretive Center, located in Lexington Park."

\$150,000.00

Maryland Consolidated Capital Bond Loan of 2008 (LHI - Chapter 336, Acts of 2008; amended by Chapter 372, Acts of 2010; amended by Chapter 396, Acts of 2011) DGS Item G216, (SL-049-100-038)

MATCHING FUND The MCCBL requires the grant recipient to provide a matching fund no later than June 1, 2012 and the Board of Public Works to certify a matching fund. The Board of Directors of the Unified Committee for Afro-American Contributions, Inc. and the Board of County Commissioners of St. Mary's County are utilizing the value of property as their matching fund. The Department of General Services, Real Estate Office, has reviewed the appraisal for the property located at Lancaster Park in Lexington Park and has approved a value of \$110,000.00. The grant recipient has also submitted evidence in the form of canceled checks and invoices that they have \$59,500.00 in prior eligible expenditures for a total of \$169,500.00 to meet the matching fund requirement for this grant.

BACKGROUND

Total Project	\$600,000.00
08-G216 (This Action)	\$150,000.00
10-G152 (Future Action)	\$150,000.00
Local Cost	\$300,000.00

REMARKS

(1) This action is in accordance with the enabling legislation and complies with the tax-exempt bond provisions of the Internal Revenue Code.

(2) The grant recipient shall consult with the Maryland Historical Trust pursuant to Sections 5A-325 to 328, State Finance and Procurement Article, Annotated Code of Maryland, and convey a perpetual preservation easement pursuant to the terms of the enabling legislation.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 26-CGL (Cont.)

(3) The Comptroller may not disburse State funds until after the Comptroller verifies that the grant recipient has expended the matching fund and the required amount for reimbursement.

Board of Public Works Action - The above referenced Item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 27-CGL

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

NAME OF GRANTEE/BORROWER

Crossroads Community, Inc.
P.O. Box 718 Banjo Lane
Centerville, MD 21617

PROJECT NO. AND TITLE

CB27901;
Crossroads Community, Inc.
205 Old Bridge Rd.
Chestertown, MD 21620

DESCRIPTION

Reference is made to the September 21, 2011 Board of Public Works meeting, DGS Agenda Item 32-CGL, wherein the Board approved a State grant of \$210,861.00 and the expenditure of capital funds for the acquisition and renovation of a building. Board approval is requested for a correction to the State's Share fund source as follows:

FROM:

\$136,752.00 (39.4%) - Applicant's Share
Maryland Affordable Housing Trust

\$210,861.00 (60.6%) – State's Share
MCCBL 2008, Community Health Facilities
Funds

TO:

\$136,752.00 (39.4%) - Applicant's Share
Maryland Affordable Housing Trust

\$210,861.00 (60.6%) – State's Share
MCCBL 2009, Community Health Facilities
Funds

Eligible project costs are \$347,613.00. This includes \$199,000.00 for acquisition, \$800.00 for appraisals, and \$147,813.00 for renovations.

There being no further business, the meeting of November 16, 2011 was adjourned.

Respectfully submitted,

A handwritten signature in black ink, reading "Sheila C. McDonald". The signature is written in a cursive style with a large, stylized "S" and "M".

Sheila C. McDonald, Esq.
Executive Secretary

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STATE OF MARYLAND
BOARD OF PUBLIC WORKS
GOVERNOR'S RECEPTION ROOM
SECOND FLOOR, STATE HOUSE
ANNAPOLIS, MARYLAND

November 16, 2011

10:24 a.m.

November 16, 2011

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 Transportation;

LISA WARD, Land Acquisition and Planning,
Department of Natural Resources;

JOHN PETTY, Assistant Secretary, MBE
Compliance, 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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C O N T E N T S

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P R O C E E D I N G S

GOVERNOR O'MALLEY: Good morning, everyone --

SECRETARY MCDONALD: Good morning, Governor.

GOVERNOR O'MALLEY: -- and welcome to the Board of Public Works. Today's November 16th all day and I want to thank you all for being here. We have some exciting things coming up on our hit parade here. We are going to be hearing from the University of Maryland's team that took first place worldwide in the 2011 Solar Decathlon.

(Applause)

GOVERNOR O'MALLEY: So this is very cool. We're going to hear from them right off the bat. But first, as soon as we ask our Comptroller and Treasurer if they have any opening comments today? Mr. Comptroller? Madam Treasurer?

TREASURER KOPP: I don't. I want to hear and see the Solar Decathlon folk.

COMPTROLLER FRANCHOT: Yes. Me, too. But I'd like to just note for the record a good friend of mine, Mike Dresser, is in the room from the Baltimore Sun. And I just want to remind everyone if you didn't

see it in the Sunday Sun there was a tremendous article about the Port of Baltimore.

GOVERNOR O'MALLEY: Yeah, I noticed that article, too.

COMPTROLLER FRANCHOT: And --

GOVERNOR O'MALLEY: Did you notice how it mentioned not, there was never one mention of the O'Malley-Brown administration anywhere in there?

(Laughter)

GOVERNOR O'MALLEY: It was remarkable. Michael, how did you do that? The only public/private partnership, the consistency of leadership interrupted only once, and yet, the jobs happening ten years ahead of Norfolk, and you managed to keep the name O'Malley-Brown out of the entire article. That was phenomenal.

(Laughter)

GOVERNOR O'MALLEY: I'm sorry.

COMPTROLLER FRANCHOT: Neither was the Comptroller or the Treasurer mentioned, but --

(Laughter)

COMPTROLLER FRANCHOT: -- I loved it because we were outcompeting Norfolk which has been a thorn in

my side for years, that somehow that port is able to grow faster than Maryland. And now it's the reverse. And I just wanted to thank the Transportation Secretary, and Mr. White, and the Governor of course, and everybody else involved. But this is an economic engine for the State. I mean, we're talking about billions of dollars of jobs and payroll and economic activity. So God bless you. It was a great article.

GOVERNOR O'MALLEY: It was really good.

MS. SWAIM-STALEY: Well thank you very much. And everybody here deserves, has done everything that they can to support the Port. So thank you all very much.

TREASURER KOPP: Well and I think the fact is that it is nationally known as one of the few really outstanding thus far successful and appropriate public/private partnerships.

MS. SWAIM-STALEY: Thank you.

COMPTROLLER FRANCHOT: I don't want to get too down in the weeds, but if you want to send the article to Governor McDonnell, feel free.

(Laughter)

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MS. SWAIM-STALEY: Actually we have a little competition going on at least between port administrators and secretaries over that, so.

COMPTROLLER FRANCHOT: Excellent. I would -- Governor?

GOVERNOR O'MALLEY: No, no, go ahead. No, I've already interrupted once --

COMPTROLLER FRANCHOT: I did just want to note for the record that this is National Education Week in the country, obviously here in Maryland. Obviously it's very appropriate to honor the teachers and students of our State who work very hard and finished number one in many, many surveys and national publications for their accomplishments. But also in Education Week today happens to be Education Support Professionals Day. And I thought it was a perfect time to recognize that it takes an entire team to build a really great school system. We have the nation's best teachers but they could not do their job effectively without the support of our custodians and administrative assistants and school bus drivers and nurses and security staff, all of whom work incredibly

hard and receive not as much attention for their contribution.

I'm going to be visiting Odenton Elementary tomorrow in Anne Arundel County and it's a perfect example of what I'm talking about as far as the importance of these janitors, custodians, just blue collar workers in these schools. Odenton was built in 1930, 80 years ago, more than 80 years ago. It's undergone five major renovations over the years. It's been filled to capacity and expanded. It's remained in the heart of its neighborhood. Despite being over 80 years old it still achieves a superior maintenance rating from the State School Construction Program. I don't know whether Dr. Lever is here, but this is not an easy accomplishment. We're talking 37 engineering criteria. So this is quite an accomplishment for an 80-year-old school. It not only helps the State's bottom line, because we defer the need for incredibly expensive new schools, it also helps the students. Because studies have shown that kids learning in safe, clean, and healthy facilities perform better academically and have more pride in their school.

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Think about that for a minute. It's an old school. It's well maintained. We save money. And they have a superior academic performance.

Obviously it doesn't happen without the commitment of teachers and administrators. But it also doesn't happen without the staff who are saving taxpayer dollars and providing children with a quality learning experience. It doesn't happen without the involvement of a whole network of parents and businesses and other advocates who step up and take care of these wonderful facilities. It's a perfect recipe for a successful school and one that we see duplicated across Maryland.

I'm proud to be part of the Board of Public Works, which makes a huge commitment to school construction investment. And I just want to reach out and say in addition to building new schools it's taking care of the ones we have that I think is so commendable.

So I'd just like to ask everyone to take a moment and thank everyone, I mean everyone, who works in our schools, the best in the nation.

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And then finally I was sitting home watching TV on Sunday. Sadly the Ravens and the Redskins, very disappointing. But then all of a sudden, what comes on CBS but 60 Minutes. And all of a sudden for 15 minutes I'm looking at one of my dear friends, Freeman Hrabowski, the President of the University of Maryland Baltimore County as he and his school and his program is put in the national spotlight. And he looked terrific. It just reminds me what a great institution that is and what a great educator Freeman Hrabowski is. And it's very uplifting for me to see that.

GOVERNOR O'MALLEY: It was great.

COMPTROLLER FRANCHOT: Thank you, Governor.

GOVERNOR O'MALLEY: Thank you.

TREASURER KOPP: Right after he got the Carnegie Award, slightly after Rick got the Carnegie Award, and it's really --

GOVERNOR O'MALLEY: Yeah and --

COMPTROLLER FRANCHOT: It made Maryland look good, as does the Solar, is it Solar Decathlon group? Or what is it that's here?

GOVERNOR O'MALLEY: What do we call your official name?

COMPTROLLER FRANCHOT: The Solar Decathlon?

GOVERNOR O'MALLEY: The WaterShed Team?

COMPTROLLER FRANCHOT: You do Maryland proud.

GOVERNOR O'MALLEY: But they, they competed in --

SECRETARY MCDONALD: Right.

GOVERNOR O'MALLEY: So let's do this --

SECRETARY MCDONALD: Governor, we have Dr. Wallace Loh here, speaking as the college President. Maybe he could come up to the stand?

GOVERNOR O'MALLEY: Sure.

SECRETARY MCDONALD: Along with, he has the new Vice President, Rob Specter. You can come up. And Dr. Amy Gardner, if you would come up, too? And we can --

GOVERNOR O'MALLEY: And Mrs., and rather Ms. Winfield, could you do me a favor and get the football helmet from the dias in there? I mean since, you know, I appreciate the Comptroller pointing out that it's National Education Week. But really in Maryland every

week is Education Week. And we're so very, very proud of the great work that we're about to hear from from the WaterShed Team. And also we're glad that Dr. Loh is with us. Doctor?

DR. LOH: Thank you. We are very, very proud of our University of Maryland students, staff, and faculty. And we are very, very grateful to the State and to the Governor for your support.

(Laughter)

DR. LOH: This is not just about pride in uniforms and helmets. It's also pride --

(Laughter)

DR. LOH: -- in our academic achievements. And here is Amy to tell us more about our WaterShed Team.

DR. GARDNER: Thanks. Wow, is that for us?

GOVERNOR O'MALLEY: No, this is for me.

(Laughter)

DR. GARDNER: Well deserved.

GOVERNOR O'MALLEY: Thank you.

DR. GARDNER: So we would like to thank the Governor, the Comptroller, the Board of Public Works

for receiving us today and hearing from us a little bit. And we want to thank Dr. Loh, our President, for supporting our efforts in this project.

So if I might be so bold as to say, who does, who knows about the Solar Decathlon? Hands? Okay, so we're doing well. Which way do I point this?

SECRETARY MCDONALD: Where is she pointing to? Where --

DR. GARDNER: Okay --

SECRETARY MCDONALD: There you go.

DR. GARDNER: Okay, so the Solar Decathlon is a Department of Energy project where 20 university teams come and over the course of two years design, build, and operate houses that are totally powered by the sun. And the house that wins is the one that best balances energy efficiency, architecture, efficiency, and affordability.

The University of Maryland has a long and distinguished history in participating in this project. There have been five decathlons in the United States thus far, we've participating in four of them. In 2002 we came in fourth. In 2005 we came in eighth overall

and won people's choice. In 2007 we came in second overall, placed first in over half the contests, and it was up until the very last day that we were in first place. And so we come back in 2011, and we did it.

GOVERNOR O'MALLEY: Yay.

DR. GARDNER: Yeah.

(Applause)

DR. GARDNER: So why do we do this? Why do we do the Solar Decathlon? The Solar Decathlon is an unparalleled opportunity to educate present and future leaders in sustainable design. It's an opportunity to reach across campus boundaries for an interdisciplinary effort. This kind of effort is the way forward to a more sustainable future. We cannot operate the way we've been operating up till the last, you know, the end of the last century. This is absolutely an unparalleled opportunity to teach people how to do things differently.

Over 200 students from 11 units in the University participated in this project, some of whom are here today. So we chose as our inspiration and our guide and our mentor the Chesapeake Bay Watershed. The

stewardship of the Chesapeake Bay Watershed helped this team integrate architecture, engineering, and living systems in order to make the house we called WaterShed.

But it's not enough to design. It's not enough to imagine and invent. We also had to build this thing. And in order to make this project real it takes a village. It takes a village to build this house. This team worked together not only within the University but reaching out to our professional and trade mentors to realize the project.

And it's not enough to build the house. It's not enough to get the house to the Decathlon. We have to educate the public. We have to mount a vigorous and meaningful education campaign that helps people understand how they can change their lives. Over 20,000 people walked through our house. And we know that because we had a counter. Every team gets a counter and we can say with assurance that 20,000 people walked through our house over the course of ten days.

And so this is our house. This is WaterShed.
And this is us.

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(Applause)

DR. GARDNER: I'm happy to answer any questions, or --

GOVERNOR O'MALLEY: Can I ask you what, could you talk a little bit about the stormwater management aspects of the house?

DR. GARDNER: Can I invite some folks up to talk about that?

GOVERNOR O'MALLEY: Absolutely. And you all should --

DR. GARDNER: You should hear from our team.

GOVERNOR O'MALLEY: And you should all prepare to come up here before you --

COMPTROLLER FRANCHOT: You should bring your team up.

GOVERNOR O'MALLEY: We'll make sure we do a picture up here at the end, too.

TREASURER KOPP: Where is the house now?

GOVERNOR O'MALLEY: Where is the house now, the Treasurer asks?

DR. GARDNER: The Treasurer asked where is the house now. The house is at the University of

Maryland on its construction site. And we are making preparations for it to go to a final owner. And when that moment is ready we will let you know who that final owner is.

TREASURER KOPP: But it will be used?

DR. GARDNER: It will be used.

GOVERNOR O'MALLEY: So what team worked on the water aspects of this?

MR. TJADEN: So that would be me. My name is Scott Tjaden. I was the living systems team leader. I'm an environmental science technology student. So my purpose was kind of integrating the environment and the design. So we, stormwater management, we had a green roof to help retain that stormwater. We also had a constructed wetland to filter all the gray water coming out of the house. So this wetland treats any water coming from the shower, the bathroom sink, the dishwasher, and the washing machine. So that's eliminating the quantity of water going to the --

TREASURER KOPP: And what happens with the gray water?

MR. TJADEN: It's treated through a natural filtration process. So it's a contained system of a natural wetland that we're constructing on the site.

TREASURER KOPP: Okay. So it's not recycled --

MR. TJADEN: Right. So then we can reuse that water for any irrigation around the site. So we're eliminating any need of potable water for that process.

GOVERNOR O'MALLEY: So it would go where, then? It would go to the, it would go into sort of the lawn around the --

MR. TJADEN: Well if, once this is in the actual location we can put in another storage tank. And once that water goes through the system it can then be stored in there until you need to use it. So we're pretty much trying to capture as much rainwater and also the gray water that falls on the house and flows through the house.

GOVERNOR O'MALLEY: Uh-huh.

MR. TJADEN: So we're, and also eliminating any pollutants that are going off into the surrounding --

GOVERNOR O'MALLEY: I mean, does it go into a receiving pond? Or does it just simply get sprayed on the grasses and the other stuff that --

MR. TJADEN: Right. Well the way we did it we had a hand pump. And as it came to the end of the system we put it in a watering can and then take it to the vegetables or the plants around the house that need it, so. Just direct use of that water.

GOVERNOR O'MALLEY: So it doesn't go into --

TREASURER KOPP: But it could?

GOVERNOR O'MALLEY: -- some sort of a pond?

No?

MR. TJADEN: It could.

TREASURER KOPP: When it's on its final site.

MR. TJADEN: Okay. So the water, the water goes into the system. And then we have a certain retention time within that system that's required for the concentrations that are in the water, like soaps and dirt. So as it flows through the system it becomes

cleaner. And then it's kind of hard, because we had to kind of move the house, we couldn't really lead to the ground. So once the ground would come to the end you can either use it like we did or you can have it naturally flow into the environment, to like a stream or something like that.

GOVERNOR O'MALLEY: Mm-hmm.

TREASURER KOPP: Could you recycle it for --

MR. TJADEN: There's some regulations right now that are kind of in the way of taking stormwater back inside.

TREASURER KOPP: Okay. So this helps you find what arbitrary sort of constraints there are that can be addressed now?

(Laughter)

MR. TJADEN: Yes. And we're also educating the public on how much water actually falls onto your house and actually how much you can reuse, so.

GOVERNOR O'MALLEY: How much water does fall onto our house?

MR. TJADEN: We had a 300-gallon cistern, it collected all the rainwater off of one roof. And that

filled up in like an hour and a half, during the first day. It rained a lot during that competition, so.

GOVERNOR O'MALLEY: Uh-huh.

MR. TJADEN: So a lot of water. And our roof, and the square feet of one roof is like 350 square feet.

DR. GARDNER: Right. So you may know that Americans, the average American might use a couple of hundred gallons of water a day. I mean, some places in the world people live on about three gallons of water a day. And our goal was to educate people not only on ways in which to deal with rainwater and gray water, but also to help people understand how much water we use.

GOVERNOR O'MALLEY: Right.

DR. GARDNER: And that, you know, on the East Coast, in this area, we might get 40 inches of rain per year and no sweat. But there are other parts of the country and the world obviously that don't have this kind of great richness of water. And so our education campaign was about helping people understand not only what do we do with water, but how much water we do use.

GOVERNOR O'MALLEY: Right.

TREASURER KOPP: Well, and also what water has to be potable and what doesn't really. I mean, a lot of people just, yeah.

GOVERNOR O'MALLEY: How about the green roof component? Who worked on the green roof aspect of this? Was that part of the water system? Or was that part --

MR. TJADEN: That was part of the water system and also the design. Do you want to talk about that a little bit?

MS. DAVIES: Yeah, so green roof was really important to us --

SECRETARY MCDONALD: Could you introduce yourself, please?

MS. DAVIES: Sure. I'm Leah Davies. I'm a graduate architecture student. But I was sort of the living systems liaison between the architecture and these components that he's talking about. So we have the two split roof forms and one had our solar panels on it and one had a green roof. So there was sort of this juxtaposition between technology and nature

because we wanted to harvest the sun's energy not just for powering the house but also through plant media. So like he said the green roof helped slow down the process of the rain coming off the roof, and sort of naturally filter it before it entered our cistern. It provided a natural habitat --

GOVERNOR O'MALLEY: And why is that important? Because there are contaminants, atmospheric, that fall with the rain to begin with anyway?

MS. DAVIES: Yeah, there can be.

MR. TJADEN: And it's also helping to control that flash effect. So it contingencies upon like all the water directly going into the system or into the surrounding waterways. So this helps to slow that flow --

GOVERNOR O'MALLEY: Right.

MR. TJADEN: -- and eliminates any erosion that may happen --

GOVERNOR O'MALLEY: And the sediment?

MR. TJADEN: Yes.

GOVERNOR O'MALLEY: And the carrying the sediment as well as the other deposits --

MR. TJADEN: Yeah.

GOVERNOR O'MALLEY: -- over time.

MS. DAVIES: And the green roof is pretty much completely self-sustaining. We used sedums, which once they mature don't require any additional irrigation. So they live completely year round on their own.

GOVERNOR O'MALLEY: Cool.

TREASURER KOPP: Do you have any idea, this was September, October, do you have any idea in the summer what the thermal effect of having the green roof might be?

MR. TJADEN: So again it's using that sun's energy through a chemical process within the plant instead of being absorbed into the actual roof of the house --

TREASURER KOPP: Right.

MR. TJADEN: -- like a traditional house.

TREASURER KOPP: Right.

MR. TJADEN: So this is helping to add a thermal mass to the roof.

MS. DAVIES: It is an extra layer of insulation to some extent, but we didn't get a chance to test that. And we used a relatively thin, lightweight, modular green roof.

TREASURER KOPP: Oh.

MS. DAVIES: The reason for using modular was sort of once again that educational component, that this was a do it yourself system that people could implement in their own homes.

TREASURER KOPP: So are there places where you could get modulars of green roof now?

MS. DAVIES: Yeah, it's very simple. We used a company called LiveRoof. And they are just delivered in one by two-foot trays. They weigh about 17 to 20 pounds.

TREASURER KOPP: Well that's very different from --

MS. DAVIES: We also, having to take this house apart and move it, the modular green roof allowed us to put it on when we were building it, take it off

to transport, put it back on for the competition, and so on.

GOVERNOR O'MALLEY: That's great.

MS. DAVIES: So it was a fun process.

GOVERNOR O'MALLEY: And so who worked on the solar aspects of this, which I guess had to be incorporated into the green roof?

MR. DAILY: We actually separated the green -

-

GOVERNOR O'MALLEY: And what is your name?

MR. DAILY: I'm David Daily. I'm the engineering and project manager. And so the green roof was on the south module and the PV roof, or the solar panels, were on the north so they are facing south, collecting the sun. It's kind of a nice mirror image of, you know, nature versus technology. But they are both used together to, you know, you harness the sun's energy.

GOVERNOR O'MALLEY: Mm-hmm. Very cool. And what sort of solar panels did you use?

MR. DAILY: We used Sanyos. They are 220 watts each.

GOVERNOR O'MALLEY: Mm-hmm.

MR. DAILY: And we had a Enphase microinverter system underneath. So underneath each panel there's a microinverter which converts it, the electricity, into usable form for the grid. This saves a lot of insulation times. It's extremely easy and it saves on material costs as well. So, you know, finding the latest and greatest technologies and applying them to our house was something that we wanted to do. And again, it's modular, easy to install, a homeowner can go and do this. Although you should have an electrician help.

(Laughter)

MR. DAILY: I wouldn't recommend it by yourself.

GOVERNOR O'MALLEY: Did the Green Building Council, did those folks come down and take a look at this?

DR. GARDNER: Well they probably were at the

--

GOVERNOR O'MALLEY: Dr. Pike?

MS. DAVIES: I met with them, yeah.

GOVERNOR O'MALLEY: Chris Pike? Yes?

Remember that name at all?

MS. DAVIES: I remember that name.

GOVERNOR O'MALLEY: This would be right up their alley. And who, how about the materials that you used in the wall of the house? What were they? Was it recycled bamboo stuff? Or what did you use for the wall board and the like?

MS. DAVIES: Well the exterior siding that you see is a thermally treated poplar. So instead of -

-

GOVERNOR O'MALLEY: Fast growing?

MS. DAVIES: Yeah, fast growing. And it's thermally treated so it's essentially cooked instead of using chemicals and toxins, like pressure treated. But it bears the same qualities as pressure treated lumber. So it's rot resistant, and bug repellent, and things like that.

GOVERNOR O'MALLEY: And it's cooked?

MS. DAVIES: It's cooked, yes. And it gives it that very beautiful color. But the wall envelope itself was 13 inches thick, which is very thick. And

we used a unique structural framing system that allowed for less thermal bridging in the insulation. So we had an R value of about R44, which is, if anyone doesn't know R value it basically measures that thermal sort of containment of your home. And a typical house has an R value of about R21. So there were days in the competition, we were required to have lighting and maintain core temperatures. And at times we could have our heating and cooling system completely turned off and we maintained that temperature in the house completely by the envelope itself.

GOVERNOR O'MALLEY: Hm.

MS. DAVIES: So we were using way less power.

GOVERNOR O'MALLEY: That's great. And the, and was part of the deal here that it had to be all self-sufficient? Like off the grid?

DR. GARDNER: For maximum points.

GOVERNOR O'MALLEY: For maximum points it had to be totally off the grid. So with WaterShed --

MS. DAVIES: We were one of seven or eight teams that finished within that positive result.

GOVERNOR O'MALLEY: So you actually create more electricity than, this house creates more electricity as you smart people from the University of Maryland designed it, this house actually creates more electricity than it uses?

MS. DAVIES: Yes.

MR. TJADEN: Absolutely.

MS. DAVIES: And that was on a very cloudy, rainy week. We had very little sun.

MR. DAILY: We had about two days of actual good sunlight.

MS. DAVIES: And we still managed to produce more energy.

GOVERNOR O'MALLEY: That's awesome. That's great. And so how many of them in the competition did that you said?

MS. DAVIES: Seven.

GOVERNOR O'MALLEY: Seven? Out of how many?

MS. DAVIES: Nineteen.

GOVERNOR O'MALLEY: Seven out of nineteen produced more energy than they used. Wow. Al, hire them.

(Laughter)

GOVERNOR O'MALLEY: Secretary Collins runs all of our State buildings.

MR. COLLINS: I'll take you.

GOVERNOR O'MALLEY: So could you design something for DHMH, perhaps, that does the same thing?

MS. DAVIES: The majority of us are graduating in December.

(Laughter)

(Applause)

GOVERNOR O'MALLEY: And how about the appliances and all of that stuff? Was that all kind of state of the art stuff?

MS. DAVIES: A lot of it was, yeah.

MR. TJADEN: Yeah. I mean they were all, you know, with the fixtures, low flow appliances, or low flow fixtures for the water. The appliances are all, you know, energy star, low energy.

MS. DAVIES: We had a few really interesting appliances. Like our induction cooktop didn't generate any, didn't release any heat into the space. You know how like gas stoves and things will make your kitchen

really warm? Well you could actually touch the entire surface around the stove and it wouldn't get hot. It concentrated all of the heat into the pot.

GOVERNOR O'MALLEY: That's cool.

MS. DAVIES: And like he said, our showerhead, for instance, was low flow --

TREASURER KOPP: That's more than just cool. Because, no seriously, with an aging population, when a lot of other people, it's really important to not have that very, very hot surface just sitting there untended and unnoticed. I mean this is, this concept --

MS. DAVIES: The appliances were --

TREASURER KOPP: -- is one that is really applicable --

MS. DAVIES: -- an area that we could really relate to the public that was coming through the house. Because it was our things that they can very easily implement in their own homes.

GOVERNOR O'MALLEY: And you had the, of course you would have had the smart grid sort of thing so people could see how much electricity they were selling back to BGE, right?

MR. TJADEN: Yep. Yep. Pepco had smart meters installed on all the houses.

GOVERNOR O'MALLEY: Pepco, excuse me.

MR. TJADEN: Yeah. We were in D.C.

(Laughter)

GOVERNOR O'MALLEY: Anybody, who else has something cool they want to share with us that hasn't come up in the course of the questioning from the State generalists?

MR. TJADEN: Okay. So the liquid desiccant waterfall, there's actually a picture of it, the previous one.

GOVERNOR O'MALLEY: Say that again? Liquid -

-

MR. TJADEN: It's a liquid desiccant waterfall.

GOVERNOR O'MALLEY: Say that again?

MR. TJADEN: Liquid.

GOVERNOR O'MALLEY: Liquid.

MR. TJADEN: Desiccant.

GOVERNOR O'MALLEY: Desiccant.

MR. TJADEN: Waterfall.

GOVERNOR O'MALLEY: Liquid desiccant waterfall.

MR. TJADEN: So this is something that in 2007 the University of Maryland Solar Decathlon team actually designed and developed. And what it does, it's a giant dehumidifier but it uses a liquid to dehumidify. And as you know, in Maryland, you know, it's extremely hot and muggy during the summers. So if you actually remove the humidity within the air it makes it a lot easier for your air conditioning system to cool the air, therefore using less electricity. But again, it's using a liquid which is a novel way of doing it. And this is patent pending. This is something --

GOVERNOR O'MALLEY: Great.

MR. TJADEN: -- you know, innovation that comes from the University of Maryland, it comes from the Solar Decathlon. This year we took it --

GOVERNOR O'MALLEY: Wallace, they are on script. Good job.

(Laughter)

MR. TJADEN: We took it and we're making it, or we made improvements to it for the 2011. Greatly improved its efficiency. And now we actually have, you know, a lot more data from the competition. You know you can get, every 15 minutes they took data points. And so we were sitting there watching them, you turn it on, and you can see the humidity drop. And so it's an excellent, and that's the packing media. That's a close up shot of it. So.

GOVERNOR O'MALLEY: And so what's the, that's the close up shot, but what does it look like? Is, it's on the back here?

MS. DAVIES: It took a very different form in the 2007 house. So it was really interesting --

GOVERNOR O'MALLEY: So it's just that little thing there? It almost looks like a, I don't know, it almost looks like a window sized type of --

MR. TJADEN: Yep. Yep.

GOVERNOR O'MALLEY: -- stand alone thing, and it's a waterfall.

MR. TJADEN: The window is what we wanted to show you. There's a whole lot more in there. It's

probably about eight feet tall by four feet wide, and there's two of them in each module. And then there's a separate component outside called the regenerator, which it kind of dehumidifies the liquid after it soaks up all the water. So and when you do that, it's a self, it's a closed loop, self-contained system that regenerates.

GOVERNOR O'MALLEY: Mm-hmm.

MR. TJADEN: So you really don't need to replace any liquids. You don't really need to, you know, add something to it. You just let it go. And as long as there's sun then the system keeps operating.

GOVERNOR O'MALLEY: And here is the cynical, old fogey question. How much did it cost?

DR. GARDNER: Which part?

GOVERNOR O'MALLEY: The whole, I mean, like the whole building. I mean, I imagine these are new technologies so they are all a little more, they are either, they are probably a lot more expensive, is what I'm thinking, to build it. But I could be wrong.

DR. GARDNER: There's a, one of the new contests for the Decathlon is called the affordability contest --

GOVERNOR O'MALLEY: If you could go near the mike? Because there's people watching on this --

DR. GARDNER: I'm sorry. Sorry. There's a, this year there was a new contest for the Decathlon called the affordability contest. And each team's cost was determined by an independent cost estimating team. And our team's, our project, it's not just the house, it's more than, you know, it's the whole project, our project was evaluated at \$336,000. And it's about 1,000 gross square feet with probably another 1,000 square feet of deck and associated exterior elements.

GOVERNOR O'MALLEY: Mm-hmm. And what's the, what's the ROGE? What's the return on green investment?

DR. GARDNER: Gosh. This house, we would need, well we would need the further years of testing to understand that.

GOVERNOR O'MALLEY: And --

TREASURER KOPP: The lifetime, the life cycle.

GOVERNOR O'MALLEY: Yeah, that's sort of the life cycle thing.

DR. GARDNER: Yeah. Yeah.

GOVERNOR O'MALLEY: In other words, you pay three hundred, and how large of a home was it?

DR. GARDNER: Nine hundred and twenty-five gross square feet.

GOVERNOR O'MALLEY: Which means, what? A two bedroom? One bedroom?

DR. GARDNER: It's a one bedroom with office.

GOVERNOR O'MALLEY: One bedroom with office?

DR. GARDNER: Yeah.

GOVERNOR O'MALLEY: Okay. So, in the house that I grew up, that would be enough for mom and dad and six kids.

(Laughter)

TREASURER KOPP: Can you then --

GOVERNOR O'MALLEY: Thank you.

TREASURER KOPP: -- going back to the University apply, and your departments, apply the

learning from this to other situations? Like State buildings, public buildings, I mean, not just a small house?

DR. GARDNER: Absolutely. In short, yes.

(Laughter)

DR. GARDNER: And that's what we aim to do.

TREASURER KOPP: So, yeah. Do you have some sort of system in place to do that, to capture the information, leverage it, and --

DR. GARDNER: Yeah. The way we do the project is it's, it's implemented through coursework. And the coursework continues, can continue and does continue to share the lessons learned. We, each team builds on the previous team's effort. So it's institutional in that way.

TREASURER KOPP: Yeah. This timeline is --

DR. GARDNER: Pretty cool.

TREASURER KOPP: -- very nice, yeah, it's very good. They look so good, too.

GOVERNOR O'MALLEY: What does the timeline say?

TREASURER KOPP: Well just the, over the years the different, I was just looking.

GOVERNOR O'MALLEY: Oh, and their ascent? Their ascent to preeminence?

TREASURER KOPP: Yes. No, but also the pictures of the different houses. Starting from this one that you would recognize from --

GOVERNOR O'MALLEY: That's very cool.

TREASURER KOPP: Yeah. So this one, to this one, and then 2012 we're still waiting, right?

GOVERNOR O'MALLEY: Is there another Decathlon in 2012?

DR. GARDNER: There is going to one in 2013. It would be virtually impossible, it would have been virtually impossible for us to participate. The next one after that is 2015. The 2013 submission process has come and gone. They do it during the Decathlon so other universities and other states get a chance to participate.

GOVERNOR O'MALLEY: I see. Well, you've got to let them in every now and again --

(Laughter)

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DR. GARDNER: Yeah, let someone else have a chance.

TREASURER KOPP: Are there other venues than the decathlon to use to build for, and then demonstrate?

DR. GARDNER: Well there are, there is now a Solar Decathlon Europe, a Solar Decathlon China. But other venues besides the Department of Energy competitions? There are. They are generally private. Not many of them are public like this. But our aim is to find those opportunities and continue to do projects like this.

TREASURER KOPP: It's like the Intel, a grown up applicable version of the Intel --

GOVERNOR O'MALLEY: Are you talking to any, are there any home builders or people that put together modular homes that have contacted you about how you put together component parts for something like this? I mean, I would think there is a lot of people that would --

DR. GARDNER: Yes.

GOVERNOR O'MALLEY: Yeah, good. Well I'm not going to ask you to talk about it. Good. So another spin off. Well that's terrific.

COMPTROLLER FRANCHOT: I'd love --

TREASURER KOPP: Is this the Secretary?

DR. GARDNER: Of Energy? Yes. Yes. He walked through the houses. He got a great tour from our team.

GOVERNOR O'MALLEY: By golly, it is him. That's great. Well let's do this. The, maybe you all, I want to get them, how many people working on it altogether? I mean, how many kids? Excuse me. How many students of the University of Maryland? How many young men and women?

DR. GARDNER: We began with about 200. The core team in the end, towards, you know, for the real effort was about 30 or so kids, I mean students. Graduate and undergraduate across many units.

GOVERNOR O'MALLEY: That's great. Did you have something you wanted to say, Peter?

COMPTROLLER FRANCHOT: I just wanted to ask your name and title, because the kids are obviously

very impressive. But I think you've led a very interesting, successful effort. And I want to give it to Secretary Collins and --

DR. GARDNER: Well --

COMPTROLLER FRANCHOT: -- stay in touch with you. Because obviously the Governor and the Treasurer have indicated a lot of interest.

DR. GARDNER: My name is Amy Gardner. I was what's called the Principal Investigator for the project. I'm an architecture faculty member. But I was only one of eight faculty advisors who joined together as a team to steward this effort. Others who are here include Brian Grieb, Mike Binder, and I think that might be it of the eight.

TREASURER KOPP: And what departments were involved?

DR. GARDNER: I'm architecture. Brian is architecture. Mike Binder is architecture. But that doesn't mean that it was all architecture. There was agriculture and natural resources, engineering, and that might be it.

GOVERNOR O'MALLEY: Can you send me after sort of a break, each, you must have had a break down of the costs and what pieces of this were the most expensive and what was the most expensive component part of this? Was it the solar energy system?

DR. GARDNER: Our sanity.

(Laughter)

DR. GARDNER: The therapy. I would say the PV system. Yeah. Taken as a system, yeah, it depends on what you, if you mean, it depends on what we're talking about. If we're talking about equipment the PV system was the, you know, the most expensive thing you could just take off.

GOVERNOR O'MALLEY: Mm-hmm.

DR. GARDNER: As a system the building envelope might add up, surely adds up to more than that.

GOVERNOR O'MALLEY: Got you. Okay. Well this was great. Treasurer Kopp, it makes me wish that we could be around for the next 50 to 70 years when you all figure how to make humanity a renewing force on this planet. This is really very, very cool. I am so

proud of you guys. And we had a meeting of the National Governors Association during the same time that you were constructing WaterShed down there on the Mall and the Governor of Colorado came back to one of our meetings, I don't know how he got to slip away but my staff wouldn't let me slip away. But he came back and he said, "University of Maryland won the Decathlon! They won the Solar Decathlon!" So Governor Hickenlooper had been down there. I'm very, very proud of you guys. Our proximity to the water and to the Bay, and what that, what that awareness brings to us, and what you've been able to do with the combination of your smarts and circumstance and God's grace to create something like this and show that it can be done is really a phenomenal accomplishment. And we're all very, very proud of you guys. You want to come up here for a picture?

TREASURER KOPP: Can I say, you hadn't mentioned exactly, but this is also a very handsome building. I mean, it really looks good.

DR. GARDNER: We won first in architecture.

GOVERNOR O'MALLEY: Yeah, it doesn't, being a renewing force on the planet can also be beautiful, right? Come on up around here, follow Ms. McDonald so you don't impale yourself on the wires and things. And then Rick maybe you want to take them in the -- why don't we move our chairs here? Come on up. We can all squeeze in. There's only 30 of us, right? Come on. Good job. Well done. Well done. Way to go, man. Good. Okay, just kind of squeeze together, everybody. If you stand kind of shoulder over shoulder, and then squeeze together, it will feel unnatural but it will look good.

(Laughter)

GOVERNOR O'MALLEY: Everybody squeeze together. Come on, squeeze. Where's Jay Baker? Jay is not here?

MS. PAGONIS: Nope.

GOVERNOR O'MALLEY: We usually have a fish eye lens here.

MS. PAGONIS: Hey, we've got everybody in it, though.

GOVERNOR O'MALLEY: Everybody is in it?

MS. PAGONIS: Yep. Ready?

GOVERNOR O'MALLEY: This is Zoe.

MS. PAGONIS: One, two, three. Okay, just a couple more.

GOVERNOR O'MALLEY: I wonder if I should be holding up -- no, that's okay. We've got the helmet.

(Laughter)

MS. PAGONIS: Just a couple more.

GOVERNOR O'MALLEY: Everybody's real quiet. It's like being on an elevator.

(Laughter)

GOVERNOR O'MALLEY: All right.

MS. PAGONIS: That's great.

GOVERNOR O'MALLEY: Okay. Why don't we do this? Why don't you all go with Rick? Since you're here you might as well see the Governor's Office. And Wallace, if you want to go in there, and you all get a picture in front of the Wye Oak desk you're welcome to do that while you're here. Please take all of the green tea and coffee that you like.

(Laughter)

GOVERNOR O'MALLEY: And Ms. Winfield, do you want to take the helmet and mascot in there?

(Applause)

GOVERNOR O'MALLEY: How are you doing, Dean? Thanks for being here. Thanks for what you've done. And you guys are welcome to all the free coffee and tea you can drink, too. How are you doing? You're the builder? Well, you've done good.

Well, that was fun. That was inspiring, huh?

TREASURER KOPP: That was wonderful. That was --

GOVERNOR O'MALLEY: That gives you hope. I can't wait to see that new building design DGS is going to be rolling out.

MR. COLLINS: You got it, Governor.

(Laughter)

GOVERNOR O'MALLEY: Okay. Secretary's Agenda. We have one matter that's being deferred?

SECRETARY MCDONALD: Yes. Thank you, Governor. We are, we have 14 items on the Agenda this morning, three reports of emergency procurements. The Stadium Authority is withdrawing Item 13 and intends to

return to the next meeting, December 7th. The Treasurer has a hand carried item, Item 14, which is to extend the closing date for financing that was on the Agenda last time. And we are ready to answer any questions on the 13 items or three emergency reports.

GOVERNOR O'MALLEY: Mr. Comptroller?

COMPTROLLER FRANCHOT: Item 11?

SECRETARY MCDONALD: Item 11, I believe Dr. Lever is here. This is the Northeast Region allocation of the alcohol beverages supplementary appropriation. The Northeast Region comprises Cecil County and Harford County. We did contact those offices to, but we don't have anybody from those offices here. But Dr. Lever is here and he can probably answer your questions about the projects they have in front of them.

DR. LEVER: Good morning.

COMPTROLLER FRANCHOT: Yes.

DR. LEVER: I'm glad to answer any questions if you have any.

COMPTROLLER FRANCHOT: Thank you, Dr. Lever. And you obviously heard my comments about maintenance, which I attribute greatly to your leadership.

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DR. LEVER: Thank you.

COMPTROLLER FRANCHOT: And today this \$1.25 million in one-time supplemental school construction dollars, I take it \$833,000 is going to Harford County and \$416,000 to Cecil? Which is a two-thirds, one-third split. I'd like to commend Harford and Cecil. I understand they are not here. But maybe they are listening in on our internet production. But I think that's a sensible and collaborative approach that they were able to work out. And the dollars, apparently, went to a region. And sometimes when that happens you have a lot of debate as to how the dollars actually get allocated. And I wanted to say publicly that obviously cooler heads prevailed up there and they came up with what seems to be an understandable split. How exactly is that? Did they memorialize that in an MOU? Or how did that work?

DR. LEVER: They did have an MOU, and I've read that. Apparently they simply sat together, worked it out based on the two-thirds, one-third split. And that has to do roughly with the size of the jurisdiction but they didn't use a formula as far as I

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know. They simply took a very simple and very straightforward approach to it.

COMPTROLLER FRANCHOT: Well I'd like --

TREASURER KOPP: How remarkable and, no, I just agree with the Comptroller.

COMPTROLLER FRANCHOT: Yeah.

DR. LEVER: Refreshing.

TREASURER KOPP: People actually sat down, and reasoned things out, and --

COMPTROLLER FRANCHOT: And as you know, what happens when budgets are tight and people grab for whatever dollars they can get. So kudos to those two jurisdictions for that process. I'd also like to compliment both jurisdictions for having reasonable project lists that are compatible, it seems to me, with the intent of the allocations. Harford apparently intends to use its share to upgrade the HVAC systems of two existing schools, one of which was built in 1949. Cecil is going to use its share to take care of some badly deteriorated items in their older school facilities. And I guess these systems are not here, but my review of their projects is that they made the

kinds of choices that at least would fall within your parameters, I take it, Dr. Lever?

DR. LEVER: We did find all of these projects would have been eligible in our usual funding programs, the CIP, the Aging School Program, or the Qualified Zone Academy Bond Program.

TREASURER KOPP: Had the money been available.

DR. LEVER: Yes. And in fact the Harford County projects, these two cooling plant systems, were going to be capital requests. But they had the opportunity to take care of them using this funding and so they took them off the capital list. That allows them to move other projects up in priority.

COMPTROLLER FRANCHOT: And I take it their Boards of Education were consulted for these?

DR. LEVER: Yes.

COMPTROLLER FRANCHOT: And then I'd like to just take a moment to compliment both systems on their commitment to saving taxpayer dollars through better school maintenance. And I am going to quote from your survey, Dr. Lever, where you awarded an overall

superior rating to the Cecil County Public Schools, this is the entire county. And I quote from your report, "The maintenance, care, and upkeep of schools in Cecil County is exceptional. The survey results are a testament to this school system's commitment to maintaining their investment and providing pleasant, well kept environments for student learning." And for everyone who knows you, Dr. Lever, you are known as a tough grader.

DR. LEVER: Well, thank you.

COMPTROLLER FRANCHOT: So this is praise from the master. And the fact that you are willing to put words like that on paper is something Cecil County should really take pride in.

DR. LEVER: They have a consistent record of very, very high maintenance. And it really starts with the leadership, going back several superintendents. They simply established that as a goal, and they set up internal processes to reward good maintenance. They actually set up a very healthy competition between schools on the maintenance issue. And people get acknowledged and rewarded internally, aside from our

process. And I think all of that contributes very significantly to the level of maintenance that you see. In older schools, too, as you were mentioning before. They have some of the older schools and yet they maintain them at a very, very high quality.

COMPTROLLER FRANCHOT: Thank you.

TREASURER KOPP: They have inculcated a culture --

DR. LEVER: Yes.

TREASURER KOPP: -- a culture of keeping and protecting, safeguarding that I know the Comptroller's predecessor, who was very, very keen on maintenance, would be very, very pleased with them. It seemed as though every year Cecil County was up here --

DR. LEVER: Very consistently.

TREASURER KOPP: -- for a very good reason.

DR. LEVER: Mm-hmm.

COMPTROLLER FRANCHOT: Is that Governor Schaefer? Or Comptroller Goldstein?

TREASURER KOPP: No, I'm thinking of Governor Schaefer, actually.

COMPTROLLER FRANCHOT: Good.

TREASURER KOPP: I'm sure that his predecessor would have said the same thing, too --

COMPTROLLER FRANCHOT: Well thank you for that. And please, if you have an ability to send my comments back to the jurisdictions, I'm sure they would have been here if they knew I was going to say something nice about them.

(Laughter)

DR. LEVER: I will be reporting to them, sir.

COMPTROLLER FRANCHOT: But congratulations.

GOVERNOR O'MALLEY: Okay. Are there any other questions on any of the other Agenda items?

TREASURER KOPP: I would just like to point something out, just because we've had such great representation of what could beneficially happen to the environment with the Solar Decathlon. The Appendix 3 and the PARS report. It's the Highway Administration, slope repairs, because of Tropical Storm Lee undermining our infrastructure. On the other hand, whether you believe in global climate change or not these things are happening and I think it's a very good example of what potentially can happen if we don't plan

well and even if we do plan well we've still got the aging infrastructure. But with sea level rise, with increasing volatility in the climate, I think we're going to be seeing a lot more of these sorts of items. Don't you agree?

MS. SWAIM-STALEY: We are. And it's a national issue. And we're actually trying to start some special effort here in Maryland because it's very clear that it's not the future things that are going to happen but what's happening right now --

TREASURER KOPP: Mm-hmm.

MS. SWAIM-STALEY: -- is having unanticipated impacts on our infrastructure.

GOVERNOR O'MALLEY: What, and this was Hurricane, what was it, flooding that --

MS. SWAIM-STALEY: Well this was, we had the storms --

GOVERNOR O'MALLEY: Right.

MS. SWAIM-STALEY: -- first Irene, and then Lee within three weeks. And so we had some significant issues in, particularly in Southern Maryland. First the flooding issue and then the significant rain. So

we had some pipe failures, and slope failures take place. Because that's, I think it was 20 inches in a very short amount of time.

TREASURER KOPP: Yeah. I mean this is just one example, and then you add onto it the impact of the salinity, the saline water, refusing into what was --

MS. SWAIM-STALEY: We're going to need drainage issues, and pipe issues that we've never experienced before because we've never had these, frankly, we've never had these volumes of rain so concentrated.

TREASURER KOPP: It may not be as dramatic as the big Hurricane Katrina and that sort of thing. But it's clearly eating away at our infrastructure.

MS. SWAIM-STALEY: And Lee was actually harder on parts of the State than Irene was with regard to that.

GOVERNOR O'MALLEY: Hm.

TREASURER KOPP: Well and it also aggravated the build up of mold at St. Mary's. I mean --

GOVERNOR O'MALLEY: And it's what 99 percent of scientists say is going to happen as the climate changes.

MS. SWAIM-STALEY: Much of it is here, with the hundred degree temperatures in July, and then followed by the significant rain in August. Both unprecedented.

GOVERNOR O'MALLEY: Mr. Comptroller?

COMPTROLLER FRANCHOT: Yes, if the Treasurer is through? Speaking of St. Mary's, Item 12? Could we, someone explain what's going on there?

SECRETARY MCDONALD: Okay, Chip Jackson is here and Tom Botzman, maybe you can? This is the sale.

MR. BOTZMAN: Good morning. I'm Tom Botzman, Vice President for Business and Finance at St. Mary's College of Maryland. With me is Chip Jackson, our Associate Vice President for Planning and Facilities; and Mr. Joe Slater, who is the CEO of SMECO, the Southern Maryland Electrical Cooperative. And we also have other representatives of SMECO with us today. Ken Capps and Tom Dennison also are, Dan Branigan from our

staff, and also Marta who helped us work through this, and Sarah Slaff from the Attorney General's Office.

COMPTROLLER FRANCHOT: And how did St. Mary's get into the utility business?

MR. BOTZMAN: I believe we've always been in the utility business.

COMPTROLLER FRANCHOT: Apparently you are exiting that?

MR. BOTZMAN: And we're exiting the utility business and we're very, very happy to do so. This has been about a five-year negotiation to work through all the details. We have many, many years of electricity running around the campus and it's a very aging electrical system. There are no local companies that can respond on a 24/7 basis to fix our primary electrical system. So for example, after the hurricane when we lost some power it took us a while to get it back on. And that contributed again to our issues with water that came into some of our buildings and contributed to some of the problems that we're still facing today.

SMECO will be investing over \$700,000 in upgrades to our cables and infrastructure as part of this transaction. And the College share of that upgrade will be \$51,000. I'd like to thank SMECO for being so responsive to the five years of negotiations. They have gone way above and beyond what we would have requested them in helping us with our electrical needs. We simply can't manage that type of system ourselves. It's growing in complexity and obviously we're adding more and more devices onto those grids all the time.

In the end it will reduce our exposure and our risk, improve the reliability, and we'll move forward from there.

COMPTROLLER FRANCHOT: Well it certainly makes a lot of sense to get you out of that business and let you focus on higher ed. And Mr. Slater obviously knows the utility business. That's what they're good at. Welcome, Mr. Slater. How is your organization doing? And how are you going to pay for the investment that you need for these systemic upgrades?

MR. SLATER: Thank you, Mr. Comptroller. And thanks to the Governor and the Treasurer very much for coming before you today. We worked very hard with the College. The College is a very important asset in Southern Maryland, and of course to Maryland in general. And we're pleased to be a business partner with them and support their mission.

We will collect these revenues through rates, Mr. Comptroller. We have three objectives with our upgrades. First is safety. There is transformers on campus that are called live front transformers. If you open the front of the transformer you are exposed to electrical shock. So we're going to replace those, eliminate that hazard. The second is reliability. We're going to be replacing underground cable that's old, that's subject to failure, and make it much more reliable so that the College will not have interruptions to service. And the third, the third? That was a joke.

(Laughter)

MR. SLATER: The third is the College does not have, the College does not have metering on all of

their facilities right now. We're going to completely meter out every building, dormitory, classroom. And they will be smart meters. The facilities folks will be able to go online, look at 15-minute interval data, and start to measure energy conservation very graphically. And that will give us the tools to work with in order to reduce their electric consumption. So we're very excited about it. We look forward to it and hope we get your approval today.

COMPTROLLER FRANCHOT: And I just wanted to thank your team because SMECO was involved in our revenue estimating meeting that the Treasurer and the Budget Secretary and I had recently, and I think Mr. Dennison from your staff participated on your behalf. And that's extraordinarily helpful. And you, I take it, reinvest the profits that you accrue into your system?

MR. SLATER: That's correct. We're a customer-owned utility. St. Mary's College is one of our owner members. Our margins we call them, we don't call them profit, we call them margins, become our retained equity, become part of our balance sheet. And

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periodically we refund those as new margins come in. This year we refunded about \$4 million to our owner-members, including St. Mary's College, the State of Maryland.

COMPTROLLER FRANCHOT: Excellent. Thank you.

GOVERNOR O'MALLEY: Anything else? Okay --

TREASURER KOPP: Just one question for St. Mary's, I know the program and the College are very conservation and green oriented, it's a part of the curriculum. Is there a way that this is being worked in to the student consciousness?

MR. BOTZMAN: Oh, absolutely. We already have programs that the students have really championed to buy renewable energy credits and also by putting geothermal in. But with the ability to monitor each building --

TREASURER KOPP: Right.

MR. BOTZMAN: -- and each unit separately our programmatic staffs, so the faculty and so the staff are already working with the students to design competitions to see which residence hall, for example, uses the least electricity and take more off the grid.

TREASURER KOPP: Thank you.

MR. BOTZMAN: Thank you.

GOVERNOR O'MALLEY: Thank you. Okay. The Treasurer moves approval of the Secretary's Agenda, seconded by the Comptroller. 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 move on to Department of Natural Resources. The Real Property, Open Space. Ms. Lisa Ward, joining us for the first time flying solo.

MS. WARD: Good morning.

GOVERNOR O'MALLEY: Good morning.

MS. WARD: Good morning.

GOVERNOR O'MALLEY: Ms. Ward, what do you have? Anything interesting? Pull that mike over to you. Don't be shy.

MS. WARD: Good morning, Governor, Madam Treasurer, Comptroller. I'm Lisa Ward for Department of Natural Resources. We have ten items today.

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GOVERNOR O'MALLEY: Okay. Anybody have any questions on Open Space? Okay, 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?

(No response.)

GOVERNOR O'MALLEY: The ayes have it. That was a good CREP easement in Wicomico County, too. And that's on the banks of what river there, do you know?

MS. WARD: Is it Item 8A?

GOVERNOR O'MALLEY: Yeah.

SECRETARY MCDONALD: And 7A.

TREASURER KOPP: Unnamed tributaries, was that --

MS. WARD: The Nanticoke.

GOVERNOR O'MALLEY: It's what? The Nanticoke?

MS. WARD: The Nanticoke.

GOVERNOR O'MALLEY: Okay, cool.

TREASURER KOPP: Unnamed tributaries feeding the Wetipquin Creek, a tributary for the Nanticoke.

GOVERNOR O'MALLEY: I think we must have the best maps in the State. K. Large, is that you in there? Where are you going on there? You're on the Nanticoke one?

MR. LARGE: This is Item 8?

MS. WARD: Tom McCarthy can answer that question.

GOVERNOR O'MALLEY: Mr. McCarthy, you look like you're landlocked.

SECRETARY MCDONALD: Okay, Item 7 and Item 8 are CREP easements in Wicomico county. Item 8 is the one that talks about the Nanticoke. So if we're asking about CREP easements in Wicomico you'll probably want to know about Item 7 or Item 8.

MR. MCCARTHY: Good morning, members of the Board. Tom McCarthy from Department of Natural Resources. And this is Kate Patton with the Lower Shore Land Trust. Lower Shore Land Trust, like with the Rural Legacy Program, administers these CREP easements on the local level for the department. So between the two of us we can answer any questions that you have.

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GOVERNOR O'MALLEY: How are we doing on our CREP easements? Are we getting more people to sign up? My last look at that indicated that we kind of flat lined on the amount of easements we're signing up.

MR. MCCARTHY: The initial allocation of funding for the permanent easement program the Board, almost all of them got funded.

GOVERNOR O'MALLEY: Good.

MR. MCCARTHY: And there was --

GOVERNOR O'MALLEY: And is part of that --

MR. MCCARTHY: And there was an incredible amount of interest in that initial allocation.

GOVERNOR O'MALLEY: There was?

MR. MCCARTHY: Yes. We had hundreds of landowners interested.

GOVERNOR O'MALLEY: Huh. And those dollars derive federally?

MR. MCCARTHY: The initial program was funded by federal funds through the USDA. This was the contract rental program.

GOVERNOR O'MALLEY: Mm-hmm.

MR. MCCARTHY: The funding to create the permanent easements is the State's match for those federal funds. So this is Program Open Space funding that's being used to match the USDA funding that's going into the contracts. And the easements make the terms of those contracts permanent.

GOVERNOR O'MALLEY: And so this will allow us to, in essence, buffer the streams that run through farm properties. And how long will they remain buffered?

MR. MCCARTHY: They'll be buffered in perpetuity.

GOVERNOR O'MALLEY: Good deal.

MR. MCCARTHY: It's an excellent deal for the State.

GOVERNOR O'MALLEY: So instead of plowing right up to the water's edge we'll now have a forested buffer?

MR. MCCARTHY: That's correct. And for example, one of the easements is for a farm called the Tracey Farm. And they are going to be buffering over 52,000 linear feet --

GOVERNOR O'MALLEY: That's awesome.

MR. MCCARTHY: -- of streams.

GOVERNOR O'MALLEY: Yeah, that was the one that caught my eye. That's the one on the Nanticoke?

MR. MCCARTHY: That's correct, sir.

GOVERNOR O'MALLEY: That's a great thing. Good. And you can check out any of these by going onto Maryland.gov, GreenPrint.

MR. MCCARTHY: Absolutely.

GOVERNOR O'MALLEY: And see where these important environment designs are happening in terms of land use. Okay. Thank you all, appreciate it. We now move on to the Department of Budget and Management. I'm sorry? Yeah, we already approved the Agenda.

SECRETARY MCDONALD: Okay, right.

GOVERNOR O'MALLEY: I wanted to get it approved before we asked questions.

(Laughter)

GOVERNOR O'MALLEY: That's our new method here. In fact, there will be no questions until it's approved. I'm just kidding, come on.

MS. FOSTER: Can we do that with the Budget Department?

GOVERNOR O'MALLEY: No.

(Laughter)

GOVERNOR O'MALLEY: Department of Budget and Management.

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

TREASURER KOPP: I would just like the opportunity at some point, Madam Secretary, 1-S, which is MTA, procurement of consultant to help with capital project prioritization process?

MS. FOSTER: Correct.

TREASURER KOPP: Just to learn more.

MS. FOSTER: This is a Department of Transportation Agenda item. And this contract allows them to develop a capital improvement plan optimization process so that they can prioritize their projects.

TREASURER KOPP: I don't want to bog down things but I'm just --

MS. SWAIM-STALEY: We'd be happy to give you a briefing. It's a fairly new concept, I think. But we thought we really needed to help prioritize given the diminishing resources and yet the aggressive agenda that we want to have with regard to transit. Sort of a better way to maybe prioritize, and cost benefit as well as, you know, other projects. So we'd be happy to come, we had a briefing on it and we're interested in it, so we'd be happy to come share it with you.

TREASURER KOPP: Thank you. We don't have anything like this for other aspects of the capital program?

MS. FOSTER: No.

TREASURER KOPP: I'm just curious. Thank you.

GOVERNOR O'MALLEY: And so this would in essence, this was a way to prioritize the capital investments according to system needs as they intersect with the greatest number of lives that are affected by their transport across that infrastructure?

MS. SWAIM-STALEY: Well I think this is a, this new software, so to speak, that was demonstrated to us that would I think allow us to bring in a lot more factors than we currently have --

GOVERNOR O'MALLEY: Mm-hmm.

MS. SWAIM-STALEY: -- in terms of evaluating, you know, which projects are the ones that we should move forward with.

GOVERNOR O'MALLEY: Is Beth Lauer aware of this one? Do you know? Could you make Beth aware of it at StateStat?

MS. SWAIM-STALEY: I'm not sure. I'll ask the MTA folks if they've talked about it at StateStat. I suspect they have but I'll double check.

GOVERNOR O'MALLEY: Because we've been working on the same sort of thing with regard to our bridge program and having the layers of information, and know not only where, what the range of structural integrity of the bridge is, the range, what the range of structural integrity is of all of our bridges, but also the number of people that travel over those

bridges so that we can prioritize the dollars accordingly.

MS. SWAIM-STALEY: I'll check. It may have actually been your office, Governor, that was the first one to sort of, pointed us in this direction --

GOVERNOR O'MALLEY: Okay.

MS. SWAIM-STALEY: -- with regard to some of the technology that's out there.

GOVERNOR O'MALLEY: Yeah, because it sounds like a similar thing.

MS. SWAIM-STALEY: So I think it is.

MR. COLLINS: I'd be very interested also, Governor, for the capital projects that we have. Lots of them are deferred and we need to figure out, Madam Treasurer, how to move forward with all those items.

TREASURER KOPP: I mean, I would just be very interested in hearing how it works and how you know you've captured, how the group knows they've captured the appropriate --

MS. SWAIM-STALEY: Well we haven't used, we've looked at it from a demonstration perspective. Obviously this is the first time we've used it. So we

can't say too much in regard to the benefit. But it certainly was a very intriguing concept, of being able to use something with the software. Take some of the personal --

TREASURER KOPP: The computation.

MS. SWAIM-STALEY: -- personalities out and personal agenda and interest out, to really do it much more in a statistical and technical evaluation.

GOVERNOR O'MALLEY: Yeah if you map where the, sometimes on the federal dollars if you map where they land compared to where the need is, you'll see a much greater correlation between seniority within the congressional district delegation than you will to the number of persons that travel over deficient infrastructure.

MS. SWAIM-STALEY: Right. So I think, you know, we've had a process we've used for many years but it's probably, it's time to reevaluate and there's a better way to do it.

TREASURER KOPP: Well and to take advantage of new technology.

MS. SWAIM-STALEY: Absolutely.

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TREASURER KOPP: It allows you to --

MS. SWAIM-STALEY: Absolutely.

TREASURER KOPP: Yeah, thank you.

GOVERNOR O'MALLEY: And then we'll still go back to counting up votes, right? All right.

TREASURER KOPP: It would be interesting.

GOVERNOR O'MALLEY: The Treasurer moves approval of the Department of Budget and Management Agenda items, seconded by the Comptroller. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed?

(No response.)

GOVERNOR O'MALLEY: The ayes have it. And we now move on to the University System of Maryland.

MR. STIRLING: Good morning, Governor, Mr. Comptroller, Madam Treasurer. Jim Stirling for the University System. We have seven items on today's Agenda. I'd be happy to address any questions you have.

GOVERNOR O'MALLEY: Mr. Comptroller?

COMPTROLLER FRANCHOT: Yes. Item 3-G,
please.

MR. STIRLING: Okay.

COMPTROLLER FRANCHOT: Governor, I don't know whether this jumped off the page at you but as much as we love Bowie State University it's a request to purchase with taxpayers' dollars 32 Steinway pianos at Bowie State University.

MR. STIRLING: Yes, sir. It's part of the outfitting of the new performing arts center that is about to open there. They want to become what's known as an All Steinway School. These are the kinds of instruments that would attract the best and the brightest to that institution.

COMPTROLLER FRANCHOT: Well I guess I understand the emphasis on performance and the performing arts, and fine arts. I salute the University for that. But could you explain to me with all the challenges that are over there on that campus why we would pick the most expensive? I mean, we're talking almost \$20,000 a piano. Why we would choose to buy 32 of these? I guess there is some prestige with

being an All Steinway School. But couldn't we have bought a couple of Steinways and then the rest could have been the Chevrolets rather than the Rolls Royces?

MR. STIRLING: Well it's all a part of an integrated program. I do have Dr. Holmes from Bowie State University here --

COMPTROLLER FRANCHOT: Great.

MR. STIRLING: -- who can talk to the why All Steinway.

DR. HOLMES: Good morning.

GOVERNOR O'MALLEY: Good morning.

COMPTROLLER FRANCHOT: Good morning.

DR. HOLMES: My name is Marymal Holmes. Please excuse my voice. I'm having some allergy problems this morning. I appreciate the opportunity to speak with you all this morning on behalf of Bowie State University in regards to the All Steinway Program at Bowie.

The purchase of the Steinway pianos will make Bowie State only the second historically black institution in the United States to be on the roster of an All Steinway institution. This would align Bowie

State with a select group of quality universities and conservatories, such as Yale, the Cleveland Institute of Music, Oberlin Conservatory, and the University of Maryland at College Park which is also a Steinway institution, in addition to over 125 other institutions worldwide. The association with these institutions, coupled with the Steinway quality and its iconic name, will help us at Bowie State to elevate our profile there. And in conjunction with our new state of the art fine and performing arts building, which I'm happy to say is due to open in January of 2012, it will, the All Steinway program will definitely benefit and bolster our recruitment efforts in attracting and retaining the brightest and the best music students from the State of Maryland and from other jurisdictions.

This would be a win-win situation for the students at Bowie State and higher education in general. And I've been on faculty at Bowie for 28 years now. And the facilities that we have and equipment that we've used over those past 28 years have been substandard. This would be a tremendous uplift

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for our institution as well as our students. And I think that, as a matter of fact just to step aside for a moment, I've been a musician and played piano for over 52 years of my life. And I know pianos. Most musicians and people who have studied seriously piano would recommend the Steinway. It's, there's no question of its touch, tone, the construction of the instruments is the best. And I believe Bowie State University deserves the best that we have to offer here in the State of Maryland. Thank you.

COMPTROLLER FRANCHOT: Well thank you for that. And I appreciate that and I salute you for your service. I guess my question is, if you took 100 people in a concert hall and blindfolded them would they know the difference between a Steinway and, say, what's another brand, Kawai, or something like that?

DR. HOLMES: If they have any upper music I believe that they would know the difference between a Steinway and the Chevrolet, as you say. I think they would know the difference between them. The tone is unmistakable. The clarity, the overtones of the touch

when you play the instrument, there's nothing to compare to it. Nothing.

COMPTROLLER FRANCHOT: Let me ask your colleague behind you, is there, these other institutions, I take it Yale and others that have the All Steinway, they I assume would buy those with private dollars that they raised from their alumni or something?

MR. STIRLING: Perhaps. I actually don't have that information.

COMPTROLLER FRANCHOT: And Bowie State is in the midst of a \$15 million capital program. Why don't we use that, those dollars for the Steinway purchase? If you insist, I have no reason to, I salute your presence here and your commentary. But I find it pretty amazing that we couldn't buy a couple of Steinways for the professionals when they appear at Bowie, and the students when they have a public performance, but the other 30 could be, you know, much less expensive and frankly just as good for people like myself. And I'm sure most of the students in their, in their studios. But in any event, why wouldn't we use

private dollars to buy the Steinways rather than taxpayers'?

MR. STIRLING: I think that's a fair question. I don't know whether Bowie had engaged in any kind of private fundraising for this particular purchase. But I'll certainly go back and address that with them.

TREASURER KOPP: Is it normal for them to, when they build a new building and they have long lived equipment in it, to get it from the private sector? I mean, isn't that a normal part of equipping a building?

MR. STIRLING: Well this is, these are items that are on the approved equipment list --

TREASURER KOPP: Yes.

MR. STIRLING: -- that are developed. So it is a normal part of that process.

TREASURER KOPP: Yes. But this process is the normal process?

MR. STIRLING: Correct.

TREASURER KOPP: Yes.

COMPTROLLER FRANCHOT: Okay. I'm just commenting for the record, and I'm reluctantly going to

vote against this because I like Bowie State University. But I think buying 32 Steinway pianos in this kind of climate is just, given the challenges that that, that all of these universities face, and you see that, I take it, in your --

MR. STIRLING: Absolutely.

COMPTROLLER FRANCHOT: -- in the System. And I just think it's a luxury, a luxury at this point that we, that the taxpayers should not be paying for. Other than one or two that would be used for the concerts that people come in for. But the rest of it, I think we could very nicely do with much less expensive, almost just as good, pianos. And --

DR. HOLMES: Mr. Comptroller, may I make a comment?

COMPTROLLER FRANCHOT: Sure.

DR. HOLMES: There, the pianos that we are, that we would like to purchase would be four actual Steinways and the other pianos would be Steinway designed products, such as Boston pianos and Essex pianos, which are designed by Steinway. And I believe that the cost that was given us was equivalent to that

if we had purchased, say, Kawais. I mean they came, gave us a very fair price, I believe, for these better pianos. And, but they are not all Steinway as it is at the University of Maryland College Park, which I believe have Steinways in their practice rooms as well. We will not have Steinways in our practice rooms. We will have Essex pianos, which are designed by Steinway. And in my office I will have a Boston piano, which is designed by Steinway. But in our concert facilities, our main theater, and the piano tutorial studios, and the recital hall we will have actual Steinways. So it's not, you're not buying all --

COMPTROLLER FRANCHOT: No, I appreciate it. And don't take this personally, because you, obviously you play beautifully on whatever piano it is that's in front of you and the kids do, too. But it's the, maybe the symbolism of this more than anything that I just think is out of touch with where we are right now given the economy.

MR. STIRLING: I did want to point out that by going with the All Steinway package deal we get a

35.7 percent discount off of list on the pianos. So we're not paying them full freight.

GOVERNOR O'MALLEY: That's good.

MR. STIRLING: You did have a question earlier about why we can't buy other types of pianos. There are some uses there, we bought some electronic pianos from another dealer that the Board approved at a previous meeting, a couple of meetings back.

TREASURER KOPP: I'd just like to put in a different perspective. It is my understanding that in this new building and in our school, which we want to be one of the finest in the country, you're going to have with this purchase four concert Steinway grand pianos for the concert halls, public performance; five Steinway/Boston grand pianos for the professors' studios; and 23 Steinway/Essex studio pianos for the students' practice rooms. And there was a 20 percent discount on the Steinway grand pianos, 20 percent on the Boston, I don't want to confuse Boston and Essex, and 38 percent on the Essex, amounting to 24, 25 percent savings on the entire package.

MR. STIRLING: In aggregate.

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TREASURER KOPP: And that still meets, this is my question, however, that still meets the criteria of All Steinway because the Boston and Essex are Steinway designed and designated?

MR. STIRLING: Exactly.

TREASURER KOPP: So there's no question of false advertising?

DR. HOLMES: No.

TREASURER KOPP: Or, everyone understands? And are there, are there studies, or is it just a gut feeling, that being an All Steinway school in fact does establish a prominence and make it more attractive and renowned?

DR. HOLMES: We have not done a particular study ourselves. But we have talked to students, the students on campus know the difference between Steinways and other, it's a name that's just associated with greatness.

TREASURER KOPP: Well, it is.

DR. HOLMES: And they know the difference and they are very excited at the prospect of us having this. So hopefully we are able to do this. But I

would as a student, if I knew of a school that had All Steinways, that would mean something to me. That the school is about excellence and about seriousness of study of the music. And I would be attracted to an institution such as that.

TREASURER KOPP: But let me say, I shared the Comptroller's concern. It obviously stands out. But I appreciate the, your, Bowie's, I don't know actually who responded to the questions of the Deputy Treasurer. I certainly understand the thing about symbolism but we're looking at two different things. It's symbolic of a great school, and on the other hand have to address the cost. I do appreciate the fact that you got a 25 percent, 24 percent savings from the package. And that, in fact, is, answered my fiscal concern.

DR. HOLMES: Yes.

TREASURER KOPP: I now look forward to going and hearing.

GOVERNOR O'MALLEY: So do I.

DR. HOLMES: Thank you.

TREASURER KOPP: He's the actual musician in the room.

GOVERNOR O'MALLEY: Well my people I play with are, anyway. Okay. This is now University of Maryland. Let's, what item was this, Mr. Comptroller?

COMPTROLLER FRANCHOT: Is it --

MR. STIRLING: 3-G.

TREASURER KOPP: Three.

COMPTROLLER FRANCHOT: Three? Item 3.

GOVERNOR O'MALLEY: Item 3. Let's handle it separately. The Governor moves approval of Item 3, seconded by the musically appreciative Treasurer. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed?

COMPTROLLER FRANCHOT: No.

GOVERNOR O'MALLEY: The Comptroller votes no and the matter passes. We now move to the balance of the University System Agenda items. The Treasurer moves approval, seconded by the Comptroller. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed?

(No response.)

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

MR. SCHLANGER: Good morning, Governor, Madam Treasurer, Mr. Comptroller. For the record, Elliot Schlanger, Department of Information Technology. This morning we have five items on the Agenda and I would be happy to answer any questions at this time.

GOVERNOR O'MALLEY: Okay, if there's no questions?

COMPTROLLER FRANCHOT: Move approval.

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

(No response.)

GOVERNOR O'MALLEY: The ayes have it. And now we move on to --

MR. SCHLANGER: Thank you.

GOVERNOR O'MALLEY: Thank you, Mr. Secretary. The Department of Transportation.

MS. SWAIM-STALEY: Good morning, Governor, Madam Treasurer, Mr. Comptroller. For the record,

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Beverley Swaim-Staley presenting MDOT. We have nine items today. Items 2 and 9 have been revised. And we're available for questions.

GOVERNOR O'MALLEY: The Treasurer moves --

COMPTROLLER FRANCHOT: Oh, I --

GOVERNOR O'MALLEY: I'm sorry. Comptroller?

COMPTROLLER FRANCHOT: Just, not an item, but I would like to recognize Angelo Perseghin, who is sitting in the back. I understand that Mr. Perseghin is completing 37 years of State service today. He works for the Port Administration. So it was appropriate when I mentioned earlier about the Port, and what the Governor said. And I just want to thank you. I take it this is your last BPW meeting. And God bless you, 37 years of this place, here, you've got my respect.

(Applause)

GOVERNOR O'MALLEY: Mr. Perseghin, Mr. Perseghin, you want to come up and say anything? Come on. Come on. This is your opportunity. They can't hurt you now.

MR. PERSEGHIN: My name is Angelo, Andy Perseghin. I work for the Port Administration, the Maryland Port Administration. Over the years I've worked for many governors. Each of them have had their agendas. As a State employee, and many State employees, we've had to adapt to those agendas. And I can honestly say that I have seen a lot of integrity in Maryland State employment. I've seen a lot of morals in Maryland State employment. And it's been my pleasure to work with many of those people and to call myself a Maryland State employee. Thank you.

GOVERNOR O'MALLEY: Thank you, Mr. Perseghin.

(Applause)

GOVERNOR O'MALLEY: Well said.

COMPTROLLER FRANCHOT: Yes.

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 to the Department of General Services. And Mr. Perseghin, thank you for your service.

MR. COLLINS: Good morning, Governor, Madam Treasurer, Mr. Comptroller. The Department of General Services has 27 items on our Agenda. Item 2 has been withdrawn. Items 6 to 9 have been revised. I'd be glad to answer any questions you have on any of the remaining items.

GOVERNOR O'MALLEY: I don't think we have any. Oh, the Comptroller has one.

COMPTROLLER FRANCHOT: No, I understand you're withdrawing Item 2 for further review, Secretary Collins. I really would encourage you to take a close look at this because before it was withdrawn the facts that we were given showed that a decision was made to grant an MBE waiver to one company and reject the request of another company, despite the fact that their MBE goals were virtually identical, less than a percentage point, I think. And the one that got the waiver was a Virginia company and the one that didn't get the waiver was a Maryland company. And it's a well

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known, excellent company. And as a result we would have paid \$200,000 more for the Virginia based company if we had voted on it today. And I really appreciate the fact that you're going to take another look at it because in its current iteration it certainly caught my eye. And I'm not sure whether everybody else took a look at it, but hopefully it can come back in a different form.

MR. COLLINS: Mr. Comptroller, as you indicated there are many, many factors involved in this particular transaction. We withdrew it to take a look at it and make sure that all of our steps were 100 percent sound and appropriate.

GOVERNOR O'MALLEY: Okay.

COMPTROLLER FRANCHOT: Did you see that also, Madam Treasurer? Or not? I don't know whether --

TREASURER KOPP: I, well I saw the comments -

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COMPTROLLER FRANCHOT: But I appreciate another view because --

MR. COLLINS: As you know these items are usually very complicated and we will review it again before we bring it back.

COMPTROLLER FRANCHOT: Thank you.

GOVERNOR O'MALLEY: Thank you. The Comptroller moves approval of the DGS Agenda items, 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 and that concludes our meeting. Thank you all very, very much.

(Whereupon, at 11:50 a.m., the meeting was concluded.)

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