

December 1, 2010

STATE OF MARYLAND  
BOARD OF PUBLIC WORKS  
GOVERNOR'S RECEPTION ROOM  
SECOND FLOOR, STATE HOUSE  
ANNAPOLIS, MARYLAND

December 1, 2010

8:14 a.m.

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;

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

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

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

MARION BOSCHERT, Recording Secretary,  
Board of Public Works.

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P R O C E E D I N G S

GOVERNOR O'MALLEY: Good morning, everyone.

I know it's an early morning. I want to thank you all for being here. I know that the traffic is miserable, and the like. Today is December 1st, already it's December.

TREASURER KOPP: It's amazing.

GOVERNOR O'MALLEY: Holiday decorations are coming out in all of the stores, and I'd like to ask the Comptroller and the Treasurer if they have any opening thoughts here.

TREASURER KOPP: Well, the Comptroller wanted to point out the Hanukkah holiday, I believe, did you not?

COMPTROLLER FRANCHOT: No I, Governor, am happy to be here. I'm glad to see who is on the hard core list here as far as --

(Laughter)

COMPTROLLER FRANCHOT: -- the Board of Public Works. When I, years ago, many, many years ago, I was in the Army. And they used to get us up at 5:00 a.m. And I think it was mostly just to see who

would get up and show, and be there. But Governor, thank you, and I hope you had a great Thanksgiving with your family.

GOVERNOR O'MALLEY: Thank you, we did.

COMPTROLLER FRANCHOT: And Madam Treasurer.

Yes, I do want to wish everyone a healthy and happy holiday season. And as the Treasurer mentioned, Hanukkah begins tonight. With it, the gift giving season is officially open. Last Friday we saw the annual Black Friday shopping extravaganza. And I'm pleased, it's not something I participated in but I observed it with interest. And the numbers seem to be up this year. The National Retail Federation reported that 212 million shoppers visited stores and websites over the four-day Black Friday weekend, up from 195 million during the same period last year.

So hopefully these numbers are a harbinger of a successful holiday season for all Maryland retailers. I believe it's particularly important that we take over the next month an effort to support our local businesses that are the bedrock of the State's economy. Their importance to the economy and the

fabric of our local communities cannot be overstated. Governor, I know that you have been very supportive of this, and Madam Treasurer. These are people, small independent retailers in Maryland who give back to their communities through everything from charitable contributions, and active participation in civic affairs, to sponsorship of Little League teams. Not to mention the jobs they create and the civic pride they can foster when a local company grows and becomes recognized as a State and regional leader.

I really think we need as a State to encourage and support these businesses every day, but especially during the holiday season when retail shops are counting on a sales volume that will carry them through the rest of the year. I'm going to be traveling to every region of the State over the next month, visiting local downtowns, encouraging Marylanders to shop local this holiday season. I can't tell you how gratifying it was last year to do this, in a slightly different format. I shopped in many wonderful downtown stores, met many tremendous Maryland business owners. Even in the roughest

economy, and gosh knows it's been rough out there, the spirit of customer service and pride in their product is alive and well in these small Maryland shops.

I look forward to meeting even more people this year, seeing our local downtown streets even more crowded as we begin to rebound from the effects of the recession. But I will underline there's no better way to support your community, and support your neighbors and friends, than by shopping in local stores where the money stays in Maryland, is reinvested in our local communities. And you're not going to be disappointed with the product. I continue to be so impressed with the little things that make the Main Street shopping experience so special. You'll find salespeople who are friendly and knowledgeable and wonderful merchandise that frankly you won't find in a national franchise.

So please get out there, shop local again this year. And let me quickly wish again a Happy Hanukkah to the Treasurer. She and I both heard the same radio description of the origins of Hanukkah and I'll leave that to her. But I, thank you, Governor,



for letting me say a few words. And I appreciate the early morning meeting. I think it will be a brief Agenda.

GOVERNOR O'MALLEY: Maybe we'll do this all the time.

(Laughter)

GOVERNOR O'MALLEY: Madam Treasurer, any thoughts? Not on that, but --

TREASURER KOPP: Not, no, I do my shopping close to home whenever possible and think it's a great idea. I'm not a big shopper, actually, but I urge everyone else to.

I will say that it was with mixed feelings, I think I have to acknowledge, coming from the Washington area, the President's proposal that our federal employees, our taxpayers, take part in the tightening of the belt that of course our State employees have been going through for several years now. Foregoing an anticipated cost of living increase this year and next. It will cost money to their families. It will cost some revenue to our areas. But I think it's a clear demonstration that the tough

days are being shared by everyone and ought to do something, I would hope, to reduce the level of expressed frustration, I believe an inappropriate frustration, against hardworking federal employees.

So I think, I think we should take note of it. Take note of the impact on our citizens, and take note of the impact on our revenue. But also on, I hope, the feeling it will give to increasing the sense of shared burdens.

We do have a couple of items, Governor, on the Agenda that I would like to mention when we get to them. A sale of school construction bonds at a very good rate for the taxpayers of the State of Maryland, and also some lease, equipment leases. I do join the Comptroller, and I'm sure you, in wishing everybody a happy holiday season. We light the first lights of Hanukkah this evening and with it the light of family and of joy, and of astonishment. As you know, the oil that was to last for one night lasted for many and saved the people. And that certainly is something to be quite joyful about.

GOVERNOR O'MALLEY: Early energy conservation?

TREASURER KOPP: Yes. Yes.

(Laughter)

TREASURER KOPP: And little candles.

GOVERNOR O'MALLEY: Little candles?

TREASURER KOPP: Yes. Yes.

GOVERNOR O'MALLEY: All right, well here we go. December 1st --

TREASURER KOPP: By the way, Governor?

GOVERNOR O'MALLEY: -- I'm sorry?

TREASURER KOPP: I understand we're meeting early because you have a meeting in Washington?

GOVERNOR O'MALLEY: Yes, that's right. There's --

TREASURER KOPP: Would you like --

GOVERNOR O'MALLEY: I don't know. That's a partisan matter and we probably shouldn't talk about it, huh? The Board of Public Works?

TREASURER KOPP: The fact that you are slated to be elected the Chairman of the Democratic Governors Association, of which you have been the Vice

Chairman for two years? It is a partisan matter, but I'm sure that our Republican colleagues join us in --

GOVERNOR O'MALLEY: Well, thank you --

(Applause)

TREASURER KOPP: And how appropriate on this day that Maryland shall be a light to the nation.

GOVERNOR O'MALLEY: That's right. All sorts of Hanukkah themes.

TREASURER KOPP: Yes.

(Laughter)

GOVERNOR O'MALLEY: And we're also reducing our carbon footprint at the DGA by reducing the amount of miles that our new Chair has to fly in order to get to the D.C. meetings.

(Laughter)

GOVERNOR O'MALLEY: Well look, let's start with the Secretary's Agenda. Madam Secretary?

SECRETARY MCDONALD: Good morning, Governor, Madam Treasurer, Mr. Comptroller. We have nine items on the Secretary's Agenda this morning. And the Treasurer has Items 8 and 9 that she already referred to.

GOVERNOR O'MALLEY: Oh, this is the items.

TREASURER KOPP: These are the items if you don't have others before that? I'll get to this --

COMPTROLLER FRANCHOT: Sure.

TREASURER KOPP: -- and then we can go back if there are before it. Item 8 is the Taxable Qualified Zone Academy Bonds, school construction bonds that I mentioned. We put them out to bid, received three bids. And the winners, J.P. Morgan Chase, submitted a bid amount of 4.530500, \$4.5 million, with an overall TIC interest rate of .018393, .018393 percent. We will be receiving a subsidy payment from the U.S. Treasury of 5.02 percent, which is equal to 100 percent of the interest. In other words, we are building the schools with the interest paid by the federal government so that we can build schools now, employ people now in the building, and get the schools up when the, up or repaired, when they are needed.

GOVERNOR O'MALLEY: Great.

TREASURER KOPP: I can certainly go into more, but the bottom line is it's a win-win for our

schools, our families, our communities, and our taxpayers.

GOVERNOR O'MALLEY: Terrific.

TREASURER KOPP: That's number eight. And number nine is the, December, this December 2010 Tax-Exempt Equipment Lease-Purchase financing. And it was awarded to SunTrust, which submitted the lowest weighted average bid of 1.947 percent. And the funds will go for a number of things. As you know, we now lease frequently instead of one huge lease every few years because of the volatility of the market. And at this point the market volatility again rebounded to the benefit of the State taxpayers. So I'll just draw everyone's attention to it.

GOVERNOR O'MALLEY: That's great. Thank you. Mr. Comptroller, any?

COMPTROLLER FRANCHOT: No, move approval.

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

THE BOARD: Aye.

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

(No response.)

GOVERNOR O'MALLEY: And we move now, and the ayes have it, and we move now to Program Open Space.

MS. LATHBURY: Good morning, Governor, Madam Treasurer, Mr. Comptroller. Meredith Lathbury for the Department of Natural Resources. We have seven items on the Open Space Agenda this morning. Two local projects, one Rural Legacy easement, and four Conservation Reserve Enhancement Program easements. I'll be happy to answer any questions.

GOVERNOR O'MALLEY: Tell me about the Piney Run Rural Legacy Area.

MS. LATHBURY: I'd like to call up Tom McCarthy with the Rural Legacy Program to give you a brief description of that project.

SECRETARY MCDONALD: It's Item 3A.

MS. LATHBURY: Item 3A, yes.

MR. MCCARTHY: Good morning, members of the Board. Tom McCarthy with the Maryland Department of Natural Resources Land Acquisition and Planning Program. This project, the Cassels-Smith easement, is

a ninety-acre easement in the Piney Run Rural Legacy Area in Baltimore County. And it's going to protect water quality through permanent protection of over 4,300 feet of riparian buffers along a number of unnamed streams that run into Piney Run and Western Run before flowing into the Loch Raven Reservoir, helping to protect the drinking water supply.

TREASURER KOPP: This is very good.

GOVERNOR O'MALLEY: That's a good one. What did it score?

MS. LATHBURY: The Rural Legacy projects don't get an ecological score. Their overall ecological score is calculated each year when they submit their application and ranked against the other Rural Legacy Areas.

GOVERNOR O'MALLEY: I apologize. I thought this was an Open Space thing? It's sort of Open Space, but we don't do the same scoring on Rural Legacy. But it is within the Rural Legacy Area, right?

MR. MCCARTHY: Yes, absolutely, sir. It's within the Piney Run Rural Legacy Area.



GOVERNOR O'MALLEY: Which is kind of prescored? I mean, meaning that anything within that is pretty valuable?

MS. LATHBURY: Exactly.

MR. MCCARTHY: It's all ranked during our application process.

GOVERNOR O'MALLEY: Got you. Any other questions on Program Open Space? I'm going to try to get out of here before the tornado arrives.

TREASURER KOPP: Yeah.

(Laughter)

TREASURER KOPP: I mean, looking out the windows --

GOVERNOR O'MALLEY: And 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.)

GOVERNOR O'MALLEY: The ayes have it. We now move to the Department of Budget and Management

Agenda. MS. FOSTER: Governor, Madam Treasurer,

Mr. Comptroller, good morning. There are thirteen items on the Department of Budget and Management's Agenda for today. I'd like to withdraw Item 1 and I'll be happy to answer any questions you have.

GOVERNOR O'MALLEY: I don't know that anyone has any. Mr. Comptroller?

COMPTROLLER FRANCHOT: I actually had a question about Items 8-S and 9-S.

MS. FOSTER: Okay. Mr. Jim Johnson is here from the Department of Health and Mental Hygiene. But both of these are contracts to extend up for nine months the contract to allow for these to be converted to a fee for service for DDA.

MR. JOHNSON: Good morning.

COMPTROLLER FRANCHOT: I guess my question is about the fact that you're moving to a different type of service payment system?

MR. JOHNSON: Correct.

COMPTROLLER FRANCHOT: I'd like to know what the impact is on the, you know, your clients, and also on the taxpayers.

MR. JOHNSON: Right. We've been moving towards the fee for service model because it gives the clients and their families more choice in terms of the provider that they choose. We've done so for residential services, for day and supported employment services, and we're now proposing to do that for resource coordination. These are services that connect the family and their, and the pupil with disabilities with resources in the community; housing, transportation, food stamps, medical care, things like that.

COMPTROLLER FRANCHOT: And contracts have been in place for several years. Why are we doing this at this point?

MR. JOHNSON: Oh, for decades, really. It's just, it's just part of the continuum, moving towards client choice in all of the services that we provide in Development Disabilities.

COMPTROLLER FRANCHOT: But why, I guess my concern is the timing. Why are we doing this with, you know, six to nine months, when did these contracts expire?

MR. JOHNSON: They had expired presently. We believe it will take us six to nine months to get the fee for service system in place and ready to go. So we're asking for the contracts to bridge that period while we're getting the fee for service up and running.

COMPTROLLER FRANCHOT: And the explanation for being, you know, playing catch up here is what? Why are we in this situation where we need six to nine months to implement this?

MR. JOHNSON: We did not want to enter into a long term contract again for this service and we were not prepared presently to move to fee for service.

COMPTROLLER FRANCHOT: Even though the other services have been moved to fee for service, I take it?

MR. JOHNSON: Yes.

COMPTROLLER FRANCHOT: Okay. Thank you for that.

GOVERNOR O'MALLEY: Any other questions, Department of Budget and Management Agenda items?

COMPTROLLER FRANCHOT: Could I just ask one more question on Item 3-S? Is that also --

GOVERNOR O'MALLEY: 3-S.

MS. FOSTER: Item 3-S is, this is a contract to provide utilization review for selected hospitals, long term care facilities, and community services that are reimbursed by the Medicaid program. And again, Mr. Johnson from the Department of Health and Mental Hygiene will address your questions, Mr. Comptroller.

COMPTROLLER FRANCHOT: Okay, my question is about the procurement. I see there were five bidders and three of them were ruled nonresponsive or unacceptable.

MR. JOHNSON: Correct.

COMPTROLLER FRANCHOT: Was one of those the incumbent?

MR. JOHNSON: It was.

COMPTROLLER FRANCHOT: Why, what is it that wasn't reasonably susceptible for award?

MR. JOHNSON: There were three reasons, really. The quality of the work we've been getting from the incumbent has been not up to standards.

They've had difficulty recruiting staff. The proposal that they submitted was only marginally acceptable and the oral presentation they made was poor. And when we checked references on the contractor they came back poor as well. So for all three reasons we thought they were not susceptible for award.

The, KePRO did protest and that protest was denied, and they have not followed through, they missed the deadline to appeal to the Contract Appeal Board.

COMPTROLLER FRANCHOT: And the other two that were in that category? Is that a recognized procurement term, wasn't reasonably susceptible for award?

MR. JOHNSON: Yes. Yes.

COMPTROLLER FRANCHOT: So the other two had those same --

MR. JOHNSON: No.

SECRETARY MCDONALD: You need to come up to the microphone and introduce yourself for the record, please.

MR. GOLDBERG: Good morning. I'm Gary Goldberg, Director of Procurement for the Department of Health and Mental Hygiene. Five bids were received in response. One, three were determined to be responsive and responsible. Those three did receive awards. One is, one was the incumbent, as discussed. And the other one, I believe, was also for similar reasons, that they did not meet the technical capabilities that are required under the contract.

COMPTROLLER FRANCHOT: So what, I'm having a little confusion here that, were three ruled not susceptible?

MR. GOLDBERG: No.

COMPTROLLER FRANCHOT: Three were ruled out? Or two were ruled out?

MR. GOLDBERG: Two were ruled out. Three bids were determined to be responsive and bidders responsible.

MS. FOSTER: The write up reference is that there are three --

MR. GOLDBERG: The revised write up that I have --

SECRETARY MCDONALD: But on the listing that those two did evaluate, page 12B, there are only two offerors.

MR. GOLDBERG: Well, the revised one I have has three.

SECRETARY MCDONALD: Okay --

MR. GOLDBERG: Received it yesterday at 1:36.

SECRETARY MCDONALD: I don't know that I have a revised chart. So that's not in the Board record, and we would need it to be submitted before the meeting is over to put it into the record.

MS. FOSTER: Okay. So for purposes of the record, could you indicate who the three vendors are that will be awarded the contract?

MR. GOLDBERG: Yes, ma'am. The Healing Staff, Kaleidoscope Family Solutions, and Locum Leaders.

SECRETARY MCDONALD: Okay. Are we looking at the same item? We're on --

MS. FOSTER: We're on Item 3.



SECRETARY MCDONALD: The Comptroller is asking about Item 3-S, which is the Delmarva Foundation for Medical Care is the only awardee? Would you like to take --

MR. GOLDBERG: I apologize for that.

SECRETARY MCDONALD: Would you like to take a moment --

MR. JOHNSON: Yes.

SECRETARY MCDONALD: -- and when you come back --

MR. JOHNSON: If you would, please?

MR. GOLDBERG: Okay.

SECRETARY MCDONALD: Just for this item for a minute, and we'll --

GOVERNOR O'MALLEY: So --

SECRETARY MCDONALD: I'm sorry --

COMPTROLLER FRANCHOT: No, thank you. Because --

GOVERNOR O'MALLEY: So let's consider the Department of Budget and Management Agenda items, with the exception of --

MS. FOSTER: Item 3-S.

GOVERNOR O'MALLEY: -- Item 3-S. Any questions on the rest of the Agenda? Hearing none, the Comptroller moves approval, the Treasurer seconds. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: And we'll come back to this whenever Secretary Foster gives us the high sign. Let's move on now to the University System of Maryland. How about Coach, how about the Coach, huh?

MR. STIRLING: That was a great honor for him, and --

(Applause)

MR. STIRLING: And I think the quarterback as well was sort of Rookie of the Year, or Freshman of the Year, Danny O'Brien.

SECRETARY MCDONALD: And a big game against Penn State coming up tonight, I think, Mr. Stirling.

MR. STIRLING: We will see how that works out.

(Laughter)

GOVERNOR O'MALLEY: Your microphone is pointing straight up at the ceiling.

MR. STIRLING: Good morning. I'm Jim Stirling from the University System of Maryland. We have six items on today's Agenda. I'd be happy to address any questions you have.

COMPTROLLER FRANCHOT: Nothing for me.

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

MR. STIRLING: Thank you.

SECRETARY MCDONALD: Thank you.

GOVERNOR O'MALLEY: Tell Coach Ralph that twenty-four hours is an eternity in politics. It's even, and I guess a year is even longer in college coaching. What are we on to now?

SECRETARY MCDONALD: I think Ms. Cropper is here.

GOVERNOR O'MALLEY: Department of Information Technology?

MS. CROPPER: Good morning, Governor, Stacia Cropper, Madam Treasurer and Mr. Comptroller. We have

four items on the IT Agenda today, so I'll be happy to take any questions.

GOVERNOR O'MALLEY: Any questions?

TREASURER KOPP: Your Secretary is doing well, I hope?

MS. CROPPER: He's doing better, yes, thank you.

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

THE BOARD: Aye.

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

(No response)

GOVERNOR O'MALLEY: The ayes have it. We move on now to the Department of Transportation.

MS. SWAIM-STALEY: Good morning, Governor, Madam Treasurer, Mr. Comptroller. For the record, Beverley Swaim-Staley representing the Department of Transportation. We're presenting eight items today as Item 9-GM has previously been withdrawn. For the record, Item 8-GM has previously been revised.

COMPTROLLER FRANCHOT: So Governor, if I could?

GOVERNOR O'MALLEY: Mr. Comptroller?

COMPTROLLER FRANCHOT: So 9-GM is not before us?

MS. SWAIM-STALEY: Correct. It has been withdrawn.

COMPTROLLER FRANCHOT: Thank you.

TREASURER KOPP: It, we will see it again?

MS. SWAIM-STALEY: Yes, I very much hope so. And very soon.

GOVERNOR O'MALLEY: All right. Any questions on the balance of the Agenda? The Comptroller moves approval, seconded by the Treasurer. All in favor signal by saying, "Aye."

THE BOARD: Aye.

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

(No response)

GOVERNOR O'MALLEY: The ayes have it. We move on now to the Department of General Services.

MR. COLLINS: Good morning, Governor, Madam Treasurer, Mr. Comptroller. The Department of General

Services has twenty-eight items, including the five supplementals on our Agenda. Items 11 and 12 have been revised, and we are withdrawing Items 24, 25, 26, 27, and 28. We'll be glad to answer any questions on the remaining items.

GOVERNOR O'MALLEY: Tell me about nine?

Tell me about nine?

MR. COLLINS: Oh, sorry, sir. I thought you said, "We don't have any."

(Laughter)

GOVERNOR O'MALLEY: It's early.

MR. COLLINS: On behalf of the Department of Natural Resources, Item 9-RP, and Program Open Space. Let me call Assistant Secretary Gaines up to give you the details on that exciting purchase.

MR. GAINES: Good morning. Michael Gaines, Assistant Secretary, Department of General Services, Office of Real Estate. As Secretary Collins said, this is an exciting acquisition on behalf of Program Open Space. And we are happy that we participated in the purchase, process of purchasing. We were able to acquire this at a nine, almost 10 percent reduction,

lower than the recommended appraised value. And I'll turn to my esteemed colleague, Meredith Lathbury, for further description about the property itself.

MS. LATHBURY: This is 322 acres. It's going to add to the Ellis Bay Wildlife Management Area. So this is going to add for public access for hunting in that region, which is extremely popular on the Eastern Shore. It brings in lots of revenue and jobs to the region.

This particular property has a special quality, ecological resources. It has uplands and wetland forest, which help in terms of absorbing carbon to reduce and mitigate the impacts of climate change. And it also contains habitat for endangered species such as the Delmarva fox squirrel.

GOVERNOR O'MALLEY: And it's 322 acres?

MS. LATHBURY: 322.

GOVERNOR O'MALLEY: Is it mostly farmed? Or is it mostly wooded? Or is it a combination?

MS. LATHBURY: It's mostly wooded.

GOVERNOR O'MALLEY: It's mostly wooded?

MS. LATHBURY: Correct. And you'll see on

the map that it also creates additional access from the road to that hunting area, which is extremely important in terms of public access.

GOVERNOR O'MALLEY: Mm-hmm. Are you able, are you all able to print out the aerial photograph?

MS. LATHBURY: We can, sure. Absolutely. Yep.

GOVERNOR O'MALLEY: Can you? In the future to match up with this?

MS. LATHBURY: Absolutely.

GOVERNOR O'MALLEY: Just so we get a better bird's eye view of what we're buying here.

MS. LATHBURY: Sure. Yeah.

GOVERNOR O'MALLEY: Good.

TREASURER KOPP: Governor, I just want to say that during Thanksgiving I had a number of visitors staying with me, from all over the country. And they actually saw this item and saw particularly that it was near Blackwater. And they happened to be birders and were very, very excited. And I hadn't, I mean I had heard but I had not focused on the fact that this area and these purchases really put us on



the map nationally for, not just for hunters, but for tourists who actually want to come in and spend a lot of time standing out in the cold and the damp, watching the birds go by, or stop and then go on. And it's really of national significance.

GOVERNOR O'MALLEY: So is this proximate to Blackwater? Or I'm trying to get a sense from the map.

MS. LATHBURY: It's a little ways south. So this is actually in Wicomico County.

GOVERNOR O'MALLEY: Right.

MS. LATHBURY: So if you look it's on the far western side of the County. But across, if you just head directly east, up the Shore from there, you'll hit Blackwater.

TREASURER KOPP: Yeah.

MS. LATHBURY: But it's part of a very large complex. That whole region, lots and lots of marshes and wetlands that are great habitat for the birds, great bird watching in that area. It attracts thousands, probably millions, of visitors to the region every year.

TREASURER KOPP: Yeah.

GOVERNOR O'MALLEY: Great.

TREASURER KOPP: They were very keen on us doing this.

GOVERNOR O'MALLEY: Okay. Any other questions?

COMPTROLLER FRANCHOT: Governor, Item 8?

GOVERNOR O'MALLEY: Item 8?

COMPTROLLER FRANCHOT: Who's in charge of that, the Hessian Barracks?

GOVERNOR O'MALLEY: The Hessian Barracks?

MR. COLLINS: Bart Thomas, why don't you come up? Mr. Comptroller, you probably know this is a very, very historic piece of property, facility, building, rather, that we have in Maryland that goes back to the American Revolutionary War. And we're real pleased to have the opportunity to continue to work on this. It is at the Maryland School for the Deaf. And we have in this particular facility an item that is a specific type of item that we must purchase with only one vendor. But I'll let Mr. Thomas give you the details.

MR. THOMAS: Good morning. Bart Thomas, Acting Assistant Secretary of Facilities Planning. With me is Tom Reinhart from the Maryland Historic Trust. This Hessian Barracks has been on our records for the last couple of years to complete the exterior so we can save the interior of the building. As part of that we need to do the roof because the roof is collapsing and failing. So with that we went through Maryland's Historic Trust because of the historic value of the building. And Tom here is the one that came up with the type of materials that we need to bring this back to its original plan. So we'll be happy to answer some questions from there.

MR. COLLINS: Tom, why don't you show what -

-

MR. REINHART: Well, the type of shingle we're talking about is what's known as a side lap, or a biaxial shingle, where they lap in two directions. Clearly, you can't get it at Home Depot. There's only one maker in the country that does it.

The building, this is not something that we would normally ask for. But the building is one of

really a handful of buildings in the State that warrants this level of restoration. The, and when you narrow that universe down to State-owned structures there's really only two. And that's the Hessian Barracks and this building here. The Barracks was the first building commissioned by the State after independence and it has been owned by the State ever since, and it's in a little bit of rough shape at this point. It is the only surviving Revolutionary War barracks in the country and it is soon to be showcased in both the Revolutionary War Trail the federal government is beginning, and the Lewis and Clark Trail. It was the start, this is where Lewis and Clark launched from. All their supplies were shipped out to Frederick and they started their expedition there. So those two trails are starting and it's going to be seen by a lot more people in coming years.

It is on the campus of the School for the Deaf and --

GOVERNOR O'MALLEY: Now when you say, I'm sorry, when you say it was commissioned --

MR. REINHART: Yes, yes, Governor?

GOVERNOR O'MALLEY: -- what do you mean it was commissioned?

MR. REINHART: The Legislature contracted a builder, Abraham Faw, in 1777 to construct the building to house Maryland line troops during the Revolution. But when those troops were nationalized it was turned over to inter British and Hessian prisoners of war from Saratoga and Yorktown. So it was built and paid for by the State of Maryland as a, sort of the Maryland Militia Barracks. But then it was not used as such. It was used as a prisoner of war camp. It actually interred French prisoners during the quasi-war in the 1790's. It was a hospital, the largest federal hospital during the Civil War was there.

GOVERNOR O'MALLEY: Hm.

MR. REINHART: And it was one of two structures that were identical, they faced each other, one of which was torn down in the late nineteenth century by the State in order to accommodate the growth of the School for the Deaf.

GOVERNOR O'MALLEY: I've had occasion to

tour this. Have you seen this?

COMPTROLLER FRANCHOT: No. I mean, I was just wondering where the name came from, because --

MR. REINHART: Well, because it started with British prisoners of war and they moved them out to Lancaster, Pennsylvania. And they put all the German prisoners in Frederick because it was a German speaking area. And many of those prisoners actually stayed in Frederick, and many of the German Americans in Frederick can trace their lineage back to the Hessian troops who opted to stay there after the War.

COMPTROLLER FRANCHOT: Well, I was curious because I'm reading the new biography of Washington, which is a big, thick book that's just been published. And, because they just released all of the new correspondence, and so it's a fascinating book. But I'm right at the point where miraculously Washington led everyone across the Delaware River and attacked the Hessians --

MR. REINHART: Right.

COMPTROLLER FRANCHOT: -- in Trenton.

MR. REINHART: In Trenton.

COMPTROLLER FRANCHOT: And captured 900 of them. And I remember turning to my wife and saying, "God, I wonder what they did with them?"

MR. REINHART: Well, now you know.

COMPTROLLER FRANCHOT: Yeah. What do you do with these guys?

MR. REINHART: You can go home tonight and tell her that they sent them to Frederick.

GOVERNOR O'MALLEY: Is that true?

MR. REINHART: Yeah, and it's --

GOVERNOR O'MALLEY: I mean, were numbers of those captured at, in Trenton have been sent to --

MR. REINHART: Yeah. I think ultimately all the Hessians ended up both here and I think in Winchester, Virginia. They split them up. So I can't say for sure that we had Trenton prisoners here. But there certainly was a likelihood that they were here.

GOVERNOR O'MALLEY: Mm-hmm.

COMPTROLLER FRANCHOT: Were any of them named Schaefer?

MR. REINHART: I'm sure there were.

COMPTROLLER FRANCHOT: Well I was taken with

the story because Washington, despite being beleaguered and on his heels, made a big point out of treating prisoners of war fairly. And in fact, he extended that to all the Tory sympathizers. He was just an absolutely disciplinarian as far as his troops, treating everybody in a civilized way. And it was in complete contrast to what was happening to his troops --

MR. REINHART: Right, up in New York, on the prison ship Jersey. Sure, they had a horrible time up there.

COMPTROLLER FRANCHOT: -- who were getting, well, that and plus more were getting massacred after they surrendered on the battlefield. So it was, but it was a very successful effort because apparently it created a lot of unity --

MR. REINHART: And it's interesting that when --

COMPTROLLER FRANCHOT: -- in a tough time in the War.

MR. REINHART: When this building was, when the Maryland troops were nationalized in the, I think



'79, 1779, they ceased construction on this building and they put it into storage. And in 1781 when the first troops get down there, the British troops, it's incomplete. And there's a series of letters between the Governor and the British General commanding the interned army asking for boards and nails. And it was the British troops that actually completed this structure. So, I mean, it has a very, very colorful history. And it's a real gem. There's just nothing else like it.

GOVERNOR O'MALLEY: And the tour guide, I mean the person that was giving me the tour, claims, you know let me say that the person giving me the tour claims, that there's a regular Hessian ghost in the place.

MR. REINHART: I've not seen him. I've spent a lot of time and I've not seen him.

GOVERNOR O'MALLEY: It could be something they're doing to generate traffic.

MR. REINHART: Although I have smelled bratwurst on occasion in the building, so.

GOVERNOR O'MALLEY: Okay. No, it's a very

cool place. If you're ever out there, it's, and is it owned by the School for the Deaf?

MR. REINHART: It is.

GOVERNOR O'MALLEY: It's, and it has walls the likes of which, I mean, the thickness of --

MR. REINHART: Yeah, they're good stout walls. Eighteen to twenty-four inches thick.

GOVERNOR O'MALLEY: Yeah. The thing is a fortress. A much more substantial POW hut than was made in later years.

MR. REINHART: Mm-hmm.

COMPTROLLER FRANCHOT: The other interesting thing from the book while you're here is that everybody has always said that Washington was about six-feet-two. And apparently that comes from on his deathbed they measured him, but they pointed his toes out straight. And in fact he's only six feet. And they found that from the letters he wrote his, whoever he was ordering clothes from in London. He gave his exact measurements of six feet, etcetera, etcetera. And --

MR. REINHART: That's still pretty tall for

the 1770's.

COMPTROLLER FRANCHOT: Yeah, but I was downstairs on Friday. I brought a member of my family down to look at the wonderful State House down below, and I went and measured George Washington there. And they have him right, six feet.

MR. REINHART: That's good. We do it right in Maryland.

COMPTROLLER FRANCHOT: Yes.

MR. REINHART: We don't give in to myth.

COMPTROLLER FRANCHOT: Thank you, Governor. Have you seen this book? I'm going to get a copy of it for you, and --

GOVERNOR O'MALLEY: Are you?

COMPTROLLER FRANCHOT: Yeah, because it's --

GOVERNOR O'MALLEY: Well, thank you. And government to government, we can accept that, right? What's the, which one, I read one called --

COMPTROLLER FRANCHOT: It's just out. It's a big thick book and I'm embarrassed to say I can't remember the author. I don't know whether someone knows it. He's fairly well known. But it's really

groundbreaking.

GOVERNOR O'MALLEY: Well he was all caught up earlier on in a scandal of sorts because of the mistreatment of prisoners in the French and Indian War as well, wasn't it?

COMPTROLLER FRANCHOT: Yes.

GOVERNOR O'MALLEY: So one wonders how that experience might have conformed his later behavior as Commander in Chief, or rather Commander of the Continental Army. Or Commander in Chief. So anyway, I look forward to getting that book.

COMPTROLLER FRANCHOT: Good.

GOVERNOR O'MALLEY: I look forward even more to having an hour to read. Most of the reading happens in the car. Okay. Well, thank you very much.

MR. REINHART: Thank you very much.

GOVERNOR O'MALLEY: The Comptroller moves approval of the Department of General Services Agenda items, seconded by the Treasurer. All in favor signal by saying, "Aye."

THE BOARD: Aye.

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

(No response)

GOVERNOR O'MALLEY: The ayes have it, and that concludes our meeting.

SECRETARY MCDONALD: No, Item 3 on --

GOVERNOR O'MALLEY: I'm sorry? Oh, we were getting all excited, too. We had the rest of the morning. I think we should do this every week.

MS. FOSTER: Governor, we're going back to Item 3 on the DBM Agenda. Again, this is a contract to provide utilization review services at selected hospitals and long term care facilities and the community services that are reimbursed by the Medicaid Department. The write up that's on page three in the DBM section on page 10B is correct. There were five proposals received, three were determined to be reasonably unsuspensible for award. The incumbent did file a protest, the protest was denied, and there was no further appeal. And the Department is then recommending that this contract be awarded to Delmarva, that this would be in the best interest of the State.

MR. JOHNSON: And I believe the question

that was asked was were the other two contracts of similar nature in terms of why they were deemed unsusceptible. One, the technical proposal lacked significant portions of the content and they failed to provide more information to our request for additional information. And the other, while the technical proposal was adequate the oral presentation that they made were vague, unclear, and showed a lack of knowledge about the review process.

COMPTROLLER FRANCHOT: And that is a recognized term in procurement law?

MR. JOHNSON: Yes, sir.

COMPTROLLER FRANCHOT: I don't have any problem, frankly, with the contract being awarded. I understand the winner is getting one on technical and the cost side. I was just curious that when you have five bids and three of them are --

MR. JOHNSON: Right.

COMPTROLLER FRANCHOT: -- taken off the table, what exactly is going on?

MR. JOHNSON: And the winner is a Maryland firm as well, so.

COMPTROLLER FRANCHOT: So, I don't have any problem with that. I think that's okay. But this bid, and I'm glad that we're getting briefed on the right item. Not that I, it wouldn't be the first time I've voted on the wrong item, but that's okay. But thank you for that explanation, and Governor, move approval.

GOVERNOR O'MALLEY: All right. The Comptroller moves approval of the remaining Item 3 from the Department of Budget and Management Agenda items, seconded by the Treasurer. All in favor signal by saying, "Aye."

THE BOARD: Aye.

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

(No response)

GOVERNOR O'MALLEY: The ayes have it, and that concludes this meeting of the Board of Public Works.

(Whereupon, at 8:54 a.m., the meeting was concluded.)