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*STATE OF MARYLAND*  
**BOARD OF PUBLIC WORKS**

*GOVERNOR'S RECEPTION ROOM, SECOND FLOOR, STATE HOUSE  
ANNAPOLIS, MARYLAND*

**May 28, 2014**  
**10:11 a.m.**

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# **PRESENT**

**HONORABLE ANTHONY BROWN**

Lieutenant Governor

**HONORABLE NANCY KOPP**

Treasurer

**HONORABLE PETER FRANCHOT**

Comptroller

**SHEILA C. MCDONALD**

Secretary of Public Works

**ALVIN COLLINS**

Secretary of General Services

**T. ELOISE FOSTER**

Secretary of Budget and Management

**JAMES SMITH**

Secretary of Transportation

**EMILY WILSON**

Director, Land Acquisition & Planning, Department of Natural Resources

**ZENITA WICKHAM HURLEY**

Special Secretary, Governor's Office of Minority Affairs;

**MARY JO CHILDS**

Procurement Advisor, Board of Public Works

**MISSY HODGES**

Recording Secretary, Board of Public Works

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# PROCEEDINGS

LIEUTENANT GOVERNOR BROWN: Good morning, everyone. Welcome to the May 28th meeting of the Board of Public Works. I'm Anthony Brown. I will be, have been your Lieutenant Governor, will be presiding today over the Board of Public Works in the absence of Governor O'Malley. It's a pleasure to be here with each and every one of you, with the Treasurer, and the Comptroller. I think we've got a pretty light Agenda this morning. And I don't have any preliminary remarks. So I'll go ahead and turn it over to the Treasurer to see if she has anything.

TREASURER KOPP: Nothing, except good morning. It looks very brief. I do have to say, I don't think we know anything else because we just got an alert that the great poet Maya Angelou just passed away, a wonderful and very inspiring woman. And I know we'll hear a lot more about her in the coming days. But it's good to have on record before the people, too.

LIEUTENANT GOVERNOR BROWN: Mr. Comptroller?

COMPTROLLER FRANCHOT: Thank you, Governor Brown. That has a nice ring to it. I heard you say the Agenda was brief, and that's always what my dear friend Congressman Steny Hoyer says as he stands up to speak. I'm just going to speak briefly. And often there are developments that end up. So anyway, it's a pleasure to be here with you and the Treasurer.

I hope everyone had a good long weekend. Memorial Day weekend for me is one of my favorites. Everyone has such a great time. It's the beginning of the summer season and a time for family barbecues, the pool, and the beach. Most importantly, it's time to remember those brave men and women who have sacrificed life and limb so that we can enjoy our freedoms. It reminds us as a weekend that we live in the Land of the Free because of the brave men and women who wear our nation's uniform and fight to keep us safe. As we spend time with our families we recognize the countless military families who can no longer do that because of loved ones who tragically never made it home. It's an important reminder that the courageous sacrifices of our military are not borne by individuals but by families. And we thank them, as we should each and every day, knowing all too well that we will never be able to fully and properly articulate the depth of our gratitude.

And for me personally this is a particularly special Memorial Day weekend as Annie and I gained a new daughter, Alexa, who married our son Nick. As parents, these occasions are bittersweet, reminding us of just how blessed we are, but also that our sons and daughters are no longer the little kids we remember them as. And Nick's soccer coach was there and he just said, "Gosh, that little guy is now getting married?" But as sad as I am to no longer have my young son around, I am even more proud of the wonderful man he has

become and the devoted husband I know he will be. So suffice it to say, Governor, that I am feeling particularly blessed this morning to live in the greatest country in the world with my extraordinary wife and wonderful children. Thanks to the military and their families for the unfathomable sacrifices they bear on our behalf. Thank you, Governor.

LIEUTENANT GOVERNOR BROWN: Well thank you, Mr. Comptroller. I also want to publicly thank you for your years of service in uniform to our nation, and to all of our veterans. And while I know that Memorial Day is a recognition and a tribute to our fallen soldiers, and we pay tribute to veterans in November, let me say to each of the veterans and military members and their families who are here today and listening, thank you very much for your service. And thank you, Mr. Comptroller. Thank you for your service.

COMPTROLLER FRANCHOT: Thank you.

TREASURER KOPP: Governor, I wasn't going to inject a personal note but I will because, I think, it's really very interesting, apropos. As some people know, both my folks are buried at Arlington. And I went there, I don't go very often, not as often as I should, but I went there on Saturday and it was wonderful. There were so many families and young people and even the older veterans were just really positive. I mean, they were talking about the next generation, and pride, and all sorts of things, that were, and not at all mournful.

And I just really urge when the occasion rises, whether you have a personal connection there or not, it really is a personally inspiring place to go. I shouldn't say this, I know we have many places in Maryland, Arlington is in Virginia, but that's life. But it was life that was actually being celebrated. And there you are.

LIEUTENANT GOVERNOR BROWN: Thank you. Okay, Madam Secretary, Secretary's Agenda?

SECRETARY MCDONALD: Lieutenant Governor, Madam Treasurer, Mr. Comptroller, we have 20 items on the Secretary's Agenda this morning, we have two reports of emergency procurements. We are prepared for any questions you may have.

LIEUTENANT GOVERNOR BROWN: Any questions or comments from the Comptroller or the Treasurer? Yes, Mr. Comptroller?

COMPTROLLER FRANCHOT: Item 9, please.

LIEUTENANT GOVERNOR BROWN: Item 9.

SECRETARY MCDONALD: Item 9 is a wetlands license. Is Mr. Tabisz here from the Wetlands administration? Bob Tabisz?

MR. TABISZ: Yes.

SECRETARY MCDONALD: Okay, this is a wetlands license. It's from State Highway Administration to construction a bridge at Maryland 331



that will cross the Choptank River. Mr. Tabisz, do you want to identify yourself and your position for the record, please?

MR. TABISZ: My name is Robert Tabisz. I'm with MDE, Tidal Wetlands.

COMPTROLLER FRANCHOT: Yes. I am, I understand this is a wetlands permit to begin moving the construction of the new Dover Bridge?

MR. TABISZ: Correct, 331.

COMPTROLLER FRANCHOT: So I would like to extend my most enthusiastic support possible for this --

MR. TABISZ: Okay.

COMPTROLLER FRANCHOT: -- particular application. And I would like to salute Governor O'Malley and Secretary Smith for committing the resources to build this new bridge. In doing so replacing what is by all observers a woefully outdated and functionally obsolete bridge that has long posed a very real threat to the Eastern Shore's public safety.

For those of you not familiar with that particular bridge, the current Dover Bridge crosses the Choptank River and connects Talbot and Caroline counties. It was constructed in the 1930's. It is one of the very few swing span bridges still in operation in our State. It is in a severely degraded condition. It has been unable to close, often after being open to accommodate passing ships.

And this is both an extraordinary inconvenience for thousands of people but it also frankly gets in the way of ambulances, fire trucks, law enforcement personnel who need to cross the bridge for emergency response.

Now all of the governors that I have served with and the ones before them have always come to the Eastern Shore and promised, promised, every single one of them promised to get this new Dover Bridge funded and built. But I have to admit it was only Governor O'Malley who finally is going to go down in Eastern Shore history as the one governor who actually followed through and delivered what everyone considers to be a lifesaving project.

I was on the Shore earlier this month to present George Jackson, who if you know him is a rather, well people have mixed feelings about George because he can be pretty aggressive in his lobbying for this bridge. But an extraordinary Marylander. I gave him my William Donald Schaefer Helping People Award. He is a modest farmer who loves his community and led the fight for nearly 20 years for the Dover Bridge. Well, I already mentioned his unique style. But he kept the issue alive before many different governors, MDOT secretaries, and lawmakers. And frankly I think the bridge should be named after him. But I'm just glad that it's moving forward. And until you have been over there to that part of the State, as the Secretary has been many times, you don't really get the gist of yes, it was great that well-intentioned predecessors said the

right thing. But this is such an important project symbolically. And I just want to obviously give my kudos out to the administration, Governor Brown, that you are part of, and to the Secretary for finally getting it done.

MR. SMITH: Well it really is an exciting project. And George was the, obviously the leader of that. But frankly, some of the students from the local school also formed a group. So there was a lot of both older and younger momentum for this bridge. And of course it was made possible really through the Transportation Infrastructure Investment Act. That is what made possible putting \$57 million toward this bridge. So --

TREASURER KOPP: Would that be the gas tax?

MR. SMITH: That's the gas tax.

TREASURER KOPP: Yes.

MR. SMITH: Right. I refer to it as an investment.

TREASURER KOPP: Yes, I understand.

MR. SMITH: Because that's what it is. And this is an investment not just in the economy of the Eastern Shore but it's also an investment in the safety of the Eastern Shore. So --

TREASURER KOPP: But it's also very good when people are able to pay their taxes and then see something actually built.

MR. SMITH: I agree with you. And that's, and I appreciate the Comptroller's sentiments. And I know the people in those counties likewise appreciate it very much. So thank you.

COMPTROLLER FRANCHOT: Exactly.

LIEUTENANT GOVERNOR BROWN: Any other comment on this item, or any of the other items on the Secretary's Agenda? Hearing none, seeing none, the --

TREASURER KOPP: I have a question on, just on Item 11. On the Zoo? Was this being held up for a report or something?

SECRETARY MCDONALD: It's, no, no. It's just that ever since we had to make budget cutbacks during the middle of fiscal years about five years ago for about two or three years in a row, all the other grantees are on a quarterly payment basis. The Zoo only ever got once--

TREASURER KOPP: Okay, no, I just, so we weren't waiting for something?

SECRETARY MCDONALD: No, the Zoo is completely fine. Ms. Hutchins is here to verify that. But --

TREASURER KOPP: I'm sure it is. Thank you.

LIEUTENANT GOVERNOR BROWN: Okay. The Comptroller moves approval, seconded by the Treasurer. All those in favor say, "Aye."

THE BOARD: Aye.

LIEUTENANT GOVERNOR BROWN: Any opposed?

(No response.)

LIEUTENANT GOVERNOR BROWN: Hearing none, the Secretary's Agenda is approved. And next we will go to the Department of Natural Resources Real Property. Good morning.

MS. WILSON: Good morning, Lieutenant Governor and Mr. Comptroller and Madam Treasurer. Emily Wilson with the Maryland Department of Natural Resources. We have ten items on our Agenda today. Item 9A is a great partnership project. It's a Rural Legacy conservation easement on about 260 acres in Dorchester County. It's a great partnership with the Navy, using their Readiness and Environmental Protection Initiative funding, they were able to contribute 50 percent towards the property costs. And it's also a great partnership with the Nature Conservancy. And we have our local Nature Conservancy rep, Liz Zucker over here, today in a show of support. So, thanks.

LIEUTENANT GOVERNOR BROWN: Any questions, comments?

TREASURER KOPP: Great group of projects.

COMPTROLLER FRANCHOT: Move approval.

LIEUTENANT GOVERNOR BROWN: Okay. The Comptroller moves approval, seconded by the Treasurer. All those in favor say, "Aye."

THE BOARD: Aye.

LIEUTENANT GOVERNOR BROWN: Any opposed?

(No response.)

LIEUTENANT GOVERNOR BROWN: Hearing none --

MS. WILSON: Thank you.

LIEUTENANT GOVERNOR BROWN: -- thank you. Let's go over to DBM. Good morning.

MS. FOSTER: Good morning, Governor, Madam Treasurer, Mr. Comptroller. There are 19 items on the Department of Budget and Management's Agenda for today. I'll be happy to answer any questions you may have.

LIEUTENANT GOVERNOR BROWN: Any?

TREASURER KOPP: I don't.

COMPTROLLER FRANCHOT: I have one.

LIEUTENANT GOVERNOR BROWN: Okay. The Comptroller has a comment or question.

COMPTROLLER FRANCHOT: Item 6-S.

MS. FOSTER: Okay. Item 6-S is a contract to provide a third party administrative services organization to oversee the dental program for all

the Medicaid recipients under 21 years of age and for recipients who are over the age of 21 that are enrolled in the REM Program. And from the Department of Health and Mental Hygiene we have Michelle Lehner, I hope I'm pronouncing your name correctly?

MS. LEHNER: Lehner.

MS. FOSTER: Lehner.

MS. LEHNER: Yes.

MS. FOSTER: Ms. Lehner.

LIEUTENANT GOVERNOR BROWN: Good morning.

MS. LEHNER: Good morning, how are you?

LIEUTENANT GOVERNOR BROWN: Good.

MS. LEHNER: Good.

COMPTROLLER FRANCHOT: So thank you, Governor. I do have a question about this. We're being asked to approve a five-year, \$18.6 million contract, options included, to DentaQuest of Maryland to serve as the administrative entity for the dental services that we as a State provide to those who are enrolled in Medicaid and the Rare and Expensive Case Management Programs.

MS. LEHNER: Well --

COMPTROLLER FRANCHOT: Is that a correct description?

MS. LEHNER: Okay. It's a three-year contract with two one-year options. And DentaQuest serves the under 21 population, the REM population over the age of 21, and pregnant women over the age of 21.

COMPTROLLER FRANCHOT: Well it services a lot of people in need.

MS. LEHNER: You are correct.

COMPTROLLER FRANCHOT: Which is the general thrust of it. And obviously none of us have any problems with that. But is DentaQuest the incumbent vendor?

MS. LEHNER: They are.

COMPTROLLER FRANCHOT: Okay. I don't really have any concerns about DentaQuest that I know of. But maybe there are reasons that I should have concerns about DentaQuest. I'm never going to know. And like so many other contracts, believe me you are not the only single bid contract that has come before the Board in recent weeks, we are not given a choice. This is just another single bid contract for services that frankly I think there should be competition. This is not nuclear physics. This is, you know, administrative management of an important dental contract.

So according to my background materials, each firm that had a chance to submit an offer but didn't was asked to explain why.



MS. LEHNER: Okay --

COMPTROLLER FRANCHOT: That's great. That's very, very good. Here's what they came up with. Insufficient RFP response time. Lack of MBE minority participation, and VSBE relationships in the State of Maryland which they would actually need to comply with our participation goals. Insufficient start up time and a slow payment schedule.

MS. LEHNER: Mm-hmm.

COMPTROLLER FRANCHOT: Now it would seem to me that we cannot really deal with a particular firm's lack of minority and veteran-owned subcontractor relationships. So maybe the State could sponsor opportunities that are designed to introduce some of these out of State primary contractors to our MBEs so that there could be business opportunities down the road. That's, I can see that as being a private sector responsibility. But I think it's fairly obvious that the other reasons cited in the survey, such as lack of response and startup time, and a slow payment schedule, are very much within the purview of the State of Maryland and are elements of the procurement process that we can improve if we are truly serious about attracting bid competition.

So I would like to spend just a minute, if I may, because the proliferation of single bid contracts on these Board Agendas is becoming a real

problem. So how long were vendors given to respond to the RFP with a bid proposal?

MS. LEHNER: Twenty-one days.

COMPTROLLER FRANCHOT: I mean, really?

MS. LEHNER: That --

COMPTROLLER FRANCHOT: You are saying that with a straight face?

MS. LEHNER: I am.

COMPTROLLER FRANCHOT: For a contract that, I know you only see it as three years, I think it's a five-year contract with the two options, totaling \$18.6 million, you gave the bidders 21 days?

MS. LEHNER: To allow for the appropriate implementation and transition period we did allow 21 days.

COMPTROLLER FRANCHOT: Okay.

TREASURER KOPP: Why? Just to, why couldn't you have started earlier and add more?

MS. LEHNER: You are correct, we should have started earlier. You are correct.

TREASURER KOPP: So the Comptroller is correct. That's something --

MS. LEHNER: Yes.

TREASURER KOPP: -- that is within our control to --

MS. LEHNER: Absolutely.

LIEUTENANT GOVERNOR BROWN: Is the current, the current contract you said is with DentaQuest?

MS. LEHNER: Yes, it is.

LIEUTENANT GOVERNOR BROWN: Right. And that expires when?

MS. LEHNER: That expires 6/30/14.

LIEUTENANT GOVERNOR BROWN: Right. And what happens if we don't approve this today?

MS. LEHNER: I guess we'll have to ask for an extension on the current contract and reprocore the RFP.

LIEUTENANT GOVERNOR BROWN: You can, under the current contract you can ask for an extension pending either renewal or replacement?

MS. LEHNER: I would hope so, Lieutenant Governor, yes.

LIEUTENANT GOVERNOR BROWN: So let's, who has the answer to that question?

SECRETARY MCDONALD: You haven't seen the contract? I mean, the Procurement Advisor says generally but she doesn't have the specific contract. I don't know if the attorney is here who has been working with this but -

LIEUTENANT GOVERNOR BROWN: Well are we in May, right now?

SECRETARY MCDONALD: Yes, I mean --

MS. CHILDS: Generally State contracts have, they can have a bilateral agreement to extend the contract. Their problem is whether the contractor is going to agree to it and whether they will agree to the same terms and conditions, same price basically.

COMPTROLLER FRANCHOT: Yes, I mean --

MS. CHILDS: So while we can ask I don't know if the answer will be yes.

COMPTROLLER FRANCHOT: Yes, and let me just jump in because I think it's a very good question. Because from my perspective on behalf of the State, we ran into this with the Morgan contract on the services, what do they call that? Dining services. I mean, if we have, if we have a choice between asking or giving a six-month extension to the incumbent so that the RFP can be done properly and there is competition, as opposed to, in that instance, a five-year

contract plus five one-year options, i.e. a ten-year extension to the incumbent. Here we are being, frankly I think you could very easily go back and say we're giving you a six-month extension on this contract. The Board is concerned that there is not adequate time in the, the contract needs to be changed in certain ways that will provide the opportunity for some competition. And I'm sure that would be very frustrating to the incumbent. But boy, I'd rather give them a six-month extension than a five-year contract and never know, never, ever know, what is there. So if I, go ahead, I didn't mean to take your time, Governor.

Because I think it is a, and trust me, this is not personal with you or with your agency. This is something that we have seen a lot of. And it's well-intentioned --

MS. LEHNER: I understand.

COMPTROLLER FRANCHOT: Just this doesn't look good. So I'm --

LIEUTENANT GOVERNOR BROWN: Okay. What we need to do is we need to, what I would recommend, and you tell me the best forum to do it, we need to postpone this until the next meeting of the Board of Public Works. Between now and then we want to find out, I think what I am hearing is we want this thing to go back out for bid. We are not interested in trends, like the Comptroller is suggesting. I have been on plenty of Boards. Again, it is not

unique to one agency and it is certainly not unique to you. But if this Board is going to be able to make the kinds of decisions it needs to make for contracts that are three years, potentially five years, with the dollar amounts that we are suggesting, then this Board ought to have some, to know that some options have been considered and that we have gone to a little bit greater lengths to explore those options. And I think that that is certainly, not only that you owe it to the Board, but the Board in its representative capacity, we owe it to the citizens, the taxpayers of Maryland.

So can we, I don't know what we need to do here. Tell me what we need to do here.

MS. FOSTER: We'll withdraw this item --

LIEUTENANT GOVERNOR BROWN: Right.

MS. FOSTER: -- on today's Agenda. We'll just work with the department in terms of going back to the vendor to see whether we can get an extension for six months to give them time to rebid.

LIEUTENANT GOVERNOR BROWN: Yes. I got to imagine DentaQuest is going to bid on this again so hopefully they will work with us in an extension mode as we go back out to bid.

TREASURER KOPP: Governor, not to pile on but I interrupted the Comptroller. And I assume he was going to go on to raise some sort of

question, Madam Secretary, about generically this question of the sufficiency of the time in RFPs. What we can do to look ahead? This is an ongoing thing that has gone on forever. Look ahead, plan ahead, have a little more time and look at these questions of startup time, and payment schedule, and see if any of those are endemic problems, or just if this is, and if they are, how we can address them through the PAC. Or I don't know how you address these things. But if these are in fact endemic, generic issues, they should be dealt with.

MS. LEHNER: I honestly don't know what they mean by the slow payment schedule.

TREASURER KOPP: Well that's --

MS. LEHNER: Because we're very prompt in paying the invoices and --

TREASURER KOPP: Well they said schedule. They didn't say you had slow payment. So I don't, again, I mean, I don't know that they were saying that you were later than you were supposed to be.

MS. LEHNER: Mm-hmm.

TREASURER KOPP: It looked to me more like a structural thing. But you all asked the questions and got the answers, we didn't.

COMPTROLLER FRANCHOT: No, I applaud Governor Brown and the Treasurer. I think it's uncomfortable for you, obviously, and I apologize

for that. But this is important stuff because otherwise it's just, you know, it just doesn't look good when the incumbents win the single bid contracts because nobody else is bidding. When was this first put on the streets, the RFP?

MS. LEHNER: It was put on the streets in October.

COMPTROLLER FRANCHOT: Okay. Well, Governor, I think that's a nice, that's a --

LIEUTENANT GOVERNOR BROWN: Okay. So, we'll see this --

MS. FOSTER: It will return on the June Agenda.

LIEUTENANT GOVERNOR BROWN: June Agenda, great, thank you.

MS. LEHNER: You mean the extension? Okay.

LIEUTENANT GOVERNOR BROWN: Thank you.

MS. LEHNER: Thank you.

LIEUTENANT GOVERNOR BROWN: Anything else on DBM's Agenda? So that's off. There doesn't have to be a motion to take it off, it's just off?

MS. FOSTER: I'm making a motion to have this withdrawn.

SECRETARY MCDONALD: She just withdrew it, right.

Withdrawn --



LIEUTENANT GOVERNOR BROWN: Okay, so it's withdrawn.

SECRETARY MCDONALD: Yes.

LIEUTENANT GOVERNOR BROWN: Okay. Anything else on any of the other DBM Agenda? Hearing none, the Comptroller moves approval, minus this item we just took off, seconded by the Treasurer. All those in favor say, "Aye."

THE BOARD: Aye.

LIEUTENANT GOVERNOR BROWN: Any opposed?

(No response.)

LIEUTENANT GOVERNOR BROWN: Okay, thank you. USM?  
Good morning.

MR. STIRLING: Good morning, Lieutenant Governor, Madam Treasurer, Mr. Comptroller. Jim Stirling from the University System. We have ten items on today's Agenda. I'll be happy to address any questions.

TREASURER KOPP: So what's going to happen to the house?

MR. STIRLING: I have a couple of folks here from Towson to talk about that.

TREASURER KOPP: That one, yes. I'm just curious. I'm glad that the President has decided to be close to the campus. This was --

MR. OSTER: Good morning.

LIEUTENANT GOVERNOR BROWN: Good morning. Can you just identify yourself, and --

MR. OSTER: I'm Joe Oster, Vice President for Administration and Finance with Towson University.

LIEUTENANT GOVERNOR BROWN: Hi. So the question was what is going to happen to the house?

MR. OSTER: The house is going to be sold pending your approval to declare it as surplus property, and then completing the process through the General Assembly Budget Committee, and then hopefully to come back to you with an offer. We actually have had interest in the home. I have shown the house three times and currently have received two appraisals and one actual bid pending right now. So depending on this process we are ready to go.

TREASURER KOPP: And do you think we will recoup what we put in?

MR. OSTER: We will not recoup everything that we paid for the house and what we put into the house.

TREASURER KOPP: But you will make the neighbors in Guilford --

MR. OSTER: Very much so.

TREASURER KOPP: -- much happier. And we won't lose a terrible amount of money?

MR. OSTER: No.

TREASURER KOPP: And I don't remember actually who paid for it. Was it the --

MR. OSTER: The University paid for the house, originally.

TREASURER KOPP: It wasn't the Foundation, or --

MR. OSTER: No.

TREASURER KOPP: Mm-hmm. Well, good. Good luck. I hope you get it. That was, I hope, a lesson learned.

MR. OSTER: Yes, very much so. I was actually in the home the day we acquired it. So it has been an interesting journey.

TREASURER KOPP: I bet. Yes.

LIEUTENANT GOVERNOR BROWN: Okay. Anybody else? Okay. Anything else on the USM Agenda? Hearing none, the Treasurer moves approval, seconded by the Comptroller. All those in favor say, "Aye."

THE BOARD: Aye.

LIEUTENANT GOVERNOR BROWN: Any opposed?

(No response.)

LIEUTENANT GOVERNOR BROWN: Hearing none, thank you.

MR. STIRLING: Thank you.

LIEUTENANT GOVERNOR BROWN: DoIT, good morning.

MR. URBAN: Good morning, Lieutenant Governor, Madam Treasurer, Mr. Comptroller. I have seven items on the Agenda. I'll be happy to answer any questions for you. I'm Greg Urban with the Department of IT.

LIEUTENANT GOVERNOR BROWN: Anything?

TREASURER KOPP: Can you explain in three sentences apropos of 4-IT what a peering fabric is?

MR. URBAN: A peering fabric is where companies exchange data with each other directly as opposed to going through a third party intermediary.

TREASURER KOPP: Oh.

MR. URBAN: So in this case for example a company like Google, where we transmit data to and from Google, we connect directly to Google, and we also connect directly to other companies such as Amazon or Blackboard. And they are all in one location.

LIEUTENANT GOVERNOR BROWN: Compound sentences, but you did it in three.

(Laughter.)

TREASURER KOPP: Okay.

MR. URBAN: My mother was a teacher. That might have helped.

TREASURER KOPP: Okay. Thank you.

MR. URBAN: You're welcome.

LIEUTENANT GOVERNOR BROWN: Anything else? Okay, hearing nothing else the Comptroller moves approval, seconded by the Treasurer. All those in favor say, "Aye."

THE BOARD: Aye.

LIEUTENANT GOVERNOR BROWN: Any opposed?

(No response.)

LIEUTENANT GOVERNOR BROWN: Thank you, the Agenda is approved. And we'll go over to the Department of Transportation. Good morning.

MR. SMITH: Good morning. For the record, Secretary Jim Smith for MDOT. Good morning, Governor, Madam Treasurer, Mr. Comptroller. MDOT is presenting 13 items. If you have any questions we'd be happy to respond.

LIEUTENANT GOVERNOR BROWN: Okay. The Treasurer moves approval, seconded by the Comptroller. All those in favor say, "Aye." Any opposed? None. That's approved. Last is DGS. Thirty-nine items, I see.

MR. COLLINS: Yes, sir.

LIEUTENANT GOVERNOR BROWN: And can you have someone present Item 19, please?

MR. COLLINS: Yes, sir. Lieutenant Governor, may I introduce the Agenda, and then we will get to Item 19?

LIEUTENANT GOVERNOR BROWN: Sure.

MR. COLLINS: Yes. Good morning, Mr. Lieutenant Governor, Madam Treasurer, Mr. Comptroller. For the record, Al Collins, Secretary of the Department of General Services. We have 39 items on our Agenda today. We'd be glad to answer any questions you have at this time.

Mr. Lieutenant Governor and members of the Board, I would like to point out two items. Item 19-LL, which is the DNR Warrior Canine Connection project. Speaking on behalf of that is our Parks Director Nita Settina, and also Rick Yount is also here as the Director. But let me also point out Secretary Chow from the Veterans Department who is also here on this particular item.

And while they are coming up, Mr. Lieutenant Governor, I would mention Item 25-CGL, which is the Baltimore County War of 1812 project. Delegate John Olszewski was here someplace. Is he still in the room?

LIEUTENANT GOVERNOR BROWN: I don't even see him. Oh, he's back there hiding in the back.

MR. COLLINS: Yes, there are him and a couple of other folks from Baltimore County are here if there is any need to talk about that project. But this particular one is of special support and report to you as well.

LIEUTENANT GOVERNOR BROWN: So we are hearing on Item 19 now. And then Delegate Olszewski, you were going to present Item 25? Okay, great.

MR. HAMMOCK: Mr. Governor, thank you. Madam Treasurer and Mr. Comptroller, thank you very much. Item 19 is a lease agreement between the State and the Warrior Canine Connection. Rick Yount here --

LIEUTENANT GOVERNOR BROWN: Young man, you may have worked on this floor before but you still need to introduce yourself.

MR. HAMMOCK: I am Brian Hammock. I'm an attorney with Venable here representing Warrior --

LIEUTENANT GOVERNOR BROWN: Welcome back.

MR. HAMMOCK: Thank you. And this, in the four years I have been gone, this is the most meaningful project that I have had the opportunity to work on. This is a great organization, a great partnership with the State. And you know, I would be remiss if I didn't say that your staff, Lieutenant Governor, Maia, Secretary Chow from Veterans Affairs, Secretary Gill from DNR, have, you know, gone above and beyond to work with Rick and his organization to keep

them on State property, keep them working with wounded warriors, keep them training these service animals that are going in to work with our warriors returning from Iraq and Afghanistan. And I will turn it over to Rick and he can talk a little bit about the organization, if you would like.

LIEUTENANT GOVERNOR BROWN: Thanks.

MR. YOUNT: Good morning. My name is Rick Yount. I'm the founder and the Executive Director of the Warrior Canine Connection, who is a 501(c)(3) nonprofit. We work with returning warriors and veterans who are struggling with Post Traumatic Stress, and brain injury, and other post-deployment issues. And we engage them in the process of learning how to train our specially bred dogs and those dogs, and we are training the dogs to support other veterans by creating service dogs to help with mobility impairments. We work with servicemembers at Walter Reed Bethesda, and in the National Capital Region. And this lease is a tremendous opportunity to expand the outreach of this non-pharmaceutical integrated medicine approach to serving warriors. And it is just an honor to do what we are doing and to see the responses that we are seeing. And I just, I really appreciate all of your support.

LIEUTENANT GOVERNOR BROWN: Rick, thank you very much. What a great program. And I know you recently received, the program



received a little bit of coverage, national coverage, I believe. You guys are doing great work. I love the -- are you a veteran?

MR. YOUNT: No, sir. I am 26-years as a social worker.

LIEUTENANT GOVERNOR BROWN: Well I appreciate you and your service to veterans and wounded warriors, and that you are incorporating veterans and military members to train the dogs who are going to be used to support and service and provide that benefit to veterans and warriors. It is that idea of veterans serving veterans that you are facilitating. And I really, really appreciate that. I am glad that we are able to do something and partner with you in this very important program.

MR. YOUNG: As I said, sir, it is an honor to do, it is an honor to do what we are doing. Thank you.

COMPTROLLER FRANCHOT: So just, I'm just personally interested. The dogs are then, are they companions to injured warriors? Or are they actually put to work in some kind of capacity for the military?

MR. YOUNT: Once the dogs are fully trained, which takes about two years, and up to 40 or 50 wounded warriors will participate in the training of those dogs, once fully trained then we give those dogs free of charge to veterans to serve in the capacity as mobility service dogs.

COMPTROLLER FRANCHOT: Okay. So they actually help with seeing eye, they are kind of like seeing eye dogs? Or they are, what exactly -

TREASURER KOPP: What do they do?

MR. YOUNG: For mobility service dogs, more pulling wheelchairs, opening doors, retrieving items off of the floor, and helping with balance issues.

COMPTROLLER FRANCHOT: Perfect. Because I will tell you what else it helps with, when I get home to my yellow lab, that dog calms me down. Really. I mean, it's a, I just, maybe it's in the personality of these particular animals. But I cannot think of a better contribution to the, not just the physical mobility but also the mental well-being of our injured veterans.

MR. YOUNG: Well what we are finding with servicemembers with, especially with Post Traumatic Stress, that are involved in helping us train the dogs as part of their therapy while they are getting treatment, that we are seeing exactly what you are talking about. What many of us who have pet dogs experience, this calming, connecting aspect of that relationship. The training of a service dog requires a lot of affect and we work with folks who are very emotionally numb because of their training and their combat experience and we are pulling affect out by having them train these dogs. And it is that warrior

ethos, that core value, that motivation to help another veteran was what helps us in the success of this program. Because the only way that you can get a traumatized combat Marine who is emotionally numb to practice his Richard Simmons voice is tell him he has to do it for a fellow veteran. And we are finding that there are impacts on the family, because they are learning, relearning these skills, or retraining of skills, and pulling out affect, that they are taking home and employing with their children. And we are seeing a tremendous advantage on the families for folks who are trained to be warriors and needing retraining to be a dad or mom again.

TREASURER KOPP: How easily replicable is your program?

MR. YOUNT: Well I started this program at the VA at Palo Alto, California about six years ago and we brought it out to Walter Reed and now the National Intrepid Center. We have seven different programs where we are involving veterans in the training of our dogs. And this property is going to be a key aspect of allowing us to scale this up. Our plan is, many of the warriors that we work with who cannot be a Marine or a Seal or whatever branch they are in, but want to continue in the sense of serving others, we will now be able to bring them onto the site and train them as apprentices and residents so that they can then go out and help staff other programs around the country.

We are involved in some research. The Department of Defense is appropriating funding to research what we are doing with the dogs at Walter Reed and we are working with the Uniformed Services University. So there's several things going on that are looking very positive for the expansion of this program modality.

TREASURER KOPP: And your, your business, your headquarters is actually in Brookeville?

MR. YOUNT: Correct.

TREASURER KOPP: That's great.

LIEUTENANT GOVERNOR BROWN: Okay, thanks again.

TREASURER KOPP: Thank you.

LIEUTENANT GOVERNOR BROWN: We appreciate it.

MR. YOUNT: Thank you very much.

LIEUTENANT GOVERNOR BROWN: Anything else on this item? Great, thank you very much. Item 25? Thanks, Secretary Chow.

COMPTROLLER FRANCHOT: Oh, I did want --

LIEUTENANT GOVERNOR BROWN: Thanks, park ranger. What is the park ranger's name? Please identify yourself?

MS. SETTINA: My name is Nita Settina. I am the Superintendent for the Maryland Park Service.

LIEUTENANT GOVERNOR BROWN: Superintendent, great.

MS. SETTINA: Yes.

LIEUTENANT GOVERNOR BROWN: Thank you very much for what you do.

MS. SETTINA: Thank you. Thank you for your support.

COMPTROLLER FRANCHOT: Governor, if I could?

LIEUTENANT GOVERNOR BROWN: Yes?

COMPTROLLER FRANCHOT: I just wanted to give a shout out to Secretary Chow. Could you stand up for a minute, Mr. Secretary? I have traveled to every nook and cranny of the State of Maryland. And I promise, if there is anyone who has done more visits to more places, it's the gentleman standing before you and it is all on behalf of our veterans. And I just thank you very much.

(Applause.)

DELEGATE OLSZEWSKI: Governor, good morning.

LIEUTENANT GOVERNOR BROWN: Hi, good morning.

DELEGATE OLSZEWSKI: Mr. Comptroller, Madam Secretary, for the record, Delegate John Olszewski from District 6. If I may, may I have Mr. Jay Doyle from Baltimore County come up --

LIEUTENANT GOVERNOR BROWN: Yes, absolutely.

DELEGATE OLSZEWSKI: -- since he is very familiar with the project. But I just want to thank the Board and the State for recognizing the importance of this parcel of property in Baltimore County. Many people know around the State, you know, the Star-Spangled Banner and all the history at Fort McHenry, but what a lot of people don't know is that had it not been for the efforts of people along the North Point Peninsula, that story would have never been told. And so this has actually been a long-neglected parcel of history.

At the initial 100-year anniversary there was this monument built here at Battle Acre Park commemorating the 24 Maryland militiamen who fought bravely in this battle. But since then it has fallen into quite a bit of neglect and I want to thank Mr. Doyle, Ms. Winkler representing County Executive Kamenetz, the State, and a lot of local interested stakeholders for their interest in restoring and protecting this important part of our State and national history. So I just want to say thank you for the opportunity.

LIEUTENANT GOVERNOR BROWN: Thank you. Mr. Doyle, do you have anything to add?

MR. DOYLE: My name is Jay Doyle. I am with the Baltimore County Department of Planning. And we are grateful to have the support of the Maryland Department of General Services and the Maryland capital budget to improve Battle Acre. As Delegate Olszewski said, it is an immensely important

commemoration, a historic parcel relating to the War of 1812 in Baltimore County where citizen soldiers defended these shores from the British invasion.

It is a one-acre parcel. As modern development came in to this footprint, the road was placed too close to the edge of the park, which has a wrought iron fence which dates to 1914. We are moving that fence back from the road and we are establishing a 20-foot wide sidewalk where no sidewalk presently exists. So there was a public safety concern at this parcel. We are going to address that. We have historic granite columns that are going to be restored. And we have a center monument which will be cleaned and repainted. I'm happy to address any questions you may have.

LIEUTENANT GOVERNOR BROWN: Anything?

TREASURER KOPP: No. Simply to point out that among all the people to be recognized is the Maryland General Assembly and the Delegate who has somehow shrunk to the background, without whom, in fact, these funds would not have been appropriated. It sounds like a great investment.

DELEGATE OLSZEWSKI: Thank you.

MR. DOYLE: We are very grateful.

LIEUTENANT GOVERNOR BROWN: Great State/county partnership restoring an important historic site, making it more accessible. That is wonderful. So great, thank you very much. Anything? Yes?

TREASURER KOPP: It's sort of ironic that Governor O'Malley is not here.

LIEUTENANT GOVERNOR BROWN: I know.

TREASURER KOPP: Since we hear from him about North Point all the time.

LIEUTENANT GOVERNOR BROWN: I know. Yes.

DELEGATE OLSZEWSKI: Well I think the National Park Service is actually planning a really big event on September 11th, if I have the date right, where they are going to commemorate that the Battle actually took place. And it will be nice to have this park be in pristine shape for that. So I'm sure the Governor will be invited and hopefully he can make that, as well as the rest of the Board.

MR. DOYLE: The North Point State Battlefield is 300 feet away from Battle Acre, and these two sites work as companion sites. And Nita Settina is here and she has been, you know, working diligently with the National Park Service, it is a team effort, to have these North Point sites properly outfitted and commemorated for the bicentennial.

LIEUTENANT GOVERNOR BROWN: Good. Anything else on this item, or any other item on the DGS calendar? Yes?



COMPTROLLER FRANCHOT: I hesitate to bring this up. Oh I'm, you guys are great. Thank you.

LIEUTENANT GOVERNOR BROWN: Thank you.

MR. COLLINS: Yes, Mr. Comptroller?

COMPTROLLER FRANCHOT: Yes. I have tremendous respect for the Secretary of DGS but there is Item 5, which just to be consistent is a \$462,000 contract to a Rockville based firm named BTI Security to provide uniformed guard services at the Arbutus Catonsville District Court/Multi-Service Center. Apparently we are dealing with a situation where only one vendor submitted a responsive bid. I understand another vendor was rejected. But --

LIEUTENANT GOVERNOR BROWN: Which item number is that?

COMPTROLLER FRANCHOT: It's Item --

MR. COLLINS: Item 5-M.

COMPTROLLER FRANCHOT: 5-M. So I hate to end on this note. But it is a single bid award for essentially security services, which is not a particular specialized field. How did we end up with just one bid? And just for the record, who is the incumbent vendor?

MR. COLLINS: This is Nancy Hevey, the Director of Procurement for the Department of General Services.

MS. HEVEY: Good morning, Comptroller.

MR. COLLINS: She is, we looked at this item with the same questions from me, Mr. Comptroller --

COMPTROLLER FRANCHOT: Uh-huh.

MS. HEVEY: The incumbent? I'll get you that in a minute. But as far as why we only had the one bid, the one bidder was rejected. They had failed to meet their MBE goal compliance on a number of contracts. So we had been rejecting them for times they have been coming up for consideration for award. So that is why they were rejected. And I'll get my backup to get the incumbent on that bid.

COMPTROLLER FRANCHOT: I take it it is not BTI?

MS. HEVEY: I'm not sure. I'll just ask for it now. The incumbent is Defensive Security, and that was the one that was rejected for failure to meet their MBE goal compliance.

COMPTROLLER FRANCHOT: Well you understand my concern. This is not, this is a uniformed guard security contract.

MS. HEVEY: Yes, uh-huh.

COMPTROLLER FRANCHOT: There should be several bids that are valid and we only have one because the incumbent apparently has not done a good job. That's okay by me. But how do we know this is, even though it is a

relatively small amount of money to us, it is a large amount to the average voter or taxpayer. What harm would come if we asked you to go out and bid this in a way that gets at least one or two other bids?

MS. HEVEY: Well if I can be candid, the other issue that would have restricted the bids, sir, was the fact that it had a performance bond on it.

COMPTROLLER FRANCHOT: Excuse me?

MS. HEVEY: It had a performance bond. The contract had, the solicitation had a requirement for a performance bond.

COMPTROLLER FRANCHOT: I understand that. But this is still a pretty -- well, I don't want to say that it's not important activity. It is. But it certainly isn't highly specialized and exclusive and having a bond is not that, I assume every security company has that. So anyway, Mr. Secretary, did you, do you have any input as to what we should --

LIEUTENANT GOVERNOR BROWN: Well before you ask the Secretary something --

COMPTROLLER FRANCHOT: Well okay, yes, no.

LIEUTENANT GOVERNOR BROWN: -- because you made a comment and it looked like there may have been a different view on that comment.

COMPTROLLER FRANCHOT: Okay.

LIEUTENANT GOVERNOR BROWN: The Comptroller said something about every, he assumed that all of these firms have a security, or what do we call it?

COMPTROLLER FRANCHOT: A performance bond?

LIEUTENANT GOVERNOR BROWN: Performance bond. And you seemed to be maybe not in agreement?

MS. HEVEY: Well if you look at the contracts that were just approved by the Board at the last Board, we had three guard, uniformed guard contracts, that were all small business reserve, as well as this one, but none of them had performance bond requirements on them. And we had a good bid spread on those. I think that the performance bond may have held back some of the bidders from bidding. I think that they were bidding on the ones that might not have had the performance bond requirement.

TREASURER KOPP: Why is it necessary to have a performance bond on this and not on the other --

MS. HEVEY: Well in this particular case what had happened in this facility right before the last bid was a termination for default before Defensive Security was in there. And we were having a number of them. And so the facility, it was included in the specification. Actually, as the Director of Procurement at DGS, I have already told the Secretary, and I was going to review

it with the Procurement Advisory Council tomorrow, I think we should include a performance bond requirement in our guard contracts. I think the security risk is really high and we have had a number of T for Ds. And if you take a look at the bids at the last Board, the competition has gotten incredibly aggressive, so much so that the other bidders are actually complaining to us about how competitive it is.

If you take a look, our procurement officers have been very concerned because there is a living wage requirement on these contracts. And the living wage might be \$13.19 and yet we are awarding an hourly bid rate of \$16 and some. And the contractors meet the responsibility requirements. We cannot reject them for not responsible because they have comparable experience within the State. We cannot reject them as not reasonable because the very next bids substantiate. There is a beautiful spread. It's a beautiful spread. But they have gotten incredibly aggressive and competitive and it was, it has been very concerning to us. It is very hard for us in good conscience to continue with these awards, how aggressively competitive it has gotten.

And it has also been very difficult for the contractors themselves to make the MBE goals because of the competitive nature. Their MBE that they sign up with doesn't want to continue because they cannot make the, they have a very narrow profit margin available in the contract.

MR. COLLINS: Madam Treasurer, what she didn't say is that as we looked at the turnover factors in these contracts, it is necessary for us to try to get some guarantee of performance because the spread is so small that they come in wanting to do the work, but then we find that they turnover.

MS. HEVEY: Thank you.

MR. COLLINS: Because the profit margin is so small that they simply fail. So this, the performance bond --

TREASURER KOPP: So you are saying the performance bond would --

MR. COLLINS: Hopefully will ensure that they are --

MS. HEVEY: We need the surety. We definitely do need the surety.

MR. COLLINS: Right.

MS. HEVEY: I think it is critical on the guard contracts. On a --

TREASURER KOPP: But will it result then in single bids?

MR. COLLINS: We hope not. I mean, we don't think so.

LIEUTENANT GOVERNOR BROWN: No, what is the plan to work with the industry to build capacity so that they, so more will come in with the performance bond component to the bid?

MS. HEVEY: Well there are, in our bonding clauses that are in the contract, they give them other measures to take to provide different levels of surety other than the performance bond. But I do believe that within our bidding community we have a number of guard contractors that will, that will certainly be able to meet the bonding requirements. I just think that there were so many guard bids out recently and they just all went for the ones without the performance bond, there were so many bids out. I think we had like five or six out at the same time.

LIEUTENANT GOVERNOR BROWN: Mm-hmm.

MS. HEVEY: So there was just a lot more competition in the ones without the bond.

MR. COLLINS: Mr. Lieutenant Governor, if it helps, I will withdraw this item just because I think we have done a lot of work on it but --

LIEUTENANT GOVERNOR BROWN: Look, I am comfortable with it. I mean, I am comfortable with it. But you know it's--

TREASURER KOPP: No, I agree. I, you sent out 355 notifications. Were there 355 you felt were qualified, I mean that's just a huge number.

MS. HEVEY: What happens is the eMaryland Marketplace system notifies the bidders who have profiled their business as providing guard service.

TREASURER KOPP: Of any sort.

MS. HEVEY: So that is how they receive an email notification that there is a bid that is related to their service.

TREASURER KOPP: And the 180 MBEs, is that in addition or --

MS. HEVEY: That is within the 300.

TREASURER KOPP: Within the 300.

MS. HEVEY: Yes, ma'am.

TREASURER KOPP: And you received two bids?

MS. HEVEY: Yes, ma'am.

LIEUTENANT GOVERNOR BROWN: I just think that we are going to need to make sure that we have got a plan in partnership with the industry so that we are building capacity.

MS. HEVEY: Absolutely.

LIEUTENANT GOVERNOR BROWN: Because we like competition --

MS. HEVEY: Yes, we do.



LIEUTENANT GOVERNOR BROWN: -- but not competition that is going to have bids that are not sustainable. We like competition and so we need to make sure that we are, we understand the needs of the industry so that they can serve our needs.

MS. HEVEY: Exactly. Thank you, sir.

COMPTROLLER FRANCHOT: Well I am going to be a very soft no just because I have a lot of respect for Secretary Collins. But I do think this is an instance where, well, I would be delighted if you withdrew it. But if that's not the will of the Board, I certainly don't want to see single bid contracts come down because they have performance bonds. That doesn't, that's not a good resolution. But I do note that it's not the incumbent that is getting this. And obviously, as I have said, Secretary Collins is someone that we all have a lot of confidence in. But be that as it may, whatever the will of the Board is.

TREASURER KOPP: I actually am comfortable with this one if we are looking at the generic issue. It is an important, and we have to have security at the courthouse. Years ago my daughter was a reporter at a courthouse in Atlanta where a man came in a shot a judge and was, she loved it, she was a reporter. But it was a, I don't think she loved it but it was a great story. But these are very real dangers.

MR. COLLINS: And we are trying to improve, guarantee the service, improve the service.

TREASURER KOPP: But some way, if we require, you say you want them to have skin in the game, a bond --

MS. HEVEY: Yes, a surety. When they default it is very difficult to get another --

TREASURER KOPP: Yes.

MS. HEVEY: -- contractor in place, you know, in a timely fashion.

TREASURER KOPP: Well maybe just look at this problem.

LIEUTENANT GOVERNOR BROWN: How much time do you need if you just come back, it doesn't need to be anything elaborate, but just to kind of come back to the Board and tell us what your thoughts, your plans are to build that capacity in the industry? How much time do you need?

MR. COLLINS: I think we can come back probably the first meeting in July. Because I have already asked the staff. They are going to review this with the Policy Advisory Committee tomorrow. Because we want to make sure that we are doing exactly what you are talking about.

LIEUTENANT GOVERNOR BROWN: Good. So come back to the Board, let us know what your thoughts are, what the way ahead is on this. Any other comments on this item or any other item in DGS?

COMPTROLLER FRANCHOT: Okay.

LIEUTENANT GOVERNOR BROWN: Okay. Seeing none, let's see --

SECRETARY MCDONALD: Are we pulling this item?

MR. COLLINS: Item --

LIEUTENANT GOVERNOR BROWN: We have to pull this one out separately.

SECRETARY MCDONALD: Are you, Secretary Collins is withdrawing the item?

LIEUTENANT GOVERNOR BROWN: No, no --

TREASURER KOPP: No.

MR. COLLINS: No.

LIEUTENANT GOVERNOR BROWN: Pull it out separately. What is it, Item 5?

MR. COLLINS: 5-M.

LIEUTENANT GOVERNOR BROWN: Okay. So the Treasurer moves, I second on Item 5. All in favor, "Aye." No, the Comptroller. That one

is approved. The rest of the Agenda, the Comptroller moves approval, seconded by the Treasurer. All those in favor say, "Aye."

THE BOARD: Aye.

LIEUTENANT GOVERNOR BROWN: "No," opposed. That's done. Move to adjourn. That's done. Have a nice day.

(Laughter.)

(Whereupon, at 11:05 p.m., the meeting was concluded.)

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