
STATE OF MARYLAND
BOARD OF PUBLIC WORKS

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

June 20, 2018
10:11a.m.

PRESENT

HONORABLE BOYD RUTHERFORD,
Lieutenant Governor

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Treasurer

HONORABLE PETER FRANCHOT
Comptroller

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PROCEEDINGS

LIEUTENANT GOVERNOR RUTHERFORD: Well, good morning. You can see from the size of this book we have a large Agenda so I'm not going to spend a lot of time speaking, other than say good morning. And don't tell me the scores of the soccer matches because I'm recording them for later. And anyone who does, there are troopers there to take you out --

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: -- and since they are troopers, it's not police brutality if they hit you. So, okay. Madam Treasurer?

TREASURER KOPP: Good morning. I was going to go through all the games and scores but --

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: Well there's probably one still playing right now.

COMPTROLLER FRANCHOT: There is.

TREASURER KOPP: I won't, I won't do that.

(Laughter.)

TREASURER KOPP: I just wanted to mention three things this morning that I think are of particular interest to the Board of Public Works and the folks here.

The first was, since it's been five weeks since we met last and the Governor, Lieutenant Governor, just mentioned in the other room Ellicott City and Columbia.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

TREASURER KOPP: That has happened since we were last. Mr. Secretary, the Climate Change Commission met yesterday. And clearly our weather, whether you can tie a specific storm and a specific tragedy like that to climate change or not, there's no question it's becoming less stable and our planning and our adaptation and the resilience of our State and our counties and our cities and our people are going to depend on the actions that are taken here in Annapolis, I believe, in the next short term, few years, before we have to start really building big-time. And Secretary Belton is the Chair of the --

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

TREASURER KOPP: -- of the Committee on Resilience and Adaptation of the Climate Change Commission. And I think his group is doing a lot of work. The people don't know enough about the work that is being done. And I think all the folks in this room should know and then be able to talk to all their constituents and all their people out there that they work with and know that things are being done. Much more has to be done that, but we're making, we're making progress. While we do obviously care so much about the people who have been impacted, the families and the retailers, the folks who are in a particular

place, Ellicott City for instance, we've got to look statewide and make sure that we do all we can to enhance the resiliency of Maryland. That was one.

The second was, I was so pleased to see yesterday, I have, I have criticized Governor Hogan about some things in the years past. But the action he took yesterday, recalling Maryland National Guardsmen from New Mexico until this terrible policy of family separation is stopped I think was such a good move and another reason to be proud of Maryland.

And the third, a sadder one, since we met last we've lost our former colleague Ted Sophocles, with whom both the Comptroller and I served in the General Assembly. A man whom, as Speaker Busch said, had a heart bigger than life, a good person, a person dedicated, whether he was in county government or State government. Jim worked with him, too, in the Legislature. And he will be sorely missed. And our sympathies go to his family and to the whole Anne Arundel County community, who will miss him. But he lived a very good life and we appreciate it. And thank you, Governor.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you. And thank you for recognizing the Climate Change Commission and Secretary Belton's role, and Secretary Grumbles is very much involved in it as well.

TREASURER KOPP: Secretary Grumbles is the Co-Chair, actually --

LIEUTENANT GOVERNOR RUTHERFORD: Yes.

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(Laughter.)

TREASURER KOPP: Of the whole --

LIEUTENANT GOVERNOR RUTHERFORD: Yes. So thank you for that. And you know, of course, a lot of credit goes to Howard County's emergency response personnel. The Governor and I went out there that evening and, you know, actually had to wait until the water receded before we could go down on Main Street. And I had been there the night two years ago, that night, and it actually was worse this past time than it was two years ago. Particularly in terms of the infrastructure damage that took place. And so it's a real challenge and a lot of planning has to go into what we can do to divert water from coming down the way it did the other night.

Mr. Comptroller, sir?

COMPTROLLER FRANCHOT: Yes, thank you. I didn't know the Lieutenant Governor was a soccer fan.

(Laughter.)

COMPTROLLER FRANCHOT: My team in the World Cup this year is Iceland.

(Laughter.)

COMPTROLLER FRANCHOT: I guess they are out, but already maybe but --

LIEUTENANT GOVERNOR RUTHERFORD: No, no, no. No, they're not. No, they're right in it. Right in it.

COMPTROLLER FRANCHOT: This tiny little country tied Argentina in --

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

COMPTROLLER FRANCHOT: -- I think everybody in the world probably feels sorry for Argentina. But thank you for mentioning the World Cup. It cheered me up. And who, what's your favorite team?

LIEUTENANT GOVERNOR RUTHERFORD: I'm rooting for Belgium.

COMPTROLLER FRANCHOT: Wow. Okay. Germany.

LIEUTENANT GOVERNOR RUTHERFORD: They got beat by Mexico.

COMPTROLLER FRANCHOT: England, right here.

LIEUTENANT GOVERNOR RUTHERFORD: And Mexico looked better.

LIEUTENANT GOVERNOR RUTHERFORD: England, I, I like England because I follow the Premier League. But --

COMPTROLLER FRANCHOT: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: -- I don't, I don't think they are going to make it.

COMPTROLLER FRANCHOT: Well the biggest upset in World Cup history was 1950 when a group of amateur American soccer players went over as a kind of pickup team to play in the World Cup and defeated mighty England one-nothing. And the team felt so bad for beating England, because it was such a humiliating embarrassment, that they apparently went over the next day and just kind of tried to comfort the English team. But in the annals of World Cup playing, it is the most shocking result of a match by a long shot. So keep an eye on Iceland and --

(Laughter.)

COMPTROLLER FRANCHOT: Lieutenant Governor, thank you. I think that's interesting information. And I'm delighted to hear you're a soccer fan.

I just wanted to echo the sentiments of the Treasurer about, and frankly Marylanders and fellow Americans from every part of the nation, who are very appalled and confused and unhappy by the Trump administration's treatment of migrant children and their families. And I think what's most disconcerting for Americans is that the White House seems to enjoy their position. Everyone seems to be, oh this is good, we're showing strength with zero tolerance. Reports of high-fives of the staff in the White House.

This has nothing to do, in my opinion, with being a liberal or a conservative or about one's views on immigration or what party you're in or

whether you like Trump or don't like Trump. This is just a matter of basic, fundamental human decency. And what we're seeing down on the border is nothing short of an American disgrace.

We have a nation of laws. We fought, defended fundamental values and principles. And those values and principles are frankly being desecrated right now. It's time for all of us, Democrats and Republicans alike, to come together as Americans and speak out about the harsh, heartless tactics. And I commend members of Congress, several of them, Elijah Cummings who was on the news last night, and also Chris Van Hollen, our U.S. Senator, who went down to Texas. My wife wants me to get on a plane and go down there. That's how -- and she's a very levelheaded, normal person. But you know what I'm talking about. People want this policy stopped and they do not buy the lies, really, that this is somehow a Democratic responsibility on the Democrats. It's just wrong. And the President should pick the phone up. In five minutes he could call it off.

I want to especially salute Governor Hogan because he is a Republican, yet he has come out with a policy that not only is something where he speaks out against this mistake that has been forced on the country, but he actually did something in pulling back the helicopter and the four Guardsmen. And I think that the fact that the Governor of Virginia, a Democrat, and the Governor of North Carolina, a Republican, did the same thing is, you know, hats off to them. Hats off to all of the governors, Republican and Democrat, who have

stood up. Because obviously when you do that, if you're a Republican, you risk becoming the target --

MR. PORTS: I have no idea what that was.

COMPTROLLER FRANCHOT: That's the Deputy Director --

MR. PORTS: Still.

COMPTROLLER FRANCHOT: Yeah --

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: Soon to be former.

(Laughter.)

COMPTROLLER FRANCHOT: So I want to just applaud the elected officials, particularly Republicans, who are standing up. Because obviously this President takes great pleasure in inflicting punishment on people where he can and he does it frequently. So it's not easy for Republicans to stand up and say this is wrong. But they are doing the right thing.

Frankly I cannot fathom the idea that anyone would use as a bargaining chip separating toddlers and infants from their parents. I can't imagine what kind of trauma that inflicts upon those young, innocent individuals who are alone and seemingly abandoned in a cramped jail cell. Those of you that saw the six-year-old repeating her aunt's phone number, pleading that someone call her aunt. Really. She traveled 2,000 miles from Guatemala and she's crying for her

parents and she has memorized, that's the only thing she has in her head is the phone number of her aunt in Brownsville, Texas.

So I assume that it's going to come to an end, because this is the United States of America and there is one individual that controls this who can change it immediately. And I assume that there is some sense of responsibility somewhere in these heartless actions and that this decision hopefully today will be reversed. Thank you, Lieutenant Governor.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you. I want to thank you and the Treasurer for recognizing the Governor's courageous move. With that, we'll turn to the Secretary's Agenda.

SECRETARY MCDONALD: Good morning, Governor, Madam Treasurer, and Mr. Comptroller. We have 32 items on your action-packed Agenda this morning. We have eight reports of emergencies. Item 32 is a hand-carried item, which if approved will authorize a bond sale on August 1st. We are withdrawing Items 2 and 29. We're ready for your questions

LIEUTENANT GOVERNOR RUTHERFORD: There's an emergency item, A2, that I just wanted to point out a typo.

SECRETARY MCDONALD: Okay.

LIEUTENANT GOVERNOR RUTHERFORD: So since this is going to be a long meeting, I want to point to every typo and grammatical error --

SECRETARY MCDONALD: All right. Well I think I'm going to take it on the chin for this one.

LIEUTENANT GOVERNOR RUTHERFORD: No, we don't need anyone to talk about it. So just --

SECRETARY MCDONALD: And I think it's my typo because I probably edited this for the --

LIEUTENANT GOVERNOR RUTHERFORD: No, just to --

TREASURER KOPP: Can I just mention, Governor, it's my understanding that the Board will be meeting one week later, or eight days later than usual?

SECRETARY MCDONALD: We have, are you agreeing to that date, yes. I mean, okay, so --

TREASURER KOPP: All right. So --

SECRETARY MCDONALD: We haven't told anybody because we were waiting for --

TREASURER KOPP: Well the reason I'm saying that is just that I want to make it clear that the bond issue, Item 32 --

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

TREASURER KOPP: -- was hand-carried in order to be able to advertise the sale at an appropriate time. It can be, it should be approved today. It's quite candidly a lot of the language you've seen before.

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LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

TREASURER KOPP: It's the same language. It's for approximately \$500 million in new money. Since we can't do refundings anymore courtesy of the United States Congress and President -- by the way our State made over \$350 million, the taxpayers gained, because of refunding since I was first elected.

LIEUTENANT GOVERNOR RUTHERFORD: Oh, excellent.

TREASURER KOPP: They killed that --

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

TREASURER KOPP: -- unless we can get it back again. But the bond sale is not changing. The terms of the bonds are not changing. But we have brought it for approval today instead of two weeks from now --

SECRETARY MCDONALD: -- July, correct.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

TREASURER KOPP: Just to make sure it's there.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

TREASURER KOPP: So I just didn't want anybody to think because it's hand-carried there's anything particularly unusual about it.

LT. GOVERNOR RUTHERFORD: Okay. Thank you.

COMPTROLLER FRANCHOT: If I could just mention, along with the bond sale, thank you, Madam Treasurer for shepherding that, we will be

voting today on \$1.7 billion in taxpayers' money. Not authorizing, we're not legislating, we are actually voting on --

LIEUTENANT GOVERNOR RUTHERFORD: Approving. Right.

COMPTROLLER FRANCHOT: -- approving the contracts for the expenditure of \$1.7 billion. So every once in a while I kid people I put my hand down in the seat cushion and there's a couple of hundred thousand dollars there. This is a wealthy State we're in and there's tremendous resources. And today is just one of whatever it is, 27 or 26 meetings during the year, of this Board. And I think we average \$450 million at each meeting over the year. But this is a particularly large amount --

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

COMPTROLLER FRANCHOT: -- of projects and --

LIEUTENANT GOVERNOR RUTHERFORD: Well being a relatively, if not completely cheap guy, don't remind me of how much money we're spending.

(Laughter.)

COMPTROLLER FRANCHOT: I was wondering why the Lieutenant Governor got picked to --

LIEUTENANT GOVERNOR RUTHERFORD: Yeah. It was my punishment, I think. I do want to reference Item 11 on the Secretary's Agenda,

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the Natural Resources, Chesapeake and Land and Coastal Bay Trust. And I'm only referencing it from the standpoint of the grant to Parks and People Foundation, which do an extremely good job. And I want to say if anyone is here from Parks and People, I did get the invitation to the Ambrose Kennedy Park opening. But I won't be able to attend. So that's kind of an announcement. I think I already sent an RSVP, not able to attend that.

Item 23 is Morgan State's. I see Dr. Wilson and the Chief Financial Officer. Can you come up and talk about Morgan State Northwood Commons?

DR. WILSON: Good morning, Lieutenant Governor Rutherford, Treasurer Kopp, and Comptroller Franchot. I'm very pleased to be here this morning to talk about a project that Morgan State University has been working on for several years, indeed for decades. And it almost is coming to fruition. And so I just want to take a couple of minutes to give you a brief recapitulation of it and then I and my Chief Financial Officer are here to address any details that you have.

Morgan is indeed an anchor institution in the City of Baltimore. The State Legislature last year signed into law, Governor Hogan signed into law, a bill designating Morgan as Maryland's preeminent public urban research university. We have taken that destination very, very seriously. And are looking

at the role that we will play in economic development and community development in the area in which we are anchored.

On yesterday you may have read that we released the very first economic and social impact study of Morgan State University, basically concluding that Morgan has a \$1 billion economic impact in the State of Maryland, \$584 million of that in Baltimore City. And so we are indeed taking very, very seriously our anchor status and the role of Morgan as the urban preeminent public research university.

With that said, we have a shopping center that literally is on our campus, it literally is. You step off the campus here and you step on the campus of the shopping center. And over the decades, it has deteriorated. It has become a site of crime. It is an eyesore of the highest order. And so about six years ago, I started having conversations with the owners of that center, saying here's the vision for Morgan and show me the vision for the center. Because we are moving in different directions and we want our neighborhoods and our communities to move along with us. And we are living in a desert, there's no place to get food, there's no place for students or neighbors or residents to go and get anything.

And so the vision that came forward initially was one that quite frankly was not in comportment with the vision of Morgan and where we wanted to see the institution go, especially given the investments that the State has made in us and the buildings that we had erected on that site. And so we went through a

period of back and forth where finally a vision came forward that we felt was certainly in the best interest of all of the neighborhoods that abut the campus and also in comportment with the direction that Morgan was taking.

And so with that in mind, we have been engaged in dialogue to partner with the developers of that particular Northwood Shopping Center. And the partnership will be a two-pronged partnership. The first part of it is where we will be leasing a facility in that shopping center, once everything is razed and it is going to be completely redeveloped, to move our on campus bookstore to that site where for the very first time it would be a co-branded bookstore. We sent out an RFP and Barnes & Noble actually won that RFP and they will actually run the bookstore for us on that site. This is similar to what you see at the University of Baltimore, at Johns Hopkins, and some other institutions that have gone down this path. The bookstore will have in it a café, a Starbucks café, and gathering amenities for our students. In essence the students are very excited now that we are able to bring literally to them amenities that students on other campuses have had for years.

The second part of the partnership will involve the building of a public safety building on the campus. Our police officers are now housed in dilapidated, outdated facilities and this is an opportunity for us also to build on that site a new space for our police facilities.

But today, Item 23 is one where we are asking the Board of Public Works' approval for the lease between Morgan State University and the developers that will commence this partnership in earnest. And I'll stop there and see what questions you have that either I or Sidney Evans, our Vice President for Finance and Management, may be able to address.

LIEUTENANT GOVERNOR RUTHERFORD: Before we get to the lease itself, can you talk a little bit about, and this may be somewhat, you know, self-serving because I'm very much, you know, interested in the development and the redevelopment of the whole center, to talk about what the concept is. That you've had discussions with the community, with the owners, for the shopping center that will become, you know, Northwood Commons, versus Northwood Shopping Center.

DR. WILSON: Yes. And that's a great segue, Lieutenant Governor, for me to also express my appreciation to you and your leadership for your involvement in this project, for Senator Joan Carter Conway's leadership, and for others that have actually played a role in bringing it to this point.

The concept is one where we will have a number of shops over there now and restaurants that the community has said this is also going to serve the needs of the community in addition to the needs of Morgan State University. Indeed we went through a period of about four years where we brought the community on board with us, because initially we were looking at a multi-use

development, with student housing above retail. But that really did not go over very well with the community. And then we went back to the drawing board and we rethought the concept in a way that would still achieve these goals that I spoke about earlier.

And so what the developer has now put on the table is that there are soft commitments now for a number of restaurants in the first phase. There will be a new pharmacy that will be built on that space in the first phase, and also a McDonald's, an old dilapidated facility there. They are razing that and building a new store closer to Loch Raven. And so that entire site that you see now called Northwood --

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

DR. WILSON: -- will be razed and there will be a town center concept. In essence there will be retail on both sides of that town center instead of a "strip mall."

In the second phase, I have met with the developer, with several potential supermarkets that would be interested in anchoring the second phase. And so we are very hopeful that in the second phase that will happen. And I think the developer is also having discussions with a 24-hour urgent care facility that will be there as well. And so, these are amenities that that neighborhood, or those neighborhoods, have just simply not had there in 60 years. And so, Hecht's

Supermarket was there, and the ice cream parlor, and all of that dating back to the 1950s and 1960s.

LIEUTENANT GOVERNOR RUTHERFORD: Right. Thank you.

TREASURER KOPP: Could I just urge you, we were discussing earlier climate change and remember the discussions of permeability, impermeability, etcetera. When you look at these plans, particularly since it's going to be a community center as well as a center for the University, to put green where you can, to make it a pleasant place. The potential is so great and looking at the plans, I mean, you've got a lot to work with there. And I think it just could be a wonderful model of very comfortable urban living that fits so well with the Morgan campus, which as you know I've always felt was just a beautiful campus. I just urge you, urge them to --

DR. WILSON: But --

TREASURER KOPP: -- urge them to, I know --

LIEUTENANT GOVERNOR RUTHERFORD: Right. The owners, right.

DR. WILSON: Yeah, we would certainly urge the owners to heed those suggestions. Because this is in comportment with what we have embraced at Morgan in terms of sustainability.

TREASURER KOPP: Right.

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DR. WILSON: When you look at our new buildings, of course we have green roofs --

LIEUTENANT GOVERNOR RUTHERFORD: Right.

DR. WILSON: -- and they are qualified for LEED certification. And so we also are looking at our campus --

TREASURER KOPP: Right.

DR. WILSON: -- with regard to sustainability and lowering our carbon footprint.

TREASURER KOPP: So they build something that not only provides good services but does it in a way that makes it look like Morgan, I think.

DR. WILSON: I hear you.

TREASURER KOPP: Could I just say one thing about the lease?

LIEUTENANT GOVERNOR RUTHERFORD: Yeah. Oh yeah, please.

TREASURER KOPP: We've discussed this. As you know, Mr. President, there is a process that we have to go through to determine whether something is an operating lease or a capital lease. And it makes a difference both in reporting and in the process that's required for approval. And to make sure that we get both the development that we want and do it properly in terms of this process, I have an amendment that I would share and I would like to propose it.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

TREASURER KOPP: I hope and believe you all agree with. And let me just say if this turns out to be an operating lease, which in fact you didn't have to bring to us, I appreciate very much the fact that you did bring it to us. Because it's good news to share, this development. But the amendment reads, "this approval is conditioned upon receipt by the Treasurer of documentation which in the Treasurer's sole discretion demonstrates that the lease does not constitute a lease meeting the criteria set forth in Section 12.204(d)(1) of the State Finance and Procurement Article of the Annotated Code." That's simply the article that describes a capital lease as opposed to an operating lease. "The lease may not be executed by Morgan until such time as the Treasurer has made a determination that satisfactory documentation has been provided." If it turns out that it's an operating lease, that's it. If it turns out that it's a capital lease, there's a process that we'll go through and I assume in the end we will have the development that we all want. But I hope this language is, you find appropriate and the Governor and Comptroller as well.

LIEUTENANT GOVERNOR RUTHERFORD: This doesn't interfere with your financing and the project? I know that was a concern early on.

DR. WILSON: We don't think that it will. We have provided the documentation. We'll provide additional documentation. I think there is a timing issue --

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

DR. WILSON: -- and I see no reason why the decision here could not be made in an expedited manner so we can get back with the developer and not hold up the financing.

TREASURER KOPP: But you do understand we didn't get the information until 3:30 or 4:00 yesterday afternoon.

DR. WILSON: That's right.

TREASURER KOPP: And it does take some time to go through it.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

DR. WILSON: That's correct.

COMPTROLLER FRANCHOT: I just want to thank the President for his eloquent support. But I notice you have an iconic figure in the room, a member of your Board of Regents.

DR. WILSON: Yes, we do.

COMPTROLLER FRANCHOT: And I wonder if Mr. Resnick could come up for a second? Because if he says it's okay, it's okay with me.

(Laughter.)

LT. GOVERNOR RUTHERFORD: Oh it is --

MR. RESNICK: Good morning.

LIEUTENANT GOVERNOR RUTHERFORD: Good morning.

Welcome home.

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(Laughter.)

MR. RESNICK: It's a pleasure to be here with all of you here. And I'm sure I'm taking time from everybody here who is here not to hear me speak or be honored today. And I appreciate the, in fact I am here today to be a member of this Board.

LIEUTENANT GOVERNOR RUTHERFORD: Well, we do want to, you know, recognize your long service to Morgan State University, as well as being a founding member of the University System Foundation, as well as Morgan State's Foundation. And the fact that you, it's been announced, I guess, that you will be retiring from the Board. But we have a Governor's Citation for you and --

COMPTROLLER FRANCHOT: Gee. Oh, gosh.

LIEUTENANT GOVERNOR RUTHERFORD: You were right on cue --

COMPTROLLER FRANCHOT: Yeah.

LIEUTENANT GOVERNOR RUTHERFORD: -- Comptroller.

TREASURER KOPP: Governor, could I just say --

LIEUTENANT GOVERNOR RUTHERFORD: Oh, I'm sorry. Go ahead. Yes.

TREASURER KOPP: Mr. Resnick, we went through a lot of turmoil about 20 or 30 years ago, in creating the System, the University System of

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Maryland, and establishing the role of Morgan as the urban university. And I don't think it would have gone through without your support. And it, and the creation of the Foundation, which has meant so much. So I just want to publicly acknowledge that.

MR. RESNICK: Thank you.

(Applause.)

LIEUTENANT GOVERNOR RUTHERFORD: I'll take the moment to read it. "Martin Resnick, greetings, be it known that on behalf of the citizens of this State, in recognition of our grateful appreciation for your 35 years of outstanding service as a valued member of the Morgan State University Board of Regents, and as the people of Maryland join together in expressing our best wishes and sincere congratulations for your more than three decades of successful service to our State, we're pleased to confer upon you this Governor's Citation. Signed this day, Lawrence J. Hogan, Jr.," Governor; myself -- or Governor, excuse me. "Myself, Boyd Rutherford, and the Secretary of State, John C. Wobensmith." Thank you.

MR. RESNICK: Thank you.

(Applause)

COMPTROLLER FRANCHOT: Could we get Wayne to come up, his son, and just, everyone wants to know who's running the business now.

(Laughter.)

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COMPTROLLER FRANCHOT: Or helping run, come on up.

Yep.

(Applause)

MR. RESNICK: Can I say something?

SECRETARY MCDONALD: Go to the microphone. That way we can record your words.

MR. RESNICK: Thank you all very much. I appreciate the wonderful honor you've given me this morning. My 35 years on the Board have made me realize several good things, the fact that what the Board has accomplished over the last 35 years and how proud I am of what Morgan State University has developed into over these many years.

Probably the things I'm most proud is not only the University growing the way it has and the way that the campus has grown, but also the way the staff has grown, the number of students has grown, but equally I'm just impressed with the fact of myself. I'm pleased, I appreciate the most, the job that I did the most was when I was Chairman of the Selection Committee 30-some years ago to bring in our new President. And that was Earl Richardson. But the thing that gives me just as much pride is the fact that just four or five years ago, on the same committee, to bring a new President to the University and I was very happy that David Wilson was that member that we chose on that Board. So I think I've done two wonderful things for the University, if nothing else, for

bringing in heads of the University who have made the University what it is today. And without those two men, it just wouldn't have happened the way it is today. And thank you very much.

(Applause.)

LIEUTENANT GOVERNOR RUTHERFORD: Thank you. Any other questions on the Secretary's Agenda?

TREASURER KOPP: Yeah. I have a couple. I don't know if -- first of all, not of you, Mr. President.

LIEUTENANT GOVERNOR RUTHERFORD: Oh, thank you.

TREASURER KOPP: Thank you. We do look forward to hearing, I mean, we will be working closely together, to hearing how the project develops. It's really very exciting.

DR. WILSON: And we will be bringing you back the second part of the partnership when we get to the public safety building. And that perhaps could be at the next meeting of the Board of Public Works.

TREASURER KOPP: Thank you.

DR. WILSON: Thank you.

SECRETARY MCDONALD: Is there a motion to amend or was it approved to amend that item? And so we'll do the, I just want to make sure the motion to amend --

LIEUTENANT GOVERNOR RUTHERFORD: Did we --

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SECRETARY MCDONALD: Right. Okay. So that is the motion that will be in front of you.

LIEUTENANT GOVERNOR RUTHERFORD: Approved. Yeah. Okay.

SECRETARY MCDONALD: Thank you.

TREASURER KOPP: DHCD has two projects --

LIEUTENANT GOVERNOR RUTHERFORD: Which numbers are they?

TREASURER KOPP: Seven and eight. Which I think are worth just pointing out. Seven, Malta House. I was hoping, but I didn't see you.

SECRETARY MCDONALD: Here's Secretary Holt.

TREASURER KOPP: Mr. Secretary, the Malta House, we're putting money into developing solar energy, a solar array, which we talked about earlier, models.

MR. HOLT: Mm-hmm.

TREASURER KOPP: Here's another model, of ways that we can improve both the buildings that we own and that we work with, the lives of the people, and the economy. And I just want to thank you. This is not the first time you've brought in a solar project. But I just think it should be noted.

MR. HOLT: Okay. Well, I'll accept your thanks graciously. And John Maneval is here. He can give you some details about the project. I can only

say that we have an Energy Division that is really intent about looking into the cutting edge technology for development in our multi-family units. And I think we've been very successful and we'll continue to do so.

TREASURER KOPP: I think it shows leadership on the right things, I believe, Mr. Secretary. Thank you. I had another question about the next item, Item 2 --

LIEUTENANT GOVERNOR RUTHERFORD: No, eight?

TREASURER KOPP: -- I mean, Item 8, I'm sorry. The second item, Neighborhood Business Development Program. Great project. I have no problem with the project at all. But I am curious about the elasticity of the program itself. This, as I read it, what you've told us, is mostly residential with some retail on the first floor. This program, I think, was instituted originally at least for business development. And it does develop business because it's bringing people in who will patronize businesses. I get that. But in sort of an indirect way. Has there been a development in the program that extends it beyond what we traditionally think of as business development to just general community development?

MR. HOLT: Yeah. So this is a great question. Our Neighborhood Business Works program is a business lending program, as you've pointed out. The Legislature sort of increased our capability to loan up to \$50 million annually to sort of leverage our dollars or State dollars in a greater way. What we've found

is that this model where residential and retail or commercial are sort of combined together is a very, very good model and we're laying in a kind of mezzanine financing different capital sources that complement each other. So the Neighborhood Business Works could be supported by other State funded programs that are basically residentially driven. And in doing so, I think we create that kind of economic driver that is so important.

The Tebo Mannequin in Baltimore, the Remington project, is probably a very good example of sort of taking work force housing, housing that can support teachers and firefighters and law enforcement, and build in and around it a commercial hub that they can patronize. So our house as it sort of supports the Remington population is a great example of how these two things can work in kind of a symbiotic way. So John, I didn't know whether you have any additional thoughts?

MR. MANEVAL: Yes, John Maneval, DHCD. Madam Treasurer, I'll just add that the program has for a long time embraced the mixed use development concept. And as the Secretary indicated, we've done several of these over the years well. And as you yourself pointed out, bringing residents in, you know, complements the street level retail. So we think that's a really good symbiotic relationship.

We're also leveraging significant private capital in this project. So we're taking State money, amplifying it by bringing in capital, in this case from Harbor Bank. So we really kind of hit all the boxes with a project like this.

TREASURER KOPP: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.

TREASURER KOPP: Second.

COMPTROLLER FRANCHOT: Move approval.

TREASURER KOPP: Second.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. We're all in favor. I'm waiting for another question.

SECRETARY MCDONALD: May I say something about the --

LIEUTENANT GOVERNOR RUTHERFORD: With the --

SECRETARY MCDONALD: No we will get it --

LIEUTENANT GOVERNOR RUTHERFORD: With the --

SECRETARY MCDONALD: -- amendment. About because of something the Treasurer said about the hand-carried item that might intrigue people. So we are postponing the, if you're here in the crowd or you're watching on the internet, you'll be the first to hear we are postponing the July 11th meeting, which is the next meeting. The July 11th meeting is rescheduled to Thursday July 19th. That will be on the internet. Everybody that's on our list. And you have

Maryland.gov delivery. All that will go out to you this afternoon. But you're the first person to hear it that the next meeting will be Thursday, July 19th.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

SECRETARY MCDONALD: Thank you.

TREASURER KOPP: Thank you.

LT. GOVERNOR RUTHERFORD: For all those viewing at home. Okay. So we've approved the Secretary's Agenda. Department of Natural Resources?

MR. BELTON: Good morning, Lieutenant Governor, Madam Treasurer, Mr. Comptroller. For the record, I'm Mark Belton, the Secretary of the Maryland Department of Natural Resources and we have 22 items on our Real Property Agenda for your approval this morning.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I don't have any questions.

COMPTROLLER FRANCHOT: No, other than a comment. I just hope, Mr. Secretary, that you can work with the administration and come up with some kind of plan to keep the Sailing Hall of Fame in Maryland since it's about to pick up and move north. And that would be not good for the Annapolis region. So I know you're in the middle of some or may be or whatever. But whatever it is that's happening that will help expedite this, I hope you'll bring it to the next July 19th meeting. Or try to.

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MR. BELTON: We certainly are working very closely with them as well as the administration on --

COMPTROLLER FRANCHOT: Because otherwise, they're going to be gone. And, you know, we'll say, oh gee, the sailing capital of the world doesn't have the Hall of Fame Museum for sailing. And anyway, thank you for, I know you're involved in this somehow. So thank you for paying attention to it.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah. We want them to stay but it's one of those things not at any price. And that's where the negotiation takes place. Any other questions on -- move for approval?

COMPTROLLER FRANCHOT: No. Move approval.

TREASURER KOPP: Second.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. We're all in favor. Budget and Management, Department of Budget and Management?

MR. BRINKLEY: Good morning. For the record, David Brinkley, the Secretary of the Department of Budget and Management. Lieutenant Governor, Mr. Comptroller, Madam Treasurer, we have submitted 31 items for your consideration but I'm withdrawing Item 2-S, leaving 30 for your consideration. I have representatives here to address any questions you might have. Item 12-S-OPT has been revised and Item 31-GM is supplemental.

LIEUTENANT GOVERNOR RUTHERFORD: I have a question on 5-S.

MR. BRINKLEY: Dana?

LIEUTENANT GOVERNOR RUTHERFORD: The Medicaid program?

MR. BRINKLEY: Okay. Dana Dembrow? Could they be out --

SECRETARY MCDONALD: I think they -- I can text.

SECRETARY MCDONALD: Okay.

LIEUTENANT GOVERNOR RUTHERFORD: Well it's just the, the question is really there's so much of a difference between the financial, I just didn't understand, you know, the other was technically and can they really do the job for this price difference?

MR. BRINKLEY: I understood in my briefing with this they were all, while there's a one to four category on the technical side, they all were still very high in the ability to do this. When Dana gets here he might be able to go into that a little bit further. Therefore the determination was made to go with that one.

LIEUTENANT GOVERNOR RUTHERFORD: If there are other questions, we can come back --

SECRETARY MCDONALD: Here he is.

LIEUTENANT GOVERNOR RUTHERFORD: Oh, there's Dana.

MR. BRINKLEY: There he is. There he is.

LIEUTENANT GOVERNOR RUTHERFORD: There he is.
Welcome.

MR. DEMBROW: Thank you. The floor is crowded out there.

LIEUTENANT GOVERNOR RUTHERFORD: Okay --

MR. BRINKLEY: Dana, the question that was --

MR. DEMBROW: May it please the Board, my name is Dana Dembrow, Director of Procurement for the Department of Health. I understand we're on Item 5-S?

LIEUTENANT GOVERNOR RUTHERFORD: Yes.

MR. BRINKLEY: Yes.

MR. DEMBROW: Regards from Deputy Secretary of Medicaid Dennis Schrader. He is busy doing IT work --

MR. BRINKLEY: Hey Dana, Dana, Dana, catch your breath --

LIEUTENANT GOVERNOR RUTHERFORD: Yeah. Yeah, exactly.

(Laughter.)

MR. BRINKLEY: I'll tell you what his question was and then I'll allow you to catch up here.

MR. DEMBROW: Oh, oh, we already got a question? Okay.

MR. BRINKLEY: And it had to deal with the technical ranking, how I guess number four became the preferred one. And my understanding from

my briefing yesterday was that there really wasn't a whole lot of distinction, though there was a ranking. That they were all qualified to that extent and therefore we got to where they are. Now maybe my briefing was a little bit off in that. You certainly know the details of it.

MR. DEMBROW: No, sir.

MR. BRINKLEY: But I wanted to allow you a chance to catch your breath.

LIEUTENANT GOVERNOR RUTHERFORD: And before --

MR. DEMBROW: Thank you very much.

LIEUTENANT GOVERNOR RUTHERFORD: -- you go on, I know in some circles on the federal level they look at what is called the lowest technically, you know, acceptable. And so they hit that and then go to a low bid. And I'm just hoping that that's not what we did here.

MR. DEMBROW: What we did here is exactly what Secretary Brinkley was indicating. We are saving the taxpayers \$166,000, that's a 67 percent difference, between the higher technically ranked proposer HMA and the fourth ranked technical proposer Public Consulting group. They demonstrated that they were capable of doing this job. So it came to a question, do you want to spend \$1 million or more or can we get the job done for a quarter of a million dollars? This is under our budget and we were fully convinced that they are competent to do the work.

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LIEUTENANT GOVERNOR RUTHERFORD: How did you weigh the technical versus the, did you give 60 percent and you have points, and then when you add up the points that's who it goes to? Or --

MR. DEMBROW: They were equivalent. And I will tell you, I told the --

LIEUTENANT GOVERNOR RUTHERFORD: They were equivalent? One was four and one was one.

MR. DEMBROW: I'm sorry. The technical and --

LIEUTENANT GOVERNOR RUTHERFORD: Oh, it was 50-50. Okay.

MR. DEMBROW: The technical and the financial were equivalent weights.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm. Okay.

MR. DEMBROW: And when they ranked the technical, one, two, three, and four, and saw that there was a difference between one and four of \$166,000, I challenged the evaluation committee, tell me why it's worth \$166,000 more to hire HMA, which is the top ranked technical. And they tried and they came to the conclusion unanimously, we can't do it. We need to save the taxpayers this money and go with the company that is fully qualified that charges a great deal less than the competitor.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Well they'd better be able to do the work without any changes. Because I, that process we'd have to take a closer look at. I'm not sure that that is something we typically like to do because it does ring to the lowest technically acceptable, which unless the -- and I don't, I'm not going to go any further. Because it could lead to some challenges. Thank you very much.

MR. DEMBROW: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Any other questions on --

TREASURER KOPP: I have a question on Number 17, DGS' energy performance contract. And really just a quick question, Mr. Secretary. We asked a number of questions and your department was very forthcoming and very helpful, and I appreciate it. And one was whether the information allows the State to identify and disseminate best practices to help State agencies reduce utility consumption. And part of your response was, yes. But we're also involved in a project to collect missing data from agencies on building size, age, and primary use in order to make the database more complete. And I know we're going to have a meeting soon. But I'm really curious about that statement. How big the gap is? How much we need to fill in the database to make it as useful as you all and we believe that it could be? And how you can really implement best practices if we don't know everything we have?

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MR. CHURCHILL: Sure. There are some missing data that we have identified that will help us do our analysis of our energy program. I would ask in terms of the data that is missing that Lauren Buckler, Assistant Secretary for Facilities Planning, Design, Construction, and Energy address your question.

TREASURER KOPP: Yeah. I don't mean to take up a lot of time right now, although I'm delighted to hear something. But look forward to being filled in. Obviously the project is good. I have no issue with the project. And also request that you work with our insurance division, which does as you know have a rundown of a lot of our buildings, all the ones that are insured at any rate, and maybe there could be some useful synergy.

MR. CHURCHILL: But in answer to your question, our energy department has gone through some transitions and when we looked at the program and the data that we were compiling, there were some glaring omissions, as we've said, that should have been just common sense things to calculate. So we're going to have to do some data collection on that. But it's fairly simple to do.

MS. BUCKLER: The pretty quick answer -- I'm Lauren Buckler, Assistant Secretary for the Department of General Services, is that the data is very focused around the utility bill situation right now. So it's great when we purchase electricity for us to get really low rates. It's perfect for that. When we start looking at things like retro-commissioning, which we're digging into right now, we end up with some gaps and gaps that we can clear working with the

Treasurer's Insurance Division, gaps on square footage, things like that, where we start looking at energy use and mixes and which buildings to target. But the data is fantastic when we do energy purchasing. So we're trying to close those gaps --

TREASURER KOPP: And that was, I understand, the original purpose. But now, as you know, we're into this question of adaptation, resilience. This is part of that.

MS. BUCKLER: Yes.

MR. CHURCHILL: Yes.

TREASURER KOPP: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Mr. Comptroller?

COMPTROLLER FRANCHOT: May I ask a question about Item 12-S?

MR. BRINKLEY: 12-S, Secretary Moyer; and Deputy Secretary William Stewart; and Anna Lansaw, Director of Procurement.

COMPTROLLER FRANCHOT: Great. Thank you, Mr. Secretary, and your staff. So, my question is, this is for inmate pharmacy services, this contract extension for three months?

MR. MOYER: Yes, sir.

COMPTROLLER FRANCHOT: My question is, why is it so difficult to conduct a competitive procurement? This is an item that I believe the incumbent first started working on this in 2005. They have held the contract for

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13 years. We have approved at the Board of Public Works 12 extensions. The taxpayers have paid \$451 million to this vendor since they were brought on in 2005. I happen to like the company. I think Ellen Yankellow, the CEO, is a very capable corporate leader, and I believe the Treasurer and I supported back in 2012 not awarding the contract to a different vendor in the face of their protest. I think I have that right. But whatever --

TREASURER KOPP: It was six years ago.

COMPTROLLER FRANCHOT: -- six years ago. I understand you have a lot of questions, apparently, that have been addressed to your staff about the RFP, which was released in June, last June. But it's a mystery to me about why this is so hard to resolve.

MR. MOYER: Governor Rutherford, Comptroller Franchot, and Treasurer Kopp, I appreciate the question. There's been 29 modifications. I've been in this job for 42 months. Out of those 19 modifications, we've only been here three times. We did put this together. There was 288 questions. There's been one modification which resulted in the due date being extended till June 26, 2018. Jamie is here from DBM who is actually managing the RFP, if there's any additional --

MS. TOMASZEWSKI: Good morning.

COMPTROLLER FRANCHOT: Good morning.

MS. TOMASZEWSKI: Jamie Tomaszewski, Chief of Procurement for the Department of Budget and Management. DBM has a procurement officer that is handling this solicitation and helping out the Department of Public Safety.

The process has taken longer than anticipated because of the number of questions and trying to get the contract specifications to where it is open and fair and transparent and hopefully getting competition. So we've gotten questions from several vendors and there's currently a protest on the specs. So we're in the process of answering that protest to hopefully continue with the solicitation.

COMPTROLLER FRANCHOT: Okay. Well what we want is a fair and competitive and transparent competition. And the Lieutenant Governor is really the expert on procurement reform and I know there are a number of things that we will be looking at, etcetera. But fundamentally we just want a system where people can clearly compete on a level playing field.

MS. TOMASZEWSKI: Right.

COMPTROLLER FRANCHOT: And up in New York they've got a huge scandal in the State of New York over people that get into the agencies from the outside and suggest amendments to the RFP that tilt it in their favor or against the, you know. It's very, it's a very dark kind of situation up there in New York. And I'd hate to have this go on too much longer. So, I assume at the end of three months you're going to have a more clear situation?

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MS. TOMASZEWSKI: That is the goal. We do know we will have to come back to the Board again for another extension because we'll get, we may get the proposals in by that time but I don't, you know, we will not have had time for the evaluation committee to review the proposals submitted. But the goal that we're looking for with this three-month option that's available is to answer the protest, make the amendments that are necessary that maintain the integrity of the RFP to be fair and competitive so that we can get the proposals in. Because we want to give time to the offerors to have time to respond to the corrected RFP once that is done.

COMPTROLLER FRANCHOT: I'm going to defer to the Lieutenant Governor on this because it is a, we want to get it resolved so it doesn't continue to linger.

MS. TOMASZEWSKI: Right. I know. And so thankfully Correct Rx has worked with us to continue their services for the State during this time that we've had to look for cure. And being an MBE we do have 100 percent MBE participation along with the subcontracting that she does as well. So.

COMPTROLLER FRANCHOT: Well what -- since you brought that up, what is this 39 percent goal that apparently in ten years, according to the documents, has only had a seven percent compliance? Is that --

MS. TOMASZEWSKI: That's been since the contract was modified for the extension beyond the original five-year contract period. So the

service fee that was being charged by the contractor changed. So the work has not changed during that period. So the work provided by the MBE continues to be consistent for their MBEs. But the contractor is making more money than they originally made in the base term of the contract.

COMPTROLLER FRANCHOT: Okay. Well we have given them hundreds of millions, paid them hundreds of millions of dollars for the inmate service pharmacy contract. I appreciate that. But the payments to MBE subs are less than they were ten years ago, \$291,000 in 2018 versus \$317,000 in 2008. So maybe you could bring that up with the incumbent? If my figures are right, or if my figures or not right please correct me. I'm happy to give you this.

MS. TOMASZEWSKI: Yes, the overall MBE totals starting during the original contract ran from about \$300,000 up to \$400,000. And then they've been consistently around \$300,000 to \$400,000 during. So it's basically the same. You know, it fluctuates as the amount of pharmacy, drugs provided, changed. Their MBE does transportation. So they are transporting basically the same amount of drugs back and forth to their facilities. Did I answer your question completely?

COMPTROLLER FRANCHOT: Well, no. I guess the question is what is the explanation for not being closer to the 39 percent goal that they agreed to? I understand it's a woman-run or woman-owned business. That's great. But the subcontractors they made a commitment on are not coming through.

MS. TOMASZWSKI: Well, the subcontractors are doing the same work, but the amount of money for the fees for the prime contractor have increased. So initially they were running about \$93,000 a month for fees. As of 2011, it was almost \$690,000 a month for fees. So that base number has increased during the extension period. So the MBEs are the same, \$300,000, but the fee that is collected by the prime has increased.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

COMPTROLLER FRANCHOT: Well, I like the company, obviously, and I think they do a good job, but competitive bids are the --

MS. TOMASZWSKI: Yeah. We want to get competition to make sure that we're getting good pricing and good quality services.

LIEUTENANT GOVERNOR RUTHERFORD: You know, I think there are, you know, two things that the Comptroller raised and that's something to look at with the procurement but also to the incumbent, is that their revenue, as you said, with the modifications their revenue has gone up substantially, you know. Since 2010 it's climbed to the point where they are up over, you know, \$54 million last year and year to date, or at least through April, the '18 fiscal year, \$61 million. And so they still have the same subs there. It would be incumbent if they are trying to reach a goal to find more subs to do some work. So okay. All right. Thank you and we'll be watching.

MS. TOMASZEWSKI: Thank you.

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MR. MOYER: Thank you, Governor.

LIEUTENANT GOVERNOR RUTHERFORD: I don't know if anyone is here from Delmarva Community Services? I'm just recognizing the good work that they do, if they're not here. But I just appreciate all the work that they do, primarily in Dorchester but I know they're doing some work in Caroline County.

I have a quick question on 23-S-MOD with the Maryland Public Television.

MR. BRINKLEY: Linda Taggart, Vice President of Development; Daniel Guthrie, the Procurement Officer.

MR. GUTHRIE: Good morning, Lieutenant Governor Rutherford, Secretary Kopp, and Comptroller Franchot. My name is Dan Guthrie, Procurement Officer with Maryland Public Television. Linda Taggart --

MS. TAGGART: I'm Linda Taggart, the Vice President of Development. Please forgive my voice. I have a little laryngitis.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Well thank you. I guess the question I have has to do with this is a modification and I guess it's a fundraising contract that you have.

MS. TAGGART: Yes.

MR. GUTHRIE: Yes, sir.

LIEUTENANT GOVERNOR RUTHERFORD: And how much revenue do you get for the money you spend? And that's what I was questioning

--

MS. TAGGART: Right now we bring in \$2.4 million.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. And the cost associated with that is \$1.9 million, is it?

MS. TAGGART: Yes.

MR. GUTHRIE: Yes, sir.

LIEUTENANT GOVERNOR RUTHERFORD: Okay, 2.4, 1.9, so it's less than 50 cents on the dollar, right? I went to law school and I'm not a math major but it sounds like --

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: Fundraising I know, and you know, we do a little fundraising in our jobs as, you know, to get reelected. And mail is an expensive route to take.

MS. TAGGART: Yes. And we are exploring also doing email --

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

MS. TAGGART: -- fundraising as well. But our membership base is a little older, they are more mature, seasoned. And email kind of --

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: Red eyes --

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(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: But less than 50 cents on a dollar is pretty tough. You may want to, like you said, just shift another way. Because that's, I know that, you know, mail is expensive. But that is difficult. Okay. That was, yeah, that's what I was, I was trying to get through the cost of the mailing and it just didn't seem to be --

MS. TAGGART: Well, we are constantly looking at a variety --

LIEUTENANT GOVERNOR RUTHERFORD: Okay. All right. Maybe the Comptroller has some great ideas --

COMPTROLLER FRANCHOT: No, I'm just, my check is in the mail.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: You didn't do it online?

COMPTROLLER FRANCHOT: No. But is your President here or not?

MR. GUTHRIE: No, sir.

MS. TAGERT: No, he's not. He's on vacation.

COMPTROLLER FRANCHOT: Well, give him my best. He's doing a good job.

MS. TAGGART: I will.

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MR. GUTHRIE: Thank you, sir.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.

TREASURER KOPP: I have a question, briefly, about 27, the fleet management, which is basically just a reapproval of (indiscernible). Yesterday at the Climate Change Commission meeting, the Department of the Environment's representative, not the Secretary but Tad Aburn, said that the key, the most important thing in transportation is electrification, the key. And that we were doing everything we could to support battery charging and all the things that we hope maybe we'll get some VW money to go to and all sorts of things. Is that reflected at all in our fleet management program or expectations? Or how, I mean, these are --

LIEUTENANT GOVERNOR RUTHERFORD: That's a good question.

TREASURER KOPP: -- vehicles we have.

LIEUTENANT GOVERNOR RUTHERFORD: I don't know if we have the charging stations.

TREASURER KOPP: Well we should, I mean, these are ones we control. We can be a model.

MR. BRINKLEY: Yeah well -- go ahead.

MS. TOMASZEWSKI: Jamie Tomaszewski, Chief of Procurement. I may not be able to get to the answer specifically today because we've just recently hired our new fleet administrator.

TREASURER KOPP: That's okay.

MS. TOMASZEWSKI: But I know we are changing and within those vehicle types we have more different types of vehicles --

TREASURER KOPP: Well it may be more than just having them on a list. It may involve some -- I don't know. All I know is that there are other departments of State government which seem to think this is a key to making progress.

MR. KUSOLI: Good morning, Treasurer, Lieutenant Governor, Comptroller. I'm Joe Kusoli (phonetic). I'm the new Fleet Administrator for the State of Maryland.

TREASURER KOPP: Welcome.

MR. KUSOLI: I just got hired --

(Laughter.)

MR. KUSOLI: -- she told me that. So our specifications, vehicle specs each year are designed to address all vehicle needs throughout the State of Maryland, through all the different government agencies. So they have the ability to purchase electric vehicles --

TREASURER KOPP: Oh yeah.

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MR. KUSOLI: -- hybrids, you name it, they have the assortment there.

TREASURER KOPP: That's super. But it takes more than just, I believe, having them on the list. I appreciate that. And you just arrived. I --

MR. KUSOLI: No, I know, and we urge them to purchase where necessary, or they can.

TREASURER KOPP: But it's got to go beyond boiler, I mean, there's got to be some passion involved. If this is the key, or a key to progress, then we have to walk the walk as well as talk the talk.

MR. KUSOLI: I agree.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

TREASURER KOPP: No, I don't think anyone disagrees, really.

MR. BRINKLEY: And I'll point out that some of the Volkswagen money that we've used is to be focused on replacing some existing diesel vehicles, which we don't have any in the predominantly the small, vehicular fleet, automobiles and things like that. So we were looking at that with some of the port operations, because we do have diesel operations there. There are some restrictions on how that can be utilized in what we're doing. But we're also using it toward Department of the Environment in helping us with some other monitoring and some aspects of that. So that part of it wouldn't be applicable to our fleet support.

TREASURER KOPP: I would just suggest it. I mean, MDOT is pushing that.

MR. PORTS: We are. We're looking at it. We're looking at the Airport, also, along with the Port. And you know, we just had the green conference, international green conference --

LIEUTENANT GOVERNOR RUTHERFORD: Green Ports.

MR. PORTS: The first time in North American we hosted at the Port. And also some of the, if I'm not mistaken some of the VW money is going to some of those charging stations also.

TREASURER KOPP: That's what I -- yeah.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MR. PORTS: My understanding is that that falls under the --

TREASURER KOPP: I read it in the paper but I --

MR. PORTS: -- be more than happy --

TREASURER KOPP: -- but I just think that this is something --

MR. KUSOLI: -- more viable, is the infrastructure behind it.

TREASURER KOPP: Mm-hmm.

MR. KUSOLI: That's what's --

COMPTROLLER FRANCHOT: I visited San Francisco recently and there are thousands of electric scooters --

LT. GOVERNOR RUTHERFORD: Yes.

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COMPTROLLER FRANCHOT: -- all over the city. Apparently they, it's like --

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

COMPTROLLER FRANCHOT: -- there's a business model there and I --

LIEUTENANT GOVERNOR RUTHERFORD: Los Angeles, too.

COMPTROLLER FRANCHOT: -- just had an image of the Lieutenant Governor, the Treasurer, and me on an electric scooter --

(Laughter.)

COMPTROLLER FRANCHOT: -- coming over --

TREASURER KOPP: But the Lieutenant Governor --

LIEUTENANT GOVERNOR RUTHERFORD: But they don't, they don't work well in the rain, though. That's the only thing.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: No, really, they've said that.

TREASURER KOPP: Connie Morella.

LIEUTENANT GOVERNOR RUTHERFORD: Oh, yes.

TREASURER KOPP: Connie Morella drove an electric car when she ran against us in 1974. She didn't win then. She came back and won again. But this is not a new thing. I mean, this is, and Governor, this may be --

LIEUTENANT GOVERNOR RUTHERFORD: Well we can, well, we can look at it for --

TREASURER KOPP: Posterity.

LIEUTENANT GOVERNOR RUTHERFORD: -- you know, some of the vehicles that are used by, you know, some of the regulatory people and just, you know. First of all, I think we have too many State vehicles anyway but that's another story. But, you know, for some of the like non-law enforcement, I think it might make sense.

TREASURER KOPP: Yeah.

LIEUTENANT GOVERNOR RUTHERFORD: So thank you.

MR. KUSOLI: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: We can look, you know, we can take a look at it.

TREASURER KOPP: And when it's not electric, fuel efficient.

LIEUTENANT GOVERNOR RUTHERFORD: Right.

COMPTROLLER FRANCHOT: Move approval.

TREASURER KOPP: Second.

LT. GOVERNOR RUTHERFORD: Okay. Oh, wait a minute. I thought there was one more. Are we going to talk about the transfer, Item 31? Do we have anyone here from the Department of Agriculture before we move on? Well, if not, Item 31 is a transfer from the contingency fund for the Department of

Agriculture and a small portion for the Housing and Community Development rural assistance deficiency. But mainly the Department of Agriculture, \$375,000 is to help in the marketing of seafood, given that we have a visa restriction associated with crab pickers. And so, we want to make sure that we're still marketing that you can get seafood, you can get crabs, that Maryland continues to be a seafood destination and have a viable seafood industry. So I just wanted to mention that. But we already moved --

COMPTROLLER FRANCHOT: Move approval.

LIEUTENANT GOVERNOR RUTHERFORD: Second? All in favor? Thank you.

SECRETARY MCDONALD: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Do we have any people leaving? We'll give you a few moments before starting with the University.

Good morning.

MR. EVANS: Good morning. Joe Evans representing the University System of Maryland. We have 16 items on the Agenda. We're here to answer any questions.

COMPTROLLER FRANCHOT: If I could just ask about Item 1, if I could, Mr. Evans? This is the item that was deferred at the May 2nd meeting. It's a \$560,000 contract for exterior artwork to a Florida based vendor. I made

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the point then that Maryland has some of the best art, artists in the country and it surprised me that out of 200 artists that responded to the request for qualifications, only 12, or six percent, were from Maryland. Of the 44 artists reviewed, only four were Maryland based. These figures, you know, underscore my concern that insufficient outreach was conducted with our local artist community in Maryland. So I'm surprised that it's back before us.

MR. EVANS: Before I bring up Liesel Fenner, who is with the Art Council, this procurement did follow the regular procurement process. I mean, it was advertised in eMaryland Marketplace. This is not the first one that's been done. The evaluation process is the regular evaluation process we go through to vet those vendors, in this case it would be the artist. And then the evaluation committee look at the ones and they try to, they, what's considered the best art. So I think it was vetted, that we did go through eMaryland Marketplace to advertise this requirement like we've done other ones.

COMPTROLLER FRANCHOT: Yeah. But less than ten percent of the people that replied were from Maryland, and only four of the 44 artists reviewed were Maryland based. And that's ridiculous.

MR. EVANS: But as far as replying, sir, I mean, we can't make them submit proposals. I mean, if it's out there for them to bid and the notice is out there, we can't make them submit proposals. I will see, come up Liesel to, if there was any other additional outreach.

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MS. FENNER: Good morning.

LIEUTENANT GOVERNOR RUTHERFORD: Good morning.

MS. FENNER: Yes, my name is Liesel Fenner. I'm the Public Art Program Director at the Maryland State Arts Council. I have run the Maryland Public Art Initiative for three years. We have run our calls to artists through this standard procurement process. It has been, it was distributed on the eMaryland Marketplace as well as many public art listservs and including eblasts and all the traditional marketing that we do in getting the word out.

For this particular project, because it's over half a million dollars, we were looking at artists that had experience with budgets and projects of at least \$175,000. That was the eligibility. Now, on the Maryland front we have not had public art programs for very long and so our Maryland artists are getting up to speed in their competitiveness for qualifying for these eligibility requirements. We're proud that four of them came to the top and were reviewed very closely by our panel. We are also working on professional development to help our artists be more competitive in these processes.

We also want to note that our artists, we want them to be able to compete in other states. If we limit our calls, this in turn could limit Maryland artists' ability to apply for public art calls outside the State. And so the standard best practice, as with architecture and engineering, is to open it up beyond state lines. And this was --

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COMPTROLLER FRANCHOT: Yeah --

MS. FENNER: -- the most qualified artist --

COMPTROLLER FRANCHOT: Sure. But you've just exactly articulated why I'm concerned. Your RFP obviously kept out most Maryland artists because we don't have a lot that have done \$175,000 projects. There's no reason why you couldn't have done more outreach and brought everybody in under, particular you say you serve on the State Art Council. I mean, this is a, this is odd that you are supporting a system and a decision that came up with a Florida based vendor and you say that we have a fledgling artist community. I didn't realize it was fledgling. I think it's one of the best in the country.

MS. FENNER: Sir, for public art --

COMPTROLLER FRANCHOT: Yeah --

MS. FENNER: -- in particular this aligns with architecture and engineering procurement.

COMPTROLLER FRANCHOT: Well it's exactly what I have always been concerned about with the State's procurement process, which is you pick the winners and losers in your RFP. And you have an explanation which doesn't make sense to me. If you have a good artist, why can't they do a half a million dollar contract, particularly if they are in Maryland?

MS. FENNER: For the particular LEED requirements of this building, for looking for LEED Platinum, this artist has those qualifications. And the --

COMPTROLLER FRANCHOT: What does that have to do with it?

MS. FENNER: The public artwork itself will help fulfill the LEED sustainability components of the building. That was one of the outstanding features of the particular artist who was selected.

COMPTROLLER FRANCHOT: On --

LIEUTENANT GOVERNOR RUTHERFORD: Is that the material they use or something?

MS. FENNER: The materials, and supporting the wind vanes and the green roofs and recycling stormwater. All of that this artist has experience with. And that was in particular why they were chosen.

TREASURER KOPP: Can you describe in one minute the sort artwork you are talking about?

LIEUTENANT GOVERNOR RUTHERFORD: Yeah, that's --

MS. FENNER: We, okay, let's, the artist is creating a work that will be integrated into the exterior landscape of the building and the artist sometimes is overlapping into the territory of landscape architecture. The artist has particular experience with that infrastructure work and coming in now to work

with the architect and the general contractor right now, because the building is under construction, to ensure that that artwork, that water feature that's utilizing the LEED features, the stormwater management component, will be met. This artist needs to start the design process. The artists were not selected according to a proposal. Just like in an architecture project we hire the client, then they design the building, here they design the artwork.

TREASURER KOPP: So this is not like some --

LIEUTENANT GOVERNOR RUTHERFORD: Like not a painting.

TREASURER KOPP: -- some of the jurisdictions have had art set asides, or at least used to.

MS. FENNER: Yes.

TREASURER KOPP: Set aside for art in public places --

MS. FENNER: Yes.

TREASURER KOPP: -- for a long time.

MS. FENNER: Yes.

TREASURER KOPP: I was thinking Mary Ann Mears, a great sculptor from Maryland, next to Imagination Stage in Bethesda where we've all been, had a variety of things. This is something different.

MS. FENNER: Actually, it's a similar process. Montgomery County, Prince George's, the Purple Line have all selected artists from a national base. So we're aligning with public art best practices nationally. But --

COMPTROLLER FRANCHOT: Any of those picked from Maryland?

MS. FENNER: Yes, actually some of them have been Maryland artists.

COMPTROLLER FRANCHOT: No kidding.

MS. FENNER: But it is a national call for those county public art projects as well.

TREASURER KOPP: But I guess what I'm saying, what I'm thinking of is what she did in Bethesda, or actually Shady Grove too, were more pieces of art. They weren't integrated --

MS. FENNER: Correct.

LIEUTENANT GOVERNOR RUTHERFORD: Into the design of the --

TREASURER KOPP: -- into the environment as you are saying.

MS. FENNER: And we were looking at integrated work because of the scale of this project and the opportunity with a LEED building to actually serve as a model for a public artwork that is integrating LEED standards. We're

looking at this artist, this artwork becoming a destination because that artist is so well known. They will want to come see this site.

COMPTROLLER FRANCHOT: Make sure you have a big sign saying they are from Florida.

MS. FENNER: We only list the artist's name.

COMPTROLLER FRANCHOT: Seriously. Because, you know, I can't believe you aren't more bullish --

MS. FENNER: As --

COMPTROLLER FRANCHOT: -- as far as the Maryland art community.

MS. FENNER: I --

COMPTROLLER FRANCHOT: I mean, this is crazy.

MS. FENNER: It's a, they came up to the plate with their strongest proposals. This was the selection process that we utilized. And again, we are looking at the professional development of art in Maryland artists. So --

LIEUTENANT GOVERNOR RUTHERFORD: All right.

COMPTROLLER FRANCHOT: I'd like this item pulled out, if I could, when we vote.

SECRETARY MCDONALD: Yes. That was the, that is the fourth listing in Item 1.

COMPTROLLER FRANCHOT: Thank you.

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LIEUTENANT GOVERNOR RUTHERFORD: Are you in agreement to --

TREASURER KOPP: I support this. I mean, I do agree --

LIEUTENANT GOVERNOR RUTHERFORD: Are we deferring -
-

TREASURER KOPP: -- in supporting the Maryland arts community, always have personally and in the Legislature and as Treasurer. Mr. Singer is truly outstanding and I think it is different. From the people I've talked to in our arts community, this is what they want to build here. But this isn't what they have, this wasn't what the strength was. That's my understanding. I don't --

MS. FENNER: The, with interstate commerce laws we are not limiting the calls according to region.

TREASURER KOPP: I don't think the Comptroller has suggested
--

LIEUTENANT GOVERNOR RUTHERFORD: That's not a question of limiting.

TREASURER KOPP: -- that you limit it to Maryland.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

TREASURER KOPP: The question was, if you put out the call in Maryland, why was there not more response? And what I have heard when I make these inquiries from folk was that this was going into an area that was

somewhat new, not just in Maryland, in general. And while they wanted to go in that direction, this was not where they had been. Is that wrong? I mean --

MS. FENNER: We were aligning with national public art programs of other states. Yes, it was a new program to integrate public art in state buildings. We have not, we're only on our fourth project. And we're, we are absolutely going for the best possible work. And through the selection process, this was the artist that was selected. We have --

LIEUTENANT GOVERNOR RUTHERFORD: Because art is very subjective.

MS. FENNER: Oh, oh, okay. I'm sorry if I misunderstood your question. The artwork is essentially part of the landscape architecture. And the artwork will be a water feature that's part of the landscape. It's part of the wetland, actually. So this artist has very specific qualifications --

TREASURER KOPP: And this was what was set out in the call, that this was the sort of thing --

MS. FENNER: Correct. Correct.

TREASURER KOPP: -- that was my understanding from talking to friends --

MS. FENNER: Okay.

TREASURER KOPP: -- in the community.

MS. FENNER: Correct. I'm sorry if I misunderstood your question.

TREASURER KOPP: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I understand your concern, but I'm inclined to let it go through. I think this, you know, I didn't know about the detail until now. It's something that is integrated into the building and the design. And so it's, I mean, with my limited understanding of art, I was thinking of a portrait of William Donald Schaefer up there.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: But this is something more --

TREASURER KOPP: Or even Bob Ehrlich.

LIEUTENANT GOVERNOR RUTHERFORD: Or even Bob Ehrlich, yeah. Or Calvert. But so I'm inclined to let it go through as well. Any other questions on University System?

COMPTROLLER FRANCHOT: So I'd like to have a vote on this --

LIEUTENANT GOVERNOR RUTHERFORD: We can vote on this one item separately, and we have a motion for this item, the fifth item down, I guess it is?

SECRETARY MCDONALD: Shady Grove.

LIEUTENANT GOVERNOR RUTHERFORD: For Shady Grove.

SECRETARY MCDONALD: Shady Grove Biomedical Educational Facility.

TREASURER KOPP: I would move a favorable on the Shady Grove project.

LIEUTENANT GOVERNOR RUTHERFORD: One opposed?

COMPTROLLER FRANCHOT: One opposed.

LIEUTENANT GOVERNOR RUTHERFORD: And two supporting. Okay. And then for the other, do we have a motion for the remainder? Do we have a second?

COMPTROLLER FRANCHOT: Yeah, let me just comment that most of these contracts I still see are manager at risk, or whatever the term is. I continue to think that this is a boondoggle for the State taxpayers. I hope that I'm still around when we get rid of most of these sweetheart deals with these big companies, paying them tens of millions of dollars for doing essentially scheduling, as far as I can tell. And no construction themselves. And we don't do it with our own State buildings. University System, almost every one of these projects are, except for one, is done through this --

LIEUTENANT GOVERNOR RUTHERFORD: Construction management at risk.

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COMPTROLLER FRANCHOT: -- mistake I think of a bidding system. And I know it's convenient for the University System. But it's terrible for the taxpayers. And I only bring that up to say, I'm not voting against all of these things because it will just take too much time. But I hope someday that I'm around on this Board when these things are very rare. Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Do we have a motion on the remainder? Second? I think we approved.

MR. EVANS: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.
Department of Information Technology.

MR. LEAHY: Good morning, Governor, Madam Treasurer, Mr. Comptroller. For the record, I'm Mike Leahy, Secretary of the Department of Information Technology. Today we have ten items on the agenda. One is hand-carried. And I do have agency representatives here to answer any questions you may have.

COMPTROLLER FRANCHOT: Yeah. I just want to ask a question of the Secretary.

MR. LEAHY: Yes, Mr. Comptroller?

COMPTROLLER FRANCHOT: At the next meeting, we're going to talk about procurement reform --

MR. LEAHY: Yes, sir.

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COMPTROLLER FRANCHOT: -- proposals and one of them is going to be to expand this concept of allowing agencies to have more contracts in a system that allows them not to bring those contracts to the Board of Public Works.

SECRETARY MCDONALD: The master contracts.

COMPTROLLER FRANCHOT: Master contracts.

MR. LEAHY: Yes, sir.

LIEUTENANT GOVERNOR RUTHERFORD: Oh, okay.

COMPTROLLER FRANCHOT: And I believe a couple of meetings ago we approved, I'm not sure why it got before us, but I think it was a \$50 million plus item from the master contract. I'm not sure we had to approve it or whether it was just there?

SECRETARY MCDONALD: For which one? I'm sorry, I was --

COMPTROLLER FRANCHOT: So my concern is, I understand we gave, the Legislature and the Board is giving you a master contract capability. But now expanding it to other agencies for me is, you know, something that I want to take a look at.

MR. LEAHY: Sure.

COMPTROLLER FRANCHOT: And I think recently you had a contract of \$50 million plus that I don't think got a vote on the Board, but you nicely brought it to our attention but you didn't have to.

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MR. LEAHY: Yes, sir.

SECRETARY MCDONALD: Okay.

COMPTROLLER FRANCHOT: And I think that's pretty --

MR. LEAHY: Well, if I may, Mr. Comptroller?

COMPTROLLER FRANCHOT: Yeah, please. Go ahead.

MR. LEAHY: The items that are included in that contract are specifically IT based items. And because we are taking the business processes and the work flows from the various agencies and implementing the technology applications, that's why it's going to the other agencies. It is still all IT work. It is still all within the purview of us managing those contracts under either the MITBP funds or the CATS+ program. So I look forward to talking to you about it. And if there's any preliminary questions, we'd be happy to get you answers on them.

COMPTROLLER FRANCHOT: Yeah, no, I bring it up not that I'm concerned about the proposals to expand it.

MR. LEAHY: Sure.

COMPTROLLER FRANCHOT: I'm skeptical and would like to be assured that we're not going to see a proliferation of contracts being entered into that --

MR. LEAHY: Right.

COMPTROLLER FRANCHOT: -- the Board has traditionally been reviewing.

MR. LEAHY: Yeah, no, that is certainly not the intent. And to the extent we can discuss that to allay your fears, I'm very happy to.

COMPTROLLER FRANCHOT: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Sheila?

SECRETARY MCDONALD: I just wanted to point out that Information Technology has had this ability to do master contracts for a while --

TREASURER KOPP: Right.

LIEUTENANT GOVERNOR RUTHERFORD: Right.

SECRETARY MCDONALD: -- which is why you have seen these CATS contracts. And one of the, what did happen is the Legislature has expanded that and so many other agencies can now use that method. That, I just want to point out, was the Secretary Item 2 that we removed today. That's the regulatory proposal --

LIEUTENANT GOVERNOR RUTHERFORD: Right.

TREASURER KOPP: Mm-hmm.

SECRETARY MCDONALD: -- to which the Comptroller is referring that we will be bringing back at a later meeting. And so we will explore with all the agencies, not just IT --

COMPTROLLER FRANCHOT: Right. But it's a may not a shall.

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SECRETARY MCDONALD: Absolutely. No. Yes.

LIEUTENANT GOVERNOR RUTHERFORD: Right. Right.

SECRETARY MCDONALD: And we will clarify all that. But that's what will come back from Secretary Item 2. We will have another item on all of those regulatory proposals.

COMPTROLLER FRANCHOT: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Any other questions for Information Technology?

COMPTROLLER FRANCHOT: Move approval.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. And that's seconded and we're approved.

MR. LEAHY: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. The Department of Transportation.

MR. PORTS: Good morning Madam Treasurer, Mr. Comptroller

--

LIEUTENANT GOVERNOR RUTHERFORD: You might want to wait just a moment --

MR. PORTS: Okay.

LIEUTENANT GOVERNOR RUTHERFORD: -- to let people clear out.

MR. PORTS: Good morning, Madam Treasurer, Mr. Comptroller, Governor. For the record, my name is Jim Ports. I'm Deputy Secretary for the Maryland Department of Transportation. The Maryland Department of Transportation is presenting 47 items today.

LIEUTENANT GOVERNOR RUTHERFORD: Ding, ding, you get the, you won.

(Laughter.)

MR. PORTS: We get the award.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

MR. PORTS: Yeah, I couldn't stop smiling because I saw the Treasurer start smiling at me. I couldn't, I started to lose it there. I'm sorry. Items 46 and 47 were submitted as supplemental items. And Items 11-M and 30-AE are being withdrawn. Mr. Comptroller, you will be happy to know that MDOT is absolutely enthusiastic that we have a robust art display of Maryland's art at BWI that the First Lady Yumi Hogan is extremely involved in. And I'd be happy to answer any questions you have.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

COMPTROLLER FRANCHOT: And it was pretty inexpensive, right?

MR. PORTS: Yeah. It cost us nothing.

(Laughter.)

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MR. PORTS: The time to put up the frames.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Item 1, and we have someone here to speak, is it Jorge Tirigall? Good morning.

MR. TIRIGALL: Good morning, Lieutenant Governor, Treasurer, and Comptroller. My name is Jorge Tirigall. I am the autistic son of Luis Tirigall, one of the leaders of the BWI Airport Taxi Coalition. I'm also the descendent of Jose Marzano, a great hero to Jose de St. Martin, the founding father of Argentina and Peru.

I'm here today coming from Columbia, Maryland to talk to you about the information technology contract. I find that this contract is not a threat to the Cab Driver Bill of Rights that my father proposed to you a few weeks ago. And I simply find it easy to believe that these technological updates must be consistent.

As a (indiscernible), we must keep up with the technological updates. That's why I simply believe that the information technology contract will not only give the benefit not only to cab drivers like my father, but also it will give the benefit to the customers who would enter the Airport. I've read over the contract and I thought about it and I said, yeah, it was great. So I just, I just decided that I would be here in honor of my father and his organization that has stood here in this room for the past few weeks in front of you guys. So I am doing the same that my father did to you in my presence, and I hope you can

accept the fact that the technology information contract which is under the association of the taxi companies will not make a direct threat to the Cab Driver Bill of Rights because it does not violate the cab drivers' personal liberty and freedom in the Airports. So I would advise you to pass this bill and we'll see how it goes from here.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Well, thank you very much. And we appreciate your coming in and stating the case in support of this item. So thank you.

MR. TIRIGALL: Thank you, Mr. Rutherford.

LIEUTENANT GOVERNOR RUTHERFORD: I don't have a question on 6-AE but I do want to make a point that I'm glad to see that it's an engineering project put in the small business reserve program. And I saw a number of other Transportation items that are in small business reserve. And so I appreciate that and continue to encourage more agencies to utilize the small business reserve program.

I do have a State Highway question, 40-RP. I think I understand it but --

MR. PORTS: Okay.

LIEUTENANT GOVERNOR RUTHERFORD: -- the appraisal was, low appraisal, \$600,000. We're going to actually dispose of the property for \$300,000. Is that an access issue? Is that --

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MR. PORTS: It is. Go ahead, Olu. It is an access issue.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MR. OKUNOLA: Good morning. My name is Olu Okunola with the Maryland State Highway Administration. The value for the access is actually the cost to grant direct access onto Maryland Route 22.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MR. OKUNOLA: So that is basically the offset in cost.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. So it would cost another I think it said \$275,000 or so to -- or \$325,000. And are they putting in a circle or traffic signal?

MR. PORTS: A traffic signal.

MR. OKUNOLA: Yeah. They are installing a traffic signal and they are also installing a left only lane, a turn left only to access the site.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. So the owner is putting this in?

MR. OKUNOLA: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: And so that offsets the value of the property?

MR. OKUNOLA: Exactly.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I just wanted to confirm that. Yeah. I just was confirming that. Is Ms. Georgia Peake

here by any chance? She's not here? All right. I was going to recognize her because I understand she's retiring, so and I did some work with her before I came into this job. And so I just wanted to recognize her. But pass it on to her. If she hasn't already left.

MR. PORTS: She is actually at MVA. But we will definitely pass that on to her.

LIEUTENANT GOVERNOR RUTHERFORD: I thought she was, she was at State Highway when I was --

MR. PORTS: She was. She was. And actually transferred to MVA --

SECRETARY MCDONALD: She was everywhere --

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MR. PORTS: But I'll make sure she gets the message.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Well thank you very much, Olu.

MR. OKUNOLA: Thank you.

TREASURER KOPP: Could I ask a question, Jim?

MR. PORTS: Sure.

TREASURER KOPP: There are a couple of items. I just want to make sure I understand that the emergency braking, the railroad braking

contracts? I understand there's a deadline of the end of the year. Can you just explain how these all fit together? I read them all very quickly.

MR. PORTS: You're talking about Amtrak?

TREASURER KOPP: Yeah.

MR. PORTS: Yeah. So --

LIEUTENANT GOVERNOR RUTHERFORD: Yeah, brakes are good.

TREASURER KOPP: Well, MARC, I mean basically, but yes --

MR. PORTS: Well, it is MARC --

TREASURER KOPP: -- with Amtrak.

MR. PORTS: -- but it's on the Amtrak line. Yes. So, the Penn Line.

TREASURER KOPP: Yeah.

MR. PORTS: So it's Amtrak. Amtrak owns the rail.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MR. PORTS: So as you may know, Amtrak and CSX are sometimes a little difficult to deal with. And negotiations with them is somewhat strained. Amtrak, as you know, well as you know we had an agreement for liability and Amtrak wanted the liability to shift more to us and all their other contracts up and down the northeast corridor shifted to the for but.

TREASURER KOPP: Right.

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MR. PORTS: Okay? For, in other words -- I'm sorry, it's but for. So, the but for language in liability is that but for the reason that you are here, this accident or crash would not have happened. And Pete Rahn stood firm, because he understood the, I know the Comptroller for sure and others in the Board of Public Works, did not like the but for language. And when we stood our ground to Amtrak and said we would not take another agreement to the Board of Public Works because we do not want to give up that but for language, the new CEO said, okay, we are not going to sign the contract for maintenance and we are not going to sign our new agreement. It went, like that. So that got our attention. And --

TREASURER KOPP: As it was meant to, I assume.

MR. PORTS: As it was meant to.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MR. PORTS: As it was meant to. And the bottom line is it's their tracks. We lease them. So we really had no leverage whatsoever. It was a very contentious meeting. Everybody left mad. And so we had a decision to make so we had to give up that but for language, like everybody else on the East Coast. And then they agreed to sign the maintenance contract as well as the lease agreement.

And so obviously we were going to have it on the previous agenda but the previous meeting was cancelled. And so we're kind of at the end of this

rope on this one because as of July 1st, if it doesn't pass, we don't have a contract with them. That's kind of the good, bad, and ugly of the entire issue.

TREASURER KOPP: Okay. And if it does pass, then we are in synch with everyone else essentially?

MR. PORTS: Correct. That's correct. And they also sued us and we're working out, I mean, there's a lot more to it but I don't want to get into it here. We'll be glad to brief you later.

TREASURER KOPP: Well, the substance of the systems made the press was the Amtrak accidents going up the northeast corridor --

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

TREASURER KOPP: -- and folks read that. We don't want to be in the situation like that. So if this is what it takes, and it saves us from being in that situation, I would think it's a good thing.

MR. PORTS: It's what we had to do.

TREASURER KOPP: It's an acceptable thing.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

TREASURER KOPP: Thanks.

MR. PORTS: Sure.

LIEUTENANT GOVERNOR RUTHERFORD: Any other questions?

COMPTROLLER FRANCHOT: Yes. Item 12. So this is a pest control contract. And I understand the pest control industry in Maryland is pretty well established so I'm wondering why we ended up with a procurement where there's just one bid?

MR. PORTS: Okay. So let me explain this in the context of 12 and 13. Okay? Because 13 you'll notice that we have pest control. So what we did is we broke up the big -- well, we used to do it by credit card but then we tried to break it down so we could utilize small business reserve.

COMPTROLLER FRANCHOT: Mm-hmm.

MR. PORTS: And by doing so, what we recognized is that the small businesses could handle certain portions of the pest control, you know, for like Light Rail and Metro. But the bus stuff is just too big for them. And so essentially by breaking it up, all the small businesses and all the other competitors went and bid on those, but didn't feel like they could bid on this one.

Now we did have two bidders on this contract. Unfortunately the one bidder did not fill out the MBE correctly and as you know that's not curable. And so we had to throw them out, which left this other bidder which can handle the work.

COMPTROLLER FRANCHOT: So --

LIEUTENANT GOVERNOR RUTHERFORD: Excuse me just a second. Sheila, didn't we talk about curing that in, with --

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SECRETARY MCDONALD: Yes. And I believe the Procurement Advisory is working --

LIEUTENANT GOVERNOR RUTHERFORD: We're still working on that regulation? Okay. All right.

SECRETARY MCDONALD: I know the one issue before with small business reserves had been the MBE on the --

MR. PORTS: Yeah. So as I mentioned, we're listening and we're trying to do as much as we can with the small business reserve but then what happens is there becomes this I guess line where they can't handle it and we have to move it up.

COMPTROLLER FRANCHOT: The smaller pest companies?

MR. PORTS: The smaller pest companies.

COMPTROLLER FRANCHOT: Okay. But don't we have a rather large number of --

MR. PORTS: Yeah. And we --

COMPTROLLER FRANCHOT: -- pest control companies?

MR. PORTS: We did. And we solicited 236 vendors.

COMPTROLLER FRANCHOT: Yeah. This, with all due respect, you know, I've heard it, it's like a drum beat every time you raise a question about a single bid. We talk about eMarket Marketplace or something like that and 232 people were solicited. The result is still the same, one bid.

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LIEUTENANT GOVERNOR RUTHERFORD: Are we, did you get --

COMPTROLLER FRANCHOT: And it's not rocket science --

LIEUTENANT GOVERNOR RUTHERFORD: -- reasons why some of these others, because I know what we've heard in many cases is our contract terms, which we're working through now, terms and conditions, put a tremendous amount of liability on the vendor. And so, I mean, if you're in the pest control business you're dealing with toxic chemicals.

MR. PORTS: You've got a lot of liability.

LIEUTENANT GOVERNOR RUTHERFORD: And so, you know, the fact that we, we don't even use the term reasonable in many cases. We don't say reasonable, you know, errors or they should have taken reasonable steps. So I don't know, introduce yourself and --

MR. PORTS: Joe. Joe.

MR. SEDITAL: Hi, my name is Joe Sedital. I'm the Deputy Director of Procurement at the MTA. Regarding this particular contract and to your point, Comptroller, regarding like the Terminixes, the Orkins of the world --

COMPTROLLER FRANCHOT: Mm-hmm.

MR. SEDITAL: -- that didn't bid, we were in communication with them. And as the Agenda item notes, there was an emergency contract prior to this that we had put out where we had communication with some of these vendors

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as well. And at the end of the day despite multiple direct communication, not like you're talking about, not the eMaryland Marketplace notices, but actually picking up the phone and calling them, at the end of the day they didn't want to bid. They didn't want the contract. I know it's, oftentimes it's really hard to believe, that why wouldn't you want an \$800,000 or \$1 million contract to do this. But we had multiple conversations. There was some conversation during the emergency procurement, well the emergency report that we did regarding the actual scope, much like you are talking about, Lieutenant Governor. And Terminix wasn't interested. They wanted to change a lot of things and we understood exactly what --

LIEUTENANT GOVERNOR RUTHERFORD: Changing things like what?

MR. SEDITAL: I think just kind of process of how they actually wanted to go about doing the sprays, how often.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. So they weren't talking about our contract terms and conditions?

MR. SEDITAL: No. I don't think it was contractual. No.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Okay.

MR. SEDITAL: It was more the true scope of the work. But again, we did reach out to them and we did have direct conversation with them. But they --

COMPTROLLER FRANCHOT: But what did they, what was your, was there a single reason these other competitors didn't bid? Or was it unique to each of the companies and -- I don't really understand what their objection was to bidding on a contract.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

MR. SEDITAL: Well, I know one of them we did a follow up and we actually said, hey, why didn't you bid?

COMPTROLLER FRANCHOT: Mm-hmm.

MR. SEDITAL: No response. And we can follow up multiple times but at the end of the day we didn't get a response for an actual reason. I believe one of them, one of the major, I think it was Orkin, actually showed up at our pre-bid and then did not submit a bid. So I mean it's certainly something that we can look forward to and take this as a learning experience. But if a company, we can't make a company bid. And one of the things that I think is really important that the Deputy Secretary was talking about earlier is we did want to break this up into these small business reserves. And I think we're not really having this conversation even if we had kept this as a combined contract with multiple functional areas. But with the SBR program we're not able to do that. So in an effort to provide some contracts to the small business reserve program, we ended up with a single bid on this large portion.

LIEUTENANT GOVERNOR RUTHERFORD: You know, I know that you guys are busy. But I think, I mean, the Comptroller is making a very good point. I would be curious if you all could go back and ask these, the big vendors, you know, why was it that you decided not to bid on this project? Is it too small? Is it you're just too busy? You don't like us? You know, what are the reasons? I want to know why is it that they are not bidding. I don't, I mean, I don't want to think that they are saying, hey, we would have done both but we don't want to do one. You know. We would --

MR. PORTS: We do get that and we get that with our lighting contracts --

LIEUTENANT GOVERNOR RUTHERFORD: Unless I guess they're saying it's too small.

MR. PORTS: Some of them, yeah.

LIEUTENANT GOVERNOR RUTHERFORD: This, you know, this is too small for the big guys but too big for the small guys?

MR. PORTS: Well and for example, and like at SHA with the lighting contracts, nobody wants to do maintenance. They all want to do the installations.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MR. PORTS: So now we can't get the people to do the maintenance because it's too small. And --

LIEUTENANT GOVERNOR RUTHERFORD: And the little guys can't do the maintenance?

MR. PORTS: It's a onesie and a twosie. It's, you know, you're not out there doing, you know, 50 or 60 new light bulbs. I mean, there's a lot of different reasons that businesses make those business decisions.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MR. PORTS: But we, we'll reach out again. We'll work with you all and find out.

MR. SEDITAL: We can get the information for you.

LIEUTENANT GOVERNOR RUTHERFORD: All right.

COMPTROLLER FRANCHOT: You know, out in the huskings I ballyhoo the fact that the Board of Public Works has significantly reduced single bid awards and why that's good for the consumers and the taxpayers. And in 2013 there were 82 single bids approved by this Board. New administration, dropped down to 64 in 2014; 39 in 2015; 29 in 2016. Unbelievable. But last year creep back up to 38. This year we've done 11 already and with this Agenda we're adding three so that's 14. So it, the deep state, so to speak, whatever it is, creeps back in. And I don't know of any other solution other than to just say no and go out, go back, and not only interrogate your folks that didn't bid the first time but figure it out. Do a better job of generating competition, particularly in an area like pest control which there are a lot of it. And so I'm, you know, with respect

I'm going to vote no because that's the only thing that really works in my humble opinion. And with this one I think we can, you know, perhaps clamp it back, if one of my colleagues cares to join me.

LIEUTENANT GOVERNOR RUTHERFORD: All right.

COMPTROLLER FRANCHOT: But it went down, now it's coming back up again. And the public loves the fact that we are tough on competition, that we want approval, we want two competitive bids.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah well --

COMPTROLLER FRANCHOT: And so I don't know. That's just a shout to the wilderness. But if the agency could do a better job, I would be grateful. If the Board wants to approve it, obviously that's my colleagues' --

MR. PORTS: Again, I want to stress that we did have two bids. We did have two.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MR. PORTS: But they filled out the paperwork incorrectly and it's not curable.

LT. GOVERNOR RUTHERFORD: Right. Which we're trying to work on that.

MR. PORTS: Now if we can fix the, if we can fix the procurement process --

LT. GOVERNOR RUTHERFORD: Right but we can't cure it in time for this contract.

MR. PORTS: But I can't do it now.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

MR. PORTS: We've got to follow the law.

MR. SEDITAL: If I can add one other thing to your point. I mean, I think we're all in agreement that one of the real benefits of a competitive bidding process is lower prices for the taxpayer and by engaging in this competitive process, we did see a competitive price from the awardee.

LIEUTENANT GOVERNOR RUTHERFORD: What was the price last year? Do you remember?

MR. SEDITAL: So the emergency --

LIEUTENANT GOVERNOR RUTHERFORD: Or the previous, I guess the previous four-year contract, five-year contract?

MR. SEDITAL: So, in the past with pest control we haven't had these sort of long-term contracts.

LIEUTENANT GOVERNOR RUTHERFORD: Oh, okay.

MR. SEDITAL: We were doing it more as an as needed basis. What we did find is on the emergency contract that was awarded to Home Paramount for the entire system, the prices are significantly lower on a line item

basis for this contract. And I think that can largely be attributable to the competitive process that we went through.

LT. GOVERNOR RUTHERFORD: Yeah. Again, I understand the Comptroller's concern. I am willing to let it go through. But I do want to get, you all are going to follow up. I'd like to get a report, Mr. Zimmerman, back from what you all find out from these vendors, why they didn't compete. My concern, Mr. Comptroller, is that we'll have all the bugs and rodents in the buses. You know, starting on the 18th they'll come back if we don't -- if people don't eat on the buses we're probably fine. But people do unfortunately eat on the buses. When I used to take the old Metro bus in D.C. I used to eat on it even though I wasn't supposed to.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: But that's why you have to have the pest control. But I was a teenager at the time. So --

SECRETARY MCDONALD: Good old D.C. Transit.

LIEUTENANT GOVERNOR RUTHERFORD: D.C. Transit, yes. I remember that, too. Okay.

TREASURER KOPP: It went bankrupt.

LIEUTENANT GOVERNOR RUTHERFORD: Any other, yeah, Metro took it over. Any other questions?

COMPTROLLER FRANCHOT: Yes. Item 18.

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SECRETARY MCDONALD: Mr. Comptroller, may I just have a moment for a statement? You're not a voice in the wilderness. I actually have in my notes that one year ago exactly on a July, 2017 meeting, we at that point had 24 single bids and you called it out just like you did now. And you said, keep the single bids down to 30 a year. And guess what happened? Apparently in the next six months, they only got six because you just told me there were only 30 in 2017. So actually I think that people do hear.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

SECRETARY MCDONALD: And you saying it again today and reemphasizing what you did a year ago. But I wanted to point out that you told us one year ago, keep it down to 30 for the rest of the year and we did.

COMPTROLLER FRANCHOT: Good. Thank you. I feel much better.

(Laughter.)

COMPTROLLER FRANCHOT: So Item 18 if I could, Lieutenant Governor?

LT. GOVERNOR RUTHERFORD: Yeah.

COMPTROLLER FRANCHOT: This is a contract that the Board unanimously rejected last August. That's fairly rare for the Board to unanimously reject a contract. I can't think of many others during my tenure here. But we were being asked ten months ago to approve the same contract to the same vendor

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after the MTA decided to forego a competitive procurement process and award this contract to the incumbent, Coachworks. It's a \$1.19 million contract for, a sole source contract, for structural repairs to Light Rail passenger trains.

So I guess my first question is why is it so hard to get a competitive solicitation? And secondly what if God forbid this company ever went out of business? How would we take care of the maintenance?

MR. PORTS: So I believe that a big part of the reason for the previous decision by the Board had a lot to do with the graphics.

COMPTROLLER FRANCHOT: The what?

MR. PORTS: The clean-up of the graphics. And we removed that and we competitively bid that part out. This portion here, as you can imagine it's a niche market. Part of the challenge with this is we can't pick these Light Rail cars up and take them to a shop, a repair shop. The repair shop basically has to come to us. And this company is one of the few that can do machining of parts on the spot to get these Light Rail vehicles back up and running. So it's a, it is a niche market, as you can imagine. It's not like everybody wants to do Light Rail repair and has the ability to machine parts for you and, again, basically bring their shop to you, not vice versa. So it's a little bit more of a challenge. And I believe if I'm not mistaken, and Joe, correct me if I'm wrong, but the previous vendor that we had had a while back actually ended up using this group as a sub to do the work.

COMPTROLLER FRANCHOT: So we're going to be --

MR. PORTS: -- firms out there.

COMPTROLLER FRANCHOT: I take it we or somebody is going to be dependent upon Coachworks for --

MR. PORTS: Unless another one comes out.

MR. SEDITAL: So to his point, yes, we did reach out to the vendor that has this contract prior, which was around 2004. And they did come back to us and say they couldn't find anyone to do the work. Also to his point, this is highly technical. One of the kind of niche aspects of it is that these are in a lot of cases older trains and with regards to the structural repair there are certain pieces and parts that need to be reconstructed that can't just be gotten.

MR. PORTS: Machined.

MR. SEDITAL: And so we actually, this vendor is able to come and machine now. To your point regarding the dependency and the market --

COMPTROLLER FRANCHOT: Mm-hmm.

MR. SEDITAL: -- I cannot speak to that. I can hope that the market will find a way to in the future create more opportunities for us and allow us to competitively bid this in the future. But at the moment there is one individual that can provide this work. And I think that without a doubt this does meet the definition of a sole source.

One other thing to kind of just keep in mind is we were able to through the negotiation process with this vendor able to get the pricing that they offered us in 2009. So we got a good deal, which I think is nice.

LIEUTENANT GOVERNOR RUTHERFORD: Where is Coachworks, their parent, you know, LLC is probably --

MR. PORTS: Baltimore, Maryland.

LIEUTENANT GOVERNOR RUTHERFORD: But where's their parent, do they have a parent? They are an LLC. This is probably some unit of some larger conglomerate.

MR. SEDITAL: They are a very small shop. It's --

LIEUTENANT GOVERNOR RUTHERFORD: Oh, really? It's not a part of --

MR. SEDITAL: It's an individual.

LIEUTENANT GOVERNOR RUTHERFORD: -- Siemens or something like that?

MR. SEDITAL: No. No, sir.

COMPTROLLER FRANCHOT: Why don't we hire the individual?

MR. PORTS: That's a great question. And if we can get more PINs, we'll do that.

(Laughter.)

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LIEUTENANT GOVERNOR RUTHERFORD: Isn't this under, let's see, this is your Transportation Trust Fund. Use one of your vacancies.

MR. PORTS: We do.

LIEUTENANT GOVERNOR RUTHERFORD: All right.

COMPTROLLER FRANCHOT: Okay. So if I could get Item 12 and the pest --

LIEUTENANT GOVERNOR RUTHERFORD: Pest --

COMPTROLLER FRANCHOT: -- and pull it out and let me vote no.

LIEUTENANT GOVERNOR RUTHERFORD: On 12 and 18?

COMPTROLLER FRANCHOT: I think you guys understand where I'm coming from.

MR. PORTS: I do.

COMPTROLLER FRANCHOT: We're just not going to cultivate more vendors and more competition if we keep falling back on, you know, from your standpoint it's a good deal. From my standpoint, we need competition.

MR. SEDITAL: Totally understood.

COMPTROLLER FRANCHOT: And I know it's not easy.

LIEUTENANT GOVERNOR RUTHERFORD: So we have a motion to vote on 18 and 12 separately.

TREASURER KOPP: Okay, yeah, could I just say I'm going to vote for these projects. I do believe that we should reduce the sole source. We've raised this before. On the other hand, I don't like the idea of the rats on the bus. So I think you have to look at the practical implications. Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: And I will echo those comments. And we'll, you know, I do want to see why we're not getting the competition, and particularly on that pest control one. It is troubling on the Coachworks for a number of points. And I don't know if it's just the fact that our vehicles, trains are so outdated. Because I would think other, there are other areas that have Light Rail trolley type of transit going on. Is it that they have newer equipment than we do? Or --

MR. PORTS: Well, normally with a rail vehicle --

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MR. PORTS: -- in this case, they're good for about 30 years. But it's a 15-year overhaul. So after 15 years you do a complete overhaul. It's practically a brand new vehicle again.

LIEUTENANT GOVERNOR RUTHERFORD: Right.

MR. PORTS: And then you bring it out for another 15 years. After that, you pretty much get rid of them. And that's what MITA is going through. Theirs are about 30 years old now so they are getting newer ones. And then when ours turn 30 we will look at getting new ones.

LIEUTENANT GOVERNOR RUTHERFORD: All right. So that was a two to one on those two items.

SECRETARY MCDONALD: On 12 and 18.

LIEUTENANT GOVERNOR RUTHERFORD: The other, the motion for the remainder?

COMPTROLLER FRANCHOT: Move approval.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

TREASURER KOPP: Second.

SECRETARY MCDONALD: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: We're all good. Department of General Services.

MR. CHURCHILL: Well, good afternoon, Governor, Madam Treasurer, and Mr. Comptroller. For the record, I'm Ellington Churchill, Secretary for the Department of General Services.

MR. PORTS: We're well represented because we had 47 items.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: I think you can go ahead. It's a lot quieter.

MR. CHURCHILL: All right. Thank you. The Department has 54 items on --

(Laughter.)

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MR. PORTS: You're doing the whole thing with one department.

(Laughter.)

MR. CHURCHILL: Including one hand-carry. We are withdrawing six items: Item 1, 19, 20, 34, 37, and 39, still leaving 48 items for review.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. All right. So it came back down.

MR. CHURCHILL: I will not mention our -- yes?

SECRETARY MCDONALD: Did you say 34?

MR. CHURCHILL: I said 1, 19, 20, 34 --

SECRETARY MCDONALD: Okay.

MR. CHURCHILL: -- 37, and 39.

SECRETARY MCDONALD: Okay. Thank you.

MR. CHURCHILL: Correct?

SECRETARY MCDONALD: Yes. Yes.

MR. CHURCHILL: Correct?

SECRETARY MCDONALD: Okay. Correct.

MR. CHURCHILL: And I will not mention our success in terms of artwork or multiple bids. I will not. But we are happy to answer any questions that you have at this time.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. You've withdrawn the marble steps cleaning. Okay. I have a question on 29, the lease, with Human Services. And I know this is the facility right down the street. But \$32 a square foot. And I know Annapolis is high, but is it possible to go further up, you know, up Main Street or further up? Do you have to be in that location?

MR. CHURCHILL: Well, I'll let Jane Roger or Robert Suit from our Real Estate Department --

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MR. CHURCHILL: -- talk about the general area.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Did they, yeah, did they look a little --

MR. CHURCHILL: Yeah. Robert has all the facts and figures on the Annapolis marketplace.

MR. SUIT: Good morning.

LIEUTENANT GOVERNOR RUTHERFORD: Good morning.

MR. SUIT: My name is Robert Suit. I'm the Chief of Lease Management and Procurement for the Department of General Services. Your question is relative to --

LIEUTENANT GOVERNOR RUTHERFORD: Item 29-LT. It's the Child Support Enforcement Administration Office, five-year lease, at an annual rent of over \$600,000.

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MR. CHURCHILL: And, Robert, I believe the question was going outside the area that was identified, would that have generated a lower lease rate?

MR. SUI: I know they've had a long presence in the facility --

LIEUTENANT GOVERNOR RUTHERFORD: Right.

MR. SUI: -- and it's in close proximity to the court so the employees that work there, they're within walking distance of the court.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. So the court is the big issue.

MR. SUI: Yes, sir.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Yeah. It just seems, I mean, maybe if they weren't on the Main Street. But I guess you've got the transit question. But I mean, was there a solicitation? Did you actually survey?

MR. SUI: No. Well --

LIEUTENANT GOVERNOR RUTHERFORD: No? Okay.

MR. SUI: I think the prevailing rate for full service in Annapolis is about 28 or 29 dollars. This is slightly above that. But I know in addition to that, the agency receives grant money to pay for some of the services in this facility and they also have a presence in one of the county-owned spaces for which we don't pay rent down on Riva Road.

LIEUTENANT GOVERNOR RUTHERFORD: I mean, we were just talking about competition and you said you didn't even do a survey.

MR. SUIT: So we, this was treated as a sole source with the renewal.

LIEUTENANT GOVERNOR RUTHERFORD: Well I'm -- I have a problem with this. I mean, it stuck out to me just in terms of the price. And now I almost wish you had lied to me and told me or just not even, you know, added that additional information. I, this might be me voting against our own item. Because I think it should have been at least a survey. I mean, at \$29 or \$28 there is a substantial savings on 18,000 square feet. You know, a dollar or two dollars off a square foot is substantial. So I just, I don't like that one at all.

COMPTROLLER FRANCHOT: What would you like to do?

LIEUTENANT GOVERNOR RUTHERFORD: I don't want to approve it. I would like that you guys go back out. You may need to get a short term extension on the contract, because it seems like it takes effect, it's again, you know, in two weeks it takes effect. So the lease is expiring. This is 29. The lease is expiring. Right?

MR. SUIT: We have a hold over --

MR. CHURCHILL: We do have --

MR. SUIT: The hold over will expire at the end of the month.

MR. CHURCHILL: The hold over will expire at the end of the month. So we'll likely, we'll have to come back and --

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I, yeah, so --

MR. CHURCHILL: While we work this out.

LIEUTENANT GOVERNOR RUTHERFORD: -- come back and go out with a survey and see what you can do in terms of space at a, you know, a different price.

MR. CHURCHILL: Yes.

COMPTROLLER FRANCHOT: Don't we need a vote?

LIEUTENANT GOVERNOR RUTHERFORD: Yeah --

TREASURER KOPP: I --

LIEUTENANT GOVERNOR RUTHERFORD: -- unless you guys, unless they overrule me.

TREASURER KOPP: Governor, I just want to make sure I understand. You're talking about the child support office, right?

LIEUTENANT GOVERNOR RUTHERFORD: Yes.

TREASURER KOPP: I just want to make sure I understand what's going to happen operationally.

LIEUTENANT GOVERNOR RUTHERFORD: No one is going to get kicked out of there.

MR. SUIT: Well, I think depending on if they wind up at another location, the additional cost that they would incur as far as transportation and parking.

LIEUTENANT GOVERNOR RUTHERFORD: Well, there's no parking there now.

MR. SUIT: No. But there's --

LIEUTENANT GOVERNOR RUTHERFORD: There's a lot behind there.

MR. SUIT: No I understand --

LIEUTENANT GOVERNOR RUTHERFORD: That you paid for.

MR. SUIT: -- but the employees at the present location, they already have parking in --

LIEUTENANT GOVERNOR RUTHERFORD: I mean, I'm concerned about State employees but I'm more concerned about the people who are going there. So there's no parking now at that corner. You know, there is a cost. But when we're talking about a dollar difference is \$18,000 a year over five years. You know. So --

TREASURER KOPP: Okay. So I just --

LIEUTENANT GOVERNOR RUTHERFORD: We can decide --

TREASURER KOPP: Yeah.

MR. CHURCHILL: You're asking about the program? The program function --

TREASURER KOPP: Actually, what is going to happen, yeah.

MR. CHURCHILL: Do we have anyone from the program here?

TREASURER KOPP: This is an important program. It, there's a reason for them to be near the courthouse. On the other hand, it is a high cost. It has public access. I just want to make sure the program --

LIEUTENANT GOVERNOR RUTHERFORD: You can be a block away, a block can be --

TREASURER KOPP: Yeah.

LIEUTENANT GOVERNOR RUTHERFORD: -- maybe a dollar cheaper.

TREASURER KOPP: If it's possible to be a block away and cheaper, and the cost of moving is still a net savings, that's swell. I just would like to understand --

LIEUTENANT GOVERNOR RUTHERFORD: No, I understand.

TREASURER KOPP: -- what happens now in the next three months.

MR. CHURCHILL: Madam Treasurer, we don't, I don't have the specifics on the program within the facility presently. The --

LIEUTENANT GOVERNOR RUTHERFORD: Well I think she's asking are they going to have to move --

TREASURER KOPP: Yeah.

MR. CHURCHILL: We're going to have to come back. We're going to have to brief the Board on what's going to happen --

SECRETARY MCDONALD: Yeah. DGS can just withdraw the item --

LIEUTENANT GOVERNOR RUTHERFORD: DGS, yeah, just, right --

SECRETARY MCDONALD: -- bring it back the next time or --

MR. CHURCHILL: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: You do your survey. They don't have to go anywhere. They don't have to do a thing. You do the survey to see what the right rates are, what you can possibly get someplace else. And then you make a determination in terms of whether that is the lease worth taking versus the lease that we're currently in.

TREASURER KOPP: And meanwhile you hold it over the July, after July --

LIEUTENANT GOVERNOR RUTHERFORD: Right. They're not kicked out. They're not going to be throwing their stuff out on the street --

MR. CHURCHILL: we have a number of options.

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LIEUTENANT GOVERNOR RUTHERFORD: -- coming in and -

-

TREASURER KOPP: Okay.

LIEUTENANT GOVERNOR RUTHERFORD: -- the Sheriff is not going to evict them.

MR. CHURCHILL: We have a number of options. Everyone understands, of course, that the lease term will expire and so we'll have to use the options that are available to us to extend the --

TREASURER KOPP: I can go with this as long as the operations aren't impaired, the public is not impaired, you're just looking to see whether you can get something cheaper that's equally, net cheaper, that's equally convenient.

MR. CHURCHILL: It's a small extension and we're, the department can withdraw Item 29. We'll go back and get more information for the Board.

COMPTROLLER FRANCHOT: I just want to --

LIEUTENANT GOVERNOR RUTHERFORD: Nothing happens internally. This is all, this is DGS and us making sure that it's, you know, worthwhile.

COMPTROLLER FRANCHOT: Yeah, even if there is some disruption, it's not too bad to encourage the tight with a dollar tendencies of the Lieutenant Governor. And I applaud him for bringing this up and moving it. The

Secretary obviously can pay attention to this. And it's a good way to end this Board of Public Works meeting. Although I do have one item --

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: Yeah. I have one more, too.

TREASURER KOPP: It would be.

COMPTROLLER FRANCHOT: I just wanted to quickly, Lieutenant Governor, if I could, ask Mr. Rowe, the Executive Director, of Channel Marker Foundation, to come up and tell us a little bit about his program. I visited it in Easton. It provides a wide range of mental health services and rehabilitation to individuals and their families. And I was very impressed with it and just would like to have Mr. Rowe perhaps share with us a little bit about his fantastic organization.

MR. ROWE: Thank you, Mr. Comptroller, and Mr. Lieutenant Governor, and Madam Treasurer. I'm Tolbert Rowe. I am the volunteer Executive Director of Channel Marker Foundation, which actually owns real estate that provides mental health services to Channel Marker, Inc.

COMPTROLLER FRANCHOT: And this is Item 52 --

MR. ROWE: Correct. Yes, our satisfaction of right of recovery. But to speak a little bit to what you have brought up, Mr. Comptroller, is the mission of what Channel Marker does is provides mental health services,

obviously, to a large population. I would like to yield a little bit, if I could, to Cathy Castle, who is our Clinical Director basically with Channel Marker. She is here in lieu of Debbie Jackson, who you've met, not, don't know if you're aware but she began chemotherapy last week. So we would ask, you know, prayers for Debbie. Who has been very, very integral in what we're doing and the services that we provide.

I basically have been working primarily on the foundation side, which has the real estate that basically provides, you know, the land, the properties, that facilities that Channel Marker uses. Cathy is going to be, is a lot more versed in explaining maybe a little bit more of the specifics and our population that we serve if that's okay with you.

COMPTROLLER FRANCHOT: If you could just briefly give a few highlights --

MR. ROWE: And I will also say Mr. John McQuaid, who is the President volunteer of Channel Marker, Inc. also is here.

COMPTROLLER FRANCHOT: And you're on the Eastern Shore?

MR. ROWE: Yes. Based in Easton. And our request today specifically, just to outline that, is to shift the right of recovery from our previous facility that was located on Fourth Street in the amount of \$427,000 that was a grant issued back in March of 1989 with that property. It expires in March of

2019. But we are now have moved into a new facility that you have obviously seen. And we are seeking to sell that property and our reason for being here is to have that shifted from the property located on Fourth Street to the one on Glebe Park Drive. So I will yield to Cathy briefly.

MS. CASTLE: Thanks for having us here. Comptroller, we've seen you a couple of times at both of those facilities. What we do, we're a safety net provider of mental health services like a lot of providers in Maryland. And we provide our services in the community. We work with Medicaid recipients mostly that have a chronic severe mental illness and trying to keep people out of the emergency department and higher level care and inpatient. And it's, you know, it's tough work. We appreciate the administration, you guys have supported the Hope Act of 2017, which allowed for us to have some increase, much needed increases to our rates for the next couple of years. And we appreciate that and just the support. Behavioral health is sometimes forgotten and as we know it's just, it's, there's a lot of suicide, opioid, you know, abuse, and we're all trying to tackle those together.

COMPTROLLER FRANCHOT: Yep.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.
Thank you for what you do.

COMPTROLLER FRANCHOT: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: I just want to recognize very quickly relating to Item 44-CGL. Is Sam Wallace here, by any chance? Sam, can you stand up please? I want to recognize Sam Wallace. He's about to go into the U.S. Marine Corps Officer Candidate School. And I want to thank you for your service and thank you for, you know, the commitment that you're making on behalf of all of us.

(Applause.)

LT. GOVERNOR RUTHERFORD: So do we have a motion on DGS?

COMPTROLLER FRANCHOT: Move to approve.

TREASURER KOPP: Do you want --

LIEUTENANT GOVERNOR RUTHERFORD: And we withdrew the lease item?

SECRETARY MCDONALD: Yes. Yes. That's withdrawn. In addition to all the ones he named at the beginning, we have also added the 29 lease item for the DHS local --

LIEUTENANT GOVERNOR RUTHERFORD: Right. Okay.

TREASURER KOPP: Second.

SECRETARY MCDONALD: Oh, DHR. Sorry.

COMPTROLLER FRANCHOT: Move approval of what's left.

SECRETARY MCDONALD: At West Street.

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LIEUTENANT GOVERNOR RUTHERFORD: We're, we have a second, we're all in favor. Thank you.

(Whereupon, at 12:25 p.m., the meeting was concluded.)